

PUBLIC HEARING
TOWN OF OSSINING ZONING BOARD OF APPEALS
Histogenetics
300 Executive Blvd.
SECTION 80.20 BLOCK 1 LOT 20

In person & Zoom Meeting

September 18, 2023

7:30 p.m.

PRESENT:	SALVATORE CARRERA	- Chairman
	DAVID KRIEGER	- Member
	DAVID O'NEIL	- Member
	TOM WILLS	- Member
	LYNN FARRELL	- Member
	BILL BOYD	- Alternate Member
ALSO PRESENT:	CHRISTIE ADDONA	- Town Attorney
	JON TURNQUIST	- Building Inspector
	SANDY ANELLI	- Recording Secretary
	MARGARET CONN	- Zoom Secretary

Sal Carrera, Chairman: Good evening, ladies and gentlemen, this is the September 18 2023 meeting of the Zoning Board of Appeals for the Town of Ossining. My name is Sal Carrera, Chairman, and joining me this evening are members of the Zoning Board of Appeals, Town Attorney, Building inspector and Secretary. Please introduce yourself.

Lynn Farrell: Lynn Farrell, Member.

David Krieger: David Krieger, Member.

David O'Neil: Dave O'Neil, Member.

Tom Wills: Tom Wills, Member.

Sandy Anelli: Sandy Anelli, Secretary.

Jon Turnquist: Jon Turnquist, Building Inspector.

Christie Addona: Christie Addona, Town Attorney.

Chairman: I'll read the public notice and ask the applicant or the applicant's representative to give a brief explanation of the relief sought. If anyone has a comment, here or on Zoom, you can raise your hand and state your name and address for the record. After comments are received, the Board will try to render a decision this evening:

Notice is hereby given that a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on **Monday, September 18, 2023** at 7:30 pm **in person and via Zoom Video Conferencing** on the application of Histogenetics, 300 Executive Blvd., Ossining, NY in accordance with the Zoning Code of Town of Ossining, Chapter 200 Section 19 Paragraph C. 3.(a) Office Research Business District, Accessory Uses, Signs. The applicant is seeking variance to install an accessory sign greater than 12 square feet at the upper side elevation of the building. The proposed sign is 20 square feet in size. Members of the Public are able to attend in person, or join the meeting via computer or mobile app as follows:

<https://us02web.zoom.us/j/85255047766?pwd=MENGefDlZmx3ZWtXU2RvQlFpUT09>

Passcode: 058916

Or One tap mobile:

+1-309-205-3325

Webinar ID: 852 5504 7766

Passcode: 058916

International numbers available: <https://us02web.zoom.us/u/kAKYyDyDx>

The property is located at 300 Executive Blvd. in the unincorporated area of The Town of Ossining, NY, owned by Westchester Biotech Ctr. LLC, 300 Executive Blvd., Ossining, NY and is identified on the Tax Map of the Town of Ossining as Section 80.20 Block 1, Lot 20, in the OR-B, Office Research Business District.

Application materials and plans prepared by Signarama, 485-34 S. Broadway, Hicksville, NY are on file at the Town of Ossining Building Department, 101 Route 9A, Ossining, NY 10562 and on our website at: <https://www.townofossining.com/cms/publications/all-documents/zoning-board/zoning-board-projects/zbproj-under-review>

All interested persons are invited to attend the Public Hearing and/or send comments by email to: www.bldgdept@townofossining.com or regular mail to Town of Ossining Zoning Board of Appeals, P.O. Box 1166, Ossining, NY 10562. BY ORDER OF THE ZONING BOARD OF APPEALS, Sal Carrera, Chairman, DATED: September 8, 2023

Chairman: If you could give a brief explanation of the application and we'll take questions from the Public and our Board Members.

Patrick Byrnes: Patrick Byrnes, Signarama.

Basically, we want to put it on top of the building. So, we're seeking a variance, I guess, for height and because of the height, we're hoping that we could make it a little bit bigger as well. We're not looking to sell anything. We're just trying to brand the building. We're not advertising any services. We see other signage around the business park that is larger than 12 square feet. We're hoping we can get the same consideration.

Chairman: I understand it is going to be illuminated?

Patrick Byrnes: Yes, we were hoping it could be illuminated.

Chairman: Can you give me an idea, in wattage or lumens, what type of lighting it would call for.

Patrick Byrnes: It's going to be LED. There will probably be six rows of LEDs in the actual light box. They're not super bright and the box is going to look pretty much like a postage stamp up there and I don't think is going to have a great impact but its we seem we can get up there at this point. They had asked me to do a much bigger job and I told them it's just not feasible. They wanted to put the entire company name up on the façade. So, we scaled it back, we tried to make as tasteful and as nice as we can just the logo and that's basically it. We're trying to simplify it as much as possible but give them some ability to have some brand recognition. The sign is only going on one side, the side that faces Executive Blvd. and I think at that point, route 9A runs parallel. It's not really facing the residential area. We're trying to get them a sign and that's why we are here today.

Chairman: I fully understand, I took a look at the building, they've been there for decades, so it's not like they need a building with a sign on it to bring customers in because it is for name recognition. I can understand that. I don't have further questions but the Board Members do?

Lynn Farrell: I do. Is this the side of the building that's going to be facing 9A?

Patrick Byrnes: It's facing Executive Blvd. the side that we're proposing. I'm not from the area but as far as I can see is Executive Blvd. and then the next thing that it seems I can make out is Route 9.

David O'Neil: Right, Executive Blvd. is parallel to route 9A at that point.

Chairman: There is a buffer, that's why I was asking about the lumens, there is residential a distance away. The office is really pushed back and it's one of the farthest one's of it. That was a concern of mine but I went across there and there is no way that its going to be interrupting in any way, shape or form as far as I'm concerned.

David O'Neil: I agree.

Patrick Byrnes: It's really set back and the sign no longer appears like 4 x 5 like on the ground, at that height its going to look like a 1 x 2 and if you're moving at 30 miles per hour or more, I would be very, nobody's going to be able to read Histogenetics on it.

Lynn Farrell: I'm not as concerned with the cars going by. I'm more concerned with the bedrooms of the houses across the street. There's a large condo complex over there.

Bill Boyd: I have two questions. Will the drivers on the LEDs be adjustable so if the neighbors complain it can be tuned down? The second question is, is it going to be time clock or is it going to be on 24 hours a day?

Patrick Byrnes: It will be on a time clock, that's typical, but I would have to discuss that with my fabricator and see if we can put some dimmer on it, if that's necessary. Those things can be addressed.

David Krieger: Does any light escape skyward?

Patrick Byrnes: No, it's going to be front lit. A typical light box. Acrylic front with probable vinyl.

David Krieger: I understand. Thank you.

Chairman: Any other questions from the Board? Are there any questions from Zoom Participants?

There were none.

Chairman: I'd like to take a motion to close the Public Hearing.

David Krieger made a motion, seconded by Lynn Farrell and unanimously passed by the Board to close the public hearing.

Chairman: All in favor of granting this variance?

Lynn Farrell: Against.

David Krieger: In Favor.

David O'Neil: In Favor.

Tom Wills: In Favor.

Chairman: Please let the record show, it's a majority, 4 to 1 approve.

This is an application for an area variance and we have to take into consideration the following criteria:

- Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance;
- Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance;
- Whether the requested area variance is substantial;
- Whether the proposed variance will have an adverse effect on the physical or environmental conditions in the neighborhood or district;
- Whether the alleged difficulty was self-created - this factor is relevant to the decision, but the fact that the difficulty was self-created does not preclude granting the area variance.

This Board finds in favor of granting the variance and thank you very much for joining us this evening.

Patrick Byrnes: Thank you. I appreciate your time and a special thank you to Sandy and Margaret in the building department. They kind of held our hands on that. I Appreciate that. Thank you very much.

Time Noted 7:45 pm