

**City of Poughkeepsie
Zoning Board of Appeals
Meeting Agenda**

Common Council Chambers
Tuesday, September 13, 2022
6:00 PM

I. CALL TO ORDER

II. APPROVAL OF MEETING MINUTES

1. Approval of August 9, 2022 Minutes

III. PUBLIC HEARINGS & DELIBERATIONS

1. **135 MAIN STREET: AREA VARIANCES:** Application for area variances relative to the application for site plan review and subdivision for the subdivision of the property at 135 Main Street into two lots of record, and construction of a new building with 72 dwelling units on the new lot with an existing 119 unit multiple on the original lot. Variances requested of Sections 19-3.17(4)(b), 19-3.17(4)(f)(1), 19-3.17(4)(i), 19-3.17(4)(e), 19-4.3(11), and 19-4.13 of the Zoning Ordinance relative to lot area, front and side yard set-backs, usable open space, off-street parking and set-backs for accessory uses. Owner: Omni New York; Applicant: Tinkleman Architecture; Consultant: Ken Casamento/LRC Group; Grid #6062-76-911183; Zone: Urban Density (R-6) District; File #2021-023 **ADJOURNED TO OCTOBER 11, 2022 MEETING**
2. **45 READE PLACE: AREA VARIANCE** Application for area variances relative to the proposed placement of two wall signs, one on the north-east and one on the south-west of the hospital building at 45 Reade Place. Variances are requested of Sections 19-4.9(9)(i)(1) and 19-4.9(9)(i)(2) of the Zoning Ordinance relative to the height, size and placement of wall signs. Owner: Vassar Brothers Hospital; Applicant: Nuvance Health Vassar

Brothers Hospital; Consultant: Tracey Diehl; Grid #6061-43-843721; Zoning District: Hospital Medical (H-M) District; File #2022-007B



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
MEETING AGENDA FOR TUESDAY, AUGUST 9, 2022
3RD FLOOR CITY HALL, 62 CIVIC CENTER PLAZA**

Present

Scott Parker, Chairman
Thomas Klug
Jessica Vinall
John Gildard

Excused

Steven Reifler

Absent

Rob Page

Staff

Natalie Quinn, Director of Development
Lori Garcia, Board Administrative Assistant

CALL TO ORDER

The meeting was called to order at 6:06pm with the pledge of allegiance.

APPROVAL OF JULY 12, 2022 MINUTES

Motion: Thomas Klug

Second: John Gildard

Carried: 4:0:0

PUBLIC HEARINGS & DELIBERATIONS

1. 135 MAIN STREET: AREA VARIANCES:

Application for area variances relative to the application for site plan review and subdivision for the subdivision of the property at 135 Main Street into two lots of record, and construction of a new building with 72 dwelling units on the new lot with an existing 119 unit multiple on the original lot. Variances requested of Sections 19-3.17(4)(b), 19-3.17(4)(f)(1), 19-3.17(4)(i), 19-3.17(4)(e), 19-4.3(11), and 19-4.13 of the Zoning Ordinance relative to lot area, front and side yard set-backs, usable open space, off-street parking and set-backs for accessory uses. Owner: Omni New York; Applicant: Tinkleman Architecture; Consultant: Ken Casamento/LRC Group; Grid #6062-76-911183; Zone: Urban Density (R-6) District; File #2021-023

Presenting:

Jennifer VanTuyl, Cuddy + Feder LLP, Ken Casamento/LRC Group: Mary Linge

Jennifer gave overview of zoning setting, community character (height of existing building, green space, proposed site plan layout etc. Stated that all units are limited to 62 and over or

handicapped. The lot line follows a natural division of lots. Planting beds and a gazebo have been added.

Jennifer reviewed variances requested. The second lot is smaller than the ordinance but the shared open space makes up for it and makes the two lots almost seamless. They feel that the merging of the two lots would not impact the community character because the lot line is so seamless.

They are asking that the front of the first lot be considered as part of the open space due to the documentation of past use as such. Qualitatively and quantitatively the open space exists just not in the required 40'x40' dimension. There is also roof space provided for building two.

Regarding the parking - Parking for both buildings will be shared. There are 106 spaces required and currently there are only 68. Not as much parking is needed because of the age restriction. It is independent living therefore individual aids are not required. Residents with disabilities will be in building one. There will be a van with a full time driver provided for transportation to appointments and shopping.

There is some discussion that spouses and children may potentially be able to reside there if the financial need is met increasing the population and need for parking.

Jennifer pointed out the canopy on the North Perry side of the property that is used for protection from the elements for residents during loading and unloading.

On a motion by Thomas Klug, seconded by Jessica Vinall, the Board opened the public hearing.

Public Comment(s):

- Naomi Brooks - There are numerous and substantial variances, the density is too high, the difficulties with the project are self-created, the current data should not be used to project the parking demand.
- Anthony Sladeworks at Hudson River Housing spoke regarding the elderly are not able to come out to advocate for the project.
- Maria Ramos 15 North Bridge– written submission in favor read into the record
- Nick, LaGrange - Spoke of the added stress on the local health, safety, and welfare resources. The EMS is already stressed.
- Laurie Sandow, South Grand Avenue - Feels that the project is only for the benefit of the applicant not the community. She states that the age restrictions are age discrimination and that she is disappointed that Hudson River Housing did not provide bus transportation for the elderly to attend the hearing. She also points out that a car is needed by a caregiver to take care of the elderly.

On a motion by John Gildard, seconded by Thomas Klug, the Board adjourned the public hearing to the September, 2022 meeting.

Natalie explained the details of SEQRA and that due to the nature of the project there are details that might be better reviewed by the Planning Board. She recommended that the ZBA consent to the Planning Board serving as Lead Agency for a coordinated

A motion consenting to the Planning Board serving as Lead Agency for a coordinated review with regards to SEQRA was made

Motion: Jessica Vinall **Second:** Scott Parker **Carried:** 4:0:0

2. 45 READE PLACE: AREA VARIANCE

Application for area variances relative to the proposed placement of two wall signs, one on the north-east and one on the south-west of the hospital building at 45 Reade Place. Variances are requested of Sections 19-4.9(9)(i)(1) and 19-4.9(9)(i)(2) of the Zoning Ordinance relative to the height, size and placement of wall signs. Owner: Vassar Brothers Hospital; Applicant: Nuvance Health Vassar Brothers Hospital; Consultant: Tracey Diehl; Grid #6061-43-843721; Zoning District: Hospital Medical (H-M) District; File #2022-007B

Presenting on behalf of Nuvance Heath Vassar Brothers Hospital:
Jennifer VanTuyl, Cuddy + Feder LLP
Allison Fausner, Cuddy + Feder LLP
Peter Hatcher, Stratus

Jennifer spoke about the West Facing sign - that it was placed at the lowest possible horizontal band. No light will shine onto adjoining properties. The size is needed for legibility due to the large size of the building.

There was a discussion regarding the benefit to the applicant via branding as opposed to just identification of the building. It is not just a benefit for a private business. It is responsible branding using low light.

It is hard to find another location because there is so much glass on the building.

Scott Parker really appreciated the night renderings and new photos that were submitted.

Motion made to adjourn the application and public hearing to September 13, 2022

Motion: Thomas Klug **Second:** Jessica Vinall **Carried:** 4:0:0

3. 117 NORTH HAMILTON STREET AREA VARIANCES

Application for area variances relative to the proposed construction of a wholesale storage, warehousing, manufacturing, creative, retail, contracting business. Variances are requested of Section 19- 3.29(4)(d) which requires a 25 foot landscape buffer to allow a fence on the north boundary, and Section 19-4.14(3)(a) which prohibits a fence within 10 feet of a wall containing legal windows to allow a fence within 10 feet of the wall of the building to the north. Owner: 117 N Hamilton, LLC/North Hamilton Parcel LLC; Applicant: Baxter Development Corp.;

Consultant: Rohde, Soyka & Andrews, Consulting Engineers, PC; Grid #6162-63-271278/266293; Zoning District: Light Industrial (I-1) District; ZBA #2022-018

Presenting: John Andrews, Engineer from Rhode, Soyka & Andrews, Consulting Engineers, PC.

The provided parking on-site was reduced from 40 to 34 spaces. Only 24 spaces are required by code. The applicant worked with FD to make the property accessible for the necessary fire trucks on both ends of the property. Due to the change in parking style on the north property line a 10 foot wide landscape buffer was able to be provided, decreasing the requested variance by 10ft. The landscaping will now be on the back of the fence facing the neighboring property.

Scott parker commented that the applicant did a good job with the changes to the parking
Jessica Vinall said that the site visit was very helpful and that she was ok with the changes.

Board motioned to re-open the public hearing

Motion: Thomas Klug **Second:** John Gildard **Carried:** 4:0:0

Public Comment(s):

- Laurie Sandow, South Grand Avenue – claims that the current illegal use of the property has in fact disturbed the neighbors. She questions the validity of the 10% return stated on the financials and has been generally dissatisfied with how the property has been managed in the past.

A motion was made to close the public hearing.

Motion: Thomas Klug **Second:** Jessica Vinall **Carried:** 4:0:0

The following resolutions were read into the record:

In the matter of the appeal of North Hamilton Parcel LLC / Eric Baxter, regarding the property at 117 North Hamilton Street, Poughkeepsie, New York:

At a Regular Meeting of the Zoning Board of Appeals held in the Common Council Chambers, 3rd Floor, City Hall, 62 Civic Center Plaza, on the 9th day of August, 2022, at 6:00pm:

WHEREAS, the Zoning Board of Appeals has received an application for an area variance relative to the proposed construction of a building for wholesale storage, warehousing, light manufacturing, retail, and contracting businesses. The variance requested is of Section 19-3.29(4)(d), which requires a 25 foot landscape buffer where a use in a Light Industrial District abuts a residential district, in order to allow a buffer that varies from 3 to 25 feet along the eastern property line with a fence and 10 foot buffer on the north property line; and,

WHEREAS, the application was accompanied by supporting documentation including site plan set prepared by Rhode, Soyka & Andrews, with a revision date of 7/5/22, and Proposed Alt-Site Plan (ALT1) by Rhode, Soyka & Andrews, with a revision date of 7/22/22; and,

WHEREAS, a public hearing was held on July 12, 2022 and August 9, 2022; and,

WHEREAS, this application is considered to be an Unlisted Action under SEQRA; and,

WHEREAS, the action is more fully detailed on the Full Environmental Assessment Form with a date of 3/29/22, prepared by Eric Baxter, and the application and plans outlined above; and,

WHEREAS, the Board has compared the impacts that are likely to result from the action against those in 617.7(c)(1)(i) through (xii) and has determined that there will be no significant adverse environmental impacts and therefore, a draft environmental impact statement will not be prepared.

NOW THEREFORE BE IT RESOLVED that the Board hereby declares itself as Lead Agency for the environmental review of the application and hereby adopts a Negative Declaration.

Motion: Scott Parker

Second: Thomas Klug

Carried: 4:0:0

NOW THEREFORE BE IT FURTHER RESOLVED THAT:

Whereas, the applicant has demonstrated that the variances will not produce an undesirable change in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance, in that only four residential properties abut the property, the majority of which are a distance away from the proposed building and are shielded by grade change and existing trees, the closest property to the North will be shielded by a 10 foot landscape buffer and fence, and the record does not reflect any impacts from the neighbors; and,

Whereas, the applicant has demonstrated that there is no other feasible method to achieve compliance at this time, in that competent financial information has been submitted by the applicant to show that it is not financially feasible to reduce the size of the buildings and still be able to complete the project, and a site visit by the Board verified the physical limitations of the lot; and,

Whereas, the applicant has demonstrated that the variance requested is not substantial, in that the landscape buffer provided on the north property line has been increased to 10 feet to reduce the substantiality of the variance and the need for the fence setback variance has been eliminated; and,

Whereas, the applicant has demonstrated the granting of the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, in that the

proposed use is light manufacturing and warehousing, uses not traditionally associated with substantial adverse environmental impacts that are often associated with other heavier manufacturing uses that are permitted within the district; and,

Whereas, the applicant has demonstrated that the need for the variance is not necessarily self-created

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variance as outlined above with the following conditions:

* As many existing trees as possible shall be retained on the eastern slope and property line.

Motion: John Gildard

Second: Scott Parker

Vote: 4 / 0 / 0

Aye / Nay / Abstention

Natalie pointed out the upcoming PK4Keeps date of 8/24 from 5-7pm in front of City Hall.

A motion was made to close the meeting at 8:10pm

Motion: Scott Parker

Second: John Gildard

Carried 4:0:0



Gary E. Beck, Jr.
Building Inspector

**THE CITY OF POUGHKEEPSIE
NEW YORK
BUILDING PLANNING & ZONING
62 CIVIC CENTER PLAZA, 2ND FLOOR
POUGHKEEPSIE, NY 12601
Phone: (845) 451-4007 Fax: (845) 451-4006**

FEE: \$350.00
CODE: A2112
ACTIVITY #

APPLICATION TO THE ZONING BOARD OF APPEALS
CITY OF POUGHKEEPSIE, NEW YORK

REQUEST FOR AREA VARIANCE(S)

(TYPE, OR PRINT IN DARK INK)

I. OWNER INFORMATION

Name: VASSAR BROTHERS HOSPITAL
Address: 54 PAGE PARK DRIVE
POUGHKEEPSIE NY 12603
Phone #:

II. APPLICANT INFORMATION

Name: NUVANCE HEALTH VASSAR BROTHERS HOSPITAL
Address: 45 READE PLACE
POUGHKEEPSIE NY 12603
Phone #:

(If the applicant is not the owner, proof that the owner consents to the application must be provided.)

III. CONSULTANT INFORMATION

Name: TRACEY DIEHL
Address: 6487 HILLIARD DRIVE
CANAL WINCHESTER OH 43110
Phone #: 614-828-8215

IV. PROPERTY INFORMATION

Property Address (subject of appeal): 45 READE PLACE
Tax Parcel #: 131300-6061-43-843721-0000
Date property acquired: 1976
Present use of property: HOSPITAL CAMPUS
Zoning District: H-M
Dimensions: Lot Area 21.22 (sq. ft.) Width 946 ft
Depth 1004 ft. Frontage on street VARIOUS ft.
Is the property currently for sale or is the applicant preparing to sell? NO

V. REASON FOR APPEAL

This application, relative to the above referenced property, constitutes an appeal from the decision of the Zoning Administrator, or other City of Poughkeepsie Agent:

(name and title of agent: JUDITH KNAUSS).

A copy of this decision, dated FEBRUARY 17, 2022, must be attached.

VI. REQUEST FOR AREA VARIANCE

All sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief.

I/We, (insert name of applicant) NUVANCE HEALTH VASSAR BROTHERS HOSPITAL,
hereby apply to the Zoning Board of Appeals for a variance of the following requirements of the Zoning Ordinance:

SECTION	REQUIRING/PROHIBITING	REQUESTED VARIANCE
Sec. 19-4.9(9)(i)(1)	MAX HEIGHT 12' ABOVE GRADE	SIGNS ARE 122' AND 62'7"
Sec. 19-4.9(9)(i)(2)	MAX SIZE 60 SQ. FT.	SIGNS ARE 530.30 SQ. FT.
Sec. 19-4.9(9)(i)(2)	NOT ABOVE 2ND STORY	SIGNS ARE ABOVE 2ND STORY
Sec. 19-4.9(9)(i)(2)	MAX 3' IN HEIGHT	SIGNS EXCEED 3' IN HEIGHT

VII. VARIANCE REQUEST EXPLANATION

Pursuant to Section 19-9.4 (2) (d) of the Zoning Ordinance, the Zoning Board of Appeals, in making its determination, shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall consider the applicant's responses to the following:

Note: It is incumbent upon the applicant to demonstrate to the Board that these criteria are satisfied for each variance requested.

PLEASE ATTACH RESPONSES ON A SEPARATE SHEET.

- (i) Will the granting of the variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties? If not, please explain why.
- (ii) Why is the granting of the variance necessary? Could the same result could be achieved by some other feasible means that doesn't require a variance? Identify what alternatives to the variance have been explored (alternative designs, attempts to purchase land, etc.).
- (iii) Is (Are) the requested area variance(s) substantial? If not, explain why it (they) is (are) not substantial.
- (iv) Will the variance(s) have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district? If not, please justify why it (they) won't have an adverse effect.
- (v) Is your need for the area variance(s) the result of self-created difficulties on your part? If not, please explain how the difficulties are not self-created.

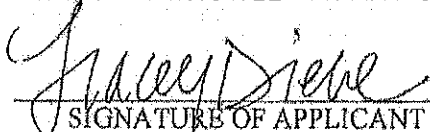
VIII. LIST OF REQUIRED ATTACHMENTS

1. Letter or communication which resulted in application to the ZBA.
2. Site or Plot Plan: Eleven (11) copies.
3. Color photos of site conditions (8 copies)
4. Complete Short EAF (see explanation under Submission Requirements).
5. Other attachments deemed pertinent by the applicant (please list):
 - a) sign drawings
 - b) legend of proposed signs
 - c) criteria answers
 - d) site plan waiver

IX. SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS ACCURATE AS OF THE DATE OF APPLICATION. THE APPLICANT, IF NOT THE OWNER OF THE PROPERTY, HEREBY SWEARS THAT THIS APPLICATION IS MADE WITH THE INFORMED KNOWLEDGE AND CONSENT OF THE OWNER.


SIGNATURE OF APPLICANT

5/24/2022

DATE



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

Jennifer L. Van Tuyl, Esq.
jvantuyl@cuddyfeder.com

July 26, 2022

Chairman Scott Parker
And Members of the Zoning Board of Appeals
City of Poughkeepsie
City Hall – 3rd Floor
62 Civic Center Plaza
Poughkeepsie, NY 12601

Re: Nuvance Health Vassar Brothers Hospital
Supplemental Submission – Application Seeking Area Variances
Premises: 45 Reade Place, Poughkeepsie, New York 12603

Dear Chairman Parker and Members of the Zoning Board of Appeals:

Enclosed is a supplemental application package submitted on behalf of Nuvance Health Vassar Brothers Hospital, seeking area variances with respect to the proposed signage on the eastern and western elevations of the newly constructed medical center building. The application includes a revised area variance narrative that responds to comments made by the Zoning Board of Appeals at the June 14, 2022 meeting, as well as the application form, Short Environmental Assessment Form, and revised drawings set.

We look forward to continuing review of the project with the Board at the August 9, 2022 meeting. Should the Board or City Staff have any questions or comments, please do not hesitate to contact me at 914-582-5234.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Van Tuyl', is written over a light blue circular stamp.

Jennifer L. Van Tuyl

Enclosures

5338969.v1

Stratus™

stratusunlimited.com

888.503.1569

LOCATION NUMBER:

8001

SITE ADDRESS:

45 Reade Pl
Poughkeepsie, NY
12601-3947



VICINITY SITE PLAN

Scale: 1/128"=1'-0"



New plan view added per request (All but sign labels rmvd)

Re-arranged all pages per markup provided (deleted several)

Removed Pages 3, 15, 16, 17, 18 (Mostly Night Views)

02

SOUTHWEST ELEVATION

Scale: NTS

VARIANCE



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

SOUTHWEST (CURVED) ELEVATION ONLY
SIGN = APPROX 3% OF TOTAL ELEVATION
Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
530.3 / 17444 = .03 = 3%

SOUTHWEST (CURVED) ELEVATION + FULL WEST ELEVATION
SIGN = APPROX 0.4% OF TOTAL ELEVATION
Southwest Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
Main West Elevation = Approx. 166' x 685' = 113710 Sq Ft
Total West Elevation = 17444 + 113710 = 131154 Sq Ft
530.3 / 131154 = .004 = 0.4%



Updated w/ New Photo Provided + Proposed Signage
Added Thumbnail
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

02

SOUTHWEST ELEVATION

Scale: NTS

CODE ALLOWED



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

SOUTHWEST (CURVED) ELEVATION ONLY
SIGN = APPROX 0.3% OF TOTAL ELEVATION
Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
58.9 / 17444 = .003 = 0.3%

SOUTHWEST (CURVED) ELEVATION + FULL WEST ELEVATION
SIGN = APPROX 0.04% OF TOTAL ELEVATION
Southwest Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
Main West Elevation = Approx. 166' x 685' = 113710 Sq Ft
Total West Elevation = 17444 + 113710 = 131154 Sq Ft
58.9 / 131154 = .0004 = 0.04%



Updated w/ New Photo Provided + Proposed Signage
Added Thumbnail
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

EAST ELEVATION - OVERVIEW PHOTOS

Scale: NTS



MEDICAL CENTER - OVERALL 1



MEDICAL CENTER - OVERALL 2

1'-6"h x 48'-0"w
72 Sq. Ft.

2'-0"h x 41'-3/8"w
82.4 Sq. Ft.



EMERGENCY DEPT. ENTRANCE - CLOSEUP



MAIN ENTRANCE



MAIN ENTRANCE - CLOSEUP

Added East Elevation Overview Photos
Revised callouts per Markup Provided

Added existing sign SQ FT callouts

01

EAST ELEVATION

Scaled Proportionately

VARIANCE



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

NEW LETTERSET ONLY

SIGN = APPROX 0.6% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

$530.3 / 88040 = .006 = 0.6\%$

NEW LETTERSET + EXISTING SIGNS (PG. 5)

SIGNS = APPROX 0.7% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

$(530.3 + 82.4 + 72) / 88040 = .007 = 0.7\%$

New Sign = 530.3 Sq. Ft.

Entrance Letters = 82.5 Sq. Ft.

Emergency/Trauma Letters = 72 Sq. Ft.



Updated w/ New Photo Provided + Proposed Signage

Added Thumbnail

Added box calling out SQ FT % of Sign vs. Total Elevation

Added additional SQ FT calculations per permitting lawyer

01

EAST ELEVATION

Scaled Proportionately

CODE ALLOWED



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

NEW LETTERSET ONLY

SIGN = APPROX 0.06% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

58.9 / 88040 = .0006 = 0.06%

NEW LETTERSET + EXISTING SIGNS (PG. 5)

SIGNS = APPROX 0.2% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

(58.9 + 82.4 + 72) / 88040 = .002 = 0.2%

New Sign = 58.9 Sq. Ft.
Entrance Letters = 82.5 Sq. Ft.
Emergency/Trauma Letters = 72 Sq. Ft.



Updated w/ New Photo Provided + Proposed Signage
Added Thumbnail
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

01 EAST ELEVATION

Scale: ±1/32"=1'-0"

VARIANCE

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

NEW LETTERSET ONLY

SIGN = APPROX 0.6% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

530.3 / 88040 = .006 = 0.6%

NEW LETTERSET + EXISTING SIGNS (PG. 5)

SIGNS = APPROX 0.7% OF TOTAL ELEVATION

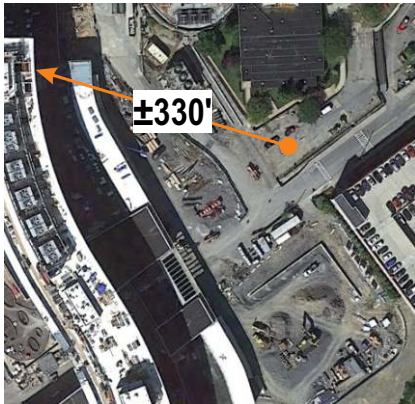
Elevation = Approx. 142' x 620' = 88040 Sq Ft

(530.3 + 82.4 + 72) / 88040 = .007 = 0.7%

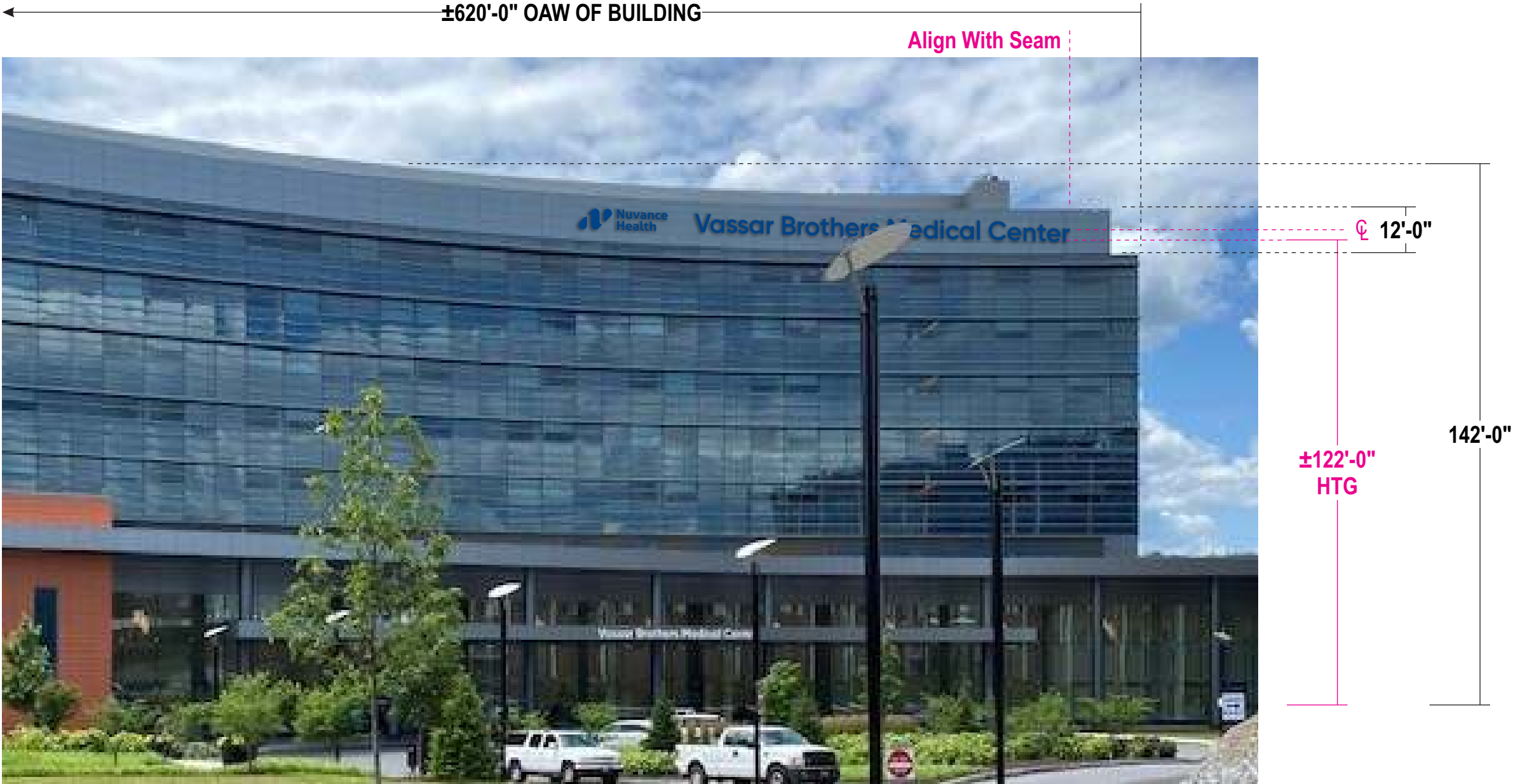
New Sign = 530.3 Sq. Ft.

Entrance Letters = 82.5 Sq. Ft.

Emergency/Trauma Letters = 72 Sq. Ft.



APPROX. PHOTO LOCATION



ILLUSTRATES VARIANCE SIGNAGE FROM ±330' AWAY

Updated w/ New Photo Provided

Added Thumbnail

Added box calling out SQ FT % of Sign vs. Total Elevation

Added additional SQ FT calculations per permitting lawyer

01 EAST ELEVATION

Scale: ±1/32"=1'-0"

CODE ALLOWED

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

NEW LETTERSET ONLY

SIGN = APPROX 0.06% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

58.9 / 88040 = .0006 = 0.06%

NEW LETTERSET + EXISTING SIGNS (PG. 5)

SIGNS = APPROX 0.2% OF TOTAL ELEVATION

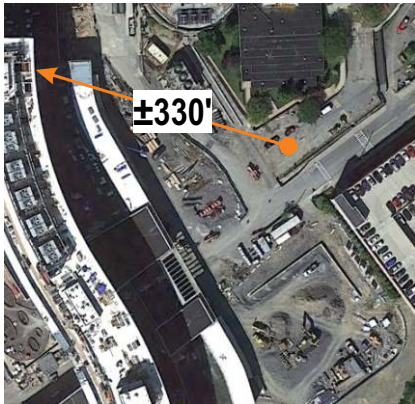
Elevation = Approx. 142' x 620' = 88040 Sq Ft

(58.9 + 82.4 + 72) / 88040 = .002 = 0.2%

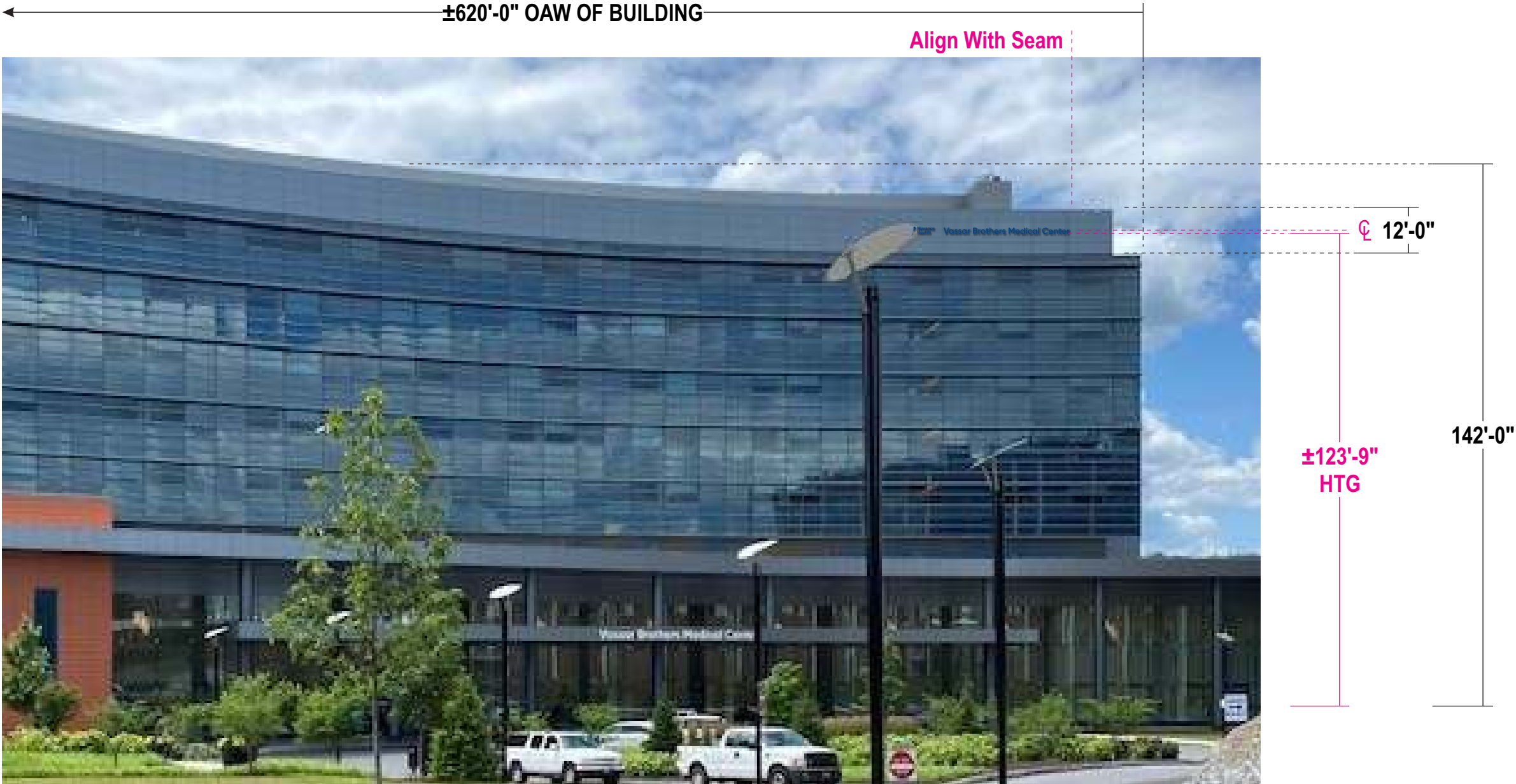
New Sign = 58.9 Sq. Ft.

Entrance Letters = 82.5 Sq. Ft.

Emergency/Trauma Letters = 72 Sq. Ft.



APPROX. PHOTO LOCATION



ILLUSTRATES CODE ALLOWED SIGNAGE FROM ±330' AWAY

Corrected letterset alignment in proposed rendering

Updated w/ New Photo Provided

Added Thumbnail

Added box calling out SQ FT % of Sign vs. Total Elevation

Added additional SQ FT calculations per permitting lawyer

01 EAST ELEVATION

Scaled Proportionately

VARIANCE



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

NEW LETTERSET ONLY
SIGN = APPROX 0.6% OF TOTAL ELEVATION
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NEW LETTERSET + EXISTING SIGNS (PG. 5)
SIGNS = APPROX 0.7% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
 $(530.3 + 82.4 + 72) / 88040 = .007 = 0.7\%$

New Sign = 530.3 Sq. Ft.
Entrance Letters = 82.5 Sq. Ft.
Emergency/Trauma Letters = 72 Sq. Ft.



ILLUSTRATES VARIANCE SIGNAGE FROM ±660' AWAY

Added Thumbnail
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

01

EAST ELEVATION

Scaled Proportionately

CODE ALLOWED



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

NEW LETTERSET ONLY
SIGN = APPROX 0.06% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
58.9 / 88040 = .0006 = 0.06%

NEW LETTERSET + EXISTING SIGNS (PG. 5)
SIGNS = APPROX 0.2% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
(58.9 + 82.4 + 72) / 88040 = .002 = 0.2%

New Sign = 58.9 Sq. Ft.
Entrance Letters = 82.5 Sq. Ft.
Emergency/Trauma Letters = 72 Sq. Ft.



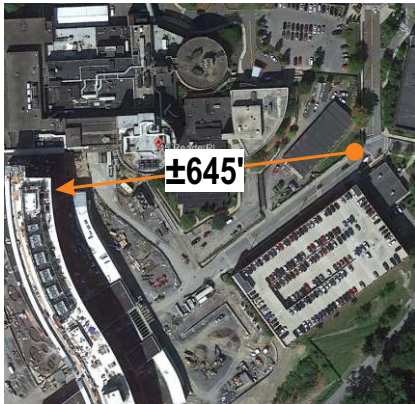
ILLUSTRATES CODE ALLOWED SIGNAGE FROM ±660' AWAY

Added Thumbnail
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

01 EAST ELEVATION

Scaled Proportionately

VARIANCE



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

NEW LETTERSET ONLY
SIGN = APPROX 0.6% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
530.3 / 88040 = .006 = 0.6%

NEW LETTERSET + EXISTING SIGNS (PG. 5)
SIGNS = APPROX 0.7% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
(530.3 + 82.4 + 72) / 88040 = .007 = 0.7%

New Sign = 530.3 Sq. Ft.
Entrance Letters = 82.5 Sq. Ft.
Emergency/Trauma Letters = 72 Sq. Ft.



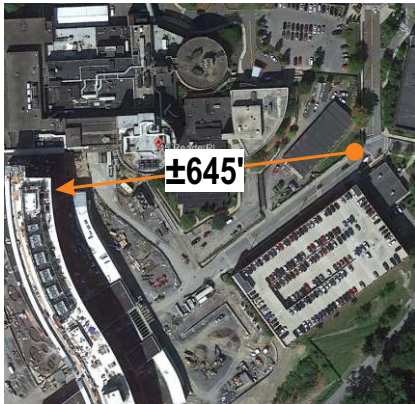
ILLUSTRATES VARIANCE SIGNAGE FROM ±645' AWAY

Added Thumbnail
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

01 EAST ELEVATION

Scaled Proportionately

CODE ALLOWED



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

NEW LETTERSET ONLY
SIGN = APPROX 0.06% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
58.9 / 88040 = .0006 = 0.06%

NEW LETTERSET + EXISTING SIGNS (PG. 5)
SIGNS = APPROX 0.2% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
(58.9 + 82.4 + 72) / 88040 = .002 = 0.2%

New Sign = 58.9 Sq. Ft.
Entrance Letters = 82.5 Sq. Ft.
Emergency/Trauma Letters = 72 Sq. Ft.



ILLUSTRATES CODE ALLOWED SIGNAGE FROM ±645' AWAY

Added Thumbnail
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

02

SOUTHWEST ELEVATION

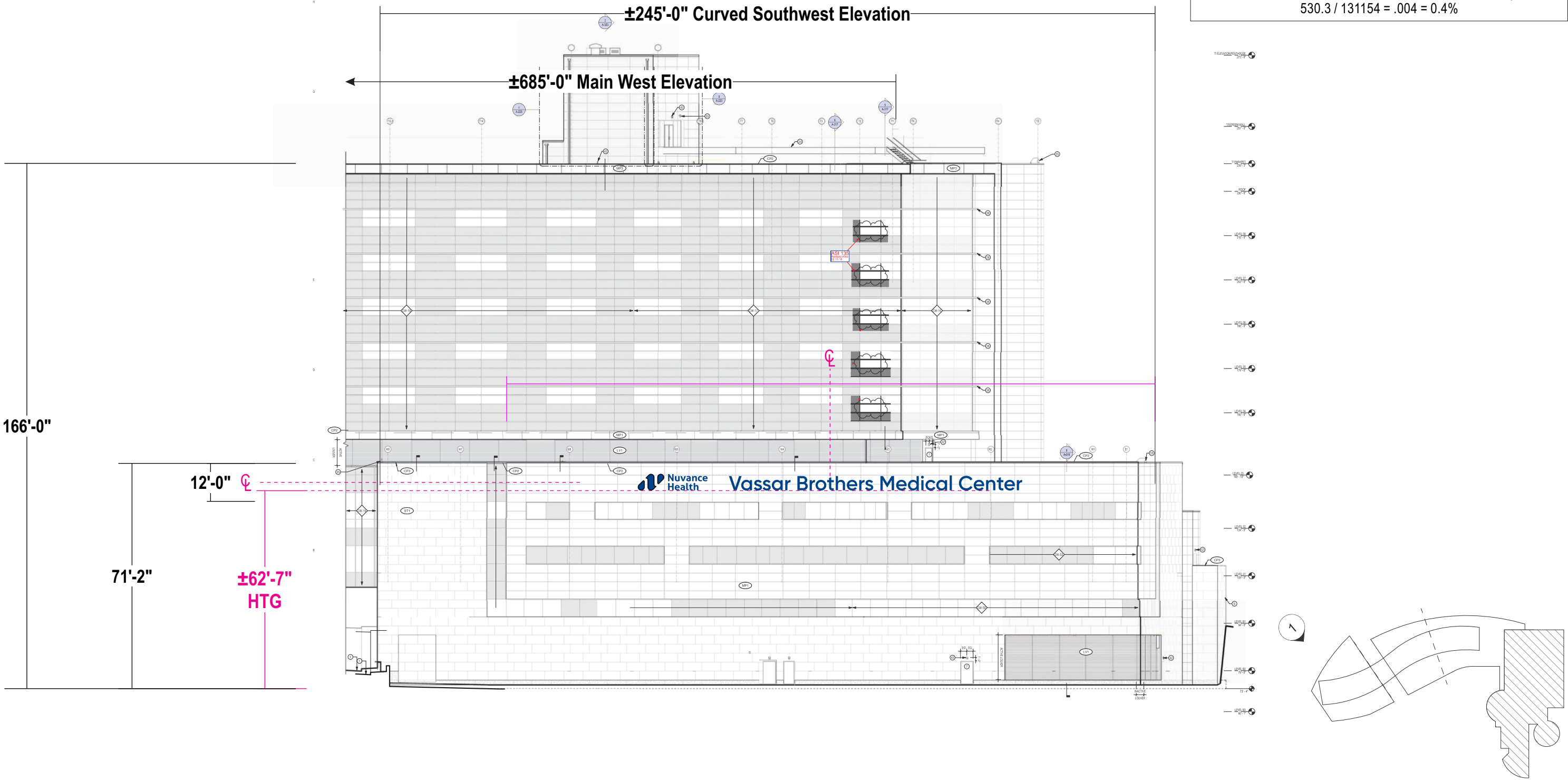
Scale: 1/32"=1'-0"

VARIANCE

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

SOUTHWEST (CURVED) ELEVATION ONLY
SIGN = APPROX 3% OF TOTAL ELEVATION
Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
530.3 / 17444 = .03 = 3%

SOUTHWEST (CURVED) ELEVATION + FULL WEST ELEVATION
SIGN = APPROX 0.4% OF TOTAL ELEVATION
Southwest Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
Main West Elevation = Approx. 166' x 685' = 113710 Sq Ft
Total West Elevation = 17444 + 113710 = 131154 Sq Ft
530.3 / 131154 = .004 = 0.4%



Removed Revision Cloud Bubble from Elevation
Added box calling out SQ FT % of Sign vs. Total Elevation
Added additional SQ FT calculations per permitting lawyer

02

SOUTHWEST ELEVATION

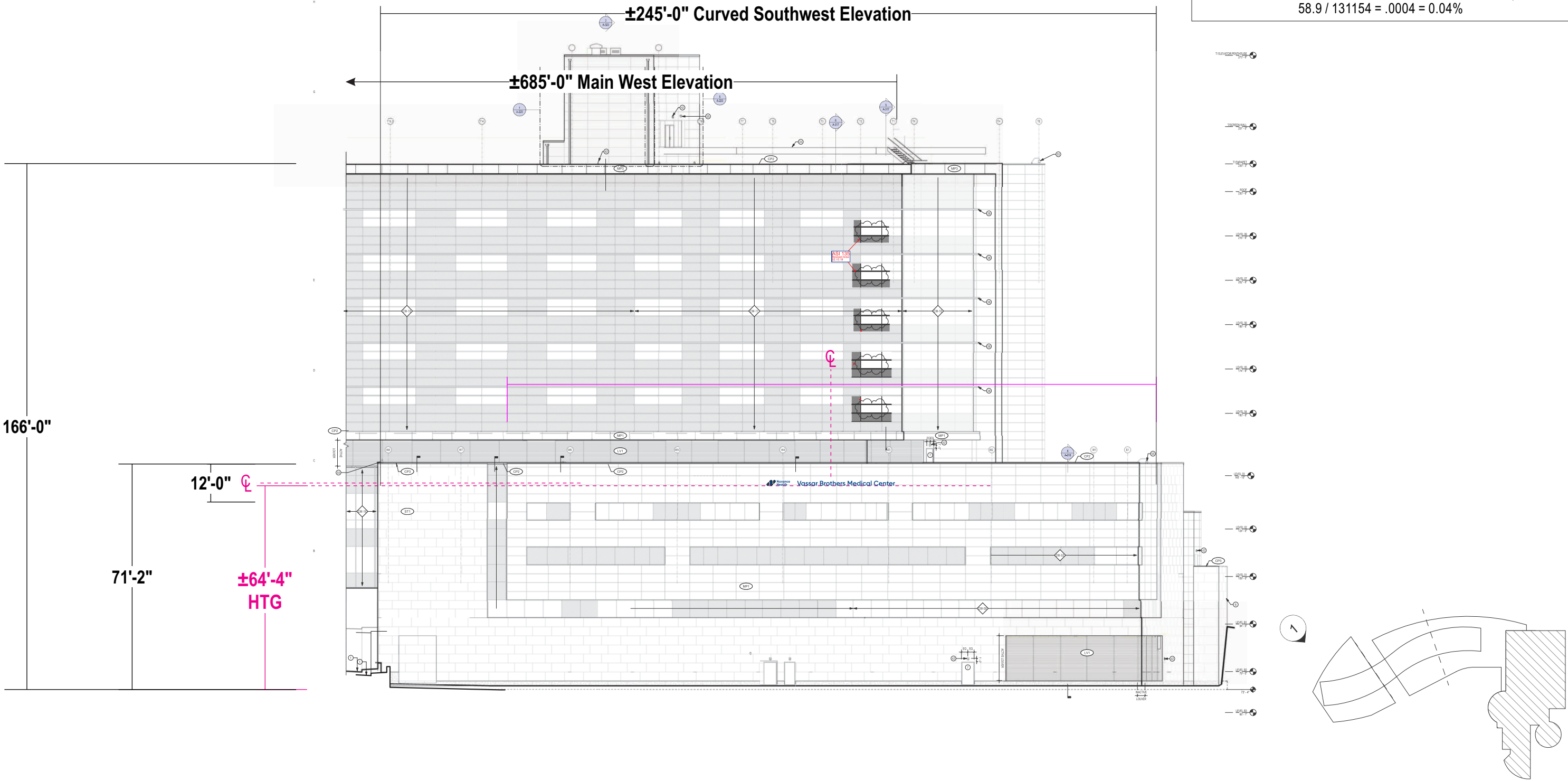
Scale: 1/32"=1'-0"

CODE ALLOWED

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

SOUTHWEST (CURVED) ELEVATION ONLY
SIGN = APPROX 0.3% OF TOTAL ELEVATION
Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
58.9 / 17444 = .003 = 0.3%

SOUTHWEST (CURVED) ELEVATION + FULL WEST ELEVATION
SIGN = APPROX 0.04% OF TOTAL ELEVATION
Southwest Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
Main West Elevation = Approx. 166' x 685' = 113710 Sq Ft
Total West Elevation = 17444 + 113710 = 131154 Sq Ft
58.9 / 131154 = .0004 = 0.04%



01 EAST ELEVATION

Scale: 1/32"=1'-0"

VARIANCE

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

NEW LETTERSET ONLY

SIGN = APPROX 0.6% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

530.3 / 88040 = .006 = 0.6%

NEW LETTERSET + EXISTING SIGNS (PG. 5)

SIGNS = APPROX 0.7% OF TOTAL ELEVATION

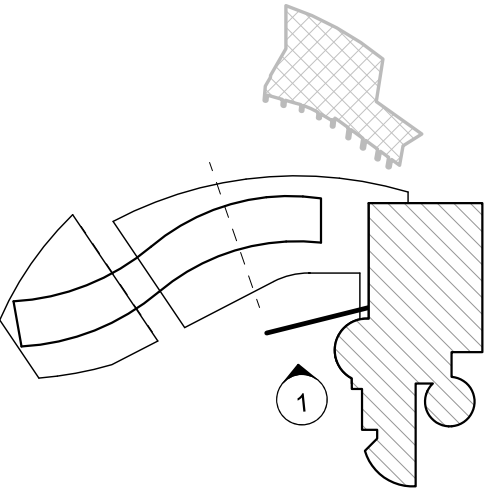
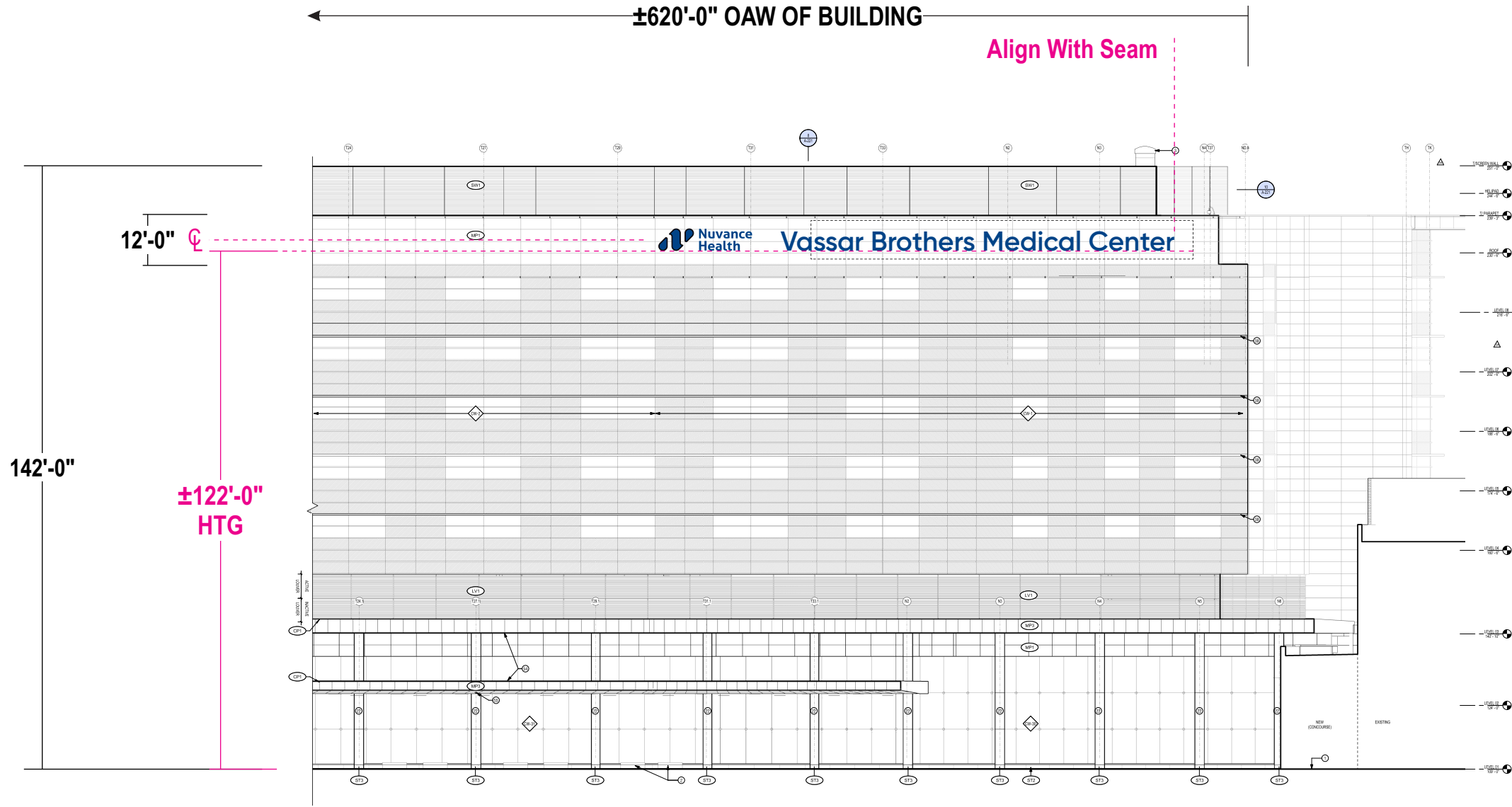
Elevation = Approx. 142' x 620' = 88040 Sq Ft

(530.3 + 82.4 + 72) / 88040 = .007 = 0.7%

New Sign = 530.3 Sq. Ft.

Entrance Letters = 82.5 Sq. Ft.

Emergency/Trauma Letters = 72 Sq. Ft.



Added box calling out SQ FT % of Sign vs. Total Elevation

Added additional SQ FT calculations per permitting lawyer

01 EAST ELEVATION

Scale: 1/32"=1'-0"

CODE ALLOWED

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

NEW LETTERSET ONLY

SIGN = APPROX 0.06% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

58.9 / 88040 = .0006 = 0.06%

NEW LETTERSET + EXISTING SIGNS (PG. 5)

SIGNS = APPROX 0.2% OF TOTAL ELEVATION

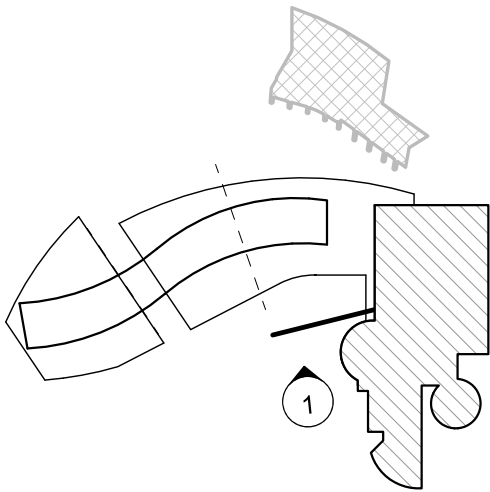
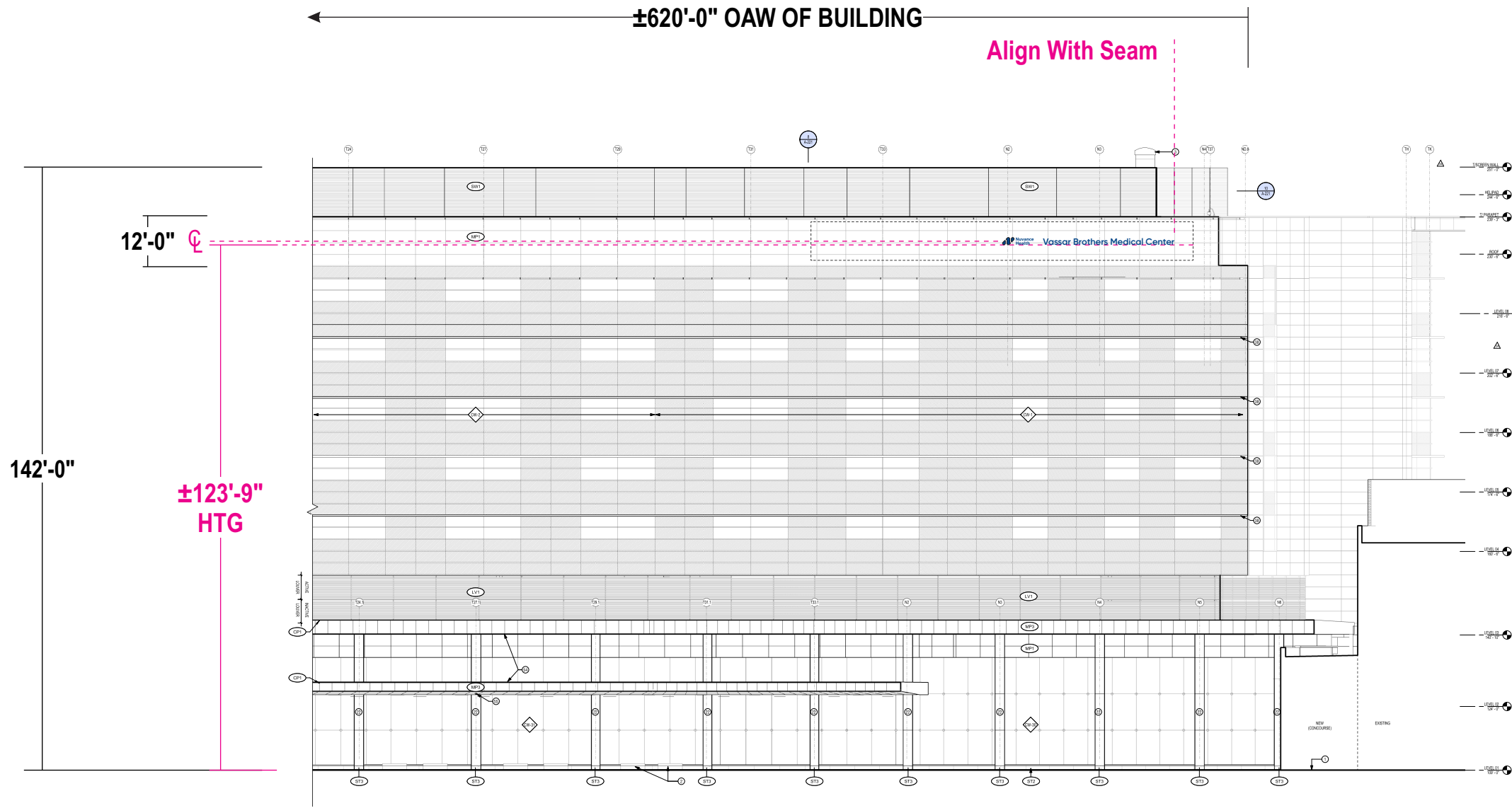
Elevation = Approx. 142' x 620' = 88040 Sq Ft

(58.9 + 82.4 + 72) / 88040 = .002 = 0.2%

New Sign = 58.9 Sq. Ft.

Entrance Letters = 82.5 Sq. Ft.

Emergency/Trauma Letters = 72 Sq. Ft.



Added box calling out SQ FT % of Sign vs. Total Elevation

Added additional SQ FT calculations per permitting lawyer

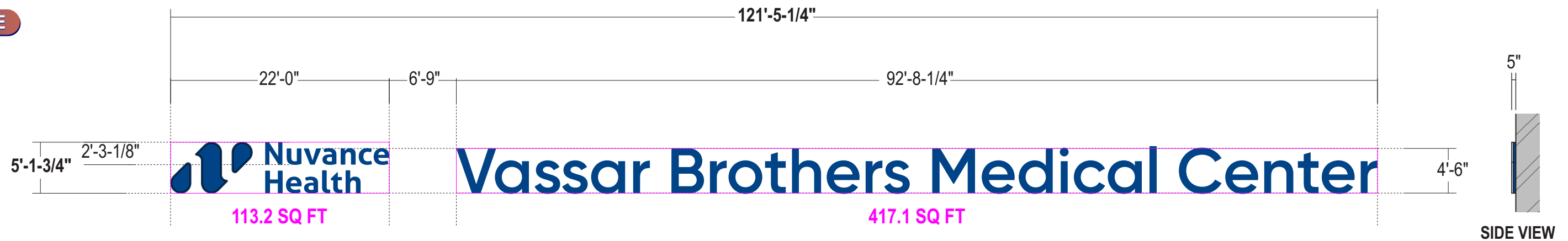
FACE LIT CHANNEL LETTERS - BLUE

PLS-54-B

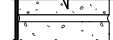
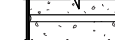
Scale: $\frac{3}{32}'' = 1'-0''$

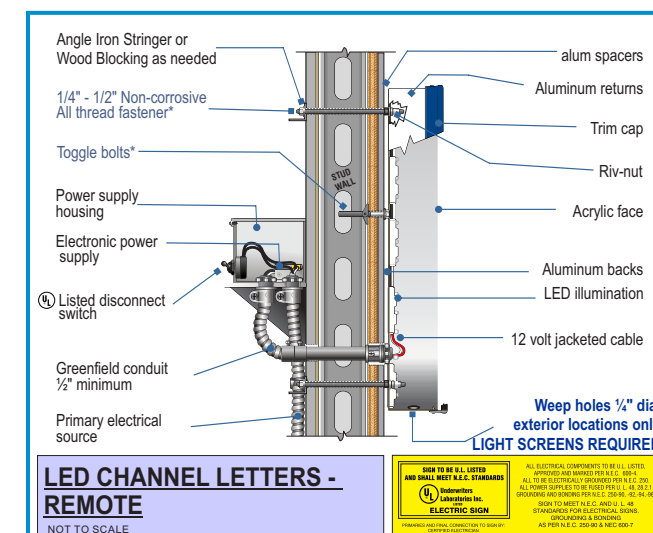
530.3 square feet

VARIANCE



	.177" thick #7328 White polycarbonate w/ surface applied dual color film to match PMS 7687; To illuminate white at night.
FACES:	CUSTOM SPECS DUE TO LARGE SIZE OF LETTERS Fabricated 1" x 1-1/2" metal retainers painted Blue CUSTOM SPECS DUE TO LARGE SIZE OF LOGO
TRIMCAP:	1" jewelite - painted Nuvance Blue
RETURNS:	5" deep .063 alum. paint exterior Nuvance White, semi-gloss / insides painted w/ light enhancement paint (lettersets cap ht. larger than 30")
BACKS:	.125 alum. backs - insides painted w/ light enhancement paint (lettersets cap ht larger than 36")
ILLUMINATION:	Illuminate w/ white Sloan (or approved equivalent) LEDs (6500k); Remote power supplies
WALL MATERIAL:	NOT PROVIDED AT THIS TIME
INSTALL:	Preferred install is thru bolted to wall surface w/ 1/2" alum. spacers at connection points to allow for (greenfield connectors) using min 3/8" all thread fasteners; min 4 per letter. blocking as required
QUANTITY:	(2) TWO sets required for East & Southwest Elevations

WALL TYPE	CMU, BRICK	PRE-CAST CONCRETE, CONCRETE	PREFERRED FOR ALL WALL TYPES WHEN POSSIBLE	EIFS WALL W/ FOAM INSULATION
SECTION				
ANCHOR TYPE	ø1/2" SLEEVE ANCHOR (ø3/8" BOLT), 2" MIN. EMBEDMENT	ø3/8" EXPANSION ANCHOR, 2 1/2" MIN. EMBEDMENT	ø 3/8" THREADED ROD	ø 3/8" THREADED ROD W/ ALUMINUM OR PVC COMPRESSION SLEEVE



Simulated night time view



COLOR PALETTE



FACES:
3M perforated dual color film
printed to match PMS 7687C

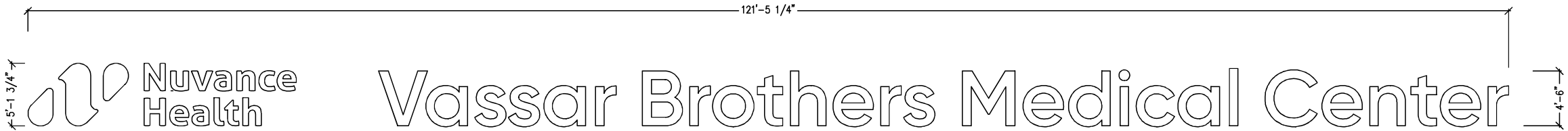


TRIMCAPS:
PMS 7687C,
MP 73230 (R191582), semi-gloss



RETURNS:
White MP 27386, semi-gloss

VARIANCE



Sign	# of LEDs	Lumens per mocule	Lumens	Area (sq. ft)	% Transmission of Face Material	% Transmission Vinyl	Reflective Loss	Lumens at face	Foot-Candle*
01 and 02	871	124	108004	216.45	32%	30%	35%	6739.4496	31

Area	Limit	Distance to limit**
Residential	0.01	56 ft
Commercial	2	4 ft

Foot -Candle= (Luments% Transmission of Face Material*% Transmission Vinyl*(1-Reflective Loss)/Area
**Distance to Limit = sqrt(Foot-candle/Limit)

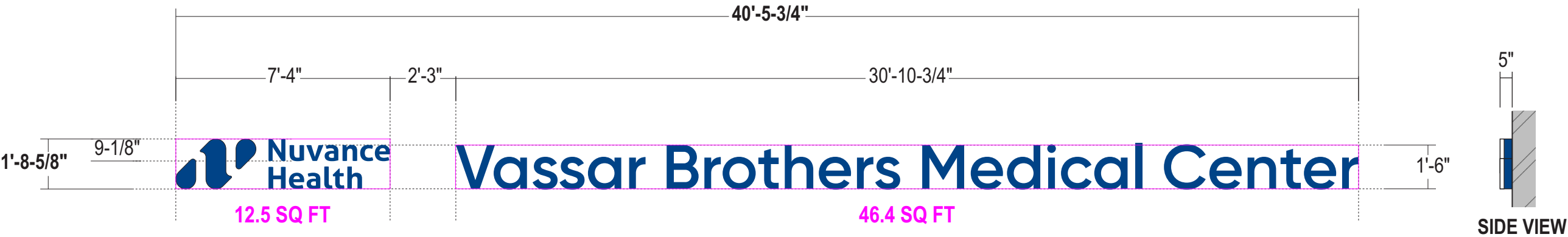
31 foot-candles at the face. 2 foot candles at 4 ft away from face. 0.01 foot candles at 56 feet away.

%Transmission come from #7328 acrylic.

%Transmission Vinyl – Typical day night vinyl we use will have 70% area that is colored and 30% open.

Reflective Loss – Loss of light while it bounces around in the can. Values come from testing done by GE. 12% loss at 3" deep. 35% loss at 5" deep. 50% loss at 8" deep.

CODE ALLOWED



- FACES:

.177" thick #7328 White polycarbonate w/ surface applied dual color film to match PMS 7687; To illuminate white at night.
CUSTOM SPECS DUE TO LARGE SIZE OF LETTERS
- TRIMCAP:

1" jewelite - painted Nuvance Blue
- RETURNS:

5" deep .063 alum. paint exterior Nuvance White, semi-gloss / insides painted w/ light enhancement paint (lettersets cap ht. larger than 30")
- BACKS:

.125 alum. backs - insides painted w/ light enhancement paint (lettersets cap ht larger than 36")
- ILLUMINATION:

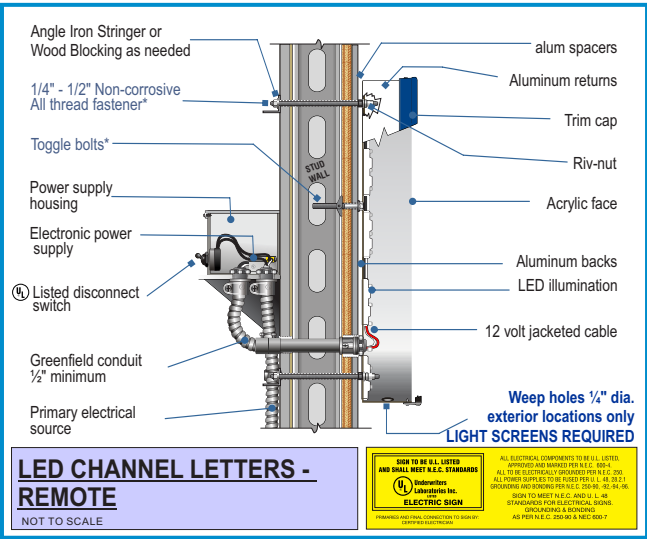
Illuminate w/ white Sloan (or approved equivalent) LEDs (6500k); Remote power supplies
- WALL MATERIAL:

NOT PROVIDED AT THIS TIME
- INSTALL:

Preferred install is thru bolted to wall surface w/ 1/2" alum. spacers at connection points to allow for (greenfield connectors) using min 3/8" all thread fasteners; min 4 per letter. blocking as required
- QUANTITY:

(2) TWO sets required for East & Southwest Elevations

WALL TYPE	CMU, BRICK	PRE-CAST CONCRETE, CONCRETE	PREFERRED FOR ALL WALL TYPES WHEN POSSIBLE	EIFS WALL W/ FOAM INSULATION
SECTION				
ANCHOR TYPE	ø 1/2" SLEEVE ANCHOR (ø 3/8" BOLT), 2" MIN. EMBEDMENT	ø 3/8" EXPANSION ANCHOR, 2 1/2" MIN. EMBEDMENT	ø 3/8" THREADED ROD	ø 3/8" THREADED ROD W/ ALUMINUM OR PVC COMPRESSION SLEEVE



Simulated night time view

Vassar Brothers Medical Center

COLOR PALETTE

FACES:

3M perforated dual color film printed to match PMS 7687C

TRIMCAPS:

PMS 7687C, MP 73230 (R191582), semi-gloss

RETURNS:

White MP 27386, semi-gloss

Page 32 of 85

02

SOUTHWEST ELEVATION - NIGHT VIEW

Scale: NTS

VARIANCE



APPROX. PHOTO
LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

SOUTHWEST (CURVED) ELEVATION ONLY
SIGN = APPROX 3% OF TOTAL ELEVATION
Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
530.3 / 17444 = .03 = 3%

SOUTHWEST (CURVED) ELEVATION + FULL WEST ELEVATION
SIGN = APPROX 0.4% OF TOTAL ELEVATION
Southwest Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
Main West Elevation = Approx. 166' x 685' = 113710 Sq Ft
Total West Elevation = 17444 + 113710 = 131154 Sq Ft
530.3 / 131154 = .004 = 0.4%



East Elevation Night Photo Added

02

SOUTHWEST ELEVATION - NIGHT VIEW

Scale: NTS

CODE ALLOWED



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

SOUTHWEST (CURVED) ELEVATION ONLY
SIGN = APPROX 0.3% OF TOTAL ELEVATION
Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
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SOUTHWEST (CURVED) ELEVATION + FULL WEST ELEVATION
SIGN = APPROX 0.04% OF TOTAL ELEVATION
Southwest Elevation = Approx. 71.2' x 245' = 17444 Sq Ft
Main West Elevation = Approx. 166' x 685' = 113710 Sq Ft
Total West Elevation = 17444 + 113710 = 131154 Sq Ft
58.9 / 131154 = .0004 = 0.04%



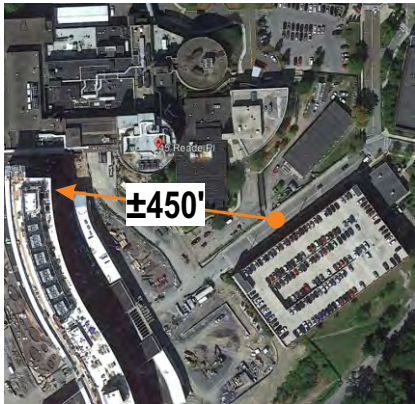
East Elevation Night Photo Added

01

EAST ELEVATION - NIGHT VIEW

Scaled Proportionately

VARIANCE



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	530.3

NEW LETTERSET ONLY

SIGN = APPROX 0.6% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

530.3 / 88040 = .006 = 0.6%

NEW LETTERSET + EXISTING SIGNS (PG. 5)

SIGNS = APPROX 0.7% OF TOTAL ELEVATION

Elevation = Approx. 142' x 620' = 88040 Sq Ft

(530.3 + 82.4 + 72) / 88040 = .007 = 0.7%

New Sign = 530.3 Sq. Ft.
Entrance Letters = 82.5 Sq. Ft.
Emergency/Trauma Letters = 72 Sq. Ft.



ILLUSTRATES VARIANCE SIGNAGE FROM ±450' AWAY

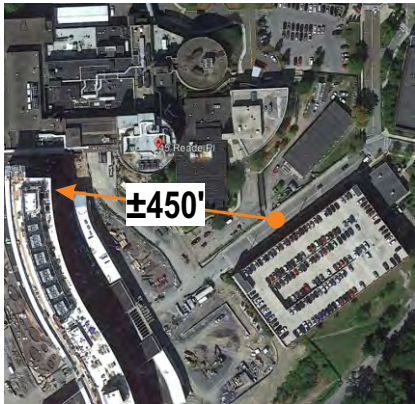
East Elevation Night Photo Added
Trimmed trees off sign band
Updated photo

01

EAST ELEVATION - NIGHT VIEW

Scaled Proportionately

CODE ALLOWED



APPROX. PHOTO LOCATION

ALLOWABLE SF:	60
EXISTING SIGN SF:	N/A
PROPOSED SIGN SF:	58.9

NEW LETTERSET ONLY
SIGN = APPROX 0.06% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
58.9 / 88040 = .0006 = 0.06%

NEW LETTERSET + EXISTING SIGNS (PG. 5)
SIGNS = APPROX 0.2% OF TOTAL ELEVATION
Elevation = Approx. 142' x 620' = 88040 Sq Ft
(58.9 + 82.4 + 72) / 88040 = .002 = 0.2%

New Sign = 58.9 Sq. Ft.
Entrance Letters = 82.5 Sq. Ft.
Emergency/Trauma Letters = 72 Sq. Ft.



ILLUSTRATES CODE ALLOWED SIGNAGE FROM ±450' AWAY

East Elevation Night Photo Added
Trimmed trees off sign band
Updated photo

VARIANCE REQUEST EXPLANATION

PROJECT HISTORY:	1
REQUESTED VARIANCES:	3
VARIANCES FOR THE WESTERN SIGN:	7
VARIANCES FOR THE EASTERN SIGN:	23

PROJECT HISTORY:

Vassar Brothers Medical Center (“the hospital”) is located in the H-M zoning district, which is south of the City’s central business core. The campus is bounded by Route 9 on the west, and by city streets on the east. The western area of the site, where the new building was constructed, is at a significantly lower grade than the eastern portion of the campus.

In 2015, the hospital obtained a Certificate of Need from the New York State Department of Health to build a major new hospital facility, with over 300 patient rooms in total, operating rooms, and conference center. The new building also houses the Emergency Room/Trauma center for the hospital.

The structure consists of 8-stories above grade and 2-levels partially below grade. On the west side of the building, the levels of the building that are below-grade on the eastern side are partially exposed.

The City Planning Board served as lead agency for the project. It conducted a coordinated SEQR review. At the time, no variances were anticipated, because signage was within the review authority of the City Planning Board. The Sign law was changed in 2018, after the construction of the hospital was approved in 2016. Amended approvals to add an 8th floor were granted in 2017.

During the approval process, the City abandoned title to Livingston Street west of the intersection with Lincoln as a public street. This part of Livingston Street is now a private drive to the new building.

As part of its SEQR review, the Planning Board addressed impacts of the new building on community character, including analysis of site lighting, visual and aesthetic impacts. The Planning Board found that the proposed development was consistent with the City’s Comprehensive Plan, which classified the city as “A Regional Center for Commerce, Medicine and Government.” The Comprehensive plan also recognized Vassar Brothers Medical Center as a major employer.

The Planning Board found that the design of the new building, while innovative, was not in competition with surrounding structures. It found that the design and materials of the building “will improve the overall aesthetic quality of the surrounding area.” The City Site Plan regulations require that a project be “in character with that generally prevailing in the neighborhood.” The Planning Board found that the project will be an aesthetic asset to the area when built.” The Planning Board also found that the project met the site plan standard that all outdoor lighting is of

such nature and so arranged as to preclude the diffusion of glare onto adjoining properties and streets.”¹

The Planning Board’s Special Permit approval resolution found that the project would benefit the City, County, and surrounding area by improving patient care. It found that the area of proposed construction was already substantially developed, and that the project would not be detrimental to the orderly development of any adjacent properties. It also found that the applicant “has given due consideration to the surrounding area and considered existing uses when designing the layout of the Project area, including current and proposed pedestrian and vehicular traffic. The Project will not negatively affect the neighborhood or conflict with normal traffic.”²

The amended Negative Declaration prepared for the added 8th story in 2016 recognizes that the approved architecture for the building was designed to make it a Landmark for the Hudson Valley.³

¹ All quotations are from the Resolution of Site Plan approval issued by the Planning Board on May 24, 2016.

² All quotations are from the Resolution of Special Permit approval issued by the Planning Board on May 27, 2016.

³ Negative Declaration adopted June 20, 2017

REQUESTED VARIANCES:

The new Patient Pavilion is now complete and occupied. It is now the Hospital's primary building. Yet there is still frequent confusion on the part of the public as to what the new building is. Hospital officials and County Tourism officials have encountered visitors to the area who surmise that the new hospital building is a hotel, or even a casino. The hospital wants to clearly state its identity on both major faces of its primary building: Nuvance (with Logo) Vassar Brothers Medical Center. It wants the benefit of signage befitting the scale and Landmark qualities of the building.

The proposed signs are depicted in the attached drawing set. Page 2 of the drawing set shows the proposed locations of the two requested signs:

- The sign on the western face of the building is located toward the southern end, on a curved section of the building that actually faces a southwesterly direction, and is generally oriented toward north-bound traffic on NYS Route 9.
- The sign on the eastern face of the building is located toward the northern end of the building, and is generally oriented toward the intersection of Lincoln and Livingston Street, the only approach to the hospital from the east.

Both proposed signs exceed the limits that qualify for staff-level permitting under the 2018-enacted sign code. Accordingly, these signs are required to come before the ZBA for variances to authorize these exceedances. The exceedances are of two kinds:

- the size of the two signs exceed the maximum size allowing staff permitting
- the location of the proposed signs is higher on the face of the building than allowed by staff permitting.

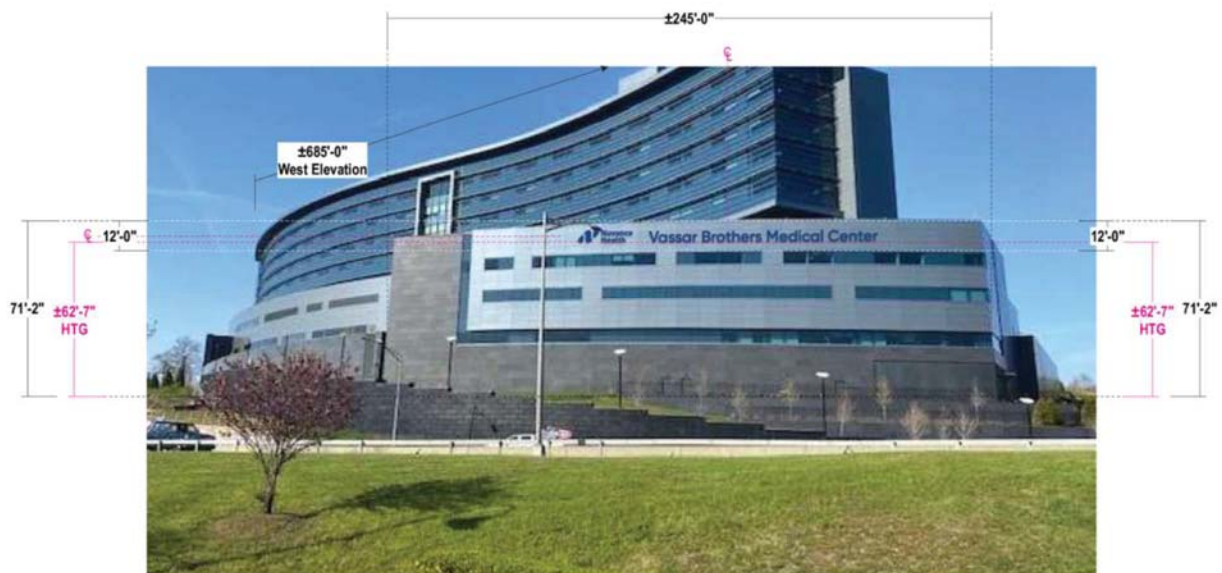
The reasons for the variances relate to the unusual character of the building and the unique characteristics of the building site:

- The building is large, 725,000 SF in size, and eight-stories tall, said to be the largest building ever constructed in the City of Poughkeepsie.⁴ The west face of the building is 685 feet long. The east face of the building is 620 feet long. The length on each side exceeds the length of two football fields. The signage has been scaled to suit the size of the building and distance from which the signs are viewed. The proposed signage is fully compliant with the City code provisions stating that a sign may be 1 square foot in size for each foot of building length. Each sign is 530.30 SF in size, less than permitted. However, the code sets a "maximum sign size" limit of 60 feet (unless a variance is granted). The hospital seeks a variance from this maximum requirement.
- The building is located away from the "downtown" area, and the signs will be viewed by drivers in automobiles, and not by pedestrians. The viewing area for the signage on the west face is the NYS Route 9 corridor north-bound lanes. The viewer of that sign is generally hundreds of feet away from (south of) the sign, and moving at fairly fast vehicular

⁴ *Walsh-Consigli JV Transforms Vassar Brothers Medical Center: Poughkeepsie's Largest Project Well Underway*, Debra Wood, Constructioneer (April 1, 2018), <https://www.acppubs.com/articles/7375-walsh-consigli-jv-transforms-vassar-brothers-medical-center>.

speeds. The viewing area for the east-face sign is the primary intersection within the hospital campus providing access to the Patient Pavilion (Lincoln/Livingston/Fox). The intersection is 650+ feet (i.e. the length of two football fields) away from the entrance to the hospital. The distance of the potential viewers of the sign from the signs creates a need for larger signs in order to be visible.

- Varying grade elevations also support the need for variance relief. The western face of the building is on the “downhill” side of the building, resulting in exposure of much of the building face below what is grade-level on the east face of the building. The applicable code standard of “locating a sign between 8 feet and 12 feet above the sidewalk” does not make sense in this setting. The Hospital requests a variance to place this sign 62 feet, 7 inches above grade.



- The varying elevations on the east face of the building create different compliance problems. The eastern building face is oriented to an “uphill” view toward properties to the east. There, the viewing point (the Lincoln/Livingston/Fox intersection) is much higher

than the front-door entrance to the new building. A sign at the low story heights provided by the code would not be visible from the intersection. The Hospital requests a variance to place this sign 122 feet above grade.

- The building has an unusual design which features extensive glass that limits possible sign locations as to height.



RENDERING PRIOR TO CONSTRUCTION

The need for variances also relates to the method of regulation the city has chosen. Most sign permits are processed through staff level of permitting. Signs that exceed these parameters must go through the variance process. It is appropriate that the city set rather restrictive standards for administrative processing of signs. The Zoning Board is the appropriate venue to evaluate the specifics of a sign in its context, and the Zoning Board of Appeals has the ability to apply general design principles such as the following:

- Signs should be as close to the ground as possible, consistent with required safety and legibility considerations.
- A sign should have an appropriate size relationship to the building upon which it is placed.
- Signs should be sized according to the speed of the intended observer: smaller for pedestrians, larger for people passing in cars.⁵

⁵ These principles are articulated in section 19-4.9 (3) of the City's sign law in effect until the 2018 amendments. While the principles are more succinctly stated in the 2018 law, and have been tailored to a staff-level review, the above principles are certainly not inconsistent with the present code, and they are also common sense principles which are part of the balancing test for area variances.

VARIANCES FOR THE WESTERN SIGN:

FACTS:

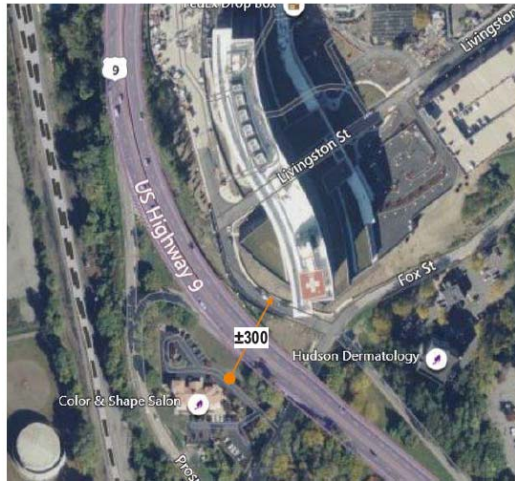
The proposed sign on the western façade is located at the very southern end of the building, where a section of the façade turns to face southwest. It is oriented to be viewed primarily by drivers in the northbound lanes on Route 9. The community setting for this sign is in a commercial/transportation corridor. In response to Zoning Board questions at the June 2022 meeting, the applicant has verified that the western sign will not be seen by residents of the Hudson Point condominiums. The attached drawing shows that those condominiums are north of the new building.



The attached view from the entrance to Hudson Pointe shows that the view south (along the on-ramp to NYS Route 9 Southbound) is of the north face of the building, which has no signage. The sign faces south/southwest and cannot be seen:



The area immediately across the Route 9 right-of-way from the sign is a medical office building. A photo showing the distance between the office building and another picture, showing the view of the southwestern façade of the Patient Pavilion from the office complex are provided in response to Board questions at the June 2022 meeting.



ILLUSTRATES ELEVATION FROM ±300' AWAY

The view of the hospital from the highway shows that, due to the steeply sloping property at the hospital site, the area exposed to the highway is well below the finished grade of the eastern face, and provides limited space for signage. The proposed signage location on the west shows that the sign is very suitable to the scale of the building, and it is legible for drivers on the highway.

The following page in the drawing set shows what the requested sign would look like, and what a “compliant size” sign would look like.



VARIANCES REQUESTED:

Sign Location Code Provisions:

City Code 19-4.9(9)(i)(1) requires that the bottom of wall signs must be no less than 8 feet and no more than 12 feet above the sidewalk. City Code 19-4.9(9)(i)(2) requires that a wall sign shall not extend above the bottom sill of windows on the second story.

Variances Requested:

- A variance to allow a sign 62'7" above grade (Variance #2).
- A variance to allow sign location above the bottom sill of windows on the second story (Variance #4).

Sign Size Code Provisions:

City Code section 19-4.9(9)(i)(2) allows a sign area to increase as the length of a building increases. The section allows 1 SF of wall signage for every lineal foot of building length. Since the length of the west face of the building is 685 feet, and the sign area is 530.30, a lesser number, the proposed sign complies with this provision. However, the same section also sets a size maximum of 60 feet. No sign in the city can be larger than this under the staff-permitting provisions. All signs over 60 SF must go through the variance process, so that the ZBA will have oversight over these signs.

Similarly, section 19-4.9(9)(i)(2) requires any sign with a height greater than 3 feet to apply for a variance, and does not allow staff permitting of such a sign.

Variances Requested:

- A variance to allow signs that are 4'-6" to 5'1-3/4" in height, exceeding the permitted 3 feet (Variance #6)
- A variance to allow signs that are 530.30 square feet (Variance 8)

ANALYSIS OF VARIANCES FOR WESTERN SIGN:

The overall area variance balancing test:

1. How does this variance benefit the applicant and the project?

The variance would allow the hospital to make its identity clear to the great number of drivers traveling north on NYS Route 9. It is important to the hospital to make its identity clear. Representatives of the hospital have been informed by visitors that the building has been mistaken for a hotel or a casino. It is important that passers-by recognize that the building is a hospital. The sign also functions well to help patients and injured parties get to the hospital from the south. The sign actually becomes visible after a driver has passed the Fox Street exit, but before the Columbia Street exit, alerting a driver to move to the right to be able to exit. Finally, as a major City and County institution, it is fitting that this iconic building have

signage that is of a scale suitable to the building that bears the hospital's name and its Nuvance brand.

The following photos show the view of the face of the building as one approaches from Route 9 north:



FOX STREET EXIT







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5298964.v12



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2. Does this variance cause a detriment to the community or neighborhood?

The variances to authorize this sign would not have a detriment to the community or neighborhood. The area is commercial and the sign is suitable to the scale of the building. It is a community benefit to have the hospital easily located by those who need its services.

The sign will not have detrimental impacts when viewed at night. The attached photos show the views of the west/southwest face of this building at night:



The ZBA did not raise concerns at the June 2022 hearing about impacts of night lighting on the western face of the building, since the lighting is in the context of a highway corridor. It is noted, however, that the signage is oriented toward the highway, and not to residential areas. It is also noted that the light level of the sign will fall to 0.01 footcandles at 56 feet away from the sign. (See plan set Sheet 19 “Light Calculations”. See also lighting discussion relating to the eastern sign at pages 29-31 and 33-34 of this document.)

3. Overall Balancing Test: Taking into consideration the benefit to the applicant of the variance as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, should the variance be granted?

The applicant believes that there is no community harm that would outweigh the benefit of the sign to the hospital. Moreover, the sign is actually a benefit to the community in assisting people in finding their way to the hospital. The signage is part of the overall well thought out design of this structure. The proposed height of the sign enhances visibility along a state highway corridor and assists in locating the hospital.

The 5 additional factors to be considered as part of the balancing test (General City Law 81-b(4)(b); City Code 19-8.4(2)(d)(2))

It is noted that these factors are additional considerations, which are intended to be helpful to the ZBA in conducting the overall balancing test, but these factors are not, in themselves, the test for an area variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

There will be no undesirable change in the character of the neighborhood by authorizing this sign. The sign suits the building, and the Planning Board has already determined that the construction of the hospital itself did not create any adverse impact on the character of the neighborhood.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

There is no reasonable and feasible way to achieve the proposed benefit of visible signage in keeping with the scale of the building without a variance. The southwestern façade does not contain windows within the first 12' above grade. The new facility is above road grade and a sign positioned 12 feet above grade would not be appropriate for this façade design.

3. Whether the requested area variance is substantial.

This sign is proposed to be placed 62 feet, 7 inches above grade, where 12 feet is allowed. While the applicant is thus seeking to place the sign substantially higher than permitted, this does not make the variance "substantial" in the sense meant by the variance balancing test. The substantiality of a variance is not judged in purely mathematical terms based on percentage of excess size sought, but has to be evaluated in the context of the actual impact of the proposed use on the neighborhood. Since there is no substantial adverse impact to the community caused by the variance, the variance should not be considered substantial in effect, and does not warrant denial of the requested variances under the overall balancing test.⁶

⁶ It is well-established that the substantiality of a variance does not, alone, justify the denial of an area variance, and that substantiality is only relevant if the variance *actually* creates a detriment to the community. For example, in Aydelott v. Town of Bedford Zoning Board of Appeals, N.Y.L.J. June 25, 2003, pl. 21, col. 4 (Sup. Ct. Westchester County 2003), the Westchester County Supreme Court reversed a ZBA denial of a variance for lot coverage/required open space, noting that "consideration of this percentage of lot coverage

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The following factors indicate the requested sign location variances are not substantial: The signage on the west face of the building covers 0.4% of the western face of the building and only 3% of the small curved section of the building where the sign is actually placed (see plan set Sheet 3). The sign is facing a heavily traveled state highway. The sign is subtle in style and color.

The scale of this building—752,000 square feet—is much larger than a customary commercial building in downtown Poughkeepsie. Thus, it is reasonable for the applicant to request a sign that is substantially larger than the 60 square feet permitted by administrative review. The signage provisions contained in the Code do not account for larger structures but instead apply a low maximum size limit, which is not appropriate to singularly large buildings such as the hospital patient pavilion, which has been termed the largest development in the City's history. The visual simulations establish that the proposed size of the sign is appropriate, and that a "compliant" sign would not be legible.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

There is no physical or environmental adverse effect. The Planning Board conducted a thorough review of the proposed construction of the building prior to construction and concluded that the entire project did not have a significant adverse effect on the neighborhood. The signage is fitting to the structure. It is also noted that the western sign is focused in a southwesterly direction to face in the direction of northbound traffic on NYS Route 9. The signage is not oriented toward the Hudson River, or to the bridge, or to the Walkway over the Hudson.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The difficulty is not self-created, but is, rather, a function of the unique site conditions relating to grade, the immense scale of the building. The hospital's desire for branding and signage suitable to the scale of its building is reasonable, and there is a legitimate community benefit from the signage. Moreover, the signage law changed after the Applicant had received its approvals to construct the hospital. Even if the hardship were considered to be "self-created," that alone is not a reason to deny an area variance. Based on the other factors and overall balancing test, this is a reasonable request.

alone, taken in a vacuum, is not an adequate indicator of the substantiality....a large deviation can have little or no impact depending on the circumstances of the variance application." In *Lodge Hotel, Inc. v. Town of Erwin Zoning Board of Appeals*, No. 94817, 2007 WL 5649523, at *5 (Sup. Ct. Steuben County, Jan. 24, 2007), the court cited the applicable rule. "Substantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one. When reviewing the application in the context of the overall impact it would have on the neighborhood, it is clear that the variance request is not substantial..." The Court also noted that "[l]ooking at the variance request in such a vacuum is not an adequate indicator of the substantiality of Petitioner's application." This rule on substantiality applies to all area variances, whether they relate to Parking (*666 OCRTT, LLC v. Board of Zoning Appeals of the Town of Hempstead*, 200 A.D. 3d 682 (2d Dept 2021) (reversing a denial of a parking variance); Setbacks (*Easy Home Program v. Trotta*, 714 N.Y.S. 2d 509, 510 (2d Dept 2002) (reversing denial of an area variance. While the court found the variance "arguably substantial," there was "no evidence that granting the variance would have an undesirable effect on the community or neighborhood.") or any other type of area variance.

Is this the appropriate minimum variance (General City Law 81-b(4)(c); City Code 19-8.4(2)(d)(3))?

Yes. The proposal does not create adverse impacts to the community that require minimization of size as mitigation. There is no realistic way to further minimize the variance as to sign location of the signs and still provide the benefit sought by the applicant. As the comparison photos show, the “compliant” sign is not legible.

DUTCHESS COUNTY PLANNING DEPARTMENT POSITION:

The Dutchess County Planning Department has commented that the consideration of this sign is a “matter of local concern.”

VARIANCES FOR THE EASTERN SIGN:

FACTS:

The proposed sign on the east face of the building is the same size as the western sign (530.3 SF). The placement of the sign is on the upper level of the building, near the building's northerly corner. The purpose of the location is to maximize visibility of the sign when viewed from the intersection of Lincoln and Livingston Street and along the approach down the hill on Livingston Street to the patient drop off at the entrance. The Lincoln/Livingston/Fox intersection is the only approach to the hospital from the easterly direction.

The hospital is a 401 (c) 3 non-profit entity. It serves a significant public purpose. The requested signage is important to the hospital to set forth its identity and its Nuvance logo. The signage also serves the purpose of guiding visitors to the building.

The intersection of Lincoln/Livingston is the end of the public street system. The section of Livingston Street between the intersection and the hospital was abandoned as a city street in 2016. It is now a private driveway to the hospital building. The visibility of the sign from the major intersection is very important, as it calls attention to the building, which is not only the main hospital entrance but also the route to the Emergency room and trauma center. The proposed placement of the sign is designed to assure visibility from the intersection, which is at a much higher elevation than the entrance to the hospital.

The eastern building face is oriented to an "uphill" view toward properties to the east. Those traveling to the hospital from the east have a viewing point (the Lincoln/Livingston/Fox intersection) that is much higher than the front-door entrances to the new building (both to the patient entrance at the north end and the emergency room to the south end. From the intersection, the proposed sign is comfortably at eye level, and easily comprehended. A sign at the low story heights which can be authorized by administrative processing would not be visible from the intersection. It is therefore essential for visibility from the intersection, and the approach to the intersection from Fox Street, that the sign be located where it is now proposed, near the top of the building. Additionally, the "eyebrow" sign above the northerly entrance is not even list at night and cannot be seen.

While proceeding down the hill along Livingston, a smaller sign over the door comes into view, but it is not large enough to be "readable" until a car reaches the elevation level of the entrance. The main sign guides patients along Livingston until the approach a level where they can be further guided to the entrance. The lower sign is not lit at night.

The eastern face of the building contains extensive glass elements that limit possible sign locations as to height. (see visuals in drawing set) Photographs illustrating the necessity of the proposed sign height for visibility from the intersection are submitted here.



APPROACHING INTERSECTION FROM LIVINGSTON ±660' AWAY



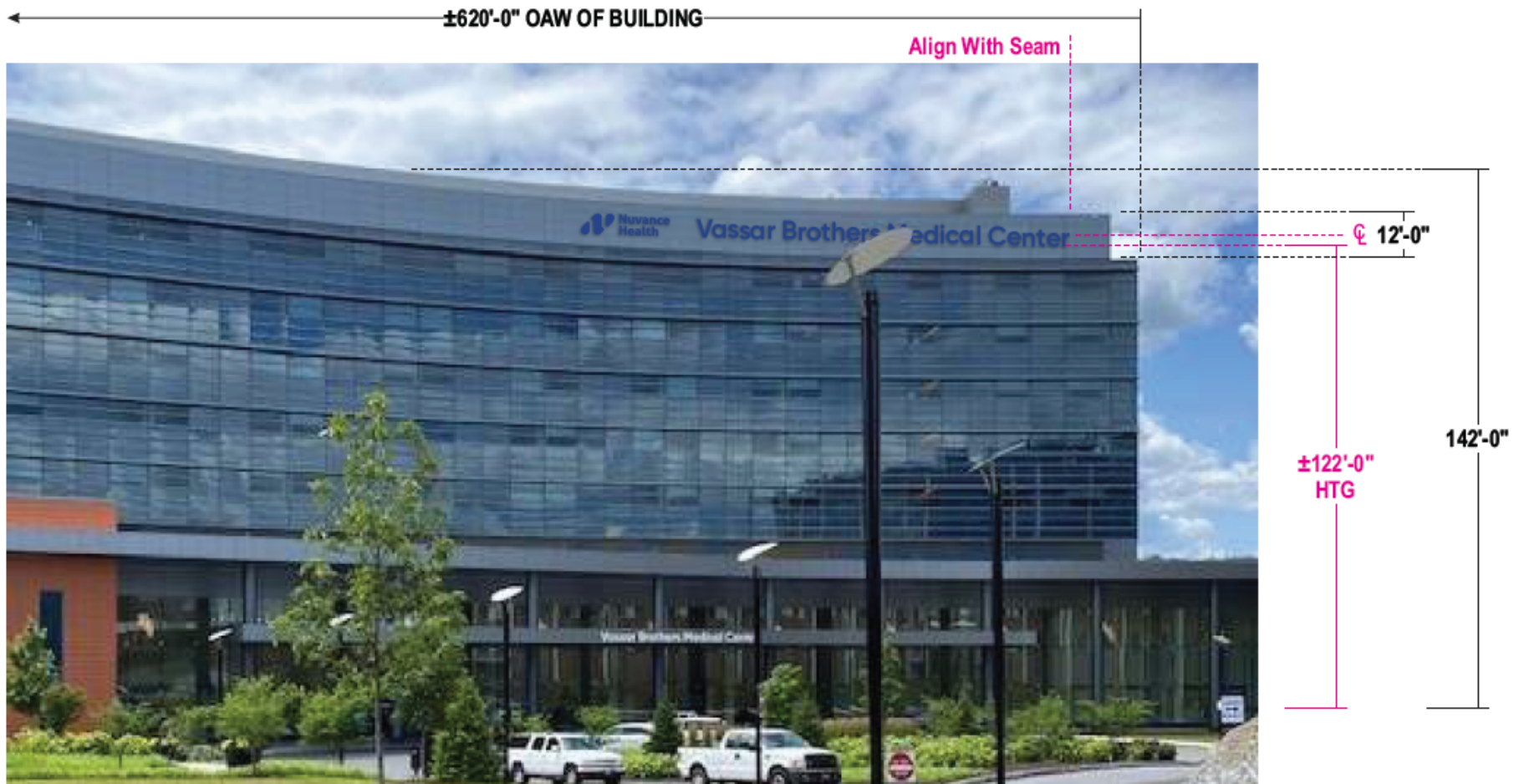
APPROACHING INTERSECTION FROM LIVINGSTON ±660' AWAY



APPROACHING BUILDING ON LIVINGSTON FROM ±645' AWAY



APPROACHING BUILDING ON LIVINGSTON FROM ±350' AWAY IN AN EAST-WEST DIRECTION



VIEW AT TURNING POINT TO APPROACH ENTRANCE - FROM $\pm 350'$ AWAY IN AN NORTHEAST DIRECTION

Several questions were raised by ZBA members at the June 2022 hearing about impacts of the signage on the residential neighbors to the east/northeast of the hospital.

In response, the applicant has provided technical data to address the potential impacts of the lighting. Attached is a graphic showing the property limits of the hospital properties. The graphic has been marked with the distance from the proposed eastern sign to the hospital property lines closest to residential property owners. The hospital boundaries closest to residential neighbors are 612 feet and 814 feet from the proposed sign.



The lighting levels produced by the sign are 31 foot candles of light at the face. This lighting level falls to 2 foot candles at 4 feet away from the face. The lighting level falls further, to 0.01 foot candles at 56 feet away from the sign. (See plan set, Sheet 19 "Light Calculations") Since the distance to the property lines is much farther than that, it is clear that the light from the signs will have dissipated to a level of 0 foot candles at any property line. The graphic also establishes that the views from residential areas toward the building will be generally obscured by other buildings, so that the sign would have minimal visibility, if any.

Attached are photo of the eastern face of the building at night. The "eyebrow sign" over the northern entrance is not lit at night and cannot be seen, even when a car is near the entrance. The photo below shows existing signage on the Legacy building. The ZBA authorized replacement of this signage to the Nuvance branding earlier this year.



In response to another question at the June 2022 meeting, the lighting in the signs will be connected to a photovoltaic connection that will turn them off during the day.⁷

The following graphic shows the comparative visibility of the request sign and the “compliant” sign.

⁷ The lighting of the sign at night is permitted by the Code because the facility is open 24 hours a day. 19-4.9 (8)(c)(1)(g)(i).



VARIANCES REQUESTED:

Sign Location code provisions:

City Code 19-4.9(9)(i)(1) requires that the bottom of wall signs must be no less than 8 feet and no more than 12 feet above the sidewalk. City Code 19-4.9(9)(i)(2) requires that a wall sign shall not extend above the bottom sill of windows on the second story.

Variances requested:

- A variance to allow a sign 122' above grade (Variance #1).
- A variance to allow sign location above the bottom sill of windows on the second story (Variance #3)

Sign Size code provisions:

City Code section 19-4.9(9)(i)(2) allows a sign area to increase as the length of a building increases. The section allows 1 SF of wall signage for every lineal foot of building length. Since the length of the west face of the building is 685 feet, and the sign area is 530.30, a lesser number, the proposed sign complies with this provision. However, the same section also sets a size maximum of 60 feet. No sign in the city can be larger than this under the staff-permitting provisions. All signs over 60 SF must go through the variance process, so that the ZBA will have oversight over these signs.

Similarly, section 19-4.9(9)(i)(2) requires any sign with a height greater than 3 feet to apply for a variance, and does not allow staff permitting of such a sign.

Variances requested:

- A variance to allow signs that are 4'-6" to 5'-1-3/4" in height, exceeding the permitted 3 feet (Variance #5)
- A variance to allow signs that are 530.30 square feet (Variance #7)

ANALYSIS OF VARIANCES FOR EASTERN SIGN:

The overall area variance balancing test:

1. How does this variance benefit the applicant and the project?

The requested variance allows the hospital to identify its Patient Pavilion building. As the Planning Board noted in its amended Site Plan approval for the building in 2017, the approved architecture was designed as a Landmark for the Hudson Valley.

2. Does this variance cause a detriment to the community or neighborhood?

The Planning Board has already determined that the entire construction project, including the creation of the building, does not create a significant adverse impact on community character.

The Planning Board's environmental review including an analysis of site lighting of the new campus improvements, and the Board revisited the lighting issue in approving the 2017 addition of an 8th floor. The Planning Board concluded that the new lighting would not be significant and would not impact the City. The lighting from the proposed signage is an extremely minimal addition to the overall lighting on the campus. This lighting will be dissipated to a zero foot candle basis well within the hospital site.

The Planning Board found that the creation of this building is a benefit to the community. The signage is also a benefit to the community as it identifies the building and assists in guiding community members to the building. The eastern sign has virtually no visibility beyond the hospital site, and little visibility beyond the Lincoln/Livingston/Fox street intersection, because of existing buildings on the campus, and because of the grade-change between the grade level at the new building and the grade level of surrounding land to the east.

3. Overall Balancing Test: Taking into consideration the benefit to the applicant of the variance as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant, should the variance be granted?

This is ultimately a question for the ZBA's judgment, but the applicant respectfully submits that there is no detriment to the health, safety, or welfare of the neighborhood or community caused by the approval of this sign. Accordingly, there is no reason to deny the requested variance.

5-part test analysis (General City Law 81-b(4)(b); City Code 19-8.4(2)(d)(2))

It is noted that these factors are additional considerations, which are intended to be helpful to the ZBA in conducting the overall balancing test, but these factors are not, in themselves, the test for an area variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The wall signage dimensions will not change the character of the neighborhood. The property is in the H-M zoning district, and the area is characterized as a hospital campus center. The scale of the signage is appropriate to the use, the building, and the surrounding medical campus. As noted, the lighting related to the sign will not cause any detriment to the neighborhood, and the signage itself has virtually no visibility outside the campus.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

It cannot. Applicant has demonstrated the appearance and lack of visibility and effectiveness of a compliant sign. An area variance is the only method available to obtain appropriately scaled signs. The City's sign regulation system provides for administrative review of small signs, and requires all larger signs to undergo review by the ZBA. This does not represent a strong public policy against signs that are at a proper scale for large buildings, but simply requires review.

3. Whether the requested area variance is substantial.

The requested area variance relief increases the square feet of the signage to 530.3 SF and the height of the sign from 3' to 5'1-3/4". The east elevation is 620 feet long and 8 stories tall. The sign is proposed to be placed 62 feet, 7 inches above grade, where 12 feet is allowed.

While the applicant is thus seeking to place a larger sign substantially higher than permitted, this does not make the variance "substantial" in the sense meant by the variance balancing test. The substantiality of a variance is not judged in purely mathematical terms based on percentage of excess size sought, but has to be evaluated in the context of the actual impact of the proposed use on the neighborhood. Since there is no substantial adverse impact to the community caused by the variance, the variance should not be considered substantial. See footnote 6 above.

The following factors indicate the requested sign location variances are not substantial: The signage on the east face of the building covers only 0.6% of the face of the building, i.e. less than 1% of the building surface. The sign is subtle in style and color and not garish or overly bright. The sign will not be lit during the day. The applicant has established that the sign has very limited visibility beyond the Livingston/Lincoln intersection; and has further established that the light levels from the sign reach a zero foot candle level within the hospital property line, as discussed in other sections of this analysis.

The scale of this building—752,000 square feet—is much larger than a customary commercial building in downtown Poughkeepsie. Accordingly, it is reasonable to request a sign that is significantly larger than permitted via administrative permitting. The signage provisions contained in the Code do not account for larger structures but instead apply a low maximum size limit, which is not appropriate to singularly large buildings such as the hospital patient pavilion, which has been termed the largest development in the City's history. The code does not represent a strong public policy against signs that are at a proper scale for large buildings, but simply requires ZBA review. The visual simulations establish that the proposed size of the sign is appropriate, and that a "complaint" sign would not be legible.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

There is no physical or environmental adverse effect, as discussed in preceding sections. The sign itself has virtually no visibility outside the site, and the foot candles from the lighting are reduced to zero within the hospital site. The Planning Board has previously found that the entire hospital expansion project which included the new patient pavilion did not cause significant adverse impacts, including impacts on community character. The Planning Board therefore adopted a Negative Declaration under SEQRA in 2016, and affirmed that finding in 2017 when it approved the addition of an 8th story to the building.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

The applicant's difficulty is related to physical circumstances in the area, including the change in elevation from the building to the surrounding areas of the campus. This is not a difficulty

of the applicant's making. The difficulty is also created by the nature of the City code, which creates very low maximum size limits for administratively approved signs, and requires all larger signs to come before the ZBA. Even if the difficulty is considered "self-created," this alone does not justify the denial of an area variance, especially where the variance causes no detriment to the community.

Is this the appropriate minimum variance (General City Law 81-b(4)(c); City Code 19-8.4(2)(d)(3))?

Yes. The proposed sign has virtually no visibility outside the campus. The signage represents less than 1 % of the building area (0.6 %). The proposal does not create adverse impacts to the community that require minimization of size as mitigation. There is no realistic way to further minimize the variance as to sign location of the signs and still provide the benefit sought by the applicant.

THE DUTCHESS COUNTY PLANNING BOARD POSITION:

The County Planning Department has opposed the eastern sign, and stated its own opinion as to where the sign should be located (central to the building and lower, just above the pathway of Livingston Street under the building) and the size of the sign (demanding that it be smaller). The County further states that it is aware that its negative opinion triggers a super-majority voting requirement under the provisions of General Municipal Law 239-m.

We respectfully submit that the County's opposition to the sign is not persuasive, for the following reasons:

- The jurisdictional purpose of the County referral is for the purpose of the County addressing "significant county wide or inter community impact." GML 239-m (4) The Department cites no such claimed impact from these signs. The eastern sign is virtually invisible from outside the property. The western sign has far greater visibility, and is exactly the same size, yet the County does not object to that sign.
- The County letter does not even speak to the area variance standards that the ZBA must apply. The ZBA is responsible to apply those standards, objectively and fairly. The County ignores the overall balancing test, and the benefits to the applicant. It also ignores the fact that there is no detrimental effect to the surrounding community from the proposed eastern sign. These issues can't be ignored by the Zoning Board in carrying out its duties under General City Law and the City Code. The County claims to have "a better idea" about sign location and size. But the lawful function of the Zoning Board is not to conduct an opinion poll on design, but to apply very specific legal standards, in balancing the benefit to the applicant as weighed against the detriment, *if any*, to the community.
- The County misinterprets the requirement to "minimize" the variance. The standard of minimization requires that the Board grant the minimum variance that will *both* be "necessary and adequate" [to address the applicant's proposed benefit] *and* at the same time preserve and protect the character of the neighborhood and community. In other words, the minimization is tied to the overall balancing test. The County ignores considerations that there is no adverse impact of the requested variance on the community. It emphasizes one aspect of the standard and ignores the other.

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- The County's suggestion of location is objectionable to the applicant. It does not have visibility from the intersection, and it would encourage visitors to travel under the building. The applicant has fully described its proposed benefit from the sign, and the proposed location is the one that provides the benefit to the applicant. Based on the applicable balancing test, there is no detrimental effect on the community, and the variance should be granted.

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August 9, 2022

Chairman Scott Parker, Zoning Board of Appeals
c/o City Planning Department
City Hall
62 Civic Center Plaza, 2d Floor
Poughkeepsie NY 12601

Email: Natalie Quinn (nquinn@cityofpoughkeepsie.com)

Re: Nuvance -Vassar Brothers Hospital request for signage variance

Dear Chairman Parker and members of the Zoning Board of Appeals:

I am writing, as the President of the Dutchess County Regional Chamber of Commerce, to address the need for prominent identification signage on the Hospital's new Patient Pavilion.

In the course of my activities, I often meet newcomers to our area. It is a common occurrence for visitors and newcomers to ask about the identity of the new building, which they describe as "tall," "large," "dark gray," and "beautiful," with no idea that the building is a major hospital structure. These questions obviously show the need for prominent identification signage on the building to make the identity of the building known.

I have reviewed the photo-simulations of the signage on the building which show the sign proposed by the hospital and compare it to the sign size permitted by the zoning code. I believe it is in the interests of the health, safety, and welfare of the community that signage be clearly visible to the public from Route 9, and to those within the campus trying to reach the new building.

Thank you for considering all comments in the course of your deliberations.

Very truly yours,

Frank M. Castella, Jr.

August 2, 2022

Chairman Scott Parker and
Members of the Zoning Board of Appeals
City of Poughkeepsie
City Hall –3rd Floor
62 Civic Center Plaza
Poughkeepsie, NY 12601

Re: Vassar Brothers Medical Center Patient Pavilion—variances for two signs

Dear Mr. Parker and members of the Board:

As the Assistant Vice President for Community, Government and Public Relations and a resident of the City of Poughkeepsie, I am submitting this letter to describe the circumstances in which I have become aware that many people do not understand the building is a hospital.

Here are two examples. But I will say that in my travels throughout the community over the past six years, ever since we began construction on the building, I have heard many more.

- Example No. 1: On a recent trip down Route 9 with some out-of-town friends, a member of our Foundation heard them comment as they drove past, "Wow. What a beautiful building that is. Is it a hotel?" She was proud to respond, "No, that is actually the flagship hospital for our health system." But she would have preferred the building to speak for itself.
- Example No. 2: We recently hosted a film production in our now-vacant legacy Emergency Department that included a cast and crew of nearly 70 people, many of whom were from outside the Hudson Valley. It was commented to our team multiple times by crew members that they had thought the building was a casino when they first saw it. It did not dawn on them at all that it may be a hospital.

From these examples, I'm confident these are not isolated thoughts. Which is why the signs will provide needed identification and branding to the Hospital. They will also help patients and visitors find the entry to the new building.

The new building is stately and monumental. In essence, it is a landmark for the city, one that we can all be proud of. For this reason, it needs identity signage to make it look "finished." The Nuvance Health design team has placed the proposed signs in a thoughtful manner.

Kindly place this letter in the record of the public hearing on August 9, 2022, and consider my support for the requested variances.

Sincerely,



John Nelson
AVP, Community, Government and Public Relations, NY, Nuvance Health
Residence: 22 Alden Road, Poughkeepsie, NY 12603

Lisa Morris & Phil Malinovsky
66 Lincoln Avenue
Poughkeepsie, NY 12601
Home: 845-473-5313

July 28, 2022

City of Poughkeepsie
Zoning Board of Appeals
62 Civic Center Plaza
Poughkeepsie, NY 12601

Chairman Parker:

Good morning. We live at 66 Lincoln Avenue, only 2 houses from Vassar Brothers Medical Center Property. We understand that the Hospital has requested a variance for signage on the new hospital building that will face Route 9 as well as the City neighborhood, including our home. We have a birds-eye view of the new sign's location from our front porch, and we would welcome the addition of proper signage on the building.

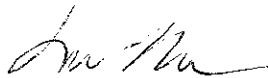
While ground-level signage is currently helpful, many visitors and patients coming to the new building are not familiar with the streets and often are in a state of high stress (as expected). Having illuminated signage of a proper size that can be readily seen and read at a distance is crucial for this new location. While we understand the reasons for wanting to control signage within the City, this new hospital is a clear destination point for our entire community and as such it requires proper signage, such as the hospital is requesting. As a marketing and branding professional, Lisa is well aware of the need to ensure the building is properly identified for not only patients and visitors, but all those visiting our community.

In short, we have no problem with VBMC's request for a sign that is larger than the Zoning Board's current regulations. We highly recommend that you approve their variance request. Thank you.

Sincerely,



Phil Malinovsky



Lisa Morris

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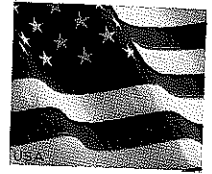
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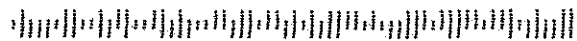


City of Poughkeepsie
Zoning Board

62 Civic Center Plaza
Poughkeepsie, NY

ATTN: Chairman
12601-241162

12601





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Jennifer L. Van Tuyl
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August 9, 2022

Rebecca Valk, Esq.
City of Poughkeepsie Corporation Counsel
62 Civic Center
3rd Floor
Poughkeepsie, NY 12601

Re: Nuvance Vassar Brothers Hospital signage—variance application and public hearing
Brief summary of applicable case law on “substantiality” of variances

Dear Rebecca:

I am writing to you in your capacity as counsel to the Zoning Board of Appeals. Tonight’s agenda includes a public hearing on the Nuvance/Vassar Hospital application for several area variances.

Several of these variances involve requests that constitute a rather large numerical deviation from the code requirement. It is therefore important that the Zoning Board understand the applicable law applying to “substantiality” of the requested variances. “Substantiality” is one of the five factors that must additionally be considered, as part of the overall balancing test, weighing the benefit of the variance to the applicant against the detriment, if any, to the community caused by the variances.

I’m sure that you are fully familiar with the applicable law relating to substantiality, but I’m hoping that it is helpful to you to have some of the case precedent immediately at hand, if and when the question is raised by the Board as to what, if any, weight they should allow to a large numerical variation from the code requirement, independent of proof that the variance actually causes a harm to the community.

Basic Principle

A ZBA’s determination that a variance is “substantial” (in terms of a large numerical deviation from the code requirement) is not enough to deny a variance absent proof that the variance actually causes a material detriment to the community. Some cases apply the “substantiality” test to the *impact* of the variance, rather than its mere numerical or statistical deviation from the code requirement. Other cases apply the “substantiality” test to the numerical standard, but hold that a mere large deviation has no weight unless it creates a material detriment to the community caused by the deviation.

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August 9, 2022

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- Hargraves v. City of Rye Zoning Bd. of Appeals, 162 A.D.3d 1022, 1024 (2d Dep’t 2018): “While the proposed variances were substantial, there was no evidence that the granting of the variances would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community....”
- L& M Graziose, LLP v. City of Glen Cove Zoning Bd. of Appeals, 127 A.D.3d 863, 864-65 (2d Dep’t 2015): “Here, the City of Glen Cove Zoning Board of Appeals...rationally concluded that the requested variances were substantial...However, there was no evidence before the ZBA to show that the granting of the variances would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community. As the Supreme Court noted, similar variance requests were granted for properties in very close proximity to the subject property, and the ZBA's past pronouncements confirm that the character of the neighborhood would not be negatively affected by the granting of the variances. Therefore, the ZBA's determination lacked a rational basis.”
- Lodge Hotel, Inc. v Town of Erwin Zoning Bd. of Appeals, No. 94817, 2007 WL 5649523, at *5 (Sup. Ct. Steuben Cty. Jan. 24, 2007): Finding that application for area variance to construct a second story should not have been denied because “[s]ubstantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one. When reviewing the application in the context of the overall impact it would have on the neighborhood, it is clear that the variance request is not substantial, especially when considering that the structure will have the outside appearance of a two-story building.” The court went on to note that “[l]ooking at the variance request in such a vacuum is not an adequate indicator of the substantiality of Petitioner's application.”
- Kleinhaus v. Zoning Board of Appeals of the Town of Cortlandt, N.Y.L.J. Mar. 26, 1996, p. 37, col. 7 (Sup. Ct. Westchester Co. 1996): Although a variance application to erect a 120-foot amateur radio antenna was considered to be statistically substantial with respect to the applicable 35-foot height maximum, the court determined that substantiality is “relative” and could not be gauged in the abstract. In assessing the practical magnitude of the variance, the court related the deviation to the height above the tree line, 40 feet, instead of a gross differential of 85 feet. Although crediting the board's finding that the variance was substantial, the court, nonetheless, concluded that such a finding “begs the question as the deviation only becomes relevant if it relates to an adverse effect in the neighborhood....”



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Basic Principle Applied to Particular Variances

Variance for Lot Area

- Filipowski v. Zoning Bd. of Appeals of Vil. of Greenwood Lake, 38 A.D.3d 545, 547 (2d Dep't 2007) ("With regard to the variance pertaining to the minimum lot size requirement for proposed lot one, although the evidence established that the variance sought was substantial, there was little, if any, evidence presented to demonstrate that granting the variance would have an undesirable effect on the character of the neighborhood, adversely impact on physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community...Therefore, the denial of this variance was arbitrary and capricious...").
- Lim-Kim v. ZBA of Village of Irvington, 586 N.Y.S.2d 633, 635 (2d Dep't 1992) (applicant's request for area variances permitting substandard lots were "fairly substantial," but since they were "unlikely to have an adverse impact on the surrounding neighborhood" the variance should not be denied.).

Variance for Setbacks

- Easy Home Program v. Trotta, 714 N.Y.S.2d 509, 510 (2d Dep't 2002) (although the requested variance from setback requirements was "arguably substantial," there was "no evidence that granting the variance would have an undesirable effect on the community or neighborhood...").
- Baker v. Brownlie, 670 N.Y.S.2d 216, 218 (2d Dep't 1998) (reviewing a ZBA's denial of variance for a patio not conforming to setback requirements, the court noted that while substantial, the variance should not have been denied because it "will not have any appreciable impact on physical or environmental conditions in the area."

Variance for Open Space

- Aydelott v. Town of Bedford Zoning Board of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. Westchester Co. 2003) (reversing the ZBA's denial of an area variance for lot coverage, the court noted that "consideration of this percentage [of lot coverage] alone, taken in a vacuum, is not an adequate indicator of the substantiality . . . a large deviation can have little or no impact depending on the circumstances of the variance application.").



August 9, 2022

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Variance for Parking

- 666 OCRTT, LLC V. Board of Zoning Appeals of the Town of Hempstead, 200 A.D.3d 682 (2d Dep't 2021) ("Here, while it was rational for the Board to conclude that the requested special exception permit and [parking count] variance were substantial, its determination to deny the petitioner's application was otherwise conclusory and lacked an objective factual basis...In particular, there was little or no evidence before the Board to show that the granting of the variance or special exception permit would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community...Accordingly, the Board's determination to deny the petitioner's application lacked a rational basis, and the Supreme Court properly granted the petition.").
- Grogan v. Wright, 52 AD.3d 601, 602 (2d Dep't 2008) ("neither the size of the [parking space] variance nor the degree to which the applicant's difficulty may be deemed to have been self-created warranted the denial of the application").

I believe that the wide range of variance types to which this doctrine has been applied establish that the doctrine is equally applicable to any type of variance.

Thank you for your consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'JL Van Tuyl', is written over a light blue horizontal line.

Jennifer L. Van Tuyl



CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT RESOLUTION OF APPROVAL

**In the matter of the appeal of Nuvance Health Vassar Brothers Hospital, file #2022-007B,
regarding the property at 45 Reade Place, Poughkeepsie, New York:**

**At a Regular Meeting of the Zoning Board of Appeals held on the 13th day of September,
2022, at 6:00pm:**

**The Board adopted the following resolution of negative declaration with regards to
environmental impacts considered under SEQRA:**

WHEREAS, the Zoning Board of Appeals has received an application for area variances from Nuvance Health Vassar Brothers Hospital for the proposed placement of two wall signs, one on the north-east face and one on the south-west face of the hospital building at 45 Reade Place. Variances are requested of Sections 19-4.9(9)(i)(1) and 19-4.9(9)(i)(2) of the Zoning Ordinance relative to the height, size and placement of wall signs; and,

WHEREAS, the application was accompanied by supplemental materials, including Elevations/Sign renderings (Title page and pages 2-20) prepared by Stratus Unlimited, originally dated 5/20/22 with the most recent revision date of 7/25/2022; and,

WHEREAS, this application is considered to be an Unlisted Action under SEQRA; and,

WHEREAS, the action is more fully detailed on the Short Environmental Assessment Form prepared by Tracey Diehl, dated 7/25/2022; and,

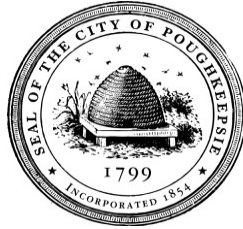
WHEREAS, the Board has compared the impacts that are likely to result from the action against those in 617.7(c)(1)(i) through (xii) and has determined that there will be no significant adverse environmental impacts and therefore, a draft environmental impact statement will not be prepared.

NOW THEREFORE BE IT RESOLVED that the Board hereby declares itself as Lead Agency for the environmental review of the application and hereby adopts a Negative Declaration.

Motion: _____

Second: _____

Carried: _____



**CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT RESOLUTION OF APPROVAL**

**The Board further adopted the following resolution of granting the requested area
variances:**

WHEREAS, the Zoning Board of Appeals has received an application for area variances from Nuvance Health Vassar Brothers Hospital for the proposed placement of two wall signs, one on the north-east face and one on the south-west face of the hospital building at 45 Reade Place. Variances are requested of Sections 19-4.9(9)(i)(1) and 19-4.9(9)(i)(2) of the Zoning Ordinance relative to the height, size and placement of wall signs; and,

WHEREAS, the application was accompanied by supplemental materials, including:

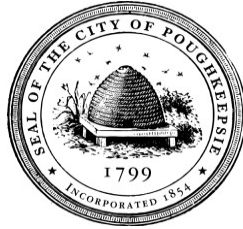
- a) Area variance application signed by Tracey Diehl dated 5/24/2022
- b) Elevations/Sign renderings (Title page and pages 2-20) prepared by Stratus Unlimited, originally dated 5/20/22 with the most recent revision date of 7/25/2022;
- c) Elevations/Sign night view renderings (pages 14 -17) prepared by Stratus Unlimited, originally dated 5/20/22 with the most recent revision date of 8/02/2022;
- d) Cover letter prepared by Jennifer L. Van Tyul, Esq. date 7/26/2022
- e) Short Environmental Assessment Form prepared by Tracey Diehl, dated 7/25/2022
- f) Variance Request Explanation (37 pages) undated, unsigned
- g) Brief summary of applicable case law on “substantiality” of variances prepared by Jennifer L. Van Tyul, Esq. date 8/9/2022

WHEREAS, a public hearing was held on June 14, 2022, August 9, 2022, and continued on September 13, 2022; and,

WHEREAS, the Zoning Board of Appeals carefully considered a recommendation from Dutchess County Planning Department to deny the requested variances for the north-east wall sign unless the sign was reduced in size, lowered in height and more centralized; and,

NOW THEREFORE BE IT RESOLVED that the Board grants all requested variances for both the north-east and south-west proposed signs and makes the following findings to support the same:

- 1) The applicant has demonstrated that the granting of the area variances will not produce an undesirable change in the character of the neighborhood, and will not be a detriment to nearby properties, in that the hospital is a permitted use in the area in which it is located and has received all necessary approvals to expand. The signs will identify or “brand” the important institutional building and are appropriately scaled to the unique size of the building. The provided night renderings have further demonstrated that the proposed signs will not have a negative impact in terms of light or glare impacting surrounding residential properties; and,



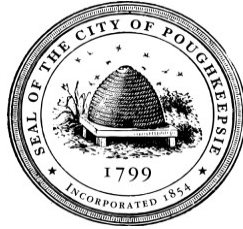
CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS

DRAFT RESOLUTION OF APPROVAL

- 2) The applicant has demonstrated that there is no other feasible method to achieve compliance at this time, in that signs scaled to meet the requirements of the ordinance would not be visible beyond the lot line of the hospital. The fact that the façade of the building is comprised largely of glass also makes placement of the signs difficult, necessitating a variance from the maximum height that a sign may be placed above grade; and,
- 3) The applicant has demonstrated that the variances requested are not substantial, in that the signs are proportional in terms of square footage, and do not exceed the maximum that would be permitted under the Code's calculation that "wall signs not exceed an area in square feet equal to one times the length of the frontage," but for the Code's 60 square foot "cap" for wall signs. Graphic depictions of compliant signs (60 square foot) show how out of scale such signs would be with the building. Additionally, given the height of the building, limiting the placement of the signs on the building to below the second story does not meet the intent of the signage to be highly visible to the public; and,
- 4) The applicant has demonstrated the granting of the variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, in that the size of the signs is appropriate to the size of the building, and provided night renderings have further demonstrated that the proposed signs will not have a negative impact in terms of light or glare impacting surrounding residential properties; and,
- 5) The applicant has demonstrated that the need for the variances is not necessarily not self-created, in that the hospital simply seeks to install signs which are scaled appropriately to the size of the building;

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variances as noted above for the north-east wall sign at 45 Reade Place, contrary to the recommendations of the County, for the reasons stated above as well as the following:

- The Board does not find that a significant county wide or inter community impact will result from installment of the proposed north eastern sign
- The Board considered the overall balancing test, including the benefits to the applicant of the variance as weighed against the detriment, *if any*, to the community, and does not find any detrimental effect to the surrounding community from the proposed north eastern sign.
- The Board finds that the applicant has fully described its proposed benefit from the sign, and the proposed location is the one that provides the benefit to the applicant. Based on the applicable balancing test, there is no detrimental effect on the community.



CITY OF POUGHKEEPSIE
ZONING BOARD OF APPEALS
DRAFT RESOLUTION OF APPROVAL

NOW THEREFORE BE IT FURTHER RESOLVED that the City of Poughkeepsie Zoning Board of Appeals hereby grants the variances as noted above for the proposed wall signs at 45 Reade Place, File #2022-007B:

Motion: _____

Second: _____

Carried: _____