

# Town of Clifton Park

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## Zoning Board of Appeals



APPROVED

4-17-17

## ZONING BOARD OF APPEALS April 3, 2018

**Present:** Chairman Dudick, Chris Lemire, David Donohue, Jerry Cifor, Lisa McCoy, Mario Fantini, John Klimes and Michael Bloss.

**Absent:** None.

**Also Present:** Neil Weiner, Esq., ZBA Counsel  
Steve Myers, Director, Building and Zoning

The Meeting was called to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE  
ROLL CALL

Chairman Dudick announced that alternate member, David Donohue would not be voting this evening.

### OLD BUSINESS

*The secretary read the legal notice as it appeared in The Gazette on March 29, 2018:*

1. Application from Saxton Signs for area variances from Sign Law Chapter 171 Table 1 which allows 2 signs up to a total of 32SF. Applicant requests 3 signs for a total of 119SF. Variance required for third sign and variance required for 87SF of signage. Property is located at 11 Clifton Country Road, Clifton Park, NY 12065. (Permit #81156).

Terry Meisner from Saxton Signs presented the application for Core Life. He explained they are looking for 3 sets of channel letters – 43SF on the east; 43SF on the west and 32SF on the south side of the building.

Chairman Dudick opened the Public Hearing and asked for questions or comments.

Bob Miller from Windsor Development advised they are the landlord and they fully support this application and the upcoming application for Blaze Pizza on the Agenda for tonight. He explained this is really about the vision of the Form Based Code, which pushes the buildings out to the street and in doing so, creates situations where signage is required on multiple sides of the buildings in order to create a walkable Town

Center. In both instances there's on street parking on the east side; there's a parking lot on the west facing Hannaford and, in this case, there is parking on the north side of the building with multiple entrances and therefore, it is important that the signage direct people to where they need to be. In their opinion as a developer, this is also more about aesthetics than it is about actual signage. He added that the Form Based Code was going to try to update the sign ordinance, but it did not do so and therefore, in his opinion, they are now dealing with an outdated sign ordinance trying to fit with Form Based Code and the vision of the Town Center.

Mr. Myers confirmed there is nothing in the Form Based Code or in the Town Center Plan about signage and no guidance has been provided by the Town Board or Town Planning as to how they want signs in this area to look. That being said, he advised he is having a little trouble with the size of the requested signs on both this building for Core and the building for Blaze. He explained that for Core, they are asking for three times the 32SF they are allowed. Although the Zoning Board recently granted a 270SF sign variance for the 15,000SF 4-story building next door at 15 Clifton Country Road, this building is only 3800SF and therefore, he questions whether signs on all 3 sides are needed, adding that the side he really questions is the side that faces the 4-story building. He indicated he understands the requests for signs facing the 2 street fronts and the aesthetics, but believes it's more of a question of whether the scale is compatible with the building.

A discussion ensued as to whether the Board had ever approved 3 signs for a business and Mr. Dudick opined that the argument would be - if the building is closer to the road - the signs don't need to be as large because they would now be easier to see.

Mr. Meisner stated that the applicant is willing to go smaller, but they would still like all 3 signs.

Mr. Miller pointed out that the vision of the Town Center is to create a walkable area where the buildings are placed closer to the street, which changes the dynamics of where entrances and exits are and how the building sits on the property. He also commented that if the Town feels 3 signs is something they haven't done before, these variances can always be narrowly tailored to situations where you have 3 sided buildings, access on 3 sides and the Board can always be restrictive on how the variances are granted.

Mr. Dudick advised he is much more comfortable with size variances as opposed to the additional 3<sup>rd</sup> sign, especially since anyone driving along Clifton Country Road can see the sign.

Upon inquiry from Mr. Dudick, Mr. Miller confirmed they do not have any plans to place a monument sign at this building or the Blaze building.

Mr. Miller reiterated they look at this aesthetically and whether it is more interesting to look at a blank wall with or without a sign. He pointed out that for Core, there is a patio on the south side with access to that patio on the south and west sides and that Blaze has points of access on the north and west sides, which all require signage to direct customers to where they want to be.

Mr. Myers suggested that perhaps justification for the 3<sup>rd</sup> sign would be to have the applicant agree they will not put up a monument sign, since they do have that right according to the Sign Law, but added they are requesting a pretty large variance when compared to the size of the building.

The Chairman inquired if that would be something the applicant would be willing to stipulate to.

Mr. Miller advised that as the owner, they would be willing to stipulate to not placing a monument sign, provided Core could have the 3<sup>rd</sup> sign.

Upon inquiry from Mr. Bloss and Mr. Dudick, Mr. Miller confirmed there are only 2 tenants on the ground floor of the building and that Core has about 4,000 SF and Blaze has about 3,000 SF.

Discussions ensued as to the intended points of entry, the location of the doors, patio and pergola, the elevations and the photographs included with the application were reviewed.

Mr. Myers confirmed that his calculation of SF for the proposed signs was based on the size of the channel letters, whereas the applicant's calculations had been boxed. He also advised this is a Type II action and therefore, no further SEQRA review by the Board is required.

After a long discussion, Mr. Meisner amended the application to 2 wall signs totaling 88 SF, which would be a 56SF variance.

Mr. Dudick made a motion to close the Public Hearing. Mr. Cifor seconded. All voted in favor and the Public Hearing was closed.

Mr. Dudick then made a motion to approve the application as amended. Mr. Cifor seconded.

Mr. Dudick stated that with the buildings in the Town Center being placed closer to the road, he does not believe an undesirable change to the neighborhood or detriment to nearby properties will be created by the granting of the area variance and that he does not believe the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than the area variance. He added that he does not believe the requested variance is substantial; that he does not believe the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district and that although the alleged difficulty was self-created, that is not preclusive to approval.

*The secretary called the Vote:*

Ayes: Mr. Lemire, Mr. Cifor, Mrs. McCoy, Mr. Dudick, Mr. Fantini, Mr. Klimes and Mr. Bloss.  
Noes: None.

**Amended application for two (2) wall signs totaling 88SF approved.**

*The secretary read the legal notice as it appeared in The Gazette on March 29, 2018:*

- 2. Application from AJ Signs for an area variance from Sign Law Chapter 171 Table 1 which allows 20' maximum height of wall signs. 28' requested; 8' variance required. Property is located at 648 Plank Road, Clifton Park, NY 12065. (Permit #81157).**

Tom Wheeler from AJ Signs presented the application for the St. Peter's Health Partners medical building, explaining that because there is a lot of glass on the building, they want the sign to be high enough to be visible from Plank Road and the Northway, although they understand it won't be readable from the Northway. He added that St. Peter's has similar signs on I-90 and in other locations throughout the Capital Region and that if they lower the sign, it would be in the glass or in the brick area below it and therefore it would not be visible.

Mr. Bloss inquired if they are proposing to put the sign at the same level as the building number. Mr. Wheeler replied yes - the building number is in the upper brick area of the building.

Mr. Myers agreed the sign would not be visible from the Northway and stated because of the windows and brick on the building, it's really the only place the sign can be placed. He added that this is a fairly minor height variance and pointed out that other buildings in the area have signs up that high as well.

Upon inquiry from Mr. Weiner, Mr. Wheeler confirmed the sign would be placed on the east side of the building facing the Northway.

Mr. Dudick opened the Public Hearing and asked for questions or comments. Being none, he made a motion to close the Public Hearing. Mr. Bloss seconded. All voted in favor and the Public Hearing was closed.

Mr. Klimes made a motion to approve the application as submitted. Mr. Bloss seconded.

Mr. Myers advised this is a Type II action and therefore, no further SEQRA review by the Board is required.

Mr. Klimes stated that he does not believe an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created by the granting of the area variance and that although the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than the area variance, because of the way the building is laid out, the variance would be in best interest of the applicant. He added that he does not believe the requested variance is substantial; that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district and that although the alleged difficulty is self-created, that is not preclusive to the granting of the variance.

*The secretary called the Vote:*

Ayes: Mr. Lemire, Mr. Cifor, Mrs. McCoy, Mr. Dudick, Mr. Fantini, Mr. Klimes and Mr. Bloss.

Noes: None.

**Application approved as submitted.**

*The secretary read the legal notice as it appeared in The Gazette on March 29, 2018:*

- 3. Application from AJ Signs for an area variance from Sign Law Chapter 171 Table 1 which allows 2 signs up to a total of 32SF. Applicant requests 2nd wall sign of 28SF. 32SF allowed – 28SF existing = 4SF. 28SF requested- 4SF = 24SF variance required. Property is located at 800 Route 146, Clifton Park, NY 12065. (Permit #81158).**

Tom Wheeler from AJ Signs presented the application for Plato's Closet, explaining that although they currently have a set of channel letters facing Route 146, they are looking to add a second set to provide visibility to customers entering Town Plaza, so it is clear where the entrance to the store is. He explained they have been open for a while; people are having trouble finding them once they're in the Plaza; that the sign would be identical to the existing one on the front of the building and will fit into the façade. He added that most tenants in the Town Plaza have a sign over their door and this location is a bit unique because of the way the building is situated on the property

Mr. Dudick opened the Public Hearing and asked for questions or comments.

Mr. Myers advised he doesn't see a problem with the application and that this is a Type II action and therefore, no further SEQRA review by the Board is required.

Mr. Lemire inquired where the entrance to the store is. Mr. Bloss advised it is where the neon sign is in the rendering and asked if that was a permitted sign.

Mr. Myers replied it is a permitted "open" sign.

Mr. Bloss also pointed out there is a paper sign shown in window on the rendering and asked Mr. Myers if that was an also an acceptable sign.

Mr. Myers advised the Board that the Town no longer regulates window signs.

Mr. Cifor made a motion to close the Public Hearing. Mr. Dudick seconded. All voted in favor and the Public Hearing was closed.

Mr. Cifor made a motion to approve the application as submitted. Mr. Bloss seconded.

Mr. Cifor stated that he does not believe an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created by the granting of the area variance and that the benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue other than the area variance. He added that although he believes the requested variance is substantial, it is not a mitigating factor as its under 50%; that he does not believe the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district and that although the alleged difficulty is self-created, that is only a consideration that does not preclude the granting of an area variance.

*The secretary called the Vote:*

Ayes: Mr. Lemire, Mr. Cifor, Mrs. McCoy, Mr. Dudick, Mr. Fantini, Mr. Klimes and Mr. Bloss.

Noes: None.

**Application approved as submitted.**

## **NEW BUSINESS**

*The secretary read the legal notice as it appeared in The Gazette on March 29, 2018:*

- 1. Application from Ray Sign for area variances from Sign Law Chapter 171 Table 1 which allows 2 wall signs totaling 32 SF. Applicant requests 5 signs totaling 197 SF. Variance required for 3 additional signs and for 165 SF. Property is located at 11 Clifton Country Road, Clifton Park, NY 12065. (Permit #81160).**

Prior to the presentation, Board Counsel inquired whether these sign variances are actually being granted to the sign companies, the specific businesses or to the owner of the property.

Mr. Myers clarified that although the variances are actually granted to the property, the owner of the property authorizes the sign companies to present the applications.

Russ Hazen from Ray Signs presented the application for Blaze Pizza, stating that based upon the previous applications heard this evening, he would be willing to take 2 signs of 44SF each unless they can get more, but would like the Board to consider allowing them to place the circle flame logo on the corners of the building in addition to the 44SF signs, because it's a major part of the branding for this particular business.

Upon inquiry from Mr. Weiner, Mr. Hazen advised the circle flame logos are a little over 19SF each.

Bob Miller from Windsor Development added that there are louvers on the building, which is part of the branding as well and that the colors are all integral to the design.

Upon inquiry from Mr. Cifor, Mr. Myers confirmed the circle flame logo would also be considered a sign and is one of the 5 signs requested.

Mr. Dudick pointed out that he hasn't changed his opinion and that if the applicant was willing to modify their application to 2 signs for total of 88SF, he would be much more comfortable voting for approval.

Mr. Myers advised this is a Type II action and therefore, no further SEQRA review by the Board is required.

Mr. Hazen advised they would like to look at each elevation as a sign whether it's all part of 1 piece or if its separated, because they'd like to keep the logo on corners as he believes they would look really nice there aesthetically.

Mr. Miller advised that he would defer to Blaze to determine where they want to place signs, but added there are ingress/egress points on the north, east and west.

A discussion ensued as to where the doors are located and what elevations would be best to place the signs on.

Chairman Dudick asked whether the applicant was willing to amend their application to 2 signs totaling 88SF and Mr. Hazen replied yes.

Mr. Dudick make a motion to close the Public Hearing. Mr. Lemire seconded. All voted in favor and the Public Hearing was closed.

Mr. Dudick then made a motion to approve application as amended, for 2 signs totaling 88SF. Mr. Cifor seconded.

Upon inquiry from Mr. Hazen, the Board confirmed the applicant could place the signs wherever they wished.

Mr. Dudick stated that he does not believe an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties created by the granting of the area variance and that the benefit sought by the applicant could not be achieved by some other method feasible for the applicant to

pursue other than the area variance. He added that he does not believe the requested variance is substantial; that he does not believe the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district and that although the alleged difficulty is self-created, that does not preclude approval.

*The secretary called the Vote:*

Ayes: Mr. Lemire, Mr. Cifor, Mrs. McCoy, Mr. Dudick, Mr. Fantini, Mr. Klimes and Mr. Bloss.  
Noes: None.

**Application approved as amended for 2 wall signs totaling 88SF.**

The Chairman made a motion to approve the minutes from the March 6, 2018 meeting. Mr. Lemire, Mrs. McCoy, Mr. Dudick, Mr. Fantini, Mr. Donohue and Mr. Bloss, who were present at that meeting, all voted in favor and the meeting minutes were approved.

The Chairman made a motion to approve the minutes from the March 20, 2018 meeting. The only attendees at that meeting were Mrs. McCoy, Mr. Donohue and Mr. Dudick and as such, a quorum was not seated and no meeting was held. Therefore, essentially there are no minutes to approve.

Mr. Bloss made a motion to adjourn the meeting. Mr. Fantini seconded. All voted in favor and approval was unanimous. The meeting was adjourned at 8:18 p.m.

**The next scheduled meeting will be held on April 17, 2018.**

Respectfully submitted,



M. Kathleen Smith  
Secretary, Zoning Board of Appeals

Cc: Town Clerk, Town Board, Zoning Board Members  
Neil Weiner, Esq.  
Steve Myers, Department of Building and Development  
Town Assessor, Town Highway Department