

Town of Clifton Park

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Zoning Board of Appeals

APPROVED
1-3-2017



ZONING BOARD OF APPEALS

November 15, 2016

Present: Chairman Dudick, Chris Lemire, Jerry Cifor, Lisa McCoy and Randy Gifford.

Absent: Tony Morelli, Michael Bloss and Mario Fantini

Also Present: Tom McCarthy, Esq., ZBA Counsel
Steve Myers, Director, Building and Zoning

Meeting was called to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE
ROLL CALL

OLD BUSINESS

NONE

NEW BUSINESS

The secretary read the legal notice as it appeared in The Gazette on November 10, 2016:

1. Application from **Frank Marsullo** for an area variance from Chapter 171, Table 1 which requires a 15' front setback for freestanding sign. Setback requested = 0', 15' variance required. Property is located at 280 Ushers Road, Clifton Park, NY 12065. (Permit #81114).

Frank Marsullo from Sure Fire Signs presented the application. He confirmed that the required mailings to the adjoining neighbors on the list provided by the Town had been performed and that proof of such mailings had been provided. He explained that because of the large DOT Right of Way, if the sign was placed 15' back, it would be roughly in the parking lot and would be very hard to see.

He added that the Zoning Officer had come out and determined that the previously approved existing freestanding sign, had not been placed in the proper location. Mr. Marsullo advised they are looking to place the new sign where the old one is now, with a 0' setback.

Upon inquiry from Mr. Dudick, Mr. Myers confirmed that the existing sign has been in place since 2005, prior to his tenure, and advised that the Board had previously granted a similar variance to the insurance company next door to the subject parcel in 2013 for the same reason.

Mr. Cifor inquired as to the truck that is typically on the site by the road with a sign on it.

Mr. Myers advised the applicant would be putting up a digital sign as well as a standard sign on the building and that all of the extra signage was to be removed.

As no public was present, Mr. Dudick made a motion to close the Public Hearing. Mr. Gifford seconded. All voted in favor and the Public Hearing was closed.

Mr. Dudick stated that he does not believe the requested variance would have an adverse effect on the character of the neighborhood and that although the requested variance is significant from a percentage aspect, considering the large DOT Right of Way, he does not see any issues with the application. He then made a motion to approve the application as submitted.

Mr. Lemire seconded.

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

The secretary called the Vote:

Ayes: Mr. Lemire, Mr. Cifor, Mrs. McCoy, Mr. Gifford and Mr. Dudick.

Noes: None.

Application approved.

Mr. Dudick then made a motion to approve the minutes from the October 18, 2016 meeting. Mr. Dudick, Mr. Cifor, Mrs. McCoy and Mr. Gifford, who were present at that meeting, all voted in favor and the minutes were approved.

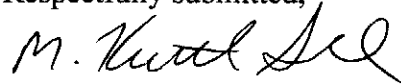
Mr. Gifford reminded the Board that at the last meeting, window signage had been approved for Hannoush Jewelers with the agreement that the Tag Heuer watch sign was to be taken down within 2 weeks. He advised that as of this morning, that sign was still up.

Mr. Dudick asked whether that voided the approval of the variance. Mr. McCarthy advised that because of the new sign regulations which he anticipates will go into effect for the first meeting in December 2016, the current signage at Hannoush Jewelers would not be an issue. Mr. Myers stated he would visit Hannoush and advise them what he believes is going to happen with the new sign regulations, but if it doesn't get approved, he will tell them to take down the sign.

Mr. McCarthy advised that notice of the new proposed regulations has been published.

Mr. Dudick made a motion to adjourn the meeting. The motion was seconded by Mr. Cifor. Approval was unanimous. The meeting was adjourned at 7:15 p.m. The next meeting is December 6, 2016.

Respectfully submitted,



M. Kathleen Smith
Secretary, Zoning Board of Appeals

Cc: Town Clerk, Town Board, Town Attorney
Zoning Board Members, Tom McCarthy, Esq. Steve Myers
Department of Building and Development
Town Assessor, Town Highway Department