

## Clifton Park Zoning Board of Appeals Meeting Minutes

July 15, 2003

Present: Michael Dudick, Skye Heritage,  
Sandra Pace, Dale Gleason,  
Donna Lawton, Gil Kortz (arrived at 7:05 PM)

Absent: Dale Kelley

Also Present: Don Clemens, Building & Development  
Louis Renzi, ZBA Counsel

Mr. Dudick called the meeting to order at 7:02 P.M.

### NEW BUSINESS

1. An application from Marshall Sign Corp., for Borders Books, Music, Movies Café, requesting an area variance from Chapter 171 (Sign Law) from the maximum 60 sq. ft. wall sign - proposed sign = 121 sq. ft. - variance requested = 61 sq. ft., and a height variance from the maximum 20 ft. - proposed height = 24 ft. - variance requested = 4 ft. and an area variance for a second wall sign of 121 sq. ft. and a height variance from the maximum 20 ft. - proposed height = 29.6 ft. - variance requested = 9.6 ft.. The property is located at 3 Southside Drive, Clifton Park. Permit #80441.

The secretary read the legal notice as it appeared in the Daily Gazette on July 11, 2003.

Mr. Dudick read the County Planning Board's recommendation stating that the applicant should provide specific justification for the need for the size of the proposed signage due to its proximity to Route 146.

Peter May, Marshall Sign Corp., presented this application. He stated Borders is proposing two wall signs, one on the front facing the south and visible from the Village Plaza parking lot, and one on the east elevation near Route 146 visible from the intersection of Route 146 and Clifton Country Road. He noted the

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letters are neon illuminated and will show white at night and black during the day. They are all self-contained. The Borders letters are 42 inches, the rest are 12 inches high. He noted the 42 inch letters are a reduction from the standard 48 inch letters typically used by Borders. He stated that 60 sq. ft. of signage is insignificant on the building and will cause a great economic hardship due to a lack of visibility and poor marketing. The signs must attract and direct customers. Shopping habits can be changed with effective signage and can shift the choice of a purchase, but Borders must be able to attract attention in order to do that.

Mr. May continued, the sign facing east has the ability to communicate to west bound traffic and traffic exiting from Shoppers World and has a large viewing audience and a premiere communication opportunity for them. For a national sign change on site signage reenforces all other media advertising and maximizes advertising effectiveness at a lower cost. The front entrance is not visible during leaf season from Clifton Country Road but it would have limited visibility through the bare trees during the winter months and for this reason a larger than allowed sign is requested for the front elevation also. It would be visible during the summer months only from the Village Plaza parking lot.

Quality signage means more than manufacturing techniques and means an image of responsibility by the owner. Signs that are too small for the intended design purpose hurt the business owner, the public who cannot easily locate the business or know that it is there, and other small businesses near by that may also draw customers that are in the vicinity. For these reasons they are requesting a variance to the sign law.

Mr. Kortz asked what other signs are being planned for this site.

Mr. May responded there will be some window signs but in talking with Mr. Clemens they are insignificant.

Mr. Kortz asked if there would be any signs from west to east.

Mr. May responded no.

Mrs. Pace asked how these signs compare to others in the area. She noted that these signs seem large.

Mr. Clemens responded that the allowable is 60 sq. ft. and is probably the average for the plaza. He noted that the small shops average approximately 30-32 sq. ft.. Toys 'R' Us has a fairly large sign but for a building this size 120 sq. ft. is probably larger than average for a facade or building this size and they are asking for two where only one is allowed. Mr. Clemens noted that he is an advocate for staying within the law. The Town has a sign law for a reason. The Town Board in its wisdom believed that it was best for the overall aesthetics of the Town. This Board has historically taken into consideration the uniqueness of individual stores and has granted variances in the past. He feels

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the second sign (facing east) could be reduced considerably and still do the job they intend it to do. He also feels the other sign could be reduced without affecting their business at all.

Mr. Kortz asked if the front one is the one facing the parking lot. Mr. Clemens noted that if you're in the parking lot you would see it anyway.

Mr. Kortz noted that he knows the importance of a sign but feels the request is excessive and would like to see a compromise.

Mr. Dudick asked if he understood them correctly, that want the sign seen through the trees on Clifton Country Road. Mr. May responded that right now you cannot see this site at all when traveling north. When winter comes and the leaves are off the trees you will be able to see the site. For that reason, visibility from that direction, to keep the sign fair size for readability from a distance, right now with 42 inch letters you get your best visibility at 420 ft..

Mr. Dudick noted that Clifton Park is fairly aggressive as far as green space is concerned and the fact that signs cannot be seen through foliage is not to make a bigger, brighter sign. Mr. May noted that the sign will probably be one of the lower key signs brightness-wise.

Mr. Kortz asked Mr. Clemens if other signs in the plaza are lit at night after the businesses are closed. Mr. Clemens responded unfortunately yes.

Mr. Kortz asked for the rationale as to the placement of the signs. He noted that this store will have an advantage over some of the other stores in that it is along Route 146.

Dave Susman, President, Windsor Development Group, explained Borders made a decision that the signage on the east will be facing Route 146 and the intersection with those exiting Shoppers World. Do to the demographics of Clifton Park most of the people traveling on Route 146 to the east will have traveled at some point going west and will have seen the sign on the east side of the building. If the sign were put on the Route 146 side facing north it would only be visible from those traveling by and they would have to turn their head. The sign on the south side is not for advertisement it is a sign that will polish off and identify the building. He also added that in the deal with Borders there is a contingency that the variance requests is part of the package to make the deal go forward and this is very important to them.

Mr. Clemens stated that he hoped that Windsor Development did not guarantee that these variances would be granted. Mr. Susman responded that he did not guarantee but is just pointing out that it is a contingency.

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Mr. Dudick stated that location is not so much of an issue but the size of the signs are. He noted that there has to be a unique situation for the Board to grant the variances for these signs as requested. Mr. May noted that you will not be able to see both signs at the same time. There will be no multiple image.

Mrs. Gleason stated that she is in favor of two signs but feels the size should be negotiated.

Mr. Dudick asked Mr. Clemens if he had any additional comments. He noted that the Board should keep in mind that there are additional buildings going up on this site and there will be requests for additional signs.

Mr. Address noted that the buildings will be to the west of this site. He noted that it is difficult to find the entrance to this site. He stated that the signage may be a little larger than allowed but in the perspective that you are so far away and down from the intersection signage size is not going to be out of proportion for the building.

Mr. Dudick asked about the size of the signs for the store in Saratoga. Mr. Address and Mr. May stated they did not know.

Mr. Dudick asked if a compromise in size would be possible.

Mr. May responded that this is what is requested because typically they use 48 inch letters. He stated that they could compromise with 36 inch letters reducing the size to approximately 90 sq. ft..

Mr. Address stated that they would like to keep the sign on the east side at 42 inch letters.

Mrs. Pace asked if the sign on the eastern side of the building is more important than the sign on the front of the building.

Mr. Address responded yes because of the visibility at the intersection. He noted that for corporate image it is still important.

. They have worked°Mr. Address noted that this plaza is turned 180 hard with the Planning Board to make the back of the building look like the front. The center does have an identity issue.

Mr. Susman stated that they are trying to re-market Village Plaza with Boarders and therefore the front sign is also very important.

Mr. Dudick asked for clarification on the compromise size of the letters for the sign. Mr. Address responded they would be willing to use 36 inch letters only on the south side of the building. They would still request 42 inch letters on the east side.

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Mr. Dudick asked the distance from the intersection to the east side of the building. Mr. Address responded approximately 450 ft. Mr. Dudick asked if it would be possible to see 36 inch letters at that distance. Mr. Address noted that when you look from the intersection there are two existing pylon signs and this building blends in due to its elevation and would be very difficult to see. Mr. May noted that you can see 36 inch letters from approximately 360 ft. away. They are trying to get people before they get to the light and those coming out of Shoppers World. He presented a photo of the site from Shoppers World showing the visibility.

Mr. Address stated the compromise would be reducing the letters on the front of the

building to 36 inches, but keeping the letters on the east side at 42 inches due to visibility.

Discussion continued on the visibility at this site and the Sign Law. Mr. Kortz noted that if changes should be made to the Sign Law, that is an issue for the Town Board to take up.

Mr. Kortz asked Mr. Clemens if the east side sign could be reduced and still be seen. Mr. Clemens responded that he believes that the sign could be seen from the intersection with 36 inch letters. He noted that what may be more significant than the size is the brightness. He explained that there are growing problems in this area with ambient lighting. He wondered if a compromise could be worked out where the lights could be turned down or off when the store is closed.

Mr. May responded that they are looking for the advertising value, which is a benefit to them. Mr. Clemens noted that this area is not far from a residential area.

Mr. May explained that this sign is black/white plastic. It will appear black during the day but has white neon at night. He continued, white neon is probably the worst color to use in this area during the colder months. White neon does not vaporize in cold temperatures. There should not be a problem with glare from this sign.

Mr. Clemens asked if the signs could be turned off at night.

Mr. Andress responded they are not in a position to make that commitment for Borders tonight. He continued that the area has a lot of lighting and it would not be fair to this applicant to make him turn off his lights when the rest of the area doesn't. He continued that the Planning Board has certain requirements for minimal lighting due to safety.

Mr. Renzi explained that this Board cannot impose lights out on this applicant if not imposed on others.

Mr. Clemens stated he disagrees. If a variance is being granted and you are asking for something in return it is equitable.

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Ms. Heritage asked what the visibility distance is for 42 inch letters. Mr. May responded approximately 420 ft.. She asked if that was maximum visibility. Mr. May responded yes.

Mrs. Lawton asked for clarification on the variances and stated she has no problems with the height variances but would like to consider two signs with 36 inch letters.

Mr. Andress asked the Board to visualize the sign on the building. It has to be large enough to be seen. This is a commercial area. The signs have to be looked at in perspective to the size it really is to the size of the building. It is not that large. The square footage is not a box sign. It is letters and area in between that is taken from the top to the bottom and calculated as the square footage.

Mr. Andress noted that the Board has criteria to follow in granting this variance. He believes that if the Board goes through the criteria and notes the unique circumstance due to the orientation of the plaza there is a real justification for granting this variance.

There was no public comment. Mrs. Pace made a motion to close the public hearing, Mrs. Gleason seconded, approval unanimous.

Mrs. Gleason stated that she feels they need two signs due to safety issues. She also noted that Windsor Development has been a very responsible in the community. They are true to their word and an asset to the community.

Mr. Dudick asked if there is a possibility that both signs could have 36 inch letters. Mr. May stated yes, but he would like 36 inch letters on the front elevation and 42 inch letters on the east elevation.

Ms. Heritage made a motion to approve a variance for the south side of the building for a sign with 36 inch letters at a height of 29.6 ft. and a second wall sign with 36 inch letters at a height of 24 ft. on the east side of the building. There was no second for this motion.

Mr. Dudick made a motion to approve a variance of 35 sq. ft. for a wall sign with 36 inch letters for a total of 95 sq. ft. and a height variance of 4 ft. to allow for a sign 24 ft. in height, and a variance of 95 sq. ft. for a second wall sign with a height of 29.6 ft.. Mrs. Gleason seconded. Ayes: Dudick, Heritage, Kortz, Gleason, Lawton, Pace. Noes: None.

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2. An application from Appliance Giant/Thomas B. Green, requesting an area variance from Section 208-38C from the required 80 ft. front yard setback from Biette Road for an addition - proposed setback = 31.5 ft. - variance requested = 48.5 ft., an area variance from Section 208-38D from the required 20 ft. side yard setback for parking - proposed setback = 15 ft. - variance requested = 5 ft., and an area variance from Section 208-38C from the required 230 ft. front yard setback for parking from Rt. 9 - proposed setback = 12 ft. - variance requested = 18 ft.. The property is located at 1771 Route 9, Clifton Park. Permit #80444.

The secretary read the legal notice as it appeared in the Daily Gazette on July 11, 2003.

Tom Andress, ABD Engineering, presented this application. He explained that Mr. Green would like to put an addition of 2,000 sq. ft. on the south side of the building. This site has two road frontages with 80 ft. setbacks that limit the building area. The existing building is 31.5 ft. from Biette Road and the addition will maintain the same setback distance. There is a loading dock in the back on the building. The owner will clean up the facade and straighten out the parking area. They have proposed to the Planning Board removing some of the parking spaces on the side and replace with some green space. The loading dock will be hidden by the addition. There is not really a parking demand but due

to code additional spaces will be added but will not be built unless required by the Planning Board. They have land banked parking spaces along Route 9 and will not add all the spaces on the side but will add some greenery.

Mr. Dudick read the County Planning Board's recommendation for approval of these variances.

Mrs. Lawton inquired about the amount of traffic on Biette Road. Mr. Address responded that there is very little traffic, mostly local residents.

Ms. Heritage asked for an explanation of land banking the parking spaces. Mr. Address explained that they must show the number of spaces required, if not needed they can be land banked. Current parking is adequate and if the need is found they can build the parking spaces.

Mr. Clemens stated that he has no objections to this request. There is a uniqueness due to the double road frontage of this lot. He noted that this lot warrants the granting of the variances. He

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also stated that Route 9 has a large easement area that is much larger than normal which helps to offset moving the parking closer to the property line.

There was no public comment. Mrs. Pace made a motion to close the public hearing, Ms. Heritage seconded, approval unanimous.

Ms. Heritage made a motion to approve the variances as requested. Mrs. Lawton seconded. Ayes: Lawton, Gleason, Pace, Heritage, Kortz, Dudick. Noes: None.

Ms. Heritage made a motion to approve the minutes for June 17, 2003, Mrs. Gleason seconded. Ayes: Kortz, Pace, Heritage, Gleason, Lawton. Noes: None. Abstained: Dudick.

The secretary informed the Board that the next scheduled meeting will be August 19, 2003.

Mrs. Gleason inquired about the signs along Route 9 near Parkwood Plaza. Mr. Clemens responded a couple have permits and he explained that A-frame signs up to 8 sq. ft. are allowed. She also inquired about banner signs. Mr. Clemens responded that banner signs up to 32 sq. ft. for special promotions are allowed for a maximum of 30 days.

Mr. Dudick made a motion to adjourn the meeting at 8:16 PM, Ms. Heritage seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb  
Secretary

cc: Town Clerk, Zoning Board Members, Louis Renzi, Counsel,  
Don Clemens, Department of Building and Development, Planning Board, ECC  
Members