

## ZONING BOARD OF APPEALS

May 20, 2014

Present: Michael Dudick, Chairman , Denise Bagramian, Michael Bloss, Chris Lemire ,  
Mario Fantini

Also Present: Joel Peller, ZBA Counsel  
Steve Myers, Director, Building & Zoning

Absent: Jerry Cifor, Randy Gifford, Jennifer Vucetic

Mr. Dudick called the meeting at 7:06 p.m.

### PLEDGE OF ALLEGIANCE

Mr. Dudick informed the applicant this is a seven member board with one alternate. Tonight three board members are absent and Mr. Fantini, as alternate, is designated to sit in for Mr. Gifford. To receive approval an application one must receive 4 yea votes regardless of the number of members present. There are five members present tonight so the applicant must receive four out of five votes for approval. He explained the applicants have the option to defer to a future date when there might be more members present, but there are no guarantees how many members will be present at any meeting.

### OLD BUSINESS

Upon request of the applicant the **DCG** has been deferred to the June 3, 2014 meeting.

### NEW BUSINESS

*The secretary read the legal notice as it appeared in the Daily Gazette on May 15, 2014*

**1)An application from Trojanski Builders for a use variance from Section 208-97B(2)(a) which does not allow expansion of nonconforming use. Home is non-conforming due to front setback less than required 50'. 48.5' actual setback to house, 45' to covered porch.**

**Area variance required from Section 208-11, 50' required in R-1 Zone, 45' available;  
Variance required=5'  
Property is located at 906 Main Street, Jonesville, NY 12065 (Permit#80980)**

The application was presented by Dave Trojanski, builder. He noted the owners of the property at 906 Main Street were also present.

Mr. Myers indicated Mr. Trojanski has written approval to represent the owners on file.

Mr. Trojanski informed the owners wish to put an addition on the back of their 87 year old home. He said he believes the setback is actually 1.5' as it showed on the survey and noticed that the application indicates 5'. Mr. Myers explained it became 5' because it is measured to the covered porch.

Mr. Trojanski offered the opinion that the addition will be a nice improvement to the property. Mr. Dudick inquired whether it will be a change in the overall character of the neighborhood and Mr. Trojanski answered it would not.

Mr. Lemire inquired if the addition is completely in the back and whether any of it would be closer to the road. Mr. Trojanski responded it will not.

Mr. Dudick announced the public hearing and asked for comments.

Mr. Roger Mead, next door neighbor to 906 Main Street, stated he has no problem with the addition.

Mr. Myers explained this is a common problem with the older homes in Jonesville which were built closer to the road. He stated he has no issue with the application.

Mr. Dudick inquired as to why it is a use variance. Mr. Myers responded this is because it was built too close to the road making it non-conforming and in order to expand the non-conforming home they need a use variance.

Mr. Dudick commented the home was built prior to the zoning laws and Mr. Myers agreed. Mr. Dudick asked if there were any structural problems with the house where they were putting the addition. Mr. Trojanski answered there aren't that they just want some additional space.

Mr. Dudick made the motion to close the public hearing. Seconded by Mr. Lemire. All approved. Public hearing closed.

Mr. Dudick stated his opinion, that this is an older home built before the zoning laws and no one would expect the owners to tear down a non-conforming home. He said this is for the beautification of the home and does not degrade, but enhances the neighborhood. He made the motion to approve the application as submitted. Mr. Bloss seconded the motion.

Ayes: Lemire, Bagramian, Dudick, Fantini, Bloss    Noes: none  
Application approved as submitted.

**2)An application from Signworks for a variance from Chapter 171 Table 1 sign law for signage on Price Chopper. Maximum wall signage allowed = 60 sqft. Requested = 1138 sq ft., Variance required = 1078sqft; Number of signs allowed = 2; requested=23, variance required=21**

**Property is located at Shoppers World, 15 Park Avenue, Clifton Park, NY 12065 (Permit#80979)**

Mr. Steve Duffy, VP of Store Planning & Design for Price Chopper, presented the entire sign package proposed for the store. Fred Early, representative from Signworks was also present. Mr. Duffy presented pictures of the existing façade and the proposed exterior of the store, stating they have been working on this for over a year. He informed this is a new concept and this store will be the first one. In addition, they will have a new corporate logo which is still in development.

Explaining that the architecture on the outside of the building will be carried through to the inside, Mr. Duffy displayed the materials and pallet of natural wood to be used, as well as the splashes of color and food imagery. He discussed the holistic architecture which will be woven together and represented throughout the center, explaining this has been discussed with the Windsor Group as part of the rejuvenation of the entire center. He asserted the Windsor Group is excited about it, adding the store has been the same for 20 years and it is time to change.

He mentioned that the majority of the changes do not face Route 146, but are inward facing. Additionally, the store is set back 900 feet from the road and there are mature trees and plantings between and promised they will be maintained. He presented other images and site plans showing the entire plan, the pharmacy drive-through, the bottle return and other features.

Mr. Fred Early, Signworks, spoke about the specifics of the signage. Mr. Early informed that all of the smaller signs will be externally illuminated with the exception of the Welcome sign, the corporate logo, and the pharmacy which will be internally illuminated. He explained that all of the signs will use LED with low luminosity, low power usage which helps with the greening of the store. He pointed out the smaller department signs which will break up the façade of the store, citing the fact that they will be well below the size allowed for smaller storefronts in the plaza, each of which has a fairly large sign.

Mr. Early discussed the loss of an anchor store and the need to rejuvenate the plaza. He cited the Plaza across the street, specifically naming Boscov's, which has 8' logos and 6' signs on either side of the building and also the theater which has a tall neon sign. He reminded that when Price Chopper was built, the town stated there could be no exposed neon on the outside of the building.

He addressed the graphic area, informing it is part of the marketing package which goes along with the name change. He explained that when you change the name of Price Chopper you need additional image so people know it is still a supermarket. The graphic is 545 square feet, and the entire package is a size which he admitted is large in number and the Board has not dealt with before. He requested the Board take the architectural package as a new concept as a whole. He explained it breaks up the façade and they need words of a minimum square footage in order for them to be seen (18"). He alleged that other communities have looked at the concept and liked

it better than the box store, institutional look. He cited the Loudon store which was totally revamped. He said the Colonie ZBA board has been strict in the past, but they took a new approach and liked the new look and approved it.

Mr. Early pointed out that graphic images are not considered to be signs in many towns, but are signs, by definition in the code of Clifton Park.

He alluded to the pharmacy signs on the south side of the store indicating they are considered directional signs and not counted in the overall signage footage but the bottle return sign wording is counted.

He asserted that you cannot see the signs from Route 146 because of the trees and everything facing the interior of the Plaza so the signage does not impact. He pointed out that the Board had granted additional signage on the rear of the stores on the other side of the road and argued that the TGIF striped awning has more of a visual impact than the images on the store.

Mr. Lemire asked the purpose of the signs and was told it is to provide a new image and make sure people know it is a supermarket, the total image showing people where to go and what each particular store offers.

Mrs. Bagramian asked if the LED lights will be stagnant and if they plan to change the pictures. Mr. Duffy answered yes, and are flex face material illuminated flush with the panel. The pictures will be static but will be replaced eventually. Mr. Early explained flex face has a life of 5-7 years.

Mr. Lemire asked, if the signs cannot be seen from the road, why do they want the signs if not to draw customers from there.

Mr. Duffy explained it is part of the brand identity from the inside to the outside and the signs add visual interest to the architecture breaking up the monotony of plain wood panels. He said part of the transformation of a new brand is to have a new image rather than just have a new name on the front which might not translate.

Mr. Lemire questioned whether a new brand identity (logo) would mean someone would not know it is a supermarket without the signs.

Mr. Duffy likened it to the Redwing store and mentioned the graphics application of over 200 square feet, an industrial picture, which he asserted is almost identical to this application. He said it is a small store with a large image over the glass and they have an additional sign in another location.

Mr. Dudick pointed out Redwing graphics is a picture of an industrial image, not of the product it sells in the store. He stated this (application) is taking it to a new level, and is unique because they are imaging the actual products they sell, which is not like Redwing.

Mr. Duffy replied he felt it was similar, but understands Mr. Dudick's position. He repeated it is part of the brand expression and breaks up the architecture and it is a large façade with visual interest.

Mr. Early asked Mr. Dudick if he felt it is harming the community to have graphics of some fashion on the storefront.

Mr. Dudick answered these things are incremental and this is a new technology for signs. He agreed the town has changed as far as signs are concerned. He explained the Board discussed the idea of having a mural like Redwing, and whether it is only an image to create a feeling or a picture which specifies it is a shoe store. He said now they are not just talking about art for art's sake, but product placement.

Mr. Early did not agree, saying when he drove by the Redwing store he knew they sold shoes for the workplace. He suggested that, like the golden arches of McDonalds, this is representative of the new Price Chopper image.

Mr. Dudick said the key word is representative and they are imaging the products that they are selling.

Mr. Duffy asked, in a supermarket, what you would image except something within the supermarket, if not the product itself, pointing out it is pretty generic and not a specific brand of any type.

Mr. Dudick repeated he is only saying that the images are not representative of the products but of the product itself and showing it with large pictures.

Mr. Duffy explained the marketing designers felt this was the best way to make sure that the general public would know this is a supermarket because it is not going to be branded Price Chopper any more. If they take all the graphics off, you would have no idea what is in that store. He compared it to the picture of an industrial setting selling industrial shoes.

Mr. Dudick responded they (Redwing) could also be selling industrial clothing or tools. Mr. Duffy asked why they put that picture on there if it doesn't represent anything they sell. He continued; it doesn't make any sense because they consider that incremental to their brand to have pictures of gears, etc. He stated the mural is massive per square footage in comparison to their 356' long building façade. He argued that given the size of their building the mural is more than 1000 square feet in proportion.

Mr. Duffy asked the Board to look at the store and question whether this is harming the character of the neighborhood and if it is terrible to look at. He pointed out the light level is low and they are not going to hurt the environment or the neighborhood. He asserted they have a commercial building within a commercial plaza within a commercial neighborhood and nothing else surrounding it. He pointed out there are no residences around where they would complain about the lights. He argued this is not a terrible thing, facing inside the plaza and it is not near the main drive-by and people will not be affected. He said it is a commercial area, not mixed use.

Mr. Dudick agreed.

Mr. Duffy concluded, again saying there is nothing terrible going on and asking the Board to take a look at the sign and the views and the economic viability because it is the only stable store in the plaza. He claimed the smaller stores are hanging on because of Price Chopper.

Mr. Duffy asked if they take away the new image, they will be left with a long box store.

Mr. Dudick asked about the current sign.

Mr. Duffy responded that they are going to a new image to be able to compete with the trends supermarkets are going.

Mr. Fantini commented that right now Price Chopper doesn't have images, and Hannaford doesn't either. He asked if he is saying that if you change the brand people won't recognize it as a grocery store even though it is in the same location.

Mr. Duffy answered by suggesting that if you were from out of town and you saw the sign Price Chopper, you wouldn't know it's a grocery store. He explained to Mr. Fantini that it is known now because it is local and has been there for years and has been advertised; but if you go to another part of the country and see the sign, you wouldn't know what it is. He stated that is why with the new image they want to make sure people understand what it is and that portion of the branding is critical. He said this is the primary store, the first chance to get this image out.

Mr. Dudick commented, referring to the branding, if people come from out of town, and all the small signs saying dairy, meat, seafood, cheese etc. were allowed, without the graphic art, shouldn't that be enough to identify this is a supermarket.

Mr. Duffy answered "it might, I'm not saying it wouldn't" however this marketing project was to also have this larger, centralized display. He said it is a new concept and he understands that if you look at the numbers it is overwhelming, but if you look at the store size there is nothing overwhelming about it.

Mr. Dudick noted this is a new concept for their company asking if this is typical in other parts of the country.

Mr. Early responded in the affirmative, citing numerous "Shaws" he has seen that use colorful images of fruits and vegetables applied to the glazing on the front. He reiterated that this art is very important to them and core to the brand image. He informed they were even prepared tonight to lose some of the supplementary signs which are of less importance to them.

Mrs. Bagramian asked if the graphics are mainly to grab people who drive by on Route 146.

Mr. Early said the site line will be tricky. Mr. Dudick said you can't see the store certain times of the year.

Mr. Lemire asked and was given a recount of the signs. (23) He queried as to whether the recycling sign was counted and was told it is, but the pharmacy directional sign is not.

Mr. Lemire asked what they feel is most critical thing to their brand identity, new image.

Mr. Early pointed to the logo and graphics, saying the small signs are just to break up the façade.

Mr. Lemire inquired if the pharmacy has a separate entrance and was told it does, along with a clinic.

Mr. Dudick asked if there will be a doctor on site. Mr. Early informed they will have a nurse practitioner and pharmacist and a mini clinic. Mrs. Bagramian asked if they were going to put up a clinic sign like they have in Loudonville. Mr. Early assured they would not, as that store has a different branding package from this package.

Mr. Lemire asked if someone could go from the store into the pharmacy and Mr. Early explained they could go directly from the clinic and pharmacy into the store.

Mr. Lemire asked for a listing of the five entrances. Mr. Early pointed them out on the site plan. He reminded the bottle return is a dedicated entry and one cannot enter the store from there but associates can access it from the rear.

Mr. Dudick announced the public hearing and asked for comments. There were none.

Mr. Myers informed there was a previously granted variance for the Price Chopper sign for 180 square feet and taking that into account, instead of 1078 sq.ft. the variance is 958 sq.ft.

Mr. Dudick asked Mr. Myers if they considered the graphic images not to be a sign, would there be a variance with just the corporate logo and other signs.

Mr. Myers informed the Board that the corporate logo and the small signs are 335 sq. ft. and the recycle area is another 250 sq. ft. so it would still need a variance. He calculated it would be 500-600 sq. ft. without the vegetables and they would need 300-400 sq. ft. because they have the 80 sq. ft. variance already. He indicated he understands what they are trying to do because the façade on the building is huge and needs to be broken up. Based on the code definition he explained he had to call the pictures a sign because the law says they are. He added he doesn't have a problem with the package because it is such a huge building. He agreed with Mr. Early's comparison to other stores because Boscov's has close to 400 sq. ft. of signs. Moradians has 250-300 because of the size of the exterior of the building and wanted to face the Northway. He summarized this is a total rebuild of the whole store and due to the store size he thinks it's a minimal amount of signage and not a big issue. He added that, because of the pictures, it is the biggest variance he has ever seen.

Mr. Lemire asked about the Starbucks sign, if it might be an issue for the Board that a separate entity has a sign on another store. Mr. Myers said it is within the parameters of the law and the total square footage doesn't exceed what is allowed by law. He explained every business is entitled to a sign citing as an example, a gas station with a pizza place inside.

Mr. Lemire said he thought it was an issue with the number of wall signs. Mr. Myers agreed they can only have two unless there is a physical divide in the building and added he thinks the Starbucks sign is a minor issue in the whole package. He explained the reason they are doing it is because the Starbucks will have an outside entrance and to identify it from the outside is reasonable.

Mr. Dudick asked if Starbucks will close at an earlier hour and if the store will be open 24 hours. Mr. Early affirmed. Mr. Duffy added it is the same with the pharmacy because the pharmacist is not on duty for 24 hours.

Mr. Early reiterated their belief the graphics are core to the brand expression and they had asked Mr. Myers if he views the illumination differently than if it were not illuminated. He asked him if they need to take the illumination under consideration.

Mr. Duffy referred to the package for the Regal Cinema. Mr. Lemire explained it was a Planning decision. Mr. Duffy corrected saying he was referring to the 8-10 poster signs on the outside of the building. Mr. Myers repeated that all, including the blade was approved by Planning and did not go to Zoning.

Mr. Early commented that if Planning was ok with that for that style of business, then he is asking Zoning to open their minds for their style of business. Mr. Lemire suggested if they want to go to Planning to get the mock-up approved that would be fine with them if they don't need Zoning. Mr. Early said if the Town normally does it this way (zoning first) he doesn't understand why that happened. Mr. Dudick agreed saying they are asking themselves the same question.

Mr. Early pointed out the multiple signs including neon signs. Mr. Duffy asked if that is a viable conversation for them to have with Planning when they go for final approval.

Mr. Dudick said this is an area sign variance and asked Myers to confirm. Mr. Myers confirmed it is Zoning business and Planning has overall exterior approval, colors etc.

Mr. Dudick questioned whether the applicant could be denied at Zoning and then bring it to Planning to approve the same or similar application. Mr. Myers said he would seriously doubt that if Zoning denied that Planning would approve it. He explained that what happened with the theater was the configuration of everything was done because many things would not have been approved at Zoning; therefore it was all considered façade.

Mr. Duffy said the plaza is stagnant and outdated and the plaza across the street has been renewed and looks good. He pointed out it has a lot of bigger signs and asked the Board to give them a chance to break up their façade and the plaza will continue the look all around.

Mr. Lemire asked Mr. Myers for a breakdown in sign sizes.

Corporate logo = 178

Pictures = 545

Welcome = 114.5

Pharmacy = 16

Starbucks = 7.1

Mr. Lemire questioned whether the bottle return sign message "Reduce, Reuse and Recycle" is the most important thing. Mr. Early responded they want people to pay attention to re-cycling. Mr. Dudick commented, that as far as location and identification of the store, when he sees Reduce, Re-use, Recycle that is not identification of the store. He asserted that is a call to action akin to informing of a sale. He asked how they feel about getting rid of that, because it is not the name of the store.

Mr. Early responded it is a social call and part of the essence of the new brand and part of their sustainable values. Mr. Dudick commented it is great to have sustainable values and recycle but with this size variance, to add on messaging has him stretched because it doesn't advertise the business, it advertises action.

Mr. Early commented it is part of the core totality of their brand. Mr. Dudick asked if they could go forward without that, and if they would be willing to remove it.

Mr. Myers explained that what the Chairman is trying to do is have the Board grant no more of variance than it absolutely has to. He said they are asking if they can take a look at the signs and see if you can eliminate some or reduce in size to get a better minimum of what you think you can live with before forcing the Board into a making a decision. He stated he is trying to avoid more issues down the road.

Mr. Dudick repeated that it doesn't seem necessary to him to have a message sign when you say you are trying to identify the name of your business. He added he thinks the social message is good, but not a requirement to add with the largest variance this board has ever seen.

Mr. Lemire commented he had added the corporate logo, pharmacy sign, bottle return sign, Welcome sign, and Starbucks and came up with 772 sq. ft. and with the 80 sq. ft. variance the total variance needed would be 592-593 sq. ft. He said he thinks it gives the applicant the fresh brand image they need. He indicated, personally, he does not like the labels of departments. He expressed understanding that they want to break up the façade he but doesn't think it belongs there. He repeated he is fine with the welcome sign, pharmacy, and Starbucks sign.

Mr. Myers suggested that maybe they should table this and think about what they really need, adding it is up to them.

Mr. Lemire reminded Mr. Duffy stated the most important thing for them was the fruits and vegetables and the corporate logo.

Mr. Myers proposed putting in some architectural features that are not signs. He said they can request a vote tonight, or reduce the signage and publish the changes for the next meeting.

Mr. Dudick asked Mr. Lemire if he would be comfortable with different signage, such as various ways of saying hello on the façade. Mr. Lemire said he was not ok with 23 signs, suggesting he meant break up the façade with flowerpots or something similar. He pointed out that if the board starts granting that size variance they are going to have problems down the road and set a precedent. He explained he has less of a problem with the size variance because of the size of the façade, than with the number variance. He added, in his opinion he thinks the whole sign with the pictures and logo is one sign.

Mr. Myers disagreed saying he doesn't see it that way.

Mr. Dudick asked board member opinions.

Mr. Bloss commented on the number of signs, noting it is interesting they came to the board knowing the number of allowed signs is two in Clifton Park and they propose 23. He said the Board's job is to uphold that code and if they approve 23 signs they will be overrun with sign requests. He approved of Mr. Lemire's approach to reduce the number of signs but they get their logo and part of the branding concept. He repeated the number of signs is the biggest thing to him.

Mr. Myers referred to the applicant's mentioning the signs in Southside Park. He pointed out each business has only two signs, one on the front and one on the back. He agreed they received size variances so they could be seen from the road. He said Boscov's was a special exception and did not go through Zoning. Mr. Dudick affirmed it had not.

Mr. Duffy repeated his opinion that all the other towns accepted the breakup of the façade area with signs and it was more in keeping with the other signs and kept up the fresh look. He argued there is no other way to accomplish it because flowerpots won't break up the façade. He informed that he can't speak of reducing the sidewalk signs because that has to be approved by headquarters.

Mr. Bloss asked Mr. Early if the Town of Colonie changed their coding. Mr. Early answered no, they gave them multiple variances. Mr. Duffy claimed there was an evolution in their thinking over a period of time, first they were rigid and then they became more aware of business needs.

Mr. Fantini asked if they could choose images that are not products sold in a grocery store. Mr. Dudick agreed, questioning whether they are tied to these specific images. He reminded that the mural they approved reflected the products they sell and now they are coming to image the products they sell. He wondered if they could use images of something that isn't a product for sale, in other words, is it these specific images or imagery.

Mr. Early said they had indicated the images would change over time to maintain the fresh look but it is food and food products. He agreed it won't be the exact same pictures in seven years.

Mr. Dudick asked Mr. Myers to weigh in. Mr. Myers informed that if there was to be any change to the sign, he would request to review it before it went up. He said the board may not see them, but he would.

Mr. Early stated they would use non branded products. Mr. Myers said any branded product would be considered a billboard. Mr. Early mentioned that the moving sign in the mall has coke advertised on it. Mr. Myers informed that the sign was approved before the law went into effect and they couldn't stop it in time.

Mr. Dudick addressed Mr. Early complimenting some parts of the argument as extremely good and some he found pointless. He said a good point was the sign cannot be seen from the road and is for the benefit of the people in the plaza. He suggested that what the Board should be concerned about are images people moving about town see, rather than what they see in a plaza, so that works in Mr. Early's favor and is a good argument.

Mr. Lemire said he has an opposite view, thinking people are already in the mall. Mr. Dudick said he is not sure whether people seeing the signage are going to buy what they see on the sign. Mr. Duffy suggested the environment attracts more business from people already in the mall.

Mr. Dudick offered they could vote tonight, or they could table it and come back. The board members talked about the number of signs. He appreciated Mr. Duffy asking them to look at it with a different perspective and they showed him some huge points and agreed it is a huge building and he is keeping an open mind. He said there is a crossover between building façade, art and signage, citing the theater which went through Planning.

Mr. Dudick said the board must consider a flat façade or one or two signs or if this looks better, will it preserve the character of the neighborhood, is it a reasonable request and is it the minimum variance asked for (referring to the number of signs.) He said he has the biggest problem with the call to action sign on the recycling building.

Mr. Early said Mr. Duffy is the one to make the decision on the call to action sign. He reminded this is 7500 square feet of store and the 60 sq. ft. restriction was designed to deal with the Mom and Pop, 20' storefront. Mr. Dudick said the Town communicates to applicants, if you want less than this, feel free to do so and if you want more than this, explain why.

Mr. Duffy related that Colonie has a 75 sq. ft. limit on one side and they opened their minds to the concept and said it is much nicer looking than what they have. He reminded that for a plaza to remain economically viable it depends on its anchor store having a good look. He mentioned a number of malls where businesses have left.

Mr. Dudick informed that stores in the other malls in town don't have this large a variance and have succeeded without that.

Mr. Duffy questioned whether any of the stores are as large as 356 feet, and as massive. Mrs. Lemire asked if he is suggesting their store is not financially viable or is struggling without this makeover, and if they are, the board has to some financial evidence of that.

Mr. Duffy said "not directly", explaining he is saying when they lose a large anchor store at the end of the plaza you have to consider that. Mr. Dudick quickly responded that Kmart is not leaving because of the signage issue. Mr. Duffy responded that there will be an empty space in the plaza.

Mr. Early said that they are making a significant investment to remodel and the signage and branding is critical. They understand and want to be respectful of the Board's position but they ask understanding of what they are asking for. He questioned if it was possible to take a straw poll before a vote.

Mr. Pellagalli, acting counsel for Mr. Peller, informed the Board can express their opinions but they can't straw poll without having a vote. Mr. Dudick suggested each member discuss his/her feelings about the application.

Mr. Bloss brought up the fact that a representative from Windsor Development was in the audience and asked if everyone thinks there is value in hearing his opinion about how the entire plaza is going to look like.

Mr. Michael Cosmer, Windsor Development spoke. He stated that, at this time, with Kmart leaving, this is the first step of face lifting the plaza. He said the occupancy is not as bad as some have indicated tonight but they have a couple of vacancies. This is an opportunity to bring back a plaza that is 25 years old. Regarding the architectural features and colors, he informed they are going to bring that scheme around the plaza. He stated he is behind the sign package and agrees with Price Chopper's position that it is time for a new look and he would yield to their marketing department. He indicated if that is what they want, Windsor is behind it.

Mrs. Bagramian asked if they have any businesses pending or letter of intent for the Kmart building. Mr. Cosmer replied that there is nothing they can discuss yet.

Mr. Bloss referred to the small graphic signs asking if they plan to carry that concept using a similar size or style for the other businesses across the plaza.

Mr. Cosmer responded it is his understanding of the relationships, that they have smaller store fronts with individual signs within code which brings the look of smaller store fronts. He said Price Chopper is trying to break up its façade to imitate that look. He said they have no plans to change other signs.

Mrs. Bagramian revealed she has quite a bit of experience putting in supermarkets in her business life. She agreed there are a lot of variances and a lot of signs but said if you broke up that space with Mom and Pop stores each one would have a sign above it because it is a very large facade. She indicated the signs do not bother her. She related her experience with a store that used a mural and it brought life into the plaza and a new anchor store. She added if these were dynamic signs it would be too much. Referring to the recycle sign, she opined it is very large and suggested just using the three arrow sign and people would understand it.

Mr. Dudick stated he travels a great deal and the layout colors look a lot like one of Price Chopper's competitors in the western part of New York State. Indicating he has frequented those stores, he said it was well received in those communities and people seem happy shopping there and it has a different atmosphere. He mentioned the signs would face the plaza internally and does not have a degrading aspect and don't add to a barrage of signs. He said he is comfortable with the façade imaging with all the little signs and graphic imaging as long as the Town has a say in replacing them. He does not like the message board on the side of the building, or any messaging regardless of whether it is a positive message.

Mr. Lemire said he had already stated his position. He addressed the several references to other business in Town and that is his primary concern. He said the building is very large and they can, going forward say that justifies the size of the sign. He indicated he can't make an argument for the number of signs. He commented that every merchant is going to come to the board asking for as many signs as they can put up and will point to that, creating a very dangerous precedent. He loves the branding and thinks it is tasteful and believes they should have that

along with the identification for the front door (Welcome), Starbucks, the pharmacy and the bottle return.

Mr. Dudick said he agreed and it would make it easier if there are less signs and they took off all the different item signs. If they do that, it is not as difficult a variance to defend to the next applicant. He pointed out that they have been referring to previous businesses and so will the next applicant point to this one. He explained his comfort level becomes greater as they shrink it down.

Mr. Bloss added up the sign sizes and informed that if they eliminate the signs in the front and side, it cuts the variance in half. He agreed with Mr. Lemire, that if they passed the whole thing as submitted they would have a hard time with other applicants.

Mr. Dudick explained they look for the smallest amount of variance they can grant to give relief to the applicant and they take that concept seriously.

Mr. Fantini agreed with Mr. Lemire. He expressed concern with the potential changing of signs but if Mr. Myers has the final say he is ok with it. Mr. Fantini questioned if they would change it for seasons. Mr. Dudick said he doesn't see that as an issue.

Mr. Early indicated they don't see changing with the seasons, only to maintain the fresh image of the pictures.

Mr. Dudick asked the applicants if they want to have a vote. Mr. Duffy requested a few minutes to talk about it. Mr. Dudick called a recess at 9:00 pm.

At 9:05 the meeting reconvened. Mr. Early requested to table the application, and in understanding the Board's comments, they will make changes to the application and come back to the June 3 meeting.

Mr. Bloss made the motion to approve the minutes for the May 6, 2014 meeting. The motion was seconded by Mr. Fantini. All approved.

The next meeting is June 3, 2014.

Mr. Dudick made the motion to adjourn. The motion was seconded by Mr. Lemire. The meeting was adjourned at 9:10 pm.

Respectfully Submitted,

Susan White  
Secretary

cc: Town Clerk, Town Board, Town Attorney, Zoning Board Members, Joel Peller, Counsel,

Steve Myers, Department of Building and Development, —, ECC, Assessor, Highway