

ZONING BOARD OF APPEALS

December 2, 2014

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

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

Absent: Jerry Cifor, Jennifer Vucetic

Mr. Dudick called the meeting at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Mr. Dudick informed the applicants this is a seven member board with one alternate. Tonight two of the board members are absent and therefore, Mr. Fantini, as alternate, is designated to sit in for Mrs. Vucetic. To receive approval an application one must receive 4 yeas regardless of the number of members present. There are six voting members present tonight so the applicant must receive four out of six votes for approval. He explained the applicant has the option to defer to a future date when there might be more members present, but there are no guarantees as to the number of members present at any meeting.

OLD BUSINESS

An application from AJ Signs (for Columbia Development Company) for variances from Chapter 171, Table I 1) 4 wall signs requested, 2 max allowed 2) Directional signs 2 sf max, 8 sf requested 3) total area requested of walls signs = 99 sf max, 60 sf allowed, 39sf variance required.

Property located at 3 Crossing Blvd, Clifton Park, NY (Permit#80999)

Mr. Tom Wheeler, AJ Signs on behalf of Columbia Development Company, continued the presentation of the application.

Mr. Lemire again recused himself due to his firm having business with the applicant. Mr. Dudick reminded Mr. Wheeler he must receive four yes votes out of the five voting members.

Mr. Wheeler summarized he is here for signage variance for additional wall signage and a directional sign larger than allow. He showed where the sign would be, explained the purpose of different entrances. He indicated that people entering for radiation treatment on a repeat basis would not need to use the main entrance, but enter from the left side, indicated by the larger directional sign that will be easier to read.

Mr. Lemire inquired about the wall signs. Mr. Wheeler responded there are two tenants, Albany Med and New York Oncology Hematology. He explained Albany Med wants their logo on the right hand building and the NYOH wants its logo on the front wall with the words spelled out on the front and on the side the same with a directional sign over the door internally lit for the radiation treatment entrance. He explained they are asking for 92.8 square feet which is a variance of 32.8 square feet.

Mr. Dudick referred to the issue encountered at the last meeting, asking if it has been determined there are two different tenants.

Mr. Myers answered that is correct. Mr. Dudick commented that Albany Med is asking for a sign that is smaller than they are allowed. Mr. Myers confirmed that is what they want.

Mr. Dudick asked Mr. Myers for information on putting a sign on the parapet, questioning why that is not allowed by code. Mr. Myers explained the only thing in the code is that signs cannot go above the roofline but the parapet becomes the roofline.

Mr. Dudick asked if there would be any structural or safety problem and Mr. Myers responded there is no problem because it is a reasonable structure and would not have trouble holding the sign.

Mr. Wheeler reminded they originally wanted the letters to be on the canopy. He stated they made it simpler with lesser variances, which is why they moved the sign up to the parapet.

Mr. Gifford opined, based on his experience with family, going through treatment is difficult and locating a sign to make it simpler to know where to go is a good idea.

Mr. Dudick asked if there are issues with lighting for the residents across the street. Mr. Wheeler responded the letters are internally lit so they will not be bright or blinding. He said the sign is aluminum backed with an acrylic face and just the letters light up with soft light.

Mr. Dudick commented he does not have a problem with the application. He asked for public comments. There were none. Mr. Dudick made the motion to close the public hearing, seconded by Mr. Gifford. All approved. Public hearing closed.

Mr. Dudick made the motion to approve the application with the amended change from a 36 square foot variance to 33 square feet variance. The motion was seconded by Mr. Gifford.

Ayes: Bloss, Fantini, Gifford, Dudick, Bagramian Noes: none
Amended application approved.

NEW BUSINESS

The secretary read the legal notice as it appeared in the Daily Gazette on November 27, 2014
An application from Stewart's Shops Corp for a variance from Chapter 171, Sign Law. Freestanding sign maximum allowed = 32 sq.ft.: proposed = 56 sq.ft. Variance required=24 sq.ft.
Property is located at 418 Clifton Park Center Road, Clifton Park, NY 12019 (Permit#81003)

The application was presented by Marcus Andrews, project manager for the Stewarts project. He informed he is appearing to request a sign variance for the Stewart's shop under construction at 418 Clifton Park Center Road. He asked for a variance of 24 square feet to install a 56 square foot sign which is larger than the allowed 32 square feet. He stated the reason for the larger sign is to inform customers how to get into the lot because the store has two shared curb cuts.

Mr. Peller inquired if Mr. Andrews is authorized to represent Stewarts. Mr. Andrews responded he is. Mr. Myers questioned if written authorization is needed. Mr. Peller advised he does not because he is an employee of Stewarts.

Mr. Andrews distributed a picture of the sign recently installed in Rotterdam as an example. Mr. Lemire asked if any other Stewarts sign in Clifton Park is this size. Mr. Andrews answered the sign on Grooms Road is larger, but added it is a shared sign with multiple rentals. Mr. Myers speculated the sign in Rexford might be larger but he can't be sure.

Mr. Lemire asked how large would the sign be if they took away the word "regular" and the gas price. Mr. Andrews answered it would be approximately 5' x 8' adding that Stewarts is changing all their signs to this size. He explained they must post the gas price and if it isn't on a freestanding sign they would do it on the canopy, adding they would need zoning variance for that.

Mr. Lemire pointed out that the Stewarts on Longkill Road does not have a gas price sign. Mr. Andrews asserted he was under the impression the state requires they need to have the gas price posted. Mrs. Bagramian questioned if he is 100% sure. Mr. Andrews said he isn't, but was his impression and what he has been led to believe and also what they have "gone with". He stated if they don't put it on the freestanding sign, they put it on the canopy. Myers confirmed that all the freestanding signs he can think of have the gas price on them. He informed the Cumberland Farms obtained a variance for theirs and maybe the Gulf station did as well.

Mr. Lemire commented the sign is 75% larger than what is allowed and asked Mr. Andrews what is it about the site that warrants a larger sign.

Mr. Andrews answered the only way to access the site is through a shared curb cut (demonstrating Clifton Park Center Road) and the other shared cut (Sitterly Road) is with Ellis Urgent Care so they believe a larger sign will help.

Mrs. Bagramian pointed out that the sign doesn't have any arrows, suggesting that it doesn't tell anyone how to get into the site because the sign is on the corner.

Mr. Andrews argued the sign will indicate it is a Stewarts, directing you to it. Mrs. Bagramian repeated that the sign does not tell the driver how to get into the site.

Mr. Dudick interjected that he had just looked up a picture of the Stewarts on Longkill and informed there are gas price signs but they are changed by hand, not LED. Mr. Myers said they eventually will all change to LED.

Mr. Gifford observed the sign is smaller than the one proposed. Mr. Dudick agreed, and added the same applies to the sign on Route 146 in Rexford. He asked why this one has to be larger than any of the others. He pointed out this is not a multiple tenant location.

Mr. Andrews responded that they would be retrofitting all their signs to this size, with approval. He said they are doing this companywide, but this is the first one in Clifton Park.

Mr. Dudick pointed out this application is similar to the application at the last meeting where the applicant wanted a sign larger than 32 square feet. He explained the question is what is special about this to warrant more than the code allows.

Mr. Andrews suggested that the way the site is laid out; they feel the smaller sign isn't going to attract people to their shop and they will get lost in the site.

Mr. Bloss commented he would agree if the sign was going to be 45 degrees to the corner so you could see it from both curb cuts. He said it is not tilted correctly. Mr. Andrews argued if you move it at 45 degrees you would lose traffic from a different angle, explaining it is a difficult intersection.

Mr. Bloss speculated they would prefer to have a sign at both entrances, but it is not allowed. Mr. Andrews agreed, adding that, due to the location of their property line any freestanding sign would be set back because Ellis owns the property there. (demonstrating on the map)

Mr. Gifford commented you can see very well that it is a Stewarts store, and even during construction you can tell it is a gas station. He expressed his concern that if this is approved they will come back for other signs saying the board did it for this one. In his opinion, he said, each sign has to be reviewed on a case by case basis.

Mr. Dudick made the motion to close the public hearing. Mr. Bloss seconded the motion. All approved. Public hearing closed.

Mr. Myers stated it is a tough road and he asked Mr. Andrews if he planned to take down the trees.

Mr. Andrews explained they are leaving two trees because the Planning Board asked them to keep them. He indicated the sign would be positioned behind the tree so that you can see around it. Mr. Myers suggested that he can see it is going to be a problem with the trees.

Mr. Myers advised that the Stewarts sign on Crescent Road was replaced, but only that it was located closer to the road and it was not this large. He stated they cannot put this sign near one the entrances because it would be off site.

Mr. Lemire asked if they could put a sign on the building or on the canopy. Mr. Myers responded they can put it on the building but not the canopy.

Mr. Myers said they need a directional sign near the entrance except it is not their property. Mr. Lemire asked about wall signs and Mr. Myers informed they can have two but what they requested are within code. Mr. Andrews explained the one they will have on the front is 17 square feet.

Mr. Myers said he doesn't have a problem with the sign as it is a big site, but added they have a problem with limited visibility regardless.

Mr. Dudick commented that Stewarts is a neighborhood place where everyone goes. He stated he doesn't see any reason that anyone from any direction isn't going to know it is a gas station and Stewarts because of the way the property is located and set up. He opined he doesn't see any benefit to be gained by the size of the sign, suggesting they will get the same benefit with the same size sign as other Stewarts in town. He indicated he understands they have a hardship with the entrance on Sitterly which makes it unique, but feels a larger sign won't affect that. He pointed out that asking for a large sign or logo is the same reasoning as the other applicant who thought the building would look better with a larger sign to make it attractive.

Discussion ensued regarding the property owned by Ellis and the placement of its directional sign. It was concluded that even if a directional sign were allowed to be placed on the other side, it would be blocked by the Ellis sign.

Mr. Bloss commented that everyone will know it is a Stewarts and the important information is the price of gas. He questioned if the size of LED letters is reasonable to be seen coming up Sitterly Road. Mr. Andrews answered the letters are 16 inches high.

Mr. Lemire asked Mr. Andrews if he has the authority to agree to a smaller sign if the Board proposes one. Mr. Andrews indicated he would need to go back to his boss. Mr. Lemire concluded they are here with the application only as submitted. Mr. Dudick summarized they are here with a 24 square foot variance request.

Mr. Dudick called for a motion for approval. Mr. Lemire answered he would like to make a motion of disapproval because the applicant hasn't given them any room for discussion of numbers.

Mr. Myers reported that 1 ½ months ago they poured a footing for the sign although he had told them they were doing it at their own risk before obtaining a variance. He stated they insisted on

doing it because they were going to be finished with the concrete work. He informed them that just because it was in, doesn't mean it will stay there.

Mr. Myers continued, proposing an L-shaped sign with one face to Sitterly and the mall and the other facing Clifton Park Center Road with Stewarts on both faces. He suggested it would be larger than 32 square feet, and asked if the improved visibility would be more acceptable to the board. He commented it would be two smaller signs that he could call one sign as long as they are connected. He expressed concern that if the board denies the application, Stewarts will have to make a substantially different application.

Mr. Peller agreed that is his concern also, especially since the board can only vote on what has been put before them. He suggested Mr. Andrews defer.

Mr. Lemire said the posts are eight feet apart and multiplied by four is thirty-two so if the board votes "no" Stewarts will have a top to bottom sign that is eight feet wide. Mr. Andrews agreed that is what they would have to do if the sign is denied.

Mr. Dudick suggested a 90 degree wedge-shaped sign asking if they would need a variance. Discussion ensued as to whether it would be called one sign if it was triangle shaped. Mr. Myers answered he would call it one sign. Mr. Lemire suggested the Rexford sign is more at an angle and that might be what they want to do.

Mr. Peller advised that if they go with the wedge shape they would still have an issue with the square footage. He asked Mr. Andrews if he would like to adjourn. Mr. Andrews agreed, and also agreed to waive the 61 day rule. He will return at the January 6, 2015 meeting.

Discussion ensued as to other possibilities. Mr. Andrews said their estimated date of opening is December 17. Mr. Myers informed if the sign was over by only two feet, he would not have to return to the board. He suggested to Mr. Andrews they could also put the prices on the post and Stewarts on the canopy.

Mr. Gifford queried whether the purpose of the sign is to advertise the gas prices or to advertise Stewarts, adding that people know what Stewarts looks like.

Mr. Andrews said for now they would go forward with installing an older 32 square foot sign with the gas prices for the opening.

Mr. Dudick suggested if they do that, it will give them a chance to see what it looks like before they return. The application is deferred to January 6.

Mr. Gifford made the motion to approve the minutes for the November 18, 2014 meeting. Mr. Bloss seconded the motion. All approved.

The next meeting is January 6, 2015.

Mr. Dudick made the motion to adjourn. The motion was seconded by Mr. Lemire. The meeting was adjourned at 7:55 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