

Clifton Park Zoning Board of Appeals Meeting Minutes

May 7, 2002

Present: Dale Kelley, Chairman, Michael Dudick,
Helmut Gerstenberger, Sandra Pace, Gil Kortz, Dale Gleason, Susan McGranahan

Also Present: Don Clemens, Director Building & Development
Oscar Schreiber, ZBA Counsel

Mr. Kelley called the meeting to order at 7:30 PM. He announced that there would be an executive session after the regular meeting to discuss pending litigation.

NEW BUSINESS

1. An application from Hanley Sign Company, Inc., representing Millennium Hospitality, requesting an area variance from Chapter 171 (Sign Law) from the maximum height of 20 ft. for a wall sign - proposed height = 46 ft. - variance requested = 26 ft.; an area variance from Chapter 171 for a second wall sign of 99 sq.ft. and a height variance of 18 ft.; and an area variance from Chapter 171 for a third wall sign of 99 sq.ft. and a height variance of 18 ft.. The property is located at 620 Plank Road, Clifton Park. Permit #80370.

The secretary read the legal notice as it appeared in the Daily Gazette on May 3, 2002.

Peter May presented this application. He stated the owner would like the sign readable from a distance. They would like the signs visible from I-87 and from Route 146. The lack of height and size of the sign make them difficult or less useful from the distance desired to identify the property. Good visibility and readability from major thoroughfares are extremely important to attract travelers. Visibility from those distances would ensure brand identification for Hampton Inn and its known value as a brand name and its direction from the highways will ensure knowing of an existing brand. The size of the letters is important for legibility. The logo of the Hampton Inn is a script style letter, which is the most difficult to read of any style letter. The south elevation has a four foot "H" and "I" in the name but the balance of the letters are only two feet tall. The east elevation has a three foot tall "H" and "I" while the balance of the letters are only eighteen inches tall. The south elevation is approximately 1,200 feet from Route 146 and would require a minimum of 38 inches for its capitals and 26 inches for its lower case letters. The script style letters are never recommended for outside signs that have to be readable from a moving vehicle. The east elevation is at least 600 feet from I-87 and would require a minimum of 23 inches and these lower case letters are only 18 inches. The sizes of the signs are correct for the distances. They need to be larger, from a legibility standpoint. The front elevation is specifically designed to accept that size sign at that particular location of the building. There is no other practical place for it to go.

Mr. Clemens stated he has no problem with the height request. There is no other practical

place on the building to place the sign. He feels the size could be reduced to 55 square feet similar to the east elevation.

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

Mr. Kortz asked Mr. Clemens what the maximum square footage is for a wall sign. Mr. Clemens responded 60 square feet maximum, the east elevation is an allowable size, the only variance being asked for is for the height, they are only allowed one wall sign so that is why they are asking for the additional variances for the other two signs.

Mrs. McGranahan asked if there were any other businesses with three wall signs. Mr. Clemens responded that Builders Square had four wall signs, and the Target store will be coming in with a similar request.

Mr. Kortz inquired about the freestanding sign. Mr. Clemens stated that he believes the permit has been issued for that sign. Mr. May stated it is readable from the north and south sides.

Mr. Gerstenberger inquired about the variances granted for the Builders Square building. Mr. Clemens stated he believes there were three signs that were basically readable from I-87, and an additional sign on the east side of the building for the garden shop. He noted the main sign was a considerable size, approximately 100 square feet.

Mrs. McGranahan noted that the variances were granted on the square footage of the building. Mr. Clemens stated that had some influence.

Mr. May presented photographs from the different directions and noted that the pylon sign will only be visible from Route 146. He noted his concern for the visibility of the script style letters that are very difficult to read.

Mr. Kelley stated that the signs are very attractive but he would have to agree with Mr. Clemens on the size.

Mr. Kortz questioned the need for the sign on the north side of the building. Mr. Clemens stated it would be visible from I-87.

Mrs. Pace noted that any sign on the building will attract attention and a 55 square foot sign would accomplish that.

Mr. Kelley stated that the Board would like to see the sizes of the signs amended if the applicant can agree.

Mr. May asked if the size would be reduced to the front elevation sign of 60 square feet.

Mr. May noted that he talked to the manufacturer and 36 inches is the standard and that is

what is on the front elevation.

Mr. Dudick made a motion to approve the signs up to 55.71 square feet each with 36 inch high letters for the "H" for the south, north, and east elevation and the height variances as requested.

Mr. Gerstenberger seconded. Ayes: Pace, McGranahan, Gleason, Kelley, Dudick, Gerstenberger, Kortz. Noes: None.

2. An application from Robert Marini Builder, Inc., requesting an area variance from Section 208-86 from the required 50 ft. setback - proposed setback = 32 ft. - variance requested = 18 ft.. The property is located at 6 Raphael Court, Clifton Park. Permit #80373.

The secretary read the legal notice as it appeared in the Daily Gazette on May 3, 2002.

Philip Caponera presented this application. He noted that this is a keyhole lot in Renaissance IV, lot #6. There have been several prospective buyers that wanted to position the house in a certain way as to take best advantage of the lot but due to the setback requirements the deals fell through. He presented a site plan showing the proposed house location and its effect on the setback. He noted there are wetlands on the property and by setting the house in this position it enables more usage of the lot and has less of an effect on the wetlands. There are a considerable number of trees on the lot.

Mr. Caponera noted they have entered into a contract with Mr. Beyer contingent upon obtaining this variance. They believe there has been a financial hardship with this lot as they have been unable to sell it and this request will also not effect the wetland area. It is a keyhole lot and this request will not affect the continuity of the setback of the other homes on the street. He also noted that the original subdivision, when they purchased it, only showed a 50 ft. setback along the driveway area.

The owner of 8 Raphael, the adjacent lot to the left, has no problems with this request.

Mr. Clemens stated that keyhole lots require a 50 ft. setback on all sides. All conventional lots have a standard 50 ft. setback. He noted he does not have a problem with this request but he does not see where this request is necessary, it is just a matter of personal preference, the house would certainly fit within the allowed setbacks. He stated that by moving it forward it does move it farther away from the wetlands.

Mr. Beyer, the prospective buyer, stated there is a considerable elevation drop in the back and they are trying to move the house away from that area and also would like more flat area away from the wetlands for a potential pool and/or deck in the future.

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

Mrs. McGranahan made a motion to approve this variance as requested. Mr. Gerstenberger seconded. Ayes: Kortz, Dudick, Gerstenberger, Kelley, McGranahan, Pace, Gleason. Noes: None.

3. An application from Christopher M. Moore, requesting an area variance from Section 208-11 from the required 25 ft. rear yard setback - proposed setback = 15 ft. - variance requested = 10 ft.. The property is located at 1 Hampshire Place, Clifton Park. Permit #80374.

The secretary read the legal notice as it appeared in the Daily Gazette on May 3, 2002.

Christopher Moore presented this application. He stated he would like to build a 16' x 17 1/2' sundeck on the rear of his home. When he applied for the permit he discovered they were not within the setback. Mr. Clemens indicated where they could build the deck and be within code but it is on the northwest side and not near the patio door which would not make it feasible. He indicated the proposed deck placement (map B) and noted the east corner of his home is adjacent to common property and is approximately 96 ft. to the Avenue of the Oaks. On the rear there is approximately 86 ft. to the other home and he does not feel there is an infringement on other homes with this request for a 10 ft. variance.

Mr. Clemens stated that he has no objections to this request.

There was no public comment. Mr. Kelley made a motion to close the public hearing, Mr. Gerstenberger seconded, approval unanimous.

Mr. Gerstenberger made a motion to approve this variance as requested. Mrs. McGranahan seconded. Ayes: Gleason, Pace, McGranahan, Kelley, Kortz, Dudick, Gerstenberger. Noes: None.

4. An application from Traditional Builders, requesting an area variance from Section 208-11 from the required 25 ft. rear yard setback - proposed setback = 20 ft. - variance requested = 5 ft.. The property is located at 2 Candiwood Court, Clifton Park. Permit #80376.

A representative was not present at the meeting to present this application. The secretary will contact the applicant regarding rescheduling.

5. An application from Abele Builders, requesting an area variance from an approved subdivision to reduce the required 50 ft. established buffer to 40 ft. - variance requested = 10 ft.. The property is located at 16 Birch Hill Road, Ballston Lake. Permit #80377.

The secretary read the legal notice as it appeared in the Daily Gazette on May 3, 2002.

Chris Abele presented this application. He noted they cannot meet the setback requirement because the house that could be constructed could only be 52 ft. wide and

this is not consistent with the homes already built in the neighborhood. He stated he contacted the adjacent home owner, Mr. Selley, and they have agreed to a green buffer to his satisfaction. This will allow him to build a house similar to those already in the area. When the buffer was created it impacted all the rear yards on Castlegate. This is the only house where it impacted it on the side yard setback.

Mr. Clemens noted that the buffer was created to protect the homes already built in an adjoining subdivision. If the adjacent neighbor has no problems with this request, Mr. Clemens stated he sees no reason why the variance should not be granted.

Mr. Kelley stated the applicant worked this out in a reasonable way.

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

Mr. Gerstenberger made a motion to approve this variance as requested. Mrs. Gleason seconded. Ayes: Kortz, Gleason, Gerstenberger, McGranahan, Dudick, Pace, Kelley. Noes: None.

Mr. Kelley made a motion to approve the minutes of April 16, 2002, Mr. Dudick seconded. Ayes: Kortz, Dudick, Gerstenberger, Pace, Kelley, Gleason. Noes: None. Abstained: McGranahan.

Mr. Kelley adjourned the meeting into executive session at 8:19 PM and returned to the regular session at 8:29 PM.

There was no further business to conduct. Mrs. Pace made a motion to adjourn the meeting at 8:30 PM, Mr. Dudick seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb
Secretary