

Clifton Park Zoning Board of Appeals Meeting Minutes

December 3, 2002

Present: Dale Kelley, Chairman, Michael Dudick, Helmut Gerstenberger, Sandra Pace, Gil Kortz, Dale Gleason (arrived 7:34 PM), Donna Lawton

Absent: Gil Kortz

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

Mr. Kelley called the meeting to order at 7:32 PM. He reminded the Board members that the meetings for 2003 will begin at 7:00 PM instead of 7:30 PM.

OLD BUSINESS

1. An application from Kristin Decker, requesting an area variance from Section 208-11 from the required 10 ft. side yard setback in a R-1 zone for an addition - actual setback = 4 ft. - variance requested = 6 ft.. The property is located at 15 McLane Street, Rexford. Permit #80405.

Mr. Clemens updated the Board on this application. He stated they met with the applicant and inspected the site. He stated that there are a few issues to correct to make the addition compliant. They must address issues on the energy code and some structural issues.

Jason Caponia stated that he has contacted an engineer and he will see that all issues are taken care of and will certify the addition.

Mr. Kelley stated that if the Board approves this application this evening it will be contingent upon the applicant complying with all outstanding issues to the satisfaction of Mr. Clemens and the Building Department.

Mr. Kelley reviewed the information presented at the previous meeting for Mrs. Lawton, who was absent from that meeting.

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

Mr. Kelley made a motion to approve this variance contingent upon the applicant obtaining a building permit, the structure being compliant with all NYS codes, and obtain a CO from the Building Department.

Mr. Dudick asked if there is any time limit. Mr. Clemens responded that a building permit is good for one year.

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

NEW BUSINESS

1. An application from Nancy Opie, requesting an area variance from Section 208-65E(2) from the required 25 ft. side yard setback/buffer in a L1 zone for a two car garage - proposed setback = 15 ft. - variance requested = 10 ft.; an area variance from Section 208-65E(1) from the required 50 ft. setback for parking in a front yard in a L1 zone - proposed parking setback = 10 ft. - variance requested = 40 ft.; and an area variance from Section 208-65E(1) and 208-98 from the required 130 ft. front yard setback for a building from the center line of Route 9 - proposed setback = 120 ft. - variance requested = 10 ft.. The property is located at 2108 Route 9, Round Lake. Permit #80408.

The secretary read the legal notice as it appeared in the Daily Gazette on November 28, 2002.

Dale Gleason informed the Board that she is a client of the applicant and asked to recuse herself from hearing this application.

Nancy Opie presented this application. She stated that on the south side of the property there is a large berm and pond that is all wetlands and is not usable, therefore they would like to place the garage back as far as they can towards the property line because there isn't a large area on that side. It would also allow her to see the kennel from the office while she is working. The road curves and the property narrows at the site of the addition and to keep it on a straight line she need the 10 ft. setback. She also stated that the parking lot is currently in front of the building and to make the parking lot larger she needs the variance for the parking. There will be a sizable green area in the front and she will put up a white fence along the parking lot with lots of shrubbery to help conceal the area. The parking lot is currently quite visible. She would like to keep the site looking more like a house than an institution.

Mr. Clemens noted that the applicant is going through site plan review with the Planning Board and they have no problems with this application. The increase in the number of parking spaces is do to the increase in building size. He stated he has no objections to this request.

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

Mr. Gerstenberger made a motion to approve this application as submitted. Mrs. Lawton seconded. Ayes: Kelley, Gerstenberger, Dudick, Lawton, Pace. Noes: None.

2. An application from Hanley Sign Company representing Windsor Development for Panera Bread, requesting an area variance from Chapter 171 fo the Town Code (Sing

Law) for a wall sign of 60 sq. ft. - maximum allowed = 24 sq. ft. - variance requested = 36 sq. ft.; an area variance for a second wall sign of 60 sq. ft.; an area variance for five (5) awning signs for a total of 9 sq. ft.; and an area variance to erect a freestanding sign of 51 sq. ft. - allowable = 0. The property is located at Southside Drive, Clifton Park. Permit #80409.

The secretary read the legal notice as it appeared in the Daily Gazette on November 28, 2002.

Joe Randazzo, Hanley Sign Company, presented this application. He explained that the signage is needed to increase the visibility of the building and noted that the signs are proportional to the size of the building. He noted that the awnings have very little text on them.

Mr. Randazzo stated that Hanley Sign will do the installation of the signs, not the manufacturing of them.

Mr. Clemens noted his concern regarding the pylon sign. He stated this could set a precedent. He stated this is a small shop of 5,000 sq. ft. and they are asking for the amount of signage for an anchor store of approximately 60,000 sq. ft.. He stated that he can understand the request for the second wall sign because the building is two sided, but a much smaller sign, perhaps 32 sq. ft., 24 is allowed, and he noted that the awning signs are insignificant, they are very small and have very little text.

Mr. Kelley read the County Planning Board's comment that there is no significant county wide or inter-community impact but did comment that the pylon sign does not seem warranted due to the store's location within a shopping plaza.

There was no public comment.

Mr. Randazzo commented on the pylon sign. He noted that there are a few on the road, i.e. Friday's, Pizza Hut.

Mr. Clemens responded that those are individual stand alone businesses, the building for Panera Bread will have multiple tenants and a freestanding sign is allowed for the site.

Bob Miller, Jr., representing Windsor Development, stated that it is his understanding that the Planning Board or Town Board wants individual pylons versus those that have several tenants.

Mr. Kelley stated that he believes it is just the opposite. The less density of signs the better. He stated if this pylon sign is granted then other tenants coming into the building will expect a pylon sign and he doesn't believe that the developer would want pylon signs all over their shopping centers.

Mr. Clemens noted that the Planning Board is sensitive to businesses along Route 146.

Mr. Miller noted the difference is if the tenant considers themselves a local or national business.

Mr. Kelley stated that this Board wants to be fair and reasonable and grant the applicant what is customary to give them the kind of visibility and exposure they need. This is a very busy area with a lot of commercial activity and Panera Bread will be known without a pylon sign. He stated he is willing to work on sizes and wall signs but has concern over the pylon sign.

Mr. Miller asked about a multiple tenant pylon.

Mr. Clemens stated that the landlord is entitled to a pylon sign based on the size of the building. They can determine the division to the tenants on size. Only one pylon is allowed per site.

Mr. Dudick stated he feels a pylon sign is not appropriate for this site. He noted other sites where Panera Bread is located and they do not have pylon signs.

It was the general consensus of the Board that the pylon sign is not warranted.

Mr. Kelley noted that the Board is willing to work with the applicant on the wall signs.

Discussion continued on the second 60 sq. ft. wall sign for the back of the building facing Route 146 and signs for other tenants that will occupy the building.

Mr. Gerstenberger asked about the number of potential tenants.

Mr. Miller stated he does not know at this time. There is approximately 7,000 sq. ft. left. Panera Bread will occupy 5,000 sq. ft.

There was discussion on the number and size of signs that may be requested for the remaining tenants and also what is reasonable for this tenant.

Mr. Kelley asked the applicant if they would be willing to scale down the front sign to 32 sq. ft. and keep the north sign at the 60 sq. ft.. Mr. Randazzo stated that he would not like to see the sign half the size, but perhaps somewhat smaller. He suggested 50 sq. ft..

Mr. Kelley suggested 45-50 sq. ft.. Mr. Clemens agreed that is probably reasonable. Mr. Kelley stated that a compromise should be reached. Mr. Kelley suggested 45 sq. ft.. Mr. Randazzo stated that is smaller than he'd like to see.

Mr. Clemens suggested making both signs 50 sq. ft..

Mr. Gerstenberger made a motion to close the public hearing, Mrs. Gleason seconded, approval unanimous.

Mr. Kelley stated that a compromise for the north and south side signs would be 50 sq. ft. each, the pylon sign request will be withdrawn, and the awning signs are ok.

Mr. Dudick made a motion to approve this application as amended eliminating the request for the pylon sign, the north and south side of the building will have wall signs of 50 sq. ft. each, and five awning signs on the front of the building for a total of 9 sq. ft.. Mr. Gerstenberger seconded. Ayes: Dudick, Gleason, Kelley, Gerstenberger, Pace, Lawton. Noes: None.

Mrs. Gleason made a motion to approve the minutes of November 19, 2002, Mr. Gerstenberger seconded, approval unanimous.

Mr. Kelley made a motion to adjourn the meeting at 8:20 PM, Mr. Dudick seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb
Secretary

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