

April 5, 2005

## ZONING BOARD OF APPEALS

Present: Robert Ritter, Acting Chairman, Michael Dudick,  
Joel Koval, Jessica McCarthy, Gil Kortz

Absent: Dale Kelley, Dale Gleason

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

Mr. Ritter called the meeting to order at 7:04 PM. He informed the applicants present that there are only five Board members in attendance this evening and it will take a minimum of four positive votes to pass any item on the agenda. He gave them the option of adjourning their public hearing until the Board meets again. There was only one applicant present, Marshall Sign Corporation for Urgent Care of Southern Saratoga, and they responded that they would like to proceed with their application this evening.

## NEW BUSINESS

1. An application from Marshall Sign Corporation for Urgent Care of Southern Saratoga, requesting an area variance from Chapter 171 of the Code of the Town of Clifton Park (Sign Law) from the maximum wall sign of 24 sq. ft. – proposed = 67 sq. ft. – variance requested = 43 sq. ft.. The property is located at 1770 Route 9, Clifton Park. Permit #80535.

The secretary read the legal notice as it appeared in the Daily Gazette on March 31, 2005.

Rick Marshall, Marshall Sign Corporation, presented this application. He introduced Mr. Palmetto and Dr. Fisher of Urgent Care. He explained that the applicant would like to place a wall sign on the east elevation of the building. He

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noted that the building is allowed a total of 80 sq. ft. of wall signs for all the tenants in this building. He stated that they would like one larger wall sign for the building. He explained that there would be no other wall signs requested for this site.

Mr. Marshall noted that the current freestanding sign competes with others in the area and is hard to distinguish.

Mr. Renzi asked if he had a picture of the current freestanding sign. Mr. Marshall passed out copies of recent photos of the building to the Board members.

Ms. McCarthy noted that the pylon sign is quite large and questioned the need for a larger wall sign.

Mr. Palmetto referred to the topography of Route 9 at this site and explained that it is difficult to see the pylon sign until you are very close to it.

Mr. Renzi asked for an explanation of the net loss of the total wall signage. Mr. Marshall explained that each tenant in the building is allowed a wall sign totaling approximately 80 sq. ft.. The sign being proposed is 67 sq. ft. thus there would be a net loss of approximately 13 sq. ft. in wall signage.

Mr. Clemens confirmed that theoretically each tenant would be allowed to have one wall sign of 24 sq. ft..

Mr. Koval asked if a stipulation could be placed on any approvals, if granted, stating that there would be no other signage allowed.

Mr. Palmetto stated that the other tenants have very little traffic flow and are not interested in any wall signs.

Mr. Kortz asked if the other tenants are related to this business. He expressed his concern that the variance, if granted, would continue forever and he noted that the tenants could change and the new tenants could request signage for their business.

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Mr. Ritter stated that this variance could be granted for this applicant only and it would expire with a change in ownership.

Mr. Clemens explained that most variances run with the land but a sign variance dies with the business.

Mr. Kortz asked at what point it would expire. Mr. Clemens responded that if the business goes out the sign variance expires.

Mr. Renzi recommended that it could also be made a condition of the variance if granted.

Ms. McCarthy asked what if the tenants decide they would like a sign at a later date.

Mr. Dudick asked if a tenant came to the Town for a 24 sq. ft. wall sign that is within the code, could it be denied.

Mr. Clemens explained that on square footage, the 24 sq. ft. per tenant governs even if granted at 67 sq. ft. sign unless stipulated otherwise.

Mr. Palmetto explained that the way the lease is written the tenants would have an argument with them, not the Town.

Mr. Renzi stated that if the Board is uncomfortable with the size they could ask the applicant to amend the application.

Mr. Kortz asked how far the building is set back from the road. Mr. Palmetto responded 80 feet.

Mr. Kortz then asked how visible a 24 sq. ft. sign is at that distance.

Mr. Clemens noted that it is quite visible. He explained that Seton Health on Route 146 only has a 24 sq. ft. sign.

Mr. Ritter mentioned that he would like to see written documentation that the tenants will not ask for any wall signs.

Mr. Kortz stated that he feels the sign is too large.

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Mr. Koval asked why it has to be 67 sq. ft. Dr. Fisher explained that the people looking for Urgent Care are ill and stressed and would most likely have a visibility problem.

Mr. Marshall noted that the design of the building competes with the sign. He stated that he could compromise to 50 sq. ft..

Mr. Dudick stated that he is familiar with the building and informed the Board that he has met with Dr. Fisher.

Mr. Koval noted that Dr. Fisher has a good point, this will be for the public good.

Mr. Kortz asked if this sign accomplishes the intent, would the building projections still interfere with the visibility of the sign.

There was discussion as to the best placement for this sign and the possibility for two signs instead of one.

Dr. Fisher noted that he would like the most visibility for the sign.

Mr. Marshall explained that studies have been done on sizes of signs and their visibility at various distances.

Mr. Marshall asked to table this application so they can review their options. He will notify the secretary when they would like to be placed on the agenda.

2. An application from Randall Gifford representing the Route 9 North Independent Retailers, requesting an area variance from Chapter 171 of the Code of the Town of Clifton Park (Sign Law) to allow for an off premise sign for the Route 9 North Retailers at Exit 9 and Route 146. The property is located at Fire Road Plaza, Clifton Park. Permit #80538.

The applicant was not present at the meeting. The application was adjourned for the secretary to contact the applicant.

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Mr. Dudick made a motion to approve the minutes of March 15, 2005 as submitted. Mr. Kortz seconded. Ayes: Koval, Dudick, McCarthy, Kortz, Ritter. Noes: None.

Mr. Dudick made a motion to adjourn the meeting at 7:40 PM, Mr. Koval 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,  
Assessor