

ZONING BOARD OF APPEALS

May 6, 2008

Present: Michael Dudick, Chairman, Dale Gleason, Douglas Strother, Robert Ritter, Christopher Lemire

Absent: Gilbert Kortz

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

Mr. Dudick called the meeting to order at 7:03 PM. He introduced Douglas Strother, the newest member of the Zoning Board of Appeals. He explained to the applicants that the Zoning Board of Appeals is a 7-member board. He explained that there is a vacancy, making it a 6-member board, and we have one member absent, meaning that there are 5 voting members this evening.

Mr. Dudick advised the applicants that they can choose to wait until more members are present. The applicants chose to present their application.

NEW BUSINESS:

1. **An Application from DCG Development Co., requesting an area variance from Chapter 171 of the Town Code (Sign Law) from max allowed 60 sq. ft.; sign package = 340 – variance requested = 280 sq. ft; max wall signs allowed = 2 – signs requested = 3. The property is located at the east side of Maxwell and Southside Drive, Clifton Park. Permit # 80693**

The secretary read the legal notice as it appeared in the Daily Gazette on May 1, 2008.

Mr. Donald MacElroy presented this application along with Troy Funk of Kieffer & Co. They passed around a different set of plans than those provided with the application and proceeded to discuss them.

It was at this point that the secretary realized there was a malfunction with the tape / transcribing machine. Members of the board went to retrieve a backup handheld transcriber for backup and

while they were out, the secretary was able to get the tape started. From this point on, there were two tapes being run at once.

The meeting resumed at 7:20 PM.

Mr. MacElroy explained that the applicant has requested a variance for 3 signs for the square footage indicated for a Staples store. He stated that Staples is a national company that has invested significant sums in branding their identity. They have a look and a logo that they use nationwide, and it is one that is critical in terms of their attracting customers to their location. He explained that the store has 3-sided exposure (Route 146, Maxwell Drive and Southside Drive) and that unless one is standing directly diagonally, they would only see 1 sign at a time. Given the size of the store itself, over 20,000 sq. ft., he feels that the sign is very much in proportion with the size of the building, both on the western exposure (front entrance) and the north and south exposures (toward Route 146 and Southside Drive). Mr. MacElroy then asked Mr. Troy Funk, who is a representative of the sign company for Staples (Kieffer & Co., Inc.) to further comment.

Mr. Funk added that to Staples, signage is very important, especially during these economic times. Since his company does all of the nationwide stores for Staples, they have felt firsthand some of the trouble retailers are going through. Staples has deleted about 20 new stores they were planning to open this year. He feels it is critical for retail businesses to have visibility in order to attract as many customers as they can. One of the reasons Staples flew Mr. Funk out here is because they know how important signage is to this building, especially as to finalizing the lease and getting the store signed, sealed and delivered.

Mr. MacElroy mentioned that he has observed other businesses in the area that have been to this board to request variances. He specifically pointed to the Windsor Development stores which have been allowed signs on both the north and south exposures which he feels is for the same reason, that being that these businesses need to draw business off of the Route 146 corridor. He then opened the matter up for discussion.

Mr. Dudick asked the board if they had any questions. Mr. Lemire asked what the square footage is for sign B, on the north or south side. Mr. Funk replied 4 ft. tall x 20 ft. width, which is 80 sq. ft. He stated as an FYI, that the front sign is 5 ft. x 25 ft., which would be 125 sq. ft.

Mr. Dudick asked for clarification on how many signs are being requested, as it appeared to him to be 5 signs – one on the south side of the building (B), one on the west side of the building (A), one on the north side of the building also labeled (B), and on two different sides of the pylon. Mr. Funk stated that if you count the two sides of the pylon, yes.

Mr. MacElroy stated that his understanding is that a directory sign is not counted toward the total, from past discussions with Steve Myers. Mr. Myers stated that he does not know anything about a pylon sign. Mr. MacElroy stated that it is the existing pylon sign, the one that shares the site with Ruby Tuesdays and Panera. They just have a plaque that goes on that sign. Mr. Myers stated that the freestanding sign out front is not on this application, to his knowledge, for any addition. Mr. Dudick stated that it is on the drawing.

Mr. Myers asked if the main sign is 5 ft. x 25 ft., not 6 ft. x 30 ft., as depicted in the drawing. Mr. Funk asked what drawing Mr. Myers was referring to and Mr. Myers responded that he was looking at drawing #1. Mr. MacElroy stated that the actual sign designed is smaller than what is presented. Mr. Dudick asked what drawings they are going with. Mr. MacElroy stated that the drawing Mr. Funk brought this evening actually shows a smaller sign than what they had applied for. He was basing his application on what he received from Staples, and apparently they made a determination. He apologized and stated that what they were showing on there is a sign that is 6 ft. x 30 ft., and actually, what Staples has come up with is a sign that is 5 ft. x 25 ft. Mr. Funk stated that he just arrived at 4:00 and this is the first time he is seeing this.

Mr. Lemire asked about the new packet that was handed out. On the top it says "Staples the Office Superstore." It appeared to Mr. Lemire as if that total is 180 sq. ft. + 52.5 sq. ft. for that particular sign, and then underneath that, you have "Furniture," to the left, which is another 14.3 sq. ft., and "Office Supplies," which is 23.8 sq. ft., "Copy and Print," 19.56 sq. ft., "Technology," 17.9 sq. ft. Then on the north side there is an 80 sq. ft. sign, and on the south, an 80 sq. ft. sign. MacElroy replied that this is correct. Mr. Lemire stated that the math indicates 468 sq. ft. Mr. MacElroy's response to this was that he attached this to the exhibit because he wanted to show what the prototypical Staples sign looked like with all of the additions; that it was just meant as a demonstration – the applicant has not applied for that. Mr. Lemire received clarification that only the sign that indicates Staples is being applied for, not Office Supplies, etc. Mr. Funk added that the Staples sign has been reduced to 5 ft. x 25 ft.

Mr. Lemire asked if this is going onto the southwestern corner of the store. Mr. MacElroy stated that it is the western face. Mr. Lemire asked if this is the main sign on the original application and Mr. MacElroy responded yes.

Mr. Peller stated he wanted to make sure that the application was mirroring what the applicant is applying for. Based upon what the applicant is saying and what we are looking at, we do have a reduction from a 6 ft. x 30 ft. sign to a 5 ft. x 25 ft. sign. Mr. Funk replied that this is correct. Mr. Peller asked if this is the only change and if the number of signs is correct. Mr. Funk replied yes. Mr. MacElroy stated that the sheet was just for demonstration. Mr. Peller advised Mr. MacElroy that he would need to agree to amend his application from the 6 ft. x 30 ft. sign to the 5 ft. x 25 ft. sign. Mr. MacElroy agreed.

The secretary asked for clarification as to what specifically is being applied for, as this needs to be typed in a notice of decision. Mr. Dudick replied that this will be stated when the motion is made. Mr. Funk responded that what they are requesting this evening is variance to allow for 3 signs for Staples. In each case, they would each say simply, "Staples." On the north and south side of the building, there would be signs that would be 4 ft. x 20 ft. (80 sq. ft. on each side). Mr. Dudick asked if on page 2, this would be considered Sign B. Mr. Funk replied this is considered a 4 ft. sign. Mr. Funk further stated that on the western face, the Maxwell Drive frontage, 1 sign is requested which is 5 ft. x 25 ft., which would be 125 sq. ft. Mr. Lemire asked if this would be 285 sq. ft. total. Mr. MacElroy responded yes.

Mr. Peller then asked Mr. Myers if this variance would total 225 sq. ft. Mr. Myers replied yes, plus 1 extra wall sign.

Mr. Dudick asked Mr. Myers if the applicant would need a variance if they put 2 panels on the pylon near Route 146. Mr. Myers replied that they would not, if this parcel is tied to where the sign is, which Mr. MacElroy responded it is.

Mr. Dudick stated that if someone was driving on Route 146 they would see the pylon sign. He feels that as long as there are those 2 panels there (the pylon), he does not see a need for sign B to be there (the 3rd wall sign). Mr. Strother asked if there are any distinguishing colors of the building. Mr. Funk replied that you would see the red on the building.

Mr. Dudick asked for a response to his question. Mr. Funk responded that he disagreed with Mr. Dudick's statement that seeing the pylon sign would direct a person to where the building is. Staples want people to know where the building is so they can get to the parking lot. What the real estate people and architects of Staples are concerned about is that the storefront / entrance is not visible from the main road. They really want to make sure everyone knows where Staples is and where the parking lot is. Mr. MacElroy added that it is difficult to market this site. Everyone sees where Ruby Tuesdays and Panera Bread is, and he feels there is a tendency to not look beyond. Mr. Ritter stated that it is a vacant lot right now. Mr. MacElroy responded that he understands, but he has tried to promote that site over the years and he has had that reaction. Mr. Funk asked how many people passing at 40 or 50 mph would actually take the time to look beyond.

Mr. Ritter asked how far past the sight view is the Staples beyond Ruby Tuesday. Mr. MacElroy replied that the entrance is about 600 ft. beyond the intersection. Mr. Ritter asked if the store is in any way obstructed by Ruby Tuesdays and Panera Bread. Mr. MacElroy stated that it is, between that, the Citizens Bank and the Public Safety Building. There is obstruction from both the east and west. Mr. Ritter asked if he were sitting at the intersection of Route 146 and Maxwell and if he looked to his left and right would he see Staples. Mr. MacElroy stated that if you are stopped at the intersection and you looked south you would see the building but there is a narrow corridor.

Mr. Ritter stated that a similar argument was made from another tenant trying to increase square footage on signs on the other side of the existing Windsor Development, a restaurant. The point was made that they have these recognizable awnings on the building. He believes that the board rejected their request for additional square footage based on a similar issue that their awnings designate their building. Mr. Ritter restated the point made earlier that the redness of the building identifies Staples. This other applicant also brought information concerning their financial hardship as other competitive restaurants were being built.

Mr. Ritter questioned Mr. Myers as to what the maximum existing square footage is on Staples' competition in the Crossings. Mr. Myers did not recall, but he guessed that the Office Max sign is probably about 100 - 150 sq. ft. Mr. MacElroy responded that of course, that is an inline location where you have a critical mass of stores that would be attracted to the location. Mr. Ritter stated he was merely trying to compare his application to others who have requested additional signage issues the board has dealt with over the last few years. Mr. MacElroy stated he wanted to go back to the point of the restaurant on Route 146. He feels that this restaurant is right on Route 146 and therefore has a greater amount of exposure. Mr. Lemire advised that the

restaurant in question wanted a sign on the Route 146 side of the building when they already had a pylon sign on Route 146. Mr. Ritter replied that the board wanted the restaurant to take down the pylon sign. Mr. Ritter stated he was trying to make a comparison between this and Mr. Dudick's earlier point. Mr. Funk stated that Staples is concerned about leaving one of these visible walls blank, that people will not realize where Staples is. He feels that the sign sizes they are asking for are very small compared to the size of the building.

Mr. Dudick asked about the size. He stated that a very similar application was heard recently concerning a stand-alone building which he believes was about 32,000 sq. ft. Staples is 20,000 sq. feet. Mr. Dudick further stated that this other applicant had similar circumstances, that the building was visible from 3 different directions. He believes this board granted the other applicant (Mooradians) a total signage of 150 sq. ft. Mr. Myers replied that this is correct. Mr. Dudick also stated that the Mooradians is 12,000 sq. ft. larger than Staples, and Staples is requesting twice the signage, which he feels is excessive. Mr. MacElroy tried to put this into perspective with regard to the highway system. He stated that Mooradians is accessible basically from one highway – Route 9. With Staples, we are talking about 3 possible ways to access the store at this time, possibly 4 ways in the future.

Mr. Dudick stated he feels that the sight Staples is looking at is in a good location. He feels the applicant's argument is reasonable, but he always looks to make sure that the board maintains a steady track with regard to sign variance issues. Mr. Dudick asked why the applicant feels a 285 sq. ft. variance is in line with anything the board has granted. Mr. MacElroy stated that this request was driven by what the company demanded in the lease. Mr. Dudick stated he feels compassion for the applicant, but this signage request far exceeds any sign anywhere. Mr. Funk replied that Staples is going through some tough times and they are worried that this store will not be profitable if it doesn't have adequate signage. Mr. MacElroy stated that Staples has sat on the lease for 3 months, even with a contingency. This is something they shared with the planning department.

At this time, Mr. Dudick read a statement from Jason Kemper of the Saratoga County Planning Board, which stated that they see no significant countywide or intercommunity impact with regard to this application.

Mrs. Gleason stated that she is looking for a compromise. She asked for a comparison between this application and the variances given to Windsor Development for their signs, which were two-sided. Mr. Myers replied that with regard to the second signs granted to Windsor on the mall, he believes that the signs facing Route 146 were limited to 45 sq. ft. apiece. He believes that the signs that face Southside are all about the same size because he believes the 60 sq. ft. requirement per tenant was probably applicable there, but he is not sure because based on the tenant it may be less than that. Ms. Gleason again stated she is looking for a compromise. Mr. Ritter and Mrs. Gleason discussed the prior variances granted to Windsor. Mrs. Gleason stated that she believes we did try to meet them (Windsor) halfway.

Mr. Ritter stated he feels compassion for the applicant's need for 3 signs. He agrees that the applicant needs 3 signs. He stated he would like to see the sign that faces Route 146 reduced in size so that it is in line with similar signs. You cannot compare it to Ruby Tuesdays or Panera Bread, but you could compare it to signs that are on adjacent buildings, like Moe's and Quiznos. Again, he would like a compromise.

Mr. Funk stated they had proposed a 4-footer but suggested that they could shrink that down to a 3-footer. This would be 3 ft. x 15 ft. This would bring the square footage on that particular sign down to 45 sq. ft., from 80 sq. ft.

Mr. Lemire asked what is more important to attract customers off of Route 146, the pylon sign or the sign on the north side of the building. Mr. Funk replied that if he had to choose between the two he would choose the pylon sign. Mr. Funk stated that they are open to compromise. He is willing to shrink not only the sign that faces Route 146 to a 3-foot sign, but also shrink the other 4-foot sign down to 3 feet. These two signs would then be 45 sq. ft apiece, instead of 80 sq. feet apiece. That would lop off about about 70 sq. feet total.

Mr. Lemire asked for clarification about sign A, which is 125 sq. ft. He asked if that is just the letters. Mr. Myers responded yes, just the letters.

Mr. Dudick asked Mr. Myers if the Mooradians signs were two 75 sq. ft. signs. Mr. Myers responded that he believes that is correct. Mr. Dudick stated that in his opinion, a 75 sq. ft. sign, when driving at 55 or 65 miles per hour, is hugely visible. He mentioned that this applicant is looking for the front of his building to have a sign that is 125 sq. ft. Mr. Dudick stated he feels that the applicant can also reduce the size of the sign he has requested in the front of the building. Mr. Funk responded that he could shrink that sign down from a 5-footer to a 4-footer, that would be 80 sq. ft. Mr. Funk again mentioned that he can shrink the two side signs to 3-footers, which would be 45 sq. ft. apiece. This would make the sign package 80 sq. ft., 45 sq. ft and 45 sq. ft., for a total for 170 sq. ft.

Mr. Strother asked about the 4-foot sign, if that is 4 ft. x 20 ft. Mr. Funk responded yes, and the 3-foot signs would be 3 ft. x 15 ft. each.

Mr. Lemire stated that he likes this much better, and he thinks that the side signs are more tasteful when they are smaller. He does not have a problem with the main sign being maybe 100 sq. ft., but he would prefer to see the side signs to be maybe 2 ft. x 10 ft. Mr. Funk replied that the he feels the side signs are actually more important than the front sign because once you're at the front of the store you know where it is.

Mr. Dudick stated he would be much more comfortable with three 45 sq. ft. signs, because then this would be total of 135 sq. ft., which goes in line with what they were talking about with the other furniture store. Mr. Funk stated that he feels the north side sign is the most important. Mr. Dudick proposed a package of 3 signs totaling 135 sq. ft. and let Mr. Funk decide how he wants to divide that out. Mr. Funk stated that if they are stuck with 135 sq. ft., this would have to be 3-footers on all three sides. He feels that 3-footers would be the bare minimum.

Mr. Ritter stated that the applicant proposed a package of 175 sq. ft., then reduced it again. Mr. MacElroy stated that he would have to rely on Mr. Funk because he is speaking for the company. Mr. Funk stated that he has had so many Staples stores, he knows how they operate. The company relies on Mr. Funk with regard to signage.

Mr. Dudick went back to his earlier point. He brought Mr. Funk's attention to the fact that he said he would be all right with making 3-footers on the north and south side of the building (the two B signs). Then Mr. Dudick stated that Mr. Funk stated he did not feel that sign A was even the most important sign. Mr. Dudick again proposed that the applicant's sign package be three 3-foot signs, for a total of 135 sq. ft.

Mr. Dudick then asked if anyone from the public would like to make a statement. When no one replied, Mr. Dudick made a motion to close the public hearing. Mrs. Gleason seconded. Approval unanimous.

Mr. MacElroy stated the only thing he would mention is that the red background is part of the architectural scheme. Part of what needs to be taken into consideration is the scale of the letters in relation to the surround. Since you do have a larger mass that the letters sit upon, there is some element of proportion that is important. To take the same size that you have on both sides (the 3-footers) and place it into a much larger background, he feels that the sign would get lost and look out of proportion. This would be his argument for making the front entrance sign larger. Mr. Lemire agreed, and stated that from an aesthetic point of view the front entrance sign should be larger than the side signs. Mr. Dudick stated that he will let others make decisions with regard to aesthetics, which is why he likes the idea of making it open ended with a total of 135 sq. ft. Mr. Lemire suggested a 4 ft. x 25 ft. on the front and two 3 ft. x 10 ft. signs on the sides, which gives them 160 ft. Ms. Gleason stated that the best argument is the northside sign. She travels a lot and she is concerned about the visibility and safety. Mr. Funk stated that he feels the pylon sign is the most important, but that the northside sign would be the second most important.

Mr. Ritter stated that he likes Mr. Dudick's plan for the square footage. If the applicant is willing to place signs not greater than 3 feet on the sides, if he chooses to put a larger sign on the north side and reduce the size of the front sign to 4 feet, he does not have a problem. Mr. Funk stated that he feels that 170 ft. with 3 signs would be what he would like to compromise on.

Mr. Dudick asked Mr. Myers for his comments. Mr. Myers read a newspaper article that is directly applicable to this application. It is the County Planning Board's article in the Record which states they are getting pretty fed up with the amount of signs being approved in all of the towns. Mr. Myers stated he is having a tough time with the size of the sign on the south side of the building. He feels that a much smaller sign would still be visible as a Staples, because traffic there is much slower. If the 4 ft. x 20 ft. sign on the front and 3 ft. x 15 ft. sign on the north side are approved, the sign on the south side can be made smaller and still provide what is needed to identify the building.

Mr. Dudick asked if you go for a 45 sq. ft. sign on the north side and an 80 sq. ft. sign on the front, or vice versa, he could he put a 10 sq. ft. sign on the south side. Mr. Funk stated that he could do a 20 sq. ft sign. He discussed the proportion of the letters. Mr. Dudick asked if he had a smaller sign than 20 sq. ft. Mr. Funk replied that he could, but it would be useless. If he approached Staples with that they would laugh.

Mr. Ritter stated that in this tight economy we have a store that is considering whether to open here. If a 30 sq. ft. difference is going to decide whether they are going to open a store in this town and add more revenue, or build somewhere else, he would give them the extra 30 sq. ft.

Mr. Funk stated that the issue he keeps going back to is that 170 sq. ft. of signage on a building that is 20,000 sq. feet is only 1%. Mr. MacElroy stated he will rely on Mr. Funk, because he is the one that has to go back to Staples. Mr. MacElroy further stated that he has contingencies in the lease that are significantly larger than what we are talking about, and he did not have the authority to deviate beyond that. Mr. Funk stated that his signs are nice, clean and aesthetically pleasing.

Mr. Dudick stated he would have any problem with an 80 sq. ft. sign and a 45 sq. ft. sign and let it go with those two signs for a total of 125 sq. ft. The problem is trying to get the 3rd sign on the building. Mr. Funk asked Mr. Dudick if he would go back to his original proposal of three 3-foot signs. Mr. Dudick's response was inaudible. Mr. Troy then asked Mr. Dudick if he could do a 4, a 3 and a 2 (80 sq. ft. + 45 sq. ft. + 20 sq. ft. = 145 sq. ft.) Mr. Dudick stated that this was more than what he was hoping to go with. He was hoping for 135 sq. ft. A larger building (Mooradians) received 150 sq. ft.

Mr. Lemire stated that his apprehension is that he feels the benefit can be achieved by the applicant with just two signs, that the south side sign is not needed. He feels that the elimination of the third sign also addresses the article that Mr. Myers read. If a third sign is allowed, and you also have pylon signs, this is actually 5 signs / panels for this business.

Mr. Dudick again stated that he feels 135 sq. ft. is stretching it. He would rather see 125 sq. ft. Mr. Funk stated he is willing to go with 135 sq. ft., if he can have 3 signs. Mr. Dudick stated he is comfortable with that.

Mr. Ritter stated that he feels the applicant has done the best that they can do to compromise, which addresses Mrs. Gleason's point. He does not think it is unreasonable to go with two 3-foot and one 4-foot sign, given the nature of the business. Additionally, the sales and sales tax generated is positive.

Mr. Funk again stated that he would go down to 135 sq. ft. There was discussion about being comfortable with that.

Mr. Lemire again made mention of not being comfortable with the south side sign.

Mr. Dudick asked the board's newest member, Mr. Strother, what his thoughts are. Mr. Strother stated that he feels the best proposal was the larger sign facing north and a sign at the entrance. He agrees with Mr. Lemire that they do not need a south side sign.

Mr. Funk asked that if he give up the third sign, what would be the maximum amount of square footage that the board would be comfortable with. Mr. Lemire responded 135 sq. ft. Mr. Dudick said that $45 + 45 = 90$. Mr. Funk stated that if they give up the third sign, they could have a 4-footer on the front (80 sq. ft) and a 3-footer on the side (45 sq. ft.) for total of 125 sq. ft. Mr. Dudick stated that he agreed with that. Mrs. Gleason wanted the applicant to decide. Mr. Dudick spoke about comfort level.

There was discussion on whether there should be a vote tonight. Mr. Funk stated that he could be comfortable, but Staples may not. Mr. Dudick feels very comfortable with two signs totaling 125 sq. ft. He feels that the board would be comfortable with two signs totaling 135 sq. ft. Mr. Funk stated they could do a 3-ft 6" sign, which is 17.5 feet long. The square footage on that would be 61.25. Then they could do a 4-footer, which would bring them to 141.25 sq. ft., for two signs. Mr. Dudick agreed with this, and this would drop the third sign variance request.

Mr. Funk stated that this would be a variance of 81.25 sq. ft. He stated that he would like to contact Staples. Mr. Dudick asked the applicant if he wanted a vote at this meeting or not.

Mr. Ritter stated that he feels that we need to take into context that if the corporate decision to sign the lease was based upon their need for 3 signs, and they are flexible on the square footage on those signs, let them have that corporate decision. He further stated that at one point in the evening there seemed to be comfortability among three board members for three 3-foot signs. He does not want business not to come to town because they did not get three signs. Mr. Dudick stated that he did not want any applicant to ever pull the board to find out what the votes are and then decide whether or not to vote. He stated that there are some times when the board has been presented with situations in the past, when applicants have stated if the board did not grant a variance then they would not do business in the town. It is up to Staples to decide what they want. Mr. Funk stated he is not sure what Staples is going to be comfortable with. Mr. Funk stated that he can make decisions for them, but he would rather not have a vote tonight.

There was discussion regarding the arguments and options presented. Mr. MacElroy asked when the next time they could get on the agenda would be. The secretary replied May 20th.

Mr. MacElroy took a two-minute recess to have a discussion with Mr. Funk.

When the meeting resumed, Mr. Dudick asked the applicant if he had authority to make this application, because he mentioned he had to discuss this with corporate. He said this was discussed during the recess. If we decide to go one way and the variance is approved will it be okay with Staples, and if they decide to change their minds, can the approval be thrown out and a new application submitted? Mr. Peller replied yes, it would be a new application. There was further discussion among the board regarding procedure. Mr. Peller suggested to the applicant that he allow a vote tonight.

Mr. Dudick made a motion to approve the application as amended for an area variance from Chapter 171 of the Town Code (Sign Law) from max allowed 60 sq. ft.; sign package = 141.25 sq. ft., variance approved = 81.25 sq. ft., no third sign. The two signs will be 80 sq. ft and 61.25 sq. ft. and will be placed on the north and west side of the building. Mrs. Gleason seconded. Ayes: Dudick, Gleason, Lemire, Strother, Ritter. Noes: None.

2. An application from AJ Signs, requesting a variance from Chapter 171 – 4H of the Town Code (Sign Law) for an off-site freestanding sign. The property is located at 602 Pierce Road, Clifton Park. Permit # 80695.

Nobody appeared for this application. Mr. Dudick asked if we hear application with an applicant in absentia. Mr. Myers replied not usually. The secretary asked if she could read the legal notice or if she needs to make a new one.

Mr. Peller stated that we would have to deem the application abandoned.

Mr. Myers asked the secretary if she notified the applicant. The secretary replied that she sent him the notice with agenda, and she pulled out a copy of the notice and agenda sent to the applicant.

There was discussion regarding procedure. Mr. Ritter stated that a motion can be made to table it and send them a letter stating they need to show up or reapply. He suggested tabling the meeting. There was discussion regarding the next agenda. Mr. Dudick asked Mr. Peller about the procedure. Mr. Peller suggested that someone make a motion to abandon because the applicant did not show. Then it is closed.

Mr. Dudick made a motion to close the application based on abandonment. Mrs. Gleason asked what that meant. Mr. Peller advised that this means the applicant wants to come back they would have to start over.

Mr. Lemire seconded the motion. Ayes: Dudick, Gleason, Lemire. Noes: Strother, Ritter.

Mr. Peller advised a majority vote is what is needed, not a quorum.

The secretary asked Mr. Peller about the notice of decision stating abandonment. Mr. Peller replied yes, and advised the secretary that she should send the applicant a notice stating that if he wants to come back before the board, he needs to start the process over.

Mr. Myers responded that if the applicant does not come back to the board with two weeks he will tell him to remove his sign. Mr. Peller advised Mr. Myers that he can tell the applicant to remove his sign tomorrow. Mr. Myers stated that he wanted to give the applicant the benefit of the board hearing his appeal.

Mr. Ritter made a motion to approve the minutes of April 15, 2008. Ms. Gleason seconded. Approval unanimous.

Mr. Ritter made a motion to adjourn the meeting at 8:50 PM. Ms. Gleason seconded. Approval unanimous.

Respectfully Submitted,

Jess McCarthy
Secretary

Cc: Town Clerk, Town Board, Zoning Board Members, Joel Peller, Counsel, Steve Myers, Department of Building and Development, Planning Board, ECC, Assessor, Highway