

December 6, 2005

Present: Dale Kelley, Chairman, Michael Dudick, Dale Gleason, Joel Koval, Robert Ritter, Gil Kortz

Absent: Jessica McCarthy

Also Present: Lou Renzi, ZBA Counsel
Steve Myers, Director, Building & Zoning

Mr. Kelley called the meeting to order at 7:02 PM. Mr. Kelley reminded the Board members of the upcoming Town Holiday Luncheon on December 20, 2005 and also of the January 25, 2006 County Planning/Zoning education programs and encouraged members to attend.

Mr. Koval announced that he attended the Saratoga County Stormwater Management Workshop for Municipal Officials and gave a brief synopsis of the program. He informed the Board that new laws would impact the Towns effective 2008. Mr. Kelley asked Mr. Myers to keep the ZBA apprised of the progress in the future.

He also noted that there are three members whose terms are expiring December 31, 2005, Mr. Ritter, Mr. Kortz and Mr. Kelley. They all expressed interest in being reappointed to the Board.

NEW BUSINESS

1. An application from Sandra Towers, requesting an area variance from Section 208-11 from the required 50 ft. front yard setback – proposed setback = 31 ft. – variance requested = 19 ft. The property is located at 481 Moe Road, Clifton Park. Permit #80578 (amended).

The secretary read the legal notice as it appeared in the Daily Gazette on December 1, 2005.

Mr. Renzi, ZBA Counsel, explained that this application was originally heard on October 18, 2005 and a variance of 15 ft. was approved for a setback of 35 ft. Due to an error in measurement in the field the actual setback will be 31 ft., therefore a variance for an additional 4 ft. is needed making the total variance request 19 ft. not 15 ft. He noted that this will be an

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administrative correction. There will be no substantive effect on the site plan. He recommended that the Board motion this matter for acceptance as written for the corrected amount of 19 ft.

Mr. Myers stated that he has no comment on this request.

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

Mr. Ritter made a motion to approve this variance as amended. Mr. Koval seconded.
Ayes:

Gleason, Koval, Ritter, Kelley, Dudick, Kortz. Noes: None.

2. An application from Callahan Sign Company representing CMKK Clifton Park, Tractor Supply Company, requesting an area variance from Chapter 171 of the Town Code (Sign Law) from the maximum wall sign of 113 sq. ft. – proposed = 125 sq. ft. – variance requested – 12 sq. ft., and an area variance for a second wall sign of 125 sq. ft. The property is located at 1746 Route 9, Clifton Park. Permit #80579.

The secretary read the legal notice as it appeared in the Daily Gazette on December 1, 2005.

Dan Callahan, Callahan Sign Company, presented this application. He explained that they would like to have two wall signs on the building, one on the front and one on the rear of the building facing I-87. He explained they would like to draw business from the traffic on I-87 and noted that the larger sign on the front of the building is being requested due to the setback, approximately 150 ft. from Route 9. He referred to the Holiday Inn Express as having larger signs.

Mr. Callahan also noted that if the square footage of the concrete pad display area were added in computing the size for an allowable sign the total building size would be 42,600 sq. ft.

Mr. Myers stated the display area is not included in computing the size for the sign.

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

Mr. Myers explained that the applicant is allowed 113 sq. ft. sign for the front, the code allows for an increase of 10% for every 500 ft. setback from the road. He also expressed his reservations on the necessity of a sign facing the Northway. He also noted that they could split the sign allowed into two signs but they would be much smaller in size.

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Mr. Kortz asked for the percentage of the increase in the Holiday Inn sign. No one had that information available at this time.

Mr. Kortz asked for clarification on the location of the pylon sign. Mr. Callahan indicated it would be towards Route 9. Mr. Kortz questioned the need for two signs and noted that he feels it is excessive.

Mr. Koval noted that this applicant does not have the same problem as the Holiday Inn. Their concern was a new building being put up in front of them. This applicant does not have the same problem, they have a large pylon sign right on Route 9 and he does not see the need for the increased sign size.

Mr. Dudick expressed his concern over the total amount of signage being requested for the building. He noted that it is 137 sq. ft. more than allowed.

Mr. Renzi noted that elevation 2 has a blank rectangle on the print submitted and asked if it has anything to do with a sign. Mr. Callahan responded that it is not for a sign and therefore does not know what it refers to.

Mr. Kelley explained that caution is used to protect the Northway side from signage. He noted that this Board wants to be fair and reasonable.

Mr. Ritter asked if a smaller sign facing the Northway could be considered. He feels the request as written is excessive.

There was discussion on the Holiday Inn signs.

Mr. Kelley asked for confirmation on the pylon sign location. Mr. Myers noted that they already have a permit for the pylon sign.

Mr. Callahan explained that he would like the 12 sq. ft. variance for the front sign because it is there standard prototype and he could be flexible on the sign facing I-87. He noted the signage on the building front is more important to his client.

Mr. Kelley noted that the discussions indicate that the Board is willing to compromise but does not feel the sign facing I-87 is necessary.

Mr. Dudick asked what the setback is from Route 9 and if there is a building lot in front of the Tractor Supply Company.

Mr. Callahan responded he does not know.

Mr. Myers stated he believes the front area is all part of Tractor Supply Company.

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Mr. Dudick asked if the applicant would be agreeable to create two signs that would be somewhere in the range of the square footage allowed for the building.

Mr. Callahan responded that a 55-60 sq. ft. sign for the size of the building would not do anything for them. He stated his client would prefer to drop the rear wall sign and ask for the additional 12 sq. ft. for the front sign.

Mr. Dudick made a motion to amend this application and approve the variance request for the 125 sq. ft. sign on the east side of the building and eliminate the sign on the west side of the building. Mr. Kortz seconded. Ayes: Kortz, Dudick, Kelley, Ritter, Koval, Gleason. Noes: None.

Mr. Kelley made a motion to approve the minutes of November 1, 2005 with the correction to Mr. Myers name, Mr. Ritter seconded. Ayes: Kelley, Dudick, Gleason, Koval, Kortz, Ritter. Noes: None.

Mr. Dudick made a motion to adjourn the meeting at 7:35 PM. Mr. Ritter seconded, approval unanimous.

Respectfully Submitted,

Judy Lamb
Secretary