

ZONING BOARD OF APPEALS

February 3, 2009

Present: Michael Dudick, Chairman, Dale Gleason, Robert Ritter, Christopher Lemire, James Whalen, Douglas Strother, Brian Telesh, Deborah Ferro (alternate member)

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

Mr. Dudick called the meeting at 7:00 p.m

PLEDGE OF ALLEGIANCE

NEW BUSINESS:

- 1. An application from Ray Sign, Inc., requesting a variance from the Sign Law, Chapter 171-4H(1) for an off premises sign in a B4 zone. The property is located at 1 Southside Drive, Clifton Park. (Permit #80720)**

The secretary read the legal notice as it appeared in the Daily Gazette on January 29, 2009.

Mr. Tim Prescott of Ray Sign presented this application on behalf of Windsor Development. They wish to construct a 150 sq. ft. sign for tenants located in the back of the property. He stated that years ago the property could be viewed from Route 146, but cannot any longer due to the development of the area and the maturing of trees. They would like better visibility from the road. He discussed the placement of the sign so that traffic in both directions on Route 146 can know that there is another plaza there.

Mr. Dudick read a letter from the Saratoga County Planning Board which stated after a review of the application there appears to be no significant countywide or intercommunity impact. Mr. Dudick explained for newer members that this does not mean they approve, but from a County standpoint they have no comment.

Mr. Strother asked if the whole shopping plaza was Windsor Development's. Mr. Myers stated that for all intents and purposes, the property to the east of Clifton Country Road is DCG's and the property to the west is Windsor's. The bank and Friday's is Windsor's. DCG does not own any property to the west until you get to Staples and the new senior housing, so Windsor owns the property in between.

There was further discussion about properties owned by Windsor Development. Mr. Dudick asked if Windsor made this all one lot instead of multiple lots would they not need a variance. Mr. Myers replied correct.

Mr. Dudick asked Mr. Prescott if Windsor had considered making this all one lot and Mr. Prescott said he could not comment but when he has put up other signs like at 5 Southside and Village Plaza, his bills go do different names in the same building for billing purposes.

Mr. Dudick stated that this is a request for an off-site sign, which the board sees periodically. In his recollection he has not known the board to grant an off-premises sign to anyone. He does not see a reason why this application would be any different.

Mr. Myers agreed with Mr. Dudick and stated that it would be unique for this board to grant an off-site sign. He stated, as the board will recall, that a sign was put up without a permit on a separate parcel which was taken down, recalling the pipe supplier on Pierce Road. He does not know if the easement they have will make a difference to the board in this matter. It is the same owner for all of the properties and the easement was obtained to ensure that if the parcel was sold the sign could remain. This may make it more unique than other circumstances.

Mr. Strother stated that even on its own merit he does not believe the application stands. He is more concerned that other stores there would then feel entitled to additional signage.

Mr. Lemire agreed with Mr. Dudick and referred to 171-4H(1) and 171-6C(5) of the sign law concerning billboards / off-premises signs.

Mr. Ritter made a motion to close the public hearing. Mrs. Gleason seconded. Approval unanimous.

Mr. Dudick made a motion to deny this application as presented. Ms. Gleason seconded. Ayes: Gleason, Dudick, Telesh, Lemire, Strother, Whalen. Abstentions: Ritter.

Mr. Prescott stated that he moved out here in 1992 and commented on the development and changes in the board members in the 17 years. He feels that this plaza got painted into a corner and there is poor visibility. He feels like they are getting snuffed out back there. Mr. Dudick

stated to Mr. Prescott that he understood his point, but that it is ironic that the reason the visibility has been cut down is because the property owner has been building around his own property. This is a case where the plaza cannot be viewed because the person who owns it built around it.

Mr. Lemire stated that building a sign that is not contiguous to a property creates a nuisance and a hazard. This is out of harmony with the sign law.

Mr. Dudick stated that in a recent lecture at the County Planning Conference the speaker mentioned that a municipality should have a vision of what they want the municipality to look like. Clifton Park tries to reinforce a vision.

Mr. Dudick made a motion to approve the minutes of January 6, 2009. Mr. Ritter seconded. Ayes: Dudick, Gleason, Ritter, Lemire, Strother, Telesh, Ferro. Abstentions: Whalen.

Mr. Strother wanted to state for the record that he would like to do some research on the workshops concept and come back to the board at the next meeting with an agenda regarding workshops. Mr. Dudick stated that continuing education is something that board members should be doing. Mr. Strother stated he would like applicants to be able to meet with the board prior to the meeting. Mrs. Gleason asked how this could be done and referred to the public meetings law. There was further discussion regarding workshops. Mr. Strother stated he would like to discuss what is going on in these applications prior to the meeting. Mr. Lemire referred to the open meetings law.

Mr. Dudick made a motion to adjourn the meeting at 7:31 p.m. Mr. Ritter seconded. Approval unanimous.

Respectfully Submitted,

Jessica 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