

ZONING BOARD OF APPEALS

December 6, 2011

Present: Michael Dudick, Chairman, Michael Bloss, Randy Gifford, Chris Lemire,
Doug Strother, Jennifer Vucetic

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

Absent: Deborah Ferro, Eric Prescott

Mr. Dudick called the meeting at 7:05 p.m.

PLEDGE OF ALLEGIANCE

OLD BUSINESS:

An application from Edward Grennon for a variance from 208-12A for accessory building (garage) setback. 80' required from front property line, applicant requests 10'; 70 foot variance required. Property is a keyhole lot in PDD with normal residential requirements (208-12A) applicable.

Property is located at 6 Mountain Way, Clifton Park, NY 12065 (Permit #80841)

Mr. Ed Grennon, owner of the property, continued with his application presentation asking for a 70' front variance for the construction of an accessory building. He summarized that the topography drops off on his property and he has limited ability as to where he can locate the building. He informed that the height of the building meets code. He indicated he had met with Mr. Myers regarding the height.

Mr. Dudick asked Mr. Myers if height was an issue.

Mr. Myers confirmed the height falls within the zoning regulations. He reminded the board that this is a keyhole lot that requires a 50' setback. He stated the reason for the setbacks is to keep visual impairment down. He suggested that the board might want to require additional screening.

Mr. Dudick asked if it was additional beyond the arbor vitae currently there.

Mr. Myers said there could be additional screening. He stated that this is a unique case to have the accessory building closer to the street than the house.

Mr. Dudick asked Mr. Grennon if he would provide more screening.

Mr. Grennon said he would be willing to do that.

Mr. Strother asked how this could be enforced.

Mr. Myers suggested he would make sure it is planted before the structure is built and said the board should specify something.

Mr. Peller asked the height of the trees there now.

Mr. Grennon said directly behind it there are maples and scrub and he planted 3-4 pines that are about 25ft tall.

Mr. Dudick asked for suggestions as to what type of shrub screening would be best. Mr. Myers suggested 3-4 evergreens.

Mr. Dudick made the motion to approve the application as presented with the amendment that prior to building the structure, Mr. Grennon provide screening along the border of a type and size suitable to Mr. Myers. Mr. Myers added that it be 4 spruce or other evergreens of about 5-6' tall. The motion was seconded by Mr. Gifford.

Mr. Dudick asked for public comment. There was none. Mr. Dudick made the motion to close the public hearing. Seconded by Mr. Gifford. All approved. Public meeting closed.

Ayes: Bloss, Vucetic, Gifford, Dudick, Strother, Lemire Noes: none

Application approved with amendment.

NEW BUSINESS:

The secretary read the legal notice as it appeared in the *Daily Gazette* on December 1, 2011.

An application from Lecesse Construction for a variance from sign law Chapter 171, Table II (one freestanding project identification sign at 32 SF allowed. Variance requested for two additional signs and 160 SF additional area.

Property is located at 1 Coburg Village Way, Rexford, NY 12148 (Permit #80842)

Mr. Ruben Parr, superintendant for the project for Lecesse Construction, presented the application. Mr. Parr stated they had installed the additional signs for safety concerns and to direct employees to the construction area and parking so they do not impact the main entrance on

Grooms Road. He said he had met with his safety director out of Rochester who told him they had done a good job. He said there is a lot of traffic on the intersection.

Mr. Strother stated he is familiar with the area and he thinks they did a good job of signage for health and safety purposes. He added that there is a great deal of traffic in that area and it is needed. He asked if the signs could remain until the construction is completed.

Mr. Dudick stated they are temporary signs erected while the construction is going on.

Mr. Parr informed that they would be taken down when the construction is completed.

Mr. Gifford stated the signs are very clear.

Mr. Strother said he would be in favor if they could have a timeline so it is not open-ended. He suggested that if the timeline was exceeded they should have to come back.

Mr. Gifford asked the timeframe of construction. Mr. Parr informed that it will be approximately a year or around November 2012 for completion.

Mr. Dudick asked for an estimate of the size of the building and was told it is about 60,000 square feet.

Mr. Myers said he has no problem with the project and so far everything is going well with the directing of traffic.

Mr. Lemire asked if they grant a variance for this, would the variance run with the land.

Mr. Myers said the variance is very specific for temporary construction signs. He said there is usually one sign, a 4 x 8 sheet of plywood. He added this is unique site because it is a main intersection. He stated that because it is three signs and 160 square feet he thought they should come to the board as it was pretty far over the top.

Mr. Peller informed the variances run with the land, but are contingent with temporary signs.

Mr. Dudick asked why, if there are two entrances into the property, they need three directional signs. Mr. Parr answered that it depends on which way the workers are coming in, and for deliveries. He said he needs the deliveries to pass by the job trailer. After the building is constructed of 3 stories, he won't be able to see the entrance. Mr. Bloss added that they won't be able to see either location from the corner.

Mr. Strother suggested that the signs alert other drivers of big construction trucks turning.

Mr. Lemire asked Mr. Myers if there are any other problems other than the size and number of signs. Mr. Myers answered "no".

Mr. Bloss made the comment that the logo on each sign is very large.

Mr. Myers said that is standard and Mr. Dudick mentioned there is an advertising aspect to the signs.

Ms. Vucetic added that if someone is making a delivery, they would be looking for the company and the logo.

Mr. Dudick asked Mr. Parr if he sees a problem from a safety or practical standpoint if the board put a time cap when the variance would expire by the end of next year.

Mr. Parr said he had no problem with it and that by winter of next year, the signs would be pulled down for landscaping. He informed they need to do that in time for grass to grow. He suggested that by October 1 the signs would be pulled.

Mr. Strother asked about the safety person from Rochester and whether he had issued a report. Mr. Parr said he and the safety person, Jim Redman, both looked at the site.

Mr. Lemire said his concern was if someone could be distracted by the signs that might cause an accident and if the safety person made the recommendation of the signs. Mr. Parr said that he had.

Mr. Dudick made the motion to close the public hearing as there was no public present. Seconded by Mr. Bloss. All in favor. Public hearing closed.

Mr. Strother made the motion to approve the application with the amendment that the variance will sunset on October 1, 2012 and the temporary signs will be removed. Mr. Gifford seconded.

Ayes: Lemire, Strother, Dudick, Gifford, Vucetic, Bloss Noes: None
Amended application approved.

Motion to accept the minutes of the November 16, 2011 meeting was made by Mr. Dudick and seconded by Mr. Bloss. Minutes were unanimously approved by members who were present at that meeting.

Mr. Dudick announced terms expired for Mr. Strother, Mr. Peller, and Ms. White on December 31, 2011. He inquired if they wished to continue, all said they did.

Mr. Dudick informed the board that the Saratoga County Continuing Education training will be held on Wednesday, January 25. It is all day training. Members received information by e-mail.

The next meeting is January 13, 2012.

Mr. Dudick made a motion to adjourn the meeting. Seconded by Mr. Lemire Approval unanimous to adjourn the meeting at 7:40 pm.

Respectfully Submitted,

Susan White
Secretary

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