

ZONING BOARD OF APPEALS

December 3, 2013

Present: Michael Dudick, Chairman , Michael Bloss, Jerry Cifor,, Randy Gifford, Chris Lemire, Doug Strother (7:10) , Jennifer Vucetic (7:06)

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

Absent: Mario Fantini

Mr. Dudick called the meeting at 7:06 p.m.

PLEDGE OF ALLEGIANCE

Mr. Dudick asked everyone to turn cell phones off to avoid interference with the recording system. He informed the applicants this is a seven member board with one alternate. To receive approval an application one must receive 4 yea votes regardless of the number of members present. There are seven members present tonight so the applicant must receive four out of seven votes for approval.

OLD BUSINESS

None

NEW BUSINESS

The secretary read the legal notice as it appeared in the Daily Gazette on November 28, 2013.

A request from Windsor Sign (Windsor Development Company) for modification of variance #80884 which approved 530 sq. ft. of wall signage for a building divided between 3

tenants. Two tenants have completed their sign installations with 184 sq. ft. left for third tenant. Applicant requests to split remaining sign area between 2 tenants rather than one. Variance required for 2 additional wall signs not previously approved. Property is located at 5 Southside Drive, Clifton Park, NY 12065 (Permit #80884)

Mr. Dudick asked to confirm the name of the applicant and was told it is Windsor Development Company. Mr. Dudick pointed out the application read into record named it as Windsor Sign. He clarified for the record, the actual applicant is Windsor Development with regards to a sign.

Mr. Bob Miller, Windsor Development Group, presented the application. Mr. Miller related a short history of the building, noting it was formerly occupied by Borders Books, which went bankrupt. He informed the building is approximately 15,000 square feet. He reminded they appeared before the board and asked for relief of sign code due to the fact they were going to subdivide the space. At the time they had two tenants, Sleepys (6,000 sq ft) and Verizon (4700 sq ft) leaving approximately 3500 square feet to rent. They expected to lease it all because it is expensive to subdivide, but did not find a tenant. They now have two tenants they would like to put in the 3500 square feet. They are allowed 530 sq ft for signage and after Sleepys and Verizon's signs, what is left is 184 sq ft. He informed they actually only need 159 sq ft but they would like to divide that in half and instead of having two signs they need to have four, two on the north side and two on the south.

Mrs. Vucetic reminded that when they previously appeared before the board, the concern was that the signs should be a certain size in order for it to look right.

Mr. Miller responded that The Joint sign will be 39 sq ft and European Wax sign is 39.08 sq ft. He pointed out they will be more in line with the size of the other business signs to the west, adding the Sleepys and Verizon signs are larger.

Mr. Lemire referred to the Notice of Decision on September 21, 2012 asking if the decision had been to divide the 350 square foot sign allowance by four.

Mr. Miller confirmed they came in for four signs because the Sleepys sign was already in place so the four signs were two for Verizon and two for the third space they are talking about today.

Mr. Myers informed that is correct, that the 184 sq ft was to be for the third tenant.

Mr. Dudick alluded to the two times Windsor came to the board for variances and restated their argument that retail is changing. He said they believed they couldn't rent the large space to a big box store (which was formerly Borders Books) so they had to break up the space into smaller units.

Mr. Miller said the original plan was to divide the space into three but if they could have leased the whole 15,000 square foot box to one business, they would have done.

Mr. Dudick indicated his agreement stating he understands the expense goes up every time they have to subdivide. His said his inclination is that they had sign size is in place for all the spaces and named a few of the businesses. He confirmed with Mr. Myers that the original size of the

signs approved is 45 square feet for each of the spaces, which was acceptable to Mr. Miller. He summarized Mr. Miller is here to divide the remaining sign for two businesses. He added he is comfortable with going back to the original agreement that allows up to 45 sq feet for each of the smaller spaces and he feels it is fine if the spaces comply with the original strategy of that size.

Mr. Miller said they will be in compliance with the signs at 30 and 40 square feet. Mr. Dudick asserted he is comfortable with that.

Mr. Lemire asked if “The Joint” business will have its own entrance. Mr. Miller confirmed that it will. Mr. Lemire asked if the stores go back the full length of the building. Mr. Miller said they will not as they are retaining some space for storage. He explained the plans to Mr. Lemire and the rest of the board.

Mr. Lemire asked if approval of the signage on the front and back had previously been dealt with.

Mr. Dudick answered Mr. Lemire, explaining that, as a board, they approved signs for the north and south sides of the building. (front and back) He added he thought it was too much, but the board approved it and he would expect there would be continuity of size of signage for these two businesses also.

Mr. Myers asserted they are well under the size limit allowed. He explained the reason he wanted it to come before the board is because of the number of signs, not because of the square footage. He continued; since the number of signs was changing from six to eight he didn't feel he could just say go ahead. He explained he felt that since it was such a large variance originally, the board should take a look and know what is going on.

Mr. Strother expressed agreement with Mr. Dudick's sentiments and added he thinks they should put a sunset on the variance so if anything were to change in the future they would have to come for another variance.

Mr. Dudick responded he does not think it is necessary because if the owners were to split the space of Sleepys or Verizon, they would have to go with the original 45 square foot signs.

Mr. Strother said his issue deals with the number of signs spread out over that location. He repeated he thinks the board should put a sunset on it.

Mr. Myers reminded the law allows every tenant to have a sign. He asserted the only reason he brought this to the board is because of the original application and the board had to add more signage to the site. He said if they were to subdivide Sleepy's or Verizon, he may or may not ask them to come back depending on the situation. He assured that if the applicant came anywhere near the total square footage approved for the building he would have to come back.

Mr. Dudick asked for comments from the public. There were none. Mr. Dudick made the motion to close the public hearing, seconded by Mr. Cifor. All approved. Public hearing closed.

Mrs. Vucetic made the motion to approve the modification of the application as submitted. Mr. Gifford seconded the motion.

Mr. Renzi asked if the remaining 25 square feet of signage would be carried over into some other place. Mr. Myers answered saying all the other signs are already up.

Mr. Lemire asked what is the modification of the application. Mr. Myers explained it is to allow four signs because of now having two tenants instead of one.

Mr. Lemire referred to the extra square footage. Mr. Myers responded, saying it is 160 square feet requested with 184 square feet available. He said the modification is the variance now says eight signs are approved vs six. Mr. Lemire questioned if they are not dealing with the square footage. Mr. Myers answered "no".

Ayes: Gifford, Lemire, Vucetic, Dudick, Strother, Bloss, Cifor Noes: none
Modification of application approved as submitted.

The board approved the minutes for the November 19, 2013 meeting. Mr. Cifor abstained as he had not been present at the meeting.

The next meeting is January 7, 2014.

Mr. Dudick made the motion to adjourn. The motion was seconded by Mrs. Vucetic. The meeting was adjourned at 7:30 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