

ZONING BOARD OF APPEALS

March 15, 2016

Present: Michael Dudick, Chairman, Jerry Cifor, Lisa McCoy, Randy Gifford, Anthony Morelli, Michael Bloss and Mario Fantini

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

Absent: Chris Lemire

Mr. Dudick called the meeting to order at 7:08 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Mr. Dudick informed the public that this is a 7 member board with 1 alternate member and in order for an application to be approved, 4 votes of approval are required. Mario Fantini will be voting for Chris Lemire.

OLD BUSINESS

N O N E

NEW BUSINESS

The secretary read the legal notice as it appeared in the Daily Gazette on March 10, 2016.

- 1. An application from City Electric Co. for an area variance from Chapter 171, Chart I, which allows a maximum wall signage in an LI District of 60 sq. ft. Applicant requests 120 sq. ft., 60 sq. ft. variance required. Property is located at 1928 Route 9, Clifton Park, NY 12065. (Permit #81076).**

The application was presented by Mark Wilson, Branch Manager of the Clifton Park City Electric Co. location, who started off with an apology for putting up the signs without doing their due diligence research as to signage and local zoning laws first. He indicated they are located a bit off the road and that it is hard for customers to see their store with the bridge on one side and a building owned by Joe Barillo in front of them. He stated that is why they put up the 2 signs.

Mr. Peller pointed out that the application did not include an authorization from the owner for Mr. Wilson to proceed on their behalf. It was then determined that Prestige Commerce Center LLC is the owner of the subject property and City Electric Co. rents from them. Mr. Peller advised that although the Board could still proceed to consider the application, Mr. Wilson would need to provide the required authorization form, signed and notarized by a managing member of the LLC, to show he has the LLC's permission to present the variance application and that the Board could treat it as a trailing document. Mr. Peller asked if there was any reason to believe the LLC would not give him the authorization and Mr. Wilson advised he did not think so.

Mr. Dudick clarified counsel's statement that the Board would continue on with the application, with the stipulation that the variance, if granted tonight, would be nullified in the event the required written authorization from the owner was not provided.

Mr. Wilson continued his presentation, advising that the purpose of the signs was for visibility. He stated that City Electric Co. is a certified WBE (Woman Business Enterprise) owned by Sandy Rosecrans, which was originally established in 1919 in Syracuse, New York. He said this is the tenth store in City Electric's footprint and they have always wanted to be in this market area. He explained that they are an electrical distributor, selling wholesale electrical supplies, servicing customers like Global Foundries and Sysco Foods.

Mr. Wilson explained that the main difference between their company and the big box stores like Lowe's and Home Depot, is that they are set up with expertise; have engineers and project managers on staff; and can package a project, manage it and design it. He went on to say they also sell commercial exterior lighting, under cabinet lighting, and recessed lighting, but advised they are not a lighting showroom.

Mr. Dudick asked how important the signage would be for his type of business that mostly deals with large corporations and commercial lighting.

Mr. Wilson responded that they also have a retail sales counter and if people drive by and see the sign, they will come to buy product, advising that the counter trade is very crucial to keeping their doors open. He stated they will probably do \$3 to \$4 million dollars of business in commercial construction, but that having the foot traffic was crucial to any electrical distributor. He explained they stock physical product for many houses in this area and that they have a whole group of Van Patten homes which were built some time ago that have FPD breakers and obsolete GE relays, which they stock.

Mr. Dudick inquired as to what the current zoning for the building was and Mr. Myers confirmed it is in the Light Industrial Zone.

Mr. Gifford asked how he would know what they sell because the sign just says Electric City. Mr. Wilson advised they are not a company that does a lot of advertising. He indicated he has been in his position for 35 years and that they have well established relationships with the electrical contractors in the area. He further advised that as they get more established here, they will probably do some local advertising to show people they have the hard to get electrical items that you won't find at the big box stores and that they are niche place for that as they have over 100 years of experience.

Mrs. McCoy asked if she called an electrician for a switch problem at her house, whether that electrician would be familiar with City Electric, to which Mr. Wilson responded yes.

Mr. Dudick asked how long they had physically been at their location. Mr. Wilson responded they had taken possession of the keys and put in the infrastructure and inventory just after Memorial Day, but that they did a soft opening the week the track opened last year. He explained their intention was to open in September last year but they were able to get in much sooner than expected.

Mr. Peller inquired what the location was before Electric City. Mr. Myers advised it was previously a warehouse for distribution of newspapers, where carriers would pick up their newspaper bundles.

Mr. Wilson further stated they are in the process of putting a store in Binghamton, having signed the lease there this week which shows they are an up and coming company. He indicated there may be another store coming to the Glens Falls area and that they are really hoping they can grow with this building. He advised they have the first option with the owner, Joe Barillo; that they were hoping to be the original distribution center; and that they hoped to be here for a long time, as it is a great location. He further added that they have already hit their sales number for the year.

Mr. Bloss asked if the signs on both sides of the building were the same size to which Mr. Wilson responded, they are 2 different sizes. Mr. Bloss asked if the one on the front over the door, facing south on Route 9 is larger, to which Mr. Wilson responded yes.

Mr. Dudick asked Mr. Myers for his opinion as to how these signs compare to other businesses of similar size.

Mr. Myers advised that based on the size of the building the signs look fairly inconsequential and because we've allowed much bigger signs on buildings of similar size in the past, he does not see a real issue with them for identification purposes, especially since they are located quite a distance back from the road and the amount of space they occupy is pretty insignificant.

A discussion was had and it was established that the building is approximately 10,000 square feet and that Electric City currently occupies the entire building. Mr. Myers confirmed there is an expansion plan for the building in the near future.

Mr. Dudick clarified they are allowed 2 building signs and that any freestanding sign would go with the property.

Mr. Dudick announced the public hearing and asked for comments. There were none related to the application. Mr. Dudick made a motion to close the public hearing and Mr. Morelli seconded the motion. All members voted in favor and the public hearing was closed.

Mr. Cifor made a motion to approve the area variance, subject to the owner approval authorization form being completed by the owner and signed, adding that he knows that area very well and didn't believe it would produce an undesirable change in the character of the neighborhood and that the benefit sought by the applicant could not be achieved by some other method. The motion was seconded by Mr. Fantini.

Mr. Cifor when on to state the requested variance seemed substantial, to which Mr. Myers replied that did not necessarily preclude it from being approved, as it was only substantial due to the size of the building, the setback from the road and the need for visibility of the business.

Mr. Cifor stated he did not feel the proposed variance would have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. He stated he did feel the difficulty was self-created, to which Mr. Myers responded that although the need for the variance was self-created, it was because the applicant was unaware of the requirement to obtain the variance before they put the signs up.

Mr. Myers also stated that this is Type II action and no further SEQRA review by the Board was required.

Upon inquiry from Mr. Peller, Mr. Myers confirmed that although the application had been referred to the Saratoga County Planning Board due to the requested variance being on a state or county road, but that the Town had not yet received a determination from them.

The secretary called the Vote:

Ayes: Mr. Fantini, Mr. Cifor, Ms. McCoy, Mr. Dudick, Mr. Gifford, Mr. Morelli and Mr. Bloss

Noes: None

Application approved pending receipt of the owner authorization form.

Mr. Dudick then made a motion to approve the minutes from the March 1, 2016 meeting. Mr. Dudick, Mrs. McCoy, Mr. Gifford, and Mr. Bloss, who were present at that meeting, seconded the motion and the minutes were approved.

Mr. Myers advised there will not be a ZBA Meeting on April 19, 2016 due to the presidential primary and lack of available meeting space at Town Hall.

Mr. Gifford made a motion to adjourn the meeting. The motion was seconded by Mr. Morelli. Approval was unanimous. The meeting was adjourned at 7:34 p.m.

The next meeting is April 5, 2016.

Respectfully submitted,

M. Kathleen Smith
Secretary, Zoning Board of Appeals

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