

Town of Clifton Park
Clifton Park, New York 12065 (518) 371-6651
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**ZONING BOARD OF APPEALS
MINUTES
July 17, 2018**

Present: Chairman Dudick, Lisa McCoy, Mario Fantini, John Klimes, Chris Lemire, and Michael Bloss

Absent: Jerry Cifor, David Donohue

Also Present: Neil Weiner, Esq., ZBA Counsel
Steve Myers, Director, Building and Zoning
Meg Springli, Secretary

The meeting was called to order at: 7:02 pm

PLEDGE OF ALLEGIANCE
ROLL CALL

Chairman Dudick explained that they were a 7 member board but only 6 voting members were present, therefore a majority vote of 4 out of 6 would be needed to affirm a decision. Next, the chairman added that any applicant preferring to wait until there were 7 members present may postpone their review to another night. No one chose to reschedule.

I. OLD BUSINESS:

NONE

II. NEW BUSINESS

1. AJ Signs 800 Route 146, Suite 365, Clifton Park, Permit #: 81166
 NY 12065

(1) area variance from Sign Law Chapter 171

Area variance	Requested	Allowed	Variance Required
1) Chart 1 allows maximum height of wall signs to be 20'.	24' 8"	20'	4' 8"

Tom Wheeler with AJ Sign representing ASML stated that the applicant would like to put signs above the second story windows, and that two other businesses at this site already have signs posted at that height, but he was told that a variance was necessary.

Mr. Dudick asked if this issue had been addressed for the entire building. Mr. Myers explained that each business required its own variance. Mr. Myers also stated that the building sits below street grade and the height variance will allow the sign to appear at proper level from the road. Discussion ensued.

There being no further comment, Mr. Dudick made a motion, seconded by Mr. Bloss, to close the public hearing at 7:07pm. The motion was unanimously carried.

Mr. Dudick moved, seconded by Mr. Fantini, to approve the area variance as written. The chairman stated that the variance would not create undesirable change; there was no other reasonable method of achieving the result; the request not substantial; nor create an adverse effect. The chairman also noted that he felt the hardship was self-created but not significant. Ayes: McCoy, Fantini, Klimes, Lemire, Bloss, Dudick
 Noes: None
 Motion Approved

2. AJ Signs 770 Pierce Road, Clifton Park, NY 12065 Permit #: 81168
 (3) area variances from Sign Law Chapter 171

Area variance	Requested	Allowed	Variance Required
1) 171-4H(4)(c) does not allow projecting signs.	30SF Projecting sign	0	(1)
2) Chart 1 allows (1) freestanding sign per entrance	(2) 30SF signs proposed	(2) 24SF signs allowed	6SF per sign
3) Chart 1 allows walls signs to be a maximum of 12' above grade.	18' above grade	12' above grade	6'

Tom Wheeler with AJ Signs represented Northway Church. Mr. Wheeler stated that the applicant would like a sign with “front lit channel letters” on the canopy entrance to the building, as well as a sign at each entrance with a Northway Church Logo on it. The consultant said that the street entrance signs on Pierce Road and Van Patten Drive would be backlit. Mr. Myers stated that the first variance would be a use variance to have a projecting sign on the building, adding that it was incorrectly stated in the legal notice as an area variance and therefore no decision would be made tonight regarding the projecting sign until or unless it was re-noticed. Mr. Dudick stated that if the applicant pulled the projecting sign from the application, then the board would be able to act on the others. Mr. Dudick added that the applicant could reapply in the future for that use variance as a new application.

Mr. Lemire stated that he objected to the applicant being able to apply for the same variance in the future without significant changes. Mr. Weiner stated that the law did not preclude the applicant from submitting the same application, especially in the instance that it was an error made by the Town that disqualified the variance request to be considered.

Dicussion ensued and it was stated that the applicant had three options:

1. Come back next month with all 4 variances
2. Withdraw the projecting sign application
3. Proceed with the application for the two road entrance signs and the canopy sign at this meeting, and return later for the application for the projecting sign

Mr. Wheeler stated that the applicant would withdraw the request for the projecting sign and that at this time, the request would be for the two area variances including two monument signs and one canopy sign.

Mr. Lemire asked Mr. Wheeler if the Sign labeled Ushers Road Entrance on the plan should actually state Pierce Road Entrance, as there was no entrance on Ushers Road. Mr. Wheeler Concurred.

Mr. Dudick noted that this was a Light Industrial zone. Mr. Myers stated that he felt the architecture of the building prevented standard signage that would be allowed by code. Mr. Lemire asked if the two monument signs were still the same square footage although they were different designs. Mr. Myers said the roof structure did not count on one of them. Mr. Myers also stated that this was a Type II action pursuant to SEQR and no further action was required and that the Saratoga County Planning Board found no significance with this application.

Then Mr. Dudick read a note in opposition to the proposal from Lea Amorosi into the public record since she could not attend the meeting. It was noted that the letter would be held in the file.

Glen Valle, 3 Hillside Drive, noted that he has lived in Country Knolls for many years and was President of the Country Knolls Civic Association. Mr. Valle stated that the church has had an impact on the entrance to the Ushers Road Corridor, and that he felt the projecting sign being removed from the agenda removed about 80% of his planned comments. Next, he asked if the entrance sign were required to be a set distance from the road. Mr. Valle then said that he felt that the illumination would be okay but added that he considered the request for a 25% larger sign than allowed to be significant. Mr. Valle also remarked that he felt the roof structure should be added in the calculation of sign size and asked that restrictions on time of illumination be added as a condition. Finally, Mr. Valle added that he thought the Board could offer some alternative options to the wall sign and that he agreed with comments offered by the ECC.

Mr. Lemire asked for clarification of the logo on the façade of the Church as shown on the last page. Mr. Wheeler stated that had been in the original design and was eliminated. Mr. Myers stated that it was now in the interior window and that the ZBA did not review window signs.

Mr. Dudick read the ECC recommendation into the record since ZBA members had not received the comment letter.

Mr. Myers stated that entrance signs are typically near the entrance.

Mr. Wheeler responded that the roof structure would not be illuminated. Mr. Myers explained that signs have many different structures and that the signs are measured, not the base or roof.

Barbara Hartman, Ballston Lake, long time Country Knolls resident.

- Objected to the application
- Agreed with ECC comment letter
- Didn't feel anyone had trouble finding the church
- She preferred not to see any change to the project

Paul Bollow, 25 Meridian Lane, Country Knolls, objected to the requested variances for the following reasons:

- No issues with traffic so far
- Felt that signs were not needed, the building was already visible
- Questioned whether applicant had met site plan requirements relative to trees and berms
- Did not want flashing message sign or strobe

Cosimo DiBari, 23 Hillside Dr, Country Knolls, read a written statement noting that he objected to the proposal, stating that he felt:

- Existing limits were ample enough
- The proposed variances would be precedence setting
- The change in the character of surrounding residential area would be undesirable

Vincent Paruolo, 28 Terrace Ct, objected to the proposal and questioned why it was necessary to grant these requests. He also stated that he felt the situation was self-created because these were not considered when the church was built. Then he added that he supported the ECC recommendations and his neighbors' comments.

Mr. Dudick explained that the Zoning Board of Appeals was tasked with the responsibility to review applications from residents or commercial entities asking for relief from the limits of the Town Code. Anyone can ask to be considered for a variance and the Zoning Board of Appeals must review those applications. Mr. Weiner stated that it was "similar to tempering justice with mercy in a criminal case", adding that it was reasonable to consider requests under certain criteria.

Mr. Wheeler responded that the signs did not contain a digital component. Then he added that the signs would be designed to fit in with the architecture of the building.

Mr. Lemire asked if the lettering could fit into the 24sf limitation and Mr. Wheeler responded that the backlit signs would need the size to be legible from the road.

Mr. Bloss asked how high the base of the sign would be. Mr. Wheeler stated that the base was 3'. Mr. Fantini stated that he felt this was rather a small variance overall and that he was generally in support of the application. Mr. Lemire asked what the height could be, and Mr. Myers stated up to 18' which it is with the roof and he added that a variance was not required for that.

Joe Andrews, 16 Huckleberry Lane, stated that he was concerned that signs might block view of vehicles on the roadways. Mr. Myers replied that it would be about 25 ft from the edge of the road so there should be sufficient sight lines.

There being no further comment, Mr. Dudick moved, seconded by Mr. Fantini to close the public hearing at 8:05pm. The motion was unanimously approved.

Mr. Lemire suggested that approval of the variances be conditioned upon the sign at the entrance on Van Patten Dr Sign be limited to 24sf, as allowed by code. Mr. Wheeler stated that the applicant would be amenable to that and therefore, withdrew that particular variance from consideration. This decision left two variance remaining. (1) the height variance for the wall sign. (2) the area variance for the free standing sign on the Pierce Road entrance.

Discussion ensued about the brightness of the illumination. Mr. Myers stated that any lighting should dim automatically at night and that the hours of operation would be per Town Code.

Mr. Myers offered the following comments

- ECC is advisory committee only with no regulatory authority such as is given to the ZBA
- Commercially zoned area, many signs in the vicinity.
- Churches are given special dispensation for signage per Code.
- This application is a relatively minor requests for variances

The chairman stated that the variance would not create undesirable change; there might be other reasonable method of achieving the result, but the request was not inappropriate in this situation; the request not substantial; nor create an adverse effect. The chairman also noted that he felt the hardship was self-created but not preclusive.

Mr. Dudick moved, seconded by Mr. Fantini, to approve the application as follows:

- Withdrawn without prejudice, the request for a use variance for (1) projecting sign
- Also withdrawn, the area variance request for a larger sign along Van Patten Drive (Applicant will submit plan that conforms to Code).
- (1) area variance to allow a 30SF freestanding sign along the Pierce Road entrance, 24SF allowed, 6SF variance required.
- (1) height variance for maximum height of wall sign at 18' above grade proposed, 12' allowed, 6' variance required.

Ayes: McCoy, Fantini, Klimes, Lemire, Bloss, Dudick

Noes: None

Motion Approved.

3. AJ Signs 800 Route 146, Building #100, Clifton Permit #: 81174
Park, NY 12065
(7) area variances from Sign Law Chapter 171, Table H
Withdrawn by Applicant

4. Edward Smith

11 Old Coach Road

Permit #: 81177

(1) area variance from Section 208-12A, accessory structure

Area variance	Requested	Allowed	Variance Required
1) Front Setback shall be 80' from property line	59'	80'	21'

The Secretary read the public hearing notice as it was published in the Daily Gazette.

Ed Smith, applicant would like a variance for installation of a hot tub in the back. Mr. Smith explained that the hot tub is already installed behind the house and stated that there is a gazebo and a tree that made the proposed location ideal. Mr. Smith also showed some photos to the ZBA members and explained that the variance request would bring the structure into compliance with Town Code.

Discussion ensued.

Mr. Myers stated that this action would be Type II pursuant to SEQR and no further action was required. Mr. Myers also noted that the variance would make the property conforming to code and would carry with the land for future owners, as well.

There being no further comments, Mr. Dudick moved, seconded by Mr. Bloss to close the public hearing at 8:23.

Mr. Bloss moved, seconded by Mr. Klimes to accept the application as submitted. Mr. Bloss stated that the variance would not create undesirable change; there was no other reasonable method of achieving the result since the gazebo structure was already constructed and would need to be moved, and a mature tree would have to be taken down; the request not substantial as it was located behind a fence and not visible from the road nor to neighbors; nor create an adverse effect. The board member also noted that he felt the hardship was self-created but not preclusive.

Ayes: McCoy, Fantini, Klimes, Lemire, Bloss, Dudick

Noes: None

Motion Approved

5. Gregory P. Breedlove

38 Via Da Vinci, Clifton Park NY 12065

Permit #: 81176

(1) area variance from Section 208-11, rear setback in R-1 Zone

Area variance	Requested	Allowed	Variance Required
1) Rear setback shall be 25' from property line	10' including stairs	25'	15'

The secretary read the public hearing notice as it was published in The Daily Gazette.

Gregory Breedlove, owner and applicant described the sketches as submitted. Mr. Breedlove explained that one page shows the original deck which is 35 years old and was already non-conforming, and needed repair and/or replacement. The applicant said that the new proposed deck is slightly larger, and will be closer to the rear setback line, adding that the back yard backs to a ravine and the nearest neighbor was quite far away

Mr. Myers stated that the original plan from 1983 was never reviewed, and no variances were granted. The building director added that the applicant should include the stairs in the variance and then there will not be issues in the future with any setbacks. Mr. Breedlove responded that they could move the steps to the side.

No one from the public wished to speak. Mr. Dudick moved to close, seconded by Mr. Fantini at 8:31 pm. The motion was unanimously approved.

Ms. McCoy stated that the variance would not create undesirable change; there was another reasonable method of achieving the result, but it was not objectionable; the request not substantial; nor create an adverse effect. The board member also noted that he felt the hardship was self-created but not preclusive.

Ms. McCoy moved, seconded by Mr. Klimes to approve the variance for a 15' rear setback variance for replacement of a deck including stairs.

Ayes: McCoy, Fantini, Klimes, Lemire, Bloss, Dudick

Noes: None

Motion Approved

Mr. Dudick moved, seconded by Mr. Klimes to approve the Minutes of June 19, 2018 as written. Mr. Lemire abstained.

All in favor

None opposed

Motion Approved

Chairman Dudick moved, seconded by Mr. Fantini to adjourn at 8:34pm.

All in Favor

None opposed

Respectfully submitted,