

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday January 22, 2018**

PRESENT: Chairman: David Hennel, Vice Chairman: Joseph Vullo, Dick Schlansker, Jeff Stuhr

ABSENT: Bruce Wurz

ALSO ATTENDING: Code Enforcement: Terri Petricca; Attorney: Michael Cuevas; Board Liason: Gina Wierzbowski; Stenographer: Jen Vullo

Chairman Hennel called the meeting to order at 7:00 P.M.

MOTION: To accept the November 2017 minutes as amended.

MOVED BY: J. Vullo
SECONDED: J. Stuhr

AYES: 3 (Vullo, Schlansker, Stuhr)
NOES: 0
ABSENT: 1 (Wurz)
ABSTAIN: 1 (Hennel)

MOTION CARRIED

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PUBLIC HEARING

Application of Bruno Associates, 9 Tower Road, Glenville, NY 12302 for 2 Sign Variances. The applicant is seeking to install a new 155 s/f wall sign on the front of the building. Said property is located in the Research Development and Technology Zoning District and is identified on tax map 22.-1-10.713.

The applicant is seeking the following variances from the Codes of the Town of Glenville:

- 1) **270-134, C, 6, b, 5: Maximum s/f of façade sign:** For façade signs, one square foot of sign area shall be permitted for each linear foot of building frontage, however under no circumstances shall any one façade sign exceed 50 square feet. The applicant is proposing one façade sign at 155 square feet and is therefore seeking a variance of 105 s/f for one façade sign.

- 2) **270-69, C, 5: Total square footage permitted for all signs on parcel:** The total amount of square footage for all signs on any one lot is 150 s/f. The

applicant proposes 1 sign for this business for a total of 155 s/f and is therefore seeking a variance of 5 s/f.

J. Vullo read the application and review factors for the variance requests into the record.

Sent to 0 neighboring property owners with no responses. This was not referred to the County.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Tom Wheeler, AG Signs, 842 State Route 50, Burnt Hills, explained that the sign is not illuminated inside, but instead contains cut letters. He explained that the owners realized as the building progressed they needed a bigger sign to be seen on the larger building.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. None

Chairman Hennel solicited questions from the Board members. He asked if there are any plans to light the sign. T. Wheeler replied no.

J. Vullo asked why they chose to move the sign down lower than its original location on the building if the intent is for all to see it. T. Wheeler explained that the owners felt it would still be visible at the lower location, but needed it to be bigger.

J. Stuhr inquired if any other alternatives were considered that fit closer to town codes. T. Wheeler replied that they did consider a smaller sign but felt the sign was lost in relation to the size of the building.

J. Vullo confirmed the color of the sign to be blue. T. Wheeler explained that it will be in contrast to the building color.

Chairman Hennel asked what the dimension across the sign was, and would it face Tower Road. T. Wheeler stated it is 31 feet across and would face Tower Road. T. Petricca explained that the only frontage the building has is on Tower Road.

MOTION:

The applicant having applied for a sign variance after having been denied a building permit to erect or construct a sign at 9 Tower Road in the Town of Glenville, New York; and

The applicant having applied for a sign variance with regard to installing a new 155 s/f wall sign on the front of the building. Said property is located in the Research and Development Technology Zoning District and is identified on tax map 22.-1-10.713,

because the proposed sign would be in violation of such restriction, and the Board having considered the application, after a full and complete public hearing, and after having considered the following factors:

1. Whether the variance results in changes in character to the neighborhood or nearby properties. Finding of fact:

No, as applicant states, this is a large building (180') and they wish for additional visibility from the street for a sign that is 31' in width. Additionally, building is situated in airport setting with other large buildings in the industrial area

2. Whether the particular hardship or difficulty with which the applicant will suffer if the variance is not granted is relevant. Finding of fact:

Yes, there will be a relevant difficulty for the applicant – as they stated, they are planning for a large building that is setback from the roadway.

3. Whether the benefit sought by the applicant can be achieved by some other feasible method. Finding of fact:

No, the applicant has provided that a smaller size sign on this size and location of building is not feasible.

4. Whether the requested variance is substantial. Finding of fact:

For the question of maximum square feet, yes, the request is substantial with 105 s/f of relief.

For the question of total s/f for all signs on parcel, the request of 5' is not substantial.

5. Whether the variance will have an impact on traffic. Finding of fact:

No, the property is in a commercial/industrial area and sign will have minimal adverse impact on surrounding properties. As applicant states, the larger sign will make it easier for motorists to find the location of the business.

6. Whether the alleged difficulty is self-imposed which is relevant to consider, but does not alone preclude to the granting of this variance. Finding of fact:

Yes, the variance is self-imposed.

Conditions: None

Now, therefore be it resolved that this application for a sign variance be granted.

MOTION (VARIANCE 1):

(Maximum s/f of façade sign)

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 3 (Hennel, Vullo, Stuhr,)

NOES: 1 (Schlansker)

ABSENT: 1 (Wurz)

MOTION (VARIANCE 2):

(Total s/f permitted for all signs)

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 3 (Hennel, Vullo, Stuhr,)

NOES: 1 (Schlansker)

ABSENT: 1 (Wurz)

MOTION APPROVED

Application of Verizon Cellular Sales, 122 Freemans Bridge Road, Glenville, NY 12302 for 4 Sign Variances. The applicant is seeking to remove an existing 39 s/f wall sign and replace it with an 80.3 s/f wall sign and install an additional 80.3 s/f wall sign on the north wall. The 2 wall signs would be in addition to the existing 52 s/f monument sign at the road. Said property is located in the General Business Zoning District and is identified on tax map 30.-1-1.11.

The applicant is seeking the following variances from the Codes of the Town of Glenville:

- 1) 270-68, A: Maximum number of external signs:** No more than two external signs displaying the business name shall be allowed, subject to the maximum square footage limitation prescribed for the relevant sign type, location or zoning district. The applicant is proposing a total of 3 signs and is therefore seeking a variance for 1 additional sign.
- 2) 270-134, C, 6, b, 11: Maximum number of façade signs per use:** A maximum of one façade sign per use is permitted. The applicant is proposing a total of two façade signs and is therefore seeking a variance for 1 additional wall sign.
- 3) 270-134, C 6, b, 5: Maximum s/f of façade sign:** For façade signs, one square foot of sign area shall be permitted for each linear foot of building frontage, however under no circumstances shall any one façade sign exceed 50 square feet. The applicant is proposing two façade signs at 80.3 square feet each and is therefore seeking a variance of 40.3 s/f for each façade sign.

4) 270-69, C, 5: Total square footage permitted for all signs on parcel: The total amount of square footage for all signs on any one lot is 150 s/f. The applicant proposes 3 signs for this business for a total of 212.6 s/f and is therefore seeking a variance of 62.6 s/f.

J. Vullo read the application and review factors for the variance requests into the record.

Sent to 5 neighboring property owners with no responses. This was not referred to the County.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Luke Fletcher, Verizon, stated that only the top 16 s/f of the monument sign is theirs. The bottom two slots would be used by other tenants when filled. Therefore, the total s/f of all signs is slightly off. Verizon's total sign s/f would be 176 s/f. Due to the shape of the lot, the builder had to turn the building sideways. The sign was placed on the shorter end facing the main roadway. They feel they need another sign on the long side of the building over the door. Normally Verizon would only put one sign on their buildings, but due to the unique positioning of this building they feel two signs are needed. Signage has a direct impact on the amount of business they generate, it increases traffic into the building, thus sales. The smaller sign was installed as a temporary sign only to get the business open.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. None

Chairman Hennel solicited questions from the Board members. He confirmed that the sign facing Freeman's Bridge Road is a 40 s/f sign. L. Fletcher explained that is only a temporary sign to get the store open.

D. Schlansker referred to the monument sign. Is he correct that Verizon only owns the top 16 s/f? T. Petricca confirmed this. She also stated that other identifications on the building are not considered in total sign s/f.

J. Stuhr stated that the sign currently in place seems sufficient. L. Fletcher explained that Verizon allows signs on different sides of a building but they are required to be the same size on each side.

Chairman Hennel confirmed that they are requesting 2 façade signs.

J. Stuhr asked if there has been any thought to not putting a sign over the door. L. Fletcher replied that aesthetically it looks like something is missing.

Chairman Hennel asked if Verizon produces 50 s/f signs. L. Fletcher explained that they already ordered 80 s/f signs. If the Board wants smaller signs they can do that.

D. Schlansker asked if AutoZone had been approved for the site next door as is shown on the plans. M. Cuevas replied no. D. Schlansker observed that if that store goes in it would block the new sign anyway. L. Fletcher stated that he heard AutoZone had fallen through. He explained that whatever goes in next door would be situated farther back so you would still be able to see the Verizon sign. There is a driving lane between the two buildings.

J. Vullo asked if they would consider smaller signs? L. Fletcher said yes.

Chairman Hennel said the Board would consider granting variances for one additional 40 s/f wall sign on the northern side of the building to match the already installed 40 s/f wall side on the front of the building. This would eliminate the need for two of the variances requested. He asked if the applicant would like to amend his application to one additional 40 s/f sign, thus eliminating variances 3 and 4. L. Fletcher agreed to that amendment.

MOTION:

The applicant having applied for a sign variance after having been denied a building permit to erect or construct a sign at 122 Freemans Bridge Road in the Town of Glenville, New York; and

The applicant having applied for a sign variance with regard to installing an additional 40 s/f wall sign on the north wall, because the proposed sign would be in violation of such restriction, and the Board having considered the application, after a full and complete public hearing, and after having considered the following factors:

1. Whether the variance results in changes in character to the neighborhood or nearby properties. Finding of fact:

No, the building is within a commercial setting and signage is consistent with style and size of signage for neighboring properties

2. Whether the particular hardship or difficulty with which the applicant will suffer if the variance is not granted is relevant. Finding of fact:

Yes, as applicant states, due to positioning of building in relation to main road, the entrance door is on the side of the building. Requesting side façade sign to also be visible to motorists traveling south on Freeman's Bridge Road

3. Whether the benefit sought by the applicant can be achieved by some other feasible method. Finding of fact:

No, with the reduction in the size of the façade signs to be more consistent with neighboring properties, we'll agree with applicant that there are no other feasible methods.

4. Whether the requested variance is substantial. Finding of fact:

No, with the reduction in size of the façade signs from what was originally requested we find the remaining variance for one additional façade sign to not be substantial based on commercial location.

5. Whether the variance will have an impact on traffic. Finding of fact:

No, we agree with the applicant that the additional signage will help existing and potential customers find the location easier by increasing visibility.

6. Whether the alleged difficulty is self-imposed which is relevant to consider, but does not alone preclude to the granting of this variance. Finding of fact:

Yes, the variance is self-imposed

Conditions: None

Now, therefore be it resolved that this application for a sign variance be granted.

MOTION (VARIANCE 1):

(Maximum number of external signs)

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 4 (Hennel, Vullo, Schlansker, Stuhr)

NOES: 0

ABSENT: 1 (Wurz)

MOTION (VARIANCE 2):

(Maximum number of facade signs)

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 4 (Hennel, Vullo, Schlansker, Stuhr)

NOES: 0

ABSENT: 1 (Wurz)

MOTION APPROVED

Other items discussed:

Training: Chairman Hennel encouraged everyone to attend the training seminar coming up. He explained there are on-line training seminars as well.

Pre-meeting each month: Chairman Hennel discussed the possibility of the ZBA meeting each month 1 week before the ZBA meeting to discuss items on the agenda, possibly with PZC liaison, and go over any concerns. This would be a public meeting but not a public hearing.

MOTION: To adjourn the January 22, 2018 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: J. Vullo

Seconded by: Chairman Hennel

AYES: 4 (Hennel, Vullo, Schlansker, Stuhr)

NOES: 0

ABSENT: 1 (Wurz)

MOTION APPROVED

Next meeting: February 26, 2018

Submitted by,

Jennifer Vullo

Jennifer Vullo
Stenographer

FINAL AS OF 2/26/18