

**TOWN OF GUILDERLAND
ZONING BOARD OF APPEALS
JUNE 1, 2011**

Members Present: Peter Barber, Chairman
Sharon Cupoli
Susan Macri
Allen Maikels
James Sumner
Janet Thayer, Counsel

Members Absent: Mike Marcantonio
Tom Remmert

CONTINUED CASES:

SCHUYLER COMPANIES – 5 NEW KARNER ROAD

Chairman Barber stated that this is a continued case and since the last hearing the applicant has provided to the Board a document which shows a change in the location of the parking spaces to the area that leads to the post office.

Dan Cleary of Bohler Engineering presented the case. Mr. Cleary stated that they have submitted revised plans which show two spaces in front of the shopping and 3 additional spaces off to the north on the post office driveway. Mr. Cleary stated that they have rerouted the sidewalk, redirected the crosswalk and kept the landscaped island. Mr. Cleary stated that they would be prohibiting the right turn for the drive thru to help clear up any congestion. Mr. Cleary stated that by providing the three parking spaces, you get pretty close to the driveway so by eliminating the right hand turn; there would be no conflict.

Chairman Barber stated that they might have someone take a look at the stormwater management just to make certain that the use of the three parking spaces would not cause any impact on the stormwater management system.

Mr. Cleary stated that there is a swale that runs there and they would be filling in a bit at the end of the swale but it would not have any impact upon the stormwater management system.

Chairman Barber thanked the applicant for working with the town and stated that it does address all the issues raised by the Zoning Board, the Town Planning Board and the Albany County Planning Board, which had recommended disapproval. Chairman Barber stated that there is a substantial change such that the disapproval is no longer applicable.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

Chairman Barber made a motion of non-significance in this Unlisted Action:
"This Board has conducted a review of this application to determine whether the granting of this amended special use permit to allow the use of banked parking spaces would have a negative impact upon the environment. This review consisted of the comments provided to us by the Albany County Planning Board, the Town Planning Board and the Town Planner and the conducting of the public hearings. Based upon that collective review I would move that a negative declaration under SEQRA be issued." Motion seconded by Sue Macri. Vote 5 – 0. (Remmert, Marcantonio absent)

Chairman Barber made a motion for approval of:
Amend Special Use Permit #4-96/Request No. 4272
Request of **Charles Jesmain, Schuyler Companies** for an amendment to Special Use Permit **#4-96** under the Zoning Law to permit: **the use of banked parking spaces in front of the plaza and to amend the application to allow three parking spaces on the driveway leading to the post office.**

Per Article **V** Section **280-52**

For property owned by: **Karner Corners Realty, LLC**
Situated as follows: **5 New Karner Road Albany, NY 12203**
Tax Map # **51.07-1-2.1** Zoned: **LB**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held on two evenings. There were no written or oral comments received at either hearings.

This is an Unlisted Action under SEQRA and the Board adopted a negative declaration by a unanimous vote.

Albany County Planning Board's recommendation was to disapprove based upon the prior plan which showed the unbanking of the entire landscaped area in front of the bank. They had expressed some concerns that doing so might have an impact upon ingress and egress onto Rt. 155.

The Town Planning Board recommended with suggestions modifying the original plan to address some of the same concerns.

The Town Planner also expressed concerns regarding the original application.

As noted previously, the original application did propose the unbanking of seven parking spaces in an area that is presently landscaped. The spaces had been delineated as banked on the original approved plans.

The Zoning Board had expressed some concerns regarding the impact upon internal traffic movement, the intersection and ingress and egress onto Rt. 155 and asked the applicant to consider alternative proposals. The application has been amended to have three parking spaces as delineated on the revised site plan along the entranceway to the post office and two parking spaces being unbanked in front of the plaza. The Board notes that those two parking spaces are the most distant from the intersection and do not appear to have any negative impact upon the effective car movements at that intersection. With those changes, the amended site plan appears to meet the needs of the plaza and also deals with the concerns expressed by the Albany County Planning Board, the Town Planning Board and by this Board. For these reasons, the Board finds that the amended site plan will not cause any detriment or impact upon neighboring property owners and the site should function quite well.

In **granting** this request, the Board imposes the following conditions:

Adherence to the amended site plan (Exhibit A).

Because there is a depression located near the location of the three parking spaces along the road to the post office, review for adherence to the Stormwater Management Plan.

The applicant shall have Don Cropsey confirm whether or not it is appropriate to have a right turn on the exit leading from the drive-thru at the bank.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this Amended Special Use Permit is not exercised within one year of date of issuance, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

NEW CASES:

MATTER OF ABEL PALMA – 13 SHEPHARD AVENUE

Sue Macri read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4277

Request of **Abel Palma** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 7' x 9' covered front porch. A 35' front setback is required; 33' is proposed, a 2' variance is requested.**

Per Articles **III & V** Sections **280-14 & 280-51**

For property owned by: **Abel Palma**

Situated as follows: **13 Shephard Street Albany, NY 12203**

Tax Map # **51.12-3-20** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **1st of June, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **May 25, 2011**"

The file consists of the mailing list to 39 neighboring property owners, the Town's required forms for an area variance, a brief narrative, some depictions of the proposed porch and how it will be located on the property and the Town Planners comments.

The Town Planner had the following comments: "The applicant has applied for an area variance to construct a front porch that will encroach two feet into the front yard setback. No planning objections."

Abe Palma, applicant, presented the case.

Chairman Barber stated that this is a corner lot with two front yards and two front yard setbacks.

Mr. Palma stated that they have always wanted a deck there and have finally decided to do it.

Chairman Barber stated that it is only a 2' variance that is requested and the only reason that he is even here is because he has two front yards.

Chairman Barber stated that the property is very well maintained and very nicely landscaped and he has no problems with the application.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

Chairman Barber made a motion for approval of:

Variance Request No. 4277

Request of **Abel Palma** for a Variance of the regulations under the Zoning Law to permit: **the construction of a 7' x 9' covered front porch. A 35' front setback is required; 33' is proposed, a 2' variance is requested.**

Per Articles **III & V** Sections **280-14 & 280-51**

For property owned by: **Abel Palma**

Situated as follows: **13 Shephard Street Albany, NY 12203**

Tax Map # **51.12-3-20** Zoned: **R15**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

This is a Type II Action under SEQRA, not requiring SEQRA review.

The Town Planner had no objections to the granting of the request.

The Board further notes that this is a corner lot at the corner of Shephard and Bernard Avenues which creates two front yards and two front yard setbacks.

The Board further notes that the two-foot variance will allow the construction of a 7' x 9' covered porch at the front of the house where the front door is located.

The property is very well maintained and landscaped and this addition will enhance the appearance of the property.

The two-foot variance is insubstantial and will not impact any neighboring properties.

The variance conditions have been satisfied and the variance shall be granted.

In **granting** this request, the Board imposes the following conditions:

Adherence to the plans as submitted with the application.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement the decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

MATTER OF PHYLLIS SMITH – 6323 GUN CLUB ROAD

Sharon Cupoli read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **IV & V** of the Zoning Law on the following proposition:

Variance Request No. 4276

Request of **Phyllis M. Smith** for a Variance of the regulations under the Zoning Law to permit: **the installation of an accessory carport structure in a front yard.**

Per Articles **IV & V** Sections **280-34 & 280-51**

For property owned by: **Phyllis M. Smith**

Situated as follows: **6323 Gun Club Road Altamont, NY 12009**

Tax Map # **37.04-1-7** Zoned: **R20**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **1st of June, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **May 25, 2011**"

The file consists of the mailing list to 33 neighboring property owners, the Town's required forms for an area variance, the Town Planner's comments, a plot plan that shows the proposed location of the carport, a referral from the Altamont Referral Committee and a letter from a neighboring property owner indicating their opposition to the request.

The Town Planner had the following comments: "The applicant has requested an area variance to place a carport in the required front yard. I have no planning objections to this request however, there may be an aesthetic issue and I am not sure why the structure could not be moved further back on the property."

The Altamont Referral Committee saw no substantial problem with the request and it was noted by the Committee that any concerns expressed by adjacent neighbors in the Guilderland review process of the application be considered seriously.

Phyllis Smith, applicant, presented the case.

Chairman Barber stated that it was his understanding that there was a prior carport there.

Ms. Smith replied that was correct, it was there for 13 years and it collapsed under the weight of the snow this year.

Chairman Barber asked Ms. Smith if she was looking to put the carport in the same location as the previous one.

Ms. Smith replied that she was.

Chairman Barber asked Ms. Smith if she had gotten a building permit for the carport 13 years ago.

Ms. Smith replied that she did not, she was told by the person that erected it that a building permit was not necessary.

Chairman Barber asked if there was a possibility of moving the carport to another location.

Ms. Smith replied that one side of the house has an addition so it would not fit there and she cannot move it back further on the other side where she wants it because in the back there is a patio, a privacy fence and a tree. Ms. Smith stated that the whole idea of the portable garage is that she can afford it and she cannot afford to build a garage. Ms. Smith stated that she cannot afford to have the patio ripped up or the tree taken down either.

Chairman Barber stated that one thing that the Board typically does in a situation like this is to have Don Cropsey sit down with the applicant and walk the property and confirm and report back to the Board that this is the best and only location for the carport.

Chairman Barber asked Ms. Smith if she would be willing to do that.

Ms. Smith replied that she would be willing to do that.

Chairman Barber asked if there were any questions or comments from the residents.

Natalie Michaels, neighbor of the applicant was curious as to the color of the carport and had a concern if the house was sold would it be grandfathered in.

Chairman Barber stated that if the Board were to grant a variance to allow this temporary structure, the variance would run with the land meaning that any subsequent purchaser of the property would have the same benefit.

Ms. Michaels asked if there could be anything that could be done to make a new owner reapply for the variance.

Chairman Barber replied that what the Board will often do is to make certain that as time progresses that the structure is well maintained, that any landscaping that may be required is also maintained and replaced when necessary. Chairman Barber stated that they will put conditions on the variance that carry forward, the variance runs with the land but also brings along with it all the conditions that the Board will impose. Chairman Barber stated that one thing that they cannot do legally is to say upon the sale of the property, the variance ends.

Chairman Barber stated that if a new owner wanted to modify the structure such as making it taller or longer, they would need to come back before the Zoning Board for approval.

Ms. Michaels was concerned with a new owner possibly storing a commercial vehicle in the carport.

Chairman Barber stated that a commercial vehicle would need to be in a completely enclosed structure.

Ms. Michaels stated that she has no problem with it then.

Chairman Barber made a motion to continue the hearing for two weeks to give the applicant a chance to meet with Don Cropsey and discuss the placement. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

MATTER OF CARL KLEIN – 3448 GARI LANE

Allen Maikels read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Special Use Permit Request No. 4278

Request of **Carl Klein** for a Special Use Permit under the Zoning Law to permit: **the use of 660sf of space formerly utilized as a garage as an in-law apartment.**

Per Articles **III & V** Sections **280-14 & 280-52**

For property owned by: **Carl Klein**

Situated as follows: **3448 Gari Lane Schenectady, NY 12303**

Tax Map # **15.13-2-37** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **1st of June, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **May 25, 2011**"

The file consists of the mailing list to 85 neighboring property owners, the Town's required forms for a special use permit for an in-law apartment, a Short Environmental Assessment Form for this Unlisted Action, the Town Planner's comments, the Town Planning Board's site plan review, a narrative regarding the history of the property and a plot plan that shows the main house and the in-law apartment.

The Town Planner had the following comments: "The applicant has applied for a special use permit for an in-law apartment that he states has been used since 1954 and continues

to be used by a family member. This should be confirmed as the house is assessed as a single-family home. No planning objections contingent on the applicant meeting the requirements of the accessory apartment law."

The Town Planning Board's site plan review was to recommend without any suggestions or conditions.

Skip Klein, applicant, presented the case. Mr. Klein stated that his family has owned the house since 1951 and in 1954 they converted a garage to an in-law apartment because his grandmother needed a place to live. Mr. Klein stated that the apartment has one bedroom, a living room, a kitchen and a bathroom.

Chairman Barber stated that it seems to meet all the dimensional criteria for an in-law apartment.

Chairman Barber asked who was living in the apartment now.

Mr. Klein stated that he lives in the apartment and his cousins live in the house.

Chairman Barber stated that this all came about because of Mr. Klein applying for a mortgage.

Mr. Klein replied that he had no idea there was a problem because it always has been an in-law apartment.

Chairman Barber stated that since 1954 until the present some member of the Klein family has lived in the in-law apartment and in the main house.

Mr. Klein stated that was correct.

Chairman Barber stated that the in-law apartment has to have an entrance in common with the main structure, but that is not possible here. Chairman Barber stated that there was a covered porch between the two structures.

Mr. Klein stated that there was a patio but the houses are not connected.

Chairman Barber stated that his view is that this appears to have been used without any problem, questions or concerns and while it does not technically meet all of the code requirements, as they exist today, it appears that this family use pre-dates these code requirements. As of today, after more than 50 years, this is substantially in compliance with the in-law apartment requirements.

Mr. Klein stated that he never knew that there was any question or concern.

Don Cropsey stated that an approval would make the property more in conformance with the ordinance.

Chairman Barber asked why this would be assessed as a single-family home.

Don Cropsey stated that he was not sure.

Chairman Barber asked if this in-law apartment were granted, would this property be reassessed?

Don Cropsey replied that it would be changed in the units for sewer; it will go from a single to a double.

Mr. Klein stated that they both were hooked up to sewer and water.

Don Cropsey replied that because it is listed as a single-family home, there is only one sewer charge.

Chairman Barber stated that by approving this, it could trigger some consequences with the tax assessor and the water and sewer department.

Don Cropsey stated that he did ask the assessor about the value and he said that most likely the value would not change.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

Chairman Barber made a motion of non-significance in this Unlisted Action:
"This Board has conducted a careful review of this application to determine whether the granting of a special use permit for an in-law apartment would have a negative impact upon the environment. This review consisted of the comments provided to this Board by the Town Planning Board, the Town Planner, and the review of the application this evening. Based upon that collective review, I move that a negative declaration under SEQRA should be issued." Motion seconded by Sharon Cupoli. Vote 6 – 0. (Remmert, Marcantonio absent)

Chairman Barber made a motion for approval of:

Special Use Permit Request No. 4278

Request of **Carl Klein** for a Special Use Permit under the Zoning Law to permit: **the use of 660sf of space formerly utilized as a garage as an in-law apartment.**

Per Articles **III & V** Sections **280-14 & 280-52**

For property owned by: **Carl Klein**

Situated as follows: **3448 Gari Lane Schenectady, NY 12303**

Tax Map # **15.13-2-37** Zoned: **R15**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments.

This is an Unlisted Action under SEQRA, and this Board adopted a negative declaration by a unanimous vote.

The Town Planning Board and the Town Planner had no objections to the granting of this request.

The Board further finds that the applicant indicates that the Klein family has owned the property since 1951 and that the garage on the property has been used as an in-law apartment since 1954 through today's date. Various members of the Klein family have occupied the in-law apartment. The Board further finds that this historic use mixes a unique application and that there is a strong argument that the use predates the existence of the code and predates the more restrictive requirements of the updated code.

The Board further finds that the property is in substantial compliance and meets with all the requirements in terms of adequate parking, size and the only exception appears to be the lack of a common entranceway. Given the historic nature of the property and the fact that there have been no complaints or issues regarding the use of the property, the Board finds that the special use permit for an in-law apartment should be granted.

In **granting** this request, the Board imposes the following conditions:

As required by the code, a deed must be filed with the Albany County Clerk and proof of filing shall be submitted to the building department within 60 days after issuance of the special use permit.

If there is any point in the future when the Klein family decides not to use this as an in-law apartment it has to be converted back to it's not habitable space.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

If this special use permit is not exercised within one year of date of issuance, it is hereby declared to be null and void and revoked in its entirety.

Motion seconded by Sue Macri. Vote 5 – 0. (Remmert, Marcantonio absent)

MATTER OF JASON ADKISON – 14 NORWOOD STREET

Sue Macri read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **III & V** of the Zoning Law on the following proposition:

Variance Request No. 4279

Request of **Jason Adkison and Louise Coburn** for a Variance of the regulations under the Zoning Law to permit: **a reduction in land area of an existing single-family lot by 150sf. Said lot will be reduced from 9419sf to 9269sf. This lot line adjustment will allow for an increase in width of a previously approved garage addition. Approved setback will not change.**

Per Articles **III & V** Sections **280-14 & 280-51**

For property owned by: **Jason Adkison and Louise Coburn**

Situated as follows: **14 & 16 Norwood Street Albany, NY 12203**

Tax Map # **52.20-3-2 & 52.20-3-1** Zoned: **R15**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **1st of June, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **May 25, 2011**"

The file consists of the mailing list to 60 neighboring property owners, the Town's required forms for an area variance, the Town Planners comments, a letter from the neighboring property owner giving consent to the one foot adjustment, a project narrative, pictures of the property, a survey showing both the previously approved line and the line showing the one foot difference and the previous paperwork from the variance granted on December 15, 2010.

The Town Planner had the following comments: "The applicant is requesting to relocate his property line by one foot to accommodate the construction of a new garage. A variance had previously been granted and this is a minor adjustment to that. No planning objections."

Jason Adkison, applicant, presented the case. Mr. Adkison stated that they would like to make their garage just a bit bigger.

Chairman Barber stated that they would be taking a portion of the neighbor's lot (1' x 150').

Mary Louise Colburn of 16 Norwood Street, their neighbor, stated that she did not have a problem giving Mr. Adkison the portion for the expansion of their garage.

Chairman Barber asked if this was one variance or two variances.

Don Cropsey replied that it is one variance. Don stated that the Board previously approved a variance to allow the new building to be 4' from the property line. Don stated that they would be reducing the lot line which would reduce the northern property by 150sf, which would make it less than the 10000sf required. Don stated that Mr. Adkison stated that he would still be maintaining 4' from the new property line, so there is no new variance.

Chairman Barber asked if both properties were asking for a variance or is it only 14 Norwood Street.

Don Cropsey replied that 16 Norwood Street needs the variance, 14 Norwood Street is okay. Don stated that Mr. Adkison still needs to make an application for a lot line adjustment.

Chairman Barber asked if there were any questions or comments from the residents. There were none. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

Chairman Barber made a motion for approval of:

Variance Request No. 4279

Request of **Jason Adkison and Louise Coburn** for a Variance of the regulations under the Zoning Law to permit: **a reduction in land area of an existing single-family lot by 150sf. Said lot will be reduced from 9419sf to 9269sf. This lot line adjustment will allow for an increase in width of a previously approved garage addition. Approved setback will not change.**

Per Articles **III & V** Sections **280-14 & 280-51**

For property owned by: **Jason Adkison and Louise Coburn**

Situated as follows: **14 & 16 Norwood Street Albany, NY 12203**

Tax Map # **52.20-3-2 & 52.20-3-1** Zoned: **R15**

In rendering this decision, the Board makes the following findings of fact:

A public hearing was duly noticed and held this evening. No residents provided either written or oral comments regarding the application.

This is a Type II Action under SEQRA, not requiring SEQRA review.

The Town Planner had no objection to the request.

The Board further finds that on December 15, 2010 this Board approved a similar request that granted variances for the location of the garage and also the undersized lot. This lot

line adjustment is a mere one foot and will allow for a wider garage. All other previously approved setbacks will still be maintained.

The Board applauds the cooperation of both owners in allowing for this application to be considered and pursued so that the property owner at 14 Norwood St. could have a greater enjoyment of their property.

For these reasons, the Board moves that a variance should be granted.

In **granting** this request, the Board imposes the following conditions:

Adherence to the plans as submitted.

The applicant shall follow through with the lot line adjustment.

The Zoning Administrative Office is hereby authorized to issue the permits necessary to implement this decision.

Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

MATTER OF SAXTON SIGN – 8 NEW KARNER ROAD

Sharon Cupoli read the legal notice:

"Notice is hereby given that the Zoning Board of Appeals of the Town of Guilderland, New York, will hold a public hearing pursuant to Articles **IV** & **V** of the Zoning Law on the following proposition:

Variance Request No. 4275

Request of **Stacey Richards of Saxton Signs** for a Variance of the regulations under the Zoning Law to permit: **signage in excess of the maximum allowed area of 50sf and to permit a third sign where up to two are permitted. 140sf of signage is proposed; 50sf is allowed, a 90sf variance is requested. Also, a variance is requested to allow a third sign.**

Per Articles **IV & V** Sections **280-26 & 280-51**

For property owned by: **1st National Bank of Scotia**

Situated as follows: **8 New Karner Road Guilderland, NY 12084**

Tax Map # **51.02-1-4** Zoned: **LB**

Plans open for public inspection at the Building Department during normal business hours. Said hearing will take place on the **1st of June, 2011** at the Guilderland Town Hall beginning at 7:30pm.

Dated: **May 24, 2011**"

The file consists of the mailing list to 26 neighboring property owners, the Town's required forms for this area variance, Albany County Planning Board's notification, a narrative, depictions of the signage on the property, minutes of the ZBA meeting of 6/2/10 when the Board approved a replacement sign for the 1st National Bank of Scotia, and the sign permit showing that the permanent sign would be replacing the existing sign.

Albany County Planning Board's notification was to defer to local consideration. They also had an advisory note stating that the Town should consider the issue of setting a precedent in the commercial zone when granting significant variances.

Bob Dedrick of 1st National Bank of Scotia presented the case. Mr. Dedrick stated that the bank would like to replace the letters on the bank with the more modern sign. Mr. Dedrick stated that they have already done that; they thought that they had approval but there was a misunderstanding with their sign company. Mr. Dedrick stated that the sign company applied for a replacement of the wrong sign.

Don Cropsey stated that when he talked to the sign company they indicated that they were going to take the sign off of the front and it would reduce the overall signage for the site from about 120sf to about 90sf and replace the front sign with a 21sf sign. Don stated that is what he presented to the Board which the Board did consider and approve.

Mr. Dedrick stated that he does not know why Saxton Sign proposed replacing the big sign, which was inconsistent with anything that the bank wanted to do. Mr. Dedrick stated that they just wanted to replace the letters with a more professional look. Mr. Dedrick stated that it still is slightly smaller.

Chairman Barber asked how many signs the property has.

Mr. Dedrick stated that they have always had three.

Don Cropsey stated that he was not aware of the sign on the side of the building.

Mr. Dedrick submitted pictures of the signs to the Board.

Chairman Barber asked if there are any plans on changing the freestanding pole sign.

Mr. Dedrick stated that those freestanding signs were consistent throughout their banks in the area and they consider them an icon.

Don Cropsey stated that in their initial discussions, Saxton Sign had submitted a rendering of the building with the "1st" on it to show what the building would look like. Don stated that he had made the suggestion that it be centered on the building. Don stated that right from the beginning it was his understanding from Stacey of Saxton Sign that the front sign was being replaced.

Don Cropsey stated that he needs to take a look at prior approvals; he does not recall the sign at all.

Chairman Barber stated that Albany County Planning Board is correct in that they could be setting a dangerous precedent if they grant variances of this magnitude but if there is something in the Town files that shows that the 3rd sign was approved then there is a threshold that is already met.

Chairman Barber asked if there were any questions or comments regarding the application. Chairman Barber made a motion to close the public hearing. Motion seconded by Sharon Cupoli. Vote 5 – 0. (Remmert, Marcantonio absent)

Chairman Barber made a motion to continue the public hearing for two weeks to research any prior approvals for signage at the bank.

SIGNS:

The Board approved a 50sf monument sign for **Lynnwood Reformed Church** with changeable copy with the removal of three existing signs. Vote 5 – 0.

The Board approved a sign for the **Meat House** at Stuyvesant Plaza. Vote 5 – 0.

The Board approved an 18sf sign for **Fischbach** at Northeastern Industrial Park. Vote 5 – 0.

The meeting adjourned at 8:40pm.

