

# Town of Clifton Park

Clifton Park, New York



## ZONING BOARD OF APPEALS

August 20, 2019

7:00PM

Present: Chairman Dudick, John Klimes, Lisa McCoy, Jerry Cifor, Michael Bloss, Mario Fantini, David Donohue, alternate.

Absent: Chris Lemire

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

The meeting was called to order at 7:05 pm.

### PLEDGE OF ALLEGIANCE

Mr. Dudick noted that Mr. Donohue would be a voting member in the absence of Mr. Lemire. Mr. Dudick reminded applicants that 4 out of 7 members would need to vote "aye" in order to pass any variance.

**OLD BUSINESS:** - None

### **NEW BUSINESS:**

1) An application from **AJ Signs** requests: **1.** a use variance for a digital sign which is not an allowed use in a PIR Zone. **2.** Applicant requests overall size of sign to be 42 square feet, 24 square feet maximum allowed for houses of worship, 18 square feet variance required. Variance request are from Chapter 171 and Table II. Property is located at 569 Clifton Park Center Road, Clifton Park, NY 12065. (Permit #81218)

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

Mr. Weiner clarified that there were two variances being considered adding that if the use variance was passed, then the ZBA would consider the area variance. Mr. Bloss, Mr. Fantini and Mr. Cifor indicated that they were members of St. Edward's church and they felt they would be able to apply the letter of the law without prejudice and Mr. Weiner responded that he saw no reason for them to be recused in this instance.

Applicant:

Emma VanVorst from AJ Signs explained that the church would like to use a digital sign as a message board as many of the churches in the area are using.

Mr. Myers then added that houses of worship can be located anywhere regardless of the zoning. Mr. Myers also noted that houses of worship are not required to meet as stiff a requirement as other uses in the same zone. Mr. Myers stated that any church which has applied for a variance relative to digital signs, has not been denied, and then added that the sign being requested was smaller than some of the signs that have received approval. Mr. Myers also reviewed the digital sign restrictions per Town Code which Ms. VanVorst said that the applicant would be willing to have them stipulated as a condition of the permit.

Mr. Weiner explained that PIR zoning means Public, Institutional, Recreational zoning.

Margaret Catellier, 16 Parkland Court asked if language was limited and Mr. Dudick replied that he would be surprised if foul language was to be used and saw no reason to place restrictions on that.

Tim Leonard, 6 Emerald Terrace, a neighbor stated that he was concerned that it was going to be in a residential neighborhood. Mr. Myers stated that at any time, a complaint could be filed in his office and he would follow up on it.

There being no further comment, Mr. Dudick made a motion, seconded by Mr. Cifor to close the public hearing at 7:24 pm. All in favor, none opposed.

Board Discussion:

Mr. Weiner reviewed the criteria for approving a use variance

- Change would not be undesirable
- Financial consideration
- Unique based on PIR zoning
- Must not materially change the character of the neighborhood
- Must not be a self-created situation

Dudick moved, to approve as submitted, conditioned upon meeting the Digital Sign Restrictions as published, seconded by Mr. Fantini to approve the request for a use variance for a digital sign

Mr. Dudick stated that the use variance would not create undesirable change, and that it would not be obtrusive to nearby properties. Mr. Dudick stated that he felt that the desire to market the events at the church to a younger adult population required the church to try more updated methods of communication and that the digital sign was probably a worthwhile expense. Then he stated that there were other reasonable methods of achieving the result, but he felt that the proposal was not substantial; nor would it create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created, but not preclusive.

Roll Call:

Ayes: Chairman Dudick, John Klimes, Lisa McCoy, Fantini, Bloss, David Donohue, Jerry Cifor

Noes: None

Unanimously approved.

2<sup>nd</sup> Variance, Applicant:

Requesting 18 sf in addition to the allowed size in order to mount the digital sign on a church "branded" display board.

Mr. Bloss asked why the sign was higher than the existing sign and Ms. VanVorst stated that the applicant had asked to raise the sign monument or base a foot higher in order to keep the sign above winter weather conditions and a snowplow.

Public Comment – none.

Mr. Myers stated that it was a Type II action pursuant to SEQR and no further action would be required. Mr.

Myers then said that he had no issue or concern with the sign and its size.

Dudick moved, seconded by Mr. Fantini to close at 7:25 pm.

Mr. Dudick moved to approve the request for an area variance for an additional 18sf for a sign, seconded by Mr. Cifor.

Mr. Dudick stated that the area variance would not create undesirable change, and that it would not be detrimental to nearby properties. Then he stated that there were other reasonable methods of achieving the result, but he felt that the proposal was not substantial; nor would it create an adverse effect on the environment. The board member also noted that he felt the hardship was self-created but not preclusive.

Roll Call:

Ayes: Chairman Dudick, John Klimes, Bloss, Fantini Lisa McCoy, David Donohue, Jerry Cifor

Noes: None

Unanimously approved.

Meeting minutes of 6/18/2019

Ayes: Chairman Dudick, John Klimes, Lisa McCoy, Jerry Cifor, Donohue

Abstained: Fantini, Bloss

Noes: None

Mr. Myers then explained that the next meeting agenda included a second look at Stormy View Stables which has been altered significantly. Mr. Myers noted that Ms. New had stated that if a site visit was desirable, she would accommodate any who wanted to see it in person. Mr. Myers stated that members can go individually after reviewing the submittal that was in the packets they had received.

Discussion ensued.

Mr. Dudick moved, seconded by Mr. Fantini to adjourn the meeting at 7:50pm.

Respectfully submitted,

  
Meg Springli