

# Town of Clifton Park



## ZONING BOARD OF APPEALS DRAFT MINUTES March 17, 2020 7:00PM

### OPEN PUBLIC NOTE:

**This had been changed to a telephonic board meeting.  
The public was told to dial in to a free conference call #  
with an access code at 7:00 pm**

During the public hearing portion, callers are invited to give comment. When speaking, please state your name and address for the record. The meeting will be recorded and minutes will be posted.

#### Those who called in:

Steve Myers, Chief Zoning Officer, Director of Building and Development

Meg Springli, Secretary

Chairman Michael Dudick

Neil Weiner, Deputy Town Counsel

#### Board Members:

Chris Lemire

David Donohue

John Klimes

Lisa McCoy

Mario Fantini

#### Board Members Absent:

Jerry Cifor

Randall Gifford, Alternate

#### Other Callers:

Paul Goldman, Legal Counsel for the Applicant

Todd Fischer, Equinox Companies, Inc.

Tom Wheeler, AJ Signs

Paul Sheehan, Property Manager for Equinox Companies

Attendees were told by the Secretary that the revised online meeting was posted on the Town's Website, mailed out through the Agenda subscription service and signs were

posted on the doors at Town Hall advising the public of the changes and instructing them how to call in if they so desired. Mr. Dudick noted that 6 members of the board had called in and the meeting officially commenced at 7:05pm. The chairman reminded the applicant that approval by 4 out of 6 members was needed in order to grant this variance. The applicant indicated that they would like to proceed with the application via the telephone meeting of the ZBA.

**OLD BUSINESS:**

- 1) An application from **Exit 9 Self Storage** requests variances from Chapter 171, Table 1. A Business not a building is allowed two wall signs not to total greater than 60 sf. Existing wall sign of 84 sf to be removed. 1) Variance needed for three wall signs. 2) Variance needed for 314 sf-60sf Allowed= 254 sf. Property is located at 101 Sitterly Road, Clifton Park, NY 12065. (Permit #81240)

Mr. Dudick stated that this item on the agenda was a continuation of a public hearing opened on 3/3/2020.

Tom Wheeler of AJ Signs presented the resubmittal. Drawings were sent to board members via email. They were also uploaded to a chat link on the web should anyone want to review them. Mr. Wheeler explained that the applicant had eliminated one sign per the recommendation of the board at the last meeting, so they no longer needed a variance for the third sign. They are asking for one 138-sf. sign on the new building and to 59.6-sf to replace the old existing sign on the old building. Both will be seen from I-87, total sf 197.98 complying with the signage at Ellis.

Mr. Myers stated that his practice was to round up to whole numbers and therefore would count the application as 199 total sf being requested at this meeting. Therefore Mr. Myers said that the current variance being requested was now 139 sf in total for the signs.

Mr. Goldman stated that this was consistent with the sign across the street, and the speaker thanked the Zoning Board members for their guidance.

There being no members of the public who indicated a desire to speak when asked, Mr. Dudick moved to close the public hearing. All voted in favor. The public hearing was closed at 7:12pm.

Mr. Myers stated his opinion that the west side of one building facing Sitterly Road would be a better location for the sign rather than facing the Northway. Mr. Dudick then asked if the proposed size of the signage was consistent with the surrounding area. Mr. Myers added that he felt it was consistent with the maximum square footage that had been granted to Ellis and added that the application was a Type II action pursuant to SEQR and no further review was required.

Mr. Weiner asked the owners to clarify the name of the business and they responded that it was Exit 9 Self Storage, Inc.

Next, Chris Lemire thanked applicants for listening to the Board's concerns and submitting the revised application reduced to two signs.

Mr. Dudick asked if the proposal was for two signs facing westward and Mr. Wheeler responded that one was facing west, and one would face north.

Mr. Dudick moved, seconded by Mr. Lemire, to approve the variance as amended by to a 139-sf variance allowing for 199-sf in total for the two wall signs at Exit 9 Self Storage located at 101 Sitterly Road.

Mr. Weiner read the five criteria for approval

Factor A: Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the sign variance.

Response: No, the self-storage facility has been in existence for a while at this location.

Factor B: Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a sign variance.

Response: Yes, the signs could be smaller but it was a reasonable request, and an appropriate size for the buildings.

Factor C: Whether the requested sign variance is substantial.

Response: No, it appears commensurate with neighboring signage

Factor D: Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Response: No

Factor E: Whether the alleged difficulty was self-created. (Note, this consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the sign variance.

Response: Yes, as all variances are, but this would not be preclusive

Roll Call:

Chris Lemire - yes

David Donohue - yes

John Klimes - yes

Lisa McCoy - yes

Mario Fantini - yes

Chairman Dudick – yes

Noes: None

The variance was unanimously approved

**NEW BUSINESS:** - None

Chairman Dudick then asked members to indicate their approval of the Minutes for the March 3, 2020 ZBA Meeting.

Ayes: McCoy, Klimes, Lemire, Donohue, Dudick

Noes: None

Abstained: Fantini

So moved.

Mr. Myers then stated that there were no items ready for review at the first meeting in April.

Mr. Dudick moved, seconded by Mr. Lemire to adjourn the meeting at 7:26pm.

Note: These minutes were reviewed by the Zoning Board Members, Deputy Town Counsel and the Chief Zoning Officer for accuracy. ZBA members moved to approve the minutes as written by email.

3/20/2020

John Klimes – yes

Lisa McCoy – yes

David Donohue – yes

Chris Lemire – yes

Mario Fanitini - yes

Chairman Dudick - yes

Respectfully submitted,



Meg Springli