

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday January 23, 2017**

PRESENT: Chairman Hennel, Joseph Vullo, Sid Ramotar, Patricia Pietrusza, Margaret Huff

ABSENT:

ALSO ATTENDING: Attorneys: Michael Cuevas, Jay Plumley; Code Enforcement: Terri Petricca; Stenographer: Jen Vullo

Chairman Hennel called the meeting to order at 7:02 P.M.

MOTION: To accept the December 2016 minutes as amended.

MOVED BY: J. Vullo

SECONDED: P. Pietrusza

AYES: 4 (Vullo, Ramotar, Pietrusza, Huff)

NOES: 0

ABSENT: 0

ABSTAIN: 1 (Chairman Hennel)

MOTION CARRIED

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PUBLIC HEARING

Application of Clara Coppola (represented by David Coppola), 305 Wren Street (Lot A), Glenville, NY 12302 for 3 Area Variances associated with a proposed lot line adjustment between this parcel and 304 Lark Street (Lot B).

The properties are located in a Suburban Residential Zoning District w/sewer and identified on tax maps 29.19-1-17 & 29.19-1-21, respectively.

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

Lot A:

270-Attachment 1: Minimum lot frontage shall be 100'. Newly created frontage along Lark Street would be 72'. The applicant seeks a 28' frontage variance.

Lot B:

270-Attachment 1: Minimum lot frontage shall be 100'. The adjusted frontage would be reduced to 54'. The applicant seeks a 46' frontage variance.

270-Attachment 1: Minimum lot area shall be 15,000 s/f. The adjusted lot size would be reduced to 6,750 s/f. The applicant seeks a 8,250 s/f lot size variance.

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

This was referred to the County on January 9, 2017.

Chairman Hennel asked the applicant if he had any comment to share with the Board. No further comment.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. No response

Chairman Hennel solicited questions from the Board members. He asked the homeowner if he had imminent plans for future use of the property. Mr. Coppola, son of the homeowner, replied no, they are just thinking about a possible sale of the properties in the future. Chairman Hennel confirmed that these are two adjacent parcels of property, where a variance is being requested to adjust the property lines. The response was yes.

P. Huff questioned if this adjustment would cause an address change for either piece of property. Mr. Coppola replied No.

J. Vullo questioned the existing driveway on the site plans and whether it would be one or two driveways when the property lines are adjusted. Mr. Coppola verified that the garage and carport would become Wren St. property. One driveway would lead to the house and one to the garage. He also confirmed that the Wren St. property is a four bedroom residence, and the Lark St. property is a one bedroom residence.

P. Huff verified that the property is currently owned by Clara Coppola. Mr. Coppola confirmed that it is, and that he is her son representing her. His other four siblings have also authorized this application.

P. Huff also asked Code Enforcement if extending the property lines would require any additional variances in regards to proximity to neighboring properties. T. Petricca replied no.

Chairman Hennel explained that the Board cannot vote on this application until it is reviewed by the County on or before February 9, 2017.

The applicant requested that the application be tabled until such a review is complete.

MOTION:

Now, therefore be it resolved that this application for an area variance be tabled until further notice.

Moved by: Chairman Hennel

Seconded by: P. Pietrusza

AYES: 5 (Chairman Hennel, Ramotar, Vullo, Pietrusza, Huff)

NOES: 0

ABSENT: 0

MOTION TABLED

Application of Benderson Development Company, LLC 570 Delaware Avenue, Buffalo, NY 14202 for a **Sign Variance** at the **Hannaford Plaza, 262 Saratoga Road, Glenville, NY 12302**. Proposed modifications to the existing 20' 4" high pole sign at the Saratoga Road entrance include the addition of a plaza tenant identification box, increasing the size of the sign to 138.98 s/f. In addition, a new 14' high 75 s/f monument sign identifying plaza tenants is proposed for the Glenridge Road entrance. Said property is located in the General Business Zoning District and also the Town Center Overlay District and is identified on tax map 22.-1-1.21.

In accordance with the Codes of the Town of Glenville:

Pole Sign along Rt. 50:

270-133, I, 4, e: Prohibited Signs: Pole/pylon signs are prohibited in the Town Center Overlay District. The applicant wishes to alter the existing pole sign on Saratoga Road with the addition of tenant identification boxes. Therefore the sign is considered new and shall be required to conform to all the provisions of the code (per 270-72, B). The applicant is seeking total relief from 270-133, I, 4, e. This would also include the pole sign to be 138.98 s/f in size and 20' 4" in height.

Monument Sign along Glenridge Rd:

270-133, I, 5, b: Height: Monument signs shall be no greater than eight feet in height above finished grade.

270-133, I, 5, c: Size: a maximum of 24 s/f is permitted for any secondary sign allowed on the property. The secondary monument sign is proposed to be 75 s/f in size. Therefore, a variance of 51 s/f is requested for the secondary sign along Glenridge Road.

270-70, C, 4: Clearance: A clearance of not less than 10 feet will be maintained. The pole sign at Saratoga Road has a proposed clearance of 8'. Therefore a 2' reduction of required clearance per this section of the code is requested

P. Pietrusza read the application and review factors for the variance into the record.

Sent to 23 neighboring property owners and received no responses. It was referred to the County and deferred to local consideration on December 19, 2016.

Letter 1: Benderson Development

Letter 2: Zoning Board

Chairman Hennel asked the applicant if he had any comment to share with the Board.

James Baglioli, 570 Delaware Ave., Buffalo, NY, explained that the new sign will not block visibility and that it will be high enough as to not be covered by snow

removal. They will not be changing the overall size of the sign but adding a new cabinet under the Hannaford sign to better signify other businesses in the plaza. They have made it look like other signs in the area. It is not substantial in size, and the increased benefit outweighs any change in appearance to the existing sign. The secondary sign is on the Glenridge Road access and will better allow customers to see the businesses available in that plaza.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. No response.

Chairman Hennel solicited questions from the Board members. He inquired if it had been discussed with Hannaford updating their piece of the sign. Mr. Baglioli stated that it was discussed with Hannaford. They are not interested in changing their sign. They feel the community recognizes the familiarity of the current sign. He presented another option for a sign, which would get rid of one of the variances and turn the existing pole sign into a monument sign, while still using the current Hannaford sign. Chairman Hennel referred to Code Enforcement if that would require a different variance application. T. Petricca replied yes that would be a separate section of code.

P. Pietrusza asked if that would have to be resubmitted to the County. T. Petricca informed the Board that there was no advertisement for a monument sign. Although visibility would not be impacted, M. Cuevas confirmed that if a second option is being considered, it would have to be resubmitted to the County for review. After further discussion, applicant proceeded with original variance application.

P. Huff asked for clarification of the location of the monument sign on Glenridge Road.

Chairman Hennel emphasized the positive aspect of being able to see through the pole sign.

MOTION:

Whereas the applicant having applied for a sign variance after having been denied a permit to modify an existing pole sign at the Route 50 Hannaford Plaza entrance and erect a 75 s/f monument sign on Glenridge Road entrance to the Plaza at 262 Saratoga Road in the Town of Glenville; and

The applicant having applied for variances with regard to the prohibition of pole signs in the Town Overlay District and the height, size and clearance restrictions of monument signs because the proposed use of the property would be in violation of such restrictions and

The Board having considered the application, after a full and complete public hearing, and after having considered the benefit to the applicant as weighed against any detriment to the health safety and welfare of the neighborhood or community; in particular;

1. Whether the variances result in any undesirable changes in character of the neighborhood or community, or a detriment to nearby properties. Finding of fact are:

The applicant notes that the proposed modifications to the existing pole sign on Route 50 will improve the appearance of the sign and will not increase the height or width of the existing structure. With regard to the monument sign on Glenridge Road, it is noted that there are multiple freestanding signs in the area of the shopping center so this addition will fit in with existing signs in this busy commercial area of the Town.

2. Whether there will be any particular hardship or difficulty to the applicant if the variances are not granted. Findings of facts are:

With regard to the monument sign on Glenridge Road, the applicant states that the additional height request is necessary to meet tenant needs and a smaller sign would be less visible nor provide sufficient room for tenant identification. The applicant states that the existing pole sign is necessary due to lease requirements with Hannaford and the addition of 38 s/f if size is a minor change

3. Other feasible method. Finding of fact are: Applicant states the requested variances are the best way to achieve desired results of safely advertising their businesses in this commercial shopping plaza.

4. Whether the variances are substantial. Finding of fact are:

With regard to the existing monument sign, the requested height variance is not substantial in that applicant is requesting a variance of 6 feet. The size variance is substantial in that applicant is requesting a variance of 51 s/f. The variance relating to the pole sign is considered substantial in that the applicant is seeking to alter an existing sign and is, therefore considered a new sign and should conform to all current sign provisions. It is noted, however, that the existing pole sign changes will not alter the current height or width of the sign,

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

There should be no impact on traffic with either sign and may result in a safer traffic flow.

6. Whether the variances are self-imposed, which is relevant to consider, but does not alone preclude the granting of the variances. Finding of fact:

Yes, the variances are self-created but should not be a factor in the granting of the variances.

Now, therefore, be it resolved that this application for the proposed sign variances be granted.

MOTION 1:

(Prohibited Signs)

Moved by: P. Pietrusza

Seconded by: Chairman Hennel

AYES: 5 (Hennel, Ramotar, Pietrusza, Vullo, Huff)

NOES: 0

ABSENT: 0

MOTION 2:

(height)

Moved by: P. Pietrusza

Seconded by: J. Vullo

AYES: 5 (Hennel, Ramotar, Pietrusza, Vullo, Huff)

NOES: 0

ABSENT: 0

MOTION 3:

(size)

Moved by: P. Pietrusza

Seconded by: J. Vullo

AYES: 5 (Hennel, Ramotar, Pietrusza, Vullo, Huff)

NOES: 0

ABSENT: 0

MOTION 4:

(Clearance)

Moved by: P. Pietrusza

Seconded by: S. Ramotar

AYES: 5 (Hennel, Ramotar, Pietrusza, Vullo, Huff)

NOES: 0

ABSENT: 0

MOTION CARRIED

Chairman Hennel noted that although the **Hedden** application is not on the agenda tonight, it remains open per the applicant's request, until further notice.

Application of Pat Popolizio, 1101 Rugby Road, Schenectady, NY 12308, for 3 Sign Variances pertaining to a new monument sign at 2 Freemans Bridge Road, The Water's

Edge Lighthouse Restaurant & Inn, Glenville, NY 12302. The property is zoned Riverfront Recreation/Commercial, is located in the 100yr floodplain and is identified on tax map 30.19-122.1.

The applicant is proposing to remove the two existing freestanding signs and erect one new 10' high monument sign located 0' from the property line. This new sign would include off-premise advertising for the hotel under construction on an adjacent parcel.

The following variances from the Codes of the Town of Glenville are requested by the applicant:

270-68,D: Off Premise sign: No new off premise advertising signs, including billboards, will be permitted. The applicant is proposing to advertise a business not located on the same parcel as the monument sign and is therefore requesting total relief from this section of the code.

270-134, C, 6, b, 10: Setbacks: Freestanding monument signs or pylon signs shall have a minimum setback of 10 feet from the right of way and 10 feet from the side property line and shall be located in a manner that does not interfere with required minimum sight distance at driveways and intersections. The applicant is proposing a 0' setback from the NYS right of way and is therefore requesting total relief from this section of the code.

270-134, C, 6, b, 4: Height. Monument sight shall be no greater than eight feet in height above finished grade. The applicant is proposing a 10' high monument sign and is therefore requesting a 2' variance from this section of the code.

It was referred to the County on January 10, 2017.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Three people in attendance on behalf of this application:

Luigi Paleschi

Bhavik Jariwala, franchise owner of Homewood Suites

Joe Popolizio

L. Paleschi explained that the new monument sign is being proposed in the vicinity of the two existing signs, which are currently located on the NYS Department of Transportation right of way (ROW). They would like to replace the current signs with smaller signs, but containing a concrete base. Utilities located in the area must be worked around, so they are proposing moving the signs on to the property and off of the ROW. They feel this will improve visibility. A concrete base will be established for frost protection, with an overhang over the base to protect nearby utilities. He referred to the diagrams, explaining they are a little out of proportion, but illustrate the appearance.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. No responses.

Chairman Hennel solicited questions from the Board members.

T. Petricca questioned if the sign will cantilever over the ROW. L. Paleschi confirmed that it will not.

P. Huff asked if the new sign will be on the other side of the telephone pole. L. Paleschi referred to the location on the diagram.

Chairman Hennel asked the applicant to bring updated pictures/diagrams to the next Board meeting for review.

P. Pietrusza asked if the marina sign was being removed. L. Paleschi responded that that is the Water's Edge Lighthouse sign, and yes it will be removed.

Chairman Hennel inquired if landscaping would be included around the sign and if it would be located further back. L. Paleschi confirmed this.

L. Paleschi explained that the lots were initially subdivided into three lots (lot #1 Water's Edge Lighthouse, lot #2 Homewood Suites, lot #3 Marina building). Instead of signs on each lot, one sign is allocated for lots 1 and 2 and will be located on lot #1.

Chairman Hennel inquired about the existing Terrace sign. L. Paleschi stated that they have no plans for that sign.

B. Jariwala wanted the Board to note the secondary entrance on the Sunnyside access road. It was noted that there is a fourth lot not being considered at this time.

Chairman Hennel noted that the application was referred to the County on January 10, 2017. Therefore, it cannot be voted on until February 10, 2017 at the earliest.

The applicant requested that the application be tabled until further review from the County is received.

Application of Pat Popolizio, 1101 Rugby Road, Schenectady, NY 12308, for 4 Sign Variances pertaining to 5 new wall signs on the Homewood Suites Hotel at 2A Freemans Bridge Road, Glenville, NY 12302. The property is zoned Riverfront Recreation/Commercial and is identified on tax map 30.19-1-23.11.

The following variances from the Codes of the Town of Glenville are requested by the applicant:

270-134, C, 6, b, 11: Number of Signs: A maximum of one façade sign per use is permitted. The applicant is proposing a total of 5 facade signs and is therefore requesting a variance to allow for 4 additional façade signs.

270-134, C, 6, b, 5: Size: Under no circumstances shall any one facade sign exceed 50 square feet. The applicant is proposing the following variances for 4 of

the signs: Sign on West side of building is proposed at 73.02 s/f therefore the applicant is requesting a variance of 23.02 s/f for this sign.

Sign on South side of building is proposed at 201 s/f therefore the applicant is requesting a variance of 151 s/f for this sign.

Sign on the East side of building is proposed at 73.02 s/f therefore the applicant is requesting a variance of 23.02 s/f for this sign.

Sign on the North side of building is proposed at 81.84 s/f therefore the applicant is requesting a variance of 31.84 s/f for this sign.

270-134, C, 6, b, 5: Total square footage permitted for façade signs: For façade signs, one square foot of sign area shall be permitted for each linear foot of building frontage. The building frontage has been calculated at 263 feet. The applicant is proposing a total of 454.64 s/f for all 5 façade signs and is therefore requesting a variance of 191.64 s/f from this section of the code.

270-69, C, 5: Total allowed square footage of all signs on lot: The total square footage of all signs on any one lot in the Riverfront Recreation/Commercial Zoning District is 150 square feet. The applicant is proposing a total of 464.64 square feet for 5 façade signs and is therefore requesting a variance of 304.64 s/f from this section of the code.

Application was referred to the County on January 10, 2017. Therefore, it cannot be voted on until February 10, 2017 at the earliest.

Chairman Hennel asked the applicant if he had any comment to share with the Board. Three people in attendance on behalf of this application:

Luigi Paleschi

Bhavik Jariwala, franchise owner of Homewood Suites

Joe Papolizio

L. Paleschi explained the new signs will be angled to be seen clearly from different locations of the premises. One sign is a 'plaque' sign to designate the Hilton entrance. Due to the 'L-shape' of the building, each of these signs is needed for sight access.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. No responses.

Chairman Hennel solicited questions from the Board members. S. Ramotar asked if there was a picture of the square footage of the signs. L. Paleschi explained the signs meet Hilton standards.

B. Jariwala emphasized that this is a unique project design for this location, noting multiple entrances, the river element, route 50 angles, etc.

J. Vullo asked if the signs are pictured to scale. The applicant replied yes.

Clarification of the location and angle of all signs was requested.

The applicant requested that the application be tabled until further review from the County is received.

MOTION:

Now, therefore, be it resolved that this application for a sign variance be tabled until further notice.

Moved by: Chairman Hennel

Seconded by: Sid Ramotar

AYES: 5 (Chairman Hennel, Ramotar, Pietrusza, Vullo, Huff)

NOES: 0

ABSENT: 0

MOTION TABLED

Appeal of the Building Inspector's Decision by RDJ, LLC owner of property located on Stone Arabia Road, Tax Map ID: 13.-1-37. The Building Inspector and Code Enforcement Officer have made a decision that use of the property for outdoor storage of construction materials and equipment does not constitute a valid and legal non-conforming use. The owners of said property wish to present their case to dispute that decision.

Chairman Hennel asked the applicant if he had any comment to share with the Board. It was noted that the applicant was not in attendance due to a personal matter and asked that the appeal be tabled until further notice.

Chairman Hennel asked for comments from the community either in favor or opposed to the variance application. No responses.

MOTION:

Now, therefore, be it resolved that this appeal of the Building Inspector's Decision be tabled until further notice.

Moved by: Chairman Hennel

Seconded by: J. Vullo

AYES: 5 (Chairman Hennel, Ramotar, Pietrusza, Vullo, Huff)

NOES: 0

ABSENT: 0

MOTION TABLED

A discussion followed the items on the agenda between Board members and legal counsel regarding the procedure for preparing future motions. Drafts of motions can be

prepared ahead of time as long as they are officially discussed and voted on at the meeting. The final motion as well as the official vote can be done at the following meeting, although this has not been our current protocol.

MOTION: To adjourn the January 2017 meeting of the Town of Glenville Zoning Board of Appeals.

Moved by: Chairman Hennel

Seconded by: P. Huff

AYES: 5 (Chairman Hennel, Ramotar, Pietrusza, Vullo, Huff)

NOES: 0

ABSENT: 0

MOTION CARRIED

Next meeting: February 27, 2017

Submitted by,

Jennifer Vullo

Jennifer Vullo
Stenographer