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2 **MEETING OF THE ZONING BOARD OF APPEALS**
3 **OF THE TOWN OF GLENVILLE**
4 **THE GLENVILLE MUNICIPAL CENTER**
5 **18 GLENRIDGE ROAD, GLENVILLE, NY 12302**
6 **November 27, 2023**
7

8 **PRESENT:** Chairman David Hennel, Dick Schlansker, Brian Peterson, Barry Suydam
9 and Charles Beers.

10 **ABSENT:** None.

11 **ALSO ATTENDING:** | Attorney: Colleen Pierson, Esq | Building Inspector: James
12 Pangburn | Planning Department/Stenographer: Nicholas Chiavini |

13 **Chairman Hennel called the meeting to order at 7:00 pm.**
14

15 **MOTION:** To accept the October 23, 2023 minutes.

16 **MOVED BY:** David Hennel

17 **SECONDED:** Barry Suydam

18 **AYES:** 5 (Hennel, Schlansker, Peterson, Suydam, Beers)

19 **NOES:** 0

20 **ABSENT:** 0

21 **ABSTAIN:** 0

22 **MOTION APPROVED**
23

24
25 **PUBLIC HEARING**

- 26 **1. Application of Bova Engineering and Olson Signs,** for the proposed installation of a
27 40sqft monument sign at 65 Saratoga Road, Glenville NY 12302. This property is
28 located in the Professional Residential Zoning District. It is identified on the tax
29 map as Parcel # 22.18-2-37.1
30

The application requests a variance from the Glenville Town Code in the following section(s):

1. **§ 270-69B(1):** A maximum of 15 square feet of total sign display area is permitted. Said sign may be a wall sign, monument/ground sign or combination of both.

Brian Peterson read the submitted application and the review factors for the variance request into the record.

1. The particular hardship or difficulty to the petitioner if the variance request is denied.

Answer: Building is a multiple tenant property, sign needs to be larger to accommodate space for tenants.

2. The magnitude of the variance being sought.

Answer: In keeping with other commercial business.

3. The visual impacts to the immediate neighborhood and impacts to vehicle and pedestrian traffic if the variance is granted.

Answer: Minimal, many others the same size. This is beneficial for clients and patients seeking to find the building and services they offer.

4. If the hardship or difficulty has been self-created.

Answer: Yes, for safety reasons giving the public larger print on the signface allows for better identification and locating.

The application was signed by Kelly-Lee Olson of Olson Signs on October 17, 2023. Notice of the application was mailed to 44 property owners within 500 feet of the affected property. This was not a County referral.

--LETTERS RECEIVED--

Letter 1:

We are residents of One Miracle Lane in The Return development. This is in response to the variance request to install a 40 square ft. sign at 65 Saratoga Road. My comments are as follows:

•Any vertical signage anywhere in the vicinity of the buildings constructed at this address will represent a dangerous visual obstruction for residents attempting to exit from Miracle Lane onto Rt.#50. Existing traffic at this location

already exceeds the capacity of the intersection/roadway. Any obstruction pertaining to that site will only exacerbate what is already a very bad condition. A 40 square foot sign could block vision for drivers, especially given the speed that careless drivers often exhibit on Rt.#50

- Information contained on any sign adjacent to Rt. 50 will be a hazard arising from drivers attempting to read content of the signage.

- The approved site plan indicates that this sign will be positioned between the 65 Saratoga building driveway and Miracle Lane. Once occupancy is achieved, occupants of the two buildings constructed at this site attempting to access Rt.#50 will add further congestion. The distance from Miracle Lane to the exit driveway for the two buildings at 65 Saratoga Rd is already dangerously short. A five ft x eight ft. sign obstructing sight lines will further exacerbate an already bad condition.

Suggestions

A review of the NYS SEQRA Negative Declaration pertaining to NYS Route #50 that was used in the approval of the site plans for 65 Saratoga is necessary before any consideration of such variance given the increased traffic conditions that now exist in that section of the highway.

A wall sign affixed to one of the buildings would avoid all of these concerns. The Town of Glenville Highway Superintendent and Town Traffic consultant should both be consulted on the wisdom of granting a variance that contains such negative impact. The Return has an Advisory Committee that was created by the Town to address items involving the operation, maintenance and improvements pertaining to The Return and report to the Town Administration periodically on same. Given the impact that this variance could have on residents of The Return it is appropriate that the Committee be included in such discussions and issue a report to the Town on their findings.

Richard and Dorothy Usas One Miracle Lane

Letter 2

We are residents of 3 Miracle Lane in the Return development. This is in response to the variance request to install a 40 sq. ft. sign at 65 Saratoga Road. Our comments are as follows:

- It is currently extremely difficult to take a left turn out of Return during high traffic hours (between 7:30- 9:00 AM and 3:00 - 6:30PM). We often wait over 5 minutes just to take that left turn. This is without the added expected traffic entering/ exiting 65 Saratoga Rd. when all of the office space has been leased. Combined with the 40 MPH speed limit (often exceeded by Saratoga Rd. drivers) it is already extremely dangerous.

• Any signage of any size in front of the buildings, between the parking lot and Saratoga Road, will pose significant additional safety risk to Return residents, 65 Saratoga Rd. patrons, and all those entering or exiting Return. This includes several school buses that enter and exit multiple times daily, daily delivery vehicles, waste collection, snowplows, etc.

• When vehicles waited to exit 65 Saratoga Rd. during construction, it was almost impossible to see beyond them when trying to exit Return when looking North (regardless of whether we're trying to take a right or a left. Regular traffic from 65 Saratoga Rd. will increase this hazard.

• From a zoning and land use document that we've reviewed, the sign is proposed to be placed between the 65 Saratoga Rd. entrance/ exit and The Return entrance/ exit. It is difficult to determine from this survey the exact location because there are no dimensions provided. Large signage perpendicular to Saratoga Rd. in this location will further reduce visibility for all drivers.

We offer the following suggestions or alternatives to approving the variance and putting Return residents, visitors and patrons of 65 Saratoga Rd. at significantly increased safety risk:

• Affix signage to the buildings themselves, similar to what C2 Design Group has done at 24 Airport Rd., Schenectady, NY 12302. This will eliminate all potential additional safety risks.

• Place the signage on the North side of the entrance to 65 Saratoga Rd. (in front of building 65B). The signage could be placed closer to the building and potentially eliminate the obstructed view to all drivers.

• If signage by the road is absolutely necessary, orient it parallel to Saratoga Rd. so that the visual obstruction is limited to the depth of signage, and not the width. For example, it could be 5 sq. ft. vs. 40 sq. ft. of blockage. Also, place the signage as close to the 65 Saratoga Rd. parking lot, and as far away from Saratoga Rd. as possible.

Michael and Carmelina Dagostino 3 Miracle Lane

Letter 3

This letter is written in response to the notice that was given to very few individuals living in the neighborhood "Return" concerning the variance of an extra 25 sq ft for a sign. I would like to mention that the amount of notice given to react to such a request was beyond insufficient. A mailing received the day after a holiday with only the weekend to ponder this request and respond with less than one business day in writing is disrespectful and ludicrous. The grammatical errors in the notice also show that it was written in haste and

152 makes one think that this agenda is being rushed through with very little
153 thought.

154 This sign affects the entire neighborhood in the Return, therefore, every resident
155 should have been considered, not just people that live 500 feet away from the
156 sign. It isn't the matter of "will this sign make my house look tacky and
157 insufficient?" It is a matter of SAFETY! Entering and exiting has always been very
158 difficult. Taking a left out of the neighborhood is nearly impossible. Adding a
159 sign will only exacerbate the difficulty of exiting the neighborhood blocking the
160 vision of all drivers. There should NOT be a sign erected at all, let alone a larger
161 one.

162 If this committee approves this request due to inadequate responses from
163 residents, then the zoning board has not done their due diligence in keeping
164 Glenville residents safe. There was lack of time and lack of proper
165 communication to survey the entire community that will be inconvenienced and
166 endangered by such a proposal. We received our notice Friday, November 24.
167 This was the day after one of the busiest holidays. Then we were to respond in
168 writing by 3pm Monday, November 27, 2023. That is not even one business day.
169 The taxes that we pay to live here imply that we deserve better. So do better and
170 reach out to the people that will truly be affected by such a variance and give
171 them proper time to respond.

172 Sincerely,

173 Christopher and Michele Bailey 5 Miracle Lane
174

175 D. Hennel clarified that the Town is legally required to post the notice in the Daily
176 Gazette, a requirement fulfilled on November 22nd. He emphasized that the mailing
177 of letters to residents within 500 feet of the affected property is completely a
178 courtesy on behalf of the Town. New York State does not require the Town to mail
179 letters and neither does Glenville's own Town Code.

180 C. Pierson affirmed that New York State Town Law requires the Town to post notice in
181 the local newspaper and that the mailing of letters is entirely a courtesy on behalf of
182 the Town.

183 D. Hennel asked if the applicant, Richard Olson of Olson Signs, wished to add to the
184 application.

185 R. Olson expressed his opinion that the proposed sign's placement was far enough
186 back from Route 50 to not create an issue for traffic or safety. He indicated that the
187 proposed sign would be 18ft from the Right of Way and there was likely 18-20
188 additional feet from the edge of the pavement.

189 C. Beers observed that the provided renderings only show the distance from the sign to
190 the ROW boundary, and not the edge of Route 50's pavement.

D. Hennel affirmed that the distance from the edge of pavement to the sign was not shown on the provided renderings.

R. Olson further added that there would not be enough wall surface on the buildings to mount signs. He explained that the proposed sign, designed with a 3inch font, was the smallest possible size while remaining legible to drivers.

D. Hennel sought clarification from J. Pangburn regarding how sign area is calculated according to Town Code.

J. Pangburn replied that only the sign face is included in the calculation of sign size. The proposed structure has a 40sqft sign face, with the pillars excluded in the size calculation. Therefore, the actual structure is larger than 40sqft.

D. Hennel opened the public hearing.

D. Hennel asked if anyone wished to speak in favor of the motion

No one wished to speak in favor of the motion.

D. Hennel asked if anyone wished to speak in opposition to the motion

Richard Usas of 1 Miracle Lane wished to speak.

R. Usas opposed the proposed sign for several reasons, citing safety concerns, particularly concerning the existing challenges when turning onto Route 50. He sought additional details on how the development, which the sign is intended for, obtained a Negative Declaration during the State Environmental Quality Review (SEQR) due to potential traffic impacts when all tenant spaces are occupied.

R. Usas highlighted the presence of an existing smaller temporary sign near the proposed sign location that he said already causes traffic and safety problems. He elaborated that the proposed sign, which is larger and closer to the road, would worsen these existing problems.

R. Usas suggested that the Glenville Highway Department meet with the Return's Neighborhood Advisory Committee to discuss this sign and future developments affecting the neighborhood.

R. Usas closed his comments by stating he would like to see more information about the sign than was provided.

D. Hennel requested R. Olson to distribute renderings of the proposed sign to attendees.

R. Olson distributed renderings of the proposed sign to attendees.

D. Hennel asked J. Pangburn if several wall-mounted signs would count towards the 15sqft size limit or if each would be counted separately

J. Pangburn replied that the combined area of all signs on the property must not exceed 15sqft. He further explained that signs on doorways and, with some limitations, in windows do not count towards the 15sqft limit.

C. Pierson stated she would like to address the comment about SEQR made by R. Usas. She explained the ZBA is an appellate board and that interpreting zoning law

230 is a Type II Action, so the ZBA does not deal with SEQR in the same way as a
231 Planning Board.

232 Michael Trier, 25 Praise Lane wished to speak.

233 M. Trier expressed concern about potential traffic issues arising from drivers slowing
234 down to read the proposed sign. He recommended that the applicant consider a sign
235 featuring only the address without listing individual businesses. According to M.
236 Trier, this approach would enable people to locate the development easily and then
237 find their intended business upon entering the parking lot.

238 Additionally, M. Trier highlighted the anticipated interference with the line of sight for
239 residents leaving the Reserve Neighborhood. He emphasized that the proposed sign
240 could pose safety concerns and create problems for those turning onto Route 50
241 from both the development and the Return Neighborhood.

242 Jenny Lippmann, 21 Praise Lane wished to speak

243 J. Lippmann wanted to echo the sentiments expressed by previous speakers. She
244 stated her biggest concern is that the temporary sign near the site of the proposed
245 sign already obstructs the line of sight, causes traffic congestion, and is much
246 smaller than the proposed sign. She also explained that while the sign face is 40sqft,
247 the total size of the structure should be considered as it relates to safety and the line
248 of sight for drivers.

249 J. Lippmann suggested relocating the sign further north or increasing its setback from
250 Route 50. She also stated that it would be in everyone's interest for a sight distance
251 study to be conducted.

252 Donald Sweet, 29 Joyous Lane wished to speak

253 D. Sweet described the current challenges associated with turning onto Route 50 from
254 the Return neighborhood. He noted that even if the first driver waiting to turn onto
255 Route 50 could see past the sign, subsequent drivers in line would be unable to
256 observe traffic on Route 50. He described the increased danger in this common
257 scenario if a sign were to be erected, explaining that many drivers tend to follow the
258 lead of the car in front of them without looking at traffic themselves, making the
259 absence of visibility a hazardous scenario.

260 Michael Dagastino, 3 Miracle Lane wished to speak

261 M. Dagastino expressed his opposition to the proposed sign, citing safety as his
262 primary concern. He estimated the actual size of the sign to be closer to 100 square
263 feet when factoring in the pillars. M. Dagastino specifically voiced concern for new
264 drivers and school buses entering and exiting the neighborhood, emphasizing that
265 the sign would hinder their ability to observe traffic on Route 50 which would create
266 a dangerous situation.

267 To address these safety concerns, M. Dagastino suggested a smaller sign featuring
268 only the address number. He argued that in an age where GPS is widely used for
269 navigation, there is less need for signage as large as the one proposed. Additionally,

270 he questioned the applicant's assertion that visitors and customers would be unable
271 to find their way to the property without the proposed sign.

272 Carmelina Dagastino, 3 Miracle Lane wished to speak

273 C. Dagastino stated that she is opposed to the sign because she already feels like her
274 and her children's lives are at risk when turning onto Route 50 and the proposed
275 sign would make it more dangerous.

276 C. Dagastino voiced her opinion that if the Board Members lived in the Return they
277 would understand the high level of danger the proposed sign presents.

278 D. Hennel asked the Zoning Board of Appeals members if they had any questions.

279 B. Peterson asked if the property owner was present for questions.

280 R. Olson replied that the property owner was not able to attend the meeting.

281 B. Peterson asked R. Olson if putting the sign on poles to elevate it high in the air
282 would be possible so the sight line of drivers exiting the Return would not be
283 affected.

284 R. Olson replied that elevating the sign in such a manner had not been considered
285 because the property owner wanted the sign to complement the building. He stated
286 an elevated sign would look out of place.

287 B. Peterson asked R. Olson if there was any room for the sign to be moved further
288 away from Route 50.

289 R. Olson replied that the sign could feasibly be moved 5ft further back from the
290 property line.

291 D. Hennel clarified that, despite the presence of signs of similar size along Route 50,
292 they are situated in different zoning districts, each with distinct requirements and
293 limitations.

294 D. Hennel elaborated that the parcel under discussion is zoned as Professional
295 Residential, a lower-intensity zone compared to General Business. This zoning
296 designation is intended by the Town to serve as a transition from residential to
297 commercial uses. He emphasized that the zoning of this parcel has remained
298 unchanged since the development's construction. Additionally, he noted that the
299 applicant consciously chose to build in this zone, fully aware of the limitations
300 imposed by the Town Code.

301 B. Suydam stated that any size sign would obstruct the view in that location and also
302 inquired about the feasibility of raising the sign so it would not obstruct the view of
303 drivers exiting and entering the Return neighborhood. He also asked the audience if
304 the existing Return sign was obstructing their view when turning onto Route 50.

305 D. Hennel referenced a map of the area and pointed out that the Return sign was much
306 further from the road and was oriented at an angle. He believed the Return sign was
307 far less obstructive.

308 J. Pangburn stated that elevated signs are not allowed in the Professional Residential
309 Zoning District, only wall and monument signs are allowed.

310 D. Hennel asked if a combination of a monument sign and wall signs would need to be
311 under 15sqft in combined area.

312 J. Pangburn confirmed that the combined size of all signs on the property needed to be
313 under 15sqft.

314 Jenny Lippmann, 21 Praise Lane wished to speak.

315 J. Lippmann, noting her past service on the Glenville Planning Board during the
316 approval of this development, emphasized the importance of conducting a sight
317 distance study. She highlighted that the site plan review was carried out by the
318 Glenville Planning Board under the assumption that the sign would adhere to Town
319 Code.

320 J. Lippmann went on to explain that, had the application undergone review by the
321 Planning Board with the communication of the need for a Sign Variance, the
322 Planning Board would likely have insisted on a sight distance study before
323 approving the application.

324 There was further speculation by audience members and Board Members about the
325 true distance from the sign to the edge of pavement as compared to the Right of
326 Way. The exact distance from the sign to the edge of pavement was not illustrated
327 on the provided materials.

328 D. Hennel suggests requiring an exact distance from the sign to edge of pavement by
329 the applicant shown on the map.

330 D. Hennel asked R. Olson if the sign could be moved further north.

331 R. Olson replied that he would need to check with the property owner regarding that
332 question.

333 B. Suydam referenced photographs of the property and expressed doubt at the
334 applicant's claim that there was no room for wall signs on the building. He stated
335 there appeared to be plenty of space to mount a sign.

336 R. Olson replied that he could place wall signs, but it would be difficult and impractical.
337 No one would be able to read the wall signs.

338 D. Hennel asked J. Pangburn about the rules for door and window signage. He wanted
339 to know if tenants may each have their own signs on the windows and doors of their
340 leased spaces.

341 J. Pangburn stated that yes, this would be allowed depending on the percent coverage.
342 There are restrictions, but he did not recall the exact details.

343 D. Hennel asked if address signs could be wall-mounted on each building and not
344 count towards the 15sqft size limit. He suggested having a monument sign fronting
345 Route 50 showing the address and installing wall-mounted address signs on each
346 building.

347 J. Pangburn answered that address signs are only exempt from sign size limits in
348 residential zoning districts. The address signs would still count towards the
349 maximum allowed square footage of 15sqft in the Professional Residential Zone.

350 B. Peterson asked R. Olson if the sign would be illuminated at night.
351 R. Olson replied that yes, the sign would likely be illuminated at night.
352 D. Schlankser stated that if the applicant came back with a more tasteful proposal that
353 took into account neighboring residents' concerns, then he would be more agreeable
354 to granting the Sign Variance. He suggested, as an example, that the applicant place
355 an address sign along Route 50 and install signs located within the development. He
356 explained that if the combined sign area exceeded 40sqft, but a significant portion of
357 that area was located within the development and did not obstruct the view of
358 drivers, he would be willing to consider the application favorably. He reiterated that
359 he was speaking for himself and not for other board members.
360 D. Hennel stated that if this application is denied then the applicant may appeal the
361 decision or they may submit a new Sign Variance application.
362 J. Pangburn added that a new application would need to be "substantially different"
363 from the original application to be placed before the Zoning Board of Appeals again.
364 He recalled that a new application would need to be roughly half the magnitude of
365 the variance based on prior legal counsel related to other applications.
366 R. Olson stated he may be able to downsize the sign and put wall signs on buildings.
367 He would need to check with the property owner concerning these requests.
368 D. Hennel asked if R. Olson would like to table the application or have the Zoning Board
369 of Appeals vote tonight.
370 R. Olson replied he would like to table the application and discuss alternative designs
371 with the property owner.
372 D. Hennel stated that the public hearing will remain open and they will continue with
373 this application at a later date. He also encouraged more residents and interested
374 parties to come and review the proposed sign.
375 Christopher Bailey, 5 Miracle Lane, wished to speak
376 C. Bailey expressed frustration at the timing of the letters notifying residents within
377 500ft of the parcel requesting the Sign Variance. He stated that with the
378 Thanksgiving Holiday, the letters should have been sent out sooner and should have
379 been sent to all residents of the Return. He requested that the letters go out well in
380 advance when the applicant re-applies for a sign variance and are delivered to every
381 household in the Return neighborhood.
382 D. Hennel reiterated that the Town is only legally required to advertise 5 days prior in
383 the Daily Gazette and that the mailings are a courtesy on behalf of the Town.
384 D. Hennel asked C. Pierson if the mailings would be sent out again if this ended up
385 being a continuation of the current application and not a new one.
386 C. Pierson stated she believed mailings would need to go out, but would need to
387 research the topic to make sure.

D. Hennel reiterated that the letters are a courtesy and not required. He stated that if they were to be sent out again it would be to the same 44 residents that fall within 500ft of the property applying for the Sign Variance.

J. Pangburn confirmed that the letters would be sent out to the same 44 residents that fall within 500ft of the property applying for the Sign Variance. He said that, as a courtesy, the Town would attempt to send out the mailings again if the same application is scheduled to be reviewed by the Zoning Board at a later date.

D. Hennel shared the Zoning Board of Appeals meeting schedule and directed the audience to use the Town website where the schedule is readily available and updated.

R. Usas requested more information, such as renderings and maps, to be provided to residents before the next Zoning Board meeting.

D. Hennel suggested R. Usas reach out to Olson Signs for the information requested.

J. Pangburn shared that the cut-off for the December Zoning Board of Appeals meeting was today, November 27th.

C. Beers stated that the audience members had provided anecdotes and shared their feelings, but he would like to see evidence that the proposed sign would disrupt traffic and impede safety. He suggested residents take measurements and provide evidence of the negative impacts.

C. Beers concluded by saying that R. Olson brought materials and evidence to the table while the audience members brought feelings.

One audience member stated that they may have brought evidence if they received further notice about the application.

J. Lippmann responded to C. Beers by stating that she did not believe it was the residents' burden to prove the sign would be unsafe and impede sight distance. She explained that the residents are not the ones requesting the Sign Variance; the applicant is applying for the Sign Variance. The burden of proof should be on the applicant to show that they should be allowed to deviate from Town Code.

D. Hennel and J. Pangburn discussed the feasibility of pushing back the deadline for the applicant to apply for the Sign Variance. They decided upon Monday December 5th at 3pm as a revised deadline for a resubmittal.

D. Hennel requested further information from the applicant next time, such as distance from the sign to the edge of Route 50.

B. Suydam asked if the applicant could build a 15ft sign and then come back for a Sign Variance afterwards for additional space if needed.

D. Hennel replied that is correct.

R. Usas inquired about the need for the applicant to apply for a site plan amendment if the sign was changed.

J. Lippmann stated that if the sign location was unchanged, they would not need to apply for a site plan amendment. If the sign location were to be changed, it would likely need to come back before the Planning Board.

C. Pierson stated that once Glenville staff has reviewed the revised sign variance application then they would be able to determine if the change warrants a site plan amendment and would need to be placed before the Planning Board. She further explained that it would depend on the magnitude of the change.

MOTION: To table the Sign Variance application by 65 Saratoga Road at the request of the applicant.

MOVED BY: D. Hennel

SECONDED BY: C. Beers

AYES: 5 (Hennel, Schlansker, Peterson, Suydam, Beers)

NOES: 0

ABSENT: 0

MOTION APPROVED

MOTION: To adjourn the November 27th, 2023 meeting of the Town of Glenville Zoning Board of Appeals at 8:05 pm

MOVED BY: D. Hennel

SECONDED BY: B. Suydam

AYES: 5 (Hennel, Schlansker, Peterson, Suydam, Beers)

NOES: 0

ABSENT: 0

MOTION APPROVED

457 Next scheduled agenda meeting: December 11th, 2023

458 Next scheduled meeting: December 18th, 2023

459

460 _____
461 Nicholas Chiavini, Stenographer Date

462

463 _____
464 ZBA Chairman Date

465

466 _____
467 Town Clerk Date

FINAL