

**MINUTES OF THE TOWN OF FORT EDWARD ZONING BOARD OF APPEALS
MEETING HELD ON TUESDAY, NOVEMBER 19, 2019 AT TOWN HALL
COMMENCING AT 6:00 P.M.**

Chairman LaFay called the meeting to order at 6:12 p.m.

PRESENT: Chairman Kenneth LaFay
James King
James Maskell
Dolores Cogan

ABSENT: Richard Fisher

OTHERS PRESENT: Harold Fitzsimmons, Linda Fitzsimmons, Wayne Gendron and Zoning Board of Appeals Clerk Aimee Mahoney

APPROVAL OF MINUTES: MOTION by Dolores Cogan, Seconded by Jim King to approve the minutes of the meeting of February 27, 2019 **ALL AYES**

BUSINESS:

**Dollar General
Area Variance Request for Signage
Presenter: Wayne Gendron**

An updated application was submitted to the Board

The following notice was published in The Post Star:

October 31, 2019

Can you please publish the following legal notice on November 4, 2019

PLEASE TAKE NOTICE, the Town of Fort Edward Zoning Board of Appeals will hold a public hearing on Tuesday, November 19, 2019 at Town Hall, 118 Broadway Fort Edward, NY 12828 at 6:00pm to hear comments regarding the Area Variance application submitted by Neill Sons, LLC (Dollar General) located at 290 Broadway in the Town of Fort Edward. The application is for a freestanding sign and the applicant is seeking relief of 5' from the front setback and 7' from the left side setback. Tax Map #163.14-1-33

At the public hearing anyone that wishes to comment will be heard.

The following memo was submitted by Town Engineer Jim Houston:

Re: Dollar General, 290 Broadway
Sign - Area Variance Application –
Review Comments
C.T. Male Project No. 14.4052-079

Dear Chairman LaFay:

C.T. Male Associates Engineering, Surveying, Architecture & Landscape Architecture, D.P.C. (C. T. Male) has completed a technical review of the project documents that we received from the Town of Fort Edward for the Dollar General Area Variance Application. The package of information that we reviewed included the following documents:

- Area Variance Application, signature page dated October 16, 2019.
- Short Environmental Assessment Form last page dated October 21, 2019.
- Plan excerpts showing proposed sign location – not dated.

Based on our review of these project related documents, we offer the following comments for consideration by the Zoning Board.

Area Variance Application

1. Page 2 – at the bottom of the page the two variances being requested include:

- Minimum setback from front property line - required is 15' minimum, proposed is 10'. A variance of 5' is being requested.
- Minimum setback from side property line - required is 15' minimum, proposed is 8'. A variance of 7' is being requested.

2. Page 4 – Lot, Yard and Height Regulations (Bulk Requirements) table at bottom of page: information about the current sign should be included as well. Page 6 of the Area Variance Application indicates that “The current sign will be replaced with a new Dollar General sign”.

3. Page 6 – Question 1. – The code citation that the applicant is seeking a variance from is Section 108-12.2 J not Section 108.2.2 J. This should be corrected on the application form.

Short EAF

4. The form should be signed by the applicant on page 3 of 3.

Plan Excerpts

5. The plans show the proposed location of the sign on the site plan but there are no plans showing what the proposed sign will look like. The applicant should submit a plan showing what the sign will look like from street elevation. Of particular interest or concern is whether or not the sign will obstruct the line of sight when entering or exiting the site.

6. Per Section 108-12.2 J. (3) (b) of the code the allowable square footage of the sign depends on whether the sign is illuminated or not. If it is illuminated, the area of the sign cannot exceed 48 square feet in size, including both sign faces (for example 24 square feet each side). The cover letter accompanying the application is for a sign that is 4' x 8' (32 square feet). It is not clear if the proposed sign has two faces or one. Also, it is not clear if the sign will be illuminated. If it will be illuminated, the proposed lighting plan should be submitted as well.

7. Per Section 108-12.2 J. (3) (c) of the code the allowable square footage of the sign is 80 square feet, including both sign faces, if non-illuminated or undertaken pursuant to indirect lighting. The sign area mentioned in the cover letter of the application would meet this requirement provided that the sign is not illuminated.

AREA VARIANCE CRITERIA: 5' relief front property line & 7' relief side property line

- 1) 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 area variance: **Board consensus: NO**
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: **Board consensus: NO**
- 3) Whether the requested area variance is substantial: **Board consensus: NO**
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: **Board Consensus: NO**
- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance: **Board consensus : NO**

MOTION by Dolores Cogan, Seconded by Jim Maskell to approve the Area Variance granting 5' of relief from the front setback requirement and 7' of relief from the side setback requirement for placement of a freestanding illuminated sign **ALL AYES**

AREA VARIANCE CRITERIA: 16sf relief for freestanding sign

- 1) 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 area variance: **Board consensus: NO**
- 2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance: **Board consensus: NO**
- 3) Whether the requested area variance is substantial: **Board consensus: NO**
- 4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: **Board Consensus: NO**
- 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance: **Board consensus : NO**

Dolores Cogan: Can the sign be made smaller, what would it take to reduce the size of the sign?

Wayne Gendron: The proposed sign is standard National Branding for Dollar General.

Ken LaFay: What is the effect on traffic?

Wayne Gendron: If anything it will help with the flow of traffic into the store.

Linda Fitzsimmons: Do they have to have this type of sign? Could they mount one on the north side, the one they currently have shines in my picture window.

Wayne Gendron: The sign can be placed on a timer and will only be on during business hours.

Harold Fitzsimmons: Our property is lit up by the current sign that is on the building, it is ruining the aesthetics of my property. I have the same rights as Dollar General.

Wayne Gendron: I understand your concern and honestly even if they reduce the size of the sign a little there is still going to be the same amount of light.

Harold Fitzsimmons: They should have just put another sign on the north (parking lot) side and not put a huge freestanding one.

MOTION by Dolores Cogan, Seconded by Jim King to approve the Area Variance granting 16sf of relief (8sf per side) for placement of a freestanding illuminated sign contingent on it being placed on a timer to illuminate only during business hours **ALL EYES**

Wayne Gendron: I honestly feel that if the size of the sign was reduced it would not be aesthetically pleasing and would look out of place.

ADJOURNMENT:

MOTION by Dolores Cogan, Seconded by Jim Maskell to adjourn the meeting at 6:51p.m. **ALL EYES**

DATED: November 27, 2019

Aimee Mahoney, Clerk

