

TOWN OF NEW BALTIMORE ZONING BOARD OF APPEALS
Regular Monthly Meeting
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The meeting was called to order at 7:30 p.m. by Chair Pat Linger followed by the Pledge of Allegiance. Other Board Members in attendance were Craig Albano, Kingsley Greene, Mike Meredith and Jeff Carlson.

MINUTES – None available for approval.

CORRESPONDENCE

1. Saxton Sign Corp. on behalf of Drake Petroleum - Variance Application Packet.

NEW BUSINESS

Saxton Sign Corp. for Drake Petroleum - Variance Application

Present on behalf of Saxton Sign Corp. was Terry Meissner. In file is a copy of December 14, 2016, letter from CEO Mantor to Jack Condron at Saxton Sign Corp. regarding their desire for dimensional changes and January 11, 2017, letter to Deborah Guarasce at Saxton Sign Corp. referring them to the Zoning Board of Appeals for a Variance. Required letter of authorization from Drake Petroleum for Saxton Sign Corp. to represent them was presented for the file.

Variance Application was reviewed:

Applicant is: *Saxton Sign Corp. on behalf of Drake Petroleum Co.*

Location is: *12689 Route 9W.*

Parcel: *#28.00-3-7.*

Applicant wishes a size variance for a sign.

The size variance is to allow modification to an existing free-standing sign. Proposal is to modify to 18 feet high by 7 feet wide (new top section), approximately 47 square feet.

It was noted that the Town Code currently allows for a 42 square foot maximum. The Code with regard to signs changed relatively recently but prior to submission of this application. Review continued as follows: Area Variance does not apply here. *Use Variance:*

1. Would undue hardship be created if variance is not granted? If yes, explain:

The new top section is part of the SUNOCO re-brand; and if not granted, new signage will need to be built, designed and manufactured for this location.

2. How would the variance affect the character of the district?

The signage proposed is tasteful, clean and a sharp looking sign that fits the SUNOCO brand and reputation in the community.

All Board Members had received a copy of the proposed design of sign as part of their copy of application packet.

Linger: So as far as the application goes, you guys have done your part in doing the application. I don't know how much you are aware of the Zoning process, the appeals process and what we are required to do. We have to meet a certain set of criteria as we go through these applications. Anybody can apply for a Variance. It doesn't mean they are going to be granted or it doesn't mean they are going to be refused. If they meet the criteria and there is an agreement, then we generally will allow the variance. So that is kind of what we need to hear from you as far as the plans for the sign and how it would affect you if you don't receive a variance. Obviously, the application states that there would have to be a re-design on the sign. So I will open the floor to you if you want to say a few words.

Meissner: Like it says, they are basically re-branding. What they are doing is going with the LED to get people's attention as they are basically going by. They want to give a new look for people driving by. It is a fresh approach for people to try to get them to come in. Basically what they are trying to do is get more business out of people and they just want to spruce it up a little bit. They are going to cut the sign

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down and put a new head on it rather than just a square plain sign. They want to put the SUNOCO logo right on top so it looks a little nicer. They are going to keep the one existing box with the Xtramart, put it at the bottom and then they will have the daily pricers, for that to change rather than have the people inside come out and change it manually, to do it from inside remotely.

Linger: I will just start. My concern on the Variance for this sign, is this a sign that they already have in use everywhere else and this is just a standard made up sign already that just gets placed now? Or is this something that has to be designed and built?

Meissner: For this location?

Linger: For this sign.

Meissner: It is a standard that they use for all of the locations that they have you know. They have different sizes, of course, but you know different sizes for different areas, different sizes for gas stations. They probably already have the one stamped out for this location.

Linger: Is there a reason that this sign can't come down to where it is in the square footage?

Meissner: The square footage. It is kind of like, the sign itself, they stamp them. They have like a production line where they make them so to do it they would have to like make a custom one. Right now, they have different sizes, I think six different sizes. This is one of the smaller ones.

Linger: So this is a standard cut size of any sign that they would produce?

Meissner: Yes. They just produce them and send them out.

Linger: And is there a hardship for doing a custom sized sign?

Meissner: Well they could do anything they want to do. They would have to stop production and do just the one cut out, the one sign.

Board Member: So what is the next size down that is close to that?

Meissner: Off the top of my head, I don't know. That would be the ever bright. They didn't give me any information on that but I do know when they send them in, they give us three or four of one size and two of another and we go out and change three or four locations.

Albano: It looks like probably the SUNOCO portion throws it over the size, the size of the arrow there.

Meissner: The area. Well, the print that I have says it is 18 feet tall which the other sign is 18 feet but it is saying that we are nine inches over. This says we are not over height according to the drawing so I don't know where that came into play but the width is definitely where we are off because of the points that are on the SUNOCO. If you box it off, then we are off by the square footage but if you do it around the empty space.

Linger: Yes, well, the way the area is figured out is by the furthest points. So it is either rectangle or it is a square or maybe it is an oval but it is done by the furthest points. That is the way the measurements are done.

Meissner: So I mean you are not going to have a whole square box that is lit up. It is just going to be the area of their sign.

Albano: The box portion. That is similar to like what Stewarts uses.

Meissner: Yes, probably just lit up where the LED unit is. I think all the gas stations are going to that now.

Linger: Yes. I mean the sign itself, I don't have a problem with changing the sign itself at all. It is always nice to have an updated looking facility, whether it is a store or a medical building or a dentist

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office or whatever. It is always nice to refresh things, it looks good, it draws people in and I understand that. Our job here is we have Town regulations and they are specific for signs and they are for a reason. They are voted on by the Town Board. So if we are to allow a Variance to go against that, we need to have good reason to do so.

Meissner: Sure.

Linger: So that is kind of our process here. I don't know how much more information you have on it. I would just ask, you know. I see they are going to take the "Xtramart" and move it from the top to the bottom but then you are also adding in this official NSCAR banner into it. That is all square footage. At the end of the day, that adds square footage on to it. I understand that numbers need to be so big in order to see them at 55 mph coming down the highway and see them clearly. I get that. What I don't get, I guess in my mind, is where the harm is in bringing that sign down to within the specs of the Town Code and that is, what I am kind of driving for is where is the hardship that comes in by designing a sign that does fit inside of that?

Meissner: Well, the poles themselves are there. They are using the existing poles and they are trying to save money that way. As far as the head, if they went smaller, it would look kind of silly if they use a smaller head on top. I am not sure they could go with a smaller SUNOCO head but they designed it, what looked good

Board Member: This is a standard production.

Meissner: Yes, that is standard production. They have them right on line.

Albano: So the hardship could be in the cost factor.

Meredith: Do they have them made up already?

Meissner: They already have these knocked out.

Meredith: Do you have the sign in your possession? Meissner: No, we don't ourselves.

Board Member: This is probably a standard set up, right? Meissner: Yes.

Linger: One of our criteria is, I don't have it right here with me, the exact wording on it but it can't be a self-made hardship.

Meissner: Yes.

Linger: Would be one and it should be something that without it, there is some type of damage or some type of negative correspondence to that without the variance. So that is kind of why I am trying to get as much information as possible to see if we can justify that. Like I say, we do have the Code and we have the regulations. They are there for a reason; and if we are going to go against that, we need to know there is a good reason to go against that. And that is not true just for their sign. It is true for anything. It is true for a setback, a setback for a solar system that we did not too long ago. They have to show that there is:

...A need for it that it can't be done some other way; and
...That they didn't create the problem themselves.

So that is kind of why I am looking for as much as I can get here.

Board Member: You say the current size is 42 square feet, something like that?

Meissner: What is allowed is 42. Albano: And it is 47, what they have now there?

Board Member: So now it is 47. Board Member: So five extra square feet they are now looking for.

Board Member: So now it is 47 square feet and what is the proposed size?

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Meissner: The proposed is 47.

Linger: The proposed is 47. I believe what is there now is 42 but it is grandfathered I think and I am trying to find it here. I thought the Code was 30.

The Clerk drew the Board's attention to CEO Mantor's 12/14/16 letter to Jack Condron at Saxton Sign Corp. where it spells out the various Dimensions.

Linger: Got it. The allowable square footage is 42. He didn't give the measurement on the current size. He only gives the height of it which isn't all sign.

Albano: Take the SUNOCO out and put that pretty much up here, that is it.

Linger: Yes, they are changing that design. They are moving the Extramart to the bottom and they are putting a NSCAR endorsement in on the top. I don't have the height on the sign itself.

Board Member: It is not on the drawing? Linger: On the old one, it is not there.

Meissner: The existing is 18 feet high by 5 foot wide.

Linger: Right, that is with the expansions I am guessing. Maybe I should not assume that but I am assuming that is with expansions which I don't know if it is considered square footage on the sign.

Albano: The top that is squared off is not going to have your SUNOCO in it. These are your side banners that you are taking off the bottom here. Actually, you haven't taken much off of there. You just changed that to the logo, changed that top piece to the logo. It may be up a couple. It doesn't look like it is up any higher.

Linger: Well, if you figure, the current one is 42.

Albano: I guess we don't know that for sure. Linger: The proposal is 47.

Linger: There is only a five square foot difference in a seven-foot wide sign. So you are not even a foot taller. I mean it is not a significant difference but it is outside the parameters of our Code.

Clerk: In the original application packet, you have a colored picture if that will help at all.

Greene: So the overall height will be the same essentially?

Meissner: Yes. I think where we are picking up the square footage is on the top.

[Several conversations took place at once.]

Linger: The information that is there is basically similar and it is a much nicer looking sign. We just have to be sure that we can meet the criteria that we need to meet to approve a Variance; and if not, what we need to do or the information that we need to have to get there. That is why I want to make sure that we give this gentleman the opportunity to do that so we can make the best of it.

Linger: I am just looking at the engineering report on it. It gives mostly the wind sheer and specs. on it. It doesn't give the height or width on the current sign there. The height difference is actually fairly minimal I think in comparison to what is there. I guess the problem would be the one that is there, if that is a grandfathered sign because it is over the size to begin with. It may be significantly larger than what the Code allows so that is kind of the issue that we are in because once you take that grandfathered sign out, you just can't put another big sign there and that is why we have the application.

Albano: The original Code was 30 square feet. You said that was the original.

Meissner: They are using the same posts and everything, just cutting them down, putting cross members across.

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[Board Member] You don't have to move them at all?

Meissner: They are going to stay in the same spot.

Linger: The other thing that the Code does speak to in here, is with these digital signs, they definitely project a little bit more into the street. Not so much a huge concern with one sign; however, we know we are going to have in that same area an assisted living facility. There is a dentist office. I mean this is all in the same type of area. They don't have an LED sign so it is not a big concern; but if there were three, four or five of them, it does get to be a concern; and I think anybody who has ever traveled to Malta off the Northway would understand how the signs get mixed in with each other because there are so many of them. So that is the application. We have had a presentation in front of us so we can move this forward if that is what we so choose to do. I have the Short EAF so I think we can go ahead and move forward on this.

There were no further questions or comments from the Board and no additional comments from the applicant's representative.

It was moved by Albano and seconded by Greene that the application proceed along its normal course and move to a Public Hearing in April.

AYES: Linger, Albano, Greene, Meredith, Carlson

NAYS: None

ABSTAINED: None

ABSENT: None

Required 239 will be sent to County Planning since this sign is within 500 feet of U.S. Route 9W. There were no further questions or comments from the Board and no additional comments from the applicant's representative.

Public Hearing was scheduled for 7:30 p.m., April 5, 2017. Applicant was provided with the blue sheet which provides the instructions for sending the required certified letter public hearing notification. Mr. Linger advised that the more information included in the letter about reason Variance is being sought, answers the surrounding property owners questions right up front, alleviates their concerns and results in a smaller attendance at the Public Hearing.

Annual Required Training

Following meeting adjournment, the Board Members will be completing the required annual Workplace Violence and Sexual Harassment training.

Adjournment

At 8 p.m., it was moved and seconded to adjourn the meeting.

Ayes: 5 Nays: 0 Abstained: 0 Absent: 0

Respectfully Submitted
Marjorie Loux, Clerk
