

The McKownville Improvement Association objects to the proposed sign.

Stuyvesant Plaza is again asking permission—a use variance—to construct a larger sign at the Western Avenue entrance. It should not be granted---nor should the previously requested area variance be granted.

Stuyvesant's law firm filed on December 29, 2011 an expanded brief on why a use variance should be granted. It contains three sections---“Preliminary Background”, “The Sign is Not a Billboard of Commercial Advertising Sign”, and “The Electronic Message Center Conforms with the Guilderland Zoning Laws”.

The variance still should not be granted.

Preliminary Background----the Stuyvesant Plaza brief claims the ¼ acre of land that the sign sits on “was once part of the Town's McKownville Water District”---it is still part of legal successor to that entity--- and it is still Town land—not Stuyvesant Plaza land.

The Sign is Not a Billboard of Commercial Advertising Sign ---the Stuyvesant brief quotes the Town Zoning law section and its important words---“...describing products or services which are **not necessarily made**.....or sold from the lot...”. (Boldface added). A billboard does at times advertise products and services sold on premises. Stuyvesant may promise to not use the requested sign except for permitted businesses on its premises—but then the January 15, 1997 variance granted for the Stuyvesant for the Fuller Road sign directed Stuyvesant to not impede the site (sight) distance at the entrance and yet it has displayed “Sidewalk Sales” and other use activities from the bottom of the Fuller Road sign for many seasons---which impedes sight distance. Stuyvesant Plaza cannot be trusted.

The Electronic Message Center Conforms with the Guilderland Zoning Laws ----what is being requested is a flashing sign and that is not permitted under the zoning law. If a car driver turns off the headlights and turns them back on—is that flashing lights—of course it is! If a car driver changes the brightness on the car lights, is that flashing—of course it is! Will the Stuyvesant sign sometimes go dark and then come back on and will it have various levels of brightness—of course it will. It is a flashing sign.

Previously the Association argued that the site is overcrowded with too much traffic for safety—pedestrian and automobile. Too many cars turning into Stuyvesant, exiting Stuyvesant, entering the Northway, entering and exiting East Highland, 5 Guys, TCBY, Christ Lutheran Church, Roberts and the four other businesses near the Stuyvesant entrance.

Unsafe—that is the major argument---but there is the additional argument—Stuyvesant created its own problem. If it wanted to have motorists see the businesses in the Plaza, it could have refused permission for the CREO restaurant to build and then to re-grade the hill that CREO sits on so that motorists traveling along Fuller as well as those traveling along Western could easily see the businesses in the Plaza. The management of the Plaza chose not to do so—Stuyvesant should not be granted a variance for a condition it created---it manufactured the problem that it claims to exist.

1/2/12

Reasons to be opposed

Billboard

295 sq ft

Flashing sign

Already exceeds size allowed by zoning ordinance

Distracting at already difficult intersection:

Too much traffic on Western

Too many turns---into and out of TCBY, 5 Guys, Veterinarian's office, Christ Lutheran, East Highland, dentists offices, Northway, psychological services offices, Roberts, Guilderland Town records storage building, McKownville Park

Too much traffic exiting and entering Stuyvesant

Impeded sight lines for traffic exiting Stuyvesant

Reduces residential character of the neighborhood

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Super majority - for use variance - is needed

Jan Sewer
FAX 456-2332