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Stuyvesant sign--zoning board hearing

Chuck Klaer <cklaer1@nycap.rr.com>

Tue, Jan 10, 2012 at 3:33 PM

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To: Donald Reeb <donreeb@gmail.com>

An impressive cc: list

A good turnout is important but probably can only be effective to address the neighborhood character issues of the code. If you recorded the last meeting, note the discussion at the very end. Motions need to address to separate issues dealing with 1) prohibited Bill Boards and Commercial Advertising which will require a Use Variance to consider further. The Town resolution gives Stuyvesant Plaza permission to put a sign approved by the Zoning Board on its property (When reviewing language and definitions separate those the address Prohibited and those that address Permitted "if") It's past my bed time, I'll finish in the morning. (Make that 3:30PM)

ADVERTISING STRUCTURE

Any notion or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or advertisement, for the purpose of making anything known about goods, services or activities not on the same lot as said advertising structure.

BILLBOARD

See "advertising structure."

LOT

A parcel of land under separate ownership or parcel of land as designated on a plot plan recorded in the Albany County Clerk's office.

SETBACK

The minimum allowable horizontal distance from a given point or line of reference, such as a street, right-of-way or future right-of-way, if such has been determined, to the nearest vertical wall or other element of a building or structure as defined herein.

SIGN, ADVERTISING

Any sign which directs attention to a business, principal commodity, service or entertainment, conducted, sold or offered, elsewhere than upon the premises where the sign is located or to which it is affixed.

SIGN AREA

The area of a sign shall be determined as the largest rectangle that is required to enclose the sign, including any frame or panel signs of individual letters, but excluding supports, braces or guys. No more than two such rectangles may be used to enclose and measure the area of a sign.

SIGN, BILLBOARD OF COMMERCIAL ADVERTISING

An advertising sign, structure or symbol, erected and maintained by an individual or corporation engaged in the sale or rental for profit of space thereon to a clientele of manufacturing, service, or commercial enterprises, upon which space there is displayed, by means of painting, posting or other method, advertising copy describing products or services which are not necessarily made, produced, assembled, stored or sold from the lot or premises upon which the advertisement is displayed.

SIGN, BUSINESS

Any sign which directs attention exclusively to a permitted business, profession or industry conducted upon the premises on which the sign is located, or to a primary product, commodity or service sold by such business or industry, and shall be deemed an integral part of such business or industry.

SIGN, CARICATURE OR BIZARRE

Any sign on which representation, especially pictorial, of the distinctive features or peculiarities of the subject are exaggerated or distorted to produce a comic, misleading or grotesque effect.

SIGN, FLASHING

An illuminated sign on or in which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

SIGN, FREESTANDING

Any sign supported by a pylon, pole, upright or brace, placed in the ground and which stands free of a building and/or other structure.

SIGN, ILLUMINATED

Any sign which has characters, letters, figures, designs or outline, illuminated by electric lights, neon or luminescent tubing.

SIGN, OFFICIAL

Any sign, symbol or device erected and maintained by any governmental unit.

SIGN, PAINTED WALL

Any sign painted directly on the surface of any wall or other structure.

SIGN, PICTORIAL

Any sign which is constructed so as to physically represent an object of which contains an abstract, graphic logo, geometric design or other pictorial matter.

SIGN, PROJECTING

Any sign which is attached to a building or structure, or beyond the surface of that portion of the building or structure to which the sign is attached, and not parallel to the face of the building.

SIGN, REPRESENTATIONAL

Any three-dimensional sign which is built so as to physically represent the object advertised.

SIGN, ROOF

Any sign erected, constructed and maintained wholly upon or above the roofline of any building with the principal support on the roof or eave structure.

SIGN, TEMPORARY

Any sign, banner or other advertising device constructed of temporary material, with or without a structural frame intended for a limited period of display, including decorative displays for holidays, public demonstrations or specific events.

SIGN, WALL

Any sign or poster on any surface or panel that may be affixed to the front, rear or side wall of any building or structure, with the exposed face of such sign in a plane approximately parallel to the plane of the wall, and projecting not more than 12 inches beyond the building line or face of a wall.

RIGHT-OF-WAY OR HIGHWAY LINE

The line present or proposed which is the joint boundary line between a lot and the street or highway right-of-way.

STRUCTURALLY ALTER

In addition to its other ordinary applications, any alteration whereby a building or other structure is adapted to another or a different use.

STRUCTURE

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, swimming and wading pools, covered patios, towers, smokestacks, poles, etc., excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas.

USE

This term is employed in referring to:

A. The purpose for which any building, other structures or land may be arranged, designed, intended, maintained or occupied.

B. Any occupation, business activity or operation conducted (or intended to be conducted) in a building or other structure or on land.

Non-conforming uses

G. Cessation.

(1) Any nonconforming auto wrecking yard, junkyard or billboard in existence at the date of enactment of this chapter shall at the expiration of four years from such date become a prohibited and unlawful use and shall be discontinued. Nonconforming used car lots, nonconforming exterior storage of commercial vehicles, machinery and other equipment shall at the expiration of two years from such date become a prohibited and unlawful use and shall be discontinued.

Chucks notes from watching replay

1475 to be added to sign

<http://www.watchfiresigns.com/education-center/led-signs-101>

<http://www.watchfiresigns.com/education-center/ignite-software>

Schultz: No animation vs logo

Schultz: Will comply with ordinance(code?) except perhaps Amber Alert

Rempert: Simple fade in and out or page turning or other cute transitions

Schultz:Tasteful vs Glitzy

Schultz (Upon correction) Stuyvesant Plaza part of the sign will have internally lit letters

Schultz: Hard to read LED sign closer than 60 feet

Schultz: Proposed sign will reduce the gap under current sign by one foot

Ellen Manning read Association statement

Doug Smith: Sign is located on Town Property Asked about the status of the Sign

Doug Smith: Referred to Prohibited Definitions considers the proposed sign to be a Bill Board not a Stuyvesant Plaza sign

Martha Haraus: Watches accidents near the current sign from her window. Stuyvesant patrons often run across multiple lanes of Western avenue to 5 Guys or TCBY.

Martha Haraus: Needs space under current sign to exit on to Western Avenue from Stuyvesant Plaza...Notes that space is often blocked by a banner

Martha Haraus: Reminded ZBA that it was due to the efforts of the homeowners association that the trees between TGIF Fridays and Western Avenue were saved from being replaced by more parking.

Owner of Evoke Style claimed potential clients even driving around Stuyvesant Plaza have had difficulty finding her store.

Note current sign does not have 1475 address on it. "I need help"

Jim White: Claimed to be open minded to the proposal until he saw the demonstration: He found it to be a hokey, ugly, billboard.

Chuck Klaer: Speaking too slowly, Suggested that before the board considers the application it needs to first deal with "Use" issues

Chuck Klaer: With regard to the quality of life and protection of neighborhood character local residents have made their concerns clear

Chuck Klaer: What is the substance of the Creighton Manning line of sight/safety /potential hazards study referenced?

Chuck Klaer: Questioned whether all of the Use and area variance issues were properly noticed.

Chuck Klaer: referred to specific code language relating to Billboards, commercial advertising.

Chuck Klaer: Noted that some of the Zoning Code relating to signs had recently been updated so to claim that the code is antiquated is improper.

Chuck Klaer: Made reference to 1997 variance language (Fuller Road sign) focusing on the need for the space under the sign to address sight distance concerns surely applies to the Western Avenue sign as well

Chuck Klaer: Noted that to the best of his knowledge there were no signs comparable to what is being proposed in Guilderland, Colonie, Albany or Bethlehem.

(Closest analogy appears to be at Clifton Country Mall/Center high on a pole with mono-chromatic displays.)

Chuck Klaer: Noted that Crossgates once had a sign internal to the mall that displayed what was currently playing at the movie theaters, In its wisdom Crossgates has discontinued the signs.

Chuck Klaer: Pointed out that if each of the enterprises within Stuyvesant Plaza had approved signs of maximum permitted size or currently with area variances, the application would require each and every display to be reviewed and approved and provided an area variance for additional signage. Suggested that the TGIF Friday's sign on WEstern Avenue would have to be removed.

Chuck Klaer: Expressed concern that application might include product advertising.

Chuck Klaer: Noted that Crossgates and Colonie Center provided maps inside each entrance directing customers to store locations.

Chuck Klaer: Noted that Siena College has a pull off near it's entrance where a map to the various campus buildings can be seen by the driver.

Chuck Klaer: Noted that the demonstration sign is like a very low resolution computer monitor. Text is more difficult to read the closer you get. Print size would have to be very large. Best viewing would be from Fuller road intersection

Don Csapos: Quoted the sections of the Comprehensive Plan and the McKownville study addressing McKownville and its Commercial District and repeated that the Zoning Code sections must be read in context. The proposed sign "Shall not be Permitted"

Kevin Quinn: Approved variances in the McKownville have tended to reduce the attractiveness of the neighborhood in general.

Kevin Quinn: In his opinion the Cost Benefit Calculations between needs of businesses and needs of residents have shown that the negative impact on the neighborhood can be calculated where as the positive impact on businesses have been subjective speculation. Who knows whether there has been any cost benefit to business?

Peter and Schultz discussed that in the presence of Code definitions Webster and "common sense" assertions, and Federal suggestions aren't germane

Schultz tried to make the case that since the code permits signs depicting time and temperature changes are analogous to the changes being proposed by Stuyvesant's application

Schultz noted that changes would be no faster than every 13 seconds but could be determined by the ZBA

Schultz ZBA could determine the data displayed

Summary confirmed that the placement of the sign is on Town property

Summary confirmed that a Town Board resolution had given Stuyvesant Plaza permission to place a "sign" on Town Property

Summary confirmed that the Town Board rather than determining the nature of the sign or approved a use that might normally require a use variance had deferred the determination to the ZBA.

Schultz seemed to imply that "flexibility" or failure to enforce to a "T" the sign code to the sign at the brown building across from Robinson's Hardware as to consistency of color and the replacement of a currently vacant tenant sign with a yellow Have a Good Day smiley face consisted of an act of Zoning nullification.

The public hearing was continued till February 1, 2012 to deal with two decisions.

1) Does the application require a (difficult to impossible to get) Use Variance if it is determined that the application proposes a prohibited use. If it does the ZBA will make that determination and seemingly approve or disapprove the Use Variance February 1.

2) If it is determined that a Use Variance is not required or if required but approved, then the sign application will be approved with or without mitigating constraints of disapproved as proposed.

Sharon Cupoli thought that a monochromatic sign, perhaps scrolling due to the number of Stuyvesant tenants (I believe 62 was initially stated but for discussion the number 40 was used) was proposed. Schultz corrected her understanding to include colors, and images such as logos...

Tom Rempert made some reference to one of the LED text signs used by one of the Fire Companies.

<http://www.ecode360.com/search/GU1600?query=%27Use+Variance%22&button=>
<http://www.ecode360.com/10986082#10986096>

-----Original Message----- From: Donald Reeb

Sent: Monday, January 09, 2012 4:17 PM

To: donreeb

Cc: emfhair@aol.com ; Pkiinc@aol.com ; Aaron Harrell ; Adrienne Campbell ; Al Maikels ; Alice Begley ; Alice Torda ; Alison Nicklas ; Amie Cheeney ; Andrea Mastromarchi ; Andrea Papandrea ; Andy & Liesse Mohr ; Angelo and Michele ; Angie Parsons ; Anita Behn ; Ann Anderson ; Ann Hayden ; Anna* Dugan ; Anne Roberts ; Anton Konev ; Asa Neff ; Assemblyman John McEneny ; B Cady ; B Chamberlain ; B Haver ; B Shelley ; Barbara Bonafide ; Barbara O'Brien ; Barbara Quint ; Barry Senate ; Barry, Laura ; Bert Schou ; bikes Jim ; Bill Anslow ; Bill Aylward ; Bill Buell ; Bill Goergen ; Bill Meehan ; Bill Petersen ; Bill West ; Bill* Byrnes ; Bill* Petersen ; Bob & Kathy* Collen ; Bob Stricos ; Bobby Brustle ; Bray, Paul ; Brenda Miller ; Brian & Carey* Fusco ; Brian Forte ; Brian Forte ; Brian Ladd ; Brian Nearing ; Bridgit* Goldman ; Bruce Sherwin ; Bryan Clenahan ; Cara SUNYA White ; Carl Duda ; Carl F. Patka ; Carmella DiBella ; Carol Lawlor ; Carol Raabe ; Carol Reilly ; Carol Williams ; Carol Youtz ; Catherine Lawson ; Cathy Woodruff ; Charles Klaer ; Chris Churchill ; Chris Murphy ; Chris Reach ; Christie Waldman ; Christine DeSorbo ; Christine Treadway ; Christopher Knauf ; Cindy Gentile ; Cindy Peaslee ; Claire Nolan Bert Schou ; Clare and David* McNally ; Coburn, Mary ; D Sissy ; Dan & Margaret McKinley ; Dan Doak ; Dan Herring ; Dan Hershberg ; Dana* Doak ; Darrell Doak ; Dave Bosworth ; David Clancy ; David Farison ; David Johnston ; David Knight ; David McNally ; David Nardoillio ; David Shub ; David* Palatsky ; Dean Hamilton Jones ; Debbie Tanski ; Debbie Trees ; Denis Belisle ; Denis Muson ; Denise Connelly ; Denise Eisele ; Dennis Feeney ; Dennis Moore ; Dennis Moore ; Dennis Yusko ; Diana Benedetto ; Dianne Dion* Jones ; Dick Clark ; Dolly Magarik-Rosinsky ; Dolores* VanBuren ; Don Cropsey ; Don Csaposs ; Don Elliott ; Don Schaefer ; Donna Markessinis ; Dorothy Ellinwood ; Dotty Bray ; Doug Smith ; Drew Hartzell ; DW E ; Ed and Peg* Neiles ; Ed Brooks ; Eileen* Mathena ; Ellen Green ; Ellen Manning ; Ellen Marcil ; Emily Arthur ; Emily Baglione ; Emily Reeb ; Erica Powers ; Erin Neiles ; Eveline Brower ; Fraida Varah ; Frank Comisso ; Frank Fazio ; Fred McKeon ; Gail Meehan ; Geoff Woodscape Hamburg ; George Robinson ; Gerard Houser ; Ginger Miller ; Ginny Collins ; Glenn* Abelman ; Grace* Kelly ; Grant Harders ; Grey Denbeaux ; Guilderland Police ; Harriet Temps ; Helen Bickmore ; Henry Klein ; Henry* Tedeschi ; Herb Brown ; Hiram Eberlein ; Howard Bernstein ; Hy Kuritz ; Ivan Vamos ; J

Heinlaw ; J. Steve Campbell ; Jacqueline Treanor ; James & Debra Peters ; James Gaughan ; James T Sumner ; James White ; James* Berlin ; James* Healey ; Jan Weston ; Jane Schramm ; Janet Kaplan ; Janet Reilly ; Janine* Conklin ; Jason Adkison ; Jay Carleo ; Jean Cataldo ; Jeff Wajszczuk ; Jennika Conboy ; Jim Barber ; Jim Cameron ; Jim Doellefeld ; Jim Finnigan ; Jim Melrose Lyons ; Jim White ; Joe Abbruzzee ; Joe Cunniff ; Joe Melrose Cunniff ; Joe Trapasso ; Johanna Bremm ; John Bailey ; John Bailly ; John Carr ; John Esler ; John Giarrusso ; John Siino ; John Smircich ; John Tabak ; John* Campbell ; John* Ennis ; Jon-Paul d'Aversa ; Joseph Hallenbeck ; Josh* Merlis ; Joshua Salisbury ; Judi Kavaney ; Judy and Roland Kays ; Julia Boehm ; Julie Reeb ; K Smith ; K Snall ; Karen Cunniff ; Karen Fontanelli Kopanski ; Karen O'Brien ; Kate & Mike* Lawler ; Kate Breslin Barry ; Kathryn Ryan ; Kathy Burbank ; Kathy* Turek ; Katie McQuade ; Kelly Gardner ; Ken Johnson ; Ken Runion ; Kevin Quinn ; Kristen Murphy ; L Whalen ; L.M. stanziano ; Larry rulison ; Laura Reed ; Laura* Beebe ; Lee Bickmore ; Leif Engstrom ; Leslie Gohlke ; Lina Tarzia ; Linda English ; Linda schools Vanauken ; Lindsay Childs ; Lindsay Childs ; Lisa Frazetta ; Lisa* Pizzemento ; Liz Van Buren ; Lloyd Hebert ; Lori Becker ; Lori VanBuren ; Louis & Linda* Santandrea ; Louis* Coluccio ; Lyn Webb ; Lynn Inasadoski ; Lynn* Winne ; Lynne Jackson ; Malcolm ; Malcolm Sherman ; Marcia Scott ; Margaret Lynch ; Marian Hoyle ; Marilyn Held ; Marjory Groark ; Mark Grimm ; Mark Macomber ; Mark Malone ; Mark Wykes ; Martha Fiato ; Martha Harausz ; Marty Gnacik ; Mary Egan ; Mary Ellen Millett ; Mary Lou Connolly ; Mary Smith ; Marylou Schiro ; Matthew Malsky ; Maureen Wren ; Maxine* Shpirt ; Meg Dubowsky ; Melissa Abbott ; Melissa Hale-Spencer ; Mendel Rubin ; Michael and Sherril Evola ; Michael Fancher ; Michael Fish ; Michael* Grady ; Michael* Mulvaney ; Michael* Sofka ; Mike and Linda* Camoin ; mike bonenfant ; Mike Cleary ; Mike Franchini ; Mike Harold ; Mike OBrien ; Mike Ricard ; Mikhail* Ioffee ; Millard* Pier ; Miriam Trementozzi ; Mr. and Mrs* Dohik ; Mrs. Zynetcke ; Ms.* Scoville ; Nancy and John Holford ; Nancy Dover ; Nancy Heinzen ; Nancy Huggins ; Nancy Newman ; Nancy Van Buren ; Pam Robinson ; Pamela Kaltenbach ; pat marrinella ; Patricia Clark ; Patricia Martel ; Patricia Stallmer ; Patrick Sorsby ; Patty Slavick Slavick ; Paul Engster ; Paul Graves ; Paul Haldeman ; Paul Miller ; Paul Pastore ; Paul* Smyth ; Peter Barber ; Peter Henner ; Rachael & Shane Rogers ; Rae* Chardeen ; Ray Moran ; Rhonda Haines ; Richard Cross ; Richard Goldman ; Richard O'Neil ; Richard* Byron ; Rita Richey ; Robert Winnie ; Robert* Clickner ; Robert* Kibbey ; Robert* Schneider ; Roberta Kilroy ; Rodger Stone ; Roger Cusick ; Ronald* Tramontano ; Rosalie* Lux ; Rosemary Centi ; Rosemary Irwin ; Rosemary Rivin ; Ross Farrell ; Roxanne* Richeson ; Roy Elk ; Russell* Oliver ; Sally Cummings ; Sandy Storffer ; Scenectady Gazette ; Scott McNelis ; Scott Waldman ; Sean* Duncan ; Senator Neil Breslin ; Sharon Tomeo ; Sharon* Callendar ; Spencer* Noakes ; Stephen Stapay ; Steve Beditz ; Steve Berg ; Steve Feeney ; Steve Haggerty ; Steve Janack ; Steve Messner ; Steve Oliver ; Steve Sokal ; Stuart* Lehman ; Sue Ferro ; Sue Gutbezahl ; Sue Lascoe ; Sue Macri ; Sue Menia ; Suzan Skladzinski ; Tammy Ferraioli Ferraioli ; Tara and John Daniels ; Terry Coburn ; Terry Hurley ; Thruway ; Tiag Thyag ; Tim Blydenburgh ; Tim Skinner ; Tim Truscott ; Tom Gebhardt ; Tom Remmert ; Tom Robert ; Trina McMahon ; Van Jennings Amburgh ; Virginia* Parsons ; Walter Lotz ; Warnke, Eric ; Wendy Allen ; Wendy* Glunk ; William Kidd ; William M. Clay- ; William Shapiro ; William Woodscape Taylor ; William* DeAlleaume ; William* Nieman ; Wolcott, John ; Yanky Samet

Subject: Stuyvesant sign--zoning board hearing

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