

Response by the McKownville Improvement Association to the application by AJ Signs on behalf of WellNow for variance to exceed LB signage regulation size

We set out below the five considerations for variance application (*italics*), the applicant's responses (**sans serif font**), and our assessment of each (**serif font**). We think that the answer to each question of all five of the considerations is a clear Yes, and because of that the Zoning Board should simply reject the application. There is no valid reason given in the application for the granting of any variance, and there is therefore no justification for bargaining over a compromise which exceeds the LB regulation maximum permitted signage of 50 sq. ft.

The following conditions for [consideration of] an area variance are from Section 267-b of the New York State Town Law.

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;

This is a commercial area. The additional signage will not produce any undesirable change to the character of the area or neighborhood. The additional signage will only prove to be helpful to the community and patients who are trying to find the urgent care facility

Response of the McKownville Improvement Association:

The property and those immediately adjacent along Western Avenue are Local Business zoned; not General Business. Residential properties occur directly across McKown Road from the south part of the building, and the parking lot, and continue south along the east side of McKown Road, including Williams Court. Residential properties occur all along the north side of Western Avenue both east and west of the McKown Road-Norwood St/Western Avenue intersection, including immediately opposite the applicant's building. The house directly across McKown Road (number 1 McKown Road) has historic significance, as pointed out by the document submitted by the Albany County Planning Board (it was proposed for the National Register of Historic Places).

Therefore:

- The applicant's statement that this is a commercial area is untrue.
- The statement that the large increase in lighted signage will not produce any undesirable change in the character of the neighborhood is also untrue, in the opinion of the Board of the McKownville Improvement Association.
- That the signage might be helpful to persons planning to visit the facility is debatable; would they really be unable to find it, or even have difficulties finding it, if the signage area conformed to the zoning code? How is it that other similar medical facilities in Guilderland, including those nearby to the west, seem to manage to conform to the signage zoning rule, and for their clientele to be able to find them without difficulty? And that's before consideration of the likely use of GPS navigation apps, which make this reason an even weaker justification.

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;

There is no other method to alert the public to the location of the urgent care facility. This section of Western Ave is a busy roadway. Patrons travelling from the east or west will need adequate time to make a decision to turn into McKown Rd and into the facility.

Response of the McKownville Improvement Association:

Other businesses nearby, and elsewhere along Western Avenue in LB-zoned areas, including other medical facilities, conform to the signage zoning restriction. There are no special reasons why this location would be less easy to find, or less easy to make the turn. In fact the existence of a traffic light at the McKown Road intersection makes it easy to find, and to make the turn. People needing the kind of non-emergency medical attention provided by this kind of facility will plan to visit it, and will either know the location beforehand, or use GPS/map apps to find it. The need for medical services offered at this building must not be confused with the sudden onset of an advertising-stimulated impulse buy, and huge advertising signage (otherwise known as a billboard) is not necessary for the commercial operation planned here.

3) Whether the requested area variance is substantial;

We do not feel the additional 3 signs and additional square footage should be seen as substantial. The more the Urgent care is able to alert the public to their location will only benefit the community.

Response of the McKownville Improvement Association:

Six times the maximum permitted signage area is most certainly substantial.

4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

The additional signage will have no impact on the physical or environmental conditions of the neighborhood or surrounding area.

Response of the McKownville Improvement Association:

The large size and lighted condition of the signage will in our opinion have a substantial adverse impact on this neighborhood. We are also very concerned about the other lighting on the building, which must be examined for conformation to the restrictions of the zoning code.

and 5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance:

The need for could be seen as self created.

Response of the McKownville Improvement Association:

Absolutely, we agree with this one, they have brought this on themselves. They chose to build here, and they ought to have been aware of the LB zoning signage regulations.

In summary, they have provided no valid reasons why they should be granted an exception. It is clear that the building design is a standard that they have used repeatedly elsewhere, and it is intended to have billboard-sized signs on it like their other places of business. It would appear to be as part of a strategy for branding, but is not appropriate in this location. They should not be permitted to have these signs just because they have already put up these extra-high pieces on this building. Allowing any variance without valid reasons being provided would set a most unacceptable precedent.