Planning Board Meeting Minutes

Village of Ballston Spa

Held on February 9, 2022

The meeting was called to order at 7:00pm by Chairman Rory O’Connor

Chairman present: Rory O’Connor

Members present: John Battenfield (via phone), Scott Burlingame, Peter Martin, Mike McNamara

Also present: Dave LaFountain, Building Department Code Enforcement Officer, Trustee Kormos, Stefanie Bitter, Village Attorney

Pledge of allegiance

Chairman O’Connor requested a motion to approve the minutes of the January 12, 2022 meeting. A motion was made by Member Martin, seconded by Member Burlingame, to approve the minutes of the January 12, 2022 meeting as amended. The motion was approved.

Old Business:

* 15 West High Street – Christ Episcopal Church Sign – A demonstration was conducted at 6:15pm outside of the Ballston Spa Public Library by Evan Walsh of Watchfire Signs. This was a demonstration of what the sign will look like when operating and an example of the message illumination. The Church was represented by Attorney Paul Goldman. Mr. Goldman stated that the static message will change 3 times a day maximum. The maximum nits during the day will be 7,000. The maximum nits during the night will be 500-100 which will be adjustable. The sign will turn off automatically at 11pm and turn on at 6am automatically. There will be no dissolves, fades, flashing, or scrolling. Mr. Goldman stated that these new operating restrictions will be less impactful to the community. Mr. Evan Walsh stated that the sign has a tasteful design and is respectful to the community and indicated the sign was controlled by a computer inside the Church Rectory. Mr. Goldman stated that the sign can move back from the road, which will take the set back issue off the table. Father Roy stated that the sign will be used to promote the church and help the community. Chairman O’Connor asked if there was any Public Comment on this request. Trustee Kormos asked why this was not a Zoning Board issue. Village Attorney Stefanie Bitter stated that the Planning Board has the final vote.

A discussion of the application followed. Member McNamara stated that he is concerned about the digital sign aspect. He stated that the sign looks professional. He does not feel it will be a distraction to drivers. Member Martin stated that the size of the proposed sign is still larger than allowed. The design and the 3 messages a day is fine. Member Burlingame discussed the brightness. Chairman O’Connor stated that the technology of the sign is impressive. He stated that he feels the sign is too bright and that a driver can be easily distracted because of the location of the sign on a corner. He stated that we are governed by Village Code 205.12. He stated that John Cromie of the Historic District Commission had forwarded the Commission comments to the Planning Board. He stated that in Village Code 205.15, an R1 zone sign can be a maximum size of 8 square feet. Member Battenfield stated that in an R1 zone, a sign cannot be electronic, and the size must be a maximum of 8 square feet. Member McNamara stated that he does feel that there will not be a negative impact on the Historic District and that there will be no driver distraction. He also stated that the size and location from the right of way are workable. He stated that there are too many signs now and they should be cleaned up if a new sign is approved. Father Roy stated that he would remove the illegal Kid’s First sign as a condition of approval. Member McNamara stated that in a R1 Zone, code clearly says 8 square feet. He asked Counsel what leeway we have. Stefanie Bitter stated under code 205.16, seeking relief of a sign will be a dimensional deviation. Member McNamara stated that the size is a tough one to fix. Member Burlingame agreed with Member McNamara regarding the size of the sign. He stated that he does not feel the sign would be a traffic hazard as long as it is not a time and temperature sign, and it is not flashing intermittent. Member Martin stated that the maximum size of a sign in an R1 Zone is clearly defined.

Chairman O’Connor read thru the 5 questions for criteria that the Applicant must prove in seeking an area variance.

* **Whether the benefit sought by the applicant can be achieved by other feasible means.** Mr. Goldman stated that the new sign will allow the corner to be cleaned up which would be a benefit to the community.

**Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.** Mr. Goldman stated it would not.

**Whether the variance is substantial.** Mr. Goldman stated the variance is 8 square feet vs 23 square feet.

**Whether the variance will have adverse physical or environmental effects on neighborhood or district.** Mr. Goldman answered no.

**Whether the alleged difficulty was self-created.** Mr. Goldman stated it will eliminate the clutter of signs on the corner.

Member comments: Member Battenfield stated his big concern is on the size of the sign in an R1 Zone. He said if the sign was granted, it would be opening up a potential problem. Member Burlingame stated that 8 square feet is a really small sign. Chairman O’Connor stated that he feels this could be achieved by other methods. He stated that the size variance is too big.

Evan Walsh stated that a smaller sign would be harder to read. Dave LaFountain stated that we would need a professional survey in relation to the location of the sign. He also stated that a decision must be made on how many existing signs would be taken down if the new sign were put up. Father Roy stated that the map sign needs to stay, but that the Kid’s First sign and the existing sign could be removed.

Chairman O’Connor asked if there are any public comments.

Gary Stephenson, 45 West High Street, Ballston Spa. He stated that surrounding properties in the Historic District have conforming signs except for the Laundry. He stated those signs are tasteful for a historic district. He is concerned that granting this variance would be creating a precedent without prejudice.

Elizabeth Kormos, 89 Hyde Boulevard, Ballston Spa. She stated that her biggest fear is the precedent that this would set. She stated that other churches could then come and ask for larger signs.

Chairman O’Connor closed public comments.

Chairman O’Connor stated he would entertain a motion for approval. Member McNamara made a motion to approve with the following conditions: The illumination would be 7,000 max nits during the day. 500-100 nits during the night, adjustable, turn off the sign automatically at 11pm and turns on the sign automatically at 6am. The static message will change 3 times a day. There will be no dissolves, fades, flashing, or scrolling on the sign. A survey will be provided to show the location of the sign. As to the 5 criteria questions, Member McNamara stated as follows:

**Whether the benefit sought by the applicant can be achieved by other feasible means.** Member McNamara answered no.

**Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.** Member McNamara answered no.

**Whether the variance is substantial.** Member McNamara answered no.

**Whether the variance will have adverse physical or environmental effects on neighborhood or district.** Member McNamara answered no.

**Whether the alleged difficulty was self-created.** Member McNamara answered yes.

The motion was seconded by Member Burlingame. As to the 5 criteria questions, Member Burlingame stated as follows:

**Whether the benefit sought by the applicant can be achieved by other feasible means.** Member Burlingame answered no.

**Whether granting the variance will produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.** Member Burlingame answered no.

**Whether the variance is substantial.** Member Burlingame answered no.

**Whether the variance will have adverse physical or environmental effects on neighborhood or district.** Member Burlingame answered no.

**Whether the alleged difficulty was self-created.** Member Burlingame answered yes.

Member Battenfield stated he feels there are other ways to get messages out, and that there is no need for an electronic sign in an R1.

Member Martin stated that the R1 zoning is an issue. The other is OK.

Chairman O’Connor stated that other methods should be used. The R1 variance is substantial.

Chairman O’Connor called a vote:

Member Battenfield – no

Member Martin – no

Chairman O’Connor – no

Member Burlingame – yes

Member McNamara – yes

The motion was not approved.

* 11-13 Washington Street – Randy (RJ) Elliott – Mr. Elliott presented a survey and engineered drawings. Discussions followed on ADA requirements, the purchase and/or easement for use of alley on east side of building, dumpster location, handicap parking space, finalization of purchase/easement details with Village and Cumberland Farms, and use of and ownership of alley, easements, use of Village parking lot, and alley behind O’Brien’s Pharmacy. Member McNamara stated the glass window may need a guard on the window from the sidewalk. Mr. Elliott stated the glass is tempered, so it will be OK. Member McNamara asked if there is adequate water and sewer. Chairman O’Connor stated he met with DPW and the current system is adequate.

Member Battenfield made a motion to approve the site plan with the following conditions: Applicant to verify and confirm that plan meets all ADA requirements for access, parking, and interior design, and provide final plans reflecting these elements for final approval by Building Inspector. Applicant to finalize with Village and owner of Cumberland Farms as to purchase and/or easement for use of alley on east side of building. Applicant to finalize dumpster location, and handicap parking space adjacent to it, with curb stop, once purchase/easement details are finalized with Village and Cumberland Farms. The Village and Applicant will work towards defining use of and ownership of alley, easements related to same, use of Village parking lot, and alley behind O’Brien Pharmacy to add to site plan once defined. The motion was seconded by Member Burlingame. The motion carried.

Chairman O’Connor stated that they regard this as Type 2 and that no action is required. A motion was made by Member McNamara to declare the Planning Board as lead agency and find that the action is Type 2 and exempt from SEQRA. Member Martin seconded the motion. The motion carried.

* 24 Washington Street – Ron Murphy – Mr. Murphy submitted new drawings. Members and Mr. Murphy discussed site plan improvements, grading and drainage, parking lot plan improvements, lighting, and electric car charging stations. Chairman O’Connor requested an actual grading plan design. Member McNamara stated that he would like to table this application until changes are made to the plans. A list of changes/suggestions will be sent to Mr. Murphy.

New Business: none

A motion to adjourn at 9:45pm was made by Member Martin and seconded by Member McNamara. The motion carried.

Respectfully submitted,

Kathleen Barner

Building Department Clerk