

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
BUTLER MEMORIAL HALL  
JULY 18, 2016**

The Regular Meeting was called to order at 6:00 P.M. by Chairman Randy Bogar. Board Members present were Byron Elias, John Montrose, Lenora Murad, Taras Tesak, Fred Kiehm, and Karen Stanislaus. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting.

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The application of **Mr. Garreth Donly for Boscov's Department Store, Sangertown Square Mall, New Hartford, New York**. The applicant is located in a C1 General Commercial zone, which limits the quantity of signs to 1 per face of building and 200 square feet total in size. The applicant is seeking a quantity Area Variance of 2 signs per side on 2 sides and a 1072 Area Variance for signage. Tax Map #328.008-1-12.1; Zoning: C1 General Commercial. Mr. Garreth Donly appeared before the Board. Also appearing were Messrs. Luke Condon and Greg Lamb of Pyramid/Sangertown Square.

Codes Officer Booth explained that the variance is now less, seeking a 488 sf Area Variance.

Mr. Donly is the Director of Construction for Boscov's. He explained the history of the company, location of existing stores, and number of employees. He further explained the square footage where they are located in the mall (they took over the former Sears). Mr. Donley displayed exhibits of the proposed signs at difference locations. He referred to the "B" logo (medallion) shown in the corner, which is a lit sign. This is part of their advertising logo. The Boscov's signature sign and the "B" are all part of their advertising. The "B" has to be part of their signage.

Reference was made to an existing Target sign – Mr. Donly said this is not used space. When Target was built it was placed on that side of the building. It is not part of the Boscov application – it is not in their calculations.. Board Member Tesak asked what this would do for square footage for Boscov's. Mr. Lamb explained how the sign got there. He also stated each of the main entrances had one. Board Member Elias stated this area was never occupied, just for visibility.

Codes Officer Booth explained that Target put that sign up before we regulated signs. Board Member Tesak asked what are we talking about for reduction of size. Codes Officer Booth this is the difference of what they were originally asking for and what they are asking for after Sangertown reduced the size of the variance. It was stated about 2' off the height and 1 ½' of width on each sign except for the north elevation which is already small. The signs are all LED. When the stores close the lights are out.

Board Member Tesak asked if there was any other way this could be accomplished - Mr. Donly said no as they have reduced it as much as possible – they worry about visibility. Boscov's is a family owned business and they are making a lot of positive changes in this mall.

Chairman Bogar asked if there was anyone present to address this application – no response. County Planning Department and NYSDOT had no adverse comments. The Public Hearing closed at approximately 6:30 P.M.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response: no, all in agreement;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response: no, all in agreement – application was reduced;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – no; however discussion took place about the balancing act in relation to criteria and granting a variance.

Motion was made by Board Member Byron Elias to approve the application, which is less than the original submission; and a Building Permit to be obtained within one year of approval date; seconded by Board Member Karen Stanislaus. Vote taken:

Chairman Randy Bogar - yes	Board Member Fred Kiehm - yes
Board Member John Montrose - yes	Board Member Byron Elias – yes
Board Member Lenora Murad – yes	Board Member Karen Stanislaus – yes
Board Member Taras Tesak - yes	

Motion was **approved** by a vote of 7 – 0.

Board Member Tesak explained his concern so it wouldn't create problems for this Board, i.e., the Target sign situation - especially when some signs are grandfathered in. He just wanted to make his feelings known to the Board.

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Draft minutes of the June 27, 2016 Zoning Board were approved with a correction to show that Board Member Elias would have recused himself from the application of Mrs. French, Weston Road, but the Board felt he could act appropriately. Motion was made by Board Member Byron Elias to approve these minutes with this correction; seconded by Board Member Lenora Murad. All in favor.

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There being no further business, the meeting adjourned at approximately 6:45 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

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