

STATE OF NEW YORK COUNTY OF RENSSELAER  
Town OF SCHODACK

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ZONING BOARD OF APPEALS

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THE STENOGRAPHIC MINUTES of the above entitled  
matter by NANCY L. STRANG, a Shorthand Reporter  
commencing on August 10, 2020, 265 Schuurman  
Road Castleton, New York at 7:00 P.M.

BOARD MEMBERS:

DAVID CALARCO, CHAIRMAN

EDWARD BREWER

ANTHONY MAIER

LOUIS SPADA

ROBERT LOVERIDGE

ALSO PRESENT:

CRAIG CRIST, ESQ., COUNSEL TO THE BOARD

NADINE FUDA, DIRECTOR, PLANNING & ZONING

MELISSA KNIGHTS, PLANNING & ZONING SECRETARY

TERRESA BAKNER, ESQ., WHITEMAN OSTERMAN & HANNA

KEVIN SEE, V.P. DEVELOPMENT, SCANNELL  
PROPERTIES

EMMA VAN VOORST, A.J. SIGN COMPANY

1 PROCEEDINGS

2  
3 Scannell Properties #262 LLC  
4 Z788-20/PD-3/200.-6-1.3  
5 1835 US 9  
6 Proposed - Area Variance Wall Sign

7 Scannell Properties #262 LLC  
8 Z789-20/PD-3/200.-6-1.3  
9 1835 US 9  
10 Proposed - Area Variance Wall Sign

11 Scannell Properties #262 LLC  
12 Z790-20/PD-3/200.-6-1.3  
13 1835 US 9  
14 Proposed - Area Variance  
15 freestanding sign

16 Scannell Properties #262 LLC  
17 Z791-20/PD-3/200.-6-1.3  
18 1835 US 9  
19 Proposed - Area Variance  
20 freestanding sign  
21  
22  
23  
24  
25

1 CHAIRMAN CALARCO: Ladies and gentlemen, I  
2 would like to call this meeting of this  
3 Schodack Zoning Board of Appeals to order,  
4 please.

5 Gentlemen, the first thing on the  
6 agenda is the approval of minutes of our  
7 last meeting. Anybody have any changes, or  
8 additions or deletions to them?

9 (There was no response.)

10 I did read the actual transcript and it  
11 looked very, very accurate to me.

12 So, if not, can I have a motion to  
13 adopt?

14 MR. BREWER: I'll make a motion.

15 MR. SPADA: (Raises hand.)

16 CHAIRMAN CALARCO: Mr. Brewer and Lou.  
17 All in favor?

18 (Ayes were recited.)

19 Opposed?

20 (There were none opposed.)

21 Okay, great.

22 Moving onto the next item, which is  
23 Scannell Properties. It is an area variance  
24 for the wall sign.

25 Before you read the notice, I would

1       like to just check with the applicant.

2       Who is there?

3       MS. BAKNER: We are all here.

4       This is Terresa Bakner with the law  
5       firm of Whiteman Osterman and Hanna  
6       representing Scannell, who is the owner of  
7       the property. Kevin See is here and he is  
8       the Vice President of Development for  
9       Scannell. Neil McDonald is the architect and  
10      Emma Van Voorst is with the sign  
11      manufacturer. So, we are all here tonight so  
12      we can be sure and answer any questions that  
13      you have.

14      CHAIRMAN CALARCO: Ms. Bakner, all four of  
15      these variance requests or applications are  
16      addressed in your letter. You address all of  
17      them in one letter. What I wanted to find out  
18      from you was - we would prefer to address all  
19      of the signed variances in discussion since  
20      they are related and I would like to have the  
21      public hearing for all four of them at once so  
22      we don't have to stop and constantly go back to  
23      the public hearing portion, if that's okay with  
24      you.

25      MS. BAKNER: Yes, that is fine with us.

1 CHAIRMAN CALARCO: This is so we can  
2 address them in relationship to each other.

3 MS. BAKNER: We can do a presentation on  
4 them before the public hearing, as you wish.

5 CHAIRMAN CALARCO: I just wanted to make  
6 sure if it was okay that we are going to take  
7 all four of them together and then we will vote  
8 separately.

9 MS. BAKNER: Okay.

10 CHAIRMAN CALARCO: Okay, thank you.

11 MS. FUDA: Going to read the public  
12 hearing notice.

13 Please take notice that the Zoning  
14 Board of Appeals of the Town of Schodack  
15 will conduct a public hearing on Monday,  
16 August 10, 2020 at 7:00 PM, Scannell  
17 Properties at 1835 U.S. 9 for proposed area  
18 variance for file number Z788 - and that is  
19 for the smile sign - larger than 32 square  
20 feet. It is also considered the second sign.

21 In that grouping is also Z789 and that  
22 is for the Amazon logo sign, larger than 32  
23 square feet.

24 The Z790 as for a monument sign larger  
25 than 32 square feet at the entrance;

1 associates and visitors.

2 The Z791 is for a second monument sign  
3 at the truck entrance.

4 The application is available for review  
5 by emailing nadine.fuda@schodack.org or  
6 calling the Planning office at 518-477-7938.  
7 You may email your comments on the  
8 application, or by texting in during the  
9 meeting at 518-376-7875. You can mail your  
10 comments to Nadine Fuda, Town Hall, 265  
11 Schuurman Road, Castleton, New York, 12033.

12 Please check the meeting agenda posted  
13 on the Town's website at [www.schodack.org](http://www.schodack.org)  
14 for information on the virtual meeting.

15 Now, there was a correction that I put  
16 out there today on that meeting. After where  
17 it says the Town phone number and no later  
18 than 6:00 PM - it was corrected to today's  
19 date of 8/10/20. It had the last meeting  
20 date; sorry.

21 CHAIRMAN CALARCO: This was submitted to  
22 the Rensselaer County Bureau of Economic  
23 Development and Planning and after review they  
24 had determined that the proposal does not have  
25 a major impact on county plans and local

1 consideration shall prevail. That was for all  
2 four variance applications.

3 This was before the Planning Board and  
4 all four applications received a favorable  
5 recommendation from them.

6 This is back and before you make your  
7 appeal to the Board, I just wanted to take  
8 care of a couple things.

9 I wanted to ask you: Are you aware that  
10 there are two signs up at the Scannell  
11 property already?

12 MS. BAKNER: No, sir, I am not aware of  
13 that.

14 Kevin?

15 MR. SEE: They are temporary signs for  
16 identification.

17 CHAIRMAN CALARCO: There's a temporary  
18 sign - there's a sign on the building, correct?

19 MR. SEE: Excuse me?

20 CHAIRMAN CALARCO: There is a sign on the  
21 building, correct?

22 MR. SEE: Yes, I think it is just a  
23 banner.

24 CHAIRMAN CALARCO: Do you know the size of  
25 that banner?

1 MS. BAKNER: I'm sorry sir, we can't hear  
2 you.

3 CHAIRMAN CALARCO: Do you know the size of  
4 that banner?

5 MR. SEE: Are you talking about the hiring  
6 banner?

7 CHAIRMAN CALARCO: Yes.

8 MR. SEE: I don't know the size of that.  
9 We have a banner that we are planning to put up  
10 there and I think it was - - Emma, I think you  
11 can help me but I think it was 150 square foot.

12 CHAIRMAN CALARCO: Sir, are you aware that  
13 our Code says 32 square feet for 60 days,  
14 temporary signage? Are you aware of that, sir?

15 MR. SEE: It is a temporary banner.

16 CHAIRMAN CALARCO: Are you aware what our  
17 Code requires for temporary signs? You are  
18 aware it says 32 square foot; correct?

19 MR. SEE: I was not aware of the 32 square  
20 foot. I thought temporary -

21 CHAIRMAN CALARCO: It says 60 days, 32  
22 square feet.

23 The other question I had was: The other  
24 sign on the front of the property -- the  
25 second sign that you are seeking in this



1 fourth variance is a 6 x 4, 24 square-foot  
2 directional sign that says exactly what the  
3 picture -- so your directional sign has  
4 already been installed. You are aware that.

5 MR. SEE: The proposed sign? It is a  
6 temporary sign.

7 CHAIRMAN CALARCO: That's the temporary  
8 sign?

9 MR. SEE: Yes.

10 CHAIRMAN CALARCO: It's exactly what  
11 you're proposing. Why is it temporary? I'm just  
12 curious.

13 MR. SEE: Because we needed to get  
14 something up. We have the client coming in this  
15 with a number of shipments and things to get  
16 ready for operation and we needed  
17 identification. Normally would like to have the  
18 permanent signs up when we turn it over and our  
19 official turnover was last Friday, so we felt  
20 like we needs to get something up temporarily.

21 CHAIRMAN CALARCO: Ms. Bakner, I don't  
22 need to tell you. You are an extremely  
23 competent lawyer. I've gone to many of your  
24 training seminars, etcetera. I know you know  
25 what you're talking about. You are aware and I

1 hope that your client would be aware that when  
2 you apply for a variance and this application  
3 is dated July 8 -- when you apply for a  
4 variance, it stays the preceding. It stays  
5 everything, including the construction of any  
6 signage on the property without any permit from  
7 the Building Inspector.

8 I tried to check today and as far as I  
9 know there has been nothing issued to give  
10 you permission to put up a sign.

11 I would just like to say that most of  
12 us on this Board travel by that property if  
13 not daily, at least a few times a week. I  
14 was disappointed to see on Thursday that  
15 there were no signs up, but on Sunday those  
16 signs were up. It was just a little  
17 disappointed to think that Scannell or  
18 whoever would have as much disrespect for  
19 the process and this staying of this  
20 proceeding and go ahead and erect signs  
21 which technically is in violation of Zoning.

22 MS. VAN VOORST: If I could just jump in  
23 really quickly - Emma Van Voorst from A.J. Sign  
24 Company.

25 I had a conversation with the Building

1       Inspector and we had a discussion that 32  
2       square foot temporary signage would not need  
3       a permit. We are sensitive to understanding  
4       the Code and make sure we abide by the rules  
5       and regulations. We would not want to  
6       overstep or do anything to upset the Board  
7       especially at a variance meeting. So, I made  
8       sure we took the proper steps to understand  
9       what the temporary signage Code was and to  
10      make sure that we were within that Code. To  
11      our full understanding, we completely abided  
12      by all the rules and regulations that are  
13      set in place.

14           CHAIRMAN CALARCO:   The sign of the  
15      building is way more than 32 square foot.  
16      Whether you had that conversation or not,  
17      that's fine. I would just ask what the  
18      difference between the sign that's up in the  
19      front that says Amazon, visitors and  
20      associates, all trucks with the address -- what  
21      is the difference between that and what you're  
22      proposing to put in?

23           MS. VAN VOORST:   There really is not a  
24      difference. We basically know that the sign is  
25      a temporary sign that we did put up and was

1 exactly like the permanent sign that we are  
2 proposing. The permanent sign that we are  
3 proposing technically is within the square  
4 footage of what the Code reads for signage. We  
5 were still under the square footage for the  
6 temporary sign and not needing a permit and the  
7 main goal for putting up that temporary sign is  
8 for safety and understanding of where people  
9 are to go. It's a big facility and we just want  
10 to make sure of the safety of visitors and  
11 truck drivers and tractor-trailers know where  
12 to pull in and that there is no confusion and  
13 therefore there is no accidents.

14 CHAIRMAN CALARCO: I can appreciate that.  
15 I just wanted to say I'm just a little  
16 disappointed, particularly when the sign that's  
17 up - the temporary sign looks identical. You  
18 just admitted that it is the same as the sign  
19 with which you are seeking approval tonight. It  
20 just seems to me like -- I hope I am wrong, but  
21 it just seems to me that is a little arrogant  
22 on your part to just go ahead and put those  
23 signs up knowing that you are coming -- yes,  
24 within the last three days - knowing that you  
25 are coming before this Board tonight for

1 decision.

2 MR. SEE: We absolutely didn't mean to be  
3 arrogant. Indeed, we tried to talk it through.  
4 We didn't mean to offend anybody.

5 CHAIRMAN CALARCO: Like I said, I don't  
6 want to belabor this. I just found it a little  
7 disheartening that the proceedings were not  
8 stayed, as the law required.

9 Ms. Bakner, you can make your appeal to  
10 the Board.

11 MS. BAKNER: Are you ready to hear us?

12 CHAIRMAN CALARCO: Yes, ma'am. Go ahead.  
13 The floor is yours.

14 MS. BAKNER: Great. Thank you. You all  
15 know that Scannell and Amazon had invested in  
16 an enormous amount of resources in the  
17 community to bring this one million square-foot  
18 fulfillment center to being along Route 9 here  
19 in the Town.

20 Back in July 2018, the Planning Board  
21 issued all the approvals for the project.  
22 They also had in front of them sort of the  
23 generic location of where we were proposing  
24 to put the monument signs. They issued a  
25 site plan approval and a special permit for

1 the project.

2 Over the course of the next couple of  
3 years while the project was being built,  
4 they had a number of court cases all of  
5 which were decided in favor of the Town of  
6 Schodack and Scannell and Amazon.

7 The final site designs and locations  
8 were submitted to the Town Building  
9 Inspector and he denied approval based on  
10 several criteria found in the Town Zoning  
11 Law.

12 The Town Zoning Law, as you know, has  
13 very restrictive requirements with respect  
14 to the number and size of signs permitted on  
15 a lot. The situation comes under 219-43B -  
16 all businesses located outside of a planned  
17 shopping center and having a minimum of 150  
18 feet of highway frontage shall be granted a  
19 permit for one freestanding sign not to  
20 exceed 42 square feet in area and one wall  
21 sign not to exceed 32 square feet. So, we  
22 certainly understand why the Building  
23 Inspector denied the request. What we hope  
24 to be able to do here is discussed the signs  
25 with you and the reason why Amazon and

1 Scannell need the size of the signs that  
2 they have proposed within the criteria that  
3 are provided for in Town Law for this.

4 It is also important to note that the  
5 project itself was awarded a negative  
6 declaration of environmental significance by  
7 the Planning Board and that also was upheld  
8 in the courts. Really, we believe that what  
9 we are proposing is certainly within the  
10 limitations that can have a variance granted  
11 by the Board. So, the standards are: Whether  
12 an undesirable change will be produced in  
13 the character of the neighborhood, or a  
14 detriment to nearby properties will be  
15 created by granting the variance, whether  
16 the benefits desired by the applicant can be  
17 achieved by some method feasible to the  
18 applicant to pursue other than an area  
19 variance and whether the requested area  
20 variance is substantial, whether the  
21 proposed variance will have an adverse  
22 effect or impacts on the physical and  
23 environmental conditions in the neighborhood  
24 or district and lastly, whether the alleged  
25 difficulty was self-created -- which

1 consideration is relevant to the decision of  
2 the Board of Appeals, but which does not  
3 necessarily preclude the granting of the  
4 area variance.

5 We provided the connection with the  
6 wall signs and you should have in front of  
7 you the signage packet showing a  
8 bird's-eye-view of the building and also the  
9 simulated elevation of the building which of  
10 course now is fairly visible since they've  
11 completed construction.

12 The first wall sign -- I want to make  
13 sure I get the numbers right. This is Z788.  
14 On this one we show the elevations. This is  
15 the Amazon sign, which would go over the  
16 employee entrance. That's the north  
17 elevation building mounted signage. It's the  
18 only thing that is proposed on that  
19 elevation. This faces away from the highway.  
20 The purpose of the logo - the smile - is to  
21 stake out the entrance to the facility.  
22 There are no words or other things with it.  
23 It is just simply the logo. I think when you  
24 look at the north elevation building and the  
25 mounted signage, and you imagine it spread



1 out to show the distances that you have  
2 here, certainly the sign will not be  
3 particularly visible. It's not particularly  
4 large and it kind of blends in with the  
5 building overall. It is on a flat element  
6 and it is not prominent in the context of  
7 the size of the building.

8 The next page over it shows a blowup of  
9 the sign over the doors as well. If we have  
10 a 32 square-foot sign at that location, it  
11 would be invisible in the context of the  
12 building itself and the scale of the  
13 building. Many municipalities - I know that  
14 this was not the case in the Town of  
15 Schodack, but many municipalities have  
16 proportionate limitations on the size of  
17 signs and the relationship to the building.  
18 That reason is because of the visibility of  
19 the sign and how it relates to the structure  
20 that surrounds it.

21 The second wall sign, which is Z2789 is  
22 the wall sign that would be facing New York  
23 State Route 9. It's really two components.  
24 It is the word Amazon and then the logo  
25 under it. We have shown what the 32

1 square-foot sign would look like in relation  
2 to what we are proposing. Again, one of the  
3 reasons that we proposed a wall sign of this  
4 size at this location is so that trucks and  
5 vehicles such as employee vehicles and  
6 people can see where the building is and  
7 they can also understand what it is in  
8 relation to arriving at the building. I  
9 would certainly like to believe that it is  
10 possible to use things like GPS and latitude  
11 and longitude over signs, but unfortunately  
12 that is not the case particularly for new  
13 building which is just being built.

14 Also, if you look at the view, it is  
15 basically the view of Route 9. That sign  
16 literally says Amazon and it has a smile on  
17 it.

18 Was everybody able to locate elevations  
19 in their packet in front of you?

20 CHAIRMAN CALARCO: I do not have -

21 MS. FUDA: Terresa, we didn't actually get  
22 the sign on the building on the elevation.

23 CHAIRMAN CALARCO: Yes, we don't have any  
24 of that in the packets.

25 MS. BAKNER: Okay, well, that's

1       unfortunate. It was submitted electronically  
2       and we can certainly make that available for  
3       you in the future. It does a very good job of  
4       showing the size of the sign in relation to the  
5       elevation of the building.

6               The other thing that we submitted, in  
7       an attempt to show sort of the difference  
8       between this building on the other buildings  
9       in Town, was a number of examples of other  
10      signs in Town - compliant signs in relation  
11      to the size of the building. So, Tractor  
12      Supply which has the wall sign and also the  
13      sign at the entrance as well as the  
14      Walgreen's pharmacy and Key Bank. You can  
15      see that a 32 square-foot sign on a 20,000  
16      square-foot building or even a 60,000  
17      square-foot building does a fine job of  
18      directing people there. On a building of  
19      this size, it really does not.

20             I will move forward to the monument  
21      sign.

22             MS. FUDA:   Terresa, do you have that email  
23      you could resend to me so that I can show them?  
24      The signs on the building - do you have that  
25      elevation sign with you right there? Maybe

1       there's something that you can hold up in front  
2       of the camera?

3               MS. BAKNER: I don't know if you will be  
4       able to see it.

5               MS. FUDA: No, we did not get that --  
6       definitely not.

7               MS. BAKNER: I would be hard-pressed to  
8       see that.

9               MS. FUDA: They can see it now and they  
10      get an idea of where it is.

11              MS. BAKNER: I never thought that would  
12      work. This is a blow-up of the sign  
13      (Indicating). I think you have that one.

14              MS. FUDA: Yes, we just don't have that  
15      one with the building though. We have the  
16      blow-up of the sign.

17              MS. BAKNER: I have no explanation for  
18      that other than electronics are not my friend.

19              MR. SEE: I have an email that I think was  
20      sent to Nadine back on the ninth.

21              MS. FUDA: Can you resend it, Kevin?

22              MR. SEE: Yes, I can forward it.

23              MS. FUDA: I am looking at my email here  
24      on my phone.

25              MS. BAKNER: And then we have this

1 elevation. Can you see that one?

2 CHAIRMAN CALARCO: Yes, we can see that.

3 MR. SEE: I just sent it to you. Can you  
4 check?

5 MS. FUDA: Kevin, if you email it to me,  
6 Melissa is going to print for them.

7 MR. SEE: I just did.

8 MS. BAKNER: Do you want to move onto the  
9 monument?

10 CHAIRMAN CALARCO: Yes, we can move onto  
11 the monument.

12 MS. BAKNER: So, the next two signs - they  
13 were required to be - not to exceed 42 square  
14 feet and we're only allowed one monument sign.  
15 We propose two monument signs. We provided this  
16 last week to Nadine and to the Board a blown-up  
17 picture of the visitor parking monuments and  
18 truck monument entrance signs along with  
19 showing where side A and side B are, so you  
20 could see that.

21 Maybe we should just move forward on  
22 this one because Nadine, I know you handed  
23 these out to the Board.

24 MS. FUDA: Yes, I handed these out to the  
25 Board and Melissa is printing the other that

1 Kevin sent us just now.

2 MS. BAKNER: Okay, great.

3 Drawing your attention to the monument  
4 sign, as I said there are two of them and  
5 they are really both in the location that  
6 has been proposed and are directional in  
7 nature. The idea is to make sure that trucks  
8 end up where trucks are supposed to end up  
9 and that employee parking and visitors end  
10 up where they are supposed to end up. The  
11 concern was that the building itself is  
12 relatively far back from Route 9 and the  
13 idea was to make sure that we would not get  
14 truck traffic mingling inappropriately, or  
15 going in directions that we didn't want to  
16 go. The directional signs that the Town  
17 provides for an addition to monument signs  
18 are very, very small and they would not, in  
19 our opinion, contribute to the safe use of  
20 these entrances.

21 We also have tried to keep the verbiage  
22 on the signs to an absolute minimum. It says  
23 Amazon and then it has the directional  
24 features and then it has the 911 address. We  
25 were hard-pressed to eliminate or consider

1 eliminating any of the information on the  
2 signs, or to make them more simple than they  
3 already are.

4 The one sign, as Emma pointed out,  
5 meets the Town requirements. The reason why  
6 it was denied was because the Building  
7 Inspector considered that to be the second  
8 sign. The other sign is slightly larger than  
9 what is allowed under the Code. It's more  
10 than 42 square feet. I believe that these  
11 applications are Z790 and Z791. Again, they  
12 are colored very tastefully. They really are  
13 but they're just to convey the information  
14 and get the vehicles on the site in the  
15 appropriate manner.

16 So, does anyone have any questions  
17 about the signs that we can answer for you,  
18 or the elevations with respect to the wall  
19 signs?

20 CHAIRMAN CALARCO: Just give us a few  
21 seconds to look this over.

22 MS. BAKNER: In terms of the wall size, in  
23 particular, we certainly apologize that you did  
24 not have the elevations available to you. We  
25 completely understand if you would like to

1 table those two applications and consider them  
2 at next month's meeting. We believe it's  
3 important to see the relative scale of the sign  
4 in relation to the building.

5 CHAIRMAN CALARCO: Okay, gentlemen, maybe  
6 we will do the public comment first before we  
7 get into a dialogue with the applicant.

8 MS. FUDA: We have two written comments  
9 that came in and I have a text. So, if anyone  
10 else would like to make comment, contact my  
11 number and dial 518-376-7875.

12 I will read the first text in case  
13 another one comes in.

14 This is from Marcy Brunner. She sent us  
15 a picture of the temporary sign and she said  
16 this sign is already outside the entrance. I  
17 responded to her and then she said this is a  
18 sign that matches the one on the application  
19 for the approval. I told her that Dave was  
20 going over that. She said okay, thank you.

21 There are already smaller signs that  
22 gave the information and a bigger sign is  
23 not needed. Then I asked her for her name.  
24 So, it's Marcy Brunner.

25 CHAIRMAN CALARCO: Okay, thank you.



1           And then we have two other ones and if  
2           someone else is contacting, you can let us  
3           know.

4           This is a comment/question and it is  
5           from Crystal Swinton, 1861 Route 9.

6           It says: In regard to the freestanding  
7           Amazon signage, I am curious about the  
8           targeted disability distance and if there  
9           are considerations for those who live close  
10          by who will have to look at it 24/7 rather  
11          than just passing by. Additionally, I would  
12          like to express my continued concern about  
13          the traffic safety that this facility poses.  
14          The traffic study is incomplete. It does not  
15          contain all the anticipated traffic patterns  
16          and the 9 and 20 intersection is already  
17          ridiculous and dangerous feat to navigate.  
18          It is unclear as to the destiny of traffic  
19          expected in front of our home on Route 9 and  
20          how we will be able to exit our driveway  
21          safely to the north or south. Please don't  
22          wait until an accident happens to address  
23          the traffic safety concerns raised  
24          throughout the process.

25          Lastly, who can we contact regarding

1 workers walking through our property?

2 That does not pertain to this public  
3 hearing.

4 Thank you very much.

5 The next one comes from again Marcy  
6 Brunner, 1692 Julianne Drive, Castleton.

7 Dear Chairperson Calarco, it appears  
8 that the agenda dates are incorrect. She has  
9 the agenda website address there and it  
10 states that questions or comments should be  
11 sent no later than 6:00 PM on 7/13/2020. I  
12 am assuming that this is an error. The  
13 comments and questions are related to the  
14 four area variance wall sign applications  
15 which are included in the agenda for the  
16 meeting listed on August 10, 2020. I want to  
17 ensure that this letter is included in the  
18 correct file.

19 She went on to say: Background - in  
20 July 2018 The Schodack Planning Board  
21 approved the site application for Scannell  
22 Properties. This evening you and the Board  
23 will be reviewing applications for various  
24 signage for the new Amazon warehouse. I have  
25 a question regarding the original site plan

1 approval and request for your consideration  
2 regarding application 78920.

3 Question: I would like to ask where in  
4 the site plan which was approved was this  
5 signage reviewed? According to section  
6 219.81 of the Town Code, during review of  
7 the site plan all lighting and signage  
8 should be considered. Reviewing the approved  
9 site plan dated 6/28/2018 and attached  
10 parking lot lighting was considered, but I  
11 do not find any information on signage,  
12 illumination and therefore was not included  
13 in the analysis of the photo simulations  
14 provided at that time for screening. How can  
15 you prove this if this was not evaluated?

16 Consideration: Application 78920 Amazon  
17 logo sign, located over the employee  
18 entrance faces the northern neighborhood.  
19 The variance is sought as it is  
20 approximately eight times the size of  
21 signage currently permitted. This obviously  
22 is a very large sign and therefore I am  
23 asking that if you approve, conditions be  
24 included to protect neighbors. If approved,  
25 I would like to request that the sign be

1       unlit at night to avoid additional light  
2       pollution into residential homes.

3               The landscaping - plantings on the  
4       north side are not sufficient to screen the  
5       building and already light spillage from the  
6       parking lot and building interior is visible  
7       from the homes of Richwood Drive homeowners.  
8       We understand that it will take years for  
9       the plantings to grow. Scannell, the  
10      developer, has been working with neighbors  
11      on various items. We appreciate that the  
12      overall responsibility should be on our  
13      elected and appointed officials first and  
14      foremost.

15             I respectfully request that you provide  
16      a response to the questions and take the  
17      concerns into consideration prior to  
18      approval.

19             MS. FUDA:   Okay, I have just received  
20      another one from Bob Jensing. How can there  
21      have been an adequate public review without  
22      proper documentation? How could ZBA make a  
23      decision?

24             I asked him for his name.

25             He's typing, so, hold on.

1           Nothing came through so Bob, if you're  
2           texting and you want to make more comments,  
3           just send me a text. We can move on and go  
4           back to it if you want to.

5           MS. BAKNER: If we could address the  
6           comments that were raised by the public, we  
7           would appreciate just a moment of your time.

8           On the first one, as far as the traffic  
9           - the traffic patterns and levels of traffic  
10          were thoroughly evaluated at the time the  
11          site plan was approved by the Planning Board  
12          when they issued the negative declaration.  
13          What's going on at the site now is DOT is in  
14          the process of working with Scannell to put  
15          up the traffic mitigation measures that were  
16          required as a part of that transportation  
17          vetting. We view the monument signs as  
18          important to making sure that the traffic  
19          flows are maintained in the manner in which  
20          they were proposed as part of that process.

21          There was also, as part of the site  
22          plan approval - it showed the two monument  
23          signs and the location of the two monument  
24          signs at that time. We did not have the  
25          design of the signs, so we could not at that

1 point have shown the Planning Board the wall  
2 sign. That comes much later in the design of  
3 the project.

4 As you can see, we are here in front of  
5 you and we have already built the project. A  
6 lot of these things took a long time for the  
7 customer - in this case, Amazon, to decide.

8 The additional question with respect to  
9 the lighting analysis - the purpose of the  
10 lighting analysis during a site plan review  
11 was to ensure that there would not be  
12 lighting that bled off-site and given the  
13 position of the signs and the wattage, I am  
14 confident that we can show that there is no  
15 change in that and that the sign and the  
16 light will not be straying from the  
17 premises.

18 Kevin, would you like to say anything  
19 about the landscaping? I know you spent a  
20 lot of time and effort on that - just so the  
21 Zoning Board of Appeals understands what you  
22 have done so far.

23 MR. SEE: Yes, first of all we have  
24 installed the landscaping that has been  
25 approved. We have met with the neighborhood

1       association on two occasions and we have  
2       spotted a number of trees that we were going to  
3       add enough buffer. We changed a few species at  
4       their request. We have been working with them  
5       on that and also maintaining what was approved  
6       at the Planning Board.

7               MS. BAKNER:   So, there has been a  
8       substantial effort to screen lighting that is  
9       much closer to the neighboring property owners.  
10      This is, of course, up against the building in  
11      that direction. It really is not at all the  
12      case that it will cause light spillage off the  
13      property.

14             MS. FUDA:   I have one other thing from Bob  
15      Jensing. He is concerned about light pollution  
16      from the north facing sign. Plantings will have  
17      no effect on the light pollution.

18             Then we have one other one from Jen  
19      Williams.

20             Good evening. How can this application  
21      be reviewed when the proper pictures of  
22      images to be reviewed for public hearing --  
23      when I called today for the application and  
24      pictures that you just printed is what I was  
25      looking for to see how it affects my

1 property. It would be appreciated to review  
2 this before a decision is made. Jen  
3 Williams.

4 MS. BAKNER: Just to be clear, all the  
5 information regarding the monument signs was  
6 provided to the Board. It was my fault that the  
7 elevations were inadvertently not provided with  
8 the electronic versions of the applications. We  
9 fully understand if the Board would like to  
10 defer deciding with respect to the wall signs.  
11 We don't have any objections to that.  
12 Obviously, we would like to proceed with  
13 consideration of the monument signs.

14 MS. FUDA: I will make comment that I had  
15 a few people that emailed me that did make  
16 comment back that I sent the application and  
17 the sign pictures that these members received  
18 in their packets out to those people who  
19 requested them.

20 Jen just made a comment again and I  
21 will finish up with this.

22 The landscaping they have offered also  
23 did not take into account lighted signs  
24 along the north side thus far. This is why  
25 the signs should not be lighted signs.



1           I will say that on the approved site  
2 plan, the monument signs are there and on  
3 the pictures that you just sent us are the  
4 same pictures that were in the site plan.  
5 The pictures that they sent us are the  
6 Amazon signs and are in the places that they  
7 showed. So, they are on the site plan.

8           MR. CRIST: Nadine, both the monument and  
9 wall signs are on the site plan.

10          MS. FUDA: Yes.

11          CHAIRMAN CALARCO: If there are no further  
12 comments, I will close the public comment  
13 period for this hearing - for all these  
14 hearings.

15          MS. FUDA: Ending at 7:50.

16          CHAIRMAN CALARCO: Gentlemen, do you have  
17 any questions of the applicant? We can do that  
18 at this point. I know I have a few. Somebody  
19 else might.

20          As a matter fact, before we do that, we  
21 just want to clarify a SEQRA consideration,  
22 Ms. Bakner?

23          MR. CRIST: Ms. Bakner, what is your  
24 position on SEQRA tonight - what the Board's  
25 obligation under SEQRA?

1 MS. BAKNER: I think the Board has  
2 scrutinized that it is a Type II action. In all  
3 respects, it was covered by the negative  
4 declaration that was issued by the Planning  
5 Board as lead agency as well. That was  
6 obviously a determination that the Board has  
7 made based on your advice.

8 I assume that's Mr. Crist, although I  
9 can't tell.

10 MR. CRIST: Yes, it is.

11 CHAIRMAN CALARCO: So members, do you have  
12 questions? I have a few questions here.

13 So, Ms. Bakner, one of the questions I  
14 have is: The total wall signage is about 16  
15 times what our Code allows. This is an area  
16 variance and an area variance - just in my  
17 mind, an area variance would be - if there  
18 is a 32 square-foot wall sign allowed by the  
19 Code, somebody would have a request for a 40  
20 square-foot wall sign or a 42 square-foot  
21 wall sign, or, God forbid, even a 50  
22 square-foot wall sign, but not 512 square  
23 feet of wall sign. That 16 times what the  
24 current Zoning Code allows. The problem I am  
25 having with this is that this doesn't seem

1 to be a variance. This seems to be a  
2 complete total disregard for the current  
3 Zoning Code. This is so far outside a  
4 variance of what is written that it has to  
5 be considered a rezoning. I'm just curious  
6 as how you can justify that much of a  
7 departure as being justifiable.

8 MS. BAKNER: If you look at the criteria,  
9 it's important to know that area variances are  
10 generally much less of a heavy lift than a use  
11 variance is. Area variances are to really  
12 correct the zoning when the zoning is in a  
13 place where just doesn't make sense, as long as  
14 you are satisfied that the criteria has been  
15 met here.

16 For us, when you look at the size of  
17 the sign and the walls in relation to the  
18 size of the building, it really does not  
19 have the type of impacts that you need in  
20 order to have a sign be visible to people  
21 who were passing by and who are working for  
22 the Amazon warehouse, itself. We are  
23 certainly willing to consider amending the  
24 application and resubmitting the wall signs,  
25 especially with the snafu with the elevation

1 drawings. So we will look at that, but if  
2 you look at many other Zoning Codes within  
3 the Capital District, you will see that they  
4 are not absolute limits on size of signs,  
5 but they are to the proportions of the  
6 structure on which they are fixed. We also  
7 are back quite a ways from the highway - New  
8 York State Route 9.

9 Again, our desire was to just make sure  
10 people know where they are going. If you say  
11 is there any way that we can consider an  
12 amendment to the application - yes, we can  
13 consider an amendment to the application. We  
14 still believe that the size of the sign in  
15 relation to the size of the building is  
16 reasonable, but we understand if you don't  
17 agree with our position on that.

18 CHAIRMAN CALARCO: Again, I'm going to go  
19 back to the Code. Did you see anything in the  
20 Schodack Code under zones that made any  
21 reference or any sort of consideration for the  
22 size of the building? Is there anything - even  
23 a hint that the size of the building would be a  
24 consideration for signage?

25 MS. BAKNER: Well, if you look at the

1 criteria in the State Code which applies to the  
2 granting of an area variance, whether you look  
3 at such things as can the benefit sought by the  
4 applicant be achieved by some other method -  
5 with the restrictions that we have here, a 32  
6 square-foot sign is practically invisible on  
7 the side of that building. It's just not going  
8 to stand out enough to have the desired effect  
9 of letting people know what's here and where to  
10 be looking for a monument sign. The question is  
11 also if the proposed variance will have an  
12 adverse effect or impact on the physical or  
13 environmental conditions in the neighborhood or  
14 the district - I understand that there is some  
15 benefit to the community and consistency, but  
16 again as you look at this, given the size of  
17 the building, the sign that we are proposing is  
18 not too large for that. The 32 square-foot is  
19 clearly going to be too small. The 42  
20 square-foot is also going to be a problem.

21 As I said, we are willing to go back to  
22 Amazon and see if we can come up with a more  
23 palatable request.

24 CHAIRMAN CALARCO: Again, I see nothing in  
25 our Code that says because you have a bigger

1 building, that it the Town Board - again,  
2 understand that our job here is to put our  
3 personal feelings aside. However I personally  
4 feel about the Sign Code, or other members may  
5 feel about the Code, our job is to work with  
6 the Code that's given to us by the Legislators  
7 of our Town. We don't question their wisdom, or  
8 their stupidity or whatever you want to call  
9 it. We work within a framework that they set  
10 forth.

11 I don't see anything in this Code that  
12 would even hint that they want bigger signs  
13 than 32 square foot just because you have a  
14 bigger building.

15 Let me also quote you from the letter  
16 you sent us. You were so kind as to put in  
17 the Town's Regulations in our Zoning Code.

18 Paragraph three - the first paragraph -  
19 the physical conditions such as the case of  
20 accepting irregular or narrow, shallow --  
21 what they're doing is they're quoting the  
22 standards that are used for making area  
23 variances but in number three - the granting  
24 of the variance under such conditions as the  
25 Board may deem necessary or desirable to

1       apply thereto will be in harmony with the  
2       general purpose and intent of this chapter -  
3       meaning Zoning - 219 - and will not  
4       represent a radical departure therefrom.

5               I've got to tell you that I think a  
6       wall sign that is 16 times what the maximum  
7       Code allows is a radical departure. That's  
8       not even a variance. That's a change in  
9       Zoning.

10              My other concern, before you address  
11       that, is as you know, we are held to  
12       precedent. We are held to precedents in  
13       particularly area variances and we have  
14       before this Board - at least while I've been  
15       a member and maybe a couple of other members  
16       have been requested for sign variances in  
17       the past. One of them was Walgreen's or Rite  
18       Aid, at the time. They wanted much more than  
19       32 square foot and they wanted numerous  
20       signs and they wanted a larger pylon sign  
21       etcetera, etcetera and this Board previously  
22       decided that we are not going to grant  
23       variances that put us into a box that then  
24       forces us to grant variances for every other  
25       business who would want a larger sign. I

1 don't know any business in the Town of  
2 Schodack that doesn't want more visibility.  
3 Maybe Walgreen's doesn't want 16 times the  
4 32 square feet. However, I can easily see  
5 them coming in the day after - if you were  
6 ever granted this variance - and wanted  
7 three times or four times the 32 square  
8 foot. Where does that slippery slope end?

9 MS. BAKNER: The question is always a  
10 difficult one for the Board. We actually  
11 included a picture of the Walgreen's structure  
12 and the sign that they put up there to show  
13 that 32 square foot, and again, on a 20,000 or  
14 30,000 square-foot building looks quite a bit  
15 different than a 1 million square-foot  
16 building. I would also say factually that  
17 precedent is key towards the unique  
18 circumstances in each case. In this case, our  
19 unique circumstance is the size of the building  
20 and the ability to just perceive the sign that  
21 we are putting up there.

22 Also, I would just say - and I'm sure  
23 your counsel would agree with me - the  
24 standards these days that apply for an area  
25 variance are the ones in the state laws -



1 the ones that I read out at the beginning of  
2 this proceeding -- that's what we are all  
3 stuck with these days. That's what the court  
4 said.

5 CHAIRMAN CALARCO: One of those standards  
6 is: Is the request substantial?

7 MS. BAKNER: It is, sir.

8 CHAIRMAN CALARCO: This is more than  
9 substantial. I don't know what the word is for  
10 it, but it is more than substantial.

11 I'm very aware of the criteria. I  
12 appreciate you reminding us. We deal with it  
13 at every meeting and after 20 years we're  
14 very familiar with the criteria. We are also  
15 very familiar with the idea that we would  
16 set a precedent here that we would again  
17 have to defend before every other business  
18 that wants to come into this Board and now  
19 receive a proportionate variance for  
20 signage. I do not see anything -- again,  
21 like I say, Ms. Bakner, my personal feelings  
22 are out of this. When we look at what the  
23 intent of the Town Board was -- let me just  
24 refresh the memories of us that have lived  
25 here for a while.

1           We have 30-plus years post-Hannaford  
2           warehouse. Another 1,000,000 square foot  
3           warehouse in the Town of Schodack. They have  
4           no wall sign and have a 42 square-foot  
5           monument sign.

6           We also are post-Dollar Tree proposal  
7           and post-McLane Foods proposal for  
8           distribution warehouses. In all this time  
9           the Town Board of the Town of Schodack has  
10          never seen fit to change this sign law to  
11          accommodate any of these proposals or these  
12          businesses. We have other big businesses in  
13          Town - A. Duie Pyle. There's probably not a  
14          busier truck stop than Pilot in the county.  
15          They all deal with similar restrictions in  
16          the Sign Law. Somehow, those trucks are able  
17          to find those places. Hannaford has many,  
18          many trucks every day. They are able to find  
19          those places. Trucks are able to find Pilot,  
20          A. Duie Pyle. Customers and people who work  
21          at these places are all able to find these  
22          places with the signage that's in our Code  
23          of 32 on a building and 42 on a freestanding  
24          or monument sign.

25          The size of the building - yes, the

1 size of your building is huge going back,  
2 but the front of the building is no bigger  
3 than a lot of other buildings. It's the same  
4 size as the Hannaford, for sure. The signage  
5 that people view coming down the highway has  
6 nothing to do with the size of the building.  
7 A sign is a sign. A 32 square-foot sign,  
8 whether it's on Walgreen's or Amazon is a 32  
9 square-foot sign and you can easily visually  
10 see that, or you can regardless of how big  
11 the building it is on is.

12 I guess my point here is that for me -  
13 and I won't speak for other Board Members,  
14 but for me this is an egregious request for  
15 wall signage.

16 I guess I heard you earlier asked that  
17 you might like to ask us to adjourn that so  
18 you can address it with Amazon and maybe  
19 come back with something better. If you  
20 would like to do that, we can entertain  
21 that. I just don't want to kick the can down  
22 the road.

23 MS. BAKNER: Yes, we would prefer to do  
24 that, yes. So, we can work on that and we would  
25 also prefer to do that with the sign on the

1 other side so that we can address in addition  
2 to the signs, the comment regarding the  
3 lighting. We can certainly get that and address  
4 that issue.

5 CHAIRMAN CALARCO: If that's what you  
6 would like to do, we can do that with the wall  
7 signage and allow you to come back before us  
8 and present something else. Before we do that,  
9 I just hope that you would have a sense of  
10 where this Board is, before you do that. I will  
11 be truthful and I will only speak for myself  
12 here - to come back with a wall signage  
13 proposal that is now only 10 times the size of  
14 our 32 square feet, you will get the same  
15 discussion from me again. You really need to  
16 think about maybe lobbying the Town Board to  
17 adopt new Zoning Laws for signs because that  
18 would be a much clearer path to get what you  
19 want because whatever is in our book has no  
20 reference whatsoever to the fact that if you  
21 get a bigger building, you just automatically  
22 get a bigger sign.

23 We have already denied Rite Aid. As a  
24 matter fact, you sent those pictures to us  
25 of those other buildings.

1           Walgreen's is a perfect example. They  
2           have 32 square foot, allowed to be broken  
3           into two signs. So, the Walgreen's sign is  
4           actually less than 32 and the pharmacy sign  
5           over the doorway is whatever that square  
6           footage is but the total is still 32 in  
7           their pylon sign is 42. They did not get  
8           anything other than being allowed to break  
9           up the 32 square foot into two signs.

10           MS. FUDA: To be clear, Z788 and Z789 will  
11           be adjourned.

12           CHAIRMAN CALARCO: Well, we will make that  
13           motion. I will make that motion in a minute.

14           MR. LOVERIDGE: May I make a comment, Mr.  
15           Chairman?

16           CHAIRMAN CALARCO: Sure.

17           MR. LOVERIDGE: I would just like to make  
18           a comment for consideration. Considering that  
19           when you only have one single sign on the side  
20           wall of the building regardless of its size  
21           that has no other signs on that side of the  
22           building, it could possibly be functionally  
23           within being proportionately significantly  
24           greater then the Code. A sign that would meet  
25           our Code, being the only sign on the side of a

1 large building, would still function for the  
2 purpose of what it is meant for because there  
3 is no other confusion of other signs to lead to  
4 something else.

5 CHAIRMAN CALARCO: Particularly if it is  
6 lit at night, it's going to stick out like a  
7 sore thumb. I agree.

8 I'm going to make that motion now -  
9 that we adjourn the Z788 and the Z789 which  
10 are the two wall signs to the next meeting  
11 or until further for the applicant when they  
12 want to come before us again. So, I make  
13 that motion.

14 Do I have a second?

15 MR. MAIER: Second.

16 CHAIRMAN CALARCO: All in favor?

17 (Ayes were recited.)

18 Opposed?

19 (There were none opposed.)

20 Okay, so those will be adjourned until  
21 you get back to us with more information.

22 On the other two signs my questions  
23 about those signs are this:

24 Gentlemen, if you have questions, you  
25 can feel free to jump in.

1           The 95 square-foot monument sign is  
2 identical in content and shape as the 24  
3 square-foot directional sign. The same  
4 information is contained on both those  
5 signs. So, one sign is 24 square foot to  
6 direct trucks and traffic into the  
7 appropriate entrance, etcetera. The other  
8 sign is now 95 square foot, but it serves  
9 basically the same exact purpose. So, why is  
10 one sign a 24 square foot visible to trucks,  
11 but another sign has to be 95 square foot to  
12 be visible to the same trucks?

13           MS. BAKNER: Is your question why is the  
14 one sign larger than the other?

15           CHAIRMAN CALARCO: Why does it have to be  
16 95 square feet when it contains the exact same  
17 information than the 24 square-foot sign? I  
18 guess my point is that if the information can  
19 be given to motorists and people on a 24  
20 square-foot sign to serve as directions, why  
21 does the other sign have to be 95 square foot  
22 with the same directions?

23           MR. SEE: Chairman, if I may, I think the  
24 thinking behind the bigger sign at the one  
25 location is for visitors; whereas the other

1 sign is for employees and truck traffic.

2 MS. VAN VOORST: Also, if I may add a  
3 comment, when we were calculating the square  
4 footage, technically we measured at 96 square  
5 foot. In looking at the dimensions for the  
6 sign, if you were to look at the background of  
7 the sign, that would technically be considered  
8 a sign. It would be the logo and the visitors  
9 and associates and all trucks -- you're really  
10 looking at about a little less than 50 square  
11 foot. In most cases you don't count square  
12 footage for a building address because it only  
13 has to be on the sign for the emergency code.  
14 If you did wanted to kind of scale it back and  
15 measure the overall structure of the text for  
16 signage I think we would be looking at 49.58  
17 square feet in total.

18 CHAIRMAN CALARCO: So, basically you're  
19 looking at a 50 square-foot monument sign.

20 MS. VAN VOORST: Yes, if we kind of  
21 whittled down the signage square footage to  
22 actual square footage, that's really what we  
23 would be looking at. We provided the overall  
24 square footage of the sign - the entire sign  
25 which is 96, but just the text in the logo it's



1       about 49 1/2 square feet.

2               CHAIRMAN CALARCO:   So now what you just  
3       described to me is a variance. At 42 square  
4       feet in our Code and 95 square-foot request is  
5       more than double the size of any monument sign  
6       in the entire Town of Schodack. Again, 50  
7       square feet from 42 - that's a variance. That's  
8       reasonable of this Board to grant.

9               Let me go one step further. Ms. Bakner,  
10      I would like you to engage with me if you  
11      can. This Board has previously granted -  
12      again, back to my precedent -- we have  
13      previously granted directional signage to  
14      the Pilot truck stop when we had actually  
15      occurring traffic problems in the  
16      interaction between trucks and cars that was  
17      actually not working. So, this particular  
18      Board - I was Chairman at the time -  
19      granted two directional signs to Pilot to  
20      correct that problem. I think it has worked  
21      out fairly well. Let me just propose  
22      something to you.

23              I'm going to tell you right up front  
24      I'm not in favor of a 95 square-foot  
25      monument sign. Nobody in our Town has it.

1       It's not necessary. I think it's proven  
2       driving up and down the road of Route 9 - 9  
3       and 20.

4               So, a 32 square-foot monument sign- if  
5       this Board were to consider giving you an  
6       additional 24 square feet so you could put  
7       directional signage like what is on the  
8       other 24 square-foot directional signage,  
9       and that would give you possibly 66  
10      square-foot monument sign. That would allow  
11      you the 42 square-foot allowed by law and  
12      would allow you to incorporate directional  
13      signage on that monument sign equal to the  
14      other monument directional signage that you  
15      already are proposing. I am going to tell  
16      you right now that I don't think anybody on  
17      this Board has a problem with the  
18      directional signage because it's directly  
19      related to safety and again we have already  
20      set a precedent with Pilot. That is a little  
21      less than your 95 square-foot that you are  
22      asking for. So, it's a compromise between  
23      what was just proposed to us of a 50  
24      square-foot and a 95 and it puts you in  
25      somewhere in the 66 square-foot area which

1 gives you -- in other words, we are willing  
2 to even give you more than you ask for as  
3 long as you put the directional signage on  
4 that sign - the incorporating factor.

5 MS. BAKNER: Okay, I'm just a little bit  
6 confused. We have two monument signs; one is a  
7 sign which has a base and one which has two  
8 posts. Is what you're saying is you would like  
9 to see both signs reflect the one with the two  
10 posts?

11 CHAIRMAN CALARCO: No, what I am saying is  
12 you can have your monument sign. We're going to  
13 incorporate -- I think this Board is amenable  
14 and I haven't polled the members yet, but I  
15 know my guys pretty well here. We are probably  
16 amenable to the directional signage - the 24  
17 square-foot sign because it does take care of  
18 the safety issue. I believe it will be  
19 necessary. We have Artie set that precedent.  
20 What we are saying is if we had another 24  
21 square feet to the 42 square-foot allowed by  
22 our Code, it gives you a 66 square-foot  
23 monument sign and limits the need to put up  
24 another additional sign because you can  
25 incorporate everything on that 24 square-foot

1 sign into that 66 square-foot sign and still  
2 have 42 square feet for your Amazon logo and  
3 whatever else you want.

4 MS. BAKNER: Emma, are you following this?

5 CHAIRMAN CALARCO: I guess what I'm saying  
6 is instead of a 95 square-foot monument sign,  
7 that sign will now be 66 square feet.

8 MS. VAN VOORST: I think that actually if  
9 we were to just have this sign area, we would  
10 be under that proposed -- we would be under  
11 what the Code states. Are you saying that  
12 it's -

13 CHAIRMAN CALARCO: I guess what I'm saying  
14 to you is: Have you read what is on the sign?  
15 It is the exact same thing that's on the  
16 directional sign. It's exactly the same. That's  
17 the first thing I pointed out tonight. They are  
18 exactly the same verbiage. So, you are  
19 proposing a 95 square-foot monument sign and  
20 all I suggested was if we added the square  
21 footage of the other directional sign, the same  
22 as the other sign to our Code of 42 square feet  
23 that would give you 66 square-foot sign. Is  
24 that enough for that monument sign, or do you  
25 want all 95?

1 MS. VAN VOORST: I don't think I'm  
2 following you.

3 CHAIRMAN CALARCO: I don't know how else  
4 to say it.

5 MS. BAKNER: Are you following?

6 MS. VAN VOORST: No, I am not following.

7 CHAIRMAN CALARCO: I'm saying that you get  
8 the 24 square-foot sign. It's directional in  
9 nature. That's really what that is. The  
10 monument sign - the main 95 square-foot  
11 monument sign that you would scale back to a 66  
12 square-foot sign.

13 MS. VAN VOORST: So, my question would be  
14 that if we provided the actual dimensions of  
15 this sign area in this area (Indicating),  
16 leaving out this, which would technically  
17 should be on all signage -

18 CHAIRMAN CALARCO: I don't want to do  
19 that. I do not want you to leave that out.

20 MS. VAN VOORST: I think by Code - and we  
21 can double check this - this legally does not  
22 count as signage square footage. I'm not 100%  
23 sure.

24 MR. LOVERIDGE: I think what we are  
25 attempting to say is that if you change the

1 size of Amazon and you emphasize the directions  
2 in the address, it would probably function  
3 better for you than the sign that is being  
4 recommended.

5 MS. BAKNER: Okay, just be patient with us  
6 second. So, we are looking at this sign. we  
7 showed both sides of the sign how the arrows  
8 are pointed. What I'm asking you is: Do you  
9 want us to make the letters smaller, or or the  
10 materials around the buildings smaller? We  
11 can't understand what you are getting at.

12 MR. SEE: There are several dimensions on  
13 it. What are we using to calculate the 95  
14 square feet?

15 CHAIRMAN CALARCO: 144 inches by 96.

16 MR. SEE: .56 x 96?

17 CHAIRMAN CALARCO: 12 feet by 8 feet.

18 MS. VAN VOORST: If we were to calculate  
19 just the border where the gray area is and not  
20 the additional blue - the Navy blue - the base  
21 and then the accent posts, I'm getting 62.8  
22 square feet for the actual sign. Would you  
23 consider that being the total square footage of  
24 the sign?

25 CHAIRMAN CALARCO: You going to remove

1       that portion that is blue? Is that what you are  
2       doing?

3               MS. VAN VOORST:   The blue portion is just  
4       an accent piece to the overall sign. It gives  
5       it actual depth. The actual sign face is just  
6       the gray portion.

7               CHAIRMAN CALARCO:   I guess what you are  
8       saying is you want to discount some of the sign  
9       as being assigned, correct? You want to go with  
10      just the actual lettering as the sign.

11              MS. VAN VOORST:   Yes, we would like to  
12      take into consideration, or taken into account  
13      the text being what we are considering the  
14      signage.

15              CHAIRMAN CALARCO:   I'll think of how our  
16      Code works here. Would any of the area outside  
17      of that be lit up?

18              MS. VAN VOORST:   No.

19              CHAIRMAN CALARCO:   So, it would just be  
20      the lettering only - the portion where the  
21      lettering is.

22              MS. VAN VOORST:   The letters have a halo  
23      glow actually around it. When we talk about it  
24      being very bright, this is actually one of the  
25      softer illuminated signs that you can actually

1 build. There is actually black vinyl over the  
2 top. You're not going to see any bright white  
3 lights, or anything like that. You are correct  
4 that is going to be the only portion that's  
5 going to illuminate.

6 CHAIRMAN CALARCO: So, at this point I  
7 think we are all thoroughly confused. I don't  
8 know if there's anything gained by pushing  
9 forward on this tonight either and maybe you  
10 could also - we could adjourn this as well and  
11 you can provide us with some clearer  
12 documentation of just what that is that you  
13 propose, so that it makes more sense. I don't  
14 want to rush through anything tonight without  
15 us being clear and without you being clear as  
16 to what we are conveying back and forth here.

17 MS. BAKNER: We do have in front of you  
18 two monument signs, right? One is one with the  
19 poles. I don't think there's any confusion over  
20 that sign that's been indicated so far. Is  
21 there any question that the Board has regarding  
22 this sign?

23 CHAIRMAN CALARCO: No, I don't believe we  
24 do. It's the other sign.

25 MS. BAKNER: So, when I'm trying to



1 understand is the sign is very much with that  
2 sign - the difference is what surrounds it and  
3 as Emma has indicated, that area around the  
4 sign - the masonry is not illuminated. So, the  
5 actual size of the letters and the information  
6 on it is very similar to what's on the other  
7 sign.

8 CHAIRMAN CALARCO: Yes, but it's about 3  
9 1/2 times the size of it with the same  
10 information.

11 MR. SPADA: The sign you are referring to  
12 when we tried to calculate it comes out to, I  
13 think, restricting to the size that you  
14 indicated to us. It would be like 88 square  
15 feet. The suggestion was to be 66 square feet.  
16 That would mean that you could keep the 11 foot  
17 across, the 6 feet up and it probably would  
18 meet the dimensions better.

19 MS. BAKNER: That would be for the sign in  
20 particular, correct?

21 CHAIRMAN CALARCO: Yes.

22 MS. BAKNER: Okay, I just want to make  
23 sure that I understand.

24 Emma, do you understand the description  
25 of that?

1 MS. VAN VOORST: Yes, I do. I was just  
2 wondering what was the calculation to get 88  
3 square feet.

4 CHAIRMAN CALARCO: The 96 inches in height  
5 by the 132 inches in width, which is basically  
6 the blue on our sign picture.

7 MR. SEE: We have to consider the blue  
8 because if you go inside the blue area, the  
9 blue area is kind of an accent, she said. So,  
10 when you measure inside the blue area, I get  
11 about 7 1/2 feet by a little less than 10. So,  
12 that's about 72 square feet, or something like  
13 that - 74 square feet.

14 Does that make sense, Emma?

15 MS. VAN VOORST: Yes, but you are also  
16 including in that 96 the blue and that height.  
17 So, you want to subtract -

18 MR. SEE: I did. I took 96. It looks like  
19 the blue was about 6 1/4 inches.

20 MR. LOVERIDGE: Basically what we are  
21 saying to you is if you were able to construct  
22 your sign using the dimensions to best fit what  
23 you want to do to 66 square feet, it would  
24 probably be acceptable.

25 MR. SEE: Anything over that -- like we

1       were just talking inside the blue looks like  
2       it's about 74 and that's pushing it?

3               MR. LOVERIDGE:   Yes.

4               CHAIRMAN CALARCO:   Again, we don't have  
5       monument signs in this Town that are larger  
6       than 42. There's no room for it. It's been  
7       proven through 30 years of people driving up  
8       and down the roads. Everybody finds Hannaford;  
9       every body finds Pilot, everybody finds all  
10      these places. The problem is -

11              MS. BAKNER:   Chairman, I think that Kevin  
12      was just trying to understand what the numbers  
13      were.

14              I guess the question is, Kevin, if we  
15      think we can live with those numbers for  
16      this sign, I would certainly recommend  
17      moving forward with that.

18              MR. SEE:   I just wanted to ask - just  
19      wanted to clarify how he measured it. If we  
20      measure the 66 square feet, that's just the  
21      gray, or do we want to consider the blue stripe  
22      also as part of the 66?

23              CHAIRMAN CALARCO:   I think a sign is a  
24      sign. When people drive down the road the sign  
25      you propose is a 14 foot wide by 8 foot high

1 monument sign that sticks out of the ground  
2 about one foot. It's really 9 feet in height.  
3 The bottom line is that you can get technical  
4 and you can squabble over what the actual sign  
5 is, but people are going to look at it and it's  
6 going to represent a 14 x 8-foot sign. So, what  
7 I'm saying is you can hide it any way you want,  
8 but the size of the sign is the size of the  
9 sign and 66 square feet is what we are going to  
10 see coming down the road, whether it's letters,  
11 or the logo or the coloring around the sign.

12 Dunkin' Donuts' sign is colors as part  
13 of their sign. Let's be realistic here. If  
14 you would be willing to go 66 square feet,  
15 you need to propose a sign that meets 66  
16 square feet and not like parsing words with  
17 well, if you take the letters -- let's be  
18 reasonable here.

19 I will make one other suggestion. Would  
20 you prefer if this Board were to consider  
21 two directional signs of 24 square feet a  
22 piece that you could put on another place on  
23 the property, wherever you fit it and then  
24 you get a regular 42 square-foot monument  
25 sign.

1 MS. BAKNER: I think we're perfectly  
2 comfortable with the location of the sign that  
3 we proposed. I think if you are indicating to  
4 us that we need to measure the sign - the  
5 monument sign from the blue portion of the  
6 sign, then that's what we will do.

7 CHAIRMAN CALARCO: What are we going to  
8 see? I want to know we are going to see when we  
9 look at it. Do I have to do semantics over  
10 actually what the sign is? What am I going to  
11 see when I look at the sign -- that's the size  
12 of that sign.

13 MS. BAKNER: Okay, I think I understand  
14 what you are saying. I think that what we would  
15 respectfully request the Zoning Board of  
16 Appeals to do tonight is approve, if you are  
17 comfortable doing so, this sign and approve  
18 this sign with the condition with respect to  
19 the square footage which we will then explain  
20 to Amazon and attempt to move forward in that  
21 fashion.

22 CHAIRMAN CALARCO: So, you would like us  
23 to approve the two monument signs, one as  
24 submitted and the other as amended, correct?

25 MS. BAKNER: Yes.

1           CHAIRMAN CALARCO:   Okay, if that's what  
2           you would like to do, that's what were going to  
3           attempt to do.

4           Gentlemen, are we all clear? The sign  
5           and the other sign will be as I proposed, I  
6           believe, and I will make that motion, when  
7           we do it.

8           MR. SEE:   I agree with Terresa.

9           CHAIRMAN CALARCO:   Anything else,  
10          gentlemen, for the applicant?

11          (There was no response.)

12          MR. SPADA:   Both signs are illuminated?

13          MS. BAKNER:   Yes, sir.

14          MR. SEE:   No, I don't think the second one  
15          is, right?

16          MS. VAN VOORST:   The one at the truck  
17          entrance is not illuminated and is just  
18          reflective.

19          CHAIRMAN CALARCO:   My Zoning Director has  
20          brought up a great point here. If that other  
21          sign is not illuminated, is it really going to  
22          do what you were seeking for it to do?

23          MS. BAKNER:   Yes, sir, it has been defined  
24          that way and it's going to direct the trucks  
25          into the truck entrance.

1           CHAIRMAN CALARCO: As much as we seem  
2 resistant to your proposals for the signage, we  
3 do want you to know that we want this to work.  
4 We want your project to be safe. We want it to  
5 do what it is that you wanted to do. If the  
6 sign is not lit and is not going to be seen, is  
7 that something that you're going to have to  
8 maybe come back and get approval for at a later  
9 date, or illumination -- or would you maybe  
10 like to amend that right now? Is it going to  
11 have any lights from the ground that will be  
12 shining on it, so you can be seen?

13           MR. SEE: No, not from the ground but that  
14 entrance is lit and the sign is reflective.

15           CHAIRMAN CALARCO: So, Kevin, you think  
16 that will be seen?

17           MR. SEE: Yes, it is used in facilities  
18 around the country.

19           CHAIRMAN CALARCO: Okay. I'm just trying  
20 to save you another trip.

21           MR. SEE: I appreciate it. I get valid  
22 questions, but this is a similar sign when they  
23 use it and it works elsewhere.

24           CHAIRMAN CALARCO: Okay, thank you.

25           Okay, gentlemen, let's take care of our

1 business here now. Let's review the criteria  
2 for the record, please.

3 Let's address Z790 which is the larger  
4 of the monument signs.

5 So, can the benefit be achieved by  
6 other means visible to the applicant? Not  
7 really. They want a monument sign.

8 Will it have an undesirable change --  
9 and this is as amended, by the way. This is  
10 the amended application of 66 square feet --  
11 will have an undesirable change in the  
12 neighborhood character or of the nearby  
13 properties? It's going to be bigger than any  
14 other monument sign in Town. I still think  
15 we are at the reasonable threshold of 50%.

16 The request is substantial. It is  
17 certainly substantial; 42 to 66.

18 Whether it will have an adverse  
19 physical or environmental effect? I don't  
20 think it will on the property, or the  
21 neighborhood.

22 Whether the alleged difficulty is  
23 self-created and of course under the law, it  
24 is self-created.

25 So, at this point, we need to address



1 SEQRA for this.

2 MR. CRIST: Thank you, Chairman. I believe  
3 it's the position of this Board that the signs  
4 were featured on the plans upon which the  
5 negative declaration was issued for additional  
6 measure, without detracting from same and  
7 purely for just additional measure to show this  
8 was considered, does anyone care to make a  
9 motion to designate the ZBA is the lead agency  
10 and to declare this application as a Type II  
11 action under SEQRA?

12 MR. LOVERIDGE: I'll make a motion.

13 CHAIRMAN CALARCO: Mr. Loveridge, and I  
14 will second that motion.

15 Gentlemen, all in favor?

16 (Ayes were recited.)

17 Opposed?

18 (There were none opposed.)

19 Since it is a Type II action, we do not  
20 have any other further SEQRA requirement of  
21 us.

22 So, that takes care of the criteria and  
23 SEQRA part of this. I will make a motion to  
24 grant a variance for an amended application  
25 for a monument sign to be no greater than 66

1 square feet as discussed with the applicant  
2 and that sign is as portrayed in our packet  
3 with internally lit, etcetera. I will make a  
4 motion to grant that variance.

5 Do I have a second?

6 MR BREWER: Second.

7 CHAIRMAN CALARCO: Mr. Brewer is the  
8 second.

9 Any discussion on the motion?

10 (There was no response.)

11 Okay.

12 (The roll was called and the motion  
13 passed unanimously.)

14 CHAIRMAN CALARCO: That's done. Let's  
15 address the other sign. This would be Z791.  
16 That is the 24 square-foot - it also, I guess,  
17 could be considered a free-standing sign. It's  
18 really directional.

19 Gentlemen, let's review our criteria on  
20 that.

21 Can the benefit be achieved by other  
22 means feasible to the applicant? I don't  
23 think so on this one particularly because  
24 it's directional signage that's necessary  
25 for that second entrance.

1           An undesirable change in the  
2 neighborhood character and nearby  
3 properties? No, we have done this for Pilot  
4 and we've done this in other places.

5           Whether the request is substantial. My  
6 Code says 6 square feet. So, over the 6  
7 square feet is substantial. Again, we've  
8 already set precedent by doing this for  
9 Pilot. I think it is substantial, but I  
10 don't think that it is fatal.

11           Whether the request will have any  
12 adverse physical or environmental effect. I  
13 don't believe that it will at all.

14           Anyone disagree?

15           (There was no response.)

16           And of course the alleged difficulty is  
17 self-created under the law.

18           Again, we will have to do SEQRA for  
19 this.

20           MR. CRIST: Once again, it is the position  
21 of this Board that this sign as well was  
22 featured upon the plans upon which the negative  
23 declaration was issued. For additional measure  
24 without detracting from same and purely for  
25 additional consideration, does anyone care to

1 make a motion to designate the ZBA as lead  
2 agency and to declare this action a Type II  
3 action under SEQRA?

4 MR. MAIER: (Raises hand.)

5 MR. LOVERIDGE: (Raises hand.)

6 CHAIRMAN CALARCO: Mr. Maier and Mr.  
7 Loveridge.

8 All in favor?

9 (Ayes were recited and the motion was  
10 passed unanimously.)

11 Okay, since this is a type II action,  
12 nothing further is required from us on  
13 SEQRA.

14 Okay, gentlemen, as to the other wall  
15 sign, a motion?

16 MR BREWER: I'll make that motion.

17 CHAIRMAN CALARCO: Mr. Brewer is making a  
18 motion to grant.

19 MR. SPADA: (Raises hand.)

20 CHAIRMAN CALARCO: Mr. Spada is making a  
21 second.

22 Discussion on that motion?

23 (There was no response.)

24 I think this is the sign that will be  
25 proven to be needed, I'm sure.

1           Call the role, then, please.

2           (The roll was called and the motion  
3 passed unanimously.)

4           Folks, you got those two monument  
5 signs. Hopefully you can come back to us  
6 with more information to our next meeting,  
7 or before our next meeting so that we can  
8 take care of the other signage.

9           MS. BAKNER: Thank you, very much.

10          MR. SEE: Thank you.

11          CHAIRMAN CALARCO: Alright, gentlemen. We  
12 are going to do this again in a month.

13          MS. FUDA: We already have do have one  
14 thing on the application for next month.

15          CHAIRMAN CALARCO: Motion to adjourn?

16          MR. MAIER: (Raises hand.)

17          MR. BREWER: (Raises hand.)

18          CHAIRMAN CALARCO: Mr. Maier, Mr. Brewer.  
19 All in favor?

20          (Ayes were recited and the motion  
21 passed unanimously.)

22          (Whereas the above entitled proceeding  
23 was concluded at 8:45 PM)

## 1 CERTIFICATION

2  
3 I, NANCY L. STRANG, Shorthand Reporter  
4 and Notary Public in and for the State of  
5 New York, hereby CERTIFIES that the record  
6 taken by me at the time and place noted in  
7 the heading hereof is a true and accurate  
8 transcript of same, to the best of my  
9 ability and belief.

10  
11 Date: \_\_\_\_\_

12  
13 \_\_\_\_\_  
14 Nancy L. Strang  
15 Legal Transcription  
16 2420 Troy Schenectady Road  
17 Niskayuna, NY 12309  
18  
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