

Town of Johnsburg  
Zoning Board of Appeals  
Tannery Pond Community Center  
August 7, 2017

**ZBA Members:** Cathy Allen, David Skibinski, Phillip Goodman, James Jones, Secretary Joann M. Morehouse,

**Applicants:**       Stewarts Shop

**Guests:**         Steve Kinley, Pat Cunningham

**Call meeting to order:** Meeting called to order by Chairperson Cathy Allen at 7:02pm

**Public Hearing: V-05-2017-Stewarts-Tax Map#83.-2-56.1, -3259 State Route 28, North Creek**

Mr. Kinley was present to represent Stewarts Shoppes. They are looking for a variance to make the sign at the new store bigger than what is at the present store. Mr. Jones asked how far the sign is going to be from the fire hydrant, and Mr. Kinley told him that it will be about 8 – 10 feet.

Mr. Cunningham asked what was going to happen to the signs at the present store, and Mr. Kinley told everyone that the signs, the canopy, and the gas tanks would all be removed as soon as they closed the store.

Mr. Cunningham also asked about the light from the sign and was told that the light in the numbers would be on when the store is open but the illumination for the stores name would only be on when the store was open and it was dark. Mr. Cunningham said he felt it was poor precedent to allow them to have a larger sign.

Mr. Jones made a motion to close the public hearing, seconded by Mr. Goodman at 7:31pm all in favor. Opened the regular meeting of the Zoning Board of Appeals.

V-05-2017

Background:

The new Stewarts Shop located on 3259 Main Street (Tax map # 83.-2-56.1) is requesting a variance to construct a free standing 63 sq ft sign. The zoning ordinance would limit the size of the sign to 15 sq ft. If granted V-05-2017 would require 48 sq ft of relief. Stewart's maintains that they need their proposed signage for their new store to be competitive with the nearby Mini-Mart gas station which currently has two grandfathered signs which are both considerably larger than 15 sq ft, and have a combined square footage much larger than the proposed Stewarts sign at their new store.

Motion

Philip Goodman moved to grant V-05-2017 and give Stewarts 48 sq ft of sign relief.

Motion seconded by Cathy Allen

Passed by a 4-0 vote.

Rationale

Stewarts own grandfathered sign at their old store across the street from their new store is 32 sq ft. The North Creek Mini-Marts new sign (coincidentally erected just this week) is even larger than that. The mini-Marts other freestanding (also grandfathered) sign is also considerably larger than 15 sq ft; the mini-marts two signs look to be approximately one-third larger combined than Stewarts one proposed new freestanding sign.

When you factor out the 23 sq ft portion of the new Stewarts sign that is mandated by the state to inform the public of their gas and diesel pricing, the Stewarts logo portion of the proposed sign is only 8 sq ft larger than the logo on their old sign.

These factors combined with the fact that the new Stewarts is asking for one sign for their store than is located on the crossroads of two streets (Rt 28 and Durkin Rd) led the Zoning Board of Appeals to determine that the relief requested was not unreasonable. The sign would be consistent with the signage that has existed at the two mini-mart gas stations for more than the past decade.

Mr. Goodman brought up that the minutes for the April meeting regarding the Murphy variance needed correcting the setback relief on the south side is 7.4 ft not 1.3, on the north side the relief is 7 ft not 7.4. Mr. Goodman made a motion to correct the minutes, seconded by Mrs. Allen all in favor.

Mr. Goodman made a motion to accept the minutes from July 10<sup>th</sup> meeting, seconded by Mr. Skibinski all in favor.

Chairperson Allen said that the next meeting date would be changed to 9-11-2017 because the regular meeting falls on Labor Day.

Mrs. Allen made a motion to adjourn the meeting at 8:05pm, seconded by Mr. Jones all in favor.

Respectfully,

Joann M. Morehouse

Next Zoning Board meeting scheduled for September 11, 2017 at Tannery Pond

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