

**City of Albany  
Board of Zoning Appeals  
Application**

**RECEIVED**  
3/12/13

This application must be filed with the Department of Development and Planning, Land Use Division at 200 Henry Johnson Boulevard, Albany, New York 12206, (518-445-0754). Applications are not considered to be complete until all supplemental documents and fees are received. (See attached Instructions.) Planning Office staff shall determine the completeness of applications before scheduling the case before the Board of Zoning Appeals. Notice of public hearing shall be mailed to the applicant, adjacent property owners, and other interested parties. The applicant or his/her representative shall appear at the public hearing to substantiate the application.

REGARDING THE PREMISES AT 663 CENTRAL AVENUE  
 APPLICANT LEWIS SIGN CO LLC  
 ADDRESS 26 FLUORESCENT DR CITY SLATE HILL STATE NY ZIP 10973  
 PHONE 845 355 2651 FAX NUMBER 845 355 8249  
 AUTHORIZED AGENT LEWIS SIGN CO LLC  
 AFFILIATION CONTRACTOR  
 ADDRESS 26 FLUORESCENT DR CITY SLATE HILL STATE NY ZIP 10973  
 PHONE 845 355 2651 FAX NUMBER 845 355 8249  
 PROPERTY OWNER 651-663 CENTRAL AVENUE LLC  
 ADDRESS 302 WASHINGTON AVE CITY ALBANY STATE NY ZIP 12203  
 PHONE 518 452 3106 FAX NUMBER \_\_\_\_\_  
 OTHER TO BE NOTIFIED SHOP RITE SUPERMARKETS INC  
 ADDRESS 176 N MAIN ST CITY FLORIDA STATE NY ZIP 10921  
 PHONE 845 651 2728 FAX NUMBER 845 651 2729

REQUEST:  SPECIAL USE PERMIT  INTERPRETATION  
 USE VARIANCE  PARKING LOT PERMIT  
 AREA VARIANCE  OTHER

ZONING CLASSIFICATION C2 TAX LOT ID NUMBER 64.28 - 2 - 63  
 EXISTING USE / # OF UNITS GAS STATION  
 PROPOSED USE / # OF UNITS GAS STATION  
 OCCUPANCY STATUS (FULLY OCCUPIED / PARTIALLY OCCUPIED / VACANT) FULLY OCCUPIED

REQUESTED PUBLIC HEARING DATE: APRIL 10 2013  
 PROJECT TIME FRAME: 2 MONTHS TOTAL PROJECT COST: 53,450.00

Is the property within 500 feet of a municipal boundary, State or County property, road, park or facility, or other recreation area? Yes  NO If yes, the submission will require review by the Albany County Planning Board.

Does any state officer or any officer or employee of the City of Albany or County of Albany have any affiliation with or interest in the applicant or this application? Yes  NO If yes, set forth the name, address, and nature and extent of the affiliation or interest of an officer / employee.

I, the undersigned owner, hereby authorize the applicant to bring the application herein before the Board of Zoning Appeals of the City of Albany.

SIGNED 651 Central Ave, LLC  
The Hampshire Companies, Manager DATE 3-1-2013  
 by: RH Aeger

I, the undersigned applicant, hereby state that the information and facts set forth in this application are true to the best of my knowledge and belief.

SIGNED Elizabeth A. Manning AGENT DATE 11/26/2012

Owner's Consent

MARCH 1, 2013

Division of Buildings & Regulatory Compliance  
Board of Zoning Appeals  
City Hall Room 303  
Albany, NY 12207

Re: 663 Central Ave

Dear Sir:

We authorize Lewis Sign Co LLC to act on our behalf in pursuing an area variance for installation of a freestanding electronic message panel sign at 663 Central Avenue. The proposed sign will be located 15 feet from both the front and the side property lines.

Sincerely,

651 CENTRAL Ave, LLC  
by: THE Hampshire Companies, LLC

RAYMOND H. AYERS  
(signature of Representative)

651 CENTRAL Ave, LLC  
c/o THE Hampshire Companies  
15 MAPLE Ave.  
MORRISTOWN, NJ 07960

## **AREA VARIANCE STANDARDS**

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building.

- ~ When considering a request for an area variance, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

[1] Whether an **undesirable change** will be produced in the character of the neighborhood or a **detriment to nearby properties** will be created by the granting of the area variance.

[2] Whether the **benefit sought** by the applicant can be **achieved** by some method feasible for the applicant to pursue, **other** than an area variance.

[3] Whether the requested area variance is **substantial**.

[4] Whether the proposed variance will have an **adverse effect** or **impact** on the physical or environmental **conditions** in the neighborhood or district.

[5] Whether the alleged difficulty was **self-created**, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

### **[1] DESCRIPTION OF CONDITIONS**

(Describe topographic condition or other physical condition of the property and the manner by which this condition restricts use):

NONE. PYLON WILL BE LOCATED 15 FT FROM FRONT PROPERTY LINE AND 15 FT FROM SIDE PROPERTY LINE. THIS IS IN COMPLIANCE WITH CODE.

**[2] BENEFIT TO APPLICANT**

(Please describe why the proposed project cannot be achieved without an area variance):

THIS ELECTRONIC SIGN REPRESENTS CONTEMPORARY SIGN MAKING  
TECHNOLOGY AND CONSUMERS' VISUAL EXPECTATIONS. IT PROMOTES  
BUSINESS TASTEFULLY AND EFFECTIVELY.

**[3] SUBSTANTIAL**

(Please describe why you feel the proposed project is not substantial in nature):

THE WELL-RESEARCHED VISUAL EFFECT IS NON-GLARING  
AND INOFFENSIVE. IT WILL NOT BLOCK OR INTERFERE  
WITH NEIGHBORING SIGNS.

**[4] CHARACTER OF NEIGHBORHOOD**

(Please describe how the proposed use would be compatible with the existing neighborhood and would not negatively impact traffic patterns, general safety, architectural character, property values, and the atmosphere of the area):

THE PRECEDENT FOR ELECTRONIC SIGNS HAS BEEN SET BY  
SEVERAL BUSINESSES IN THE AREA. THIS ELECTRONIC  
MESSAGE SIGN WILL ELIMINATE THE USE OF TEMPORARY  
SIGNS AND BANNERS.

**[5] SELF-CREATED**

Were you aware of the requirements of the City of Albany Zoning Ordinance at the time of purchase of the property?  Yes  No

If you answered no to this question, did you use the services of an attorney? Yes  No

SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies research or other investigations will be undertaken.

ENVIRONMENTAL ASSESSMENT

1. Will the project result in a large physical change to the project site or physically alter more than 10 acres of land?.....  Yes  No
2. Will there be a major change to any unique or unusual landform found on this site?.....  Yes  No
3. Will project alter or have a large effect on an existing body of water?.....  Yes  No
4. Will project have a potentially large impact on groundwater quality?  Yes  No
5. Will project significantly affect drainage flow or air quality?.....  Yes  No
6. Will project affect any threatened or endangered plant or animal species...  Yes  No
7. Will project result in a major adverse impact on air quality?.....  Yes  No
8. Will project have a major effect on visual character of the community or scenic views or vistas known to be or important to the community?...  Yes  No
9. Will project adversely impact any site or structure of historic, prehistoric or paleontological importance or any site designated as a critical environmental area by a local agency?.....  Yes  No
10. Will project have a major effect on existing or future recreational opportunities?  Yes  No
11. Will project result in major traffic problems or cause a major impact on existing transportation systems?.....  Yes  No
12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbances as a result of the project's operation?.....  Yes  No
13. Will project have any impact on public health or safety?.....  Yes  No
14. Will project affect the existing community by directly causing a growth? in permanent population of more than 5% over a one-year period or have a major negative effect on the character of the community or neighborhood?.....  Yes  No
15. Is there any public controversy concerning the project?.....  Yes  No

PREPARER'S SIGNATURE: Elizabeth C. Manning TITLE: AGENT FOR LEWIS SIGN CO LLC  
REPRESENTING: LEWIS SIGN CO LLC DATE: 10/24/2012



GERALD D. JENNINGS  
MAYOR

CITY OF ALBANY  
DIVISION OF BUILDINGS & REGULATORY COMPLIANCE  
CITY HALL ROOM 303  
ALBANY, NEW YORK 12207  
PHONE (518) 434-5995 FAX (518) 434-6015

JEFFERY V. JAMISON  
DIRECTOR

October 1, 2012

Lewis Sign Company, LLC.  
26 Fluorescent Drive  
Slate Hill, NY 10973

**Re: 651 Central Avenue  
Application Number: 64430**

Dear Sir:

On **May 16, 2012** you made an Application for work at the above referenced property involving:  
**Installation of a free standing electronic panel message sign.**

The property is located in an area which is zoned **C-2**.

This Application has been examined for compliance with the applicable provisions of the Zoning Ordinance of the City of Albany.

That review revealed that the proposed work will not comply with the following provisions of the Zoning Ordinance: **307-12C(1) No free standing sign shall be located less than fifteen (15) feet from front property line nor less than five (5) feet from the side property line and 307-7(B) General Prohibitions no sign shall be illuminated by or contain flashing intermittent rotating or moving lights except to show time and/or temperature.**

Therefore, your Application of 5/16/12 is hereby **DENIED** pursuant to Sections 375-59 and 375-9(d) of the Zoning Ordinance.

These objections may be addressed by filing revised plans reflecting conditions which comply with the requirements of the Zoning Ordinance. In the alternative, this Denial may be appealed to the Board of Zoning Appeals on forms available from the Office of Planning and Neighborhood Development, 200 Henry Johnson Blvd. *This appeal must be filed completely with the Office of Planning and Neighborhood development within thirty (30) days of the date of this letter. Should this cause of Denial be resolved by successful Appeal, a full set of construction documents prepared by a NYS licensed architect or engineer may be required to be submitted to this office prior to a Building Permit being issued.*

For the Director,

Vincent DiBiase  
Deputy Chief Inspector

cc: Planning Office

## Project Narrative

Electronic Message Sign for Shop Rite Gas Station, 663 Central Ave, Albany NY

This proposal is for a 12 ft tall pylon sign which will include the Shop Rite logo medallion and an electronic message panel. The permit application has been denied on grounds of City of Albany code 307-12C(1) and 307-7(B).

Regarding the first article, this proposal does not exceed code restrictions. It will be located 15 ft back from front property line and 15 ft from side property line, complying with code restrictions. Location of the proposed sign is shown in attached site drawing.

We seek a variance for the second article "No sign shall be illuminated by or contain flashing intermittent rotating or moving lights except to show time and/or temperature." We feel the variance is justified by the following points. The proposed electronic message panel will offer infinitely changeable message capability both to advertise for the Shop Rite gas station and to post public service announcements for the City of Albany, when necessary.

This electronic message panel sign represents the latest in sign-making developments as well as contemporary customers' visual expectations. The limitless variety in brightness settings, hold times, and transitions between displays will ensure non-distraction of traffic and will offer a smart alternative to temporary signs and banners.

SR  
gawa  
013

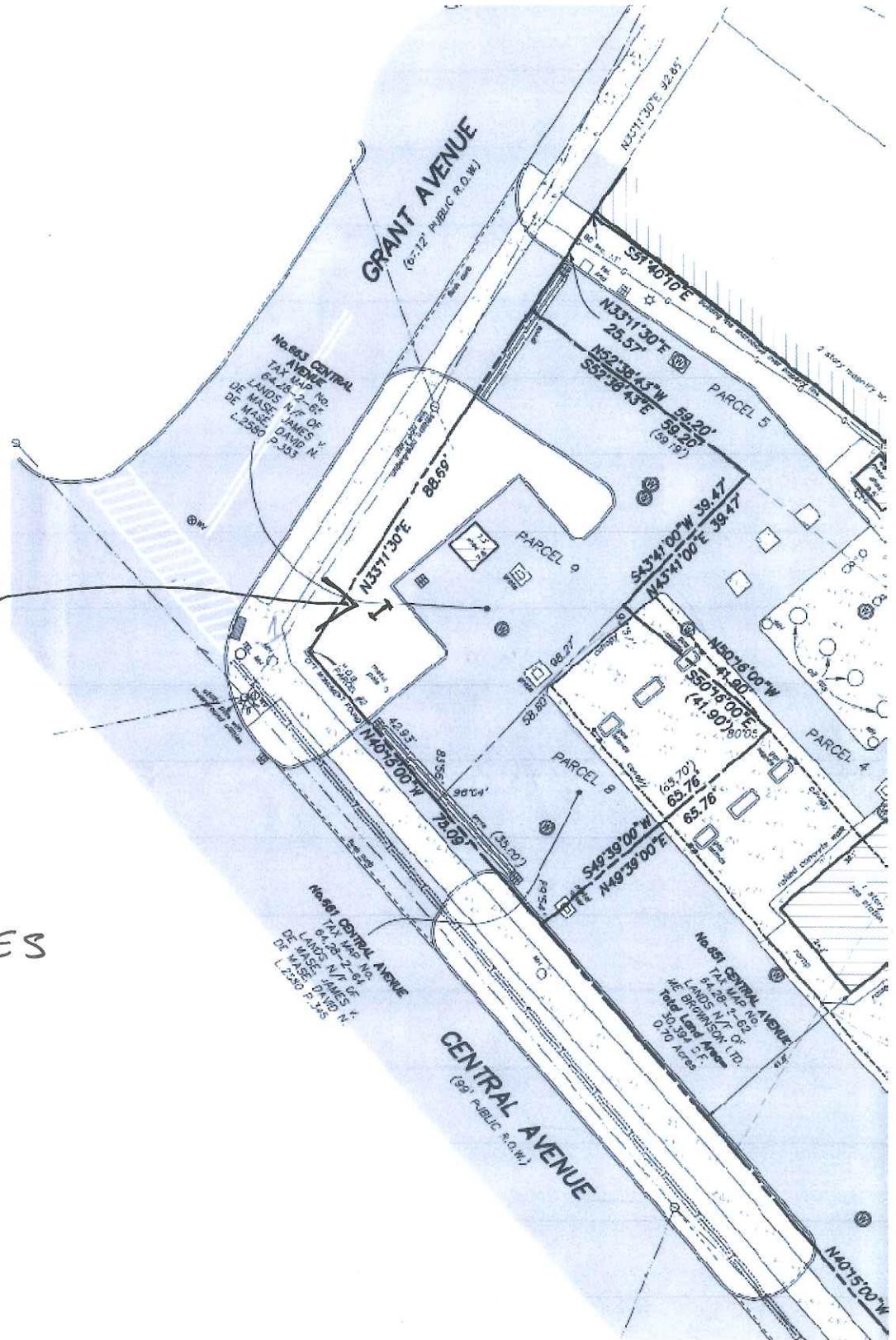


18



Pylon sign location – setback 15' from front property line and 15' from side property line.

SIGN LOC  
SET BACK 15 FT  
FROM FRONT  
AND SIDE  
PROPERTY LINES





54" medallion

Revised 7/24/12

<p>TELL THE WORLD WITH SIGNS</p>  <p>Since 1924</p> <p>845-355-2651 FAX: 845-355-8249</p> <p>www.LewisSigns.com</p>	<p>Review this design carefully. Note any problems or changes. Through vigilance, we can save the expense of corrections later. The design, engineering and methods expressed on this document are and remain the exclusive property of Lewis Sign Co. LLC and may not be used, nor may they be shown to any other contractor without Lewis Sign Co. LLC prior written consent. This artwork is protected under federal copyright laws. MAKE NO REPRODUCTIONS.</p>	<p><b>Date:</b> 7/31/12</p> <p><b>Client:</b> ShopRite Albany Gas Station</p> <p><b>Descriptive:</b> 16' Pylon with Message Center</p> <p><b>File name:</b> AlbanyGasMessagePylon_144.pdf/MEfiles/ShopRite/Albany/Gas</p> <p><b>APPROVAL Signature</b> _____</p>
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