

From: David Giacalone <dgiacalone@nycap.rr.com>
Subject: Fwd: Comments to BZA - Mohawk Harbor 30' Pylon Sign
Date: November 16, 2017 at 6:03 PM
To:



From: David Giacalone <dgiacalone@nycap.rr.com>
Subject: Comments to BZA - Mohawk Harbor 30' Pylon Sign
Date: November 16, 2017 at 10:07:34 AM EST
To: Avi Epstein <AEpstein@schenectadyny.gov>

Mr. Epstein [Avi],

Please accept these Comment to the Board concerning the matter before a Special Meeting of BZA this evening regarding another variance request from Mohawk Harbor for a pylon-style sign 30' tall with LCD screen and 22 lighted tenant signs.

To: Members of the Board of Zoning Appeals

I only learned yesterday, Nov. 15, that this Board granted variances to Mohawk Harbor at its November 1 regular meeting, allowing a 122 square foot sign 22 feet high, with an LCD screen and large light box of tenant signs, a few feet from Erie Boulevard. Had I been aware of that Application, I would have strongly opposed it for the reasons given to the Board at its October 6th meeting, pointing out that the smaller pylon raised the same issues as a 30' proposal, and that new claims made by the Applicant defied common sense and logic, and could not meet the State's requirements for granting such extreme dimensional variances, no matter how celebrated or supplicating the proponents might be who are supporting the application.

indeed, I would not have been able to prepare even this brief set of Comments, had I not happened to run into *Times Union* reporter Paul Nelson mid-afternoon on Tuesday, when he told me of this Special Meeting. In addition to incorporating the comments that I presented to the Board on October 6, I ask that you consider the following points, when again reviewing the 30' pylon.

1. Inconsistency with the Purposes & Intent of the City's Signage Zoning Code and the Comprehensive Plan. §264-59(B) of the Schenectady Code states (emphasis added):

Intent. The article is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical and historic appearance of the community, preserve the scenic and natural beauty, enhance the pedestrian environment, and provide a more enjoyable and pleasing community. The article is further intended hereto to *reduce sign or advertising distractions and obstructions that may contribute to traffic accidents*, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, *provide more visual open space and improve the community's appearance.*

In addition, as former Chief Zoning Officer Steve Strichman explained to the *Daily Gazette* in 2008, the goal of the new Comprehensive Plan was to remove "oversized signs that have been more recently installed in front of other businesses." As the *Gazette* put it (in "[Rule nearly brings down GE icon](#)", by Kathleen Moore, February 2, 2008):

"Strichman aims to rid Schenectady's streets of highway-oriented signs that are 'out of pedestrian scale'."

To place such a huge sign structure along a streetscape that many residents already consider to be oppressively cluttered (especially as opposed to the prior, low-rise open view to the River), makes little sense aesthetically. More important, to place a very "busy" and bright array of small signs and an LCD screen three feet from a major, busy roadway, can only increase traffic hazards with distractions and glare.

2. Nature of Mohawk Harbor. Even if Mohawk Harbor were a shopping mall, the Code already contemplates that multiple businesses would be on the lot, and concludes that a 7' sign of no more than 75 sq. feet is adequate. But, the Galesi Group has consistently presented Mohawk Harbor as an up-scale, planned *neighborhood and community*. Furthermore, the tenants that the Applicant demands have signs on Erie Boulevard are in fact arrayed along City streets "around the corner". There are many ways for prospective customers (or residents) to learn which businesses are on City's roadways, without using a large strip mall-style sign that is meant to grab the attention of motorists. Would a similar-sized and lit pylon structure with an aggregation of business signs make sense along other Schenectady mixed-use neighborhoods, such as the Jay Street Pedestrian mall, along the Upper Union Street stretch, on the Proctor's and Lower State Street blocks of Schenectady, or at Union and Erie Blvd. touting the businesses on Broadway and Yates Street? Of course not.

Street? Of course not.

- Comparisons: Stuyvesant Plaza has 55 stores and three office buildings in its development. Yet, it is quite successful with a simple sign, lit only by external light, that names the Plaza and says “shopping and dining.” Crossgates Mall has no giant pylon with tenant sign nor LCD screen. Schenectady’s grandfathered sign at Crossgates Shopping Center is 50’ tall, yet it presents merely 12 tenant signs. Similarly, Via Port Rotterdam is 35’ tall, set back from the road, with a mere handful of tenant signs.
- Identifying the Mohawk Harbor Entrance. The applicant is correct that it is useful to have a sign informing motorists of the entry to Mohawk Harbor. I have no argument with that, but believe the dimensions allowed in the Code, or with slight variances such as for the Golub Headquarters or MiSci, clearly would do the trick, without adding the distraction and glare of many bright signs and a moving LCD screen.
- How Informative? Why should BZA and the residents of Schenectady allow a huge and gaudy aberration along Erie Boulevard in order to advertise bars and restaurants that are basically around the corner? Harbor tenants receive constant publicity in the media, and can be found by using all sorts of other methods, including apps on one’s smartphone. The information crammed onto the requested pylon will be scarcely useful, even to a pedestrian standing in front of it, studying it for a prolonged period.
- Nearby Signage. Yes, there are billboards nearby, but they advertise one vendor or cause, and have relatively little text, and far less illumination and glare. In addition, other businesses surely do have signs, but they are of reasonable, mostly-standard sizes and illumination. The LCD screen for the Lighthouse, on the other hand, despite being farther back from the roadway, has elicited many complaints for its undue brightness

3. Traffic Safety. The Applicant says the Branding sign pylon is a safety measure, and that there will be no change in traffic patterns, but it has in no way shown why this assertion is true. It is, of course, *trying* to change the traffic pattern, moving people onto Mohawk Harbor Way, rather than using the rotary and Rush Street to enter Mohawk Harbor. What will additional traffic, whether turning right when coming from the north, or turning left when coming from the south, do to traffic flow at Erie Blvd. and Mohawk Harbor Way? And, what good are all those tenant signs, unless drivers slow down to absorb their content? Will the drivers coming from the south slow down while making their left turn into the complex, or pull over to the curb on Mohawk Harbor Way for a better view and contemplation? BZA has been given no information.

More important, Applicant has supplied:

- No study or even logical inferences concerning the potential traffic hazard, to motorists and pedestrians, of the large, bright bank of relatively small signs, clearly intended to be perused by motorists.
- No showing as required under our Code for any variable electronic message board that traffic and pedestrian safety will not be adversely affected; and no indication that it has evaluated the NYS DOT recommendation that such message boards not be placed in locations where they distract from traffic signals
- No rendition or simulation showing how bright the combined signs will be when it is dark out or there is precipitation causing additional glare
- No simulation of the size of the lettering and amount of text which motorists of all ages, abilities, optical acuity, etc., are being tempted to peruse and absorb while driving on a major, busy roadway
- No indication that it includes reduced motorist and pedestrian safety as part of the “environmental” impact it needs to address

The “standard” signage rules surely meant to keep signs to a modest size for safety reasons. Without far more information from the insistent Applicant, the Board cannot make adequate judgment about safety issues.

4. Self-Made Problem. A self-created zoning problem is not determinative in a request for an area variance. However, it is a State-mandated factor to be considered and is meant to weigh against granting a variance. Here, the C-3 limitations were enacted in 2008. The property was purchased in 2010. Mohawk Harbor with all its glorious multi-use promises and potential, and its \$150-\$200 million price tag, were in proposal stages by 2012, with a \$5 million economic development grant to help move toward the project’s goals. Moreover, Galesi Group CEO David Buicko was instrumental in formulating the major amendments to C-3 zoning two years ago. He in fact presented the proposed amendments to the Planning Commission and City Council, along with Galesi lawyers and consultants, rather than having them presented by the Planning or Corporation Council staff. The amendments clearly, at a time when the goals and outline of Mohawk Harbor were very clear, kept all C-3 regulations for all noncasino signage. This was, therefore, a self-created problem with no equities or facts minimizing the negative conclusion called for in an area variance request.

Of course, today, one could say that on Nov. 1, the Applicant again created a self-made problem, and this application, so similar to the one rejected by this Board in early October, should again be rejected.

For additional images and discussion please see my webposting on the pylon at <http://tinyurl.com/MHsigns>, and my discussion of electronic message displays at tinyurl.com/electronicdisplayfactors.

I hope to be able to present more comments in person this evening, and respond to any new claims by the Applicant, but must first attend a conference in Albany on

Problem Gambling and may not make the Special Meeting.

Thank you for your time and consideration.

Respectfully submitted,
David Giacalone

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Schedule I Sign Regulations

Sign Type	Number of Signs	Maximum Sign Area (square feet)	Sign Height(feet)	Illumination
Residential Districts: R-1, RH-1, R-2, RH-2, and R-3 Districts				

Residential uses	1	1	Maximum: 6	None
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Commercial uses	1	6	Maximum: 6	External
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Nonresidential Districts: C-1, C-2, C-3, C-4, C-5, I, M-1, and M-2 Districts

Total aggregate sign area of 100 square feet; 150 square feet for multiple street frontage

Freestanding

C-1, C-2, C-3, C-4, M-1, and M-2 Districts	1	25; 75 in shopping centers	Maximum: 7	External/internal (no internal in the C-4 District)
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