

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday, November 1, 2021**  
**7:00 PM**

Mr. Micelli called the meeting to order at 7:00 PM on November 1, 2021 this meeting is being held in person and via Microsoft Teams following members present:

Members- Chairwoman Curto (absent), and Kevin Koval (absent), Frank Griggs  
Alternate Member - Leonard Micelli, Dave Maxfield  
Planner - Paul Marlow  
Town Attorney – Cathy Drobny

*Mr. Micelli made a motion to Approve the October 4, 2021 Zoning Board of Appeals minutes, Mr. Griggs seconded, Minutes Approved.*

**Public Hearing(s):**

**Lamar Billboard, Route 9- Use Variance**

*Kevin Koval recused himself from this application.*

Mr. David Leavitt presented the application. The applicant is seeking to convert/change the two pre-existing, non-conforming billboard signs on Rt. 9 to a digital format. The site is approx. 450 ft south of Stone Quarry Road, on the west side of Rt. 9. The digital messages will be static for ten (10) seconds, with no animation, scrolling, or flashing. These signs are located outside of the Town-designated Off Site Advertising Zone, and are pre-existing, non-conforming. Additionally, pursuant to the Town Code, digital signs must be static for no less than 20 seconds before changing. Therefore, due to the pre-existing, non-conforming status of the sign and proposal to change messages every 10 seconds, the Planning Board denied the application at the June 28, 2021 meeting. The applicant is before the Board seeking a use variance for the upgraded billboard on a parcel outside of the billboard overlay district, and to rotate the image more than once every 20 seconds. He noted the proposed height of the billboard is 19-feet.

Mr. Maxfield asked if it was an eight second rotation; Mr. Levitt explained NYSDOT allows for eight seconds but they are proposing 10 seconds.

Mr. Levitt went through and explained the various images and videos in their slideshow presentation.

Mr. Brad Miller, Lamar Advertising discussed the proposed signage and noted that the signs are bright at night but not too bright as they need to be viewable. He noted that the sign dims at night to be better viewable with no glares. The lighting plan provided to the Board is for a full white board at night time, most signs that have imaging average 40-60% white, so the numbers on the plan are worst case scenario lighting, actual ads will lower the light output. An externally lit static panel is approximately 300 nits of light, which is similar and comparable to this.

Mr. Griggs asked how this compares to a Stewarts sign; Mr. Miller noted that they are backlit and different, it will depend if they used florescent or LED and what density of light is behind the panel. It is a different type of sign than their static signs with external lights that shine on the panel. Our digital is equivalent to our static lit sign.

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Mr. Griggs asked what the lumens were at Warren Tire and if this would be brighter; Mr. Miller noted it would be tough to say, parking lots are typically brighter, it's a single source and you're trying to raise the overall brightness of the area for security. For safety lighting, you want to be around 10-foot candles.

Mr. Miller explained foot candles varies depending on the distance from the source.

Mr. Maxfield asked if the numbers on the provided plans were measured as foot candles; Mr. Miller noted that they are and some of the houses were approximately 200-300' away.

Mr. Miller noted that LED lights are directional. The light spillage is like a spray paint can. The LED is tuned for the critical angle related to the light distribution, they use an LED that has a critical angle of approximately 45-degrees, 22.5-degrees in either direction. Light goes down as you go away from the board, the highest reading is 0.153, further it goes to 0.069, and at the house it is 0.006.

Mr. Maxfield noted that it does not seem to get to even one foot-candle; Mr. Miller noted that is correct.

Mr. Leavitt stated that this does not take into account blockages from vegetation and screening; Mr. Miller noted that the numbers represent a clear view of the sign where you can measure the light.

Mr. Griggs asked if this was a theoretical calculation or real world calculation; Mr. Miller noted this is a calculated projection.

Mr. Micelli noted that where the sign is at Guptils, there is no residents in that area and therefore won't have an effect on residents.

Mr. Micelli noted the images provided were leaf on conditions and in leaf off conditions, residents would see the sign more.

Mr. Maxfield asked if the current sign was lit; Mr. Leavitt stated it was not.

Mr. Griggs asked if their current signs at 300 nitts at night; Mr. Mike Flannigan said they are similar.

Mr. Maxfield noted 3,000 lumens, 874 lumens at night, what is the relation to nitt/foot candles? Mr. Miller noted a lumen is not related to LED lights; LED are measured as candela/sq. meter, also known as nitts

Mr. Micelli asked if the sign has to be on 24/7 hour; Mr. Miller noted they wanted to reach as many viewers as possible, but explained it could be turned off.

Mr. Micelli noted it can be on a timer if they wish.

Mr. Maxfield asked what day vs night lighting is; Mr. Miller noted it was brighter during the day at 6,500 nitts and darker at night at 300 nitts. The new car LED taillights are very bright and something like that doesn't work for this application.

Mr. Maxfield asked what is defined as night time; Mr. Miller noted there is a sensor on the sign that adjust depending on the light, it will be brightest when the light hits it directly. For comparison purposes, if you measure the side of a white semi-trailer in full sunlight, it is approximately 20,000 nitts, chrome is approximately 30,000-40,000 nitts.

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If the light sensor fails, they have a schedule in the background that it will revert to in order to dim the sign at the appropriate time. The background schedule takes into account, location and time of the year.

Mr. Griggs asked if the sign was anti-reflective; Mr. Miller stated it was, reflections compete with the lighting on the sign.

Mr. Miller presented a sample section of the billboard and explained how the lighting on the panel worked and how the louvers on the sign help cut down on reflections.

Mr. Maxfield asked if there were a dual photo sensor was how it dims and does it control both sides?; Mr. Miller noted there is one per display.

Mr. Miller explained the southern lighting plan previously provided to the Board.

Mr. Griggs asked if the sign had to be oriented at the angle they have it proposed; Mr. Miller noted that a 30 degree angle is optimal for a back-to-back sign panel.

Mr. Griggs asked what the best angle they could do; Mr. Miller said from an engineering perspective, they could do a flat sign; it would affect reading quality but is doable.

Mr. Griggs noted that would probably help with the neighbors; Mr. Miller noted that it would,

Mr. Miller noted that some of the readings are in the 0.0X numbers at their homes; the one house is 0.021. He noted that there was discussion if the neighbors would see it. Mr. Griggs noted that he had been over near those residents, and that they would see it, and to turn it would help.

Mr. Flannigan noted that way they have it is the best view from marketing/visibility standpoint; Mr. Griggs noted that you don't want people looking at it right next to it.

Mr. Griggs noted it is dark through there at night and there is not much lighting in that area on either side of the road

Mr. Micelli noted he went to that neighborhood and the house that was approximately 200' is close and with leaves off, you could clearly see across. That corridor is dark and with this light, the concern would be how far it flashes into the neighborhood. Backing it up would help but it would be harder for people to see it, it is a 50/50 ordeal.

Mr. Griggs asked what the financial reason is to run them at night; Mr. Flannigan noted that contracts require a certain number of displays a day, not running them at night would meet not meeting the terms of their contract.

Mr. Micelli asked if they could maintain their display/rotation schedule if they shut it off at night; Mr. Flannigan said they could adjust their schedule to do so but would limit the number of images each vendor would get per day.

Mr. Griggs asked if shutting it down would make it not economically feasible? Mr. Leavitt noted there are businesses that thrive at night and would want to go later.

Mr. Miller asked if the Board would consider allowing them to operate the sign and evaluate the impact before limiting hours of use. Mr. Griggs noted that would likely be a decision of the Planning Board.

Mr. Micelli noted that the Planning Board would need to review this application as well, I am not sure we have the jurisdiction to establish a time interval.

Mr. Flannigan noted these have been existence for 20 years now, at first people were very worried about these signs. It will make a splash when it first goes on.

Mr. Micelli noted that was the concern is we don't know what will happen until the sign is in place. Mr. Flannigan stated that historically it's a 1-2 day event and it becomes part of the landscape. Clifton Country Mall was a big deal at first but its part of the landscape now; Mr. Micelli noted there are no homes in that area.

Mr. Griggs asked if the new sign was the same size as the old sign; Mr. Flannigan stated it was. Mr. Leavitt noted the ground is not level, on the lower side it is 25-feet from the ground, on the flat side it is 20-feet.

Mr. Griggs asked what a normal lit billboard equivalent was; Mr. Miller noted that it would be approximately 300 nitts as you do not want it so bright you can't read it. No more than 300 nitts at night. These lighting plans are based on worst case scenario, a full white panel.

Mr. Griggs asked what is the minimum angle for the sign that would work; Mr. Flannigan stated that would be something they'd have to review.

Mr. Miller offered two possible options; option one being they turn off the South facing; option two is they change the angle to 20-degrees with no off time.

Mr. Micelli noted that the change in angle may help the light shining on the residents.

Mr. Leavitt noted that the lighting plan as a full white sign.

Mr. Griggs noted that the description equates it to a full moon shining and that he would not want that shining in his house.

Mr. Leavitt noted that leaves are done now but done be down all year.

Mr. Micelli closed the Public Hearing at 7:55, there was no public comment.

A site visit occurred on August 28, 2021 at 9:30am

Pursuant to Article XIV Section 165-79 the following resolution was made:

- 1) Mr. Griggs commented: This is small lot, this is likely the best use. There is some financial flexibility with this proposal based on the presentation of the applicant;
- 2) Mr. Griggs commented: Yes, it is the only one in the area;
- 3) Mr. Micelli commented: You don't know, the light is not there; Mr. Griggs stated there is no light there now and it will be light later whether it is substantial or not is the question, but it will be a change to what is there now; Mr. Maxfield stated it is not out of character as it's always been there but the light may be a problem;

- 4) Mr. Griggs commented: Mr. Griggs stated there is an existing billboard but this is a substantial material change and self-created.

Mr. Maxfield suggested leaving it at 30-degrees and shutting it off from 10pm-5am.

Mr. Flannigan suggested turning off 12am-5am if they get complaints; Mr. Marlow recommended that they not condition it based on if they get feedback, they will turn it off.

Mr. Maxfield suggested either turn the sign to 0-degrees and be on all night; Mr. Leavitt noted as you get to the side of it, you see less of it and you may not be able to read it because it is directive.

Mr. Flannigan noted you could but it would be further back, the optimum reading opportunity if further back. I'd rather keep the angle and lose the hours.

Mr. Maxfield suggested keep at 30-degrees with the sign being off 11pm-5am;

Mr. Flannigan noted they would be open to limiting hours of operation of the sign.

*Mr. Maxfield made a motion to approve the Use Variances as proposed at the 30-degree angle with the condition the sign be shut off day, from 11pm-5am, seconded by Mr. Griggs, Motion was carried*

*Mr. Micelli made a motion to adjourn the meeting, seconded by Mr. Maxfield. Motion was carried.*

*These are summary minutes and are not word for word at the request of the Zoning Board of Appeals.*

*Meeting adjourned at 8:05 PM.*

*Town of Halfmoon Zoning Board of Appeals*