



Mayor
Gary W. Waters

City Manager
Gretchen DiFante

City Clerk/Treasurer
Tom Seale, MMC, CMRO

ZONING BOARD OF ADJUSTMENT MEETING

November 20, 2020

Meeting called to order by Chairman Joe O'Brien at 7:40 A.M.

Members present were: Joe O'Brien, Mike Harris, Mike Kelley and Joe Schifano. Building Official Angie Brown and City Engineer Chris Nicholson were also present.

The following request was presented:

Variance request: Variance to have light poles to a height of 30'

Location: 2630 Pelham Pkwy

Applicant: Exclusive Holdings LLC

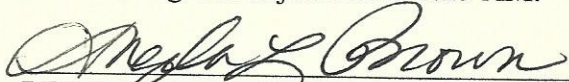
Wayne Hester with Hester and Associates, Inc. presented the request stating what makes a good lighting situation is adequate foot candles and uniformity of light without glare and light trespass. Mr. Hester went on to explain the request as they are proposing the 30' poles in order to achieve uniformity of light. If they were to use 20' poles they'd have to add more poles and add light to the building that would shine back to the street which would produce glare. Mr. Hester explained further by expressing if they used 30' light poles they can use a dark sky fixture which has a sharp cut off. Mr. Hester stated the YMCA next door has 30' light poles and Enterprise has 20-25' light poles. If you go by Enterprise you can see they have a lot of light glare and a lot of light over lapping to adjacent properties. Joe Schifano expressed he was glad Enterprise was mentioned because he lives in the neighborhood behind the property and they can visibly see the new developments that are there because of the lights. Mr. Schifano went on to say they have never noticed the YMCA lights but they sit further down in a slope. Mike Kelley asked with what they are proposing they say there will be less light glare than going by the current code. Mr. Hester answers yes because with the current code to get the light levels that you need or that cone of light the light fixtures have to be tilted up which would produce the glare and is also what Joe is experiencing in the neighborhood from Enterprise. Joe O'Brien asked Mr. Hester how many fewer fixtures do you have if 30' poles are used. Mr. Hester answered when they first started talking about it there would be double but they backed off from double and now it would only be 30% more. Mr. Schifano asked building official, Angie Brown if Pelham has any restrictions from lights shining onto adjacent properties. Mrs. Brown stated that is something that is always going to be Pelham's concern but would have to look up to see if there is anything Pelham has adopted as far as lights shining onto other properties. Mrs. Brown asked Mr. Hester

and owner, Drew Shields, if Pelham gets complaints is there any other type of modification that can be made if there is still too much light shining on other properties. Mr. Hester answered they could add a baffle to the back of the light fixture. Mike Harris asked if Mr. Schifano was getting light spillage in the neighborhood or is it just the glow of the light in the air because living in the city close to a main street it comes with seeing the businesses light. Mr. Schifano said it is just the visibility of being able to see them and it looks like it is radiating in all directions. He went on to explain that coming into the meeting he was very much against the request but what is being described seems to be different than what is next door (Enterprise). Mr. Hester notified the board's members that the YMCA fields are directly behind them leaving a little buffer. Owner, Drew Shields stated in his opinion since there are no homes directly behind them they shouldn't have to worry about direct spillage of light. If there is any spillage of light it would shine onto the YMCA fields. Joe Schifano informed them the topography of the neighborhood somewhat looks down onto the property and when the trees are full you can hardly see the development but now that the leaves are falling from the trees the lights are more visible. Joe O'Brien stated that it sounds like the fixtures they are wanting to use brings more light only to the property for ground visibility. Mike Harris asked if the type of lights that are going up are adjustable when they are put up and if there was too much over shadow off the property if they could be adjusted. Mr. Hester stated he didn't have that answer but they can add a shield or baffle to the light. Mr. Hester said most of the lighting is close to Hwy 31 and it shines down, there's not much lighting in the rear of the property that is well off the property line. Mr. Shields told the board members the ultimate goal is to build something really nice that they'll be proud of and the City will be proud of and have it add value to the City. Mike Harris asked if there is a tree buffer between EAW parking lot and the YMCA parking lot. Hester stated there is a tree buffer on the east side that backs up to their parking lot. Mike Harris asked if Pelham has the authority to go back to EAW once the permit is issued to make them fix their lighting situation. Mrs. Brown stated Pelham would have to do an inspection in the late evening to make sure there is no spillover of the lights shinning onto adjoining properties before we issued the certificate of occupancy. Mrs. Brown also stated if it is worded in the variance given, Pelham would have that to go off of. Mr. Schifano asked Angie, who makes the judgement on too much light shining on other properties. Angie responded the only thing we can do is if we require a photometric plan but not sure if that is a true plan because of the glare the lights may give. City Engineer, Chris Nicholson, asked if the lights blend over is there any other type of light bulb variation they could use. Mr. Hester answered he's sure there is. He also made the statement, there will be a good light variation because Enterprise is right next door for you to compare versus Enterprise lights. Mrs. Brown stated Pelham's biggest concern is the lights on the rear of the property shining towards or giving the residential area more light because the neighborhood is behind the property even though there is a slight buffer. Joe Schifano made the suggestion for them to have the electrical engineer spread their study area a little further to see just how far the light will spill out of the parking lot. He went on to say that right now all the electrical engineer has done is give these guys a good idea of my light is going to do a great job for you in the parking lot but he hasn't really given them any information beyond the edge of the curve. With providing what is going to go beyond the edge of the parking lot, it will be measurable in the field at night to verify it meets the specs that were turned in.

Joe Schifano made the motion to approve the 30' light poles variance contingent on the applicant providing the revised photo metrics drawing to the City before the building permit is issued and that before a Certificate of Occupancy is issued that it is confirmed that the installed lighting meets the design. Mike Kelley seconded the motion. All approved, the variance was granted.

With no other business to come before the board Joe O'Brien asked for a motion to adjourn. Joe Schifano made the motion to adjourn. Joe O'Brien seconded the motion.

The meeting was adjourned at 8:25 AM.

A handwritten signature in cursive script, appearing to read "Angie Brown", written over a horizontal line.

READ AND APPROVED / Angie Brown, Building Official

Respectfully submitted,
Kelsey Cunningham
Secretary