

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
March 1, 2016 – 7:00 p.m.

PRESENT:

Bob Feyl, Chairman
Rich de la Rosa
Steve Pirro
Alex Walsh

STAFF PRESENT:

Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Four Others

ABSENT:

George Doohar

Chairman Feyl called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

PUBLIC HEARING:

- 1. Aspen Dental**
3590 W. Genesee Street
Syracuse, NY 13219

TM#: 047.-04-14.1

Area Variance: signage.

Chairman Feyl explained that the application in front of the Board this evening is a continuation of the February 2, 2016 meeting of the Zoning Board of Appeals.

Michael Loucy, National Sales Director of Image Press, and Todd Phillips, Vice President of Real Estate and Construction of Aspen Dental Management, Inc., presented the application.

Chairman Feyl stated that the applicant was seeking a variance for four window signs. Explaining the applicant has maximized the sign on the front of the building, as well as maximizing the free standing sign. Chairman Feyl also explained that the developer has informed the Town of Camillus that he would change the free standing sign to accommodate other tenants as needed.

Chairman Feyl stated that this request for a variance, in his opinion, is excessive and that the Board should take into consideration, if approved, that the variance goes with the property, not the business.

Mr. Loucy stated that, at the last meeting, the pylon sign was discussed and Aspen Dental was asked if it would be willing to change or negotiate the pylon sign. Mr. Loucy stated that he has discussed this with Aspen Dental. Mr. Loucy informed the Board that Aspen Dental is not willing to negotiate/share the usage of the pylon sign.

Chairman Feyl asked if the applicant was aware that an email had been sent to the Town of Camillus stating that, upon request from the other tenants, the existing pylon sign would be

shared and therefore changed from what currently exists. Chairman Feyl stated that he has never heard of a business that does not want a sign.

Mr. Phillips stated that he was not aware of this information and that it did not make any sense to him as the way the deal was explained to him was that each stand-alone building would have its own pylon sign and that the multi building would have its own sign to share among tenants. Further explaining that he was told by the property owner that Panda Express would have its own pylon sign, Chipotle would have its own pylon sign, Aspen Dental would have its own pylon sign, and the multi building would share a pylon sign. Mr. Phillips stated that the sign was all ready to go, bought and paid for by the property owner and does not understand the issue with the pylon sign and for requesting to have window graphics.

Chairman Feyl explained that window graphics are not allowed within the Town of Camillus according to the Town Code. Chairman Feyl also stated that the applicant went in front of the Camillus Planning Board, and as a result, a resolution was made, numbered #44, which was read into the record.

Chairman Feyl stated that no ancillary signage is allowed according to the resolution, only primary signage as depicted on the building is allowed. Chairman Feyl reiterated that this request for a variance, in his opinion, is excessive and, if approved, goes with the property, not the business and the Board should take that into consideration.

Mr. Phillips stated that the owner gave Aspen Dental the right to the entire pylon sign in the lease that they signed.

Mr. Phillips stated that the developer must have appeared in front of the Camillus Planning Board as no one from Aspen Dental appeared.

Chairman Feyl stated that in his opinion the request for variance is astronomical in size and he has concerns because the variance would go with the property should it be granted.

Mr. Phillips stated that Aspen Dental is a CNY company based in Syracuse, having over 550 locations over the country and in 36 states and window graphics are a part of their branding. Stating they are committed to central New York and provided drawings to the Board referring to the Cicero, NY stand-alone building. What they are asking for in Camillus, NY is far less.

Mr. Phillips approached the Board providing flyers showing what their location in Cicero, NY looks like.

Mr. Phillips explained that what they are asking of the Town of Camillus to consider is minimal in comparison to other Aspen Dental locations. Respectfully asks for kindness and consideration in keeping their branding. Mr. Phillips questioned why at their other Camillus location they could have window graphics and does not understand why they cannot have them at this location.

Chairman Feyl stated that the town simply does not allow window signage. Explaining that he himself has no objection to the building or the sign on the front of the building or the sign located out in front of the building, however, feels what they are asking for is an enormous variance for a few pictures to be displayed in the windows.

Mr. Phillips questioned the Panda Bear image on the front of the Panda Express building.

Chairman Feyl stated that the applicant never showed the Board the Panda Bear image and it

appeared illegally. Chairman Feyl stated that they have no permission to put it in there and are currently being issued a citation for having the Panda Bear in the window.

Ms. Otto explained that the building occupied by Aspen Dental only allows 50.66 sq. ft. of signage on the front of the building. Aspen Dental has already used up all of that except 2.16 sq. ft. and is seeking a variance of 127.3 sq. ft., therefore, the Board has to look at the magnitude of the variance that Aspen Dental is requesting and has to consider what the Planning Board did with placing a condition on what the Planning Board approved.

Chairman Feyl stated that the request for variance will be put to vote and that a decision would be made.

Mr. Phillips stated that Aspen Dental wants more signage, explaining that a great number of its clients are seniors needing signage and visibility to make it easier for them to see, stating the more signs the better. Mr. Phillips also stated that he does understand the town wants the signage scaled down a bit and is just looking for some consideration and compromise from the Board.

Mr. Pirro stated that the applicant as far as he can see has not scaled down any signage from the last meeting. Mr. Loucy stated that they would consider scaling down the window signage.

Ms. Otto noted that the copy of the abstract the Board has pertaining to this applicant's lease only allows it to have signage on the upper or top part of the pylon free standing sign.

Mr. Phillips stated that the landlord built the building, the sign for them and is baffled as to why if going to be a multi-tenant sign he was not informed.

Mr. Loucy confirmed that the four window graphics each measure 31.8 sq. ft., totaling 127.3 sq. ft. The window signs will be used to promote oral health and dental services provided by Aspen Dental. Signage itself is perforated window vinyl with 50% of it having holes and will not block anything as to a safety concern.

Mr. Loucy identified the following neighboring retailers that have window graphics: Party City, Rite Aid, Famous Footwear, and KFC, among others, further pointing out that these window graphics are made from solid vinyl.

Mr. de la Rosa questioned if the applicant would consider a smaller variance. Mr. Loucy stated that he believes his client would consider less square footage of signage.

Mr. Loucy stated that Aspen Dental has over 538 practices all over the country, having 40 within NYS and two locally, one in Cicero and one in DeWitt. Mr. Loucy stated that both of these locations have the window graphics that they are requesting to have at this location.

Mr. de la Rosa stated the window graphics they are asking for, in his opinion, are advertisement, not informational. Chairman Feyl stated that in his opinion the two window graphics for consideration with images of a male and female smiling serve no purpose.

Mr. Loucy explained that perhaps the images of people smiling promote good oral health and teeth. Mr. Loucy further explained that perhaps people with bad oral health do not smile.

Chairman Feyl stated that in his opinion 50% of what they are asking for serves no purpose and suggests that the applicant refrain from placing any of the window graphics up until receiving approval to do so.

Mr. de la Rosa moved to close the Public Hearing. Mr. Pirro seconded the motion and it was unanimously approved.

NEW BUSINESS:

None

MINUTES:

Mr. de la Rosa moved to approve the minutes of the February 2, 2016 meeting. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS

A voucher was received from Syracuse Media for legal advertising totaling \$77.91.

Mr. Pirro moved to approve payment of the voucher. Mr. de la Rosa seconded the motion and it was unanimously approved.

COMMENTS OF THE BOARD:

None

CORRESPONDENCE:

Mr. Pirro questioned the signage located on the side of the Green Planet building and that the Board asks that Camillus Code Enforcement look into this further as a variance for signage located on the side of the building was never granted.

OLD BUSINESS:

None

DECISIONS:

1. **Aspen Dental**
3590 W. Genesee Street
Syracuse, NY 13219

TM#: 047.-04-14.1

Area Variance: signage.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant Aspen Dental a 64 sq. ft. variance for two window signs, each sign being 31.8 sq. ft., with the verbiage depicted in the drawings but no photos or pictures as depicted in the application. Mr. Pirro seconded the motion.

The Board was polled, which resulted as follows:

Richard de la Rosa	Voting	YES
Steve Pirro	Voting	NO
Robert Feyl	Voting	NO
George Dooher		ABSENT
Alex Walsh	Voting	YES

Motion DENIED.

There was some question whether, given the split, another vote had to be made. The Board and Ms. Otto again discussed the application, and the condition of the Planning Board decision.

Mr. de la Rosa moved a second time to grant Aspen Dental a 64 sq. ft. variance for two window signs, each sign being 31.8 sq. ft., with the verbiage depicted in the drawings but no photos or pictures as depicted in the application. Mr. Walsh seconded the motion.

The Board was polled, which resulted as follows:

Richard de la Rosa	Voting	NO
Steve Pirro	Voting	NO
Robert Feyl	Voting	NO
George Dooher		ABSENT
Alex Walsh	Voting	YES

Motion DENIED.

ADJOURNMENT

Mr. de la Rosa moved to adjourn the meeting at 7:25 p.m. Mr. Pirro seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk