

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
April 5, 2016 – 7:00 p.m.

PRESENT:

Bob Feyl, Chairman
Rich de la Rosa
Steve Pirro
George Dooher

STAFF PRESENT:

Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Joy Flood, 3rd Ward Councilwoman
Dave Callahan, 6th Ward Councilman
17 Others

ABSENT:

None

Chairman Feyl called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance. Mr. de la Rosa moved to waive the reading of the Public Hearing notices. Mr. Pirro seconded the motion and it was unanimously approved.

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 was to be re-opened and in front of the Board this evening as the meeting held on March 1, 2016 needed corrections and clarification to be made by the Zoning Board of Appeals.

Ms. Otto stated the reason for the rehearing this evening is because the Board misinterpreted an email received from the Camillus Planning Board. Further explaining that a re-vote was done as the Board thought there was a non-action with the first vote, however, the variance request was actually denied the first time around. Ms. Otto expressed an apology on behalf of the Board and stated that the applicant would have an opportunity to present their application to the Board once again this evening.

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

Mr. Loucy approached the Board providing printed images of 50/50 perforated vinyl window graphics. Mr. Phillips explained that Aspen Dental has had printed and installed this type of window graphics at over 550 locations all over the country and explained that many municipalities have considered the graphics to be 50% less when calculating the total window area for a variance. Mr. Phillips is asking the Board to consider their proposed graphics in the same manner, as 50% less of the total overall area.

Mr. Phillips explained that what they are asking the Town of Camillus to consider is minimal in comparison to other Aspen Dental locations. Respectfully, Mr. Phillips asked the Board for kindness and consideration so they can keep with their branding. Mr. Phillips questioned why other businesses located within the Town of Camillus could have such window graphics and does not understand why Aspen Dental cannot have them at this location.

Mr. Loucy provided printouts to the Board of what a solid opaque window graphic looks like, stating that other surrounding businesses have them currently.

Mr. Phillips stated that there are several reasons for wanting this variance, such as patient/client health privacy. Many of their customers do not want others looking into the business seeing them in the waiting room. Mr. Phillips stated that, in addition, there are other reasons for this request, such as corporate branding and being easily identifiable to individuals going to the business.

Mr. de la Rosa questioned if the applicant was willing to compromise on the size of the variance request and if the applicant would consider downscaling. Mr. Phillips stated that they did downsize from their original request and would be open to compromise.

Mr. Pirro questioned the coverage percentage of the window graphics. Mr. Pirro also questioned the height of the proposed graphics. Mr. Phillips stated that the window graphics would be 82 inches in height by 56 inches in width.

Chairman Feyl explained that several of the businesses shown as an example to the Board are illegal and stated they do not have variances approving such signage.

Chairman Feyl further explained that while some of these businesses have window advertisements, these advertisements are legal and can be utilized, however, cannot exceed 30 days, as regulated by our Camillus Codes Enforcement Office.

Mr. Phillips stated that the 50% perforated window graphics are also used for blocking the south sun. Chairman Feyl stated that the use of the pulldown shades that are currently installed could serve that purpose.

Chairman Feyl and Ms. Otto stated that just because these other businesses have window graphics does not make them legal and will be enforced by the Camillus Codes Enforcement Office as enforcement is not within jurisdiction of the Zoning Board of Appeals.

After a discussion among the Board, Ms. Otto and the applicants, Ms. Otto explained that a vote cannot be done on a lesser variance request if one is not presented to the Board. If the variance request is not modified by the applicant, and if the variance is denied, it would be denied entirely in its entirety and a lesser variance, if not requested, cannot be considered.

Mr. Phillips asked once again for the Board's consideration as this is a commercial location, will be using 50% perforated vinyl and is trying to do the right thing by applying for a variance. Mr. Phillips stated that he understands that the Town of Camillus is extremely conservative with granting signage variances but would hope the Board would consider a compromise.

Mr. Dooher stated that he has concerns with the Camillus Codes Enforcement not being uniform in citing those businesses who do not properly seek a variance for signage.

Chairman Feyl suggested considering a smaller variance request and reiterated what Ms. Otto mentioned, suggesting the applicant consider only using half of the window panel signs as in his opinion the bottom half serves no purpose.

Following Chairman Feyl's suggestion, Mr. Loucy calculated the square footage of using only half the proposed window graphics and reduced the square footage by 50% given that the vinyl would be perforated. Mr. Loucy, Mr. Phillips and the Board determined that only a 35 square foot variance would be required if the applicant installed four 8.652 square foot perforated vinyl graphics. Eliminating the bottom half of the signs would reduce the magnitude of the variance being requested and would further alleviate any safety concerns.

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

2. Realty USA
5104 West Genesee Street
Camillus, New York 13031

TM#: 040.-10-26.1

Area Variance: signage.

Chairman Feyl asked that the applicant refer to the Hearing Guide when addressing the Board and answering questions.

Ms. Cristina Caceres from Kassis Sign Company appeared before the Board to discuss the application for an area variance. Ms. Caceres explained that Realty USA is facing a hardship as the sign was made based upon a verbal approval of Mr. Tom Price, Camillus Code Enforcement Officer given to Mr. Simmons of Realty USA.

Ms. Otto stated that the previous sign was outlawed back in 1998.

Chairman Feyl stated that the Town prefers monumental style signs and explained that most of the signs in the Town of Camillus are monumental in appearance and style. Chairman Feyl provided several examples of acceptable monumental style signs.

Ms. Caceres approached the Board providing a copy of the Zoning Board of Appeals February 16, 2010 minutes. Chairman Feyl read the minutes into the record.

Ms. Caceres stated that based upon the approved minutes from 2010, a 10ft. variance to the total area; a 5ft. variance to the height limitations and a 12ft. front property line setback variance was granted.

Ms. Caceres provided an explanation of what the proposed sign would look like. Ms. Caceres stated the measurements of the proposed free standing sign would be 11ft. from the top of the sign to the bottom, 16inches wide, totaling 32 sq. ft. in area. Ms. Caceres stated the proposed sign will be internally lit with illuminated LED lighting.

Mr. David Simmons of Realty USA discussed the sight line and expressed safety concerns in following with the current code requirements. Chairman Feyl questioned if the elevation was raised. Mr. Simmons confirmed that the elevation was raised and explained that Realty USA spent quite a bit of money to do so.

Chairman Feyl stated he had concerns with the proposed sign being a distraction to drivers along West Genesee Street and with visibility on the corner of the property where West Genesee Street and Hinsdale Road meet. Chairman Feyl suggested the applicant come down in the height of the sign.

Ms. Otto explained non-conforming laws and expiration of rights over a term of 6 months. Stating according to Mr. Price and Sec.1102 of the Town of Camillus Code, rights terminate upon a discontinuance of use of over 6 months.

Mr. Pirro questioned how long the sign had been down for and the period of discontinued use. Mr. Simmons confirmed that the sign and building had been nonoperational or not used for over a period of 1 year.

Mr. Simmons stated that they are simply trying to do the right thing and ask for a variance they thought was already approved. Mr. Dooher questioned if Mr. Price provided an explanation for, and clarification of, changing his mind.

Ms. Caceres asked for the Board's consideration and stated that Realty USA is facing a hardship as the sign was made based upon a verbal approval of Mr. Tom Price. Mr. Simmons stated that this sign is necessary for identification as no signs are allowed on the building itself according to code.

Ms. Flood, 3rd Ward Councilwoman stated that she was speaking on behalf of 6th Ward Councilman Callahan, expressing that the proposed sign was not supported or preferred and feels it would be better visible as a monumental style sign.

Chairman Feyl questioned the severity of hardship Realty USA would face financially if it does not receive approval. Ms. Caceres explained the sign has been completed and therefore, steel would need to be cut, wiring recalculated and an additional cost of at least \$500 would occur.

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

**3. Tommy Kehoskie
186 Bennett Road
Camillus, New York 13031**

TM#: 017.-05-39.0

Area Variance: New build, set back 35ft. from front line and 5ft. from west side property line.

Mr. de la Rosa moved to set the Public Hearing for April 5, 2016. Mr. Pirro seconded the motion and it was unanimously approved.

Chairman Feyl asked that the applicant refer to the Hearing Guide when addressing the Board and answering questions.

Mr. Tommy Kehoskie appeared before the Board to discuss his application to remove a trailer home located at 186 Bennett Road and obtain a variance to build an 1800 sq. ft., 50 ft. wide ranch style home.

Mr. Kehowskie further described the property to have septic, not sewers and explained that, with the location of the leach field, he felt the proposed location was his best option as nothing

can be placed upon the leach field. Mr. Kehoskie stated that the proposed location is in keeping with the location of the other homes in the area and doing so also allows him to optimize his backyard usage.

Mr. de la Rosa stated that in his opinion it would be in line with the other homes as most are only set back 35ft.

Chairman Feyl stated that he spoke with Mr. LaFlair, 2nd Ward Councilor, and Mr. LaFlair shared his comments of support with the applicant and Board. Mr. LaFlair noted that he spoke to the surrounding neighbors and received no negative feedback.

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 March 1, 2016 meeting. Mr. Doohar seconded the motion and it was unanimously approved.

VOUCHERS

None

COMMENTS OF THE BOARD:

None

CORRESPONDENCE:

None

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. Doohar moved to grant Aspen Dental a 35 sq. ft. variance for the installation of 50% perforated vinyl window graphics, to allow for four signs each sign measuring 8.652 sq. ft. Mr. de la Rosa seconded the motion and it was unanimously approved.

2. Realty USA
5104 West Genesee Street
Camillus, New York 13031

TM#: 040.-10-26.1

Area Variance: signage.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant an 8 sq. ft. variance for the size of the sign, totaling 32 sq. ft. in area. Mr. Pirro seconded the motion and it was unanimously approved. Mr. Pirro moved to grant a 5 ft. variance to allow for an 11 ft. high sign with respect to the height of the sign. Mr. Dooher seconded the motion and it was unanimously approved.

3. Tommy Kehoskie
186 Bennett Road
Camillus, New York 13031

TM#: 017.-05-39.0

Area Variance: New build, set back 35ft. from front line and 5ft. from west side property line.

Chairman Feyl and the Board conducted the SEQR review.

Mr. Pirro moved to grant the construction of a new house set back 35 ft. from the front yard property line. Mr. Dooher seconded the motion and it was unanimously approved. Mr. Pirro moved to grant a 2 ft. variance from the side yard setback requirement. Mr. Dooher seconded the motion and it was unanimously approved.

ADJOURNMENT

Mr. de la Rosa moved to adjourn the meeting at 8:17 p.m. Mr. Pirro seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk