

TOWN OF CAMILLUS
Zoning Board of Appeals Minutes
May 3, 2016 – 7:00 p.m.

PRESENT:

Bob Feyl, Chairman
Rich de la Rosa
Steve Pirro

STAFF PRESENT:

Susan Otto, Esq.

GUESTS & MEMBERS OF THE PUBLIC:

Dave Callahan, 6th Ward Councilman
4 Others

ABSENT:

George Doohar

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. Ticada Realty II, LLC
New York Spine & Wellness
Syracuse Orthopedic Specialists
5417 West Genesee Street
Camillus, New York 13031

TM#: 065.-04-06.1

Area Variances: two signs on the face of the building and a 9.37' high free-standing sign set back 2' from the east property line.

Chairman Feyl asked that the applicant refer to and follow the hearing guide when answering questions and addressing the Board.

Ms. Kathleen M. Bennett, ESQ. of Bond Schoeneck & King presented the application to the Board.

Ms. Bennett stated that the applicant is the owner of the property and currently leases the space to Syracuse Orthopedic Specialists (S.O.S.) and NY Spine & Wellness Center. Ms. Bennett explained that this property was part of a subdivision and re-subdivision process submitted by Dr. Fallon back in 2014, where signage then was an issue and discussed. Further explaining the issues with signage especially since her client's lot only has 35' of frontage off of West Genesee Street.

Ms. Bennett stated that back in 2014 a common drive was designed and shared which took up most of the 35' of frontage leaving very little room for signage. Ms. Bennett stated that signage was previously discussed between her client and Dr. Fallon, however, circumstances have since changed and that is why they are seeking a variance for the free standing sign.

Ms. Bennett stated that her client has been using in the interim a temporary free standing sign and while using it several patients have complained that they cannot find the building. Further

explaining that once finding the building patients do not know where or which office building entrance to use. Ms. Bennett stated that her client Ticada Realty II, LLC is seeking a variance for a permanent free standing sign and signage on the building with hopes to resolve these issues. Ms. Bennett stated that her client's building is not a typical office building as one must physically leave the building to go into another office space; patients cannot access any of the other offices from within the building.

While referring to Drawing L-1 for the location, Ms. Bennett explained that the free standing sign is similar to the temporary free standing sign, however, are requesting a variance for the setback requirements. Ms. Bennett stated that her client will require a setback of 2' from easterly property line instead of the required 15'. Ms. Bennett stated that the proposed sign would be 9.375' from grade in height, instead of the permitted 6'. Ms. Bennett also stated that the sign will be 24 sq. ft. as allowed by code identifying building tenants, however, would like the sign to be lit and more importantly to have a sign.

Ms. Bennett provided the proposed sign dimensions for NY Spine and Wellness sign to be 54.25sqft, 15.5' x 3.5' and the SOS to be 49sqft, 14' x 3.5'. Ms. Bennett stated that the proposed signage will be led backlit for the front of the buildings. Ms. Bennett explained that the reason for the proposed signage on the face of the building is to identify building entryways for each provider with trying to make it more visible to patients in the evening. Ms. Bennett stated that her client feels it is extremely important to have the proposed signage. Ms. Bennett explained that much of the surrounding area is zoned LBO or commercial. Stating the most in the immediate vicinity have signs on the building or free standing signs. Ms. Bennett stated that several LBO properties despite the code have signs on the buildings and provided a handout identifying the properties to the Board.

Ms. Bennett stated that, according to the handouts provided, there are visible signs in the Studio5 building adjacent to her client's property, a sign in the window of the State Farm Insurance office across from the property, and a larger sign and photo located on the NBT Bank on the corner of Channing Lane and West Genesee Street with a sign on its elevation. Ms. Bennett stated that there was also signage, as moving down West Genesee Street, across from the Camillus Commons Plaza that looks to be on the frontage of the building that is within the LBO district. Ms. Bennett provided documents showing and demonstrating that there are other buildings within the LBO district with signage on the front of the building and referred to the zoning map pulled from the Town of Camillus website and Google maps online.

Ms. Bennett explained that in this area there is very little residential usage along the main street but instead along the side streets. Ms. Bennett stated that with respect to unique features making the variances necessary is that the building is setback 256 ft from West Genesee Street making it less visible to drivers. Ms. Bennett referred to Site Plan L1, stating that it indicates that the owner of the front lot may develop the lot, further limiting the visibility. Ms. Bennett stated that the owner of the front lot previously stated to her client that he would allow signage on that lot, however, will not most likely be happening at this point.

Ms. Bennett stated that her client's patients have submitted several complaints. Further explaining that patients are late to their appointments and become aggravated about not knowing where to go and what entry is correct. Ms. Bennett stated that having signage on the building would make patients with limited mobility or in pain to find the building and access the proper office reducing number of late visits and patient aggravation. Stating that it would further reduce traffic, U-turn confusion and would improve traffic circulation internally reducing the number of trips around the parking lot. Leasability at some point may be impacted as patients may become aggravated about going there if nothing is done to resolve these issues.

Ms. Bennett stated that there would be no negative effect on the surrounding neighborhood, nor would there be any negative environmental impact or any detriment. Stating character of the neighborhood is commercial with several free standing signs on the surrounding properties.

Ms. Bennett stated that her clients proposed free standing sign is not different in size, scale or scope of other surrounding properties free standing signs. Explaining in this case with the setback being so far from West Genesee Street there is really no other place for a free standing sign to be located other than what they are proposing.

Ms. Bennett stated that the proposed signage on the building would help to try and resolve patient issues and concerns. Further stating that the required variance would not be substantial as the area is commercial.

Chairman Feyl asked if the applicant read the code before purchasing the property. Ms. Bennett stated that she believes they did, however, signage had always been an issue. Chairman Feyl explained that the parameters set for the driveway were set by Onondaga County not the Camillus Planning Board.

Chairman Feyl stated that the application was continued for over five months and the applicant totally ignored the Town of Camillus Code which does not allow signage on other individuals' properties, it is simply not allowable within the Town of Camillus and no variance can be granted to do so as it is simply not allowed.

Chairman Feyl explained that Ms. Bennett had identified only one building to the Board that was in an LBO district, NBT Bank, as the Code was passed to allow NBT Bank signage and after the fact by ruling of the Town Board zoning was changed to the surrounding areas making them commercial, however, with NBT Bank staying as LBO.

Chairman Feyl stated that the Board has no objection to considering a sign as far as the setbacks; however, signage on the building within an LBO simply is not allowed. Chairman Feyl stated that the applicant currently has several directional signs larger than 2 ft. sq.

Mr. de la Rosa stated that the applicant is allowed directional signs and feels that patients would be able to find the proper building and entrance with the use of proper directional signs.

Ms. Bennett stated that her client has stated that they get over 20 complaints a week with more complaints in the winter months, as some people simply cannot figure out the directional signs.

Mr. de la Rosa stated that if the patients do not look or read the directional signs, then why would a variance for signage on the building improve matters, especially it is against code and is simply not allowed.

Mr. Pirro stated that conversations were had in the planning stages of the building and that it has been known from the beginning that signage on the face of the building is not allowed.

Chairman Feyl stated that the applicant is zoned LBO. Everything from the street light at Knowell Road west is LBO and from the street light east is commercial.

Chairman Feyl stated that the Town Master and/or Comprehensive Plan indicates there will be no commercial zoned properties west of Knowell Road.

Chairman Feyl stated that as it stands now we have to ask the Town of Camillus Code Enforcement office to cite the applicant for exceeding 2sqft in their current directional signage.

Chairman Feyl stated that the applicant is allowed to place the number of the location on the face of the building with following code requirements and suggests that the applicant remove the numbers from the freestanding sign and instead place them on the front of the building as in doing so the free standing sign would then meet code.

Ms. Otto explained that the applicant with regards to the free standing sign is only seeking a variance on the setback and height of the sign.

Ms. Bennett stated that she agrees that this has been going on since last March and that she understands where the Board is coming from with its frustration on the delay. Ms. Bennett stated that she will take the message back to her client on what can and cannot be done.

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 stated that the Town of Camillus Code enforcement office misinterpreted the location and submitted paperwork based upon a wrong property address and submitted nothing with the correct property address.

Chairman Feyl questioned why someone at the last meeting didn't say that the wrong location was presented. Ms. Caceres explained that she went to see Mr. Price and Mr. Price wrote down the wrong address. Ms. Caceres stated that she filled out the application, putting 5104 West Genesee Street address on it instead of 5110 West Genesee Street, however, explained that the site plan and everything discussed was referring to 5110 West Genesee Street and the supporting documentation submitted to the Board was all referring to 5110 West Genesee Street.

Chairman Feyl stated that the biggest point Ms. Caceres brought up at our last meeting was stating that a 2010 variance was granted to 5104 West Genesee Street property, not 5110 West Genesee Street. Mr. Simmons stated that he wasn't even aware that there was variance for the 5110 West Genesee Street property. Mr. Simmons questioned if the variance granted back in 2010 runs with the land.

Ms. Otto explained that a variance does run with the land, however, the Board relied on a 2010 variance that does not even apply to the property at issue and, therefore, the ZBA needed to rerun the legal advertisement as the Board may have rendered a decision based upon the misrepresentation of the 2010 variance.

Ms. Caceres emphasized that everything discussed at the last meeting was referring to the correct location and that only on paper was the property listed as the wrong address.

Chairman Feyl discussed Chapter 30, Sec. 815 of the Town of Camillus Code. Ms. Otto explained that in 1997 a variance was granted for 5110 West Genesee Street, however, Sec. 815 of the code states that as of June 22, 1998 all signs existing that do not conform to the regulations of the code shall be allowed to continue until June 21, 2005, thereafter all signs must comply. Ms. Otto further explained that the variance that was granted only continued until June 21, 2005.

Chairman Feyl stated that in 2010 the only property changed was 5104 West Genesee Street not 5110 West Genesee Street. Ms. Otto explained that the other sign was changed without a variance and was not legal.

Chairman Feyl stated that a variance for the new building needs to be considered. Mr. Simmons questioned if the current sign located at 5104 West Genesee Street should go away. Ms. Otto stated that under the current code that sign is not conforming.

Mr. David Callahan, 6th Ward Councilman stated that he does recall that variance when the outer plastic was changed on the sign, stating that the applicant changed the two signs but only one was granted a variance. Councilman Callahan stated that he objects to placing a lollipop sign back up like the one the applicant had before. Councilman Callahan stated that if the applicant was to place a monument style sign that it wouldn't even have to ask for a variance as long as it conformed to the size requirements. Councilman Callahan stated that in his opinion what the applicant has built is such a beautiful building and would think that it would want a sign to compliment the building and objects to that particular type of sign the applicant is proposing. Councilman Callahan stated according to the Town of Camillus code it is not an allowable sign for that property.

Mr. Simmons stated that the sign being proposed was built because Mr. Price told him that the sign was all ok and received verbal approval to do so. Mr. Simmons stated that he assumed he had the variance and now realizes he doesn't. Mr. Simmons stated that Mr. Price changed his mind after giving him verbal approval and was then referred to the ZBA.

Chairman Feyl stated that at the last meeting the Board specifically asked the applicant to consider bringing the height of the sign down in size. Ms. Caceres stated she mispoke on the cost to change the sign at the last meeting.

Chairman Feyl still suggested that the applicant consider bringing the height of the sign down in size. Mr. Simmons stated that back in 2010 he believed there was a sight line issue and as the elevation of the lot has changed since then, bringing the height of the proposed sign down would be good. Chairman Feyl stated that he believes it was the Camillus Planning Board that expressed concern with sight line and of the sign.

Mr. Simmons stated that while he does appreciate the monument style sign, the applicant is just trying to keep with what has been fabricated and completed already.

Ms. Otto asked if that the proposed sign measures 32sq. ft. Ms. Caceres confirmed the proposed sign to be 32 sq. ft.

Councilman Callahan questioned if there was an issue with sight at that location with traffic coming down along West Genesee Street. Mr. Pirro stated there is a no right on red at any part of the intersection heading west. Councilman Callahan stated that the Town is trying to conform to the Code as it is written and this variance is totally non-conforming to what the Town of Camillus wants and respectfully asks that the Board consider keeping it lower.

Chairman Feyl stated that the Board is required to do its best to get each applicant to conform to or as close to code as possible without creating any problems or issues.

Ms. Caceres asked if the measurements the Board would consider to be reasonable and asked for clarification. Chairman Feyl stated that 6ft, possibly 7ft in height, 3-4ft off the ground is what is suggested the applicant consider as the sign is now 11ft in height. Ms. Caceres stated the pole is covered similar to the existing Aspen Dental sign located in Fairmount.

Ms. Caceres stated that if considering the suggested height that heading east along West Genesee Street the Walgreens sign would block its visibility. Chairman Feyl stated that if driving east at the proposed location and elevation it would be at the same exact height and if bringing the sign down as suggested, one would see the sign better as it would be below the Walgreens sign.

Ms. Otto stated if considering bringing the sign down to 7ft in height that the required variance would only be for a 1ft variance for height and an 8sqft variance for the overall dimensions of the sign.

Ms. Caceres stated that in her opinion structurally it would not look right and would be a considerable change to make it smaller. Chairman Feyl stated that nothing other than lowering the sign would change and the sign would be much more attractive in his opinion.

Mr. Simmons asked if that the overall height of 7ft is what the Board is suggesting the applicant consider. Chairman Feyls confirmed.

Mr. Pirro asked the current dimensions of the sign. Ms. Caceres stated the dimensions of the base to be 14inches wide around the pole. Mr. Pirro questioned if any ground cover or landscaping plans were in place where the freestanding sign would be located. Mr. Simmons stated that landscaping around the freestanding sign can be addressed and in doing so appearance of the sign look shorter, and would consider whatever the Board would recommend.

Chairman Feyl stated that consideration for 3.5ft from the bottom of the sign to the ground is made, with keeping the 32sqft sign but 3.5ft from the ground and suggests to have landscaping.

Ms. Otto questioned the overall height. Chairman Feyl stated the proposed overall height for the applicant to consider would be 7.5ft.

Mr. Simmons asked that the application be continued to June 7, 2016 to fully consider and discuss changing the sign.

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

NEW BUSINESS:

**1. Mark DeCarlo
111 Topaz Trail
Syracuse, NY 13219**

TM#:070.-03-06.1

Area Variance: construction of accessory structure (detached garage) in the front of the rear of the house.

Mr. de la Rosa moved to declare the application a SEQR Type II and set the public hearing for June 7, 2016. Mr. Pirro seconded the motion and it was unanimously approved.

VOUCHERS

A detailed voucher was received from Melvin & Melvin for legal services totaling \$2,085.00.

A voucher was received from Syracuse Media for legal advertising totaling \$61.01.

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

COMMENTS OF THE BOARD:

Mr. Pirro expressed his concern with the Camillus Code Enforcement office.

CORRESPONDENCE:

None

OLD BUSINESS:

None

DECISIONS:

1. Ticada, LLC

TM#: 065.-04-06.1

**New York Spine & Wellness
Syracuse Orthopedic Specialists
5417 West Genesee Street
Camillus, New York 13031**

Area Variances: a 9.37' high free-standing sign set back 2' from the east property line and two signs on the face of the building.

Chairman Feyl and the Board conducted the SEQR review.

Mr. de la Rosa moved to grant a 13' variance for the location of the freestanding sign. Mr. Pirro seconded the motion and it was unanimously approved.

Mr. Pirro moved to grant a 4' variance to allow a freestanding sign 9.37' in height. Mr. de la Rosa 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 Doohar		ABSENT

The Motion was DENIED.

Mr. de la Rosa moved to grant two signs on the face of the building over the entranceways to identify entrance ways for each of the businesses. Mr. Pirro 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 Doohar		ABSENT

The Motion was DENIED.

ADJOURNMENT

Mr. de la Rosa moved to adjourn the meeting at 8:15 p.m. Mr. Pirro seconded the motion and it was unanimously approved.

Respectfully submitted,

Krista Kenna, ZBA Clerk