

**ZONING BOARD of APPEALS
Town of Geddes
1000 Woods Road
Solvay, New York 13209**

May 11, 2016

Members Present:

Dave Balcer
Frank Smolen
David Tortora
Vincent Scarantino
Dominick Episcopo

Chairman Balcer calls the meeting to order at 7:00 pm and asks for all cell phones to be turned off or placed on vibrate. He recognizes all members in attendance.

First order of business was to approve the March 9th, 2016 ZBA minutes.

Motion to approve: Mr. Tortora

Second: Mr. Smolen

All in Favor: Smolen/Scarantino/Episcopo/Tortora/Balcer

Chairman Balcer opens the meeting to members and the public stating all matters heard by this Zoning Board of Appeals are in the form of a public hearing. Everyone who wants to be heard will be heard. Before speaking, we ask that you clearly state your name and address for the record.

Case #599 – At the request of Annie Papworth Blakely at 400 South Avery Avenue (TM# 041.-07-16.0) located in a Residential A; Single Family Residential Zoning District, for an Area Variance pursuant to Sections 240-11A.(3) and 240-11C.(3)(d) to construct a freestanding accessory structure (24 ft x 30 ft garage) where an existing attached garage already exists on the property and the code only permits one or the other but not both and to increase the allowable height from 20 feet – 0 inches to 21 feet – 0 inches and 1 foot increase in height.

The ZBA will take lead agency status for the purpose of SEQR and I would like to motion that for the purpose of the New York State Quality Review (SEQR) this case will be determined to be

an Unlisted Action, and will be given a negative declaration, unless otherwise advised by our council.

Seconded By: Mr. Scarantino
All in Favor: Smolen/Scarantino/Episcopo/Tortora/Balcer

Annie Papworth Blakely approaches the Board from 400 South Avery Avenue, Syracuse, Owner and presents pictures on her Ipad of the garage in question and why that structure does not lend to them using it for vehicles or storage. This is the address of the Bed and Breakfast on the above mentioned property. The current garage is a 3 stall garage built on the side of the house. She states that there is also a shed in the further back near the school that houses a few tools and a lawn mower. The reason for the new structure is to house an antique boat she wished to work on and a riding lawn mower that sits on the side of the garage. She shows pictures of the replacement structure and how it will be compatible to what is there now except more usable. North Country Storage Barns is the company that will be building it. They got all the permits and when it came to variances, they wanted the ZBA to know they are looking at this structure to be more of a storage barn than a garage. And the height is a little higher because we want to add the height to store special things and the bottom floor will be for the boat and riding lawn mower and what not. Balcer asks about the existing shed in the back and she verified that it is an old shed and has been hit by two trees so it will be coming down. And anything stored in there will be stored in the new structure. He also asks if there will be any paving as he came out to the property and saw a lot of cars parked there. She claims it's like a dirt road back there. She continues about how she has taken 13 trees down back there so far and that there will just be a path to get to the storage facility and no paving. Balcer asks if there will be any electrical service running to the garage and David Blakely (her husband) speaks up and says yes, to be able to see in the building. Ms. Papworth Blakely then advises that David Blakely will have a workshop in this garage as well. She also says there will be no running water or bathroom contained in the garage.

Balcer then addresses the deck. She claims the deck is for her to enjoy for herself. While the house is grand, people just walk in as it is a Bed & Breakfast and she wants her privacy. She states it is just for her. Mr. Tortora asks since the roof trusses and it's all going to be storage, if she can lower the 7 feet 8 inches to 6 feet 8 inches to fall into the what the Town will allow. She says she wanted to put in a slider and the stairs to the attic are pull downs so she wanted more room so she can be more organized up there. David Blakely speaks up to reason the higher measurement and Balcer then indicates to a drawing of what he is trying to explain and she explains that she has looked at the smaller ones and she just wants to be able to walk around and again be organized. Mr. Tortora states his reasoning is if the top will be for storage then what they are wanting can be achieved with the recommended regulated height by law. The one foot height variance is minor to Mr. Balcer. Mr. Balcer asks for feedback from the other members and Member Vincent Scarantino asks what do they intend to do with the current structure if this garage is approved? Mrs. Blakely claims the house has been maintained to keep the history since it was built in 1925 so they have strived to keep it original so the 3 stall garage would stay. They currently use it for storage for items needed in the interior of the Bed and Breakfast and the new structure would store all the outside equipment. So she wants to have and keep both

structures. Member Frank Smolen asks if at any time will they be using the top storage for any type of living quarters and Mrs. Blakely says no.

Mr. Balcer reminds Mrs. Blakely that he is a code officer in other municipalities and that the structure will be inspected and if it were to be found to be housing as living quarters that it would be deemed a liability. She confirms she knows that. Member Dominick Episcopo asks about the electricity and she hasn't had that addressed yet but there will only be electricity and no heat up there. She again states the room is needed for a woodshop for table saws and etc and she wants it to be more organized.

Standards of Proof:

1. Will an undesirable change in the character be produced in the neighborhood? No
2. Can the applicant achieve their goals in another reasonable alternative so as not to require the variance? No
3. Is the variance substantial? No
4. Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood? No
5. Is this a self-created difficulty? Yes

We have a letter from our attorney Mr. Curtin. He expressed concern about the dashed lines on your survey and if they represented property lines. I checked the tax map and it indicates that these were old property lines that were combined into your current property. He also expressed concern on how you would access the garage without a driveway being shown. We also have a letter from our Town Engineer asking how the grading will be done around the new structure so it does not adversely impact the neighboring properties. No grading or roads are being installed. Having visited the site, I do not see that to be an issue.

Balcer asked for any other comments and Mr. Andre Guzlak from St. John's Cemetery spoke and his concern is how far is this structure away from the fence from the cemetery. The answer was 17 feet from the closest corner. He was invited to review the map and drawing. A Mr. Steve Suche (also representing the cemetery) inquires about the water runoff and it is explained that the water will flow away from the cemetery and no pavement. The board was given a written ok from Father Dochak (also from the cemetery).

Balcer ask for other comments and closes the public meeting.

Mr. Episcopo makes a motion to approve in favor of the structure and if there are any issues in the future to forward them to the Code Enforcement Officer of the Town.

Seconded By: Mr. Scarantino

Chairman Balcer wishes to add that one condition should be that the shed must come down once the new garage is built. Agreed.

All in Favor: Smolen/Scarantino/Episcopo/Tortora/Balcer

Case #600 – At the request of T.Y. Lin International, Taco Bell at 4743 Onondaga Blvd. (Tax Map #055.-01-12.5) located in a Commercial A Zoning District with additional requirements for a “drive-in” service facility for Area Variances to erect signs for a new business. Pursuant to Section 240-38F.(1), 240-38F.(2) and 240-38F.(3) of the Town of Geddes.

- To increase the number of allowable signs from (1) one wall and (1) one menu board to (4) four wall signs and (1) one menu board. An increase of (3) three wall signs.
- To increase the allowable square footage of the menu board sign from (16) sixteen square feet to (44.5) forty-four and a half square feet. An increase of (28.5) twenty-eight and a half square feet.
- To increase the allowable height of the menu board sign from (5) five feet to (7) seven feet (3) three inches. An increase of (2) two feet (3) three inches.
- To increase the allowable square footage of the freestanding sign from (30) thirty square feet to (52.5) fifty-two feet (5) five inches. An increase of (22.5) twenty-two feet (5) five inches.
- To increase the allowable height of the freestanding sign from (12) twelve feet to (20) twenty feet. An increase of (8) eight feet.
- To increase the allowable square footage of the wall signs from (40) forty square feet to (121.2) one hundred twenty-one point two square feet. An increase of (81.2) eighty-one point two square feet.

The Zoning Board of Appeals will take lead agency status for the purpose of SEQR and Chairman Balcer would like to make the motion that for the purpose of the NYS Quality Review (SEQR) that this case will be determined to be an unlisted action, and will be given a negative declaration, unless otherwise advised by our council.

Seconded By: Mr. Tortora

All in Favor: Smolen/Scarantino/Episcopo/Tortora/Balcer

Randy Bebart, Project Manager for T.Y. Lin International for the Taco Bell Conversion Project and with him is John Mason from Hospitality Syracuse, Inc. who is the franchisee of Taco Bell. And as previously stated, they are here to request several variances. The real purpose of this is to increase the branding and to be compatible their competitors such as McDonalds and Burger King which one is across the street and the other a couple of parcels down. We submitted originally and then the Chairman called and the amount of the original requests of signs went down but our area went up. So he doesn't want to ask for more than they need but they want to be consistent with what is in the corridor. He proceeds to demonstrate on either maps or drawings in the room. They would propose to move the original pole sign for Taco Bell back 10 feet off the front property line so they are willing to remove that variance. The sign will stay the same except be moved back. The second request to eliminate would be the bell so that would substantially decrease the area we are asking for. By eliminating that bell sign, we reduced the area by 40.7 feet so they are going from 52.9 feet down to 12.2 feet which is the size of the Taco Bell letters on its own. So with that reduction we take that requested sign area which is listed in item #7 from 121.2 square feet down to 84.4 square feet.

Balcer asks if anyone went to the site to see this as there is a tree there that is going to be blocking it. He says understood. Balcer says he can't understand why a sign is needed there. It's going to be blocked. Mr. Bebart says he understands there will be some blockage by the tree there and also some view of it from different angles. So, he is asking for (4) four signs on the building, one on each side, at 84.4 square feet with the amended sign on the left side. He passes out a comparison sheet to show the Board what Burger King will have when they are done, what McDonalds is going to have when they are done remodeling. Just so that the Board knows that T.Y. Lin was the architect on record. Balcer asks about what McDonalds is doing and Mr. Bebart cannot say what the codes were at that time but McDonalds is going to remodel and have 4 building signs and keep their existing pole sign. He has a copy of the variance for McDonalds so the purpose of going through that exercise and if you look at the comparisons, the proposed sign they are proposing for Taco Bell is significantly less than McDonald and Burger King. McDonald's sign is 330 square feet, Burger King's is 132 square feet and Taco bell is asking for 52.5 square feet. McDonald's pole sign is 30 feet tall, Burger Kind's pole sign is 19.5 and Taco bell is asking for 20 feet. Balcer keeps asking about past approvals and Mr. Bebart does not have that information readily available but he refers those questions to Mr. Albrigo in codes that he would know. Mr. Bebart believes that these variances are very reasonable for what is out there. Basically the variances they are asking for is in between what McDonalds has and what Burger King has. So what they are saying is Taco Bell is obviously competing with those businesses so they just want to be on the same "playing field" as them. The changes that they have proposing at this meeting puts them in the same area, not excessive and we believe it's fair. And the other 2 variances which they are asking for is menu board. They are asking for size and height. It is oversized and taller than it needs to be and it's driven by the menu panels that need to go in there. It is comparable to McDonalds and Burger King and doesn't feel it proposes any environmental impact or area character change in the neighborhood. It is a lot less substantial than what they proposed earlier tonight with getting rid of the bell. It is a third less.

Balcer asks him if he believes it won't change the character of anything because of what is already in the neighborhood? Yes he agrees. He also agrees that it is self-created. Balcer explains that he feels himself that this area is more "impulse" driven and that people who come to Taco Bell are because they live in the area or work in the area and not a location like West Genesee Street or Route 11 or where people would come from out of town to go there.

Balcer reads a letter from the Town Attorney, Mr. Curtin stating the variances requested are "somewhat extraordinary, self-created and given the number and location of the signage, may appear that this is somewhat excessive".

Also a letter from the Town Engineer, Mr. Morse indicates questions and concerns about the filtration basin. While Balcer believes this more pertains to the owner and are important, but do not have anything to do with the variance and nothing to do with the Board's decision. I trust you will address this letter with him. Mr. Bebart agrees and then he says the submitted pole sign information is because the current one is really out of scale so they didn't want it to look taller than it was. Basically Mr. Bebart is asking this Board to be as fair to Taco Bell as it has been to McDonalds and Burger King.

John Mason from Hospitality Syracuse Inc. speaks in favor of this request. He apologized for some of the hiccups in getting here and for the changes in getting through this process. He really

pushed their engineers to create this process as they just executed the lease in March. He says what the Board is getting is an adaption of Tim Horton's which make things a little different from what they normally do. More background of this is that this is a whole new look trying to be duplicated on this building. Taco Bell has come out with a whole new scheme of visuals of how our buildings have to look going forward and this building is going through a process of taking a building that is not a Taco Bell and turning it into a building that the architects have decided they want it to look like. It's the only one in the area that will have this look. It's more of a cleaner, industrial look than the other Taco Bells. We also try to be sensitive to what is around us so that's why I asked them to take the bell off. Mr. Mason agrees with Mr. Balcer and will drop the 12.2 square foot signage off also to reduce the square footage down further. So we are down to 3 signs and Balcer agrees to see the sign a little smaller and a little shorter. He feels the Town doesn't want it that big. The sign for Burger King and McDonalds is critical for their business and Taco Bell's is nowhere near the size they originally went for. Mr. Mason feels the big sign will pull more business to Taco Bell with the students from OCC and Geddes. Overall if you take that and with what is already existing and add it into what the Board said, remember they are coming in after everybody else, including McDonalds which has a pylon sign of over 300 square feet with what the Board indicated in 2014 the variance was granted (he is reading from the actual minutes from their May 14th, 2014 meeting). In adopting and allowing McDonalds notwithstanding that they knew there was a pre-existing 300 square foot pylon sign, this Board went ahead and said ... McDonalds we will let you go over the signage limit on the building and he thinks the rationale stands for the same for the overall signage package and part of what the Board said was – Due to the potential of a vehicle being able to approach the restaurant from any direction, building signs are proposed on the front right and left sides of the building. He can't say the Board said this but this is what came out of the minutes and that Chairman Russ Miller said this motion would make no significant environmental impact and that this Board would act as lead agency, motioned and seconded and went on to grant the variances. So now he is asking for a total signage package that is well below the other competitors and to Taco Bell, every customer is more essential to them because they do half the volume of McDonalds. They are a lower price point, geared to a little less affluent population so the number of customers that can come to them are critical for their business. Granted this is self-created but it is very important to them that they can have as much signage as they can because they feel it's very critical for their business.

Balcer asks for any other comments. Mr. Tortora also states that there's a Dunkin Donuts with a small sign and a Tim Horton's with a small sign so Mr. Balcer does have a problem with that big freestanding sign. Balcer asks Mr. Espisopo for comments. He has none. Balcer has a problem with the square footage and the height of the sign. Balcer asks Mr. Espisopo again for a comment. He then says he would like to see the sign down a little. Balcer then picks Mr. Scarantino and then Mr. Smolen and both are okay with the free standing sign and the rest. Balcer says we are 3 to 2 on the freestanding. Mr. Balcer says he is okay with the sign on the east side of the building so that's why he wants the freestanding sign smaller. An offer is made to bring the freestanding sign down to 33 feet and bring the total height down to 16 feet instead of 20 and it will still meet requirements of walking underneath it. Balcer is now pleased with that and offers it up to the rest of the Board.

Balcer closes the public meeting.

Balcer motions to approve this with three conditions:

1. Decrease the allowable freestanding sign to 33 square feet in signage and 16 feet in height. Eliminating any requirements for any need of the 2 setback variances.
2. Decrease the allowable wall signage to 68.2 square feet and only 3 wall signs, which will be front, east and rear of the building.

Seconded By: Mr. Tortora

All in Favor: Smolen/Scarantino/Episcopo/Tortora/Balcer

He asks Mr. Bebart to resubmit the changes to Mr. Albrigo in the Codes Department. Then their Building Permit approval will be based on the Board's conditions and changes.

The time is 8:01 pm.

Mr. Smolen motions to close the meeting.

Seconded By: Mr. Scarantino

All in Favor: Smolen/Scarantino/Episcopo/Tortora/Balcer