

**Minutes of a Regular Meeting of the
Town of Geddes
Zoning Board of Appeals
December 11, 2019**

Members Present:

David Tortora -Chairman
Dominick Episcopo
Ron Benedetti
Frank Smolen
Steve Diana

Also Present:

Donald Doerr- Town Attorney
Marty Kelley- Town Council
David Balcer- Code Officer

Chairman Tortora calls the December 11, 2019 meeting to order at 7:00 p.m. and asks for all cell phones to be placed on silent.

Chairman Tortora confirmed with **all** Board Members that they have personally visited all the sites on for our new cases.

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 you clearly state your name & address or the company you represent.

Approval of November 13, 2019 ZBA Minutes

Member Episcopo made a motion to approve the November 2019 minutes as presented.

2nd- Member Smolen

All in Favor (Tortora, Episcopo, Benedetti, Smolen & Diana)

Opposed- NONE

Motion Carried- 5-0.

New Cases: None

ADJOURNE CASES:

Appeal Case # 650- At the request of Mc Donald's USA LLC, Applicant (Mc Donalds Corporation 31-0745 & Panos Enterprises, Owners) , for the premises located at 3329 W. Genesee Street(T.M. # 036.-01-05.0/1) located in a Commercial A: Shopping Area District, for Area Variances for signage, menu boards and parking. Wall signs: applicant seeks to increase the number of wall signs from 1 to 5, and the allowable total square footage from 40 SF to 116 SF. Menu boards: applicant is proposing 4 free standing menu boards (2 menu boards & 2 pre- browse menu boards) where the Code allows for one; and to increase the

allowable square footage from 16 SF to 60.2 SF and to increase the allowable height of two menu boards by approximately one foot. Parking: the applicant seeks to reduce the number of required parking spaces from 57 to 55 spaces in order to accommodate for an accessory structure (shed) on the parcel and such additional relief as may be necessary or appropriate.

Attorney Doerr reads into record the Resolution of the Onondaga County Planning Board dated 11/20/19.

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter- community or county-wide implications. The board has offered the following COMMENT(s) in regards to the above referral:

1. The applicant is encouraged to better adhere to signage maximums to reduce visual clutter along the corridor.
2. To improve walkability and access to public transit in this area, the Town is encouraged to work with the applicant and the owner of the shopping plaza to install sidewalks along the West Genesee Street frontage and throughout the plaza, including crosswalks and pedestrian signals at driveways, a planting strip between the sidewalk and the road, and an extension to the front entrance of the Mc Donald's building.
3. The Town is encouraged to require a circulation plan as part of the local board's review to demonstrate internal traffic flow for the shopping plaza and outparcels and look for opportunities to improve site circulation.

Steve Wilson (Bohler Engineering) - behalf of the applicant - states that the plan hasn't changed. Updated the square footing based on discussion in the last meeting on how the sign area was calculated. He speaks about the changes of the building and the signage with the Board. The signs are important to have it recognizes it's still a Mc Donald's. It's the reason why we are proposing for the signage. With the number of signs does increase, the square footing only increases when you total everything together between reductions associated with the menu boards getting smaller. The wall signage does increase. Only about a net increase by 8 to 9 sq. ft. Having signs in a corridor is very important to attract the impulse business.

Attorney Doerr states the code allows one wall sign and he is proposing five (5). The sq. ft. allows 40 SF, with the proposal is 121.9 when added everything up. The menu boards, you are allowed one, proposing four - (2) - menu boards & (2) browse menu boards. So the menu board's size to increase.

Mr. Wilson states that the pre- browse menu boards will be half the size as they are now.

Attorney Doerr states that the code allows 16 SF and he is proposing 60.2 SF for a variance of 44.2 sq. ft. and on the wall signs the variance would be 81.9 SF. Then finally they are allowed 5' tall on the boards, proposing for them to be 5'11" & 5' 11 ½ tall. That is basically what Mr. Wilson is asking for a 1 foot height variance. The elimination of two parking spaces of 57 to 55 spaces to make room for a shed.

Mr. Wilson state that there is plenty of parking spaces there now, with two spaces being eliminated will be no problem.

Chairman Tortora is asking Mr. Wilson to eliminate the drive – thru sign (Mc Donald's). With eliminated the sign it will decrease the proposing SF to 88.1 and that is manageable to give a variance.

Mr. Wilson states that he can eliminate the sign (Mc Donald's) on the Drive- thru side facing W. Genesee St.

All Members agree to eliminate the sign and no problem with eliminating 2 parking spaces.

Chairman Tortora opens the public hearing.

Town Council Mr. Kelley asks about the sodium content of the signage?

Mr. Wilson states all the signs are back lit.

Chairman Tortora states that the applicant would need a variance for the lighting.

Attorney Doerr states that the Board can approve the variance to extent the lighting to be illuminated light by back lit. The Board can add the variance for the lighting to the case.

Chairman Tortora makes a motion to close the public hearing.

2nd – Diana

All in Favor

Opposed- NONE

Motion – Carried 5-0

Chairman Tortora addresses the Standards of Proof:

1. Will there be an undesirable change in the character of the neighborhood or a detriment to nearby properties? **NO, it's a Commercial District that already has a lot of retail stores surrounding it. Also, applicant is reducing the SF signage.**
2. Can the applicant achieve his or her goal by some other feasible method? **NO, agreement to reduce the number of wall signs that reduces the SF.**
3. Is this requested Area Variance substantial? **YES, from reducing the SF on the sign, menu boards being reduced to more than half from the existing non-conforming signs. Not substantial for the parking and with the signage in the height.**

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? **NO, it's in a Commercial District (Shopping Center).**
5. Is this a self- created hardship? **YES, the other four factors balance out the four conditions.**

Based on the findings of fact, Chairman Tortora makes a motion to approve this case with 5 conditions.

2nd – Episcopo

All in Favor- Chairman Tortora- YES, Member Episcopo- YES, Member Benedetti- YES, Member Smolen- YES, Member Diana- YES

Opposed- NONE

Motion- Carried 5-0

Variances:

1. Two spot parking - variance
2. Allowing 4 wall signs when one is allowed
3. A total of 89.1 SF- variance of 49.1 SF
4. Allow 4 menu boards- 2 menu & 2 pre browse- 3 additional boards and increasing from 16 SF to 60.2 SF. Variance of 44.2 SF.
5. For all wall signage to be back lit opposed from indirect light.

Conditions:

1. The applicant must obtain a permit for the shed within 30 days.
2. Applicant must obtain a permit by December 1, 2020 for the signs & building. If not obtained the applicant needs to come back in front of the ZBA. Revised drawings of site plan to be submitted with building application
3. Code Officer to have decision on the intense of the lighting.

Chairman Tortora asks for a motion to close the meeting?

1st- Benedetti

2nd- Smolen

All in Favor

Opposed- NONE

Motion- Carried 5-0

Meeting closes at 7:45 p.m.

Minutes ratified by ZBA Board January 8, 2020

