

BALDWINSVILLE ZONING BOARD OF APPEALS
16 WEST GENESEE STREET, BALDWINSVILLE, NEW YORK

Approved 6/12/06

The regular meeting and public hearing of the Baldwinsville Zoning Board of Appeals was called to order on May 8, 2006 at 7:10 p.m. by Chairman Corrigan.

Present: Brian Corrigan, Chairman; C. Taft; J. Rutkowski; K. Beverine; M. Read; J. C. Engelbrecht, Village Attorney; Susan LaQuay, Board Secretary

Guests: Mr. and Mrs. Tom Reisinger, Applicants (106 Downer Street); Karen and James Thompson, residents; Jean Mocyk, resident; Dr. David Pearce, Applicant (30 West Genesee Street); David Razzante, Metropolitan Signs; Mike Lucia, Applicant (15 Grove Street)

The meeting was opened by reciting the Pledge of Allegiance.

OTHER BUSINESS

Chairman Corrigan called for approval of the April 10, 2006 meeting minutes. Chairman Corrigan noted 2 corrections. Upon motion by C. Taft and second by J. Rutkowski to approve the minutes as corrected. **Carried.**

OLD BUSINESS

Continuation of Public Hearing for 106 Downer Street - Mr. Tom Reisinger

Chairman Corrigan noted this public hearing was opened at the April 10, 2006 meeting. He stated photos and a petition had been submitted by Karen Thompson of 1 Monica Place. The petition was signed by neighbors who oppose the variance request. Chairman Corrigan read the petition into record. The petition was signed by Penny Herloski (11 Monica), John and Ann Simek (9 Monica), Gerry Kowalski (3 Monica), Judy Tasker (4 Monica), Sandra and Dominick Lucketta (7 Monica), (illegible) Parks (5 Monica), Karen and James Thompson (1 Monica), and Mike and Vicki Williams (8 Monica).

Chairman Corrigan also noted photos were submitted by Mr. Reisinger. Mr. Reisinger explained each photograph to the Board. One of the photos showed the shrubs that separate his property from 1 Monica Street. He stated they are 4' to 5' high. He stated that after he cut down the maple tree, Mr. Thompson had told him he planned to grow the shrubs higher like the shrubs that separate 1 Monica Street from their neighbors at 2 Monica Street. Chairman Corrigan noted the shrubs on that side of the property (between 1 and 2 Monica), relative to basketball hoop, appear to be approximately 5' to 6' tall.

Chairman Corrigan asked what windows in the Reisinger home would be enclosed by the fence. Mr. Reisinger stated the fence would block the living room and bedroom windows. K. Beverine noted that one of the photos appears to show the stake for the proposed fence being located in front of the building line of the home. Mr. Reisinger noted it is actually located behind the front of the house and it is the angle of the picture that makes it appear further forward. He provided another photograph to show the location of the stake more accurately.

Chairman Corrigan asked if there was any public present in favor of the application. There was none.

Chairman Corrigan asked if there was any public present opposed to the application. Mr. and Mrs. Thompson of 1 Monica Place are present. Mrs. Thompson noted that the shrubs on her property noted in the photographs submitted by Mr. Reisinger are between 13 and 14 years old and have always been kept trimmed. She noted they are 4' tall on the side of the property that adjoins the Reisinger's property. She stated they are higher on the other side of her property because of the location of the basketball net. The higher shrubs keep the basketball from going out of her yard. She noted this has never been a problem with her neighbor at 2 Monica Street. She stated that her husband had made the comment to Mr. Reisinger regarding growing the shrubs between their properties higher not to state that they would grow them higher, but would let them fill in since Mr. Reisinger had cut down the maple and the sun would not be blocked. She stated she would not take issue with a fence if it were only 4' tall. However, she noted that she looks out her dining room window right in to the fence as it is in her front yard. She also noted that the shrubs between her property and 2 Monica Street

where the basketball net is located are cut lower in the front to avoid obstructing the road and noted that the shrubs are not permanent like a fence is and shrubs can be cut. Chairman Corrigan noted that the Zoning Board does not address shrubbery and that is typically a DPW issue.

Chairman Corrigan asked if the Board had any questions for Mrs. Thompson. C. Taft asked if her garage is on the right side of her house. Mrs. Thompson confirmed this. C. Taft asked where the Reisinger's garage is located. Mrs. Thompson stated it is located to the left of his house. She noted that the previous owners of 106 Downer Street had put up the existing 6' fence and it initially was 2 fence sections longer towards Monica Street. The former CEO had made them remove the 2 additional sections as they infringed on the line of sight going down Monica Street.

Mr. Reisinger stated he feels that Mrs. Thompson is talking about his property as if it is hers. He noted he is looking for safety for his daughter and is not willing to put the pool on the other side of his home where it can be viewed from Downer Street. He noted he also cannot put it in the back yard. Chairman Corrigan noted the survey showing the position of the house and garage. He noted there is a large area on the west side of the property, but understands why the Applicant wants to put the pool where he is proposing, as having a driveway and garage between the house and a pool may not be safe. Mr. Reisinger stated he had discussed putting the pool in the backyard and Rolf Beckhusen had told him there would not be enough room.

Mrs. Thompson stated she feels that property owners cannot put in everything they want if they live within the Village, especially if they own a property of limited lot size on a corner. She feels the Applicant should be more willing to compromise. She stated she understands the Applicant's desire for the fence, but only if it were off the back corner of the house. She stated she disagrees with the fence mainly because it extends out into the yard.

Chairman Corrigan asked if the Board had further questions. K. Beverine noted the Board had suggested reducing the height of the fence from 6' to 4' and asked Mr. Reisinger if he would be willing to do this. Mr. Reisinger stated he still would like a 6' fence. Chairman Corrigan noted the code states a fence in a front yard cannot be higher than 4' and cannot have more than 50% composition.

Mrs. Thompson stated she does not feel a 6' fence would provide privacy as she can look into his yard from her windows. Mrs. Reisinger noted that they are not looking for privacy from the Thompson's, but from the busy street. Mrs. Thompson stated she thinks that the proposed fence looks nice, but does not fit with the surroundings. She also noted that she had previously proposed a front porch for her property and this was denied as it would be too close to the road. Mr. Reisinger's proposed fence would actually be closer to the road than her porch would have been. Mrs. Thompson stated that she also feels the pool can be placed somewhere else on the property. Mr. Reisinger stated there is not enough room for pool in the back yard and they plan to replace the existing deck with a patio.

C. Taft asked if there is an exit in the rear of the home that would go out to pool area. Mr. Reisinger stated the exit is not in back, but on the west side of the house near the driveway.

Mrs. Thompson noted that she has an in-ground pool in her yard and was able to do this because there is room on her property. She feels the Applicant should not have purchased that property if he wanted room for a pool. Chairman Corrigan noted that the Board does consider whether an issue is self-created.

Chairman Corrigan asked if there were further questions. There were none.

Upon motion by M. Read and second by C. Taft Chairman Corrigan closed the public hearing for 106 Downer Street, Baldwinsville, NY.

M. Read noted the following Findings of Fact for the property located at 106 Downer Street, Baldwinsville, New York:

- The application is for an area variance for the property at 106 Downer Street located in an R-1 zoning district of Baldwinsville, New York.
- The Applicant is Thomas Reisinger of 106 Downer Street, Baldwinsville, New York.
- The nature of the request is Article IV, Section 72-9 (C), to reduce the side yard setback from 40' to 27'.
- The property is a corner lot so there are technically two front yards.

- The fence will be a white vinyl PVC. The Applicant provided a photograph of the fence.
- According to the Applicant, the fence will maintain the aesthetics of the neighborhood.
- The Applicant removed trees and stumps which he felt detracted from the neighborhood. These trees were in place of where the fence would be, 10' to 15' from the street.
- The estimated cost of installation is \$500 to \$600. The Applicant will be installing the fence himself.
- The Applicant plans to place a small 3' deep, 12' to 15' diameter above-ground pool in the backyard. The fence is to provide privacy and safety for his child.
- Notifications were sent to adjoining neighbors at 1 Monica Place (Thompson), 11 Monica Place (Johnson/Herloski), 104 Downer Street (Godfrey), and 108 Downer Street (Henderson).
- Two letters were received opposing the variance and were read into record by Chairman Corrigan at the last meeting (April 10, 2006).
- Ms. Penny Herloski of 11 Monica Place spoke in opposition to the variance at the meeting on April 10, 2006.
- Mrs. Karen Thompson of 1 Monica Place spoke in opposition of the variance this evening and presented photos, as well as a petition opposing the variance that was signed by neighbors at 1 Monica Place (Karen and James Thompson), 3 Monica Place (Gerry Kowalski), 4 Monica Place (Judy Tasker), 5 Monica Place (illegible), 7 Monica Place (Sandra and Dominick Lucket), 8 Monica Place (Mike and Vicki Williams), 9 Monica Place (John and Ann Simek), and 11 Monica Place (Penny Herloski).
- The Applicant amended the variance request on April 10, 2006 to include Section 35A-6 regarding materials and composition of the fence as the fence will be more than 50% solid composition and to include section 35A-4(B) regarding height limitations for fences in front yards.
- The fence will be 22' from the edge of the roadway, 26' from the edge of the paved roadway, and the fence would be +/- 10' off the right-of-way.
- The house was purchased on December 9, 2005.
- The owner has constantly made improvements to the property since that time.
- There is an existing 6' fence in the backyard which was place by the previous owners that will be removed and replaced by this new fence in the future.
- The Applicant will removed the existing wooden deck in the rear of the home and replace it with a concrete patio.
- The fence would not be in front of the front building line on Downer Street, but would be in front of the front building line on Monica Place.
- It is noted that this neighborhood preceded the present code as to building line setbacks.
- Most homes along Monica Place, as well as this home, are approximately 25' from the street line.
- It was noted at the April 10, 2006 meeting by the CEO that, according to NYS code, any pool that can hold 24" to 48" of water must be surrounded by at least a 4' fence.
- According to testimony, there are no other 6' fences in front yards in that area.
- From evidence submitted, there are no other homes with fences of more than 50% solid composition in the front yard.
- The shrub lines across the street on the northeast corner of Downer Street is 4.5' to 5' and appears to be close to the street line.
- The home at 1 Monica Place on the north side of the property has a shrub line in front of the home of approximately 5.5' to 6'.
- According to testimony presented, to the north of the home (the "back back yard") the Applicant did advise there is approximately 17' of space between the rear of the home and the existing fence at that location.

Moved by C. Taft and second by K. Beverine to accept the findings of fact as stated. **Carried.**

Chairman Corrigan noted the following resolution to deny the variance request as submitted and amended by Mr. Thomas Reisinger for the property located at 106 Downer Street for regarding the fence height and composition and a reduction in side yard setback, as:

- The requested variance would produce an undesirable change in the character of the neighborhood.
- Based on testimony provided, there would be a detriment created to nearby properties.
- There are other feasible methods available to pursue the benefit being sought, which is the placement of a small pool, other than granting this requested variance of allowing a fence of the requested height and composition to be in a technical front yard.

- The requested area variance is substantial in that the fence would be 2' over code, the fence would be 16' beyond the building line, and the fence would be of solid composition as compared to the 50% composition.
- Per testimony and written materials submitted, the proposed variance would have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district.
- This request is to correct a self-created condition, which would be the location of the home as it relates to the plot of land that it sits on as purchased by the applicant.

Moved by K. Beverine and second by Chairman Corrigan to accept the resolution as stated. **Carried**.

Chairman Corrigan noted a "yes" vote would be to deny the variance request and a "no" vote would be to approve the variance request.

Vote -

B. Corrigan - Yes C. Taft - Yes J. Rutkowski - Yes K. Beverine - Yes M. Read - Yes

Chairman Corrigan noted this variance request has been denied. He told the Applicant the Board appreciates the time he has given, but the Board must weigh all concerns and consider the uniqueness of the property. The Board did not feel this property should be considered a unique piece of property. Chairman Corrigan told the Applicant that he still has the potential to do something in the rear of his home and should work with the CEO.

NEW BUSINESS

Public Hearing for 15 Grove Street - Mr. Michael Lucia

Chairman Corrigan opened the public hearing for 15 Grove Street and read into the record the public notice as published in the *Messenger* on May 3, 2006. Chairman Corrigan read into record the applicable code section. The area variance is of Article IV, Section 72-9 (G), to reduce the side and rear yard setbacks from 5' to 2' to accommodate an 8' x 8' shed.

Mr. Lucia is present to address the Board. He stated his property is a small lot and there is no room for a garage. He noted there is no outdoor storage for a snow blower/lawnmower, lawn tools, etc and he had been storing these items on his side porch. However, his lawnmower was stolen and, therefore, he would like to be able to put a shed on his property in the back left corner where there is a 6' fence to the rear and side. He noted this area is completely private and the neighbors on the rear and left would only see the top 2' feet of the shed over the 6' fence. He stated he selected the smallest shed offered and noted it is not a permanent structure, but is just put on a pad. Mr. Lucia stated his property is a small lot and if the shed were placed 5' from the rear and side, it would be right in the middle of his patio. He stated the shed will be aesthetically pleasing and will match the house with vinyl siding, windows window boxes, shutters, etc. and would benefit the neighborhood as his lawn equipment would be enclosed.

Mr. Lucia submitted pictures showing the site where the shed will be located and the 6' fence.

Chairman Corrigan asked how long Mr. Lucia has owned the property. Mr. Lucia stated since last November.

Chairman Corrigan noted Mr. Lucia is asking for a variance to have the shed put 2' off the property line. He stated that NYS building code requirement is 3' and this Board cannot grant a variance less than that. He noted that a variance from NYS is very difficult to obtain. He asked Mr. Lucia if he would like to amend his application to request a variance from 5' to 3' rather than 5' to 2'. Mr. Lucia agreed to amend his application. M. Read asked if this would now encroach on the existing patio. Mr. Lucia stated it would not.

Chairman Corrigan stated that, after calculation, that the shed would make the lot coverage more than the 25% allowed in code section 72-9(B). He noted it will be approximately 40' over code. Chairman Corrigan asked Mr. Lucia if he wished to amend his application to include section 72-9(B). Mr. Lucia agreed. J. C. Engelbrecht noted that the public notice had been for a shed and the size of the shed was included in the notice. Therefore, additional public notice is not necessary.

Chairman Corrigan noted that correspondence had been sent on April 26, 2006 to adjoining neighbors at 40 Syracuse Street (Jake and Michele Mills), 42 Syracuse Street (Mark and Mary Anderson), 17 Grove Street (State of NY- Syracuse Developmental Center), 38 Syracuse Street (John and Kathleen Dzencelowcz), 16 Grove Street (Paul and Susan Crandall), and 18 Grove Street (David and Jennifer Sullivan). There was no public present for or against the application.

Upon motion by M. Read and second by J. Rutkowski, Chairman Corrigan closed the public hearing for 15 Grove Street, Baldwinsville, NY.

M. Read noted the following Findings of Fact for the property located at 15 Grove Street, Baldwinsville, New York:

- The application is for an area variance for the property at 15 Grove Street, located in an R-1 zoning district of Baldwinsville, New York pertaining to Section 72-9 (G).
- The Applicant amended his application tonight to reduce the side yard setback from 5' to 3' (rather than 2') and to include Section 72-9 (B) to reduce the percentage of lot coverage.
- The variance application is to accommodate an 8' x 8' shed to provide for outdoor storage.
- According to the Applicant's testimony, a garage cannot be constructed due to the small lot size.
- The Applicant would like the shed to provide safe storage for belongings and testified that he recently had a lawnmower stolen from the side of their home.
- The ground is level and the shed will be on a slab of concrete.
- The variance will not produce an undesirable change in the character of the neighborhood.
- The shed will be designed to match the house (white vinyl siding, black shingles, black shutters).
- The variance will create no substantial detriment to nearby properties.
- According to the Applicant there is no other method to achieve the benefit of outside storage space, safety of belongings and keeping them out of plain view of the neighborhood.
- According to the Applicant, the proposed variance would not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district due to the high quality of the shed itself.
- Correspondence was sent to adjoining property owners at 16 Grove Street (Crandall), 17 Grove Street (Syracuse Developmental Center), 18 Grove Street (Sullivan), 38 Syracuse Street (Dzencelowcz), 40 Syracuse Street (Mills), and 42 Syracuse Street (Anderson).
- No correspondence was received for or against the application.
- According to the Applicant, the cost of the shed would be \$1,805.76.

Moved by C. Taft and second by K. Beverine to accept the findings of fact as stated. Carried.

Chairman Corrigan noted the following resolution to grant the variance as submitted and amended for 15 Grove Street for a reduction side yard setback and an increase in percentage of lot coverage, as:

- The requested variance would not produce an undesirable change in the character of the neighborhood based upon photographic evidence submitted.
- There would be no substantial detriment created to nearby properties.
- Due to the limited lot size, there are no other feasible methods available to pursue the benefit being sought other than to seek this requested variance.
- The requested area variance, though it can be considered substantial in that it is 40% of the setback requirements, based on the size of the property it is not substantial.
- The proposed variance would not have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district.
- Though this request is self-created, it should not be the sole issue to be considered in granting this request.

Moved by C. Taft and second by Chairman Corrigan to accept the resolution as stated. Carried.

Vote to approve the variance request -

B. Corrigan - Yes C. Taft - Yes J. Rutkowski - Yes K. Beverine - Yes M. Read - Yes

Chairman Corrigan noted this variance request has been granted and the Applicant must still comply with all codes and work with the CEO.

Public Hearing for 30 West Genesee Street – Dr. David Pearce

Chairman Corrigan opened the public hearing for 30 West Genesee Street and read into the record the public notice as published in the *Messenger* on May 3, 2006. Chairman Corrigan read into record the applicable code section. The area variance is of Code Section 57-3 (B3), to increase the size of the sign for Gentle Dentistry to 4' x 5' in dimension.

Dr. David Pearce, Applicant, and Mr. David Razzante of Metropolitan Signs are present to address the Board. Mr. Razzante stated they would like to increase in square footage the size of the sign to 20' square. This would be a custom sign with custom colors. He note the sign is approximately 2' square smaller than the sign at The Methodist Church and approximately the same size as the signs at Baker Photography and Gates Funeral Home, all on the same block of West Genesee Street. He submitted photos and specs for the above-mentioned signs. The submitted color drawing shows the colors and layout of the proposed sign. The "B" and "Baldwinsville" take up approximately half of the total square footage and this was to have them stand out for the Baldwinsville community. J. Rutkowski noted the font is similar to that on the Baldwinsville signs located on Oneida Street.

Mr. Razzante stated the shape of the sign is unique and will look nice. He noted that the base of the sign is an aluminum cover just to hide the posts to make them look nicer. He stated the overall height is 0.5' lower than the Methodist Church sign across the street.

M. Read asked how much the sign will cost. Mr. Razzante stated the cost of the sign \$3700. 00.

Chairman Corrigan read into record the code's definition of a sign's area. He noted that the covering of the "supportive uprights" makes the base part of the sign by definition and, therefore, the base will be included in the area of the sign. He noted that, therefore, the Applicant is asking for a 64' square sign.

Dr. Pearce stated that 11 years ago he made the existing sign as big as possible. However, patients frequently cannot find his location because the sign is too small. He noted that people who are familiar with the area have commented that they are not aware of his business. He noted that his business has decreased since five years ago and he wants the bigger sign to increase visibility. He noted the house has been in medical use for over 50 years. J. C. Engelbrecht asked if he relates the decrease in his business to the lack of a larger sign. Mr. Pearce stated he feels there is a significant relationship as it is his understanding of marketing that signage is the best way to increase business. He stated his patient load has decreased over the last five years and he is trying to put up a sign that will fit well with the Baldwinsville community. Mr. Read noted that he works in the field of marketing and stated that signage is important to a business.

C. Taft noted that the ARB discourages internally lit signage in the Village and the Applicant may have to go to the ARB if they want to use this type of sign.

Chairman Corrigan asked how big the current sign is. Mr. Razzante stated it is 12' square. Chairman Corrigan asked what size the signs for Baker Photography and Gates Funeral Home are. Mr. Razzante stated the sign at the Church is 4' x 6' and 7.5' tall and the other Methodist Church sign is 4' x 8' and 6' 6" tall. The sign at Gates is 52" x 38.5" and this includes the frame. It is 6' 3" tall, which includes the frame plus the 6' finial on top. The sign for Baker Photography is 50" x 35" and is 66" tall.

Mr. Razzante stated the survey does not show the curb cut, the 9.5' of grassy area, the 5' sidewalk, and then another 3' 3" of grassy area.

K. Beverine noted that sign has an illumination outline and asked what the purpose of that will be. Mr. Razzante stated it will give the sign a halo effect to soften the sign and the candle power of the lighting can be controlled to make it softer lighting. He stated the sign's lighting will be on a timer. Dr. Pearce noted the existing sign is on a timer to go off at 9 pm.

Chairman Corrigan noted that the signs at Gates and Baker replaced preexisting signs of the same size. He noted that the Methodist Church is located in a B2 zone and this Applicant's property is located in a R2 zone, which only allows for signs 4' square in size. However, the proposed sign would be replacing a preexisting sign, which is grandfathered and is 12' square per side and the proposed sign would be approximately 18.25' square per side. He noted even without the base they are still looking at an increase in size. Chairman Corrigan also noted that illuminated signs are still allowed in the Village except in B1 and B2 districts. As this is located in a R2 district, it will not have to go to ARB.

Chairman Corrigan stated he is a fan of the signs at Baker and Gates signs. He feels they fit character of the neighborhood. He stated he does not like the idea of "bigger is better" signs and noted that Dunkin' Donuts and Eckerd drugstore had been held to code for their signs and had to put in smaller signs than they wanted.

J. C. Engelbrecht stated he is concerned that the proposed change would set precedent and this Board is very cognizant of precedent. C. Taft noted that Baker Photography had wanted a bigger sign than they currently have and also had brought up the sign at Gates Funeral Home. Their larger sign was denied and it was noted to them that the sign at Gates was replacing his existing sign of the same size.

Chairman Corrigan asked if there was any public for or against the application. There was none.

Chairman Corrigan noted that correspondence was sent to 23 West Genesee Street (Marion Ellithorpe), 25 West Genesee Street (John Warner), 28 West Genesee Street (Resident), and 32 West Genesee Street (Duane and Susan Woodall). Nothing was received for or against the application.

J. C. Engelbrecht noted that Baker Photography was referred to in the testimony. He noted that the ZBA did reject an application from Mr. Baker within the last five years and, therefore, Mr. Baker installed a sign that was within the same square footage as the preexisting sign. That sign was grandfathered, as the code was enacted in January of 1992.

Dr. Pearce stated that his sign is grandfathered into the size of the sign he currently has and asked if the Board would be more receptive to his application if he scaled down the proposed sign to be closer to the existing sign's size. Chairman Corrigan agreed that the sign is grandfathered regarding the size of the existing sign. He noted that this Board has wrestled over signage in the Village and in this Board's trials with signs they did at one time go down a slippery slope regarding the size of signs. They, therefore, had to pull back and started adhering closely to code. The code says this location is only allowed to have 4' square sign as it is a residential area.

M. Read stated that, should they keep the existing size, they could still change it to make it more noticeable. He suggested they could use the landmark uniqueness of the building to draw attention to the building. C. Taft suggested maybe utilizing a plaque or marker noting the historical significance of the building.

J. C. Engelbrecht suggested the Applicant could amend his application and the Board could keep the hearing open. He noted that if he chooses to move forward with the application and is turned down, this could impact his ability in the future to come back before the Board regarding this issue. Chairman Corrigan stated they could just redesign the sign and keep it at its present size, in which case they could withdraw the application. J. C. Engelbrecht stated that he is concerned that if this application were granted for a sign 18' square then other applicants would be before the Board within a few months asking for the same thing.

Mr. Razzante stated he has a scaled down version of the sign with him. Mr. Razzante noted the base pole cover would be removed from the design. He noted that the sign at Gates is just over 16' square and their scaled down sign is 15.75' square. Taking off the corners of the arched top of the sign, it is down to 14' square.

J. C. Engelbrecht asked if the Applicant wished to formally amend his application to reduce the size of the originally proposed sign. The amended application would be for a sign 14' square per side and without the pole cover on bottom. Dr. Pearce stated he would like his application amended to reflect these changes.

J. C. Engelbrecht noted the top of the sign is rounded and the variance would be for an additional 2' square per side, which would be a bit larger than Baker Photography's sign and a bit smaller than the Gates Funeral Home sign.

Chairman Corrigan asked if the Board had any further questions for the Applicant. Per the Applicant's testimony, the Applicant would like to amend to size of the sign to 28' square (14' square per side). J. C. Engelbrecht noted that with the top being rounded it will be approximately 14' square. The amended application is for a smaller sign of the same design as the original application without the base cover. The height of the sign will be 6.5' to the top of the crown.

Upon motion by K. Beverine and second by C. Taft, Chairman Corrigan closed the public hearing for 30 West Genesee Street, Baldwinsville, NY.

M. Read noted the following Findings of Fact for the property located at 30 West Genesee Street, Baldwinsville, New York:

- The application is for a variance for the property at 30 West Genesee Street, located in an R-2 zoning district of Baldwinsville, New York.
- The variance request is in regard to Section 57-3 (B3). Per the Applicants amendment, the sign will be increased to 14 square feet per side for a total of 28 square feet.
- The maximum height of the sign per the amendment will be 6.5'. The sign will be mounted 3' off of the ground.
- The sign will be approximately the same size as signs of other businesses on the same street in the vicinity of this business.
- The schematics and photographs of the sign were submitted.
- The sign is designed to be aesthetically similar to the motif of the Village.
- The sign will cost approximately \$3,700.
- The sign is being constructed to increase awareness and business for the Applicant.
- There is no public present for or against the application.
- No correspondence was received for or against the variance request.
- The light for the sign will be on a timer from the early morning to 9 or 10 pm to keep the cost of electricity low and to not disturb neighbors.
- The current sign is approximately 3' x 4' and the variance per side will be 2 square feet per side, which is approximately a 15 to 20% increase in size.

Moved by Chairman Corrigan and second by C. Taft to accept the findings of fact as stated. Carried.

Chairman Corrigan noted the following resolution to grant the variance as submitted and amended this evening for Dr. David Peace (30 West Genesee Street), as:

- The requested variance would not produce an undesirable change in the character of the neighborhood.
- There would be no substantial detriment created to nearby properties.
- There has been no comment against this application by the public and neighboring property owners were notified.
- There are no other feasible methods available to pursue the benefit being sought other than to seek this requested variance.
- The requested area variance is not substantial, being approximately 15 to 20% over the size of the existing sign.
- The proposed variance would not have an adverse effect or impact on the physical and environmental conditions of this neighborhood and this district based on the present combined use of the area. This district is different than other residential areas in the Village based on the road it is on and the other businesses presently on the street.
- Though this request is self-created, it is not significant enough reason to deny the variance request.

Moved by C. Taft and second by J. Rutkowski to accept the resolution as stated. **Carried.**

Vote to approve the variance request -

B. Corrigan - No C. Taft - Yes J. Rutkowski - Yes K. Beverine - Yes M. Read - Yes

Chairman Corrigan noted this variance request has been granted as amended. He stated the Applicant must still comply with all codes and work with the CEO.

OTHER BUSINESS

Discussion/Recommendations regarding Code Changes - Sections 72-28 through 72-59

Extensive discussion took place regarding code sections 72-28 through 72-59. The Board made the following recommendations:

Regarding Section 72-28 (A):

The Board disagrees with the inclusion of "fire station" listed in uses. This should be changed to state "...libraries, fire stations **except for R1, R1a and R2**, park, playground...". The Board feels that fire stations that are to be put in a residential area should have rules and regulations to abide by in order to be a part of that residential community. J. Rutkowski stated he does not feel a fire department really fits into a residential setting, but recognizes they are essential; however, they should have parameters to abide by. The Board recommends the parameters be included in the code as follows:

- 72-28 (D) - Fire Stations allowed in R1, R1a, and R2 zones would have to abide by the following:
- a. The structure cannot be larger than the average square footage of the houses in the neighborhood with a 2-bay maximum and no more parking than for 10 vehicles.
 - b. No training is permitted in residential areas (R1, R1a or R2).
 - c. No live-burning is permitted in a residential zone.
 - d. No washing of personal vehicles is permitted on a residential site.
 - e. No fundraising will be held at a residential site (ex. casino nights, field days, barbeque, bingo, etc.).
 - f. Silent alarms will be mandatory in residential areas.
 - g. Proper road signage will be required to indicate a fire station is in the neighborhood.
 - h. Proper screening and buffering must be abided by.
 - i. No fuel pumps are to be located in a residential area.
 - j. No congregation except for fire fighting or maintenance and cleaning of the building.
 - k. No bunking/overnight facilities will be allowed in residential areas.
 - l. Non-intrusive lighting must be provided and approved.
 - m. No kitchen facilities are allowed with the exception of a kitchenette.
 - n. Regarding storm water protection and drainage- water quality must be maintained according to DEC requirements and neighboring properties should be protected.
 - o. Any and all vehicle maintenance (ex. oil changes) should be done at a non-residential site excluding routine washing of vehicles and minor repairs (ex. changing of flat tires, replacing of lights).
 - p. No drive-through buildings are allowed in residential areas. Garage doors must be on one side of the structure only.
 - q. Garage doors must be located on the front of the building facing the street.

The Board does not feel these are unreasonable requests if an independent fire company wishes to build in a residential neighborhood and feels these requests are in the public's best interest. The residential sites should not be the main facility and should be set up solely for the purpose of fighting fires.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,

Susan A. LaQuay
Zoning Board of Appeals Secretary