

Village of Baldwinsville Zoning Board of Appeals

Monday, April 11, 2022 @ 7:00 p.m.

Approve November 12, 2022

PRESENT: Jim Zuccolotto, Chairman
Jonathan Ream
Kevin Baker
Peg Halleron

ALSO PRESENT: Joe Frateschi, Attorney
Gregg Humphrey, Code Enforcement Officer
Mary Augustus, Secretary
Kristy Brightman, Maguire Family Limited Partnership's Attorney
Kathy Baker, resident

Mathew Fox and Rocco Nalli were not in attendance this evening.

Pledge of Allegiance

Motion by Mr. Ream was made to approve the Minutes from March 14, 2022, as written, second by Ms. Halleron

Carried 4:0

112 Syracuse Street-AREA Variance

Mr. Zuccolotto opened the Public Hearing at 7:08 p.m.

The Public Notice published in the Messenger on March 31, 2022, read as follows:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Zoning Board of Appeals of the Village of Baldwinsville, New York, at the Village Offices, 16 West Genesee Street, Baldwinsville, New York on April 11, 2022, at 7:00 p.m. upon the application of filed with the Board, for the following relief and/or such relief as may be necessary or appropriate relative to the premises situated at 112 Syracuse Street, Village of Baldwinsville, Tax Map Parcel 019.-02-39.1: a variance from Code §268-3(D)(1), which restricts the size of a commercial sign to 12 square feet in area and height of no more than 15 feet above ground, in order to allow the currently existing sign, which is 288 square feet and 22 feet above the ground to continue to exist

Communications in writing in relation thereto may be filed with the Board or presented at such a hearing.

Mary E. Augustus
Secretary, Zoning Board of Appeals

The following residents/business neighboring 112 Syracuse Street, Baldwinsville have been notified by mail regarding the Public Notice:

Name	Address	Tax ID #
Nobles Realty LLC 8608 Melvin Dr. S. Baldwinsville, NY 13027	91 Syracuse Street also owns 93 Syracuse Street & 85 Syracuse St	018.-02-06.0
Nicholas Angarano 210 Wolf Street Syracuse, NY 13208	107-111 Syracuse Street plaza owner	018.05-04.1
Steven J. Burns 100 Syracuse Street Baldwinsville, NY 13027	100 Syracuse Street also owns 104-106& 108 Syracuse St	019.-02-36.0
Michael Aloi & Terese Doran 90 Syracuse Street Baldwinsville, NY 13027	90 Syracuse Street	019.-02-31.0
Douglas Neish & Tonya Sweet 92 Syracuse Street Baldwinsville, NY 13027	92 Syracuse Street	019.-02-32.0
Weaver Mancuso Brightman PLLC 16 Oswego Street Suite 2 Baldwinsville, NY 13027	Hand delivered on behalf of Maguire	

The Code Enforcement Office did not receive any responses from the above list of notifications, in favor of or against.

A letter was emailed to the Code Enforcement Officer as follows:

Zoning Board of
Appeals Village of
Baldwinsville
Public Hearing
April 11th, 2022,
for 112 Syracuse
Street: Bill Board
sign.

It is my understanding this "Billboard" was a legal non-Conforming sign and the Sunset provision of the legal non-conformity is the sale of the business which occurred just over two years ago. (§ 268-6 A (2))

One issue I have is the back side, 288 square feet of ugly that became very visible after the removal of the old Yorker's building some 6 or so years ago.

At that time (I was employed at Evans Chevrolet) we sought codes interpretation

to add a back side advertisement to cover up the ugly. We were informed that would increase the non-conformity and would not be allowed. After considering applying for a variance, it was determined not to be worth the effort.

I suspect the current owners will ask for relief due to the value of the advertisement space. If so, I offer the following;

- A) The current owners changed the sign when they were notified of the sunset. The replacement sign is a community support sign now with just a minor size dealer name (10 Sq. Ft.?), I would think not of much advertisement value.
- B) Other options exist, the former owner often rented billboard space on 690, near the fairgrounds, back when it was of value to have large advertisement signs.
- C) The sign is within the Village while the actual dealership building is not.
- D) The "Chevrolet" sign is of substantial size and certainly would serve to identify the business on its own.
- E) Advertisement methods have changed substantially over the 50 years and it's very unusual or unnecessary to have Billboard signs
- F) A variance of this nature would likely set a dangerous precedence as the Village has worked hard over the years to eliminate excessive numbers and size of signs. With the recent sign law modification (Electronic Signs) adding such an obvious large variance would work opposite the intent of the Village's recent sign laws.

No matter what happens, the back side of that sign will continue to be an eyesore.

Sincerely:
Andy Dryden
23 Edgewood Dr.
Baldwinsville, NY 13027

The Board read the letter from Mr. Dryden.

Mr. Zuccolotto opened the meeting for discussion.

Ms. Brighton, Attorney representing Maguire addressed the Board. Ms. Brighton stated that Maguire bought Evans Chevrolet in 2019. The advertising sign in question was erected in the early 1960's. The Code Enforcement Officer sent a violation notice to Maguire regarding this non-conforming sign in the village. Maguire is requesting an AREA variance in order to keep the sign. Ms. Brighton stated the letter from Mr. Dryden although informational, is a general objection and should not have any bearing on granting or denying the AREA variance. Ms. Brighton stated, a compliant sign would be too small for Maguire to erect.

Mr. Baker commented that the sign advertising Maguire was small in comparison to the "Welcome to B'ville" and the logo of the B'ville Bee. He felt if the sign was this big for advertising it should reference to the business more, the B'ville Bee is not the business. Mr. Baker stated he drove by the dealership and the existing signage at that location was more than sufficient even without the billboard.

Ms. Halleron asked how often the sign has been changed since 2019, Mr. Brighton believes it was changed twice.

Mr. Ream stated the sign is already there at this location, Mr. Zuccolotto explained, the Board must look at this as though the sign was not there, and it was being considered as an application for granting an AREA variance. Mr. Ream addressed Mr. Frateschi for an interpretation. Mr. Frateschi stated Chairman Zuccolotto framed it accurately, is there an adverse effect on safety, traffic or environmental issue created by the sign. Mr. Frateschi stated he did not see anything in the record to indicate that there was any adverse impact, and it is relevant that this sign already exists.

Mr. Zuccolotto presented to the Board Members the criteria required in granting an AREA variance. In making its determination, the ZBA will take into consideration the following:

- 1.The requested variance will not produce an undesirable change in the character of the neighborhood.
- 2.No substantial detriment will be created to nearby properties.
- 3.There was no other feasible method available to you to achieve the benefit you seek, other than the requested variance.
- 4.The requested area variance is not substantial.
- 5.The proposed variance will not have an adverse effect of impact on the physical or environmental conditions in the neighborhood or district.
- 6.The hardship is not self-created.

After much discussion between the Board members regarding these five points the Public Hearing was closed.

Motion Mr. Baker to close the Public Hearing, second by Ms. Halleron.

Carried 4:0

Points of discussion by the Board are as follows:

- Ownership of the business has changed
- Still the same type of business vs. a change of use
- Pre-existing sign for the past 40+ years
- Can the business achieve adequate advertisement without said billboard?
- View of the backside of sign is undesirable
- Sign is non-conforming by Code standards
- If variance is not granted, the sign will have to be removed.
- No variance was granted for the existing sign

Motion by Mr. Ream that the benefit to the applicant does out way the detriment to the neighborhood, second Mr. Baker.

Roll Call:

Mr. Baker	No
Mr. Ream	Yes
Ms. Halleron	No
Mr. Zuccolotto	No

Motion by Ms. Halleron to deny the AREA variance to Maguire Family Limited Partnership as presented based on the factors and record presented here tonight, second by Mr. Zuccolotto.

Roll Call:

Mr. Baker Yes

Mr. Ream No

Ms. Halleron Yes

Mr. Zuccolotto Yes

Ms. Halleron has volunteered to be a Zoning Board representative on the Architectural Review Board.

Motion by Mr. Baker to adjourn the meeting at 7:55pm, second by Mr. Ream

Carried 4:0

Respectfully Submitted,

Mary E. Augustus, ZBA Secretary

