**BALDWINSVILLE ZONING BOARD OF APPEALS**

**16 WEST GENESEE STREET, BALDWINSVILLE, NEW YORK**

*Approved July 10, 2017*

The regular meeting of the Baldwinsville Zoning Board of Appeals was called to order on

June 12, 2017 at 7:00 p.m. by Chairman, Jim Zuccolotto

**Present:** Jim Zuccolotto Chairman John Rutkowski

Connie Taft

Kevin Beverine

Fred Thomas

**Also Present:** Mary Augustus, Secretary

 Gregg Humphrey, Code Enforcement Officer

 Bob Baldwin, Village Attorney

**Guests:** Christopher Krawiec-Morgan Management

 Karen Witter-Morgan Management

 Steven Hunsberger-Allstate Insurance

 Chuck McAulifee-24 Salina

 Joshua O’Connor-O’Reilly Auto

Pledge of Allegiance

Upon ***motion*** by Ms. Taft and second by Mr. Rutkowski to approve the minutes as submitted

 *Motion carried with a vote of 5:0.*

There was a discussion between the Board members, Village Attorney and Gregg Humphrey regarding the application from Mr. Steven Hunsberger for a sign variance at 47 E. Genesee Street. 47 E. Genesee Street is in an Overlay District, it was decided per Village Code that the ZBA has no authorization to grant a variance in an Overlay District. The application must go before the Village Trustees. Chairman Zuccolotto asked Mary Augustus, ZBA Secretary to pass the application onto Ms. Butler, Village Clerk in order to add Mr. Hunsberger’s application to Agenda for the Village Board. The Zoning Board recommended the applicant have his application fee reimbursed.

**24 Salina Street- AREA variance**

Chairman Zuccolotto opened Public Hearing at 7:11pm. For 24 Salina Street
The Public Notice publish in the Baldwinsville Messenger reads as follows:

Zoning Board of Appeals

Village of Baldwinsville, New York

Notice of Hearing

A public hearing before the Zoning Board of Appeals of the Village of Baldwinsville will be held on Monday, **June 12, 2017 at 7:00 pm** (local time) at 16 West Genesee Street, Baldwinsville, New York.

To be considered is the application of Charles McAuliffe, 24 Salina Street, Baldwinsville, New York 13027 requesting an AREA variance for the property located at 24 Salina Street, Baldwinsville, New York 13027 (tax map # 009.-03-05.0). The AREA variance is of, **Article IV 345-9 (G)** Private garage and accessory building regulation. Code requires a structure have a 5 feet setback from the side and/or rear of property line. Applicant has requested a 24-foot by 30-foot detached garage with a side yard setback of 3 feet.

Persons wishing to appear at such hearing may do so in person or by attorney or another representative. Communication in writing in relation thereto may be filed with the Board or presented at such hearing.

Secretary, Zoning Board of Appeals

April 11, 2017

The list of neighbors notified by mailed about the Public Hearing are:

Silvana Boone

26 Salina St.

Baldwinsville, NY 13027

Daniel Sherman

28 Salina St.

Baldwinsville, NY 13027

Ralph A. Jr. & Jeanette Phelps

30 Salina St.

Baldwinsville, NY 13027

Janet St. John

15 Salina St.

Baldwinsville, NY 13027

Agnes Sennett

17 Salina St.

Baldwinsville, NY 13027

Chris Vancour

2257 Mott Rd.

Baldwinsville, NY 13027

Joseph & Dawn Notarpole

21 Salina St.

Baldwinsville, NY 13027

Robert & Kimberly Vermette

15 Margaret St.

Baldwinsville, NY 13027

Theodore J. Vermette

21 Margaret St.

Baldwinsville, NY 13027

Don Evans

Eyleen Erminger

19 Margaret St.

Baldwinsville, NY 13027

There were no responses from any neighbors for or against this application.

Mr. Zuccolotto reminded the one of the matters discussed at last month’s meeting was Mr. McAuliffe truck parked in the driveway at 24 Salina Street. Mr. Darcangelo stated a vehicle park on the sideway is a violation of Village Codes.

Mr. Zuccolotto asked if there was anyone in the audience for or against the request of the variance, there was not anyone present.

Mr. McAuliffe addressed the Board. He did stake out the area the proposed garage as the Board requested. Mr. McAuliffe explained the property behind the garage is land locked and usually if there was a house fire the Fire Department would enter from the front of the building. Mr. McAuliffe would like a garage to park his boat and truck in. The garage for the boat would eliminate storage fees for the winter. And, parking the truck in the garage will keep his truck off the sidewalk.

***Motion*** by Mr. Beverine to close the Public Hearing, second by Mr. Rutkowski.

 *Motion carried 5:0*

Mr. Zuccolotto would like to review the survey map, the proposed garage is 24 x 30, the front side on Salina Street and Margaret Street is at a 90 degrees angle so it is a 50-foot lot. The North and South lines are parallel. Chairman Zuccolotto continued, if he added the 18-feet of the front and the 30-foot dimension of the garage it would be 48 feet plus the three 3-foot variance request to make the overall depth/width of 51 feet. Mr. Zuccolotto after doing the math believes the variance that Mr. McAuliffe request is not enough, the variance should be for 3 feet.

Mr. McAuliffe amended his variance request to the Board from a 2-foot variance to a 3-foot variance.

**VILLAGE OF BALDWINSVILLE ZONING BOARD OF APPEALS**

**AREA VARIANCE FINDINGS & DECISION**

**UPON A MOTION BY Mr. Zuccolotto AND SECONDED BY Ms. Taft**

**THE ZONING BOARD OF APPEALS PASSED THE FOLLOWING RESOLUTION:**

**WHEREAS,** The applicant, Charles McAuliffe, came before the Zoning Board of Appeals on June 12, 2017, for a variance of the provisions of Village Code Article IV, Section 345-9(G) for the property located at 24 Salina St Street in the Village of Baldwinsville.

**NOW, THEREFORE, BE IT RESOLVED,** that the Zoning Board of Appeals adopts the following findings and decisions:

Applicant: Charles McAuliffe

Zoning District: R1 Published Notice on:

Property Location: 24 Salina Street

Use for which Variance is Requested: Installation of a garage Applicable Sections of Village Zoning Code: Article IV, §345-9(G) Permitted Uses of Property: Residential

Tax Map No. 009.-03-05.0

1. **Notice Sent to the County Planning Board:**

X Not Applicable

1. **SEQRA (State Environmental Quality Review Act)**

X Type II Action

1. **Findings of Fact:**

Area Variance - Code requires 5" set back 3" side yard; 3 feet of relief needed. Setback sought;

Wants to put a garage in back far enough to keep his truck while parked in the driveway will keep his vehicle off the sidewalk;

Says his house is 2 feet from setback;

Public was notified of neighboring properties, 10 households, No response from the notified public neither for nor against;

Violation to park on the sidewalk;

Cost of the garage $10k-$15k

Survey has building sketched in and if the sketch was correct, would be a 3-foot relief of setback,

not 2-feet;

Garage materials will be matching; possibly matching color metal roof of house;

2 door garage;

Blacktop 2' past each direction;

Board members have toured the property;

Garage is in an R-1 Zone Variance 4 345.9 sub G

***Motion*** by Mr. Zuccolotto to grant this variance based on the Findings of Fact second by Mr. Beverine

 *Motion carried 5:0*

1. **Factors Considered:**
2. Whether undesirable change would be produced in character of neighborhood or a detriment

 to nearby properties: Yes No X

Reasons: There are a considerable number of non-conforming houses already close to lot lines in the neighborhood.

1. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes X No

Reasons: The only alternative would be to pave the entire back yard of the premises, which is neither feasible nor practical.

1. Whether the request variance is substantial: Yes No X

Reasons: The variance is only for 3 feet and most buildings in the neighborhood are non-conforming.

1. Would the variance have an adverse impact on the physical or environmental conditions of

 the neighborhood: Yes No X

 Reasons: Most buildings in the neighborhood are situated similarly and by removing the parking away from the front sidewalk, the conditions in the neighborhood will improve.

1. Whether the alleged difficulty was self-created: Yes X No

 Reasons: The applicant purchased the property with the Code provisions from which relief is requested in force.

**V. DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above five factors, finds that:

X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further **GRANTS** the variance with the ***condition*** that there will be one parking space at the rear of the house, and that it will conform to the Village Code with a 9-foot by 18-foot area, leaving a one car parking space. The remaining asphalt drive at the rear of the house will be eliminated.

**RECORD OF VOTE**

Member Name Aye Nay

J. Rutkowski X

K. Beverine X

F. Thomas X

C. Taft X

J. Zuccolotto X

Chairman Zuccolotto then declared the Resolution duly adopted.

I, Mary Augustus, CLERK OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF BALDWINSVILLE, hereby certify that the foregoing is a true and correct excerpt from the minutes of a meeting of said Board duly convened and held on June 12, 2017, a quorum being present.

Zoning Board Secretary

**197 Downer St – The Landing at Meadowood-signs**

Mr. Chris Krawiec and Karen Witter were present to address the Board. Mr. Zuccolotto read a letter from Mr. Humphrey dated May 31, 2017 and asked it to be submitted in the Minutes of tonight’s meeting. Mr. Humphrey and Mr. Darcangelo were asked by the Board at the last meeting to research the surrounding signs, their size and if there was a variance requested for any of these signs at the time of the construction.

The letter reads as followed:

**VILLAGE OF BALDWINSVILLE**

**Codes Enforcement Office**

**16 West Genesee Street**

**BALDWINSVILLE, NY 13027**

**Phone # (315) 635-2481 ~ Fax # (315) 635-9231**

May 31, 2017

James Zuccolotto

Chairman, Zoning Board of Appeals

Re: Comparative Sign Sizes and Variances

Dear Mr. Zuccolotto:

After much research and after completing a field survey of signage within the Village with Steve, especially along Downer Street, I have gathered the following information for your review in the matter of freestanding signs and variances.

**Downer Street Parcels Within Village Limits**

* **Conifer Village**, 81 Downer Street (700 Conifer Drive)

55” wide by 32” high = 12.22 square feet per side for a total of 24.44 square feet

* + Code Compliant Sign
* **Falardeau Funeral Home**, 93 Downer Street

71” wide by 36” high = 17.75 square feet per side for a total of 35.5 square feet

* + Existing, non-conforming sign. USE variance granted on 5/24/1977. The 72” wide by 36” high sign was already in its current location prior to this meeting and prior to village sign code. Permit issued on 10/26/2009 to replace the sign face with same size sign. Business had not changed ownership or name.
* **Tri-County Sewing Center**, 105 Downer Street

72” wide by 48” high = 24 square feet per side for a total of 48 square feet

* + Existing, non-conforming sign, circa 1976.
	+ USE variances granted to operate sewing shop in 1976 and again in 1980 to enlarge the space.
* **Rite-Aid**, 113 Downer Street
	+ 72” wide by 24” high plus 40” wide by 25” high = 18.94 square feet per side for a total of 37.88 square feet.
	+ Variance granted on 9/14/98 for 40.55 total square feet in the same configuration that exists today
* **Microtel**, 131 Downer Street
	+ 97” wide by 64” high = 43.11 square feet per side for a total of 86.22 square feet, plus a 24” wide by 24” high sign in the brick base = 4 square feet per side for a total of 8 square feet. The total area of the freestanding signage is 94.22 square feet. The sign was to be installed at least 15 feet back from Downer Street.
	+ Variance granted on 11/22/1999 to 131 Downer Street prior to parcels being subdivided for a 96” wide by 60” high = 40 square feet and for a 24” wide by 24” high sign in the brick base = 4 square feet for a total of 44 square feet per side for a total of 88 square feet of sign area.
	+ Sign is 6.22 square feet over size allowed by variance.

**Downer Street Signs Outside Village Limits**

* + - * **M & T Bank**, 2300 Downer Street

122” wide by 38” high = 32.2 square feet per side for a total of 64.4 square feet

* + - * **Auto Zone**, 2301 Downer Street

120” wide by 37” high = 30.83 square feet per side for a total of 61.66 square feet

* + - * **Temple Baptist Church**, 2295 Downer Street

98” wide by 60” high = 40.83 square feet per side for a total of 81.66 square feet

**Van Buren Sign Code regarding freestanding signs:**

**§ 200-54. General rules.**

1. **Sign setback.** No freestanding sign shall be erected or maintained in such a manner as to project over or above any street. Said sign shall be set back at least 15 feet from any street right-of-way and at least 10 feet from any other lot line.

B. **Allowable sign area.**

(1) The total of all signage on a lot shall not exceed one square foot for each linear foot of the structure or building frontage occupied by each business conducted on the premises. Any sign or wording mandated by federal, state or local law is excluded from this requirement.

**Other Signs Within Village Limits *With Variances Granted***

* **Carl’s Drugs**, 18 East Genesee Street

Variance granted on 9/12/1983 for a freestanding sign of 84 square feet total. Conditions of this variance put size restrictions on the attached sign as well. Larger street sign, smaller building sign.

* **Canton Woods Senior Center**, 76 Canton Street

Variance granted on 9/11/2006 for a two-sided freestanding sign of 20 square feet per side.

* **Saint Mary’s Church**, 47 Syracuse Street

Variance granted on 8/11/2008 for a two-sided freestanding sign of 77 square feet total.

* **First Baptist Church**, 22 Syracuse Street

Variance granted on 12/8/2008 for a two-sided freestanding sign of 42 square feet total.

* **Byrne Dairy**, 85 East Genesee Street

Variance granted on 4/11/2011 for a two-sided freestanding sign of 73 square feet per side.

* **First Presbyterian Church**, 64 Oswego Street

Variance granted on 4/13/2015 for a two-sided freestanding sign of 24 square feet per side.

* **Stewart’s Shops**, 120 Oswego Street

Variance granted on 7/13/2015 for a two-sided freestanding sign of 24 square feet per side.

* **Word of Life Assembly of God**, 12 East Oneida Street

Variance granted on 10/18/2015 for a two-sided freestanding sign of 24 square feet per side.

Sincerely,

Gregg Humphrey

Codes Enforcement Officer/Fire Marshal

Mr. Krawiec states if the Board just takes the words on the sign, not the structure around it, the sign is within code at 24 square feet. Mr. Darcangelo explained they consider the white around the letter to be part of the sign also. Ms. Taft asked Mr. Krawiec if the mock sign Morgan put up was just the sign or the whole structure, Mr. Krawiec stated it was the complete structure. The Board continued to discuss the interpretation of the sign Code and comparing the signs in area.

Mr. Krawiec withdrew his application for a variance at the entrance of Meigs Rd. The sign constructed in this location will comply with the Code of the Village of Baldwinsville.

**VILLAGE OF BALDWINSVILLE**

**ZONING BOARD OF APPEALS**

**AREA VARIANCE FINDINGS & DECISION**

**UPON A MOTION BY Mr. Zuccolotto AND SECONDED BY Mr. Rutkowski**

**THE ZONING BOARD OF APPEALS PASSED THE FOLLOWING RESOLUTION:**

**WHEREAS,** The applicant, Morgan Baldwinsville Apartments, LLC, came before the Zoning Board of Appeals on June 12, 2017, for a variance of the provisions of Village Code § 268-3 to allow three signs on

a non-residential property identifying the Morgan Baldwinsville Apartments, exceeding the allowed square

footage.

**NOW, THEREFORE, BE IT RESOLVED,** that the Zoning Board of Appeals adopts the following findings

and decisions:

Applicant: Morgan Baldwinsville Apartments, LLC

Zoning District: PDD

Published Notice on:

Property Location: 197 Downer Street

Use for which Variance is Requested: Signage

Applicable Sections of Village Zoning Code: 268-3(C)(1)

Tax Map No. 022.-01-13.4

1. **Notice Sent to the County Planning Board:**

X Not Applicable

1. **SEQRA (State Environmental Quality Review Act)**

X Type II Action

1. **Findings of Fact:**
2. Letter put into Minutes on nearby signs both inside and outside of the Village;
3. Roof has LED lights that are down lit from the roof;
4. Applicant is willing to make the sign as big as the Board will allow 29.6ft² ~ 60 ft²

Total 59.26 ft² ;

1. The sign is a manufactured sign;
2. Sign is comparative to the size of the project 48 ft²;
3. Roads for apartment are inner connective;
4. The applicant is fine with one (1) single sign on Downer Street;
5. No letters on the roof;
6. 3 story buildings may be covered up and we have a parcel of land that can be built up commercially so that size is 59.26 ft² - single sign on Pebblewood moved back 8 feet more

***Motion*** by Mr. Zuccolotto second by Ms. Taft to accept the Findings of Fact as written

1. **Factors Considered:**
2. Whether undesirable change would be produced in character of neighborhood or a detriment

to nearby properties: Yes No X

Reasons: There are a considerable number of similar signs in the neighborhood.

1. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Yes X No

Reasons: The applicant can install a sign with 48 square feet.

1. Whether the request variance is substantial: Yes No X

Reasons: There are a considerable number of similar signs in the neighborhood and the

variance is not substantial when compared with those signs.

1. Would the variance have an adverse impact on the physical or environmental conditions of

the neighborhood: Yes No X

Reasons: There are a considerable number of similar signs in the neighborhood and a

single sign of this size would not have an adverse effect when compared to the others.

1. Whether the alleged difficulty was self-created: Yes X No

Reasons: The applicant purchased the property with the Code provisions from which relief is

requested in force.

**1. DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:**

The ZBA, after taking into consideration the above five factors, finds that:

X The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or

Community.

2

The benefit to the applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance requested is denied.

The ZBA further **GRANTS** the variance with the ***condition*** that the sign will be installed on

Pebblewood Lane and will be a single sign, that Morgan Development, or their assigns, will maintain the sign for the life of the property, that there be no lettering on the roof of the sign, and that the location of the sign shall be shown on the site plan for the property as approved

by the Planning Board.

**RECORD OF VOTE**

Member Name Aye Nay

J. Rutkowski X

K. Beverine Abstained

F. Thomas X

C. Taft X

J. Zuccolotto X

Chairman Zuccolotto then declared the Resolution duly adopted.

I, Mary Augustus, CLERK OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF BALDWINSVILLE, hereby certify that the foregoing is a true and correct excerpt from the minutes of a

meeting of said Board duly convened and held on June 12, 2017, a quorum being present.

CLERK

**49 E. Genesee St.-O’Reilly Auto Enterprises, LLC**

Mr. Joshua O’Connor from Bohler Engineering was present to address the Board.

Mr. Zuccolotto open the Public Hearing at 9:02, The Public Notice reads as follows:

Village of Baldwinsville

**For Publication in The Messenger on May 31, 2017**

Zoning Board of Appeals

Village of Baldwinsville, New York

Notice of Hearing

A public hearing before the Zoning Board of Appeals of the Village of Baldwinsville will be held on Monday, **June 12, 2017 at 7:00 pm** (local time) at 16 West Genesee Street, Baldwinsville, New York.

To be considered is the application of O’Reilly Auto Enterprises, LLC, 223 South Patterson, Springfield MO 65802 requesting an AREA variance for the property located at 49 East Genesee Street, Baldwinsville, New York 13027 (tax map # 010.-09-07.0). The AREA variance is of, **Article XXI 345-72 Basic standards**

The following basic standards shall be applicable to all B-1 and B-2 properties within this overlay district unless exceptions are granted in accordance with the requirements specified herein:

1. Build-to line applicable to buildings and structures on East Genesee Street. The build-to line shall be a minimum of 13 and a maximum 15 feet from curblines. Sidewalks must extend across all frontage on East Genesee Street and span from building to street curb. Openings in the sidewalk for landscaping will be allowed, as approved by the Planning Board.

D. Build-out requirements for frontage. For properties fronting on East Genesee Street, there shall be a seventy-five-percent minimum build-out requirement on the build-to line, where either the building, wall or ornamental fence would comprise that area. Maximum width of any wall or ornamental fence shall be no more than 25% of the East Genesee Street frontage.

 (1) The build-out requirement may be reduced by adding a public use sidewalk or alleyway up to 20 feet wide connecting other walkways for pedestrian movement. This sidewalk or alleyway shall be included in the seventy-five-percent build out requirement.

 (2) When a wall or ornamental fence defines the build-out, this wall or fence shall have a minimum height of three feet, not to exceed four feet.

F. Building alignment and configuration. All buildings shall be placed so that their facades are parallel to the street line.

Persons wishing to appear at such hearing may do so in person or by attorney or another representative. Communication in writing in relation thereto may be filed with the Board or presented at such hearing.

Mary E. Augustus

Secretary, Zoning Board of Appeals

The list of neighbors and business notified of the Public Hearing are:

Gregory McArdell 2 Mechanic St. Baldwinsville, NY 13027

Edmund & Carol Namiotka 4-6 Mechanic St. Baldwinsville, NY 13027

Omara Rivera-Vazquez 9 Mechanic St. Baldwinsville, NY 13027

Ronald A. Hamilton 7 Mechanic St. Baldwinsville, NY 13027

Timothy & Cannella Evans 11 Mechanic St. Baldwinsville, NY 13027

Paul & Tammy Spraker 13 Mechanic St. Baldwinsville, NY 13027

AKTW LLC 3299 Greenleafe Dr. Phoenix, NY 13135

54 East Genesee LLC 2342 W. Genesee St. Baldwinsville, NY 13027

Joe DiSano 43 E. Genesee St. Baldwinsville, NY 13027

11 E. Genesee Street LLC 7555 Morgan Rd. Liverpool, NY 13090

PPD Amatos Inc. 5028 Constitution Lane Liverpool, NY 13088

Sunoco Retail LLC 3801 W. Chester Pike Newtown Square, PA 19073

Morgan Cadwell Inc. 39 E. Genesee St. Baldwinsville, NY 13027

Mr. O’Connor explained to the Board that O’Reilly Auto Enterprises, LLC has a proposed site plan at 49 E. Genesee Street which is the old Burger King building. This is a B2 zone within the East Genesee Street Overlay District. O’Reilly when considering moving into an area buys older abandoned building in the community and re-builds them. This building will be torn down and rebuilt moving the building over toward Mechanic Street. The property triangle shape in the front of the building lot.

The DOT is installing a new traffic light, there is an open dispute exactly where the light will be located. O’Reilly requesting an AREA variance to allow there to be set-back further than the 12-15’ build zone required by Code. It is unknown at this time exactly the footage of the set-up O’Reilly’s will need until DOT determines the location of the traffic light. After much discussion, it was decided by the Board to possibly give O’Reilly up a 25-foot variance.

O’Reilly’s has been in front of the Planning Board. Mr. Zuccolotto requested the Planning Board Recommendation to the ZBA be submitted into the minutes.

Recommendation from the Village Planning Board to ZBA - O’Reilly

On motion by Mr. Mazoway seconded by Ms. King:

The Planning Board of The Village of Baldwinsville recommends to the Zoning Board of appeals that the set-back variance requested by the applicant, O’Reilly Auto Enterprises, Inc. be granted

for the following reasons:

The requested variance is minor;

The existing lot is not square, making the setback difficult to meet;

The building facade improvements and location are a significant improvement to the existing condition;

The applicant has not caused the hardship presented by placement of the building because the State of NY has advised the applicant to place the building its proposed location;

The applicant has done its best to meet the code in light of the site constraints.

The motion carried with all members voting in favor.

***Public Hearing closed by Chairman Zuccolotto at 9:20pm***

Application was sent to SOCPA for their June 21st meeting. SOCPA resolution will be discussed at the next meeting.

The Board tabled this matter until more information regarding DOT location of the traffic light is known and regarding the SOCPA resolution.

Upon ***motion*** by Mr. Zuccolotto to adjourn the meeting at 9:35pm, second by Mr. Rutkowski

 *Vote carried 5:0*

Next meeting scheduled for July 10, 2017.

Respectfully submitted,

Mary E. Augustus

ZBA Secretary