

Village of Webster
Zoning Board of Appeals Meeting Minutes
Meeting Minutes of August 18, 2016

Community Meeting Hall
29 South Avenue
Webster, NY 14580

Present: Mark Nicholson, Bob Fantauzzo, Bill Baker, Mike O'Connor, Karl Laurer, Atty. David Mayer, Building Insp./Code Enforcement Officer Will Barham, Deputy Clerk Jo O'Neill

Meeting came to order at 7:30pm.

1) Application:

Kevin Higgins of NAS Sign Company representing NOCO Express, 54 West Main Street, tax ID # 080.46-1-1. Application for canopy signs and a monument sign. Applicant seeks relief from current zoning regarding number of signs, location of sign to a street line, and total allowable square footage. Applicable zoning section, 175-54 D. Property zoned: Central Business.

Presentation:

Paul Strada, representing NOCO Express and Kevin Higgins, presented the board with drawings that had been revised based on the recommendations from the Planning Board meeting. The total project includes 5 signs: 2 wall signs on the north side of the building which already have permits, 2 signs on the green gas canopy, one facing east and one facing west which include the NOCO letters and an orange stripe below the letters, and a ground sign with the front in line with the "stop line" on Corning Pk. The ground sign is 6ft from the property line, 3 ½ ft x 7ft, with an overall height of 58in. This is smaller than the original size and has no negative impact on the community. NOCO is required to advertise their prices on a sign and on the pumps. The canopy signs will need a variance for the total number of signs allowed, and the ground sign will need a variance for the setback and overall size. The existing pole sign will be removed. These signs will have no negative impact on the community, and are similar to other signs in the neighborhood.

Mark Nicholson commented in reference to the ground sign, that it's not the only way to advertise the prices and comply with NOCO's requirements.

P. Strada replied that it's not the only way to comply, but it is the only way to compete. There are two other Sunoco stations nearby with similar digital signs. The idea of having the gas prices near the street and not just on the pumps is for visibility.

M. Nicholson added that he understands the point Mr. Strada is making, but those are different jurisdictions.

Karl Laurer is concerned about when there's a line of cars on Corning Pk. trying to turn west onto Main St. If the cars are stopped at the stop line waiting to turn, it's difficult to see the cars coming on Main St.

P. Strada said that they lowered the sign and moved it back farther based on the Planning Board's recommendation to accommodate that. In addition, they had the option of keeping the pole sign and updating it, but the Planning Board preferred the ground sign to a pole sign. The LED lights for the lettering are not flashing and the letters are on a black background so only the letters are lit up.

Bob Fantauzzo inquired about the hours the store is open.

Will Barham replied that it is open 24/7. He then asked how far the sign would be off the property line from Main St. and from Corning Pk., as it was not addressed or approved with the original site plan.

P. Strada replied the sign will be 6ft from the Main St. property line and 3ft from the Corning Pk. property line.

M. Nicholson summarized that we're looking at going from two to five signs, so they'll need variances for three additional signs, the total square footage of all of the signs, and the setback for the ground sign. The setback variance would be 14ft on the Main St. side and 17ft on the Corning Pk. side.

W. Barham added the total square feet of all of the signs is 110.5sqft, so they will need a 10.5sqft variance for that.

Discussion continued regarding the variances needed. The second wall sign is for Nickel City, which is located inside the NOCO store. If they move out at some point, any other business could move in and put up a new sign or NOCO could put up another sign themselves. It would have to be the same size or smaller.

M. Nicholson indicated that they will be considering three separate variances and SEQR.

Open to Public Comments:

Rick Walter brought up not only the west bound vehicle traffic on Main St., but also the west bound pedestrian traffic on the sidewalk. Even with the sign in line with the vehicle stop line, pedestrians and bicyclists tend to go right across Corning Pk. without stopping and looking.

Public Comments Closed:

K. Laurer agreed that it's a real safety issue. At the stop line, you can't see anyone on the sidewalk. He would like to see the sign moved even further south.

P. Strada indicated they may be able to move it another 6in south, but there is a curb cut for an entrance there so they can't move back much further.

Mike O'Connor said with his field experience with sight lines, Golden Boys restaurant would be more of a sight issue for west bound traffic than the ground sign would be. The stop line is for you to stop, but then people are going to inch forward anyways.

W. Barham added that parked cars on Main St. in front of NOCO block people's sight also.

Bill Baker inquired about the entrances on Corning Pk. There will be two entrances to access the pumps which will be running north and south.

B. Fantauzzo expressed that he would be concerned about cars entering and crossing in front of the pumps.

P. Strada replied that anything they did would be to improve car flow based on their experience with other stores. There will be parking spots in front and behind of the store.

M. O'Connor said he would strongly suggest some gooseneck lighting instead of the back lit lights.

M. Nicholson asked for any other questions, and then indicated that they need to make a SEQR designation first.

Motion: Bill Baker made a motion to declare the ZBA as the lead agency for a Type II action under SEQR. Seconded by Karl Laurer. All were in favor. Motion passed.

M. Nicholson then asked for a motion on the number of signs. They are allowed two signs, and would need a variance for three additional signs.

Motion: Bill Baker made a motion to grant a variance for three additional signs, including two signs on the canopy and one monument sign. Seconded by Karl Laurer. All were in favor. Motion passed.

M. Nicholson asked for a motion on the total sign square footage. They are allowed 100sqft. The total of all of their signs is 110.5sqft. They will need a variance for 10.5sqft.

Motion: Karl Laurer made a motion to grant a variance for an additional 10.5sqft on the total sign size. Seconded by Bill Baker. All were in favor. Motion passed.

M. Nicholson next asked for a motion on the setback of the monument sign.

Motion: Mike O'Connor made a motion to grant a setback variance for the monument sign of 14ft from Main St. and 17ft from Corning Pk. Seconded by Bob Fantauzzo. All were in favor. Motion passed.

P. Strada asked about the sign permit for the additional signs.

W. Barham replied they would need a new application, and to have Kevin Higgins call him.

P. Strada thanked the board for their time and consideration.

B. Baker asked about the time frame to complete the whole project.

P. Strada said they were looking at mid-September.

2) Application:

Richard Walter, owner of 20 Elm Street, tax ID # 080.10-3-42. Application to demolish existing garage and erect new garage. Applicant seeks relief from current zoning regarding distance of unattached garages to lot line. Applicable zoning section, 175-59A. Property zoned: R1-9.6.

Presentation:

Richard Walter has an old “1920ish” garage that he wants to replace with a new garage. He presented plans for the proposed building. The new one would be 600sqft, a little wider than the old one and a little farther forward. The front will be at grade level, and the back will be a tool shed about 3ft lower. The front will still have a hip roof to match others in the neighborhood. The back will have a peak roof, allowing for added storage space above.

M. Nicholson commented that the plans look terrific, and asked what variance Mr. Walter will need for the new garage.

R. Walter replied that he will need a side yard setback variance. The lot is 58ft wide, and to put the garage 10ft from each lot line, it would be behind the house and they couldn't get a car in it. The new one will be about 4ft wider into their yard and come forward about 6ft. It will be 2ft from the lot line, so they will need an 8ft side yard setback variance.

B. Fantauzzo asked about the setback of the existing garage.

R. Walter said that it's approximately 30-36 inches from the lot line.

B. Baker inquired as to whether the Walter's had mentioned the new garage to their next door neighbors.

R. Walter replied that they had, and the neighbor was glad to see the old garage gone and a nicer one in its place. They had worked with an architect to design the new garage, and plans on having gooseneck lights on the front.

K. Laurer asked about downspouts and if the yard sloped either east or west.

R. Walter indicated that the downspouts would run across the front and then run from the front to the back. The yard slopes to the back of the property so it wouldn't affect the neighbors.

M. Nicholson asked for any other comments or questions, which there were none, and then asked for a motion on the SEQR and a motion to grant a variance for a side yard setback.

Discussion continued regarding what agency is declared as the lead agency, and who makes a motion on the SEQR.

Atty. David Mayer noted that the Planning Board did the SEQR, as they issued the demolition permit for the old garage. If they issue a permit of any kind, they can declare themselves as the lead agency, make a motion on the SEQR and have the authority to refuse or revoke a permit. There is no “blanket” rule as to which board declares themselves as the lead agency.

B. Baker questioned what would happen if neither David Mayer or Will Barham were at the meeting and no lead agency was declared, or if two lead agencies were declared.

D. Mayer indicated that the ZBA would have to refer to the Planning Board’s minutes. If both boards happen to declare themselves as lead agencies and they agree on the SEQR, there’s no harm done. If the boards disagreed, it would be a problem. There should be some mechanism in place to prevent that from happening.

M. Nicholson replied that they should always ask if the Planning Board had any permit requirements for the applicant, and if they have declared themselves as the lead agency for any SEQR findings on the application.

M. Nicholson then asked for a motion to grant the variance for a side yard setback for the Walter’s garage.

Motion: Bob Fantauzzo made a motion to grant an 8ft side yard setback variance to build the garage as presented in the plans. Seconded by Bill Baker. All were in favor. Motion passed.

M. Nicholson then asked the board to review the meeting minutes from the May 19, 2016 ZBA meeting.

Motion: Bill Baker made a motion to approve the minutes as written. Seconded by Bob Fantauzzo. Mike O’Connor abstained from the vote, as he was not at the May 19th meeting. All other board members were in favor. Minutes were approved.

Additional discussion continued about changing the meeting time to 7pm for next year, and to consider changing the maximum size of accessory buildings. The town allows for accessory buildings up to 192sqft without needing a variance.

M. Nicholson said he would look around and see what other municipalities do, and look at kit and prebuilt sizes of accessory buildings. He’ll forward the information to everyone via email.

M. Nicholson then asked for a motion to adjourn the meeting.

Motion to Adjourn: Mike O’Connor made a motion to adjourn the meeting. Seconded by Bill Baker. All were in favor. Meeting adjourned at 8:35pm.

The next Zoning Board of Appeals Meeting is scheduled for 7:30pm on September 15, 2016.

Respectfully submitted,
Jo O’Neill, Deputy Clerk