

**Zoning Board of Appeals
Meeting Minutes
March 26, 2012**

Present: J. Wright, E. Morano, S. Sutton, R. Shackleton

Absent: J. Heath, B. Natoli, P. Mennis, G. Cleveland

Staff: Amy Donnison, Todd Dreyer, Jason Lawrence

Also Present: Mayor Maiurano

* Alternates with voting power are noted in **bold**.

I. Call to Order

The meeting was called to order at 7:03 PM by Chairwoman J. Wright. J. Wright stated that the Board is made up of volunteers to enforce the regulations put in place by the Common Council, and that they have up to 62 days to make a decision on the request before them. The decision that will be made is based solely on the information presented to them during the hearing process. There are 2 requests before the board this evening. The first hearing is a request for a Special Permit for a Home Beauty Parlor/Salon to be located at 33 Hale Street. The second is for a Sign Variance request for McDonalds USA at 165 South Broad Street.

II. Public Hearing: Michael Steward – 33 Hale Street

The public hearing was opened at 7:05 PM. The following exhibits were entered into evidence:

1. Application from Michael Steward requesting Special Permit.
2. Community Development report dated March 1, 2012
3. Photographs of property
4. No correspondence received in support or opposition of this proposal.
5. No phone calls received in support or opposition of this proposal
6. Tax map showing the parcel
7. 239 Review Committee request to respond
8. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there was no phone call nor correspondence received in support nor in opposition to this proposal. Also noted that correspondence was received from the Chenango County 239 Review Committee stating the following: The Committee has approved the project with the following concerns or recommendation: No Concerns.

Michael Steward stated that he has been flooded at his current location, 140 State Highway 320, Norwich, NY 4 times since 2004 and that these 4 floods have caused \$600,000 in damages. The excessive flooding at his current location is what has prompted him to look for a new location for his business. Mr. Steward stated that he looked at many locations, even downtown shops that were empty. He eliminated the downtown locations because of the shortage of nearby parking. At his current location he has plenty of parking right in front of the business and his customers are used to being able to park nearby and he felt that if his customers had to park somewhere other than just outside his door that they would not be happy. The search for the right place which would be able to provide adequate off street parking and not be a problem for the neighborhood led him to 33 Hale Street. This parcel is right by the railroad tracks, across the street is Norwich Tire, and across the tracks is Time Warner Cable with additional businesses located in the immediate area such as Curtis Lumber. Mr. Steward stated he would never have picked a site located in the middle of a residential area for his business as he himself would not want to live next door to any business if he was in the same position in a primarily residential area. The neighbor on the other side (west) of this parcel is a multi family dwelling unit. Mr. Steward stated that this house has been empty for quite a while and is currently a dump and he has started to have the property thoroughly cleaned before starting any renovations. Mr. Steward stated that he is not a fly by night operator and has been in business for 23 years in the area. A property survey was just completed and he plans to provide off street parking located at the rear of the structure and will also be installing a handicap ramp at the rear near the parking area. There will be two entrances for the building – a front and a rear. Mr. Steward stated that he would not have purchased the property for cash if he thought for a moment that he could not locate his business there. Mr. Steward stated he and his realtor did what they thought was their due diligence on the property by checking with the Planning Office about what was allowed and not allowed but was not given the whole picture. Mr. Steward introduced Debra Osborn to the Board and stated that she is not an employee but does use a space in his shop and would then be counted as a non-residential employee for the purposes of parking spaces provided.

J. Wright asked is there was sufficient space for parking on the property? Mr. Steward stated yes and that per the recommendation from his contractor the driveway and parking area will be compacted gravel for a couple years. His contractor told him that with all the dirt moving if the area was paved immediately he would have sink holes developing. E. Morano asked J. Lawrence

if gravel was acceptable per the zoning ordinance. J. Lawrence stated that yes it is acceptable.

J. Wright asked if there was any signage for the business planned and if so will it meet our current sign ordinance? Mr. Steward stated he does plan on signage but if he wanted one larger than permitted what would be the procedure. J. Wright stated that he would have to come back before the ZBA at that time to ask for a variance. J. Lawrence stated that directional signs such as "Parking in rear" is not counted as part of the total allowed area for signage.

Mayor Maiurano stated that he was very excited that he was very excited to hear Mr. Steward had purchased the building and is cleaning it up. Mayor Maiurano stated that this area is indeed mostly business and does not believe it will hurt the character of the area or hurt the neighbors. Mayor Maiurano thanked Mr. Steward for selecting a property within the City of Norwich.

Debra Osborn, Earlville NY, stated that she is in support of the proposal. She has worked out of his shop for 2 ½ years and stated he keeps a beautiful salon. It is always clean, safe and handicap friendly.

E. Morano asked if the driveway width was one car wide or two and was concerned about a customer coming out as one is pulling in. Mr. Steward stated he would love to have an exit on the other side of the house just for that purpose but there is a curb there. J. Lawrence stated that all he would need to do would be to write a letter to the Alderman of his ward requesting a curb cut and the reason for it.

Chairwoman Wright asked if there were any other questions from the public. There being no further questions or comments, the public hearing was closed at 7:33pm on a motion made by S. Sutton, seconded by E. Morano.

III. Public Hearing: McDonalds USA – 165 South Broad Street:

The public hearing was opened at 7:33 PM. The following exhibits were entered into evidence:

1. Application from Michael Steward requesting Special Permit.
2. Community Development report dated March 1, 2012
3. Photographs of property
4. No correspondence received in support or opposition of this proposal.
5. No phone calls received in support or opposition of this proposal
6. One phone call received that was inquiry of nature only
7. Tax map showing the parcel
8. 239 Review Committee request to respond

9. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there was no phone call nor correspondence received in support nor in opposition to this proposal. There was one phone call from a local resident but was inquiry in nature only and did not wish to state if they were in support or opposition to the proposal. Also noted that correspondence was received from the Chenango County 239 Review Committee stating the following: The Committee has approved the project with the following concerns or recommendation: *Comply with NYSDOT comments.*

The NYSDOT comment is as follows: *We have reviewed the variance application for the above referenced location (165 South Broad Street) and have no concerns. A highway work permit must be obtained from our Department prior to the commencing of any work within the state right-of-way. Further information regarding Highway Work Permits can be obtained by contacting Tom Smith, Assistant Resident Engineer on this issue.*

Jim Gillespie of Bohler Engineering stated he was representing McDonalds this evening for the purpose of the sign variance request. E. Morano stated that he worked in real estate and recalls assisting in procuring that property when McDonalds first located here. Mr. Gillespie stated that this will be a brand new facility which will include all new up to date energy and water saving utilities. This facility will be completely ADA compliant and will have state of the art equipment throughout. The existing building will be demolished and a new restaurant rebuilt on the site. This request for a sign variance is the last step before work commences. McDonalds does not like to start any part of project until they have all their ducks in a row and can have a completed and final approved plan in place. Mr. Gillespie stated that clear signage representing their business is very important to them. Mr. Gillespie stated that currently the building has a mansard style roof and has double red light beams which have become iconic for recognizing McDonalds. Removing the lighted beams will be a sacrifice and in exchange would like this additional signage. The "M's" are each 5 square feet in size. These M's are an important element for McDonalds as well as being architectural and brand recognition.

S. Sutton asked why they are eliminating the lighted mansford roof. J. Gillespie stated they are trying to update and refresh their look. E. Morano asked if this was being done at other locations. J. Gillespie stated yes. It has already been completed in many areas such as Cazenovia. J. Wright asked if there were any "M's" on the building now. The answer is no. S. Sutton inquired about the swoosh above the McDonalds name in the picture. J. Gillespie stated it was architectural not a new brand logo. E. Morano asked if this sign is to be internally illuminated. J. Gillespie stated no that there will be up lighting used for that sign.

R. Shackleton stated that it seemed the big golden arches which have been in place for many years would still provide a lot in the way of being recognized as a McDonalds. J. Gillespie stated that again that it is very important to McDonalds that brand recognition be incorporated on the building plans. R. Shackleton asked if the "M's" would be internally lit. J. Gillespie stated yes. He also stated that the Cazenovia location is complete and suggested that when anyone was in that area to check it out and stated that the Oneida location just got approval to move forward with the same plans two weeks ago. S. Sutton noted that the McDonalds sign on the side of the building facing the car dealership seemed to serve no purpose as the only way to see clearly was from the actual car dealership building itself. J. Gillespie stated that if any portion of the proposed signage was to be sacrificed that would be the one sign that may be able to be considered an extra.

Tom Grady, Guildford NY stated that he was in support of the proposal. He stated that he is currently a McDonalds Supervisor and is a past manager of the Norwich location. Mr. Grady stated that he has always been proud that McDonalds has been the gateway to the City of Norwich and the new plans for McDonalds is much more pleasing on the eye. This location used to have much more signage and that over the years as signage has been removed it was never replaced.

Mayor Maiurano stated that McDonalds is a great asset to the community and understands that the corporate signs are an integral part to their brand recognition. Mayor Maiurano stated he had no issues with the proposed signage and is support of the proposal. Mayor Maiurano stated that he has spoken with the owner of Christman Motors and that he has no objections to the proposed plans.

J. Wright asked if there any plans to change exterior lighting. J. Gillespie stated that it would not increase and if any change to exterior lighting was made it would be less.

Chairwoman Wright asked if there were any other questions from the public. There being no further questions or comments, the public hearing was closed at 8:00pm on a motion made by S. Sutton, seconded by E. Morano.

IV. Findings and Determinations: 33 Hale Street:

1. This property is in an R-1 zone.
2. No phone calls or letters in support or opposition to the proposal received.
3. Property police and fire accessible and alterations will not alter the accessibility.
4. Proposal received approval from the 239 Committee.
5. Off street parking requirements will be met.
6. Two people in attendance spoke in support of proposal.
7. No opposition received on proposal.

8. Structure will be made handicap accessible.
9. Surrounding neighborhood is primarily business with some residential properties nearby.
10. Applicant has run his business at present location for over 20 years and is relocating due to several recent floods at his current location.
11. Change is not determined to be injurious to the neighborhood of detrimental to the public welfare.

Discussion:

Discussion followed regarding the building owners positive acceptance regarding a curb cut to make exiting safer for his customers.

Motion made by E. Morano to approve the Special Permit request. Seconded by S. Sutton. Ayes all, approved.

Motion Approved: 4 ayes; 0 nays.

Ayes – J. Wright, E. Morano, S. Sutton, R. Shackleton

Nays – None

Abstained – None

V. Findings and Determinations: 165 South Broad Street:

1. This property is in a B-2 zone.
2. No phone calls or letters in support or opposition to the proposal received.
3. Two people in attendance spoke in support of the proposal.
4. Property police and fire accessible and alterations will not alter the accessibility.
5. Proposal received approval from the 239 Committee.
6. Proposal received approval from NYSDOT.
7. Overage request is not considered to be substantial.
8. Existing building is slated for demolition and a new structure constructed.
9. One inquiry received regarding the lighting on the building.
10. Request is for 12 square feet more than allowed.
11. Surrounding neighborhood is primarily business with some residential properties nearby.
12. It has been stated that the sign over the drive thru, which cannot be seen from anywhere easily except from the windows of Christman Motors next door, could be reduced or eliminated.

13. Change is not determined to be injurious to the neighborhood of detrimental to the public welfare.

Discussion:

Discussion regarding the sign over the drive thru area which is approximately 32 square feet and not easily visible for passing traffic to see could be reduced to 20 square feet rather than the requested 32 square feet which would then keep the signage within the allowed square footage. Another option would be, in addition to reducing drive thru sign to 20 square feet, would be to reduce it even more or eliminate it completely and that would then allow McDonalds to use the additional 22 square feet they would earn by eliminating this sign completely somewhere else if they so choose.

Motion made by E. Morano to approve the Sign Variance request with the following condition: The “McDonalds” signage proposed on the north side of the building over the drive-thru area be reduced to 20 square feet, which would then cause proposed signage to meet the square footage allowed by the sign ordinance or eliminate it completely and use the remaining allowed square footage elsewhere. Seconded by S. Sutton. Ayes all, approved.

Motion Approved: 4 ayes; 0 nays.

Ayes – J. Wright, E. Morano, S. Sutton, R. Shackleton

Nays – None

Abstained – None

VI. Old Business:

E. Morano made a motion to accept the minutes of October 24, 2011. Seconded by S. Sutton. Ayes all.

E. Morano made a motion to accept the minutes of January 23, 2012. Seconded by R. Shackleton. Ayes all.

VII. Adjournment:

There being no further discussion, the meeting was adjourned at 8:30pm on a motion made by E. Morano, seconded by J. Wright. Ayes All. Carried.