

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
October 24, 2022**

Present: A. Coates, K. Kucinski, D. DuFour, J. Wright, M. Hepfer

Absent: B. Natoli

Staff: Amy Donnison

I. Call to Order

The meeting was called to order at 7:00 PM. K. Kucinski stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. (If the County 239 committee denies the request, the ZBA must have a majority plus 1, or 5 votes in order to approve.) The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance. The Common Council has the authority to change the Zoning and Sign Ordinance. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There are 2 cases before the Zoning Board this evening: both are a Sign Variance request.

II. Public Hearing: GHS Federal Credit Union – 35 East Main Street

The public hearing was opened at 7:03 PM. The following exhibits were entered into evidence:

1. Application from JAX Signs dated 10/6/2022
2. Community Development report dated 10/20/2022
3. Photographs of property showing existing manual changeable copy sign
4. Copy of tax map of property
5. Proposed sign specifications
6. Proposed sign look from sign designer
7. No correspondence or phone calls received in opposition or support.
8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or correspondence received in opposition nor support to the proposal.

Shawn Wolbert, President/CEO of GHS Federal Credit Union noted that GHS has a long history in the community. There is currently a manual changeable copy sign on a freestanding pole near the street end of the parking lot. The dimensions of the proposed electronic changeable copy sign would be the exact same size mounted on same pole. The proposed sign is the same one that is at the Binghamton location. One of the main reasons for wanting to upgrade to the new electronic changeable copy sign is that parts to repair this one are becoming more difficult to find, the letters in high winds fly off, bugs are attracted to the lights.

A. Coates asked if this would be a 2 sided sign – S. Wolbert stated yes – just like the existing manual changeable copy one.

K. Kucinski asked for clarification that only the bottom part of the existing free standing sign would be changed out. Also, what would be the hours of illumination? S. Wolbert stated yes only the bottom half and that they are flexible on the hours of illumination

J. Wright noted that she appreciates their willingness to be flexible in this proposal and to cooperate with hours of illumination even though there are no close by residential homes that may be affected. The general neighborhood is primarily commercial. A. Coates asked what their open hours are. S. Wolbert stated they open at 8:30am and closing times vary by the day.

Representative from JAX Signs stated that each night when it is turned off it gets rebooted when turned back on. M. Hepfer asked how long does it take to reboot? Approximately 1 minute. K. Kucinski noted that when parts are difficult to obtain, letters flying off and having to repurchase them as well as the hazard of changing the letters on the sign it is a practical hardship to keep the older sign in place.

D. DuFour noted that other banks have led signage that is on for 24 hours – such as NBT time and temperature. K. Kucinski agreed and believes they have met the criteria for approval.

Public hearing was closed at 7:12pm.

III. Findings & Determinations for GHS Credit Union – 35 East Main Street

- No support nor opposition to the proposal
- Code Dept denied request because at this time only manual changeable copy signs are allowed in this district.
- Current sign is difficult to change letters

- Safety concerns when changing letters in the wintertime
- Difficult to get replacement parts
- The proposal would not create an undesirable change in the neighborhood as it is primarily commercial
- Requested variance is not substantial – more and more of the electronic signs are being requested and used.

M. Hepfer made a motion to approve to approve the request as applied for – replacing the existing manual changeable copy sign with a electronic changeable copy sign of the same 2 sided dimension. Seconded by J. Wright..

Motion Approved: 5 ayes; 0 nays. Ayes All.

Ayes – A. Coates, K. Kucinski, D. DuFour, J. Wright, M. Hepfer

IV. Public Hearing: St. Bartholomews Parish Center – 73 East Main Street

The public hearing was opened at 7:25 PM. The following exhibits were entered into evidence:

1. Application from Anthony Testani dated 10/6/2022
2. Community Development report dated 10/20/2022
3. Photographs of property showing existing manual changeable copy sign
4. Copy of tax map of property
5. Proposed sign specifications
6. Proposed sign look from sign designer
7. No correspondence or phone calls received in opposition or support.
8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or correspondence received in opposition nor support to the proposal.

Ald. David Zieno stated that he has also received no objections to this proposal

and supports the proposal noting that this signage announces community events, elections, senior center programs, etc. The signage is a big benefit to the community.

A. Testani stated the existing sign is old and an eyesore and like many other old ones it is difficult to get parts and letters often go missing. Often it takes 30 to 40 minutes to change the lettering on each side whereas the new one is electronic and will be changed from their computer no matter what the weather in just minutes. A, Testani also noted that the new sign would only be 1 sided and set back from the street 65 feet – close to the building. This sign will also be significantly smaller in total square footage as it will only be 1 sided facing the street. It was also noted that the current sign is a rollaway so when there are no current events listed it must rolled away, to use it must be plugged in. Some internal lights are not working.

A. Coates asked if they could program the brightness or have a dimming feature. A. Testani stated yes, there are over 100 dimming levels.

K. Kucinski asked about the brick base for the signage shown in the drawings – A. Testani stated they are faux bricks being placed over constructed base to elevate the sign for easier viewing and so it is not on the ground.

D.DuFour asked if they planned to follow current lighting time regulations since this parcel is adjacent to residential homes. A. Testani stated indeed they would.

Public hearing was closed at 7:40pm

Findings & Determinations for St. Bartholomews Parish Center – 73 East Main Street

- No opposition to the proposal
- Verbal support from the ward Ald. Zieno
- Code Dept denied request because at this time only manual changeable copy signs are allowed in this district.
- Current sign is difficult to change letters & takes a long time
- Difficult to get replacement parts
- The proposal would not create an undesirable change in the neighborhood
- Requested variance is not substantial – more and more of the electronic signs are being requested and used.

D. DuFour made a motion to approve to approve the request as applied for – replacing the existing manual changeable copy sign with a single sided electronic changeable copy sign. Seconded by K. Kucinski.

Motion Approved: 5 ayes; 0 nays. Ayes All.

Ayes – A. Coates, K. Kucinski, D. DuFour, J. Wright, M. Hepfer

V. Adjournment:

There being no further discussion, the meeting was adjourned at 7:50 pm on a motion made by K. Kucinski. Seconded by M. Hepfer. Ayes All. Carried.