

Village of Central Square Zoning Board of Appeals
Meeting/Workshop
Tuesday, September 21, 2010

Attendance: Chairman Mike Sperling, Board member Tyler Gervaise, Board member Bob Loran, Board member Deborah Worlock, Mayor Murphy, and Village attorney Kevin Caraccioli, Esq., Secretary Brandy Hickman.

Chairman Mike Sperling moves to open Meeting at 7:10 p.m.

Chairman Mike Sperling moves to use tonight's meeting as a workshop to discuss the Dignity Plus/Donald Penoyer sign issue with village attorney. No decisions are to be made tonight.

Everyone in attendance takes the time to read over the Minutes from the August 30, 2010 Public Hearing and the proposed Resolution regarding the Dignity Plus sign that was prepared by Kevin Caraccioli.

Kevin Caraccioli begins the workshop by stating that the use variance application needs to be sent to Oswego County Planning Department.

Mike Sperling questions Tyler Gervaise about his, previously verbalized, willingness to compromise and let Mr. Penoyer keep the sign if he only advertises his business (Dignity Plus). Mike Sperling also added that such a compromise would go against the Village code.

Tyler Gervaise responded by saying that he was just throwing ideas around and that he hadn't decided that was the route to take. He doesn't agree with Mr. Penoyer being granted the, ill defined, variance back in 2007. Tyler Gervaise voiced his concern about the village having to carry the cost of a lawsuit if the ZBA decides not to grant the 2010 use variance submitted by Mr. Penoyer.

Mike Sperling says that he doesn't agree with Tyler Gervaise regarding the granting of the 2007 variance. Had Mr. Penoyer followed what was agreed upon in 2007, then we wouldn't be discussing this issue now and that in his opinion Mr. Penoyer was able to get around the agreed terms of said variance because those terms were not recorded in detail in the minutes.

Mayor Murphy announced that owner of bowling alley came to village office to express his desire to put up a sign similar to that of Mr. Penoyer once he can afford such a sign.

Tyler Gervaise says that he's pleased with the Resolution that attorney Kevin Caraccioli prepared for this issue. Deborah Worlock agreed.

Kevin Caraccioli suggests that the ZBA can grant the 2010 variance, but would need to do a complete review of the new application because the current sign is new and not the same sign that Mr. Penoyer had in 2007 when he was granted the prior variance. Kevin asks the board, "If you do want to grant the variance then what kind of terms and conditions do you want included?"

Kevin Caraccioli then adds that he will revise the last clause of the proposed Resolution regarding the SEQR (State Environmental Quality Review). If the ZBA does decide to do a full review of the application for use variance then the SEQR will need to be involved and will also do a visual test of the sign.

Kevin Caraccioli will prepare the template for future Resolutions and stated that if it's a small issue then the Board will not need to send it to him for review before submitting into record. If it's a more complex issue like this and other attorneys are involved then definitely send the proposed Resolution to him for legal review.

The Board agrees that next step in this process is to have Kevin revise the proposed Resolution, set up a public meeting to take the vote.

All new Resolutions will, once approved by the Board, be read aloud at a public meeting and then filed with the Village Clerk the following business day. The applicant will have 30 days in which to appeal the Board's decision. If the applicant doesn't appeal the decision within that time, the decision will become local law.

Deborah Worlock moves to set next meeting for October 26, 2010 at 7:00 p.m. Tyler Gervaise seconds the motion. Board is polled, all in favor.

Bob Loran moves to approve minutes from the August 30, 2010 Public Hearing. Tyler Gervaise seconds the motion. Board is polled, all in favor.

Legal Notice will be prepared by Brandy Hickman and published by the Village Clerk.

Mike Sperling moves to close meeting/workshop at 8:10 p.m. Debora Worlock seconds the motion.

Respectfully Submitted,

Brandy Warren-Hickman, Secretary