

RESOLUTION(S) OF VILLAGE OF CENTRAL SQUARE
ZONING BOARD OF APPEALS
(Oswego Health Center – Signage & Parking Area Variances)

The Zoning Board of Appeals (“ZBA”) of the **VILLAGE OF CENTRAL SQUARE**, in the County of Oswego, State of New York, met at a regular meeting held in the Municipal Building, located at 3125 East Avenue, Central Square, New York 13026, on the 10th day of July, 2012 at 7:00 p.m.

Jacques Monica, Deputy Chairperson, and the following members were present:

Keith Lindstrom
Michael Sperling
Debbie Bilello

Absent: Tyler Gervaise

Also present: Steven J. Primo, Village (ZBA) Attorney
Dale Hodge, Code Enforcement Officer
Kim Cusson, Secretary to ZBA
Hon. Millard Murphy, Mayor
Marion Ciciarelli, Oswego Health Center Representative
James Cullinan, Director of Construction

The following resolution was moved, seconded and adopted:

WHEREAS, the Zoning Board of Appeals for the Village of Central Square having met on this date following combined public hearing held on June 28, 2012, relative to two requests for area variances (relative to parking area (space) length and area and signage face(s) area) made by Oswego Health, Inc. d/b/a Oswego Health Center (“Applicant”) in connection with and on Planning Board referral relative to Site Plan approval for a project under renovation at existing premises located at 3045 East Avenue (State Route 49), Central Square, New York; and

WHEREAS, the first such request is for a variance permitting parking space area of 180 square feet in a Commercial Zoning District, wherein the Village Zoning Code requirement (§250-3) is for 200 square feet, the proposed location of such spaces were shown on a site layout plan entitled “Site Plan L2.01; Last Revised February 10, 2012; Appel-Osborne” (the “Site/Layout Plan”), which plan however appeared to contain some minor errors relative to the proposed parking areas; and

WHEREAS, the Applicant, appearing at the public hearing by representatives Ms. Marion Ciciarelli and Mr. James Cullinan, Director of Construction, explained they had originally sought

9 ft width spaces however the Planning Board during site plan review indicating they would recommend only the required 10 ft width; it having been noted that the lesser length (20 feet to 18 feet) may in any event be more desirable, in that parking lot aisle widths appear to be restrictive, and there being no Village Code required minimum aisle width; that the total buildings square footage on the site would require one/250 SF spaces (total 90) per Code (§250-24-B(4)), and as existing (135 spaces) and proposed contains 114 (subject to minor changes), well in excess of the requirement would be provided with a minor increase of spaces nearest building entrance ways. There appears to be no significant increase or reduction in total paved area on the subject parcel from that which presently exists, nor is there any significant or material reconfiguration of parking and traffic flows; and

WHEREAS, following the public hearing and during the regular meeting on June 28, 2012 discussion was had relative to the need for Oswego County Planning Board referral (the Oswego County Planning Board had reviewed the Site Plan application however the two variances were not specifically submitted), and accordingly, on resolution of the ZBA duly adopted, the application was referred to Oswego County Planning for (NYS) GML §239(m) review; and

WHEREAS, on July 10, 2012, the Village Code Enforcement Officer, on behalf of the ZBA, having received back from County Planning the following response (under separate email from Deborah Wise, OCCDTP dated July 10, 2012 and supplementing the letter under Case # 2012-51): no significant county wide or similar impacts (thus no position), the ZBA determining no supermajority approval consideration need be given to any determination made; and

WHEREAS, the Board next considered review under the (NYS) State Environmental Quality Review Act as follows: a Short Environmental Assessment Form (EAF) having been prepared and submitted in connection with the variances requested, and the ZBA also noting any separate SEQRA review having been conducted by the Village Planning Board in connection with their Site Plan review; the Village Attorney advising the ZBA the action is an Unlisted Action pursuant to SEQRA and that accordingly the ZBA may act as Lead Agency and conduct an Uncoordinated Review (there being no other Involved Agencies); and

WHEREAS, in relation to the Applicant's first area variance request (relative to parking space length), the ZBA has considered the required "balancing test" under Village Law §7-712-b(3)(b) per authority granted under Village Zoning Code §250-29(B) and has accordingly weighed the effect of same (if granted) on the health, safety and welfare of the neighborhood and community; and in conjunction with such consideration, has considered the following criteria:

1. Effect on Neighborhood Character/Detriment to Nearby Properties. The requested variance should not create an undesirable change in the character of the neighborhood nor any detriment to nearby properties because: the paved parking/aisle areas will not be increased, and the total number of parking spaces far exceeds Village Code requirements for a building of that size and type of use; this premises is situate entirely within a commercial and retail area accessing a heavily trafficked state highway on the periphery of the Village center. Adverse effects would likely be limited to the cumulative effects of increased traffic volume (together with the numerous other commercial/retail facilities in the corridor) from the use (if any), however also noting that as a medical and related

facility increased traffic would likely be interspersed throughout the day and not necessarily (as with residential subdivisions for instance) to be especially concentrated at peak times (7:00 – 8:30 a.m. and 4:00 – 6:00 p.m.).

2. Feasible Alternatives. There appears to be no other feasible method to achieve the benefit sought by the applicant. The only way to create more parking closer in proximity to the building entrances and canopied area is by redesigning the size or configurations of spaces and parking aisles. Although the Village Code has no minimum aisle requirements, it appears the existing, as well as proposed, aisle size is minimal such that any further reductions may affect safe maneuverability, especially during adverse weather conditions. Likewise, the present and well as proposed length of parking spaces leaves very little room for reconfiguration. In any event, one benefit (greater aisle width) the Applicant and project will realize, can only be achieved by reducing the length of parking spaces.
3. Substantiality. The requested variance originally included a reduction in width to 9 feet presently before the Board is only the request for a reduction in area to 180 SF, via the reduction in length from 20 to 18 feet (10%); these reductions in length and area are both minimal and as aforementioned may likely be of benefit in assisting with safe maneuverability given the aisle widths.
4. Adverse Environmental and Physical Effect or Impact. Any adverse affects or impacts on physical and/or environmental conditions in the neighborhood or district would likely be limited to that described at #1 above (“Neighborhood Character/Detriment to Nearby Properties”). Any adverse or similar effects on drainage, stormwater management and the like would be largely as existed prior, given that the paved areas are not increasing. Increases in noise, dust, exhaust and the like may in fact be mitigated by the increases in aisle width (vehicles maneuvering in and out of parking spaces and aisles will just as likely not idle as long or take as long in maneuvering to access/egress the premises).
5. Self-Created Hardship. The alleged difficulty is self created, however, this in and of itself cannot preclude the ZBA from granting the relief requested; as an area variance, the absolute bar (as in a use variance) would not apply.

WHEREAS, the ZBA next considering the request for area variance relative to free standing signage, specifically relative to a proposed (i) free standing “monument” style sign (solid upright rectangular) of 174” (H) and 71” (W) including a (i) 71” (W) and 60” (H) height (solid) base segment (no graphics); (ii) a middle segment consisting of a 71” (W) by 80” (H) identification panel area showing various tenant/occupants on up to eight (8) 10” (H) by 71” (W) panels, and (iii) at the top a segment of 71” (W) by 34” (H) same being a main signage area listing “Central Square Medical Center affiliated with (logo) Oswego Health,” the foregoing shown in part on the signage permit application denied by the Village Code Enforcement Officer (“CEO”) and also on the graphic depiction provided by the Applicant and advised as having been prepared by Kassis Signs (“Permit Drawing”) (it being noted the Application included two graphics, one being of Applicant’s facilities in another jurisdiction); and

WHEREAS, the signage requirement per Village Code (per side) §250-18F(9)(C)(1) is 20 square feet (SF) and as proposed originally by Applicant was 85.79 SF per side, thus a variance of 65.79 SF per each sign face was sought; and

WHEREAS, following the public hearing and during the regular meeting on June 28, 2012 discussion was had relative to the need for Oswego County Planning Board referral (the Oswego County Planning Board had reviewed the Site Plan application however the two variances were not specifically submitted), and accordingly, on resolution of the ZBA duly adopted, the application was referred to Oswego County Planning for (NYS) GML §239(m) review; and

WHEREAS, on July 10, 2012, the Village Code Enforcement Officer, on behalf of the ZBA, having received back from County Planning the following response: no significant county wide or similar impacts (thus no position), the ZBA determining no supermajority approval consideration need be given to any determination made; and

WHEREAS, the Board next considered review under the (NYS) State Environmental Quality Review Act as follows: a Short Environmental Assessment Form (EAF) having been prepared and submitted in connection with the variances requested, and the ZBA also noting any separate SEQRA review having been conducted by the Village Planning Board in connection with their Site Plan review; the Village Attorney advising the ZBA the action is an Unlisted Action pursuant to SEQRA and that accordingly the ZBA may act as Lead Agency and conduct an Uncoordinated Review (there being no other Involved Agencies); and

WHEREAS, the Applicant presented and explained the Application and extensive discussion was had as to the sheer size (in area) of the signage, need for the proposed height and width and expression of concerns relative to the total sign surface area as being well in excess of Village Code maximum square footage; the Applicants explained the need for size as proposed, as well as the specific signage directory listing of tenant/occupants, the Applicant's advising that especially given the medical uses and that visitors and patients may not be familiar with the area, disabled or elderly, or these otherwise restricted in ambulation require detailed, highly and easily visible signage; and

WHEREAS, brief discussion of the necessity for certain content took place however this did not relate to the substance of the content but moreso relative to the size and type of sign directory design, notice reasonably required for potential visitors and patients; and

WHEREAS, concerns were also raised relative to traffic safety, and that the solid base of the sign structure very likely would significantly interfere with visibility, especially when exiting onto Route 49/East Avenue and

WHEREAS, a change of location, further (than the required 6 feet) from the shoulder of East Avenue, and into the lot setback (nearer the edge of parking area pavement) might present other concerns such as related to lack of sign visibility from the highway, snow removal/storage and the like; and

WHEREAS, after considerable discussion amongst the Village Board, the Applicants and with some public comment, including from the Village CEO, it was proposed as a potential for compromise that since the applicant felt the height was important for name recognition and visibility of the Oswego Health Center name/logo, if the signage structure was of pylon (rather than monument) design such that the proposed solid 60” by 71” base area no longer blocked visibility nor impacted aesthetically as part of the signage mass, the Applicant’s signage visibility concerns could be met, yet the overall signage area would be reduced considerably; significantly any potential traffic safety concerns would be met by the replacement of a solid base design with two (2) structural (pylon) poles. Likewise, the identification panel areas (originally shown as 71” (W) by 10” (H) (each) and 80” (H) in total could be “reserved” (with certain conditions) such that if in the future other tenants/occupants took possession under space leases, identification panels could be freely substituted; and

WHEREAS, after further discussion, the ZBA expressed the sentiment they may be “comfortable” with the following:

1. Pylon signage structure, in total 174” (H) with two (2) architectural type columns (12” or less in width) as structural supports to a sign base, the bottom of which shall be elevated to 70” in height (thus leaving a 71” (W) x 70” (H) clearance at the sign base);
2. Identification panel area of (per face) 71” (W) by 70” (34.51± SF) (H) (i.e., not 80” as shown on the Permit Drawing); within this area signage panels to be freely substituted and modified based upon occupancy, including to reduce the size of graphics (font), and that no other or greater in size graphic features (other than lettering, and directional arrows as shown on Permit Drawing);
3. 71” (W) by 34” (16.76± SF) (H) (per face) main signage panel for “Central Square Medical Center affiliated with (logo) Oswego Health”;
4. All signage details and graphics as required by approval resolution to be substantially as shown on a revised Permit Drawing;
5. Except for pylon/column type base, signage shall be as to font/type colors (red, blue and white) and with the main signage panel (at the top) being white, and within metallic grey steel in the identification panel area, such other materials as shown on Permit Drawing;
6. Landscaping of durable low care quality at a height of less than 14” shall be installed at the base of the signage surrounding the pylon poles and between them; and
7. Village Code Enforcement Office to review (revised) Permit Drawing to confirm adherence with the foregoing and to attach same to approval resolution of ZBA.

WHEREAS, in relation to the area variance request for parking, the ZBA has considered the required “balancing test,” and accordingly weighed the effect of same (if granted) on the health, safety and welfare of the neighborhood and community; and in conjunction with such consideration, considered the following criteria:

1. Effect on Neighborhood Character/Detriment to Nearby Properties. The requested variance should not create an undesirable change or the character of the neighborhood or detriment to nearby properties. Although a commercial retail area, the signage as originally proposed, especially since not serving a multi tenant or strip center or large retail establishment seemed presumptively out of character. As revised, although still substantially in excess of Code, the proposed signage strikes a balance as between the heightened necessity for medical center identification signage, and concerns relative to neighborhood character. As modified, the signage size and design are relatively consistent with several nearby uses (although retail signage standards are different), and therefore from strictly a neighborhood character perspective, is somewhat consistent.
2. Feasible Alternatives. There appears to be no other reasonably feasible method to achieve the benefit sought by the Applicant. Alternative methods of tenant/occupant identification would be an increase in number of signs in the parking lot areas or on the building, only the latter could be likely to assist visitor/patient identification from the highway; there being nothing in the record to the contrary, one has to presume the Applicant's representations as to the necessity, with multi use medical center space, of increased identification and directional signage; this is often as a result of who likely invitees are, (the elderly, disabled, sick/injured, and urgent (emergency) type cases); and those transporting the latter, often excited, anxious, not knowing exactly where they may need to go and/or perhaps having not been there before or frequently; the only alternative would be specific identification signage for (not only) the Center, but also for separate occupants/departments.
3. Substantiality. The variance (originally) as requested, and even as modified, is still substantial (20 SF permitted to 51.27± total SF per face) however this is somewhat tempered due to the necessity of the type of signage (identifying 8-9 different or affiliated departments or occupants). In any event, a determination of "substantial" is relative as well as subjective.
4. Adverse Environmental or Physical Effect or Impact. The only direct potential adverse effect is the possibility of visibility issues with traffic. This would be mitigated somewhat by the modified signage base as now considered. Adverse "visual" effects (i.e., the sheer size/area of the signage) can also be considered as affecting physical or environmental conditions; however in this context this would be more of a "neighborhood character" issue (see #1 above).
5. Self-Created Hardship. On its face the alleged difficulty would appear self created, again however (as with the parking area request), this is not a bar to the relief sought. One might also consider that under certain circumstances even a self imposed hardship, out of necessity (versus a completely unilateral/discretionary act) may sometimes be considered as not wholly self imposed. Here, the Applicant has stressed that streetside identification of each specific use is reasonably necessary due to the nature of the occupants' businesses (e.g., urgent care) and/or the nature of invitees (patients) and their medical and physical conditions;

WHEREAS, the ZBA next further reviewed the Short Environmental Assessment Form, noting that Part I had been completed and executed by the Applicant, and appears as accurate, and that Part II had been prepared in proposed form by the Village (ZBA) Attorney, and is likewise substantially accurate; any impacts noted at Part II (§'s C-1, C-2) would be minimum or moderate at worst, and may be just as likely non-existent;

NOW THEREFORE UPON MOTION OF DEBBIE BILELLO, SECONDED BY KEITH LINDSTROM, BE IT:

RESOLVED that ZBA hereby determines (confirms) this as an Unlisted Action, assumes Lead Agency status and elects to conduct an Uncoordinated Review; based upon such review of the EAF, and the foregoing Recitals (Whereas) paragraphs, a Negative Declaration of Significance is warranted and is hereby issued and the ZBA Attorney is directed to ensure the same under his signature or that of the Deputy Chairman; and it is further

RESOLVED, that an area variance be granted (subject to conditions as follows) permitting a reduction in the square footage (areas) of vehicle parking areas from the required 200 SF to 180 SF conditioned upon being approved and configured as 18 feet length by 10 feet wide spaces as to all such areas substantially as shown on the Site/Layout Plan. Such approval is specifically conditioned upon:

1. The submission of a revised Site/Layout Plan reflecting the required changes to the Site/Layout Plan reflecting this grant of variance and including any required corrected numbers/calculations based thereon;
2. Satisfactory review and approval of the Code Enforcement Officer verifying the foregoing; and
3. That a copy of such revised Site Plan be delivered to the Village Planning Board together with a certified copy of the ZBA minutes/resolutions reflecting same and such revised Site Plan being approved by the Planning Board as a component of the approved Site Plan; and it is further

RESOLVED, that respecting the proposed signage, (the) area variance(s) providing for same, and conditioned as follows be granted:

1. Pylon signage structure totaling 174" (H) with two (2) architectural type columns (12" or less in width) as structural supports to a sign base the bottom of which shall be elevated to 70" in height (thus leaving a 71" (W) x 70" (H) clearance at the sign base);
2. Identification panel area of 71" (W) by 70" (34.51± SF per face) (H) (i.e., not 80" as shown on the Permit Drawing); within this area signage panels to be freely substituted and modified based upon occupancy, including to reduce the size of graphics (font), and that no other or greater in size graphic features (other than lettering, and directional arrows as shown on Permit Drawing);

3. 71” (W) by 34” (16.76± SF per face) (H) main signage panel for “Central Square Medical Center affiliated with (logo) Oswego Health”;
4. All signage details and graphics as required by approval resolution to be substantially as shown on a revised Permit Drawing;
5. Except for pylon/column type base, signage shall be, as to font/type colors (red, blue and white) and with the main signage panel (at the top) being white, and with metallic grey steel in the identification panel area, such other materials as shown on Permit Drawing;
6. Landscaping of durable low care quality at a height of less than 14” shall be installed at the base of the signage surrounding the pylon poles and between them; and
7. Village Code Enforcement Office to review (revised) Permit Drawing to confirm adherence with the foregoing and to attach same to approval resolution of ZBA; and it is further

RESOLVED, that as to the identification panel area, this also effects a waiver of Village Code §250-18C(4)(C) thereby permitting, without requirement of a new permit, future substitution however only with such design font/type and colorized tenant/occupant panels as approved herein; and it is further

RESOLVED, that such resolution (and approval) is further conditioned upon a revised site plan including thereon (as a separate page or one of the other site plan pages) the Revised Permit Drawing and requirements and conditions of this resolution by inclusion of same as well as by reference to the resolution number and date of adopting/filing; copy of same to be delivered to the Village Planning Board together with a certified copy of the ZBA minutes/resolutions reflecting same.

Upon such motion and second, the foregoing resolutions were put to a roll call, which resulted as follows:

Michael Sperling	<u>Y</u>
Jacques Monica	<u>Y</u>
Debbie Bilello	<u>Y</u>
Keith Lindstrom	<u>Y</u>
Tyler Gervaise	<u>Absent</u>

Resolution was adopted on July 10, 2012

Attachments:

1. July 10, 2012 Oswego County Planning letter and email
2. Signage application of Applicant including proposed signage design (“Permit Drawing”) and Applicant’s actual Fulton signage.