

**VILLAGE OF CENTRAL SQUARE**  
**3125 East Avenue**  
**Central Square, New York 13036**  
**Zoning Board of Appeals Meeting • March 17<sup>th</sup>, 2015**

The Village of Central Square Zoning Board of Appeals met at the Village Hall on March 17, 2015. Members in attendance were Chairman Jacques Monica, Keith Lindstrom, Mike Sperling and Shirley Jones. Guests present were Chris Kamar (APD), Steve Pinkerton, John Mason, Amanda Brewer (APD), Heather Stevens and Alison Woods.

**Call to Order:**

The zoning board meeting was called to order by Chairperson Jacques Monica, at 7:06pm followed by the Pledge of Allegiance.

**Approval of Minutes:**

Board member Keith Lindstrom made a motion to approve the minutes of the July 16, 2013 Zoning Board Meeting as written. The motion was seconded by Mike Sperling, the board was polled and the motion passed unanimously.

**New Business:**

Sign Request Variance for Taco Bell at 3016 East Avenue

Jacques Monica invited Chris Kamar, PE with APD Engineering and Architecture, to address the board with a description of plans and the requested sign variances. Chris Kamar was speaking on behalf of Hospitality Syracuse. Chris Kamar stated that he revised elevations and made changes to the signage chart per the concerns of the chairman prior to the meeting.

The Taco Bell is proposed to be built at 3016 East Ave, at the northeast corner of the East Ave and County Route 12A intersection. The proposed signs are as follows: a pylon sign, a sign on the south, and a third building sign on the east elevation with the Taco Bell logo and name. The variances are the pylon sign as Wal-Mart already has a pylon sign on the property, also the proposed pylon sign is 48 square feet and the current allowed by code is 32 square feet, and the east elevation sign (or third building sign) as current code only allows for two building sign for buildings on a corner lot. The reason for requesting variance is because the location of the proposed building is two tenths of a mile from Route 81 and set back from route 49 with a tree line obstructing the view. Taco Bell feels they would be better able to compete with existing quick service restaurants with the additional signs. As a result, the pylon sign will be first seen by the customer and the eastern elevation sign would allow for customers to easily identify the building as the corresponding Taco Bell. The request for the third building sign is also in anticipation of future development as the developer plans to lease out more land on that parcel. The future plan includes cross access with future businesses.

Keith Lindstrom asked if the building would be behind the tree line in between the property in mention and Burdick Ford property and if the developer owns the tree line. John Mason, the applicant, stated that the developer owns up to the berm but not the tree line. Jacques Monica stated that a road had been discussed years ago to connect that area with the car dealership road, but Burdick Ford was not in favor and so any future road will stop at the tree line.

Jacques Monica discussed how the variance application in hand was for a third sign only, and not for a pylon sign. He also noted that per code they would also need a variance for the proposed size of the pylon sign, being 48 square feet as opposed to the 32 square feet allowed by code. Heather Stevens stated that per code 250-18-E-(12) it appears they need a variance for the placement of the pylon sign. The code states that only one pylon sign is allowed per lot no matter how many buildings occupy that lot. Wal-Mart currently has a pylon sign on the property already.

Jacques Monica asked if it would be a shorter sign or if it would block Wal-Mart's sign. John Mason states that the proposed sign is only 20' tall and Wal-Mart's is at least 35'. In addition, John stated that Steve Thomas, the developer, has deed restrictions with Wal-Mart where Wal-Mart has a say over any development that occurs on the land. So, Wal-Mart already had the opportunity to look over the plans and raise concern if there was any.

Mike Sperling asked what would happen as the land becomes further developed. John Mason said that Wal-Mart has a requirement of a 50' view corridor and that Steve Thomas has to honor Wal-Mart and Taco Bell in future lease considerations.

Jacques Monica asked if it was an option to add a directory sign instead of the pylon to the Wal-Mart sign, as that was the original intention when Walmart placed their pylon sign. John Mason said that Wal-Mart has since changed their rules and they don't want any additional signs on theirs.

Mike Sperling states that we need to have the pylon sign request variance in writing. Chris Kamar said that he can add it to the application. Heather Stevens stated that we can modify the current application as long as everyone initials it. Mike Sperling's concern is that the proper channels have been taken so as to avoid any potential issue in the future.

Chris Kamar stated that people have 30 days from the filing form to contest the variance. Jacques Monica said that we need more of a documented path rather than relying on someone to contest in the 30 days as most people, if there is an issue, won't raise an issue until construction starts which would be well past the 30 day limit.

Jacques Monica asked why they would like to have the third sign when they pylon sign will be 30' away. Chris Kamar replied that the pylon sign brings you close, but the east elevation sign will identify the building as you approach. Part of the reason for the consideration of a variance is because of how far back Taco Bell will be from the center line of the highway. John Mason added that the property next to the building is angled closer to the road than the Taco Bell property.

Jacques Monica asked if there was any agreement with Steve Thomas as to the potential development of future food restaurants. Chris Kamar replied that there are no restrictions. John Mason stated that Mr. Thomas is not prevented in any way in regards to future businesses. The only restriction is that Wal-Mart has a high requirement for parking, which suggests that any potential food businesses will be quick service restaurants and not necessarily sit down restaurants.

Jacques Monica reviewed his previous question in which Chris Kamar had already answered:

1. They mention the three signs “in conjunction with the proposed pylon sign”. We have no supporting documents for this sign. *Chris Kamar added the pylon sign to the handed out packets. In addition, through the course of the meeting, the Zoning Board of Appeals requested two additional variances in regard to the pylon sign.*
2. The chart in the upper left of the “Exterior elevation drawing A4.0” has errors. It appears that the measurements listed have the West and South sides switched. Can this be corrected by Tuesday? *This was corrected by Chris Kamar.*
3. Also, the chart shows signs measure  $12.1 + 14 = 26.1$  square feet. However one measurement is an actual and the other is a square footage covered measurement. We use the latter. Using the drawing from Yumi Brands, it should read  $12.17 + 22.24 = 34.41$ . *Per Village Attorney, Allison Nelson, both measurements are allowed as interpretations of the sign code. The Zoning Board of Appeals has previously measured the sign as a square footage covered measurement. As the drawings include both, it falls under the previous standard as well as their interpretation.*
4. It appears that the South face “Sign area” is above the 10% rule (250-18 F.9.A.2) by nearly 10 square feet. The signage area appears to be at 268 square feet (12' x 22') which makes it a maximum of 26.8 square feet for the sign on that side. As I mentioned in #3 the application is for 34.41. So that is a second variance. *Chris Kamar stated the code they are adhering to is F.9.C (East Ave. Commercial District). Using this, they fall under the 15% rule.*
5. We were only given elevation drawings, so we have no horizontal measurements. Since my comments in #4 are based on numbers found in multiple drawings and are in some cases estimates, are there full drawing sets available with the Code Enforcement Officer? If not, can the applicant bring them Tuesday? *Chris Kamar replied that the building is setback from the right of way 60.75' and from the edge of the East Ave. travel lane 113'. Jacques Monica stated that he wanted building dimension as the ZBA uses 15% of the signage area square footage, not the entire side of the building and wanted to be sure they were within that rule. Chris Kamar stated that he interprets the code as 15% of the wall. Currently, both are acceptable. Heather Stevens is going to look into defining wall area in the code for signage. Mike Sperling stated that it didn't look like 15% at a glance. Chris Kamar did a quick calculation and stated that the sign on one wall was 26.17 square feet and 15% of that wall is about 40 square feet, and that the signage area was approximately 12' x 22', so they are well within their limits.*

Keith Lindstrom asked why they were requesting the 48 square feet for the pylon signs as it is 16 square feet above our allowable limit, and asked what the other Taco Bells in surrounding towns and villages have. Chris Kamar stated that the company's preference is to have a sign of 48 square feet and that the store in Cicero also had the same 48 square feet sign.

Jacques Monica stated that when an additional variance was needed in the past, a member of the Zoning Board of Appeals would come in and initial it after a pending approval at the meeting so the motion might be passed at the same meeting. Mike Sperling also remembered this.

Mike Sperling asked if the Planning Board can re-write the code to allow three signs on future businesses. Heather Stevens stated that a new signage code is being drafted. In the proposed new code, it will still require a third sign to get a variance because of the difference of corner lots versus not.

Jacques Monica proposed to end the discussion and to vote. He will read the second variance into the minutes and then motion. He asked the board if there was any further discussion for the third sign. There was no further discussion.

The SEQR is to apply to both variances as they are for one parcel. The applicant has completed the first part of the environmental assessment form. Jacques Martin asked if the board had any issues with anything in the application. The board had no issues and proceeded to part two of the form.

Jacques Monica made a motion to close the public hearing portion of the meeting. The motion was seconded by Mike Sperling. The board was polled and the motion was passed unanimously. The public hearing portion of the meeting closed at 8:00pm.

Jacques Monica made a motion for the Zoning Board of Appeals to issue a negative declaration for the SEQR. The motion was seconded by Keith Lindstrom. The board was polled and the motion was passed unanimously.

Jacques Monica on behalf of the Zoning Board of Appeals has issued a negative declaration pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law. The Village of Central Square and its Zoning Board of Appeals as lead agency, has determined that the sign variances for the proposed Taco Bell at 3016 East Ave. in Central Square, based on the information presented including 617.20 Appendix B Short Environmental Assessment Form, will not have a significant negative or adverse environmental impact.

Keith Lindstrom made a motion to accept the variance as written to add a third sign to the property. The motion is seconded by Mike Sperling. The board was polled and the motion was passed unanimously.

Jacques Monica requested that a form be submitted to the Village at a later time for the pylon sign variance request. Jacques Monica read the pending form into the minutes to allow a motion to be passed contingent on receipt of the completed Variance application:

“Our property located at County Route 12A and Route 49 is requesting a pylon sign located 60 feet back from the travel lane in the East Ave. Commercial District. We are requesting a variance for a pylon sign sized 48 square feet as opposed to the 32 square feet currently allowed per village code. The reason we are requesting variance is because the property is set further back than usual and the tree line in the adjacent property hides the building. The sign will be seen from east to west ensuring that future customers have visibility and can safely access the business. In addition, since the existing Wal-Mart sign is in place, we are requesting this second pylon sign be placed on our portion of the ground lease, per 250-18.E.12 which only allows for one pylon sign per property.”

Keith Lindstrom motions to accept the variance pending the required form being submitted to the Village. The motion is seconded by Shirley Jones. The board is polled and the motion passed unanimously, pending the proper documentation being submitted to the Village.

As there is no further discussion, Shirley Jones motions to adjourn the meeting at 8:15pm. The motion is seconded by Mike Sperling. The board is polled and the motion is passed unanimously.

Respectfully Submitted,

Alison Woods

Planning Board Secretary