

ZONING BOARD OF APPEALS

PUBLIC HEARING

August 28, 2014

CONVENED: 7:00 p.m.

BOARD MEMBERS PRESENT: Eleanor Rosenthal
Edward Komara
Mary Cabral

BOARD MEMBERS ABSENT: Wade Davis
Bill Vitek (alternate)

A public hearing of the Village of Potsdam Zoning Board of Appeals was held on Thursday August 28, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

Komara, acting Chairman, stated that the Public Notice of this hearing was published in the August 22, 2014 edition of the Courier Observer. He then proceeded to read the Legal Notice.

Komara then explained the procedure to be followed for the meeting.

Area Variance Application #2014-7-28.1 submitted by Pizza Hut for 62 Market Street.

BUILDING INSPECTOR'S REPORT: Gregory Thompson, Code Enforcement Officer, introduced the application stating the applicant is seeking an area variance to install two additional signs that will bring total signage above what is allowed in that zone.

APPLICANT AND/OR APPLICANT'S AGENT: The applicant was not available at the public hearing.

THOSE IN SUPPORT OF THE APPLICATION: None

THOSE IN OPPOSITION OF THE APPLICATION: None

PUBLIC COMMENT: None

COMMUNICATIONS:

QUESTIONING OF SPEAKERS BY BOARD MEMBERS: None

VOTE REQUIREMENTS: Komara read the vote requirements.

The Public Hearing ended at 7:04 p.m.

ZONING BOARD OF APPEALS

REGULAR MEETING

August 28, 2014

A Regular Meeting of the Village of Potsdam Zoning Board of Appeals was held on Thursday, August 28, 2014 in the Civic Center Board Room, Park Street, Potsdam, New York.

The meeting was called to order at 7:05 p.m. and roll call taken:

MEMBERS PRESENT: Eleanor Rosenthal
Mary Cabral
Edward Komara

MEMBERS ABSENT: Bill Vitek (alternate)

APPROVAL OF MINUTES: Minutes of the July 24, 2014 Public Hearing and Regular Meeting.

MOTION MADE by Mary Cabral to approve minutes as written.

MOTION SECONDED by Eleanor Rosenthal.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

APPROVAL OF MINUTES: Minutes of the August 14, 2014 Public Hearing

MOTION MADE by Eleanor Rosenthal to approve minutes as written.

MOTION SECONDED by Edward Komara.

ROSENTHAL AND KOMARA IN FAVOR – CABRAL ABSTAINED – MOTION CARRIED

COMMUNICATION:

PUBLIC COMMENT: None

OLD BUSINESS: Area Variance Application #2014-7-28.1 submitted by Rose and Wayne Akley for 3 Gilmore Street.

The Board discussed the property location and what was adjacent to 3 Gilmore. Wayne Akley stated they own 3, 5, and 7 Gilmore Street and between 3 and 5 Gilmore there is just a large yard. Rosenthal asked if the other properties are rented and Akley responded yes. Rosenthal asked if the garage was for their personal use and Akley responded yes if they move there. Wayne Akley stated that if the variance is denied, they will not build a garage and will not move to this location from their current home in Hannawa Falls.

Consideration #1. Undesirable Change: Rosenthal stated it may crowd the area a little more but she doesn't feel it's an undesirable change. Cabral and Komara stated it is not an undesirable change.

Consideration #2. Achieved by Other Method: Cabral stated she believes there is no alternative unless they build a small garage. Rosenthal stated there are no other alternatives since the applicant wants the garage by the house and near the existing driveway. Komara agreed with both Cabral and Rosenthal.

Consideration #3. Substantial Variance Requested: All Board members believed the variance was not substantial.

Consideration #4. Adverse Effect or Impact: All Board members believed there would be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Consideration #5. Self-Created: Rosenthal stated you could argue this issue either way. Cabral stated she felt it was not self-created. Komara agreed with Rosenthal.

MOTION MADE by Eleanor Rosenthal to classify Area Variance Application #2014-7-28.1 as a Type II under SEQRA.

MOTION SECONDED by Mary Cabral.

ALL IN FAVOR – NONE OPPOSED – MOTION CARRIED

MOTION MADE by Mary Cabral to approve Area Variance Application #2014-7-28.1 as submitted.

MOTION SECONDED by Eleanor Rosenthal.

ROLL CALL VOTE:	Eleanor Rosenthal	-	Aye
	Edward Komara	-	Aye
	Mary Cabral	-	Aye

MOTION CARRIED – APPLICATION APPROVED

NEW BUSINESS:

Area Variance Application #2014-8-4.1 submitted by Pizza Hut for 62 Market Street.

Donna Yang, employee of Northern Awning & Sign Co. Inc. and representative for Pizza Hut, arrived after the public hearing. Yang stated there is a nationwide retrofit and band signs on the roof are part of the roll-out.

Greg Thompson stated to the Board what was allowed for signage and what was being sought.

Thompson stated there is an existing 48 sq. ft. sign. The applicant is allowed three signs in the sizes of: 48, 24, and 14.4 sq. ft. The applicant is seeking to keep their 48 sq. ft. sign and add two (2) 32 sq. ft. signs. Therefore the variance the applicant is seeking is 8 sq. ft. and 17.6 sq. ft.

Komara asked where the sign was going to be attached. Thompson replied to the center part of the roof. It was noted that the signs are contained within the dimension of the roof line so as not to protrude above the roof line. Rosenthal asked Yang if the applicant was willing to reduce the size of the sign; doesn't see why the Board should approve these larger signs if they can be reduced. Yang stated the only reason for these larger signs is for legibility; Yang also mentioned that they are internally illuminated with LED lights.

Consideration #1. Undesirable Change: Rosenthal stated since the property is in a business district then the lighting shouldn't be an undesirable change. Cabral and Komara both agreed there would be no undesirable change.

Consideration #2. Achieved by Other Method: Cabral stated yes, possibly could be achieved another way but did not understand the benefit sought by the applicant. Rosenthal and Komara both agreed with Cabral and Komara stated they could reduce but for the fact of legibility perhaps they cannot.

Consideration #3. Substantial Variance Requested: Rosenthal and Cabral both stated they thought the request was substantial. Komara stated that by the numbers the request is substantial but because they are contained within the roof line he doesn't feel it's substantial.

Consideration #4. Adverse Effect or Impact: All Board members stated there would be no adverse effect.

Consideration #5. Self-Created: All Board members felt the request was self-created.

Cabral stated she wanted to add to her comment regarding undesirable change. The property is in a commercial district and it seems like the downtown is creeping more towards commercialism. Cabral added she likes that Potsdam doesn't have a lot of signage.

MOTION MADE by Eleanor Rosenthal to approve Area Variance Application #2014-8-4.1 as submitted.

MOTION SECONDED by Mary Cabral.

ROLL CALL VOTE:	Eleanor Rosenthal	-	Nay
	Edward Komara	-	Nay
	Mary Cabral	-	Nay

MOTION DEFEATED – APPLICATION DENIED

OTHER BUSINESS: None

MOTION WAS MADE by Eleanor Rosenthal to adjourn.

MOTION SECONDED by Mary Cabral.

The meeting adjourned at 7:36 p.m.