

ONEONTA, NEW YORK - JANUARY 23, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 1

PRESENT: Chair Ed May
Commissioner Robert Lawson
Commissioner Russ Southard
Commissioner Louis Shields
Commissioner John Rafter
Commissioner Paul Robinson
Council Member Bob Brzozowski
ABSENT: Commissioner Joseph Ficano

Chair May called the regular meeting to order and asked the Clerk to call the roll.

Chair May stated with everyone's consent he would move the housekeeping items to the end of the meeting.

PETITIONERS

The Chair indicated there were no petitioners.

CORRESPONDENCE

City Clerk Koury gave a brief summary on the following correspondence that has been entered as written:

•The following Memorandum, dated January 17, 2012, was received from Senior Engineering Technician Hawver:

“RE: *Zoning Variance – Engineering’s Comments*
Property Address: 179 River Street
Tax Map #: 299.16-2-16
Applicant’s Name: United Health Services

Comments:

- 1. This office has only one concern. Ensure that placement of new sign shall not block visibility for traffic entering or exiting parking lot and driveway.”*

•The following letter was received January 20, 2012 from Elaine L. Downing, 183 River Street, Oneonta:

“James Koury
City Clerk

To the Members of the Oneonta Zoning Board

I have been notified of the proposed sign for UHS at 179 River, the property immediately behind my home. I have many concerns about this. The proposed size seems disproportionate with a residential neighborhood. I recognize that my side of the street is zoned commercial and that there has always been a sign for the property. But I would hope that the sign would be in keeping with its neighbors. The present sign is discreet and fulfills its purpose, namely directing people to the location which would otherwise be difficult to see.

Because the sign appears to be on my property I am concerned that it will affect the future value of that property if and when I want to sell it.

Will there be further signage on the building itself, as Towne Flooring had? I have no objection to this as long as it is appropriate.

I also assume the current sign will be removed?

ONEONTA, NEW YORK - JANUARY 23, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 2

(Correspondence) continued

Also, I question the lighting aspect. Will the lights be on all night long?

Last, but not least, is the safety issue of so large a sign. Hopefully it will be back far enough from the street to ensure good visibility for people entering and exiting UHS.

I would like further discussion to be held on this proposed sign and a compromise achieved that will be satisfactory to everyone concerned. I would hope that UHS will be a good neighbor.

I am sorry that I cannot attend the January 23 meeting to voice my concerns in person, but I am called out of town for a family emergency. I trust the Zoning Board will consider this matter wisely."

PUBLIC HEARING ON REQUESTED VARIANCE

The Notice of Public Hearing on the following request was duly published in *The Daily Star* on Monday, January 16, 2012. Affidavit as to proof of publication is attached hereto:

United Health Services is requesting an area variance in order to install a sign at 179 River Street, Oneonta, New York to advertise the new health center. The sign will be freestanding, internally illuminated and 7.5 feet high and 4.3 wide.

NEW BUSINESS

179 River Street (299.16-2-16) – United Health Services – Area Variance: Sign: The applicant wishes to install a sign on River Street to advertise the new health center. The sign will be free standing, internally illuminated and 7.5 feet high and 4.3 feet wide.

•The following Memorandum, dated January 9, 2012, was received from Code Enforcement Officer Chiappisi:

**“SUBJECT: Zoning Variance: Property Address: 179 River Street
Tax Map #: 299.16-2-16
Applicant’s Name: United Health Services
Zone: C/I
Type: Area: sign**

PROPOSAL: *The applicant wishes to install a sign on River Street to advertise the new health center. The sign will be free standing, internally illuminated and 7.5 feet high and 4.3 feet wide.*

§300-25A(5): *Free standing signs are permitted in the C/I zone subject to the requirements regulating signs in the C/I zone and §300-18 **General Regulations** governing signs in all zones.*

<u>CODE SECTION(S)</u>	<u>CODE REQUIREMENT(S)</u>	<u>EXISTING / PROPOSED</u>
§300-25 A (5)	<i>Free standing signs shall not exceed 20 sq ft.</i>	<i>Proposed sign is 32.5 sq ft; 60% larger than allowed by code</i>
§300-25 A (5)	<i>Free standing signs shall not be taller than 6 feet.</i>	<i>Proposed sign is 7 feet 6 inches tall; 25% taller than allowed by code.”</i>

Twenty-five (25) letters were sent out by the Clerk’s Office to property owners residing within 200 feet radius of the property in question and one response was received and entered under Correspondence.

Ms. Kelly Jo Hunnik, Robbins Sign Co., Kirkwood, NY stated they were the manufacturer of the sign. She said they originally misunderstood the permit application and thought there was no

ONEONTA, NEW YORK - JANUARY 23, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 3

(179 River Street) continued

variance needed because she thought it was only 2.2 square foot above the Code based on the base size. She said they would like to go with that sign being that it was a UHS standard sign. She said being that the smaller letters on the sign that were not illuminated were only 3.75" tall. She said she thought to go any smaller than there was no purpose to having a sign there. She said the only illuminated part of that sign was the UHS logo itself and the entire face of the sign did not light up. She said she hoped that helped the concern by the resident about the light issue. She said as far as the setback goes it was set back 10' from the road and the driveway which was normally required to be 5'. She said their reason for doing that was because of the concern of visibility pulling in and out of the driveway. She said she did not think the sign was extremely large for the area. She said a couple other signs in the area were larger, Stringers, Mold-A-Matic, Bassett Health. She said the Bassett sign was double the size of the structure and she questioned if that was grandfathered.

Commissioner Southard asked if the sign would be lit 24 hours.

Ms. Hunnik replied she believed it would be a timer and would come on at night and go off in the morning.

Chair May stated should the board approve this variance it would have the option to include the hours of illumination as a condition of the approval.

Commissioner Lawson questioned if the 10' setback was from the edge of pavement, the curb or the right-of-way.

Ms. Hunnik responded she believed the 10' setback was from the curb and 10' from the drive. She said the existing sign that would be removed and disposed of was a 32 square foot unlit post and panel sign.

Commissioner Lawson questioned if Mr. Hunnik had any sort of site plan other than what was submitted in terms of dimensions showing the setback.

Ms. Hunnik responded not with her but she could get a site plan.

Chair May stated that the board could always make that subject to City Engineering's approval.

Ms. Hunnik stated that they could pull that electric back if need be because it was in a conduit.

Commissioner Robinson stated he looked at the existing sign and it seemed to be quite visible sitting there on the corner by itself. He said he wondered why a larger sign was needed.

Chair May stated the signs were about the same physical size but one was horizontal and the other was vertical but were approximately the same square footage.

Commissioner Robinson stated he also liked the idea of the sign not being lit all night.

Commissioner Shields questioned if this sign was smaller than the Bassett monument sign.

Ms. Hunnik responded yes it was. She said the Bassett monument sign down the road further from UHS was 74' x 140' which was almost 72 square foot and the overall structure of her proposed sign was 32.5' and the face sign was only 22.5'.

Hearing no further comments from the board the Chair asked if anyone in the audience wished to speak and if so to please address their comments to the board and state their name and address for the record.

ONEONTA, NEW YORK - JANUARY 23, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 4

(179 River Street) continued

Mr. Rick Weinberg stated he owned the building and in terms of the current sign that was there the only reason it had been that way was because he leased to UHS and there was no sense in making a permanent sign while he knew UHS was applying for a sign. He said in regard to the question about a site plan he said it was a very large 5 acre site.

Commissioner Lawson stated his interest for a site plan was not about the site but about the positioning of the sign.

Chair May questioned if there were any plans for additional signage on this property.

Mr. Weinberg responded he did not have any plans for additional signage other than what was there but he believed UHS had a plan for a sign on the building itself.

Chair May stated he was talking about signage at River Street.

Mr. Weinberg stated there were no plans for additional signage on River Street. He said his business was advertised on the same sign.

Chair May questioned if there would be no additional signage, no increase and no future requests for an increase.

Mr. Weinberg responded no, he had no intention of anything.

Mr. Scott Harrington stated he lived at 180 River Street that was directly across from this building. He said many of the questions he had were answered because he was mostly concerned with safety. He said cars come flying up out of that driveway and the drivers did not look before coming out on to the road. He said his main concern was if a bigger sign was put in that it was already hard enough to see coming out of that driveway and without slowing down to come it that sign will add to possible motor vehicle accident there. He said there were kids that walk down that side of the street which was the commercial side and the other side was residential. He said they needed to take into consideration the neighborhood and the value of houses and the properties. He said he was not against any kind of commercial but was really concerned on the safety issues because it did not take much distraction in that area. He said there had been an increase in traffic on the street and it seemed like once drivers come up over the knoll they think it was the end of the city but it was not. He said his concern with putting in a bigger sign was safety issues. He said he would be happy if the sign would be shut off at some point during the night because there was a neighbor's house right there on the corner and the light would go right into her living room.

Chair May stated he understood that Mr. Harrington's concern was with the distance from the curb of the sign.

Mr. Harrington stated correct. He explained how he checked out the visibility and obstruction when he sat at the site in his truck that was large.

Chair May asked Mr. Weinberg if the trees on the opposite side of the driveway were his.

Mr. Weinberg replied he did not know.

Chair May asked Mr. Weinberg that if they were his would he be willing to trim them.

Mr. Weinberg replied definitely. He said he was totally cognizant of what the gentleman was saying and thought if the sign was such that if one pulls up in any kind of vehicle and one cannot see down the road that the sign should be moved back a little.

ONEONTA, NEW YORK - JANUARY 23, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 5

(179 River Street) continued

Chair May asked Mr. Harrington if he would find it acceptable if the sign was moved back from the proposed location to where the existing sign was now.

Mr. Harrington replied he would because that would give drivers more time to see coming out.

Mr. Ed Pixley, 184 River Street, stated he just wanted clarification that this sign was roughly the same as the current one in terms of square footage.

Chair May responded yes but one was in a horizontal location and this proposed sign would be vertical.

Mr. Pixley stated that the memorandum said that the proposed sign was 60% larger than code allowed and he questioned if the sign was 60% larger than the present sign.

Chair May responded no. He said the code says it shall not exceed 20 square feet.

Dr. Tony Benjamin, 176 River Street, stated he had two main concerns. He said one was the increased traffic and also the lighting of the sign and parking lot. He said he would like the lighting of the sign to be set at a particular time. He said he wondered how the parking lot would be lit up and questioned if this would be weekends and holidays. He said he would like to see the board set a timeframe for when the lights would go on and off.

Hearing no further comments from the audience the Chair asked if the board any further comments.

Commissioner Southard stated it was a private drive but questioned if there would be a stop sign at the end.

Chair May stated the board had no ability to affect that.

Chair May asked Ms. Hunnik if she knew what the hours of operation were proposed for UHS.

Ms. Hunnik replied she did not. She said she knew they were not open 24 hours a day. She said UHS primary care in Binghamton was open 8am to 8pm.

Chair May asked if Ms. Hunnik had someone she could call at this time and ask that information.

Ms. Hunnik replied yes.

Chair May suggested that she excuse herself and make that call.

Ms. Hunnik stated she could that.

Chair May stated that the city did have a lighting ordinance and the board typically did not tell someone when to turn their parking lot or building lights on or off because it was a safety decision for them to make. He said but where someone was asking the city permission to do something that they otherwise might not be able to do the board could put conditions on it. He said the sign could be set back further and it could be turned on or off at times the board desired.

Chair May stated that it may not be a bad idea for Code Enforcement to ask those questions related to the hours of operation and when applicants come in and apply.

Code Enforcement Officer Chiappisi stated that was on the new business review form.

Chair May stated that information would be good for the board to know in the future.

ONEONTA, NEW YORK - JANUARY 23, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 6

(179 River Street) continued

Commissioner Lawson stated his concern was that the sign was too close to the street and he would want to have it moved back.

Ms. Hunnik returned from her phone call and said she found out that as of right now UHS plans on operating both primary care and pediatrics on Monday, Tuesday, Thursday and Friday from 7:00 am to 5:00 pm, Wednesday from 7:00 am to 7:00 pm and limited hours on Saturday morning as needed by patients. She said in regard to the sign she was told that the lighting of the sign would be on a timer and UHS was very flexible as to when that could go on and off and did not need to stay on all night.

Chair May stated UHS would be amenable to a restriction such as turning off the light sign at 9:00 pm or 10:00 pm.

Ms. Hunnik said that was correct.

Commissioner Rafter stated he had no questions. He said in moving the sign back for safety reasons sounded fine. He said the restrictions in terms of lighting sounded agreeable.

Commissioner Shields stated his questions had been answered.

Commissioner Robinson stated he was okay with it.

Chair May stated the sense of what he was hearing was that if UHS was willing to move the sign back so that the front edge of the sign was at or near the existing sign front edge, which was approximately 18' off the curb and they were willing to restrict its hours of operation and shut the lighted sign off at 10:00 pm. He asked Ms. Hunnik if she and her client would be willing to do that.

Ms. Hunnik replied absolutely.

MOTION, made by Commissioner Lawson and seconded by Commissioner Rafter, that based on site visits by the members of the Zoning Board of Appeals and testimony heard at the January 23, 2012 meeting, the board grants an area variance for United Health Services to install a freestanding sign, internally illuminated and 7.5 feet high and 4.3 feet wide at 179 River Street, Tax Map #: 299.16-2-16, with the conditions that the sign be moved back approximately 18 feet off the curb so that the front edge of the sign was at or near the existing sign front edge and restrict its hours of operation to going on at 6:30am and shut off at 10:00pm.

Voting Ayes: Chair May
Commissioner Lawson
Commissioner Southard
Commissioner Shields
Commissioner Rafter
Commissioner Robinson

Noes: None

Absent: Commissioner Ficano

MOTION CARRIED

ELECTION OF CHAIR AND VICE CHAIR FOR THE YEAR 2012

Chair May asked if anyone was interested in the positions.

Hearing no comments Chair May stated he would be willing to continue to serve as Chair. He said that Commissioner Robinson had been asked earlier if he would serve as Vice Chair and he said yes.

ONEONTA, NEW YORK - JANUARY 23, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 7

(Election of Chair and Vice Chair) continued

Without benefit of a motion the board selected Chair May to continue as Chair and Commissioner Robinson as Vice Chair for the year 2012.

APPROVAL OF MINUTES

The board approved the minutes of the regular meetings held September 26, 2011 and November 28, 2011, as written, without benefit of a motion.

Chair May welcomed the new members to the board and introduced them to everyone.

Ordinance Inspector Ferris stated that when the board receives paperwork from her to please try to e-mail her as soon as possible if there were any questions so she could try to answer them before the meeting.

There being no further business to come before the board, Chair May adjourned the regular meeting at 7:30 p.m.

JAMES R. KOURY, City Clerk

JRK/pab