

ZONING BOARD OF APPEALS

MEETING MINUTES

September 24, 2019

Town Hall

Meeting Room

7:00pm

Members Present: Dave Robbins, Dick Seely, Krista Niles-Updyke, Nicholas Ahearn

Members Absent: Heather Hanson

Staff Present: Tom Whispel, Robert Switala

Guests: Patrick Doyle, Matt Kerwin

Minutes

July 23, 2019

Motion by Niles-Updyke, seconded by Ahearn, to approve the minutes of July 23, 2019, Discussion; None, Motion Carries 3-0, Robbins Abstained.

PUBLIC HEARINGS

None

ZBA-05-2020

FERRARIO FISHERVILLE SIGN & LIGHTING VARIANCE REQUEST

FISHERVILLE ROAD

TAX PARCEL #87.04-1-3

Resolution by: Niles-Updyke

Seconded by: Seely

WHEREAS, the Town of Big Flats Zoning Board received a zoning variance application on April 19, 2019 from Ferrario Realty NY Inc. to exceed the 0.2 foot-candles at a lot line and to exceed the maximum sign area per face for the proposed free-standing sign. The lot is located in the Business Regional (BR) District. The applicant has requested relief from Section 17.36.190 (E)(4) to exceed the maximum foot-candle level along the lot line along the western, northern and newly created lot on east side of the parcel. In addition, the applicant has requested relief

from Section 17.52.050 (D) to exceed the maximum sign area per face of a free-standing sign. The max area is 50 square feet per face and the application is proposing 86.4 square feet per face.

WHEREAS, the Town of Big Flats Code Enforcement has provided a staff report from Bergmann, dated May 27, 2019; and

WHEREAS, a public hearing on the subject application was held on July 23, 2019; and

WHEREAS, the Town of Big Flats Planning Board previously completed SEQR on this project and issued a negative declaration; and

WHEREAS, the Town of Big Flats Zoning Board has reviewed the submitted materials in accordance with Chapter 17.60 of the Town of Big Flats Municipal Code; now

BE IT THEREFORE RESOLVED, that the Zoning Board of Appeals of the Town of Big Flats grants variances from Section 17.36.190 (E)(4) and Section 17.52.050 (D).

CARRIED: AYES: Robbins, Seely, Updyke, Ahearn

NAYS:

ABSTAINED:

Dated: Tuesday, September 24, 2019

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Heather Hanson, Chairwoman

Criteria Review- Lighting Variance

1. Whether an undesirable change will be produced in the character of the neighborhood
Robbins, no; Seely, no; Niles-Updyke, no, Ahearn, no
2. Whether the benefit sought can be achieved by some other method.
Robbins, no; Seely, no; Niles-Updyke, no, Ahearn, no
3. Whether the requested area variance is substantial
Robbins, no; Seely, no; Niles-Updyke, no, Ahearn, no
4. Whether the proposed area variance will have an adverse effect on the neighborhood
Robbins, no; Seely, no; Niles-Updyke, no, Ahearn, no
5. Whether the alleged difficulty of compliance was self-created
Robbins, yes; Seely, yes; Niles-Updyke, yes; Ahearn, yes

Criteria Review- Sign Area Variance

1. Whether an undesirable change will be produced in the character of the neighborhood
Robbins, no; Seely, no; Niles-Updyke, no, Ahearn, no

2. Whether the benefit sought can be achieved by some other method.
Robbins, yes; Seely, yes; Niles-Updyke, yes, Ahearn, yes
3. Whether the requested area variance is substantial
Robbins, no; Seely, no; Niles-Updyke, no, Ahearn, no
4. Whether the proposed area variance will have an adverse effect on the neighborhood
Robbins, no; Seely, no; Niles-Updyke, no, Ahearn, no
5. Whether the alleged difficulty of compliance was self-created
Robbins, yes; Seely, yes; Niles-Updyke, yes; Ahearn, yes

**TARGET SIGN VARIANCE
930 COUNTY ROUTE 64
TAX PARCEL # 58.03-1-53.1**

Applicant is applying for a variance for the installation of a 12' high merchandise pick-up sign. The site is located within the Business Regional (BR) District. Section 17.52.050 (F) does not allow for a tenant within a mall or plaza in the BR District to have a free-standing sign.

Patrick Doyle – discussed signage and reason for merchandise pick up and where the sign would be located. Sign would be lighted from 4PM – 11PM and is solar powered.

Switala – reminded ZBA that they would need to complete SEQR prior to taking action on this project. Project would be an Unlisted action with an uncoordinated review.

Motion by Seely, seconded by Niles-Updyke, to schedule a public hearing for October 22, 2019. Discussion; None, Motion Carries 4-0.

**UP STATE TOWER CO., LLC AND BUFFALO-LAKE ERIE WIRELESS SYSTEM USE
AND AREA VARIANCE
20 HIBBARD ROAD EXT. NORTH
TAX PARCEL #66.02-02-33**

Applicant is applying for an use and area variance to construct a public utility telecommunication facility at a total height of 165 feet. The property is located in the Business Neighborhood #2 (BN2) District. A free-standing wireless telecommunication facility is not a permitted use within the BN2 Zone. In addition the application is requested three area variances from Section 17.36.180 (D) associated with the height of the tower and the setback of the tower.

Matt Kerwin –presented the project on behalf of the application. Kerwin reviewed the project location.

Kerwin – noted that tower has been changed from lattice style to monopole at the recommendation of the Planning Board. Monopole will have break point approximately 20’ from the top.

Kerwin – reviewed coverage maps and discussed need for the project.

Kerwin – discussed process in which the applicant went through to identify site

Robbins – asked why not use the existing tower located adjacent to the Corning Facility on CR 64. Kerwin provided exhibit showing the drop in coverage if co-located on that tower.

Kerwin – noted that a 5% drop in coverage and customer potential is substation. This drives the need for a 165 tall pole.

Seely – concerns over location to adjacent day care facility and how the output is measured.

Kerwin – reviewed standards on which public utilities are evaluated when it comes to use and area variances.

Switala – will review if Zoning Board will need to complete SEQR independent of Planning Board since it is being considered an Unlisted action.

Motion by Seely, seconded by Niles-Updyke, to schedule a public hearing for October 22, 2019. Discussion; None, Motion Carries 4-0.

Motion by Niles-Updyke, second by Seely to adjourn at 7:36pm, Discussion; None, Motion Carries 4-0.

Adjourned at 7:36pm