

SS:

STATE OF NEW YORK
ONONDAGA COUNTY
ZONING BOARD OF APPEALS

MINUTES OF MEETING
TOWN OF CICERO ZONING BOARD OF APPEALS

DATE: June 6, 2016
PLACE: CICERO TOWN HALL
TIME: 6:00 P.M.

The Regular meeting of the Zoning Board of Appeals was held Monday, June 6, 2016 at 6:00 P.M., at Cicero Town Hall, 8236 Brewerton Road, Cicero, New York 13039

Members Present:	Gary Natali	Chairman
	Charles Stanton	Deputy Chairman
	Terri Luckett	Ad hoc Board Member

Members Absent:	Mark Rabbia	Board Member
	Gary Palladino	Board Member
	Rita Wicks	Board Member

Others Present:	Terry Kirwan, Esq.	Attorney, Kirwan Law firm
	Richard Hooper	Director Code Enforcement
	Ann Marie August	Recording Clerk

Inasmuch as there was a quorum present, the **meeting opened at 6:00 P.M.**

Chairman Natali called the meeting to order and asked for a roll call of Board Members present. He pointed out fire exits and requested that pagers and cell phones be silenced. He then asked everyone to stand for the Pledge of Allegiance.

Mr. Natali: Has everyone read the minutes from the May 2, 2016 meeting? Are there any corrections?

Board: No response.

MOTION by Mr. Natali seconded by Ms. Luckett to approve the minutes from the May 2, 2016 meeting.

Motion was put to a vote, resulting as follows:

Ms. Luckett	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

In favor: 3 Opposed: 0 Abstained: 0 Motion approved

Mr. Natali: The Cicero Town Board acknowledges the importance of full public participation at all public meetings and, therefore, we urge all who wish to address those in attendance to please come to the microphone located in the front of the room.

We have proof of posting of all items on tonight's agenda.

MOTION by Mr. Natali seconded by Mr. Stanton that all actions taken tonight are Type 2 and have a negative impact, that is, no impact, on the environment unless otherwise indicated.

Motion was put to a vote, resulting as follows:

Ms. Lockett	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

In favor: 3 Opposed: 0 Abstained: 0 Motion approved

Mr. Natali: For those that are here for the first time, I will briefly review the process for tonight's meeting: (1) Each applicant will have an opportunity to come forward and describe their project. (2) The Board will then ask questions about the project. (3) I will then open a public hearing where people will be able to speak for or against the proposed variance. (4) The applicant will be given the opportunity to respond to the public input and provide additional information. (5) Board members will again have the opportunity to question the applicant. (6) The Board will openly discuss amongst ourselves the Five Factors that contribute to our final decision. Please note that this Board does not have a pre-agenda meeting so there is no discussion of the cases outside of this meeting. (7) A motion will be made either approving or denying the requested variance, seconded, and voted upon.

**RONALD G. MAJERUS
6711 ISLAND ROAD**

**AN AREA VARIANCE WHERE THE PROPOSED 30' X 48' ACCESSORY STORAGE GARAGE IS
1,440 SQ. FT. IN AREA WHERE PRIVATE GARAGES NOT EXCEEDING 700 SQ. FT. IN AREA ARE
ALLOWED.**

Ronald G. Majerus (Applicant): The proposed building I'd like to put up is a 30' x 48' and I have a 30' RV, my commercial pickup truck because we have a one-car garage at the house now and I have a motorcycle and a trailer, oh and a classic car. The building would be the same color as my house with white trim and soffits so it will look decent and I have letters. Where I live on Island Road, I only have two neighbors and they were willing to sign letters for me saying that they had no objections to this building and I have copies for you if you'd like.

Mr. Stanton: Yes, please.

Mr. Majerus: That's the original and there and then I have two copies. I have more if you need them.

Mr. Natali: Okay, we'll make these part of the minutes [letters from two neighbors].

Mr. Stanton: He can keep the originals, right, since we have copies.

Mr. Natali: Yes.

Mr. Majerus: I don't feel that this building would compromise the area where we're at. I don't know if you are familiar with that stretch of Island Road but there's only us three neighbors there and then we have state land across and then down the road its state land and we have a lot of commercial buildings. There are a lot of that type of building in that area. I don't know if you got the letter from Onondaga County there?

Mr. Natali: Yes.

Mr. Majerus: I got that in the mail. I guess that's about all I got.

Mr. Natali: Any questions?

Mr. Stanton: Just to elaborate on the County Planning Board, they did resolve that the referral will have no significant adverse intercommunity or county-wide implications. The one thing I noted here was that they are asking you...actually requiring you to contact the Onondaga County Department of Transportation if you are planning on having a second driveway.

Mr. Majerus: No I'm using my existing driveway.

Mr. Natali: Are you going to be bringing in any fill. That area seems pretty low there.

Mr. Majerus: I guess we would have to put some kind of base down yeah so I would probably bring it up a little bit.

Mr. Stanton: I ran through a quick calculation and comparison and it looks like the floor area of this pole barn is going to rival the living area of your home. I'm just wondering if just because of the sheer size of the structure and taking a look at some of the similar structures. For example the one two houses down, it doesn't have the double access door and what not. I'm wondering if this could be reduced in size a little bit and still serve your needs? I am just looking at the size of the pole barn versus your house.

Mr. Majerus: I could possibly do that. Do you think like 30' x 40' would that be more acceptable?

Mr. Stanton: Before I answer that question, let me say that the one thing that we are charged with is approving the minimum required variance. So, you come to us with your best offer regarding your needs and we evaluate it based on that. If you think you could live with a 30' x 40' pole barn...

Mr. Majerus: Yes, I could live with that.

Mr. Natali: Save you some money too. I don't see any kind of fill or excavation on your proposal. You may want to consider that because you are going to have to worry about drainage. Are you going to keep the other structure, the shed?

Mr. Majerus: Yes, I am going to keep that. I put the lawn furniture in that.

Mr. Natali: Okay. Anything else.

Mr. Stanton: Are you planning on putting in power, water...anything like that?

Mr. Majerus: I would probably put power in there but no water, no.

Mr. Natali opened the Public Hearing at 6:08 pm

Mr. Natali: Is there anyone here who would speak for this variance?

Don Snyder (Mudmill Road): I am a former member of this Board and as you may know, I've had concerns in the past about this particular restriction that we put in our codes and I have to agree with Mr. Stanton that there were times when we should not have approved a building like this in a residential area. However, in this particular area, I think a building of this size would not cause any additional problems for the neighbors. It's really not out of the ordinary and I think, long term, I would like to deal with the Code Office and see if we can get this changed a little bit, only because, if you think about it, you're allowed to build a house on your property that covers 25% of your property. What we are saying to someone is that you can't build...if you have less than 25% of your property covered, you're fine but all you can do is build a two-car garage and I really think that is limiting to certain people. But I would definitely speak in favor of this one and whether it is 30' x 40' or 30' x 48', I don't really see that as a problem.

Mr. Natali: Thank you. Anyone else who would like to speak for this variance?

Mr. Natali: Is there anyone here who would speak against variance?

Mr. Natali closed the Public Hearing at 6:10 pm

Mr. Natali: Any other questions?

Mr. Hooper: [Richard Hooper, Director of Code Enforcement] Mr. Chairman, this is an "AG" district, am I correct?

Mr. Natali: Yes, sir.

Mr. Hooper: According to the regulations the rear setback is 35' and he is showing 25' on this one, minimum.

Ms. Lockett: Can you slide that up?

Mr. Majerus: If I'm going with 30' x 40' I can, yes.

Ms. Lockett: Can you get it to 35'? Is that what you said?

Mr. Hooper: 35' and he needs 10' so 10' out of 48'.

Mr. Stanton: So you'd gain 8' by dropping it down to 40' and then slide it two more feet. Terry (Kirwan, Esq., ZBA Attorney), the only other thing that I wanted to note is that technically for residential use we need an acre and we are at .94 of an acre and we can just add that into the variance to make everything good. Also, I did want to ask Mr. Majerus about this because I was confused about what was going on with the deeds here. The County in their decision are claiming much less area. They claimed a .72 acre lot and it does look like there's two parcels here and this jogged my memory. I just wanted to make sure that these two parcels are actually combined because on the tax maps, it looks like they're not.

Mr. Kirwan: You could make the decision conditioned upon them being combined.

Mr. Majerus: Can I say something?

Mr. Stanton: Yes, absolutely and I'm sorry this slipped my mind when we were talking about it.

Mr. Majerus: We purchased this house a couple of months ago and on our survey and map it shows the two pieces combined. It shows the main house on the lot and then a 25' strip.

Mr. Stanton: Yes.

Mr. Majerus: When you put them together, it's 200' x 200' and our survey shows 200' x 200'.

Mr. Natali: Okay. Did you want to cover the five factors?

Mr. Stanton: Yes, but there's a couple of things, I'd like to address first.

Mr. Kirwan: While he's up here, can we get him to agree to what the actual application is now because there's been modifications to it now and then you can act upon the new application.

Mr. Stanton: Absolutely. Mr. Majerus would you please come back up. Let me walk through this so that you understand and everyone is agreeable to this. The proposed pole barn width will remain at 30', the depth will be reduced to 40' for a total of 1,200 sq. ft. The rear setback will be increased from 25' to 35'.

Mr. Majerus: You want me to maintain the 35', is that what you're saying?

Mr. Stanton: Why don't you come on up here, sir, it might be easier.

[Mr. Stanton pointed out the dimensions on the survey.] So the idea is that the plan is showing 25' (rear setback) so we changed that to 35' which slides this two feet forward from where it is if you make it 30'. So that's the size, then the rear setback is this. Then we were going to throw in there as a condition. I know your survey says the properties are combined but the County is still fuzzy on this, just conditional that the properties are combined. If they are combined, no problem, if not you need to Mr. Hooper afterwards.

Mr. Majerus: This is the survey I was provided at closing.

Mr. Stanton: Yes, I know. Then, the last thing that I will do is that because you are just shy of an acre, we'll put in a variance for .94 acres where one acre is required for residential use and that will get you all up to date so to speak.

Mr. Majerus: Okay, thank you.

Mr. Stanton: No problem. Now, the Five Factors:

Factor 1 – Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created? Answer: No. In this case, the general area is open and agricultural in nature and the nearest residence structure is 180' away.

All agree.

Factor 2 – Whether the benefit sought by the applicant can be achieved by some method feasible for the

applicant to pursue other than an Area Variance. **Answer: No.** I just wanted to not that the applicant did actually make efforts to reduce the impact by going from a 30' x 48' to a 30' x 40' pole barn.

All agree.

Factor 3 – Whether the requested Area Variance is substantial? **Answer: Yes.** That's usually a tough one since it's a little bit subjective. What we are asking for here, if my math is right, is we have a 1200 sq. ft. pole barn which is 500 sq. ft. in excess of the allowed 700 sq. ft. or 171%. In my mind, that is substantial but that doesn't necessarily mean that the variance should be denied.

Mr. Natali: It is substantial but in an agricultural general district, it seems fine.

All agree.

Factor 4 – Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **Answer: No.** The pole barn's reduction makes it a little bit more proportional in size to the residential structure, it's set back from the road, and, again, we are in an agricultural area so we are dealing with a lot of wide open spaces here and not congested areas that we typically see these in.

All agree.

Factor 5 – Whether the difficulty was self-created? **Answer: Yes.** This one I usually answer "yes" to, the applicant is choosing to construct a structure that does not comply with the bulk requirements. It should be noted that this is not necessarily a reason to deny the variance.

Mr. Natali: When you bought the building were you planning on adding a building to it because you have substantial equipment there? Was that a thought when you bought the house?

Mr. Majerus: Yes.

Mr. Natali: Okay.

Factor 5 -All agreed.

MOTION by Mr. Stanton, seconded by Ms. Lockett, on behalf of Ronald G. Majerus to allow the construction of a proposed 30' x 40' accessory garage which is 1200 sq. ft. in area where private garages not exceeding 700 sq. ft. in area are allowed. The agricultural lot is .94 acres where 1.0 acres is required for residential use. This approval is conditional on proof that the property shown in the survey, dated October 15, 2014 entitled part of lot number 69 for 6711 Island Road is proven. Along with the reduction of the proposed pole barn from 30' x 48' to 30' x 40', the rear setback of 35' will be maintained.

Motion was put to a vote, resulting as follows:

Ms. Lockett	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

In favor: 3 Opposed: 0 Abstained: 0 Motion approved

Mr. Natali: Good luck folks!

**MANISHABEN PATEL
8019 STATE ROUTE 31**

**AN AREA VARIANCE WHERE THE NEWLY PROPOSED SIGNS WILL BE A
DISTANCE OF 1.0 FEET AND 16.5 FEET FROM THE STREET LINE WHERE A MINIMUM
DISTANCE OF 20.0 FEET IS REQUIRED.**

Mr. Coyer: [Tim Coyer, Land Surveyor, Ianuzi & Romans, Surveyor for the Applicant] We were here last month. Mr. Patel owns a gas station on Route 31 in Bridgeport, NY. He is looking to add a sign to his property. Due to concerns from the last meeting, we have actually removed one of the requested signs from the application and with the new maps that I've provide we are showing the one proposed sign on the southeast corner of the site about one foot from the road front property. I have a picture of the existing light standard that's out there if I can bring it up?

Mr. Natali: Sure. [Mr. Coyer brings photo up to board.] This is bigger than the current one, right?

Mr. Coyer: Yes. This is the existing light standard and this is the existing sign that is actually out there right now. You had asked for these pictures. From the last meeting there were concerns specifically about the proposed sign that we were proposing under the canopy that it would be very distracting. This specific sign will be a scrolling LED sign on the "moved" light standard. They are going to move this light standard on to the property so that the proposed sign can be placed on it. It does dim with light. It won't be so distracting that it would be a hindrance to the public. With any LED they have to adhere to any specifications that the Planning Board places on the scrolling marquee. Every time you go through the Planning Board, they put limitations on what you are planning to do with the sign as far as flashing or anything like that. This does show what he'd like to do and if you look on the other plan which shows the exact size and basically what it would look like.

Mr. Natali: There were two new ones.

Mr. Coyer: Yes.

Mr. Stanton: Can I ask because it's kind of confusing? The one that has no sheet number that just says relocated light stand with proposed sign, what was the purpose of that?

Mr. Coyer: That is the variance map. Basically what we are asking for is a reduction in the front yard setback for the sign location from 20' to 1' that is the variance we are asking for. The other sheet is the proposed site plan that he is going to use before the Planning Board but obviously if we don't get the approval for the sign, then this sign is going to have to be taken off the Planning Board site plan.

Mr. Natali: We didn't really need that.

Mr. Coyer: Well, you asked for the size of it and what it would look like.

Ms. Lockett: Terri (Kirwan, Esq.) wouldn't there also be a variance for the sign only being 5' from the ground?

Mr. Natali: Yeah, it's got to be six foot from the bottom of the sign to the ground.

Mr. Coyer: You mean the sign has to be six foot off the ground.

Ms. Lockett: The drawing shows it 5' from the ground.

Mr. Coyer: We didn't put a dimension on there.

Ms. Lockett: I know I just took my ruler and measured it.

Mr. Coyer: Oh, well, it's not to scale but we can add a dimension on there.

Ms. Lockett: Both signs attached to the bottom, they look as if they are temporary signs.

Mr. Patel: (Applicant) Those are temporary signs, yes.

Ms. Lockett: Do you have permits for that?

Mr. Patel: The guys who sell those products just come in and put them up sometimes. We don't even know sometimes.

Mr. Natali: But...you're the boss.

Mr. Patel: I know but if they put it there and we gotta take it off...we take it off, ya know.

Ms. Lockett: They block the view. I walked across your cross walk from your gas station. You know, there's a cross walk there. And I was scared, I couldn't see the oncoming traffic. I had to be in the middle of the road before I could see the oncoming traffic.

Mr. Patel: Well yeah winter it's hard because sometimes the snow they pile up there....

Ms. Lockett: This was last night.

Mr. Patel: Last night?

Ms. Lockett: Yeah and there's actually two signs on the bottom there.

Mr. Patel: I don't think we have any more of that anyway.

Ms. Lockett: They were there last night.

Mr. Patel: I was on the property taking down some small trees so people can see from that side on 31.

Mr. Coyer: Can I see the picture you're talking about?

Ms. Lockett: I can show you the picture I took last night.

Mr. Natali: You gave us two out of three pictures, the one on the west end is even worse. It's got stuff on each sign pole.

Mr. Coyer: He's looking at a different picture.

Mr. Patel: Yeah, I'm looking at a different one.

Mr. Coyer: There's two signs one is here and one is here.

Mr. Patel: You want me to take "propane" down? We'll take it down if you want it.

Ms. Luckett: It's dangerous, it blocks the view of a pedestrian.

Mr. Patel: Okay, we'll take it down, no problem.

Mr. Natali: Now the same sign on the west end actually has something on each of your sign poles...coffee for 10 cents or whatever it says but the propane sign...

Mr. Patel: We'll take those down sir.

Mr. Natali: Okay because we need six foot on all signs.

Mr. Patel: Yes. We'll take those down on those signs.

Ms. Luckett: Can you describe your electronic message board. The colors DOT is saying that if you use red, green or yellow I guess...

Mr. Patel: It is a color sign but it is really not flashing so people don't get distracted. I already put one in my location in Rome and we have no problem with that.

Ms. Luckett: How often do you change the message?

Mr. Patel: They change like every ten seconds. It's computerized, it depends on what you like you can put 5 seconds, 10 seconds, 15 seconds, whatever you like but is not like a distraction. I have no complaints on mine and we've had it for almost a year now. It is right on the road too. There's no issue, no problem, nobody had accident because of that. It's not possible.

Mr. Natali: So, you're going to have two electronic signs right, or three?

Mr. Patel: Just one.

Mr. Natali: You're going to have just one. Just one, right? That's all we're asking for.

Mr. Coyer: What they are asking is how many on site LED signs are you going to have if everything is approved. How many are you proposing and the answer, I believe, is two.

Mr. Patel: Right

Mr. Natali: I'm sure you've read what the County says about these signs. First of all, it's on a curve and a very busy curve and no more, absolutely, no more, I can read the language "strongly discourage from approving multiple electronic message signs on one site." So, we have to make some adjustments here so we can get on with what you want to accomplish. I have driven from every angle and you have great signs. When going west as soon as you hit the bridge...all you see is the price of your gas. Coming from 298, you have a sign right there when you sit at the light. People can read all your messages while they are sitting at the light. So...

Mr. Patel: No, no they have to come all the way down to the gas station to see that price sign. Right here some people have to come all the way here to see the sign.

Mr. Natali: But they see it before they even get to the curve, that's what's great. See this sign here, you can see that as soon as you hit the bridge which is probably 300 feet away.

Mr. Patel: I like that one but that sign is going to be replaced with that one.

Mr. Natali: Right and you want it bigger.

Mr. Patel: No, no no not bigger...

Mr. Natali: Yes, this is not 5' x 6' okay, I've already measured it and it's not 5' x 6'. So, this sign to me, I think you're wasting your money but that's not my decision. We should clear up the electronic signage because when they strongly discourage something, they could have basically said deny it and then we would have had to fight for you to get it approved. So, in this stage I think we should talk about where you want your message to be. Most people probably come from the east because they have two options. They can go left on 298 or go into Madison County so why don't we discuss that now.

Ms. Lockett: I have an idea. I think the sign that is A3 "smoke shop beverage center" ... how about you put your message board there, in that spot?

Mr. Patel: Because people cannot really see from there. I drove from there and it's like in the middle and nobody can really see that until they come all the way down there. Until they are almost on top of the bridge, people can see. Because there is so much poles and everything, is blocking them. We have so many signs for Route 31, Route 298 and everything...

Ms. Lockett: Yeah there's too much and you can't read anything.

Mr. Natali: Exactly.

Mr. Patel: Yeah it's just so much like take 298 here, 31 is this way. There's so many like other signs. That's why I want to put it there so people can see. This one we are not changing to the electronic sign, this one we do nothing difference. This is going to be brand new electronic sign with gas prices, just price, we don't change anything else. Just going to look really brand new, you know?

Ms. Lockett: I just think it's so cluttered. It's so cluttered that you can't see anything. You know what I'm saying, there's too much color and pattern. It seems like you should simplify it and you'll get your message across.

Mr. Patel: The electronic sign, we put like pictures, we don't put names. We put pictures and we put price, that's it. It's not like people have to read it. That's the whole thing for the electronic sign, you put just message like with a picture, not just like saying this and you have to read it ... no. It's really nice, believe me, I put them in three places in my store and they really look really nice. They change up the look of the whole location. How people see it ya know?

Mr. Natali: You have more than one electronic sign?

Mr. Patel: Yeah in my other store here.

Mr. Natali: Where is that located?

Mr. Patel: The one in Rome, we put it in.

Mr. Natali: Rome?

Mr. Patel: Yes.

Mr. Natali: Okay.

Mr. Patel: We have two in Rome and one other in another location, my brother we put two in there too.

Mr. Natali: Okay, we have to deal with the Onondaga County Planning Board and I doubt if this Board would approve two electronic signs. In fact they don't even want an electronic sign on that curve.

Mr. Patel: But this one is not an electronic sign, sir. This one we are just switching to the sign that has the numbers but I can do it without going out there and changing the numbers. That's the only thing, we are not doing anything different.

Mr. Natali: Okay so where you have your prices, that's going to be changing?

Mr. Patel: No, it's not...it's going to be the exact same thing...

Ms. Lockett: It's not going to change unless your price changes, right?

Mr. Patel: Right, yes.

Mr. Stanton: So that leads me to a couple of questions. I heard something that troubled me just a little bit. One was that we can put pictures up on it. My understanding is these are specifically for the conveyance of gas prices, not a loaf of bread, not a gallon of milk, not anything else like that. What I heard you say when you gentlemen came in is that this is supposed to be for communicating the price of a gallon of gas.

Mr. Patel: We can't put anything else there?

Mr. Stanton: You're coming to us telling us that you want to communicate a gallon of gas and then you kind of slide in that there's pictures.

Mr. Patel: No, this one is for that, gas price. This one in the middle that we are switching. This one we are going to put it, the electronic sign and it will have different things on it.

Mr. Stanton: But they have the capacity to show whatever you want, correct?

Mr. Patel: On this one.

Mr. Stanton: Even the other one, the one that shows...

Mr. Patel: We are not doing anything with that, it will only show price.

Mr. Stanton: Right, but what I'm asking you is, if someone goes into that controller and decides they want to put another message up there, they are able to do so.

Mr. Patel: We cannot because we are bound by Sunoco that we cannot put anything else there even if I wanted to. It don't work like that. Sunoco needs their prices out there and we have their price.

Mr. Stanton: So the statement that you are putting pictures up there is not accurate.

Mr. Patel: On this one, we are. Not this one. There's two different signs.

Ms. Lockett: One is a message board that changes with pictures every ten seconds and that's the one that is on the light pole.

Mr. Patel: Yes.

Ms. Lockett: The other one is the price sign that only changes when the price of gas changes.

Mr. Patel: Yes, you are right there. Exactly.

Mr. Stanton: Mr. Kirwan one question that I had was we are obviously functioning at a reduced capacity tonight with only three members, and that is not a slight on the capabilities of the people sitting on either side of me. Sorry. The question that I have is there anything we can do with this tonight? Just say we go through and approve all of this can we do anything considering the County made some specific recommendations.

Mr. Kirwan: My position on that is the County approved with modifications and then made superfluous comments that mean nothing, other than what they're worth but you don't have to abide by them. They don't require super majority because they are not in the denied or even modified categories.

Mr. Stanton: These are recommendations.

Mr. Kirwan: It's not even a recommendation, it's a comment.

Mr. Stanton: Yes, you're right.

Ms. Lockett: Does it matter that the County was looking at a proposal for three signs?

Mr. Kirwan: It would matter if they were looking at it in the reverse, two signs and they added a third. I'd say send it back to the County but since they looked at three and we are now down to two, I would say we are okay with it.

Mr. Natali: What about the one in the right of way?

Mr. Kirwan: Well, presumably that was one of the three that they looked at it. They've already had the full picture and maybe Tim (Coyer) can correct me if I'm wrong. They've already had the full picture presented to them and they've taken away something as opposed to adding something.

Mr. Natali: Okay, but number one says that no existing or proposed sign are permitted in the State right of

way. Well, those are going to be conditions. First of all you don't have to make them conditions because he knows he's not going to get these without complying with one and two.

Mr. Natali: So, are you planning on making those changes?

Mr. Patel: Yes.

Ms. Luckett: What changes are you talking about?

Mr. Natali: The one in the right of way. The one on the east side...the west side. So is that in the picture? Do you plan on taking that existing sign down?

Mr. Coyer: We did not plan on taking that sign down. We would have to move the existing sign a foot or two towards the building to get it out of the right of way. Now, the only reason it's in the right of way is because the road expanded. That is not something that he put up in the right of way.

Ms. Luckett: I asked earlier whether those temporary signs had a permit. Does the sign that is on the light post have a permit? Is that permitted? The one that's on the light post...does he have a permit for that?

Mr. Coyer: Don't know.

Mr. Natali: So, Terry, the fact that the County did not deny it, we do not need a super majority. We can vote on the items that are here. But I want to explain to you folks that you need all three votes tonight. If you want to wait until we have a full board, we can do that. We can move this because I'll tell you that the general feeling, well I'm speaking for myself. I doubt that this Board will give you two message boards on that curve.

Mr. Patel: Only one message board, I don't know why you say two message boards. One is like here switching the price of gas.

Mr. Natali: Then don't call it a message board. I asked if you were going to have two or three electronic message boards, something that changes. You're only going to have one? Where is it going to be?

Mr. Kirwan: This one here is going to look the same except instead of him going out to the...

Mr. Natali: Oh right, okay, well that's not a message. A message is more than numbers. Okay, good. We're good.

Mr. Patel: It's going to look good. That's what I'm trying to tell you.

Mr. Natali: Anything would be an improvement, I mean you've got signs all over your building and they will have to come down too.

Mr. Patel: Okay, we'll take them down.

Ms. Luckett: Can that light pole come in any further? Does it have to be one foot from the right of way?

Mr. Coyer: The reason that we are trying to keep it as close to the right of way as possible is because of the traffic that comes in there. The shear fact that they widened that right of way makes it very difficult because vehicles, big trucks that go past that area makes it necessary to protect that sign. You can see the pavement is

very close to that sign.

Ms. Lockett: Does it have to be that big? Does it have to be 5' x 6'. What you have there now is maybe 2' x 4', 3' maybe.

Mr. Natali: It's 2 ¼' x 3 ½' and you can see it a mile up and that's where you message board is going to be right because the other side is too busy. [unintelligible comment made by Mr. Patel] I understand that but you're missing two roadways. You're missing 298 and you're missing.....alright I got the picture.

Ms. Lockett: Does it have to be that big?

Mr. Patel: Because people are driving...[others talking over Mr. Patel's comment].

Mr. Natali: That's probably a standard size.

Mr. Patel: Yeah, it's a standard size, you know? I have an 8' sign in my store an 8 footer and it don't look like you can see it.

Ms. Lockett: I worry that it will block the traffic and you can't see what's coming at you. You can't see the pedestrians in the road.

Mr. Patel: Believe me, we will check everything before we go forward. Before I wanted to put an 8 footer but then I saw we can only do a six.

Mr. Natali: So, that's going on that light pole. We can't make you move the light pole.

Mr. Coyer: We have to move the light pole.

Mr. Natali: How many feet are you willing to move it?

Mr. Coyer: Well we are going to keep the sign edge one foot from the road boundary.

Mr. Natali: So, that's about 2 ½ or 3 ½ feet from the road boundary?

Mr. Coyer: I don't know the exact distance from the light pole to the road but it's going to be 3 or 4 feet. The light standard as it sits today is about a foot, maybe more into the road boundary, so if you're talking about a 6' sign it's gotta be in the middle so a minimum of 3' to get the sign to the edge of the road.

Ms. Lockett: Did you, the County said that the plans for any sign should be submitted to the DOT to ensure that they don't obstruct site distance. Did you do that?

Mr. Patel: Not yet.

Mr. Natali: So you're waiting for our variance approval.

Mr. Patel: Yes.

Ms. Lockett: That would be important for me, to know that it doesn't block traffic.

Mr. Kirwan: My legal recommendation is whatever approval you make, if that's where you're headed, that you make it conditioned on number one and two under the modifications portion from the County. It's redundant. You can't approve or disapprove of anything in the state right of way but you're telling them that. I think Chuck (Stanton) knows that.

Mr. Natali: Yes, that's the confusing part but it is a result of widening and it was there...

Mr. Kirwan: Yes, but it's not our deal, it's the DOT's and they'll have to deal with the DOT. So, what I'm saying is those two are conditions. They're going to do it anyways but it's in your decision.

Mr. Natali: Okay so make them a condition.

Mr. Patel: We want to put another tank over there so we want to get everything ready to put a new gas pump in there.

Mr. Natali: Any other questions?

Mr. Stanton: One last question, the civil engineering me...and I'm looking at a perfect picture of it now...that the sign that we are talking about right now is the relocated light stand with the 6' x 5' sign. That is actually coming into the parking lot now and it's going to cause vehicles that are traveling east on Rte. 31 to pull into your gas station...they pull into what is your southern-most fueling stall and then want to continue east on 31. They are going to have to pull around that sign now to be able to get out and into the path possibly of someone coming in Route 31 from the west. You are aware you are creating somewhat of a traffic issue in your parking lot by putting that there?

Mr. Coyer: [Explains Mr. Stanton's comment to Mr. Patel-unintelligible]

Mr. Patel: If it's going to be a problem, we can reduce the size of the sign. I cannot see. I don't how it's going to work out because I don't have a picture of exactly what it's going to look like.

Ms. Lockett: People can see your prices now.

Mr. Patel: It's not about prices what we wanna put on the sign, it's what we sell. Like if we sell milk for \$2.99, if people don't know, they don't come in.

Mr. Kirwan: So, you'd put a picture of a gallon of milk and say \$2.99.

Mr. Patel: Yes.

Mr. Natali: The current sign is 2 ¼' x 3 ½', so let's take the 3 ½' wide, adding a foot that's 4 ½'. If we split that sign to the middle point it would be 2 ¾' adding a foot is 3 ¾'. You're going to have to go to 4' with the new sign, I mean that's only about a foot and a quarter is all you're talking about or fifteen inches. He's worried that if you move it, it's going to be in the parking lot.

Mr. Stanton: It is in the parking lot.

Mr. Natali **opened the Public Hearing at 6:55 pm**

Mr. Natali: Is there anyone here who would speak for this variance?

Mr. Natali: Are you speaking for or against this project?

Don Snyder (Mudmill Road): I am going to speak for and against this project.

Mr. Natali: Well, let's take the "for" first.

Mr. Snyder: I understand the changing of the gas prices makes a lot of sense. Yes, it will be electronic, saves labor, that's great. The other part, which is the message board, is that we have a law in this town that does 15 seconds is the minimum amount of show time on that board. There is no sign in this town that's electronic that does 15 seconds. Even the church across the street, because I timed it, has a 10 or 11 second sign change. That's why I think the Town of Clay has basically outlawed and will not approve electronic signs in their town. We tried to get one for our church in the Town of Clay and we weren't even going to change it. We just wanted the sign to be there showing the message for Sunday or a special event. So even though the sign would not be changing multiple times during the course of a day and that was disapproved. I think we need to make sure that, especially on this corner. We have one in front of the high school which we had no choice about because the school district is a separate entity. It scrolls which we don't like to have. It changes quickly. You're driving past the school and that sign is very distracting. So I would want to make sure that this message board has at least a 15 second up time and that again the colors that the state has objected to are never used.

Mr. Natali: Anyone else want to speak for this?

Mr. Natali: Is there anyone here who would speak against this variance?

Mr. Natali: Okay, Mr. Patel, just a couple more questions. This is an issue. Fifteen seconds, you'd have to drive five miles an hour to get by it. I mean it's an issue. I look at these and you can't possibly, even the car dealer on 31, you can't possibly read his stuff, even doing forty.

Mr. Patel: We can do 15 seconds, no problem.

Ms. Lockett: Can I ask one more question of maybe you, Dick, or you, Terri, if you look at Section 210-4, there is a definition of a corner lot and it talks about the internal angles of a corner lot. Is this a corner lot?

Mr. Kirwan: No, I don't think it's a corner lot.

Ms. Lockett: It's not?

Mr. Kirwan: No.

Mr. Natali: Obstruction is always a consideration, Terry, it's a good point.

Mr. Natali **closed the Public Hearing at 6:57 pm**

Mr. Natali: Let's discuss the five factors.

Factor 1 – Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created? Answer: Yes. I say it will change the character of the neighborhood because there are no other electronic signs. It's now going to be a competitive thing about who's got the biggest

and the most signs.

Mr. Patel: Well, across the street, he's got one.

Mr. Natali: Sir, sir, you had your opportunity.

Mr. Patel: I'm sorry sir. I'm sorry.

Mr. Natali: After we go through this and before we make a motion, I will be glad to let you have the final say. Is that fair?

Mr. Patel: Yes, sir.

Mr. Natali: Okay.

Mr. Kirwan: We technically have two variances relating two different signs. If your position differs from one sign to the other sign for whatever reason that you will note that in the motion.

Mr. Natali: Okay, well we have the one-foot sign and the one that's in the right of way.

Mr. Kirwan: Well, you are talking about changing the character of the neighborhood. If you feel that a scrolling sign changes the character of the neighborhood but you don't feel that the other sign does...

Mr. Natali: ...then I have to keep them separate. Okay.

Ms. Lockett: Are we voting on two signs or just one?

Mr. Natali: It depends on how the motion is made.

Mr. Stanton: There's a fine distinction that has to be made here because the original application had three signs in it. What we have now on the site plan that is put before us, technically, they are only asking for one. The variance plan that they gave us has only one sign on it and that's the sign with the one-foot offset.

Mr. Natali: So they are not addressing the right of way sign. Now, we could add that as a condition.

Mr. Kirwan: You talked about it right?

Mr. Natali: Yes.

Mr. Kirwan: So, they could verbally change their application according to what we discussed tonight and make sure that subsequently the applicant provides an updated variance map with two proper variances. We would need that. We don't need it tonight if you want to take action tonight but...

Mr. Natali: Let's see how the factors play out and I really want to get the board's input on these. After we vote, you are still going to have the option to wait until we have a full board because you need all three approvals tonight. Okay?

Mr. Patel: Okay.

Mr. Natali: I feel it will change the character of the neighborhood because there are no other electronic messaging boards in that entire area.

Mr. Stanton: I would agree on the proposed 6' x 5' sign, for variable messages. I would have to note that the Speedway across the street has an LED style price sign but it's like a big digital clock, it's not something that could be retasked in the future and it's much smaller.

Ms. Lockett: That's all he's asking for too.

Mr. Stanton: Well, I'm still not clear on that but I'd like to draw the distinction on those two signs.

Mr. Kirwan: You can have a distinction noted on the record so we have a record.

Mr. Stanton: The sign that is being proposed that is partially in the right of way. The sign that would convey prices...

Mr. Kirwan: Let's use the same terminology that the County does CEVMS, commercial electronic variable messaging sign, that would be the 6' x 5' that you can put pictures on and prices and change it whenever you want.

Mr. Stanton: Yes, the 6' x 5' CEVMS, I feel that that would change the character of the neighborhood because nothing like that exists right now.

Mr. Kirwan: I don't think the other one constitutes a CEVMS but you guys decide.

Mr. Natali: No, I don't.

Mr. Stanton: It depends on the makeup of the sign and I don't think I know enough about the sign to say whether it is or isn't.

Mr. Kirwan: Well, it's based on his (the applicant) representation that it's going to be there every day unless the prices change.

Mr. Stanton: Right, so I'll say if it mimics in functionality and style the one that the Speedway has across the street, I agree that does not change the character.

Mr. Natali: Basically, we are talking about the 5' x 6' sign on the east end of the property. So, I feel that electronic sign will alter the character of the neighborhood.

Ms. Lockett: I agree with Chuck (Stanton) on the CEVMS, my concern is that it is going to obstruct traffic and it really is a danger for pedestrians. Walk across that cross walk and I think you'll understand what I am saying. On the other sign, the internally lit, price sign, I don't have any issue with that. I don't think it changes the character of the neighborhood.

Mr. Natali: Okay, we are going to take them one at a time, let's just stick with the sign at the far east.

All agree.

Factor 2 – Whether the benefit sought by the applicant can be achieved by some method feasible for the

applicant to pursue other than an Area Variance. **Answer: Yes.** Of course there is, no electronic sign.

Mr. Stanton: I agree, there are other signs that could be chosen that don't require the CEVMS.

Ms. Lockett: I agree.

All agree.

Factor 3 – Whether the requested Area Variance is substantial? **Answer: Yes.** The required is 20' and you're asking for one, that's substantial, 95% variance, very substantial.

All agree.

Factor 4 – Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **Answer: Yes.** It will because if we allow the CEVMS, it will be a distraction and as per statements made by the County.

Ms. Lockett: Again, I sound like a broken record but safety, I think the adverse effect would be safety to pedestrians and other vehicles.

Mr. Kirwan: For both signs?

Mr. Lockett: Well, no, he said we are taking them separately so we are talking about the CEVMS sign.

Mr. Natali: I was going to take them separately.

All agree.

Factor 5 – Whether the difficulty was self-created? **Answer: Yes.** When you bought the property, they probably had no such signs available but this by itself does not a cause for denial.

Ms. Lockett: I agree with that.

Mr. Stanton: I agree. And if I could go back a couple of comments. The State does have a very short, very concise document that speaks to their findings and their research with regard to these CEVMS signs. That's the reason why the County brought that up when they reviewed this case. Unlike many of the things that the State comes up with, I do stand behind that one because there is some sound reasoning behind it and I believe I said that at the last meeting also but that does weigh heavily in a lot of the decisions that I've made tonight.

Mr. Natali: And to add to his comment, this is by the NYS Regulations. *In summary, because of this constant change, it does increase driver curiosity. They also have the potential to attract increased attention through their brightness and temporal changes of light.* So it's not just the oscillating or changing, it is also the brightness. That is not what we are here to decide, the Planning Board will discuss those items. Based on those comments, I am only making a motion on the sign that is to the far east of the property.

Factor 5 -All agreed.

MOTION made by Mr. Natali, second by Ms. Lockett, that the Board deny the one-foot variance, allowing for a 6' x 5' sign which is an increase of the 2 ¼' x 3 ½' which is currently there and that no electronic messaging sign be allowed. In addition, I would like to reference as part of my motion, the communication from the Onondaga County Planning Board dated April 27, 2016. Including all of the comments for the modification and the spelled out comments. So we have two under modifications and two under the comments.

Clerk: I thought you said he'd have an opportunity to postpone.

Mr. Natali: Okay, we are only talking about the one sign and this is out of the ordinary once you have had an opportunity but I will give you the last word before we vote.

Mr. Coyer: The proposed sign on the light pole, the one with the one-foot variance. If that was not a message board, is it because it's a message board or is it specifically that it's a proposed sign?

Mr. Natali: In my opinion, and I will let them speak for themselves, it's a combination of both but the primary is the message board and as Mr. Stanton pointed out, the sign pole is going to have to be moved a foot and a quarter. Quite honestly that's a big expense to gain a little bit bigger sign that is already very very visible. I will let them speak about whether is the size of the sign or the message board.

Ms. Lockett: For me it's both. The size actually is more important to me, it's so much larger that I think it's blocking traffic.

Mr. Patel: It's going to be like 10 foot. I don't know how it's going to block traffic.

Mr. Lockett: Ten foot?

Mr. Natali: Mr. Patel, when people are sitting in their car, they don't drive like that [lifting head looking upward]. Your sign is perfectly eye level. I drove it five times. Okay? And if it's raining or snowing...alright, it's going to be difficult to convince you but...we have a motion on the floor. Chuck (Stanton) do you have anything you want to say?

Mr. Kirwan: Just to keep the record straight, you were asked by the applicant whether it was the message board or the size of the sign but what wasn't discussed was the variable nature of the sign which from prior discussions I think that created some of the problem too. So, I would like you to address that aspect as well.

Mr. Natali: Okay, for me it's a combination of both of them.

Mr. Kirwan: Of all three? The size, the fact that it is a message board and the fact that it is variable and you can change it every 15 seconds.

Mr. Natali: Okay, we'll add the three parts.

Mr. Patel: Kinney Drugs have the same sign, exactly. Kinney Drugs right across the street there has an electronic message board sign.

Mr. Stanton: But not that close to the road, correct. I mean they put that further back. To get back to what we were talking about because I am involved with the design of roadways. I would not contemplate having a new fixture one foot off the right of way. I take issue with that, the close proximity of the sign to the right of way and what's obviously a curb that's been paved up against quite a few times and is actually mountable now as opposed to what the initial intent was which is to not be mountable. I have an issue again as I said with the non-conformance with the guidelines that the NYS DOT has put together for these things about the spacing and proximity of these signs and I think that if you were on a straight stretch of roadway where there weren't a lot of distractions, I might have a different opinion but there's a lot going on here. I'm 43 years old and I've been here most of my life, drive through this area all the time going to visit my father in law. I designed the bridge that is just east of the gas station. I don't think this is the right location for a variable message sign, a CEVMS. There

is too much going on. There is too much opportunity for distraction, especially around this curve. No one drives that slow, I don't drive that slow.

Mr. Patel: How about then if we don't put it on the roadway, can we put it inside the canopy?

Mr. Natali: Let's save that sign. We are going to have two motions and right now we are dealing with denying what you want to do with the one sign.

Mr. Stanton: I think the suggestion was to move that somewhere else on the property.

Mr. Natali: No, he wants to go on the canopy.

Mr. Patel: No, inside the canopy.

Mr. Natali: Oh, inside the canopy, instead of on the canopy.

Mr. Stanton: Does that have anything to do with us. I mean it sounds like that goes right to the planning board and not us. If Mr. Patel decides he wants to do something different, we have no say in that.

Mr. Natali: Mr. Patel this sign is perfect, you're going to change the angle. You're going to move it inside under the canopy.

Mr. Patel: No, we have a sign inside the canopy already, we are going to use those two.

Mr. Natali: I'd have to see the proposal, I'd have to see it on paper. Right now I'd like to go on record with the motion that I made. It's the package that we're denying for that sign on the east. Terry (Kirwan) has already said that it's a combination of the two factors or if you want to stretch it, three factors. Chuck (Stanton) what's your feeling.

Mr. Stanton: I just said I take issue with all three.

Mr. Natali: I would like to reference the communication from the Onondaga County Planning Board dated April 27, 2016. All of the comments for the modification and the spelled out comments. So we have two under modifications and two under the comments.

Mr. Kirwan: You are incorporating those into your decision?

Mr. Natali: Yes, into the motion.

Ms. Luckett: I don't understand the motion. What are you saying, deny it based on those comments?

Mr. Natali: No, I am denying it based on our factors but I am also adding what was submitted by the Onondaga County Planning Board to support our position.

Mr. Stanton: So, maybe a synopsis of what the Chairman was saying, we've expanded this to three criteria. One is the offset, another is the fact that it is a CEVMS and then, the third is the actual variable nature of the sign.

Ms. Luckett: Right, I got that, it's incorporating the comments.

Mr. Natali: These are just supporting my decision, it's their criteria and their rules and regulations.

Mr. Patel: Would you guys approve a smaller size, or no?

Mr. Natali: It would not change. I would have to see another proposal, another location. I think...

Mr. Patel: Instead of a 5' x 6' how about a 5' x 4'?

Mr. Natali: I think the DOT and the criteria that's outlined here says, I'm not bending on an electronic sign on that curve. We now have the motion on that one sign. You have to go back to the Planning Board and the more information you have now, the less times you have to come back. Any other comments. Please call the roll.

Mr. Stanton: We need a second but there was also the offer to defer this to allow it to be deferred to the full board.

Mr. Kirwan: I think you've gone far enough to finish the motion. What he is talking about is changing his application not waiting and hoping one of the other two...unless I'm wrong but I think he's talking about changing his application.

Mr. Natali: Okay, there's a process here. So let's vote on the motion that's on the table. Call the roll.

Motion was put to a vote, resulting as follows:

Ms. Lockett	Yes to the Motion
Mr. Stanton	Yes to the Motion
Mr. Natali	Yes to the Motion

In favor: 3 Opposed: 0 Abstained: 0 Motion approved

Mr. Natali: Let's talk about the second sign.

Mr. Stanton: Can we call this one the west sign.

Mr. Natali: This would be the west sign which they are not asking for a variance on.

Mr. Coyer: We can just add that to the map.

Mr. Stanton: Well, I think it gets...and this is just me stating my opinion. I don't feel that this Board can approve anything that encroaches in the NYS DOT's right of way. So regardless, the typical standard of care on this is if you make a modification to it you're almost building as new within in the right of way. I don't think this Board can rule on that at all because we can't say you've got to go and change that sign because you've got to go through the permit process with the DOT to add something in their right of way because you're changing it, and correct me if I'm wrong here but if they're changing it, they have to go back through that approval process.

Mr. Kirwan: That may be so but they also need approval from you to enlarge or modify the non-conforming use. Mr. Hooper is indicating that the 16 1/2' is non-conforming and if they were to replace it, theoretically, it

would be fine but if they are enlarging it.

Mr. Hooper: What are they doing to that sign Mr. Coyer?

Mr. Coyer: They are not changing it at all, it's exactly the same size.

Mr. Natali: They are going to make it electronically change. What Terry (Kirwan) is saying is that it is a non-conforming sign and are we going to give you a variance even though you are not asking for one. If you are coming back, why don't you incorporate asking for a variance in the right of way?

Mr. Kirwan: Let me go one step further, and maybe I shouldn't, but if they are not enlarging it, it doesn't require your approval.

Mr. Natali: Okay, they are not making a change. Right.

Mr. Kirwan: I thought they were enlarging it.

Mr. Hooper: But it still has to go before the Planning Board because that is an electronic message board, correct?

Mr. Natali: Well, of some sort, yeah. It's a price-changing sign.

Mr. Hooper: It's still electronic so it has to go before the Planning Board.

Mr. Natali: You're right, you're right.

Mr. Stanton: And I will put this statement in for the Planning Board in the hopes that they read this in preparation for their case that they would look at the type of sign that's being used at the gas station across the street which is again more of an oversized LED clock type rather than a true variable message board where you can change the font and possibly display other things and consider that in their decision.

Mr. Natali: To wrap up, we've denied the existing sign on the east. If you have some other ideas Mr. Patel, there is a process, you can come back. If you're not going to change it, get the DOT to give you some kind of a statement because we don't have to look at it. Right Terri (Kirwan) is that your point?

Mr. Kirwan: My point is you can't do anything that's on DOT land.

Mr. Coyer: If he sold this property in the future, how are these signs used for another use? They have to be able to utilize the existing signs, correct?

Mr. Stanton: I'm not the be all end all expert on this but I think if the sign stays exactly as it is, it's fine.

Mr. Coyer: Location and size but if they change the sign itself do they need a permit?

Mr. Kirwan: Then it's got to go to Planning, right.

Mr. Coyer: I don't want to go to the Planning Board and have them say this is non-conforming so you guys can't do this.

Mr. Hooper: That can go either way. I've seen it go either way.

Ms. Lockett: I think you should research whether there is a permit on that. It's an unusual sign, location for a sign. Does it even have a permit? The light post sign.

Mr. Coyer: Oh, no we aren't doing anything with that.

Mr. Stanton: The one question that I have and it is out of sequence but at the last meeting we suggested that you might want to talk to the folks in codes before coming back here tonight with the knowledge that they know this stuff, they can make suggestions, and they can work with you on these things. Was that ever done?

Mr. Coyer: We didn't speak specifically to Richard (Hooper) on this but knowing your comments, we decided we would take the one sign down and just ask for the other sign. Now, personally knowing that I'm about to go before the Planning Board for this sign, as Richard said, it can go either way and I just don't want this to be hang up.

Mr. Hooper: I've seen non-conforming when people change the sign and the size stays the same and they allow and I've seen other non-conforming where they had to move them. You have too.

Mr. Coyer: I've seen it both ways.

Mr. Kirwan: But that's not in the context of a variance because...

Mr. Hooper: No.

Mr. Coyer: My question is, this is an existing non-conforming sign and we are not changing the size of it. Do we need any type of variance approval for an existing non-conformity to move forward with the Planning Board? Does the Planning Board need something from you saying that we understand the situation and as long as they don't move it, change it, change the size of it, we're okay with the location?

Mr. Kirwan: They don't have that power. The Planning Board determines site plans. So, I think what Dick (Hooper) is saying is go to the Planning Board.

Ms. Lockett: So you're saying no variance was ever approved on this.

Mr. Hooper: Oh, I don't know on this one. I don't know without looking it up.

Mr. Kirwan: Most likely no variance was approved on 90% of the things you deal with because things change and here the road got wider.

Mr. Stanton: Odds are it was still within the 20' offset but this is a completely different situation.

Mr. Coyer: We have the original survey and it conformed originally.

Ms. Lockett: It did conform.

Mr. Kirwan: So what are you doing? Are you going to the Planning Board or are you coming back here?

Mr. Coyer: We're going to the Planning Board.

Mr. Kirwan: To summarize, we denied one motion and there's no need for the other because they are not enlarging it, so that's it.

MOTION AND VOTE WERE UNANIMOUSLY APPROVED TO ADJOURN THE MEETING AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD.

Respectfully submitted,
Ann Marie August, ZBA Recording Clerk