

**TOWN OF MANLIUS
ZONING BOARD OF APPEALS
April 17, 2014**

The minutes of the Town of Manlius Zoning Board of Appeals Meeting held on April 17, 2014 in the Town Hall, 301 Brooklea Drive, Fayetteville, New York. Those present were:

Chairman	Henry McIntosh
Member	KP Kelly
Member	T.R. Schepp
Member	Al Ruthig
Member	Jim Campbell
Secretary	Lisa Baleno
Code Enforcement Officer	Michael Jones
Town Attorney	Lauren Seiter/ Courtney Hills

Also Present: Cristina Caceres

The Pledge of Allegiance was recited.

MINUTES AND LEGAL NOTICES

Member Schepp made a motion, seconded by Member Campbell to approve the minutes of March 20, 2014, and it was carried unanimously.

Chairman McIntosh stated that he has confirmed that the legal notice had been published for the application on the agenda. Member Campbell made a motion, seconded by Member Kelly to waive the reading of the publication for the items on the agenda and it was carried unanimously.

**ROMANO REALTY, LLC, 5433 N. BURDICK STREET, FAYETTEVILLE, NY 13066
CONTINUED PUBLIC HEARING - SIGN VARIANCE- 5'X12' LED MESSAGE DISPLAY
SIGN.**

Cristina Caceres from Kassis Superior Signs was at the meeting representing Romano Realty.

The 5 criteria questions were discussed and answered at the meeting of March 20, 2014.

Ms. Caceres said that because of the discussion at the last meeting Romano has agreed to only display the hours of operation and the rates of services (like oil changes).

Attorney Seiter explained to the Board that there had been an amendment to the application. We asked permission of the applicant and we republished the application to say that we need an interpretation of the code in addition to the applicant's request for the variance. The interpretation includes 2 different sections of the code discussed at the last meeting: one deals with the Flashing signs and the other deals with the changing of the face of the sign, requiring someone to come to the Planning and Development office for a building permit every time they want to change the face of the sign.

She furthered explained that it was brought to the attention of the Town that we also needed a recommendation from Onondaga County Planning Board because the proposed

sign is within 500' of a County road. The Town has prepared a referral notice for the County and hopes to get it to them tomorrow. She also explained that the deadline for the County Planning Board to review the referral notice regarding this matter has passed for the County's next meeting on April 23. In order to have had the application on this month's Agenda, it should have been to them by April 11. So, there is potential that it will not be on the Agenda for April 23 and we will have to wait until the County Planning Board meeting on May 14 for the application to be heard. If this is the case, we may not have an answer from the County in time for the Zoning Board's next meeting of May 15, 2014.

Member Ruthig asked if the ZBA had to wait for the recommendation from the County. Attorney Seiter said no and would not recommend that the Board proceed with a vote without a recommendation from the County.

Member Schepp asked if the Board could vote pending the results from the County. Attorney Seiter recommended no because the County's approval was important enough for the Board to wait to hear the County's recommendation, particularly if the County were to recommend against the proposed sign.

Attorney Seiter recommend that the Zoning Board go into Executive Session to discuss the issue at hand.

Member Schepp made a motion, seconded by Member Ruthig to go into Executive Session at 7:22pm. The motion was carried.

Member Ruthig made a motion, seconded by Member Schepp to re-enter Public Session at 8:17pm. The motion was carried.

BOARD DISCUSSION

Attorney Hills reminded the Board, that before the end of tonight's meeting, to make a motion to authorize the Attorney to submit the referral to Onondaga County.

Attorney Seiter relayed the following information to the applicant regarding conditions/recommendations that the Board would like to impose upon the proposed sign in the event the County approves or gives a non-negative response to the proposed sign application:

1. The Board has determined that the proposed LED sign does not meet the definition of "flashing" within the code. They have determined that a sign flashes under the code if it changes more than once every 15 minutes. So, as long as the sign does not change more than once every 15 minutes, no variance will be required from Town Code §155-25(G)(2).
2. The distance of the sign is 450' from the roadway, so this Board does not have a concern that the sign changing every 15 minutes will affect things like traffic.
3. The sign can only be on during business hours and cannot run 24 hours a day.
4. The Board does believe that there is a variance required to change the face of the sign pursuant to Town Code § 155-25(I). The Board is willing to grant a variance for the face of the sign so that the applicant will not need the Department of Planning

and Development to issue a building permit every time the language on the sign changes.

5. Messages on the LED sign must only be related to Romano's business only. (i.e.: no outside or third party message on the display).

Attorney Seiter stated that since a variance required to change the face of the sign, a referral must be made to the County. Thus, we are faced with a timing issue that we talked about earlier.

The applicant asked if she was going to receive a list of conditions. Attorney Seiter said yes. The Board will prepare a written resolution that will be available after the next Zoning Board Meeting of May 15, 2014.

Member Kelly made a motion, seconded by Member Schepp to refer the application for an LED Display Sign to the Onondaga County Planning Board for their recommendation. The motion was carried.

Member Ruthig made a motion, seconded by Member Kelly to table this application until the meeting of May 15, 2014 to await a response from the County.

The Board voted as follows:

Chairman McIntosh	aye
Member Kelly	aye
Member Campbell	aye
Member Schepp	nay
Member Ruthig	aye

The motion was carried.

OTHER BUSINESS

ADJOURNMENT

With there being no other business, Member Kelly made a motion, seconded by Member Ruthig, and carried unanimously, to end the meeting at 8:25pm.

Respectfully submitted,
Lisa Baleno, Secretary
Town of Manlius Zoning Board of Appeals