

TOWN OF LYSANDER
Zoning Board of Appeals Meeting
8220 Loop Road, Baldwinsville, NY 13027
Monday, April 7, 2025 @ 7:00 p.m.

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, April 7, 2025 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Richard Jarvis, Chairman; Frank Costanzo; Frank O'Donnell; Robert Sweet and Vince Mangan

OTHERS PRESENT: James Hickey, Charles Signs; Cassie Charles; Jason Kantak; Liz Schmitt; Ed Schmitt; Judy Santimaw and Karen Rice Clerk

The meeting was called to order at 7:00 p.m.

I. PUBLIC HEARING -- 7:00 p.m.

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| 1. Appeal Sign Regulations
Case No. 2025-004 | 2347 W Genesee Road Holding, LLC
Fireside Restaurant 2347 W Genesee Road |
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The Public Hearing opened at 7:02 p.m.

Richard Jarvis, Chairman reviewed the application of 2347 W Genesee Road Holdings that pertains to a Sign Regulation, appealing the Decision of the Code Enforcement Officer, to allow the placement of a sign on property located at 2347 West Genesee Road, Fireside Restaurant, in accordance with Chapter 320, Article XX, Section 320-53, Paragraph B(2) following procedures outlined in Article XXII, Section 320-66, Paragraph C and Article XXIII, Section 320-65, Paragraph C(2), if the Board determines it's required.

James Hickey, President, Charles Signs, represented the applicant.

Mr. Jarvis stated that the applicant's representative appeared before the Lysander Planning Board for a Recommendation to this Board. We have been provided with a transcript of that meeting and have had the opportunity to review it. The Planning Board's recommendation has been made a part of the public record:

RESOLUTION #1 -- Motion by Darcangelo, Second by Hunt

RESOLVED, that the at request of the Zoning Board of Appeals the Planning Board recommends that a Sign be approved for property located at 2347 West Genesee Road, Baldwinsville, New York, with the understanding that the modifications or changes in the lettering fall into the category of a 'static change' with a four (4) second hold.

3 Ayes -- 0 Noes

Mr. Jarvis continued stating that we have reached out to the Town Attorney a month or so ago for a little bit of direction because there's a little bit of confusion as to what exactly this request would fall under from an appeals standpoint. We didn't get an answer. We have determined that it falls under a Special Use Variance.

Mr. Hickey stated that he was confused as well and wanted to give the Board a little bit of history about himself, stating that he is a resident in Baldwinsville and served on the Town of Lysander Planning Board for one year and the Town Board for five years. He has also participated in writing 'Town Codes' for Municipalities regarding signage, so he's pretty well-versed. This is a pretty interesting case in trying to determine what we're asking for because the original decision from the Code Enforcement Officer was that this type of sign was not allowed.

Section 320-53, Signs, Paragraph A(1) in part: A professional or announcement sign which may be illuminated on one or two faces but shall not be **flashing, revolving, animated or otherwise in motion** nor more than two square feet in area on each face.

Mr. Hickey continued stating that this sign will not do any of those things. The existing signs could be modified to do so, but we don't have it set up that way because it would violate the Code. Really what we're doing here is replacing a 'manual reader board' and replacing it with an electronic reader board. It changes without physically having to go out and change the

letters. You make changes via a computer. It certainly has the capability to animate; I guess you could flash it, even though it doesn't really meet the definition of 'flash' in NYS. You could certainly animate it but there's no intention to use it that way. If we wanted full motion video we would be before the Board seeking a variance from that part of the Code; but I think it's the Interpretation of the Code Enforcement Officer that got us to this point and that's what we're trying to clarify if what he said is accurate; then we're looking for a variance from that to allow us to put in this sign.

Mr. Jarvis concurred stating that the existing Code was written before signs of this nature were available. There were no such things as LED lights...again, reading the transcript (that is available on line www.townoflysander.org or at the request of the Secretary) there was a little bit of push-back because of the precedence it may set with the number of businesses along there. On the other hand, it was pointed out that there are other businesses throughout the Town that have similar signs as well. Church's, Fire Departments, Social Clubs, etc... It appears that the Recommendation was acceptable from the Board, with restrictions.

There was some discussion with regard to the condition placed on the recommendation: Modifications or changes in the lettering fall into the category of a 'static change' with a four (4) second hold.

Mr. Hickey stated that four (4) seconds is an Industry standard regarding traffic...The 4 second hold part refers to the time it takes for a driver to react...

Mr. Jarvis concurred asking what the proposed dimensions are?

Mr. Hickey stated that it's 3' x 8'...all of the sizes meet the Code.

Frank Costanzo stated that his concern is the precedence it could set....we allow this sign and we set a pattern for the rest of the businesses along that route. A lot of them don't have lit signs now. Any business coming in in the future may want something even better. I think our concern should be 'when does it become a safety issue'. The Fireside, Tassone's and other businesses along there that want to put up signs with people driving down the road 40 mph trying to read these things. We have to be concerned with that. We also have to consider the (residential) neighbors...when is it a problem with privacy and aesthetics having all of these signs possibly down that road, which is not that long.

Mr. Hickey...we get the question of precedence a lot, not as much anymore because these signs have been around a long time. In the early 1990's the Federal Highway Department commissioned a Study (to prove) these signs were a hazard and caused accidents. What they found through that Study was it didn't increase accidents at all. There was no more time spent reading an LED message than the sign that's there now. It didn't change anything. If these were a safety hazard for traffic the highest accident rate in the Country would be the Las Vegas Strip and Time Square and it just isn't any different than anyplace else. There have been numerous studies for this time and time again it just doesn't correlate.

Mr. Jarvis stated that the Lysander Fire Department has one in front to their building and I go by it at least twice a day if not more and I can't remember ever looking at it to be honest. Maybe a Pancake Breakfast sign. I understand there's residential around that area, but that strip there has a gas station, Fireside, Cooper's, Tassone's, on the other side of the road Cooper's Marina and the Spa on the River...it's kind of a little commercial strip there.

Mr. Hickey stated that these signs during the day are almost ten times as bright as they are at night in order to be visible during the day. It is important that they have controls on them that dim them at night otherwise they will be a hazard at that point. Every Code I've ever written or done includes that in there; but all of these signs today have those controls built in them.

Robert Sweet stated that the regulations state that signs can't face homes; your sign does not face the homes...

Mr. Hickey concurred; it is perpendicular to the homes across the street.

Mr. Sweet continued...however if I'm across the street in one of those houses on the river, even though it's not facing my house, it's still going to be visible 24/7.

The Board reviewed Section 320-53, Paragraph C(6). No illuminated sign or outdoor illumination shall be erected or used so that light will directly reflect toward residences on adjoining lots, toward residential districts within 1000 or toward a highway so as to create a traffic hazard.

Mr. Hickey stated that the existing sign has lighting that is intended to illuminate the face; the LED sign will have zero increase in foot lumens of light from the property line; so, it complies with that part of the Code. It's visible from a distance but it doesn't broadcast light.

Distances and measurements of light were discussed.

Mr. Sweet stated that it's not the illumination per se; it's more sight distance. If I'm across the street, in my house sitting in my living room, now I have another lit sign that I can see that will be changing potentially every four seconds. So, that's one of my questions...you don't see that as an issue with Paragraph C(6)?

Mr. Hickey stated that he does not because it's still the allowable square footage of the existing sign. It will be in the same sign cabinet that is there. It doesn't change anything from what your concern is whether it's an LED message center a standard illuminated sign. Does that make sense?

Mr. Sweet stated that for him it's more of an aesthetic thing and I'm thinking about the people across the street.

There was some discussion regarding Paragraph B(2), in part: ...having a total area not greater than 8% of the area of the building façade facing the street and in no instance greater than 75 square feet; and whether or not it's over the 75 sf.

Mr. Hickey stated that they got a building permit for the existing sign and made application for this sign and that was not mentioned, if not it would have required a variance for that as well.

Vince Mangan...hypothetically, if I lived across the street, would I see anything brighter from the sign that you're putting up than the sign that is already there; with Mr. Hickey saying No.

Mr. Sweet it appears that the proposed equipment you want to install has the capability to do the things that the regulations prohibit...

Mr. Hickey concurred stating that as the existing signs that are there. We could have those do two of the three things that aren't allowed as well.

Mr. Sweet...so what we're hearing is that there's a promise on your end that you won't do these things that are identified in the Code.

Mr. Hickey...correct and if they decide to do that, that's a Code violation and there are remedies for that from the Town's standpoint.

Mr. Sweet reiterated that we never got an official answer from the Code Enforcement Officer or Town Attorney?

Karen Rice, Clerk, concurred stating that Tim (CEO) left it up to the Town Attorney and he also can send things to this Board for Interpretation.

Cassie Charles, 11 Appleridge Street, stated that she is a backdoor neighbor to this situation and questioned if you are adding light on to the sign how can you say you're not adding and projecting more light? There's no LED now and you're going to put an LED in...that stretch of the road is busy. People do not go 30 mph on that road. I drive these roads, I run these roads... I have all sorts of issues with putting in an LED light. I think it's a bad idea. No other business has the changing LED light. You're setting precedent. I won't see it directly but the house that would be in the direct line of sight will and I'll speak on their behalf since they're not here.

Mr. Jarvis reiterated that you can't see it, it's not visible from your home?

Ms. Charles stated that she can see the top of the sign.

Mr. Jarvis stated that it appears to be below, I think it's more eye-level.

Mr. Hickey concurred and shared a photograph of the proposed sign with Ms. Charles.

Mr. Hickey added that there's already illumination over the sign. That sign goes away and this one comes in. There's no additional lighting being generated. When you put a foot candle meter the same distance (unclear) the light diminishes quickly. Further, I live up by Beaver Lake. I drive by this twice a day so I am very familiar with the area.

Ms. Charles stated additional concerns with the intersection where Genesee Street meets Oneida Street; it's already terrible, adding or changing signage...I don't disagree, we have them everywhere. The High School has in front of the Baldwinsville School District, the Fire Departments. I understand that but this particular intersection up Artillery, people almost hit each other all the time now you're going to have a changing sign there which could cause additional traffic issues.

Judy Santimaw asked to review the proposed sign as well as she owns Spa on the River, West Genesee Road and made the news in 2005 regarding a sign she had on her property. It made newspapers and was on television. That State Troopers showed up. It was a big thing...Nudity Dispute in Lysander.

Karen Rice, Clerk, stated that we received complaints for a banner that was displayed advertising Spa treatments with a woman in the background who appeared nude, but wasn't.. Apparently some found it offensive. The Town cited her. It was actually brought up at one of the Onondaga County Planning Federation meetings.

Ms. Santimaw stated that she did take the banner down but it's hanging in the salon. People thought it would be bad advertising for me, It was actually great advertising, We killed it. We had people stopping by; it was great for business.

Mr. Hickey remembered that sign, it was written up in the NYS Municipal Traffic Code Book on Sign Ordinances. Basically, what they said was it was free speech and she was ultimately allowed to have it. That could have been challenged...it's free speech, First Amendment.

Mr. Sweet asked if Ms. Santimaw had any thoughts on this sign.

Ms. Santimaw stated that she's just here to see how it was going to go because to be honest with you I might be here because I'm thinking of updating my signage. It has been awhile. I'm going on 29 years, 25 in this location. It used to be the Baldwinsville Veterinary Hospital and I bought it 25 years ago. I'm just trying to see what the new laws are and what are allowed.

Mr. Jarvis stated for clarification, I don't think we're 100% certain whether we have the authority or not to grant this, if it comes under our purview or not. It looks like it has been thrown into our laps; but we haven't received an interpretation by the Town Attorney or anyone else. What we're looking at today is old rules about signs that we're not necessarily apply to this matter; but we've been asked to make a Decision tonight. This thing needs to be legislated in my opinion and the Town Board needs to update the Law on this. We'll see what happens I guess, but tonight we've been asked for a Determination under what is referred to as a Special Use Permit, but I'm not sure it falls underneath that or not but we've been asked to do it without a lot of direction.

Mr. Hickey stated that the Code Enforcement Officer interprets it one way; the Planning Board interprets it clearly another way and yet we're still here in front of you. Based on what the Planning Board said it seems to be allowed. We meet the (unclear) Code...

Mr. Jarvis stated that that they've suggested it with limitations. Although it's not in the Resolution, one of the things they were concerned about was animation and things like that. I think perhaps that you agree you can do without animation.

Mr. Hickey stated that Resolution includes language that the display should be 'static for up to 4 seconds' which eliminates animation; and that is what we're asking for.

Unless there's anything further, the Public Hearing will be closed.

The Public Hearing closed at 7:30 p.m.

FINDINGS:

The application received a Positive Recommendation from the Lysander Planning Board with limitations without animation and with static for up to 4 seconds between changes.

An undesirable change in the neighborhood will not necessarily occur.

The proposed use is sufficient to preserve the general character of the neighborhood and to safeguard the public health.

The use is not substantial and there will not be any adverse impact on the physical or environmental conditions.

Reasonable alternatives do not exist without impacting the surrounding community.

Motion made by Mangan, Second by Costanzo to accept the Findings

RESOLUTION #1 -- Motion by Jarvis, Second by

RESOLVED, that the Zoning Board of Appeals grant to property located at 2347 West Genesee Road, Baldwinsville, New York, Tax Map No. 050-02-22.1, relief from Chapter 320, Article XX, Section 320-53, Paragraph B(2) following procedures outlined in Article XXIII, Section 320-66, Paragraph C and Article XXIII, Section 320-65, Paragraph C(2), if applicable, of the Lysander Town Ordinance, to allow the placement of a sign.

3 Ayes -- 2 Noes (Costanzo & Sweet)

Mr. Hickey thanked the Board for their time.

PUBLIC HEARING

2. Area Variance	Graham, Timothy
Case No. 2025—005	3796 Doyle Road

The Public Hearing opened at 7:35 p.m.

Richard Jarvis, Chairman, reviewed the application of Timothy Graham, 3796 Doyle Road, Baldwinsville, New York, Tax Map No. 064.-02-11.1, to allow the construction of a Garage in accordance with Article V, Section 139-14, Paragraph A(2)(b), Side Yard Setback and Paragraph A(2)(a), Front Yard Setback, if applicable, of the Lysander Town Ordinance.

Timothy Graham was not present. Mr. Jarvis questioned tabling action until such time that the Graham's can be present.

Jason Kantak, 3801 Doyle Road, stated that he helped Tim put together his application and is here for that reason; that and being a neighbor.

Mr. Jarvis stated that he is also a neighbor and he knows the Grahams. We have not visited each other's homes. I don't think being adjacent property owners creates a conflict or disqualifies me in making a Decision.

Robert Sweet asked if anyone knows why they're not here this evening.

Mr. Kantak indicated that he does not and Karen Rice, Clerk, stated that they were notified and did not call or email that they would not be attending.

Frank Costanzo stated that he would like representation for some questions, first of all, the size of the building, 26' x 42'. They already have a garage and a couple of sheds on there is something going to be removed?

Mr. Kantak stated that Tim had mentioned taking a structure down, however it doesn't show on the plan submitted. The foundation of a barn is pretty much rotted and is starting to slowly fall into the wetlands. He wants to get that out of there.

Mr. Jarvis stated that if you've visited the site you can see that there's no visibility from a public road. The only people who can would be the Kantak's, maybe one or two others, depends on the foliage. I don't think I can see it from my house.

Mr. Jarvis stated that he appreciates Mr. Kantak's input and that they don't have an issue with the proposal; however, the Board will table this issue until such time that the applicant can be in attendance so that they can clarify the size and height of the building, etc...

The Public Hearing adjourned at 7:36 p.m.

II. OTHER BUSINESS

1. Recommendation to Town Board Melvin Farms Incentive Zoning
Landmark Challenger
Cold Springs & Hayes Roads

Richard Jarvis, Chairman, reviewed the request of the Town Board for a second recommendation on the Melvin Farms Incentive Zoning Project for property located on Cold Springs Road/NYS Route 370 and Hayes Road to allow increased density and the construction of 540 +/- residential units.

The Zoning Board of Appeals, at their meeting of April 7, 2025, made the following recommendation to the Town Board to be used in their consideration for Incentive Zoning on the application Landmark Challenger, LLC for property known as Melvin Farms on /Cold Springs Road/NYS Route 370 and Hayes Road:

RESOLUTION #2 -- Motion by Jarvis, Second by Costanzo

At the request of the Town Board, the Zoning Board of Appeals has reviewed the Letter of Intent to consider higher density for the application of Landmark Challenger, LLC, for property located at NYS Route 370 and Hayes Road, also known as Melvin Farms, Baldwinsville, New York. At their meeting of April 7, 2025, the Zoning Board of Appeals determined that any outstanding concerns raised at the May 8, 2023 Zoning Board of Appeals meeting be taken under consideration with regard to the acceptance of this proposal:

Recap:

1. Looking down from Route. 370 you can see the beautiful vista now. You would only see 530 homes/apartments/townhomes in the future. This will be a big loss to the community.

The Scenic Vista is a concern. It's unclear as to how tall the buildings will be, yes they made them two-story, but will you be able to see over them. An update with elevations would be helpful.

2. Traffic from Route 370 that runs into Baldwinsville Four Corners will be a big bottleneck. This issue has been brought up at every Town Comprehensive Land Use Plan.

Unresolved/Unanswered. Traffic is still a major concern. Waiting on a response from the NYS DOT and Onondaga County DOT.

3. Traffic on River Road is only a two- lane highway. The Melvin Farms residents will be using River Road to go to Route 31, YMCA, shopping, services and recreation. The road is too small in size and very treacherous in the winter. This road has been closed several times because of ice build-up. More maintenance time and manpower would be required.

Unresolved/Unanswered.

4. We need to look at services to the Melvin Community. Will they have enough fire protection and emergency response services? It was stated that there is sufficient fire projection for the project. We believe that the fire companies that would be called in the event of a fire could be strained. They have all been searching for new members, coverage for an additional 500 families should be studied. Further, there should be a traffic light installed at the north entrance of Route 370

Unresolved/Unanswered. In-put from the Fire Department and their capabilities of servicing the increased number of units. Contact the Belgium Cold Springs Fire Department.

Positive Note: The increased density will not be a problem for the Greater Baldwinsville Ambulance Corp per Bob Sweet, Vice President.

5. John Glen Boulevard and Route 370 East have recently been upgraded to accommodate large amounts of traffic. Do we need to look at this?

Unresolved/Unanswered.

6. We have to make sure that we look at the James Carter letter about Historic Preservation. It seems like we have some issues that need to be addressed.

Unresolved/Unanswered.

7. A big plus for this area is the contractor is going to put in sanitary sewers and pump station which is needed badly in this area. However, the residents still have to pay for hook-up to their homes and the necessary long-term annual costs associated to provide those sewers.

Addressed with the proposed construction of a Pump Station to serve the Cold Springs Peninsula.

8. Impact on Palmer Elementary School and how many additional children it can handle.

The Baldwinsville School District has a ten-year plan. The project will reconfigure grade levels within the district's elementary schools. Suggest reaching out to the School District, more particularly Palmer Elementary School to see what if any changes are proposed and how future development may impact the School.

VOTE: Ayes -- 0 Noes

III. APPROVAL OF MINUTES

Review and approval of the minutes of the January 6, 2025 special Zoning Board of Appeals Meeting.

RESOLUTION #3 -- Motion by O'Donnell, Second by Costanzo

RESOLVED, that the minutes of the January 6, 2025 special Zoning Board of Appeals meeting be approved as submitted.

5 Ayes -- 0 Noes

IV. ADJOURN

RESOLUTION #4 -- Motion by Sweet, Second by O'Donnell

RESOVLED, that the April 7, 2025 special Zoning Board of Appeals meeting adjourn at 8:10 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Zoning Board of Appeals