

CITY OF OSWEGO

PLANNING BOARD

July 2, 2019

**MEMBERS PRESENT:** Brit Hallenbeck, Daniel Breitweg, Noreen Ruttan, Justin Rudgick, George Koenig, and Chairman Freeman.

**MEMBERS ABSENT:** James Scanlon, Matthew Bacon and Mike Leszczynski.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday July 2, 2019. Roll call was duly noted.

A motion to approve the minutes of the June 2019 meeting was made by Noreen Ruttan and seconded by George Koenig; minutes unanimously approved.

Mr. Caraccioli said Noreen Ruttan and George Koenig, the two alternates, will be voting members tonight.

Chairman Freeman made a motion that all actions taken tonight are excluded, exempt or Type II actions for the purpose of the State Environmental Quality Review Law unless otherwise stated.

## NEW BUSINESS:

1. Review & Approval – Signage for Elks – 132 West Fifth Street, Case 19-108; Section 280-61.

**DISCUSSION:** Daniel Rupert, representative of the Elks Lodge, was present for the discussion. Mr. Rupert said they would like to replace the old sign. He said it is in rough shape. He said they would like a digital sign. He said there will be two signs back to back. He said they will be able to advertise what is going on at the Lodge so people in the community will know what is going on. He said they want to be able to advertise some of the functions that are fundraisers such as bingo and the fish dinners. He said these fundraisers help pay for the youth and veteran programs and scholarships. He said having the sign to advertise what is going on will help bring people in. Jeff McGann said the sign in the picture that the Board received is exactly what their sign is going to look like. He said the existing structure that holds the sign is staying the same and in the same location. He said DOT is okay with it. Mr. Caraccioli asked if they put that in writing. Jeff McGann said he has an email trail. He said the ELK's knows that they can't do any off premises advertising. He said that is a DOT rule. Justin Rudgick asked if there is anything in the new design guidelines regarding electronic signs. Jeff McGann said he doesn't believe there is. Mr. Caraccioli said he is not sure. He said the new code was made available electronically for the Board members but they should have one available for the meeting. Mr. Rupert said the sign will have three lines that will come up, stay there for a period of time, and then go off and something else will come up. He said he doesn't believe it will keep rolling. Justin Rudgick said it is just the aesthetics of an electronic sign in the traditional downtown area. He said he knows they changed some of the language regarding signage and he couldn't recall specifically about electronic signs. Mr. Hunt said they are planning on a decorative top for the sign. Councilor Tesoriero said there are several electronic signs along the corridor of 104. He said he thinks this has come before the panel before and what they are doing is no different from what others have done. Justin Rudgick said it is about the character of the downtown. He said if they have just passed a standard, he wants to make sure they follow it. Councilor Tesoriero said he thinks this is a great thing because what they advertise is beneficial to the community. Justin Rudgick said it is about consistency and uniformity. Mr. Rupert said the Byrne Dairy has a sign like this. Justin Rudgick said that is not in the downtown. He said there are other signs similar to this that have already been mounted; he said those are grandfathered in. He said now that a new sign is proposed it is an opportunity to look at it and ask if it meets the character of the neighborhood. Brit Hallenbeck said if others have passed the standard in the downtown area then this should as well. Mr. Caraccioli said he is not seeing anything regarding signage. Justin Rudgick said he knows there is a sign component in there. He said it is the job of the Planning Board members to look at it to make sure they understand what they are supposed to be doing. Mr. Caraccioli said 280-66 says other signs may be permitted on the recommendation of the Planning Board. Jeff McGann said anything in the downtown he puts in front of the Planning Board. Mr. Caraccioli said it says sign installation or modification is applicable in certain sections of the design standards. He said it is only talking about architectural details. He said if approval were made so that the installation was consistent with the downtown design standards then he thinks they are covered there.

Councilor Hill said there is a stand-alone downtown design guideline document. He said he doesn't know if it was superseded by the zoning rewrite. He said within those guidelines there is nothing that would prohibit these types of signs. He said it was last updated in 2009. He said the only ones that it states are not desirable are the neon tube lighting and box type signs. Justin Rudgick said that is the previous edition. Mr. Caraccioli read the requirements for signage. He said it states external illumination signs may not shine directly on the public right of way or adjacent property. He said blinking, flashing, chasing and bare bulb sources of sign illumination are prohibited. Brit Hallenbeck said it is none of those. He said free standing bracket signs are freestanding low profile signs supported by a pair of posts that complement the sign design and adjacent architecture. He said they are all in agreement that that is what this is. He said it states free standing bracket sign panels shall not extend beyond the height or width of the poles. He said it must set back at least five feet from the front of the property line. He said it must be constructed of materials with colors that are consistent with the building. He said free standing bracket signs will not be externally illuminated only. He said it gives two examples, one that is a permitted sign and one that is not permitted. He said the one that is permitted references someplace else and the one that is not permitted is the Pathfinder sign on East First and Bridge Street. He said that is because it is a monopole as opposed to a post. Councilor Hill said it also oscillates, spins, and marquees. Brit Hallenbeck said they already have non-conforming signs even if this is non-conforming.

**DECISION:** Brit Hallenbeck made a motion for signage approval. Motion seconded by Daniel Breitweg, unanimous approval.

2. Review & Approval – Signage for Dunkin Donuts – 275 West First Street, Case 19-109; Section 280-61.

**DISCUSSION:** Dave Brissett of Metropolitan Sign Company and Tom Santurri were present for the discussion. Mr. Brissett said they were here for an approval of a pole sign and LED sign. He said it isn't necessary to go up the 20 feet that is allowed. He said they figure 16' would be sufficient. He said a monument sign couldn't be seen coming down Utica Street. George Koenig said a monument sign is what the Board was promised. Mr. Brissett passed around pictures that showed how far down from the street area the sign would be. George Koenig said you would see it when you came to the corner. Mr. Brissett said you wouldn't. George Koenig said this doesn't conform at all. He said they made this nice structure. He said everyone was concerned with the Dunkin Donuts spoiling the entrance to the historic downtown. Brit Hallenbeck said not everyone was. George Koenig said a lot of people were really upset about this. He said they made a nice compromise with this very nice structure and now they are going to have this huge monstrosity of a sign. He said he can't vote for something like this. Brit Hallenbeck said he can vote no. Mr. Santurri said it is the same as they have on 104. Brit Hallenbeck said it is the same as the other corners of the intersection. Jeff McGann said the other thing they have to remember with a ground sign is whether or not you can see the ground sign which is what they are concerned with for advertising. He said the Board should also look at a ground sign placed close to an intersection that could create a blind spot and block view. Mr. Brissett said it is almost four feet on the Utica Street side down to where the driveway is going to be so that is four feet right there out of the six feet. Daniel Breitweg asked how tall the Sunoco one is across the street. Jeff McGann said he doesn't know but he is sure it is twenty. Brit Hallenbeck said it is a commercial area. Justin Rudgick said he worked with them to change the façade so they could move forward. He said initially they proposed a pole sign but they talked about compromising with a monument sign. He said when they approved the site plan it was based on a monument sign and not a pole sign. He said at no point did they talk about agreeing to a pole sign with this project. He said if they came back with a monument sign they would have no issue. He said this is a new building in the historic downtown district and they need to make sure they are sensitive to that. He said whether Big M or Sunoco has it is irrelevant for the future liability of our downtown in terms of changing the character of their downtown. He said they have a logo on the side of the building for visibility. He said he was led to believe it was going to be a monument sign. George Koenig said it doesn't jive with the character of the building. Noreen Ruttan asked how tall the monument sign is. Jeff McGann said it is not supposed to be more than 4' from the highest elevation. Mr. Brissett said Utica Street is more than that. Chairman Freeman asked if the secondary smaller sign is going to be a rotating LCD type. Mr. Freeman said it is a LED sign that can be controlled so you can put a message on for X amount of time depending on what the city allows. Brit Hallenbeck said it doesn't physically rotate. Mr. Brissett said no. Noreen Ruttan asked if the monument sign is digital. Mr. Brissett said yes. Noreen Ruttan asked if there is any way of elevating the base to bring it up. Mr. Brissett said the top of the sign can only be four feet from the ground. Chairman Freeman said Aspen Dental has a monument sign and it looks really nice and it is visible. Mr. Santurri said if they had that visibility then they would be okay with the monument sign. Mr. Brissett said the land drops down. Chairman Freeman asked if they could raise it up

two feet. Mr. Brissett said that gets it up to six foot. Chairman Freeman said the ground level would be raised. Noreen Ruttan said the sign would be obtrusive in that area. Councilor Tesoriero said they have made a case for safety with the ground sign. He asked if they go with the ground sign and they have an issue does the liability go with this Board or with the city if they don't approve the pole sign. Mr. Caraccioli said it doesn't create liability on the part of the city. He said both signs are allowed within their guidelines. He said if they want to look at issues of safety they could do a visual impact. Justin Rudgick said the Oswego Lion's Club has a sign there that is like a monument sign. He said he would say that would have even more of an impact than the monument sign for Dunkin Donuts would have because the Dunkin Donuts sign would be further set back and over more. He said Dunkin Donuts has done some great monument signs. Chairman Freeman said the Aspen Dental sign is right on the corner and there is a fence there. Mr. Brissett said it is all on street level and there is no tree there. Brit Hallenbeck said they were just saying before that the signs on the other corners of the intersection are immaterial so how can you bring in signs from a different intersection. Chairman Freeman said the tree and fence can be relocated. Mr. Santurri said people don't like when you move trees. Councilor Hill said at the height of the debate there was a room filled with people. He said during one of those meetings it was promised that this would be a monument sign. He said if the Board was to pass a pole type sign they would have a lot of angry constituents to answer to. He said they said it could be four feet at the highest elevation of the property. He asked what the highest elevation of the property is because they are talking about the lowest elevation. Brit Hallenbeck said there were a lot of people that came to the meeting but he spoke to a lot of people and he didn't get the idea that it was a majority of the people that had an issue. Noreen Ruttan said the aesthetics would look better with a monument sign. She said if you have a monument sign on the same corner a block away why would you want something 20' in the air. Brit Hallenbeck said because there are three other pole signs on the same block. Noreen Ruttan said that is irrelevant. Brit Hallenbeck said they are saying a monument sign is relevant but the pole signs are irrelevant. George Koenig said those are grandfathered in. He said this is new. Mr. Caraccioli said he is impressed with the sign Dunkin Donuts did in Saratoga. He said they have done a nice job with the building. Mr. Santurri questioned if they could increase the height of the monument sign. Mr. Brissett said the sign is 56 square feet. He asked could they get the 56 square feet but lower it so you could see it coming down Utica Street. Justin Rudgick said they could see if there was an opportunity to do some grade filling there to raise the height. He said there are some creative things they can do with landscaping. Mr. Santurri said if it were a monument sign there wouldn't be a gap between the two signs. He said if they could get it on a monument sign that was high enough they might both be happy. Mr. Brissett asked if they could lower the pole sign to 12' so they could see it coming down Utica Street without having to look down. Chairman Freeman said they are asking them to change the elevation of the ground. Mr. Santurri said they can make the base as high as they want as long as they can make it high enough to see. He said they are talking about a \$30,000-35,000 investment into the sign so it is a problem if you can't see it. Justin Rudgick said his suggestion is to table this and have them come back and show the Board a couple different elevations of the sign. He said he doesn't want to see it voted down without giving them a chance to look into it. Mr. Santurri said they want to be a good neighbor. Justin Rudgick said they have done a lot of good things for the community. Mr. Santurri said they are

going to be paving some of the Y's parking lot too. He asked when the next meeting would be. Brit Hallenbeck said it would be the first Tuesday in August. Mr. Santurri said they are hoping to open on August 15<sup>th</sup>. Mr. Caraccioli said the Board could have a special meeting. Justin Rudgick said they have made motions with a conditional approval before based on sign not exceeding 10' and if they do something like that he thinks they can live with it. He said he doesn't know if they can help them with some of those specifications without seeing it. Mr. Santurri asked if they could get it to a maximum height of 10', there would be no gap and there would be a brick base with a solid stone cap over it. Justin Rudgick said he would be willing to make a motion if they would cap the maximum height to 10' and do the base mirroring a monument sign. Brit Hallenbeck asked if they would need a variance because they would have a 10' tall monument sign. Justin Rudgick said it is going to be a pole but they would be hiding the pole within the monument. Mr. Brissett said you wouldn't see the pole. He said there would be a brick base and then the LED sign. Brit Hallenbeck said it would be a 10' tall monument sign that would block visibility. Mr. Santurri said if they could get the height so it would be a usable sign and it would look like what the Board wants then he could live with that. Councilor Tesoriero said this is the best looking building on those four corners. He asked if an 8' post sign would be tolerable or what they just proposed. He said what they have done in the past doesn't hold true to what they are holding these people to. Chairman Freeman said the fact is they already promised to put a monument sign there. Brit Hallenbeck said now they are talking about something that is going to be 8½' wide by 10' tall, solid. He said now they are talking about a monolith. He said that is way more obtrusive than this very nice pole. Justin Rudgick said they can move it forward as is, table it and have them come back with elevation and design, or vote it down and force the monument sign. Mr. Caraccioli said so they are clear on the design standards for a monument sign the maximum height is 10' and the maximum sign area is 64 square feet. He said the maximum faces are two. Justin Rudgick said without seeing it they can't make an informed, educated decision about what it looks like. He said he sees what Brit Hallenbeck is talking about but he doesn't know how much of an impact it will have. Brit Hallenbeck said if something has way more overall square footage facing you then by definition it has a bigger visual impact and blocks visibility to traffic. Justin Rudgick suggested they table it and come back with the redesign so they can see what it will look like. He said they should take it and put it onto the elevation of the property and say this is what it will look like. Mr. Brissett said the brick structure is only going to be 4-4½' tall and then you have the LED on top of that and the Dunkin with no gap. He said they could maintain 10' and still make it look nice. Mr. Caraccioli said this is an application that is in the old and in the new. He said the structure was designed under the old standards. He said the sign was deferred to a later date and the law has now changed. Mr. Santurri said if they can do it at the 10' he thinks that will give them the visibility that they need and give the Board the aesthetics they are looking for. Jeff McGann said his concern is they are building a ground sign that they have to take into consideration the location of where it is at. He said if they are building a solid 10' high sign near an intersection they have to take into consideration the impact it will have on traffic. He said if they put up a 10' high solid sign it is like putting up a wall. Mr. Caraccioli asked the directional placement of the sign if they are looking at it from the center of the intersection directly at the restaurant. Mr. Brissett said it would probably be a twenty degree angle as you are coming down Utica Street. Justin Rudgick said if they are talking about traffic and safety his opinion is

without seeing it, it reopens the whole idea of doing a SEQR review. He said if they are raising enough of a concern about traffic about a potential 10' monument sign, he is not willing to make that decision without seeing what it would look like from an elevation standpoint. He said it would be prudent to go back and generate a rendering of the sign they are proposing with the elevation. Chairman Freeman asked how fast they can get renderings done. Mr. Santurri said by Monday. Mr. Brissett said it takes 3-4 weeks to have the LED sign come in. Justin Rudgick said they aren't talking about changing the sign itself. He said they are only talking about the height of the sign so there would be no delay for that. Chairman Freeman said if they can get it done they can schedule the meeting for Tuesday, July 16<sup>th</sup> at 6:00 pm. Justin Rudgick said he would look at changing the elevation as one of the options. He suggested they come up with a couple different options so they can help them. Jeff McGann said there are valid points on both sides. He said Councilor Hill said there will be people upset because it was originally going to be a monument sign. He said on the flip side there has been a lot of talk about the traffic and congestion on that corner. He said if they approve a sign that is lower, it could add to the traffic issue. He said they need to look at both sides of that. He said if there are 50 people mad about the sign they are eventually going to forget about it or get over it. He said if you cause traffic congestion it is not going to go away. Justin Rudgick said that is where the elevation comes into play. He said if you can see the elevation then they can make an informed decision. Mr. Caraccioli asked if it would be possible to drive a couple stakes in. Jeff McGann said he would encourage that they physically place a couple temporary posts with a plywood sign and let the Board take a field trip to look at it.

**DECISION:** George Koenig made a motion to table Case #19-109. Motion seconded by Noreen Ruttan, unanimous approval.

3. Review & Approval – Signage for Precision Healing – 174 East Bridge Street, Case 19-110; Section 280-61.

**DISCUSSION:** Daryl Hunt was present for the discussion. Mr. Hunt said this is the Enterprise building on the corner of East Bridge and East 10<sup>th</sup> Street. He said two posts are already in the ground. He said what is on there now is coming off and there is a photograph of what is going up. Jeff McGann said because it is on 104 he also had to speak to DOT about this one. He said DOT has given their blessing.

**DECISION:** Brit Hallenbeck made a motion for signage approval. Motion seconded by Daniel Breitweg, unanimous approval.

4. Site Plan Review & Approval – 55 East Fifth Street, Case 19-111; to allow for proposed new driveway, Section 280-48 thru 280-51.

**DISCUSSION:** Jonathan and Grace Schulz were present for the discussion. Mrs. Schulz said they bought this property from the city. She said it is a special building that was built in 1870. She said they gutted it and are redoing it top to bottom. She said they will need parking. She said this property is actually on two lots so they will have plenty of space for parking. She said half of what they are hoping to pave is already paved. She said they just want to make it look nicer. She said they are adding some to the left because in order to get out to the street they felt to park diagonally would be nice to back out into the street. She said ultimately they would like to put a garage at the end of the paved driveway. George Koenig asked if they are going to be living there. Ms. Schulz said she thinks ultimately they will. She said they are working with the ORA as well. She said she is the block leader and they are really trying to do grass roots things over there. She said there is one property that she is not super comfortable with. She said she has small children and there are some goings-on that code enforcement is helping her with. She said if this comes to fruition and they can do the garage and help some of the problems in the neighboring house it is very likely that they would move there. She said in the interim they want to make sure everything is sound structurally and beautiful. She said they have hired a professional paint consultant from Michigan to customize the colors. She said they own the two houses to the left and take very good care of them. She said parking is an issue. She said they want to make sure that it looks not only aesthetically pleasing but that it is sound. She said her contractor is relaying the sidewalks that have cracked for the city. George Koenig asked what streets this is between. Ms. Schulz said Bridge and Cayuga. Mr. Schulz said the house is 4,300 square feet and will have 6 bedrooms. He said it is a monster house. He said it is concrete back further than what they are proposing the driveway to be. He said that will be removed. He said a garage on this would go into the kitchen area. He said the main entrance from the driveway would be the back kitchen door. He said he will be getting rid of one of the porches and make it into a balcony for one of the master bedrooms. He said the driveway will be all concrete. He said there will still be a lot of backyard. Justin Rudgick asked if it is being renovated right now. Mrs. Schulz said yes. Justin Rudgick asked how long they expect the renovations to take. Mrs. Schulz said 3-4 months. She said their neighbor asked them to do this because he is getting seepage into his basement. She said it will all be pitched so all the water will run out to the street. Justin Rudgick said it is a six bedroom single family residence. Mrs. Schulz said down from 9 bedrooms. She said she replaced them with bathrooms. She said they took down load bearing walls and put LVL's in there. She said they made it open and spacious. She said they made the tiny bedrooms larger. She said from the front door you can see to the back windows. She said they are working with the ORA and people are getting energized. Mr. Caraccioli asked how many parking spaces they will be able to fit. Mrs. Schulz said they are thinking 7 but that changes with the snow. She said with the snow there will probably be more like 5 parking spaces. She said she made two master bedrooms. She said they have an en suite and master downstairs and an en suite and master upstairs. She said kids have cars these days, parents have cars, and in-laws have cars. She said they also own the two properties to the left so they take care of those with a maintenance vehicle. She said he has a plow that they have to get in there and be able to take care of the three properties. She said

they wanted to give themselves a bit of a buffer. Justin Rudgick asked what their intention is for the property at the end of the three months. Mrs. Schulz said she isn't sure. She said her husband wants to do a bed & breakfast but unless they are moving in that would be super hard. Justin Rudgick asked if they were going to rent it out. Mrs. Schulz said they do have high end rental properties. She said they take care of their properties and tenants. She said they may move there but she doesn't know for sure.

**DECISION:** George Koenig made a favorable motion for site plan approval. Motion seconded by Brit Hallenbeck, unanimous approval.

5. Advisory to the ZBA – Area Variance – Side – 55 East Fifth Street, Case 19-112; To allow for proposed new driveway, Section 280-55(A).

**DECISION:** Brit Hallenbeck made a motion for a favorable advisory to the ZBA for a variance. Motion seconded by George Koenig, unanimous approval.

Chairman Freeman made a motion to adjourn at 7:52 p.m. Motion seconded by Brit Hallenbeck, unanimous approval.

Approved: \_\_\_\_\_

Richard Freeman

Planning Board Chairperson

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Jeff McGann

Planning Board Secretary