

April 9, 2018

PRESENT Ch. Machelor, A. Welch, C. Marasco, J. Sorce, D. Lewandowski, J. Krupp
Interim Secretary E. Walker

EXCUSED N/A

OTHERS Building Inspector K. Candella, Zoning Officer E. DeVantier, Trustee D. Gibson, Fire
Inspector B. Beebe

Ch. Machelor called the meeting to order at 6:30 PM.

MINUTES Minutes were presented for the February 12 and March 12, 2018 meetings. After review,
a motion to approve both sets of minutes was made by J. Sorce with a second by J. Krupp.
The motion was approved unanimously.

OLD BUS. Project Application #2017-91 – 494 Ridge St. – “Accessory Building”
David Gusiana, architect for property owner Herb Richard, presented a revised plan to
build another residence on the rear of the property at 494 Ridge St. The owner has decided
to not re-subdivide, but still wishes to build the other residence. Mr. Gusiana presented a
new survey of the Toohey property just to the north of his client’s property showing that
the property line of his property is correct. Ch. Machelor questioned where the survey was
of his clients property. Mr. Gusiana stated that his site plan was a legally binding document
because it is a signed drawing. Ms. Welch stated that the property in question has two
different zonings. The frontage on Ridge St. is zoned R-B, Restricted Business,
Townhouse and the back of the lot is zoned R-2, Residential, Two Family, and Townhouse.
Ms. Welch stated that it appeared that the new dwelling would be in both zones. Ms. Welch
stated that she had investigated the ordinances and could not find a way to approve this
plan for two residences on the same lot. Ch. Machelor asked why they did not come
forward with a plan to re-subdivide the lot for two homes. Mr. Gusiana stated that what he
was trying to do at last month’s meeting. Ch. Machelor asked where the new residence
would be on the lot to determine the zoning. Mr. Gusiana stated that the problem with dual
zoned lots is that there is no way to determine the zone lines established in village code.
Ch. Machelor stated that he could not understand why the property owner would think that
the Board would approve two residences on the same lot. Mr. Gusiana stated that every
time an additional building is placed on a lot it is designated as an accessory building
regardless of its use. Ms. Welch stated that the current lot was already substandard and
subdividing would create two parcels that were far too small and would need variances.
Ch. Machelor stated that a subdivision was required. Ms. Welch stated that subdivision
could not be done because the original lot was already too small. Mr. Gusiana
acknowledged that the lot was already too small. Ms. Welch stated that she had looked
over the code closely and could find no way to allow this plan to go forward. After much
discussion of how to word the motion to deny, Ms. Welch moved to deny the request based
on the facts that the proposed dwelling was not a permitted use and that the square footage
of the lot was too small. J. Krupp seconded the motion. The motion was denied
unanimously.

Project Application #2017-84 – 100 Center St. – Niagara Crossing Hotel – Sign
Application

Nicole McCoy presented a new rendering & site plan for a pole sign for the hotel. The
new design is a pole sign that will be 50 feet from the center of Center Street. It will be
double-sided and 15 feet high. Ms., Welch advised that the hotel would need a property
line variance to place the sign next to the property line. All agreed that the sign design was
appropriate for the location. Ms. McCoy was advised to come to the Village Office ASAP,
preferably the next day, to complete the variance application to meet the deadline for
appearance at the next zoning meeting. Ms. Welch made a motion to approve the sign as
submitted pending approval of the property line variance. The motion was seconded by C.
Marasco. The motion was approved unanimously.

Project Application #2017-100 – 755 Center St. – Stone House – Tent Structure

Mr. Simon appeared before the Board to present the same structure from our last meeting only now he has designated it as a permanent parking structure. Mr. Simon indicated that it is stated to comply with NFPA regulations by the structure manufacturer. Mr. Simon did present an updated survey. The frame work would be aluminum and permanently installed. The canvas cover could be removed seasonally, if the village desired. Fire Inspector Beebe stated that this structure had been designated as a tent and access to the rear buildings would be nil. Mr. Simon stated that the structure would be 30 feet high and every fire truck would be able to drive under the structure. Mr. Simon stated that if there was a need for an aerial truck, that the company no longer has, one could be erected in the Rite-Aid parking lot and cover the structure all the way to CVS. Mr. Beebe stated that as a tent, no vehicles could be parked under it without draining the gas and disconnecting the battery. Mr. Beebe also stated that the proposed structure was used in aviation storage overseas. Mr. Simon stated that these structures were used all over the U.S. as parking structures and by municipalities for vehicle and supply storage. Mr. Simon further stated that because it is a permanent structure it can be placed directly on the property line. Mr. Beebe stated that if this was deemed to be a structure, then it fell to the Building Inspector to oversee the structure. Mr. Candella indicated that since it is permanent and a structure that it could be placed directly on the property line, no parking would be lost. Mr. Beebe stated that the NFPA code cited by the manufacturer pertained only to fabric. Mr. Simon stated that was true and the rest of the structure is aluminum frame. Ms. Marasco was concerned that a structure used for airplane storage somewhere else in the world might not be appropriate for fighting fires in our little village. Ms. Marasco asked if Mr. Beebe was comfortable with the fabric cover. Mr. Beebe responded that he was OK with the fabric but was not OK with the back building access. Mr. Simon countered that the structure was thirty feet high. Mr. Beebe was concerned that if the back buildings were on fire, how would they access the upper floors? Mr. Beebe stated that he did not have a problem with the structure, but the placement and size. Ch. Machelor stated that he did not see how the Board could approve the plan if the fire department was not able to assure them that they could fight a fire on the property. Multiple conversations erupted at the same time that were not able to be deciphered for the minutes. After some extended simultaneous discussions, Mr. Beebe & Mr. Candella asked to have some additional time to review the plan and make recommendations to the Board. Mr. Candella suggested that the new structure be reapproved by Historic Preservation. Ch. Machelor suggested that the plan be tabled while the various inspectors review the plan. After even more unintelligible multiple conversations, the Secretary called for a motion to table. J. Sorce moved to table immediately with a second by J. Krupp. The motion passed unanimously.

Project Application #2018-002 – 810 Center St. – Griffon House – Signs

Ken Scibetta, owner of Griffon House Restaurant and Gerry Gismondi, owner of 810 Center St. appeared before the board to request permission for numerous signs already erected on the site. Ch. Machelor asked Mr. Scibetta if he put up the signs that were approved. Mr. Scibetta said that he did not. Ch. Machelor asked why not. Mr. Scibetta said he was informed that he had to go to the Historic Preservation Board. Ch. Machelor asked who told him to go to the Historic Board. Ms. Welch stated that because of the historic building that the Historic Board could rule on the lettering on the signs, but not on their size, number or placement. Mr. Scibetta stated that they did not put the sign on the roof, that it was already there. Ch. Machelor & Ms. Welch both stated that the frame was there, not the sign. Ch. Machelor stated that the roof sign was ordered down and was not to be put back up. Mr. Scibetta stated that the Historic Board told him he could put the sign back up. Ch. Machelor stated that he could not understand why the signs that had been put up were not what had been approved. Ms. Welch stated that she had specifically told them they could not have the signs on the east & west side because they were not permitted by code. Mr. Scibetta said that the Historic Board had given him permission to put the signs up. Ms. Welch stated that the Historic Board did not have the authority to authorize signs. Tempers then flared between Ch. Machelor & Mr. Scibetta. Ms. Welch & Mr. Gismondi intervened to calm the situation. Ms. Welch inquired how Mr. Scibetta came to the Historic Board after appearing before the Planning Board. Mr. Scibetta stated that he was told by Mr. DeVantier that he had no choice but to go before the Historic Board because his building was designated historic. Mr. Gismondi stated he appeared before the Historic Board for Mr. Scibetta and obtained a Certificate of Appropriateness for the signs. Mr. Gismondi further stated that he followed up with Harry Wright and asked him if they could put up the signs and Mr. Wright told him “Yes”. Ms. Welch apologized to both

gentlemen and stated that Mr. Wright was wrong to give them that information and she was very sorry. Mr. Gismondi stated that they were there to correct the situation. Ms. Welch stated that Mr. Wright needed to stop doing such things. Ms. Marasco asked for clarification regarding state law over local law as it pertains to local signage. Mr. DeVantier stated that there is no confusion over state law vs. local law on signage, local law has precedence. Mr. Scibetta stated that when he owned the Pub, never once did he cause a problem. He always followed whatever Ann told him to do. Ms. Welch stated that was because he had been given the wrong information in this case. Mr. Gismondi stated that Mr. DeVantier told them they could leave the signs up until these issues were all straightened out. Ms. Welch stated that was irritating everyone else who could not have those signs. Ms. Welch stated that she liked the look of the signs, but the side signs needed to be removed and the roof sign needed to come down. Mr. Scibetta stated that in 2009, the Planning Board approved the roof sign because it was grandfathered. Ms. Welch stated that was another mistake. Ms. Welch stated that when the Clarkson House went out of business the roof sign should have come down; she did not know how Macri's was allowed to keep it. Ms. Welch stated that they could go to the Zoning Board to appeal the roof sign. Ms. Welch told both gentlemen that if they ever needed anything for their business to contact the Chairman or herself and they would guide them. Mr. Gismondi questioned that the sign should stay with the building since the business was the same. Ms. Welch stated that was not correct, whenever the business changed, all signs must also change. Mr. Walker informed both gentlemen that if they wished to pursue variances, they needed to make application for the type of relief they were seeking and pay the \$35.00 appeal fee in advance. They were told that the next Zoning Board meeting would be in two weeks so they needed to apply ASAP in order to meet publishing deadlines. Ms. Welch made a motion to deny the roof sign and the two side signs with a second by J. Sorce. The motion to deny passed unanimously.

NEW BUS. Project Application #2018-016 – 402 Center St. – Brewed & Bottled – Projecting Sign

Project Application #2018-017 – 402 Center St. – Sgt. Pepper's Hot Sauces – Projecting Sign

Project Application #2018-018 – 402 Center St. – Grandpaw's Pet Emporium – Projecting Sign

These applications were all considered at one time since their businesses are all housed in the same location. All of the owners had worked together to design the concept and signs and were present at the meeting. Ms. Welch wondered if they could make the signs more individual for the businesses. The owners indicated that design was made to look the same since they were working with a custom metal fabricator in order to keep the costs down. All the signs will be double-sided and the frames will open up and the sign could be easily removed and replaced should a new business occupy a current site. The sign faces will be wood and the lettering will be craved into the face to add depth and dimension. The Board felt that if they could change up the appearance within the frame itself that would help identify the individual businesses. The signs will be 12 feet apart and the bottom of the signs will be over 8 feet above the ground. All signs will be on private property. Ch. Machelor clarified that the Board would approve the size, position & spacing the signs and allow the individual businesses to determine the artistic design of each sign. Mr. DeVantier praised the business owners for the approach they took to working with him as code enforcement officer and working with the Board to help get the sign process for their business approved. Ms. Welch made the motion to approve the five signs as stated by Ch. Machelor with a second by J. Krupp. The motion was approved unanimously.

OTHER

Ms. Welch stated that she felt bad for Ken & Gerry that they had to come in to get permission for their illegal signs after the Historic Board told them they could put them up. She stated that they got a citation, they were told by Planning to put the two signs in front and take down the roof & side signs and then Harry Wright tells them that the signs are OK. Mr. Walker stated that he was not defending Harry Wright, but Mr. Scibetta had flaunted the rules from the beginning of the application process. He showed up at a meeting and approached the board with no application or designs. The Board did hear him at the end of the meeting and did approve the front sign and projecting sign. Mr. Walker continued that Mr. Scibetta did not do as he was asked to do and that the actions of Mr.

Wright did not help the situation. Ms. Welch stated that the Historic Board needs to start reading the code. She stated that the Historic Board thinks they are in charge of everything and they are not. She stated that the Historic Board can offer an opinion on the historic character of a sign, but only Planning can approve a sign. She stated that they have tried to do subdivisions, but only the Planning Board can approve subdivisions. Mr. Walker stated that if the property is historic, it is to be routed to Historic Preservation first. Ms. Welch said "No, I'll read you the code, the Planning Board, after reviewing the plan, will submit the plan to the Historic Board if the property is Historic." Mr. Walker stated that Ms. Welch needed to bring that before the Board because that was not the way the procedure had been set up. Ms. Welch stated that they need to read the code. Ms. Welch stated that everything should come to the Planning Board first. The Planning Board will refer to the Historic Board, if necessary, and then back to the Planning. The Planning Board will refer to Zoning, if needed. Then back to the Planning Board where everything will be put together and referred to the Village Board, if needed. Ms. Welch further stated that is the way it is in the code. If they won't read the code or listen to us then she didn't know what else to do. Ch. Machelor stated that there is a person on the Historic Board who likes to have his hand on everything, that might be it. With regard to Mr. Scibetta, Ch. Machelor stated that it was a case of "if you don't like what your Mom says, go find your Dad and ask him". "We told him exactly what he could do, so he went and found someone who would let him do what he wanted."

Ms. Marasco asked Mr. Beebe if he thought that the fire company would be able to work with Mr. Simon at the Stone House or would this be a problem forever. Mr. Beebe stated that he was getting all of his information from NFPA code on tents and other membrane structures. Mr. Beebe stated that Mr. Simon went to the Historic board first and presented a tent and it was approved. Mr. DeVantier stated that the zoning officer offers the Boards his opinion as well as the fire inspector offer his. The Boards can take their advice or not. Ms. Welch stated that she was not comfortable with the structure if the fire and zoning officers were not happy with the structure. Mr. DeVantier stated that it was totally wrong for the fire and building inspector to be debated by the applicant. Mr. Gibson asked when the coverage of the property in considered too dense. A number of voices stated that it already was. Ms. Welch stated that he was only supposed to cover 50% of the property. Mr. Beebe stated that he would be taking this matter to the state fire office.

Ms. Welch asked Mr. Walker to be sure that what she had said appeared in the minutes and copies were given to the Historic Board & the Village Board. Mr. Walker assured Ms. Welch that he would do as requested.

ADJOURN Ms. Marasco moved and J. Sorce seconded a motion to adjourn the meeting at 8:17 PM. The motion passed unanimously.

Edward L. Walker, Interim Secretary