

Village of Endicott Zoning Board of Appeals Meeting with Public Hearing  
October 28, 2021

\*\* Meeting is being hosted in person and over Zoom and is being recorded for the record.

Board Members Present

Doug Courtright (DC)  
Jim Corbin (JC)  
Dave Baker (DB)

Others Present

Nick Cortese, Legal Counsel, Board Room  
Brian Botsford: Fire Marshal, Board Room  
Anthony Bates: Village Manager, zoom  
Alicia Thoennes: Recording Secretary, zoom

After noting that the ZBA had a quorum (3) three voting members present, DC proceeded with the meeting.

DC: The purpose of this meeting is to approve or deny the application for an area variance for 102 Washington Ave. The applicant's legal counsel Sarah Campbell is present.

JC made a motion to open the public hearing.

DB: Second

DC: All in favor?

ZBA: all responded Aye

DC: The motion carried. The public hearing is open and Sarah can present.

Sarah Campbell (SC): Introduced herself as the attorney representing the applicant, EPAC. SC explained that the applicant requires an area variance because the proposed changes to the existing 3-sided EPAC sign would make the sign illegal and non-conforming because the Zoning Code only allows 25% coverage and Brian determined the new sign to be 100% coverage. Total square footage: 276 sq. feet.

SC further stated that the applicant understands that it cannot obtain a permit to put the sign up until the Village Board passes updated sign regulations.

SC explained that the size of the new sign will remain the same size, but the sign style will be changed to a 3-sided electronic sign. The front of the sign is electronic, but not changeable. The two flanking sides will become electronic and changeable. The applicant's sign is consistent with the Endicott iDistrict goals and will have a positive impact on the area.

SC acknowledged that the hardship requiring the variance is self-created to the extent that the applicant wants to keep the size and shape of the sign that they currently have while also upgrading it to the digital messages.

NC stated for the record that Brian Botsford (BB) has interpreted the sign to be a canopy or an awning sign – so we're talking the percentage coverage of the actual canopy or awning housing. Zoning code says 25% is the maximum. NC then asked SC if his understanding was correct that the motion the ZBA would be considering for this variance would be to vary the percentage of canopy surface area coverage

for an awning/canopy sign from 25% to 100% in the central business district. SC confirmed NC's understanding of the variance being requested and the motion the ZBA would be considering on this application.

Representing EPAC, Treasurer of Board of Directors, Bob Griffin, thanked the board for expedited review of the application.

No one else present in person or on Zoom requested to speak at the public hearing.

DB made a motion to close the Public Hearing. JC seconded the motion.  
Vote: all in favor. Public Hearing closed at 5:24pm.

The ZBA then began its discussion and consideration of the applicant's area variance application.

DC: Stated that in making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to health, safety, and welfare of the neighborhood or community. In making such determination, the board shall also consider:

1. Reasonable objective: That the applicant's intended objective is reasonable, and there is no way to accomplish such objective if the bulk regulations of the ordinance are observed.

Upon consideration of this factor, in light of SC's oral presentation and supplemental written materials submitted by the applicant, all ZBA members present agreed that the applicant has satisfied this standard. Specifically, the ZBA determined that the applicant could not complete the project without obtaining an area variance.

2. Neighborhood character. That the variance requested will not be unduly detrimental to adjoining properties and will not alter the essential character of the neighborhood.

DB: Asked if anyone complained about the sign. BB explained the Planning Board asked the Village Board of Trustees to review the allowable distance from a residentially zoned property which is being proposed to be changed from 500' to 100'. The PB recommended it be left at 500'. The sign at EPAC will not be on 24/7 but will be on more before upcoming shows.

After said discussion and upon consideration of this factor, in light of SC's oral presentation and supplemental written materials submitted by the applicant, all ZBA members present agreed that the applicant has satisfied this standard, in that granting the variance would not be unduly detrimental to adjoining properties or alter the essential character of the neighborhood.

3. Not self-created. That the problem to be solved is not self-created by the applicant. This consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

Upon consideration of this factor, in light of SC's oral presentation and supplemental written materials submitted by the applicant, all ZBA members present agreed that the applicant has satisfied this standard. Specifically, the members determined that the hardship was not self-created.

4. Minimum relief. That the variance requested is the minimum necessary to grant relief.

The ZBA discussed the fact that the new sign will be exactly the same size as the current sign and that the facing is the only thing that will change, if and when the Village Board passes the zoning change to allow for electronic signage in the relevant zoning district. The ZBA acknowledged that the variance will not allow for a larger sign but, rather is needed only for the percentage of coverage of the canopy (i.e. sign frame/housing) itself. Zoning Code currently allows for 25% sign coverage, but the new sign will have signage over 100% of the canopy.

Upon consideration of this factor, in light of SC's oral presentation and supplemental written materials submitted by the applicant, all ZBA members present agreed that the requested variance is the minimum necessary to grant relief.

5. No adverse effect or impact. That the variance requested will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Upon consideration of this factor, in light of SC's oral presentation and supplemental written materials submitted by the applicant, all ZBA members present agreed that the applicant has satisfied this standard, in that the variance would not create an adverse impact on the physical/environmental conditions in the surrounding neighborhood.

DC: The Zoning Board feels the applicant has met all five standards for this area variance.

After discussing and considering the five statutory factors pertinent to the applicant's variance request, the ZBA acknowledged that the application is an Unlisted Action for purposes of the State Environmental Quality Review Act ("SEQRA"), and proceeded to consider the applicant's submission of Part 1 of the Short Environmental Assessment Form ("EAF")

In response to the applicant's Part 1 submission, the ZBA answered as follows to the questions posed in Part 2 of the Short EAF:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?

ZBA agreed: No to small impact may occur

2. Will the proposed action result in a change in the use or intensity of use of land?

ZBA agreed: No to small impact may occur

3. Will the proposed action impair the character or quality of the existing community?

ZBA agreed: No to small impact may occur

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

ZBA agreed: No to small impact may occur

5. Will the proposed action result in an adverse change in the existing level of traffic or effect exiting infrastructure for mass transit, biking or walkway?

ZBA agreed: No to small impact may occur

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

ZBA agreed: No to small impact may occur

7. Will the proposed action impact existing:  
a. public/private water supplies? ZBA agreed: No to small impact may occur  
b. public/private wastewater treatment utilities? ZBA agreed: No to small impact may occur

8. Will the proposed action impair the character of quality of important historic, archaeological, architectural or aesthetic resources?

ZBA agreed: No to small impact may occur

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

ZBA agreed: No to small impact may occur

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

ZBA agreed: No to small impact may occur

11. Will the proposed action create a hazard to environmental resources or human health?

ZBA agreed: No to small impact may occur

DB: Made a motion to issue a negative declaration under SEQ. JC seconded the motion.  
All in favor? Aye. 3 yes, 0 no. Unanimous vote of the Board

Thereafter, a resolution was offered to approve the applicant's request for an area variance from the maximum percentage of canopy surface area coverage for an awning/canopy sign of 25% to 100% for property located at 102 Washington Avenue and within the central business district.

DB: moved to adopt the resolution                      JC: seconded the motion

Roll call vote to approve this area variance  
JC: yes              DB: yes              DC: yes

Unanimous vote of the Zoning Board to approve this area variance for the applicant at 102 Washington Avenue

DB made a motion to adjourn the meeting      JC seconded the motion

All in favor: Aye. 3 yes, 0 no

DRAFT