

**Town of Geneseo**  
**Zoning Board of Appeals**  
**Public Hearing for Ken Kamlet, Agent for Gateway Town Centre LLC**  
**Tuesday, February 24, 2009**

Appeal by **Ken Kamlet**, appellant, from a decision of the Code Enforcement Officer and application for permission to erect a monument sign which exceeds both the maximum area of 32 square feet per side that is allowed and the maximum height of 10 feet that is allowed, both regulations as per Section 106-19 E.(1) of the Town of Geneseo Zoning Code on property located at the northeast corner of Volunteer Road/NYS Route 20A intersection, tax map #81-1-29.113 in the Town of Geneseo, NY.

Board Members Present: Chairman John Maxwell, Vice-Chairman Rick Taylor, Soren Thomas and Steven Haigh.

Public Present: Dean O'Keefe, Code Enforcement Officer, Doug Jerum, representing the applicant, Ken Kamlet, Taylor McDermott and John Girolamo.

Chairman John opened the meeting at 7:37, asking for green cards -32 went out and 31 were returned. He read a letter from the Liv. Co. Planning Board recommending "Approval" of the proposed action with the following advisory comments: the "Applicant should ensure that the width, height, and placement of the sign, and any potential landscaping around the sign, does not interfere with the safe egress from the plaza onto Route 20A."

Chairman John asked ZEO Dean if the location of the sign has been approved by the Planning Board? And the size of the sign. Dean said YES to both.

All gathered around Doug Jerum's plans including the landscaping plans.

Doug explained the planning board is satisfied with all SEQR requirements, the PDD is complete, the location of the free-standing sign is agreed to and they are gathering other needed permits at this time.

Doug explained they want the sign to be 18 feet tall when 10 feet is permitted and the area of the sign to be 96 sq. ft. per side when 36 sq. ft. is allowed. He then compared other signs in the area and their heights.

Doug then addressed the 5 questions that the Board must answer with his interpretation.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? They have gone above and beyond to comply with the desires of the Town Planning Board. The sign materials are nicer than other area signs and the landscaping is beyond what everyone else has planned.

2. Can the benefit sought by the applicant be achieved by some feasible method

other than the variance? Due to the setback of the building (360 feet from the ROW of Route 20A, and the orientation change that rotated the building to face Volunteer and not 20A, and the 100 feet of landscaping along 20A with 200 feet of buffer to the east, they need a sign large enough to let the public find them.

The height of the berm from the road is 10 feet. There will be 30 ft trees on the interior driveway. The building is to be well screened and difficult to see. There are no other signs on the property. Safety is an issue to note the entrance to allow for a safe approach and a lane change if necessary.

Steven asked what other tenants are on this corner--Lowe's and Walgreen Pharmacy

Soren-Is the signage on the building to code and approved by the Planning Bd. ?

Doug said, Yes. The Planning Board ok'd the position of the sign as part of the PDD.

Steven asked what sign will be on the building (Lowe's).

Doug answered --One over the main entrance on the west side and one at the garden center that faces 20A. (*Did he mention another???*)

Vice Chair Rick asked the height of the building--28 feet at the back.

Much discussion by all about the elevation. They discussed the peak at 45' down from 51' and the 9'4" height down to 7'.

Steven returned to the height that is still 24' above the street at the garden center.

Doug reminded that the area around the building is wet lands and is bermed to the east as well as along 20A.

Vice Chair Rick, with amazement commented, "It will be graded out and then the building will be 4 feet below road grade!" YES. They will regrade and put the building down and hidden from the road. It will be surrounded with 1308 plantings.

3. Is the requested variance substantial? Doug said the sign is not out of place and is in keeping with others in the area. He is not qualified to say "if this request is substantial" as that is the Board's determination.

4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Doug said they have met SEQR requirements and the sign won't have an effect on the area.

5. Is the alleged difficulty self created? According to Doug, he doesn't think so. They worked to comply with the requests of the Planning Board and the changes they made to comply have made this sign a necessity.

Soren asked if during the planning and PDD part, when there were discussions of the adverse effect on neighbors, the effect on the view shed and the reduction of the peak, was the sign included from the beginning?

Soren--Always ask for the same size? Yes. Elevation was not discussed but the size was.

Soren--was traffic flow part of SEQR? Yes

Soren--was the entrance always the same?

Doug--Yes The interior road was encouraged. The main entrance was always on 20A with exit onto Volunteer. There is a road stub at the entrance to 20A to feed future properties, if they develop to the east. There will be a traffic study three months after the store opens. The utilities will be in place for a traffic light.

Steven--Back to the Berm--You will level out what is there now and then build the berm and put in plantings?

Doug--Yes. It won't be flat, it will be rolling. The wet land in the buffers won't be disturbed. It is all designed to flow to the west, on both street side and eastern side-all with berms and plantings.

Soren--Then cars going by won't see the building.

Chairman John--That was the planning Board's goal to not see the building.

Soren--Is it to be a 25' setback to the base of the sign at the entrance?

Doug--25' is a definite and the line of sight was taken in considerations. There are other existing maps that show the sign location better than this map. The sign is at site grade and not on berm. It is close to the entrance drive. Eighteen feet will be at elevation of road grade, not on the berm.

Soren--Was any attempt made for a sign that meets code? When working on SEQR? before tonight?

Doug--No. If it were to code, it would be ineffective.

Steven--Your proposed sign is 3 times larger and almost double the height of what code allows.

Doug-- If it were to code, it would be ineffective. The berm and landscaping required a bigger sign to aid cars in finding the entrance.

Soren--The sign as presented has as much space for the tenant as for the main store. Why

so much sign for the tenant? Won't the tenant have a sign on their building? Why is the retail area as large as Lowes? Lowes panel is 3'9". Drop the retail panel or lessen the size to shorten the size. I'm looking to shorten the sign. The base remains at 4' + Size of Lowes + Size of Retail.

Doug--Lowes proposed a ground mounted sign and not a pylon. This may be the busiest corner but there is no direct entrance. People need to know how to get into the project. The sign is needed to point the way into the Plaza.

Soren--Coming from the west the sign on the front of the building can be seen. Is it to be internally lit? Yes.

CEO Dean--Look at this request as a plaza sign rather than a single store sign. The tenant could ask for a free standing sign later if not allowed one now.

Soren--the shape of the top of this sign is typical Lowes? Yes.

Steven--Are there other signs? No. The sign on the tenant building has not been determined yet.

Soren--I'm not convinced of the necessity for height and traffic flow. This will be visible from the Country Club a half mile away. From this intersection, it is problematic. Can't the front of the building sign be seen going east? Under the traffic light? It is visible. The front of the building will draw attention if coming from the west whether sign is tall or not.

Steven--was the original idea ever changed so that the new road was the secondary entrance and not the primary one?

Doug--There were two traffic studies by Fisher. Never did they say this was a secondary entrance and Volunteer Rd. was primary. Route 20A has over 20,000 cars per day. Volunteer has 5000 cars per day.

Soren--Let's talk hard numbers: 80% height variance or 8 feet and 200% area variance.

How is sign lighted--internally, according to the application.

Chairman John directed the board to consider the 5 questions beginning with the height.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? No
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? John and Rick-no; Soren and Steven-yes
3. Is the requested variance substantial? Yes, 80%

4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No
5. Is the alleged difficulty self created? Mixed with a 2-2 split as in #2. Planning Board required more of applicants causing their need vs they could use the normal sign without a variance.

They then considered the 5 questions as related to the area variance request.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? No
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? No
3. Is the requested variance substantial? Yes
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No
5. Is the alleged difficulty self created? Yes

Vice Chair Rick moved to grant a 64 square foot area variance for the proposed monument sign to be placed at the southeast entrance of the Gateway Town Centre... and then he paused and proposed a straw vote: John and Rick-yes; Soren and Steven-no. There was no second to this partial motion and it died.

More discussion ensued and the applicants left to confer. They returned to explain the Gateway Center is a PDD containing two separate buildings. The smaller property is a tenant of the larger. The larger can agree that there will be no other free standing sign in their PDD. The tenant will never have the option of a free-standing sign.

Vice Chair Rick moved and Chairman John seconded the motion to grant a 64 square foot area variance for the proposed monument sign to be placed at the southeast entrance of the Gateway Town Centre. The Gateway Town Centre sign will preclude any additional free-standing sign in this PDD. The vote: Chairman John Maxwell-yes; Vice Chairman Rick Taylor-yes; Soren Thomas-yes; Steven Haigh-no. Motion carried.

Soren Thomas moved and Vice Chair Rick seconded the motion to grant a 6 foot height variance for the proposed monument sign to be placed at the southeast entrance of the Gateway Town Centre. The vote: Chairman John Maxwell-yes; Vice Chairman Rick Taylor-yes; Soren Thomas-yes; Steven Haigh-yes. Motion carried.

Vice Chair Rick moved that the hearing be closed and Steven Haigh seconded. Motion carried. Steven moved and Soren seconded that the minutes for the November 18, 2008 hearing for James and Linda Brewer, 5327 North Point Drive, were approved as presented. Meeting adjourned at 9:42. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.