

**Town of Geneseo
Zoning Board of Appeals
Public Hearing for Five Star Bank
4431 Genesee Valley Plaza
Tuesday, March 23, 2010**

Appeal by **Five Star Bank**, appellant, from a decision of the Code Enforcement Officer and application for permission to erect an additional sign when the signage is not in compliance with existing zoning of the Town of Geneseo Zoning Code on property located at 6107 West Lake Road in the Town of Geneseo, NY.

Board Members Present: **Chairman John Maxwell, Steven Haigh and Greg Foust.**

Public Present: Ron Maxwell, Code Enforcement Officer, Dean O'Keefe, Deputy Code Enforcement Officer, Roy Gardner, agent for applicant, Leon Van Lieshout, James Coniglio, Esq., Town Attorney

Chairman John Maxwell opened the meeting at 7:38 and requested the green cards (certified return receipts from adjacent properties to the applicant). Four were sent out and three were received.

At this time the Board members invited the applicant to the table. **Roy Gardner**, building maintenance for Five Star Bank, explained what Five Star Bank wanted to change. He brought pictures. All Board members had visited the site.

Chairman John Maxwell read a letter from the County Planning Board indicating this application has no countywide impact. He commented that the signage allowed is 30 sq.ft and the present signage already exceeds that.

Dean O'Keefe, Deputy Code Enforcement Officer, said one wall sign = 40 sq. ft. total. In '05 the Bank received approval for replacement panels (Wyoming County Bank was the previous name) with one on the east side and one on the west and an 8 ft. sq. sign on the ATM machine. They have two signs instead of one by today's rules. The time and temperature clock is preexisting.

Chairman John Maxwell--The time and temperature clock has a star on it. All agreed.

Steven Haigh said there were signs over the front door but CEO Dean didn't remember one on the front.

Discussion followed with both CEOs who said the old sign on the north face was down longer than a year and the new one cannot be grandfathered into that location.

Steven Haigh said that it was off the table since it was in excess of one year.

Roy Gardner said the Bank is trying to better "brand" itself using a star logo without

using the name.

Steven Haigh--You see the time and temperature sign from both directions. You are already over on signage and you are visible. Why is this needed?

Roy Gardner--To get the Star out to get it recognized.

Steven Haigh--What is presently on the side of the building? CEO Dean was looking it up.

Roy Gardner --We added the one at the drive-thru four years ago. The other one is over the windows.

Dean O'Keefe, Deputy Code Enforcement Officer--The Star is on all existing signs. He showed pictures.

Chairman John Maxwell proceeded with the short form SEQRA. It was read in its entirety and No was the answer to all questions.

Steven Haigh moved and **Greg Foust** seconded the motion to approve the SEQRA form as prepared and directing Chairman John Maxwell to sign it. Carried. Chairman John then signed the form.

The Board posed a question to Roy of what if one sign were replaced with the Star. Would that be acceptable to the Bank? Which one would be the one to lose?

Steven Haigh made it clear that he would not vote for more signage but would agree to having one sign traded for another.

Roy Gardner is willing to ask the Bank which sign they would be willing to remove in order to be allowed to erect the Star sign.

At this time the feeling of the Board is to grant the Star on the North face when one of the other signs is removed.

The Board then went through the 5 questions necessary for an area variance:

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 Presently there is too much signage.
4. Will the 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

Steven Haigh moved to *grant approval for the requested sign on the north side of Five Star Bank Building at 4431 Genesee Valley Plaza contingent upon Five Star Bank agreeing, in writing to the CEO, to the removal of one of the existing signs on the east or west side at the time the new sign is installed.* **Greg Foust** seconded. Carried.

Steven Haigh moved to close the hearing at 8:10. **Greg Foust** seconded. Carried.