

**Town of Geneseo  
Zoning Board of Appeals  
Public Hearing for Jeff Barron, Agent for Applebees  
Tuesday January 24, 2012**

Appeal by **Jeff Barron, Agent for Applebees**, appellant, from a decision of the Code Enforcement Officer and application for permission to erect signage which exceeds the maximum number of signs allowed and exceed the maximum total sign area/square footage that is allowed as per Schedule II of the Town of Geneseo Zoning Code on property located at 4401 Genesee Valley Plaza in the Town of Geneseo, NY.

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

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Steve Bell**, applicant's agent, **Deb Shultis**, of Applebees, **Steve Grapansteter** of Applebees and **Craig Moses**, Geneseo Collision, a neighboring business

**Chairman John Maxwell** opened the meeting at 7:35 and requested the green cards (certified return receipts from adjacent properties to the applicant). They did not have the cards.

At this time the Board members invited the applicant to the table. All Board members had visited the site.

**Steve Bell** explained the Applebees chain was rebranding all stores. It is a corporate directive to make changes. They will now have all channel letters with new led lighting. They are eliminating the Neighborhood Grill and Bar sign for the present. When the Geneseo one went up, there were no led lit Neighborhood Grill and Bar signs available. Now they have been created but Applebees is not seeking one today and will remove the existing Neighborhood Grill and Bar sign.

All agreed that if a new Neighborhood Grill and Bar sign is wanted, there must be another variance for it.

**Steve Bell** continued that Applebees wants to replace the current awnings with aluminum awnings with a led bar in each, to be dark sky compliant. The green stripe awnings are 80's. There are competitors now also using striped awnings (Chili's). He then share paperwork showing old and new signage.

**Greg--**Will the main Applebees sign be changed. No

**John--**Will the windows in back having awnings? With or without apples? Illuminated?

**Steve Bell** The gooseneck lighting above the awnings will be gone. Those on the walls are going too. They will be replaced with bug zapper lights.

**Greg**--On the front elevation, 8' x 6' awning on each window.

**Steve Bell** The apple is the sign, not the rest of the awning.

**Greg**- Clarify the building size--55 x 118? The map is incorrect at 60. It should be 112.

**Ron Maxwell**--Signage to Applebees is only the apple.

**Craig Moses**--Came to see what Applebees wanted to do. He supports whatever they want.

**Steven**--We can give credit for 23.5 sq. ft for the Neighborhood Grill and Bar sign that won't be used in future. Remember the last time, I thought the awnings were signage. The variance originally was huge. Now you want even more. What is your main objective, the front?

**Greg**--there would be 13 signs without the back two.

**Ron Maxwell**---Temporary signs inside the windows don't count. He also added that **this is a Type II action and SEQRA isn't needed.**

The Board began calculating--coming down 40% from the original application.

**Steven**--We can't deny the apple on two of the 3 windows on a side or we are rebranding. Either we give them all or none. The green blends in. New awnings in gold will shine out onto the plaza and highway. If this were anywhere else...

**John** --explained it is the role of the ZBA to minimize, if possible, any variance.

**Steven**--In 2007 it was a 100% over the top variance--more than we like.

**Group Discussion**--Five yellow signs on each side of the building will look fine. Have we already agreed two on each awning without apples. Three panels at 22.4 sq. ft. per apple equals a front sign of 67.2 minus the 23.5 credit for removing the Neighborhood Grill and Bar sign for a total of 43.6 sq.ft. That is an additional 44 sq. ft. of signage.

**Chairman John Maxwell** summarized: If the existing 44.95 sq. ft. Applebees sign on each side were removed, perhaps we could agree to the new awnings as presented. The number of signs added to this site would be 6 and the number of sq. ft added would be 92. The present signage is 44.95. The new signs as present would be 68.2 front +

68.2 side + 68.2 side.

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? **YES**
3. Is the requested variance substantial? **YES Huge is a better word**
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**

The Board asked Applebees to return after making a determination as to what they wanted more, the awnings as presented with the removal of the side signage or the signage with all gold awnings on the side and back.

**Steven Haigh** moved to *table the hearing until Tuesday, January 31 at 8 p.m.*  
**Greg Foust** seconded. **Carried.**

**Chairman John Maxwell** reminded Steve Bell that the green cards were also due then.

**Chairman John Maxwell** asked for approval of the **Gajewski September 13, 2011** minutes. **Steven Haigh** moved approval and **Greg Foust** seconded. Carried.

**Steven Haigh** moved that the hearing be closed and **Greg Foust** seconded. **Motion carried.** Meeting adjourned at 8:30 P.M.

Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.