

Geneseo Byrne Dairy- Sonbyrne Sales, Inc.  
Rep.: Christian Brunelle  
39 & 41 East South Street  
Tax Map #: 81.13-2-13.2 & 81.13-2-14  
December 01, 2009; 4:45 P.M.

Present:

Carolyn Meisel, Chair  
Gail Dorr  
Marlene Hamilton  
Paul Schmied  
Thomas Wilson

Code Enforcement Officers:

Ronald Maxwell  
Dean O'Keefe

Applicant:

Christian Brunelle, Vice Pres. Store  
Development DBA Byrne Dairy  
Stores

Public Present:

Susan Richardson, Village Planning Board  
John Gilpin

Chair C. Meisel opened the Public Hearing at 4:45 p.m. It was noted proper notice had been published. Members of the Board were introduced. C. Brunelle returned the certified mailing receipts. Chair C. Meisel suggested the hearing be broken into two parts- signage first and then the LED lights.

C. Brunelle introduced himself as the Vice President of Store Development for Byrne Dairy. He noted he has come before the Village Planning Board on three or four occasions and the Zoning Board once in the summer. Color copies of the proposed signage and several large site plans were presented to the Board for review. C. Brunelle stated the site plan had a legend with numbers corresponding to those on the plan to identify the location of the signs being discussed. He noted that many other municipalities have less stringent signage laws and allow a much larger area square footage.

The first sign discussed was the dormer sign on the building front (map reference number one [#1]). The sign will be externally lit by goose-neck lamps which will match the green store roof in color. The sign itself is "aged ivory" and is three (3) foot x twelve (12) feet, a total of thirty-six (36) square feet. This was done to meet the Planning Board's request.

Signs two (2), three (3) and four (4) are fuel canopy signs. These are non-illuminated, two (2) foot x eight (8) foot signs with vinyl lettering and display the Byrne Dairy emblem. Byrne Dairy now has eighteen (18) of its stores selling its own brand of fuel bought on the open market rather than dealing with a national brand name supplier.

C. Meisel asked if the canopy sign facing Center Street was necessary as it only faces the fire hall and those living in the residential area would be aware of the dairy. C. Brunelle replied Byrne Dairy likes the exposure and had originally planned on four signs, one for each side of the canopy. C. Meisel commented removing the sign from the north side facing the fire hall would be a footage savings on the overage requested and would not benefit Byrne Dairy very much for exposure. M. Hamilton agreed noting that sign does directly face the fire hall on Center Street.

C. Brunelle directed attention to the free standing sign, (map reference number five [5]), providing both the fuel pricing and the Byrne Dairy logo, “Byrnsie’s Mighty Fine Foods”, each taking up one-half (1/2) of the sign. The “Mighty Fine Foods” is a concept for a full deli in the store which has been popular in thirteen (13) of the Syracuse stores and is similar in nature to a Subway shop featuring similar food choices. Byrne Dairy is actually a retail dairy, fuel and gas station, and fast food shop. The Dairy is still a family owned business and has total control of deliveries as it is all handled in-house. Each half of the sign is four (4) feet x four (4) feet. The only portion to be lit by LED light is the fuel pricing. It is a much cleaner look than the old plastic numbering which often broke during cold weather and resulted in missing or wrong colored numbers. Most municipalities he has dealt with allow more generous signage, usually in the seventy (70) to ninety-six (96) square feet range. Byrne Dairy competes aggressively for fuel pricing, often changing the price thirty (30) to forty (40) times a day. The LED display is computerized allowing the store clerk to change the pricing without stepping outside. This is a safety factor in our stormy winters. There would be no message on that half of the sign as only numerals can be displayed. The software used does not have a provision for messaging and the numbers would not be scrolling.

M. Hamilton asked how bright the sign would be and if it would be more energy efficient. C. Brunelle responded he was not sure of exact numbers but the display is dark sky compliant and he expects to be seventy (70%) percent efficient on electricity for the whole site. The LED lighting is also low maintenance.

M. Hamilton noted Five Star Bank has a new lighted sign and wondered if it was LED. CEO R. Maxwell responded that it is not an LED light. G. Dorr commented that LED lights are very bright and hit you right in the face. She is not in favor of them and finds them unattractive, stating they are not allowed per the Zoning Code. D. O’Keefe remarked Valero’s in Avon has red lettered LED lighting and it is fairly bright.

C. Brunelle would prefer to keep the signage package as presented. Square footage is very important to Byrne Dairy. He passed around pictures of the Ithaca store showing the LED sign there. P. Schmied asked the size of the sign in the picture. It is eighteen (18) feet high, sixty-four (64) square feet from peak to bottom and vertical rather than horizontal. M. Hamilton thought she remembered a sign in Phelps that was set on an angle. C. Brunelle commented it was a corner site and he skewed the sign by twenty-two (22°) degrees for a one-hundred fifty (150) square foot sign.

C. Meisel asked if there were any questions or comments from the audience. J. Gilpin (59 Center Street resident) welcomed Byrne Dairy to the community and asked if they will have ice-cream; the answer was yes. He is opposed to the larger signage and feels the prominent location on Route 20A would help Byrne Dairy identify itself. He understands the need for signs on Route 20A but feels the residential nature of Center Street makes them unnecessary on that side. The residents will know the business is there. He is very worried about the increased traffic; one can not make a left turn from Center Street to head east on Lakeville Road without a lot of difficulty. There have been several near misses since Livingston Health Services was built across from the intersection. Byrne Dairy will increase traffic and make a dangerous situation worse. J. Gilpin would like some of the square footage taken off per Chair C. Meisel’s earlier suggestion and not have it added back on elsewhere.

Susan Richardson, Planning Board member, noted she was there as a citizen in the neighborhood and asked what the issue with the free standing sign was. It was explained the free standing sign meets the six (6) foot height restriction but the LED lighting does not meet code. She suggested the sign might be turned vertically and it was noted that if turned vertically as in the Ithaca pictures, it would be too tall. She suggested putting a green metal roof matching the building roof over the sign to shade the LED lighting somewhat. S. Richardson did note the LED lights are easier to see. She did not feel the traffic was an issue but thought locals would pull into the station when driving on that side of the road.

5:15 p.m. J. Gilpin exited the hearing.

T. Wilson commented it would be difficult to see the free standing sign if shrubbery is put in around it. He would like the sign placed back a little. C. Brunelle said the shrubbery will be a variety of yew which grows to less than two (2) feet in height. He would be willing to push the sign back if the Planning Board agrees. CEO R. Maxwell stated it is up to the Zoning Board not the Planning Board to tell Byrne Dairy where to place the sign if the variance is granted. D. O'Keefe note the sign would not be visible coming down Route 20A if the sign were pushed back too far. C. Brunelle stated the sign is behind the sidewalk the Planning Board asked to have put in. D. O'Keefe noted University Cardiovascular has been asked to put in sidewalks too. It is becoming standard to ask new businesses to put in sidewalks. C. Brunelle remarked Byrne Dairy likes to be pedestrian and vehicle friendly and safe.

P. Schmied would like to see the overall signage reduced. Perhaps the fuel canopy sign on the Center Street side could be eliminated to save sixteen (16) square feet of the overall signage area. C. Brunelle said he could drop the canopy sign designated as number two (#2) on the north side facing Center Street. P. Schmied liked the idea of a roof over the free standing sign. C. Brunelle noted the sign has no appreciable depth and the added dimension of a roof would make the sign look larger as well as making the height higher than the allowed six (6) feet. G. Dorr asked if the Planning Board had requested the gooseneck lighting over the Byrne Dairy portion of the sign. It was noted it is done to match the gooseneck lighting on the building sign and would be the same color.

T. Wilson stated he has no objection to the free standing sign with LED lighting as long as it is not too bright. The code specifies signs may not exceed fifty (50) candlepower per square foot. It is a much neater look than the plastic lettering if not too bright. R. Maxwell suggested the Board make the greatest brightness the LED lighting can be a part of the variance and then Byrne Dairy must comply. P. Schmied stated that if given the variance, the luminescence increases with size and the sign is still brighter than intended. D. O'Keefe noted if the sign were an internally lit sign the total light package would be sixteen (16) square feet per side- the size of the whole sign. P. Schmied suggested the sign could be cut in half and just have the four (4) x four (4) price side left, eliminating the Byrne Dairy section. C. Brunelle was not in favor as one would need to be close to the building to see the building signage; the canopy partially obscures it from a distance and the building sign is only three (3) feet x twelve (12) feet. C. Meisel

suggested perhaps the building sign could be eliminated if it was difficult to see it. C. Brunelle responded this was one he could not eliminate.

T. Wilson noted Byrne Dairy is asking for about twice what is allowed and wondered if the building sign could be down sized and still be functional. C. Brunelle stated the sign needs to be at least this large to be seen. The Mobile sign, just outside the Village in the Town is approximately ninety-six (96) square feet. R. Maxwell suggested the Board consider the look of the LED lighting versus the looks of an internally lit sign. P. Schmied commented Kwik Fill has a monument sign. D. O'Keefe remarked that Kwik Fill had asked about an LED sign and was told they are not allowed so dropped the idea but does have canopy signage. T. Wilson stated he likes the fact that the canopy is not lit.

G. Dorr reiterated she is against LED lighting. It is not allowed per the new zoning code and will open a Pandora's Box with others seeking a variance. C. Meisel noted Byrne Dairy will be in closer proximity to the Village's historic district than most other businesses on Route 20A.

The complete signage package is over by forty-eight (48) square feet; with one canopy sign removed, it is down to being over by thirty-two (32) square feet. C. Brunelle stated he would give up the canopy sign on the south side facing East South Street. This brings the overage down to sixteen (16) square feet.

CEO D. O'Keefe said the free standing sign of thirty-two (32) square feet is allowed per the zoning code; the issue is the LED lighting. R. Maxwell commented if LED lights were not allowed then changeable plastic letters would be used. C. Brunelle confirmed this would be the case. M. Hamilton asked if plastic lettering would be cheaper. C. Brunelle responded that they are initially; however, they break and must be replaced, are dirtier, and must be changed by hand (the possible liability issue mentioned earlier). The LED display is easier to update and a clerk can make the changes from inside the store by computer.

S. Richardson noted she can see the Lakeville Road Mobile Station's LED sign from her house on Crossett Road in the winter. The station is approximately one-half (1/2) mile away. She suggested another option would be a white internally lit sign.

C. Meisel read the letter (received November 02, 2009) from the Church of Jesus Christ of the Latter Day Saints.

The Church of  
Jesus Christ  
Of Latter-Day Saints

Rochester New York Stake  
August 6, 2009

Mr. Richard Hatheway  
Geneseo Village Mayor  
119 Main Street  
Geneseo, NY 14454

Dear Mr. Hatheway:

I am writing to support Byrne Dairy's proposed use of the property across the street from the recently constructed chapel of the Church of Jesus Christ of Latter-day Saints on Route 20A in the Village of Geneseo. I do not foresee any conflicts with the proposed convenience store/gas station; in fact, having consulted with the local church leaders, the consensus is that this development will be a benefit and "upgrade" compared to the shuttered business that is currently there.

Please feel free to contact me at the address below, via phone (585-275-8928) or e-mail ([cary.jensen@rochester.edu](mailto:cary.jensen@rochester.edu)) if there is any other way the Church can be of assistance.

Sincerely,

Cary M. Jensen, President  
Rochester New York Stake  
8 Eastland Avenue  
Rochester, NY 14618

It was also noted the County Planning Board had found no significant countywide impact.

With no further discussion, P. Schmied moved to approve one-hundred sixteen (116) square feet of total square foot area of the proposed sign package with the north and south facing canopy signs removed (signs number two (2) and four (4) of the December 01, 2009 presented site plan) rather than the requested overall signage package variance of one-hundred forty-eight (148) square feet. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel- aye; M. Hamilton – aye; G. Dorr – aye; P. Schmied – aye; and T. Wilson – aye. The motion passed.

Chair C. Meisel led the discussion of the LED lighting portion of the hearing with the suggestion that a color other than red be used for the lettering; after discussion, it was noted red is easiest to read from a distance. C. Brunelle noted if the sign were a black or white internally lit sign only the numbers would show. M. Hamilton said the "wave of the future" is to be more energy efficient and the LED lighting appears to be more "green".

P. Schmied asked exactly what the zoning code said regarding LED lighting and how it was addressed in the code. T. Wilson replied LED lighting is prohibited per Page 130:114, Section 130-86[E] of the General Regulations which states: LCD, LED, or other digital signs, except those displaying the time of day or current temperature, are prohibited. Page 130:119, Section 130-90 [B] (4) Freestanding sign states: Such signs shall not exceed sixteen (16) square feet in size per side and shall not have more than two sides. The highest point of such signs shall not exceed six feet above grade; and [C]: Illuminated signs- In the case of illuminated signs, all light sources shall be a steady light (indications of time and temperature that change lighting patterns are excluded) and (4) to avoid concentration of illumination, signs may have no more than fifty (50) candlepower of lighting per square foot of sign.

CEO D. O'Keefe was asked how the bank signs displaying temperature and time are lit. He said there are a lot of bulbs in a circuit. M. Hamilton asked C. Brunelle if the variance was not granted, would the sign be lit this way. He responded that it would be internally lit with black letters in this manner. G. Dorr referred to a previous County Planning letter (dated November 13, 2009) asking the Zoning Board to give careful consideration to the effect LED lighting can have on the historic district.

C. Meisel read the letter:

Livingston County  
Planning Board  
Livingston County Government Center  
6 Court Street, Room 305  
Geneseo, New York 14454-1043

Telephone: (585) 243-7550  
Fax: (585) 243-7566  
E-mail: [aellis@co.livingston.ny.us](mailto:aellis@co.livingston.ny.us)

November 13, 2009

Debra Lund  
Village of Geneseo ZBA  
119 Main Street  
Geneseo, NY 14454

Re: Zoning Referral #2009-97, Village of Geneseo, Sign Variances for future Byrne Dairy (Applicant: Sonbyrne Sales, Inc. /Byrne Dairy)

Dear Ms. Lund:

The Livingston County Planning Board, at its regular meeting on November 12, 2009, reviewed the zoning referral from the Village of Geneseo of the above mentioned pursuant to Sections 239-l and m of the General Municipal Law of State of New York. The Planning Board voted a finding of "No Significant Countywide Impact." The Planning Board would also like to forward the following advisory comments:

1. The Applicant should ensure that the width, height, and placement of the freestanding sign, and any potential landscaping around the sign, does not cause sign obstruction to motorists entering Route 20A from Center Street.
2. The signage for the project should be designed and placed to minimize impact to the historic character of the Historic District. Due to the impact that signage with LED lighting can have on the historic and small town character of the Village of Geneseo, the Village should give careful consideration to this proposal and setting a precedent for LED lighting in the Village.
3. The Village should carefully consider the benefits of the requested variance to the applicant against the potential negative impact on the neighborhood.

4. If not done already, the Village Zoning Board of Appeals should determine if the use of LED lighting is a use variance, and if so, whether the proposed meets the State criteria for granting a use variance.

There was a quorum present at this meeting. There was a majority vote on the matter. Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call Mary Underhill, Planning Assistant, or me at 243-7550.

Sincerely,  
Angela Ellis  
Planning Director

Cc: Pat McCormick, Chairperson, Livingston County Planning Board  
Robert Yull, Village of Geneseo representative, Livingston County Planning Board  
Sonbyrne Sales, Inc. /Byrne Dairy, Applicant

G. Dorr felt granting this variance would set precedence. T. Wilson responded that some things do have to evolve over time and the Board should control it so it does not have a negative impact on the community but does move forward. P. Schmied commented the regulations had just been read stating the Code prohibits the use of LED lighting except for temperature and time of day. M. Hamilton responded the illumination would not be any greater than if an internally lit sign were built. P. Schmied stated internally lit signs are dark sky compliant. C. Brunelle replied that his LED signs are also dark sky compliant and more energy efficient.

M. Hamilton suggested keeping the maximum luminescence to the fifty (50) candlepower allowed by the Code. This would limit the amount of light. She agreed with T. Wilson that time moves forward and it is important to look at the “greenness” of the energy used as well as aesthetics. Everyone needs to be more energy conscious and conservative.

P. Schmied asked how the lumens would be computed on the sign as the only lit portion is the LED numbers. C. Brunelle does the computations and presents them to the Code Officers for review and approval. T. Wilson calculated the candlepower total for the sign would not exceed the fifty (50) candlepower allowed by the code. D. O’Keefe noted the actual area of the LED lit sign would be less than an internally lit sign as then the whole sign would be lit.

G. Dorr moved to deny the variance request for a freestanding sign with LED lighting within a portion of the free standing sign to reflect fuel pricing where LED lighting is prohibited by the Zoning Code of the Village of Geneseo. There was no second.

M. Hamilton moved to approve a free standing sign of thirty-two (32) square feet [four (4) high x eight (8) feet wide] per side with a total height of six (6) feet from ground level; said sign to have goose neck lighting matching the building roof color and a maximum LED lighting of fifty (50) candlepower of lighting per square foot within the portion of the free standing sign displaying fuel pricing as per the Village of Geneseo

Zoning Code as LED lighting is more energy efficient and energy should be saved where possible. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel- aye; M. Hamilton – aye; G. Dorr – nay; T. Wilson – aye; and P. Schmied – aye. The motion carried.

C. Brunelle thanked the Board for their time and consideration.

P. Schmied moved to close the public hearing. M. Hamilton seconded the motion. All were in favor and the hearing closed at 5:57 p.m.

Debra Lund  
Secretary

Approved: January 05, 2010