

Village of Geneseo  
Zoning Board of Appeals  
Public Hearing for  
Wilson Farms, Rep. Michael Tartaglia  
137 Main Street  
Tax Map ID #: 80.16-1-50  
March 02, 2010, 4:30 p.m.

Present:

Carolyn Meisel, Chair  
Marlene Hamilton  
Thomas Wilson

Code Enforcement Officer:

Dean O'Keefe

Applicant:

Michael Tartaglia, Wilson Farms

Absent:

Paul Schmied

Public Present:

Sandra Brennan, Village Deputy Mayor  
Daniel Dimpfl  
Sara Wood

Liz Porter

Barbara Walker

Chair C. Meisel opened the meeting and the Public Hearing at 4:30 P.M. Board Members were introduced. Wilson Farms is seeking permission to have LED lighting within a portion of the freestanding sign to reflect fuel price when LCD, LED, or other digital signs are prohibited per Section 130-86[E] of the Zoning Code of the Village of Geneseo. Proper notice had been published and notices sent to surrounding property owners, four (4) notices were sent and receipts returned. Wilson Farms Representative M. Tartaglia was asked to state his case.

M. Tartaglia stated the pricing box on the current sign is being updated. It will have LED lights to display pricing through use of controls inside the store. It is more energy efficient than the current backlighting on the plastic lettering in the pricing box. It will also be less bright than the current sign box. Wilson Farms is not changing the rest of the sign; "Mobil" will still be displayed at the top. The new sign will only have two (2) prices listed whereas the old version showed three (3) prices; the top price will be regular gas and the lower will contain diesel pricing. Convenience stores and gas stations are all moving to LED lit signs as it is easier to change pricing and makes a nicer looking sign. M. Tartaglia stated he has been in the "truck stop" business over forty (40) years. The plastic letters freeze and break in cold weather, sometimes taking portions of the backboard with them.

C. Meisel asked what color the LED numbering would be. M. Tartaglia thought the numbers would have white pixels. D. Dimpfl thought the numbers had been red when he saw the lighting test being run and wondered if the color had been changed in the mean time. M. Tartaglia checked and found that D. Dimpfl was indeed correct- the numbers were red.

Chair C. Meisel opened the floor to questions and read a letter from Livingston County Planning Board:

*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)*

*February 16, 2010*

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

*Re: Zoning Referral #2010-09, Village of Geneseo, Area Variance for a Sign at  
137 Main Street (Applicant: M. Tartaglia/Wilson Farms, Inc.)*

*Dear Ms. Lund:*

*We received the above zoning referral in accordance with the provisions of Section  
239-l and m of the NYS General Municipal Law.*

*The Livingston County Planning Department has reviewed this application and  
determined that it has no significant Countywide or inter-municipal impact in regard  
to existing County plans, programs, and activities. Therefore, approval or  
disapproval of this application is a matter of local option.*

*Please be aware that a determination of “No Significant Countywide Impact” should  
not be interpreted as either approval or disapproval by the County Planning Board.*

*If you have any questions, please do not hesitate to contact me at 243-7550.*

*Sincerely,  
Angela Ellis  
Planning Director*

*Cc: Pat McCormick, Chairman, Livingston County Planning Board  
M. Tartaglia, Applicant*

*She stated this letter is neither approval nor disapproval but leaves the decision up to  
the local board.*

*L. Porter asked if the current sign letters are lit. Code Enforcement Officer (CEO)  
D. O’Keefe noted the letters are backlit with fluorescent lights.*

M. Hamilton asked the candlepower of the lights and if they were within the limits set within the Code. M. Tartaglia stated the LED lights give off less light than the current sign. M. Hamilton noted the code calls for an upper limit of fifty (50) candlepower.

L. Porter asked if the sign is electronically controlled, would the store building windows also have signs electronically controlled. M. Tartaglia said only the gas pricing within the pricing box will be electronically controlled. The Mobile sign at the top will stay as it is as well as the canopy lights; these are twenty-four (24) hour signs as it is a twenty-four (24) hour store. D. O'Keefe commented the price topper signs on the pumps are not lit and are regulated by New York State law.

The letter received earlier from L. Porter was read:

*Dear Geneseo Zoning Bd. of Appeals,*

*This is a note to object to the Wilson Farm request to add LED lights as part of their signage.*

*I believe our current code is very sound, as it is. However, I do recognize the "new and latest" is always present.*

*Given the fact Geneseo is a Nat. Landmark Village, I believe we have a special responsibility to maintain and promote certain design standards.*

*Hopefully we can continue to work for "dark night lighting" – LED might not compliment that.*

*Would it be appropriate for Wilson Farms to connect with APOG for advise? Or with the Village Planning Board for guidance with sign design. Certainly these two resources should be able to help achieve a "new look" for Wilson Farms.*

*Thanks for your considerations-*

*Sincerely,*

*Liz Porter*

*(Received March 01, 2010)*

D. Dimpfl stated he had several points to make. First, he said he finds red LEDs garish. Geneseo's opinion of what is aesthetic is what is important regardless of his personal views; his opinion does not necessarily reflect the opinion of the community concerning LED lighting. A diversified committee of community members including many professional people wrote the new zoning code. Public Hearings were held, surveys were done, and the general population agreed they did not want LED lit signs. Good citizenry would respect the code and the voice of the people. D. Dimpfl felt the requested variance was a case of "forgiveness after the fact, rather than permission". Wilson Farms has been around a long time and is a large company. He felt this could not be the first time the company has had code issues with regard to proposed changes. He believed Tops Supermarket owned Wilson Farms.

M. Tartaglia responded Tops does not own nor has it ever-owned Wilson Farms; some of its board members are former Tops employees. This is the first sign they have put up on their own. No ruse was intended, they comply with laws in every community

with their stores. One cannot hide something the size of a sign; it was a simple oversight on their part. As soon as CEO D. O'Keefe made them aware of the problem, Wilson Farms took steps to resolve the issue through proper channels. That is why they are meeting with the Zoning Board. M. Tartaglia feels the old sign is more garish than the LED sign but will put the old sign back up if the variance is not granted. The allocated funds for the sign improvement have been spent on the new LED lighting and more funds are not available at this time. He feels the old style sign does not look as nice as the proposed LED sign.

D. Dimfl commented he felt the energy efficiency argument was shallow. Had energy efficient lighting been installed in the building? The energy argument as justification for the sign is only valid if the rest of the property is becoming more energy efficient as well. He wondered if the difference between the energy used by the LED sign compared to the cost of the rest of the lighting had been calculated and what was the cost percentage compared to the total. Unless this number was significant, he did not feel the variance was justified.

Deputy Mayor of the Village Board of Trustees S. Brennan stated she appreciates the Zoning Board's efforts. The Zoning Board came to the Board of Trustees and asked that the Zoning Code be reviewed and rewritten as the Zoning Board felt they did not have enough direct guidance on signage issues. Specifically, what does the law allow and what does it mean. The code the Zoning Committee created for the Village does not allow LED signs, especially in the Landmark district. The guidelines are clear and she does not feel the Zoning Board would be justified in granting the variance if significant hardship cannot be proved.

M. Tartaglia commented Byrne Dairy had been granted a variance for LED lighting within the last few months. Chair C. Meisel stated that was a different case as Byrne Dairy agreed to a monument sign and is not in the historic district. They also voluntarily eliminated two canopy signs to reduce the signage footprint. If the variance were not granted, would Wilson Farms consider doing something else? M. Tartaglia said the original sign with plastic numbers would go back up as the funds budgeted for the sign have been spent.

T. Wilson said he has traveled down South Street for about sixteen years on his way to work and could never see the pricing on the sign due to other road signs blocking his view. Perhaps a monument sign would show the pricing better than the current sign. This is something M. Tartaglia might want to consider.

With no further discussion the questions were reviewed:

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? Yes X No \_\_\_; based on comments from the audience.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes X No \_\_\_. The old sign can be put back up.
3. Is the requested variance substantial? Yes \_\_\_ No X. It is just a different look.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes X No \_\_\_. It is an historical district.
5. Is the alleged difficulty self-created? Yes X No \_\_\_.

Chair C. Meisel is asked if there were further comments from the Board or the public. There were none.

T. Wilson moved to deny Wilson Farms permission to have LED lighting within a portion of the free standing sign to reflect fuel price when LCD, LED, or other digital signs are prohibited per Section 130-86 [E] of the Zoning Code of the Village of Geneseo. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – aye; T. Wilson – aye; and M. Hamilton – aye. The motion passed.

M. Hamilton moved to close the public hearing at 5:05 p.m. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; and T. Wilson – aye. The motion passed and the public hearing closed. M. Tartaglia thanked the Board for their time and exited the meeting. All of the public except L. Porter exited the meeting at this time as well.

Discussion concerning lighting followed. T. Wilson noted it would be helpful if research could be done on comparison of fluorescent lighting vs. LED and LCD lighting with specific attention paid to intensity, lumens used and how bright the types of lights are in comparison to one another. M. Hamilton agreed. It was suggested that the study should be with the Byrne Dairy project paperwork as C. Brunelle had done some work on this issue. D. O’Keefe commented that as a member of the Zoning Revision Committee, he felt the Code wording should have stated no flashing LED, LCD, or digital signs. He did not feel the intent was to block LED signs entirely; perhaps the code should be revised to reflect this. M. Hamilton remarked that energy efficiency does need to be taken into consideration.

The minutes of the February 02, 2010 Caruso public hearing were reviewed. T. Wilson moved to accept the minutes as presented. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; and T. Wilson – aye. The motion passed.

C. Meisel commented a guest speaker, the Chief Justice of Ghana, would be at the college talking about local government. She will email the Board members with the information on date, time and place.

T. Wilson moved to adjourn the meeting at 5:20 p.m. C. Meisel seconded the motion. All were in favor; the motion carried.

Debra L. Lund  
Secretary