

Village of Geneseo
Zoning Board of Appeals
Public Hearing for
Corrin Strong
13 Avon Road; Tax Map ID # 80.12-3-69
June 1, 2010, 4:30 p.m.

Present:

M. Hamilton, Acting Chairperson
T. Wilson
P Schmied

Code Enforcement Officer

Ronald Maxwell

Applicant:

Corrin Strong

Absent:

C. Meisel, Chair
R. Palmer

Public:

Amy Carpenter

Acting Chair M. Hamilton called the meeting and Public Hearing to order at 4:30 p.m.; Board members were introduced. It was noted proper notification had been published and ten certified letters were sent and ten receipts returned. County Planning had not yet responded at this time. It was noted a letter had been received from Planning Board Chair M. Griffo as well as SEQR documentation for the proposed Hartford House Subdivision Phase II on Avon Road.

The applicant is seeking permission to erect a one and one-half (1 ½') foot by twelve (12') foot attached sign when said sign fails to meet Section 130-89A of the Zoning Code of the Village of Geneseo: no exterior evidence of the establishment shall be allowed, except for parking and either one attached sign no larger than eight (8) square feet ...this sign would need a ten (10') foot variance. The applicant was invited to state his case. C. Strong referred to pictures of the shed and the current sign. C. Strong said he believed the current code was mainly directed at bed-and-breakfast establishments but it appears that it does limit signs in the R-1 district to eight (8) square feet. Village Code 130-89 A specifically refers to bed-and-breakfasts. If would allow a twelve (12) square foot freestanding sign. He is changing the name from "Word of Mouth Market" to "The Little Green Market". C. Strong noted agriculture is allowed in an R1 district if the property is over eighty thousand (80,000) square feet and his property is.

C. Strong said the problem with a smaller sign is the location. His iron fence is exactly on the property line between the state right-of-way and his property. The fence blocks the sign if he uses a free standing sign. He does not want to take down more fence sections so is forced to put the sign on the building. The building is approximately thirty-five (35') feet from the line and there is another twenty (20') foot of right-of-way to the road edge putting the stand quite a ways off the road. He does not feel the eight (8) square foot sign is big enough to be seen. If he were adjacent to the Main Street business district, he would be allowed a sign not to exceed one square foot per linear foot of building frontage or one-hundred (100) square feet in total area, whichever was less. C. Strong felt the sign he is requesting is in proportion to the building. His impression is that the code was written with a more densely populated R-1 section in mind.

CEO R. Maxwell stated home occupations are allowed under special use permits. Special use permits are not confined to R-1 zones but allowed in some other areas as well.

P. Schmied asked if the notices had been mailed and return receipts received. C. Strong replied he had spoken with Planning Board Secretary A. Mack and Zoning Board Secretary D. Lund and they were o.k. with him including both notices in one mailing as there was an overlapping time when both notices could be legally sent.

P. Schmied inquired as to the historic status of the property. C. Strong said the Hartford House is part of the historic district but agricultural as well. He did not need a SEQR as the lean-to and shed are allowed because the stand is agricultural in nature. He has met with the Planning Board for the preliminary process for his subdivision and spoke with the State Historic Preservation Office (SHIPO). It was very important that the iron fence be preserved. The housing development will share one entry so that only one opening is made in the fence. There will be an opening for the farm market as well.

M. Hamilton wondered if trees would have to be removed for the houses. C. Strong said there are deed restrictions requiring that a twenty-five (25') foot buffer be left inside the fence per SHIPO recommendations. Trees will protect the view from the road and the Hartford House.

P. Schmied asked if the SHIPO information had been presented to the Planning Board. C. Strong said SHIPO had sent a letter but the Planning Board had not taken a formal vote. There is a time requirement to allow for public comment. CEO R. Maxwell stated a deed restriction goes with the land and is not something Code Enforcement can enforce. M. Hamilton asked if the Village lawyer had reviewed the information and CEO R. Maxwell responded in the affirmative. P. Schmied asked if the Planning Board had approved the minutes of the last meeting and CEO R. Maxwell responded the minutes will not be approved until later this month as the Planning Board has not met yet.

C. Strong said the Planning Board Public Hearing was May 26th and only one neighbor had come and raised concerns; there did not appear to be a public outcry.

P. Schmied asked if the Planning Board had essentially approved everything presented by the applicant and had C. Strong received anything from the board in writing. R. Maxwell responded the Planning Board could not make a decision, as they had not heard back from County Planning who had not met yet.

T. Wilson said the current sign is fairly visible but agreed one might not see it if not looking for it. He suggested the letters might be taller and stretched out more. M. Hamilton asked if time was a factor. C. Strong noted it was and would not be worth his time to come back to the Board as crops are in and the season will be over if he needs to come back in July and then go back to the Planning Board for approval of the sign design. M. Hamilton asked if C. Strong had considered starting a larger farm market with other vendors. C. Strong noted he had had a debate with Planning Board member D. Woods over whether this was allowed. C. Strong felt he should be allowed to sell some produce he did not produce himself but D. Woods thought the amount would be severely limited (approximately five (5%) percent) therefore the Planning Board had not made a decision. C. Strong's sister's portion of the farm is in the Agricultural District and he could be but as he understands things, he would not then be able to get water lines and so forth on the property. CEO R. Maxwell said he believed C. Strong could sell some produce he has not grown in the Agricultural District with certain restrictions. One is a

poor crop due to adverse weather or a crop usually sold that might be ready for sale a little sooner than the one produced by the stand owner. He thought the percentage that must be grown on the farm was eighty (80%) percent. C. Strong concluded it is an open-ended question and he has been approached by other interested parties but has not pursued it.

It was noted a letter had been received from Planning Board M. Griffo asking the Zoning Board to send C. Strong back to them if the sign variance was approved for sign design approval. P. Schmied suggested seeing if the Planning Board would be open to having an early session to approve color and so forth as time is of the essence. CEO R. Maxwell reminded the Board the Zoning Board and the Planning Board cannot act without a response from County Planning and there would be no point in a special meeting before the response is received. He remarked the Board does not need County Planning Board approval to deny the sign if that is what they choose to do.

M. Hamilton said the Planning Board had not reviewed the sign before sending it to the Zoning Board as it was not within the size range permitted by the Code and would like the chance to review the design. CEO R. Maxwell commented the Zoning Board has the right to review color and design and ask for changes before granting or denying a variance brought before them.

C. Strong asked for an informal opinion of the Board members and M. Hamilton responded that a vote must be taken or the issue must be tabled. How did the other members feel? She thought an eight (8) square foot sign was adequate. T. Wilson agreed and P. Schmied could see reasons each way.

T. Wilson moved to deny the request for permission to erect a one and one-half (1 ½') foot by twelve (12') foot attached sign when said sign fails to meet Section 130-89A of the Zoning Code of the Village of Geneseo where no exterior evidence of the establishment shall be allowed, except for parking and one attached sign no larger than eight (8) square feet. P. Schmied seconded the motion. The vote was as follows: Acting Chair M. Hamilton – aye; T. Wilson – aye; and P. Schmied – aye. The motion carried and the sign was denied.

Further discussion ensued with CEO Maxwell commenting C. Strong could take the subdivision out of the farm. M. Hamilton asked the size of the lots and it was noted they range from .43 acres to .64 acres.

P. Schmied note the questions were skipped as the sign was denied and issues of interest had been discussed. P. Schmied moved to close the public hearing at 5:20 p.m.; T. Wilson seconded the motion. The vote was as follows: Acting Chair M. Hamilton – aye; T. Wilson – aye; and P. Schmied – aye. The motion carried and the hearing closed. C. Strong thanked the Board and A. Carpenter and C. Strong exited the meeting.

May 4, 2010 Van Epps-Viele minutes were reviewed. T. Wilson moved to accept the minutes as amended. P. Schmied seconded the motion and the vote was as follows: Acting Chair M. Hamilton – aye; P. Schmied – aye; and T. Wilson – aye. The motion passed.

May 4, 2010 Robinson minutes were reviewed. P. Schmied moved to accept the minutes as presented; T. Wilson seconded the motion. The vote was as follows: Acting Chair M. Hamilton – aye; P. Schmied – aye; and T. Wilson – aye. The motion passed.

May 4, 2010 ABVI Goodwill minutes were reviewed. T. Wilson moved to approve the minutes as presented and P. Schmied seconded the motion. The vote was as

follows: Acting Chair M. Hamilton – aye; P. Schmied – aye; and T. Wilson – aye. The motion passed.

Discussion followed regarding the Planning Board’s letter. CEO R. Maxwell stated only the Code Enforcement Officer can interpret the Code and the Zoning Board of Appeals may overrule his interpretation if an applicant appeals to the Board. The Board asked Secretary D. Lund to write a letter to the Planning Board advising them the C. Strong sign application had been denied. The Board would like to thank the Planning Board for their input. In the future, the Zoning Board would prefer any recommendations be presented for review prior to the public hearing. The Zoning Board respectfully reminds the Planning Board they may make a determination on the application without sending the applicant back to the Planning Board for further consideration. The Zoning Board feels this can pose a hardship for the applicant in certain situations where time is of the essence.

P. Schmied moved to close the meeting. M. Hamilton seconded the motion. The vote was unanimous and the motion passed. The meeting closed at 5:37 pm.

Debra Lund
Secretary