

Village of Geneseo
Zoning Board of Appeals
Public Hearing for: T. Y. Lin International, Rep. Jack Buholtz
For McDonald's USA LLL
Address: 4162 Lakeville Road
Tax Map ID #:81.14-1-4.2
January 08, 2013, 4:40 p.m.

Present:

Carol Meisel, Chair
Marlene Hamilton
Bruce Teall
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Applicant:

Jack Buholtz, T.Y. Lin International
Representing McDonald's USA LLL

Absent:

Paul Schmied

Secretary:

Debra Lund

Public Present:

Betsy Ferrero
Joseph Ferrero
Joseph Ferrero, (Jr.)

Chair C. Meisel opened the public hearing and meeting at 4:30 p.m. The Board members were introduced. Proper notice was published; ten (10) notices were sent and ten (10) responses received with one returned unable to be delivered per the post office. Livingston County Planning was notified and a response received with most advisory comments directed to the Village Planning Board. The applicant is seeking permission to 1.) exceed the total permitted signage of 45.67 square feet per Section 130-90 and is asking for 115.3 total square feet to include additional wall signage, directional signs, and a monument sign that exceeds the allowed square footage and; 2.) variance to move driveways on an existing lot that fails to meet Section 130-42's minimum connection spacing to adjacent lots; and minimum access connection offset to the driveway to the west per the Zoning Code of the Village of Geneseo. Representative J. Buholtz was invited to present his case.

J. Buholtz said he was the representative as R. Bebout was unable to make the meeting. J. Buholtz noted the McDonald's rebuild is still under site plan review with the Village Planning Board and has not been approved yet. McDonald's would like "side by side" ordering lanes for the drive-thru, this will mean less parking but better processing of orders. A large percentage of the business has become drive-thru rather than walk-in customers so less parking should not be an issue and will still meet code.

Two of the variances are for relief from the Code's stated access distances: four hundred fifty (450') feet is required as a minimum access connection offset and cannot be achieved due to previous development in the area. Ninety-six and one-half (96.5') feet reduction is being requested. They are also seeking relief for the required two-hundred forty-five (245') feet minimum connection spacing from the businesses on either side of McDonald's. Again, the offset cannot be achieved due to previous development. Moving the driveway to the east will distance it from Wendy's and the traffic signal for

Reservoir Road with the intent of making it safer for vehicular traffic. McDonald's would prefer the interior traffic pattern for the drive-thru to allow vehicles to pull up to the windows on the driver's side. The proposed store has been moved over on the lot to facilitate this.

C. Meisel asked if vehicles entering McDonald's from the Reservoir road side would have to drive around the store to enter these lines. She wondered how this would affect the existing driveway. J. Buholtz stated the existing driveways would be replaced as per the site map he was displaying (C-1, dated 10-9-12 & revised 12/19/12). CEO Maxwell's understanding was that McDonald's would like to ease traffic congestion by keeping entrances/exits on both roadways. If the Reservoir Road driveway was not moved, vehicles entering from Reservoir Road should be going around the building to get to the drive-thru lanes, but might cut in line, creating traffic congestion.

J. Buholtz stated T. Y. Lin International on behalf of McDonald's was requesting additional signage. The Code allows a wall sign and one other sign. They would like one sign to be a monument sign. Code Enforcement Officer Maxwell interjected that because McDonald's is bordered by two roadways, they are entitled to a building sign on each roadway side, therefore they would be allowed two (2) wall signs and one (1) other sign. McDonald's would like a fascia sign on the front of the building; two arches, approximately fourteen (14) square feet in size, are being requested for the front and Reservoir Road side of the building; and a monument sign, sixteen (16) square feet per side is sought for a total of four signs.

Chair C. Meisel asked if the McDonald's arch signs would be the yellow branding color. J. Buholtz stated that would be the case. The arches are approximately forty-eight (48") inches x forty-two (42") inches when squared off, a total of fourteen (14) square feet per arch. The branding is very important to McDonald's and they have agreed to forgo the sign on the back of the building if necessary. J. Buholtz said they would like the monument sign as per the drawing being presented (modified 01-08-2013; project no.: 288194, dated 10/08/12) rather than the pylon sign originally presented with earlier drawings. C. Meisel stated a pylon sign would not have been allowed. The monument sign is a total height of six (6') feet from ground level at the base to the top and six (6') foot wide at the brick base with the sign portion being double sided and five (5') foot, four (4") inches wide. R. Maxwell said the McDonald's arches are inside the glass and J. Buholtz commented this was as requested by the Planning Board.

CEO R. Maxwell noted directional signs were originally purposed in the variance request. It was J. Buholtz' s understanding that they had been withdrawn as the directional signs are allowed under the new code that has gone into effect since the original request was made (Section 120-90, 12-01-2012). They were reinstated as the Code update was not in effect at the time of the original request and so R. Bebout was told T. Y. Lin must ask for the variance. The current rendition is approximately three and one-half (3 ½') square feet in size.

C. Meisel asked CEO R. Maxwell if it would reduce the amount of signage requested if the directional signs were withdrawn again. J. Buholtz noted R. Bebout said the directional signs could be reduced in size if it would expedite the process. C. Meisel asked what percentage of the total package the McDonald's sign represented. J. Buholtz stated it was about forty (40%) percent and if the corners were knocked off (they estimated the size as a squared off shape) it would reduce the actual square footage by about twenty-five (25%) percent. They are willing to reduce the sign to meet code.

R. Maxwell stated per the revised Village Code (p.130-122) 130-90 (E), directional signs are allowed and do not count as part of the signage package as long as they are limited to traffic management and do not contain any advertising materials.

J. Buholtz said the priority for giving up signage would be an arch first, then the McDonald's sign on the front at forty-two (42) square feet. R. Maxwell interjected that 47.5 square feet are allowed. J. Buholtz commented each arch is fourteen (14) square feet and when the arches are added to the monument sign, the total is approximately sixty (60) square feet. R. Maxwell noted the code allows one square foot of signage per linear foot of width of the front of the wall of the building with a maximum of one-hundred (100) square feet of signage. The original McDonald's was not in the Village when it was built and was annexed in about 1990.

Chair C. Meisel invited the public to speak. B. Ferrero asked to read a letter originally given to the Village Planning Board (dated 12/19/2012).

*13 Rorbach Lane
Geneseo, NY 14454
December 13, 2012*

*Village of Geneseo Planning Board
119 Main Street
Geneseo, NY 14454*

Re: McDonald's restaurant demolition and reconstruction on Lakeville Road.

Dear Members of the Planning Board:

My name is Betsy Ferrero. I live on Rorbach Lane in Geneseo, and I own the house behind McDonald's at 4188 Reservoir Road. My Parents built the house on Reservoir Road in 1959, and I grew up there.

When the McDonald's was built in 1974 (opened 1975), I got a job at the restaurant and worked there for five years. When my father and then my mother passed away, the house passed to me. My daughter lives there with her two children. I am at this house every day to get the girls on the bus and to watch my 3-year old granddaughter, Jamie. I am also there most nights and weekends.

McDonald's has been a good neighbor and very good for busy nights when we are pressed for time between kids activities and need a bite to eat. With the demolition of the building of that age, however, I am concerned about any asbestos that might be in the building and how that might affect the health and safety of my family during demolition. I would like more information on how this will be handled.

I am concerned about the relocation of the Reservoir Road driveway. The existing driveway exits across from the open space between my house and my western neighbor. The new location is directly across from my granddaughter's bedroom and the living room. Cars leaving McDonald's in the evening will be shining their lights into the house, disturbing my family's sleep. Buffering may help to diffuse lights from the cars in the drive-thru lanes, but the exit cannot be buffered.

With the driveway relocation, there is an increased potential for car crashes when my family backs out onto Reservoir Road. Right now, we have to be especially careful when exiting onto Reservoir Road because McDonald's patrons exiting east onto Reservoir Road often whip out of the restaurant driveway, narrowly missing us. Western exits from

McDonald's towards the traffic light are much more common, and I fear that the relocation of the driveway will soon lead to an unsafe situation for my family.

There is also a school bus stop for my granddaughters where the restaurant driveway is proposed to relocate. Morning pick-ups and afternoon drop-offs will be happening there for at least the next 15 years.

In addition, there is the issue of providing a pull-off on Reservoir Road for trucks whose drivers now pull onto the shoulder and go into McDonald's on foot. These vehicles park across from my house and leave ruts in the grass on the road shoulder, making a muddy mess of the road shoulder.

In closing, I have lived on Reservoir Road most of my life, and my daughter and granddaughters live there now. I do not have a problem with McDonald's being across the street – they have been a good neighbor. I am concerned with the proposed building demolition and driveway relocation because they present a threat to the safety of my family.

I would request that if the Village wants to approve the proposal, that asbestos removal be addressed, that the driveway on Reservoir Road stays in the existing location, and that a pull-off be created on Reservoir Road to accommodate the trucks that pull off onto the road shoulder.

Thank you for your consideration.

*Sincerely,
Betsy Ferrero*

Chair C. Meisel stated many of these issues are for the Planning Board to address and not part of the Zoning variance request. B. Ferrero asked if discussion could take place regarding the driveway as the access was part of the variance requested. She would like the driveway to remain where it is, if one looks at the map, the current driveway comes out between her house and the neighbors and exiting vehicles do not shine their lights into anyone's home. She sees the driveway is still in the new location and she had asked the Planning Board if it could be moved. She would like to see curbing placed on the lot with bright yellow safety striping to separate incoming traffic from the drive-thru lane. The curbing could direct traffic to follow around the building and go with the traffic flow. J. Buholtz commented the site plan does not yet have final approval from the Planning Board. R. Maxwell asked how moving the driveway back to its present site would impact the proposed double drive-thru lanes and if it would create potential safety issues. What would stop vehicles entering from Reservoir Road from trying to cut into line instead of going around the building? B. Ferrero insisted it would not cause a hazard if the yellow edged curbing was installed as vehicles entering from Reservoir Road would not be able to cut into line.

J. Ferrero, Jr. (4677 Lakeville – Groveland Road), B. Ferrero's son, suggested leaving the driveway on Reservoir Road as is would eliminate the possibility of the driveways being used as a short-cut between Lakeville Road and Reservoir Road by offsetting the two driveways. He had two smaller issues: "On the matter of the signage, I would like to be sure that where the freestanding sign is being placed on 20A will not visually impact sight distance and that traffic entering and exiting can do so safely", and "I also see that there are painted lines on the double drive through plan. In the existing restaurant, people entering from Reservoir Road can jump in line. A path from Reservoir Road to 20A, it

looks like this could be an area of unregulated or unsafe speed for vehicles passing through. I would like more details on internal traffic flow to confirm that there are not issues for vehicles on the site.”

Chair C. Meisel told J. Ferrero these are matters to be addressed by the Planning Board in Site Plan review and not the Zoning Board; however, the Zoning Board would hear him out. J. Ferrero replied his main concern was that McDonald's not rebuild with garish colors. The recently adopted new Village Code requires a more attractive building in keeping with the historic nature of the Village. The Super Wal-Mart and Wendy's appear to be doing a better job of this than the proposed McDonald's rebuild. If they want to remain in the community, they will be willing to comply with the new standards. We should not allow them to throw up another disposable building so that the Village is left with a useless one when the franchise decides to move out. The Dell Taco/Starbucks builders may have had good intentions but put up a clownish building that does not fit the community's character. The architectural options should be better examined before McDonald's is allowed to proceed with demolition of the existing building and construction of the new one. The new Hampton Inn is an example of a building that fits in better with the character of the Village than the proposed McDonald's. He asked that the Board review the intent of the Mixed Use District (MU-2). There are illustrated pictures of design standards, including architectural features, site planning design standards, and pedestrian and vehicular circulation. The Village has the opportunity to make McDonald's meet these standards. It does not have to be the typical box when specifics are addressed in the Code. J. Ferrero suggested the Board members refer to Section 130-135: uses permitted with a special use permit and Section 130-36 (8) in particular.

Chair C. Meisel thanked J. Ferrero, Jr. for his comments but reminded him, these were issues to be addressed by the Planning Board. The Zoning Board could not address anything other than the specific variances requested. Only Section 130-90 and Section 130-42 that pertain to the variances can be looked at during this Public Hearing. These are the sections addressing signage and access roadways.

C. Meisel asked if T. Y. Lin International wanted the monument sign. J. Buholtz replied McDonald's definitely wanted the monument sign and that the arches on the building were very important to them as branding. The monument sign as presented at this hearing meets the code and is thirty-two (32) square feet. Each McDonald's arch is fourteen (14) square feet.

T. Wilson asked if three arches signs were being requested. J. Buholtz said yes, but they would be willing to take the one off the back side of the building if that would give them the variance. T. Wilson said this would bring the requested signage down to a total of sixty (60) square feet and would make the requested variance only a little over fourteen (14) square feet.

C. Meisel asked why McDonald's was keeping the west facing sign instead of the east facing one. She understood from past discussions, the business would rather have identifying signage visible to those entering the village from the east. J. Buholtz replied it was an architectural design decision.

The highway access variance request was discussed with M. Hamilton asking the distance between driveways to Wendy's and to the Kwik Fill. J. Buholtz said the new driveway would be ninety-six and one-half (96 ½) feet from Kwik Fill and one hundred ninety-four and two-tenths (194.2) feet to Wendy's. T. Wilson noted this would make the driveways more evenly spaced than currently. R. Maxwell noted this also places the driveway farther from the traffic signal.

J. Buholtz said relief from the minimum access connection offset (driveway across the street) was being sought as there was no way to meet the code due to previous development in the area. CEO R. Maxwell reminded the Board any future building on the Waring property would need to match up the driveways.

T. Wilson asked about signage over the drive-thru lanes and if they counted toward total signage. J. Buholtz said there were clearance bars overhead, menu consoles, payment signs, internal directional signs, welcome and thank you signs. R. Maxwell stated these signs are considered directional and do not count toward total signage.

J. Buholtz asked B. Ferrero if she would explain where the truckers pulled off on Reservoir Road in more detail. He had a colored aerial view and she pointed out the spot. She noted truckers will pull through other plazas and pull off to avoid the light and Wegman's trucks come down park from the Kwik Fill on down to McDonald's. The water main runs through there so shrubbery can not be used to stop this practice. R. Maxwell agreed the truckers like to cut through the Theater lot so they are on the correct side of Reservoir Road to continue on and catch the light at Lakeville Road (Route 20A).

B. Ferrero asked if the existing driveway could be moved half way between its current location and the proposed new driveway. T. Wilson said it appeared doable to him. If the curbing B. Ferrero originally suggested was added, there would be room to leave the two (2) drive-thru lanes and still route incoming Reservoir Road traffic around the building into the proper lanes. M. Hamilton noted offsetting the drives would address a safety issue as well by slowing traffic down. It would help to eliminate cutting across the lot as J. Ferrero had suggested earlier.

At this point, C. Meisel suggested the Board review the signage variance questions.

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 ___ No x
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes ___ No x
3. Is the requested variance substantial? Yes ___ No x
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes ___ No x
5. Is the alleged difficulty self-created? Yes x No ___

M. Hamilton moved to approve the appeal for variance to erect signage that exceeds total permitted signage of 45.67 square feet. The Zoning Board of Appeals grants the appeal to T. Y. Lin International, representing McDonald's USA LLL to exceed the permitted signage square footage per Village Code Section 130-90(B) by fourteen (14) square feet for a total signage package of 60 square feet. Three signs are granted: one (1) monument sign of thirty-two (32) square feet as per the drawing presented at the public hearing and marked "Project No. 288194, dated 10/08/2012" with the total sign size of six (6') feet high x five (5') feet four (4") inches wide and two (2) building signs, the McDonald's arches, one on the front of the building facing Route 20 A (Lakeville Road) and one on the west facing side, each to be fourteen (14) square feet in size and as presented in drawings received on December 5, 2012. It was further noted the directional signs did not need to be considered as the recently passed current code revision allows direction signs (Section 120-90-E, 12-01-2012). B. Teall seconded the motion. The vote was as follow: Chair C. Meisel, aye; M. Hamilton, aye; B. Teall, aye; and T. Wilson, aye. The motion carried.

Chair C. Meisel asked for a review of the questions for the minimum access connection offset, Section 130-42 (D) (h) requiring 450 feet distance as minimum.

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 ___ No x
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes ___ No x
3. Is the requested variance substantial? Yes ___ No x

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes ___ No x
 5. Is the alleged difficulty self-created? Yes x No ___
- Questions for the variance for required minimum connection spacing of 245 feet per Code Section 130-42 (d) (1b) 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 ___ No x
 2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes ___ No x
 3. Is the requested variance substantial? Yes ___ No x
 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes ___ No x
 5. Is the alleged difficulty self-created? Yes x No ___

With no further discussion, the variances were put to a vote.

T. Wilson moved to grant the appeal for variance to T. Y. Lin International, representing McDonald's USA LLL for the relocation of the existing driveway on Route 20 A (4162 Lakeville Road) that fails to comply with Section 130-42 (d) (1b) and (h); said driveway to be located per site plan drawing no.: C1, Project No.: 43.5391.00, dated 10/09/2012. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; B. Teall, aye; and T. Wilson, aye. The vote carried. It was noted the Board would ask the Village Planning Board to consider having T. Y. Lin International move the Reservoir Road driveway to a point midway between the existing and proposed driveways before final site plan approval is granted.

It was noted this is an area variance and a type two action that does not require a SEQR. C. Meisel stated it was so noted that the proposed action has been considered under SEQR and has met the requirements for a Type II action: the proposed action is not environmentally significant.

B. Teall moved to close the public hearing at 5:40 p.m. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; B. Teall, aye; and T. Wilson, aye.

J. Buholtz thanked the Board and exited the meeting. The Ferrero's exited as well.

The October 02, 2012: Sonbyrne Sales – McGeneseo LLC minutes were reviewed. C. Meisel moved to approve the minutes as presented. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; B. Teall, aye; and T. Wilson, aye. The motion carried.

After review, M. Hamilton moved to approve the 2013 ZBA Meeting Dates Calendar. B. Teall seconded the motion. All were in favor and the motion carried.

Secretary D. Lund was asked to write a letter to the Village Planning Board. The Zoning Board would ask that they consider the merit of moving the driveway on Reservoir Road to a point half way between the existing and proposed driveways as per reasons given in discussion.

General discussion of code issues followed.

B. Teall moved to close the meeting at 6:00 p.m. T. Wilson seconded the motion. All were in favor and the meeting closed.

Debra L. Lund
Secretary

Approved: 02/05/2013