

Village of Geneseo
Zoning Board of Appeals
Applicant: Dave Matthews, Design One Architecture & Planning, PLLC
Representing: Paul DeVelder – Bar Eat O
Property Address: 3 Bank Street
Tax map Id. #: 80.12-2-5
March 1, 2016; 4:45 p.m.

Present:
Carolyn Meisel, Chair
Marlene Hamilton
Robert Meyers
Paul Schmied
Thomas Wilson

Code Enforcement Officer:
Ronald Maxwell

Secretary:
Debra Lund

Public:
Mark Scoville

Applicant:
David Matthews, Design One
Architecture and Planning

Chair C. Meisel opened the meeting and the public hearing at 4:45p.m. Board members were introduced. It was noted proper notices had been published, nine legal notices were sent to property owners within 100' of the property boundaries and eight green cards were returned; one envelope was returned undeliverable even though the address used was from the tax roll as designated by Village Code. Livingston County Planning Board was notified and determined that the application has no significant County wide or inter-municipal impact in regard to existing County plans, programs and activities. Approval or disapproval of the application is a matter of local option. The project has been considered under SEQR at the Village Planning Board meeting..

Chair C. Meisel stated the purpose of the public hearing was an application for 1.) two signs, each 8' wide by 14" high that would project above the canopy surface when said signs fail to meet the additional regulation for MU-1 District, Section 130-92 B. Canopy signs: signs must be an integral part of the canopy in that any letters or insignia must be flat and parallel to the surface of the canopy and not project from the canopy surface; and 2.) where the second sign on the west building wall is a.) larger than the allowed square footage of signage based on the building frontage of ten (10) square feet which is less than 10% of the canopy surface; and b.) the second sign fails to meet 130-91 D: one canopy sign is permitted for each street frontage. The west side of the building is not a street or right-of-way. She invited D. Matthews to state his case.

D. Matthews noted he represents his client, Paul DeVelder and Bar Eat O Restaurant. They are seeking two variances for two identical canopy signs – one faces north on Bank Street and the other sign faces west toward the SUNY Geneseo campus. Both signs have letters protruding above the canopy structure and are metal. They do not meet the Village Code canopy guidelines in height and size restrictions but do meet Section 130-84 Intent: A. Protect and enhance community appearance.; B. Compatible with the aesthetic appearance of the building they are located on and the surrounding neighborhoods; C. Reduce the

frequency and magnitude of hazards to motorists and pedestrians caused by sign obstructions and distractions; and D. Create more attractive business.

Chair C. Meisel noted there is little if any vehicle traffic on Bank Street, it dead-ends at a pedestrian campus entrance and in general has only pedestrian traffic. The Board would be considering the requested signage in accordance with the Code regulations.

D. Matthews quoted the sign approved by the Village Planning Board on January 27, 2016 for a sign at the corner of Main Street and Bank Street: the size of the sign will be forty (40) square feet and the sign will be located in the exact location of the former sign for the Vital Spot. This sign is located on the side of the building at the top of Bank Street. The two proposed canopy signs are 9.33 square feet each. The north façade canopy sign requires a variance as it is not flat to the surface of the canopy (Section 130-92). The west façade canopy sign requires two variances: a) sign is not flat to the surface of the canopy (Section 130-92), and it would increase the total signage to over the sixty (60) square feet allowed for this business and be a second sign that is not allowed as it is not on a street or right-of-way.

The Planning Board minutes are not yet available; however, Chair C. Meisel spoke with the Planning Board secretary and the Planning Board is in favor of the signs being granted.

C.E.O. R. Maxwell asked if the signs would be lit and D. Matthews replied they would not. P. Schmied asked if the size of the signs included the canopy height. D. Matthews responded the letters would be mounted on the canopy with metal brackets and would be a total overall length of eight (8') feet by fourteen (14") inches in height. The west facing sign, if allowed, should only be 6.8 square feet; however, the sign would look out of proportion if produced at this size and would look more aesthetically pleasing if the signs had matching proportions.

C. Meisel asked if the third sign (the west façade sign) was really necessary. D. Matthews responded the building really has three distinct faces and is in a unique location. It has pedestrian traffic on the Bank Street and the College side and vehicles on Main Street.

C. E. O. R. Maxwell noted the west facing sign would be allowed if it was on a street or right-of-way and not a private drive. D. Matthews said the intent was to raise awareness of the business and for pedestrian traffic to stroll down while shopping Main Street and direct traffic to the business from the campus. T. Wilson said he liked the look of the signs. M. Hamilton noted it would make the business easier to find as it is an out of the way location on a dead end street.

Chair C. Meisel asked if the public would like to comment. M. Scoville said he was in favor of the business and the signage. If the college students notice it and come up from campus, it will encourage them to come and shop Main Street as well. He feels anything that brings more customers to the business district is great.

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 _____ No X
 - A. Letters
 - B. Back side of building sign
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance. Yes 1 No 4
 - A. No
 - B. Could have just two signs

3. Is the requested variance substantial? Yes 1 No 4
 - A. Different style
 - B. No
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
 - A. No
 - B. No
5. Is the alleged difficulty self-created? Yes X No
 - A. Yes
 - B. Yes

It was noted this is an area variance and a type two action that does not require a SEQR. It was so noted that the proposed action has been considered under SEQR per regulation 1) maintenance or repair involving no substantial changes in an existing structure or facility; and has met the requirements for a Type II action: the proposed action is not environmentally significant.

R. Meyers moved to approve the application for two signs, each eight (8') feet wide by fourteen (14") inches high and that project vertically from the canopy surface to be located on the north and west building walls on property located at 3 Bank Street, Tax map ID# 80.12-2-5. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

T. Wilson moved to approve the second wall sign for the west façade wall where the building is not on a street or right-of-way and where the sign will match the north façade sign as per drawings presented to the Board; the sign is granted due to unusual circumstances. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

WHEREAS, The Village of Geneseo Zoning Board of Appeals, hereinafter referred to as Zoning Board, has considered the above referenced area variance application, and
WHEREAS, the Zoning Board has reviewed the public record on said Action,
WHEREAS, the Zoning Board has reviewed the application submitted by Design One Architecture and Planning, PLLC representing Bar Eat O, owner Paul DeVelder, submitted January 19, 2016 and received in the Village Clerk's Office on January 19, 2016 and,
NOW, therefor, be it resolved that the Zoning Board of Appeals approves the application for two signs, each eight (8') feet wide by fourteen (14") inches high and that project vertically from the canopy surface to be located on the north and west building walls on property located at 3 Bank Street, Tax map Id.# 80.12-2-5. The above resolution was offered by Robert Meyers and seconded by Marlene Hamilton on March 01, 2016. Following discussion thereon, the following roll call vote was taken and recorded: Chair Carolyn Meisel, aye; Marlene Hamilton, aye; Robert Meyers, aye; Paul Schmied, aye; and Thomas Wilson, aye.
AND, a second wall sign for the west façade wall was granted where the building is not on a street or right-of-way and where the sign will match the north façade sign as per drawings presented to the Board; the sign is granted due to unusual circumstances on property located at 3 Bank Street, Tax Id. # 80.12-2-5.

The above resolution was offered by Thomas Wilson and seconded by Paul Schmied on March 01, 2016. Following discussion thereon, the following roll call vote was taken and recorded: Chair Carolyn Meisel, aye; Marlene Hamilton, aye; Robert Meyers, aye; Paul Schmied, aye; and Thomas Wilson, aye.

P. Schmied moved to close the public hearing at 5:09 p.m. and M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried and the public hearing closed.

Debra Lund, Secretary