

Village of Geneseo
Zoning Board of Appeals
Applicant: Pizza Paul's, owner- Paul Miller
Property Address: 110 Main Street
Tax map Id. #: 80.16-1-28
May 03, 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 Present:

Barry Caplan

Applicant:

Pizza Paul's -Paul Miller, owner

Chair C. Meisel opened the Public Hearing at 4:45 p.m. & the meeting previously started at 4:30 p.m. continued. Board members were introduced. Proper notification of the legal notice was published in the paper. Eight legal notices were mailed and six green cards returned. The purpose of the hearing was a request for a variance to replace a sign for a previously existing non-conforming sign where disrepair of said sign to the extent that 51% of its replacement cost must be expended in its repair requires a variance per Section 130-85 A (3) – Non-conforming signs: Applicability. A two-sided sign, fifteen (15) square feet per side is requested. Said sign also fails to meet Section 130-91 D (2): Perpendicular sign for the Mixed Use –MU1 District. One Perpendicular sign no larger than twelve (12) square feet per side in area shall be permitted per the Code of the Village of Geneseo. The applicant is seeking a three (3) square foot variance.

Livingston County and the Village of Geneseo were notified of the public hearing. Livingston County responded:

“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.”

The applicant was asked to state his case.

P. Miller stated the sign is identical to the one that has hung there for the last fifty (50) years. C. E. O. R. Maxwell said P. Miller did not realize he would need a permit as he was replacing the sign with an identical one in both content and size. Signs must come before the Board when a sign is replaced as per the last code revision. The new sign has been up for a month and the Code Office has had no complaints but the sign is still required to come before the Board for approval/disapproval. The variance means there would be no problems replacing the sign at a future date as well.

P. Miller said the only complaint he had received was for the notification of the public hearing sign – people stopped in asking if his shop was going to be close.

T. Wilson said he did not see any problem granting the variance as no one has complained and it has been up for a month.

C. Meisel asked why P. Miller was replacing the sign, had it broken down? P. Miller responded the sign had been up for fifty years and had faded and been repainted until replacement was the best option.

P. Schmied asked how the "over 51%" of the replacement cost was calculated. C. E. O. R. Maxwell replied he calculated replacement cost by the size of the panels and current rates for signs. C. Meisel asked what the sign's replacement cost would be. P. Miller said each panel cost approximately \$600.00.

P. Miller said he had thought of taking the sign down and replacing it with a building mounted sign but noted a boulevard tree would need to be removed for a building sign to be seen. The Village Board would not agree to the tree removal so he decided to replace the current sign. Cost also was a factor in his decision to replace the panels and re-use the original frame.

Chair C. Meisel asked if the audience present had any questions or concerns. B. Caplan asked if P. Miller was going to apply for a sign grant and P. Miller replied he was not.

With no further discussion, the Board reviewed the 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
No change to the sign – the new sign is identical to the original and in the same frame.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes _____ No X
A conforming sign would be more expensive than warranted and might require a tree removal.
3. Is the requested variance substantial? Yes _____ No X
No as the sign is the same size as the original.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood district? Yes _____ No X
The sign was pre-existing and has only been updated.
5. Is the alleged difficulty self-created? Yes X No _____

The proposed variance was considered under SEQR. It was noted this is an area variance and a type two action that does not require a SEQR per regulation # (7): Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities are not subject to review under SEQR, and has met the requirements for a Type II action: the proposed action is not environmentally significant. The sign meets the Code of the Village of Geneseo Zoning and Subdivision Section 130-5 definitions: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

M. Hamilton moved to approve the request for a three (3) square foot variance to replace a sign for a previously existing non-conforming sign where disrepair of said sign to the extent that 51% of its replacement cost must be expended in its repair requires a variance per Section 130-85 A (3) – Non-conforming signs: Applicability. A two-sided sign, 15 square feet per side is requested. Said

sign also fails to meet Section 130-91 D (2): Perpendicular sign for the Mixed Use –MU1 District: One Perpendicular sign no larger than 12 square feet per side in area shall be permitted per the Code of the Village of Geneseo, a three (3) square foot variance per side is granted on property located at 110 Main Street, Tax map ID. # 80.16-1-28. 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 application submitted by Pizza Paul's, owner Paul Miller and dated April 07, 2016 and received in the Village Clerk's Office on April 15, 2016 and,

WHEREAS, on May 03, 2016 the Zoning Board held a public hearing, which was duly advertised for the purpose of soliciting public comment on the proposed actions and finding the proposed action is an area variance and a type two action that does not require a SEQR per regulation #7: Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities are not subject to review under SEQR; and

WHEREAS, after soliciting information from all involved parties and the public; and

NOW, THEREFORE BE IT RESOLVED that the Zoning Board approves a 3 foot variance for a replacement sign for a previously existing non-conforming sign where disrepair of said sign to the extent that 51% of its replacement cost must be expended in its repair requires a variance per Section 130-85 A (3) – Nonconforming signs; Applicability. A two-sided sign, 15 square feet per side is requested. Said sign also fails to meet Section 130-91 D (2) Perpendicular sign for the Mixed Use – MU 1 District. One perpendicular sign no larger than 12 square feet per side in area shall be permitted per the Code of the Village of Geneseo, a three (3) square foot variance per side is granted on property located at 110 Main Street, Tax Map Id#: 80.16-1-29.

The above resolution was offered by Marlene Hamilton and seconded by Paul Schmied on May 03, 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. Miller thanked the Board and B. Caplan and he exited the meeting at 5:00 p.m.

P. Schmied moved to close the public hearing at 5:01 p.m. R. Meyers 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.

The April 5, 2016 Prunoske minutes were reviewed. M. Hamilton moved to accept the minutes as presented with a second by T. Wilson. 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.

P. Schmied moved to close the meeting; M. Hamilton seconded the motion. All were in favor and the meeting closed at 5:06 p.m.

Debra Lund