

Town of Geneseo Zoning Board of Appeals

Millstone

Public Hearing

Property Address: Gateway Drive

Tax Map: # 81.-1-29.125 & #81.-1-29.126

August 22, 2023 @ 7:30 PM

Members Present:

John Maxwell, Chair

Ken Book, Member

Mike DaBramo, Member

Donald Kearney, Member

Carolyn Meisel, Excused

Michael Millard, Alternate Member

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary

Jared Radesi, Code Enforcement Officer

Robert Harris, Planning Board Chair

Applicant(S): Matt Lester Developer (Millstone), Anthony Gizzie Developer (Millstone), and Eric Drazkowski Excel Engineer (Millstone) via Zoom.

Public Present: None

Chair Maxwell called the August 22, 2023, meeting to order at 7:35 PM. There was a quorum; Michael Millard served in place of Carolyn Meisel, who was excused.

Chair Maxwell requested that members vote on the April 25, 2023 (Downey Public Hearing), meeting minutes were presented and discussed. D. Kearney moved to approve the minutes as presented. K. Book seconded. With no further discussion, motion passed with ayes from Chair Maxwell, M. Millard, K. Book, D. Kearney, and M. DaBramo.

The Public Meeting was opened at 7:36 PM by Chair John Maxwell. It is noted that all proper notices were sent via US Mail, return receipt, as well as published in the Livingston County Newspaper, as follows:

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals, Town of Geneseo, will hold the following Public Hearing pursuant to Town Law. At the above date and time, an application **Millstone Development, Gateway Drive, Geneseo, tax map #81.-1-29.125 & #81.-1-29.126** will be considered for phase two project VARIANCES. The purpose of their variance application is the development of two (2) tenant shells. The proposed project is requesting deviation from Town zoning code for the following sections: Access management 106-40.6A (5), Parking location, massing, and orientation 106-44.4B (C), Façade articulation 106.44.6A (2)(C), Trees 106-42.2B, Specific provisions by zoning district (signs) 106-40.8C (3), and Table of Sign Regulations 106 Attachment 13-Table 40.1. More information for these codes is on our website under Code Enforcement (geneseony.org) Therefore, the above Public Hearing will be held.

Millstone sent out six (6) Certified Mail with Return Receipt Letters, with the return of five (5) Green Cards, and one (1) Letter being returned to sender.

Chair Maxwell asked all the board members if they had a chance to visit Gateway Drive; all had visited.

Chair Maxwell stated that The Livingston County Planning Board recommendation of Approval was made at the meeting on August 10, 2023, but failed to pass. The County Planning Board has taken no official action on this application, with two (2) members in favor and sixteen (16) members in opposition. A response of “No Action” on the part of the County Planning Board should not be construed as a judgement on the project. The Town is now free to take final action on this application. Chair Maxwell noted the County Planning Board consists of a representative from all Towns in Livingston County.

Chair Maxwell stated that this application was determined to be a Type II action, and SEQRA is not required per # 19 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chair Maxwell stated tonight’s meeting is informational only, no voting, town attorneys wouldn’t make tonight’s meeting, and will be here September 12th.

CEO Radesi explained why the variance 1-8 need to be table until the 2 lots become 1 lot. Can’t give a variance on a lot that doesn’t exist. Variance 1 – 8 are on the parking lot, landscape, and façade of the buildings.

M. Lester states the intent is to go to one (1) lot with two (2) Tenant shells. Tenant shell one (1) would have one business and tenant shell two (2) would have three (3) business. He asked if the ZBA would consider placing contingencies on variance 1-8. Planning Board has given Millstone preliminary approval for a 1 lot subdivision.

A discussion took place around a variance request for the façade to be eighteen inches (18”), Town Code is four feet (4’). CEO Radesi stated it would be a good idea for this board to share their opinion with the Planning Board. Member DaBramo asked why the façade can’t be four feet (4’). M. Lester explained with the size of the tenant spaces it is not feasible. The variance of eighteen inches (18”) shows Architectural offset/depth.

CEO Radesi shared the Town of Geneseo Code on Signs. As per Zoning Regulations shown in section 106, attachment 13, Table 40-1: Table of Sign Regulations, for Geneseo, NY.

- There is only 1 wall sign permitted per use. This means 1 wall sign per business.
- There is only 1 freestanding sign permitted per use. This means 1 freestanding sign per business.
- There is 1 freestanding sign allowed for each business unless there is a plaza sign. A plaza sign would take place of a freestanding sign for each business.

Tenant shell one (1) is requesting 2 signs that are conforming in size on the East and South facing sides. In total 2 wall signs. Also, 1 sign on the plaza style, freestanding sign which is conforming if the plaza sign is granted. Also, multiple freestanding directional signs with their logo (this is not allowed). Tenant would have drive-thru for pick up orders only, NO menu board.

Tenant shell two (2) is requesting 3 signs that are all conforming in size on the East, South, and North facing sides. In total 3 wall signs. Also, 1 on the plaza style, freestanding sign which is conforming if the plaza sign is granted. Also, 1 freestanding drive-thru menu board.

Tenant shell two (2) is requesting 2 signs that are conforming in size on the South and North facing sides. In total 2 wall signs. Also, 1 sign on the plaza style, freestanding sign which is conforming if the plaza sign is granted.

Tenant shell two (2) is requesting 3 signs that are all conforming in size on the East, South, and North facing sides. In total 3 wall signs. Also, 1 on the plaza style, freestanding sign which is conforming if the plaza sign is granted.

Millstone is requesting 1 freestanding multi-tenant sign within the Geneseo Commercial Development that exceed the maximum height of 10' (15.5'), the maximum area of 32 square feet for a total sign (108.2sf), and the maximum clearance of 30 inches from the bottom of the sign to the ground (40" requested).

Discussion continued about various signs around the neighborhood, in regard to how many, size and lumination. M. Lester just wants his tenant to be on the same playing field as other business around the development. He stated all signs and lights would be dark sky compliant. Applebee's three (3) and Arby's three (3).

Chair Maxwell asked each ZBA Member to give their opinion on all the signs being asked for. Member Book is okay with signs, has concerns about the height of the freestanding plaza/monument sign. Member Millard agreed with Member Book. Member DaBramo to many signs, a lot of ways to identify these businesses with a plaza/monument sign, colors, buildings, doors, wall etc. Cut the signage in half and more modest signs. Member Kearney says signs should be cut back; he doesn't need a sign to tell him where the business is once he turns into the parking lot. People use their phones/technology for directions and don't pay attention to signs. Smaller signs with business logo. Chair Maxwell eliminate some signs.

B. Harris stated Millstone needs to submit to the Planning Board for a Public Hearing for final approval of a two (2) lot subdivision to a one (1) lot subdivision.

M. Lester will go back to his tenants and see what can be done about all the signage. Again, asked if the ZBA Board, when they return in September, if they would consider contingencies on variance knowing they are going to submit for a one (1) lot subdivision.

Member Kearney made a motion to table this meeting until town Attorney can be present on September 12, 2023, at 7:45 PM. Seconded by Member Book, carried with all ayes from Chair Maxwell, M. Millard, K. Book D. Kearney, and M. DaBramo.

Member Book made a motion to adjourn the meeting at 10:00 PM. Seconded by Member DaBramo, carried with ayes from Chair Maxwell, M. Millard, K. Book D. Kearney, and M. DaBramo.

Respectfully Submitted,

Approved Minutes_Millstone_8/22/2023

Debbie Streeter Deputy Clerk