

**Town of Geneseo Zoning Board of Appeals
Public Hearing
Property Address: 4310 Lakeville Rd.
Tax Map #81.-1-29.41
July 9, 2024 @ 7:00 PM**

Members Present:

John Maxwell, Chair
Ken Book, Member
Mike DaBramo, Member
Donald Kearney, Member
Carolyn Meisel, Member
Michael Millard - Alternate

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary
Jared Radesi, Code Enforcement Officer

Applicant(S):

Luis Ribeiro

Public Present:

None

Chair Maxwell called the meeting to order at 7:05 PM.

Chair Maxwell requested that members vote on May 14, 2024, meeting minutes were presented and discussed.

Member Book moved to approve the minutes as presented. Member Meisel seconded. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Opposed None

Abstained None

Motion Carried

Chair Maxwell opened the public hearing at 7:10 PM. 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 by Luis Ribeiro representing Dunkin Donuts for sign variance when the Town Code does not permit said sign. The applicant is seeking permission to erect one new digital sign in the existing drive thru lane that fails to meet Section 106.40 Prohibited sign, J – sign that utilizes electronic changeable copy and any other portion of Town code which may apply. Therefore, the above Public Hearing will be held. Michael Hubacher sent out twenty-seven (27) Certified Mail with Return Receipt Letters, with the return of twenty-three (23) Green Cards.

Chair Maxwell asked all the board members if they had a chance to visit 4310 Lakeville Rd., which all had visited.

Chair Maxwell stated the Zoning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations, and the Zoning Board in making this classification has satisfied the procedural requirements under SEQR.

Livingston County Planning Board comments on the application:

The Livingston County Planning Department has reviewed this application and, in consultation with the Town of Geneseo County Planning Board representative, 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.

Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either approval or disapproval by the County Planning Board.

Chair Maxwell invited Luis Ribeiro to the table to discuss the application for the area variance to erect a new digital menu board in the existing Dunkin Donut drive thru lane.

Luis stated he did not know he needed a permit or that the Town of Geneseo does not allow digital signs. Luis explained that the digital sign is smaller than the original, is modern with better images, and is very dim lit at dark.

Member Kearney moved to close the public hearing at 7:30 PM. Member DaBramo seconded the motion. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Opposed None

Abstained None

Motion Carried

This was followed by the Board discussing and answering the five-area 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?**

Chair Maxwell: No

Member Kearney: No

Member DaBramo: No, in alignment with nearby signage

Member Meisel: No, digital signs are needed today.

Member Book: No

- (2) Can the benefit sought by the applicant be achieved by some feasible method other than the variance?**

Chair Maxwell: No, the code needs to be updated.

Member Kearney: No

Member DaBramo: Yes, Take off.

Member Meisel: No

Member Book: No

- (3) Is the requested variance substantial?**

Chair Maxwell: Yes, 100%

Member Kearney: Yes

Member DaBramo: No, smaller sign.

Member Meisel: Yes, 100%

Member Book: Yes

- (4) Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

Chair Maxwell: No

Member Kearney: No

Member DaBramo: No

Member Meisel: No

Member Book: Yes

- (5) Is the alleged difficulty self-created?**

Chair Maxwell: Yes

Member Kearney: Yes

Member DaBramo: Yes

Member Meisel: Yes

Member Book: Yes

Member Book made a motion to approve the existing digital sign for Dunkin Donut at 4310 Lakeville Rd. Member Meisel seconded the motion. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Opposed None

Abstained None

Motion Carried

Luis Ribeiro departed at 7:45 PM.

Member Kearney made a motion to adjourn at 7:55 PM. Seconded by Member Meisel. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Motion Carried

Respectfully Submitted,

Debbie Streeter Deputy Clerk/Secretary