

**Village of Geneseo Zoning Board of Appeals
February 5, 2025 @ 4:30pm**

Members Present:

Carolyn Meisel, Chair
Robert Meyers, Member
Gretchen Crane, Member
Paul Schmied, Member
James Kier, Member

Other Village Representatives Present:

Janna O'Brien, Secretary
Craig Wadsworth, Code Enforcement Officer
Ericka Elliott, Underberg and Kessler

Applicants/Public Present:

Kirah Brown, BBR Architecture for Wal-Mart
McKenzie Samp, BBR Architecture for Wal-Mart
Sam Trapasso, Tim Hortons
Adrienne Owens, Tim Hortons

At 4:30pm, Chair Meisel called the meeting to order.

At 4:32, The meeting minutes from January 8, 2025 were reviewed. Member Crane moved to approve of the minutes as presented. Member Meyers seconded. With no further additions, corrections, or discussion, the minutes were approved with ayes from all.

**Public Meeting- Area Variance
Tim Hortons
1 Ryan Drive, Geneseo
Tax Map #81.10-1-12.11**

Member Meyers made a motion to open the public hearing for Tim Hortons at 4:35pm. Member Schmied seconded. The Board introduced themselves. It was recorded that all proper notices were sent via US Mail, return receipt requested, as well as published in the Livingston County Newspaper, as follows; Notice is hereby given that a public hearing will be held by the Village of Geneseo Zoning Board of Appeals on February 5, 2025, at 4:35 pm, pursuant to Chapter 130 Zoning, Section 130-12, Section 130-17 and, 130-90 Attachment 10 Table of Sign Regulations and any other sections of Village Code which may apply on the application of Nikki Cook of MS Consultants on behalf of Tim Horton's. The applicant is seeking an area variance to install an electronic menu sign that per Village Code is not permitted. This request is for the property located at 1 Ryan Drive, Tax Map # 81.10-1-12.11 in the Village of Geneseo, NY.

Chair Meisel noted that the return receipts were turned in, and no comments or concerns were brought to the board's attention. The representatives from Tim Hortons were asked to explain the request. They explained that Tim Hortons is looking to digitize their menu board. The total sign area is smaller than the current sign area. The Board asked if the sign was lit, and they responded that it will be on during regular business hours from 5am-8pm. The Board noted that this board would not affect the traffic on Route 20A.

Hearing no further questions, Chair Meisel asked for a motion to close the meeting. Member Schmied made the motion to close the Public Hearing at 4:38pm. Member Crane seconded the motion. The hearing was closed with ayes from all.

This was followed by the Board discussing and answering the five 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 the granting the area variance?

Chair Meisel: No. Already commercial.

Member Meyers: No. Change in not significant.

Member Crane: No. It is already a commercial area with signage.

Member Schmied: No. Request is for smaller than existing sign and faces back of the lot. No problem.

Member Kier: Signs already exist not. Not a big change.

(2) Can the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

Chair Meisel: No. They want movable electronic signage.

Member Meyer: No. Making the sign automated is the only way to achieve desired result.

Member Crane: No. They need a variance to proceed.

Member Schmied: No. Possible but not likely. Variance is needed.

Member Kier: Electronic only.

(3) Is the requested area variance substantial?

Chair Meisel: No. Smaller sign.

Member Meyers: No. Square footage is reduced.

Member Crane: No. The square footage is actually decreasing.

Member Schmied: No. Actually requesting a smaller sign.

Member Kier: No. The proposed sign is less area than the existing sign.

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

Chair Meisel: No. Doesn't face neighbors.

Member Meyers: No. Change is minimal.

Member Crane: No. It goes along with what is already there.

Member Schmied: No. Reducing the area and providing electronic messaging will improve the area.

Member Kier: No. It will not affect anything adversely.

(5) Is the alleged difficulty self-created? (Which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.)

Chair Meisel: Yes.

Member Meyers: Yes. If they want it automated, it is self-created.

Member Crane: Yes. It always is, they could choose not to do the changes.

Member Schmied: Yes.

Member Kier: Yes. They could choose not to do it.

Member Meyers moved to grant the area variance. Member Kier seconded the motion. With no further discussion, the variance was approved with ayes from all.

**Wal-Mart- area variance
235 Veteran Drive, Geneseo
Tax Map #81.10-1-5.21**

At 4:45pm, Chair Meisel reconvened the discussion from the Public Hearing for Wal-Mart that was closed at the last meeting on January 8, 2025. There was discussion regarding the chosen colors for the sign and the massive increase in size. The Board asked if Wal-Mart would be amenable to using different colors. The representatives of BBR Architecture stated that they were. At that time, Gretchen Crane made a motion to deny the variance as it is written in the application. Member Kier seconded the motion. The vote was as follows: Chair Meisel- aye, Member Crane- aye, Member Schmied-aye, Member Kier- aye and Member Meyers voted nay.

With no further discussion, Member Crane moved to close the meeting at 5:27pm. Member Meyers seconded the motion. The meeting was closed with ayes from all.

Janna O'Brien
Secretary

