

Meeting of the Village of Brockport Zoning Board of Appeals was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Thursday, August 7, 2014, 7:00pm.

PRESENT: Chair John Bush, Member Robert Duff, Member Douglas Wolcott, Member Laurence Vaughan, Member Sal Sciremammano, Clerk Pamela Krahe.

EXCUSED: Building/Zoning Officer David J. Miller

ALSO PRESENT: Kirk Wright, David Hall

CALL TO ORDER: Chair Bush called the meeting to order and led the Pledge of Allegiance. He introduced new board member Sal Sciremammano and other members of the board.

REVIEW OF MEETING MINUTES: Chair Bush called for a motion to approve minutes.

➔ Member Vaughan moved, Member Wolcott seconded, carried 5-0 to approve the minutes of the meeting held June 30, 2014 as written.

NEXT MEETING: Thursday, September 4, 2014 at 7:00pm upon application

Public Hearings:

NEW BUSINESS:

1. Name: Kirk Wright for Sign & Lighting Services, LLC
Address: 73 N. Main Street
Tax Map #: 068.44-2-12.1
Property Code: 454
Zoning: B-Business
Lot size: ~2.3 acres
Purpose: Area variance for multiple illuminated signs
Zoning Ordinance: Chapter 43-5 B; Interpretation of 43-5 C regarding illumination

Applicant Presentation:

Mr. Wright explained he is here on behalf of Jones Signs requesting a variance to place numerous illuminated signs on the Rite Aid store at 73 N. Main Street. Rite Aid has expanded and added a drive-thru and wants to identify their property to the standard they use across the country. He referred to the materials submitted. Both elevations face a road; they want the same signage on both elevations. "Rite Aid" has to be there, "Pharmacy" has to be there by law. They want "Drive Thru" signs plus routing signs (e.g. Enter, Exit, Clearance, etc). There is also "GNC" and "food mart" signage.

➔ Member Sciremammano moved, Member Duff seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:07pm.

Public Comment: No one in attendance for public comment.

➔ Member Vaughan moved, Member Sciremammano seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened at 7:08pm.

Continued Board discussion on application:

Chair Bush read Chapter 43-5 B 1 and 2.

B. One wall sign, which may be illuminated, upon the front facade of a building for each permitted use or activity.

(1) Said sign in the aggregate shall not exceed two square feet in area for each linear foot of public frontage. If a use is on a corner, then one sign may be placed on each facade of an occupancy which faces upon a parking area, and if such building is more than 100 feet distant from the nearest street to the rear of the property, then such sign may be five square feet in area for each linear foot.

[Amended 12-16-1985 by L.L. No. 12-1985]

(2) Such sign shall not project more than 14 inches beyond the building facade on which or in front of which it is displayed, shall be at least nine feet above the sidewalk, and shall not be higher than the highest point of the parapet or facade of the building.

Chair Bush also read the NYS criteria for an Area variance test:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and

ZONING BOARD OF APPEALS MEETING OF August 7, 2014

5. Whether the alleged difficulty was 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.

The ZBA, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Mr. Wright continued, stating the property is more than 100 feet from the road which allows the 5 sq. ft. per linear foot of frontage. He previously asked CEO Miller if there was a variance back when the original signs were there, but he didn't get a response back from Miller. CEO Miller noted a variance may not have been required back in the 1980s.

As for a detriment to a neighborhood, Mr. Wright clarified there is nothing "moving" on the signs nor do they stick above the parapet. They are backlit with LEDs rather than neon and are cleaner, crisper. When asked if they will be brighter, Wright said they will be similar to the neon when it was new, as neon fades over time. LEDs are diffused to avoid hot spots. They don't want the lights to resemble "beacons."

The board inquired if Wright makes the signs. Yes, they are custom built to fit the building as needed. He measured what is on the wall now, then reviewed our code. He is compliant on square footage and depth of signs, is not compliant on number of signs. He is allowed one per elevation, but he wants the additional Food Mart, Drive Thru, and GNC signs. Then there are traffic management signs such as enter and exit that Member Vaughan said would be exempt from the code.

The board wondered about any residences nearby; there is one apartment across West Avenue on the 2nd floor. Mr. Wright explained Rite Aid is a good neighbor. It is important to let people know as they drive by that there is a food mart and GNC, too. Signs are the most cost effective way to advertise.

Member Wolcott asked how the leftover space will be used where Ryan's Big M was and if something else goes in there, would there be more signs. It was explained signs are allowed for each use in the building.

The phrases "permitted use" and "activity" were discussed. The food mart and GNC and drive thru could be considered different uses or activities. Wright likened it to a car dealer that sells Chevy, Pontiac, Cadillac, etc. They all want their name on the building. The dealer offers choices of vehicles. Rite Aid offers GNC, food, and a drive thru pharmacy.

They calculated that for about 125-130 feet of frontage, they are allowed 650 sq. feet of signs. The additional signs will advertise the components of Rite Aid. Signs are not lit at night for energy management and would shut off at the time the parking lot lights do. He added that neon transformers can be a fire hazard.

Chair Bush noted no one was in the audience to comment under public comment.

Member Vaughan complimented Rite Aid on dressing up the corner and on expanding. He opined anything they can do in this economy to increase traffic should be considered.

➔ Member Sciremammano moved, Member Wolcott seconded, unanimously carried that the application be approved as presented.

Roll Call Vote:	Member Vaughan:	approve
	Member Duff:	approve
	Member Sciremammano:	approve
	Member Wolcott:	approve
	Chair Bush:	approve

2. Name:	Ellicott Development Corporation
Address:	73 N. Main Street
Tax Map #:	068.44-2-12.1
Property Code:	454
Zoning:	B-Business
Lot size:	~2.3 acres
Purpose:	Area variance for pylon sign
Zoning Ordinance:	Chapter 43-5 C

Applicant Presentation:

Mr. David Hall with Ellicott Development, the owner of the plaza, noted he is requesting an area

ZONING BOARD OF APPEALS MEETING OF August 7, 2014

variance for a pylon sign on the corner of N. Main Street and West Avenue. The proposed sign will be 70 sq.ft., which exceeds the allowable 40 sq. ft. They would like to replace the existing 45 sq. ft. sign which is a bit rundown and was built in the early '90s. It is sandblasted wood with up lighting. They want to improve the look of the plaza. Ellicott is happy Rite Aid is taking more sq. footage; Ellicott is making a push to get other tenants. With improved signage, other tenants may be more eager to rent. There is 13,000 sq. feet remaining, and while they want one tenant, it will probably be 2-3 tenants. Quite a bit of business is generated through the reader board on the main sign.

Public Comment:

➔ Member Duff moved, Member Wolcott seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:46 pm.

No public comment was made.

➔ Member Duff moved, Member Sciremammano seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened at 7:47.

Continued Board discussion on application:

Chair Bush read Chapter 43-5 C:

C. One freestanding sign shall be permitted when the main building is set back a minimum of 25 feet from the property line. Such sign shall not exceed an area of 25 square feet, plus five square feet for each separately operated use or activity in the structures, if there is more than one. In no case shall any sign exceed 40 square feet in area on either of two sides. Such signs shall be for no other purpose than identifying the facility and listing the individual occupants and may be located within any required yard area, but shall not extend beyond any property line and shall not exceed 20 feet in height.

Chair Bush clarified that Mr. Hall's request exceeds the sq. footage, but does not exceed the height. The sign will be internally illuminated with LEDs, would be double-sided, and the "Today's special" part of the sign will be an old-fashioned sign with letters put up manually. This sign will not be animated. The existing sign is about 20', the new one is shorter. The existing sign panels are estimated to be 4'x8'.

➔ Member Duff moved, Member Sciremammano seconded, unanimously carried that the application be approved as submitted.

Roll call vote:

Member Vaughan:	approve
Member Duff:	approve
Member Sciremammano:	approve
Member Wolcott:	approve
Chair Bush:	approve

OTHER BUSINESS:

- Selection of Chair and Vice Chair for 2014-15.

→ Member Vaughan moved, Member Sciremammano seconded, unanimously carried to select John Bush as Chair and Robert Duff for Vice Chair for 2014-2015.

Adjournment:

➔ Member Vaughan moved, Member Sciremammano seconded, unanimously carried that the meeting be adjourned at 8:06pm.

Pamela W. Krahe, Clerk