

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, June 28, 2016

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 5/17/16
- IV. Proposals

Address: *5 River Street*

Applicant: Sara Schroeder (owner/corp. agent)

Proposal 1: Subdivision of an existing 2.735 acre parcel by creating a .995 acre lot with an existing dwelling and garage on the western half of the parcel and merging the remaining 1.740 acre parcel with an abutting lot to the south also owned by the divider

Actions:

- 1. Review application
- 2. Discussion and action by the board

Address: *59 Lyon Street*

Applicant: *Randy White (owner)*

Proposal 2: Addition of a driveway to the southeast portion of this property by placing pavers and loose stone to form a 16' wide x 60' long area for parking. This would be in addition to the existing 12' wide asphalt driveway in the northeast portion of this property

Actions:

- 1. Review application
- 2. Discussion and recommendation to the ZBA

- V. Other/ New Business/Updates:
 - Digital Signs Discussion
 - Comprehensive Plan Discussion
- VI. Setting of Next Meeting: July 19, 2016
- VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

May 17, 2016

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Robert Knipe, Duane Preston, Rachael Tabelski*

Members absent: Marc Staley (Alt.)

Others present: Meg Chilano – Recording Secretary, Jason Molino – City Manager, Felipe Oltramari – Director, Genesee County Planning Department, Doug Randall – Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Five members were present and Chairman Preston declared a quorum.

II. Call to order

Mr. Preston called the meeting to order at 6:02 pm.

III. Previous Meeting Minutes

Mr. Knipe moved to approve the minutes; the motion was seconded by Ms. Tabelski, and on roll call, was approved 4-0-1.

Votes in favor: 4 (Edward Flynn, Matthew Gray, Robert Knipe, Rachael Tabelski)

Votes opposed: 0

Votes abstained: 1 (Duane Preston)

RESULT: Approval of April 19, 2016 meeting minutes.

IV. Proposals

Mr. Mistler was not in attendance. The board decided to wait to see if Mr. Mistler showed up. They voted on the second application first, and then came back to 85-89 *Main Street*.

- A. Special Sign Permit: placement of a 6' x 4.83' (29 sq.') interior lit projecting sign on the west elevation of this commercial building located within a residential use district

Address: *241-243 Swan Street*

Applicant: Christopher Bardol (owner)

- Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston summarized the proposal. Mr. Bardol explained that the sign frame was already up; they just put in plastic panels and new lightbulbs.

2. Discussion and Action by the Board

Mr. Knipe asked about internal lighting. Mr. Bardol responded that the sign is lit by bulbs on the inside which are activated by a switch on the outside.

Mr. Flynn asked if the sign is turned off at 10:00 pm. Mr. Bardol answered that the sign is turned off when they leave, which is sometimes later than 10:00 pm. Mr. Gray pointed out the concern for sign lights in a residential area.

Mr. Knipe asked if there have been any complaints regarding the sign. Mr. Bardol said that no has approached them with any concerns about the sign.

Mr. Flynn noted that the current sign is predicated upon the existence of the previous sign in this residential district.

MOTION: Mr. Flynn moved to approve the application with the condition that the sign is turned off every night at 10:30 pm; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Special Sign Permit approved.

B. Special Sign Permit: placement of two 15.64' x 1.5' window signs on the north elevation of this commercial building located within the BID

Address: 85-89 Main Street

Applicant: Ken Mistler (owner)

- Actions:
1. Remove application from table
 2. Review application
 3. Discussion and action by the board

Mr. Mistler did not attend the meeting.

MOTION: Ms. Tabelski moved to remove the application from the table; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Application removed from table.

Mr. Flynn observed that Mr. Mistler already has the permanent sign installed. He noted that the sign is below the maximum allowed window space and that the Genesee County Planning Board recommended approval of the sign last month.

MOTION: Mr. Flynn moved to approve the application; the motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

RESULT: Special Sign permit approved.

V. Other/New Business/Updates: Discussion of digital signs

City Manager, Jason Molino, offered a possible definition of an electronic message board to the PDC. He also presented them with a sample sign code in a format other than that of the Batavia Municipal Code. The format of the sample is similar to some form-based code concepts, which the board agreed it preferred. Mr. Molino said that the existing code can be

incorporated into this type of format. The board also agreed that digital signs should be restricted to the C-2 district with the exception of four specific areas.

VI. Setting of Next Meeting: June 28, 2016

VII. Adjournment

Mr. Gray moved to adjourn the meeting at 6:41 pm; Mr. Knipe. All voted in favor.

Meg Chilano
Bureau of Inspection Clerk



**GENESEE COUNTY PLANNING BOARD
ZONING REFERRALS NOTICE OF FINAL
ACTION**

GCDP Referral ID C-12-BAT-6-16
Review Date 6/16/2016

Municipality BATAVIA, C.
Board Name CITY PLANNING AND DEVELOPMENT COMM.
Applicant's Name Sara Schroeder
Referral Type Subdivision: Final
Variance(s) _____
Description: Final Subdivision Review to transfer the rear portion of a parcel to the adjacent parcel.

Location 5 River St., Batavia
Zoning District Residential (R-1A) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

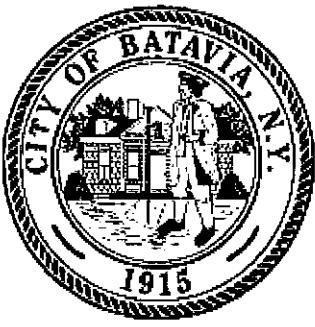
The proposed subdivision should pose no significant county-wide or inter-community impact.

Director

June 16, 2016

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020

(585)-345-6345

(585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 5/12/16

Re: **5 River St.**
Tax Parcel No. 84.005-2-48.1

Zoning Use District: R-1A

The applicant, Sara Schroeder (owner/corp. representative), has filed an application for approval to subdivide an existing 2.735 acre parcel (84.005-2-48.1) by creating a .995 acre lot with an existing dwelling and garage on the western half of the parcel and merging the remaining 1.740 acre parcel with an abutting lot (84.005-2-48.2) to the south also owned by the divider.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the right of way of a road or highway

City Planning and Development Committee- Pursuant to BMC 162-2 A. The Planning and Development Committee is empowered to approve plats showing lots, blocks or sites.

BMC 162-40 B. the PDC shall act on the bases of the pre-application sketch and if approved, the Chairman will sign and date the plan.

The Planning and Development Committee will be the lead agency to conduct SEQR.

Application No.: 16-01
Date: 5/11/16



MINOR SUBDIVISION APPLICATION

CITY OF BATAVIA

10 West Main Street, Batavia, NY 14020
Phone: (716) 343-8180 • Fax (716) 343-9221

ADDRESS OF SUBDIVISION 5 RIVER ST, BATAVIA, NY

OWNER:

FOURTEEN RIVER ST., INC. szs2275@gmail.com
Name E-mail Address
12 RIVER STREET 585-343-1692
Street Address Phone Fax
BATAVIA, NY 14020
City, State, Zip Code

SIGNATURE

Sara Z. Schroeder, Sec.

FEES: ☒ \$50 Residential Subdivision ☐ \$100 Non-Residential Subdivision

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____



*** GENESEE COUNTY ***
PLANNING BOARD REFERRAL

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Planning and Development CommitteeAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347

Ext. _____

2. APPLICANT INFORMATIONName Sara Schroeder (Fourteen River St. Inc.)Address 12 River St.City, State, Zip Batavia, NY 14020Phone (585) 343 - 1692

Ext. _____

Email szs2275@gmail.comMUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia**3. TYPE OF REFERRAL:** (Check all applicable items)

- ☐ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

- Subdivision Proposal
☐ Preliminary
☒ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 5 River St.B. Nearest intersecting road West Main St.C. Tax Map Parcel Number 84.005-2-48.1D. Total area of the property 2.735 acres Area of property to be disturbed _____E. Present zoning district(s) R-1A**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law _____

C. Please describe the nature of this request Approval to subdivide this parcel by creating a .995 acre lot with an existing dwelling and garage on the western half of the parcel and merging the remaining 1.740 acre parcel with an abutting lot to the south also owned by the divider.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
☐ Site plan
☒ Subdivision plot plans
☒ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☐ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☒ Photos
☒ Other: cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.

Email to planning@co.genesee.ny.us**7. CONTACT INFORMATION** of the person representing the community in filling out this form (required information)Name Douglas RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020Email drandall@batavianewyork.com



David S. Lamendola
Gregory W. Townsend
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313

5 River Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Original Village Lots 65 and 66, and more particularly described as follows:

Beginning at a point on the easterly street line of River Street at a distance of 759.76' northerly from the intersection of the easterly street line of River Street and the northerly street line of South Main Street, said point being the northwesterly corner of land conveyed to Sibyl B. Zorn and Nann K. Zorn at Liber 599 of Deeds, page 23;

Thence N $31^{\circ}30'-27''$ E, along the street line of River Street, a distance of 143.53' to a point on the south bank of the Tonawanda Creek;

Thence S $88^{\circ}09'-56''$ E, along the Tonawanda Creek, a distance of 225.65' to a point;

Thence S $24^{\circ}55'-50''$ W, a distance of 261.14' to a point on the northerly line of Zorn lands;

Thence N $57^{\circ}25'-52''$ W, along the northerly line of Zorn lands, a distance of 226.01' to the point of beginning, containing 0.995 +/- acre

David S. Lamendola
Gregory W. Townsend
Licensed Land Surveyors
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313

Vacant Land Rear 5 River Street

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Batavia, County of Genesee and State of New York, being part of Original Village Lots 65 and 66, and more particularly described as follows:

Commencing at a point on the easterly street line of River Street at a distance of 759.76' northerly from the intersection of the easterly street line of River Street and the northerly street line of South Main Street, said point being the northwesterly corner of land conveyed to Sibyl B. Zorn and Nann K. Zorn at Liber 599 of Deeds, page 23;

Thence S $57^{\circ}25'-52''$ E, along the northerly line of Zorn lands, a distance of 226.01' to the point of beginning of the parcel to be described herein;

Thence N $24^{\circ}55'-50''$ E, a distance of 261.14' to a point on the south bank of the Tonawanda Creek;

Thence S $88^{\circ}09'-56''$ E, along the Tonawanda Creek, a distance of 136.23' to a point;

Thence S $83^{\circ}42'-47''$ E, continuing along the Tonawanda Creek, a distance of 143.39' to a point;

Thence S $32^{\circ}53'-23''$ W, a distance of 391.95' to a point, said point being the northeasterly corner of Zorn lands;

Thence N $57^{\circ}25'-52''$ W, along the northerly line of Zorn lands, a distance of 208.77' to the point of beginning, containing 1.740 +/- acres

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Sara Schroeder							
Name of Action or Project: Minor Subdivision of 5 River St.							
Project Location (describe, and attach a location map): 5 River St., Batavia, NY 14020 (84.005-2-48.1)							
Brief Description of Proposed Action: To subdivide an existing 2.735 acre parcel by creating a .995 acre lot with an existing dwelling and garage on the western half of the parcel and merging the remaining 1.740 acre parcel with an abutting lot to the south also owned by the divider.							
Name of Applicant or Sponsor: Sara Schroeder		Telephone: (585) 343-1692 E-Mail: szs2275@gmail.com					
Address: 12 River St.							
City/PO: Batavia		State: NY	Zip Code: 14020				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 2.735 acres b. Total acreage to be physically disturbed? 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.545 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>Action does not require water</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Action does not require wastewater treatment</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>X</u> Date: _____		
Signature: <u>X</u>		

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

APPROVED BY CITY OF BATAVIA PLANNING BOARD

CHAIRMAN _____

DATE _____

APPROVED BY CITY OF BATAVIA ENGINEERS *Code Enf. Per.*
ENGINEER *Gregory W. Townsend*

DATE *5/12/16*

FILED IN GENESEE COUNTY CLERK'S OFFICE AS:

MAP No. _____, SLIDE No. _____,

CABINET No. _____

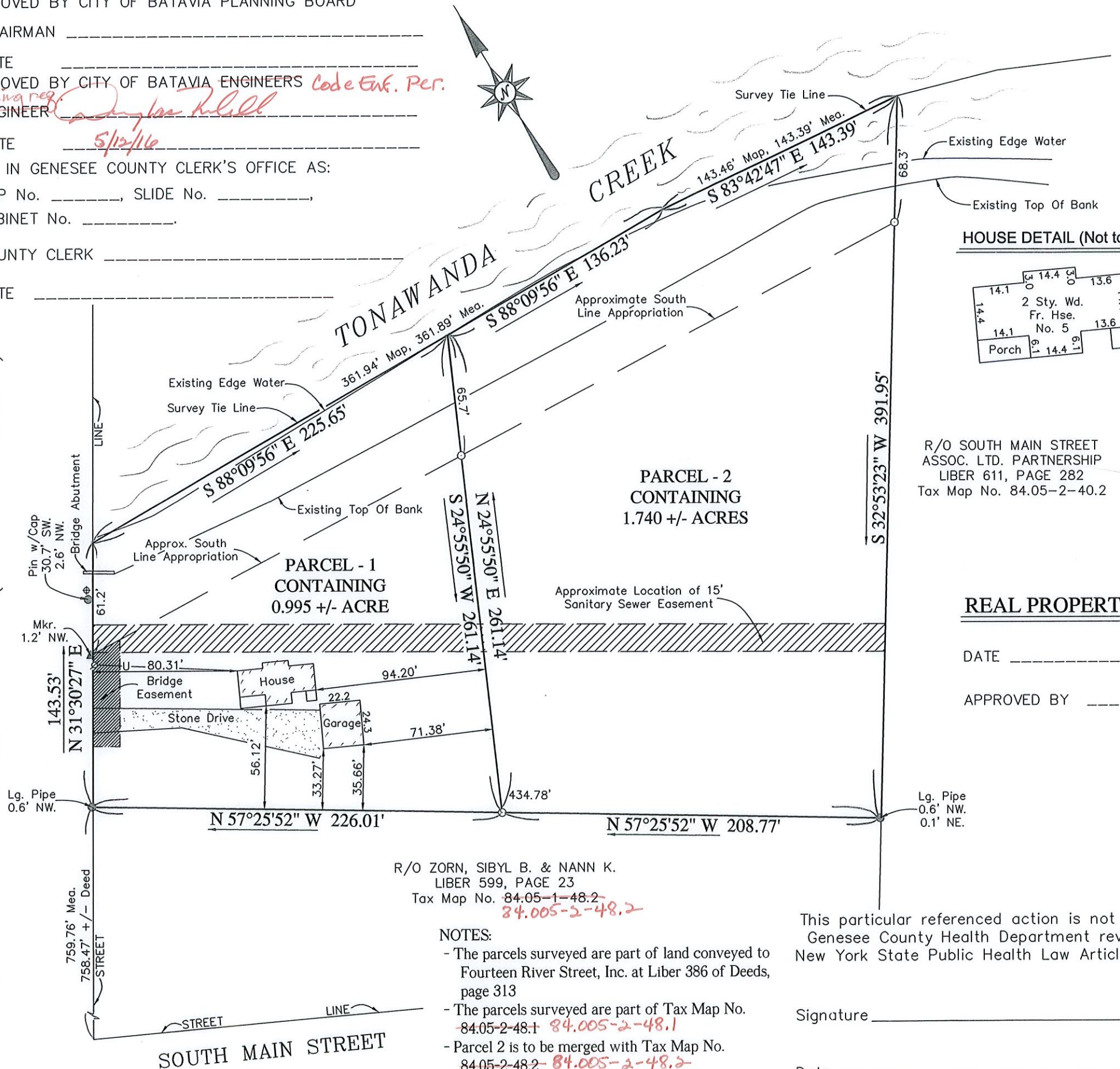
COUNTY CLERK _____

DATE _____

(R.O.W. VARIES)

STREET

RIVER



R/O ZORN, SIBYL B. & NANN K.
LIBER 599, PAGE 23
Tax Map No. 84.05-1-48.2
84.005-2-48.2

NOTES:

- The parcels surveyed are part of land conveyed to Fourteen River Street, Inc. at Liber 386 of Deeds, page 313
- The parcels surveyed are part of Tax Map No. *84.05-2-48.1 84.005-2-48.1*
- Parcel 2 is to be merged with Tax Map No. *84.05-2-48.2 84.005-2-48.2*

This particular referenced action is not subject to Genesee County Health Department review under New York State Public Health Law Article 11 Title II

Signature _____

Date _____

LEGEND

- EXISTING IRON STAKE
- ▲ EXISTING CONCRETE MARKER
- SET IRON PIN
- ⊕ GAS LINE MARKER
- ⊗ UTILITY POLE
- U- OVERHEAD UTILITY LINES

GREGORY W. TOWNSEND

Licensed Land Surveyor
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313

REFERENCES

- SURVEY MAP BY DONALD R. THOMAS, L.S., DATED OCTOBER 19, 1989
- PERO SUBDIVISION FILED AT MAP CABINET NO. 1, SLIDE NO. 27, MAP NO. 1007
- SURVEY MAP NO. 03-127 BY DAVID S. LAMENDOLA, L.S., LAST DATED SEPTEMBER 23, 2003
- ABSTRACT OF TITLE NO. 9184 - GENESEE COUNTRY ABSTRACT COMPANY
- APPROPRIATION BY THE PEOPLE OF THE STATE OF NEW YORK, BATAVIA FLOOD PROTECTION PROJECT, MAP NO. 103, PAGE NO. 107, FILED AT LIBER 313 OF DEEDS, PAGE 267
- EASEMENT TO THE CITY OF BATAVIA FOR SEWAGE FORCE MAIN FILED AT LIBER 398 OF DEEDS, PAGE 180
- EASEMENT TO THE NEW YORK TELEPHONE COMPANY FILED AT LIBER 423 OF DEEDS, PAGE 423
- EASEMENT TO THE CITY OF BATAVIA FOR BRIDGE MAINTENANCE FILED AT LIBER 430 OF DEEDS, PAGE 926

"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

REAL PROPERTY TAX SERVICES

DATE _____

APPROVED BY _____

I HEREBY CERTIFY THAT THIS LAND SEPARATION AND MERGER WAS PREPARED BY ME, AND WAS MADE FROM AN ACTUAL SURVEY COMPLETED BY ME ON MARCH 8, 2016 AND REFERENCES LISTED HEREON

BOUNDARY SURVEY SHOWING THE SEPARATION AND MERGER OF LANDS OF FOURTEEN RIVER STREET, INC., BEING PART OF ORIGINAL VILLAGE LOTS 65 AND 66. SITUATE IN THE CITY OF BATAVIA, COUNTY OF GENESEE AND STATE OF NEW YORK

MARCH 8, 2016

SCALE 1" = 60'



DATE

N.Y.S.R.L.S. No. 50249

Douglas E. Randall

From: Douglas E. Randall
Sent: Friday, May 27, 2016 1:16 PM
To: 'Felipe Oltramari'
Subject: RE: 59 N Lyon St.

Thanks, we'll have to make that a condition as well

From: Felipe Oltramari [mailto:Felipe.Oltramari@co.genesee.ny.us]
Sent: Friday, May 27, 2016 1:13 PM
To: Douglas E. Randall <DRandall@batavianewyork.com>
Subject: FW: 59 N Lyon St.

Doug,

See below. Looks like he will have to merge the parcels. We'll make that a modification.
Have a great weekend.

-Felipe

Felipe A. Oltramari, AICP, CNUA
Director
Genesee County Department of Planning
3837 West Main Street Road
Batavia, NY 14020-9404
Felipe.Oltramari@co.genesee.ny.us
(585) 815-7901
(585) 345-3062 (fax)
On the web at: www.co.genesee.ny.us/departments/planning

From: Brett Frank
Sent: Friday, May 27, 2016 1:09 PM
To: Felipe Oltramari
Subject: RE: 59 N Lyon St.

Hi Felipe,

I just looked into the parcels you referenced below and no these two properties were never officially merged. For the 2016 Roll year they are still listed as two separate parcels 84.006-3-3 (Residence) & 84.006-3-2 (Res. Vacant Land), I also double checked the Parcel history database and there is nothing showing that a merge request was ever filed for these two properties. Please feel free to let me know if you need any other information and I'll be happy to assist.

From: Felipe Oltramari
Sent: Friday, May 27, 2016 12:11 PM
To: Brett Frank
Subject: 59 N Lyon St.

Hi Brett,

I called and was wondering if you could look into a discrepancy we ran into today. The attached survey shows a home at 59 N. Lyon St. in the City on a single parcel, but the tax map shows it as two separate parcels 84.006-3-3 and 84.006-3-2. Were these properties ever officially merged?

Thanks,

-Felipe

Felipe A. Oltramari, AICP, CNUA

Director

Genesee County Department of Planning

3837 West Main Street Road

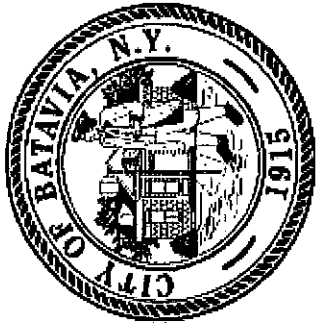
Batavia, NY 14020-9404

Felipe.Oltramari@co.genesee.ny.us

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City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
 Planning and Development Committee
 Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 5/25/16

Re: 59 Lyon St.
 Tax Parcel No. 84.006-3-3

Zoning Use District: R-1A

The applicant, Randy White (owner), has applied for a permit to add a driveway to the southeast portion of this property by placing pavers and loose stone to form a 16' wide x 60' long area for parking. This would be in addition to the existing 12' wide asphalt driveway in the northeast portion of this property.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (13).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the right of way of a state road or highway.

City Planning and Development Committee- Pursuant to section 190-49 C. of the zoning ordinance, the Planning and Development Committee shall review and make recommendations to the ZBA for applications that include parking variances.

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Area

BMC Sec. 190-39 E (1) The width of driveways shall not exceed 25% of the lot frontage.

	<u>Permitted</u>	<u>Proposed</u>	<u>Difference</u>
Driveway width	18.75' (25%)	29' (38.6%)	10.25' (13.6%)

SEND OR DELIVER TO:

GENESSEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:

GCDP Referral # _____

*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

Required According to:

GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N

(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATIONBoard(s) Zoning Board of AppealsAddress One Batavia City CentreCity, State, Zip Batavia, NY 14020Phone (585) 345 - 6347 Ext. _____Name Randy WhiteAddress 59 Lyon St.City, State, Zip Batavia, NY 14020Phone (585) 409 - 5655 Ext. _____ Email _____**MUNICIPALITY:** ☒ **City** ☐ **Town** ☐ **Village of Batavia****3. TYPE OF REFERRAL: (Check all applicable items)**

- ☒ Area Variance
☐ Use Variance
☐ Special Use Permit
☐ Site Plan Review

- ☐ Zoning Map Change
☐ Zoning Text Amendments
☐ Comprehensive Plan/Update
☐ Other: _____

- Subdivision Proposal
☐ Preliminary
☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:A. Full Address 59 Lyon St.B. Nearest intersecting road Richmond Ave.C. Tax Map Parcel Number 84.006-3-3

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) R-1A**5. REFERRAL CASE INFORMATION:**

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ **NO** ☐ **YES** If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-39 E(1)C. Please describe the nature of this request Approval to place an additional driveway on this property in excess of the total driveway width permitted.**6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral**

- ☒ Local application
☒ Site plan
☐ Subdivision plot plans
☐ SEQR forms

- ☐ Zoning text/map amendments
☐ Location map or tax maps
☐ Elevation drawings
☐ Agricultural data statement

- ☐ New or updated comprehensive plan
☒ Photos
☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.Email to planning@co.genesee.ny.us**7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)**Name Douglas RandallTitle Code Enf. OfficerPhone (585) 345 - 6327

Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020Email drandall@batavianewyork.com



CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____
Hearing Date/Time: _____

APPLICANT: Randy White N/A
Name 59 N. Lyon St. E-Mail Address N/A
Batavia NY Phone 409-5655 Fax N/A
City State Zip

STATUS: ☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER: Same as above
Name _____ E-Mail Address _____
Street Address _____ Phone _____ Fax _____
City State Zip

LOCATION OF PROPERTY: 59 Lyon St., Batavia

DETAILED DESCRIPTION OF REQUEST: Add driveway (stone) to
South East Corner of my lot.
Size will be 16' wide By 66' Long.

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Randy White 5/17/16
Applicant's Signature Date
Randy White 5/17/16
Owner's Signature Date

TAX PARCEL: 84.006-3-3 **To be Filled out by Zoning Officer** R-1A. **FLOOD PLAIN:** No
ZONING DISTRICT: R-1A.
TYPE OF APPEAL: ☒ Area Variance **FEE:** ☒ \$50 (One or Two Family Use)
_____ Use Variance _____ \$100 (All other Uses)
_____ Interpretation
_____ Decision of Planning Committee

Provision(s) of the Zoning Ordinance Appealed: BMC 190-39 E (1) driveway width shall
not exceed 25% of the lot width.

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain how the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties.
No it will not create these issues.

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. There are no other cures.

3. **Substantiality.** The requested area variance is not substantial. No it is not.

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community.
No it will not.

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. No.



Applicant's Signature

Date

5/17/16



Permit No. _____
Date: _____

DRIVEWAY AND PARKING SPACE PERMIT
\$10 fee – Please attach Survey / Illustration

APPLICANT:

Randy White

Name _____ E-mail Address _____
59 N Lyon St 585-409-5655

Street Address _____ Phone _____
Batavia NY 14020

City _____ State _____ Zip _____

☒ Owner _____ Agent for Owner _____ Contractor _____

OWNER:

Same as Above

Name _____ E-mail Address _____

Street Address _____ Phone _____

City _____ State _____ Zip _____

ADDRESS OF PROPERTY: 59 N Lyon St Batavia NY 14020

DIMENSIONS OF EXISTING DRIVEWAY:

Width N/A Length N/A

DIMENSIONS OF NEW DRIVEWAY / ADDITION:

Width 16'6" Length 66'

SURFACE MATERIAL: Existing N/A Proposed Stone / Pavers

Randy White 5/17/16
Applicant's Signature Date

Randy White 5/17/16
Owner's Signature Date

To be filled out by Zoning Enforcement Officer

TAX PARCEL: _____ **ZONING DISTRICT:** _____ **SURVEY:** _____

DIMENSIONS OF LOT: Lot Frontage 75' Front Yard 75'

PERCENTAGE OF LOT FRONTAGE: 38.6% **SURFACE MATERIAL:** Stone

APPROVED: _____ **AREA VARIANCE:** ☒ **GRADE PLAN:** _____

ISSUING OFFICER: _____ **DATE:** _____

18.75' Permitted
- 29' Proposed.
10.25' Over
2BA Reg.

12.5' Existing driveway.
+ 16.5' New/Additional driveway.
29' Total = 38.6%

N LYON ST

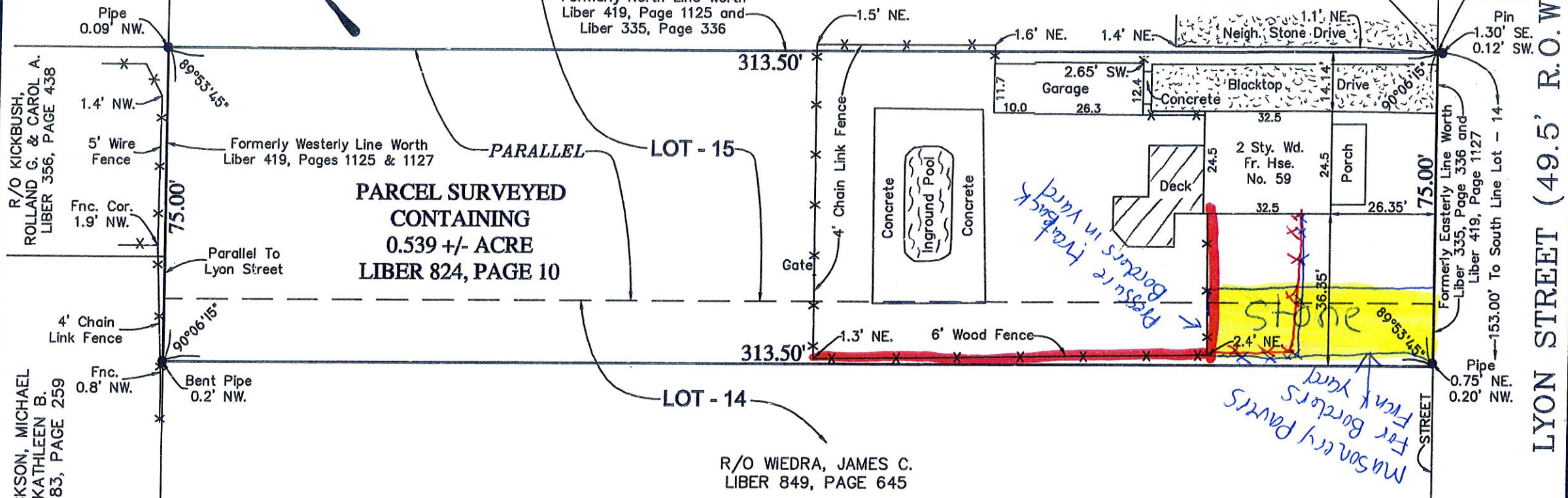
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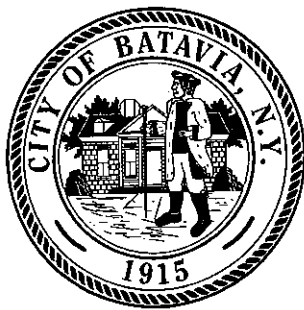


R/O WEATHERALL, WILLIAM E.
LIBER 840, PAGE 233

Formerly Northeastly Corner
Gerald L. & Margaret P. Worth
Liber 335, Page 336

Drive
On Line
Pin
1.30' SE.
0.12' SW.






City of Batavia

Memorandum

To: Planning and Development Committee

From: Jason Molino, City Manager 

CC: Felipe Oltramari, Planning Director

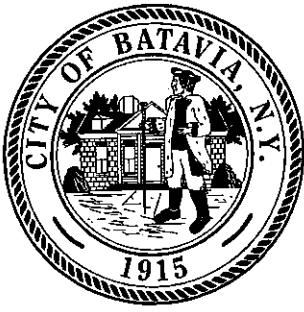
Date: June 23, 2016

Subject: Draft Sign Regulations

Attached please find draft sign regulations and modifications to section 190-3. Definitions of the Batavia Municipal Code.

The draft sign regulations reflect a change in format last discussed with the PDC. The format is easy to read and user friendly when compared to the current code format. The Genesee County Planning Department put together this draft based on the current sign regulations and input from prior PDC discussions on electronic message boards. Doug Randall and I have met with Felipe and reviewed the draft. This would replace the entire sign section (190-43) plus table Exhibit A. Several components of the sign code include:

- Staying away from content based regulations. This affected the exempt signs section (G) the most, but also eliminates the special events signs section (I), barber poles section (O) and business signs section (P) from the current code.
- The updated definitions section (190-3) matches the language in this draft (i.e. Sidewalk signs—more commonly used instead of sandwich board signs) and to remove content based language (i.e. Price Pods).
- Sections GG and HH were added at the end of the code.
- The former section (S) granting special sign permits was eliminated and changed to an appeals process to make it a function of the Zoning Board of Appeals for dimensional relief only as outlined in section (FF) of the draft.
- Signs in the C-3 and H-O districts can only be externally illuminated.



City of Batavia

- Section (M) Allocation of Overall Sign Area provides for maximum square footage coverage for specific sign types in specific zoning districts.
- The addition of the Electronic Message Boards section included content from prior discussions.

Remaining issues we would like to discuss with the PDC at the June 28th meeting include:

- Updating the City's Downtown Design Guidelines to create set standards under 190-17, C-3 Central Commercial Districts, Section D, [8] Signs and awnings. Creating a section of standards under this section would allow applications for sign permits to be approved by the Department of Public Works if all the standards were met. This would achieve a desired sign compliance and consistent standard while streamlining the approval process, not requiring an applicant to appear in front the County Planning Board or City Planning and Development Committee.
- We would like to discuss if the code should include electronic message boards on marquee signs.
- Section I. Exempt Signs requires some additional review by staff so as to ensure all temporary signs are consistent with the existing code. Due changes in content-based restrictions in sign codes the draft regulation makes a best effort to minimize references to content within the code. This has required some generalization in temporary signs as different content-based signs have different size restrictions in the current code. Some addition review by staff and consultation with the City Attorney is required prior to finalizing this section.
- Section Z. Electronic Message Boards. Under General Provisions, section 4 outlines the timeframe for message changes. This was intentionally left blank as the PDC needs to determine the seconds, minutes or hours for this regulation.
- With respect to electronic message board that exist now but will not be authorized in a district should the recommended draft be adopted, Can owners keep it and use it as an electronic message board, or must it stay as an electronic static sign?

§ 190-43 Signs.

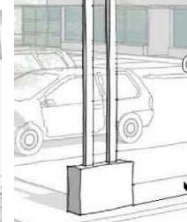
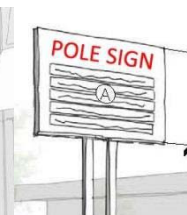
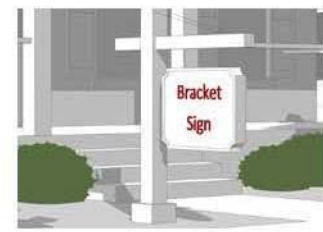
- A. Statement of Purpose.** The purpose of this section is to promote the public health, safety and welfare of the community by regulating the placement and size of outdoor signs and advertising displays. It is intended to protect all property values by ensuring that individual signs do not detract from the overall appearance and safety of the community.

B. Applicability.

- (1) Permit required. It is unlawful for any person to erect, enlarge, relocate or change the copy of any sign other than those identified as exempt in this section, without first obtaining a sign permit and paying the fee therefor as provided in this section. Routine maintenance of existing signs, not involving erection, enlargement, relocation or change of copy, shall not require a permit.
- (2) All signs must be located on the same lot as the permitted use and be clearly incidental, customary and commonly associated with the operation of the permitted use.

- C. Application for Permit.** Application shall be made in writing to the Department of Public Works on forms prescribed and provided by the City of Batavia and shall contain the following information:

- (1) Name address and telephone number of applicant and property owner.
- (2) Location of building, structure or land upon which the sign now exists or is to be erected.
 - (a) If a new sign is to be erected, elevation and plan drawings should be included. A clear description of the placement and appearance of the proposed sign should include the following:
 - [1] Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
 - [2] The method of illumination, and position of lighting.



[3] Graphic design, including symbols, letters, materials, and possible color combinations.

- (b) If the sign is in compliance, the Department of Public Works shall issue a permit for the proposed or existing sign. On the other hand, the Department of Public Works shall give written notice to the applicant if the sign application has been denied.

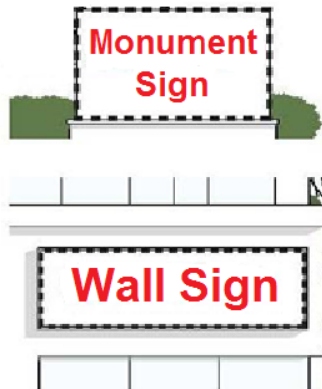
D. Common Sign Plan. A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

E. Computation of Sign Type Area. The area of a sign type is determined as follows:

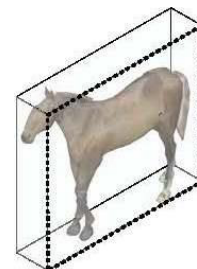
- (1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



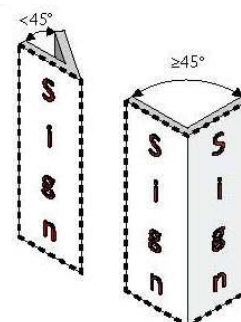
- (2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



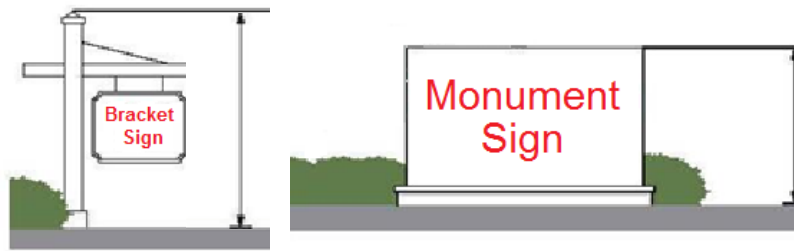
- (3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



- (4) The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.



- F. Measurement of Sign Height.** The total height of a freestanding sign is measured from the highest point of the sign or supporting structure to the adjacent grade.



- G. Fees.** Fees for sign permits shall be as set by resolution of the City Council.
- H. Permitted Signs.** All signs shall be allowed that comply with the provisions and conditions set forth in this Section, and all signs not so compliant are specifically prohibited.
- I. Exempt Signs.** The following signs are considered to be exempt from obtaining a permit, but not exempt from the provisions of this section. Exempt signs of a temporary nature shall not be attached to fences, utility poles or the like and shall not impair traffic visibility. Exempt signs, not in compliance with the provisions of Subsections (1) through (5) below may not continue after the effective date of any amendment of this section.
- (1) Historical markers, tablets and statues, memorial signs or plaques; when cut into masonry surface or when constructed of bronze, stainless steel or similar material and not exceeding six square feet.
 - (2) Flags
 - (3) Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two square feet per face.
 - (a) "Warning," "private drive," "posted" or "no trespassing" signs shall not be in excess of four feet in height and shall not be in excess of two square foot per face. A maximum of one posted, "warning" or "no trespassing" sign shall be permitted to be placed along the perimeter of property lines at intervals not less than 100 feet apart. This restriction will not apply to properties owned by public entities or utility companies.
 - (4) Three or fewer temporary signs (window, posters, lawn, and directional) not exceeding 60 days.
 - (5) Decorations, including lighting
- J. Prohibited Signs.**
- (1) No off-premises signs shall be allowed other than those allowed under the exempt signs section (Sec. I above).
 - (2) No sign shall be illuminated by or contain flashing, rotating, scrolling or moving lights.
 - (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design color or placement.
 - (4) No sign shall be placed upon the roof of any building.
 - (5) No sign shall consist of or simulate moving, revolving or fluttering devices such as ribbons and streamers.
 - (6) No advertising message shall be extended over more than one sign placed along a street or highway.
 - (7) No signs shall be attached to utility poles in all zones of the City of Batavia. No permanent, temporary or exempt signs shall be attached, placed, painted or drawn upon fences, trees or man-made or natural features, including permanent, temporary or exempt signs.

- (8) No signs shall be placed anywhere within the City or state rights-of-way without the permission of the Department of Public Works, excepting awning signs, canopy signs, projecting signs, and shingle signs in commercial, industrial and planned development districts not exceeding six square feet and sidewalk signs not exceeding 20 square feet in commercial industrial and planned development districts. All signs must be a minimum of 18 inches inside the street line.

K. Portable Signs.

- (1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.
- (3) Portable signs must be removed after 60 days. Another portable sign permit can be applied for 30 days after removal of a portable sign.

- L. Sign Types Allowed by District.** Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

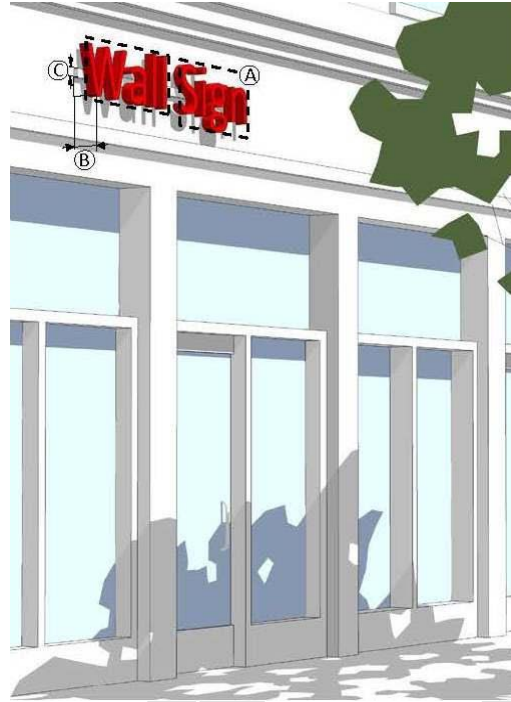
Sign Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, P-1, P-2, P-3	L
Wall Sign	●	●	●	●	●	●	●	
Awning Sign			●	●	●	●	●	
Canopy Sign			●	●	●	●	●	
Projecting Sign	●	●	●	●	●			
Shingle Sign	●	●	●	●	●	●		
Window Sign			●	●	●	●	●	
Pole Sign				●		●		
Monument Sign		●	●	●	●	●	●	●
Marquee Sign				□	●			
Iconic Sign			□	□	●			
Bracket Sign	●	●	●	●	●	●	●	●
Sidewalk Sign			●	●	●			
Electronic Message Board				◇		◇		

KEY: ● = Sign type allowed □ = Sign type allowed on State highways Blank Cell = Sign type not allowed

◇ = Sign type allowed on State highways except where directly adjacent to the H-O District

M. Allocation of Overall Sign Area The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for only one free standing sign per 200 feet of street frontage and one building mounted sign per establishment per building wall visible from a public right-of-way is allowed (awning and window signs excluded). The total area of wall or canopy signs shall not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

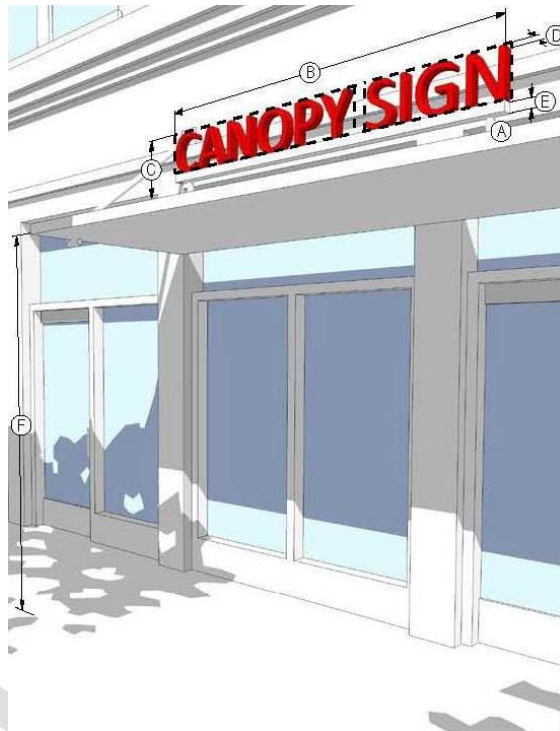
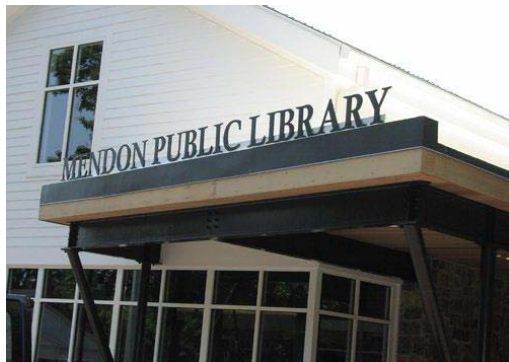
Sign Types	Zoning Districts										
	R-1 R-1A R-2	R-3	C-1	C-2	C-3 H-O	I-1	I-2	P-1	P-2	P-3	L
Wall Sign	2 sf	2 sf	10%	15%	15%	15%	15%	15%	15%	10%	
Awning Sign	2 sf	2 sf	15%	25%	20%	20%	20%	20%	20%	20%	
Canopy Sign			15%	25%	20%	20%	20%	20%	20%	20%	
Projecting Sign	2 sf	2 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	
Shingle Sign	2 sf	2 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	
Window Sign			25%	25%	25%	25%	25%	25%	25%	25%	
Pole Sign				40 sf		15 sf					
Monument Sign		15 sf multi-family only	15 sf	40 sf	15 sf	15 sf	15 sf	15 sf	15 sf	6 sf	6 sf
Marquee Sign				100 sf	175 sf						
Iconic Sign			15 sf	40 sf	15 sf						
Bracket Sign	2 sf	2 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	6 sf	
Sidewalk Sign			20 sf	20 sf	20 sf						
Electronic Message Board				12 sf		4.5 sf					

N. Wall Signs.

Description		
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> 1. No portion of a wall sign may extend beyond the ends, above the roof line, above a parapet wall of a building with a flat roof, or above the second story in a building with more than two stories. 2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof. 3. A wall sign cannot cover windows or architectural details. 4. A wall sign can be externally or internally illuminated in accordance with <u>Sec. AA</u> below, except for signs in the C-3 and H-O Districts which may only be externally illuminated. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Projection - measured from building facade (max)	15 in.
C	Electrical raceway (max % of letter height)	50%

O. Awning Signs.

Description		
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.		
General Provisions		
<ol style="list-style-type: none"> 1. An awning sign cannot extend outside the awning. 2. Only awnings over ground story doors or windows may contain signs. 3. A maximum of one sign is allowed per awning face per establishment. 4. Signs are only allowed in the vertical areas of the awning. 5. An awning sign may only be externally illuminated in accordance with <u>Sec. AA</u> below. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Width (max % of awning width/depth)	75%
C	Height of text and graphics on valance (max)	2 ft.

P. Canopy Signs.

Description		
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> 1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy. 2. A maximum of one sign is allowed per canopy per establishment. 3. A canopy sign must be located over an accessible building entrance. 4. Electrical raceways are permitted for signs extending below or above the canopy. Otherwise, electrical raceways are not permitted and the sign must be flush with the canopy face. 5. A canopy sign can be externally or internally illuminated in accordance with <u>Sec. AA</u> below, except for signs in the C-3 and H-O Districts which may only be externally illuminated. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Electrical Raceway (max % of letter height)	50%
F	Clear height above sidewalk (min)	10 ft.

Q. Projecting Signs.

Description		
A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.		
General Provisions		
<ol style="list-style-type: none"> 1. A projecting sign must be located at least 25 feet from any other projecting sign. 2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards. 3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building. 4. Buildings four stories and higher, a projecting sign must be located below the window sills of the 4th story. 6. A projecting sign can be externally or internally illuminated in accordance with <u>Sec. AA</u> below, except for signs in the C-3 and H-O Districts which may only be externally illuminated. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height ⁽¹⁾ (max)	
	Mounted below 2nd floor	4 ft.
	Mounted on 2nd or 3rd floor	8 ft.
C	Spacing from building facade (min/max)	1 ft./2 ft.
D	Projection width (max)	6 ft.
E	Depth (max)	1 ft.
F	Clear height above sidewalk (min)	10 ft.

(1) If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.

R. Shingle Signs.

Description		
A small projecting sign that hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> 1. A shingle sign must be located within 5 feet of an accessible building entrance. 2. The hanging bracket must be an integral part of the sign design. 3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building. 4. A shingle sign cannot be illuminated. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height (max)	3 ft.
C	Spacing from building facade (min/max)	6 in./12 in.
D	Projection width (max)	3.5 ft.
E	Depth (max)	6 in.
F	Clear height above sidewalk (min)	10 ft.

S. Window Signs.



Description	
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.	
General Provisions	
<ol style="list-style-type: none"> 1. Windows signs are only allowed on ground and second story windows and doors, except that second story windows signs are only allowed if for a different establishment than that of the ground story and if no other sign is attached to the building for that establishment. 2. A window sign can only be internally illuminated in accordance with <u>Sec. AA</u> below. 	
Standards	
A	Overall area allocation (max): <u>Sec. M</u> above.

T. Pole Signs.

Description		
A freestanding sign constructed on a structure of one or more poles.		
General Provisions		
<ol style="list-style-type: none"> 1. One pole sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart. 2. A pole sign must be set back at least 5 feet from any property line. 3. A pole sign can be externally or internally illuminated in accordance with <u>Sec. AA</u> below. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height (max)	25 ft. (C-2), 18 ft. (I-2)
C	Vertical clearance (min/max)	10 ft./15 ft.

U. Monument Signs.

Description		
A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.		
General Provisions		
<ol style="list-style-type: none"> 1. One monument sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart. 2. A monument sign must be set back at least 5 feet from any property line, except for signs in the Land Conservation (L) District where the sign has to be 10 feet from any property line. 3. A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation. 4. A monument sign can be externally or internally illuminated in accordance with <u>Sec. AA</u> below, except for signs in the C-3 and H-O Districts which may only be externally illuminated. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height (max)	6 ft.
C	Depth (max)	18 in.

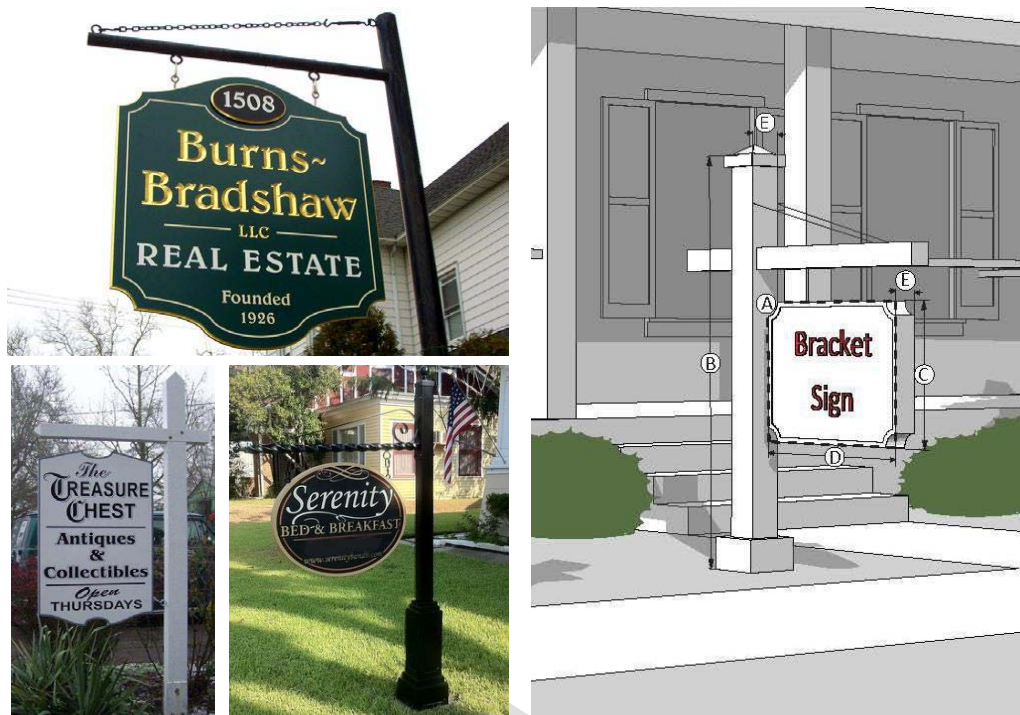
V. Marquee Signs.



Description		
A sign attached to the top or the face of a permanent roof-like structure.		
General Provisions		
<ol style="list-style-type: none"> 1. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly, large or small; cultural facility; school, college/university; hotel/hostel; amusement facility, indoor or outdoor; or live entertainment. 2. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side. 3. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports. 4. All marquees, including anchors, bolts, supporting rods and braces, must be constructed of non-combustible material and must be designed by a licensed design professional. 5. Water from the marquee roof must not drain, drip, or flow onto the surface of a public right-of-way. Sufficient gutters, downspouts, and drains must be installed as part of each marquee to prevent water from flowing onto the surface of a public right-of-way. 6. A marquee sign can be externally or internally illuminated in accordance with <u>Sec. AA</u> below. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Vertical clearance from sidewalk level (min/max)	10 ft.
C	Setback from curb line (min)	18 in.

W. Iconic Signs.

Description		
A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.		
General Provisions		
<ol style="list-style-type: none"> 1. A maximum of one iconic sign is permitted per establishment. 2. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information. 3. The top of an iconic sign can be no higher than the top of the building. However, on one story buildings, the top of an iconic sign may have a maximum of 20% of the sign height above the top of the building. 4. Buildings four stories and higher, an iconic sign must be located below the window sills of the 4th story. 5. An iconic sign can be externally or internally illuminated in accordance with <u>Sec. AA</u> below, except for signs in the C-3 and H-O Districts which may only be externally illuminated. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Projection from wall (max, including supports)	5 ft.
C	Vertical clearance from sidewalk level (min)	10 ft.
D	Setback from curb line (min)	18 in.

X. Bracket Signs.

Description		
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> 1. Only one bracket sign is allowed per building. 2. A bracket sign must be located at least 25 feet from any other bracket sign. 3. The hanging bracket must be an integral part of the sign design. 4. A bracket sign can only be externally illuminated in accordance with <u>Sec. AA</u> below. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Sign structure height (max)	5 ft.
C	Sign area height (max)	3 ft.
D	Sign area width (max)	3 ft.
E	Sign structure/area depth (max)	6 in.

Y. Sidewalk Signs.



Description		
A moveable sign not secured or attached to the ground or surface upon which it is located.		
General Provisions		
<ol style="list-style-type: none"> 1. Sidewalk signs do not require a permit but must be taken inside the place of business at the close of business. 2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign. 3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. 4. A sidewalk sign cannot be illuminated. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height (max)	5 ft.
C	Width (max)	4 ft.

Z. Electronic Message Boards.

Description
<p>Any sign that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method; that is designed to provide an electronic message or display that may generate and periodically changed using an internal, external or remotely located electronic control system; which contains an illuminated, programmable message or graphic, whether fixed or moving.</p>
General Provisions
<ol style="list-style-type: none"> 1. Electronic message boards are allowed as part of a permanent freestanding sign and can only comprise as much as 30% of the total square footage allowed for the free standing sign. 2. One electronic message boards is allowed per street frontage and shall also be considered a pole or monument sign per the density/spacing provision in those sections above. 3. An electronic message board must be set back at least 5 feet from the front property line and 10 feet from a side property line. 4. An electronic message board may not change or move more often than once every ____ minutes, 5. The images and messages displayed must be static and shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation or any similar effect of animation. 6. The transition from one static display to another must be instantaneous without any special effects. 7. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

8. An electronic message board must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the city that it is not complying with the standards of this law.
9. An electronic message board must not be brighter than is necessary for clear and adequate visibility.
10. An electronic message board must not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
11. An electronic message board must not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
12. An electronic message board must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
13. An electronic message board must not be equipped with audio speakers, excluding two-way communication devices.
14. Electronic message boards (except static numeric signs) require an annual permit to defray the City's cost to monitor and regulate their operational mode in accordance with the provisions of this chapter. Failure to obtain and maintain such annual permit will constitute a violation and the operation of the sign must be terminated. The cost of this permit shall be established as deemed appropriate through approval of City Council resolutions.
15. If any electronic message board under annual permit is found to be in violation of the operational restrictions/regulations as stipulated in this section, the person affected by the notice of violation or order issued in connection with the enforcement of any provision of this section, may request and shall be granted a hearing before the City Planning and Development Committee, provided that such person shall file in the Department of Public Works a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his or her address upon whom orders may be served, and setting forth the reasons why such notice of violation or order should be modified or withdrawn.

Standards

A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height (max)	25 ft. (C-2), 18 ft. (I-2)
C	Vertical clearance (min/max)	10 ft./15 ft.

AA. Sign illumination.

Illumination of signs must be in accordance with the following requirements.

(1) External Illumination

- (a) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
- (b) Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.



External light sources

(2) Internal Illumination

- (a) Channel letters may be internally lit or back-lit.
- (b) For wall, projecting, pole, and monument signs the background must be opaque or a darker color than the message of the sign.
- (c) Exposed neon may be used for lettering or as an accent.



Internally lit channel letters

(3) Prohibited Light Sources.

The following light sources are not allowed:

- (a) Blinking, flashing and chasing; and
- (b) Bare bulb illumination except for Marquee Signs.



Back lit channel letters

(4) Electrical Raceways and Transformers

- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.



Internally lit signs with darker background

BB. Nonconforming Signs.

- (1) Any sign or other advertising structure lawfully in existence on the date this amendment to this section is enacted or the effective date of any amendment to this section may continue and shall be maintained.
- (2) An existing sign may change the face or panel of the sign that does not meet the area or height standards of this law. However, in no instance can there be an increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. AA above.
- (3) A sign must be brought into compliance with this law if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.
- (4) If the repair is caused by involuntary damage or casualty and not deferred maintenance, the sign may be repaired to any extent.

CC. Removal of Signs. Any sign, existing on or after the effective date of this amendment to this section, which is no longer associated with the establishment upon which such a sign is located, or is unsafe shall be removed within 30 days upon written notice from the Department of Public Works.

DD. Maintenance. All signs shall be maintained in such a condition so as to not constitute a danger to the public health, safety or welfare. The Department of Public Works shall inspect and have the authority to order the painting, repair and alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

EE. Construction Standards. All signs shall be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70). The Department of Public Works shall have the option to require a review by the City Engineer. If the City Engineer finds the mounting technique questionable, a professional review by a New York State registered engineer would be required.

FF. Appeal procedures. Any person aggrieved by a decision of the Department of Public Works relative to dimensional provisions of this section may appeal such decision by applying for an area variance. The Department of Public Works shall refer the application to the Zoning Board of Appeals for approval or denial. In granting a variance, the Zoning Board of Appeals must determine that the sign is in harmony with the general purposes of this section, does not harm the neighborhood character, and is not detrimental to public health, safety or welfare. The Zoning Board of Appeals should also consider the benefit to the applicant versus the detriment to the community in the granting of any variance.

GG. Substitution Clause. The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

HH. Severability Clause. Should any section or provision of this law be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the law as a whole or any part thereof, other than the part so declared to be invalid.

Modifications to section 190-3:

SIGN

(1) AWNING/~~CANOPY~~ SIGN

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.~~A sign incorporated into an awning attached to a structure.~~

(2) BRACKET SIGN

A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.

(3) CANOPY SIGN

A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

~~(2) COPY CHANGE SIGN~~

~~A sign on which the visual message may be periodically changed.~~

~~(3)~~(4) DIRECTIONAL SIGN

A permanent sign which is designed for the purpose of directing traffic or pedestrian traffic to the location of an activity or business. ~~A logo or advertising is not permitted.~~

(5) ELECTRICAL RACEWAY

A raceway (sometimes referred to as a raceway system) is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.

(6) ELECTRONIC MESSAGE BOARD

Any sign that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method; that is designed to provide an electronic message or display that may generate and periodically changed using an internal, external or remotely located electronic control system; which contains an illuminated, programmable message or graphic, whether fixed or moving.

~~(4)~~(7) FREESTANDING SIGN

A self-supporting sign not attached to any building, wall or fence, but in a fixed location, includes pole signs, pylon signs, and masonry wall-type signs, but does not include portable trailer-type signs.

(8) ICONIC SIGN

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

~~(5)~~(9) ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light either for the interior or exterior of the sign, and which includes reflective and phosphorescent light.

~~(6)~~(10) MARQUEE SIGNS

~~A sign attached to the top or the face of a permanent roof-like structure. A sign, usually associated with a movie house or playhouse, projecting over an entrance to a building.~~

(11) MONUMENT SIGN

A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.

~~(7)~~(12) OFF-PREMISES SIGN

A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

(13) POLE SIGN

A freestanding sign constructed on a structure of one or more poles.

~~(8)~~(14) PORTABLE SIGN

A sign designed to be portable and not structurally attached to the ground, building, structure or another sign.

~~(9)~~ PRICE POD

~~A secondary sign located on the same pole as a primary freestanding dedicated to displaying prices of products, such as gasoline, sold on premises~~

~~(10)~~(15) PROJECTING SIGN

~~A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.~~
~~A sign which hangs perpendicular to a building wall.~~

(16) SHINGLE SIGN

A small projecting sign that hangs from a bracket or support.

(17) SIDEWALK SIGN

A moveable sign not secured or attached to the ground or surface upon which it is located.

~~(11)~~(18) SIGN

A structure or device designed or intended to convey information to the public in written or pictorial form.

~~(12)~~ SIGN DIRECTORY

~~A listing of two or more business enterprises, consisting of a matrix and sign components.~~

~~(13)~~(19) SIGN STRUCTURE

The supports, uprights, bracing and framework for the sign. ~~In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or the projections thereof exceeds 30°, each side shall be considered a separate sign structure.~~

(14)(20) SIGN SURFACE AREA

The entire area within the single, continuous perimeter enclosing the limits of writing representation, emblem or any figure or similar character. Supports, uprights or structures on which any sign is supported shall not be included in the sign face area unless it is an integral part of the sign.

~~(15) SUSPENDED SIGNS~~

~~A sign which hangs down horizontally from a plane surface such as a porch or other structural element.~~

(16)(21) TEMPORARY SIGN

A sign related to a single activity or event having a duration of no more than 60 days.

~~(17)(22) WALL SIGN~~

~~A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall. A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of such wall.~~

(18)(23) WINDOW SIGN

A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

Modifications to section 190-14 (D)(2)(d):

[8] ~~Signs and awnings~~Awnings. ~~Signs in the Downtown Batavia Business Improvement District shall comply with § 190-43 and the following:~~

~~{a} Primary signs are restricted to displaying the name of the business and some immediate relevant information only. They should be simple, straightforward and easy to read from a distance. Secondary information, such as details about the business, hours of operation, etc., should be reserved for smaller window signs which may be read close up at the pedestrian level.~~

~~{b} Primary signs should be located directly above the front door, within a vertical band down one side near the door, or on the awning face. Such signs should not project more than six inches from the plane of the facade.~~

~~{c}~~ Long, continuous lengths of awnings are not recommended. Instead, a series of similar sized smaller ones is preferred.

~~{d} Building identification and signs should be incorporated into the design of the facade itself, with a clear and distinguishable portion of the facade reserved solely for the purpose of framing it. It is recommended that lettering be applied directly to the building itself, instead of onto a sign which is tacked on the building. Colors should be kept to a minimum, and should complement those found on the building.~~

~~{e} Exterior box type backlit, moving, flashing or neon signs and awnings are discouraged. Other types of signs not recommended are those made of plywood and plastic materials.~~

~~{f} The use of small lettering on the inside of the upper floor windows to identify the businesses within is encouraged.~~