

# **ZONING BOARD OF APPEALS**

## ***Minutes***

**Thursday, January 24, 2019**

**6:00 pm**

**Council Board Room**

**One Batavia City Centre, Batavia, NY**

Members present: *Bill Cox, Nick Harris, Paul McCarthy,  
Leslie Moma*

Members absent: Deborah Kerr-Rosenbeck, Jim Russell

Others present: Meg Chilano – Recording Secretary, Ron Panek – Code  
Enforcement Officer

### **I. Roll Call**

Roll call of the members was conducted. Four members were present and Chairman McCarthy declared a quorum.

### **II. Call to Order**

Mr. McCarthy called the meeting to order at 6:00 pm.

### **III. Pledge of Allegiance**

### **IV. Approval of Minutes**

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved as written by unanimous consent.

**RESULT: Approval of December 20, 2018 minutes.**

### **V. Zoning Board of Appeals statement**

Mr. McCarthy explained the role of the Zoning Board of Appeals and the procedures it follows.

### **VI. Variance Request**

Area Variance: placement of a 5' x 5' free-standing pole sign on this  
parcel

Address: *999 Park Rd.*

Applicant: Scott Kiedrowski, VP/Operations for Batavia Downs

Actions: 1. Review proposal  
2. Public hearing and discussion  
3. Action by the board

## **1. Review Application**

Acting Vice Chair Nick Harris read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the proposal with the following modification: install a monument sign instead of a pole sign.

## **2. Public Hearing and Discussion**

**MOTION:** Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

**RESULT: Public hearing opened at 6:05 pm.**

Mr. Kiedrowski spoke on behalf of Batavia Downs. He explained that the sign directing drivers down Park Road to Batavia Downs was previously situated on the opposite street corner, on property which is not owned by the Downs, and is located within the Town of Batavia.

Mr. Kiedrowski said that Batavia Downs has many customers who come from Rochester and Buffalo and are unfamiliar with the area. He noted that this type of sign was chosen because it is the most economical, and added that the area around the sign will be beautified.

Councilwoman Rose Mary Christian spoke in support of the sign.

There was no one else who wished to speak, and no calls, letters, or emails regarding the proposal.

**MOTION:** Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 4-0.

**RESULT: Public hearing closed at 6:11 pm.**

Mr. Harris asked about monument signs, and Mr. Panek explained that this type of sign has a base that is in constant contact with the ground.

The Town of Batavia had asked the Downs to consider a directory below the sign for other facilities in the area. Mr. Panek told the board that it could allow for that option if it chose.

Mr. Cox and Mr. Harris expressed concerns regarding a monument sign possibly being obscured by snow.

Mr. McCarthy noted that the signs of other businesses in the area are on poles.

Mr. Cox asked if the sign is illuminated. Mr. Kiedrowski said that while the sign is reflective in nature, it is not lit.

Ms. Moma said that she favors the option of a directory. A directory would be efficient and keep the area from become cluttered with other signage.

Mr. Kiedrowski said he would prefer if the board restricted the directory to allow only for governmental entities but not commercial ones.

### 3. Action by the Board

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

**MOTION:** Mr. Cox moved to approve the proposal without modifications, with the option of a directory at the discretion of Batavia Downs, with a preference for municipal entities. The motion was seconded by Mr. Harris, and on roll call, was approved 4-0.

**RESULT: Approval of Area Variance.**

### VII. New Business

### VIII. Setting of Next Meeting: February 28, 2019

### IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:27 pm; Mr. Cox seconded. All voted in favor.



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Meg Chilano

Bureau of Inspection Secretary