

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

September 20, 2016

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

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

Members absent: Marc Staley (Alt.), Rachael Tabelski

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

I. Roll Call

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

II. Call to order

Mr. Preston called the meeting to order at 6:01 pm.

III. Previous Meeting Minutes

MOTION: Mr. Gray moved to approve the minutes; the motion was seconded by Mr. Flynn, and on roll call, was approved 3-0-1.

Votes in favor: 3 (Matt Gray, Edward Flynn, Duane Preston)

Votes opposed: 0

Votes abstained: 1 (Robert Knipe)

RESULT: Approval of August 16, 2016 meeting minutes.

IV. Proposals

- A. Placement of one exterior lit wall sign on the north elevation and one exterior lit wall sign on the south elevation of this commercial building located within the BID

Address: *164 Washington Ave.*

Applicant: Mike Hodgins (sign contractor)

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

1. Review Application

Mr. Preston read the summary of the proposal. Cindy Baird was present to speak for Mike Hodgins, who was able to attend.

2. Discussion and Action by the Board

Mr. Flynn asked if the signs are both under the 25% limit and Mr. Randall said they are. Mr. Flynn asked about the lighting and Ms. Baird referred the board to the photo. Mr. Preston

determined that signs are illuminated indirectly from lights already on the exterior of the building.

MOTION: Mr. Flynn moved to approve the sign and the Special sign; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Two sign permits approved.

- B. Special Sign Permit: Placement of one window mural to cover the entire window surface on the north elevation's west side of this commercial building located within the BID

Address: 206 East Main St.

Applicant: Vic Marchese (owner)

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

1. Remove Application from the Table

MOTION: Mr. Flynn moved to remove the application from the table; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

RESULT: Application removed from table.

2. Review Application

Mr. Preston summarized the proposal. Mr. Preston reported that the Genesee County Planning Board recommendation approval with modifications. The modification is that the mural must be reduced to comply with the City's requirement of 25% maximum sign coverage of the window space. The PDC had referred the application to the Zoning Board of Appeals for an interpretation. Mr. Preston read the ZBA's interpretation into the minutes. (See attached.)

Mr. Marchese said that other businesses have signs which cover the entire window and since his sign has holes in it, technically, it should only be counted as 50% coverage.

3. Discussion and Action by the Board

Mr. Preston noted that the rules for posters are different than those for signs. More coverage is allowed because they are meant to be temporary and not a permanent fixture in the window. Mr. Flynn told Mr. Marchese that his complaint about other businesses with signs exceeding the maximum allowable coverage is a matter for Code Enforcement.

Mr. Randall stated that Mr. Marchese's sign was cited as a result of a specific complaint regarding the size. He further stated that as a result of Mr. Marchese's complaints, the other properties will be cited and will go through the same process.

Mr. Preston pointed out that just because the sign has perforations, according to the interpretation, it does not mean it takes up less space on the window.

Mr. Gray commented that though he understands the interpretation of the mural as a sign according to the code, it does not have text and it is attractive.

Mr. Knipe commended Mr. Marchese on the appearance of the restaurant but observed that it is the board's job to make sure proposals are in compliance with the code. He added that this is the reason the PDC asked the ZBA for an interpretation.

Mr. Preston pointed out that the board recently denied a similar proposal for 59 Main St. Mr.

Flynn said that he interprets the 25% maximum allowable space as referring to the amount of window space on the first floor façade of the building.

Mr. Flynn asked if Mr. Marchese could reduce the size of the sign. Mr. Marchese responded that it would take away from the affect to make it smaller.

MOTION: Mr. Flynn moved to approve the application with the following modification: the eastern panel of the sign must be removed; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Special Sign Permit approved with modifications.

- C. Placement of two exterior lit wall signs on the south elevation of this commercial building located within the BID. One of the signs will require a Special Sign Permit

Address: 60 Main St.

Applicant: Brenden Mullen (business owner)

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

1. Remove Application from the Table

MOTION: Mr. Gray moved to remove the application from the table; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.

RESULT: Application removed from table.

2. Review Application

Mr. Preston summarized the proposal. Ms. Baird, from John's Studio, was available to answer questions.

3. Discussion and Action by the Board

Mr. Flynn asked if the signs are lit and Ms. Baird said they are not.

MOTION: Mr. Knipe moved to approve the application; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

RESULT: Sign permits approved.

V. Other/New Business/Updates: Sign Code Revision Update

City Manager Jason Molino outlined the updates made to the sign code based on recommendations from the Steering Committee. Following discussion, the board agreed on final changes:

- Projecting, Shingle and Bracket signs increased to 10 sq.' from 6 sq.'
- Clarify how overall area allocation is measured for window signs
- Require City Planning and Development Committee review of area variances for signs in the C-3 District

VI. Setting of Next Meeting: October 18, 2016

VII. Adjournment

Mr. Flynn moved to adjourn the meeting at 7:30 pm; the motion was seconded by Mr. Gray. All voted in favor.



Meg Chilano
Bureau of Inspection Clerk