

## PLANNING & DEVELOPMENT COMMITTEE

### MINUTES

March 17, 2015 6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Alfred McGinnis, Duane Preston*

Members absent: *Jeffrey Scott*

Others present: *Meg Chilano – Recording Secretary, Doug Randall – Code Enforcement Officer*

#### I. Roll Call

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

#### II. Call to order

Mr. Preston called the meeting to order at 6:06 pm.

#### III. Previous Meeting Minutes

Mr. McGinnis made a motion to approve the minutes; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

#### IV. Proposals

[Marc Staley came in late. His application was taken second.]

- A. Placement of a 7' x 4' free standing sign on an existing masonry base in the front yard of this commercial property

Address: *219 East Main Street*

Applicant: *Dennis Wilcox (sign contractor)*

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

##### 1. Review of Application

Mr. Wilcox reported that the current sign does not match Key Bank's new format. He explained that the new format consists of "Key Bank" at the top, with a small key beneath it. He said that the old box had a white plastic face and the whole sign was lit. According to Mr. Wilcox, the new sign is a bit wider than the previous sign. The new sign is composed of aluminum and with the lettering and logo cut out; the only part lighted is the lettering and the logo. Mr. Preston read the summary of the proposal, and noted that the Genesee County Planning Board recommended approval.

Mr. Flynn asked if the sign could be 6' instead of 7'. Mr. Wilcox answered that the sign is a standard size. He said that the problem with making the sign smaller is that the lettering becomes smaller too. He added that there is a curve in the sign about 8" from the perimeter that changes the proportions. Mr. Flynn informed Mr. Wilcox that even though the sign is basically the same size as before and looks nicer, it would be a good idea if the sign was smaller because the new law discourages freestanding signs downtown. Mr. Wilcox said that he would shave the sign down to 6'.

2. Discussion and Action by the Board

Mr. Preston asked if there is any ground lighting reflecting up on the sign. Mr. Wilcox said no.

**MOTION:** Mr. McGinnis moved to approve the application with the following conditions:

1. **The size of the sign will be 6' x 4'.**
2. **Only the letters and logo will be lit.**

Mr. Randall asked how the sign is constructed to illuminate only the letters and not the whole interior. Mr. Wilcox explained that the sign is constructed of aluminum with vinyl letters which have tiny perforations that allow the light to only come through.

The motion was seconded by Mr. Flynn, and on roll call, was approved 4-0.

**Result: Approval of application with modifications.**

B. Placement of a 1.25' x 9' wall sign on the north elevation of this commercial building

Address: 216 East Main Street

Applicant: Marc Staley (business owner/occupant)

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

1. Remove Application from the Table

Mr. Preston read the summary of the proposal.

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

**Result: Application was taken from the table.**

## 2. Review Application

Mr. Staley explained that the sign had at one time been place on the back side of 216 East Main, prior to moving the business. After some remodeling of the offices at 216 East Main and moving back in, it was decided to place the sign on the front of the building where two other sign had previously been installed. The background space where those signs had hung will be painted before the sign is placed there.

## 3. Discussion and Action by the Board

Mr. Flynn asked about lighting and Mr. Staley said there is none. Mr. Preston asked about the sign material and Mr. Staley replied that it is high density foam board.

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

**Result: Approval of application as submitted.**

- C. Change ownership of this property to a limited liability company known as Weekly Rooms LLC. He is applying for a rooming house permit as the LLC to operate an existing eight room, eight occupant rooming house structure that also contains one efficiency apartment

Address: *111 Liberty Street*

Applicant: Ryan Macdonald (owner)

Actions: 1. Public hearing  
2. Action by the board

### 1. Public Hearing

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

**Result:** Public hearing opened at 6:19 pm.

Mr. Preston read the summary of the proposal. Mr. Macdonald explained that when he purchased the second rooming house, his attorney recommended that he put both of them under one business name. Nothing else is changing. Mr. Flynn asked Mr. Randall if there were any violations on the rooming house and Mr. Randall said no. He added that the rooming house was approved by this board in September 2014.

Mr. McGinnis asked if the manager would reside in the efficiency apartment and Mr. Macdonald answered that the manager has been residing there for a year and a half already. Mr. Preston pointed out that Mr. Macdonald sided the house last year and has made a lot of other improvements. According to Mr. Macdonald, he put a new roof on the house, and also put in a sewer line and a water line from the house to the road. He added that he has painted

the interior and put in new flooring. Mr. Macdonald stated that he has had the house less than a year and has put in \$40,000 worth of improvements.

Mr. Flynn asked Mr. Randall how the rooming house permits work. Mr. Randall explained that a renewal permit application must be submitted every January, and then he and Mr. Panek, the other Code Enforcement Officer, complete the inspections. Mr. Flynn asked about what happens if there are complaints against a rooming house. Mr. Randall said an owner can be brought in if the Code Enforcement Officer believes a permit needs to be revoked. Mr. Flynn wanted to know if a condition could be placed upon a permit whereby if complaints were made against the rooming house, the applicant would have to appear before the board for reconsideration. Mr. Randall responded that a condition is not necessary because those situations are addressed within the Municipal Code. Mr. Flynn asked who makes that judgement and Mr. Randall replied that it is Code Enforcement's responsibility.

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

**Result: public hearing was closed at 6:24 pm.**

## 2. Action by the Board

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

**Result: Approval of application as submitted.**

- D. Placement of a 3.33' x 8.92' (29 sq.') interior lit freestanding sign in the northwest portion of this property. This sign is in addition to a freestanding sign already approved by the Code Enforcement Officer

Address: 264 Bank Street

Applicant: Phillip Dotson (sign contractor)

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

## 1. Review of Application

Mr. Preston read the summary of the proposal. Mr. Faklaris reminded the board that the sign they had previously applied for was 72 sq.' with a concrete base. The board requested that the size be decreased, and Mr. Faklaris stated that they have done as they were asked. He reported that the new sign is approximately 29 sq.', less than half of its previous size, and the concrete base has been removed. Mr. Faklaris noted that they have an existing sign but indicated that the sign is located at the back of the building. The sign's purpose is to direct patients toward the entrance at the front. Mr. Faklaris clarified that the sign currently at the front of the building is the one they are intending to replace with the proposed sign. According to Mr. Faklaris, while it is true that the sign is larger than the permitted size, the



property is so large and the sign must be 5' from the property line, which puts it 20' from the curb. He said they want to be sure that patients can see the sign when they are driving down Bank Street.

Mr. Flynn asked if that size was the smallest they could make the sign. Mr. Faklaris pointed out that the letters are now 2.5" tall on a sign that will be approximately 25' from the curb, and that standard sign guidelines indicate 10' for every 1" for optimal viewing. Mr. Flynn asked if they have other signs with a dark background and light letters. Mr. Faklaris responded that this is their standard signage on hospitals in Rochester.

Mr. Dotson stated that the sign is similar to Mr. Wilcox's sign with the aluminum background, and is internally lit. Only the letters and logo will be illuminated. Mr. Flynn asked what time periods the sign would be lit and if it would be on a timer. Mr. Faklaris said that he did not know the hours of the center but that they would not need the sign lit through the night. He suggested lighting the sign half an hour before opening the center until half an hour after closing. Mr. Flynn asked if they could light the sign from 7:00 am through 7:00 pm. Mr. Faklaris agreed. Mr. Flynn said if they needed to change the time they could come back.

## 2. Action by the Board

**MOTION:** Mr. McGinnis moved to approve the application with the following conditions:

1. **Sign will be lit between the hours of 7:00 am – 7:00 pm.**
2. **Temporary sign will be removed.**

The motion was seconded by Mr. Gray, and on roll call, was approved 4-0.

**Result: Approval of application with conditions.**

[The fifth application on the agenda had been withdrawn.]

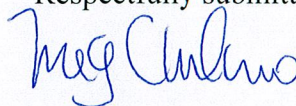
## V. Setting of Next Meeting: April 21, 2015

Mr. Flynn stated that he cannot make the meeting.

## VI. Adjournment

Mr. Preston moved to adjourn the meeting at 6:37 pm; Mr. Flynn seconded. All voted in favor.

Respectfully submitted,



Meg Chilano