

**ZONING BOARD OF APPEALS**  
*Minutes*  
**Thursday, February 28, 2019**  
**6:00 pm**  
**Council Board Room**  
**One Batavia City Centre, Batavia, NY**

Members present: *Bill Cox, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma, Jim Russell*

Members absent: Nick Harris

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

**I. Roll Call**

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

**II. Call to Order**

Mr. McCarthy called the meeting to order at 6:13 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 January 24, 2019 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: replacement of an existing internally illuminated monument sign face panel (Key Bank) with a new internally illuminated face panel identifying the new business (Ameriprise Financial). The sign is located within the Central Commercial District / Business Improvement District

Address: *219 East Main St.*

Applicant: Scott Neff, owner

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

### 1. Review Application

Acting Vice Chair Deborah Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that both the Genesee County Planning Board and the City of Batavia Planning and Development Committee recommended approval of the proposal.

### 2. Public Hearing and Discussion

**MOTION:** Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

**RESULT: Public hearing opened at 6:18 pm.**

Mr. Neff explained that the reinstated sign panel will refer to the new business located there. It is constructed of aluminum, in the company color of blue, with letters and logo that are lighted with LED bulbs.

There was no one present who wished to speak about the project, and no phone calls, letters, or emails.

**MOTION:** Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

**RESULT: Public hearing closed at 6:20 pm.**

### 3. Action by the Board

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

- Undesirable change in neighborhood character: no, it's a commercial area
- Alternative cure sought: no
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a replacement of an existing sign

**MOTION:** Mr. McCarthy moved to approve the proposal with 60 days to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 5-0.

**RESULT: Approval of Area Variance.**

### VII. New Business: none

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

### IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:22 pm; Mr. Russell seconded. All voted in favor.



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Meg Chilano

Bureau of Inspection Secretary