

ZONING BOARD OF APPEALS
Thursday, February 19, 2019
6:00 pm
Council Board Room
One Batavia City Centre, Batavia, NY

AGENDA

- I. Roll Call
- II. Call to order
- III. Pledge of Allegiance
- IV. Approval of January 24, 2019 minutes
- V. Statement about the role of the Zoning Board of Appeals and the procedure it follows
- VI. Variance Requests

Request #1 *219 East Main St.*
 Scott Neff, owner

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

- 1. Review application
- 2. Public hearing and discussion
- 3. Action by the board

- VII. Setting of Next Meeting: March 28, 2019
- VIII. Adjournment

ZONING BOARD OF APPEALS
Draft 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.

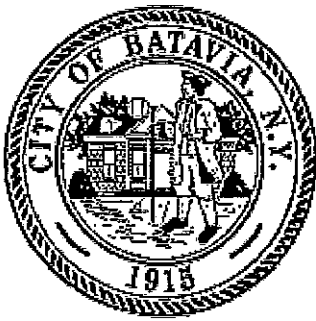
VII. New Business

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.

Meg Chilano
Bureau of Inspection Secretary



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: 2/1/19

Re: 219 East Main St.
Tax Parcel No. 84.011-1-21

Zoning Use District: C-3

The applicant, Scott Neff (owner), has applied for approval to replace the 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.

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) (1).

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 190-43 EE., the Planning and Development Committee shall review and issue recommendations to the ZBA for variances pertaining to signs located within the Central Commercial District (C-3).

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 and 190-43 EE., the ZBA shall review and act on required variances.

Variance- Area

1) BMC 190-43 Z (8) Internal illumination is not permitted for signs located within the Central Commercial (C-3) District

BMC 190-43 AA (3) Existing non-conforming signs may change the face panel of a sign that does not meet the area or height standards, but the new panels must conform to the illumination standards of subsection Z.

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) INFORMATION

Board(s) Zoning Board of Appeals

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Scott Neff

Address 219 East Main St.

City, State, Zip Batavia, NY 14020

Phone (585) 219 - 4602 Ext. _____ Email scott.neff@ampf.com

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 219 East Main St.

B. Nearest intersecting road Summitt

C. Tax Map Parcel Number 84.011-1-21

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

E. Present zoning district(s) C-3

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 190-43 Z (8) and 190-43 AA (3)

C. Please describe the nature of this request Approval to replace an existing sign face panel with a new interior lit face panel.

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 Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____

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



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID C-02-BAT-2-19

Review Date 2/14/2019

Municipality

BATAVIA, C.

Board Name

ZONING BOARD OF APPEALS

Applicant's Name

Scott Neff

Referral Type

Variance(s)

Area Variance(s)

Description:

Area Variance to install an internally illuminated monument sign on an existing brick base.

Internal lighting of signs not allowed.

Location

219 E. Main St. (NYS Rts. 5 & 33), Batavia

Zoning District

Central Commercial (C-3) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

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

Director

February 14, 2019

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
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: SCOTT M. NEFF

Name

scott.neffcampf.com

E-Mail Address

219 EAST MAIN STREET

585.219.4602 585.201.7247

Street Address

Phone

Fax

BATAVIA

NY

14020

City

State

Zip

STATUS: ☒ Owner

☐ Agent for Owner

☐ Contractor

OWNER: SAME

Name

E-Mail Address

Street Address

Phone

Fax

City

State

Zip

LOCATION OF PROPERTY: 219 EAST MAIN STREET, BATAVIA NY 14020

DETAILED DESCRIPTION OF REQUEST: RE-FACE PRE-EXISTING, INTERNALLY LIT, MONUMENT

SIGN WITH PROPERTY OWNER'S FINANCIAL SERVICES BUSINESS NAME AND LOGO.

METAL ADDED TO BASE TO MATCH BUILDING FACADE. NAME/LOGO ROUTED

INTO OPAQUE ALUMINUM FACIA, BACK FINED W/ COORDINATE COLOR AND INTERNALLY LIT

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.

SCOTT M. NEFF
Applicant's Signature

1.31.19
Date

Owner's Signature

Date

To be Filled out by Zoning Officer

TAX PARCEL: 84.011-1-21

ZONING DISTRICT: C-3

FLOOD PLAIN: _____

TYPE OF APPEAL:

☒ Area Variance

☐ Use Variance

☐ Interpretation

☐ Decision of Planning Committee

FEE:

☐ \$50 (One or Two Family Use)

☒ \$100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed:

BMC 190-43 Z.(8) Internal Illumination
is not permitted for signs located within the Central Commercial (C-3)
District (B.I.D.)

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.

SEE ATTACHMENT

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. SEE ATTACHMENT

3. **Substantiality.** The requested area variance is not substantial. SEE ATTACHMENT

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.

SEE ATTACHMENT

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. SEE ATTACHMENT

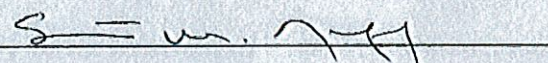
S. S. W. N. J. J.
Applicant's Signature

1.31.19
Date

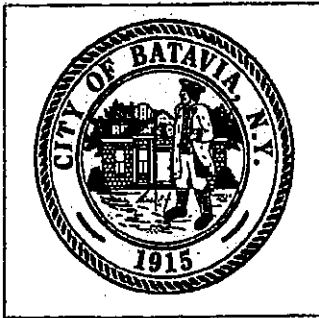
Criteria to Support Area Variance

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.
A: This is a pre-existing sign dating back to 1991. The re-facing of this monument signage which has been abandoned for nearly three years is an enhancement to the surrounding neighborhood.
2. Alternate 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.
A: The brick monument is solid and salvageable. It is wired within the structure and has already served as an internally lit sign for KeyBank. Modifying the pre-existing structure to accommodate external lighting would unnecessarily incur additional expense. And, landscaping would also need to be accounted for (initially and ongoing) to prevent damage by ground service crews.
3. Substantiality. The requested variance is not substantial.
A: It is a pre-existing sign which falls within the zoning regulations as outlined in: Article IX chapter 190-43. Signs. Amended 11-25-1996; 12-10-2001; 1-23-2017 by L.L. NO. 1-2017.
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.
A: The quality of sign proposed compliments the existing structure and financial services business within. This helps contribute to the value of the property and in-turn enhancing the adjoining ones in the neighborhood.
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.
A: The previous owner, KeyBank, was granted a valid permit for this sign. I am only looking to put this pre-existing structure back into service with a high-quality sign produced by a local company that understands and has served this community for decades.


Applicant's Signature

1.31.19
Date



Permit No.: _____
Date: _____
Zone: _____

SIGN PERMIT APPLICATION

City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

Name SCOTT M. NEFF E-mail Address scott.neff@ampf.com

Street Address 219 E. MAIN ST Phone 585-219-4602 Fax _____

City, State, Zip Code BATAVIA, NY 14020

ADDRESS OF SIGN: 219 EAST MAIN ST. BATAVIA N.Y. 14020

AREA OF SIGN: Length 72" Width 36" Area 18 sq FT

TYPE OF SIGN:

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

<input checked="" type="checkbox"/> Freestanding	Set Back <u>10' 6"</u>	Height <u>7'</u>	
<input type="checkbox"/> Wall	Wall Length _____	Wall Height _____	Area _____
<input type="checkbox"/> Projecting			
<input type="checkbox"/> Marquee			
<input type="checkbox"/> Awning / Canopy	Length _____	Height _____	Area _____
<input type="checkbox"/> Window	Window Length _____	Window Height _____	Area _____
<input type="checkbox"/> Portable			

Lighting: ☒ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):

REFUSE OF EXISTING

Applicant's Signature [Signature] Date 12-28-18

Issuing Officer _____ Date _____

Planning Board Chairperson _____ Date _____

FEES: _____ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign

72"

36"

76"



Ameriprise
Financial

219 E. Main Street



sign location



Image capture: Jul 2018 © 2019 Google

Batavia, New York

Google

Street View - Jul 2018

