

VILLAGE OF HONEOYE FALLS ZONING BOARD OF APPEALS

July 14, 2003

MEMBERS PRESENT: C. Harold Gaffin, Chair
Henry Besanceney
Theresa Markham
Mark Donohoe

ALSO PRESENT: James Turner, Village Code Enforcement Officer; John Hoffman, Village Planning Board representative; David Dworkin, Monroe Village Associates; Ed Parrone, Parrone Associates; David Leve, Nixon Peabody LLP; Freida Smith, Ev Lewis Ford; Laura Baranes, Total Identity Group.

Chairman Gaffin called the meeting to order at 7:32 p.m.

PUBLIC HEARING : AREA VARIANCE : SETBACKS : WEST MAIN STREET: ESL

Chairman Gaffin read the public notice to the assembled and explained the process to the applicant.

Mr. Leve, attorney for ESL approached the Board to explain the request for a zoning variance for relief from maximum setbacks on West Main Street. He explained that ESL was applying jointly with Monroe Village Associates. ESL has made an application for the construction of an ATM kiosk on West Main Street in the Monroe Village Square development, which would be 103 feet back from the right of way line, when 40 feet is the maximum allowed setback.

Mr. Leve presented a brief description of the project, to give an overall sense of the development. The Village Planning Board has granted the ESL development preliminary subdivision approval. The Board reviewed maps showing the proposed ESL lot and the access road, submitted by the applicants. Aerial photos of the area were also reviewed. Mr. Leve explained that access to the ESL site would be via the access road, shown on the plans. Mr. Besanceney stated that the Rite Aid driveway, located adjacent to the ESL site, is using the right of way/ proposed access road (Village Square Blvd.) for access to their driveway. He explained this was due to an easement granted to Rite Aid as they had constructed the first portion of what was to be a roadway into the development. Mr. Gaffin noted that technically, access was not off of West Main Street, but rather off of Village Square Blvd., as there was no frontage on West Main Street.

Mr. Leve went on to explain various reasons for and criteria that needed to be met in requesting the variance. Mr. Leve cited a need for additional space in the front of the site to allow for traffic circulation, engineering parameters, turning radius for emergency vehicles and straightaway lanes for entering and exiting the proposed kiosk as contributing to the variance request. Mr. Leve presented drawings showing what the project would look like without the increased setbacks, and various problems associated with the setback conformity, including the need for increased lot frontage on West Main Street, poor utilization of land in the back of the parcel, possible headlight intrusion on West Main Street at night, and poor aesthetics. Mr. Leve stated that the increased setback would allow for more landscaping, more greenspace in the area, and a clear visual path for drivers on West Main Street.

Mr. Besanceney inquired if security would be a problem for the ATM if the building were located further back than 40'. Mr. Leve stated security would be acceptable, and the lighting required for the ATM as per NY State law would be less intrusive from a more closely set back building. Mr. Leve stated that another consideration in locating the ATM further back was to make room for a sign on the corner of the development. Mr. Leve pointed out that only one sign would be allowed for the entire 92-acre development, and that the developers wished to make it visible from the road. A discussion ensued regarding signage for the development. Turning radii for emergency vehicles was also discussed.

Mr. Leve summarized his presentation, stating that the variance would not detract from Village character, that there was no feasible way to proceed with the project without the variance, due to engineering and

aesthetic concerns, and that the hardship was not self- created, but rather was driven by engineering and design parameters to try and maintain conformity with Village aesthetic and design standards. Mr. Gaffin asked if the Board had any questions regarding the application.

Mr. Donohoe inquired as to traffic concerns and dimensions of the structure. Mr. Parrone stated that the traffic would be two-lane entering into the ATM, then merging into one exit lane. Mr. Leve stated the dimensions of the structure would be 800 square feet total, and 21' in height.

Mr. Gaffin inquired if there were any comments from the assembled.

JOHN HOFFMAN, PLANNING BOARD

Mr. Hoffman explained that in writing the zoning for this area, the Planning Board specified certain uses for the front area of this development. Mr. Hoffman stated that the Board did not envision this type of structure or use, but that technically an ATM was considered "Banking" under the MUCLID regulations, an approved use. Mr. Hoffman stated that two concerns of the Planning Board in regards to this application were public safety and lighting. In this case, Mr. Hoffman stated, the location of the ESL ATM would be acceptable to the Planning Board.

Mr. Gaffin inquired if there were any further comments from the assembled. As none were noted, the public hearing was closed at 8:15 p.m.

PUBLIC HEARING : SIGN VARIANCE : 108 WEST MAIN STREET : EV LEWIS FORD

Ms. Baranes, Total Identity Group, and Ms. Smith, Ev Lewis Ford, approached the Board to present drawings for new signage at the Ev Lewis Ford dealership at 108 East Main Street. New signs are part of a Ford corporate identity program and will standardize signs at all Ford dealerships nationwide. The new signs are made of aluminum with a plastic face and are not compliant with Village Code for sign materials.

Mr. Gaffin inquired why the variance was requested. Ms. Baranes stated that Ford Motor Company was insisting that all dealerships comply with the new signs and any non-standard signs would be removed or re-capped with new signs. Ms. Baranes stated the new signs would be lighter, show light through dark colors and be internally lit. Mr. Turner stated that he did not know the signs were to be internally lit. Ms. Smith stated that the sign would not be internally lit, as per Village Code, that Ford Motor Company was informed of this and accepted it. A review of all signs on the property ensued, with Ms. Baranes indicating which signs were to be changed. Mr. Turner noted that the sizes of the new signs were all acceptable, and in some cases smaller than the existing signs. Mr. Gaffin noted that the setbacks were all compliant.

Mr. Gaffin inquired if there were any comments from the assembled.

JOHN HOFFMAN, PLANNING BOARD

Mr. Hoffman inquired if the applicants intended to use external lights on the new signs. Ms. Baranes stated that would not be allowed by Ford Motor Co. Mr. Hoffman inquired if all the new signs nationwide were to be of the same materials. Ms. Baranes stated they would to insure consistency in corporate image.

Mr. Gaffin inquired if there were any further comments from the assembled. As none were noted, the public hearing was closed at 8:34 p.m.

REGULAR BUSINESS MEETING

Chairman Gaffin opened the regular business meeting at 8:36 p.m.

ACTION ON THE PUBLIC HEARING ITEM- SETBACK VARIANCE

Ms. Markham stated that given the overall plan for development, the Board should try to somehow specifically limit setback variances to this plot so as not to establish a precedent. Ms. Markham noted this was a good use of the lot. Mr. Besanceney noted that this was one small piece of the overall development, and the lot was something of a misfit, but that this was a good use for it. Mr. Besanceney noted further that the setback would be close to that of Rite Aid, located on the next property. Mr. Gaffin stated that this use enhanced the utilization of the corner lot. Mr. Hoffman confirmed that the Planning Board had no objection to the variance request.

Motion by Henry Besanceney, seconded by Mark Donohoe to adopt the following resolution and grant approval for the setback variance to Eastman Savings and Loan, pursuant to plans submitted:

WHEREAS, Monroe Village Associates and Eastman Savings & Loan (ESL) have applied to the Zoning Board of Appeals for an area variance for relief from Village Code, Sections 190-45.2 D(1)(d) to allow construction of a building which will be set back 103 feet from the right-of-way line when 40 feet is the maximum allowed setback, AND

WHEREAS, a public hearing was conducted on July 14th, 2003, pursuant to public notice, AND;

WHEREAS, the Board after due consideration of the application and the applicants presentation, finds that:

1. The variance would not cause an undesirable change in the neighborhood.
2. The relief requested cannot be accomplished except by an area variance
3. The relief requested is not substantial.

NOW THEREFORE BE IT RESOLVED that the application of Monroe Village Associates and ESL is hereby granted based upon the above findings.

ROLL CALL VOTE

Gaffin	Aye
Besanceney	Aye
Markham	Aye
Donohoe	Aye

Motion unanimously carried.

ACTION ON THE PUBLIC HEARING ITEM – SIGN VARIANCE

Theresa Markham noted that the total square footage overall for some of the signs would be less than the ones currently in use. Mr. Gaffin noted a benefit in that some of the larger signs would be coming down. Mr. Turner stated all new signs would be compliant with square footage requirements in Village Code. Mr. Donohoe noted the new signage would be a better presentation overall. Sign requirements in the zoning district were reviewed. Mr. Gaffin noted that any approval for a variance would expire in 2006 when the new sign regulations take effect. Any variance granted would have to be re-applied for in order to be in compliance with the new sign ordinance.

Motion by Mark Donohoe, seconded by Theresa Markham, to adopt the following resolution and grant a sign variance to Ev Lewis Ford pursuant to plan received:

WHEREAS, Everett Lewis Ford and Total Identity Group have applied to the Zoning Board of Appeals for a variance from the requirements for signs for property situated at 106 West Main Street in the Village; namely to allow relief from requirements that permanent signs must be constructed of wood, stone or metal, or of material which has the appearance of wood, stone or metal, and

WHEREAS, a public hearing was conducted on July 14th, 2003 pursuant to public notice, and

WHEREAS, the Board after due consideration of the application and the applicant's presentation, finds that

1. The variance will not alter the character of the neighborhood
2. The variance is not substantial

NOW BE IT RESOLVED THAT the application for an area variance for the proposed sign be granted based upon the above, pursuant to plans received, with the stipulation that the sign will not be illuminated and that the variance will expire in the year 2006.

ROLL CALL VOTE:

Besanceney: Aye
Donohoe: Aye
Gaffin: Aye
Markham: Aye

Motion unanimously carried.

APPROVE MINUTES

Motion by Mark Donohoe, seconded by Henry Besanceney to adopt the minutes of September 30, 2002 as submitted.

Motion carried.

ADJOURN

Motion by Henry Besanceney, seconded by Mark Donohoe to adjourn the meeting at 9:00 p.m.

Motion carried, meeting adjourned.

Respectfully submitted,

*Sheila Byrne Coleman
Secretary, Zoning Board of Appeals*