

MEMBERS PRESENT: Hal Gaffin, Chair; Hank Besanceney; Mark Donahoe; Jim Hoh

ALSO PRESENT: Danny Bassette; Victoria Bush; Glenn Clark; Joe Cooley; Larry Cranmer; Greg Emerson; Linn & Phil Goetz; Ned Green, Denise Heischman; Charlie Johnson; Judy Lewis; Peter Lutz; Susannah Lyle; Ian McNabb; Rick Milne; Johanna O'Brien; Marjorie Osterling; Elizabeth Reilly; Shirley Roeser; Betsy Taylor; Judy Tobin; Deric West; Stan Worboys; Terrence Zappia

1. Chair Gaffin called the following public hearing to order at 7:32 PM

PUBLIC HEARING: AREA VARIANCE: 201 WEST MAIN STREET: TERRENCE ZAPPIA

Terrence Zappia is requesting a variance from zoning code section §190-112.1.D(5) in order to display a sign on the side of a building with no entrance door.

Mr. Zappia explained that his current plans show a sign at the front of the building (facing W. Main St) and a second sign at the rear of the building. He would like to take the sign off the rear of the building and move it to the side of the building in order to increase exposure as people drive by. The entrance at the front of the building is for employees only. The parking lot is at the rear and the public entrance will also be at the rear. Mr. Zappia's business will occupy approximately 1/3 of the building. He will be the only business on the side where he wants to put the sign.

M. Donahoe asked C. Johnson how many signs were allowed. C. Johnson answered that the current code allows up to three signs per business.

Chair Gaffin asked what would happen if there is another tenant? C. Johnson said that there could be up to three more tenants in the building. If any of the new tenants wanted to put a sign on the side of the building they would have to apply for a variance as any approval/disapproval would be for the specific tenant (i.e. Mr. Zappia) and not for the building.

M. Donahoe asked if the landlord was aware of Mr. Zappia's application and what type of lighting was planned? Mr. Zappia said the landlord is aware and that there are no plans to put up any lighting on the sign.

J. Hoe asked if Mr. Zappia had considered using a free standing sign which is allowed by the zoning code? C. Johnson said there can only be one free standing sign for the entire building and not a free standing sign for each individual business.

Chair Gaffin asked if there were any comments from the public – there were none.

The public hearing was closed at 7:46.



2. Chair Gaffin called the following public hearing to order at 7:47 PM

PUBLIC HEARING: AREA VARIANCE: 106-116 WEST MAIN STREET: PETER LUTZ

Peter Lutz is requesting a variance from zoning code section §190-45.7.A in order to have a building 19,097 sq. ft. which is 2,097 sq. ft. over the allowable size of 17,000 sq. ft.

Mr. Lutz presented his plans for a new building on the Ev Lewis property at 106-116 W. Main St. This building will be independent from the existing building.

Chair Gaffin asked why the 17,000 sq. ft. currently allowed by the zoning code is not large enough? Mr. Lutz stated that they will carry a lot of large items, e.g. fences, posts, ATVs, etc. Tractor Supply will be the tenant on this property and their corporate offices dictate that 19,097 sq. ft. is the minimum they will allow for their stores.

M. Donahoe asked if anyone from Tractor Supply was present? Mr. Lutz said there was not.

Chair Gaffin asked how the current limit of 17,000 sq. ft. was arrived at in the zoning code? C. Johnson said it was his understanding that a citizen's committee polled existing businesses in the Village and arrived at the 17,000 sq. ft. figure.

M. Donahoe asked how many parcels made up Mr. Lutz's property. Mr. Lutz said there are currently three parcels. There will eventually be at least two – Tractor Supply and the old Lewis building. He added that he might make the space in back a third parcel but currently had no definite plans. Mr. Lutz confirmed that Tractor Supply will not occupy the building if he can't get the variance for 19,097 sq. ft.

M. Donahoe asked how the outside storage area relates to the 17,000 sq. ft. C. Johnson read the zoning code section §190-45.8:

§ 190-45.8. Additional requirements.

A. Any lot in the General Commercial District shall only be used for one of the permitted uses in §§ 190-45.4 and 190-45.5 of this article. There shall only be one building and an accessory building on any lot used for one of the permitted uses.

B. A lot used for the outdoor sale or display of merchandise shall have the merchandise located in the side and rear yards of the building or structure on the lot. All other uses permitted shall be conducted within a completely enclosed building.

C. All off-street parking areas on any lot in General Commercial District shall be located to the side and rear of the building or structure on the lot (§ 190-77).

Chair Gaffin opened the meeting to comments from the public.

Stan Worboys (83 Ontario Street): Mr. Worboys said that several years ago the Planning Board requested that the Zoning Board asking for a limit on building size in order to prevent "Big Box" stores from coming into Honeoye Falls. Molye was currently the largest at 17,000 so the Planning Board set that as the limit in order to avoid creating a non-conforming building.

Denise Heischman (36 Maplewood Ave.): Ms. Heischman said that the 17,000 sq. foot limit was established by looking at the existing businesses and they determined that 17,000 sq. ft

was large enough to allow current businesses to grow and was in keeping with the size of the Village.

Judy Lewis (Canandaigua, NY): Ms. Lewis is the daughter of Everett Lewis. She thinks the property is currently an eyesore and the Lutz proposal will enhance the façade of W. Main St and be an asset to the Village.

Rick Milne (37 Norton St.): Mayor Milne asked the size of the CustomBrewcrafters building. D. Heischman said there were three tiers; 10,000 sq. ft., 15,000 sq. ft. and 30,000 sq. ft.

Ned Green (166 West Main St.): Mr. Green said that in his opinion, Mr. Lutz is actually asking for 39,000 sq. ft. (19,097 sq. ft. building and 20,000 sq. ft. fenced outside area). The outside area is 105% of the indoor space and this is not in the size, scale or scope of what currently exists in the Village.

Betsy Taylor (53 Maplewood Ave.): Ms. Taylor defined that there is a 20,000 sq. ft. permanent fenced-in outside display area.

Judy Tobin (14 Creekside Dr.): Ms. Tobin asked if there was any research to see if our community can support this type of retail establishment? Mr. Lutz said Tractor Supply did extensive marketing and demographic research and it was determined that Honeoye Falls can support an establishment of this size and scope.

Derek West (Mendon, NY): Mr. West said he was concerned that granting a variance on this property would put the Village on “shaky ground” legally if another developer wanted to have more than 17,000 sq. ft. Chair Gaffin said the real question before the ZBA was ‘what is a substantial variance’ but they will take legal issues into account when making their decision.

Ian McNabb (92 W. Main St.): Mr. McNabb said we need more business in the community and asked if Tractor Supply was willing to work with the community. He feels that holding the limit at 17,000 sq. ft. is a way for Tractor Supply to show they are willing to be part of the community.

Letters from Derek West and Ned Green attached to these minutes.

Chair Gaffin closed the public hearing at 8:23 PM.

3. The Board considered the variance request by Mr. Zappia

Motion by Hank Besanceney, seconded by Mark Donahoe to grant the variance to allow a sign on the northerly side of the building with no entrance.

The following condition was added to the motion by H. Besanceney:

Any future additional signage (other than those allowed at building entrances) for individual tenants will be placed on a free standing sign identifying all tenants in the building. At such time, the sign governed by this variance shall be removed from the building façade and placed on the free standing sign.

ALL IN FAVOR

MOTION CARRIED – AREA VARIANCE GRANTED WITH THE ABOVE CONDITION

The Board granted the variance based upon its findings set forth in the Area Variance Determination Worksheet which is attached and made part of the minutes.

4. The Board considered the variance request by Mr. Lutz

Motion by Mark Donahoe, seconded by Jim Hoh to grant a variance to Mr. Lutz to allow a building size of 19,097 sq. ft.

M. Donahoe: Tractor Supply has certain applicable characteristics for our community but that has to be weighed against size, etc.

H. Besanceney: Tractor Supply are coming into our community and they expect us to be flexible but they are not willing to be flexible in return. He doesn't see going down to 17,000 sq. ft. as creating a real hardship for Tractor Supply.

J. Hoe: He agrees that Tractor Supply has not proven a hardship by going down to 17,000 sq. ft. as opposed to 19,097.

Chair Gaffin: Hardship is an economical issue. The requested variance is only 10% over what is allowed. In his opinion this is not substantial and 19,000 sq. ft. is still a long way off from a "Big Box" store.

ROLL CALL VOTE

1. H. Besanceney – Nay
2. H. Gaffin – Aye
3. M. Donahoe - Nay
4. J. Hoh – Aye

MOTION FAILED



J. Barrett presented new form to be used for appeals to the Zoning Board. After a brief discussion, it was agreed to implement the new forms.



Motion by Hank Besanceney, seconded Mark Donahoe to adjourn the meeting at 9:18 PM.

ALL IN FAVOR

MOTION CARRIED – MEETING ADJOURNED

Respectfully submitted,

Judi Barrett

Clerk for the Zoning Board of Appeals

Village of Honeoye Falls
ZONING BOARD OF APPEALS
AREA VARIANCE DETERMINATION

Applicant/Owner: Terrence Zappia; Honeoye Falls Eye Care
Property Address: Village Square, West Main Street – 201 W. Main Street
Variance(s) Requested: Sign to be located

Requirement: 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 and welfare of the neighborhood or community by such grant.

The Zoning Board made the following findings:

1. An undesirable change will will not be produced in the character of the neighborhood or a detriment to nearby properties will will not be created by the granting of the area variance, because
location of sign is not relevant to the neighboring properties
2. The benefit sought by the applicant can cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because
possibility by a road sign or another type of sign
3. The requested area variance is is not substantial, because
allowed sign, different location
4. The proposed variance will will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, because
sign does not impact
5. The alleged difficulty has has not been self-created, because
applicant wanted sign in proposed location

Zoning Board Decision: Based upon the above findings the Zoning Board
 grants denies the area variance application.

Chairman Signature

8/25/08
Date

Village of Honeoye Falls Board of Trustees:

Richard Milne Mayor, James Alfieri, Gerald Pavelsky, Stanley Worboys, and Glen Clark

Village of Honeoye Falls Planning Board:

Joseph Cooley Chair, Judith Tobin, Denise Heischman, Elizabeth Taylor, and Brian Hoose

5 East Street

Honeoye Falls, New York, 14472

8-1-08

Re: Proposed Development of the Ev Lewis Property

Dear Board Members,

As I read more and more about budget crises facing New York State, The County of Monroe, and the Federal Government, I am grateful for all of your service to our community and your ability to keep our municipality stable in the face of such volatile economic waters. After reviewing the proposed site plan for the redevelopment of the Ev Lewis property I was left with some questions and comments that I would like to share with you all.

Subsequent to the exhaustive work that went into the creation of the overlay zoning district for Village Square, the Village Board of Trustees passed L.L. No. 2-2003 which outline the zoning requirements for the General Commercial District on West Main Street. This law was enacted to tie in the character of the Village core with that of the proposed Village Square and the developed and balance of undeveloped parcels along W. Main Street. Part of the rationale of this Village Law was to preserve the character and uniqueness of the Village as buttressed by the Comprehensive Plan.

The proposed construction of a nineteen thousand plus square foot (19,000+) building is inconsistent with the spirit and letter of the law as outlined in §190-45.7 which clearly sets a commercial building limit of seventeen thousand square feet (17,000) in the district to ensure a visually appealing space in the Village which will serve to define and preserve the Village character as outlined in §90-45.3 of L.L. No. 2-2003. This legislation is central to maintaining the overall sense of Community, which makes the Village unique. Obviously, the majority of Village residents have chosen to reside in the Village for its premier school district, sense of community, and traditional Village model in terms of development.

These critical zoning requirements are in place so that potential developers must conform to our standards of village scale which reflect the sentiment of the community's Master Plan. Any amendment of these laws based on the simple request of would be developers may lead the Village into a myriad of litigatory challenges in the future as other development companies demand an even greater deviation from the current seventeen thousand (17,000) square foot law. These potential legal challenges may put an undue strain on the Village's finances and potentially result in the uncontrollable expansion of our Village which is in congress to the goals of the municipality as outlined in our Comprehensive Plan.

Under this current application, I think the Village must choose between two courses of reasonable and prudent action in dealing with the proposed development of the Ev Lewis property:

- A. Enact a moratorium on all commercial building projects in the Village until an updated Comprehensive Plan can be developed by the Comprehensive Plan Committee and approved by the Village Board of Trustees with the reflective zoning laws updated and passed.
- B. Uphold Local Law No. 2-2003 which requires developers to maintain a structure no greater than seventeen thousand square feet (17,000) within the Village General Commercial District

until an updated Comprehensive plan can be passed which is congruent to the intentions of the residents of the Village.

Either of these actions will mitigate any potential legal challenges future developers may undertake to forcibly enter our Village as well as comply with the requirements of the New York State and S.E.Q.R. in relation to municipal comprehensive plans.

I would urge the Village Boards to support and defend the current zoning requirements of the Main Street Commercial District because the preservation of this legislation is central to the fabric, make-up, and character of what makes our Village the most desirable place to live in Monroe County. I feel fortunate to have the opportunity to raise my children in such a gracious, caring, and hospitable place.

Thank you for taking the time to read my letter and enjoy the rest of the summer.

Sincerely,

Deric M. West
President
Honeoye Falls Marketplace
Mendon Marketplace

To: Village of Honeoye Falls Board of Trustees
To: Village of Honeoye Falls Zoning Board
To: Village Planning Board

August 20, 2008

Re: Proposed development for the Lewis property:

Proposal is for 19,100 square feet inside and 20,000 square feet outside (the outside display area would be 105% of the indoor display area). This proposal is inconsistent with many parts of the purpose section (190-45.3) of the General Commercial District code that was adopted 2/18/03.

- a. *Ensure a visually appealing space in the Village which will serve to define and preserve Village character.*
- b. *Ensure safe and attractive pedestrian environments.*
- c. *Provide development and buildings for nonresidential and mixed purposes which reflect the scale, proportion and character of nonresidential buildings in the traditional Village model.*
- d. *Maintain an overall sense of community which makes the Village unique.*

1. The proposed retail use of this property is for a Tractor Supply Store (TSC). In looking at TSC's other nearby locations, they often display merchandise outside that is traditionally displayed indoors (relative to existing village businesses and other industry competitors). The outside display area would be 105% of the indoor display area. The actual retail display area is 39,000 square feet. With the exception of the automobile dealerships, the existing village businesses traditionally use up to 10% of their indoor space in outside display. This would not reflect the scale, proportion or character of the traditional Village model.
2. The zoning code for this property was extensively reviewed leading up to its adoption in February 2003. The 17,000 square foot limit was to deter larger retail development than the community could support in any one retail category. This was not to prevent competition; it was to maintain control so as not to end up with more retail boxes that the community could support, and avoid empty buildings. Maintaining the size, scale and scope of the proposed development, will better preserve the villages' character and help maintain full store fronts through-out the Village.
3. As an example, a store that would fit the traditional Village model, 17,000 square feet indoors and 4,250 square feet outside (25% of inside) in the retail home improvement category, targeting the small ranch community would typically generate 600 - 700 transactions (cars) per day 360 days per year according to industry (National Retail Hardware Association (NRHA)) estimates. Is Main Street capable of handling that? How will the pedestrian traffic along that stretch be affected for the neighboring residents and businesses? Local demographics show that there are not that many small ranchers in our trading area to support this size development?
4. Most retailers in our village are dealing with the current economic challenges. In short consumers' wages are not rising as fast as the cost of goods. This is causing many retailers to see consumers trading down in quality when shopping. This is an indication that consumers do not

have excess money to spend in a new larger retail format; rather it will dilute the retail base that exists, impacting many existing locally owned businesses (auto parts, feed store, hardware store, lawn equipment shops, ice cream shop (impact from pedestrian traffic)).

Ned Green
President
Weiders Hardware, Inc.