

**A regular meeting of the Village of Victor Zoning Board of Appeals (ZBA) was held on Thursday, March 17, 2016 at the Village Hall, 60 East Main Street.**

**MEMBERS PRESENT:** Chairperson Sean Sanderson  
Member Brian Pancoast  
Member Jim Caggiano  
Member Carol Commisso  
Member David Chalupa  
Zoning Clerk Roseanne Turner-Adams

**OTHERS PRESENT:** Steven Van Dyke, Larry Rhodes

The ZBA meeting was called to order by Chairperson Sean Sanderson at 7:00 pm.

Salute to the Flag

**Resolution #02-16ZBA**

**Acceptance of Minutes**

On a motion made by Carol Commisso, seconded by Jim Caggiano, the following resolution was ADOPTED 4 AYES 0 NAYS 1 ABSTAIN (Brian Pancoast was absent)

**Resolved** to accept the minutes dated January 21, 2016.

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**61 East Main Street/Nationwide Insurance**

**Area Variance Signs**

Chairperson Sanderson read the legal notice into the record:

"A public hearing will be held before the Village of Victor Zoning Board of Appeals on Thursday, March 17, 2016, at 7:00 p.m., in the Village Hall, 60 East Main Street, Victor, New York, to consider:

1.) The application of 61 E. Main Street/Nationwide Insurance, for an area variance to the Village of Victor Zoning Code to allow the modification of a pre-existing non-conforming wall sign measuring 14.4 square feet and a window sign that measures 8.1 square feet."

Chairperson Sanderson then read the letter of referral from Codes and Development into the record:

"The Planning and Building Department has received an application for a sign permit at 61 East Main Street. The applicant proposes a 14.4 square foot wall sign and an 8.1 square foot window sign. The parcel is in the Business zoning district. I have reviewed the proposed signs and have the following comments.

1. The applicant is proposing a wall sign that measures 18 inches by 115 inches for 14.4 square feet. §130-5B(1)(a) indicates that a wall sign that is ½ square foot of wall sign per foot of linear frontage, is allowed for each tenant having frontage on the proposed elevation. The building is 31 feet wide with frontage for the tenant in question having 16.5 feet of frontage thus an 8.25 square foot wall sign is allowed for this tenant. An area variance is required.

2. The applicant proposes a window sign that measures, by use of two rectangles, 8.1 square feet. §130-5B(8) allows a window sign to be a maximum of 30% of the window area. The window pane measures 21.8 square feet which would allow a 6.5 square foot sign in the window. An area variance is required.

§130-5, Use Regulations.

(1) Single buildings.

(a) One wall sign per occupant shall be permitted for building elevation facing a public street and/or parking lot. The area of this sign shall not exceed 1/2 square foot per linear foot of the respective building elevation occupied by the commercial establishment, but not more than 30 square feet.

[Amended 4-18-2011 by L.L. No. 2-2011]

(8) Window and door signs.

(a) Window and door signs are permitted, with a permit, as described in this section.

(b) Window and door signs, providing they comply with this section, do not count towards the area of wall signs.

(c) Any sign, which is painted or mounted onto a windowpane, shall not exceed 30% of window area and must be on the interior surface of the windowpane. "

Mr. Sanderson stated that since no public have attended the public hearing to speak for or against the application that the Zoning Board will do some fact finding.

Mr. Sanderson stated that it is his understanding that Mr. Van Dyke is going to replace his existing sign with a new sign and asked Mr. Van Dyke for the reason. Mr. Van Dyke stated that Nationwide has changed their logo from a frame to an Eagle. Mr. Van Dyke stated that he is updating his sign to do what Nationwide wants. Mr. Sanderson asked Mr. Van Dyke if he has a variance for the current sign. Mr. Van Dyke stated that a variance was not needed at the time and that the sign was originally internally lit but that because the Village was trending away from the internally lit signs, Mr. Van Dyke voluntarily took his sign down and replaced it with the current sign.

Mr. Sanderson stated that the proposed sign is literally the same dimensions as the current wall sign. Mr. Van Dyke agreed.

Mr. Sanderson asked about the proposed door and window decals. Mr. Van Dyke stated that the door and window signs will be updated to comply with Nationwide's new logos.

Mr. Sanderson stated that he would be interested to know how Mr. Benedict calculated the area of the signs. Mr. Caggiano stated that the new decal on the window seems to take up less space than the current one. Mr. Sanderson and Ms. Commisso stated that the proposed window decals look to be an improvement.

Mr. Sanderson stated that it makes sense that the sign be over the door but there seems to be a spot over the window. Mr. Van Dyke stated that he made a decision when he got rid of the illuminated sign to center the sign over the door with gooseneck lighting.

Mr. Caggiano asked how long the existing sign has been there. Mr. Van Dyke stated that it has been there for about 16 years.

Mr. Pancoast asked about the Nationwide decal above the other window decal. Mr. Van Dyke explained that the Nationwide decal goes on the door and the other part shown in Exhibit B goes on the window.

*Discussion amongst board about door and window decals and dimensions*

Mr. Chalupa asked if there is another tenant next door. Mr. Van Dyke stated that Geyser Gem is next door and has window decals and an A-frame sign. Mr. Chalupa asked if the Geyser Gem tenant is OK with the Nationwide sign taking up the center location. Mr. Van Dyke stated that he is the owner of the building and that the Geyser Gem tenant has never asked for an outside sign in the 8 years that he has been his tenant.

Mr. Chalupa asked what would happen if Geyser gem decided to have an outside sign. Mr. Sanderson stated that if the building is 31 feet wide, the tenant could put up a sign that is 8.25 square feet without a variance. Mr. Sanderson explained that Mr. Van Dyke's existing sign may be bigger than allowed but the code changed and now the sign requires a variance.

Mr. Pancoast stated that he is questioning how Mr. Benedict did the math for the window decals.

*Discussion amongst board on how code configured measurements*

The ZBA then went through the Area Variance Criteria balancing test:

- Whether the benefit can be achieved by other means feasible: unanimous *no*
- Will the variance create an undesirable change in the neighborhood: unanimous *no*
- That the request is substantial: unanimous *yes*
- Whether the request will have adverse physical effects: unanimous *no*
- That the alleged hardship was self-created: unanimous *no*

**Resolution #03-16ZBA**  
**61 East Main Street/Nationwide Insurance**  
**Area Variance Wall Sign**

On a motion made by Jim Caggiano, seconded by Carol Commisso, the following resolution was ADOPTED 5 AYES 0 NAYS

**WHEREAS**, an application was received by Roseanne Turner-Adams, Zoning Clerk, for the Zoning Board of Appeals, from Steven Van Dyke; on March 3, 2016, requesting an area variance for Nationwide Insurance to allow the modification of a pre-existing non-conforming wall sign measuring 14.4 square feet and a window sign that measures 8.1 square feet.

**WHEREAS**, said application was denied by the Code Enforcement Officer for the Village of Victor on the basis of Section 130-5.B (1) (a) and 130-5.B (8); and,

**WHEREAS**, the Zoning Board of Appeals has determined this application to be a Type II Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations, and as a Type II Action, no further review under SEQRA was required; and,

**WHEREAS**, a Public Hearing was duly called for and was published in "The Daily Messenger" on March 3, 2016; and,

**WHEREAS**, all adjacent property owners were timely notified of the hearing and the purpose of the hearing by mail; and,

**WHEREAS**, a Public Hearing was held on March 17, 2016 at which time all those who desired to be heard were heard and 0 persons spoke in favor of the application and 0 persons spoke against the application; and,

**WHEREAS**, after viewing the premises and after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Village of Victor Zoning Board of Appeals made the following findings of fact:

- The proposed sign will be the same size and location as the current sign with updated graphics required by Nationwide
- The current sign was installed prior to the existence of the new code requiring a variance.

The Board determined that strict application of the code in this case will not serve any valid public purpose which outweighs the injuries to the applicant.

That an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of this variance.

That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

That the requested variance is substantial.

That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty was not self-created.

That the variance proposed is the minimum variance necessary.

That the requested variance will not alter the essential character of the neighborhood.

**NOW, THEREFORE BE IT RESOLVED** that the application of Steven Van Dyke/ Nationwide Insurance at 61 East Main Street; for an area variance to the Village of Victor Zoning Code to allow a wall sign utilizing the current sign dimensions and location listed in Exhibit A with updated panels, be approved with the following condition:

That the sign panel must be updated within 6 months of the date of March 17, 2016.

**Be It Further Resolved:**

That the applicant obtains the proper building permit(s) from the Building Department.

**61 East Main Street/Nationwide Insurance  
Area Variance Window & Door Decals**

The Zoning Board agreed that the window & door decals may not need variances and will be tabled until Mr. Sanderson follows up with Mr. Benedict regarding his measurements to determine whether a variance is necessary.

It was later determined that the window and door decals did not need variances.

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**ADJOURNMENT**

Meeting was adjourned on motion at 7:45 pm.

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Roseanne Turner-Adams, Minutes Clerk