

A regular meeting of the Town of Victor Zoning Board of Appeals was held on May 16, 2016 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Keith Maier, Chairman; Scott Harter, Vice-Chairman; Michael Reinhardt; Mathew Nearpass; Donna Morley

OTHERS: Al Benedict, Code Enforcement Officer; Dave Tantillo, Town Board Liaison; Josh Palmer, Vital Signs; Debby Trillaud, Secretary

Mr. Tantillo, Town Board Councilman, gave the Zoning Board of Appeals a Town Board update. The Zoning Board of Appeals referred Mr. Cline, 1308 East Victor Road, to the Town Board and he presented his case to the Town Board. The Town Board is researching the zoning of residential use properties located in Commercial and Light Industrial zoned districts and will have a public hearing to discuss the rewording of the zoning Code. After the public hearing the language of the Code will be changed and Mr. Cline will return to the Zoning Board of Appeals. He will need an extension of time for his variance request in order for this process to take place. Mr. Tantillo asked the Zoning Board of Appeals to keep an open mind because the ZBA recommended Mr. Cline to go to the Town Board and the Town Board agrees that it is a unique situation for a residential home to be locked into a Code for a commercial/light industrial zone.

On May 9, 2016 the Town Board approved the annexation of a parcel of Town land to the Village of Victor for the Gullace Project. The project is still split between the Town and the Village but the purpose of the annexation is to make sure that one street, connected to Hillcrest drive, isn't divided halfway between the Town and the Village.

The meeting was opened and the Flag was saluted.

APPROVAL OF MINUTES

The April 18, 2016 meeting minutes will be approved at the June 6, 2016 meeting.

CODE ENFORCEMENT QUESTIONS

Mr. Nearpass – I noticed, it's been there for a few weeks, I'd call it a makeshift billboard, the Pinnacle billboard that is in front of the storage facility and new Kwik Fill on Route 96. It's either the storage facility or the Ballantyne RV place. The sign may be in the middle; it's a 10 foot by 12 foot Pinnacle sign that they've put up with two by fours.

Chairman Maier – Next to the van that's parked out front that advertises?

Mr. Nearpass – Yes. It doesn't look like it's permanent, so I don't know if it falls between the cracks, but it's definitely somebody advertising on somebody else's parcel, right?

Mr. Benedict – Correct, it's not legal. It's the first I've heard of it.

Mr. Nearpass – If you're coming back from the Mall to the Village on Route 96 it's on the right. You can't miss it, it's about the size of two of our overhead screens.

Mr. Harter – What is it advertising?

Mr. Nearpass – The Pinnacle Sports complex.

Mr. Harter – I owe Al a photograph of the log and the wire.

Mr. Benedict – I did see it. I guess I have the same response. If it hasn't been taken care of by now, it's probably going to stay that way.

Mr. Harter – I doesn't look right, does it?

Mr. Benedict – No.

PUBLIC HEARING

GORBEL – SIGNS (Area Variance)

600 Fishers Run

Appl. No. 5-Z-16

Applicant is requesting to place four directional signs within the Gorbels campus that are intended to direct visitors to their destination. The signs are larger than two square feet, whereas §165-3B(6) of the Town Code states that traffic control signs should not exceed two square feet.

The County considers this a Class 2 action. They have recommended disapproval and therefore a super majority is needed to approve the variance.

The secretary read the legal notice as it was published in The Daily Messenger on May 8, 2016.

Josh Palmer of Vital Signs in Webster addressed the Board.

Mr. Palmer – We are looking to get a variance and we're looking at the signs as not just directional but as having their logo also. There are four buildings on that campus. One building has two different curb cuts but shares a curb cut with the Fishers Run KinderCare. Between

building #600 and building #610 there is a single curb cut and they need to direct traffic going to those buildings as to where shipping goes, where visitors go, etc.

The signs contain directional information but also the Gorbel logo, being that there is more than one building on the campus, it shows that you are still at a Gorbel location.

Mr. Palmer then used the pointer to indicate all sign locations on an overhead screen with the Gorbel campus plan.

Mr. Palmer – This curb cut right here is the curb cut for building #600 and #610. It's directing the visitors to one building and all the shipping and receiving beyond to make sure it gets to the right building. The second building, the second sign moving west, there is a curb cut right here which accesses both the Fishers Run KinderCare and their building. They are trying to redirect people from trying to make deliveries into that curb cut and send them farther to the second curb cut so all deliveries to that building can come in the back. Then as people enter the #590 building there is also a shipping and receiving sign directing them. They have a lot of traffic and a lot of deliveries coming in and out. Without the signs, they've had confusion. There are trucks coming in at night, there are not as many people there to redirect them; we really feel it is a necessity to have these signs, not only with the building numbers on each one but showing where shipping, receiving, and visitors need to go. If people miss the entrances in 53 foot tractor-trailers it is difficult to turn around and get back and situated.

Chairman Maier opened the application up to the Board for questions.

Ms. Morley had no questions.

Mr. Palmer – We did take pictures of other signage. As you enter that same complex, that same industrial park, both of these are similar signs (image on screen), larger than what we are asking for, but both have not only the company logos but “visitor entrance” and this one has “shipping and receiving” arrow also. They have done the same thing, combining their logos with some kind of direction. They are similar sign systems to what we are asking for. They are all aluminum extrusion, very clean looking, corporate. We are not putting up anything with wood. All our materials are aluminum and kind of line with what already exists in this industrial park.

Mr. Harter – I just wanted to make sure that I understood your aerial drawing correctly. You come in on Fishers Run, the daycare is on your left, Tambe is on your right, and then after that the rest of the complex is all you, right?

Mr. Palmer – The rest of the complex is all Gorbel, yes.

Mr. Harter – The signs that you are proposing affect you, Gorbel, and really no one else.

Mr. Palmer – There is no one else. Aside from that second entrance right here, which is really only the other entrance somebody could mistake and turn in, and that sign is directly the delivery to the next sign and keeping them from coming in there where the Fishers Run KinderCare is. So that sign we feel is a necessity to clear those trucks away from where people would be coming out of that KinderCare. Yes, aside from that shared curb cut, every other one is for the Gorbel

facility. This curb cut is for both #600 and #610. The next one is for #590 and #600 respectively, and then these two for #593.

Mr. Nearpass – You are asking for a 12 square foot traffic control sign, have you considered a smaller sign? Is 12 square feet the absolute minimum you can go? Do you need 12?

Mr. Palmer – The problem is that some of them are off the road and 12 square feet doesn't amount to much.

Mr. Nearpass – As I look at the sign, a lot of the space seems unused.

Mr. Palmer – Well, we wanted consistency.

Mr. Nearpass – On one of them you have it used, but...

Mr. Palmer – They are actually going to be lower than that. It shows two feet off the ground, they are only going to be one foot off the ground. We're going to have them lower than they appear. They wanted to leave some negative space here, in case they ever added something where they needed to redirect people for other entrances. That negative space was planned, for instance if they opened a visitor area in one of the other buildings. They really wanted these signs to be clearly read as the trucks come down off of that turn. If the truck is stalled at the first sign, trying to look around, that they can clearly see down to the next sign, and say OK, there is building #600, that's a Gorbel building, I can see the logo, and there is building #590. We want the signs to be able to be seen from a distance so the trucks aren't going from sign to sign trying to find their location safely.

Mr. Nearpass – Fishers Run is not a through traffic road, right?

Mr. Palmer – No. (It's not a through traffic road)

Mr. Nearpass – They are not going to be lit up?

Mr. Palmer – There is no lighting at all.

Mr. Nearpass – I'm OK for now. I'm just trying to make sure, my opinion, that we minimize the impact.

Mr. Palmer – I would say they are a third of the size of the other signs that I showed you. Those signs appeared to be 8 feet by 4 feet, almost 32 square feet, so they are fairly beefy signs that the other companies had.

Mr. Nearpass – Are they going to be next to any of those signs?

Mr. Palmer – No.

Mr. Reinhardt – Where are those examples, the signs that you showed, where are they located?

Mr. Palmer – As you are coming down Fishers Run, it's off the map.

Mr. Palmer explained where the other signs were located.

Mr. Palmer – As you enter, they are the first signs you see.

Mr. Reinhardt – The only reason why you are going beyond those two signs is for some Gorbel purpose. (Yes) And it's primarily for deliveries?

Mr. Palmer – It's for deliveries and visitors. There is a sign that directs visitors to building #600 and #610 and then deliveries in back.

Mr. Reinhardt – What's there now?

Mr. Palmer – Two of the buildings have old dilapidated plywood signs. They are on old four by four wooden posts that don't look very good. They didn't hold up well and they certainly don't look industrial. They don't follow the rest of the architecture of the metal buildings.

Mr. Nearpass – And those will be removed?

Mr. Palmer – Yes, we are removing them.

Mr. Reinhardt – How big are those?

Mr. Palmer – I don't have the size of those off hand but they were pretty unsubstantial in size. They were small, maybe six square feet.

Mr. Reinhardt – Code Compliant?

Chairman Maier – I would say no.

Mr. Nearpass – Not at six square feet.

Mr. Reinhardt – What I'm trying to figure out is the need. Is it more for shipping, is it more for visitors, both?

Mr. Palmer – It's for two purposes, overall branding of the complex to give the complex a strong presence when people come in, whether it be visitors or shipping or receiving, that you understand you are in the Gorbel complex. It's a big industrial complex now. They want to give a good presence, they want something that has their company colors and a structure that is the same. All their buildings are metal structures, they want more industrial looking signs. They want to make sure their logo is on them and they want to make sure they clearly direct people the right way, both in the daytime and at night.

Mr. Nearpass – Has Gorbel always been in all four buildings?

Mr. Palmer – I don't think so. I think recently they have moved into more buildings there.

Ms. Morley – You probably don't know this but how many trucks, tractor trailers, per day go down there?

Mr. Palmer – I don't know. They don't have their own trucks; they work with another contractor. I know that a lot of the trucks that come in at night are left. The trailers are dropped off in the back, during the day they are loaded for shipping and then trucks come in at night and pick them up. There needs to be clear direction, they are told what buildings to go to and there needs to be clear identification as to what building they go to, to look for the trailer that they need to ship. One thing that we may be asked to do, just to make it more clear, we may be asked to use a reflective vinyl on those so that when headlights hit them when the trucks come down, they could see them better. That wouldn't be any kind of external or internal lighting, it would just be a reflective vinyl the same as you would see on a police car or any emergency vehicle.

Mr. Benedict – It may not be Code compliant, by the way.

Mr. Palmer – The reflective may not be Code compliant?

Mr. Benedict – Correct. You can't cause glare that would shine back into the street.

Mr. Palmer – OK. It's obviously not a necessity, it would have been a convenience.

Chairman Maier – I was back in there, are most of the trucks tractor-trailers?

Mr. Palmer – I believe so. They are shipping large I-beams for tram rails. You can see by the overhead picture how many alone they have lined up on a daily basis. There are three behind building #590, three more behind building #600 and I think there is one here. They are all stationed waiting to be filled with products or deliveries that they are receiving, one or the other. They are either being loaded or unloaded during the day.

Chairman Maier – It's tight. There were a lot of cars there which is I guess a good thing. It is kind of tight for a tractor-trailer.

Mr. Palmer – There are a lot of regular visitors and employees coming out, regular vehicles coming in and out of this area. The signs help with safety to direct them out of the way where trucks would be going. It could be considered a safety issue too.

Chairman Maier – Have you read the Code Enforcement Officer's comments?

Mr. Palmer – I did. I read them at the office. My office didn't make me a copy of them but they did suggest that we lowered the signs to the ground so they were only a foot off of the ground.

Chairman Maier – You are proposing a sign in excess of two square feet. What is the justification for a sign larger than two square feet?

Mr. Palmer – We just need more visibility from a greater distance. We need something that draws enough attention so that they understand where they are going. If it was just one curb cut it wouldn't make much of a difference, but since they have four different entrances they can go into...

Mr. Nearpass – If there was a sign that just said “exit” to the left, you'd be OK, but shipping, receiving...

Mr. Palmer – We just want to make sure that we safely and clearly direct people to where they have to go. I understand that if you were already at the first entrance, 12 square feet seems pretty large, but if you're looking from that entrance to the next entrance, to the next entrance, we just want to make sure that they are clearly drawn to where they have to go. For that we want enough consistency where they do all look the same on campus. They want a level of consistency where all the signs are the same.

Chairman Maier – Is it in the right-of-way, do you know? Do you know whether the sign is going to be installed in the right-of-way?

Mr. Palmer – What is the right-of-way there? We know that we are restricted. Here there is no space to go back any farther. There are plantings and trees here, same as this location. There are trees and plantings there, if you set the sign back farther again, then you are out of the line of sight. The one thing is, is that there is no other through traffic here. There is no real obstruction from a view of pulling out anywhere or anything like that. We do have a drainage creek that runs and splits both of those grassy areas, so you can either go on one side of it or the other. On this (showing location) we really need to stay on the road side of that where the drainage goes through right there. The other side is all plantings. Once you pull it onto that side you lose the visibility, the effectiveness is gone.

Chairman Maier – You are adjusting the bottom of the sign to one foot off the ground?

Mr. Palmer – We did read that, that it was suggested (Mr. Palmer read from the Code Officer's comments). #2 Signs are preferred to be monument style, the bottom of the sign within one foot of the ground, which we had drawn at 2 feet, but will happily move it down. I don't think it makes the signs any less effective for us, we'd be happy to do it.

Chairman Maier - #3. Typically a traffic control sign less than two square feet would be allowed within the right-of-way and less than 35 feet from the pavement edge as the codes would not apply as the sign would be exempt from requiring a permit per §165-3B. It is the Code Enforcement Officer's opinion that if a variance is granted, that the ZBA should establish as a condition of approval where the signs would be allowed to be placed in relationship to the right-of-way and the pavement edge of Fisher Run.

You are proposing four signs is that correct? (Yes) And the justification for four versus two or three?

Mr. Palmer – Because there are four entrances. Each one is directing a different spot at the entrance. If I put one at one entrance, it's very hard to tell them if you go to the next entrance,

these are the arrows, without over explaining or making the sign ineffective again. If you can tell them to go to the next sign for the next set of instructions, then they work. Each one is directing an exact location. The only sign that is a redirect is the first sign at building #593 telling them that that is not a shipping entrance. It's basically saying continue up the road to the next one for the shipping entrance. If we don't have that sign there, and they don't realize they are looking for it, they may pull in there which creates two problems. It's very hard for them to turn around or get to where they're going at that point, plus there is obviously another business there that other people are entering. They probably don't want to deal with 18 wheelers when they are getting their kids out of KinderCare.

Mr. Nearpass – Al, if they were two square feet, how many signs are they allowed? Directional signs?

Mr. Benedict – Probably one at each entrance or exit.

Chairman Maier – I didn't take notice, you showed the signs that were there, the other businesses. What other signs are there if I were to drive in there right now?

Mr. Palmer – I took pictures of the ones that were similar to what we wanted to do. Ones that have both the company logo and some kind of directions; I just wanted to show that there were existing signs like that. I think Tambe has a sign and I can't remember the other two business as you enter off of Fishers Road on the left that both have signs. They are all freestanding and they are certainly all larger than....

Chairman Maier – Is that Johnson Controls that is in there?

Mr. Palmer – Johnson Controls is the first one on the left when you pull in. They are all similar. They are all industrial looking; there is no cheap wooden sign with thin frame panels in-between them. They are all similar construction.

Mr. Harter – I was thinking in response to Al's comment, in particular item #3 about the location of the signs in the right-of-way. I guess I see three potential signs within the right-of way and I understand the purpose of the signs. I don't know that it is within our purview to judge position and drainage, but what I propose is that the Town, because this is a Town Highway, correct?

Mr. Benedict – Correct.

Mr. Harter – I would propose that the Town Highway superintendent review the locations with the applicant and approve the locations and keep the Zoning Board out of that element of the equation.

Mr. Palmer – How would that be done? Would that be done as an on-site meeting between me and him?

Mr. Harter – I would think that that would be a good way to do it. I think something in writing submitted by the highway superintendent to the Town saying that he reviewed it with you and

these are the locations. I would think that that would be appropriate given the situation. I think you have a unique situation here and I think the signs are probably best where you have them shown and it does appear that they are in the right-of way. I don't know how snowplows go through here; I don't know how the drainage is going through here, but the Highway Superintendent probably does and can offer an opinion as to if you need to move it and where. He is probably the best resource without getting more analytical about that.

Mr. Reinhardt – Tell me on this diagram, I'm a little confused, you have two (signs) in the middle, #593 shipping to the left and #593 shipping to the right. Where are those?

Mr. Palmer – Yes. #593 is showing shipping to the right and I think the orientation on the image is a little off. That sign should be turned counter clockwise bit. Gorbel gave me this diagram. I think they were thinking where they wanted the sign, not the orientation. The arrow to the right should be directing them up the road to the next sign. That arrow then, is to the left, directing them up this driveway. Both of those signs have #593 because they are both entrances to building #593 and what they are saying for building #593 is shipping continues to this sign and then at that sign it directs them in. That's why one arrow is going to the right and when you get there you are directed to the left.

Mr. Reinhardt – I'm struggling with that one. Everything somewhat makes sense to me. I think it's a little bit of overkill. The trucks are not moving quickly, I've been in there, I don't have a big problem with it.

Mr. Palmer – They've had trucks pulling in here and ending up in this area not knowing what was #593. They've come down and turned around in the Fishers Run KinderCare, come back up through here. I know they want to keep the trucks out of that area.

Mr. Benedict – I just found that in reviewing this it's like a sign that is stuck in between two areas. You have a traffic sign, traffic directory sign is limited to two square feet and is generally a low lying and moves the traffic around and yet you are proposing a larger sign, you put Gorbel on it, and now it become essentially a building identification sign. That takes it into a different realm.

Mr. Palmer – Just that one, you mean?

Mr. Benedict – All of them have Gorbel on them.

Mr. Palmer – The point being without the Gorbel on them, if they are looking for Gorbel #593 and they are on that campus without that....

Mr. Reinhardt – Is there another #593 back there?

Mr. Palmer – There are two #593 entrances and that's the point. When you get this one it says...

Mr. Reinhardt – Right, but it's building #593, it's building #590, building #600, it's Gorbel is irrelevant. It's a bit of tooting their own horn, hey look at us, I think to Al's point, it's more of an

advertising sign, it's not a directional sign. You still can accomplish what you want, what you need, by just putting those numbers there. It appears Gorbel is taking more vacancy on the sign than the direction, arrow...

Chairman Maier – What size is allowed for a business advertising sign, Al?

Mr. Benedict – A business identification sign or building identification sign is 20 square feet.

Mr. Palmer – That's basically what everyone else in there has done, they said we're going to use all our signs as advertising and then put way finding on them.

Mr. Benedict – If you were doing that then you would be subject to moving those back 35 feet from the pavement edge and not in the right-of-way. I'd say it was a unique sign, kind of in the middle of two areas.

Chairman Maier opened the hearing up to the public to comment and there was no one at the meeting from the public.

Mr. Nearpass – What is unique about this to me is that they are in all four buildings. If they were just in one of them or we had multiple businesses in all four buildings and we were trying to identify all four businesses on these signs ... I also see the point if they just said building #600 shipping and receiving, that's not a bad compromise either if that's the way Board wanted to go.

Mr. Palmer – Their concern is if a person had never been there before and drove in from Kentucky...

Mr. Nearpass – If you didn't have these signs, do you know if Gorbel is in any of the buildings? Aren't there Gorbel signs on the buildings?

Mr. Palmer – There is one, building #600 has no Gorbel sign on it and building #593 is having the Gorbel sign removed. It only has #593 on the building, it will soon, because they have their old Cleveland Tram Rail sign on that building which isn't what they are using anymore. That's what it says on that building "Cleveland Tram Rail".

Mr. Reinhardt – Can I throw something on the table? Whatever the first sign is and I assume is the first sign to the left. (image provided) That's the only sign you get Gorbel on. Keep your color, every other sign, if you have the same color and it is directional, I think an eighth grader can figure it out, "oh Gorbel, blue" and I'm now in the Gorbel campus and I'm looking for building #593. I don't need to see Gorbel three, four times in there. My concern is that if Gorbel ever moves out of there, now you have four different occupants in there, everyone gets to advertise and then it's a free for all. I don't see the need to have Gorbel on all four signs.

Mr. Nearpass – Then make the other three smaller.

Chairman Maier – How about raising the height on the other three. Maybe a two foot off the ground height. How does the rest of the Board feel?

Mr. Harter – I'm OK with that.

Mr. Nearpass – I'm OK with it.

Mr. Harter – My basic feeling on this application is that Gorbel is the entity that is affected most by this signage. It doesn't have a community wide impact. It shouldn't receive determination from the County to require a super majority because it has no community wide impact in my opinion. I think what they are proposing is reasonable and I personally don't care whether it has Gorbel on there or not. I think it is reasonable seeing as how they are the people most affected by it. I don't see myself going down there and saying, Oh my God, look at this, there is advertising all over the place.

Mr. Palmer – It's hard to consider it advertising when the only people down there will be there for Gorbel. It's not a marketing tool, it's a way to brand that community and give them a stronger presence.

Chairman Maier – To Mike's point, its permanent.

Mr. Palmer – So by granting a variance on it the next person...

Chairman Maier – If Gorbel expands someplace else into bigger buildings, those signs are still permitted there, By minimizing at least the three, mitigating the impact with three, if somebody moves in there they can always come back and request a variance for those signs.

Mr. Nearpass – I'm assuming we would approve the variance as proposed or text as proposed, color as proposed, so if someone else came in and wanted to change the text or color they'd need to....

Chairman Maier – As submitted, yes.

Mr. Palmer – So that variance wouldn't carry forward, it would only be for this.

Mr. Reinhardt – The text as proposed on the first sign and then on the other three, color, and verbiage, but scratch out Gorbel.

Chairman Maier – Color and fonts would be consistent with what was submitted. Now the question I have is what size sign for those three, if we entertain that, would be appropriate?

Mr. Palmer – The idea of leaving space open, here's the problem with minimize the signs, if they ever add an office to #590, there is no current office there, if they ever add an office for Cleveland Tram Rail....

Mr. Nearpass – They would still have the same amount of space for the extra text, what you have now is the logo, you're not going to put anything over the logo.

Mr. Palmer – Right, but if they minimize the size down to where it is only showing shipping and receiving, then I don't have any space to put visitors or anything.

Mr. Nearpass – I think what we were recommending was to only cut out the Gorbels, so you are still going to have some blue space there.

Chairman Maier – I don't know, I was thinking of making the sign smaller.

Mr. Nearpass – I was thinking of making it smaller by the amount of the logo, you're saying go even further?

Chairman Maier – Right. That's how I understood it. We mitigate the impact by doing that. You get on it what you want to have on it, should something change, you can come back in, you've got the post there, you can come back in and replace..

Mr. Palmer – My only concern is that there are industrial parks that have 20 companies that demand that every company have the same color and size. There are certain industrial parks that do that. If we don't have that Gorbels, how do they know that building #593 is Gorbels when it doesn't have a Gorbels sign on it and doesn't have anything....

Chairman Maier – You already said it, it has the same color...

Mr. Palmer – There are industrial parks that have 20 different companies and they demand that they all have the same color.

Chairman Maier – You said that when the trucks pull in there, they are given instructions on what building to go to. They are being told to go to building #590, #600, or #593. If they have the signs up, they should know where to go.

Mr. Nearpass – The question I have is that you have two styles of signs. The one all the way to the right on the page has the building number in bold and in large.

Mr. Palmer – That was per their request.

Mr. Neapass – Which one do you think they are going to stick with? My opinion is the one on the right is the better representation because it has the building number where you can easily see it.

Mr. Palmer – More clear from a distance, yes.

Mr. Nearpass – The other two signs have the building number much smaller. I think to the Chairman's point, if you use the one all the way to the right, you remove the part that says Gorbels, move it up to the area or center it. If you ever had to do something else, expand, you've heard our dialogue; it would be something that we would consider again.

Mr. Palmer – Out of curiosity, the other companies, their signs are maximum 15 feet from the road, nowhere near 35 feet from the road, yet they've been allowed both directional and logo for each building.

Mr. Nearpass – I can't speak for them, but I know there are a lot of pre-existing nonconforming signs that are grandfathered in. I don't know, Al, if you know how long those signs have been there?

Mr. Palmer – The are both fairly new.

Mr. Nearpass – Our signage Code is only four of five years old, Al?

Mr. Benedict – Our present sign Code is nine years old. I was going to check on those other signs, but I didn't get a chance to do that. It could be that they have been put there without permits or they could have been put in many years ago.

Chairman Maier – This is what I am thinking. Do you see what the arrow is on the #590 sign? (Yes) What dimensions would we be looking at if we cut the sign off by the arrow?

Mr. Palmer – You would probably be taking about a third off. To still give a little blue space under that arrow...

Chairman Maier – Just give me a rough dimension so we can mull it over.

Mr. Palmer – Two and a half feet.

Chairman Maier – So the width is how much?

Mr. Palmer – Three feet. A fair assessment, you would probably be taking a full foot off of the bottom. It would make it three feet by three feet.

Chairman Maier – What you can do with that is put all of the numbers, if they wanted to put the numbers on you could do that, if we would permit it, they would have the space to do that. Although you've got them on there anyway, it may not be necessary.

Mr. Palmer – So the first sign on the left (of image) would be the one that you would say would be allowable with the Gorbels logo. That's the first one that would be seen coming from the east.

Chairman Maier – One foot off the ground.

Mr. Palmer – One foot of the ground. The other signs, we would basically take a foot off the bottom of each sign.

Chairman Maier – Right, three by three, two feet off the ground.

Mr. Palmer – So basically at the same height, the top of them are at the same height. The bottom of that one would be raised up.. (Right)

Mr. Reinhardt – Wait a minute, I'm not tracking this. Your specs here: overall length of sign three feet four inches.

Mr. Palmer – Right, and here the original proposal was two feet off the ground. We were told that we had to be a one foot so we agreed to bring them down to one foot.

Mr. Reinhardt – Right, but I'm trying to stay on the same page here. We're talking about the dimension of the face of the sign. Then we are talking about how high it is. I understood the Chairman as saying the sign is three feet wide by three feet deep. You're only cutting off about four inches.

Mr. Palmer – We're cutting one foot off the bottom of the sign, off the actual sign panel. The current proposal is four feet high and three feet wide, it would go to three foot high by three foot wide.

Mr. Reinhardt – OK.

Chairman Maier – Have you read the Ontario County comments?

Mr. Palmer – I believe I did at my shop.

Chairman Maier – It's OK, I'll read it. They've "taken a long interest in supporting local efforts to limit excessive signage. The Board has identified US Route 90 as a primary travel corridor for the tourists visiting Ontario County. The intent is to protect the character of development along these corridors by encouraging local Boards to adhere to their adopted laws as much as possible. The findings: The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County. Protection of the community character along these corridors is an issue of county wide importance. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site. It is the position of this Board that the proposed signage is excessive. Excessive signage has a negative impact on community character. Final recommendation denial."

I'd like to point out in the minutes that this is not on the Route 90 corridor, not on the Route 96 corridor, as listed in the comments from the County Planning Board.

We need a super majority, which means four out of five need to approve it.

Chairman Maier asked the Board members what their thoughts were on the application.

Ms. Morley – I am good with what you are talking about cutting the signs down. I was fine with the way it was the other way too.

Mr. Harter – I was OK with it originally and I'm OK with the signs being cut down too.

Mr. Nearpass – I'm OK with the tradeoffs that have been made here.

Mr. Reinhardt – As proposed I am not in favor of it, but I am in favor with the one sign with the Gorbel logo and the other three with just the numbers and the directional information; the 3' x 3' face of the sign.

Chairman Maier read the resolution.

During the reading of the resolution the following discussion ensued:

Mr. Harter – They (Gorbel) control the last four parcels. There is no one else that is really affected. The business is the neighborhood.

Mr. Benedict - Just to clarify, there is another parcel at the end of that driveway and it is a non-Gorbel owned parcel.

Mr. Parcel – It's an undeveloped parcel at this time, right?

Mr. Benedict – It's been developed, it does have an approved site plan.

Chairman Maier – But, as it stands, Gorbel is the only business in that portion of the campus.

Mr. Benedict – Correct.

RESOLUTION

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on April 14, 2016 from Vital Signs Sign & Graphic, 780 Ridge Road, Webster, NY 14580, requesting an area variance to place four directional signs within the Gorbel campus, 600 Fishers Run, Victor, NY that are intended to direct visitors to their destination, whereas §165-3B(6) of the Town of Victor Code states that traffic control signs should not exceed two square feet; and,

WHEREAS, said application was referred by Alan Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on May 8, 2016 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, the Ontario County Planning Board assigned the referral as a Class 2, AR-7 on May 4, 2016 and returned it to the local board with a final recommendation of disapproval; and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act and therefore does not require further action; and,

WHEREAS, a Public Hearing was held on May 16, 2016 at which time no resident spoke for or against the application; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for the placement of four directional signs within the Gorbel campus at 600 Fishers Run, Victor, NY 14564:

1. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification: There are already existing signs in the area that are similar. There is consistency on signs. Gorbel is the only business in that portion of the campus. No one spoke against the application.

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

Justification: It is difficult to put the signs in using the established setbacks and it is important to have the signs installed to route traffic directly. It is a convenience issue; there are spots where tractor trailers can get themselves in a jam.

3. The requested area variance is not substantial.

Justification: Again, there are already signs there, other than a currently empty parcel, it is basically Gorbel's campus.

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

Justification: The area is basically a stand-alone campus. There are already signs there. The proposed signs are consistent in coloring and lettering and for the most part size.

5. The alleged difficulty is self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

The following conditions are imposed to minimize any adverse impact such variances may have on the neighborhood or community:

1. The color and font of the signs will be as submitted;

2. The largest of the three signs, which is 3' x 4' will be one foot off the ground, while the three other signs, will be modified to a 3' x 3' dimension and will be two feet off the ground. The only sign that will have the Gorbel logo is the 3' x 4' sign (600, 610 Building Sign). The other three signs will not have the Gorbel logo at the bottom of the sign.
3. The Town of Victor Highway Superintendent shall approve the location of the signs in the Gorbel Campus.
4. The signs shall be subject to all other Code compliance.

DECISION:

On motion made by Keith Maier, and seconded by Scott Harter:

NOW, THEREFORE BE IT RESOLVED that the application of Vital Signs Sign & Graphic, 780 Ridge Road, Webster, NY 14580, requesting an area variance to place four directional signs within the Gorbel campus, 600 Fishers Run, Victor, NY BE APPROVED:

This resolution was put to a vote with the following results:

Keith Maier	Aye
Scott Harter	Aye
Donna Morley	Aye
Mathew Nearpass	Aye
Michael Reinhardt	Aye

Adopted: 5 Ayes, 0 Nays

EXTENSION OF TIME

1. 1308 East Victor Road (Extension of Time for Determination of Area Variances)
Alteration/Enlargement of Pre-existing Non-Conforming Structures
Appl. No. 2-Z-16

Applicant is requesting an extension of 120 days to keep his tabled application open for a Zoning Board of Appeals decision on area variances to build an attached garage, build a deck on the back of the house and erect an above ground pool. The property/structure is being used residentially, preexisting non-conforming, in a commercial-light industrial zone. The following area variances are requested:

1. To allow the construction of an attached garage and erect a pool and deck, whereas, §211-3B(1&2) states structural alterations or enlargements of preexisting non-conforming structures in a commercial-light industrial zone are not permitted.
2. To allow a one foot side setback for the garage, whereas five feet are required per Schedule II Part II-Area and Height requirements.
3. To allow a 24 foot front setback for the garage, whereas 80 feet are required per Schedule II Part II-Area and Height requirements.

Chairman Maier – Mr. Cline has sent in a request to extend his 62 extension to an additional 120 day extension. In his letter it states, this is needed because the Town Board is in the process of looking into changing the wording of the Town Code in a way that will affect the variance. He has been told by the Town Board that the process may take three months. It may take longer.

My understanding is that procedurally we can grant whatever amount of time we wish for an extension.

Mr. Benedict – Along as it's a mutual agreement between you and the applicant.

Chairman Maier asked how the rest of the Board felt about a 120 day extension. All the members of the Board were fine with granting the extension.

RESOLUTION

WHEREAS, in an email dated May 4, 2016, Jason Cline requested an additional 120 day extension of time for an area variance for the Alteration/Enlargement of a pre-existing, non-conforming structure at 1308 East Victor Road, Victor NY; and,

WHEREAS, the Zoning Board of Appeals originally had 62 days, until June 5, 2016, to render its decision on the application from the Public Hearing date of April 4, 2016; and,

WHEREAS, beginning with June 4, 2016 a consecutive 120 day extension will make the final day for determination of the area variance October 2, 2016.

DECISION:

On motion made by Keith Maier, and seconded by Scott Harter:

NOW THEREFORE BE IT RESOLVED that the Town of Victor Zoning Board of Appeals grants an additional 120 day extension of time for the area variance application of Jason Cline, 2-Z-2016, titled 1308 East Victor Road-Alteration /Enlargement BE APPROVED.

This resolution was put to a vote with the following results:

Keith Maier	Aye
Scott Harter	Aye
Donna Morley	Aye
Mathew Nearpass	Aye
Michael Reinhardt	Aye

Adopted: 5 Ayes, 0 Nays

On a motion by Keith Maier, seconded by Michael Reinhardt, RESOLVED and unanimously agreed, that the meeting was adjourned at 8:03 PM.

Debby Trillaud, Secretary