

A regular meeting of the Town of Victor Zoning Board of Appeals was held on Monday, November 19, 2018 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Michael Reinhardt, Chairman; Scott Harter; Donna Morley; Fred Salsburg

ABSENT: Mathew Nearpass, Vice Chairman

OTHERS: Martin Avila, Town of Victor Code Enforcement Officer; Ed Kahovec, Town Board Liaison; Paige Camp; Pete Gillette; Debby Trillaud, Secretary

The meeting was opened, the Flag was saluted, and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES:

On a motion by Donna Morley, seconded by Fred Salsburg,

RESOLVED that the minutes of October 15, 2018, be approved as submitted:

Michael Reinhardt	Aye
Mathew Nearpass	Absent
Scott Harter	Abstain
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 3 Ayes, 0 Nays

PUBLIC HEARINGS

1. 1286 / 1290 BLOSSOM DRIVE SIGN
22-Z-18 – Area Variance

The applicant, 1290 Blossom Drive LLC, is seeking variances for the sign at 1286 Blossom Dr, Victor, NY; to Victor Town Code §165-5B(1) which states a sign should identify a plaza but not identify specific businesses and to §165-6D which indicates signs must be on the same property as the business they advertise. The sign is located on the 1286 property and advertises for businesses located both on the 1286 property and the 1290 property.

Paige Camp, Asset Manager for the property and Pete Gillette addressed the Board.

Chairman Reinhardt – In your presentation, because we are creating a record, I'd like to ask you if you're using diagrams instead of saying here, this and that, do the best you can with compass directions. Identify buildings and even if you have to draw on something, that's fine too, because

the record is sometimes hard to understand. The more descriptive words you can use about what exhibit you're looking at, the better it's going to be.

Ms. Camp – What we're here about is that we have a sign on our property in front of 1286 Blossom Drive. If you turn onto Blossom Drive it's two buildings. We own both of them. They both go under 1290 Blossom Drive LLC. We bought the property back in 2011 and from my understanding the sign was there then. At the time Victor Parks & Rec was in the back building, the 1290 Blossom Drive building which you can't see from the road. It's kind of around a bend. About two years ago Pete and I took over management of the property. The sign looked horrible, but it wasn't something in the budget to fix until this past summer. We didn't think anything about fixing the sign because it had been there for so long. All we did was paint the post black and we got new faces for the sign.

Part of the reason that we went ahead and did this is that luckily we have had a lot of leasing activity in the past year. Mark Tolbert who was previously in 1286 Blossom, he owned Toptica Photonics, had moved out leaving us with an entire vacant building. The vacant building now has four brand new businesses that moved into the building. Now that it's four businesses and not one, we are getting a lot of questions on signage. They ask how are our customers going to know where we are? It's a high speed road, no can identify us. They ask if they can be added to the sign.

I really didn't want to add to that previous sign because it was truly falling apart. So we went ahead and upgraded it to this sign. I'll let Pete speak to what tenants have been saying about it.

Mr. Gillette – As Paige mentioned with the front building, 1286 Blossom Drive, went from one tenant to four tenants. The same thing happened with the back building, the former Victor Parks & Rec space. This space has been a little bit challenging just because I think there are a few expansions on the building. As you go into the building you can see some windows blocked in, so a portion of the space doesn't have windows. So we've had to chop up that building as well. We've been working pretty hard on it and now it looks like we have two more tenants to take the whole entire space. It looks like we are going to go from one tenant, Victor Parks & Rec, to five total in the back building.

One of the tenants is a personal trainer, the Vanderstynne family. They have quite a bit of traffic that comes in and out. That was something that was pretty important to them, to have some type of signage in front so that their customers can find them.

Ms. Camp – I didn't send it to you, but we do have an email from her saying that her customers have given her great feedback that it's a lot easier to identify where she is.

Ms. Trillaud – Is that the SmoothFit?

Ms. Camp and Mr. Gillette – Yes.

Mr. Salsburg – So you would expect there would be five total?

Mr. Gillette – In the back building, yes, 1290 Blossom Drive, five total, we've already allocated the spaces for them. (*on the sign*).

Ms. Camp – There are two buildings, so 1286 is going to have a total of four tenants and 1290 we're expecting about five tenants.

Mr. Gillette – When Paige and I were going over the budget, the marketing plan, we had a two year plan and it's all coming together now. It took a while. We think the whole Park has turned around quite a bit. We did not do it intentionally to try to cause something that was a distraction to people, but we just looked at the three tenants that were there before. So it went from three to ten essentially. We tried to use the same exact footprint that was there before. (*for the sign*). Mark Tolbert actually had another sign that went behind it that we have since taken down. We are trying to get down some of the A-frame signs. One of our tenants has put up an A-frame sign, but we've taken our A-frame sign for the leasing down. Paige is working on getting the other A-frame sign down, so really that would be the only sign left.

Mr. Salsburg – Well the sign does look better. Coming from the Village you can hardly see it with the other stuff in the way of it.

Mr. Camp – Once we get rid of the stuff, this would be the main sign.

Mr. Salsburg – It is the same size?

Ms. Camp – Exactly the same size. Obviously there were panels missing previously.

Mr. Salsburg – I noticed that across from the mall, the Walmart plaza and then the other one right straight across, they have a series of tenant signs. Were they variances or were they included in the original approvals?

Mr. Harter – That was going to be my questions as well to Martin.

Mr. Avila – They probably fall under the site plan approval. If signage is called out in site plan it doesn't require a variance unless it blatantly is in disregard of the Zoning Code. Those, I believe, I'd have to double check it, would be on the site plan.

Mr. Salsburg – You could almost say the same thing here too.

Chairman Reinhardt – It's, not; it's bit of apples and oranges, what we've got here, but we can pursue the questions.

Mr. Harter – But in terms of appearance, it may be a different source like Martin is saying, that it arrived because it went through Planning Board versus a variance, but I think in terms of the impact to the community and what we see when we drive by it is consistent with those plazas that Fred identified. My feeling is yes, it is consistent.

Mr. Reinhardt – Yes it is what?

Mr. Harter – Consistent in terms of appearance.

Mr. Salsburg – It is a difference in scale but theory is about the same.

Mr. Harter – Correct.

Mr. Avila – Those other signs probably pre-dated the current sign Code.

Mr. Salsburg – How long has this sign been there?

Ms. Camp – To the best of my knowledge since 2011. It is refaced, which I think is how this all came about. We have driven up Route 96 now, just because we know we are in kind of a unique area with the high speed right there. It does seem like there are some other plazas on the street that have done similar signs with directories.

Mr. Salsburg – I think the sign was there before 2011.

Mr. Avila – There is a variance right now from 2007 for that sign.

Chairman Reinhardt – For the Parks & Rec sign.

Mr. Avila – So that sign has been there at least from 2007.

Mr. Gillette – So I think that what happened was the Victor Parks & Rec sign that you are looking at to the right on the screen, after that two additional tenants names were put up below there. When the Victor Parks & Rec moved out the top portion was taken down. Over the last couple of years it was just the two tenants below and then the top section was taken down so the sign looked half finished.

Ms. Camp – We have a picture when that was the condition of it.

Ms. Trillaud – Good, because I saw it on your phone but I never got it on email.

Mr. Gillette – That's my best guess at what happened but I'm not 100% sure of that.

Chairman Reinhardt – Do you have that photograph some place.

Mr. Salsburg – We don't have it here.

Ms. Camp brought a printed image up to the dais.

Chairman Reinhardt – I'm looking at a photograph, it looks like it's from Google. (Yes) It's a street view dated September 2017. It shows just as you're describing that the top portion of the Victor Parks & Rec sign isn't there and there is a bottom portion that you can't make out, but there are some words, verbiage beneath it.

Ms. Camp – One of them was Toptica Photonics, who was in 1286, and the other verbiage beneath it was UMP, at the time they were called Upstate Medical Group. That was the second tenant listed.

Chairman Reinhardt – Can we hold on to that? (Yes)

Mr. Gillette – Upstate Medical Group is in the back building, at 1290.

Mr. Salsburg – It doesn't seem to be a glaring object out by the road, it's small enough. It must be within the size limitations of the Town. You don't plan on changing it?

Ms. Camp – No, I'd like to add some flowers around it, that's it.

Mr. Harter – I don't have any questions. I think I understand what's happened here and what you are trying to achieve. I guess I was on the Zoning Board when we gave the variance to allow the Parks & Recreation sign there, so I am somewhat familiar with it. I also did Mark's Pizzeria across the street, so I'm familiar with the neighborhood.

Ms. Morley – If this sign is varianced in, will there still be the A-frames there? You will be advertising everything so there will be no A-frames?

Mr. Gillette – Yes, we do not have any leasing signs for the property anymore so, knock on wood, it should be fully leased out in the next year. The A-frame in the picture is actually one of our tenants. We've sent a request to take it down.

Chairman Reinhardt – I'd be curious on how you're going to do that because Phoenix Mills has signage all over the place. There are sandwich boards all over the place and I'll speak a little bit for the Code Enforcement Officers. They run ragged trying to get those sandwich boards off of that lawn. They are only supposed to be up during open hours and they are ignored, they leave them up, wind blows them all over the place; we hear "We'll take care of it" but it doesn't seem to follow through.

This photograph that you have is a bit alarming to me that right next to the advertising on the monument where the signage is, there is a sandwich board right next to it. How are you going to police that?

Ms. Camp – Luckily for us, in our lease, there is very strong signage language so that tenants can't put their own signage up without us. We can send you a copy of it. We can send them a formal default notice and he'll be in default of his lease. We're honestly willing to terminate over it. We want the building to look better. We've spent so much time there. I had a list of things. Our maintenance guys this past summer put stone all around it. We've ripped up the mulch bed because it was continuously weeds. We really want the property to look better; this has been our goal. We'll send a default notice if he doesn't remove it. We'll legally enforce it.

Chairman Reinhardt – The variance, was that for both parcels or just 1286 Blossom Drive? Do you know?

Mr. Avila – I believe because the sign was on 1286, it would be the variance for the setback, that would have been for 1286. That's my best guess.

Chairman Reinhardt – What concerns me is that that sign is going to be advertising for the parcel behind it. I think it sends a bad message out to businesses that you can put up signs wherever you want. You don't have to own the property, it can belong to someone else, and you can still put your sign up. There will be signs all over the place. I think the Town Code has some pretty strong language on signage. We hear, especially signs near the mall, that it's said nobody can find us. It's Route 96, it's a fast thoroughfare. In today's day and age, especially with the millennials, you type in Google, a little red dot hits the map, and that's right where it is. So signage and the notion of 'customers can't find us', I'm not quite buying it. What we also hear from the County Planning Board, they also have concerns. Did you have a chance to look at that? They denied it.

Mr. Gillette – We saw that.

Chairman Reinhardt – It's an advisory Board. It doesn't mean we have to do it, but they are recommending that this Board deny the application. What is not quite clear is, is it because the sign isn't on the property it is being advertised for or if it's just so close to Route 96, and I think it's more so that it's signage on Route 96 and what the County Planning Board is trying to tell this Board is that that's a main thoroughfare, and caution, if you start letting this happen, there is going to be more and more signage up and down Route 96.

Any thoughts on that?

Mr. Gillette – Yes, I have a couple of comments. The previous developer that I worked for, I managed five office parks, one being in Bushnell's Basin and Sully's Trail at 100,000 square feet. I have ten years of experience with fighting those A-frame signs. So when we remade the lease we made strong language because I'm very familiar with what you are talking about regarding multiple signs. That was one of the things we fought against daily so we created the new lease that had stronger language for that. I feel pretty comfortable that with this park we are covered for that. We can send you the lease if you want to see it. So I 100% agree with you.

Ms. Camp – I still think we are reducing the number of signs by putting this sign up and not allowing the businesses to have other signs. I think that if we don't include both buildings you are going to have people coming to you asking for permission to put up a bunch of other signs on Route 96. People want to rent in Victor because they want to be seen on Route 96. I agree that you can type it in to your GPS but you pull into the office park and if there is not a sign that you have the right place it can still be confusing within an office park.

Mr. Gillette – For example we just had a physical therapist sign last week who specializes in Parkinson's redevelopment. You are going to have people with Parkinson's, probably not driving, but one of the family members will drive them there, trying to find the therapist. They actually just took a space in the back building.

Chairman Reinhardt – It's not that you can't have a sign. You can identify the building or the park, like you have Blossom Drive Park. If people know where that is, and they usually should,

whether it's physical therapy or insurance, you're going to come back a handful of times and you have an idea where it's at or you Google it. I don't know how many people don't have a cell phone in this day and age. You type in what you are looking for and there it is, right there.

You have a total of nine tenants and if this Board approves the variance there will be nine business names on that sign and there is no other animal like that in Victor, unless you can tell me where it is.

Ms. Camp – We looked at Phoenix Mills which is half a mile up the road. They have a directory sign out front that currently lists 14 businesses. I don't know how their addresses break down but they also have multiple buildings.

Chairman Reinhardt – Do you know where that sign is?

Mr. Avila – Yes, it pre-dates the sign Code.

Chairman Reinhardt – Again, we don't draft the Code. The Town Board drafts the Code. What we are charged with is if the Code Enforcement Officer says it doesn't fit with the Code, you need an area variance. There are five criteria, did you look at those? (Yes) We need to answer those criteria with yes it does, or no it doesn't. So looking at it; is it going to change the character of the neighborhood; is it substantial; is there going to be an environmental impact: Well, on the environmental impact, no it's not, but the two pieces you are wrestling hard with is, is it substantial? The Code says you are really not supposed to be doing that, just identify the Office Park itself. You can do that. You are permitted to put up those sandwich boards and the Code Enforcement Officers wrestle with that all of the time. To have what you are looking for, the Code really doesn't permit that. What you need to help us understand is why isn't this substantial. Why isn't it going to change the character of the neighborhood?

Ms. Camp – I guess the reason is because the sign was there and it did list multiple businesses. It didn't list as many businesses as are there now, but that's because we kept telling people no, no, no, let's make it look better. Let's enhance the appearance of this community as a whole. Don't hang your sign on the sign that's falling apart. Let's reface this sign and work together and make this a community. Let's make it an office park. For at least three or four years it sat vacant.

Chairman Reinhardt – Where's the line? What I'm getting at is that prior variance had two tenants on there. You now want nine. Is fifteen OK? Is 20 OK, 30? Where is the line there?

Mr. Gillette – What we are asking for is just to go from three to nine. I really encourage you, I live in the area and we worked really hard on this site. It took two years, and we are going to have five strong businesses that weren't in this area before. SmoothFit, for example, she could have gone anywhere. She could have gone to Brighton or Pittsford. That was an important part to the community and I think it's a really value added component. I understand where you are coming from, where you draw the line but our point is we're drawing the line right here. We're not going to have anything more than what you see on the sign right now. At the end of the day, if you approve this we're going to have a Park that is going to be 100% full. That took four years to happen.

Chairman Reinhardt – So when we look at these criteria we have to plug something in there. We can't just say OK, that sounds like a good idea. We're looking at whether or not there is going to be undesirable change; there will or will not. So far what I've heard you say is that Phoenix Mills is just like that.

Mr. Gillette – We used that as an example. You asked for an example so we gave it.

Chairman Reinhardt – What I'm getting at is if we say it would not change the character of the neighborhood, there needs to be some justification, some explanation.

Ms. Camp – It definitely changes it; it makes it look a lot better. We could have left what was up there previously.

Chairman Reinhardt – You're going down the wrong path, because if you say it will change the character of the neighborhood, that's indicative of denying the variance. I think what you want to argue is that it won't change the character of the neighborhood because there are a lot of like things around it. You follow me? I'm not trying to counsel you, I'm just trying to suggest to you that we have to fill in the blanks here.

Ms. Camp – No, I definitely agree. I don't think it will change the neighborhood. There are multiple like signs. There is Phoenix Mills and Metro Tire also has a directory sign that lists multiple businesses. There is a little different because they are all somehow related. In that area, the way the road is broken down, it seems to be a very common type of sign.

I think that we went with a pretty simplistic design. We didn't want to do anything over the top. We tried to keep it so that it won't change the neighborhood. It goes with the environment, it doesn't fight against it.

Chairman Reinhardt – How is 1286 being used. What's in there?

Ms. Camp – You have an insurance agent; a basement waterproofing company; a new counselor; and TGA Golf Academy just opened up.

Chairman Reinhardt – On 1286, what signage can go on the building?

Mr. Avila – You can put a directory sign on the building that would have the name of each of the businesses within the building and you could do the same for 1290. They can have a building mounted directory sign per Code.

Chairman Reinhardt – So why won't that work?

Mr. Gillette – In my opinion it's slanted the wrong way to Route 96. I don't think the majority of the people would see the signs.

Chairman Reinhardt – Again, I think when you are going down Route 96, it would make me nervous if you are looking to the right and left at business signs and you are doing 45 and 50 miles per hour. If you go from the mall to the east side of Victor, except for the Village, the

speeds are up there. If you are looking to the right or left at signage, you are not going to pay attention to the road. You should know where you are going.

Ms. Camp – Absolutely. 1290 Blossom Drive though, if you turn into that park and you type it into your GPS, I've typed it in there, you're not going to know exactly that you are there. You are going to pull in and you're going to see Mark's Pizzeria and you are going to see 1286 Blossom Drive and you will see the directory signs and you will think you are in the wrong place. 1290, the building is set back. I think this is the only way for people, when they're trying to get here, are going to know that those businesses are in that back building; that they are in the right park.

Chairman Reinhardt – I'm not very comfortable with it because I'm looking at what the County Planning Board is saying. If this Board approves it, you're going to need a super majority because you are going against the grain for the County Planning Board. Do you understand that or not?

Ms. Camp – Absolutely.

Chairman Reinhardt – We're missing a Board member so for a super majority you are going to need all of us to say yes to both variances. That you can have the sign, the amount of tenants on it and this location. Because the sign is also advertising for 1290, you need two variances.

Mr. Harter – I had a question for Martin. If they remove the individual businesses and just left the Blossom Park Drive and maybe enhanced the size of the letters on that to take up some of the available room, is that legitimate to do that?

Mr. Avila – That would be considered a building identification sign and yes that would be alright.

Mr. Harter – So they could have a sign that just says Blossom Drive Park in very significant letters and then the individual businesses would be identified when you pull in there and you look for whatever business you are looking for.

Mr. Avila – On the directory sign on the building.

Mr. Harter – And that would be compliant?

Mr. Avila – Yes, and they can even put in, if they wanted to, a sign stating that this was 1286 and 1290 was down the drive a little bit farther. That would be a compliant option.

Chairman Reinhardt – So on that sign they could identify that there are two buildings?

Mr. Avila – Yes, they could put Blossom Drive Park, 1286, 1290.

Mr. Harter – That's what I wanted to know. I'm good.

Mr. Salsburg – I'm all set, ready to vote.

Chairman Reinhardt – I have to ask, is there anyone from the audience that would like to speak for or against the area variance request?

There was no one who spoke.

Chairman Reinhardt – Do you want to add anything else, because I think we are probably ready to vote?

Mr. Gillette – I think regarding your comments about someone driving 40 or 50 mph, not looking to the right or left, in my opinion if that's the case, I don't think it hurts the character of the area. I think it is similar to other signs that we've seen in the area. Again, I know you don't see it daily like I do, but I've been doing leasing for 12 years and it really, really helps to have signage out. It brings people to Victor. I mean I've seen it, I'm not just saying it because that's our property. Having signage out there is really important.

Chairman Reinhardt – I understand. I understand that businesses think that signage is important.

Mr. Gillette – Whether or not it's true or not, I definitely have pitched otherwise to people. I'd be the first to admit on property I've had that isn't on frontage, I've pitched to people that that is not the case. A lot of people when they are making decisions, they look at cost savings that they don't have to spend on marketing, so it's very, very important.

Chairman Reinhardt – I think we'll agree, at least from a marketing standpoint, there are differences of opinion on the importance of signage. If you are going to hang your hat on your sign, as that is how your business is going to make it or break it, you have a lot to hope for.

Mr. Gillette – I agree, but when a decision is being made between two similar properties and one has a sign and one doesn't, ... I'm just making that final pitch.

Chairman Reinhardt – I understand. You have experience. What we also look for is what does the Town Code say and what happens in the Town. What happens in Pittsford or Henrietta or all the other neighboring municipalities really doesn't have an impact here. This is the Code we work with and this is what we have to do.

Now as we are making comments, at some point in time if you think there is another piece of information or something else you would like to show us, we certainly can do that, we've done it before; we can hold the meeting open for the applicants if they would like to show us something else. Chime in if you think that that is what needs to be done.

Mr. Harter – Can I ask Martin, regarding Phoenix Mills, which is a neighbor to this site, was their signage approved under a prior Code so that the directory sign that they are referring to is not something that they could do today?

Mr. Avila – If they were installing it new today, no they wouldn't be able to. I can't speak to what is was prior to now.

Mr. Harter – So that was under a prior application and most likely under a different sign ordinance because that has been there for a while.

Mr. Avila – Phoenix Mills was put in there in the late 80's I believe so yes, that would have been under an earlier Code.

Mr. Harter – I just wanted to be sure, thank you.

Chairman Reinhardt – The first criterion: An undesirable change would or would not be produced in the character of the neighborhood? Fred, what do you think?

Mr. Salsburg – Would not be an undesirable change. I think it's well done. I don't think it makes too much difference if down the street there is a similar situation that was sometime in the past and this sign was here sometime in the past. This doesn't look like a big change to me.

Mr. Harter – The questions I asked of Martin were the ones that were important to me just to put this all in perspective. I agree with the applicant, that if I were in their shoes, this is something that I would want. I don't disagree with that at all. Relative to where we are today in the Code and what has happened historically, and whether the sign can be made compliant, those were my critical questions. With the answer being yes, that it can, with some adjustments being made and the sign can still be used in a productive way, my feeling is that they can comply with the Code and they should comply with the Code. That's my feeling.

Chairman Reinhardt – I'm a little confused. This would or would not change the character of the neighborhood?

Mr. Harter – I think it would change the character of the neighborhood.

Ms. Morley – I think it would change the character of the neighborhood because I have an issue with the two addresses.

Chairman Reinhardt – I'm inclined to go along with Donna and Scott. Having some of the tenants advertising on another parcel. I know it's the same owner, but it's two separate parcels. A variance is going to run with the land and it's seriously going to complicate things that that signage is going to be permitted for nine tenants. Let me be clearer. There could be a day that you sell 1290, hypothetically. If you do, that signage that is on 1286 remains; the variance remains. If you say today that there will be no more than nine tenants there; that allows that parcel to have that signage for nine tenants and that is something that doesn't exist on Route 96 for one parcel like that.

Those points, because it's two parcels and the amount of tenants which was two tenants and now it's up to nine; I think it would change the character of the neighborhood.

Fred, what do think on the second criterion, on can this or can it not be achieved by some other feasible method.

Mr. Salsburg – I think it can be achieved by some other method but since they already walked into this method it's there! You shouldn't force them to change it.

Mr. Harter – I think based on Martin's response it can be achieved by some other method.

Ms. Morley – I'm in agreement with Scott.

Chairman Reinhardt – Same thing, I agree with Scott.

The third is whether or not it's substantial. Fred do you think it's substantial or not?

Mr. Salsburg – No, I don't think it's substantial at all.

Chairman Reinhardt – And that is because of your comments on the first criterion. That it's well done and there is other similar signage on Route 96?

Mr. Salsburg – Yes, it's not very big.

Mr. Harter – I think it does agree with other signage that has been reference but it's substantial with the respect to the Code that we are currently dealing with.

Ms. Morley – I agree with Scott.

Mr. Reinhardt – I agree with Scott as well. Fourth, whether or not this will have an adverse impact on the physical and environmental conditions of the neighborhood?

Mr. Salsburg – It has no impact.

Mr. Harter – I would say it has just a minor visual impact.

Ms. Morley – I would say no impact.

Chairman Reinhardt – I agree with Donna and Fred. As far as the environmental impact, I can't see it, it's negligible if anything at all.

The fifth criterion being is it self-created or not? The condition is relevant but does not necessarily preclude the granting of the variance. Oftentimes what happens is because you are asking for it, it is self-created. It's your doing. I don't know how else you can get around that unless something falls from the sky and you can say you had nothing to do with it. Occasionally it happens, but I think this is self-created.

With that, I think you get an idea about which direction the Board is going to go. Is there something else that you want to add or bring back to us? We are ready to vote, we can certainly do so.

Mr. Gillette – I'm good.

Ms. Camp – I'm good as well.

Chairman Reinhardt – If I understand the Board correctly, we would entertain a motion to deny both variances.

RESOLUTION

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on November 7, 2018 from 1290 Blossom Drive LLC, 2604 Elmwood Avenue, Box 268, Rochester, NY 14564, requesting two area variances for an existing sign at 1286 Blossom Drive, Victor, New York that advertises businesses at 1286 and 1290 Blossom Drive; and,

WHEREAS, the applicant requests the sign identify specific businesses, whereas, Code Section 165-5B(1) states that freestanding signs should identify buildings or plazas and not individual businesses; and,

WHEREAS, the applicant also requests that the business sign, located on 1286 Blossom drive advertise businesses on 1290 Blossom Drive, whereas, Code Section 165-6D indicates signs must be on the same property as the business they advertise; and,

WHEREAS, said application was referred by Martin Avila, 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 November 11, 2018 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, 198-2018, as a Class 2, AR-7 on November 19, 2018 and returned it to the local board with a final recommendation of denial; 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 November 19, 2018 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 regarding the existing sign located at 1286 Blossom Drive, Victor, NY 14564:

1. An undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variances.

Justification: The number of businesses advertised on the original sign has gone from two businesses to nine businesses. Variances run with the land and if 1290 Blossom Drive is sold the sign on 1286 Blossom Road will still be able to have nine businesses advertised. The sign can be made compliant to Code with adjustments by only advertising the business plaza.

2. The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification: The sign can be made compliant with adjustments. It can advertise the business park "Blossom Drive Park".

3. The requested area variances are substantial.

Justification: The request is substantial with respect to the Sign Code. The Code states individual businesses are not to be listed on a freestanding sign, while advertising nine business is requested and some of the businesses are for a different property than that which the sign is on.

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

Justification: There is negligible impact on the physical environment.

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.

NOW, THEREFORE BE IT RESOLVED that the application of 1290 Blossom Drive LLC, 2604 Elmwood Avenue, Box 268, Rochester, NY 14564, requesting two area variances for an existing sign at 1286 Blossom Drive, Victor, New York to Victor Town Code to §165-5B(1) which states a sign should identify a plaza but not identify specific businesses and to §165-6D which indicates signs must be on the same property as the business they advertise BE DENIED.

On a motion made by Scott Harter, and seconded by Donna Morley:

DECISION:

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

Michael Reinhardt	Aye
Mathew Nearpass	Absent

Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Nay

Area Variance Request Denied: 3 Ayes, 1 Nay

Chairman Reinhardt – Good Luck to you.

DISCUSSION:

Discussion of Zoning Board of Appeals meeting dates for 2019. Will there be some months where only one meeting is scheduled per month instead of two meetings per month?

Chairman Reinhardt spoke to the fact that he had had a discussion with Supervisor Marren regarding saving money by having only one Zoning Board of Appeals meeting in slower months. In the current year money was saved by not having the Town Attorney present at every meeting and only having an attorney present when needed.

Mr. Harter mentioned that the Zoning Board of Appeals didn't have the same volume of applicants as it has in the past.

Councilman Kahovec was in agreement that the Board decide on whether to have only one meeting a month in the winter months. It was a general consensus that the Board is busier in the spring and summer months when there is more building going on.

Chairman Reinhardt proposed a motion that in January, February, March, October, November, and December of 2019 there only be one meeting per month of the Zoning Board of Appeals. Scott Harter seconded the motion and it was approved by all members of the Board present.

On a motion from Michael Reinhardt, seconded by Fred Salsburg, it was unanimously agreed and RESOLVED, that the meeting was adjourned at 7:55 PM.

Debby Trillaud, Secretary