

Village of Geneseo Zoning Board of Appeals

Applicant: Quick Cash Can & Bottle Return/Melissa Ray

Area Variance

Property Address: 33 East South Street

Tax Map#: 81.13-2-12

January 4, 2022 @ 4:30pm via Zoom

<https://us02web.zoom.us/j/87868159577?pwd=eWltTWWhoU3NoY2tIbWs2L0RKS0RGUT09>

Members Present:

Carolyn Meisel, Chair

Tom Wilson, Member

Gretchen Crane, Member

Bob Meyers, Member

Other Village Representatives Present:

Shawn Forrester, Deputy Clerk/Treasurer

Aprile Mack, Clerk/Treasurer

Craig Wadsworth, Code Enforcement Officer

Mary Kay Yanik, Village Attorney

Applicant(s)/Public Present:

Melissa Ray, Quick Cash Can & Bottle Return

4:30pm Chair Meisel called the Board to order, followed by the Board introducing themselves. It is noted that Paul Schmied is absent, but there are four members present and a quorum. It is also noted that all proper notices were sent via US Mail, return receipt, as well as published in the Livingston County Newspaper, as follows: NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Village of Geneseo Zoning Board of Appeals on **January 4, 2022, at 4:30 pm**, via Zoom, Meeting ID: 878 6815 9577 **<https://us02web.zoom.us/j/87868159577?pwd=eWltTWWhoU3NoY2tIbWs2L0RKS0RGUT09>** Passcode: 974469 pursuant to Chapter 130 Zoning, Section 130-12, Section 130-17 and, 130-90 Attachment 10 Table of Sign Regulations and any other sections of Village Code which may apply on the application of Quick Cash Can & Bottle Return/Melissa Ray. The applicant is seeking an area variance to install a 24 sq. ft. freestanding sign that per Village Code is oversized (16 sq. ft. is allowed) for the Mixed Use-2 Zoning District. This request is for property located at **33 East South St., Tax Map ID. # 81.13-2-12** in the Village of Geneseo, N.Y. Said Board of Appeals will at said time and place hear all persons in support of such matters and objections thereto.

Chair Meisel noted the Zoning Regulations for signs in the MU2 District, and asked the applicant, Ms. Ray, why she moved her sign that had previously been approved by the Village Planning Board? Ms. Ray stated that many of her customers complained that they had driven by or almost by before seeing the sign. She claimed that her business increased since moving the sign.

There is discussion regarding whether the prior sign, for Geneseo Hardware, was grandfathered. It is established that the Geneseo Hardware sign predated the zoning regulations and would not apply. The discussion continued with the location and visibility issues. There was a question regarding whether the variance would stay with the address. This was undetermined.

Chair Meisel asked the Board to review the 5 Area Variance questions.

(1) Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting the area variance?

Chair Meisel: No. Same neighborhood as last sign. It is in a business area.

Member Wilson: No. There was a larger sign in the same location. Other signs in area are larger.

Member Meyers: No. The sign size and location remains the same.

Member Crane: No. It continues w/ the character of the neighborhood.

(2) Can the applicant achieve the requested by some other method, feasible for the applicant to pursue, other than an area variance?

Chair Meisel: Yes. Could attach to building as approved.

Member Wilson: Yes. Build a smaller free-standing sign. It may not be as effective.

Member Meyers: No. Sign needs to be as it is to generate the desired result of driving traffic.

Member Crane: Yes. The sign could be placed on the side of the building as approved.

(3) Is the requested area variance substantial? By how much?

Chair Meisel: Yes. 50% larger than law allows.

Member Wilson: Yes. 50% But it matches other nearby signs.

Member Meyers: Yes. Approx. 50%

Member Crane: Yes. 8 sq ft it's substantial but doesn't take away from the character of the neighborhood.

(4) Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Meisel: No. No.

Member Wilson: No. Fits with the area.

Member Meyers: No. The sign size and location remains the same.

Member Crane: No. it's a commercial district.

(5) Is the alleged difficulty self-created?

Chair Meisel: Yes. Sign was preexisting but grandfathered w/o new approval.

Member Wilson: Yes.

Member Meyers: Yes. Always is.

Member Crane: Yes. But they used an existing frame.

Chair Meisel asked the Board if there was a motion. B. Meyers moved to approve the Sign Variance as requested. T. Wilson seconded. With no further discussion the motion passed with ayes from Chair Meisel, B. Meyers, T. Wilson, and G. Crane.

G. Crane moved to close the public hearing. B. Meyers seconded. With no further discussion the hearing closed at 4:50pm with ayes from Chair Meisel, B. Meyers, T. Wilson, and G. Crane.

The October 5, 2021, minutes were reviewed. G. Crane moved to accept the minutes as presented. B. Meyers seconded. With no further discussion or additions, the motion passed with ayes from B. Meyers, T. Wilson, and G. Crane, Chair Meisel abstained as she was not present at that meeting.

The November 2, 2021, minutes were reviewed. G. Crane moved to accept the minutes as presented. B. Meyers seconded. With no further discussion or additions, the motion passed with ayes from Chair Meisel, B. Meyers, T. Wilson, and G. Crane.

T. Wilson motioned to close the meeting. B. Meyers seconded. The meeting closed at 3:58pm with ayes from Chair Meisel, B. Meyers, T. Wilson, and G. Crane.

Shawn Forrester

Deputy Clerk/Treasurer