

EAST ROCHESTER ZONING BOARD OF APPEALS MINUTES

PLACE: 120 West Commercial Street, East Rochester Village Offices
DATE: July 19, 2011
TIME: 7:00pm

PRESENT:

Frank Barbero, Chairman
Margot Gilhart, Member
Eric Schoenhardt, Member
Tony Gonzalez, Member

NOT PRESENT:

Matthew Fox, Member
Larry Pierce, Building Inspector
Gary Smith, Engineer

Rob Leni, Village Attorney
Tracie Miller, Recording Secretary

Mr. Barbero called the meeting to order at 7:00pm.

1st Item on the Agenda: 350 West Commercial Street, parcel #138.84-1-10. Instant Sign Center owner, Katuscia Baldwin, was present requesting to keep the existing sign over her entrance and install a freestanding sign at the top of the driveway.

Ms. Baldwin told the Board she met with the building owner, John Sebastain, and they agreed to have a directory sign. She said that Re-Bath had no opinion on the directory sign because they already have good visibility. Ms. Baldwin pointed out that the upstairs was now vacant because the fitness center has moved and there are two other vacant offices in the building. Ms. Baldwin said that her business name is also on the red awning over the Village Yarn Shop, but she will be removing it.

Rob Leni said that the building currently has three different signs and the existing awning is considered one of them. He went on to say Instant Sign Center needs a variance, even if the other two signs are compliant. Mr. Schoenhardt said that the Code only allows for two signs. Mr. Leni pointed out that Re-Bath changed the sign color and style without approval, and the sign also extends out over nine inches, which is also a code violation. He told the Board that the building owner is currently in court for these violations. Mr. Gonzalez said that Mr. Sebastian is responsible for the signs being in compliance.

Mr. Schoenhardt proposed to table the issue until the August meeting to allow for court resolution. Mr. Leni advised that wasn't a problem as long as the existing Instant Sign Center sign could stay up for another month. Mr. Gonzalez said that was fine. Mr. Leni asked Ms. Baldwin for consent to table her application until August's meeting and told her she could keep her sign there until that time. Mr. Gonzalez suggested the other tenants be alerted that the signs need approval. Mr. Leni said Mr. Sebastain needs to submit an application and be present at next month's meeting representing his tenants. He also said that it's difficult for the Planning Board to issue a variance for Instant Sign Center if the other signs are in violation. Mr. Leni advised that each time new names are added to the existing awning sign, an application needs to be submitted to the Planning Board for approval. Ms. Baldwin asked if she needed to return to next month's meetings and Mr. Leni said yes, she did.

Mr. Barbero asked if anyone in the audience wanted to speak, to which there was no reply.

With the applicant's consent, Eric Schoenhardt made a recommendation to table the application until next month with approval for Instant Sign Center to keep the sign above the door up until that time. Margot Gilhart seconded the motion. Voting was 4-0, all in favor.

2nd Item on the Agenda: 909 Fairport Road, parcel #152.54-1-1.1. Phil Kunzer and Tom Fromberger presented their application for an additional sign and modifications to the Nissan building entrance. Mr. Fromberger said the same lettering would be used for all signs except the service sign which is being reduced in size from 20 feet to 17 feet. There will also be a new "wordmark" sign added. He went on to say the entrance is being modified to be in compliance with the ADA. Mr. Leni told Zoning Board Members that the Planning Board voted unanimously for the façade and sign change.

Tony Gonzalez made a motion to approve the application based on the positive recommendation received from the Planning Board. Eric Schoenhardt seconded the motion. Voting was 4-0, all in favor.

3rd Item on the Agenda: 781 Fairport Road, parcel #152.45-2-1.1. Steven Fairbanks, owner of Batavia Sign, was present with the new sign proposal for Castrol Premium Lube. He said the Planning Board approved all the signs except the one on the building which they said needed a variance. He stated that the current building sign is 32 square feet and the new proposed sign is 32 ½ square feet.

Mr. Barbero asked if the sign was illuminated. Mr. Fairbanks told him the interior of the monument and entry/exit signs was illuminated. Mr. Schoenhardt asked if the building sign was being left the current brown color. Mr. Fairbanks said yes, that is what the Planning Board wanted. Tony Gonzalez asked if the lights were on a timer. Mr. Fairbanks said the lights are timed to go off at 9pm. Rob Leni said the current variance granted (August 2004) allows only the logo to be lit and the background to be opaque. Entrance and exit sign are also opaque and timed to go off at 9pm. The Planning Board gave a positive recommendation to the Zoning Board provided the signs remain subject to the August 2004 variance, but asked that the banner on the building sign remain the current brown color. Mr. Fairbanks asked what parts of the entrance and exit sign could be illuminated. Mr. Leni said that on all the signs, the white background cannot be lit, only the logo can be lit, and all sign lights must turn off by 9pm.

Eric Schoenhardt made a motion to approve the application subject to the conditions of the August 2004 variance and the recommendation of the Planning Board. Tony Gonzalez seconded the motion. Voting was 4-0, all in favor.

Old Business: There was no old business to discuss.

New Business: There was no new business to discuss.

A motion was made to approve the January 18, 2011 minutes by Margot Gilhart and seconded by Tony Gonzalez. Voting was 4-0, all in favor.

A motion to adjourn was made by Eric Schoenhardt and seconded by Tony Gonzalez. Voting was 4-0, all in favor. The meeting was adjourned at 7:38 pm.

Respectfully submitted,

Tracie Miller
Recording Secretary

DRAFT