

Meeting of the Village of Brockport Zoning Board of Appeals was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Thursday, November 2, 2017, 7:00pm.

PRESENT: Chair Robert Duff, Member Sal Sciremammano, Member Laurence Vaughan, Member Eileen Ryerse, Building/Zoning Officer David J. Miller, Clerk Katie Brown

ALSO PRESENT: Joan Hamlin, Luanne Cenci, Kathy Kristiansen, Annie Crane

CALL TO ORDER: Chair Duff called the meeting to order and led the Pledge of Allegiance.

REVIEW OF MEETING MINUTES: Chair Duff called for a motion to approve minutes.

➔ Member Vaughan moved, Member Sciremammano seconded, unanimously carried to approve the minutes of the meeting held October 5, 2017 as written.

CORRESPONDENCE:

NEW BUSINESS:

1. Name: Brian Arieno
Address: 16 Market St
Tax Map #: 069.53-1-2
Property Code: 481
Zoning: Business
Lot Size: 0.02 acres
Purpose: Area variance: temporary variance for A-frame sign
Zoning Code: Chapter 43-8(A)
*43-8. Miscellaneous provisions.
A. The following signs shall be prohibited in all zones: projecting or overhanging signs; roof signs; portable A-frame-type signs.*

Applicant Presentation:

The applicant was not present. The application will be added to the December 7, 2017 meeting agenda.

OLD BUSINESS:

- Name: First Baptist Church - Rehearing
Address: 124 Main St.
Tax Map #: 068.60-3-20.1
Property Code: 620
Zoning: B-Business
Lot Size: 0.69 acres
Purpose: Re-hearing: observed violations of ZBA approval granted 2/2/17
Zoning Code: Chapter 43-5(C), 43-8(C)
*43-5. Signs permitted in business and industrial zones.
C. One freestanding sign shall be permitted when the main building is set back a minimum of 25 feet from the property line. Such sign shall not exceed an area of 25 square feet, plus five square feet for each separately operated use or activity in the structures, if there is more than one. In no case shall any sign exceed 40 square feet in area on either of two sides. Such signs shall be for no other purpose than identifying the facility and listing the individual occupants and may be located within any required yard area, but shall not extend beyond any property line and shall not exceed 20 feet in height.
43-8. Miscellaneous provisions.
C. The outdoor use of pennants, windmills, banners, flashing, moving, reflective or animated signs is prohibited. Upon application to the Building Inspector, a permit shall be issued, without charge, for the limited use of such devices in conjunction with a special event. In no event shall the period of such permit exceed 30 days in any twelve-month period. [Amended 9-3-1985 by L.L. No. 7-1985]*

Applicant Presentation

Member Vaughan recused himself from the discussion of this agenda item as he is a member of the church's congregation.

Chair Duff confirmed with Luanne Cenci that the applicant and the church received a copy of the Zoning Board's decision letter as well as a copy of the meetings after the original hearing on 2/2/17. Chair Duff reiterated the two conditions that applied to the Board's approval of the church's sign: a dimming mechanism be installed on the sign to coincide with the hours of darkness and no more than 2 colors be displayed at any one time. Chair Duff mentioned that during the 2/2/17 hearing there was discussion regarding sign animation with assurance from the applicant that no animation would be used. It is the Board's understanding that the sign has been utilized in a way that conflicts with the set conditions and has displayed changing messages that are considered animation. CEO Miller has contacted the church regarding these concerns without sufficient resolution.

ZONING BOARD OF APPEALS MEETING OF NOVEMBER 2, 2017

Ms. Cenci explained to the Board that the church did not view the changing messages as “animation”. The church did not understand that utilizing multiple screens with different messages would conflict with the Board’s wishes.

CEO Miller noted that he spoke to Reverend Gilbert-Cannon via telephone to make her aware of the concerns and specified the changing messages. The problems continued after the discussion which is the reason that the Board called for tonight’s rehearing.

Ms. Cenci assured the Board that upon receiving the rehearing notice, the church has discontinued the use of changing messages on the sign. There is a problem with the dimming mechanism working properly. The church has notified the sign company about the issue who are researching a resolution to the problem. In the meantime, the sign will be turned off at night, from 10pm to 6am.

Ms. Cenci wished to confirm that the church can change the sign message on daily basis as long as only one message is displayed per day. The Board and CEO Miller agreed.

Chair Duff read paragraph nine of the 2/2/17 meeting minutes into the record, which states:

“CEO Miller inquired how often the sign text will be changed. Mrs. Cenci explained it will be changed based on the current or upcoming events. CEO Miller asked for more clarification, as he is concerned that the text may change back and forth if multiple events are happening. In his opinion that is “animated or flashing”. Mrs. Cenci elaborated that the sign will likely advertise the hours for mass at the top with the lower half highlighting one additional event. Text will not switch back and forth.”

Ms. Cenci reiterated the church misinterpreted the term “animation” and did not realize that a scrolling message would be an issue. It will not continue.

Member Sciremammano commented that he assumed there was a miscommunication, which is why the rehearing was necessary to clarify the Board’s stance.

Ms. Cenci apologized for the misunderstanding and advised the Board that since the implementation of the digital sign the participation in the church’s clothing shelf has tripled.

Public Comment:

➔ Member Sciremammano moved, Member Ryerse seconded, unanimously carried that the regular meeting be closed and the public hearing be opened at 7:13 pm.

There was no public comment.

➔ Member Ryerse moved, Member Sciremammano seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

Continued Board discussion on application:

CEO Miller added that he has received complaints & concerns from members of the community regarding the sign which contributed to the need for an official rehearing on this matter. Ms. Cenci stated she has received some concerns as well as compliments.

Other Business:

- Chair Duff inquired as to why the variances for A-Frame signs are being treated as area variances instead of a special use permit. CEO Miller explained that was the recommendation of the village attorney.

Member Sciremammano questioned whether applicants who are granted an A-Frame sign variance will need to reappear once the new sign code is put into legislation. CEO Miller explained that any A-Frame sign variance the Board grants prior to the new sign code will act as a temporary variance that will expire upon the enactment of the new code. Since the new sign code contains provisions for A-Frame signs, no reapplications or reappearances will be necessary.

Adjournment:

➔ Member Sciremammano moved, Member Ryerse seconded, unanimously carried that the meeting be adjourned at 7:18 pm.

Katie Brown, Clerk