

**Meeting of the Village of Brockport Zoning Board of Appeals
Conference Room, Municipal Building, 49 State St, Brockport, NY
Thursday, November 7, 2019, 6:00 p.m.**

PRESENT: Chair Robert Duff, Vice Chair Sal Sciremammano, Member Karen LoBracco, Member Robert LeSuer, Clerk Barbara A. Krizen

EXCUSED:

ALSO PRESENT: Karen Lowenguth, Dale Robinson, Annie Crane

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

INTRODUCTION: Chair Duff introduced himself, as well as Member Sal Sciremammano, Member Karen LoBracco, Member Robert LeSuer, and Clerk Barbara A. Krizen

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

➔ Member Sciremammano moved, Member LoBracco seconded, unanimously carried to approve the minutes of the meeting held June 6, 2019 as written.

CORRESPONDENCE: None

NEW BUSINESS:

1. Name: Boka Lowe LLC (Karen Lowenguth)
Address: 31 Clinton St
Tax Map #: 068.52-4-7
Property Code: 483 – Converted Residence
Zoning: Business
Lot Size: 48f x 158.5d x 0.25 acres
Purpose: Applicant seeks an area variance of 22 feet to install a directory sign to advertise businesses.
Zoning Code: Chapter 43-8 (C): 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.

Applicant Presentation:

Chair Duff reviewed the five New York State criteria regarding a variance application.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district;
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Chair Duff asked the Applicant to present the proposed application:

The Applicant (Dale Robinson on behalf of Karen Lowenguth) addressed the Board describing the proposed location, size and slats of the proposed sign as well as the tenants and/or proposed tenants occupying the property. The proposed size would be similar to that sign located in Spencerport at Barefoot Landing, with no lighting. The applicant indicated the sign would help customers locate the property, especially unit 29 as it is behind 31.

Public Comment:

- ➔ Member LeSuer moved, Member LoBracco seconded, unanimously carried that the regular meeting be closed, and the public hearing be opened at 6:07 pm.

No further public comments.

- ➔ At 6:08 pm, Member Sciremammano moved, Member LeSuer seconded, unanimously carried that the public hearing be closed, and the regular meeting be reopened.

Continued Board discussion on application:

Chair Duff invited Board Members to ask the Applicant any further questions concerning each of the five New York State criteria. A lengthy discussion took place regarding the exact location of the placement of the proposed sign, distance of the sign from the sidewalk, size of the proposed sign, width and height of the proposed sign, how many removable slats the sign would have, sign font and colors, location of existing trees, existing sidewalk, existing stop sign, the fact that Queen Street is a one-way street and possible obstruction from a driver's view. Members asked further questions for clarification of the proposed sign which was discussed at length.

Chair Duff reviewed the concerns of the current application regarding obstructed view and that a smaller sign may be a better option.

A discussion took place between all parties regarding the set back and size, dimensions and square feet of an allowable sign, the possibility of the sign obstructing view of traffic. An additional discussion took place regarding other business signs near the Clinton Street area.

The Applicant stated he would be willing to accommodate and reduce the size of the sign to no more than 12 square feet.

Chair Duff again reviewed the five New York State criteria regarding the area variance application and indicated it appears to meet the five criteria.

- ➔ Member LeSuer made a motion that the application be approved as amended. Member Sciremammano seconded that the application be approved as amended as follows:

The free-standing sign shall be no more than 36 inches wide; 48 inches tall (slat to slat); a minimum of 4 feet from the Clinton Street sidewalk; a minimum of 3 feet from west curb line of Queen Street; the area of the sign be no more than 12 square feet; the height of the sign shall not exceed 72 inches from ground level.

Chair Duff ask for a Roll call vote:

Roll call vote:

Chair Duff	Aye
Member Sciremammano	Aye

Member LoBracco Aye
Member LeSuer Aye

The motion carries unanimously with 4 votes in favor, 0 against.

Chair Duff congratulated Mr. Robinson and Ms. Lowenguth.

SELECTION OF CHAIR, VICE CHAIR FOR 2019-2020:

Member Sciremammano motioned that Chair Duff remain Chair and remaining Members agreed. Member LoBracco suggested Member LeSuer for Vice Chair and Member Sciremammano graciously agreed. Member Sciremammano would step-down as Vice Chair and Member LeSuer would be selected Vice Chair.

MOTION: Chair Duff called for a motion:

- ➔ Member LoBracco moved, Member Sciremammano seconded, unanimously carried to approve the selection of Robert Duff as Chair and Robert LeSuer as Vice Chair for 2019-2020.

APPROVAL OF MEETING TIME CHANGE:

A discussion took place between the Members to change the meeting start time to 6 p.m. as opposed to 7 p.m. with the understanding that if an applicant requests a 7 p.m. start time, the Board would accommodate.

MOTION: Chair Duff called for a motion:

- ➔ Member LoBracco moved, Member LeSuer seconded, unanimously carried to approve the meeting start time to 6 p.m. as opposed to 7 p.m. with the understanding that if an applicant requests a 7 p.m. start time, the Board would accommodate.

ADJOURNMENT:

- ➔ Chair Duff moved to adjourn the meeting, Member LeSuer made a motion to adjourn, Member LoBracco seconded, unanimously carried that the meeting be adjourned at 7:38 pm.

Barbara A. Krizen, Clerk