GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**C-30-BAT-10-17**
Review Date	**10/12/2017**
Municipality	**BATAVIA, C.**
Board Name	**ZONING BOARD OF APPEALS**
Applicant's Name	**Nick Cannizzo (Premier Sign Systems)**
Referral Type	
Variance(s)	**Area Variance(s)**
Description:	**Area Variance to erect a new pole sign.** **Freestanding Sign Area** **Maximum allowed: 15 sq. ft.** **Proposed: 31.5 sq. ft.**
Location	**604 E. Main St. (NYS Rt. 5), Batavia**
Zoning District	**Industrial (I-1) District**

PLANNING BOARD DECISION

DISAPPROVAL

EXPLANATION:

Given that the sign code was recently rewritten, the proposed sign may pose significant impacts as it is more than twice the area of what is allowed. Such a variance could set a precedent for future cases and encourage other businesses to apply for variances instead of complying with the regulations. If the new code is seen as too restrictive, the appropriate action would be for City Council to adjust it through a zoning amendment.

Felix A. [illegible]

Director

October 12, 2017

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404

DEPARTMENT USE ONLY:
GCDP Referral # C-30-BAT-10-17

* GENESEE COUNTY * PLANNING BOARD REFERRAL

RECEIVED
OCT 04 2017
Genesee County Department of Planning

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) ZBA
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext.

2. APPLICANT INFORMATION

Name Nick Cannizzo (Premier Sign Systems)
Address 10 Excel Dr.
City, State, Zip Rochester, NY 14621
Phone (585) 235 - 0390 Ext. Email nick@premiersignsystems.com

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☒ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☐ Other:

Subdivision Proposal
- ☐ Preliminary
- ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 602-604 East Main St. (aka 604)
B. Nearest intersecting road Cedar St.
C. Tax Map Parcel Number 85.013-1-7
D. Total area of the property _____ Area of property to be disturbed _____
E. Present zoning district(s) I-1

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-43 M.

C. Please describe the nature of this request Approval to erect a 31.5 sq.' pole sign on this parcel.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
- ☒ Site plan
- ☐ Subdivision plot plans
- ☐ SEQR forms
- ☐ Zoning text/map amendments
- ☐ Location map or tax maps
- ☐ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☒ Photos
- ☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext.
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 10/3/17

Re: 602-604 East Main St.
Tax Parcel No. 85.013-1-7

Zoning Use District: I-1

The applicant, Nick Cannizzo (sign contractor, Premier Sign), has filed an application to place a 31.5 sq.' pole sign on this property in the northeast portion of this parcel located within the I-1 Industrial District.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (7).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the boundary of the right of way of a state road or highway.

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Area

1) BMC 190-43 M. **The maximum sign area permitted for a pole sign located within the I-1 use district is 15 sq.' The proposed sign exceeds the permitted area by 16.5 sq.'**

CITY OF BATAVIA
APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: _____

Hearing Date/Time: _____

APPLICANT: Nick Cannizzo PREMIER SIGNS — NICK@PREMIERSIGNSYSTEMS.COM
Name — E-Mail Address

10 EXCEL DRIVE — 585-235-0390
Street Address — Phone — Fax

ROCHESTER — NY — 14621
City — State — Zip

STATUS: ___ Owner ☒ Agent for Owner ___ Contractor

OWNER: OAKLEY MONUMENT COMPANY — DAVE0@WOODSIDEGRANITE.COM
Name — E-Mail Address

604 EAST MAIN STREET — 585 343-022
Street Address — Phone — Fax

BATAVIA — NY — 14020
City — State — Zip

LOCATION OF PROPERTY: 602-604 EAST MAIN STREET

DETAILED DESCRIPTION OF REQUEST: ALLOW 31.5 SQF SIGN INSTEAD OF 15 SQF. SIGN IS INTERNALLY ILLUMINATED DOUBLE FACE CABINET IN A CUSTOM ORNAMENTAL SHAPE MOUNTED TO A POLE IN LAWN AREA.

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Nick Cannizzo — 9/26/17
Applicant's Signature — **Date**

Dale S Oakley — 9/26/17
Owner's Signature — **Date**

To be Filled out by Zoning Officer

TAX PARCEL: 85.013-1-7 **ZONING DISTRICT:** I-1 **FLOOD PLAIN:** No

TYPE OF APPEAL:
- ✓ Area Variance
- ___ Use Variance
- ___ Interpretation
- ___ Decision of Planning Committee

FEE:
- ___ $50 (One or Two Family Use)
- ✓ $100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: BMC 190-43 M The max sign area for "pole signs" is 15 sq' in the I-1 use dist.

Criteria to Support Area Variance

In making its determination, the zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, moral, aesthetics and welfare of the neighborhood or community. The Zoning Board of Appeals shall consider the following test, as per §81-b of the General City Law when making its determination:

Explain **how** the proposal conforms to EACH of the following requirements:

1. **Undesirable Change in neighborhood Character.** The granting of the variance will not produce an undesirable change in the neighborhood or a detriment to nearby properties. THERE ARE SEVERAL EXISTING SIGNS ALONG RT 5 OF SIMILAR SIZE AND NATURE GULF, MONROE MUFFLER, WESTERN NY CONCRETE CORP/PENN-CRETE CONSTRUCTION, COUNTRY MAX, RITE AID

2. **Alternative Cure Sought.** There are no other means feasible for the applicant to pursue that would result in the difficulty being avoided or remedied, other than the granting of the area variance. ~~[illegible]~~ CURRENT SIGNAGE HAS PROVED INADEQUATE TO ALERT DRIVERS OF BUSINESS LOCATION

3. **Substantiality.** The requested area variance is not substantial. PROXIMITY TO SIMILAR SIGNS OF THIS NATURE WILL CREATE NO SIGNIFICANT CHANGE TO AREA

4. **Adverse Effect or Impact.** The requested variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or community. HEIGHT OF POLE SIGN WILL LEAVE ENTRY/EXIT VISIBILITY IN TACT

5. **Not Self-Created.** The alleged difficulty existed at the time of the enactment of the provision or was created by natural force or governmental action, and was not the result of any action by the owner or the predecessors in title. C-2 AND I-1 ZONING DISTRICTS ADJACENT TO EACHOTHER ON PARCEL

Mark Country
Applicant's Signature

9/26/17
Date

Permit No.:_____
Date:_____
Zone: I-1

SIGN PERMIT APPLICATION
City of Batavia
One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

MCHILAND @ BATAVIANEWYORK.COM

APPLICANT/OWNER: PREMIER SIGN SYSTEMS — NICK@PREMIERSIGNSYSTEMS.COM
Name — E-mail Address

10 EXCEL DRIVE — 585 235 0390 x123
Street Address — Phone — Fax

ROCHESTER, NY, 14621
City, State, Zip Code

602-604
ADDRESS OF SIGN: 604 EAST MAIN STREET

AREA OF SIGN: Length 4'-6" Width 7' Area 31.5 SQF

TYPE OF SIGN:

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

☒ Freestanding	Set Back 5' FROM SIDEWALK	Height _____		
☐ Wall	Wall Length _____	Wall Height _____		Area _____
☐ Projecting				
☐ Marquee				
☐ Awning / Canopy	Length _____	Height _____		Area _____
☐ Window	Window Length _____	Window Height _____		Area _____
☐ Portable				

Lighting: ☒ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):

TO BE REMOVED

Applicant's Signature Nick Cavazzo **Date** 9/22/17

Issuing Officer_____ **Date**_____

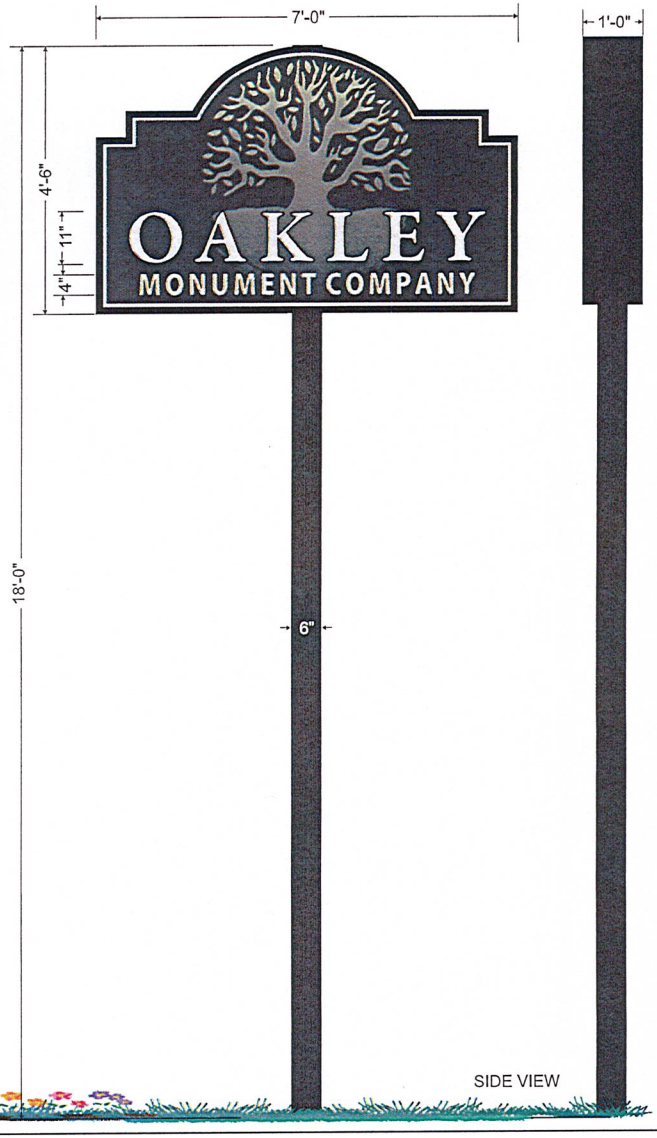
Planning Board Chairperson_____ **Date**_____

FEES: _____$25 Sign Permit _____$50 Special Sign Permit _____$10 Portable Sign

15 sq'. permitted
31.5 Proposed.
16.5 sq'. over ZBA.

PHOTO ELEVATION NOT TO SCALE

5 FT FROM SIDEWALK



SIDE VIEW

DESCRIPTION:

12" DEEP, D/F ILLUMINATED PYLON SIG WITH 6" POST AND APPLIED DIGITALLY PRINTED VINYL GRAPHIC.

COLORS:
CABINET/ POST / RETAINER - BLACK
FACE: WHITE PLEX
GRAPHICS:
TRANSLUCENT DIGITAL PRINT GRAPHICS PER ART WORK

FONTS: GARAMOND PREMR. PRO
KOZUKA GOTHIC PRO B

QTY = 1

I have carefully reviewed and hereby accept the drawing(s) as shown. I realize that any changes to these designs made before or after production may alter the contract price. All changes must be in writing and approved by both parties prior to production.

Signature:

Date

THE CUSTOM ARTWORK DEPICTED HEREIN IS FOR REPRESENTATIONAL PURPOSES ONLY AND MAY NOT EXACTLY MATCH THE COLORS OF THE MATERIALS PROPOSED.

ALL ELECTRICAL SIGNS REQUIRE 120V ELECTRIC SUPPLIED BY CUSTOMER UNLESS OTHERWISE STATED.

ALL ELECTRICAL SIGNS MUST BE GROUNDED AND BONDED IN ACCORDANCE WITH ARTICLE 600 NEC

PRODUCTION READY ART WORK ☐ YES ☐ NO

REVISIONS

DATE	DESCRIPTION	INIT.
08/11/17	CHANGE SIZE AND COLOR REV1	RM
08/11/17	CHANGE NAME REV2	RM
08/11/17	REMOVE PHONE# AND CHANGE COLOR REV3	RM
08/14/17	CHANGE DESIGN REV4	RM
08/19/17	CHANGE DESIGN REV5	RM

PREMIER SIGN SYSTEMS, LLC
A FULL SERVICE SIGN & AWNING COMPANY
10 Excel Drive Rochester, NY 14621
P: 585-235-0390 F: 585-235-0392
www.premiersignsystems.com

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SIGN TYPE	D/F ILLUM. PYLON SIGN				
CUSTOMER	AFFORDABLE MONUMENTS				
LOCATION	604 EAST MAIN ST.				
	BATAVIA, NY				
SALES PERSON	NC	DESIGNER	MR		
DATE PREPARED	07/26/2017				
SCALE	½" = 1'				
SQUARE FOOTAGE	20				
DRAWING #	7750	PAGE #	01	REVISION #	5

unty Web Mapping [PHD]

ess / Business / Parcel

E MAIN ST

CEDAR ST

WADE AVE

42.99439 -78.16297 Degrees