

VILLAGE OF SPRINGVILLE
MINUTES OF THE MEETING OF ZONING BOARD OF APPEALS

November 18, 2020

7:00 P.M.

A meeting of the Zoning Board of Appeals of the Village of Springville was held at the Municipal Building, 65 Franklin Street, Springville, New York at the above date and time.

Present were:

Chairman:	Joe Wolniewicz
Members:	Timothy O'Neal Kate Moody Jamie Raynor Kimberly Krzemien
Also Present:	Mike Kaleta, CEO/Building Inspector Annette Kaleta, BCH Terry Skelton, Trustee
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:00 p.m. to hear the petition of Bertrand Chaffee Hospital, 224 E. Main St., Springville, New York, **File #9308** for an Area Variance for signage. Requirement for which Variance is requested, size of sign, building mounted and lighting. The applicants sign is approximately 98.5 sqft., internally lit and free standing.

Due to the applicant's property being located within a R8-5 District within a Healthcare overlay, the applicable section for File #9308 of the Village Code is:

§ 200 Residence districts. B. Other than home occupation and home professional office, businesses lawfully operating in a residential district may be permitted to have a single building mounted sign. Such signs shall not exceed 12 square feet in area and may illuminated indirectly.

§ 200-7 HC-O Health Care Overlay District

D. (3) Signs pursuant to Article VIII of this chapter.

H. Signs. Sign regulations applicable in the HC-O District are set forth in Article VIII of this chapter.

At 7:01 Chairman Wolniewicz opened the Public Hearing.

Bertrand Chaffee Hospital representative Annette Kaleta came up to explain what the applicants were seeking and to answer any questions that the Zoning Board of Appeals may have. Ms. Kaleta explained that with the addition of the newly built adjacent medical arts building at 210 E. Main St., they would like to replace the existing sign with an 8 x 13 sqft, internally lit sign that will sit on a brick base that would be located in the greenspace between the entrance and exit to the hospital and medical arts building. The sign

would display for the hospital, Jennie B. Nursing Home and the new medical arts building. The sign would be setback approximately 20 feet from the road.

At this time, Chairman Wolniewicz closed the Public Hearing to go into Board discussion.

The Board needed to decide which way they would consider the square footage of the signs. Chairman Wolniewicz suggested that the ZBA also consider **§ 200-31A Business and Industrial Districts** and what those Zoning Districts allow for signage. They all agreed that the signage portion of the Village Code needed to be revisited and they would like for the Village Board of Trustees to look into it. It was felt that even though this property is located in a Healthcare Overlay, the Code makes it difficult to allow any kind of signage except what is allowed, which would be unrealistic for properties like this. Most requests appear quite significant due to Code restrictions. With that being considered, it was also felt that the sign was appropriate for those properties.

After some discussion, Chairman Wolniewicz declared the SEQR for File #9308 a Type II requiring no further action; therefore a negative declaration was determined.

At this time, the Zoning Board of Appeals went over the factors considered in their decision:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No x(5)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes x(5) No _____
It was discussed that the applicant could have only put signage on three sides of the building.
3. Whether the requested variance is substantial: Yes ___ No x(5)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(5)
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance: Yes x(5) No _____

DETERMINATION OF THE ZONING BOARD of APPEALS BASED ON THE ABOVE FACTORS:

The benefit to the applicant DOES outweigh the detriment to the neighborhood or community. With keeping in mind that the Variance is within the character of the neighborhood and doesn't impact the environment, the variance request is approved.

RECORD OF VOTE

MEMBER NAME	AYE	NAY	NO VOTE
JOE WOLNIEWICZ	<u> x </u>	_____	_____
TIMOTHY O'NEAL	<u> x </u>	_____	_____
KATE MOODY	<u> x </u>	_____	_____
JAMIE RAYNOR	<u> x </u>	_____	_____
KIM KRZEMIEN	<u> x </u>	_____	_____

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the September 9, 2020 meeting minutes.

With there being none, Chairman Wolniewicz asked for a motion to approve the minutes. All in favor, none opposed.

At 7:50 p.m., Chairman Wolniewicz made a motion to adjourn the meeting, seconded by Member Jeremy Raynor. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube