

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

July 8, 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 (absent) Kate Moody Jamie Raynor Kimberly Krzemien
Also Present:	Mike Kaleta, CEO/Building Inspector Alan Chamberlin, Trustee (absent) Kirk Wright, Sign Services
Clerk:	Kellie Grube

Chairman Wolniewicz called the meeting to order at 7:03 p.m. to hear the petition of Roosa Family Associates, WellNow, S. Cascade Dr., Springville, New York, **File #9177 for an Area Variance regarding Chapter 300-31, a total of 140 sqft of signage allowed, applicant is requesting an actual of 270.78 sqft.**

Due to the applicant's property being located within a CIP Zoning District, the applicable section for File #9177 of the Village Code is **§ 200-31 Business and Industrial Districts.**

A. The total area of all signs erected on a single property to advertise all the businesses in a single building, including building mounted and freestanding signs, shall not exceed an area of two square feet for each linear foot of building frontage of the principal structure measured along the street or off-street parking area, whichever is greater, that provides the principal access for the use.

At 7:04 pm, Chairman Wolniewicz opened the Public Hearing.

Kirk Wright, of Sign Services LLC., came up to speak on behalf of WellNow and Roosa Family Associates. Mr. Wright informed the Zoning Board of Appeals that there was possibly a change to the amount of square footage that the applicants are requesting. He stated that during a conversation with Building Inspector/ CEO Mike Kaleta it was brought up that the overall square footage that the applicants were requesting is based on a full rectangle around the letters that are the sign. Mr. Kaleta suggested that the square footage of the actual signage area where letters are only due to the sign having no edge itself and not just the empty space of a single rectangle could possibly be what is considered. This would change the Area Variance request from approximately 271 sqft. to approximately 177 sqft. The Zoning Board of Appeals will have to decide which they would consider for the applicants request. Mr. Wright also went on to say that the signs will be LED illuminated and are consistent with all of the other

WellNow buildings that have gone up recently. Member Jeremy Raynor asked Mr. Wright if the applicants had considered only having signage on three sides of the building, instead of the proposed four, which would subsequently bring them within the Village Code requirements. Mr. Wright said that due to the location, signage on all sides of the building would be visible to major roads and that was what the applicants preferred. The Board had no other questions for the applicant.

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, with the invisible edge or without. They all agreed with Mr. Kaleta's assessment that the square footage of the actual sign be considered and not the insinuated lines that are the invisible parameter, thus taking the signs square footage to 177 sqft. Mr. Kaleta also suggested that the Zoning Board of Appeals considered past signage approvals when regarding square footage.

After some discussion, Chairman Wolniewicz declared the SEQR for File #9177 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(4)
2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes x(4) 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(4)
With the new math considered in, the variance is only approximately 25%.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No x(4)
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(4) No ___

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

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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>	<u> </u>	<u> </u>
TIMOTHY O'NEAL	<u> </u>	<u> </u>	<u> x </u>
KATE MOODY	<u> x </u>	<u> </u>	<u> </u>
JAMIE RAYNOR	<u> x </u>	<u> </u>	<u> </u>
KIM KRZEMIEN	<u> x </u>	<u> </u>	<u> </u>

With there being no other Public Hearings this evening, Chairman Wolniewicz asked the Members if there were any changes or concerns with the January 8, 2020 meeting minutes.

With there being none, Chairman Wolniewicz asked for a motion to approve the minutes. Member Kate Moody made the motion, seconded by Member Jeremy Raynor. All in favor, none opposed.

At 7:29 p.m., Chairman Wolniewicz asked for a motion to adjourn the meeting. Member Kate Moody made the motion, seconded by Member Kim Krzmien. All in favor, none opposed. Meeting adjourned.

Respectfully Submitted,

Kellie R. Grube