

VILLAGE OF PENN YAN
MEETING MINUTES

DECEMBER 27, 2010

ZONING BOARD OF APPEALS

111 Elm Street
7:00 pm ROOM 202

PRESENT: STEVE OWENS-Chairman, ARTHUR PIKE, RUTH DAVIS, ED LAURSEN, JR., JAMES McELHENNY, LYNN DURYEA-Recording Secretary

PUBLIC PRESENT: Brenda Hill

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MOTION: Art Pike to change the 11-28-10 minutes as follows;
On page 3 the statement which read: *The Chairman then read a letter sent to the village from Mr. Sutherland expressing his approval and support of the property's change of use...* should be corrected to reflect that Douglas Marchionda, Jr. wrote the letter.

SECOND: Jim McElhenny All in favor - 5. Carried

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FIRST ISSUE: Application from Viveros Enterprises for a signage variance at 203-C Lake Street.

MOTION: to accept the application as presented Ed Laursen, Jr.

SECOND: Jim McElhenny

Brenda Hill was present and explained to the board that the corporate office required standard lettering and graphics and when she attempted to have them reduced in size to conform to code the resulting sign was distorted and out of proportion. She mentioned the lettering had been reduced to 8" high and 10" high, unsuccessfully.

Chairman Owens asked if the sign was to be backlit and Ms. Hill said it would be.

J. McElhenny asked for clarification on the sizes depicted in the graphic.

Ms. Hill stated that the white logo would be 17.5" high, the white lettering would be slightly smaller, and the length would be 207".

The Chairman asked if the business frontage extended the entire length of the red awning which was approximately double the length of the lettering and Ms. Hill said that it did.

Chairman Owens called for additional questions or comments from the Board then proceeded to conduct the balance test.

From the application the Board found;

Benefit could not be achieved by other means since the established corporate lettering with logo would be inappropriately distorted by reduction of the sign length.

There were no neighbors present to express opposition either in writing or verbally.

The lettering size would not cause an undesirable change in the neighborhood character or to nearby properties.

The lettering size would not have any adverse physical or environmental effects.

The alleged difficulty had not been self-created due to the unique dimension of the double storefront.

All in Favor – 5. Granted Unanimously.

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OTHER BUSINESS:

The Chairman mentioned his attendance at the recent Yates County Planning meeting. He explained that Yates County Planning was interested in learning about the outcome of a requested use variance by Mr. Podsiadlo at 348 Elm Street. Chairman Owens said he had listed several points the ZBA had considered when making their decision, such as the Historic importance, and prohibiting exterior changes.

R. Davis mentioned that she had noticed the resident at 115 Clinton Street had vehicles parked along the front of the property and asked about rectifying the obvious code violation.

The Chairman relayed information he had received from the code enforcement officer, Bruce Lyon, about a notice of violation that had been issued to the resident(s). He then requested the secretary, L. Duryea, discuss the situation with code and provide an update at the next meeting.

MOTION: Jim McElhenny; to adjourn the meeting at 7:15 PM.

SECOND: Ed Laursen All in favor -5. Carried.

Submitted by Recording Secretary:

Lynn Duryea
Zoning Board of Appeals
Village of Penn Yan