

**VILLAGE OF KENMORE
PLANNING BOARD
June 22, 2021**

PRESENT: Marcia Brogan
Michael Foster
Andrea Czopp
Robert Rumpl

Kathleen Johnson, Clerk/Treasurer
Michael Berns, Building Inspector

ABSENT: Bruce Shearer
Andrew Ross
John DiStasio

3030 DELAWARE AVENUE – MOJO MARKET

Clerk/Treasurer Kathleen Johnson explained that this is the first application under the new Mural Law. She reviewed the permit requirements, including an evaluation of traffic or undue distraction. The applicant explained that they are currently doing take-out service only, but that they hope to open for dine-in service soon, and would like to combine the Grand Opening, with the mural's unveiling. They had hoped to do so by the end of July. They received a grant through the DEC which requires them to have some sort of roll out. The mural itself is required to inspire community pride. They noted that the artist has done several murals, and most recently completed one on Niagara Falls Boulevard by Target.

Marcia Brogan stated that she doesn't think there will be any traffic distraction as there are only 3 words on the proposed design. Andrea Czopp agreed.

Robert Ruple questioned if words were allowed on a mural.

Kathleen Johnson checked the law and replied that words are not allowed on a mural. She read the section to the Planning Board.

Ms. Czopp and Ms. Brogan were concerned that the applicant had spent time to develop the mural design and that she doesn't think the wording is a problem.

The applicant stated that grant requires that the mural be completed before the end of this year. They applied for the grant in March 2020, and spoke with the Kenmore Business Association. It was noted that the first contact with the Clerk/Treasurer's Office was on June 8, 2021. Ms. Johnson also explained that, while the law had been passed by the Board of Trustees in February, the State had not yet sent confirmation of filing, which is the effective date of the local law.

Mr. Ruml noted that communities usually do not allow words on murals because of the potential for First Amendment issues. He also noted that each community has different procedures to get murals approval. Ms. Johnson said that Buffalo has a separate division which establishes its own rules on the creation of murals.

Mr. Foster asked if the applicant could go back to the artist to see if the mural could be re-designed to eliminate the words. The Planning Board would be happy to meet in a special meeting to review the new submittal to help the applicants meet their deadline. He noted that everyone loved the mural, as presented, but that he understood why words were not allowed under the law.

Mr. Foster moved to table this matter.

Seconded by Ms. Brogan, and approved by all in attendance.

2835 DELAWARE AVENUE – BENGAL GRILL

No applicant was present and the Planning Board stated that they wished the sign company was present to discuss the application. The Board does not like the awning with the ribbon of words extending along the entire front elevation. Building Inspector, Mike Berns, noted that the awning is not being replaced, but that it's worn out. The applicant is planning on using this same awning and only replacing the lettering.

Marcia Brogan suggested a new canopy should be put up. It was noted that the owner would likely not replace the awning, and instead it would fall to the tenant.

Michael Foster stated that he's not certain the application can be denied based on the current condition of the awning, but he does think that more information is needed, specifically dimensions, and also to address the ribbon of words, currently presented.

Andrea Czopp questioned the lighting material and size.

Ms. Brogan stated that the Board should table the application, and that the applicant needs to appear. More information needs to be provided pertaining to the dimensions. Mr. Foster added that the biggest problem, in his opinion, is that it is a backlit awning

Robert Ruml questioned the condition of the fabric and also wants more information.

Ms. Czopp moved to table the application.

Seconded by Ms. Brogan and approved by all in attendance.

COMPREHENSIVE PLAN

Marcia Brogan stated that she is not comfortable giving input. She believes the Village should hire a someone to do this.

Mr. Ruml mentioned that this is just an update, and that the Board's input was being sought to provide general ideas for changes, and that the Board of Trustees would ultimately have to determine what local laws would be needed to put the ideas of the Comprehensive Plan into effect. It was noted that the Board's input was sought because they live in Kenmore and also work with businesses all the time. They know the types of signs, for example, being requested.

Clerk/Treasurer Johnson noted that the plan has not been updated in quite some time and this needs to be addressed in the near future. She had hoped the Planning Board could help with this process, as it had been responsible for developing the initial plan.

After much discussion, it was decided that the Planning Board would not participate in the Comprehensive Plan update, but that members were welcomed to give their individual comments to the Clerk/Treasurer.

OTHER BUSINESS

As there was no other business, the meeting was adjourned. The next meeting scheduled for July 27, 2021 at 6:00 P.M.

Kathleen P. Johnson
Clerk/Treasurer