

**VILLAGE OF KENMORE
PLANNING BOARD
September 29, 2020**

PRESENT: Andrea Czopp
Marcia Brogan
Andrew Ross
Thomas Voigt

Kathleen Johnson, Clerk/Treasurer
Michael Berns, Building Inspector

ABSENT: Bruce Shearer

2480 DELAWARE AVENUE – PAUL WOLF AGENCY SIGNAGE

Andrea Czopp stated that she is upset that the signs being presented for approval are already up. She wants to know how these signs received approval. She notes that they do not meet the definition of a “temporary sign” and that the owner should have simply put up a banner or window signs to advertise his business, until receiving Planning Board approval. She is concerned that, especially given the prominent location, and the cost of the new signage, it will be difficult to force the applicant to replace the signage, if approval is not given. She also feels that it also puts pressure of the Planning Board to accept the signs, which otherwise might not have been approved.

Paul Strada from NAS Sign Company is present and is representing the applicant. He explained that one of the signs was re-used from the business’s prior location on Elmwood Avenue. Another sign was fabricated to match that sign, which was placed on the side of the building. In addition, they are requesting approval on the logo sign. This sign is located at the ‘point’ of the building and is a medallion picturing a wolf. He noted that the old sign had new LED and plastic put in to refresh its appearance. They are also seeking window sign approval. The landlord has given approval in writing. Mr. Strada proceeded to give a rundown of how he feels that this application meets the standards for an area variance. Ms. Johnson explained to the Mr. Strada that the Planning Board is a separate entity from the Zoning Board of Appeals and will not be evaluating the application for a variance or reviewing under those standards. The Planning Board approval is based on conformity to the Kenmore Municipal Code and the Comprehensive Plan.

Michael Berns, Building Inspector, stated that the signs were improperly authorized as temporary signage and allowed to be installed. He notes that this was his error, stating that the Planning Board should not hold the applicant or Mr. Stada responsible. He stated that he was trying to help the applicant, knowing the Planning Board hadn't been meeting, due to COVID.

Michael Foster stated that, even if approval had been given for the pre-existing sign (moved from his other location), the applicant should not have been allowed to install the other signs. He also notes that no size information has been provided for window signs to ascertain the percentage.

Andrea Czopp stated that the signs went up incorrectly and she is upset that the Planning Board was not made aware of the application until August. Mr. Berns stated that that is when the formal request was made. Kathleen Johnson noted that she forwarded the information to the Planning Board as soon as that happened. Ms. Czopp feels that the Board is now placed in a position where it will be much more difficult to withhold approval and that the applicant is only asking for forgiveness for the situation.

Mr. Foster is upset that the applicant knew he needed Planning Board approval, yet chose not only to install the old sign, but to incur the cost to fabricate and install the second matching sign and the medallion sign. The entire Board expressed their concern that this signage was installed as temporary when a banner, and/or window signage, would have effectively let people know about the business.

Marcia Brogan stated that she is concerned of the precedent being set. The Planning Board has worked hard to ensure that signs are only approved which are allowed under the Village Code and, in so doing, signs provide a certain look to the Restricted Business District.

Mr. Berns reiterated that it is his fault that the signs were put up as temporary signs, and that he was trying to help out the applicant. He stated that he had a lengthy conversation with both Mr. Strada and Paul Wolf. He stated that he informed Mr. Wolf that he was "pushing the envelope" with this temporary sign approval and that the Planning Board might ultimately not approve the signs, in which case, they would need to come down.

Ms Czopp then brought up concerns that the installed signs are too large and not Code compliant.

Mr. Berns noted that the applicant occupies the first floor up to the 1st door on the Lincoln side of the building.

Ms. Johnson noted that when she first sent word to the Board about the application, every member had expressed concern over the size. She therefore asked the Village Attorney to review the signage and provide comment. Ms. Johnson read the email response she had received from the attorney, in its entirety. It is the attorney's opinion that the signs are too big and exceed the requirements established in the Village Municipal Code. This email is attached to these minutes for record purposes.

Given this information, the Board asked what their options were with respect to the application. Ms. Johnson explained the options: The Board can table the discussion pending the Zoning Board's determination; the Board can deny the application as the size does not comply with existing Code; or the Board can issue approval contingent that the signs be taken down and re-constructed to comply with the zoning code.

Mr. Strada said that he would rather table the matter, as he is unsure how his client would wish to proceed.

Andrea Czopp stated that regardless, the Medallion will not be approved. It was noted that all members feel that the medallion sign should be removed. Kathleen Johnson noted that the attorney opinion stated that this sign was not allowed under the Code.

Ms. Czopp is concerned that the additional time needed to conduct a hearing with the Zoning Board of Appeals, will make it even more difficult for the applicant to take down the current signage, and again repeated that vinyl signs should have been the only temporary signage approved.

Mr. Foster asks the Board if they wished to make a formal recommendation to the Zoning Board of Appeals. The members all wished to do so.

Mr. Foster motioned that the Planning Board pass a resolution to be provided to the Zoning Board of Appeals recommending that any request for a variance from the provision of the Municipal Code with respect to this matter be denied.

Seconded by Ms. Czopp and approved by Members Voigt and Ross. Member Brogan abstained.

654 COLVIN BOULEVARD – RITE AID SIGNAGE

Michael Berns informed the Board that member Bruce Shearer had written an email to Kathleen Johnson and him, expressing his concern that they pylon sign was no longer allowed if this was to be considered a new sign.

The Board had no problem with the signage, all triggered by new company logo. Ms. Czopp motioned to approve the new signs, as presented, with the contingent approval of the pylon sign, which approval is contingent on review by the Village attorney as to whether or not this new signage is allowed.

OTHER BUSINESS

Kathleen Johnson informed the Board that the Village Board is currently working on legislation to allow murals in the Village. The Planning Board's input is encouraged. She also stated that, now that meetings are back in session, she would appreciate their immediate feedback with respect to the Comprehensive Plan, including, but not limited to, sections that the Board feels need to be added, modified, or deleted. She is especially interested in getting their feedback with respect to signage so that updates can be included with the mural legislation.

Michael Berns noted that the Building Department has received several applications but they are currently incomplete. Depending on when they are available to move forward, he would like the Board to consider an earlier and/or additional meeting to address these as soon as possible. The Board members were agreeable. Ms. Johnson noted, however, that she would also need to check room availability as there are few rooms available in the building to accommodate COVID restrictions.

The meeting was adjourned. The next meeting scheduled for October 27, 2020 at 6:00 P.M.

Kathleen P. Johnson
Clerk/Treasurer