

A regular meeting of the Village of Victor Planning Board was held on Wednesday, April 27, 2022, at the Village Hall, 60 East Main Street.

MEMBERS PRESENT: Chairperson Meg CHaides
Member Charles Criss
Member Steven Van Dyke
Member Jeffrey Swan
Planning Clerk Roseanne Turner-Adams

MEMBERS ABSENT: Vice Chairperson Peter Kowal

OTHERS PRESENT: Bob Kelly, Kelly Stein, Eli Bonvell, Mark Byassee

Meeting called to order at 7:00 PM by Chairperson CHaides.

Salute to the flag.

Resolution #07-22PB

Acceptance of Minutes

On a motion made by Charles Criss, seconded by Jeff Swan, the following resolution was ADOPTED 3 AYES 0 NAYS 1 ABSTAIN (Steve Van Dyke was absent)

Resolved, to accept the minutes dated March 23, 2022.

Elegant Nails/Kelly Stein - 86 West Main St.

Sign Program

Ms. Stein stated that she is the owner of Elegant Nails, and she would like to have an A-frame sign out by the road during business hours which will be brought in when she is finished working. Ms. Stein explained that she would also like a decal on the front window. Ms. CHaides asked if the decal would be installed on the window to the left of the door. Ms. Stein replied "yes." Ms. CHaides read the conditions set forth in code 130-5 B(5) pertaining to the portable sign:

- a. Only displayed during Business hours.
- b. Situated on the property of the business.
- c. Shall not obstruct pedestrian traffic.
- d. Shall be consistent in form, color, lettering, and design with existing signs on building.
- e. One portable sign per tax parcel, regardless of number of businesses.
- f. Shall keep on file with the village, a certificate of liability insurance with limits of at least \$500,000. Additionally, a hold harmless agreement shall be executed with the village.

Ms. CHaides stated that according to the Code Enforcement Officer, Todd Smith, both signs are in compliance with the code. Ms. CHaides stated that Ms. Stein will be using colors from the approved Muralo and Devoe color palettes. Ms. CHaides asked Ms. Stein when she will be opening. Ms. Stein stated that she is already open, but she was waiting for the signage to be approved before she displayed them.

Resolution #08-22PB

Elegant Nails/Kelly Stein - 86 West Main St.

Sign Program

On a motion made by Steve Van Dyke, seconded by Charles Criss, the following resolution was ADOPTED 4 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

1. A sign application was received on March 7, 2022, by the Secretary of the Planning Board for a sign program consisting of two signs, one window decal measuring 42" x 24" and a portable sandwich board measuring 36" x 24".
2. It is the intent of the applicant to advertise Elegant Nails.
3. The signs shall be as illustrated in the color renderings submitted with the application.
4. The sign colors will be Muralo Curry and Black & Devoe Castlestone Rose.

NOW, THEREFORE BE IT RESOLVED that the application of Kelly Stein/Elegant Nails for a sign program at 86 West Main St., **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the signs require a permit from the Building Department, prior to installation.
2. That the portable sign shall follow the code requirements set forth in 130-5 B(5)
 - a. Only displayed during Business hours.
 - b. Situated on the property of the business.
 - c. Shall not obstruct pedestrian traffic.
 - d. Shall be consistent in form, color, lettering, and design with existing signs on building.
 - e. One portable sign per tax parcel, regardless of number of businesses.
 - f. Shall keep on file with the village, a certificate of liability insurance with limits of at least \$500,000. Additionally, a hold harmless agreement shall be executed with the village.

**Finger Lakes Genetics/Eli Bonvell - 33 West Main St.
Sign Program**

Mr. Bonvell stated that he is the owner of Finger Lakes Genetics, and he is proposing some signage to advertise his business. Mr. Bonvell stated that he would like to put one sign in the front window so that people can see it from the road and know that his store is around back. Mr. Bonvell explained that he worked with Code Enforcement Officer, Todd Smith, on all of the proposed signs so that they would be code compliant. Mr. Bonvell stated that he would like to have a logo sign on the window near the back entrance and an "OPEN" sign with the hours on the door. Mr. Bonvell explained that he would like a sandwich board sign which he isn't sure if he will need yet. Ms. CHaides asked Mr. Bonvell if he is occupying any space in the front of the building where he proposes a sign in the front window. Mr. Bonvell stated that he will not occupy any of the space up front, but it is the same owner and there has been a sign there advertising a business in the back for years. Ms. CHaides asked if the window belongs to the financial business. Mr. Bonvell explained that the space is vacant right now and it is where a former hair salon was. Ms. CHaides explained that if they get another tenant in there, will the Finger Lakes Genetics sign and their sign comply with the code where 30% maximum is allowable for window signage. Mr. Bonvell stated that he believes it would comply, but he could get a smaller sign made if there was a problem. Mr. Bonvell stated that right now it is vacant so he doesn't see anyone moving in there for months but, if need be, he can revisit it later. Ms. CHaides asked if the proposed sign takes up 30% of the window space. Mr. Bonvell stated that it is well under the 30%. Mr. Criss stated that if you could allow enough room for someone to have their sign then you wouldn't have to redo the sign which is costly. Mr. Bonvell explained that he thinks there is more than enough room.

Ms. CHaides stated that she cannot read what the round logo sign says on it. Mr. Bonvell stated that it reads "ultra premium genetics." Ms. CHaides stated that it looks like the address is underneath along with the website. Mr. Bonvell agreed.

Mr. Van Dyke asked Mr. Bonvell if his address is 33 or 31B W. Main St. Mr. Bonvell stated that he signed a lease that says 33 West Main St. but apparently, they have changed it so it could be looked at as 31B or 33 West Main St. Mr. Bonvell explained that the post office sees it as both and just relabeled it as 31B but his lease states 33. Mr. Bonvell stated that it is one building. Mr. Van Dyke stated that 33 is the insurance company. Mr. Bonvell agreed. Mr. Bonvell stated that there is a new mailbox on the back which was just put in about two weeks ago because all mail used to go up front. Mr. Bonvell stated that his landlord told him he should have let him know he put the wrong address on his lease.

Mr. Van Dyke asked if the front window sign is a sticker. Mr. Bonvell stated that right now it is going to be a clear backed window sticker. Mr. Van Dyke stated that if a new

tenant were to move into the front space, he could see the sign being an issue. Mr. Bonvell stated that at that point he could revisit it.

Ms. CHaides went through the sandwich board requirements set forth in 130-5 B(5).

- a. Only displayed during Business hours.
- b. Situated on the property of the business.
- c. Shall not obstruct pedestrian traffic.
- d. Shall be consistent in form, color, lettering, and design with existing signs on building.
- e. One portable sign per tax parcel, regardless of number of businesses.
- f. Shall keep on file with the village, a certificate of liability insurance with limits of at least \$500,000. Additionally, a hold harmless agreement shall be executed with the village.

Resolution #09-22PB

Finger Lakes Genetics/Eli Bonvell - 33 West Main St.

Sign Program

On a motion made by Charles Criss, seconded by Jeff Swan, the following resolution was ADOPTED 4 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

1. A sign application was received on March 1, 2022, by the Secretary of the Planning Board for a sign program consisting of four signs, one window sign measuring 45"x 16" that will face Main St., one window sign measuring 14"x14" at the rear of the building next to the door, a window sign on the rear door measuring 11" x 8.5", and a portable sandwich board measuring 24" x 36".
2. It is the intent of the applicant to advertise Finger Lakes Genetics.
3. The signs shall be as illustrated in the color renderings submitted with the application.
4. The sign colors will be Black & White with Full Color Background on vinyl window sign.

NOW, THEREFORE BE IT RESOLVED that the application of Eli Bonvell/Finger Lakes Genetics for a sign program at 33 West Main St., **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the signs require a permit from the Building Department, prior to installation.
2. That the portable sign shall follow the code requirements set forth in 130-5 B(5)
 - a. Only displayed during Business hours.
 - b. Situated on the property of the business.
 - c. Shall not obstruct pedestrian traffic.
 - d. Shall be consistent in form, color, lettering, and design with existing signs on building.
 - e. One portable sign per tax parcel, regardless of number of businesses.
 - f. Shall keep on file with the village, a certificate of liability insurance with limits of at least \$500,000. Additionally, a hold harmless agreement shall be executed with the village.

**Terrapin Depot/Mark Byassee – 5 Railroad St.
Projecting Sign**

Mr. Byassee stated that he owns the property at 5 Railroad Street, and he is opening a gift store called the Terrapin Depot for Finger Lakes artisans. Mr. Byassee stated that he would like to open in the next 30 days. Mr. Byassee stated that he would like to install a wooden sign to hang above the door on a bracket. Ms. CHaides stated that the clearance from the bottom of the sign has to be 8 feet. Ms. CHaides stated that Mr. Byassee is using the Muralo colors that comply with the regulations.

Mr. Swan asked what type of merchandise Mr. Byassee will be selling. Mr. Byassee explained that he will sell artisan works, woodworking, soaps and creams, clothing, arts, and crafts produced in the Finger Lakes.

Ms. CHaides asked Mr. Byassee if he anticipates putting a sign on the monument sign by the road. Mr. Byassee stated, "not yet" and he is in discussions with the Village on who is responsible for that sign as he has heard it is on the Village easement and has heard it is on his property. Mr. Byassee stated that Twin Elder just put a sign on the monument and he is being told he has to maintain it. Mr. Byassee stated that he is not going to put a Terrapin Depot sign in there right now.

**Resolution #10-22PB
Terrapin Depot/Mark Byassee – 5 Railroad St.
Projecting Sign**

On a motion made by Steve Van Dyke, seconded by Charles Criss, the following resolution was ADOPTED 4 AYES 0 NAYS

WHEREAS, the Planning Board made the following findings of fact:

1. A sign application was received on February 22, 2022, by the Secretary of the Planning Board for a 20" round projecting sign over the entrance to the building.
2. The applicant was not in attendance for the March 23, 2022 Planning Board meeting so the application was tabled until the April meeting.
3. It is the intent of the applicant to advertise Terrapin Depot.
4. The sign shall be as illustrated in the color rendering submitted with the application.
5. The sign colors will be Muralo Grassy Meadow, Stagecoach, Black & Woodgrain.

NOW, THEREFORE BE IT RESOLVED that the application of Mark Byassee/Terrapin Depot for a sign at 5 Railroad St., **BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. That the signs require a permit from the Building Department, prior to installation.
2. The 20" round projecting sign shall meet the following conditions:
 - a) §130-5 B(6)(a) No projecting sign shall be erected or maintained from the face of a building a distance of more than 4 feet, nor shall any such sign exceed three (3) feet in height or provide less than eight (8) feet in clearance between grade level and the bottom of the sign.
 - b) §130-5 B(6)(b) The maximum size of said sign shall be 10 square feet.
 - c) The sign meets the square footage maximum, and it will not project more than four (4) feet from the building according to the picture of the hanger. The sign shall be installed so there is 8' of clearance between sign and the ground.

Mr. Byassee stated that if anyone wants to see what he will be selling he is having a music, arts and crafts show Saturday, April 30th from 1pm-5pm. Mr. Byassee explained that ten of the artisans that are going to be in his store will be selling their work and there will be a band and Pizza D's.

Ms. CHaides asked Mr. Kelly if he has any news from the Village Board. Mr. Kelly stated that Arbor Day on Saturday, April 30th there will be a tree planting event on Rawson Road.

Mr. Kelly stated that the library vote is coming up and a lot of signs are going up around the Town of Victor, Village of Victor and Town of Farmington and it will be

interesting to see the outcome. Mr. Kelly stated that the downtown revitalization committee is in favor of the new Library proposal, but it is very expensive.

Discussion regarding school budget/library vote

Mr. Kelly stated that he is on the Town Historic Advisory committee, and they sponsor a first Thursday lecture series and John Marks who is the historian in Geneva will be talking about the Phelps & Gorham Purchase.

Mr. Kelly stated that he is on the Cemetery Committee for the Town who takes care of the old Village Cemetery behind Village Hall. Mr. Kelly stated that there will be a cemetery tour that Historian, Babette Huber will narrate and there will be five actors stationed around at different graves who will portray notable people who are buried there.

Ms. CHaides stated that she received a call from the Mayor, Gary Hadden in regard to the Twin Elder Brewery application that was approved on November 17, 2021. Ms. CHaides explained that one of the conditions on the resolution was about noise. Ms. CHaides stated that Mr. Hadden had a meeting with the Code Enforcement Officer, Todd Smith and Village Attorney, Reid Holter, who said that the Planning Board did not have the authority to put a noise restriction on it. Ms. CHaides explained that a noise restriction was put on it based on a previous business that occupied the space, The Village Pig, who wanted to have outside music. Ms. CHaides stated that Mayor Hadden told her to make a resolution to rescind that part of the application. Ms. CHaides explained that she told Mayor Hadden that she would not do it because she didn't feel that it would be transparent to the community who were very vocal about it at the public hearing. Ms. CHaides stated that she has a call in to Reid Holter, the Village Attorney, who she will talk to about how to manage it. Ms. CHaides stated that she does not want to make any changes until there is a public hearing so that the community knows what the Planning Board is doing and that the Planning Board is not doing something behind their backs. Mr. Van Dyke asked if the Planning Board is not responsible, who is? Ms. CHaides stated that Mayor Hadden told her that Code Enforcement would be responsible. Ms. CHaides stated that it was not the responsibility of Code Enforcement back when the resolution was made for the Village Pig restaurant in the same location. Ms. CHaides stated that she just wanted to make sure that the rest of the Planning Board was aware of the conversation. Ms. CHaides stated that she is not opposed to rescinding the condition on the resolution, she just doesn't like the process that she has been asked to follow. Ms. CHaides explained that Mayor Hadden said he was working on a noise ordinance for the Village but has not quite gotten around to putting one together. The other Planning Board members unanimously agreed with Ms. CHaides decision. Mr. Criss stated that the noise condition at least heads off potential problems because if the owner is aware that we don't want noise and the neighbors don't want noise and if there is noise, they are going to have

problems. Ms. CHaides stated that she wants to be transparent about it, so the public is aware.

Mr. Criss asked if there is anything new on New York State and cannabis. Ms. CHaides stated that she hasn't heard any new regulations and she doesn't anticipate anything until fall or early 2023. Mr. Van Dyke stated that he heard that Fairport and Pittsford turned down cannabis sales. Mr. Criss stated that both Fairport and Pittsford let the public vote on it and the Village of Victor didn't. Mr. Swan asked if Finger Lakes Genetics sells cannabis. Mr. Kelly explained that Finger Lakes Genetics uses marijuana as an advertising tool, but he is not selling it.

ADJOURNMENT Meeting adjourned on a motion at 7:29 pm

Roseanne Turner-Adams, Planning Clerk