

Yates County Planning Board Referral Form

Referral # 2022-06
County Use Only

Date Received 1-14-2022

Revised 11/2021

Municipality and Referring Agency Village of Penn Yan

Project Address 138 Elm Street Project Tax Map # 49.75-1-16

Zoning District Village Center

Applicant (Name & MAILING) Kirk Wright, Sign & Lighting Services

PO Box 597, Ontario, NY 14519 Email teamsls@slny.net

Property Owner (Name & MAILING) 9274 Group Inc (Rite Aid)

295 Main Street, Suite 210, Buffalo, NY 14203 Email

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.) _____

Application Type

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan
- Subdivision
- Text Amendment
- Map Amendment
- Other

Project Description

Remove existing sign "message center" and
install a digital, changeable copy sign.

Supporting Documents Required (IF N/A, include explanation)

- Municipal Application
- Tax Map or Plat
- SEQR
- Site Plan *
- Variance Criteria **
- Subdivision Plat For Subdivision Referrals Only
- Other

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

Katu Tomlinson, Referring Official

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.



Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: Yates County Planning Department, jayers@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527

AREA VARIANCE APPLICATION

**TO THE
VILLAGE OF PENN YAN
ZONING BOARD OF APPEALS**

GENERAL INFORMATION

1.) Application Fee: \$50.00 Made payable to: *Village of Penn Yan*

Name: Rite Aid Application No. _____

Date: 1/14/22

SIGN & AREA VARIANCE

THOROUGHLY DESCRIBE WHY YOU MUST HAVE A VARIANCE RATHER THAN COMPLY WITH YOUR VILLAGE CODE;

- 1.) Explain why you will not comply with what your village code allows instead of this *non-conforming* concept.

While Rite Aid acknowledges this signage request does vary from the allowable village code as written, Rite Aid is respectfully requesting approval to install a digital, changeable copy sign under the requirements that the message will not scroll, flash, and is willing to abide by agreed upon restrictions to the number of times the copy can change in a given day which in principle will restrict the use of the sign, thus bringing it back to appropriate

- 2.) Will your *non-conforming* request cause an undesirable change in the neighborhood character, or any sign type detriment to nearby properties? If not, you must clearly explain your reasoning.

Rite Aid does not believe this request will have an undesirable impact on the character of the neighborhood nor a detriment to nearby properties. This digital signage is very similar to electronic message displays at two businesses in very close proximity to Rite Aid

- 3.) Will your *non-conforming* option have an adverse environmental impact on the neighborhood? If not, persuasively explain why it won't.

Rite Aid does not believe this request will have an adverse environmental impact on the neighborhood. This digital signage does not impact or destroy any natural habitats nor does it emit any pollutants that would impact air, land or water.

- 4.) Describe what evidence you have this variance request is not a self-created need by showing what contributing factors prevent you from doing what is *permitted* in the Penn Yan code book.

Rite Aid has deployed digital signage of this type at thousands of sites across the country and is a critical business strategy that focuses on delivering the appropriate products & services to the communities in which we operate. While understanding the restrictions, Rite Aid is willing to comply with the number of times copy can be changed in given time frame. In other areas, typical restrictions, no more than 2 changes daily, no flashing or scrolling messages.

X

(Signature of Applicant)

STATE OF NEW YORK) ss:
COUNTY OF Wayne)

Sworn to me this 14 day of December, 2021

Debra A. Deminck

(Notary Public Signature)

DEBRA A. DEMINCK
NOTARY PUBLIC-STATE OF NEW YORK

No. 01DE6148047

Qualified in Wayne County

My Commission Expires June 19, 2022

Village of Penn Yan

*Office of Zoning
And Building Inspection*



on Keuka Lake

PO Box 426 | 111 Elm Street, 2nd floor
Penn Yan, New York 14527
315-536-6397

November 22, 2021

Mr. Kirk Wright
Sign & Lighting Services LLC
PO Box 597
Ontario, NY 14519

Dear Mr. Wright,

The recent sign permit application submitted for Rite Aid signage at 138 Elm Street in Penn Yan was denied after review. The sign proposed is in violation of the Penn Yan Zoning Code 202-64(C)3.

1-Proposed sign is a digital changeable copy sign. The sign is capable of changing and moving objects on a lighted screen.

You may appeal this decision through this office to the Zoning Board of appeals. Please contact this office at 315-536-6397 to discuss the next step to meet compliance.

Respectfully,

Jamie Kincaid
Code Enforcement Officer

jkincaid@villageofpennyan.com
www.villageofpennyan.com

§ 202-64. Signs.

[Amended 9-6-1996 by L.L. No. 4-1993; 7-16-1996 by L.L. No. 4-1996; 12-13-2005 by L.L. No. 7-2005; 8-18-2009 by L.L. No. 6-2009]

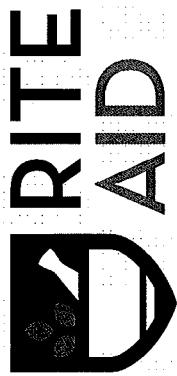
A. Statement of purpose and intent.

- (1) The Board of Trustees finds that the historical character and attractive buildings in the Village of Penn Yan have a substantial positive impact on the property values, business climate, land use and general welfare of the Village's residents and property owners and visitors. Signs have a substantial effect on the historical character, building use, appearance and property value, which may be positive or detrimental. It is, therefore, the intent of this chapter to promote and protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community and encourage the most appropriate use of the real property in the Village.
- (2) The purpose of these regulations is to promote signs which are:
 - (a) Compatible with surroundings, meaning that every sign shall be considered as an integral architectural element of the building and site to which it principally relates.
 - (b) Orderly, readable and safe.
 - (c) Harmonious in terms of color, materials and lighting with the building to which it relates.
 - (d) Informative to the public but unobtrusive to vehicular and pedestrian traffic.

B. Permit required. Except as otherwise provided in this chapter, no sign shall be erected or altered until a permit has been issued by the Code Enforcement Officer.

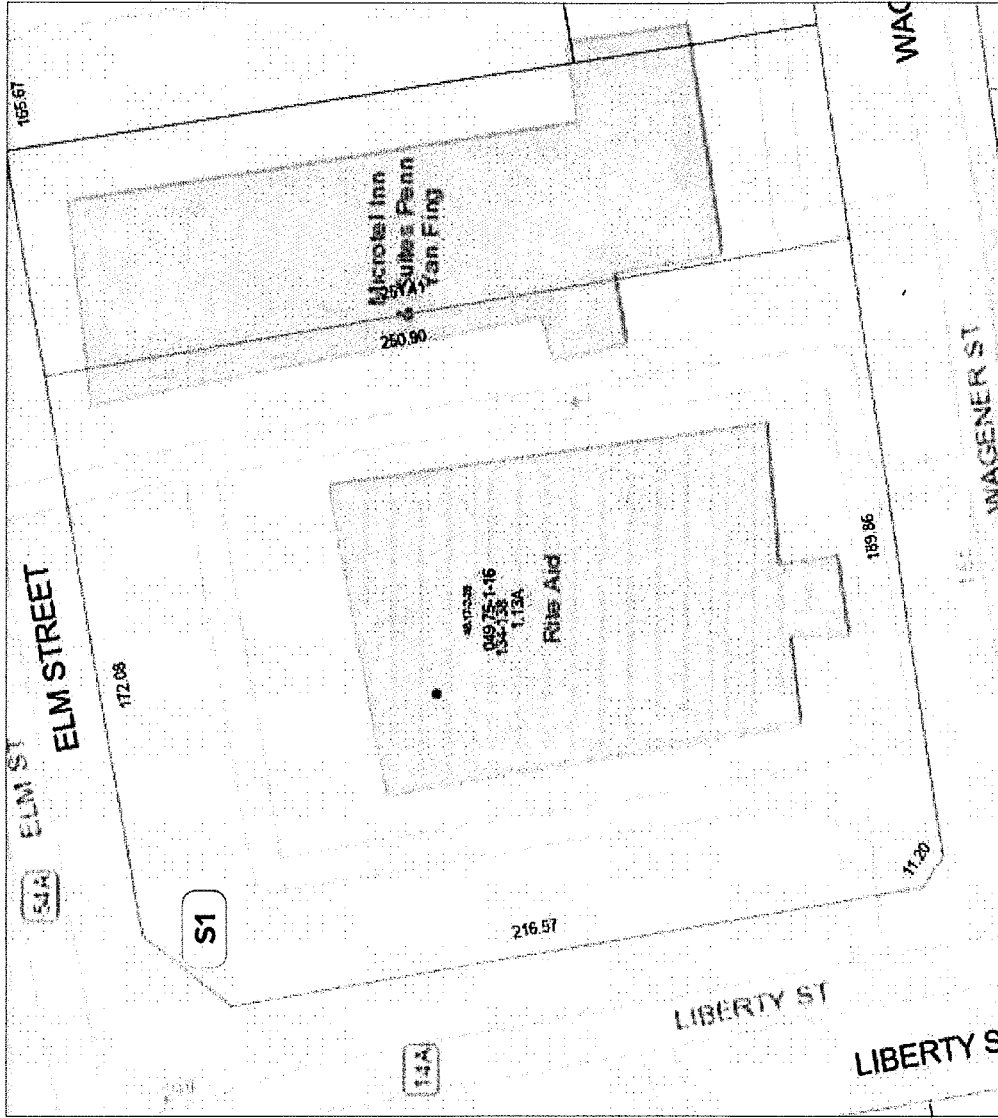
C. General regulations. The regulations contained in this section shall apply to signs in every use district, overlay district and the Historic Preservation District of the Village of Penn Yan.

- (1) No sign shall be located where it will impede or interfere in any way with a traffic control device, traffic visibility or pedestrian visibility. Specifically signs are prohibited between the elevations of three feet and seven feet above the street level within the triangular area formed by two intersecting street center lines and a line connecting points on such street center lines 60 feet distant from their point of intersection. No sign shall be erected within the right of way lines of any street, except temporary banners for festivals or special events permitted with the approval of the Village Board of Trustees pursuant to Chapter 48, Banners, of the Code of the Village of Penn Yan, which must be installed so as to not create any safety hazard to pedestrian or vehicular traffic.
- (2) No sign shall be erected or maintained upon the roof of any building. No sign attached to a building wall shall extend above the actual height of said wall.
- (3) No sign shall be illuminated by or use flashing, intermittent, changing, rotating or moving lighting as a part thereof. No illuminated sign or lighting device shall be so directed as to cause a glare or deflection hazard upon a street, highway, sidewalk or adjacent premises



C71214
138 Elm Street
Penn Yan, NY.

Site Google Site Plan



Drawing # **C71214**
146030

Address: 138 Elm Street
City/ST: Penn Yan, NY

Date: 10/26/21
Designer: CXJ PM: KM

File Location: STND
Drive/Client: CSTM
 AS CR EN

Revisions:

Location	Rev	Description
X	1	20220909
X	2	
X	3	
X	4	

Underwriters Laboratories, Inc.
Sign components to be in strict UL compliance.

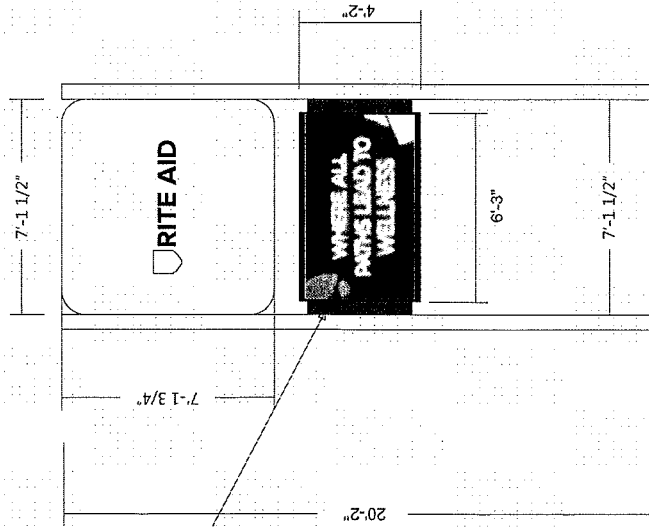
All dimensions are imperial unless specified metric. Items are scaled as noted when plotted on an 11x17 sheet.



S1 Replacement Readerboard (Qty. 2)

Remove existing message center from pylon and replace with new wireless message board. New unit to be Daktronics GT6x108x180-10-RGB-2V. Paint any exposed portions of poles.
 Attach New Display to Existing Steel Angle.

Add structure to existing tube supports for installing new LED electronic display.

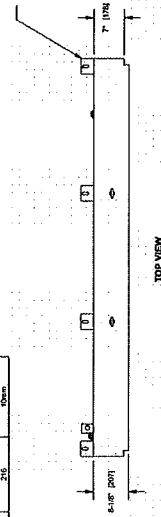


Existing readerboards are 61-1/4in high x 85-1/2in wide.
 New boards are 50in high x 75in wide and 26.04 sq. ft.



FIELD	DESCRIPTION	DATE	BY	CHKD

3"x3"x3/16" angle clips,
 top and bottom



SCALE: 1/4" = 1'-0"

Drawing # **C71214**
 OE **146030**

Address: 135 Elm Street
 City/ST: Penn Yan, NY

Date: 10/26/21
 Designer: CXJ PM: KM

File Location: STND
 Drive/Client: CSTM
 AS CR EN

Revisions:

X			
X			
X			
X			
X			

UL Underwriters Laboratories, Inc.
 Sign components to be in strict UL compliance.

All dimensions are imperial unless specified metric. Items are scaled as noted when printed on an A1 sheet.



