

Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER: TLC Properties, Inc.
PROPERTY ADDRESS: 4406 New York State Routes 5 and 20
TAX MAP NUMBER: 84.00-1-26.120
ZONING DISTRICT: Community Commercial

DETERMINATION REFERENCE:

- Application for Special Use Permit, dated 11/08/2021, received for review by Town on 11/05/2021.
- Site Plan titled, "Site Plan for 4406 NYS Routes 5 and 20 Proposed Billboard Location," by Parrone Engineering, dated 11/09/2021, received by the Town on 11/15/2021.
- Sign Permit Application, dated 09/08/2021, received by the Town on 11/08/2021.

PROJECT DESCRIPTION:

- The Applicant is proposing to remove and replace the existing billboard sign, referred to in the application as "Refurbished Route 5&20 sign," with a Digital/Electronic Sign in approximately the same location as the existing sign.

DETERMINATION:

- Chapter 220, Zoning, was amended to create Section 220-79(E) Digital Signs. This Local Law 11 of 2021 allows the conversion of preexisting, non-conforming off-site signage to digital/electronic signage.
- Per the Settlement Agreement, effective 11/01/2021, all conditions set forth shall be met including the following conditions set forth on Page 14 of said Agreement for the Refurbished 5&20 sign;
 - a. Electronic image area. The electronic display area of the sign shall be no more than 300 square feet;
 - b. Maximum brightness. The maximum brightness will not exceed 5,000 cd/m² in daylight and 280 cd/m² at night (one hour after sunset to one hour before sunrise);
 - c. Automatic dimmer. The sign must be equipped with both a dimmer control and a photocell, which will automatically adjust the display intensity according to natural ambient light conditions and not exceed maximum brightness.
 - d. Dwell time. The message/image change interval will be a minimum of eight (8) seconds.
 - e. Static image. The displayed image will remain static during the eight (8) second interval.
 - f. No moving images. There will be no visual special effects of any kind during a message or during the transition between successive messages.
 - g. Transitions. The sign must transition from one message to the next, with no perceptible dimming or blanking of the display, and with no visible effects such as fade, dissolve, animations, flashing or moving lights.
 - h. Transition Time. The time interval used to change from one complete message, image or display to the next complete message, image or display shall be as close to instantaneous as possible and must take a maximum of (1) second.
 - i. No sequenced messages. Sequencing of messages, such as using two or more successive screens to convey a message on a single sign that will not fit on one screen may not be used.
 - j. Default display. The sign will contain a default mechanism that will freeze the sign in one position, or the off position, if malfunctions occur.

- k. Not interactive. The sign will not be interactive and will not feature or support personalized communications with a driver or other person in real-time, nor emit sound, odor, or visible matter, other than light.

Additionally, per the Settlement Agreement, the sign shall be no higher than 25 feet above the surrounding ground level and conform with the rendering in Exhibit 3.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- Project on right-of-way of any existing state road.

REFERRAL TO PLANNING BOARD FOR:

- All Special Use Permit applications require the Planning Board to review and approve the associated Site Plan. In addition, per the Settlement Agreement, effective 11/01/2021, Page 4, 10., all parties agreed to cooperate in the application to obtain site plan approval.
- Commercial Speech Signage may be permitted within the Community Commercial District, consistent with the provisions of the regulations governing special use permits, provided that a special use permit is approved by the Town Planning Board.

CODE SECTIONS: Chapters §1-17; §220; §220-79(E); §220-35, §220-62.1, §220-23

DATE: 11/24/21

BY: 
Shawna E Bonshak - Town Planner/Zoning Officer

CPN- 2021-089

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder
Property Owner
Town Clerk

