

CHILI ZONING BOARD OF APPEALS

January 24, 2006

A meeting of the Chili Zoning Board of Appeals was held on January 24, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

PRESENT: George Brinkwart, Michael Martin, Dan Melville, Jeffery Perkins, Richard Perry, Peter Widener and Chairperson Beverly Griebel.

ALSO PRESENT: Dennis Scibetta, Assistant Building & Code Compliance Inspector; Keith O'Toole, Assistant Counsel for the Town.

Beverly Griebel declared this to be a legally constituted meeting of the Chili Zoning Board of Appeals. She explained the meeting's procedures and introduced the Board and front table. She announced the fire safety exits. The Pledge of Allegiance was cited.

BEVERLY GRIEBEL: At the point, the Board will go over signs.  
Number 1, any problem with that sign?

The Board indicated it would hear the application.

BEVERLY GRIEBEL: Number 2, Salamone?

The Board indicated it would hear the application.

BEVERLY GRIEBEL: Number 3, Fathers House?

The Board indicated it would hear the application.

BEVERLY GRIEBEL: Okay. Number 4, Family Video?

The Board indicated it would hear the application.

BEVERLY GRIEBEL: Number 5, Jeffrey Allen Associates, 1260 Scottsville Road. I didn't see a sign there. Did anybody see a sign there?

DAN MELVILLE: I don't recall, because I went by there -- but I don't recall seeing one. But sometimes you're going by so fast.

BEVERLY GRIEBEL: I went back and forth a couple times and didn't see a sign there. I looked all along there. It wasn't where -- where Air Park Drive goes in. I looked further down there where 400 is in the back of the property, and I didn't see a sign there.

MICHAEL MARTIN: I didn't see it either.

PETER WIDENER: When I drove by, I did not see a sign from Scottsville Road and I drove to the Air Park, around their building and I did not see a sign on their building -- just to make sure I was at the right place.

BEVERLY GRIEBEL: I went out and down and around.

DAN MELVILLE: It's obvious it wasn't posted.

RICHARD PERRY: I didn't see it, and I stopped both Saturdays.

BEVERLY GRIEBEL: I will ask for a motion to table that until the February 28th meeting at 7 p.m.

MICHAEL MARTIN: Move to table.

JEFFERY PERKINS: Second.

The Board voted unanimously in favor of the motion to table the application.

BEVERLY GRIEBEL: Anyone who is present to speak to that application, we will not hear anything on it tonight. Is the applicant here?

No one was present to represent the application.

1. Application of Michael Dey, owner; 2681 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for a home repairs business at property located at 2681 Chili Avenue in R-1-15 zone.

Michael Dey was present to represent the application.

BEVERLY GRIEBEL: Pete (Widener), I have a diagram we can put up.

If anybody wants to go to the board at any time and look at any of the things on there, please feel free to walk over there.

You're Michael (Dey). This was originally from -- well, a year and then five years. So it has been a while.

MR. DEY: Yes.

BEVERLY GRIEBEL: How is business going?

MR. DEY: Civil servant. One day at a time. You never know when the phone rings. You just provide the service, be efficient.

BEVERLY GRIEBEL: You do all kind of things?

MR. DEY: Yes.

BEVERLY GRIEBEL: I think there was a problem at one time, you were doing things in the garage --

MR. DEY: I remodeled my kitchen, about three and a half times.

BEVERLY GRIEBEL: Does the material get delivered to your customer's home?

MR. DEY: No. Any materials I pick up. I don't do large jobs any more. I can't keep up. Any jobs I take are usually two days. Any job can go into the truck, directly to the site.

Dennis Scibetta arrived.

BEVERLY GRIEBEL: There was one item not checked. Do you work for a government agency?

MR. DEY: Work for a government agency?

DAN MELVILLE: You don't work for any government, do you?

MR. DEY: No.

BEVERLY GRIEBEL: This was left blank on the application.

MR. DEY: I'm sorry.

DAN MELVILLE: It is so small, you can hardly see it on there.

BEVERLY GRIEBEL: It is in the middle of -- it is in the middle of a paragraph. So it is a little hard to see unless you're looking for it.

DAN MELVILLE: Any complaints on this property?

DENNIS SCIBETTA: Which one is this?

DAN MELVILLE: Michael Dey, 2681 Chili Avenue?

DENNIS SCIBETTA: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

BEVERLY GRIEBEL: The conditions last time were granted for a period of five years, no on-premises advertising, no on-street parking pertaining to the business. The hours as per the application and no outside employees. Are those still satisfactory, Mr. Dey?

MR. DEY: Yes. If I use any, sometimes I might call Labor Ready if I need a couple to clean up a basement, but they're not coming to my location. They go directly to the job and they're all covered by Workmen's Comp. and disability with the Labor Ready.

BEVERLY GRIEBEL: So we'll close that part of the public hearing.

The Public Hearing was closed for this application at this time.

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion. Michael Martin made a motion to approve the application with the following conditions, and Richard Perry seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. Granted for a period of five years.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. No outside employees.

The following finding of fact was cited:

1. The home office is a customary home occupation.
2. Application of Todd Salamone, owner; 19 Privateers Lane, Rochester, New York 14624 for variance to allow existing deck to be 13' from rear lot line (25' req.) at property located at 19 Privateers Lane in R-1-15 zone.

Todd Salamone was present to represent the application.

BEVERLY GRIEBEL: This went to the Monroe County Planning Department for Airport Review and came back as approved. So it will not interfere with aviation. If you're within a certain distance, it has to be submitted to the Monroe County Planning Department for Airport Review.

BEVERLY GRIEBEL: Are you the new owner?

MR. SALAMONE: I'm the new owner, yes.

BEVERLY GRIEBEL: And they allowed you to close on the house?

MR. SALAMONE: They did.

BEVERLY GRIEBEL: You're lucky. Sometimes they don't.

MR. SALAMONE: Yes.

DAN MELVILLE: That deck was up.

MR. SALAMONE: Yes. I was told it was built with the house in '82.

DAN MELVILLE: That pre-existed --

MR. SALAMONE: The house sold once, too, in the meantime. It was before a variance was needed. I guess this is a new law, I was told.

BEVERLY GRIEBEL: No. It has --

DAN MELVILLE: There was a time you didn't need a permit to put the deck up.

DENNIS SCIBETTA: Since 1991.

DAN MELVILLE: That is when they started.

BEVERLY GRIEBEL: But the infringement issue, that would be the thing.

DAN MELVILLE: You didn't even have to have a permit at the time, so no infringement really.

BEVERLY GRIEBEL: You have a fence there that kind of blocks that -- it has been there maybe since '82, so I guess the neighbors have not been complaining.

MR. SALAMONE: I haven't heard nothing.

BEVERLY GRIEBEL: Anybody ask about the sign or anything that was up?

MR. SALAMONE: No, nobody.

BEVERLY GRIEBEL: How long have you been in the house?

MR. SALAMONE: Six weeks now.

BEVERLY GRIEBEL: The deck goes off the second floor. One compounding thing, there is -- you're a corner lot, which gives some difficulty sometimes.

PETER WIDENER: Madam Chairwoman, I'm kind of concerned if this was built before the permits were issued or needed, why are we reviewing this?

BEVERLY GRIEBEL: Well, it comes up with mortgage applications.

PETER WIDENER: Oh.

BEVERLY GRIEBEL: If there is something on there that infringes on the setbacks, it doesn't have a variance.

DAN MELVILLE: Even though when it was built it was fine, because, you know, it wasn't

required to have a permit, but now because there is a sale of the house, the new ordinance requires a permit and, you know -- that it meet the setback requirements. Well, it doesn't do that.

PETER WIDENER: So there is no sunset clause on this at all?

BEVERLY GRIEBEL: Apparently not. Because it has come up before. Something built a while ago and now the property comes up for sale and it is a garage or like this, a deck, and it doesn't have a variance on it, they sometimes won't close. Sometimes the banks won't give a mortgage until that issue is settled.

JEFFERY PERKINS: Did you have an engineer's inspection when you bought the house?

MR. SALAMONE: Yes.

BEVERLY GRIEBEL: Does he have to have a permit for the deck now?

DENNIS SCIBETTA: No. Because it was not required when the deck was built.

DAN MELVILLE: Just a variance then?

DENNIS SCIBETTA: That's correct.

BEVERLY GRIEBEL: Then that is set for him and any future owners. That would clarify that issue.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing was closed for this application at this time.

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Peter Widener seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with no conditions, and Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of fact was cited:

1. The deck has been present for many years with no neighborhood objections.

BEVERLY GRIEBEL: Application 5, Geoffrey Allen & Associates will not be heard this evening. It is tabled until February 28th at 7 o'clock.

3. Application of The Fathers House, owner; 692 Paul Road, Rochester, New York 14624 for variance to erect a church to be 47' high (35' allowed), variance to erect a single-faced freestanding sign to be 75 sq. ft. (32 sq. ft. allowed), variance to erect a wall sign to be 75 sq. ft. (16 sq. ft. allowed in a residential zone) at property located at 715 Paul Road in R-1-15 zone.

John Caruso and Chris Kaurelis were present to represent the application.

MR. CARUSO: You should have in your application packets -- before I begin, I just want to make sure you have all of the props, if you will. Because we are going to present them to you tonight. You should have an elevation of the building along with some of the architectural elevations that show the heights of the structures, because I'm going to want to point out some of those to you in terms of significance and so on.

Good evening. I'm John Caruso with Passero Associates and I'm here tonight on behalf of The Fathers House to request some sign variances and some building height variances.

I think what I would like to do is -- I would like to start with the sign variance for our ground sign, and I would like to begin by asking you to look at the hand-out that we have, and I think it is also in our submittal, that it deals with the design -- there are some renderings. We are dealing with this sign here (indicating). The location of that sign is on the -- it is the northeast corner of the site, and if you look on -- where my pointer is pointing, here is the parcel (indicating). It is about a 60-acre piece. This is Paul Road (indicating). And north is pointing up. This is Archer Road (indicating). This is the corner right here (indicating).

What we would like to do is construct this rather elaborate masonry, well-landscaped vine into our landscaping, and this was one of the first things that when we were trying to bring the project forward, we met with some of the Town officials, and we said we really want to make a

show here, because this is really a gate way to Chili Center, coming up Paul Road from this way (indicating), coming down Archer Road this way (indicating), plus with the new signal light down at Beaver Road, the traffic that comes up this way (indicating), we really don't want to have a sign at our entrance here and a sign at our entrance here (indicating). We wanted to do something along the corner. Along the lines of minimizing, we wanted to do one big sign at the corner. We wanted to integrate it into the site's landscaping plan.

So this sign, as you can see how elaborate it is -- it took a landscape architect, an architect and an engineer to come up with the location and design of it. The size of it, it tries to pull a little this way (indicating), westerly, and a little southerly (indicating). That is when we added the brick columns and fencing. Rather than have it all lumped in the corner, we tried to pull it a little south and west.

You can see it is a two-tier, with a little bit of a masonry wall in front of it, and then the sign sits in the back of it, sort of as background. We landscape around it on both sides, but it is only viewed from the front and only says The Fathers House from the front. It is not on the back side of the sign.

So really that was in trying to keep -- to make that the gate way that we promised up front. We promised to come up with an elaborate plan, so I believe we are asking the Board to consider this sign is really worth its presence, okay?

BEVERLY GRIEBEL: How far from the property line and how far from the actual road pavement will that be?

MR. CARUSO: From the property line, it is about 50 feet to the sign, and from the pavement line, it is probably another 17 feet, so it is 60 something back. It certainly is not a sight distance. That was the purpose of the fence, to be able to see through it a long ways away. But the signal poles are over there, right now with just the grass growing up. We wanted to do something over there, so we'll manicure the site right up to the corner.

BEVERLY GRIEBEL: That in no way is going to interfere with the line of sight?

MR. CARUSO: Yes. A parking lot up there and a pond. The site is centrally developed and we had this sort of expansive area of green in here (indicating), so we wanted to sort of set the corner off with that is who we were, rather than trying to do it here (indicating) and then do it again over here (indicating).

While we're there, we might as well do the other sign. The other sign we show is proposed on the building, and that's the tower that you see that comes out of the middle of the building, and I wanted to speak to that a little bit. You can see the tower shows -- this is the plan I'm asking you to refer to now (indicating).

You can see the tower here (indicating). The tower has The Fathers House on it there. We sort of just squared off the dimensions of it. It is about 75 feet. The tower is -- is only -- it is 47 feet tall, and it is only on that portion of the building, and we looked at other churches and other projects that we have done. If we were to have a steeple for this church, and we put a cross on it, usually a zoning official would not look at that as a variance because it is not sustainable on the building. It is only a portion here. This is a little more expansive. I don't disagree with that, but I think that is the intent. We weren't trying to keep the whole building high. The way that the building operates, it is 24 feet on the sides, with the majority of the building under what is required by code. Then the center area that you're looking at is 38 feet tall, and then the tower area there is 47 feet with our sign on it.

Any questions on that, because it sort of leads me right into the other heights -- the building heights?

BEVERLY GRIEBEL: Is that area of the building, is that a level area? What perspective is that from the street? Is that lower than the street?

MR. CARUSO: No. It is about level with the street. Maybe a little higher.

DAN MELVILLE: Are any of these signs going to be lit?

MR. CARUSO: I don't think we are lighting these signs. No. No, I don't think this sign is lit. It will be ground lit.

DAN MELVILLE: Are the colors on the drawing the colors of the actual sign?

MR. CARUSO: Yes.

DAN MELVILLE: So the one on the building kind of blends in. You don't really -- it is nothing that is going to really stick out and be obvious.

MR. CARUSO: Can I use that point in my presentation, because -- well --

DAN MELVILLE: Go ahead.

(Laughter.)

MR. CARUSO: To be honest, it goes with the point what we were trying to do through our

conditional use permit at the Planning Board level, we need to fit into the neighborhood. We won't stick out and get a conditional use permit. We tried to use earth tones, things residential in nature. The church is here to serve the community. It is not to be a big red sign like they did up at Westmar Plaza. We are not trying to stand out. We are trying to fit in, make it a welcome place. That is why the colors are the way they are.

They should have a graphic that I put in there, a profile, and it is this drawing here (indicating). And if you study that profile a little bit, what I wanted to give you is a graphic that showed you at a real scale, it is a 30 scale both vertical and horizontal, so it is not distorted, and we are showing you that these buildings sit back 600 feet from the road, 500 feet over here (indicating).

If the building sat up at the roadway, 75 feet off the road, with a 35-foot height, you would have a 25-degree angle to see that, a line of sight. With these buildings sitting back so high, even with the 47-foot tower, you have a 5-degree angle. That goes to helping us hide our HVAC units behind the main center area of the building, which is why we are asking for the 38-foot tall parapet wall. That hides our HVAC units, and it also helps us do something for the function of the building. I'm moving into the building height now, but -- I moved off the sign, but I am talking to that point for reasons why.

The 38 foot, the 3 extra feet is only 3 feet above what is required by code, about 10 percent. It is not a bad variance. There was a good purpose behind it. We promised the Planning Board with this building, these elevations, that we would hide those HVAC equipment. It also allows something on the function of the building. It is a 1250 square feet sanctuary with stadium seating, state-of-the art type stuff. When you're in a 1250 square foot auditorium, it is hard to see that little guy on the stage who is preaching to you. So what we do is we have these new viewing screens and these viewing screens are very -- if you have seen Maggie Brooks speak, she has the screens behind her. If you see at Roberts Wesleyan, the Rick Warren series, you will see those type screens. They require they be up in the air, and that little extra helps us have the room big enough to have those type of screens.

My associate Chris (Kaurelis) has given -- Chris (Kaurelis) has prepared a couple examples for you to see. This is what I mean by that (indicating).

This is why we wanted the building a little taller. There are a few examples of different types of viewing screens. We would like to have the building height to be approved at -- 38-foot tall parapet, the 37-foot tower, knowing that the majority of the building is 24 feet, and it is only in the main sanctuary area where we are trying to achieve this.

Then the sign variance is for the reasons of -- up front, the aesthetics we are trying to promote, blending in with the neighborhood, minimizing with only one sign. We have only one sign on the building. We don't have one on Archer Road. No sign facing the folks' homes over there. And knowing it is 600 feet back off the road, that the -- that element of the size of it is really setback. That is what we were trying to show to you in that graphic.

RICHARD PERRY: Out of curiosity, what is to become of the existing structure?

MR. CARUSO: The existing church would most likely be sold to help support construction of the church. They would use it in the short term for continued services until the building is built and then they would move over there.

DAN MELVILLE: The sign would come down over there?

MR. CARUSO: Yes, it would. And then it would look to be sold.

RICHARD PERRY: I would imagine that would be -- you try to sell that to another organization for a church, but that, I guess, brings up the issue about parking. As we all know, what has gone on at that corner now with the increased membership and the parking for that, it seems that that would limit parking at that facility. I know that is not your --

MR. CARUSO: It is a good point. Let me say that. It is limited parking and probably would not support another church. We are looking to put it back on the tax rolls and sell it. The highest and best use might be neighborhood business.

MICHAEL MARTIN: The sign on the tower, you're asking for 75 square foot. That is the total size, but it is more of an oval. How much is it?

MR. CARUSO: It is like 75 square feet. If you do the overall dimension and square it off, it is a little more. So 75 square feet is about approximately correct.

DENNIS SCIBETTA: It is not a required variance for the size of the sign because of the frontage. It is only because of the height of it on the sign, so if that was a question.

GEORGE BRINKWART: I'm looking at the graphic that you gave us here. The elevation of the sign, do you know about how tall the sign is from the elevation of the road?

MR. CARUSO: I think it is about 8 feet. Probably 8 feet to the top of that.

GEORGE BRINKWART: I was just curious because with the people there, it makes the sign look taller. Having said that, my next question was going to be, if you were in front of the sign, with the angles of site that you pointed out, could you even see the church with the sign in front of it?

MR. CARUSO: You could see through the gates there on either side of it. A few steps over, you will see all of the church you want. There is 50,000 something square feet of it.

GEORGE BRINKWART: About 8 feet above the elevation of the road?

MR. CARUSO: Yes. I think that that is about right.

The height of the sign?

MR. KAURELIS: Just under 8 feet, yes.

JEFFERY PERKINS: A question to the side table. Does there need to be a conditional use application on this, or no?

DENNIS SCIBETTA: For a church?

JEFFERY PERKINS: Am I misinterpreting the zoning code?

DENNIS SCIBETTA: Yes. A church can be located in any zone.

JEFFERY PERKINS: They can?

DENNIS SCIBETTA: Yes.

MR. CARUSO: There was one. There was one that was approved.

BEVERLY GRIEBEL: The Planning Board?

MR. CARUSO: Yes.

BEVERLY GRIEBEL: Is everything approved at Planning Board?

MR. CARUSO: We have preliminary, SEQR and the permit, we are going for final in a couple weeks at the next Planning Board meeting.

BEVERLY GRIEBEL: Then if that is approved, you will be ready to go?

MR. CARUSO: Probably we'll break ground in the spring. The architect is still finishing the building drawings.

PETER WIDENER: I notice the parking lot has ingress/egress from two road fronts. Are you concerned at all about short-cutting around the corner there, the intersection?

MR. CARUSO: No. What you see going under construction right now is this parking lot right here (indicating). At the Planning Board meeting, the Planning Board also recognizes there is a parking issue. Sometimes the church gets so busy that the parishioners park along the roadway and we really don't want that.

There is a parking lot here now (indicating). The first, what we call Phase 1-A, existing parking. What we did is we said why don't we ask the Board to allow us to build this one (indicating). The Board gave us approval. We went through the Building Department and we built this and we tied it into the current parking lot so they have more room to park, and the access road goes like this now (indicating), and we'll building this little piece here (indicating). So eventually when we do build the sanctuary, we'll remove the parking lot and put the grass there and the main driveway will come in here (indicating).

Then it will serve the whole site like that (indicating). So it will split over two ways to get into the site.

PETER WIDENER: They could still short-cut the intersection.

RICHARD PERRY: But it is not a short-cut.

PETER WIDENER: If there is a long waiting line, public transportation through is what I was concerned about.

MR. CARUSO: If that became a problem, we could put a chain up there. During the week we could use this driveway (indicating), but really this helps the flow of traffic coming and leaving services on Sundays and Saturdays. So if that became a problem, we could put a little fence or chain across this here (indicating), and resolve that.

RICHARD PERRY: I'm sure the very nice gentleman who was out there directing traffic every Sunday will be -- especially when it is extremely cold, will be very happy when this is done. You don't want to speed through his zone when he is working. He gets upset and he carries a gun, if anybody hasn't noticed.

PETER WIDENER: No bullets.

(Laughter.)

PETER WIDENER: I have a question. My first love is athletics. Are these proposed athletic fields?

MR. CARUSO: Yes, high school type size fields.

PETER WIDENER: Public use?

MR. CARUSO: I believe that, yes, we'll allow the public to use them.

PETER WIDENER: It looks like it will be a nice improvement to the whole area.

MR. CARUSO: The area, they need to go through the church. I need to remember what we decided on.

PETER WIDENER: I guess that is not a big issue. I was just seeing how this is laid out. It looks very comfortable. Thank you.

MR. CARUSO: I want to make sure that, you know, I'm not speaking against what we said to the Planning Board. You know, we weren't having little league and soccer because the residents didn't want all of that over there. So they would be something that would go through the community, with the church. I don't think they would have any problem with anybody walking over there, or -- we do have a trail system around the whole entire property, and that, but so I hope I answered your question.

PETER WIDENER: You have, thank you.

DENNIS SCIBETTA: I don't think, Mr. Caruso -- I don't know if you know that. The tower is a non-functioning tower, by the way, if it was a concern. It is strictly for the sign and the facade and design of the building.

BEVERLY GRIEBEL: Meaning no one would be able to climb up in there?

DENNIS SCIBETTA: No, not from the inside.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: First I would like to object to the fact that you evidently have drawings of this one sign that we don't have.

JEFFERY PERKINS: The elevation?

MS. BORGUS: The tower.

BEVERLY GRIEBEL: The one on the building?

DAN MELVILLE: Do you have a drawing for the sign that is on the building?

John Caruso put a drawing up on the Board.

DAN MELVILLE: There you go.

BEVERLY GRIEBEL: Sorry about that, Dorothy (Borgus).

MS. BORGUS: The sign in question, is it the oval at the top?

BEVERLY GRIEBEL: Yes.

DAN MELVILLE: Right on the tower there.

MS. BORGUS: My next question would be, is that drawing of the sign for the intersection, the corner, is that drawn to scale with those cars and the people?

BEVERLY GRIEBEL: No. I think that is what -- George (Brinkwart), you asked that? They look like miniature people, but the overall sign, I think, he said was 8 feet above the ground level.

MS. BORGUS: The pillars or the sign itself?

BEVERLY GRIEBEL: The sign.

MS. BORGUS: How high are the pillars?

BEVERLY GRIEBEL: Pillars -- John (Caruso), can you answer that?

RICHARD PERRY: They look to scale. It is just that that is elevated from the --

MR. CARUSO: These pillars -- the construction drawings are right in your packet. It shows these pillars here are 5 feet tall (indicating).

The only thing here where the architect did the rendering, he built it up on a berm, but in your drawing, these pillars are only 5 feet tall, and to the top of the sign, the caps are 1 ½ feet above that and the sign is above that. So this being all of 8 feet would be right.

BEVERLY GRIEBEL: We didn't get that.

MR. CARUSO: This is the design plan, the actual construction document that came from the architect.

BEVERLY GRIEBEL: That was not in the packet.

MICHAEL MARTIN: There is no berm planned?

MR. CARUSO: Right now, this is sitting on the ground.

JEFFERY PERKINS: The drawing we have shows the sign from the ground level to the tip of it is 9 foot 2 inches.

MR. CARUSO: Which drawing is that?

JEFFERY PERKINS: This one (indicating). Has it been revised?

MR. KAURELIS: No. They took into account the elevation change. That was the elevation that brought it up. So from the ground to that top took into account -- they're berming it up like 2 feet, so the berm and sign is what accounts for that.

JEFFERY PERKINS: From the grass level to the top of the sign is 9 foot, 2?

MR. KAURELIS: Including the grade.

JEFFERY PERKINS: This is from the roadway elevation?

MR. CARUSO: Yes.

MR. KAURELIS: Yes.

MR. CARUSO: It looks like it is about 9 foot, 2 then.

MS. BORGUS: So we are looking at a berm -- a berm, a hill, a mound or something put on that corner, built up from what is there.

JEFF PERKINS: You have an existing incline naturally occurring there now, and they're going to put this -- it looks like -- I don't know, 24 inches of stone before you get to the sign structure?

MR. CARUSO: Yes. It would be, you know, granular fill material, yeah. Because you can't just put all this masonry on -- I see what you're getting at.

BEVERLY GRIEBEL: Like a berm, and then there would be that stone work in front and then the sign would be above that.

MR. CARUSO: Right.

RICHARD PERRY: But the berm will not be any higher than what you currently have, or at least not significantly?

MR. CARUSO: I thought it was only 8 feet, but I didn't have that in my package when you tore everything apart for my presentation, I didn't see that one dimension that Jeff (Perkins) had shown, but I guess it is about 9 feet.

RICHARD PERRY: I would say that every politician or would-be politician in Town is going to miss that corner.

MS. BORGUS: They would miss that corner?

MR. CARUSO: That is where they put all of their signs.

MS. BORGUS: They may put them right on the fence. Maybe it's a good thing for them. (Laughter.)

MR. CARUSO: I have to tell you that, there is a very famous politician that lives down the street that gave me clear instructions how ornate this should be and that is what we were trying to achieve.

RICHARD PERRY: We can't have political signs there because that would not support separation of church and State.

MS. BORGUS: Doesn't seem to bother them other places. I think not that it probably affects the ultimate decision here, but when they draw these drawings for purposes such as this, the architect or whoever draws these should be a little more careful about drawing things to scale. When you look at that, the cars in that picture, it gets very out of scale, out of focus. It is very misleading.

RICHARD PERRY: Not really, Dorothy (Borgus), because you're looking at the cars in the foreground. That is in the background. If you look at it -- you know, to scale, and move that up to the level of the things, I think you would find that that is pretty close.

MS. BORGUS: My next question would be the trees that are represented there, the evergreens, are those proposed to be part of the landscape plan, the large ones? Well, I don't know.

BEVERLY GRIEBEL: Well, I don't know. This is more of a sketch rather than a landscape plan. We didn't have a landscape plan so I'm not sure. John (Caruso), do you know?

MR. CARUSO: Sorry, didn't hear the question.

BEVERLY GRIEBEL: The trees, the two evergreens, one on either side, the trees, are they part of the landscape plan?

MR. CARUSO: Yes, they are. They're -- this is our landscaping plan (indicating). Well, this has the trees on it from the landscaping plan (indicating). It shows them there (indicating).

BEVERLY GRIEBEL: Then the shorter plants in the front.

MS. BORGUS: Now, on that corner there are utility poles. There is a signal pole. Those will all remain? Those wires won't be put underground? I'm thinking this is an awful lot of pole and fence and sign and everything on that corner.

MR. CARUSO: Well, Mr. Perry was correct, Dorothy (Borgus), when -- this view was drawn by the architect who came to Rochester and stood on this far corner, took a photograph from across the street, and that's why these cars are in the foreground, and then she drew this and sent

me three different renderings of how they were going to design this corner. This was not the only one. We selected this one and modified it.

So there are some poles here (indicating), but we don't show them in this view, because we are not trying to promote the poles, but, you know, hopefully you look right past the pole to see what it is we are trying to achieve here.

BEVERLY GRIEBEL: No plan to move any of the wires underground?

MR. CARUSO: No, unfortunately, those poles are D.O.T. and you can't put the signal light wires underground. They have to go across to the other corner to hold up the lights over the intersection.

MS. BORGUS: It is my understanding then that somebody on the Planning Board wanted this ornate a sign?

BEVERLY GRIEBEL: I don't have any idea what they did. I didn't get that report.

MS. BORGUS: Well, my personal opinion, and it probably doesn't matter very much, but I'm going to give it to you anyway, it is too much. Too, too much. Chili's buildings, especially the new ones, are very clean cut, and they're certainly not ornate. They're classical. They are just clean lines, and this just, in my opinion, doesn't fit what we had in Chili lately, and I don't think it's going -- hopefully it will not fit the rest of what goes in that area. I would hate to think that if some of this area becomes commercial, that this is the tone we took, because this is just over the top. And I think it is too much. Thank you.

RICHARD PERRY: Out of curiosity, what is ornate about the church?

MS. BORGUS: No. The sign. This sign (indicating).

DAN MELVILLE: You mean the brick and fence and stuff, because the sign itself is not that big?

MS. BORGUS: No. It is the whole concept. To me it is tacky.

MR. DEY: It will hide all of the debris that hangs out in the corner.

RICHARD PERRY: Well, political signs --

MS. BORGUS: Whose fault is that?

MR. DEY: Personal opinion.

BEVERLY GRIEBEL: It is the Supreme Court that allows it.

MS. BORGUS: Whatever -- that is not the issue. The issue is this just looks like it is just too ornate to fit in. I don't mind that -- well, maybe I do mind the size. It is a lot of fence and a lot of sign. Too much, in my opinion. Just a nice -- the center part alone wouldn't be bad, but all of that fence and everything to me, it is just too much.

ROCKWELL YARID - 24 Crossbow Drive

MR. YARID: Rockwell Yarid, 24 Crossbow, just around the corner from the church.

Just to answer one quick question regarding the use of the facility, recreational facilities by the public. That question was brought up in the Planning Board meeting, November 15th, and the answer was clearly no. It was not available to the public. I just want to make that clear.

However, the Planning Board on the 15th of November approved the preliminary site plan with reservations. It went to 12:45 at night. And the reason why it went that long, was -- it was passed with reservation, but my point of view, there were a lot of questions left to be answered. The biggest, of course, being the traffic that was brought up here. I would be willing to bet anybody after this church is built, with the current layout that is proposed, two-lane road, we are going to have an enormous problem at that particular intersection.

BEVERLY GRIEBEL: We are not discussing traffic.

MR. YARID: I understand. I'm leading to a related subject. I will leave it at that. The point from my perspective, being a resident in this neighborhood, is you're going to have to put up with a lot of stuff, you know, traffic being one of them. Now you're asking to put up a large sign in front. You're asking to raise the tower higher. It is an enormous undertaking. As one Board member, maybe this is too much for this neighborhood. I'm telling you now it is too much for this neighborhood. Now we are asking to increase the height and add bigger stuff out in the front. As a neighbor, I don't want to be overwhelmed. I will be overwhelmed with the traffic and now with the enormity of the building, I don't think it is going to add value to this neighborhood. I don't speak for everybody in the neighborhood. They're more passive/aggressive, I say, they won't come to speak, but they say the same thing, and shake their head, oh, my God, this is a lot.

Allowing this variance to go forward, you're increasing things of very little value to this neighborhood. It will be big, it is going to be a lot of traffic, a lot for neighbors like myself to really take. It will not add value to this neighborhood. I would like to see this thing low key. Keep it low, 600 feet in the back, plant nice pines and trees and let's not make a big spectacle of it.

Low key is what I would prefer to see. Keep the neighborhood nice, quiet and residential. This is not what is going to happen with this development.

BEVERLY GRIEBEL: Did we get the spelling of your name?

MR. YARID: Y-a-r-i-d.

STEVE GINOVSKY - 19 Hubbard Drive

MR. GINOVSKY: That front sign you will have on the corner of Archer and Paul Road there, did I hear that it is not going to be lit up? Is that --

PETER WIDENER: Ground lighting.

MR. GINOVSKY: I believe I did hear that.

BEVERLY GRIEBEL: Can you clarify that?

MR. CARUSO: Ground lit, not illuminated from the inside out.

BEVERLY GRIEBEL: During what hours? Has that been determined?

MR. CARUSO: I don't know if we have any limitations on ground lighted signs. They usually, you know, come on with a time clock, or they do a dusk to dawn light out there.

BEVERLY GRIEBEL: Are there any regulations on that, side table? The hours of illumination?

KEITH O'TOOLE: Not unless you impose them.

MR. GINOVSKY: I think that might be in order. You have residents there. It may bother them at midnight, maybe, or 1 o'clock in the morning. Whatever.

That is number one. The second question I was going to ask is, that corner there, of Archer and Paul, if there is any widening of that road, how close -- put a turning lane, put that in for an example, if you expand. I would hate to see you take property, like I have said a number of times, from the residents, from the residential area that needs to be incorporated and figured in for a possibility for that.

MR. CARUSO: The sign is 50 feet off the roadway, plenty far off.

BEVERLY GRIEBEL: 50 feet from the property line, plus 17 feet from the pavement.

MR. GINOVSKY: I'm worried about that, sidewalks and such, the way the Town is going.

Also, something was said there is a berm there right now. Are they going to be lowering that down and putting the stone in and then building this 9 foot? It was not really clearly stated what is going on there.

BEVERLY GRIEBEL: The overall height, 9 feet, 2 inches.

MR. GINOVSKY: From the existing grade?

BEVERLY GRIEBEL: Is that from the ground?

MR. CARUSO: The berm -- the dirt that is there now would be removed, and they would bring in a solid select fill material base to support all of this.

MR. GINOVSKY: From road level, or --

MR. CARUSO: From the existing ground there up would be 9 foot.

MR. GINOVSKY: Not off the street, because you have a berm right now that is that high (indicating).

MR. CARUSO: That berm would be removed because it is all topsoil.

MR. GINOVSKY: I'm speaking through the Chair. I don't want to get in trouble, so we don't lose direction.

MR. CARUSO: The elevation of the street may not be the same 50 feet inside the property. That is why I don't want you to use those two terms. You're stating it incorrectly. The elevation 50 feet inside the property, if it is 1 foot taller than it is at the street, which it probably is, it is not at street level. We are not cutting into the ground. Whatever ground elevation, excluding whatever berm is there, the ground elevation, about 9 feet up from there. If there is a berm there, we would not let them build on it because that material is usually organic topsoil. We don't build on that. We would scrape it off and build from there.

MR. GINOVSKY: Using the road basically as a grade level point?

MR. CARUSO: No.

MR. GINOVSKY: Above that 2 foot, a foot? Some point, that is all I am asking.

MR. CARUSO: The point is not at the road level. The road is 50 feet away. Okay? Begin the ground level there, elevation -- at the ground, where the sign is, is the elevation at what you use as reference. You don't use anything else anywhere else. Okay?

MR. GINOVSKY: At this point, with the berm and everything in consideration there, 9 foot higher I think is a little bit much, and I think what Mrs. Borgus was trying to get at, on the corner here, for this sign being so elaborate, it is gaudy. I think it needs to be toned down for a residential area and what is going in over in that area. I'm opposed.

ROBERT MULCAHEY - 28 West Way

MR. MULCAHEY: The sign -- there are two signs, and I don't understand why we need two signs for this church. The sign over the sanctuary is just too much. It is too big, and I don't think we really need it. The sign on the corner, if it was smaller, people know who the church is, they know where the church is, why do they need such big signs? I'm with Dorothy Borgus. I agree it is gaudy, too big and we need to get rid of the sign over the sanctuary.

BEVERLY GRIEBEL: John (Caruso), that church sign will be how far from Paul Road?

MR. CARUSO: I believe it is 600 feet. Yes. 603 feet from the Paul Road right-of-way.

BEVERLY GRIEBEL: That is the only view that -- of the --

MR. MULCAHEY: It looks like a theater.

RICHARD PERRY: Certainly won't stand out any more than Bill Gray's. A lot less.

GAIL LYLE - 736 Paul Road

MS. LYLE: I live in the area and I think this sign is way too big for that corner. You talk about political signs. They're distracting when you're trying to make a left turn or right turn in that intersection. The political signs are distracting enough without a monstrosity of a sign like this. This is a church, not a national monument. I don't understand why they need signs of such magnitude either. It will not fit in with the neighborhood. It is going to be like a theater or something that they're trying to portray there. I don't know. I don't understand why they need such huge signs.

LEWIS GRACEY - 742 Paul Road

MR. GRACEY: There are several issues here which have come before this Board, one of which is the size of the building, the height of the building, I should say, the two signs, both one on the church and one on the corner. All three of these things do not meet the current code of the Town of Chili. It is my opinion that I do not know of any other church that is in a residential R-15 neighborhood that requires signage or buildings of this height. Now, maybe I'm incorrect. I don't know. Please correct me if I am, but I don't know of any other church in a residential area, R-15, that has a building of this height, or signs of this magnitude. I would like to say this is not a welcoming sign to Chili Center. This is a welcoming sign allegedly to a church. A church which is very much of a commercial-type, entertainment-type corporation.

I'm very much opposed to the signs up there on the corner of Paul Road and Archer Road. First of all, it doesn't meet the code. Secondly, we do have traffic problems up there and that will have to be addressed by other people within the Town.

Secondly, we do not need a sign on the tower of that church. The church itself, if it is going to be that large, speaks for itself. It doesn't need any sign whatsoever.

Number 3, the size of the church, 47 feet in one area, 38 feet in another area and 24 feet in the third area. In the Fire Department, we do not have ground ladders that will reach the top of that building. The highest ground ladders we have, and I think I am correct, are two or three in the department, 35-foot ladders. They will not go to the top of the building except in the 24-foot area.

It is not needed. In my opinion, this is a monstrosity of a building which we just don't need in this community. If they wish to put a church there, fine, do it, but tone it down. We just don't need it. I feel that this Zoning Board should in all cases reject these variances, period. Thank you.

BEVERLY GRIEBEL: Well, the Zoning Board is a Zoning Board of Appeals, and it is to appeal the Town code. Anyone has a right to appeal any of the Town codes. That is why we sit here.

GEORGE PETERSON - 18 Beaver Road Extension

MR. PETERSON: From my backyard I can see the current church. I'm a little concerned with the size of this also. Looking at where the current church is now, and then you move up Archer Road, you're coming up a hill, so already that church elevation coming up as you head south on Archer Road, and as you come up, so I just fear this big monster church being highly visible to the people on the Wheat Hill and all that, blocking their visibility. From my house I can see it.

The other issue I'm very concerned with, as I have addressed, too, is if you allow this change, is to limit the height of lighting. I don't know what their intent is for lighting, especially if they have the tower up. I don't know if they plan on having lights on the 47-foot part, but I'm opposed to the church being grossly lit up like the one is now. I have a church at the end of my street, if you drive by -- right now they have services going, the lighting is not bad, when they're

done and they go home, you hardly know it is there, with just one small sign by the road that is lit up.

So I am fearful of the height requirements. I'm fearful of too much lighting and the lighting being up too high. That church will seem a little more enormous because it is not the same grade as the current church. It will be up a little higher because naturally the terrain and grade does go up as you go up south on Archer Road. So I just feel this is way too big.

BEVERLY GRIEBEL: John (Caruso), is that tower sign going to be lit?

MR. CARUSO: Where do you live?

MR. PETERSON: Beaver Road Extension. Right now I can see their church.

MR. CARUSO: How do you see that with all of the trees through the middle of the property? You live over here (indicating).

If we lit the sign here, how would you see that from your house?

MR. PETERSON: I can clear -- the church right now that sits lower, I can clearly see that.

MR. CARUSO: The tower in question, if it had a ground light on the sign shining up this way (indicating), you wouldn't be able to see from the house.

MR. PETERSON: Probably not a ground light.

MR. CARUSO: Unless you can see through the building, you wouldn't be able to see, right?

BEVERLY GRIEBEL: Is that going to have a ground light?

MR. CARUSO: No lights on any of the signs. Everything would be illuminated from the ground..

BEVERLY GRIEBEL: Is there one light on the ground?

MR. CARUSO: There will probably be lighting along the whole frontage in the landscaping, and there will be one light on the ground shining up to the tower.

MR. PETERSON: But that would go against what the Planning Board said about downcast lighting.

MR. CARUSO: No, you're talking about parking lot lighting.

MR. PETERSON: And I think the building, too.

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: Can I ask the engineering firm here what was the proposed construction of the specific signs? What is the material construction of the specific signs, each sign?

MR. CARUSO: I believe each sign would be constructed out of the efis material.

BEVERLY GRIEBEL: What is that?

MR. CARUSO: It's -- they call it efis. It is a material --

BEVERLY GRIEBEL: Synthetic?

MR. CARUSO: It is parged on with netting. And that is what the signs are made up of.

MICHAEL MARTIN: Like stucco?

DENNIS SCIBETTA: Dryvit.

MR. CARUSO: The commercial name could be called Dryvit. It allows you to do more with shapes and it's mostly hand done.

MR. RETTIG: Is there a detailed drawing in the Building Department of the front sign and the sign on the tower, as you indicated you had a sign, a detailed drawing with you tonight that was not in the package? Does the Building Department have a copy of the detail dimensional --

BEVERLY GRIEBEL: Did you see these signs we got?

MR. RETTIG: That is not detailed dimension. Mr. Caruso, I believe, showed you an engineering drawing, detailed dimensional sign detail. Is that in the Building Department package at this time?

BEVERLY GRIEBEL: I don't know.

DENNIS SCIBETTA: There is no proposed sign. They're coming to you for a variance. We don't have an application for the sign yet. There is no permit for it because it has not been granted yet. They're showing you what information, what you have. That is the information that has been presented to you.

BEVERLY GRIEBEL: I guess that is no. Nothing in there.

MR. RETTIG: Thank you. What Mr. Caruso showed the audience and the Board tonight was an engineering drawing where he indicated that the sign was roughly 9 feet above the ground. Is that a correct statement? Around --

BEVERLY GRIEBEL: Right.

MR. RETTIG: Okay. Just as a comment. I think Mr. Caruso knows this specifically. I think what -- if I can just interject a comment. What Mr. Ginovsky was asking is what the level of the sign would be above the road grade. So if you know the sign is 60 feet back from the roadway,

you know the elevation of the road, you know the elevation of the ground, a surveyor would be able to tell you the information. A good engineer would be able to tell us what that elevation is above the road elevation, and I ask Mr. Caruso through the Chair here if he could tell us what that elevation is.

BEVERLY GRIEBEL: Well, I think we got an answer before. I don't know if you can clarify that any more, John (Caruso).

MR. CARUSO: The sign is about 9 feet above the ground in the position that is shown for you on the plans. I don't know sitting here at the Zoning Board what the elevation is of the intersection right now, but if it was, as Mr. Ginovsky proposed, 1 foot lower, then the sign would be 10 feet above the roadside grade. But since I don't know what that is right now, and we don't use that as a reference, we always use a reference as to the spot in which it is located.

BEVERLY GRIEBEL: A selected spot.

MR. CARUSO: If somebody said to me how high is that sign, John (Caruso), I wouldn't say it is 1 foot above the elevation at the road. We talk about where it is in its position. That is what I meant by that, Steve (Ginovsky).

MICHAEL MARTIN: Has there been an elevation survey done of the property?

MR. CARUSO: Yes. I don't see there being a lot of grade in here. It might only be a foot higher. I think Steve is trying to see how high it is. It is not really much higher out here. I think what I was referring to in this 3 foot of changing grade out here, this berm that is there, we weren't going to put it on top of that. We'll scrape it off. If it is only a foot higher, we would build on the ground where it would be a foot higher than the road. But when you reference something, you start from the ground elevation where you are. You don't reference something 50 feet away.

MICHAEL MARTIN: Even if we had an elevation survey of the spot where the sign will be, if there is a berm there, would you scrape it down anyway?

MR. CARUSO: That's correct. We do know all of the elevations, but I just don't know it here tonight. If we did, we would only refer to the ground elevation at the sign.

MICHAEL MARTIN: If there is a berm there in existence, would you scrape it, so it would be irrelevant?

MR. CARUSO: I don't mean to put words in their mouth, but I think you're concerned about us building on top of it to make it higher and we are not doing it.

DENNIS SCIBETTA: The center of the street is 563. The contour lines going through the sign in that berm are at 562, actually a foot lower as the grading plan is right now.

MR. CARUSO: So it goes down into that area. So the reference elevation to the top of the sign would only be about 8 feet above the road because it goes down about a foot.

MR. RETTIG: Thank you, Madam Chair. I appreciate the side table clarifying, based upon the elevation. The reason why the question is asked, which is logical, for drivers on the road to have -- for us here to ask a question in regard to the relative elevation from the road, so if you're on the road, to see whether you're looking up or down at that sign. So I think it is clarified now by the side table and I thank you.

The front sign, 75 feet, is that the sign square footage only?

BEVERLY GRIEBEL: Is that the sign panel or the oval that is boxed out?

MR. CARUSO: It is the whole entire panel here (indicating). It is not just the oval like we did on the tower. It is really the whole thing.

BEVERLY GRIEBEL: That whole cream color thing?

MR. CARUSO: Yes.

MR. RETTIG: What is interesting there is the fact that the code allows a maximum 32 square feet, and, of course, that is a sign plus a structure. And I believe Mr. Mulcahey addressed that as being too large. When you think of 75 foot -- 75 square feet for just the signage itself, I think that is more than necessary for the front sign.

The sign on the tower at 75 square feet whereby only 16 square feet is allowed, I understand the 600 feet back from the road, but that is more signage, more square footage than is necessary or normally allowed in a residential area. As Mr. Mulcahey certainly mentioned and expressed, I express like comments based upon the fact that this is facing a residential area. Let's appreciate that. Let's appreciate our neighbors and let's hope that our Zoning Board appreciates that and doesn't just ignore the public's comments. Thank you.

MS. BORGUS: Thank you, Madam Chair. We heard that the sign on the -- excuse me, the oval on the church would be, I believe, 7 foot? Is that what was said? How big dimension wise is that sign on the corner?

BEVERLY GRIEBEL: The sign is 75 square feet, that cream-colored part.

MS. BORGUS: What is the actual length, width?

BEVERLY GRIEBEL: Do you have that?

MR. CARUSO: About 5 by 15.

MS. BORGUS: 5 feet high by 15 feet long?

MR. CARUSO: Right.

MS. BORGUS: As a regular at these meetings, I don't remember ever having had a sign talked about at these meetings without having a rendering so that you could see exactly what we were getting. We don't have that?

BEVERLY GRIEBEL: This is a rendering.

MS. BORGUS: No, but I mean they're -- that is not necessarily what the sign is going to look like. That is just a drawing. The actual graphics may not be what we see. Is that --

DAN MELVILLE: I did not hear them say that.

MR. KAURELIS: No, that's it.

DAN MELVILLE: I asked them if the sign was going to look like this drawing, and they said yes.

MS. BORGUS: It will?

DAN MELVILLE: That is what I was told.

MR. CARUSO: Yes.

BEVERLY GRIEBEL: It will not change. Because I know signs now, the dimension is approved, but the copy can change, but that is not your intent to change that verbiage on there?

MR. CARUSO: No. That is their logo. That is the Church's brand. We don't intend to change that.

BEVERLY GRIEBEL: That is a building silhouette, is that what that is? And then just a small portion of the signs are lettering. House, in the big letters and The Fathers in smaller letters. So even though the signs are large, very little of that is actual lettering.

MR. CARUSO: You know, when --

BEVERLY GRIEBEL: There is a picture and oval around it.

MR. CARUSO: Most communities will square off the sign and they will use that for the square footage. Some require that any backboard that it is labeled on would also be included as the sign, and we went the long way saying that, you know, this is the dimensions for the whole thing. We talked with the Building Department, with Mr. Kress about making sure that the square footage is right because we didn't want to come here and say it is only 36 feet and someone would say it should be the whole thing, 75 feet. So we used the whole background, yes.

MS. BORGUS: Now, we heard a little bit about the materials the sign will be made of. And those things don't mean much to me one way or another. Can somebody tell me where there would be a similar sign -- a sign of similar composition?

MR. CARUSO: Well, if I could answer that, Madam Chair, the whole plaza update and renovation up at Chili Center is that material. Is that correct, Dennis (Scibetta)?

DENNIS SCIBETTA: Chili Paul Plaza.

MR. CARUSO: The whole renovation, that whole fascia, all of the signs that were put up there were put around, all the towers and parapets built there were made of that material.

BEVERLY GRIEBEL: The clock tower?

MR. CARUSO: Yes.

DENNIS SCIBETTA: As well as Pontillo's Pizzeria and the Town and Country Restaurant. It is the same material on the outside.

MS. BORGUS: One more point. How many colors are involved in these signs?

MR. CARUSO: It looks to be about three.

MS. BORGUS: That would fit code. Because sometimes the Boards don't remember that we do have a limit of the number of colors in Chili that can be on a sign.

Just one more thought. Mr. Perry mentioned Bill Gray's. I remember the discussion that went on about that sign. And the Board passed it. And we have come to regret that, I think all of us, even the people on the Board that probably voted yes that night. It is an eyesore.

PETER WIDENER: Not me. I don't regret it.

MS. BORGUS: It is an eyesore. I think you have to bear that in mind when you start passing these huge signs because this is going to be a stand-out, as well. Thank you.

RICHARD PERRY: Maybe a stand-out, but it is different because it is not neon, back lit junk.

BEVERLY GRIEBEL: Flashing.

RICHARD PERRY: Or burned out half the time.

MR. YARID: I hear we are looking -- my name is Rocky Yarid, Y-a-r-i-d. I just have a little trouble here when I hear you mention the signs up by Chili Avenue and this one. Again, that

is a commercial area. This is not. And one unfortunate thing about this whole situation is that the church doesn't require a zoning change, but yet, still the impact they will leave on this community is equivalent to being up on Chili Avenue, Wegmans, whatever. That is a commercial area. This is a residential area, and I think we should really clearly keep that in mind. I just want to make that point, because I get a little nervous when people say, oh, we have signs like that up in Chili Avenue. Yes. I moved to a residential area to have peace and tranquility and this is not going to do it. So please keep that in mind. I appreciate it.

MICHAEL MARTIN: Can I have a clarification on the roadway sign? Is it without the background material, the approximate square footage of the sign is 36?

MR. CARUSO: No. I just used that as an example.

MICHAEL MARTIN: Do you have any idea what the approximate area would be of just the lettering? I know it is hard --

BEVERLY GRIEBEL: Well, you have the building outline and then the lettering.

MR. CARUSO: It's about half. It's about 36.

DAN MELVILLE: That is what I was going to say.

MICHAEL MARTIN: 32 is allowable. You could make an argument that the background is not actually part of the sign.

MR. CARUSO: I made that argument.

MICHAEL MARTIN: I know it is semantics, but --

RICHARD PERRY: John (Caruso), would you address one thing for me, if you don't mind? The sign at the corner, according to this, is going to be angled out with a flat front, roughly diagonal across, so I would like to know what the dimensions are of the three segments there, because it would appear to me that one of the concerns about it being so big and gaudy, you won't be able to see all of it from any one point unless you're over at the tree farm.

MR. CARUSO: The piers are 10 feet apart, because it is on an angle. You can see down on it. These are 10 feet apart (indicating). These are 2 foot 8, which is a brick dimension pier. So you have 3 and 10, 3 and 10, and what we are trying to do is we are trying to have this expand down these areas (indicating) and sort of feather down, if you will, and we treated the end with the landscaping. We could really make this thing look like it goes all of the way around the corner and we are using the landscaping to carry that line. But most of the money is spent in the compacted area. Did I answer your question?

RICHARD PERRY: Well, again, the only way you will really see the whole thing is if you're kitty-corner over at the corner -- you know, across the street.

MR. CARUSO: Yes. This is 25 feet. I mean count 12 of these 2 foot squares (indicating), there is 6, and -- so 25 feet really from about here to -- here to there (indicating). That is the wing.

RICHARD PERRY: From one road or the other, you're basically only going to be a little more than 25, 30 feet.

PETER WIDENER: A question for the side table. The sign on the existing church, could you give me the square footage of that?

DENNIS SCIBETTA: I don't have that available to me now.

PETER WIDENER: Because that sign had to be approved at one time for that area.

DAN MELVILLE: That was double-faced, too.

MR. CARUSO: That is about 6 by 8.

DAN MELVILLE: That is about 90 some square feet, I think, double-faced.

MR. CARUSO: It is a big block sign.

PETER WIDENER: It is bigger than what they're asking for now, I think.

JEFFERY PERKINS: There are three distinct variances in this application. Can we break it? If we broke them out into the three branches and voted on --

BEVERLY GRIEBEL: We have the height, the sign on the building and freestanding.

JEFFERY PERKINS: Right.

BEVERLY GRIEBEL: We have done that before.

JEFFERY PERKINS: Then we get -- when we get into the discussion, I will tell you what my thinking is.

The Public Hearing was closed for this application at this time.

BEVERLY GRIEBEL: The County Comments that came from the Monroe County Department of Planning Development referred to DRC. What is DRC?

DENNIS SCIBETTA: Design Review Committee.

BEVERLY GRIEBEL: “According to the National Wetland Inventory, NWI, maps prepared by the United States Department of Interior, this site appears to contain a portion of a federal wetland that is classified as PFO1E. The applicant may need to obtain a permit from the Army Corps of Engineers. For further information regarding the need for a permit, the applicant should contact “-- they list who they should contact. That was one number.

Number 2, “A portion of a stream, A5P821- 30 is located on the subject property. Streambanks, sometimes called riparian zones or stream corridors, are the link between land and water, and the health of streams depends in large part on the condition of the streambank. Over the past two decades, research has shown that naturally vegetated corridors along streams perform numerous services essential for human health and welfare. Healthy stream corridors can reduce floods; trap sediment; remove dissolved contaminants; provide shade; contribute leaf matter (important for insect food and fish habitat); provide wildlife habitat; offer recreational opportunities; and increase aesthetic value and desirability of a property.

In order to protect the stream corridor consider the following: Maintain a healthy, vegetated streambank buffer by preserving trees and shrubs along the stream edge and limiting logging to removing large branches that fall into the stream and divert streamflow and cause erosion. Control water flow through the streambank buffer to filter contaminants and reduce erosion by managing storm water runoff from dwellings to prevent channelized flow; minimizing impervious areas near the streambank by using stone or brick instead of pavement for driveways and walkways; and excluding vehicles, livestock, or excessive pedestrian traffic.

Prevent contaminants from entering the stream corridor by minimizing or eliminating buffer area exposure to fertilizer, herbicides, pesticides, animal waste, household and automotive chemicals, trash, debris and piles of leaf litter and by maintaining septic systems.”

Peter Widener made a motion to separate the variances requested into separate voting items, and Michael Martin seconded the motion. The vote on the motion to separate the variances requested into separate voting items was 5 yes to 2 no (Dan Melville, Beverly Griebel).

Beverly Griebel made a motion to declare the Board lead agency for SEQR, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Richard Perry seconded the motion. The Board all voted yes on the motion.

On the variance request to erect a church to be 47' high (35' allowed), Michael Martin made a motion to approve the application with the following condition, and Peter Widener seconded the motion. All Board members were in favor of the motion.

On the variance request to erect a single-faced freestanding sign to be 75 sq. ft. (32 sq. ft. allowed), Michael Martin made a motion to approve the application with the following condition, and Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

On the variance request to erect a wall sign to be 75 sq. ft. (16 sq. ft. allowed) in a residential zone), Michael Martin made a motion to approve the application, and Richard Perry seconded the motion. The vote on the motion to approve was 4 no to 3 yes (Beverly Griebel, Richard Perry, Dan Melville). Motion failed.

DECISION ON BUILDING HEIGHT: Unanimously approved by a vote of 7 yes with the following condition:

1. Street number to be on sign.

The following finding of fact was cited:

1. The height of building will enhance the architectural design and hide the HVAC equipment on the roof.

DECISION ON FREESTANDING SIGN: Unanimously approved by a vote of 7 yes with the following condition:

1. Street number to be on sign.

Note: A sign permit is required before the freestanding sign is erected.

The following finding of fact was cited:

1. Freestanding sign will indicate the site of the church.

DECISION ON THE WALL SIGN: Denied by a vote of 4 no to 3 yes (Beverly Griebel, Richard Perry, Dan Melville) with the following finding of fact having been cited:

1. The wall sign is not in keeping with the character of the surrounding residential neighborhood.

BEVERLY GRIEBEL: For the benefit of the audience, Application 5 was tabled, Geoffrey Allan Associates, that was tabled until next week. I don't know if -- that was tabled because the applicant didn't post the public hearing notice signs. A letter will be going out in the mail to the applicant. Signs must be posted per the Town requirements. So we won't take any discussion on that tonight.

4. Application of Family Video, owner; 2500 Lehigh Avenue, Glenview, Illinois 60025 for variance to allow freestanding sign approved on 12/20/05 to be a changeable copy sign at property located at 4369 Buffalo Road in G.B. zone.

Todd Bezenah was present to represent the application.

MR. BEZENAH: Good evening. Todd Bezenah, Regional Director with Family Video. I was before you guys last meeting, and before that -- three times. I'm before you again. I proposed at the last meeting, if you might remember, a size variance as well as little setback variance, and during that meeting it was brought to my attention what I was proposing included changeable copy and the previous Building Director prior to now never informed me that I needed to go for a variance for the changeable copy. I guess he didn't really give me any guidance on that whatsoever. So I'm here before you tonight asking again for the same size sign and everything that I received last time, but also for it to include changeable copy for the business. Pretty much answered all of the questions last time on the size and everything, so I guess --

BEVERLY GRIEBEL: Any new questions?

MICHAEL MARTIN: I just think we should commend this applicant for doing everything ahead of time and following the rules.

BEVERLY GRIEBEL: He only had a couple days to get this in to meet the meeting deadline.

Sorry it was so confusing.

MICHAEL MARTIN: Every step of the way they keep doing what is supposed to be done.

BEVERLY GRIEBEL: Many signs have been put up, "Oh, did I need a permit for that?"

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: The intersection at Buffalo Road and Union Street has been a very dangerous place for a long, long time. Finally we have some road improvements and some lights there, traffic signals and it is much, much improved with turning lanes and it is a big, big change.

One of the last things we need to do is take a step backward and put a sign at the corner that is going to distract people as they come to that busy intersection. This is no place for that kind of a sign. It won't add anything to the appeal of North Chili. North Chili is taking a totally different look these days. It is really, really getting to look nice. This is not what we need as we head in the direction of improvements in a section that has waited a long, long time to see the steps forward that are being taken now. This does nothing to improve the area. It only detracts and it is dangerous to have that sign at that corner. I hope you will see that and vote no.

STEVE GINOVSKY - 19 Hubbard Drive

MR. GINOVSKY: In North Chili. I have lived in North Chili over 35 years. First of all, as

Ms. Borgus stated -- as stated, there are great improvements that have been done at that corner at Buffalo and Union Street. Turning lanes, signal lights and sidewalks, and I noticed this evening over at the park they're finally putting up the poles for a fence over at that park. Point to be made there is, that a changeable sign will distract the drivers there. It is tough enough to drive in that area with young children. Just this past summer we had one over on Union Street, right there on the corner there, get hit by an automobile.

I don't think a sign of this stature would help the Town or the business, for a few more videos. I wish every business well. But on the same token, I look at the community and the stature of North Chili. This will not improve it. This will detract and it is a hazard. I really don't believe it's for the betterment of North Chili. Thank you.

CHARLES RETTIG, 1032 Coldwater Road

MR. RETTIG: Just a couple points of clarification. I don't know if I heard it or missed it. What is the overall size of this specific sign?

BEVERLY GRIEBEL: The size is --

RICHARD PERRY: That was already approved.

BEVERLY GRIEBEL: That was approved last meeting.

MR. RETTIG: Okay. That's fine. I'm just asking what the size is.

BEVERLY GRIEBEL: I don't know. Do you know, Dennis (Scibetta)?

MICHAEL MARTIN: 8 foot wide.

DENNIS SCIBETTA: 6 foot tall over.

MICHAEL MARTIN: 1 foot brick face.

MR. RETTIG: Thank you. I appreciate that. I understand it has been pre-approved.

Definition of the changeable copy, that is not moving lights? That is changeable letters?

BEVERLY GRIEBEL: Right. That fit in a slot.

MR. RETTIG: What is the set dimension for the letters?

BEVERLY GRIEBEL: There are three slots there. How tall are those slots?

MR. BEZENA: I believe the Family Video sign itself -- the sign itself being only 5 foot tall, which I'm 5' 10", so if you can imagine about this tall from my feet (indicating). The Family Video sign itself is 3 feet, and then there is 2 foot of changeable copy, so the lines are pretty thin and it is just enough -- I would say about 2, 2 ½ feet is what would be the changeable copy, up from the brick base itself.

RICHARD PERRY: About 6-inch tall maximum height for the letters?

MR. BEZENA: Yes. For the letters that go in.

MR. RETTIG: Question on what is proposed on the lighting?

MR. BEZENA: Internally lit.

BEVERLY GRIEBEL: Internally lit.

MICHAEL MARTIN: Per hours of operation?

MR. BEZENA: Just for nighttime, during the wintertime, 5 o'clock to midnight. They're on a timer that turns off when we close. In the summertime they would come on about 8 o'clock, so only four hours.

MR. RETTIG: Internally lit, you're silhouetting the letters?

MR. BEZENA: Yes.

MR. RETTIG: I just wanted to understand what you're doing there. So you're silhouetting white to black letters -- white light to black letters?

MR. BEZENA: Yes.

MR. RETTIG: Thank you for the clarification.

MR. BEZENA: If I could add one thing, kind of a new development that I think -- the changeable copy is very much needed for our business. Recently, um, in all of our work in doing it, we encountered a tank underneath the building that we didn't know was previously there. In working with the New York Department of Environmental -- I forget what the other one is -- a DEC. We are putting in a system. It was pretty contaminated. We are putting in a system that is costing us about \$49,000 extra to keep that site clean.

BEVERLY GRIEBEL: It is not just chunk change.

MR. BEZENA: No. No. That was an unseen cost we had.

BEVERLY GRIEBEL: That was a gas station at one time.

MR. BEZENA: Yes. We had evidence that the tanks were removed prior, but behind where we had to do a scan, there was a tank that was found, and there was some leakage and so on and so forth. It also costs another \$24,000 a year just to monitor it, and it should be clean within three years. Now, as a company we have dealt with gas stations and so on and so forth in the past.

We have no problem cleaning them up, but this was kind of an unseen kink in the chain.

BEVERLY GRIEBEL: It was a pizza shop before that.

MR. BEZENA: So we are improving the corner greatly by health reasons and so on and so forth by cleaning that up. Being a new business in the State of New York, and also being a new business in Chili, you know, we really -- I don't want to say we were put in the hole by the DEC, because we are doing everything correct and doing it the right way, but at the same time, it is very important that we get our name out there and we also can advertise what we have and so on and so forth.

BEVERLY GRIEBEL: When do you expect to open?

MR. BEZENA: February 22nd is our goal. But with this, it kind of set us back. So I think it is now more March 2nd. A week kind of time frame.

BEVERLY GRIEBEL: You just recently found this out?

MR. BEZENA: We knew about it at the demolition, and being new to the State of New York, we weren't -- some environmental agencies are way different. In Michigan they say just don't disturb it and pave over it. And that's it for some of them. Whereas here, this is a pretty elaborate -- very elaborate ventilation system where the airs come in and out and I have a shed and all that stuff. But we want to do it. I mean it is still within our budget and so on and so forth, but -- especially my big concern is being new to New York. Family Video being the third largest chain in New York State. It doesn't matter when you move into a new State, people say, "Who?"

The Public Hearing was closed for this application at this time.

Beverly Griebel made a motion to declare the Board lead agency for SEQ, made a determination of no significant environmental impact, based on the testimony and the material presented at this hearing, and Jeffery Perkins seconded the motion. The Board all voted yes on the motion.

Michael Martin made a motion to approve the application with the following condition, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following condition:

1. A uniform color to be used for the changeable letters.

Note: A sign permit is required before the sign is erected.

The following finding of fact was cited:

1. Applicant described the need to change the message for publicity and advertising.
5. Application of Geoffrey Allan & Associates, 1260 Scottsville Road, Rochester, New York 14624, property owner: Davpart Rochester LP; for variance to erect a security fence to be 8' high (6' allowed) at property located at 200 Airpark Drive in G.B. zone.

DECISION: Unanimously tabled until 2/28/06 at 7:00 p.m. for the following reason/finding of fact having been cited:

1. Applicant failed to properly post the required public hearing notice sign.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulation.

Applicant must be present for the public hearing.

The meeting ended at 9:10 p.m.