

CHILI ZONING BOARD OF APPEALS

January 25, 2005

A meeting of the Chili Zoning Board of Appeals was held on January 25, 2005 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: Gerry Hendrickson (excused), Michael Martin, Peter Widener, Jeffrey Perkins, Dan Melville, Richard Perry and Chairperson Beverly Griebel.

ALSO PRESENT: Daniel Kress, Director of Planning, Zoning & Development;
Richard Stowe, Counsel for the Town.

BEVERLY GRIEBEL: Before we begin -- oh, cell phones, turn them off, please, anybody. We will discuss signs here with the Board before we begin. I was out the first Saturday, between -- I think it was on 1/15, between 1 and 2 o'clock.

Application 1, Mr. Schiano on Phyllis Lane, I didn't have a problem with that sign.

DAN MELVILLE: No.

MICHAEL MARTIN: No problems.

The Board indicated they had no problems with the notification sign.

BEVERLY GRIEBEL: On Number 2, Mr. Zak, Westside Drive, I didn't have a problem.

The Board indicated they had no problems with the notification sign.

BEVERLY GRIEBEL: On Number 3.

DAN MELVILLE: It was there when I went by.

RICHARD PERRY: It was not there when I went out the first Saturday morning.

BEVERLY GRIEBEL: First Saturday. Okay. The sign must be up the full period of time, and it must be posted and must be maintained, so it doesn't really matter what anybody else saw.

I also did get a call today from a concerned citizen that it was not up. When I did see it that Saturday, it was posted, but it had one nail into it, into the tree, and it was already flapping around. I would ask for a motion to table this to February 22nd at 7 o'clock.

RICHARD PERRY: So moved.

BEVERLY GRIEBEL: Second on that?

MICHAEL MARTIN: I will second that.

BEVERLY GRIEBEL: Thanks.

The Board voted unanimously in favor of tabling the application.

BEVERLY GRIEBEL: That is tabled, Application 3. If anyone is here to address that application, we won't hear anything on it tonight.

Is Kathleen Marmo here?

MS. MARMO: I'm here. Do I need to come up?

BEVERLY GRIEBEL: No. You will receive a notice in the mail that will tell you you need to obtain new signs and post them for the required time.

MS. MARMO: I don't use the one I had? I get a new sign?

BEVERLY GRIEBEL: If you can use it -- sometimes they get rainy and start tearing.

MS. MARMO: Actually --

BEVERLY GRIEBEL: Sometimes the wind has taken it away. Sometimes you can change the number if you can do it well enough. Any question about it, you can get a new sign and post it. They're supposed to be posted on the Friday, the day before the first period of time, and the next one -- now, the posting date for the February meeting, February 11th. Friday, February 11th.

MS. MARMO: So I should take it down --

BEVERLY GRIEBEL: It has to be up the whole time and maintained. If they blow away, you have to go back and get another one.

MS. MARMO: So I should take it down until that date?

BEVERLY GRIEBEL: Right. If you can use that one, fine. If you need another one, you can get another one.

MS. MARMO: Put it up when?

MICHAEL MARTIN: February 11th.

RICHARD PERRY: On a Friday.

MS. MARMO: I will get another letter to come back?

BEVERLY GRIEBEL: Yes. You will get a letter.

BEVERLY GRIEBEL: Number 4, Mr. Duncan, Daisy Lane, I didn't have a problem.

The Board indicated they had no problems with the notification sign.

BEVERLY GRIEBEL: Number 5, Barbara Denigris, Archer Road?

The Board indicated they had no problems with the notification sign.

BEVERLY GRIEBEL: Number 6, Niagara Car Wash on Chili Avenue?

The Board indicated they had no problems with the notification sign.

BEVERLY GRIEBEL: Okay. I didn't have a problem with that either.

1. Application of Norbert Schiano, owner; 8 Phyllis Lane, Rochester, New York 14624 for renewal of conditional use permit to allow an office in home for automobile sales at property located at 8 Phyllis Lane in R-1-15 zone.

Norbert Schiano was present to represent the application.

MR. SCHIANO: Hi.

BEVERLY GRIEBEL: And this was approved previously in 1999, and how are things going?

MR. SCHIANO: Good.

BEVERLY GRIEBEL: Questions. We'll start with Dan (Melville).

DAN MELVILLE: Have any of the conditions changed now from the -- your last application? Everything is still good?

MR. SCHIANO: Yes.

DAN MELVILLE: What do you basically do there? You don't do repairs on cars or anything like that?

MR. SCHIANO: No. I use it as an office. Wholesale. I go to the auction and buy cars. I don't usually bring them back. I just send them on to another auction.

DAN MELVILLE: No further questions.

RICHARD PERRY: Any complaints, Dan (Kress)?

DANIEL KRESS: No, sir. No complaints.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing portion of this application was closed.

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 the following conditions, and Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 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. No outside employees.
5. Applicant to maintain any required State and local licenses.
6. No “For Sale” signs on vehicles.

The following finding of fact was cited:

1. The home office is a customary home occupation.
2. Application of Leon Zak, owner; 2467 Westside Drive, Rochester, New York 14624 for renewal of conditional use permit to allow a software business in home at property located at 2467 Westside Drive in R-1-15 zone.

Leon Zak was present to represent the application.

MR. ZAK: Hello.

BEVERLY GRIEBEL: Good evening. Now, this was first approved in -- actually, it looks like the spring of '03.

MR. ZAK: Yes.

BEVERLY GRIEBEL: So it was a little while ago.

How are things going?

MR. ZAK: No problems.

BEVERLY GRIEBEL: I know that you had some outside help there. You were hiring college students.

MR. ZAK: Yes. I had two last year. I have one now, about 12 hours a week.

BEVERLY GRIEBEL: So if we change that to one outside employee, that would be fine?

MR. ZAK: Uh-huh.

BEVERLY GRIEBEL: I know we did one outside employee at the time because they were kind of working different shifts?

MR. ZAK: They were working half, six hours a piece.

BEVERLY GRIEBEL: Working around their college schedules and all that stuff?

MR. ZAK: Yes.

BEVERLY GRIEBEL: It is a software business that you're doing?

MR. ZAK: Uh-huh.

BEVERLY GRIEBEL: I remember these diagrams when you brought them in. They were all in color and graphics.

BEVERLY GRIEBEL: We are putting up a diagram of the house and where the office is that he is using.

MICHAEL MARTIN: If they were to increase the period of this to more than one year, would you foresee any change in your outside employee schedule?

MR. ZAK: No.

BEVERLY GRIEBEL: You think the one would be okay?

MR. ZAK: Yes. We do most everything over the Internet or out of the office.

BEVERLY GRIEBEL: They don't even have to come to your house.

MR. ZAK: I have one client that comes to the house. He is -- there may be twice a month, sometimes three times a month for a day.

BEVERLY GRIEBEL: Just to work with you on things?

MR. ZAK: Uh-huh.

DAN MELVILLE: You said you just have one client that comes to the house?

MR. ZAK: Uh-huh.

DAN MELVILLE: You're not technically a retail type business?

MR. ZAK: No. I write software. The client that comes wants software. We have software all over the world. He is in Denmark now. He will come over before he goes on a trip.

BEVERLY GRIEBEL: Interesting what you can do over the Internet.

MR. ZAK: Made a big difference. I used to have a 1500 square foot office in my home. I used to live in the city. Now it is much smaller.

BEVERLY GRIEBEL: Now it is just one little --

MR. ZAK: One room.

BEVERLY GRIEBEL: That is amazing.

Any complaints, Dan (Kress)?

DANIEL KRESS: For the record, no complaints, no, ma'am.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing portion of this application was closed.

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 Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 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. One outside employee.

The following finding of fact was cited:

1. The home office is a customary home occupation.
3. Application of Kathleen Marmo, owner; 62 Pinewood Knoll, Rochester, New York 14624 for renewal of conditional use permit to allow a catering business in home at property located at 62 Pinewood Knoll in R-1-15 zone.

DECISION: Unanimously tabled by a vote of 6 yes to 2/22/04 at 7:00 p.m. with the following finding of fact/reason 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 at per Town regulations.

Applicant must be present for the Public Hearing.

4. Application of Howard Duncan, owner; 10 Daisy Lane, North Chili, New York 14514 for renewal of conditional use permit to allow an office in home for a carpentry business at property located at 10 Daisy Lane in RM zone.

Howard Duncan was present to represent the application.

MR. DUNCAN: Hi.

BEVERLY GRIEBEL: Now this was granted a year ago, a little over a year. I'm sorry. It was a year ago. And how is it going?

MR. DUNCAN: Very good, thank you.

BEVERLY GRIEBEL: Keeping busy.

MR. DUNCAN: Keeping busy. As busy as I want to be.

BEVERLY GRIEBEL: That is kind of good.

MR. DUNCAN: Always ready for jobs. I will throw a little commercial. Especially fine carpentry work.

RICHARD PERRY: No complaints?

DANIEL KRESS: No, sir.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

The Public Hearing portion of this application was closed.

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 Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 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.
5. Application of Barbara Denigris, owner; 254 Archer Road, Rochester, New York 14624 for renewal of conditional use permit to allow one horse and one goose at property located at 254 Archer Road in R-1-20 zone.

MS. DENIGRIS: I have a map and some pictures to hand to you, if I can do that.

BEVERLY GRIEBEL: We can do that. I guess we didn't get the diagram in hand. I know when you started off you had more animals.

MS. DENIGRIS: I had lots of animals.

BEVERLY GRIEBEL: They're dwindling.

MS. DENIGRIS: A little bit. I have become wider perhaps. I have lived at 254 Archer Road for 30 years and all of those years except for four of them I had horses. I am asking for a conditional use to harbor just one horse and no more than six ducks. He has not had geese for several years. Actually since the last conditional permit was allowed.

Just to give a little background in what I want to do, I have taught in the Rochester City School District for 31 years. I retired as of June 2003. And I want to emphasize this is not going to be a business. I'm not taking in any kind of money. I'm just looking for an opportunity to continue volunteer work with children, primarily children from inner city. I plan to continue to work with them, partly academic tutoring, but also adding a lot of the benefits that children can gain from working with animals, taking on the responsibility of showing up and being there and feeding them and caring for them, and basically getting their hands dirty. I want to continue that. I know from my experience with children, that that is invaluable.

I have hosted a student from Manhattan through the Fresh Air Fund for the last six summers and Mary Alice now is a teenager. She has been coming up every summer and had a wonderful time with the horse last summer. I began mentoring also an 8-year-old through the Big Brother/Big Sister Program last year and Makaylah visits my home often throughout the year, and she is delighted with the large animals as well as the small. You can see in some of the pictures, we have multitude of barn kitties that delight the kids. I'm in the process now of getting them all spayed, which takes a long time to get through.

But I continue to hatch ducks every year just like I did when I was in the classroom, and that is why I had -- always had ducks in the backyard because I bring some of them home. Fortunately, the woman who provides the fertilized eggs for me lives out in Albion and she welcomes ducks

that hatch. I keep a lid on it. Six is plenty.

The fence is the dotted X line in the back there. It has three lines of electric tape and a very secure metal gate right next to the barn.

The barn itself is a concrete block barn with a new shingled roof on it so it is not going anywhere and is a very solid establishment there.

I want to continue that sharing of my experience with the children and the animals. This is -- this is one little gem of a piece of property here left in Chili. They're kind of getting eaten up right and left. What is nice about this, the pasture and the corral and everything are behind the houses.

As you can see, I have marked off the neighbors that are most directly affected by it. Four years that I didn't have the horses, the neighbors kept asking me when I was going to get a new one. So when the horse showed up last summer, they were really delighted. I ended up with not only Mary Alice as a teenager, but teenagers tend to collect other teenagers, so I had a house full of teenagers taking care of the animals and it was quite an enjoyable summer.

So I would just like to continue doing that. I -- especially now that I'm not teaching, I want to continue working with children and using all that experience.

BEVERLY GRIEBEL: Now, I guess it was advertised for one horse and one goose, but you have one horse and six ducks.

MS. DENIGRIS: Just the ducks that were hatched last summer. Whatever I have left over, beyond six, I can always send back to the wonderful lady out in Albion. The ducks are penned in. They always stay in the backyard. They go in, of course, at night at dusk because we still have fox out there.

BEVERLY GRIEBEL: For a while, until they build more out there.

MS. DENIGRIS: I don't know. The fox are -- actually, it is the coyotes that are bothering us the most. They come -- they go down the railroad track and come up behind us.

BEVERLY GRIEBEL: Wildlife.

MS. DENIGRIS: Yes. It hasn't stopped. They're pretty feisty.

BEVERLY GRIEBEL: I have a question for the side table, probably Keith (O'Toole). This was advertised to allow one horse and one goose. Can you change that to the one horse and six ducks? Is that still within the realm of -- or the other way, six horses and one duck you might be a little different, but --

KEITH O'TOOLE: I defer to the Board's discretion.

BEVERLY GRIEBEL: Okay. Thank you. We'll discuss that.

MS. DENIGRIS: I have talked to my neighbors. Gail right next door, um, she is early to bed because she is up early in the morning so that is why she is not here.

And Barb Ireland is in Florida right now.

Phil, who just bought the house on the other side to the north of me, um, had no complaints, and Clyde Jones down at the southern end, they all like to come over and feed the horses over the fence and I have not had any problems with them.

So that is why nobody is here I think, because they have had no complaints, and they would be happy to see the horse.

BEVERLY GRIEBEL: What is the size of your lot?

MS. DENIGRIS: It's just under an acre and a half.

JEFFERY PERKINS: Any complaints? Any complaints turned into the Town at all?

DANIEL KRESS: No, none.

BEVERLY GRIEBEL: You have had the animals there for a long time.

MS. DENIGRIS: Yes. I have lots of experience with horses on that piece of property. The last one was one that I adopted from Lollipop Farm, so...

BEVERLY GRIEBEL: So the people -- if new people move in, they can see the horses are there before they move in.

MS. DENIGRIS: What people?

BEVERLY GRIEBEL: I mean if any new people come in, they can see the horses there.

MS. DENIGRIS: Right. So it won't be a surprise all of a sudden, right.

BEVERLY GRIEBEL: You can't miss a horse.

MS. DENIGRIS: No.

PETER WIDENER: Do you ride that horse?

MS. DENIGRIS: Yes, I -- well, I haven't ridden that particular one. She is kind of new to me. And I was using her primarily -- Lollipop Farm had used her in the same way, with their summer camp out there for children to be able to walk around, lead the horse, groom.

PETER WIDENER: It will be the same horse, that horse?

MS. DENIGRIS: Well, actually what I had to do, with that particular horse, it was a thoroughbred, and I -- the more I worked with that particular horse, I didn't like the way it responded to children, so I gave it back to Lollipop Farm and they understood completely.

So right now there is no horse in the barn, but in the spring, once the weather breaks, I'm going to start looking for one that is not a thoroughbred, who doesn't have a crazy head on its body, and I will get one more appropriate for children. Just one that basically -- and in terms of riding on the back of the horse, it would need to be a horse that has definitely been used to children. A very docile one. I'm not looking for one that likes to take off and run.

So I would have to say that right now there is no horse in the barn, but I would like the opportunity to start one in the spring.

PETER WIDENER: You're asking for one horse. It doesn't matter what horse, just the one horse.

MS. DENIGRIS: Just the one horse.

PETER WIDENER: What do you do with the manure?

MS. DENIGRIS: Actually, the corral itself, where the fence is -- area is large enough so you can take a good portion of it right down to the end there, spread it out. It is far enough away from any of the houses.

PETER WIDENER: That is still on your land?

MS. DENIGRIS: Oh, yeah. I don't farm that out. You can actually go through composting. Some farmers do that. If it got to be a problem, I suppose we could do that.

PETER WIDENER: So they're actually working the land there yet, where you're spreading the manure, or are you depotting it?

MS. DENIGRIS: It just spreads out and dries and makes the grass grow. From one horse, there is not that much. That is why that is -- that is why this property is -- is good.

PETER WIDENER: It doesn't seem like that much, but over 25 years, I was just wondering.

MS. DENIGRIS: We have never had a problem with it. It always just kind of --

BEVERLY GRIEBEL: I think if there were a problem, there would be complaints into the Building Department.

PETER WIDENER: And the topography of the land.

RICHARD PERRY: You mean the elevation?

PETER WIDENER: Yes, if after 25 years --

MS. DENIGRIS: No, actually that part of the corral there, actually tips -- it goes down. It is lower than the houses there in front of it. So...

PETER WIDENER: Could be valuable real estate. No other questions.

RICHARD PERRY: When was this first approved? How long ago?

MS. DENIGRIS: It would have to be back in the '70s, because when we moved in, that is when we found out we needed a conditional use. So the very first one was probably late '70s, and then it has been every five years ever since then.

BEVERLY GRIEBEL: It has been quite a while.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Does the horse go into the barn in the winter?

MS. DENIGRIS: Oh, yeah. There is -- right where the fence attaches to the side of the barn there, there is a door that opens up into the barn and there are two stalls in there. Actually I could -- we originally way back used to have two horses, but one is plenty and there are two large walk-around stalls inside the barn itself.

MS. BORGUS: So then what becomes of bedding?

MS. DENIGRIS: The bedding becomes mixed in with the manure, and then you cart it out in a wheelbarrow and take it way down to the end there, spread it out. The snow in the winter dissolves it, and it goes down into the ground and in the springtime it makes the grass grow for the horses to eat. It is kind of like recycling.

BEVERLY GRIEBEL: 25, 30 years, apparently there has not been a problem, because if there were, the neighbors would be calling with odor or whatever.

MS. DENIGRIS: It is recyclable stuff going down into the soil making very rich soil.

MS. BORGUS: I have horses. My son-in-law raises a lot of horses. The manure is a problem.

MS. DENIGRIS: A lot of horses, yes. One horse, no.

BEVERLY GRIEBEL: One horse, it is a little less than one and a half acres.

MS. BORGUS: Will this back up to the new subdivision?

BEVERLY GRIEBEL: Yes, I believe so.

MS. DENIGRIS: That is Phase 2, behind me, directly. Phase 1 is struggling right now, as we all know.

MS. BORGUS: I guess my thought would be maybe not too long an approval would be good because with a new subdivision in there you won't know what the future holds. Thank you.

The Public Hearing portion of this application was closed.

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 condition, and Jeffery Perkins seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with the following condition:

1. Granted for a period of ten years.

The following findings of fact were cited:

1. No complaints from neighbors.
 2. Long-term approvals (since 1970s).
 3. Property is almost 1 ½ acres in size.
6. Application of Niagara Car Wash, c/o David Sadaly, 5 W. 10th Street, Erie, PA 16501, property owner: M. Truisi; for variance to erect four wall signs for proposed car wash to be a total of 219 sq. ft. (100 sq. ft. allowed) at property located at 3270 Chili Avenue in G.B. zone.

David Sadaly and John Munch were present to represent the application.

BEVERLY GRIEBEL: This did go to the Monroe County Planning Department and came back as a local matter.

If anyone wants to go up and look at the diagrams from the audience, please feel free.

DAN MELVILLE: We are discussing signage here, right?

BEVERLY GRIEBEL: I will get into that shortly. We'll see what the applicant has to say.

MR. MUNCH: Good evening. My name is Jack Munch, 5 West 10th Street, Erie, Pennsylvania, one of the owners of this venture, and we went in front, as you know, of the Planning Board and --

BEVERLY GRIEBEL: How do you spell your last name?

MR. MUNCH: M-u-n-c-h. And Dave Sadaly's name might be connected to this. He is a civil engineer and full-time employee of our companies.

We have been in front of the "supervisors" for approval of this and had some input from the Town and went around and talked to as many of the neighbors we could find and got some input from them. As a result, we shrank the size of our building down to just the three bays, and we have toned the color down and changed the line of the roof to make it blend better with the buildings around it.

We have reviewed the signs on the other buildings in the neighborhood, and it -- keeping it as close as possible to our branding, this is the sign scheme we are proposing on the building (indicating). We would not include a separate freestanding sign, and that is why we are here asking for a variance. We have done a lot to kind of tone down the appearance of it, but as you can probably imagine, usually when you get your car washed, it is usually an impulse business. You are driving by and you happen to see it is there, and then maybe decide, "Maybe I will go in, it will be quick to go through there."

We are hoping you will agree that the amount of signage, though it exceeds the lineal square

foot technical thing in the ordinance, we think it is in line with the spirit of the ordinance.

As you can see, it is not overly obtrusive given the set-up of the building. We eat up a lot of signage with semi-instructional things. You could call them advertising, but they're really information on the doors about the building, on the back and the sides.

The reason the signage -- if you look at the signs -- we didn't have them on the doors. Open 24 hours, that would be 100 feet lineal feet, with all of the little changes and those kinds of things included.

It is a little over that because the doors say "Open 24 hours." We could take that off. The reason it is important we have it on the sides, that is really the only view approaching the carwash, because of how far back the carwash is set, that you can see what is coming up.

On one side is the Valvoline. On the other side is a residence type house that is zoned commercial. We are continuing I think a very attractive white stockade fence that goes along Valvoline on the other side and adding trees for screening, and that is all in talking to the Planning Board. So we don't think we are going to affect our neighbors due -- with the visibility of the sign, but we do think traveling on the street, it will chance your eye, really the sign that is on the side of the building to kind of show you, yes, we are open for business.

Like I say, if the building was bigger, it would look like less signage, but we had some self-serve open bays which we eliminated because we went long with the Town on making sure that it wasn't going to be noisy. This way the doors are down, et cetera. There won't be any problems of that nature. We were back a number of times addressing those concerns.

By the time we toned down the color, shrank the building, the setback of however far back the building is, in -- and in keeping with our branding, other locations have that like signage you see on the side of the building. The back doesn't have any signage per se, but we count that stuff on the back doors. When we read the ordinance, we think we are supposed to.

BEVERLY GRIEBEL: Yes. The back has entrance and --

DAN MELVILLE It's informational.

BEVERLY GRIEBEL: "Open 24 hours" and "Doors open automatically." So those are kind of directional.

MR. MUNCH: Kind of directional. They're just printed on the doors. There are no signs facing the back of the neighbors.

And I note this is -- we already sorted this out, but we use Night Hawk lighting, and there is no bleed off of any light to the surrounding properties. We did think about how we would impact the neighborhood when we came up with our whole design, including the signage, and we just think it is a more attractive way to go than a freestanding sign, you know, which would do the trick, but I think this will blend better with the neighborhood. I think the Valvoline did a nice job. It is one of the best looking Valvolines I have seen. We are hoping that this is as attractive in that -- and as attractive or more attractive than any of the other commercial buildings in the neighborhood and that the size lines up, but technically the problem is we did want to follow the ordinance.

BEVERLY GRIEBEL: Now before we start discussion, let me go to the side table to one or both of you, Keith (O'Toole) or Dan (Kress), or both.

This went to the Planning Board. Is that all approved at the Planning Board?

DANIEL KRESS: That was correct. Site plan approval was granted by the Planning Board.

BEVERLY GRIEBEL: Okay. So technically they could already be building; is that correct?

KEITH O'TOOLE: Yes.

DANIEL KRESS: That was correct. Approval was granted with the understanding that this is a separate issue to be addressed by this Board.

BEVERLY GRIEBEL: So with or without the signs, they could build and proceed and do whatever. Thank you.

This Board tonight will just be addressing the signs. We won't be addressing any of the other issues that pertain to things that are already determined by the Planning Board.

JEFFERY PERKINS: You're showing fence around the back side of the property.

BEVERLY GRIEBEL: That is Planning Board.

JEFFERY PERKINS: That is Planning Board.

BEVERLY GRIEBEL: Just the signs. Because everything else is approved.

MR. MUNCH: It is around the back and the sides. I don't know if that is helpful.

JEFFERY PERKINS: Signs are good.

PETER WIDENER: What I am concerned with is addressed by the Planning Board. I don't have a problem.

BEVERLY GRIEBEL: It is already approved. It is moot.

PETER WIDENER: I had some questions, but they're -- they have been answered.

MICHAEL MARTIN: The signs on the actual doors, the entrance/exit, are they illuminated signs?

MR. MUNCH: They are not. It is kind of the stenciling lettering. They're semi-instructional, but when we read the ordinance, we thought we better include those in the calculation.

DAN MELVILLE: Those are included in your total square footage?

MR. MUNCH: Yes.

MICHAEL MARTIN: Do you know what the square footage is of your front and two side signs?

MR. MUNCH: The front sign, like I said, it is -- 122, Dave?

MR. SADALY: Yes. If you take into consideration on the front all the -- this is 122 (indicating) square feet. And each one of where it says "Open 24 hours," that is about 5 or 6 square feet.

MR. MUNCH: If we took that off the three doors, we would be down to 100 feet on the sides or on the front.

The side sign is just that one side that says "Niagara Car Wash," 39 feet, each side.

RICHARD PERRY: The main signage, the 24 hour automatic Niagara Car Wash, all of that is lighted?

MR. MUNCH: Yes.

RICHARD PERRY: And hours of operation?

MR. MUNCH: 24-hour operation.

RICHARD PERRY: So those signs will be lit 24 hours?

MR. MUNCH: Right. They would be lit during any dark hour.

BEVERLY GRIEBEL: I was looking at this to see if anything could be eliminated, but that would be kind of difficult. You wouldn't want to eliminate the front sign because that is important. But the side signs are important because you would see those coming from either direction long before you would see the front sign.

MR. MUNCH: Yes. We think our side screening takes into account the neighbors on each side, but what it does is lets you see it from the road.

In our business, we are not a destination location, so to speak. We find that people pull in because they have time on their lunch hour.

BEVERLY GRIEBEL: An impulse, and there is not a long line, "Hey, I'm going to go in there."

MR. MUNCH: Right. That is why there are three of the automatics, so there won't be long lines.

MICHAEL MARTIN: No freestanding sign?

MR. MUNCH: None.

MICHAEL MARTIN: You wouldn't foresee coming back and asking for --

MR. MUNCH: No. We have branding. This is not the first one we have. The idea is when these are around town, they all look alike, so you get the same quality wash wherever you go.

BEVERLY GRIEBEL: Others in Rochester?

MR. MUNCH: No. We are in the planning stages in Rochester and Syracuse right now. We are from Erie, Pennsylvania, and we have a -- that market is filled out. It has been received very well. We have gotten on with the neighbors very well, and frankly, we kind of got to work out any little kinks we did have there. So we have kind of learned about, you know, things like noise, light, et cetera, and they fit into the neighborhoods very nicely there. We want to add to the neighborhood, not detract from it when we come in. Have it be as attractive as we can make it.

DANIEL KRESS: Has anyone bothered to figure out the sight lines given the distance this building is back from the street to ensure that, in fact, the signs on the both side elevations are not completely blocked by the adjacent buildings and therefore unnecessary?

MR. MUNCH: I can't say we did a formal study. What we did is we went out and drove the approaches. We know before the start of the building is, and you will be able to see. Maybe not from long distances but enough time to in our -- in our very unscientific opinion, to say, "Yes, I guess I'll consider getting my car washed."

DANIEL KRESS: By the time you're past Valvoline and can see the side of your building, you can see the front of the building and maybe that is a way to cut down on the amount of the variance being requested. Maybe that is just a thought.

BEVERLY GRIEBEL: It is hard to know exactly. It is a 30 mile speed limit there. Sometimes less than that with a corner and everything nearby.

MR. MUNCH: We just go based on experience of having these at sites, and what we did is when we started opening them in Erie, we gave people free carwashes if they answered a couple of questions. We found a location like this, the majority of the people are seeing the sign on the side not the front. Or maybe not noticing the one on the front at all, unless there -- there is really no intersecting street. We do hope that some of the people getting gas will notice it while they're pumping and then pull over. That tends to go pretty hand in hand. But the --

BEVERLY GRIEBEL: There is a lot of traffic through that area. It is a busy area.

MR. MUNCH: I think it is going to be a good area. Actually the way the Town has handled -- I think this is going to be one of the nicer areas, neighborhood type areas in Rochester. We like this site a lot. Obviously we are committed to it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I guess I would have to say that I have followed this through Planning Board. These gentlemen have appeared, I believe, three times, and I have been impressed with them so far as to what they have done with this application. They have made every effort to modify their plan and whatever the Planning Board wanted, they have been willing to do.

That is why I am so disappointed now. Because the original sign -- the original plan didn't have all these signs, and I really think that if that is what they wanted, they should have been up front about it. They had Niagara Car Wash on it, to the best of my knowledge, my recollection at least, and that is all.

Now I am shocked that they want a two -- two plus times our allowable signs.

I'm wondering what that circle is on the front above 24-hour.

MR. SADALY: That is like a vent, like you see on a house. That is just part of our branding. We always put a --

MR. MUNCH: Circular decorative vent, not part of the sign.

I would point out, just so you're aware and don't think we tried to do anything wrong at the last minute, this is the identical evaluation we used with the "Board of Supervisors."

MS. BORGUS: You mean Planning Board?

MR. MUNCH: Planning Board. It was put up at one of the meetings.

MS. BORGUS: It said "24 hour automatic" on the front?

MR. MUNCH: That one right there is what you're looking at.

MS. BORGUS: Okay. The -- I know we are not discussing the fence. The fence is wonderful. I'm -- I don't want anybody to say we can't talk about a Planning Board issue, but how high is the fence?

BEVERLY GRIEBEL: Well, I don't know. We have no information on that, and that is already approved.

MS. BORGUS: Right, but Mr. Kress should know.

BEVERLY GRIEBEL: Well, that is not being discussed here.

MS. BORGUS: No, I have a point now. The point being, that that sign on the end, especially the one that is toward the house, is going to be between 9 and 10 feet off the ground, if I read this drawing correctly, and lit. And although that house is commercial property, it is being rented out as a home, and it has been forever, and I -- those people, I still feel sorry for them. I wouldn't want a sign that close to my house and I -- I would have to believe that fence is not going to be 10 feet. The sign, lit sign is going to be 9 to 10 feet off the ground. Those people are going to be annoyed with that light.

RICHARD PERRY: Dorothy (Borgus), they have notice of the meeting.

MS. BORGUS: They're renters. I know the owner could have come. I hear you. But we have a sign problem in Chili. I don't see --

BEVERLY GRIEBEL: Well, if they didn't get a letter, there was also the hearing notice posted on the property.

MS. BORGUS: I know. I hear you. But I am here complaining because I don't think this many signs is necessary. I do not -- I agree with Mr. Kress, by the time anybody sees those -- nobody is going to see the ones on the end. Let's face it. The one is going to be up against Valvoline. And the other one is up against the house. Those are superfluous. If you just took those two off, we would have maybe a workable situation, but that is just too much signage for a small building. We are trying, in this Town, on Chili Avenue especially to make it look better. This is a nice-looking building.

If you want to see a perfect example what signage can do to a building, look at the pizza

place across from McDonald's. The looks like Las Vegas.

We don't need this much sign to make this business workable. It -- it can be seen, especially if these are lit, 24 hours a day, and I just don't see why we need signs on the end of that building 9 ½ to 10 feet off the ground when the fence is never going to be that high.

Thank you.

MICHAEL MARTIN: Can you review the illumination? You said it is something that bleeds no light?

MR. MUNCH: There will be no bleed off at the edge of the property line. Now if you look at the building, the sign will be visible obviously, if you look at the sign.

To point out a couple of things, there is also Arborvitae and tree plantings that are part of the side screenings that I don't have here tonight. You won't see them straight on from the side because you won't be beside it, but you can look in from the street at an angle.

We didn't -- we went far -- we went around to every neighbor around it before we went to any board for any meeting, including the neighbor on the side. The owner wasn't there. I left my card with the tenant and spoke to him. We didn't get into particular issues about the -- I didn't have -- I didn't show pictures of the buildings in other places. We didn't have these done at the time, but we tried to do our due diligence making everybody aware what we are doing because we do think it is an attractive use. We think it will be much more attractive than the building there currently, and we are -- boy, if our neighbors don't like us when it is up, and I have said this before, that's who we are servicing, is the neighborhood.

BEVERLY GRIEBEL: Now, the lighting, does it come in an internally lit thing, or is it lights that come out of the building and shine on it, or lights that are on poles that --

MR. MUNCH: No. They're channel letters. The letters themselves are lit. There is no light shining on the building. There are no wall packs on the building. The only lights that shine on the property, from the exterior, are the kinds with the shield on them so they only shine in towards the building. We have been through lighting and we don't have any issues there with the Town.

MICHAEL MARTIN: My point is it is very soft, subdued.

JEFFERY PERKINS: What color is the lighting?

MR. MUNCH: Blue.

BEVERLY GRIEBEL: All the letters are blue.

MR. MUNCH: Yes. One color. The letters are all blue. The exterior of the building is like two tones of a tan, which was a little white for the Town's liking, so we toned that down to be beige, so to speak.

HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: I'm just going to sit because I have my lap top on and I wanted to read something from it.

Pertaining to the 24 hour part of this sign, I just wanted to mention that at the Planning Board meeting, there was some concern about this building open 24 hours, so there is going to be kind of a one-year test period. So obviously if there are no problems, there is no problem with that 24-hour sign, but if there are some problems, and they want them to change hours of operation, then I think there would be a problem with that sign.

DAN MELVILLE: They would have to take it down.

BEVERLY GRIEBEL: They would have to take it down.

RICHARD PERRY: It would be false advertising.

MR. MILLER: And I would -- I would just also agree that I don't -- I don't like the signs on the side. I don't think they're necessary. That's all.

DONNA CADY, 31 Shrubbery Lane

MS. CADY: We already have enough lighting from Valvoline and the bank. Do they have to have the two side signs?

BEVERLY GRIEBEL: Well, that is the plan, and they want to have that in lieu of having a freestanding sign in the front of the property.

MS. CADY: Well, a freestanding sign, of course, I don't want, but at least a freestanding sign in front of the building will not shine in our bedroom windows at night.

BEVERLY GRIEBEL: You live directly behind this?

JACKIE THROWER, 33 Shrubbery Lane

BEVERLY GRIEBEL: What is your last name?

MS. THROWER: T-h-r-o-w-e-r.

MR. MUNCH: Just so you know, there -- no light will emit as far as shining in windows beyond the edge of the property line. And there is no lit signage on the back of the building for that reason.

MS. CADY: But we are all on the second floor. If there is only a 10 foot fence --

MR. MUNCH: From the second floor if you look down on it, you will see the back of the building will not have any lit signs on it. If you can see the sides of the building, you will be able to see that the sign is there, but there is no way it could possibly shine in your windows. We wouldn't want that.

BEVERLY GRIEBEL: Now there could be other lighting on the property which would have been a Planning Board issue that might be more disruptive, but that is already determined.

MR. MUNCH: They made a recommendation to us that we use dark sky where there are shields around the light. It faces in on the property and does not emit off the property. Just -- we will do that, with the neighbors in mind. And that is what we do anyways.

BEVERLY GRIEBEL: Because that might be more prominent than the signs on the building.

MR. MUNCH: But they won't see that.

DAN MELVILLE: That type of signage and stuff is such a soft lighting. It won't be shiny where that you can really see them. You look at it, you will see it, but it wouldn't -- you will not -- it will not shine off the property.

MICHAEL MARTIN: Like a glow-in-the-dark dial on a watch almost.

MR. MUNCH: The best way I can describe it is the channel lettering, the box letters that are lit. You have to look at it.

DAN MELVILLE: Sort of like the Wegmans signs.

BEVERLY GRIEBEL: It will not be shining into their bedroom windows.

MR. MUNCH: No. Obviously much smaller and a softer blue, which is softer.

The Public Hearing portion of this application was closed.

BEVERLY GRIEBEL: Back to the applicant.

Do you work for a government agency?

MR. MUNCH: No.

BEVERLY GRIEBEL: That question was not checked off.

MR. MUNCH: Sorry.

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.

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 6 yes with the following condition:

1. Street number should be somewhere on the front of the building.

The following findings of fact were cited:

1. Signage needed to advertise and locate a new business on a busy street.
2. Signs on the sides are in lieu of a front freestanding sign.

Note: A sign permit is required.

The meeting was adjourned at 8:07 p.m.