

CHILI ZONING BOARD OF APPEALS
October 27, 2009

A meeting of the Chili Zoning Board was held on October 27, 2009 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 Paul Bloser.

PRESENT: David Cross, Adam Cummings, Robert Mulcahy, Michael Nyhan, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Chris Karelus, Building Department Manager; Keith O'Toole, Assistant Town Counsel.

A moment of silence was observed for Daryl Cox.

PAUL BLOSER: I don't know if any of you had the pleasure of meeting Daryl (Cox), but he will be missed by a lot of us. He was a good man. His wife serves on Planning Board also and has been a real asset to the Town.
Moving along.

Chairperson Paul Bloser declared this to be a legally constituted meeting of the Chili Zoning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

PAUL BLOSER: We have a large agenda tonight, unusually large, so we want to move through these as we can. I do want to hear all of them, in the entirety. They will all have an opportunity to have public comment and I invite those comments. What I do ask is to keep comments to the application. I know one of the applications we have a lot of attendees tonight. I appreciate that. If we have to hear everybody, we will. What I will ask is if -- I would like to not have 20 people saying the same thing. I want to get the points across. That is what we want to hear. I'm sure everybody is voicing the same opinion. So for the sake of time tonight, I will hear whatever you have to say, but I ask that you also be courteous of everybody else's time this evening. I do appreciate that.

Thank you.

First I will start with signs. Again, for the sake of time, anybody have any problems with any of the signs?

The Board indicated they had no problems with any of the notification signs for tonight's agenda.

1. Application of Vincent Biehler, owner; 2725 Chili Avenue, Rochester, New York 14624 for variance to allow existing fence to be up to 8' high in front setback area per plan submitted (6' allowed) at property located at 2725 Chili Avenue in R-1-12 zone.

Vincent Biehler was present to represent the application.

MR. BIEHLER: Vince Biehler, property owner. 2725 Chili Avenue.

PAUL BLOSER: This is the stockade fence?

MR. BIEHLER: This is that most beautiful fence.

PAUL BLOSER: It is nice looking. There is a few dollars there.

MR. BIEHLER: Yes. Leave it to an engineer to design it.

PAUL BLOSER: I think the part that we're really looking at is that one section to the Northside; is that correct, Chris (Karelus)?

CHRIS KARELUS: Yes.

PAUL BLOSER: Flanking Chili Avenue. It is approximately 19 foot long.

CHRIS KARELUS: The section where the transition exceeds 6 feet, the code comes into play. 6 foot is allowable. Anything in excess of 6 feet is not permitted.

PAUL BLOSER: Mr. Biehler, is this something you put up yourself or had it installed?

MR. BIEHLER: I put it up along with my brother.

PAUL BLOSER: I'm assuming that you did not consult with the Town at all prior to starting this.

MR. BIEHLER: Well, no I did. For the setbacks and the -- what I was allowed as far as the fence along the east -- the east side of the fence, how close we could be to the road. The -- and also, as far as the height of the fence, the -- the fence, height in question, um, didn't come up -- because of the topography of the yard, it -- the design of the fence, it starts at 6 feet, but because it is going down a sharp incline, you end up at 8 feet at the other end of the fence, to maintain a horizontal plane.

PAUL BLOSER: At the road -- I will call your north line, 19 foot 3 section, what is the height of that section?

MR. BIEHLER: That section would the slope of the -- one section, it starts off at 6 feet. Some sections go to 6 1/2. And I believe the maximum that we measure with your Town guy, I think, was 6 foot, 8 or 9 inches. The -- there is a slope there, a grade running away from the house, and that -- I wanted to maintain the fence to be horizontal. It is a visual aspect.

PAUL BLOSER: Right. I can see that.

MR. BIEHLER: But I -- if -- I would say that approximately 45 percent of that 19 feet is actually at 6 feet, and I believe it's the -- the gate area and then to the right closest to the house exceeds the 6 feet. But not to exceed 7. It doesn't go over 7.

PAUL BLOSER: Do you have the photograph with you?

MR. BIEHLER: Yes, I do.

PAUL BLOSER: Would you put that on the screen there for me?

MR. BIEHLER: Absolutely.

This is the -- this is the -- I believe the front section --

PAUL BLOSER: That is the 19 foot section in the front?

MR. BIEHLER: That is what you were referring to. And this would be the back -- the other side of the fence, looking at it. This would be this photograph (indicating), as well.

PAUL BLOSER: But to the right side of that picture, correct?

MR. BIEHLER: Yeah. This is the --

PAUL BLOSER: That is the front side --

MR. BIEHLER: Yes. This is Chili Avenue right up here, and this is the other side of the fence.

PAUL BLOSER: If you could leave that, so the other pictures can be seen. Very good. Thank you. I want to leave that for public comment.

Thank you.

It's nice, isn't it?

MICHAEL NYHAN: What is the size of each fence panel, the height of the panel?

MR. BIEHLER: Not the post, but the panel?

MICHAEL NYHAN: Just the panel.

MR. BIEHLER: The panels are 5 feet 10-inch panels. Well, because -- it is pressure treated, so variance. But it would be 5 feet 8 inches to 5 feet 10 inches, each panel, and -- is the panels themselves don't exceed 6 feet. Unless -- until you go down the hill, at which point then to -- to run against the grain --

MICHAEL NYHAN: I was just talking about the dimension of the panel itself.

MR. BIEHLER: They're all approximately 8 feet long.

MICHAEL NYHAN: Is this project complete now?

MR. BIEHLER: Yes. Other than we're still trying to figure out a color stain.

MICHAEL NYHAN: No additional fencing will be constructed?

MR. BIEHLER: No. This is complete.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I don't live in that area, but I do go by there often and it really, um -- it's a pretty solid fence, I guess is the word, because it wouldn't seem so objectionable if it weren't so -- such a massive wood. If I were -- I don't know why this gentleman is in here. Did somebody complain?

PAUL BLOSER: Code Enforcement did their job.

MS. BORGUS: Well, I -- I don't see the need for it. That fence, another 2 foot shorter would not make any difference in that area. If everybody just took the law in their own hands and did no matter what, we would be a terrible looking Town. This is a self-imposed hardship. He knew what the rules were. I think this Board should make him lower it to the acceptable height.

Thank you.

Paul Bloser made a motion to close the Public Hearing portion of this application and Robert Mulcahy seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

MR. BIEHLER: Do I get rebuttal or not? I didn't know what the procedure was.

PAUL BLOSER: We'll discuss it at this point. It is what it is right now, the height.

Have you decided on any color? I mean, that is going to be a -- it is very obvious. You do see it. If it was a darker colored fence blended into the background a little bit better, it probably wouldn't be quite so brilliant.

MR. BIEHLER: The -- 90 percent -- 85, 95 percent of the fence is up to code. We're only talking about approximately 15 percent of the length of fence that goes from 6 feet to over 6 feet, and that is on the Hillside. That is on the -- the south facing part of the property, which is not seen from Chili Avenue or Hillcrest, and we do have a small section in the front along Chili Avenue where it is -- it exceeds -- half of it exceeds over 6 feet.

That fence is reminiscent of several other fences in Chili Avenue. Specifically, that is an almost identical fence to the one on Archer Street, across from the new -- the new church there.

And also is reminiscent of the one that is over at Monroe County Fairgrounds that they put up. So it's -- it needs to be a strong fence because it -- we get a strong westerly wind. That is one of the reasons we used 6 by 6 posts, and they're approximately 4, 4 1/2 feet down. Any lighter fence or lighter materials, the fence within a year or two would begin to sag and bend and warp.

The fence was designed to be solid for many, many years without having to worry about if it is -- it looks horrible two years later. I don't know. Fences to me, when I hate when you start looking at the them and they're leaning. So the fence is designed to be solid.

PAUL BLOSER: The one section along Chili is the section we're most concerned with on this variance, because of the frontage and what the code calls for on the roadside. Even though it is beside the house -- I guess that is actually the front of the house by street number.

MR. BIEHLER: That is the front of the house by street number, even though I'm the corner lot of Hillcrest and Chili. I'm the corner lot. And 19 feet of fence in the front, only approximately half of that is -- exceeds 6 feet. Some of the suggestions that -- one suggestions was to put a flower bed, you know, 6 inches worth of dirt, a flower bed up against that part of the fence to beat code, but I don't think we need do that. I don't think a fence that is at 6 feet and then at 6 1/2 or -- I think 6 1/2 feet or 6 feet 6 inches is -- I don't think it is 6 1/2. I don't think it is 6 feet 5 inches. I don't think is -- is cosmetically an unsightly thing.

I also have, if you wanted, I had signatures from the two direct neighbors who are affected by the fence, a -- and they actually -- they actually signed a letter requesting the variance be approved because they actually benefit from the fence, as well. By having the fence, they benefit.

Should I submit that?

PAUL BLOSER: You can submit it. Is this a copy?

MR. BIEHLER: Yes. This is the only copy.

MICHAEL NYHAN: 5 inches to the front of the house; is that correct?

PAUL BLOSER: Yes.

MICHAEL NYHAN: I would agree the light color of the fence jumps out and perhaps when it is stained, it might not be so obtrusive. In that area, CVS has a stockade fence that is stained rather natural color and goes out almost to the edge of the right-of-way. It is pretty common. It's not that out of the ordinary for that neighborhood. It is a well-constructed fence. Probably stay looking like that for a good number of years.

MR. BIEHLER: My neighbors actually requested two colors. They wanted it either to be clear or -- clear like that or actually my wife who is a graphic designer, we have a new roof. We're pulling one of the orange -- orange, reddish colors off, which is a really nice -- it's not dark, it's not a light. It is a stain. So we're going to ultimately go with the reddish stain so that it matches or blends with the roof as well, the colors from the roof.

PAUL BLOSER: One of the things we could -- if we were to move forward with this as a condition of approval -- that possibly an evergreen type tree of the same height be planted, a couple of them right in the front there, equally spaced, to kind of buffer the appearance of it a little bit. It is a mature lot. There is a lot of shrubbery around there.

What would -- it would cover some of that, as a condition of approval. It is something to consider.

FRED TROTT: I like the idea of the trees. Just kind of breaking it up a little bit. It is kind of right in your face.

PAUL BLOSER: Across that 19 foot --- I would say 2 or 3 -- you got to have spacing. That would be about 6 foot space apart. You could put in --

FRED TROTT: Just --

PAUL BLOSER: Couple of them.

FRED TROTT: Just a little something.

ROBERT MULCAHY: Break it up.

FRED TROTT: To break it up.

MICHAEL NYHAN: You have to remember that area is not a big area. I don't think it could handle more than one type of a tree in there.

MR. BIEHLER: Am I allowed to interject or anything?

PAUL BLOSER: Yes.

MR. BIEHLER: As a master gardener and a owner of approximately 3,000 Japanese maples, my -- I don't want Arborvitae there. Arborvitae would not be good selection of tree. One, they tend to cause mildew and mold against wood when they're that close. My intentions with the fence, if you look at the right corner, you can see there is a planting bed there. I'm actually putting ornamental grasses in there to break up the flatness of the fence.

To the left of the fence I already have a yew, a pyramidal yew which is right against that fence. In front of that I have a Serviceberry tree. I'm planning on putting a Japanese maple or possibly a Cusa dogwood, Japanese dogwood or Sue Hearthside (phonetic) flowering tree. That area is very, very small. We're only talking about 19 feet -- of that 19 feet we're only talking about approximately 10 feet, including the gate, which would be over 6 feet. My intention is to make that a garden, like an ornamental garden.

PAUL BLOSER: What type of ornamental grass were you looking at?

MR. BIEHLER: Well, I actually have some. If you have seen that property, I have several ornamentals right in the front of my bay window in front of the house. They tend to get approximately 5 feet tall. There is pom-pons, what is know as zebra grass, ornamental grasses you see used heavily in landscaping. But, in fact, I'm thinking about actually removing the Serviceberry tree and strictly putting eastern dogwoods or something like that. But I prefer not to

put yews or Arborvitae. They're just not a very good selection of plant material.

But again, the -- the fence, um, if it came down to it, um, I think we're talking 3 or 4 inches worth of variance, and that is directly against the house.

Please note that I'm directly on Chili Avenue. I don't know, did you -- I make copies. Did you guys get this copy?

PAUL BLOSER: Yes.

MR. BIEHLER: One of the reasons the fence, I want this a little higher. I'm on Chili Avenue. It's really noisy. Doesn't offer any privacy, doesn't offer any noise abatement. It is also one of the reasons for the design of the fence.

PAUL BLOSER: Okay. Thank you. I'm ready to move forward with this one.

Paul Bloser discussed proposed conditions with the Board.

MR. BIEHLER: Did you say May of next year?

PAUL BLOSER: Yes, May of 2010.

MR. BIEHLER: Pressure treated is incredibly wet. This year was just really wet. Would it be better to -- I mean, June is a -- is a dry month. I'm just saying in case February, March, April are wet, um -- I don't know. It -- you guys understand pressure-treated lumber as well as I do.

PAUL BLOSER: You want to go mid June?

ROBERT MULCAHY: June is fine.

PAUL BLOSER: I will go June 15th.

MR. BIEHLER: That would be fine.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application with the following conditions, and Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

DECISION: Approved by a vote of 6 yes to 1 no (Paul Bloser) with the following conditions:

1. Planting of 5-6 foot ornamental shrub to be planted by May 15, 2010.
2. Color of stain to be completed by June 15, 2010.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or nearby properties.
2. Application of Kimberly Farmer, owner; 55 Stover Road, Rochester, New York 14624 for variance to erect a 21' x 7' open porch to be 34.7' from front lot line (40' req.) at property located at 55 Stover Road in R-1-15 zone.

Kim Farmer was present to represent the application.

MS. FARMER: Hi. I'm Kim Farmer, 55 Stover Road.

PAUL BLOSER: Your plans are probably some of the most detailed we have ever gotten. It is nice to see.

MS. FARMER: Thank you.

I also have a note from one of the neighbors.

PAUL BLOSER: Okay.

I will read this for public record. Regarding the application of Kim Farmer, 55 Stover Road, to erect the open porch. We live directly next to this residence and have no objections to the application. It is signed by Bob and Dawn Auerhahn, 53 Stover Road. So for the record, thank you.

Pretty much this will be just a concrete pad?

MS. FARMER: Yes, it is.

PAUL BLOSER: Stamped concrete or plain concrete.

MS. FARMER: Concrete, but it will have a roof.

PAUL BLOSER: I -- I do see the overhang.

One of the things I -- I did see it now. The shingles will match what you have on the existing roof?

MS. FARMER: Yes.

DAVID CROSS: The rest of the colors, the posts will match the facade of the house.

MS. FARMER: The posts will be white to go with the trim.

MICHAEL NYHAN: You currently have a lot of plantings and shrubbery in front of the house. What will you do with all of this? The porch, I assume, will encroach on that?

MS. FARMER: The shrubbery in front of the porch where it will go right now will be dug

up, and in front of it is there is more. There is trees and shrubbery that should remain intact.

MICHAEL NYHAN: So the shrubbery we see out front, the decorative type plantings will all remain, the ones closest to the road?

MS. FARMER: Yes.

MICHAEL NYHAN: They won't be disturbed.

MS. FARMER: Correct. It will just be the slush underneath the window there.

MICHAEL NYHAN: Thank you.

PAUL BLOSER: Is that going right over to your driveway then?

MS. FARMER: There will be a step there.

PAUL BLOSER: But right over to the driveway.

MS. FARMER: Yes.

PAUL BLOSER: That will look nice.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Dave Cross made a motion to close the Public Hearing portion of this application and Adam Cummings seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: Very straightforward. Prints are very detailed. Mature neighborhood. There is a few of these already in the neighborhood. I think it will look very nice and consistent with what is around there. They have a detail that shingles will match, trim will match the existing. Those are my concerns. It will have a brick facade in the front.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with no conditions, and Michael Nyhan 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 requested variance will not create an undesirable change in the character of the neighborhood or to nearby properties.

Note: A building permit is required before construction begins.

3. Application of Therese Cionitti, owner: 58 Red Leaf Drive, Rochester, New York 14624 for variance to allow existing hedge row to be a maximum of 12' high in the front setback area per plan submitted (4' allowed), variance to allow existing fence in rear setback area to be a maximum of 7'2" high per plan submitted (6' allowed) at property located at 58 Red Leaf Drive in R-1-12 zone.

Therese Cionitti was present to represent the application.

MS. CIONITTI: My name is Therese Cionitti, 58 Red Leaf Drive.

PAUL BLOSER: Tell us a little bit about what you got there. How long has the fence been there?

MS. CIONITTI: I would say five years almost.

PAUL BLOSER: The bushes have been there a long time?

MS. CIONITTI: 25, 30 years.

I was going to have it cut, you know, way down to my fence, but my landscaper told me, he informed me any further pruning would result in the total destruction of the trees and the plant life. It was my intention because I talked to my neighbor and my intention was to cut it down to my fence, but like I said, he didn't agree to that because of -- it would kill them.

As for the fence, it's -- because of the land slope. My husband is not here to talk about it, because he passed away. I don't know the. The property measures 6 feet in height. You know, the fence. And then to accommodate the natural slope of the land. That is why it happened that way.

PAUL BLOSER: The fencing is all in the back, though.

MS. CIONITTI: Yes. It's all in the back.

FRED TROTT: The hedge row doesn't affect your getting out of your driveway at all?

MS. CIONITTI: Not at all. I just had them trimmed. That is when the person told me, the landscaper told me he didn't want to do that. He said you have a lot of money there, and you can't cut it that way because it's going to die.

PAUL BLOSER: Driving around the neighborhood, I saw comparable heights of bushes

on Red Leaf Drive at 73 Red Leaf, 63, 60, 30, 16, 9, 4 and 3. Not exactly the same, but consistent. So again, it is a mature neighborhood with mature bushes. Not exactly the same, but of similar height and maturity.

MS. CIONITTI: They're not trimmed, though.

PAUL BLOSER: Not as neatly as yours.

MS. CIONITTI: I always kept them nice and trim. It makes a big difference, you know.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

KEN COOKE

MR. COOKE: Ken Cooke. I live next door to Terry (Cionitti). We would like to see them down to 4 feet, if possible because all you get is a big wall. I have pictures here to show you what it looks like from our side.

Can I show them to you?

That's what it looks like from our side.

MS. CIONITTI: That's how it looks on my side, too.

MR. COOKE: In order to see down the street --

PAUL BLOSER: Direct your comments to the table.

MS. CIONITTI: When my husband was around.

PAUL BLOSER: Keep your comments directed to the bench up here, please.

MICHAEL NYHAN: What is your street address?

MR. COOKE: 60. I live right next door.

MICHAEL NYHAN: As you're coming down the street, you're --

MR. COOKE: Yes.

PAUL BLOSER: To the north.

MR. COOKE: Now, if we want to look down the street, we have to go out and look down the bedroom window to see. Because you can't see anything. It is just like a big wall. The fence we don't care about. She can have that 20 feet high. That doesn't matter. But we just would like to be able to see down the street after all these years. We have asked, but nothing ever gets done. If you look at this one, you can --

PAUL BLOSER: Can you slide them forward a little more?

MR. COOKE: You can see down the street, but you have to get way down by the road just to be able to see. Nothing but a big shadow.

PAUL BLOSER: Thank you.

DAVID CROSS: Will we break this up, into two variances?

ADAM CUMMINGS: Where is the height in the fence measured from. It says 7'2", but if it goes with the natural grade, it might not be 7 feet 2. It looks like it is the same fence all of the way up. It just happens to come down a slope. So I don't want to give a variance for something 7 feet when somebody can come in and boost the fence up to 7 feet.

MICHAEL NYHAN: Chris (Karelus), did you measure the fence?

CHRIS KARELUS: No. This was Code Enforcement. What they did look at was the variance of the back section, with the grade that drops, the difference in grade to that very back feet is the point of measure they got.

PAUL BLOSER: It's not consistently 7 foot 2. Just in some places then?

CHRIS KARELUS: Yes.

PAUL BLOSER: I don't think the fence is as much the problem as --

ADAM CUMMINGS: Right.

PAUL BLOSER: I am going to divide this in two. We'll vote once on the fence and once on the bushes.

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: Again, I don't live in this neighborhood. However, I feel sorry for this man if he can't see out of his own home. These bushes didn't start out at 12 feet. And I don't know why they weren't trimmed back, especially if the neighbors were objecting all along.

Probably it -- it is going to harm the bushes to cut them back some, but on the other hand, other people have rights. That is the purpose of zoning laws. This man shouldn't be penalized either because this lady likes her shrubbery. To me, it looks like a wall and I wouldn't want it around my house. I would like to be able to see down any street, too, without going to the second floor. This man has rights so. All of the rest of the neighbors do. I don't know how tall the shrubs get in the neighborhood. Maybe it is time to draw a line in the sand. You have to be reasonable about shrubbery. This is a good place to start.

Thank you.

MS. CIONITTI: My comment is, who is she talking for anyway? I mean, is she -- on my street?

PAUL BLOSER: She is a member of the Town of Chili. She is a citizen in the Town of Chili, and any citizen within the Town has a right to make a comment.

MS. CIONITTI: Well, I didn't know.

PAUL BLOSER: That's the purpose of these meetings.

MS. CIONITTI: The only problem is, when I decided to cut it down to the fence, my landscaper told me do not do that because it is going to kill them. So that is my reason why I didn't. I have no -- it was no malice or -- I get along with these people. I mean, I never had any problem with Sheila and her husband.

This just happened and they should have told me in -- in another way -- well they should have told my husband when he was alive, not me. You know? To give me a hard time after all of this, you know? Well, I don't think it is the right time to do it, after 25, 30 years, to attack me on this. But still, I don't hate them anyway. I have no problem with them. Never did.

KEITH O'TOOLE: Excuse me. How long has the shrubs, the hedge been that tall?

MS. CIONITTI: How long?

KEITH O'TOOLE: Roughly.

MS. CIONITTI: Probably 25 years. They grow fast enough.

KEITH O'TOOLE: Thank you.

MS. CIONITTI: 25 years.

CHRIS KARELUS: If I could, this is the first logged complaint formally on this property, variance issue.

PAUL BLOSER: That is what I saw on the complaint record, too.

CHRIS KARELUS: It is the initial one.

MR. COOKE: Pertaining to what he said, we have called the Town before but nobody ever wanted to do anything. Next to -- this time is the only time they ever really came out and talked to us and talked to her and talked to -- the time -- the time before when we called, the guy goes, "Well, let's not open a whole new can of worms."

It's not a whole new can of worms to us. We have called before but nobody has done anything.

Bob Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: Before we start, I will break this up into two votes, one for the fence, one for the shrubbery, so we'll be addressing them differently.

There is a lot of slope with the fence. Around the yard.

MICHAEL NYHAN: Right.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and David Cross seconded the motion. The Board all voted yes on the motion.

REGARDING THE FENCE: Robert Mulcahy made a motion to approve the application with no conditions, and James Wiesner seconded the motion. The motion was approved by a vote of 6 yes to 1 no (Adam Cummings).

PAUL BLOSER: On the fence, we're going to allow that to stay as is.

DECISION REGARDING THE FENCE: Approved by a vote of 6 yes to 1 no (Adam Cummings) with no conditions, and the following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or nearby properties.

REGARDING THE SHRUBBERY:

JAMES WIESNER: Excessive, I believe. You can't see from down there, from the neighbor's driveway.

PAUL BLOSER: It is a wall.

MICHAEL NYHAN: 15 foot high, at least.

PAUL BLOSER: If we were looking at a fence, we know where we would be. We would be maximum of 6 feet from the house line back, from the house going forward it would be 4 foot.

If it was Brad trees, like these other addresses, they are not as dense, which is why I drove around the full loop of that neighborhood to kind of see. There are hedge rows. Some are overgrown. None of them are that height. But they're consistent, but not to that density.

Any questions before we vote or comments? Would we want any conditions on approval for this as far as to code? Again, house forward is 4 foot, house back is 6.

Do we want them cut at one level and say take them at this level on condition of approval? If it is a total no, then they would have --

MICHAEL NYHAN: Say it again.

PAUL BLOSER: We would have to do a condition of approval on what -- if we were to approve it under what condition. Now, if we were to just say across the Board, yes, we can leave it, at the height. If we deny, everything has to go 100 percent to code. 4 foot from the road to the house and 6 foot from there back. Or do we say everything at a 5 foot level, or at a 6 foot level? We would have to put a condition of any type of approval on here if we were to be clear what our purpose is.

FRED TROTT: Would it be acceptable to do it gradual?

PAUL BLOSER: That would be within our -- what we would want to see. Either one height or as staggered.

ROBERT MULCAHY: By cutting off too much it will cut the trees.

PAUL BLOSER: Absolutely. No question.

ROBERT MULCAHY: By doing it gradually, some this year, some next year.

PAUL BLOSER: Over a couple of years to bring it down to --

MS. CIONITTI: Excuse me. May I ask you something? Could we cut it so it looks good, the height of the fence?

PAUL BLOSER: That is what we're discussing right now.

Do we want it over a period of time? Do we want it by a certain date? Do we want it a tight fence height or do we want code 4 foot from the house back -- or forward, and then the fence height on a taper? We have to be specific what we're doing here.

JAMES WIESNER: I'm okay with the code. I don't know what other feelings are, but

DAVID CROSS: Put on vote on the application as it stands.

JAMES WIESNER: Yes. And without condition.

MICHAEL NYHAN: What about a time period? You know, step, cutting it down, instead of taking all of it off at one time. Would -- would the shrubbery live if you did it a portion now and a portion later?

DAVID CROSS: I don't know.

JAMES WIESNER: I don't know that we can really solve that here tonight.

PAUL BLOSER: Keith (O'Toole), is this something, this part of it we could postpone a vote and have Conservation, Pat Tindale look at it and give us some feedback?

KEITH O'TOOLE: What I would -- what you could do to simplify it is to perhaps approve it to a height between a range approved by the Conservation Board or Pat Tindale rather than having it come back, so you can give the parameters from the Board, somewhere in that range, so long as you won't kill it or deform it.

PAUL BLOSER: Okay.

KEITH O'TOOLE: I know there are certain shrubs, like privet you can cut back and it will grow back rarely well. Certain type evergreens, if you hack into them, even if you don't kill it, you make it so mangled looking, you wish you did.

PAUL BLOSER: I want it simple for the homeowner who has been there a long time.

KEITH O'TOOLE: From code enforcement point of view it would be simpler to have one clean height. Or as close to that height as Pat Tindale would approve.

PAUL BLOSER: Okay. Then as a condition of approval, hedges to be trimmed to a height within code --

KEITH O'TOOLE: Not within code.

PAUL BLOSER: I'm not done yet --

KEITH O'TOOLE: Okay.

PAUL BLOSER: -- and/or upon recommendation of Conservation Board of a satisfactory height and process of manicure --

KEITH O'TOOLE: Can I simplify that a bit if I may?

PAUL BLOSER: Yes.

KEITH O'TOOLE: What is the ideal height from the Board's point of view, 7 foot 2.

PAUL BLOSER: That is the fences height at the highest point. The fence is 6 foot, where it borders to the hedge.

KEITH O'TOOLE: So variance approved for a height of 6 feet or to the height approved by the Conservation Board, whichever is greater.

PAUL BLOSER: That is why we have you here. Thank you, Counselor.

KEITH O'TOOLE: You're welcome.

MICHAEL NYHAN: So I understand, if the Conservation Board says you have to leave it at 20 feet, it gets approved at 20 feet?

KEITH O'TOOLE: Correct.

ADAM CUMMINGS: Going green. (Laughter.)

KEITH O'TOOLE: If you would like to tighten that even further.

FRED TROTT: I was just going to say. Can we have a range?

KEITH O'TOOLE: But in any event, no more than -- height not to exceed blank feet, which I would assume is the current height, certainly. Certainly no greater than that.

PAUL BLOSER: Well, the current height is what is arguable right now.

KEITH O'TOOLE: I think we can all agree that the current height is something they can maintain without it going higher. That was the concern.

PAUL BLOSER: The current height right now is a concern it is too high. That is what the objection is, with the neighbors that can't see over it. Even now they can --

KEITH O'TOOLE: But the flip side of that is if we hack it away, you might kill it or deform it. So certainly -- whatever -- I don't know how tall it is at this point. If it is 12 feet, they can trim it out at 12 feet from now until the end of time without harming the bush. I think that is fairly clear.

So the question is, what -- what range are you willing to give the Conservation Board authority to act with? So 6 feet to blank feet.

DAVID CROSS: I'm not comfortable with 12 feet. I think 8 feet is more reasonable.

PAUL BLOSER: I was going to say not greater than 8 foot.

DAVID CROSS: That is hacking off a third of the height, max. So I would say 6 to 8 feet.

PAUL BLOSER: I will --

MICHAEL NYHAN: Does 8 foot provide a remedy? Does that change being able to see?

PAUL BLOSER: Not a lot, from visible standpoint. I mean, the house does sit on a little bit of a rise, but --

JAMES WIESNER: That's first story of the house.

PAUL BLOSER: It will not give you a lot of -- as dense as it is, you will not see through it, regardless. I'm wondering if even we take it and say for the front setback, no greater than five. And the balance of it tapered up to --

ADAM CUMMINGS: Then why are we asking the Conservation Board to look at anything?

PAUL BLOSER: It's a fence.

JAMES WIESNER: I think it should be black and white, no or don't go.

PAUL BLOSER: I think 6 is stretching it, but I understand cutting them down, they will lose it.

KEITH O'TOOLE: I believe the fence, along the new Walgreens and the adjoining residential properties is 8 feet. That gives you a sense of context. Generally speaking, in residential area, 4 feet is pretty much always easy to -- to permit, and then in some ways 8 feet, the height of fences you see in residential zones and other communities as well, when you get beyond 8 feet, then you tend to start talking about commercial type barriers, and these seem out of place in any residential zone.

PAUL BLOSER: And I guess my response to that, Counselor, is when you compare Walgreens, that is a commercial bordering residential.

FRED TROTT: You're trying to separate.

PAUL BLOSER: We're separating residential to residential. I think there is a great difference there. There is a big difference.

KEITH O'TOOLE: I'm not arguing that point. I'm just saying frame of reference, if you want to see something of a given height I and how much it compares to a residential area.

PAUL BLOSER: Oh, I see what you're saying.

Gentlemen, the front setback I would like to see kept at 6.

MICHAEL NYHAN: The setback -- what is the setback?

PAUL BLOSER: From the front of the house to the road.

MICHAEL NYHAN: Okay.

DAVID CROSS: You can see that achieved over a period of time.

PAUL BLOSER: That is what I would like to see be done, done gradually. When you cut the top off, it will instill lower growth, thickening it. There is not a clean way to do it when they're that height.

DAVID CROSS: No greater than 6 feet.

PAUL BLOSER: I would say for the front setback. That's -- at least from the living room window you could see across the top and see the road. If there was an ambulance or milk man coming down the street, at least you can see. You can't see anything else. I do see that point. I'm dating myself.

ROBERT MULCAHY: How high did you want to go?

PAUL BLOSER: 6 feet.

ROBERT MULCAHY: 6 feet all of the way back.

PAUL BLOSER: So at least the house setback, the front setback.

ROBERT MULCAHY: I would move on that.

PAUL BLOSER: Then still consulting with Conservation?

FRED TROTT: Over a time frame.

PAUL BLOSER: I will -- I will give it to Pat Tindale on that, to work with her on that, the homeowner.

I will put this condition of approval. As per code, to 6 foot, or to height Conservation Board --

KEITH O'TOOLE: Mr. Chairman. It can't be as per code, because the very reason we're here is because they're seeking a variance from the code.

PAUL BLOSER: Okay. 6 foot or a height of Conservation Board, whichever is greater, height not to exceed 6 foot.

ADAM CUMMINGS: That is what I mean. There is nothing the Conservation Board needs to --

FRED TROTT: Except for the time frame.

PAUL BLOSER: For the time frame.

FRED TROTT: A time frame how long it would take to --

PAUL BLOSER: Cut them down without killing.

FRED TROTT: Yes. I think if you hack off -- I don't know what the magic number is. A foot a year, or something like that, you know. I mean, it's been there 25 years. If it takes 3 to 5 to get it down to that height, I mean that to me seems reasonable and --

PAUL BLOSER: Cut to a height of 6 foot, by direction of Conservation Board to be completed over a period of time.

ROBERT MULCAHY: How much time?

PAUL BLOSER: Don't know. As recommended by Conservation Board and documented to the file.

JAMES WIESNER: Did we accept the motion?

PAUL BLOSER: Not yet. I just gave a condition of approval on that. And that is that

shrubs will be cut to a height by direction of 6 foot by the Conservation Board, to be completed over a period of time as recommended by the Conservation Board.

With that condition after approval, moving forward with the motion to adopt this application as presented with that condition, do I have a motion?

Fred Trott made a motion to approve the application with the following condition, and David Cross seconded the motion. The motion was approved by a vote of 4 yes to 3 no (James Wiesner, Michael Nyhan, Robert Mulcahy).

PAUL BLOSER: Yes. It does carry. You are getting the variance for it but it will be under the guidance of the Conservation Board to get them cut down to a height that is acceptable over a period of time without killing them. So it might be cutting them over a couple of years to get them down to that height, but we want to try to save them. We don't know what that height will be yet. Well, it will be 6 foot, but we don't know how long it will take to get that. If they say it can't be done, it will be 6 foot for that front setback. That is just from the house forward, not the full length of that.

MS. CIONITTI: What do you mean by the full length?

PAUL BLOSER: Front setback is from the front corner of your house to the street. That is the portion that is really in question here.

MS. CIONITTI: You mean to say we could cut it that way (indicating) is that what you mean.

PAUL BLOSER: Cut it an angle. We'll go by recommendation of the Conservation Board. I will get them with them and we'll set an appointment to come out with you and visit and discuss it and see what we can make happen. Okay?

MS. CIONITTI: Thank you.

DECISION REGARDING THE SHRUBBERY: Approved by a vote of 4 yes to 3 no (James Wiesner, Michael Nyhan, Robert Mulcahy) with the following condition:

1. Hedges to be trimmed to a height of 5 to 6 feet within a specified timeframe recommended by the Conservation Board.

The following finding of fact was cited:

1. The requested variance can be mitigated by reasonable means.
4. Application of Robert Miller, owner; 63 Emerald Point, Rochester, New York 14624 for variance to erect a 14' x 32' addition to house to be 25' from rear lot line (30' req.) at property located at 63 Emerald Point in R-1-15 zone.

Robert Miller was present to represent the application.

MR. ROBERT MILLER: Robert Miller, 63 Emerald Point.

PAUL BLOSER: Is this a single-story addition?

MR. ROBERT MILLER: Yes, a ranch.

PAUL BLOSER: All you're doing to this is adding two bedrooms and a full basement underneath; is that correct?

MR. ROBERT MILLER: Right.

PAUL BLOSER: Are you adding another point of egress or a door out the back end at all? Are you eliminating the rear door?

MR. ROBERT MILLER: No. We'll continue the hallway in the house right into the new area.

PAUL BLOSER: Is there a rear door back there right now?

MR. ROBERT MILLER: No.

PAUL BLOSER: So you're not eliminating an exit?

MR. ROBERT MILLER: Oh, no.

PAUL BLOSER: I guess that is my question. Curiosity.

Corner lot. Not much room. Assuming you're having this done by a contractor?

MR. ROBERT MILLER: Yes.

PAUL BLOSER: The only thing we would put on this is a condition of approval -- we'll move forward with general comment. We don't have a set of blueprints or plans to really look at what you're doing here. We don't approve blueprints. We do like, though, to put in there that roofing materials, siding materials will match what is existing on the house.

MR. ROBERT MILLER: Right, correct.

PAUL BLOSER: We won't want it of a different nature. It has to blend in.

MR. ROBERT MILLER: Yes.

PAUL BLOSER: That will be a condition of approval.

MR. ROBERT MILLER: Okay. In fact, I might get the whole house sided. It all depends on expenses at the time.

MICHAEL NYHAN: One question. On the side of the house, where you're putting the addition there is a drainage easement. Is that a sloping drainage easement?

MR. ROBERT MILLER: That is back -- that is what the --

MICHAEL NYHAN: Down here. It is not quite shown.

MR. ROBERT MILLER: Right.

MICHAEL NYHAN: Is that a sloping drainage easement? Is it a ditch? Fairly level, just an easement?

MR. ROBERT MILLER: On my yard it's -- it is kind of angled back. You know (indicating).

MICHAEL NYHAN: But it is not a -- for instance, not a 5 foot deep ditch or anything like that?

MR. ROBERT MILLER: No.

MICHAEL NYHAN: It is just angled towards that area?

MR. ROBERT MILLER: Right.

PAUL BLOSER: There is a swale there.

MR. ROBERT MILLER: Very easy.

MICHAEL NYHAN: Beyond that there is another home.

MR. ROBERT MILLER: On this side of me. The west side.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: This is pretty straightforward. The only thing I want to do is a condition of approval with the roofing and siding to be consistent in color and materials to existing.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Adam Cummings made a motion to approve the application with the following condition, and Robert Mulcahy 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. Building materials (roofing, siding, etc.) be consistent in color and materials to existing house.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or to nearby properties.

Note: A building permit is issued before construction begins.

5. Application of Darin Murray, owner; 10 Shetland Circle, Rochester, New York 14624 for variance to allow platform with railing on existing pool deck to be 10' 3 1/2" high (6' allowed) at property located at 10 Shetland Circle in R-1-15 zone.

Darin Murray was present to represent the application.

MR. MURRAY: Darin Murray, 10 Shetland Circle.

PAUL BLOSER: The wood frame structure you have up there right now, is that the height of it?

MR. MURRAY: That would be the height of it. That would be the very top of it.

PAUL BLOSER: And is the intent --

MR. MURRAY: That is a picture. That is a couple feet taller. Where the 1 by 6 boards, that is where it would be cut off. That is where the existing -- right now, the -- those boards are taken down. The only thing up there right now is it 4 x 4s, on the corners. So the vertical 1 by 6 boards are all taken down at the moment.

PAUL BLOSER: The purpose of this is to accommodate a slide; is that correct?

MR. MURRAY: Yes. The slide itself stands 6 foot tall. I have two young children. One that will be six next month and A4-year-old, so I want to be as safe as possible for them to get onto the slide and then go down the slide itself.

PAUL BLOSER: So you have a staircase that will go up to this?

MR. MURRAY: Yes. The existing ladder on the slide will be taken off and that will be attached to a wood frame structure.

PAUL BLOSER: So you have a platform they stand onto get down the slide.

MR. MURRAY: Yes.

PAUL BLOSER: The size of the platform.

MR. MURRAY: That is why I need to go up the 4 foot on the side so they don't fall off the platform themselves when they are trying to get on the slide itself.

PAUL BLOSER: Have you talked to your insurance company?

MR. MURRAY: I did talk to my insurance company.

MICHAEL NYHAN: So you took these boards down, but is this what it would look like when you constructed?

MR. MURRAY: You see the 4 x 4s on the corner that look like a football end goal though are gone so everything is flat at the top. The 1 by 6 you see there that would be the top of it.

MICHAEL NYHAN: Where was this picture taken from?

MR. MURRAY: Apparently the street.

The structure itself --

PAUL BLOSER: Between the houses.

MR. MURRAY: It is only 4 feet wide, where you see there. And then I believe it's maybe 3, 3 1/2 on one side and then 5 feet on the other side.

KEITH O'TOOLE: How tall is that structure?

MR. MURRAY: 10 foot 3 inches off --

PAUL BLOSER: Off the --

KEITH O'TOOLE: How tall is it from grade, from the ground?

MR. MURRAY: From the ground?

KEITH O'TOOLE: That looks --

MR. MURRAY: I'm trying to think -- the variance itself is 6 feet from the deck. So I would imagine that the -- from the deck to the ground is another 3 feet. So it is probably 15 feet from the ground to the top of the --

If you're 10 foot 3 above the deck, it is not 4 feet from the top of the deck to the ground itself right where that is.

ADAM CUMMINGS: Your deck is pretty close to the top of the pool. So it -- it is going to be close to. What is the pool? 46 inches?

MR. MURRAY: No. Well, it depends where you measure it. Where you're looking there, the ground level drops down like 2 1/2 feet down to the pool, so what you see there, half of the pool is hidden by the ground. I had to dig out quite a bit there because there was a large slope.

ADAM CUMMINGS: Little castle.

MR. MURRAY: If you look at any playground equipment going up today, there is no slide that you get from the steps directly to the slide any more. There is always some type of a platform because kids were falling off. Transitioning from the steps to the seating position itself. That is what I was trying to eliminate so my kids could be safer.

If the height -- I thought the -- above a certain vertical limit off the deck, if the railing could be shorter, I could short it up that much, if that would help. Over 6 foot tall, I don't know, I thought it was 40 -- 40 something inches for a railing.

PAUL BLOSER: Are there railings on the deck right now?

MR. MURRAY: Yes. There is railings all around the deck right now.

PAUL BLOSER: It's a two-story house, correct?

MR. MURRAY: Yep.

ROBERT MULCAHY: Awful high.

MR. MURRAY: Even if -- I have seen some pools that have 6 foot privacy barrier up, so I mean you are talking 4 feet above that. So I mean 6 foot wouldn't be -- I don't think it would be that much.

PAUL BLOSER: How far over does the deck go?

MR. MURRAY: From where? You mean how long will that wall be?

PAUL BLOSER: The pool, a round pool?

MR. MURRAY: Yes, it is.

PAUL BLOSER: Your deck is complete at this point, correct?

MR. MURRAY: Up to the point where this is, yes.

PAUL BLOSER: I hate to say it screams liability, but it does. That is not within our jurisdiction here.

I look at where it is placed, and it is right smack dab between the two houses. When I drove by, that is all I saw was goal posts.

MR. MURRAY: Right.

PAUL BLOSER: If it was more in back of the house, or the deck was positioned more in back from a visibility standpoint from the street, it would be more palatable, but its neighbors are still going to be looking at it. We haven't opened for public comment, so I don't know if anybody is here from neighbors to comment on it. It is a high structure.

MR. MURRAY: Yep.

PAUL BLOSER: It -- the kids will enjoy it. I'm just looking at impact from a neighborhood standpoint, what -- what it says. From the street side, that is all I see. But other comments from the Board at this point before I open to public comment.

MICHAEL NYHAN: Wait for public comment.

KEITH O'TOOLE: It appears fairly inconsistent with the type of development you see in suburban backyards here in Chili, and while the Board certainly doesn't get involved insures issues, one of the factors we can consider in granting an area variance or denying an area variance is whether the request will have adverse physical or environmental effects, and I look at that and it looks pretty unsafe to me. You take a teenager, mix it with a six pack of beer, and

something bad is going to happen.
Nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

WILLIAM TRIP (phonetic), 13 Shetland Circle

MR. TRIP: William Trip, 13 Shetland Circle. I can't see that from my house, the direction I'm in. Mr. Murray explained to me why he wanted it that height, based on a platform that is safe for the kids to slide, so I understand that.

So it isn't put up as a visual barrier for the sake of visual barrier. It is put up as a reasonable structure to provide proper stability for a platform and railings that protect that platform. So I understood why he was doing it.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Again, I don't live in that neighborhood, and with that there, I'm glad I don't. That is an eyesore. I agree with Mr. O'Toole. It is unsightly. It doesn't fit the neighborhood, and you know, so you have a pool. You can't have everything in life you want. When you live in a subdivision, again, you have to be considerate of the people around you and be aware that the things you do affect them. This affects the looks of the neighborhood and this is a no-brainer as far as I can see, for this Board. It should be turned down.

MR. MURRAY: Regardless of the platform itself, the slide is not in question. So the slide itself will still go up. So that will still be there. The question is, the -- the platform itself being taller than the slide, the slide itself being 6 foot, so that I -- as far as I know, there is no problem with that. So that will still go up. So I am just trying to make it safer for my kids to get onto the slide so they can go down. So you will still see -- to move the whole deck around, it's -- just too late for that. It is a little expensive to do that.

So the slide will stay. If I don't get the variance, I will put the steps of the ladder back on it and try to make it as safe as I can for the kids to go up and not put that on there and the railing will match the rest of it.

As for not matching the rest of the houses, it's a young development. You know, there is a lot of young people in there. We have got skateboard ramps, um, and things -- snowmobile trailers, boats things like that. Those things don't always go with neighborhood, but things change, new things come in. I have had four or five of the neighbors swim in my pool with their kids that don't have pools themselves. So I haven't had anybody come up to me and say, "I don't like it." "You know, I wish you would take it down."

If they, did then I would. We are all friends around the neighborhood. The people that live directly to the north of me that border that, they have two young kids. One of their children are in my son's class, and he enjoys it. So...

ROBERT MULCAHY: How old are your children?

MR. MURRAY: One will be six next year -- or next month, and four.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: I would agree with Counsel. I look at our criteria. This is a -- it is a self-created hardship. Based on what it is, the height of it, um, I -- it doesn't belong in the neighborhood. I see just a lot of problems down the line, in the future. And I would hate to see this be the start of something else for other pools.

ROBERT MULCAHY: That's correct.

PAUL BLOSER: We have never done one of these before.

The slides are permitted at this point, as long as it is firmly attached. It is down to parental responsibility to monitor the situations. I would like to move forward with the application as presented. There is no conditions of approval I would want to put on here at this point.

DAVID CROSS: I will second that.

PAUL BLOSER: With that I will move forward with SEQR.

Paul Blaser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Michael Nyhan seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with no conditions, and Michael Nyhan seconded the motion. All Board members were opposed to the motion.

DECISION: Unanimously denied by a vote of 7 no with the following finding of fact having been cited:

1. The requested variance was a self-created hardship and will create an

undesirable change to the character of the neighborhood.

6. Application of Steven Thomas, owner; 21 Bellaqua Estates Court, Rochester, New York 14624 for variance to allow existing utility shed to be 14'6" high (13'3" high previously approved on 6/23/09) at property located at 21 Bellaqua Estates Court in R-1-20, FPO, FW zone.

Steven Thomas was present to represent the application.

MR. THOMAS: Again, my name is Steven Thomas. I live at 21 Bellaqua Estates Rochester, New York.

I was here in June to seek variance to build a shed, 13 foot 3 inches, as you know. If I may, this is the location of the shed right here. It is behind the house. It's is the lower set of the property.

At the time, what I did -- what I did was I -- this was the -- suppose heed to be the front. This is the drawing I submitted at the time. In discussion with my -- my builder, the intent was for the building to be 13 feet 3 inches. Based upon an 8 foot height, and a 9/12th pitch to match that of the house. And so this -- this was my -- my conclusion.

After the shed was built, what I did is I measured the height of the shed, and it wasn't 133. It was 146. I didn't know -- I couldn't figure out where the mistake was.

Where the mistake lay was I forgot to include the -- the thickness of the roof, and so the house, it is still -- the shed is 8 feet in height. Pitch is 9/12th, and this point indeed is 133, so I didn't make a mistake there. What I didn't include is this -- this thickness of the roof. Where the thickness comes from, in construction, it sits 6 inches above. I'm not an architect, so I'm not too sure the reason behind this, but the spacing is 6 inches. There a gap up here of 2 inches and a thickness again is about 6 inches.

So that was my mistake, and that was -- this was the original drawing that I -- that I submitted, and I -- and I understood, and then I redrew it. I said, well this is -- this is it.

So I -- I went straight to -- when I discovered this, I went to the Town and said, "I -- oops, I made a mistake. What do I do?"

And I was advised to make a new application for a variance. And what I did was -- and that is why I am here this evening.

This is a picture of the house. This is a picture of the house, and the shed, and -- do you gentleman have copies of the photographs?

MICHAEL NYHAN: Yes.

MR. THOMAS: What I want to just show here, this is a photograph from the front of the house, from the road. And the peak of the shed remains lower than the height of the eaves of either house. So -- because the -- the ground pitches down, it goes to the back of the property -- it is a three acre property and it sits in the back there, the back of the property. So the eaves remain low. It is not as noticeable from the road as a consequence of it being deeply set.

But I took a second photograph, and this is the photograph in the back -- and I think it is clear to see there. So this is from the back of my property, and what I have here is -- this is the -- this is the view from the rear, and once again, you can see that the peak of the shed remains lower in height than either neighboring house, my house and the neighbors. You can see here where this extra 15 inches came from. And so, again, the reason why was the missing of the thickness of the height and the -- because I wanted to retain the character of the house, so it would be consistent with the house, I used the same pitch, the same shingle, the same wood, same brick, same keystone, same door, same fixture, same windows so everything matches. That is what brought me here today.

PAUL BLOSER: Did your builder give you a price, too, to chop 16 inches off it?

MR. THOMAS: When I approached my -- my -- my framer, a gentleman by the name of Dave Hill, very good man, I guess it is not his experience dealing with -- I guess this is the builder's responsibility to deal with this, and it is not his understanding, you know, or his knowledge of variances. And so the day I -- I went and Chris (Karelus), "Steve (Thomas), you have to put in another application."

I called Mr. Hill and he said, "Steven, I hope they don't, you know" -- I hope --

PAUL BLOSER: It is probably the nicest shed in the Town of Chili.

MICHAEL NYHAN: I will note it is missing a transom above the one window.

MR. THOMAS: If I may, I joke with my wife, because I put so much effort into building this thing, I joke that I would have to -- I have to live someplace when she kicks me out. So I was always away every summer since I was a small child, so this is better than any place I lived growing up.

But if I may --

PAUL BLOSER: I don't have any questions. You did it as you said you were going to in June. The finishes, the materials. No joke aside, it is probably the nicest shed in the Town of Chili at this point.

MR. THOMAS: Thank you, sir.

MICHAEL NYHAN: He wasn't kidding. That is where he is going. (Laughter.)

PAUL BLOSER: If there is no questions from the Board at this point, I will go right to public comment.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

MICHAEL NYHAN: I want to see a transom. (Laughter.)

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with no conditions, and Michael Nyhan 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 having been cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or nearby properties.
5. Application of Chili American Legion Post #1830, c/o Ernie Miller, 40 Sunset Hill, Rochester, New York 14624 for variance to erect an 8' x 5' double-faced digital LED freestanding sign to replace existing changeable copy sign (approved in 2001 for 8' x 3 1/2' to also be 2' from front lot line) at property located at 450 Chili Scottsville Road in PRD zone.

Tom Schreck, Ernie Miller and Bill Auble were present to represent the application.

MR. SCHRECK: Tom Schreck, S-C-I-I-R-E-C-K. I'm a member of the Chili American Legion Post 1830, located at 450 Chili Scottsville Road here in the Town of Chili.

Chili American Legion Post is the third largest American Legion Post in the County of Monroe. The membership is about 420 Legionnaires. Total Legion family over 750 members. We are part of the largest veterans organization in the world with over 2.5 million active and reserve persons and local communities.

The Chili Post relies heavily on our six major fundraisers throughout the year to be able to support the various veterans programs, community charities and other activities such as Chili Youth Baseball and soccer, scouting, veterans outreach center, Batavia and Canandaigua Veterans Hospitals.

We also have a support the troops program where we shop, pack and ship packages to troops overseas and combat areas during the Christmas holidays.

The six major events are the American Legion Auxiliary Ham Festival, Auxiliary Shrimp and Lobster Fest, The Junior Spaghetti Dinner, The Sons of the Legion Pig Roast, The Legion's Sportsmen Picnic and the Legion Turkey Raffle.

Chili Post 1830 also hosts the community Memorial Day events which include the parade, memorial service, community picnic all free to the community. And in addition to the scheduled events, the Chili Post has been known to host other fundraisers to help other -- in other emergencies such as accident victims on a case-by-case basis.

Other programs we support include the scholarships, Special Olympics and Boys State and Girls State programs.

The purpose of this presentation. The existing roadside sign has been used to communicate the events to the Post membership and to the community. However, the weather and age has taken a toll on the sign and it needs to be replaced.

There is -- there is an existing sign at that location. Chili American Legion Post 1830 has obtained a grant from the State of New York with the help of Susan John of the New York State Assembly Post Member William Olver has worked behind the scenes to submit the request for said grant. The grant is for the amount of \$22,000. The period of this grant agreement is April 1st, 2009, through September 15th, 2011. The expenses are limited to this period and for the sign only. The sign is described as electronic sign to help communicate various events and/or emergencies to the Post members and the community.

If the Post sign is a modern LED programmable type, it can be updated as situations or needs develop. It can be changed from inside without having to climb a ladder and fight the elements. This sign brings to us today -- brings us today to the modern era.

We are non-profit veterans organization. We'll be using the sign for fundraising and public information and possible amber alerts and so on.

It is not for profit or for business advertisement. I emphasize that.

We are located in a farming area on a State highway with few homes, no businesses in the immediate area.

The sign, a similar sign is just south of our location, located at the Wheatland -- Wheatland-Chili High School in North Road in the Town of Wheatland.

Similar type signs are used by other non-profits such as Gates Fire Department, Churchville Fire Department and the Gates-Chili High School.

You see we have a large group behind us. We will not be all speaking. There will be three of us speaking at the most. I am done speaking unless there are questions addressed to me.

I have two other members here that have the specifics regarding the sign. Feel free to ask any questions.

PAUL BLOSER: Before we go farther, Tom (Schreck), you kind of jumped the gun on me. This is Application 7.

Paul Bloser read the application description at this point.

MR. ERNIE MILLER: My name is Ernie Miller. I'm here to discuss the specifics on the sign construction. And also it's operation.

The sign will be shut off at 11 o'clock in the evening. The sign will be used for basic information. The -- the lit part of the -- the LED part of the sign is actually 40 inches by 8 feet. The basic information would be, for instance, Pork Roast, 12 to 4 p.m., Saturday, November 7th. That would be the basic information on it.

The supporting structure will be a rock-block. The block will be either a light gray or a light brown, a tan, to be -- to fit more aesthetically with the property itself. The main part of the building is gray.

This sign is located 250 feet from the intersection. The property is on the corner of Stryker and Chili Scottsville Road. Being 250 feet from the intersection, it will not be a distraction from anybody pulling up to the intersection.

The upper part of the sign will be a permanently lit sign that is 20 inches by 8 feet. On that sign, we'll have the number of the address. Number 450, Chili Scottsville Road.

And that 450 number will be at the top.

PAUL BLOSER: Can I interrupt real quick? Is that just the number, or Chili Scottsville Road?

MR. ERNIE MILLER: Just the number.

On the rest of that permanently lit sign will be the Chili American Legion Post 1830.

The American Lee -- Chili American Legion is open to any suggestions that the Board might have concerning the construction of this sign, but as my fellow member stated, the existing sign is deteriorating.

The new sign would allow us to change the information on there from a computer inside, thereby we don't have to be climbing a ladder in all kinds of weather, which is a safety issue. As you can see, our membership isn't getting any younger. So that is an important issue for us.

At this time, I will let Bill Auble talk on other concerns that he might have. Also, let me put what the sign might look like -- the only thing different -- that is what they call a random bond, and this will be a -- what we call a half bond with the block. But it will have a rock face similar to what that does. The top of the sign will -- it may be a little bit different. It may have a little arch to the top of the sign, but basically that's what it will look like.

Also, I want to let the public aware of the fact that -- and the Board has copies of those. We have 18 signatures from any of the neighbors in the neighborhood that have no problem with the sign. I'm sure you will get some public comments from people that don't seem to care for the sign.

MR. AUBLE: My name is Bill -- good evening. My name is Bill Auble. I'm a Post 1830 member. I'm also 24 Omega Drive here in Chili.

I know you -- I'm confident that you have a packet in front of you. Each one of you has a packet?

PAUL BLOSER: Yes, we do. We did get a copy of the signatures, by the way, also.

MR. AUBLE: Great. Great. There is -- there is two -- to be able to get this grant, um, in writing this -- writing for the grant, I made it known to both of our New York State Legislators, both Alessi and Susan John, that the reason we were applying for this grant was the fact that our Post provides over \$20,000 in charitable contributions, and the only way we do this, as Tom (Schreck) has stated, the only way we can do this is through -- we have at least six fundraisers every year. We communicate with the community, and we communicate with our members through this sign.

If you look on -- it even states that I believe -- on Attachment 2, it is the Legislative Initiative Form. It states right there, the purpose of the project, and that pretty much -- there are -- there are some -- as opposed to being the fourth, we are the third largest in Monroe County. And it's without a doubt the only reason we got the State grant, for us to continue on and to be able to communicate with the -- with the community.

I'm very confident that we are upstanding members of Chili, the Town of Chili, and we do a lot of good here. You can see the sign coming into Town. You know, that's -- I believe we -- we pretty much -- for support of our troops, and there is many good things that we do in this community.

Thank you.

PAUL BLOSER: Is there a member of the Post that is closest with this project that has more technical information on it?

MR. ERNIE MILLER: Would Chairman explain what you mean by "technical information"?

PAUL BLOSER: We'll probably be asking questions, very specific about the sign. I just want to make sure we have the right person standing there to answer the questions.

MR. ERNIE MILLER: Yes.

PAUL BLOSER: I will start with the packet we got, shows more of a brick, brick fascia.

MR. ERNIE MILLER: Yes.

PAUL BLOSER: This is more of a -- I don't know if cultured stone is the right word to use, but a heavier looking stone, more pronounced than a brick would. I want -- which style are you going with?

MR. ERNIE MILLER: It will be masonry. It will be the rock-faced block. What you see is what we got from one of the manufacturers at the time. This is another manufacturer. We are looking at two or three different manufacturers.

PAUL BLOSER: Okay.

DAVID CROSS: Real quick, what the -- a foundation walls exposed on the building, is that like a stone or a block, a cut stone type of look? Does that match the sign better than the brick?

MR. ERNIE MILLER: No. The foundation of the building is -- is strictly -- the additions on the building, is strictly a cement block, but it's all in the gray tone. Similar to your blinds here.

PAUL BLOSER: I like the look of this block rather than I would a brick, based on comparing the building, this fits more than a red brick or a white brick.

MR. ERNIE MILLER: It fits the environment better. It is an agricultural community out there. The brick has a tendency to look more commercialized.

ROBERT MULCAHY: What is the setback on the sign?

MR. ERNIE MILLER: The setback, 2 foot from the lot line. It is in the exact same position that the existing sign was that we had a variance for in, '01.

PAUL BLOSER: Is that the one -- the one that is out there right now, changeable print?

MR. ERNIE MILLER: Yes.

PAUL BLOSER: You're going in the same spot where this --

MICHAEL NYHAN: This will be mounted on the concrete base that is there now?

MR. ERNIE MILLER: Yes.

MICHAEL NYHAN: The top of the banner "Chili American Legion Family Post," is that backlit, or is that lit from the exterior?

MR. ERNIE MILLER: No. It is lit from the inside. It is lit from inside.

PAUL BLOSER: Now, this -- again, I'm going by what this appears. Is this a red color right now?

MR. ERNIE MILLER: That shows a red color. We also have the option of using a yellow. We're open for suggestions.

MICHAEL NYHAN: When the sign is off, it is just a black screen; is that correct? At 11 p.m. when you turn the sign off, it's a black screen?

MR. ERNIE MILLER: Yes.

PAUL BLOSER: What color light are you proposing right now for the print, your display?

MR. ERNIE MILLER: What color light? You're talking about the lettering?

PAUL BLOSER: Yes.

MR. ERNIE MILLER: We were considering red because it stands out more, but every place you look, you see them, it kind of just draws your attention to the sign and you don't see the surrounding area. If the -- if the yellow would be better and less obtrusive, because -- because we have the ability to change the size of the lettering, um, I think that the yellow would suffice.

ROBERT MULCAHY: The background would be what color?

PAUL BLOSER: Black.

MR. ERNIE MILLER: Black.

FRED TROTT: Have you looked at any other options than these LED? More --

DAVID CROSS: Static changing copy sign?

MR. ERNIE MILLER: One of the things -- we have a lot of different abilities to do with this sign, but we don't want -- we don't want it to be a scrolling. A lot of places you will see will be scrolling. That can be very distracting. What we want is -- basic information to be there for -- it could be as -- as little as a day's time, two weeks time, and then it would be changed.

At one time, we thought maybe the time would be nice for the neighborhood, for people going by, but the trouble with the time is, again, you got a flashing thing. Every minute it changes, and we don't want that. We don't want any scrolling. We want it to be a --

FRED TROTT: I guess I'm -- I -- I understand the purpose of the sign. I personally don't like them just because I think that they're distracting. Um, I don't know if there is -- what I mean is there something a little more like LCD, something that is not as strong to drivers that would convey your message the same way?

MR. ERNIE MILLER: There doesn't seem to be anything available at this time. And also, we have took into consideration that the speed limit there is 55 miles an hour. Um, it's not like you're in the village where it is 30 or 35 miles an hour and you have a lot of time to look at this thing.

FRED TROTT: Don't worry. You will see it.

MR. ERNIE MILLER: It is an open area. But the size and the font, the lettering, um, we have the capability of making that larger or smaller. And that is why we wanted to go to the 40 inch in height, for that. There aren't any other signs that I'm -- that I'm aware of, other than like we have right now, but that -- the problem with that is, you have to get members to change that, the information on it periodically. It has to be up always because the base of the sign, the base of the foundation is quite a bit below --

PAUL BLOSER: Is 4 to 5 foot below the grade of the road, isn't it?

MR. ERNIE MILLER: Yes.

PAUL BLOSER: So everything is done by a ladder at this point.

MR. ERNIE MILLER: Yes.

MICHAEL NYHAN: From about the center of the sign vertically what would you say the height from there to the roadway is, the level of the roadway? Do we have that dimension?

MR. ERNIE MILLER: I don't have that dimension, but I would guess that we're looking at the base of the masonry to be 3 to 4 feet, and then there is -- there -- the manufacturers that we're talking to, they require a 6 inch from the masonry base to the bottom of the sign, and the sign would be 40 inches high.

MICHAEL NYHAN: From that point, you sit below the roadway?

MR. ERNIE MILLER: No. I -- I think the bottom -- the bottom of the sign will be.

PAUL BLOSER: At roadway.

MR. ERNIE MILLER: Almost at road level.

PAUL BLOSER: It is quite a drop there. I was looking at it this afternoon. I stopped.

MR. ERNIE MILLER: What we have there looks like a Mickey Mouse set up to be honest. You have two steel columns and it doesn't give any class to the -- to the property.

PAUL BLOSER: Where is your flagpole in relation to that? That is right in front of the building; is that correct?

MR. ERNIE MILLER: Yes. We have two flag poles. One right in front, and one between the -- the back of the building and the pavilion.

PAUL BLOSER: Will you do any shrubbery around the base of this, any plantings of any type?

MR. ERNIE MILLER: We can. Um, one of the problems -- we were going to put a flower pot assembly on the -- under the base of the sign. The problem we have with that, we don't have water availability in that area.

PAUL BLOSER: To take care of it.

MR. ERNIE MILLER: Take care of it.

PAUL BLOSER: You will have a fair amount of wintertime plowing problems, too.

MR. ERNIE MILLER: Yes, because of the road level.

PAUL BLOSER: So there R4 lines it looks like of available text on that.

MR. ERNIE MILLER: Repeat that.

PAUL BLOSER: Four lines of text capability on that.

MR. ERNIE MILLER: Yes.

PAUL BLOSER: In the manufacturer's offering, what are the light colors available? Did you get any other options?

MR. ERNIE MILLER: No. That seems to be the only options I have heard so far is the red or yellow.

PAUL BLOSER: The amber color?

MR. ERNIE MILLER: Yes. We're certainly -- if you have any suggestions, we're certainly willing to look into other manufacturers or other options that you might have available.

PAUL BLOSER: What kind of bulbs are behind the American Legion Post?

MR. ERNIE MILLER: I believe they're a fluorescent tube set-up. The sign is double-faced to be able to read it from both directions.

The wiring in the current one is shot. It has to all be rewired.

PAUL BLOSER: The undergrounds are already to it right now, I assume.

MR. ERNIE MILLER: Yes.

KEITH O'TOOLE: The property is in a Residential zone district. Should you decide to approve the sign with the electronic elements, you might want to consider a condition of approval as to the hours of operation for fixed times, no illumination, internal or external between the hours of A and B.

Nothing further.

CHRIS KARELUS: Just want to bring to the Board's attention that the previous changeable copy sign doesn't apply. There is a separate section of the code to deal specifically with LED, illuminated flashing light signings, which would be this variance. This is a new application.

ADAM CUMMINGS: I have a question on that then. Counsel, do we then have to -- the 2 foot variance for the front setback was set to the changeable letter sign, approved before. Do we have to set another variance for this sign or no?

PAUL BLOSER: Or would it carry with this?

KEITH O'TOOLE: I would restate it just to confirm it.

PAUL BLOSER: For clarification.

How big is that cement pad?

MR. ERNIE MILLER: The cement pad is 10 foot by 3 foot.

MICHAEL NYHAN: One last question on the sign itself. Is there dimming capabilities? During bright sunlight is it brighter than when it is dark? Does it automatically dim the lumens of the LED that is there, or is it capable of getting that --

MR. ERNIE MILLER: I believe it can be brightened during daylight hours and dimmed down during the night hours. But like I said, at 11 o'clock at night it will be shutoff.

PAUL BLOSER: What time in the morning would that go on?

MR. ERNIE MILLER: Well --

PAUL BLOSER: For your sake, I think I would want it drive time for commuters.

MR. ERNIE MILLER: I would guess probably 7 o'clock in the morning.

DAVID CROSS: I will ask, what -- so you have six functions a year roughly. You're

attracting members of the public to many of these functions. What percentage of those members are south of your Legion Post? Because that's what seems -- those are the people that this sign would attract.

MR. SCHRECK: We have the general public, too, that travels that. It is a State road. It is a main north/south road. So it's just another tool, informational tool. That is a busy route. You stand out there, you lose your hat when the cars whiz by at the so-called 55.

DAVID CROSS: I live there, I understand.

MR. SCHRECK: At the present time, the sign that is there is deteriorating. We did have it set up with a timer on it where it would come on at sunset, you know, as it starts to get dark and would go off at 11 o'clock. With the time zone change, you have to change that periodically. Um, but like I said, with the -- with the wiring we had, it -- it started to go down the tube, so it has been off now lately more than on.

PAUL BLOSER: Before I go to public comment, I wanted to make a couple of comments. First of all, everybody knows this would be -- if we were to approve it, it would be the first one of its kind in the Town of Chili. This is something that we're very concerned with. This is something we have never allowed for a lot of reasons.

You did mention like the Gates Fire Department a little bit west of there, the tool supply house. On a cold winter night, the way light radiates in crystalized air, you think it is a martian landing. From a mile away, you can see that thing glowing in the air as it emits. As approach them, they're very in your face. I have come across the one on -- the tool place at night when that is going on a rainy night and they -- and I had a deer right in front of me. I couldn't hardly see the deer because of the sign. These are the types of things we're concerned with, from a safety standpoint.

One of the things that certainly is the biggest distraction to those is the flashing, and the scrolling and the ever-changing. You did mention that that was something you would be addressing that wouldn't be happening.

MR. ERNIE MILLER: That's correct.

PAUL BLOSER: I think if we were to proceed with an approval, that would be a condition of approval. There would be no blinking. There would be no scrolling, flashing. For all those reasons. It is a busy highway. If you look at statistics, if you stare at a headlight coming towards you, your driving tendencies are to drift towards those headlights. It's a proven fact. Because of the drop-off there with no guardrail, certainly we would be concerned with that. With it flashing, I think it would be -- that would be something we would put on -- it just wouldn't be allowed.

It's a big step for the Town if we were to do this, and it opens up a lot of things that we don't necessarily want to be dealing with. I can't think of a better organization, though, for what you do in the Town locally and as an organization nationally is awesome. And I -- I truly tip my hat and salute all you men for what you have done for this country, and women. Just outstanding.

With that, I will open the public comment. I know there are three of you that said you were going to speak, but if anybody has anything to say, this is your time. The floor is open to the citizens of Chili.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CAROL THOMS, 122 Stryker Road

MS. THOMS: I have got two additional letters to read besides what I want to say. My daughter lives -- owns the house at 117 Stryker Road, which is directly opposite in front of the American Legion building. She has the house rented out now, so if you have signatures from anybody at 117 Stryker Road, they're just renters who won't be there long. This is my daughter's letter.

"To whom it may concern: It has come to my attention that the American Legion on Chili Road Scottsville Road has proposed the desire to install a digital sign in front of the building. My property is directly across the road from the Legion at 117 Stryker Road, and as a taxpayer, a property owner I would like strongly oppose the installation of such a sign. Digital signage can cause distracted driving issues, will glare into the windows of my home, reducing property value, add to the light pollution at the intersection of Chili-Scottsville Road and Stryker and is tacky in an otherwise nice rural setting.

Also by allowing one sign to go up for the Legion, it opens the doorway to more of the same, and I feel it is unwise to set such a precedent.

As the Town website states about Chili having a rural agricultural character south of Black Creek, let's keep it that way by not allowing the installation of digital signage. I thank you for your time and consideration Jennifer Thomas Hartwick."

PAUL BLOSER: Ms. Thomas, before you proceed, that is not one of the addresses for the record.

MR. THOMAS: I just wanted to make sure it was.

This is 124 Stryker Road, which is within 500 feet of the corner, um, dated October 10th.

"I oppose the request for the Chili American Legion to allow zoning change for digital reader board on their premise. I live within 500 feet of the property and I consider digital signs would devalue property and be intrusive."

Signed Judy Toby and Helen Daugherty

I own on the -- or on the east side of Chili-Scottsville Road. With my daughter's house and the properties that I own, I have a half a mile road frontage on either side -- with both -- on both sides -- included on the sides of the Legion, and I am definitely against this.

They look cheap, they look tacky. The Town has ordinance against them. I think we need to uphold it. If they don't want to change their sign, I will do it for them, or I will pay somebody to do it, but I don't want my property devalued.

I spend a lot of time on my landscaping and yard work to have it look nice in the neighborhood, and this just is not going to look nice. They can put up a stone frame and put up the same type of sign, and like I say, I will go and change it for them or I will pay somebody to do it.

Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I could only echo what Ms. Thoms just said. We don't have those signs in this Town for a reason. Just the reasons she mentioned and the reasons that Mr. Bloser mentioned, they're tacky, they're distracting. I mean, you could go on and on. We went through this when the -- when this sign ordinance was passed.

We don't have any now. This would be a horrible precedent to set. As far as the organization goes, I appreciate all of the good things they do, but that is not the issue here. It doesn't matter at all. It's just -- it is just an irrelevant point. Neither is the size of the group a relevant point.

When they say that there -- that is their only way to communicate with Chili residents, there are other types of signs available, and they already had the good graces to have a variance already for the sign they have. If it's falling apart after only nine years, I think they should replace it with something comparable to what they were given a variance for. It is very close to the road to begin with.

The fact that the State approved a grant, then I -- that is probably -- that's true, I'm sure. But they really did this backwards. They should have gotten approval for the sign and then gone after the grant. The fact they have the grant is really not an issue either. Whether they have the money to do this doesn't make it right.

It is 55 mile an hour along there, but -- and I'm sure that cars do probably exceed that. I don't dispute that. But you know that same logic would apply to about any place in Town where somebody wanted to put one of these signs, too. This isn't just a -- peculiar to this organization. This 55 mile-an-hour and wanting to get somebody's eye on a sign, that would apply all over Town. That is not really a relevant point either.

The gentleman said, too, that the red print makes your eye go right to it. Well, that's -- that's an argument against it, I guess, because when you're approaching that corner, and there have been many, many, many accidents, something very serious on that corner. It's a bad traffic corner for accidents. Your eye would go right to it when you're supposed to be watching the intersection and where you're going, especially if you're going 55 or more.

So I understand, too, that this sign was already started and the Building Department stopped construction.

Am I right?

PAUL BLOSER: I'm not aware of that.

MS. BORGUS: I believe I was told that in the Building Department.

This is a residential agricultural area and this sign is a total misfit there. If there was ever a place in Town where we didn't want this sign, it is there.

We do have some beautiful scenery and some lovely, lovely homes out in that area. That is what people in Chili want. They stated it on the Chili Center Developmental Ad Hoc Committee. We heard that comment over and over. Retain the agricultural feel for our Town. A digital LED sign doesn't do it.

The other signs that were mentioned by these gentlemen are in Wheatland, Ogden. There aren't any in Chili. Whether they have them in other towns, that's the problem of other towns. The problem here in Chili is whether we let one of these in.

The other thing that I would like to mention is that I think the last gentleman mentioned they're looking at other manufacturers, so technically this Board really doesn't know what kind of a sign you're going to approve. You don't know what it will look like if they're still looking at other manufacturers. So, I mean, you have had two versions already. You give them permission for this sign, how will you really know what you're going to get if they haven't made a choice yet? This is a pig in a poke. And it is something we shouldn't start. Your door will be knocked down by other people in Chili wanting one of these signs. You have had to push these back over and over. This is no time to let one in, regardless of the organization it is for.

Thank you.

MS. THOMS: Can I say something more? Dorothy (Borgus) is right about accidents. There has been a great number of accidents there. My daughter was critically injured and totalled a car in that intersection during a American Legion function when they had cars and vehicles blocking the view through the intersection there. We have been told over the years they were going to, um -- I sent them a petition actually a number of years ago because their two parking spots up by their steps block your view getting in. That is one of the reasons my daughter had the accident there and we totalled a car.

There was another car not a couple years ago that ended up in a ditch on my daughter's

property on 117, right directly across. So the accidents do happen there, and I think the Legion right now, they leave their American Legion sign on 24 hours a day. That is lit up all night long -- we see the light. They would be better off -- I don't know if you're aware, a couple weeks ago, um, there were cars circling the Legion as fast as they could about 3 o'clock in the morning and woke everybody up. The police were called, but by the time they got there, nobody was there. They would do better to put gates on the driveways than this put a sign up like this.

Thank you.

Adam Cummings made a motion to close the Public Hearing portion of this application and Robert Mulcahy seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: This is a very -- it is a hard one for a lot of reasons. But what I need to remind the Board is we have our criteria set for us by the State, and we have to look at the application for what it is. It is a sign. It doesn't matter if it is Walgreens, Dunkin' Donuts, Ambulance Corps, the Legion, a school, whoever. It is a sign. It's a variance for a reader board sign.

We are a little bit incomplete on details of the architecture of it. One quick question. What was your -- the duration dates of your grant again?

MICHAEL NYHAN: 2011.

MR. SCHRECK: I got it. The duration on the grant is from April 1st, 2009, September 15th 2011.

PAUL BLOSER: Okay. And one of the things that I would like to suggest out of the starting gate is because some of the details are incomplete, that maybe we even table this so they can get more information together, get more manufacturer information together on -- any type of alternatives to this that might be acceptable or we can proceed, address it right now, put any conditions we would want on it and vote on it straight up with conditions or table for more information. There are some missing links as far as the final, what the brick does look like. I don't think the brick is as much an issue at this point as the sign, but it is an incomplete detail.

DAVID CROSS: I think from what I'm hearing from the public and some of the sentiments on the Board is the issue is whether -- is the electronic reader board component. I think some of the other details, the brick, the block, you know, are not --

PAUL BLOSER: Incidental.

DAVID CROSS: Kind of incidental. So I make a motion to hear the application as it stands.

PAUL BLOSER: Hearing it as it stands, conditions?

DAVID CROSS: There should be no scrolling, no blinking, no flashing, change six times per year.

JAMES WIESNER: It would seem like it would -- to begin to be agreeable it would need to be certain time periods or certain periods in a month even. I mean, I don't think anybody would want it running full-time.

PAUL BLOSER: I would think that -- besides their main six functions, you do have wedding receptions out there. And I'm sure you would want to put a congratulations for John and Mary got married.

MR. ERNIE MILLER: Yes.

PAUL BLOSER: I mean, these are going to be things we would have to say. No more than six or you restrict your hours. If you will condition it, we have to cover our bases on the thing, too.

MICHAEL NYHAN: The issue is what it says, or how often it says, it is an LED sign.

PAUL BLOSER: LED sign, hours of operation --

DAVID CROSS: Or we condition the heck off it -- this thing. I would be willing to vote on the application as it stands.

PAUL BLOSER: Without conditions?

DAVID CROSS: Yes.

FRED TROTT: Yes. I would be willing to vote on the way it stands or table it to see if they could come up with something that is a little more -- something different. I understand their need for having the changeable sign, but it's -- I'm opposed to the way it is now.

PAUL BLOSER: Counsel, I do have a question. If we're to proceed with the vote as it stands right now, with no conditions, if it were turned down, they could not reapply for the same thing for one year. If they applied for a different sign, same spot, same location, same size, but of a different type, they would not be restricted to that one year; is that correct?

KEITH O'TOOLE: The one year applies to the application presented to the Board. So if they submit a new application, there would have to be a substantial difference, not some incremental change just to say we changed it.

PAUL BLOSER: If the reader board was turned down, that type of sign, an LED sign, then if they came up with a different one, they could come in next month with it. I wouldn't want to lock them, because of the duration of the grant. If they're looking at alternatives, they would want to move on it quickly.

KEITH O'TOOLE: As an alternative, if -- this may not be acceptable to the applicants, but there are really two variances before the Board today. One is for the size of the sign, and the

other is for the -- for the LED component. You could certainly approve the size of the sign this evening, so, for example, if they decided they wanted to go with the changeable copy sign and get one more durable than the previous version, then they could go ahead and build that immediately.

PAUL BLOSER: Okay.

MICHAEL NYHAN: We could have conditions of operation and conditions then? We could have hours of operation illumination as a condition of that, correct.

PAUL BLOSER: I think we would do that -- yes, as a condition, yes. No matter what kind of sign it is. When they come in for a sign -- yeah. If we do a sign approval by size right now, we would have hours of --

FRED TROTT: We wouldn't know what we're getting then.

PAUL BLOSER: We wouldn't. If they bring us a different sign, pretty much any other kind of sign is allowed in the Town.

FRED TROTT: Of that size.

PAUL BLOSER: If we voted on the size right now, they could bring in anything other than LED. So we would want to do a lighting stipulation right now as far as hours of back lighting. If -- if you wanted a condition on hours of operation for lighting -- for a lit sign.

MR. ERNIE MILLER: Excuse me, Mr. Chairman. Can I make a comment?

PAUL BLOSER: Yes.

MR. ERNIE MILLER: Some of the discussions seem to be about the -- maybe going with a changeable copy sign, similar to what we have. That is really a -- a real safety issue and it's a liability, also. It really hampers our ability to perform all of the functions that we do for the charities and for the community. That's all I need to say. There is a safety issue.

PAUL BLOSER: Thank you.

As is or do we vote on the two different things? The size of the sign and --

ROBERT MULCAHY: We have limited signs before. We have not even addressed the size of this sign.

PAUL BLOSER: That is -- the size is listed here.

ROBERT MULCAHY: I know it is listed, but we have limited the size of other people's signs. We have not even addressed that tonight.

PAUL BLOSER: No, we haven't.

ROBERT MULCAHY: That has to be addressed before we even approve anything else.

PAUL BLOSER: Well, that is -- that is what I am asking. Do you want to do it as two separate --

ROBERT MULCAHY: Yes. I think we should.

PAUL BLOSER: Size of the sign right now. Type of sign is a second part of it.

Let's look at the size first.

MR. ERNIE MILLER: Mr. Chairman, the size of the sign, the existing sign, is essentially the same size as this sign that is existing there now. It is a little bit narrower. This is 8 foot. The one that is there is, I believe, 7 foot 6 inches.

PAUL BLOSER: It's about 4 foot high, isn't it?

MR. ERNIE MILLER: Yes.

PAUL BLOSER: So we're about the same.

DAVID CROSS: I think the scale of the sign -- I don't personally have an issue with it. The speeds along there are 55 to 75, somewhere in there. It's off the road a little bit. I don't think the --

MICHAEL NYHAN: Too smaller will not change the fact if it is not an LED sign.

DAVID CROSS: No problem with the square footage.

MICHAEL NYHAN: I wouldn't want the sign to be operating all night long if we were to approve the sign. I would want the hours of operation for the sign.

PAUL BLOSER: I'm sorry, I didn't hear what you said.

MICHAEL NYHAN: If we should approve this, I would want conditions for hours of operation. I wouldn't want to just approve the sign as is.

PAUL BLOSER: Right.

For back lighting? Yes. Down lighting, anything?

MICHAEL NYHAN: Correct.

PAUL BLOSER: Why don't we then do size of the sign, and hours of operation for lighting rather up light, back light --

MICHAEL NYHAN: LED.

PAUL BLOSER: Whatever it is. Let's do that as one portion of this. That gives them a parameter to move forward with whatever they do. It is a little bit bigger. It is an 8 by 5 sign as opposed to 7'6" by 4. Size is not significant, but we need to clarify it. Sign not to be larger than that size.

ADAM CUMMINGS: I wanted to point out, this doesn't stick to the American Legion. It sticks to the property. If they ever sold, somebody else gets a nice huge sign, whatever type we choose to give them. So we have to be leery of that, too. Or aware of it.

PAUL BLOSER: The size of it is -- not much different than what they have right now.

ROBERT MULCAHY: It is bigger.

ADAM CUMMINGS: I think the variance before was 8 feet by 3 1/2 feet, if I read it right.

PAUL BLOSER: We're 8 by 5 now.

ADAM CUMMINGS: We're increasing the height a foot and a half, double-sized.

ROBERT MULCAHY: The pillars are 2 foot apiece, so that -- that is 12 feet.

PAUL BLOSER: We go by the size of the sign.

ROBERT MULCAHY: Oh, okay.

This orange dimensions they have here is 100 inches.

PAUL BLOSER: That is your clear opening between the posts. The sign itself is -- is the 8 by 5.

We'll go for the sign first, the size of it.

The Board discussed what size they would be voting on.

PAUL BLOSER: Lighting on the sign, only between the hours of 7 a.m. to 11 p.m. as requested. For the sign itself, the size and lighting, is there anything else you would want on for condition of approval?

MICHAEL NYHAN: One question for the Counsel. Could you put a -- could we put a condition on this if there is any change or removal of the sign, that the variance is no longer valid and a new variance would have to be applied for if somebody wanted to put a sign?

KEITH O'TOOLE: Yes.

MICHAEL NYHAN: So for instance, if the American Legion were to sell, one of the conditions would be that that sign would be removed?

KEITH O'TOOLE: I don't like that one. We don't really get into the issue of who owns the property. We get into whether it's appropriate for the property or not. So if they tear the sign down, it doesn't matter who owns the property.

MICHAEL NYHAN: If they decide they want a different sign up in the future, they would have to which before the Board again.

KEITH O'TOOLE: If you were to impose that condition, yes.

PAUL BLOSER: Any future changing of sign in any nature --

MICHAEL NYHAN: Meaning if it came out with bright lights some day, they would have to come before this Board again to change that.

PAUL BLOSER: Right.

Any future change of sign of any nature would require a new application. That is condition 3. There are three conditions right now for the size and hours of sign. Signage.

Paul Bloser reviewed the proposed conditions with the Board.

DAVID CROSS: 8 by 5 foot double-sided we should say on that.

PAUL BLOSER: Okay.

KEITH O'TOOLE: 2 feet from the front lot line.

Paul Bloser further reviewed the proposed conditions of approval with the Board.

JAMES WIESNER: What about mentioning no scrolling.

PAUL BLOSER: That comes down to type of sign at that point.

DAVID CROSS: Little leery --

PAUL BLOSER: I would put 4.

The Board further discussed proposed conditions of approval.

PAUL BLOSER: Final configuration of the sign, we would like to see what type of lighting it is, up light, back light, down light, whatever light. And what the style is, changeable print, LED, (inaudible).

ADAM CUMMINGS: Is that for did --

PAUL BLOSER: This is for this. This is not condition height of lighting or style of sign. This is strictly for the size and hours of operation. Okay?

With those conditions, we'll call this application 7A.

On Application 7A, Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Robert Mulcahy seconded the motion. The Board all voted yes on the motion.

On Application 7A, Paul Bloser made a motion to approve the application with the following conditions, and Michael Nyhan seconded the motion. The vote on the motion was 6 yes to 1 no (Adam Cummings).

PAUL BLOSER: Do you follow what we did with that?

MR. SCHRECK: Yes, sir.

PAUL BLOSER: For the type of sign. 7B. This is strictly for a vote on LED sign as applied for.

DAVID CROSS: Electronic reader board sign.

PAUL BLOSER: Electronic reader board sign.

I will go further on this to say this vote is for electronic reader board sign described in article 550.54 -- 50-4.

MICHAEL NYHAN: A4?

PAUL BLOSER: 500-50-4.

MICHAEL NYHAN: A4?

PAUL BLOSER: A4. Yes.

MICHAEL NYHAN: That includes the sign that they asked for, as I'm reading it? Am I interpreting the same as everyone else here? Okay.

PAUL BLOSER: Although, reading that it doesn't specifically call out an LED sign.

JAMES WIESNER: That is just general signage.

MICHAEL NYHAN: That's why I'm asking.

PAUL BLOSER: This vote is -- this portion of the vote is for an electronic reader board sign, described in 500-50-A4 and LED in nature.

KEITH O'TOOLE: I would omit the code reference. The question is really what they're applying for.

PAUL BLOSER: Okay.

On Application 7B, Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Michael Nyhan seconded the motion. The Board all voted yes on the motion.

On Application 7B, Robert Mulcahy made a motion to approve the application, and James Wiesner seconded the motion. The motion was denied by a vote of 6 no with 1 yes (Michael Nyhan).

DECISION ON APPLICATION 7A: Approved by a vote of 6 yes to 1 no (Adam Cummings) with the following conditions:

1. Sign shall not exceed 8' x 5' in size, double-sided, and 2' from the lot line as proposed.
2. Lighting of the sign only allowed between the hours of 7 am – 11 pm as requested.
3. Any future changing of sign in any nature would require a new variance application.

The following finding of fact was cited:

1. The requested variance is not substantial in nature.

DECISION ON APPLICATION 7B: Denied by a vote of 6 yes to deny to 1 no (Michael Nyhan) with the following finding of fact having been cited:

1. LED electronic readerboard: Commercial character of digital, LED sign is inconsistent with rural agricultural and residential character of Chili-Scottsville Road.

PAUL BLOSER: For the LED sign, we're not going to approve this. It leaves you open -- we gave you your size. What we're looking at is an alternative, what can we do? You have plenty of time here. Let's look for some other options, what other styles we can use.

MR. ERNIE MILLER: Thank you.

MR. SCHRECK: We thank the Board and the citizens for their input and their time.

The was a recess in the meeting at 9:42 p.m. The meeting resumed at 9:51 p.m.

8. Application of Daniel Kellogg, owner; 37 Spicewood Lane, Rochester, New York 14624 for variance to erect a 10' x 10' deck to be 54' from front lot line (60' req.) at property located at 37 Spicewood Lane in R-1-15 zone.

Daniel Kellogg and Janine Kellogg were present to represent the application.

MR. KELLOGG: Dan Kellogg, 37 Spicewood Lane.

MS. KELLOGG: Janine Kellogg, 37 Spicewood Lane.

PAUL BLOSER: This is the one that is already there, right?

MS. KELLOGG: Partially.

PAUL BLOSER: What have you got to do on it yet?

MS. KELLOGG: Some of the boards still have to be nailed down. Railings and the stairs.

PAUL BLOSER: You're putting railings around?

MS. KELLOGG: Uh-huh.

PAUL BLOSER: Have they done inspections on this at all?

MS. KELLOGG: No. We were -- we got several estimates from different contractors and they all said the same thing; we didn't need a permit because it wouldn't be attached to the house.

Well, that was an error. I came in within an hour of the Inspector showing up to fill out the application and we found out we need the application also. So nothing has been done. It has just been sitting for about a month.

SUPERVISOR DUNNING: Usually with these right up front -- this is a pretty straightforward one, but there will be a condition of approval on here that all codes have to be met. Inspections will have to be done. Up to and including footers will have to be dug out and inspected for depth and diameter. Just so you know -- expect that if they didn't tell you. Most likely they will --

MS. KELLOGG: That is what we found out.

PAUL BLOSER: What kind of railings are you putting on it?

MS. KELLOGG: Just regular.

MR. KELLOGG: Standard, I guess, railings they would be.

MS. KELLOGG: Flat on the top.

PAUL BLOSER: Wood or vinyl?

MS. KELLOGG: Yes. Wood.

It's not out of character in the neighborhood.

JAMES WIESNER: Just approved one probably a year and a half or so ago down the street.

MS. KELLOGG: We're actually doing the same thing as a couple houses down. There are quite a few in our area.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

Paul Bloser reviewed proposed conditions of approval with the Board.

PAUL BLOSER: You have already applied for the building permit?

MS. KELLOGG: (Inaudible) if it were approved tonight.

PAUL BLOSER: Yes. You have a letter in the mail, but officially if the Board votes in favor of it, you can go in 9 o'clock tomorrow morning when they open and get the permit. It is official at that point, tonight, one way or another.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Michael Nyhan seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with the following conditions, and Fred Trott 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. All codes must be met.
2. Inspections by the Building Department must be completed.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or to nearby properties.
9. Application of Samuel Gallo, owner; 130 Morgan Road, Scottsville, New York 14546 for variance to create an undersized lot for proposed Lot R-5 to be 1.61 acres (1.75 acres previously approved) at property located at 122 Morgan Road in AC zone.

Samuel Gallo was present to represent the application.

MR. GALLO: Mr. Chairman, members of the Board, my name is Samuel Gallo. I live at 130 Morgan Road, Scottsville New York, 14546. And the reason that I am here tonight is we -- this was all resubdivided here five years ago, and we -- let me see if that -- that's a little different than what I have here.

FRED TROTT: You might need to put that up there.

MR. GALLO: If I can, just up here -- we presently live on -- well, let's see.

JAMES WIESNER: We can have the bigger version up here if you would like.

MR. GALLO: Yes. I have a better one here.

JAMES WIESNER: Bring it over here.

MR. GALLO: I can explain it a lot better here.

This was all resubdivided five years ago. We built on this house here. This is our existing lot line. You will see it -- this is Krenzer Road. This is Morgan. We come down here (indicating). It's an irregular-shaped lot. We had it -- we did that at the time because we owned property here to -- to the rear. We made it a five-acre lot so we wouldn't have to have a variance.

We built our house on Lot R4, and our -- it's a flag lot. And actually, our entrance -- our address is 130 Morgan Road, so we own just 20 foot on Morgan Road, but the -- but the majority of our frontage is here on Krenzer.

We built here and then we wanted to put a -- we envisioned a turnaround in here (indicating) five years back and now we're just getting around to getting it paved. And come to find out, this turnaround is right on the lot line, and as a matter of fact, the turnaround is a little too short. When you go to swing around, you have to sort of back up to make another turn to go completely around and we wanted to extend that turnaround just a couple of feet. If we did that, we're going to be right on the lot line. All we're asking is we own this lot here next to it, too. They're both -- this Lot R4 and R5 both belong to us. All we're asking is that we take 20 foot off of this lot here, and add it to ours up here so we can extend this driveway, the turnaround and that is it.

Now, what we're asking for is a variance to create an undersized lot. This lot here was approved originally, but now we're going to be taking -- if you do the math in there, 295 feet by 20, roughly 2 tenth of an acre. We're taking 2 tenth of an acre off Lot R5 and adding it onto R4. That's all we're wanted to do.

The thing is, right now, I -- I've got this all mowed and this was all in the pine trees at one time. We took all of the pines down to build the house. We left a lot of them around the perimeter of the house. And back hereby the turnaround (indicating), there's a lot of nice pines in here that I have got all well groomed and landscaped and everything, and mulched and that, and come to find out, they don't even belong to me. I mean they do today, but if I ever sell this lot, they will be on this neighbor's -- or the new owner's property.

So all we're asking is just taking 20 foot off this R4, adding it to our lot over here the only thing really is just requesting the variance for an undersized lot. This was already approved at one time. It was 1.72 acres, and I think it is -- will be down to 1.6 now, but it is still larger than all of the other houses in the area.

That's about it --

PAUL BLOSER: Is there public water out there?

MR. GALLO: Yes, public water. It's all septic, though.

PAUL BLOSER: As a matter of fact, when we -- when we built this -- when we built our home here, this Lot R4 -- as a matter of fact, we run all of the utilities and everything are all in -- or I mean the -- the cable, water lines, electric, gas, and everything is all back to this lot line here to R4. The -- when we dug the trenches, we got permission from the Water Authority at the time. We have a 2-inch line going back to our house from Morgan Road back to here (indicating), which is probably, oh, 5 or 600 foot back off the road. We figured once we had that trench opened up, we can put the other utilities in there for this Lot R5, and we had the okay to do that, so the gas line and everything is in there and all of the utilities are right in there, right up to this lot line, so it's a -- so... it's -- well, an approved lot. It shouldn't affect anything. I mean, we had the perk test and everything. Everything was taken care of. And this -- just taking this 20 foot off the front doesn't really affect anything, according to the engineers that did the surveying, you know. Avery Engineering.

I'm open to any questions. I don't know was else I can say.

I think what really happened here, we were so concerned at the time, we didn't want to apply for a variance for this five-acre lot, because we -- let me add something else. We used to live right down here on the corner, on the corner of Morgan and Krenzer Road. I built that house back in 1962. And we had an opportunity to buy some property behind us, and we were comfortable there.

I had a daughter that loved this property up here on the hill. She says, "Dad," she says, "gee, I would love to build up there some day."

I said, "Honey, we'll have to go through a lot of zoning and variancing and everything else," so we did that.

We went the whole 9 yards. We had all of the surveying done. We had the zoning, the Zoning Board, the Planning Board -- I don't know how many times I was here, but we finally got everything squared away, and daughter took us out to dinner one night and said, "Daddy, got some bad news."

"Honey, what is that?"

She said, "Well, I know we put you through a lot of trouble with all of the zoning and everything, but the house that we wanted to build and in the Town," she says, "with the taxes and that, we're in our early 50s," she says, "I don't really think we can afford it."

My wife over there has had both knees replaced. This house down here that we built in '62 is beautiful. It was a split level, but you're up three steps, down four, up seven, down six.

When my daughter told me that she couldn't build up here, I was lost for words. I looked over at my wife and said, "Honey, how would you like something all on one floor up on the hill?"

That's all it took. From then on, we had -- we went, we concentrated so much on making this lot a five-acre lot, you will notice how irregular it is, but there is a pipeline that flows down through here, and this is a Sunoco pipeline, and this follows the easement line (indicating).

But we concentrated so much on making that a five-acre plot, that we neglected this turnaround over here and didn't realize it was going to be that close to the lot line. So that is

where we're at.

Okay. If you have any questions I can answer, I would be more than happy to --

MICHAEL NYHAN: Sir, the turnaround that you have, that is the proposed turnaround you want or does it need to be bigger than that?

MR. GALLO: It's a little short. It's really a little short. If you come in here to swing around, you have to swing real wide, come off the turnaround to make that turnaround in one pass.

MICHAEL NYHAN: Looks like the edge of that right now is about 1 inch equals 50 feet? So -- so right now it is about 50 feet from your -- maybe 25 feet from your lot line; is that correct?

JAMES WIESNER: The old lot line is the dotted line.

MR. GALLO: Oh, no. See where the dotted line there is the existing lot line.

MICHAEL NYHAN: Right.

MR. GALLO: The dotted line is the existing lot line, and the -- the dot -- the dash along dark line would be the new one.

MICHAEL NYHAN: Okay.

MR. GALLO: What we're doing is moving this existing lot here to the east 20 feet.

MICHAEL NYHAN: Okay. I was reading it --

MR. GALLO: No. It is confusing. I wish I had it up on there so you could see it a little better, you know.

MICHAEL NYHAN: What you're giving us is not the existing lot line; it is what you would like?

MR. GALLO: Yes.

PAUL BLOSER: What are your intentions of the shed right now?

MR. GALLO: Oh, we're going to move that. As a matter of fact, that shed is -- believe it or not, it's on a flatbed trailer. It's on a flatbed trailer. That has been there since we built this house, and as a matter of fact, the former Building Inspector -- I don't think he is with you now that was here four or five years ago when I built the house. I was telling him that some day I wanted to move that back here and set it back in here and we talked it over and I don't know if you knew Marty Stork that lived in the Village of Chili, good neighbor, good friend of mine. Marty (Stork) was going to help me do it, as a matter of fact.

And I will be honest with you, it is just sort of set there. I haven't done anything and I'm sort of glad I haven't, because we'll put this to bed first. But that is on a flatbed trailer. That can be moved. We were going to locate it back in here (indicating). We talked one time about -- it's a nice little building.

As a matter of fact, we're going to -- we're going to side it and it will be all vinyl sided, the same shingles as the roof and everything else. But just to keep my little plow tractor back there in the wintertime because I maintain this driveway, 650 foot long. I keep that all plowed out. I plow the two neighbors out. I plow the -- Mrs. Walker out, so I'm out there all of the time, all winter long, and I -- I don't charge them anything for doing it.

FRED TROTT: You own both properties?

MR. GALLO: Yes.

FRED TROTT: So why do you need to change the lot line?

PAUL BLOSER: Because -- for the driveway.

MR. GALLO: Why?

FRED TROTT: If you own both properties, why would you need to --

MR. GALLO: That was my --

FRED TROTT: You want to sell the lot off?

MR. GALLO: Well, yes. If we wanted -- if we wanted to sell that lot off, we're actually -- it was approved five years ago.

FRED TROTT: You had plans of selling it?

MR. GALLO: Yes. And now we're taking -- we're taking a 2/10 of an acre off of it, which means it is in a five-acre zone, and it's an undersized lot. So I checked with the Town and they told me that I had to apply for a variance to do it. I was hoping I didn't have to.

CHRIS KARELUS: Just ask that the shed -- we won't sign off on the plans until that shed is moved.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Adam Cummings seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

The Public Hearing portion of this application was closed at this time.

PAUL BLOSER: The only thing I will do on this for condition of approval is shed to be moved.

MR. GALLO: I will take care of that.

PAUL BLOSER: Before you drop the permit, make sure you're in from all of the lot lines or you will be back.

MR. GALLO: Okay. No problem.

PAUL BLOSER: If you would, just mark on a print and give it to the Town where you're

going to set that before you set it.

MR. GALLO: All right. I will do that. As a matter of fact, because -- his name slips my mind, but I know we talked about it, and, you know, I have got -- I have got all kinds of room back in here (indicating), and I can tuck it back in here and stay within -- you know, whatever is required and there wouldn't be any problem.

PAUL BLOSER: Just clear that all through the Building Office. They will tell you what your parameters are. Just let them know where it ends up with the proximate placement on the lot.

MR. GALLO: I can do that. I would be more than happy to do that.

PAUL BLOSER: The other request I will put on there is that the iron pins that are mentioned on the map right now, that they be moved to reflect the new property lines.

MR. GALLO: Okay. All right. I will touch base with Avery Engineering. They have already been out. As a matter of fact, they made these up. But we can do that.

PAUL BLOSER: I have them pin them and put a stake right there so they know where they are. If you go to develop it --

MR. GALLO: As a matter of fact, in all of the other corners, there are stakes in all of the other corners with the -- as a matter of fact, what is it, 2-inch PVC, about a foot or so long, driven in the ground right over the center of the stake so that you can see right where they're at.

PAUL BLOSER: Very good. Thank you.

MR. GALLO: Okay.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Adam Cummings seconded the motion. The Board all voted yes on the motion.

Adam Cummings made a motion to approve the application with the following conditions, and Michael Nyhan 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. Iron pins to be shown to be reset where the new property line will be.
2. Shed to be moved from the property line.

The following finding of fact was cited:

1. The requested variance is not substantial in nature.
10. Application of Calvary Assembly of God Church, owner; 3429 Chili Avenue, Rochester, New York 14624 for variance to erect 2 - 6' x 3' single-faced freestanding signs (at Chili Avenue frontage), 1 - 10' x 6' double-faced freestanding sign (along Chili Avenue frontage), and 1 - 6' x 3' double-faced freestanding sign (at Beaver Road entrance) at property located at 3429 Chili Avenue in RB zone.

MR. HUBER: Good evening. My name is Gunther Huber, the church administrator at Calvary Assembly here to present this application for the Board.

As you just indicated, we have pictures in your packet there. The entrance sign is a little bigger picture over to my right here showing the -- what it looks like. There are two 45-degree angle entrance signs there. Single-sided.

Then we have an entrance on Beaver Road where we plan to put a double-sided sign of the same size, and then the fourth one is the main -- the main sign, the main church sign which would incorporate the full name of our church, pastor, the phone number, website, the information that we really want to get out to the community and those passing by.

Obviously the purpose this application is the signage square footage. According to the code, I believe if I have read it correctly, the entrance signs are three square feet and two are allowed. In the case of the main sign, 32 square feet and in the case of the entrance signs, we're looking at 36 square feet, and in the case of the double-sided sign for the main sign, we're looking at 120 square feet.

I also want to state clearly that even though the code allows us so many square feet, approximately 100, 150 square feet for signage on the building, the church building, we do not plan to utilize any of that signage on the church building. So if you will, it is kind of a trade-off. We're trying to go with the freestanding which we feel is much more attractive and permanent, and that was one of our design goals, is for permanency.

And also, the basis of this proposed signage, really two in fact, we wanted to design signage that was visually attractive not only to our church property but to the community and that it be constructed with the same excellence that our church building is. We have brick -- if you know the church it is right up the road. We have brick in the entrance, the porch main entrance of the church building.

Secondly, we wanted signs that were readable at appropriate speeds given the traffic on Chili Avenue. We won't go into what the actual speed is, but if you talk to any of the neighbors they don't back out of their driveways on Chili Avenue. It is pretty quick. The letter sizes for

your information were selected with this in view and recommended by our sign designer. So we believe that the overall picture is 13 acres of property. We have another -- well you have the site map there. The total 13 acres on our property, and -- so we believe that the location of the signs is really fitting to the overall on configuration of the church property and also aesthetically attractive. We'll have lighting on it that will be timed for dusk to 11 o'clock, which is basically what we have in our parking lots right now, and we will also have obviously plantings in front. We'll dress it up very, very nicely. It will be the brick as -- just as it is there, with a white concrete slab in the center, and then we have -- we're buying from the designer is raised -- metal raised letters that will be mounted onto the face of the concrete slab. So we feel it is very attractive, very permanent. That was one of the -- one of the issues that the pastor and the church Board were concerned about, rather than going with a wood board, wood type of sign that will eventually have to be replaced, we wanted to go more permanent and certainly more aesthetically attractive and blending into the existing church building. And we will remove the sign that is up there as soon as we can get approval on these.

There an existing sign that is up close to the corner of Beaver Road and Chili. It was actually our construction sign when the building was going up, back in 2006, and so we just covered over the picture of the -- it was a -- just a graphic picture of the church building. We just put all of the lettering on there. One of our fellows at the church did it. But we want to remove that as quickly as possible because of its location. It just doesn't really fit what we want.

The location of this main sign is approximately halfway between the entrance of Chili Avenue and the Beaver Road intersection, which is about 270 some odd feet roughly. We have approximately almost 900 feet frontage on Chili, and almost 1,000, 1100 on Beaver Road. So we feel that they're appropriate. And they're visually, you know -- they're -- they would be able to visually be seen at appropriate distances based on the letter size which I have indicated on that spreadsheet that I have included in the packet.

PAUL BLOSER: What kind of lighting are you using on this?

MR. HUBER: Just traditional flood lighting from the ground up.

PAUL BLOSER: Incandescent bulbs, fluorescent, halogen?

MR. HUBER: Halogen. That is what we have on the building right now. Just -- that's sufficient to obviously light it up, to make it readable during the -- those hours after sunset.

PAUL BLOSER: I don't have a problem with the Beaver Road sign at all. You almost need something there.

MR. HUBER: Say it again.

PAUL BLOSER: I don't have a problem at all with the Beaver Road sign. There isn't really anything there. People coming up, that is a busy road. A lot of traffic through there. So I feel that is very, very appropriate.

My only question right now is three along the Chili Avenue frontage. If you have an alternative plan, if we were to say no on three there, is there something else that you have in your back pocket?

MR. HUBER: Not really. The driving issue here was actually the configuration that -- Roberts Wesleyan's entrance. You know that 45. It was really very attractive to us. It drew attention. And plus the fact we wanted to make sure those driving on either direction on Chili, that they can see where the entrance is. And also -- the other part of that is the -- our denomination, Assembly of God, AG logo, as compared to there are other churches in Town called Calvary Chapel churches, so we wanted to make sure we distinguish between that. Many people coming from out of town familiar with our denomination could pick up on that and see it and they would know who we are.

It was really to draw attention to the main entrance. That was the motivation for the two single-sided signs there, and the main sign is it informational sign which gives the website and the phone number, pastor's name and eventually the service times.

It's far enough -- in our opinion, the distance was far enough away from the entrance so if they're coming down, they can see the informational sign and then be attracted to the entrance sign. They could -- that was something -- another sign designer had shared with me that was kind of a -- an intelligent design to draw them to the entrance. It was based on that recommendation, as well.

PAUL BLOSER: Your intent was not to put anything on the building at all?

MR. HUBER: Absolutely. Never has been. From the beginning, Pastor didn't want anything on there. We really wanted to address something permanent, very attractive and in fitting with the property and the existing church building, which we believe we have met.

PAUL BLOSER: Would the lighting on all of the signs go out at night?

MR. HUBER: Yes, sir.

PAUL BLOSER: Any of the signs are you proposing to put the street number?

MR. HUBER: The entrance sign, the first one.

DAVID CROSS: General comment on that. I think I would -- that almost creates too busy of a look, too much information on some of the signs. The street number would be appropriate. Just one of the signs instead of all of them.

MR. HUBER: It would only be on --

ADAM CUMMINGS: The entrance ones.

PAUL BLOSER: Both entrances.

MR. HUBER: On the two entrance signs. Not on the main sign.

ADAM CUMMINGS: Maybe Dave (Cross) is saying just one on the side of the double-facing main sign.

PAUL BLOSER: The big one.

ADAM CUMMINGS: The big one.

DAVID CROSS: I think that would get the point across and make it not so busy.

MR. HUBER: Could you repeat that again?

DAVID CROSS: Just stating that the -- the street number, it might -- it might work well just being on the main sign out front.

PAUL BLOSER: Sign with the phone number on it.

MR. HUBER: We could put it right on the brick like we do there.

PAUL BLOSER: Just like you're proposing on the other one, only having it on your main sign and not on both of the smaller ones. Beaver Road, I think you have to have one.

MR. HUBER: Not really. Because the mail -- the mail comes in on Chili Avenue. We're 3429 Chili Avenue.

PAUL BLOSER: There is not a Beaver Road address.

MR. HUBER: No. It's strictly a -- another entrance that we have. We have actually a gate on there most of the time.

PAUL BLOSER: What is the sign at Beaver Road going to look like?

MR. HUBER: Identical to what you see here, except it would be a double-faced.

PAUL BLOSER: Of the smaller sign.

MR. HUBER: That's right.

PAUL BLOSER: So your 3429 wouldn't go on that one?

MR. HUBER: No. It wouldn't go on that one.

ROBERT MULCAHY: Too many signs on Chili Avenue.

PAUL BLOSER: Yep. There's a lot of frontage there, too.

You don't currently have anything at the driveway now, either driveway?

MR. HUBER: I have a little 3 foot square, one of those metal posts.

PAUL BLOSER: I mean permanent of any kind?

MR. HUBER: No. Temporary.

PAUL BLOSER: More sandwich board realtor sign.

MR. HUBER: Realtor sign, exactly. That is all I have now. For two years, I had just cones out there that were driving me crazy. We really want to get on with this program as we're expanding.

CHRIS KARELUS: I would just like to see the Board consider the lighting. Being capable of having shields on. Certain times they're off. I know this is more a comment.

Churches get some leverage within our code to be able to have like, for instance, changeable copy and other announcement signs. The Church has been notorious this summer for, I think, grossly signing the property when certain events would come up. Where I would consider one or two, you might see half a dozen, seven. I would like them get more elaborate, double-faced sign, with changeable copy put in place.

If the Board can work not having a lot of non-changeable signs consistent with the church out of the program. This is a good opportunity if they really want to bring a package to us, let's try to work out all of the signs that usually show up on this property.

Again, if -- if it were one instance, it would be unique, but it has been numerous. Summer fun days, events, everything that is scheduled, we see six or seven signs up along Chili Avenue constantly.

PAUL BLOSER: Is that something you have considered for your main sign?

MR. HUBER: What is that?

PAUL BLOSER: Some type of changeable print to your activities could be put on it?

MR. HUBER: No. We had that on the Marshall Road and we -- the Pastor was really against that. Just, again, it -- to our view, it is very cheap looking. It is -- it is not consistent with what we have as a church structure today. We want something permanent and something that really is -- really speaks out. And has the full church name. So the things that we do are, you know, during the course of the year, we have a couple of sandwich boards for sports camp, that type thing, a couple weeks that come up and down, but that does not -- but that is separate and distinct from what we're doing here as far as the permanency of the church name and the address and the Pastor's name and telephone number and the website. So I -- it has a distinct purpose for that main church sign.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I agree with Mr. Bloser when he says that those three signs in a row right along Chili Avenue is not good.

I'm wondering why they don't do one sign and make it two-sided. Put it perpendicular to Chili Avenue. You could see that then from either side and you would eliminate a sign.

The sign in the main -- the main sign in the front yard there, I think, that is nice. Um, the one on Beaver Road I don't have a problem with. But I think we should do the same thing on Beaver Road, which is a two-sided sign, use the same thing on Chili Avenue. I'm wondering how far back those signs are from the road. I would be concerned about their being in the way of sight distance -- sighting when you pull out. It's hard to tell from a picture.

PAUL BLOSER: Beaver Road is a double-faced sign.

MS. BORGUS: My -- that would be my suggestion for Chili Avenue, as well. That would eliminate the three signs right in a row along one road.

JAMES WIESNER: 15 feet off the road right-of-way is a single note.

MS. BORGUS: 15 feet. Well, that is probably back plenty far then. That should be fine.

MR. HUBER: They will probably be 15 plus.

MS. BORGUS: That would be good. That would eliminate the problem on Chili Avenue with so many signs along one road frontage. I tend to agree with what Chris (Karelus) said about the special event signs. How will we deal with that? Because it -- it really -- they have nice signs, this beautiful church, it is well kept up and then we have these signs all over the place for all these events and it is -- because they're active church, it is one event after the other. So we have these hand-made or sandwich boards or some kind of a sign out there for an event, pretty constantly, especially in the summer.

And I know -- and banners on the front of the church. Those -- I know it solves the church's problems, but from an aesthetic point, I don't think that does much for Chili. So maybe we should look at the whole thing as a package. I think he has a good idea.

Thank you.

I would like to rise in support.

CHRIS BACKUS

MR. BACKUS: My name is Chris Backus, Senior Minister at Anchor Christian Church just down the street from them on Beaver Road. We have looked into signage ourselves. If you impose upon them a restriction that they have to use moveable copy, or whatever that is called, um, that is going to add quite a bit of cost to their project. And so, I don't think that would be a fair imposition.

As to the number of signs along Chili Avenue, I will let you decide what to do with that, but I'm tired of all their people who want to go to their church coming to our church because they can't figure out where they are. So I think you need to give them the signs they need.

Thanks.

PAUL BLOSER: You pass the plate before you tell them where to go?

MR. BACKUS: Yes, we do.

MR. HUBER: But that is obviously one of our intents here. It is the ideas that we want to attract people -- we have had many, many people come and become part of our congregation as a result of the location of the church. Now we just want to add to that the website and the Pastor's name, the phone number and so that people can check it out at home, make phone calls and just give them the necessary information that they need to identify us as an Assembly of God Church as opposed to something else.

We also looked at so many in the area, other places such as Bellaqua Estates, and the apartment complex up on Chili Avenue where they have the double signs out front. True, we have three in a row, but the idea of that was the -- spurred from the Roberts Wesleyan installation which is the first company I went to initially for some cost estimate. And -- did and some information. They passed me onto a company that is doing our designing for the lettering. Visual impact out in Batavia. That again is the motivation here. We understand what you're saying, it is just that what we're trying to accomplish is to get -- and as the traffic continues to know, as there are more cars in the area, the other concern is we want to down the road be sure it is a safety issue from the standpoint of finding an entrance they can see at least 60 to 100 feet before they get there. That is the purpose of having the 245 signs there to try to get their attention. I think you could probably argue the other side, a double-sided sign, can it do the same thing? It is just aesthetics, our point of view, something to look for attractive to have the 2 at 45, as being an entrance, defined entrance.

PAUL BLOSER: I don't think there is any question your design and the monument bases they're very tasteful and you're directing traffic into the driveway. I think it is more the redundancy of the signage. At the drive -- right there at the entrance of the driveway. Beaver Road, fine. The main sign, I think is very nice looking also. Certainly much, much nicer than what is there now.

MR. HUBER: We all agree on that.

PAUL BLOSER: It is the two at the driveway that I'm kind of hung up on now. That it is too many times repeating. I'm trying to think of an idea of something else. Possibly we could do with that. I would also be open to if you wanted to table this and go back and I maybe look at some other ideas.

You have heard some of the Town input. Signs are a big issue in Chili.

MR. HUBER: Really?

PAUL BLOSER: The general populous does not like them. We really put a lot of effort into what they look like. This is, the design wise, is really, really nice. I'm more concerned about too much of it. Tool. Three times you have the church written within --

MR. HUBER: 200 -- halfway between. That is 500 feet there. From the -- from the entrance to the corner of the -- of Beaver Road.

PAUL BLOSER: You have your main sign, and have your monument base there at the drive with a couple nice Stage Coach type lights or some type of pole lighting there to direct traffic more in. I think might be attractive. It is more of the signage than it is the monument base. The entrance, it really needs something and that is classy what you have done there with the stone work. It's the sign part of it.

DAVID CROSS: Scale it down.

FRED TROTT: You don't need three signs there saying the same thing. Too much.

PAUL BLOSER: If it is something you can look at with your Committee and toss some ideas on it, before we did a vote, you know, I would be willing to table this and look at it rather than to say a -- if we were to say no right now and I'm not voting for anybody else, but I would rather look at an alternative than have it all turned down because then you're -- we're looking at a year unless like we said before there is a significant change on an application before you could apply again. I think you're looking to move forward for a lot of reasons on this.

So I would ask for direction from other Board members here.

MICHAEL NYHAN: In looking at the signage, it's a beautiful sign package. It is what we're looking for in this Town, if there is to be a sign that is what we're looking for. I, too, in that distance, when I see three large signs -- but again, one sign at the entrance similar to a larger sign down the road, I don't know that would change anything either.

You know, there is a reason why we permit 246 square feet of signage on the building because the intent they wanted signs off the side of the road and on buildings. We're putting three right out here on Chili Avenue. So I don't know if moving the main sign to a different location would change that, but there is something about the three signs in such close proximity that doesn't set well with me, even though they are absolutely beautiful signs.

PAUL BLOSER: The big sign, I like where it is. I think it works well there.

MR. HUBER: It is very open and very visible.

PAUL BLOSER: As you come around that bend, you see it and you see the building. It's a nice relationship. It's more the two by the driveway that that have the name there two more times. The back side of those just plain white?

MR. HUBER: That's correct.

CHRIS KARELUS: The Board recognizes that each face is 6 foot by 10 foot, face. Not the whole sign. It is 8 foot by 14 feet.

PAUL BLOSER: That's what I'm looking at.

CHRIS KARELUS: The breadth of that sign. That's huge. Massive.

MICHAEL NYHAN: In relation to the property at Roberts Wesleyan, even though it is the same thing in mind, Roberts Wesleyan is a much larger campus with much bigger buildings, multiple entrances.

PAUL BLOSER: And almost separate entities. You have the school and the church, they're separate.

MICHAEL NYHAN: Seems like too much signage on one face, on Chili Avenue.

FRED TROTT: I agree. In my opinion, way too many signs. My personal opinion, one on Chili Avenue, and if they want to mark their driveway, put up like you said a carriage post light and lamppost. They're all saying the same thing.

MR. HUBER: No, it is not. The main sign.

FRED TROTT: Basically the same thing.

MR. HUBER: No. No the main sign has all of the information. The entrance sign has Calvary Assembly, the church name. That is what we talk about. So in our view it is distinctly different.

FRED TROTT: In my view, they say the same thing.

PAUL BLOSER: All three signs say "Calvary Assembly" on it.

ADAM CUMMINGS: One says the additional information, so they are really different signs, but those ones at the entrance are really serving as entrance signs, so I agree with the -- using some kind of a marker or monument-lighted structure that is not a sign and that cuts down on the variance. Even if those go on there, the calculation still doesn't take into the street -- the street number that you have shown for both and the trademark logo, the AG, that is even more. So it is even going beyond our code even more with those.

I agree, it would just -- I agree with the marker being very useful at the entrance, but it's over doing it with more signage.

PAUL BLOSER: Before we go to a vote here, have you kind of heard our expression. And again, I will say, we can table this and have you come back with a modification of some type. If we vote and it goes negatively, that could postpone another application for up to a year.

MR. HUBER: When you say come back, does it go through the two-month cycle again?

PAUL BLOSER: We could put it up to next month. I could say at next month's meeting. We have -- it will be the third Tuesday of the month. Last Tuesday of the month. December we're actually meeting December 8th. We're flipping the schedule a little bit. So we're going to almost be two weeks back to back. So we'll have a week off. So we have two coming up pretty quickly. You wouldn't have to go back in and reapply and wait.

Now if we said we're going out to the November meeting, you would still be required to put the ten-day sign up prior to the meeting, but tonight I would say you're coming back in November and if you called within a week and said we really need to go the extra two weeks to get the December one, we could push it out to December. It's not like you have to get in the queue again for the whole -- like you say, the cycle. We're just moving it out and it would be reflected in the minutes.

MR. HUBER: Just deferring it for 30 days.

PAUL BLOSER: Yes, tabling it without a vote.

MR. HUBER: I guess -- what I guess I would need to know to take back to the table, what you all would be comfortable with. Is the option I'm hearing is either one sign, or is it possible we could have a compromise and go in with a double-sided entrance sign? Would that --

PAUL BLOSER: Beaver Road, we're set. Leave that to the side.

MR. HUBER: Duplicate what we have on Beaver Road.

PAUL BLOSER: Your main sign is fine. I think we're pretty good with that. That looks nice. You can put your logo on that pedestal.

MR. HUBER: We don't need that. It is Calvary Assembly of God. That defines our church.

PAUL BLOSER: It is the main entrance that is very redundant, and there is a lot of square footage there with the signs. To see what we could do with that. On the main driveway.

MR. HUBER: Okay. I guess I'm confused what options are there? Either no sign or a double-sided sign?

ROBERT MULCAHY: I think we said double-sided.

PAUL BLOSER: A double-sided, but lesser in size.

MICHAEL NYHAN: The size of the signs at the entrance are very large.

PAUL BLOSER: Reduce that down.

MICHAEL NYHAN: They're 8 foot by -- 10 foot by 5 with the -- with the brick. 10 foot by 5 with the brick. The sign itself is 6 foot by 3. Those are enormous entrance signs. The intent of these signs are to mark your entrance, and 2 foot by 3 foot sign is what --

DAVID CROSS: You don't to make it look like a tombstone, though.

MICHAEL NYHAN: Just to give you a show of -- just what is permitted by code and you have two of them in that code.

MR. HUBER: You have to be on to have it to read it. That is the only problem.

MICHAEL NYHAN: All that is delineated is the entrance. The name of the church is defined by the main sign.

MR. HUBER: We're trying to define the entrance. That is the motivation. So I'm asking is the Board open to if we compromised on -- again, I'm just taking information back.

PAUL BLOSER: A small single-sided, double-sided there.

MR. HUBER: Yes.

PAUL BLOSER: I think, yes. It is the size of two like that, separate -- I like what you have done with the monument base there, is very nice looking entrance. It's the two signs themselves. If we could get that one sign somehow. I would like to see what you're doing with the entrance differently, without that much signage. Somehow cut that back down.

ADAM CUMMINGS: I may be thinking of it wrong, but it sounds like you could have two entrance monuments, not signs, entrance monuments delineating the entrance, having a single smaller double-faced sign and then your main entrance sign. I would feel comfortable with that. I don't want to speak with anyone else.

MR. HUBER: No sign at the entrance?

PAUL BLOSER: Double-sided.

ADAM CUMMINGS: On either side of the entrance, I would -- I would propose farther to the east to break up your main entrance -- you're main sign wherever that was located.

MR. HUBER: That is halfway between that.

ADAM CUMMINGS: That is why I'm saying on the other side. Delineate your entrance, some kind of decorative monument.

PAUL BLOSER: The stone base.

ADAM CUMMINGS: Just not a sign.

PAUL BLOSER: That is what Roberts did on theirs. They have their name on one and a similar stone base on the other side, so it's a nice definition.

MR. HUBER: They're sign, at 45, with the same information on both.

MS. BORGUS: No, they don't.

MR. HUBER: That's where we copied from. And Bellaqua Estates has the same thing, too. I'm trying to get a flavor as to -- if we come back and I want to make sure we come back with something that we can agree on. It's something again we haven't discussed at the Board level, so I want to make sure I have all of the facts I can take back to the Pastor and Counsel.

ADAM CUMMINGS: I'm kind of saying no entrance signs. There would be two road frontage signs. One being the main one with all their information. Other one being the smaller one.

PAUL BLOSER: One sign.

ADAM CUMMINGS: Some sign for people coming from the east, heading west, saying this entrance up here is --

PAUL BLOSER: Even heading west you will see the big sign.

ADAM CUMMINGS: Yes.

PAUL BLOSER: You will see the big one.

ADAM CUMMINGS: That's true.

MICHAEL NYHAN: I don't have an answer what I want to see there. I just feel this is too much.

FRED TROTT: I don't think it is part of this Board to give you exact direction. I think listening to our comments and trying to come up with something that you hear what we said. It's too many signs. I mean, that is kind of evident.

ADAM CUMMINGS: Lot of square footage.

FRED TROTT: Lot of square footage.

MICHAEL NYHAN: Number of the signs, size of the signs. Beautiful signs, they're -- monument bases are beautiful, the way you have them laid out.

PAUL BLOSER: The main entrance is what I would like to see worked on. I think it still -- warrants a sign. I would like to see it cut down to maybe a double-sided one, double-sided one

side or the other and work it into that somehow. Smaller than what your big main one is.

I would rather table that and do that in fairness to you than the flavor I'm getting here, it wouldn't be a positive vote right now. That would stall your project.

MR. HUBER: Yes. That is one of the reasons we're hoping to get started before the snow flies. So at least on the entrance signs.

PAUL BLOSER: I could table it until November. You're still -- concrete work, you still have time to do that.

DAVID CROSS: We can approve the main side in front of the church and the one on Beaver Road.

PAUL BLOSER: We could go for a vote for those.

DAVID CROSS: We can you can get started.

JAMES WIESNER: In the past to tell them what we accept size wise and let them go back and figure out to make it fit. We have done that on Wegmans' signs. We have done that on a few others.

PAUL BLOSER: Then they just submit it for approval.

I would be comfortable moving forward with the main and the Beaver Road right now, get those off the plate and get started on them, the base work. In the short term if your team thinks the monument bases are still, for an entrance, you know, that -- I don't believe that would be a Board approval thing here, because it is not a sign. It's a structure at that point. Your permit for your base, your footer, that wouldn't come to us. It is the sign that is the issue.

MR. HUBER: Okay.

PAUL BLOSER: If you would like us to move forward with those two, we would.

MR. HUBER: Yes. Move forward with the other two.

Paul Bloser reviewed proposed conditions with the Board.

CHRIS KARELUS: I ask that you capture the condition no building-mounted signage of any nature as committed to by the applicant too, whether that be special event.

Again, what I asked the Board to do is to try to clean up a lot of the recurring sign issues that are recurring with the property. I know his commitment on the building signage, at least we can stop the hanging banners that we see. We're kind of (inaudible) put (inaudible) wait on free-standing sign, so we can clean up some of the things we see recurring. I ask capture that as a condition.

PAUL BLOSER: Conditions of approval on this vote would be make Chili Avenue sign approved as presented. Two Beaver Road signs approved as presented, and three, no other signs or banners allowed on site without Board approvals.

CHRIS KARELUS: You would have to make a commitment for any other signage on the property. But I heard the property -- he would have no building-mounted signage, which in my interpretation would include banners.

PAUL BLOSER: That is why I said no other banners allowed on site without Board approvals.

CHRIS KARELUS: On property or on the building.

MICHAEL NYHAN: Chris (Karelus) is saying on the building.

CHRIS KARELUS: The property signage, the -- once again, code does permit the church to have special event signage. We're seeing six or seven of them along Chili Avenue.

PAUL BLOSER: On building or site without Board approval.

CHRIS KARELUS: I would ask -- he make a commitment for that.

KEITH O'TOOLE: I don't think he has to. If that is the condition, than I think we're okay. I believe the applicant has indicated the reason they're going so big with the free-standing signs is if they're giving up the wall signs. So as a condition of approval, the Board is prohibiting wall signs.

PAUL BLOSER: On the building, yes.

KEITH O'TOOLE: Just a side comment, if I may. The idea of prohibiting wall signs as well as other signs on the property; is that correct? Is that the condition?

PAUL BLOSER: That is the condition that has been requested.

KEITH O'TOOLE: Thank you, Mr. Chairman.

MICHAEL NYHAN: Condition on the hours of operation of the lighted sign?

PAUL BLOSER: Did you mention that? What is your -- 11.

MICHAEL NYHAN: 11 p.m. is the latest it would be on, I think you said.

MR. HUBER: To 11. Which is what we have in our parking lot.

FRED TROTT: Light shields on them.

MICHAEL NYHAN: Paul (Bloser) it? The application. Does it need to be a condition.

PAUL BLOSER: I would just to clarify it.

MICHAEL NYHAN: Lastly, the shielding of the lights.

The Board further discussed the proposed conditions of the application.

PAUL BLOSER: Do you know what we're talking about with those?

MR. HUBER: No.

PAUL BLOSER: The lights, instead of just having a square light box with your lens shooting out, it actually puts like horse blankets and defined the light to the parameter of the sign, so it doesn't spill beyond the property.

MR. HUBER: Yes. Absolutely.

PAUL BLOSER: Your sign guys will know exactly what they are because they do it all of the time.

MICHAEL NYHAN: Intent is on glare on traffic or lighting up the houses across the street.

ADAM CUMMINGS: It's a more expensive shoe box.

MICHAEL NYHAN: Special ordered shoe. (Laughter.)

Paul Bloser further reviewed the proposed conditions with the Board.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Michael Nyhan seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application with the following conditions, and Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

MR. HUBER: For clarification regarding banners, still every once in a while we have special function, we put a banner up for about a week.

Is that restricted in any way?

PAUL BLOSER: As a code of our Town, they are restricted. Anything now would have to be presented to the Building Department and to -- for us for approvals for either temporary sign or permanent. But right now we're saying based on this variance nothing is allowed without future Town approvals.

Do you want us to table that portion for the November meeting?

MR. HUBER: Yes.

PAUL BLOSER: You may want to check because that would fall on Thanksgiving week. I think it is still the Tuesday. Discussion about when the next meeting would be. 24th of November.

Paul Bloser reviewed with the application what would happen. There was discussion about needing new notification signs.

DECISION (Regarding variance to erect 1- 10' x 6' double faced freestanding sign (along Chili Avenue frontage), and 1- 6' x 3' double faced freestanding sign (at Beaver Road entrance) at property located at 3429 Chili Avenue:

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

1. Main Chili Avenue sign as presented.
2. Beaver Road sign as presented.
3. No other signs or banners allowed on the site or building without board approvals.
4. Sign lighting to be allowed from dusk to 11:00 pm only.
5. Sign lighting shall be required to use spill shields to eliminate light spillage to traffic and nearby residences.

The following finding of fact was cited:

1. The requested variances will not be substantial in nature.

Note: Sign permits are required before the signs are erected.

DECISION (Regarding variance to erect 2- 6' x 3' single faced freestanding signs (at Chili Avenue entrance) at property located at 3429 Chili Avenue:

Unanimously tabled to the November 24, 2009 meeting by a vote of 7 yes to table for the following reason:

1. Applicant to come back with an alternative plan as current proposal was excessive.

New Signs for posting to be obtained and posted as per Town Requirements.

11. Application of Mark Wells, owner; 899 Westside Drive, Rochester, New York 14624 for variance to allow the total square footage of two existing utility sheds to be 408 sq. ft.

(192 sq. ft. allowed) at property located at 899 Westside Drive in R-1-20 zone.

Mark Wells was present to represent the application.

MR. WELLS: Mark Wells, 899 Westside Drive.

PAUL BLOSER: This is application 11. A long night.

MR. WELLS: I hear you.

PAUL BLOSER: Sorry to make you wait so long.

Going by there with the fences and trees and shrubs and houses, you can't really see anything from the road.

MR. WELLS: Not at all.

PAUL BLOSER: So from visual impact from the road there really is none. Are these both existing right now?

MR. WELLS: Yes.

PAUL BLOSER: The one looks like it is on the lot and has to be moved out.

MR. WELLS: Yes. Chris (Karelus) knows that.

PAUL BLOSER: This is pretty much just square footage bringing that back into compliance.

CHRIS KARELUS: Just ask capture as condition of approval the movement of that small shed.

PAUL BLOSER: Right.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Dorothy Borgus, 31 Stuart Road

MS. BORGUS: Just a question. I assume the smaller shed did not require a permit.

PAUL BLOSER: No.

MS. BORGUS: Because of size. But was there a permit for the 12 by 24?

PAUL BLOSER: It appears there was not from what I saw.

MR. WELLS: We chatted about that Chris (Karelus). You said after I got the variance I would have to get building permit for the big shed.

CHRIS KARELUS: Yes. You can't get a permit without the variance.

MR. WELLS: Thank you.

MS. BORGUS: Just so the applicant understands, if you're going to build something in Chili, you have to go the route.

PAUL BLOSER: Right.

Chris (Karelus) he will need a building permit for that.

CHRIS KARELUS: Yes.

The Public Hearing portion of the application was closed at this time.

Paul Bloser reviewed the proposed conditions with the Board.

Paul Bloser made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and Michael Nyhan seconded the motion. The Board all voted yes on the motion.

David Cross made a motion to approve the application with the following conditions, and Michael Nyhan 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. The smaller shed located on the western side of the property shall be moved a minimum of 8 feet from the side lot line.
2. Larger shed (12' x 24') to be code compliant and permits issued with any required Building Department inspections.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood.

The meeting ended at 11:06 p.m.