

CHILI ZONING BOARD OF APPEALS  
November 27, 2007

A meeting of the Chili Zoning Board was held on November 27, 2007 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: Todd Benz, Jordon Brown, David Cross, Richard Perry, James Wiesner and Chairperson Paul Bloser.

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

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: Mr. Martin has turned in his resignation to be effective December 31st of this year.

Before we start with the agenda items, I have a couple items of old business that I want to review first.

First of all, from last month's meeting, we did make a note in the meeting that we would be presenting the findings for the resolution of 28 Daunton Drive. They have been written up. I have got a copy for each of the Board members. They did have a copy in advance.

I just would like to make a motion that we adopt these tonight, to be added to the minutes. I need a motion for that.

JORDON BROWN: Moved.

TODD BENZ: Second.

JORDON BROWN: Just as far as the audience knowing what we're -- what we're voting on, should we just summarize?

PAUL BLOSER: In brief, last month's meeting we had an application for 28 Daunton Drive, Rochester, for a wood-burning boiler, outdoor wood-burning boiler for the extension of an existing variance, which is seven years. They wanted to extend it out to 30 years. The Board voted unanimously to turn it down. And we have put together the findings and our reasoning behind the decision.

So those are being presented tonight, and will go on for official record purposes.

The Board was unanimously in favor of the motion.

PAUL BLOSER: These minutes are approved -- findings are approved, excuse me, unanimously.

The second item I wanted to review quickly, we do have an appeal for a decision from last month for 56 Bellaqua Drive regarding a deck variance. At our meeting last month it was turned down on a 3 to 2 decision. We have had an appeal by the applicant through their attorney, Fix, Spindelman, Brovitz & Goldman. This just came in this afternoon. I don't know if everybody has had time to read it or not, but at this point I'm going to ask Counsel for some direction on this.

KEITH O'TOOLE: Basically what they're asking for is a rehearing. You have already had a hearing that was already open to the public and the Board voted. Under the State Law, you can have a rehearing if one of the Board members makes a motion requesting the rehearing and all of the Board members agree with that motion. In other words, it has to be unanimous. If -- if no one decides to make a motion, then the decision stands.

If somebody makes a motion and less than a unanimous vote is had, then the decision stands.

PAUL BLOSER: Does everybody understand that? Have you had a chance to read the letter?

Are there any questions from the Board? We did just receive this today. I guess I will throw out if we wanted to go ahead and do the vote to it. Make an amendment to this or rehear it or -- because we did just get this today, if you want to have a chance to review it, compare it to the minutes of the meeting. I think in fairness to the applicant, we have to make sure that we have covered all of our criteria properly from a legal standpoint.

DAVID CROSS: I will move for a rehearing for next month's agenda.

PAUL BLOSER: Do I have a second on that?

JORDON BROWN: I will second that.

PAUL BLOSER: Okay.

Keith (O'Toole), as I have not done one of these before, do we have to do a vote on that since we have a motion to defer it until next month?

KEITH O'TOOLE: Yes. Do the vote, please.

PAUL BLOSER: Then I will take a vote on that motion.

TODD BENZ: No.

JORDON BROWN: That's the end of it, right?

TODD BENZ: Is that the end of it?

KEITH O'TOOLE: It is practically, but you should record the vote.

JORDON BROWN: Yes.

DAVID CROSS: Yes.

RICHARD PERRY: No.

JAMES WIESNER: Yes.

PAUL BLOSER: And I vote yes on this to be heard.

Based on that, to hear it next month -- does it have to be unanimous to hear it?

KEITH O'TOOLE: That's correct. The thinking is, is that they have already had their opportunity to make their case in front of the Board. This is a second bite at the apple.

PAUL BLOSER: Okay.

Then official, we, the Board has decided not to hear this again; is that correct?

KEITH O'TOOLE: That's correct.

PAUL BLOSER: Okay. We'll move through the agenda items.

First item on the agenda -- first I would like to review the signs.

The Board agreed to hear Application 1.

The Board agreed to hear Application 2.

The Board agreed to hear Application 3.

The Board agreed to hear Application 4.

The Board agreed to hear Application 5.

PAUL BLOSER: At this time, we will hear all of these applications this evening. Also we do at the end have an informal discussion for KMart for -- on Paul Road, some signage.

1. Application of Steven DeHaven, owner; 123 King Road, Churchville, New York 14428 for variance to allow the total square footage of garage area, including a new 36' x 54' detached garage to be a total of 2,296 sq. ft. (900 sq. ft. allowed) at property located at 123 King Road in R-1-15 zone.

Steve DeHaven was present to represent the application.

PAUL BLOSER: For the record, I have passed out a letter to everybody that we got from the County. There's two portions to this. One is going to be for setback on this, based on the size of the property, and first portion we'll be hearing is for the building itself. There is some concern it appears from the DEC that there is some wetlands.

MR. DeHAVEN: DEC has been back there. They have looked it all over. I will give you the paper saying that -- the guy that was there no longer considers it wetlands.

If you look at the map I gave you, the Town of Chili ran a drainage through my property. The reason it is wet is because the first time they dug it out, they piled the dirt to the railroad side, making a dike all of the way across there. And about 12 years ago, they dredged the creek out and laid all of the dirt to the house side of the creek, so I drain everyone's property for all of the houses around except for my own because the Town of Chili has made a dike down through there. That is why it was considered wetlands.

The DEC came down and said they don't consider it wetlands. They gave us paperwork. He suggested it be taken off wetlands.

PAUL BLOSER: I know you have been before the Drainage Board Committee.

MR. DeHAVEN: Many times.

PAUL BLOSER: Many times. At this point, where does it stand?

MR. DeHAVEN: Same as it was when I first started coming. Um, they did clean out between mine and my neighbor's yard. They did that, but the actual creek -- the actual drainage is filling in the same as it was when I started. I -- I haven't been to a meeting in a couple of years, because I don't feel I got a result from them, but --

PAUL BLOSER: So it is still wet back there?

MR. DeHAVEN: Well, no. I use it as a yard. I cut grass and everything else back there. I have it all as a yard right now, where the barn is going to go.

PAUL BLOSER: Are you bringing in any fill to raise up the floor level of the barn?

MR. DeHAVEN: There will be 2 foot of crusher run stone in there.

PAUL BLOSER: 2 foot deep?

MR. DeHAVEN: Yes.

I have got a paper here from the estimator, who gave me -- he is going to take a foot of topsoil off and put a -- 2 foot of crusher run stone there.

PAUL BLOSER: What are -- what are you using this building for?

MR. GIZZI: It is a pole barn for storing my boats and tractor and all of the kids' toys.

PAUL BLOSER: That is a significant building.

MR. DeHAVEN: Well, it's -- it is a good size, but I probably should build it bigger, but I'm not going to.

PAUL BLOSER: Are you running any type of business out there, doing any type of automotive work, repair work?

MR. DeHAVEN: No, sir.

JORDON BROWN: Are we satisfied it is not within a federal wetland? I'm confused. Any guidance from --

CHRIS KARELUS: Sure. He met with biologist Dave Woodruff from the DEC. He's not saying it's not wetlands, okay. The State has criteria that if it is not 12 acres in size or better than that, then it doesn't qualify for State wetland.

Mr. Woodruff's report and even the surveyor that did the work for Mr. Gilden notes it is located in the federal wetlands, which has another jurisdiction, but again, if the Board -- the Building Department is recommending it not be in that location. Pour drainage. You note the Town has a drain easement through that area and drainage tile goes through there, as well. It is just an area subject to flooding. If you look at the water marks on the trees, it is obvious that area does have standing water. Whether it is yearly or whether it's seasonally, that can't be told. But there are federal wetland on the site.

At the very least, if the Board sees it fit to grant the variance for the size, the Building Department will recommend that be located outside the federal wetland until he provides proof from the Corps of Engineers that one, it is acceptable to them; and two, our Town Engineer and Department of Public Works Supervisor is satisfied with the drainage and grading plan.

So yes, it is located in a federal wetland. And again, just reference the map that Mr. Gilden put to the Board for application. He notes on there it is a federal wetland location.

PAUL BLOSER: Having served on Drainage for several years, I know you have been in there. So I know it has been a problem. And I guess I have a concern about putting a building back there for your -- for your good as well as long-term, if you were to sell the property, for anybody else.

I guess I would like -- I -- I am in agreement with Mr. Karelus on this.

I would also like to get some input from Joe Carr from the Highway Department, what they have done and how they perceive it.

MR. DeHAVEN: He has been invited out to look at the problem several times. I have never seen him come out.

PAUL BLOSER: Okay. I would also like to talk to Dave Lindsay from Lu Engineering because I know at some point he was involved, but I -- but I -- again, I don't have the details on that, and I -- I think that before we do this, I would like to get really good solid information that it is right for everybody. You know, for you as well as for the Town.

MR. DeHAVEN: Can we get somebody to come out and look at it? I mean you can walk around. I have lived there 20 some years. On the other side of the creek I have seen standing water. In my yard I have never seen standing water. He just said there is standing -- I would like to know where it is at. I have lived there 20 some years. I cut the grass.

CHRIS KARELUS: Come to the Building Department. You need to contact Army Corps of Engineers. It is in their jurisdiction. It is their purview to either permit or not permit the location of the shed. That is what I am trying to explain to you. We know there are drainage issues in the area. The two drainage easements the Town has, the substantial ditches that were cut back there and just the fact that the wetland is subject to hydrology. You're subject to standing waters. Those are the levels of approvals you have to get before this Board can even say "yes" or "no."

MR. DeHAVEN: All right.

PAUL BLOSER: At this time I would like to table this so that information can be obtained and presented to us. Can I have a motion for that?

JORDON BROWN: So moved.

TODD BENZ: Second.

JAMES WIESNER: So what would actually come out of this? He would come back with a report --

PAUL BLOSER: The applicant comes back -- I will contact Joe (Carr), and Dave (Lindsay) myself, and get their input on this. Mr. DeHaven, if you have any questions, talk to Chris (Karelus). He is new with us. I hate --

DAVID CROSS: Where do I contact him at?

CHRIS KARELUS: Building Department.

PAUL BLOSER: The Building Department. Right where you would apply for the building permit. And we'll walk you through this -- they will walk you through to get to where we have to be so we have all of the information so we can make a good decision for everybody. In fairness. If I was to take this through now, based on what I see, um, myself, I don't think it would work. I want to get what Chris (Karelus) says, proper information so we can give you a fair -- in fairness to you, that it is done right.

MR. DeHAVEN: All right.

JORDON BROWN: This is a tabling. It is not a no.

MR. DeHAVEN: I agree with you. But I'm going through this. My whole problem with it being wet back there, the Town of Chili is the one that created it all. And now I got to deal with it.

PAUL BLOSER: What we want to do is get to the bottom of it for you. It has been presented to us. And through the Army Corps of Engineers, we'll get it resolved. If it is the

Town's problem, we're now at a juncture where we can have that taken care of.

MR. DeHAVEN: All right. All right.

PAUL BLOSER: Like I say, this is not a no. This is not turned down. Let's just finish our fact-finding and we'll relook at it. Again, at the same time what I would like you to also consider, um, Mr. Karelus' comment is the placement. Could it be moved a little bit in any direction to help offset this problem? Just -- I don't need an answer now. Just look at it. Okay?

MR. DeHAVEN: All right.

PAUL BLOSER: To see where we're at with the whole thing.

MR. DeHAVEN: Okay. We'll get somebody to come out to at least look at the situation?

PAUL BLOSER: Yes. I will get of Mr. Carr. Please get a hold of Chris (Karelus) at the Building Department and set up a time when you can get the information from him what you need to do and get working on it. As soon as we get everything back from you and the Highway Department --

MR. DeHAVEN: Your hours are?

CHRIS KARELUS: 9 to 5.

MR. DeHAVEN: Do you have a card?

CHRIS KARELUS: Sure.

PAUL BLOSER: Thank you, Mr. DeHaven.

RICHARD PERRY: We need to vote on it.

JAMES WIESNER: It would be interesting to get the Drainage Committee meeting minutes. I know I have been there when he was been there. I know there was a report of standing water. I'm curious to see what was said at the meeting.

PAUL BLOSER: I heard him twice at the meeting, so I know it is something that Joe (Carr) and Dave were looking into, and I don't have any feedback on that.

JORDON BROWN: We might not even have jurisdiction. The Corps of Engineers might say something different.

PAUL BLOSER: We have jurisdiction over placement and the size. That's all. But if we can get --

JORDON BROWN: We have to get that cleared up.

PAUL BLOSER: Right. As soon as we have clearance on that from them, we'll proceed with our portion of it.

PAUL BLOSER: I would vote on tabling this then. Motion has been approved. The vote?

The Board was unanimously in favor of the motion to table.

DECISION: Unanimously approved by a vote of 6 yes until further information is submitted. The following findings of fact were cited:

1. Application tabled to such time as the NYSDEC and Army Corps. of Engineers reports clear any issues of possible wetlands.
2. Chairman (Paul Bloser) will discuss with Joe Carr (Commissioner of Public Works) and David Lindsey (Town Engineer's office) as to the status of Drainage Committee complaints by the applicant that there are water problems on lot.
2. Application of John Clark, owner; 154 Attridge Road, Churchville, New York 14428 for variance to erect an 8' x 20' carport to be 26' from front lot line (75' req.) at property located at 154 Attridge Road in R-1-15 zone.

No one was present to represent the application.

3. Application of James Gizzi, owner; 20 Ambush Lane, Churchville, New York 14428 for variance to erect a 20' x 20' utility shed to be 400 sq. ft. (180 sq. ft. allowed), variance for shed to be 5' from rear lot line (8' req.) at property located at 20 Ambush Lane in R-1-20 zone.

James Gizzi was present to represent the application.

PAUL BLOSER: So you're backing up to 490 on this?

MR. GIZZI: That's correct.

PAUL BLOSER: The purpose of the shed?

MR. GIZZI: Just to get some stuff out of the garage. I have some utility vehicles like four-wheelers and snowmobiles, kids' toys.

PAUL BLOSER: Are there any other -- I didn't see any when I went by. Are there any other out buildings or structures on the property?

MR. GIZZI: There is a shed that is being moved, if this one is approved.

PAUL BLOSER: Removed?

MR. GIZZI: It's going to be removed.

DAVID CROSS: How big is the existing shed?

MR. GIZZI: Um, I'm not positive. It's a -- how big is the shed? 20 by 20. Or 12 by 12.

PAUL BLOSER: The existing one.

DAVID CROSS: Where would you plan to move that shed?

MR. GIZZI: I'm actually going to end up selling it to another individual, load it on a trailer and move it.

DAVID CROSS: Going off the property?

MR. GIZZI: Going off my property, correct.

PAUL BLOSER: This is going to be constructed out of --

MR. GIZZI: Wood.

PAUL BLOSER: Prefab or something your doing yourself?

MR. GIZZI: It's something I would do myself.

PAUL BLOSER: Siding on it?

MR. GIZZI: Yep.

PAUL BLOSER: Is what?

MR. GIZZI: The siding will be vinyl. It will match the siding on my house.

JORDON BROWN: Sounds like he has the support of his neighbors, as well.

MR. GIZZI: The main reason, we really like the neighborhood, my wife and I. We have two kids and another one on the way. We just don't have room for all of the stuff that we have, and we want to make sure the property stays nice and neat.

RICHARD PERRY: Are you going to have electricity to the shed?

MR. GIZZI: I am not going to have electricity at this point. In the future I would like to come back or -- I don't know the procedure, but in the future I would like to bring electricity to the shed. But not right now.

RICHARD PERRY: Okay.

CHRIS KARELUS: Just what is unique with this applicant, there is an HOA in this development, Homeowners' Association and within the Homeowners' Association agreement all residents in the development are not allowed to store any recreational vehicles on the property, so it is unique in that no recreational vehicles -- he alluded to having ATVs and those can't be stored outside.

When I looked at the shed location, it is outside the Town's easement and any of the drainage corridors in the area. It should be noted the rear of his property has no tenants, no homes and both the adjacent homeowners have provided letters of approval to the Town. That's it.

PAUL BLOSER: You understand the homeowner?

MR. GIZZI: Yes. Yep.

PAUL BLOSER: Where are those items going to be stored?

MR. GIZZI: They will be in the shed. They're not allowed to be stored outside on the driveway or -- so right now I have them in the garage and with winter approaching and actually here --

PAUL BLOSER: It will all be inside.

MR. GIZZI: -- it will all go in the shed, nice and neat.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just had two questions. Does this Homeowners' Association have any restriction on the size of sheds?

MR. GIZZI: I'm not aware of that.

PAUL BLOSER: Chris (Karelus), can you comment on that? Do you know?

CHRIS KARELUS: No, they don't.

MS. BORGUS: Since this gentleman now has a 12 by 12 shed, that would already exceed the square footage allowed, so -- so he currently has a -- a variance for what he has, I assume? A 12 by 12 --

CHRIS KARELUS: Chairman Bloser, the Building Department has actually received -- his adjacent homeowner is his brother who is going to be receiving the shed. We actually have a building permit for the location of that shed onto his property already. So it's -- this approval goes forward, as soon as the approval is granted, my understanding from us giving the building permit, is he is accepting that shed once the approval is granted if the Board sees fit.

RICHARD PERRY: The existing one is within -- is within. 180-square foot is allowed. That is 12 by 12. That is only 144.

MS. BORGUS: Okay. Well, that's true.

Now will there be a cement floor in this shed?

MR. GIZZI: Yes.

MS. BORGUS: All right. Thank you.

MR. GIZZI: Thank you.

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

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 Jordon Brown seconded the motion. The Board all voted yes on the motion.

Richard Perry made a motion to approve the application with the following condition, and David

Cross seconded the motion. All Board members were in favor of the motion.

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

1. Existing shed to be removed within 30 days of final inspection.

The following finding of fact was cited:

1. The applicant has proven that the requested variance will not alter the essential character of the neighborhood.
4. Application of Conway Transportation, owner, c/o Art Part Signs, 100 Lincoln Parkway, East Rochester, New York 14445 for variance to erect 3 wall signs (10' x 4' each) totaling 120 sq. ft., variance to erect a 9'9" x 3'10" double-faced freestanding sign at property located at 300 International Boulevard in L.I. zone.

Dave Dilan was present to represent the application.

MR. DILAN: Dave Dilan, 100 Lincoln Parkway, East Rochester.

PAUL BLOSER: As I did my drive by there, you have an existing front sign already up by the driveway entrance. I'm assuming that is the sign you're looking for a variance for on this one?

MR. DILAN: Yes. It was -- it should have been labeled as a refacing of that sign, not installation of a new one.

PAUL BLOSER: The work has already been completed on that one?

MR. DILAN: The --

PAUL BLOSER: Or is it redone.

MR. DILAN: It has been done and undone. The -- the tenant, Conway Transportation got a little impatient with the process and put the faces in. When I went out to install the -- the sign for this meeting, I found it and called them up and said, "You can't do that. You're going to lose your variance."

So they have removed them and gone -- if anything, they have gone back to CCX.

PAUL BLOSER: The one I saw, I think it said "Conway Transportation" the road sign.

MR. DILAN: Correct. That was the new one they put in ahead of schedule. It should be gone --

MS. BORGUS: It's not.

MR. DILAN: What's that?

PAUL BLOSER: Is that what is going to be there or --

MR. DILAN: That is what is supposed to go there if we're granted --

PAUL BLOSER: Because it is also lit when I went by there, this afternoon.

MR. DILAN: It is still a blue and white sign?

PAUL BLOSER: Oh, yeah.

MR. DILAN: Well, they're subject to your wrath then. I gave them fair warning and told them that was a really dumb thing to do and to get it back out of there.

PAUL BLOSER: The wall signs on this building, they're 10 by 4 each.

MR. DILAN: Again, I noticed that someone over there jumped the gun, and he moved the existing CCX signs off the wall.

PAUL BLOSER: Do you have additional copies of these (indicating) that we can put up on the Board for the audience to see?

MR. DILAN: Yes. They're not very big, though.

MR. DILAN: Do you want copies of the new signs, as well?

PAUL BLOSER: I have the Conway Freight sign. And the CCX Conway Central Express sign.

Is that in there also?

MR. DILAN: The CCX was the existing old signs. The blue and white signs that say "Conway Freight" are going to be the new ones.

JORDON BROWN: These are the new ones.

PAUL BLOSER: That is what I think I saw, the new one.

RICHARD PERRY: That is what I saw also.

MR. DILAN: I put the sign up. It was Friday, the sign had to go up. And it was after business hours, so I couldn't rouse anyone until the following Monday. So if you went right out and looked at it right away, that may have been in that lag before I got a hold of them. But apparently it is still wrong (indicating).

PAUL BLOSER: As of 4 o'clock this afternoon --

MR. DILAN: Okay.

PAUL BLOSER: There is still a sign there.

These CCX signs you have on here now, what is going on the actual building, the other three signs that you're looking for then? "Conway Freight"?

MR. DILAN: "Conway Freight," yep. You should have a page that lists in handwriting at the top, three wall signs.

PAUL BLOSER: I do have that.

Would these be back-lit?

MR. DILAN: No. The wall signs are sheet aluminum with (inaudible) vinyl graphics.

RICHARD PERRY: Where is the "drive safely" sign going? You are certainly not going to put that on the building, are you?

MR. DILAN: No. That is an option for the back of the monument sign.

PAUL BLOSER: As they're leaving.

MR. DILAN: As they're leaving.

JAMES WIESNER: It is actually a fairly rickety sign by the gate that says "drive safely" and "welcome home." That is rather unsightly on 4 by 4s, not even square to each other. It doesn't appear that is part of this.

PAUL BLOSER: As I'm looking at the layout of this building, the sign will have kind of like the southerly most exposure. There is no visibility to really anybody other than the truck drivers in the back of the terminal for that one. There -- is it fair in saying that?

MR. DILAN: You would be fair in saying that.

PAUL BLOSER: Is there really a reason for it at that point? Other than they want it.

MR. DILAN: Basically, I think whoever put the package together said there is an existing sign there. We're just replacing it with a new one. At this point, they have removed all of the CCX signs and repainted or something --

PAUL BLOSER: Right. I did not see any signs on any of the facia.

MR. DILAN: They took them all down.

PAUL BLOSER: I guess my comments, I'm not in favor of how they approached this, but I will say the sign at the street is a nice-looking sign. Very tasteful. It's low to the ground. It is not visible from Paul Road, which is a main thoroughfare. You pretty much have to be in the cul-de-sac in order to see that, on the business drive. So as far as an impact to neighbors in the neighborhood, I don't see as there would be any, myself.

The wall signage, I'm looking -- the sizes are pretty good size. The building is set back from the road quite a ways also, even from the cul-de-sac there. Those are my general comments on it.

Anybody else?

JORDON BROWN: I had the same impression.

DAVID CROSS: Marked improvement. One thing in particular, it requires the street number, at least the monument sign.

PAUL BLOSER: Yeah. Good point.

DAVID CROSS: Is that something you would be willing to provide?

MR. DILAN: Yes. If you notice on the bottom of your monument page, they list -- they show the numerals 1 to 0 as an example of the letter style that we would use, and there is kind of a white rectangle up above on the cement base which is where we would install the actual numbers.

DAVID CROSS: Oh.

PAUL BLOSER: It would go in there.

MR. DILAN: Uh-huh.

PAUL BLOSER: Would those be lit also?

MR. DILAN: No. Those would be molded plastic.

PAUL BLOSER: Chris (Karelus), I don't know if you can comment on this or not. Would that be a factor at all for Fire Department consideration, to have those numbers lit also, as to the building location?

CHRIS KARELUS: I would have to say if the Board takes action on it, just leave it subject to the Fire Marshal's comments. I can ask him that. I don't know that offhand.

PAUL BLOSER: There is no ground lighting or up-lighting on the sign. It is strictly back-lit from internal, correct?

MR. DILAN: Correct.

RICHARD PERRY: In relationship to the CCX signs on the building that are no longer there, what is the size -- what was the size of those CCX --

MR. DILAN: Those were 4 by 10s. Basically the same, same construction. Sheet aluminum with just flat computer-cut vinyl graphics.

RICHARD PERRY: So they are the same size?

MR. DILAN: Yes.

PAUL BLOSER: Will there be any colored striping going around the outside?

MR. DILAN: I don't know.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: In looking at the other companies down on that street, and in looking at the ones on Jetview Drive, which would be comparable, they all have either wall sign -- a wall sign, one, or they have a monument sign. They don't have both. For sure they don't have four. That's -- I took the time to even go over on Jetview. That's just not the way this has been done. And I think because I'm a regular at Planning Board, too, that that has been the rule. You don't get four signs. You don't get both. You don't get two packages.

Um, I don't know why these people should be different. I don't know why they need the signs on the building, because the only ones who would be using that that I could see would be the truck drivers, and they're already in there. They see the monument sign. There is no other place to go, because they're at the end of the cul-de-sac. To me those signs are just clutter

because they don't serve a purpose.

Also, I was surprised when I went down there, too, and I saw this monument sign, all very nice, finished, it's up. It's another case of going ahead, not waiting for this Board, not waiting for Town Law, doing what you please, Chili is a lawless Town. It's always easier to come in and ask forgiveness than it is to ask permission. I guess that is the theory. I think this company has really thumbed their nose at our laws, at this Board.

Again, I stand here and I tell you this often. I think you people deserve respect for the time you put in, and people who come to Town, companies should respect the laws and go by the rules here.

When did CCX get approval for the signs they took down? They would have need approval for all those signs initially.

PAUL BLOSER: Chris (Karelus), I don't see it on this sheet. Do we have record of that?

CHRIS KARELUS: What the variances were requested?

PAUL BLOSER: For when the CCX ones went up.

CHRIS KARELUS: (Inaudible).

PAUL BLOSER: They were done when the building was put up basically?

CHRIS KARELUS: Correct.

MS. BORGUS: So you're saying the four signs they have, the three on the building and the monument sign never had approvals, in the beginning?

PAUL BLOSER: It appears based on the history of the property, is how I am reading it also.

MS. BORGUS: They have done what they pleased from day one. They have been illegal all this time and now they want to have your blessing so they can stay that way. There is absolutely no point in these signs. Absolutely none. The other thing I did note, too, on the paperwork on this application, there is a letter there, and I didn't get a copy of it, but it is signed by a Susan Johnson or written by a Susan Johnson and it is notarized. Do you have that there?

PAUL BLOSER: I don't think I saw it.

MS. BORGUS: I believe, but I'm not sure, but I believe it was to give permission for somebody else to represent them at this variance appearance.

PAUL BLOSER: I don't have that, but --

MS. BORGUS: Well, I bring it up only because it was a notarized signature and interestingly enough there is no signature. Being a notary myself, I know that is a violation of your notary license and law. You can't notarize a signature that doesn't exist. The -- it is supposed to be signed in front of you, with proof of identity so that the notary knows that that is the -- a legal signature of the person that is known to the -- to the notary. It's blank. So maybe somebody would like to look at that, too.

PAUL BLOSER: Thank you.

MS. BORGUS: So as far as this application goes, if you're going to let these people have four signs, then every place down there in that industrial area should be allowed to have four signs. Because these people -- nobody else does. These people, if the Board grants this, will be the one exception in that whole industrial area.

Thank you.

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

The Board discussed the application.

PAUL BLOSER: Is there anything on the back now?

MR. DILAN: I don't know if there is anything on the back now. It had CCX on both sides.

DAVID CROSS: Do you propose to put anything on the back, the "drive safely"?

MR. DILAN: The two options was just another "Conway Freight" or "drive safely" on the back.

DAVID CROSS: Which one are you selecting?

MR. DILAN: They have not specified to me. If you want to make a recommendation, I can send it to them.

RICHARD PERRY: Does everyone think anybody leaving the property would realize it is Conway Freight?

(Laughter.)

RICHARD PERRY: I certainly would hope so.

The Board further discussed the application.

JORDON BROWN: Any reason why your company didn't put up a sign, the freestanding monument sign that was within code?

MR. DILAN: I have no idea. All of the CCX stuff was done -- I don't know, when, years ago.

JORDON BROWN: So in other words, what was there already was out of code?

MR. DILAN: Yeah. Basically, the -- the Walden Signs is asking me to come change the signs for Conway. It is just replacing exactly what was already there for CCX. So --

JORDON BROWN: As far as we can tell, no variance was ever gotten for the original.

The Board further discussed the application.

PAUL BLOSER: Based on this building, are the front entry doors here (indicating)?

MR. DILAN: Yes.

PAUL BLOSER: Facing the employee guest parking.

The Board further discussed the application.

The Board discussed the size of the lettering.

MR. DILAN: The lettering on the monument sign, the C is around 19, 20 inches tall. That's similar size to what's going to be on there, so probably around 20-inch --

JORDON BROWN: Same on the building?

MR. DILAN: It is going to be very similar. The monument is just shy of 4 by 10, and the ones going on the building are 4 by 10s. So it is probably going to be around 20-inch high letter C going on the building.

The Board further discussed the application.

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 Jordon Brown 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 Todd Benz seconded the motion. The vote on the motion was 4 yes to 2 no (Richard Perry, Jordon Brown).

DECISION: Approved by a vote of 4 yes to 2 no (Richard Perry, Jordon Brown) with the following conditions:

1. Building wall sign on east elevation only, and not to exceed code size maximum.
2. Monument sign to add street number (300) and that no writing appear on rear (side B), also to be opaque.
3. All other signs on property to be removed and no others will be permitted without Town approval.
4. Fire Marshal approval required for the monument sign street numbers (lighted or not).

The following finding of fact was cited:

1. Additional monument sign achieves visibility sought by applicant.

Note: A sign permit is required before these signs are erected.

5. Application of Mr. & Mrs. Philip Nicolosi, owner; 291 Chili Scottsville Road, Churchville, New York 14428 for variance to create 2 undersized lots: Lot #1 to be 2.3 acres (5 acres req.) with lot width of 155.2' (275' req.), variance for proposed dwelling to be 81.6' from front lot line (100' req.) and 30.2' from side lot line (50' req.); Lot #2 to be 2.41 acres (5 acres req.) with lot width of 175.1' (275' req.), variance for proposed dwelling to be 83' from front lot line (100' req.), and 40.6' from side lot line (50' req.) at properties located at 295 & 301 Chili Scottsville Road in PRD & FPO zone.

Robert Fitzgerald was present to represent the application.

MR. FITZGERALD: I'm a Project Engineer with Avery Engineering. I'm representing the Nicolosis tonight. Linda Nicolosi -- she is the owner, and the two boys, Kevin (Nicolosi) and Phil (Nicolosi). Kevin and Phil are looking to build on and live just south of their parents' house either on one lot.

There are presently two tax account numbers. If I can approach the Board, I will just point out a few items.

There are two tax account parcels. I guess they -- as far as the Building Department is concerned, it's an illegal subdivision, done by deed, not a filed map. So we would have to create -- fix that situation. Presently the property line that bisects the property right here -- we're looking to try to even the two parcels to give each of the boys the same size lot.

The first thing that I did was -- looked at this site and did some preliminary engineering on

it to see if the mechanics of the site would, indeed, work before we came in front of the Zoning Board.

With that we did percolation tests on both lots. Both lots will require modified raised fill systems. We had the percolation tests witnessed with the Health Department.

Then we also showed a common driveway. The common driveway is just within the State right-of-way, and that it would split off to each individual house. And we do have all other public utilities right at the road frontage.

So the mechanics of the site do work, even though we are below -- as you see, there are quite a few variances requested for these two parcels.

I also wanted to look at to see it is not out of character with the rest of the neighborhood. Um, so this is a blown-up tax map, and what I have is -- real quickly here I just red-lined, so these two parcels -- if you see in the area there are lots of parcels. All these parcels are actually less than the minimum requirements, with the exception of the Open Door Baptist Church. Um, let's see here. Then there is a parcel -- a couple two parcels across the street. They are larger than minimum requirements and I believe this is Town land that is vacant. So we have lots of parcels here that are between 1 and 2 acres in size that are relatively what we're proposing.

With that, I will answer any questions the Board may have, or -- as well as the applicant can answer some questions.

PAUL BLOSER: Chris (Karelus), do you know of any history on this lot, why it couldn't be subdivided? I guess the other question I have on that is cutting it down to two plus acres from the five, in some areas of the County I know the Health Department has size limitations on lots for septic, minimums required. Does this fall within that comfortably?

CHRIS KARELUS: Well, I can comment to the first question. The subdivision that they stated was done by deed, so it is illegal. The Town doesn't even recognize there are two lots there. What was done by deed is not an approved subdivision in Town. So the lot that exists, the Town recognizes now is a five-acre parcel, which is to code, developable in the AC District.

From the preliminary perk tests I don't see a deep hole or any other type of data. Did the Health Department actually witness the test, Rob (Fitzgerald)? Or were these just initial percolation?

MR. FITZGERALD: Yes, they did. I didn't want to give too much detail, because it was for the variance. But --

CHRIS KARELUS: Well, the difference is if it is a modified or in-ground system or full raised, which is what I think he is talking about.

PAUL BLOSER: This is a full raised or modified?

MR. FITZGERALD: They're modified raised beds.

There is no area requirement for a modified system, with the exception of having 10 foot separation to property lines.

KEITH O'TOOLE: Rob (Fitzgerald), wasn't there some old standard about minimum lot size back in the day? I don't think it applies any more. Just --

MR. FITZGERALD: There may have been. And there are some towns that have -- they say they would like to see certain size parcels, but I have done larger subdivision tracts where you have 100 foot wide lots by 200 foot wide lots and septic is in the front, just enough room to put in the driveway and the house and they're permitted.

PAUL BLOSER: I know the lots that have been recently developed to the south of that have had a fairly significant amount of fill brought in to them. Would that be being done with this also?

MR. FITZGERALD: Yes. There has to be fill brought in. Um, a decent amount.

Not near the amount that was brought in to the south, across the street from the church. Yes. I think they have even exceeded what was approved on the site plan. Actually, I know they have. They just kept bringing in fill. I did do the engineering work on that parcel for Mr. Guiseppe Balsamo and we're contracted to go through the approval process. What happened is he started bringing fill in. He wasn't there to monitor people bringing the fill on site and they were just dumping it. With cones in the way, they were just moving the cones and dumping all sorts of junk here.

Here we have a neighbor close by that will not allow that to happen, the neighbor being the owner, the Nicolosis to help prevent that from happening.

PAUL BLOSER: You almost back up to Black Creek on this land? Is there any of this property that is designated wetland?

MR. FITZGERALD: There may be towards the back of the parcel, much further. If I can approach the map again.

PAUL BLOSER: Also flood plain.

MR. FITZGERALD: There may be -- well, here is a tax number -- tax map. These lots are over 1,000 feet deep. They are definitely within -- within 2, 300 feet there is no indication of any wetlands or mapped wetlands. There are no mapped wetlands. No indication. We look for the mapped wetlands and also want to see the vegetation, too.

There is a 100-year flood plain, and that elevation is 530.5, which is about at the toe of the existing -- just about in that area right there (indicating). So the majority of our site improvements will be outside the elevation.

PAUL BLOSER: Will be before the flood plain?

MR. FITZGERALD: Yes.

These houses, too. It does slope off quite a bit from the road, and just preliminary looking at it, would probably just do walk-out basements and frame the whole back wall because of the

grade change.

PAUL BLOSER: Could you elaborate again on the driveways, why we're doing or posing a single split as opposed to two road cuts?

MR. FITZGERALD: The first thing is, the State prefers it. Whenever you have, um -- whenever you can, they like to limit the amount of access onto the State highway. So that is why we had the shared access within the right-of-way. And in this case, too, it works out well at least for the present time because they're brothers and they can share some of the responsibility of plowing and whatnot.

But mainly because the State does prefer that. They don't necessarily enforce it on two lots, but they always like to see it.

PAUL BLOSER: Counsel, on something like this, for the record standpoint, would there be anything we would have to write into this in case one of the brothers was to decide to sell their lot, about a common access point? Easements?

KEITH O'TOOLE: No, actually I don't think so in the situation. It would appear the common access is actually on the right-of-way.

PAUL BLOSER: Okay.

KEITH O'TOOLE: And actually, that's more of a Planning Board issue. I'm not even sure the Planning Board necessarily wants that access at that location, so they may change that. I think I would leave it alone.

PAUL BLOSER: Okay.

DAVID CROSS: Rob, Lot 1, deep holes, mineral deposits were found at 5 inches below grade?

MR. FITZGERALD: Yes. I can't recall, but I think that lot actually perked a little better, but minerals were high so we have to put in the extra depth of sand to maintain 2 feet separation from the leech line trenches to the -- to an impervious layer or groundwater or whatnot. So they are modified systems. With that said, they are large depth modified systems. I think one had 34 inches of sand.

DAVID CROSS: All this is subject to approval from the Health Department, obviously?

MR. FITZGERALD: Sure.

DAVID CROSS: The variances for what we're acting on tonight is lot width and setbacks?

PAUL BLOSER: Correct.

MR. FITZGERALD: Just to point out one other item, too. As I mentioned, Linda Nicolosi lives to the north, so obviously she is not against the project, and to the south we did maintain that 50 foot required separation to the southern property, just so we're not encroaching on that property. So we did maintain that 50 foot that is required. I think it is listed as 49.8, but it will be 50 feet or greater.

PAUL BLOSER: Front setbacks also are 100 as required -- it is a busy road. Traffic is going to come flying off the road there.

DAVID CROSS: Rob (Fitzgerald), some of the other homes along Chili Scottsville Road in that area, what are their setbacks?

MR. FITZGERALD: They are less than the 100. And quite frankly, we could push them back to 100, but just trying to keep in the characteristic of the existing neighborhood. That is why we did place them where we did. I have a couple aerials I can pass out and you can kind of see where they're located, the other existing houses.

PAUL BLOSER: They're a lot closer.

MR. FITZGERALD: They are closer than the 100.

JORDON BROWN: You propose it to be consistent.

MR. FITZGERALD: It is even back further than the existing houses. Like you said, it is a busy road. We don't want to be too close, but we don't want to be too far back. It is more fill the further we put it back, so we tried to come up with a good balance. Also in that area, the right-of-way is pretty wide. So to the edge of pavement, I think we're proposing 83 foot front setback, and I think we're still 120 feet to the edge of pavement because it is a wide right-of-way.

Here (indicating) is actually the existing Nicolosi house that is almost on the right-of-way, but it doesn't appear because the road is you know some 50, 60 feet away. So we're back.

PAUL BLOSER: South is Marshall's, is it? Dave Marshall, I think the next one down. The red --

MR. FITZGERALD: I have it labeled as Don -- John and Donna Bailey.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Isn't there going to be another -- a side variance required for that one house? It looks to me like there isn't -- there is one mentioned, but it looks like there is not a sufficient distance on two sides.

PAUL BLOSER: Um, the 30 foot 2, I guess I am reading this like a -- Lot 1 is going to be 30 foot 2 from both side lot lines; is that correct? Are -- or are you placing the house equally between them?

MR. FITZGERALD: We weren't placing the house equally. What we do, we just put the setbacks on the map. We didn't actually write up the description of the variance. I -- they just go by the smallest side. Even though they call it side setbacks, they just say 30.2 feet from either side. But we do intend to keep it shifted.

Does that make sense at all?

PAUL BLOSER: I know what you're saying.

MS. BORGUS: So you're saying if you want two variances, one on each side, you only have to mention one? In this --

PAUL BLOSER: That would be the closest one to the line, meaning the other one would be no closer than that -- it might be 40 foot instead of 50, but the 30 being the closest, correct?

MR. FITZGERALD: That's my understanding, yes.

MS. BORGUS: The only other comment I would have, and I know this Board you have no control over it -- I guess the Building Department would -- but, um, it seems as though every time we have -- most times that we have this much fill required, and I can think of another case on Attridge Road in North Chili that happened recently, the Boards were assured they would get good fill and there was absolutely junk dumped in there. I don't know how you will even dig a cellar in the mess that they dumped in on Attridge Road. It's -- it's huge blocks of cement and it's pieces of bridge. It's steel. It's road. It's a mess.

And I -- and I know that some of the fill on Chili Scottsville Road was not the best either. So I don't know what control you have over that, but it would be beneficial certainly if we could be very sure that clean fill is brought in, especially when you're going to have to fill this much.

Thank you.

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

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 Jordon Brown seconded the motion. The Board all voted yes on the motion.

Jordon Brown made a motion to approve the application with the following conditions, and Todd Benz seconded the motion. The motion was approved by a vote of 5 yes to 1 no (James Wiesner.)

KEITH O'TOOLE: My understanding is that the Planning Board may well alter the location of the conceptual houses, but I believe what Chris (Karelus) is saying, and perhaps he can correct me if I am wrong, so long as they stick with the setbacks, they're good from a zoning standpoint.

CHRIS KARELUS: Correct.

The Board further discussed the application.

DECISION: Approved by a vote of 5 yes to 1 no (James Wiesner) with the following conditions:

1. Any structure proposed will need to be within footprint as submitted (setbacks).
2. Cannot exceed any other code requirement.

The following finding of fact was cited:

1. Setbacks sought by applicant are required to achieve adequate placement of structure and driveways due to size of lots.

INFORMAL:

1. K-Mart, 800-810 Paul Road, Rochester, New York 14624 to amend approvals granted on 8/24/99 and 11/23/99 for wall signs. Applicant is requesting to allow a total of four of the wall signs to be illuminated (one previously allowed) at property located at 800-810 Paul Road in G.B. zone.

Hans Lindenhovius was present to represent the application.

MR. LINDENHOVIUS: Hans Lindenhovius, 30 Mercedes Drive. I'm a local boy. I'm here for Service Select over this informal meeting about adding four signages, which one is already approved. And I guess I just need to have your input.

PAUL BLOSER: Based on what I have looked at on this, um, the actual overall size of the signage is -- you're looking to go to now, the actual square footage is actually going to be a little bit less than what is already existing.

MR. LINDENHOVIUS: Correct.

PAUL BLOSER: What we're looking at is to make an amendment on the existing variance to change these signs over, and also to have -- to have the balance of the signs -- right now only one of them is back-lit.

MR. LINDENHOVIUS: Correct.

PAUL BLOSER: We're looking to have them all back-lit at this point, correct?

MR. LINDENHOVIUS: Okay.

PAUL BLOSER: None of these will be neon signs?

MR. LINDENHOVIUS: No.

PAUL BLOSER: Consistent with what you got basically right there now?

MR. LINDENHOVIUS: Yes.

PAUL BLOSER: Just putting name brand recognition up there?

MR. LINDENHOVIUS: Yep.

PAUL BLOSER: Pretty straightforward. I looked at them. I mean -- I can understand where you're going with your marketing.

MR. LINDENHOVIUS: Yes. This is a nationwide movement on all of the KMarts nationwide. They just want to make everything look uniform.

PAUL BLOSER: With Sears, yes.

I -- I don't really have any questions at this point.

JORDON BROWN: No. I just -- I'm not crazy about the idea of more lit signs. This is just informal, but I will throw that out there for you.

RICHARD PERRY: I would agree with that.

MR. LINDENHOVIUS: The biggest push for KMart and Sears, they're trying to promote their Kenmore product, their Craftsman product. Right now everybody is so used to a KMart being a KMart. Now it's really part of Sears. They're not going to rebrand KMart to Sears. They want to keep it KMart, but they want to bring the identity of the goods they sell at Sears into a KMart. This is just basically the identification more than anything.

PAUL BLOSER: Are they going more into the appliance end of it in the stores?

MR. LINDENHOVIUS: Yeah. I don't know if you have been in KMart lately?

PAUL BLOSER: I was just there yesterday.

MR. LINDENHOVIUS: Oh, there is refrigerators, stoves, microwaves. So they're going into that at all of the KMarts. And they say by, I guess, next year they will have more and more product lines, so. It will be more convenient for us here, you know. Just go around the corner to KMart instead of Sears at the mall.

RICHARD PERRY: I think you will probably find out at the other other 17,000 KMarts, that you don't have to --

PAUL BLOSER: I'm not opposed to the signage itself.

RICHARD PERRY: The signage, no. The back-lit.

PAUL BLOSER: The back-lit is the issue.

RICHARD PERRY: The lighted signage, yes, I don't -- I don't see a need for it.

PAUL BLOSER: Any other comments?

JORDON BROWN: I think I agree with what Richard (Perry) said.

JAMES WIESNER: Are we allowed to vote on this?

JORDON BROWN: This is informal.

TODD BENZ: They're looking to back- light even the pharmacy and the garden shop, everything?

MR. LINDENHOVIUS: Correct.

TODD BENZ: Not just the three.

MR. LINDENHOVIUS: These are the three new ones added, that are not in play yet. But the existing ones would be converted. Due to the existing variances that was already applied for. That were approved.

DAVID CROSS: You're not proposing anything on the east side of the building that faces Coldwater Road?

MR. LINDENHOVIUS: On the east side would be the Auto Value store. There is a garage right there. So that is not part of KMart. It is a separate identity.

MR. LINDENHOVIUS: That was easy.

JORDON BROWN: You didn't get it approved.

MR. LINDENHOVIUS: No. But it's out there.

DAVID CROSS: We appreciate you coming in informally and discussing it.

MR. LINDENHOVIUS: Next step would be --

TODD BENZ: Do you know if any KMarts that currently have their signs back-lit around here?

MR. LINDENHOVIUS: Greece is supposed to get their permit tomorrow, so it will probably be a week or two before they get installed.

TODD BENZ: They got approved?

MR. LINDENHOVIUS: Yes.

PAUL BLOSER: For a variance?

MR. LINDENHOVIUS: Yes. I know that Irondequoit and Greece have approved variances. You're my next stop.

KEITH O'TOOLE: Mr. Chairman, are we going to have a vote on this?

PAUL BLOSER: That was going to be my question to you for procedure on discussion item, because it's, um, basically just amendment to the -- to the existing variance.

KEITH O'TOOLE: Yes. The distinction between a formal and informal is having the public hearing and not having the public hearing. They already had a public hearing. This is basically modifying the content of something that has already been vetted by the public, but it still requires a vote by you. If this were merely a discussion item, "We're thinking about doing

this, what is your input, we'll come back with an application in the future," then it wouldn't require a vote.

JORDON BROWN: This would end the process here one way or another?

KEITH O'TOOLE: Yes, here with the vote, assuming they get four votes, they would be done.

TODD BENZ: So we're going to vote on it tonight on whether it is approved back-lit; is that what you're saying?

KEITH O'TOOLE: You can approve it however you like.

TODD BENZ: To approve -- not. Okay.

JORDON BROWN: He you only gave one option.

PAUL BLOSER: I will go out -- on my own personal opinion on this. As I see it, KMart has been around with us in Town for a long time. We are looking at other commercial development, and in -- and in the proposals I have seen so far, they're all requesting back-lit signs. I think KMart is trying to, you know, maintain a stake in Town. The building itself does sit quite a bit back from Chili Avenue. Myself, I would -- this is one time I say I would be a little bit more in favor of some leniency on this one in allowing this, to update the front of the building. And they will be pretty much in line with what the others are doing. Certainly, the building is big enough to warrant the size of the signs that they have.

Since the building was up, that whole intersection was also redone, so the road no longer passes in front of KMart like it used to, Paul Road. It has all been redirected. So they did lose some exposure with that off Chili. With that, I guess I'm looking at, you know, Tim Horton's in the front is a little bit of a distraction to KMart now. You have to look beyond that.

I, myself, would be in favor of going along with this request, for those reasons.

TODD BENZ: Well, the -- the three additional signs, back-lighting down there, I don't go there, but it is kind of dark on that side of the building. It's a big building. So I think back-lighting would, you know --

PAUL BLOSER: I think it would enhance.

TODD BENZ: -- would enhance it a little bit, make it a little safer. That side of the building, I know there is residents at the end, but toward the back of it -- and I think a little more lighting there would also help. I know lighting -- that part of the parking lot is a little dim. Like you said, it is a large building. It doesn't really stick out that much any more because of Tim Horton's and the bank.

PAUL BLOSER: That was all created a few years ago and redone, they lost a lot of street exposure. Not that we don't know where it is. We know where KMart is here in Town, but with the planning that we're doing now for the Target that has been announced, um, I guess I'm encouraged that we would bring people from other Towns in and newer residents that may not know it is there. I mean it may be minimal at best, but, um, I guess I would be in favor of allowing them that exposure to maintain business here.

JORDON BROWN: I'm thinking personally -- I find the proposal unappealing from an aesthetic standpoint and with Target coming and other people looking at Chili, I hate to see us enter into a lighting war where everybody is sort of competing to get their name out there and their building lit up as much as possible and we have little Las Vegas or big Niagara car wash all over. Again, that's personal opinion. I'm pretty comfortable with the way it is.

RICHARD PERRY: Or huge Bill Gray's.

JORDON BROWN: You got to put that in.

PAUL BLOSER: I guess at this point, we all know where we stand. I guess I would like to move that we take a vote on it. We don't have to do SEQR. That has already been done. Just look forward to the vote as proposed.

The signs themselves, I don't have a problem with it. It just comes down now to back-lighting.

Chris (Karelus), just for clarification here, are we looking at two issues or one as far as the vote goes?

CHRIS KARELUS: Just the one. All of the sizes of the signs were previously approved. It is just the fact that only one was approved as back-lit, the Big K sign and now it would be three additional back-lit.

PAUL BLOSER: I didn't know if we had to approve the actual signage itself. It is just strictly the back-lighting.

Let's move forward with the vote for the back-lighting.

DECISION: Approved by a vote of 4 yes to 2 no (Jordon Brown, Richard Perry) with the following condition:

1. Bulbs light output to be approved by the Building Department.

The following finding of fact was cited:

1. Signs are being updated to reflect marketing name brand recognition. Lighting approved for signs for visibility.

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

PAUL BLOSER: Anybody representing Mr. Clark this evening?

No one responded.

PAUL BLOSER: So we'll move that to next month.

DECISION: Unanimously tabled until 12/18 at 7:00 p.m. for the following reason/finding of fact having been cited:

1. Applicant failed to appear for the public hearing.

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

Applicant must be present for the Public Hearing.

The 10/23/07 minutes were approved as modified.

The meeting ended at 8:57 p.m.