

CHILI ZONING BOARD OF APPEALS
December 8, 2009

A meeting of the Chili Zoning Board was held on December 8, 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.

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.

The Board indicated they had no problems with any of the application notification signs.

1. Application of James Finn, owner; 54 Harold Avenue, Rochester, New York 14623 for variance to allow existing 8' x 8' utility shed to be 4.5' from side lot line (8' req.) and 4.7' from rear lot line (8' req.) at property located at 54 Harold Avenue in RAO-20 & FPO zone.

James Finn was present to represent the application.

PAUL BLOSER: Just for the record, would you state your name and address, please?

MR. FINN: James D. Finn, 54 Harold Avenue, Rochester, New York, 14623.

PAUL BLOSER: How long have you had the shed there?

MR. FINN: A couple months. I have had another one there for 30 years. I replaced it.

PAUL BLOSER: The same spot.

MR. FINN: Exactly. Well, actually, probably farther in this way and this way from where the original one was (indicating).

PAUL BLOSER: Closer to the lines or --

MR. FINN: Closer away from the lines.

PAUL BLOSER: Is that sitting on footers, or is it just sitting on --

MR. FINN: No. Just treated lumber underneath. I built a platform, and it is one of the prefab.

PAUL BLOSER: I saw the back end. You have a little swale going down the back.

MR. FINN: There is a right-of-way all down through there, where the wires and drainage and everything on the back side of it.

PAUL BLOSER: I have one question. Chris (Karelus), on the application here, there is a note on here that says, "Taking two lots, making one lot."

CHRIS KARELUS: Yes. There is a subdivision review (inaudible) the properties. The shed is unpermitted.

PAUL BLOSER: So the lot to the north is what was separated off?

MR. FINN: No. When I originally bought where the house is sitting, it was on -- 68 feet wide, 120 deep, so I wanted to buy the lot behind me. They said I couldn't build on the 50-foot lot. So I bought the lot and added it to the house.

CHRIS KARELUS: He purchased additional property and resubdivided. The lot combination caused the shed issue.

JAMES WIESNER: So the rear lot it is encroaching on is essentially your property?

MR. FINN: Yeah. Two lots behind there is mine and the one the house is sitting on is mine. What I want to do is put the 250-foot lots together and put the other one back to 120 deep, 68 feet wide, what it originally was.

CHRIS KARELUS: If the Board decides to grant a variance, I ask that a building permit be added as a condition.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Paul Bloser made a motion to close the Public Hearing portion of this application at this time, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

The Board discussed the application.

PAUL BLOSER: It's a small shed. I don't have any further questions.

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 Fred Trott 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. Application will not result in any adverse effects to the neighborhood or neighboring properties.
2. 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 entrance) at property located at 3429 Chili Avenue in RB zone.

Reverend Robert Reeves was present to represent the application.

PASTOR REEVES: Reverend Robert Reeves, Pastor of Calvary Assembly. My home address is 16 Spring Brook Drive, North Chili.

Our congregation appeared here last month seeking a variance for a sign, and there was a condition that was added to that variance request. It was of great concern to us. Specifically, it was Condition Number 3 that said, "No other signs or banners would be allowed on the site or building without Board approval."

It is my understanding that that insertion was made by the manager of the Building Department, Mr. Karelus. This imposes basically a penalty upon us for using temporary signs and privileges, which is a privilege afforded to all other churches, non-profit organizations in the Town. And, in fact, that is part of the code. It makes provision for that.

PAUL BLOSER: Pastor, if I can interrupt you, I have looked at this quite a bit, too. And I'm also looking at what you're going to propose here for new signage tonight. One of the notes I have got, that you're possibly looking at pulling the one main sign that was granted and just going with two at the entrance.

PASTOR REEVES: That's correct.

PAUL BLOSER: What I would like to do is see what your whole package is. Our code does allow for -- I'm going to read it. "A temporary commercial banner advertising a special event not to exceed 32 square feet in area and not to exceed two per location may be erected for a period not to exceed 60 days and no more than two such periods in any calendar year."

PASTOR REEVES: The -- the code that I saw here says, "Temporary sign announcing special public or institutional events sponsored by a religious or community service organization may be erected for a period not exceeding 90 days prior to the event. Such signs must be removed within 7 days after the event."

I believe this is a special provision for non-profit and religious organizations. There is no restriction to the number of them permitted in each year. I have a copy.

MICHAEL NYHAN: What section is that?

PAUL BLOSER: 500-48-B-4 is what he just read.

PASTOR REEVES: My concern is the insertion of that condition basically removes rights and privileges that are granted to us by code and by the zoning law, and I'm troubled by that. If I may just complete my remark.

PAUL BLOSER: Okay.

PASTOR REEVES: I think that it is the over-stepping of the authority of an office to suggest that, and I was also concerned that not a single person on this Board recognized that that was a violation of our rights or if they did recognize it, they did not speak to it. Churches and non-profit organizations use banners and signs for things such as Christmas Eve service, Easter service, Vacation Bible School, Family Fun Days. They are -- our church has tried to make sure that that is posted in a timely manner and always removed directly after the fact. I don't understand why we were specifically targeted with this issue. This is not required of other churches. I don't think there should be a penalty imposed for seeking a variance request regarding signage.

PAUL BLOSER: I agree with you on advertising your events. I think it is imperative to your ministry and for an outreach to the community. That is how you build your congregation.

PASTOR REEVES: Sure.

PAUL BLOSER: That is how you minister.

PASTOR REEVES: Right.

PAUL BLOSER: One of the problems that I have is sometimes that privilege gets taken -- I will say almost advantage of. Advertising is one thing. On some of the events you have had there, it's like driving down a highway to the Burma Shave commercials, just sign after sign after sign. There is a lot of them. It's more than -- I do feel you have the right to have it to advertise your events. I want to support that in any way I can. What I want to do is come to you with an agreement on quantity and sizes so it is within reason. It gets to a point where it's too much. And that's more what we were driving at. And probably did not word it fairly for you. Um --

PASTOR REEVES: The appropriate way to handle such a thing is simply placing a call to our office. We have always been good neighbors in the Chili community. We have negotiated things like this in the past. I'm disappointed if you were unhappy with something, you didn't call. And if you had called, you would have found us to be a reasonable neighbor and we would have accommodated those needs.

I don't think it is fair to target out something that violates our rights and privileges and say it is because of something that we violated in the past, which didn't violate a law and we were never informed about it. All it takes is picking up a phone. I'm very accessible. And I'm frustrated by the fact that this -- there is a better way to communicate than this.

PAUL BLOSER: With that, Keith (O'Toole), I'm going to ask in Section 10 in this, the limit of two per location, does that carry over to --

KEITH O'TOOLE: Are you referring to temporary signs?

PAUL BLOSER: Yes.

KEITH O'TOOLE: Mr. Chairman, there is no application for a temporary sign before the Board this evening.

PAUL BLOSER: There isn't. But one of the conditions we did impose on them was for no other signs, period, including that -- that included banners or temporary signs.

KEITH O'TOOLE: My understanding was there would be no wall signs, which was their representation.

PAUL BLOSER: Banner.

KEITH O'TOOLE: Sign you put on a building is a wall sign, whatever it is made of, how ever long it is going to hang there. I think what happened is last time we were here in October, there were a couple of applications. One of the conditions of the approval was no other signs or banners allowed on the site or building without Board approvals. So I think that kind of speaks for itself.

They had an application that was very ambitious. They wanted to put out all sorts of freestanding signs, more than most businesses have, in fact, and they were equating their one church with a college campus. And the signage needs of a large college campus are somewhat different than a church.

PAUL BLOSER: They're an institution as opposed to --

KEITH O'TOOLE: Well, institution or not, it's a question of scope and size. How many signs do you need to tell you that you have arrived at the church, with all due respect. So I think what the Board tried to do is say, well, if you're going to go big on all those freestanding signs, well, then we have to compensate elsewhere, otherwise we'll have signage every place.

PAUL BLOSER: And that is what we were looking at. That is why we said any other signs would come to the Board or the Town for approval. If you have something temporary coming up, what is it going to be?

PASTOR REEVES: You know, that argument makes a lot more sense if you granted what we asked for. The Board granted a two-sided 6 foot by 10 foot sign.

PAUL BLOSER: For the main sign.

PASTOR REEVES: Correct. That is all that was granted.

PAUL BLOSER: At that point, yes. The rest of it was tabled.

PASTOR REEVES: So to suggest that that was part of the concession, it was not part of the concession. It's not reasonable to expect when someone appears before a Zoning Board seeking a variance, which by its very definition is asking to get more than current code or law allows, to walk away having received less than law allows. And if you don't want to grant the variance, all you have to say is no. If you have a problem with our banners and with our advertising, all you have to do is let us know what you think is inappropriate and we'll try to accommodate the interest of the Town. We try to be good neighbors.

PAUL BLOSER: That is why I said in the conditions of approval, any additional signs would go to the Board or the Town. "We're having an event coming up."

PASTOR REEVES: It is an undefendable and unacceptable position. This is a right and privilege granted by law. We're not surrendering it even in order to get a scaled-down version of the variance we asked for. If you don't want to grant us the variance, you don't have to. But we're not going to surrender rights and privileges that are given us to by law.

PAUL BLOSER: For a temporary sign?

PASTOR REEVES: For a temporary sign.

KEITH O'TOOLE: Mr. Chairman, if the applicant wants a rehearing, State Law provides if a member of this Board makes a motion and it is unanimously adopted, the application can be revisited. Of course, if that happens, the variance that was granted in the first place can also be denied entirely. So you may get less than what you want. That's the risk.

PASTOR REEVES: That's not the concern that we have, that we're going to get less than what we want. Right now the concern is we're having rights and privileges taken away from us.

KEITH O'TOOLE: That's great, but I'm not even sure what that means.

We're not hear to argue in abstract. Either they want the variance they were granted on October 27th, or they don't. And if they don't want it, they can move to have it reheard and the Board can consider the decision it made back on -- I guess October 27th, and perhaps void the variance.

PASTOR REEVES: There is two ways to look at it. One is to go that route, which obviously imposes legal fees upon us to pursue it and I believe, if I am correct, it is referred to as Article 78. It seems like a mistake ought to be able to be handled right here and right now.

KEITH O'TOOLE: That is what I was saying.

PASTOR REEVES: If you wish to -- what we have done basically is revise our plans. We have removed the two-sided sign at the front of the property. We have changed it to two single-sided signs at the entrance site. But I wanted to be very clear, that we do not accept this third condition that says that we are not permitted to use temporary signs and banners to promote and inform the community of services and events that are taking place. This is permitted within law, and it is not reasonable to expect that when we appear before a Variance Committee or Zoning Board that what we're having is our rights and privileges for that taken away. This is not an abstract thing. It's a real thing. If we walk out and accept this condition, if I want to put a banner on the building that says that we're going to have a Christmas Eve service, I'm going to have to have a permit and I'm going to have to have Board approval, and if I wanted to start that today, am I even going to be able have it up by the time the Christmas Eve service arrives.

This provision in the law is for non-profits. It is for churches. And we exercise our right for that. So that condition should not have been inserted to begin with, and if there is a problem that anyone on this Committee has with how we advertise our events, a simple phone call is the way to handle it. I don't think it is appropriate to attempt to rewrite the code for one church.

PAUL BLOSER: Pastor, I think you have a -- aside from this one issue, you have pretty much -- other than the Beaver Road sign, an entire package to put before us tonight.

PASTOR REEVES: I do.

PAUL BLOSER: With that, I would like to make a motion to -- to the Board, if they're willing -- I will have a vote to rehear the application for those portions, aside from the Beaver Road. That's, as far as I'm concerned, closed.

Then we're here -- I will say the north boundary line site proposal, because everything is changing there from what we discussed last meeting, including the one that was granted. With that said, I would like to make a proposal to the Board to rehear this complete application for the --

KEITH O'TOOLE: If I may, Mr. Chairman. I think the applicant has to request this, and I'm not sure the applicant knows what we're discussing here.

A rehearing would reopen everything that they had back on October 27th.

PAUL BLOSER: Including the Beaver Road sign?

KEITH O'TOOLE: The Beaver Road sign, the main Chili Avenue sign. Everything that was contained on the Notice of Decision dated November 3rd of 2009.

PASTOR REEVES: That's fine.

PAUL BLOSER: You're good with that?

PASTOR REEVES: We have never denied or refused to accept the authority of this --

KEITH O'TOOLE: No, stop, please. If -- the issue --

PASTOR REEVES: It would help -- I would feel better if you --

KEITH O'TOOLE: The issue is whether we're going to have a rehearing. We don't -- the record has to be clear as to whether they want this or not. We're not arguing a legal brief here. Right now, the only question is whether they want to reopen everything that was decided on October 27th, all of those variances, all of the conditions, with the understanding that the Board could refuse to rehear it. They could rehear it and reapprove everything, or they could change it in some unforeseen way, including denying everything. That's the choice. That is the risk they take if they reopen the can of worms. That's what a rehearing is. So I guess the question is, for the applicant, for the Pastor, does he want a rehearing and take that risk.

PAUL BLOSER: Pastor, how do you want to respond to that?

PASTOR REEVES: I feel better about people responding to my remarks if they actually let me finish them before you insert an opinion.

PAUL BLOSER: Please go ahead.

PASTOR REEVES: The second thing is, we understand that. And you have every right to accept or deny any request we make. We understood that the first time we came in asking you to reconsider. It is part of our understanding this time. We don't have any preconceived notions that we have automatic rights to our signage. That is not the issue. So we do ask that that be reopened.

PAUL BLOSER: The original application?

PASTOR REEVES: Yes. Is that going to be considered tonight, or does that have --

PAUL BLOSER: Yes.

PASTOR REEVES: Okay. Then yes.

PAUL BLOSER: Okay. With that, since you are requesting it be reopened, to the Board? We'll take a vote if we want to hear this before the Board. Do I have a motion to hear it?

DAVID CROSS: So moved.

MICHAEL NYHAN: Second.

JAMES WIESNER: What does this mean, Keith (O'Toole)? That we will rehear -- whatever was decided before is essentially vanished and --

PAUL BLOSER: We're starting from scratch.

MICHAEL NYHAN: Right.

PAUL BLOSER: With the new proposal.

JAMES WIESNER: This does away with everything?

PAUL BLOSER: Yes.

JAMES WIESNER: Yes.

MICHAEL NYHAN: Yes:

DAVID CROSS: Yes.

ADAM CUMMINGS: Yes.

ROBERT MULCAHY: Yes.

FRED TROTT: Yes.

PAUL BLOSER: Yes.

Motion was unanimously approved to rehear the application.

PAUL BLOSER: Let's go back to square one.

What I would like to do with is start out with -- Pastor, are you going to do the proposal for your new package? Are you doing the proposal or do you have someone else here to make that presentation?

PASTOR REEVES: I will make an attempt and if I get in trouble, our administrator will bail me out.

PAUL BLOSER: Thank you.

PASTOR REEVES: What we have done is removed the double-sided 6 by 10 sign that was approved the last time from the front of the property. That has been taken down and will not be used.

What we are asking is that that square footage that was permitted in the double-sided sign be permitted in two single-sided signs that would appear at the entrance on Chili Avenue. The picture you have in -- in the portfolio of information that was given to you is on the screen. That is the recommended proposal for the entry sign.

PAUL BLOSER: You're requesting two of these?

PASTOR REEVES: Correct.

PAUL BLOSER: They will look exactly the same, just --

PASTOR REEVES: The idea is so that they would be visible whether you're traveling eastbound or westbound on Chili Avenue.

PAUL BLOSER: Do you have a layout? I have got the sign. Do you have something that shows the placement?

PASTOR REEVES: Where on the property? We do. It is right here (indicating).

This is Chili Avenue (indicating). The other proposed sign was present, and originally we had that sign proposed and two entrance signs. We have eliminated that one completely and just gone with the two entrance signs on Chili Avenue.

The facility is located here (indicating). Our parking lot here (indicating). Will be at the entrance on Chili Avenue to the parking lot.

ADAM CUMMINGS: Pastor, could you swing it back a little so the public can see it, too?

PASTOR REEVES: Oh, sure.

For those in the public that might not have seen, this is Chili Avenue (indicating). This is our current facility right here (indicating). Our entrance is here (indicating). There would be a sign here and a sign here (indicating), facing either east or west on Chili Avenue so anyone driving in either direction can see it.

JAMES WIESNER: That is not that sign that is shown then, on those two entrances?

PASTOR REEVES: That is that sign.

JAMES WIESNER: That is that exact sign?

PASTOR REEVES: Yes.

MICHAEL NYHAN: Is this a 6 by 3 or 6 by 10 sign?

PASTOR REEVES: It is shown there as a 6 by 10 sign.

MICHAEL NYHAN: So that is what you're requesting for the variance, is for 6 by 10 signs, two 6 by 10 signs.

PASTOR REEVES: The variance granted on the last location was double-sided 6 by 10. We have eliminated that and stayed within that square footage requirement.

MICHAEL NYHAN: The sign along Chili Avenue is 6 by 10. The entrance was 6 by 3.

PAUL BLOSER: The last entrance signs that were proposed were 6 by 3, two of them.

MICHAEL NYHAN: Correct. Now we're proposing two 6 by 10 signs; is that correct?

PASTOR REEVES: We're eliminating the two 6 by 10 signs and now we're making them two singles instead of one double.

PAUL BLOSER: They're eliminating the big sign that was originally approved. And making it -- that was a double-sided. Double-sided is now two single-sided at the entrance.

FRED TROTT: Still two signs. I'm confused. This is going to be two signs, one on each side of the entrance?

PASTOR REEVES: That's true.

MICHAEL NYHAN: Single-sided.

PAUL BLOSER: Square footage is the same as what we approved the last time for the main sign. But it is --

MICHAEL NYHAN: No, it is not. It is much bigger. Single sign on Chili Avenue is 6 by 10.

ROBERT MULCAHY: 60 square feet each is 120 square feet. It is not one sign. It is two signs.

I don't care if it is back to back. They're two separate signs.

MICHAEL NYHAN: Correct.

ADAM CUMMINGS: Well, before they were two-sided 6 by 10s, so it was still 120 square feet.

MICHAEL NYHAN: Regardless, what we're looking at tonight is two 6 by 10 signs at the entrance on Chili Avenue. What are we looking for on Beaver Road? What type of a sign were

you proposing for Beaver Road?

PAUL BLOSER: The same as what was on the previous application.

FRED TROTT: Everything was taken off the previous application.

MICHAEL NYHAN: It is not on this application we have tonight.

DAVID CROSS: If I can, just to clarify, the application, as it reads tonight, says two 6 by 3 single-faced freestanding signs at the entrance. So these are 6 by 3s, and they flank either side of the entrance. Is that correct?

MR. HUBER: It is taking what we had as the main sign, which was a double-sided 6 by 10, taking them apart and just make two single signs, same square footage. Just eliminating the one double-sided and making two signs.

PASTOR REEVES: The current application before you says two 6 by 10 signs.

DAVID CROSS: Not what I'm reading.

MICHAEL NYHAN: Two different things. The actual application says 6 by 10. The legal notice says 6 by 3. That is where the confusion is.

PAUL BLOSER: The legal notice for tonight's meeting said 6 by 3.

MICHAEL NYHAN: The actual application in front of us is for two 6 by 10 signs.

ADAM CUMMINGS: To clarify it, without a variance, what is the allowable square footage? 32?

PAUL BLOSER: Yes.

ADAM CUMMINGS: They're asking for a variance from 32 to 120 plus the Beaver Road.

ROBERT MULCAHY: Right.

FRED TROTT: Yes.

PAUL BLOSER: That is 36 square feet, right?

ADAM CUMMINGS: That they're proposing. That is 156 --

FRED TROTT: Beaver Road would have to be approved.

PAUL BLOSER: That's correct.

ADAM CUMMINGS: Okay. We're getting it straightened out.

ROBERT MULCAHY: What was the size of the Beaver Road sign?

MICHAEL NYHAN: 6 by 3?

ROBERT MULCAHY: 6 by 10?

MICHAEL NYHAN: No. 6 by 3.

MR. HUBER: 18 square feet per side?

ADAM CUMMINGS: Per side?

MR. HUBER: Yes.

PAUL BLOSER: So we're looking at three signs. Beaver Road sign and two at the entrance.

MICHAEL NYHAN: Chili Avenue being two 60 square signs.

PAUL BLOSER: Right.

MICHAEL NYHAN: Two big signs. Okay.

PASTOR REEVES: The concept of using two signs at the entrance is common even on Chili Avenue. Chili Heights uses it. Cedar Groves Estates uses it. Bellaqua uses it, Rivers Run uses it, Shadow Ridge uses it. I mean it is a way to mark the entrance. It makes it clear and allows people to be able to see it from both signs, whichever side they're traveling.

PAUL BLOSER: You're looking at an 8 foot overall height plus the stone cap, the way I am looking at this currently.

MR. HUBER: Hopefully the stone cap we'll try to keep in line with the raise.

MICHAEL NYHAN: I'm clear what they're looking for. No conditions.

DAVID CROSS: None.

ADAM CUMMINGS: None here.

ROBERT MULCAHY: None here.

FRED TROTT: Well, I understand what they're looking for, but why -- why not go with one sign?

PASTOR REEVES: Well, one sign can't be seen from both the east and the west side.

FRED TROTT: How about if you put it in the middle of the driveway? Why not have it -- do you have it in the middle of both sides?

PAUL BLOSER: (Inaudible.)

FRED TROTT: Not if they pull it back.

ADAM CUMMINGS: They would probably need a bigger (inaudible).

FRED TROTT: Oh, well.

PASTOR REEVES: I don't believe our current width on the drive from Chili into the parking lot is wide enough to accommodate that.

FRED TROTT: Okay.

PAUL BLOSER: You would almost have to double that driveway width to put the sign in.

PASTOR REEVES: I would suspect so.

KEITH O'TOOLE: Couple things. One way you could get rid of the two signs is replace it with one double-sided sign. You could see it going from either direction.

With regard to what we have before the Board, I just want to make clear that in reopening the old application, and taking the other application that had been tabled and which has now been amended apparently, you have all those signs still in front of you. So we need to make clear when we vote what signs are being approved, what locations and what their sizes are.

PAUL BLOSER: Right.

KEITH O'TOOLE: And it is the size of the sign. We don't want to confuse that with the

size of the sign framework and all of the masonry that goes with it.

PAUL BLOSER: Right.

KEITH O'TOOLE: Otherwise we'll look at this in the Building Department records and not be able to figure out what is going on.

PAUL BLOSER: We're looking at the actual size of the sign, the square footage.

KEITH O'TOOLE: Well, you can limit the size of the sign. Certainly that is part of it. And the size of the framework it is held on, as well. And we -- we have done that consistently.

PAUL BLOSER: But we have to be clear on the actual size of the sign, Number 1. Number 2, maximum size of the structure and sign combined?

KEITH O'TOOLE: Yes. Because it is confusing otherwise.

PAUL BLOSER: I understand.

KEITH O'TOOLE: Thank you.

CHRIS KARELUS: Just another point. Um, just so the Board is aware, the count, the number of freestanding signs that the code allows is one per property. (Inaudible) is one of the variance requests. Square footage is also a request of the Board tonight as well as what Keith (O'Toole) said about revisiting the old.

And you know, to remind the Board, I think one of the concessions this Board made was on the applicant's offering to this Board that no building-mounted sign be associated with the site. I know Pastor wasn't here to hear that, but that is originally how that came about in Board discussion with that issue. So nothing further. The conditions I asked to carry over, also about the lighting of the sign, it be shielded and if any approval is granted by the Board, we make sure we take care of the adjacent neighbors and residents of this project.

Nothing further.

PAUL BLOSER: Chris (Karelus), I will go back and ask you to clarify your first comment on freestanding signs. You started to say on that --

CHRIS KARELUS: What I did with the Board, I surveyed the Town, too. I found with these comparable signs, there were multiple users they were actually approved for. Subdivisions, institutions, multi-family residential, things that were not a single use. The only one that I found in similar character was Hanson, and, again, those are mounted to placards very superficial, not scripted for this purpose.

So, again, the Board has granted these on more multiple-user types of projects and institutions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: First I would like to offer, I guess, the idea that this public notice of this Public Hearing really doesn't fit what you're doing and I wonder about the legality of that to start with. I mean it says two 35 -- two 6 by 3 single-faced signs and it doesn't mention at all that we're going to go back and rehear something from two months back that includes more signs. I -- you know, I welcome Mr. O'Toole's thoughts on that.

KEITH O'TOOLE: We're happy to. The one application here is here as a tabled application, so in truth we didn't have to renote anything. It would -- it would be nice if it had the accurate numbers, I agree. But since we already had a Public Hearing, you already heard from the public, for that reason, on that application as well as on the rehearing, since it is a rehearing, we have already heard the public and their comments, we don't have to start from scratch. What you're really doing is the administrative stuff on the back end. Having heard the public, having heard the applicant, you're giving it a second review. That's all.

MS. BORGUS: Thank you.

Now, with regard to these other signs, I do hear what Mr. Karelus just said, and I would tend to agree -- I agree with him. I mean these signs, since they are this large, are not for a single building.

Um, I -- nevertheless, I would like to know if anybody knows the size of those other signs. Are they as big as this one?

CHRIS KARELUS: The only one I saw -- the only one I saw that was comparable in overall sign plate size was Roberts Wesleyan College. All of the other ones -- just using the ones around Town that -- The Vista, Bellaqua's, the Cedar Point -- Cedar Grove, excuse me, were all well below in scale of size.

MS. BORGUS: I'm a little unclear about the sign. What is the overall dimensions, the masonry, the sign, everything? How big?

ROBERT MULCAHY: 14 by 8.

PAUL BLOSER: That includes the pillars on the outside.

MS. BORGUS: Then I want to be clear, too. 32 feet is what is allowed by code?

MICHAEL NYHAN: 32 square feet.

MS. BORGUS: 32 square feet, one sign. So we are looking now then at, let's see, 14 by 8. We're looking at -- just considering the sign size, we're considering -- about five times the code; am I correct?

ADAM CUMMINGS: Dorothy (Borgus), the sign is just 6 by 10. To compare it to the 32, it is 6 by 10, and there are two of them, so that would be 120.

MS. BORGUS: Just the sign.

ADAM CUMMINGS: Just the sign.

MS. BORGUS: 32 is what is allowed?

ADAM CUMMINGS: Correct.

MS. BORGUS: So...

FRED TROTT: And the 36, the one Beaver Road is 36.

MS. BORGUS: So we have 156 square feet of sign. 120 and 36. 156 square feet of actual sign. And our code is 32. So my point being, we -- it's close to five times code right there. Five times.

PASTOR REEVES: I think the code allows for 32 plus some square footage on the building; is that correct?

CHRIS KARELUS: Independent signs.

MS. BORGUS: Then before I make my comments, I have one other question. Will we be heard on this banner issue? Is the public to --

PAUL BLOSER: There is no banner issue before us. There is nothing on the application for a banner.

MS. BORGUS: I'm still going to make the comment now.

MICHAEL NYHAN: Referring to -- the building signs, concession they made the last time?

MS. BORGUS: No, just on banners in general.

I come to these meetings regularly, as you all know. And everybody that comes in here, bar none, want sign, sign, sign, sign, signs. The bigger, the better, the closer, they just can't get enough signs and I don't care if it is a church, a store, a gas station, a pizza parlor. I don't care what it is, they want signs. This church is no different.

However, those banners don't add anything to our Town. I know they -- they promote the church. The church wants to be seen. They want to grow. That's the same, though, that everybody who is in here -- that's the same designs everybody has. That is what they all want, to be seen, to grow. Store, church, whatever. But those banners, although they're tastefully done, they get to be too common an occurrence. And I hear the code. I understand it, but I think the church should understand that they -- if they want to stay growing and they don't want to irritate people in Town, they have to hold the lid a little bit on these banners. They kind of go overboard. Not from a code standpoint, but from a public acceptance standpoint. If every church did it, we would have -- we wouldn't have a very attractive town. They're big, they're up a long time and I'm sure they're costly, but they might better come up with a -- with a changeable print sign so they could advertise it in a more acceptable fashion.

Now, about this sign, this is just plain too big. Too big. 14 by 8 is huge. You don't want two of those sitting out at Chili Avenue. Again, this is what the church wants. They want size, visibility, they want to be out there in everybody's line of vision, but it's too much. 14 by 8 is just too big.

I hope the Board takes the size into consideration before they -- think about this -- just think about this long and hard. Just think how much, how big a 14 by 8 piece of wood is. Compare that to a piece of plywood and you're going to have two of those. Just be careful what you're doing here.

CHARLES RETTIG, Coldwater Road.

MR. RETTIG: Just a couple of questions, please. The public notice, what was that listed as for the size?

PAUL BLOSER: According to the sheet on the announcement, it was for 26 foot by 3 foot signs.

MR. RETTIG: Okay. What was the application? What is the official application size that you have in front of you requested?

ROBERT MULCAHY: Two 6 by 10.

PAUL BLOSER: We have two different ones.

ADAM CUMMINGS: The legal notice did say two 6 by 3 foot. The application said two 6 foot by 10 foot.

MR. RETTIG: You said the 6 by 3 was what listing?

ADAM CUMMINGS: On the legal notice it was listed as two 6 foot by 3 foot signs. On the application, it is two 6 foot by 10 foot signs.

MR. RETTIG: Legally, what are you considering tonight, based upon the application or the legal notice?

ADAM CUMMINGS: The application.

PAUL BLOSER: The application.

MR. RETTIG: Which is the 6 by 3?

ADAM CUMMINGS: 10. Keith (O'Toole), the application is 6 by 10.

MICHAEL NYHAN: Two 6 by 10 signs, single-sided is the application we're hearing tonight.

MR. RETTIG: Thank you for the clarification.

So what you're talking about, what you just talked about, to clarify in my own mind, was two single-sided 6 by 10 signs on Chili Avenue; is that correct, for one --

PAUL BLOSER: That's correct.

MR. RETTIG: And the second sign issue was one double-sided 6 by 3 on Beaver Road; is that correct?

PAUL BLOSER: That is correct.

MR. RETTIG: Therefore, you're talking about 120 square feet on Chili Avenue, and 36 square feet on Beaver Road with a total of 156; is that correct?

PAUL BLOSER: That's correct.
MR. RETTIG: Thank you.

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

PAUL BLOSER: Board discussion.

FRED TROTT: I think it's too big. I think it's too big. It's huge. I don't think they -- I think what they have at Beaver Road is what they should have on Chili. There is nothing that would block -- there is no reason for that to be that size. Just my opinion.

ADAM CUMMINGS: I think this is the same conversation we were at last time, where the single double-sided sign was approved and then we were talking about matching the Beaver Road entrance signs with the Chili Ave. entrance signs, thus, streaming down the size of the square footage and still giving them communication of entrance and exit. Just so we all know it is 156 square feet now.

MICHAEL NYHAN: If we're marking an entrance, we're really looking at -- to mark an entrance -- these signs are being used to mark the entrance and to mark the location of the church.

DAVID CROSS: Let me offer this up to the applicant. I understand that you want to delineate the entrance off of Chili Avenue. What may be more appropriate than signage out there is maybe two, 2 by 2 pedestals, maybe 3 feet high with a cap on it, um, flanking either side of the driveway entrance, maybe made out of brick, something like that, and then go back to your scenario where you have a main sign, double-sided sign on Chili Avenue, okay, 6 by -- well, 14 by, um -- what is that, 14 by 8 may be a little big. Maybe we bring you down a little bit there. I think a double-sided 6 by 3 may be appropriate on Beaver Road. So I -- so I think the Board's main concern is over the entrance off of Chili Avenue.

PAUL BLOSER: I think that was the hang-up at the last meeting, also, was the actual entranceway itself. A couple issues come into play, and one of my biggest personal reasons on it was people exiting, to have a line of sight for safe exiting.

PASTOR REEVES: Sure.

PAUL BLOSER: It's a lot of signage there. And with the size of them, if they're -- there would be traffic impact. More for the safety of your -- your regular people and your visitors coming in and out of there. It's a lot of -- it's a lot of structure there. We had a similar situation that we looked at on -- actually across the street from Roberts where exiting the driveway is going to be an issue just because of the sign, the line of sight. That's a safety concern for placement.

I don't think Beaver Road is a question at all, for anybody. I don't think -- I think everybody is really comfortable with that. It is more the sign itself. And what you want to do with the entrance. It is just it -- it is big. And I guess in your back pocket, do you have an alternative?

PASTOR REEVES: I didn't come prepared with one, but I'm capable of making some decisions on my feet.

Our intention was not to be ostentatious.

PAUL BLOSER: We're not sensing that, okay.

PASTOR REEVES: We wanted to do something that was marked with excellence, we wanted to do something with the lettering large enough that it would not impose a safety concern for people driving by. We didn't want people slamming on the brakes at the last minute trying to find the entrance. So that was our intention.

When we met here last there was a square footage that had been given to us regarding this sign. We just simply thought if we could kill two birds with one stone, with the same square footage, mark the entrance, it would meet the need. If it is the view of the Zoning Board that that square footage at the entrance is too much, then we can make alterations and adjustments.

PAUL BLOSER: I think of like Bellaqua's sign -- excuse me. Not to interrupt you. It says Bellaqua Estates and it is two, like you said, but it is Bellaqua Estates. If we had a smaller profile, shorter in height and shorter in length there, to your stone pillars, keep it not more than 3 foot high so you can see over it. So your church name is there, and you have your big two-sided sign, maybe a little closer than where you were proposing it before, farther down towards the intersection, maybe pull it closer to that entranceway.

PASTOR REEVES: To us, the location of that sign was not critical, and if you're more comfortable with it further out the property, that is fine. We just assumed you limited the square footage so we were trying to find way to accommodate your request at that last meeting.

PAUL BLOSER: We are limiting footage.

PASTOR REEVES: I understand that. I understand that.

FRED TROTT: In the same respect, it is all taken off.

PASTOR REEVES: Again?

FRED TROTT: All of the signs have been taken off.

PAUL BLOSER: Right.

FRED TROTT: So even if you could sit there and say they want 100 -- 120 square feet because you approved it last time, we have taken that away. It is not like we're going to approve it again.

PASTOR REEVES: That is not my point. The point is when we went back and made our

revision, we tried to accommodate what your recommendations were again. It is not to impose you have to do something differently this time. I just wanted you to know you gave us a square footage. We went back and tried to adjust a plan that accommodated that reality. We are trying to comply with you.

PAUL BLOSER: Did we, I don't think -- in the conditions, we didn't give them a size that we wanted at the entrance, did we?

FRED TROTT: No.

MICHAEL NYHAN: No. Too much signage.

PAUL BLOSER: That was completely tabled.

ADAM CUMMINGS: That is where we tabled it, to come back with an alternative plan.

FRED TROTT: That comes back to where we had an issue with three signs on Chili Avenue for one church.

PAUL BLOSER: For one church, yeah.

How does the Board feel about what I said with a low profile, the church name? A straight line.

FRED TROTT: Now we have three signs for one church on one street.

MICHAEL NYHAN: Going back to the same thing.

ADAM CUMMINGS: The size font you have on this, instead of 6 by 10, um, I guess -- 8 by 4, or -- or 6 by 3.

FRED TROTT: In my view, why couldn't he go with what he has on Beaver Road, one sign like that on Chili Avenue?

ADAM CUMMINGS: Right.

FRED TROTT: We are already doubling the minimum -- or the maximum for signage for a piece of property.

MICHAEL NYHAN: Double square footage, as well.

FRED TROTT: It's not really giving any information there.

ADAM CUMMINGS: He has the phone number and the -- the website address, which isn't, I don't believe, on Beaver Road -- or is it?

PASTOR REEVES: No.

ROBERT MULCAHY: It's not on Beaver Road.

ADAM CUMMINGS: Those are just the main ones.

ROBERT MULCAHY: You have to stop to get the website. It -- you can't do it while you're driving. You even have to stop to get the phone number. If, though, you're driving by, you just can't get those numbers. I don't know anybody that can.

FRED TROTT: I mean even to throw it out, he comes in here and points out other signs in the Town that are, you know, the two signs on -- for an entrance. So now, I will throw it out this way. We give him a 10 by -- or 120, three signs, 120 square feet, plus we -- we do all this for him, now the other place said, "Well, you did it for him?" I mean -- you did it to us, so why wouldn't somebody else do it and now we have 3 million signs.

PASTOR REEVES: I understand.

ADAM CUMMINGS: I would still like to go back to my point. Could you accommodate a 8 by 4 sign to have the same amount of information on there?

PASTOR REEVES: I think we could probably do that. As long as we're still permitted to put the address of the building in the brick portion.

ADAM CUMMINGS: Street number.

PASTOR REEVES: The street number.

The last thing we want to do is litter a sign to the point where it really serves no purpose. We're trying to limit as much information as possible. We're actually trying to reformat a web site that would have a shorter name and easier to remember. That's a little bit lengthy. We may have to try to shorten that down. So if the question is, can we accommodate an 8 foot by 4 foot, the answer is we could probably do that.

ADAM CUMMINGS: That is my offer.

MICHAEL NYHAN: I would just like to say --

ROBERT MULCAHY: You were offering two signs?

ADAM CUMMINGS: Well, if these are separate.

FRED TROTT: So now -- but still you're at three.

ADAM CUMMINGS: No. They wouldn't get the main sign. I'm saying this information would be on the two entrance signs at Chili Ave. and --

PAUL BLOSER: Just downsize.

FRED TROTT: So you would have three signs for one building?

ADAM CUMMINGS: Yes, yes.

ROBERT MULCAHY: One on Beaver Road and one on Chili.

PAUL BLOSER: If we took this, what you got here on the drawing on the overhead, um, is -- 6 by 10 sign, 14 foot overall width, 8 foot, if we took 2 foot out in every dimension, so that would be the 4 by 8 sign, and then the outside of that would be 12 by 6, as opposed to 8 by 14 --

PASTOR REEVES: So what is actually being reduced is the informational portion?

PAUL BLOSER: Well, just the information. The pillars would stay the same.

PASTOR REEVES: The only question I would have about the pillars if we are to reduce them, I don't know enough about masonry or what they need to actually make that look reasonable.

PAUL BLOSER: To get your number on there and get your crest on there. I know that was an issue you had last time, that you wanted to make sure that it was designated. I don't know

if "crest" is the right word.

PASTOR REEVES: So if it is just the reduction of the informational sign from 6 by 10 to 4 by 8, I think that is something we can accommodate.

PAUL BLOSER: Jim (Wiesner), thoughts?

JAMES WIESNER: I mean I follow the thoughts of everyone else. I think this needs to be scaled down. It is just a question of where to go with it. I don't know whether it is something that we have done in the past where we give out recommendations to approve and not to exceed, as to what we would allow. Or, you know, the other option would be to table it and bring something back knowing what we're going after, which I don't think is productive from your standpoint.

PAUL BLOSER: I would rather clean it up tonight.

JAMES WIESNER: We have done before, you know, with their -- with an agreement with the applicant, is to say not to exceed a certain amount, what we would allow and then vote on it and then they go back and put together their signs based on what we have approved.

PAUL BLOSER: How do you feel about the 4 by 8 size as opposed to 6 by 10?

JAMES WIESNER: I think that is -- scaling back within reason.

PAUL BLOSER: More palatable.

JAMES WIESNER: Yes.

PAUL BLOSER: Mike (Nyhan)?

MICHAEL NYHAN: I still think 4 by 8 is a fairly big sign. You have a very large frame around it. The purpose of a sign is just to identify the name of the business, the location and the street address. There is a lot of additional information they put on the sign that's more of an advertisement outside of that, I think the purpose -- of the purpose of the sign.

You know, what is reasonable, what have we granted other folks? Chris (Karelus), I guess I would ask you for single-use type properties, do we know that -- the size of the double signs that have been permitted at the entrance of those properties?

CHRIS KARELUS: No, but I think, Mr. Nyhan, you bring a lot of merit to the other signs I talked about, which I did go out and surveyed just the ones I knew of in the area. It was just the name of a project site, that was it. No other additional information. Off the hip, again, I would just -- Bellaqua's and Vistas' were the ones I hit today, the last stop, and I recall -- I believe the face plate, the actual true signage on those signs was 1 1/2 feet by like 6 feet and that's -- was the larger of the two, which I believe was the sign over at the Vistas. That is the Archer project.

MICHAEL NYHAN: Just the signage, not including --

CHRIS KARELUS: All of the important information to it, correct.

MICHAEL NYHAN: Just the signage, not the masonry work?

CHRIS KARELUS: Correct. Just the sign plate. The masonry, if I were to judge it, the full masonry portion of it, I would say probably 8 to 9 feet by about 5 foot height, 6 foot height.

MICHAEL NYHAN: That is marking the entrance on a roadway, which I think those signs are fairly good size. You could see them from some distance away.

PAUL BLOSER: That's what we're looking at, pulling this back down to at least a maximum 6 foot height.

MICHAEL NYHAN: 4 by 8, you're looking at maybe 2 feet by 6 feet, is the signs you're talking about for the Vistas; is that correct?

CHRIS KARELUS: Yes, the actual wording on the signage.

MICHAEL NYHAN: We approved 6 by 3 -- or didn't approve 6 by 3, but we had 6 by 3 for the one sign. I don't know why we have to have 4 by 8 to mark another entrance on the same church. Now it is two signs instead of one. So one sign is permitted 32 square feet. We're looking at three signs. They're still three to four times the square footage permitted.

FRED TROTT: And we're also designing their sign, too. I would have to agree with Jim (Wiesner).

MICHAEL NYHAN: If it will be reduced to that, I would like to see what the sign will look like, as well.

FRED TROTT: What they will look like, where they're going to be placed.

DAVID CROSS: Again, I think what is more appropriate to delineate the driveway entrances are -- this (indicating). The one, the pillar. Very similar -- imagine this portion right here (indicating), on both sides of the entrance on Chili Avenue and a 4 by 8, double-sided sign on Chili Avenue I think would get a nice clean look, get the point across and get your word out there.

FRED TROTT: I like that.

DAVID CROSS: I'm still okay with the 6 by 3 double-sided sign on Beaver Road.

PAUL BLOSER: I don't have a problem with the Beaver Road at all. I look at that as just a separate issue. It's a tasteful sign for that side and that entrance and the traffic on that road. I think it warrants at least that.

MICHAEL NYHAN: So the question is what is the difference on the entrance on Chili Avenue that warrants two signs of a larger size?

DAVID CROSS: The speed along there. I think -- it gives people a landmark, somewhere to pull into. It is a delineation. Shows to go between the pillars, you know.

FRED TROTT: You have it down now from two signs to one, in my opinion. The way you have it. Which I think is acceptable.

PAUL BLOSER: The two pillars just become a structure.

DAVID CROSS: Yes. Not signage.

FRED TROTT: He could even put his address on there.

DAVID CROSS: Or the logo.
FRED TROTT: You could put the logo there.
DAVID CROSS: With the AG logo.
MICHAEL NYHAN: You're talking about not having the signage at all?
DAVID CROSS: Right. Put this pillar on one sign.
MICHAEL NYHAN: Got it.
ADAM CUMMINGS: Approximately 2 foot by 2 foot square, 3 to 4 feet high.
PAUL BLOSER: With the same stone cap.
DAVID CROSS: Brick, with the stone cap.
PAUL BLOSER: Then go back to a double-sided sign on --
DAVID CROSS: For Chili Avenue, which I think is appropriate for the scale, scale and the frontage there. The 4 by 8 seems reasonable.
PASTOR REEVES: So that is a reduction from what you had suggested in the last meeting?
PAUL BLOSER: It is a reduction from the last meeting.
FRED TROTT: But with the understanding everything was taken off.
PASTOR REEVES: I understand.
PAUL BLOSER: I didn't hear that.
FRED TROTT: I'm just saying, with respect, everything was taken off.
PAUL BLOSER: Correct.
FRED TROTT: Because we're revisiting it.
DAVID CROSS: Would you have 64 on Chili Avenue and what is it, 36 on Beaver Road?
ROBERT MULCAHY: 100 square feet.
DAVID CROSS: 100 square feet versus -- well, plus signage on the building, if you were proposing that.
JAMES WIESNER: Two-thirds what it was.
ADAM CUMMINGS: What we're talking about is back from last meeting, two monuments on Chili Avenue, the Beaver Road signs and then a 4 by 8 double, dual-face, double-faced sign that conveys the information of their website, phone number, congregation. Okay. Now --
ROBERT MULCAHY: I don't understand what you just said. It's four signs. The Beaver Road, which I have no problem with that. You are talking three signs on Chili Avenue.
PAUL BLOSER: Well, he was saying one double-faced sign and two monument pillars at the driveway.
FRED TROTT: Just to let you know where the entrance is.
ROBERT MULCAHY: So we're not going to have -- just pillars.
FRED TROTT: Just pillars.
ROBERT MULCAHY: 4 by 8 sign, double-faced.
FRED TROTT: We would allow in the pillars to put the address.
ROBERT MULCAHY: What are the pillars going to be around, the 4 by 8 sign?
PAUL BLOSER: I would assume close to this design. This design is pretty much what you had.
PASTOR REEVES: It's the same.
PAUL BLOSER: For your main sign; is that correct?
PASTOR REEVES: It's the same.
ROBERT MULCAHY: That will be 4 by 8? Plus --
PAUL BLOSER: That's what we're discussing.
DAVID CROSS: Plus the monuments.
ROBERT MULCAHY: Then we'll have two monuments at the entrance?
ADAM CUMMINGS: Correct.
FRED TROTT: That would be this part (indicating).
PAUL BLOSER: Your existing sign that is there now, what is the size of that sign?
PASTOR REEVES: 4 by 8.
FRED TROTT: I like that idea. Of all of the ones we have discussed, that would make me comfortable.
PAUL BLOSER: With the pillars at the entrance?
FRED TROTT: Yes. And the double-faced.
PAUL BLOSER: Pastor, comments?
PASTOR REEVES: I think I have said everything I need to say now.
PAUL BLOSER: The entrance way really is what is one of your biggest concerns right now. I think you heard the voice here of -- the concern of signage in the Town.
PASTOR REEVES: I do.
PAUL BLOSER: It's a -- it's been a hot topic for a long time. Every project that comes before us, what Walgreens looked for versus what they got. Target, what they wanted versus what they got. Downsize a lot from what they were looking for.
MICHAEL NYHAN: At this point I would like to make a suggestion that perhaps the Pastor has heard our comments and the comments that Chris (Karelus) had made relative to the other signs that have already been approved in this Town, and I would like to see a whole sign package come before us again with a -- you know, with the request for that variance so we can see what the signs are actually going to look like. I mean as we talk about it here tonight, we're talking about the sizes, but -- but we don't see what they will be looking like.
PAUL BLOSER: This is what you want. The one we have got tonight; is that correct?

PASTOR REEVES: That's correct.

MICHAEL NYHAN: But we're talking about something totally different, pillars at the entrance, and --

PAUL BLOSER: The pillars. If it is not a sign, doesn't concern us anyway.

ADAM CUMMINGS: Right.

JAMES WIESNER: The plates would.

MICHAEL NYHAN: It would be a sign if it has the address on it or the AG plaque.

CHRIS KARELUS: Anything other than "exit" or "entrance" is considered signs, free-standing.

JAMES WIESNER: But they won't be significant, and they won't be --

MICHAEL NYHAN: Still need a variance for it.

DAVID CROSS: Yes.

MICHAEL NYHAN: They need a variance for that.

DAVID CROSS: Why don't we leave it up to the applicant. Would you like to propose something that kind of fits into what we're thinking?

PASTOR REEVES: I'm assuming that the restrictions, your concerns about the entrance have to do specifically with the number of our address and the logo of our denominational affiliation? Is there some concern to that effect?

FRED TROTT: Because if it was just "entrance" and "exit," that wouldn't be considered a sign.

CHRIS KARELUS: Right. Those are permitted.

FRED TROTT: So are you putting your address on there and the logo -- now it's a sign, correct?

CHRIS KARELUS: Correct.

MICHAEL NYHAN: I don't think I understood your question actually.

PASTOR REEVES: What I was wondering, is -- there was reference to the monument itself and then Mr. Karelus said that if it carries information, that it actually falls under the category of a sign, so I just wanted to make sure that -- if I understood what was being said.

PAUL BLOSER: If you had on your main sign, though, your logo on a pillar out there, you wouldn't necessarily be putting it on the monuments at the driveway.

PASTOR REEVES: That's true. That's true. I would still like to keep the address of the property, the number on that monument just because it's easy to identify it.

PAUL BLOSER: For the drive.

PASTOR REEVES: For anyone traveling towards Rochester, towards Chili Center, to get past a sign that has an address on it makes the entrance obvious. But if you're coming the other direction, you wouldn't see the number --

PAUL BLOSER: Chris (Karelus), just a street number, is that considered a sign?

CHRIS KARELUS: Again, I will reiterate what -- I think the code speaks to entrance and exit. That is what the intent of the pillar is -- exit, enter are the -- are the wording that they can have. Anything else that varies off that would be considered signage.

PAUL BLOSER: Even if it was just the street number?

CHRIS KARELUS: Counsel brought up the point that the house numbers in the code are considered signs.

KEITH O'TOOLE: But there is a provision in the code that, in fact, we require residences to have house numbers for safety purposes.

Historically the Board has not only permitted, but, in fact, required numbers on freestanding signs for traffic safety purposes, for public safety purposes, rather.

But it's not -- but it's not an unlimited size. It's usually of a given size, sufficient to be seen.

PAUL BLOSER: Well, the monument itself, being 2 foot, I don't think your number would be very big in square foot anyway.

KEITH O'TOOLE: I think a number by itself is considered a sign, technically. Any message is a sign, whether it's words, numbers, symbols of any sort. The only exception happens to be the specified safety messages, exit, entrance.

PAUL BLOSER: I would look at the number on there and say -- the street number on the pillar at the entrance would be acceptable, but we would put a condition on there, not to exceed.

PASTOR REEVES: Sure.

PAUL BLOSER: And I think you -- I don't think you would be --

PASTOR REEVES: No.

PAUL BLOSER: -- going crazy with it anyway. You would want it tasteful yourself, but we would put it as a condition on the monument for the street. With that, we would probably have one on the outside of the two monuments, not on the insides.

PASTOR REEVES: Correct.

PAUL BLOSER: You follow that?

MICHAEL NYHAN: I do. Not sure exactly what we're talking about, throwing some ideas out.

JAMES WIESNER: The question is, are we going to try to write something up to condition it --

PAUL BLOSER: Yes. That's where I'm going.

JAMES WIESNER: Or maybe we should say we're going to start putting it down on paper then.

FRED TROTT: How big did you have proposed for your address signs, address number? It is not really shown here.

MR. HUBER: Say it again?

FRED TROTT: How big would this be?

MR. HUBER: 2 by 2. It's right up there.

PAUL BLOSER: The pillar itself, 2 by 2?

FRED TROTT: I'm talking about the number, the street number, the placard, how big would that be?

MR. HUBER: Probably about 4-inch. 4 or 5 inches. I think 6 -- I think we had the letters at 6 and 9 -- 6. 8 and 9, different size letters, based on readability from 250 feet, 400 feet, based on our sign company that made that recommendation. One I would argue, that probably 3 to 5-inch range, no more than that.

PASTOR REEVES: Obviously we'll be limited to what the width of the monument signs is to begin with. It is not our intention to substantially increase that just to get a bigger number on it.

PAUL BLOSER: I would think you would want to have, just from a stability standpoint, visibility standpoint, almost the same size as what you got here, maybe with a foot or 4 foot height, not to exceed 4 foot off the ground. This includes top of cap. The posts there are at the driveway. That would certainly give you another recognition, plow going by would see it so as not to take it out. Visual obstruction of traffic --

PASTOR REEVES: We (inaudible) already or even like a wrap, you know, two. One of the two.

PAUL BLOSER: Right. And again, I --

PASTOR REEVES: I think you want to focus on, we don't make the lettering too big for the number of the address. Is that what you're specifying?

JAMES WIESNER: We could put square footage that, 3 or 4 foot feet, on the plates, that they put on their pillars there --

PAUL BLOSER: Square foot. You have a 2 by 2 pillar.

MICHAEL NYHAN: It will be -- just on the pillar. What they show on the pillar now, it's in size relative to the pillar.

FRED TROTT: But they could make it this way down to fill up the whole pillar.

PAUL BLOSER: I would say the square footage would be able to get 4 or 5 inch numbers within that -- if it's an oval, a square placard, whatever, it will be -- give us a little bit of balance so you can see some brick on the outside of that, too.

MICHAEL NYHAN: Do we have another picture, this picture, so we can put it up? Mine is all written over.

What we're talking about is to have the pillar with that street address on the left, just the pillar at the entrance?

PAUL BLOSER: Yes. One on each side of the driveway.

JAMES WIESNER: Yes. Whether it is a wraparound or a pillar.

PAUL BLOSER: Now, would we want to have those -- would you want to have them lit -- I guess what I would do is pillars. If lighting is used to light the number up, I would want to have shielded lighting. Just stated that. So it keeps it kind of open at that point.

PASTOR REEVES: Oh, sure.

MICHAEL NYHAN: No back-lit number?

PAUL BLOSER: No. You would never get it on there. It would stay with the -- with that.

JAMES WIESNER: Specifically right now we're talking about the Chili Road entrance and what is going to go there?

PAUL BLOSER: Then the sign. We're looking at three things. The Beaver Road -- so I will break this into two -- two again. We'll do Beaver Road as a separate issue like we did before.

JAMES WIESNER: And the entrance on Chili Ave., the main entrance.

ADAM CUMMINGS: Can I back up the cart? Is the applicant, are you okay with what we're discussing here?

PASTOR REEVES: I am.

ADAM CUMMINGS: I just hadn't heard recently. We have all been talking about our ideas and I never heard if they were okay with it.

PAUL BLOSER: And if you have suggestions -- I think we want to stay away from the big signs right at the driveway.

PASTOR REEVES: I understand that. We're happy to accommodate that. When I talked to our mason, he may recommend something that just kind of comes off of the post to the side to make sure it maintains stability, and as long as that is not a problem, it is not our intention to be ostentatious. We're not going to make that a super large event. I'm looking more about structure, stability, something that didn't fall over. We're happy to accommodate whatever square footage in terms of the number that you suggest.

PAUL BLOSER: What I would do on this also, on the pillar entrances, we would put a condition on that that a print be supplied, a drawing or rendition to the Building Department for final approval.

PASTOR REEVES: Of course.

PAUL BLOSER: We would vote on it. But, you know, contingent upon final approval of that construction.

PASTOR REEVES: That's fine. No surprises.

PAUL BLOSER: The entrance needs something. You have a nice property. You have a nice building. I think what we're trying to do -- we want to work with you, bottom line. Just

signage is the big -- the big hot spot here.

PAUL BLOSER: Application 2A will be for the Beaver Road sign. Pastor, do you have with you something that we could put up real quick, a picture of the Beaver Road sign, what you're proposing there?

PASTOR REEVES: Yes. Just a refresher to the Board.

PAUL BLOSER: This is the Beaver Road one (indicating).

MR. HUBER: This was the original entrance one. We just duplicated that.

PAUL BLOSER: For Beaver Road.

MR. HUBER: For Beaver Road.

PAUL BLOSER: The pillars would be the same size, 6 by 3, so overall would be approximately 10 -- okay. 2 by 10.

ADAM CUMMINGS: On this we need to include the square footage for the two numbers?

PAUL BLOSER: On the entrance, yes.

I'm doing the Beaver Road sign first.

ADAM CUMMINGS: The Beaver Road sign doesn't have the street number in --

PAUL BLOSER: It will on both sides; is that correct?

PASTOR REEVES: Correct.

ADAM CUMMINGS: Then it wouldn't be 36 square feet. It would be bigger.

PAUL BLOSER: Approximately 40.

ADAM CUMMINGS: Right.

JAMES WIESNER: That one is single-sided, the one on Beaver Road?

PAUL BLOSER: That's double-sided.

MICHAEL NYHAN: It's double-sided there.

PAUL BLOSER: On the Beaver Road sign, the sign size to be 6 by 3. Sign plus 4, 1 square foot signs, parentheses, two street numbers and two logos, overall with pillars 10 by 5 maximum. That's what we're looking at on Beaver Road.

JAMES WIESNER: You're saying those plates are a square foot each?

PAUL BLOSER: Approximately. They're ovals. It is hard to say, but I think the square foot --

JAMES WIESNER: Because they measure them on the square usually.

ADAM CUMMINGS: You can only do the font. It is not the circular part. It is the rectangle of the numbers and the rectangle of the --

PAUL BLOSER: It will be inches. I'm not -- if I say a square foot, it's -- it is not going to be 6 foot. So...

DAVID CROSS: Splitting hairs.

JAMES WIESNER: Just curious.

PAUL BLOSER: Chili Avenue sign. Sign size. We established 4 by 8; is that correct? Plus 4. 1 square foot.

Paul Bloser was writing down a proposed condition.

PAUL BLOSER: You were proposing to use up-lighting; am I correct?

PASTOR REEVES: Correct.

PAUL BLOSER: Up-lighting would be concentrated to sign by use of shields. That would be on the Beaver Road sign.

Placement of sign to be submitted to Building Department for approval.

Paul Bloser further reviewed proposed conditions with the Board.

PAUL BLOSER: Lighting hours of operation. Dusk to 11 p.m. That is the same as before. You don't have any problem with that; is that correct?

PASTOR REEVES: That's no problem.

PAUL BLOSER: For Application 2A, just Beaver Road sign, conditions of approval.

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

PAUL BLOSER: The Chili Avenue sign.

Paul Bloser reviewed the proposed conditions for that sign.

PAUL BLOSER: Anything else on conditions of approval you would like to see?

Mike (Nyhan), you look puzzled.

MICHAEL NYHAN: Did I hear you say it would be approved by the Building Department?

PAUL BLOSER: Final design of the pillar at the driveway would be submitted to the Building Department so we see an actual final design. Is it 2 by 2 or 2 by 2 with a little sweep, graduated sweep coming down with the final design to them.

CHRIS KARELUS: What I can do, if the Board -- what I did in the past, I will scan it, poll the Board and we'll just get feedback to a point where we reach consensus on it, so the approval is not from my office, but we'll just have it there so we can reach consensus and get it authorized by you guys.

PAUL BLOSER: Counsel, will I need to do SEQR on this again?

KEITH O'TOOLE: Yes.

PAUL BLOSER: Board members, any questions or any changes? We'll do this under two votes for the two separate signs.

FRED TROTT: No.

JAMES WIESNER: Why do you say two separate signs?

PAUL BLOSER: Do it all as one?

FRED TROTT: We can do it all as one.

PAUL BLOSER: Okay. We'll make it easier.

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 Fred Trott 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 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. Beaver Road entrance: Sign size to be 3' x 6' double-sided sign plus four (4) 1' x 1' plaques (2 for street numbers, 2 for congregation logo).
2. Beaver Road entrance: Overall size with monument pillars to be 10' x 5' maximum.
3. Chili Avenue entrance: Sign size to be 4' x 8' double-sided sign plus four (4) 1' x 1' plaques (2 for street number, 2 for congregation logo).
4. Chili Avenue entrance: Overall size with monument pillars to be 6' x 12' maximum.
5. Chili Avenue entrance: Placement of sign to be submitted to Building Department for approval.
6. Uplighting to be concentrated towards sign by use of spill shields.
7. Lighting hours of operation shall be dusk until 11:00 p.m. only.

The following finding of fact was cited:

1. Application will not result in any adverse effects to the neighborhood or neighboring properties.

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

PASTOR REEVES: Appreciate very much the opportunity to voice my concerns and your patience in hearing them. And honestly, we do try to be good neighbors. If we ever do something on our property that causes concern, please feel free to call us. We do try to accommodate requests.

PAUL BLOSER: Thank you. Thank you for your time.

3. Application of Metalico Rochester, 1515 Scottsville Road, Rochester, New York 14624, property owner: Arthur Stock; for variance to erect an 8' high metal fence in front setback area (4' allowed), variance to allow proposed roll-off containers to remain unlocked and not completely surrounded by a fence at property located at 1509 Scottsville Road in G.I. zone.

Rob Fitzgerald and Jim Buckey were present to represent the application.

MR. FITZGERALD: Thank you. My name is Rob Fitzgerald. I'm a Project Engineer with Avery Engineering. With me tonight from Metalico is Jim Buckey. If there is any specific questions regarding the business, he could help to answer those. For those of you who do not know, Metalico is a recycler. They recycle metal. With that, they do have large containers which they temporary store that metal in until they can send it to be processed.

If I can approach the Board. Our proposed 8 foot fence would extend the front range line of the building. Coming off Scottsville Road, we would have a gate located here (indicating), and then the proposed fence would extend to the north.

What that would do is, it would take care of the visuals from Scottsville, so the traffic traveling by would not see operations. It is also because we do have the storage containers. We have to have a 1-foot buffer above the minimum, and their maximum height are 6 feet, so we would have to have at least a 7 foot fence. The fence would be similar -- well, it would be the

same fence, metal fence that is at the existing facility now.

And with that, I'm not going -- I will leave it to questions and comments.

PAUL BLOSER: Rob (Fitzgerald), I was out there the other day and I talked to Bob (Frank) -- Bob Frank; is that correct?

MR. FITZGERALD: Correct.

PAUL BLOSER: I was trying to get a little better understanding what was happening. The fence to your north is owned by 84 Lumber?

MR. FITZGERALD: That's correct.

PAUL BLOSER: And my understanding, from him, that fence is into their lot a fair distance, so a couple things. For you to do anything with their fence, we can't impose anything here because you don't own the fence. They would have to be here to speak on it.

So on the north property line it's going to be a concern just from the visual for southbound traffic more than anything else into that area.

The fence that you have got up there, that you're proposing across that driveway is going to be very similar in characteristics to what you have got on your neighboring properties. They have already got the same type of fence up?

MR. FITZGERALD: Correct.

PAUL BLOSER: The 8 foot height. They do have the slats in them. So, again, I'm looking to -- you're continuing that look, going across. I think it's three parcels?

MR. FITZGERALD: There are three separate tax I.D. numbers, yes.

PAUL BLOSER: So you're continuing that look going across the front.

MR. FITZGERALD: That is the intent, yes.

PAUL BLOSER: The big question here is where and what we're going to do going in that southbound side and how far to contain that. Some of this is going to be -- we have got some overlap with site planning issues, and I know you're going before the Planning Board for some things.

So one of the conditions of approval I'm going to do this whole -- anything we do tonight is going to be subject to site plan approvals. Okay? Just so you know. That will be a -- that will be a condition out of fairness to them.

The variance we're looking at is the front fence. I think right now. One of my recommendations in looking at the property is you have the two south parcels bermed up with some spruce trees. I'm not a tree expert so I don't know exactly what variety they are. What I would also be doing here as a condition is that the Conservation Committee look at this, because I would want that berm continued with like (inaudible). I want to continue that look going down so it is consistent across that whole eastern property line along Scottsville Road, just as a buffer for traffic visibility.

I'm going to look at the -- their -- their recommendation on the tree height. We're not experts here, on this Board, but that is something that I'm going to look at that could be part of their approval on what tree height to put on there, and I will relay that back to the Planning Board for site plan approval.

But it's a couple of things that I looked at.

The other thing I would be putting on as a condition of approval is the existing sign out front, advertising the night club, that that be removed and taken out. Just I don't see the need for it. It's not there any more. So I would like that to be pulled from the property.

MR. FITZGERALD: I guess at this point, those sound like very reasonable requests. We do -- like you said, we do have application -- in January we'll be in front of the Planning Board. We can talk more specific about -- as you mentioned, tree, tree placement. As far as the sign goes, on that plan, we do have -- planned removing that sign so that will be taken care of.

PAUL BLOSER: With your equipment, it won't take much with a chain and a bucket. Take care of that pretty quickly. At this point it is kind of unsightly and doesn't fit the property. So I would like that out of there. The fence itself, the fence directly to the south of this single-story building that is there, the gateway going through there, is about half concentrated with slats. And one of the recommendations that I would make is that it be full concentration of slats on those fences for visuals. Um, and again, this will go back to Planning Board. The -- to put a fence across the north side also, you're going to have to have a -- just the wind sheer coming through there, you will need a certain amount of fence going west to support that line. So again, some of this I will put back on the site plan, but we're looking at the height more than anything else tonight. I'm just going to put these other conditions in there as we go.

JAMES WIESNER: I mean as you already stated, it would be nice if that fence could -- if there was a way to close it up, to combine it with the 84 Lumber one, but it doesn't sound like it is very possible at this point.

PAUL BLOSER: Their sign is into their property too far.

JAMES WIESNER: That is the unfortunate part of it, is there will be a gap in there, you know.

PAUL BLOSER: They will have two fences with lawn mower width in between them. But that's --

JAMES WIESNER: I mean there is no way with easements or anything like that.

PAUL BLOSER: My understanding is 84 Lumber is not willing to do anything at this point to commit to it.

JAMES WIESNER: I mean that is my -- my really only concern is that I would really like to see that fence cover the whole front, but it's not all on their property, so I don't know what options there would be to do that. It doesn't sound like there is any, so...

PAUL BLOSER: Will you be doing any swing gates at the road also?

MR. FITZGERALD: The gate would be located in the front range line of the building. Is that a swing gate or slide?

MR. BUCKEY: Slide.

PAUL BLOSER: You have the main gate that goes across the front of the driveway, from the front of the building that continues across. Closer out to the road, at your other property, you have got maybe a 4-inch tube steel gate that comes closed. Just to keep from going farther?

MR. BUCKEY: That's correct.

PAUL BLOSER: Are you going to have one of those at this entrance also?

MR. BUCKEY: No. We didn't plan on it.

PAUL BLOSER: Any signage?

MR. BUCKEY: The -- we will remove the sign. The only other question is, the -- should we leave the uprights there for another sign in case we want to put it, or remove the signage all of the way down and leave the nice little flower arrangement?

PAUL BLOSER: I would like to have it removed.

MR. BUCKEY: Okay.

PAUL BLOSER: I would like -- if we're going to have a sign, I would like it updated. I would like it to be consistent with what you have on other parcels.

MR. BUCKEY: Fair enough.

PAUL BLOSER: The one that is up there is, to me, is kind of unsightly and doesn't match with what else is there. Your frontages are well taken care of now. Your mowing is done, grass is green, you don't have weeds. I am expecting this will be consistent going across. It is one of the things that stuck out to me, is that sign is kind of out of place with what you have got there. So I would like to see that -- if, in fact, you do come for a sign, I would be looking for an updated --

MR. FITZGERALD: At this time, a new sign, there is no intent to come back for any additional sign.

PAUL BLOSER: Okay.

MICHAEL NYHAN: Is there an existing metal fence in front of here that I see noted here?

MR. FITZGERALD: Yes. There is a gate.

FRED TROTT: It says, "existing gate to be removed."

MICHAEL NYHAN: 8 foot tall fence also located in the front yard?

CHRIS KARELUS: That is the proposal.

MICHAEL NYHAN: Pardon?

PAUL BLOSER: That's what I was talking about in the very front, there is a gate, a swing gate at the front. It's not a full height fence. Just a few bars to stop vehicles from coming into the driveway.

MICHAEL NYHAN: Okay. This one is -- 8 foot tall fence is also located in the front yard of the property, which is not permitted by the code. Is that something other than what is on here?

CHRIS KARELUS: No.

MICHAEL NYHAN: Okay. All right. You're also looking for a variance to store the containers on site that will not be individually locked; is that correct?

MR. FITZGERALD: They will not fully be enclosed, correct.

MICHAEL NYHAN: The area won't be fully enclosed?

MR. FITZGERALD: With a fence. The reason for that being, too, is we have, excuse me, approximately 700 feet of fence that would have to be installed. 200 feet here, and then this is actually fenced now, so -- about 8 or 900 feet of additional fence.

MICHAEL NYHAN: Have you checked if you're heading southbound on Scottsville Road, southbound traffic to look at your building, how far back you would have to build a fence to block that view?

PAUL BLOSER: I estimated 80 to 100 feet.

MICHAEL NYHAN: So we have 80 to 100 feet.

PAUL BLOSER: To block it, I would like to double that.

MICHAEL NYHAN: So we wouldn't be looking at -- how many feet? How many feet did you just mention? I'm sorry.

MR. FITZGERALD: That lot line I think is 670 --

MICHAEL NYHAN: 670 feet. So to block the view of people on the highway, we would need about 100 feet you're estimating.

PAUL BLOSER: Between the curve of the road, the 84 Lumber warehouse, that was my guesstimate, yeah.

MICHAEL NYHAN: Okay. Is there any condition then spoken -- or been discussed relative to doing that?

PAUL BLOSER: Not yet, no.

MICHAEL NYHAN: Okay. We'll talk about that.

Then the other item on here, as you state, the yard is monitored during the day by staff and at night security guards. Is that full-time security or do they just drive by occasionally?

MR. BUCKEY: We don't have full-time security at night. We have alarms and cameras. The only security we have is if our alarms go off, we will have patrols to respond.

PAUL BLOSER: You will be putting video cameras up there also?

MR. BUCKEY: No. We don't anticipate putting cameras there, no. But we could add a camera if that is one of the stipulations. We can do that easy enough now. It is a storage area

right now for containers.

PAUL BLOSER: Empty containers?

MR. BUCKEY: Just empty containers.

MICHAEL NYHAN: Your supporting documents say there are security guards there during non-working hours. So there are no security guards there working?

MR. BUCKEY: We have a security company, but we don't have a regular patrol. The security company is intertwined with the alarm system.

MICHAEL NYHAN: Just responds when the alarm goes off?

MR. BUCKEY: Yes.

MICHAEL NYHAN: They just respond with the alarm is activated?

MR. BUCKEY: Yes.

MICHAEL NYHAN: Thank you. I think that is all I have. No questions.

CHRIS KARELUS: I just think a point, too, the commitment of the project and the plans to take the sign off the plan and establish a lawn. You know, glad to see the Board looking at including some elements in there. I think any would be welcome (inaudible) job with that. Outside of that, we did receive a complaint into the Building Department questioning if there's going to be storage of tractor-trailers or if there were trailers that were intent to scrap in the yard. What I understood from them is the work vehicles as well as the C and D units, construction debris units -- I did do a drive-by today. There were couple trailers in disrepair. If the applicant can speak to that, I ask that they do.

MR. BUCKEY: Yes. There is -- I reviewed the site this afternoon, and there is, I believe, maybe three or four trailers that are there right now that have the ceilings are dilapidated. They're going to be moved and scrapped. Two of them, I believe are pretty good. They have drums inside of them. They will be using that for storage.

PAUL BLOSER: When I spoke to Mr. Frank the other day, the trailers that were in disrepair, a couple of them were going to be stripped down and discarded, and then there was a couple others that were going to be repaired and put back into service.

MR. BUCKEY: That could be. Just depending on how much it will cost them.

PAUL BLOSER: And that was an action that was already in process. They were in the process of working on that, I guess.

CHRIS KARELUS: Just so the Board is aware, the site will not be operating as part of the scrap metal use. It will have a special permit review by site plan, for the Planning Board to consider C and D and the business trailer storage on this site as an accessory to the main principle use. That is why we want to safeguard this so this doesn't end up being surplus scrap storage, as well.

MR. BUCKEY: We have no intentions of storing scrap there.

CHRIS KARELUS: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Was Boon & Sons made to fence their empty roll-offs on Union Street?

PAUL BLOSER: They were. Different application. Different scenario for neighboring properties also.

MS. BORGUS: Different application. You say -- how is that? These are empty roll-offs, no matter where you're talking roll-offs, right?

PAUL BLOSER: It's a different business.

MS. BORGUS: May be, but -- but I don't like to see somebody made to spend money on one site where on another place they're allowed to forget the rule. You know, I like to see things evenly applied.

PAUL BLOSER: Mrs. Borgus, what I am looking at is -- the biggest thing I'm looking at tonight is the frontage for the 8 foot fence height there. Pretty much everything else I'm going to defer to site plan approval and let them put that plan together. So this whole application tonight, even if this Board votes in favor of approval, it is all subject to Planning Board site plan approval.

MS. BORGUS: That will be good, because I always hate to see applicants come before Zoning before they go to Planning. It's backward. It's led to incredible problems in the past. Ties Planning Board's hands. They have had to approve things they haven't really liked because this Board had acted first. So as long as that is in there, that -- that this is subject to their approval and it can be withdrawn or changed, I have no problem with it. Thank you.

Fred Trott made a motion to close the Public Hearing portion of this application at this time, and Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

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

MICHAEL NYHAN: One of the concerns I have is this lot or yard is going to be visible driving north or south or at least driving south on Scottsville Road. Without a fence to the northern side of this property. And I'm not exactly sure. I don't know what it looks like. I know you can see some of the other industrial -- industry on this side of the street when you come around Paul Road. So I am not certain if this lot is visible from Paul Road or not.

ROBERT MULCAHY: It's not.

MICHAEL NYHAN: It's not as a result of the terrain or plantings in there?

ROBERT MULCAHY: There is so much stuff in the way. Trees. Brush.

MICHAEL NYHAN: Okay.

JAMES WIESNER: In the fall there is a little bit with the lot.

MICHAEL NYHAN: If that were ever cleared, then they would have -- the people on Paul Road would have a clear view of this parking lot from the back.

DAVID CROSS: There is wetlands in there.

ROBERT MULCAHY: Not much back there.

MICHAEL NYHAN: Not much shown on this map. That is why.

PAUL BLOSER: Paul Road Development on the Paul Road --

Multiple side conversations were had by the Board members.

MICHAEL NYHAN: The Planning Board would then have to approve whether or not they're going to permit those other remaining sides not to be fenced; is that correct?

PAUL BLOSER: That's correct.

MICHAEL NYHAN: The only thing we're approving tonight is the 8 foot fence rather than the 6 foot fence or the 4 foot in front of the property line.

Paul Bloser reviewed proposed conditions with the Board.

MICHAEL NYHAN: I'm wondering if that 100 foot fence, if that is something we should leave for the Planning Board so they could see from an engineering perspective if it is 50 feet or 200 feet.

PAUL BLOSER: That is why I put a minimum of 100 foot, but then all approvals, subject to Planning Board site plan approval. That covers it.

MICHAEL NYHAN: Okay. All right.

MR. FITZGERALD: If I could, Mr. Chairman, the only concern would be the berm with the pines to the northern property line. That is parking area in the front. We would have to take away that parking area in order to add that. Um, I guess I would like a chance --

PAUL BLOSER: Any place you have green space right now, I'm not looking for you to plug the parking lot up. Where you have green space and it's there, I want that berm and tree line to be continued so that we have a similar look going down that road. I understand you have parking lot there. I'm not asking to take that away. Just in the very front where that sign is right now, where that spread of green is right on the east, right along Scottsville Road, I want that to be bermed and treed similar to the two south parcels. You know, Pat Tindale or the Conservation Committee, they will work with you and make their recommendations to site plan.

MR. FITZGERALD: Sounds good. Thank you.

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.

PAUL BLOSER: Site plan, Planning Board will work with you as far as where these things are stored, tall ones here (indicating), short ones here (indicating). They will look at those issues. Again, I will emphasize any condition of approval, Number 6, all approvals will be subject to Planning Board, final site plan approval. Okay?

MR. FITZGERALD: Okay.

PAUL BLOSER: As Mrs. Borgus said, there are some overlaps. Good thing is in the last few years here Boards have been working together on these projects a lot closer than before. We have a good dialogue going back and forth and we communicate to try to eliminate problems as we see them. It's starting to work very well for us.

Robert Mulcahy 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. Fence slatting to be full concentration.
2. Fence from building going North to North lot line to be a maximum 8' in height.
3. North property fence to be 8' high for a minimum of 100' heading west.
4. Existing sign, posts, planter to be removed.
5. East property line to be bermed and planted with trees and shrubs continuous of two south parcels. All landscaping to be approved by Conservation Board.

6. All approvals subject to final site approval by the Planning Board.

The following finding of fact was cited:

1. Application will not result in any adverse effects to the neighborhood or neighboring properties.

The meeting ended at 9:06 p.m.