

CHILI ZONING BOARD OF APPEALS  
December 20, 2005

A meeting of the Chili Zoning Board of Appeals was held on December 20, 2005 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

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

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

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

BEVERLY GRIEBEL: Before we get into the actual agenda, if the Board will take a minute to discuss the signs.

Application 1, John Greco?

MR. GRECO: Yes.

BEVERLY GRIEBEL: No. We are just discussing it.

DAN MELVILLE: It was there.

BEVERLY GRIEBEL: It was there, kind of in tatters. It wasn't very good from day one.

DAN MELVILLE: You knew it was there, though.

BEVERLY GRIEBEL: It was almost all there. I guess 75 percent of it was there. Okay.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 2, the Family Video. Any problems with that public hearing sign?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: The third one, Maude Development, Walgreens. Any problems with that?

PETER WIDENER: No problem.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Then we'll go back to the top of the agenda.

1. Application of John Greco, owner; 1611 Scottsville Road, Rochester, New York 14623 for variance to erect a 4'1 1/2" x 4'1 1/2" double-faced freestanding sign to be 4' from front lot line (15' req.) at property located at 1611 Scottsville Road in G.I. zone.

John Greco was present to represent the application.

BEVERLY GRIEBEL: We have diagrams there on the Board. If anyone in the audience wants to take a look at it, please feel free to do that.

Are you Mr. Greco?

MR. GRECO: Yes, ma'am.

BEVERLY GRIEBEL: This -- my understanding is that the sign has been up for a while. Is that correct?

MR. GRECO: Well, the sign went down last winter, or -- or last January. I had a preexisting sign there since 1971 that was actually larger than the sign that I want to put up, and I

just took it down. I'm making application to put the new one up.

BEVERLY GRIEBEL: It came down, and then you put up a different sign?

MR. GRECO: Temporary signage. Yes. It is hard to see from the other side. Yes, I did.

BEVERLY GRIEBEL: That is why you're here, because those signs have been up since last January.

MR. GRECO: Actually, it was -- I think it was March of last year when the other sign came down.

BEVERLY GRIEBEL: I know that you have come before this Board before, and you didn't put the public hearing notice sign up twice.

MR. GRECO: I did, but it blew down once, and the second time I put it up a day late. I thought it was 16 days, or 15 days.

BEVERLY GRIEBEL: Anyway, it was first tabled and then denied without prejudice. So -- well, you're finally here.

Now, the sign that you want to put up, is that the sign that is on the A-frame right now?

MR. GRECO: No. It is a new sign. It is a metal construction. I want -- I want to mount it in concrete. It will be electrified.

BEVERLY GRIEBEL: It will be similar to the ones you have on the A-frame.

MR. GRECO: Similar as far as the writing, yes.

BEVERLY GRIEBEL: The writing and the size, is that --

MR. GRECO: Yes. The size is actually smaller, 4 foot by -- I don't have a copy with me.

BEVERLY GRIEBEL: So that would be smaller than what is on the A-frame right now?

MR. GRECO: About the size of the A-frame now. It will be smaller than the sign that was up, by about 2 foot in height.

BEVERLY GRIEBEL: The big one that is leaning against a pole there?

MR. GRECO: Yes. That was a temporary sign I had.

BEVERLY GRIEBEL: Okay. So this sign that you want to put up will be on a pole. Will that be in about the same position where the A-frame is now?

MR. GRECO: To the back side of it, yes. The same spot where the other sign was.

BEVERLY GRIEBEL: Okay. And if that is approved, then all of those other signs are going to go?

MR. GRECO: Yes. Yes.

BEVERLY GRIEBEL: Including the ones tacked on the phone pole and everything?

MR. GRECO: Yes.

BEVERLY GRIEBEL: I hope.

MR. GRECO: Yeah.

BEVERLY GRIEBEL: Because if this is approved tonight -- I don't know what the Board's decision will be -- all those others will have to be removed.

MR. GRECO: Yes. I have one question, though. I won't be able to get that sign up for probably until the weather breaks to pour the concrete and put it in.

DAN MELVILLE: You don't have to put it up right away.

MR. GRECO: Is there any way to have a temporary sign up there of some type?

BEVERLY GRIEBEL: Well, you have the A-frame.

MR. GRECO: Would I be able to use that until I put the other sign up?

PETER WIDENER: In a timely fashion.

BEVERLY GRIEBEL: Well, the A-frame has been there for a while. That will be similar to what you're putting up, only you will embed it in concrete; is that correct?

MR. GRECO: Yes. It will be illuminated.

BEVERLY GRIEBEL: So if you're allowed to do that until you can get this other sign embedded, then you will take all of the other signs away?

MR. GRECO: Yes. I don't need any other signs.

BEVERLY GRIEBEL: That sounds like a pretty good deal.

MR. GRECO: Yes.

BEVERLY GRIEBEL: If you do that. If you don't, you could get called on the carpet by the Building Department.

MR. GRECO: I will make sure it is done right.

DAN MELVILLE: Once the new sign is up, everything else has to come down.

MR. GRECO: It is hard to see from the one side.

BEVERLY GRIEBEL: It would be practical to leave the A-frame up a little longer until you can embed that pole.

MR. GRECO: Yes. That is what I am asking.

BEVERLY GRIEBEL: It will be up to the Board, what they are thinking.

DAN MELVILLE: Will it be illuminated, you said?

MR. GRECO: Yes.

DAN MELVILLE: That was in the same spot as the original design.

MR. GRECO: Same spot as original sign there since 1971. It will actually be smaller.

BEVERLY GRIEBEL: Okay.

RICHARD PERRY: We would ask that you make sure that your street address is someplace on the sign so that it can be identified.

DAN MELVILLE: Just your number. What is it, 1611? Somewhere on that sign.

MR. GRECO: Thank you.

DAN MELVILLE: That way people can see the street number.

BEVERLY GRIEBEL: Everybody is supposed to have numbers. They're missing in a lot of places, and it is hard to find a landmark.

PETER WIDENER: Two questions. The sign that you have previously had there, did you have a variance for that sign?

MR. GRECO: In 1971 -- in the '70s, I did, yes.

PETER WIDENER: That would have stayed --

MR. GRECO: Should be on file.

MICHAEL MARTIN: It's a new sign.

PETER WIDENER: But there should be --

RICHARD PERRY: The old one came down completely, so that negates it.

BEVERLY GRIEBEL: It starts over.

PETER WIDENER: But at one time, this Board -- not us, but this Board approved the sign.

BEVERLY GRIEBEL: Whoever approved it at that time.

PETER WIDENER: I was concerned about the height of 14 foot. Do you need it that tall?

MR. GRECO: The sign that -- yes, I do, for the visibility on the street. I believe I do. The sign that I had was 16 foot tall before. It is 2 foot shorter.

PETER WIDENER: That is what I wanted to compare the variance to, what he had before.

DAN MELVILLE: He is bringing it down.

BEVERLY GRIEBEL: The A-frame is very visible, and that's almost on the ground.

MR. GRECO: I know. I know it is getting -- I don't know why 14 feet -- so that would be 10 feet before the sign would even start.

BEVERLY GRIEBEL: We'll, you're probably sitting 4 foot below the road level the way it is, so you will probably be 10 foot above the road level. It is quite away ways from the road.

Do have any old records on that sign, Dennis (Scibetta)?

DENNIS SCIBETTA: I don't have any with me. I would have to check the records in the office.

BEVERLY GRIEBEL: I don't know if that would be relevant.

The old sign that you had that blew down, is that the one that --

MR. GRECO: It is lying down over -- I still have that sign.

BEVERLY GRIEBEL: What is the sign that is standing beside the A-frame?

MR. GRECO: It is in two pieces. It is big. Just a temporary sign that I have. That's all.

BEVERLY GRIEBEL: Was that put up?

MR. GRECO: That was when the other sign came down.

BEVERLY GRIEBEL: So you put that up and -- in March.

MR. GRECO: In March. Maybe April.

BEVERLY GRIEBEL: The A-frame in March.

MR. GRECO: Yes.

BEVERLY GRIEBEL: Because that is the one that is huge.

MR. GRECO: I know that was about the size of the other sign. It's part of the other sign actually. The sign was probably twice as big as what I am applying for now. That was up for 30 some years.

PETER WIDENER: What are the hours of illumination on that sign, the new one that you're proposing?

MR. GRECO: Just until 8 p.m. It would be open from -- it would be on from like now, 5 to 8.

BEVERLY GRIEBEL: From dusk to --

MR. GRECO: Dusk to 8 o'clock. Except on Sundays, we close at 5. Saturdays we close at

7.

PETER WIDENER: It is not on all night?

MR. GRECO: No. It won't even be on. There is no need for it.

BEVERLY GRIEBEL: How does the Board feel about that 14 foot overall height?

PETER WIDENER: There are other signs --

RICHARD PERRY: It is --

BEVERLY GRIEBEL: In the ditch.

RICHARD PERRY: Yes.

JEFFERY PERKINS: It is in keeping with most roadside signage in that area.

BEVERLY GRIEBEL: Now, about the issue of him waiting, it is hard to put a time limit as to when he has to put the new one up.

PETER WIDENER: Six months sound good to me.

MR. PERKINS: Six months is good.

BEVERLY GRIEBEL: Meanwhile, the other signs have to come down.

RICHARD PERRY: It has to be tied to the construction of the other one.

JEFFERY PERKINS: Upon construction of the new sign, all other temporary signs to be removed.

BEVERLY GRIEBEL: If the A-frame that is there now is about the same size as the one is going to put up, then my feeling is the other signs should all come down. Just leave the A-frame until he can put the new one in that similar spot.

DAN MELVILLE: I see what you're saying.

PETER WIDENER: Start clean-up now.

BEVERLY GRIEBEL: He has that big black one beside the A-frame, the black lettering. Then there is one tacked to a phone pole.

MR. GRECO: I can take that down.

BEVERLY GRIEBEL: I would like to see that down. I would like to see the big one beside the A-frame down. It is only one-sided anyway.

MR. GRECO: I can take them down within a few days and just leave the A-frame up there until the new sign is done. If you want to put a limit of six months on it, that is okay with me.

BEVERLY GRIEBEL: The weather hopefully will clear before then. We hope. June.

RICHARD PERRY: If it doesn't by June, then there is something wrong with global warming.

DAN MELVILLE: You can pour concrete in the winter.

BEVERLY GRIEBEL: You can, but digging and all of that, that is a little difficult. I would like to see all those other signs to go now.

BEVERLY GRIEBEL: And not to be brought out again. Sometimes there are signs up and down the street, tacked on every phone pole all over the place.

MR. GRECO: Not my signs. Maybe three or four years ago, but --

BEVERLY GRIEBEL: K Mart. At one time you had signs up and down the street over there.

MR. GRECO: We were running a stock -- I know just what you're saying. It was three years ago.

DAN MELVILLE: He should have no problem by June getting that in.

BEVERLY GRIEBEL: Does that sound workable?

MR. GRECO: Yes, it does. Thank you very much.

BEVERLY GRIEBEL: You're not done yet.

DENNIS SCIBETTA: All of the other signs be removed at the time -- after the decision. And be kept down.

BEVERLY GRIEBEL: After he gets the decision letter.

DENNIS SCIBETTA: After he gets the decision letter.

BEVERLY GRIEBEL: Next week or so, they all come down. He has agreed to it here at the public hearing, so.

MR. GRECO: They will be down before that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

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

1. The “A-frame” sign can remain until the new sign is made and installed (6 months maximum time limit).
2. All other signs to be removed now and not to be replaced nor others added.

The following finding of fact was cited:

1. Sign needed to advertise the business on a busy street.

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

2. Application of Family Video, owner; c/o Todd Bezenah, 630 Rock Beach Road, Rochester, New York 14617 for variance to erect a 6' x 8' double-faced freestanding sign to be 96 sq. ft. (32 sq. ft. allowed), variance for sign to be 11' from front lot line (15' req.) at property located at 4369 Buffalo Road in G.B. zone.

Todd Bezenah was present to represent the application.

MR. BEZENAH: Good evening. Todd Bezenah, with Family Video. We have a picture over there. I have a big one on my computer I can bring up also.

BEVERLY GRIEBEL: I think that shows the design of it, and it also has a -- the location there right at the corner.

MR. BEZENAH: Yes, it does.

BEVERLY GRIEBEL: If anyone wants to look at it, they can go look at it.

Do you have other signs? Are there signs on the store?

MR. BEZENAH: There are signs on the store. In meeting with Dan Kress, those are within code, so we have nothing to do here for that tonight.

What -- I met with Dan in November, about a road sign, because I specifically wanted to go to him to see what fit and matched the building, the corner and so on and so forth. In coming up with -- we discussed a 40 square foot sign that would be approximately 8 by -- it is 5 foot tall, the sign itself and then by 8 foot long, which is a 40 square foot sign.

However, in talking to Dan (Kress), he said the 1 foot of block that will match the building, a monument sign, would also count against it. So that -- the sign itself is 8 by 5, and then with the 1 foot block, it makes it one foot taller. It is 6 foot inside. I'm 5' 10", so it is about here (indicating). That is it.

BEVERLY GRIEBEL: So the 2 foot that is indicated on this diagram, that should be 1 foot?

MR. BEZENAH: Correct. I have, if I can, I just want to make sure that I have the --

BEVERLY GRIEBEL: Because this shows an overall height of 7 feet.

MR. BEZENAH: Should be 6 feet. I was afraid of that, because I looked -- Land Tech, I don't know if you're familiar with Land Tech --

BEVERLY GRIEBEL: The 1 foot is --

MR. BEZENAH: If I can approach, I will show you real quick. It looks like that (indicating).

BEVERLY GRIEBEL: So this a little different from --

MR. BEZENAH: Yes. That one -- I think it is -- that is the one (indicating). The page for it. Land Tech put that on there and shouldn't have. That is why I included the other part to that.

BEVERLY GRIEBEL: So you made the Family Video portion of it smaller?

MR. BEZENAH: Yes.

BEVERLY GRIEBEL: That will be the same color, and then it is white underneath.

MR. BEZENAH: Changeable copy. Just to say now open, specials, so on and so forth. With a 1 foot brick base that is the same material as the building.

BEVERLY GRIEBEL: Now, if you put it closer into the parking lot, you don't want to do that?

MR. BEZENAH: Well, I was talking about that just for radius and cars and stuff, we wanted to give it -- that is why we were asking to be 11 foot off instead of the 15. I believe we

are 3 foot in. We wanted to give a little radius there for cars and turns and so on and so forth to give you a little buffer zone because it is going to be curbed in there. The curb would stop anybody from hopefully bumping into that.

BEVERLY GRIEBEL: If you move it closer to the store, then somebody might hit the sign.

MR. BEZENAH: Correct. Because of the configuration and the right-of-way that is there -- I believe there is about 15 foot out to the road itself, the curb of the road, so the sign will actually be close to about 25 to almost 30 feet off the corner of the road, so in looking at it, we were looking where can we put it, place it. We wanted to be consistent.

The Eckerd's across the road, this is smaller than that. We looked at what was going on across from us and thought this is a good fit to the size of the building, which is 5,000 square feet. I didn't want to go too big. I wanted it low-lying because of the visibility with the corner.

JEFFERY PERKINS: There are two islands, if you will, if you want to call them, or jut-outs. Why didn't you choose the one closer to Buffalo Road?

MR. BEZENAH: Because we wanted to be more on the corner part. Um, actually, I think we are the one closer to Union Street, if I'm not mistaken. Why didn't we choose the one towards Buffalo? The building itself faces Union more, so we wanted to keep it a little bit in line with the entrance and if we put it over on Buffalo, we just kind of felt it didn't really line up very well with the -- how the store base is. So then we didn't have the luxury of an island or a little thing. We'll landscape around that, too, by the way, so that will be landscaped around.

JEFFERY PERKINS: Will the sign be back lit?

MR. BEZENAH: Yes. The green part is a dark green, so very little light through it. And it is a dark orange, so it just illuminates the Family Video part of it.

JEFFERY PERKINS: What about the street address on the sign?

MR. BEZENAH: Um, if that is something that is --

DAN MELVILLE: Required.

MR. BEZENAH: Then we would have to do it, absolutely. I'm not sure where. I have never had a street address on a sign, honestly.

RICHARD PERRY: It can be on the end pieces.

MR. BEZENAH: Okay. We can put it on the end pieces? What size are the letters?

DAN MELVILLE: Four-inch I think is required.

DENNIS SCIBETTA: Under the code, it is five-inch.

MR. BEZENAH: Five-inch letters. We can do that.

BEVERLY GRIEBEL: You're on Buffalo Road, so it would be a Buffalo Road street number. It is kind of confusing because it is more on Union Street.

JEFFERY PERKINS: That is why I asked about the location.

MR. BEZENAH: Is that a Buffalo street address?

BEVERLY GRIEBEL: Property located at 4369 Buffalo Road.

DAN MELVILLE: Buffalo Road address. You wouldn't want to put that number on the Union Street side?

MR. BEZENAH: No.

BEVERLY GRIEBEL: Dennis (Scibetta), should --

DENNIS SCIBETTA: Is there going to be the address on the building proper?

DAN MELVILLE: Will you have your numbers on the building --

MR. BEZENAH: Yes. We'll have it on the building, as well.

BEVERLY GRIEBEL: That will suffice then.

DAN MELVILLE: Yes.

BEVERLY GRIEBEL: It is kind of confusing. You're facing Union --

MR. BEZENAH: It is an odd-shaped property. We usually want them facing the corner directly, but it is just kind of how it fits and everything with the drive aisles and the widening of both roads by the State, it kind of made this position a little different. But things are going well over there. We have the block up.

BEVERLY GRIEBEL: I don't know if they're almost done -- well done for the winter.

MR. BEZENAH: They're still going. It cost me a little more to get the winter build going, but we are going.

PETER WIDENER: The lighting on the sign, is there a time on it?

MR. BEZENAH: Yes. All on a timer. So -- a digital timer inside the store.

PETER WIDENER: What would that be? I mean how long?

MR. BEZENAH: Depends on the -- we are open 10 a.m. to midnight. Midnight every day of the year. So during the summer times 8:30 to --

MICHAEL MARTIN: Dusk to close?

MR. BEZENAH: Yes. It is on electronic timer, so it turns off when employees leave.

BEVERLY GRIEBEL: The Hess station has such a glow.

MR. BEZENAH: Yes.

PETER WIDENER: The sign seems to be back from the intersection enough where I don't think it will cause any problems. As long as the shrubbery you put in there is low-lying. No other questions.

KEITH O'TOOLE: Changeable copy signs are not permitted for commercial use per code. We permit them for churches, government, charitable organizations, but not for businesses.

MR. BEZENAH: I did not know that. In talking to Dan (Kress), I was not aware of that.

BEVERLY GRIEBEL: When you originally spoke with him, I guess you spoke about the original sign without the changeable copy.

MR. BEZENAH: Yes. We discussed this sign in particular that I brought in front of me. We said we would like that. But being a new business, and pretty -- in pretty much the State of New York, we would like to have -- let people know our hours, when we are open and advertise what we have, specials and so on and so forth. So I would really like to keep that if I could. It is low-lying, and it is not a high impact where it is up in your face.

MICHAEL MARTIN: What about the driving range down 252, doesn't that have -- they have changeable copy?

DAN MELVILLE: Yes. So do the gas stations.

MICHAEL MARTIN: Is that an extra variance we can grant for that?

KEITH O'TOOLE: Not tonight, no.

BEVERLY GRIEBEL: If he wants to do that, he would have to come back for that?

KEITH O'TOOLE: That is correct.

MR. BEZENAH: What I would do then is keep it 40 -- the same size, but it would just be the "Family Video." When I submit I guess for the permit it would be -- the "Family Video" would just be a bigger --

BEVERLY GRIEBEL: Which was your original sign?

MR. BEZENAH: Correct. Kind of like that. When I came in front of Dan (Kress), I wasn't aware of that --

BEVERLY GRIEBEL: With the overall height then being 6 feet, and not 7, as was on this original diagram?

MR. BEZENAH: Right. If you're including the 1 foot block, yes, it will be a 6 by 8 sign. That would include the base.

It would just be a fuller "Family Video" instead -- although I would like to reduce -- I like the one I was looking at originally that is over there on the board.

If I would have known, I would have applied for the changeable copy, too. I can come back. I guess -- you can't tell me, but would you be okay with that? I don't want to come back --

BEVERLY GRIEBEL: If he wants the changeable copy, Keith (O'Toole), if he tables it and then if it is readvertised?

KEITH O'TOOLE: There is nothing to table. He has to apply for a brand new variance.

MR. BEZENAH: I can do that. Just the size, tonight, if we can get that down and everything --

DAN MELVILLE: You can always come back again.

MR. BEZENAH: Yes. I like you guys. It's all right.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just had a couple of questions. Where this sign is to be placed, is that going to be grass?

BEVERLY GRIEBEL: He said he is going to have landscaping and low shrubbery around in that little triangle.

MR. BEZENAH: All landscaped around. Kind of in a landscape bed.

BEVERLY GRIEBEL: There are two Vs between the parking spaces?

MR. BEZENAH: Correct. They're all grass, irrigated and landscaped.

MS. BORGUS: The space between the red line and the right-of-way is going to be what?

MR. BEZENAH: That is not on our property line, but I think it is kind of New York State's

--  
MS. BORGUS: Paved?

MR. BEZENAH: Pavement. Yes. Everything inside of that is going to be -- on the pull-outs

will be landscaped.

MS. BORGUS: You won't have much landscaping then.

MR. BEZENAH: That is just like a little site of the corner. We have interior landscaping all along the building. There is 3 feet with interior landscaping all around. If you saw the whole site plan, it is enormously landscaped.

MS. BORGUS: I saw it when you were in, but I thought there was more landscaping on the edges.

MR. BEZENAH: New York State tore all that up when they put in the right-of-way.

MS. BORGUS: Are those colors the company colors?

MR. BEZENAH: Yes. Throughout all our 475 stores now in the Midwest, those are our company colors. I can't speak to that.

BEVERLY GRIEBEL: You're a Midwest company?

MR. BEZENAH: Third largest video store in the United States. But we are the biggest privately held. We own all of our buildings and properties.

BEVERLY GRIEBEL: You're going to be in Rochester, or you're one of the company people?

MR. BEZENAH: I'm the Regional Director, and I'm in charge of developing all of New York State. This will be our second store that will be open. We have one open in Brockport in a building that we remodeled. I have final approvals in Geneva, Olean and Tonawanda.

BEVERLY GRIEBEL: This is your logo. The green sign with the orange lettering?

MR. BEZENAH: Correct.

MS. BORGUS: Unfortunately, I think for Chili -- that doesn't lend itself to our nice historical corner, orange and green.

DAN MELVILLE: You don't like green?

MS. BORGUS: Orange? I don't think orange doesn't exactly fit in with the Glue Factory and what we are trying to do with that corner. That, and the glass tower. Thank you.

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

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

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

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

1. Changeable panels not allowed.
3. Application of Maude Development, LLC, 22N159 Pepper Road, Barrington, Illinois 60010, property owner: M/M Alexander Tulloch & Richard Heffron Jr.; for variance to erect 7 wall signs totaling 222.6 sq. ft. (150 sq. ft. allowed), variance to erect 4 directional signs with logo (19 sq. ft. each) to be a total 72 sq. ft. (3 sq. ft. per sign allowed) and to be 48" above ground level (42" req.), variance to erect a 10'1" x 5'11" double-faced freestanding sign to be 116 sq. ft. (32 sq. ft. allowed), variance to allow front parking for 67 vehicles (74 spaces req.), variance to allow more than 10 continuous parking spaces at properties located at 4358, 4362, 4366 & 4370 Buffalo Road in G.B. zone.

Tom Greiner and Brian Maude were present to represent the application.

BEVERLY GRIEBEL: Now this is an application that went for two things at the Planning Board. Combine four lots into one lot, and preliminary site plan approval. That was just last week at the Planning Board. And that was tabled pending resubmission after revised -- according to what I was told -- I haven't seen the minutes yet. Those are not ready, but they have to revise the whole project.

So I guess with that in mind, the application we have for wall signs, front parking, and number of spaces for parking, contiguous parking spaces would be moot at this point.

What is the Board's feeling on that?

MICHAEL MARTIN: Can't grant a variance on something being revised.

BEVERLY GRIEBEL: It is kind of nebulous.

DAN MELVILLE: We can ask the applicant what they have in mind. We really can't make any decisions here tonight.

BEVERLY GRIEBEL: We can't really do anything about any of these. Everything is up in the air, pending your working with the Planning Board people to, I guess, totally revise this site plan and the whole project.

MR. GREINER: Right.

BEVERLY GRIEBEL: Is that correct?

MR. GREINER: Yes.

BEVERLY GRIEBEL: Are you Mr. Greiner?

MR. GREINER: Yes. Tom Greiner. How are you?

I'm here, by the way, with Brian Maude of Maude Development and Frank Ziolkowski of Zaxis Architectural.

It is true we were at the Planning Board last week for those approvals and that it was tabled. The Planning Board wanted us -- there are a number of issues. There the two -- I will stand to be corrected, but the two biggest issues we have with the Planning Board from their comments would be design of the building and the fact there is an older building on the site now that the plan would be to demolish, and there is some research and some questions that the Board wanted us to answer about that.

You know, also the typical site issues that would be associated with a new development. Those are the big ones. We understand that this Board cannot take action tonight for any number of reasons.

Including, Mr. O'Toole and I discussed that the Planning Board has asked to be -- to have a coordinated SEQR review between Planning Board and the Zoning Board, and they have declared their intent to be lead agency. So until SEQR is finished, then you can't -- I mean, even if we weren't changing anything, we wouldn't be able to do anything tonight.

So what I wanted to do is not take a lot of time -- but I note it is only 7:41 -- just take just a few minutes to go over what our variances are, and a little bit -- in a little bit more detail.

DAN MELVILLE: Why would that be necessary if you have to change your plan?

MR. GREINER: Well, probably -- that is a good question. I understand the Board's point there.

But we are -- whatever happens, we are likely to require front yard parking.

BEVERLY GRIEBEL: Maybe. Maybe not. You don't know.

MR. GREINER: Well, I mean that is the whole point. That is part of the application, is to discuss or to give you our reasons why we think we need front yard -- I, at this point, couldn't envision any design of the building that would actually take away the front yard parking. Because if it were in the rear -- the two rear yards or the two none front yards are used for the drive-through and for loading dock and also trash. I mean, you wouldn't want those in the front yard to put the parking in the backyard. If we move the building all of the way into the corner in the -- in the front and try to squeeze the parking in where the trucks would be loading and unloading and so forth, you would have conflict between pedestrian movement and the vehicular trucks and so forth. And also the cars in the drive-through.

So we are going -- I think no matter what happens, Ms. GRIEBEL, we'll need front yard parking.

We are likely -- I think we have a relatively small space requirement. We are providing 67 spaces, which we think is adequate. The ordinance would call for 74. So we have a small, relatively small, under 10 percent, number of spaces required, which again, we think is probably not going to change by any significant degree.

And then finally your ordinance would require that there be no more than ten spaces adjacent to each other. And, of course, we have in the parking, if you look at the site plan, at one point we had 16 and one point we had 13.

Again, just looking at the lot and trying to keep the parking space variance down, and try to configure the parking, we are likely to need that one.

As to the signs, whatever the design is going to be --

BEVERLY GRIEBEL: That could change.

MR. GREINER: It could very well change, but we'll probably still -- knowing Walgreens, just like Eckerd's, we are going to probably have enough wall signage to require a variance. We are going to have a freestanding sign which just on their basic prototype and design will exceed the

ordinance similar to the Family Video one. It is a little bigger. Then the directional signs, those will probably change.

But it is likely that we'll need more than 3 square feet for each one, and ours are a little higher, like 6 inches higher than the ordinance would require.

So the variances that we have, it may change a little bit, but the nature of the variances will probably still be with us.

You have seen our application. I am sure you have taken a look through it.

BEVERLY GRIEBEL: I looked through a lot of these. Spreading them out and looking at them. The pole sign, the front sign might be larger than the Family Video sign.

MR. GREINER: Well, I think it is. They said theirs is 96 feet, and ours is a bit over 100. So -- but generally speaking, it is of the same ilk as theirs.

It also, by the way, has the changeable copy, which I read the ordinance provision. I guess I was confused by the ordinance provision which talks about commercial speech sign and then it talks about churches and charitable -- I really --

KEITH O'TOOLE: It is not the most artfully drafted section.

MR. GREINER: It is probably an older section, I would imagine. It looked like it. So when we come back in, think I -- because we have a reader sign underneath our -- as part of our freestanding sign, we'll probably need to make a variance application for that. Because we have the reader on it with that -- that will change from time to time.

BEVERLY GRIEBEL: A reader is what --

MR. GREINER: It is the type that you can -- it is in -- it is --

DAN MELVILLE: You program.

BEVERLY GRIEBEL: It moves?

RICHARD PERRY: Streamer.

MR. GREINER: It doesn't flash across, but it might say -- just give information about what is in the store they want to tell you about, and maybe the next day or two hours later it changes to something else.

I was just informed by our client it is also part of the Amber Alert. Walgreens has participated in that. So for example, it will provide public information such as a missing child, for example. They will cooperate and put that type of information out to the public, as well.

So we'll need a variance for that. Under at least Keith (O'Toole)'s interpretation.

KEITH O'TOOLE: The only one I have.

MR. GREINER: We mentioned it as something we are doing, but we didn't say, "And we'll need a variance for it."

So we'll make sure that we put that in.

BEVERLY GRIEBEL: I don't know we can delve into a lot of these things. I don't like the

reduction in parking spaces.

DAN MELVILLE: There is a way you can avoid that.

BEVERLY GRIEBEL: That is a high traffic kind of business.

MR. GREINER: Right. We obviously hope it is a really a high traffic store.

BEVERLY GRIEBEL: We don't know that will be foot traffic from the college. We don't know. But to cut down on that -- because there is no option. With Eckerd's across the street, they own that corner, but that can expand into other areas in that parking lot if need be, but your expansion is on-street parking. I don't know. There is not much of an option.

MR. GREINER: That is true. That is why we applied for the variance. That is why we also tried to maximize the parking. In a sense, it is the -- the provision of spaces runs a little counter to putting in areas that would -- could be parking spaces that aren't. That is why we have the 13 and 16 spaces. We could have put islands in to try to conform to the ten space adjacency requirement you have in the ordinance, but we would have lost a couple spaces that way.

The other thing is that if you look at our site plan, which I could put up, but if you look at our site plan, we have also tried -- we are on the corner. We have tried to maximize, I think, the way the State D.O.T. wanted -- there was a comment from them -- maximize the distance of our curb cuts. We could -- if we were closer to the corner, we would actually have them break up the parking, but that actually would run counter to trying to get those curb cuts as far away from the intersection as possible. Brian (Maude) is putting that up.

BEVERLY GRIEBEL: The way the parking spaces work, it is so much per square footage of retail space; is that correct, for the audience?

MR. GREINER: Yes.

BEVERLY GRIEBEL: So the only way to meet it is to decrease your retail space?

MR. GREINER: Right. Right. Of course you're familiar with -- I know you're familiar with Wegmans. I know you're familiar with other stores that have optimized or at least they think they have optimized their operations so they have a plan for their space, and they become fairly standard because they have researched it just like Target or Walgreens or Eckerd's, or any of the national outfits that go from place to place, they have tried to optimize their space. Walgreens is one of them.

Although it creates the need for a variance, that is deemed at least by Walgreens -- obviously, you know -- that is deemed by them to be of more importance than squeezing out another space when they think they're comfortable with the number of spaces, the 67 spaces that we show on the site plan. They're very comfortable with that as a routine number of spaces. They would be more comfortable with that than they would decreasing the size of the store, because they really have it all planned out.

DAN MELVILLE: How many spaces do you have on the one at Long Pond and Spencerport Road, do you know?

MR. GREINER: That is the one in Gates?

DAN MELVILLE: Gates.

MR. GREINER: We'll find out about that. But I -- we don't know. We'll find that out. That is a good question. That is the only -- we were just talking about that. That is the only Walgreens that is operational here in our County.

DAN MELVILLE: Yes.

MR. GREINER: So we'll find that out. That is a good question.

BEVERLY GRIEBEL: Those are some concerns I have, decreasing the parking -- I don't know.

MR. GREINER: Again, I know what you're saying, and if there is some way to get another space or two on the property, we'll certainly try. We'll look at that as we are working with the Planning Board.

BEVERLY GRIEBEL: But you have to also keep some landscaping.

MR. GREINER: Right. That is the other issue. There is landscaping. There have been a lot of issues that come in around us. You want to keep the spaces in the front for security in the evening hours. You don't want people behind a store. You want the customers, especially the more elderly customers more visible. You want them comfortable so they're not insecure around in the dark.

DAN MELVILLE: This will it be a 24-hour store?

MR. GREINER: It could be. I believe it is designed to start at lesser hours, but they do have stores that when it looks like a 24-hour operation would really be useful for people -- I believe the one in Brighton that is under construction that was approved by the Brighton boards will be a 24-hour store right from the get-go. This one, I believe is really starting out at lesser hours.

When do you think you will be going back to the Planning Board? You will be meeting with them and revising the plans. What kind of time frame are you looking at for that?

MR. GREINER: I would think we are hoping for a few weeks. I mean is that pretty much -- I know that Brian (Maude) is trying to meet with Mr. Martin, and whoever else on the Planning Board to really talk about design. Because we know that that is a real issue with the Planning Board. Optimally, a few weeks. Might not be. Might be longer. It is certainly a significant issue for the Planning Board.

BEVERLY GRIEBEL: So we would need to table this until an indeterminate time.

MR. GREINER: We'll have to readvertise.

BEVERLY GRIEBEL: Generally when we table it here, we table it for a month or two months, but we don't even know.

MR. GREINER: I don't think we can give you a date certain.

BEVERLY GRIEBEL: What I would say to the audience is you would have to watch the publications.

DAN MELVILLE: It will have to be readvertised, signs put up again.

MR. GREINER: Right. Any reaction -- I mean we are actually -- we thought it would be beneficial to come tonight, knowing you couldn't act, just to see, like you're giving us some comments --

BEVERLY GRIEBEL: On the decreased parking.

MR. GREINER: On that. Anything else?

RICHARD PERRY: I know one thing that I would be interested in knowing, Dennis (Scibetta), is what variances are for signs that we approved for Eckerd's across the street.

DENNIS SCIBETTA: We could look that up.

RICHARD PERRY: I would like to have those numbers in hand to -- just to make sure this is consistent with and not in excess of.

DENNIS SCIBETTA: There is a new sign law in place that dates the Eckerd's. The Eckerd's was done before the new sign law was drafted.

MR. GREINER: We were trying, when we were at the Planning Board last week, we were asking some of the Board members that I have known for a long time how old the Eckerd's is. Do you have that information fairly handy?

DENNIS SCIBETTA: Sure.

MR. GREINER: I thought four or five years.

DENNIS SCIBETTA: I believe it is five to six years.

MR. GREINER: What we have tried to show is something fairly comparable to Eckerd's. If you look at the Eckerd's -- we have pictures. We can submit some. It is pretty comparable when you look at the wall signage. They're not all that different in terms of -- we -- we maybe have a little bit more square footage, but we have less words to read. Basically Food Mart. We don't -- they say one-hour pharmacy, I believe.

BEVERLY GRIEBEL: One-hour photo.

PETER WIDENER: Have you done a road tally on Buffalo or Union Street as to the number of cars that pass on a weekend?

MR. GREINER: Has Walgreens done that?

PETER WIDENER: Has it been done by you on this intersection?

MR. MAUDE: We just called the State and got the numbers from the Department of Transportation.

PETER WIDENER: The State would know.

MR. GREINER: The State would know --

BEVERLY GRIEBEL: What time frame is that count from? Because I live in North Chili, and I avoid that corner. I take back roads. I don't use that corner unless I absolutely have to. I try to avoid it all of the time. So if they took a road survey, I wouldn't be in there.

MR. GREINER: When Walgreens goes in, you will go to Walgreens.

BEVERLY GRIEBEL: Hopefully the road will be finished then. Once it is finished, it will be fine, but we had 1 foot deep potholes and a mess out there.

MR. GREINER: I know. I had some soccer tournaments, and -- I went through there.

BEVERLY GRIEBEL: Any traffic study that I saw would be suspect depending on --

MR. GREINER: You mean during all of the construction and during the -- I mean just the deterioration of the roads.

Anything else?

PETER WIDENER: Yes, I have other questions. Buffalo Road is a four-rod road. What is Union Street, do you know?

MR. GREINER: More. But we'll check. I think that -- the right-of-way has to be more than four rods.

PETER WIDENER: Right here on the map, 66 feet.

MR. GREINER: Right.

PETER WIDENER: To -- 33 and 33. That is Buffalo Road.

MR. GREINER: Just looking at it, I think Union is a bigger road, but we can check on that.

BEVERLY GRIEBEL: They just put turning lanes and everything in, so.

PETER WIDENER: Do you have a lot of excavation of earth and buildings and everything else from that corner?

MR. GREINER: In terms of like the Walgreens?

PETER WIDENER: Yes.

MR. GREINER: I don't think -- I'm not an engineer, but when I was listening to the site plan presentation last week by Costich Engineering, I didn't get the sense that there was a lot of earth moving that was needed.

PETER WIDENER: They don't feel there is a lot of earth moving. Okay. Thanks.

BEVERLY GRIEBEL: I guess we have to see the plans from the Planning Board to see what comes out of that.

MR. GREINER: Okay.

KEITH O'TOOLE: If I understand correctly, we are tabling it until such time that the applicant notifies us they're ready to proceed?

BEVERLY GRIEBEL: Yes.

MR. GREINER: Could I ask the Board before we go home to -- if the Planning Board has

asked for lead agency designation, would you consent to that?

BEVERLY GRIEBEL: Oh, yes. I get those letters all of the time. I think I tell the Board now and then I get them.

KEITH O'TOOLE: We need a motion and a vote.

BEVERLY GRIEBEL: Motion to allow the Planning Board to be lead agency?

KEITH O'TOOLE: Lead agency, yes.

MICHAEL MARTIN: I will move that.

BEVERLY GRIEBEL: Second on that?

PETER WIDENER: I will second that.

BEVERLY GRIEBEL: Thank you.

The Board voted unanimously in favor of the motion to allow the Planning Board to be lead agency.

MICHAEL MARTIN: Move to table.

JEFFERY PERKINS: Second.

DECISION: Unanimously tabled by a vote of 6 yes for the following reason/finding of fact having been cited:

1. Applicant will be having further discussions with the Planning Board and will request placement on a Zoning Board of Appeals agenda in the future.

Note: Applicant to obtain new public hearing notice signs at the Building Department to post and then maintain was per Town regulations.  
Applicant must be present for the Public Hearing.

The meeting ended at 8:00 p.m.