

CHILI ZONING BOARD OF APPEALS

February 27, 2007

A meeting of the Chili Zoning Board of Appeals was held on February 27, 2007 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Temporary Chairperson Michael Martin.

PRESENT: Paul Bloser, Jordan Brown, David Cross, Richard Perry and Temporary Chairperson Michael Martin.

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

Councilman Schulmerich, Zoning Board Liaison, was in attendance.

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

MICHAEL MARTIN: Before we begin, we would like to go over the signs for this agenda. Starting with Number 1, any problems?

The Board indicated they would hear the application.

MICHAEL MARTIN: Second one, everyone okay with that one?

DAVID CROSS: I didn't see it out there on the 21st, two days ago. I didn't see it. Might have been in the snow.

RICHARD PERRY: I think we have to give a little latitude to all of them tonight.

MICHAEL MARTIN: Yes. I did see that earlier.

Third one, no problem?

The Board indicated they would hear the application.

MICHAEL MARTIN: Fourth one, no problem?

The Board indicated they would hear the application.

MICHAEL MARTIN: And the fifth one?

The Board indicated they would hear the application.

1. Application of Buckingham Properties, owner; 1 S. Washington Street, Rochester, New York 14614 for variance to erect a second freestanding sign to be 8' x 4 1/2' single-faced at property located at 465 Paul Road in L.I. with ADATOD and FPO zone.

MICHAEL MARTIN: Good evening. I'm Ron Malbone from Buckingham Properties, a Project Manager there. Basically, there is an existing freestanding sign there. It is a tenant directory -- a tenant moved in last year, Pearce Industries, and they would like to erect their own sign, because they have no visibility from the road.

Do you have any drawings or anything you can put up?

MR. MALBONE: With me, no. Do you guys have that stuff?

JORDAN BROWN: While he is doing that, I would like to recuse myself from this application due to a conflict.

MICHAEL MARTIN: You can just have a seat with them (indicating).

If anybody wants to take a look at this, the drawings for this, it is on the board over there (indicating).

Any questions from the Board?

RICHARD PERRY: I have no questions.

PAUL BLOSER: I have just a few questions. How many empty businesses are within this property at this point?

MR. MALBONE: There are four or -- five. Including this tenant.

PAUL BLOSER: You have quite a bit for rental in there.

MR. MALBONE: Yes.

PAUL BLOSER: Did you have a projection for how many businesses are going in there?

MR. MALBONE: No.

PAUL BLOSER: As I drive down that road, there is already a directory sign in front of the building that shows who some of the current occupants are. By allowing an individual company to put up their own sign, could open us up to everybody on that directory wanting a sign, and that would set a precedent. It would be like a (inaudible) shake commercial driving down Paul Road. My personal opinion on it, with respect to the neighbors, I wouldn't want to see a lot of signs.

What I would like to see from my vantage point of looking at the building is maybe an updated directory sign, giving everybody in there a little bit more space, a little better coverage.

MR. MALBONE: Bigger sign?

PAUL BLOSER: I guess to start having individuals putting signs up, I would hate to start something that could snowball on us.

MR. MALBONE: Okay.

PAUL BLOSER: That is my biggest concern.

MICHAEL MARTIN: You said there are currently five tenants in the space?

MR. MALBONE: Yes.

MICHAEL MARTIN: Are they roughly the same square footage?

MR. MALBONE: No. They're all different. They vary.

MICHAEL MARTIN: Is there one that is larger that acts as a main tenant?

MR. MALBONE: No, not really.

MICHAEL MARTIN: Did -- did Pearce, did they request this sign to be --

MR. MALBONE: They're asking us. They have to ask before they put it up. So that is why we are doing this.

PAUL BLOSER: Do they have their own entrance?

MR. MALBONE: Yes.

PAUL BLOSER: So you're not walking to a common area, other offices?

MR. MALBONE: Nope.

PAUL BLOSER: I didn't really do a circle around the building to look at different entrances. Is it something we could address over a door as opposed to --

MR. MALBONE: Their entrance is to the side. You can't see their entrance from Paul Road. So you still wouldn't have anything visible from the road. You would have to pull in the facility and drive by their entrance to see it.

PAUL BLOSER: If we had a different design, directory sign with the street number up on top so the number was very visible for one of their clients coming in, um, and then with their name pointing maybe in the direction, east side, west side, whatever, I would rather have -- as far as planning, an updated sign.

MR. MALBONE: Okay.

PAUL BLOSER: Rather than having multiples. I just see the thing getting out of control. Once we set a precedent -- the current five may also want their own advertisements. I think that is the only situation I see. It is still a very heavy residential area. And I just think it could lead to other problems.

MR. MALBONE: Okay.

MICHAEL MARTIN: Where is the main directory sign in relationship to this proposed location?

MR. MALBONE: Right on the corner, the entrance of Paul Road.

MICHAEL MARTIN: So it is pretty much --

MR. MALBONE: Directly in -- yes.

MICHAEL MARTIN: Will this sign really be visible from the road then if it is behind

the --

MR. MALBONE: The directory sign is perpendicular to Paul Road. This sign would be parallel with it.

MICHAEL MARTIN: It -- this is basically right in front of their entrance to --

MR. MALBONE: Near the corner, yes.

MICHAEL MARTIN: Are there any other questions from the Board at this point?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I agree with what Mr. Bloser has just said. It is a residential area, and I think the sign, as I remember, when that -- the sign they have was approved, and I have been coming to these meetings for years, it was done because it was tasteful, and it didn't interfere with the residential character of the homes across the street. There was a reason for that very tasteful sign that is there.

Um, if this sign were to be faced at the road, I don't see where that helps with the goal of having that business be visible because the sign is still at the road. If five businesses are in that building now, and there is room for more, I can envision down the road what this is going to look like when many, many, many businesses all want their same sign. And once you do for one, you have pretty much got to do for all.

As far as there not being -- you can't see the entrance of this company from Paul Road, that is true, but the way that building is laid out, you can't see the entrance of any of the five businesses in that building. So this building isn't any more hard-pressed than any of the others.

And actually, this Pearce Industries, if you drove back there, which I did, is exactly on the corner. It's right on the front corner. If there is any business in there that is -- has visibility, it is that one. They have a glass front on the office. It's the most visible of any business in there. And actually, if they want to increase visibility, they ought to increase the size and design of the signs they have on the glass. The signs of their own that they have inside are extremely small, and if you don't know what they already said from the sign at the road, and I hadn't known from the application, I wouldn't even have known what the print said from the parking -- from the driveway. So I think they could help themselves a lot. They're in the best position for visibility of any company that is in there, presently in there, and I just think that that sign that is there was there -- and approved in that fashion, in that design for a reason. And that was to be tasteful, and to complement the business and still not interfere with the residential character of the neighborhood.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I agree with both Mrs. Borgus and Paul (Bloser) here. On the application, second freestanding sign, is not in order. The building is set up as suites or sections to the building, and once you go inside there, they can label the suites and it can be added to at that point.

Also, on the point of having a number of signs for 5 businesses or 30, or whatever you may put in there, are we going to have 30 signs out in front? I don't think that is the intent and it should not be. It should be set as a directory and you go in and you deal with it from there.

Thank you.

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

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

Richard Perry made a motion to deny the application, and Paul Bloser seconded the motion. All Board members were in favor of the motion.

DECISION: Denied by a vote of 4 yes to deny with 1 abstention (Jordan Brown) for the following reasons/findings of fact having been cited:

1. There is already a directory style freestanding sign on property.
  2. Not in keeping with character of the neighborhood.
2. Application of Robert Lazarevski, owner; 18 Emerald Point, Rochester, New York 14624 for variance to allow existing swimming pool to be 8' from side lot line (10' req.) at property located at 18 Emerald Point in R-1-15 zone.

Robert Lazarevski was present to represent the application.

MR. LAZAREVSKI: how are you doing? I'm Robert Lazarevski. Earlier in the fall, I purchased a swimming pool from Clover Pools. I got my permits and everything. It passed. And -- passed electrical as far as from where they installed the pool. I guess it was off by 2 feet. I don't know. It is a hardship for me to take the pool out. I don't have the money to rip it out again. And to move it -- I talked to my neighbors on both sides of the house. They have no problems with it.

MICHAEL MARTIN: As long as they can use it when it is hot?

MR. LAZAREVSKI: Yes. I just don't know what to do here.

MICHAEL MARTIN: Just basically during the installation --

MR. LAZAREVSKI: Everything is done.

MICHAEL MARTIN: -- something was off 2 feet?

MR. LAZAREVSKI: 2 feet closer to the lot line.

MICHAEL MARTIN: 2 feet is not a significant amount.

RICHARD PERRY: I have no questions, especially of the owner. I guess I would think maybe we should send a little note to Clover Pools --

MR. LAZAREVSKI: Absolutely.

RICHARD PERRY: -- instructing them to do their math correctly.

MR. LAZAREVSKI: That's what I said to them. I got in a bit of an argument with them. They should look at the property lines where you install the pool instead of giving me this big headache.

MICHAEL MARTIN: Yes. It is not the first pool they have done.

PAUL BLOSER: They did the actual spotting?

MR. LAZAREVSKI: Everything.

PAUL BLOSER: For the Building Department, have you seen this -- with this company before? Has there been --

DENNIS SCIBETTA: No. No. But we found the problem. We discovered it when we did the final. It was too close to the side lot line.

PAUL BLOSER: My question to Counsel would be, do they have -- does the pool company have an obligation if they violated the code to make it right?

KEITH O'TOOLE: No. Actually, my experience with Clover is that they're rather smart about this. When you go to Clover, you buy a pool. You buy the pool from Clover. They steer you to an installer, but the installer is not part of Clover. So if problems occur, they say, "Gees, it is not our problem. Go sue the installer."

MR. LAZAREVSKI: The guys that came and installed it had Clover uniforms, Clover trucks and everything.

You know, what am I supposed to say?

MICHAEL MARTIN: I think it is just one of those things that happens from time to time. It is unfortunate. We'll do the best to rectify the situation.

MR. LAZAREVSKI: Like I said, I talked to the neighbors. They both don't have problems. They also told me before I came here if there is any problems, you guys can mail them or call them.

MICHAEL MARTIN: Well, you advertised that you were having a public hearing about this tonight. You know, they had the opportunity to come if they were so inclined to make comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: I think this is a minor problem as long as the two neighbors are backing you and supporting you. I personally don't have any problem with this. I encourage you vote for it.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I guess the first question I would have -- would be was there a drawing prepared when this contract was drawn up for the installation of this pool?

MICHAEL MARTIN: Do you know if there --

MR. LAZAREVSKI: I mean as far as I know, I paid for the installation. As far as I know, they're the ones that are supposed to know the lot lines, where they're supposed to install the pool. I told them the area I wanted it, but how was I supposed to know it is supposed to be 10 feet from the lot line? Thinking it is a company that installs pools all of the time, they're supposed to know things. I just paid for the installation. That was it.

MICHAEL MARTIN: Probably not.

MS. BORGUS: Is there a permit required for the size pool that was installed?

MR. LAZAREVSKI: Yes. Permits were all done, and the electrical was passed.

MS. BORGUS: Well, then at that point, didn't the Building Department tell you what the setback was to be?

MR. LAZAREVSKI: No one told me nothing.

MS. BORGUS: I would like to --

DENNIS SCIBETTA: That's not true. They're informed at the time they installed the pool. There is a drawing brought in and it clearly states it must be 10 feet from the side. It was spotted on the site plan with the conditions, so, it is the -- it is ultimately the homeowner's responsibility because of the application for the permit release with them. So it -- it was just installed incorrectly. It's the owner's installation, pool company installation, so --

MS. BORGUS: My next question would be, I looked at the drawings and it appears that this pool also sits within an easement; am I correct with that?

MICHAEL MARTIN: That's what I see on the drawing, as well.

MS. BORGUS: How does that happen?

DENNIS SCIBETTA: I believe this is a new survey brought to us, not the survey that the original plan --

MR. LAZAREVSKI: Yes. I had to get a survey done. That is another thing I had to do. I had to pay again for another survey.

KEITH O'TOOLE: Obviously whatever survey was presented to the Building Department at the time of permit application didn't have the pool on it because the pool had not yet been constructed, thus the reason for the permit.

MICHAEL MARTIN: Regarding the drainage easement, is there -- is -- do we know the drainage easement is in existence? Would that show on the new survey?

KEITH O'TOOLE: Don't know. It is not an issue before this Board.

MS. BORGUS: This -- there is probably not much you can do about it at this point. I agree. And 2 feet is not a major variation, but I -- but I think that I agree this Board should let Clover Pools know it was very poorly done and it is not appropriate. If they don't take care of a customer better for this one instance, you can rest assured they don't care about other installations, either.

MR. LAZAREVSKI: When I called them to talk about it, they said there is nothing we can do. We didn't install it. Deal with it.

"Oh, gees, thanks."

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

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

Jordan Brown made a motion to approve the application with no conditions, and David Cross seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following finding of fact was cited:

1. In keeping with character of the neighborhood.
3. Application of Nancy Schallmo, owner; 16 Sierra Road, Rochester, New York 14624 for renewal of conditional use permit to allow a beauty shop in home at property located at 16 Sierra Road in R-1-12 zone.

Nancy Schallmo was present to represent the application.

MS. SCHALLMO: Hi.

MICHAEL MARTIN: You're just renewing this?

MS. SCHALLMO: Yes.

MICHAEL MARTIN: It was last renewed in 2001, I believe.

MS. SCHALLMO: Yes.

RICHARD PERRY: Yes.

MICHAEL MARTIN: Have any of the conditions changed from that approval?

MS. SCHALLMO: No.

MICHAEL MARTIN: Generally for a conditional use permit for an in home office, there are conditions which were approved which are: Granted for a period of five years, no on-premises advertising, no on-street parking pertaining to the business, customers by appointment, no outside employees and hours for the application as per the application.

RICHARD PERRY: How long have you been in business there?

MS. SCHALLMO: Since '94. 1994. November.

MICHAEL MARTIN: Have there been any complaints or anything about this?

DENNIS SCIBETTA: None. I believe '95 was the original date, for the first one.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Paul Bloser made a motion to approve the application with the following conditions, and Jordan Brown seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Granted for a period of five years.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Customers by appointment.
5. No outside employees.
6. Hours of operation as per application.

The following findings of fact was cited:



1. Customary Home Occupation.
  
4. Application of Mary McKee, 3774 Chili Avenue, Rochester, New York 14624, property owner: Getty Leasing; for variance to allow a 14' x 3' wall sign to be 42 sq. ft. (29 1/4 sq. ft. allowed) at property located at 3774 Chili Avenue in G.B. zone.

William McKee was present to represent the application.

MR. McKEE: I'm William McKee. I'm also co-owner of the liquor store down there. And there was an existing sign there. It has been there since apparently 1981. Basically what we did, my sign guy made us a sign, slid in our name, piece of plexiglass and otherwise, we don't even own the building. We are just basically leasing. So really I don't mind paying the application, whatever fee or whatever it is to, you know -- but I do have pictures if you would like to see, photographs of the sign.

MICHAEL MARTIN: If you don't mind, you might want to put one on the board.

MR. McKEE: No problem.

MICHAEL MARTIN: So basically you just took the existing sign and made a new insert for what was already presently there?

MR. McKEE: Yes.

JORDAN BROWN: There was an existing sign there for 20 years before this sign?

MR. McKEE: Yes. Then I put my piece of plexiglass in there, and then they said you need a permit for that. I said, "Oh, okay."

So here I am.

MICHAEL MARTIN: It has been several different stores.

MR. McKEE: There have been probably five different stores in the last ten years. I think this one is going to stay.

MICHAEL MARTIN: It is a new -- whenever it changes, you need to --

JORDAN BROWN: Old ones previously to his request?

DENNIS SCIBETTA: Yes, and no. Part of the problem, that plaza has gone through several remodifications, and apparently when the sign was constructed, they were allowed more frontage for that sign. When this one got constructed or -- I believe two owners before this, had used the sign -- they were granted a larger sign, and unfortunately, there was a wall constructed at some time which cut down the frontage that they actually have, so that is the reason why the sign then became oversized and they got caught up in it unfortunately. That is the only reason. They reused the sign box that was there. I don't want to fault them for that.

PAUL BLOSER: The only comment I will make, in looking at it, it is at least tasteful and pretty consistent with the other signs in there. It doesn't jump out at you as a -- as a sore thumb. So...

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question. When this occurs, and -- and somewhere along the chain of occupancy, there is a bigger sign that ends up on a storefront. Is there any provision in the code or in the Building Department to foresee that the next person coming in isn't going to get caught in the same situation? In other words, once somebody gets an extra large sign, that shouldn't just be inherited by anybody that moves into that building as a future renter. Is there anything in place to see that this doesn't happen?

DENNIS SCIBETTA: They're allowed the size of the sign according to the number of feet frontage. The number of linear feet in frontage was reduced overtime. That's the reason why this sign became -- they were allowed 29 square feet, I believe. 29 1/4, and they needed a 42 square foot sign. So they're just -- they got caught up in it. That is where it was caught.

MS. BORGUS: I understand that, but I'm saying supposing that there is another renter in this store five years from now, is he going to be back caught in the same situation because we don't have anything in place to stop this, now that it started? Other than -- I mean the new renter could come in and apply as this gentleman is doing.

MICHAEL MARTIN: They could also construct a brand new sign.

MS. BORGUS: That would fit the code. This is what I am getting at. In order to put a sign on a new property, on a different -- for a different renter, they could just do that without coming in and clearing this first so that this is all caught at the time.

DENNIS SCIBETTA: No. They have to come in to get their sign permit and it will be caught at that time.

MS. BORGUS: But it didn't happen at this time.

DENNIS SCIBETTA: Yes, it did. That is why they're here.

MS. BORGUS: But the sign is up.

DENNIS SCIBETTA: That is the reason why they're here. They put the sign up. They came in to Town. They leased the space. They put the sign up. When we saw the sign going up was the first that we knew that they were moving into -- and they -- they filled the existing sign that was there.

MS. BORGUS: I understand.

DENNIS SCIBETTA: We explained the rules, the sign law, the sign ordinance to them. It was explained to them that they needed to get the variance for the oversized sign.

MS. BORGUS: I understand. But my point being, isn't this backward? Shouldn't they have come in and get that straight before they had the sign made up and put up?

KEITH O'TOOLE: In a perfect world, it would have been nice if they got the permit before they put up the sign. They made the assumption that an existing cabinet would permit the sign that would fit in the cabinet. This happened to be an unusual situation. The code worked. They came in for their permit and the problem can be resolved this evening.

MS. BORGUS: I'm not getting my question answered.

DENNIS SCIBETTA: The sign company told them to put the sign up. We discovered the problem with the sign and we told them they had to come in to get the sign permit and the variance for the sign.

MICHAEL MARTIN: I think I understand your question.

MS. BORGUS: Shouldn't the permit -- the sign company should have come -- gotten the permit, then made -- then we would have solved the problem.

MICHAEL MARTIN: Again, it's -- you know, as Mr. O'Toole said, in a perfect world --

MS. BORGUS: I understand, but I'm at these meetings a lot and I see this happen every meeting. Now it's twice tonight out of four applications. It is two companies that didn't follow procedure.

MICHAEL MARTIN: Well, in this one, I think when you come into a place, and you see an existing sign, you operate under the assumption that that sign is fine and legal.

MS. BORGUS: Right. But I'm --

MICHAEL MARTIN: In this case it wasn't, which --

MS. BORGUS: I understand that. I understand that. However, the point is to put a new sign up, was a permit required? Initially?

MICHAEL MARTIN: For the old sign?

MS. BORGUS: To replace the old sign with a new sign, was a permit required? Regardless of the size.

MICHAEL MARTIN: Not if it is within the code.

DENNIS SCIBETTA: We requested they had to come in for the sign permit. That is what triggered this whole thing.

MICHAEL MARTIN: So they would have --

MS. BORGUS: My point exactly. So perfect world or not, that's what we have a code for, and I don't think a perfect world or an imperfect world has a thing to do with people not obeying the code. The problem here came with the company who made the sign, got this gentleman in this problem, didn't do -- didn't follow our procedures.

MICHAEL MARTIN: I think the problem was the old sign was still there. The frame was in place.

MS. BORGUS: I understand. But a permit is a permit is a permit. I mean it doesn't matter how big it was or if there were brackets. They don't follow our procedures of this Town. And it is a problem with all -- of a lot of businesses that do business here. And I don't know how you have a come upence to this, and how you stop it. Half of this Board's time should not be taken up on things that were wrong and wrong before the beginning because companies came in and did business and didn't



obey the code and our rules. Thank you.

MR. McKEE: I wasn't trying to disobey any code. I just want to make that clear. I wasn't trying to do anything wrong. I was trying to do it by the book. I stumbled over a stumbling block, and here I am.

RICHARD PERRY: No one is suggesting that you did.

MICHAEL MARTIN: That is the reason why this Board is in existence. It is to take care of these situations.

MR. McKEE: Keep things straight.

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

MICHAEL MARTIN: This went to the Monroe County Planning Department and came back as a local matter.

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

David Cross made a motion to approve the application with no conditions, and Richard Perry seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following finding of fact was cited:

1. Sign needed to advertise business.

Note: Sign permit is required.

5. Application of Walgreens, c/o Zaxis Architectural, 4245 Union Road, Suite 210, Buffalo, New York 14225 for variance to erect two 10'11" x 4'2" double-faced freestanding signs to include an electronic reader board at property located at 4358, 4362, 4366 and 4370 Buffalo Road in G.B. zone.

Brian Maude, Doug Hutter and Len Stubbe were present to represent the application.

MR. MAUDE: I'm Brian Maude from Maude Development, LLC. I have with me tonight Doug Hutter from Zaxis Architecture and also Len Stubbe from Walgreens. We are here for the sign application for the Walgreens at the corner of Union and Buffalo Road. I see new faces here. I know we have some new members to the Board. I will give a quick update on the project. I don't know how much you know about it.

Last year I met with the Village Planning Board (sic) and presented a new Walgreens at the corner of Union and Buffalo. During that meeting, the Board informed us that they didn't want to see a regular Walgreens at this corner. They wanted to see something more creative that would represent the Village of Chili (sic). We went back. I later met with the members of the Planning Board, got input from them, went back to my client. We were able to incorporate those ideas into the building.

Upon our return, we met with the Board. We were complimented on our efforts to make the building look more unique to this Town and were approved for that project.

We also took that thought process to the monument sign at the time and came in with a monument sign that was not according to the code or what could be allowed at that location.

And I will let Doug (Hutter) go through the different variations of the sign and where we are at today. But the code did allow for a 20 foot tall sign. In taking a look at the neighborhood and area, we didn't think that would fit in there, so we reduced the sign to 12 feet. Part of the reason we could do that is because it was at the corner at the time. The house at that point, the project was not going to be included, so that there was no obstructions to the sign.

Um, as part of the application for the sign, um, we requested and were approved an electronic

reader board for that sign also. So we received the sign, the size and the reader board and everything, basically everything we asked for on the sign, but I think you will see what we asked for was in better taste and fit in with the neighborhood, an overall better design.

After that procedure an Article 78 was filed against our project. As a result of that 78, the house was allowed to remain on the corner. But because of the house being on the corner, it didn't look good to have the sign sticking in front of the house any more. It wouldn't look nice right next to that house. It was agreed to allow us to have two signs, one at each driveway to allow for the removal of the big one. That is why we are here tonight, is to go over later -- we agreed to the two signs.

It didn't -- it fit in with our plan, but later on, November 30th, I believe we received a letter from the Village (sic). The Village (sic) remained -- retained the option to put some design criteria in that sign, and they gave us a letter with five changes to the sign. And that is what we are here to discuss tonight, those changes.

We resubmitted our sign based on those. I think we are really close to achieving what was requested in that package, and just a little tweaking. I think both sides can be happy with the end result here.

So I will let Doug Hutter speak now to the process of the sign and what we are looking at.

MR. HUTTER: Very good. I'm Doug Hutter with Zaxis Architectural. I will just go through what we distributed to everybody real quick, so the folks out here (indicating) understand. What we did is brought a long drawing that represents all of the 11 by 17s you have there. They're in order of how they're presented here. The first one is a sign representing the maximum allowable signage. The second one represents the approved variance back in last April. The third and fourth ones are two different views of our interpretation of what the letter of the November 30th letter says. And the final one is what you see before you for the variance application.

Let me just talk briefly about the site itself. The site, what we have here is a site plan that represents what is going on at the corner. As Brian (Maude) mentioned, the house is still intended to be here (indicating). I will just kind of walk around like this a little bit for everybody. The house is still here on the corner (indicating), and it grabs right at the center corner.

Now, originally the package we had, without the house, and I will do this in the blind because I think I know where the corner is, it was right down here (indicating) where the sign was originally located.

Now, since the house is here (indicating), as Brian (Maude) mentioned, we don't want to have the house -- the sign right next to the house. It didn't make sense from a use standpoint from any direction, nor does it make sense looking out a window from the house. The best place to put it is in a farther location at the corner of the lots here and here (indicating). It gives best access of view from both streets, going in both directions, at both points.

Now what is important about that, we are trying to respect those areas, but we also have to be sensitive that we have neighbors, too. So we are trying to deal with some issues in regard to making sure it is high enough. As Brian (Maude) mentioned, we came in in the meeting in April and said we could have a sign this big, 16 square feet, 20 feet tall. Nobody wants that. Walgreens doesn't even want that. The operation guys will tell you this. It is not in keeping with the character there. It is certainly not a benefit to them.

So when we came in, we are looking for a standard size, brings the height down quite a bit, better scale relationship, but also respects the fact that it needs to be seen visually. We have vehicle traffic. The biggest component of what we have. When we originally had it at the corner, we had a concern about parking in front of it. The Town setback variances -- Town setback ordinance for parking is 10 feet from the property line. Signage is 15 feet, okay? That means if we put the sign back from the parking, the folks going in this direction (indicating), a vehicle would be in front of that (indicating). Here is an example here (indicating). You will see it in your last one with the Board. There's a 6 foot high truck. I have a small SUV here (indicating). They're about 6 feet high. I want to make sure if somebody is there, and at that place, if they were parked in front of it, you couldn't see the sign any more. And certainly you would want to have value to that.

Now, that's part of the reason why we originally were granted that variance, and why the height was established as it was. We actually came back and forth a couple times to negotiate that, and we eventually came to this one with respect to that.

Now, we took this interpretation -- the letter that was brought forth said 32 square feet, 8 foot

high, 4 foot wide. Unfortunately, Walgreens' signs aren't really vertical. Many signs are horizontal as they describe the product. As you can see from the first couple, they're that way anyway. So what we took -- and Walgreens came back and said instead of having the panel sign that says drive-thru pharmacy on it originally, we have a "W" logo which is very similar to what they have in their logo, the script signs, a big "W" in that. We took that and said okay, we'll make a small panel but respect the fact we still want the electronic reader board.

I will let Len (Stubbe) speak to the specifics why they want the electronic reader boards. I put a car in front of it and behind it, and anybody, even with the location over here (indicating), who is driving through this (indicating), that can temporarily obstruct vision of it. More so it is important if somebody is developing the sites next to us, make changes to those, and they put their parking in front of it or their sign or their landscaping, we no longer have the vision needed from coming down the street, so it certainly hurts us.

If you go down the street here (indicating), Chili, you go down by Walgreens -- not Walgreens, but Wegmans toward that direction. There is one sign that is a ground sign, and all you can see is the top of the sign, with the snowplowing situation. You can't see their phone number. It is a pizza place down there. It is very important to their business. I'm sure it is, as Walgreens' is too. That is why we have come up with the sign we have before you.

We are looking for a sign that respects the -- the bottom of the sign is about 6 foot high. As part of the Article 78, and Brian (Maude) can correct me right, there is also a sign placed in here (indicating) for the Stage Coach tenant, so when that business comes up, they have an opportunity for a sign panel, as well. And then we put on top of it an arch. The reason the arch is there, and I brought the building elevations from when we negotiated with the Planning Board, and we came up with some design elements.

The ones I dropped, this is often considered a standard Walgreens (indicating). It has got flat roofs on it. The flat canopies. And it's -- it's a nice building, all told, if you have seen their standard stores. But when we went through the negotiation process with the Planning Board, we really worked with them to create some more elements for this building, including the arch, the canopies, the archway and the brick, the mansard roofs, a peak along the main entrance. We captured what we thought was the best element to bring into this building that flavored Walgreens, the arch.

We also went with elements of brick for the main base. Now the base over here (indicating), we had some precast and some split-face block. We took all that off and went to brick to respect the fact that the house, flipping around again, is still here (indicating), so we have more of a common material.

I brought a color of the brick sample for everybody to see. This is what the Walgreens brick will be (indicating), and also it is very similar to the house, as well. Although the house historically is a little more orange-red color, but the materials are very similar and the pallet is also similar, so we hope you will respect that.

Again, the base is made of material to be solid. It is supposed to have some base to it, a nice architectural feature. The one part of the letter that I think we captured most is that each sign will look historical or Colonial. I think we'll have Colonial features with the brick. We thought it was an important part of it. Obviously we went with the better material, the brick material itself.

As far as the lighting of the building, we are certainly proposing that we have a lit sign with electronic reader board. It is very important again -- I will hand that to Len (Stubbe) in a second here. And the other issues we are respecting, the setbacks and the heights. I think I have addressed those issues. With that, I will let Len (Stubbe) jump in and address any questions for the Board.

MR. STUBBE. My name is Len (Stubbe), a Store Manager with Walgreens. I want to say we are very excited. I'm a Western New Yorker, and am very excited working for a great company here. We are excited about the growth that is coming to this area. First and foremost, we are very -- we take a lot of time to make sure these stores are right for the community, and we certainly want to let that be known.

You know, we -- community is first and foremost on our part. So a couple things. I would like to be able to answer any questions, as well, as a member of store operations. I'm not an architect or developer, but I'm a store operations person.

In terms of the value of the reader board, I can certainly speak on that. Walgreens conducted some surveys in 2002 in Chicago, Atlanta, Indianapolis. We are an old company. We've been around 105 years. We try to do our homework before we go ahead and do these types of things. But 81

percent of the customers that were surveyed over the course of time during the survey said the sign in front of Walgreens with the messages does not cheapen the value of the community, it definitely adds to it, the character of the community, and they definitely find value to it. 7 percent thought it would cheapen the area.

The sign in front of the Walgreens shows that Walgreens cares about the community. 55 percent agreed with that in terms of the survey as far as how people perceived the sign in terms of the community. We try and include community messages, local high schools, youth football games.

Another great thing Walgreens is really pioneering, trying to pioneer in terms of leading the drug chain industry is Amber Alerts and piping these Amber Alerts into our electronic reader boards. Everything is electronic. Walgreens is a very technologically advanced company as far as trying to put technology at the forefront, investing in it for the stores in the community, so everything is monitored from an office PC. We are able to control those messages, change them on a dime and Walgreens is really at the forefront right now of getting this Amber Alert technology into our stores where it can be pumped in into our system and displayed on the reader board in a matter of seconds.

The kind of messages we put up are real simple. We look for convenience items. Milk, bread, eggs, pop, water, household items, film, seasonal types of things. During the Christmas season, things that people find a value to. In our business, convenience and customer service is the most important thing.

And these reader boards are really critical in being a viable component in the business community. It gives us somewhat of an advantage over the big box retailers in terms of we rely on impulse, people saying, "Oh, gees, I forgot bread on the way home, and we need it for dinner. There is a Walgreens. Oh, they have it on sale, 99 cents."

We can pull them in. It's convenient. It's a competitive advantage over the big box retailers. So those are the kind of items we are likely to use. Batteries, cleaning supplies, and Walgreens' philosophy is we are really trying to plan for the future. We know the baby boom generation, the population, where the directions are going. There are more dual-income families and we know people are time-starved. We want to offer that convenience. We want to be able to communicate to our community, to our customers what we have to offer, to keep us viable and in my hopes as a Western New Yorker, and ten-year veteran with Walgreens company, I can see more stores in the Rochester area. We can see these stores do really well and I don't have any control as to how many stores. My job is to help build the business, build the commercial base, and this is a great tool for that. I have to do that in hopes that my company will say, "You know, what? Rochester is a great place. The stores are doing great. We want more stores in Rochester, New York, instead of Nashville, Tennessee or Miami, Florida, or Los Angeles, California." I'm hoping Walgreens will want to keep building in Rochester, and these reader boards are viable components to that.

If there are any questions I can answer as a member of store operations, I will be happy to do that, as well.

MICHAEL MARTIN: On the reader board signs, will they have scrolling text or will it be a fixed --

MR. MAUDE: The signage -- do you want to answer those?

MR. STUBBE: Can I? Yes. Our company vehemently opposes scrolling signs. We don't like blinking. If you gave us that option, we wouldn't do it. We keep it very simple. Few second intervals, four, five second intervals. If you had a preference to that, we are pretty comfortable with making it as little annoyance as possible. Comfortable messages, simple fonts, squared texts. You know, coming up every four, five seconds, and again, very pleasant message. Not bright. No change in color or brightness. Simple soft type of red, and we don't want to -- it's not exciting. There will be no pictures. Just simply text and very simple. No flashing or scrolling.

MICHAEL MARTIN: There is growing concern about traffic in that area. That intersection has recently been redeveloped, and what is the potential of a vehicle traveling, all of a sudden seeing like, you know, something, oh, this is on sale and then trying to turn in real quick?

MR. STUBBE: I have been using these reader boards for about ten years now, and I -- in all my time with the company, and the experience that I have had, and things that the company has given to us in terms of information about these -- these vehicles, these reader boards that we use to attract traffic, have never heard of any instance where that has happened. I don't think there -- it would be tough for me to find something to put on there that caused somebody to really want to turn in that bad. Usually



it's -- it's informational and again, you know, time and temperature. We actually try to have that up about every second or third message. We think it is important. People relate to that. They see that and want to know that. But I have never heard of any instances where it is causing that sort of traffic.

MICHAEL MARTIN: On this new proposed sign, your rendering has two lines of text. What is the maximum?

MR. STUBBE: Depends upon the reader board itself. I would say the maximum could probably be 12 characters. They --

MICHAEL MARTIN: As far as -- what is the number of rows?

MR. STUBBE: Two. Two. I think it shows as two.

MR. MAUDE: Two or three.

DAVID CROSS: What would the height of the letters be?

MR. HUTTER: This sign is 2 feet 8 in depth. I don't know the exact height, but as a scale relationship, you might be talking I bet up 10 inches. I don't want to say that vehemently. I'm sure we can get that information forward for you folks, for the record.

MR. MAUDE: I just want to point out real quick by having the signs divided, by the driveways, the people will be by the signs, past the signs before they reach the intersection, in case there was concern about it. If it was at the intersection, it might be more of a nuisance. I don't believe it is myself, but it could be. Having them back of the driveways will eliminate that. You will be past the sign, heading in the intersection and looking at the intersection now.

MICHAEL MARTIN: Do you -- do any of you know the distance from the sign location to the intersection?

MR. HUTTER: I can tell you that. The dimensions are not on this drawing.

Mr. Hutter discussed the dimensions with the Board.

MICHAEL MARTIN: So on the Buffalo Road side, it is approximately 180 feet from the intersection, and on the Union Street side, approximately 140 feet from the intersection?

MR. HUTTER: Yes.

MICHAEL MARTIN: Just so everybody is aware, what we were just discussing.

DAVID CROSS: Is the reader board controlled by a dimmer? Would it be automatically controlled?

MR. STUBBE: We can set the brightness on that.

DAVID CROSS: Manually?

MR. STUBBE: No. It is all on the software that controls it. It's actually a software computer program that is installed on our PC in the office that we can control that. And I -- we never had real issues with the brightness. We certainly don't -- it is not extremely bright. It is actually pretty dim. Very visible and pretty dim.

PAUL BLOSER: That is the biggest concern I have right now. Looking at those. I welcome the project. You have done some great jobs in the architecture. It looks nice. Walgreens itself as a side comment, I have had great experience traveling nationwide. I spent four months in New Orleans last year in disaster relief and your chain was probably the first to open and in most cases on a limited basis to help the residents down there, which was fantastic. The concerns I have is basically illumination. I will give you two examples of our neighboring town, Gates, further down Buffalo Road. The fire hall on the corner of Buffalo Road and Coldwater Road. It's, as far as I'm concerned, an eyesore. It's so bright, it is very distracting and takes away from the stoplight. As I go further west on Buffalo Road, in the evening, especially on a cold night where there is the slightest amount of snow, STX (phonetic) Tool has a sign that you would think the third circus is in Town. It's just in your face. This neighborhood right here, the lighting is subdued, it's soft. And I'm concerned it is going to distract from the neighboring businesses, that it could be a distraction to just what is going on in the four corners area. It's -- it's a busy intersection.

And at night, I have a concern on the illumination, what you're putting out, what is emitting from those signs, for brightness that is consistent with the rest of the streetlights and what neighboring businesses are doing for signs. I don't know as we have a regulation on that, in the code, but that is the biggest concern I have. It would be -- it would be the corner circus sign, is how I visualize it because of what some of the others have done with these billboard signs.

This time your architecture is great. My concern is how bright it is going to be flashing at night in relationship to neighboring signs.

MR. STUBBE: I can tell you our company, our culture is to be as non-obtrusive as possible. We want to take care of the community. We want to do the right thing. We are not the kind of company that will push the button or press the issue or try to take advantage of a situation. We are very good about keeping everybody in mind in terms of what we are doing, and when our supervision plans these stores and comes out with their directive as to how we should manage these reader boards, their direction is dim. Very, very dim. We don't want to obstruct. We don't want people coming in saying that our sign is too bright. That is the worse case scenario for us. If one customer comes in and says this is a problem, we are concerned. And I can tell you, our company has been around a long time doing these reader boards for some time now, and I think we have got it down pretty well where we know the levels in which the brightness can be and the way they're designed and the way we project them, where it is very much in line, very much unobstructive, very pleasant.

And like I said, I think the surveys is really -- is a tell-tale sign of how these things really do work. They work fantastic. They're truly state-of-the-art technology type systems, and we don't allow them to go anything more than what you would probably expect if you were to see a very -- very dim, I would say. It's -- it's very tough to describe without having one here, and I don't think I have anything really to measure the brightness in terms of what is acceptable and what isn't.

PAUL BLOSER: Mr. Scibetta, from a building standpoint and our signage guidelines, are there requirements for illumination output or limitations?

KEITH O'TOOLE: If I may, if you're referring to the reader boards?

PAUL BLOSER: Yes.

KEITH O'TOOLE: The reader boards are illegal. That is why they're here, for a variance. So the answer is they're prohibited, and that eliminates the problem.

JORDAN BROWN: Earlier on you said that Walgreens wants the reader board to be as little of an annoyance as possible. It sounds like you're acknowledging that it somehow is an annoyance.

MR. STUBBE: Certainly any tool or instrument that you have could be, whether it's -- anything. It's a unit that does have the capability to scroll. It does have the capability to flash. It does have the capability to maybe be a little brighter, and our goal is to keep it as pleasant and unobtrusive and as informative and useful as possible.

JORDAN BROWN: What percentage of Walgreenses that are not in urban areas don't have reader boards?

MR. STUBBE: I don't have those numbers exactly, but we have a -- we have many, many stores. I can certainly do that research and make some calls in terms of that kind of information, but I wasn't -- I don't -- I'm not privy to that information right now.

JORDAN BROWN: I'm questioning the statement reader board is critical for Walgreens to be viable. I'm just wondering, are there Walgreenses out there that are viable without reader boards.

MR. STUBBE: Our first two locations in Rochester, the Gates location on Spencerport/Long Pond Road. We have another location on Culver Ridge in Irondequoit. The Irondequoit location has a very nice monument, two line reader board out front.

The Gates location has a 24-hour store and does not have anything, whether it be a monument sign or reader board.

Currently, the Irondequoit store is a busier store, as -- with far less hours. That is the only real bit of information I can give you in terms of -- I don't know what else to attribute that. They're both the same square footage. They're both on very good corners in terms of traffic.

JORDAN BROWN: Are you thinking because there are two reader boards here, it would be twice as successful?

MR. STUBBE: That would be outstanding.

DAVID CROSS: Are you planning any reader boards integral to the building, or on the face of the building?

MR. STUBBE: No, not at all.

DAVID CROSS: Will they about a 24-hour operation?

MR. STUBBE: No. To the best of my --

MR. MAUDE: They hope to go 24-hour. They hope the demand is there and they eventually will be.



MR. STUBBE: According to my boss, no. But any -- but any Walgreens that demands that kind of a service, we are willing to give that service, but as of right now, it is not a 24 hour.

DAVID CROSS: When the store is closed, the reader board --

MR. STUBBE: Is off.

MICHAEL MARTIN: Is the other store across the intersection a 24-hour store?

MR. STUBBE: The Eckerd's location? I don't believe so.

MICHAEL MARTIN: Just to clarify, just again, I know this has been a long, ongoing project. Within Town code, they're allowed to have a 20 foot high pylon sign as indicated in the first drawing with a 16 square footage, no requirements. They can do that. They're not putting one of those up.

The original sign that was brought was -- before with the demolition of the Stage Coach Inn, was going to be a monument sign on the corner, one sign, but with the inn remaining, that had to be revised. And instead of having one large sign on the intersection -- on the corner, you are proposing a sign at the entrance point on Buffalo Road and the entrance point on Union Street to mark the advertising for the store entrances, because of the encroachment of the inn on the part there -- the sight lines of the store.

Is that correct?

MR. HUTTER: That was correct.

MR. MAUDE: That was correct. We just want to get a fighting chance for these signs. The stipulations that were given to us said 8 foot maximum height. I think we are trying to show with our illustrations it will be hard at 8 foot. Again, we don't control the environment around our driveways. If the property to the east of us develops and they put their parking right up against the property line, that will block our sign every time a car or larger vehicle parks in there, or their landscaping, as Doug (Hutter) was alluding to.

Even the snow. Family Video right across the street, if you're coming north tonight like I was, I can't see the sign when I get up to the store because the snow drifts have obscured the sign. You just see a little Family Video at the time.

We want the signs to have a fighting chance out here. As I was saying earlier, I think we had a lot of the stuff that was asked for in these comments. Our original sign was one sign, but it was around 60 square feet of signage. We have agreed to go to two signs. We have almost been able to cut that in half, and I'm talking just the square footage of the signage itself, not the base. Most places -- I haven't gone to a place that has included the base along with the signage when they figure the square feet. It is always the signage itself is the square footage. The base, like you see over here (indicating) does come into play. They regulate the height with that -- with the height restriction. Okay. You can go up 10 feet, with the peak, 30 feet. They don't try to pull it down by adding the base into the square footage of the sign. So we have almost cut that sign in half, because we are getting two, or just because of this unique situation. It's not something we are requesting, but we are trying to work something out to make the project a win/win for everybody here.

So in the stipulations they're asking for a historic look. We are going with all brick signs which reflect the building, the house at the corner and the building we are putting in. The materials, we are going with this -- with the brick, 100 percent brick sign.

The top on top of there, we are trying to pull another element out of the building. If that is causing heartburn because it takes the sign up to 11 feet, we can take that out. That's -- that is an aesthetic detail to the sign. We can leave it at 8 foot 6. We can have a limestone cap on it. Again, we can work with those things. That is not a hard fast -- that characteristic of the sign.

Each of the -- as far as the conditions and the reader boards, we are not asking for any anything different than we were already approved at our other meeting. So those remain the same from our already approved sign.

And then as far as the setbacks, um, the setbacks shouldn't hurt us. If we can achieve this height of the sign, we can live with the setbacks from the road. I just want to kind of recapture what we were saying and also just a -- the attorney can correct me if I am wrong --

KEITH O'TOOLE: I will.

MR. MAUDE: -- as he has many times.

I just want to say, we appreciate your time and the vote tonight and we would request that the vote be a non-prejudice vote. Is that what I am trying to say?

KEITH O'TOOLE: Not quite sure. What is it that you wish, Brian (Maude)?

MR. MAUDE: Well, we like a vote on the sign. But if it goes against our request, that it be a

vote with non-prejudice? Is that the term?

KEITH O'TOOLE: In other words, you want the right to reapply or have a rehearing?

MR. MAUDE: That is correct.

KEITH O'TOOLE: That's within the Board's right. Mr. Maude is concerned about the provision in the Town Code that prevents reapplication in one year. This is a rather unusual situation, and I would have no problem with it. We are trying to get it right, in compliance with the court order.

A few things. You have before you, and I have asked Mr. Scibetta to add a copy of this into the record, an extract from the relevant court order relating to the signage. Paragraph 9 describes the situation with signs briefly. I mean, you can read it for yourselves, but briefly it voids all of the other prior variances and sign permits for the site.

It indicates that any freestanding signs, and this is a freestanding sign, as opposed to a wall-mounted sign, will have to be double-faced monument style directory signs and contain room for two sign faces.

I should note that monument style signs are, as the name implies, like cemetery monuments. They're ground-hugging and tend to be masonry, but generally ground-hugging, low to the ground. They're required to do that by court order. The applicant has indicated by code they're allowed to have a 20 foot pylon. I think the code -- I think the court order supersedes that. And besides, we are not talking about one freestanding sign. We are now talking about two. Part of the reason for that is that with the retention of the Stage Coach Inn, they lose the site that they originally hoped to use, and, in fact, the site is a little more cluttered now because of that building, for better or worse, and so now in order to keep the site highlighted for commercial purposes, they want to have a sign at each entrance.

Further provision of the court order is that the signs are to be consistent with the architecture styles of the house and the pharmacy. And that the size, height and location are subject to your approval.

In essence, while we do have a zoning code which superseded it to a certain degree by consent of the parties and by order of the court, a few comments on the sign design.

Um, for my -- for my money, you can take it for what it is worth, I don't think an electronic reader board really picks up on the architecture or the -- what we were told is the historic nature of the Stage Coach Inn. I think you would want to have something that is a little more complementary. I think you could easily lose the electronic reader boards and we are talking about four of them at this point.

You could lose the arch, frankly, which is a rather contemporary look, and we are trying to go for a more historic look, and perhaps put a limestone cap on top and you would actually knock down the height and the bulk of the design while still maintaining the sign face. And I think the combined sign face with the "W" where the electronic reader board is laid out would be adequate signage for a normal sign rather than an electronic one.

Typically in historic districts, they tend not to have internally illuminated signs of any sort. They tend to be wooden signs or signs made out of high-density urethane that is simulating wood. Oftentimes, you will have ground-mounted lighting, by spot, or you will have -- you will have lighting more the old style -- now I'm losing it. The -- what is that called?

DENNIS SCIBETTA: Goose-neck.

KEITH O'TOOLE: The goose-neck lights. Thank you.

I knew Dennis (Scibetta) would know that.

As far as the brick is concerned, I think you could readily substitute a red clay brick that matches the house more than it matches the pharmacy. The scale would work a little better and be a little more complementary to the building. Frankly, I think you could do those quite easily with a basic form that they have laid out for the monument without upsetting their need to advertise the business, which is, after all, the primary purpose of any sign.

Nothing further. Thank you.

MR. MAUDE: Are manual reader boards still on this Village --

KEITH O'TOOLE: Town, Brian (Maude). Town.

MR. MAUDE: Town.

MICHAEL MARTIN: Um, we --

KEITH O'TOOLE: We permit those by variance.

MICHAEL MARTIN: We granted a variance for the manual board for Family Video.

MR. MAUDE: The reason Walgreens likes to go with electronic reader boards, is going with the manual, as they have across the street, they look nice when they first go in, but if you look at the Wesleyan College just down the street, after a period of time, those signs turn to yellow. People lose their letters. They substitute the wrong letters, and you're looking at cryptic signs. You have employees coming out in bad weather to make these changes.

The electronic signs are just -- they function much better. They're a nicer looking sign and they stay nicer looking through their life time. They don't start to degrade and look shabby after a period of time. That is why -- and this is what would -- helped get the vote for the electronic reader board the first time we were here. It was discussed and it was decided the electronic board was a nicer look.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAVID DUNNING, 2 Wheat Hill

MR. DUNNING: The applicant made mention of the need for these reader boards to remain competitive and to show their product that -- to remain competitive with the big box retailers in the area. I was wondering who those big box retailers are that you're going to be competitive with that reader boards are necessary for.

MR. STUBBE: I would say any company that sells the same goods and services that we do in terms of pharmacy or in terms of product selection. Supermarkets, Walmart type stores, Target type stores, which are bigger box stores operating on a bigger playing field than we could do in --

MR. DUNNING: But they're not in that immediate area. There are none of those businesses in your immediate area.

MR. STUBBE: Sure. Not directly, there.

MR. MAUDE: Not today. They could come in in a month or so. This is for the future, too, not just for today.

MR. DUNNING: We could also reasonably expect the other businesses to remain competitive in that area with the new Hess and carwash going over there, the movie rental place, as well as your competitor Eckerd's across the street. They would also want reader boards to remain competitive in what they do.

This would also be setting a precedent for them to go ahead and apply for these and we could have -- or a little Las Vegas right there on the corner of Union and Buffalo Road. I -- I'm against it for that.

I'm also a little confused. Chairman, you asked the applicant if this would create a traffic hazard with people seeing this sign and, you know, saying, oh, stop in and grab milk or bread or whatever. The applicant mentioned no, this shouldn't be a problem. But in their presentation they made mention that this sign will change on a three- or four- or five-second interval where the message will be changing. So therefore, you could have this sign pop up, milk, 15 cents a quart, "Oh, I got to stop."

It's contrary -- your statements are contradicting. You're telling us you know this is not a problem, the sign will come up and this message will change frequently. I'm a little concerned about that.

I'm also wondering what the percentage or if you know the percentage of the community service or messages that will be put up there versus the sale signs, the bread sales and the chips and the beer and the pop and things, if there is a message of community service message as well as sale items, if there are any numbers on that, as well.

MR. STUBBE: To address your questions, I would say if we have 10 or 12 messages on there, we like at least to have three or four community messages as best as we can. If we have those available to us, we'll certainly put those on there. We certainly -- whether it is the local high school, or a community event, we are certainly open to that. And we -- we have done that in many, many other communities. I would say our goal would be two to four, but it all depends on what is available to us. And in terms of milk at 15 cents, I have never done that before, but that could create a few skidmarks.

But like I said, ten years of dealing with these reader boards, I have never -- never once been privy to a report that said there was a car accident because somebody was trying to make a quick right into Walgreens because something was on sale. I -- I have never been made privy to a report like that. Like I said, I don't know that there quite honestly, realistically is something we could put on there that would cause someone to drive erratically. It is usually if I see it, "It is interesting, okay, I might have to

come back to Walgreens,” swing around and pull back into the store.

I'm sorry, I didn't write down your questions. Is there one more?

MR. DUNNING: Well, the other question was around the precedent that it sets in the area. Your competitors that your claiming that are there.

MR. STUBBE: Yes.

MR. DUNNING: If we granted -- if this variance is granted, um, then what is to stop the rest of them -- it is going to set a precedent and we can see all four corners there with reader boards.

MR. STUBBE: I will say again, I can only speak for my experience in store operations. I have never witnessed this happen. These things aren't cheap. I don't think they're really viable for a gas station. I have not seen -- can't think of a gas chain that does use the electronic reader boards.

MR. DUNNING: We have a Hess Express going in with the carwash, which is big money; Eckerd's, over across the street, which is obviously a big competitor and will be competing, big money; and yourself, which obviously is a lot of money behind all of these companies. The movie rentals, yes, it would be a stretch for them, but you have three major companies on the three corners that could conceivably put these signs in to compete with each other. And then --

MR. STUBBE: I can tell you the East Irondequoit store has been there for a year with the electronic reader board. None of the competitors, the Mobil gas stations, the Sunoco gas stations or any of the other companies have installed any electronic reader boards since then

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Good evening. North Chili, I have been a resident of North Chili since 1961. Next, first of all, on the application, I see this is a Walgreens, and Zaxis Architectural, the company. First of all, are you folks the owner of the property? If not, I wish you would get on the stick and purchase it from the people that you made a purchase offer. We got to put a plug in there and then you come back to the Town Zoning Board. I would think it would be real nice. I just wanted to lead that out to start with.

With these signs, one on Buffalo Road and Union. I will address the one on Buffalo Road to start with. We have a hill over there by Roberts Wesleyan, Orchard Drive. You just brake the hill, and all of a sudden you will have every five seconds a sign flashing in your face. I don't think that is a good idea. Then you would have all -- also over on Union Street, you're coming up close to the corner there. On an entranceway, a sign flashing. Not only in front of you, but behind you sitting at the signal light. We -- probably a month ago we had a young lady from Roberts get hit by a vehicle right on Buffalo Road. But we have a sidewalk in North Chili. Even though it is a 35 zone, people don't do 35 through there. And you're going to blind people driving. It is hard enough to see at night.

If you -- the court order said that ground type signs can come up. I think that is probably a good idea. Electronic reader, changing it? Both directions? I doubt it very much. You asked about other places to buy bread and eggs. You have Hess. It is going to be doing it. You have the IGA that just reopened. You have a -- or Eckerd's, and now you will have Walgreens. Are you going to let everybody put up a big sign that flashes? As Las Vegas?

I think it is a very unsavory situation. All of the way. The Town code says no electronic reading. Whatever part of no -- isn't it understood? You guys are going to give a variance for one, then you got to give it to everybody. I don't think this is the way to -- to do it proper.

And we just re-worked the corner. Finally. And there are still other issues, you know, with the Walgreens store. Yes, they will have a -- generally with the -- with the signs on the building that are red, with the big "W." That is sitting back, and if there was a lower sign as you're coming up, subdued to the area, and with the college and everything else that is there, and the community, I think it is more in order to go with a digital sign. The answer I would vote, definitely no on it.

As a safety point, someone is going to get killed and we still have accidents at that corner of Union and Buffalo. We'll intensify it by flashing a sign, a light in your face ever five seconds? Don't do it. We have got a bad enough one down here in Ogden, over the new pool place. You come through there at night. That blinds you. It jumps right out. I don't care if you're doing -- trying to drive straight through, you still have a flash.

Then you have another one down at the firehouse in Gates which was the first one in the area. Please, as a resident, I say no on that.

Thank you.



HEATH MILLER, 69 Bellmawr Drive

MR. MILLER: With regards to these reader signs, I wanted to let the Board know about the one that is in existence at the Walgreens at 5272 Transit Road in Clarence, New York. Um, that Walgreens is a 24-hour Walgreens with a drive-through pharmacy. It has digital pickup and an ink jet refill policy. But they have an electronic reader sign there, and I wanted to -- I was there this afternoon, and I wrote down all 15 messages that appeared on the reader board, and I wanted to share with you what the messages were.

Um, one -- one of them was the date and time. So 2/27/07, 3:51 p.m. Pharmacy open 24 hours. We never close, exclamation point. Great rebate savings, double exclamation point. Ink jet refill done here, exclamation point. Shop on line at Walgreens.com. Online prints, 19 cents. Passport photos, \$7.99. Planters Nuts, 2 for \$2.99. Sweatshirts, 3 for \$10. T-shirts, 5 for \$10. Arizona tea gallons, 2 for \$5. Lays chips, 2 for \$5. \$29.99, Sabres blankets, and pet beds, \$10. So there were 15 all together. There were no community services included in those 15.

That intersection of -- or that location of the Walgreens in Clarence, that intersection is quite different from the intersection of Buffalo Road and Union Street. That lies on the corner of the intersection of Transit Road and Maple Road and Greiner. And Transit Road is a five-lane road. There is a middle -- the middle lane is for turning. Maple and Greiner Roads both are four lanes at the intersection. In addition, kiddy corner from the Walgreens there's a Mobil gas station and behind that there is a Tops supermarket and a Marshalls. Across the street from Walgreens, across Transit, there is a Blockbuster, a Manhattan Bagel, Subway, Coldstone, Nextel. Behind that is a very large Lowe's shopping center with an indoor lumber yard. There is also a Taco Bell just north. Um, it's a heavy, heavy commercial area, and so -- and also, the -- the speed limit I think is 45 or 50 miles on Transit. So in that kind of a situation, I can understand the desirability for having a reader sign that captures your attention.

But I think that that brings me to my second point, and that is what is the purpose of these reader signs? Is it really to let people know that Walgreens is here, or is it basically to be another advertising mechanism for their products? Um, I think people are going to know that Walgreens is there, because if -- if they have two signs, um, without a reader sign, there will be a Walgreens sign then on each face of the freestanding sign. There is also the Walgreens sign on each side of the building, and oftentimes, and I don't know if this is planned for this building, but on the -- kind of the corner of the building that faces the corner of Buffalo Road and Union Street, there is often a neon-like mortar and pestle sign that is placed behind the glass, so it is not really an outside sign, so it is not regulated by our sign ordinance, but there is usually something there to let people know that there is a pharmacy there.

I wanted to also mention that there's nothing in the code that I'm aware that controls the brightness of lights, and I know that was a comment that was brought up before, and so I -- I don't know if you were to grant a sign like this, how would you go about regulating the brightness of the lights since our code doesn't allow for that, or doesn't allow you to regulate the brightness?

And that was all. Thank you.

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I may be misunderstood, but, um, when the gentleman from Maude Development was up at the podium, I thought that he had stated that with the new decree, um, from last fall, that they were now allowed to have two signs instead of one.

I would hope that if -- if he made that statement, it was an error, because I have the copyright here, and it does not say that they're allowed to have two signs instead of one. No way.

What it does say, is that they will be able -- the signs should have -- can contain two sign faces, not two signs. What you're actually asking for, as Mr. O'Toole pointed out, is four signs. Two two-sided signs.

With regard to the prior approval that they had gotten for this site, I hope that this Board realizes that that means nothing. As Mr. O'Toole pointed out, that's null and void. So whatever was an agreed upon before is off the table. Nothing we even need to consider. It's done. So I don't really care what they were offered before, or granted before.

Um, as has been pointed out, too, that intersection was a disaster for many, many years, and this Town, especially the people in North Chili, petitioned vigorously and long to have that intersection fixed.

It was a long process, and it wasn't easy to navigate and tolerate, even while the construction was going on. It's finally finished, it's beautiful and for the first time in years, it's a safe intersection. I think these signs are a big step backward. They're undoing everything we have worked for for years to attain over there. There have been bad accidents.

I believe there was one in this morning's paper that was mentioned for Coldwater and Buffalo Road, which is near, very near the reader board that they have at the firehouse. That's not Chili, I know, but there was a fatality there about a month ago or a little more, and there was an accident in this morning's paper for this site. Now, you can't prove that reader board, you know, encouraged that or created it, but that sign, as has been mentioned, is a very, very, very bad example of that kind of advertising at a very poor site.

Those signs are distractions. They obviously are meant to be distractions. That's why they're good advertising. They're meant to draw your attention. You are -- even though you know they're there, your eye still goes to them, even though you make up your mind, I'm going to pay attention to the road, your eye just goes to that light. It is a very, very bad situation.

I would also like to bring up the fact that the video store wanted something more than they got. When they were before this Board, they asked to have something more than what they were granted, and they were denied. They have what they have, because it was all that they could get from this Town.

Eckerd's will be next. They're going to be in string -- stringent competition with Walgreens. Don't you ever think they won't be. They're going to want one. They'll be right back in here if you grant this. They will be in here next. And don't worry, Hess Express will want their share of the pie. They will be in here for something. You are opening Pandora's box with this thing.

I will agree that there should be no interior lighting on any signs that the Board grants. As Mr. O'Toole pointed out, there are very tasteful and non-irritating ways to present the name of your store so that people know that is where you turn in. You don't need interior lighting. And I'm wondering if these gentlemen, any of them have seen the architectural drawings that were in the paper a short time ago for the Stage Coach Inn and how it will be when it is finished. It's gorgeous. And these -- that historical drawing and these reader boards are like oil and water, gentlemen. Don't work. It don't work. Let's not destroy what we can have on that corner. It's been a long fight for the people who have put their money where their mouth is and got this for the Town of Chili so that we are able to save that building. Let's not contaminate the site with things as ugly as reader boards.

These gentlemen have stated that these reader boards work well for Walgreens. Well, they don't work well for Chili. That's why they're illegal.

And as far as the Gates store goes, when it doesn't have as much business as maybe the store in Irondequoit, which happens to have a reader board, it probably is because the competition in that area is so intense, and when you go into a -- an area where you know what you're facing in competition, you can't really be surprised when you don't get three-quarters of the pie. So Gates is a very intense, competitive area and I don't think the reader board has diddly to do with their success or failure on that corner. I would urge this Board to vote this down, hands down. We don't need or want this in our Town.

Thank you.

SABRINA HENNEMAN, 122 Stryker Road

MS. HENNEMAN: I have to say that I personally don't mind having two signs. I don't think that the reader board is appropriate for the community and I don't -- I don't think it is safe. Um, I have to agree that -- with what Mr. O'Toole said. He was spot on with the description of what could be there. Um, I like the idea of brick. I like the idea of a better colored brick, more in tune with the building, the historic building. I think that would be better. The archway is in no way historic. It -- it may echo the Walgreens building, but it doesn't echo the historic building. Not only is it not Colonial -- and the Colonial period ended in 1776, so any architectural style after that is never Colonial. That architectural style is Federal.

Something more appropriate would be something with dentil molding. The historic building has dentil molding. A Federal structure (inaudible) that is appropriate.

Um, lights on a full length panel with their name would be very appropriate, would look attractive. Would be -- you would get that notice without having distraction.

And frankly, our community knows that they're going to be there. It has had extensive local



coverage. It has had extensive regional coverage. It has had national coverage, and actually international coverage. So I think the local community will know it is there.

I want them to succeed. I think that that will be a good thing. I think two signs are fine for me personally, but I don't think the reader board is appropriate and the architectural styling is not historic in any way.

So thank you.

JERRY BRIXNER, 14 Hartom Road

MR. BRIXNER: Thank you, Mr. Martin. I guess Mr. O'Toole may have answered my question. The Zoning Board back in November or December had signed off on a consent decree which was in litigation at that time. My -- my interest is would the approval of these signs affect the nature of the consent decree?

KEITH O'TOOLE: The answer is no.

MR. BRIXNER: Thank you.

DARIO MARCHIONI

MR. MARCHIONI: With this development, since the Court is really controlling this development, rather than the Town, and -- and putting a tremendous burden on this developer, I was wondering do the Board members have a copy of the decision, the court decision?

MICHAEL MARTIN: We have a copy of the paragraph that refers to the signage in the agreement, that it be subject to approval of zoning for size, height and location.

MR. MARCHIONI: But you don't have the whole ruling from the Court?

MICHAEL MARTIN: The entire --

KEITH O'TOOLE: It's -- it was not present as part of the record because it is really not relevant to this proceeding.

MR. MARCHIONI: Well, dealing with the, you know, site plan, for location of the signs? That is a site plan issue, I believe. You know, since the Court says we can't look into that any longer. Right?

KEITH O'TOOLE: No. What Mr. Marchioni may not have seen is that the applicant presented us with the amended site plan, proposed locations of the signs. By court order, the sign plan was amended somewhat from what was originally approved by the Planning Board. Um, the site locations are 15 feet back, which I believe complies with our code. The real issue is the height and the format and the design of the signs themselves. That's not so much the location. Though in truth, this Board could make a determination that, for example, that for whatever reasons that are unique to the site, that they were somehow unsafe, sited at 15 feet. That applies to any sign permit.

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

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

David Cross made a motion to approve the application with the following conditions, and Richard Perry seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following conditions:

1. Two signs at entrance points.
2. No electronic reader board.
3. No internal lighting.
4. Address to be posted on both sides on all faces.
5. No metallic arch. Limestone cap in its place.

6. Brick color in keeping with Stagecoach Inn buildings.

The following finding of fact was cited:

1. Signs needed to advertise business.

Note: Sign permits are required before signs are erected.

The 1/23/07 Zoning Board minutes were approved as modified.

The meeting ended at 9:00 p.m.