

CHILI ZONING BOARD OF APPEALS
February 28, 2012

A meeting of the Chili Zoning Board was held on February 28, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: Adam Cummings, Robert Mulcahy, Robert Springer, Fred Trott, James Wiesner and Chairperson Paul Bloser. Michael Nyhan was excused.

ALSO PRESENT: Michael Jones, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector

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

PAUL BLOSER: Start with the signs. I saw them at all of the properties except for the church, and I go by that a couple times a day. I did not see it.

FRED TROTT: Got knocked down.

JAMES WIESNER: I saw it, but it was laying flat on the ground.

ROBERT MULCAHY: I saw it the beginning of the week but did not see it yesterday or Sunday.

ROBERT SPRINGER: I saw it.

PAUL BLOSER: It wasn't up the whole time, so I will look for a Board vote on this to see if we'll hear this one for the church. If you're good with it, we'll proceed. Otherwise we'll have -- it was not displayed for the full -- the full time required. So we would have to move it out for another month.

I guess all in favor of hearing it?

ROBERT SPRINGER: Aye.

JAMES WIESNER: Did you say all in favor say "Aye"? I didn't say "Aye."

The Board was all in favor saying Aye.

PAUL BLOSER: We'll hear that this evening. It is a relatively simple application. The others I don't have any problem with at all.

1. Application of a Time to Grow Preschool, 3182 Chili Avenue, Rochester, New York 14624, property owner: First Baptist Church; for variance to allow existing second freestanding sign (2'8" by 1'8" double-faced) to remain at property located at 3182 Chili Avenue in GB zone.

Gerry Johnson was present to represent the application.

MS. JOHNSON: My name is Gerry Johnson. And I am the Owner/Director of a Time to Grow Preschool.

PAUL BLOSER: I will note also, these signs for all four -- three of these applications are as a result of our Code Enforcement out there doing sign enforcement, basically doing their job, so -- so we're getting all these cleaned up in Town.

MS. JOHNSON: Okay.

PAUL BLOSER: This sign has been up for a while, right?

MS. JOHNSON: Oh, yeah. It was up when I bought the preschool five years ago. There was a sign there that I -- I was not -- I didn't realize that it should have had a permit or that it didn't have a permit until the Church was notified and then they notified me.

PAUL BLOSER: This one has been there for a few years now.

MS. JOHNSON: I'm sure it has been there -- I know I have had it for five years. It was there prior to that. The previous owners had it there.

PAUL BLOSER: It's nothing new.

MS. JOHNSON: Right.

PAUL BLOSER: I really don't have any questions on this. The print is there. The dimensions are there.

They have addressed the paperwork they need to do. It is just a matter now filing the final permit and getting the variance for this. I really don't any have any questions.

JAMES WIESNER: So you're actually -- you're going to be replacing the sign that is already there with a sign that is -- that you gave a picture of here?

MS. JOHNSON: Yes. Because what happened was I went to the Architectural Advisory Committee/Board to show them the current sign that I had, and they had some suggestions to change it to improve it, and that is what you see the picture of -- the sign that I would actually

order if it is approved.

ROBERT SPRINGER: What is the purpose of showing the document here that shows two signs that will be removed by the Church?

MS. JOHNSON: Because the paperwork asked to show every sign that is on the property. And the Church -- and that's what the Church, um -- in order to get the permit for their free-standing sign, they were told that they had to remove the other signs that were on the property.

ROBERT SPRINGER: But nothing to do with you.

MS. JOHNSON: No. It has nothing to do with me, but the way I interpreted the paperwork was I had to show all of the signs that were there at that time.

PAUL BLOSER: The location is not changing, though, right?

MS. JOHNSON: No. The location is not changing.

PAUL BLOSER: You're leaving it right where it is?

MS. JOHNSON: Yes.

ADAM CUMMINGS: Anybody have a spare copy we can put up?

FRED TROTT: I apologize.

ROBERT MULCAHY: I just wondered if there was any color for the sign.

PAUL BLOSER: Just what you see?

ROBERT MULCAHY: Just what I see.

PAUL BLOSER: Correct?

MS. JOHNSON: What was the question?

PAUL BLOSER: The colors are exactly what we see here?

MS. JOHNSON: Yes.

ADAM CUMMINGS: If we had a better lamp.

PAUL BLOSER: Oh, you can't see.

For the sake, it's a white sign, red letters, and the three children are just different colors of clothes. Red, blue and green.

MS. JOHNSON: Yes, correct.

PAUL BLOSER: Simple, nice. You have the street number up there that is required and that was one of the recommendations from Architectural.

FRED TROTT: You're putting up a new sign.

How much different is it from the preexisting sign?

MS. JOHNSON: It's quite a bit different. The preexisting sign was rectangular in shape. It didn't have the posts on the outside. They were inside the sign, and it was a -- and it had, um, like phone numbers on it and everything. So when I went to the Architectural Advisory Board, they -- they said that I needed posts on the outside with decorative tops with the address, so that is the difference.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I was always under the impression that the Church had something to do with this day care center. From what I am hearing tonight, they don't? Should that be clarified? This is a private business run -- just happens to be in a church? That's the question.

PAUL BLOSER: Go ahead.

MS. JOHNSON: Yes. That's correct.

PAUL BLOSER: It's been that way for --

MS. JOHNSON: For 30 plus years. And if I can just make one other comment, it's not actually a day care. It's a preschool, which means that, um, the children are actually there for only 4 -- for 2 1/2 hour sessions, so we don't -- it's not a full-time day care.

DOROTHY BORGUS: And how close is this going to be to the road? To the right-of-way, I guess is the better word.

PAUL BLOSER: I'm not sure that was on there.

FRED TROTT: Is it going in the same spot?

PAUL BLOSER: It's going in the same spot.

DOROTHY BORGUS: Which will be very close to the road.

PAUL BLOSER: This one, in fact, is probably about 30 feet back.

DOROTHY BORGUS: How many?

PAUL BLOSER: I would -- I would guess by looking at it, it was 30 feet back?

DOROTHY BORGUS: 30?

PAUL BLOSER: Yes. From the road. It's back in. The church sign is a little different, but this one is back into the front yard and near the second driveway, back towards the door.

MS. JOHNSON: It has to be -- from what I was told, it -- it had to be 15 feet from the property line. So we were going to make sure that it was definitely 15 feet from the property line, which is quite a bit further from the road then.

DOROTHY BORGUS: It's a very attractive sign. However, and this is where it gets sticky. It's a private business. If it has nothing to do with the church, it doesn't matter where this -- where this -- where the sign is allowed to stand. The church issue has got to be removed from the proposition. You got to forget that.

And I just wonder how many other businesses are going to want another -- another sign. I mean, you know, I worked on the -- as another member of the Board did here worked on the Chili Avenue Ad Hoc Committee, and our whole goal was to get Chili Center cleaned up, and

signs are a distraction. As nice a looking sign as that is, I think every -- every business can't have a sign. That's why we -- we make them put up signs that they can add store names or business names to a single sign. It seems to me since the Church has a sign, that this -- A Time To Grow Preschool, if it is in the same building, should be on the same sign. What is wrong with having one sign and having everybody who operates at that site on the sign, just like we do with every other business? I don't think you can have rules for some and not have rules for everybody. I mean, if you have ten stores in a plaza, you have a sign out front that allows for each business to have a -- a name plate, if you will, on the sign.

So as I say, it's a very pretty sign. It's certainly an improvement over what was there, but it still -- it's going to take a variance, and I don't hear -- I don't hear a hardship here. That's a condition that this Board has to think about. That's essential. And I don't hear one. Thank you.

DON AVERY, 7 Brewster Lane

MR. DON AVERY: I have a question. The sign will then take place of the temporary signs you have there now?

MS. JOHNSON: Nodded.

MR. DON AVERY: And approximately in the same location?

MS. JOHNSON: (Nodded).

MR. DON AVERY: I see no objections to the sign. I think it would be an improvement. Thank you. My name is Don Avery.

PAUL BLOSER: Don Avery?

MR. DON AVERY: Yes.

PAUL BLOSER: Do you have a street address, sir? Mr. Avery?

MR. DON AVERY: Yes, sir.

PAUL BLOSER: Do you have a street?

MR. DON AVERY: Yes, 7 Brewster Lane.

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

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

JAMES WIESNER: I don't have a problem with it. I think it's an improvement over what has been there, and it's been there for a long time. It's not new. I wouldn't call it new.

PAUL BLOSER: Is this -- was there ever a permit for this sign?

ED SHERO: No.

PAUL BLOSER: In its original form?

ED SHERO: No.

PAUL BLOSER: Okay. So this isn't even one of the renewals?

ED SHERO: This --

PAUL WANZENREID: Just picked up in the sign inventory.

PAUL BLOSER: Is the Church looking at doing theirs also? Does theirs have to be updated on the permit status?

ED SHERO: Just the removal of -- they have the signs that have to be removed.

PAUL BLOSER: Off the building and the second one?

ED SHERO: Yes.

PAUL BLOSER: But their main sign.

ED SHERO: Unless they choose to come for a variance.

PAUL BLOSER: They have not filed for anything at this point, correct?

ED SHERO: Correct.

PAUL BLOSER: Do they -- and by the removal of those, they're within their square footage for the street sign they have; is that correct?

ED SHERO: Right.

PAUL BLOSER: Just for the record, too, on the application, it is shown as -- the applicant is Time to Grow Preschool, and the property owner is First Baptist, so they're -- on the application they're two separate distinct entities the way the application is filled out.

I guess the only comment I have is it has been there a long time. If we were doing both signs, I agree, we should do a combined. If the Church was to apply to update theirs, I think at that point I would say combine the two of them together. The fact that it is been there for so long, at this point, and this sign is a whole lot nicer looking and simpler, street number, no phone numbers, it's all of the simple things we're looking for, so it's not -- and it is set back. It's not right on the street. I'm not -- myself, I don't have any huge problems with it at this point.

I, too, would, though, as conditions of approval, put down the recommendations from Architectural on this. Pretty much they have included in their proposed sign anyway, and that be the sign be elevated from the ground 2 feet to comply with the Town Code. The caps should be placed on the posts to provide protection to the elements and also a little more ornamental look and architectural design. And the street number should be included, which it is on this design. So I'm going to add these three items as conditions of approval. And also, that the -- any additional paperwork they need to do at the Town Office, as far as permits and inspections, will be completed.

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

Fred Trott made a motion to approve the application with the following conditions, and Robert Mulcahy seconded the motion. The motion passed by a vote of 5 yes to 1 no Adam Cummings.

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

1. Sign must be elevated a minimum of two feet above ground level in compliance with Town Code.
2. Decorative caps must be placed on the posts in accordance with recommendations from the Architectural Advisory Committee.
3. Street address must be included on the sign.
4. All applicable permits must be obtained by the Town.

The following finding of fact was cited:

1. Requested variance will have no adverse, or any negative environmental impact effect on neighboring properties. The request is not significant in nature.
2. Application of Atlantic Properties, LLC, owner; 301 Exchange Boulevard, Rochester, New York 14608, for variance to allow four existing directional signs to be a maximum 54" high (42" allowed) and to allow the project name, variance to allow existing 4' x 2' double-faced "A" frame open for inspection sign to remain permanently (allowed to be posted only at times open for inspection) at property located at 3793/3795 Chili Avenue in RM zone.

Richard Rozen was present to represent the application.

MR. ROZEN: Hello. I'm Richard Rozen. I work for Mark IV Construction Company, the builder of the project.

Of course all of these signs that we're here for tonight were all installed at the time the project was built, and we -- I filled out all of the paperwork I was asked to in regard to the signs, but apparently something wasn't asked for, so we're perfectly happy to cooperate and try to do it all now.

So do we want to just read the order in your notes, because there are so many of these here?

Four existing directional signs. You see they're quite small.

And the purpose of them is to eliminate the sandwich signs which sit out there all of the time. So as you said, they would only be used at the time of inspection, and I suspect they will never be used because with these directional signs, it wouldn't be necessary.

Um, the nature of these direction signs and all of the signs in both Application 2 and Application 3 are to utilize the logo and the community name as a means of identifying once you have gone to the -- this street, you are part of this Parklands community.

Now, I'm well aware of the objectives of your Master Plan and the Committee to try to minimize the information that is on here, but we thought it was not -- actually was helpful to utilize the name Parklands in Chili with a little logo since the signs are very attractive and quite small, no bigger than they have to be, to make sure people know where they are and where they're going.

I think each one of these is really a minimum amount of information. Although I know it is not exactly what you have set forth in your goals, and that is why we're here for a variance on these. The important thing is -- sorry -- to eliminate having to use the sandwich board.

So just with those three directional signs, the one to the Leasing Office, and then on Farmstead Court, certain unit addresses and then another on Farmstead Court, other unit addresses, and that's it. And that takes care of all our direction signs.

A single sign placed right at the building for the clubhouse, Leasing Office and Fitness Center all on one sign with only phone number shown, because, of course, when the office is closed, people will want to get their cell phone out and say, "When will you be open?"

And no additional information on that.

So before we go to Application 3, we're just going to stick with Application 2 now, is there any questions from any of you?

PAUL BLOSER: On the clubhouse Leasing Office, Fitness Center sign, that's the main building; is that correct?

MR. ROZEN: Excuse me?

PAUL BLOSER: Is that the main building?

MR. ROZEN: It's a small, one-story building, yes. It's set back away. That is why the sign. It's setback away. It's -- the directional sign leading towards it is the one immediately before that says -- with an arrow, Parklands of Chili Leasing Office, because, of course, people going to the Fitness Center live there already, they know where it is. Leasing Office is for strangers. So there is the one directional sign at the intersection and then in front of the building is the very small sign saying "Leasing Office" and "Clubhouse."

PAUL BLOSER: Is there a building number for the clubhouse?

MR. ROZEN: Does it have an address? I'm afraid I'm not certain. I can't answer that. I'm sure there would, because mail is delivered there. I'm afraid I don't know that offhand, so I can't answer it for you.

PAUL BLOSER: I would think that is an element we would want that sign for police and fire.

MR. ROZEN: Yes, of course.

PAUL BLOSER: It be readily available. Because when you call it -- it in, it will be called in by a street number address.

MR. ROZEN: Okay. Street number.

PAUL BLOSER: Where you have Sign 5 -- Sign 5, is that a driveway right there that goes back into the clubhouse?

MR. ROZEN: Yes. It actually has a little name which is -- I guess it -- yes, Farmstead Court is the -- is the loop.

PAUL BLOSER: Where the clubhouse is?

MR. ROZEN: Where the clubhouse is, it does not have a sign.

PAUL BLOSER: So is that still considered --

MR. ROZEN: I don't think it has a name because Farmstead Court was on the subdivision plans named as a street. I'm sorry, sir, I really can't -- I don't want to give you an answer if I'm not positive.

PAUL BLOSER: Okay. I guess that's something I would be looking to have clarified. Just because we like to have street numbers on the signs to help our --

MR. ROZEN: Oh, yes.

PAUL BLOSER: Our emergency teams, whether it be fire, ambulance, police whatever.

MR. ROZEN: The reason I think it doesn't is that the buildings have a Park Creek Lane address, and it is really just the parking lot behind the buildings. I'm looking behind you at the site plan that is on the wall.

PAUL BLOSER: I guess what I'm saying is if you have an ambulance crew coming in because someone had a possible heart attack in the clubhouse, and they have no address or number --

MR. ROZEN: It has to have a number. It has to have a number. And I believe the number will be on Park Creek Lane, as that is just a -- it's about 80 feet.

PAUL BLOSER: Okay. That's going to have to be identified.

MR. ROZEN: Yes, definitely will be identified with the street number.

ROBERT MULCAHY: What building is the clubhouse?

PAUL BLOSER: Kind of setback in. That is really why I want an identifier.

MR. ROZEN: Yes.

PAUL BLOSER: Surprised this wasn't addressed in the site plan.

ADAM CUMMINGS: Planning Board.

PAUL BLOSER: Because these are some issues that they would normally be implementing as part of their approvals.

Now, I'm a little confused on the sheet that shows this for Number 5. Is that two signs that are going to be at that location 5?

MR. ROZEN: No. It says underneath "to eliminate use of these."

PAUL BLOSER: Okay. What is actually replacing them, then?

MR. ROZEN: The two-sided sign, 18 by 18 inches, saying "Parklands of Chili Leasing Office." The one on the left replaces the one on the right.

PAUL BLOSER: Okay. Now, that says, "Leasing Office."

Is that the same as the clubhouse?

MR. ROZEN: It's all one little building, yep.

PAUL BLOSER: I guess what I'm saying is not being familiar with the complex myself, I'm seeing two different names. You're calling --

MR. ROZEN: Parklands of Chili Leasing Office is the only relevant information, and all of the extraneous information on that sandwich board sign is history.

PAUL BLOSER: Okay.

MR. ROZEN: But it will have the number.

PAUL BLOSER: Richard (Rozen), I don't mean to have -- to be a stickler on this.

MR. ROZEN: It will have the number.

PAUL BLOSER: It's not only the number. It's the name -- it is confusing to me. If I was coming in the first time and I see well, the "Leasing Office" down there, I better keep driving.

MR. ROZEN: I would add, sir -- yes, I do appreciate the fact that you're only trying to be helpful. I'm sorry.

PAUL BLOSER: It's a minor detail, but being the clubhouse, could be a matter of life or death, too. I mean, they're not --

MR. ROZEN: That's interesting. Somebody might say clubhouse, yes, call for an ambulance to the clubhouse and then they see the sign "Leasing Office." I think I should redo

the sign in the letter and it should say "Clubhouse" and "Leasing Office" and what the number is.

PAUL BLOSER: Yes.

MR. ROZEN: I appreciate your -- you're looking at that further, yes.

PAUL BLOSER: The only other thing I'm looking at -- I know it's signs, but I see this as an incomplete site plan. I hate to send this back to them, but I mean these are a few details that need to be --

MR. ROZEN: Of course. No problem.

PAUL BLOSER: I -- I would want -- in fairness to how we run this and to the community, I would rather see everything right here tabled until we have all of the details in front of us, so I can see visibly what we're doing. Artwork, what buildings are identified by what. The names straightened out, the numbers documented. I don't want to place a vote on something --

MR. ROZEN: Sir, you do have photographs of all of the other signs, and their locations. I don't know what I could add except this one, which I appreciate your critique on.

FRED TROTT: This one, too, with the street address (indicating).

MR. ROZEN: Yes. And -- this the sign to it, and that is the sign. So. Sure. Table it. Sure.

PAUL BLOSER: Now, this sign (indicating), where is this one going?

MR. ROZEN: That is right in front of the building when you -- in other words, you use the arrow to get there, and then it is in front of you.

PAUL BLOSER: I would almost think that that should be by this (indicating). I don't want a real busy sign, but -- I mean to me "Clubhouse" also says "Fitness Center."

MR. ROZEN: I will take that out.

PAUL BLOSER: I would like to see "Clubhouse" and "Leasing Office" on there with a street number.

MR. ROZEN: Uh-huh. And take out "Fitness" --

PAUL BLOSER: And take out "Fitness Center." Because that tends to be the same thing.

MR. ROZEN: Everything you say is logical. Can't argue with you, sir. After all, the people who have leased there know where the Fitness Center is.

PAUL BLOSER: Again, I don't mean to be hard on you.

MR. ROZEN: Appreciate it.

PAUL BLOSER: We're doing it once. I want to do it right.

MR. ROZEN: I made these applications not realizing that although the signs have been there for ten years, they're -- they're not right. They should be changed.

I would appreciate you, though, approving the two directional signs. Let's get approved what we can.

PAUL BLOSER: Fred (Trott), do you have a comment?

FRED TROTT: I was going to say that -- take this Leasing Office sign and make it uniform with the other sign, the same size.

PAUL BLOSER: Yes. Your artwork is nice.

MR. ROZEN: I think that would work.

PAUL BLOSER: It's a nice complex. I think if we stay consistent with signs and shape, get your wording --

MR. ROZEN: I would appreciate it if you would act on Sign 3 and Sign 4, the existing ones which there is no problem, and we will be back to you then with the portion that is tabled. We just talked about 5 and 7.

PAUL BLOSER: Sign 4 I don't have a problem with. 3 and 4 very clear. Basically they're the same thing.

MR. ROZEN: That will be the format for the new one.

JAMES WIESNER: Signs 1 and 2 existing? What -- have we --

MR. ROZEN: 1 and 2 doesn't come before your Board, apparently. I was told I simply have to pay a fee for them. The community entrance signs were not subject of a variance application. 1 and 2 and 9 and 10.

JAMES WIESNER: They seem to be part of the package.

PAUL BLOSER: Do you know what that is?

ADAM CUMMINGS: They need a variance?

ED SHERO: Which application are you discussing now? Have you done Application 2 or Application 3?

JAMES WIESNER: We're on 2.

ED SHERO: Four free-standing signs in Application 2, all directional signs and one A-frame sign. Outside of that, I don't know where you're going. I don't know what else you're bringing in here.

FRED TROTT: If you look on his map, you have Sign 1 and 2.

MR. ROZEN: Chili Avenue.

FRED TROTT: You also have 8, 9 and 10 that aren't part of the discussion. We're just asking why they were not part of the discussion.

MR. ROZEN: 8 is a separate application.

ED SHERO: There is not a permit required for them.

JAMES WIESNER: Didn't hear that.

FRED TROTT: Variance was not required for those.

PAUL BLOSER: Okay.

JAMES WIESNER: So it is an existing sign permit?

ROBERT MULCAHY: We just need 3, 4 and 5.

MR. ROZEN: Well -- the second application, Number 3 on your agenda tonight is Sign Number 8.

PAUL BLOSER: Application 2.

Is that A-frame sign going to be floating around to different areas then?

MR. ROZEN: Yes. The only function it would serve is if she is meeting people in a particular apartment.

PAUL BLOSER: To guide them in?

MR. ROZEN: Yeah. And your rules are clear. When the salesperson leaves, the sign should leave. And I assume you enforce that by simply picking up the sign and removing it.

PAUL BLOSER: Okay. We're just looking at these signs, 3, 4 and 5. 3. I don't have a -- 3 and 4 I don't have a problem with. 5 is the --

MR. ROZEN: Yes, and I was requesting on this Application Number 2 tonight that you act on 3 and 4.

PAUL BLOSER: Yes.

ROBERT MULCAHY: Does he have to put another application or can we use this one?

PAUL BLOSER: I will use the same one. I think if we spell it out, make the sign the same size as 2 and 3 -- is that correct? 3 and 4? 3 and 4?

ROBERT SPRINGER: Consistent.

PAUL BLOSER: The sign size the same, but the wording has to be adjusted.

MR. ROZEN: Yes.

ROBERT MULCAHY: That's a condition?

PAUL BLOSER: Yes.

MR. JONES: Can I ask for clarity what is going on? Is the Board considering acting on Applications as to 3 and 4 tonight and then to table the remainder of the application as it deals with the sign request 5 and 7?

PAUL BLOSER: No. I think what I'm going to do is put a condition of approval that Sign 5 be the same size as 3 and 4, and the verbiage be adjusted to exclude "Fitness Center," but to add "Clubhouse."

MR. JONES: And the Sign 7 would be to add the condition the street address.

PAUL BLOSER: The street address to add to it also.

MR. JONES: The Board is intending to act on the entire application?

PAUL BLOSER: I would rather do the whole thing.

MR. JONES: That is all right. I just want to make sure I know where the Board is going. Because I would like to have a clear record if we're going to try to separate it. It doesn't sound like we're doing that. Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Mr. Rozen says that he filled out all of the paperwork that was requested at the time -- at the original time of build-out. I suggest that Mr. Rozen was the architect on this, and due to evidently his oversight, all these signs should have been included in the final plan. This isn't a case of just not doing what you were asked to do at the time. It's -- the plan wasn't complete.

I went down there and looked at these signs and I, for the life of me, don't see why you need "Parklands of Chili" on every one of these directional signs. What you do need bigger is the name of the street. And the picture, it -- it looks pretty clear, but when you go and look at the sign itself, you see "Parklands of Chili" -- I mean, how many times do you have to put the name of the project on an internal sign? And yet the street, which is what you would be looking for if you were trying to find your way around in those 176 units is very, very hard to read. It ought to be bigger and darker. The street name should be bigger and darker.

The "Parklands of Chili" should be stricken. That is sign clutter. To have the name of that project over and over and over and over internally, that's -- it's just -- it's over the top. And it's unnecessary.

Now, with this A-frame sign, how are we going to monitor that from a code enforcement standpoint if -- if this sign is going to be moving all over in there? It seems to me with 176 units there's going to be something open for inspection 24/7, or at least as long as somebody is there to show the unit. I think that is not -- this is not a temporary A-frame sign you're going -- you're looking at here. It is something that is going to be out there every day. And since we do not approve ever A-frame signs in this Town, this is not a good thing to do, to start out. You're going to set a precedent. We don't allow them, period.

And since there is obviously -- if you look at this realistically, there is no way to monitor this, no way to enforce it, it's going to be out there all of the time. You better be careful what you're doing here.

And again, I will say if this had been done properly when these plans were drawn up, we wouldn't all be here tonight talking about it. It is strictly an oversight. On top of that, if these signs are going to be redone, they should be -- be 54 inches high. There is no reason to have these signs that high. 42 is our code. 42 it should be. That's 12 inches higher than -- than they should be. Why are we allowing signs this high?

PAUL BLOSER: They're not 54. They're -- the sign is 2 foot by 18.

DOROTHY BORGUS: The -- the application says 54.

ADAM CUMMINGS: The application -- a height --

JAMES WIESNER: Must be off the ground.
PAUL BLOSER: Height off the ground.
DOROTHY BORGUS: Isn't that what we're talking about in our code?
PAUL BLOSER: Yes.
DOROTHY BORGUS: Our code says 42 inches, and that means off the ground.
PAUL BLOSER: Okay. I -- I misheard you on that.
Since they --
DOROTHY BORGUS: Since they are too big, and if anything has got to be done with them that is different, they certainly should be kept to code. There is no reason to have them 12 inches higher than we allow. Period. You know, wrong has been done here. Let's not just put our blessing on it. If we're going to fix this, let's get it fixed to code. Thank you.
FRED TROTT: It's like a street sign. These intended -- these intended to be like street signs, like the name of your street, which is already 54 plus inches. You wouldn't want those at 42. You will have people hitting their heads on them.
PAUL BLOSER: Kids especially.
ADAM CUMMINGS: There are sidewalks in this whole thing.
ROBERT MULCAHY: Kids aren't on the sidewalks.
PAUL BLOSER: Ed (Shero), is Park Creek Lane, is that -- is that private road or public?
ED SHERO: Private.
PAUL BLOSER: Private?
ED SHERO: Uh-huh.
PAUL BLOSER: I think that's something, too. If this was in Union Station, Union Square, I would probably look at it a little different, because it's public roads. Being a private road, it's a little different, but, you know, we want to maintain some continuity here in the Town.
None of those are visible from public roads. Just a comment.

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

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

PAUL BLOSER: I think on the height I would look differently if it was public road. I am kind of mixed on it. Driving through there with the hills and the curves -- but the big thing is the consistency in the size of the signs and the colors. I think they're just two-tone color, but I would rather see them all the same.

JAMES WIESNER: I guess just to be clear on what has kind of been spoken about, 3 and 4 appear acceptable the way they are. The 5, the Leasing Office one, we just want to be consistent with 3 and 4, correct? Is that what I am hearing?

PAUL BLOSER: Yes.
JAMES WIESNER: Then I guess I don't understand the sandwich sign. Is this -- are we voting on the sandwich sign to stay permanent?

PAUL BLOSER: They put it as part of this.
JAMES WIESNER: That's how I read it.
PAUL BLOSER: To allow on site permanently.
And again, I -- I'm looking at this. This is all private property. It's not on a public street.

ROBERT SPRINGER: If you did not have that, how would someone find it?
PAUL BLOSER: I -- yeah. It's not like Nothnagle putting a sign, we want to have an A-frame at the corner of -- Indian Hill and Chili Avenue for the next ten years.

ADAM CUMMINGS: We have to remember this A-frame sign stays with this forever. It may stay a community here, but the next company gets to continue to put an A-frame sign on here. It's not just this sign. We also need to remember that, as now we're -- we're -- it's on the --

JAMES WIESNER: So we would be voting on whether this would be a permanent sign?
ADAM CUMMINGS: Yes.
JAMES WIESNER: I don't like that.
ROBERT SPRINGER: Permanent sign only being used --
PAUL BLOSER: When they have an open house.
ADAM CUMMINGS: That's not how it is worded there.
ROBERT MULCAHY: It is worded so it stays with it.
JAMES WIESNER: Stays up all of the time. In Ed (Shero)s letter, he said they can put it up during the hours of the open house and it is legal --

Multiple side conversations were had by the Board members.

ROBERT MULCAHY: Only at the time --
PAUL BLOSER: Sign goes with the --
FRED TROTT: Right. It is not the way it is worded here. It is going to change from "allow only when for inspection," change it to, "allow to remain permanently."
ADAM CUMMINGS: Right here on his application.
PAUL BLOSER: On the application.
MR. ROZEN: If I may interject, I don't think that was my intention on the application, but it did get typed up that way.

PAUL BLOSER: I was going by what is on the agenda sheet, and if we're going to do anything, I would say that we would continue with the conditions of approval on the A-frame that it be allowed to be posted only at times of inspection.

ROBERT MULCAHY: Right.

JAMES WIESNER: That is the way it is stated in the code, so why would you clarify something that is in the code, I guess.

PAUL BLOSER: Just for the record. That it is on there. That it is not to be a 24/7.

JAMES WIESNER: Okay.

ROBERT MULCAHY: I think I have to go along with the -- the signs that have the --

FRED TROTT: Yes. This is almost like a second approval, this one here.

ADAM CUMMINGS: Why are we approving it, a variance that is already going to be there, open for inspection?

MICHAEL JONES: Can I ask the applicant a question? Is it -- sir, is it your intention -- over here (indicating).

MR. ROZEN: Only purpose of an A-frame sign is if the sales agent is at a remote apartment, when she's there, and if you think A-frame signs are just going to be a nuisance, that they -- that they won't be taken down, don't approve it. She can put up a little triangular flag on a post or something. Anything that gets someone who is answering an ad, anything unusual, "Oh, I guess that is where I have to go."

MR. JONES: Sir, is it your intention then that sandwich board only be used during the open house times?

MR. ROZEN: That's right.

MR. JONES: It's not intended to be permanent.

MR. ROZEN: Should not be permanent. That's not the intent of your ordinance.

MICHAEL JONES: It looks like your application requested it.

Be permanent so if you withdraw that request --

MR. ROZEN: Okay. I think that would be easiest. I withdraw that request.

ROBERT MULCAHY: And "Parklands of Chili," I think that's over done, too.

ADAM CUMMINGS: If you knock that out, it may bring down the height of that sign closer to -- to 42 inches.

ROBERT MULCAHY: I don't necessarily think it has to be knocked down. I just think it has to be smaller. And I agree that the "Farmstead Court" would be much more visible if it was larger. We know it is Parklands of Chili. We know that. That's -- you will drive in the place, and that's what it is.

PAUL BLOSER: On Application 2 I'm going to divide this up -- I will split it into two. Part A, I'm going to use as the -- we'll vote on the A-frame, okay?

ED SHERO: You just withdrew it.

PAUL BLOSER: We withdrew --

ADAM CUMMINGS: It's withdrawn.

PAUL BLOSER: Period?

MICHAEL JONES: Yes. The question is the A-frame will no longer be before the Board because he has withdrawn that request. We're only dealing with the directional signs and -- for the clubhouse; is that correct, sir?

MR. ROZEN: Yes.

PAUL BLOSER: I will just note that in the findings then that the applicant withdrew that portion.

Then we're discussing the three signs. So we can start with the conditions.

PAUL BLOSER: Signs 3, 4 and 5 to be of same size, height and colors. Colors and materials. We don't want wood post on one, metal on another and vinyl on a third.

Sign 5, delete "Fitness Center" and add building address number.

Reduce size of logo.

The logo itself is maintained. I like the structure of that sign, so if you leave the logo with the trees on the top, and the lettering for "Parklands of Chili," reduce by it --

MR. ROZEN: Why don't we take "Parklands of Chili" off this one, because there is a lot to say?

PAUL BLOSER: I would -- I would be happy with that and leave your trees up on the top.

MR. ROZEN: So many words. Just leave the logo.

PAUL BLOSER: Have your identification --

MR. ROZEN: We have to have the number, we have to say "fitness," "community" and "leasing." That is enough information.

PAUL BLOSER: Okay. Very good.

ADAM CUMMINGS: Since you're creating new signs to do this, why wouldn't you shrink the size of the signs down?

PAUL BLOSER: Well, right now the problem is changing the size of the new --

ADAM CUMMINGS: Those will all be enlarged, so we're saying same square footage and the same height.

PAUL BLOSER: Just to increase the visibility of the required information. The actual -- what you're directing to. And eliminate "Parklands of Chili."

ADAM CUMMINGS: I understand.

PAUL BLOSER: 4, remove "Parklands of Chili." All three signs.

Sign 5, will have "Leasing Office," "Clubhouse," street number. I think that covers those six. Then all required permits.

I'm going to sneak in here, final artwork submitted to Building Office and ARC Chair for approvals.

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

MR. ROZEN: May I make a comment, sir?

PAUL BLOSER: Pardon me?

MR. ROZEN: May I make a comment?

PAUL BLOSER: Yes.

MR. ROZEN: Your conversation with Mr. Cummings was a sidebar. None of us could hear it. I didn't know what you were agreeing to.

PAUL BLOSER: I was just agreeing to the conditions.

MR. ROZEN: What you added that we did not discuss previously was removing the logo from 3 and 4. Look, we --

PAUL BLOSER: No. Signs 3 and 4, maintain the logo?

MR. ROZEN: Oh, okay.

PAUL BLOSER: Maintain the size of the logo and position of the logo.

MR. ROZEN: No, but the words "Parklands of Chili."

PAUL BLOSER: Remove "Parklands of Chili."

MR. ROZEN: We had not discussed that previously. I talked about removing "Parklands of Chili" from Number 5 because there wouldn't be enough room. It would be too crowded without -- but let's face it, we built -- of course, she is wrong.

Of course, we made every permit we were ever asked to. We were never asked to. We didn't know it was regulated. We weren't told. And the signs are built. I don't see why we should be put to the expense of replacing a sign which you have all acknowledged is attractive, and Farmstead Court, of course, it's not such a multiplicity. You enter the project at the gateway, the highway, and two other places, "Parklands of Chili" appears. Just these two. It certainly is not a proliferation, and it is a private street. And they're built, and they were built in accordance with all of the enforcement of the Town, and I'm sorry, I don't think it's fair to ask us to change Sign 3 and Sign 4.

PAUL BLOSER: Um, if it was okay, I guess we wouldn't be here.

MR. ROZEN: But there are specific reasons we're here. Sign 3 and Sign 4 is because the Building Department never asked us to take a permit for it, so we never did it.

It's been there all these years and everybody agrees it's a lovely project. What is the problem then other than that -- an administrative error was made at some point in the past by the Town staff.

PAUL BLOSER: Okay.

JAMES WIESNER: 3 and 4, I don't have a problem with them. 5, I think because he has to change it, change that one to be consistent with the others. But I guess, I'm not necessarily on board to see 3 and 4 change.

PAUL BLOSER: I hate to belabor the conversation, but we were just all talking about how the prominence of these unit number addresses need to be more visible as cars drove up and down the street. One way to attain that, maintain the size of the sign, would be reduce something. So -- which is how we came up with these conditions.

ADAM CUMMINGS: I'm still focusing -- his variance itself is for a maximum of 54 inches; 42 is allowed. He is 12 inches high. He could meet this just by lowering it 12 inches, not changing anything.

MR. ROZEN: Very good point, sir.

JAMES WIESNER: I would be willing to go with that.

ADAM CUMMINGS: That's why I am advocating for getting rid of "Parklands of Chili," shrinking down the signs, if he needs to change signs.

His entire case is they have already built these signs. They don't want to invest any more money to create new signs. That is why he is against all these conditions, because they want to use the existing signs.

MR. ROZEN: That only pertains to 3 and 4, sir. We realize 5 is incorrect because it doesn't have an address on it and we should change it.

ADAM CUMMINGS: Would that be an administrative oversight on your part?

MR. ROZEN: Excuse me?

ADAM CUMMINGS: Would that have been an administrative oversight on your part, as you pointed out to our Town?

MR. ROZEN: I can assure you I have paid all of the permits for the project. No one ever mentioned the desirability, no matter how many times we met with the Fire Marshal and everyone else -- no one ever mentioned it. If they had done so, of course, we would have done it that way, Mr. Cummings.

ADAM CUMMINGS: Those are my points. The variance itself is for the height.

JAMES WIESNER: I mean --

ADAM CUMMINGS: To me it is an easy fix. We don't even need an appeal -- or variance for this appeal rather.

PAUL BLOSER: Well, I still have a problem with everything on 5. It's confusing.

ROBERT MULCAHY: Everything on 5, I agree with.

JAMES WIESNER: Yes.

ROBERT MULCAHY: But he is going to change that any ways.

ADAM CUMMINGS: Our hands are tied on 5.

JAMES WIESNER: I think the signs have been there. It is -- is being unreasonable that he will remove 3 and 4 to change. I think it is fair to ask him to compromise and to change 5.

PAUL BLOSER: Okay. Do you want to --

ADAM CUMMINGS: I lived there for a year. It is pretty easy to find everything. Once you get there, it is pretty easy. But I can understand the change on that fitness sign. The A-frame really doesn't help anybody there, but I know it helps the leasing agent feel better.

PAUL BLOSER: Well, that is out of the equation.

JAMES WIESNER: They're allowed to have it for the open house.

PAUL BLOSER: I want to get through this.

So do we want to -- do we want to vote on these separate? Signs 3 and 4? Vote on it, the height? Leave them as is?

ROBERT MULCAHY: Leave as is and vote on the height.

PAUL BLOSER: And 5 is a separate vote?

ROBERT MULCAHY: Yeah.

PAUL BLOSER: So 2A.

Permits are still required for those? There is none on here.

ADAM CUMMINGS: Just says, "Obtain a sign permit." I would ask.

PAUL BLOSER: Ed (Shero)?

ROBERT MULCAHY: Ed (Shero)?

ED SHERO: Yes. We did ask for a sign permit.

PAUL BLOSER: Okay.

For both signs required. 2-B. Sign 5, to be same size, height, colors and materials as Signs 3 and 4.

"Fitness Center" and add, "Clubhouse."

We're dividing this into two votes for application. First one will be maintain the existing Signs 3 and 4 in height as installed. Permits for both signs required. And then we'll vote.

The second vote for Sign 5, the same size, height. Colors and materials of the Signs 3 and 4. Second condition is to remove "Fitness Center" and add "Clubhouse," "Leasing Center," phone number and street address. Okay?

We'll do that in two votes.

ADAM CUMMINGS: Those were conditions that you just read?

PAUL BLOSER: Yes.

ADAM CUMMINGS: All one application.

PAUL BLOSER: One application split into two votes, for the height.

ADAM CUMMINGS: Wouldn't it be two applications then? How can we do two votes on a single application?

PAUL BLOSER: It probably should have been broken up a little bit. I think because of the issues at hand, we'll have two votes. One for the height and then 5. Okay?

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

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

PAUL BLOSER: On 2A.

JAMES WIESNER: So I just want it clear, we're saying the sign remains the same, the height goes down.

PAUL BLOSER: The height is what we're looking for based on the application.

JAMES WIESNER: Yes.

The Board approved the motion by a vote of 5 yes to 1 no (Adam Cummings).

DECISION ON APPLICATION PORTION 2A: Approved by a vote of 5 yes to 1 no (Adam Cummings) with the following conditions:

1. Maintain existing Signs 3 and 4 and height as installed.
2. Permits for both signs required.

The following finding of fact was cited:

1. Applicant withdrew the A-frame sign portion of the application. The signs, nor the request is significant in nature and will have no negative impact in neighborhood. The signs are on private roads and not visible from public areas.

PAUL BLOSER: On the vote for 2B, motion to adopt this application, this portion of it? 5, the same height, size, colors and materials as Signs 3 and 4. And change the verbiage as we

have discussed.

JAMES WIESNER: Now -- when you say the verbiage, so -- can you clarify again what that is?

PAUL BLOSER: The sign will be the same height, physical size, materials, colors, everything as Signs 3 and 4. We're going to add "Clubhouse" and "Leasing Center," remove "Fitness Center." And it will have the phone number and street address on there.

JAMES WIESNER: This is for 5?

PAUL BLOSER: This is for Sign 5, yes.

JAMES WIESNER: That sounds like 7.

FRED TROTT: That sounds like 7.

ROBERT MULCAHY: That is 5. The directional sign.

MR. ROZEN: The phone number doesn't belong on 5.

JAMES WIESNER: Why is there a phone number on 5?

MR. ROZEN: We never asked for the phone number on 5. The street address had to be added.

PAUL BLOSER: Just the street address.

ADAM CUMMINGS: Of the clubhouse.

PAUL BLOSER: The clubhouse.

JAMES WIESNER: So it will say, "Clubhouse," "Leasing Office," address.

PAUL BLOSER: Okay. This is to remove the "Fitness Center" and add, "Clubhouse," "Leasing Center" and street address. Otherwise the sign is the same height, size, colors.

JAMES WIESNER: Then 2B has sign number 7 in it also?

PAUL BLOSER: No. No.

ADAM CUMMINGS: No.

PAUL BLOSER: Just for 5.

ADAM CUMMINGS: So the variance itself is the height and then we added in those conditions -- or conditions. Combining conditions of approval into one word.

The Board approved the motion by a vote of 6 yes.

DECISION ON APPLICATION PORTION 2B: Unanimously approved by a vote of 6 yes with the following conditions:

1. Sign 5 to be same size, height, colors, and materials as Signs 3 and 4.
2. Remove "Fitness Center" and add "Clubhouse" and "Leasing Center" and street number to the sign.
3. Final artwork to be submitted to the Building Department for final approval by Zoning Board of Appeals and Architectural Advisory Committee Chairs.
4. All required permits to be obtained prior to sign install.

The following findings of fact were cited:

1. Applicant withdrew the A-frame sign portion of the application. Sign requests are not significant in nature. They are on private property and not visible from public or neighboring properties or areas.

PAUL BLOSER: Okay. You will get a letter on this one.

ADAM CUMMINGS: What about 7?

JAMES WIESNER: That is not on --

PAUL BLOSER: That is not on this application.

JAMES WIESNER: No. It is on this application.

ADAM CUMMINGS: No, you're right. Yeah, you're right. The one on the building.

FRED TROTT: 8 is the next application.

JAMES WIESNER: 7 is also included on here, so it will be 2C.

PAUL BLOSER: Too much back and forth.

FRED TROTT: The approval of this sign to replace the sandwich board. This is the way I understood.

MR. ROZEN: May I interject? Sign 7 is kind of simple. It is the small plaque next to the entrance door on the building. It bears no relationship to these freestanding signs.

PAUL BLOSER: Is this on the building?

MR. ROZEN: Yes, next to the entrance.

FRED TROTT: This is a preexisting sign?

MR. ROZEN: Yes, it is. But we know we have to change it, because we have to put the phone number in there because we're getting rid of the sandwich board.

ADAM CUMMINGS: I don't think it has anything to do with us.

MR. ROZEN: I don't think so either.

ADAM CUMMINGS: It's not a directional sign. We're not looking at a height variance.

PAUL BLOSER: No. Not the one on the building. Just want to -- you have a building

number already on the building, correct?

MR. ROZEN: No, there isn't actually.

PAUL BLOSER: That's code.

MR. ROZEN: We have to add the building number.

PAUL BLOSER: You have to add the building number on it.

MR. ROZEN: We're going to redo this sign, so we'll put the building number and the phone number. But as you say, it's not a zoning matter. I have been advised by the Building Department to do it, and I just came here after reading the advertisement, but you were not part of that.

JAMES WIESNER: So it is out.

PAUL BLOSER: Okay.

FRED TROTT: Now I'm totally confused. Let's go to the next one.

3. Application of Atlantic Properties LLC, owner; 301 Exchange Boulevard, Rochester, New York 14608, property owner: Legacy at Parklands LLC for variance to allow existing 5' x 3 1/2' double-faced freestanding sign to be 35 sq. ft. (32 sq. ft. allowed), variance for sign to be 1' from front lot line (15' req.) at property located at 2000 Park Creek Lane in RM zone.

Richard Rozen was present to represent the application.

MR. ROZEN: Gentlemen, the advertisement is -- it does us a disservice here. I was aware of 16 square foot per face limitation and designed the oval so it would be precisely 16 square feet. It is not 35 square feet. If you measured this accurately, Adam (Cummings), I boxed it off, just as I was doing an area computation. It is exactly 16 square feet because that was your rule at the time. I knew that.

The variance is really for the setback, from a private driveway and a private street and because of the topography, it's the only place we can put it. It's been there from the beginning, of course. The Architectural Board was quite happy with this, and sent me to you because they could not deal with it without a variance on the setback.

They asked us to add the building number. It has been added. It has been added two weeks ago, so if you went out, you saw it with the building number.

PAUL BLOSER: So we're just looking at a setback.

MR. ROZEN: Yep. I don't even know if -- if that is required when it is a private driveway and a private street. Only you would know that.

ADAM CUMMINGS: Technically it's the right-of-way -- well, there is no right-of-way.

PAUL BLOSER: It's a private drive.

Is this really needed?

MR. JONES: This is something Ed (Shero) and I were just discussing it. It appears to be you have a setback which contemplates roadways, right-of-ways, and this is property that the applicant owns. It's from his own land. So I don't know it is necessary, to be honest with you.

It doesn't seem to make sense to me to require a 15 foot setback from his own property. I'm not sure -- that is what we're trying to locate, is why the department is -- give me one more second to conference here.

ADAM CUMMINGS: The only conflict I could see is if the Town took over that street, but then this would be preexisting, nonconforming.

MICHAEL JONES: That's true. And I also don't know if the road is even built to design construction standards, if the Town ever contemplated taking dedication. It doesn't appear to be from the map, but I don't know that.

PAUL BLOSER: Then Application 3 basically is --

ADAM CUMMINGS: That was easy.

PAUL BLOSER: I think we're done with you.

MR. ROZEN: I think so, too. Thank you.

Will that legal opinion be commemorated in writing, I hope?

ADAM CUMMINGS: It will be commemorated in writing in the next five days.

MR. ROZEN: It's been a pleasure. Thank you for your cooperation.

MR. JONES: What exactly just happened?

ADAM CUMMINGS: We don't know.

MR. JONES: I understand that the setback may not be required, but the size of the sign, I think there is still a variance issue.

ADAM CUMMINGS: The 17 1/2, is that an error? The square footage of the size of the sign, the face of the sign --

MICHAEL JONES: For the Board's information, there is three issues here. The issue is the sign is in a Residential District, and also it looks like the -- the setback issue, but there is also the size of the sign, if I read this correctly. So even if we're not going to -- if the Board is going to make the interpretation that the setback doesn't apply because the -- there are still two issues, as I read the application.

ADAM CUMMINGS: That's true. Monument sign. I got you.

MR. JONES: I saw him putting his coat on. I don't want him to run out yet.

MR. ROZEN: I heard you mention the square footage. I wrote on the picture the square footage which I measured, which is 16 square feet. Which is what you permit.

ADAM CUMMINGS: That's what I thought you said earlier on, it's just a typo on the

change to --

MR. ROZEN: I was reading off what I submitted, which is the picture with the square footage on it.

ROBERT MULCAHY: He is measuring this, not measuring this (indicating), right?

ADAM CUMMINGS: Well, I think the --

ROBERT MULCAHY: He is not doing this (indicating). He is measuring just this (indicating).

ADAM CUMMINGS: Yeah.

So clarification on the application where it says changing it from on -- on the area variance, third one -- well, after the two that are crossed out, the third one says, "Size allowed, change from 16 square feet per side, change to 17 1/2 feet per side."

You're saying that is inaccurate and the actual measurement is 16 square feet?

MR. ROZEN: Yes. Yes -- so long ago I did it, I may have taken into account the posts because the know the sign was --

ADAM CUMMINGS: So, therefore, it's really only one variance request, the monument sign.

MR. ROZEN: Well, if you look at my -- if you turn to page 2 of my application, I have a typewritten chart there, and I -- I mention reviewing -- 500(d)1 of your code, signs not permitted in a Residential District.

MR. JONES: Then I guess there is the question whether or not it is a typographical error, but it is a request to go from 16 square feet to 17 half square feet. I'm not clear on that.

MR. ROZEN: As I said, I think you are going to have to do a variance. It's a sign in a Residential District.

ADAM CUMMINGS: The monument sign?

MR. ROZEN: Yes.

ADAM CUMMINGS: Yes. But nothing to do with any -- any dimensions or square footages or setbacks. Those are gone.

FRED TROTT: Can I make --

ADAM CUMMINGS: Everybody on the Board understand that?

FRED TROTT: Can I make a statement? Would be better off just to have that approved to -- to 17 1/2 just in case there is problems ten years from now and they say no, this is how it is interpreted.

MR. ROZEN: Or as-built.

JAMES WIESNER: So the area of the oval is 35 feet square. If you take the square --

MR. ROZEN: If you include the posts.

JAMES WIESNER: It's more than that, is basically what we're saying.

How does it say in the code? You do it in on a square.

ADAM CUMMINGS: 16 square feet per side, 32 square feet total. So he is -- he equals that.

PAUL BLOSER: Right now.

ADAM CUMMINGS: So I don't see a need to give him a variance above it.

PAUL BLOSER: No. Neither do I.

MR. ROZEN: There is ambiguity about the area of the posts, especially since the posts have decoration on it.

ADAM CUMMINGS: We don't include the posts.

MR. ROZEN: I respect the fact that you don't. The whole question Mr. Wiesner raised is ten years -- if you're going to be doing a variance, maybe you could add as-built. Photograph. As located.

MR. JONES: We're just consulting here. We double-checked the calculations. It does appear the square footage of the sign is 17 1/2 square feet. I think a variance is still necessary for the overall size of the sign.

ED SHERO: I don't know how --

FRED TROTT: I would rather err on the side of getting an addition than see you here X amount of years when somebody figured out that we didn't cross the T.

PAUL BLOSER: Okay. So we're going to hear it for the size.

ADAM CUMMINGS: And the fact that there is a sign.

FRED TROTT: In the residential area.

PAUL BLOSER: That is not part of this.

ADAM CUMMINGS: It's on his application.

Right here (indicating). Page --

ROBERT MULCAHY: Page 2.

ADAM CUMMINGS: And page 5.

That's accurate.

JAMES WIESNER: I guess, where are we at with this sign, Paul (Bloser)? So the -- so the setback is not --

PAUL BLOSER: Setback will not be an irrelevant.

JAMES WIESNER: We're looking at square footage and we're looking at a sign in a residential area.

PAUL BLOSER: Sign in a residential area and 17 1/2 square foot a side, so 35.

JAMES WIESNER: It is what it is.

PAUL BLOSER: Counsel, anything else you want to add before I open up for public comment?

MR. JONES: No. I just recommend to the Board to make a finding that a setback is not required for a variance in your resolution.
Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I would like to make the same point on this application I did on the previous once. These signs should have been on the final print, and that's not an oversight on the part of anybody in our Town necessarily. It's an oversight, well, partly maybe, but mostly it's an oversight on the part of whoever drew up the plans. Whole point in having signage on a final print is so that you aren't doing this ten years later.

And, you know, it is just carelessness on the part of the people who draw this up. The Town maybe should have caught it, but the Town didn't owe whoever drew it up, you know, a product to get them to do it according to our code.

Now, I checked with the -- with the Building Department today, and they tell me that this sign has never, ever been approved. Is that understood? Is that what we're saying? This is an illegal sign that was put up without any approval whatsoever?

PAUL BLOSER: That's my understanding.

DOROTHY BORGUS: All right. Thank you.

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

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

PAUL BLOSER: Is the street number on this one?

MR. ROZEN: Yes. We had it added two weeks ago.

PAUL BLOSER: It is added.

JAMES WIESNER: Still put it as a condition. I mean, even if it has been added. Just got himself covered already.

ADAM CUMMINGS: And any other signs that may come in the future?

PAUL BLOSER: Two conditions are permits required to be obtained from the Building Department. Second condition is no additional signs to be placed anywhere on the property without Building Department approvals.

MR. ROZEN: Yes, sir.

JAMES WIESNER: How about the address?

PAUL BLOSER: The address has been added.

JAMES WIESNER: You don't want that as a condition, too?

PAUL BLOSER: Sorry?

JAMES WIESNER: Do you?

PAUL BLOSER: It has already been added to the sign two weeks ago.

MR. ROZEN: Sign maker went out two weeks ago.

ADAM CUMMINGS: And it is in the code, so any new signs --

PAUL BLOSER: It's already done.

JAMES WIESNER: We usually put it in on most of the other ones.

FRED TROTT: What about the fact that it is -- the setback?

ADAM CUMMINGS: No. Right-of-way. That's in the finding of fact.

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

Robert Mulcahy made a motion to approve the application with the following conditions, and James Wiesner 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. Permits are required to be obtained from the Building Department.
2. No additional signs to be added anywhere on this property without Building Department approvals.

The following findings of fact were cited:

1. Setback variance is not required as the property is privately owned and is not subject to Zoning Board of Appeals approval.
4. Application of Mr. & Mrs. Gary Trobia, owner; 13 Jamie Lynn Drive, Churchville, New York 14428 for variance to erect a 10' x 28' addition to house 9' from side lot line (10'

req.) at property located at 13 Jamie Lynn Drive in R-1-20 zone.

Gary Trobia and Mrs. Trobia were present to represent the application.

MR. TROBIA: I'm Gary Trobia, 13 Jamie Lynn Drive, Town of Chili.

PAUL BLOSER: Thank you for your patience.

MR. TROBIA: No problem.

PAUL BLOSER: This was pretty clear from what I saw on here. I guess I will start. I will open to Board questions.

JAMES WIESNER: Question I have is -- so the house is 24 feet wide. You're asking for an addition that is 28 feet wide. So there is a reason why you're extending it beyond that the --

MR. TROBIA: What do you mean? As far as depth of the home or the width of the home?

JAMES WIESNER: Width.

MR. TROBIA: Width of the home we're asking for another 10 feet.

JAMES WIESNER: So width 10 feet.

MR. TROBIA: From garage, from side yard to side yard.

JAMES WIESNER: So from front to back you're asking for another -- another 8 feet then?

MR. TROBIA: 10 -- the addition is 10 feet wide by 28 deep. Deep meaning from street to back.

JAMES WIESNER: Your house is 24 from here to here right now (indicating).

MR. TROBIA: Correct. The depth of the home is 24.

JAMES WIESNER: You're asking another 8 feet, 4 feet back on the addition.

MR. TROBIA: Correct. 2 feet in the front and 2 feet in the rear.

JAMES WIESNER: What would be the reason for this?

MR. TROBIA: Aesthetics.

JAMES WIESNER: Consistent, I guess?

MR. TROBIA: Aesthetics. Trying to match the front plane evenly onto the addition. Probably almost impossible. You always see a hump in the siding, in the roof, on the back also.

JAMES WIESNER: Okay.

PAUL BLOSER: We're not looking at a front setback. We're only looking at the side.

JAMES WIESNER: I was just curious why it was irregular. So...

PAUL BLOSER: Well, I will make a comment, too. If you look at the house, and the roof lines and the profile, it's an architectural element just rather than boxing off a corner. This would follow it more with a design to look more like it was originally designed as a package rather than -- we -- we -- okay --

MR. TROBIA: Correct.

PAUL BLOSER: -- shoving a section out.

JAMES WIESNER: That's it.

ADAM CUMMINGS: Is the interior addition 10 by 28 or exterior?

MR. TROBIA: Exterior.

ADAM CUMMINGS: Thank you.

MICHAEL JONES: I think the applicant did a nice job addressing the interior on the application.

PAUL BLOSER: That was my agreement, yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL BLOSER: It's pretty straightforward.

ADAM CUMMINGS: The only thing I would like to make one comment, additional comment, Chairman, is I did go by the property and I have looked at the aerial photos. This site layout, or plan that is on here, is pretty dated. It looks like there's -- the patio is fine, but there is another addition to the back side; am I correct?

MR. TROBIA: Correct.

ADAM CUMMINGS: So -- so I would just like to put that on the record. There is -- there is an addition already on, and I did speak with the Building Department and it did get a permit and everything is fine with it. I just wanted to note that the plan that we have is not the most up to date.

PAUL BLOSER: Okay.

JAMES WIESNER: So that would mean the back side of the house is even with the addition then?

ADAM CUMMINGS: No. It goes quite a bit distance back.

JAMES WIESNER: Goes beyond what we're proposing in the setback?

ADAM CUMMINGS: Yes.

JAMES WIESNER: That makes sense. I was just trying to visualize the irregular shape, but it is not different than what is already on the back.

PAUL BLOSER: Typically what we do with this, and based on the appearance of the house, I don't have a problem with what you're probably going to do, but we'll spell out a couple conditions of approval.

First of all, we would -- I --

MR. TROBIA: I do have a plan with me if you would like to see it, a finished blue print.

PAUL BLOSER: Do you? Yes, that would be nice to see.

MR. TROBIA: This really wasn't ready at time of the application, but you guys can have this if you want.

PAUL BLOSER: Crawl space, no basement?

MR. TROBIA: Yes. Crawl space, about 3 1/2 to 4 foot.

PAUL BLOSER: Cement slab?

MR. TROBIA: Underneath, yes.

ROBERT MULCAHY: Is there a print of the whole house?

MR. TROBIA: The exterior? Floor plan, no. Just the -- just of the addition and the part that it is attached to.

PAUL BLOSER: Typically what we do on anything like this, um, a couple conditions of approval, is that siding, roofing, windows, doors, trim, gutters, et cetera, to be consistent in materials and colors as existing structure. And based on what your house looks like, you're going to do it. It's a very nice looking house.

Second condition is once that is done, to extend additional shrubs, plantings across the front, around to be consistent with what you already have to give it a nice finished look.

Looking at what you already have, I'm sure your probably going to continue with that to make it look nice. We do that as a general rule for consistency on this.

Third condition would be permits as required to be obtained from the Building Department.

MR. TROBIA: Absolutely.

PAUL BLOSER: Which is a given.

The fourth one I'm going to put down is updated site plan of all current structures and setbacks. Watch your overhangs. We just had an application last month, they were an inch over and had to come in for another variance. So when you get close to a line like that, make sure your guys have a good line out there with a transit. That's overhangs. If you put a fireplace out, and it sticks out a little bit, that's classified as part of the setback. It is -- just watch your setbacks.

MR. TROBIA: Well, there will be an overhang on the addition.

PAUL BLOSER: Okay. That is why I say make sure it is clearly identified on your print, because if it goes farther than what you're asking for this 10 foot, if your overhang goes to 11 foot, or whatever, it's -- it's structure, where it falls, the straight "ba-ba."

MR. TROBIA: Would this require another variance?

PAUL BLOSER: If it's over, it will put a stop work order on it.

MR. TROBIA: Okay.

MS. TROBIA: But the thing is, though, we're only coming within 9 feet of the lot line. Are -- you're talking like a 9 foot overhang, right?

PAUL BLOSER: I'm talking -- I'm talking we just had an application for an inch over and we had to do a variance.

MS. TROBIA: Inch over?

PAUL BLOSER: From the side lot line. I mean you're -- you're telling us now you're moving your --

FRED TROTT: Survey was off an inch from what he said it was going to be. He was off an inch.

PAUL BLOSER: So every portion of that house, regardless of where it is in the air, the -- the finished side right now can't be any more than 9 foot --

MR. TROBIA: We'll have to apply for another variance then because we will be over. There is an overhang on the house.

ROBERT MULCAHY: How much is the overhang, do you know?

MR. TROBIA: Probably 10 or 11 inches, like a standard overhang. The downsize of our lot is pie-shaped. We're constantly run into this problem. So we need to file for another variance?

MR. JONES: Maybe applicant could modified his application to request 8 feet instead of 9 feet.

MR. TROBIA: We were never told this when we applied.

PAUL BLOSER: That is why I brought it up. I just want to make sure that we're all --

ADAM CUMMINGS: Modify.

PAUL BLOSER: We can modify it now.

MR. TROBIA: I would appreciate that.

PAUL BLOSER: It will save another application and the fees attached to that.

MR. TROBIA: Okay.

PAUL BLOSER: But just a heads-up, that it --

MR. TROBIA: I -- I totally understand, but I was never informed.

MS. TROBIA: We didn't even realize -- we thought the corner of the building. We didn't even think of the overhang.

MR. TROBIA: We were never informed of that. We never read that anywhere.

PAUL BLOSER: Setback is the structure, no matter what part of the structure.

MR. TROBIA: Okay.
PAUL BLOSER: It is the edge of structure.
ADAM CUMMINGS: I would hate for Code Enforcement to go lop off your overhang.
Just kidding.
MR. TROBIA: No, I understand.
How would we go about doing that now?
FRED TROTT: What do you need?
MR. TROBIA: I would --
FRED TROTT: How much is the overhang?
MR. TROBIA: I would say another foot.
ROBERT MULCAHY: So 8 foot.
PAUL BLOSER: So an 8 foot setback.
ROBERT MULCAHY: We'll vote on the 8 foot setback.
ADAM CUMMINGS: Same conditions would apply.
PAUL BLOSER: Same conditions would be applied. I will put on the fifth condition of approval, setback not to be less than 8 feet on south side elevation only. That means you can't bust your garage out the other direction, too.
MR. TROBIA: That's fine. You know you said a more current site map. Would that mean I would need a surveyor to come in and --
MS. TROBIA: Where would we get another one of those?
MR. TROBIA: Because --
PAUL BLOSER: You should have a file from when you did the addition on -- there should have been an update to the County, for the taxes.
MR. TROBIA: I guess. I could find out.
PAUL BLOSER: Okay. Those are free at the County. You might want to check that out. If not, you probably -- I mean, you can pencil one in, but it's got to be -- they should be a stamped -- it should be a final drawing.
MR. TROBIA: All right.
PAUL BLOSER: You have made some significant changes to the structure, just so it is all documented. Your other addition, permits were all put through, everything is there. So, you know -- but you're at the point now, because of the variance on there, it really should be documented.
MR. TROBIA: Okay.
PAUL BLOSER: This is going to be close enough, when they place this out -- someone is going to want to be in there with a transit to lay this out and stake it. And again, you don't want to have to be coming back here for a stop work order.
MR. TROBIA: I agree.
PAUL BLOSER: I mean, you can be a month to two months if you get a stop work order.
MR. TROBIA: I agree.
PAUL BLOSER: So it's --
ADAM CUMMINGS: We may want to refer him to the Building Department to work that out. I'm not --
PAUL BLOSER: When you go in with your permit, they will walk you through what they're going to require. I'm just saying that we're going to want an updated site plan map. I think between Ed (Shero) and Kathy (Reed), they will tell you exactly what to do and how to do and what they'll be looking for for an updated map, okay?
MR. TROBIA: Okay.
PAUL BLOSER: Because they will be doing everything with the final inspections and closing it out for your C of O, okay?
MR. TROBIA: Okay.
PAUL BLOSER: All right. So we have those five conditions of approvals.

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

PAUL BLOSER: One other thing I want to put on here, just a question. Where do your gutters go right now? Are they in the ground or surface feed out?
MR. TROBIA: Storm sewer.
PAUL BLOSER: They go underground?
MR. TROBIA: Correct.
PAUL BLOSER: Just so that the lines are tied into that and they don't go in your neighbors. You're close enough now, that you don't need any problems with drainage issues, okay?
I am going to add that on here?
MR. TROBIA: Absolutely.
PAUL BLOSER: That -- that rainwater be routed away from property line. Line to south. Just so it's -- just a clarification. And it is something that we typically do also. Okay?
ADAM CUMMINGS: Will I get a letter with those six --
PAUL BLOSER: You will get a letter with everything spelled out very clearly, okay? A typed-out letter that is signed.

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

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

1. Siding, roofing, windows, doors, trim, gutters, etc. to be consistent with the existing structure.
2. Additional shrubs, plantings to be added to continue finished look of existing landscaping.
3. Permits as required shall be obtained from the Building Department.
4. Updated site plan of all current structures and setbacks to be submitted to the Building Department after construction but prior to a Certificate of Occupancy issue.
5. Side setback shall not be less than 8' on south side of property.
6. Roof storm water drainage shall be routed away from the property to the south.

The following finding of fact was cited:

1. The requested setback is not significant in nature. While the lot runs deep and much wider in the back, the setback requested is required to provide adequate living space within addition. There is still ample room to gain access to the rear, if required.

The 12/27/11 minutes were approved.

The meeting ended at 8:50 p.m.