

CHILI ZONING BOARD OF APPEALS  
March 22, 2011

A meeting of the Chili Zoning Board was held on March 22, 2011 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, Michael Nyhan, Robert Springer, Fred Trott, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Keith O'Toole, 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: First, we'll go through the two signs. Both times I went by the properties, the signs were out and visible. So I don't have a problem with them.

ROBERT MULCAHY: No problem. They were up.

PAUL BLOSER: I will move right into the agenda.

1. Application of Spunk Fitness, 1220 Scottsville Road, Rochester, New York 14624, property owner: Davpart Rochester LLP; for variance to allow a second wall sign on canopy to be 7'10" x 3'4" at property located at 1220 Scottsville Road in G.B. zone.

Steve Brown was present to represent the application.

MR. BROWN: Steve (Brown). Address is 126 Trail Run, Newark, New York, 14513. If I may, that address you mentioned is not accurate. I think you said 1220.

PAUL BLOSER: Yes.

MR. BROWN: It is 1250.

PAUL BLOSER: On the application that came in, and also on the agenda, that is how it was written.

MR. BROWN: I apologize. He probably made the 5 look like a 2. It's the big Airpark Plaza. As you know, there are multiple spaces in there.

PAUL BLOSER: Yes.

I will check the property.

MR. BROWN: The plaza might be listed as 1220 for the whole place. I'm not sure.

ROBERT MULCAHY: I have 1260.

MR. BROWN: That is Davpart's mailing address.

Fred Trott arrived.

PAUL BLOSER: The property card shows it as 1220 also.

MR. BROWN: Okay.

PAUL BLOSER: That should be updated on legal letterhead to the Town, then.

MR. BROWN: Okay.

PAUL BLOSER: If you would take care of that for us, it would be appreciated.

MR. BROWN: Absolutely.

PAUL BLOSER: Forward that to the Building Department, Kathy Reed, attention. Thank you.

MR. BROWN: You're welcome.

PAUL BLOSER: I see on the drive-by, the canopy is already in place; is that correct, other than just the artwork?

MR. BROWN: Yes, that's correct.

PAUL BLOSER: So at this point, it is just a canopy.

MR. BROWN: Yes.

PAUL BLOSER: I didn't really see -- the two times I went by there, where your existing sign is. Where is that other than on the -- the street directory sign?

MR. BROWN: If you're facing the building, you see the awning. To the left of the existing sign is a channel letter sign that is 16.4 feet long. That's actually where the awning was for the prior fitness center. But --

PAUL BLOSER: Is that sign coming down?

MR. BROWN: The channel letter sign, no. That was our new sign that we put up while that awning was being repaired. It had some corroded wiring and such in there, and we ended up taking over four different tenant spaces, and driving them out, making one large box. There is currently five main entrances, due to the -- to the existing tenants. And we wanted to capitalize on the double-door entrance, halfway down, 129-foot span, storefront. So we put our channel

letter sign up on the end to capture traffic going on that sign. And then our awning would be the main front entrance to highlight -- we have some issues, because we're 24 hours a day, there -- there's some activity going back and forth, foot traffic that's not making patrons feel safe. We knew that going into this project. We figured if we maximized parking lot lighting, awning and such, it gave our patrons more security. That's why we wanted that awning right in front of our main entrance. As well as because there are five different doors without the awning, signifying this is our main entrance, they're not going all the way to the left or to the right, et cetera. The awning helps say this is your entrance and your exit --

Keith O'Toole arrived.

PAUL BLOSER: Are the other doors active or are they emergency exits only?

MR. BROWN: They're emergency exits only with the paddle on it. But they walk to it, they yank on it and they come in and they're -- you know, if it's raining out or before when it was cold, snowy, they kind of griped and groaned a little bit. So the awning does really help, that this is our main entrance, so to speak. With our logo and artwork, it just helps in branding and --

PAUL BLOSER: Draw the attention to that.

MR. BROWN: Yes, correct.

PAUL BLOSER: Is that going to be back-lit?

MR. BROWN: The awning? It has the two 8-foot lamps -- 6-foot lamps in there just scattered throughout. So it is illuminated, but it illuminates down and then it will illuminate the logo through the awning but it won't --

PAUL BLOSER: Through the back side.

MR. BROWN: It doesn't shine into the parking lot.

PAUL BLOSER: That white is really a piece of canvas.

MR. BROWN: Yes. It's all scrim vinyl on there. The plaza does have the recessed cans at the 15 1/2 foot mark, but I'm sure as Ed (Shero) has noticed, there is issues with wiring in there and the cans work and don't work from time to time. The awning does help. If you go by there at night, it does illuminate that walkway quite a bit right at our main entrance. Like I say, it does give patrons security at the wee hours of the morning.

JAMES WIESNER: Actually, I counted three signs, because there is a third sign on a truck out front which I am assuming is a temporary sign. It's not probably going to stay.

MR. BROWN: Yes. That's not a very attractive sign. We do have the placard out front. Like you mentioned, the pylon, the channel letter and then the awning. But the U-Haul truck we're just doing a promotion right now to get -- to capture the New Year's resolution crowd before March is over. Because it drags into March, and then that goes.

JAMES WIESNER: The two signs seem redundant, the one on the awning and the one on the building. I guess it's hard to see the need there, but I don't know if you have anything further to say about that. But it just seems like they're redundant.

MR. BROWN: Yeah, you know -- I guess for us, it's really tough in -- in this day and age, especially with the market. The fitness business, if you will, is kind of a -- it's a leisure expense for people, and, um, with that road being the average speed of 50 plus miles an hour, people aren't really looking. There was a fitness center there for years. There is a -- kind of a dark cloud around it from what we gather coming into the marketplace, so we wanted to really rebrand as much as we can, and in the same token if people have the 3.7 seconds, they can see the signage whether it's the awning at nighttime or the channel letter during the day, or the pylon perhaps. It's a better chance we have at succeeding, being there in a tough market.

So from my perspective, I would love to leave the U-Haul truck there year round, but it's not very pleasing to the eye, and it does cause some sight line issues. I understand that, and that's not there. I think we have maybe seven more days left on the 30-day rental for that. But I would like to have as much branding as we could. But I just know it is not practical.

MICHAEL NYHAN: What's the square footage of the sign that is on the building now, that is attached to the building?

MR. BROWN: The awning or the channel letter?

MICHAEL NYHAN: The -- I guess it would be the channel letter, directly attached to the building, to the left of the awning.

MR. BROWN: That is 16.4 feet long, and I think they're 28 inches tall.

MICHAEL NYHAN: Okay.

MR. BROWN: The storefront is 129 feet.

MICHAEL NYHAN: This sign -- the sign itself is only 7 foot, but this awning is 41 foot --

MR. BROWN: To the length, yeah.

MICHAEL NYHAN: I don't have any other questions.

ROBERT SPRINGER: The purpose of the sign on the awning is to show your customers where the entrance is, correct?

MR. BROWN: I'm sorry, the purpose of our logo on the awning, you mean?

ROBERT SPRINGER: Yes.

MR. BROWN: Again, it adds branding, that that awning is the entrance for Spunk Fitness, and it has our logo on there.

ROBERT SPRINGER: Then the channel sign that's there today, that's on the left-hand side of that?

MR. BROWN: Towards the end of the building, correct.

ROBERT SPRINGER: Doesn't that confuse your customers as to where the entrance

really is?

MR. BROWN: In a sense, we wanted to have it more towards the end of the building but the Property Manager told us we couldn't. We wanted kind of a corner cradle, if you will, of the building itself, to get as much traffic coming, I guess, from 390 towards Scottsville and vice versa. We wanted to have something in the beginning of our storefront space, which would be the awning, and something at the very end which would be about where the channel letters were, but he told us we had to back it in a little bit. Part of our process of taking that space over, he told us that we -- and my fault for not confirming it to be true or not, that because we have such a vast storefront, we could have so much signage, square footage per storefront square footage.

So, you know, I recently moved up here from Baltimore, so I kind -- unfortunately, I thought that was the case, in this incident. So we went ahead and had the channel letter sign fabricated. We had the awning taken down and revinyled and new hardware put in there, and then the channel letter sign went up and then I learned almost the day that our awning was ready to be hung that there's an issue with additional signage. So that is when we applied for the --

ROBERT SPRINGER: What is it going to say on the awning itself?

MR. BROWN: It's going to be the logo caricature of the Spunk Fitness, and it will have the street number on there. There's a drawing up there.

MICHAEL NYHAN: Do we have a copy for the projector by any chance, an extra copy?

MR. BROWN: Looks like it's missing the 1250.

FRED TROTT: No questions.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Could somebody tell me where this channel letter sign is? It isn't on this rendering? It's to the left?

PAUL BLOSER: My -- I didn't see it when I went by. I was looking for another sign, myself. I didn't see that one.

But my understanding from what you're saying, Steve (Brown), it's to the -- it would be to the left end of the building where this blue is (indicating), correct?

MR. BROWN: If you see the -- the double-door entrance in the center of that awning, um, to the right, there is a doorway. 10 feet -- beyond that doorway is where our space starts. So you have 10 feet, 41 feet, 51 feet, and then 80 feet down roughly is where the building ends.

PAUL BLOSER: To the left?

MR. BROWN: To the left, sorry. So come in 16 1/2 feet is where the channel letters are, that is Spunk Fitness.

DOROTHY BORGUS: I was past there a week or so ago and I thought there was a different sign up there with a thunder bolt or something in it.

MR. BROWN: That might be the paint ball place.

DOROTHY BORGUS: Oh, maybe.

PAUL BLOSER: That is next door.

MR. BROWN: Yes, to the right.

DOROTHY BORGUS: Well, everybody would like more signs. Anybody who is in business wants more signs. I mean, you people hear this all of the time. This is -- this is, you know, same page, same book, all the while. So I don't think in this case there's that much here that makes this different.

Traffic speed on that road has been this -- the speed it is for a long, long time. That's not different. It was the speed when all these stores went in. Traffic was just as fast. And I really wonder in the long run how -- how effective signs can be, any amount of signs, when traffic is going at that rate.

So I don't think that that's very good positive argument for more signs. More signs won't -- in fact, more signs will probably decrease the value of each one by -- by the same proportion. I mean, so many signs and pretty soon nobody sees anything.

I think there are a lot of businesses in Chili that have far more square footage and are on roads with faster speed limits that manage with one sign, not two. And I have a real problem with these signs on U-Hauls. I think this Board does, too. That obviously cannot continue. And it should never have been there for a month as it is.

Scottsville Road has seen some very, very impressive improvement in designs and -- and traffic patterns and the quality of the businesses in the last 10 or 15 years. I don't think that now is the time nor the place for us to be relaxing our zoning code. We don't want to go backwards on -- on Scottsville Road. And I just haven't heard enough of a hardship here, I guess, for this Board to consider this an extenuating circumstance. Or maybe even a hardship. It seems to me if you're going to stay in a building like that, you would close the doors off some way. It is confusing to have five doors, but then that is the problem of the person who is the renter or the person who owns the building. It's not the problem of this Board. When you have five doors, you're going to create your own problem, to a certain point.

As far as walking from door to door to try to get in, I can appreciate the fact when it is cold and raining, people don't like to be out in the weather, but on the other hand, a little walking to an extra door or two is really not too much of a burden to bear when you're going into a building to exercise.

Thank you.

FRED TROTT: They wouldn't need to go in the gym if they kept on walking.

MR. BROWN: We do have a lot -- our business model is not your typical gym business. I'm sorry, may I?

PAUL BLOSER: Yes.

MR. BROWN: It's not your typical gym business model. We actually market to the decondition market. The decondition person who has never been into a gym before. So therefore, we do have prospect members and members who have medical conditions where they simply can't walk. So it is one of the situations where they park. It should be right in front of our entrance, rather than to go over here and walk down, et cetera.

Um, we spend hundreds of thousand of dollars a year in marketing research and analysis, demographics, et cetera. This is our ninth gym that we have done. It's our second in New York State. And this gym alone has a 27 percent sign-up rating based on signage alone. Our other response marketing medium is, of course, direct mail. Only true advertising we do is signage like this and direct mail. Nothing else. No radio, no TV. Signage plays a huge part of our enrollment. Especially when we have a direct mail campaign and somebody sees an address like 1250 Scottsville Road and they know it as Lifestyle or Lifetime Fitness or the old Golds Gym or the old Airpark Fitness, it is imperative and crucial that we separate ourselves from that and say no, we're not the 7,000 foot gym that was there for the years that catered to the typical gym user. We are a new brand that's here, it is 20,000 square feet. We cater to a different market, to a different clientele.

Signage is imperative to the success of our model. And I don't -- I don't know -- I only know what was in our space just going through landlord reports, things like that. I don't know what Scottsville Road has looked like for the past number of years, but I can tell you adding a business to that 5.2 million with all of the equipment, all of the improvements, all of the marketing, et cetera, and bettering the health of the area, I think that is a huge improvement. So for us to succeed and help this area out; you know, let us have all of the tools in our bucket, if you will, to help us succeed. Be it signage or -- or whatever it is.

We have landscapers coming in on our own penny, not the landlord's, to improve the front of that building and to improve the pylon signage area. So we're putting money into that, which isn't our responsibility, but we want to make the place look better and kind of change the stereotype of the section that has been there for all those years.

VIRGINIA BARCLAY, 36 Janis Drive

VIRGINIA BARCLAY: Just one comment. People go by at 3.7 seconds I think I heard. And they're going to see Spunk Fitness. And is that going to tell them that this is a new, different kind of operation? Regardless of the number of signs.

FRED TROTT: Can I comment on that?

PAUL BLOSER: Yes.

FRED TROTT: I saw the sign probably when it first went up, the original one, and I immediately went to the internet and checked it out just because it was closer than the gym I am currently going to. So that 3.2 seconds, I caught it. And, you know, I see his point.

VIRGINIA BARCLAY: It tells you that it's a different kind of operation?

FRED TROTT: Yes. I never heard of it before, so I immediately looked it up on the internet to find out what the story was. Curiosity kills the cat I guess, but I was looking for -- I'm looking for a gym in that style. Just a little bit more than I am paying now.

VIRGINIA BARCLAY: Should we have a picture of the whole facade, not just this little bit?

MR. BROWN: If you -- sorry. If you get something in the mail from a business or you see a yellow page and have a physical street address, you're going to drive down the road and might not be doing 50 miles an hour, but you're looking for the actual street number or business name. We put out 40 --

PAUL BLOSER: Can you speak into the microphone?

MR. BROWN: We put out about 40,000 plus direct mail pieces with our address on there, and -- and our logo, so when people get that, um, they're going to respond by internet, like you did, or they're going to drive to our space to actually, you know, put their hands on it and see it. So they are going to look for a sign or a street number, if you will, to find us. And, you know, we definitely appreciate the internet as a means of perusing what we offer, but ideally we get them to come in. Our advertising is such that it encourages somebody to actually come into our space and see what we have to offer. It's price-point inspired, but it's also equipment offering inspired.

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.

FRED TROTT: I would make a condition that no U-Haul signage ever be used again. Maybe even taken down within seven days.

PAUL BLOSER: He said at the end of the month it would be the end of the promotion.

FRED TROTT: Yes, but just to make --

ROBERT MULCAHY: Make sure?

FRED TROTT: Yes. Exactly. It has been sitting there a month. Maybe needs to be jump-

started. It has actually been sitting there a little longer.

ROBERT SPRINGER: Your number one means of obtaining new customers is through advertising, correct?

MR. BROWN: Yes.

ROBERT SPRINGER: That's number one?

MR. BROWN: Correct.

ROBERT SPRINGER: Second is internet?

MR. BROWN: We don't do any key word submission advertising yet for the New York market. It's pretty expensive, paper-click type advertising, so it doesn't make sense here because we have a club serving the Rochester market, and then 45 minutes away one in -- in Newark, Wayne County. So it's hard to really pin point a key word type demographic of a market. Whereas, our Baltimore club, we do internet advertising down there. So right now all we have is direct mail advertising, and -- and the signage.

ROBERT SPRINGER: So the second one then would be the pylon itself, the outside -- not on the building, but the pylon outside?

MR. BROWN: All signage, as much as we could have, would be our second form. Wherever they see it. You know, awning, channel letter, pylon, U-Haul. Whatever signage we could have with the brand out there, you know, we want them to come to our space to exercise.

ROBERT SPRINGER: So you really think that their sign is going to make a heck of a difference, huh?

MR. BROWN: I can definitely tell you this. With the U-Haul truck as unsightly as it is, as soon as that thing was parked, we got people in -- people in that day. We got people from Apria Healthcare, which is in our same building that he parks his truck out there 30 feet down from us. He came in, and was like, "Wow, you guys are open now. That's great. I just saw your U-Haul truck and signed up."

So signage really does drive people to frequent a business.

ROBERT SPRINGER: But the U-Haul truck is about the same size as a Drive-in theater sign.

MR. BROWN: It's close, but the U-Haul truck has to go back. It's quite expensive to have that thing there each month.

ROBERT SPRINGER: I understand that. I don't question that. I just question the third sign as being relevant to your business to that point that you're trying to place on our shoulders tonight.

MR. BROWN: You know, again, I guess -- you know, it's hard -- take myself as a business owner out of my shoes and put it in yours or the community's shoes.

If we could have that entire 129 feet, one long awning with just different branding all across it, I would -- I would definitely do that.

But I was told that if you use the existing awning that you have, with your channels on the side, you would be fine. So we just took the existing awning -- that wasn't my ideal choice of an awning shape either, but we just took what was there and just relamped it and rescrimmed vinyl. But as much signage as we possibly could would be great. I would love to have every window with something in there. Can't do that. It would be kind of unsightly. So I'm just -- I'm really, really partial to as much signage as possible for success.

ROBERT SPRINGER: Oh, I'm not going to be argumentative, but my question here I guess is if I were looking at this, and being in my history of -- of business, would it not be better to take the channel sign down, ask for an extension on the existing awning -- not the awning itself, but having more -- a larger sign on the awning itself and therefore you -- you accomplish both things, but you don't end up with three signs?

MR. BROWN: Yeah, yeah. You certainly could. Again, that would be a money issue for us now that we would have to address. If we could take the awning the full length, 129 feet, you know, that would be something that yeah, we would definitely want to do, but now that we have what we have, can we just have what we have, the channel letters there and the awning there? Am I talking around in circles? Sorry if I am.

ROBERT SPRINGER: No. That's fine. That's your opinion. It's okay.

MICHAEL NYHAN: One more question. How many storefronts do you occupy if they were separated into buildings? In other words, how many double-doors where separate businesses could be in that section that you occupy?

MR. BROWN: I believe, and Ed (Shero) might know better than myself, that double-door was a common hallway to multiple tenants, cubes, if you will. I think that double-door, from what I recall, maybe served five businesses. The door to the left was -- that was a dead door. And then two doors down to the left served an existing fitness center that was there. I believe there's probably a total of -- from the double-doors down, maybe seven businesses. To the right is another door which served, I believe, some type of a call center business.

So we just gutted the entire space and made a box, if you will. It's all open in -- in there for the center now.

MICHAEL NYHAN: How many doors in the front of the building do you own, if you will?

MR. BROWN: Five storefront doors.

MICHAEL NYHAN: Five storefront doors?

MR. BROWN: Yeah.

MICHAEL NYHAN: Okay. That's all I have.

FRED TROTT: How many square feet do you have inside there?

MR. BROWN: I believe it's 17,850 usable square footage. There's a little bit more that is not common area for our members, utilities, mechanical and such.

ADAM CUMMINGS: The sign that is up there, you mentioned the address, the street address has got to go on there. Is that going to make the sign bigger than there?

MR. BROWN: No. On the white awning barrel above the N and K, kind of centered with the four-digit number.

ADAM CUMMINGS: Okay.

PAUL BLOSER: Ed (Shero), can you tell me, do each of the doors on this building have a different street address then?

ED SHERO: The -- the street address that we have as it -- and the street address that's there don't jive. That happens in a few places in the Town where maybe they get mail at 1250 but we have it as 1220. Now, do they all have individual addresses? I couldn't tell you that. We have the building down as 1220.

PAUL BLOSER: Okay. I'm just wondering if it was to be divided off again, to five other businesses, instead of one --

ED SHERO: Probably still would be the same address, but when the mail comes, it comes to the person.

PAUL BLOSER: With the name on it.

ED SHERO: Wouldn't be a different address. There is not likely 1220, 1221, 1222, nothing like that.

PAUL BLOSER: I guess the question I'm leading to hear is if we give any increased square footage to this building number, down the line it gets divided back out again to 5 or 7 --

ED SHERO: I don't think that would have any bearing on it. There was quite a few businesses there before. That was a common hallway that went to some smaller businesses. And we're not 100 percent sure how many businesses are in there. It's always kind of a -- Fire Marshal tries to keep a tab on it. A lot of people don't realize they need operating permits when they become businesses. Landlord leases to them, doesn't tell us. I don't know whether that would be any bearing whether there is 20 businesses in that building or one.

ADAM CUMMINGS: How about in terms of the signage? It is one per --

ED SHERO: Per business, right.

MICHAEL NYHAN: I guess that's the way I looked at it. If there were four businesses, we would be looking at four signs across the front of the building. There is two signs, one at the corner and one at the other end of the business that this particular business owns for 120 feet. You have a 16-foot sign and this is a 7-foot sign.

PAUL BLOSER: That is why -- we're over the legal limit now in signs. So if that gets divided out to 5 separate businesses in 5 years or 10 years, are they all going to want to come in and want that square footage and now you've got --

MICHAEL NYHAN: Right.

PAUL BLOSER: -- 129-foot full of signs?

JAMES WIESNER: Any one of these two would be over what is allowed for a wall sign of 20 feet -- 20 square feet.

MR. BROWN: We have a 30-year lease, so we have some time.

PAUL BLOSER: Well, I want to think this out right so, you know, down the line, if -- certainly we wish you all of the success, but in case -- you move onto another building or another location, whatever we give for square footage tonight carries with the property. So I hope you can understand, we're looking at that also.

MR. BROWN: Sure.

PAUL BLOSER: The what ifs.

Because that could create another thing for us that we don't want to have to face down the line. So for future Boards, we have to address it.

What you've got here with this blue awning and the sign, that really focalizes everything there. It's bright enough that it does attract the attention. Twice I went by. I did not see your sign over to the far left. So this is what caught my attention, was the awning and the white.

The comment that one of the other Board members made was I'd rather see the signage all right there. You want that entrance to be your focal point for people to go to. If -- if they are an individual with some type of hardship, and they see your wall mounted sign to the left and they're going down to the doors there or that's where they parked because whoa, there's a spot underneath the sign, "I'm good," and there is a door there, now they will be frustrated when they find out they have to go to the white sign.

So it could be misleading there, too, to somebody with maybe a handicap that wants to get in there.

I would rather see all of the signage in one spot, and maybe a little bit bigger. You know, combine the square footage into one. And I understand what you said, you've already put money out on this, but the cart is before the horse on that. And that's not our problem. I want to look at what's good for the Town here --

MR. BROWN: Sure.

-- and for future growth.

Again, my drive-bys, my eyes went right to your front door, not to the side.

And, you know, the paperwork, I did see that there was an additional sign. Well, I couldn't find the first one, so I thought oh, whoa, there is a new awning, this must be the new one and the other one is down. I just didn't catch it. I was doing normal speed, probably a little slower because I was trying to see it and also try to see if the white sign was up there, so we knew we

didn't have a cancellation until next month.

MR. BROWN: I understand.

PAUL BLOSER: So I guess that is some thought I wanted to put out, I guess, to the Board members and think about that. That we combine signage into one -- one sign and not multiples.

MICHAEL NYHAN: One other item to think of is there is no signage on the side of the building, a side sign, because there is a road to the side of it. But it is a corner building. That would be permitted also.

PAUL BLOSER: That's the other option. You catch traffic from the north side, driving from the north, heading southbound.

Because you go right to the corner of the building; is that correct?

MR. BROWN: About 10 feet, 8 feet.

PAUL BLOSER: Is there a business on the far left end?

MR. BROWN: No. We take up the entire end --

PAUL BLOSER: Do you follow what he's saying?

MR. BROWN: I do. I do.

PAUL BLOSER: Maybe that's an option that you can look at. Because it is a corner, with -- with a side access road. But for the frontage, I -- I have a problem with multiple signs. I would rather see one, and really focalize -- I understand your safety. I agree with you 100 percent. And focalizing people into there and having it under lit, for people walking along the walk, I agree with everything you said. I think you can capture more of an audience by having your square footage concentrated there rather than two small ones. I guess that's what -- the way I am leaning toward it on this.

I guess I'm looking for Board discussion. That's what we're here for.

MICHAEL NYHAN: Ed (Shero), do you agree with that -- the statement I made?

ED SHERO: No, I don't.

MICHAEL NYHAN: Okay. Let's hear it now before we go any further with it.

ED SHERO: As long as you asked, no, I don't. The code says a public road. That's not a public road.

PAUL BLOSER: Okay.

MICHAEL NYHAN: Okay.

ED SHERO: It's a private road.

MICHAEL NYHAN: Okay. I stand corrected.

JAMES WIESNER: I would agree with you, Paul (Bloser). I would rather see it concentrated in one sign than to have redundant signs saying the same thing.

ADAM CUMMINGS: Agreed.

ROBERT MULCAHY: I agree to that, too, the one sign.

PAUL BLOSER: Ed (Shero), do you have a figure of what the existing sign is?

ED SHERO: The square footage?

PAUL BLOSER: Yes.

ED SHERO: I don't.

MR. BROWN: I believe it's 16 feet 4 inches by 28 inches high.

PAUL BLOSER: I just saw the change from one sign to two signs.

On the application it says the sign size for the new one, the 7'10" x 3'4." So I don't know what your other square footage is.

JAMES WIESNER: I calculated it as 32, because you said 16 1/2 by --

PAUL BLOSER: If that's what it is, yes. I was just looking to see if there was something in the documentation.

MICHAEL NYHAN: Oh.

PAUL BLOSER: You said 16 1/2 by --

MR. BROWN: By 28 inches high.

PAUL BLOSER: It's 35 square feet. You're looking now for another.

ROBERT MULCAHY: A total of 37. 37 square feet.

PAUL BLOSER: 26.11 square feet.

ADAM CUMMINGS: So a total of 58 square feet. Did you say 35 or 32? Oh, 35.

PAUL BLOSER: I would be willing to go with 60 -- even if he went 60 square foot on the main sign and put it all into one.

ROBERT MULCAHY: Where will he put it?

JAMES WIESNER: That's twice the size of what's sitting up there.

ROBERT MULCAHY: Where, on the canopy? You want him to redo the canopy?

PAUL BLOSER: I'm saying put everything on one sign, not two signs.

ROBERT SPRINGER: Add to the existing canopy. Don't make it bigger.

PAUL BLOSER: He wants to keep the sign over the door, so it would have to be redundant.

ROBERT SPRINGER: If he went to the left or the right of the semi-circle up there, and -- it's a fitness center, correct?

PAUL BLOSER: Well, yeah. But I want something that looks nice here, too. I -- we would have to see it. I guess if we look at just voting on the application as it's proposed right now, I don't think any of us -- speaking for myself, I wouldn't look at it favorably. So we either have him go back to the drawing board and come back with another proposal, or he stays with what he has right now and it is just a blank white space and Code Enforcement has to code enforce the U-Haul truck thing and the A-frame signs or anything else out there by the road.

Do we want to give him the option of increasing the square footage of the main sign? You

know even if we did that -- he has applied for additional square footage. If we were within that, he's still applying for additional square footage. Now, he would have to present another drawing to us for approval through the Building Department.

ADAM CUMMINGS: So it would be bigger letters?

PAUL BLOSER: It would be more square footage. At the end of the day, that's what he's looking for, is to catch the eye without it being gaudy.

FRED TROTT: How would you do that with the existing awning he already has?

PAUL BLOSER: Well, that's where he would have to talk to his awning people to see what they could do to cost effectively modify the existing to make it work.

ROBERT MULCAHY: I kind of like that sign just the way it is.

PAUL BLOSER: So do I. I think it is very tasteful the way it is now.

ROBERT MULCAHY: To add more to that sign just doesn't -- just expands that whole thing and it doesn't make sense.

MR. BROWN: The way the sign is built, it is built in three sections. The barrel and then the two ends. They would essentially have to fabricate two more ends and they're probably what, I'm guessing -- there would be obviously a void between the two sections where they continue on. If we're allowed 61 or 60 square foot, whatever it is, I would like to have the 40 there and then 20 over there, as it sits. If that's -- if that's not going to work, I -- I'm going to respect whatever decision you guys have, we'll just leave the awning like it is. It's going to be quite costly in this juncture to have a pretty expensive channel letter sign removed and shipped back to Maryland, and sit somewhere in -- in storage, and then build onto the existing awning. We just want to capture, like I said, as much as we possibly can. The more we have in front of that building, tastefully lit up, you know, where -- where we promote ourselves as an upscale fitness center in a low cost model, we're not going to put stuff that looks like a nightclub on there. It needs to be tasteful and presentable. We're putting money in the landscaping. It needs to look good.

And again, you know, I'm pretty partial and bias, because I'm there. I think the awning and the channel letters look fantastic especially lit up at nighttime.

PAUL BLOSER: They do look very nice. I would rather see the sign there. Multiple signs is where we have a problem in Town on one frontage. That gets to be confusing and excessive. I think that is the point I'm trying to get across.

Which brings me back to we have an application for a second sign with the additional square footage. I think by rights we should vote on the application as it stands. And if it passes, so be it. If it does not pass, then the applicant would come back with something -- something different because as -- because as it's proposed, multiple signs -- well, I can't vote for everybody. I think we should vote on the application as it's proposed, because there's nothing official before us for an alternative. So, I think with that, I'm going to move forward with SEQR.

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 Michael Nyhan seconded the motion. The Board all voted yes on the motion.

Michael Nyhan made a motion to approve the application with the following conditions, and Robert Mulcahy seconded the motion.

PAUL BLOSER: We'll vote on the application as it stands.

ROBERT MULCAHY: If we vote on it now and it is turned down, he would have to come back in a year from now?

PAUL BLOSER: No. It would be a different application. It's not the same sign. It's a different configuration, different application.

JAMES WIESNER: If this gentleman were to start from scratch, what legally is he allowed on there, Ed (Shero)? I mean, if -- if you were to dissolve it all and he were to start again, what is he legally allowed to have on the front of that building? I mean, I see like 16 square feet. I don't know if that's correct. Mike (Nyhan) and I have kind of gone back and forth on that. Is he -- he's not allowed one wall --

PAUL BLOSER: 129 square feet.

MR. BROWN: For store frontage, yes.

PAUL BLOSER: What's the formula on that?

ED SHERO: 1 1/2 square feet per linear foot -- feet with a maximum of 100 square feet.

MICHAEL NYHAN: All of the signs are both 50, would you say?

PAUL BLOSER: Yes. The two combined would be 61.

MICHAEL NYHAN: 61.

JAMES WIESNER: Linear frontage.

PAUL BLOSER: You heard the number on that.

MR. BROWN: So we're good?

PAUL BLOSER: One sign would be -- you wouldn't have to be before us.

MR. BROWN: For 129, and -- essentially it breaks down to half is what we're allowed, right? So -- so it's 60.

PAUL BLOSER: 1 1/2 square foot.

MICHAEL NYHAN: The issue is not the square footage. The issue is the number of signs.

PAUL BLOSER: It's still one sign.

MICHAEL NYHAN: Number of signs is the issue, not the square footage.

MR. BROWN: Maximum 100 foot?

PAUL BLOSER: You're within your footage, times 1.5, is that what you said?

ED SHERO: Right.

PAUL BLOSER: Not to exceed 100 square feet.

ED SHERO: That's over 100 -- 100 square feet maximum.

PAUL BLOSER: Yours would be 100 square feet maximum.

With those two combined right now we're at 61.2.

MR. BROWN: Okay. Got it.

PAUL BLOSER: All right.

The conditions would only apply if the thing goes through. The conditions I've got down here right now that I wrote down were:

Condition 1, no temporary vehicle-mounted signs allowed on the site.

And Condition 2, the existing vehicle-mounted sign to be removed no later than March 30th, 2011.

Condition 3, all other signage on property must be within Chili Town Code.

Sign permits as required must be obtained from Town of Chili.

DECISION: Denied by a vote of 4 no to 3 yes (Michael Nyhan, Fred Trott, Robert Mulcahy) with the following finding of fact having been cited:

1. The proposed variance is substantial in nature and inconsistent with neighboring properties and businesses.

As discussed at the hearing, the following must also be adhered to:

1. No temporary vehicle mounted signs allowed on the site.
2. Existing vehicle mounted sign to be removed no later than March 30, 2011.
3. All other signage on property must be within Town codes.
4. Sign permits as required by the Town must be obtained from the Building Department prior to installing or displaying future signs.

PAUL BLOSER: So this application as presented is denied. We'll send a letter to you in the mail regarding that. You've heard basically what we're looking for --

MR. BROWN: Sure.

PAUL BLOSER: This is across the -- we're pretty tough on signs. I hope you don't take it personally. It's what we do.

MR. BROWN: Nah.

PAUL BLOSER: We're -- we don't want it to be a Vegas Strip. We look at signs very seriously, how they're laid out in their design. So if you come up with another design, within those numbers, you still have to present it to the Town, to the Town Building Office for their review, and with that, if you have any other questions, just deal with the Building Office.

MR. BROWN: Just one real quick question. The application is for the awning, not the existing channel letter sign?

PAUL BLOSER: That's correct.

MR. BROWN: So obviously what we'll do is we'll take down the channel letter and leave the awning up. So because the application was for the awning, can the awning still stay, or do we have to apply to have the awning there?

ADAM CUMMINGS: The application was for a second sign.

PAUL BLOSER: It was for a second sign.

Ed (Shero), we don't have a problem with the awning itself, do we?

ED SHERO: The question -- you're saying is the awning part of the sign? I would have to see how we treated that in the past to be consistent with what we have done in the past.

KEITH O'TOOLE: He would have to check with the Building Department tomorrow.

PAUL BLOSER: We would have to check with that further to see if it's classified as a structure or -- or what really it is -- I would say check with them. Okay?

MR. BROWN: I will do that.

PAUL BLOSER: Okay. Very good. Thank you, sir.

MR. BROWN: You're welcome.

2. Application of Dennis Brower, owner, 38 College Greene Drive, North Chili, New York 14514 for variance to erect a 17' x 13 1/2' enclosed porch and 6' x 12' deck to be 23' from rear lot line (25' req.) at property located at 38 College Greene Drive in PUD zone.

Dennis Brower was present to represent the application.

MR. BROWER: Hello. I'm Dennis Brower, the owner at 38 College Greene Drive. I have

submitted this application.

College Greene Drive is in the Planned Unit Development known as College Greene. There's a Homeowners' Association there. And since I have submitted this application, which was several weeks ago now, I have met with the Homeowners' Association, Architectural Committee Chairman, and we have made some slight modifications to the exact size of the addition that we're talking about.

Instead of being 13 1/2 feet deep, which would have been the furthest projection of the roof line, it's going to be probably more like 12 foot 7. The outside of the room proper is not going to exceed 12 feet. Talking depth now.

And so it would be 12 feet plus the eave dimension. My architect said plan on roughly a foot for the eaves.

Also, in the application it showed laterally it was going to be about 3 foot from the corner.

Can I approach the --

PAUL BLOSER: Yes.

MR. BROWER: This showed 3 foot here (indicating). But what we've done in agreement with the Homeowners' Association, who is represented here tonight, is we've agreed to shift this about 2 feet to the left, which would be the south, and that is to make sure that the north corner of that does not impair the vision of the pond area from the next-door neighbor.

So it would be 12 foot 10 by 17, and it would be shifted 2 foot to the left.

If it's 12 foot 10, it still exceeds setback requirements. The setback is 25 feet. That would make it around 24 still. So I still need the variances to do that.

PAUL BLOSER: Okay.

The deck, is that changing the size?

MR. BROWER: No. The deck has always been 12 -- you can't see too well on that, but if you look closely, the deck is a little bit shallower than the rest of the house there. So it will be 12 foot deep and 6 foot wide.

PAUL BLOSER: There's an existing deck on there right now?

MR. BROWER: There is now, yes.

PAUL BLOSER: Is that coming off?

MR. BROWER: Yes.

PAUL BLOSER: Is this a prefabbed three-season room?

MR. BROWER: No. This room is going to look like the body of the house. The house has vinyl siding on it and a shingled roof. It will be matching vinyl siding. It will not be a patio enclosure. I'm working with an architect. Tom Dowdy (phonetic), Junior, is my architect. He will do all of the drawings.

PAUL BLOSER: That is what I was getting to, what kind of structure it really was, because I know they're pretty strict with the Association. I don't know their exact rules over there, but things match and look like they have always been there.

MR. BROWER: Yes. That's what I presented to the Homeowners' Association, a matching structure.

PAUL BLOSER: So you have their approvals on this at this point?

MR. BROWER: I do. Barb Kelly in the yellow is our President of the Homeowners' Association, and Dick Lucia (phonetic) in the gray sweatshirt is the Architectural Committee Chairman.

PAUL BLOSER: Okay. We'll open up to the Board.

JAMES WIESNER: The only thing that kind of caught me and I realize now, the window shown on the rear elevation to the right, it matches the one on the house right now, so it appears that you're just duplicating that same window?

MR. BROWER: No. No. On the house right now, it looks like three French doors. It doesn't stay there. This will be an enclosure that will be -- be beyond those three French doors.

JAMES WIESNER: I went around Freedom Pond Lane, so maybe I picked the wrong house. I was looking at that half moon.

MR. BROWER: The next-door neighbor has a half moon. That's Number 40. We like that, so we kind of like the look.

JAMES WIESNER: It's very attractive. It looked like the addition was already there because I saw that window and then I see the same window in your elevation. So that explains that. I must have picked the wrong house coming around the back side.

MICHAEL NYHAN: The structure itself will be about 12 foot and the overhang is where the 7 inches comes from; is that correct?

MR. BROWER: The outside of the structure will not exceed 12 foot from the body of the house, front to rear.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BARB KELLY: Mr. Brower did a nice job in presenting -- my name is Barbara Kelly, K-E-L-L-Y. I live at 125 Freedom Pond Lane, and I'm President of the College Greene Homeowners' Association.

With our Architectural Control Committee Chair, I've met with Mr. and Mrs. Brower several times and they have been very accommodating in addressing our concerns.

We have basically two concerns. One, is the -- we guard protectively the common area which is behind their home and -- I have a map I can show you.

This is Mr. Brower's house (indicating).

This area behind here (indicating) is common area, and there is a pond over here (indicating).

Our concerns were, first of all, that no -- no building encroach on the common area. We guard that religiously because it's virtually the only open area that those people have.

Secondly, those lots along College Greene Drive have been marketed as pond-view lots. If the addition -- proposed addition were much larger, there would be no view of the pond from College Greene Drive, but they've addressed that and -- and met our objections quite nicely.

Um, we also have concern about precedent. We don't want anyone to be building large additions to the homes that would not be consistent with the homes that are there. They're -- it's a senior community and we don't need, you know, four bedrooms, that kind of thing.

Um, our only concern was that if the addition goes beyond what is already there, it would interfere with the pond view of the next-door neighbors.

Mr. Brower has agreed that the -- that the addition will not go any further to the west, to the top of that map than 12 feet, except for the eaves, which is not a problem, and no closer on the north than it already is.

So we -- he has met all of our objections, and assuming that -- that the addition goes on with the -- the roofing and the -- and the siding and the windows to match, we're happy with it.

MICHAEL NYHAN: Thank you.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan 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 am going to put conditions of approval on this.

Paul Bloser reviewed a proposed condition of approval with the Board.

PAUL BLOSER: Pretty much goes along with what you require, but we would enforce that through the zoning of this.

MR. KELLY: Good.

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

PAUL BLOSER: When applying for the permit on this, you will be required to submit drawings.

MR. BROWER: That is the next step. I will go back to my architect after I get the letter of approval. And then when he's got the drawings, then --

PAUL BLOSER: Right. You will need your lot map also updated to show the exact placement and size.

MR. BROWER: Who does that?

PAUL BLOSER: You will get your -- take your lot map and have it modified to show where the addition is going and its exact size and placement.

MR. BROWER: Oh, okay.

PAUL BLOSER: When that's submitted, that will be required by the Town also.

MR. BROWER: Okay. He has my lot map now.

PAUL BLOSER: Who does?

MR. BROWER: The architect. I will let him update it.

PAUL BLOSER: They usually know what to do, but that will have to be updated and submitted to the Town with the paperwork.

MR. BROWER: Will that be in the paperwork?

PAUL BLOSER: No. But it's in your package that you get with your instructions from the Building Department, what's required for the permit, the drawings, and the lot map -- updated lot map must be submitted. You know, just write down so you have it for a note to be sure that's included to save yourself some time running around. Okay?

MR. BROWER: Yes, sir.

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 Michael Nyhan 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 Michael Nyhan seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. All building materials (roofing, siding, windows, gutters, doors, and trim, etc.) to be consistent with existing structures.
2. All appropriate permits and inspections to be completed through the Town

Building Department.

The following finding of fact was cited:

1. The proposed variance will not result in an undesirable change in the neighborhood or surrounding properties.

The 2/22/11 Zoning Board meeting minutes were approved as submitted.

The meeting ended at 8:11 p.m.