

CHILI ZONING BOARD OF APPEALS
March 25, 2008

A meeting of the Chili Zoning Board was held on March 25, 2008 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: Todd Benz, Jordon Brown, David Cross, Adam Cummings, Tracy DiFlorio, James Wiesner and Chairperson Paul Bloser.

ALSO PRESENT: Chris Karelus, Building Department Manager; Keith O'Toole, Assistant Town Counsel.

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

The Board reviewed the application notification signs for the applications.

PAUL BLOSER: For the record, I did have a resident submit a letter, from Mr. Charles Rettig, 1032 Coldwater Road, dated March 25th. "Please note that per the ZBA agenda for March 25th, the Target agenda for Items 2 and 3 require the proper posting of property ten days consistently prior to the meeting. Note that no proper posting has been observed by myself -- him and others -- "as required prior to the meeting. Agenda items Numbers 2 and 3 should therefore, be adjourned, tabled from the March 25th, 2008 meeting."

I will say that I did see the one at the M & T Bank myself. I have talked to Chris Karelus on the first day of posting. They were up. It was noted, some days later, that one or both of the signs were down. They were put back up and one came up missing, one or both, but they have since been reposted.

Chris (Karelus), do you have any comments on that?

CHRIS KARELUS: Just when the Building Department was made aware on 24th, Mr. Rettig stopped in. He called indicating to us that the signs went down and they reposted the signs. On the initial day of the posting, I did see the signs go out of the office and get on site. Between that point in time and the 24th, I can't tell you what happened.

PAUL BLOSER: Okay. Thank you. But they were apparently -- and they came up missing. Um, Counsel, I guess to move on this, um, I don't think this Board has always come across this one yet. I know in the past Boards have looked at it and sometimes they have said absolutely we won't hear it because there was some lack of time. I know sometimes they voted that they would hear it. Um, I guess from Counsel's standpoint, what is our position on this?

KEITH O'TOOLE: It's the burden upon the applicant to post the signs for the requisite ten days prior to the hearing. It is not the Town's obligation to watch the signs or repost them or what have you.

I take the view under the law that it means substantial compliance. That if the signs get knocked down due to the nature of them being flimsy cardboard, that's perhaps to be anticipated but is still the applicant's obligation to put them back up. The measure is whether the public has had substantial notice during that ten-day period, and it's a question of fact for the Board to determine. You either believe they were up the substantial period or not. It is not our place to explain why they were or weren't. Either they were or they were not. Okay.

PAUL BLOSER: Okay. Chris (Karelus), do you know from the -- from within the Building Office if -- I will go back. Last month at the Planning Board meeting I had requested of Target to assemble something resembling the sign so we could see placement and approximate size. They did comply with that request, and they had come to you and you issued them temporary permit to have that structure put up. Do you know if anything was put on the website to state that that was up there for that reason?

CHRIS KARELUS: No.

PAUL BLOSER: Were there calls on it?

CHRIS KARELUS: No. There were no calls made.

PAUL BLOSER: I guess at this point, I will say to the Board maybe we should vote on this to see. I mean I -- they were put up initially. They did make the attempt to put them back up after the fact when they found out they were missing. Um, they had complied with our request to have the scaffolding up or some type to resemble the sign size. I guess I would like to have a -- make a motion to have a vote whether we hear this or not.

DAVID CROSS: They have also been posted on the Town website and the agenda.

PAUL BLOSER: The agenda for ten days.

DAVID CROSS: I move to hear the application.

JORDON BROWN: Second.

The Board members were all in favor of the motion to hear Applications Number 2 and 3.

1. Application of Kenneth Stevens, owner; 3668 Chili Avenue, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 40' x 42' detached garage to be 2,760 sq. ft. (900 sq. ft. allowed) at property located at 3668 Chili Avenue in R-1-15 & FPO zone.

Kenneth Stevens was present to represent the application. My name is Ken Stevens. I live at 3668 Chili Ave.

PAUL BLOSER: Can you tell me a little bit about this? I mean, I got a package. I got questions.

MR. STEVENS: Yes, sir.

PAUL BLOSER: I mean, I see this as a -- number one, it's very uncharacteristic for the neighborhood. I have driven around and looked around there. It's a big building. I see you have got it for cars, seven cars, three boats, golf cart, ATVs, tractor, plus cars that we pay storage for.

MR. STEVENS: Right.

PAUL BLOSER: How many other vehicles are there?

MR. STEVENS: Um, well, I have two other boats and we have ATVs. We have, you know, boats that I'm paying storage on right now that would really help me out, and, um, just clean up the yard. You know what I am saying? Something I could put inside. And, you know, if you drive by my house, you would understand what I'm trying to do. I'm trying to actually clean up. I'm going to actually build a garage, asphalt roof it and side it so it's not a pole barn structure type of deal, so it will actually blend into the residence, so it is not outstandingly (sic) looking.

PAUL BLOSER: The existing garage, the -- do you intend to leave it or take it down?

MR. STEVENS: No. We'll leave it. Because as you can tell, we need as much storage as possible just to get everything inside, so there is nothing, you know, outside. And it will actually you know, clean up the area very nicely.

PAUL BLOSER: With the hedges up around, I couldn't really see. Do you have any other sheds or house structures?

MR. STEVENS: No, we don't, sir.

PAUL BLOSER: Going back to what you're putting in it, it says here you have three boats and you said you got two more in storage. There are five boats total?

MR. STEVENS: I have four boats total, sir.

PAUL BLOSER: Four. So there will be nine cars total?

MR. STEVENS: Seven cars total and might be nine by the time -- if I actually get a couple more.

PAUL BLOSER: There is no drawings of the building.

MR. STEVENS: I kind of have something. I'm not sure, sir, if we're going to go with a pole barn structure or a regular, um, footing and structure. I have a couple of the drawings if you would like to see them.

PAUL BLOSER: Okay. What is the size of the overhead doors?

MR. STEVENS: I will get them 12 by 12 on the front two doors.

PAUL BLOSER: The other thing on the drawing you submitted, um, I scaled that out, and if I scale it based on what the house is and the existing garage, the proposed barn almost doubles in size on the lot as opposed to what you got drawn in there.

MR. STEVENS: As the garage there?

PAUL BLOSER: Yes. So it kind of dwarfs everything else on the property and that is kind of a concern I have.

MR. STEVENS: Right. Actually, I think when I talked to maybe Chris (Karelus), he said as long as the garage wasn't actually higher than the house.

PAUL BLOSER: That is a criteria we'll have anyway, but I'm looking at it will be the biggest structure by almost combined square foot on the left, right?

MR. STEVENS: The square footage, yes, sir. But we're on almost a little over two acres of land where we're not close to any neighbors. We do have, you know, pretty good space between us and we are on the corner lot, so we're not, you know, an eyesore. As you see as you drove by our house, we're kind of tucked in. Like I said, I'm going to make it not an eyesore type of deal. It will be an asphalt roof. It will be sided. It will have windows. It will look pretty much as a house from the one side. The only thing you will be able to tell it is a garage is by the front of the garage with the garage doors.

PAUL BLOSER: Do you do any work in there? Automotive work?

MR. STEVENS: No. I just have a couple old cars I work on. We have a boat -- actually two boats will be stored in there which I'm paying like \$1500 a year now to keep it stored down on the Genesee River. So, you know, that savings alone is going to, you know -- we got a couple -- two boats outside right now on the side of the garage that we keep outside there. We would like to put them inside.

PAUL BLOSER: You're not running any kind of business out of there?

MR. STEVENS: No, not at all. No. It will actually just be cold storage. Somewhere to park everything to keep them out of the weather.

JORDON BROWN: When I was looking at the property, it looked like the two front structures were attached. Is that --

MR. STEVENS: No. There is probably a good -- I would say about 25 feet between the

house and the existing garage there?

JORDON BROWN: Yes.

MR. STEVENS: No. There is a pretty good size space between them. They are detached. This would go at what would be the north end of the property.

TODD BENZ: You said the garage doors will be 12 by 12?

MR. STEVENS: Yes.

TODD BENZ: So you're going to have really tall garage doors like commercial-sized doors.

MR. STEVENS: Yes, sir. That's correct.

TODD BENZ: Do you know the height approximately? I mean of the structure?

MR. STEVENS: Well, I -- with the plans I got now, we're thinking about 4/12, so I would say it would probably be -- we're actually going to have a 13-foot inside, so I would say it would be about 17 feet, actually the height of the highest point.

JAMES WIESNER: On the existing garage, it looked like there was something under construction, or something that was unfinished, it was kind of -- some sliding glass doors or something.

MR. STEVENS: The one end of it, which I think was there pretty much when we moved in. Which I think we would probably end up eliminating. We'll have the whole thing sided together so it looks like, you know, one continuous garage. Almost looks like a house now. We want to make it all -- clean it up basically.

JAMES WIESNER: It was already there when you purchased the property?

MR. STEVENS: Yes.

JAMES WIESNER: How long ago was that?

MR. STEVENS: We have lived there 11 years, so.

ADAM CUMMINGS: I'm along the same lines as today. The 12-foot doors, what is the tallest vehicle you're thinking about putting in there?

MR. STEVENS: We have a boat that is --

ADAM CUMMINGS: Is that on your driveway now, on block?

MR. STEVENS: The boat was, yes.

ADAM CUMMINGS: I drive by that every day.

MR. STEVENS: What we're hoping to do is put that inside now. What we're doing now is paying storage for the boat down at the Genesee River. If I can get that boat off the driveway into that garage, you know what I mean? I -- I could clean it up during the winter months and have it ready for spring.

ADAM CUMMINGS: But if that fills up most of the garage space in there and you still have seven cars and you're working on two of them, how are you planning -- will you be shifting cars out of there to make room so you can get around the cars to work on them?

MR. STEVENS: I'm sure there is some shifting around because my son is starting to drive now. We'll always have a few cars that will be outside the garage, but we do have our existing garage we can put a couple more in there, so, you know, I'm sure there will be some movement around there, without a doubt. But it's going to clean it up, you know what I'm saying, compared to what we got now.

JORDON BROWN: That is assuming you don't get another seven cars.

MR. STEVENS: You're right. No. I think I'm pretty much set for a little while. But you're right.

ADAM CUMMINGS: Are you planning on running -- I know you said cold storage. That means no utilities going to it except for maybe electric in there?

MR. STEVENS: No. Because we have our existing garage now that has just electric in now. So it is pretty much just to store stuff in.

DAVID CROSS: Do you know the acreage of your lot?

MR. STEVENS: The -- 2.1.

PAUL BLOSER: This area is kind of low, and I get a -- got a concern with the building this size, how drainage is going to be affected. The stream going through there, um, where it is located in relationship to the building. Um, and where we're at elevation with flood plain. Have you gotten any topographical maps to the property? Do you know where you're at elevation wise?

MR. STEVENS: Actually Chris (Karelus) gave me one, elevation map that thought we were in a flood zone. But we have no flood insurance on our house, and the elevation where I am going to be putting it is higher, is the highest part of our land actually where it is going to be sitting on the back corner, so I don't think that was a problem.

PAUL BLOSER: Chris (Karelus), have we had any complaints on this property posted with the Town?

CHRIS KARELUS: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive, North Chili

MR. GINOVSKY: I heard storage of some vehicles and also two to three boats possibly. Has the Fire Marshal ever checked into, you know, the amount of fuel that's left in these vehicles? I'm not trying to pick on you.

With that point being said, I can tell you this past fall there was a structure over in a neighboring town, Pixley Industrial Parkway, and they had a fire and they lost the whole building

except for about three offices up in the front part and it had to be torn down, and it was a pole barn, by the way. And I hate to see Chili get backed into a corner here, or if the structure will be used in the future for repair shop or sold to somebody else. I have a concern on those issues. And with the flood insurance, I believe that's the federal government that handles that in the requirement, and I think you're supposed to have that.

Thank you.

Paul Bloser made a motion to close the public hearing, and James Wiesner seconded the motion.

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

PAUL BLOSER: I have a couple of concerns. In looking at the size of the barn, number one, the storage building in comparison to everything else in the neighborhood. I'm looking at the character of the neighborhood. I'm looking into the number of vehicles being stored. It's seven cars, three boats, golf cart, ATVs, tractor, two more boats in storage. I start adding all those up, and I question whether you will even be able to get all of those in there.

MR. STEVENS: Right. I will do what I can do. If I have to keep some of them in storage, I will. I mean, the seven cars are -- three vehicles that we're actually driving now, me, my wife and my son. So that's going to, you know, knock it down to the four cars. But as I say, they will be putting them in and out of the garage, you know what I'm saying? So there will be that many cars on premises if we don't have a garage or we do have a garage. I mean, that's what we have. So I mean right now they're outside basically. That's the only difference. We're not under a roof. You know.

The Board discussed the application.

MR. STEVENS: I won't take it (referring to the existing garage) down. If you look where we are, sir, we're not in a track of homes. We are out standing -- I mean we have two acres, you know what I am saying?

PAUL BLOSER: I understand that.

MR. STEVENS: We're not next to the neighbors or anything, you know.

PAUL BLOSER: I -- just knowing the area, I -- my biggest concerns are the size of it, and drainage issues, and where it falls with the stream and flood plain. I guess my personal opinion on this is I would like to see more information. We can table it for a month to get that information and make a decision. The --

ADAM CUMMINGS: I'm kind of curious on the doors. This sketch up here is kind of generic coming from Finger Lakes -- still, which -- it's a fairly square building. Which side are you planning on putting the doors on?

MR. STEVENS: It would be on the -- it would be on the east side of the garage, the same side as the driveway.

ADAM CUMMINGS: Got you. So -- so you would extend another driveway onto that pavement?

MR. STEVENS: Exactly. About another 12 feet. Where the existing driveway goes on Brookview, all of the way out to Chili Avenue.

JORDON BROWN: Mr. Chairman, getting more detail won't address your concern about it being the largest building on the property. And if that is a big concern to this Board, another drawing, putting him through going through a whole other process --

PAUL BLOSER: Well, I -- the size for a residential neighborhood, especially because we're leaving the other garage there, it's just a lot of buildings on it -- a residential lot. It's not agricultural. It's not zoned business. Um, so in keeping with the character of the neighborhood, that's -- that's an issue. If we go to our guidelines, and you start weighing things out, we have a criteria.

DAVID CROSS: Have you considered going any smaller with this storage garage?

MR. STEVENS: Not really. I actually, to be honest, I wanted to go a little bigger. You know what I mean? I figured for the situation where I was, you know, I didn't think this would actually be a problem, to be honest with you. But, you know, for what -- I kind of need every bit of space that I can get. You know, I thought being with the area that I am with the -- with the land that I have, that, you know, if you look at where the garage is going to sit between the road frontage and my back neighbors, it's over 75 feet to 100 feet away from them, you know what I mean? So I'm thinking that there wouldn't be an issue with it. It's on the highest part of the backyard. If it floods, our house will be under water way before my garage will be.

PAUL BLOSER: Well, we're displacing a lot of water and natural saturation points there. This all come to your house then, too. So I'm looking out for your -- I want to look at this for everybody's sake.

MR. STEVENS: I mean everything is going towards, you know -- which that creek has been a nuisance since we moved there. We have had problems with the Town, of course, that, you know -- there's problems with that, issues with the soapy water going through and stuff like that. We had issues with that creek for the longest time. I actually came in front of the Board once to try to see if we could get some kind of a tube so where we wouldn't have to, you know, put -- a flood relief, I guess, in the back corner. But I guess that's not the issue right now.

PAUL BLOSER: Would you be bringing in fill to raise up for the floor for this? Are you going with a concrete floor, gravel floor?

MR. STEVENS: It would be a gravel floor for right now, but what I want to do is pour a footing, versus a pole barn. Have a footing with probably three or four courses of block, versus the pole barn. Because I would have to cut it back even further for the grade.

PAUL BLOSER: So you want slab underneath it?

MR. STEVENS: Right. Right.

PAUL BLOSER: What size different slabs are you looking at?

MR. STEVENS: Standard 4 1/2 inch, you know, type of slab.

PAUL BLOSER: You will need a 8 to 10-inch base underneath that.

MR. STEVENS: Right.

PAUL BLOSER: Are you raising up or digging out?

MR. STEVENS: Actually, what I want to do is dig it out, you know. But that's why I wanted to pour a footing with a block like a house structure type of deal where I wouldn't have to dig anything out. I could just build the block to the grade so I would be above the grade by about maybe two blocks above grade, so I don't think that would affect the drainage part, you know. Because I have the street side on the one side.

PAUL BLOSER: I use the balance test here.

JORDON BROWN: Is the current garage a little over 900 square feet to begin with?

PAUL BLOSER: Yes. 980. That's what I came up with.

JORDON BROWN: That was before we even would pass this.

PAUL BLOSER: Right.

Does this Board feel we can move forward on a vote on this thing?

DAVID CROSS: I don't think any more detail is going to give us a -- like Jordon (Brown) said, it's not going to help us with our decision. It's a large structure in R-1-15. It's a lot of garage space.

PAUL BLOSER: It is, for that zoning. All right.

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 Todd Benz seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application, and Todd Benz seconded the motion. All Board members were opposed to the motion.

DECISION: Unanimously denied by a vote of 7 no with the following findings of fact having been cited:

1. At 300%, the variance request is substantial and the proposed structure, which is larger than the existing residence and garage combined, will harm the essential character of the neighborhood.
2. The proposed structure is out of character of existing pattern of development in this part of the Chili Avenue area.

PAUL BLOSER: The Board does officially deny this application by turning it down. Counsel, if I can refer to you for findings of fact on this. I'm looking this was -- the requested variance will create an undesirable change in the character of the existing neighborhood and nearby properties.

KEITH O'TOOLE: Little more specific, I think. Um, at 300 percent of what's permitted, the proposed structure is substantial. The proposed structure, a garage, is, in fact, larger than the existing residence on the parcel. And the proposed structure is out of character for the existing pattern of development on Chili Avenue in this area.

PAUL BLOSER: We will send a letter to you with the findings on this, a copy of it. I guess I will consider the size, if you want to proceed with anything else. This size is not approved. If you will pick something smaller or taking down the existing garage, to come up with something more consistent with the neighborhood, we would look at something in a redesign. But this kind of redesign --

MR. STEVENS: I guess I'll keep the cars outside and you can drive by and deal with the eyesore. I don't know. I don't know what to tell you. I'm trying to do something for the Town.

PAUL BLOSER: I understand. Thank you.

MR. STEVENS: Thank you.

2. Application of Target Corp., c/o Fix Spindelman Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450, property owner: Wegmans; for variance to erect two wall signs totaling 251 sq. ft. (100 sq. ft. allowed), variance to erect a 6' x 12' double-faced freestanding sign to be a total of 144 sq. ft. (32 sq. ft. allowed). at property located at 3175 Chili Avenue in G.B. zone.

James Bonsignore, Chris Wood, George Braker and Bill Moore were present to represent the application.

MR. BONSIGNORE: Attorney James Bonsignore on behalf of Target. Business address is 295 Wood Cliff Drive in Fairport, New York. Betsy Brugg sends her regards. She would normally be the face you would see up here, but she is enjoying the sun in balmy Florida at this point so we can all be jealous later.

This is an application for a new Target store that's gonna be located on Chili Avenue, directly adjacent to the existing Wegmans. The store is going to be approximately 133,000 square feet, which is a typical Target store that you have seen in the areas. Other similar stores to -- to give you an idea of the size and layout of the store is probably the new store out in Webster. There is another store in Henrietta, um, a store in Penfield. It's going to be pretty much your standard size Target store.

The parcel it's going to be situated on is approximately 11.3 acres to the west of the existing Wegmans, which you can see -- as my colleagues are graciously moving the board closer to for the Board's view.

The Target site is shown on the plan on the board highlighted in yellow. Again, it is west of the existing Wegmans store. And the entrance to the store is going to be situated approximately 750 feet away from Chili Ave.

On March 11th, the Planning Board granted preliminary site plan and subdivision approval for this development. As part of that approval, under the Planning Board's purview they granted a waiver of the normally required 9 1/2 feet parking space width to allow a 9-foot parking space width, which is in conformance with the parking spaces that are located on the Wegmans parcel directly adjacent to the site. That has affected helping us -- which I will get into a little later on the other application of actually reducing the extent of the variance we would have had asked for the parking side of this.

This first application, though, focusing on the signage for the property. We're requesting two variances. The first of which deals with the wall-mounted signs for the building. We're requesting two signs, a total of approximately 251 square feet, whereas 100 square feet is allowed.

The second request is to allow a -- a 20-foot high freestanding monument sign which is going to identify both the Target store and the Wegmans store. Typically under the code, only 32 square feet is allowed. We are requesting 144 square feet which equals a double-sided sign, and for the reasons I will get into, um, I -- I see some eyebrows raising. The request is not nearly as substantial as it may seem.

As you know in going through an application of this nature, the primary standard the Board is charged with is the benefit to the applicant versus the detriment to the health, safety and welfare of the surrounding community. Obviously we're a developer, and the benefit to us is clear. You're -- granting the application would allow us to maintain a sign that obviously we want. But in this case, the signage that is being proposed is logical in conjunction with the overall site. It's proportional in size to the building. It's proportional and conforms with the approximate size of the signage on the Wegmans building. Likewise, with the monument sign, it's proportional to the size of the site. It allows the visibility of this site, which the entrance of the Target store is approximately 35 feet below grade from Chili of Avenue. So it's going to provide good visibility.

We really don't see a detriment to the surrounding community. This is a commercial area. It's going to be part of an existing commercial plaza. It's actually going to be one sign for both Wegmans and Target as opposed to two signs, so it's going to reduce both construction on the -- on the two properties as well as the number of necessary signs to identify the two businesses. And it will also provide the visibility for motorists traveling through what is arguably one of the busier intersections in the Town. It will allow motorists to see the destination before they reach it, which obviously goes a long way to promote Traffic Safety. So in the end, we feel it will be a benefit to the Town as opposed to a detriment.

Now making that determination, there are five separate criteria the Board has to look at. One is whether or not an undesirable change would be made in the character of the surrounding neighborhood and whether the proposal will be a detriment to nearby properties. As I just kind of mentioned, we feel this will be perfectly in keeping with the character, especially considering that this is going to be a site that is adjacent directly to the Wegmans next door. We have scaled the signage in accordance with that building, and in accordance with the size of this building.

So I mean again, this is a commercial area. This is a major commercial enterprise, next door to another commercial enterprise so we don't feel there will be an undesirable change. It will be well in keeping with the character, especially of this property.

The second criteria is whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance. In this case, there really isn't. You're talking about a 133,000 square foot approved commercial retail use. If the signage were to be in conformance with the code, you're going to have a really big building with a really little sign. So this -- what the signage does, and if you can see it in the color rendering side of the building, it incorporates the signage into the architectural design of the building. That's done for a reason. The signage is bigger than what would normally be allowed for the code, but like I said, we're trying to keep it in proportion to the size of the building and in proportion to the other buildings in the immediate area. And looking at the length of the building, it is really not a lot of signage when you take into account the nearly 420 feet of linear feet of store frontage. So we kind of thought this was going to be -- at least the building signage, this will be the best way to achieve both the goals of the applicant as well as make it an aesthetically pleasing building for the Town.

The same goes for the monument sign. The monument sign is designed architecturally to be in keeping with the Wegmans store and the Target store. It will incorporate a crowned brick structure with the two sign panels in the middle and on both sides. And again, to promote traffic safety and visibility, there are two businesses, and to reduce the number of signs that would be otherwise required for the two separate parcels, we think this is -- is the best method to achieve the goal promoting this type of visibility.

The third criteria is whether or not the variance is substantial. And you -- and in determining substantiality of an application, obviously there's going to be some discussion as to how much of the variance there really is from the numbers in the code. But you just can't look at the numbers. You have to look at what is being proposed, in conjunction with the entire site. And based on the size of the site, the size of the buildings, the nature of the commercial area, the traffic safety concerns at that intersection, um, we don't feel that the signage that's being requested is going to be considered substantial in light of all of those factors.

Um, the fourth criteria is whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the property. There will be virtually none. None. We're talking about two buildings signs that will be placed on the side of the building that will be constructed, so -- so there is no impact whatsoever with those.

And you're talking about a relatively small monument sign being constructed in a commercial area, so there is really going to be no environmental or physical impact as a result of this particular variance.

The fifth criteria is whether or not the difficulty was self-created. And while this is a relevant factor, it is certainly not the be-it-all-end-it-all factor of whether this variance can go forward. When you are coming in for an area variance, there is always going to be some degree of self-creation. You know, we're seeking something that is not otherwise permitted by the code.

Again, with the nature of the project, the size of the building, the nature of the area, we feel that these variances are appropriate to achieve the goal of an aesthetically pleasing site that is going to both draw people and identify the -- the stores that are at this location as well as promote traffic safety.

Um, we feel that based on all of those criterias, that the benefit to the applicant and the benefit to the community far outweighs any detriment that the community will see as a result of this variance request and we respectfully request the Board to approve this application.

PAUL BLOSER: Let's start with the building sign first. It is consistent with what Wegmans has.

JORDON BROWN: That is my question. What is the height of the letters compared to Wegmans?

MR. BONSIGNORE: As far as the scale of the Wegmans lettering?

JORDON BROWN: The largest Wegmans lettering compared to the largest Target.

MR. BONSIGNORE: I will introduce Chris Wood who will probably be able to answer.

MR. WOOD: The actually lettering of the Target, I think, is considerably smaller than, I think, the Wegmans, because the Wegmans sign is mainly comprised of their letters. So I think the height for the Target is obviously smaller.

JORDON BROWN: It is smaller.

MR. WOOD: Do you have a copy that shows the rendering on the building?

JORDON BROWN: Yes.

PAUL BLOSER: You have the size on there, but visually you can tell that they're quite a bit smaller. They're 2-foot, 8 inches. Bill (Moore)? Could I pose that question? Can you first stand and give your name?

MR. MOORE: My name is Bill Moore. I'm with Wegmans Food Markets, Wegmans Market Street and Chili Avenue, and the question is?

PAUL BLOSER: The question is do you know the approximate height of the letters of the Wegmans sign?

MR. MOORE: I'm going to say to the best of my ability 2 or 3 feet.

PAUL BLOSER: Okay. So we're in the same range. Thank you.

TODD BENZ: I'm thinking the Wegmans sign where it says "Wegmans" has to be 6 or 8 feet. I'm looking at the Wegmans, and when I look up there, it's quite substantial. 3 feet is this (indicating). I know the Wegmans lettering -- I mean -- I was just thinking it has to be 6.

PAUL BLOSER: As far as the building sign goes, if you look at their frontage and what they have, um, I think it is tasteful.

TODD BENZ: Very well with the site.

PAUL BLOSER: It could be a lot worse. I think we're at a distance, and the setback, they are off the road. They're buried a little more behind the hill than possibly Wegmans, as far as visibility, in that corner.

MR. MOORE: Mr. Chairman, um, Wegmans enjoys an area variance for the size of the signs on the property today. It was granted back in 1991.

PAUL BLOSER: Okay.

JORDON BROWN: February 1993, it was granted. Three wall signs totalling 468 square feet.

PAUL BLOSER: And this is 181. So it is actually less than the -- on the building than what Wegmans is.

JORDON BROWN: For the total square footage, yes.

PAUL BLOSER: This is 181. It is quite a bit less. I mean, you do have the letters, the "pharmacy," those are 35 square feet. Um, so they're still way under the -- still less than 350 for

all of the frontage that they do have.

JORDON BROWN: Considerably smaller to KMart.

PAUL BLOSER: Yes. And Bill Gray's.

JORDON BROWN: You had to throw that in.

(Laughter.)

DAVID CROSS: Tell us a little bit about the illumination. It says red LED? Is it high intensity, medium, low?

MR. BONSIGNORE: George.

I will introduce George Braker from Philadelphia Sign Company will be manufacturing the signs.

MR. BRAKER: The building signs, they are LED, they're low voltage. 12 volt LEDs behind a plexiglass lens, diffuser lens. The construction of the channel itself is aluminum. And it's --

PAUL BLOSER: Are they dimmable?

MR. BRAKER: No, they are not.

PAUL BLOSER: It's a fixed output?

GEORGE BRAKER: It's a fixed output, yes, but it is a diffused output, because of the lens. There is no exposed lamps or light.

JAMES WIESNER: How about the sign out by the road will that be back-lit?

MR. BRAKER: Internally illuminated with fluorescent lamps. Again, it will have the face as the diffuser. Just the face itself that illuminates. No visible lamps or lighting.

JORDON BROWN: The -- the business need for the freestanding sign, I guess, Wegmans has done okay to this point without that sign. I know Town codes allow you a sign. I'm just wondering if there is anyway that Target would consider not putting a sign up there?

MR. BONSIGNORE: I think I can speak pretty safely and say they would like a sign. The impetus behind this one, though, is like I said, the property is being subdivided, and as Wegmans has been expanding their product lines and things like that, Wegmans is also, and Bill (Moore) I'm sure can answer to this, too, they have an interest in having the sign there, as well. The proposal is to have both of the facilities on the one sign to reduce the number of signs that are going to be constructed on the site.

The other difficulty that we have is the Town of Chili code allows for a 32 square foot sign which really doesn't take into account a commercial retail venture of this nature. You -- you combine that with the allowable 20-foot height that -- you could basically end up with what I can only describe as a giant lollipop. You have a 16-foot pole and a 4 by 4 foot sign stuck on top of it. I don't really think anybody wants to see something like that either. If you put a sign that small of dimension on the ground in the form of a monument sign, it will be virtually invisible, especially once the snow starts to pile up.

The other difficulty we have is yes, people know that the Wegmans is there, but the Target, as you mentioned, is going to be hidden quite a bit from the topography. It will be about 35 feet down from grade -- down in grade from Chili Avenue, and unless somebody is reading the newspaper every day and is fully away, without a sign, they might not even know it's ever there. Realistically they will know it's there. I can't argue with that, but there is a safety perspective that comes into play, here, too. When you have a new store, as soon as it opens, it's going to be popular and people will rush for the grand opening sales and you want to make sure that the location is going to be visible.

What we're proposing is characteristic with the surrounding community. It is tasteful and incorporates both the physical elements of the Wegmans and the new Target store. So it's going to be a feature of the site, not just a sign stuck out there to be another eyesore.

JORDON BROWN: Earlier you drew a comparison to the Webster store. What kind of free-standing sign does Webster have?

MR. BONSIGNORE: That situation is a little different. The Target store in Webster is incorporated into their new Town Centre, and they have a sizable monument sign with multiple panels for the rest of the businesses that are there. There is a Barnes & Noble, Old Navy store.

PAUL BLOSER: A -- more of a directory sign.

MR. BONSIGNORE: Yes. That's a big -- I can tell you from personal experience, that is a big sign. And Target is one element. I believe the Target has the top panel with the raised Target much the way you see it extending just over the top of the roof line there. So it is a sizable sign out there.

JORDON BROWN: How did you decide on the height?

MR. BONSIGNORE: On the height of this?

JORDON BROWN: Yes.

MR. BONSIGNORE: That's what is allowed by code and in speaking with the Wegmans people, they want to have the signage approximately the size that we have. I'm sure the Board members hopefully have had a chance to drive by the site over the weekend. What we have done is erected a scaffolding with essentially a mock-up what the sign will look like. The scaffolding is actually a little larger in scale than what the sign will actually be. The white portion you see is approximately the same size as what the actual sign panels will be, and also just because of the nature of the topography and working with scaffolding as opposed to putting in a monument sign with footings, it's set -- the sign is actually set a little bit further west and closer to the intersection than the actual monument sign will be constructed. So it will actually be slightly down graded, slightly further from the intersection and slightly further from the road than the scaffolding you see out there.

JORDON BROWN: Right now there is a tree blocking part of it. So the sign -- where will it be in relation to the tree or is the tree just going to go?

MR. BONSIGNORE: I honestly don't know what the intentions are for the tree. I'm --

MR. WOOD: I do. We're going to be widening the driveway in that area, so that landscaping will have -- all have to be relocated anyhow and that tree will be relocated so it obviously doesn't block the sign.

JORDON BROWN: Will there be landscaping around the sign, just curious?

MR. WOOD: There will be landscaping on both -- if you look at it now there is landscaping on both sides of the intersection. The Planning Board, along with the Landscape Committee wanted to keep that same kind of motif. They want us to create what is already out there.

PAUL BLOSER: Will there be any plantings at the base of this sign?

MR. WOOD: There is none proposed at this point. I think you have the banding around the bottom, and you have the banding that is up a few feet. I think that breaks up the massiveness of the sign. I don't know if you really need anything.

TODD BENZ: I have a question. On this right here, you're asking for a variance of a 6 by 12 double-faced sign. This says 6 by 6 plus another 2 foot, 6 inches.

MR. WOOD: That's the older one.

TODD BENZ: Oh. Okay.

MR. BONSIGNORE: I don't -- the rendering that we're proposing has 26 by 6 panels, one for Target and one for Wegmans. And the new Wegmans sign, again, the desire for the sign from the Wegmans' perspective is the new branding that they have with the plate, the silverware and the -- and the wine glass and the Wegmans logo directly beneath.

PAUL BLOSER: Which I like a lot better than just the "Wegmans" name underneath that. It just looks a lot nicer.

MR. BONSIGNORE: It balances out the sign. If you're going to have a sign this size, you want to make it symmetrical and aesthetically pleasing. When Wegmans proposed that, we were certainly willing to accommodate.

DAVID CROSS: Yes. We typically like to see a street number on signs. I don't know if something -- to be consistent here, would you have a problem with that?

MR. BONSIGNORE: I can't imagine.

MR. WOOD: He can probably add to the base.

PAUL BLOSER: Between these two points here (indicating)?

MR. WOOD: Right.

MR. BONSIGNORE: I don't think that would be a problem, Mr. Chairman.

JORDON BROWN: Just a question. If we -- if we were to approve this, as it is drawn, does that guarantee that in the future this doesn't turn into a series of --

PAUL BLOSER: That is my next thing.

JORDON BROWN: Go ahead.

PAUL BLOSER: Before I open this to public comment, um, one of the things that I have written down that I would like to put through as a condition will be -- we'll be voting on this at the close, but for the general public, before I speak, um, one of the conditions I wanted to do is that no point of the sign shall be higher than 20 foot off the ground. Which means if the placement of this gets into the tapered bank, the back side of the sign can't be 23 feet high and the front side be 20 foot high. The highest point of the sign off grade is no more than 20 foot.

MR. WOOD: We have created a plateau on the grading plan for the sign, so the grade at the bottom of the sign is the same all of the way around.

PAUL BLOSER: Okay.

The other condition that I wanted to propose to vote on, is that no additional signs or plaques of any kind would be added to this monument sign. So I don't want to see another retail business attached to this or flags or postings of any type. If on Memorial Day or something you wanted to put an American flag on that thing somehow, I wouldn't be in opposition so that, but I wouldn't want to see anything else on there.

MR. BONSIGNORE: I don't have a problem agreeing to that, Mr. Chairman.

PAUL BLOSER: But that will be a condition that we vote on at the end of the public comment.

MR. BONSIGNORE: If we were permitted to have the size of the sign and allow both the visibility for the Target store and the Wegmans, I don't believe Target or Wegmans would have any opposition to that condition.

TODD BENZ: Actually, Mr. Chairman, I would almost rather -- I'm looking at this older one. I would almost -- if there is going to be other businesses put down there, to have them put them on here rather than them coming back to us and wanting to put another sign up there somewhere else, because that would kind of match the way the Chili/Paul Plaza, the way they have it and some of the other businesses down there that are all stacked. I think they could do it neatly. So I would rather not put that on there. I would rather -- if another business comes in there, put it on here.

CHRIS KARELUS: They would have to come to your Board for a second sign on one property. They are permitted one sign. So they would need additional sign variances. So I think the restriction on this sign is this will be the only sign allowed to this lot, if it were permitted by this Board. They could not come and -- and ask for additional signage.

MR. BONSIGNORE: I think the compromise for that, Mr. Chairman, is if there were other businesses and there was a desire to have that kind of signage, they could certainly come

back and seek a modification and variance to modify that condition to allow the separate panels. That is the quick and easy solution for that. It prohibits us from putting up more signs, but it leaves the option open if that were to occur in the future that we could come back before this Board for that request.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Mr. Chairman, I just like to note, as you read my note, I believe it was dated March 21st; is that correct?

PAUL BLOSER: I'm looking for it right now if I have it in front of me.

MR. RETTIG: Just as a correction of the record, I think you stated it was dated March 25th. I think my subject was dating it -- the subject for March 25th, which is today's meeting.

CHRIS KARELUS: Mr. Rettig, it was dated the 21st. It was received by the Building Department the 24th, because the Town Hall was closed Friday. So it was dropped off -- Monday we received it and that was the 24th.

MR. RETTIG: Thank you.

CHRIS KARELUS: That is when we received it.

MR. RETTIG: Thank you.

I just --

PAUL BLOSER: I was reading the stamped date on it, so.

MR. RETTIG: Okay. Thank you. I just want to make that clarification as to when it was written and the fact that Counsel did make note to this Board and tonight's meeting that substantial notice to the people, quote/unquote, should be done, and I am just noting that ten days were not consistently posted, and as far as I'm concerned, based upon what I have seen, um, there has not been substantial notice to the people.

Um, I will also note there are not substantial people here tonight to hear this specific hearing, and that may, in fact, be that reason, that the signs were not up.

Um, they were not up consistently. They were not up substantially throughout the time period, and I just wish to make that note.

Also, I will note that the sign supports are roughly 1 inch by 2 inch slats, which if there is a -- and staples, and if there was a blow-down for one structure I saw, um, I would expect that Target could afford a solid plywood and should install a solid plywood, and that was not the case for posting of these signs.

Um, my question is, if this is the way they put up their Zoning Board of Appeals paper signs, what kind of quality sign are they going to build for the Town of Chili?

I would also note that tonight Building Department Manager, Chris Karelus, indicated that a temporary sign permit was issued for the scaffolding and the temporary sign. I don't necessarily doubt that, but I wish to make note that in reviewing the complete file, there was no indication of that temporary permit in paperwork attached to or within the entire file. And that should be noted, because that -- because, again, that is not substantial notice to the people as to what was occurring, because Mr. Karelus was not in the office at the time I was there to review the file, but that was not in the file, so if I didn't file a specific complaint that the temporary sign was not permitted, um -- it is not permitted to my knowledge based upon the fact that there was no permit within the file, no copy of the permit within the file.

I wish to make note of this, because this Board is going ahead and hearing this, and I understand that, but my question is whether or not this is the right thing to do.

Um, my question is, at this point, if I can respectfully request for what I did not hear from members of the Board, as to whether or not they had seen or not seen these signs with specific dates or the fact that signs were put up and -- at various times. I would respectfully (sic) -- I would respectfully request to poll the Board as to whether or not the signs were consistently posted.

Could you do that, Mr. Chair?

PAUL BLOSER: We polled the Board at the front end of this meeting on who saw them and who didn't.

MR. RETTIG: You asked, but you did not receive any comments affirmative or negative. I am requesting -- respectfully requesting a vocal poll of the Board.

PAUL BLOSER: Okay.

KEITH O'TOOLE: Mr. Chairman.

JORDON BROWN: If the side table can clarify the standard --

KEITH O'TOOLE: The issue really when you talk about the notice, whether it be in the paper or on the -- on a sign or any place else is really whether the application is complete. The fact that we're listening to it right now tells me that the Board has already drawn a conclusion it is complete.

PAUL BLOSER: That is why we voted to hear it or not hear it.

KEITH O'TOOLE: That's correct.

PAUL BLOSER: Based on what we did see and the intent and efforts of the applicant to do the signs, maintain them.

KEITH O'TOOLE: Whereas, the speaker is certainly within his rights to object, um, his request is not provided for by law and to put it differently, the ship has sailed.

PAUL BLOSER: Absolutely, then, with respect to Mr. Rettig, that is why I did want to read his letter to the front end of it to the courtesy to the Board members and Mr. Rettig to

acknowledge his concerns.

A couple things. As far as the temporary permit, that was applied for, hand delivered and faxed on March 18th and received. This was done at my request so that the Board members could see approximate location of that sign, and to do that, put a temporary structure up, Mr. Karelus mandated that they apply and pay a permit fee to have that up. We have been assured, as a condition of that permit, that that structure will be removed by the end of the business day tomorrow, and I have had the assurance of the attorneys of Fix, Spindelman, Brovitz & Goldman that that would happen. So as far as the temporary sign goes, I don't believe there is an issue with that one at all.

MR. RETTIG: I appreciate your comments, Mr. Chair. I just wish to make further comment that that permit was not part of the file, that paper you have, and should be part of the Town's file officially and it was not, as I observed the file, and I wish to note that for the record.

PAUL BLOSER: Absolutely. This is a copy that was put in my mailbox. I know it's in the Building Department. It may not have caught up to the file at the time you may have reviewed it, but it is an official amendment to that file. Okay?

MR. RETTIG: In sharing my note with the Board, um, were copies of that given to the Board members prior to this meeting?

PAUL BLOSER: Um, because it was addressed to myself, the Board members were not given a copy of it. I did, however, pass it around prior to opening so they all had an opportunity to see it. Um, so they were aware of it.

MR. RETTIG: Okay. I appreciate your comments. My further comments are that I believe that the permit, the temporary permit should have been part of the Building Department and should in the future be part of the file so that if the file is reviewed by any citizens, they have the complete file and not a partial file which -- on which to make comment.

PAUL BLOSER: Okay.

MR. RETTIG: Also, I would make a comment in regard to the fact that the scaffolding that is up there for a temporary support, and the temporary sign, um, which is -- I will use the word cloth or canvas type sign, that Target is, again, remiss in putting that sign up and its maintenance because a corner, in the upper left-hand corner of that sign has been down for a -- a -- for an extended period of time and has not been properly maintained, even as it has been posted.

So my comment, again, is to note that, and again, ask the question, and I certainly hope I'm not right on this, that are they going to build or are they going to maintain their sign as efficiently -- inefficiently maintained as their temporary sign.

PAUL BLOSER: First of all, I don't think there would be a problem with the wind blowing the proposed sign down.

MR. RETTIG: I would hope not.

PAUL BLOSER: I will comment, too, on your comment on the application signs. This has been a long-standing issue between the public, the general public, applicants and the Town. We are one of very few towns that require this sign.

I, for one, many years ago, was a victim of being postponed three meetings because severe wind storms took down the signs, even though each day when I came home, I put it back up. Somebody in the general public said we went by and it was down and three separate times I got postponed. In my frustrations, I proposed a blueprint to the Town on how these signs should be, right down to the sheer strength of staples and proper fasteners, and regretfully it was turned down because it would not be an appropriate expense to do so.

You know what, Mr. Rettig? We look at these carefully. You know, we do have this information up on the web. We see that applicant did make an effort to have it up. It was up the first day. They have made efforts to put it back up when they found out it was down and have it replaced when it became missing. I look at that as an earnest effort to be sure that the public is notified.

The scaffolding was for the benefit of this Board, not the Town. It was to go up by last Thursday so that we would have three to four days to review it and be taken right back down. That was not an intent to be out there for the Town. It was strictly for us to get an idea what we were looking at.

And that was done at my request. I wanted it up for as short of time as we could. I -- and I sent a memo to each of the Board members indicating when it would be going up and when -- when it would be coming down so we could get there. From day one, it was meant to be very temporal and for us only. Other than that, I don't want to beat it to death any more.

MR. RETTIG: I appreciate that. I appreciate your comments in regard to your own sign being blown down in the past and the review. This is a corporation that has the money to put a sign up properly and well established because it is paper, and it is put up with a cross piece of 1 inch by 2 inch slats which I don't consider very substantial, in a cross pattern.

I'm just making my comment. My comment -- my point has been made, for others that have put them on solid plywood planks, solid plywood boards. This was not done that way, and I just wanted to make the comment, because this Board has held others to a higher standard, and therefore, I just want to make the comment that I hold this Board remiss in this hearing based upon, and it is my opinion, based upon what I have observed, what I noted, what I documented and I would like to see this Board be consistent and -- in keeping their standards up consistently, not just for large corporations versus small residents. And I think the Board should note that accordingly, and I wish to -- that is why I make this point.

So thank you very much, Chair, Mr. Chair, for hearing me in that regard.

Um, I do want to make comment again in regard to this saying this Board is remiss in hearing this. There is no tremendous penalty in this Board requiring a 30-day wait, but that you have made the decision -- I understand that, but I just want to go on record so it is understood that I believe because that there hadn't been other people here, that this is Board is remiss as a result.

Another question, another further comment is for the signage of Target on the storefront, I think that this Board should be consistent to require the height of the letters be the same as Target -- be the same as Wegmans so that the two signs, Wegmans' sign can be well seen from the road for the wall sign, and Target's should be just as well seen because they will have a height building. They will not be -- you mentioned, Mr. Chair, that the structure was behind the hill. My comment is that the structure will be some 20, 25 feet high. The sign will be up in the air. Therefore, there should not be any problem seeing the Target sign any worse than seeing the Wegmans sign. Therefore, I would be consistent in my request, based upon the Wegmans wall sign, to make the Target sign the same height on the wall. I think that is reasonable and that is something that this Board should consistently look at.

PAUL BLOSER: Are you asking me to make the sign bigger?

JORDON BROWN: Yeah. That is my question, too. You're asking that the lettering be larger?

MR. RETTIG: No. If I am not correct in the fact that it is not as high as Wegmans, I just made a statement now can you tell me -- you see no one here from Target could say exactly how large the Wegmans -- how high the Wegmans sign was.

PAUL BLOSER: Jordon (Brown) just read off the square footage of the Wegmans sign.

MR. RETTIG: I didn't ask for the square footage. The height.

JORDON BROWN: That isn't the height. I just gave you the square footage.

MR. RETTIG: Therefore, if someone could clarify it for me, I would appreciate it. The height of the Wegmans sign, I believe the gentleman from Wegmans indicated 2 to 3 feet.

DAVID CROSS: I think we're talking about the letters on the building, right?

MR. RETTIG: I'm talking about the letters on the building, on the wall, correct?

Now, I'm asking the question, are the Wegmans -- do we know what the height of the Wegmans sign letters are on -- presently on the building? And my comment is, are the proposed letters of the Target sign on the wall the same height, greater height or lesser height? And I didn't hear what the --

PAUL BLOSER: The representative from Wegmans said that the Wegmans letters were 2 to 3 foot high, and based on print, the Target letters are 2 feet, 8 inches, so that would be between 2 and 3 foot high.

MR. RETTIG: Okay. That was the question I asked, and I appreciate the response, because I didn't otherwise know that without scrutinizing it more carefully.

PAUL BLOSER: One of the comments I will make, Mr. Rettig, is between Wegmans and Target, and the designers and the architects, they have gone to great lengths in working with the Planning Board to be consistent with the structure using as close as possible a brick throughout, parking lot striping characteristics, um, sidewalks, plantings. The list goes on. They want to make it look like it's been there from day one, not a scabbed on thing.

Based on what they have presented to us, and to the Planning Board, they have got their initial approvals on the designs as meeting the requirements that we gave them. So -- and they have their initial site plan approvals. Not full site plan, but initial to be able to get started. So...

MR. RETTIG: Mr. Chair, I appreciate your comment in that regard, and I respect that because consistency across the Board for the building structure, um, the parking, the signage I think --

PAUL BLOSER: It has been.

They even researched the parking lot lights and they're still available, so the parking lot lights will be just what Wegmans has with the same bulbs and bulbs temperature. So there is consistency we have strived for as a Town to meet those requirements.

MR. RETTIG: Okay. Finishing my comment, I -- I appreciate that consistency and am stating that that consistency, I think, is good as the Planning Board has perceived it and followed it and as the Zoning Board is following now, and I just want to ask those questions just to verify that. I appreciate your comments.

In regard to the sign at the road, and this is implied sign -- sizing based upon the present temporary canvas sign size, um, what is the overall structural size of width by height? I believe the height was 20 feet. Which was the maximum allowed.

PAUL BLOSER: 10 foot, 9, I believe, was the widest width.

MR. RETTIG: Okay. 10 foot, 9 by 20 feet?

PAUL BLOSER: Correct.

MR. RETTIG: Thank you.

PAUL BLOSER: Now, that's the widest, and that includes the caps and how they extend out, the tapers. That is the absolute widest point. So in the center it's actually much narrower. 8 foot.

JORDON BROWN: The lit part, what is illuminated, the sign itself, is much -- is --

PAUL BLOSER: Is 6 foot wide. The narrowest part of the sign, of the brick work, going vertically is 6 foot, 8 foot -- 8, 10 foot wide. So it just goes wider at the top of the taper.

MR. RETTIG: Thank you. The lit part of the sign, I think I heard 6 foot by 6 foot double-sided. Can you tell me the overall width and height per panel, that is for two-sided of one side of that lit sign? Now I'm talking about the plexiglass. That may not include --

PAUL BLOSER: 6 foot by 6 foot panels.

MR. RETTIG: So that's 6 foot wide -- the total white that I see on the sign is 6 foot by 6 foot; is that correct?

PAUL BLOSER: Per Target and 6 by 6 for Wegmans.

MR. RETTIG: Oh, thank you. That's a clarification. Therefore it's really 6 foot wide and 12 feet high; is that correct?

JORDON BROWN: Together.

PAUL BLOSER: Together.

MR. RETTIG: Together. Per side.

PAUL BLOSER: Correct.

MR. RETTIG: Okay. Thank you for the clarification. I think that's important just to understand, because I make that note again, because what I see on the Board is not what was in the building file. Therefore, that was a change, and that's a change again for what I am pointing out that the public is seeing here for the first time tonight.

PAUL BLOSER: I had my drawings in excess of two weeks ago, and they have been forwarded to the Building Department prior to that.

MR. RETTIG: Okay. Can I ask if Mr. Karelus was aware that that new signage was or was not in the file as of Friday?

PAUL BLOSER: I will say it should have been, because --

KEITH O'TOOLE: Mr. Chairman, please. We're not here to answer these sorts of questions. If Mr. Rettig has questions about how the Building Department conducts internal procedures, he can address those to Mr. Karelus during normal business hours. What we have here before you this evening, sir, Mr. Chairman, are two properly noticed applications which the Board has accepted as being properly noticed. This is a public hearing where Mr. Rettig and other members of the public have an opportunity to be heard. Their opportunity to be heard is to express their opinions. It is not to interrogate the Board. Nor, is it the Town's obligation to answer these questions. It is after all, the applicant's application and not the Town's application. If Mr. Rettig has any objections, I would urge him to bring it to the Board's attention, but otherwise perhaps it's not (inaudible).

MR. RETTIG: I appreciate Counsel's comments and I am expressing my opinion to the Chair, and I do not believe I saw the latest signage at the road as posted there, but -- and I make comment in regard to -- for the record, that's what I observed in spite of the fact that I didn't get a specific answer and will not at this time, according to Counsel, so I appreciate that.

I just want to say that ultimately for what is proposed, my question is, is to whether or not the overall structure, the -- the height, 20 feet, as allowed by the code is one thing, but the overall size of the sign may be too large, and that's up to this Board to review and discuss, and I make that comment based upon the following: That there are others in this immediate vicinity, and I'm talking about KMart, Walgreens for what has already been approved on their signage, and now we have this jointly owned sign by Wegmans and Target. And there are no road KMart signs at this point. Up to this point, there has been no road Wegmans signs, and so I ask the question of this Board respectfully as to whether or not there truly is a need for more visual pollution and signs at the road. And something for this Board, I think, to logically consider.

JORDON BROWN: Just to tackle that, if you noticed earlier, I asked if Target would consider not having any sign there allowed by Town Code, certain signage, and it was pointed out that they would prefer to do this than put up what would look like a giant lollipop. They would be within their rights to do that. So, you know, I think what we're getting here is an improvement over a giant lollipop.

PAUL BLOSER: Or two of them.

JORDON BROWN: Or two of them.

MR. RETTIG: I appreciate that. Generally for plazas, which this is a plaza, generally you could have a larger lollipop as you mentioned. However, I would also note that this is two properties, this to be subdivided, and therefore, the specific owners are only two properties. Target and -- to be Target and Wegmans only.

PAUL BLOSER: These are the two property owners.

MR. RETTIG: They're the two property owners, therefore, they have jurisdiction as to how they wish to post the signs, and as you noted, Mr. Chair, that the desire is not to have any additional business signs at the road based upon your request, and I would certainly second that, based upon the fact that these are -- the fact that these are the only two, only two primary property owners, and to do so, as Mr. Brown indicated, is to muddy up the water with excessive lollipop signs. So I can't argue with that point.

Um, I just want to make the point that we don't want to go further to necessarily allow potentially further signage at the road, and larger signage, if you will. So I just want to make that point. And I appreciate your -- I appreciate your attention at this time.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Good evening. Mr. Chairman, I want to direct it directly to you. Because I would like to speak through to you and without any side tables or anybody else interrupting me.

First of all, the sign over on Chili Avenue was not posted. I attested to you before on this. If there was another one over by M & T, I did not see that one. There should have been a sign over where you have got your scaffold set up. First of all.

The next point that I want to make, looking at the sign total on the building, um, they're asking for 251 square foot, 100 foot allowed.

What do you think Wegmans is matched up with this? As a little over double? Because they made it in their agreement, because I remember it coming before the Town Board here, or the Zoning Board, excuse me, and Planning back when Wegmans was done. And they said they would not put a sign up in front. That was a trade-off. So that is where that came from. I was -- I -- I believe it was this Town Hall here when that was said, but I do recall hearing that.

Now, on the building, they're asking for 251 square foot. 100 foot -- square foot is allowed. Well, if they want to put their 251, fine, but why should you turn around and do a sign down by the road 144 square foot when we only allow 32 square foot? That's unacceptable. You give an inch, you take a mile. That's what happens. I believe this Town has got enough pollution with signs. We put an ordinance together for a reason. Not to give times four or five. Businesses here set -- we have certain rules, we all have to abide by them. If you need a little bit, that is what this Board is for. It's not just to give the -- to give the place away.

My next question is, if you -- on the building, if you go with the same size as Wegmans, you mean you can't figure out what a bull's-eye means? That's a Target store. Period. And if it is as big as Wegmans' sign is, and Wegmans has been doing very well, I don't -- I don't see the sense in it. You can't give the whole thing away.

And just to lay over for a developer because he wants to sell his wears, he needs a big sign? The answer is no. It's not right. We've got rules for it. We need to abide by it.

Okay. The next part here is on the sign that -- possibly that you may approve out in front, a 10 foot 9 by 20 foot high. Um, I haven't heard nothing about is there going to be possibly be a reader on it? It needs to be very explicit. We do not allow such a thing here in this Town. We do have an ordinance for it. And that has to be said concrete on the record and be done. I don't want that hear someone coming back and say, "Well, I thought I could do it." It's not to ask for forgiveness.

Also, the -- you know, a 6 foot by 12 foot. That's an awful big sign. No ifs, ands or buts about it. And having it out in the front, I would almost tone that down. If they're going to have -- go for their large one on their structure. I don't mind working with someone. I live in Chili. I don't live in Henrietta. They had their problems, and we're doing the same thing. No.

And this thing with the lollipop, I don't like being held hostage. Oh, that's my right. Well, guess what? Here's the size. Let them live to it to their fullest potential of our code and not deviate from it.

And I have one more comment to make to you, Mr. -- Mr. Chairman. When we have the Town citizens, they're paying good taxes here, and somebody from one of the side tables turns around and starts dictating and belittling that person is wrong and that needs to be stopped. I'm directing my comments to you and nobody else. Whoever hears it, fine. I would like to have everybody's full attention, not just looking down.

Thank you very much.

PAUL BLOSER: Thank you.

DEBBIE HARRINGTON, 5 Janice Drive

MS. HARRINGTON: Where it says here, erect two wall signs, is one the Target and one -- the round Target and one is the Target spelled out, or is there another sign like in the bottom in the middle, is that on the side of the building?

PAUL BLOSER: The bottom of the C3 drawings, the far one to the left is pharmacy. There will be a pharmacy sign there. That is one sign.

MS. HARRINGTON: And the one in the middle?

JORDON BROWN: You're asking --

MS. HARRINGTON: Is on the front of the building.

PAUL BLOSER: Yes. On the front of the building. You can see that on the top drawing, the very top drawing.

MS. HARRINGTON: Okay. I see. I was just thinking was it going to be on the side of the building that would face the back of all of the businesses on Chili Avenue. That wouldn't make sense. And also the 6 by 12 foot sign, you know, personally, I think it's -- it's way too big, but where it is positioned, it's better than the other side because of that business that sits there, and, you know, we have a huge Chili Paul Plaza sign. We have Wendy's. We have Pontillo's. You know, we have got all these other signs. I mean, it's a commercial area. It won't bother me.

Thanks.

JORDON BROWN: I would just like to point something out, though. To Debbie (Harrington)'s comment, I would like to point something out. Target has stayed within the 20 foot height, and -- and I just want to point that out, they haven't asked to go beyond that. That is allowed by code. So that probably has dictated some of the additional dimensions for the rest of the portions of that sign.

SABRINA HENNEMAN, 122 Stryker Road

MS. HENNEMAN: I thought that when you were talking you were saying that the signs on the building were 181 square feet, but the -- this says 251 square feet. So I just wanted to kind of clarify that. Maybe I misunderstood what you were saying.

Um, I heard you say 181 square feet a couple of times, so that is why I wasn't sure. I don't really have a problem with the signage on the buildings. It's far back.

MR. BRAKER: I can address that.

PAUL BLOSER: Sure.

MR. BRAKER: The 181 versus the 251 -- when Target calculates the bull's-eye by itself and then the Target letters by itself and you add it up, it comes out to 181, but to be safe, we calculated the whole square, including the bottom of the Target to the top of the bull's-eye and the outermost of the word Target, if you add that up and then add the 35 square feet for the pharmacy, you get 250.

MS. HENNEMAN: Okay. So I really don't have -- especially when you take into account the reduced size, you know, not including the empty space thing, it is fairly close to the 100 square feet on the building and it is far back.

My biggest problem is with the signage at the street. I think that just because we -- you may limit the size of the placard. It does not mean it has to be a lollipop design. They said they prefer a monument style. The gentleman who made the application said, "Well, it's not a residential area." This, that.

Well, just because it's a commercial area doesn't mean we can't have aesthetic standards, and just wrapping something in brick doesn't make it aesthetic and appropriate. Just because it's a commercial area doesn't mean we should just go with whatever, and you know, we should be able to have standards and maintain a character within our -- within our commercial zone that is aesthetically pleasing and will be a model for the rest of our Town's development.

I think that it's important, and I think my math is correct. I'm not the best at math, but I do believe that the signage that they want is 481 percent larger. Maybe somebody better at math can check that out, but that's really large compared to what the signage is.

And we all know where Wegmans is. Nobody has a hard time finding where they are. Nobody is going to have a hard time finding where Target is. I think that that's excessive. I mean there is not a reason to have a sign that large when they can stay within or closer to the code. We have the code for a reason. Um, his argument that, oh, it's out of proportion with the scale of the building. Well, you're not having the sign right next to the road. The building is far away. So you don't have an exaggerated sense of scale. You're dealing with sense of scale compared to the trees on the street, the cars, the people, the pedestrians. That is the scale that I think you want to be really concerned with, because the building is far away. And the other big box stores that we have, which are the KMart and the Wegmans don't have those kinds of signage currently. So we would be staying consistent with what our other large areas are. Yes, Chili Paul Plaza has a larger sign, but that's a plaza with many, many, many businesses, it's not one large structure, and truly, everybody knows the Target is going around with all of the, you know, discussions that has been going on. So I just think that 481 percent is excessive. Even if it was 300 percent, that is excessive. That was large enough to say on the previous application it's just too big, and I think in this case it's just too big.

So I respectfully request that you deny the structure sign along the side of the road, encourage they keep the monument sign, but scale it a little more appropriate to -- to the area and the facility and I'm fine personally with the one on the building.

Thank you.

CAROL THOMS, 122 Stryker Road

MS. THOMS: I have no objections to the ones on the building. I do object to the monument sign.

As others have stated here, we don't have a precedent at KMart. Recently we have changed a lot of things in Chili. We have adopted some architectural standards, and I think that encompasses, if you go back and remember the Walgreens sign, these folks here want an illuminated sign. That Walgreens, we said you have to have it exterior lighted, no interior lighting. If you do go with that, I think you really have to say, "Let's get a standard from now on."

We don't care what has been happening in the past. We're setting a standard from now, because we're going to have more development and we want to have some decent standards. I think that is one thing you really need to consider.

Another thing is I don't really think Wegmans is -- and I will agree with Sabrina (Henneman), everybody is going to know where Target is. Everybody is going to know where Wegmans is. And I don't think Wegmans would want to put a sign up there -- well, number one, if -- if what Mr. Rettig said is true, they said they would never put one up in return for their size sign, then I think they should be held to it. But if I were Wegmans and Target says I want a monument then up on the top, Wegmans being the primary property owner down there, I can understand their wanting to have their name up there, as well, so I think that is probably the main reason that they're doing it, and not because they feel it is a necessary thing. So I -- I just think it's overkill. I think people are going to know, and I think we need more aesthetics in Chili, and I think that's what a lot of people feel, especially a lot of people that aren't here tonight, that weren't able to be here.

Thank you.

JORDON BROWN: May I respond to some of the comments?

PAUL BLOSER: Yes.

JORDON BROWN: The -- just to read to you February 23rd, 1993, it -- if Wegmans did make that statement, that they were foregoing any free-standing sign, it was not a condition of their approval. It is not in any of the documentation that I have. They -- they did get approval for three wall signs totalling 468 square feet. Later on when they put the addition on, there was additional approvals, but nowhere in the documentation does it say that that was a condition.

Just -- maybe it was said, but --

MS. THOMS: Yes, I think things like that need to be -- I think things like that need to be documented better in the minutes, because I have sat through other minutes (sic) -- I'm saying many years ago, and discussions I remember being had, were not recorded. Um, in the meetings, so I -- and I specifically went back and looked for one, and -- and it wasn't in the minutes. So I think there's a lot of the discussions, the discussions need to be there as well as --

JORDON BROWN: In principal, I think none of us would dispute that point. I just want to point out we're not violating anything that was a condition.

MS. THOMS: I'm not saying they're violating something, but I think if they said that, I think the only reason they want the sign now is because Target is asking for one.

PAUL BLOSER: Okay. Thank you.

At this time I close the public comment.

DAVID CROSS: I will second that.

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

The Board discussed the application in regard to the building sign.

Paul Bloser reviewed proposed conditions.

PAUL BLOSER: Street sign. Comments? What I have written down, um, as I pointed out before public comment, three conditions I have written into this is no point of the sign be higher than an elevation of 20 foot from the ground; second condition, no additional signs or plaques of any kind will be added at any time. And that will cover what Mr. Ginovsky stated about the reader board sign. That will encompass that.

Third comment is not only should -- street numbers be added to the street sign. Those are the conditions I was looking at.

JORDON BROWN: My comment is -- I comprised a wish list to not allow any street sign, but there is nothing I can do about that. But I would, you know, I would like to see this be externally lit. I certainly appreciate that the signs integrate with the architecture of the building and the site, and it is a monument style design. I appreciate that, but I do think it is large. I do think -- I don't think there would be any harm to Target's business or Wegmans' business if it was reduced by a third and made it somehow externally lit design could be -- to replace the internally lit design. I don't know what anybody else on the Board thinks about that, but those are my preferences.

TODD BENZ: I agree. It's huge and comments from the audience, proportionally sitting out there to what is out there no, I think the smaller houses to the west, businesses are small. This is going to be huge compared to those.

Just the plantings out there right now are small. Whether they get larger, I don't know, but this is -- it's huge. A comment was brought up earlier about the tree sitting out there. The sign, the temporary one we have out there to look at dwarfs all of the plantings. I mean -- I mean, it's got to be an 8 foot tree out there, and it makes it look tiny. It just -- it's so huge on that intersection. I'm thinking 20 feet, I mean -- I mean they're allowed 20 feet, but I'm thinking it is going to be smaller than the bank on the opposite side of the street. Um, so it's -- it's -- it's just -- I don't think -- it might be proportional with the building, but the building is sitting way back, 700 feet or whatever. I don't think it is proportional to the stuff on the intersection, and I think we have to take that into consideration what else is going to be on that. We know the Walgreens is going down there, kind of what that is going to look like. There is no other signs for KMart sitting out in the front. So this is going to be the one big monument sign, and I think it's just a little too big for that -- for the area and the neighborhood.

MR. BONSIGNORE: Mr. Chairman, if I could just jump in here in a moment. As Mr. Benz was making his comments, I was noticing nodding heads all down the Board. We frankly did anticipate something like this. Obviously, I'm an advocate. I have an obligation to try to get as much as I can for as little as I can.

That being said, we do have an alternative design that we think the Board may find a little more amenable. It is actually a 12 foot high sign, which is approximately 60 percent of the size of what is being proposed. I do have a rendering which I can give to the Board.

JORDON BROWN: Why don't we go right to Plan C.
(Laughter.)

JAMES WIESNER: The other thing is it is a very prominent position in Chili, and with respect to being on top of the hill, it kind of makes it loom larger than it actually is, too.

ADAM CUMMINGS: I would just like to bring up the address signs. Um, since it is two property owners, will we make both property owners' addresses on there or just one? Right now we're pointing towards Target. Will we also have Wegmans' number on there, just a question?

MR. BONSIGNORE: The proposal I just gave you is a -- approximately 12 feet in height. The panels of this proposed sign -- 12 foot sign would look just like the ones that are proposed for the 20 foot sign. You know, this was a prior rendering. So what you would be looking at with the 12 foot total height is two equal-sized panels, one for Target and one for Wegmans, bearing the logos what we originally proposed and both of those panels would be approximately 4 foot by 4 foot 3 by 6 feet. So it would be equal size, just a little bit smaller than the square panels that you see on the 20 foot sign.

TODD BENZ: You said 4 by 6?

MR. BONSIGNORE: It would be roughly 4.3 feet -- or 4 foot 3 and the height by 6 feet wide. If I'm reading my scales correctly. So it would look slightly different than that, but it would be the same design as what is proposed on the 20 foot sign. So it reduces the sign down to 60 percent of what we're requesting. It still allows an architecturally aesthetically pleasing sign, incorporating the architecture and the brick of the Wegmans building and the Target building, still allows the two businesses to advertise as they are entitled under the code, and it reduces the square footage of the signage down to 102 feet total as opposed to, I think it was the 144. Approximately 51 square inches on either side.

JORDON BROWN: Does Plan C include externally lit signage?

MR. BONSIGNORE: As far as I know, the plan is for the internally illuminated sign. I think given the reduction in the size and the use of the filtering materials as Mr. Braker described, we believe the internally illuminated sign is appropriate and in character with the other signs along Chili Ave. Granted those are plaza signs, but those are all internally illuminated signs, so we would be consistent in that aspect. However, architecturally, we're certainly moving in a much different direction than the existing signage, so I think we would be setting much more pleasing precedent if the Board interprets it that way with moving forward with much better signage in the area.

PAUL BLOSER: One of the comments I will make -- well, I was just going to ask --- I guess before I go here. Counsel, since this rendition is newly presented, do we -- can we allow the public comment on this design?

KEITH O'TOOLE: There is no requirement to have two public hearings. I mean really what we're talking about here is a reduction of the same sign. You're -- they have shrunk it down. Um, so long as they're not expanding it, I -- there is no reason to readvertise or have a second public hearing.

PAUL BLOSER: Okay. Public comment. Not public hearing, but --

KEITH O'TOOLE: Public comment is public hearing.

PAUL BLOSER: Oh, okay.

I will agree in the last several months since this new Board has been in, we have tried to set some standard for this Chili Avenue corridor with the signage, um, and how we are moving as renovations and changes happen down this corridor. We were very emphatic with Walgreens that we would have a down-lit, no back-lit sign. Anything that we have looked at to date, that has been the requirement that we have imposed. I think in fairness to the Town, and consistency, the comment was made tonight by the public, that we maintain our efforts in staying with that direction.

My own comment is I like the other Wegmans design better, their new logo, corporate design, but that would really make it a small sign if they tried to incorporate it in that smaller panel there, 2 foot 6.

TODD BENZ: No. I think they were going to split. It wasn't going to be 2 foot 6. He is taking that 6 foot and 2 foot 6 and divide in half so they each have a half panel.

PAUL BLOSER: Okay. Then I misunderstood it.

MR. BONSIGNORE: The Target portion of the sign would be 4 foot 3 inches high by 6 feet wide to Wegmans portion and --

PAUL BLOSER: Okay. I didn't catch that. My apologies.

JORDON BROWN: The Wegmans will have the dinner plate.

PAUL BLOSER: The corporate logo. Okay. Then I think that -- I don't like the looks of this at all (indicating).

TRACY DI FLORIO: I was thinking the same thing.

JORDON BROWN: We want the silverware and the plate and the goblet back.

PAUL BLOSER: I like that. It's very classy.

JORDON BROWN: Were you recommending -- leaning towards recommending externally lit signage?

PAUL BLOSER: Yes.

I really want the street to look nice. I mean we --

TODD BENZ: It's our main intersection. It is what everyone sees when they come to Chili.

PAUL BLOSER: It is. With, you know, with Planning, they have been very strong and held their ground on a lot of issues. So that is my opinion. I think if we make a condition, if the Board moves that way -- we would have consistency.

TODD BENZ: I agree.

MR. BONSIGNORE: Mr. Chairman, if I could just make one point on the illumination, I understand the Board's desire to have consistency and move away from internally illuminated designs. I think there is a couple of things to keep in mind here. With the reduction in the size, we're going to have 51 inches on both sides. When you -- in order to illuminate even that large of a sign, you will have quite a bit of light spillage from an external illumination, whether it is up-lighting or down-lighting, and that -- the great consideration was taken into effect at the Planning Board level in incorporating the same exact lighting for the parking lot, which again, we'll discuss a little bit later. But I think you're going to actually find that you will have more light spillage from the sign if it was externally illuminated by virtue of the need to illuminate a sign of that size than you would the diffused internal illumination as you move further away from the sign. I would just like to put that out there for the Board's consideration.

PAUL BLOSER: Another question then. Are there going to be hours on illumination?

MR. BONSIGNORE: Um, whatever is in accordance with the Town Code. I know they

had dark sky provisions, I believe.

PAUL BLOSER: Um, when the store is closed -- if it closes at 10 o'clock at night, does the sign go off?

MR. BRAKER: Target normally shuts all their lights one hour after closing.

PAUL BLOSER: All lit signs?

MR. BRAKER: All lit signs, yes.

PAUL BLOSER: Wegmans?

JORDON BROWN: I'm okay with the spillage.

PAUL BLOSER: I'm just posing the question.

MR. BONSIGNORE: Mr. Chairman, I've just spoken with -- obviously Mr. Braker mentioned that Target shuts their lighting off an hour after the store closes, and I just spoke with the representative from Wegmans who doesn't have a problem with that requirement if we -- if the Board would permit us the internally illuminated sign. We would certainly agree to that as a condition to shut it off an hour after closing.

PAUL BLOSER: Are you --

JAMES WIESNER: If it is softly illuminated, I think we said it with KMart and -- if it was softly illuminated, I wouldn't have as much of a problem with it.

KEITH O'TOOLE: Softly is kind of a --

JAMES WIESNER: We have --

JORDON BROWN: You don't like words like that.

MR. BONSIGNORE: Keep in mind, too, this project is a little different because the on-building illuminated signs are going to be diffused red, so you won't have nearly as much light spillage from the building either. Most signs, like Wegmans, for example, are -- they're diffused, because they're white and you will see a lot more light spillage from them. So you have the benefit of having the red lettering on the building which will not spill as much light off the site as an internally illuminated white sign would be on the building. So I think the combination of what we're proposing in the reduction in size plus the willingness to agree to turn it off an hour after close will -- will hopefully address the Board's concerns.

TODD BENZ: I think there will be a lot of spillage with the sign. It is still a big sign. There will be a lot of spillage. I would rather see it a little dimmer. I think with a back-lit sign, I think we'll achieve that than the spillage because of what we're allowing doing around in the area. I think with -- it will stick out more -- with the back-lit it will be a --

PAUL BLOSER: Softer.

TODD BENZ: Softer, yes.

JORDON BROWN: My issue, spillage or no spillage, it's a style, it's a look. I agree.

PAUL BLOSER: This isn't a solid sign, though. It's a transparent --

TODD BENZ: I think it will look a little different than like what we see at Chili-Paul Plaza. Because this has brick around it, it will soften it to begin with, where the ones we see going down Chili Ave, Apple -- the -- the -- the Kwik Fill store, it's internally lit, but it's on a post. So it kind of just -- it just zips out there. Where this is kind of in a monument, you have the brick around it, it will protect it a little bit more. I think a back-lit sign will keep it more inside that area.

CHRIS KARELUS: If I could add something to the Board. When we worked with Hess on getting their levels of illumination down, just so you're familiar with what a white, 90 percent white sign will do, that is probably one of the lowest lumen levels you will get on the Hess site. That will be appearance of the white, regardless whatever light level they take it down to.

What we had Walgreens do on the corner, you take the Chili sign that is ground lit. That is about 6 foot high, 7 foot high. So the perception of light from that sign, granted you might get a second candle to that, but that is about the maximum you will be seeing on this sign with the ground lit, or potentially off lit out of a back-lit sign.

So we did look at that with Walgreens, and with the Hess. And so there's no misconception that white on Hess is going to be with this low lumen levels and that light is what the light candle will appear on this sign. Just for what it is worth. We have gone through that process with the past six months with those applicants. Just a point, I guess, of relation.

PAUL BLOSER: The only other comment I would say is because we're losing the ground effect on the base, on the 20 foot monument, could we add some low-lying vegetation -- I'm going to call it to the left and to the right with the front and the back of the sign?

MR. BONSIGNORE: That would be fine.

PAUL BLOSER: That would kind of soften some of that in-your-face glow.

CHRIS KARELUS: The other thing I wanted to point out, if I could. I checked the landscape sign that was approved. Those trees, and correct me if I am wrong, Chris (Karelus), they stand to be relocated. That whole landscaped island that is in front of there currently will all be relocated to the east side, correct? So there's no landscaping plan for there.

MR. WOOD: To the east side of the sign?

CHRIS KARELUS: You know, the current landscaping area they talked about, that one tree that is up in front of the scaffolding, all that is being called out in the plans to be removed and replanted.

MR. WOOD: Right. It will still be on the west side of the sign, but it will be back a little bit as opposed to right in front of it.

CHRIS KARELUS: Don't think they will have a plan to be obstructing that sign. It will all be taken back.

MR. BONSIGNORE: We can certainly work with Chris (Karelus) with putting some

landscaping to hide the --

PAUL BLOSER: I'll put one --

JORDON BROWN: I like externally lit.

CHRIS KARELUS: Externally lit was the behind the plantings. Again with the Chili sign we looked at --

PAUL BLOSER: It had landscaping approved by Conservation, and we'll have Pat Tindale and their people decide what or if there will be landscaping put at the base of that as part of final site plan approval.

CHRIS KARELUS: I guess my concern is just to have clear, if the intent is to have that landscaping shield what the perception of the sign will be from the ground-lit sign, if that is what the Board decides on, we can know that so when we follow up with a C of O, we make sure that was build in compliance, not an internal lit sign, if that is what the Board proceeds with.

PAUL BLOSER: I think at this point we'll maintain with the internally lit now that they have downsized everything. If we put a planting on the street side, on the south side of the sign, at a higher height to offset some of the brightness of the sign, but I will have that discussion with Pat (Tindale), Conservation. The actual architectural, as I just discussed with him, we're looking at adding the base on this similar to what this effect has, the 20 foot sign, so we have got a little bit nicer look at the base. Even though it is 2 foot off the ground, it's a little more this design, but would it -- in a shorter form. You will give me --

MR. WOOD: We'll get a new sketch of that,

PAUL BLOSER: That, and Chris (Karelus), and you I can just sign off on that.

CHRIS KARELUS: Sure.

PAUL BLOSER: Okay.

JORDON BROWN: I just wonder if they -- if they might consider using width proportionally, as well.

PAUL BLOSER: How much would you be looking at?

JORDON BROWN: I don't know. Proportion would be, I don't know, a little over a third or something.

PAUL BLOSER: Why don't I talk to the sign guy? If we're looking at reducing this to be the actual sign height is 8 foot 6 overall, um, and you put -- but you got a 6 foot wide sign, how is the balance going to be? Should they be squared out so it -- it would be proportional?

MR. BRAKER: I think it actually does make sense to reduce the width to the -- if we're going with the 8 foot 4 -- 8 foot 6, that would mean each panel would be 4 foot 3, so we could go with 4 foot 3 by 4 foot 3 panels, and then bring in the --

PAUL BLOSER: The brick.

MR. BRAKER: The brick.

PAUL BLOSER: From a design standpoint, what would you say then --

MR. WOOD: We'll just have to look at how it lays out proportionately because the brick on the sides may be too wide once we do that. I think it will make sense to make the brick narrower.

PAUL BLOSER: You will have to figure (inaudible) use half brick.

MR. WOOD: We can draw up something again and run it by you guys.

PAUL BLOSER: So then we'll write down the size of the sign for 8 foot 6 -- 4 foot 3 you said?

MR. BRAKER: 4 foot 3.

PAUL BLOSER: Do we want to state 4 foot 3 square?

MR. BRAKER: Yes.

PAUL BLOSER: On those?

MR. BRAKER: Yes. Then one other thing, while the Board is talking about redesigning this, you really should consider going at least another 2 foot high because of the snow factor and -- and to add that base. I mean, you're talking 12 feet. If you went to 14, it would give you 2 more feet to put that base down there.

MR. WOOD: You might be able to put the address back on.

GEORGE BRAKER: I'm not looking to get it just more height. Aesthetically, I think it's the thing to do.

PAUL BLOSER: So give it a height for snow, but smaller sign.

JORDON BROWN: That -- you're talking about the base, the base, though, design.

PAUL BLOSER: The 2 foot base.

JORDON BROWN: Aesthetically, although I would like to shrink it right down to the ground, aesthetically, I would -- so where would we be going with the height?

PAUL BLOSER: 14 foot overall.

ADAM CUMMINGS: And still narrower.

PAUL BLOSER: Would that be correct, 14 foot on the height?

MR. BRAKER: Yes, 14 overall.

KEITH O'TOOLE: Why not make it 16 feet so this way we can prepare for the blizzard of 39?

JORDON BROWN: I thought of saying something like that and decided against it.

KEITH O'TOOLE: Mr. Chairman, this sign is 12 feet high. Would you have to -- Governor Patterson can see it. It's that clear. I mean, come on. I'm sorry. I'm being too flip, but it is not our job to redesign the sign for them.

MR. WOOD: I think the point is, to get the bottom of it up another couple feet is because it could be hidden by snow or --

KEITH O'TOOLE: I'm sure a fine architect can work with the brick and come back with a minor revision that our Building Department can look at or the Board Chairman can look at and sign off on and be done with it, still fitting in within the outline of this revision which is 12 feet high. We have been on -- I'm sorry, but we have been on this for quite some time. And the Board has been extremely generous, I think.

JORDON BROWN: I'm good.

MR. BONSIGNORE: Mr. Chairman, thank you.

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

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 Jordon Brown seconded the motion. The Board all voted yes on the motion.

Paul Bloser made a motion to approve the application with the following conditions, and Jordon Brown 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. No point of the sign can be higher than an elevation of 12' from the ground on street side.
2. No additional signs or plaques of any kind to be added at any time.
3. Landscaping to be approved by the Conservation Board.
4. Freestanding monument sign to be 4'3" x 4'3" per panel (total 4'3" x 8'6" per side)".
5. Final print will be submitted to the Building Department and Zoning Board Chairman for final approval as per discussion at meeting with the sign designer.

The following findings of fact were cited:

1. Approved signage is consistent with other recent sign approvals and will have no negative impact on neighboring properties.
2. Design of the freestanding sign is consistent with the design of the proposed new Target store and with the existing Wegman's store buildings.

Note: Sign permits will be required before the signs are erected.

3. Application of Target Corp., c/o Fix Spindelman Brovitz & Goldman, 295 Woodcliff Drive, Suite 200, Fairport, New York 14450, property owner: Wegmans; for variance to allow front parking for 576 vehicles (665 spaces req.), variance to allow more than 10 continuous parking spaces, variance to allow more than 250' between parking spaces and door at property located at 3175 Chili Avenue in G.B. zone.

MR. BONSIGNORE: For the record, for the purpose of this public hearing, I am Attorney James Bonsignore representing the applicant Target Corporation.

The second part of this application deals with variances associated with the parking field. Um, several variances are going to be required in order to develop the site. The first is to allow 576 parking spaces. There are 665 that would otherwise be required.

Um, the second variance is to allow parking in the front yard.

Another variance is to allow more than ten continuous parking spaces, and under the code, only ten -- you have to have ten spaces and then a break by median or landscape berm, something, to break up the parking code. We're requesting to allow more than ten spaces.

And lastly to allow more than 250 feet between parking spaces and the front door of the store.

Excuse me. As Mr. Rettig simply put it earlier, he would like to see consistency across the board. And that is exactly what the variance request would do. As we have already discussed in a prior application, the property is directly contiguous with the Wegmans parcel. The parking field, once it is constructed is intended to be one and the same. There will be cross access between the two parking fields in accordance with the Planning Board site plan and subdivision approval.

And taking that in account, it really reduces the impact of these variance requests. Specifically with regard to the number of parking spaces, we're requesting 576 where 665 are required and that is based on the square footage of the Target store. Keeping in mind that the

Board will be more consistent in the future.

PAUL BLOSER: Thank you.

I will move to close the public comment.

TRACY DI FLORIO: Second.

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

PAUL BLOSER: Board discussion? All pretty cut and dry?

DAVID CROSS: I think the request is reasonable with the site conditions there.

PAUL BLOSER: The Fire Marshal has approved it.

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 Jordon Brown seconded the motion. The Board all voted yes on the motion.

Paul Bloser made a motion to approve the application with the following condition, and Jordon Brown 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. Snow piles to be moved to rear of facility or off property completely. No stockpiling. Snow piles could be removed after normal busy periods, but will be done daily or as required to prevent front snow piles which would reduce parking any further.

The following finding of fact was cited:

1. Minimum requested variance is similar to neighboring Wegmans' property and will not have a negative impact in the area.

The 2/26/08 Zoning Board of Appeals minutes were approved.

The meeting ended at 9:28 p.m.