

CHILI ZONING BOARD OF APPEALS

March 28, 2006

A meeting of the Chili Zoning Board of Appeals was held on March 28, 2006 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Beverly Griebel.

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

ALSO PRESENT: Dennis Scibetta, Building & Plumbing Inspector; Jeron Rogers, Director of Engineering/Planning; Keith O'Toole, Assistant Counsel for the Town.

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

BEVERLY GRIEBEL: Before we proceed with the agenda, the Board will go over sign postings.

On Number 1, I didn't have a problem. Anyone have a problem?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: That was on the Walgreens.

Number 2, Terry Eason? Any problem with that?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: On Number 3, Susan Wainwright, Dallas Drive. I was out on the first Saturday, and there was no sign there. It was not posted.

MR. BRINKWART: It was out on Sunday. I did see it Sunday.

BEVERLY GRIEBEL: The second Sunday?

MR. BRINKWART: Yes.

BEVERLY GRIEBEL: Sunday the just past?

MR. BRINKWART: Yes.

BEVERLY GRIEBEL: How about the rest of the Board?

RICHARD PERRY: I was out on the first day and did not see it either.

DAN MELVILLE: I didn't either.

BEVERLY GRIEBEL: The signs are to be posted for ten days prior to the meeting, to be posted and maintained, and the applicants are instructed to put them up a day ahead just to be sure that they're up. So normally they would be posting them on Friday. For this meeting, the posting date was March 17. I was out the 18th and didn't see it.

What does the Board want to do, table it?

MICHAEL MARTIN: Table it. I move to table.

BEVERLY GRIEBEL: That would be to table it to April 25th. Second on that?

RICHARD PERRY: I will second it.

The Board all voted in favor of the motion to table.

BEVERLY GRIEBEL: If anyone is here to address that application, it will not be heard this evening.

MS. WAINWRIGHT: It was up Saturday. The 18th. First thing in the morning.

BEVERLY GRIEBEL: We'll, we are not discussing it. I did not see it and another Board member did not see it. So that is the end of that discussion. It is tabled until April 25th. The applicant will receive a letter in the mail and have to obtain a new sign and post it as per the regulations for that meeting. The sign must be up no later than April 14th and maintained for that period of time until the meeting.

Number 4, Roger Dart, any problem with that?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 5, Terry Tree Service?

MICHAEL MARTIN: No problem.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 6, Leslie Bors?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 7, John Testa? I didn't have a problem. Anyone have a problem?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 8, Ralph Taliento. I was out the 18th. Also I happened to go by there the 19th. There was no sign either of those days.

MR. BRINKWART: I was out Sunday and did not see a sign.

BEVERLY GRIEBEL: Okay. I don't know if it was up at all, but it was not up the required ten days. Motion to table that until April 25 at 7 p.m.?

MICHAEL MARTIN: I will make a motion to table.

MR. BRINKWART: I will second it.

The Board all voted in favor of the motion to table.

BEVERLY GRIEBEL: That will not be heard this evening. If anyone is here to speak to that application, the same thing. They will get a letter in the mail and will be instructed to post the sign for the required period of time.

Number 9, Madelyn Read?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 10, Family Video?

MICHAEL MARTIN: Good.

GEORGE BRINKWART: Sign up.

The Board indicated they would hear the application.

BEVERLY GRIEBEL: Number 11, Don May?

The Board indicated they would hear the application.

BEVERLY GRIEBEL: We'll proceed with the agenda.

Before I begin, George (Brinkwart), you have a statement to make?

GEORGE BRINKWART: On advice of Counsel, I would like to recuse myself from Application Number 1.

BEVERLY GRIEBEL: Okay. You can have a seat in the back. Thank you.

1. Application of Maude Development, LLC, 22N159 Pepper Road, Barrington, Illinois 60010, property owners: M/M Alexander Tulloch & Richard Heffron Jr.; for variance to erect 7 wall signs totaling 222.6 sq. ft. (150 sq. ft. allowed), variance to erect 4 directional signs with logo (19 sq. ft. each) to be a total of 72 sq. ft. (3 sq. ft. per sign allowed) and to be 48" above-ground level (42" req.), variance to erect a 10'1" x 5'11" double-faced freestanding sign to be 116 sq. ft. (32 sq. ft. allowed) and to include a digital illuminated reader board, variance to allow front parking for 67 vehicles (74 spaces req.), variance to allow more than 10 continuous parking spaces at properties located at 4358, 4362, 4366 & 4370 Buffalo Road in G.B. zone.

MR. GREINER: Good evening. My name is Tom Greiner, an attorney at Nixon, Peabody, located at Clinton Square in Rochester, here tonight on behalf of Maude Development.

With me tonight are Mr. Brian Maude, a principal of Maude Development, and Doug Hutter, an architect with Zaxis Architectural.

We have been here before. We were here in December, after the first Planning Board meeting that we attended, and of course, we needed site plan approval and subdivision approval from the Planning Board. And we, subsequent to the December meetings, went back and in conjunction with some of the feedback from the Boards, as well as others, did some redesign of the actual building and came back in front of the Planning Board on March 7th.

On March 7th, as lead agency for the purposes of the coordinated SEQR review, the Planning Board issued a negative declaration by a seven/zero vote.

It then went on to issue site plan approval and subdivision approval again by seven/zero.

So we are finished with the Planning Board.

BEVERLY GRIEBEL: Site plan, both preliminary and final?

MR. GREINER: Correct. And so -- so we have finished with the Planning Board. The SEQR process is also finished. The Planning Board, of course, approved the site plan as it is presented, and so here tonight, as the Chair said, we are here for area variances, sign variances.

I would like to address the three variances associated with parking, and Doug (Hutter) will address the sign variances.

First, I would like to just address the front yard parking. And again, the site plan approved by the Planning Board in terms of the how it would look, the circulation would be, as our application specifies, the reason for that is, we are on a corner, so we have two front yards. We have, per Walgreens statistics, basically 82 percent of the customers to Walgreens are female, included are a fair number of elderly or older citizens, so in terms of just usability of the site, having front yard parking would permit all of the customers, including those that are elderly to walk in safety, a short distance from their car, to the front door. It would be well lit.

It would not conflict with deliveries, which would be in the rear, as well as other truck traffic. It would also avoid parking closer to the adjacent residential area to the rear.

So in sum, safe, efficient parking, circulation for people and vehicles, and it would be similar to the businesses in the vicinity that have front yard parking. So it would be in that sense consistent with the -- with the area, in terms of the look that is presented -- not only in this intersection actually, but throughout the Town and other towns for that matter.

Moving onto the variance for more than ten contiguous spaces in a row, we think that that -- that we have -- we really -- it's a minimal increase to the Town. I think we have 12 and 16. Or 13 and 16 in a row, in two locations. I don't think it's -- it's visually obtrusive or even maybe noticeable to the casual observer. Again, similar to other businesses in the area, and -- I guess the other point to make, and it will lead into the next variance is that requiring only ten, given the site constraints, or permitting only ten, I should say in a row, would also increase the number of parking space variances for the site.

Moving into that, the code -- this is our final variance associated with the parking. The code would require 74 spaces. We have provided 67. Um, again, looking at the site constraints, this allows the green space. It allows the drive-thru pharmacy, which is important to a lot of people. It permits also the loading and garbage area to be as ample as it is. It is a relatively small variance. It allows two curb cuts for improved traffic flow.

Importantly, Walgreens has determined that that amount of parking is sufficient for its -- for its needs for a store such as this, its size. We wouldn't anticipate -- in fact, I can say we wouldn't have any parking overflow anywhere. This would be contained on the site, and it would -- it would permit all of the parking that would be necessary. And again, it's not dissimilar to other businesses in the area.

So with that -- and again, we have addressed the burdens as well -- addressed each of the five criteria for area variances in our application. If the Board likes, we can go over that, but I am sure you have seen it. What I am saying here tonight are really some of the underpinnings for our written submission in the application saying we have met the criteria.

With that, I would be happy to answer questions of the Board or turn this over to Doug (Hutter) for a review of the sign variances requested.

BEVERLY GRIEBEL: Okay. No questions.

DAN MELVILLE: I had a question as far as the parking goes. How does that compare to the location in Gates? How many spaces do they have there?

MR. GREINER: Let me see if we know that.

We don't know -- that is not actually a site that was developed by Maude Development. I -- I

think I can say, though --

DAN MELVILLE: I have never seen that parking lot full.

MR. GREINER: I was going to say I am sure it was more than sufficient to what Walgreens needed.

MR. HUTTER: I am going to hand out a couple quick sketches jut for quick reference for everybody so they're handy. I believe they were in your packet.

BEVERLY GRIEBEL: The packet got kind of big.

MR. HUTTER: It certainly did. And then there was one colored copy. The drawings I am handing out for the public's benefit have been placed up on the board for public view.

BEVERLY GRIEBEL: If anyone in the audience wants to go look at the Board, please feel free to quietly do that.

MR. HUTTER: I will speak to the drawings a little bit clear. I think I have a loud enough voice for everybody to hear. If not, please step up.

As far as the building -- I appreciate you making a couple quick comments, Tom (Greiner), what we have done with the Planning Board. It has been very important through the process of going through them, getting their input on how the design and layout works.

The sketches I have presented -- I will speak specifically only to the signs on site. The sketch you have is a representative of a monument utilized and constructed of bricks from of the existing building, and there will be a plaque, and the writing of the text will be provided by the Town Historian as to represent what that existing building was, and we'll have a memoriam for it.

It will be located at the corner of Buffalo and Union.

The pylon -- or excuse me, the monument sign that you do have, the colored version there, represents the Walgreens monument sign as per the square footage that we are talking about. That is also located at the corner. It is 15 foot away from the property line, which was -- which is within the setback requirements for you folks. It also meets the height requirements, as well. What we are asking for, it has two components on the word itself. One is a Walgreens sign that represents -- you will notice on there it says 24 hours. That is not the case. It will not read 24 hours. This store is not designated a 24-hour store. Initially it was discussed, but Walgreens has determined it will not.

The second component is a digital reader board. The Walgreens sign itself, the actual calculations are 31 square feet or just a hair over that for that reader board component. That alone would meet your 32 square foot ordinance. What we are asking for is the reader board which is a very important component for Walgreens. The primary reason that they have that is for designation of what is going on in the store these days.

It is also very important as a community aspect. For Walgreens works with the Amber Alert systems. When there is an Amber Alert out there, a child missing, they will flash up there and maintain that for the public's view so if something comes up, we are trying to help the community and show that for them.

The sign itself is a certain height because it is a relationship of the car and vehicles. We want to make sure it is seen from the road without traffic interfering with that. The four ground signs you spoke about, we are going to take three of the ground signs out. We only need one at this point. After further discussion, that one will be located on Union, right next to the current dentist office. The reason we that need that is they have a large hedge row and the building is close to the street. We want to make sure the potential folks driving down Union itself, southbound, will have an opportunity to make sure they see the entrance component of the store before they get to the corner at which time they would have to make left-hand turn lanes -- to get into the feeder. It is an important feature. It is in the packet itself. The actual size is 9.7 square feet. It is one and a half foot tall. It is the second last page in your booklet.

It is 1 foot, 6 inches tall, the sign itself, by 6 foot, 6 inches wide. It stands 4 foot 8 at its top above the ground. We are asking for a variance of its size and we are asking for its height variance as well because it is 6 inches above what you folks do allow.

BEVERLY GRIEBEL: Is that because of the hedge?

MR. HUTTER: It is what we felt with growth. If it can just be above that so it is clear and visible.

BEVERLY GRIEBEL: But you're cutting down from four to one?

MR. HUTTER: That was correct.

MR. HUTTER: Finally we have the building phase signage. Because we are on the corner, we are allowed 150 square feet on the building face itself. We have primarily 100 square foot is a general rule of thumb. If you're on a corner, you allow half as an additional. So 150. We are asking 222.6 square feet.

Let me go through that with you, why it is that large. Walgreens itself has script signage. The Eckerd's across the street, they have a box lexan sign. Walgreens is red LED lights.

The scale here (indicating) is exactly what will be on the building. What we like to do is work with the components of the architecture of the building. We have a cast limestone facade here and rounded arch canopies which is, again, part of the Planning Board process in doing design features on the building. They all go within the bands of the windows.

So the Walgreens sign itself is centered, Photo, and Pharmacy, which are the two primary components of the retail and business aspects, the pharmacy being the primary component obviously. Each of those -- one will be facing Union and one will be facing Buffalo.

They have some additional what we call directional signage on the drive-thru canopy which is not at the front of the building. It is way back here (indicating) that has Drive-through Pharmacy on it, and it is a height thing on it, so that folks with vehicles understand the clearance they have to go under. Fortunately it is 14 feet high, so there is not a truck issue, but we are required to place the height restrictions on there for other folks who may be higher than that for some reason.

Additionally, there is a final exit sign at the back so people don't go the wrong way through the darn thing. Those are the primary components of all of the signage features. I would entertain any questions directly related to them.

BEVERLY GRIEBEL: I have a question about the monument sign. That is a digital reader board. Did you say flashing something on there?

MR. HUTTER: Never flashes. Changeable copy. Similar to any changeable copy -- where you take the letters on and stick them on one by one. Walgreens thinks it is a safety issue for the employees. They like to have people inside the store, go to the computer, change the copy when they want to, and then it changes on the machine itself. They hate to have somebody go out there, bad weather, whatever the case is, take these letters, put them up on the board. You get a windy day, one of the three has have blown off, so milk costs 99 cents instead of a \$1.99. These are things provided --

BEVERLY GRIEBEL: The only flashing would be when you change the message?

MR. HUTTER: That was correct.

BEVERLY GRIEBEL: For a few seconds?

MR. HUTTER: There is no light increase. It simply changes. One goes off, one goes on.

BEVERLY GRIEBEL: And these are the colors that it is going to be?

MR. HUTTER: Yes. Walgreens itself, even though the name has "green" in it, that is just the person who brought up the company. Their logo colors are red. They believe -- and additionally, the red you see here (indicating) are for their letter signage as well, so that is all the cohesive signage package.

BEVERLY GRIEBEL: Overall, you have got 14 foot height on this sign?

MR. HUTTER: Yes.

BEVERLY GRIEBEL: Why so high?

MR. HUTTER: The primary component, the base is about 8 feet high. We would like to make sure that the sign itself is visible from your general car traffic, which you get up to -- SUVs are generally 6 feet tall approximately. We want to be above that, so if somebody is driving by, there is a vehicle across the street, they can see above the vehicles. If that is truly a contentious issue, we can discuss how we can deal with those.

BEVERLY GRIEBEL: What is the topography going to be? The building that is presently there is on a berm. I -- are you going to flatten all of that out?

MR. HUTTER: To my knowledge, there will be a nice general slope that will take from the corner up to the parking lot. I'm not the engineer of record, but I suspect it is about a 3 to 4 foot difference.

MR. GREINER: 3.

MR. HUTTER: 3 foot difference in height between the corner and there. So the sign itself will be -- probably be half that size in rise at that point. You're talking the base will be a foot and a half then above that corner location.

BEVERLY GRIEBEL: Because I have a concern about 14 foot overall, just for clarification for the Board, I did get the overall measurement for the Eckerd sign across the street, and that overall is 8 feet.

PETER WIDENER: We also had discussion on the John Deere sign, just up the road. We held that down in height.

BEVERLY GRIEBEL: Yes.

MR. HUTTER: Is there a number that you would recommend that you were looking for at

this point?

BEVERLY GRIEBEL: Well, it looks like a lot of brick work here at the bottom. While it is attractive, how necessary is it? I was wondering, line of sight, with this monument, with the historical plaque on it, that is not going to impede the site of this --

MR. HUTTER: The highest point of the monument sign, it is curved at the bottom. 4 ½ feet tall. We want to make sure the monument sign has reference above that. If the base started at 6 feet, so we could deal with our car issues and bring it down another 2 feet, would that be okay with the Board?

BEVERLY GRIEBEL: Well, 2 feet, 4 feet? I don't know what the Board's feeling is on it.

RICHARD PERRY: If I understand it correctly, that is 14 feet from ground level at that point?

MR. HUTTER: Yes.

RICHARD PERRY: Which would actually make it closer to 17 feet above the road surface?

MR. HUTTER: I would say it would be closer to -- 15 ½ feet, because it is located halfway between the base grade at the road level and where the parking lot will be. So as the grade goes up, it will be half way between those components. So let's see. I will bring up a little sign here. So if the slope is -- this is at road level (indicating) – parking lot level (indicating) -- we'll be starting with that -- so about a foot and a half higher. I will do quick math in my head.

RICHARD PERRY: 10 feet across the base, front to back from Buffalo Road?

MR. HUTTER: Correct.

RICHARD PERRY: So it will not be consistent in any point, but it is going to start out at something over a foot above street level and wind up probably darn close to the 2 feet above ground level.

So your rendering here does not look like it is very accurate, because you have a slope and you're not showing any slope here.

BEVERLY GRIEBEL: The sides will go uphill on the slope. You will not tilt it forward.

I have a real problem with the digital reader board, with making that intersection which is already busy, and -- has been busy for many years, including about 16 years ago when my son had his truck on -- first day he got his driver's license – totaled at that corner. I am just very concerned about the additional distraction. We have had this discussion about Eckerd's, about the gas station across the street, kitty-corner, and about the video store.

I just think it adds too much.

BEVERLY GRIEBEL: Well, it is not going to be a changeable copy.

RICHARD PERRY: I understand that. But that is more stuff to distract people to read. I just -- I don't know. I just have a bad feeling about making it too busy.

DAN MELVILLE: I think the video store does have a changeable copy.

BEVERLY GRIEBEL: They have changeable copy where you put the letters in the slots. You go out and physically put them in. This will be similar, but it will be changed from inside the store with red letters on the black background, but it will not flash changes.

RICHARD PERRY: I understand that. It just adds one more element of distraction to that already busy corner.

MR. HUTTER: As far as the issue of height goes, I would like to hear all of your feedback. If you have a certain height in mind, I certainly would be approachable to that.

BEVERLY GRIEBEL: In my way of thinking, Eckerd's is fine with 8 foot. Now you're going up a slope, but you have to also have clearance from the plaque, the historical plaque, so that maybe rather than 8 foot, maybe 10 foot to make sure it is over that plaque. But 14 foot, I think is a bit much on that corner.

What is the feeling of the rest of the Board? Any ideas?

RICHARD PERRY: I would agree that 14 feet is -- actually 15 ½, or more, is too much.

BEVERLY GRIEBEL: Some guidelines for this application, 8, 10?

RICHARD PERRY: 5 feet, 9 inches in signage on top of it. You're concerned about the plaque, but the plaque is going to be -- by appearances, 4 foot 8, but on a lower piece of ground. So I would think that, you know, that they could get by with -- between 8 and 9 feet.

BEVERLY GRIEBEL: It seems like it would clear it, because there is a brick base -- brick and stone base.

Pete (Widener), any ideas on that?

PETER WIDENER: I believe the sign is too tall. I think we would stay with the keeping of the neighborhood, because the other sign we kept down, I think, at maybe 12 as max, but that is up the road. I can't remember what the John Deere sign was.

BEVERLY GRIEBEL: It was a different design, directing it to the backyard.

PETER WIDENER: 10 foot would be total that I would even consider. And that is quite tall. I could be influenced not to go taller than that.

BEVERLY GRIEBEL: 8 and 10. 9?

MICHAEL MARTIN: Just doing quick calculations, I think 9 ½ would be minimum to clear the monument. That doesn't leave much for -- 10 feet is reasonable when you make those -- when you add up those numbers.

DAN MELVILLE: I would go with 10 feet.

BEVERLY GRIEBEL: 10.

MR. HUTTER: Sounds like consensus?

BEVERLY GRIEBEL: Pete, 10 feet?

PETER WIDENER: I just suggested that that would be the max that I would entertain.

BEVERLY GRIEBEL: 10 foot, rather than a 14 foot.

BEVERLY GRIEBEL: Would that be agreeable?

MR. HUTTER: We certainly would agree to that.

PETER WIDENER: That is in agreement of the height only?

BEVERLY GRIEBEL: 10 foot overall height.

BEVERLY GRIEBEL: The monument reader board sign.

BEVERLY GRIEBEL: Now, when I first read the reader board, and I saw the fire station sign up on Buffalo Road in Gates, that was a total distraction to traffic. It was flashing readings all of the time. That is terrible.

DAN MELVILLE: They have one of these over at their Irondequoit location, and it doesn't flash. It stays lit.

BEVERLY GRIEBEL: I heard about that one in Gates. I just saw it a couple days ago. That was awful. It is constant reading that draws your eyes off the road. But this is just going to be permanently there, unless for a few seconds at a time, on -- where they have to change it, it is going to change. But then it is an instant change, and then it is back to a constant sign.

I heard from Rick.

Pete (Widener), what is your feeling on that?

PETER WIDENER: I think it is total a distraction. I don't favor it at all.

BEVERLY GRIEBEL: Do you favor the kind that -- rather than the digital one, the --

PETER WIDENER: I think the Walgreens, open 24-hour sign says it all. If you shop there, you will know what you're going in for. To add to traffic obsolescence, I don't really agree with the digital reader board. I had trouble with the changeable copy sign across the road.

BEVERLY GRIEBEL: But that was approved.

PETER WIDENER: We did approve that. At a much lower level as far as height.

BEVERLY GRIEBEL: That is true, too. It is lower.

RICHARD PERRY: It just makes four corners that are extremely busy with things to distract drivers. Kids on bicycles.

PETER WIDENER: It makes the corner more busier, visually.

RICHARD PERRY: I don't think we need all of that in there.

I know you said that the store is not going to be open 24 hours a day. What are the hours of operation that are anticipated?

MR. HUTTER: Correct me if I am wrong, Brian (Maude), I think it is 9 to 10?

MR. MAUDE: 8 to 10.

MR. HUTTER: 8 to 10.

RICHARD PERRY: 8 in the morning to 10 at night? Year round?

MR. MAUDE: Extended hours during the Christmas holidays. Might be open to maybe midnight.

BEVERLY GRIEBEL: So the open 24 hours would not be part of the information on the sign?

MR. MAUDE: That is just a testimony plate sign. That is why the base is flat. It is a prototype sign just used for display reasons.

RICHARD PERRY: Any chance that sign would not be as tall as it is listed here?

MR. MAUDE: The height was accurate. They just didn't put in the slanted ground to illustrate it is on a hill.

RICHARD PERRY: I don't mean that. I am talking about the sign at the top. Where you're not going to have the open 24 hours?

MR. HUTTER: The 3 foot one height would still be the size we are requesting.

RICHARD PERRY: It will just say Walgreens drive-thru pharmacy?

MR. HUTTER: Correct.

RICHARD PERRY: Will it also have the hours of operation?

MR. HUTTER: It will not have the hours of operation.

RICHARD PERRY: One thing I don't see on here is any street number, which is one of the things that we require.

MR. HUTTER: Do you require it on the monument itself? Or right on --

RICHARD PERRY: Where it can be read by emergency crews, whomever.

MR. HUTTER: We'll coordinate that with Walgreens and place it on the building and signage.

BEVERLY GRIEBEL: Somewhere where it is visible, on the brick work or something.

MR. HUTTER: In accordance with the ordinance.

BEVERLY GRIEBEL: So the 10 foot overall height, and the digital reader board?

MICHAEL MARTIN: I like the public safety aspect of it, just for today's environment.

DAN MELVILLE: I agree on that, too. But I know there are some others that don't.

BEVERLY GRIEBEL: I don't have a problem with that. But I guess it is three to two which doesn't carry it. Unless anyone is not firm on that.

PETER WIDENER: I -- I don't think we need it.

BEVERLY GRIEBEL: So no digital reader board then?

RICHARD PERRY: That is my feeling. The competition can get by without it. I don't see why they can't.

BEVERLY GRIEBEL: So now does that change the overall height of this? The digital reader board is 2 feet 8 inches. That is not in there. That would bring it down to 8 feet.

PETER WIDENER: A good place for the street number.

BEVERLY GRIEBEL: We'll, they wouldn't have the digital reader board.

PETER WIDENER: If they didn't have the digital reader board, they could put their street identification number.

RICHARD PERRY: It would be awfully big.

MR. HUTTER: If the Board would please, we know that across the street, they certainly have a reader board there, and we would request that in keeping with the community, we definitely want a reader board of sorts. If the electronic version is not something that this Board is interested in allowing in the community, then we certainly want to proceed with having the standard reader board that is similar to Family Video.

BEVERLY GRIEBEL: With physically going out and putting the letters on the board?

DAN MELVILLE: What is the difference?

BEVERLY GRIEBEL: Well, that is the way I see it.

MICHAEL MARTIN: The digital is much preferential.

BEVERLY GRIEBEL: It allows much --

DAN MELVILLE: Do you actually need to have this approved tonight?

MR. HUTTER: We do.

DAN MELVILLE: We can't table it until next month.

MR. HUTTER: We certainly would prefer you don't table the action tonight.

DAN MELVILLE: Because you don't have the votes for it.

MR. MAUDE: Are you just going to table this one part of the whole variance? Just -- just whether it is electronic or manual reader board, or are you tabling the whole variance?

BEVERLY GRIEBEL: Side table, an opinion on that?

KEITH O'TOOLE: The application is before the Board. Either you're going to approve the application, disprove it or approve it with conditions. I don't see how you split the hair.

MR. GREINER: That was a separate variance, though. That came in as a separate application.

KEITH O'TOOLE: It is one sign. Let's be realistic.

BEVERLY GRIEBEL: We don't know what the vote would be. We have a member missing tonight, and I have no idea, if he would be here -- we would have a whole Board next month. I don't know how that would go, so I guess we have to vote on it as it stands.

BEVERLY GRIEBEL: I see the digital reader board as being more preferred than the changeable copy would be going out and physically putting the letters on the board.

I don't have a problem with this as long as it is not flashing lights.

DAN MELVILLE: I guess vote on it tonight the way it is here before us, and whatever happens, happens.

MR. GREINER: I'm still -- I'm sorry, Madam Chair. I'm still a little confused. The application -- I understand what the Town Attorney has said, but the application for the electronic

reader board was a separate application. What we don't want to see happen is the Board up or down on everything, especially if there are two members who would feel compelled to vote against our sign variance for that sign, when it is really the issue -- the issue is the electronic reader board. So all due respect, I think that is a separate application.

BEVERLY GRIEBEL: Well, what we have done in the past is to take each portion of it and vote on it separately. We have done that, but I think what the attorney was saying is, it's all listed as one application, and to table a fraction of it until next month wouldn't be the appropriate way to go. We can vote on the aspects of it separately, if that is wanted by the Board, but -- when it comes time to vote.

MICHAEL MARTIN: We could break it up into parts to vote on it.

BEVERLY GRIEBEL: We go to vote on it.

MICHAEL MARTIN: And don't table anything.

RICHARD PERRY: I am fine with that. We have done that many times.

BEVERLY GRIEBEL: Right.

RICHARD PERRY: There is no problem there.

BEVERLY GRIEBEL: And then Keith (O'Toole), if the applicant desires, he can come back with another request for the changeable copy digital reader board?

KEITH O'TOOLE: The code provides if an application is turned down, they can't come back with the same application for a one-year period.

BEVERLY GRIEBEL: Okay. Without a substantial change?

KEITH O'TOOLE: That was correct.

MR. MAUDE: Can we table that portion of the vote?

RICHARD PERRY: No. No. If I read -- if I read you correct, if we table one thing, we have to table it all?

KEITH O'TOOLE: No. What I am saying is as it relates to the sign -- since the components of the sign are integral, and in order to mitigate any potential negative impacts of the aggregate of the variance as they relate to the sign, I don't see how you can vote on one variance and not the other as they relate to that one sign.

RICHARD PERRY: Thanks to your rendition of English.

MR. MAUDE: We can table the whole monument sign, but still go with the parking and those variances this evening?

BEVERLY GRIEBEL: Would that be a way to go, Keith (O'Toole), to table the monument sign?

KEITH O'TOOLE: The pylon?

BEVERLY GRIEBEL: The pylon.

KEITH O'TOOLE: Yes.

BEVERLY GRIEBEL: We could do that.

DAN MELVILLE: I will certainly move that we table that.

BEVERLY GRIEBEL: And we'll bring that back next month, just that portion of it.

Let's see on the other variances.

MICHAEL MARTIN: We have parking.

BEVERLY GRIEBEL: Well, the ground sign, the directional sign on Union Street, any problem with that one? We have the building face signs.

DAN MELVILLE: No.

BEVERLY GRIEBEL: In larger print is the Walgreens and Pharmacy and Photo.

RICHARD PERRY: No. Unfortunately, that is what we did for the others.

BEVERLY GRIEBEL: Right.

PETER WIDENER: It is keeping with the neighborhood, the height of the sign letters.

BEVERLY GRIEBEL: So the only thing that the Board has a problem with is the --

DAN MELVILLE: Monument.

BEVERLY GRIEBEL: The monument sign.

PETER WIDENER: Actually, it is a pylon sign.

BEVERLY GRIEBEL: Well, he is calling it a monument. The other one is the monument, with the historical plaque. Just to be clear on everything, that is not part of the application. Being a historical monument, that does not need approval of the Board.

MR. HUTTER: That was correct.

BEVERLY GRIEBEL: The monument sign and digital reader board is the one that is in question right now. Right?

RICHARD PERRY: Right.

BEVERLY GRIEBEL: So that we can table when we come to it.

Any questions on any of the other issues on this?

RICHARD PERRY: What are the actual heights of the Walgreens letters on the two facades?

MR. HUTTER: The letters themselves, the One-hour Photo and the Pharmacy, I will give you --

RICHARD PERRY: I'm not so concerned about that but the Walgreens.

MR. HUTTER: The Walgreens sign itself, the total size of the smaller letters are 24 inches. The large W is 47 inches tall.

MR. HUTTER: All of that --

RICHARD PERRY: 4 feet.

BEVERLY GRIEBEL: That would be on both the south and the west face of the building.

MR. HUTTER: That is correct. And for clarification, the Eckerd's across the street, it's sign that says "Eckerd's" is substantially larger in size than 4 feet.

RICHARD PERRY: I guess it doesn't approach Bill Gray's.

BEVERLY GRIEBEL: You want to say it.

Any other questions from the Board on any of these issues with the applicant?

RICHARD PERRY: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CAROLE THOMS, 122 Stryker Road

MS. THOMS: My name is Carole Thoms, and I live at 122 Stryker Road. I'm speaking tonight about my own personal beliefs as well as on behalf of the Friends of the Stage Coach Inn.

BEVERLY GRIEBEL: Are you addressing the issues of the parking and the signs?

MS. THOMS: Yes.

BEVERLY GRIEBEL: Okay.

MS. THOMS: We ask that this Zoning Board vote no on the sign and parking variances requested for 4370 Buffalo Road. They are against Town code and you have complete legal authority to say no. We also believe you have a moral responsibility to vote no tonight.

Of gravest concern is the National Register eligible landmark known locally as the Stage Coach Inn, which was also the site where the first classes were held by B.T. Roberts, the founder of the Free Methodist Church and Roberts Wesleyan College. He is also Chili's most important resident, past and present. He was a staunch supporter of women's rights, abolition and he was an advocate for the poor.

BEVERLY GRIEBEL: Ma'am, that is not part of the signs and parking.

MS. THOMS: This is a reason why we want you to vote against it.

BEVERLY GRIEBEL: I will limit discussion to 30 minutes. 30 minutes.

MS. THOMS: I will be quick. Your townspeople want you to say no to these variances.

I ask that everyone in the audience who supports saving this nationally significant landmark and who want the Zoning Board to say no raise their hand.

(Hands were raised.)

I can assure you that there are a lot more people who couldn't be here tonight who want this landmark preserved.

Some important facts for you to consider: The Town Planning Board has deliberately ignored the determination made by the State Office of Parks, Recreation and Historic Preservation, or SHPO, that this is a nationally significant historic site eligible for the National Register. Not just quote, "associated with local history" as the Town Planning Board falsely claims.

The negative declaration that was written March 1st and passed by the Planning Board March 14th claims the SHPO report was not received as of February 14th. Clearly the Planning Board choose to pretend they never received it. In reality, they did as the SHPO report is stamped received February 14th.

Further, this negative declaration passed by the Planning Board stated that this landmark's architectural integrity had been compromised and that it is in poor structural condition. These statements are also false.

Peter Brink, the Senior Vice President of Programs at the National Trust for Historic Preservation supports the preservation of this historic landmark and said quote, "It survives today as a rare and significant example of the Federal era in this part of New York."

The National Trust has written an article about this building and its threat of demolition on its website, and the National Trust is also taking action under its Drugstore Initiative directly with Walgreens executives.

If it wasn't architecturally and historically significant at a local, state and national level, the National Trust wouldn't be involved.

Western New York was barely settled by the time the tavern was built. Most of the Buffalo and Niagara regions were burned during the War of 1812. And that makes surviving buildings from this era extremely rare and important.

The National Trust says it is an architecturally significant building and it is.

Second, no structural analysis of this history landmark has ever been completed. The architectural survey referenced by the Planning Board was done by Zaxis Architectural and was a visual survey of cosmetic appearance only, as verified by Douglas Hutter himself, the author of this report. Their report referenced issues such as replacement windows and modern light fixtures that were in poor condition. These are cosmetic issues only and not of a structural concern. They are easily changed and do not affect the architectural and historic relevance of this landmark.

I repeat, there was no structural survey done at all, so the Planning Board's claim that it is in poor structural condition is absolutely false. Additionally, tenants were living in this building through January when they were asked to leave. If this building was in such poor condition, then something is seriously wrong if the Town and landlords allowed people to live in a structurally unsafe building. But that's not true, of course. It is perfectly fine structurally.

Historic buildings are known to benefit the communities they are in. There are legitimate compromises for this site that would save this national landmark and allow Walgreens to build their store. However, our Planning Board has seen fit to disregard the desires of their citizens and they have ignored the expertise of state and federal officials on matters that the Planning Board has admitted they lack sufficient knowledge and competence on. They ignored the public's desire and the developer's express request for an additional public hearing following the December 13th Planning Board meeting, and our Planning Board has followed procedures that many find legally questionable.

You, as the Chili Zoning Board, have an important responsibility tonight. There are serious errors that happened at the Planning Board level. We ask that you vote no on the variances tonight and thereby send this project back to the Planning Board so that these issues can be accurately resolved. They can't proceed with their current plan without variances for the parking. If you vote yes tonight, you are saying that the serious blunders of the Planning Board are okay. And you might as well be running the wrecking ball yourself.

Remember, monuments are graves and are not acceptable to this community. You would be responsible for annihilating a building where the convergence of the major movements in American History occurred, from temperance to abolition, to women's rights and more. There are causes that make Americans proud to be Americans, and this time, more than any other in recent memory, our community needs physical reminders of this.

A grave only stands to say that our Town representatives bow to political pressure and do not value our national history. These variances are against Town code. It's absolutely legal for you to vote no. The Townspeople want you to vote no. Think about the future generations of Chili residents and vote no. Listen to your conscience. Vote no. Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Madam Chairwoman, good evening. First of all, I would like to set the situation at ease. The two people that own the property in question, this is hinging for them to sell?

The two people that own the property, this is hinging on sale of it to Walgreens. I want to set that criteria. I don't want to see either one of those individuals lose a chance to sell this property, Number 1.

So that is on the board. The next part on here is we have our Town law and variances as signs. I see it is two and three times the amount. We do have our Town Attorney over here (indicating) to the side that prosecutes these in our own court when it is written by the Building Department. And just up or down, as pass or not pass, it's unacceptable, as far as I'm concerned. He is the one that prosecutes.

The next part, as I said with the signs, they are two and three times the size. We have Town laws and variances for it.

The next part is the parking. 74 spaces is required. 67 they're offering to give? What is this? Let's make a deal tonight? Who the heck runs this Town? Do we have laws and rules?

I, myself, have been prosecuted for not having a tarp on a vehicle and charged \$125, and I --

I'm not going to say who prosecuted that one. I have to pay it. That is the rules and the laws of this Town. How can someone come into this Town and dictate what part? That is wrong. And the sign, here on the corner, why do they want it up high? Tell the truth.

From the Planning Board. The snowplowing is going to be pushed over to that side. It will be covered. Tell the truth on it. The entrance sign over on Union Street, why? Because the snow banks are going to be high there. They can't see coming into Walgreens.

And on the side of the building, a 3 or 4 foot W? You mean, are you blind, you can't see that on the side from Union Street, nor Buffalo Road? I'm sorry. I just can't accept what is going to be done here. It is a joke. And you have sidewalks there.

Amber Alert. You have a Sheriff's station down the street. If a child is lost, you will have more Sheriff's and troopers all over the place. We had it over on Attridge Road this past year from a poor woman that got shot and killed. And you had the helicopters. They're all over like a cheap suit. That is the best I can tell you on that.

Now let's get real. You want -- I would like to see this property, the Stage Coach Depot possibly saved, or at least worked into the scheme. That would be nice. Walgreens is -- they don't even want to deal with it. The Town Planning Board made it -- set it up. They gave them cart blanche on it and now they're coming in for a hardship. No, this is not a hardship. It is self-inflicted. I don't want to see Mr. Tulloch or Dick or either one of them lose this deal, but by golly, let's do something right. Thank you.

BEVERLY GRIEBEL: Is -- before you run out of time, is there anyone that wants to address just on the signs and the parking?

IRENE BRIXNER, 14 Hartom Road

MS. BRIXNER: I'm happy to hear you won't have that flashing business on the corners. I can't -- I can remember when I went to school -- I do not like those kind of signs that are very, very bright because at a corner like that, you have got several things going on and everybody is looking at deals and looking around, and I agree, distractions like that are not necessary.

But I also would like to say, that I thank the Zoning Board for this opportunity to speak. I sincerely mean that. I am definitely opposed to the application for the numerous variances. I think we have got to start setting some kind of standard here. Why is it every time we come to this group here, you can ask for 100 -- more than 50 percent of a variance and you get it. I mean there is no -- there is no trouble with variances in this Town.

I thought we had laws, and I thought we followed them, but I guess some people feel that -- I don't know, they can be lax.

The Planning Board on December 13th, 2005 held a public hearing the first time that the Walgreens representatives came before the Board with their application, and they were not aware of the fact that they were planning to demolish a historical building, the Stage Coach Inn.

Keith O'Toole, the Planning Board attorney stated, according to the minutes, for the record, I -- I see a historic marker referring to a building that is proposed to be demolished. I guess that raises some concerns under SEQR for me.

Mr. Maude, representative from Walgreens asked, "Can I address that question or comment?"

Chairman James Martin replied, "Yes, go ahead and address that."

Mr. Maude stated, "It is my understanding that the historic marker is not -- it was just asked if they could put it up by the College, I believe, and it was volunteered to be put up. It is not, you know, signifying this is a historic residence or anything, any kind of that status. It is more of an information plaque, is my understanding."

Keith O'Toole, Town Attorney, states, "If I may address that, if the White House was not on the National Register, would it be any less historic?"

Thank you, Mr. O'Toole. At least for that.

Though the 185-year-old Stage Coach Inn building might be owned by Walgreens, I hope Walgreens can appreciate that its rich cultural history belongs to the people of the Chili -- Town of Chili, of the State, and its precious historic and religious background has great affect throughout parts of our country, and perhaps even beyond.

State Historic Preservation Office asked Walgreens to offer alternatives. Their alternative is to demolish the building? It's unbelievable. I cannot believe Walgreens cannot afford to do better for Chili.

How can they demolish our historic building and then expect to attract patrons to their store to view pictures of the building we once had in their store entrance? Goody, goody, goody, aren't we lucky. Aren't we lucky.

I ask the Zoning Board to reject Maude's application. Send it back to the Planning Board who has been very negligent. I do not feel the Planning Board of December 13, 2005, public hearing was sufficient for the public input.

Attending the February 14th and March 14th meeting was useless, as all of the people were denied the right to speak.

This is the Town of Chili. Have you been reading the newspaper lately? Who is telling the Town of Chili what to do? I am beginning to wonder. I am beginning to look at individuals on the boards.

There were over 100 people here March 14th. Mr. Martin allowed them 15 minutes. Do you think that was fair, Walgreen developers? All we want to know is what is going on, and we want to work with you.

The Planning Board doesn't want that, and this -- the Zoning Board doesn't want it if you pass this.

RUSTY BENNETT, 10 Madiera Drive

MR. BENNETT: I will speak strictly on the signs and the parking for the moment.

The first concern I have really is the fact that they're planning on putting a sign out on the corner which stands above the historical marker. I think personally that the historical marker is a poor substitute for the history that the Stage Coach Inn represents. But the fact is, if that is the best we can do, let's try to make the most of it.

Now, what Walgreens is trying to suggest with their sign standing above that is that we really want you to pay more attention to Walgreens than to the history that we are placing in the shadow here and diminishing. They expressed a legitimate concern from a marketing standpoint that the sign is visible in all directions. And yet if that is the case, the historical marker, they are not concerned about its visibility because it is down lower and essentially is invisible.

As far as the traffic is concerned, and the relevance of these signs to other signs surrounding it, the Eckerd's sign and the John Deere sign and the other larger signs in that area aren't as close to the intersection, nor are they read or in other ways intended to draw more attention to themselves than to the other surrounding Town -- or signs in the area. Therefore, this absolutely creates a traffic hazard.

I have come through there to coach soccer at the church down the road many, many times and have enough difficulty getting through that intersection with a tremendous amount of risk on several occasions because people coming home, especially in the afternoon, they're in a hurry and anxious and I don't believe they need more to distract them in that process.

So the whole notion of having a sign out on the corner, and even though they're saying it is not a changeable sign, but by being able to input text from inside the store, it can change at any time, and that might be enough to distract the one driver who is going to total out my son as a new driver or my daughter once she passes through that intersection, which they do on a fairly common basis.

You have placed restriction on the sizes of signs for a reason. The fact is, what they're trying to say is as Walgreens, we want to be the Number 1 guy in Town. And they have a way of doing that. They're predatory in their nature as a business. I don't think we need to -- I don't think we need to grant them any more ability to do that.

They have talked about the safety of patrons going from the parking lot to the inside. And they indicated how receiving is in the back of the building. But as I look at the site plan for the receiving, in order for a truck to pull in, and back into the building for that receiving process, they could conceivably be creating hazards for people coming through the drive-in -- especially the elderly they say are the greater part of the business. People coming out towards the north end of the building and pulling around towards the exit might very well find themselves face to face with a large truck at some point in time looking to negotiate what appears to be a fairly limited amount of space to turn themselves around. It has to pull in straight and turn around, and there is not a lot of room to do that there.

As far as the parking is concerned, that is not a concern to me, because I think that the few people who are going to ignore the urging of the citizens of the -- this Town to boycott Walgreens and eventually put it out of business won't find parking to be an issue.

BEVERLY GRIEBEL: I'm limiting it because it is on things that we can't determine.

UNIDENTIFIED SPEAKER: Table the whole thing. Please.

RONA PEARCE, 10 Hartom Road

MS. PEARCE: I would like to read to you the first paragraph of a letter from the Northeast

Office of the National Trust signed by Roberta Lane (phonetic). The National Trust for History Preservation has become aware of Maude Development's plan and demolition of the circa 1816 Stage Coach Inn at 4370 Buffalo Road in Chili for construction of a new Walgreens store and parking area. We are writing to oppose the project as proposed and to request that the Zoning Board of Appeals reject Maude Development's pending application for variance for signage and parking purposes. If the decision cannot be made tonight, I believe it should all be tabled. Thank you.

BERNICE WILCOX, Stuart Road

BEVERLY GRIEBEL: I have not seen you in a long time. Nice to see you.

MRS. WILCOX: Thank you. I hope you will say that when I finish.

BEVERLY GRIEBEL: It's nice to see you. I may not agree with what you say, but it is nice to see you.

MRS. WILCOX: First, my name is Bernice Wilcox, 32 Stuart Road. I would like to qualify my statements by revealing my background, which I haven't done for a long time. I am a former Chili Town Historian for 14 years.

I own, with my husband, our home which is -- includes seven landmarks, which have been placed on the State and National Register of Historic Places during our ownership. They are recognized for their historical, architectural and archeological significance to the nation.

I oppose any variances that would interfere with the saving and utilization of the historic tavern on the site. This historic building should not be jeopardized by the granting of any variances. It has a rich history because of its connection with Benjamin Roberts and Roberts Wesleyan College, and has served the community in various other capacities almost 200 years.

Its facade is a Federal architecture, of which Chili has few examples remaining.

It was recognized in a motor tour in 1954. A tour booklet was written by former Chili Historian Ruth McPhee and sponsored by the Monroe County Historian Florence Lee. It was recognized in pictures and in a calendar published at the time of our national bicentennial celebration in Chili.

Because of lack of information, and incomplete information in the environmental impact statement, I insist that this variance request be tabled and sent back to the Planning Board. I am sure that this historic structure could be saved and used as a promotional tool by Walgreens. It could be a unique attraction to their business. I thank you.

RODNEY JONES, 122 Old Scottsville Chili Road

PASTOR JONES: I have been a Pastor continually in the Town of Chili for 42 years, since 1964. I have written out many pages here because I was under the impression by people that I talked to about how the Town committees worked, that there would be unlimited time to speak, but there is not that.

The first page I had written I wanted to thank a number of people, including this Board. I wanted to approach this subject from the cultural and historical aspects that were neglected by the Planning Board, and I came up with 19 of them, and I just got started.

But what I would like to do is go over to the Board and post this, and I will be talking about the lighting, and the parking.

I'm grateful for the person that gave this to me. It is drawn by the engineers of this project. I'm very disturbed about what I first heard when I approached Town Hall. I was told this clearly -- I'm sorry, I am supposed to address you. I was told this very clearly -- I'm used to talking to the people. I was told this is a done deal. The decision is made. Nothing can be done, or we'll have lawsuits. I don't believe that is the way to do business, and I have some -- some tremendous quotes by G.K. Chesterton, but there is no time.

This is where the building is proposed (indicating). This right here (indicating) that I have colored (indicating) is what I would consider the basic unit. Some of it would be taken off here. It doesn't take that much space and it is there. This has been added to (indicating), and that has caused a number of architectural problems. It's an ugly building right now, once a beautiful building. But what I object to, there is a sign right where that building is. If that building is saved, that can't be there.

I am going to stick my neck out here and maybe it is the wrong thing to say, but if Walgreens -- I'm saying this sincerely, if Walgreens wants the exposure, put the sign on top of this building, saying we -- Walgreens saved this building.

Also, they have got here where the snow storage would be, that is right where that building is. So they have to move that this way (indicating). And right here (indicating), it says former

two-story house location which proves that this is -- has been a done deal, and everybody wants a rubber stamp for this. That is not right. And I have heard many people say, "We The People." And that is what government is all about.

One of the unfortunate things I have learned, and I did not intend to learn it, is how politics run this Town, and it does disturb me. I am not opposed to Walgreens. I figure if Paul Harvey will advertise it, that sounds good enough for me.

I do want to say this: We have not had the time -- I, too, believe that the Planning Board did not do their homework, and those of you who may be teachers know if you don't do your homework, you won't get a grade. I'm recommending this be sent back there.

As I said, I'm not opposed to Walgreens or the sale of this property. Never have been. Never will be. But this man right here (indicating), I'm sorry that we have lost him.

Ed Cornwall was the head of the histor -- the Chili Historical Society -- I think that is the name of it. He said this: "If they ever consider tearing down this building, I will rope myself to it in order to save it."

That is saying something. Why did he say it? We need to listen to him.

I thought this was neat. It looks like it was done by a child, maybe an adult which simply says, "They can't tear it down, can they, Grandpa?"

Let me also share with you. There hasn't been time. All that I have heard that has been done, as far as looking for someone to finance this, is to approach Roberts Wesleyan College. The building can't be moved, and Genesee Country Museum. It can't be moved, period. It is built differently than most buildings are built.

But this afternoon, I called the Bishop of the Free Methodist Church, and I talked with him in South Carolina. I said to him, "You are a graduate of Roberts Wesleyan College. You served in the Genesee Conference of the Free Methodist Church for many, many years until you were elected Bishop. You aware of what is going on to the Stage Coach Inn?"

He said, "I did hear something." And he said, "Send the material to me, and I will see what I can do."

I also called the former Pastor of Pearce Memorial Church who lives in Gary, New York, who is a strong alumnus of Roberts Wesleyan College and said, "Do you know what is going on?"

He said, "No."

The alumni do not know at Roberts Wesleyan College. This has been a vital part of their history. I think you can go to almost every one of their year books and find out this is our history.

Tomorrow I plan to write to Paul Harvey, and say Paul, "I have been listening to you talk about your dear wife Angel for decades, and you're still broadcasting. I heard you speak at the Chamber of Commerce in 1960, and I was ready to salute the flag and any service men long before you ever finished your speech."

And he is a favorite around here, and he -- anything that he advertised I have found is good. So I am going to appeal to him to see what he can do to get Walgreens to incorporate this building into their plan. Thank you very much.

BEVERLY GRIEBEL: We have exceeded the 30-minute limit. The reason why it is limited is because normally we only take issues directly related to the application, the signs and the parking. I have allowed more than that, but that is the end of the questions.

MR. RETTIG: I wish to address the Board on parts that are not discussed and I think you owe the public the time to express themselves so that -- so that we can all be heard.

BEVERLY GRIEBEL: We are -- we are done.

MR. RETTIG: We are in a democracy.

BEVERLY GRIEBEL: Does the Board have any other questions of the applicant?

DAN MELVILLE: No, not unless.

MR. RETTIG: Ma'am, I have something to speak to address the Board, please. This application, Walgreens.

BEVERLY GRIEBEL: Public comment part is over.

MR. RETTIG: Ma'am, 30 minutes is not enough time to speak.

Walgreens' application should be tabled.

BEVERLY GRIEBEL: We are -- we are done. I call a recess. Ten minutes. Ten-minute recess.

There was a recess in the meeting.

BEVERLY GRIEBEL: Meeting will come to order. Please be seated.

MR. BRIXNER: Madam Chair, I will protest right now as a public hearing.

BEVERLY GRIEBEL: Please be seated.

MR. BRIXNER: You had no right to suspend a public hearing as long as it was dealt. Thank you.

BEVERLY GRIEBEL: Any more questions of the applicant? Any more questions of the applicant? You all set?

PETER WIDENER: Not at this point.

BEVERLY GRIEBEL: Are you ready to close the hearing and vote?

PETER WIDENER: If we can itemize each variance.

BEVERLY GRIEBEL: I will close the public hearing and we won't be asking any more questions.

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

KEITH O'TOOLE: And Ma'am Chairwoman, would perhaps the applicant like to have an opportunity to respond?

BEVERLY GRIEBEL: We'll open it for applicant comments.

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

MR. GREINER: I just wanted to make a point here, members of the Board, that regarding SHPO, the Board, the Planning Board, when it was considering environmental impact, they directed us to go to SHPO. We went to SHPO. We submitted a report by Zaxis Architectural that had -- talked about the historic integrity.

BEVERLY GRIEBEL: I have seen that report. Quite extensive.

MR. GREINER: In fact, SHPO responded to that report and responded and sent this letter to Doug Hutter, but also copied the Planning Board, and the Planning Board was fully aware of this letter on March 14 when it did issue its negative declaration.

What SHPO said was that the loss of that building would have an adverse impact on historic resources, and then they said look at alternatives on the site, look at alternative sites. We addressed that, and finally they said this: "If there are no other alternatives, we recommend that the history of the building be documented with interior and exterior measured drawings and interior and exterior archival photographs. In addition, we recommend that copies are provided to the appropriate local repositories such as the library and the historical society."

In addition, copies are provided to the appropriate local repositories such as the Library and Historic Society. That was on February 14.

It was clearly in the purview and had been read by the Planning Board. They had actually digested this letter. The letter was written by Sloane Bullough, Historic Sites Restoration Coordination with SHPO. I had personal communication and talked with her, and I think I elaborated on that at the Planning Board at its February meeting.

And actually, what she said to me was that every building has its time, and --

BEVERLY GRIEBEL: The gentleman is speaking. Would the rest of the audience please be quiet.

MR. GREINER: And what she was saying is that if the building is not going to be saved, then take these measures, and then she put that in her letter that was dated February 14th.

The last thing I would just say is that I did receive through the Town -- I did receive a copy of the National Trust letter, and I don't know if the National Trust came out to see this, but it is clear to me that they didn't understand everything about the application, because they say in here, that Maude Development is requesting is a great deal more space for parking than the Town's dimensional regulations specify for the site.

In other words, we have a lot more room than we need. Which is obviously not the case or else we would probably not be here for a parking variance, and I think we have addressed that. I just wanted to make that clear to the Board.

BEVERLY GRIEBEL: The Planning Board meetings, and I looked at the minutes, so I am aware, and I have read some of the reports that were in the Building Department, too. So I am aware of a lot of this.

MR. GREINER: Good.

BEVERLY GRIEBEL: Even though it is not part of this application tonight.

MR. GREINER: No, it is not. I just thought it was important for this Board to note that we did really --

BEVERLY GRIEBEL: Based on some of the comments.

MR. GREINER: Exactly. We did really explore this with SHPO, and frankly, you know, with the Planning Board. The Planning Board was the lead agency and issued the neg dec. They had full information. Thank you very much.

MR. HUTTER: One follow-up comment.

I have one follow-up comment regarding some comments that were given here, testimony by the public. Comments were made to the size being two to three times by the allowable amount. That signage actually when you look at the numbers, we are asking for 75 square foot variance -- excuse me, 76 square feet. The allowable is 150. That is only a 50 percent increase of the total signage. I just wanted to make that clear to the Board.

Also, in regard to the monument sign itself, the zoning ordinance does allow a 20 foot high sign, 32 square feet in size. We are certainly trying to work clearly with the township and Planning Board level and Zoning Board to -- we are asking for a variance on that, but we certainly want to work with them on working with the height and making it clear and that the reader board certainly is important to Walgreens. Thank you.

BEVERLY GRIEBEL: Particularly where the sign is so close to the corner, that is another issue that factors into it.

MR. HUTTER: Yes, it does.

BEVERLY GRIEBEL: I will close the hearing on that.

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

BEVERLY GRIEBEL: The Board, the Walgreens signs, they are noted -- the size of the signs on the building -- on the frontages so people can see what is in there. It is similar to other buildings in the area.

DAN MELVILLE: Actually, that -- that Walgreens sign on the facade is kind of similar to the Wegmans sign, the big W, and the -- the small letters after it.

RICHARD PERRY: But it is also about 400 feet closer to the street than Wegmans.

BEVERLY GRIEBEL: That is enough from the audience.

It's larger than code. Any comments on why don't they follow the law? Well, any Town in New York State that has any zoning codes has to have a Zoning Board of Appeals for an appeal to the codes, and that is what the applicant has done here.

So the wall signs -- seven Walgreens.

PETER WIDENER: Where's the seventh wall sign? I see six.

MICHAEL MARTIN: The drive-thru.

PETER WIDENER: The drive-thru is considered one. Okay. That is visual from the south side?

BEVERLY GRIEBEL: The east.

MICHAEL MARTIN: It is on the canopy as you're -- you're approaching the drive-thru.

BEVERLY GRIEBEL: Way in -- towards the back.

PETER WIDENER: You will be approaching it from the south.

MR. HUTTER: Located on the face of the canopy.

PETER WIDENER: Okay. That is the seventh.

BEVERLY GRIEBEL: It will be a little hard to see from the road because the building is angled there. So it would be the signs on the south side and on the west side, and then that --

PETER WIDENER: Totaling seven wall signs.

MICHAEL MARTIN: I think we should take into consideration, too, it is a corner lot with two fronts, unlike most stores that only have one. We are basically doubling their sign.

BEVERLY GRIEBEL: Busy street, so you don't want to leave the signs off one frontage and not have it on the other.

Seven wall signs, any other discussion on that?

Four directional signs, and that is cut to one.

PETER WIDENER: So there are not four directional signs. Just the one on Union Street.

BEVERLY GRIEBEL: Just the one on Union Street. Exactly.

PETER WIDENER: And the square footage on that one sign would be what?

BEVERLY GRIEBEL: Let's see. 19 square feet. 48 inches above the ground to clear the hedge. There is a hedge in that area. .

Now, the 10 foot by 5 foot double-faced freestanding sign, that is the one with the reader board. Now, do you want to vote at this point to table that, that portion of it?

PETER WIDENER: I thought that was our choice, to table that.

BEVERLY GRIEBEL: I will just verify it so we are clear on that. Table that to April 25th, that portion. A motion for that?

PETER WIDENER: I motion.

BEVERLY GRIEBEL: Second on that?

RICHARD PERRY: I will second it.

BEVERLY GRIEBEL: Thank you. The vote on that?

The Board all voted in favor of tabling the freestanding sign portion of the application.

BEVERLY GRIEBEL: The front parking, 67 vehicles, 74 spaces required. I had concerns about this initially. My concern was that the applicant has a lot of information in here on their research across the country and what they need and the average length of time in the drugstore, 12 ½ minutes or whatever it was. And my concern was if this business doesn't stay there, for whatever reason, and it goes to be something else, then it might not have enough parking.

But then I learned if that goes to a different use, it would have to go back to the Planning Board to be sure everything is there that is needed. So if they would be lacking in parking, then that -- that would not be an appropriate alternate use of that, so that would be something else, so that relieved my mind. I don't know if that was a concern of yours. With that proviso, then I don't have a concern with the 67 vehicles.

DAN MELVILLE: No, because according to some of the residents, they won't be doing any business anyway, so they won't need them.

BEVERLY GRIEBEL: This could be college kids who walk over there. So it might not be needed for parking vehicles.

DAN MELVILLE: They will get a certain amount of walk-in trade on that store.

BEVERLY GRIEBEL: The ten contiguous parking spaces, that is common. I know we had that at Wegmans, for plowing reasons, too. It is pretty hard to plow ten spaces and then have an obstruction. As the applicant said, the biggest deviation is 17 spaces in one area, 13 in another, and 10, 8 and 9. So that -- it is kind of a minor deviation on that.

And it is true, if they broke that up, and divided that and put --

DAN MELVILLE: They will lose more parking.

BEVERLY GRIEBEL: They would lose few more parking spaces.

MICHAEL MARTIN: Or green space. I like the green space.

PETER WIDENER: So we are -- we are looking at the 13 and the 17 parking spaces on the south and west side?

BEVERLY GRIEBEL: Right.

The others are in compliance. This is pretty common. Wegmans has huge areas where it is a lot more than ten --

DAN MELVILLE: Chili Paul Plaza is the same way.

BEVERLY GRIEBEL: The parking lot is pretty similar there. It is pretty hard to plow ten spaces and move the snow around and not block the spaces.

Do you want to separate all of the other ones out?

PETER WIDENER: I would like to separate every one of them.

BEVERLY GRIEBEL: Okay. We can do that. Is that what the Board wants to do?

DAN MELVILLE: That's fine.

MICHAEL MARTIN: Fine.

BEVERLY GRIEBEL: So first, the variance for the seven wall signs, totaling 222.6 square feet. We'll vote on that one. I will do the SEQR.

MICHAEL MARTIN: We don't do SEQR.

BEVERLY GRIEBEL: I declare the Zoning Board to --

MICHAEL MARTIN: Planning Board did SEQR.

BEVERLY GRIEBEL: We do it for this application.

KEITH O'TOOLE: No. Actually, it was a coordinated review, if you will recall. They were lead agency.

BEVERLY GRIEBEL: So they -- so we are okay with that.

KEITH O'TOOLE: We are done on SEQR.

BEVERLY GRIEBEL: Okay. Thank you.

MICHAEL MARTIN: I will move to adopt.

BEVERLY GRIEBEL: A second on that for the seven wall signs?

DAN MELVILLE: I will second it.

BEVERLY GRIEBEL: Second that one. Okay.

The vote on the motion to adopt the seven wall signs was 4 to 1 (Richard Perry voted no) with 1 abstention (George Brinkwart).

The Board discussed the proposed findings of fact.

DECISION ON APPLICATION #1, pertaining to the variance to erect 7 wall signs: Approved by a vote of 4 yes to 1 no (Peter Widener) with 1 abstention (George Brinkwart) with no conditions, and the following findings of fact were cited:

1. Signs identify the business and services provided.
2. In keeping with commercial signage in the neighborhood.

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

BEVERLY GRIEBEL: The next -- the one directional sign of 19 square feet --

MICHAEL MARTIN: I will move to adopt.

PETER WIDENER: I will second it.

BEVERLY GRIEBEL: Okay. Vote on that?

The vote on the motion to adopt the directional sign variance request was 5 yes with 1 abstention (George Brinkwart).

The Board discussed the findings of fact.

DECISION ON APPLICATION #1, pertaining to the variance to erect four directional signs: Approved by a vote of 5 yes with 1 abstention (George Brinkwart) with no conditions, and the following findings of fact were cited:

1. Sign identifies alternate entrance/exit on Union Street.
2. Will enhance traffic safety.

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

BEVERLY GRIEBEL: The next one is -- okay. Front parking for 67 vehicles.

MICHAEL MARTIN: I will move to adopt.

DAN MELVILLE: I will second that. I don't usually second anything, but nobody is speaking up tonight.

One thing, just before we vote. I know it has been commented a few times that we should send everything back to the Planning Board, but this is really a separate issue from the Planning Board.

RICHARD PERRY: And we can't do it, because it is different. As he said.

BEVERLY GRIEBEL: They have already given preliminary and final site plan approval.

DAN MELVILLE: This is completely separate. We don't send this back to them to reconsider.

The vote on the motion to allow front parking of 67 vehicles was 4 to 1 (Peter Widener).

The Board discussed the findings of fact.

DECISION ON APPLICATION #1, pertaining to the front parking of 67 vehicles: Approved by a vote of 4 yes to 1 no (Peter Widener) with 1 abstention (George Brinkwart) with no conditions, and the following findings of fact were cited:

1. Consistent with commercial parking in the area.
2. Applicant has noted that the parking is sufficient for their needs.

BEVERLY GRIEBEL: The last one on this, the ten contiguous parking spaces.

MICHAEL MARTIN: I will move to adopt that.

BEVERLY GRIEBEL: Second on that?

PETER WIDENER: I will second.

The vote on the motion to allow more than 10 contiguous parking spaces was 4 to 1 (Peter Widener).

The Board discussed the proposed findings of fact.

DECISION ON APPLICATION #1, pertaining to allowing more than 10 contiguous parking spaces : Approved by a vote of 4 yes to 1 no (Peter Widener) with 1 abstention (George Brinkwart) with no conditions, and the following findings of fact were cited:

1. Consistent with commercial parking in the area.
2. Applicant has noted that the parking is sufficient for their needs.

PETER WIDENER: Madam Chairwoman, we voted to table the one?

BEVERLY GRIEBEL: Yes.

PETER WIDENER: We voted on that?

BEVERLY GRIEBEL: Yes. We voted on that.

PETER WIDENER: That is to April 25th?

BEVERLY GRIEBEL: Yes. April 25th for the monument sign, pedestal sign, whatever you want to call it, with the reader board. The pylon.

Consistent with commercial parking in the area.

Anything else there, Keith (O'Toole)?

KEITH O'TOOLE: That's sufficient.

BEVERLY GRIEBEL: Thank you.

DECISION ON APPLICATION #1, pertaining to the freestanding sign: Tabled by a vote of 5 yes with 1 abstention (George Brinkwart) until 4/25/05 for the following reason/finding of fact:

1. Tabled for further consideration.
2. Application of Terry Eason, owner; 17 Constitution Circle, Rochester, New York 14624 for variance to erect a 14' x 12' enclosed porch to be 26' from rear lot line (30' req.) at property located at 17 Constitution Circle in R-1-15 zone.

Terry Eason and Phillip Hart were present to represent the application.

BEVERLY GRIEBEL: This went to the Monroe County Planning Department and went for airport review, and came back without comment. So I guess you're not going to be in the airport -- the plane right-of-way.

MR. HART: Phillip Hart, 123 Despatch Drive, H-a-r-t, for Patio Enclosures. We are the contractor for the proposed sunroom. I know it has been a late evening. I will get right to the five criteria.

What we are proposing is a sunroom approximately 12 foot by 14 foot, and we are looking for relief on the rear setback. The proposed sunroom added to the rear of the house will not have undesirable change to the condition of the neighborhood, nor will there be a deterrent to nearby properties. Average size sunroom will require a variance, and therefore, there is not any other feasible method.

The request is not substantial. The sunroom will not have adverse affect or impact on physical or environmental conditions and basically any addition to the house could be considered self-created, so that is a difficult one for us to avoid.

Looking at the plot plan, basically we have a garage that is set out in front of the house, and what that did is decrease the rear setback area that we had to work with. So while it is very desirable to have the garage set that way, there were the unforeseen consequences.

BEVERLY GRIEBEL: It takes away from the backyard.

MR. HART: Yes. So we have the consequences there. We look at this as very straightforward, not having any impact on the neighbors. We would ask permission to build the sunroom.

BEVERLY GRIEBEL: There are quite a few of the homes that have built things in the backyard. I think several of those people have been in here to this Board, as I recall.

Dan (Melville), do you recall that, we have had people in --

DAN MELVILLE: Yes. In that area, there have been quite a few.

BEVERLY GRIEBEL: Small backyards, it seems. 80 foot width lots, which is a little small. That pushes everything back and gives you a problem.

MR. HART: The desire for the setbacks on the house creates the problems.

DAN MELVILLE: Only 120 foot depth the lots.

BEVERLY GRIEBEL: Small lots.

BEVERLY GRIEBEL: Any neighbors have a concern?

MR. EASON: No, ma'am. My neighbors don't have any problems with it.

BEVERLY GRIEBEL: They have probably built their own.

MR. EASON: The one right behind me, she has one. So I kind of copied her. They did a nice job. I thought I would do the same, so.

BEVERLY GRIEBEL: Nice to be able to enjoy your backyard.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: What is the circle in the backyard that says 1332 in it?

MR. EASON: That's -- that's just the --

BEVERLY GRIEBEL: The plot number.

MR. EASON: The lot number. That is all it is. There is an oval pool in the back.

MS. BORGUS: Thank you.

MR. EASON: You're welcome.

BEVERLY GRIEBEL: That does look funny. They numbered the lots differently. Because some of the others are 31, 32, 33.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I'm in favor of this individual doing this. Just make sure that -- with that swimming pool that the electric is sufficient for it, to code. That would be the only consideration.

BEVERLY GRIEBEL: I think that pool is already in place, so it must be inspected and everything.

MR. GINOVSKY: Maybe an update might be in order, as a safety point.

MR. EASON: Thank you, sir.

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

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

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. In keeping with other backyard structures in the neighborhood.

Note: A building permit is required prior to construction.

3. Application of Susan Wainwright, owner; 24 Dallas Drive, Rochester, New York 14624 for renewal of conditional use permit to allow a beauty shop in home at property located at 24 Dallas Drive in R-1-12 zone.

DECISION: Unanimously tabled by a vote of 6 yes to table until 4/25/06 for the following reason/ finding of fact:

1. Applicant failed to post the required public hearing notice sign.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present for the public hearing.

4. Application of Roger Dart, owner; 7 Hubbard Drive, North Chili, New York 14514 for variance to erect a 9' x 8' deck to be 27' from front lot line (32' previously granted) at property located at 7 Hubbard Drive in R-1-15 zone.

Roger Dart was present to represent the application.

MR. DART: Good evening, Madam Chairwoman. I'm Roger Dart. And I have made this application. I'm not sure what other information you need besides what is on the application. I can read it over, but I don't know if it is necessary.

My main concern for doing this, and I -- we have been in this house about 10 ½ years. When we purchased this house, there was no requirement that there was any railing or anything on the front steps, which there is not. It has become a hazard from the standpoint the steps are about 48 inches wide and deep. You have a 3 foot door opening and it is very dangerous when somebody comes to the front door. That is my main concern. We would like to have a deck out there so we could also enjoy it, but also for safety purposes.

BEVERLY GRIEBEL: To put a deck over the deteriorating front steps?

MR. DART: Yes. The sidewalk itself, about half of the sidewalk leading up to the front steps -- I think you have probably a copy of the map -- about half of those have started to settle. The one that is directly in front of the front steps, the first step is attached to that sidewalk, so that is pulling away from the main body of the -- the platform itself. So it -- it's not falling apart. Don't misunderstand me, but it is deteriorating and only going to get worse.

BEVERLY GRIEBEL: You don't want to wait for an accident.

MR. DART: Sorry? That can happen. We had a child fall off there a couple Halloweens ago. They just stepped back off and off they went. It is very narrow. Fortunately nothing happened.

PETER WIDENER: This is typical of the homes in the area.

MR. BRINKWART: I guess I was not exactly clear on the orientation of the deck. The 8 foot --

MR. DART: That is a good question. It is proposed for 8 by 8. The reason it got changed to 9 -- when I came in and filled out the application, um, your information says 32 feet. My map says 33 feet. At this point I have the sealed map. When I asked a question about that at the office, they said that was just a tape map and this, of course, is the accurate one.

So the reason it says 8 by 9, and that seems odd -- it is really going to be an 8 by 8 deck. The contractor was concerned he did not want to build that deck and have it maybe a couple inches over the 8 by 8. That was his concern. It -- it will be an 8 by 8 foot deck, but the reason we -- I didn't ask for an 8 by 9. That was what was put down in the office.

BEVERLY GRIEBEL: Just in case it goes over a little bit you would still be in compliance.

MR. DART: Basically an 8 by 8 deck as you can see --

RICHARD PERRY: It is prudent to give yourself a little margin there.

MR. DART: Yes. I believe so. Yes. But it is -- as you can see on the plans, I believe you have those, it is an 8 by 8 deck. It would look rather foolish to be 8 by 9.

GEORGE BRINKWART: How much of a margin should we --

BEVERLY GRIEBEL: We are obligated to give the minimum variance required.

It is going to be 8 by 8. But they add a little in case the boards are cut a little longer, I guess. Just in case. Because if it is too big, he has to come back.

DAN MELVILLE: Or if you have a railing on it that hangs out a little bit, it might make it a little bigger than the 8 feet. You can't pinpoint the setback right to the inch in a lot of cases.

RICHARD PERRY: It is reasonable based on what we have approved so many times before.

BEVERLY GRIEBEL: It -- if it rains a lot, the wood swells.

GEORGE BRINKWART: Would we want to see something like this staked out by a surveyor or something?

BEVERLY GRIEBEL: No.

RICHARD PERRY: No. That would be needless.

DAN MELVILLE: That would add 500 bucks to the price of it to stake it out.

BEVERLY GRIEBEL: I think it would -- this happens quite often. The front porch, you know, we get a lot of them -- and once it starts in the neighborhood, a lot of the people in the -- want this do the same thing, to make it safe. You can't open the door without stepping down some of the steps, and it is difficult in the winter. So it -- it is a pretty common thing.

DAN MELVILLE: I have seen houses that were staked out that needed variances after they were put up.

MR. BRINKWART: That's true.

MR. DART: As we get older, we find our visitors are older. I usually go out the front steps and help them down the front steps, because it is a real concern.

BEVERLY GRIEBEL: Does that help, George (Brinkwart)?

MR. BRINKWART: I understand.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Welcome, Roger (Dart). I think this is a good choice in the neighborhood and maybe some of the other neighbors might catch wind of this and come in. I think it is a great idea, because a lot of the stoops are deteriorating. For the safety reason, I agree. I think it is excellent.

BEVERLY GRIEBEL: Sometimes it is contagious in the neighborhood.

MR. GINOVSKY: You got to see it. Thank you.

MR. DART: How is the order of preference selected on the agenda?

BEVERLY GRIEBEL: By the way the applications come in.

MR. DART: Okay. Because mine was in the first -- the last day of -- I think January. I was just --

BEVERLY GRIEBEL: But the first application was a carry-over from December. And the --

DAN MELVILLE: So was the second.

BEVERLY GRIEBEL: The second was a carry-over from February.

MR. DART: Never having been here before, I was curious how that worked.

DAN MELVILLE: They take them in the order they're received.

MR. DART: Thank you very much.

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

BEVERLY GRIEBEL: This did go to the Monroe County Planning Department and came back as a local matter.

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

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

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Will provide a safer entrance way.

Note: A building permit is required prior to construction.

5. Application of Terry Tree Service, 225 Ballantyne Road, Rochester, New York 14623, property owner: Thomas Terry Jr.; for variance to erect a 6' x 6' double-faced freestanding

sign to be a total of 72 sq. ft. (32 sq. ft. allowed) at property located at 225 Ballantyne Road in A.C. & FPO zone.

BEVERLY GRIEBEL: This did go to the Monroe County Department of Planning for airport review and came back without comment on that.

MR. POPE: Good evening, Board members. My name is Tim Pope, P-o-p-e, Vice President of Terry Tree Service at 225 Ballantyne Road. I would like to present the application tonight for the erection of a 6 by 6 foot freestanding sign.

Presently, on the property we don't have a sign. The 6 foot by 6 foot dimension is actually the sign itself, which, I believe, there is -- you all have a picture. It is really a circle, but with a 6 foot diameter. We would like to put the sign perpendicular to Ballantyne Road, so it is more visible than a parallel sign would be, which the code states we can have 32 square feet, which is basically a 4 x 4 double-sided sign, if we are using both sides of it. If we turn it that way, I would like to keep it still a 6 foot sign and advertise both sides going north and south. That is why we are going up to the 72.

BEVERLY GRIEBEL: You're resembling a cut treed log.

MR. POPE: It will be made out of a composite material, the end of a log if you will, with our company logo engraved in the middle if you will, with the -- with the business name on the bottom.

BEVERLY GRIEBEL: You will have a unique sign.

MR. POPE: Yes. We want to make it look unique to the business.

RICHARD PERRY: That will be double-sided?

MR. POPE: Yes.

RICHARD PERRY: The actual dimensions of the circle, do you know the diameter of the circle?

MR. POPE: 6 foot. It will be 36 square feet on each side. And actually that is if you take the dimension -- I think the way -- the way the code is written you have to take a rectangle to box it off.

RICHARD PERRY: So it is --

MR. POPE: It is a little smaller.

BEVERLY GRIEBEL: If you can do your math, you can figure it out.

MR. POPE: Basically, if you take the circle, it will be a foot larger on each side. If you took a donut -- it will just be a foot bigger, 2 feet on each -- whatever. I wasn't good at geometry.

BEVERLY GRIEBEL: It is going to be kind of neat. I will have to watch that for that.

MR. POPE: We'll set it back. I think it is 20 feet. We have to be off the right-of-way. We'll move it further out into the front lot if you will, at about 45 feet. We are going to landscape with -- all around it to make it look presentable. Right now there -- the business that was there prior to us, Lewis Tree Service had a sign all of the way up by the building, and when I worked with them, there was always -- you try to tell somebody where you are, and we are like, "At Lewis Tree Service," and everybody is like, "Where is that?" And then you tell them where you are, and "Oh, yeah, I know."

But nobody ever saw the sign back where it was, going parallel to Ballantyne Road. That is the basis why we want to turn it.

BEVERLY GRIEBEL: Kind of makes sense, because it is a pretty fast road there sometimes, with people speeding there.

MR. POPE: There is a lot of traffic and we would like to take advantage of the advertising.

RICHARD PERRY: That is a tough one to put a street address on it.

I guess the other question is will this be illuminated at night?

MR. POPE: No.

MICHAEL MARTIN: Do you know a place to get good mulch for the landscaping?
(Laughter.)

DAN MELVILLE: Is there a place somewhere on the sign that you can put the street address, somehow? It didn't have to be on the sign itself.

MR. POPE: We'll find room for that.

RICHARD PERRY: On the edge, or someplace in the planting there.

MICHAEL MARTIN: Maybe a block in the planting.

MR. POPE: Yes. We can definitely add that.

MR. BRINKWART: Could you tell me how big the planter area that you have -- that the sign will be set in, how big that will be?

MR. POPE: It will be roughly -- about probably 22 feet roughly. Another circle around it,

if you will, if you're looking from the top view. About 18 feet. Roughly that.

BEVERLY GRIEBEL: You will have a lot of room to put it in. That used to be a parking area that used to have a lot of water at times.

MR. POPE: We're still -- there is a lot of landscaping planned for that property this spring.

BEVERLY GRIEBEL: Nice.

PETER WIDENER: You said you will place the sign north/south? Isn't it east/west on that road?

MR. POPE: The road runs east/west, but we are turning the sign north/south.

BEVERLY GRIEBEL: Double face.

PETER WIDENER: So you can read it east and west?

MR. POPE: Yes.

PETER WIDENER: I understand now. Thank you.

BEVERLY GRIEBEL: It is getting late. It's been a long night.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm just wondering how much the total height will equal, between the landscaping --

BEVERLY GRIEBEL: It will be a 6 foot log, and then how tall is the landscaping area?

MR. POPE: The ground to the top of the sign is 12 feet.

MS. BORGUS: Whoa.

RICHARD PERRY: It is shorter than the WHAM tower.

MR. POPE: You got to remember, where the driveway is for the entrance to the facility, to the location of where that sign is going to start, that is about a 4 ½ foot depression where -- that parking lot you referenced.

BEVERLY GRIEBEL: It dips down, plus 45 feet from the right-of-way.

MR. POPE: I'm measuring from where the actual elevation of the bottom of the landscaping would be, to the top of the sign. So really the landscaping itself, the rocks and whatnot and the base is 6 foot and the sign is 6 foot.

MS. BORGUS: My biggest fear with these is that they won't be maintained. So many times we have berms that are neglected once they're in. The idea was good, but they end up being a real eyesore.

MICHAEL MARTIN: It is part of the business to maintain anything like that.

BEVERLY GRIEBEL: Yes. You say you have other plans for landscaping in that whole area.

MR. POPE: Even up to the building, which I consider an unsightly fence, we'll try to landscape it with boulders for security purposes, other than a fence with barbed wire across the top. We'll remove all of that in the front. There will be trees and flowers, and we are in the vegetation management business. We want to present that to our customers.

BEVERLY GRIEBEL: Give people inspiration and maybe they will buy some mulch from you.

MICHAEL MARTIN: That is about as good advertising as you can get.

MS. BORGUS: Lewis Tree Service will not be mentioned on this sign?

MR. POPE: No.

MS. BORGUS: Still in the building?

MR. POPE: I'm renting garage space there. They will not be allowed to advertise, no.

MS. BORGUS: When you were in before, I think you said it was temporary and they will not be staying?

MR. POPE: They have a one-year lease, which is -- I believe it is up at the beginning or end of September, and as of now, we have not talked about a renewal.

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

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

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

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

1. Street number to be somewhere in the sign/raised landscape area.

The following finding of fact was cited:

1. Signage to better identify the business location on a busy road.

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

6. Application of Leslie Bors, owner; 3469 Chili Avenue, Rochester, New York 14624 for renewal of conditional use permit to allow a medical billing service in home at property located at 3469 Chili Avenue in R-1-20 zone.

Leslie Bors was present to represent the application.

BEVERLY GRIEBEL: This was approved before, March of '01. Five years ago.

Side table, any complaints?

DENNIS SCIBETTA: No complaints.

BEVERLY GRIEBEL: Nothing at all. Good. So I guess you're just doing it there and nobody knows.

MS. BORS: I'm just doing my thing.

BEVERLY GRIEBEL: All right.

RICHARD PERRY: Nothing that was a part of the application last time has changed as far as any of the conditions?

MS. BORS: No. Other than increased storage space.

PETER WIDENER: It was granted for a five-year period last time also?

BEVERLY GRIEBEL: Yes.

MS. BORS: I would love it if I could get another five years. It's been a long night.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

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

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

The following finding of fact was cited:

1. The home office is a customary home occupation.
7. Application of John Testa, 75 Chestnut Drive, Rochester, New York 14624, property owner: Velda Lusk; for variance to create two lots with lot widths of 62.00' and 69.50'

(80' req.) at property located at 2770 Chili Avenue in R-1-12 zone.

BEVERLY GRIEBEL: This went to the Monroe County Planning Department for airport review approval and came back with no comments on it.

Bob Avery was present to represent the application.

MR. BOB AVERY: Bob Avery, Avery Engineering. I'm here on behalf of John Testa to request this variance. Just a little background on that. John Testa is married to the granddaughter of the property owner, which is the Estate of Bernie and Velda Lusk. That is where he comes into play.

And I would like to subdivide the existing property into two lots.

BEVERLY GRIEBEL: One already has the house on it.

MR. BOB AVERY: One already has the house on it. It is located at 2770 Chili Avenue. As you mentioned in the R-1-12 zone, which requires an 80 foot minimum lot width. In order to divide it, what we simply did was hold 10.2 feet off the side of the existing house with a division line to the Chili Avenue right-of-way all of the way to the rear lot line.

Being the minimum, really that we could come up with, or we would also have to request variances for the side tie on the existing house.

I have a little bit of background on this. Mr. Lusk was actually the builder of all of the these lots here on the north side of Chili Avenue back in the '40s, and he originally divided it up from Park Minister up to Marshall Road and up Cardinal Drive and all of the lots in that subdivision were and still are 60-foot lots.

BEVERLY GRIEBEL: Most all of them are. I have a tax map copy.

MR. BOB AVERY: I did a study, analysis on that, as well, that I will bring up in a minute here.

But Mr. Old Mr. Lusk basically retained two lots, and back in '63, they were -- up until '63, they were still two separate lots, and according to the Assessor, they were courtesy combined in 1963 into one parcel.

A little side note on the strange 10 foot strip out to Marshall Road, why is that -- well, the reason for that is, that Mr. Lusk's son lived in the house at the northwest corner of Marshall Road and Chili, and his grandchildren -- I went to school with one of his granddaughters actually all through grammar school -- and instead of the kids walking along Chili Avenue, which at that time was a narrow road, he retained this little strip, so they could go up through that to go see grandma and grandpa. That is why you have the strange leg on the side of it.

But getting back to our analysis of the lots in the area, and we -- we checked 54 parcels on the north side of Chili, south side of Chili, running up the side streets of Marshall and Cardinal, and we found that basically only ten of those lots are at the 80 foot required width, and really 70 percent of the lots would actually be smaller than what we are proposing here with a 62 foot lot and a 69 ½ foot lot.

BEVERLY GRIEBEL: When I first looked at it, I thought my goodness, and then I did get the tax map from the Building Department, and it showed that there -- that they're 60 foot along there.

MR. BOB AVERY: In fact, the 60 footers, the two lots to the west of us, the -- the corner lot is a little bigger there. And I believe it is nine lots all of the other way is 60 footers, so we don't believe it is out of character with the neighborhood. The first step Mr. Testa can do is to come before you and request this variance that we don't feel is out of character with the neighborhood. He has proposed a house that is, you know, somewhat narrow to fit in there to comply with the side ties. So this is really his first step.

Um, old Mr. Lusk's son, I believe, lives at 2770 right now, but John (Testa) wants to build this house next door here.

BEVERLY GRIEBEL: It's like a little deeper, lot, too --

MR. BOB AVERY: They're a little deeper. Ranging 32 foot deeper than the adjoining lots on the east side, 79 on the West Side. Yes.

BEVERLY GRIEBEL: If they want more house, they can just make it go back a little more if they want.

MR. BOB AVERY: Uh-huh. Right now we have set it in at the 75 foot, which is the minimum, and that is pretty much what everything is at here.

BEVERLY GRIEBEL: That is even further back than the existing house?

MR. BOB AVERY: Yes, a little bit. The existing is at 67. Yep.

BEVERLY GRIEBEL: Interesting.

KEITH O'TOOLE: I have a question in -- regarding this parallelogram of land. The northern boundary line Lot 1 is called out, reputed owner Velda Lusk. What is going on there?

MR. BOB AVERY: I would have to get into the title a little more. We originally did this survey, Keith (O'Toole), I think five or six years ago. I don't have an answer off the top of my head. I didn't map it that way for some reason, title issue.

KEITH O'TOOLE: It would appear to me that it would make sense to resub that into Lot 1.

MR. BOB AVERY: Well, I think I have got to look into it a little bit more to refresh my memory as to why I mapped it that way. It's not really assessed -- if you look at the tax map, it's not assessed to either one really. I have to look into it a little more. We'll resolve that as we go through the process, if we receive the variance, and if we file a map.

KEITH O'TOOLE: Very good.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. In keeping with many other lot widths in the immediate area.
8. Application of Ralph Taliento, owner; 13 Lamp Post Drive, Rochester, New York 14624 for conditional use permit to allow an office in home for a snowplowing and landscaping business at property located at 13 Lamp Post Drive in R-1-15 zone.

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

1. Applicant failed to post the required public hearing notice sign.

Note: Applicant to obtain new sign(s) at the Building Department to post and maintain as per Town regulations.

Applicant must be present for the public hearing.

9. Application of Madelyn Read, owner; 21 Wilelen Road, Rochester, New York 14624 for conditional use permit to allow a real estate office in home at property located at 21 Wilelen Road in R-1-12 zone.

Madelyn Read was present to represent the application.

MS. READ: Can I tell you a little bit about how this all came about?

Madelyn Read, Hummingbird Realty, 21 Wilelen Road.

I have had -- we have had an office -- office equipment in our home for many years. My husband is a CPA in his own business, and one part of the house he has -- he is on Lyell Avenue. At home, he has a typewriter and an adding machine in one part of the house, and a large desk and a lot of books and stuff like that. Another part of the house I started out with an Epson Printer and a computer and a fax machine.

I was in real estate, by the way, at this time. I have been -- at that time, I was in -- well, I started in real estate in 1978. And so anyway, along the way the Real Estate Board came up with this tempo program that we could do real estate work at home and not always have to go into the office, so at that time, I got another printer and a new fax machine and did a lot of my work at home

the same way as 4,000 other real estate people did in New York State.

In 2003, I had completed 25 years in real estate, and I decided that I didn't want the pressure of working for a principal, and so anyway I thought, well, maybe I could go into real estate appraisal. Well, I had -- I had to send my -- my broker's license to Albany and put it in my name instead of the principal I was working for.

In the meantime, somebody from -- oh, I -- I explored going into real estate appraisal. I thought I wanted to be in bank appraisal. I had certain requirements in my background, but I didn't have enough and found it would take two years apprenticeship plus a couple years traveling to maybe Syracuse making additional courses, so that was -- I tabled that.

In the meantime, somebody from my past that I had sold a lot of real estate to called me up and said, "Well, mother's house, she is in a nursing home and we want to put -- you have done a good job for us before. How about selling it?"

I thought, wow. I wasn't ready for this. I thought, well, why not.

So I went down to the County Clerk's Office and got a d/b/a for Hummingbird Realty, and sent it to Albany, and within a month I had it back, and I was in business.

Since that time, I have not had anyone come to my home. I have not physically -- I have no clients coming to the house. I talk to them on the phone. Somebody calls me and says, "I want to list my house," I go and list the house.

And somebody says, "I want to buy a house," well, okay, qualify, I send them to a bank or I go with them to a bank to see if they can qualify. I go out to the properties. So there has been no traffic to my home.

BEVERLY GRIEBEL: Okay.

MS. READ: There is no -- and I like it that way, because I don't want to be big business. I will be 28 years in -- the first part of July in real estate, and I just want to be a little person. Sell a house here, you know. And -- and I'm going away for a week in April, because I don't have anything to do at that time. That is the way I like it, so that is where I stand.

BEVERLY GRIEBEL: Okay. No customers at the house. You are just doing paperwork and phone calls and that sort of thing.

MS. READ: That's right.

DAN MELVILLE: No. I pretty much know what she does.

MS. READ: I have known Dan (Melville) a lot of years.

RICHARD PERRY: You have an idea?

DAN MELVILLE: I think I have an idea.

(Laughter.)

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

WILLIAM KELLY

MR. KELLY: I vote to give the lady a break.

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

BEVERLY GRIEBEL: Do you work for any government agency?

MS. READ: Like HUD, or what?

DAN MELVILLE: No.

BEVERLY GRIEBEL: State --

DAN MELVILLE: You're not employed by the government in any way?

MS. READ: Not in any way.

BEVERLY GRIEBEL: You didn't answer a question on the front. It is in little fine print.

MS. READ: I didn't see that.

BEVERLY GRIEBEL: Thank you.

This did go to the Monroe County Planning Department for airport review and came back with no comment.

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

Michael Martin made a motion to approve the application with the following conditions, and

Richard Perry seconded the motion. All Board members were in favor of the motion.

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

1. Granted for a period of one year.
 2. No on-premises advertising.
 3. No on-street parking pertaining to the business.
 4. Hours of operation as per application.
 5. No outside employees.
 6. Applicant to obtain and maintain any required state and local licenses.
10. Application of Family Video, owner; c/o Todd Bezenah, 630 Rock Beach Road, Rochester, New York 14617 for variance to erect a second wall sign (15'7" x 2'7") to be the same size as the first wall sign (1/2 the size allowed) at property located at 4369 Buffalo Road in G.B. zone.)

Today Bezenah was present to represent the application.

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

MR. BEZENAH: Hi. I'm back again for the third time. I will explain why I am here again real fast. Actually, the fourth time.

For this one, when I talked to Mr. Kress earlier, I had told him that our sign would be under 100 square feet, and it would be one sign. If you can imagine it -- I gave you this thing (indicating). It was kind of in a shape of a boomerang, but it would bend around so it was considered one sign at a total square footage of '84, which is -- was 16 square feet under what was allowed.

When we went -- we got our sign, changeable copy and all of the good stuff. When we went before the -- to go for our permits, Mary, God bless her, said, "Nope."

I said, "Well, why not?"

She said, "Because there are two faces."

Then I called Mr. O'Toole and he said there are two faces, so therefore, it is considered two signs, even though it is adjoined as one, which I would have applied for previously, at the very first one --

BEVERLY GRIEBEL: I see the confusion.

MR. BEZENAH: So if you can imagine just straighten it out, like if it was one big gigantic Family Video and I put it on the front -- on a straight away flat, it would fit perfectly. But because it says Family Video twice, it is considered two signs. So we kept it separated and I'm here before you tonight. We are actually way below what we are allowed. We don't want anything on Buffalo Road, which I would actually be allowed those, and I believe another one on Buffalo, but we just want to keep them right in the center.

So we are way beyond what we could do. It is just a separate sign. That's it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I'm confused, where is the sign going to go?

BEVERLY GRIEBEL: It's there.

MR. BEZENAH: I will show you.

MS. BORGUS: It's up?

BEVERLY GRIEBEL: It goes around the front --

DAN MELVILLE: It is going on the building.

MR. BEZENAH: Right here.

MS. BORGUS: What wraps around then? You said it is like a boomerang?

MR. BEZENAH: It was supposed to be like that, considered one sign, with Family Video here and here (indicating). But because it says Family Video twice, it is considered two signs.

BEVERLY GRIEBEL: There is a peak that comes out at an angle.

MS. BORGUS: Behind that awful light tower?

BEVERLY GRIEBEL: Yes.

MS. BORGUS: For what it is worth, the changeable sign you let him have is ugly.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: First of all, I don't have a problem with the sign in front of that white thing. I ain't going to say it. I will get in trouble.

But the only thing that I have a problem with, I wish you would think about addressing -- get that pop machine out of the front. That looks like the devil.

MS. BORGUS: Pop machine?

MR. GINOVSKY: Yes. It is a Coke machine right out in front.

MS. BORGUS: That's not allowed.

MR. GINOVSKY: Please.

BEVERLY GRIEBEL: I have not seen that.

MR. GINOVSKY: Please.

BEVERLY GRIEBEL: That is another issue.

MR. GINOVSKY: The sign I have no problem with, the way it is -- the design point on it, but the other. And possibly the back drainage, look at that. Those two, please, with the park there, you will have troubles.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: I would like to second the comment in regard to the Coke machine. The Coke machine is a sign, the sign board. I don't think it is proper there. I don't think it looks good there. I hope the owner respectfully understands that. I think that should be a condition of this Board.

BEVERLY GRIEBEL: I have not even spotted it.

MR. GINOVSKY: Can't miss.

MR. RETTIG: It just looks out of place. He has a nice facility otherwise. They will be paving when the asphalt season comes about.

BEVERLY GRIEBEL: Maybe he will take your comments to heart.

MR. RETTIG: Please. I hope he will. Thank you. Close.

MR. BEZENAH: Business has been great. The professionalism through this -- Dennis (Scibetta) has been understanding. This has helped a ton. I think this is my last time through. At least for a while.

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

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

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

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following finding of fact was cited:

1. Signage to identify a new business.

Note: A sign permit is required.

11. Application of Mr. & Mrs. Don May, owner; c/o William Kelly, 17 Brewster Lane, Rochester, New York 14624 for variance to allow existing 12' x 16' utility shed to be 193 sq. ft. (180 sq. ft. allowed) at property located at 4369 Buffalo Road in G.B. zone.

William Kelly was present to represent the application.

BEVERLY GRIEBEL: This went to Monroe County Planning for airport approval and came back with no comments on there.

MR. KELLY: Anyway, the nature of this is we have something that is already presently existed, and unfortunately, my genius client wasn't aware that there was a need for a permit to put a shed out in the back as long as it was on blocks, and it seems to be a prevalent notion around Chili. I don't know why that is, but nevertheless, he was in error on that. He did build and construct the facility completely by himself, and it ended up a little oversized. It is supposed to be 1800 square feet, and it is just slightly over that as far as the size, which is shown on the map there.

So because of that, we need a variance in order to have the over size, and then I have to get a permit for the shed. It has been there since '84. The property is in the process of being sold, under contract, and we need to get this matter corrected as a matter of legal requirements.

Just for your information, if anybody hasn't seen the property, I have got pictures of the property, and in the back you will see the shed.

Also the shed -- there are a couple other sheds up and down the line, which is also shown on the -- on the pictures there.

The back, the rear property line comes up to the expressway, so that there is no residential building behind there. Structurally, I think the shed has been built well, and we need this in order to correct the legal deficiency and go ahead with our contract of sale.

Beyond that, unless you have any questions, I will take a look at the pictures. You will see the character of the neighborhood there. You will also see my hand-made sign put up there. It is still there. I had to do it on St. Patrick's Day.

BEVERLY GRIEBEL: You that -- you couldn't find anyone to do it. Well you did a good job. It stayed up. Sturdy little shed.

DAN MELVILLE: Is it possible to reduce the size of that a little bit?

MR. KELLY: Do I know you?

(Laughter.)

MR. KELLY: I don't think so. It looks like it's structurally sound. I wouldn't want to do that.

Certainly it is not invasive in any way.

RICHARD PERRY: We have to draw a line in the sand someplace.

(Laughter.)

DENNIS SCIBETTA: If I may just a comment. An error on Mr. Kelly's client is not an emergency on my department.

MR. KELLY: That is the nicest thing he said in 30 days.

BEVERLY GRIEBEL: We did hear it pretty fast.

MR. KELLY: It was. I appreciate it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Michael Martin made a motion to approve the application with no conditions, and Peter Widener seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 6 yes with no conditions, and the following findings of fact were cited:

1. Minimum variance.
2. Shed has been there since 1984 with no neighborhood complaints.

Note: A building permit is required.

The meeting ended at 10:00 p.m.