

CHILI ZONING BOARD OF APPEALS  
May 19, 2009

A meeting of the Chili Zoning Board was held on May 19, 2009 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: David Cross, Adam Cummings, Robert Mulcahy, Michael Nyhan, Fred Trott, James Wiesner and Chairperson Paul Bloser.

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

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

PAUL BLOSER: I will start by going over the signage first. Usually I hear them all at once, but we did have one property that I wanted to discuss.

First of all, Application Number 2, um, 16 Andony Lane, that application has been withdrawn, so we will not be hearing that tonight.

So I will start with the signs on Application Number 1. I went by there three times in the past week and did not see a sign.

ADAM CUMMINGS: Did not see a sign.

ROBERT MULCAHY: Did not see a sign.

PAUL BLOSER: I will ask for a motion to table that application until next month so that the neighbors have proper notification for sign visibility and that.

Do I have a motion?

DAVID CROSS: So moved.

ROBERT MULCAHY: Second.

All Board members were in favor of the motion.

PAUL BLOSER: This application is tabled until June.

Is there anybody here representing that application tonight?

MS. REVUTSKAYA: Yes.

PAUL BLOSER: Do you know what I am talking about, the sign?

MS. REVUTSKAYA: It was -- wind so bad and ripped and I just take off, because one was take away. And the other one I just take home because it was ripped. It was windy so bad.

PAUL BLOSER: They have to be properly up. And even the day after the storm, the Town offices, we can get another sign. But they have to be up for proper visibility for the neighbors. That is one of the regulations that the Town has.

So what I am going to say is get to the Town office, get another sign and make sure it is posted on the proper date. It is usually a Friday, and it has to be up for ten days prior to the hearing, for the whole ten days. If you stop by the Building Office, they will reissue a sign and put it on the June agenda. Okay?

MS. REVUTSKAYA: Okay.

PAUL BLOSER: We'll go to Application 3. Any problems with that?

The Board indicated they would hear the application.

PAUL BLOSER: Applications 4 and 5, signage?

The Board indicated they would hear the application.

PAUL BLOSER: Application 6?

The Board indicated they would hear the application.

PAUL BLOSER: And 131 King Road, no problem there?

The Board indicated they would hear the application.

PAUL BLOSER: With that, I will move forward with Application Number 3.

1. Application of Yelena Revutskaya, owner; 2 Rochelle Drive, Churchville, New York 14428 for variance to allow existing utility shed in front yard to be 62' from side lot line (Chili Avenue) and 50' from front lot line (Rochelle Dr.) where 55' is required

abutting a street, variance to allow existing 6' high fence in front setback area (4' allowed) at property located at 2 Rochelle Drive in R-1-15 zone.

DECISION: Unanimously tabled by a vote of 7 yes for the following reason/finding of fact having been cited:

1. Signs not posted per Town regulations.

Note: Application has been rescheduled to June 23, 2009. Applicant to post signs per Town Code.

2. Application of Paul Pilat, owner; 16 Andony Lane, Rochester, New York 14624 for variance to allow existing swimming pool to be 1.5' from proposed addition to house (10' req.) at property located at 16 Andony Lane in R-1-15 zone.

DECISION: Withdrawn at the applicant's request.

3. Application of Alan Fielder, owner; 29 Meeting House Drive, Rochester, New York 14624 for variance to erect a 10' x 20' deck to be 36' from rear lot line (40' req.) at property located at 29 Meeting House Drive in R-1-15 zone.

Alan Fielder was present to represent the application.

PAUL BLOSER: For the record, could you please state your name and address?

MR. FIELDER: My name is Alan Fielder. I'm at 29 Meeting House Drive, Rochester, New York, 14624.

PAUL BLOSER: Okay.

This deck hasn't started yet, correct?

MR. FIELDER: Oh, no.

PAUL BLOSER: It's good to hear.

How are you constructing this, a wood deck?

MR. FIELDER: Yes.

PAUL BLOSER: Pretty much we're looking at the setback is an issue because of the tapered line in the back?

MR. FIELDER: That's correct.

PAUL BLOSER: It is kind of hard to see around there. There is a lot of shrubbery around there. I really don't have any questions on it. It is just a straightforward deck.

MICHAEL NYHAN: Just for clarification the setback on this map shows 39.4 feet, if I'm reading it right. It is pretty small. Do you see the same thing?

ADAM CUMMINGS: Correct, but then there it is angled 136.6 to the left of that.

DAVID CROSS: Perpendicular to the lot line.

MICHAEL NYHAN: Got it. Thank you.

PAUL BLOSER: Take the point of closest to the lot line.

MICHAEL NYHAN: Yes.

MR. FIELDER: It took a couple of times to draw that to meet the requirements.

PAUL BLOSER: It's a good drawing. It shows what we're looking for or what I'm looking for here.

MR. FIELDER: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I wish you luck with the deck to start with.

Is the electrical service -- I'm not familiar with the area. If it is an overhead line, is it going over the top of the deck or is there a service riser where the power is connected? Is it --

MR. FIELDER: It's all underground.

MR. GINOVSKY: It's all underground. Then I have personally no objections. Because if it was, and --

PAUL BLOSER: Height requirement to the wires.

MR. GINOVSKY: With the RG&E they will not put a ladder on the deck. That would be the only thing that I could see.

Thank you very much.

PAUL BLOSER: Underground is part -- I would go ahead and call 1(800) New York Dig or whatever that number is. Get a stake-out for the underground. You will need that for the Building Department so they know where your footers are going in relationship to the underground lines. They have to come through and stake that for you so all your underground utilities have to be done. Just get a head start on that because they don't usually do it 8 o'clock the next morning.

MR. FIELDER: We'll call them tomorrow.

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

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

Robert Mulcahy made a motion to approve the application with the following condition, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

The Board discussed potential conditions.

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

1. Conform to Chili Building Department with proper application/building permits and inspections.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or to nearby properties.
4. Application of McDonalds USA, LLC, 1000 Omega Drive, Suite 1390, Pittsburgh, PA 15205, property owner: F. Kuchs; for variance to erect a restaurant to be 55' from front lot line (75' req.) at property located at 3303 Chili Avenue in G.B. zone.

Randy Bebout was present to represent the application.

MR. BEBOUT: Good evening. My name is Randy Bebout. I'm with FRA Engineering and Architecture, here tonight on behalf of McDonalds USA, LLC, requesting an area variance for front building setback per the zoning code. The -- the required front building setback is 75 feet. We're requesting 55 feet, and that 55 feet is the closest point which is actually a column on the building.

We did change -- through the site plan approval process we changed the building from the McDonalds standard building to essentially a custom building, so this building happens to have a canopy with some decorative columns on the front of it. That dimension is 55 feet. The dimension to the actual building wall is 60 feet. Just so you understand, the existing building is at 58.9 feet for comparison purposes.

We ended up with this configuration. A couple of reasons. One, the new site layout has a side-by-side drive-thru which requires more area in the rear, and then additionally, the -- for proper truck-turning movements through the site, we ended up with a little larger turn area in the back than probably what is there today, and part of the process we actually run the truck templates, and show it to McDonalds, that were provided on the plans to the Town so that we have adequate area.

The redevelopment with this -- the granting of this variance, this redevelopment will benefit McDonalds by allowing them to have a new facility with the side-by-side drive-thru. The side-by-side drive-thru is about 60 to 70 percent of their business. It will benefit the Town drastically with improvements to architecture and landscaping shown on the plan, fencing along the east side of the property, adjacent to the residents, and we are increasing green space.

And with that, we see really no negative impacts by the granting of this variance.

I did mention the irregular property shape which kind of pinches everything forward, and so with that, I can answer any questions.

PAUL BLOSER: Um, based on this you are eliminating the existing playground?

MR. BEBOUT: Correct.

PAUL BLOSER: My understanding is we're doing a full razing of the existing facility?

MR. BEBOUT: That's correct.

PAUL BLOSER: And starting from scratch?

MR. BEBOUT: That's correct.

DAVID CROSS: My kids aren't going to be happy about the playground. I can tell you that.

PAUL BLOSER: That's Planning Board.

MR. BEBOUT: We did submit in the packages, if you're interested, the proposed building elevation was included in that package which was reviewed by the Architectural Committee and Planning Board.

JAMES WIESNER: The new building is actually smaller --

MR. BEBOUT: The new building -- yes, it is slightly smaller by 400 some square feet or something, I believe the number was.

DAVID CROSS: What is under the canopy is going to be sidewalk under that area?

MR. BEBOUT: On the north --

PAUL BLOSER: Towards the road?

MR. BEBOUT: The north and west sides, yes. Then the canopy will overhang the drive-thru lane. Drive-thru lane and then just that green lawn area in the back.

MICHAEL NYHAN: No outside dining to the front of the building?

MR. BEBOUT: No, there is not.

MICHAEL NYHAN: Any seating areas at all?

MR. BEBOUT: The Planning Board asked us to include some park benches in that green -- in the lawn and landscaped area on the east side of the building, just some sitting areas. Not necessarily -- there is no tables, but just benches.

MICHAEL NYHAN: Where?

MR. BEBOUT: On the east side of the building, there is that large triangle lawn landscaped area, so there is a sidewalk that cuts in the east/west direction. We'll add some benches right adjacent to that sidewalk.

MICHAEL NYHAN: Thank you.

PAUL BLOSER: So the new building actually is a foot farther back the way I am reading this.

MR. BEBOUT: The actual wall of the building, correct.

PAUL BLOSER: It will be farther back; just because of the overhang of the pillars, we're that much farther forward?

MR. BEBOUT: Correct.

PAUL BLOSER: On the existing building -- I'm remiss in looking at that today. There is no overhang to the front of the playground; is that correct?

MR. BEBOUT: Not over the playground, but it does have an overhang on the front of the building, but there are no columns like this building has.

PAUL BLOSER: It is a free overhang?

MR. BEBOUT: Yes. Those are -- I mean they're not necessarily structural. It is more decorative almost.

PAUL BLOSER: What is your time frame start to finish on the project?

MR. BEBOUT: 90 days.

FRED TROTT: What is the purpose of having the drive-thru lane in front of the building?

MR. BEBOUT: To allow cars to circulate back around into the parking lot. If you're familiar with the existing layout, when vehicles leave drive-thru, there are two or three spots in the front that they can -- you know, if they want to get their food through the drive-thru and park, or if they have to pull a car, they can park there.

With this layout as part of the requirements that the parking has to be behind the building front, that didn't allow us to have any parking in the front yard to be able to do that, so by having the bypass, we are able to allow the cars to circulate back around if they want to get their food in the drive-thru and park.

Then additionally when we first started this process, there was a plan for the -- or the parcel to the west, so as part of that, we're going to have a cross-access easement and it would allow the ingress and egress through that property, and McDonalds still wants to plan for that, assuming it may be at some point developed.

PAUL BLOSER: Chris (Karelus), question for you. On the Planning Board, they had a preliminary approval with eight conditions. Was the front drive-by, was that any of the conditions? Was there anything involved with that?

CHRIS KARELUS: I don't have -- unfortunately, I don't have the Planning -- I can check on that.

KEITH O'TOOLE: I do.

MR. BEBOUT: Nothing other -- I can speak to that Chris (Karelus).

JAMES WIESNER: I think it is on the property card, isn't it?

MR. BEBOUT: The only -- there was one condition that was associated with that, which was adding a bollard at the -- where the -- where that front bypass intersects with the western drive to kind of deter people from trying to make that right-hand move out the entrance drive.

KEITH O'TOOLE: The bypass was not a condition one way or the other.

PAUL BLOSER: Thank you. That is what I am looking for. Okay. That wouldn't affect us then at all.

Pretty much all we're looking -- side table, any questions?

KEITH O'TOOLE: The bypass is perhaps relevant for this Board because it is in the frontage, and, in fact, it chews up landscaping, and since they're cheating the frontage by pushing the building forward, one could argue it is an issue, but obviously that is one of the factors for the Board to consider.

Nothing further.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: Yes, I do go to McDonalds. I got the coffee right over there.

First of all, I'm not all together for this front drive-thru section, parallel on Chili Avenue. That is eating up the green space, and it is going to cause, in my opinion, an added hazard, essentially to -- since we're going to have another franchise next door.

Running stuff parallel with Chili Avenue, it's a direct hazard. So leave it at that. I will leave that part.

But it is also eating up the front of the building, as a canopy, as a section of the structure, and if you pass something like a 55 foot to a 75 foot requirement, I don't think it is in the best interest of the citizens of Chili.

Thank you.

Robert Mulcahy made a motion to close the Public Hearing, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

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

DAVID CROSS: Looks reasonable to me. It is the minimum necessary for what they need to do.

The Board discussed the application at the dais.

MICHAEL NYHAN: Is the landscaped area bermed?

MR. BEBOUT: The site actually sits down. The first floor of the building is approximately -- I'm going off the top of my head, about 4 feet below the road.

MICHAEL NYHAN: I'm sorry, which part of the building?

MR. BEBOUT: The building first floor elevation is about 4 feet below the road at the western entrance.

PAUL BLOSER: Is that changing from what it is now?

MR. BEBOUT: It is actually going down a little lower than it is existing, about not quite a foot.

MICHAEL NYHAN: More of a bermed area would hide the asphalt.

Secondly, parallel to Chili Avenue would prevent headlight infusion or glare running down parallel to Chili Avenue, whether it was the landscaped area in the east or west or front and it would really protect the entire front of that building.

ADAM CUMMINGS: It looks like it does rise up. It is 562 over in the landscape area, according to the grading, and then the building is 558.

MICHAEL NYHAN: All right. The other reason being the building closer to the road, sort of protects the building more from any type of mishap on Chili Avenue that would go across a level piece of land into the building, into the area where the people are sitting.

PAUL BLOSER: Just from a confusion standpoint, the headlights.

MICHAEL NYHAN: Yes. The headlights parallel to Chili Avenue.

Secondly, if a car were to go onto this property, if it was a bermed landscaped area, it would protect the building better than a flat landscaped area.

PAUL BLOSER: Ray?

MR. BEBOUT: Randy (Bebout).

PAUL BLOSER: Sorry. The westernmost driveway, on the east side of the western driveway, it shows better on this print, the colored print. You have planted vegetation there?

MR. BEBOUT: Yes.

PAUL BLOSER: Approximately how high are those?

MR. BEBOUT: Just shrubs, in the 3 to 4 foot range.

PAUL BLOSER: Which will block some of the headlights.

MICHAEL NYHAN: Is any berming of these landscaped areas planned?

MR. BEBOUT: There is no berming. I mean again from the road to that -- to the north edge of that front bypass lane, it is sloping down. Frankly McDonalds had put a lot of effort into this building and they would prefer not to screen it.

ADAM CUMMINGS: Randy (Bebout), I would just like to pose an obvious question. Do they need the extra four cars in the second queue for this restaurant? I know you mentioned 60 to 70 percent of their business, but at their peak time, do they need that extra queue space for those cars? Because if we eliminate the second one, then we don't need a front setback because we could move the building back.

MR. BEBOUT: That may be true. Though there is a pinch point. If you extended the line across the back of the building with the parking that is required and drive-thru lanes that are required, and the truck circulation, there is actually a pinch point there that removing that outer lane, you know, you still have that issue, and I -- speaking for McDonalds, I don't think they would build this without the outer lane.

The numbers are what they are. They are building for the future. Obviously they're rebuilding and hoping their business increases. It is an integral part of their business.

DAVID CROSS: I don't think I would want to see anything less than room for 14 cars.

MR. BEBOUT: It provides any issues of stacking.

FRED TROTT: In my opinion it does remove that, but now you're stacking back here and you're blocking people from getting into the store.

ADAM CUMMINGS: That is my question, whether we have any cars.

FRED TROTT: It gets pretty busy there.

ADAM CUMMINGS: That is all I wanted to know, if there are 14 cars.

MR. BEBOUT: There is certainly the lunch hour, dinner hour; it has the potential.

ADAM CUMMINGS: Okay.

CHRIS KARELUS: One of the problems at the site currently is due to that peak queue. The queue lends itself -- you have delivery trucks and all of the confusion with the normal drive aisle arrangements. So even taking the three cars out of the queue avoids the disturbance in that area where if the delivery truck has to come in, they have an ease of access for that vehicle through the site now. And where you just don't impact day-to-day travel in and out of those

westernmost parking areas. That is currently what the issue is with the site, is that the peak queues up too far.

JAMES WIESNER: Not a significant difference when you look at where it is now and where it is changing to, other than the fact they're going to a structural column out front. It is really not that big a deal.

The Board discussed potential conditions of approval.

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

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

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

1. Standard Chili Building Department applications, building permits and Inspections required.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or to nearby properties.
5. Application of McDonalds USA, LLC, 1000 Omega Drive, Suite 1390, Pittsburgh, PA 15205, property owner: F. Kuhs; for variance to erect 9 additional freestanding signs, variance to allow directional signs to be more than 3 sq. ft. and more than 42" high from the ground, variance for signs to have more than four colors, variance to erect four wall signs totaling 83.25 sq. ft. all as per plan submitted at property located at 3303 Chili Avenue in G.B. zone.

Randy Bebout was present to represent the application.

PAUL BLOSER: Randy (Bebout) one of my initial questions on this one, on signs, from what I have seen in some of these drawings, it is hard for me to determine my initial -- my initial gut on this was the street sign was going away. Some detail I picked up today, it appears that the existing street sign is staying?

MR. BEBOUT: That's correct.

PAUL BLOSER: Okay. I wanted to clear that up -- right up front, because that was part of our linear footage.

Is there a flagpole out there, too?

MR. BEBOUT: There will be.

PAUL BLOSER: Is there one now?

MR. BEBOUT: I don't know.

PAUL BLOSER: There should be, let's put it that way.

MR. BEBOUT: I have been by it enough, but I don't know that answer. Yes. I think we call out a 30-foot American flag, 30-foot high.

PAUL BLOSER: So this one here (indicating), is there any modifications being done to that?

MR. BEBOUT: No.

PAUL BLOSER: 100 percent staying the same?

MR. BEBOUT: There was talk that they might put a new panel in it, but that would be the extent of it. The same panel. Not changing it, but the same panel.

PAUL BLOSER: Chris (Karelus), by whole razing of the building, do we look at this new sign then as part of the square footage, or do we look at it as existing, staying?

CHRIS KARELUS: The free-standing? It has a current permit that runs with the property. It is a permitted sign that runs with the property. So if the face were to change or they come in with a new panel, we just have to make sure it meets the sign standards.

PAUL BLOSER: So -- but as far as the sign itself?

CHRIS KARELUS: Doesn't grow in height --

PAUL BLOSER: If they don't change it -- okay.

CHRIS KARELUS: No changes are being made.

PAUL BLOSER: Okay. In the back -- I'm hitting some generalities right now. And maybe the best thing would be, why don't you go through the package and then we'll take questions from there, what you're looking for, what you're proposing.

MR. BEBOUT: Okay. My sign details are up here (indicating), so I will just talk my way through it.

PAUL BLOSER: Thank you.

MR. BEBOUT: Okay. As our letter states, we're requesting multiple sign variances, and I guess before I get into this, I will just make a general statement that I think you're all aware that

drive-thru business is -- requires more signs. When we add a second drive-through lane, of course, we need even more signage. Second menu board, second ordering point, which a speaker which has the -- which was in this case considered a signage, so that is some of the cause of the requesting additional signage.

I will just run through these. The first variance is to allow nine additional freestanding signs where only one is allowed by code. As stated, we're keeping the freestanding sign, so that would be a total of ten existing/proposed signs and that does not include the two proposed directional signs, one in each entrance.

The second variance is to allow directional signs to exceed the maximum size, and then the directional signs being -- being the enter and exit signs at the driveways, and then also I think the majority of the drive-through signs were considered directional, and I will just walk through these and refer to the numbers. The K2A and S2B, which are the enter/exit signs at the driveways. Sign S3, which is the gate way vehicle height detector sign. Sign S5, which is the canopy on the inside drive-through lane. Sign S5A, which is the speaker on the outside lane. The outside lane does not have a canopy because of the truck circulation through there. We don't have enough clearance to have the canopy on there. The sign S6, which there are two of those, the menu boards, one for each line. And sign S6A, which is called a pre-sale board, that sits at the entrance of the inside lane and it is a changeable board like the menu board and they can advertise specials on that.

The third variance is to allow directional signs to exceed the maximum height as follows, which is 42 -- 42 inches maximum is allowed. The enter/exit signs exceed that partly because we -- McDonalds likes to put them on 4 foot poles, purpose of the snow, when it gets plowed, they're still visible, they don't get buried and damaged.

Sign S3, which is the vehicle detector sign, which is 11 foot 3. Sign S4A, S4B and S4C, these are -- one is "Have your money ready" sign. One is a "Thank you" sign. One sign is at the merge point of the inner and outer lane.

These are bollard signs. They're not illuminated. Those are 4 foot 4 each, so they're just over the maximum allowed.

Sign S5A, which is the speaker for the outer lane, which is 4 foot 5.

Sign 6, which is the menu boards, which are 6 foot 10, and Sign 6, S6A which is the presale board, which is also 6 foot 10.

The fourth variance is the variance to allow signs to have more than four colors. That is sign -- the two sign S6es, which are the menu boards, and sign S6A which are the presale board. Of course, that is the pictures of the products.

The fifth variance to allow four building-mounted signs, where one is allowed by code. Proposed on the building is one McDonalds facia sign which is on the west side and then three of the golden arches. There is one on the east side, on the side of the building. There is one on the front and the gable on the north side and one on the west side on the gable.

Just a note on those, those are -- as you can imagine, are a -- pretty important to McDonalds because of the lack of their quote proto building, they don't have the identity that they normally have. This building looks like a dentist office building or whatever, so they -- so those are pretty important to them.

And then the last variance is the variance to allow building-mounted signs exceeding the maximum area. The code says you can have 1 1/2 times the building frontage, which is 45 feet, so by code we're allowed 67 1/2 feet.

Sign 7, which is the McDonalds is 41.25 square feet.

Each of the S8 signs, which is the golden arches is 14 square feet, so that totals 42 square feet for the three of those for a total of 83.25 square feet for a total of building signage.

Then in the letter I just kind of noted, and I'm sure most of you are somewhat familiar with the site. I noted some of the existing signs that are there currently on the site. The gate way detector, the menu boards. Um, directional signs, and I think there was a presale sign and some of the signs on the building.

So again, drive-thru operation, particularly the side-by-side drive-thru operation requires additional signage. The building sign is important so they can have their brand identity, and with all of this -- you know, we don't really see any negative impacts to the neighborhood from this, and a lot of these signs are -- I'm not -- I think it said in the letter, they're not necessarily visible from Chili. Certainly coming west they will be more visible than if you're coming east, you will not see them. But the bulk of these signs do sit behind the building. So with that, I can answer any questions.

FRED TROTT: Do you really need the "Please have payment ready" and "Thank you" signs?

MR. BEBOUT: If signs had to go, they could live without those.

FRED TROTT: Pardon?

MR. BEBOUT: If signs had to go, they could live without the "Please have your order ready" and "Thank you" sign.

Again, it is kind of their -- their golden standard as a courtesy, but those are typically the first ones they will let go of.

PAUL BLOSER: There is a lot of signage in a small spot here.

MR. BEBOUT: Understand.

PAUL BLOSER: We are -- this is our Main Street, one of the first buildings.

I think you have been through the wringer already on the building appearance with Architectural.

MR. BEBOUT: Yep.

PAUL BLOSER: It means a lot to us.

MR. BEBOUT: Understand.

PAUL BLOSER: And signage is a -- if it were my druthers, I would like the street sign to be made into a monument sign instead of an overhead sign.

DAVID CROSS: I would have to agree with that \$1. It seems like it would be time to go with the redevelopment.

MICHAEL NYHAN: The existing sign. Yes, I would agree. You have it on the building and --

PAUL BLOSER: We have been pretty hard and fast with new businesses on that. It is something that we're kind of passionate about. I -- and if you drive down Chili Avenue, that section between the tracks and Wegmans, um, anything within the last two, three years, that is where we're going. It -- I think it really adds character to the building, but it has given our street character. And it is something that is just near and dear to us that we're pushing for consistency. With a brand new -- with a brand new building, I kind of like to see that myself, and I will leave that up to the Board for discussion here. When we open the public comment, I'm sure we'll hear some comment on that, so fasten your seat belt.

There are little things like that. Again, we have a small package here. We want it to be right for you. You want to market. That is what business is about. We want to get you there. You know, it's -- they have been there a long time. They have been a great contributor to the Town. We're sensitive to that, too.

MR. BEBOUT: I understand.

PAUL BLOSER: Those are a couple. I mean in the back, we got the structures in the back that are pretty blinded by a lot. Drive-thru business is drive-thru business. It's a -- it's a necessary evil for marketing.

The overhead signs, um, just to keep people from driving under the -- your overhangs, again, I see the necessity of that. They look tasteful, they look like they have been updated in design, architecture to see what you're trying to achieve with the building. It is just not a fiberglass post going across with chains and some danglers. There is some character to it.

MR. BEBOUT: Yep.

PAUL BLOSER: Based on what I am seeing in those prints, the front sign is really the one that is going to be -- as far as I'm concerned, needs to be updated with the rest of the package. And I will leave that up to the Board. I'm one vote, but I want to hear public opinion on it also.

MR. BEBOUT: Unfortunately the guy who makes those decisions is not with us tonight. That would be Scott, the Construction Manager.

PAUL BLOSER: And I respect that, too. But that is what we're here for, signs. And we'll go from there. Okay?

MR. BEBOUT: Okay.

PAUL BLOSER: It is a nice-looking structure. I think it will fit nice with a few of the buildings we have on the south side of the road, just to the west of you. They're fairly consistent. I think it is going to blend very nicely. I'm pleased with that. It's very neutral, so that is a good thing.

JAMES WIESNER: Is this the final architecture of the building?

PAUL BLOSER: This is pretty close, isn't it Chris (Karelus), this drawing?

CHRIS KARELUS: Six panel doors and a couple other --

PAUL BLOSER: Pretty much the vinyl, like we have here, or the clapboard siding with the brick base, correct?

CHRIS KARELUS: Yes. Hardy plank, and I believe it was brick on everything with the bronze standing seam roof coordinated with the architecture.

JAMES WIESNER: This is accurate.

PAUL BLOSER: Very close representation, what we're looking at. Your existing sign post out front doesn't really match the rest of this. So I would like to see something in a monument sign would be one of my proposals on this.

JAMES WIESNER: You know, I think, as you said, there is a lot of signs here. I would like to see us weed out what is important and what is kind of extra. I mean some of the things like the three building arch signs, it seems kind of excessive, things like that.

PAUL BLOSER: Which ones do you mean?

JAMES WIESNER: The building arch signs, the "M"s.

MICHAEL NYHAN: McDonalds arches?

JAMES WIESNER: Yes, on the three signs.

PAUL BLOSER: Are they back-lit?

MR. BEBOUT: No. They're actually externally illuminated with a gooseneck light.

PAUL BLOSER: So it is softer.

ADAM CUMMINGS: Is that just two of them, because it looks like the one on the drive-thru side doesn't have one.

JAMES WIESNER: McDonalds has been here for 20 years, 25 years. I mean people in Town know where it is, that's for sure.

PAUL BLOSER: But I also look we're getting a lot of softball tournaments in here, soccer tournaments. I would rather see arches than I would white "McDonalds" going across four sides of the building. It's a lot more brand representative. I -- to me it is more palatable than the words going across.

JAMES WIESNER: There is just the one set of "McDonalds" across the front?

MR. BEBOUT: No. Actually it is on the west side.

PAUL BLOSER: It is on the west side, as you are approaching from the west.

So the front elevation, your top left-hand corner is just the arch over the doors -- over the front window. Then drive-thru side, you would see on the approach. If you're coming from Wegmans, would you see that street sign.

PAUL BLOSER: Can we put one of these up on the board?

DAVID CROSS: I think the sign package, I think it works pretty well other than the sign out front.

FRED TROTT: Well, I agree with you the with the sign out front. I don't think they need have "Please have your payment ready" and "Thank you."

I can see the "Any lane, any time." I can understand that one. But the "payment" and the "Thank you" I think is just a little overkill.

The other ones, I kind of -- you know, I can see what Jim (Martin) was saying about the M, but, you know, as an alternative to having the whole "McDonalds" there, you know, I would rather have the M there.

PAUL BLOSER: It will be downlit, rather than back-lit, too.

FRED TROTT: Yes.

PAUL BLOSER: That is -- will be a softer at-night presentation.

FRED TROTT: But I think the "Thank you" and "Have payment ready," it's crazy, you know?

PAUL BLOSER: Counselor?

CHRIS KARELUS: No comments.

The only thing I want to bring to the Board's attention, if you look at S7, that is a pretty significant size of the sign, just to be conscious of that. About 27 inches, 28, if I recall, by almost 20 feet, 18. So just try to gauge where it is in relation to the road, the significance of that sign, if it is really necessary for a building -- most of the building is going to be basically that sign on that roof line, just so you understand that in making that decision.

PAUL BLOSER: Were there any comments from the Architectural Review on that, that you're aware of, Chris (Karelus)?

CHRIS KARELUS: I think they stuck mainly to the structure. They were going to leave this Board with the signage.

PAUL BLOSER: Okay.

CHRIS KARELUS: I think they didn't make that point of clarification, where I saw some of the spec sheets called out some electricity and some electric for some of the signs, and just to make the point that the gooseneck was going to be the lighting, so they're not back-lit. Because it appears that "McDonalds" along the west side was channeled lettering that could have, at least by the spec sheet, could have been illuminated because it had electricity to it, but their intent is just to have everything down-lit.

PAUL BLOSER: Is there any lighting on "McDonalds," the words there?

MR. BEBOUT: Just the gooseneck. There are goosenecks above it.

PAUL BLOSER: The word itself?

MR. BEBOUT: On the west side of the building?

PAUL BLOSER: Yes.

MR. BEBOUT: Yes. There is goosenecks above that.

PAUL BLOSER: On top of --

MR. BEBOUT: Yes.

PAUL BLOSER: I see them. Okay. I can see them. All right. Hopefully they blend in.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: How many total signs are being requested?

PAUL BLOSER: 16.

MS. BORGUS: Phew.

PAUL BLOSER: Am I right on that?

MR. BEBOUT: I think that is a little high.

PAUL BLOSER: I'm going by your sign --

JAMES WIESNER: Sign quantities.

MR. BEBOUT: I don't have it in front of me. It is sitting out there.

MS. BORGUS: If it is 16, that is really just too much. And I think the Board senses that already, so I won't go into detail there. It certainly seems too much to me.

We have waited a long time to clean up Chili Avenue. McDonalds is an old building. It has been an old building for a long time. It has needed what is happening to happen for a long time and here is your chance not to let it go bad. Let's keep this under control.

I could not agree more about the street sign. I was assuming, too, that that was going. If it stays, it needs to be a different sign than what is there now. And a monument sign would fit the building. Um, as you drive around the country and you see new restaurants go up like Friendly's and so forth, they all have the monument signs. This is not out of the ordinary. This is normal now, for renovations and new stores. I think we need a monument sign and I totally agree with the Board on that.

I'm wondering why drive-thru signs need to exceed the code for size?

PAUL BLOSER: Randy (Bebout), could you -- I will let you respond to that, Randy

(Bebout).

MR. BEBOUT: The -- I mean the signs are -- I mean, they're their standard signs. I mean, the menu boards, they're -- they're standard panels they insert, so for them to change -- using the menu board, for example, to change the size of them, they would have to get custom-printed panels all of the time. The bollard signs, we're talking about removing some of them, but the "Any lane, any time" is really only about 15 inches by whatever it is, maybe 15 inches square.

The "Order here," the -- the vehicle detector, the gate way, and the canopy that says "Order here," those are really appropriately sized just to be legible, and...

PAUL BLOSER: My understanding of this, of these signs, when you're looking at these menu boards, too, is they're gauged -- nominal size so they're viewable, average distances, center of the sign for eye height average, so you're going to some type of standard; am I correct on this?

MR. BEBOUT: Well, I'm saying the -- you know, they have however many thousands of menu board signs. They print -- you know, when they change their menu items, they're printing a thousand of them. If you were to shrink this down, and -- all of a sudden, you have custom panels. This is a four-panel menu board, so they can pull out a panel and insert a new panel with different products on it.

PAUL BLOSER: These are the ones that rotate during the day, based on --

MR. BEBOUT: Those are the inside. They do that inside, they rotate them. But on the outside menu board.

PAUL BLOSER: They don't change during the day for breakfast versus lunch.

MR. BEBOUT: Actually, the fourth panel flips so they can change from breakfast to dinner, I believe. But then -- I can't speak to how often they actually pull the panels out and change them depending on products or reorganizing the menu board.

MS. BORGUS: Just for clarification, how many of these arches, McDonalds arches are there? Three?

MR. BEBOUT: Correct.

MS. BORGUS: Three. So they would be on each side, not the back?

MR. BEBOUT: Correct.

PAUL BLOSER: Not the back, right.

MS. BORGUS: Okay.

MICHAEL NYHAN: The front --

PAUL BLOSER: The print to the right, Dorothy (Borgus)?

MS. BORGUS: I see it.

PAUL BLOSER: The front elevation, the east and the west sides. The rear does not have it.

MS. BORGUS: Just for clarification, S7 is what? The word "McDonalds"?

MR. BEBOUT: That's correct. That is in that middle --

PAUL BLOSER: That is the rooftop one, correct?

MR. BEBOUT: Yes.

MS. BORGUS: I guess my real -- my real complaint, my real concern is S6A, which is a presell menu board. That is nothing but advertising. It is nothing but the special, the new thing. We don't need that. It will be on the menu board, and there is enough advertising on television constantly for McDonalds that I guess people know when something new comes out. I just think that is totally too much. And that should go. It's big. They're asking for so much signage, I think that would be a good thing to eliminate, because by their own admission it is nothing but advertising.

I agree the "Thank you", "Have your money ready", all that talk, that should go. I mean if you're going to cut something, this -- this is where you go. That is just extraneous. You don't need that stuff.

And I guess I just like to give you a word of caution. If -- whatever you allow here, be prepared for Wendy's to be in for the same thing shortly. They may not be new, but they're going to want to compete. They don't have much signage. I looked at it today. They have very, very little. Very little. And they will be probably your next applicant, so be aware when you pass this tonight.

Thank you.

STEVE GINOVSKY, 19 Hubbard Drive

MR. GINOVSKY: I agree with Dorothy (Borgus) in the front, and also with the Mr. Chairman about the monument sign in the front.

As I recall, the Planning Board, many years ago, as I recall, that sign out in front, McDonalds pushed real hard for that one, and they were lucky to get it. Now they're coming back wanting additional nine freestanding? Come on, give a break.

You dug out the front, you make a hole, you put the canopy. Now you want to go put nine signs? It is totally unacceptable in character for Chili Avenue. You're cleaning the place up. We're not cluttering. We have very -- laws in this Town, and suggestions to go by. And rules. And if you can't read a sign when you drive up to, how many versions of a cheeseburger can you have? Come on, give a break.

And the -- to be -- this one directional sign, three -- to be more than 3 square foot, and more than 42 inches high, no. I can't buy that. You're destroying the whole character of what you're trying to build here in Chili Center. You want to clean it up. I don't want a mess. And the businesses have to do it.

And I agree with Dorothy (Borgus) also on the second part, with the other vendor down the

road. And the one that is going to be next door to it. You're going to have the same thing. It is going to come right back and bite you. I would not give an inch on this.

Thank you.

Adam Cummings made a motion to close the Public Hearing portion of this application, and David (Cross) seconded the motion. The Public Hearing portion of this application was closed as this time.

MR. KARELUS: If I could, to answer Mr. Borgus' questions, the code permits one directional sign per property. Because of the nature of them having single ingress, single egress, the directional signs enter and exit qualify for each as a free-standing directional sign. Drive-thru lanes which -- the way I can read it and I will ask Mr. Bebout to confirm they have order display, where you actually drive up and make your order.

They have a menu board. They have a drive-thru clearance bar that will detour a car or truck too large from driving down there so they can drive-thru. So they have for each drive-through lane three independent freestanding signs, two of which -- two of which of those signs are directional in nature.

So the directional signs, if you can imagine something that is going to stop a truck at 12 feet or whatever the maximum height is, those are directional signs. And our code restricts the size of them and the height of them. So two of those variances that seem more on the extenuating end are more control elements on the project's plan.

What I just ask of the Board is recognize with those drive-thru canopies, that those are going to be a white cladding to each of those, so if the Board wants to move forward, maybe the -- talk how to integrate some of the building materials to make those signs seem less intrusive. Because that plan, with this program that they have, they're cladding with a white concrete element. Really that doesn't have anything on the building so if there is an option for drawing some of the building elements into some of these signs, some of those sign claddings, that could be just one thing the Board could investigate with the applicant tonight, as well.

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

The Board decided to discuss each sign, going down the list of signs.

JAMES WIESNER: You're going through the sign table, top and bottom?

PAUL BLOSER: Yes. Existing pole sign being the first one.

JAMES WIESNER: Do we have -- the variance -- do we have any leverage with that, as all?

ADAM CUMMINGS: Would they have to reapply for that sign?

DAVID CROSS: Think after we can give them some conditions, if we -- we would allow a monument sign of rough dimensions and they could bring it in and have Chris (Karelus) and Paul (Bloser) look at it for final. We could give them a general scope.

PAUL BLOSER: Do you know what the size of that is if right now?

MR. BEBOUT: I don't know exactly. If I had to guess, I want to say it is about 7 by 7, which is like -- that is like -- that red box is the only sign they have like that, and I know the new ones are 7 by 7. I don't know if that one is exactly that size.

KEITH O'TOOLE: Mr. Chairman, I know for a fact that McDonalds actually has a number of stock sign designs they use for various sites. Some are more traditional looking. They are designed for sort of a village type development and that would seem to be appropriate in this type of case.

Unless you take that sign cabinet from up on the pole and drop it down into the ground, it doesn't real really matter how large it is. I think the argument here is total cumulative signage has a negative impact, and so as a condition, you will offset that by requiring a monument sign. If that is the case, unless the Board wants to play architect, maybe the simple thing to do is to ship it over to the Chairman of the Architectural Review Board. They could submit some designs and perhaps the only thing you need to do is give direction on the rough maximum height that you would permit.

Monument signs tend to be -- and I have seen McDonalds sign that fit this profile -- they tend to be no taller than 5 or 6 feet in total height, and that includes putting them on a base. They tend to be no wider than about 5 feet, as well.

PAUL BLOSER: That would be consistent with what we have in Town.

What I would be open to and hearing is staying within your standards. You have prepackaged architectural plans. I guess I what I would like to do is have that one -- whether we review it or -- or refer it back to Architecture, but I would --

MR. BEBOUT: I will go here. They -- they do not have a standard sign that they would put on a monument. Their smallest sign has got to be in the neighborhood of 5 or 6 feet tall.

What they have done, and I believe Chris (Karelus) has seen this, is at East Avenue, they have -- they build a custom sign which is nothing more than a brick -- it's a brick sign that has the golden arches mounted to it. That's what they have done. That is --

PAUL BLOSER: I would be open -- I would want the brick to match with the brick of the building. I would be willing to look at something you have as a standard or what you produced and have prints for us so you don't have to reinvent the wheel.

MR. BEBOUT: We -- we could provide the picture of it. You're more than welcome to visit. That was done through the City of Rochester, same type of concerns.

DAVID CROSS: We could set a maximum height. 5 foot is plenty reasonable.

MICHAEL NYHAN: How high are those arches?

MR. BEBOUT: The only difficulty here is that we're on a slope.

PAUL BLOSER: I was going to bring that in.

MR. BEBOUT: Okay. The one on East Avenue, I'm going off the top of my head --

PAUL BLOSER: What I would say at street level, not to exceed 5, 6 foot at street level.

DAVID CROSS: So it will be like 10 feet high.

PAUL BLOSER: But if it is depressed, you have to build it up somehow.

DAVID CROSS: I think people still see it if it is depressed. I really do. If they're driving by.

MR. BEBOUT: I would invite you to visit East Avenue. We designed that, and frankly, it didn't come out the way we wanted it to, because the City asked to do a little wall to tie into it. It ended up that the wall was actually too tall and it kind of cuts off the bottom of the sign. It could have looked better had the wall not been there or just been a little taller. But it is brick. It has a concrete cap on it.

I guess what I -- I would suggest -- and that is just a very narrow -- with the sign mounted on either side. This one happens to be internally illuminated. With the slope, what we could do, to your point, that it is -- maybe it is 6 foot high at street level, but then it has a wider planter box possible around it. And again, I'm -- I don't know what McDonalds will would be willing to do.

PAUL BLOSER: What I will propose to the Board is we're looking for a monument sign. We'll put a condition in here, that is what we're looking for. You come back with a design for approval, but what I would want to see is architectural plan view of how it would look from the east and the west, kind of like what you did with this (indicating), but I would like to see the elevation from the road included in that so we can see what the drop-off is.

MR. BEBOUT: Okay.

DAVID CROSS: We'll let the Architectural Review Board approve it.

PAUL BLOSER: Yes. So it fits within their scope.

MR. BEBOUT: Is there a setback requirement for that? I mean the -- the closer we can get to the street, the -- the less --

PAUL BLOSER: Height it is going to be.

MR. BEBOUT: Correct.

DAVID CROSS: It has to be what, 7 feet off the right-of-way line, Chris (Karelus)?

CHRIS KARELUS: 15 at its point, but if they -- Randy (Bebout), do you know approximately how far the existing sign is, from the sign face to the lot line?

MR. BEBOUT: I mean, there is room to grade it. We can change the grade. We can kind of mound it up around the sign if we have to. It is not like we're on a steep slope. There is some flexibility there.

PAUL BLOSER: I like to hear the opinions here.

MR. BEBOUT: Loud and clear.

PAUL BLOSER: I would like to see something consistent with what we're going with. We'll have Architectural look at it. Certainly the simpler the better.

Your directionals coming in the driveway, I know you want to have "enter" and "exit." You know, pretty much all of them have drive-thru, so they're going in the right gate for drive-thru. I think that is imperative for traffic control.

MR. BEBOUT: Again, the height, as I mentioned, the height is important. Because they get -- I mean when they're at 3 foot height or whatever the code allows, that means, you know, the sign is 15 inches high so the bottom of that sign is only going to be 28 or 3 foot off the ground. Snow gets piled up from the DOT plows, and then from the on-site plows and they get damaged.

PAUL BLOSER: Based on where it is located right now, um, let's see what we got so we're within code for setback, and then come back with a proposal for that one.

MR. BEBOUT: Just a question on that. What we did on -- on East Avenue, going off the top of my head, I think it was 6 foot or 6 foot high, and it might have been the same width. They counted that whole thing as the sign, and really it was nothing more than a brick background with the -- with the golden arch. I don't know how you -- if you would square the arch off as the sign area, or are you going to take the whole brick background?

PAUL BLOSER: Is it an open frame?

MR. BEBOUT: No. It is all brick.

PAUL BLOSER: Then the arches are on the brick?

MR. BEBOUT: Yes.

PAUL BLOSER: Um, Chris (Karelus), how would you interpret that?

CHRIS KARELUS: You would square it.

PAUL BLOSER: That would be your background, basically?

MR. BEBOUT: Yes.

JAMES WIESNER: Will you start taking down some conditions, Paul (Bloser), like what we discussed for the -- for the S1.

PAUL BLOSER: I think sign one, they're just going to come back with a proposal for a monument sign.

JAMES WIESNER: Will we vote on this tonight or will they come back again?

PAUL BLOSER: For final approval on the sign, we could approve it based on it being a

monument sign subject to print approval. That would have to be consistent with the architectural review. So that would be a condition on that one.

ADAM CUMMINGS: To bring up what Dave (Cross) said, are we setting a height restriction on that?

KEITH O'TOOLE: Height and width, please.

ROBERT MULCAHY: Height and width.

PAUL BLOSER: The width, I think 5 foot is sufficient.

MICHAEL NYHAN: The sign itself -- if we're using the arches, it is about 4 foot by 4 foot.

PAUL BLOSER: So maximum outside with the brick then I would say would be no more than 5 foot.

ADAM CUMMINGS: 6 inches on each side.

PAUL BLOSER: For the arch.

They probably got a standard --

MICHAEL NYHAN: Doesn't give you a lot of room for design, the brick, if you would. It is just basically a brick wall with a sign stuck to it versus some nice architectural design --

CHRIS KARELUS: If the Board is going to redesign it, I don't know what the Architectural Board will lend to this Board as far as character. It is very plained out as far as the appearance. M, that's it. The company logo.

PAUL BLOSER: Let's do it subject to approval.

CHRIS KARELUS: The exterior make-up of the sign, there is really no more ornament to that sign. I have seen the East Avenue one. It is done tastefully. They did incorporate the building elements to it. I think this is what the Board's intent, if that is what I'm hearing.

MICHAEL NYHAN: Yes.

CHRIS KARELUS: You want that design element to this project.

JAMES WIESNER: So similar to the Wegmans sign or the Walgreens sign?

CHRIS KARELUS: Yes, very comparable. The one question that is a very good question, from Mr. Cross, is, you know, with the level at the street sign, what does that 5 foot equate to on a 6 foot area of that sign? It might be 5 feet plus 2, because the base is going to grow as grade gets lost towards the building. So at its base, you will probably be 2 or 3 feet -- let's call it the southern end of that sign, that -- actually 2 to 3 foot higher.

PAUL BLOSER: Would you include that as part of the height?

CHRIS KARELUS: I would say you have to go to the lowest point on grade to the highest point of the sign as the maximum allowable.

MR. BEBOUT: We'll have to have a -- have it again high enough that if you get 18 inches of snow or 2 foot of snow, we don't want the snow covering the bottom of the sign.

KEITH O'TOOLE: I think what you're really doing is giving them instruction as to what the form of the sign can be, height and width. What they do in that, they have some flexibility, allowing for snow or what have you. They have a monument sign at Long Pond Road at one of their McDonalds and they seem to get out there and make sure it is clear and people see the sign and they have many customers.

MR. BEBOUT: That looks just like this, on the ground, I believe.

KEITH O'TOOLE: This sign is actually a polycarbonate cabinet, I believe, which is not what you're asking for.

PAUL BLOSER: Don't want that at all.

KEITH O'TOOLE: In the alternative, if you have ever been on Spencerport in Union Street, right next to my office, in fact, there is a McDonalds and they have -- it's a sand-blasted sign with a big golden arches and take that sign and drop it down in the ground, you would have your sign right there, too. I mean they have some options.

But we measure off of grade. In fact, the applicant was just testifying earlier that they wanted to show off that building, which is why they didn't want any bushes out front. Well, if they don't have any bushes out front, you will be able to see the sign, too.

Thank you.

JAMES WIESNER: So we're talking 4 feet by 5 feet?

MICHAEL NYHAN: Hard knowing where it is going to go. I am having a hard time figuring out --

CHRIS KARELUS: If I can take a point if I can -- from a freestanding to a monument. I can ask the applicant. I'm sure they would be willing to come back. We can informally review or actually leave that as an open item, condition from your meeting this evening, and have him come back and review that one signage design with the Board before the Board grants final to that freestanding allowable.

ROBERT MULCAHY: That makes sense.

MICHAEL NYHAN: It does.

PAUL BLOSER: We'll table that.

MR. BEBOUT: Excuse me, not going to Architectural? Is what I am hearing?

CHRIS KARELUS: I would leave that up to the Board.

JAMES WIESNER: I think if there is adequate pictures and depiction what you want to do, I think we can take it from there.

MR. BEBOUT: Okay.

PAUL BLOSER: I would at least like some type of pencil hard drawing so we can see a representative elevation for the placement of it, where it is going, in relationship to where your flag is and whatever else you have working there. I'm assuming it is going between the road and

the -- between the sidewalk and the drive in the front, in that green space there. So I would want to see placement.

MR. BEBOUT: Yes. Ideally it would be centered between the driveways. Again, because we have landscape bushes that are right up to the front of the road, so, again, I mean -- that is going to be a concern as far as the visibility of that.

KEITH O'TOOLE: One more wrinkle while we're on the subject. The lighting of the monument sign, is that going to be internal or external?

PAUL BLOSER: It will be external, consistent down-lighting with the rest of the lighting they're doing on the building is what I was going to suggest.

KEITH O'TOOLE: Ground-mounted.

PAUL BLOSER: I would stay with gooseneck and do down-lighting like on the rest of the building so it is consistent with the design.

KEITH O'TOOLE: Very well. Thank you.

MICHAEL NYHAN: I think that is the idea we're trying to get across. You want the signage to match the architecture of your building rather than the -- than what we're seeing here.

PAUL BLOSER: The polycarbonate won't work with me, on the ground.

We will table that one. We'll come back with a design for us on that. That is S1.

The directional enter and exit, just for traffic flow, I think we have to stay fairly consistent with that, with what is proposed on the directionals. S2A and S2B, I think that's pretty much they speak for themselves.

MICHAEL NYHAN: If I can just go back to that sign, would there be a type of sign again that would fit into the architecture of this building rather than the standard what we're seeing on a pole? Because you had mentioned village type packages for signage.

KEITH O'TOOLE: Yes.

MICHAEL NYHAN: I mean in looking at the enter and exit, I would want to see that probably there, as well. No sense in going through the -- having the monument sign in front and then leave the enter and exit signs which are probably even more visible than that or at least as visible as the standard type of McDonalds sign. The main things we're going to go down Chili Avenue is enter and exit and your McDonalds monument outside the building. Those are really the main things I think somebody driving down the road, when you look at that building, you're going to see. I think those are the signs we really need to focus on if we're going to keep them to have that architectural view or that architectural look that the building has, which is much like what we would want for a village type sign, something other than the standard on a steel pole. I think it is mounted on concrete bollard; is that correct?

MR. BEBOUT: That's in the ground. All you see is the pole.

PAUL BLOSER: Concrete bollard with a metal post going in the ground.

MR. BEBOUT: It's a post in the ground.

MICHAEL NYHAN: Metal post mounted on a concrete bollard.

PAUL BLOSER: So S2A and S2B --

CHRIS KARELUS: Mr. Nyhan, if they were to introduce say like a brick column, if this sign were to set on a brick column to match the monument sign, match the building, something like that --

MICHAEL NYHAN: Yes.

CHRIS KARELUS: -- that could also be left as a condition, but the sign face that you are requesting the variance for, the enter and exit are what are being required for the variance.

So again, the variance request is for the overall sign area. If they have to do something that this gets grounded to match that character, then you would probably leave that as a condition to have some type of column or element that matches the brick of the building to be associated with the building.

MICHAEL NYHAN: Thank you.

JAMES WIESNER: So it would be a condition for that particular sign.

KEITH O'TOOLE: I think you're actually reading all of the signs as a package, because there is a visual impact of -- of combined. At least those are the comments that I have been hearing so far.

So maybe what you do is to simplify things. Rather than having a whole bunch of votes, we have one vote on the whole darn package and then you slap on the conditions on top of that.

MICHAEL NYHAN: Thank you.

PAUL BLOSER: I put my notes for S2A and B. S3, those are your poles. S3 and S -- that is S3. That is going to cover both lanes; is that correct?

ROBERT MULCAHY: Looks like it, yes.

MR. BEBOUT: Yes. There are two bars that go -- or a bar in each lane.

PAUL BLOSER: Drive-thru with the clearance, 9 feet, that yellow, is that pretty much the same color tone as the arches? Fairly close?

MR. BEBOUT: Yeah.

DAVID CROSS: Looks like more hazard yellow.

MR. BEBOUT: I think it has a little more yellow to it instead of golden --

MICHAEL NYHAN: Chris (Karelus), you had mentioned something earlier about these particular signs matching something on the building. What was that that you had mentioned?

CHRIS KARELUS: S3 --

FRED TROTT: That would be the pole sign.

PAUL BLOSER: It is made out of white ACM right now.

CHRIS KARELUS: S3, S4 and S5, if that Board could consider that cladding to the signs,

to have the brick to match the building, I think they would again associate themselves better with the site.

MR. BEBOUT: What if, just throwing this out, because very honest, I don't how flexible McDonalds will be on all of this, and obviously it will be their choice to make, but maybe if the white cladding was the color of the building?

PAUL BLOSER: I would say an earth tone color, like the hardy board.

MR. BEBOUT: I'm saying instead of changing materials.

FRED TROTT: I don't think it needs to be brick as much as if it would blend --

MR. BEBOUT: I'm not sure how the yellow will look with the taupe.

JAMES WIESNER: This is the back side of the building, too.

CHRIS KARELUS: I think the cladding will lend itself very well. And again, the brick facing of that, as opposed to the Drivet they have, they can find a material very comparable. For the Board's information.

What the Board would like in character -- just a recommendation from me on some of these elements that will stick out, and with the white ACM and the brown brick and gray building with the bronze, if you get -- envision a bronze standing seam roof, it's going to stand out there. To Mike Nyhan's credit, the front signage integrates very well. Monument, entry elements, as well as the building. It would be a symmetrical feeling building.

KEITH O'TOOLE: I agree with Mr. Karelus, that the practical advantage is that any local contractor, whoever they hire, can find brick. It doesn't have to be special ordered, I suspect. So it would be a very simple way of picking up the design elements and also a very simple thing for Code Enforcement to find that they're in compliance with your conditions.

Thank you.

MICHAEL NYHAN: So I think what I'm hearing from your previous guidance, we should go ahead and approve the signs. Yes, we have the sign and then have the condition that we want it to match the architectural style of the building; is that correct, as a condition?

KEITH O'TOOLE: In fact, I think what Chairman Bloser is doing now, as we speak, is he is collecting his punch list?

PAUL BLOSER: Right.

KEITH O'TOOLE: If everyone is in agreement with what the punch list contains, you could have one vote and be done with it.

MICHAEL NYHAN: Okay. Thank you.

PAUL BLOSER: That is where I'm going with it. I'm looking at S3 through 5A. I think all of those bases will be fairly consistent, so we stay with -- whether we, as a Board, decide the colored ACM or if we want to go brick so it matches the base, we make that decision and then put that in as a condition. That would cover those.

DAVID CROSS: Probably not S5A, though.

PAUL BLOSER: That's --

CHRIS KARELUS: S6A, Chairman. S6A has the ACM cladding on it, as well.

PAUL BLOSER: We're not that far down the list.

MICHAEL NYHAN: Let's take them in order.

JAMES WIESNER: Let's take them in order.

PAUL BLOSER: That is the one that is open to discussion, if we wanted it or not. That is the advertising, non-essential advertising board.

You hate that word, don't you, "non-essential"?

JAMES WIESNER: We are finished S3. We're saying that is going along with the architectural --

MICHAEL NYHAN: Correct. S4 is the bollards with "Any lane, any time", "payment ready" and "Thank you."

JAMES WIESNER: I think B and C could go.

MICHAEL NYHAN: If am I looking at this right, this "Any lane, any time", is right at the welcome board, the welcome point gateway; is that right?

MR. BEBOUT: Right the -- right at the point of the two lanes, the merge point.

FRED TROTT: Is that going to be attached to that -- the -- the S3 pole?

MICHAEL NYHAN: Welcome gateway.

MR. BEBOUT: I want to say no, but I'm not -- I guess I'm wondering why -- why it couldn't be. I don't know that answer.

MICHAEL NYHAN: It looks like it is.

MR. BEBOUT: This is a relatively -- the double drive-thru is a relatively new thing. It just depends on how the site works out and the sidewalk. Sometimes they bring them forward and they only have a single bar.

FRED TROTT: It kind of looks like it is. To be honest, on the drawing here. In looking at it, I can't see why you couldn't do it there.

PAUL BLOSER: Which one are you talking about?

MICHAEL NYHAN: S4A is attached to the pole of S3. That is what it looks like on the drawing. That is what it seems like it should be. It is right at the gateway, "Any lane, any time".

FRED TROTT: It would reduce down our amount of signs in theory, you know.

DAVID CROSS: Let's have them combine the signs, then.

PAUL BLOSER: Is what was I was doing. S3 and S5A would be consistent material face of the building, and we would decide whether we want the colored ACM to match the siding or if we want it brick.

MR. BEBOUT: On S5A you're saying?

MICHAEL NYHAN: What we're talking about is S4A, Paul (Bloser). S4A looks like it is attached to the front of S3. It is not another freestanding sign is what it looks like. Is that accurate?

MR. BEBOUT: No. It is a separate sign. I mean as -- as we have presented it, it is a separate sign. The question was, can it be attached to S3?

DAVID CROSS: Can it be?

MICHAEL NYHAN: Can it be?

ROBERT MULCAHY: Why can't it be stenciled right on the drive itself rather than a sign?

MR. BEBOUT: We have -- actually, we have an arrow -- we have a painted arrow on the concrete. It's just -- again, in the wintertime, you're not going to see it half of the time.

FRED TROTT: You will not see arrows on the ground in the wintertime, which I can agree with that.

I -- and being --

MR. BEBOUT: It's not -- it is 18 by 18 approximately.

MICHAEL NYHAN: I would like to see -- my point is I would like to see it attached to S3.

Multiple conversations occurred amongst the Board members.

FRED TROTT: You're putting that right there at the entryway. You're saying, you got to be 9 feet -- no more than 9 feet high, and by the way, you can use either lane. There is no reason why it should be a separate pole.

MR. BEBOUT: There is a little education with the double drive-thru. They will sit there in the inside lane and not realize there is another order point on the outside. There is a learning process with it. And that -- it is just a component that helps that.

MICHAEL NYHAN: I can understand the need for the sign. I think it just can be combined with the other sign.

ADAM CUMMINGS: They would still need the variance for the same area of the sign.

MICHAEL NYHAN: That's fine.

FRED TROTT: We'll just make it a condition that it be attached --

PAUL BLOSER: Attached to?

MICHAEL NYHAN: Right.

ADAM CUMMINGS: The base of S3.

FRED TROTT: Unless you show a hardship it couldn't be.

MR. BEBOUT: I have seen the signs, but I'm -- I'm assuming it is a different color, that it must be attached separately, but I don't...

PAUL BLOSER: Do you want to do a colored ACM or brick? Let's start with S3. The pole for that is showing 1 foot ACM right now. So do we want to stay with the colored to match the siding?

ADAM CUMMINGS: Actually, all of the columns on the building are white.

PAUL BLOSER: Do we want a brick base and then a column?

DAVID CROSS: Yes.

PAUL BLOSER: Do the brick the height of the column and --

DAVID CROSS: Yep. Sounds good.

PAUL BLOSER: Base to match in brick, same height as building columns.

At that point, consensus on the Board to stay with the white pole, the white columns or go to a colored pole to match the siding?

MICHAEL NYHAN: I have no problem with it matching the brick base with the white column, like the building.

ROBERT MULCAHY: Keep the column all the same color.

DAVID CROSS: That's fine.

PAUL BLOSER: Okay. S4A, you want that attached to the S3 column?

JAMES WIESNER: Yes. Incorporate it into it.

MICHAEL NYHAN: Incorporate it into it somehow.

DAVID CROSS: Would we like to omit S4B and S4C.

PAUL BLOSER: I already have that in the notes.

MICHAEL NYHAN: The "Thank you" and payment.

PAUL BLOSER: Eliminate S4A and S4B.

MICHAEL NYHAN: No. S4B and S4C is what we're eliminating. "Please have your payment ready" and "Thank you."

PAUL BLOSER: S5. Order canopy.

MICHAEL NYHAN: I would like to follow the brick base with the white column just as we did with S3.

The white on the pole to match the welcome gateway.

PAUL BLOSER: So S5 to match S3?

MICHAEL NYHAN: To match S3, with the pole design.

PAUL BLOSER: S6, the menu boards. I mean back there, I'm going to give them this. I would be willing to go with their standard.

MICHAEL NYHAN: I agree.

PAUL BLOSER: As presented. S6A is the free-standing one, advertising one?

DAVID LINDSAY: Omit.

JAMES WIESNER: I don't see where you need that. It actually doesn't -- it's only for directing transacting business.

PAUL BLOSER: That is what they call the presale.

JAMES WIESNER: Yes.

PAUL BLOSER: S7. That is the rooftop.

DAVID CROSS: I have think -- as Chris (Karelus) pointed out earlier, I think we could reduce that, maybe to 75 percent of what we see right now, so it would be like 14 feet instead of 18 feet.

PAUL BLOSER: Well, if we went to a 24 4-inch max height letter, that is going to reduce across the 18 feet, that will reduce a square amount of square footage on that sign, and 24-inch letters are a fairly standard letter height. It is in the rear of the building, one side only. So you're reducing that.

What you don't want to do, is you have a lot of roof work up there, too. You don't just want -- you want to stay in character with it. It is the only thing that said "McDonalds" on it. So -- so you have 100 square footage across the front of the building.

Multiple conversations occurred amongst the Board members.

PAUL BLOSER: Again, it is at the rear of the building. I mean, I am willing to give them a little bit of height but not what they're asking for. If we dropped it to 24 max --

DAVID CROSS: The whole thing gets scaled down.

PAUL BLOSER: Quite a bit?

DAVID CROSS: By that 24 to 27 1/2 ratio. I'm not doing the math.

ADAM CUMMINGS: You can't do it in your head?

DAVID CROSS: Like 16 feet instead of 18. Is that reasonable?

PAUL BLOSER: Yes.

MR. BEBOUT: Just becomes a custom sign for them. That is their standard sign, but...

JAMES WIESNER: If you look at it on a drawing, it is not totally out of proportion with the back side of that building.

PAUL BLOSER: This is what I was really looking at back there.

JAMES WIESNER: It's a fairly large amount across there.

PAUL BLOSER: There is a lot of roof square footage up there.

ADAM CUMMINGS: Personally, I like it. It is -- because it is right above the two doors.

DAVID CROSS: Is that a standard sign?

MR. BEBOUT: They don't have a McDonalds fascia that's either smaller or bigger. That is the size that they manufactured.

MICHAEL NYHAN: With the size of the building, I don't think it looks that unusually large, unless --

PAUL BLOSER: Jim (Wiesner)?

JAMES WIESNER: I think it is looks okay the way it is.

The Board discussed that element of the application.

PAUL BLOSER: Okay. As presented. S8. I'm satisfied with three of those, what they are. I think they're nicely balanced in there. I would rather see that than more verbiage.

MICHAEL NYHAN: I like the arches better than another sign that says "McDonalds."

JAMES WIESNER: How about illumination? Which ones now are illuminated?

PAUL BLOSER: Well, the down-lighting is still -- everything is --

MICHAEL NYHAN: You can change the lighting --

PAUL BLOSER: The only lighting we're going to be changing is the street sign. Everything else is staying down-lit gooseneck.

MICHAEL NYHAN: The menu board has neon lights. We're not changing that.

PAUL BLOSER: Other than street sign.

DAVID CROSS: I just like to confirm that the M arch is -- it is not illuminated. It says "42 inch illuminated building" --

MR. BEBOUT: Because that is a standard sign. I should have whited it out.

DAVID CROSS: Not to be lit.

MR. BEBOUT: Correct.

DAVID CROSS: Just lit with the gooseneck?

MR. BEBOUT: Correct.

Multiple conversations occurred amongst the Board members.

PAUL BLOSER: I will say -- on S8, I'm going to put parentheses, non-back-lit arches shown as --

DAVID CROSS: The same with S7.

MICHAEL NYHAN: All of the building signs, the four of them are gooseneck lighting.

PAUL BLOSER: Down-lit.

FRED TROTT: This is not gooseneck, drive-thru side --

PAUL BLOSER: Which one?

FRED TROTT: The east side elevation.

PAUL BLOSER: Under soffit lighting, down-lit on that?

MR. BEBOUT: Yes.  
PAUL BLOSER: So that will be soffit lighting.  
FRED TROTT: Yes.  
PAUL BLOSER: That is my assumption on that. Okay.  
MR. BEBOUT: Yep.  
PAUL BLOSER: On the signage package, starting up at the top.

Paul Bloser reviewed the proposed conditions for the signs with the Board.

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

James Wiesner made a motion to approve the application with the following conditions, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

KEITH O'TOOLE: With all these "S"s, I kind of lost track. On the freestanding sign, S1, we're getting rid of that and replacing it with a monument sign?

PAUL BLOSER: Correct.

KEITH O'TOOLE: Did we fix the height and width on that?

PAUL BLOSER: That is to be presented for approval by the applicant.

ADAM CUMMINGS: I think we should set a limit.

KEITH O'TOOLE: I would prefer that.

MICHAEL NYHAN: Well, we get it to be the 42 by 48-inch arches. Chris (Karelus) was going to work with, um, the gentleman for the type of design of the brick and we were going to approve that.

PAUL BLOSER: 48 is the height of the arch?

MR. BEBOUT: It will be the same arch that is on the building.

PAUL BLOSER: So --

KEITH O'TOOLE: So measuring off grade, the total height of the sign structure with all of its attachments will be no higher than?

DAVID CROSS: 6 feet. 4 feet plus 2 feet for a base.

MICHAEL NYHAN: Do we know where it is going to be placed for the slope?

PAUL BLOSER: With your base, with the taper, you might need another two. I would say your maximum would probably be 8, with the taper.

MR. BEBOUT: We'll have to work through it. I can work with Chris (Karelus).

PAUL BLOSER: You have two -- let's say 2 foot on the taper if it is that. You have 2 foot as a base for snow and just below, if they put flowers below it, any greenage, whatever, before the bottom of your arch, and you have a 48-inch arch, so right there you have 8 foot to the top of the arch and you will still have a reveal on top of that. So 9 foot maximum height from lowest point of ground.

DAVID CROSS: I think it is too big.

MR. BEBOUT: I guess I would ask the Board -- give us the opportunity to put something together, and --

DAVID CROSS: That's fine.

MICHAEL NYHAN: If the condition was that we were to see the design, in working with Chris (Karelus), and we would approve that, based on once we have seen the design.

KEITH O'TOOLE: So, in fact, if you don't approve the monument sign, all of the other sign variances are eliminated or denied.

MICHAEL NYHAN: Do we have to separate it out?

KEITH O'TOOLE: No. I just want to make sure they don't get to walk away with one without having to do the other.

PAUL BLOSER: I would say --

KEITH O'TOOLE: They're not building this tomorrow anyway, so they have got time.

PAUL BLOSER: I would say on this to put a maximum width of 5 foot is reasonable with a 42 inch wide arch, 5 foot brick outside to outside would be a reasonable width. I would say a maximum height, the lowest point, open it to 9 foot the max, but subject to approval, final approval of the sign. That would be a review process. If we can get it -- 9 foot max with minimum -- help me here. You know where I'm going with this.

KEITH O'TOOLE: No, I don't, but 9 feet is awfully tall.

PAUL BLOSER: But if you have a taper, over 5 foot, if have you 2 foot on your taper, and your ground, from here to here (indicating), now I'm leveling that so the high point, I want to be snow level above that. What will you give it, a foot?

KEITH O'TOOLE: Snow follows the ground, so it is going to be -- if you want to give some distance between the ground level and allow for some snow, typically you're talking 18 to 24 inches. 24 is a little more generous.

Then you're adding a cabinet on top of that, or some sort of a sign on top of that. That -- if you allow a 4 foot sign on top of that base, you're bringing it up to 6 feet. 6 feet usually gets you where you need to be fairly generously. That sign on Long Pond I was talking about, the McDonalds there, it is significantly less than 6 feet tall.

PAUL BLOSER: Is it on level ground?

KEITH O'TOOLE: Fairly level, yes. And then the other issue is if -- I don't know what the topo is, but if you want, you can let them scrunch it up a bit closer to the street, because if you lower it, and it is less of an impact if it is closer to the street. But if you have the 25 foot tall sign right on top of the street, then it tends to look worse.

PAUL BLOSER: So a maximum height of 6 foot then?

DAVID CROSS: I think 6 is plenty.

PAUL BLOSER: Okay.

CHRIS KARELUS: You really want to get a monkey wrench thrown in this one? I think -- if I can just speak to it, remember the Walgreens monument you worked with, that had a lot of grading integrated in the back section of the sign. I just took a quick look at the grading plan. I'm sure we can work out a grading scheme and you have some things set in motion with the Board here we can get something that is agreeable. This project actually had a taking, so the current sign location, if you know where that sits in relation to the project now, if you're comfortable on that, it's closer to the lot line than the 15 foot that would be required by the code.

So this is going to get set back a little further into the site. Not to throw a monkey wrench into it, but there was a right-of-way taking when Chili Avenue was expanded and took about 5 feet off the road frontage of this property. So where it was set back 15 feet off to the lot line, now it is only 10, for the freestanding sign. So the sign you folks will be looking at, asking them to bring to this project, would actually be 5 feet further into the lot than the previous freestanding sign's location.

PAUL BLOSER: Who invited you to this party?

(Laughter.)

MR. BEBOUT: And I will add to that.

PAUL BLOSER: That is a valid point.

MR. BEBOUT: The Water Authority has asked us to provide a -- I believe a 15 foot easement across the frontage, so I don't know how that will play into whether we can even push this forward or not. But either way, I can work with Chris (Karelus). We can work with the grades.

PAUL BLOSER: Let's stay with the 6 foot height.

MR. BEBOUT: There is no benefit to the applicant to make it 9 feet tall in the back, because it is just more dollars they want to spend.

PAUL BLOSER: Yes. You will want to keep to a minimum because of the cost factor with the brick and masonry. I understand that, too. I -- I'm just thinking of the worse case on paper so that you didn't -- the arch to the front of the road, so it doesn't get buried in snow.

He says snow will follow that. I would like that -- the ground there, I think would be reasonable for the bottom of the arch, the front side, street side, for the arch. It's me.

PAUL BLOSER: We may not have that much to taper when you're done landscaping.

Maximum width 5 foot and maximum height 6 foot. Okay on that?

CHRIS KARELUS: That will revisit the Board, correct?

PAUL BLOSER: Yes.

All of the signs on the back that we're adding brick to the bottom and the ACM, I would like to see a final design of those anyway just for a review process. It would be a discussion. Wouldn't be a general -- open to general public. Just a discussion for follow-up.

JAMES WIESNER: For final approval.

PAUL BLOSER: For final approval.

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

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

1. Sign S1 -- Maximum width 5' x 6' height -- to be a new monument style brick base with down light to be presented to the Building Department for final approval.
2. Sign S2A & S2B to be brick base like S1.
3. Sign S3- Base to be brick as S1 (same height as building column base, then white ACM above).
4. Sign S4A to be incorporated as part of S3.
5. Sign S4B & S4C- eliminate from schedule/plans.
6. Sign S5 to match S3 in design and character.
7. Sign S6- approved as presented.
8. Sign S6A- eliminate from schedule/plans.
9. Sign S7- approved as presented.

10. Sign S8- approved as presented (non back-lit arches and goose neck down lighting as shown on prints.
11. Final approval required as a total sign package to be presented to the Building Department and will be reviewed with the Zoning Board Chair.

The following finding of fact was cited:

1. Requested sign variances will not create an undesirable change in the character of the neighborhood or to nearby properties and is consistent with other existing similar businesses in size and character.
6. Application of Matthew Moscati, TRM Architecture, 448 Delaware Avenue, Buffalo, New York 14202, property owner: M. Vamvakitis for variance to erect an addition to building to be 65' from front lot line (75' req.), variance to erect an 8' high fence in front setback area 4' allowed) and 8' high fence in side yard (6' allowed) per plan submitted at property located at 1132 Scottsville Road in G.B. zone.

Matthew Moscati was present to represent the application.

PAUL BLOSER: This is the uniform company that was before Planning Board last week; is that correct?

MR. MOSCATI: That's correct.

PAUL BLOSER: Let's talk about your project.

MR. MOSCATI: Okay. I'm here tonight to talk about the United Uniform project, at the former Manny's Restaurant.

In short, what we're proposing to do is to tear down the front half of the restaurant, rebuild it, rehabilitate the second half, the back half of the facility for back-of-house things, lavatories, changing rooms, kitchenette, storage, that type.

Then in the front of the building, we're proposing to build an addition which is primarily their sales floor.

We -- how this came before you, is we're working off of site plans from a previous renovation at Manny's. We worked with the owner and developed a sales floor area that they needed for their operation to function, and we also worked a little bit with staff on the circulation that the municipality would be looking for.

We arrived at a footprint, and during that time period, the surveyor went out to confirm, among other things, the location of the building. We found the building was closer to the Scottsville Road than originally anticipated, and the owner, um, requested that we proceed with the sales floor that we had determined in the process which required us to seek the front yard setback variance.

All along -- speaking to the other variance being sought, all along the operators expressed concern over, um, what people look at when they look into the steel yard to the west, and he has always wanted to put a -- replace the chain link fence that is there now with a solid fence, and, um, during the process, we weren't positive about the side -- the height of that fence, so the max that we would be seeking would be an 8 feet, which would require 8 foot tall fence, which would require the variance. That is what we're seeking here today.

To be perfectly frank, I believe that the owner is -- I know that the owner is evaluating different fences as we speak, and in the end, he may reduce -- he may want to reduce it down to something within the existing allowable height, but he is not positive about that. There has been a lot of work next door, and he is evaluating how things develop with their neighbor.

So that is a brief overview of the project, and how we arrived at the two variances that are being sought tonight.

I can speak about other issues, landscaping, signage, um, that I talked to the Planning Board about, if anybody is curious. I have got exterior elevations what the building will look like, perspective. I have an aerial view of Scottsville Road, in this area, with two lines that place -- to show what a -- what a 75 foot setback is, in comparison to the majority of the structures that are on Scottsville Road. But -- but I leave it to the Board for questions.

PAUL BLOSER: Let's start with the front fence that you're looking to.

MR. MOSCATI: Running from Scottsville Road right-of-way on the west side of the building, which would be to the right if you're facing the building, and running to the rear property line.

PAUL BLOSER: You're not going parallel to Scottsville Road. You're just going out to the road and going back? You're not caging in the front of the building?

MR. MOSCATI: No. No.

PAUL BLOSER: Just for clarification. You're just looking to put the 6 foot going down the side lines?

MR. MOSCATI: 8 foot going down the side line.

PAUL BLOSER: Okay. Are you looking -- but you don't know what material, if it is going to be chain link or --

MR. MOSCATI: Right now we're asking that it be vinyl and solid, with a lattice top, is the one that the owner is currently looking at and evaluating.

PAUL BLOSER: The signage that you suggested or commented on, there is nothing

before us for signage, so I am not even going to go that direction right now. I would like to stick with what is on the application. That is our setback and the fencing.

Initial thoughts, you know, on the fencing, 8 foot at the road is just visually, and the vinyl, even with a lattice top, that's fairly excessive. You know, to go farther into the line a little bit, I would be willing to look at it.

DAVID CROSS: From the building frontage?

PAUL BLOSER: Correct.

DAVID CROSS: That line?

PAUL BLOSER: Yes. I understand wanting to block it out, but there is also some visuals coming up and down Scottsville Road that we want to see beyond both ways. There is reasons for only having the 4 foot -- you know, height requirement at the road, to a certain distance back from the road. But I think that is something that I think we'll probably be looking at.

MR. MOSCATI: We would be amenable to 4 feet coming back from Scottsville, whatever distance you said. We would be amenable to stepping it to 6, from wherever that point is, to the front of the building, and then request that it be -- that the application be proposed.

PAUL BLOSER: A progressive, instead of being -- it becomes too compound an issue, and I think for your own building, you will put a lot of money into that building, and I think it would be nice to have a nice presentation there, too.

That chain that is there, probably right now is -- I couldn't tell if it is 4 or 5 foot tall now. It is not 6 into the front.

MR. MOSCATI: I believe it is between 5 and -- it's not taller than I am. I'm 5'5".

PAUL BLOSER: Okay. So you're looking at -- right now you're possibly doing it in a vinyl.

MR. MOSCATI: That is what our application would be.

PAUL BLOSER: So let's run with the fence, I guess, first. Jim (Wiesner)?

JAMES WIESNER: I agree. It would be very obtrusive in the front area of the building, to have 8 feet. Otherwise I wouldn't be as concerned around behind the building.

MICHAEL NYHAN: What is behind this building? That is the -- (inaudible) correct?

PAUL BLOSER: It is. I'm not sure how much distance from the back of this to the walkway. Are you familiar with that?

MR. MOSCATI: I'm not familiar with the walkway.

PAUL BLOSER: There is a set of tracks back there, too?

MR. MOSCATI: If I --

JAMES WIESNER: I think it backs up to Kozels.

PAUL BLOSER: Yes.

MR. MOSCATI: Kozels is an L-shaped property to the west of us. It -- that's a greater depth and then comes in behind us. They have to have over 100 feet further to the -- calling it the south.

PAUL BLOSER: And with that, I would support the 8 foot, for what they're doing, with the chain -- you know, what he is doing for a business, versus the steel.

MICHAEL NYHAN: On the east side is the materials building place?

PAUL BLOSER: What -- whatever. Yes.

ROBERT MULCAHY: Isn't that Rochester Brick?

PAUL BLOSER: Builders Supply, but I can't -- Standard Builders?

ADAM CUMMINGS: Standard Builders Supply.

JAMES WIESNER: This store will have customers coming in and out all of the time, or are they just renting uniforms?

MR. MOSCATI: They don't rent uniforms. It's open from 9 to 5, Monday through Friday. They have one day a week they're open to 7, and they're open from 12 to 5 on Saturday. And they strictly sell uniforms and accessories to policemen, firemen, other public servants.

PAUL BLOSER: So it is a retail outlet then?

MR. MOSCATI: It's a uniform facility.

PAUL BLOSER: Not -- yeah. Yeah. It's not -- okay.

JAMES WIESNER: Can't go in and buy a police uniform.

PAUL BLOSER: Right.

MICHAEL NYHAN: Same store that is in Brighton now?

MR. MOSCATI: That's correct. They lease the facility currently in Brighton and they're looking to own this property.

MICHAEL NYHAN: Okay.

ROBERT MULCAHY: I don't particularly like the idea of the 8 foot fence at the front, because it is going to cover too much.

FRED TROTT: I like the gradual, like you were saying.

DAVID CROSS: From 4 to 6 to 8. Or transition 4 to 6 at the front.

PAUL BLOSER: I would say front setback.

MICHAEL NYHAN: Do you know of any requirement from the road? How close to the road the fence can be, the height?

CHRIS KARELUS: Just as I put in the recommendations, if the Board variance is granted regarding the fence, we just verify the clear vision area at the access points. Code just requires to have clear vision.

FRED TROTT: Coming out on Scottsville Road can be a challenge, to say the least.

MR. MOSCATI: I have experienced that.

FRED TROTT: I would agree. I wouldn't want to block any vision there.

PAUL BLOSER: I would say based on what we're looking at, for a setback variance, also, I would like to be 4 foot to the front corner of the building, and then start to the 6. Even if it is just a couple of sections and go right to the gate, just something for progression. The 4 foot at least to the setback of the building. We are making it close.

The -- the other thing on here is the setback. I tell you, I -- looking at this, I welcome it. It is a nice addition. They're going to put some money into it and spruce it up. It has been in transition for a lot of years. It would be nice to see it taken care of and cleaned up. It's not a big variance that we're looking at here.

FRED TROTT: Only question I have, and maybe not -- as far as our zoning issues, but you would have your -- obviously some of the firemen and stuff like that, I know they're going to go to PSCF for training. The concept of them bringing a fire truck through, would you have parking available for them?

MR. MOSCATI: Well, we discussed this a little bit. Um, at their current facilities, they have -- rarely -- they don't know if they have ever had a fire truck actually come to the facility before.

FRED TROTT: But that is Brighton, though, too.

MR. MOSCATI: Well, at their Syracuse, Rochester or Buffalo sites. They -- the largest -- because I talked to them a little bit about this when we removed the parking that is to the east and west of the building and widened the line out there.

The largest vehicle that they regularly see is an ambulance. The EMTs are also a customer. Surprisingly EMTs like to buy bulletproof vests, but I didn't realize that.

The -- if a larger vehicle was to come on site, the idea is that they would parallel park along the property line to the east or west of the building and just kind of circle the site as opposed to back in or back out of the parking stall. So the mechanism is there for a larger vehicle.

FRED TROTT: I guess, keeping that in mind, because they do -- you get a Town like from Orleans or whatever that comes to PSCF to train, they may bring a truck or a larger vehicle that brings everybody there, and I mean that is what you're hoping for, is to get them stopping in, "Hey, let's get some new uniforms or jackets," what have you. I could see that happening.

MR. MOSCATI: All I can say is there is about 40 feet clear between the diagonal parking striping that is flanking the sides of the site, and --

FRED TROTT: That will not be elevated, the striping?

MR. MOSCATI: No. That is just painted.

PAUL BLOSER: This will go through Traffic and Safety anyway, if it hasn't already.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Just a question, what color would this vinyl fence be? White, earth tones?

PAUL BLOSER: That has yet to be determined in the notes I have here.

MR. MOSCATI: The discussions I had with my clients are white. But it is not confirmed. I think that is the way is he leaning right now. But the door is open.

PAUL BLOSER: Okay.

MS. BORGUS: I just -- I'm not aware what color the building is, and I was just thinking it should match.

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

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

PAUL BLOSER: For condition of approval, I would like to say 4 foot fence from the road to front corner of the building, progressive at that point.

JAMES WIESNER: To the front setback area per se.

PAUL BLOSER: Correct.

ADAM CUMMINGS: Progressive up to 8 foot or progressive to 6 foot.

PAUL BLOSER: I will say progressive to 8 foot. Progressive from 4 to 6.

ROBERT MULCAHY: He doesn't have to stick to the 8 foot. He doesn't have to stick to the 8 foot. He could go 6 foot instead of the 8?

PAUL BLOSER: Correct.

ADAM CUMMINGS: 6 foot, and he doesn't need the variance.

PAUL BLOSER: I'm just looking at this, if he is doing a lattice-topped fence, he would probably want to go with the 8 and block as much of that steel plant out as he could.

Do we want to make a comment on color?

JAMES WIESNER: Approval by the Building Department.

FRED TROTT: Earth tone would be nice.

PAUL BLOSER: We want to leave it with Architectural to determine the color?

DAVID CROSS: The applicant said white in the prints.

MR. MOSCATI: That is what we're researching right now. If colors of the building, for reference, are -- are grays. Gray aluminum storefront.

PAUL BLOSER: You wouldn't want a brown earth tone up against that. Okay. I will put "Color to be determined." I will put color to be determined and presented to Building Department for approval.

Chris (Karelus), I would like to think if you would see a purple fence coming in, you would know enough to stop it, but I think within reason I will use your discretion on the matches, for the vinyl. We know the colors of the facade of the building.

I think with this one we'll do a vote to include the setback on this. One total application.

The Board discussed any potential conditions.

MICHAEL NYHAN: I would like to go with Chris (Karelus)'s recommendation.

PAUL BLOSER: Fence start at setback from -- of the road.

MICHAEL NYHAN: It will be inspected by the Building Department for clear sight vision.

PAUL BLOSER: Would that be Traffic & Safety that would approve the front edge of the fence for clear view?

CHRIS KARELUS: I don't think they commented on it. It is just one of the stipulations when you have a higher fence --

PAUL BLOSER: But the 4 foot starting front edge, of the 4 foot fence at the road, to determine where we start that. If it is a solid fence, not a see-through fence for vision up and down Scottsville Road, pulling out of the parking lot.

CHRIS KARELUS: 8 feet off the shoulder. We look down there, put a stake out there and say the fence can be no closer than this point.

PAUL BLOSER: You do that through Code Enforcement, the Building Department or Traffic and Safety?

CHRIS KARELUS: We'll do it during the permitting process.

PAUL BLOSER: Okay.

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

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

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

1. Fence to be 4 foot high from front setback to the front corner of the building. It then will progress from 4 foot to 6 foot to 8 foot. Color yet to be determined and will be final approved by the Building Department and Zoning Chair.
2. Front edge of fence to be placed after approval of Code Enforcement Department to maintain a clear safe vision of traffic flow.
3. Setback approved for building as requested with no additional conditions.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or to nearby properties.
7. Application of Mark Woods, owner; 131 King Road, Churchville, New York 14228 for variance to allow existing deck to be 58' from front lot line (75' req.) at property located at 131 King Road in R-1-15 zone.

Mark Woods was present to represent the application.

MR. WOODS: Mark Woods, 131 King Road, Churchville, New York, 14428.

PAUL BLOSER: I see a sold sign. Condition of sale?

MR. WOODS: Yes, it is.

PAUL BLOSER: How long has the deck been there?

MR. WOODS: 13 years.

PAUL BLOSER: This was originally inspected by the Town, is the way I am reading this, when it was originally put in?

CHRIS KARELUS: I have spoken with Mr. Woods. I believe there was just some confusion about the 8 foot permits and the actual construction techniques that were used and 13 years later, here we are.

It does need a permit. It would have needed a permit back then.

It falls within the front setback, which he will need a variance from this Board before we can issue the building permits to inspect for construction.

PAUL BLOSER: So you still have to do an inspection on it?

CHRIS KARELUS: Correct.

PAUL BLOSER: Footer inspections?

CHRIS KARELUS: Yes. We have footer inspection and kind of an as-built inspection.

I bring to the Board's attention the variance would need to be amended. The request is for 48 feet. The applicant originally in the tape map he gave measured from the white line on the shoulders, so we reviewed the instrument survey map and the 48-foot request would put that back within where it sits in the field today.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: What is the size of this deck?

MR. WOODS: 10 by 20.

PAUL BLOSER: 9 1/2 foot by approximately 9 by 20. 10 by 20.

MS. BORGUS: Was the zoning code different in 1996 for this -- for the setback?

MICHAEL NYHAN: Good question.

Chris (Karelus), do you know?

CHRIS KARELUS: From what I understand, the question was whether the deck was going to be 18 inches. It was stated to the Inspector at the time it would be 18 inches, which would not have required the permit. The deck is over 18 inches, so I guess back then it would have required a permit and today's standards will require the same.

MICHAEL NYHAN: What you're asking, though, is a variance, correct, for the setback?

MS. BORGUS: What I'm getting at is if the deck is 10 foot wide, it never fit the code, ever, even if the code has changed. It never -- the house -- how does the house even fit the code?

PAUL BLOSER: Well, it is 50 foot setback, when it was built.

MS. BORGUS: That is what I am asking. It was 50?

CHRIS KARELUS: Setback requirements were 50.

MS. BORGUS: I'm sorry. Maybe I didn't make myself clear. We're 50 --

PAUL BLOSER: The house actually sits back farther from what the building code was at that point.

MS. BORGUS: I see.

Who built this deck?

MR. WOODS: I did.

MS. BORGUS: I will say it again. It is easier to come and ask forgiveness than to ask permission.

MR. WOODS: That's not the case.

Actually in 1996, I did go to get a permit. I was told I didn't need one because the deck height was less than 18 inches above finished grade. That is what they told me. I brought the same drawings basically you have here.

When the sale contract came in on the house, they asked for a permit. I advised them that the Town at the time told me I did not need a permit, per my lawyer. He said go get something from the Town. I went to the Town.

They said, "Well, there was a window of time in there when you didn't. That 18-inch rule was there, but we don't know when it was there, but it is easier to come and get the permit now."

I did try to do it the right way. That is why I'm here now.

PAUL BLOSER: Okay. That is what I understood from the Building Department.

MS. BORGUS: This has going -- got to be very close to the road.

MR. WOODS: No, it is not.

PAUL BLOSER: No. It is within the 48 foot -- the 50 foot which the house was originally designed at.

MS. BORGUS: Okay. That is all. Thank you.

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

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

ROBERT MULCAHY: Is that easement 33 feet? There is an easement on the front of the property.

The parcel is subject to an easement granted to the Rochester Gas & Electric. My question is, is it 33 feet?

PAUL BLOSER: I see. If they're in the -- in the upper right-hand corner there.

ROBERT MULCAHY: If it is 33 feet plus 48 feet?

ADAM CUMMINGS: 81 feet.

ROBERT MULCAHY: Does the easement count or, does it not count?

ADAM CUMMINGS: Well, it's --

ROBERT MULCAHY: I know you can't build on it, but...

CHRIS KARELUS: 33 feet is actually the width of the right-of-way.

ROBERT MULCAHY: It's the width of the right-of-way.

Thank you.

ADAM CUMMINGS: That's right. The streetlight is on the right-hand side.

KEITH O'TOOLE: It's a fairly busy survey map.

ROBERT MULCAHY: Yes. It is a very busy survey map.

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

Robert Mulcahy made a motion to approve the application with the following condition, and Adam Cummings seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved, as amended, by a vote of 7 yes with the following condition:

1. Building Department approval required.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood or to nearby properties.

The meeting ended at 9:28 p.m.