

CHILI ZONING BOARD OF APPEALS
May 21, 2013

A meeting of the Chili Zoning Board was held on May 21, 2013 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

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

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

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

PAUL BLOSER: Signs?

The Board indicated they saw all of the notification signs.

1. Application of Mr. and Mrs. Lawrence Hall, owner; 3871 Union Street, North Chili, New York 14514 for variance to erect a 24 foot by 32 foot attached garage to be 13 foot from side lot line (50 foot required) at property located at 3871 Union Street in AC zone.

Larry Hall was present to represent the application.

MR. HALL: Hi. My name is Larry Hall from the address at 3871 North Union, North Chili, New York.

PAUL BLOSER: Looks like you had a fire there.

MR. HALL: Yes, we did.

PAUL BLOSER: I have been watching for quite a few weeks. I go by there every day.

MR. HALL: I was thrilled. I got back from Florida, it was gone and I -- it doesn't remind me of it any more.

PAUL BLOSER: The previous -- just a single-car garage.

MR. HALL: There were two actually.

PAUL BLOSER: Two.

MR. HALL: There was a large one and a smaller one attached and it was really an inefficient and not 100 percent attractive structure. We never actually were able to park the cars in there with storage for gardening equipment and the like.

PAUL BLOSER: That was just the shed that was in the back, correct?

MR. HALL: Right.

PAUL BLOSER: Is that still there?

MR. HALL: It is. We're waiting for it -- that's the only space we have right now. We're waiting for the garage and then we'll dismantle that and be done with it. I think.

PAUL BLOSER: It also says there is a plastic shed.

MR. HALL: Yes, there is.

PAUL BLOSER: That staying or going?

MR. HALL: I doubt it. My wife uses that, but again, we would like to simplify things.

PAUL BLOSER: I'm assuming you're getting the house repaired there from the fire and the siding so everything will match?

MR. HALL: Yes. One of the -- one of the suggestions from the Building Inspector, and it made a lot of sense was to attach it, and by doing so, we wouldn't need as much repair to the house.

PAUL BLOSER: Right. Just the firewall.

MR. HALL: Just the firewall. 5/8.

PAUL BLOSER: I don't have any questions.

MICHAEL NYHAN: What was the size of the preexisting garages?

MR. HALL: Um, they were on the original. They were approximately 18 by 22, and the other one would have been about 16 by 20. They were not completely parallel. One was offset. They didn't look like each other.

They didn't look like the house. We intend to -- if the zoning is approved, we intend to erect a structure that would be identical to the house, the same people that did the roofing, local contractors are going to try to match the house as closely as possible.

MICHAEL NYHAN: You're replacing that with a one 24 by 24 garage?

MR. HALL: 32 by 32. By putting it into the side of the house, we -- we -- we were able to get -- get away from that 10 foot, um -- the need for 10 feet between the garage and the house. It would -- it would -- almost to where it existed before was 8 1/2 feet off the lot line. By moving it in, we're able to cut down and go to 13 1/2 feet. The house is only 37 1/2 feet from the lot line,

even though we do own a -- a little over an acre ever land south of the house, it's the septic, so there would be no way of replacing it on that side.

MICHAEL NYHAN: Sure.

Do you own the acre of the land to the north of you?

MR. HALL: To the -- well, it starts slightly north of the house and goes mostly to the old -- what used to be the Amico house.

MICHAEL NYHAN: Okay. All right. Thank you.

PAUL BLOSER: You back right up to the park then?

MR. HALL: Sorry.

PAUL BLOSER: You back right up to the park then?

MR. HALL: Yes, we do. We have owned the land -- my parents bought the house in 1946, so it's been continuously owned by a Hall since then. And probably God willing for another 30 years I'll be there.

ROBERT SPRINGER: Are you going to have access to this garage through the house?

MR. HALL: Yes, we will. Yes. I am 61, and it would be nice not to have to go out. My wife drives bus for Churchville-Chili. She would love to be able to sneak out the door in the morning and actually use a garage instead of having to clean it off in the winter.

ROBERT SPRINGER: I can appreciate that.

ADAM CUMMINGS: The plastic shed, any guess on how big that is?

MR. HALL: 7 by 9 or 8 by 10. It's --

ADAM CUMMINGS: So it is smaller --

MR. HALL: Yes. It is actually on -- it is just on graded stone, and right now it's helping to offset the -- we have it filled to the brim what didn't get destroyed and what we have replace is currently filling both sheds. We were desperate at this point.

We thought we had a lawn service. They canceled. So we have had to buy a tractor and it's -- it's very arduous to cover it every day and we're really looking forward to being able to -- our builder is ready to go whenever it's possible.

ADAM CUMMINGS: Excellent. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Paul Bloser reviewed proposed conditions of approval with the Board.

MR. HALL: I do have a plan, if you would, like from the builder.

PAUL BLOSER: Yeah. I can take a peek at it.

MR. HALL: He specified all of the materials and he also put in a -- put in a basic floor plan as well as total material list.

PAUL BLOSER: Is there an existing floor there?

MR. HALL: No. They're going to put a for-real slab and foundation going out the -- the 48 inches. The old one sat directly on the ground and was just...

PAUL BLOSER: Ed (Shero), do you need stamped drawings for this?

ED SHERO: Yes. We talked about. You're going to get the stamped drawings. An architectural stamp.

PAUL BLOSER: On your garage.

MR. HALL: We called and they said that we wouldn't need it because of the value was under -- and it would require a \$2500 expense, we're already out-of-pocket and -- because we were uninsured for the total value.

PAUL BLOSER: A lot of people are.

MR. HALL: We thought we were covered, but...

These gentlemen are very experienced at building in this area. They're the same people that did our roof the first time in 65 years are -- or 67 years we got a for-real roof on the house.

PAUL BLOSER: Well, I will leave that up to the Building Department. It may or may not be required. That's up to the Building Department what their requirements are. We don't control that.

MR. HALL: I understand that. I did check with them, if there are any questions. Thank you.

Paul Bloser reviewed proposed conditions of approval 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 Michael Nyhan 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.

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

1. A building permit must be obtained by the homeowner from the Town of Chili Building Department and all necessary inspections must be completed as required by code.
2. The materials used in construction of the garage must be of like materials, style, and colors (siding, trim, roofing, windows, doors, gutters, etc.).

The following finding of fact was cited:

1. The request for a side setback for a new 2 car attached garage (which replaces two detached structures destroyed by fire) has no negative impact on the environment or to neighboring properties. The proposed location attached to the house improves the value of the property and connects to existing driveway.

Paul Bloser discussed with the applicant what steps to follow next with the Building Department.

2. Application of VIP Accupressure, c/o Joey Lester, 1280 Scottsville Road, Rochester, New York 14624, property owner: Davpart Rochester LP; for variance to allow existing 16 foot by 4 foot wall sign to be 64 square foot (45 square foot allowed) at property located at 1280 Scottsville Road in GB zone.

MR. LESTER: Good evening, Board. I'm Joey Lester. I'm with Essex Hotel Management. We're the management company for the Airpark office complex. Our office is located at 1250 Scottsville Road, Suite 20.

PAUL BLOSER: You're not the owner of the -- you're the owner of the building, not of the business, correct?

MR. LESTER: We're the management company for the ownership group which is out of Toronto. I'm not the -- the owner of VIP Accupressure. She is currently out of the State in Houston with some family so that is why I'm representing her today.

PAUL BLOSER: Okay. I was a little confused by -- was this sign ordered by property maintenance, the owners of the building, the business? I know they put the whole new facade going down there.

MR. LESTER: I will run through it quickly. We took over management summer 2011. One of the first projects that was approved by ownership out of Canada was to redo the facade and fascia on the 1250 building and the 1280 building. To do that, we had to take down the existing signs.

VIP Accupressure, which you see there, was the sign that they had um, same lettering. That was taken down. A co-worker of mine was in charge of the overseeing the complex at that time, and she displayed to -- to him a sign permit from the Town and he assumed that it would follow through, because they were taking the same letters, putting them back up even though they were going on a board.

So once the facade was complete, Gupp Signs was given the okay by our -- Keith was the -- the manager at the time -- to put that back up on the facade, assuming that that permit, you know, followed through. And as we found out -- I was working with Kathy (Reed) as I took over management, and, um, Kathy (Reed) in the Building Department, she had noted that that is -- it is now larger than what the frontage is. I have been working with her to try to get some of the signage issues corrected at that location. So that is it kind of summed up.

PAUL BLOSER: So basically all you did was -- existing letters over the metal canopy.

MR. LESTER: Correct. So instead of putting each -- drilling in and mounting each individual letter, they decided to put it on a board.

PAUL BLOSER: Just with screws.

MR. LESTER: Yep. Exactly.

FRED TROTT: Would -- I guess I'm just asking, if they would match the siding, would they need a variance, the color of the sign?

PAUL BLOSER: Yes.

FRED TROTT: They do still need a variance.

ADAM CUMMINGS: For the same letters. They can get a new sign and shrink the letters, right? Because they're --

PAUL BLOSER: They could do that, yes.

FRED TROTT: I guess I'm --

PAUL BLOSER: The original permit was laid out edge of letter to edge of letter, top letter to bottom of the letters.

FRED TROTT: So that was considered the sign.

PAUL BLOSER: That was the sign.

Now that they mounted it on a board, now it is the outside edges, so it is approved by the size of the board, not the size of the letters.

FRED TROTT: I understand. I was just thinking that if there was a -- was to circumventing -- I understand his concept, but -- okay.

PAUL BLOSER: Not back-lit at all, correct?

MR. LESTER: No. There were existing lights on the sign originally that were mounted to the old fascia, two gooseneck signs.

Those were taken off and recently new bronze ones were put up to match, so it is exterior lit. Just two lights shining down.

PAUL BLOSER: Down lighting?

MR. LESTER: Down lighting, correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

MICHAEL NYHAN: This one sign isn't any different than the other signs on the building. All of the rest are -- conform in size, back-lit.

PAUL BLOSER: They're all pretty much from what I saw both, they're just metal pans up there. They're not back-lit. And there -- there are various sizes going up and down.

MICHAEL NYHAN: 1280, I know -- all of the buildings there.

PAUL BLOSER: Next door, the --

MR. LESTER: The Landing Strip has a sign on the east side of the building.

PAUL BLOSER: The building. Then they have a little one over the door.

MR. LESTER: Correct. Leader TV got their permit so they have two signs for their two suites that are up toward the west end of the building, almost all of the way down.

PAUL BLOSER: Paint ball place in there, the health care and everybody's font and colors are a little different. So there is nothing continuous on the buildings. Does it look out of place? Probably not any different than the paint ball one a couple doors down.

MICHAEL NYHAN: Didn't know if there would be any consideration as you start to get tenants and start to get signs if there would be any sort of uniformity to the size of the signs and the box type that you have at the end of the building versus putting up something like this in each of the locations as you rent them out because there are several vacant places.

MR. LESTER: Correct. That is one of the things we're trying to do, a lot of clean-up through that complex. The previous manager, um, to be straight forward, he didn't really care must have about what the Town felt and the building codes, so we're -- we came in in 2011 and we're trying to work hand-in-hand with the Town to get these things taken care of. So that was a long way of saying, yes, future tenants, it would be ideal to have a sign the size of say what Leader TV has, a box rectangular sign to have it kind of uniform across.

There is a vacant spot next to her, and then on one side, and then there are two suites that are one large one to each side. So --

MICHAEL NYHAN: What they don't want to happen is have the other tenants see the size of this sign and expect they want to have a sign the same size and you come in for variance for all of them.

So as Property Manager, I wouldn't be looking to go do that. I would want to be more in line with -- with code, like the signs on the west or -- south or west end of the building, whichever way the road really happens to be running in that particular location.

PAUL BLOSER: We also pass signs, new requests, through the Architectural Review Committee just to look at design, colors, if it -- you know. We don't want just anything.

MR. LESTER: Right.

PAUL BLOSER: You know, images and pictures, what's on there. Just the amount of data being put out. So future tenants that make a sign request really have to be funneled through here.

MR. LESTER: I understand.

PAUL BLOSER: It really is easy to sit here and say "no" and you're back to square one.

MR. LESTER: Right.

PAUL BLOSER: Given the fact that these are the same letters that were up there, um, I am not going to recommend that we go through Architectural on this one because those letters were originally approved.

MR. LESTER: Correct.

PAUL BLOSER: So we're just going for the variance for the size increase on the background on this one.

ADAM CUMMINGS: So the real quick question, the approval of the existing letters, where is that? Because I just counted up, and I see at least five variances for signs --

JAMES WIESNER: What was it approved for?

ADAM CUMMINGS: I'm still not clear on what was approved in the past. Was -- did it require a variance before?

ED SHERO: It didn't require a variance before.

ADAM CUMMINGS: Oh, okay.

MICHAEL NYHAN: Variance was a temporary tent sign. They had a temporary tent sign back in the '80s.

ADAM CUMMINGS: Right.

MICHAEL NYHAN: That was it.

ADAM CUMMINGS: Our Town regs before allowed bigger signs and now we shrunk it down.

ED SHERO: No. It is -- was the way it was measured. The background is different.

JAMES WIESNER: You're counting the whole rectangle instead of the letters.

MICHAEL NYHAN: Right. Okay.

PAUL BLOSER: On this one, they still do need a permit. Right, Ed (Shero)?

ED SHERO: Yes. Still need a sign permit, yes.

MR. LESTER: I believe her application is in. You know, depending on the outcome of today.

PAUL BLOSER: The only condition of approval I'm putting on this is the applicant needs to acquire a new sign permit from the Town of Chili Building Department.

I will move forward with SEQR.

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

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

DECISION: Approved by a vote of 4 yes to 2 no (James Wiesner, Adam Cummings) with the following condition:

1. Applicant must file for a new sign permit as required by code from the Town of Chili Building Department.

The following finding of fact was cited:

1. Letters were removed from the building fascia during fascia remodeling. Existing letters were then attached to a metal background to reduce the number of hole penetrations in new fascia. Use of the metal backer thus created an increase in sign size but not letter size. It was decided that there is not any negative impact on neighboring businesses nor any environmental impact.

The meeting ended at 7:30 p.m.