

ZBA 6/28/11

CHILI ZONING BOARD OF APPEALS
June 28, 2011

A meeting of the Chili Zoning Board was held on June 28, 2011 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624, at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

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

ALSO PRESENT: Keith O'Toole, Assistant Town Counsel;
Ed Shero, Building & Plumbing Inspector

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

PAUL BLOSER: We'll start with the agenda now. There are going to be a couple of changes this evening. Application 8 is being tabled. Application 11, their sign was not displayed for the proper amount of time. I contacted the applicant on that one, and that application can be tabled until July. Application number 2, I also had a discussion with the applicant for that one, and there are some issues on that property that need to be addressed in addition to the sign, and we concluded that that would also be tabled. I will have a discussion on that with the Board because as we table that and vote on it, I do want to put some conditions that are complete before it comes back for application. So I'm going to move right to Application 1.

1. Application of SunCap Property Group, 3419 Seward Place, Charlotte, North Carolina; property owner Jarvee Associates; for variance to erect a 9' x 6' double faced non-illuminated freestanding monument sign to be 108 sq ft (32 sq ft allowed), variance for sign to be 6' high (5' allowed) at property located at 2 Boon Drive (formerly known as 3516 Union Street) in G.I. zone.

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Laura Baranes was present to represent the application.

MS. BARANES: Laura Baranes, Premier Signs, 111 Holleder Parkway, Rochester, New York 14615.

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we've revised the sign. I've been to the Architectural Review Board a couple of times, and I think we've got it to where they like the sign. We changed it from illuminated to non-illuminated, we changed it to match the building, and by last meeting, they seemed pretty happy with it.

PAUL BLOSER: I did get a summary from the Architectural Advisory Committee for the design.

Can we have an extra copy we can put up on the overhead?
All right. Very good.

Just up front, in reading the comments of Architectural, I also had a discussion with the chair, Jim Ignatowski, on this sign, and the concerns that I had that I expressed to the people at SunCap on the sign were a couple of things. First of all, we had just a few months back issued a variance for Boon & Sons for a sign, for a variance, and we went for a specific height, and the height of the sign includes ground clearance for snow. Basically, being a state road there, the snow can get pretty deep under that sign, with the recession in the ground level, the taper, and the drifting snow in addition to that. So I had asked SunCap to incorporate both names into one sign so we didn't have two signs there, which you've done.

MS. BARANES: Correct.

PAUL BLOSER: My concern that I expressed to Jim was that the height was not addressed for snow clearance. Based on the scale of this drawing, the bottom of the letters would be approximately 6 to 8 inches off the ground. Any kind of snow at all, the Boon sign would be out of sight. The purpose of lifting his and getting that variance was for visibility. In discussion with Michael Gleason, I expressed that concern to him, that it would have to be addressed, that we would be looking at that. With that, it's a very simple design. I like the sign the way it's laid out.

I'm going to open it up to the Board for any other comment at this point.

FRED TROTT: Is Mr. Boon fine with the position of the sign?

PAUL BLOSER: We haven't opened it up to public comment yet.

FRED TROTT: I'm sorry. If Boon & Sons is fine with the position of the sign -- I also wonder, he doesn't get much traffic coming into his place looking for him.

MR. BOON: You come there to pay your bill, though. That's why I have the sign there now.

MICHAEL NYHAN: You made a recommendation to have it lifted. What was the response?

PAUL BLOSER: That was the comment that I expressed to them after I got the modified drawings, and in talking to Architectural, they did not review that detail of height for the elements of the weather. That was not taken into consideration at all.

MS. BARANES: This could have like a one-foot -- more of a pedestal put on the bottom to raise it up a little.

PAUL BLOSER: We'll discuss all that. There is a taper that has to be considered, so we'll get to that.

JAMES WIESNER: Do we know how high the Boon sign is now?

PAUL BLOSER: The bottom of the sign is 36 inches off

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the ground. That's not letters, that's the bottom of the sign. That's what we approved the last time because of the taper. It's actually 36 on the road side, but on the inland side there's about a 10-inch variance. So there's a fair taper there.

MICHAEL NYHAN: How far off the highway is the sign?

PAUL BLOSER: That was another question I had that wasn't clear, where that's being set on the lot.

MS. BARANES: I spoke to Mr. Gleason the other day about that, and he told me it would most likely be going where the Boon sign is now, because once this goes up, the sign will be replaced, because FedEx and Boon are both on the sign now.

PAUL BLOSER: They're within the setback, where the Boon sign is right now.

JAMES WIESNER: What concerns me is if we go up that full amount, that makes the sign 9 feet tall.

PAUL BLOSER: Well, 9 is too high.

MS. BARANES: It would be 7. If you just added another foot on like a concrete base, that would bring it up to 7 foot in height, because it's six foot right now, but it would bring it up another foot off the ground.

PAUL BLOSER: What we've done with other signs in town, Wegmans and Target, we had the bottom of the sign at two foot to allow for snow, so it comes more to the pedestal. The square footage of the sign remains the same, it's just going to raise it up to give it snow clearance.

Any other comments from the Board?

Side table?

MR. O'TOOLE: I suppose what you could do is shrink it a bit and bring them up and have it the same height. But nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAN BOON, Boon & Sons

MR. BOON: I'll ask the Board, as I just want to keep what I have. I've stated that all the way through this. The sign is elevated at 36 to 40 inches. I went out and measured

it myself. I'm concerned because of that. And depending where they place the sign, it could change very drastically, because the elevation drops right off where that sign is at now. And I'm just concerned about that. So I'm asking the Board, just give me what I have. And that's what I've asked SunCap to do, but -- I just want to keep it what it is. That was the way they all agreed, and that was the way it was supposed to be, but I'm just concerned. I don't want to make the sign smaller, because I've been through that already about the speed limit and all that and being able to see the sign, so that's why I made our sign the size that it is, and it's a lot smaller than my neighbors'. So I'm just asking to have the sign. I'm just concerned where it's going to be. I've never seen where, exactly, they're going to place it, so that can change a lot in a few feet. That's all I ask, for you to look at that. I just ask to keep what I have. And the other thing I notice on the sign is -- I don't know if it's supposed to be there, but it's a concern of mine -- is the address numbers on the buildings. I don't know if you want that or not, but I was told I had to have it.

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Thank you.

PAUL BLOSER: Any other comment?

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I was also going to mention there is no street number. Aren't sign sellers told what's needed on signs in the Town of Chili before we put up the sign? You don't know that, I know. But for the Building Department, I thought we had parameters, we had rule sheets, if you will, that were handed out when people came in to get applications so that they knew where they were going and we avoided all these unnecessary changes and steps.

The other thing is, if you raise that two feet for snow, you're going to have a sign that's 9 by 8. 8 feet high and 9 foot long. The sign at Unity, on Chili Avenue here, is a little over 8, and that is one mighty big sign. This will be bigger than that. I think it's unnecessary. It doesn't need to be 9 foot long to start with, and it sure shouldn't be 9 foot high.

Thank you.

PAUL BLOSER: Other public comment?

CAROLE THOMS, 122 Stryker Road

MS. THOMS: I just want to say, as far as I think, building numbers is a great idea. Having huge signs in the town I don't think is so much of a good idea. I think most people that are going someplace, most people have GPSs nowadays, they know how to find the place. They don't need huge signs proclaiming that a business is there. Smaller signs that you can read are fine, number is important.

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PAUL BLOSER: 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 to close the Public Hearing.

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

PAUL BLOSER: It was going to be one of my comments I did want to put in as a condition of approval that the street number is identified on the sign, so that would be included as a requirement. Both numbers would have to be somehow incorporated.

I'm not in favor of a power sign myself, either, but we did grant Boon -- his signs some clearances. I was clear with that. I thought that this would be addressed. I could see possibly a little bit of height, not to the 8 or 9 foot level, and maybe as was suggested address the size. It is a good-size sign. We don't have billboards in Chili; we don't want them. So it's enough open road getting up to that point, I think we could have a little bit less in size overall and bring the height up to accommodate it. It would mean playing with the dimensions a little bit. But I really want that clearance on the bottom.

Any more comment on the height?

FRED TROTT: If they want to go bigger, they'd have to

give up width.

MICHAEL NYHAN: Another consideration, is there any possibility of other development off that road for all the lots currently? I'm thinking because if there's a fourth business going in there, we'd have an issue of more signage. So if there's going to be a complex in the back and they'll want a sign out front to identify all those businesses, unless we have a sign that we've approved that would accommodate future businesses, as well, not just the three that are there now.

PAUL BLOSER: A lot of that land is wetlands back there, and the retention ponds that they put in there are huge.

MICHAEL NYHAN: Are there additional lots back there to develop on or no?

PAUL BLOSER: There's not really room for expansion there. If Paul Road is ever opened up from the other side, then you'd have entrances from both roads. But the way this site is being laid out -- is it doable? Yes. It wouldn't be very much of a size lot to build on.

MICHAEL NYHAN: Another comment, Mr. Boon was initially granted a variance for his sign for a very specific purpose, and I think if these two signs are going to be together on

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one sign, maybe we could work out the esthetics to be acceptable to both parties. I mean, we can't approve it for one if the other doesn't agree. I think they have to come to an agreement on what the sign is going to look like, all the comments that were made, the snow on the bottom, the size of the sign -- I agree that a 9-foot sign is a huge sign -- I think I need to see an address on there. And the comment is right; most people know the general area where they have to go, they don't need an 8-foot-wide by 9-foot-high sign to find that location. So I think the sign has to be raised up and it has to be shrunk down a little bit so everybody can be accommodated before we make any approvals.

ROBERT SPRINGER: Is it necessary to have the word "freight" in there? That's taking up a lot of space.

PAUL BLOSER: I believe it is with FedEx, because there are different divisions of FedEx. This is strictly a freight terminal; there is not package pickup or delivery. I think they have different designators on their signs for those purposes.

ROBERT SPRINGER: But is the word "freight" going to stop people from driving in there to drop off a package?

PAUL BLOSER: Probably not, but the guard at the gate will.

ROBERT SPRINGER: But the attempt could still be made.

PAUL BLOSER: It very well could be, yes, but I don't want it to say, no package pickup or delivery.

ROBERT SPRINGER: No, I understand that.

PAUL BLOSER: So I guess what I'm in favor of doing right now is tabling this out. I like the design. It's a nice-looking sign. But to have it tabled and have SunCap, FedEx and Boon iron this out, what our conditions are of what we're looking for for maximum height and to be able to accommodate the needs; the street numbers for both parcels. I'd like to see, like the other sign, the two feet on the bottom of the sign for snow. I'd like to maintain that so we're consistent.

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JAMES WIESNER: It would be nice to know where it's sited, too, because if it's falling a little farther back on the property, you might not even notice the extra height.

PAUL BLOSER: Well, it's then where are you taking the height from, from the lowest point or the shortest point, because there is a grade, and going this width, there's going to be quite a bit of difference on the base work.

MICHAEL NYHAN: At some point I'd like to see a site plan and get an idea where the sign is going to go, how many feet back from Union Street, how many feet in from Boon Drive, and where exactly it's going to be placed.

PAUL BLOSER: I think in the conditions that I'm going to put on here --

ADAM CUMMINGS: Do we want to adjust the square footage

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for the actual sign itself to incorporate two or three addresses, because it's 108 square feet now, but there's going to be more lettering.

MS. BARANES: So you count both sides as square footage?

PAUL BLOSER: Yes.

MS. BARANES: And you're not counting just the sign or you're counting the whole monument itself?

PAUL BLOSER: No, we're looking at the sign area, not the monument.

MS. BARANES: So it's not really that much square footage, then, because the company that's actually fabricating the sign did not put measurements on it. I cannot give you an exact measurement of what the square footage actually is.

PAUL BLOSER: There's some wiggle room there to work with.

Paul Bloser reviewed the conditions and reasons for tabling the application with the Board.

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

DECISION: Unanimously tabled to July 26 by a vote of 7 yes with the following condition:

The following information is to be submitted prior to the next hearing:

1. No sign is to be erected without a sign permit.
 2. Street numbers shall appear next to individual business names.
 3. Ground clearance to sign bottom be a minimum of 2 feet at road elevation.
 4. Drawing with elevations to road to be submitted with plan and elevation views.
 5. Required that SunCap also satisfy needs of Boon & Sons approved variance as part of their sign package.
2. Application of Edward Vandewater, Amish Outlet, owner;

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3530 Union Street, North Chili, New York 14514 for variance
to erect a 9' x 1' double faced addition to freestanding sign
at property located at 3530 Union Street in G.I. zone.

PAUL BLOSER: This application, I've already discussed
it with the applicant that we would be tabling this. There

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are other issues on the property. So I want to identify some
of those issues with the Board that I have and take any
additional comments from them and pass them on to the
applicant for them to address before they come before us
again.

I pulled the site plan that's on file for them right
now. Based on what we have on file, there's a lot of
variation between what's there and what was approved. The
existing sign appears to be taller and a little larger than
what was originally approved on the variance. There is a
variance on that sign that did have an end date on it. That
permit has expired. Letters were sent out to have those
updated, and that would be converted to a no end date on that
variance for the sign. It used to be under the old system
we'd do five years on a sign. Now we do them permanent. But
there is some discrepancy on what's there versus what was
approved, so I need to have those measurements verified and
submitted on a print.

The sign that he's requesting, the 9 by 1, I'm seeing
two different numbers here on the application. I'm seeing a
10 by 1, and I'm also seeing a 9 by 1. So I'm unsure of what
the exact size of that is.

The other thing is that the applicant already has that
sign up. He did it without a permit. So the Board can say
leave it alone, or that has to come down until the permit is
granted for that sign. I've asked the applicant to submit an
updated site plan and an updated site map also. There has
been a portion of that lot that has been sold off to FedEx
for turning lane distances. That's not been put on file in
the office. I think that's incorporated from the drawing.

The original variance called for a flower garden under
the main sign. That was never completed or installed. So he
needs to appear before us to either forego that or to have it
completed, one or the other. But that was never completed on
the previous permit. The existing garden by the driveway on
the northwest corner and also on this island by the overhead
doors is all overgrown and not kept up. It's shown as mowed
grass and plantings, and there's 3 and 4 foot tall weeds and
scrub in there. So I'd like that cleaned up.

He has a stone garden in front that's there, it's not on
the print on the site plan map, but it's full of weeds. It's
never been completed. So I'd like that addressed, either
completed or removed, but it's just unsightly in the front of
the building right now.

As I drove by, I could see the swale in the back of the
building and there appear to be some drain tiles that feed
into that from his lot, and I don't see those documented on
the print. I'd like to see placement of where those drain
tiles come from and where they go to.

The parking lot itself appears to be larger than what

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was approved on the site map. If you look at the site map that I've got here, it shows the boundaries of the fill, and I look at the property dimensions and the fill appears to go to at least the property dimensions or beyond. So if he's doing a site map update, I'd like to see where those corners actually end.

This possibly may have to go back to the Planning Board for their approval. We don't approve site plans on this Board.

In the front, the site plan calls for three gazebos or sheds. I stopped counting at 35 items on the front lawn. I'd like to see that addressed so that we're at some type of -- we're hard on some of these other businesses in town as far as displays out in the front. I know there's been lots of discussion with Byrne Dairy right down the street about what they store in front that they're advertising for sale. I want to make sure that we're consistent with what's there versus what's been approved. So I'd like to see some general cleanup and site update on this.

Board comment?

MICHAEL NYHAN: I agree, the sign is huge. It's a lot bigger than what's shown on this. The entire front yard is a sign.

PAUL BLOSER: There are a lot of issues here. I'd like to say I did discuss this with the applicant, so any comments from the Board as far as what I've said for conditions; is there anything you'd like to see added, changed, deleted?

MICHAEL NYHAN: I question the removal of the current sign. Do we have to have Code Enforcement?

PAUL BLOSER: We would put it down as a condition, saying it's not a legal sign at this point, it has to come down.

FRED TROTT: The whole sign is not legal.

PAUL BLOSER: Essentially, yes. We don't know, but what was granted versus what it is, there's a huge difference. I just want to make sure everything is -- we're doing this, I want to make sure that he's up to date with what was requested before, before we issue anything more. We've done that in the past. Looking at the history of this file, the last several projects that he's done there, he's done, he's constructed, he's built, and then been cited and come in after the fact with paperwork and permits. So he's done things kind of the wrong way. So I guess what I'm saying here is I'd like to see how everything -- it's on record, it's proved he's also got a shed in the back of the building that's used for storage, and it's not on the print as an additional storage structure. The dumpster is in a different location than where it was called out in the site plan, and I have a question where that falls on the lot and if it's within the proper setbacks, so I think I have that one in

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here also. So there's several things I'd like to have addressed and clarified. The majority of it may be just paperwork, but if it needs to go farther, so be it. So before we approve something else on that property, I'd like everything to be updated properly.

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Anything you want to add to this?

FRED TROTT: Shouldn't Code Enforcement have taken steps at this already?

PAUL BLOSER: I don't know.

FRED TROTT: I mean, 2004 is when he got approved, and I remember back then about the number of sheds he could have in the front yard, stuff like that. I mean, we're putting it on as a condition, but it was already a condition.

PAUL BLOSER: That's correct. So we're identifying it and not allowing anything more to come through our Board before it's cleaned up.

FRED TROTT: Here's my other thought, that he's going to say, I'm not doing nothing, I'm just going to leave it the way it is. I got away with it this far. I'm almost tempted to say anything not up to code has to be removed, and take the whole sign down. It's not up to code.

PAUL BLOSER: So on number 1, I mean -- I can take that at the bottom. I agree. There's a lot to be addressed, and I don't know if we have the authority to request a full-blown site inspection. I'm identifying problems as I see it based on the approved site plan. At that point, it's a matter of public record, and whether the Building Department reacts to it on their own or by public pressure at that point, it's in their hands. We've identified it. I hate to say we're opening Pandora's box for this guy.

FRED TROTT: He opened it by asking for a permit.

PAUL BLOSER: But I can't issue any more with all these other things here.

FRED TROTT: I agree, but I look at the date of the approval, and I think, he's probably going to say, well, skip it, I'm going to go on as I am right now and put another couple of sheds up in front.

PAUL BLOSER: So I guess what I'm looking for -- a copy of this goes to the Planning Board chair, and I have discussed it with him, and he also agreed it probably should come back for another look.

The addition he did on the front was done without a permit. He got it after the fact. And then a year later he did something without a permit. He came in for everything after the fact. So it's not like it's his first time, so I guess we're playing a little bit of hard ball on this one to make sure we're doing right and protecting the Town for what they're looking for.

ADAM CUMMINGS: Should we just move forward with a table vote, table it to next month, just to move on?

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Fred Trott made a motion to table the application, Robert Mulcahy seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously tabled by a vote of 7 yes until the applicant resubmits with the following information:

1. New unapproved sign to be taken down (within 48 hours from date of this letter) until permit is granted.
2. Applicant to submit updated site plan request with updated site map. Map will include:

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- A. New property lines to the northwest corner.
- B. Updated to show fill for storage for sheds.
- C. This will be a stamped drawing.
- D. New placement of dumpster and fencing to be documented on site map.
- E. Shed on east side of building used for storage to be updated on print as an additional structure.
- F. Drain tiles at east end of lot to be documented on print as to exact placement and origin (starting point).
- G. Verify size (LxWxH) of existing sign to site plan and previous granted variance.
- H. THIS WILL BE A STAMPED DRAWING.

3. Stone garden in front to be completed or removed.

4. Request Building and Highway Department site inspection for overall code compliance.

3. Application of Mr. & Mrs. Jonathan Laurin, owner; 5 Attridge Road, North Chili, New York 14514 for variance to erect a 15'x4' addition to enclosed porch to be 57' from front lot line (75' required) at property located at 5 Attridge Road in R-1-15 zone.

Mr. & Mrs. Jonathan Laurin were present to represent the application.

MR. LAURIN: Good evening. My name is John Laurin, 5 Attridge Road, North Chili.

We had to fix our front wall. It was spotted and the roof was leaking. We've been there one year. It's a small porch, we want to make it comfortable for our guests. We just want to move it out four feet. That's all we're looking to do. That's it.

PAUL BLOSER: This will be totally enclosed?

MR. LAURIN: Yes, it will be. My neighbor's is extended, and his is screened in.

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PAUL BLOSER: Going by the notes, this road has been widened a couple of times and this property has lost quite a bit of frontage over the years.

MR. LAURIN: Yes, it has.

PAUL BLOSER: which is one of the reasons for the setbacks.

I don't have any questions.

MICHAEL NYHAN: It's my understanding that you're going to take the three existing windows that you have on the covered porch, you're going to move those out to the edge of the porch and just enclose what's already there; is that correct?

PAUL BLOSER: It's already enclosed.

MR. LAURIN: Yeah, we're just going to move that out four feet.

ED SHERO: A building permit will be required.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the

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

1. A building permit must be obtained prior to starting construction.
2. Building materials (roof, siding, doors, and finish trim) to be color matched to existing house structure.

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4. Application of Robert Pacer, owner; 5 Bright Oaks Circle, Rochester, New York 14624 for variance to erect a 6'x6' deck 56' from front lot line (60' required) at property located at 5 Bright Oaks Circle in R-1-15 zone.

Robert Pacer was present to represent the application.

MR. PACER: Good evening. Robert Pacer, 5 Bright Oaks Circle, Rochester, New York 14624.

The front steps of my house are deteriorating. All I want to do is replace them. I want to take out the existing concrete steps and put decking in. I'm not coming any closer to the street. The Building Department told me the existing steps were grandfathered in with the house and if I were to replace them I need to have a variance.

PAUL BLOSER: Driving down the street, there, it looks like they were all built with the same kind of steps and they're all in about the same condition.

MR. PACER: Absolutely. Life gets at them.

PAUL BLOSER: Pressure treated deck, you're putting up?

MR. PACER: Yes.

PAUL BLOSER: Railings?

MR. PACER: Yes.

PAUL BLOSER: Roof?

MR. PACER: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Robert Mulcahy made a motion to close the Public Hearing portion of this application and Michael Nyhan seconded the

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motion. All Board members were in favor of the motion to close the Public Hearing.

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

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

1. A building permit must be obtained prior to starting construction.

2. No roof enclosures unless approved by the Building Department.

5. Application of Choice One Development-Unity II LLC, owner, 642 Kreag Road, Pittsford, New York 14534 for variance to allow existing medical building to be 74.4' from front lot line (75' required) at property located at 3379 Chili Avenue in R.B. zone.

Lee Sinsebox was present to represent the application.

MR. SINSEBOX: Good evening, Mr. Chairman and members of the Board. My name is Lee Sinsebox; I'm with Costich Engineering. Our firm is the site engineer involved in the Choice One Development project-Unity. We're here tonight to request a variance to allow 7 inches variance in the front setback. I submitted with the application package the survey map showing the actual dimension where the front building corner is from the property line, with the right of way line. Also submitted with the application were a couple of photos that highlight on this corner that we're talking about for the setback.

We don't feel that this is a significant variance, should you be inclined to grant it, for a couple of reasons: That equates to about 3/8ths of one percent of the overall length that this represents. Also, the building sits on an angle at the site on the property intentionally, so it isn't flush with the front setback, so we're not talking about the whole building being 7 inches too close, it's just the corner of the building.

The hardship was, I guess, somewhat self created. Normally, when we stake out the building we allow a little bit of variance. In other words, if the setback is 75 feet,

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we stake it out in the field as, say, 76 feet because we give the mason a little leeway. Also, masons sometimes tend to give a little comfort zone as far as being from the setback. In this case, neither one was done, so it got built a little bit closer to the front setback and the facade on the front corner of the building, the brick facade you can see in those pictures, actually created about 4 inches of that 7-inch variance.

So we're hoping that you'll agree that we don't think it's significant, we don't think it will have an impact on the environment, and we don't think it will change the

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character of the neighborhood, and we hope you'll agree.

I'd be happy to answer any questions.

PAUL BLOSER: It's pretty straightforward as far as I can see.

FRED TROTT: It's a beautiful building. I like all the parking in the back, too.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

PAUL BLOSER: Just so that the site map is -- you've got it done, so it's submitted with the Town?

MR. SINSEBOX: Yes.

PAUL BLOSER: As built?

MR. SINSEBOX: As built.

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 no 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 no conditions.

6. Application of Mr. & Mrs. Michael Stidd, owner; 2 Tarrytown Drive, Rochester, New York 14624 for variance to erect a 16' x 12' picnic pavilion to be placed in front setback area (13.5' from Tarrytown Drive, 55.5' from Chestnut Ridge Road) where not permitted to be in front setback by code, at property located at 2 Tarrytown Drive in R-1-12 zone.

Michael Stidd and Bernice Stidd were present to represent the application.

MR. STIDD: Michael Stidd, 2 Tarrytown Drive, Rochester, New York 14624.

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My wife and I have put up five of the temporary cloth-roofed enclosures on our patio over the last few years, and every one has been destroyed by the weather within a few months. So we'd like to put something a little more permanent that still allows us to use the patio when it's raining and so on.

PAUL BLOSER: I see where you're placing this. I don't have a lot of information on how -- is there going to be any trim work or just bare wood on that?

MR. STIDD: It will be a minimum amount of trim. It's going to have a roof, a shingled roof -- part of the blueprint shows that -- fascia board, and that's about it.

PAUL BLOSER: What kind of shingles are you putting on there?

MR. STIDD: The same type we have on the roof of the house, asphalt shingles.

FRED TROTT: How did you lose five gazebos?

MR. STIDD: Between wind and --

FRED TROTT: But I mean, you're pretty much -- you're in an enclosed area as far as that goes. I'm out in the open, and I've had one probably ten years that didn't get destroyed. I'm just kind of surprised by that. Was it the easy-ups that you were using?

MR. STIDD: Yeah, we didn't anchor it to the patio. We used rocks and some stakes off the patio, and then with the rain and everything else --

ROBERT MULCAHY: The trees that you have there, are they staying?

MR. STIDD: We topped off one of the box elder trees, but everything else is staying. It was going to fall.

PAUL BLOSER: When were these pictures taken?

MR. STIDD: They were taken approximately about a week before we submitted the application.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: I drove by there today just out of curiosity, and I cannot picture a 16 by 22 picnic pavilion in that yard. I think it would be a terrible thing for this Board to approve. I understand they like to eat outside, but I think that would be a terrible thing to do to the neighborhood. It's right on a prominent corner, and with the fence and everything that's up there now, it's going to be so full, I just can't envision it. I don't think it's a good thing to allow. I don't see other people being satisfied. If they have a corner lot, they'll be in for this too. It's a bad prototype, it's a bad idea to start, it's just not a good idea, I think.

Thank you.

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PAUL BLOSER: Any other public comment?

MRS. STIDD: I'm Bernice Stidd. And it's not 16 by 22, it's 16 by 12, for starters. And the other fact is it's under a canopy of leaves from the trees, so during the summer it's going to be barely visible at all.

Michael Nyhan 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 conducted a Board discussion.

ROBERT SPRINGER: I have a question. What is the difference whether it's a tent or a canopy? This is a totally open all the way around pavilion?

MR. STIDD: Yes. It's going to be a wooden structure.

ROBERT SPRINGER: So in essence, it's a wood tent?

MR. STIDD: Yes.

ROBERT SPRINGER: In other words, it's open?

MR. STIDD: Right.

ROBERT SPRINGER: I'd rather see a neat pavilion put up there than a tent hanging down. You're going to put up another tent there anyway.

MR. STIDD: Pretty much.

There was further Board discussion.

MR. STIDD: We looked at a different design more like you're talking about first, and the problem we had was the damage to the trees.

PAUL BLOSER: The clearances?

MR. STIDD: Yes. It just won't work. And we want to keep the trees, so we went to the rectangular shape, something you'd see in the park. Because I agree with you, I wanted to cover the whole patio in the shape the patio is in, but I don't want to take any of the trees out. So that's why we came up with that design.

PAUL BLOSER: There's two ways we can do this. We can take a vote. If it's turned down, it would be a year before you can come back for an application; if it's tabled, you can look at a redesign and resubmit without additional cost. But just hearing the voices of the Board right now, I don't think it would be favorable. I'm one voice, but just listening -- it just doesn't fit that lot. It's a small lot, it's elevated; just a lot of attention is going to be drawn to it, and I'm concerned about that. So I'll leave it up to you.

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Do you want us to proceed with a vote, do you want us to table it?

MR. STIDD: I'd like to proceed with a vote.

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.

Paul Bloser presented the application for a Board vote.

DECISION: Denied by a vote of 6 no to 1 yes (Robert Springer), and the following finding of fact was cited:

1. Requested variance is significant in nature based on location and does not fit with the characteristics of neighborhood or nearby properties.

7. Application of Chili Legion Post #1830, owner, c/o William Auble, 24 Omega Drive, Rochester, New York 14624 for variance to erect a 7' x 4' double faced freestanding sign not to be monument style and to be 56 square foot total to replace existing changeable copy sign, variance for sign to be LED illuminated (exterior illumination required), variance for sign to be 8' high (5' allowed) at property located at 450 Chili Scottsville Road in PRD zone.

William Auble was present to represent the application.

MR. AUBLE: Good evening, gentlemen. My name is Bill Auble, I reside at 24 Omega Drive here in Chili, and I'm here representing Post 1830, the Chili Legion Post 1830.

How do you want to conduct it, Paul? You have most of the information, and I'm responsible for probably 80 percent of it that you've been given. Do you want me to go through and --

PAUL BLOSER: Well, for the sake of the public, yes. We did have the application a year ago and it was turned down. The biggest reason was we just didn't have sufficient data in front of us to see if it was a fit other than esthetics. We were looking for light output; we didn't have that information then. You know, general concerns over just how it would affect the public.

MR. AUBLE: So the information I'll be giving will be basically for the public, correct?

PAUL BLOSER: Yes, sir -- well, and for the Board, also, to review it.

MR. AUBLE: All right. Well, I appeared before the

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Architectural Committee -- first of all, I'd like to ask as a matter of information, in a PRD district, is the only selection a monument sign? would our only choice be a monument sign?

PAUL BLOSER: The monument sign is a design that we have chosen as the Town to be consistent with all applications going forward. Anything that we look at at this point, we're trying to be consistent in the town with that style. We don't want -- as you heard on the other application, we don't want high signs, we want a lower profile. You know, the main corridor, if you go down Chili Avenue, anything new that's come in, they're under that 6 and 5 foot levels. We're trying to be earnest in that system. This is what we have chosen as the style in the Town of Chili.

MR. AUBLE: So changeable copy signs are no longer acceptable in the Town of Chili?

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PAUL BLOSER: By code, those signs are backlit. They're internally lit. And our drive has been to go downlight or more ground light to point upwards. I mean, that's the code. Certainly, that's why the Board is here. We look at exceptions to the code.

MR. AUBLE: Well, there were seven -- and the Board knows this -- there were seven conditions that were put forth. I think with the design that we have right here, I think we can comply with quite a few of them. Obviously, there's restrictions on the height, if we're talking about a monument sign according to the codes that I've been looking at. There is a sign presently on the site. You want to take a look at that on the thing there or --

PAUL BLOSER: Any information you have to support what you're looking for.

MR. AUBLE: Tell you what: Why don't we address this situation right now and then we can take a look at it.

PAUL BLOSER: I think we all know what you have now, as far as the changeable sign with the black letters and the backlighting.

MR. AUBLE: Exactly. The picture that I have shows how far down the sign is from the actual road itself. I'll give those dimensions. I think everything else is complied with on that. Right now, the shoulder of the road is about 6 foot above the top elevation of the present footers that we have for the sign. It's a 4-footer that's approximately 2 1/2 feet by a little over 12 feet. That is 6 feet below the shoulder of the road at present. From the center of the road, the sign is 58 feet, and that's to the center line of the footer that's there. I don't know, are there any restrictions that this would fall in with it 260 feet from the corner of Chili Scottsville Road and Stryker? There's nothing that there's going to be a problem with?

All right. The top of the present footer to the bottom

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of the present sign is 64 inches, and I don't know, are the dimensions relevant, of the present sign?

PAUL BLOSER: No, but it's a good detail to have.

MR. AUBLE: Okay. The present sign is 97 inches wide by 41 inches high, and the footer -- from the concrete footer that is presently poured to the top of the present sign is 111 inches. The reason we're asking for a minimum of 8 feet in height on the new sign is because we sit on a north and south highway, which is Chili Scottsville Road, and during the wintertime, because of the prevailing westerly winds, the snow comes over that side and we feel the confines we would have for the monument sign dimensions that we'd be looking at -- I think it's a minimum of 3 foot, is it not -- above the -- is it 5 foot above the ground?

PAUL BLOSER: What's that?

MR. AUBLE: Your monument signs.

PAUL BLOSER: We don't have a specific --

MR. AUBLE: Oh, I thought it was --

MR. O'TOOLE: The height of the monument signs is limited to 5 feet.

MR. AUBLE: So with the sign size that we've got -- the sign that we presently have is 8 foot overall. The actual size of the sign, as you can see up there -- well, maybe you can't -- the top board is 1 foot 6, and the LED is 2 foot 5.

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That's one of the reasons why we're asking for the variance. Otherwise, the snow is definitely going to be at the bottom of it, and then because it is a north/south highway and during the wintertime they are plowing and it's drifting, it's going to be another foot drift there when the plows come by and put up the snow. That's our rationale about the --

PAUL BLOSER: You're about 48 inches, 49 inches at the bottom of the sign?

MR. AUBLE: Right. The last time we were here there was a concern about the light itself and the intensity of it. I have submitted to the committee the information from Watchfire Signs, which is the vendor that we're going to be using, and they state in there: The guidelines highlight the importance of ensuring appropriate brightness setting, energy conservation and community good will and extending the life expectancy display. All goals from the criteria. It also states this is a highly sophisticated sign, it's computer controlled. The settings will be done in our building because of the software we have. There's also a GPS in it that tells it what longitude and latitude it's in. And I have been told by the sign company that this is 10 percent of the actual light value that it will be in during the daytime. And if you read further on into that information, it also states in there that it can be reduced even more if the intensity of the light is too much in the evening.

The light variations of the various signs in the area --

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and this is to give you some type of an idea of how our sign will -- I have one in here that is the Churchville Chili High School, and I believe it's the same vendor, the same type of light, but let me go through them. The three that I tested were the Chili Ambulance up here on Chili Avenue, and I took and I used a digital foot candle meter, and I took the readings at 10 foot, 20 foot, and 30 foot from the signs themselves --

PAUL BLOSER: Excuse me. Bill, do you have another copy of that we can put on the overhead?

MR. AUBLE: The light values?

PAUL BLOSER: Yes.

MR. AUBLE: well, I want to read it.

JAMES WIESNER: He can put mine up.

PAUL BLOSER: Thank you.

MR. AUBLE: The first one that's shown on there is Chili Ambulance. At 10 foot, I measured the candlefoot power to be 6.1 foot candle powers. At 20 feet it was 1.8 foot candles, and at 30 feet it was 1 foot candle power. That actually is the brightest of all of the signs that I measured. The next one was further down Chili Avenue, further east, and that was St. Pius. 10 foot, I had a reading of 5.4 foot candle powers, and at 20 feet it was 1.4 foot candles, and at 30 feet it was .9 foot candles. Our old sign presently, as it stands right now, but illuminated -- it's basically not functional at the time, so we don't put any lettering on it; we're having problems, that's why we need a new sign -- that particular sign, when we illuminate it, at 10 feet is 2.8 foot candles, at 20 feet is .8 foot candles, and at 30 feet is .5 foot candles.

Now, because we don't have many of these lights in Chili, I went down to Buffalo Road and I took readings off of

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the Churchville Chili High School, and at 10 feet -- I had to take an average because this thing was scrolling, so what I did is I tried to catch the -- at the minimal amount of light and the minimal amount of scrolling that was going through and then the maximum that it was, so what I did was I basically took an average. 10 foot is 1.5. That's an average of the high and the low of the foot candles. And that within itself is even lower than our old sign. I mean, it's less than half of any of these other signs that are above it. At 20 foot it's .8 foot candles, and at 30 foot it's .3 foot candles. So that within itself should be telling people that are looking at these figures that we're less than half of our lowest -- the majority of the signs that I took measurements on.

Does anybody have any questions on that?

JAMES WIESNER: Were these readings all taken at the same time of day, like night, or --

MR. AUBLE: Well, these were taken approximately a month

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ago, and they were taken at a time between 9:30 and 10:15 on May 18th when I did it.

JAMES WIESNER: The same time of day, you're saying?

MR. AUBLE: Well, the time it took me to get from one location to another. I mean, dark is dark.

Any other questions?

I felt that it was important -- and the Board has this -- I felt that it was important that you know our intended use of the sign. And item number 1 states: Messages on the sign will announce upcoming fundraising events and upcoming social events. In the absence of the aforementioned, we will have a patriotic message such as "Support Our Troops" or "Freedom Is Not Free," something along those lines. The light intensity will remain constant. By that I mean it's not going to be fading in and out. When we put the message on there, it's going to be as it is all the time; static image.

PAUL BLOSER: Just a static image?

MR. AUBLE: Yes. Only one message on the board at one time. And like I say, we're going to be only -- it's a message board for us. And because of the fact that we contribute as much money as we do to the surrounding community and our fundraisers are exactly how we earn the money to do that -- I mean, Boy Scout troops, youth soccer, baseball, veterans' organizations, things of that nature -- that's how we get the monies to make those contributions. So with that in mind -- I mean, we're got going to be advertising anything.

Item number 4. There will be no automatic change on the sign. The message that is shown will remain there without change or until a new message is selected.

Item number 5. Light reduction features of the sign will be used to maintain community good will, conserve energy, and extend the life expectancy of the display.

Item number 6 states: we will eliminate operation of the sign daily from 11 p.m. to 7 a.m.

And finally, with the information that we've given you, we will maintain these conditions and accept additional conditions set forth by the Town of Chili authorities.

One of the things that we did that I asked the vendor to

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do on that design was -- is that still up there?

JAMES WIESNER: Yes.

MR. AUBLE: On this right here (indicating), this is all enclosed. Rather than have a plastic something that was going to illuminate a tremendous amount of light, we decided to enclose this whole thing. And the only thing that's going to be plastic is going to be our emblem and the Chili Legion. This area right up in here (indicating), that is going to be enclosed in aluminum. And these letters here will be routed out with -- the symbol will be routed out, and that will be

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plastic, but it will be illuminated in behind that. And that, here again, was in consideration of the matter of light. I think that would be effective enough and yet try to be considerate of our neighbors that are there.

And while I'm speaking of the neighbors, I don't know if this was brought up the last time we were here, but we had 18 petitions that were signed -- and the Board has them, they're signed petitions -- of our neighbors on Chili Scottsville Road, and the numbers of the houses are approximately a mile north and a mile south from the addresses, and all of them have expressed the fact that support for the -- it says here: I am in complete agreement with the Chili American Legion Post 1830 application to replace their freestanding existing sign at 450 Chili Avenue with a 5 x 8 foot LED moving light copy -- changing copy. Well, we're not going to have the moving light, and actually, this has been revised. Instead of 5 x 8, the actual sign is going to be 7 foot 3, and overall height is going to be about 47 inches.

I'm open to any questions that you all may have for me.

PAUL BLOSER: Your actual sign size itself is less square footage than what your existing sign is?

MR. AUBLE: Oh, definitely. Our present sign is 97 inches wide and 41 inches high. So square footage-wise, yes, you're correct.

PAUL BLOSER: I want to go back to your light values page. The style of LED that you've chosen is that goldish-color light? would you say it's yellowish-gold?

MR. AUBLE: Well, it can be either the amber or the yellow. I don't know if it really makes any difference to the visibility of it.

FRED TROTT: But it's not red.

MR. AUBLE: No, not according to the color rendition that's on the sign. Yeah. I guess it would be almost an amber.

PAUL BLOSER: The page you have for that performance of Watchfire Signs, you've highlighted one area where the brightness guidelines you've testified will not be greater than .3 foot candles at a specified distance. Do you know what that distance was?

MR. AUBLE: I'm sorry; I don't. But like I say, I think the sign in front of the Churchville Chili High School is probably very compatible to what we're going to be using. I was quite surprised when I took the readings on it. Even on a scroll situation, those lights were very much different than -- I mean, the intensity was much less than what those previous signs were that I had checked.

PAUL BLOSER: Okay. Board questions.

MICHAEL NYHAN: The Architectural Review Board made some
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comments about increasing the size of the pillars. Is this drawing or the specifications that you have an increase from

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what you originally submitted to them?

MR. AUBLE: Yes, sir, it is. Let me -- increase the width, yes. We went from 20 inches to 24, I think it is, and we extended the cap as they had requested. There's an inch over each side on the actual pillars. That was one of the reasons why we had to reduce the sign, is to accommodate that 24-inch increase in the size of the pillars.

FRED TROTT: They had also requested about using fill in raising the sign up. You know, you've got your bottom, and -- as far as using fill to get that up so you don't have to put so much brickwork there on the bottom.

MR. AUBLE: I beg your pardon?

FRED TROTT: The Architectural Review mentions fill building up the ground. Is that possible?

MR. AUBLE: Well, if you look at that picture that I gave you, I would say no. I mean, it's a tremendous --

FRED TROTT: I don't know if you could put some fill there or --

MR. AUBLE: We've already put our footer in for the sign. It would take many, many, many yards of dirt to come in there to be able to -- I mean, the bottom of that -- it's approximately 6 foot from the footer at ground level right now to the actual shoulder of the road. So in that area, in order to be able to have that be significant, you would have to bring in a tremendous amount of dirt. I mean, you're 58 foot from the center line of the road to the center line of the footer where the plan shows the placement.

FRED TROTT: How close is where you propose to put the sign to the parking lot? How far is that?

MR. AUBLE: Well, I would have to say it's probably -- we used to use a pickup truck to change the letters on it, so I would say it's probably about 4 to 6 feet, maybe 8 feet at best, but I can't really tell you -- yes, to the parking lot, if it's that.

PAUL BLOSER: You're talking about to the blacktop surface?

FRED TROTT: Yes.

PAUL BLOSER: One of the comments Architectural made on this was to eliminate the flowerbox and replace it with ground plantings. Have you discussed what you're proposing for that, to go around the base?

MR. AUBLE: Well, obviously, it would be something low enough to where it wouldn't obstruct the sign. Actually, talking to our masonry contractor, he has told us that he feels that that dimension of -- I believe it's 30 inches on the bottom of the present sign, he feels that's important to be able to tie those two piers together, so he's going to be using reinforcing. So it would probably have to be something that would actually -- well, it couldn't be anything that would, you know, actually -- but to be specific about it, no,

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I can't tell you that. It would be something that would not

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take away from the architectural look of it.

MR. MILLER: I'm Ernie Miller, member of the American Legion. I'm the mason that's going to be doing the work. The reason for the height of the base is basically to tie the two piers together because we need to go higher with the two piers because of the elevation below the road level, and also the snow load. The location of the sign is between the two parking lots. The one parking lot, it is actually 2 feet off the parking lot, so we don't have the ability to build up the ground level without having to put a retaining wall along there. And there again, you'd double the cost.

FRED TROTT: So this isn't going in the same spot that the sign is now.

MR. AUBLE: Yes, it is.

MR. MILLER: Yes, it is.

FRED TROTT: Well, you said it's in between two parking lots.

MR. AUBLE: You're right. It's on the south side of the parking lot. It's as it is on the map itself.

FRED TROTT: I'm sorry; you confused me.

MR. MILLER: It's between the two parking lots, but it's closest to the parking lot that's next to the building. I'm sorry; I stand corrected. It is at the far side of the parking lot, farthest away from the building.

MR. AUBLE: As it is on the site plan.

MR. MILLER: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CAROLE THOMS, 122 Stryker Road.

MS. THOMS: First I'm going to read a letter from my daughter that lives at 117 Stryker Road -- owns the property at 117 Stryker Road. This gentleman mentioned that there was a petition passed around. None of the neighbors right -- the ones that are important, right around and owning property opposite or adjacent to, were approached. I was never approached to sign anything, nor -- and I gave Paul the petition I had signed against it from the people that are adjacent.

So the first letter I'm going to read is from my daughter: Once again, it's come to my attention that the American Legion on Chili Scottsville Road is looking to erect a 7 x 4 double-faced freestanding sign to be LED illuminated in front of the building. I strongly opposed the first application.

Now, when I qualify the first application, it was two years ago they made an application. You mentioned something a year ago, and I never heard anything about it and I never received any notice in the mail or saw any postings.

PAUL BLOSER: We're talking about the same one.

MS. THOMS: So that's two years ago, in 2009?

PAUL BLOSER: Yes.

MS. THOMS: That first one was in October of 2009, as well, to install digital signage, and I opposed that application, as well. My property and house is located directly across the road from the Legion at 117 Stryker Road, and as a taxpayer and property owner, I am opposed to the installation of a double-faced LED sign. I would like to

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again point out as I did in 2009 that such signage can cause distracted driving issues; will glare into the windows of my home only a few feet across the street, thus reducing property value and the enjoyment of the property; add to the light pollution already found at the intersection of Scottsville Chili and Stryker; and it's also tacky and out of place in an otherwise rural and farm-type setting.

Furthermore, by allowing one such sign to be installed in the town we are now opening a doorway to set a precedent to allow more of the same signage. The Town website states: Chili has a rural agricultural character south of Black Creek. Please keep it that way, as it is a highly desired character in the town and will quickly be lost by allowing the intrusion of such signage.

As a wife of an Iraq war veteran, I support the mission of the American Legions. I do, however, feel that this is not a viable option, nor in keeping with the area with the appeal and flavor of where I was raised and love. According to their own preamble, continuing to pursue such an eyesore would not only be against neighbors' wishes, but seems also to be against their own goals as a group. In the National American Legion Preamble to the Constitution, they list the following: To inculcate a sense of individual obligation to the community, state, and nation. All this interest in building a better nation, the founders of the American Legion believe that such building must start first with the individual in his own community. So they made it one of the cardinal principles of the American Legion to inculcate a sense of personal obligation to the community, state, and nation into the individual citizens. That means educating the citizens, young, old, and future, in his and her responsibility to be active in making the home town a better place in which to live and to promote peace and good will on earth. Until the world becomes a good neighborhood, Legionnaires must continue the effort to promote peace and good will on earth.

I thank you for your time and consideration, Jennifer Thoms Hartwell.

And my statement: For the second time in two years, the Chili American Legion Post is asking for a sign that's outside the Town zoning regulations. I presented a petition

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signed by neighbors adjacent to the American Legion building against this new sign proposal. And as you know, this is a PNOD zone, and the Legion is directly across from my daughter's house at 117 Stryker Road and the sign will be viewable through the northern windows on that property. It is also directly opposite to my own property bordering Chili Scottsville Road where the sign would be. The existing and proposed sign are right on the lot line. Can you imagine owning property that's ruled PNOD area and having this type of sign immediately bordering your property? Right now, the property is being used for agricultural, but it could be, down the road, houses put right there, and it's right on the property line. Add another 3 feet plus additional change for Town-banned signage, and it will.

The Building Department informed me that these types of signs, LED, are considered the same as digital, which is against Town Code. And as far as I know, it's still against

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Town Code. It will directly impact the value of all PNOB property, as well as destroy the rural ambience that we now enjoy. I have spent a great deal of time and money on property improvements. The Town Historic Preservation Board is acknowledging the importance of our rural heritage by publishing a book on the barns of Chili. My barns will be included in this book, and the Town of Chili will be using my barns for a ceremony to celebrate the release of this book.

My younger daughter was involved in a serious accident some years ago at that intersection during a Legion event, and additional distractions to drivers who use this road at normal high speeds is only going to add to the danger. The American Legion does not seem to have any problem getting attendance at their events with their current signage. At the last hearing, when the request was denied, I offered -- and I still offer -- to change the letters or pay someone to do it for them, and the offer still goes.

The LED lights on vehicles are blinding and distracting, even on low, so you can imagine the distraction of signage. There's an LED sign on the expressway going into the city, and that's visible at great distance.

Like my daughter, I am truly appreciative of everything that they do. However, we must not set a precedent for this type of signage in our town. The Board was trusted to make the right decision the last time, which they did. And I don't see anything changed that they should make a change today. They were right the first time, they should make it right the second time.

Thank you.

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: I agree heartily with everything that Ms. Thoms has said. I, too, spoke against their digital sign two

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years ago. I don't see where anything has changed, either. I just wonder how many times we have to go over the same application. LED lights are distracting, as Ms. Thoms has said. That's a very dangerous intersection as it is. There's been numerous accidents at that corner. There's tremendous speeds as people go flying, especially down Chili Scottsville Road. These signs are not allowed anywhere else, and I don't believe we have another one in Gates and Chili. I've been at this Board meeting many, many times, and everyone who comes in and wants one has their same litany of excuses and good reasons why they need one, but every time, they're turned down. And I don't see why this one should be any different. Their present sign is visible. The signs that this gentleman mentioned he measured the foot candles on are not LED signs, they're just regular signs. I wouldn't want anybody on the Board to be confused by that.

PAUL BLOSER: One of them is.

MS. BORGUS: Churchville Chili. That's not in Chili, it's in Riga. Let's not mix apples and peaches, here. And that's a horrible looking sign, just as an aside. It's horrible. LED signs are tacky. It is a very rural area out there, and that's the last thing that we need is that kind of a tacky appearance.

I also note again there's no street number on that sign that I can see. It's a very poor rendition to those of us

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out here in the audience, but I don't see a street address on that sign, either. Is there one? Am I missing it.

MR. AUBLE: You're correct; there is none.

MS. BORGUS: And I don't know what that bottom print reads. What does that say?

FRED TROTT: It's just the marking for the electrical.

MR. AUBLE: The blue writing on the bottom?

MS. BORGUS: Yes.

MR. AUBLE: It's just an engineering note. It's not going to be on the sign.

MS. BORGUS: That won't be sign?

MR. AUBLE: No, it's just an engineering note.

MS. BORGUS: But there's no street number. And did I hear that the footer is already in for this sign? Was that a comment made by the gentleman who's going to do the work?

MR. AUBLE: I think he did make that comment, but there was a footer there before, also.

MS. BORGUS: Well, all I can say is that in town, the signs are a big improvement over what we had in years past. We've got a good system going, we've got good parameters. It's working. We need to upgrade signs more, but we've got a good start going here. We insist on exterior lighting, we insist on monument styles. Neither one of these parameters are being adopted here. And I'd like to remind you that application 1, which you just heard tonight and tabled, for

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SunCap and FedEx, the statement was made, 8 foot is too high for this sign. And there again, they were concerned about grade and the decrease in elevation, so this is not any different. So if it wasn't good on application 1, it's not good on this application, either. 8 foot is too high. So this is wrong on many, many counts, and you should follow your lead that you made the last time and turn this down once more and have this ended.

Thank you.

MR. AUBLE: If there is no other comment.

Like I've said, the LED sign, it's in Riga. There's no doubt about it. But that has the lowest emission of light of all of the signs that I had taken a reading on, even our old sign. Our old sign cannot have copy on it. My argument is if there wasn't a problem with the old sign, with the amount of light that was being emitted by that, the one up at Churchville Chili High School, which is an LED sign, is even less. It's practically one half of the light output than it is for the new sign up there.

That's the only comment I will make. And I will answer any other questions that you have.

PAUL BLOSER: From the building standpoint, have there been any complaints on the existing sign?

ED SHERO: Not to my knowledge, no.

THE COURT: Okay. Is there any other public comment?

ERNIE MILLER.

MR. MILLER: I would like to comment on the population of Post 1830. It's an aging group.

PAUL BLOSER: Would you step up to the microphone, please?

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MR. MILLER: Yes. The population of Post 1830 is an aging group. The newer veterans are not joining. Therefore, it has become next to impossible for us to maintain the past sign because of the conditions; standing on the back of a pickup truck trying to put the letters up. We need something that we can change the message on the sign from inside. One of the ladies here said she offered to change those messages for us. I don't know who she talked to, I don't know who she offered it to.

MS. THOMS: I offered it the last time when you made the application.

MR. MILLER: I didn't hear that. I have never seen this lady in the post offering it to our managers there. This service, basically, that's -- the only other comment is about the height of the sign. It's absolutely necessary. Even going to the 8 feet, that only places the sign 2 feet above the road level. 2 feet. And this LED requirement, which is

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why we're applying for the variance -- this is 2011. The Town of Chili wants to maintain a certain environment, a rural environment, I understand that, but we can't be riding stagecoaches. We have to move on with progress. In order to maintain a function, a club, a business, you have to be competitive. We supply a lot of services for the people in the Town of Chili. I'm a Town of Chili taxpayer, and I would like to continue these services.

Thank you. That's all I have.

TOM PUFF, Past Commander of Chili Post 1830.

MR. PUFF: I didn't want to get into the practicality of the sign as much as I do the possibility of thinking. I took -- I was serving the Post as an officer right after 9/11, and the commander then and myself, as well as during my tenure as the commander, we discussed the possibility of using the pavilion in our post as part of a disaster preparedness plan; staging area, receiving donations to help other folks, food distribution, possibly emergency shelter. This sign would go hand in hand with providing the public critical information in a time of chaos, God forbid if anything like that should ever happen, a local disaster. I don't want to play that scenario too much because the possibility of it happening is remote, but it is an important tool in getting the message out to the public in times of emergency, as well as in times of peace, what's going on as opposed to the normal person who's not a Legionnaire or a member of the Legion family, the Auxiliary or the SAL, who doesn't know what's going on in the Post. Unless we start advertising in the paper, which is very costly, that sign is probably the only communication of that all year of events that they're invited to, for example, the 4th of July picnic, the Memorial Day picnic, Veterans Day, sporting events that we sponsor, golf tournaments that the public is invited to. And this is a way that we can reach out to the community and invite them to our facility and show them exactly what we do for the people through the community, how much we give back to the community. And so I would just like to ask your indulgence, and even though it doesn't comply with your existing laws, it is a critical tool that helps us communicate our message.

And I thank you for your time.

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CAROLE THOMS, 122 Stryker Road.

MS. THOMS: I'd just like to respond back about the advertising. As a member of the Chili Historical Society, we advertise in the Pennysavers all the time. That can be done free. It wouldn't cost the Legion anything to advertise in those. And the amount of people who drive back and forth through there are people from Scottsville. The rest of the area of Chili doesn't drive by there to look. So if they

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really want people to come to their events, they should advertise in the Pennysaver.

LYNN CARDONE (phonetic), American Legion.

MS. CARDONE: I'm Lynn Cardone, former historian of the American Legion and also a past vice commander. Under LED lights, I have noticed LED lights in Chili. One is right on Coldwater Road with that flashing speed limit sign. It's an LED sign. Also, every bank you go to in Chili has an LED sign; a "closed" sign, an "open" sign. They're basically flashing signs, basically LED signs. And as for the houses on Stryker Road, I drive by there probably three times a week going to the country club or going to the Post or even going to Scottsville, because I work in this area, and I barely notice the houses across the street from the Post. So I'm not sure why the sign would be too bright for their windows. There are two houses there. I've only noticed one house, and that's all covered with bushes.

MS. THOMS: Well, there's one on one side, the opposite side, and there's my daughter's house that's directly across --

PAUL BLOSER: Please keep your comments addressed to the Board, please.

MS. CARDONE: I've noticed one house, so I'm not really sure -- but that's all I have to say.

CAROLE THOMS, 122 Stryker Road.

MS. THOMS: Can I ask you a question, Paul?

PAUL BLOSER: Yes.

MS. THOMS: Isn't there some sort of a legal that if you have people on, say, 75 percent of the surrounding area that's immediate -- not a mile away, but like my daughter's house and my property and so forth -- that if they're against it that you can't vote something in if that many people are against it that are directly adjacent?

KEITH O'TOOLE: That was a provision that existed in some town codes, and the courts overruled that some time ago. It's illegal, and we've never had that in Chili.

DOROTHY BORGUS, 31 Stuart Road.

MR. BORGUS: This speaker mentioned the LED lights with "open" and so forth. These are inside the stores, and the Town has no control over those. You do have control over LED signs outside. And again I'll say, everybody that I've heard come in here in the past and wanted one of these signs has had a litany of good reasons why they thought they should be the exception to our rule and our code, and every time the Board has said no. So although some of these reasons and excuses they have are wonderful and fine and they're

admirable, you're still back to the same thing; do you want

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the doors to open and everyone who's been denied an LED sign in here before to come back and get one now because you let one in? You think about that.

PAUL BLOSER: There is a flashing LED sign right on Chili Center Coldwater road for the speed limit. It's an exterior sign.

MS. BORGUS: But it's a municipally-owned sign, not private enterprise.

MR. AUBLE: I'm sure this American Legion Post is not one to make enemies of our neighbors. But one of the things that we do in our presentation -- and we have told you exactly what we're going to do with our sign -- it isn't going to be changing copy. It's going to be steadfast. It's not going to be flashing back and forth, it's not the traditional LED sign. I mean, this sign will be capable of it, there's no doubt about that. The software is phenomenal in this thing, what you can do with it. But that's not our intent to do it. It's a message board, basically. That's basically what we're talking about. And like I say, we're not trying to divide this community. That would be the last thing we would want to do. But because of our situation and the location of it and changing copy -- and changing copy, as far as -- as a matter of fact, in a monument sign, you can't change copy. It has to be -- and some of them are very nice. But it's one -- it basically tells you that there's a certain business that's at that location. But this is really a message board. And a monument sign with copy that you can't change on it wouldn't suit us.

Thank you.

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

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

ROBERT MULCAHY: I have a question. In the Chili Legion, is that going to be LED lights?

PAUL BLOSER: No. My understanding -- and Mr. Auble, you can correct me if I'm wrong -- my understanding of that is that it's a plastic lens.

MR. AUBLE: Are we talking about the top portion of the sign?

ROBERT MULCAHY: Yes.

MR. AUBLE: The top portion of the sign is going to be routed aluminum. I believe it's going to be black. The actual housing is probably going to be about this wide and about that tall (indicating), and the aluminum will be routed

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on both sides and that will be plastic on the inside, and it's a backlit sign.

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ROBERT MULCAHY: Fluorescent lights?

MR. AUBLE: It will be fluorescent lights, but it's not going to be a plastic so it emits a tremendous amount of light.

ROBERT MULCAHY: Do you know what the intensity of that light is going to be?

MR. AUBLE: I couldn't tell you, sir.

ROBERT MULCAHY: So the LED lights are just going to be for your message?

MR. AUBLE: Yes.

PAUL BLOSER: And the Chili sign, the background color on that is black?

MR. AUBLE: Well, as you see it right there, the aluminum will probably be black.

PAUL BLOSER: That's what I'm asking you.

MR. AUBLE: Yes.

PAUL BLOSER: So it would be the same color as the background of the LED sign when the LEDs are off?

MR. AUBLE: That's my understanding, yes. And then we'll have a part there that will show the emblem of the American Legion there, also, the round section.

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

PAUL BLOSER: Bill, I do have a question for you.

MR. AUBLE: Do you want me to come up there?

PAUL BLOSER: Sure. I'll say, for example, the turkey raffle you guys do, how much in advance do you normally start advertising that?

MR. AUBLE: Month, month and a half.

PAUL BLOSER: On the sign when it was operational, with the letters, what was your time frame on that?

MR. AUBLE: I would say probably a month. Obviously, it goes in our newsletter, and then it goes on the sign.

PAUL BLOSER: It's kind of consistent with the events that you have, that type of window?

MR. AUBLE: Usually, we have approximately five or six fundraisers. And we're talking the whole Legion family; and we're talking Auxiliary, Juniors, SAL, and the Legion itself.

PAUL BLOSER: Okay. That answers my question. And we do allow for temporary signage for advertising something for different stores for 28 days or --

ED SHERO: I think one time a year for a special event.

MR. AUBLE: May I ask a question here, or make a comment?

PAUL BLOSER: Yes.

MR. AUBLE: Towards the end of the ordinances -- and

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I've probably read them three or four times, but there is -- with the conditions that we've set up, there is a section in there that states that if we do not -- if this sign does not comply to the conditions that this Board sets up, then you have to do something about it. You have legal recourse to do something about this; is that not correct?

PAUL BLOSER: That's correct.

MR. AUBLE: So our feet are held to the fire. As far as somebody five years from now, it's going to be the same conditions as we gave you. There isn't going to be any

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variation on it.

FRED TROTT: That's why I say that there would be conditions. If I'm going by your word that, okay, and we not make it a condition. That's what I'm saying.

MR. AUBLE: No. I think what I put at the bottom of that piece of paper is that the intended use of it -- I'm not trying to step on your toes. I also said whatever the authorities of the Town of Chili say, we'd abide by.

Okay. Thank you.

Paul Blaser continued reviewing the proposed conditions of approval with the Board.

MR. AUBLE: Paul, can I ask a question?

Is there anything in that ordinance on signs that mentions LED signs?

PAUL BLOSER: Yes.

MR. AUBLE: It specifically mentions LED signs?

MR. O'TOOLE: Freestanding signs are not allowed to have internally illuminated signs in any way, shape, or form.

PAUL BLOSER: Didn't the change come through, though, specifically calling out the LED signs?

MR. O'TOOLE: I don't recall that.

PAUL BLOSER: Okay.

Paul Blaser continued reviewing the proposed conditions of approval with the Board.

ROBERT SPRINGER: I have a question for you.

MR. AUBLE: Yes, sir.

ROBERT SPRINGER: The old sign, how long has that been up there?

MR. AUBLE: Ten years.

ROBERT SPRINGER: And you were satisfied with that for ten years, but you all got ten years older?

MR. AUBLE: Well, no, it was a home-made sign. It was constructed by, basically by our SAL facet. And what they did is they put two metal poles and they put plastic on the back -- opaque plastic, and they coppered channels on that clear plastic so they could slide letters in and out. Since

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then, those have deteriorated dramatically because of the weather and other things, and the actual front of it that we have on there, it no longer slides on the track, so it's basically not functional.

ROBERT SPRINGER: Okay, so it's ten years old, it's falling apart, and you need something to replace it. But you were satisfied with what it did for you. I'm not talking about the ability to change, but it did what you wanted it to do.

MR. AUBLE: It got our message out.

ROBERT SPRINGER: That's what I'm asking. Why can't you -- just a question, I'm just reaching off the top -- looking at the specs of your new sign proposal, why can't you bring that down where you have the empty space which is shown up there in the white?

MR. AUBLE: Yes.

ROBERT SPRINGER: If you brought that sign down, the top of that sign would be about 78 inches, and you should be able

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to reach that with a minimal stepladder and come up with the same type of sign that you have now, brand new. Go ahead and put up your brick and make it look current.

MR. AUBLE: Actually, the brick would impede us being able to change copy. If we were to use this design right now, you can't put an extension ladder in there, and you certainly can't put a pickup truck in there.

ROBERT SPRINGER: Okay. So you built a brick wall that's situated as a stunt for you.

MR. AUBLE: Well, first of all, the foundation won't allow that.

ROBERT SPRINGER: It would if you went width-wise or depth-wise from the front to the back, to the other side. You end up walking up to your sign.

MR. AUBLE: I understand the concept that you're trying to state here, but right now, I believe --

Ernie, could you tell me how wide that is? I don't think it's much more than 3 foot, is it?

MR. MILLER: No. It's approximately 2 feet, but what he was starting to say was it would be impossible to change the message on the sign by sliding the letters on because of the foundation, the piers.

ROBERT SPRINGER: Unless the foundation was depth-wise and you went from both sides, became steps coming up to both sides of the sign, where you're actually standing right there in front of the sign.

MR. MILLER: The letters slide in from the end.

ROBERT SPRINGER: I understand that.

MR. MILLER: You can't slide them in from the end when the depth of the sign is within that 2-foot pier.

ROBERT SPRINGER: How wide are the letters?

MR. AUBLE: Off the top of my head, I would say probably

about 4 inches.

ROBERT SPRINGER: Okay. I'm not going to go through the math or the idea, but I think if you sat down and looked at this, the logic that I'm trying to bring to you is that this could be done the way you're doing it today and you wouldn't need the LED situation at all. My two cents. I'll just let it stand there.

MR. MILLER: You still have the problem of going out in the weather.

ROBERT SPRINGER: But you only change the sign once every 30 days.

MR. PUFF: Sir, I've maintained the sign before, and the main thing with a fluorescent backlit sign like that, you don't just clip lashes and pull the face off. It literally has to slide along a track, and those bricks would not allow the face to slide out to maintain your ballast and your lamps and the sockets that those lights go into. That brick would be completely unworkable with the sign we have here today.

ROBERT SPRINGER: Okay. Thank you.

MR. PUFF: Thank you, sir.

MR. AUBLE: May I ask a question?

PAUL BLOSER: Yes.

MR. AUBLE: Light intensity. You were talking about light intensity, and those figures that I gave you were in the evening.

PAUL BLOSER: Correct.

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MR. AUBLE: Okay. You all understand that.

PAUL BLOSER: Well, at that time of year, May 18th, 9:30 at night is dark, full dark.

MR. AUBLE: And you understand we're talking about 11 o'clock -- off at 11?

PAUL BLOSER: Yes.

Paul Bloser continued reviewing the proposed conditions of approval with the Board.

PAUL BLOSER: Does the bottom of that sign have to have service access?

MR. AUBLE: Oh, definitely. We have to bring the electrical in. We have three circuits to bring in there. See where the box is?

JAMES WIESNER: Is there any reason why it couldn't be put on the opposite side of that pillar?

MR. AUBLE: Well, obviously, they have to go into the sign itself. If I'm not mistaken, I think there's a disconnect that has to go in there, too.

PAUL BLOSER: There has to be one.

MR. AUBLE: Yes, so that's all underneath there. That's what that box is there in the lower left-hand corner. They are talking about going through masonry, so usually they

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don't use the flexible conduit. I would say that they probably -- I'm a retired electrician -- I would say that they probably would come in through the back side of that junction box, elbow into it, and then come right up the side of it and feed both of the signs in between. That would probably be recommended.

PAUL BLOSER: Another condition on this -- I'm going to do this on the sign portion and the height. Sign overall height not to exceed 7 foot; plantings as recommended by AAC, be specified and cleared through Conservation.

Do you understand what that is, Bill?

MR. AUBLE: I'm sorry.

PAUL BLOSER: Plantings recommended by AAC. You would have to supply -- I'm going to require that this goes through -- that you appear before the Conservation Committee, get recommendations for the plantings around the base of the brick.

MR. AUBLE: Oh, okay.

PAUL BLOSER: So it's going to hold up in those elements and in that environment. And in which case, you're going to need a print that shows exactly where that slab is in relation to the driveway, so they know what room they've got to work with and dirt for planting stuff around there.

MR. AUBLE: Is it not on the site plan?

PAUL BLOSER: You'd want to have it in a large view so they know exactly what your space from the asphalt to the base of the sign is, the placement, so they know what they have to deal with.

MR. AUBLE: All right.

PAUL BLOSER: On the sign portion of it, for the height, for the signs, just go with those two. On the other one, I will still have to require a sign permit must be obtained prior to construction.

The next condition of approval on this, all other

outstanding permits and inspections to be completed prior to permit issue.

This is a case also where your building sign, when it was approved, it was put on for a period of time, and that permit has since expired. That needs to be revisited in the Building office so that's renewed and put in place.

MR. AUBLE: For our present sign?

PAUL BLOSER: The present sign on the building.

MR. AUBLE: Is this something that they periodically expire -- oh, you mean on the building itself.

PAUL BLOSER: On the building itself.

MR. AUBLE: Well, I got that paperwork, and I was waiting to find out what was happening here, but yeah.

PAUL BLOSER: That expires. That has to be renewed. So we're saying before any new permits can be issued, the old ones have to be satisfied.

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MR. AUBLE: 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 James Wiesner seconded the motion. The Board all voted yes on the motion.

Paul Bloser presented the application for variance to erect a 7' x 4' double faced freestanding sign to be 8' high (5' allowed) at property located at 450 Chili Scottsville Road for a Board vote.

DECISION: Approved by a vote of 6 to 1 (Robert Springer) with the following conditions:

1. Sign height not to exceed 7 feet from the base.
2. Plantings as recommended by the Architectural

Advisory Committee be specified and approved through the Conservation Board.

The following finding of fact was cited:

1. The proposed variance is not substantial in nature as it is smaller in size, width, and height compared to the existing sign variance. Requested variance will not have a negative physical or environmental impact on neighborhood.

Paul Bloser presented the application for variance to erect a 7' x 4' double faced freestanding sign not to be monument style and to be 56 sq ft total to replace existing changeable copy sign, variance for sign to be LED illuminated (exterior illumination required) at property located at 450 Chili Scottsville Road for a Board vote.

DECISION: Approved by a vote of 6 to 1 (Fred Trott) with the following conditions:

1. Light settings at minimum setting of .03 foot candles at a distance of 30 feet.

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2. No rotating, flashing, fades, animations, etc., in sign display. Static images only. No pictures or live action images.
3. No sign lighting between the hours of 11 p.m. and 7 a.m.
4. Street number shall appear on the sign.

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5. Amber tone bulb color is the only color allowed.
6. A sign permit must be obtained from the Building Department prior to construction.
7. All other outstanding permits and inspections to be completed prior to construction.

The following finding of fact was cited:

1. Requested variance is not significant in nature and will not have a negative physical or environmental impact on neighborhood.

8. Application of Mr. & Mrs. Michael Graf, owner; 42 Andony Lane, Rochester, New York 14624 for variance to allow existing utility shed 6' from side and rear lot lines (8' required) at property located at 42 Andony Lane in R-1-15 zone.

The application was tabled to July 26, 2011 at applicant's request.

9. Application of Grace Covenant Church, c/o John Tierney, 13 Minute Man Trail, Rochester, New York 14624 for variance to erect a 5' x 3 1/2' double faced exterior illuminated freestanding sign to be a total of 35 sq ft to replace existing freestanding sign (32 sq ft allowed) at property located at 224 Chestnut Ridge Road in R-1-20 zone.

John Tierney was present to represent the application.

MR. TIERNEY: Good evening, gentlemen. John Tierney, 13 Minute Man Trail, Town of Chili.

There is an existing sign at Grace Covenant Church. Currently, that sign is set back quite a ways from the road. It extends roughly 8 feet beyond what is acceptable. If you were to travel down that road, you'd find that some of the trees and things that are on some of the neighbors' yards make it a little bit difficult to find that sign visible. There's also a curve that comes from the opposite side, from the west side heading east down Chestnut Ridge Road, that also makes it a little difficult to see that current sign. The sign also does not reflect current usage of the building, because right now it's being used by two church facilities even though it's still owned by Grace Covenant, and so our proposal is to erect a new sign that will give greater visibility and better reflect the current usage of the building.

PAUL BLOSER: What are your colors on this?

MR. TIERNEY: It's a blue background, like a deep blue background, with brownish pillars. I'm trying to keep it somewhat in alignment with what I've seen around town; nothing radiant, nothing neon, nothing super bright, just a very deep, neutral color, white lettering.

PAUL BLOSER: A little nicer looking than what's there right now, just update it, clean it up?

MR. TIERNEY: Correct.

PAUL BLOSER: In the existing sign, you didn't really have much for plantings underneath it.

MR. TIERNEY: There were no plantings underneath the current sign.

PAUL BLOSER: Are you proposing anything underneath here? You're showing something there. Is it a matter of yard work or --

MR. TIERNEY: Yes. It's my understanding that the current advisement is to have some type of planting underneath, so what we were planning on doing was just mulching the area completely around the sign and then putting in either some small shrubs or flowers to kind of spruce it up a little bit and maybe cover up some of the lighting down there.

PAUL BLOSER: John, I'm going to put down here -- did you go with this sign to Architectural Advisory, at all?

MR. TIERNEY: What we did, Paul, is we took it through a verbal over the phone. There was some confusion when I went in to the Building Department as to who I was to see first and who I was to talk to first, so I did talk to Jim Ignatowsky on several occasions, he was faxed over a copy of the sign, we went over details of the sign, and when I submitted the application, he had not yet given a yea or nay, because they had still to make their own decision. They hadn't posted their meeting yet. I mean, everything that he gave to me over the phone -- and I know you guys can't use that information, but it was all a verbal yea over the phone, but I had nothing formal given to me by them.

PAUL BLOSER: The only thing that I have is that the initial size and shape appear acceptable to the committee. We need to see colors and material before we can make a final recommendation.

MR. TIERNEY: That's the Architectural Advisory Board?

PAUL BLOSER: That's all I have so far, and I was just wondering if you've been before them with anything else.

MR. TIERNEY: No. Again, when I discussed the colors with Jim, he asked me what they were, and he said they were trying to avoid things like bright purples and pinks and crazy colors and so on, and when I described it, he said, that sounds fine to me. And then when I spoke to Kathy Reed of the Building Department, she said, well, he was supposed

to submit something formally. Then when I called him back that very day, when I handed him the application for the Building Department, he assured me that he would take care of

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everything and have that the following day. So this is news to me that he was unaware of the colors, because we did fax over to him a color copy, and everything that was submitted, he had verbally.

PAUL BLOSER: This was dated May 25th. I don't have anything since then. What I'm going to do on this is put a condition of approval subject to final approval from Architectural. I'm also going to put down, plantings subject to Conservation. The sign is only a few inches bigger?

MR. TIERNEY: Yeah, and that was actually a misunderstanding, because if you look at the way I've got the sign detailed out, I was looking at a 3 by 5 for the basic size of the sign, which would have been 15 square feet per side, and then the portion at the top where I had the street address, I misunderstood how I measured it, and so I looked at it as a half a foot by two feet is only one foot more, so I thought I was keeping within my 16 square feet per side. And then I found out that they don't measure it that way, that it's overall height and width, and that's why we're exceeding the 32 square feet.

PAUL BLOSER: It's minimal on that. I'm not concerned about that. I'm just more concerned that they're approving the colors, the materials, and then that Conservation likes what you're putting around the base. So our approval is -- we'll vote on it, and it will be final based on the approvals of those two Boards.

JAMES WIESNER: Do you have a color picture in your hands there?

MR. TIERNEY: I do not. Actually, the way that it went, there was one color picture, and I think maybe one of you gentlemen may be holding that color picture. If not, I don't know what happened to it, because I had made ten copies, and one had the original color picture and the others were all black and white. I apologize for that. No, I don't have a color one here.

PAUL BLOSER: That's fine, because that's going to be up to Architectural anyway.

JAMES WIESNER: And that's a wooden sign?

MR. TIERNEY: Yes. We're not trying to do anything too loud. I want to keep it like what I've seen around town.

PAUL BLOSER: They've approved the design, they just want to see the material and color.

FRED TROTT: The numbers are going to be within code, four inches or whatever the requirement is?

MR. TIERNEY: Yes.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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Adam Cummings made a motion to close the Public Hearing portion of this application and Robert Mulcahy 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 the 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 Adam Cummings 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. Subject to Architectural Advisory Committee final approval on colors and materials used.
 2. A sign permit must be obtained prior to sign erection.
 3. Plantings are subject to approval by the Conservation Board.
10. Application of Stefanie Griffin, owner; 42 Sequoia Drive, Rochester, New York 14624 for variance to erect a 33' x 10' open porch to be 40' from front lot line (45' previously approved) at property located at 42 Sequoia Drive in R-1-12 zone.

Stefanie Griffin was present to represent the application.

MS. GRIFFIN: Good evening, gentlemen. Mr name is Stefanie Griffin, from 42 Sequoia Drive, Rochester, New York 14624. Currently, on the front of my house I only have a landing at the front porch by the front door. What I'd like to do is build an outdoor usable space, and currently the code only allows for a 5-foot porch. I'm asking for an additional 5 feet to build a 10-foot width porch and have

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some usable space in front of the house.

MICHAEL NYHAN: This is going to be an open porch, correct?

MS. GRIFFIN: It will be open, correct.

MICHAEL NYHAN: There will be a roof over the top of it?

MS. GRIFFIN: Yes.

MICHAEL NYHAN: Columns?

MS. GRIFFIN: It would be four columns in front, poured concrete pillars.

MICHAEL NYHAN: The step you have there now, you have two columns in front of your front door with a table and chairs in front of it. Is that currently 5 feet, and you want to go 5 feet beyond that; is that correct?

MS. GRIFFIN: I want to go 5 feet beyond, correct.

PAUL BLOSER: There aren't columns there now --

MS. GRIFFIN: There aren't columns, it's just that concrete landing with one step down to the sidewalk.

PAUL BLOSER: Those are architectural --

MS. GRIFFIN: Yes. That's just detail on the house.

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THE COURT: So it will kind of look like the house around the corner.

MS. GRIFFIN: Exactly.

THE COURT: Okay. Any questions?

ED SHERO: Did anybody talk about the fence that was in here?

PAUL BLOSER: I haven't gotten to that yet.

ED SHERO: Do you want to address that?

PAUL BLOSER: You can, yes. Go ahead.

ED SHERO: Anybody talk to you about that?

MS. GRIFFIN: No.

ED SHERO: Okay. I didn't realize that there was a fence. Any easement near this property needs to have a fence put in the easement. And generally, when that doesn't happen, our Department of Public works has to issue an easement release to give you permission to put the fence in the easement. I'm not sure how long it's been there.

MS. GRIFFIN: I bought the house three years ago, and the fence was there before.

ED SHERO: I see the survey. I know you didn't put it in, but we would ask that you get it cleared up. There's no cost to it, it's just a matter of making an application and having the Department of Public works look at it, and generally it's granted. In the situation here, you might need to do work or you might have to take the fence out. If it were put in straight, it probably wouldn't be an issue. I don't know why it's so crooked.

So we would ask that that be a condition for the variance. And also that if you grant a variance for the porch, it's okay for a porch, but if there's anything else done to it, such as an enclosure -- we've had some in the

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past where they start with a porch, then it becomes an enclosed porch, and it becomes a bedroom. So we'd ask that if we pass the porch that it doesn't change from a porch.

MS. GRIFFIN: Absolutely. The intent is for it to look just like the one in that picture of the house around the corner.

PAUL BLOSER: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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 to close the Public Hearing.

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

Paul Bloser reviewed the 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 Adam Cummings seconded the motion. The Board all voted yes on the motion.

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

1. Applicant must remove or apply for a Zoning Permit for the fence in the easement prior to issue of building permit for porch.

2. Variance is granted for an open porch only - future enclosure will require an additional variance and permit.

3. Building permit must be issued before porch construction is started.

11. Application of Lou Bivone, owner; 55 Alliance Drive, Rochester, New York 14623 for variance to erect a 7' x 4'8" double faced freestanding monument sign to be a total of 66 sq ft (32 sq ft allowed) at property located at 3765 Chili Avenue in N.B. zone.

The application was tabled to July 16, 2011 because the sign advertising the public hearing was not properly displayed for the time period required.

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The 5/17/11 Zoning Board meeting minutes were approved as submitted.

The meeting ended at 10:10 p.m.