

CHILI ZONING BOARD OF APPEALS
July 22, 2008

A meeting of the Chili Zoning Board was held on July 22, 2008 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Paul Bloser.

PRESENT: Jordon Brown, David Cross, Adam Cummings, Tracy DiFlorio, Robert Mulcahy, James Wiesner and Chairperson Paul Bloser.

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

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

The Board reviewed the application notification signs for each agenda item.

The Board indicated they would hear Application Number 1.

The Board indicated they would hear Application Number 2.

The Board indicated they would hear Application Number 3.

The Board indicated they would hear Application Number 4.

The Board indicated they would hear Application Number 5.

The Board indicated they would hear Application Number 6.

BOB MULCAHY: The sign.

JAMES WIESNER: It was flipped, rolled over.

BOB MULCAHY: I have no idea how long it was --

DAVID CROSS: I saw it. It was there.

PAUL BLOSER: It was there.

The Board indicated they would hear Application Number 7.

The Board indicated they would hear Application Number 8.

The Board indicated they would hear Application Number 9.

1. Application of Richard Seiling, owner; 71 Christina Drive, North Chili, New York 14514 for variance to erect a 12' x 16' utility shed to be 192 sq. ft. (180 sq. ft. allowed), variance for shed to be 3' from side lot line (8' req.) at property located at 71 Christina Drive in R-1-15 zone.

Richard Seiling was present to represent the application.

MR. SEILING: Basically we would like to install a utility shed that would be within -- or outside the Town variance, the variance in the back already, the easement. It would not be in there, but we're requesting 3 feet closer to the property line, and I will be putting a fence down the property line, so the closer I can get it over to the fence, it will just be more aesthetically pleasing that way by being over there, instead of stuck up in the middle of the yard.

PAUL BLOSER: Is this a prefab shed?

MR. SEILING: Duro Shed, yeah.

PAUL BLOSER: Will it be light colored and everything?

MR. SEILING: Yes. Matching the house. White with black shutters.

TRACY DiFLORIO: So you could keep it within the 8 foot, it is just you want --

MR. SEILING: I could, but it is going to be an eyesore. I'm sure the neighbors would complain how awkward it would look because the fence will be here (indicating) and would it be 8 foot inside the lot line. I will try to run the fence down to the corner of it so I can be as close as I can to it, so it stays uniform -- so the lot stays uniform.

PAUL BLOSER: What kind of fence are you putting up?

MR. SEILING: A vinyl privacy fence on the one side. Not all of the way around. Just the one side.

PAUL BLOSER: It is going across the back?

MR. SEILING: Nope. That is going to be on the west side of the property, and I'm placing the shed in the northwest corner of it, so it will run from the back of the house, down the property line, to the corner of the shed and the shed will complete the fence line.

Well, almost. 3 feet away from it, but just some privacy on that side.

CHRIS KARELUS: We did an on-site inspection. We don't find any restrictions that wouldn't allow him to conform to the code. There is nothing restricting him to be able to move it inside the lot.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Paul Bloser made a motion to close the Public Hearing, 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: I will start by saying, as I went through the streets, looking at other sheds in there, pretty much they're -- what I can tell, everything existing seems compliant. I did go around the street, back -- to look in from the back side also, and I agree with the Building Department's comment that I can't see any hardship here other than just a desire to have it closer to the side lot line. So if anything, this would be a self-imposed hardship request.

You don't have any other questions or comments from the Board?

JORDON BROWN: I would like to hear a little more elaboration about the rationale for putting it there. You said it would be an eyesore for the neighbors.

MR. SEILING: If I take my shed out and move it out, it will be in the middle of my backyard and take away from the usable yard and that. I -- otherwise, I'm putting a fence all of the way back down to the fence. I do have an issue with privacy on the one side of my property. This will only help that privacy at the same time as the fence would, as well. So it just didn't make sense to be building a fence past it and putting that there, as well, so moving it the 3 feet, there is nothing on that side that is going to curtail. It's not going to be in the easement, so it's basically moving the site line over to the one side.

PAUL BLOSER: The width of the lot here, am I reading this correctly -- is, I think, 70?

BOB MULCAHY: 80.

PAUL BLOSER: There is a crease in the paper here.

MR. SEILING: I think it says 80, doesn't it?

PAUL BLOSER: Just for clarification, because my -- it is on a crease and it is hard to read.

MR. SEILING: I have copies, if you need it.

ADAM CUMMINGS: Do you have any other structures in the backyard?

MR. SEILING: A deck. A deck off the back of the house.

ADAM CUMMINGS: No other pools or anything like that?

MR. SEILING: No.

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 Bob Mulcahy seconded the motion. The Board all voted yes on the motion.

David Cross made a motion to approve the application with the following condition, and Tracy DiFlorio seconded the motion. The vote on the motion was 4 yes to 3 no (Tracy DiFlorio, Paul Bloser and Adam Cummings).

DECISION: Approved by a vote of 4 yes to 3 no (Tracy DiFlorio, Paul Bloser and Adam Cummings) with the following condition:

1. Building Permits to be filed for as required by code.

The following finding of fact was cited:

1. The requested variance will not create an undesirable change in the character of the neighborhood.
2. Application of Richard Poyfair, owner; 719 Morgan Road, Scottsville, New York 14546 for variance to allow the total square footage of garage area, including a new 24' x 36' detached garage to be a total of 1,704 sq. ft. (900 sq. ft. allowed), variance for detached garage to be 25' from side lot line (50' req.) at property located at 719 Morgan Road in A.C. zone.

Richard Poyfair was present to represent the application.

PAUL BLOSER: Can you tell me about the garage? What are you doing with it?

MR. POYFAIR: Mainly storage. I have 6 1/2 acres. I plan to get a tractor and equipment to maintain that.

PAUL BLOSER: Are you running a business out of there?

MR. POYFAIR: No.

PAUL BLOSER: No in-home business of any type?

MR. POYFAIR: No.

PAUL BLOSER: Looking at the drawing on here, it looks like it is long, going deep in the lot?

MR. POYFAIR: Yes.

PAUL BLOSER: Overhead door?

MR. POYFAIR: Yes.

PAUL BLOSER: Facing what direction?

MR. POYFAIR: Facing north.

PAUL BLOSER: Any other doors there?

MR. POYFAIR: A really smaller door in the back.

PAUL BLOSER: Just a man door?

MR. POYFAIR: Yes.

PAUL BLOSER: What is this constructed of?

MR. POYFAIR: Pole barn, metal.

PAUL BLOSER: Siding colors?

MR. POYFAIR: Match the house. Gray and --

PAUL BLOSER: Metal roof or --

MR. POYFAIR: Metal.

ADAM CUMMINGS: What is the need for the 20-foot from the front lot line instead of the 50?

MR. POYFAIR: I have one room in the back that overlooks the property and it would obstruct the view from the room. Also, I'm hoping to provide somewhat of a wind break to keep some of the snow out of my driveway.

DAVID CROSS: You do have any fencing down the --

MR. POYFAIR: No.

DAVID CROSS: -- your west property line?

MR. POYFAIR: No.

DAVID CROSS: Do you plan any?

MR. POYFAIR: No. The neighbors have the backyard fenced on that side.

CHRIS KARELUS: Again, I did a site visit. I don't see anything in the rear yard that restricts the applicant from having the structure conform.

Is there going to be a planned driveway extension off the existing driveway back to the barn?

MR. POYFAIR: Not at this time.

CHRIS KARELUS: No other questions or comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I don't see a driveway that would be protected by this building. Is there a driveway there I'm missing?

PAUL BLOSER: From the wind bite he is suggesting?

MS. BORGUS: There is a driveway there?

PAUL BLOSER: I'm nodding in agreement with you.

MS. BORGUS: Oh. It looks to me like it's a long way from the driveway, as far as protecting any snow from the driveway.

This -- this kind of is -- is similar to the last application. I don't really see a reason why the law can't be obeyed here. We have that setback for a reason, a very good reason. It's just not something that somebody dreamt up, and I don't -- you know, everybody has their vision obstructed a little bit from their house. I just don't see a good reason here to do this. We can't just keep forgetting the law just because people come in, pay a fee, appear here for ten minutes on a Tuesday night and just do what they want. I mean our law is meaningless then. I don't hear any reasons at all that this should be granted.

Thank you.

Paul Bloser made a motion to close the Public Hearing and Bob 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.

ADAM CUMMINGS: Do we know how many vehicles or whatever kind of equipment will be going in this barn for something that large?

MR. POYFAIR: Just a tractor and probably a couple of mowers and a bucket to move stuff around, mulch, what have you.

JAMES WIESNER: It's a very skinny lot.

PAUL BLOSER: For six acres.

JAMES WIESNER: Yep.

TRACY DiFLORIO: It is still 300 feet across, though.

BOB MULCAHY: And 1700 square feet. That is almost as big as a house.

TRACY DiFLORIO: It's a big property. There is a lot of options. I don't think that is the only one available.

JORDON BROWN: I would be curious if there was anyway to reduce the size and reduce the amount of the setback variance that has been requested. Just to find a happy medium, at least.

PAUL BLOSER: It is basically a hard two-car garage.

What is the height of this building?

MR. POYFAIR: 14. 14 feet.

PAUL BLOSER: At the peak?

MR. POYFAIR: Well --

PAUL BLOSER: Side walls.

MR. POYFAIR: Side walls.

PAUL BLOSER: 14 side walls?

MR. POYFAIR: 10. I'm sorry.

PAUL BLOSER: 10, side walls?

MR. POYFAIR: Yep.

PAUL BLOSER: So you will be about 14, 15 feet at the peak, right?

MR. POYFAIR: Yep.

The Board discussed the application.

CHRIS KARELUS: Mr. Chairman, if I could, just to clarify for the Board, the 1,700 square feet does include the existing garage to the house, so this -- this kind of shed is conducive to the rural character of people maintaining that style of property. Just to clear up, it is just under 900 square feet, the garage the gentleman is asking for this evening, but it has to be taken in conjunction with what is at the house. That is the request before the Board this evening for 1700.

PAUL BLOSER: This is just a basic two-car garage is what this building is?

CHRIS KARELUS: Yes. I believe this is to be storage for maintenance vehicles and the like for his property. The vehicles for his house is stored in the garage at the home itself, so this is only asking for an 864 out-garage addition to what is in the building.

The Board further discussed the application.

PAUL BLOSER: It is a tapered lot. I don't have a problem with the size of it.

TRACY DiFLORIO: I was wondering if we can quote separately on the two issues.

DAVID CROSS: Do you want to split it up, Paul (Bloser)?

PAUL BLOSER: Yes, why don't we do that. We'll split it up as two separate.

JORDON BROWN: That's a good idea.

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

Bob Mulcahy made a motion to approve the application with Bob Mulcahy conditions, and Tracy DiFlorio seconded the motion.

PAUL BLOSER: I will take a vote for splitting this. One vote for the setback and one vote for the size of the building.

The Board unanimously in favor of splitting the vote.

PAUL BLOSER: We'll do this in two votes.

In relation to the size of the garage, all Board members were in favor of the motion.

In relation to the placement of the garage, all Board members were opposed to the motion.

DECISION (on the size of the garage): Unanimously approved by a vote of 7 yes with the following conditions:

1. Placement of garage is to be within Town Code.
2. Building permits and site map must be presented to the Building Department prior to construction.

DECISION (on the placement of the garage): Unanimously denied by a vote of 7 no for the following reasons/findings of fact having been cited:

1. Setback request is a self created hardship and can be mitigated by

placement within Town Code in other areas of lot.

2. Requested size variance will not create an undesirable change in the character of the neighborhood and is approved.
3. Application of David DeGrave, owner; 14 Emerald Point, Rochester, New York 14624. for variance to erect a 12' x 24' utility shed to be 288 sq. ft. (180 sq. ft. allowed) at property located at 14 Emerald Point in R-1-15 zone.

David DeGrave was present to represent the application.

PAUL BLOSER: Good evening, Mr. DeGrave.

MR. DeGRAVE: Yep. Pretty much self-explanatory.

PAUL BLOSER: It is. The location of it is within the setback. We're strictly looking at the size of the shed here. Driving around the tract, I won't say they're similar sized, but there are some that are bordering on similar.

What is the -- is this one of the wood kits?

MR. DeGRAVE: Yes.

PAUL BLOSER: Vinyl siding? Is this the one you're getting?

MR. DeGRAVE: Very similar. Essentially the only difference is the fence that is going to be in it. It won't have a full roof. It is an 11-inch -- you see theirs is actually a foot taller than mine is going to be.

PAUL BLOSER: So this is just a roll-off shed then?

MR. DeGRAVE: Yep.

PAUL BLOSER: Are you putting an overhead door on it or are you doing the swing doors?

MR. DeGRAVE: Just the two doors, two sets of swing doors.

PAUL BLOSER: Any electric or gas lines out there?

MR. DeGRAVE: No.

PAUL BLOSER: Water lines?

MR. DeGRAVE: No.

PAUL BLOSER: You're not extending any driveway or anything out to it, are you?

MR. DeGRAVE: No.

JORDON BROWN: Why do we need the size?

PAUL BLOSER: What are you going to be storing in there?

MR. DeGRAVE: Mostly garden equipment.

PAUL BLOSER: Do you have an existing shed back there?

MR. DeGRAVE: No.

PAUL BLOSER: It was towards dusk when I went by. I saw something to the right side of the house. Is that a trailer, or is that a shed or a neighbor's something.

MR. DeGRAVE: There's a trailer there.

PAUL BLOSER: Is that yours?

MR. DeGRAVE: Yes.

BOB MULCAHY: I'm curious as to how you're going to get that back there.

MR. DeGRAVE: Through the neighbor's yard.

BOB MULCAHY: That is what I thought.

MR. DeGRAVE: Says so right in the bottom right-hand corner.

PAUL BLOSER: You have room in the back, but it is pretty narrow there in the front?

MR. DeGRAVE: Exactly.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Paul Bloser made a motion to close the Public Hearing, 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.

The Board discussed the application.

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.

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

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

1. Building permit to be filed for shed.

The following finding of fact was cited:

1. Requested variance will not create an undesirable change in the character of the neighborhood.
4. Application of James Bushart III, 28 Parkway, North Chili, New York 14514, property owner: James Bushart Jr.; for conditional use permit to allow an office in home for a cleaning service at property located at 28 Parkway in R-1-15 zone.

James Bushart was present to represent the application.

PAUL BLOSER: You're Mr. Bushart?

MR. BUSHART: Yes. Actually, I do have some additions to this application. I do have copies, if I can -- if I can hand them to you. Is it okay to approach with the copies?

PAUL BLOSER: Yes.

MR. BUSHART: These are for everyone.

These are copies that have amendments to the application also, an additional basement floor plan, which I will discuss.

Now, I know the additions onto the application, you know, changing the business name and changes to the description of the business itself, um, and change -- added to the activity of -- at the property, and at 28 Parkway Drive.

Change the business name from Above and Beyond Cleaning Services to Integrity Exterior Services.

And added to the description of the business will be -- will be enrolled to be authorized retail dealer of the gutter filters and certified installer of it in Monroe County, and I will have inventory stored in the basement for the gutter filters. It is just like a foam, polyurethane to be inserted inside the gutter. And also for delivery to the property would be like UPS, for example, something like that, but no customers as far as regarding that.

TRACY DiFLORIO: You will be cleaning the gutters and then you're putting something into them to keep them clean once you clean them?

MR. BUSHART: Correct, yes.

TRACY DiFLORIO: You're not installing the gutters and having all that type of equipment?

MR. BUSHART: No gutter, no new gutter.

TRACY DiFLORIO: Okay.

MR. BUSHART: It would be minor repairs, cleaning the gutter and installation of the -- of that filter.

PAUL BLOSER: Employees?

MR. BUSHART: No employees. Just me. For right now.

PAUL BLOSER: The inventory itself, what are you looking at for size of inventory, how often you're going to be getting shipments? Are they coming by tractor-trailer truck or UPS?

MR. BUSHART: Pretty much UPS. It will not be large. Probably the most I would -- for right now would be 1800 feet, 12 to 800 -- 1200 to 800 feet. And that would be like maybe twice or once a month.

PAUL BLOSER: How big is the box that this stuff comes in?

MR. BUSHART: 4 feet, 2 -- 2 by 2.

PAUL BLOSER: UPS will deliver that size?

MR. BUSHART: Yes.

PAUL BLOSER: What is the weight of a box?

MR. BUSHART: I'm not sure.

PAUL BLOSER: Are you finishing off the basement, doing any finish off work there?

MR. BUSHART: No, no.

PAUL BLOSER: The actual office itself is in the basement or first floor?

MR. BUSHART: It will be on the second floor.

DAVID CROSS: The square foot you have listed for the business is about 45 square feet. Is that like an office upstairs?

MR. BUSHART: Yes. That's the room upstairs. And I think it also -- it didn't -- that is total square footage. It is what I calculated for the room itself. But I didn't calculate for the basement usage, for that.

DAVID CROSS: Do you have a guess or estimate of what the square footage is in the basement that will be related to the business?

MR. BUSHART: Probably about 6 feet by 6 feet.

DAVID CROSS: So maybe another 40 square feet or something?

MR. BUSHART: Right.

PAUL BLOSER: Are you using -- it says here a car. Is there a car, a pickup truck, a van? What are you using?

MR. BUSHART: It's a car. Sedan. For right now.

PAUL BLOSER: What size are the ladders?

MR. BUSHART: I think 118 inches.

PAUL BLOSER: Nothing will be stored outside the house or against the -- you have a detached garage there?

MR. BUSHART: Yes. There is a detached shed.

PAUL BLOSER: Nothing stored outside?

MR. BUSHART: No, I won't be storing nothing in there.

PAUL BLOSER: No signs or yard signs or window signs other than the one you said is on the vehicle, correct?

MR. BUSHART: Yeah. That's correct.

PAUL BLOSER: That is just the rear window sign.

MR. BUSHART: Or the side window. Probably on the side window. I was suggested to do that than on the rear.

CHRIS KARELUS: The Board, rest assured, ten percent of the accessory will be considered for storage. I don't think that will fall into that. But if the Board needs, I can work with Mr. Bushart to have him work out of the house and -- we can get those things figured out, but I wouldn't see it as anything to be concerned with.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Paul Bloser made a motion to close the Public Hearing, and Bob Mulcahy seconded the motion. All Board members were in favor of the motion to close the Public Hearing.

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

BOB MULCAHY: So moved.

PAUL BLOSER: Typically when we do a standard home business, we give it a one-year trial, no on-street parking. There is a standard list that we have in the Building Office that we use.

JORDON BROWN: Just the frequency of deliveries, if it increased significantly, that we would want to reconsider it.

PAUL BLOSER: I think that is what we would do --

JORDON BROWN: It would mean you're really successful.

MR. BUSHART: I would be moving to a different location, definitely.

PAUL BLOSER: This is something that we would review in a year. If it was a problem, in the meantime, you know, it would have to be addressed by the Building Department with the code enforcement.

I have got down here -- deliveries, once, twice a month.

MR. BUSHART: Yeah. That wasn't written down.

PAUL BLOSER: That was a comment that you made?

MR. BUSHART: Yes.

PAUL BLOSER: About how many deliveries a month are you --

MR. BUSHART: From the distributor, once a month, and maybe possibly some other deliveries to customers, but no -- nothing of significance from -- from -- in a year. Pretty much I'm going to be doing new installations and maybe delivery myself to the customer.

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

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

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

1. Granted for a period of one year.
2. No on-premises advertising.
3. No on-street parking pertaining to the business.
4. Hours of operation as per application.
5. No outside employees.
6. Applicant to obtain and maintain any required State and local licenses.

The following finding of fact was cited:

1. Requested variance will not alter the essential character of the neighborhood.
5. Application of Stuart Chait, owner; 21 Slate Drive, North Chili, New York 14514 for variance to erect a 12.8' x 22.3' addition to garage to be 5' from side lot line (10' req.) at property located at 21 Slate Drive in R-1-12 zone.

Stuart Chait was present to represent the application.

PAUL BLOSER: What can you tell us about what you're doing?

MR. CHAIT: When we built the house 24 years ago, we couldn't afford to put a two-car garage on, and as you probably noticed, we are the only lot on Slate Drive that has a one-car garage. We would like to put the second car garage on. Unfortunately, when the builder built the house, he sited it as such for us to put that on now, it puts us 5 feet over the setback line. So that is the -- essentially the request.

The pictures that I just handed you give you an idea of what the profile of the garage would look like. What we want to do is tear the roof off the existing garage and match the peak on the existing cape to make it more consistent and then we would put a second one -- one car overhead door to the right there instead.

PAUL BLOSER: So two doors?

MR. CHAIT: Two single doors, yes. The rest of it will be sided and finished as it is now. That is hardy plank, fiber cement shingles and architectural shingles and Azek trim on the house.

PAUL BLOSER: Is that your electrical service coming into the garage?

MR. CHAIT: Yes. I will have to work with my builder on that to see if we can get RG&E to accept how that is placed, otherwise we'll have to probably relocate that.

PAUL BLOSER: Is that from the street or underground?

MR. CHAIT: Underground the whole way.

PAUL BLOSER: From the street?

MR. CHAIT: Yes.

You will see from both the rendering as well as the site plan that I gave you, again, it's a 5 foot setback from the lot line. The fence that is there now is 4 foot, so we're actually going to be a foot back from where the fence is now. So a little bit more clearance on that side. You can't see from these pictures, but on the upper part of the upper gable behind the garage roof there is a pair of double-hung windows. We'll relocate those to the upper gable and put another pair of double-hungs down below so it is not just a solid wall, to make it a little more residential.

PAUL BLOSER: You will put a loft?

MR. CHAIT: I -- I would like to take advantage of the extra space up there as a bonus room. Right now we're anticipating it as just an artist studio. My wife and I are both artists, so it would be pretty -- pretty mundane space, just...

JORDON BROWN: There is not an actual business?

MR. CHAIT: No, no. I'm an architect, but my offices are downtown at High Falls. When I say "studio," that is just purely personal painting.

JAMES WIESNER: This is not just a garage then, it will be -- you will have a pass through the house into the --

MR. CHAIT: Where the double-hung windows are now, that is our bedroom upstairs, so that will be become an archway to access from our bedroom suite on the second floor. It is a bonus room space that I thought we could take advantage of when we clear the roof lines up. Instead of doing it out of trusses, I thought I would rafter it the way the house was built.

PAUL BLOSER: So you're increasing the square footage of the living space also?

MR. CHAIT: Yep.

ADAM CUMMINGS: Just looks like there is also an exhaust pipe coming out of that one-car garage?

MR. CHAIT: That is a pellet stove. The house was built by the time we did the pellet stove, and the way it was -- when the roof was done, it was trussed and they dry-walled it. It would have been a real problem to get that vent pipe out. When we go to rebuild this, that vent pipe will go vertical up through the roof.

CHRIS KARELUS: Just had a question about the vent pipe, but that has been answered.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

CHRIS RUBY, 22 Slate Drive

MR. RUBY: I'm right across the street. I talked it over, what it is they are planning to do. I have no objection to it. It will look fine and blend right in on the street.

MATT NORHOUSEN, 23 Slate Drive

MR. NORHOUSEN: Matt Norhousen and my wife Jessica. We're the house that will be impacted by it, and we're right by it. We're at 23 Slate Drive

PAUL BLOSER: Just to the west then?

MR. NORHOUSEN: Yes. Exactly. Just to the west, exactly.

And we have no problem with that, and they're great neighbors, and we're totally supportive.

PAUL BLOSER: You were one of my concerns. I was looking at the house when I went by and hoping --

MR. NORHOUSEN: It would be closer. I mean -- well, it's closer to them, in terms of where the dog pen is now, but it will be a wall and some nice windows and stuff and we have no objection to that.

PAUL BLOSER: Thank you.

Bob Mulcahy made a motion to close the Public Hearing, and Tracy DiFlorio 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.

The Board discussed the application.

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

Bob Mulcahy made a motion to approve the application with no conditions, and Tracy DiFlorio seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of fact was cited:

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

Note: A building permit is required prior to construction.

6. Application of C. John Foster, owner; 243 Stryker Road, Scottsville, New York 14546 for variance to allow existing deck to be 40' from front lot line (100' req.) at property located at 243 Stryker Road in PRD zone.

C. John Foster was present to represent the application.

MR. FOSTER: Basically what we're doing is some housecleaning for the property that we purchased in '99. The deck was built in 1991, '92 by my father. We purchased the property from his estate. We had a couple of permit issues that we had to clear up with -- the pool needed a permit, the shed needed a permit. The front deck was constructed prior to needing a permit, but we do have to get a variance on it. So that is pretty much it in a nutshell.

PAUL BLOSER: Are you getting ready to sell the house then?

MR. FOSTER: No. We applied for an application for a permit for a deck on the pool and through the application process found out that the other permits were not on record, so we had to get those permits taken care of. Then the front deck was a little bit of an issue at first, but because of the construction date of it, it didn't need a permit because it pre-dated the code, but we do have to get a variance for the setback. So just trying to clean things up tonight.

PAUL BLOSER: I do have a question on the deck as far as preexisting, the Building Department. Chris (Karelus), can you clarify preexisting for me?

CHRIS KARELUS: The date of the deck predates the code, okay? So it is not the constructability of the deck. We're concerned about the location of the shed. I think Mr. Foster spoke about it personally. We have no neighbors complaining about this location. It hasn't been a nuisance to anybody, but as --

PAUL BLOSER: Setback used to be 40-foot; is that correct?

CHRIS KARELUS: No. I -- we didn't look to the old code as far as setback. We're doing it based on the location of it now, comparing to the need. So he applies for the other permit and try to bring it into compliance.

PAUL BLOSER: Any inspections needed on the deck or footers or anything?

CHRIS KARELUS: No. They predate the code so there is not a permit requirement, but there is still a variance requirement for the location.

PAUL BLOSER: For a non-conforming structure?

CHRIS KARELUS: Correct.

DAVID CROSS: Where is the septic system on the lot?

MR. FOSTER: The septic system is out in the front yard. That was done in '99. When we purchased the property we had a new leech bed put in.

PAUL BLOSER: That is clear of the deck?

MR. FOSTER: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just had a question. This deck was built in what year?

MR. FOSTER: 1991.

MS. BORGUS: If in the future a new deck had to be built, this will need replacing eventually here -- then is there any way that you could allow this to be there as long as it survives, but not let it be put back in that position when a new one were needed? It seems as though that 40 feet from the front lot line is awfully close to the road. And I understand the gentleman has a problem now, but looking into the future, it might be something that you could deal with and, you know, get it put in a different spot when it needed replacement.

PAUL BLOSER: Okay.

MS. BORGUS: Thank you.

MR. FOSTER: Actually, the front of the house is -- the setback, according to the paper I got from the Town, is 100 feet. I would have to put my front deck behind my house if I did that.

PAUL BLOSER: I understand. Chris (Karelus), for informational purposes, let's say in ten years that deck had to be reconstructed, would this variance be carried over or would it have to be reapplied for again as a deck?

CHRIS KARELUS: If he applied for a new deck -- I know the house functions, he steps out of the house into the deck, the back grade through a step transition, so this is kind of a function of in and out of the house as well as just having space he uses as a deck. But if he applied for a new permit, depending where that would be because it requires -- which is a permissible construction, it would have to come back to the Board for reconsideration. It would be new construction and a new variance.

PAUL BLOSER: So this won't set the stage for a grandfather clause of any type?

CHRIS KARELUS: No. It will be something that they can say in the past this variance were granted, but it would be another variance request you would have to make before the Board.

PAUL BLOSER: Thank you. Appreciate that clarification.

Paul Bloser made a motion to close the Public Hearing, and Jordon Brown 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.

The Board discussed the application.

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 Tracy DiFlorio seconded the motion. The Board all voted yes on the motion.

Bob Mulcahy made a motion to approve the application with no conditions, and Tracy DiFlorio seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 7 yes with no conditions, and the following finding of fact was cited:

1. The requested variance will have no adverse physical or environmental affects on property or nearby properties.

Note: A building permit is required.

7. Application of Mr. & Mrs. Vincent Guarino, owner; 17 James Hollow Drive, Churchville, New York 14428 for variance to erect a 16' x 16' utility shed to be 256 sq. ft. (180 sq. ft. allowed) at property located at 17 James Hollow Drive in R-1-20 zone.

Vincent Guarino was present to represent the application.

MR. GUARINO: Good evening. Yes, I'm coming before you respectfully to request approval to build a shed 16 by 16 inside, which is smaller than the one previously approved by Applicant 3 today.

At this time there is no shed at the property, which is causing a significant hardship for the family as the garage is filled with items, which is also dangerous for our kids. We do not want to keep anything in the yard to mitigate any hardship for the neighbors, so everything is stacked in our garage right now.

The variance requested is the minimum variance necessary to accommodate our needs and is smaller, again, than the shed approved tonight and previously. We think that this will be a very nice shed, professionally constructed by a contractor and it will also fit the -- the pad lines of our home.

PAUL BLOSER: Are you an attorney?

MR. GUARINO: No.

PAUL BLOSER: Sounds like one, the presentation.

MR. GUARINO: I'm shaking up here.

BOB MULCAHY: We bite.

(Laughter.)

PAUL BLOSER: For the record, you are Vincent Guarino, right?

MR. GUARINO: That's correct.

PAUL BLOSER: This is another one of our wedge-shaped lots, fairly sizable back. Is this going to be a prefab or is it built on-site?

MR. GUARINO: This will be built on-site by a contractor.

PAUL BLOSER: Siding to match the house?

MR. GUARINO: Absolutely.

PAUL BLOSER: Shingles on the roof to match?

MR. GUARINO: Yep.

PAUL BLOSER: No driveway or anything going out to it?

MR. GUARINO: No.

DAVID CROSS: I will ask the question. Whispering Winds Subdivision, is there any -- I guess is there a Homeowners' Association?

MR. GUARINO: Yes, there is.

DAVID CROSS: Are there any rules, any covenants that --

MR. GUARINO: Everything in the Homeowners' Association is within the guidelines of what we're building and with the Town.

JORDON BROWN: Is there any question you're not prepared for?

(Laughter.)

CHRIS KARELUS: Just a point to make, the Homeowners' Association does not allow anything to be stored on the property, in this situation, the subdivision.

The second, I would ask if the variance is granted, just the location of the shed is currently in the easement, so seek Commissioner of Public Works waiver, but the waiver be finalized prior to the Building Department -- just that waiver be finalized with the Building Department.

MR. GUARINO: We also had AJ come out and mark the spot in the yard where the shed will be, and we have that, as well.

PAUL BLOSER: He did have a comment on his application here it was approved by the Commissioner of Public Works to be 20 foot from the rear lot line, 10 foot from the side lot line.

Chris (Karelus), do we require a letter to be on file?

CHRIS KARELUS: The waiver basically, once we grant it, gone through my office for finalization, holds the Town harmless. If anything were to happen, it is the owner's expense to relocate it, or repair grade in this place -- for open drainage in the swales.

PAUL BLOSER: Do we need a letter from the Commissioner of Public Works?

CHRIS KARELUS: It is the actual document that will be filed when they pull a building permit.

PAUL BLOSER: So he will sign off on it?

CHRIS KARELUS: Yep.

PAUL BLOSER: I will put it a condition that the location is in an easement and the application to be approved by the Commissioner of Public Works prior to approval.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Paul Bloser made a motion to close the Public Hearing, and James Wiesner 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 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 Bob Mulcahy seconded the motion. The Board all voted yes on the motion.

Tracy DiFlorio made a motion to approve the application with the following condition, and Bob 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 condition:

1. Proposed location is in an easement. This must be approved, in writing, by the Commissioner of Public Works prior to permit issue.

The following finding of fact was cited:

1. Requested variance will not create an undesirable change in the character of the neighborhood.
8. Application of Thomas Staccone, owner; 19 Brookview Road, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 30' x 32' detached garage to be a total of 1,392 sq. ft. (900 sq. ft. allowed) at property located at 19 Brookview Road in R-1-15 zone.

Thomas Staccone was present to represent the application.

MR. STACCONA: I'm Tom Staccone, 19 Brook View Road.

PAUL BLOSER: Go ahead.

MR. STACCONA: Please.

PAUL BLOSER: What can you tell us about what you're doing here and the need?

MR. STACCONA: I'd like to build a three-car detached garage. I have a boat and a couple other cars. I would like to keep them out of the elements, you know, for deterioration and upkeep. The building itself would be concrete floor, wood construction, you know, asphalt shingled roof. Very similar to my neighbors. My neighbor to the north has a three-car garage. My neighbor to the south has a 2 1/2-car garage. The construction would be similar to that one

and the one just built across the street.

PAUL BLOSER: The same siding, same roof?

MR. STACCONO: Um, I'm going to be siding my house, adding windows and it will match that siding.

PAUL BLOSER: Doing the vinyl siding?

MR. STACCONO: Yes, sir.

PAUL BLOSER: Is it going right to the edge -- I saw you got a driveway going back right now. Is it going to be starting about where the edge is?

MR. STACCONO: Probably forward of that, maybe 10 feet.

PAUL BLOSER: You're running electric into it?

MR. STACCONO: Just electric.

PAUL BLOSER: No plumbing, water, gas?

MR. STACCONO: Correct.

PAUL BLOSER: Your existing garage, what are your plans for that?

MR. STACCONO: Right now we're going to keep that as an existing garage. We would like to take a lot of the storage out of that and make a little more room. But at this point it will stay a garage. Possibly in the future we'll make it living space.

DAVID CROSS: Just adding up the existing garage space, which is about with the -- it looks 24.6 by 24.3, and then adding your proposed, it looks like it is closer to 1566. Um.

MR. STACCONO: The current -- the current garage is about 400 square feet.

DAVID CROSS: 400 square feet?

MR. STACCONO: Yes. Just over.

ADAM CUMMINGS: Are you saying it is not 24 by 24?

MR. STACCONO: The current garage? Probably closer to 18 by 24. I forget the measurements off the top of my head.

DAVID CROSS: The survey, it is just a little bigger. Just pointing it out. That's all.

CHRIS KARELUS: I was wondering the same thing, Mr. Staccone. The most conflicting is you had a drawn-up sketch, and it appeared more along the lines of a single-car garage and the original survey showed more along the lines of a 24 by 24, a two-car. From being out there, it looks like it is just over a one-car garage.

MR. STACCONO: It is a single door. It's probably a little bit of storage in there.

MRS. STACCONO: The existing garage?

CHRIS KARELUS: Yes. That is what you had on both of them.

MRS. STACCONO: It's one-car, but there is the walk-in door, there is space behind the walk-in door, but you couldn't park there.

CHRIS KARELUS: It is still part of the overall garage.

Then I would say would you have to amend the application.

MR. STACCONO: I'm going by the measurements that one of the contractors gave me. I wasn't trying to be inaccurate on this.

JORDON BROWN: It does change the request, though.

ADAM CUMMINGS: Do you know how tall this structure would be?

MR. STACCONO: The walls are 8 feet. The pitch will be 4 or 5 over 12. So I'm not -- I don't anticipate being overly tall. That will make it about 15 feet.

PAUL BLOSER: Three doors on this?

MR. STACCONO: Um, double door on one side, single door for the boat.

PAUL BLOSER: Man doors?

MR. STACCONO: I'm sorry?

PAUL BLOSER: Any man doors?

MR. STACCONO: One on the side.

PAUL BLOSER: Do we want to get the exact measurements to have this accurate to hear it? Do we want accurate measurements on the existing garage to hear it, the square feet?

JORDON BROWN: Can't hurt to be accurate. I'm not saying, you know, I'm leaning anyway without it, but -- but it would be nice to have an accurate measurement.

PAUL BLOSER: We have a survey?

DAVID CROSS: We have a land surveyor saying it is 24.2 by 24.6. I'm okay with that. It is just the map. Total square footage with the addition -- or with the proposed garage is 1566 versus 1392, which is what was on the application.

PAUL BLOSER: It was 13 what on the application?

JORDON BROWN: It was 1392.

DAVID CROSS: Not a huge difference.

PAUL BLOSER: 174 square foot difference.

SUPERVISOR DUNNING: Is the Board prepared to move on with this?

The Board indicated they would move along.

JORDON BROWN: The numbers sound right to --

MR. STACCONO: Fine with me.

JORDON BROWN: Do the numbers sound accurate, though?

MR. STACCONO: Yes.

CHRIS KARELUS: 1556, 1558, about that.

DAVID CROSS: Split the difference.

CHRIS KARELUS: Plus or minus.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Bob Mulcahy made a motion to close the Public Hearing, and Paul Bloser 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 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 Tracy DiFlorio seconded the motion. The Board all voted yes on the motion.

Jordon Brown made a motion to approve the application with no conditions, and Tracy DiFlorio seconded the motion. All Board members were opposed to the motion.

The Board unanimously denied the application and began to discuss the findings of fact.

MR. STACCONE: It is identical to the neighbors.

PAUL BLOSER: In size?

MR. STACCONE: Just about in the size. My neighbor to the north has a three-car garage. The neighbor to the south has a 2 1/2-car garage. It is very similar in nature, the structure, and looks will be the same. So I don't understand why that is not in character. It will be, you know, very well built. It is a reliable contractor. You know, concrete floor. Um, so there -- that isn't true, sir.

TRACY DiFLORIO: Do they both have two garages, though? You're not asking for one garage that is the same size as theirs. It is in addition to your already existing garage.

PAUL BLOSER: And this will be four garages on site then. So we're looking at the square footage. If this would be a two-car garage, more in line with what was -- I think what I saw to the north, and for the record, two months ago we had a similar application, two doors down, that was denied for the same reasons, with much more property on that -- it was a higher structure and that was not the same square footage, but in retrospect, the size of the lot, and what was consistent in the neighborhood.

MR. STACCONE: So if I amend this to be a two-car garage -- if I amend this to be a two-car garage, would you pass it? I want to get my boat and as many vehicles as I can out of the weather and out -- of course, out of sight. Would you approve that if it is a two-car garage, same length, just different width?

PAUL BLOSER: We would have to see a proposal for it. A smaller structure, probably would be more agreeable and consistent is what's in the neighborhood there.

MR. STACCONE: I can tell you right now, I could -- I could change it. That's --

DAVID CROSS: Well, let's hear what he has to say. I would consider that.

MR. STACCONE: I would at least like to make it a two-car garage, enough for a boat and at least one other vehicle. Same location. There is no problem with the setbacks.

DAVID CROSS: What would the width of the structure be then if you're looking at it from the road? Instead of 32 it would be?

MR. STACCONE: Um, let's see. So -- so about 22 feet. The length would have to stay the same, because that would fit my trailer to my boat.

PAUL BLOSER: The depth, you mean of the garage?

MR. STACCONE: Yes.

PAUL BLOSER: For clarification, was it the 30 or the 32?

TRACY DiFLORIO: The 30 is the depth.

PAUL BLOSER: The 30 is the depth. You want to stay 30 foot depth?

MR. STACCONE: Yes.

PAUL BLOSER: And a width of?

DAVID CROSS: 24?

MR. STACCONE: 24 sounds good.

JORDON BROWN: Do you have the materials in front of you?

MR. STACCONE: Yes.

JORDON BROWN: Just take a look at it before you lock in on the numbers.

ADAM CUMMINGS: Sir, how big is your house, square footage wise?

MR. STACCONE: The interior square footage is 1400. That does not include the garage, which is attached. It makes it a little bigger.

PAUL BLOSER: Right. Right.

ADAM CUMMINGS: That is where I was going with this. The three-car garage is the same size as the house, which is a substantial part -- so the two-car garage knocks it below substantial.

BOB MULCAHY: It will be wider than your house. As you look at it from the street.

MRS. STACCONE: So is the neighbor's garage, both neighbors.

MR. STACCONE: The one to the north, they're turned the other way.

MRS. STACCONE: It's three cars wide.

MR. STACCONE: But turned the other way. It is not facing the street. So maybe a couple other -- more feet to work with. Maybe 26 foot wide. So just enough room to get one

vehicle and my boat.

DAVID CROSS: 780 square feet new.

MR. STACCONA: Probably two separate doors in the front.

PAUL BLOSER: So less than the size of the house in the square footage.

DAVID CROSS: 600 existing, 780 new. 1380 total.

PAUL BLOSER: Just under the size of the house.

I guess I will poll the Board? Do I have -- make a motion to open this and rehear it based on two cars?

JORDON BROWN: So moved.

BOB MULCAHY: Second.

The Board members were unanimously in favor of reopening this application.

PAUL BLOSER: Based on the applicant's request to reconfigure the size of the garage, 26 foot by 30 foot, with the square footage of the new structure, an additional 780 square foot to the property, do I have a motion to adopt this application?

DAVID CROSS: Move to adopt.

TRACY DiFLORIO: Second.

PAUL BLOSER: Counsel, do I need to do SEQR on this one again?

KEITH O'TOOLE: No.

PAUL BLOSER: I will go ahead with a vote on this, based on reconfigured garage.

JAMES WIESNER: I'm still -- I'm still not quite following. It was 32 by 30, so what are we going down to.

PAUL BLOSER: We're doing now 26 by 30. 26 foot wide, making it a two-car garage, two doors.

JAMES WIESNER: 6 feet less.

TRACY DiFLORIO: Depth is still the same.

PAUL BLOSER: Depth is the same.

JORDON BROWN: Brings the total square footage to be less than the house. Which takes care of the substantial issue.

ADAM CUMMINGS: 26 foot, and it is going to be a maximum. It could be less depending on what the contractor says.

PAUL BLOSER: Yes.

DECISION: Approved, as amended, by a vote of 7 yes to 1 no (James Wiesner) with the following conditions:

1. Final drawings of placement on lot, size of structure, materials used to be submitted to the Building Department for permit issue.
2. Setbacks to stay within Town Code.
3. Tape map submitted and square footage of house and existing garage do not match square foot on application. The Board asks that records be updated accordingly.

The following finding of fact was cited:

1. Requested variance is substantial in nature as garage square feet exceeds house square feet. Applicant agreed to scale down size of garage to no larger than a 26' x 30' garage. This will be more in line with neighboring property proportions. Requested variance was self-created hardship and the homeowner agreed to smaller size in order to mitigate by reasonable means.
9. Application of Bill Howard, 3313 Chili Avenue, Rochester, New York 14624, property owner: Westside Development of Rochester, Inc.; for variance to erect two wall signs totaling 31 1/2 sq. ft. (one wall sign permitted), variance to erect two 5' x 15' seasonal banners and three 3' x 6' seasonal cone-shaped freestanding signs at property located at 420 Ballantyne Road in PRD, FPO FW zone.

Bill Howard and Al Arilotta were present to represent the application.

JORDON BROWN: Mr. Chairman, can I be recused of this application?

MR. ARILOTTA: Good evening. My name is Al Arilotta, an architect with offices located at 530 Summitt Point Drive in Henrietta. My client with me here tonight is Bill Howard who owns and operates the property at 420 Ballantyne Road.

Mr. Howard recently -- or this summer opened up the Gelato's ice cream parlor within the driving range. With that, he is proposing to put some signage up, two signs on the building and three seasonal cones and two seasonal banners. The cones, as you can see -- I don't have the square footage in front of me. Do you have the pictures of the cones? The cones are 6 by 3, and the banners are 15 by 5. The building-mounted signs are 5 by 36, and the driving range sign is

about 12 feet -- 12 feet long by a maximum of 24 inches high. Again, the cone signs and the banners will be seasonal. They will be up in the months of May through September. Two building-mounted signs will be permanent. If there is any questions for myself or Mr. Howard, we'll be pleased to answer them.

PAUL BLOSER: This is a great conceptual drawing. It almost looks like a real sign.

MR. ARILOTTA: It was the sign at the old Gelato's.

PAUL BLOSER: It looked familiar.

So the two signs we're looking at here, the one that says "driving range" and "Gelato's," correct? On the building?

MR. ARILOTTA: Yes.

PAUL BLOSER: The image of the golf ball, is that also part of the sign to the left of driving range?

MR. ARILOTTA: Yes.

PAUL BLOSER: Do you have something that shows that better? Is it -- is it similar in structure to this?

MR. ARILOTTA: We're thinking it is going to be. That sign hasn't even been developed. We wanted to put something that advertised the driving range and we wanted to bring it before the Board to see which way you wanted us to go, quite frankly. It will be the same -- it would be of the same material. The golf ball would be three dimensional. It would be white. The signage would be individual letters.

PAUL BLOSER: Al (Ariotta), is this back-lit?

MR. ARILOTTA: No.

PAUL BLOSER: So this is a down-lit sign?

MR. ARILOTTA: No lighting at all except there is existing landscaped lighting and hopefully one of those could be directed.

PAUL BLOSER: So you will be up-lighting against it?

MR. ARILOTTA: Correct.

PAUL BLOSER: My recommendation or suggestion would be on the driving range sign, to be very consistent with this (indicating). It -- at least in color and dimensionally speaking. I note it is two distinct businesses, because I remember going through Planning Board for change of use.

MR. ARILOTTA: Right.

PAUL BLOSER: So I know we have got two separate businesses there under that. The lighting I would like to see the same, you know, for both. I would not want one back-lit and the other not.

We have got several signs, so I think what we'll do is address them individually. I would like to start with the building. Since we started there --

MR. ARILOTTA: All the ones on the building will be red, the same shade of red that Gelato's is, would it be appropriate?

PAUL BLOSER: That would be my preference for consistency, a nice aesthetic look. The white golf ball. You do have the white background on the Gelato. I think the white golf ball would be appropriate.

Is this soffit lighting?

MR. ARILOTTA: No.

PAUL BLOSER: Do you have any intentions of putting any on there at all? Staying with the up-light landscape style?

MR. HOWARD: Uh-huh.

PAUL BLOSER: At the street sign, I'm going to go with the Gelato's name to start with. Are you proposing in the future a Gelato's sign at the road or is this the only one?

MR. HOWARD: Only one.

MR. ARILOTTA: That's going to be the only one.

PAUL BLOSER: And the reason I'm saying this is because we'll be writing that into the conditions tonight for the future.

MR. ARILOTTA: The banner had the Gelato's word on it. The ice cream cones hopefully will speak for themselves.

PAUL BLOSER: Another good conceptual.

On the building one, let's stay with that then right now. No signs on the building at all. We're strictly looking at the front of the building, correct?

MR. ARILOTTA: Correct.

PAUL BLOSER: Board questions on the front signage -- building signage? The Gelato's, like he said, this is on the previous building. They're working it over, so this was a previously designed size, now replacing it in conjunction with the driving range.

Is there anything on the front of the building right now for identification?

MR. HOWARD: No. There is nothing.

PAUL BLOSER: The only comment I will make, too, is -- Al (Ariotta), do you have a distance, front of the building from the road?

MR. ARILOTTA: Boy, you know, I don't have any idea.

PAUL BLOSER: Mr. Howard, do you have any idea approximate?

MR. ARILOTTA: About 160 feet, I would say.

MR. HOWARD: I would have said 150 feet.

PAUL BLOSER: Yes. We're looking at a -- a driving range, we're looking at a 12-inch height. The golf ball is a 2-foot height, 150, 160 off the road. It is not very high from a visibility

standpoint. Being that it is not -- it is a lot sign, back-lit. We're down, we're up-lighting it. It is a nicer effect than having something on the wall.

TRACY DiFLORIO: Are we voting on these separately?

PAUL BLOSER: I would like to do the building sign separate from the banners and the street signs and keep them separate for conversational purposes, just so we're clear with everything. Because we're looking at permanent signs on the building. The other signs are being proposed as seasonal.

TRACY DiFLORIO: Right.

PAUL BLOSER: So any other questions on those?

MR. ARILOTTA: Those are more decorative. There is no way that he could -- even if he back-lit them, at 45 miles an hour, he is not going to grab people off the road with those signs.

PAUL BLOSER: That is what I am saying with the distance. It's not a -- not an unreasonable height for the distance you are, the setback out there. And especially with the up-lighting at night, it's not a -- it's not neon. The only other thing I would put in under this as far as notes in here, at this point, we're not looking at any street sign for the driving range for Gelato's.

Board, do you want to vote separate or go to everything once and go to public forum on everything?

DAVID CROSS: Vote on them separate.

PAUL BLOSER: In the end.

DAVID CROSS: In the end.

PAUL BLOSER: Any other questions on the building?

MR. WIESNER: Comment, public discussion, but separate voting.

PAUL BLOSER: Separate voting on the building sign versus seasonal banners, okay? I would like to do that.

MR. WIESNER: What is on the existing sign out front? Does it say "driving range" on it?

BOB MULCAHY: Well, here (indicating).

MR. ARILOTTA: "The Links at Black Creek, open weekly, 9:00 a.m. to 8:00 p.m., golf lessons, 889-2000," and the address 420 below it.

TRACY DiFLORIO: That's not staying?

PAUL BLOSER: That is staying as it is right now, correct?

MR. ARILOTTA: Yes.

PAUL BLOSER: No changes, no sub titles?

MR. ARILOTTA: That's correct.

PAUL BLOSER: Nor anything like that?

MR. ARILOTTA: Yes.

PAUL BLOSER: That is still changeable print on there?

MR. ARILOTTA: Yes.

PAUL BLOSER: Is that back-lit, the print?

MR. HOWARD: Yes.

MR. ARILOTTA: Yes, it is.

PAUL BLOSER: I can't remember ever seeing it on.

MR. ARILOTTA: Neither can I.

MR. HOWARD: Usually at night.

PAUL BLOSER: So no changes to the street sign.

MR. HOWARD: It was shut down for three years.

PAUL BLOSER: What is your -- for the cone signs, what is your season?

MR. ARILOTTA: About the middle of May to the middle of September, but we'll probably call it May through September.

PAUL BLOSER: Basically a six-month or less.

MR. ARILOTTA: Yes.

PAUL BLOSER: What are these -- the ice cream cones, start with those, what are they made of?

MR. ARILOTTA: They're hard board with laminate covers on both sides, and they're bolted to an aluminum pole, galvanized pole.

TRACY DiFLORIO: What you're proposing is what is seen in this picture?

MR. ARILOTTA: Correct. They're the same ones that were outside in front of the old Gelato's location. They are set in a metal sleeve, so they literally can be taken out.

PAUL BLOSER: Pulled out.

Are you going to bury the posts in between -- like two images or will the posts be exposed on one side at all times?

MR. ARILOTTA: There is laminate on both sides of the cone.

PAUL BLOSER: So the pole will be exposed like we see in the photograph?

MR. ARILOTTA: Oh, yes. Correct. If it is up to the owner, he wanted to put the laminated sign and sandwich the pole.

PAUL BLOSER: That is kind of what I am getting at. An ice cream sandwich basically (indicating).

MR. ARILOTTA: I said he didn't need it. What do I know?

TRACY DiFLORIO: It would look better that way.

MR. HOWARD: I agree.

MR. ARILOTTA: It's heavy, though.

ADAM CUMMINGS: Is there a requirement by the ice cream vendor to have these?

MR. ARILOTTA: No. They naturally want these, in this case, Upstate Signage out.

ADAM CUMMINGS: I'm being bombarded by ice cream cones here, if you count up the one on the building, plus the banners, plus --

DAVID CROSS: Are you talking about incorporating the cones and the bear on the existing Links at Black Creek sign?

MR. ARILOTTA: The banners would go on the flag -- the two outside flag poles with the American flag in the center. The two ice cream cones would go on the outside. We have been arguing.

As of now, let's whack the middle cone. The cone that is in the center of the property, right in front of the -- right in front of the existing --

PAUL BLOSER: Basically where it is in the photograph.

MR. ARILOTTA: Right in front of the existing sign.

PAUL BLOSER: I think the placement would be -- you got good visibility with your two islands. It is awful congested visibly with your links sign and the poles, by the time you get banners on those.

DAVID CROSS: Help me out with the banners. Does it fly like a flag?

MR. ARILOTTA: It's a vinyl banner. They're actually trying to get stiffeners so it does fly a little more like a flag instead of drooping down. Excuse me, the opposite way. They're trying to get stiffeners so it will stand out and read it more instead of hanging like a flag. They tried hanging it and it literally droops and you can't read it.

DAVID CROSS: The intent is vertical and more rigid.

MR. ARILOTTA: You should be able to see it as you see it in the picture when you're driving by.

BOB MULCAHY: I get the impression in the picture these three poles are kind of in a semicircle? That is what I am seeing.

PAUL BLOSER: Which are you talking about?

BOB MULCAHY: The three by the sign. These three (indicating). Is that where the signs are going to be?

MR. ARILOTTA: Yes. The banners will hang from the two outside poles.

PAUL BLOSER: So it is more of a semicircle and around-the-lawn sign, rather than a straight line back?

MR. ARILOTTA: Yes. I can see -- I'm showing them as the pole --

PAUL BLOSER: How high off the ground will the banners be?

MR. HOWARD: It is above the other sign.

MR. ARILOTTA: But how high -- how high are the flag poles?

MR. HOWARD: I would say 20?

PAUL BLOSER: 20? I'm looking at placement of these. Is this banner going to be in the way if you're extending it out?

MR. HOWARD: No. It's above -- it's above the other sign. It's above it. You don't even --

PAUL BLOSER: Start with the ice cream cones. We're looking at two of those now. You're proposing two. Yes?

MR. ARILOTTA: Oh, I'm sorry.

PAUL BLOSER: The ice cream cones.

MR. ARILOTTA: Yes. Two ice cream cones.

PAUL BLOSER: In the landscape areas. Will they be sandwiches or is the pole going to be exposed?

MR. ARILOTTA: They are going to be sandwiched.

PAUL BLOSER: Are these signs lit?

MR. ARILOTTA: No.

PAUL BLOSER: So the banners and the ice cream cones are not lit?

MR. ARILOTTA: Excuse me. I just want to make -- is there ground --

MR. HOWARD: There is ground lighting for the American flag.

PAUL BLOSER: You have three lights there on the poles?

MR. HOWARD: There is two on each side that goes up.

PAUL BLOSER: Okay. Ice cream cones not lit?

MR. ARILOTTA: Correct.

PAUL BLOSER: They will be in 24/7 basically for the six months?

MR. ARILOTTA: Yes.

PAUL BLOSER: Any questions from the Board on the ice cream cone part of it?

TRACY DiFLORIO: No.

PAUL BLOSER: Let's talk about the banner. My first initial thought on this is we're looking at a lot of signage here, whether it be a full-time sign or seasonal sign. From that -- again, the speed limit where people are going through there, we have a lot of steady traffic. You want to grab attention, but I don't want show-stoppers. On the banner, having two relatively close, I'm going to guess you're probably 20 foot apart, maybe a little more?

MR. ARILOTTA: No. It's probably -- it's probably 20 foot.

PAUL BLOSER: Would you be open to like a 12 by 4 on that?

MR. HOWARD: I guess. The other sign is already made.

PAUL BLOSER: Are they already made?

MR. HOWARD: Yeah. They're mesh. They did them mesh for the wind.

PAUL BLOSER: Okay.

CHRIS KARELUS: If I could, I have to let the Board know. The reason he is asking for variances is because they're not permitted signs by the code.

PAUL BLOSER: Seasonal sign?

CHRIS KARELUS: We have never approved a seasonal sign. So this is a precedent the Board is setting. I just have to make that point. I have to let you know the code nowhere speaks of these being allowed, period. I just want to make you aware of this.

The reason they're being brought here is there is no allowance in our code for a seasonal sign. These would fall under, as I alluded to, when we talked with them, these are sales event and general special event signs that are happening over a period of time where the code gives an allowance of a month, and nowhere in this code does it speak to a sign standard or permit that we can require something. It is a new path the Board is taking for this applicant this evening.

PAUL BLOSER: Okay.

MR. ARILOTTA: Would the Board consider a -- a -- one banner on the -- one banner on the middle pole and the American flag and the State flag on the outside poles?

PAUL BLOSER: I don't know how -- there is regulations on how you have to fly the American flag. I think in a grouping, the American has to be in the center?

MR. HOWARD: Has to be in the middle.

PAUL BLOSER: I'm not an expert on that.

MR. ARILOTTA: No. That sounds right.

PAUL BLOSER: To the best of my knowledge, I believe that has to be.

Chris (Karelus), I know we're not looking at the new code, but with the new code coming out, has this been addressed at all?

CHRIS KARELUS: No, the allowance is for sales event, special sales, special event. I think that has been adjusted slightly, but it does not allow a seasonal sign of this nature. Our code does not, and I don't believe that what is being introduced with the new code speaks to anything of this nature either.

PAUL BLOSER: Because I don't remember anything being addressed in it from that standpoint either.

CHRIS KARELUS: Again, a 28-day time period now to allow a banner announcing a special sales event or a specialty event, and that is all the code kind of gives you with respect to a temporary sign.

PAUL BLOSER: And this really isn't a special event. This is a --

CHRIS KARELUS: That is why we requested a variance from the Board for the sign banners.

PAUL BLOSER: Basically it's additional signage, the banners?

CHRIS KARELUS: Commercial, you're allowed one free-standing sign and one wall mount. In this case, with this project, it has two uses to the building, so I can see the American and the two wall-mounted signs, but with respect to the other one, I would have to advise the Board there is nothing with the code that -- it is not a size request. It is a size request if you look at general standards for the signage, but it is kind of a new path for signage, if you will, if the Board were to render a decision in favor of it.

PAUL BLOSER: We don't have anything else like this in the Town.

CHRIS KARELUS: The only other one I can -- I do know of is -- was a request at the Town Board for -- again, this was from the veterans, their banner to serve over a period of time, and seasonal, and when it can be up without the weather adversely affecting it for the troops. Again, a non-for-profit on Town property. That was something within the Town's purview to allow being that it's not without code, but recognize with the code we have some variances that we're allowed to give ourselves.

PAUL BLOSER: What about Ronny's -- not Ronny's, the ball park at Ballantyne, across the street from this facility?

KEITH O'TOOLE: Aselin.

PAUL BLOSER: Are there banners there?

CHRIS KARELUS: The sports park?

PAUL BLOSER: Yes.

CHRIS KARELUS: I would have to research the property. I know what they have had. They do rotate signs in and out. They have to keep it family friendly. I know --

PAUL BLOSER: I'm looking at this as it is family friendly. I don't like to set precedents either. But this is a -- it's a very different application from anything we have seen before by nature.

DAVID CROSS: I think there is opportunity to incorporate some of the seasonal signs, advertising the ice cream into the existing links at Black Creek sign basically. That's my comment.

PAUL BLOSER: In the form of a hard sign or a banner sign?

MR. HOWARD: The flagpoles are there, so that is why we did it with the flagpole. You have three of them there. So we thought hang a flag to utilize the outside poles.

PAUL BLOSER: So you're kind of utilizing the two?

MR. HOWARD: Do it tastefully.

PAUL BLOSER: This one here, you're kind of utilizing them as a flag as opposed to a hard sign.

MR. HOWARD: As to permanent sign. Just to fly on the flags.

PAUL BLOSER: Is this a solid or a mesh?

MR. HOWARD: A mesh so the wind goes through it.

PAUL BLOSER: So we're looking at the sign as a flag?

DAVID CROSS: Sounds like a sign to me. To me.

KEITH O'TOOLE: If I may, a flag is a sign. It's just that in the Town, we exempt certain flags such as the American flag from being treated as a sign.

PAUL BLOSER: What about auxiliary flags, though? When you have the American up and you have got what -- what is to prevent a company from putting nine flagpoles up, the center being the American and four on each side of whatever?

KEITH O'TOOLE: Just because you're hanging an American flag somewhere on the property doesn't exempt all of the other flag signs you may have up.

PAUL BLOSER: So they would be classified then as a sign for interpretation?

KEITH O'TOOLE: Anything that advertises is a sign. Anything that conveys a message is a sign.

PAUL BLOSER: Any other Board questions?

BOB MULCAHY: I want to get it straight. They will fly from the flags? They won't be attached?

PAUL BLOSER: They will be attached to the flagpole. The mesh type.

BOB MULCAHY: It will flop in the wind.

PAUL BLOSER: Will it rotate with the wind like a wind sock?

MR. ARILOTTA: No. It will stay there in place. There will be stiffeners up at the top and the bottom to keep its shape, instead of draping down.

PAUL BLOSER: Will it rotate around the flag with the wind, the flagpole?

MR. HOWARD: I don't think so.

MR. ARILOTTA: Again, we haven't tried this yet.

MR. HOWARD: You know, like you see the Town -- you go to Spencerport, the village, they have the lit lights and they taut those flags.

PAUL BLOSER: Am I going to have a 5 by 15 banner floating 360 around the pole?

MR. HOWARD: No. A top and bottom stiff, like when you go in the Village of Spencerport, they taut those.

PAUL BLOSER: I just want that cleared up in everybody's mind, too.

BOB MULCAHY: I think I heard you say that it's going to be on top of the existing or as high as the existing sign that is there?

MR. ARILOTTA: No. It will be over that sign.

BOB MULCAHY: How high is that sign?

MR. ARILOTTA: That sign is a 10-by-6 sign.

BOB MULCAHY: How high are the flag poles, do you know off hand?

MR. ARILOTTA: 20, 25 foot.

BOB MULCAHY: 20, 25 foot.

MR. ARILOTTA: The flagpoles are.

BOB MULCAHY: I'm getting confused here.

How tall is that sign right there (indicating)?

MR. ARILOTTA: That sign is 10 foot wide by 6 foot high, plus the base which is probably 2 feet, so probably 8 by 10 as you're seeing it.

BOB MULCAHY: This banner is going to be up above that, so it will be up 10 feet.

PAUL BLOSER: 15 feet. 10 feet and then 15?

MR. ARILOTTA: It is a 25 foot pole.

PAUL BLOSER: It will be at the top of the pole.

BOB MULCAHY: Should be almost at the top of the pole.

PAUL BLOSER: That is why I was looking at maybe a 12 foot height to get some separation there.

BOB MULCAHY: That's a big sign.

PAUL BLOSER: It is that. That close to the road. That is why I was thinking about maybe altering that banner.

ADAM CUMMINGS: You already purchased the banners?

MR. HOWARD: Yes.

MR. ARILOTTA: He already purchased them, but if the Board wants to see a 12 by 4, I'm sure he is going to order a 12 by 4.

ADAM CUMMINGS: I'm thinking you also have light poles back at the parking lot. It is farther away from the road. You don't have the flag lights, but it's quite a ways away from the road. Just a thought.

JAMES WIESNER: Is there an example of the sign anywhere say here in Monroe County?

MR. ARILOTTA: Is there an example?

PAUL BLOSER: I couldn't hear you.

JAMES WIESNER: Is there an example of the sign somewhere in Monroe County, somewhere around here that we might have seen before?

MR. HOWARD: The idea -- again, going to the Village of Spencerport and the other villages, Hilton, right on their lighting, streetlights they have a top bar and then they have a lower bar and they put signs, you know.

PAUL BLOSER: Cloth or fabric?

MR. HOWARD: Fourth of July parade and they change the banners all of the time. That is where the idea came from.

ADAM CUMMINGS: They don't go onto the -- they clamp on the pole.

MR. HOWARD: What would we do with the flagpoles then?

MR. ARILOTTA: We were just talking about if the banners could be mounted -- if we asked, onto the light poles, on the edge of the parking lot?

MR. HOWARD: That is just a focus point. That center is the center of the property.

DAVID CROSS: The light poles you see in this picture here (indicating), the two black light poles sticking up in the ground there?

MR. ARILOTTA: Yes. Is there another one?

MR. HOWARD: They're smaller. They're not as tall as the flagpoles.

MR. ARILOTTA: Is there another one behind as you're looking at the building straight on?

MR. HOWARD: Yes. They line the parking lot.

PAUL BLOSER: They will be -- if you get out to the parking lot, they will really not be seen from the road?

MR. HOWARD: No. You kind of want some continuity, to keep it symmetrical.

PAUL BLOSER: What is your frontage?

MR. HOWARD: 2,000 feet.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Where do I start?

BOB MULCAHY: From the beginning.

MS. BORGUS: First I have a question. When this business, this ice cream business came before the Planning Board for a change of use, I was under the impression that the ice cream store and Mr. Fallone were two separate entities. Now tonight I'm hearing that Mr. Fallone owns the ice cream store.

PAUL BLOSER: Mr. Howard?

MS. BORGUS: Howard, I'm sorry. Howard.

MR. HOWARD: Don't put me there.

(Laughter.)

PAUL BLOSER: He owns the properties.

MS. BORGUS: But the gentleman said, Mr. Arilotta said that Mr. Fallone -- or Mr. Howard owned the ice cream store. He -- does that mean he owns the real estate, but not the business, right?

MR. HOWARD: Right. I own the building, the property.

MS. BORGUS: Okay. The Gelato's sign is fine. I thought it was a nice sign when it was on the other building.

The only thing that I would say about that is, that if that is approved, it should be written into the decision somehow that that sign is only approved for the ice cream business and should it not succeed, that the two signs could not be used for the golf enterprise.

PAUL BLOSER: I understand what you're saying. They stand alone.

MS. BORGUS: They stand alone. And I think in the past, what has happened is that I have noticed things come in and said that wasn't the intent and we look up the decision, and if it is not specifically written in the decision, even though it was in the conversation by the Board, or -- or a statement made by the applicant, it doesn't hold water. So I -- I just think two signs should not be allowed unless the ice cream business continues. The sign is fine.

What was the purpose of the three flagpoles in the beginning? I guess I'm not clear on that. For three American flags?

MR. HOWARD: No. They were -- do I answer that?

PAUL BLOSER: Bill (Howard), I will allow you to answer that.

MR. HOWARD: They were designed by the golf pro that was there the first time, putting golf -- like the PGA does, a golf flag and there was another flag that they do, um --

PAUL BLOSER: So it was -- they were approved as two advertising poles.

MR. HOWARD: LPGA and PGA for women and men and then the flag was -- the American flag was in the middle. I guess that is how he had it designed.

PAUL BLOSER: Thank you.

MS. BORGUS: I guess I have a problem with trying to use three flagpoles just because there is three flagpoles there and we have to put something on them. That doesn't make any sense at all.

Those banners -- let's back up one more thing.

When this ice cream store was in its other location, there was a unicorn or some kind of an animal out there with a ballerina's tutu on it. What happened to that? Is that going to be put down at this ice cream store, too?

PAUL BLOSER: Would you like it for your front yard?

MS. BORGUS: No.

PAUL BLOSER: This would be another structure or sign, and something like that Chris (Karelus), I believe, would have to be approved through the Town?

CHRIS KARELUS: With the boxing gloves on it?

MS. BORGUS: Where is it down at the --

CHRIS KARELUS: I have no idea where that thing is.

MR. HOWARD: It is in the back by the putting green. It is up against the concrete pole.

MS. BORGUS: We have that to contend with, too. Now we're in competition with a polar bear. I must say that those banners are some of the most unattractive signs, ugly signs I have

ever seen come before this Board for approval.

There is absolutely no sense at all in putting two banners like that up at all, but certainly not 20 feet apart just to use two flagpoles.

I would like to talk about those ice cream cones. What they don't mention or show in their picture is that those ice cream cones also have print on them. I don't know if the Board is aware of that. Those are not just nice, clean-looking ice cream cones. They have the name of the ice cream company printed right on the side.

PAUL BLOSER: That is visible on the print.

MS. BORGUS: It doesn't show on that one, I guess.

Those are ugly to start with. And as far as -- they're free, I'm sure, from the vendor because they want to get their brand out there. There is another store in Town that has put them up there, equally unattractive there. They are not attractive signs. If it was just an ice cream cone, it would be one thing, but to have that print on them, I mean this -- you talk about the pizza shop here in North -- in Chili Center looking like little Las Vegas, this will look like the Atlantic City boardwalk. This is just overkill with signs. It is unnecessary, it is going to give a junky appearance.

This applicant already has a monument sign with changeable lettering which if he were to ask for today, as opposed to when he got it last, he might not even get that, because those are given out very, very sparingly, and with a lot of conditions and -- and reasons why they have to be there. He is lucky he has that sign, and I agree with Mr. Cross, he should utilize the print, the changeable lettering that he has on the sign that he is fortunate to have enough now. It's a big sign. The amount of signage being requested is far out of line. The business sits by itself. There is nothing around it to detract from it. It sits there. You can't miss it, even at 50 miles an hour. It is clearly visible to passing motorists and the sign on the building with this Gelato sign and the golf sign and the monument sign should be all of the signage that they need.

And as Mr. Karelus has pointed out, this would be precedent. And I can't imagine the Pandora's box that this Board will open if you approve all of this -- all this signage, and especially those horrible, horrible banners. And the fact that Mr. Howard has them made already is presumptuous on his part. That's his loss if he can't use them. That should not be a consideration at all that he spent money before he got approval. That golf course and the ice cream shop will become the laughing stock of this Town if you approve this sign package. It is horrible.

DEBBIE HARRINGTON, 5 Janice Drive

MS. HARRINGTON: I agree there are too many signs, and I -- I have faith in the Board that you will vote accordingly.

The -- the base -- the main sign has graffiti on it, and I hope, you know, that will be taken care of. Thank you.

MR. HOWARD: That was taken care of.

Tracy DiFlorio made a motion to close the Public Hearing, and Bob 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.

TRACY DiFLORIO: Shall we start with the building sign first?

PAUL BLOSER: Building signage first.

The Board discussed the application.

PAUL BLOSER: On the building, I would be in agreement they stand as two separate entities, and if at any point either of those two were to change use, that the sign -- the signage would have to be removed with approvals from the Board at that time.

JAMES WIESNER: I would like to seek clarification on it being up-lit and what kind of sign they will be so they don't turn out to be neon or anything distasteful. An up-lit sign? Clarify to be up-lit.

PAUL BLOSER: Just the existing lighting is already there.

MR. ARILOTTA: Mr. Howard will drop the banners from the Zoning Board hearing.

PAUL BLOSER: The banners.

MR. ARILOTTA: The two banners.

PAUL BLOSER: The 5 by 15 banners?

MR. ARILOTTA: Yep.

PAUL BLOSER: We'll finish this condition of approval first.

The Board discussed the application.

PAUL BLOSER: As a condition of the building signs -- the building signs approved as presented as two separate business entities and if either or both were to close or change use, any new or replacement signs would need to be approved. Sign stand is up-lit from landscape lighting as existing. So the lighting can't change on them either unless it is approved for the duration of the use of these signs.

KEITH O'TOOLE: How about closed for a period of at least six months?

PAUL BLOSER: The building signs?

KEITH O'TOOLE: Actually, this is a seasonable business. Make it a year.

MR. ARILOTTA: That is true. It is closed for six months.

PAUL BLOSER: So the building signs?

KEITH O'TOOLE: Yes.

PAUL BLOSER: The Gelato's?

KEITH O'TOOLE: Your condition was if they close, they have to remove the signs. Well, for one thing, they close every day. And for another thing, they close at the end of the season, so you want to be --

PAUL BLOSER: To close seasonally?

TRACY DiFLORIO: No, to close more than a year, or --

JAMES WIESNER: So your condition on the sign?

PAUL BLOSER: Seasonally or one year? Is that seasonally or one year?

KEITH O'TOOLE: No. Change of use, or if the business were to be closed for a period of at least one year. Tracy (DiFlorio) is saying so he doesn't have to take them down when he closes for the season.

PAUL BLOSER: Colors to be consistent with the existing Gelato's sign?

The Board discussed the application.

CHRIS KARELUS: Will those be channel letters? One block sign with channel letters?

MR. HOWARD: Yes. Raised to be like the Gelato's, to match.

The Board discussed the application.

Paul Bloser reviewed proposed conditions with the Board.

PAUL BLOSER: The ice cream cones. He has presented them now to eliminate from three to two. And they will be a type that is sandwiched so the pole is not -- we can vote on the building separate from the ice cream cones.

ADAM CUMMINGS: Would that become four signs?

PAUL BLOSER: That would become two building, two ice cream cones and the existing street sign.

ADAM CUMMINGS: I mean back-to-back ice cream cones.

PAUL BLOSER: Yes.

The Board discussed the application.

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.

Bob Mulcahy made a motion to approve the application with the following conditions, and Tracy DiFlorio seconded the motion.

On the building signs, all voting Board members were in favor of the motion.

On the cone-shaped freestanding signs and banner signs, the vote was 4 no to 2 yes (Paul Bloser, Adam Cummings) with 1 abstention (Jordon Brown).

DECISION (on the building signs): Approved by a vote of 6 yes with 1 abstention (Jordon Brown) with the following conditions:

1. Building signs approved as presented as two separate businesses and entities. If either or both were to close for more than one year or change of use of space, any new or replacement signs would need to be approved by the Zoning Board of Appeals.
2. Signs are to be uplit from existing ground landscape lights only.
3. Colors are to be white golf ball with letters to be same color as Gelato letters. Letters are to be block/channel type with no backlight or neon light supplement.

The following finding of fact was cited:

1. Size of building signs are reasonable in request based on building setback and style.

Note: A sign permit is required.

DECISION (on the cone-shaped freestanding signs and banner signs): Denied by a vote of 4 no to 2 yes (Paul Bloser, Adam Cummings) with 1 abstention (Jordon Brown) for the following reasons/findings of fact having been cited:

1. Banners are substantial in size request.
2. Not in character of Town sign acceptance and not within code.

MR. ARILOTTA: We could apply for a temporary banner for 28 days?

CHRIS KARELUS: No. It would have to be a sales event or a specialty.

MR. ARILOTTA: If they I have a special or sales?

MR. HOWARD: Opening?

CHRIS KARELUS: You're allowed a certain period of time for grand opening, as well.

MR. HOWARD: That is what we'll do. Grand opening.

CHRIS KARELUS: I will talk to you what you can and can't do. Some are permitted.

MR. ARILOTTA: If we were to submit again to the Zoning Board for one cone, would the Board hear that application?

PAUL BLOSER: That would be the Board's decision to vote on one. If you would want to hear it as a separate vote or tonight right now?

MR. ARILOTTA: If we removed one of the building-mounted signs and in place one of the cones. The cone is probably more important than all of the other signs combined.

MR. HOWARD: It was permitted on the building at the other building.

DAVID CROSS: I don't see how it -- it can't be incorporated into the existing monument sign.

TRACY DiFLORIO: An ice cream can go on the existing sign or put the word Gelato on the existing sign. It is the concept of opening the door to seasonal signage and additional seasonal signage that I personally am opposed to. So -- so the number of cones wouldn't --

MR. ARILOTTA: Opening up for the season, you're allowed the 28-day banner.

CHRIS KARELUS: If you are coming into the season -- okay. We understand, at -- this site itself operates seasonally with the business, the driving range, Gelato's. The signage you have is permitted regardless how you operate the business, open or closed.

What is allowed temporary signage is when you have a specialty event. In you're opening for the season, you are allowed to have the sign for the 28-days period prior to. The game plan is so you're 14 days prior to opening and 14 days after, however you plan it.

And then during the season, if you have another specialty event, sale on ice cream, I don't know if you would introduce that event, 28-day time period. They would have to -- I will check with you on the sizes.

MR. ARILOTTA: And the definition -- it's a banner, definition is a banner or pennant?

CHRIS KARELUS: I would have to look at it

MR. ARILOTTA: In other words, couldn't be an ice cream cone for that 28 days?

PAUL BLOSER: It has to have event language tied to the sign.

MR. ARILOTTA: I asked Mary. Mary wasn't sure either. At the Building Department. I told -- I was the one that told them to put it up temporary as it was, because I assumed they would be 28-day banners.

CHRIS KARELUS: Pennant or banner.

MR. HOWARD: I got yelled at for that.

CHRIS KARELUS: I would say it would not qualify unless there were verbiage on it.

PAUL BLOSER: For a special event.

The 6/24/08 Zoning Board minutes were approved.

The meeting ended at 9:14 p.m.