

CHILI ZONING BOARD OF APPEALS
October 27, 2015

A meeting of the Chili Zoning Board was held on October 27, 2015 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 Adam Cummings.

PRESENT: Mark Merry, Ron Richmond, Fred Trott, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Town Counsel; Ed Shero, Building & Plumbing Inspector

Chairperson Adam Cummings 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.

ADAM CUMMINGS: Any issues with the signs, the public notice signs at the properties?
FRED TROTT: For one -- the Fastrac. That looked like it was down -- was up, was down. I don't know if that was for Planning Board.
ADAM CUMMINGS: I did see that one.
MARK MERRY: That was.
JAMES WIESNER: That was up Sunday. I actually took it and rolled the corner back up, got out of my car.
ADAM CUMMINGS: I did not see one at Mavis.
FRED TROTT: No.
ADAM CUMMINGS: I saw the post and board on Chili Avenue for Buckingham Properties at the Wegmans for that the building down below.
JAMES WIESNER: Only one I didn't see was Buckingham Properties.
MARK MERRY: I did not see Buckingham. I did not see Mavis.
FRED TROTT: I didn't see Mavis.
ADAM CUMMINGS: Right.
RON RICHMOND: That is why it was tabled last month?
ADAM CUMMINGS: And they didn't show up last month.
Ed (Shero), over at the side table, during your travels, have you happened to have seen those in the past ten days?
ED SHERO: Can't say I have.
ADAM CUMMINGS: Okay. Well, that makes it tough because that is our code. Well? Counsel, do --
ERIC STOWE: I'm opening the book.
ADAM CUMMINGS: Was just going to ask if you could just verify that portion of the Town Code. While he is doing that, I will -- in an effort to keep us flowing, I will at least identify Application.

1. Application of Buckingham Properties, owner; c/o Paul Schroeder, 259 Alexander Street, Rochester, New York 14607 for variance to allow existing 3'2" x 4' double faced freestanding sign to be 6' tall (5' allowed) at property located at 3171 Chili Avenue in G.B. zone.

Aaron Malbone was present to represent the application.

MR. MALBONE: Hello. I'm Aaron Malbone from Buckingham Properties.
ADAM CUMMINGS: You have an existing sign which you were found during our sign inventory. It was there, did not have a permit. So we're just looking to get it permitted.
MR. MALBONE: It is a double-sided directory sign on the property. The code apparently is for 5 feet tall, 6 foot tall sign. So we're asking for a variance for that.
ADAM CUMMINGS: Okay. How long has that sign been there, do you know?
MR. MALBONE: I don't know. I would say probably a year, I would guess.
ADAM CUMMINGS: Do you think you could shed any light? As I said, I saw the post and the board.
MR. MALBONE: We did it. The sign must have come up. We mounted it ourselves, so.
ADAM CUMMINGS: Did have you -- did you have two? One? You're in a unique spot. You're in the plaza, so you actually front --
MR. MALBONE: One on Chili Avenue.
ADAM CUMMINGS: They did not give you a second one for Paul Road?
MR. MALBONE: They did not.
ADAM CUMMINGS: Board questions. Jim, if you're okay with that, we'll start on this side of the table.
JAMES WIESNER: No questions.

FRED TROTT: You were approved by the Architectural Advisory Committee?

MR. MALBONE: Yes. We were approved on that one.

FRED TROTT: Nothing further.

ADAM CUMMINGS: One condition we will have on this. Building Department already told you. A sign permit. That is what prompted you to come in here. That is one condition, to get a sign permit from the Building Department. There has been a recommendation to require ten days from this meeting as stipulation.

Would the Board want to consider that requirement? Or just leave it as obtain a sign permit?

MARK MERRY: I like ten days.

FRED TROTT: Yeah.

ADAM CUMMINGS: Are you okay with that?

MR. MALBONE: Absolutely.

ADAM CUMMINGS: Pretty simple paperwork. You already started it by coming here.

ERIC STOWE: 500-86. My -- this was in front of this Board before, correct?

ADAM CUMMINGS: Correct.

ERIC STOWE: Was signage proper at that time?

ADAM CUMMINGS: No.

ERIC STOWE: It was not proper?

ADAM CUMMINGS: No.

ERIC STOWE: That's unfortunate. If it's adjourned, the signage does not have to be replaced. But it has to be correct at one point as a notice provision under our code. So it would have to be posted prior to any approval being granted by the applicant. No different than if we didn't notice it -- we, as the Town, impose additional restrictions upon ourself to make it posted on the property as a condition precedent to any permit being issued. Just like notice in the newspaper.

ADAM CUMMINGS: Right.

ERIC STOWE: Couldn't do it if it wasn't noticed in the newspaper.

ADAM CUMMINGS: Interesting.

JAMES WIESNER: Doesn't say anything about what streets, no major streets or anything like that?

ADAM CUMMINGS: 500 feet -- oh, it does say minimum one sign is required along each road frontage.

Correct?

ERIC STOWE: Yes.

JAMES WIESNER: The Building Department -- not the Building Department but the Highway Department issues the signs?

ADAM CUMMINGS: No. I think the Building Department does. Ed (Shero); is that correct? Who hands out our giant signs? Is that your office?

ED SHERO: The paper signs?

ADAM CUMMINGS: Yes.

ED SHERO: Our office.

ADAM CUMMINGS: Yes.

ED SHERO: I never heard them referred to as giant before.

ADAM CUMMINGS: I'm just curious why there was only one instead of two, why it was only one for Chili Ave. and two weren't given, one for Paul Road and one for Chili Ave.

ED SHERO: I couldn't tell you.

ADAM CUMMINGS: So I think, as is always the case, we should probably do this procedure correctly. So I think with this mounting amount of -- I wouldn't call them issues, but lack of procedure, I think we might want to think about moving this one to a future meeting at risk of this one not being proper.

Would this be fair to assume, Counsel?

ERIC STOWE: Yes. Just -- just to comply with the notice provisions.

ADAM CUMMINGS: Exactly. So if the applicant is okay, my recommendation would be to table this one until next month.

MR. MALBONE: That's fine.

ADAM CUMMINGS: And make sure it is properly posted on all fronts.

MR. MALBONE: We'll do that.

ADAM CUMMINGS: So we won't open Public Hearing. We'll do that next meeting.

ERIC STOWE: Right. They would just -- they would just need to come back in, get the new signs and post them ten days prior to the date of the Public Hearing.

ADAM CUMMINGS: So, in essence, the same step we did now, make sure they pass the wind tunnel test of Chili Avenue but also have one on Paul Road. So with that, I will just do a roll call vote for the Board to table this one.

DECISION: Unanimously tabled by a vote of 5 yes to table with the following reason having been cited:

1. Application was tabled due to improper public notice as signs were not posted on all road frontages (Paul Road). Applicant was instructed to obtain the necessary signage from the Building Department to post signs on both roads (Chili Avenue and Paul Road).

2. Application of Pierce Industries, LLC, 465 Paul Road, Rochester, New York 14624, property owner: Paul Road Industrial Center, LLC; for variance to allow third freestanding sign on property to be 4' by 2'6" single-faced at property located at 465 Paul Road in LI w/ADATOD zone.

ADAM CUMMINGS: As you can all remember, this was tabled from last month also. I did not mention this at the first one. This one was tabled to try to gather more information on the existing variance that was requested. So I did converse with the Building Department. So this one is being treated as this variance here, but in actuality, it is also reducing the previously granted variance for that third sign on the overall property. Not necessarily for Pierce Industries, because this is a nice industrial park that has many signs. So we're trying to get that under control. If could just identify yourself for the record.

Patrick Sennett was present to represent the application.

ADAM CUMMINGS: You said it last month, so nothing else has changed; is that correct?

MR. SENNETT: That's correct.

ADAM CUMMINGS: It's a very established sign that has been there. One of the conditions would be for a sign permit from the Building Office.

ERIC STOWE: Did we do -- my notes aren't clear if the Public Hearing was conducted or not.

ADAM CUMMINGS: Good question.

ERIC STOWE: I don't believe it was.

ADAM CUMMINGS: I don't believe it was either because we tabled it prior to that trying to get the information.

ERIC STOWE: Just confirmation we would need to conduct the Public Hearing.

ADAM CUMMINGS: That is where I was going to go next. Either way, because my notes didn't reflect it either and I can go to the -- go back to my notes, but I -- I was going to hold it anyway.

ERIC STOWE: Okay. Nothing else.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Refresh my memory. People, the industries in this -- in this Industrial Center, if I remember correctly, were not supposed to have their own signs.

ADAM CUMMINGS: We have granted it -- since I have been on this Board, we granted at least two others. I was never informed that they were not allowed to have any. Previous Board approvals stated there would be no Bausch & Lomb ones, but I never read or seen or heard that none of the tenants are allowed to have one.

MS. BORGUS: My recollection is that they had to have their names posted on a board at the entrances, separate signs on -- you know.

ADAM CUMMINGS: A directory sign?

MS. BORGUS: Pardon?

ADAM CUMMINGS: You're referring to a directory sign?

MS. BORGUS: Uh-huh. And they weren't to have their own signs.

ADAM CUMMINGS: I am unaware of that requirement.

MS. BORGUS: It was to do away with this very problem, with this -- with sign heaven.

ADAM CUMMINGS: An industry campus type of advertisement, right.

MS. BORGUS: You might pay to check into that before you go back to the original application.

ADAM CUMMINGS: Okay. Thank you.

MS. BORGUS: Why did they need a third free-standing sign?

ADAM CUMMINGS: This is for the overall campus.

MS. BORGUS: Oh, there are two other companies?

ADAM CUMMINGS: Correct.

MS. BORGUS: Bad precedent.

ADAM CUMMINGS: This is not the first precedent.

MS. BORGUS: This is the third one?

ADAM CUMMINGS: Correct.

The long history -- just to address that part, the long history is there were even -- as was discussed last month, there was an existing variance for a third sign which is actually larger, so that is what I said at the beginning. This is taking that third sign variance for the property and actually reducing that.

MS. BORGUS: Thank you.

ADAM CUMMINGS: And I would -- before we take any more public comment, just to put Ed (Shero) on the spot, are you aware of a requirement to require a directory sign only and not individual signs?

ED SHERO: I do not.

ADAM CUMMINGS: I don't recall that. I could have missed something.

I do know this property which used to be owned by one business obviously had signs for

safety purposes to direct people around it, but it is now a multi-purpose, multi-tenant facility. Excuse me for a minute while I read through some of these old approvals.

ADAM CUMMINGS: I'm just skimming. I don't see anything on the laundry list from the property card that says that. So I will just continue on.

Fred Trott made a motion to close the Public Hearing portion of this application and Ron Richmond 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: This is a unique property as we just discussed. One of the recommendations that we do have from the Building Department is, as we have talked about, there are two other signs. This is the third sign on the property, which --

JAMES WIESNER: Which is in addition to the directory sign?

ADAM CUMMINGS: It says -- besides this, there are two other free-standing, which are directory signs, just signs that were granted variances, but they don't have sign permits. So to get the property compliant -- but that is not necessarily this business owner. Those aren't his signs. So because this is on the property, does our Board want to put a requirement on this application to get all signs to have sign permits? It is difficult because they don't have control over the other signs.

JAMES WIESNER: We're looking at a cohesive plan.

ADAM CUMMINGS: Right. So do we want to condition it for Pierce Industries --

RON RICHMOND: What is the recourse if we do?

ADAM CUMMINGS: Well, it would be a conditioned approval. So if they don't get it, they don't have an approval.

MR. MALBONE: As the building owners, we'll be more than happy to get those sign permits for the other signs.

MR. SENNETT: Just so happens to be here.

ADAM CUMMINGS: Okay. That was fortuitous.

Sign permits must be obtained from the Building Department for signs on the property.

Ed (Shero), are you good with that?

ED SHERO: Yep.

ADAM CUMMINGS: Excellent.

FRED TROTT: Time limit on it?

ADAM CUMMINGS: You want the ten days?

RON RICHMOND: Uh-huh.

ADAM CUMMINGS: Within ten days of this meeting.

So once again, that approval is to obtain sign permits from the Building Department for signs on the property or for those three signs on the property within ten days of the meeting. Of this meeting. All right.

Adam Cummings 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 Mark Merry seconded the motion. The Board all voted yes on the motion.

James Wiesner made a motion to approve the application with one condition, and Fred Trott seconded the motion. The motion was approved by a vote of 4 yes to 1 no (James Wiesner).

DECISION: Approved by a vote of 4 yes to 1 no (James Wiesner) with the following condition:

1. Sign permit must be obtained from the Building Department within 10 days of this meeting.

The following finding of fact was cited:

1. The variance request provides important directional wayfinding and identification of this part of the building campus. Additionally, this variance reduces the area granted for the previously approved variance for a 3rd sign on the property.
3. Application of Mavis Tire, c/o Michael Maines, 358 Saw Mill River Road, Millwood, New York 10546, property owner: CBL LLC; for variance to erect a 2nd wall sign to be 24' x 1'6" (one wall sign allowed), variance to erect a 6' x 2'6" double faced monument sign to be 5' from front lot line (15' req.) at property located at 3209 Chili Avenue in G.B. zone.

Ray Nasoni and Chris Schorring were present to represent the application.

ADAM CUMMINGS: I did not see a sign posted for this one. Correct.

MR. SCHORRING: I have a picture when I was there on Friday with the -- it's on my phone.

ADAM CUMMINGS: We might be able to put that up there.

MR. NASONI: I posted it. The sign was up on Tuesday, the front sign. So it was there --

ADAM CUMMINGS: When you say "front sign," you're saying Chili Avenue?

MR. NASONI: Yes. The Chili sign. So the sign was there then. It was there on Friday. I don't know if you had a big wind storm or --

ADAM CUMMINGS: It could be.

MR. NASONI: It was in the ground. So.

ADAM CUMMINGS: If you have a picture, that is great. I think that would suffice.

MR. NASONI: I even put laminate and everything on it so it didn't get affected by the rain.

ADAM CUMMINGS: Didn't affect wind, though.

MR. SCHORRING: I'm not sure it is going to work, but it is worth a shot. That's the sign right there in the middle.

ADAM CUMMINGS: I can see it. Can't read it, but I can see it.

MR. SCHORRING: You can't really read it, but you can see what it says a little maybe if you want to look at the phone.

ADAM CUMMINGS: I am good with it.

MR. SCHORRING: You can see that was after the sod was put in, so.

ADAM CUMMINGS: Sod is in, and the building facade is done. I think that's David (Dunning)'s truck at the Town & Country. Just kidding. I am just kidding.

FRED TROTT: This one?

ERIC STOWE: Just -- just for clarity, there is -- it is the obligation of the applicant to maintain the sign, but if it is not maintained throughout the time period, it is not prejudicial.

ADAM CUMMINGS: Thank you.

JAMES WIESNER: What does that mean?

ADAM CUMMINGS: Jim (Wiesner) would like to know what that means.

ERIC STOWE: They're good as long as it was up. If it came down, they're okay.

FRED TROTT: I'm glad somebody asked that question.

ADAM CUMMINGS: So we'll go right up front with the wall sign in this order. So you have the one that -- that is --

MR. NASONI: I have a picture of the wall sign.

ADAM CUMMINGS: If you could put that up on the display. Obviously it is going to be in front of the bays.

MR. NASONI: Right.

ADAM CUMMINGS: There is already one on the Chili Ave. road frontage side. It looks to be --

MR. NASONI: Exact same sign.

ADAM CUMMINGS: Close to the same sign. Same colors, everything.

MR. NASONI: Exact same. Just so everyone knows, I did talk to Paul Wanzenried before this meeting and the monument sign -- not this sign, but the monument sign was looked at by the Architectural Advisory Committee on 10 -- on October 13th. They did not approve the plan as submitted there. But I did not hear that they had issues with the wall sign. I just want to make that note for the wall sign, it is as it is.

MARK MERRY: They had issues with the monument sign.

ADAM CUMMINGS: Yes. We'll get to that one next.

JAMES WIESNER: One at a time?

ADAM CUMMINGS: Yes.

FRED TROTT: Why do you feel you need this particular sign?

MR. SCHORRING: The way the building is oriented, it sits at an angle to Chili Avenue, so the -- the existing sign catches, the -- I guess this would be the southbound traffic, and we would like this sign to catch the northbound traffic, the northeast bound traffic.

FRED TROTT: I guess can I combine the two?

ADAM CUMMINGS: That is what I was just going to get at. Then what is the need for the monument sign?

MR. SCHORRING: Well, actually this sign has much more impact. We would be willing to forego the monument sign. We really would like to get this sign in place. Because this is going to attract the people and people driving down the road. This is what is going to catch their eye when they're looking for Mavis.

ADAM CUMMINGS: Okay. Thank you.

RON RICHMOND: You don't want to address what the issue was with the monument sign.

ADAM CUMMINGS: We'll start back over with the monument sign, but I just want to address the wall sign first.

RON RICHMOND: There is a smaller exact version of this on the west side of the building?

MR. NASONI: No. Exact version of this.

MR. SCHORRING: Carbon copy.

RON RICHMOND: I guess I don't see the need for the monument sign. I will just wait.

ADAM CUMMINGS: So now, we'll snake it back.

Now monument sign, you can ask questions on that.

RON RICHMOND: What is the application for monument sign? If you're not concerned

about having it, why does it exist?

ADAM CUMMINGS: They can have a monument sign. They just can't have it 5 feet --

RON RICHMOND: Let me rephrase it.

ADAM CUMMINGS: -- from the front lot line.

RON RICHMOND: It is the 5 feet because of the size of the --

MR. NASONI: We would have been in the parking lot.

ADAM CUMMINGS: Right. There is not enough room for it to meet code. But they are allowed to have a monument sign.

RON RICHMOND: I meant it exactly the other way, it was because of the small area of landscaping they had in there.

MR. NASONI: Yes.

RON RICHMOND: But you would be willing, if granted, the variance for the building sign, to forego the monument?

MR. SCHORRING: Yes. We're just interested in the brand recognition and -- you know, we're not interested in over, you know, signing the property, so to speak.

ADAM CUMMINGS: That's what we're --

MR. SCHORRING: This sign makes more sense.

RON RICHMOND: So it would limit the application?

ADAM CUMMINGS: Right.

FRED TROTT: The amount of impact.

RON RICHMOND: That's all I have.

FRED TROTT: Everything sounds good for me.

MARK MERRY: I would rather see this than a monument sign.

MR. WIESNER: I'm good.

ADAM CUMMINGS: Obviously one condition will be to get a sign permit from the Building Department.

MR. SCHORRING: That will be ten days for that?

ADAM CUMMINGS: It's kind of new that we have been requiring ten days. Those other ones were Legacy ones, they were from the inspections. So I'm not going to say we always put the ten-day requirement on it. Those were special cases. We certainly, as a Board, could contemplate putting in that ten-day requirement, but typically we have not put those for new signs coming in. It is for the sign inventory and enforcement we have been putting that in. I just want to be clear to everyone, our Town Code does allow a monument sign 15 feet or farther so that stays with the property.

If Mavis ever redid their front parking lot or a new business came in and did the parking lot, they could put a monument sign up front. We can't prohibit no monument signs.

RON RICHMOND: It was asked wrongly, but are we voting on them separately?

ADAM CUMMINGS: Tonight, I was going to, but actually it would be -- I don't think we need to separate them now, because they're, in essence, withdrawing the monument sign, for tonight.

MR. NASONI: For the approval of the wall sign, we would withdraw the monument.

RON RICHMOND: Just want to make sure we clarified that.

ADAM CUMMINGS: We're going to ask them next to see if they would formally withdraw it.

MARK MERRY: There is no way to make that part of it permanent?

ADAM CUMMINGS: No.

FRED TROTT: But it would have to be in the parking lot.

JAMES WIESNER: It would be a site plan change, too.

ADAM CUMMINGS: It would prompt a site plan change.

JAMES WIESNER: It is not as simple as it sounds.

ADAM CUMMINGS: That placement would still go to Planning Board approval if the monument sign came in.

But anyway, I would go back to the applicant. So you would like to formally withdraw the variance request for a monument sign to be 5 feet from the front lot line?

MR. SCHORRING: Yes.

ADAM CUMMINGS: Okay. So we are only hearing a variance request for the second wall sign as it is shown up here, which is an exact duplicate of what is existing on the front of the building. So with that, I will open the public comment -- Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I just like to point out, I understand that the -- the monument sign is going to be withdrawn, but I just like to point out as Application 1 reads, and now Application 3, people -- applicants seem to think 6 foot signs on Chili Avenue for some reason are okay. I think for the record it should be pointed out our code reads 5. 5 feet.

ADAM CUMMINGS: That's a good point.

MR. NASONI: It was 5.

MS. BORGUS: It says 6. Says 6 in the application.

ADAM CUMMINGS: Yes.

MS. BORGUS: So -- just so that maybe applicants understand when they come in here, Chili is not a Town that is really keen on signs.

ADAM CUMMINGS: Signs.

MS. BORGUS: We like nice signs and fewer signs and it works very well. So what they may do in other cities or other towns, it isn't going to work here.

The other thing I would like to point out, a few years back there was a very concentrated drive to get street numbers on everything.

ADAM CUMMINGS: Yes.

MS. BORGUS: I'm wondering where the street number appears on this building.

ADAM CUMMINGS: That was going to be on the monument sign.

MS. BORGUS: We have to have Plan B, I think.

MR. NASONI: There is a street number on the north side of the building, in the upper corner. The front of the building, in the right-hand corner, looking at the building.

ADAM CUMMINGS: Okay.

MS. BORGUS: All the more reason we didn't need it on the monument sign.

ADAM CUMMINGS: Correct.

MS. BORGUS: Thank you.

BILL VOGEL, 36 Fenton Road

MR. VOGEL: In defense of these gentlemen here, I did see the sign up on the building for the -- for the permit.

ADAM CUMMINGS: Thank you. Thank you for stating that.

Fred Trott made a motion to close the Public Hearing portion of this application and Ron Richmond 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: Mrs. Borgus made a good point. I want to make sure that that is not something unique -- or not unique, but that doesn't require another variance because then you would be back in front of us.

I -- I believe they're within --

ED SHERO: Wall sign you're talking about?

ADAM CUMMINGS: Yes.

MS. BORGUS: No. The monument sign.

ADAM CUMMINGS: Oh, the monument sign is off.

MS. BORGUS: I know, but I just wanted to make a point.

ED SHERO: Monument sign was proposed at 5 feet.

MS. BORGUS: It says 6.

ED SHERO: 60 inches in height.

ADAM CUMMINGS: Misprint here.

MS. BORGUS: Another win for the Building Department. Thank you.

ADAM CUMMINGS: Just to fully clarify that one, we do have the picture of it here that shows the dimensions of the sign being 72 inches wide and 30 inches tall.

MR. NASONI: Total height is 60.

ADAM CUMMINGS: That is a 6 foot width, but then the total height of the entire monument is 60 inches, so that is correct that it is a typo on the legal notice. It would be.

ED SHERO: That whole 6 by 2'6" is wrong. It is 6 -- 5 foot by 6 foot.

ADAM CUMMINGS: Correct. The entire monument is 5 foot by 6 foot. The 6 foot by 2 1/2 or 2'6" is the face of the Mavis Discount Tire. Just to clarify that.

But we are speaking about the building sign.

Any other comments from the Board?

I do have, just for everyone's information, the Monroe County Department of Planning and Development referral form. They have designated this to be a local matter after they have reviewed -- after they have approved it.

Adam Cummings 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.

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

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

1. Sign permit must be obtained from the Building Department.

The following finding of fact was cited:

1. The location of this building sign is identical to the other sign on the front of the building and is similar in size to other building's signs in the area.

4. Application of James Hastings, owner; 256 Bayview Road, Rochester, New York 14609 for variance to erect a 27' x 40' garage without a primary dwelling at property located at 41 Circle Drive in RAO-20 & FPO zone.

James Hastings was present to represent the application.

MR. HASTINGS: James Hastings. About six years ago my son bought --

ADAM CUMMINGS: Just identify yourself and address for the record.

MR. HASTINGS: Jim Hastings, 256 Bayview Road.

ADAM CUMMINGS: Thank you. Sorry about that. Go ahead.

MR. HASTINGS: Six years ago, my son bought 37 Circle Drive and then later on, he bought 39. So my property would be adjacent to his, too. And we built this house. We learned how to be masons and did everything up into the last shingle. The whole time we were doing this, we kept saying, "We wish we would have built the garage first so we had something to work out of."

I guess that's kind of my plan for 41, is that I want to build a garage first. Two of the footers of the garage will be house footers, so that will be kind of like a head start on building the house after the garage is done.

ADAM CUMMINGS: Okay. So you're not contemplating or subdividing or resubdividing your son's parcels to include this parcel? You're thinking about building a new house on that parcel in the future?

MR. HASTINGS: Yes.

ADAM CUMMINGS: Or at least having plans to do it?

MR. HASTINGS: Yes.

ADAM CUMMINGS: Anything else to add, otherwise I will jump to Board questions.

MR. HASTINGS: Just not good business for me to build a house on my son's property. It is just -- I love him dearly, but it should be separate. So that is why I wouldn't erase the lot lines.

JAMES WIESNER: So you will probably be putting in a driveway as well as the structure.

MR. HASTINGS: At the time building, we'll be just coming off his driveway and doing a loop over to this. It is about 100 feet away from his existing driveway right now, so it wouldn't take much just to do a little Y into it.

ADAM CUMMINGS: So you wouldn't have what is called a road cut or curb going onto the road. You wouldn't have a driveway going out of the road?

MR. HASTINGS: Not unless you told me I had to. It could be -- if that is what you would want me to do. Right now there is a nice stand of trees right there that kind of blocks everything from the road, which makes it kind of nice.

ADAM CUMMINGS: Well, I don't know -- Ed (Shero) could you help me out? I don't know of a Town Code requirement that says you have to have it for every parcel.

ED SHERO: No. There is a requirement you have to have access in case of a fire. That is the issue.

ADAM CUMMINGS: That was going to be my next question.

FRED TROTT: Well, even deliveries will be an issue then, too, for your house.

ADAM CUMMINGS: Right. So -- so the -- the -- the situation I'm --

MR. HASTINGS: When we did the house, yes, then I would do my own driveway. Right now for the garage I wouldn't.

ADAM CUMMINGS: But I'm taking out the fact that you and your son are family members contemplating it for the Town, as if there is not -- say your son no longer owns the house next door and now you have, and now hypothetically if that new neighbor does not grant you access or there is not a deeded easement, you have to have a way to gain access onto your property where this garage would be, so we want to make sure that that situation is not happening here.

MR. HASTINGS: Right. It is a Saturday afternoon to put in a drainage pipe and put the driveway in. So if that was to happen, I would have to say "goodbye" to the trees.

ADAM CUMMINGS: So there could be a plan to do that.

MR. HASTINGS: Yes.

ADAM CUMMINGS: Hmm.

ED SHERO: I would think we would want access to it.

ADAM CUMMINGS: I think so, too.

JAMES WIESNER: We don't want a landlocked building.

ADAM CUMMINGS: I'm not positive on what the County requires for that.

But we would definitely want that in place, because with this variance, we're granting it and it is not necessarily to just Jim Hastings. It is set to this parcel of land. So to protect everybody we would -- we would advise you to do that.

MR. HASTINGS: I wouldn't have a problem doing that.

ADAM CUMMINGS: Excellent. Thank you.

MARK MERRY: Mr. Hastings, you haven't already started construction on this garage, have you?

MR. HASTINGS: No, we have not.

MARK MERRY: No other questions.

MR. HASTINGS: We are building a garage on my son's property, so if you saw --

ADAM CUMMINGS: Right. That is the framing I saw.

FRED TROTT: Do you have a timeframe for building the house?

MR. HASTINGS: No, I do not. Waiting for grand babies. Then I can talk my wife into moving.

FRED TROTT: That would be my only concern, is the timeframe.

RON RICHMOND: So I guess just to elaborate on Fred (Trott)'s question, you're waiting on an opportunity to convince your wife, so it could be five, ten years.

MR. HASTINGS: It could be. Yes. Right now, it would be, you know -- mine and my son's garage. You know, it's going to look like it belongs to his house.

ADAM CUMMINGS: Fred (Trott), could you do me a favor and put that plan -- put that up?

You did submit a -- an excerpt from a plan sheet that shows Lots 2, 3 and 4.

MR. HASTINGS: Yes.

ADAM CUMMINGS: That shows proposed houses. Could you just inform us was that -- the origin of this plan is?

MR. HASTINGS: That is from the people that we bought the land from.

ADAM CUMMINGS: So it appears that there was also a subdivision plan and a -- we'll call it a rudimentary site plan, so -- just so everyone is aware, this actually shows a proposed house on there, which he has this site plan -- he is following the site plan. Or subdivision plan. I will call it a subdivision plan.

RON RICHMOND: What are the dimensions of the pole barn you're proposing?

MR. HASTINGS: 27 by 39.

RON RICHMOND: This is 16 by 20.

MR. HASTINGS: That was 16 foot off the lot line. Sorry about that. The other one was 20 foot from behind the house.

RON RICHMOND: From the back corner of the proposed house?

FRED TROTT: Yes. So is he going to need -- you will need a variance for the size of the barn, right?

MR. HASTINGS: No.

FRED TROTT: Why not?

MR. HASTINGS: 1200 square feet.

FRED TROTT: Oh, yes, that is under 1200 square feet.

RON RICHMOND: Single level?

MR. HASTINGS: Yes.

ADAM CUMMINGS: Just so everyone is aware, this was a subdivision done back in 2008 for Lots 2 and 4. So that is a subdivision, and as you can see, proposed house. So he has a plan, or he is following that person's plan that was JK -- J Kahoun (phonetic), so he already has that, so I am glad he is following that.

So one condition of approval will be to obtain a building permit from the Building Department prior to construction.

MR. HASTINGS: Yes.

ADAM CUMMINGS: So you will just go through the paperwork, fairly painless, with the Building Department.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: What was the decision, that he will put -- he will put a drive in?

ADAM CUMMINGS: Correct.

MS. BORGUS: I don't think -- I don't want a garage without a road cut.

ADAM CUMMINGS: As this plan shows, this property actually has to have that, so that's the other reason I wanted to bring this up. For your benefit, sir, too, is that the plan? So because that was subdivided, that is where the Town would like the driveway to be placed.

MR. HASTINGS: Okay.

MS. BORGUS: My next question is, this may be a subdivision plan, but was this approved?

ADAM CUMMINGS: Yes. 2008.

MS. BORGUS: It was approved?

ADAM CUMMINGS: Yes.

MS. BORGUS: Again, refresh my memory. I was under the impression -- I don't think I'm wrong -- that in Chili you cannot build a barn, a garage, a shed whatever on a lot without a house.

ADAM CUMMINGS: Correct. That is why he is here tonight.

MS. BORGUS: What if he never builds the house? And that's -- that's a distinct possibility, because I can -- I can describe one already in Chili.

ADAM CUMMINGS: I can describe more than one. There was here one last month, and one thing that he also provided in his application is -- and it is shown -- just further to the north, the Chili Fire Department Number 4, Company Number 4, is an ancillary, nonresidential building to the north, and then to the south, there is a multi-building -- I wouldn't call it industrial. It is more a warehouse down there. So nonresidential or in the, but in terms of the individual house, um, he -- or in terms of a garage structure instead of a house, we have -- we had one last month.

MS. BORGUS: I know.

ADAM CUMMINGS: And --

MS. BORGUS: I know.

ADAM CUMMINGS: And we have granted some in the past. We have denied some in the past, too. Or tabled some in the past. But in this -- in this application, we are weighing out that -- that approved plan and his future plans.

MS. BORGUS: Well, from a Chili resident's point of view, I can't see this being voted and approved. Voted on and approved. For a number of reasons. There has been a lot of improvements down in that area, and I think this is a huge step backwards when you start letting people build garages that you're going to access from -- well, he won't be accessing them from another property. Now he will have to have a driveway. However, I don't see where the driveway is going to still come anywhere near the garage if it is put where it is on that approved plan. I'm sure when that approved plan was approved, there was no thought about buildings in the back. The whole idea was to get a driveway to a garage that was included in the house.

ADAM CUMMINGS: Correct.

MS. BORGUS: So I mean, where he will have a road cut he still can't get to that building that he wants to put up. It's kind of a mixed -- a mess, if you ask me. Something that we -- we don't need in this Town, especially since there is no definite plan to even build a house.

ADAM CUMMINGS: Okay. Thank you.

Fred Trott made a motion to close the Public Hearing portion of this application and Mark Merry 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: There was a very good point made there about the location of the garage and if it was going to be a proposed house in the future, um, and -- I am kind of glad I brought this up. Any thought about putting your garage, as if it were a garage, connected to the proposed house location?

MR. HASTINGS: That would be done if it needed to be done.

ADAM CUMMINGS: So, in essence, are you phasing the construction of a house?

MR. HASTINGS: Yes. I guess -- we could do that.

RON RICHMOND: So Adam (Cummings), I thought what you said, Mr. Hastings, is two of the walls of the proposed building were going to be --

MR. HASTINGS: Yes.

RON RICHMOND: -- part of what would be the future house, which would be an attached garage?

MR. HASTINGS: Yes.

RON RICHMOND: But then we did say that you're depicting it to be 20 feet off the back corner of the house?

ADAM CUMMINGS: That's what I was saying, is moving the drawn rectangle up there to be part of the footprint of the proposed house.

RON RICHMOND: Based on what he is saying, he kind of has to.

ADAM CUMMINGS: Correct. To be an attached garage, I can't go where --

MR. HASTINGS: It has to be attached, doesn't it?

ADAM CUMMINGS: So your application described a detached garage, but you're describing construction which would be an attached garage. So just to clarify, it -- would you prefer an attached garage or detached garage?

MR. HASTINGS: My mind was having it be attached.

RON RICHMOND: So in reality, just by what we are identifying on Lot Number 4, the 16 by 20 actually would be 16 by -- proposed 0?

MR. HASTINGS: Yes.

RON RICHMOND: There wouldn't be a setback from the --

FRED TROTT: 25.

RON RICHMOND: From the proposed house.

ADAM CUMMINGS: Well, there would be no distance from the proposed house. Would it be 25.4-6 -- according to this plan, 25 feet off the side lot line. It would just be the first part of the house construction.

MR. HASTINGS: When I brought the papers to Ed (Shero), I would make sure that that was all corrected.

ADAM CUMMINGS: That's the point I'm driving -- speaking as someone who built their house in the past ten years, it's not an easy thing to shoulder to do it all at one shot.

FRED TROTT: Well, I'm a little bit more comfortable with this being the attached garage to the proposed house. As compared to a separate building.

ADAM CUMMINGS: Right.

FRED TROTT: But no driveway.

ADAM CUMMINGS: Right.

FRED TROTT: The way he initially came in.

ADAM CUMMINGS: Okay.

FRED TROTT: Um, I do -- in my opinion, I would like to have a timeframe on a house being built there.

RON RICHMOND: That's the whole babies thing.

FRED TROTT: Well, then he is going to have to be pushing his son-in-law.

RON RICHMOND: We can only guide them for so long. (Laughter.)
ADAM CUMMINGS: You see, we -- we can't really -- this is a variance that goes with the land, so we can't really put an expiration date on these applications.
FRED TROTT: Not an expiration date, but --
ADAM CUMMINGS: So you're putting the requirement that he has to build?
FRED TROTT: The house has to be put on that property within say ten years.
ED SHERO: Out of curiosity, Fred (Trott), how do we enforce that?
ADAM CUMMINGS: That is where I was going with it.
FRED TROTT: Well, to be sarcastic, how do we enforce anything?
ED SHERO: Well, do we have him have to tear down the garage?
FRED TROTT: Okay. You got me on that one.
RON RICHMOND: Once the building comes up, there is no variance anyways.
ED SHERO: That's true, too.
ADAM CUMMINGS: That's true, too.
RON RICHMOND: So regardless what the timeline is, I mean if it is going to be -- whether it's six months or ten years, we're going to grant a variance or deny it and if we grant it, it is going to be -- when he does -- or whenever -- whoever owns the property builds a house, it wouldn't even matter at that point if it is attached because we did grant a variance.
ADAM CUMMINGS: It is not a garage without a primary residence.
RON RICHMOND: Most of this conversation is moot any ways.
ADAM CUMMINGS: It's a good point.
RON RICHMOND: The question really is whether or not we just want to grant the variance for a building without a residence.
ADAM CUMMINGS: Right.

Adam Cummings 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.

Fred Trott made a motion to approve the application with one condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Denied by a vote of 4 no to 1 yes (Fred Trott) with the following finding of fact having been cited:

1. The requested variance requires additional measures to ensure that adequate access is provided for emergency vehicles and is in direct conflict with the approved subdivision plans approved for this lot.
5. Application of Lisa Young and Carla Molinari, owner; 60 Creek View Drive, Rochester, New York 14624 for variance to erect a 10 foot by 15' deck to be 40' from front lot line (50' previously approved) at property located at 60 Creek View Drive in R-1-15 zone.

Lisa Young, Carla Molinari and Joe were present to represent the application.

ADAM CUMMINGS: Brief description what brings you here tonight?
MS. YOUNG: The front stoop is falling apart so we figured we would put a deck. Didn't realize it would go that far. This is Joe from Pink Rose that will be doing this for us, if you let us.
MS. MOLINARI: Kind of a safety hazard right now. It is -- we just want something that is going to be safe and secure if anybody comes up on the lot.
JAMES WIESNER: I don't have any questions.
RON RICHMOND: Is the proposed deck going to be percentagewise 1 1/2 times what is fallen down or what is -- what is the size difference what you got existing right now?
MS. YOUNG: It is just a normal stoop that is in the front, same width as a door.
MS. MOLINARI: No. It is bigger than that. I'm thinking it is about -- I want to say 4 feet.
FRED TROTT: 4 feet by 4 feet?
MS. MOLINARI: Yeah.
FRED TROTT: Will it be made out of wood?
MS. YOUNG: Yes.
MS. MOLINARI: Yes.
RON RICHMOND: 24 inches off the ground, too?
MS. YOUNG: Uh-huh.
RON RICHMOND: Handrail and all that?
MS. YOUNG: We'll put planters around the edges. We have small dogs so they don't fall off.
MS. MOLINARI: It is 15 inches high off the ground.
MS. YOUNG: Only two steps up.
ADAM CUMMINGS: So would not need railings.
Just so everyone is aware, the 50 foot that was stated to be approved previously, that was

for a variance for the actual house to be 50 feet from the front lot line and 50 feet from the rear lot line and the date on that is August 6th, 1957. I'm guessing you didn't own the house at that time?

MS. YOUNG: Nope.

ADAM CUMMINGS: I just wanted to point that out for everyone's benefit, that 50 foot previously approved actually predates our zoning, doesn't it?

RON RICHMOND: Not all of us.

ADAM CUMMINGS: Not all of us. Well, it couldn't pre-date zoning because we had a Zoning Board back then, but anyway, we have a different one and we're looking at 40 feet for this one. You're obviously looking to have it to be a large enough area, and when I went out in that neighborhood, I counted at least three neighboring properties that had -- some actually had them as railing decks and some other ones --

MS. YOUNG: Raised ranches, and ours is just a straight ranch so we would need the upper level.

ADAM CUMMINGS: Correct. So due to it being a ranch, it only needs -- I wouldn't even call it the deck. I would just call it the --

MS. MOLINARI: Platform.

ADAM CUMMINGS: Yes. Platform.

Anything from the side table?

One condition would be to obtain a building permit.

MS. MOLINARI: Okay.

ADAM CUMMINGS: Prior to construction. And I'm glad you have your contractor here, too. So he has been informed.

Um, with that, I will open it up to Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry made a motion to close the Public Hearing portion of this application 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.

ADAM CUMMINGS: Anything else to add other than the building permit condition of approval?

Adam Cummings 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.

Ron Richmond made a motion to approve the application with one condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with the following condition:

1. Building permit must be obtained prior to construction.

The following finding of fact was cited:

1. There are similar front deck structures in the area and will improve the safety of persons entering and exiting this residence.
6. Application of Fastrac Markets, 6500 New Venture Gear Drive, East Syracuse, NY 13057, property owner: Sumket Development; for variance to erect canopy over proposed fuel pumps to be 55' from front lot line (75' req.), variance to allow front parking per plan submitted (no front parking allowed), variance to create a lot with a lot depth of 188' (250' req.), variance to allow 46 parking spaces (72 spaces required), variance to erect an 8' x 9 1/2' double faced monument sign to be a total of 152 sq. ft. (32 sq. ft. allowed) and to be 12 1/2' high (5' allowed), variance to erect a freestanding menu board sign to be 7.25' high (5' allowed), variance to erect directional sign to be 3.47 sq. ft. (3 sq. ft. allowed) and to be 5.6' high (3 1/2' allowed), variance to allow two wall signs on building and two signs on fuel pump canopy (two wall signs allowed), variance to allow two signs on each side of fuel pumps, variance to allow signs to be internally illuminated, all as per plan submitted at property located at 1064 Scottsville Road in G.B. zone.

Matt Napierala and Brett Hughes were present to represent the application.

MR. NAPIERALA: My name is Matt Napierala, N-A-P-I-E-R-A-L-A, representing Fastrac Markets. With me tonight is Mr. Brett Hughes from Fastrac Markets also to discuss and answer questions as we get through this ZBA application.

We have categorized the variances into area variances and sign variances and I would like to kind of run through those and kind of segment those. And quite frankly, I think where we are in this position, we really want to concentrate on the area variances today. We would like input on the sign variances and at the Board's discretion, like potentially to table the sign variances as we are still working through the Architectural Review Board on the signs themselves. But we certainly want input so we can continue forward with the design of those pieces.

So we will go through those, but I think we really want to focus and concentrate on the area variances, so I will detail those as we talk about it.

The first item and I will follow the same order as you, Mr. Chairman. The front yard requirement for 75 foot setback, we are asking for relief to a 55 foot for the fuel canopy itself. Um, we are in essentially off of Scottsville Road, a commercial corridor. The layout of the site is such that when we talk about getting the -- the customers off of the interchange of 390 and Scottsville Road, um, and to get them to the fueling stations into the internal circulation, it is such that it kind of lays out pretty well. And, as well, the -- this structure that we're requesting the variance for is just the -- the open-air canopy. So -- so it is not a massing of a building essentially. It is the -- it is the New York State required fire suppression canopy over the top of the fuel dispensing itself.

So the next area variance we're talking about, code requests there is no parking in the front for -- for commercial facilities. Um, we believe in going up and down Scottsville Road that our request is consistent with other commercial properties. They have -- as you go down Scottsville Road, they have parking in the front. The -- this -- this new building and the prototype of this building, um, can be seen, um, in Henrietta. Brand new store was opened about three weeks, maybe four weeks ago. The building is a -- essentially a prototype that Fastrac is marketing and now constructing all over Upstate New York up and down the Thruway corridor and the 81 corridor. It is a new prototype. We think it's a pretty attractive and nice store. Some of the amenities also deal with a new interior, as well. That interior kind of in a relatively small footprint is pretty well designed in the fact that we don't have any rear access to get this prototype to work. The internal floor plan is such that the back of the store is the kitchen area, has the coolers and the only thing in the back that has potential access to the -- to a rear parking would be the drive-thru window. So it really is not conducive to have rear parking for this new prototype and we feel that -- that that relief is something that we would like to pursue with -- with the Town.

Um, this development, to talk about the third area variance, deals with the -- with the subdivision of the lot. We are located as a part of a Master Plan for -- for this property. We are buying a property from a -- from a developer. In those negotiations, and Brett (Hughes) can talk about that a little bit, negotiations were such that the developer is using the south side of our property for his storm water basin and for essentially master development pieces. The lot line is kind of an internal -- for lack of a better term, internal commercial park lot line, and so we're asking relief.

And as well, there are finances involved with regards to the acquisitions from -- from the developer. We're trying to keep the real estate investment as, you know, the real estate deal is every square foot costs a certain amount of money. We would like to keep the investment as tight as possible so we can invest in the building site amenities and landscaping and make it a nice piece of property. Therefore, we're in the deal with the developers to minimize the acquisition area, and as such, we're meeting the standard of lot area but not the lot depth. For all practical purposes, the site works with regard to the depth shown on the proposed plan.

The last item for area variances deals with parking spaces. In working with the Planning Department, it was suggested that we classified the building as a grocery store. A grocery store has a required parking one space per 75 gross square feet. This particular store, the store itself has a total square footage gross square footage of 5300 square feet which requires a -- 72 parking spaces. But in that 5300 square feet, there are indoor seating areas. If we just talk about the store area itself, it's a 40 by 110, which also includes our kitchen and our other areas. So it is not all grocery. Um, so in that case, if we're dealing with 4400 square feet, the parking requirement would be 59 spaces. The -- the -- the latest plan has 47 parking spaces, but an additional 16 parking spaces at the fueling dispensers themselves. So in the practical sense at this type of use, we encourage our customers after they fuel to move their car and park in a parking space, but we all know that typically doesn't happen and that is why, as well, we're looking for the number of fuel dispensers so our customers, once they fuel can, then feel free to walk into the store. As such, under that scenario, we really have 47 plus 16 parking spaces, so a total of 63 parking spaces. So by that math, if we look at the actual grocery area of 4,400 square feet, 59 spaces is required. With the fuel dispensing, we have 63 parking spaces.

Beyond all that rhetoric, this model works. The number of parking spaces we have on this plan. This is, um, the 45th store in the chain -- how am I doing?

MR. HUGHES: 47.

MR. NAPIERALA: So we have essentially a model how many parking spaces we need and essentially the ownership group is not going to underpark our site. We're going to provide parking for our customers.

And at the same time, we all know that through the storm water requirements, the DEC says less is better. We think that that relief is something that we would like to talk about.

So I think that quickly summarizes the area variances and the requests that is before you for the area variances.

And again, we would like to talk about the sign variance and we would like to deal with

your opinion so we can advance those discussions. So I mean, we can either separate this and --

ADAM CUMMINGS: I agree with the -- I actually have enough sheets for each one of these separately, so I am glad you separated out area and sign. I agree for right now, let's stay on the four area variances just to avoid confusion.

MR. NAPIERALA: Good.

ADAM CUMMINGS: Obvious one is the canopy. That is a requirement. They have to have that, fire suppression. Just to describe it for everyone, that is similar to Byrne Dairy, the Mobil over at Chili Ave, Union, Kwik Fill, you name it, they all have it. So that one is describing that one.

The front parking spaces, um, while I agree with the practical nature of saying so many cars could park under the canopy for the -- for the gas dispensers, I don't believe we -- to follow the letter of our code, I don't think we recognize that one. Just wanted to point it out to everyone, if someone went back and looked at the numbers, um -- of 46, 47, 53, 63, all those numbers that were thrown out, the documented ones, um, are shown here. You do show 62 provided where you have got 12 spaces at the fuel nozzles. I only state that that is more of a practical part. I am not sure that we recognize them as parking spaces.

MR. NAPIERALA: I understand. I just stated that as a reality case versus what the code allows us to do.

ADAM CUMMINGS: Neither of us wrote the definitions of parking spaces in the Town of Chili.

Then the lot depth, um, the lot depth is always difficult and as you can see on -- in our plans, there is the aerial photo. You can see where the Builders Supply used to be and there used to be a loading dock along the rail line that was there, I believe. So that is to the south where the storm water management would be. That dimension is 185 feet, which is what they -- well, no. Correct. I -- I point that out. As the overall Master Plan, as he spoke about, is -- there is still a capability -- or there may still be a capability to reach 250 feet. That is not front of our Board tonight, but just so you see that L-shaped lot, that is not these individuals here per se. That is Sumket. But I just wanted to point that out, as the Planning Board is reviewing this and looking for our input, because they conditioned our approval on ours for this variance to allow that. So make sure everyone digests that part of it, is if this subdivision, which, in essence, has not been approved yet, because it is conditional on our variance, um, there could be consideration that -- I will follow it up with how much effort it would take for an engineering design, but there could be a way to make -- theoretically a way to make it so that variance would not be there. However, that will be a north/south orientation of this building and a total engineering redesign, which is not a free, inexpensive effort to do.

MARK MERRY: Some of it is the cost of business.

ADAM CUMMINGS: Yes. So those were the four there. I covered parking spaces before that.

So we'll go with Board questions. For area variances only.

JAMES WIESNER: Are the dimensional variances, are they listed on any of the plot plans? I don't see them. Like around 55 feet to the canopy or -- are they listed -- are they shown on any of these drawings?

MR. NAPIERALA: Part of what has been going on is from the time of submission, to you guys, to the three to four weeks the plans have been further advanced, so the latest plans I submitted to Kathy (Reed) about a week and a half ago. All those dimensions are tabalized and included and identified and that is kind of what I have shown here. So the -- there is some minor step from the -- the four-week prior to meeting to the practicality of here we are today and we have advanced some plans based on both discussions with the DRC, the Planning Board and -- the other input -- that frankly even the Conservation Commission, we're moving this thing forward as we -- as we talk and essentially, um, those numbers have been memorialized and Kathy (Reed) picked that up on the writing part of the ZBA application. But the actual latest and greatest plans are, been advanced since the set you have in front of you.

JAMES WIESNER: These are kind of representative.

ADAM CUMMINGS: These plans aren't even represented. These are outdated ones since the things have changed then.

So do you have the current plans with you? I see plans out there.

MR. NAPIERALA: Yes, I do.

ADAM CUMMINGS: I think it would be good for the Board to actually see the current plans so that we're not considering things on outdated plans.

MR. NAPIERALA: I don't know how you could do it. I thought you had everything, otherwise I would have brought sets for everybody.

RON RICHMOND: This packet is four weeks old.

ADAM CUMMINGS: This is the best I will look on camera in a long time.

RON RICHMOND: How current is that?

MR. NAPIERALA: Latest and greatest.

RON RICHMOND: Within last few days?

MR. NAPIERALA: No. Submitted to Kathy (Reed) ten days ago. She has sets and the Planning Board now has --

ADAM CUMMINGS: I will make it over to you guys.

So I pointed out on this side, 55.8 for your question, Jim.

Dorothy (Borgus), you're the only one left, so I will put it on --

MARK MERRY: Must be the favorite side of the Board. (Laughter.)

ADAM CUMMINGS: So 55 feet there. I don't see that --
MR. NAPIERALA: 187.4, you see the dimension. If you keep going to the right.
ADAM CUMMINGS: There it is.
JAMES WIESNER: That is the difference between these two?
ADAM CUMMINGS: That one there is 187. It is right there. I couldn't see the tick mark here. The tick mark here. But the lot -- what is the lot width here? Because I have a jog of 21 feet, so it is 166.1.
RON RICHMOND: 90 right there.
ADAM CUMMINGS: So the lot depth is not actually 188. The lot depth would be 887.4 minus 21.3.
MR. NAPIERALA: The lot width is dealt with. It is the minimal square dimension. I apologize. Misinterpretation.
JAMES WIESNER: 31.5. 31.5. You subtract those two.
RON RICHMOND: It is actually --
ADAM CUMMINGS: This is the lot width. This is where -- because it is off the road frontage. We need to go this way.
RON RICHMOND: The difference here and here. So this --
MR. NAPIERALA: Plus or minus. So 165.
FRED TROTT: 21.3.
ADAM CUMMINGS: He has listed 188, so -- it gives us a half foot buffer off of that one, but it is actually 21 feet shorter than that, so it should really be 167?
RON RICHMOND: 167.
ADAM CUMMINGS: Just to confer with Ed (Shero), the Building and Plumbing Department, the lot depth is the lesser of the two when you have jogs in the property line, or do you want it to be the maximum?
JAMES WIESNER: Does Ed (Shero) have the latest plans?
ED SHERO: I do not.
RON RICHMOND: It's 167.
ADAM CUMMINGS: I will bring it over. I need the exercise.

There was discussion at the side table between Adam Cummings and Ed Shero.

ADAM CUMMINGS: They're both depth of the property, but if you're granting a variance, you're granting relief off 250 feet, so it should be shorter in my eyes. Because if we grant it for the 188, our lot depth on the other parts are not compliant with code.

There was further side discussion.

ADAM CUMMINGS: So that one is clear. Mrs. Borgus, I will even walk it out to you.
MS. BORGUS: That's okay. They will probably change tomorrow.
ADAM CUMMINGS: That's true. That's true.
FRED TROTT: Dorothy (Borgus), you're so optimistic.
MS. BORGUS: It's history. Bears me out.
JAMES WIESNER: So we have seen -- we'll leave these here.
MR. NAPIERALA: Absolutely.
ADAM CUMMINGS: In case we need them again.
JAMES WIESNER: We saw the 55 feet. We saw the 188 is going down to --
RON RICHMOND: 167.
ADAM CUMMINGS: 167. Correct. 167.
JAMES WIESNER: The other one for the parking spaces, so just three area variances, correct?
ADAM CUMMINGS: No. There's four. Parking spaces, the lot depth and then front parking. Front parking --
JAMES WIESNER: Two involved with the parking.
ADAM CUMMINGS: Correct.
JAMES WIESNER: As is stated.
RON RICHMOND: Front parking and number of stalls.
JAMES WIESNER: Not on here.
ADAM CUMMINGS: It says the first one, is -- is canopy and it says variance, the 75 feet required variance to allow front parking per plans submitted.
JAMES WIESNER: That's all I have.
ERIC STOWE: Mr. Cummings, if the public notice went out at 188 feet, it is incorrect.
ADAM CUMMINGS: I was going to get to that. I just wanted to make sure all our numbers were right. Jim (Wiesner) wanted to make sure we had all our variances covered for the area variances. Yes, I concur with that one. So with that, as the applicant, I wanted to point that out to both of you, that is once again a procedural error because it was listed there. I suppose we could continue, but it is at your risk since it is not adequate and any challenge would be -- could be very successful putting us right back to the beginning.
MR. NAPIERALA: I think what we would like to do is again to entertain all of the comments and table the entire package.
ADAM CUMMINGS: Okay.
MR. NAPIERALA: Then we can make sure that your Board does have the latest complete

set of plans. Again, we submitted about 20 sets to Kathy (Reed) about -- not by your timeframe, but ten days ago of the latest to get before the next Planning Board meeting.

ADAM CUMMINGS: So Planning Board has their copies, but we didn't.

MR. NAPIERALA: That's fine. We understand. Because you know, again, the timeframes to keep things moving more so against a real estate clock than a construction clock at this -- as we are entering November, but we're certainly working against contract timeframes and such. So we're pushing this thing along, but certainly we want to make sure everyone is comfortable with what they're reading and looking at and we'll make sure those numbers are correct.

ADAM CUMMINGS: So at -- it sounds -- I haven't done a Board vote yet, but it sounds like we will be tabling these ones. One recommendation and almost a request that I would like to make is any future Board meetings you come in front of our Board, if there are changes to the plans from what you submitted to Kathy (Reed) ten days prior, bring enough copies for us here.

MR. NAPIERALA: I agree.

ADAM CUMMINGS: We'll be sure to get a copy to the Building Department to put in their files, but our Board needs to consider the most current.

MR. NAPIERALA: I understand. I apologize for that. I made a bad assumption.

ADAM CUMMINGS: I think before we have a vote to table it, it sounds like you really are just looking for a candid evaluation of your plan here.

MR. NAPIERALA: Absolutely.

ADAM CUMMINGS: So with that, Jim (Wiesner), we have not voted on it yet, but more than likely, the applicant has asked for it to be tabled. We will be pursuing a tabling vote, but looking at these plans, what -- what concerns, comments, do you have? I keep flipping through these. Based on what you're seeing here -- let me give it to my favorite side of the table. (Laughter.)

MARK MERRY: Too late.

JAMES WIESNER: No. I mean, I -- this is an improvement over what it looks like now, because is it a concrete jungle down there.

ADAM CUMMINGS: Well, not just concrete. It's a concrete plus a jungle. And it hasn't been developed in a long time.

MARK MERRY: It's a -- I think it's a prime piece of real estate, developed property and it really is, and not to jump on your clock here, I think that the depth is an issue. I -- I -- in going along with what you're saying, I would hope you have a Plan B maybe pursuing trying to engineer this a little bit more so that it's not where you have it shown today. I guess some of the questions I would have would be -- you know, the parking, I think you show 50 spaces the way I counted them. Even on this site plan. But then you have -- you're asking for 46. I don't know if it was in -- you know, I think more going with what you show here, the way you have got it laid out, would be adequate. I don't think you need 72, to your point.

FRED TROTT: I -- on that question, do you even need 46? It seems like going by the Fastracs, there doesn't seem to be a lot of cars parked there, 46 cars parked there at one time. Am I mistaken, or -- I see maybe a couple dozen. I would actually enjoy more green space in the front to -- and have you have even less parking.

ADAM CUMMINGS: So you're saying to come in front of this Board with a higher variance request?

FRED TROTT: On the parking?

ADAM CUMMINGS: Yes.

FRED TROTT: Yeah. Because I mean, being candid here, where do you see 56 parking spots -- I'm sorry, for a gas station?

ADAM CUMMINGS: It is technically a grocery store. According to our Town Code, being applied here, correct me if I am wrong, is for a grocery store.

MR. NAPIERALA: That was advice of Mr. Lindsay how to approach this.

FRED TROTT: The one in Henrietta, the new one you put in, how many parking spots does that have?

MR. NAPIERALA: I think surface parking is very similar. 50 spaces, as well. There are -- the -- the 8 dispensers, so 16 spaces at a dispenser. Now, the one thing that we look at is, the parking striped spaces often get manipulated and with regards to the pickup trucks and --

ADAM CUMMINGS: Extended trailers.

MR. NAPIERALA: -- extended trailers and stuff and what our offerings are for essentially that morning timeframe and lunch timeframe you're going to attract those landscaping contractors who will essentially chew up four or five spaces at once. So we want to make sure we're providing more than adequate. Typically, this prototype, our goal is between 46 to 50 parking spaces and whatever size dispensers we have. We're in concert with our current prototype.

Again, will every single space be used? Just like a retail store, you have to plan for those high peak timeframes and for our business -- quite frankly, um, we're hoping and we would love this store to be as successful as -- as Hylan Drive Henrietta because that store is right now the -- the best store in our chain.

ADAM CUMMINGS: To add to his point there, delivery vehicles, especially prototypes like this and similar type development deliveries are only in the front. When you have a delivery vehicle there that will block those spaces. I agree with him you don't want to go to bear minimum.

MARK MERRY: You need the room.

FRED TROTT: Okay.

ADAM CUMMINGS: In my opinion -- I will focus on the 50 instead of the 12 under the fuel canopy, but I think 50 is -- in my opinion is a good number.

RON RICHMOND: You really can't count the stalls at the canopy because they're not painted marked stalls.

ADAM CUMMINGS: Right. I -- I'm actually happy you marked them down like that. I think we want everyone moving forward with gas station plans, not only here but other communities to mark that down, to recognize they do accommodate vehicles just like drive-thru queues. But I'm just telling you by definition, I'm not viewing them --

MR. NAPIERALA: Fully understand.

ADAM CUMMINGS: That's commending you, nice information on these set of plans.

MARK MERRY: Just to Fred (Trott)'s point, I think you have already gone down that particular road, the amount of green space shown there almost mimics what you may or may not see with the other businesses in the area.

FRED TROTT: I just wanted to make sure that they were happy with the amount, that they weren't just trying to lower it to a satisfactory amount, even though they need it.

MARK MERRY: Site plan where -- 50 sounds like a lot, but once you start putting vehicles on that site.

FRED TROTT: Yes. You do have a lot of construction vehicles, County vehicles that are up and down that road.

MARK MERRY: The number of pumps at that site -- do you have to have that number of pumps, or does that fuel canopy have to be that large? Is there an option to reduce the footprint? I understand you need it. Is there an option to reduce? If you say you don't want to change the depth, and I want to keep it where it is, I'm just trying --

MR. NAPIERALA: Essentially the Principal owner, that is Brett (Hughes)'s boss and who I answer to, um, we do essentially a traffic count prior to even working with a deal with a buyer or with a seller and that traffic count, from that typical number, during those peak timeframes, um, they have essentially an internal, based on 40 years of experience, of what potentially they will capture of that percentage for their fuel and their store use. And that kind of empirically gets broken back down to, okay, during that peak timeframe what is going to our fuel consumption, we want to make sure, again as a convenience store, we have enough fuel islands so we're not turning anyone away for that convenience. So in that case it has been reviewed because every one of those pumps costs a lost money. The size of the canopy to make it from a six to an eight is a huge investment and all that investment is -- is empirically looked at and reviewed and analyzed and essentially -- so it -- it isn't just a whim. It's a -- it's a -- based on 40 years of experience of a guy who has been in this business a lot longer than Brett (Hughes) and I.

ADAM CUMMINGS: So when you say six to eight, this is a six-pump island.

MR. NAPIERALA: The latest plan is an eight-pump.

MARK MERRY: Shows six on here.

ADAM CUMMINGS: I see six on this one.

MR. NAPIERALA: You turned the page on me.

ADAM CUMMINGS: Oh.

MR. NAPIERALA: This is the latest plan. And essentially, the -- it went from a six to an eight. So this is an eight --

ADAM CUMMINGS: If it was a six, you wouldn't -- you could accommodate the 75 feet? I don't think you could.

MR. NAPIERALA: Still can't. We would still need a variance.

MARK MERRY: It would be less.

JAMES WIESNER: Why did it go up?

ADAM CUMMINGS: Because they extended --

MR. NAPIERALA: Traffic numbers.

ADAM CUMMINGS: They would have to move their underground fuel tanks and shift this down and this would be shifted -- I'm not sure that would happen because you wouldn't have the driveway there.

JAMES WIESNER: They went from six to eight.

ADAM CUMMINGS: That was their request.

RON RICHMOND: Based on volume they determined it would support eight instead of six.

JAMES WIESNER: It changed from what they originally thought this place would look like to now.

ADAM CUMMINGS: Well, not in our eyes. Ours is at 55 feet regardless. The 55 feet is with the eight pumps. We didn't see a variance request for -- say it knocks off 10 feet. They would have come with a variance request of 65 feet, for a six-pump orientation, but we did not see that. Well, we kind of did.

JAMES WIESNER: There is eight pumps. Where is the other store, off Hylan Drive?

MR. NAPIERALA: Intersection 390, if you come 390 North off the off ramp.

RON RICHMOND: Across from Cracker Barrel.

ADAM CUMMINGS: Not Highland. Hylan.

JAMES WIESNER: Looks like this.

MR. NAPIERALA: Face of the store looks just like it. The canopy will look just like it. The slight difference with that store is the canopy is sitting in front of the store. This prototype is something more like was just built and opened in Downtown Rochester at Ridge and Dewey

where the canopy is a side-load.

RON RICHMOND: Oh, yes.

JAMES WIESNER: Perpendicular to the store rather than parallel.

MR. NAPIERALA: Frankly, that is an appeal and a look that a lot of people in the industry told the owner will not work, but it's working very well. What it does is pushes that store closer to the road and the new facade and that new look of the store becomes more appealing instead of being hidden behind the New York State required fire suppression canopy.

JAMES WIESNER: So what is else going on on this property that prevents --

ADAM CUMMINGS: That's what I wanted to move towards now. The storm water management, obviously you don't have any and you said it's a Master Plan for the overall side, and the -- I will call it the -- I believe it's the south.

MR. NAPIERALA: South.

ADAM CUMMINGS: Kind of southeast, the corner there, where the existing loading docks or the former loading docks were for the Builders Supply. That's where the regional storm water --

MR. NAPIERALA: Again, we have only -- in working with Peter Varis of BME, he -- he is the engineer for the developer and -- and in concert with us, kind of worked up the master -- the Master Plan of the overall site. We haven't seen any of the proposals other than he's doing road design and essentially, I think, they just did a percent impervious of the remainder and did the calcs for -- for the storm water basin and essentially graded that site so we know what the discharge elevation is in those type of pieces. So all of that has been worked and coordinated with Peter Varis, but as far as what -- the future development plans, we really have no idea what the -- what the developer and the owner is planning other than his deal with us is to do the DOT work, the signal work, um, and -- the curb cut and the entry road through the -- through the length as shown and the storm water management.

JAMES WIESNER: That would be part of the whole site approval process, so the whole --

MR. NAPIERALA: They're doing -- they're doing -- the subdivision and site approval for the mass, and then we're doing the individual lot which is Lot 2, I think -- considered Lot 2.

ADAM CUMMINGS: There is only two lots at this point in time?

MR. NAPIERALA: To my knowledge two lots.

ADAM CUMMINGS: Was there any consideration of doing a north/south orientation instead of east/west? I know this gives you a lot of frontage onto it and it is conducive to the signalized entrance with the airport's road there. But in terms of your lot.

MR. NAPIERALA: Essentially how it was given to us as a potential development site, it was given to us in this configuration and that is what was made available for Fastrac real estate to acquire.

ADAM CUMMINGS: Okay. I know that has been more in front of the Planning Board than us here.

MR. NAPIERALA: But it goes back to the lot depth. Quite frankly, we asked the developer to take care of that variance because it's his subdivision and in negotiations, he put it on us because we're the first one in.

ADAM CUMMINGS: So nobody wants to see us is what it comes down.

MR. NAPIERALA: Well, we're here.

ADAM CUMMINGS: You got stuck with it.

MR. NAPIERALA: That's right.

ADAM CUMMINGS: I was curious, as an alternative, because granting relief on that, there is --

MR. NAPIERALA: Mr. Chairman, as you know, in the business you're given certain constraints and part of it is what your lot to work with, and then you kind of fit a prototype in, all of the amenities within your constraints and the lot configuration was one of those constraints that we started with I think six months ago.

ADAM CUMMINGS: And obviously, didn't -- since it's a regional facility and Sumket owns everything, they're taking ownership of the regional -- I will call it regional -- only two parcels in a regional storm water management facility and plus your financial impact, if you had to pay for that, it would grant you relief of the variance of this lot depth but at a financial cost of your closing as opposed to another developer's.

MR. NAPIERALA: There are hundreds of those implications in every contract.

ADAM CUMMINGS: Yes. I agree.

Just so everyone on this Board is aware of that, what is going on.

And -- and obviously this subdivision has been conditionally approved -- I said it earlier, by the Planning Board, contingent on our variance. Um, they -- they put a condition onto us. Um, but I still have not heard that it is set in stone. For instance, if there is any storm water pretreatment requirement for this application, which would derive -- for this parcel, which would drive the lot boundaries to change on that subdivision, that is not out of the realm of possibilities either, that they would then be in front of us, again.

MR. NAPIERALA: With regards to some of that storm water pieces, not to get into site planning issues, but since we are talking about that, the preexisting condition of this lot being essentially nearly impervious, has us approach this thing as a -- as a predevelopment type of scenario which kind of reduces the quantity impact and we still have to deal with water quality aspects. So all of that has been a part of dealing with it, and quite frankly, um, in the -- in the east corner, we are dealing with water quality on the site itself when we do our grading. So all of that is -- is incorporated into -- into the design to satisfy the DEC storm water permit

requirements, as well.

ADAM CUMMINGS: So, in essence, there is a low likelihood that that would happen. I think we have beaten that one to -- the front parking. Um, obviously a 75 foot requirement for buildings offer the front lot line, which would drive their building to go farther back, and with this lot, they don't even have enough space to put in parking spaces in the rear of the building.

Um, so -- so, in essence, they would -- to get the parking in the back, they would have to push the building to the up front part and ask for a variance for the building front setback.

MARK MERRY: I think the front parking goes along with what is --

ADAM CUMMINGS: All of the way down Scottsville Road.

MARK MERRY: I think it's a no-brainer.

ADAM CUMMINGS: Correct. Other than that, I don't have anything else on this one, so unless my least favorite side of the table would like to add anything else. (Laughter.)

FRED TROTT: We allowed?

ADAM CUMMINGS: Mark (Merry), are they allowed to add anything else? (Laughter.) We would love to hear from you.

FRED TROTT: Not on this part of it.

ADAM CUMMINGS: We'll just ask the side table out of courtesy.

ERIC STOWE: A courteous nothing. (Laughter.)

ADAM CUMMINGS: I thought Ed (Shero) was going to say something.

I'm not going to open Public Hearing tonight. Just because my next one is to ask for a motion to table this application. As we said earlier, we're splitting out the area variances and sign variances. So this is for those four requested area variances to table it until a future meeting. I won't even say the next meeting. Hopefully it is, but I don't want to condition onto that just in case.

RON RICHMOND: Motion to table.

MARK MERRY: Second.

The Board was unanimously in favor of the motion.

ADAM CUMMINGS: Those have been tabled. Now we'll go onto the sign ones.

MR. NAPIERALA: Can I ask for a point of clarification? If we come back, how does the Board handle -- would they handle each of these variances as a separate decision or would it be grouped together? I guess to me, it looks like the point of contention still is lot depth, and frankly, in our opinion, to get this development here and to again, improve a situation that has been in this neighborhood for a very long time, our hands are essentially relatively tied. And we'll again deal with that when it comes, but I just -- just didn't know operationally how you would handle the vote when we're ready and you guys have all of the appropriate information.

ADAM CUMMINGS: Well, if it stands the way it is right now, operationally, we have two courses of action that I can see. We continue on and hear all four of them individually, and -- actually there is multiple ways to do it. We could do parking spaces and lump them in together. Do the other ones separate. Um, so --

MR. NAPIERALA: We could discuss it at that point. Just curious. Just curious.

ADAM CUMMINGS: Operationally, we'll set it up administratively we can decide that at the meeting.

MR. NAPIERALA: No problem.

ADAM CUMMINGS: We will public notice all of them and then figure out how we will decide to take them based on the information we get.

MR. NAPIERALA: Just to quickly summarize the sign in the sign package, essentially what we submitted is the standard sign package through these prototype drawings and the standard request for -- and this is the equipment that is being provided in this prototype as far as let's talk about the monument sign and there are two items on the monument side. The area of the monument sign and the height of the monument sign, um, and so with regards to those pieces, again, this is the equipment that's being provided.

Just so the Board understands, the -- the display is a digital display. It was discussed both with the Architectural Review Board and the -- the Planning Board. That display essentially with modern technology has the ability to change. The reason Fastrac has gone to this digital display, as we all know, price -- gas prices change all too frequently at least on a weekly basis, if not even a daily basis. As such, the industry standard is to allow those changes to occur inside the store rather than send in staff or personnel out in all kinds of weather, changing mechanical boards. It's a safety issue. It's an employment issue and everything else where today now technology allows us from inside the store, new truck comes in, prices change, it can occur on the digital board.

So that digital board, that's the primary purpose of that digital board is to display the gas pricing, which is paramount in this business. Because it's a digital board, it also has the capability of -- of advertisement.

I think both the Architectural Board and the Planning Board recognized some questions as far as the frequency of change, frequency of even dealing with other -- with other display pieces of what is really going to be appearing and showing up. But the functionality of that digital board is -- is pricing for our -- for our main product at the store itself.

And on top of that particular monument sign is the -- is the marquis logo of the store. Um, the height of that frankly, when we put those pieces together, um, essentially, as a consideration of calling this a monument sign, in reality, it's -- it's a whole sign, with a -- with a skirt,

aluminum skirt so it doesn't look like a popsicle stick, and thus, frankly, all of the Boards we have been going to call that neither a monument sign or a ground sign. And, um -- but in the reality, when you see the constructability of the skirt, it is just to add some aesthetic appearance rather than looking like a popsicle stick.

Frankly, the Architectural Board asked us to architecturally design that skirt into more of a -- elements of the nice facade of the building, so we are architecturally designing that as we speak --

ADAM CUMMINGS: Okay good.

MR. NAPIERALA: -- to provide a more monument look with like materials of the building so we'll have a rendering to the Architectural Board shortly with that.

ADAM CUMMINGS: You're speaking about the base at the bottom, the skirt?

MR. NAPIERALA: Yes. It's an aluminum skirt right now. I do have some photos of that if you want to see it. There is a minor request on the menu board height and -- just for a height 5 foot allowed, 7 requested. There are some directional signs. This store does include what we see -- you know, the investment here is to take the convenience store market into the future and part of the visionary piece is that customers and the -- the people of -- of the world are getting more and more car dependent, and I hate to use the word "lazy," but maybe that is the right word. Drive-thru service is something that market studies are showing in the next 10, 15 years or so that these stores, more and more stores will have this type of convenience.

As such, the new prototypes are where we can fit it -- include a drive-thru service to allow a customer to get the prepared foods that are being prepared in this store, which is again what -- what -- the change of business will be. Instead of a loaf of bread and a gallon of milk, these stores now have prepared panini sandwiches, hot-serve items, everything from the pizza, the -- the theory of the drive-thru is, customer can come to the drive-thru and beyond what is on the menu board, can tell the person on the window, um, "I got two sick kids in the car. Can you get me a loaf of bread and a gallon of milk?" And our staff will gladly do that. Essentially anything available in the store, except for -- lottery tickets, cigarettes and alcohol cannot go through drive-thru, but everything else is free game.

So with that, we have a drive-thru menu board. And there's a -- a minor height variance because of that particular display. Again, it's -- it's standard item that we are providing in these new stores.

So that gets into the directional signage and just providing -- and again, if -- if -- if we -- we would like that to be just a slight area. 3.47 compared to 3 square foot allows for the directional sign for the drive-thru and ours typical is the 5'6" so it stays above snow and 3 1/2 foot is allowed here in Chili.

Then the current prototype we're showing two building wall signs, one facing Scottsville Road. One essentially to give a little presence for the passerby traffic on 390. Then two canopy signs, one again facing Scottsville Road and one facing the future development side. Those, I think, are points of conversation and discussion, but again, that's the sign package that is typical and what was put on the plans for request.

ADAM CUMMINGS: First one, biggest one, because, in essence, it is doubling our height allowance, the 12 1/2 foot high, that line that is one there -- I'm sure the Planning Board and Architectural Advisory Committee spoke about our animated sign restrictions. That is why they have talked about frequency and everything. So we have recognized, and especially in terms of fueling stations like this, that you do have to change that information. However, we don't want animated. So even in your detail where it then shows drive-thru, pizza, snacks, drinks and more and Fastrac Cafe, when you show that example, it shows your logo twice. So that tells me one, why you have the sign transitioning; and two, why you even have the top one if you put it on the digital display anyway. It doesn't help your case on that one.

The one example you give, and I would like your gas prices to be maintained at the 1.99 --

MR. NAPIERALA: That was a real picture. Hylan Drive three weeks ago.

ADAM CUMMINGS: I know, because I stopped. I have a memory.

But that -- that size sign is -- is large. So that's -- the biggest thing on the illumination of there -- for mine is the information you have posted here is great. The changing on it will be allowed -- or in my eyes should be allowed but not the animation part. Just show the information of gas prices in my opinion and that's all it should show because it's not like the mechanical signs can show deals and snacks and menu items on those boards. That's the intent of those changeable signs.

In terms of just continuing my flow of thought, right now compass directions, with the exception to the south you have a 390 side, Scottsville Road on the building, Scottsville Road on the canopy and you have got the side of the canopy for people entering in through that there. To me, that is excessive. You already have the building. You have the monument sign. I don't understand why you're -- the canopy and the building both need to have it on -- on two sides. The building one makes sense. The canopy, those ones, I'm struggling with a little bit more.

We did the same thing to Byrne Dairy. They came in -- actually, they paid a pretty good price. They put all four on and came in and asked for forgiveness and then took all four down and put new details on their canopy. But I -- but I think going through that, your signage there, looking at the colors, you are definitely colorful there. I believe the color is part of it. We don't take into account the digital display of it being separate colors, but we do limit four colors and it looks like your static signage meets that part of it. The monument sign obviously, um, 152 square feet, where 32 square feet is allowed, that is partially because you're posting the changeable pricing on there. But minimizing that -- I know you have prototypes, but minimizing

that will go a long way with us. That's my signage input. We had a lot more signs at McDonald's.

MARK MERRY: Another thing you can say, you're really dealing with a prime location here. You will be very visible. I think the signage for anyone, less is more in the Town of Chili. We have worked very hard to -- to implement that over the last several years I have been involved with the Town. And I think it has been received well by everyone, even the corporations that have come before us. We have helped minimize your sign packages.

ADAM CUMMINGS: And your prototypes of your buildings, I will complement you on that. My own personal opinion of that is, I don't even need to see the signs to know it is Fastrac. I used to work on Browncroft Boulevard for many years and seeing the one on Hylan, seeing -- I'm trying to think the new one over across from Park Point in Henrietta, I didn't even see the signs to know it was Fastrac. That is a testament to your prototype is great and your image is good there.

One thing I want to ask, but not on this -- there is the image that has Fastrac Cafe on the roof of the building. You're not planning on putting a decal on top of the roof for aerial footage for people flying over the airport to see Fastrac Cafe?

MR. NAPIERALA: No.

ADAM CUMMINGS: I saw it on there and it has been on every single one of them. I thought I should really ask it.

MR. NAPIERALA: There will not be a sign on top of the building, because it wouldn't be visible by any traffic except for the airport right nearby.

ADAM CUMMINGS: Doesn't sound like that is the case. Just a decal showing on the site plan.

MR. NAPIERALA: Yes. That is not -- our roof doesn't allow that anyway.

JAMES WIESNER: I'm just absorbing it all. It's a big package, the signs.

FRED TROTT: I just put this one up because we're looking at -- this is your Hylan Drive street building?

MR. NAPIERALA: Yes.

FRED TROTT: We have a bunch of pumpkin spice coffee. I can't read the cappuccino one. Stuff written on the walls. These are all -- if I'm not mistaken, aren't these all different signs for -- that we look at?

RON RICHMOND: There is actually another six signs that aren't --

ADAM CUMMINGS: Correct. Those are not part of this sign package.

FRED TROTT: Okay.

RON RICHMOND: But those are signs we have to take into consideration.

JAMES WIESNER: He gets temporary for 30 days.

MARK MERRY: But not on the ones on the building?

FRED TROTT: I'm just pointing out that we're going to be --

ADAM CUMMINGS: I guess that's a point of clarification, is on the -- we don't have architectural elevation. On the elevation, you -- do you have it where it says "toasted subs," "smoothies."

MR. NAPIERALA: Yes. That is on the elevation and it is actually on the window and depends on interpretation if it is considered window signage or signage.

ADAM CUMMINGS: Those are in the windows.

MATT NAPIERALA: Yes. It's on the glass window. You know, it's -- but again, that's -- that's to be reviewed, interpreted by code.

ADAM CUMMINGS: Right. So if that -- if our code interpreted those to be separate, they would be coming in for more variances.

FRED TROTT: Yes. As people do after the fact.

ADAM CUMMINGS: Yep. When they put in the architectural elevations, um, our -- our Town will catch that and they will be coming back. Right now they're coming back to us.

FRED TROTT: Like you said, with the -- with the sign, I -- I am not a fan of digital signs. I'm more excepting of the numbers than like the marquis changing, sales and stuff like that signs.

MARK MERRY: Animation out?

FRED TROTT: Animation, yes.

MARK MERRY: To Adam (Cummings)' point, if you were to go with that sign there, Fastrac, you have a Fastrac sign on the building.

A train whistle sounded.

MARK MERRY: Figure out where you're going with that and come up with a solution.

ADAM CUMMINGS: There is one direction.

A -- I'm trying to think of a similar one. The monument sign at Target and Wegmans is a good example of a very tasteful one in the neighborhood. Of course, they don't have to have a big display. The numbers have to be bright enough, large enough for people to actually see the numbers, too, but that is what I was getting at. Drive-thru, I can understand that. You want to make sure, you know, you have a drive-thru because it's on the back of the building. But in terms of the Fastrac, that -- that's the balance I would like you to consider, is it better to have it on the building as opposed to right out front? Especially since you already have to have that large notification sign of your prices. And -- and that one is the largest variance. In terms of percentage, that's a major -- I will call it a significant variance, a substantial variance.

MR. NAPIERALA: Agreed.

ADAM CUMMINGS: We will take into consideration the fact that the architectural base is part of that. So I can't say officially, but in my eyes, that's kind of negated the calculation in my head, but on paper, we'll take that into consideration because we don't want a pole sign. No more lollipops.

MR. NAPIERALA: Agreed.

FRED TROTT: I guess my list is all these signs. I'm not -- definitely not in favor of them. I mean this Board also voted down Wegmans, their fruit signs on their light poles. So I -- those weren't temporary. Those weren't temporary.

ADAM CUMMINGS: Those were going to be permanent flag-type advertisements. These ones, like pumpkin spice is allowed for 30 days.

FRED TROTT: Okay. I just want to make it clear.

ADAM CUMMINGS: That is good.

Just like the ice cream places, we will keep on them -- not us -- we'll make sure the enforcement people stay on it to make sure that there is not -- not to save them, but, for instance, five ice cream cones showing up all of the way on light poles down 352.

FRED TROTT: And the restaurant with Fastrac on Jefferson Road, they have added the AAA sign, our members, or something to that effect.

MARK MERRY: Right. That is Henrietta.

FRED TROTT: Well, exactly. This is Henrietta. This is Chili. I guess I'm trying to give the guy a vibe.

ADAM CUMMINGS: To be fair to the AAA, that is usually sanctioned by somebody else putting a requirement on it. They could put it in the window if they wanted. But I agree with you they want it out at the street sign. Moral of the story is we don't like overwhelming signs.

MR. NAPIERALA: Appreciate the input and certainly we know we have a little bit to do to make this Chili specific in the sign package and really appreciate this input. The other thing that I think the Board should -- if they have an opportunity in the next few weeks, to go visit that -- the newest store in our chain, the Hylan Drive store, and I think you can really get a feel for what you're looking at in a real life scenario and then we can all talk about how Chili is going to either adapt or -- or tell us we don't like what is happening in Henrietta. So -- but I think this has been a good discussion. I appreciate your indulgence in letting us know what you think.

ADAM CUMMINGS: One last point of clarification, the variance request is signs on each side of the fuel pumps, as they're depicted. So at the top and the bottom, and not just six pumps but eight pumps.

MR. NAPIERALA: Yes. It has to be updated.

FRED TROTT: Just on that, the way I was looking at -- I don't know where the pump sign went to.

ADAM CUMMINGS: This one?

FRED TROTT: Yeah. Where is the marketing side? Is that like a video screen?

ADAM CUMMINGS: Advertising. Your marketing sign on the fuel pumps, usually that's not digital.

RON RICHMOND: Pictures or digital.

MR. HUGHES: Paper.

ADAM CUMMINGS: A sponsor puts a picture.

FRED TROTT: It shows you -- like your 5.99 pizza or something like that?

MR. HUGHES: Uh-huh.

RON RICHMOND: I think you could definitely come up with a different combination of signage and make sure everybody knows Fastrac is there. The number of signs is excessive. I have been to Hylan Drive. I have been to Ridge Road. Fastrac is putting out nice facilities. No arguing that, but you're going to cover east, north, west just in wall signs and then you will cover east/west in a monument sign.

ADAM CUMMINGS: Then cover west with the fuel pumps.

RON RICHMOND: Right. And then still wondering for the clarification for this Board, are those toasted sub signs considered or are they not?

ADAM CUMMINGS: We don't know -- I don't know that answer. I don't really want to put Ed (Shero) on the spot unless he is prepared to.

RON RICHMOND: If that is the case, there are four more signs there.

ADAM CUMMINGS: There could be, yes. If this is the same architectural version of it, then if they're in the windows, I believe they're in the windows. We have the same -- the same rule, right? The same code? So they would just be --

ED SHERO: If they're in the windows, the same as North Chili --

MARK MERRY: So this is the appearance then very similar to what you have on Hylan Drive?

MATT NAPIERALA: Yes. That's the building elevation.

MARK MERRY: Toasted subs.

MATT NAPIERALA: Yes. That is the prototype as it is. So there are those window signs that are statements.

MARK MERRY: Great. Thank you.

ADAM CUMMINGS: So it would be very similar to the one at the corner of Union and Buffalo Road. I don't know whose gas station it is, but a gas station that has the ribbon advertising signs telling everybody what foods they have certainly.

RON RICHMOND: Which are different from the word of mouth.

ADAM CUMMINGS: I don't want to get into how they changed everything so quickly.

RON RICHMOND: My big thing was we are covering geographically a lot of points on capacity. It looks like repetitively, I think we could probably do the Fastrac Cafe sign off the front of the building if we're doing the monument. Or get rid of monument if we're doing all of the compass directional signs. So just something to consider. I mean, if we're coming back for all this, it is probably in your best interest to take stuff like that into consideration.

MR. NAPIERALA: Certainly will.

ADAM CUMMINGS: Without anything else, we'll hold off on the Public Hearing to the future one. I will reiterate the same thing I said before, the sign package, if it changes, ten-day submission into the Town. Please just bring those with you. I know they will most likely be in the same package as area variances. One last thing we have to do tonight is tabling it. So just officially, you are, as the applicant, asking us to table this application tonight in terms of the sign variances?

MR. NAPIERALA: Yes. We would appreciate the Board to table the sign application.

ADAM CUMMINGS: Thank you. Motion to table?

JAMES WIESNER: So moved.

MARK MERRY: Second.

ERIC STOWE: Was the area variance application tabled, as well?

ADAM CUMMINGS: Correct.

ERIC STOWE: At the request of the applicant?

ADAM CUMMINGS: Yes.

ERIC STOWE: Okay. Didn't know that.

ADAM CUMMINGS: I didn't -- I asked him for -- prior to us doing the vote and then went into a discussion and then we voted.

ERIC STOWE: Okay.

ADAM CUMMINGS: Yes, we did. Do you want me to ask him again just to be sure?

ERIC STOWE: As long as we're good.

DECISION: Unanimously tabled at the applicant's request.

Note: Applicant to obtain new signs at the Building Department to post/maintain as per Town regulations.

Mark Merry made a motion to approve the 9/22/15 Zoning Board of Appeals minutes, and Fred Trott seconded the motion. The Board was unanimously in favor of the motion.

The meeting ended at 9:12 p.m.