

CHILI ZONING BOARD OF APPEALS
January 26, 2016

A meeting of the Chili Zoning Board was held on January 26, 2016 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; Paul Wanzenried, Building Department Manager.

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: Are there any issues with the signs -- making note, the old business item with Fastrac, that was actually public noticed and tabled at the last one, so they wouldn't have signs again this time. Those were put on for last month's meeting.

Any issues with the other six?

JAMES WIESNER: No.

ADAM CUMMINGS: Me neither, so we'll move on.

OLD BUSINESS:

1. Application of Fastrac Markets, 6500 New Venture Gear Drive, East Syracuse, NY 13057, property owner: Sumket Development; variance to erect a 5'4" x 6'7" double-faced monument sign to be a total of 70.22 sq. ft. (32 sq. ft. allowed) and to be 8' high (5' allowed), variance to erect a 9'5" x 5'4" single faced freestanding menu board sign to be 50.33 sq. ft. and to be 7.25' high (5' allowed) where one freestanding sign is allowed, variance to allow five wall signs on building totaling 143.51 sq. ft. and one sign on fuel pump canopy totaling 22.22 sq. ft. (two wall signs allowed up to a maximum of 100 sq. ft.), variance to allow four 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, Brett Hughes and Christian Hill were present to represent the application.

MR. HUGHES: Good evening. Brett Hughes with Fastrac Markets, 6500 New Venture Gear Drive, Syracuse, New York.

I thought it might be a good idea to recap the letter of intent why we're here seeking a sign variance. Following our last meeting with the Town of Chili ZBA on November 24th, Fastrac Operations and the Real Estate Departments took a long, hard look at Fastrac's sign package as compared to the Chili Code requirements along with what is current, present among the other existing gas station and convenience store locations in the Town of Chili as well as the surrounding area.

The end result of this thorough process is the revised sign plan and sign variance application which I'll run through some of the revisions that were made.

Though this current sign program still seeks seven different variances to the Chili Town Code, the current proposal is a result of several reductions from the Fastrac typical sign package and from our original submittal.

Some of the highlighted areas I wanted to run through include the monument sign will now be the fuel pricing, the Fastrac logo only as a back-lit display and will no longer include an LED display, digital display. The monument sign has been reduced to 70.22 square feet in area which is a 61 by 3 square foot reduction in the overall sign area.

The monument sign height has been reduced from 12.5 feet down to 8 feet. Albeit a sign height variance is still being sought after.

Only one fuel canopy sign. The typical Fastrac sign package in the original application, if you recall, were for two canopy signs. The canopy column post merchandizing signs were completely eliminated from the sign package and are no longer being requested.

Drive-thru directional signs, the free-standing and internally illuminated ones were eliminated completely from the sign package and are no longer being sought after.

We are currently asking for relief from our typical marketing signage on the fueling dispensers. This branding, although seemingly redundant, has been found by our marketing to be very important in retaining our customer base by logo and name brand recognition. So again, we're here seeking the sign variance.

That was kind of a brief run through of the major overhauls we looked at since our first initial discussion. I'm here to answer any questions that you may have regarding that.

ADAM CUMMINGS: Thank you.

Appears well researched and you definitely took our input to heart. I will open it to Board questions.

JAMES WIESNER: I don't have any questions at this time.

MARK MERRY: Mr. Hughes, is it noted in your application that the Architectural Review Committee has not seen or approved this? Is that correct?

MR. HUGHES: It has been noted and I believe it is noted on the application.

MARK MERRY: In reviewing your -- your letter, I just wanted to point out -- I'm asking you -- I should probably know this, but how many variances have already been granted for the site?

MR. HUGHES: Um, three ZBA, a total of --

MR. NAPIERALA: We had area variances. The area variances on the site -- um -- I'm trying to think. I think there are four. Four area variances.

MARK MERRY: Several for the area. You're requesting how many for the signage? Seven?

MR. NAPIERALA: Seven.

ADAM CUMMINGS: This is seven now. Correct. I believe the number we had before, well, there was a question because it really came to light with the signage on the fuel dispenser pumps, because that really propelled us up to dozens, if you individually count each of those.

MARK MERRY: Right.

ADAM CUMMINGS: So I can't say that we really knew the exact number of how many there would be, but this is where they're standing right now. It was four variances that were granted, area variances for the November meeting.

What type of illumination are you proposing for the monument sign? It is going to be a back-lit sign, correct?

MR. HUGHES: Yes. It will be an internally illuminated back-lit sign we're asking.

MARK MERRY: What type of bulb, illumination? Do you know offhand?

MR. NAPIERALA: No.

MARK MERRY: LED bulb.

MR. NAPIERALA: It is a LED bulb scenario.

MARK MERRY: Is it similar to what you have on Jefferson Road right now?

MR. NAPIERALA: Yes. This particular monument sign -- I will slide this up -- this is very similar to the Jefferson and John location. With the price sign lower and then the marquis sign sitting on top with the internally LED back-lit sign.

MARK MERRY: On the pumps themselves, it appears as though it is an LED sign on the fuel pump, with the pricing; is that correct?

MR. HUGHES: Correct. Pump toppers, as we refer to them, as displaying the -- the fuel price.

MARK MERRY: Is that something you currently have on the Jefferson Road site?

MR. HUGHES: We overhauled a lot of locations and implemented these pump toppers, the LED display. I believe Jefferson and John also recently went through that overhaul.

MR. NAPIERALA: Certainly the Hylan Drive has this fuel dispensing, um, configuration over at the new Hylan Drive store that was opened up this past summer.

MARK MERRY: Okay. Thank you. That's all I have for the time being.

FRED TROTT: Um, although I appreciate what you did with the monument sign, um, any consideration -- any consideration of lighting the -- ground lighting that? Instead of internally lit?

MR. HUGHES: We did take a look at that for no other reason than we've just become accustomed to the internal illumination. I don't believe it was suggested during any prior meetings or discussions.

FRED TROTT: Um, I still have a problem with the gas pumps. Um, can you explain to me why you need -- as far as marketing -- so many "Fastracs" on one pump?

MR. HUGHES: We took a long, hard look at that. It's of our opinion, as a business, it's a very competitive landscape in the retail convenience marketing world. Um, it -- it really -- it's not unique to just the Fastrac operations. So we took your suggestions to thoroughly understand the market in the Chili market alone, as well as some other surrounding areas, and really it's kind of commonplace for fuel marketers to have that type of branding and logo recognition on their dispensers. We actually brought a couple of examples that may help.

MR. NAPIERALA: I have two separate sheets and I will save one for me to put it on the screen for the public. The first is essentially -- per the Board was asked of us to look at other monument signs in the Chili market, so these are four convenience store gas stations currently as our competitors directly in Chili, and what their monument and signs are today. So these are -- and I believe the addresses or at least the intersections are shown on the bottom.

I will leave one for the attorney, as well.

ERIC STOWE: Thank you.

MR. NAPIERALA: Here is a second one.

The second piece that we did is in our travels -- and this is not in Monroe County, but this is a brand new, recently opened within the last month, a Byrne Dairy store, and this particular graphic shows a brand new Byrne Dairy, one of our primary competitors and how their fuel dispenser alignment exists for a brand new operation. Again, this was opened up December, so just before Christmastime.

So again, to kind of show the landscape, I will start with this one for the public so they can kind of see what we're -- what the competitors and what the market is for brand new fueling

dispensers on a convenience store, a modern convenience store.

You can see in that type of scenario, they have repetitive, the -- the name of the business. They, as well, have the marketing type of a signage above your fueling costs. This particular store, they also have a side bar of the same name of the store. So again, on their -- when the customer is sitting there, tentatively looking at the price -- or the read out as they're pumping the fuel, um, it gives them the -- the ownership and the franchise the ability to capture their attention in other directions and give them that name recognition in the market. Again, as -- Brett(Hughes)is real estate. I'm engineering, but the -- but again, when we went back to the Operations and Marketing people, this is the lessons they were teaching us, as well.

So just again, for the -- for the public, this is -- this is existing stores in the Chili market of how the signage exists in the area. So we'll leave it at that.

ADAM CUMMINGS: So with those monument signs, do you have similar gas dispensers for those four stations you identified here, or did you just do the window survey, taking photos of -- of their -- I'm not saying we wanted photos because obviously you would be on their property, but did you happen --

MR. NAPIERALA: No. Essentially just like you said, Mr. Cummings, we did drive-bys from the public road and took the photos in a nighttime scenario to see what is in Chili.

I think in either the November meeting or prior meetings, someone said, "Compare yourselves to what -- what is -- what exists in Chili," so we did, and frankly, we were, I think, surprised what we found. These appear to be all internally illuminated, all pretty big signs that exist.

MR. HUGHES: To elaborate on that, the dispensers, we didn't bring any photos per se other than the Byrne Dairy examples before you, but those four monument signs, those operations I would say range between 2 and 4 logos on the dispensers per face.

ADAM CUMMINGS: I believe that is accurate. I just wanted to hear if we noticed the same thing.

MR. HUGHES: We don't have any photos to present, but doing the -- our drive-throughs and market study, I am comfortable two to four logos on each face of the dispensers for each of those four operations.

FRED TROTT: Are they seeking approval for the LED on the gas pumps? For the pricing?

ADAM CUMMINGS: Um, let's see. It's -- it's --

MARK MERRY: No.

ADAM CUMMINGS: It's difficult to read. Um, they are looking for signs on it. But no, not those displays.

MARK MERRY: Says variance to allow signs to be internally illuminated.

ADAM CUMMINGS: Right.

MARK MERRY: Allow four signs on each side of the (indiscernible). Variance (indiscernible), so there is a reference to LED.

ADAM CUMMINGS: The picture that would best show that is that 11 by 17. If you can point out your detail on the fuel pumps.

FRED TROTT: They show -- also want to point out this one doesn't have LED and this a new pump. Just -- just throwing it out there. You know what I'm saying?

MR. NAPIERALA: Mr. Trott, again, we dealt with the Chili Code office, and to -- and Christian (Hill) might be able to help me out here. They didn't determine the pricing as a sign. That was -- that was a functional aspect of it. So again, and I could be wrong, but we said, "Take a look at this."

And frankly, um, that's where they came up -- we were counting three because of the size of the third -- or the fourth Fastrac piece and they said, "No, that's four."

But I mean, we -- we have presented, um, this fuel dispenser in our application all along and -- and at least the -- the report we got back from Codes was the signs are -- your -- your labels that sell, but the pricing is not a -- a sign per se.

ADAM CUMMINGS: So the pricing, is that also a requirement that you have to have to operate those fueling dispensers? Because my understanding is these have to be posted by State Law, whether they're LED or manual or whatever (indicating). I believe those have to be there. So for us to prohibit that sign, I don't believe our code has that.

RON RICHMOND: But do they have to be there on the pumps?

FRED TROTT: Do they have to be LED?

ADAM CUMMINGS: We're not addressing that tonight but my operational preference, the LEDs would be better because if I were operating the store, I could change them all from inside instead of going out and changing numbers on each one of these pumps.

FRED TROTT: Well, to --

ADAM CUMMINGS: I don't think we can really address anything on there. When it speaks to -- Paul (Wanzenried), I'm going to rely on you just to make sure, because it is a laundry list on it. When it lists it as signs to be internally illuminated, does that include the fuel dispensers or -- and all signs to be internally illuminated? I was leaning towards just the monument sign and the wall signs.

PAUL WANZENRIED: Just the monument and the wall.

ADAM CUMMINGS: So this picture that's up on the screen right now, up at the header of it, those are not internally illuminated, correct?

MR. HUGHES: No. The dispenser canopies will not be illuminated.

ADAM CUMMINGS: Correct. We're not looking at any illumination on the fuel

dispensers and we're not looking at the pricing signs. We are looking at the logos and the marketing toppers on top of the fuel pricing.

Correct?

MR. HUGHES: Correct. Again, as Matt (Napierala) referenced, this is the images we have been portraying all along. If there was attention given to it previously, we certainly would have spent additional research time to address it here tonight.

ADAM CUMMINGS: So just to clarify and confirm, Board members' question, side table, are you aware of anything in our Town Code that would prohibit digital display signs as opposed to mechanical? Or paper signs?

PAUL WANZENRIED: Not that I'm aware of.

JAMES WIESNER: What did you say the lighting applied to? The monument and the --

ADAM CUMMINGS: The wall sign.

JAMES WIESNER: There are two wall signs.

ADAM CUMMINGS: Wall signs, yes.

JAMES WIESNER: Signs A, B and monument.

ADAM CUMMINGS: Which actually, correct me if I am wrong, your application shows five wall signs?

MR. NAPIERALA: Correct.

ADAM CUMMINGS: So all of those would be -- yes, that's what I'm looking for, if you could point out the five of them and the locations so everyone is clear on that.

MR. NAPIERALA: This sign in the front of the window.

PAUL WANZENRIED: That is an internally lit LED back-lit sign.

The window signs, which are these "Take N' Bake," "Fresh Foods" and "Toasted Sandwiches," they are not lit. They are essentially carved letters above the windowsills. Those would be represented by this location (indicating), this location and this location (indicating). The other lit -- internally lit LED sign is on the side, over here (indicating). And the fuel canopy sign here (indicating).

And then as well the monument sign. Those are the -- the internally lit LED signs.

MR. HUGHES: Matt (Napierala), flip through page 1, the cover page, the elevation shot to get a better representation of the building signs.

MR. NAPIERALA: So if we look again at our cover, you will see this sign, the main sign over the top of the front entry is the internally lit LED.

Here underneath the awning, you will see those letter signs that I was talking about that are not lit.

And then again on the side panel is another internally lit LED sign.

ADAM CUMMINGS: Thank you for pointing out those.

While Fred (Trott) is looking that up, I am also going to look up something.

ERIC STOWE: Just voting on the variances individually.

ADAM CUMMINGS: That is what I will propose, yes.

FRED TROTT: I have a question. Any thought to on the gas pumps, the bottom Fastrac, instead of doing the Fastrac and just doing like the logo?

MR. HUGHES: Oh, without the letters?

FRED TROTT: Without the letters.

MR. HUGHES: Not sure I understand completely. On the bottom of each --

FRED TROTT: On the bottom of each pump, instead of the Fastrac down there, any consideration to maybe just the logo, what you have on the top of your -- the wording of Fastrac? I am just trying to seek a compromise. Let's be realistic. Whoever is actually really going to see that. You know, and -- in Rochester weather, it's going to be covered in snow for six months. You know. But I don't know. I'm just trying to eliminate the amount of Fastracs in -- in this site. You got 36 of them.

MR. HUGHES: So we -- like I said, we spent a substantial amount of time researching, discussing internally with our marketing Operations Team. It -- it is a marketing plan that has been successful for us in our older generation stores as well as our new generation stores and it is really what fits the mold of our business operations.

ADAM CUMMINGS: As side Counsel did speak to it, I was actually going to say the exact same thing. We have as a -- proposed 1, 2, 3, 4, 5, 6, 7, um, variance requests if the applicant is okay with that. I was going to separate each of those out as we consider them for -- for a vote. For our votes tonight. And -- and just to explain that, you do have the option -- if you want us to keep them all as one package, we can do that at the risk if -- whether it's approved or denied, that decision carries with all of them. So if it is denied, all of them are denied. So would you be amenable to us considering them individually?

MR. HUGHES: Yes, I would be open to that.

ERIC STOWE: Mr. Chairman, seven.

ADAM CUMMINGS: I have it listed as seven. I will call them seven types of variances. Being -- first one being the one permitted.

The second one being the monument sign height.

The third one the menu board height.

Fourth, menu sign area.

Fifth menu board area.

Sixth, number permitted. Um, which again, that was a different section, which is Section 500- 50 B(4)(a), changing it from two to six.

And then lastly, the seventh one being the lighting. That's listed on there.

I'm referencing them as 1 through 7 from their application form, just to be clear on that. Not to say there's seven total variances or -- there is a lot of numbers being thrown around, but I'm seeing seven different requested reliefs. That's true. I should probably match that up with the old business notice.

So to be clear, the first variance, once we get to this point of considering these would be the variance to erect a 5'4" by 6'7" double-faced monument sign with a total of 70.22 square feet with 32 square feet, so that would be the first one.

The second one would be the 8 foot high request for that monument sign where 5 feet is allowed.

The third would be the variance for the 9'5" by 5'4" single-face, free-standing menu board. Um, which is requesting to be 7.25 feet high where 5 feet is allowed.

Then Number 5 would be the variance for five wall signs where two are allowed.

And then Number 6 would be the sign area of that freestanding -- or sorry, of the five wall signs, totaling 143.51 square feet, um, and one fuel sign. Confused how that one was in there. Anyway, they're allowed a maximum 100 square feet. So the relief is -- they're looking for 143.51 square feet.

The seventh is to allow four signs on each side of the fuel pumps. And I believe that one falls under the section of code they have listed there in their application where they wanted 64 dispenser signs, and then technically, we're up to 8. So I was wrong on the -- on the number 7.

So eight would be the variance to allow the signs to be internally lit. So once again, that is seven categories or seven reference sections, but eight requested variances.

After you're able to review that, if you want me to recite those back -- I got the thumbs up --

ERIC STOWE: Thank you.

ADAM CUMMINGS: I was going to say I could use a head nod or something.

ERIC STOWE: No. Good. Thank you.

JAMES WIESNER: Where did you get the eighth one?

ADAM CUMMINGS: The eighth one is the internally illuminated, but prior to that, they need a variance for four signs on each side of the fuel pumps. Which is where they're looking for 64 dispenser signs. If you can hand that down.

Any questions, Fred (Trott)?

FRED TROTT: No, I think I'm looking for LED.

ADAM CUMMINGS: You were trying to find the LED one similar to what we did for American Legion? I'm going to continue looking for that.

Paul (Wanzenried), if you could help out while I move to Public Hearing. If you could check somewhere around Section 523 through 43, I'm thinking it is somewhere in there, but I do remember that, speaking to -- I don't know if it was the LED component or if it was the changing of the electronic sign when the application came in in the past on that one.

FRED TROTT: We have to open this up to Public Hearing.

ADAM CUMMINGS: We will be opening this up to Public Hearing. So with that, if you don't have any other questions, that is where I'm going to go, opening up the Public Hearing.

RON RICHMOND: I think we should probably go there.

ADAM CUMMINGS: With that, I will go ahead and open up the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ADAM CUMMINGS: Mrs. Borgus, please point me to which section.

DOROTHY BORGUS, 31 Stuart Road.

MS. BORGUS: Um, the applicant's representative has pointed to the reductions that they have made in their initial request. However, as I read this, they -- their variance now is to allow five wall signs on building totaling 100 -- 143.51 square feet. I looked at the resolution last time from November 24th, and it looks to me like they -- they wanted a variance to allow two wall signs.

So is that a reduction?

ADAM CUMMINGS: I believe -- I would have to go back and look at that now and ask the applicant. I think the question has come up with regard to those letters above the window signs, they weren't on the original application. We brought it up during the last meeting saying they're within the windows, but we believe they should be considered to be signs, so they were not included -- they were included in the original plan but not identified as wall signs.

MS. BORGUS: They're the ones that say "Take and Bake Pizza" and all that?

ADAM CUMMINGS: Correct. Correct.

MS. BORGUS: Okay. All right. Um, when the applicant was in before, we did -- we did ask him to go and look at the -- the Board asked them to go and consider other signs in the area. I am thinking it is very misleading when they present pictures of -- of other gas stations and -- you know, convenience store signs around Chili. What isn't mentioned at -- is that many of those are literally decades old. These are not recent things that have been approved at this Board, so you're not really making a fair comparison when you look at what we allowed 10, 15 years ago and what you're allowing now.

The Town in this code has been tightened up considerably to say the least since these signs were put up. Those are old. Very old. These examples they show for comparison.

ADAM CUMMINGS: Several of them I would agree. But I would say Byrne Dairy and

the Hess station are more recent, because I'm not old enough and they have been replaced since I graduated from high school.

MS. BORGUS: A lot are old and I don't think it's a fair comparison.

ADAM CUMMINGS: I agree and we'll take that into consideration.

MS. BORGUS: And frankly, that picture of the pump from -- from Byrne Dairy, I don't really care. I don't care where it's from. It's not here. That's ugly, ugly, ugly thing. And -- again, I don't think that's very fair. They didn't even need to tell what it was. I think this Board --

ADAM CUMMINGS: It's in Phelps, if you want to know. I believe it's one they just constructed in Phelps, New York, but I do agree that we will be considering and discussing some more as to whether the market -- for instance, the gas station, depends on the vendor of it, the supplier.

So if you go to Sunocos or Mobils, it is heavily prevalent. If you go to the Byrne Dairy on the corner of Union and Chili Ave., it does not have the dispensers like you see in that picture. We do have both types here. Hess definitely put theirs in, but the more -- well, I can't say when the dispensers had been all updated, but we are working through it as you can tell.

MS. BORGUS: I'm glad to see you're taking your time here.

I could not agree with some of the -- especially Mr. Trott's opinions that 64 dispenser signs -- signs on the dispensers is insane.

And -- I don't know why you have "Fastrac" at the top of the pump and "Fastrac" at the bottom of the pump. And frankly, I don't care and I don't think this Board should care what their corporate policy has been or what has been successful for them. That's not the issue. It's not your concern at all.

I did go into the Building Department and look at their paperwork and, um, I saw two comments there that really kind of lit my fire. Um, I don't remember the numbers of the questions -- of the comments or the questions. I probably should have made note of those. But their excuse for wanting these things and thinking that they should be granted these exceptions and variances are that, um, these signs are not adjacent to residential or agricultural property. Well, who cares? You're -- you can't use that -- that argument. That's silly. It's our code. And that's all that matters. And then on another sign they said there was no sight distance issue, so that was supposed to be okay, too. Well, it's not. The code is the code and it's a code for a reason. And not for sign pollution. If they want to see what a good monument sign looks like and some really nice signage, they should go look at McDonald's, our new McDonald's. That's beautiful compared to what we had. And it's a perfect example of what we want in this Town. Not all these hundreds of signs. I don't believe that anybody can -- can say -- I honestly don't -- wouldn't affect me. I'm not going to stand in front of a gas pump and be influenced on the next gas purchase by seeing 64 signs on gas pumps. In fact, it would probably affect me the other way, discourage me by thinking what is wrong with these people?

The other thing I would like to mention, too, is that I don't know how your votes will turn out tonight, but if you do conditions, if you approve anything and you do conditions, I really would like to see a condition in there so that they truly understand, and this is enforceable, that signs cannot be put on random light poles and bollards. That's a problem.

You talk about problems with some of the other gas stations and convenience stores. This is a constant source of code violations. That -- that ought to be clear to them if you pass anything, that they can't, after they're built, stick up discount signs and triple A prices and everything on every light pole there that hasn't got anything to do with signs. We can't have that. It's sign pollution.

Thank you.

ADAM CUMMINGS: Thank you for that last point. I would agree that.

I'm not sure we can -- or should really put it down as a condition because it is part of our code, but if -- it is a good point to give to the applicant that we do take that seriously and enforcement will be strictly on that where you will get notices.

MR. HUGHES: Understood.

ADAM CUMMINGS: Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a quick comment as you were mentioning, um, the LED illuminated signs. My understanding is the code, not to reference any specifics, but -- that's your Building Department -- but those changeable LED signs were in the code as non-acceptable. However, any LED back-lit diffused lighting is, best of my knowledge, not mentioned and should not, in my opinion, be a concern.

ADAM CUMMINGS: Thank you. Anything else? If not, I'll entertain a motion to close the Public Hearing.

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: We have eight. I was not able to find anything in terms of that. In terms of the sign standards for the LED, um, I'm getting there.

FRED TROTT: The one thing I did see here --

ADAM CUMMINGS: There we go. It's 500-50 A(4). That's where it talks about the flashing, intermittent rotating and those type of lighting -- those type of signs.

FRED TROTT: Don't we have one that was separate just for the LEDs?

ADAM CUMMINGS: I don't believe so.

FRED TROTT: All right. But I did notice here on --

ADAM CUMMINGS: It's tough to restrict a certain technology because five years from now LED will go away.

FRED TROTT: I could have sworn it was. Wasn't that -- wasn't that out there, Dorothy (Borgus)?

MS. BORGUS: I think it was.

PAUL WANZENRIED: I don't know of anything that is written in this code that specifically --

FRED TROTT: I'm confused.

PAUL WANZENRIED: -- points to LEDs. The closest you will get is what Mr. Chairman said, 500-50 A(4). Okay?

FRED TROTT: I did notice on 50-48 -- 500-48, item 9, signs at gas stations, gas pump prices.

ADAM CUMMINGS: Yes.

It is mandated, correct. So if you follow the signs not requiring a permit --

PAUL WANZENRIED: Right.

ADAM CUMMINGS: -- these do fall under that they would not require a permit for you to have the signs stating the prices.

FRED TROTT: Yeah.

PAUL WANZENRIED: It should be noted that the applicant needs to come into the Building Department for a sign permit, should he achieve --

ADAM CUMMINGS: For whichever signs --

PAUL WANZENRIED: -- he will get tonight.

ADAM CUMMINGS: Right.

All right. I think we're clear on that. So we'll start with Number 1, unless there is any other Board questions.

So the first one is the variance to erect a 5'4" by 6'7" double-faced monument sign to be a total of 70.22 square feet where 32 feet is allowed. So once again, we're looking at the area, so we're going to that 70.22 square feet for that monument sign, which is significantly reduced in height. I believe, and I don't have your original application, but you had a height variance last meeting that you were here back in November, and that has since been reduced. So I just wanted to point that out for the Board's consideration.

This one is no longer having the LED -- this would technically be the changeable font, but it's not necessarily intermittently changing or flashing or anything like that. It is now a straight numerical, mechanical sign, as depicted on the screen.

So with this one, for this double-faced monument sign, you would need to go to the Building Department, should this be approved to get a sign permit. Obtain that from the Building Department. And if there -- is there any other conditions the Board would like to place on this? This -- this specific, um, sign. I don't hear any.

JAMES WIESNER: You're doing one separately or one and two because it both pertains to the monument sign?

ADAM CUMMINGS: That's true. Well, I was just doing the square footage. Actually, that goes to the second one I mentioned there, is you do still have a variance request for the height. So I take back what I said before, that it is gone, because you are looking for 3 feet relief. You're looking for it to be 8 feet high, where 5 feet is allowed. So I --

MR. HUGHES: Correct.

ADAM CUMMINGS: I apologize to everyone for that confusion. So I agree with your idea there, Jim (Wiesner), is what I identified as 1 and 2, previously, will be considered as one if the applicant is okay with that. All tying two variances -- two variances tied together for the monument sign.

MR. HUGHES: Yes.

ADAM CUMMINGS: Is that what you were proposing, Jim (Wiesner)?

JAMES WIESNER: Yes.

ADAM CUMMINGS: The Board good with that? The same condition would apply, permit must be obtained from the Building Department.

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.

ADAM CUMMINGS: That passes. Now I would like to ask for a motion to adopt this application with that one condition of approval.

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

ADAM CUMMINGS: So that one was approved.

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

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

The following finding of fact was cited:

1. There are similar signs located along Scottsville Road and the addition of this sign will not significantly alter the character of this neighborhood.

ADAM CUMMINGS: Now we'll move on to the next one which is a variance to a erect a 9' by -- 9'5" by 5'4" single-faced, freestanding menu board sign to be 50.33 square feet and to be 7.25 feet high where 5 feet is allowed where one free-standing sign is allowed.

So once again, this one is -- is a little bit different. We're just considering the height. So this is the -- this has not been changed since the last meeting from what I am seeing there, so we're looking for the height to be 7.25 feet.

Once again, this is at the back side of the building, where the drive-thru is going.

ERIC STOWE: Are you doing the square footage as well on that for the two variances, one for the height and one for the square footage?

PAUL WANZENRIED: Isn't this variance 3 and 4?

ADAM CUMMINGS: I don't have it where it is listed how much square footage it is allowed to be.

ERIC STOWE: On the application.

ADAM CUMMINGS: There it is. So it is supposed to be 16 square feet. I apologize for that. It was not listed on the legal notice. Where is that listed, Jim (Wiesner)?

JAMES WIESNER: It is the -- the fifth one down.

ADAM CUMMINGS: Yes, I -- I got that on the application form. I just didn't see it there. So once again, it is the 50.33 square feet I read. It's asking for relief from 16 square feet. I did not read that on the old business side of things. So yes, I would like to combine those two, if the Board is agreeable to that.

FRED TROTT: Sure.

ADAM CUMMINGS: All right. Please bear with me as I'm marking these down. So once again, the same condition would be on there, permit must be obtained from the Building Department for these signs, or this sign.

Any other comments from the Board? Any other conditions, rather?

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 Mark Merry 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 menu board sign will be located behind the building and hardly visible from any public vantage points.

ADAM CUMMINGS: Now moving on, we're now looking at a variance to allow five wall signs on the building totaling 100 -- 143.51 square feet. One sign on -- let's see. And one sign on the fuel pump. So are we counting the sign on the fuel pump canopy as a wall sign? Is that how I'm reading this?

JAMES WIESNER: I would read it that way, too.

RON RICHMOND: Take the six as opposed to the two.

ADAM CUMMINGS: So we're changing it from two up to six.

We also have the exceedance of the 100 square feet. So once again, we're looking at the number of wall signs per the application it should actually be six, not five, as was in the legal notice -- or on the notice in the old business section. And we are also looking at the square footage for these wall signs. Where it is allowed to be up to 100 square feet and this one is going to be 143.51.

As we talked about earlier, this is actually coming from the fact that we identified those above the window signs as being signs that weren't part of the original measurement.

Any discussion, conditions on that one?

RON RICHMOND: Just the one.

ADAM CUMMINGS: The one condition, the permit must be obtained from the Building

Department. 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 James Wiesner seconded the motion. The Board all voted yes on the motion.

Fred Trott made a motion to approve the application with a proposed condition, and Mark Merry seconded the motion. All Board members were in favor of the motion.

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

1. The amount of visible signs were deemed excessive and unnecessary to provide relief as the proposed plan has ample marketing presence with the other approved signage elements. It was determined that the applicant would not experience a detriment to their business or incur a financial hardship with the elimination of these informational signs.

ADAM CUMMINGS: That one has been struck down. Once again, that is the variance for the five wall signs and the square footage to be that large. So you're allowed up to 100 square feet on wall signage, and you are allowed up to two wall signs.

Okay?

The next one is the variance to allow four signs on each side of the fuel pumps, and we're just going to leave those alone. And that has the -- that has that same condition of approval, permit -- sign permit must be obtained from the Building Department. All right. Let's see. We're going to leave the illuminated signs -- the illuminated part to be separate.

Any other things for this specific one? 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 Fred Trott seconded the motion. The Board all voted yes on the motion.

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

DECISION: Unanimously denied by a vote of 5 no with the following finding of fact having been cited:

1. There is ample marketing signage on this parcel. It was determined that this additional signage was deemed excessive.

ADAM CUMMINGS: That one was denied in terms of all those. You do still have the signage for the pricing signs. And I don't know of any others that are allowed on there. We can check with the Building Department to check on that. If there are any.

Finally, the variance to allow signs to be internally illuminated. This one would not actually require a sign permit, so we would not have that condition, because that permit would apply to the other variance. And this is for the monument and the wall signs which instead of five, there will be two.

Adam Cummings began to declare the Board lead agency for SEQR.

JAMES WIESNER: You know what, I'm wondering if we should be careful of that, because if he comes back in for a change like to the wall signs, you're basing it on the decision as it stands right now, but that decision would change if he comes back with a substantial difference and you would have to revote on it.

ADAM CUMMINGS: In terms of allowing internally illuminated signs?

JAMES WIESNER: I'm wondering if you should do it as a wall sign and say the monument signs. Because what you're saying is that we -- we would just be doing it for the signs that have just been --

ADAM CUMMINGS: I'm saying this -- this applies to any sign that is going to be illuminated on this property.

JAMES WIESNER: And now I'm saying wouldn't we want to clarify which ones -- that we're going to allow to be illuminated?

FRED TROTT: Did you have to say the ones that have been approved have to stay?

JAMES WIESNER: Or like wall signs and monument signs.

ADAM CUMMINGS: Right now the only ones that are allowed would be the ones per code.

RON RICHMOND: Which are the two and monument.

ADAM CUMMINGS: The two wall signs and the one monument.

RON RICHMOND: Even if they came in for an additional request for additional signage,

they would have to be considered for the illumination, right?

ERIC STOWE: The section for which the variance is being sought, is internal illumination of monument signs.

ADAM CUMMINGS: Okay. So it is not even wall signs.

ERIC STOWE: 500-50(D)(5), monument signs shall be externally lit, so that's the variance.

ADAM CUMMINGS: So it's not even the wall signs. It is just the monument sign. I think that's sufficient clarification.

I was under the understanding that code section covered all of them.

Thank you, side table.

Glad I'm not interpreting them tonight. That has been clarified. This would just apply to the monument sign. The wall signs would still have internal illumination. That has nothing to do with us tonight.

So with that, SEQR.

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.

Mark Merry made a motion to approve the application with no conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following finding of fact was cited:

1. The proposed lighting will not create excessive glare onto neighboring properties or a safety hazard for nearby vehicular traffic. It is very similar to all of the neighboring businesses located on surrounding parcels in this neighborhood.

ADAM CUMMINGS: So that has been approved. You will get a laundry list of letters within the next couple days from our Building Department. So thank you.

MR. HUGHES: Okay. Thank you.

MR. NAPIERALA: Good evening.

PUBLIC HEARINGS:

1. Application of Hillside Children's Center, owner, c/o Christine Reedhead, 410 Atlantic Avenue, Rochester, New York 14609 for variance to allow all existing signs on property to remain per campus signage master plan submitted at property located at 2075 Scottsville Road in P.I.D. & FPO zone.

Christine Reedhead was present to represent the application.

ADAM CUMMINGS: Once again, if you could just identify yourself for address for the record and brief description of why you're here tonight.

MS. REEDHEAD: Christine Reedhead, 410 Atlantic Avenue, Rochester, New York. We are asking for variance to keep our existing signs on the campus.

ADAM CUMMINGS: Okay. And as it said, they're in accordance with your Master Plan.

MS. REEDHEAD: Correct.

ADAM CUMMINGS: You pointed that out. You're looking to change it from one being allowed to as the master plan says. And how long would you say these signs have been there? They're up at the top of the hill. I don't venture --

MS. REEDHEAD: Honest -- I have been with Hillside for six years. Some of the signage has probably been there since before Hillside took it over. The main signage that says "Hillside" on it was obviously when we took it over and I honestly don't even know what year that was. I apologize.

ADAM CUMMINGS: Fair enough.

And looking like 12 signs total?

MS. REEDHEAD: Correct.

ADAM CUMMINGS: Just to put it on the record.

I did receive a notice from the Monroe County Department of Planning and Development. They listed that it is located within the Greater Rochester International Airport review area. It's been reviewed for airport considerations and has been granted airport approval. So I just wanted to make sure everyone was aware of that.

And we'll go on for Board questions.

JAMES WIESNER: I do have a couple of questions. The first question I was going to ask is has the Town been on the campus to review the sign plan at all to see the sign?

MS. REEDHEAD: Not that I'm aware of.

JAMES WIESNER: I say that for a couple of reasons. I think there are some signs that possibly don't apply and I also think there is one that is missing. There is actually -- on Building

2, there is actually a sign that is not listed on the inventory. I took the time to actually go up on campus and to try to locate the signs and look around.

And on Building 2, there is a sign that says, "Hillside Adoption Resource Network and Children Center," fairly new sign on the outside of the building. That is not listed in the sign inventory. And there is also a sign on here that there is -- there is another one opposite it which I don't think applies to the sign code. There is a memorial plaque in honor of -- a tree in memory of someone. There is actually another one across the street from it. One is on the plan. One is not.

And I know there is also another sign, Number 3 is in -- is in the wrong location. It is up by Building 7. It is actually down by the entryway. That is why I had been interested as to whether the Town had actually been there to see all these and clarify.

MS. REEDHEAD: I apologize. Came in the middle of this. This was kind of started by somebody else. And so you're correct, there is a sign on that building. There's one I don't have to -- I would have to look into it.

JAMES WIESNER: I think we need to get this before we look at --

ADAM CUMMINGS: You're saying this is not a complete Master Plan?

JAMES WIESNER: Yes. So that everything that is on here is applicable, as well as being sure that we got the entire inventory.

MS. REEDHEAD: I believe there is one sign that is missing, that is on that building, the building up at the top of the hill.

JAMES WIESNER: Then the Sign 4 is for a tree in honor of somebody, from what I can see.

Then there is another one kind of up the street a ways, another person in front of a tree that is not on the list.

I don't think they should be on the list. They're not applicable. We have never done anything like that before. And obviously we're missing another one up on Building 2.

MS. REEDHEAD: I did miss the one on the building.

And then the little plaque coming up the hill.

JAMES WIESNER: That's fine. The Town should be working with you to help you along the way.

ADAM CUMMINGS: I would agree with that. Seeing how we -- I don't know if anybody else took the time.

I did not go in to view all of the signs. I drove by and made sure the notification sign was there and relied on this.

JAMES WIESNER: Honestly, never been up there. I have driven by there for years and years and years.

ADAM CUMMINGS: I never been up there, and honestly, other than the road sign, I don't see how any of these signs even impact the public. But I'm glad they have them up there.

Paul (Wanzenried), do you have something to add?

PAUL WANZENRIED: Yes. 500-48 D, signs not requiring a permit are historical markers, tablets and statues, memorial signs and plaques, names of buildings and dates of erect when cut into masonry surfaces or when constructed of bronze, stainless steel or similar material. And emblems installed by government agencies, religious or non-profit organizations, not exceeding 6 square feet.

So the plaques that you see by the tree don't require a permit.

ADAM CUMMINGS: Or should they -- hence, they shouldn't even fall under the inventory in the master plan?

PAUL WANZENRIED: That would be correct.

FRED TROTT: What about this one?

RON RICHMOND: The one in honor of Sally Clap should not be part of it, as well.

PAUL WANZENRIED: That's correct.

JAMES WIESNER: There is another one on Building 2 that would need to be listed.

ADAM CUMMINGS: So Building 2 has a sign --

JAMES WIESNER: Fairly new sign, I would imagine, put up probably within the last year.

MS. REEDHEAD: Just let me see. The one at the top of the hill, they just moved in the last couple of years, so there is one on that building then.

JAMES WIESNER: Number 3 is -- actually is shown on top of the hill at 7. It is actually down between 1 and 2 in the entryway. I take that back. It is shown -- I can't tell from my marking which place it was. I think it is shown down at 3. It is up by 7.

ADAM CUMMINGS: I guess I have one question for Paul (Wanzenried) over at the side table.

With the master plans, I do agree that it would be nice to have the updated one to be accurate for our consideration up here, but do we also -- when we have these master plans, we're really looking at the number of signs, and for instance, if they move one building -- if they move from -- from a facility or an operation from Building 2 to Building 6, the sign is in the inventory, do we really -- in the Zoning Board of Appeals, I don't believe that really pertains to us as to which building it is on or the location of those signs. It is really an inventory of the size of the sign --

PAUL WANZENRIED: Merely the fact that it exists. Doesn't matter where you put it.

ADAM CUMMINGS: Okay.

PAUL WANZENRIED: It's -- you know, you hang it on Building 2 and move from

Building 2 to Building 6, and that sign would -- say moves with you, sign is the sign.

ADAM CUMMINGS: Okay. Thank you. These master plans are unique. They don't come in front of us often. It is really just Roberts Wesleyan and Hillside.

PAUL WANZENRIED: And Hillside, right.

I'm not opposed if the Board deems it necessary, I will get with Mrs. Reedhead and we will conduct a thorough review of the property and notate all signage if that is what the Board --

ADAM CUMMINGS: I think -- I think in the effort of time tonight, I don't feel we have all of the information to consider it tonight, so I would --

RON RICHMOND: I make a motion to table.

ADAM CUMMINGS: I was going ask if we make a motion to table it until say next month or a future meeting so you can meet with the Building Department and get that updated --

MS. REEDHEAD: It would be much appreciated, yes.

ADAM CUMMINGS: So we have a motion from Ron Richmond --

FRED TROTT: Second.

ADAM CUMMINGS: -- to table this per the applicant's request. We have a second from Fred Trott.

DECISION: Unanimously tabled by a vote of 5 yes for the following reason:

1. Tabled per applicant's request in order to update application to include a single missing sign.

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

2. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for variance to erect 19 additional freestanding signs per updated campus signage master plan submitted at properties located at 2265 and 2301 Westside Drive and 7 College Greene Drive in PID zone.

Rich Grier was present to represent the application.

MR. GRIER: Good evening, Richard Grier, Director of Facilities for Roberts Wesleyan College at 2301 Westside Drive.

We are seeking a variance for 19 post -- what we call post and panel signs, I believe, in the -- the code would be referred to as a monument sign. All of the signs -- there are three separate applications depending on which parcel it is on.

But for the most part, they all are covered by three parts of the code. The number of signs allowed, the height of the signs and the area of the signs. And then if you look on the -- the list, the spreadsheet list, the bottom section of that is where it starts with the WF-1 and down through are the signs that we are asking for, while the other ones have been previously approved back in, I believe, 2013.

Should note that on that previous list you should scratch out number 36, which was not approved, and I accidentally left that on the list. I can resubmit that to the -- to the Building Department for their records.

Um, so I'm not sure how you want to handle that. We did get the letter from the County that you received -- just putting this up there as a representative looking at the signs. So the -- all of the signs are too tall, according to the code. There -- most of them are 6 foot and there are several that are 7 feet. That's all driven by the amount of script that we're trying to put onto the signs, which you would have in front of you. And also there are -- there is about five signs -- let me see here. Five -- six signs that are larger than the area that is allowed.

And then we have -- on the -- in the Chili part of our campus, we have in excess of 50 acres, so we do have a lot of signs on our campus. So we're well over the one limit per parcel. Which I'm not sure I can see a way around.

ADAM CUMMINGS: Not without a lot of lost people.

Do you have any questions?

JAMES WIESNER: So essentially everything on page 2 of your sign chart covers all the signs that we're looking at in this application.

MR. GRIER: From WF-1 through the last one on the list should be one that is called CC 25-1, which doesn't actually require any zoning issues. It is just a wall sign for a building. But it -- I was putting everything on the list so we have a complete list of all of the signs.

JAMES WIESNER: It is kind of a mixture of some new signs and replacement of some existing, as well?

MR. GRIER: There is seven existing signs that will be removed as part of this and replaced with new signs. Of those, there is four that are internally lit that we're removing. None of the new signs will be lit.

JAMES WIESNER: Obviously, some of the signs you're replacing, the one I noted in my mind, is the one that is Stark Weather Boulevard. There is an existing sign there which is in pretty good shape. It is just to make all of the signs of the same -- make them all look the same. Is that the intention?

MR. GRIER: That's correct. We recently, as the beginning of January, rolled out a new branding, the new logo, which is represented on the signs, and -- in the -- and the red shield that

is shown on the signs. So we're updating all of our signage to show that, and we don't have a lot of way-finding signs on campus, so we have been -- something that has been on our list of things we should be improving on. So it is about a ten-year wait to get to this point where we could, you know, find the funds to do that.

JAMES WIESNER: That's all of the questions I have.

FRED TROTT: Do you feel that you need all of the verbiage on these signs?

MR. GRIER: Yes.

FRED TROTT: Okay. I -- as a person that has three kids in college and have toured -- we're trying to figure out, I think, probably about 20 colleges, I've never seen so much verbiage on a college sign for each -- seems almost like you got every class listed on the sign. Not to be sarcastic. But it seems like a lot. I don't know what this -- as much as I -- other than the branding, that you don't get from the signs that you have there.

Now on the building. Buildings A, B, C.

MR. GRIER: Well, the building signs are good when you're at the building, but if you're coming onto campus and you don't know where that building is, that is where these signs come into play. So it helps with the vehicular and with the pedestrian traffic. We're removing the map signs because we found them to be of little value. People look at the map sign. When they drive off, they pretty promptly forget or they can't orient to where they are, so. Which I found that to be the case when I have gone on campuses that I'm unfamiliar with, that you look at the map sign, it's great if you know the campus.

FRED TROTT: Seems to be, like again, speaking having three kids in college, it doesn't take them long to figure out where their classes are.

ADAM CUMMINGS: I don't think this is geared towards the students. I think this is geared towards visitors.

FRED TROTT: Well, your detail in your -- you know, Building 3 --

ADAM CUMMINGS: But even so, we're just --

FRED TROTT: Seems like a lot of verbiage on --

ADAM CUMMINGS: So you are asking if he could knock down the verbiage to not need that height variance?

FRED TROTT: Yeah. I mean, there's -- there is very big signs with a lot of -- I don't know. I just say -- seems like a lot. I know it is within their facility and -- but...

MR. GRIER: There is only about seven of the signs that are near the edge of the road. Most of the signs are internal to the campus.

FRED TROTT: I understand that. It just seems like it is a lot of verbiage. It almost gets distracting. That's all I have.

RON RICHMOND: In the sign package that you have, the branding is at the top of each one of the signs as represented in the pictures; is that correct?

MR. GRIER: That's correct.

RON RICHMOND: That was the intent, to go with the uniform. So on Sign 19, there is no indication of Roberts Wesleyan College; however, it is Northeastern Seminary?

MR. GRIER: That's correct.

RON RICHMOND: That wouldn't stay with the uniformity intent?

MR. GRIER: The seminary is a stand-alone institution, so that is why we're using that.

RON RICHMOND: Did not know that. Okay.

All I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Maybe I just need a little instruction here, some clarification.

There's -- I know there's a Master Plan for signs. But when was this particular campus signage Master Plan submitted? Are we talking about just making additions here tonight? In other words, this is the approval of the -- of the updated plan that -- that you're being asked to --

ADAM CUMMINGS: We're asking to approve variances for signs that will be on an updated master plan.

MS. BORGUS: So in other words, they could come in and want 19 more signs; it would still read "Campus Signage Master Plan submitted."

In other words, they can just keep adding to this by coming in here? And asking for more variances? There's a plan. There's a plan. It seems as though somebody -- somebody other than this Board should have -- should have approved this Master Plan and should only be asked to judge or -- or decide on minor changes. I don't think this Board should be the one that decides whether anybody can have this many signs.

ADAM CUMMINGS: The signage Master Plan was 2006. February 14, 2006, from the Planning Board.

MS. BORGUS: Shouldn't this go -- seems as though this should go back to the Planning Board. In eight years, I imagine there has been a lot of changes since then. I don't think this belongs here.

JAMES WIESNER: He wasn't here that long ago.

ADAM CUMMINGS: No. The 2013, he was here for a variance to allow -- sorry, 2013, he was here to allow existing signs on properties to remain as submitted under the Campus Signage Master Plan. So you're correct. He was back here -- well, not you specifically, but Roberts Wesleyan was here asking for a change from the master plan removing Sign 34 and Sign

36.

And then here again, when the new science and nursing building came on, adding another sign -- a second wall sign in August 2015, but in terms of the master plan, to address yours, the original one was a preliminary master plan by the Planning Board in 2006.

MS. BORGUS: But if he just keeps coming back -- not he, this gentleman in particular, but the School keeps coming back and asking for more signs, where is the control on this is where I'm coming from.

ADAM CUMMINGS: The control is by the Building Department. A requirement by our Board in 2013, is any additional signage must be applied for through the Building Department. But I don't see --

MS. BORGUS: This is endless the way this is set up.

ADAM CUMMINGS: Yes.

MS. BORGUS: Yes. Exactly.

ADAM CUMMINGS: It is a very unique situation.

MS. BORGUS: I think it is.

ADAM CUMMINGS: I don't know how you can write a code to do -- I would point to another institution, the Town next door, RIT as they continue to expand, it runs into the same type of situation. You have acreage. By our code, it lends itself to wanting you to require them to subdivide their master lots to allow signs and that is not feasible.

But anyway, to your point of -- the Planning Board was 2006 and I don't know of any other mechanism other than what we conditioned at the Zoning Board to have any additional signage come to the Building Department and then if it is, just like we're seeing here, the need for variances are required, we consider those.

MS. BORGUS: But this just builds, is my point.

ADAM CUMMINGS: It could.

MS. BORGUS: How many -- how many signs do they have on that campus? How many is on your list there?

MR. GRIER: There is about 55.

ADAM CUMMINGS: I did not count, but --

MS. BORGUS: About.

ADAM CUMMINGS: I would say around 50 to 60.

MR. GRIER: I could be off by one or two.

ADAM CUMMINGS: I will speak to his, around 55.

MS. BORGUS: Okay. It's a lot of signs for a small campus. And I do agree Mr. Trott, I frankly never seen so much verbiage on signs. I sit here and wonder why those signs have to be so high.

How high are they?

ADAM CUMMINGS: Some are 6 feet.

MS. BORGUS: 6 feet. That is this high (indicating).

FRED TROTT: Some are 7.

ADAM CUMMINGS: I think there a couple that are 7. Two that are 7.

MS. BORGUS: I think those could be shortened up. They -- no sign on a small campus has to be 7 feet high, or 6. That's -- that's insane. Maybe that's why they're -- to me, they look so objectionable. They're just so huge.

Okay. Thank you.

ADAM CUMMINGS: You're welcome. Thank you.

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

ADAM CUMMINGS: I'm at a loss on these master plans.

JAMES WIESNER: How would you vote on this one?

ADAM CUMMINGS: Table it. I'm joking.

RON RICHMOND: I do have a couple more questions.

ADAM CUMMINGS: Go ahead. I was going to Paul (Wanzenried) next, but I want to hear your questions first.

RON RICHMOND: Of the signs that are going in -- the new signs -- these are the new signs that are going in in the sign package; is that correct?

MR. GRIER: That's correct.

RON RICHMOND: Of the 55, how many are being replaced with the new?

MR. GRIER: Seven. Well, it will be a total -- it is going to be a total of 55, getting -- we're getting rid of 7 but putting 7 back in the place.

RON RICHMOND: So the remaining 48, are they going to the new logo eventually?

MR. GRIER: No. A lot of these signs are like wall signs, so we're not going --

RON RICHMOND: These are just the monument signs to --

MR. GRIER: The other signs have been there since, you know -- like 1893.

RON RICHMOND: With all those wall signs and everything that have the Roberts Wesleyan logo, will they be transformed to the new --

MR. GRIER: No.

RON RICHMOND: Okay.

ADAM CUMMINGS: Paul (Wanzenried), I was going to ask of -- how your mechanism is for these master plans, because we're going to have to come up to the same -- maybe we do this offline and don't do it at this meeting. But just out of curiosity tonight, um, if you have any

input. If not, that's fine, we can do it offline.

PAUL WANZENRIED: I guess I would think it goes back to the Planning Board. Taking this back to the Planning Board. They're the ones that originally approved it. All right? You -- you -- your only question tonight is the variance to erect 19 additional signs. You are either going to say "yay" or "no" to the 19 additional signs that they are going to add into their campus master plan. If they want to update the plan -- which should fall after they see you and get the 19 okayed or denied, then they should go to the Planning Board and have that master plan updated to initiate the 19 into that master plan.

As far as documenting inventories, there is no mechanism in that Building Department that I'm aware of, as of yet --

ADAM CUMMINGS: Thank you.

PAUL WANZENRIED: -- that we do.

ADAM CUMMINGS: And don't forget tonight, we're not just doing number of signs. We're also looking at those sign heights and the one sign that's oversized in terms of area.

JAMES WIESNER: Has the Architectural Review Board reviewed these?

MR. GRIER: Yes, they have. Two weeks ago I met with them. I have not received any comments in writing from them.

JAMES WIESNER: No comments, then there is nothing to be considered.

ADAM CUMMINGS: Right. Okay. Clear as mud. All right. Well, contrary -- I guess I was going to say contrary to the original one is splitting these up, it might make the most sense to keep these together. I would like to ask the Board's opinion on that of whether we should keep the number of signs, the height and the square footage, all as one package or do you want to separate them out?

RON RICHMOND: Well, the application is to put that quantity above -- so --

ADAM CUMMINGS: The benefit to separating it out would be we could grant -- if it was granted to be 19 -- but than say they need to be shrunk down, they could still be allowed to put 19 down; they would just be smaller signs. So it is just something for us to consider. And also the applicant. If you have a preference, we would like your input.

Side table?

ERIC STOWE: Is there any -- I don't see a requirement that we issue a variance for size. This is only for quantity.

ADAM CUMMINGS: Oh, I was reading it off their application.

ERIC STOWE: Hearing notice is for --

JAMES WIESNER: Got area of signs on it.

ADAM CUMMINGS: Yeah. Sorry. I was looking at their application form.

FRED TROTT: I thought there was something for height, too. Height of signs. They have it --

ADAM CUMMINGS: Are you correct? The notice on it --

PAUL WANZENRIED: The notice isn't --

ADAM CUMMINGS: Just says, "Erect 19 additional freestanding signs."

FRED TROTT: It says sign height, 5, 6 and 7 foot signs.

MR. GRIER: The requirement is 5, and we had 6 and 7 foot that we're submitting, so that -- so that is what we submitted on our variance request.

ADAM CUMMINGS: On those ones that are 6 and 7 feet high and the one sign that is 60 square feet, was that a previously granted sign that you're replacing or are those new signs? They are all new signs, but it is a replacement of one that was previously approved on the master plan before? I bring that up, because that would need a variance. They have already been granted and we would only be considering 19 additional, but if those which are in your application form have not been previously granted, we should be considering them tonight.

MR. GRIER: Some of them, I was -- check to see if all of the things -- all of the different requirements.

RON RICHMOND: Did the public notice only identify the number of signs?

ADAM CUMMINGS: Yes. That is why I'm trying to get the clarification, if they were previously granted.

RON RICHMOND: Well, there is request for three different variances; however, we can only vote for quantity. Is that correct?

ERIC STOWE: That's correct.

RON RICHMOND: The other two --

ADAM CUMMINGS: We'll not even be considering those tonight, correct.

MR. GRIER: So to answer your question, on WF-2, which replaces our signs CD-2, CD-2 as submitted and approved was 7 feet high.

ADAM CUMMINGS: Yep.

MR. GRIER: The area is 56 square feet, and the new sign would be 7 feet high and is 60 square feet. So it's 3 square feet difference in size. 4 square feet difference in size.

MARK MERRY: So what you're saying is we have to approve 19 signs and they have to be within code?

ADAM CUMMINGS: No. Tonight we are only doing the 19 signs. There is still a question mark regarding the height and the square footage.

MARK MERRY: If he wants to erect those, he can erect them at those other heights?

RON RICHMOND: Unless he puts the application through public notice for the area variance.

ADAM CUMMINGS: For those two area variances, they were previously granted and

these are just replacing the ones that were granted --

JAMES WIESNER: So an updated master plan. We have a master plan. It has all of the information in it.

ADAM CUMMINGS: That is what I am getting at. The master plan actually called those out before and we granted the master plan with all of the existing signs that were on there. So to me, we -- I -- I think we need to research that one some more. But tonight we're only considering what was noticed and that is the erection of 19 additional signs.

Okay?

JAMES WIESNER: Per updated campus master plan.

ADAM CUMMINGS: Per updated campus master plan.

JAMES WIESNER: Which that has the height, and has the area and has the -- has all three of the specs.

ADAM CUMMINGS: True.

JAMES WIESNER: So they're covered in there. Just blanket covered. The height and area is included on the master plan.

ADAM CUMMINGS: Side table, are you okay with that?

ERIC STOWE: I'm sorry.

ADAM CUMMINGS: So if you take the -- the vague wording on the public notice, where it says variance to erect 19 additional freestanding signs per updated campus -- Campus Signage Master Plan, is that vague enough that would actually cover those height and square footage variance requests, because they are on the spreadsheet and in the updated master plan? I think it's a stretch, but --

ERIC STOWE: It would need to be more like the old business one where we say these are the variances, for these signs, at these dimensions.

ADAM CUMMINGS: Yes. I would prefer dimensions, too. It is vague. I agree. I would prefer more clarity. Going back full circle, we will continue on with the 19 additional freestanding, but we have not actually approved or we're not considering the approval of the oversized nature of the signs tonight. That's a -- going to have to be a future matter and I really do think we need to bring the Planning Board on board with that since it is their master plan that they approved.

JAMES WIESNER: So he has to come back for the square foot and the --

ADAM CUMMINGS: Height.

JAMES WIESNER: -- the height, which is another application and another application fee?

RON RICHMOND: The application already exists.

ADAM CUMMINGS: That is true. The application has already been paid for.

RON RICHMOND: It is just because of the public notice.

JAMES WIESNER: So he has to come back.

MR. GRIER: That was from the Town. We did not write the public notice.

ADAM CUMMINGS: Correct. We acknowledge that. And that's what we're acknowledging tonight, there would not be another permit application -- or variance application. It would need to be a re-issuance of the public notice. Because the other route we could go was to completely withdraw this, re-notice the entire thing with that revision. If you want us to go that path, that is fine.

MR. GRIER: No. That is fine.

ADAM CUMMINGS: I do apologize for that. But that's where we're at tonight.

So for this one, I guess we have to get sign permits for all these. I'm not even sure how the Building Department handles sign permits for the master plan, but I would just say appropriate sign permits must be obtained by the Building Department.

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: Please work with them on that, how that schedule of fees would work.

With that, I don't have any other conditions unless the Board has some.

MR. GRIER: Can I ask a clarifying question?

ADAM CUMMINGS: Yes. So.

MR. GRIER: So if in the original submitted signs that were already approved, in the seven that we are replacing with new signs, if the -- if those seven already have a height variance granted, do we need another -- a new height variance? Are we just -- is it a -- I don't know, a trade or --

ADAM CUMMINGS: They should follow with the -- the variances that were granted before. I just was not able to find a -- a statement that actually said they were. That's a part of the research that I think needs to be done and I'm going to ask that question, but -- correct me if I am wrong, Mr. Stowe, but it does follow with the land?

ERIC STOWE: That's correct.

ADAM CUMMINGS: So if you have seven signs that are allowed to be 7 foot tall, if you are replacing these, your campus is allowed to have seven signs at 7 feet tall.

ERIC STOWE: That's correct.

MR. GRIER: That would be helpful in preparing the documents.

ADAM CUMMINGS: Right. Good question. All right. We'll get the sheet out. So with that, once again, we are just considering the 19 additional free-standing signs for their -- per their updated Campus Signage Master Plan, and the next course of action for that is to refer it back over to -- or we won't do it, but the Building Department will to get it over to the Planning

Board.

Correct, Paul (Wanzenried)?

PAUL WANZENRIED: Yes.

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 the following condition, and Mark Merry seconded the motion. All Board members were in favor of the motion.

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

1. Sign permits for all signs must be obtained from the Building Department.

The following finding of fact was cited:

1. The signs provide way-finding purposes and increase the level of safety for pedestrians and vehicles traveling within the campus. The majority of the signs are only visible from within the campus and not in public views and will not adversely impact the character of the neighborhood.
3. Application of Karen Skahill, owner; c/o Robert Marshall, 225 Pine Valley Drive, Rochester, New York 14626 for variance to erect a 9'4" x 7' open porch 54' from front lot line (60' req.) at property located at 18 Solmar Drive in R-1-15 zone.

Karen Skahill and Robert Marshall were present to represent the application.

MR. MARSHALL: I'm Robert Marshall. I'm here with Karen Skahill.

MS. SKAHILL: I'm the homeowner of 18 Solmar Drive. We're looking to erect an open porch on the front of our house. We have owned the house for almost six years and we really take a lot of pride in our home. We think this will really increase the aesthetic value. It's going to add just a safe and updated front entry way for us. We're expecting our first child. We want to have something updated, ready for them. And we also think it will increase the property value and goes right along with some of the other homes in our neighborhood.

ADAM CUMMINGS: All right. Good introduction. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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: One condition we would place on here is a building permit to be obtained from the Building Department. And that's all I have for conditions.

JAMES WIESNER: Actually, the application is 55 feet. So it is -- they truly are asking for 54.

ADAM CUMMINGS: Well, there's -- if you look at it, it is 55 and then they cross it off to be 54. So at -- at least in the one I have.

MR. SLACK: We only need the 55 feet, but it was suggested that we switch to 54 just to err on the side of caution.

ADAM CUMMINGS: Not to say anything about the surveyors we have around here, but I said it.

MR. SLACK: Better you than us.

ADAM CUMMINGS: I'm kidding about all those surveyors out there. It's the builder's fault.

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 conditions, and Mark Merry 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 from the Building Department.

The following finding of fact was cited:

1. Several other homes in the area have front porches, so the addition of this porch will not substantially alter the character of the neighborhood.
4. Application of Midlakes Development, owner; 758 South Avenue, Rochester, New York 14620 for variance to allow existing townhouse on lot #110 to be 6 ½' from side lot line (10' req.), variance to allow existing townhouse on lot #108 to be 15 ½' from rear lot line (25' req.) at properties located at 5 & 9 Best Place in RB w/PNOD zone.

Matt Sinacola was present to represent the application.

MR. SINACOLA: Good evening, everyone. Chairman, members of the Board. I am Matt Sinacola with Passero Associates representing Midlakes tonight. Just to kind of review quickly, we have an existing townhome, and the -- the -- the structure is in the correct location. It was built according to the design plans correctly. It is in compliance with the original conditions that were outlined in the Section 278 when the Greenwood project was approved.

We submitted this plot plan to the Town for a matter of record as it was -- was constructed and it was at that point advised that we obtain variances for the side setback for Lot 110, and the rear setback for Lot 107 -- I can't read it here. 108. Which are both part of the structure building 33 on the original design plans.

Um, this was to -- I guess -- from my understanding, it was to provide some additional paperwork in the file so that if it ever came up again in the future, there would be something, a paper trail in the record saying that yes, there were variances granted for this.

My understanding from the original approval, under Section 278, the -- there were a few anomalies on the overall plan. I do have a copy here if you would like to look at it where some of the side setbacks were a little tight. The configuration of the lots were a little strange. There were encroachments. The utilities, the roadways, the sidewalks and in a couple of cases, side setbacks and the rear setback were encroaching on the -- on the cookie cutter configuration of these lots. As you probably know, the -- the lots themselves weren't really that critical. It just provides a legal definition of the ownership. They really could have adopted any number of configurations and we could have made them a lot smaller, right up to being at the building wall line, I suspecting in some cases. Case and point, you can see that the sidewalks and some of the pavement are actually falling within these lots. So from a -- from a practical standpoint, it's not terribly critical. But I guess the Building Office wanted to make sure that there was at least a paper trail in these particular two cases, because they did have a general condition of 25 foot, as a rear setback, and 10 foot setback or a side setback for these buildings. As long as the bulk of the wall line conformed, the general consensus was this was fine. Which these still do, but again, it seemed like it would be prudent to obtain the blessing of this Board just so that we -- we have a paper trail on it.

And that is essentially it. Um, I do have photos and stuff like that, if you would like to see them. This is the rear -- it is not shown very well -- setback to approximately where the property line falls, and this is the side setback, which is about 6.6 feet from the existing open porch. Where I would be required. That's a big transformer. So...

ADAM CUMMINGS: Okay.

MR. SINACOLA: You can look at these if you want to.

ADAM CUMMINGS: Obviously this is a unique circumstance by it being a townhome.

MR. SINACOLA: Yeah.

ADAM CUMMINGS: As you were stating, the property lines are made -- even though it is a connected building, the property lines are more ownership designations as opposed to a detached residence, which is much easier to receive compliance or achieve compliance of our code.

MR. SINACOLA: Yeah. And to expand on that, in the townhome situation, the -- the lot lines, whereas in -- in a more conventional residential zoning area, we're concerned with the fence, outbuildings and need sort of things, pools and that sort of thing. But in this case, none of that would occur because it is all subject to the general control regulations of the complex and you can see the common space that falls in between some of these lots, which, of course, has nothing on it, just would be lawn, landscaping.

JAMES WIESNER: So basically, the -- the variances you requested are kind of rounded down from what you see and that could be what the actual measurements are -- 6 1/2 is --

MR. SINACOLA: I opted to round it to the nearest half foot. Just hypothetically, if -- if 10 years or 20 years down the line they change the siding and put more insulation on the building, it may expand a few inches. We always try to add a little extra when the setbacks are super critical. It's never a good idea, as I think was just mentioned, when you -- when you propose a structure right on the setback line, because there is a chance it could be off a little bit. And as we have been back before regarding the window wells, as another issue, being defined as a structural part of the building, and that complicates things. This phase of the project, that issue was addressed by reconfiguring the window wells and positioning them so that wouldn't come into play, where it was an issue on Section 1.

So these little things, lessons learned I guess to try to avoid them in the future.

ADAM CUMMINGS: And just to point out, this one would be compliant if someone did want to dwell on the window well on Number 108, because the variance is giving the relief of

15.8. The window well is less than 25 feet -- would still be within that, so I just wanted to point out to everybody that we satisfy both of those.

JAMES WIESNER: So the one previous variance --

ADAM CUMMINGS: There wasn't on this one. There was on other properties.

JAMES WIESNER: But it carried through the whole?

ADAM CUMMINGS: No. This one he doesn't need to ask for a variance of that specific one, because he is granting relief of the rear lot line for the building structure.

MR. SINACOLA: The building corner itself.

ADAM CUMMINGS: So it does both.

I only pointed it out for clarification.

MARK MERRY: Forgive my ignorance, but I guess I'm a little confused why this was not caught sooner, right before the foundation was finished?

MR. SINACOLA: It has actually been approved this way. The original plans called for the building in that location, so that -- so there was no error.

It -- it actually is constructed according to the approved plans and as per the -- the original design. Um, again, the -- the purpose for being here tonight is to -- is to bolster, I guess, the record, the paper record on these particular two lots so that we have a little more documentation on the fact that they are compliant. That's been my understanding from when the -- again, these plot plans were submitted and they are in compliance with the original plans, but the thought was let's do this process and get this Board's blessing just so if someone opens this up in the future, they can see this is all set. Nothing was missed.

MARK MERRY: Guess that is where my confusion lies. You're saying they're compliant. Not a big deal, but you're here before us tonight for variances.

MR. SINACOLA: Yes.

MARK MERRY: You see where --

ADAM CUMMINGS: That is kind of contradictory. It is contradictory.

JAMES WIESNER: Oxymoron.

ADAM CUMMINGS: "Oxymoron" would be a good term.

MARK MERRY: Or is it somebody caught this, an anomaly on the plan, as we call it in the industry, beg forgiveness later and it happens. I think we're kind of in that situation.

JAMES WIESNER: So really, it's typically the engineering firm's due diligence to check all of the variances.

MR. SINACOLA: Um, yes.

MARK MERRY: Not to put you on the spot.

MR. SINACOLA: No. It's a true statement.

ADAM CUMMINGS: That's what -- that's what we're -- that is what our job is.

MR. SINACOLA: Again -- you can't read that with that imaging. This is the original -- a copy of the approved set. This -- the configuration. So everything is accurate to the design plans and what was approved. And again, the -- the lots themselves could really take on any configuration. During that approval process for -- not condensed development. So we could have changed -- we could -- could have been proposed that these lots be a lot different, that they not even have 25 foot rear setbacks. It could have been 10. If that had been what was agreed to. But the -- but the overall idea was to -- from my understanding was the 25 was sort of the general goal for the project, and by and large, that is what is -- what is consistent throughout the project. But everyone saw it and understood there was a few places where that was not going to occur.

ADAM CUMMINGS: So when he says -- I would like to clarify for the Board, when he is saying "they" all sought, he is referring to the Planning Board. Correct me if I am wrong, but I thought it's specific to the PNOD zone, where it is trying to give flexible land use, you're allowed to reconfigure these things. When he is saying the -- I forget the term you used. The "condensed development," I think was the term you used, but that's where they're trying to give latitude. This is very similar to another project I won't name where the Planning Board was granting flexibility on things, but it was not recognized that that needed to be approached to another Board, i.e., our Board and so then we were asked to do it later on. So this is another example of that flexible part of thing and trying to get the paperwork in line.

JAMES WIESNER: Does it stop flexing when it is approved by the Planning Board?

ADAM CUMMINGS: Planning Board is the one making the flexing. Which is the latitude that a PNOD is trying to -- to achieve. And there will be situations that these -- these need to address. But it's very difficult to grant variances when it is in flux. So it's another chicken-and-the-egg scenario.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I think it's a sorry thing when a Town, how -- whatever Board passes it -- probably the fault is with the Planning Board -- allows so many buildings, so many residences, townhouses, whatever want to call them to be crammed -- crammed, I emphasize, onto too little land. This is what you're going to get. Then when you have a window well, for heavens sakes, or maybe as he -- as this gentleman mentions, some different siding on a house or some more insulation, have you such a tight fit, that it blows the whole plan. I mean what -- what are we thinking about in this Town?

I understand Mr. Merry's confusion, or questions. I have the same ones. You think this is the last time they're going to be in here with this kind of a deal? They have been back twice

now. They will be in here every other month as they build these things because you're going to run into the same thing. The same thing. It is agreed. I mean one less building and -- in a project like this really wouldn't make it much difference to the overall success of it. And yet it's a little more money. It's a little more money. And as long as this Town keeps putting up with that kind of cramming buildings in on too little land, this is what you're going to get. And this Board should not be put on the spot to solve the problem.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: As, Chair, I think you made an appropriate comment earlier on another review questioning do the surveyors in Chili have a problem. And I might relate it to this issue. You see, it comes back to haunt you.

But I do ask the question, which I think was already addressed, should this not have been caught earlier in the game by the developer? Should this not have been caught by the Building Department? Stop work order on the footing inspections? That's what they're for. I mean, you know, let's learn something from this mistake.

Like Dorothy Borgus said, this is the second time this has happened on this particular project. And it's happened elsewhere. Also, as the gentleman from Midlakes -- making the presentation from Midlakes is stating, that, you know, there are setbacks on -- on insulation, pavement, sidewalks, and so on.

These setbacks are in the code book for a reason. And they're here stating 10 foot setback and 25 foot setback. We're 4 to 10 feet off. That's not just a little bit. I know we have 1 foot and 2 foot. All right. There are reasons. There is something to go by.

This, in my opinion, is something we should learn from. We're not going to change it in this case. It is something we should learn from and Building Department, Planning Board, Zoning Board, engineering, the builders, and I attribute this to nothing more than sloppy engineering.

ADAM CUMMINGS: Thank you.

CARLA RIZOTTI, 27 Silverknoll

MS. RIZOTTI: Carla Rizotti, 27 Silverknoll.

Is this next to Wegmans?

ADAM CUMMINGS: Yes.

MS. RIZOTTI: So getting the ducks in a row -- maybe this is more a question for legal. Seems to me they want to get these variances on record in case these were ever sold as single-family residences?

ADAM CUMMINGS: Correct. Good point to make.

MS. RIZOTTI: It has been sold to the Town a lot of different ways, this project.

ADAM CUMMINGS: Correct. Thank you.

Anything else? If not, I'll entertain a motion to close the Public Hearing.

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: I will speak from experience, um, PNODs or any flexible use are not as rigid, obviously, because they're flexible and when they're new, you run into situations like this. So I just wanted to -- I will vouch for the Town in terms of this and learning experience that you have when you do any new zoning or land use planning type of tool like this, because townhomes are not the same as the attached housing, so these are bound to happen and it is more than likely a cause from the understanding of they're trying to ball park it and come up with a plan, for better or for worse.

But in terms of tonight's situation, we're looking at just these two, um -- these two variance requests. But we will learn from it. So with that, we need to consider this.

Do these have C of Os, Paul (Wanzenried)?

PAUL WANZENRIED: Yes. And they're occupied.

ADAM CUMMINGS: So it's not like we need to require a building permit for this one; they have already obtained a building permit.

PAUL WANZENRIED: That's correct.

ADAM CUMMINGS: There would be no conditions of approval on this one.

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 Ron Richmond seconded the motion. The Board all voted yes on the motion.

Fred Trott made a motion to approve the application with no conditions, and Ron Richmond seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 5 yes with no conditions, and the following finding of fact was cited:

1. The proposed variance is not significant as this townhome community is a non-traditional concentrated development. The proposed variances will not hinder any public right-of-ways or neighboring properties as these parcels do not allow for accessory structures to be built.
5. Application of Cornerstone Urgent Care, 118 Oakshire Way, Pittsford, New York 14534 for variance to erect an open porch to be 52.1' from side lot line (56.8' previously approved), variance to allow front parking per plan submitted at property located at 2968 Chili Avenue in N.B. zone.

John Shields and Gbolahan Ogunbayo were present to represent the application.

MR. SHIELDS: Thank you. Good evening. My name is John Shields. I'm here this evening with Dr. Gbolahan Ogunbayo-- excuse me -- Dr. Gbolahan Ogunbayo. Dr. Ogunbayo is with the Cornerstone Urgent Care Center, and we're rolling through the site plan review process for a project located at 2968 Chili Avenue.

The scope of this project is to open an Urgent Care facility within the Neighborhood Business District on a site that is currently vacant. It has been vacant for, I believe, at least two years. Most recently the site was used for a retail jewelry store.

The site -- the building is around 2000 square feet. Part of the project, scope of the project is to do an extensive interior renovation, create waiting areas, examination rooms, that type of thing on the first level.

In the basement level, which has egress, um, there is -- there are plans -- for interior renovation of that to offices and staff -- staff area. What is the correct term? Kind of like a seating area. A -- a place to kind of hang out when they're on break, that type of thing. That would again be in the basement.

The entire upper level would be dedicated to treatment of patients.

And going through the site plan review process with the Planning Board, the Town Engineer has identified and the Building Department has agreed with the need for two area variances for the project.

The first is a variance for front yard setback. This would be in the direction of Chestnut Ridge Road, which is a County road. The requirement per code is 75 feet, and in 1980, a variance was granted to allow a 56.8 foot setback. We're looking for a 52.1 foot setback. I'll point out that that is a setback to a proposed -- right now, you -- there is an enclosed vestibule and the proposal is to -- when we renovate the exterior of the building, the proposal is to add a covered porch at that location. So the setback we're looking for would be to the -- to the -- to the face, if you will, of the covered porch. Covered on the top with the roof, but open -- open on three sides. So that is one setback, is a front yard setback.

The other setback we're looking for is a -- I'm sorry, the other variance, excuse me, is to allow parking within the front yard. We have a corner lot here, so we have two front yards. Currently all of the parking onsite is, I would -- I would say is considered to be within the front yard. What -- what I have shown here, up on the overhead, is the proposed layout. I also have the existing -- but basically, um, we're going to actually reduce the number of proposed parking spaces for the site. Currently there are 17 parking spaces. Um, they're diagonal, head-in spaces with kind of a one-way circulation to a dead end. So we're going to take the number, quantity of spaces from 17 down to 14, but we're going to provide a 20 foot wide minimum drive aisle, which is a recommendation of the -- of the Fire Marshal and we're going to just provide a friendlier parking lot for -- for the patients and actually for the employees, as well. So more asphalt admittedly, but fewer -- fewer -- smaller density of cars. Again, 14 where there used to be 17.

Um, we're also providing some landscaping with this application. Mostly to screen the parking, both from Chili Avenue, um, as well as to the -- I believe it is to the south. There -- I'm sorry, to the -- to the east, I think it is. Excuse me. There is an existing home that is residential. It's -- it is within the Residential District, and we're providing a -- we're actually extending a row of Arborvitae that exists. We're going to extend that further to attempt to screen the proposed parking addition from that existing home, adjacent to us.

That's the long and the short of it. Again, I have Dr. Ogunbayo is here is who is the -- the applicant to help answer any questions that the Board may have.

JAMES WIESNER: This has Planning Board approval at this point?

MR. SHIELDS: We have preliminary approval for the site plan and we have Special Use Permit approval.

MARK MERRY: How many exam rooms will there be in the structure?

MR. SHIELDS: Sorry?

MR. OGUNBAYO: Five exam rooms. Five.

MARK MERRY: Five exam rooms. There seems to be -- how many staff members will you have onsite at one time?

MR. OGUNBAYO: Four.

MARK MERRY: Four.

Yet you need -- feel the need to expand the parking into the green space? So you have 17 spaces today. Why are you reconfiguring the spaces?

MR. SHIELDS: Because of the current configuration of the parking. I can show you --

actually, I think it is in the application, an aerial photograph which shows the parking is diagonal parking in one direction. You can -- you can get into the parking, but getting out of those existing spaces, I think would be challenging.

MARK MERRY: Challenging, but you still can use existing parking. You wouldn't need to expand the parking spaces into the green area. You could potentially restripe what is there today.

MR. SHIELDS: Not wide enough to be restriped to what we're showing with parking on both sides of the aisle.

MARK MERRY: One could restripe it today and not touch the green area.

MR. SHIELDS: We could restripe it.

MARK MERRY: That's all I have.

FRED TROTT: Did -- I'm looking at this expansion that you have there, and you -- if I'm looking at the plans right, you're proposing shrubs at the edge here where it is going to Chili Avenue. Arborvitaes.

MR. SHIELDS: Along Chili Ave.

FRED TROTT: There is a group of four and another group of four.

MR. SHIELDS: Yes, sir.

FRED TROTT: Pre-existing or you're adding those?

MR. SHIELDS: We're adding that.

FRED TROTT: How is that as far as the radius to seen -- as far as traffic flow?

MR. SHIELDS: Sight distance, that type of question?

FRED TROTT: Yes.

MR. SHIELDS: We actually did have a few trees closer to Chili Ave. The Town Engineer pointed out that those were probably a bad idea and we ultimately agreed with him and we removed those trees. But sight distance, I think the sign -- the stop sign shows down at the intersection and sight distance will not be impacted by the proposed landscaping.

ADAM CUMMINGS: Once again, that is being considered by the Planning Board; is that correct?

MR. SHIELDS: I'm sorry.

ADAM CUMMINGS: If the Planning Board was considering that, the -- the Planning Board had input into that?

MR. SHIELDS: Both the Conservation -- the Conservation Board has approved the -- the shrubbery along the parking and the Planning Board has -- yes, has had input and they agreed with the shrubbery we're showing they -- we did remove some deciduous trees at the recommendation of the Planning Board, but they're in agreement with what you see on this plan.

FRED TROTT: You feel you need two parking spots that would be taking up all that green space?

MR. SHIELDS: I apologize. My hearing is off a little bit.

FRED TROTT: I guess what I'm looking at is trying to --

ADAM CUMMINGS: I just want to make sure we're not addressing Planning Board items.

PAUL WANZENRIED: Uh-huh.

FRED TROTT: I guess we're looking at setback also.

ADAM CUMMINGS: But not on the parking spaces. We're looking at the number of parking spaces. So if you're speaking to reducing the number of parking spaces, that is fine. But if you want pavement all of the way out to Chili Avenue --

MR. SHIELDS: You're looking at parking being in the front.

ADAM CUMMINGS: In the front.

MR. SHIELDS: Number of spaces we meet code. We're not asking specifically for a variance.

ADAM CUMMINGS: That's what I mean by the front yard parking, is what I mean.

FRED TROTT: Reducing the number -- if we eliminate two spots here, we free up a lot of green space here. And -- and -- and to Mark (Merry)'s point, do you really feel you need that?

MR. SHIELDS: We meet the green space for the zoning. I will say, we have been working with the neighbor because -- adjacent to us, and again, still within the Neighborhood Business District, is a convenience store and I think a -- kind of a pizza shop, sub shop moved out of that facility, as well. We're actually -- did a negotiation with them, looking very favorable, that we're -- we're looking to actually utilize some of their existing pavement to stripe and gain three -- I can't call them "shared," because they actually would be used exclusively by our property, but three additional parking spaces on an expanse of pavement that currently has no parking.

So we're not robbing anybody of parking, but we're able -- with no additional encroachment of green space, we'll be able to get three additional spaces. If that comes through, we're going to ask the Planning Board to consider land-banking the parking that you're referring to out towards Chili Ave., but I can't put the cart before the horse and -- and I guess we want the option to build that in the future should it be needed.

But we're cognizant, and quite honestly, it's a cost consideration, as well. We would be more than happy to not build that additional parking today, but we do need to get the approvals lined up so if there is a need for it in the future, he is ready to do it at a moment's notice.

ADAM CUMMINGS: So once again, I will take out the number of parking spaces, but just allowing front parking is what we're considering tonight. So it can be five spaces, it can be -- I won't say 20. That's exaggerating. But it's -- it's front parking spaces we are considering

here. Pitching your case to justify those.

One question I have in terms of parking is your aerial photo shows about six spots and I think that is what you're referring to, what -- you're actually a shared driveway and there are six spots that go to --

MR. SHIELDS: Those are existing spots that are utilized for that convenience store next store.

ADAM CUMMINGS: Those aren't yours?

MR. SHIELDS: That's correct.

ADAM CUMMINGS: Then you're having some on the -- you're proposing one handicapped on that -- I will call it the north side of the building there.

MR. SHIELDS: Yes, sir. I got it.

ADAM CUMMINGS: But we are considering the front -- not number of spaces, but you bring up a very valid point about the front side of things, and is it really necessary and do we need to provide relief to have front parking. If there is adequate parking.

Any questions on the open porch? I feel that is being left out. I want to make sure everybody is considering the front porch from the Chestnut Ridge side of things.

No questions, that is fine. I just wanted to make sure it is fresh on everybody's mind.

FRED TROTT: As far as the front porch goes, I can see the need of it, and with -- what the business they are doing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: One thing I did forget to mention was in the project file, Monroe County Department of Planning and Development.

This one also falls within the Greater Rochester International Airport review area. It has been reviewed for airport considerations and has been granted airport approval. So I just wanted to write that in. It is in the project file. I just wanted to make note tonight.

I would like to separate out these variances, similar to the other ones so we'll have the first one being the open porch, being 50.21 feet from the side lot line. That's -- I -- I would actually like to restate that or clarify that. I don't define that as a side lot line. I think that's a relief from a front lot line. Correct me if I am wrong. It's on a road frontage. I don't view that as a side lot line.

JAMES WIESNER: Address is Chili Avenue.

ADAM CUMMINGS: Address doesn't matter. They're both front lot lines. It could technically be a secondary lot line.

PAUL WANZENRIED: I would have to agree with that. It's a front. It's a corner lot. You have two fronts.

ADAM CUMMINGS: I just wanted to be clear. We like to be thorough here in the Town of Chili, right, Mrs. Borgus?

MS. BORGUS: Try. Try.

ADAM CUMMINGS: I will state I will need a building permit for that, for the structure.

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.

ADAM CUMMINGS: I do want to announce it -- circumstance on this one, I don't normally do on this policy, but I will ask for abstentions on this one because I know it is a likelihood it could happen. So right now I will ask for all those in favor saying "aye" for that Zoning Board lead agency -- oh, actually. Shoot. I take that back. I shouldn't have said "shoot." We can't do lead agency. Planning Board has already designated themselves as lead agency.

PAUL WANZENRIED: That's correct.

ADAM CUMMINGS: But, I'm -- I'm getting to remember these things. I read that one this week. So I retract that last statement.

But I will move us forward to -- that's going to apply to the next variance that we consider for this application. So I would like to ask for a motion to adopt this application with that one condition of approval.

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

DECISION: Approved by a vote of 4 yes with 1 abstention (Mark Merry) with the following condition:

1. Special Use Permit shall be granted for a period of two years.

ADAM CUMMINGS: SEQR. Once again, that was Planning Board.

Now we'll move onto the second part of this one, which is variance to allow front parking per the plan submitted at the property that he has depicted on there -- image did change. It's a nice rendering. But once again, we are looking at front parking on this one, which -- this one -- actually now that I'm looking at it, it already has front parking. That was preexisting, nonconforming, correct? With the front parking? They technically have front parking. Actually, because they're both -- they're both front lot lines, there is no way for them to not have front parking.

PAUL WANZENRIED: But if you look at it, there -- they're expanding that parking towards Chestnut Ridge. Because of the porch that they're putting on, that's shifting that parking lot towards Chestnut Ridge.

ADAM CUMMINGS: And proposed expansion towards Chili Avenue.

PAUL WANZENRIED: Barring the -- that he doesn't get the easement -- associated easement to the parking spots to the north.

ADAM CUMMINGS: As was referenced with the land-banking option?

PAUL WANZENRIED: That's correct.

ADAM CUMMINGS: I am out of curiosity going to ask how far along -- do you think it's a probability you could get that easement in the next few months?

MR. SHIELDS: There -- I'm going to say very probable.

MR. OGUNBAYO: Yes. We have a verbal agreement on that actually. We're drawing up the agreement.

ADAM CUMMINGS: So what I am thinking on this one is, it might be prudent to maybe hold or table this consideration. You can still have us move forward and vote, but at the risk if we deny this variance, then you would not have that option of the front parking lot expansion. I'm only noting it there in terms of your schedule and consideration. But we can certainly move forward. I just want to throw it out, that if it's coming forward and you revise that plan later on, this variance, just to point it out, um, for clarification for everyone, this is not specific to the urgent care. If we provide front parking expansion like this, it is not to this application only. It stays with this land, so therefore, the next person that builds on this has the ability to front -- to put front lot parking expanded as it is shown here -- not as it is shown here, but to have expanded front parking, and that's what we're trying to consider here. So I just wanted to make sure point of clarification for everyone's consideration here tonight.

MR. SHIELDS: I will respond to that, if I may. We're going to go after the adjacent parking as feverishly as we can regardless what happens this evening. Again, it's a large cost consideration to go to build that parking versus bring somebody out to stripe three spaces on an existing paved area that's actually just as conveniently located. For a million reasons, this is the right thing.

That said, as I stated earlier, I would love to have the approval in the can that if he uses the 8 -- the 11 spaces that are left and uses the 3 on his neighbor's and -- now he still needs additional parking. I would love to have this additional parking available -- the approvals, I should say, available so he could go to Town -- not literally go to Town, but he wouldn't have to go to Town. He could hire the contractor to come in and do the work.

And I guess I would just say -- or maybe ask for some input from the Board, whether -- I don't know what I would do differently. Just based on what I heard from the Board so far, unless there are other considerations and information to pass on to me, I don't know what I would do different if I were to be tabled today or -- or if the vote didn't go well today, I don't know what I would do different in the future to come in with a different application, that may -- that may get your approval. In other words, sounds like there might be some reservations, but if I could get a better idea what those are, then maybe I would suggest -- I would go along with the suggestion that we table this, and I would incorporate those revisions into a future plan.

But as it is right now, I -- I don't know what I would do different with the new application compared to what you're seeing in front of you. Does that make sense?

ADAM CUMMINGS: It does.

And in my mind, I'm weighing whether it's appropriate for us to provide that in a Public Forum in front of a Board or is that something we should be speaking with the Building Department or offline outside of a public venue to tell you what type of information you could -- could go in here.

But I will say our Board is looking at that criteria that all area variances are looking for and that's the five, the impact of the neighboring community, self-created hardship, significance, economic impact. I don't have the wording exactly in here, but those five criteria.

MR. SHIELDS: I know what you're speaking of, sure.

ADAM CUMMINGS: I would make sure that they are all addressed and we're not going to the Board vote right now -- at some point, but very soon we could be. That is all I would say, that -- that I can't speak for the entire Board, but the reservations you heard are probably attributed to either they -- they have not heard enough information to answer those questions of the impact to the neighborhood, um, or they have not really seen the exact need other than a convenience for your approvals moving forward. For -- for your specific one.

As I said earlier, we're looking at it in terms of the land parcel, but that's all I'm really at liberty to say at tonight's meeting if you're okay with that.

Unless you -- side table is okay, would you like it to go further than that?

ERIC STOWE: (Indicated non-verbally.)

ADAM CUMMINGS: I would prefer not in this venue. It does not put me in a good

situation to defend the Town if we misstate anything due to the information that may or may not be lacking.

MR. SHIELDS: Right.

ADAM CUMMINGS: We can proceed with a Board vote or table it to next month. Not to sway one way or another, I just want to weigh all of the options.

If we do move forward with a vote tonight and it is denied, you have one year until you can reapply for it and really it should have a significant change or more information.

MR. SHIELDS: If the three spaces -- if -- so -- I'm splitting hairs a bit here, but even if the three southernmost spaces were removed from the plan, there is still a small -- I will call it an 8 to 9, 7 to 8 foot maybe encroachment in order to make that southwest space work.

Does that make sense?

ADAM CUMMINGS: Uh-huh.

MR. SHIELDS: Is it possible to amend the application to -- just to remove those three spaces and then we're looking for -- we're -- I guess we're still looking for parking in the front but not --

ADAM CUMMINGS: Right.

MR. SHIELDS: Parking in the front is parking in the front.

ADAM CUMMINGS: Right. But what could be more comfortable -- because this is another chicken and the egg, the Planning Board would then have to see that again. They have given preliminary, but they would have to see that revised site plan, and once again, I would hate to give variances to another modified site plan. So it's a fun balance we always have at the Planning and Zoning.

MR. SHIELDS: If I did agree with the -- or go along with the suggestion to table the vote, take that off -- take the front yard parking off the table for this evening, now I have preliminary approval on the site plan. I have already submitted my final site plan that looks very similar to what you're looking at up here.

Can I still amend that site plan between now and the February meeting, or it would be -- you would have to kick back to the next Planning Board meeting?

PAUL WANZENRIED: Yes. Yeah. You would have to kick back to the March, because we're talking February 9th is the Planning Board meeting, so that's -- that's a week -- a few weeks away.

MR. SHIELDS: Okay. Okay. We'll table the vote. We'll go back to the drawing board and look at the parking in the front setback -- the parking in the front yard, I should say, and see what we can do to eliminate or reduce it.

ADAM CUMMINGS: Okay. So -- just so we're clear here tonight, the -- we're looking for a motion to table this -- this variance request, the front lot parking -- or front parking.

FRED TROTT: So moved.

ADAM CUMMINGS: Motion from Fred (Trott).

RON RICHMOND: Second.

DECISION: Approved by a vote of 4 yes with 1 abstention (Mark Merry) with the following conditions:

1. No snow storage to the east of property bordering Chestnut Ridge Road.
 2. All garbage totes shall be stored on the northwest corner of the property.
 3. Any alterations to the landscaping plans approved by the Conservation Board shall be reviewed and re-approved by the Conservation Board, Town Engineer, and/or Commissioner of Public Works.
 4. The Town Engineer and Commissioner of Public Works shall be given copies of any correspondence with other approving agencies.
 5. Applicant shall comply with all pertinent Monroe County Development Review Committee comments.
 6. Copies of all easements associated with this project shall be provided to the Assistant Town Counsel for approval, and all filing information (i.e. liber and page number) shall be noted on the mylars.
 7. Applicant shall submit building design elevations to the Architectural Advisory Committee for their review and recommendation.
 8. Pending approval of the Zoning Board of Appeals of all required variances.
 9. Subject to approval by the Town Fire Marshal.
6. Application of Mr./Mrs. John Falk, owner; 24 White Birch Circle, Rochester, New York 14624 for variance to erect an inground swimming pool to be 4' from dwelling (15' req.) at property located at 24 White Birch Circle in R-1-12 zone.

Mr. and Mrs. John Falk were present to represent the application.

MR. FALK: I'm John Falk. This is my wife, Sara. We live at 24 White Birch Circle. We're asking for a variance to erect an in-ground pool 4 feet from the dwelling where 15 feet is required. It would be 22 feet from the building foundation or basement, if you will. Um, the 4 feet that we are talking about is off of a screened room that was built in 2009. It has a block foundation. Well above the frost line. It has the footing, earth on either side. Not much to be damaged or --

ADAM CUMMINGS: All right.

JAMES WIESNER: So this is an in-ground pool; am I correct?

MR. FALK: Yes, in-ground pool.

JAMES WIESNER: What prevents you from moving it to the north? It looks like there is a tree in the plot plan, but I didn't actually see it from the road.

MR. FALK: Well, we were -- originally wanted to move the pool completely in front of the screened room, but there is a set of wires there, and I think that was a 10 foot setback there. If we -- I think it was supposed to be 10 feet from the wires.

Yes?

PAUL WANZENRIED: Yes.

MR. FALK: So we went halfway, in the screened room, so that is over 15 feet away. We wanted to keep it in front of the screened room so we could actually sit in the screened room and watch our kids play and --

ADAM CUMMINGS: You also have -- go ahead.

MR. FALK: We have a jungle gym or a built-in playground. It's not a permanent structure, but to move it any closer that way would be interfering with the swings and the sled -- the slide. If we -- I'm sorry, you're talking north?

JAMES WIESNER: Yes.

MR. FALK: Towards the back of the property?

JAMES WIESNER: Actually, I was thinking north would be towards -- eventually would be centered on the stone patio.

MR. FALK: That's a stone patio I also built it in the past. It's a flagstone patio that looks like a jigsaw puzzle, if you will. Um -- what is -- I'm sorry, what was your question?

JAMES WIESNER: I'm just thinking if you moved -- if you were to look at the plot plan and move the pool towards the tree?

MR. FALK: We just kind of wanted it as close to the screen room as possible so we could be sitting there and watching them. The farther away we go, it just feels like it is -- the farther away it is -- we wanted the shallow end of the pool out by the tree. If we move that farther away, that would also be the entrance to the pool. Um -- do we have a picture of the pool? Show them the step.

The step at the shallow end that jogs out, we wanted to have almost at the front of this point of that stone patio. So you can, you know, use the stone patio as your lounging area and walk right into the pool from there. By moving it down, you're putting it past the point where we would like it, I guess.

MRS. FALK: It also takes away from the green space that the kids have left to play in. As he said, there is a playground there where they would still be able to run. Where if we move the pool down, the whole backyard would be the pool.

MARK MERRY: So that is an alternative. It is something you could explore? So even if it was -- either move the pool where suggested or don't have a pool, it would be something that you would consider or would you just say we don't want the pool?

MRS. FALK: We would not get the pool.

MR. FALK: We have talked about that.

MRS. FALK: We had the pool designers come out.

MR. FALK: We met extensively with them and jogged the pool around three or four different places, different styles of pools and that.

MARK MERRY: Is there a reason why you wouldn't go with an above-ground option to be more flexible?

MRS. FALK: We did look at that first and aesthetically the in-ground pool was better. Also, more space for the kids to swim in, to have the shallow end and the deep end so they could jump off.

You know what, I think originally we were thinking an aboveground pool, and just with our thought process and having people come out and look at different options -- we researched this for about a year and a half or closer to two years looking at the different options and felt that would fit our family best.

ADAM CUMMINGS: I have a question on the shed. You have it drawn in here and there is no dimensions, so I'm just checking to make sure.

MR. FALK: 12 by 8.

ADAM CUMMINGS: Okay. Perfect, so no permit needed.

MR. FALK: 8 feet from the property line on either side.

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

So now onto the pool you have verified -- I believe 4 feet from the building is actually too close for building code. Did you get that confirmed in your pool supplier? I believe -- I could be wrong.

PAUL WANZENRIED: 10 feet.

ADAM CUMMINGS: I thought it was 10 feet.

PAUL WANZENRIED: 10 feet.

ADAM CUMMINGS: You actually have to have a separation. Part of what you consider here, legally you can't have -- we had this situation appear with a previous application that had an inground pool, where they actually built it, but you have to be 10 feet off that main structure. So you're 4 feet --

PAUL WANZENRIED: But that structure, there is no basement beneath that structure.

ADAM CUMMINGS: Oh, this one here? I heard --

PAUL WANZENRIED: Sun room was built only on blocks.

ADAM CUMMINGS: I assumed --

PAUL WANZENRIED: It's a block foundation, but there is dirt on both sides. We're not talking about the foundation of a house.

ADAM CUMMINGS: Got you.

But the separation still needs to be 10 feet?

PAUL WANZENRIED: As it reads, Adam (Cummings), yes, 10 feet off the structure.

ADAM CUMMINGS: That's how I understand it, in my professional world, as well.

MR. FALK: Would you say that would come from the builders?

ADAM CUMMINGS: Really the right person to ask would be Code Enforcement, but the builder should be aware of it.

MR. FALK: They're the ones that said --

ADAM CUMMINGS: These builders don't sound like they're aware of that. And -- that could be because permits could be a different situation. But I would feel more comfortable, because I'm fairly certain it is 10 feet. If we grant this variance of 4 feet, you're really not in any better position because building code wise you're in violation of the Building Code, so our variance is a moot point.

MRS. FALK: Where do we find that code to reference?

PAUL WANZENRIED: If you stop in the Building Department, we have a pamphlet that dictates that. And I will also drag that out of the New York State Building Code. That's where it is coming from.

ADAM CUMMINGS: I'm not sure if it is coming out of the building code or the residential code, but either way, they're both components of the New York State Building Code.

JAMES WIESNER: I thought it was 3 feet for State Code.

ADAM CUMMINGS: That is off the side lot line minimum variance, I believe. But 3 feet for a pool separation -- or the footage from a pool separation is 10.

So I don't actually feel comfortable acting on this one tonight. So I would like to ask you, as applicant, and as applicants -- as we give this information, get that clarification -- because you do have --

MRS. FALK: Is this the pamphlet we're referring to?

ADAM CUMMINGS: I don't know. If you want to show Paul (Wanzenried) at the side table. I don't know.

But to -- to continue on with this, we talked about heading north for the shifting. What about shifting easterly? Your shed is there.

MR. FALK: You mean towards the back --

ADAM CUMMINGS: Towards the back by 6 feet.

MR. FALK: The thing is you're getting -- the edge of the pool --

ADAM CUMMINGS: You will be 9 feet off the property line at that point.

MR. FALK: The thing is you will have the pool right in front of the shed, and if you could -- tractor coming out of the shed, you don't want to end up in the pool.

I think it was supposed to be 10 feet from the property line.

ADAM CUMMINGS: You're trying to fit a lot in here.

MR. FALK: I know.

ADAM CUMMINGS: That is what it is coming down to.

FRED TROTT: Any consideration to making the pool smaller?

MR. FALK: To what degree?

FRED TROTT: To try to fit this in to help relieve some of that.

MR. FALK: I guess the main one would be off the -- the green room?

FRED TROTT: How big is this pool you're proposing?

MR. FALK: 18 by 36.

ADAM CUMMINGS: So it is really -- the only dimension that would really change would be the 18 feet, and I'm not sure you can get much narrower.

MR. FALK: If you did go -- 16 is the common -- 16 by 28 or 16 by 30, but if you see a 16 foot inground pool, it's not very big. They sell a few of them. I have always been told propose as wide as possible and long as possible with an inground pool, because...

ADAM CUMMINGS: You have a very small backyard to be accommodating this much, but I really -- both for the protection of the Town and for yourselves, I would hate to see a building code violation that we weren't looking out for everyone's best interest. So hopefully they can find the answer over there. That's what I was looking up. I was not able to find it on Google quickly. But we have had several instances like that and I had other instances in other towns.

MR. FALK: I thought that was the whole point of the variance, is to -- to ask permission for that.

ADAM CUMMINGS: Well --

RON RICHMOND: You're not asking for a variance to override the Town --

ADAM CUMMINGS: You're looking for the -- we have a Town requirement of 10 feet, but we can't touch the New York State requirement. So by changing it to 4 feet, we're kind of overstepping our bounds if it is required to be 10. So what you would have to do is get a State variance, not a Town variance.

MR. FALK: Then we go from there.

PAUL WANZENRIED: Mr. Chairman, while I believe it is 10 feet, I agree with you -- I can't lay my fingers on it right now. Um, perhaps the applicant would like to table this while I research it.

ADAM CUMMINGS: Okay. Would --

PAUL WANZENRIED: I'll write them a letter, some correspondence as to what I find, naming sections and that to help them out.

ADAM CUMMINGS: I think that would be a very prudent idea if you're okay with that.

MRS. FALK: Yes.

ADAM CUMMINGS: I don't think you're going to construct the pool -- the weather has been great, but I don't recommend constructing an inground concrete pool within the next couple months.

But if you're okay with that, we would be willing to entertain a -- a tabling of this matter until a future meeting optimistically being the next month's calendar meeting.

You okay with that?

MR. FALK: Yes.

MRS. FALK: Yes.

ADAM CUMMINGS: So I'll entertain a motion to table the application?

Fred Trott made a motion to table the application, and Mark Merry seconded the motion. All Board members were in favor of the motion to table.

DECISION: Unanimously tabled by a vote of 5 yes to table for the following reason:

1. Tabled per applicant's request.

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

FRED TROTT: You might want to consider -- speaking from experience having the pool so close to the building like that, if you have boys, they will be jumping. Like I said, speaking from experience.

There was a discussion off the record.

ADAM CUMMINGS: Meeting minutes from December 15, 2015. Easiest reading minutes we had in a long time.

MARK MERRY: Yes. My grandmother was not present. "Mary" needs to be changed to "Mark."

ADAM CUMMINGS: One revision on that. Motion to approve the minutes from December.

FRED TROTT: So moved.

RON RICHMOND: Second.

The Board was unanimously in favor of the motion to approve the minutes.

Ron Richmond moved to adjourn the meeting and Mark Merry seconded the motion. All Board members were in favor of the motion to adjourn the meeting.

The meeting was adjourned at 9:43 p.m.