

CHILI ZONING BOARD OF APPEALS  
January 27, 2015

A meeting of the Chili Zoning Board was held on January 27, 2015 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Adam Cummings.

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

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

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

ADAM CUMMINGS: Signs, any issues with anyone? The public notification signs for these four applications?

The Board indicated they had no problems with the notification signs.

1. Application of Con-Way Freight, Inc., owner; 300 International Boulevard, Rochester, New York 14624 for variance to allow existing two wall signs per plan submitted (one wall sign allowed), variance to allow existing four directional signs per plan submitted (two directional signs limited to 3 square feet allowed) at property located at 300 International Boulevard in LI zone.

Patrick Barrett was present to represent the application.

MR. BARRETT: My name is Patrick Barrett, the manager for Con-Way Freight here in Rochester. We're located at 300 International Boulevard.

Did you want my personal address?

ADAM CUMMINGS: No.

MR. BARRETT: So we're at 300 International.

ADAM CUMMINGS: It looks like due to signs, I would imagine the Building Department was busy and just keeping track of the inventory of signs on your property there. So if you could just describe what we're looking at on this visual?

MR. BARRETT: So we are a trucking company, and our property for safety purposes is one-way counterclockwise. Coming onto the property, which is at the lower right, it's -- you know, we get UPS, FedEx type deliveries, vendors coming in. We have a few customers coming in every day, and beyond that, it's our own employees.

But we're challenged when people come onto our property to go the correct way. It's tractor-trailers and safety is very important. They're only going 10 or 15 miles an hour, but sometimes they're doubles. They don't stop, you know, very quickly, and people come on private property and oftentimes they don't obey the speed or the direction. So we have gone to great lengths to try to draw attention to it for purposes of safety.

This sign here (indicating) is right at our entrance gate so it has the picture of the overhead of the property, it has the directionals that shows in the -- to the lower left of the building dispatch where customers have to come to pick up -- as well as UPS or FedEx if they're making a delivery.

ADAM CUMMINGS: Okay. So just so it's clear, I was a little confused with the way I worded it there, um -- so there are two wall signs and four directional signs?

MR. BARRETT: So as soon as somebody comes in, brakes at the bottom right-hand corner of the building, there is another sign which points one way to the right, a reminder of the speed also. It indicates on these signs for vehicles to use their four-way flashers, and again for safety for that.

So we have the sign when they first come in, and we have it at the building, and, you know, we -- we do this because you still get people who will go the wrong way.

ADAM CUMMINGS: Okay. Then two of the directional signs are -- or the four directional signs --

MR. BARRETT: So on the fence --

ADAM CUMMINGS: Are you asking -- I just want to be clear how much square footage you're asking for there.

MR. BARRETT: We have the dimensions of the signs for each of them.

ADAM CUMMINGS: Yep.

MR. BARRETT: Also just to back up a little bit, when you come in and see this sign here, for people that are entering the property, ahead of that, um, we direct people to our employee parking lot as well as visitors, because we -- we are trying to reduce as much traffic as we can,

not having cars driving around there. People come in, vendors or salespeople, whatever. So that sign is on the left-hand side as you're coming in.

Um, the -- the other signage is at -- at our gate. It just notifies people that all visitors must register at the office. That's a non-smoking property. And then it has the emergency numbers for myself and others in the event of an emergency to call 911 or ourselves directly.

Then opposite that "Notice All Visitors" sign, on the other side of the fence for anybody in our building, employees or any visitors, it has the "Emergency Evacuation Assembly Area" should that be needed in the event of a fire, hazmat, spill, something like that.

So none of the signage is of an advertising sort, trying to grab any attention to anybody. It is 100 percent safety is what we're striving for.

ADAM CUMMINGS: Are there any other regulations -- are -- or are these all corporate safety precautions you are putting in? Or are you required by other -- between the tractor-trailer traffic and other deliveries you have on there, does Department of Transportation require you to have certain signage? The products that you transport require certain ones?

MR. BARRETT: Not specific to our property.

ADAM CUMMINGS: But is it corporate policy to have --

MR. BARRETT: Yes.

ADAM CUMMINGS: Obviously information will increase safety on the property.

MR. BARRETT: We have 300 locations throughout the United States and I have probably visited 30 or 40 of them, and ours is pretty minimal to -- to others.

ADAM CUMMINGS: Okay. Thank you.

JAMES WIESNER: The question I have. You have two wall signs. You show the one, which is when you first enter, you can see it on the corner. Where was the second wall sign? It was the only one that is shown, but...

FRED TROTT: There is a wall sign on the back of the building, isn't there, for deliveries?

MR. BARRETT: I'm not sure what they're referred to.

ADAM CUMMINGS: I have a yard safety one which is Number 5, which is the "One-way, No Smoking and Speed Limit."

No, I take it back. That says, "All Traffic Keep Right."

JAMES WIESNER: That must be a first one.

MR. BARRETT: So the first one is the front of the building, above our door. It's a sign that says, "Con-Way Freight."

ADAM CUMMINGS: Oh, okay. So you did not include a picture of that one?

MR. BARRETT: Yes. That was, I believe, not requiring a variance. That was part of what --

ADAM CUMMINGS: Well, you're allowed one and then the second one is --

MR. BARRETT: We just took a picture what we were asking in addition to. But the other one is just identifying us as Con-Way Freight.

JAMES WIESNER: There was also a "Dispatch" sign that was on the opposite side, too?

ADAM CUMMINGS: Where?

MR. BARRETT: What?

JAMES WIESNER: Said "Dispatch" on it, the sign.

MR. BARRETT: Yes. On the side, above the dispatch door. On the side of the building.

JAMES WIESNER: That wasn't included in -- as a third wall sign? Ed (Shero)?

ADAM CUMMINGS: Ed (Shero), is -- was there another wall sign, is the question?

ED SHERO: Not that I know of.

JAMES WIESNER: There was a "Dispatch" sign on the back side. I have to admit I drove around.

ADAM CUMMINGS: It's tough to see from the right-of-way.

MR. BARRETT: It's okay.

JAMES WIESNER: I was quite impressed by the facility.

MR. BARRETT: We'll forgive your trespassing.

ED SHERO: It could have been put up since we did the sign inventory. We have been working on this for quite some time.

MR. BARRETT: The "Dispatch" sign has been up there for years.

ADAM CUMMINGS: So on this aerial photo that is up here --

MR. BARRETT: So where you see the lower left, where it says, "Dispatch" --

ADAM CUMMINGS: This sign?

MR. BARRETT: Yes.

The sign directs people to go around the building and to come into the dispatch office, so they need to have the "Dispatch" sign. That side of the building faces the wetlands.

FRED TROTT: Isn't there another sign over here (indicating), that I want to say it says like, "Customer Service" or something? On the back side.

MR. BARRETT: We have a --

FRED TROTT: I just want to make sure we have all of the signs.

MR. BARRETT: Right.

FRED TROTT: It sticks in my head --

MR. BARRETT: We have a sign -- every door is numbered. I guess a small placard for the door.

FRED TROTT: Number above the door and the garages?

MR. BARRETT: Yes. So for dispatch, there may be on the -- on the -- on the window, you know, a stenciled --

JAMES WIESNER: The "Dispatch" one caught my eye because it is a pretty good size.  
FRED TROTT: Yes. It's white and black.  
JAMES WIESNER: That one is probably, you know, 3 feet by 2 feet or something.  
MR. BARRETT: Or -- other than "Dispatch"?  
JAMES WIESNER: The "Dispatch" sign.  
MR. BARRETT: The "Dispatch" sign is above the door, so, you know, it's a 36-inch wide door. I assume a lot of that is probably, um -- you know, probably 2 feet by 3.  
JAMES WIESNER: The other one you said was a "Con-Way" over the door?  
MR. BARRETT: Over our front door.  
FRED TROTT: Then there is a sign for the one-way, directional.  
MR. BARRETT: One-way directionals.  
ADAM CUMMINGS: Which those -- two of them are allowed, so they didn't include them in the package. They just put in the additional ones --  
FRED TROTT: All right.  
ADAM CUMMINGS: -- beyond that.  
MR. BARRETT: So I was providing what I was directed to provide.  
ADAM CUMMINGS: Yeah. We know what you were directed of, so we have identified the "Dispatch" sign.  
Are there any that you can think of -- we're trying to capture an entire inventory of it so we don't have to have you come back. For new signs we acknowledge if you want new signs, you will have to apply for new future ones, but for the existing inventory we would like to get that --  
MR. BARRETT: Absolutely no problem at all.  
ADAM CUMMINGS: -- at this point in time.  
So can you think of any others -- we have one that is not included. The one main wall sign, your logo. The two directionals at the entranceway. Those are included. You don't need a variance for those.  
MR. BARRETT: Okay.  
ADAM CUMMINGS: Then beyond that you have the -- trying to keep the numbers straight here, you have six of them that are added on. With this package you provided a picture of five of them.  
MR. BARRETT: So the sixth being the -- the "Dispatch" sign, is what you're --  
ADAM CUMMINGS: That is what I want to confirm.  
MR. BARRETT: Yes.  
ADAM CUMMINGS: Is that your sixth one or is there another one? Because on the numbered pictures that you have here, it only goes up to number 5.  
MR. BARRETT: Right. So -- I don't believe we're missing any. I don't know the one you were referring to. It says, "Customer" or --  
FRED TROTT: That was me.  
MR. BARRETT: Oh, I think it's on the door itself, like stenciled, "Customer pickup."  
FRED TROTT: Yeah. Is --  
MR. BARRETT: Okay.  
ADAM CUMMINGS: Well, I don't believe we can count stencils on the windows, can we?  
MICHAEL JONES: No. Directional signs, 3 square feet or less are allowed and that's fine. It is when the signs are larger than that, that that is the issue.  
ADAM CUMMINGS: That's okay for directional signs, but is "Dispatch" technically a directional sign?  
MICHAEL JONES: Given the way the business was described, it would appear to be that is a destination, so a direction, go here.  
ED SHERO: We -- apparently you have a shed on the property? You have a shed that has never been closed out on the property?  
MR. BARRETT: What do you mean, never closed?  
ED SHERO: Permit given for a shed, but the permit has never been closed out. That was a shed built and put in?  
MR. BARRETT: Yes.  
ED SHERO: Maybe nobody ever called the Building Department to say it's done. It does require a Certificate of Compliance and we would ask that that be a condition to have that -- if it's ready to go, just call the Building Department.  
MR. BARRETT: Okay. I was unaware that --  
JAMES WIESNER: Probably next to the gate there in the picture. It is probably the one next to the gate in the picture or a different one.  
MR. BARRETT: No. The shed is --  
JAMES WIESNER: There was one.  
MR. BARRETT: It's adjacent to our fuel island over -- over the middle left. So it's just to the -- the left side. It's on the left side.  
ADAM CUMMINGS: So Ed (Shero), real quick to interrupt over there, would you want a renewal request first on that?  
ED SHERO: For the shed.  
ADAM CUMMINGS: For the permit. You said it's an open permit. Has that expired at this point in time?  
ED SHERO: It expired. It's a shed. We would not require that. We just want to close it out.

ADAM CUMMINGS: Okay.

MR. BARRETT: So I can do that and call the Building Department and tell them I want to close it out.

ADAM CUMMINGS: Correct. You will work with them to complete the paperwork that you will need and we will put it as a condition of -- of approval if this is granted.

MR. BARRETT: Sure.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: On the published notice there was -- there weren't measurements of the signs that you have been talking about. Are any of these exceptionally large?

ADAM CUMMINGS: I will actually answer that right now from the information I have rather than wait until we have it later. So the first one is a "Yard Safety" sign, which is number 1. Most all of them -- I take it back. All of them are clustered down here. That one is 42 inches by 42 inches. And it's 40 inches off the ground.

Then there is a sign posted on the back side of the gate that's "Visitors and Employee Parking," labeled number 2 image. That's 48 inches by 30 inches.

Number 3 is actually three little notice signs on the gate entrance, 14 by 10 for a notice for visitors to go register at the office.

A "No smoking" which is 9 inches by 6 inches.

And an "Emergency Notice" with numbers that he described for 12 inches by 10 inches for a grand total -- we lumped those together to be 31 inches by 14 inches.

Number 4, which announces an "Emergency Evacuation Assembly Area" is 48 inches by 36 inches.

Number 5 is a "Yard Safety" sign directing traffic with a speed limit with also a sign that says, "No smoking," and that's 48 inches by 36 inches. All located -- that one is located on the side of the building.

MS. BORGUS: So size wise, that's not a problem? They're not a problem?

ADAM CUMMINGS: Correct.

MS. BORGUS: Um, I -- I understand the need for these signs. I do. But why then aren't these part of the original plan when these buildings are going in? I take it, for -- since they're on here for an appeal, I'm assuming that there was -- these weren't discussed or planned on at the proper time?

ADAM CUMMINGS: Correct. They could have been identified from other safety accidents or just new standards that their corporation has identified.

MS. BORGUS: Well, unfortunately the time to identify it is at the beginning when plans are approved and everybody is on the same wavelength. Companies do understand, I'm assuming, when they are caught up in this and they have to come in and explain themselves, that going forward they have to go by Town Code and go by everybody else's law, our rules.

Thank you.

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 think we have it squared in of where or what the signs are that we're looking into. This will include the directional "Dispatch" sign.

One condition I do have is to close that open shed permit and process that paperwork with the Building Department.

Any other conditions anyone from the Board would like to impose or propose?

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 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 conditions:

1. Open shed permit must be properly closed with the Building Department.
2. Obtain a sign permit from the Building Department within ten days from the date of the meeting.

The following finding of fact was cited:

1. The signs identified in this application provide vital traffic circulation

direction and promote increased safety for this facility where large vehicles are maneuvering. Additionally, this site is located on the cul-de-sac of an isolated industrial park with little impact to the viewshed of neighboring properties.

2. Application of Andrew Huey, owner, 3302 Union Street, North Chili, New York 14514 for variance to allow the total square footage of garage area, including a new 28' by 44' two-story detached garage to be 2,583 sq. ft. (1,412 sq. ft. previously approved), variance for detached garage to be 28' from side lot line (60' required abutting a street) and 33' from rear lot line (40' required) at property located at 3302 Union Street in R-1-15 zone.

Andrew Huey was present to represent the application.

MR. HUEY: My name is Andy Huey, 3302 Union Street in North Chili.

ADAM CUMMINGS: Brief description -- there is a lot going on here -- what you're looking to do.

MR. HUEY: Basically I just want to put a garage in the rear side of my yard and the contour of the land kind of prohibits me from putting it way in the back, way in the center and kind of out of sight. So it is kind of tough to picture, but the topographical map lines can give you an idea basically it's -- it's built into a hill. And part of the restrictions that I have are a side lot line, back lot line and square footage.

ADAM CUMMINGS: Going through the history on this, you did have a previous variance.

MR. HUEY: Previous variance for the same size building --

ADAM CUMMINGS: Yes.

MR. HUEY: But I decided to add onto the house at the time instead, and with that, I put a small detached garage. So at that point in time I didn't need the variance because that was within, um, 900 square feet which used to be your limit, and I found that my hobbies are growing and I need more space.

ADAM CUMMINGS: Also going through -- it looks like during your addition there you still have the building permit open for that addition?

MR. HUEY: Um --

ADAM CUMMINGS: Or for an addition that you --

MR. HUEY: Yes. I remodeled my attic and put in a bathroom and a bedroom, so that got completed late last summer, and I guess I'm guilty just like the last guy, I didn't know that stuff like that needs to be --

ADAM CUMMINGS: You will need a final inspection and then they will give you the certificate paperwork you need to close that out. That one does expire on February 3rd, so if you could also move forward with -- then you wouldn't have to apply for a renewal or an extension of that permit.

MR. HUEY: Okay.

ADAM CUMMINGS: Was good to hear you had a permit for your last construction.

MR. HUEY: Yeah.

JAMES WIESNER: It would appear that you're going to have to build up that hill quite a bit in order to -- to put this garage on; is that correct? It looks like it slopes pretty good.

MR. HUEY: It slopes pretty good, but it's not -- I think I gave you guys a side profile. If you can picture a typical two-car garage, it's probably going to be -- 1/3 of it will be into the hill. Length wise. Maybe more like 1/4. But I staked it in my yard over the summer, and that's -- that's about what it came to, is a 1/4 to 1/3 of the side of it will be into the hill.

JAMES WIESNER: The second part of that is, it looks like it is about two cars deep.

MR. HUEY: Uh-huh.

JAMES WIESNER: What's the need for additional depth besides one -- you know, one car deep?

MR. HUEY: I like to collect cars. I like to work on cars, restore cars, so it's going to be part of the -- part shop, part storage, part -- you know, basically just overflow for lawn equipment, as well, tractors and stuff like that.

MARK MERRY: You're asking for -- your plan is to construct a two-story?

MR. HUEY: Yes. I figured -- I wanted it to look similar to the house, so I wanted a steep pitch, just like the house, and if I build the garage like that, that's a lot of wasted space that I don't use if I just use traditional trusses. That's almost half the square footage which would be a waste, so I figured I would use attic trusses and make use of that space up top.

MARK MERRY: What is the intended use?

MR. HUEY: Just storage.

MARK MERRY: Just storage?

MR. HUEY: For the top, yes.

MARK MERRY: Is that consistent with the residences that are adjacent to your property? That type of structure? Anyone else in the immediate neighborhood have anything on their property very similar to that?

MR. HUEY: That's -- a couple houses up Parkway they have a pretty big garage behind their house that's --

MARK MERRY: Two-story?

MR. HUEY: Yes. It's either two-story or like tractor-trailer height. It's pretty big.

MARK MERRY: Where is that located?  
MR. HUEY: If you head east on Parkway, it's the fourth or fifth house on the south.  
MARK MERRY: Would you describe that as typical for the area that you live?  
MR. HUEY: Probably not. Typical is just a two-car garage.  
MARK MERRY: Okay. Thank you.  
FRED TROTT: I actually had the same question about the two-story. Would you be putting a lift in there?  
MR. HUEY: For working on cars, yeah.  
FRED TROTT: But there wouldn't be a residence staying on that --  
MR. HUEY: No.  
FRED TROTT: -- second floor?  
MR. HUEY: All I plan on having out there is power and heat. No water, no sewer or anything like that.  
FRED TROTT: It seems like a really -- a small lot for the size of that garage. How are you going to connect that to the driveway?  
MR. HUEY: Um, it -- you can kind of see where the driveway line is right now. That's just going to continue straight into the driveway that goes out to Parkway.  
FRED TROTT: There was a little shed in the back.  
MR. HUEY: Yep.  
FRED TROTT: Is that staying or going?  
MR. HUEY: That's staying. I just put that up.  
FRED TROTT: You said this is for storage. Will there be --  
MR. HUEY: Well, the new garage would be for main -- mainly for cars and for working on cars. In the shed, I keep my lawn mower and weed whackers and stuff like that.  
ADAM CUMMINGS: But we're evaluating it on the property itself and how much storage space is on there, so that becomes a key note that we're assessing here. And Fred (Trott) makes a very good point that is even more storage. We're trying to minimize these things as much as we can.  
MR. HUEY: I just mean, in my case, I have a two-car garage now, but I keep my tractor in the back not only because -- I mean, I like a clean garage, and lawn mowers are always dragging in dirt and grass and junk like that that I just assume keep in the shed. Where the garage I like to keep a lot cleaner and in -- and in part of the garage, I'm actually planning on putting a nice floor down like a tile floor. Kind of like what you see on some of the car shows, the black and white tile floor. So I wouldn't want to be dragging a lawn mower on that.  
ADAM CUMMINGS: I would also like to point out our other task is this variance, if it's granted, I would just like to point out to you that it stays forever with this land, so everything you're justifying here is very personal to you and very appropriate. However, we have to take into account there might be a new subsequent owner and taking that into account of the impact on the neighborhood and accessory structures. I just want to point that out to you as part of our decision-making rule as the Board.  
RON RICHMOND: The list you said you would have in the garage, will you be working on cars other than your own?  
MR. HUEY: Family and friends.  
RON RICHMOND: Is this actually a four-car garage, two deep?  
MR. HUEY: You could fit four cars in it.  
ADAM CUMMINGS: I don't have any other questions at this time, but I would like to point out (indiscernible) is one of the conditions we will have is no commercial businesses will be able to be run out of this garage or this property.  
MR. HUEY: Yes.  
ADAM CUMMINGS: Just want to let you know on that.  
ED SHERO: The garage is 28 -- proposed garage is 28 by 44. That's what you're proposing to build. It is a two-story garage, so you're going to use the whole second story?  
MR. HUEY: Yep.  
ED SHERO: Something is not adding up, because you're asking for a total of 2583 square feet. We already have 700 and something square feet. That only allows to you build 1800 something square feet.  
MR. HUEY: Well, the -- that number includes the existing.  
ED SHERO: Right. The 2583 includes the existing.  
MR. HUEY: Uh-huh.  
ED SHERO: But the existing is 735 square feet.  
MR. HUEY: Um, is that 24 by 30?  
ED SHERO: I mean that is -- the applicant has built a 735 square foot garage. That was the garage that adds onto what you had. So what I come down to is total square footage of all of the garage space you're asking to be 2583. But the detached garage alone is like 2400 square feet.  
MR. HUEY: No. Because the way that Gretchen and I calculated it was the main floor is 24 by -- or 28 by 44. The upstairs is only half that, because of the pitch.  
ED SHERO: That's why I asked if you were using the entire square footage.  
MR. HUEY: Oh, for the second story?  
ED SHERO: The second story.  
MR. HUEY: The entire half of it. I thought you meant some is a loft, some is usable. But if you can picture attic trusses across the whole top except for where the stairs goes in.

ED SHERO: Okay. So you have half of the square footage on the second story as the first story?

MR. HUEY: Yes.

ED SHERO: I just didn't want you to get approval for something you can't build down the road. That is the only reason I'm bringing it now to make sure we're all on the same page. I have nothing further.

ADAM CUMMINGS: So the -- I do have -- it's a little off topic. The rafter or the truss question just prompted me to that. Are you working with an architect to build this? Because if you're trying to build a loft space with customized trusses, I would caution against that. And that is where we might have a different square footage. I would hate for us to provide more square footage than you actually need.

MR. HUEY: Yes. When I originally planned to build the detached garage, I did have architects in Spencerport design the entire -- the entire building.

ADAM CUMMINGS: But they didn't provide that square footage?

MR. HUEY: Yes, they did.

ADAM CUMMINGS: Oh, they did?

MR. HUEY: That exact square footage.

ADAM CUMMINGS: I thought you said Gretchen, who I assumed is from our Building Department, is how you calculated the half square foot or the half footprint compared to the first floor entire footprint.

MR. HUEY: So the original proposal in 2005 was when I had the architects draw and design this building. Gretchen and I took that square footage and added what I built on the house.

ADAM CUMMINGS: Okay. The 735 --

MR. HUEY: Yes.

ADAM CUMMINGS: -- square feet. Okay.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I read this application and my first thought was what Ed (Shero) brought up. These numbers don't add up.

Enlighten me. Why aren't we counting all of the square footage on the second floor?

ADAM CUMMINGS: Because the way the roof trusses will be built, you cannot have -- you cannot use the entire floor of it.

MS. BORGUS: Oh.

ADAM CUMMINGS: So what they have done is --

MS. BORGUS: I follow you now.

ADAM CUMMINGS: I can't draw it. There is only so much corridor space you can build.

MS. BORGUS: So there won't be much usable space in the upper level? Those trusses take up a lot of floor space.

ADAM CUMMINGS: Correct. They could have customized ones to allow them to square out part of it --

MS. BORGUS: Was that --

ADAM CUMMINGS: -- so you could have an entire corridor.

MS. BORGUS: Is that the plan there?

ADAM CUMMINGS: Yes. Which is what the architects designed in 2005, which is how they came up with a usable square footage of half the first floor.

MS. BORGUS: I was down Parkway yesterday, and my first thought was you could never put a garage on that slope. How can you put a garage there? It looks to me like it would be quite a challenge. That's steep. You have that creek to contend with. Um, then I come in the Building Department and I looked at the drawing of the -- I assume it was the drawing of the garage?

ADAM CUMMINGS: Correct.

MS. BORGUS: And it appeared that facing the Parkway, there was going to be a blank wall.

Is that right?

ADAM CUMMINGS: I do not have it in front of me right now, but I will ask the applicant.

Is there a blank wall facing Parkway Drive?

MR. HUEY: There will be possibly a door, either on that side or the front and then windows.

ADAM CUMMINGS: Windows on the Parkway Drive side?

MR. HUEY: Yes. Windows on both sides, but on the hill side, they will probably be more windows up high as in glass block windows. Which I'm -- I don't know. It may look good to have the same thing on both. Parkway side and hill side. I'm trying to --

ADAM CUMMINGS: It doesn't really pertain to us, but it is just for informational purposes.

MS. BORGUS: Well, I think it pertains to my point. You're across the street from a Town park. And for the life of me, I can't imagine how this could be a plus to have that building sitting what, 28 feet from the side lot line, right across from the -- a Town park. It's not a plus. It's close. I mean, it's close. And any -- any lot, it's close, but when it's that close to a park, then I think it's -- it's -- it's -- it's not -- it doesn't fit. It's inappropriate.

It seems to me if this gentleman is going want to build this big a building, he might -- and he could ask for a variance for lot line, he might better go in his backyard where he has that shed that he talks about, the small one for his lawn mower and put it there. It's -- it looks like it is certainly more level. And it certainly would fit the neighborhood more, even if he had to have a variance to go pretty close to the lot line to do it.

ADAM CUMMINGS: Pretty close to the side lot line.

MS. BORGUS: Uh-huh. It's -- it's a difficult lot. I will give him that. It's a lot -- it's a lot of grade and it's steep. The slopes are steep there, especially where he wants to put it. And then you have that creek coming through there besides, and I just think it's -- it's an awful lot to put in a small lot, a difficult lot and I understand what he wants to do, but sometimes you just can't do what you want to do where you live. Maybe you need to go places where there is more space to do what you want to do. I think with the park there, it -- it is not good. It's not for the good of the Town to allow that building that close to the -- to Parkway and that close to the lot line across from a Town park.

Thank you.

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

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

ADAM CUMMINGS: We definitely have a lot of variance requests and it was an old plan that was submitted and there have been some improvements completed since that time. I'm thinking we might -- I think it would be prudent for us to go variance by variance to evaluate each of these. We have been looking at things on the site as a whole, but I think it would be good to discuss each of them in depth individually. So with that, the front lot line is 28 -- or 33 feet from the rear lot line, is one of them. I'm trying to see -- I'm always stuck by these definitions. So it is 28 feet from the side lot line, but isn't that technically a front lot line?

ED SHERO: Yes. That is why it is 60 foot. The side along Parkway is 60 feet.

ADAM CUMMINGS: 60 feet is required, but it's not technically a side lot line. It's a front lot line, which --

ED SHERO: Two frontages.

ADAM CUMMINGS: A secondary front lot line.

ED SHERO: Yes.

ADAM CUMMINGS: So with that one, it's a 50 percent relief. We're going from 60 feet to 28. And that is substantial, is the one term I could use. Large would be another one.

So I just -- logistically it was brought up during the Public Hearing of shifting it to the -- I don't see an arrow -- to the south. The south. Now that I put my head into where Union Street is, to the south, closer to yours. I know it's encroaching on your backyard there, but it does -- as I said earlier, it does minimize the variance request that you're going for with this application. So logistically, did you look into that -- or not logistically, but feasibly did you look into the grading of extending your driveway back there -- knowing you would lose backyard space, but that's the balance that you have to choose, have you looked into that option?

MR. HUEY: Yeah. And it's -- it's really just more digging is what it would probably be. And then instead of having the doors face Union Street, the further into the hill you go or the further -- yeah, into the hill perhaps maybe put the doors facing Parkway or, um -- or if I just like -- like was suggested over here, if I put it in the back where the shed is, then I have to deal with getting up to the garage. So, you know -- I mean as far as driving up a hill like that in the wintertime and the ice and snow. So it's kind of like a -- I thought it was best of a few options where I'm still utilizing the current driveway. I'm not digging up the entire backyard and it's more or less for me -- for me it's more or less convenient as an access point.

The -- I know we're not there yet, but it doesn't need to be so far back towards the firehouse's driveway, but again, I was just trying to keep it back and out of the way. So I mean --

ADAM CUMMINGS: When you say -- just so it's clear on the record, when you say back towards the firehouse's driveway, that's to the east or -- where that asphalt drive is?

MR. HUEY: Yes. That's their access driveway, yes.

ADAM CUMMINGS: Thank you. So now on -- I think we have explained that one in detail.

Anyone else with questions on that?

RON RICHMOND: Just as far as being steep to drive back there, if I'm looking at the contour lines right, you have about 7 feet or 5 feet that you're going to be cutting in just to build the structure?

MR. HUEY: Yes.

RON RICHMOND: But you only have 24 feet any ways and then you level out with only a 1 foot difference in elevation. So as you would move back, you would not have more digging, would you?

MR. HUEY: Um, so -- so you're saying if I kept the structure on the same level --

RON RICHMOND: Right now you have to dig into a 5 foot -- at minimum 5 feet depending where you look on the contour lines. But if you did move back further, you only got 1 and 2 feet of variance. It would be less digging even by doing that. I don't know that that -- the steep incline -- I, mean your incline is right here towards Parkway.



MR. HUEY: The way I staked it out, I guess if you picture this as the garage (indicating), digging into the hill would probably be about this much (indicating).

RON RICHMOND: At 5 foot depth.

MR. HUEY: Yes. Roughly. Roughly I would say. And then if you move it further towards the backyard, now we're digging this much. That's all I'm saying --

RON RICHMOND: At about a 1 foot depth probably.

MR. HUEY: Yes. Probably a little deeper, but you're just more -- more dirt. That's all I'm saying. I'm not saying it would be a hardship, but just more in that sense. But I don't think we could ever make that up 30 feet because then like I said, it is -- then that becomes the backyard. And then any chance of a pool or anything back there is -- you know, can't happen.

FRED TROTT: Well, I think maybe that is what we're hinting at -- my feeling is you have an awful big garage here that you're asking for that -- maybe you're looking at too big of a garage for the size footprint that you have.

RON RICHMOND: Floor surface of all this, you will be a six-car garage on the property.

MR. HUEY: Yes.

ADAM CUMMINGS: So going back --

FRED TROTT: That is not a five-acre farm.

ADAM CUMMINGS: That's true. It is a very small lot.

MR. HUEY: I point something.

ADAM CUMMINGS: But you're trying to fit it all on the front half acre -- half acre is not an accurate assessment, but all on the front. You're still trying to maintain a backyard, even with all this.

On the site plan where is the driveway? I'm still a little unclear how you're going to drive into this structure?

RON RICHMOND: It is actually not tied in on the map.

MR. HUEY: Right.

RON RICHMOND: Doesn't show it at all.

MR. HUEY: It's not tied in.

ADAM CUMMINGS: You will have to cut most of that hill out to be able to have a level driveway.

MR. HUEY: Yes, but honestly, it's not as much as it looks.

RON RICHMOND: You're saying you're going to tie it in from the Parkway entrance side, coming in across towards the house and then coming -- originally you would have the doors on the west side?

MR. HUEY: Correct.

RON RICHMOND: So you would tie in the driveway from the Parkway entrance, cutting into the 5 foot grade?

MR. HUEY: Yes.

ADAM CUMMINGS: You will either cut into it or fill into it. I wasn't sure which way you would go.

RON RICHMOND: They would have to cut into it.

ADAM CUMMINGS: Otherwise your building height would be way too big to try to fill.

MR. HUEY: And since -- since I added on the existing garage, those topographical lines are not as sharp as they look on that map. They're actually a little more gradual. So it actually is a little bit less that would be dug out, for the driveway.

RON RICHMOND: It is not as steep as it is reflected on the map right now?

MR. HUEY: Right. Right. Those edges are a lot softer. They're not so plateauish.

RON RICHMOND: If that is the case, to the point about moving the garage further back in the yard, if the contour lines aren't really reflective what the grade is --

MR. HUEY: I'm saying just the grade between the house and where the garage is. Because when they did the digging for the house addition, things got leveled out and smoothed a little more than what that map shows. Just a little. We're only talking maybe a foot difference or so.

ADAM CUMMINGS: Okay. So moving onto the square footage, you're trying to get 1 1/2 floors just to put it into a common term on that. It's a very large building and you have already got -- you already have quite a bit of square footage out there between the shed, the existing garage on your parcel.

I will be honest, I'm finding it tough justification as to why you need a four-car garage on a residential property, other than a hobby and helping out your friends and family. By minimizing this building, and only having two cars, instead of having it two deep, having it two cars, is another option to minimize the risk -- or the variance request. Your side lot line or rather -- we'll call it a side lot line. There is no rear lot line.

Along the Fire Department's entrance drive, um, on the east, the east lot line, if that building is smaller, that would minimize that one and it would actually eliminate that variance. Likewise, by having the smaller building, it would have a smaller additional variance that you have already been -- you have already received one variance on this property. So before it wasn't -- it wasn't within code, you were granted one appeal to grant that relief and now to add in a second one, those are usually pretty tough for the Town to approve since one was already justified for some -- for one reason or another that was documented.

This one is a very large one. I just point that out. It is a tough one for us to vote on.

MR. HUEY: This -- this is the same exact size that I got approved for before as a building alone. And the reason --

ADAM CUMMINGS: I was just going to say as the building alone.

MR. HUEY: As the building alone. And the reason why I went longer is because of the height. I want 12 feet of wall height for an automotive lift, and if it's that high, to look proportional or to look somewhat decent, you kind of want, you know, something a little girthy to support that so it doesn't just look like this big totem pole out in the side yard.

So that's -- it's not a necessity that I have something so large, but I mean, I really would like the height. Because right now in my existing garage I do have a small lift, but it only lifts 3 feet high, you know, enough to do some kind of repairs and stuff for cars. But it's -- ultimately I'm building this garage so I can have a lift I can actually do a lot more things with.

ADAM CUMMINGS: I said I would touch onto all of them, so we'll reach out to the last variance that is on here. Well, actually, we already touched on it. The shifting it to the south and if we shift it to the west, you must have 40 feet, and you're requesting 33 feet. So why is it shifted so far to the east? Why can't it be moved 8 feet over to the west -- the west, eliminating and actually -- okay, good. It is parallel to that east lot line. Why can't it be shifted to the west 8 feet so that you do not need a variance, a third variance?

MR. HUEY: I was just trying to push it as far back as I could. That -- if that, you know -- you decide against that, it really is no hardship. I could easily do the 40 feet, but I just wanted to keep it back as far as possible and, you know, I guess -- no big deal. Tried to make it easier on the builder anyway, give them a solid number and it's closer to the driveway.

JAMES WIESNER: Have you been given a height on this building?

MR. HUEY: Just a height from the original architect. The original architectural drawings show it as 18. I don't have those drawings, but I want to say if you kind of do some math, 12 foot walls with a 12/12 pitch, it will be just over 18 feet. Because you've got that perfect pitch. Using half that distance -- oh, no, actually, it will be more than that. It will be close to 20. 20 feet.

FRED TROTT: I also wonder if he is going to be with a -- with a -- with a ground height, is he going to be ending up higher than the house?

JAMES WIESNER: I think if you're up on the hill, he will.

ADAM CUMMINGS: Well, it's measured from the ground, so.

MR. HUEY: The original architect's drawing, it did show it shorter than the house. Not by much, but it is shorter, because I remember telling him that that was a concern of -- I want to say Dan -- Dan Kress was his name. One of the -- back then, one of the guys on the Board.

ADAM CUMMINGS: A question for the side table. That drainage ditch doesn't have an easement by any chance, does it? It doesn't show it on the map that I have. But I wasn't sure if there was another map on file that this would --

ED SHERO: Not that I'm aware of.

MR. HUEY: The only easement they have is when they did the drainage work on Union Street, you can see it is kind of squared out.

ADAM CUMMINGS: Yes. So they did take some land up along that.

MR. HUEY: Yes. They did that when they put the sidewalk in, as well.

ADAM CUMMINGS: For their culvert, but not your private culvert that you have under your driveway?

MR. HUEY: Correct.

ADAM CUMMINGS: Well, it will be much greater likelihood of success for you if you were willing to modify your -- your request today first and foremost to shift it to the west eliminating one of the variances, so then instead of three additional, you would have two added on that one that was granted in 2000 -- I do have the date on that, that we didn't say for the record -- it's on August 24th, 2004. Just wanted to point that out for the record.

And if you're -- if that's satisfactory to you, I would like to modify that application to do that.

MR. HUEY: Yep. That's fine.

ADAM CUMMINGS: And then to minimize it some more, I would still like to continue the discussion of the size, just the size of the structure. Not in terms of height. You did have 1412 square feet previously approved. So if by taking off -- by the map 735 square feet, it would bring you to your existing variance, and there is nothing we can really -- there is nothing to be done on that one. You could go ahead and build the structure of that size. Because that was previously approved. I would just point out that I do not see where it has a setback variance applied to it.

MR. HUEY: The reason that that didn't is because it was really close to the house. So it was far enough away from the back east and north. So there were no setbacks back in 2004.

ADAM CUMMINGS: And -- and just to point that out as we're kind of going full circle back to that original plan, to minimize -- not to that extreme, to eliminate variances, but what I would like is a discussion of shifting it to the south to maximize how far away from Parkway Drive we can be and at the same time minimizing the size of the building. By moving it 8 feet over, you do eliminate one of the variances. Leaving the other two would be okay. Shrinking the building down and not having it as long of a rectangle, um, we won't be able to get to 60 feet, but looking at this plan, we might be able to get close.

But once again, you would be cutting into the hill. It would incur more cost to you, but our goal is to minimize variances. So I just want to continue that discussion with you. What are your thoughts?

MR. HUEY: How much size are you thinking? Like 4 feet? 14 feet? I mean, it's... I'm just kind of --

ADAM CUMMINGS: Well, your original one was 28 by 44, so it was 1412. I don't know

the dimensions of -- really you have 735 feet. Somewhere between that to play with is -- is what we can hopefully achieve so that you can get your wish of having to build a bigger building, but at the same time, getting our wish of no variances would be great. If we reduced it by -- I'm trying to do the math at the same time. It's going to be quite a bit smaller.

RON RICHMOND: 700 for both floors?

ADAM CUMMINGS: Right. That is why I'm thinking in my head is if we get rid of the second story -- the storage space on the second story, then that gets rid of the -- pretty close.

RON RICHMOND: If he is going 12 foot walls any ways --

ADAM CUMMINGS: Right.

RON RICHMOND: -- then that doesn't eliminate the ability to put a lift in as you want it.

MR. HUEY: Correct. Correct.

RON RICHMOND: That is why I was saying, if we just take the second floor off.

ADAM CUMMINGS: So the second floor -- Fred (Trott), what do you come up with square footage one story at 28 feet by 44 feet?

RON RICHMOND: 1232.

ADAM CUMMINGS: 1232.

RON RICHMOND: If the math is right.

ADAM CUMMINGS: Which at that point, it would be 1232, but we still have to add in the 735, because that was not on your original variance. The variance was with the existing storage that you had or the existing garage.

MR. HUEY: There was a little garage under the house originally.

ADAM CUMMINGS: Right. So if we add those together --

FRED TROTT: 1967.

ADAM CUMMINGS: 1967 is what I did also. Which that's minimizing it from --

FRED TROTT: Can I make a recommendation?

ADAM CUMMINGS: Certainly.

FRED TROTT: Should we offer -- because it sounds like the Board -- really doesn't sound like it's highly favorable what he is proposing. Would he like to table it until he can revise?

ADAM CUMMINGS: Revise the plan to show these?

FRED TROTT: Yes.

ADAM CUMMINGS: Would you be -- I don't believe you're going to start construction right now. I hate to put you at risk if we vote today -- just so you know the procedure, if we vote today and it's yes, then you will get a letter within a week with the conditions. If we vote no, then this is a denied variance request and you have to wait 12 months until you can reapply for -- for a variance. So those are the risks if we go through with it.

This has been a very good conversation, I think, and now it has been brought to light that more information is in there and you are looking to revise your plan. I think that's a good idea, tabling it with these -- with these slight modifications on it.

Would you be agreeable to that, or would you like to proceed with -- with a vote tonight? Is it on your time schedule?

MR. HUEY: Well, what does that mean for me then? I just come back to a meeting or do I have to reapply for this whole process?

ADAM CUMMINGS: You would come back to another meeting. It -- as if we're extending this meeting to next month's meeting or a future meeting.

FRED TROTT: With listening to what our feelings were about moving it back so you relieve that one variance, and obviously we have an issue with the size of the building and putting that, trying to relieve some of that variance. Trying to rethink what you want, because it -- because I think you're -- you might have a good chance of it not going tonight in your favor. Because I think -- I can only speak for myself, but it is substantial for what you're requesting. I think if you can get that down in size by reducing some of the size of that garage and overall size.

MR. HUEY: So you're saying the footprint, as well, not just the second story?

FRED TROTT: Yeah. I think the footprint -- in my opinion, I think the footprint is big.

ADAM CUMMINGS: Well, right now by taking out the second story, we have concluded that it is still a variance request of 500 -- an additional 557 square feet. It would be 1412, the 1412 that you had previously. Obviously that's less than the added 735 that you had, so we're moving in the right direction, but yes, since the garage addition of 735 feet was added on there, if we could bring the building down some more, whether it is on the width side of it and not -- not having 28 feet, because the variance you had before was really for the square footage, not the dimensions that were on there. So however we can bring that closer to the 1412, the better. I don't want to tie it to an exact number tonight. I would like --

MARK MERRY: Still needs to work for you. So we don't want to put you in a pickle and say yes, it has to be under that number. But to give you a chance to take another month or two and think about it, work with a designer to come up with something that works for you and is a little bit easier for us to maybe digest and understand and accept, I think, is a very good idea. But we can't tell you what to do. It is totally on you tonight.

MR. HUEY: Okay.

ADAM CUMMINGS: So if you're okay with it, I would entertain a motion to table this.

MR. HUEY: Yes.

ADAM CUMMINGS: So you're okay with that.

So with that, is there a motion to table this until -- I will just state that it's for a future meeting and we will discuss with you as to which meeting that will be and put it in as old business -- if we're prepared for next month's meeting, it would be on that meeting. If it needs to

be the meeting after, we can notice that.

So is there a motion?

JAMES WIESNER: So moved.

ADAM CUMMINGS: Second.

MARK MERRY: Second.

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

1. Application is tabled until a future meeting after the applicant is able to provide more detail showing the building height of the new structure and eliminating the storage space in the upper floor of the new detached building. Thus, decreasing the variance amount requested.

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

3. Application of 84 Lumber, c/o Bob Frisch, 1505 Scottsville Road, Rochester, New York 14623 for variance to allow existing 30' by 8' wall sign to be 240 sq. ft. (100 sq. ft. maximum allowed) at property located at 1505 Scottsville Road in G.I. zone.

Bob Frisch was present to represent the application.

MR. FRISCH: Hello. I'm Bob Frisch, Warehouse Manager for 84 Lumber Company, 1505 Scottsville Road. We are here to apply for a variance for the existing sign on the front of the building that I guess we have to get a permit for and need a variance to get the permit.

ADAM CUMMINGS: So you have -- the one sign.

MR. FRISCH: Yes. The one sign needs the variance.

ADAM CUMMINGS: I think that sign has been there for a little while.

MR. FRISCH: Yes. I really don't know how long. It has been a while.

ADAM CUMMINGS: And its size is -- is what we're looking at here, but --

MR. FRISCH: Overall, it's 8 feet tall, 30 feet long because it's the name of the store.

ADAM CUMMINGS: And how far off the road is that?

MR. FRISCH: Um, it's got to be maybe 50 feet. It's a pretty long way between the road and the store.

ADAM CUMMINGS: Okay. I'm just getting that size really helps it to be visible, perceptively-wise for drivers going down the street --

MR. FRISCH: Right.

ADAM CUMMINGS: -- and identifying the building.

MR. FRISCH: Right.

ADAM CUMMINGS: Do you have any -- I just want to ask the question. I don't have it here.

Do you have any monument signs, directional signs out front?

MR. FRISCH: There is a lollipop sign, but that one has a variance for when it was put in quite a while ago.

ADAM CUMMINGS: Okay. I will just go down the list so we know. 1964 there was a 12 foot by 24 foot sign allowed to be 5 feet off the ground.

There was also -- 1983 is when your 10 foot diameter freestanding was approved.

And in 1994, you had a double-faced A-frame temporary sign that was approved, as well. For once per month. So I just want to point that out for the record.

Actually, I do. How many colors are on that? I'm trying to look at the color code.

MR. FRISCH: Two. I think. There's red and white.

ADAM CUMMINGS: Red and white.

MR. FRISCH: And the blue is the -- the store is blue.

ADAM CUMMINGS: The blue. That is what was catching my eye. The building itself is blue. Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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 did have one note in here, along with the sign, to just ask the applicant to apply for a sign permit. For this sign.

MR. FRISCH: Right. That is what I needed the variance for.

ADAM CUMMINGS: Right. I just wanted to point that one out. That you will need to obtain a sign permit 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 Ron Richmond seconded the motion. The Board all voted yes on the motion.

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

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

1. Obtain sign permit for all signs on the property.

The following finding of fact was cited:

1. Proposed variance will not result in significant change to the neighborhood as the surrounding areas are industrial in nature. Additionally, this sign has existing at this size and location for over 30 years.
4. Application of Walgreen's, c/o Premier Signs, 10 Excel Drive, Rochester, New York 14621 for variance to erect two directional signs to each be 4 by 1 1/2' double-faced (3 sq. ft. allowed), and to be 4'6" high (42" inches high allowed) at property located at 3127 Chili Avenue in GB zone.

Ralph Baranes, Maggie Mansour (phonetic) and George Johnson were present to represent the application.

MR. BARANES: I'm Ralph Baranes with Premier Sign Systems at 10 Excel Drive, Rochester.

I have a couple people with me here representing Walgreens to address any questions you might have directly to them. I have Maggie Mansour (phonetic), the Branch Manager, and George Johnson from Corporate. So if anything comes up and you need their information, they can provide that.

I believe the reason we're here is there was a traffic study done possibly. Gentleman by the name of David Lindsay, who I believe is with the Town --

ADAM CUMMINGS: Yes. He is with the Town.

MR. BARANES: -- is suggesting that these signs be put in place. That is what kick-started this whole process and that is why we're here tonight.

I'm not from this area. I travel here once in a while, but I live in Brighton, so I don't see the situation that is happening at this particular Walgreens, but coming to the site once or twice, you get a pretty good feel for what is happening.

The fact that on Chili Avenue, you can enter and exit and you can really only -- I'm not sure of the second street there.

ADAM CUMMINGS: Paul Road.

MR. BARANES: Paul Road you can only enter. So we're just trying to make that clear for customers and, you know, keep it safe and follow the traffic guidelines that were offered to us.

FRED TROTT: Well, they can still exit on Paul Road, but they can only go right, correct?

ADAM CUMMINGS: Right. It's a right-in/right-out configuration.

RON RICHMOND: It was part of Traffic Safety when we did this.

FRED TROTT: This is your fault? (Laughter.)

RON RICHMOND: It is.

MR. BARANES: Blame him, not me.

ADAM CUMMINGS: I wouldn't acknowledge that.

RON RICHMOND: I'm good with that.

MR. BARANES: But the variance is for size and height.

ADAM CUMMINGS: Yes.

MR. BARANES: Walgreens, being a national company, they have a national sign company. We're an installer for that company. Um, they have certain sizes of signs in stock, and I believe particularly, when it comes to directional signs, they have a pretty set standard and that is what they presented.

So I mean if there are issues with the small variances we're asking for in regards to size and height, we might be able to work through those. For instance, height, if -- if you think 3 foot would work better, you know, I'm sure there is a way we could make that happen. So I think the 4 foot 6 height is probably more realistic to the traffic pattern and visibility and things like that.

ADAM CUMMINGS: Yes. We don't want to do -- due to snow loads and snow drifts and things like that, we don't want it lowered too far.

But this was prompted -- I do have a letter addressed to me from David Lindsay, our Commissioner of Public Works and Superintendent of Highways and also co-signed by Brad Grover, our Traffic & Safety Chairman, and I will just read that for everyone. It says, "The Town of Chili Traffic Safety Committee and Highway Department have been working with Chili Ave., LLC, which is the property owner, to address a long-standing issue with the illegal left turns that occur both in and out of the Paul Road entrance to this property.

During the assessment, it was determined that a contributing factor to these illegal movements seemed to be the lack of visible signage for the Chili Avenue entrance and the lack

of supplemental signage on Paul Road indicating the left-turn restrictions.

Traffic Safety Committee and Highway Department subsequently contacted the property owner and asked them to develop a plan for additional signage for the two entrances that would hopefully mitigate the illegal left turns. The owner agreed with our request and has made application to the Town for this additional signage. The proposed signs and layout submitted as part of their application were reviewed and approved by the Traffic and Safety Committee at their November meeting. This letter is to apprise you and the other members of the Zoning Board of Appeals of the Town's efforts to work with the applicant and property owner to address this Traffic & Safety related concern at these entrances and to inform the ZBA of the Traffic Safety Committee's support and endorsement of the proposed area variances for signage."

That was dated January 8, 2015.

So looking at the application, are there any questions from the Board?

MARK MERRY: So these are internally lit signs?

MR. BARANES: They are.

ADAM CUMMINGS: 24 hours lit signs?

MR. BARANES: Is the store open -- no.

MR. JOHNSON: They will not be.

ADAM CUMMINGS: So will be operated --

MR. JOHNSON: They would shut down same time as all of the other lighting, external lighting. George Johnson, the District Manager, for this location here in Rochester.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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: The only question I do have is, the Walgreens part of the standard package signs, it is adding to the height of it. I will note I'm not -- it's not a significant part because the red arrows that are displayed on these cross-sections will still drive the sign to be the same size. I think the 1 foot arrow size is what Traffic & Safety and the Highway Superintendent are trying to drive home, is that that is a reasonable size for drivers to notice and hopefully recognize.

So by removing the Walgreens entrance -- which -- Ralph (Baranes), I'm not sure if you know, on the Buffalo Road Walgreens, do they have similar directional signs at the Union Street and Buffalo Road entrance?

MR. BARANES: I couldn't tell you.

MR. JOHNSON: We do have marquis signs. They're not directional. But there are two marquis on either side at the entrances indicating that it is Walgreens and it's prior to getting to the corner. Approaching the corner, I should say.

ADAM CUMMINGS: Okay. So that would be consistent between the two for -- for patrons. Since this is not a plaza development, it is only one tenant, so people are there trying to get there for that sole purpose, so I think it would be good to keep those in there. I just wanted to point that out.

Other than that, I don't -- I don't believe I have any conditions on -- I take it back. Just like the last applicant, apply for a sign permit with the Building Department and --

MR. BARANES: Absolutely, yes.

FRED TROTT: Do we want to make sure we put it in the conditions that it operates at the same time?

ADAM CUMMINGS: Good idea. Illumination will be concurrent with the open business hours.

MR. BARANES: Agreed.

ADAM CUMMINGS: I have two conditions. Obtain a sign permit for all of the signs that are being proposed as part of this application and the illumination of the sign will be operated during the open business hours only.

MR. BARANES: Understood.

ADAM CUMMINGS: Any other conditions?

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 conditions:

1. Obtain sign permit for all signs on the property.

2. Illumination of the new directional signs beyond hours of operation shall be prohibited.

The following finding of fact was cited:

1. The proposed variance will enhance the surrounding neighborhood by providing a higher level of traffic control and circulation notifications for patrons to the site and other vehicular drivers as evidenced by the recommendations of the Traffic and Safety Committee, and the Highway Superintendent.

Adam Cummings made a motion to approve the 12/16/15 Zoning Board of Appeals minutes, and Fred Trott seconded the motion. All Board members were in favor of the motion.

The meeting ended at 8:28 p.m.