

CHILI ZONING BOARD OF APPEALS
August 9, 2016

A meeting of the Chili Zoning Board was held on August 9, 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, Fred Trott, James Wiesner and Chairperson Adam Cummings. James Valerio was excused.

ALSO PRESENT: Eric Stowe, Assistant Town Counsel; Paul Wanzonried, 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: Any issues with the signs? There was ample notice. Before we jump into the next thing, I want to apologize and convey my thanks to all of you that came in due to a slight error on the public notice. It is more your applications were at risk if we had gone through with it in July, so thank you for coming in for the special meeting tonight. Sorry about the slight error in the process.

1. Application of Michael Pelano, 155 Chestnut Ridge Road, Rochester, New York 14624 for variance to allow the total square footage of garage area, including a new 24' x 32' detached garage to be a total of 1,494 sq. ft. (1,200 sq. ft. Allowed) at property located at 155 Chestnut Ridge Road in R-1-12 zone.

Michael Pelano was present to represent the application.

MR. PELANO: I'm Michael Pelano, 155 Chestnut Ridge Road.

I'm seeking a variance to build a detached garage 294 square feet more than the allowed footage, and it's -- I don't think it has any detrimental impact to the area, because it will be nice as my house when I get done with it. I brought some pictures if you want to ---

ADAM CUMMINGS: Yes. If they're not provided in the package, by all means, feel free to bring them up to the board and we'll also put them on the overhead display so the public can see them, too.

It's pretty self-explanatory on this one. Going behind the house there on that angle. It's avoiding the conservation easement.

I did want to point out I forgot to say earlier the Monroe County Department of Planning and Development did supply their review form and deemed this to be a local matter. They do have a handwritten note the Monroe County Department of Transportation has no issues with this application.

FRED TROTT: Why not try to stay under the 1200?

ADAM CUMMINGS: Yes, 1200.

MR. PELANO: It -- because it is just not -- not big enough, to be honest with you.

Because I have to -- my garage -- the garage on my house is 700 square feet, and to put the -- to park another car in there, I won't be able to get deep enough in the new garage.

ADAM CUMMINGS: What are -- just to be clear, you're still maintaining the 24 by 32 feet?

MR. PELANO: Correct.

FRED TROTT: How far are you from the conservation easement?

MR. PELANO: I'm about 10 feet from the easement.

FRED TROTT: So you definitely have room for error?

MR. PELANO: I do. Well, I can push it closer to the house, too, if I had to. But there is plenty of room there.

FRED TROTT: Why not have it a little closer to the house?

MR. PELANO: Because I want to maintain a driveway I can park a car in front of the garage also. So I need 22 to 24 feet off the existing driveway.

FRED TROTT: Is this going to be a two-car garage?

MR. PELANO: It is.

FRED TROTT: So you already have a two-car garage?

MR. PELANO: I do. I have a three-car garage, but it's 22 feet deep and it just -- I just don't have enough room for storage. I have three kids, three cars. Quads. You know, snowmobiles I have. Trailers.

FRED TROTT: Do you have pictures?

MR. PELANO: I do. I have a picture of the site and the -- that's what we're looking at. That is where it will be.

FRED TROTT: Is it going to be wood?

MR. PELANO: It's going to be vinyl. Wood frame vinyl siding.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott 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: Very good question of the justification. Doing the math real quick, you have 768 square feet from the new detached garage, so that leaves you to 726 of the existing garage which confirms what you said.

Was there any thought of going down to a 20 by 32 which would still give you 1366 square feet. It would still require a variance but our goal is to minimize variances. We understand your situation right now what you want to store, but this variance stays with the property forever, so whoever the other property owner is, they end up with two fairly large garages and that is what we're trying to balance up here.

MR. PELANO: I would like to keep it to the 24 if I can. As you can see, the garage and the door on the front take up -- there is not much room left.

ADAM CUMMINGS: So the 24 feet, it's to accommodate the lighting on one side, have enough storage along the side and opening up car doors, having a two-car garage and a man door on that same front side as opposed to having the man door on the side.

MR. PELANO: Most garages are 24 feet wide.

ADAM CUMMINGS: Well, you're actually going with two garages with this house. That is what we're trying to balance on. Understanding that you do have an existing garage that meets that 24 feet. We're just trying to make sure there is full justification and a need for -- for the wider size.

MR. PELANO: Like I said, I have a couple trailers I want to get in there in the back. I have a utility trailer. My son has a snowmobile trailer. I mean, I store my -- the machines are at their buddies' houses right now. Otherwise I have to leave them outside and I don't want to look at them, to be honest with you.

ADAM CUMMINGS: Okay. That would be good to bring everything that is outside inside?

MR. PELANO: Right.

ADAM CUMMINGS: I have one condition that you must obtain a building permit from the Building Department prior to the commencement of construction.

It looks like you did start some grading.

MR. PELANO: Yeah. I just put some dirt in.

ADAM CUMMINGS: Okay. That's fine.

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.

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

DECISION: Unanimously approved by a vote of 4 yes with the following condition:

1. Building permit must be obtained from the Building Department prior to the commencement of construction.

The following finding of fact was cited:

1. The proposed structure is only slightly larger than the permissible size allowed by the existing code. Its location and orientation are not within the adjacent conservation easement. The size is a common size for a two-car garage and it is not excessively oversized.
2. Application of Saxton Sign Corp., 6700 Old Collamer, Suite 113, East Syracuse, New York 13057, property owner: Chili Plaza Properties; for approval to amend variance granted on 5/16/95 to replace existing freestanding sign on Paul Road with a 6'6" x 16' double-faced freestanding sign to be 104 sq. ft. per side for a total of 208 sq. ft. (90 sq. ft. per side with a total of 180 sq. ft. previously approved), variance for sign to be 16' high (15' high previously approved), variance to erect a 2nd wall sign on Suite B-18 (proposed Ferrari's Pizza Bar) at property located at 3240 Chili Avenue in G.B. zone.

Patricia Malandra was present to represent the application.

MS. MALANDRA: Patricia Malandra, the General Manager for Saxton Sign Corp based out of Syracuse, New York. I'm here to talk about the pylons. The one in the front of the plaza

had already been approved.

We have also had a meeting with the Architectural Advisory Board who had gone ahead and approved this, as well, using specific materials for the sign which were agreed upon. So you know we're here today right now to talk about, you know, the differences in the height of the sign and having it back in the Paul entrance into the plaza.

JAMES WIESNER: I was just looking to see, how far off the road will this be? Actually where you drive in, it will split the in and the out as I understand it?

MS. MALANDRA: Correct. Right where the existing pylon is right now. We have a site map here and kind of a layout. I thought it stated in the application what the specific feet from the road was. I don't have it in front of me.

JAMES WIESNER: It is not sitting between the in and the out?

MS. MALANDRA: No. Off to the right.

JAMES WIESNER: The grassy area then?

MS. MALANDRA: Uh-huh.

JAMES WIESNER: Now, the sign is kind of a re-branding of the --

MS. MALANDRA: Correct.

JAMES WIESNER: -- of the -- I don't know if you want to call it a mall. It's not a strip mall. Re-branding of the mall.

MS. MALANDRA: They have a clock tower and they wanted to create some consistency and replicate that in the pylon signs.

JAMES WIESNER: So is there plans to bring the Two Fronts of Chili/Paul to the sign out front or is this just happening out back?

MS. MALANDRA: It would be for the front and the back.

JAMES WIESNER: That has already been --

MS. MALANDRA: Yes. That has already been approved.

ADAM CUMMINGS: I did forget to mention this one again. The Monroe County Department of Planning and Development has deemed it to be a local matter.

FRED TROTT: So the Chili Avenue side has already been pre-approved. We're not talking about that one on --

MS. MALANDRA: The Paul Road.

FRED TROTT: We're talking on the Paul Road side?

MS. MALANDRA: Correct.

FRED TROTT: How far back is that from Paul Road?

ADAM CUMMINGS: It does have a dimension there.

FRED TROTT: Does it?

ADAM CUMMINGS: Yes. On the handwritten notes it says 29.5. Side table, I do have a question. 25 feet is our setback requirement for a rear on this property, but this is a front, which requires 75 feet. But it is a -- I don't believe the sign is held to that setback. But I don't know that for sure. You guys have anything to add?

ERIC STOWE: Calling it a structure?

ADAM CUMMINGS: That's what I'm thinking.

JAMES WIESNER: You're saying it is 31 by 8 from the right-of-way right now.

ADAM CUMMINGS: They have it listed as 29.5 if you look at the handwritten note there. It has a little squiggly dimension going towards it. They have realigned some hatching or dashing to show where it is.

Oh, wait a minute. That is -- yeah. That is from the right-of-way.

FRED TROTT: From the right-of-way. My only concern is how far back is that restricting the vehicles coming out to go to make a left-hand turn? Is it going to be blocking their vision? Just trying to get that.

MS. MALANDRA: The sign that is there is actually wider than that now, so I wouldn't -- I wouldn't believe it would block their vision.

ADAM CUMMINGS: I believe the stop line is closer to Paul Road. So they would clear the sign where they would have to have a site distance.

FRED TROTT: What sign is there?

MS. MALANDRA: We have a picture of it. I believe it's a little bit wider.

FRED TROTT: Yeah. But I mean it's open.

MS. MALANDRA: Yes. It is open.

FRED TROTT: But you have a pylon.

MS. MALANDRA: Yes. This part would be closed, but --

FRED TROTT: But it will be sitting in the same area?

MS. MALANDRA: Correct. Correct.

ADAM CUMMINGS: You covered mine in terms of the setback side of things there.

We always get the color question on these. It looks like this one is in compliance with our color requirement here at the Town.

The only one I don't see on there is do you have a picture of Ferrari's?

MS. MALANDRA: Yes.

ADAM CUMMINGS: Sorry. I missed it.

FRED TROTT: I didn't know if you wanted to move to the next part of it.

ADAM CUMMINGS: Yes. If you could put it up there, that would be great.

MS. MALANDRA: So there is actually two entrances into the restaurant, so the owner would like to put one -- it's on the corner of the shopping center but not on the corner of the

street.

ADAM CUMMINGS: I believe there is already a sign that was posted on the wall, or was that just a banner?

MS. MALANDRA: That's just a temporary banner, yeah. Yeah. But it would be obviously much smaller than that that you can see with the sign itself. There was a small circular sign already approved for the other entrance.

ADAM CUMMINGS: So on this one, you have several variance requests. Does the Board want to sweep them up or put them together or do Ferrari's separately than the monument signs? Kind of leaning towards doing Ferrari's on its own and doing the monument sign on its own.

MARK MERRY: I think that's a good idea.

JAMES WIESNER: How does that break out --

ADAM CUMMINGS: That's what I have to figure out. We'll go with our numbering game. What I would like to do is keep the amended sign all one. So, therefore, the amendment request for the square footage, which would be the 208 square feet, would be Number 1. For this application. Along with -- let's see. We're measuring the height on that one. So we have the 16 feet.

MS. MALANDRA: Versus 15.

ADAM CUMMINGS: Versus 15. Does the Board want to split those up or keep them together since it is clearly one sign?

JAMES WIESNER: I would keep them together.

ADAM CUMMINGS: Yes. I agree with that. So we'll keep those both as Number 1. And then make -- Ferrari's will be Number 2 on this one. So we'll vote on two separate ones.

MS. MALANDRA: Okay.

ADAM CUMMINGS: That's just to help it in case one gets denied, the whole package does not get denied.

MS. MALANDRA: Thank you.

FRED TROTT: I have a stupid question.

ADAM CUMMINGS: There is no such thing.

FRED TROTT: Just kind of looking at the Chili/Paul sign, it just popped in my head. Is that considered one sign?

ADAM CUMMINGS: The Chili/Paul?

FRED TROTT: With every -- like Monro Muffler, everything listed there, each --

ADAM CUMMINGS: Yes. I believe we counted it as one sign.

FRED TROTT: So there is a variance for the amount of colors?

ADAM CUMMINGS: No. They don't have a request in. They're below our number of colors.

FRED TROTT: I thought it was five.

ADAM CUMMINGS: You have five colors on there?

MS. MALANDRA: There's copper, blue and black and white.

ADAM CUMMINGS: Black and white --

FRED TROTT: Okay. I'm sorry. I didn't know if you were going to keep the same --

MS. MALANDRA: No. These will all be in black.

FRED TROTT: Oh, okay. All right. Never mind. Told you it was stupid.

MS. MALANDRA: No, no, no. That's a good question.

FRED TROTT: I was thinking you were transferring those over to the new signs.

MS. MALANDRA: No. They're not the same dimension wise.

ADAM CUMMINGS: So the tenants are okay with them having black signs going in? Because what we have run into, this sign in particular, is marketing wise, they all required their different shades of color.

MS. MALANDRA: Yes. The fonts will be a little bit different potentially, could be, but the -- but the color is going to remain the black. We tried to go on the different company's websites to maintain the look of the font of the lettering so we kind of meet them halfway with that.

FRED TROTT: Very good.

JAMES WIESNER: What was your question?

ADAM CUMMINGS: My first one is -- well, my first question is the continuation from my other one. Do we have to approach the subject of the setback?

PAUL WANZENRIED: Preexisting, nonconforming. Moving on. Next question.

ERIC STOWE: As long as it doesn't get any closer than the existing.

MS. MALANDRA: I promise it won't.

ADAM CUMMINGS: Thank you. I will go ahead and open up the Public Hearing.

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: We're doing do two different ones here, but this condition would go with both parts or both numbers and that you would have to get a sign permit from the Building

Department.

MS. MALANDRA: Yes.

ADAM CUMMINGS: So moving on, with the first one, which is the monument sign or the -- the tower sign, we're looking at the 208 square feet versus 180 square feet that was previously approved or granted and 16 feet high which is 1 foot higher than the previous 15 feet high that was approved.

Any other conditions that the Board would like to see? If not, I will go ahead and read my statement.

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: Unanimously approved by a vote of 4 yes with the following condition:

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

The following finding of fact was cited:

1. The proposed variance is an enlargement of the existing granted variance; however, the increase is marginal and a result of creating a more aesthetically pleasing sign at the entrances of this newly improved commercial property.

ADAM CUMMINGS: Now, onto B, which is the Ferrari's pizza sign, asking for a second wall sign.

Once again, this is on the Paul Road facing side of the road. I am assuming we're counting -- counting that one as the second sign because they want one at the main front entrance.

MS. MALANDRA: Correct.

ADAM CUMMINGS: Where the --

MS. MALANDRA: Chili.

ADAM CUMMINGS: I don't know what you call it. It goes across the driveway in the parking lot.

MARK MERRY: So I need clarification on sign count for that building. Because you can look at those windows. In particular along Paul Road, there is a sign in every window.

PAUL WANZENRIED: They are internal graphics on the inside of glass, and therefore, we do not count them as signs.

MARK MERRY: Okay.

ADAM CUMMINGS: I will keep replaying that one. I like that answer. So yes, the same thing with all of the gas stations, once it goes inside the glass --

MARK MERRY: Okay.

ADAM CUMMINGS: -- there is nothing we really have in our code to be able to do anything about that. Once again, on the second one, we're looking at a second wall sign giving exposure on Paul Road. To point out a similar one in the plaza, we did a similar one for the Acropolis Restaurant around the corner on the Microtel side.

FRED TROTT: Is this going to be lit?

MS. MALANDRA: Yes. It is. Soft white LEDs and then it has a halo lit in the back of a very soft red that will be put on a timer so when the plaza closes, that will go off.

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 an unlisted action with no significant environmental impact, and Fred Trott 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 Fred Trott seconded the motion. The vote on the motion was 3 yes to 1 no (Mark Merry).

DECISION: Approved by a vote of 3 yes to 1 no (Mark Merry) with the following condition:

1. The proposed variance is an enlargement of the existing granted variance; however, the increase is marginal and a result of creating a more aesthetically pleasing sign at the entrances of this newly improved commercial property.

The following finding of fact was cited:

1. Requested variance is similar to another granted variance on another

corner commercial occupant in this area of the town. The additional sign will provide better wayfinding for people searching for this building/address location.

3. Application of Morgan Management, 1080 Pittsford-Victor Road, Suite 100, Pittsford, New York 14534, property owner: Chili Townhomes 246 LLC; for variance to erect a 7'4" x 3'4" double faced monument sign to be a total of 50 sq. ft. (32 sq. ft. total allowed) at property located at 151 Union Square Blvd. In PRD zone.

Matt Sinacola was present to represent the application.

MR. SINACOLA: Good evening, Mr. Chairman, members of the Board, my name is Matt Sinacola with Passero Associates representing Morgan Management tonight.

I'm sure most are familiar with the 85 Union Square complex which is nearing completion in construction, and tonight we're asking the Board to approve an increase in the size of the double-faced monument sign for this project.

We did go before the Architectural Review Board and they gave their blessing to the design. You should have a copy of that in your package of material.

I would add that there is some complications to this. It doesn't show on that -- the -- I didn't know the image would have a yellow light, so -- the bottom line is, we have a lot of utilities running along the main road, Union Square Boulevard, between the existing buildings and the street line. There is a sewer easement and there is a fiberoptic cable easement, forced main in there.

As a result, we need to push the sign away from the road a little bit more than normal. There is also a -- an access easement, I believe it is, for emergency access and safety, so we can't go in there either. As a result, there is only three feasible locations physically for the identifying sign for the project.

We could put it over here near the eastern entrance. We could put it in the middle, squeezed in between these easements or over by the west entrance which -- as a result of being bumped back from the road in this -- these two cases, we need 55 feet from center line and over here would be 72 feet center line.

We upscaled the graphics a little bit to try to make it a little more visible, thus the reason we want a little bit bigger sign.

ADAM CUMMINGS: So what was your original sign? What was the size of that one?

MR. SINACOLA: Well, it is kind of a combination of the size and the proportions of the design, and you have a graphic in there showing the two piers.

ADAM CUMMINGS: Even at 72 feet away, I think it's pretty clear this is the Union Square apartments. I would just question why the designer made this one so big. I understand perspective and a similar one we had come in front of the Board was Palmer Foods. They granted a very large sign, but that is because they were several hundred feet off the roadway, so to make its apparent size to the viewer at the right-of-way, it was an appropriately sized one. I'm just curious why you're at 55 square feet instead of 32 square feet when you're only 70 feet off the main road.

MR. SINACOLA: The -- well, the design was chosen obviously by the Morgan Management. This is what they wanted, so that is part of it. We are 7 foot, 4 inches. This is the placard part we're talking about obviously. And 3 foot, 4 inches high. I guess we're -- we kind of canvassed the area and this seemed to be appropriate for what is out there. If you could indulge for a moment. I guess the most obvious one would be Chili Commons.

In any event, this is the Chili Commons. There is two entrances, like our project. They have two signs. We're going to have one. These are both sided. So there is a grand total there of -- a total of 154 square feet.

ADAM CUMMINGS: Right. But each side is 138 1/2 square feet and you're saying there are two signs, which is how you come to the 154 square feet?

MR. SINACOLA: Yes. Yep.

ADAM CUMMINGS: Just trying to make sure we're understanding the math here. Because we're clearly comparing the square footage of one sign. You're not proposing --

MR. SINACOLA: No. We're not proposing two signs.

ADAM CUMMINGS: -- to have two different signs. You talked about three different locations. You're not proposing signs at each one?

MR. SINACOLA: No. Just one sign. The applicants asked to kind of leave the location open. They haven't quite decided which location they would like to set the sign in.

ADAM CUMMINGS: We're fine with that as long as you maintain setbacks.

MR. SINACOLA: All of that is fine. It is just the sign size, that gross total of face that is the -- that is the zoning issue.

This right down the street from here, the Unity Health that just went in, I -- I throw this in because it's very similar to what we're proposing with the two masonry piers on each side and the dimensions are quite similar, too, in the sense that it comes to about a total of 48 square feet.

ADAM CUMMINGS: Right. And you just -- this sign points out one drastic difference between yours and this one. This one has the street address on it. And I believe you're required to have the street number sign -- or number on your sign.

MR. SINACOLA: On the sign itself?

ADAM CUMMINGS: Is that correct? That's what I remember, every church coming in

and informing them. It might have been a different version of the book. I just point that out, because it would enlarge your sign request.

JAMES WIESNER: I think it just has to be somewhere on the -- on the -- to identify the property for emergency services.

MR. SINACOLA: If they need it on that sign, I'm sure they could get it on there.

ADAM CUMMINGS: Well, that really doesn't help your argument with this sign, because if they can shrink the signage and the logo and the text that you have on this existing sign to accommodate more for a street address, then it would make it difficult to justify why you need such large lettering for the proposed one here. Because to put the street address on, we wouldn't be expecting you to come in with an even bigger sign. You're already exceeding it by --

MR. SINACOLA: That's true. I see your point. I don't see where there would be a problem with -- with we adjusting the text size, too. I mean we could drive "Union Square Apartments" up on the placard and put the address at the bottom. I don't -- in all of these cases, the lettering is not really using all of the face that -- the lettering is being applied to. I so guess that opens it up to some interpretation.

ADAM CUMMINGS: On this Unity Health at Chili Avenue, I can picture it. Did you happen to measure how far off the street it was, because this is a very similarly sized sign.

MR. SINACOLA: It is closer to the road. I'm not sure precisely how close, but you can see the sidewalk is right next to it over here.

I guess the point I was making, we have a whole number of, you know, signs -- I mean Kimberly -- I tried to pick some residential based and so forth.

ADAM CUMMINGS: Right. And each of these signs are closer to the right-of-way than what you're proposing?

MR. SINACOLA: In some cases they are.

ADAM CUMMINGS: That would mean in proportion, yours would warrant being bigger because you're farther away?

MR. SINACOLA: This one is about 43 square feet. A little under the 50.

Chili Heights, again, this is too large for this demonstration. 106 inches. This is again, just the lettering portion. So that is a total about 72 square feet.

In this case, they have two driveways, two signs each, four signs. Two signs on each side of the driveway, so there are four signs total. So that's where the 72 square foot comes from.

Autumn Woods, another example. This is a little smaller. One entrance, two signs. That's 28.

In any event, that's ---

ADAM CUMMINGS: Good examples. Thank you for bringing them.

MR. SINACOLA: We're kind of in the mix, I guess, is what I'm saying. It's not sort of out -- out of what is customarily being done.

Kings Crossing, a little unusual because it's built in the ground so not really a two-sided sign. More of a landscaping.

ADAM CUMMINGS: Once again, this is right down Union Street, right?

MR. SINACOLA: Yes. We tried to get something real close to the existing facility or typical in design.

This one ends up about 21 1/2 square feet, but only one sign.

Enough of that. So again, we use that as kind of a basis as an example. This 50 is already sort of in the precedence of the area.

PAUL WANZENRIED: As we saw from some of the examples by the applicant, the address is not required.

ADAM CUMMINGS: Right. Perfect.

PAUL WANZENRIED: It has to fall to the structures.

ERIC STOWE: Principle buildings.

PAUL WANZENRIED: Principle buildings.

ADAM CUMMINGS: Okay. Thank you for that.

MR. SINACOLA: It may be that this design is sort of -- it was supplied by Fahy Design. I suspect it may have been something they already had in -- you know, templates, and probably the dimensions -- I suspect the dimensions of something that they find appealing, these total dimensions. And again, I -- I can't really speak to why they need exactly that much. Although, I suspect if you make it smaller, you would have to make your lettering smaller, too, so there would be a respite or a space in there enough to separate the elements. So that was our argument, I guess.

And again, we're not precisely sure where it is going to go, but these would be the three locations. I think the Architectural Board had suggested the center location as ideal. Or I'm sorry, by the western entrance. I think the owner was thinking more toward the center.

ADAM CUMMINGS: Yes. I'm sorry to say, I don't have it in my packet, the Architectural Advisory Committee --

MR. SINACOLA: Oh, okay.

ADAM CUMMINGS: -- assessment of it.

Matt (Sinacola), you did a good job answering a lot of those. I had a lot of them.

PAUL WANZENRIED: When you -- you're throwing out three different locations here. When you go to the center location, it appears that there is a note, "shrink sign to 10 feet."

MR. SINACOLA: Yes.

PAUL WANZENRIED: So you're going to take 8 inch -- or 1 foot 4 out of the sign?

MR. SINACOLA: I suspect they will go with smaller piers. I think that was your their

intention. I said keep in mind if you go with the center location, to stay out of the easements. We don't have much room, so you have to make the sign smaller in total physical dimensions.

PAUL WANZENRIED: The sign running paralegal to that location, parallel to Union Square or perpendicular still?

MR. SINACOLA: No, edge onto the road. Edge onto the road so we have two faces, both directions of the road.

ADAM CUMMINGS: So I guess I'm with the same point there, it is 55 feet there, 55 feet further to the northwest. I don't know north --

MR. SINACOLA: This is roughly --

ADAM CUMMINGS: And then the 72 feet, the variance we're going to grant, um, we -- you're justifying it on your plans you should have a smaller sign.

MR. SINACOLA: Well, if it goes in that --

ADAM CUMMINGS: Not justifying, but you're showing that the sign on the site should be a smaller sign.

MR. SINACOLA: In that location. The total. You know, end to end dimension would have to be about 10 feet.

ADAM CUMMINGS: Right. That's just to meet the setback requirements. But that to me means you don't need a sign that is bigger. At any of the sites. That's only a difference of 17 feet in terms of offset from the road. I don't understand why you need a bigger sign.

MR. SINACOLA: Um --

ADAM CUMMINGS: I understand that the easements are restricting the sign there, but I don't understand why you need a bigger sign. Other than wanting it.

MR. SINACOLA: Again, I -- I think the thinking was if they wanted the lettering to be as big as possible. Because we're just going to have the one sign. And it -- is it a little bit further back when they otherwise could have placed it if the utilities had not been there?

ADAM CUMMINGS: So on that 10 feet, to -- I believe to drive home this point, the structure that you have there is listed as 11 feet, 4 inches for the entire thing.

MR. SINACOLA: Yes.

ADAM CUMMINGS: You're saying the 10 feet would be smaller pillars, about the same size sign?

MR. SINACOLA: That's what I suggested they think about. If they choose that center location, they would have to shrink these piers down.

ADAM CUMMINGS: Okay.

MR. SINACOLA: I guess what I'm saying, we're hoping to get the variance granted so that irregardless where they placed it, they would have the option of keeping the placard the same size and shrinking the piers down.

It is potentially possible that you shrink the whole thing down, I suppose. You know, proportionally. But they may go with that western location, which I tend to think is the better location. At least personally. I think it would be that location. In which case we would like to keep it to the size in the package in the application.

ADAM CUMMINGS: Okay. So we're going to make the assumption that it is the same size square footage that would be the Town's -- the basis that would be -- instead of 2 feet, they would be shrunk down to accommodate a total width of the entire sign structure to 10 feet instead of 11 feet, 4 inches. So the interior part would still be 7 feet, 4 inches.

MR. SINACOLA: Right. That's correct.

ADAM CUMMINGS: On the width of the sign portion.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Wiesner 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 on this one, you need to obtain a sign permit. I'm still struggling with this one, that we don't know where you're going to put it, and you came in front of our Board. I know it's not pertaining to the variance.

FRED TROTT: That is why -- where I have the hang-up, too.

ADAM CUMMINGS: It is kind of like we're giving you three shells and you get to pick whichever one you want. I know we're not the Planning Board and it is a Planning Board issue, but I would feel more comfortable on that as we're trying to figure out -- the point I made earlier in terms of perspective and relative size from the viewer's right-of-way, I want to make sure we're basing our decision on the appropriate location of it to warrant this variance and the larger sign.

Does that make sense, Matt (Sinacola)?

MR. SINACOLA: Yes, it does.

I can add that it's going to be one of those three locations for sure. There are just no other options given the spatial restraints. The eastern location is somewhat problematic in that it's fairly close to that existing parking area and that was deemed sort of even desirable given the sidewalk that went through there -- that does run through there. Again, I suspect the western entrance would be the preferred location. Again, that was expressed by Architectural, but the

owner did request that we not hem them in for -- with the exact location, that we keep that center location as an option, I guess.

JAMES WIESNER: Is there a potential to build more apartments in this area?

MR. SINACOLA: Not on this property. It's maxed out.

PAUL WANZENRIED: Mr. Chairman, I need to correct a previous statement that I made. I did find that street numbers, all monument signs shall display the street numbers for the lot to which they relate. You are correct. I stand corrected.

ADAM CUMMINGS: Thank you. I knew it was hidden in there somewhere. As I said, I'll get my updated book, soon.

MR. SINACOLA: So they'll have to add that.

JAMES WIESNER: Can be on pillars.

ADAM CUMMINGS: I do believe it can be on the pillars, but we add it to the square footage. What it makes sense on these type of pillars is putting them on the road facing side of the column.

MR. SINACOLA: I see what you're saying.

ADAM CUMMINGS: So you have two options is what I'm saying there. If you put it on that road facing face of the pillar, it would be a smaller calculation, because then it wouldn't be the entire rectangle of that sign square footage. But I'm still struggling with the overall sign square footage. I see the ratio you're maintaining there and I just want to make sure we're getting this right so you do not have to come back in front of us or requiring you to really change your sign design to accommodate something new. Just paying attention to your time and resources and your designers.

MARK MERRY: Is this something we could suggest a tabling and they come back before us with a revised rendering?

ADAM CUMMINGS: I like that idea. Would you be interested in tabling this one until we obtain more information?

FRED TROTT: And definitive where it is going to be positioned.

ADAM CUMMINGS: Correct. I would really like to know the exact position. You have it down to two possible spots. I know you said three possible. It's not like high probability of two of the possible sites, but I would also like to see holding that ratio of your width to height of the actual sign square footage, which is -- right now by my math is 2.2, I would like to see the ratio if it were a smaller sign, with the -- the apparent size that it would be at the -- as a passerby was trying to drive through. There are some sign standards that can look at 30 miles an hour, what the appropriate size of the sign would be. If you need a resource for that, the Town can help you out with that. Just to help us out with this one. Just because it is a precarious sign.

I will say you did a great job bringing in similar signs to it. The one issue I have with the comparative signs, those are the ones that are existing and some of them are very old and predate the code that we're currently looking at.

MR. SINACOLA: Sure.

ADAM CUMMINGS: So to compare those preexisting ones to this variance request is not exactly fair, because we're trying to get those signs out of there as best we can.

MR. SINACOLA: We use that simply because it was -- no other alternative. Obviously we go with what is in close proximity to this facility and what is already there as a guide, so it seemed logical.

ADAM CUMMINGS: Very logical and our Board will take that into consideration for sure. But there is that suggestion of us entertaining tabling this one. We would not be able to do it in our next scheduled -- scheduled meeting here in August. Just at our regularly scheduled one you wouldn't be able -- I take that back. Tabling it, you don't have to publicly notice that, correct? So we could add them to the agenda.

ERIC STOWE: As unfinished business item?

ADAM CUMMINGS: Right. So we could have you come back in on our August 23rd meeting.

Do you think you can get this information to us in that fashion to be ready for the August 23rd, and we would table it tonight, is what I'm suggesting -- we have not voted yet -- to table it until the 23rd and add you in as old business --

MR. SINACOLA: Sure.

ADAM CUMMINGS: -- on the 23rd?

MR. SINACOLA: Yes. That is fairly straightforward. Yes. Fairly easy task. I don't know how much to illuminate the issue, but we can make a smaller version -- I'm thinking we can show a center location, something fitting the center location.

ADAM CUMMINGS: Yes. And that is a very good compromise right now without seeing an alternative, is maintain your 2 foot columns and shrink -- shrink it down from 11 feet, 4 inches and see what it shrinks down to maintaining that 2.2 length-to-height ratio. Because I'm sure that is what your designer is trying to maintain.

MR. SINACOLA: It could be. I did not design it per se. This was done by others.

ADAM CUMMINGS: That would give you some time to talk to James Fahy Designs to see if they could get it and just pose the question, ask them if on -- the analysis proves to be adequate at 32 square feet, redesign it to maintain it and then you won't even have to come back here on the 23rd.

Motion to table?

ERIC STOWE: Did you have a Public Hearing hearing?

ADAM CUMMINGS: We did open and close. We did not have a whole lot of hands.
ERIC STOWE: Just making sure.

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

DECISION: Unanimously tabled by a vote of 4 yes to table for the following reason:

1. Tabled, with the consent of the applicant until the August 23rd meeting where it will be discussed as Old Business.

ERIC STOWE: Was that done with consent of the applicant?

ADAM CUMMINGS: Yes, it was. It is on the minutes, but you want me to add that into the motion?

ERIC STOWE: On consent of the applicant. Correct, Matt (Sinacola)?

MR. SINACOLA: We agree.

ERIC STOWE: Looking at June 24th application date, 62 days.

ADAM CUMMINGS: Good call.

4. Application of Paul Blaszyk, owner; 479 Humphrey Road, Scottsville, New York 14546 for variance to erect a 36' x 36' barn/garage to be a total of 1,296 sq. ft. (1,200 sq. ft. allowed) at property located at 467 Humphrey Road in A.C. zone.

Paul Blaszyk was present to represent the application.

MR. BLASZYK: I'm Paul Blaszyk of 479 Humphrey Road.

ADAM CUMMINGS: And it looks like you want a barn that is slightly above what we allow there.

MR. BLASZYK: Correct.

ADAM CUMMINGS: Okay. I'll jump right off at the front. We recommend a condition that you do obtain a building permit from the Building Department prior to the commencement --

MR. BLASZYK: Whatever is required, whatever they say I'm required to do, sure.

ADAM CUMMINGS: Perfect.

JAMES WIESNER: So there is no dwelling on this property?

MR. BLASZYK: That's correct.

ADAM CUMMINGS: Oh. You're right.

JAMES WIESNER: So.

ADAM CUMMINGS: Why is that not on the variance?

FRED TROTT: That's what I was going to ask.

JAMES WIESNER: Because I think it is agricultural.

ADAM CUMMINGS: In the AC zone are they allowed to have --

ERIC STOWE: (The witness indicated non-verbally.) Yes.

ADAM CUMMINGS: There have been a few changes in the AC zone. Is he even supposed to be in here since he has an oversized structure, because I thought that code changed, as well. There was one specific application I seem to recall.

ERIC STOWE: We went through this at length.

Okay. So we're here for 96 square feet.

MR. BLASZYK: I bought two prefab 12 by 36. I'm kind of committed to the size, so.

JAMES WIESNER: So the two parcels on either side of you are owned by other people; is that a fair statement?

MR. BLASZYK: I own 479 and 467.

ADAM CUMMINGS: And the person on the north side of 467 is someone else?

MR. BLASZYK: Yes. And probably about 400 feet away from them or 300, if I -- I think my line says 320, so at least 250 away from them.

ADAM CUMMINGS: Right. It shows that you're putting the structure 50 feet off the property line?

MR. BLASZYK: Correct.

JAMES WIESNER: So you have no intention of building on that property?

MR. BLASZYK: Not at this time, but it is a separate lot and I would like to keep it that way at this time otherwise I would have to incorporate it into one property.

JAMES WIESNER: Looks like you have fence around most of the property.

MR. BLASZYK: Correct.

JAMES WIESNER: So the actual barn would be inside the fence?

MR. BLASZYK: Correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott 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 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 the following condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with the following condition:

1. Building permit must be obtained from the Building Department prior to the commencement of construction.

The following finding of fact was cited:

1. Requested variance is minor in nature. The building dimensions are standard lumber sizes, which happen to result in a structure slightly larger than the code allows. This structure is similar to others in the A.C. zone and will not hinder any line of sight or viewsheds in the area.
5. Application of Mr. & Mrs. Stephen Andolina, owner; 3874 Union Street, North Chili, New York 14514 for variance to allow the total square footage of garage area, including a new 28' x 30' detached garage to be a total of 1,240 sq. ft. (1,200 sq. ft. allowed), variance for detached garage to be 5' from side lot line (50' req.) at property located at 3874 Union Street in PRD zone.

Stephen Andolina was present to represent the application.

MR. ANDOLINA: My name is Stephen Andolina and I live at 3874 Union Street. Basically looking for more storage. I have a boat, tractor. The variance to the lot line, there is an existing shed, as you can see that was there, probably been there for 40 years. Which if I was in here getting a thing to keep it, I would have a lot more people behind me yelling because they just hate the thing. Would be removing all of that, and putting in a pole barn style structure, steel-sided, steel roof, eaves, two overhead doors, one man door. Color coordinated with the house, because my wife won't let me do anything else. No red barns.

Like I say, that structure now is over the lot line. Lot 32, I own that lot. Lot 34 is owned by the Botsforths (phonetic). They're all on board.

ADAM CUMMINGS: Once again, the box trailer and the frame barn, both those structures are coming down?

MR. ANDOLINA: Yes.

ADAM CUMMINGS: Excellent.

FRED TROTT: You own Lot 32 and 33?

MR. ANDOLINA: Yes.

FRED TROTT: The reason they're separate lots?

MR. ANDOLINA: We bought them as separate lots. The building lot. That's how we purchased them. That was an estate -- I don't know if anyone is familiar with the property.

ADAM CUMMINGS: Yep.

MR. ANDOLINA: It was quite an undertaking getting everything out of there to get it cleaned up.

ADAM CUMMINGS: The new house is a vast improvement. I live right down the street, so thank you for doing that.

MR. ANDOLINA: Then you go by that, what's back there now.

ADAM CUMMINGS: I will say, I'm smiling if you're agreeing to taking them down.

The square footage, slightly over it. I still like to keep these two together. They're kind of viewed as smaller variances.

I do have a question, 5 feet, you don't require a State variance for this. But why so close -- I know you own the other property, but as I said to another applicant here, we look at it in terms of the parcel itself and assume that someone else may have the property or anyone else may have the neighboring property.

Why do you need it so close?

MR. ANDOLINA: It would interfere with the septic system.

ADAM CUMMINGS: Okay. Which is further to the north?

MR. ANDOLINA: Yes. Between the house -- if you look right -- the septic system is back behind the house here. The leech lines run across.

ADAM CUMMINGS: So you couldn't drive.

MR. ANDOLINA: Also have a pool that is not -- that is not shown.

ADAM CUMMINGS: Yes. You do have a round pool there.

MR. ANDOLINA: Aboveground pool that is not on the thing that is behind the house. Would probably be 120 feet from the back of the house.

ADAM CUMMINGS: You do have a very long but narrow lot here.

MR. ANDOLINA: That lot is 150. The lot next door is 100. The neighbor to the right,

um, Yani (phonetic)-- I will not try to pronounce his last name, they have an existing barn right now that is probably 10 to 7 feet from my lot property line. You know, but -- I mean, I see it around. The Kucewiczs (phonetic) up the street, they have a barn similar to what I'm proposing to build and they're right on the property line, a lot closer than I'm looking at.

ADAM CUMMINGS: Is that -- that is a wind jammer back there or wind tamer? What is that?

FRED TROTT: Just the dot.

ADAM CUMMINGS: Oh, that's the pin.

I'm like he put one of those wind-shaped turbines back there? The green push pin up in the lawn area by your older barns there.

JAMES WIESNER: He has a water tower on his property. (Laughter.)

ADAM CUMMINGS: All I pictured was one of those wind turbines. I'm sorry. (Laughter.)

So once again, you're looking to put it right near where those structures are. You can see the pool and then to the left of the pool behind the house is where the septic is?

MR. ANDOLINA: Right.

ADAM CUMMINGS: If you tried to move it closer to the wind turbine or the green push pin, there would really be no -- you would have to curb across your whole lot and possibly go over your septic system --

MR. ANDOLINA: Correct.

ADAM CUMMINGS: -- your leech field as you were driving, even a lawn tractor or heavy tractor.

FRED TROTT: Any thought to consider -- to combining the lots?

MR. ANDOLINA: No, not at this time. That is actually -- it's a -- it's an approved building lot. Separate the way it is set. So it would decrease the value.

FRED TROTT: Well, it comes up to the question of 5 foot. It's -- where my hesitation is, if you have a garage that close to the property line.

MR. ANDOLINA: It's so far away from where you would have a house.

FRED TROTT: Sure.

MR. ANDOLINA: My feeling, if someone wanted to buy the property, and the garage is there, if you don't like the garage there, don't buy the property. That's the simple thing to that. You know what I mean? It is kind of hard to say people aren't going to not like it.

ADAM CUMMINGS: I do need to point out on this one, you do -- you are required to have 50 feet.

MR. ANDOLINA: 502 put it right in the center.

ADAM CUMMINGS: You would put it in the center. It could be -- because it is 25 feet wide, 50/50, and then you're at 100. So it would fit in the center. It would look awkward.

FRED TROTT: Would you have a separate drive going down there to the garage?

MR. ANDOLINA: There is a raised area now. I would leave it grass and wouldn't have a long paved driveway. Like I say, it's to put the tractor, the boat.

ADAM CUMMINGS: Is there any thought to putting it parallel -- you have 25 by 17. Maybe you go the long way parallel to the property lot line. You would then be able to move it further away from it. You still won't meet -- I'm not saying you will meet the 50, but we're trying to minimize your variance request. Instead of 5 feet, maybe have it be 10 feet. Which is not to say this property isn't, but similar properties in that entire area with all of the subdivisions and everything, those are all 10 feet off. It's doubling your request, going from 5 to 10. It would still be a variance, because it's not 50. But you could still have your double doors entering off the center part of your property and doing it length wise.

Would you be okay with that?

MR. ANDOLINA: Yep.

ADAM CUMMINGS: So modifying your variance request to be 10 feet instead of 5 feet.

MR. ANDOLINA: Side setback?

ADAM CUMMINGS: Yes.

MR. ANDOLINA: Yeah.

ADAM CUMMINGS: Clear for the Board?

FRED TROTT: Yes. I'm just a little -- I apologize. You see this is the proposed one you're putting in? I guess where is the proposed garage?

ADAM CUMMINGS: New structure label. Then those other two are going away.

FRED TROTT: Oh, this is Humphrey Road.

MR. ANDOLINA: I was going to say, that doesn't look like mine.

MARK MERRY: That was a dumb question.

ADAM CUMMINGS: That one qualifies for it.

FRED TROTT: I apologize.

ADAM CUMMINGS: We need James (Valerio) at the next meeting. (Laughter.)

So with this one, if you can maintain that same orientation and in essence put it where the existing buildings are, now you're granting more relief because it looks like that one frame barn is over your property.

MR. ANDOLINA: It is over.

ADAM CUMMINGS: So this is great you're moving both of those structures, eliminating them, which they are not the nicest looking structures, but now you're getting rid of those deviations, those violations and now if you can put this one in 10 feet wide, in pretty much the same location as those, that is what I would recommend.

MR. ANDOLINA: I was just looking to get it a little ahead, maybe 8, 10 feet forward closer to the house.

ADAM CUMMINGS: That's fine. And if you maintain the 10 feet wide, we don't really care where you put it along that one. I'm just suggesting a possible location, but maintain that 10 feet setback from the side lot line. So we're going to modify this one to be 10 feet, still the same size building. We did not discuss anything about reducing it, 1,240. That one is minor.

MR. ANDOLINA: The reason for that, the kit, the builders are dimensional. They will tell you your best bang for the buck is 30 by 40.

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: You will need to get a building permit from the Building Department. You can't get that until we're done here tonight.

ERIC STOWE: Were we making it a condition, as well, the removal of the other buildings?

ADAM CUMMINGS: Yes. I wasn't going to make it a condition, but we should. So the second condition would be removal of the buildings. I didn't think about it because he volunteered it.

MR. ANDOLINA: It's in the application as part of the application.

ADAM CUMMINGS: Yep.

JAMES WIESNER: Is there a timeframe?

ADAM CUMMINGS: Um --

JAMES WIESNER: Actually, you probably will have a year before you even build this maybe.

MR. ANDOLINA: Well, once you approve this -- because I told her I was not knocking them down until I got approval to build something new. She will probably make me do it Saturday.

ADAM CUMMINGS: You want us to make it so that you can't do it this Saturday? (Laughter.)

All right. So those two conditions, building permit must be obtained from the building permit and removal of the two existing structures -- we'll call it removal of the existing storage structures. They're kind of all in 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 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 conditions, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION: Unanimously approved by a vote of 4 yes with the following conditions:

1. Building permit must be obtained from the Building Department prior to the commencement of construction.
2. Removal of existing box trailer and frame barn must be completed.

The following finding of fact was cited:

1. The requested variances are minor in nature. The side setback variance was minimized to be 10 feet instead of the originally requested 5 feet thus reducing the amount of relief granted. Further relief could not be granted as the proposed structure is limited to its proposed location due to the location of the septic system and leach field, which prohibit shifting towards the center portion of the property. The removal of the existing structures results in a marginal exceedance of the zoning code and a lesser degree of variance granted.

Mark Merry made a motion to approve the 6/28/16 Zoning Board of Appeals minutes, and James Wiesner seconded the motion. All Board members were in favor of the motion.

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

The meeting ended at 8:14 p.m.