

CHILI ZONING BOARD OF APPEALS  
August 23, 2016

A meeting of the Chili Zoning Board was held on August 23, 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 Valerio, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Town Counsel; Paul Wanzenried, Building Department Manager.

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

ADAM CUMMINGS: Any issues with signs anyone?

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

2. Application of Mr. & Mrs. Daniel Sattler, owner; 7 Cheviot Lane, Rochester, New York 14624 for variance to allow the total square footage of attached garage and proposed detached garage to be a total of 2,144 sq.ft. (1,200 sq.ft. allowed) at property located at 921 Morgan Road in RA-1 zone.

ADAM CUMMINGS: I do want to point out on the agenda, Application Number 2, Mr. and Mrs. Daniel Sattler, they're not on the agenda. That application will not be appearing in front of us. So we're already making time.

JAMES WIESNER: Is this a temporary delay or permanent delay?

ADAM CUMMINGS: I don't know the exact details, but I believe it's a barn structure in agricultural.

FRED TROTT: That's what my question was going to be.

ADAM CUMMINGS: It shouldn't be in front of our Board and they're not here tonight.

1. Application of William Murphy, 4 Shadow Vale Drive, Penfield, New York 14526, property owner: 3171 Chili LLC; for variance to allow a second wall sign to be 2'3" x 10'8" (proposed veterinary hospital) where one is allowed at property located at 3171 Chili Avenue in G.B. zone.

Bill and Robin Murphy were present to represent the application.

MR. MURPHY: Bill Murphy, 4 Shadow Vale Drive in Penfield, and this is an application for a sign at 3171 Chili Avenue, Suite 100. Property belongs to Buckingham property. It's a -- going to be a veterinary hospital.

ADAM CUMMINGS: You already have one sign. So you do have one sign?

MR. MURPHY: Right.

ADAM CUMMINGS: On the south side, which is permanent. You're looking to do the same sign on the north side?

MR. MURPHY: It's almost the same sign. The other one is 48 square feet. This one is 24 square feet. It is half the size of the other sign. The reason is a couple fold. One is, that's where the front door is. I put it on the other side because nobody can see the sign from this side really that I'm putting it on.

I got concerned that should an animal be in great distress and people are panicking, new hospital, the animal is bleeding out, the animal is seizing, animal can't breathe, there's a lot of buildings there. And just to have them run building to building, it is tougher for people. This makes it obvious, over the front door. That is why I would put it there.

It should not impact the area. It is just a total commercial area. You can't see it from Chili Avenue. You can see it if you knew it was there and looked for it. Driving down the Wegmans parking lot, would you see it. If you looked, otherwise it's -- it is a glancing passing thing. From Paul Road, if you look over, you can see it very quickly, but from Chili, you can just -- you can't see it. It -- the way it is set up, Wegmans -- it is in the Wegmans plaza parking lot, down there. If you look at the building, the -- the road is about the height of the building, and just the logistics of things, you just can't see it. You can't see the top of the thing. You can't see the sign. So it will really not have any impact. It is not a residential area. It's a commercial area.

ADAM CUMMINGS: So the signage you have out there currently on the south side, is going to be double, and that's facing Wegmans?

MR. MURPHY: Facing Wegmans. And that's the sign that is there already.

ADAM CUMMINGS: Correct. Correct. Just to make sure everybody understands which side. It sounds like you have kind of blended the two signs together.

MR. MURPHY: I apologize.

ADAM CUMMINGS: The 24 square foot will front Paul Road.

MR. MURPHY: Chili.

ADAM CUMMINGS: Or Chili Avenue, I guess. And that is going to be your front door?

MR. MURPHY: That's the front door, right.

ADAM CUMMINGS: Where the bigger sign is your back door?

MR. MURPHY: Yes.

ADAM CUMMINGS: Okay.

MARK MERRY: One question, Mr. Murphy. How many other tenants have a wall sign on that side of the building?

MR. MURPHY: There was one -- I think JB Hunt had one. He is gone now. So now I would be the only one.

MARK MERRY: You would be the only one. Thank you.

ADAM CUMMINGS: And in those four --

MR. MURPHY: ESL has it on both sides. ESL has it on two sides. Five Star and I think M&T has it on two sides.

ADAM CUMMINGS: I do want to point out on the Monroe County Department of Planning and Development did give their referral form and once again, it's a local matter for us.

FRED TROTT: Just piggy-backing what Mark (Merry) said, no one in the office buildings have signs up there, but a lot of them are vacant, too.

ADAM CUMMINGS: Yes. They're not at full occupancy. Correct, Paul (Wanzenried)? They're not at full occupancy in those Buckingham buildings that are there?

PAUL WANZENRIED: That's correct.

FRED TROTT: No, not really. The sign is going to be smaller.

MR. MURPHY: It's half the size. It doesn't really look at it when you look -- the sign company, I thought I submitted it to you, but it will be half the size of the other one, half the square footage.

FRED TROTT: With it being half the size, and it's only visible from the road there, how visible is it going to be from Chili Avenue?

MR. MURPHY: You can't see it from Chili Avenue, not at all. No matter what size it was, you can't see the building from Chili Avenue. You can see the roof of it and that's it. It is just Chili -- Chili is up here (indicating). The thing is down here (indicating). We're -- we're actually the front building, but you can't see it. I can't see the building from there. Pretty much once we explained to people where we are, they came in, panicking -- it shows them where it is without having to read signs while their animal is in distress.

ADAM CUMMINGS: You're on the directory sign, too?

MR. MURPHY: There's a little one. It's not that big with all of the names on it. And again, it is just to make it obvious for people.

MR. VALERIO: I didn't even notice the directory sign.

MR. MURPHY: It's not huge. It's not that --

MARK MERRY: You can't see that sign when you pull in the Wegmans parking lot.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Could be -- could the audience see a picture of the sign maybe in color? Is that in color?

ADAM CUMMINGS: That is color. It is brown siding, with red letters.

MS. BORGUS: Very poor picture. What makes it that color?

FRED TROTT: It's the color.

ADAM CUMMINGS: It's our light on the camera -- or the projector.

FRED TROTT: That's the one he is proposing. This is the one that is up.

MS. BORGUS: This one is up.

ADAM CUMMINGS: This one is proposed.

That one is half the size of what is already on --

MS. BORGUS: Kind of looks the same size. Are you sure it is not the same -- no, it isn't. It isn't. But in the -- on the picture, it looks like it is the same size.

FRED TROTT: It does.

ADAM CUMMINGS: Until you put them side by side, then you can see it is smaller.

MS. BORGUS: Okay. My next question was going to be why red? But I suppose that matches the one on the either side?

ADAM CUMMINGS: Right.

MS. BORGUS: Is this going to be lighted?

MR. MURPHY: Yes. It's on a timer. Should I shut up? I'm sorry.

FRED TROTT: You can respond. Just address the Chairman.

MR. MURPHY: It is lighted. It is going to be on a timer with -- to comply with the hours that you guys say is there. Our hospital hours are 8 to 8, so it doesn't go past 8 o'clock on the days we're open. Fridays we close earlier. Saturdays we close early and Sundays we're not open.

ADAM CUMMINGS: Your existing sign is also lit?

MR. MURPHY: It is lit. Yes, it is. It's a back-lit sign. Right now the west side is not on. Gupp sign didn't turn it on. I thought they would turn it on when they came back to install the other sign.

MS. BORGUS: The picture I saw is just a proposal?

ADAM CUMMINGS: Correct. Of the smaller sign.

DOROTHY BORGUS: It's not there?

ADAM CUMMINGS: No. The only sign that is there is the one on the south side of the building.

MS. BORGUS: You say he has another sign on a directory sign?

ADAM CUMMINGS: No. That is what I was asking. I didn't hear if you were on the directory sign.

MR. MURPHY: I don't really know. It's -- the directory is teeny. I mean, it's really hard for people to see it. It's -- the writing is like 2 inches. So again, if somebody was panicking, didn't know where we were, that directory will not help them. It also just kind of just says 100. Well, I'm a 100. The one in the next building is -- has a 102 at end of the next building. That is 108 or something like that. I'm just 100 or 100A -- so it makes it complicated. I'm just worried if time is of the essence, I don't want an animal to die or be impaired because I didn't put up a sign.

ADAM CUMMINGS: Well, at the same token, we understand and appreciate your task, and our task on here is to not just think of the veterinary hospital but the future tenants of this building, so that is why we're evaluating a number of signs, because if we approve -- if we approve a variance like this, that means the next person that comes in can put a sign there and not have to come back in front of us. So I just want to point out what our responsibility is.

MS. BORGUS: I understand the -- the reasoning put forth by -- is it Dr. Murphy?

MR. MURPHY: Yes.

MS. BORGUS: But on the other hand, I also -- I'm not a lover of signs, and -- and Chili is, I guess, known for being very conservative about our sign policy, which is good. But I also understand Mr. Cumming's point. I hope the Board understands that. Because you can say all you want, that this is not a precedent, but you know just as well as I do, that the next two or three or four or five or however many come in here, they're going to point to this case if they approve it. And also, I'm wondering if it is that -- if it is not that visible from Chili Avenue, the proposed sign it is, really, what good will it do? How about a sign in -- you know, on the door instead? I think that would probably suffice. Thank you.

MR. MURPHY: If I can address the questions. It doesn't really change the nature of the neighborhood at all. The one sign is there. The sign on the other one, you have to pretty much be in the parking lot there to see it. You just don't see it from the road. It doesn't -- you know, it's not even like -- even though these buildings are adjacent to Chili Avenue, they're down in basically a valley and it's not shown. It does not impact anything negatively as far as -- unless people are driving between these commercial, to see it, in that parking lot, it's not visible. It shouldn't have a huge negative impact.

MS. MURPHY: My name is Robin Murphy. I would also like to point out that Edward Jones did have a back-lit sign in that same parking area. They are no longer there because it's vacant, but if the hearing had been two months ago, there would be a picture of this back-lit sign to indicate that they were lighted signs existing there. And another -- another important reason for having the sign is on our website, we could have an aerial picture indicating to those looking at the website where actually we were located. So that would be another reason to have this sign to help people find where the business is.

Fred Trott made a motion to close the public forum and James Valerio seconded the motion. All Board members were in favor of the motion.

ADAM CUMMINGS: One question I have on the building, I'm still finding it out that is the front -- when most of the traffic is coming from Wegmans' side, I would expect it to be your bigger sign with the front door.

MR. MURPHY: The back door, the parking from the folks is between the buildings. If I put it on the other side, I would be afraid that my clients would always park in the Five Star Bank, which I don't even know what Buckingham owns. It would cause a parking problem. This way they can park right in front and walk in those doors where the other door is just a single door and there is not really parking. They would have to walk with their dog across the street basically where here they can park, get out of the car and walk, step up on the sidewalk and in my door.

All of the businesses in there, through there, the dentist next door and a karate place, they all have their people walk inside.

FRED Trott: And this point is why would we not have the bigger sign on the entrance side.

MR. MURPHY: It doesn't have to be big on this side because nobody is going to see it, except for when they're just about to walk in the door.

ADAM CUMMINGS: Right. Well, that is one of the points I'm struggling with, is -- you could put the sign somewhere else besides the top of a building. We're approving a second building sign. You could put a sign somewhere else that could still provide the way-finding that you're trying to accomplish.

MR. MURPHY: I could. This allowed it -- if people looked online fast to see me, like my wife said, if they're looking online, you're standing on a hill, you take a picture of this with Wegmans in the background and this, they can see with the picture where the other they couldn't. I guess I could put a thing on the website, "We're here" with arrows or something.

FRED TROTT: They will see it once they get into Wegmans.

MR. MURPHY: They will see the other sign.

MS. SMITH: They will see the sign at Wegmans, but then they won't know where to enter the building, and if you turn the corner, there's all of the different businesses, and they wouldn't know where to park or where to come in.

We -- we -- we would willing -- be willing to change the sign so that it would be accepted by the Town of Chili. If this sign was not something you would approve, we could -- we would be willing to change the sign.

ADAM CUMMINGS: No, I don't think we're looking at the architecture of the sign.

I have a question for the side table real quick. Sorry to interject.

Paul(Wanzenried), I'm just curious, is this -- does this go towards the entire building? Because if this is split up into two tenants, I'm -- we know this case, but say the building was split up into two tenants, each tenant is going to ask for a sign.

PAUL WANZENRIED: Based on frontage area.

ADAM CUMMINGS: Right. So what if there were two different tenants here and they're the first ones in and they got their signs and the other side of the building, would the tenant have to come in for a variance?

JAMES WIESNER: That's actually a question I have. For this suite, is there -- are you occupying both sides?

MR. MURPHY: Yes.

ADAM CUMMINGS: They are.

MR. MURPHY: It's about 3,600 square feet.

PAUL WANZENRIED: But all of the tenants occupy front to back.

ADAM CUMMINGS: Okay. That is what I was going to ask next.

PAUL WANZENRIED: 1, 2, and I believe Dr. Murphy is the only one who has a sign that faces Wegmans. None of the other tenants do.

MARK MERRY: Correct.

FRED TROTT: At this point.

ADAM CUMMINGS: At this point in time.

PAUL WANZENRIED: Dr. New has been there for quite some time and she has never come before us for a sign that faces Wegmans. Hers would probably face Five Star now.

MARK MERRY: I -- I do like Mrs. Murphy's suggestion that maybe you think of a way to identify that entry point. I will be perfectly honest with you, being a pet owner, pulling into that parking lot, there is no doubt where you are and what end of the building you're at, so being able to navigate my vehicle around that building, knowing you're at the end, I'm going to find your front door if I need to find a great vet to take care of my pet. Honestly. You definitely have your branding which is going catch anybody's eye even in a very large shopping center. I can see people pulling into Wegmans plaza, saying where is the vet, and boom, you are there. You are clearly on the end cap. I know, because I know pulling in, it's not your front door. You swing around and I'm at your front door. I will find you within a matter of seconds if not minutes.

So I think if you were able to maybe come up with a different type of rendering, even work with Buckingham to see what you could put on the glass --

ADAM CUMMINGS: I would almost go along with the directory sign. I think you truly need a way-finding sign. A sign on the side of the building is not going to direct people, and I -- I -- I like the idea of the website picture, but everybody goes to Google maps and it puts a push pin from the top. They're the ones that are controlling it. People aren't going to look at a photo from Chili Avenue to look at where the front door is. If you provide a directional marker -- I don't want to say it, but a bigger directory sign than we did propose there, but some way for you to tell people to go there and I'm not suggesting anything of the sort tonight. That would be something to work out in the future. We're addressing just this one sign. But I really feel that that would give you more benefit than this sign on the back of the building.

What I'm viewing as the back of the building, it is technically the front door.

MR. MURPHY: The front and back is problematic in this location.

ADAM CUMMINGS: And I -- I agree with you in terms of wanting to get people to avoid problematic parking with the bank next door. That's definitely a good idea.

JAMES VALERIO: I have a question.

ADAM CUMMINGS: Yes, James.

MR. VALERIO: Is there anything on your entrance door glass that says it's your entrance?

MR. MURPHY: There is -- right now there's not. What is on the door right now is a sign from the last tenant that said we take -- no soliciting, Visa, Mastercard, Discover, American Express.

ADAM CUMMINGS: So those details on the door signs would be good. On your back door, have it -- and direct people to the front door.

MR. VALERIO: That's what I was thinking. Rather than this sign, which when they see this sign, they're already there. Something on the side or the back that says --

MARK MERRY: You're saying --

MR. VALERIO: Something that says the entrance is around the corner. Like today -- I took a look, I pulled in. I saw your big sign. And then I was like there is no door here so go around. Like Mark said, I figured it out within a minute. But if you're panicked, a -- something else, smaller sign directing you -- the entrance around the corner would probably be more appropriate.

MR. MURPHY: So does the Board not like it on the top at all? Do you want something --

it's hard to see. Your pictures will be better than what is on there. There's an archway there with glass. I don't know -- might be against my lease to put something on the top glass, a lit-up sign. I don't know. I would have to check.

ADAM CUMMINGS: Inside the window, we can't talk about -- or we can't design what you have in the window in terms of the sign. I would be happy with that, but I just want to make sure I'm clear in explaining our position here, is we think it's great to have Westside Animal Hospital depicted on there and going through. But we also need to recognize our code and not always just providing the maximum number of signs. If when you outgrow Westside Animal Hospital and go to a bigger facility and go, the next person will be able to put two wall signs on there and I don't know want to say what type of business it may or may not be, but we may not always want to have two signs on those buildings.

MR. MURPHY: I don't know whether they will allow me to put a sign other than that. I'll look into it. If I have to, I will approach the Board.

Would you guys like a wooden sign better -- I don't know what Gupp Sign makes it. It's silver and red. I don't know what you call then. LED signs. Are there wooden signs you like better?

I just didn't want it cartoonish. I wanted it easy to read and not cartoonish. I was concerned a wooden sign would be cartoonish. I know it looks kind of classy, but I don't have \$20,000 to have someone design one. Or do you guys just not like the idea of a sign being up there at all?

FRED TROTT: If he doesn't do it inside the window, it is still a second sign.

ADAM CUMMINGS: Correct.

FRED TROTT: So --

JAMES VALERIO: It's on the building.

ADAM CUMMINGS: It's on the building.

FRED TROTT: We're back to the second sign. Because with the two signs combined, he is not over ---

ADAM CUMMINGS: Square footage.

FRED TROTT: Square footage.

ADAM CUMMINGS: There has been points both sides. As we mentioned, ESL, Five Star Bank, they have it all on both sides or two sides. M&T is not both -- or front and back. It's on two sides fronting Paul Road.

FRED TROTT: The only thing I say counter to that, they're not in this -- I don't know what you call this office complex.

ADAM CUMMINGS: Yes.

FRED TROTT: And there is none in the office complex. There is none in the office complex.

MARK MERRY: There may have been, but he had one sign.

FRED TROTT: He had one sign. So with that being said --

ADAM CUMMINGS: If we don't want signs on both sides of these complex buildings, that's what we're looking at here. If they split up the insides of those, we could have people coming in for variances for each of those buildings.

PAUL WANZENRIED: There -- that would never happen. It's physically impossible for them to -- to parallel divide those suites.

ADAM CUMMINGS: Okay. That's Mr. --

PAUL WANZENRIED: Where would they park? Would you force them to park on the north side of the building and walk all of the way around? And when you walk around, you would walk into the drive aisles for the drive-ups for Five Star, right?

ADAM CUMMINGS: I'm not here criticizing anything the Planning Board and site plan may have already approved on this place. I'm just saying we have entrances on both sides of the building where we could have businesses.

FRED TROTT: Or two --

PAUL WANZENRIED: They're back doors. That's what they are. The ones facing Five Star are back doors, required egresses for those spaces.

ADAM CUMMINGS: Okay.

MR. MURPHY: It is also unlikely that the other buildings would want to put a sign on the other side. If you look in an aerial view of that -- can I approach?

ADAM CUMMINGS: Go ahead. Your sign, I have to be honest, I never saw it in all of the times I went to Wegmans.

MR. MURPHY: The other sign, Five Star Bank, is blocking them, and I'm kind of blocking the other side. And nobody is going -- and the building past us, I doubt you would put it where it is shining on a hill. So I think the two sides is not really that much of an issue.

FRED TROTT: The only problem is we're approving two signs.

MR. MURPHY: Yes, sir.

FRED TROTT: Not position of signs.

ADAM CUMMINGS: Right.

FRED TROTT: So somebody ---

ADAM CUMMINGS: Well, just for this one building.

MR. VALERIO: There is nothing that we can do to say it has to be in a certain spot.

ADAM CUMMINGS: No.

MR. VALERIO: You're approving two signs. We're just approving them.

ADAM CUMMINGS: You're just approving the number of signs.

FRED TROTT: So we're approving two signs on that piece of property.

ADAM CUMMINGS: Well, no. The two building signs. Two wall signs. One condition of the approval if it is granted, you will need a sign permit from the Building Department.

MR. MURPHY: Okay. I will get that as soon as it is approved.

ADAM CUMMINGS: We'll make sure the Board is aware of that one, too. I think we discussed this one enough.

Anyone else have anything to add? It's a unique little situation having the plaza there. Much like the one in North Chili.

MR. VALERIO: Just one point, if you put a sign on a door, on the window, that doesn't count as a building sign?

ADAM CUMMINGS: Correct.

MR. VALERIO: What if it is lit?

ADAM CUMMINGS: Still doesn't count.

FRED TROTT: Phil's Pizza is a good example.

ADAM CUMMINGS: Formerly known as.

FRED TROTT: Or formerly known as a sign in every window.

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

James Wiesner made a motion to approve the application with conditions, and Fred Trott seconded the motion. All Board members were not in favor of the motion.

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

1. The proposed variance requested is the first double-walled sign building in this office complex which is not in compliance with the overall goal in the comprehensive plan to reduce the quantity of signs within Chili Center. Additionally, this additional sign did not provide additional exposure and was hoped to provide way-finding ease for customers to the business. Way-finding can be accomplished by more minor means.

ADAM CUMMINGS: That was denied. You will get a letter of that finding. I do want to point out that your sign that you currently have on there, if you ever chose to move it to the other side of the building, you are more than welcome to do it, with the same size. You don't have to go to the smaller 24 foot. You can just move it over. I just wanted to offer it up to make sure that you're clear you could move it.

MARK MERRY: Question for you. If Dr. Murphy wanted to come back and propose a --

ADAM CUMMINGS: If you wanted to have a post and panel --

MR. MURPHY: Not on the wall?

ADAM CUMMINGS: He can't do anything on the wall for one year, unless you wanted to be reheard. But if you wanted to put a monument sign or a directional sign, that would be a different variance application that you should go through.

MR. MURPHY: What's a monument sign?

ADAM CUMMINGS: A monument sign -- I'm not saying that I would be happy with that, but a monument sign is up at the entrance into that plaza where the Target and Wegmans brick monument sign --

MARK MERRY: Or something more simple than that, a ground sign, that can be considered a way-finding sign. If you work with the sign vendor, they could give you several options and come back and propose something like that. You don't have to wait a year. That's all I wanted to point out.

MR. MURPHY: What is considered a reasonable sign? I have to (indiscernible) talk to them first, but -- just 1 foot by 3?

ERIC STOWE: We have to be careful with giving advice on what is a reasonable sign.

MR. MURPHY: I'm sorry. Not putting you in an awkward position. I'm just really trying to find out.

ADAM CUMMINGS: Call and talk to the Building Department. We can work with you on that. I will not define "reasonable."

MR. MURPHY: Thank you very much. I really wasn't trying to back you in a corner.

ADAM CUMMINGS: We're not the Building Department either.

MR. MURPHY: No. They have been wonderful. I have been there in multiple times. They are wonderful in there.

3. Application of Paul Meisenzahl, owner; 34 Stover Road, Rochester, New York 14624 for variance to erect a 10' x 12' utility shed to be 6' from side and rear lot lines (8' req.) at property located at 34 Stover Road in R-1-15 zone.

Paul Meisenzahl was present to represent the application.

ADAM CUMMINGS: You're Paul Meisenzahl, 34 Stover Road. You're looking for a shed. I'm assuming it's existing?

PAUL MEISENZAHL: Yes, I have an existing shed I put up 17 years ago. I apologize, ignorance is not an excuse. I put one up, built it myself, a 10 by 12, and not realizing you have to be 8 feet from the line. And when I put it up, it's 6 feet, and I -- my backyard slopes. So the back half of it I had to put pylons, dig down 3 feet. The back half, I put those in. In the middle, I put some more, too. The front is on level with the ground, though.

After I built that, I wanted to put a new one in. I went to Home Depot this time, and I wasn't going to build it this time. I was hiring them and they asked me if I had a permit for the Town and all that. I said, "Oh, I didn't know I had to get a permit."

I thought it was -- you had to be under so many square feet.

ADAM CUMMINGS: You just made it by doing a 10 by 12.

MR. MEISENZAHL: That's how I found out. Paul (Wanzenried) said, "You're fine with that, but you're too close to the line."

I was like, "Ugh."

So -- he asked, "Can you just physically move it a little bit?"

I said, "I want to put it on the same pad," because I already put my -- my pylons in the ground already from my former one. I would have to come in and probably dig all that stuff out.

ADAM CUMMINGS: So once again, pylons, those are the columnar concrete footings?

MR. MEISENZAHL: Concrete footings. I'm sorry, yes. The concrete footings you put down, tubular. I just wanted to put it on the same thing. He said you should go in and do a variance with you guys. That's what I'm here for.

I talked to my neighbors. They had no issues or anything like that. Actually, I kind of caught them all off guard. When I put the thing up, they were, "What are you doing?" They thought I was building something on the house.

I said, "No, no, no. I'm replacing the same, the exact same shed. Nothing different or anything of that nature."

ADAM CUMMINGS: You already been to the Building Department so no surprise you will need a building permit for this one.

MR. MEISENZAHL: Yes.

ADAM CUMMINGS: You did not get that yet because it's contingent on you coming in here.

MR. MEISENZAHL: Correct. He said I had to go to this first before I could get all that.

ADAM CUMMINGS: He is conditioning your permit on us, and we're going to condition our permit on him.

MR. MEISENZAHL: I think that is how it goes.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Fred Trott made a motion to close the Public Hearing portion of this application and James Valerio 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.

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

The following finding of fact was cited:

1. Proposed variance is minor in nature and in a similar location to other structures within the neighborhood. Due to the existence of existing foundation piers that are more than 10 years old, significant financial expense and burden would be necessary to relocate this shed location.

#### OLD BUSINESS:

1. 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, Chairman, members of the Board. My name is Matt Sinacola with Passero Associates representing Morgan tonight. We are here to continue our discussion from last meeting. Thank you again for holding the extra meeting last time due to the publication error. I brought some additional information. I will try to illuminate our argument a little bit better from what we discussed last time. So I will jump right into that.

ADAM CUMMINGS: Excellent.

MR. SINACOLA: As you know, this is the sign we're proposing. You have seen that.

ADAM CUMMINGS: Yep.

MR. SINACOLA: And I think the -- the -- the issue last time was how does this sign look text size wise from the perspective where we're proposing to put it.

ADAM CUMMINGS: And which perspective.

MATT SINACOLA: Just to backtrack briefly, the concern we -- the restriction we have on this site that is of most concern, we only have three locations we can put the sign. All three of them are further back than would be normally the target area assuming the 15 foot setback from the right-of-way of the road. We have easements in the way, so that pushes the easement further back. The west -- westernmost location is even further, given the proximity of those easements.

Bottom line is I went out to the site and staked out the location of where the sign would have to be located in this middle location, which is the preferable location.

The western location, which is near one entrance, is the same distance back from the road. The eastern location would be even further, a 20 foot additional distance. So the center location is preferable. It is also a concern with the western location in that that is where the RPZ hot box is located. There is a vent manhole cover for sanitary pump arrangement in that area. So the sign would be conflicting with all of this other stuff. So they want to get the sign out by itself. So that's the reasoning behind that center location. And as we discussed, the available space there is a little bit narrower. We're limited to a 9 foot, 9 1/2 foot area. The graphic we presented is longer than that, so what I opted to do is cut these piers down in size, and maintain the same area for the face of the sign. I took the photos and actually staked out the location ---

ADAM CUMMINGS: If you can highlight where those are -- I see the Spoleta sign.

MR. SINACOLA: The Spoleta sign is very close to where the monument sign would end up going. The Spoleta sign is about 43 feet off the edge of pavement. It's 8 foot by 4, and just for comparison, the big Spoleta wording is 12 inches high. So it gives you an idea what is out there.

I went ahead and tried to scale in the monument sign, and this photo is taken 100 feet from that perpendicular location. That's what it would look like size comparatively, from the perspective of a driver in that lane. If I can get the graphic, it's not terrible --

ADAM CUMMINGS: I can make it through. "Union Square" is larger letters than the "apartments" below it.

MR. SINACOLA: Yes.

FRED TROTT: How close is that to the apartments?

MR. SINACOLA: It's about -- the corner of that building is about 43 feet to that pier. I'm sorry. About 35 feet from that corner -- it's about 40 some odd -- 43 feet from the other building. It's a little harder to show that distorted view. Keep in mind, we would have to keep that area between the building and the sign clear. There is, I think, an emergency access route that would need to be -- that was another restriction, which is why the total width here needs to be kept at about 9 feet, 9 1/2 feet. If it overlaps an inch or two, few inches to the easements, that's not a main concern. We just wanted to keep the bulk of the structure out of the area so if they ever go in with an excavator.

FRED TROTT: How many feet from this building?

MR. SINACOLA: About 35. About 35 feet. Between the corner of that building and the corner, the near corner of that pier.

MR. SINACOLA: There is another view here.

So the direct view distance is about 120 feet, 125 feet from where I'm standing with the camera, and the actual sign itself. It doesn't do much good to go closer down the road because then you start looking at the end of the sign, so it's -- geometry is -- gets pretty distorted. The Spoleta sign is obviously facing the other way towards the street. This is on a front view of your sign, but it will be perpendicular.

MR. SINACOLA: In perspective view, it will be a little less face on, and shorter in appearance on the screw. But again, it's the lettering size which for the code is a concern.

And I showed you last time and I won't go over this too much again. The signs in the area, they -- as this Board explained, were -- they are non-compliant, and the goal ultimately would be to try to go smaller, but I would argue that -- and this doesn't show real well, but, um, it's kind of hard to see these signs where they are, if they were a lot smaller. I mean it -- not to beat up the code, but it seems that in these particular cases, maybe the sign size is too small because I'm trying to visualize how these places would be actually visible if you weren't able to drive right up to the sign which is the case we're dealing with. And where they're in the entrance, as you come into the entrance and are familiar with the place, you see the sign, and know where you're going. Delivery trucks know where they're going. You get to drive right past it. So they're close to it.

So you could argue the signs don't need to be that large. But from the road perspective, I think they do.

ADAM CUMMINGS: I agree with this location here, but it is odd you're putting it in

between the two road entrances.

MARK MERRY: Yeah.

ADAM CUMMINGS: I would rather you let us know which one you're going to go to.

FRED TROTT: That was my biggest hang-up, not knowing where it is going.

MR. SINACOLA: The -- the desire is to put it in the center location. After looking at what they're dealing with on both ends. West entrance, we have the utility manhole. There is a vent pipe there. And the RPZ box is right on the other side of the entrance.

ADAM CUMMINGS: Their concern is due to maintenance, if they have ever to do maintenance on that sewer.

MR. SINACOLA: It is just sort of a cluttered visual space. They're trying to put some landscaping in that area to screen some of the things that are there already. And that's going to obstruct the view of the sign, as well.

So the -- and again, in the eastern location, because of the easement, we have to push it even further away, so it is going to be all of, I think, 60 foot from the edge of the pavement. So again -- wouldn't work real well for -- for this obviously. It -- the -- the counter argument is we could have smaller signs if they're on the entrances, because then you would have the same kind of arrangement. As I just described, we would have more than one entrance to the park, the complex, which is what we have in Town and a lot of places. Albeit again, their signs are a lot larger.

And I have noticed, too, that some of the signs in the area that are -- in the vicinity, the immediate vicinity, um, appear to be too close to the right-of-way. But that is not my ---

ADAM CUMMINGS: Preexisting.

MR. SINACOLA: They're larger than they're supposed to be by code and I'm thinking if they were actually 15 or 20 or more feet off the road.

ADAM CUMMINGS: They would be the right side.

MR. SINACOLA: They would be harder to read. So again, I'm beginning to question whether or not the code may be a little too restrictive in these particular cases where you have got a distance between monument sign and the visual location. Everyone is going to see that sign. If they can't get any closer to it with an X, I don't know how that is going to work real well unless you -- you use really high contrast lettering on a background.

ADAM CUMMINGS: So it sounds like you will -- will stay with it further off the road, which is why you need the larger sign.

MR. SINACOLA: We would like to try to maximize -- they would like to have it even larger. They had this template in there. They're like if we can get this 25 square foot per face, that gives us enough area around the lettering so there is enough contrast to pick up the letter and read it. And again, I don't -- I go back to -- we don't have anything else to fall on, in the sense that we have that precedent already. We have a lot of signs in Town that are comparable in size or within a few square inches either way. We have bigger. We have smaller.

ADAM CUMMINGS: When those went in, we didn't have a Comprehensive Plan to try to reduce all those things.

MR. SINACOLA: Understood. So that is the desire. We would love to be able to stick with that. And to reiterate point -- 72 feet, the eastern that -- I'm sorry, 60 foot from edge of pavement.

ADAM CUMMINGS: 72 from center line.

MR. SINACOLA: From center line. We're about 42 feet in both the west location and the center location. But again, with this vent, manhole structure, the sign would have to be right next to it, in this limited area right in here.

It can't go into this easement area, and it cannot go in this red zone. It cannot go here (indicating). So it has to go in that little triangular area. The RPZ is on the other side. It doesn't show, but it is partially blocked. So the enter location is ideal -- the best choice, I guess, is what we have got left. But it is all 42 feet from that near road pier to that edge of pavement, and we have sketched it on the photos we have taken.

So that is our argument. I thank you for your patience in running through all this.

ADAM CUMMINGS: Can you bring up that road map again and show -- is that on a curve, a slight curve?

MR. SINACOLA: Yes. This is all on a little bit of a curve.

ADAM CUMMINGS: You're on the outside of the curve. Why even have a two face -- double-face sign? Just have one just like Spoleta has there.

MR. SINACOLA: Without benefit of the applicant, I'm not sure. I think because they already use these at multiple locations. They designed and put this together. They did the original design. I think they pulled it out of their template and that's what Morgan used before.

ADAM CUMMINGS: That's what we heard at the last meeting. Did Fahy ever say they could redo the template? Because they used that last time.

MR. SINACOLA: That could be done. They said just make the pier smaller. But obviously the concern is --

ADAM CUMMINGS: The size of the sign.

MR. SINACOLA: I know ideally this proportion probably looks a lot better aesthetically, but if they have to sacrifice the piers somewhat, they will do that to maintain the visible size of the sign itself.

ADAM CUMMINGS: We don't really care about the piers. We're looking at the square footage of that lettering.

MR. SINACOLA: Architectural ---

ADAM CUMMINGS: You need your mike up.

JAMES WIESNER: I'm struggling to know if this is perpendicular or parallel to the road. From what I understand, it's perpendicular to the road, which doesn't necessarily utilize the space the best. Okay. That's all I have.

ADAM CUMMINGS: The reason I point that out, they're allowed to have 32 square feet. So if they did a single face, front-facing, they could have a bigger sign.

JAMES WIESNER: Yes. It just doesn't, single face, seem like the best utilization.

MARK MERRY: It doesn't, no. With all of the marketing meetings I sat in the last 60 days, they would not be happy with this one.

ADAM CUMMINGS: It's right next to Spoleta.

MARK MERRY: Well now the whole branding thing is lost. You don't gain anything by having this sign there. The reason you're not going with two signs again?

ADAM CUMMINGS: Two single-face.

MARK MERRY: Two single-face signs.

ADAM CUMMINGS: At each entrance. He has a conflict at the one thanks to the utilities.

MR. SINACOLA: As I mentioned, the spaces are not the best. We would be forced -- the two locations I show you, that's where they would have to go. And we would -- obviously the back side would be blank. They would be visible but without anything on them. You're right, we would be compliant in size, but I'm not so sure they would -- they don't like the situation we have on the west side, given the -- again, what we were talking about, the utilities are in that area. They're trying to put some screening around that area and that is going to further block things. So yes, you would see the sign, but not really until you entered into the complex itself. So they thought it would be best if we had just one monumental sign out in front, dead center, just sort of blanketly defines the whole complex as it is. Union Square, um, just to the west, I think they have three signs. Each is compliant, but there are three of them. And they're smaller, but they're also a lot closer to the road. Only about 20 foot off the pavement. So they function okay. And the other complex there also has a compliant placard. I do have a picture of it. With a stone surround. Again, compliant, but very close to the road, so it works fine.

ADAM CUMMINGS: No. I agree that you have it in terms of the visual perception and the ratio that should be held there. I agree with that.

MARK MERRY: Nothing else.

FRED TROTT: I have nothing. Just that we definitely know it's going to be in the center now?

MATT SINACOLA: It will be in the center. That is the desired spot.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: One condition of approval. You will have to get a sign permit from the Building Department for this one. And anything else? Once again, we're still looking at double-faced, 50 square feet.

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 James Valerio 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: Approved by a vote of 3 yes to 2 no (James Wiesner, Adam Cummings) with the following condition:

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

The following finding of fact was cited:

1. Due to the sign being located more than 40 feet from the pavement, the larger letters would be more legible and visible by motorists and pedestrians. Additionally, this sign is comparable in size to other similar signs in this development complex.

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

The meeting ended at 7:57 p.m.