

CHILI ZONING BOARD OF APPEALS
October 25, 2016

A meeting of the Chili Zoning Board was held on October 25, 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: Anybody with an issue on the sign at this property?

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

1. Application of James & Mary Chalmers, owner; 25 Cassandra Circle, Churchville, New York 14428 for variance to amend sign variance granted on April 28, 1998 for 6' x 4' double-faced freestanding sign. Applicant is requesting to replace approved sign with a changeable copy sign (changeable copy signs not permitted by commercial enterprises) at property located at 3252 Union Street in G.B. zone.

Jamie, James and Mary Chalmers were present to represent the application.

MR. JAMIE CHALMERS: I'm Jamie Chalmers. I'm the son of Jim and Mary Chalmers, the owners of the Glue Factory. We're located at 3252 Union Street in North Chili, across from Dunkin' Donuts.

I don't really have much to add unless there are questions. I would simply tell you the purpose of our -- the purpose of our wanting to put the changeable sign in there in lieu of our monument sign is the design of our building as originally designed doesn't really allow for -- we don't have big windows that allow us to advertise like pharmacies do or grocery stores and that type of thing.

And, of course, the ordinance doesn't allow for A frames and banners and that type of thing, except for certain circumstances. We're really just trying to leverage the property that we have to be able to advertise more. We're getting -- as you probably know, there is a lot of -- every year, the online shopping kind of chips away at bricks and mortar business like ourselves, the small businesses. We really need to utilize every resource we have available to us.

Right now we're not taking advantage of that tremendous drive-by traffic that we have and this will help us to grow in the future.

ADAM CUMMINGS: To reiterate, we're not looking to put a larger sign on. You will maintain the same size. You're just putting changeable font.

MR. JAMIE CHALMERS: We're actually even leaving the posts there. We're not digging any ground. We'll be using the same exact lighting. The sign is almost identical in size. It's only 5 inches taller and that is going closer to the ground, not higher up in the air.

ADAM CUMMINGS: Okay.

JAMES WIESNER: How many events do you think you would advertise out there?

MR. JAMIE CHALMERS: So, it's -- it's really promotions that we have. It is not necessarily an event. So we talk about events like when we want to hang a banner up on your front porch, when we talk about an event. That is kind of a more narrow scope. If we're having a promotion that is coming in on a particular product, versus, you know, a big holiday sale, for example, that would be what you would probably constitute as an event.

We're looking more for smaller things. It could be an ongoing certain -- this would mean nothing to you, but a Vera Bradley promotion coming up this Friday, that type of thing. We're not going to have 2.99 for this item, 4.99 for that item. It would be just a general notification of something that we'd be promoting. How often that would change is very difficult to say. Probably every couple weeks, I would think. Every week to every couple weeks.

I would tell you, if you look at the sign, um, we contracted with a company called Sign Language. My understanding is they have done some work for the Town of Chili, very well respected, excellent work. We took pains to make sure this sign is very, very classy. I'm not a big fan of the message boards with the white background and the black lettering and often you look and the letters are disheveled. It is not this sign. We have taken a lot of effort to make sure it is very professional, very robust and will last over time. We're even buying additional letters which are very sturdy letters, I have been told, to make sure they hold up over time. It's very

much in our interest. Image is a very big part of what we do. So it is very much in our interest to make sure it looks very, very good, very classy and enhances our property. So to answer your question, I can't tell you how often, but I would think --

MS. CHALMERS: It has to be continuous because you have to have something on there.

ADAM CUMMINGS: Will -- if you make comments, I just ask you identify yourself.

MR. JAMIE CHALMERS: This is Mary Chalmers, my mother, the owner of the Glue Factory. Sorry about that.

The point is made if you don't have anything up there, it would probably look worse than if you did have something up there.

ADAM CUMMINGS: Okay. Anything else?

MARK MERRY: How long has the existing sign been in existence?

MR. JAMIE CHALMERS: 16 years. It was installed when we first built the building. Perna Homes built that building 16 years ago. It has been there since then. It is really in disrepair and needs to be replaced. That is why we're doing this project to begin with.

MARK MERRY: So reading through your application that you submitted to the Town, the image I -- I took away is that you have a very successful and recognized business at your current location. With the current signage. Given the other means of advertisement that is available today, greater than even say three years ago, how does this sign give you an advantage above and beyond these other methods of advertisement?

MR. JAMIE CHALMERS: You may know if you listen to a local country station, for example, WBEE, we do a lot of advertising on that. That is very, very expensive advertising. Print advertising is expensive. We try to have an online presence. That is very limited. Everyone thinks a Facebook advertisement goes out to all your people. Only very limited number of people get that advertisement when you advertise on Facebook. That is becoming more and more difficult. Even though you said there are a lot more mediums available to us over the last several years, it is not easy to reach a lot of people. And it is certainly not cheap. This a resource that we have to us. Right there -- there is a reason why they bought that property right on a main thoroughfare there and we're really not utilizing that at all. So it is very expensive to advertise.

MARK MERRY: I also submit you realize we changed our signage code. Because the Town of Chili is very concerned about their image, as well. So I would -- I guess I would -- I don't read a strong justification, honestly, in your application as to why we need to grant you a variance for this. You have a very successful business you have today and hopefully for many years to come, and I guess if -- have you thought about any other alternatives to having the changeable sign, and replacing what you say is in disrepair tonight?

MR. JAMIE CHALMERS: So I would tell you, um, the only other options that we have had that we have tried to exercise and been kind of notified we can't do that is hang a banner on our front porch. We went out and had professional banners done and spent quite a bit of money to have those only to be turned in for having a banner hanging outside your porch.

ADAM CUMMINGS: Or A frames.

MR. JAMIE CHALMERS: A frames, we were threatened to be fined or imprisoned if we didn't take the sign down. That is not who we are. We're good citizens. I've been a resident of North Chili all my life for 45 years. And it's very much in my interest to make sure that our store looks good, as well.

And I have worked in the Town of Chili all my life. I grew up working at the plaza right there across the street. I'm very conscious of what image looks like and how important this community, you know, looks. I'm not very satisfied, frankly, with how a lot of our buildings look. I grew up here and I maintained a lot of those buildings. I'm not satisfied.

I hope you will agree the Glue Factory is a good-looking building. My parents put a lot of energy, time and resources into maintaining that. Nobody has more interest in making sure that property is maintained and looks good than we do. If we had other alternatives that were feasible, we would. But this, we feel, is a very practical way to capture that drive-by traffic. As I said, being a citizen of North Chili, for all my life, I really want to see small businesses that are born in Chili and raised in Chili and have ground in Chili to succeed. Those are the companies that I want to pull for. That's what the Glue Factory is.

And we're -- every year, like I say, online advertising, you can sit in your living room and you can order a pretty large percentage of the items that we carry right from your living room. So we have to differentiate ourselves. We have to take advantage of every resource we have to capture that business. So if there is a customer driving by, potential customer that drives by our business and is not aware of what our promotions are, that's a very big missed opportunity for us.

And as I say, one of the things being a citizen of North Chili, I really want to make sure that our businesses that are born here and raised here continue to grow in the future and I would stipulate to you it is very, very critical to us that we have this sign to help ourselves to grow in the future.

MARK MERRY: Thank you.

MR. JAMIE CHALMERS: Without giving you numbers and as you are talking about growing and successful, we believe we are. We hope we continue be that in the future. I'm not at liberty to share numbers with you, but we have seen a decline directly attributable to online ordering and this is the way we're going to combat that.

MARK MERRY: Thank you.

MR. JIM CHALMERS: Jim Chalmers, Jamie's father. One of the things on the west side of Monroe County that is going to change very rapidly in the next 18 months, you probably know

that Marketplace Mall is closing. You all read about that. And the reasons it is closing, because Wilmorite lost money the last seven years running it. And what is going to go in there in its place is are what they call outlets.

ADAM CUMMINGS: Retail outlets.

MR. JIM CHALMERS: At those -- those are lower prices. There is one out on the New York State Thruway, out near Geneva. That is what is coming in here. That is going to hurt all small businesses like us, the mom and pop operations. It will put a lot of us out of business. So we have got to be able to get to our customers with that type of sign and that's an easy way to do it. That sign is over \$7,000, so we're not afraid to put money into it to do it right. It's not lit up -- you might be familiar with the sign there at the -- the movie theater there has a bright sign, interchangeable, big neon lights.

ADAM CUMMINGS: So Family Video has interchangeable --

MR. JAMIE CHALMERS: Chili Avenue across the street.

MR. JIM CHALMERS: They're big neon lights. This isn't. This is lit up by lights pointing at the sign, very well done, very neatly done. And that's something we have to have if we're going to survive. We have been in business 43 years here. The other plaza and 15 years here. So we know the area pretty well and the businesses there pretty well.

When that Marketplace Mall opens, that is going to be a tremendous challenge for us.

ADAM CUMMINGS: You mean when Marketplace Mall closes --

MR. JIM CHALMERS: Wilmorite is reopening it under this new type operation.

ADAM CUMMINGS: Understood. Understood. I just want you to recognize that that is not really part of what we're evaluating here. We're evaluating --

MR. JAMIE CHALMERS: Question was asked about why we think --

ADAM CUMMINGS: Yes. It answers our question why you need the sign. I agree.

MR. JIM CHALMERS: That is the exact question.

MARK MERRY: Thank you for your input. We appreciate it.

FRED TROTT: Um, I just have a couple of questions about the sign. The sign itself, you said that it's changeable, so what is it? Like little block letters?

MR. JAMIE CHALMERS: So just the -- the words that is a holiday open house, November 25th to November 27th, those are the two lines changeable.

ADAM CUMMINGS: In between the two large or wide gray strips, right? So there is two wider gray strips and you can just slide letters in between to make messages?

MR. JAMIE CHALMERS: Yes.

ADAM CUMMINGS: It is not like you can put a full sentence and your letters will be that size?

MR. JAMIE CHALMERS: 4-inch.

ADAM CUMMINGS: So you won't have a full paragraph there, right?

MR. JAMIE CHALMERS: No.

FRED TROTT: Now, how is that protected from --

MR. JAMIE CHALMERS: The elements?

FRED TROTT: The elements, kids playing with them and changing the letters around?

MR. JAMIE CHALMERS: I will have to get back on that one, whether it is encased. I don't have the answer whether it is encased, if somebody could move the letters or not. I don't know the answer to that, but I will get that for you. We can certainly ask for that.

ADAM CUMMINGS: I think they're going to pay attention to making sure people aren't changing their messages.

FRED TROTT: My only concern was if you put the Plexiglas on it and the Plexiglas in Rochester, weather deteriorates it, where if it was like there is a lock on the sides or something like that, where you couldn't move the letters around.

MR. JAMIE CHALMERS: I would just want to reiterate, too, that this is our business. Image is everything to our business. So our customers can go anywhere and shop. As I said, they can shop online. Why do they want to come into the Glue Factory? They want to come in for experience and image is a big part of that. So nobody is more interested in making sure that sign is maintained and looks good than the Glue Factory is.

ADAM CUMMINGS: I would like to sway away from telling them what types of construction or asking what types of construction they will make it.

It is your responsibility to make sure that they are relevant messages if this is approved and that they're appropriate messages if they are approved.

MR. JAMIE CHALMERS: Understood.

ADAM CUMMINGS: I do have one question. It says the version Number 2. You are set on version Number 2, correct?

MR. JAMIE CHALMERS: Yes. What you're looking at right there is the version we have settled on.

MS. CHALMERS: Can I address the Court?

ADAM CUMMINGS: The Board. I don't want anyone to think we're a court.

MS. CHALMERS: What would be an inappropriate message?

ADAM CUMMINGS: Let's just say there is some creative teenagers in this neighborhood that they could reorganize -- for instance, holiday open house, who knows what they could come up with.

MR. JIM CHALMERS: We drive in and out of that driveway every morning and every night.

ADAM CUMMINGS: Yes. I think you will definitely pay attention to making sure it is

there. We're not the enforcement side of things. That's the Building Department. I just wanted to make note of that that is one concern in terms of the perception.

Side table anything?

PAUL WANZENRIED: No.

ADAM CUMMINGS: I did want to make one note to the side table, I do have a copy of their zoning permit dated October 28th, 1999 that expired on October 2004. So they do have an expired permit.

MR. JIM CHALMERS: No. Those are automatically renewed, I'm told.

ADAM CUMMINGS: I don't have a document that says that. I just want to --

MR. JIM CHALMERS: I went to the Town Board and I brought up that same question before I put it in your package and he informed me it is automatically renewed.

ADAM CUMMINGS: That's excellent. Well, either way, I will just mark that down as a condition of approval that a sign permit, if it was not already granted, would just need to be obtained from the Building Department.

MR. JAMIE CHALMERS: That's something you will be obtaining or do we need to follow through?

ADAM CUMMINGS: You will work with the Building Department to get that. We don't issue permits here. We just do variances.

MR. JAMIE CHALMERS: Got you.

ADAM CUMMINGS: I just want to make note I would be happy if it is automatically renewed.

PAUL WANZENRIED: You apply, and you get one, it's good.

ADAM CUMMINGS: Kind of strange that it says it's valid for --

PAUL WANZENRIED: This was years ago. It has since changed.

ADAM CUMMINGS: Okay. So in other words, the Building Department works with them, they could probably work to update your paper to show as you're stating whether it is automatic renewal or stays forever.

PAUL WANZENRIED: We'll handle that.

ADAM CUMMINGS: Thank you.

I do have to ask if there is any public comments.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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: With this application, is there anything else with the Board that you would want to discuss on this? Anything else?

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.

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

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

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

The following finding of fact was cited:

1. The proposed variance is not substantial, maintains the same size as the existing sign, and will blend with the character of the general business/commercial area. Several other properties have changeable copy signs in the surrounding area.

ADAM CUMMINGS: You will get a letter from us with our decision within a week.

MR. JAMIE CHALMERS: Thank you very much.

ADAM CUMMINGS: Minutes from last month. Any revisions to that from the Board?

I'll be abstaining from this vote since I was not there. Looking for a motion to approve the minutes from last month.

Fred Trott made a motion to approve the 9/27/16 meeting minutes and Mark Merry seconded the motion. The vote on the motion was 4 yes with 1 abstention (Adam Cummings).

The meeting ended at 7:22 p.m.