

CHILI ZONING BOARD OF APPEALS
March 25, 2014

A meeting of the Chili Zoning Board was held on March 25, 2014 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: Robert Mulcahy, Michael Nyhan, Fred Trott, James Wiesner and Chairperson Adam Cummings.

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

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

ADAM CUMMINGS: We'll go over any of the posting signs for the two applications.

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

1. Application of Palmer Fish Co., Inc., 900 Jefferson Road, Rochester, New York 14623, property owner: DMP Real Estate LLC; for variance to erect a 40' by 11' wall sign to be a total of 440 square foot (100 square foot maximum allowed) at property located at 171 Weidner Road in GI zone.

Dwight McGregor Palmer, Arnie Rothschild and Chuck Bianchi were present to represent the application.

ADAM CUMMINGS: Just for the record, if you could identify yourself and address.

MR. PALMER: My name is Dwight McGregor Palmer. Call me Kip (Palmer). I'm the President and owner of Palmer Fish Company, Palmer Food Services, and I also own DMP Realty which owns that building.

ADAM CUMMINGS: If you could just give a little description on what you're looking to do here and what your application is.

MR. PALMER: What we're looking to do is identify the building for a variety of constituencies. We do a fairly active wholesale pickup business at that facility. Prior to this, we were at 900 Jefferson Road in Henrietta, where our Corporate Offices still are and where our direct market is, but we moved our distribution center to the 171 Weidner Road property approximately three weeks ago.

We also have a situation where we have a lot of incoming trucking, and they need to know where the building is. It's a little difficult to find. As a matter of fact, we have had folks pretty much almost leaving there, so it would be very, very helpful to us both for our will-call customers, our wholesale customers that pick up product as well as people delivering product to us to have a sign on the building they can see and identify. I will also mention to you that that was the smallest of the three that we looked at.

So I realize there is a variance and we would very much appreciate you giving us an opportunity to put that sign on the building.

I also understand we have a variance from the Airport Authority allowing that sign, so it won't interfere with any aircraft.

MR. BIANCHI: Also based on the distance from the road.

ADAM CUMMINGS: I will send it out to questions on the Board starting with Jim (Wiesner).

JAMES WIESNER: The last time someone came before the Zoning Board was Wegmans at this site. I take it, that you have now purchased the building and have taken it over?

MR. PALMER: Actually, we purchased the building from GE Capital. GE Capital was trying to peddle its non-performing loans, and Wegmans was leasing that building, so we assumed the building and they leased the building from us until they finished their warehouses in Pennsylvania and then they left, and it was always our intention to move our food service operation -- food service distribution operation over to that location.

JAMES WIESNER: Now, the side of the wall on that building is white. What color will the logo be?

MR. PALMER: The logo is -- I believe it's four different colors. It's -- we happen to like the logo. It has -- it has browns and burgundies and kind of a goldish color.

JAMES WIESNER: So it is all one color?

MR. PALMER: Yes. If you have seen any of our trucks, it is similar to what is on our trucks.

JAMES WIESNER: That's all I have.

MICHAEL NYHAN: Can you describe the construction of the sign? Will it be individual

letters attached to the building or will it be a rectangular box with the letters on the front of it?

MR. PALMER: To my knowledge, it's individual letters.

MICHAEL NYHAN: Okay. Each individual letter will be that reddish color as it appears, even though there is a lot of colors in the --

MR. PALMER: Kind of a burgundy color.

MICHAEL NYHAN: It will be the same color for every -- Palmer Food Services will be the same color.

MR. PALMER: The "Palmer" is the burgundy color. It's more of a darker brown.

MR. ROTHSCHILD: This is the airport variance. This part of the logo has brown, two levels of brown, level of burgundy and level of gold in the middle, and then this is essentially red and this -- I mean, as you can see, a little off shade of the same colors.

JAMES WIESNER: So there is a logo going up there?

MR. ROTHSCHILD: This is the logo going up there.

MICHAEL NYHAN: Could you put that under that lamp so everybody in the audience can see it, as well?

MR. ROTHSCHILD: I apologize.

MICHAEL NYHAN: I just want to understand.

MR. ROTHSCHILD: Basically the logo to the left has a -- I apologize, this isn't picking up the color accurately. There is the -- two upper and lower areas are kind of brownish red. The two next to it are kind of a reddish color. I can't give you the PMS color exactly. I apologize. With the gold inset. Those five pieces signify five generations of Palmer's company, which was -- which opened in 1850. It's family-owned company. Then you have kind of a burgundy color, simple kind of letters of "Palmer." Little darker treatment for the word "Food Services." Okay?

That logo is a relatively recent design. Kind of contemporary but not over the top. You know, it's kind of a conservative treatment, just identifying the company.

MICHAEL NYHAN: Okay.

JAMES WIESNER: So four different colors?

MR. ROTHSCHILD: They're -- in total there are five, but they're subtle differences in four of them. Okay? And the subtle difference was designed just to differentiate the difference in the generations, but if you look at it, it looks like -- it essentially looks like two colors with minor shading. And it's very quiet by design.

My name is Arnie Rothschild of Normal Communications. We do the ad work and design work for Palmers.

MICHAEL NYHAN: The sign on the building would include the logo on the left along with the words "Palmer Food Services."

MR. ROTHSCHILD: Correct. And this was cut off, but you will see it is "Palmer" and "Food Services."

MICHAEL NYHAN: So the measurement of this sign would then be from the edge of the letter "R" to the edge of that logo; is that correct?

MR. ROTHSCHILD: The measurement would be from the -- right. From the letter R to the beginning of the logo, correct. This is just a schematic drawing of different kinds of ideas we'll come back with in terms of road signage, but that's an accurate representation of the logo.

MICHAEL NYHAN: Okay. All right. Each of those letters and the logo would be individually lit by LEDs; is that correct?

MR. ROTHSCHILD: That's correct.

MICHAEL NYHAN: That's just the form of lighting you're using. They will not be changing in intensity or anything else?

MR. ROTHSCHILD: No.

MICHAEL NYHAN: Just a back-lit, steady light?

MR. ROTHSCHILD: Very steady. It is steady and soft, which is why we wanted to do it that way and long-lasting using LEDs. And they're called channel letters and lighting, and it's the -- kind of the state-of-art quality look that we kind of want to represent for Palmers and for the Town.

MICHAEL NYHAN: Okay. Then what would be the size, I guess you would say of each letter? It's 40 foot. I'm not sure how -- 8 foot.

MR. ROTHSCHILD: I apologize for not having the answer to that. I'm sorry. We're talking about the -- the span. We can certainly provide that, you know, to the Zoning Board, but it's 40 feet from point of logo to point of the letter "R."

MR. BIANCHI: Top of the "L" to the bottom of the "D" is 11 feet.

MICHAEL NYHAN: Do you know the size of that building, the length of that wall, the height?

MR. PALMER: I can tell you the ceilings inside are 35 feet.

MR. ROTHSCHILD: We may have that.

MR. PALMER: We can get it for you.

MR. ROTHSCHILD: I think it may be on the application. It's a huge building.

MR. PALMER: It's a very tall, very white space.

MICHAEL NYHAN: Ed (Shero), do you know the size of this building? The length and height of the wall where the sign would go?

ED SHERO: I do not.

MICHAEL NYHAN: I didn't notice it on the application. I could have missed it.

MR. ROTHSCHILD: We looked at three different sizes. This was the smallest size we

could find, because of the setback, so it was visible to the truckers that were coming down Scottsville Road. It's -- because of the angle of the building and the setback, this was the smallest design of the three we could -- we could envision.

MICHAEL NYHAN: Okay. That's good. Those are the questions that I had.

FRED TROTT: Are you also planning to put a monument sign up?

MR. ROTHSCHILD: We're planning to do a sign. We have not reached the idea of design yet and we'll come back to the Town when we come up with what that may look like. That was -- that's an idea that our artist came up with. I only used it to illuminate what the logo looks like. That is not a proposed sign at all. Actually, that's a really bad idea, the one my artist came up with, respectfully.

MICHAEL JONES: I guess I just want to be clear what was before the Board was not the monument sign; it is the wall sign?

MR. ROTHSCHILD: That's correct. It's only that sign. I did that to try to explain what the logo looked like and more definition in that picture.

Thank you.

MICHAEL JONES: So I just wanted to make sure there was no confusion. Thank you.

ADAM CUMMINGS: Ed (Shero), did you have any --

ED SHERO: I do not.

ADAM CUMMINGS: One comment I did want to make before we get to opening the Public Hearing, is -- as typical, we would require you to get a sign permit from the Building Department for this sign, and we'll leave it at that. And --

JAMES WIESNER: The colors, is that -- so subtle, I don't know -- but you can say there is that many distinctive colors, but I think our code --

ADAM CUMMINGS: I thought it was three. That is what I was searching for.

MS. BORGUS: Three.

ADAM CUMMINGS: I went to my consultant. She confirmed it. Our code does say three.

ED SHERO: Four.

MICHAEL JONES: It says four. It says four. And again, the wall sign -- the wall sign looks like just the one color; is that right?

ADAM CUMMINGS: They just stated it is technically five colors.

MICHAEL JONES: I thought that was a monument sign. That is why I was confused.

ADAM CUMMINGS: I thought it was the same logo that is going on the monument sign --

MR. PALMER: We can modify it and stay with the four.

MICHAEL JONES: Let's stay with four.

MR. PALMER: One of the generations will be short changed.

FRED TROTT: What happens to the next generation?

MR. PALMER: We have to (indiscernible).

ADAM CUMMINGS: With that, I would like a motion to open public comment.

FRED TROTT: Motion.

ROBERT MULCAHY: Second.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: I see two people sitting up here of the five who sat on the Comprehensive Plan update with me for 2 1/2 years. We talked about signs. Read -- read the Comprehensive Plan about signs. If you haven't read it, you better before you make a decision here. The applicant probably, evidently is not aware of how we feel in Chili about signs. We don't like them. And it's obvious from the comment that was given in response to a question that this is not going to be the only sign they're going to want. Bear that in mind.

Why they need two, I don't know. Um, he talks about incoming trucks, and I'm sure there is a lot of incoming trucks, but I have personal knowledge of two or three truckers. They have GPS now. The Town trucks even have GPS. I can hardly believe that a truck -- a tractor-trailer, which is probably what we're talking about here, can't find a building that size. That's ridiculous in this day and age. That is -- just isn't even believable. They certainly can find that building.

As far as this being the smallest of the three they looked at, I don't know what could be bigger unless it was the whole bigger. That is an incredibly big sign, and I would like a picture of it that is complete. I only see part of it in that picture. Is there a better picture? I mean, if you want a permit for a sign, I think you give a picture of the whole sign.

ADAM CUMMINGS: Correct. Only the tail end.

MS. BORGUS: Right. The tail end. You're not seeing the whole sign.

ADAM CUMMINGS: The logo to the left is not --

MS. BORGUS: That's correct. That's correct.

Now there was a mention this had gotten airport approval. Why -- maybe somebody in the Building Department or somebody can answer me the question -- answer the question what would the airport care about that sign? Why would they --

ADAM CUMMINGS: The airport gets to see any review within a review area or a certain boundary around the airport.

MS. BORGUS: Even -- okay. I understand that. But a wall sign?

ADAM CUMMINGS: Yes.

MS. BORGUS: Okay. All right. I'm very familiar with the building. It's close to two roads. I think it's pretty obvious that there is a building there when you certainly go down Scottsville Road which you would be -- where any truck traffic is coming from. Strictly speaking, it's not a customer destination except for these pick-ups he is talking about, that come in and he calls -- he calls will-call.

I would like to know if there is another sign this big in Chili. I know the answer, but I would like it on the record.

ADAM CUMMINGS: I don't know the answer to that.

MS. BORGUS: I bet the Building Department does.

ED SHERO: I would not myself. I'm sure our secretary would, who does the actual sign permits, but I would not know.

MS. BORGUS: I think when you check, you will find the answer is no. For instance, maybe you -- maybe the Building Department knows this. How big is the Tire Warehouse sign?

ED SHERO: I wouldn't know off the top of my head.

DOROTHY BORGUS: We don't know much tonight here do we? Approximate -- do you think it is 40 feet long and 11 feet high?

ED SHERO: No.

MS. BORGUS: No. You're darn right, it's not. And I don't want to hear, "Oh, we don't set precedent with this Board."

You do. If you approve this sign, everybody from now on with a fair size building that has the merest excuse where they want a sign will point to that sign. You are going to open up Pandora's Box. We'll have something in Chili we have fought for years, which is over signage, big signs. They're not good. And if you go to the other side of the building, you go to Perinton, you go to Pittsford and they look so clean and neat. One of the reasons is they don't have these things. They don't have these signs. That's what look we want. Clean and neat.

Now, Wegmans must have had a sign on that building. The Building Department maybe would know that.

ADAM CUMMINGS: I don't know. But I --

ED SHERO: They didn't have a sign on the building.

ADAM CUMMINGS: I don't remember a sign being on there.

MS. BORGUS: They didn't have any sign, you know what, and when Wegmans was there, people found the building. It hasn't grown.

MR. BIANCHI: If I can have an opinion on this.

MS. BORGUS: This is my time, please. Okay. This request is substantial, and that is one of the things that this Board has to look at. You are going to set a precedent if you approve a sign like this. It's got a lot of colors. Maybe they're willing to give -- give up one. That's fine. But it is still pretty colorful and just be aware that they intend on coming back for another sign.

Now, if -- if they can't find this place, why don't they ask for a monument sign? Forget this. Put a little -- a little entrance sign at their drive where the trucks come in. Ask for one sign, make it -- make it a monument sign if they -- if it's needed for directions.

This is just over the top. When I first read the -- the application, I thought it was probably a billboard. We probably have billboards that are this size. This is not something we want in Chili and I don't think two people that are sitting right up there now sat with me on a Board for 2 1/2 years to set precedents and criteria for Chili's growth. And you know who you are.

Thank you.

ADAM CUMMINGS: Thank you.

MR. BIANCHI: Chuck Bianchi. I'm an employee of Palmer Food Services. Well, I heard a lot of opinion and I appreciate that. Thank you.

Wegmans wasn't a destination, and Wegmans didn't have a sign primarily because it was a transfer point.

ADAM CUMMINGS: You can direct it to me.

MR. BIANCHI: It was a transfer point between their company buildings. They didn't have the same type of an operation where there was a lot of inbound traffic looking to identify the building. If you look at the building and the traffic around it, as well, you will see that building is built on a curved road. Drivers do need to see -- it's a large building, that's correct, but drivers do need to identify it visually because the driveway isn't as apparent as you might think.

We have looked at the State road and wondered why there wasn't a light put in there. There should have been probably years ago. But without a light, traffic moves pretty quickly through there. If you don't identify that building in time, you'll pass by that driveway very easily. That driveway is Weidner Road.

I don't think it is unusual to advertise the company name on a building that's an incredibly large building and that in proportion to the size of the building is very small.

And we are located on a commercial corridor. If it's the number of signs that you're worried about, I think you have already set the precedent.

So I think we have to take into consideration the science of sign making, as well. There is a science to how large a letter needs to be in proportion to the setback and the viewing distance so that you can read the sign accurately and visibly from -- from a certain distance. Those were the considerations that were -- that were used when they came up with the design of the sign and the size of the sign.

So thank you.

ADAM CUMMINGS: Thank you.

MS. BORGUS: Every applicant that comes in here with a business would give you the same argument you've just heard. So it's just a page out of the same book.

ADAM CUMMINGS: Thank you.

MR. PALMER: I -- you know who I am.

The -- this really is a destination location for wholesale customers. Approximately -- we do approximately \$2 million worth of wholesale pickup. I mean, it's not an occasional someone comes in. We employ four to five people doing that. I mean, it's not a -- it's not an infrequent thing. It's very frequent. We're open six days a week. So I -- it is -- it is a destination location. The trucking is very, very important but also for clients to know where the building is.

Now, granted, I agree, there are GPS in tractor-trailers and I'm sure they do use them, but to Mr. Bianchi's point, because of the curve of that road and because of the setback -- I mean, that's set back pretty far. The entire warehouse is not set back very far. I also know the person that built that building. And we're trying -- we're trying to be very sensitive -- I want you to know, customer goodwill is our greatest asset. So for us, we don't want to offend anybody if we can avoid it. At the same time, we do have a business.

We do need to be identified. That is a very tall, very large building that is set back pretty far from that road and we do have a need. So I ask you if what we're asking for is too much, then please tell us what will work and we'll work with the Town. Please don't tell us we can't have a sign on the road so we can identify where our building is, please.

ADAM CUMMINGS: All right.

Thank you very much for those comments.

FRED TROTT: I have a question. Would -- how do you put this? If we told you that we would only accept one sign for the property, would you want this one or would you want the monument?

ADAM CUMMINGS: Before we continue with that, I would like to keep it going with the Public Hearing portion.

FRED TROTT: Oh, I'm sorry.

ADAM CUMMINGS: Would anyone like to make a motion to close the public hearing?

ROBERT MULCAHY: So moved.

FRED TROTT: Second.

Robert Mulcahy made a motion to close the Public Hearing portion of this application, and Fred Trott seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: So we have closed the public comments so now we can have Board discussion. So do you want to look at putting a restriction on the number of signs?

FRED TROTT: I'm -- I'm asking would -- is this sign more important than the monument sign?

MR. PALMER: I would say yes.

MICHAEL NYHAN: If I could ask a question, has a comprehensive sign plan been done for the whole building, to identify the building, to identify the entrance, identify the wholesale location, the will call location? When I drove down there, there's a lot of signage to directing people on where to go to different parts of the building, loading docks, things like that.

Has a comprehensive sign plan been put into place that you could bring to the Town that the Building Department could look at, and you know, come up with a plan that would -- that would suit your business need and at the same time suit the wishes of the Town?

MR. PALMER: All of the signage we have now, as you can tell, is temporary. We wanted to get moved in and so they're all temporary, and yes, we -- we would be more than happy to come in with a comprehensive sign plan to the Town and most of those signs, you know, coming in have very, very -- inbound traffic with an arrow.

ADAM CUMMINGS: Directional we would do differently. We wouldn't necessarily want to include -- well, I guess they do -- are included in --

MICHAEL NYHAN: For instance, this one side of the building service, if you're traveling -- well, north on Scottsville Road, it's an east/west highway. So maybe the east end, Scottsville Road coming from Ballantyne Bridge, but you really don't see it if you're going in the opposite direction.

So I think maybe a comprehensive look at your entire property so that no matter where anybody came from, they can easily identify the building (indiscernible) because it is a four-lane highway with pretty substantial traffic.

MR. PALMER: Right.

MICHAEL NYHAN: I mean, we wouldn't want to do this piecemeal, where you ask for one sign and maybe that doesn't do it, and then you ask for a second sign and a third sign and a fourth sign. Then you don't meet your needs.

MR. PALMER: I can assure you we don't want to pay for the additional signs either. So what we would probably come back to the Town with -- and yes, we would be happy to do that. We would come back with a sign for the one side -- to your point, from Ballantyne Road, okay, and then if we were -- if we were able to have some sort -- it won't be a monument sign. We're able to have some small, emphasize "small," signage so if they're coming the other way, if they're coming -- I don't know what direction that is.

MR. BIANCHI: South.

MR. PALMER: From U.S. Airports' way that you can see it. The problem is the curve. It is hard. I miss it myself and I have been there a number of times.

MR. BIANCHI: One of the -- one of the things that we considered when we were talking about the location of the sign is exactly what you talked about. Unless you were to put signage on two sides of the building, it's more difficult to see it when you're west, southwest bound. But -- but this -- but this location does afford a look in advance from that direction. It's certainly more prominent when you're northeast bound and most of our traffic will be coming off the Thruway. These are deliveries from manufacturers and other suppliers that come in that direction.

As far as -- I just have a couple of comments and questions about the -- the sign -- the signage on the interior of the property.

When that -- when that building was built, um, they designed it so that truck traffic would enter on Weidner Road, past the building and come back around. And that's been done for years. Including with Wegmans.

But the design of the docks, and I won't get into architectural structure, but the design of the docks warrant that the trucks turn into our first driveway instead of the driveway at the end of the property. So the need for some directional signage on the inside of the property is necessary. And you can see how small those signs are, simply to move the trucks through the property so that they don't what they call blind side into a dock. They can drive into a dock and back in properly. So -- so they serve a safety function, as well, by being directional signs, and it changes the habits of anyone that might have been there in the past to a better traffic pattern in and then out without crossing traffic. So there's -- there has been a lot of discussion about it. We certainly have no problem presenting some type of a comprehensive sign plan.

The only other sign that would be on the building that I can imagine at this point, at any point, is identifying the entrance door to that will call area, which isn't unusual either. When you pull in, you need some kind of a sign that says this is where warehouse traffic goes directionally, and this is the door you will enter as a customer to walk in and pick up your order.

By the way, that's open to the public. You're all welcome to come and shop there. But that's the only thing that I can see that -- that would be a sign that would be above a door, for instance.

The other thought -- the other question I have then, is, um, while we talked about -- we showed an example of a monument sign and that certainly wasn't a choice we would like to make, is there a restriction to one sign because of the size of the sign or the approval of a variance? Is that a code issue or --

ADAM CUMMINGS: You're allowed 100 square feet maximum, and I did want to bring up for the record, I missed it on the property card. Back in 1993, there was a variance load for a second wall sign for allowing a total signage of 205 square feet for this property. I was going to ask Ed (Shero) if he had any knowledge on that variance because that's all of the notes I have back from then.

MR. BIANCHI: 1995?

ADAM CUMMINGS: 1993. On November 23rd. So -- so by my recollection that would increase this one to allow them 205 square feet for a sign for this property, not 100.

JAMES WIESNER: Is that specific to the sign or to the property?

ADAM CUMMINGS: It just says total signage, 205 feet.

MR. BIANCHI: To answer your question, Mr. Trott, um, we would certainly be open to discussing not having a sign on the street. When you asked about the importance of the two signs, I just wondered if that was something that was contingent on the other. That's all.

ADAM CUMMINGS: We don't have an application right now on the monument sign. We're focusing on the one today.

FRED TROTT: No. I was. Just because they -- because they had said when he was discussing -- he had mentioned the sign. So not -- I just don't want -- you know how I feel about that -- coming back, "Hey, we need another sign. Oh, we need another one."

So that's where -- that's where my feeling is.

ADAM CUMMINGS: Okay. That is the conversation for tonight, Fred (Trott).

In terms of the design of the sign, do you have any documentation that shows any of -- though schematics, the dimensions, the layouts how you did it? Not for nothing tonight, in this application period -- or package, we don't get to see that, so it is at face value of your word, and while we respect your word, we also respect documents.

MR. BIANCHI: How soon could you submit that?

MR. ROTHSCHILD: I'm sorry. We could -- we can forward those tomorrow in terms of all of the designs we went through. Also with the application, there was a full picture, artist rendering of the sign and the -- the scope of the building.

ROBERT MULCAHY: We never got them.

ADAM CUMMINGS: I did not receive that.

JAMES WIESNER: One thing that would be interesting is no -- I think the question has already been asked, the size of that wall, so you could get some sort of perspective how much coverage it would have up there.

ADAM CUMMINGS: Well, we don't really need to worry about that. We need to worry about the visibility and the size that it appears from the perspective of the drivers.

JAMES WIESNER: I guess I'm looking at --

MR. ROTHSCHILD: Again, through the Chair, there was something that we went -- we -- we discussed at great length in our place which was at what point does the driver identify the

building so they're turn signalling and stopping safely in traffic? You know, we're taking a look at the driver of -- you know, recognizing people do have GPS, but GPS is not specific to -- well, some versions, "In 800 feet, turn left."

So we wanted to make sure that it was visible, it was safe and it was in -- in keeping with identifying the building without it being glaring or over the top. I would -- I would point out to you respectfully that since 1993, the nature of signage has changed. You know, um, so we're not talking about some kind of garish front-lit direct application billboard looking, as your resident pointed out, kind of a sign.

We're looking at a very easy to identify, simple, clean look on the side of the building. And that's dramatically different than it was today than it was 21 years ago.

ADAM CUMMINGS: And I think what -- to continue, I think Jim (Wiesner)'s thought is, we want to make sure that we condense the sign down in such a way that it is providing that -- providing that purpose and that's in comparison to the size of the overall -- we'll call it the white space of the actual building, but at the same time, takes into account the actual display and -- and reading -- readability of the sign to everyone. So we want to minimize that one.

JAMES WIESNER: Yes. I want to understand what the saturation level is. Is it 2 percent of the wall? Is it 10 percent?

MR. BIANCHI: If I point out in this photo here, at the top of the photo you see tractor-trailers. Those are 48 foot long tractor-trailers parked there. I just kind of quickly compared them to the front, which would be the far right side of that building.

And it appears that building would be approximately 200 feet or just a little bit more long. That would give you the proportion that you might be seeking.

JAMES WIESNER: How -- I wonder how tall it is.

ADAM CUMMINGS: He said they're 35 foot tall ceiling heights.

MR. BIANCHI: The ceilings inside are 30 feet tall. It's an insulated ceiling --

JAMES WIESNER: So that would be --

FRED TROTT: With the air-conditioning units.

MR. BIANCHI: 54?

FRED TROTT: 54 with air-conditioning units.

MR. BIANCHI: Probably 44 to the top, rooftop edge of the building. I think it is more than 200 feet long, but, you know, I don't have proportion on there, which we can get for you by tomorrow.

MR. PALMER: The other thing I will look at, you have to look where that road is, okay, and look how far back the building is in relation to the road. That's a huge parking lot. And there is the berm in front of that. So there is quite a setback to the road.

MR. BIANCHI: So we can --

ADAM CUMMINGS: That photo you have there is -- I see the parking lot with the light stands, but that is not taken from the right-of-way at the road. That is taken from within the property?

MR. BIANCHI: I'm sorry, could you repeat that?

ADAM CUMMINGS: The picture that we have there (indicating), that's taken from within the parking lot.

MR. BIANCHI: That is taken from somewhere within this area right here.

ADAM CUMMINGS: So we'll still end up extending back another --

MR. BIANCHI: You have all of that (indicating). Out -- out of the view of the photo here, this Google Earth photo, if that helps provide a little proportion to the building.

ROBERT MULCAHY: If that sign is on the north side of the building --

MR. BIANCHI: Technically the west side.

ROBERT MULCAHY: West side of the building, and you're coming down Scottsville Road from the east, you can't see the west side.

MR. BIANCHI: That's true -- that's somewhat true, which is why we talked about a sign in the front. Most of the traffic would be coming from the west, from the southwest off the Thruway. A great majority of the traffic to our building would be.

ROBERT MULCAHY: That means it would be coming from the west side and they wouldn't see that west side sign right away.

MR. BIANCHI: No.

ROBERT MULCAHY: They're coming from the airport, correct?

MR. BIANCHI: No. The opposite direction.

ROBERT MULCAHY: Coming from Scottsville Road, coming down Ballantyne Road?

MR. BIANCHI: Yes. Off the Thruway, up to Jefferson Road. Jefferson Road and in would be the majority of our inbound trailer traffic.

ADAM CUMMINGS: So they don't get off 390 and head west?

MR. BIANCHI: Typically, no.

We have deliveries at both locations, too. Henrietta, as well as the new Scottsville Road location.

ADAM CUMMINGS: Out of your three, I think you already said it. This is your smallest option?

MR. BIANCHI: Yes. Each sign increased in proportion -- in length by 10 feet. That was the smallest.

MICHAEL NYHAN: We just did rough estimates. Looking at the length of the building 1,000 feet long, 44 foot high, so the sign would cover 1 percent of that side of the building if they were the dimensions.

I guess I'm not as worried about that size relative to that side of the building as to what does the entire comprehensive sign plan look like to cover both directions, as well, as once you're on Weidner Road to direct people where they need to go, the tractor-trailer, to will call and everything else, so that we have something that looks like it goes together. Not a mish-mash of signs.

ADAM CUMMINGS: Right.

MICHAEL NYHAN: It's efficient. It's effective and goes together.

ADAM CUMMINGS: We're constantly hearing applications increasing square footage.

MR. BIANCHI: If I may through the Chair, it's not our intention at all to come back with multiple apps. And we will -- our company will work to develop a comprehensive sign program that is acceptable to the Board. What we want to do is provide safe and adequate way-finding for tractor-trailers who don't have the ability to brake rapidly, especially in traffic, but it is not our intention to -- to try to create billboards.

It's our intention to try to create way-finding. So we'll work collaboratively with the Board on an ongoing basis.

MICHAEL NYHAN: Thank you.

ADAM CUMMINGS: Thank you.

ROBERT MULCAHY: We can see the dimensions?

ADAM CUMMINGS: Of the letters?

ROBERT MULCAHY: Of the letters, the sign.

JAMES WIESNER: It was quite a few years ago where we had Wegmans actually put up a mock sign so you couldn't even see it, to say that doesn't look so big after all.

ADAM CUMMINGS: I believe that was Target that had to put it up.

JAMES WIESNER: It was one of the two. Wegmans and Target there in Chili Center.

MICHAEL NYHAN: So we're listing some of the things that we're stuck on that we need in order to make a best decision. The size of the building. The size of the letters. Is that what you're referring to?

ROBERT MULCAHY: Yes.

ADAM CUMMINGS: We have the size of the letters. But we don't have it drawn as the --

ROBERT MULCAHY: In the building --

ADAM CUMMINGS: Of where the -- where it is. Right now we have the word "Palmer," but we don't have the logo to the left. So we don't -- we just know that.

FRED TROTT: We need a foot scale what that building was.

ADAM CUMMINGS: We know it is 40 foot wide by 11 feet tall, but we don't know where it sits on the building is what you're asking.

ROBERT MULCAHY: Uh-huh.

FRED TROTT: Then we have the area of the face. But we came to that estimation as it is around 1 percent, by the assumptions we had of what we can infer is the size of the building. So in terms of that, it's kind of minimal.

ROBERT MULCAHY: I think we're going to run into problems if we approve something like this. People will start asking.

ADAM CUMMINGS: They can always ask.

ROBERT MULCAHY: They're going to ask.

MICHAEL NYHAN: Well, again, that is why it is important to know the size of the building. It could be a very large sign. Relatively speaking, it may not be a very large sign.

ROBERT MULCAHY: Right.

ADAM CUMMINGS: And is there -- because I don't have a sight on this, there is a berm at the road, correct?

MR. PALMER: Correct.

MR. BIANCHI: There's a berm and multiple trees, high evergreen trees which also make visibility a little more difficult.

Um, if I'm hearing you right, we can supply you with a comprehensive sign plan. Add to it if you need to. An accurate representation of the placement of the sign on the building showing the complete sign. And the length, width and height of the face?

MICHAEL NYHAN: Ed (Shero), would you have that in the Building Department?

ED SHERO: The sign or the building?

MICHAEL NYHAN: The building itself, the length and the height of that wall?

ED SHERO: Um, probably from the addition.

ADAM CUMMINGS: That addition went in in 2003. I know because I tested it.

MICHAEL NYHAN: You're looking at the notes from the variances and the Planning Board. You can make some assumptions, but there is really no way to tell us what the size of the building is. It would be nice to know that relative to the size of the sign.

ADAM CUMMINGS: So for conditions tonight, would you like a condition on for a comprehensive sign plan to be submitted?

FRED TROTT: Or table it.

MICHAEL NYHAN: Or table this until next month and get all that information in and we can vote on it.

FRED TROTT: Because it does seem a little bit incomplete.

MICHAEL NYHAN: So we'll have a complete picture of what we're voting for this sign.

ROBERT MULCAHY: We don't have enough information.

MICHAEL NYHAN: If there are other signs --

ADAM CUMMINGS: We could table it. My only question I would like to ask Counsel

is -- our Public Hearing is closed. If we table this, do we have to reopen public comment next meeting?

MICHAEL JONES: No. You don't. You want to table it to a specific date. So next month's meeting? I just advise the Board to be clear the date and time so everyone knows.

ADAM CUMMINGS: Would someone like to make -- sounds like someone would like to make a motion.

MICHAEL NYHAN: One other question. If they came in with other sign requests for that property on that date, could we hear it?

MICHAEL JONES: No.

ADAM CUMMINGS: They would be a new application. They would have to have a new application in for the other signs?

MICHAEL JONES: Yes. But they are allowed a monument sign as of right. So if they come in with their comprehensive plan and it includes that, that would be a sign. If it is anything beyond that, that would require a variance. This Board couldn't weigh in on that without re-noticing and so forth.

JAMES WIESNER: You're saying they would be allowed both by code? They would be allowed a wall sign as well as the monument sign up front?

MICHAEL JONES: They are allowed the monument sign out front without a variance.

JAMES WIESNER: So really it is a separate entity then?

ADAM CUMMINGS: Correct. The variance is still -- right back to what we're seeing here, the wall sign and -- it is really the size of the wall sign.

ROBERT MULCAHY: I make a motion we table this until the next meeting.

ADAM CUMMINGS: Next meeting which is April 22nd. Is there a second? That would be at 7 o'clock. Is there a second?

JAMES WIESNER: I guess I would be interested to hear how the applicant feels about that.

MR. ROTHSCHILD: Again, through the Chair. Um, is it possible, if I'm understanding things correctly, and forgive me if I'm not, is it possible to ask for a conditional approval on the size of the sign pending the delivery of the rest of the sign package for the property?

ADAM CUMMINGS: We can write conditions on it today and one of them would be a comprehensive sign plan and the dimensions to be submitted to the Building Department. The risk of that is going to a vote today. Um, I can't speak for all of the Board members, but going for a vote today where several of them have voiced that they would like more information to make their decision would likely increase the chances of a positive outcome on your application.

MICHAEL JONES: Mr. Chairman --

MICHAEL NYHAN: I'm not sure if I understand the question.

MICHAEL JONES: Mr. Chairman, if I could say something out loud for the benefit of the applicant. First there is a motion and a second.

So you have to take action on the Board --

ADAM CUMMINGS: Still waiting for the second.

MICHAEL JONES: Okay. But if there's a vote and it's a negative vote, the applicant would have to wait a year before reapplying, so there is a risk just so you understand.

MICHAEL NYHAN: I do have a question. Is it possible to -- to give a conditional approval if once we receive the additional information and it's to our satisfaction, then it would be -- condition would be removed? Is it even possible to do that?

ADAM CUMMINGS: The conditions stay.

MICHAEL JONES: It -- there -- is kind of awkward the way it is presented to me. Normally you would do conditions of approval, but to do a conditional approval with -- would suggest it would have to come back before the Board to exercise its discretion so that is not the normal way that this Board has done things.

FRED TROTT: Unless you want to put it -- I guess my -- my hang-up is the percentage of this sign for the size -- the face of that building. So if we look at it as not to exceed 10 percent of the building face.

JAMES WIESNER: Yes --

FRED TROTT: Or 1 percent. Just throwing a number out. Not to exceed that percentage would be a part of the condition; would that work?

MICHAEL JONES: Yeah. You -- this Board has the -- the discretion to impose any reasonable conditions that are related to the impact of the application before you. So the size of the sign --

JAMES WIESNER: Not having to know what the size of that wall is, you're making an assumption.

FRED TROTT: That is my biggest hang-up is the size of the sign compared to the size of the building.

JAMES WIESNER: We could give them another 400 square feet for something, they could add to it.

FRED TROTT: No. We would give them the condition of this approval, the 400 feet, but not to exceed 1 percent of the building face.

ADAM CUMMINGS: 44 is still -- that is what is being proposed. We won't go higher than that. Well, there is a motion out there. If someone would like to second it. Otherwise, we're going to move forward with a vote with the understanding, as Counsel pointed out, if it is denied tonight, you have to wait 12 months to give another application for a sign variance.

MR. BIANCHI: Just for the record, there is -- the dimensions that we submitted would not

be changed.

ADAM CUMMINGS: Correct.

MR. BIANCHI: Just so that you know that. I heard a comment that possibly the sign -- the sign size could change. It would not change. That is what we have submitted to you.

ADAM CUMMINGS: Right.

MR. BIANCHI: So if I understand it properly, we could -- we could go to a vote or we could get more information to you and reconvene in a month?

ADAM CUMMINGS: Correct.

Or the third option would be to reduce the sign -- the size of the sign from 440 square feet down to -- to pick a number, 200, and that would be a mitigation of the variance.

JAMES WIESNER: Which they have --

ADAM CUMMINGS: I'm just picking 200 as a number right now.

JAMES WIESNER: You said they already have a variance for --

ADAM CUMMINGS: Well, that one -- I don't want to say we don't know the answer, but, um, those are -- but those are the options.

MR. PALMER: Ladies, nothing any good ever came quickly. So we'll provide whatever you want to see. We have to wait a month, we'll wait a month. That's fine. It's okay. It's no big deal. It's okay. If you made us wait a year, we'd be sad. A month we can live with.

ADAM CUMMINGS: So with that, we have a motion. I don't remember -- I don't recall.

FRED TROTT: I'll second it.

MICHAEL NYHAN: What was the motion?

ADAM CUMMINGS: The motion was to table this application until next month's meeting on April 22nd. Not October. April 22nd, 2014, at 7 p.m.

FRED TROTT: I second it.

ADAM CUMMINGS: And he seconded it. So we'll put that to a Board vote.

The Board voted on the motion. (See below)

JAMES WIESNER: Can we state some recommendations?

MICHAEL NYHAN: So they know exactly what we're looking for?

ADAM CUMMINGS: Yes. So the information we're looking for is the design methodology that you used to come up with the perspective from your line of sight to the size of the lettering or its visibility or readability. Comprehensive sign.

JAMES WIESNER: The saturation -- the size of the wall and --

ADAM CUMMINGS: The size.

JAMES WIESNER: Gauge the saturation of the wall relative to the sign.

ADAM CUMMINGS: Anything else?

FRED TROTT: What I would recommend is also what would be the distance of where they would be able to see the sign from traffic. Because I think that would help as far as the -- the size of it, because that is a high-speed road.

MR. PALMER: Right.

FRED TROTT: And you have a curve there, so you do need a large sign, in my opinion. Um, but -- and I would think if you bring forth some facts on that, it would be beneficial.

MR. ROTHSCILD: Okay.

MR. PALMER: Thank you.

ADAM CUMMINGS: So with that, this application is tabled until next month. Thank you.

DECISION: Unanimously tabled until the April 22, 2014 meeting, by a vote of 5 yes for the following reasons:

1. A comprehensive sign plan for this facility to plan for future signage.
2. A map showing the line of site, photographs showing the perspective view from Scottsville Road, and the locations where the photographs were taken. This exhibit shall also show the apparent size of the proposed lettering from the roadway to allow for suitable readability and recognition from passing vehicles and vehicles that are directed to this facility.
3. A layout of the proposed sign showing dimensions of the entire sign (i.e. length and width).

Note: Applicant to repost signs advertising public hearing on April 22, 2014 as per Town Code.

2. Application of JFJ Holdings LLC, 280 Merrimack Street, Methuen, MA 018444; property owner: The National Bank of Geneva; for variance to allow front parking per plan submitted at property located at 3249 Union Street in GB zone.

Brian Bouchard was present to represent the application.

MR. BOUCHARD: Thank you Mr. Chairman. Brian Bouchard with CHA Consulting.

We're the engineer working on behalf of the applicant for this project. Um, just to give you a brief overview, as you said, the address is 3249 Union Street. Union Street is labeled on the graphic up front. Um, intersection of Buffalo is just to the south, which is the bottom of the page. This is an existing out parcel. Along the Union frontage of Town Plaza. Town Plaza is in this general area here (indicating), the actual building and then also Rite Aid would be this parcel right here (indicating) on the immediate street corner.

Property is zoned GB, General Business. Um, it's a vacant property now, but formally operated as a Five Star Bank, drive-thru bank, and the proposal would be the, um, renovation and reconstruction of the existing building to be a Dunkin' Donuts drive-thru restaurant along with an attached retail space. The bank would also maintain an ATM kiosk at the front of the site which you can see is the one-way drive just aside from the parking spaces.

So aside from the renovation of the interior of the existing building, um, other site plan improvements would be proposed as you see on the graphic which includes a sidewalk connection to the public right-of-way. This would benefit our site as well as the plaza as a whole it would be adjoined to.

Those were recommendations of the Planning Board as we met with them at their prior meetings. We also have some landscaping proposed and obviously all of the site utilities exist for the building. We would be proposing drainage improvements and also lighting improvements.

But the reason for the application tonight obviously is the issue that we are working with the existing building. The area that is colored on that plan is generally the property line, which is labeled on the plan right here (indicating). This being the existing property line to the side yard, the rear yard back here (indicating), and then again the side yard here (indicating). So you can see based on the positioning of the building, um, there really isn't that much room for parking either to the side or rear, which is required by code. The existing ATM or the existing drive-thru and the canopy would be demolished, and that is really the area we're looking to provide some on-site parking for this project.

There were previous plans for a previous engineer that was advanced to Planning Board last year which included much more parking and more asphalt area, and based on the Planning Board comments, we have reduced this down in size to still provide as large of a green area and buffer space out front that we could. You will notice if you drove by there, there is the existing sidewalk and trees that act as a sort of a natural buffer along with the green space, and those are mature trees, too. They're not recently planted. They're fairly large trees that act as a buffer. Aside from the green space that we would be providing up front, which is substantially more than you might see at some of the adjacent properties such as the Rite Aid which does have front yard parking. Also the plaza has front yard parking and the Walgreens across the road has front yard parking and also the Tim Horton's itself.

So we did try to maintain as much of a buffer as we could as we worked with the Planning Board. And as with any variance application for the area variance, we did provide the standards of proof in the application, and I can go through those if you wish or answer any questions that you might have.

ADAM CUMMINGS: We'll jump right into questions. Good job describing it.

JAMES WIESNER: You describe it -- the facility as a drive-up facility. Will there be availability for people to go inside?

MR. BOUCHARD: Correct. The entrance to the Dunkin' Donuts would be this vestibule here (indicating). So the parking area would be used to park and then enter the building. There would be this typical customer area with soft seating and benches and the like, and there would be the ability to go in and order and then take your -- your order to go. And then there is also a drive-thru component that you mentioned with the -- with the pickup window.

JAMES WIESNER: While you're standing over there, where do you perceive the entrance to be to this building, as far as -- as far as traffic entrance?

MR. BOUCHARD: The main traffic entrance for the plaza is right here. There is shared -- there is existing cross-access easements that are in place between the plaza owner and the bank that, um, would be transferred -- they're existing now and they would continue to exist for the cross access of the two points here, but the maintenance would be that existing plaza entrance.

JAMES WIESNER: If they went to the driveway, they would probably come in the other entrance.

MR. BOUCHARD: This is also the entrance. It would make sense, once you start to frequent the store, that you got that sort of circulation and movement, but right now this is generally for the back of the plaza where most of the deliveries and things would go. But there is two existing curb cuts, you're right, that would be utilized for this site aside from the shared access points that we have there.

JAMES WIESNER: What are the little blue cars that you see there? Are they parking spots? Are they --

MR. BOUCHARD: This the drive-thru for the Dunkin' Donuts. This is the parking area (indicating). And the ATM that Five Star Bank would operate, it's a small kiosk, an ATM, and this would be a one-way, um -- one-way drive aisle for -- for the drive-up ATM.

ADAM CUMMINGS: All set, Jim (Wiesner)?

MICHAEL NYHAN: That plan is just a little different than the one I have. Mine is dated January 2014. What is the date on that one?

MR. BOUCHARD: There were some changes made based on the Planning Board comment. We got a letter back.

MICHAEL NYHAN: Lower left?

MR. BOUCHARD: This is still dated January 14, but I can describe to you the changes. First off, we had the ATM located here (indicating). Such that drive-thru traffic came this way (indicating). From Five Star Bank's point of view, they looked at the plan and they said with weather coming from the westerly direction, all their ATMs try and face toward the east. So it was a simple change to -- to make the driver's side approach the ATM here.

So it does two things. It protects those buttons from the weather and also gives you the ability if you are coming in from the main entrance to not have to traverse the parking area before you go in the ATM area, and in the case where you may be needing the ATM to go to drive-thru, for instance, it also puts you in one loop as opposed to having to make a figure eight. So it makes sense from a variety of different ways.

But the main -- the main reason of that was the -- the westerly facing versus easterly facing ATM, and there is also some parking spaces that we did remove at the request of the Planning Board that are existing along this area (indicating). The -- they're parking spaces, but it is essentially asphalt. They suggested removing that so there weren't people backing out into the immediate driveway there.

MICHAEL NYHAN: The proposed Dunkin' Donuts and retail, is that the same size of the current building?

MR. BOUCHARD: The exact same building. The four walls would stand. The only thing that would be demolished would be the canopy structure you can see and then obviously the entire exterior facade and the interior would be gutted, so there would be a new exterior elevation look, but the footprint would be reduced from existing.

MICHAEL NYHAN: Okay. Those are the only questions I had. Thank you.

FRED TROTT: Um, not other than is it feasible to have two coffee shops in one plaza, that they both can co-exist?

ADAM CUMMINGS: I don't think that's our call.

FRED TROTT: I know. It just seems kind of odd.

ADAM CUMMINGS: That's for them to find out.

FRED TROTT: True.

JAMES WIESNER: We'll see who makes the better coffee.

MR. BOUCHARD: I guess that would be it. The competitive nature of it. Similar to Rite Aid versus Walgreens.

JAMES WIESNER: So at this point you don't know what the retail --

MR. BOUCHARD: No. The reason for it is basically Dunkin' Donuts doesn't need that much space. However, they have been presented this opportunity to redevelop the site and to reuse the building, so they have sectioned off -- and they have stores like this elsewhere where the building or existing building is too large, um, and they reserve that space for a retailer.

But it would be somebody that doesn't compete with Dunkin' Donuts obviously because they would lease the space to them. So it would be something like a sub shop or something that doesn't cater to their -- what they sell or it could be something like a -- like a retailer like a cell phone store or somebody that have a small retail space or a private -- a private business.

ADAM CUMMINGS: How many parking spaces are you proposing?

MR. BOUCHARD: So there -- there is 17 spaces. And this is -- based on the discretion of the Planning Board, um, the square footage requires 17.35 parking spaces. Um, we provide -- I believe there is 17 within the site, but there is also the shared -- the parking -- the property line actually cuts some of the parking spaces in half that sort of co-exist between the plaza and our -- and our site, as well.

But obviously these spaces would be best served by the -- by the customers that would use the closest building, which is the Dunkin' Donuts. So in our review of this with the Planning Board, just like the cross-access easements that exist, there is a shared parking agreement in place between this property and the neighboring property.

So within the vicinity of the building itself, there is 22 parking spaces, with the ability for people to even park sort of along the plaza and make their way to the building. But, um, between the shared parking that you see on the plan and what we provide wholly on our site, it is 22 spaces down from 29. Like I said, we had to remove some of those ones that were closest to the driveway that are obsolete and we had a traffic congestion concern there from the Planning Board.

ADAM CUMMINGS: Then our requirement is 18. Like you said, we're supposed to give 17.35. So we're really giving you more parking than we need, so we could minimize this front parking variance by taking away 11 spaces.

MR. BOUCHARD: So by taking away 11 spaces, you would be left with 11 spaces, which would be less than the required number of parking spaces. On the table you see it might be labeled as 29, but that is before we had to remove some of them. So we're left with 22 between the ones that wholly exist on our site and the -- and the --

ADAM CUMMINGS: And the shared.

MR. BOUCHARD: -- the few that are shared there.

ADAM CUMMINGS: I just wanted to clarify that because the table doesn't match the count that I see on the plan.

MR. BOUCHARD: Right. I apologize for that. It is 22 spaces that we would consider either split by the property line or wholly on our site.

ADAM CUMMINGS: I don't have any other questions.

Make a motion to open public comment for the Public Hearing?

ROBERT MULCAHY: So moved.

FRED TROTT: Second.

ADAM CUMMINGS: It's open.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: One point I would like to make, and I understand the confusion on the -- on the part of some of the Board members, when a map is substantially changed and evidently this has been, there has been parking space changes, there's been a change in the ATM location, the direction that you come through to the ATM, I really think that calls for a redated map so it avoids confusion. And I know you -- that's not in your decision, but it might be well to point it out to applicants when they make substantial changes in a drawing, they should redate it so that you know which one you're looking at. I think -- if I sat on that Board, it would be very helpful.

Um, the -- the point was made that other stores in the area, Tim Horton's, um, the -- the new drugstore don't have that much green space and I would have to agree. I'm not a fan of front parking, and again, I will point to the Comprehensive Plan that was discussed, and this is not what we want in Chili, but in view of this location and repurposing this building, which we need to do, to make the Town look good, I guess there is no other way but to -- but to grant the front parking. I don't see a way around it.

The other thing I would like to point out would be with the auxiliary store that will be -- is planned, just bear in mind for whatever it is worth, that that could sit empty a long time, because Dunkin' Donuts did the same thing on Scottsville Road and it's many, many years ago and that site -- the last time I went down there it still sits vacant. So -- so there may never be another store in the rest this building. At least not in our lifetimes.

Thank you.

ADAM CUMMINGS: I have a pretty long life time left.

MS. BORGUS: Mine is short. I don't think I will see it.

ADAM CUMMINGS: That's true, we don't know that.

MS. BORGUS: Oh. Thank you.

One other thing. Um, I believe this applicant went before the Architectural Review Committee and has to go back. Just to clarify that.

ADAM CUMMINGS: I don't --

MS. BORGUS: I was at the meeting.

ADAM CUMMINGS: I haven't received word from them.

MS. BORGUS: No, no. I just want -- no, it doesn't affect your decision. I just want you to know this isn't a done deal and in a way this puts the cart before the horse because I always feel these variances and requests should come after Planning Board approval, not before.

Thank you.

ADAM CUMMINGS: Make a motion to close Public Hearing?

ROBERT MULCAHY: So moved.

MICHAEL NYHAN: Second.

Robert Mulcahy made a motion to close the Public Hearing portion of this application, and Michael Nyhan seconded the motion. The Board unanimously approved the motion.

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

MR. BOUCHARD: If I could maybe make a few points, too. The map that you have aside from the color should be completely accurate with its date. The only -- the only error on it was the provided number of parking spaces says 29 and it is actually 22. So the updates with the parking, the change in the ATM and the like should be, I believe, on your plan, aside from the colors. So the map you have is accurate with the exception of the one typo that I pointed out and I appreciate Dorothy (Borgus)'s comments, as well.

The -- the Architectural Board did look at the map and we're before them with the revisions that they request tomorrow night, and then we'll be back before the Planning Board at their next meeting, as well, having visited both you, the Architecture Board twice now, the Conservation Board and some Planning meetings with them. And I believe it to be a requirement of the Planning Board to seek your variances for the site plan that they're approving before -- prior to their site plan approval, so it is kind of a horse-and-cart issue, but this is the --

ADAM CUMMINGS: We communicate well back and forth.

MR. BOUCHARD: But this was the process set forth for us, so it wasn't our decision to come to you before it was prudent. So.

ADAM CUMMINGS: Thank you.

We have clarified the amount of parking coming in. I think it kind of shows they're greening up as much as they can, the maximum extent possible in terms of the greening. But really there is no way around front parking in this instance. Without -- without moving the building.

MICHAEL NYHAN: Fits the neighborhood. I mean, the plaza right up to the professional building past the post office has front parking. I don't think it would be out of character. Actually, it would look nicer. It does have some green in the front, almost 35 feet green space with trees. So.

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 Michael Nyhan seconded the motion. The Board all voted yes on the motion.

Robert Mulcahy made a motion to approve the application with no conditions, and Michael Nyhan seconded the motion. All Board members were in favor of the motion.

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

1. The application is not significant in nature since the majority of the retail parcels in this vicinity utilize front yard parking. The amount of increased green space fronting Union Street resulting from this project will provide more landscape architecture compared to the existing developed areas of this parcel.

The 2/25/14 Zoning Board minutes were approved.

The meeting ended at 8:13 p.m.