

CHILI ZONING BOARD OF APPEALS
June 27, 2017

A meeting of the Chili Zoning Board was held on June 27, 2017 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: I do have one thing before we discuss signs. Under Public Hearing 1, the application of Diane Graham, they have written to -- actually, I have a handwritten note from them dated the 21st of June that they would like to postpone or withdraw that application so we won't be hearing that tonight. Once again, there will be no Public Hearing for Public Hearing Item 1.

Old business Number 1 will still be coming forward.

With that, any issues with the signs with the exception of Humphrey Road.

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

OLD BUSINESS:

1. Application of Taouk Holding LLC, owner; P.O. Box 52, Spencerport, New York 14559 for variance to erect proposed 62 townhouse units to be 25' from proposed interior street line (40' req.) at property located at 4201R Buffalo Road in RM zone.

John Sciarabba and Dan Thomas were present to represent the application.

ADAM CUMMINGS: This is brought over from, I believe, the April meeting where it was tabled.

My understanding is Planning Board has completed SEQR.

Thank you for handing out your new handout for that.

MR. SCIARABBA: Good evening Mr. Chairman, members of the Board. My name is John Sciarabba with LandTech. Our office is located at 710 Latta Road here in Rochester. Here on behalf of Taouk Development.

As Chairman mentioned, the last time you saw us was on April 25th of this year. Since that time, several things have happened. We still are a 62-unit project on 22 acres and it is still zoned multi-family, but we had a Public Hearing for this project back on May 9th at the Planning Board. We met numerous times with Town staff related to this project that included the Highway Superintendent, Fire Marshal. We addressed two rounds of Town Engineering comments regarding the site plan and subdivision. Those were numerous. And as Chairman also mentioned, we received preliminary approval and SEQR determination at last month's Planning Board meeting on June 13th.

The variance we're asking is the same. We're requesting a front setback of 30 feet where we are deficient of code. The code requires 40 feet at the garage setback, and that is to allow parking for cars to stack in front of the garage. And we have at least 30 feet with all of our units. The sketch I gave you and submitted to you shows that four units are closer than 25 to the pavement. That's because they're corner units, so it is not where the garage is. It is where the corner of the building might be closer to a driveway.

That being said, there is no negative impact to the neighborhood allowing this variance. It's consistent with surrounding areas. There is no physical change to this -- granting this variance. Although 10 foot deviation is good. It is actually in line with the guidelines with DEC where we're trying to reduce pavement and working with them. There is no significant impact to the environment or the character of the neighborhood. This is very consistent, as I mentioned before, back in May -- or excuse me, April, back in 1992, this Board granted an Area Variance for Section 1 to build within 25 feet of the road. Which they do in the previous sections.

Also, we believe this variance is not self-created. If you look at the slide above, a lot of the setbacks are determined by the property lines. Very unique configuration with the fingers of real property that extend into this parcel. So the placement of buildings was significantly impacted.

Also, other elements such as the storm water management pond and the DEC regulated wetland had an impact on the layout. So I feel this is not a self-created hardship.

We also feel that this plan is different than previous sections. We have created 44

additional guest parking spots which is a concern. What if you have a party. I think that was the intent of the code. Where do people park? We have 44 spots throughout the development.

The slide is a little older. That is the version back in April. What we presented on the board tonight is our preliminary plan that was approved. That is a very brief and quick overview where we are. We hope you agree with us the Area Variance is needed for this project to move forward and we hope you give it to us tonight.

ADAM CUMMINGS: John (Sciarabba), you made a good point. I don't actually have the one that you just got preliminary approval from the Planning Board.

MR. SCIARABBA: Yep.

ADAM CUMMINGS: Do you have that tonight to put on display?

MR. SCIARABBA: I don't know about small enough to put on the slide. It's on the board.

ADAM CUMMINGS: I'm sorry. I thought that was for the later presentation. I didn't even notice it on the board.

MR. SCIARABBA: Might be hard to read from that section. I can go up and speak to it if you have any other questions.

ADAM CUMMINGS: I also want to make sure that we focus we're talking about 25 feet -- so it is actually -- you stated that it was going to be within 25 feet. It is not actually going to be within 25 feet. It is going to be 25 feet or greater.

MR. SCIARABBA: Correct. Just to clarify that one more time the intent of the code is to make sure buildings are setback 40 feet to allow parking in front of the garages. We have no garages closer than 30 feet on our development. So we are 10 feet deficient of code. But if you look at the layout, some of our house corners are close to the cul-de-sac. They're within 25 feet. That's the confusing thing. That is why we wrote our variance request in that manner.

ADAM CUMMINGS: Understood. And once again, it is only four units. Unit 10, 36, 55 and Unit 61 that need the 25 feet. So are you looking for a variance for just those four units, or for 25 feet for all of it, understanding that the other ones you actually exceed it, but are you looking for a variance for all of the units?

This is a new handout tonight. So are you looking for just those four and modifying your variance request, or do you want it for all 20 -- or all 62 units to be -- to have that variance of 25?

MR. SCIARABBA: I guess if the Board doesn't mind modifying the resolution, we don't have a problem with sticking with the 30 as noted, or greater, on all setbacks to the garage and only those four units at 25. That works with our plan.

ADAM CUMMINGS: Is that clear with the Board? So us minimizing this variance would be a variance of 30 feet for Units 1 through 9, 11 through 35, 37 through 54, 56 through 60 and Unit 62. And then Units 10, 36, 55 and 61 would have variance of 25 feet.

MR. SCIARABBA: That's -- it kind of ebbed and flowed over the design process. I think it is clearer now than it was back in April.

ADAM CUMMINGS: Okay. And I would agree that that is -- that is actually minimizing from what we saw before, and understanding that the site plan has changed from before, I'm glad you put that out there. But in terms of our variance, it really hasn't shifted that much, correct?

MR. SCIARABBA: Correct.

ADAM CUMMINGS: The last meeting we did hold a Public Hearing. Don't see anything substantially changing or significantly changing that we need to reopen that.

Side table, do you see any issues?

ERIC STOWE: No. But if you're going down that road, I would agree it's minimizing the variance. Versus 62 units that could have a 25 foot setback, this is 62 units with a 30 foot setback to be considered, 4 of which being 25 feet. I would only ask that we are very clear with respect to what is being done and what units are permitted to have that 25 feet so we're not reconstructing that down the road.

ADAM CUMMINGS: Okay. One -- one Counsel question, would you feel more comfortable for our Board to open the Public Hearing tonight? Do you see a need for that?

ERIC STOWE: We did not publish a Public Hearing, thus we cannot open a Public Hearing. But we had a Public Hearing for the entire development to be 25 feet. If the Board chooses not to grant or to consider granting a 25 foot setback for the entire development, and instead 25 feet for the 4 affected parcels and 30 feet, that is less than what was requested, less than what the Public Hearing was conducted on and I'm okay with that.

ADAM CUMMINGS: Thank you.

JAMES WIESNER: So the site plan that's up right now, you said is different than the one that has been approved that is over here?

MR. SCIARABBA: Correct.

ADAM CUMMINGS: It does have some slight changes on it.

JAMES WIESNER: Looks like the same amount of units, configurations changed by the looks in some regard?

ADAM CUMMINGS: If you can point out just -- in terms of our front setback, any places where that changes.

MR. SCIARABBA: Just trying to see if there is a better one I can show you. This is the color one. This -- is this easier for you to see from that distance?

ADAM CUMMINGS: Yes.

MR. SCIARABBA: So the same configuration. The road acts as the same point. You still have a utility building. The units are generally in the same spot. But this has gone through engineering review. So all of the things I told you about -- back in April about we don't know how this will all play out, we have to have Planning Board feedback, we have extensive Planning

Board feedback along with Town Engineer comments and other staff comments. The buildings are generally in the same spot. We added turnarounds for fire emergency vehicles. Guest parking at each branch essentially, more turning around. We have looked at the round-about area and how that works. But all of the buildings are generally in the same configuration.

ADAM CUMMINGS: That's what I wanted to focus on. Then if you could call out the four units that need the 25 feet instead of the 30.

MR. SCIARABBA: If we start with Lot 10, this is the end unit. We're 25 feet from Spring Flower Drive to the side setback of the building so we still have the 30 here.

Going to number 36, that is here (indicating). That is 25 feet from the round-about.

55, which is here (indicating), again, this is at this -- at this curve.

And 61, which is this duplex setback here. Again, this is how close -- we have a lot more driveway on this one, but 25 feet from the pavement here (indicating), those are the four units requiring the 25 foot side setback variances.

ADAM CUMMINGS: Once again, the one up on the screen that we originally saw before you went to the Planning Board, they didn't know how many would need the 25 feet and that's why they were asking for 62 units, but now we're reducing that.

MR. SCIARABBA: These are the drivers of all these variances. These red lines as property lines really forced us into that situation.

ADAM CUMMINGS: Okay. Thank you.

JAMES WIESNER: Those are easements within --

MR. SCIARABBA: No. These are real property lines.

ADAM CUMMINGS: Those are property lines instead of easements.

MR. SCIARABBA: I wish they were easements. I might be here for less variances.

ADAM CUMMINGS: Do we want to put a condition of approval they have to get -- well, they have to get final site plan approval. I don't see we need to put a condition on there. Um, but I wanted to throw that out to the Board if you want to put in -- side table on that. But is there consideration? They have a preliminary approval. We -- this is a very unique variance request. Any other development coming in would have to have those four units, so -- so it is not like it's -- it has a lot of versatility for other applications coming in. So I don't think we need it. But I wanted to throw it out to the Board. Okay.

So without further adieu, we don't have to do SEQR because the Planning Board has done that. I want to be clear on that.

I would go ahead and ask for motion to adopt the application as we discussed today where it would be minimizing the requested variance from 62 units at 25 feet from the proposed lot line to 58 units to be 30 feet from the lot line and 4 units to be 25 feet from the lot line.

ERIC STOWE: Can we just call out those units for the -- for the preliminary site plan?

ADAM CUMMINGS: Yes. So from the preliminary, that would be Unit 10 would receive a 25 foot variance. Unit 36, 25 foot variance. Unit 55, is 25 feet variance. Unit 61 is a 25 foot variance. To be clear, Units 1 through 10 on preliminary site plan was approved along with Units 11 through 35, 37 through 54, 56 through 60 and Unit 62 would all receive a variance for 30 feet.

ERIC STOWE: Mr. Chairman, I thought you said 1 through 10. It's 1 through 9.

ADAM CUMMINGS: 1 through 9. You're correct. Good catch. So we'll move on asking for that motion to adopt this application.

Mark Merry made a motion to approve the application with no conditions, 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 no conditions, and the following finding of fact was cited:

1. The requested variance was reduced from 62 units requiring a variance of 25' from the right-of-way to 58 units (Units 1-9, 11-35, 37-54, 56-60, 62) being allowed 30' from the right-of-way and the 4 units (10, 36, 55, 61) being allowed 25' from the right-of-way. These setback distances are similar to the 25' variance that were approved for the Mayflower Village Phase I development.

PUBLIC HEARINGS:

1. Application of Diane Graham, owner; 245 Humphrey Road, Scottsville, New York 14546 for variance to erect a 12' x 24' utility shed to be 288 sq. ft. (192 sq. ft. allowed) at property located at 245 Humphrey Road in RA-1 zone.

ADAM CUMMINGS: Number 1 is postponed. They just said to a later date.

2. Application of Dale Foster, owner; 124 Stover Road, Rochester, New York 14624 for renewal of special use permit to allow an amateur radio tower at property located at 124 Stover Road in R-1-15 zone.

Dale Foster was present to represent the application.

MR. FOSTER: The address is 124 Stover Road. I would like to get the permit for my amateur radio tower extended, I guess the way you say it. It has been up there for 19 years and nothing has changed. Except for that I keep coming back. And I would just like to renew it.

The only thing is ten years ago, they gave me a ten-year permit and they said this time to see if possible to make it -- I guess you call it permanent, that I wouldn't have to come back every ten years. But I don't know if that is possible.

ADAM CUMMINGS: I don't know either. I would refrain from permanent just because property ownership might not always stay the same. This is not an Area Variance. This is a special use --

MR. FOSTER: If I leave, the tower leaves.

ADAM CUMMINGS: I understand that, but if we give the permit and you leave, the tower can stay.

MR. FOSTER: I'm just requesting what they told me ten years ago to request it.

ADAM CUMMINGS: Okay. Well --

MR. FOSTER: At my age, probably ten years will be ---

ADAM CUMMINGS: No, no, no.

I would be willing to entertain another renewal of ten years. I don't believe we have given any further than that that I'm aware of. For instance, the Farmers' Market on Chili Avenue, Special Use Permit was renewed for ten years there.

Paul (Wanzenried), do you know of any -- any longer duration than ten years? How long will you be in the Building Department?

PAUL WANZENRIED: Until they drag me out of here.

ADAM CUMMINGS: I can't put that on the condition.

PAUL WANZENRIED: I know.

Other than going permanent?

ADAM CUMMINGS: Yeah.

PAUL WANZENRIED: I don't know anything further than ten, five, seven.

ADAM CUMMINGS: Do we have any permanent ones?

PAUL WANZENRIED: There has been one or two, but very rare. Very rare. We shy away from it.

ADAM CUMMINGS: Sure.

PAUL WANZENRIED: And would prefer not to.

ADAM CUMMINGS: I will agree to that. And to carry on, two of the conditions that you have previously, as we just discussed, the ten years, I would like to leave it at ten years.

MR. FOSTER: Fine.

ADAM CUMMINGS: The Number 2 one would be that the permit is granted for only one tower. Understanding that you only had one tower and you only plan on one tower.

Once again, as I said earlier, the permit stays with it. If somebody else came in and we granted a permit to have more than one, they could put that in, but I will put that restriction on to have only one tower.

MR. FOSTER: In fact, the original only said one tower, too, going back 19 years.

ADAM CUMMINGS: Yep. I looked it up.

FRED TROTT: I have a couple of questions. We're going to make sure that it is for an amateur radio tower and not ---

ADAM CUMMINGS: Yes.

FRED TROTT: So you can't open it up for anything else in ten years?

ADAM CUMMINGS: Yes. That's all his application is for, is an amateur radio tower.

FRED TROTT: Okay. And the tower is 42 feet high?

ADAM CUMMINGS: Yes.

MR. FOSTER: It can go to 42 feet, to the tip of the antenna, but I keep it retracted because -- it's an expanding tower and at most times it's only about 23, maybe 24 feet.

FRED TROTT: Do we have any complaints from the neighbors at all?

ADAM CUMMINGS: Good question.

Have we received any complaints?

PAUL WANZENRIED: None.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Valerio 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 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 seconded the motion. The Board all voted yes on the motion.

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

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

1. Special Use Permit granted for 10 years.
2. Special Use Permit granted for one tower.

The following finding of fact was cited:

1. There have been no complaints related to this antenna over the past 10 years.
3. Application of Dona Stockton, owner; 1003 Paul Road, Rochester, New York 14624 for variance to erect a 22' x 46' attached garage to be 5' from side lot line (10' req.) at property located at 1003 Paul Road in R-1-15 zone.

Donna Stockton, Richard (unidentified last name), and Jim Cardon (phonetic) were present to represent the application.

MS. STOCKTON: I am Donna Stockton and I have my son, Richard, and builder, Jim Cardon (phonetic), with us and I think they can speak better to this question, application than I can.

MR. CARDON: Good evening. My name is James Cardon, contractor for Donna and Rick Stockton. We propose a 22 by 46 foot garage. We actually will be 5' 3" from the lot line, so just over 5 feet. Applying for that variance.

MARK MERRY: You have an attached garage today, correct?

MR. CARDON: Yes. Correct. Currently this is a single attached garage right now.

MARK MERRY: What is the purpose for this?

RICHARD: Mostly the garage is really small. We want it bigger. We have a bigger lawn tractor. So we can have two cars there and still have room for storage.

MARK MERRY: There is no other alternative to house those materials than to do that?

RICHARD: Not really. Unless I go rent storage areas or something.

MARK MERRY: Thank you.

RICHARD: Sure.

PAUL WANZENRIED: It would appear there is an existing shed on the property. Will that remain?

RICHARD: No. That's gone.

MR. CARDON: That has been taken down.

PAUL WANZENRIED: It has?

MR. CARDON: Yes.

PAUL WANZENRIED: No further questions.

FRED TROTT: I had a question. Is the roof line going to be any higher than the house?

MR. CARDON: No, it's not. The current roof line, we're coming off the gable off the garage so the front of it will actually match the existing part in front of the house and the highest point which is about a 12/2 pitch shed roof off the back of the house won't exceed there.

FRED TROTT: Okay. Good.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: What's -- what is adjacent to that? What is on that next lot?

ADAM CUMMINGS: Neighbor.

MARK MERRY: A neighbor.

MS. BORGUS: Has the neighbor expressed an opinion?

ADAM CUMMINGS: We have not seen any letter for or against.

MS. BORGUS: Do you know if the applicant has talked to their neighbor?

ADAM CUMMINGS: Do not know.

RICHARD: I have. I talked to the neighbors across the street and on both sides.

ADAM CUMMINGS: Okay.

MS. BORGUS: Thank you.

MARK MERRY: There is a sign posted right out front.

RICHARD: Correct.

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: One condition of approval is building permit would need to be obtained before you can start constructing this.

MR. CARDON: Yes, absolutely.

ADAM CUMMINGS: I don't have anything else.

Monroe County DRC reviewed this and don't see any comments.

MR. CARDON: I have a yes email from a Gregory Bly. He says, "Thank you for checking with me assisting in the preservation of Monroe County. After reviewing the web viewer, there is no indication of a County monument in any area of the proposed work."

ADAM CUMMINGS: Okay. I have the same response letter. All right.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be a Type II action with no significant environmental impact, and James Wiesner seconded the motion. The Board all voted yes on the motion.

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

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

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

The following finding of fact was cited:

1. The requested garage addition is similar to others in the neighborhood.
4. Application of Kwik-Fil Gas Station, c/o Premier Sign Systems, 10 Excel Drive, Rochester, New York 14621, property owner: United Refining Holdings; for variance to erect 4 additional wall signs on building and 4 signs on fuel pump canopy (1 sign allowed), variance to allow the total square footage of building/canopy signs to be 132 sq. ft. (100 sq. ft. allowed) all per plan submitted at property located at 3255 Chili Avenue in G.B. zone.

Laura Baranes was present to represent the application.

MS. BARANES: Hi. Laura Baranes from Premiere Sign representing Kwik Fill for the signs for this gas canopy pylon and storefront.

ADAM CUMMINGS: The one going up there is obviously the canopy sign?

MS. BARANES: It is actually -- they came in and got rid of all of the old graphics on there. They painted everything out white. They're doing that at all of the locations. This logo and this update is being done at all their current locations. We have had pretty good responses from the towns. They felt that this looks much better than what is there now. It is cleaning them up because some of the old ones up there are pretty old and dingy. So we're looking to go do -- you know, upgrade the gas canopy.

This is actually a digital print that gets wrapped around there, like a vinyl, digitally printed. So it gets wrapped around the gas canopy.

Then the ground sign, they're looking to put the gas pricers in there, the digital gas prices so they're not out there with a pole changing the numbers any more. They're updating all their pole signs at all their locations also. And they -- they want people to know also they're full service because there is a lot of people that really can't get out of their car or whatever and they want to let people know there is somebody there pumping the gas for them if they need it.

And then they're looking to put a sign on the front of the building, a set of channel letters over the entrance. There were some other signs on the building which they had a concern about, whether some of them would need to be removed to get everything else approved with the gas canopy and such. I'm not really sure what was okayed and what was not okay.

ADAM CUMMINGS: Well, the first one is this site, the way the pictures are showing, this is the one in the corner. Not the one further down, which is full service. This one is not full service.

MS. BARANES: I have attached the wrong one on there. I'm very sorry.

ADAM CUMMINGS: That was my first clarification.

Now, the other one is -- the combined square footage is as a result of wanting so many signs, so you have four additional wall signs plus four more signs on the full canopy. My first question is going to be on the fuel canopy of why the need for four, one on each side.

Just to warn you, Byrne Dairy came in with a similar request several years ago to this Board and we denied them that request. They -- they were allowed to have one, but not more than one.

MS. BARANES: Okay. They just always ask us to apply for them for all sides. Only three sides. They never go with the back because there is no reason to go with the back of it. I mean they definitely want the one on the front.

If there's no availability for them to have the digital logos on the side, they would be willing to, you know, remove those. Or they would be willing to remove the signs on the building to replace the logos up on the side of the gas canopy.

ADAM CUMMINGS: I guess I'm -- speaking on the canopy, you're not looking to have digital fuel prices on the canopy?

MS. BARANES: No. They do at some locations where they don't have pole signs.

ADAM CUMMINGS: This one is for the pole sign to replace what is up on the image on the screen?

MS. BARANES: Right. These would be -- just be their name up on the three sides, so -- I thought when I met with Kathy (Reed) at the Town, I thought that the -- really the only thing we were in jeopardy on square footage was the extra signs on the building.

ADAM CUMMINGS: Well, you have got 132 square feet. If we reduce the amount of signs, obviously it reduces the square footage. That's the point I was trying to make.

MS. BARANES: As I spoke to Corporate, they would be willing to take some of those display signs off the building which if we were to remove ---

ADAM CUMMINGS: To interrupt you real quick, is Corporate aware these two Kwik Fills are within a -- less than a mile of each other?

MS. BARANES: Yes.

ADAM CUMMINGS: And I think we're all quite aware that Kwik Fill is there. In my eyes, this is beyond excessive. I don't probably need the word "beyond" on there, but I wanted to drive home the point that there is a lot. I mean both of these applications. But I want to focus on this one first. Between the building, the canopy and the pole sign, I think there was a graphic in here. I'm trying to find it. But at one vantage point you almost see "Kwik Fill" four times.

And I think that's pretty easy -- no. It is the other application that is there. But I guess I'm just stating my opinion right off the bat, on the fuel canopy, one sign seems adequate to me with the way it is oriented at the site.

And then on the building sign, I would like to discuss that some more with the Board. But I just wanted to state my opinion on the front.

MS. BARANES: Okay.

ADAM CUMMINGS: And Red Apple -- to be clear on Red Apple, that would -- on the picture on the right, the "Red Apple" would go away and would it just be "Kwik Fill."

MS. BARANES: Yes.

ADAM CUMMINGS: And that says -- "unleaded" and "diesel" are the two underlying images.

MS. BARANES: Yes.

ADAM CUMMINGS: Then "Red Apple" would be on the building. So you're moving "Red Apple" from the pole sign to the building?

MS. BARANES: Yes.

ADAM CUMMINGS: If you don't mind, I will go ahead and ask the Board for any questions.

MS. BARANES: Sure.

JAMES WIESNER: What I'm trying to figure out, it says there is five on the building. But I only see the --

MS. BARANES: Well, there would be the new one, the Kwik Fill letters, and then there would be -- they have got -- on the left side, if you're standing in the entrance, they have the "diesel sold here." Then they have got four on the front, it looks like. So they -- yes. They have five of those signs on the building.

JAMES WIESNER: So all I see is on the second-to-last page of the packet, I see the "Red Apple." I don't see anything else in this packet.

ADAM CUMMINGS: On the building. Yeah.

JAMES VALERIO: The page before it, there is four signs.

ADAM CUMMINGS: I don't see that.

JAMES WIESNER: So they're calling the advertisement -- now, I get it. So like those three signs ---

ADAM CUMMINGS: I'm focusing on the building canopy. The \$2.22.

JAMES VALERIO: Two on that and one wrapped around the other side.

JAMES WIESNER: That's a lot.

FRED TROTT: Were those three approved? No? These are already existing?

ADAM CUMMINGS: Right. But they're counting them as four additional wall signs that they're asking for a variance.

JAMES WIESNER: So Red Apple out front and then the existing ---

ADAM CUMMINGS: Right. To be clear, one building additional new sign is Red Apple, and there is three existing wall signs.

JAMES WIESNER: Well, there would be four, because there is ---

ADAM CUMMINGS: No. There is only three there.

JAMES WIESNER: Three on the one side.

MS. BARANES: The Red Apple is for the other location.

ADAM CUMMINGS: Oh. You -- you have it on this one.

MS. BARANES: The Kwik Fill is for the -- for the location that we're talking about now. She has those mixed up.

ADAM CUMMINGS: Well, this is the building. This is the right building.

JAMES VALERIO: This is the correct --

MS. BARANES: Aren't we talking about 3215?

ADAM CUMMINGS: No. 3255.

MS. BARANES: I thought that was the first one on the list.

ADAM CUMMINGS: No. 3255.

JAMES WIESNER: So on the buildings, the Red Apple, there is two -- \$2.25 gas signs and two on the billboards there.

MS. BARANES: So then for 3255, there is -- there is one on the -- like the left side of the building. It's a Kwik Fill price sign.

ADAM CUMMINGS: Right.

MS. BARANES: On the right side there is a Kwik Fill price sign and then two advertising signs there that they put different things in. That's it. So this has one, two, three, four -- four signs.

ADAM CUMMINGS: Plus the "Red Apple."

MS. BARANES: Plus the "Red Apple" going on at this location. Like I said, they would be willing -- they like their branding signs. They prefer the branding signs over any of the other signs that are on the building. They would be willing to give up all four of those signs to, you know, to get their branding signs up.

ADAM CUMMINGS: First and foremost, I would like to get rid of those four building signs. There is already enough signage in the windows which we can't restrict.

MS. BARANES: Okay.

ADAM CUMMINGS: I would like to remove those.

MARK MERRY: Are those permitted?

ADAM CUMMINGS: No, not on the wall right now.

MARK MERRY: Right.

They're willing to give up something they shouldn't have is what I'm hearing?

ADAM CUMMINGS: That's true. Right.

MS. BARANES: I thought there was variances for some of them.

FRED TROTT: The way I'm reading it, it doesn't look like it.

MS. BARANES: No?

MARK MERRY: That's what I'm asking.

ADAM CUMMINGS: The variances for this site go all of the way back to 1971.

MS. BARANES: Yeah.

JAMES WIESNER: The four on the canopy, they're on all four sides?

MS. BARANES: No. Only on three. They never put it on the back.

JAMES WIESNER: The application says four?

MS. BARANES: There is one on -- there is the "Kwik Fill" on the front and the "Driving America," and then on the right side, there is a "Kwik Fill" and on the left -- on the -- should be on the left side there is a "Kwik Fill" also.

ADAM CUMMINGS: So I did just look up the property card. There were variances for the double-sided pole sign, but not for building signs.

MS. BARANES: Okay.

ADAM CUMMINGS: Or square footage of those signs.

So there is a lot going on here. So the first one is to erect the four additional wall signs. We have reduced that down to one we're considering right now which is the Red Apple sign.

MS. BARANES: Okay.

ADAM CUMMINGS: Then on the four signs on the fuel canopy, that's -- that's been reduced down to three. As you said, you're not putting four on the canopy.

JAMES WIESNER: But they have three "Kwik Fill"s and the "Driving America."

ADAM CUMMINGS: Oh, you're right. On the right-hand side. That's not all of the same sign. So it would still be four, is what they're asking for.

Well, is that "Driving America" on each side?

MS. BARANES: No. If you look at the next drawing, you will see on the one -- they normally ask for it, but we put on -- we just put a "Kwik Fill" on the right and the left side. We only put the "Driving America" on the front.

ADAM CUMMINGS: I wasn't sure if those were put --

MS. BARANES: Yeah.

FRED TROTT: I don't see that.

ADAM CUMMINGS: So we're still at four signs on the -- on the fuel canopy. I will ask you --

JAMES WIESNER: Actually, they have two on their existing. I want to say there is one on each end.

ADAM CUMMINGS: This is a gas station, so I'm even looking at fuel pumps have signs, too, just like the Fastrac. This is really interesting.

MARK MERRY: You can't miss the giant pylon sign on the corner either.

MS. BARANES: But we are reducing quite a bit of square footage on that sign right now. We're getting rid of that big "unleaded" sign and the big "diesel" sign. The only thing we're doing is moving up that ATM.

MARK MERRY: Along with the requested digital read-out, that will be an eye catcher also.

MS. BARANES: Not really. They're not that bright.

MARK MERRY: If you can't see the pylon sign, you will never see the signage on the gas station itself.

MS. BARANES: The actual faces that are in there now, they're actually brighter than the actual digital because the back of those digital lights, the numbers, that's completely opaque and blacked out, so that --

MARK MERRY: You're misunderstanding my comment. If you don't see that giant pylon sign on the corner, the odds are you will not see the smaller signs on the building or on the canopy itself.

MS. BARANES: Okay. So we could reduce the signs on the sides and just do the one on the front. They really aren't lit signs at all. They're just a vinyl that runs across there. It's nothing that is illuminating.

FRED TROTT: I would just like to point out what size is going to be on the gas pumps, if we have concluded that? I don't see a variance to allow that on whatever you call it, the property card. I have to ask that question, are you planning on having "Kwik Fill" on the pumps?

MS. BARANES: I don't have anything they requested for the pumps at all. Just the gas canopies.

ADAM CUMMINGS: They're existing, is the thing. They're existing, so it is now we're trying to get everything code compliant. So that 132 square foot estimate that we have is actually higher. Because it's not inclusive of that signage on each of the fuel pumps.

MS. BARANES: I'm not really sure what they have on the fuel pumps.

JAMES VALERIO: I just think it makes sense to go for the one, like -- the one "Red Apple" sign and the one "Kwik Fill" on the front of the canopy and then the new digital readout and get rid of the other sides of the canopy.

ADAM CUMMINGS: You're saying one "Red Apple" on the building?

JAMES VALERIO: Yeah. Getting rid of the other four --

ADAM CUMMINGS: Yes.

JAMES VALERIO: -- paper signs.

ADAM CUMMINGS: Yes.

MS. BARANES: Could we do the one "Kwik Fill" on the front and the "Driving America"? And then delete the ones from the sides?

ADAM CUMMINGS: On the fuel canopy?

MS. BARANES: Yes.

ADAM CUMMINGS: Yes. That is what I would recommend.

That would still provide you two signs instead of one. One other idea -- I know it's not corporate, move the "Driving America" adjacent to "Kwik Fill" and it could be viewed as one sign.

MS. BARANES: I can't do it that way.

ADAM CUMMINGS: I know you say you can't, but we're granting a variance where if Kwik Fill goes away, the next business that goes in gets two variances on the fuel canopy. That is the consideration we're trying to give. So therefore, "Driving America" really is not a concern to us. That would go away. You're allowed to have one saying "Kwik Fill" or you could have it saying "Driving America." But us granting a variance for two when it is just because that's how the digital print comes out or how the template is, that is tough for us to justify when our code specifically says you're only allowed one.

MS. BARANES: That's not why I say that. What we do at all of them, they have a specific spot for them on the canopy, and the "Kwik Fill" always has to go to the far left and the "Driving America" always has to go to the far right.

ADAM CUMMINGS: I understand where their corporate policy is. But our Town is not like most towns in that we even fight Wegmans in terms of signage. So we just wanted to point that out. So I think we're clear on the one additional wall sign, and then the fuel canopy right now we're down to two, one being "Kwik Fill," one being "Driving America."

Correct?

MS. BARANES: Yes.

ADAM CUMMINGS: I will do the square footage at the end, because that's a totally different one.

Side table, Paul (Wanzenried).

PAUL WANZENRIED: Yes.

ADAM CUMMINGS: Fuel -- their dispensing stations or the gas pumps, are we correct in that those are not included?

PAUL WANZENRIED: They are not included.

ADAM CUMMINGS: And they should be?

FRED TROTT: No. We just make it a -- that they are not included, and that they are not -- need to be removed.

ADAM CUMMINGS: You mean that they --

FRED TROTT: To grant a variance. Because they're -- they're preexisting, nonconforming.

ADAM CUMMINGS: But that doesn't count any more.

ERIC STOWE: Hang on. We would be granting a variance for the total square footage without regard to how they use it. We don't get to determine what their signs are, only the quantity of them.

ADAM CUMMINGS: Agreed.

What I'm getting at is those fuel pump ones are not part of this quantity, so therefore, they either come back for an increased variance or they take those off if we are not including it in this estimate of square footage. They can always decide not to do one of the other signs to keep them below 100 -- or whatever the number comes out to be. Right now their request is 132 square feet.

JAMES VALERIO: Do we know exactly what is on those?

MS. BARANES: I can see on the bottom, it just says "diesel" and -- I mean that has to be there in order for them to know which side of the pump to lift the handles up on.

ADAM CUMMINGS: I use that gas station quite a bit. I think it also has a small square of

the Kwik Fill logo.

ERIC STOWE: The signage.

MS. BARANES: Up at very, very top.

ERIC STOWE: The signage that says what the gas is and the price is exempt.

ADAM CUMMINGS: Correct. I'm not speaking -- I'm talking about the lower area, not the upper area. I just want to make sure the math is correct on it, because this drives to the next application, as well, and I also -- I'm running through quick math here, for the 132 square feet, including all of these wall signs, and the "Red Apple," which doesn't have a square footage on it, I -- I'm actually closer to 194 square feet. Because "Red Apple" is 22 square feet.

And then we also have to -- oh, sorry. I take it, back. The -- the 100 square feet or -- for the canopy sign, we should not be included -- we should not be including on the request, correct, Paul (Wanzenried)? It's not a site sign square footage. It is just building canopy signs. We don't have to worry about the double-faced pedestal sign.

PAUL WANZENRIED: Hang on.

ADAM CUMMINGS: Thank you for bearing with us as we go through this.

MS. BARANES: That's okay. I have had so many of these the last two months, I don't know if I go home any more. I just come to one of the towns.

PAUL WANZENRIED: Does the applicant know when the pump signs were introduced?

MS. BARANES: Um, no. I just started doing their work about a year and half ago. So I'm assuming those pumps have been there for quite a while. Somebody else was doing their work for them, so I really couldn't tell you.

PAUL WANZENRIED: I believe, Mr. Chairman, we were under the -- we have the understanding that this would be preexisting, nonconforming.

ADAM CUMMINGS: Okay. All right. Well, my number for that amount didn't even include -- so I have 94 square feet is what I come up with with the signs that are listed in here.

JAMES VALERIO: What does that include?

ADAM CUMMINGS: That includes the "Driving America," and this was the original one. The three "Kwik Fill"s on the canopy, plus 22 square feet, which was on the -- let's see. That would be the "Red Apple."

And then the only things I'm lacking would be the four wall signs. So 132 sounds reasonable for that.

JAMES VALERIO: I thought you just wanted the one canopy and the "Driving America"?

ADAM CUMMINGS: No. I'm saying to get to the original request of 132 square feet, I'm trying to figure out where that was derived from to now reduce that down. Now that we have taken out 117, 28 -- 217.8, the "Red Apple" stays. The wall signs go away. So that is two -- where was -- was that?

That actually reduces it down, reducing those by my math to 88 square feet, so it would give me a buffer -- I would say 90 square feet. Which is actually below 100 square feet.

FRED TROTT: And "Kwik Fill" on the top.

ADAM CUMMINGS: So no variance would be needed.

MS. BARANES: That is if we just do the front? The Kwik Fill letters on the building and the pole sign?

ADAM CUMMINGS: The pole sign I didn't include in that square footage. That is solely for the "Kwik Fill." The "Driving America" and the "Red Apple."

MS. BARANES: Okay.

ADAM CUMMINGS: As I am reading it, the total square footage of the building canopy signs would be 132 square feet. We have reduced that to be 88, exclusive of the fuel pump dispensers. And by -- by my math, that comes to about 98 square feet so no variance would be needed for that one.

Variances would be for one additional wall sign and two fuel pump canopy signs.

ERIC STOWE: Just a question. That is if the wall signs that are existing are removed?

ADAM CUMMINGS: Correct.

ERIC STOWE: So does that still then require the variances for the additional wall signs?

ADAM CUMMINGS: There would be -- there would need to be one additional wall sign for the "Red Apple," but the other ones I'm assuming would not be there, so therefore, a variance would not be necessary.

I did not see anywhere on the property card that they had a variance for the four existing ones that are on the wall. So those are not permitted to be there to begin with.

MS. BARANES: I'm coming up with about 58 square feet for the front and for the Kwik Fill sign on the building. Because -- because Kwik Fill is only 17.8 square feet.

ADAM CUMMINGS: Actually, I have that, too.

MS. BARANES: Driving America is 18.3 and building is 22.

ADAM CUMMINGS: I have got 58.1.

PAUL WANZENRIED: I have got "Driving America" as 19, "Kwik Fill" as 31.5 and "Red Apple" as 24.

ADAM CUMMINGS: I don't have Kwik Fill that big. I have 17.8.

PAUL WANZENRIED: Okay. Call it two. 1' 11 5/8" -- call it 2. 9' 4", call it 9 1/2. 9 1/2 by two is 19.

MS. BARANES: I have 1' 8" by 10' 6" on the "Kwik Fill."

ADAM CUMMINGS: Yes. That is what I have, too.

MS. BARANES: Are you looking at the other location possibly?

PAUL WANZENRIED: No. I took 3 foot by 10' 6". That gave me --

MS. BARANES: 3 foot is the height of the gas canopy. 1' 8" is the height of the lettering.

ADAM CUMMINGS: Paul (Wanzenried), there is an interior dimension line there.

PAUL WANZENRIED: Yeah, I saw it.

ADAM CUMMINGS: I do get the 58 -- I don't know why I added 30 onto that. Unless I'm missing something.

MS. BARANES: You might have been adding the other ones into it. I think the other two you probably ---

ADAM CUMMINGS: Well, either way, it's below 100 square feet.

Paul (Wanzenried), can you confirm that we do not have to include that two-sided roadside pedestal? Not monument, but the standing sign?

JAMES WIESNER: Lollipop sign.

ADAM CUMMINGS: The lollipop sign. I like that. Because that one will boost it above it.

MS. BARANES: Well, that is giving you another 50 square feet. So you wind up with maybe 100 square feet with that on there.

ADAM CUMMINGS: But that is two-sided?

MS. BARANES: You count both sides?

ADAM CUMMINGS: Yeah.

MS. BARANES: Never heard of that before.

Isn't there already a variance for that pole sign?

ADAM CUMMINGS: That's what I'm trying to skim through.

PAUL WANZENRIED: There is.

ADAM CUMMINGS: Yes.

MS. BARANES: We're significantly reducing the square footage on that pole sign right now.

FRED TROTT: 136 square feet for a freestanding sign.

ADAM CUMMINGS: Yes. Yes. There is a variance for 136 square foot double -- double-faced freestanding sign, 50 feet from the side and front setback from January 28th, 1998.

FRED TROTT: Then they have July --

ADAM CUMMINGS: That was for a new one to be bigger.

FRED TROTT: Oh, okay.

ADAM CUMMINGS: We don't have to include that. I am viewing this we don't have to worry about the variance request for exceeding 100 square feet, but we need a variance for one additional wall sign and two signs on the fuel pump canopy where one is allowed. Confusing as this application is.

MS. BARANES: Which winds up being less than what the square footage --

ADAM CUMMINGS: Yes. The square footage I'm viewing is out. With this reduction on it, there is no variance any more for the square footage.

You good? Any other Board discussion? We'll open the Public Hearing in a -- I will open up the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: Am I hearing that the -- some of these signs they have up, that they want to -- you know, they want to make valid now are illegal? They shouldn't have been there in the beginning?

ADAM CUMMINGS: They have removed those from the application. Yes, part of the application they asked for -- for four wall signs and now they have taken that back to --

MS. BORGUS: They want one?

ADAM CUMMINGS: They want one to be the "Red Apple" above the entrance door.

MS. BORGUS: What about the ones that were -- they may be gone from the application. Are they gone from the building?

ADAM CUMMINGS: They would --

MS. BORGUS: They would have to be gone from the building.

ADAM CUMMINGS: They would be gone from on the building. That is not to say they can't put them in the window or somewhere else.

But we're also granting a variance for one building sign. If they decide they don't want to do "Red Apple," it is their prerogative if they just want one of those dollar signs on the building.

MS. BORGUS: I have always been confused about that. What does Red Apple signify? It's a Kwik Fill station.

ADAM CUMMINGS: She can correct me if I am wrong, the Kwik Fill is the gas station and the Red Apple is the convenience store inside. Two different marketing names.

MS. BORGUS: Now, I heard the word "digital."

ADAM CUMMINGS: Yes. It's the digits of the fuel price.

MS. BORGUS: They will be on the pole sign?

ADAM CUMMINGS: Yes.

MS. BORGUS: Do other gas stations have digitals?

ADAM CUMMINGS: Yes. We went through the same thing with Fastrac.

MS. BORGUS: Did you?

ADAM CUMMINGS: Yes.

MS. BORGUS: Well, all I can say is that -- you know, the -- the whole -- the whole station

is a poster child for sign pollution. It is just awful. It's a good location. It could be attractive, but they make it unattractive with the amount of signs they want to slap up all over. It looks -- it looks tacky and I -- I -- I think they should have the absolute minimum. We have a code for a reason. And that -- that station has been there in its present configuration for probably 50 years. I guess people in Town know where the Kwik Fills are. I don't think we need more signs to make it a stopping point. They do a good business and I'm sure most of the people are local that trade there. They all know where the Kwik Fills are. So I think the absolute minimum is -- is what they should be given.

And this "Driving America," I question that. I -- I understand that you have to have a sign and a logo or whatever for identification. It is marketing. But "Driving America" adds nothing. What is -- is that for? That's not part of their corporate sign -- you know, their name. It doesn't mean anything. It's just words. It would be like if you took the Mobil station and you put a logo up there besides Mobil. It -- the other stations don't get to add anything but their name. How do we get to this "Driving America"?

ADAM CUMMINGS: No. There are others -- I -- that's part of their -- whatever content they want to put it on it, that's up to them and that is where we're considering two signs.

MS. BORGUS: One sign.

ADAM CUMMINGS: Right now we're down to two signs down from four. And we'll continue on that discussion of whether there is just one or we permit them to have two. We haven't made that decision yet.

MS. BORGUS: Uh-huh.

ADAM CUMMINGS: He has only reduced the variance request from 4 to 2.

MS. BORGUS: They certainly don't need signs on every side of that canopy any more than any of the another stations.

FRED TROTT: It will look better than what is there now. We're reducing the signage they have now.

MS. BORGUS: I understand.

FRED TROTT: So at least it will look better.

MS. BORGUS: But they're way out of line with what they had because they helped themselves.

FRED TROTT: We're getting them straightened out.

MS. BORGUS: They helped themselves, their interpretation of the code what they wanted. It is time that they got back in line.

But where -- where would -- where would there be another sign that would equivalent to this "Driving America"?

ERIC STOWE: You need to focus on the number, not the content.

MS. BORGUS: I know.

ADAM CUMMINGS: One thing I'm considering as Chairman, is the orientation -- there is two streets that go there since they're on the corner. Now providing them two, they could put one on each side of the canopy instead of the front, if they so choose. That is one thing going through my mind right now. We're focusing on one application that has it both on one side, but we -- but we have reduced it from four to two at that point. We're going to continue the discussion of whether it goes to more, or deny the application and then they're only allowed one. So there is a lot of things we're discussing.

MS. BORGUS: Let's keep this as restrictive as possible. Thank you.

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: We have had a lot of discussion. To be clear, we're down to one additional wall sign. You're proposing the "Red Apple." I just want to be clear on that, that it is one wall sign wherever they decide to put it on their building.

MS. BARANES: On the entrance.

ADAM CUMMINGS: I'm only going off of one sign. The Zoning Board is only looking at one sign. If they want to put one sign somewhere else on the building, just do the sign permit through --

MS. BARANES: But we're talking about removing the other four off the building.

ADAM CUMMINGS: Yes. Those other four are coming off. They would need to come off. But as I'm saying this, if they only wanted to remove three of those other ones, they could leave one but not be able to put the Red Apple sign above the entrance.

MS. BARANES: No. Like I said before, they would prefer their branding signs before any of those other signs.

ADAM CUMMINGS: Understood. I just wanted to be clear what we're deciding.

MS. BARANES: I understand.

ADAM CUMMINGS: And then on the fuel canopy, we have reduced it down to two. Once again, the code is one. If we want to reduce it to one, there is no variance.

ERIC STOWE: Can we just say one additional?

ADAM CUMMINGS: That's a better way of putting it. One additional.

ERIC STOWE: Just so it is clear we're not granting two signs in addition to the one that is

permitted.

ADAM CUMMINGS: Yes. Yes. So one additional sign. Is that clear, Board? So I stated my thought process on that. And it is granting one additional -- one additional sign so that they could -- they could put them both on the front as they're proposing here, or they could decide to do one on each side. And there is still the option of denying that one.

PAUL WANZENRIED: I agree with you. I -- I think it is beneficial to do the sign on the southeast and the northwest. You already have the pylon sign out front saying "Kwik Fill." Why would you need something behind it on the canopy mentioning that? It doesn't make any sense to me.

ADAM CUMMINGS: Yep.

MS. BARANES: I agree.

PAUL WANZENRIED: Reducing that does seem like a better way to go.

ADAM CUMMINGS: Once again, as Counsel said, we're not here for content or placement of the signs per se. We're evaluating placement in terms of number of them. I want to focus on number. That is one recommendation I would give.

MS. BARANES: I think that makes a lot of sense.

MARK MERRY: One additional sign.

ADAM CUMMINGS: We're going to do one additional canopy sign. Yep.

PAUL WANZENRIED: The applicant is aware, though, that "Driving America" is not part of that, right?

ADAM CUMMINGS: Yes.

MS. BARANES: If we do it on the sides?

PAUL WANZENRIED: That's correct.

MS. BARANES: That's fine.

JAMES VALERIO: Will we vote on them separately?

ADAM CUMMINGS: That's a good idea. I do have them split out. So at James' request, I will split these out. So we will -- so we will vote on the first one to erect one additional wall sign on the building and then we'll do a second action to vote on whether to have one additional sign on the fuel pump canopy.

Both of these will have a condition after approval sign permit must be obtained from the Building Department and we'll go ahead with the first one.

ERIC STOWE: Asking one more question, so it is clear, the applicant is withdrawing request for 132 square feet of signage, based on what has been discussed? Because that is still a request that is pending. It has not been formally withdrawn.

ADAM CUMMINGS: That's true.

ERIC STOWE: Unless it is formally withdrawn.

MS. BARANES: We'll withdraw it.

ADAM CUMMINGS: You're formally withdrawing it?

MS. BARANES: Yes.

ADAM CUMMINGS: Okay. Good.

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 Wiesner seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: This is 4A, one additional wall sign on the building with one condition of approval.

Fred Trott made a motion to approve the application with the following condition, and James Valerio 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. Sign permit must be obtained from the Building Department.

The following finding of fact was cited:

1. Applicant's representative agreed to reducing and minimizing the requested variance to one additional wall sign on the building and removing the existing building wall mounted signs.

ADAM CUMMINGS: Moving onto the next one, to be thorough.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and Fred Trott seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: I would like to ask for motion to adopt this application being 4B, which is for a variance for one additional sign on the fuel pump canopy. With one condition of approval.

James Wiesner 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 5 yes to 2 no (Mark Merry, James Valerio) with the following condition:

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

The following finding of fact was cited:

1. Applicant's representative agreed to reducing and minimizing the requested variance to one additional sign on the fuel canopy. Since this property resides on a corner lot fronting two main roadways, allowing one additional sign seems reasonable.
5. Application of Kwik-Fil Gas Station, c/o Premier Sign Systems, 10 Excel Drive, Rochester, New York 14621, property owner: United Refining Holdings; for variance to erect 4 signs on fuel pump canopy to be a total of 71.7 sq. ft., amend variance granted on 1/24/84 to allow 4 signs to be 28" x 44" each (27" x 40" previously approved) for a total signage of building/canopy signs to be 106 sq. Ft. (100 sq. ft. allowed) all per plan submitted at property located at 3215 Chili Avenue in G.B. zone.

Laura Baranes was present to represent the application.

ADAM CUMMINGS: Now we moved down the street, this is the full service one. This is the one I was picturing.

It is quite apparent that we're visiting a Kwik Fill station here. So going through these ones, the four signs on the fuel pump canopy, um, I'm not seeing where you have got the "Driving America" on this picture. But you do want it on the front, or the fronting Chili Avenue sign? Just to acclimate everyone to what is which. On the sides it would just be "Kwik Fill," and then on the back side, you're not looking for a canopy sign; correct?

MS. BARANES: I have my ---

ADAM CUMMINGS: So once again, the quantity of four signs comes about because of "Driving America" and then the three "Kwik Fill"s on the canopy. I'm not going to repeat the same things I just did. But in this case, my same logic applies. Having it on the front of the building, in my opinion, it doesn't really help much because traffic is already past by the time it is there. It's not a very good way-finding. The intersection is further down to the east. Just by doing that would reduce you below the 100 square foot allowed, much like we did on the last application.

Anything -- Jim (Wiesner), questions from the Board? I don't want to --

JAMES WIESNER: You talked about the canopy. So on the building, there is the "Kwik Fill" and there is three other small advertising signs; is that ---

ADAM CUMMINGS: Yes.

JAMES WIESNER: I don't see where those are -- pictures of those. I guess it doesn't really matter. I guess I do see them now on the ---

ADAM CUMMINGS: Yeah. One is to the right of the ice machine. One is to the -- and then there is the two showcase windows, one on each side and one to the left of the main door.

JAMES WIESNER: So those are the same situations that we have at the other site?

ADAM CUMMINGS: Yes.

JAMES WIESNER: Yeah.

ADAM CUMMINGS: So same thing applies with Corporate, they would much rather that have the "Kwik Fill" than the four building signs which are advertising of --

MS. BARANES: Yes.

ADAM CUMMINGS: -- of various sale items.

MS. BARANES: Yes.

ADAM CUMMINGS: We would rather have those off the building.

MARK MERRY: Speaking of that, are they allowed?

ADAM CUMMINGS: That's the tricky part.

Counsel, this is looking for amendment of the variance, so? If we deny the amendment, does the existing variance still stand?

ERIC STOWE: Yes, sir.

ADAM CUMMINGS: That's what I thought. So those four smaller signs will -- will always be able to remain there. That is a question for the applicant. Why the small increase. Why suddenly 1 inch by 4 inch larger than what was previously approved?

MS. BARANES: Those are up there. They have been up there.

ADAM CUMMINGS: I'm guessing what happened is the previous approval had a certain dimension and then the signs were put up and they were bigger than what was approved.

MS. BARANES: I don't know. It looks to me like they have been up there for quite a few years.

ADAM CUMMINGS: Yep. I agree.

MS. BARANES: So this -- I don't know, maybe basically this is the same thing where we

take the one off the front and put the "Kwik Fill" on both sides. Like we did with the other one. And eliminate the "Driving America." And then the letter set on the building and the pylon.

ADAM CUMMINGS: Well, I would be thrilled to have them off the building, but as Counsel just said, we -- the Town has already granted a variance to allow those four signs to be on the building. So we would just be considering one additional sign, being the "Kwik Fill" sign above the door.

MS. BARANES: Okay.

ADAM CUMMINGS: So -- so even if we deny your request of those four signs of 28 inches by 44 inches, this property is still allowed to have four 27-inch by 40-inch signs. If I'm being clear on that.

MS. BARANES: So if we remove the building signs, they would -- that would elevate our square footage for the gas canopy?

ADAM CUMMINGS: Square footage is out of the discussion right now.

MS. BARANES: Okay.

ADAM CUMMINGS: I'm not --

MS. BARANES: I'm not sure what you're asking me.

ADAM CUMMINGS: I'm just stating to you that the -- the four signs that are on that wall are -- are already approved at a smaller size than what your sign inventory reports them at. So I appreciate it has got the correct dimensioning on there. But I just wanted to be clear, that from 1984, those are already allowed to be there if they're smaller.

Now you're looking for one additional one of the "Kwik Fill," which is oh -- the square footage on that -- you have it broken down. I like how you broke it down as two different ones. There are 4 square feet and 18 square feet, so 22 square feet. So the Board is aware of that. And -- by reducing -- by reducing from four canopy signs to two, we have reduced the total signage from 106 square feet to below 100 square feet. I don't know what the exact one is, because I didn't do the math yet. But let's get ahead of the game there.

Are you okay with reducing it from four canopy signs to two?

MS. BARANES: Yes.

ADAM CUMMINGS: And, therefore, withdrawing your request for a variance request of 106 square feet?

MS. BARANES: Yes.

ADAM CUMMINGS: Okay. All right.

FRED TROTT: Is there a way -- yeah. I don't know how to word it. I don't know if there is a way to get rid ---

ADAM CUMMINGS: No. It is not possible. That is why variances go with the land. We can't get rid of old variances. That is what I just asked Eric (Stowe). If -- even if we denied this one requesting four signs to be 28 inches by 44 inches, if we denied that tonight, the variance still exists.

FRED TROTT: But we could make an adjustment -- I'm wondering can you make an addendum to that where it says the removal of four signs to be two signs at this size?

ADAM CUMMINGS: Or even better, remove these four signs and put the one "Kwik Fill" sign on?

FRED TROTT: Yeah.

ERIC STOWE: No.

ADAM CUMMINGS: That's what I thought. That was the original question.

FRED TROTT: I didn't see his head shake. Sorry.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: Once again, we're up to variance to erect two signs on the fuel canopy. Once again, that's one additional. I want to be clear on that, one additional canopy sign, and then we're looking at one additional building sign. Okay?

JAMES VALERIO: They can't take one of those signs down and put a "Kwik Fill" up?

ADAM CUMMINGS: They could. They could put four small "Kwik Fill" signs that are 27 inches by 40.

JAMES VALERIO: The one on the top, on the green facade they couldn't ---

ADAM CUMMINGS: It's not that it is bigger. It's one more sign.

JAMES VALERIO: I'm saying if they got rid of the -- the current wall signs.

ADAM CUMMINGS: No. If they wanted -- oh, I see what you're saying. If they took one of the wall signs out and then wanted to put a 27 inch by 40 inch up in that area, they could do that. Yep. But that won't fit the sign that they're looking for. You could put the "K" on there, but not the rest of it. "Kwik Fill," the whole -- the whole "Kwik Fill" won't fit that area.

JAMES VALERIO: If Kwik Fill wanted, they could take all of the signs down and put the one "Kwik Fill" up on the facade.

ADAM CUMMINGS: But it could only be 27 inches by 40 inches. It can't be the big sign. It's not square footage to square footage. It's quantity of signs at that size.

JAMES VALERIO: Then they would only have one sign.

ADAM CUMMINGS: Yeah.

JAMES VALERIO: They wouldn't be over the square footage total?

ADAM CUMMINGS: They're not going to be above the square footage. They won't be above the square footage.

JAMES VALERIO: I'm saying though -- without us voting tonight, they could still put a Kwik Fill sign up there if they take some of those wall signs down.

ADAM CUMMINGS: They can --

JAMES VALERIO: As long as they stay within the square footage allowed by the -- by the code.

ADAM CUMMINGS: No. They -- they can do it based on the variances that were previously approved, which is four building signs of a certain dimension. Take the square footage out of your head. It's that part. That is as big as they can get on the upper sign.

JAMES VALERIO: But what if that was their only sign.

ADAM CUMMINGS: That is fine. But they could still put three other ones on. They could also put one, two, three or four, but we can't control any of those. So there is no debate on any of that.

JAMES VALERIO: I know. My point is, is that I don't -- we wouldn't have to have a vote if they just said, you know, what? We would rather have our big "Kwik Fill" sign, so there is no reason to come to the Zoning Board, because we're going to stay within the code --

ADAM CUMMINGS: I see what you're asking.

JAMES VALERIO: -- and just put our big "Kwik Fill" sign, and get rid of the other ones so we're not over the square foot.

ADAM CUMMINGS: We're not going to be above the square footage part, but they would have to come for variance to have one additional sign that is greater than 27 inches by 40 inches. That hasn't been granted.

JAMES VALERIO: Okay. So what if they -- if they never have this, what is the maximum they can have, the square feet?

ADAM CUMMINGS: They can have 100 square feet, but they can have one sign. If they didn't have that existing variance, they could have one sign. And then with what we just did on that map there, that is 35 square feet on the canopy, so they would have 65 square feet remaining to be able to put a Kwik Fill sign on it. But we can't consider that, because the variance is in place.

JAMES VALERIO: I get that. What I'm saying is they wanted to put one sign down, put the "Kwik Fill" up there, they would exceed the size.

ADAM CUMMINGS: No. I don't think they would still exceed 100 square feet. With the sign they have listed here. They wouldn't -- they wouldn't populate a total aggregate square footage that would break 100 square foot.

JAMES VALERIO: They could do that without even us having a vote?

ADAM CUMMINGS: No. They can't add one more -- they can't add one more building sign on that's bigger.

JAMES VALERIO: I understand that. What I'm saying is if they just chose on their own to take the other ones down. You see what I mean?

ADAM CUMMINGS: No. I don't.

JAMES WIESNER: I guess one way I see it --

ADAM CUMMINGS: No. Wait. They already have the amendment -- or -- I see what you're saying. The variance -- sorry to interrupt you, Jim (Wiesner). The variance is in place. Can't forget that fact. Even if the signs aren't there, they can't just go in and add one more bigger sign.

JAMES VALERIO: Okay. That's what I wanted to know.

ADAM CUMMINGS: Okay.

JAMES WIESNER: So the one thing we're considering here, is truly a sign package. They have an existing sign A package. You're trying to get approval for a second one.

ADAM CUMMINGS: For additional signs, yes.

JAMES WIESNER: But, we're considering it as, okay, if they don't get approved, they get the four previously at 27 by 40.

We could also say, "Here is the package we're offering you now, which is one additional on the building, one additional on the canopy."

ADAM CUMMINGS: Yep.

JAMES WIESNER: "Here is your new sign package."

ADAM CUMMINGS: No. We can't get rid of the old amendment.

JAMES WIESNER: Well, if it doesn't get approved, it reverts back to it.

ADAM CUMMINGS: Correct.

JAMES WIESNER: Which doesn't fill what they're trying to do so we have some control over the sign package.

ADAM CUMMINGS: Yes.

JAMES WIESNER: So we could go in with a package that has one additional, both on the building and the canopy, which is what we would prefer, and if they don't like that, they revert back to something that doesn't fit for what they're trying to do.

ADAM CUMMINGS: Yes.

JAMES WIESNER: So that handcuffs them that way.

ADAM CUMMINGS: Yes. So right now we're at one additional fuel pump canopy, and

the package is one additional building sign. We can always revise that package to not have one additional building sign and only have one additional fuel canopy.

JAMES WIESNER: We can say just two signs then. One additional one on the canopy, two on the building.

ADAM CUMMINGS: But let's -- we can't put the quantity on. We have to put -- you're allowed one on the canopy -- well, the building one --

JAMES WIESNER: It's a sign package. We control the sign package.

ADAM CUMMINGS: Let's just stick with what they're looking for. We're -- I think we're over-thinking this on the Board.

MARK MERRY: We are.

ADAM CUMMINGS: So we have a -- so we have a very quick picture. Three "Kwik Fill"s within one eye shot. There is -- looking at this, there is no need to have the building sign because you have two others that can show it, and even if the fuel canopy went away, you could still have the lollipop sign identifying it. So, therefore, the sign package I'm leaning towards is one additional fuel canopy, and no additional signs on the building.

MS. BARANES: But why would you allow it on the other one and not on this one?

ADAM CUMMINGS: Because this is a different application. The other one is on a corner.

MS. BARANES: This is a much bigger location.

ADAM CUMMINGS: I understand that. But -- but I'm also thinking of -- of the amount of signage you have there.

MS. BARANES: But we're reducing it to just one Kwik Fill on each side.

ADAM CUMMINGS: I am just saying the way I'm seeing it off this picture. The Board can certainly --

JAMES WIESNER: Kwik Fill is right now not part of the original sign package, because it doesn't fit the ---

ADAM CUMMINGS: Yes.

ERIC STOWE: 4/24/90 there was a variance allowing a 12 by 4 wall sign with logo.

ADAM CUMMINGS: Oh, no kidding. Then why are we even here? I missed that one. Where was that?

ERIC STOWE: 4/24/1990.

ADAM CUMMINGS: "Red Apple" 12 foot by 4 foot wall sign, and a 10 foot by 5 foot double-faced freestanding, one condition.

So they don't even need to be here for that.

So to be clear on that, the Kwik Fill that you're depicting there, you already have a variance for.

MS. BARANES: For?

JAMES WIESNER: On the building.

ADAM CUMMINGS: On the building.

MS. BARANES: Okay.

ADAM CUMMINGS: So we don't have to worry about one additional on the building.

And because we reduced the number on the fuel canopy, we don't exceed 100 square feet, helps you withdraw that one. So the only one we're considering is one additional fuel pump canopy sign.

Thank you, side table. I didn't see that.

All right. Is that clear? Wow.

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 unlisted action with no significant environmental impact, and Mark Merry seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: I would like to ask for motion to adopt the application. There is one condition of approval. The sign permit must be obtained. So I would like to ask for that motion to adopt the application with the one condition.

Fred Trott made a motion to approve the application with the following condition, and James Valerio 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, James Valerio) with the following condition:

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

The following finding of fact was cited:

1. Applicant's representative agreed to reducing and minimizing the requested variance to one additional sign on the fuel canopy. Since this fuel canopy is parallel to Chili Avenue, allowing one additional sign seems reasonable to identify the fueling station from approaching traffic from both directions along Chili Avenue.

6. Application of Thomas Klein, owner; 12 Prestwick Lane, Churchville, New York 14428 for variance to erect a 7 ½' x 12' utility shed to be 5' from side lot line (8' req.) and 0' from garage (8' req.) at property located at 12 Prestwick Lane in PRD zone.

Thomas Klein was present to represent the application.

MR. KLEIN: Good evening. My name is Tom Klein. I live at 12 Prestwick Lane, Churchville, which is further from Churchville than we are now. It is off of Archer. And what I'm looking for is to -- I had a small vinyl shed that sat in that space until the winds came in March and the shed left at that time. Carried by the wind. And then we gathered the pieces up.

And I would like to build one out of wood, which would be a little more substantial against the wind and I use it to store -- I have a motorcycle, lawnmower, garden tools, weed whacker, that kind of stuff. The garages in that area, they're two cars wide and that's all they are wide. They're not really a whole lot of extra space in the garage. This would get some of the other stuff out there.

The motorcycle I have weighs 850 pounds and I really would not want to drive it across the grass to get to a shed or something else in the backyard. The yard there tends to be a bit damp. If you go to the east side of the house, which is where the utilities come in, um, we have 12 foot 7" there, but there is a swale that goes down between the yard to the east of ours and -- and ours, so every time it rains, we have standing water for a couple of days afterwards that doesn't really follow the swale. It just collects there. So that would be much too wet to take it on that side.

And the other side is where the garage is, the driveway is, and it would be much more convenient there. Essentially lining up with the front space of the garage line and more accessible for things that we use it for.

ADAM CUMMINGS: Just a comment. The zero setback, I thought the State setback was 3 feet -- from the lot line. This one is from a building.

JAMES WIESNER: Not between structures?

ADAM CUMMINGS: Right.

And 8 feet, Paul (Wanzenried), correct me if I am wrong, that is -- our Town Code is 8 feet or is that building?

PAUL WANZENRIED: No. That is Town Code.

ADAM CUMMINGS: So if it was actually affixed to the building, would that still be deemed a shed or would that just be an attachment to the house?

PAUL WANZENRIED: If it is attached to the building, we would consider it an addition to the garage.

ADAM CUMMINGS: Thank you.

JAMES WIESNER: That's all I have.

MARK MERRY: Have you talked to your neighbor about this?

MR. KLEIN: Attached to your packet is a signed statement.

MARK MERRY: I didn't see it.

MR. KLEIN: From both -- from the neighbor on that side, both the husband and the wife signed it. They have no issues with it. We get along very well with them.

MARK MERRY: Just standing there from the roadside, visually, it's hard to believe it is even 5 feet from their lot line. It is pretty close.

MR. KLEIN: Yes.

ADAM CUMMINGS: It's a very unique subdivision.

MARK MERRY: It is a very unique subdivision. Thank you.

JAMES VALERIO: Was there -- so there was no variance on the previous shed?

ADAM CUMMINGS: That's a good question.

MR. KLEIN: There was not.

ADAM CUMMINGS: That is correct. I have nothing -- well, except for many times this subdivision was in for variances on lots.

FRED TROTT: It was under certain size ---

ADAM CUMMINGS: He would still have to be off the property line. He doesn't need a permit, but he would with regard to the property line, a variance request. So he just didn't get a variance to -- for what he had.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: If this is an addition to the garage --

ADAM CUMMINGS: It is not at this point. It is a shed.

MS. BORGUS: Oh, I thought --

ADAM CUMMINGS: He was saying if it was attached to the house, it would be an addition to the garage. But it is not attached to the house, so --

MS. BORGUS: It's attached to the garage.

ADAM CUMMINGS: Or the garage is part of the house. It is not attached to the main structure at all. It is adjacent to it.

MS. BORGUS: I see.

ADAM CUMMINGS: Magical zero feet, but it's not attached.

MS. BORGUS: Got you. Well, I -- I can't imagine this is going to look very good, but maybe that's not your worry. I think it would -- it would certainly not add anything to the

neighborhood or the appearance of the house to do this, but I guess that's -- that's not the question.

Thank you.

MR. KLEIN: On that, I have talked to obviously the neighbor directly next door, who signed the paper. The three across the street, none of them had any issues with that.

ADAM CUMMINGS: Okay. As Mr. Wanzenried said over there, if it was an attachment to the garage, it would be a different situation so you wouldn't need a zero foot variance.

Did you consider instead of buying a shed and putting it on this, to build an extension off of your garage?

MR. KLEIN: Then being an addition, I would have to dig footers and all of that kind of stuff. Much more than what I'm hoping to have to get into to store my motorcycle there.

ADAM CUMMINGS: Okay. Thank you. So much more of an economic impact.

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: One condition on this one is that you would have to get a building permit from the Building Department before you start constructing this. Which you obviously know --

MR. KLEIN: Well, the square footage is less --

ADAM CUMMINGS: You're right.

PAUL WANZENRIED: The square footage would not require a building permit.

ADAM CUMMINGS: I kept thinking because they were in for the variance it was triggering it, but you're right. You don't need a variance for the shed. I was under the assumption as we were talking about it that it was an extension off of the garage. So no conditions.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be Type II action with no significant environmental impact, and Mark Merry seconded the motion. The Board all voted yes on the motion.

Mark Merry made a motion to approve the application with no conditions, and James Valerio seconded the motion. All Board members were in favor of the motion.

DECISION: Approved by a vote of 4 yes to 1 no (Adam (Cummings) with no conditions and the following finding of fact was cited:

1. The applicant provided a letter of support from an adjacent neighbor and reported support from the other neighbors across the street. Due to the small size of this structure, it will not likely be noticeable and will not create an adverse visual impact on the neighborhood. It was determined that the additional costs associated with attaching a new structure to the main house would be excessive to the owner compared to the cost of placing a pre-manufactured shed.
7. Application of Kamco Supply Corp., 36 Railroad Avenue, Albany, New York 12205; property owner: Rochesters Cornerstone Group RICC LLC; for variance to allow front parking and outdoor storage per plan submitted, and a 6' high fence in front setback area per plan submitted (4' allowed) at property located at 100 Trade Court in L.I. w/ADATOD zone.

Sara Gilbert, Sue Lewis and Bill Hennessy were present to represent the application.

ADAM CUMMINGS: If the applicant doesn't mind, would you be okay with me combining 7 and 8 for your presentation?

MS. GILBERT: We were going to request that.

8. Application of Kamco Supply Corp., 36 Railroad Avenue, Albany, New York 12205; property owner: Rochesters Cornerstone Group RICC LLC; for variance to erect a 7.5' x 5.67' double faced freestanding sign to be 42.5 sq. ft. per side (85 sq. ft. total) where 16 sq. ft. per side is allowed, variance for sign to be 8.5' tall (5' allowed) at property located at 100 Trade Court in L.I. w/ADATOD zone.

MS. GILBERT: Good evening. My name is Sara Gilbert. I'm with Pinewoods Engineering here tonight representing Kamco Supply for the proposed application at 100 Trade Court. I'm joined today by Bill Hennessy, Hennessy Engineering and Consulting; and Sue Lewis, Regional Branch Manager for Kamco Supply. They will probably be jumping into the presentation, but for the purposes of the Board, should I have them introduce themselves and

their address?

I will keep going.

The application is for the proposed construction of a 30,750 square foot steel-framed, pre-engineered metal building that will include an office and a warehouse. It will have two new driveways on Trade Court and it will have impervious surfaces for asphalt parking, truck maneuvering, outdoor storage.

It does include building signs and a freestanding sign, lighting, storm water management and landscaping. The landscaping also includes plantings and enhancements for screening along Paul Road.

Quick background, Kamco is a leading supplier and distributor of building materials. The building will be owned and operated by Kamco. They are currently operating in the Rochester market out of a leased space on Industrial Park Circle off of Coldwater in the Town of Gates, I believe. They -- that facility is about 18,000 square feet. This again is about 30,000 square feet, so they have considerably outgrown that space and they're looking to get some more room.

The facility will be open to the public. It's hours are from 7 a.m. to 4 p.m. Typically they receive deliveries from 7 a.m. to 3 p.m., and they close the gates at 4 p.m.

Just to give you some quick background on where we are with the Town and the review of this application, in the early part of this year, we presented to the Planning Board that -- that that application included a driveway to Paul Road, and it also had the building significantly closer, about 130 feet closer to Paul Road on a smaller property.

During some of the Public Hearings, the public had expressed -- expressed considerable concern about the Paul Road driveway and the truck coming off of that driveway. The building may not be screened.

So as a result of some of that public input, we removed the Paul Road driveway from the application and we pushed the building back significantly far on the site. We were originally subdividing the site. We're no longer subdividing it, and there is quite a bit of green buffer between Paul Road and the building now.

Um, we brought that concept back to the Planning Board just to get some feedback. They received -- they were favorable. They liked it. So we proceeded with the preliminary submittal.

The Planning Board has not been able to complete SEQR or do a preliminary approval yet, because we at the time had been waiting to hear back from historic parks. The site is a screening zone for historic preservation. We had completed a Phase 1 study. That study came back clear, but we hadn't gotten an official letter back from SHPO yet saying they accepted that study. We have since received that letter.

So we're here tonight requesting your opinions and some feedback from you on the application. We will ask to be tabled tonight and come back after we have had a chance to take it to the Planning Board and request them to do SEQR and a preliminary approval.

ADAM CUMMINGS: Just for our process, I would still like -- as long as you're okay with that, I would still like to move forward with the Public Hearing so you can get their additional feedback for what anyone in the public might have to say to help you out with your review at the Planning Board.

MS. GILBERT: Yes. We would appreciate that public input, as well. Thank you.

The project has been reviewed by the Town Architectural Review Committee and Conservation Board. They have reviewed some of the signage and some of the landscaping that has been proposed.

We are here tonight because this site plan will require three site variances and two sign variances. The three site variances are a variance to allow parking located in the front yard whereas the code does not allow it; to allow outdoor storage, whereas the code does not allow it; and to allow a fence height of 6 feet in the front yard, whereas the code allows a 4 foot height fence in the front yard.

The sign variances are for a monument sign with an area -- a total area of 85 square feet; whereas, 32 square feet is allowed by code. And a sign height of 8 1/2 feet; whereas, 4 feet is allowed by code.

Um, I would like to go through each of the variance requests and present some of the arguments of why we're in favor of them.

For the front yard parking, is there another feasible means of obtaining this? Our feeling is no, the site has considerable restrictions. It's a corner lot so it does have two front yards where we could not locate parking.

Along the eastern boundary we have wetlands and flood plains that we're trying to avoid, including a State 100-foot wetland buffer.

And we also point to the unique operations of the facility. Because it is a trucking facility, we would like to keep the parking away from some of the truck operations. We don't want pedestrians parking and then having to traverse that truck traffic to get inside the building.

So, um, the variance request that we have is for a little stretch of parking that is along the front. We minimized the request to the greatest extent possible by locating a lot of the parking in the rear of the property and we're also showing banked parking.

Um, Kamco, for their facility doesn't need a great deal of parking. The code requires quite a bit more parking than they feel they need. So we have shown the parking to try to minimize the variance, but realistically, probably a lot of the parking may not be utilized.

Um, we don't believe it will produce an desirable change to the community. This parcel is located in an industrial zone with an ADATOD overlay. Um, I would like to draw your attention to the aerial photo. I know this is probably not easy for everyone to see, but right across we have

Lifetime Assistance which also has a little bit of parking in the front yard of Trade Court and we also have the Aramark facility which has some parking in the front yard of Trade Court, as well. So our parking is less than both of those existing facilities.

We don't believe that our request is substantial, as we said, compared to some of the existing developments on Trade Court, in that we tried to reduce it to the extent practical.

We don't believe we're causing any adverse impacts. To be honest, we do have room on the property to add more parking, but we would be having environmental impacts being in some of those zones. We don't believe our difficulty itself is self-created due to the fact it is a corner lot. We have some environmental restrictions, the operations. And also due to the fact that we have slid the building away from Paul Road to create that residential buffer, as well.

For the outdoor storage, um, an outdoor storage area is shown on the drawings. It's on the south side of the building right here. It is 30 foot in depth by 150 foot in width. That area will be used for Kamco. That area is really crucial for Kamco's operations. It's vital how they can operate their facilities. Kamco really excels in the market in dealing with materials that are very difficult for other retailers to contain. Extremely large studs, very heavy equipment, bulky equipment. And having outdoor storage is how they're able to handle that material and maneuver it. Some of the material they keep outside are 26 foot long studs which you cannot get inside a building and maneuver around.

So as far as the outdoor storage, is there another feasible means? You know, due to the unique operation, we don't feel there is another feasible means. And as we said, it's integral to their operations.

As far as an undesirable change to the community, um, as we said, this property is located within an ADATOD zone. To read from your code for the ADATOD, it says, "The purpose of the ADATOD is to provide for a proper environment to foster warehouse and distribution facilities."

So we feel that this outdoor storage is absolutely needed to foster this facility.

We have intentionally located the outdoor storage on the south side of the property so that the building will offer screening to that area. And, um, for -- is the variance request substantial? We have reduced the size of this outdoor storage to the greatest extent practical. We would like to be clear, that Kamco has definite plans on how they utilize this storage. It's not just an overflow area where material is kind of dumped. They have a very specific process in place of how that is used, what material is put there and how it relates to their facilities and their operations.

Oh, I want to make sure I get this on record. There is also storage here (indicating). There is storage racks here (indicating), located along the south property and along the back of the building, as well. Those storage racks are 18 feet in height and they're used to store some of the metal studs.

ADAM CUMMINGS: Could you repeat what you just said?

MS. GILBERT: Yes. There are racks behind the building and on the south end of the property, they're 18 feet in height and they're used to store metal studs.

Adverse impacts, we feel that there is none to the community-based on the fact that the property is located within an ADATOD zone and that view of this outdoor storage will be largely obstructed from Paul Road. It was said there is a 4 to 5 foot high berm that runs along the frontage of Paul Road. There's significant amount of screenings being planted, and there's a 230 foot lawn area between our property line and the front building wall.

Is the difficulty self-created? We don't feel it is. We feel the difficulty is due to the nature of the product, the size, the weight and the handling of it. And part of Kamco's success in operating their facilities is finding a way to maneuver and handle this material.

The front yard fence height, um, is -- the front yard fence is proposed mainly as a deterrent from people entering the property.

As far as other suitable means, um, certainly you could do cameras, as -- or a security system, but the fence height is meant to deter people from entering the facility and utilizing that lawn area. There is residential across the road. Um, there is storm water ponds that are really not safe for young children to be near and the fence is meant as a deterrent from those items.

We don't feel a 4 foot height fence would be an effective deterrent for a person wanting to go fishing in that pond.

Is it -- does it produce an undesirable change to the community? That fence is going to be set back quite far. It will be about 70 feet from the property line. As I said, there is a berm in front of it with landscaped plantings. It is a chain link fence, but it should -- it is not going to be a -- for example like a board-on-board fence that is very obvious. It should blend into the background.

Is the request substantial? We feel a 6 foot height fence is reasonable. 6 foot height is a common fence height. You know, certainly the fence is just chain link. We're not including barbed wire or any excessive means, and it is set back.

Adverse impacts to the community, we feel there is none. It is not highly visible and due to the setback, as well. Is the difficulty self-created? We feel the hardship is created due to the proximity to residential, and the fact that because the building is pushed back, it's a little more isolated and something as small as an alarm or a security light may not be enough of a deterrent.

For the monument sign and the sign height, I'm going to combine these arguments because a lot of the arguments apply to both the sign height and the area of the sign.

We feel that this size sign is very important for these trucks to find the facility and find a way to enter the facility and access it. The building will be set back quite far and it's

intentionally screened, so it will not be obviously visible for our truck coming along Paul Road and for safety reasons it's important that they know how to access the facility and where it is in time to make safe operating movements.

Is there another feasible means to achieve this goal with the trucks? We could move the building back closer to Paul Road again. Certainly that would be more visible, but we feel locating it back farther and having a larger sign is more appealing to the community.

Does it produce an undesirable change to the community? On the other side of Trade Court, right at the intersection of Paul Road and Trade Court is the Lifetime Assistance sign, and that sign has an area of 8 foot by 4 foot. It's a two-sided sign and it has 32 square feet per side, so our sign is very reasonable to that size sign, as well. Um, the sign height, again, is also crucial for trucks identifying the site. Trucks sit up higher. They may not see a monument sign down lower. There is quite a bit of landscaping around the front property, which will also block some of the signage.

So we feel that the sign and the height is not a substantial request given the nature of who is going to be looking at the sign.

Adverse impacts to the community, as we said, it's fitting in size with some of the other signs that are right in that area. We intend to make it attractive with a planting bed below it and minimal lighting.

Was the difficulty self-created? Possibly, the difficulty is self-created in that we pushed the building back, but we feel that, again, that's a fair tradeoff for -- for the sign.

Um, at this point, I would like to address any questions or -- or turn it over.

ADAM CUMMINGS: Good presentation. I did want to point out, everybody is always afraid of that self-created hardship question, and those five, we always do it as a balancing act. I'm glad you said the last one was self-created because all of them are actually self-created, but I'm glad that last one came out. It's not the only consideration we give, but great presentation.

MS. GILBERT: Thank you.

ADAM CUMMINGS: Any questions?

JAMES WIESNER: Yeah. So a couple of questions. So -- there -- right now there is like three labeled lots there. So you have taken over not only the first lot, which is next to the road, but you have the second lot in the middle, as well; is that correct?

MS. GILBERT: Was originally one parcel. It is about 9 1/2 acres. We were originally proposing to subdivide it. I think you mean the overall development of that industrial park? There is a lot below it.

JAMES WIESNER: Okay. But you own all of the way up to the -- up to the frontage on Paul Road then?

MS. GILBERT: Yes. Let me just real quick run through the property line. There is the property here. It actually extends quite a ways in this direction. Kamco has the creek property here. Unfortunately, we can't develop any of this. So the -- so the developable property line comes to about here (indicating) and right along here (indicating).

JAMES WIESNER: If you go to the inset down below, the smaller 11 by 17 --

MS. GILBERT: Yes. There is another piece of property down here (indicating).

JAMES WIESNER: But you have everything from that piece all of the way over to Paul Road.

MS. GILBERT: We're from about here up (indicating). Just below Lifetime -- the second Lifetime driveway up. This is the Lifetime driveway (indicating) and this is our bottom property line, so just below it.

JAMES WIESNER: Before you leave the board, the parking spots shown are actual parking spots?

MS. GILBERT: The banked parking is shown down here (indicating). We have 35 actual spots shown and we have 62 parking to meet the total parking requirement per code.

JAMES WIESNER: That's all I have.

MARK MERRY: How is the outdoor storage screened?

MS. GILBERT: Excuse me?

MARK MERRY: How is the outdoor storage screened?

MS. GILBERT: Um, the outdoor storage will be screened by the building. Um, there -- that also has the fence around it. Although the fence does not have slats in it, so it is not really an effective screening, but the building will block the majority of those views. And also the berm and the trees along Paul Road also block the views of that storage.

MARK MERRY: So the primary screening you're telling me is the building?

ADAM CUMMINGS: Yes.

MS. GILBERT: The building, the separation from Paul Road, the berm and the landscaping, yes.

ADAM CUMMINGS: The racks.

MARK MERRY: The racks.

MS. GILBERT: There is no additional screening proposed other than what we have discussed, the measures of the building and the landscaping.

MARK MERRY: How many linear feet of the fence will be screened?

MS. GILBERT: The fence will not have slats. I guess I don't understand the question.

ADAM CUMMINGS: So I --

MARK MERRY: You talked about landscaping.

ADAM CUMMINGS: None. It's just a chain link fence is what was described.

MARK MERRY: All we're looking at is a 6 foot chain link fence?

ADAM CUMMINGS: Yes. Well, first you will see all of the landscaping, and then --

MARK MERRY: Right. How much of that fence is screened by the landscaping?

MS. GILBERT: Those trees -- let me show you. These trees proposed along here (indicating) are meant to have a dense cover. They can grow up to 18 feet in height. We had originally proposed them on top of the berm to provide the additional 3 feet in screening. The Conservation Board asked us to take them off the berm.

MARK MERRY: What type of trees will they be? What is the width of that tree at full maturity?

ADAM CUMMINGS: I hate to interrupt real quick, but how does that pertain to which variance we're looking at here?

MARK MERRY: Just curious to know.

ADAM CUMMINGS: That is really on the Planning Board site plan reviews.

MS. GILBERT: They're in general about 18 feet. Some could get up to 30 feet in height at full maturity. 18 feet in width, 30 feet in height. I would have to refer to the landscaping plan. There is a variety of plants planted up there, but they're meant to -- at mature growth -- I don't know what the word is, but the branches will mix with each other to create a dense cover and they're meant to be tall.

MARK MERRY: Thank you.

FRED TROTT: Just to reiterate, there is going to be a berm, trees, and then the fence on the Paul Road side of the road; right?

MS. GILBERT: That's correct. So -- this is the berm shown here, and the fence will be just at the toe of the slope of it.

FRED TROTT: What would be in front of your building from Trade Court? Is there a fence in front of that?

MS. GILBERT: The fence is along here (indicating), comes here (indicating). This is a part of the variance request because the fence is just related to the front yard, so on this side (indicating), it is not on the front yard. It is really just, I guess, from here up (indicating) to that pertains to the variance.

FRED TROTT: That's what I wanted to know.

ADAM CUMMINGS: So to be clear on that one, if -- if we had this in other instances, they can do 4 feet on that front part by our code. It could be 6 feet on all of the rest of it?

FRED TROTT: Yep.

JAMES WIESNER: You're also showing trees on the front and back of the berm, as well, if I understand it.

MS. GILBERT: It is a little hard to see, but there are trees staggered. That was the request of the Conservation Board. We had them originally on top of the berm. They asked us to stagger them on the front and the back side of the berm.

JAMES WIESNER: The monument sign up on the berm?

MS. GILBERT: Monument sign over here (indicating), currently shown 15 feet off each property line. It is under an existing large deciduous tree with heavy growth and it would be just at the tail end of that berm as that berm is tapering off. We feel the sign is a little difficult to see with some of the plantings, which is part of the reason why the extra height in the area was requested.

FRED TROTT: Now, you have a picture here.

MS. GILBERT: Yes.

FRED TROTT: That is one of the signs. Where would that be placed?

MS. GILBERT: That is the building-mounted sign. It would be on this wall, I believe (indicating). But the variance request tonight is for the freestanding sign.

That picture you see is from Kamco's Queensbury site, so an existing facility. The building, the view that you have from that building is about 100 feet back, so this is about 230 feet back, so you would be back quite far. The sign would be bigger, but it is set back a lot farther. Just to give you a feel when you're looking at that picture, what it would look like out here.

JAMES VALERIO: I was going to ask where the sign was going, but they answered that.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

MS. BORGUS: If I heard correctly, the applicant's representative here mentioned Lifetime Assistance's sign as being comparable. Well, it's much smaller than what they're requesting. It is -- it is -- I don't -- I don't believe theirs is 8 1/2 feet high, but it is certainly not 85 feet in area for the double-sided sign. So is not really a good comparison.

I am not a fan of chain link fences, and I can't imagine the feelings of the people that must be on Paul Road when they have to consider a 6 foot chain link fence in their line of sight from their yards. I think that's asking them to take on a lot. I know it's an Industrial area. I know. But they were there first. And it really, really -- you're going to put up a fence, make it something that is attractive. A chain link fence doesn't do it. And I really don't think that people are going to climb over a -- a -- a berm and then climb a 4 foot fence so that they can play in somebody's -- in some businesses yard. That's ridiculous.

ADAM CUMMINGS: Ms. Borgus, I would interject that I worked at a place that they jumped over an 8 foot berm and then climbed an 8 foot fence.

MS. BORGUS: To play?

ADAM CUMMINGS: Yes. And they threw rocks and everything else and -- in threw my vehicle, so it does happen. I understand as a business why they have it. I'm not here to decide their materials of construction. We're just considering the height of the fence.

MS. BORGUS: I'm saying if it was something other than a chain link fence, it might not be so objectionable, but it is certainly industrial in nature.

ADAM CUMMINGS: And I would -- I would definitely appreciate that at the Planning Board, if you could say that same thing. I would like to them to hear it, as well. Because we're considering the height. But I would like the Planning Board to hear those statements. That goes to anyone else in the public, as well.

JAMES VALERIO: Did the Architectural Review Board have an opinion on this?

ADAM CUMMINGS: I don't know.

MARK MERRY: Well, the point that Adam (Cummings) made was is there a difference between 4 foot and 6 feet? People are hopping over an 8 foot fence.

JAMES VALERIO: I'm wondering if they had had opinion on the type.

ADAM CUMMINGS: Not that I'm aware of.

MS. GILBERT: Can I speak to the Architectural Review Board quickly?

The application is not required to go in front of Architectural Review Board because it is an industrial zone. However, we went anyways just at -- at the recommendation of the Town. But they did focus just on the signage.

ADAM CUMMINGS: Sorry. Go ahead, Ms. Borgus.

MS. BORGUS: Is the sign pictured -- where it says "Kamco," is that sign comparable in dimensions to the one that is being requested here? Is that sign 8 1/2 feet high?

ADAM CUMMINGS: 8 1/2 feet high?

MS. BORGUS: Uh-huh. Variance for sign to be 8 1/2 feet tall. In Number 8. 5 feet allowed.

ADAM CUMMINGS: Yes.

MS. BORGUS: That sign is 8 1/2 feet high? That sign?

ADAM CUMMINGS: Yes. Yes. Because the sign itself has a total height of 5' 8", and then there is the stilts or the legs that it goes on top of it. So yes.

MS. BORGUS: I understand they want an 8 1/2 foot sign, but the one that is shown on the screen, as being somewhere else, is that 8 1/2 feet high?

MS. GILBERT: Would you like me to answer that?

ADAM CUMMINGS: Yes, please.

MS. GILBERT: Yes, it is.

ADAM CUMMINGS: The document I have here says it is.

MS. BORGUS: Oh, it does.

Well, I think it's an awfully big sign, and when you look at the variance they're requesting, in the square footage for the double-faced freestanding sign, you're looking at close to a 40 percent increase over the code. That's an awfully big variance.

ADAM CUMMINGS: And we're going to take that into consideration. This is much like the Palmer Foods one we have, that we have to take into consideration the -- the distance and the perception size that we will see it.

MS. BORGUS: Well, this is right off Paul Road, so ---

ADAM CUMMINGS: Yes.

MS. BORGUS: I mean ---

ADAM CUMMINGS: That's one thing that we identified in the code, is we set one square footage, but we don't recognize the fact that passerby vehicles and the distance from a roadway doesn't necessarily necessitate a set square footage. You need to do it in terms of a ratio based on the perspective and distance that they see it. I don't want to get into that tonight. That's going to be a case that they need to plead. They're just looking for the variance the increased one and we're providing feedback to them.

MS. BORGUS: I see.

It would also seem to me if this sign is for the benefit of trucks coming in, it seems to me it should be closer to the building, rather than as -- as I understand it, the location, it's pretty close to Paul Road. It seems to me if you're going to have a sign that identifies your place of business for trucks, you want it closer to the actual buildings. The placement is -- to me, is -- defies the reason for having such a big sign. If -- if it's for the purpose stated, then it's -- then it's really not even in the right place. So you do create a hardship when you want a sign that big and then you don't -- and you work against yourself and put it so far from where you want the trucks to go. So I -- so the whole thing is a little bit over the top.

Thank you.

CARL MCDONOUGH, 6 Ironstone Drive

MR. MCDONOUGH: I'm Carl McDonough, Number 6 Ironstone Drive.

Just some of the rationale behind the large sign for truck drivers to see. I think in today's day and age, they use GPSs and they would say, "Turn right on Trade Court." And they don't need a sign saying, "You're now here." Oh, there is -- it is. So I think the -- the reason for having a large sign might be outdated.

Also, my personal feeling is that I don't like outdoor storage. I see what's stored on Paul Road -- behind the old Bausch & Lomb plant and it looks like a junkyard back there. However,

it's far enough back that it doesn't detract from travellers on Paul Road. This will be closer. Your outdoor storage here is pretty close to Paul Road. And -- and it can be unsightly. Along with the chain link fence around it, it looks like a maximum security place, and that's not at all Light Industrial. That's -- that's big-time prison.

That's all I have to say. I -- I don't like outdoor storage and I don't like a big fence.

ADAM CUMMINGS: Thank you.

TOM PLATT, 4014 Paul Road

MR. PLATT: Tom Platt, 4014 Paul Road. This will be right directly across the street from me. I think the sign is too big. But more than double what is allowed. And also the height. Something that -- like Lifetime Assistance, that's more appreciated. It's -- kind of blends in with the area. Outside storage I don't like at all. I don't like what you have up there at Bausch & Lomb. The old Bausch & Lomb. I don't even know what company has that outside storage. But they do try to hide it with tractor-trailers. But there -- there -- there is room -- there is overhead systems that could utilize that building to store on the north and south walls inside the building. They don't need to have outside storage.

Fences, I don't agree with that either. It may help keep out the deer, but I don't see the kids -- I have lived there 50 years, and I have seen a lot of green spaces in the Town of Chili. I haven't seen them go around -- want to play in the front yards. Never seen a football game up in the Bausch & Lomb parking lot, in their front area.

Where they have the ponds, yeah, they have walkways around it. I'm sure they're not going to have walkways around these ponds. So that -- so that's the way I feel.

Thank you.

ADAM CUMMINGS: Thank you.

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: As the applicant said, at the onset, um, they would like to request a tabling of their of their application. Does that still stand?

MS. GILBERT: Yes. We are here tonight to request to be tabled. However, we would really like to get your opinions on what you think of these variance requests. If you would like I would address some of the comments that were raised with the public or I can save it for the next meeting.

ADAM CUMMINGS: I would say save it. And -- and the Board can add any other considerations they would like after hearing what the public had to say. We still have one more meeting at least to discuss this.

FRED TROTT: If -- if she wants to address it now, I don't see why not.

ADAM CUMMINGS: Okay.

MS. GILBERT: I know it's late. Just one thing I forgot to mention, when we compared our sign to Lifetime Assistance, um, the way the code requires you to calculate your sign area is as a square or a rectangle, as you see the red outlined on the diagram. But you will notice that our sign is -- is an ellipse shape so there is quite a bit of sign included in that sign area that is not actual sign.

Um, as far as the fence not being effective for a deterring access, um, the -- the fence is also there to prevent theft and vandalism. Um, and I meant -- just to give you a little more background on Kamco's facility, they do occasionally load a truck the night before and leave it loaded to make a very early morning delivery. Sometimes you have to deliver materials to a construction site before kind of the morning rush hour. So they will have that truck prepared and stored outside, and they certainly don't want somebody getting access to those materials.

Um, the -- the sign variance requests, um, the freestanding sign code requirement of 32 square feet is relatively small. It -- just in comparison, I guess in general. A lot of the signs you see around Town are quite a bit bigger, and my understanding from the Town, talking with the Town is that the code was changed at some point to reduce the signage.

The sign location at the intersection, as we said, that is really so that the trucks know where to turn to the facility. Certainly their GPS would be telling them to turn there, but, um, the more indicators you have to a truck driver they're getting close to the location where they're going to be making a turn, the more safe movements they can make and be aware of everything around them.

I understand that Bausch & Lomb has outdoor storage that does not sit well with the Town. That's come up a few times with our application. Again, I just want to be very clear that Kamco has specific materials that they will store outside. Some of those are 26 foot long metal studs that cannot be spun in the building. They also have a very short window that they have to unload trucks without paying extra fees to the truck driver to sit there.

So these are some of the reasons why they use an outdoor storage area, get those materials unloaded. Some of these very large materials they only store onsite for a very short time before they deliver them to a construction site. So again, it's a way that they can efficiently do their operation without putting those materials in and outside of the building.

We disagree that facility will look like a prison. We have put quite a bit of architectural

appeal as you can see from the picture into the front of the building, and, um, residential areas have 6 foot high fences. We don't feel it is -- it is unfitting with an industrial zone.

That's all I have.

ADAM CUMMINGS: Okay. Thank you.

JAMES VALERIO: Is it possible to move any of the outdoor storage to the south side of the building?

ADAM CUMMINGS: It is on the south side of the --

MS. GILBERT: It is on the south side ---

ADAM CUMMINGS: The corner.

JAMES VALERIO: The corner. Like directly south.

MS. GILBERT: Well, the racks that are located on the back side of the building, um, are part of their process for unloading, and to be honest, they're gray -- they're gray, um -- they're gray stacks. They're gray materials. I mean they do blend in with the back of the building. The part on the lower south corner, that is a low sitting rack. These aren't that -- that one would be lower in height. So, you know, this is the -- the idea -- this is what Kamco came up with when we took away the Paul Road driveway access. At first they were thrown for a loop and that is how we need that Paul Road driveway for our operations, and we kind of asked them to take another look at ways to work things internally in their site so they could contain some of that truck traffic and this is what they came up with that they feel will work.

ADAM CUMMINGS: Anything else? Not seeing any hands. So I would entertain a motion to table this application per the applicant's request.

FRED TROTT: Motion.

ADAM CUMMINGS: Is there a second?

MARK MERRY: Second.

DECISION: Unanimously tabled by a vote of 5 yes with the following reason having been cited:

1. Tabled at the request of the applicant since they still require SEQR determination and preliminary site plan approval from the Planning Board.

ADAM CUMMINGS: Any comments on the May 16, 2017 minutes? No? Hearing none, I entertain a motion to approve the minutes.

Mark Merry made a motion to approve the May 16, 2017 Zoning Board of Appeals meeting minutes, and James Valerio seconded the motion. All Board members were in favor of the motion.

Mark Merry made a motion to adjourn the meeting and James Valerio seconded the motion. All Board members were in favor of the motion.

The meeting ended at 9:18 p.m.