

CHILI ZONING BOARD OF APPEALS
July 25, 2017

A meeting of the Chili Zoning Board was held on July 25, 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 and Vice Chairperson James Wiesner. Chairperson Adam Cummings was excused.

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

Vice Chairperson James Wiesner 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.

JAMES WIESNER: Adam (Cummings) is excused. We may switch up the agenda a little bit. Kamco will be going last. I will confirm that shortly.

First item is signs. Everybody okay with the signs?

FRED TROTT: I didn't see one for the Kamco. Is that Old Business?

JAMES WIESNER: I don't -- I guess -- I was wondering the same thing. It didn't say "Old Business."

Counsel, can you comment to that?

RICHARD STOWE: That's what we're looking through right now.

JAMES WIESNER: It would always be my experience it would be listed under Old Business.

ERIC STOWE: Not sure how, but it got published as a Public Hearing after it was closed last month. Notices were sent. In discussion with the Building Department. But if it was not posted, that is what we're working through right now.

JAMES WIESNER: When you say "notices," letters were sent to the neighbors?

ERIC STOWE: That's correct. They have been informed. We are working through that part right now.

JAMES WIESNER: So we should go onto the other applicants at this point?

ERIC STOWE: Yes, sir.

JAMES WIESNER: So at this point, we will proceed with the agenda as it is stated. If we get beyond item 1 and they are still working on items 2 and 3, then we'll go to item 4 at that point. Let's start with Number 1.

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.

Diane and Fred Graham were present to represent the application.

JAMES WIESNER: So you're up to the podium. Just give your names and address, please.

MR. GRAHAM: Fred Graham, her husband. 245 Humphrey Road.

MS. GRAHAM: Diane Graham, 245 Humphrey Road.

JAMES WIESNER: Can you tell us a little bit about your project so we can consider it?

MR. GRAHAM: As the project is concerned about, when we had the wind damage, later on it kind of wrecked our shed a little bit. We're planning to take the whole shed down you see there on the marking. Taking that down and the -- and have a prebuilt shed brought to my house on rollers, however they bring it, and just sit it right back in the same place. Basically -- there is no building, no digging, no nothing. Just sit it on blocks.

JAMES WIESNER: So the existing shed will be torn down?

MR. GRAHAM: Yes.

JAMES WIESNER: The shed will be placed on the same site?

MR. GRAHAM: Yes.

JAMES WIESNER: Now, there is also a shed in the back corner. Is that -- it appears to be there.

MR. GRAHAM: It's there.

JAMES WIESNER: Is that included in the area footage?

MR. GRAHAM: I don't really think. It's 6 1/2 acres out there.

JAMES WIESNER: But I'm wondering and maybe the Building Department can clarify that. Isn't that considered part of the square footage for the application or maybe not? For the total?

Let's see. So the shed size is 24 by 12. So that is where the 288 comes in. I guess what I'm wondering is whether that shed in the back corner needs to be added to that if it is not -- I'm assuming you want it to stay up?

MR. GRAHAM: Yes. That is way, way, back in the back. The part we're concerned about is about 25 feet, 30 feet from the house --

FRED TROTT: We have --

MR. GRAHAM: -- from my garage.

FRED TROTT: It is 12 by 8.

JAMES WIESNER: It looks like. It is hard to read. 8 by 12?

PAUL WANZENRIED: 8 by 12.

JAMES WIESNER: 12'2"? Which would add another 9'6", 9'7" or something to it. I'm assuming that you're mulling that over, Paul (Wanzenried)?

PAUL WANZENRIED: Just hang on.

So it would appear it's a cumulative square footage per (B)8, 500-11, (B)8.

FRED TROTT: So we're looking at total of --

PAUL WANZENRIED: 384.

FRED TROTT: -- 384.

PAUL WANZENRIED: Unfortunately, it -- I wasn't noticed at that. The notice is for 288.

JAMES WIESNER: So the choices are if -- well, if he wants to keep it, we would need to table it until the next meeting to properly post it.

PAUL WANZENRIED: Table it for the next meeting or his option is to take down both sheds.

MR. GRAHAM: Question. We live on 6 1/2 acres of land. Could you tell me what would be the problem of taking just that one shed down and putting a 12 by 24 shed there?

PAUL WANZENRIED: The zoning district you live in doesn't allow a cumulative square footage -- in other words, whether you have two, three, or a half dozen sheds, anything over 192 --

MS. GRAHAM: So -- so we need to have a smaller shed, you're saying?

PAUL WANZENRIED: No. I'm saying you would come back next month. The notice would say 384, okay? Keeping the old shed that you want to keep in back and then the new shed up front.

MS. GRAHAM: Right.

PAUL WANZENRIED: It was noticed and it has been written in this variance that you were requesting 288 square foot, which is just the shed, the new shed. In other words, the square footage of the old shed needs to be incorporated into the square footage, totalling the two together. That has to be put out for a notice for the paper and your neighbors and -- legally. Okay? You don't look like you understand what I'm saying.

MS. GRAHAM: I don't quite understand.

If we're removing the existing shed --

PAUL WANZENRIED: You're only removing one of them. So you still have one in the outer four out there.

MS. GRAHAM: Way out.

PAUL WANZENRIED: So that means you have 96 square feet there. 96 square feet plus the 288 gives you 384.

MS. GRAHAM: Okay. So the numbers have to be changed.

PAUL WANZENRIED: Numbers have to be changed, re-noticed, notified, sent out in the paper and come back again. You would be coming back in September -- August.

JAMES WIESNER: August 22nd.

PAUL WANZENRIED: Yes. August the -- the 22nd, Jim (Wiesner)?

JAMES WIESNER: Yes. The 22nd.

PAUL WANZENRIED: You would be coming back August 22nd.

MS. GRAHAM: We'll have to change the schedule of construction.

MR. GRAHAM: So we have to change the square footage is all?

PAUL WANZENRIED: Yes. Paperwork.

MS. GRAHAM: Keep the sign up, keep same existing sign.

PAUL WANZENRIED: No. We'll give you new signs. Stop in next week and we'll give you new signs.

MS. GRAHAM: Okay.

PAUL WANZENRIED: We'll give you the new signs and we'll take care of this paperwork.

MS. GRAHAM: Then we'll come back again.

PAUL WANZENRIED: Yes.

MS. GRAHAM: All right. Thank you.

JAMES WIESNER: So before --

PAUL WANZENRIED: Wait.

JAMES WIESNER: So you agree to table it at this time?

MR. GRAHAM: If we have to.

JAMES WIESNER: Your choices are table it or tear it down.

MR. GRAHAM: If we could add it right now, we could order the shed.

PAUL WANZENRIED: He -- we can't do that legally.

JAMES WIESNER: We can't do that legally unfortunately. I sympathize you, but we have to go by the codes and the law.

MS. GRAHAM: Okay.

JAMES WIESNER: If you're agreeable to that, I would ask the Board for those in favor of tabling to all say "aye"?

DECISION: Unanimously tabled by a vote of 4 yes with the following reason having been cited:

1. Application did not include the square footage of an additional shed located at the rear of property. Variance will need to be revised for the correct overall square footage.

Note: New sign will need to be posted advertising revised application.

JAMES WIESNER: And we'll table it and you can come in August 22nd. Just be sure you get the new sign and properly post it.

MS. GRAHAM: He has to come back up here to get the other sign?

FRED TROTT: To the Building Department.

JAMES WIESNER: My apologies.

Should I go to Application 4 at this point?

PAUL WANZENRIED: Yes.

JAMES WIESNER: We'll come back to items 2 and 3. We'll go to 4 while they're sorting things out.

4. Application of Expert Skiers Only/Chili Self Storage, 57 King Road, Churchville, New York 14428, property owner: Esbam Properties; for variance to allow existing 5' x 5' double-faced freestanding sign to be 25 sq. ft. per side (16 sq. ft. allowed) for a total of 50 sq. ft. (32 sq. ft. allowed), variance for sign to be 5'2" tall (5' allowed), variance for sign to be 2' from front lot line (15' req.) at property located at 61 King Road in L.I. zone.

Jeff Feltner was present to represent the application.

MR. FELTNER: My name is Jeff Feltner and I live at 76 Amity Street in Spencerport, New York.

JAMES WIESNER: So I guess tell us a little bit about what brings you in here so we know the background.

MR. FELTNER: Um, the lot lines -- they all have an easement that goes toward the road. Ours is Lot Number 4. Our easement would actually -- if we were to put a sign on our easement, would be right where the road is. So we have no -- we have no room to do that.

And the -- so we have it on another lot of Gary (Squire)'s property there. It has been there for a number of years. And the 2 feet actually -- we had the sign, the -- it wasn't this Board but another Board wanted some decorative little pieces on top, and that actually made the sign a little bit higher, so it is 2 inches higher than what the Town has originally asked for. And I just guess I want to get approval for that.

JAMES WIESNER: So is this something caught in the Town of Chili sign inventory and they contacted you or were trying to get a sign permit? How did this -- is this a new application?

MR. FELTNER: No, I'm not sure, to be honest with you. We have had it for a while. We thought it was okay. So it must have been caught in the -- some kind of paperwork, because it has actually been there for, I don't know, six or seven years, however long ---

JAMES WIESNER: I can remember the sign. I don't think the sign has changed recently as far as the same sign you had for quite a few years.

MR. FELTNER: The position hasn't changed. Nothing has really changed. There should be a picture in the pamphlet.

JAMES WIESNER: And there is, I believe.

So this was sent to the Monroe County Department of Planning and their comments were that they have no comment.

I take that back. Let's see what they say here.

So they have three comments. It says the Monroe County Development Review has reviewed the subject application and identified the following points that require appropriate action prior to submission of final plans for approval.

Monumentation must be checked by the County Surveyor.

Please email site plans to County Surveyor at gregorybly@monroecounty.gov.

A security deposit of \$2500 and survey report may be required to protect any monumentation located in or near the work area.

Confirm no construction in the Monroe County right-of-way.

This project was not sent to the following agencies for review. Applicant should verify with these agencies they do have jurisdictional requirements for this project: A, C and D. Monroe County Department of Health, New York State Department of Environmental Conservation and New York State Department of Transportation.

That is the first time I have ever seen comments like that.

MR. FELTNER: First time I have ever heard of it. I think originally Gary Squires was going to -- there were four or five lots there and he was going to put a -- they were going to put a sign up there for all of the businesses, but to date, there are no other businesses there. So as I said, I -- you know, we -- there is really no monument, just two posts that hold the sign.

JAMES WIESNER: Now, did you get a copy of this, as well? It looks like you were copied on this. It says XC, extra copies, Jeffrey Feltner.

MR. FELTNER: I don't recall. I have been talking to Kathy Reed and she said everything was fine. So I don't -- first of all, there is -- I'm not sure what they're talking about as far as monument. There is no monument.

JAMES WIESNER: I'm taking it they're talking about a surveying monument.

PAUL WANZENRIED: All he has to do is email the site plans to the County Surveyor. The report and the 2500 may be required. May. The operative word being "may." All he needs to do is monument must be checked by the County Surveyor, email the site plans to the County Surveyor. The County Surveyor may or may not request the deposit and a survey report. The County Surveyor may go out there himself just to check it.

JAMES WIESNER: So would we place this as a condition, that he meets these review requirements for Monroe County?

PAUL WANZENRIED: No. Your condition is comply with all Monroe County comments.

JAMES WIESNER: Okay.

PAUL WANZENRIED: That's a blanket condition that will satisfy everything.

FRED TROTT: What would happen once somebody would buy the property that easement is on, your sign is on?

MR. FELTNER: Well, I suppose we would have to move the sign. The original agreement with Gary Squires was that he or -- I don't believe he was going to erect a sign -- probably more monument-type sign, probably more substantial than what we have, that would then display the four or five different, you know, businesses that were there.

Um, that hasn't been done because there is no other businesses, so that's the only signage that we have. But obviously, you know, we would probably have to come back again because our easement is right where the road is. We have no -- we can't put a sign in the middle of the road. So I assume if somebody else came and there was something built up there, probably Esbam property would come before you and make sure that the sign was appropriate.

PAUL WANZENRIED: Does Mr. Squires have an easement to utilize the roadway?

MR. FELTNER: Yes, he does.

PAUL WANZENRIED: All right. So all of the other properties would, in effect, utilize the roadway that pretty much traverses your front footage?

MR. FELTNER: That's correct.

PAUL WANZENRIED: Okay. By Town Code you need 40 foot road frontage for a lot, legal lot. So if you look at that site plan that is provided, you will notice that they're all pretty much 44 feet across. Okay? Thus, complying with the 40 foot requirement for a lot width, road frontage, minimum.

It would be reasonable to a -- it could be -- reasonable conclusion could be that a monument sign has -- as applicant has stated, for all of the -- all of the businesses back there would be located on one of the other three parcels, because the road clearly traverses his front lot.

FRED TROTT: I have nothing further.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

JAMES WIESNER: I don't know if there is anything the Board wants to discuss. One of the questions is do we want to break these up or go down them all together.

FRED TROTT: We could go all together.

JAMES WIESNER: Is that agreeable?

The Board indicated it was agreeable with them.

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

JAMES WIESNER: What I will put down for condition of approval is a sign permit must be obtained from the Building Department and applicant must comply with all Monroe County Comments.

Fred Trott 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 4 yes with the following conditions:

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

2. Applicant must comply with all Monroe County comments.

The following finding of fact was cited:

1. Sign is existing and has been in place for many years. Variances for height and size are minimal. Variance for setback is required due to unusual configuration of lot near the road.

JAMES WIESNER: We'll move forward with items 3 and 4 [sic].

ERIC STOWE: While they're getting set up, the issue with respect to the signs and whether the sign was posted, the -- the Public Hearing was held at a prior meeting. It was closed. Inadvertently it was published for a Public Hearing tonight. Based on that publishing, we are required to have a Public Hearing. Going through and reading some items, it does not appear that not having the signs up causes a jurisdictional issue that would prevent you from rendering a decision.

JAMES WIESNER: Okay. Thank you.

ERIC STOWE: You will be required to do the Public Hearing based on the notice and publishing again. However, I don't believe we have -- in a brief review, I don't believe we have an issue with respect to rendering a decision.

JAMES WIESNER: Okay. SEQR has already been done by the Planning Board?

ERIC STOWE: That's correct.

JAMES WIESNER: Thank you.

Do you want to present the two applications together or separately?

MS. GILBERT: If it is okay, we would prefer to present them separately.

ERIC STOWE: That would be two Public Hearings then.

JAMES WIESNER: Two --

ERIC STOWE: If they're separately presented, they would need to have the separate Public Hearings.

JAMES WIESNER: Can you state that again, please?

ERIC STOWE: If they're being considered and presented separately, you can -- you can do both and then have one Public Hearing on both, but just be mindful of that for the Public Hearing portion.

MR. HENNESSY: Is each variance voted on individually?

JAMES WIESNER: Yes. Items 2 and 3 would be voted on individually.

MS. GILBERT: So just to be clear when we're asking to do the applications separately, I just want to make sure I'm understanding this right. We would present the signs, maybe first, the two sign variances and then you would do the Public Hearing and vote and then we would do the other ones or maybe not that order? Is that how that would work?

JAMES WIESNER: Correct. So you're saying if they were done independently or together. If you present them together, we would -- if I understand it correctly, we would do the Public Hearing as a conglomeration of the two and then we would take item 2 and we would work through that and vote on it. Item 3 we would work through it and vote on it.

MR. HENNESSY: Just do the one Public Hearing for the whole --

JAMES WIESNER: Yes.

MR. HENNESSY: Yes. That makes sense.

MS. GILBERT: Doesn't seem to be advantage to separating it.

JAMES WIESNER: So let me do my part.

2. 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.
3. 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.

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

MS. GILBERT: I have some photos of properties in the area to pass out and if you would like, I can put one on the SMART Board.

JAMES WIESNER: Okay. You did the presentation when you were here last meeting and have since gone before the Planning Board.

MS. GILBERT: Yes.

JAMES WIESNER: Have there been any changes?

PAUL WANZENRIED: They received preliminary approval from the Planning Board.

JAMES WIESNER: Based on what we have already seen.

PAUL WANZENRIED: Based on what we have already seen.

MS. GILBERT: Good evening. My name is Sara Gilbert with Pinewoods Engineering and

I'm joined tonight by Bill Hennessy of Hennessy Engineering & Consulting and Sue Lewis, the Regional Manager for the Rochester Kamco facility.

We are here tonight representing the proposed Kamco Supply project located at 100 Trade Court. I did present this project to you at your last meeting, so I do think you probably have a good feel of the project. We did go through each of the variance arguments at that last meeting. If it is okay with the Board, I would like to just give you a quick summary and where we're at right now, each of the variances we're requesting, a quick summary of our arguments for them. Just to kind of remind you where we have come from, where we have started, originally this project was brought to the Town and it has been revised substantially from the initial application. We have expanded to a much larger lot. We eliminated the proposed driveway onto Paul Road and one thing I have not mentioned is we have also over -- we're proposing substantially more landscaping than we are required by code. By code we're required to do about 25,000 and we're proposing a little over \$30,000 worth of landscaping.

The variances we're requesting tonight are to allow parking in the front yard. Just again, this argument applies to a lot of the variances, so to speed up the presentation tonight, I will lump some of these together. The parcel does represent some unique restrictions to development. It is front -- it has two frontages along Paul Road and Trade Court and there are development restrictions on the east side with flood plains and wetlands. So we have worked to keep the development outside of those sensitive environmental areas. We have tried to keep the property as far and as fluently fitting into the residential properties across the street as possible, as well.

Kamco's facilities also present some unique operating restrictions that might not necessarily apply to other businesses. Kamco's -- Kamco's main selling point is that they are able to store and deliver products that are very difficult for other companies to deliver and store and it is mainly due to the size and weight of those products. That does -- Kamco has figured out a very clever plan in how to very efficiently deal with these very cumbersome products and that has allowed them to succeed in their business. Some of that relates to the site layout. They are very aware of their operations, what will be coming, what will be going, what materials will be going and when and how it will be stored and the entire site configuration has really been laid out based on that information.

The parking, as we have said, has been located -- that -- the location of the parking is mainly a result of trying to keep the parking spaces outside of the truck maneuvering areas and also to not locate them in the green space between Paul Road and the facility.

The outdoor storage is absolutely essentially to Kamco's operations. I would like to maybe explain that in a little bit more detail than I got into at last meeting. Some of these studs are, I think -- did you say 24 feet long, 30 feet long?

MS. LEWIS: Yes.

MS. GILBERT: The way the studs are maneuvered, they need a forklift. The forklifts don't come at each end and lift them up. It actually lifts them up from the middle. I can't maneuver them up against a wall inside the building because the pieces are too large to be turning within a structure of the building. So the only way for Kamco to really use -- store and handle those large materials is to do that outside where there is more maneuvering space.

They also have to pay the truckers more money if they can't unload the trucks quick enough. My understanding is they have about an hour from the truck coming in to get all of the material unloaded and sometimes reloaded to another truck delivered to a construction site.

Part of the reason for that is the outdoor staging area that allows them to get the material off the truck fast and then they have time to either put that material inside the building or reload it into another truck. So it is the unique Kamco operations that is really driving the need for this outdoor storage.

The 6 foot front yard fence height, the reason we're here tonight is really just because it is a corner property. It has two frontages. That fence provides, um, liability protection to Kamco. It keeps people out of the storm water management areas that will have wet ponds and it also protects some of the material that will be stored outside.

The sign, the monument sign height and sign size is fitting within the area and also due to the fact that the building is set back quite far, it is important for the trucks to be able to -- as they're driving along Paul Road, they will start to look for Kamco in the driveway and where they need to get into the facility. The faster that they realize where to turn and enter that facility, the faster their eyes can get back on the road and focused where they're going.

I have provided some photos for you. These are other signs within the area. I did not want to trespass, so I didn't get out with my tape measure and measure, but just gauging off the height of them, many of them seem to be well above the 5 feet range. As you can see, our sign is fitting with some of these signs in the area. As I said, our sign square footage in the variance application is calculated based on a square or rectangle shape which because the sign is oval, a lot of the space we're asking for really is non-existent. The actual square footage of each side of our sign is only about 29 square feet. If you -- if you don't use the square method.

Um, so one thing I wanted to show you, on the third page of this handout I gave you is the naval facility. So you can see they do have a fence right along the frontage. Our fence will be set back quite a distance. It will be about 100 feet back from Paul Road, so it will not be right against the road, as this fence is. But it is in line with the character of the neighborhood, the industrial zone.

And on the last page of the photos that are provided, um, this is the facility on Airport Way. It does show outdoor storage. Their outdoor storage is set back quite a bit from Paul Road, just as ours is proposed to be. And the photo above it is actually -- be standing in the

middle of Paul Road -- I will show you on the rendering about where I'm standing. It was taken from about here (indicating). So when you're standing here (indicating), as you can see from this picture, Kamco is back here (indicating). It is very difficult to see the facilities down here until you get almost past the creek and all of the brush here (indicating). When you're down here (indicating), you can see the sign. But they would be able to see the sign if it was large enough to identify their location.

Um, we have been working all along or trying our best to work all along with the Town and make concessions wherever we can so that that we're not -- we're trying to minimize the amount we're requesting. We have gone back to Kamco again and tried to work with them to see what we can do to reduce these variance requests. While it's not their preference, they did agree that the storage racks that are shown along the back here (indicating) could be relocated to this wall (indicating), if the Board would prefer that. Um, it's a concession that they're willing to make.

Um, originally, we -- the outdoor storage area has been proposed on the south end of the building, so the building will provide screening to it and the berm and the landscaping along Paul Road will provide more aesthetic screening.

So is there another feasible means to meet these variances? Um, for the front yard parking we don't see a way without encroaching on some of the critical environmental areas.

Feasible means for needing the outdoor storage, we really don't see anyway to do that.

The front yard fence height, there really isn't another real feasible means.

We don't feel any of these variance requests add to an undesirable change to the community, to the character of the community.

Whether the variance request is substantial is always subject to interpretation, but we have reduced the variance request to the greatest extent possible. We feel they're not substantial.

We don't feel any of the variance requests have any adverse impacts to the neighborhood, particularly since the property is located within the ADATOD overlay, which was designed to encourage and promote industrial development.

And we don't feel any of the difficulties are self-created, the variance request, except perhaps the monument sign height size request which is due to the building setback which we did mainly to accommodate some of the requests from the Town.

JAMES WIESNER: Let me start out by asking a few questions I have and then we'll go around the Board and let them ask, as well.

So the signs that you presented in your package here, do you know -- do you -- are any of these the relative size of the sign that you're proposing? Or --

MS. GILBERT: It -- it was -- I don't know all of the sizes of the sign. I think I have Lifetime Assistance's size as -- I will give that size -- I have that written down.

JAMES WIESNER: It almost looks like Lifetime Assistance is the biggest one.

MS. GILBERT: Lifetime Assistance is 8 foot by 4 foot. I don't know. When I stood next to it -- industrial developments don't really like to you come on their property and start taking pictures. It makes them nervous. So I was trying really hard to stay on public property when I was taking the shot. You can see where I am standing, the high -- the Lifetime Assistance sign is on a hill.

It looks like the longer pier was roughly 5 feet. It looks like a little shorter than me.

JAMES WIESNER: An estimate for that one would be somewhere around 64 square foot then?

MS. GILBERT: Certainly the church sign, the top picture, is the church that is just before you hit this project on Paul Road. That definitely seemed higher than 5 feet.

JAMES WIESNER: Then the -- the fence at the reserve center, obviously that appears to be a 6 foot high fence just by looking at it.

MS. GILBERT: That would be my guess, as well.

JAMES WIESNER: Would you agree with that? And then the last thing is you said -- the outdoor storage, there is two spots. There is one on the south side of the building and then one in the back edge of the parking lot.

MS. GILBERT: There are three spots. Right now we're proposing storage racks here (indicating). These would be for the metal studs and storage racks along the back of the building.

And then an outdoor storage area here (indicating) that would be mainly for pallet and short-term storage. As I said, it's not their preference, but if the Town would prefer it, to minimize the variance request or to try to improve the situation, Kamco would be willing to relocate these racks along here (indicating) so the building would offer some screening.

JAMES WIESNER: Okay.

ERIC STOWE: With respect to when you talk about minimizing variances, what are the size requirements you need for that storage in terms of distance from the building? How far would it extend from the exterior of the building and how high would it extend? Just when you talk about minimizing variances, it helps to put some measurements on it.

MS. GILBERT: These are 18 feet high by I'm guessing about --

MR. HENNESSY: 6.

MS. GILBERT: -- 6. I don't have a measurement on this. This is a rough measurement, but it may be in the order of about 40, 50 feet. So you're talking about a 50 foot by 6 foot area that would basically go away in a sense because it would be joined with this portion of the outdoor storage.

JAMES WIESNER: You said 18?

MS. GILBERT: 18 feet high racks, yes.

ERIC STOWE: Sara (Gilbert), what is the height of the building?

MS. GILBERT: I believe the building is also 18 feet?

MR. HENNESSY: No. 22 -- approximately 22 on the eave and 25 at the gable.

PAUL WANZENRIED: So the height of that rack is at or about 5 feet below the building height?

MR. HENNESSY: Yeah. Which was one of the Planning Board conditions.

MS. GILBERT: The Planning Board did give us a condition on the preliminary site plan approval that the racks against the building be below the eave height of the building.

JAMES WIESNER: Okay.

MARK MERRY: Where would the displaced storage go if they were to move alongside the building? You said it's dedicated for other storage?

MS. GILBERT: I'm sorry?

MARK MERRY: You had mentioned there was dedicated storage planned alongside the building currently, correct?

MS. GILBERT: This is the dedicated storage area.

MARK MERRY: So if you moved the racks there, where would that planned storage move to?

MS. GILBERT: We would just be reducing our request for outdoor storage. The racks would be located in here and we would have the same area for our storing the pallets. So in a sense they would be storing a little less material outside.

MARK MERRY: Thank you.

MS. GILBERT: You're welcome.

FRED TROTT: Again, how much would the -- the fence on the Paul Road side, how far would that be setback?

MS. GILBERT: Um, it is shown on the site plan. It -- it is roughly 100 feet back from the right-of-way. It is shown right along here (indicating). It's a little hard to gauge from this rendering, but the grading of our pond actually goes almost to the limits of it. The bio-retention area is a little smaller. So -- and you have to have access for a vehicle around the top side of the berm or the pond.

So if we were to lower the fence, it -- it makes it a little more complicated to actually get there and maintain the pond. It's a little easier. So the fence is outside the limits, so people can't get into the wet areas, but it also allows vehicles to get around the outside of the pond to maintain it.

FRED TROTT: So it will be over 100 feet back from the Paul Road you're saying?

MS. GILBERT: Yes. I'm afraid to go on record with a number that is not 100 percent correct. It would be per site plan. I believe it is roughly off this gauge, maybe about 100 feet, 80 feet.

FRED TROTT: Um, and then the distance from the property you have your building to Trade Court Boulevard, that -- that distance, you're just planning on the parking being just in front of that bump-out, so to say?

MS. GILBERT: Yes. So the front yard parking would be this parking right here (indicating) and this parking right here (indicating). And in an effort to minimize the variance request, we have shown banked parking down here (indicating) and we're also showing parking up here (indicating). That is about all we can do without needing more of a variance. We could extend the parking here (indicating), but that would be pushing into the wetland and the flood plain. We don't want to locate the parking where the trucks are coming in and maneuvering material and there are forklifts moving around.

Our only other positions would be here (indicating) or here (indicating) front yard, so we would be asking for a variance.

FRED TROTT: I have nothing further.

JAMES VALERIO: About how many cars are there on a given day?

MS. GILBERT: Not a lot of cars. Kamco would have their employees, their cars. Sometimes they will have a contractor come up in his SUV or something and place an order, but I think with the employees, we have been saying about 18, I believe. So just that number of regular cars. They don't get -- it would be primarily the employees' cars that would be parking within the facility. They might get somebody coming in to place an order that would have a vehicle, but Kamco doesn't have a really big draw of public coming to the facility to do shopping.

FRED TROTT: What would be the turnaround with the material that's outside? Is that pretty much a quick turnaround like 60 days or something?

MS. GILBERT: Well, the way they typically work, the outdoor storage is -- it is almost within a day. The material comes in, they unload it and then they reload it and take it to a site, you know, maybe within 24 hours. That is the idea, that they can very quickly move the material, versus trying to stock it and then pull it back out of the building and reload it on a truck. So -- so while there would be material in the outdoor storage all of the time, it would be a fast turnover.

ERIC STOWE: My questions were regarding the outdoor storage and the height of the building and how far out from the building, but those were answered.

JAMES WIESNER: Is that anything we can condition like the size, the location and that sort of stuff?

ERIC STOWE: That is how you minimize a variance. Storage to be limited to these locations, at a distance -- at a height of, distance from the building and width along the building,

not to exceed.

JAMES WIESNER: So even like square footage, like footprint?

ERIC STOWE: It is more cubic, wouldn't it be? I'm not -- but distance from the building not to exceed X number of feet. Height not to exceed X number of feet and width along the building not to exceed.

MS. GILBERT: Could the variance be allowed per the site plan with a height restriction to it? Because we're showing a 30 foot by 150 foot area here (indicating). Storage racks here and here (indicating). I don't know if that would be easier than trying to pull out all of the square footage.

ERIC STOWE: Is it reflected on that what you need for storage?

MS. GILBERT: Yes. The only exception would be if the Board would prefer this storage rack moved. That would be the only change.

JAMES WIESNER: I guess I would be more comfortable specifying, just to be sure. Obviously -- well, I guess it is subject to final site plan approval; right?

ERIC STOWE: You guys are in charge of the outdoor storage, and setting the parameters on the variance of size not to exceed and location. The Planning Board can set other terms of it. They're -- their condition was the height not to exceed the height of the building for screening purposes.

JAMES WIESNER: Okay. We can talk about that more as a Board as we get into that. I kind of like the idea of kind of specifying the square footage and the height.

ERIC STOWE: But, Sara (Gilbert), what was -- what were the depth -- what was the size dimensions you need?

MS. GILBERT: So this area here (indicating), is 30 feet by 150 feet. It's this (indicating). Then we have a storage rack that runs along the back of the building. I don't have a dimension on these two.

ERIC STOWE: Can I -- the dimensions you need are 30 feet from the south edge of the building, south?

MS. GILBERT: Yes. That is correct.

ERIC STOWE: And 150 feet along the south edge of the building, running east to west?

MS. GILBERT: Correct. And these two locations (indicating).

ERIC STOWE: And the storage racks on the east side of the building, one of which --

JAMES WIESNER: You said was 6 foot by --

PAUL WANZENRIED: But if you move the storage -- they have offered to move the storage, the extraneous storage, the appendage back over into the 30 by 150.

MS. GILBERT: You could say this square (indicating) and then you could say along the back of the building.

ERIC STOWE: Well, when you say "back," I don't -- which, east side of the building?

MS. GILBERT: Yes. The east side of the building.

FRED TROTT: I thought you were saying you were going to move --

JAMES WIESNER: Oh, you were going to move that one?

MS. GILBERT: This one (indicating). There is another rack that runs along the building.

FRED TROTT: Southeast you could move?

MS. GILBERT: This one (indicating) is critical for their operations that it remain there.

JAMES WIESNER: Now, is there a pad on the back where that storage on the east side -- where that -- where that storage sits -- the one on the east side. That is the south side.

MS. GILBERT: This is south (indicating), this is east (indicating). Right here (indicating).

JAMES WIESNER: So the one on the right-hand side of the building, the smaller storage, it's in -- that's off to the center of the building, the back on this grade?

MS. GILBERT: This portion?

JAMES WIESNER: Is that a specific size? Is that -- is that pad area --

MR. HENNESSY: 6 feet by 100 feet.

JAMES WIESNER: Okay.

ERIC STOWE: That's the storage on the -- adjacent to the building on the east side, not the southeast corner?

MS. GILBERT: Correct.

PAUL WANZENRIED: So Jim (Wiesner), you would be looking to sizes of 30 by 150 on the south side of the building --

ERIC STOWE: Not to exceed the height.

PAUL WANZENRIED: -- not to exceed the height of the building. And then 6 by 100 on the east side.

JAMES WIESNER: Not to exceed the height.

PAUL WANZENRIED: -- not to exceed the height of the building.

JAMES WIESNER: Okay.

ERIC STOWE: We just want to clarify height. The Planning Board had a restriction of the low end of the roof. Was it 18 feet?

MR. HENNESSY: 18 feet.

ERIC STOWE: So that would be your height -- that would be in agreement with the Planning Board's decision, as well. But I think you said some specific dimensions on it, it gives everybody clarity, especially if it comes time to enforcement or complaints or anything else, we know what we're dealing with.

JAMES WIESNER: Okay. Good.

So what I will do next, is open up the Public Hearing.

Before I do that, I actually had an email somewhere here that was sent into the Town. It was sent in by Linda Beattie. I do not have the address, though. But I will -- I will read the letter.

"Hello. I am not going to be able to attend the Zoning Board meeting this coming Tuesday, but I would like them to hear my comments. Would you see that the following gets to the Zoning Board Chairperson before the meeting? Thank you."

"In reference to item Number 3, Kamco's application for a variance for a sign which appears to be about twice the size that is currently allowed, I do not see why this business needs to have a sign this far outside of the existing zoning law. The business is on a corner lot and the building will be seen from the intersection of Trade Court and Paul Road. This is not a difficult corner to locate and other buildings do not obstruct its view."

"This request for a variance seems to be more likely an advertisement and not due to difficulty in finding the location of the building."

"The sign is not in keeping with the need. Although I have not measured the signs for the other businesses along the area of Archer Road to International Drive, most of them are a consistent size. I assume within the zoning. Only a few larger signs such as Fathers House and Lifetime Assistance may have had a variance."

"I don't think that there is a specific reason that justifies Kamco's advertising its presence with a sign this big. I urge you to look at the visual impact on the neighborhood if oversized signs on a relatively small building are allowed. I don't think this variance should be approved as this size is requested."

"Linda J. Beattie."

As I say, I don't have her address. At this point, I would like to open it up to the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

TOM PLATT, 414 Paul Road

MR. PLATT: Tom Platt, 414 Paul Road. I live right directly across from the proposed building. First of all, the fence, you know, 4 foot fence is not a whole lot difference than a 6 foot fence. 6 foot fence being erected on the back side of that berm, it's going to be above that berm. The berm is not that high. Very deceiving driving down Paul Road looking at it. Um, they -- the front side of the road, the berm, on Paul Road, is mowed, where the back side isn't. The weeds have grown up about 6, 7 feet high. So it is very deceiving looking at it. If it was all cut down, it is actually, would be -- if you parked out on the road, you could almost see out over the berm.

Sign -- the sign -- the sign will be right almost to the corner of my property and I feel the same way. It is more like an advertisement. They have a street address. Trade Court. 100 Trade Court. What truck driver does not drive with a GPS nowadays. They only have to be there one time. I have been over there, their building over in Gates, and I don't remember seeing that big of a sign out there.

Outside storage I have been against since day one. I'm not going to be able to do anything about that. It's history. I just don't want it beginning to look like what is up there at Paul Road -- or on -- yeah, Paul Road, the old Bausch & Lomb. It is an eyesore.

Other than that, not a whole -- the outside -- there are systems where they could utilize that north wall and the south wall and unload with an overhead system inside the building where the rest of the material will be unloaded. They got Pick & Places that could be suspended from the ceiling and put all that material right on the walls. But seems like outside storage is getting to be more and more as we get going.

Thank you.

CARL MCDONOUGH, 6 Ironstone Drive

MR. MCDONOUGH: Hi. My name is Carl McDonough. I live at Number 6 Ironstone Drive and I agree with Tom (Platt). The outdoor storage is a real issue here. When we heard that there was going to be a warehouse and it was normal operations, didn't sound too bad. But if I were going to build a new storage and retrieval system with a warehouse, I would include all my product, the whole product line. I wouldn't just do the easy stuff.

I -- I have seen the -- the current place off Coldwater Road, and I have seen their outdoor storage there. And I don't want to see it by Paul Road. It -- it is a mess. A real mess.

Also, there is -- there is no fence there on Coldwater Road. I don't know if security is not an issue there. But why the need for a big fence here? I'm not sure. But I can give you one good reason why they should have a -- an in -- in their defense, to put an 8 foot fence there, is to hide what they're doing, so you didn't see the pallets of material, forklift trucks, trucks coming in and out. If -- if you didn't see, it wouldn't be as bad. But it's not something you would want to see from Paul Road.

That's all I have to say. Just watch the outdoor storage. I liked your comments about defining how high it could be and how much distance they could use or how much area they could use outside of the building. Thank you.

NATHAN RANSOM, 5 Ironstone Drive

MR. RANSOM: Hi. Nathan Ransom, 5 Ironstone Drive. I just have a couple of questions. Do we know the actual official height of that berm that's there?

JAMES WIESNER: Um, do you know?

MR. RANSOM: It seems to be kind of be dispersed.

MS. GILBERT: The berm shown on the survey is undulated so it is not consistent height all of the way across, but it is in the range of 3 to 5 feet but on average about 4 feet.

MR. RANSOM: So just based on that, we know the variance is now asking for a fence that will be at least 2 feet above the berm, so we definitely know it will be visible.

The -- they did mention the \$30,000 they're planning on landscaping. Is any of that going to be used to increase the size of that berm or some of the other businesses further down on Paul Road are also planting trees along the berm to hide the building. Is any of that being included as part of the plan?

JAMES WIESNER: My understanding is there is a staggered row of trees on the front and back side of the berm; is that correct?

MS. GILBERT: So if I may address that. We have coordinated with the Town and the Planning Board and the Conservation Board on how they would like the landscape budget spent. They did not want the berm size increased mainly because you can't plant trees on top of it when it gets too high. They won't grow. The Conservation Board had quite a say in where the landscaping would go, and we have placed it where they requested it with the trees staggered on both sides of the berm.

JAMES WIESNER: Okay.

PAUL WANZENRIED: That's an approved plan by the Conservation Board.

JAMES WIESNER: Okay.

MR. RANSOM: Okay. That was all I had. Thank you.

JAMES WIESNER: Thank you.

JODY LAROSE, 21 White Oak Bend

MS. LAROSE: Jody Larose, 21 White Oak Bend. I just have a question about the 18 foot high racks on the side. Is that for the rack itself or the materials? Can the materials stand higher up or is 18 the maximum anything will go?

MR. HENNESSY: It's the top of the rack and that would be the top of the material.

MS. LAROSE: Nothing sits on top and goes up many more feet?

MR. HENNESSY: No.

MS. LAROSE: Okay.

MR. PLATT: Tom Platt, 414 Paul Road.

That planting plan was approved before there was any Public Hearing hearing on it. The night at the Public Hearing, the plan was not visible to any of the public. They did not have it. So I don't know.

JAMES WIESNER: You're saying the landscaping plan?

MR. PLATT: The landscape plan. Correct. They didn't want to go and do all of the planting prior to the approval evidently. I think that's what was said at that meeting.

JAMES WIESNER: Maybe -- I would imagine that would be part of the final approval? Any comment, Paul (Wanzenried)?

PAUL WANZENRIED: The landscape plan was approved prior to the Planning Board. I had it with me that night.

MR. PLATT: You had it. Nobody else seen it.

PAUL WANZENRIED: They hadn't seen it. The Board often won't see it -- the Board -- wait. But the Board has the Conservation Board comments.

MR. PLATT: I'm not saying them. But the public, we did not see it. We didn't get to comment on it.

PAUL WANZENRIED: Oh, that's -- well, if you wanted to comment on that, you would have needed to attend the Conservation Board.

MR. PLATT: Okay.

CARL MCDONOUGH, 6 Ironstone Drive

MR. MCDONOUGH: Carl McDonough, 6 Ironstone Drive. Just a follow-up on that question, was that landscape -- or the berm, rather, was that approved before the lot zoning was changed or after? Was it that -- was it approved based on being now one?

PAUL WANZENRIED: Yes. Well, no. The -- the -- the berm is in existence. It has been there since I don't know how many years.

MR. MCDONOUGH: Okay. So that may not be a relevant question to ask. I'm sorry I requested that.

JAMES WIESNER: The Conservation plan would have been specific for this application and that site.

PAUL WANZENRIED: That's correct.

JAMES WIESNER: So would it have been done a month or so before or two months or so before?

PAUL WANZENRIED: Right.

JAMES WIESNER: Whenever the Conservation Board was prior to that Planning Board meeting.

PAUL WANZENRIED: And to the gentleman with the hat, they were given preliminary approval. If you wish to come to the Building Department and review the Conservation Board plan, by all means stop in.

MR. PLATT: Thank you.

PAUL WANZENRIED: You can make comments when they go for final on August 8th.

Okay?

MR. PLATT: Thank you.

PAUL WANZENRIED: Yes, sir.

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.

JAMES WIESNER: Obviously we're going to go through Application 2 and 3.

MS. GILBERT: Excuse me, could I address some of the comments that were made?

JAMES WIESNER: Yes, you may. Sorry I didn't give you that opportunity.

MS. GILBERT: Um, the -- there was a comment that the berm height would not block the fence aesthetically. Is it correct that you would have a 4 foot high berm? The tree plantings are supposed to get up to 8 feet at matured growth, but you will also need to consider a perspective view. When you're at the road, and the berm is here (indicating) and the trees are here (indicating) and the fence is 100 feet back, it's not a quid pro quo type comparison of heights. The fence will, from a perspective view, appear to be less height because of the setback.

Um, as far as the comment about the sign being an advertisement, um, again, we maintain our position that it is for vehicular safety. It is at an intersection where snow might be piled or stored and it is for the safe guidance to -- into the facility. And again, we feel that we -- it is difficult to find another sign within that area that precisely seems to meet code. I don't know the square footages of all these signs, but it certainly seems like there is a number of them that exceed the code.

The comparison to this facility with the Gates facility is fair. However, the Gates facility is about half the size of this facility. They are bursting at the seams there. So certainly if you drive by and see the outdoor storage, that's a mess. That is what is driving this project and the need for a larger facility.

The one thing I can say, they know the Rochester market. They know how much -- what size building they will need, what size storage area they will need to serve this area.

Um, the comment again about the fence, I would like to again reiterate that the reason for the fence is -- again, also there is no fence at the Gates facility. There is one proposed here. This is an improved facility than the one they're renting at Gates and the fence also provides liability protection against the ponds and the permanent wet pools that would be located in them.

The comment about needing a fence to hide the material, um, we agree. We like the idea of hiding the material. That is why we have located the storage at the south end of the building. So instead of having a fence to hide the material, it could actually be the building.

Again, there was a comment about the fence height versus the berm. I would again go back to my perspective view. As far as increasing the size of the berm, the landscaping plan, when it was approved and the zoning, we have been following protocol with the Town. We have been every step of the way getting -- going to the appropriate Boards and the appropriate hearings, so certainly we're not trying to hide anything or side step any processes. That's all I have.

JAMES WIESNER: So let's take these items --

ERIC STOWE: Will you separate them?

JAMES WIESNER: Well, that's -- like I say, first item 2, let's consider that first. And what I was going to ask the Board is, they seem to me that we should be separating them, I guess. Looking for Board opinion on that, as well.

ERIC STOWE: And applicant opinion.

JAMES WIESNER: And applicant opinion.

So Board first?

JAMES VALERIO: To me, separating parking, outdoor storage, fence makes sense.

MARK MERRY: I would agree with what James (Valerio) says.

JAMES VALERIO: It is advantageous to the presenter, as well.

JAMES WIESNER: Together?

JAMES VALERIO: Separate.

JAMES WIESNER: Separate. Okay. Is the applicant in agreement with that?

MS. GILBERT: Yes.

JAMES WIESNER: We break them down, three, A, B, C and I'll define what those are.

MS. GILBERT: Yes. We're in agreement.

JAMES WIESNER: Give me a minute to get squared away here.

I'm going to call 2A front parking. I'm going to call 2B outdoor storage. I'm going to call 2C 6 foot high fence.

So for conditions for A, which is the front parking -- I don't see any conditions here. Do we need to have final site plan approval -- we don't need it for any of this.

So no conditions for the front parking. I'm going to say no condition for the C, which is the 6 foot high fence, but for B, we are going to put some conditions on this relative to the outdoor storage. So we have that well defined as they have already stated from an enforcement standpoint and to be sure we understand each other, as well. As to what is being established for the outdoor storage area.

So somewhere in my notes --

ERIC STOWE: Jim (Wiesner), I think it was on the south end of the building, not to exceed a distance of 30 feet southerly from that wall. Not to exceed 150 feet running east to west along the south wall and -- for the width of the building and not to exceed a height of 18 feet.

JAMES WIESNER: Give me a chance to write that down and I will try to echo it back.

So before I read that back, so I think -- and the Board can comment, as well, but in my opinion I would rather see the storage that is in the southeast corner be moved to the south side of the building and I think how that would -- how that would play out is by the -- let me read what I have for the storage area. So on the south end of the building, the -- the storage will -- the storage will not extend more than 30 feet from the building, 150 feet wide by 18 feet high, and basically for that south end, I would propose that you utilize that space for the -- because that's going to be partitioned for outdoor storage, that you use the storage rack that is in the south end of the parking lot, that that be placed within that area on the south side of the building.

If that -- does that sound agreeable to the Board as well as to the applicant?

ERIC STOWE: The only thing I would say is your variance -- outdoor storage is prohibited except any variance that would be granted. So setting limitations where the variance is, all other outdoor storage would still be prohibited.

FRED TROTT: So we have to say southeast one.

ERIC STOWE: The southeast one would not be permitted unless it is stored within the confines of any variance that is granted.

JAMES WIESNER: So south --

ERIC STOWE: Jim (Wiesner), I guess ---

JAMES WIESNER: The southeast storage would be within the confines.

ERIC STOWE: No. Don't reference the southeast storage. There is no southeast storage the way you're proposing. Outdoor storage will be permitted only in the following locations, south of the building, at the dimensions you set out.

JAMES WIESNER: The 30 -- extending 30 inches deep from the building.

PAUL WANZENRIED: 30 feet.

FRED TROTT: 30 feet.

JAMES VALERIO: South.

JAMES WIESNER: Yes. From the south end.

And then I also have from the east end, I have --

ERIC STOWE: Wait.

JAMES WIESNER: Extending 60 feet from the building by 100 feet wide by 18 feet high.

ERIC STOWE: Outdoor storage shall be permitted only on the south end of the building at a distance not to exceed 30 feet from the south wall, 150 feet along the width of the building, not to exceed the width of the building and 18 feet high. Outdoor storage shall also be permitted on the east side of the building in an area not to exceed 6 feet from the easterly wall, 100 feet running north to south along the easterly wall and 18 feet in height.

Did I do all geography and dimensions correct?

MR. PLATT: Does that mean they could stack pallets up within that area?

ERIC STOWE: I will answer -- the way the code is written, we don't define what can be stored. Merely outdoor storage.

MR. PLATT: They could put 30 feet out from the building, pallets 18 feet high?

JAMES WIESNER: One minute. I almost got it down. Let me read it back. So outdoor storage to be allowed as follows. On the south end of the building at a distance 30 feet deep from the building, 150 feet wide, not to exceed the building width and a maximum of 18 feet high. Okay.

Then on the east end of the building, at a distance of 6 feet deep from the building, 100 feet wide not to exceed the building width and maximum 18 feet high.

PAUL WANZENRIED: No. Back it up.

JAMES WIESNER: Okay.

PAUL WANZENRIED: When you said 150 foot wide, read that statement again, please.

JAMES WIESNER: On the south end of the building at a distance 30 feet deep from the building, 150 feet wide not to exceed the building width. And maximum 18 feet high.

PAUL WANZENRIED: My concern there would be, Mr. Chairman, that the -- they could say 150 feet in width, but it's not tied to the building. In other words, that storage needs to be tied from corner of building to corner of building.

JAMES WIESNER: Okay.

PAUL WANZENRIED: If I have 150 over here -- just the way it was read didn't sound right.

JAMES WIESNER: Okay. 150 feet wide -- okay. You have any wordsmithing?

ERIC STOWE: It's 150 feet in width. Storage shall not protrude.

MR. HENNESSY: Extend. Protrude?

ERIC STOWE: Extend?

PAUL WANZENRIED: Not extend beyond the east and west sides of the building -- facades of the building.

JAMES WIESNER: The east and west ends of the building.

We'll try this again. On the south end of the building at a distance 30 feet deep from the building, 150 feet width not to exceed the east and west ends of the building, and maximum 18 feet high.

PAUL WANZENRIED: Correct.

Now read the east condition, please.

JAMES WIESNER: I already read the east one.

Hearing what I have. On the east end of the building at a distance of 6 feet deep from the building --

ERIC STOWE: Can we have say from the easterly wall?

JAMES WIESNER: 100 feet width not to exceed the north and south ends of building --

PAUL WANZENRIED: No.

It's going to be 100 feet in distance, not to exceed. Not to exceed 100 feet. Because it's contained within the 6 by 100 -- per the applicant, it's contained within the 6 by 100 foot block, Jim (Wiesner).

JAMES WIESNER: Okay. It's not the north and south ends. So on the east end of building at distance of 6 feet deep from easterly wall, not to exceed 100 feet in width and maximum 18 feet high.

PAUL WANZENRIED: Agreed.

JAMES WIESNER: Let me take A, B and C independently here. So for A, which is the front parking, I don't have any conditions of approval. Can I have a motion to adopt the application?

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

JAMES WIESNER: This is A, the front parking.

DECISION: Unanimously approved by a vote of 4 yes with no conditions, and the following finding of fact was cited:

1. Front parking is consistent with other businesses in the immediate area.

JAMES WIESNER: That takes care of A. 2.

MARK MERRY: We're on 2B.

JAMES WIESNER: I have as a condition of approval -- I'm going to read this all of the way through.

Outdoor storage to be allowed as follows on the south end of building at distance 30 feet deep from building, 150 feet width not to exceed the east and west ends of building and maximum 18 feet high, on the east end of building at distance 6 feet deep from easterly wall, not to exceed 100 feet in width and maximum 18 feet high.

Can I have a motion to adopt the application as written from the Board?

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

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

Outdoor storage to be allowed as follows:

1. On the south end of building at a distance 30 feet deep from building, 150 feet width not to exceed the east and west ends of building, and maximum 18 feet high.
2. On the east end of building at a distance of 6 feet deep from easterly wall, not to exceed 100 feet in width, and maximum 18 feet high.

The following finding of fact was cited:

1. Applicant agreed to confine outdoor storage to specific areas in close proximity to the building. This will ensure that outdoor storage has minimal visual impact on the immediate neighborhood.

JAMES WIESNER: That one passes. And then we have got 2C which is the 6 foot high fence. No conditions of approval for that one.

Can I get motion from the Board?

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: Unanimously approved by a vote of 4 yes with no conditions and the following finding of fact was cited:

1. Lot is framed by a berm and landscaping along the main road, which will limit visibility of fence to the surrounding neighborhood.

JAMES WIESNER: So 2A, B and C have been approved. So that takes care of item 2. So now let me come around to item 3.

Item 3 we have basically two sign variances. Do we want to vote on these together?

JAMES VALERIO: I think we should split them.

JAMES WIESNER: Okay. We'll split them.

ERIC STOWE: Is the applicant okay with splitting both the height and square footage variance?

MR. HENNESSY: Yes.

MS. GILBERT: Yes. We're in agreement.

JAMES WIESNER: Okay. So we're going to have an A and a B. So the A is the 85 square feet sign. And B is the height of 8 1/2 feet tall. And so conditions of approval, they would need a sign permit. That would be true for both of them. I guess, is there -- I didn't -- is there any discussion from the Board on -- on these signs at all?

Obviously, they have presented some other signs on the street. The largest of which is probably Lifetime Assistance. Which their request is still quite significantly above that.

Any comments?

JAMES VALERIO: Can you tell me the number again, square footage, if you didn't make it rectangle?

MS. GILBERT: Each side, each face would be about 29 square feet and just to give you a comparison, Lifetime Assistance, the one side of it we were told is 8 by 4 -- I'm sorry. I think it is about 32 square feet. Let me check that. I believe we're smaller than that. Yeah. They're 8 by 4, so Lifetime Assistance is about 32 square feet. We're coming in about 29 square feet --

JAMES WIESNER: So --

MS. GILBERT: -- of true area.

JAMES WIESNER: So it is an ellipses shape.

MARK MERRY: We have to keep in mind the variance stays with the -- if the Board grants the variance they're asking for, it doesn't mean it will be that sign forever.

JAMES WIESNER: I guess -- this is one single opinion. But that is a pretty large sign. And we certainly can move forward with the vote. I don't know if there would be any consideration at all to reduce that sign? I know -- I mean, obviously, it could go through. It could not go through. If it doesn't go through -- you have certainly heard some of the comments.

MS. GILBERT: We would be open to your opinion on is it just the pure square footage? I mean is there -- I guess we would like to hear from you and what you think maybe would have been a more appropriate request.

JAMES WIESNER: I guess -- I will speak as one opinion. Obviously there is many members of the Board. I'm only a small part of that.

MARK MERRY: You're a big part of it.

JAMES WIESNER: It is a pretty big sign. Certainly bigger than even what you presented in the neighborhood. I think it will -- I think it would have a difficult time getting passed, but, you know, we won't know until we vote on it. And obviously, if it gets voted down, then the issue with that is if you wanted something lesser, you would have to come in with something more significant in order to bring it back up for a vote again. So that is the risk that you take.

MARK MERRY: I would just say, it is good that you took the time to go out and survey the area a little better for the signage that is close by, this proximity, but just a reminder that, you know, each variance is different. It doesn't necessarily depend on what the sign is across the street or down the road from what you may be entitled to receive. The signage codes in Chili also changed, I think, from several of these signs that have been up. So they -- just the consideration where we don't typically as a Board see us granting a lot of sign variances, and if we happen to, maybe because it's already an existing sign and not much of a variance. Maybe something where we have -- the Building Department is doing their due diligence and realized that a sign is needing of a variance so it comes to our attention.

MS. GILBERT: If I may, a 16 square feet per side sign is relatively small. Especially for an industrial zone with a speed limit where vehicles are not moving at 30 miles an hour. It's a busy area. We need to make vehicular decisions quickly. Um, I think we would be open to maybe compromising, proposing perhaps a reduced square footage, maybe something that the Board would perhaps be more agreeable to, if that is an option before we put it to vote.

MR. HENNESSY: The -- if I may, Mr. Chairman, the -- Bill Hennessy, for the record.

We have a sign above the front door that's roughly the same size as this. It's the 7 foot 6 inch width and it's -- it's basically 48 inches in height. The extra -- the -- the 1 foot .67, that the variance goes 5.67 is to include the -- the -- a small square sign open to the public but also to have the 100 for the -- for the address. Um, we can -- we can diminish it to be smaller. Since we have that sign, we can diminish it in half, but that would bring it down to 4 by -- I would say 3 by 6. That would -- that would not be half. But that would cut it down, the -- the -- the width of it, I would go -- instead of 7'6", I would go 6 and then the height would still be the 3 foot thickness of the oval, but then we would still need roughly a foot for the public and the signal -- so 4 by 6. Just 24 square feet. Per side.

MS. GILBERT: This photo was submitted. You know, we feel that this photo is very representative of what we think it will look like from Paul Road. The building is set back quite far, and with a perspective view, the building signage, this is the smaller of the two signs that would face Paul Road. It's -- it's -- we really feel it's the building being pushed back -- taking a larger lot and pushing it back that is driving some of this request. Where the building is not as visible.

JAMES WIESNER: Maybe I'm not understanding. So what we're discussing is the sign by the road. And you're -- you're mentioning the sign on the building itself.

MR. HENNESSY: I'm trying to compare the two, and looking at the size. The proposed size was very similar for just the oval piece. Um, so since we have that, I was offering that, um, my oval would be 3 foot high by 6 feet wide, but we need another foot for the -- for the address requirement and then the "open to the public." So that we need 12 inches. So that would be 4 foot by 6 foot.

JAMES WIESNER: Okay.

MR. HENNESSY: Per side, that is 24. And -- and -- we were previously asking for 42.5. So I'm saying we could do 24 per side.

MS. GILBERT: The reason I was just showing the building signage is to support the argument that you need identification for the building, that it will not be that easily -- easy to see from the road. This is right when you would be looking directly at it from Paul Road. The pictures that I have provided to you today during the presentation show even a more perspective view when you're coming down Paul Road from the Thruway. It's -- this is the site back here. It's very difficult to see it with all of the vegetation along the road. If you look at this picture -- so the building would be set back. This is the trees. This is the property right here on the other side of the creek. It's very difficult to see the property until you're on top of it and the tree plantings, we felt it would be even harder to see.

FRED TROTT: So you're proposing to go down from the 7.6 by 5.8 to a 6 by 4 with a total of 48 square feet?

MR. HENNESSY: Yes, sir. Current zoning is 16 feet, square feet per side, and we're asking for 24 square feet per side. So -- so --

PAUL WANZENRIED: Important to note that 32 is -- is 16 square feet per side, so that is a total of 32. That's allowed per code.

FRED TROTT: Is he going for a total of 48?

PAUL WANZENRIED: Correct. Versus the original request of 85.

FRED TROTT: 85. Substantial reduction there.

MR. HENNESSY: I will mention, we could then -- because of that, bring the height from 8.5 down to 6, because of that change. So -- I mean that would still be a variance from the 5 foot height to the 6 or should I just wait until we go to 3B?

ERIC STOWE: No. Put them together, please if it makes a difference. I'm not saying consolidate the application but bring that up so we're aware.

MR. HENNESSY: So we can -- we can propose that option also.

JAMES WIESNER: Okay. Let me try to figure out. So basically you're proposing the -- the length which is currently 7 foot 6 inches to remain the same?

FRED TROTT: No. 6 foot.

JAMES VALERIO: They want to change it from --

FRED TROTT: I'm sorry. Yes. 6 feet.

JAMES VALERIO: 45.5 a side to 24 a side.

MS. GILBERT: Yes. 6 foot by 4 foot.

FRED TROTT: Instead of 7 foot 4 -- so it would be 6 feet.

MS. GILBERT: So from 85 square foot total to 48 square feet total.

JAMES WIESNER: So that reduces it down by 8.

JAMES VALERIO: 37.

JAMES WIESNER: So variance from 7 1/2 to 6. So 6 by 4 is 24.

FRED TROTT: Times two.

JAMES WIESNER: So 48.

FRED TROTT: Each side.

JAMES WIESNER: So 48 versus 56 --

FRED TROTT: Versus 85.

MARK MERRY: So as part of the Board discussion, what I do is I travel, right? I do a lot of traveling. More than I wanted. The comments made by the Public Hearing are very accurate in today's society in the way a lot of people travel, you're on the road. You're gauging that, with the technology that you have in your vehicle. And the trucks they're talking about, have better technology than I have. I have a mobile phone. That is what we use. Especially at the speed you're traveling on Paul Road, it's good they're offering the reduction on this, but I believe there is still credit to what was mentioned in the Public Hearing. I spend a lot of time on the use. That's what you're using. You're not looking for that mailbox. You're not looking for that monument sign. You're going, "Okay. I'm going to turn in an eighth of a mile," and then you're looking. Right?

So you don't need to have the presence you used to on the roadways that they're talking about. Just some food for thought.

JAMES WIESNER: Okay. So A was the -- A, as I put down, was the sign area, the area of the sign.

And B was the height. So as far as the area goes, then we would be reducing from 85 to 48.

FRED TROTT: Yes.

JAMES WIESNER: So it would be 6 by 4. And then two sides. Is that agreeable to the applicant?

MS. GILBERT: Yes.

JAMES WIESNER: And then for the B portion of it, we originally had 8 1/2 feet. Then you're willing to change that to 6 feet?

MS. GILBERT: Yes.

JAMES WIESNER: Agreeable?

MS. GILBERT: Yes.

JAMES WIESNER: Let's take these one at a time. So for 3A, which is the sign area, this has been modified to 48 square feet. 6 foot by 4 foot sign, two-sided, with a condition of a sign permit.

MS. GILBERT: Is it possible that the variance could be worded or the motion could be worded just for the square footage, the 48 square feet and not include the 6 foot by 4 foot dimension since we're speculating on that?

JAMES WIESNER: So 48 square foot sign.

FRED TROTT: Not to exceed 48 square feet.

PAUL WANZENRIED: Not to exceed 48 square feet.

ERIC STOWE: Either way is okay. It's 48 square feet.

PAUL WANZENRIED: Total. Total. It's 48 square feet total.

JAMES WIESNER: So, again, 3A was just the area of the sign. I have a condition of a sign permit and then I was going to do a second condition 48 foot total.

Is that agreeable since we're changing it?

PAUL WANZENRIED: Did you say 3A?

JAMES WIESNER: Yes.

PAUL WANZENRIED: 3A. I see what you're doing, Jim (Wiesner).

JAMES WIESNER: Actually, I'm not taking them in the order. If that is part of your confusion.

PAUL WANZENRIED: You are. You are.

FRED TROTT: You're taking this as part of the Public Hearing. Which is fine.

JAMES WIESNER: So let me say it again. So 3A, which is the area of the sign, conditions of approval are sign permit and 48 square feet total. So can I get a motion from the Board to adopt that application?

James Valerio made a motion to approve the application with the following conditions, and Fred Trott seconded the motion. The motion was approved by a vote of 3 yes to 1 no (Mark Merry).

JAMES WIESNER: So that is 3A.

3B is the sign height and the conditions are a sign permit and a 6 foot maximum height.

Can I get a motion from the Board to adopt that application?

Fred Trott made a motion to approve the application with the following conditions, and James Valerio seconded the motion. The motion was approved by a vote of 3 yes to 1 no (Mark Merry).

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

1. Sign permit must be obtained from the Building Department.
2. Sign to be a maximum of 48 square feet total.
3. Sign to be 6 feet maximum height.

The following finding of fact was cited:

1. Applicant agreed to reduce sign size square footage and sign height so that it would be consistent with other signs in the immediate area.

JAMES WIESNER: Approval of minutes from last meeting.

The Board was unanimously in favor of approving the 6/27/17 Zoning Board meeting minutes.

The meeting ended at 8:55 p.m.