

CHILI ZONING BOARD OF APPEALS
October 23, 2018

A meeting of the Chili Zoning Board was held on October 23, 2018 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 Wiesner and Chairperson Adam Cummings. James Valerio was excused.

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: Application Number 2 on the agenda --

PAUL WANZENRIED: Application Number 2 wishes to be tabled until the November meeting.

ADAM CUMMINGS: So I would just announce that on the agenda. Number 2 did write in and wanted to be tabled.

Any issues with the signs from the Board members?

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

1. Application of Mr. & Mrs. Chad Wilson, owner; 23 Trestle Trail, North Chili, New York 14514 for variance to allow existing 12' x 16' shed and new 10' x 16' shed to be a total of 352 sq. ft. (192 sq. ft. allowed), variance to allow existing shed to be 7' from rear lot line (8' req.) at property located at 23 Trestle Trail in PRD & FPO zone.

Chad and Laura Wilson were present to represent the application.

MR. WILSON: Sure. Chad Wilson.

MS. WILSON: Laura Wilson.

MR. WILSON: We're at 23 Trestle Trail.

ADAM CUMMINGS: And just a brief description, anything you would like to add to what I said?

MR. WILSON: Sure.

So when we purchased the house, we purchased it with the shed, the existing shed on there. We were unaware that it was not within the 8 feet that was required. We already had the existing shed that -- the preexisting shed from the old home. We're bringing that along with us to our new home. And that's pretty much it. Basically all of the stuff we're putting in there -- we have a two-car garage. We're putting in there kids' toys and lawn equipment and that will fill up both sheds.

ADAM CUMMINGS: Okay. If you could ensure that it is 8 feet off both sides, we don't have to worry about a future variance.

MR. WILSON: On the one I'm putting -- yes. There won't be a guess on there.

FRED TROTT: You said that it's going to be 8 foot? Because it says changed to 7 foot.

ADAM CUMMINGS: The existing shed that is there now -- they're placing one in the hand-drawn corner in the upper left. The other one is 7.2 feet off the rear lot line. That is why they're asking for 7.

FRED TROTT: So they will say total of two sheds.

MR. WILSON: Correct, to get to that 352 square foot.

MS. WILSON: After purchasing the house, you receive the survey after and that's when we saw that that shed was not within the 8 feet. Even though on their permit -- I think they just measured wrong, honestly.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: One condition of approval, that you will have to get a building permit. So continue working with the Building Department on that, any requirements they have. Other than that, I don't have anything.

Board members have anything else to add?

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

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

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

1. Building permit must be obtained.

The following findings of fact were cited:

1. The back lot of this property adjoins open space and the additional space is easily accommodated with the large size of this lot.
2. Application of Joseph Cintorino, owner; 921 Paul Road, Rochester, New York 14624 for variance to allow existing pergola to be 320 sq. ft. (192 sq. ft. allowed); variance to allow the total square footage of storage shed area, including a new 8' x 10' shed to be 348 sq. ft. (192 sq. ft. allowed) at property located at 921 Paul Road in R-1-15 zone.

DECISION: Tabled until the November 27, 2018 meeting. Rear setback variance for existing shed also required.

3. Application of Chili MZL, LLC, owner; 810 Paul Road, Rochester, New York 14624 for variance to allow additional front parking per plan submitted (front parking not allowed); variance to erect an ATM kiosk to be 56' from front lot line (75' req.); variance to erect a 46'6" x 6'10" wall sign in proposed Suite #T2 to be 318 sq. ft. (100 sq. ft. allowed); variance to erect a 16' x 11' wall sign in proposed Suite #T5 to be 176 sq. ft. (100 sq. ft. allowed); variance to erect a 2nd monument sign (one monument sign allowed); variance to allow monument sign #2 (facing Chili Center Coldwater Road) to be 3' from front lot line (15' req.); approval to amend variance granted on 2/24/04 (1- 8'0" x 10'0" double-faced freestanding sign totaling 160 sq. ft.) to allow 2- three sided monument signs (8'0" x 14'0" on two sides, 2'6" x 15'0" on the third side) for a total of 263 sq. ft. per sign; variance for both monument signs to be 22' high (5' allowed) and to be internally illuminated (exterior illumination req.); at property located at 800-810 Paul Road in G.B. zone.

Betsy Brugg, Dave Cox, Stan Glantz, Dustin Welch and Karen Jaramillo were present to represent the application.

ADAM CUMMINGS: There is obviously a lot there. So I will be splitting each of those up for our discussions tonight.

MS. BRUGG: Thank you. Good evening. My name is Betsy Brugg. I'm an attorney with the firm of Woods, Oviatt, Gilman. Pleased to be here on this application. With me for the property owner is Stan Glantz. We have our Project Engineer, Dave Cox. We have Dustin Welch from Passero here tonight.

We have been working on kind of redevelopment of the KMart plaza. We also have representatives from one of our key tenants, Pet Supplies Plus, here tonight, as well, since they have an interest in the sign application -- one of the sign applications before you.

So you did go through a list of variances required for the proposed redevelopment. There is a great opportunity to redevelop a very prominent, highly visible, central kind of old plaza that exists in the core of the Town.

Among the variances I'm going to start by saying there is a variance for the ATM kiosk. We're asking that the Board adjourn that. We were at the Planning Board earlier this month. They did grant preliminary site plan approval. However, there was some issues with the ATM so we withdrew it and submitted a new ATM proposal. So we would ask that the Board just carry that item over to the next agenda and we can just skip it for tonight and leave that out of the equation for tonight.

We're primarily here to clean up a site variance for the front yard parking and the majority of the items before you pertain to signage for re-purposing this existing building. It's a very large building. And in lieu of having one large department-store-type use, it's going to be broken up into a number of smaller tenants.

So what you have in front of you is -- let me just walk over and start with that and probably turn it over to Dave (Cox) to get into some of the nitty-gritty.

I'm sure some of -- you all know the intersection very well. This is the front of the plaza (indicating), or the front of what was the KMart. As you know, there are two out parcels. There is the bank over here (indicating) and Tim Horton's over here (indicating). We are not making any alterations to the entries or access points to the plaza.

Essentially this project involves kind of fixing up the parking, breaking up the space. I

know Stan (Glantz) has been working very diligently to find good national tenants who want to come to Chili and to meet their needs to get them into this plaza. He has had a fair amount of success but continues to work on filling the spaces.

Aldi is going to be the anchor. We're not requesting any particular variance with respect to the wall signage tonight.

We also have Pet Supplies Plus. They do require a variance for the signage that they would like to have on their store front.

We have Dollar Tree lined up. There is no variance requested for that tenant.

Then we have a very large tenant over here, a 38,000 square foot tenant. We are not at liberty to disclose who that is. That is contingent on Stan (Glantz) to be able to deliver all their requirements, among which is a sign variance which is before you tonight.

Um, just some of the basics that kind of dictate or influence the need for the signage here. So Chili Center Coldwater Road, I'm sure everybody here has driven it probably a million times. The building here sits a good 6 feet below grade, so that is a factor in marketing this space (indicating).

He have the church up here (indicating), so there is a bunch of physical barriers. This is this sort of park area that is heavily vegetated and I think the Town doesn't know if they own it. We're not sure who owns it. But it is basically --

PAUL WANZENRIED: County.

ADAM CUMMINGS: I would suspect the County owns it.

MS. BRUGG: The County.

We have a bunch of kind of physical features that impact sort of the visibility of the plaza.

What we're proposing here is essentially two free-standing signs, and then signage for each of the individual tenants.

We have -- do we have it all out there? We have it down there below.

Is -- our application kind of breaks everything down. So first we covered the site variance for the parking in the front area. There was a variance granted for parking. We don't need an additional variance for the amount of parking. We have simply -- we're basically cleaning up the -- the condition with the parking. There has always been parking in the front yard. There will continue to be parking in the front yard. That is currently not a condition allowed by code. I think we're asking for a variance.

What triggered that, we're doing additional striping here and along the side of the side, and that, I think, is what led to the idea of cleaning up that -- that item and making it a variance as opposed to a preexisting, nonconforming condition.

And then the other variance pertains to the signage. There was a variance granted for a freestanding sign -- I don't remember what year it was -- 2000 --

ADAM CUMMINGS: 4.

MS. BRUGG: -- 2004. That sign for whatever reason was not installed. We would like to now install a free-standing sign for the site. I think given the challenges that Stan (Glantz) has found in marketing this to smaller tenants, there is a visibility issue on the side of the building, as well, in terms of marketing that space that's below grade, fast pace of traffic and little parking area. And the feeling is that it would be highly beneficial to be able to lease that space to have good, visible signage to traffic on Chili Center Coldwater Road, as well.

As far as the on-building signage, um, specific tenants have their own sign requirements. We are very aware that the Town is very sensitive to signage as an issue. But the signage that we have put -- submitted does require area variances, specifically -- I will just find where we listed it here. The -- the sign for Pet Supplies Plus and also the sign for the undisclosed tenant. I think we have addressed the standards and the legal standards applicable to the application in our -- I addressed in my letter of intent. I'm happy to go through it. I can go through it later. I think that we feel this is signage that will really help make the smaller tenants visible and help overcome some of the physical dimensional aspects of the -- blocking the building with out parcels and the church and kind of the awkward configuration of the intersection.

Dave (Cox), I don't know if you want to speak a little more to it.

MR. COX: Dave Cox with Passero Associates, civil engineer for the project. Um, so just to provide a little more story, right now vacant building. We want to come in, really dress up the building, give it a new facade, add some new light poles in and also upgrade the lighting from the metal halide to some LED as well as Aldi is right here (indicating).

So we need to actually -- put in a loading dock here (indicating) so we're going to actually cut out part of the building to make that happen.

ADAM CUMMINGS: Sorry to interrupt you here. I don't want to confuse things tonight. You're teetering more into Planning Board issues here so I want to make sure I focus --

MR. COX: I just wanted a brief overview what is happening at the plaza. I realize it doesn't -- so I will keep it a little shorter.

And then just cleaning up the site, adding some additional dumpsters, landscaping, things like that, really just making the site look a lot nicer. As Betsy (Brugg) mentioned, it is a little bit hard when you're traveling down south on Chili Center Coldwater Road, you have existing houses and trees. It really blocks the plaza completely until you get right up here (indicating) along it. So there is really not a whole lot of visibility as you're traveling down. As you're traveling Paul Road, up to the intersection, this green space almost completely blocks the view of the frontage of that building, so we have a lot of problems there.

When we're traveling on Chili Ave. heading east, um, there is the existing church here and all this trees and stuff, so you really can't start to see the plaza until you're almost past it and you

have to look back to it. So for visibility reasons it has some definitely challenges.

As Betsy (Brugg) mentioned, it being lower than the site on this -- makes it a little more difficult.

So I think the -- the front yard parking is pretty -- it's been there. We're just cleaning that up. So I don't really need to touch on that a whole lot.

As far as the pylon signs, one of the things we did do was went into -- to see what -- there are some pylons in the surrounding area right on Chili Avenue. So right here, with Valvoline, Tompkins and Microtel, um, we went out there and the height of that pylon sign is 30.7 feet. It has a sign area per side of -- per face of 162 square feet.

The other one up here for Ace Swim & Leisure and Good Guys Pizza is 26 feet in height and 126.8 square feet each face.

Um, so we have pylon signs that are bigger than what we are proposing, so, you know, that is one of things we looked at, to make sure it is not out of character with the neighborhood.

One of the other things is we have two pylon signs. Chili/Paul Plaza also has two signs. They have two road frontages. We have two road frontages. We thought that was in similar keeping with the character of the neighborhood.

We also looked at the building mounted signage. And I know some people have mentioned about Bill Gray's and that signage being way too big. Um, so we measured that. And that sign area is 507 square feet. So it is much, much larger than what we are proposing, very, very big.

And also the existing -- it's down now, but when it was up, the big KMart signage was 425 square feet. So also quite a bit larger than what we are proposing. To give you kind of a good mix there of comparison.

One of the other things on the setback that -- the one pylon sign on this side, the reason we have that -- the 3 foot setback we're requesting is because Chili Center Road really curves around and there's a lot of green space here. So we're still over 40 feet from the road, but we just happen to be closer to the property line.

So in actuality, it's -- you know, this sign over here (indicating) that meets code is actually closer to the road than this one here (indicating). That is why we're requesting that variance for that.

And then internal illumination. Most all of the signs that we look at in the general area do have internal illumination. That is in character with the neighborhood, as well.

And I think that that kind of hits on a lot of it. So -- so also you can -- can give them some pictures? So Dustin will be handing out a couple of things. The one on the front just kind of gives you a -- you know, an idea of what the existing facade is looking like. It shows that big KMart sign. That 425 square feet.

And then if you flip to the next page, it is kind of -- what we're -- what we're proposing. So I think most people would agree, we're really dressing up the facade, really making it a lot nicer area.

And then the -- the third one is just kind of a -- a 3D perspective view to -- to give you a little better perspective what the facade will look like, but very nice facade of keeping everything uniform, but yet giving each individual tenant somewhat of their own -- their own style to make them distinguished between themselves but yet tying it all together quite nicely. So I think with that, we can field any -- any questions?

ADAM CUMMINGS: Okay. Well, I would like to do -- once again, I said that I would like to separate these out.

MR. COX: Absolutely.

ADAM CUMMINGS: So the first one, I have designated as letter 3 -- or Number 3A, which is the front parking not being allowed. I would like to move in order with that one.

MR. COX: Sure.

ADAM CUMMINGS: We already talked about most of it.

Unless did Stan (Glantz) want to say something?

MR. GLANTZ: Sure. Thanks for recognizing me. My name is Stan Glantz with Katz Properties on behalf of Chili MZL, LLC. I just wanted to stress the fact -- and Betsy (Brugg) brought this up -- how difficult it is to draw national tenants to a shopping center like this when you're trying to redevelop it. And we worked very hard to try to bring recognizable, long-term tenants to the shopping center, not just lease to just anyone who will be here for a couple of years and then we have a lot of rollover.

We're also looking for tenants that are really going to anchor the center. We feel like we have done that with Aldi particularly. I think it was number one on your list of desired tenants when the survey was done here in Town a few years ago.

And then we feel like some of the other tenants we're bringing will really help to anchor the center and bring in daily traffic.

National tenants come with a whole host of criteria you need to meet not only internally with the building but externally, as well. Signage, as you might imagine, is one of the very critical things to them. It's visibility in this day of online, you know, clicks to order everything and tenants need to have the public understand where they're located and be able to find them easily.

And I know it had been pointed out, but I will just mention it again quickly, on Chili Center Coldwater Road, believe it or not, not only is visibility important from that, but -- that road, but the reason it's important is because it actually carries almost half of the traffic that is coming in this area. There is almost the same amount of traffic on this street as there is on Chili

Ave. I don't think most people really understand that, but it's a very important road. And for us, because it's curved, you're actually curved away from the center and visibility is difficult as you approach from that direction.

Heading towards Chili Avenue.

The other things I wanted to mention, and I think Dave (Cox) just touched on this, the way we design those store fronts, each tenant has its own individual element that either reflects its prototypical style similar to Dollar Tree or Aldi has its architectural style. We have done the same thing with Pet Supplies Plus and all of the other potential vacancies so that their sign, even though it may exceed your requirements, it still fits within a certain context. So it's not just a large sign on a big wall similar to what KMart used to have.

And that's really, you know -- those are the real points I wanted to make. The only other thing I will say is on the pylons that you have in front of you, we have a lot of blank spaces right now. We have reserved more or less one space for each of the potential tenants that we think we will end up filling out the center with. It is not like we have extra space to move things around. We intend to use those as we come back with other tenants.

ADAM CUMMINGS: Thank you.

MR. GLANTZ: If you have any other questions, I'm here.

ADAM CUMMINGS: So I would like to move forward with the front parking for now, and then we'll address questions for each of the variances as they come up. I just think that's the most fluid way to do this.

One again, this is 3A, the variance to allow front parking per the plan submitted.

MARK MERRY: How many additional spaces are you planning to add in the --

ADAM CUMMINGS: In the front?

MARK MERRY: In the front.

MR. COX: There is about 19, I believe. 18 here in the front.

MARK MERRY: What is the size of the spaces that you're adding?

MR. COX: They are 9 -- 9 1/2 by 19.

FRED TROTT: You will not need a variance for that?

MR. COX: Correct.

FRED TROTT: With those parking spots, that's not going to affect the flow to go to the ATM?

ADAM CUMMINGS: There is no -- the ATM to the bank?

MR. COX: No, it will not. The park -- the parking lot is already paved for those spaces. For some reason they're just not striped. So it -- there is no -- no impact to flow.

ADAM CUMMINGS: So what you're saying is in essence, there is already parking there. It is just not --

MR. COX: Striped.

ADAM CUMMINGS: -- delineated?

MR. COX: Exactly.

ADAM CUMMINGS: Where there is pavement or grass, everyone will park eventually.

PAUL WANZENRIED: With the parking -- we're developing parking out by the bank and then we're developing parking back by the main building. Would that parking be attributed to those buildings?

ADAM CUMMINGS: Good question. Because that would still be front parking.

MR. COX: The front parking here, in -- why the front parking is so important is that if we have tenants in this back corner, they don't want to have to park way -- way out here (indicating).

PAUL WANZENRIED: I understand that.

ADAM CUMMINGS: So the count isn't 18 new spaces.

MR. COX: 18 new spaces here (indicating).

ADAM CUMMINGS: And then there would be spaces all along that side.

MR. COX: Correct.

ADAM CUMMINGS: It looks like there is 27 there, Mark (Merry).

MR. COX: We're adding around 40.

PAUL WANZENRIED: But if I do a parking count for the bank and I do a parking count for Tim Horton's and I do a parking count for the main building, we want those parking spots attributed to those buildings; correct?

MR. COX: Yes. But there is a global --

PAUL WANZENRIED: I understand there is a global.

MR. COX: -- parking access agreement with all of them.

PAUL WANZENRIED: Okay. Because I would request that Adam (Cummings) would say that the 18 parking spaces in the front are 18 to the bank.

MR. COX: Yeah.

PAUL WANZENRIED: Then the other, in the -- on the east side of the property would be towards -- for the main building or the tenant spaces in that subdivided building.

MR. COX: Yeah.

PAUL WANZENRIED: Okay.

ADAM CUMMINGS: To make sure I'm clear on that, the 18 front spaces relative to Chili Avenue would be designated for the out parcel that currently houses a bank, and then the ones that front Chili Center Coldwater would be designated for this main building. Is that what you're saying, Paul (Wanzenried)?

ERIC STOWE: I think what we're trying to avoid is similarly situated multi-tenant plazas and how do we -- while they're not reserved for each tenant's use, when we try to calculate how

many parking spaces do you need for this building or how many for this use, which one applies? You can't -- you can't count each one multiple times.

ADAM CUMMINGS: Right. Understood. Understood. I get where they're going.

MR. COX: Yep.

FRED TROTT: I do have a question. Now, there was Vern's Automotive there and there was parking there.

MR. COX: Yes.

FRED TROTT: If I remember correctly, there was a third row?

MR. COX: Yes.

FRED TROTT: You're only showing two rows of parking on that side. So how does that change the number?

MR. COX: So there was already some parking there, but we're adding more than what was -- is there now.

FRED TROTT: But you're not adding that middle row?

MR. COX: Right.

JAMES WIESNER: So the front yard parking is both Chili Avenue and Coldwater Road, both of them? Because they're both fronted on major roads?

ADAM CUMMINGS: Yes. They're both fronts.

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: So I'm going to place that one condition relative to the apportionment of those parking spaces just to make sure it is clean, because we do have a lot of multi-tenant plazas and then out parcels come in and then there becomes a question of who has enough parking spaces, so we just want to make sure we have that up front taken care of.

MARK MERRY: So what is the parking ratio now?

ADAM CUMMINGS: I have no idea.

MR. COX: Percentage-wise? Let me just map --

ADAM CUMMINGS: I'm not sure that we'll have that. We do have the site plan here, but -- it shows shared. 21 shared for the bank. And 15 shared for the restaurant.

FRED TROTT: It sticks in my mind when Tim Horton's came to Town, there was a discussion. It sticks in my mind when Tim Horton's came to Town, there was an issue of parking.

ADAM CUMMINGS: Yes.

FRED TROTT: So I thought -- I don't think it made it into the decision sheet, but I remember a discussion about it.

MR. COX: It's around 4.4 per thousand.

ADAM CUMMINGS: Okay. Thank you. 4.4 per thousand for the overall. Or was that just for the bank?

MR. COX: No, no, no. That was for the --

ADAM CUMMINGS: The big.

MR. COX: The whole -- the whole kit and kaboodle.

ADAM CUMMINGS: And then once again, really our decision tonight is whether we're going to allow front parking or not. So just so I'm clear, if we deny front parking, we reduce the number of parking spaces.

MS. BRUGG: In case -- I was just trying to understand the -- the condition you were talking about. I assume that would apply if the property were subdivided, but there is no plan to subdivide that.

ADAM CUMMINGS: Correct. We're just trying to be proactive.

MS. BRUGG: I understand that. That's fine.

I also didn't know if you realize that that Vern's has overhead doors now where there is no parking, so the parking has to slide. I'm not sure if you're aware of that.

ADAM CUMMINGS: Yes. Right. I'm really reviewing that whole frontage -- I should have brought that up. The Chili Center Coldwater is, in essence, a new parking arrangement. Whatever was there before, I don't think we should consider it.

Fred (Trott) brought up a good point about three rows. More appropriate to the current use as opposed to continuing on with the existing use.

MS. BRUGG: Just wanted to make sure you were aware that that was the change.

PAUL WANZENRIED: It's all on existing pavement. It is just being demarked.

ADAM CUMMINGS: Right. Right. And when it was paved before, we did not have the zoning code that we currently do --

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: -- prohibiting front parking.

PAUL WANZENRIED: That's correct.

MS. BRUGG: Yep.

ADAM CUMMINGS: So that is what I'm looking to go do on that condition of approval,

just to designate that apportionment for future if it does get subdivided.

ERIC STOWE: And that's only for Town purposes without regard to how the plaza uses it internally.

ADAM CUMMINGS: Correct.

ERIC STOWE: It is not reserved parking or dedicated parking. You just have to spell out who does the count go to.

MS. BRUGG: Right. I think we're good on that.

ADAM CUMMINGS: So I'll go ahead and, Eric (Stowe), you want -- that is how I should be doing this, each individual SEQR, or should I do them all at one time at the end?

ERIC STOWE: I think the project as a whole is one action, and one SEQR determination.

ADAM CUMMINGS: So --

ERIC STOWE: That being said, I think we would need to have done a Public Hearing on all matters before passing ---

ADAM CUMMINGS: Okay. Correct.

So I'll move onto 3B, unless there is any other questions on 3A.

So once again on the agenda that is on there, we have adjourned the variance to erect an ATM kiosk. I have that designated as 3B.

ERIC STOWE: Can I ask you one question with respect to "adjourned" versus "withdraw" from in terms of a SEQR determination and a -- if it's adjourned, it implies future action will be taken and it is not withdrawn. At the Planning Board that matter was withdrawn and not reviewed. I think my preference would be withdraw that from this so that it's a cleaner SEQR process in terms of the application and it being pending.

MS. BRUGG: Um, I think we would rather just adjourn it because all we're going to do is file a new one tomorrow. It is sort of known that that is what is going to happen. It doesn't really make a difference from a SEQR standpoint either.

ERIC STOWE: Okay.

MS. BRUGG: Actually, the Planning Board has it on its current application.

ERIC STOWE: The current.

MS. BRUGG: I think all of these, um -- I think we feel more comfortable -- I don't think there is any problem adjourning it. We would prefer not to have to -- it is really just the mechanics would be filing a new application.

ERIC STOWE: It would just be a revised SEQR determination or reaffirming the prior determination.

MS. BRUGG: Correct. Right. Just reaffirm that.

ADAM CUMMINGS: I will have -- I don't have Esquire after any name. I have PE. So what is it, adjourn or withdraw?

ERIC STOWE: I'm okay with the adjourn or reaffirm.

ADAM CUMMINGS: We don't adjourn often here.

Do you still want a Board action adjourning that?

ERIC STOWE: We would table it.

MS. BRUGG: Yeah. You could just table it.

ADAM CUMMINGS: So we'll table it at the request of the applicant. All those in favor saying "aye"?

The Board was unanimously in favor of tabling that portion of the application.

ADAM CUMMINGS: All right. Now we're moving onto 3C and that is tabled until the next meeting.

So 3C is the variance to erect a 46 foot 6 inch by 6 foot 10 inch wall sign for suite T2 where it is 318. So to pull that out, T2.

MS. BRUGG: Pet Supplies Plus.

ADAM CUMMINGS: I was hoping to find it before you.

MS. BRUGG: I have the big board, so.

ADAM CUMMINGS: We can put that -- if you can put that up on that so the public can see it. Sorry, not you, Betsy (Brugg). I was talking to Fred (Trott).

JAMES WIESNER: 3A, front yard parking.

3B is the Pet Supplies.

ADAM CUMMINGS: 3B was the ATM kiosk.

JAMES WIESNER: The setback for that?

ADAM CUMMINGS: Yes.

JAMES WIESNER: What are you calling this one?

ADAM CUMMINGS: This one is 3C, which is the Pet Supplies.

MS. BRUGG: They're right here on the site plan.

MR. COX: We also have a representative from Pet Supplies Plus if there is any specific questions.

ADAM CUMMINGS: The way I'm looking at it, we talked about individual prototypical view of all these. So this, in essence, stretches across the whole space.

MR. COX: Not the whole space.

ADAM CUMMINGS: Not the whole building. The -- between the two columns that you have on the facade.

MR. COX: The frontage for Pet Supplies Plus is actually 70 feet, but we're just having a -- the canopy come out and -- 46 -- or a little more than 46 feet.

ADAM CUMMINGS: How far off the road is that?

MR. COX: The driveway, or the -- or ---

ADAM CUMMINGS: You're looking for visibility off of Chili Avenue, so how far from Chili Ave. to get the -- the ratio of perspective for the need for a sign this big -- I will be honest, this is a massive sign.

MS. BRUGG: I don't disagree.

ADAM CUMMINGS: Compared -- I will point to like Dollar Tree or any of the other ones, this one as I pointed out, those -- column to column, you did point out Bill Gray's. There used to be a Blockbuster. Wegmans were all preexisting. Those are things we're trying to get away from in this Town. We do grant some.

Palmers I will point to on Scottsville Road where it is reasonable and necessary based on perspective speed and things like that of the neighboring roadways. That is what I want to point out. It is just conflicting here with the other signs. If those are the criteria we're going off of, why is Pet Supplies Plus so much bigger than all of the other ones? They are here.

MS. BRUGG: They are here tonight, but they have some concerns about the visibility. They are a very small part of a very large building. They don't have what they would -- many of these, if you have been to some of the pet stores, not theirs, you often find them closer to the road with more visibility. They're set back in here. They're a small part of a very large building. This is a very awkward intersection to begin with. So the traffic patterns are tricky. The pace of traffic. Even turning in and out is tricky as anybody who has done it knows.

We have got visible obstructions from the bank, from -- from some of the traffic. We have got this little park area. And I think that they just feel they need a substantial sign to be adequate -- they do not have many stores in our market. They're relatively new to the market. So I think --

ADAM CUMMINGS: I just want to point out, as we're going through -- and I do also want to point out we're not picking on Pet Supplies Plus. We're recognizing just like the sign variance granted in 2004 that we have to live with, this goes with it. Pet Supplies Plus hopefully is always there as long as I'm in Town.

MS. BRUGG: I totally understand. We expected this. We knew we would be having to explain why we need a variance for a sign and a relatively substantial one with respect to this particular tenant. Again, you know, if they had more store frontage, if they were closer to the road, if it was a different plaza, different configuration, different traffic pattern, I think those kind of things, um, affect how much signage you need. But it's a really -- the plaza as a whole is very challenging.

If you look at it, this is the street frontage here on Chili (indicating). This, they have a building here (indicating). They have a church here (indicating).

ADAM CUMMINGS: The only saving grace is two traffic lights.

MS. BRUGG: Very unique site. I think there is lot of reasons that justify the need for smaller tenants in a big building.

MARK MERRY: So then are you suggesting you don't want a pylon sign with -- Pet Supplies Plus on your pylon sign?

MS. BRUGG: They would like to have both.

MARK MERRY: Oh, okay both. So mega exposure. Don't want to miss them.

MS. BRUGG: Yes. They would like the exposure.

MARK MERRY: Do you have a rendering within the variance what it would look like, how would it appear on the building?

MS. BRUGG: Yes. We have it on the building here (indicating).

MARK MERRY: So that is within the variance, the dimension on the rendering?

MR. COX: Yes.

MARK MERRY: Then you will also add a pylon sign that we may approve tonight?

MR. COX: Yes.

MARK MERRY: We don't think that is enough exposure for a pet shop store? At a destination location in the Town of Chili? Is that what I'm hearing?

MS. BRUGG: Yes. They would like to have --

ADAM CUMMINGS: Just to make sure it is clear, there are two monument signs --

MARK MERRY: I understand that.

MS. BRUGG: But I do think every variance is based on specific facts and circumstances of the particular property, the particular sign. And I think when you look at what the considerations are for the granting of a variance, we're looking at the benefit to the tenant against the detriment to the health, safety and welfare of the community. While I understand we're asking you to grant a variance you might not grant on another piece of property in the Town, I think that the facts of this particular plaza, the specific physical conditions that we're dealing with -- we do not have an opportunity to rebuild this building. We have to deal with the intersection the way it is. We have to deal with the, you know, foliage and trees that are in that corner area. We have to deal with existing out parcels. We don't get to redevelop this in a way that really gives the building the optimal visibility that retail uses need.

So we are dealing with the circumstances that we have, and trying to provide signage to help businesses be successful. As Stan (Glantz) said, it is very difficult for them to fill -- there is a lot of vacant strip plazas today because there is less and less demand for retail. People can buy their pet supplies online. One click with Amazon to buy your dog food. They want to be successful here. They're a small piece of a very large building. We don't get to rebuild this building.

We can't mitigate the factors -- we can't move the buildings closer to the street. We can't change the traffic patterns. We can't redesign the intersection. So we're trying to give them the type of signage they feel they need to be successful.

MR. GLANTZ: One other thing I should probably point out is Pet Supplies Plus is narrow. Betsy (Brugg) mentioned that. The sign looks bigger than some of the others because it takes up almost the full width of this store. So they have a couple of functions. If they want to chop off the word "plus" off the name of their store, it would fit better, but that is the name of their store unfortunately. So in this particular case because it's narrow -- we couldn't give them any more width. If you look at the configuration, we had to actually lose the back portion of their space because it's so deep given the amount of space they take. We have moth-balled that back. We're not even sure we'll be able to lease it. We're already creating a hardship for ourselves in that rear to try to lease that out. If we could have given them more store front, that same size sign would have looked a little more in keeping with the width of their store front, but unfortunately, it is kind of is what it is. So the other tenant signage actually looks smaller, but, that's only because it's also relative to a wider canopy area.

MARK MERRY: But they are still going to appear on the pylon sign, correct?

MR. GLANTZ: They will. But they will have a smaller panel than some of the other anchors have.

MARK MERRY: A little more eye-catching.

MR. GLANTZ: Smaller than a Dollar Tree and they will be smaller than the 38,000 square foot tenant.

JAMES WIESNER: I have a couple of questions. One is for this plaza, what is -- is the address considered to be on Chili Ave. or Coldwater Road?

PAUL WANZENRIED: Paul Road.

MS. BRUGG: I think the address is technically Paul Road. And, in fact, I would note on the monument signs, we'll see a new plaza name. I think it was suggested we change -- the name of the plaza be changed because of some confusion which is why there is -- now some of the square footage on the pylon sign is actually to give the plaza a new identity.

ADAM CUMMINGS: To have a third --

MS. BRUGG: So that hopefully that -- down the side of the sign.

MR. COX: Yep.

JAMES WIESNER: It was redirected. Probably on Paul Road at one point.

Pets Supplies Plus, is there another store in the Rochester area that has the same sign or similar sign? Is this the first entrance into this market here in Rochester?

MS. JARAMILLO: Karen Jaramillo representing Pets Supplies Plus. We have a store in Greece, New York that has similar signage to this.

JAMES WIESNER: That's at the mall or the -- where is that store located?

MS. JARAMILLO: I can't tell you the address off the top. I can look it up real quick.

JAMES WIESNER: That's fine.

ADAM CUMMINGS: I don't have anything right now.

FRED TROTT: I would agree with Mark (Merry) and your comments about the size of it. And being a lifelong tenant of Chili, um, there -- I don't think you can find anybody that would say -- when you give directions, you say "KMart Plaza" and they know where it is. So I mean, I -- I don't think that -- it's not -- I don't think it is hidden. I know you brought up Bill Gray's. I even believe Bill Gray's is even set back further than what the KMart plaza is.

MS. BRUGG: So I have a compromise offer for you. So -- I have to be honest with you, I knew we would have an issue with the sign. I have been in front of you many times and I know -- part of what I do is go back and negotiate with my clients and try to get them to really understand the local flavor and what you're looking for.

So Pet Supplies Plus would be able to go -- they do have a reduced size wall sign. However, they -- they were hesitant to put it out because they really feel they need both the wall sign and the freestanding signage. This is a significantly smaller sign but still requires a variance.

ADAM CUMMINGS: Okay. I was going -- the reason I was hesitating on mine, "grooming and dog wash," that is eating up your square footage. That can be removed easily.

MS. BRUGG: I have tried that approach. We have already inquired.

MR. COX: We can let her explain why.

MS. BRUGG: She can speak to that.

ADAM CUMMINGS: Thank you.

MS. JARAMILLO: So we request to keep the "grooming and dog wash." As more and more people are going for online shopping, the grooming and dog wash brings people into our store and lets them know they can bring their dog into a self-serve dog wash and wash your dog yourself, dry your dog and get cleaned up or bring it in for grooming and have us to do that. That is why we prefer to have the tag lines on it.

MS. BRUGG: Would you like this -- so I think -- I think this will --

ADAM CUMMINGS: I was going get to it eventually.

MS. BRUGG: However, they really need the -- the freestanding signage, as well.

MR. COX: Our previous was for 318 square feet and this is for 179 square feet. So this is quite a reduction.

ADAM CUMMINGS: That's more in line with what we're looking for. And I think -- with your plaza, I already brought up the point once. Your rendering or your schematic here of the elevation actually drives this point home. I wasn't just putting it towards the facade of just Pet

Supplies Plus. When you have a tenant two buildings over that is also 70 feet wide in terms of its full frontage, when you go ratio of it, this is more -- what you just provided is more relative or in comparable size ratio to Dollar Tree so I'm glad you have this here. It makes -- in my eyes make it much less substantial or significant for us to make our decision.

Any questions on the new one? I think they did a good job explaining why the grooming and dog wash services they would be providing on that instead of just coming in and picking up supplies.

ERIC STOWE: Is there any impact to the pylon request based on the shrinking of this sign? Would be my only concern.

ADAM CUMMINGS: In making it bigger?

ERIC STOWE: How would it affect any monument signage determination?

FRED TROTT: For them to be put on the monument?

ERIC STOWE: Right. Or there is a variance for the number of monument signs.

ADAM CUMMINGS: There is the number of monument signs and -- in essence, they get three signs. So I'm still viewing they're going off of what they proposed with that size.

ERIC STOWE: Would the -- my -- my point is, does the -- the reduction in size of this sign impact any requests or determination with future -- I mean in this Public Hearing request for variances as far as monument signage on the pylon signs or is this okay as is and has no impact on that?

ADAM CUMMINGS: We'll look to the gentleman to my immediate left who brought it up. So where he is going for, I did separate these decisions, but they do tie in of us deciding how many signs or how much exposure each of these applicants or tenants get on the --

JAMES WIESNER: I guess I see it is two separate issues. There is the -- the monument sign is ---

ADAM CUMMINGS: There is three. The size on the monument signs, the number of monument signs and then the number of signs --

JAMES WIESNER: I'm looking more independently. I'm looking at the fronts of the stores to see if the signs are in scale. The other ones, I think, to me, stand on their own as to whether they have merit or not.

ADAM CUMMINGS: On their own is the consensus I'm hearing.

ERIC STOWE: Okay.

ADAM CUMMINGS: Thank you. So we'll go to each of those individually.

MR. COX: Okay.

ADAM CUMMINGS: Any questions on this reduced one here? Did you do a measurement how far off Chili Ave. it is?

MR. COX: A little over 400 feet.

MS. BRUGG: But not perpendicular. It's not perpendicular, their section.

ADAM CUMMINGS: Right. I didn't see a scale rule or anything. So I know it is not completely accurate at 400 feet, so it is a rough ball park.

MR. COX: I have a mini scale. I can scale it.

ADAM CUMMINGS: Christmas presents.

MR. COX: Right. (Laughter.)

ADAM CUMMINGS: I don't have anything else.

Side table, anything to add?

I will open it up for the Public Hearing with regard to this wall sign only.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Could Fred (Trott) please show us the new proposed sign on the board, please?

ADAM CUMMINGS: Sure.

FRED TROTT: He should get extra pay for this.

ADAM CUMMINGS: You can document it -- count your steps. (Laughter.)

MR. RETTIG: Thank you.

ADAM CUMMINGS: So once again, the same size. The dimensions changed from 46 feet, 6 inches down to 34 feet, 10 inches on the width. And the -- the height went from 10 feet to 5 feet.

Anything else, Mr. Rettig? Thank you.

All right. Not seeing any other hands, motion to close.

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: With this one, and it goes with all of the signs, I'm going to try to juggle as best I can, but you will have to get a sign permit from the Building Department. I will say the sign permit goes through the signs. I know they cross a couple of the requests, so some will have that condition and some won't.

MR. COX: Okay.

ADAM CUMMINGS: Moving onto 3D, which is the 16 feet by 11 feet wall sign for T5.
JAMES WIESNER: Sorry, I didn't hear what you're calling that number.
ADAM CUMMINGS: 3D.
MARK MERRY: D, as in dog.
ADAM CUMMINGS: Which is the unknown tenant.
MR. COX: T5 is down in here (indicating).
ADAM CUMMINGS: Where it says the two T5s, um, Fred (Trott) --- I don't think there was a picture specific of this one, so if you could put this one up, as on that one there.
So while he is putting it up, the little grayed area is the whole square footage?
MR. COX: Yes. 176 square feet, which is only two square feet less than the 178 per -- for the revised Pet Supplies Plus, so they're in very similar keeping in size. And this retailer has different configurations for the sign. We chose the one that would be the smallest. So this is -- the dimensions shown are for the actual signage.
ADAM CUMMINGS: Okay. So when you say "the smallest," does that mean they would be coming in with a bigger sign?
MR. COX: They have some different -- different layouts. So we chose the layout that is the smallest.
ADAM CUMMINGS: Okay. I wish that zoomed in more.
FRED TROTT: I'm afraid to touch it.
ADAM CUMMINGS: So what you're saying, you have already spoke to the prospective tenant and this is how much area he would need for a sign. You wouldn't be coming back for --
MR. COX: Correct.
FRED TROTT: A different sign.
MR. COX: Correct. This is what he needs.
ADAM CUMMINGS: So hopefully that is clear. That's the best I can do.
JAMES WIESNER: You said, the -- the area that you're proposing and the renderings are fairly typical of what the configuration of the square, the sign would look like. It is just you haven't filled in the -- filled in the area and borders -- for the borders. So...

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: Much like the last one, a sign permit must be obtained for this one, so 3D. This one will have a condition of approval requiring a sign permit.
All right. Moving on to 3E. Which is the variance to erect a second monument sign where one is allowed. This one does kind of tie to one of the next ones, based on our decision.
So, Eric (Stowe), would it make sense to designate which sign is number 1 and number 2? Because there is two road frontage ones.
ERIC STOWE: Yes.
MR. COX: I think they are distinguished. So the one on Chili Ave. --
ADAM CUMMINGS: Is going to be 1.
MR. COX: -- is going to be 1. That was what was previously granted a variance for. So that would be number 1.
ADAM CUMMINGS: Okay. I just didn't have any -- on any of my documents that called it out, so...
Fred (Trott) will put the picture up to show what it will look like, and once again, coming up next, Paul (Wanzenried) and I discussed this before. I would like to lump all of the remaining ones on this one. Clean enough for you, I think, it is the simplest one if the applicant is okay with that. I would leave it to you. We can either do each of them individually on decisions but they really are synergistic. If we don't allow two monument signs, then the total square footage changes. And the height pertains to both of them unless we want to consider different heights for the two road frontages.
I guess we'll get to that when we get to that point.
ADAM CUMMINGS: Why don't you let them present on both first and then we'll make a decision afterwards.
MR. COX: Sure.
So as we -- so the location down here off of Chili Ave. was already granted. But the problem is, as Stan (Glantz) mentioned, there is such a large volume of people coming down Chili Center Coldwater Road, the main gateway into it, not having the sign there really is -- is difficult for these tenants and puts them in a bad spot. They really want that visibility of people coming down to be able to see those tenants on that sign. That is where that second sign is very, very important. Um, and not out of character with some of the other plazas that have two -- two road frontages with having two signs.
And as far as height, um, since this -- this is 22 feet, but from Chili Center Road, you know -- there is about a 4 to 5 foot difference in this location, so it is really only acting more like a 17 or 18 foot.
ADAM CUMMINGS: In terms of elevation you're saying?

MR. COX: Right. In terms of elevation. Exactly. So that is why we're trying to bump it up just a little bit more.

Um, and as far as internal illumination, I mean if you -- if you don't have internal illumination, it makes harder to read the signs and know exactly what the signage is, and that is in keeping with the majority of signs in this area are all internally illuminated.

And then as far as size, um, you got to have the right ratio for -- for all of the different signage, tenants and as far as, you know, when cars are traveling to be able to read them. That all plays a factor in the signage size.

ADAM CUMMINGS: Okay. I do want to make sure I point out all of the examples, while I do agree with our existing signage on here, that is what came out of our comprehensive planning, is that we do not want that.

MR. COX: Yes.

ADAM CUMMINGS: So we're stuck with what we have, but moving forward, we really don't want that if we can avoid this.

MR. COX: What we proposed is smaller, quite a bit smaller than two of the other signs that were not -- not desirable. You know, the 30 feet, 26 feet. You know, that were -- we're lower than that. And also on the size, we're smaller than those existing signs.

MR. WIESNER: No questions. You're kind of using those signs down the street, but in my recent memory and my reference, I look across the street at the Target/Wegmans sign and there was a lot of back and forth on that sign, um, relative to the size of it. They have only got it on one street, not two. Um, I don't know that these signs that you have shown are necessarily a good comparison for this site. But that is just my opinion.

MS. BRUGG: I can speak to that because I -- I actually represented that application for that sign. I think, you know, Wegmans typically does not have interest in freestanding signs. That is just not their program. Target wanted a sign. I think the big difference you -- if you have one very large department store on a sign, that -- they are a distance from the road, so they benefit from a sign up on the street.

What we have here is taking one existing 114,000 square foot building and breaking it up into pieces. It is a -- into small spaces that are not -- frankly, the building is not just ideal. So we're dealing with the challenges of unusual configuration and all these awkward elements that really make many retailers pass up a plaza like this. So to get the tenants, we have to do everything we can to make this work for them. And signage is a big part of that.

Like I said, I wish we could fix some of the things. I wish we could shove a building forward or reconfigure it, but it's not an option. This is very different from the Target and while I totally understand and I appreciate the desire to reduce the overall amount of signage in our commercial developments, I think that we have to look at this on the facts presented, which we're taking one giant building and splitting it up into -- Stan (Glantz), how many tenants we're thinking in here?

MR. GLANTZ: Could be as many as nine or ten.

MS. BRUGG: The more tenants, the smaller the frontage, the setback doesn't change. We're talking about 400 -- over 400 feet from the road on Chili Avenue. We're talking about some stores that have very, very small frontages. Only way to really give them the visibility and the -- make them findable to the fast pace of traffic through Town is to give them signage. There is really no other option. It's really the only feasible way to make these spaces work.

MR. COX: When you're just providing a sign for one tenant, no, it only needs to be so big. But if we have seven to ten tenants where we're trying to put all those logos on it, it is hard to -- you can't just scrunch it down to a really small, unreadable size.

MS. BRUGG: We have the church in front also. We really have very limited direct frontage on Chili Avenue.

ADAM CUMMINGS: Because you're on Paul Road, which doesn't exist any more.

MS. BRUGG: We're on Paul Road. (Laughter.)

ADAM CUMMINGS: The invisible Paul Road.

JAMES WIESNER: I hear you out. And I understand. I just know that -- that -- that that sign started out pretty tall and got lowered down. There is actually multiple tenants down in that site, as well. And that's the only advertising for that whole site. So I -- so, you know -- I will hear what everybody else has to say on the Board, as well.

MARK MERRY: I would like to start out by saying I can appreciate what you've done trying to keep the height of -- of the pylon sign to a minimum in what you're doing. I think you're very surprisingly underestimating the location of the plaza, though.

To Fred (Trott)'s point, whoever you put in there, some people will still refer to it as "KMart Plaza." It is just the wayfinding part of this Town. So I guess if you face denial tonight of the pylon sign or pylon signs and you were to come back with another approach, where would you put one pylon sign? What location would you maximize?

ADAM CUMMINGS: Out of those two?

MARK MERRY: Out of those two.

Should you have to come back, where would you put it?

MS. BRUGG: We would keep it on Chili. But it would be very detrimental to the store fronts.

ADAM CUMMINGS: On Coldwater.

MS. BRUGG: Yes. But obviously -- the number of tenants directly affected on Chili Avenue is significant with a lot of tenant spaces.

MARK MERRY: I think the tenant on that side of the building would strongly disagree

with you. He is one of the busier operations we have here in Chili at that location.

MS. BRUGG: You're talking about Vern's?

MARK MERRY: I don't think he is an issue. With that said, I think I also need to consider your location, maximize what you have. Given what we're seeking here, that part -- especially that part of Chili Avenue. I really don't think two pylon signs are appropriate. I do disagree with your characterization of fast-paced traffic. I think you need to spend a lot more time at that intersection. There is nothing really fast-paced about it. Pretty much a slow crawl. Again, it's an attribute that you can maximize with your tenants as a selling point actually. I think it's a very good selling point that traffic is moving quite slowly in that area. You're very easy to find and I think you will find it difficult trying to get two pylon signs of that magnitude past this Board tonight --

ADAM CUMMINGS: I would like to jump in real quick. I have two points. I need to clarify what I said earlier. I mentioned two stoplights. There are two. The intersection, the main intersection between Coldwater Chili Ave. and then the entrance and exit to Wegmans. So it's a very traffic-calming area.

MS. BRUGG: I guess I should clarify by "pace," I don't necessarily mean always the speed. The amount of activity and the number of decisions that you have to make when you're driving through the intersection, which lane you want to be in, which direction you're going.

ADAM CUMMINGS: I would leave that to the site plan and Planning Board. I don't know how many left turns are really going to make it into that plaza from -- it's a very difficult turn. I will attest to that. It is very difficult from that one. I don't want to bring up that point. We have an empty Walgreens kiddy-corner to it that I don't want to bring up that traffic decision-making of our drivers in this Town and visitors.

But in terms of -- it's an off-the-wall idea that I did hear today. I will not take credit for it nor will I name the person who did it, but have you approached -- you're talking about the grassy area, the grassy knoll. Have you approached the County to see what their plans are for it and possibly putting a monument sign on there?

MR. GLANTZ: That would take a long time to get and I would probably lose all my tenants because we have deadlines to meet.

ADAM CUMMINGS: Understood. But did you ask?

MR. GLANTZ: We did not ask because when we have had conversations with the Town, I think it was quite a bit of confusion as to what actually controls that corner, whether it is DOT, the County, the Town has been doing some maintenance, but they don't have complete control. So I felt like it was a ball in the air that we couldn't touch.

ADAM CUMMINGS: Okay. I just wanted to ask if you had asked.

MR. GLANTZ: We didn't specifically ask them, no.

MS. BRUGG: I think in the perfect world, they would not have trees blocking the building, so.

ADAM CUMMINGS: Well, I happen to know that a few banner signs do show up in that corner. It's a pretty visible corner.

JAMES WIESNER: That's where most people put them up.

ADAM CUMMINGS: I don't know if they get permission for --

MR. GLANTZ: If we did, we would probably get a cease and desist order.

ADAM CUMMINGS: That's what I wanted to chime in with. On the Coldwater side, it is substantial or significant as to how close to that it is, but I am glad you mentioned how far it is off the pavement. As I mentioned, Paul Road already disappeared. Who knows what the future transportation patterns of that intersection will be, but I don't see any changes in the time -- near future.

So I think it's a reasonable location to have it. To push it back any further on that Coldwater, um, would hinder its visibility based on the elevation.

FRED TROTT: I do have a comment on that, coming from the Traffic & Safety area.

Are you prepared to have a sign get smashed in? You look at -- that's an elevation that curves and there is quite a few accidents that happen there in the wintertime. And it -- looking at it, that's -- your sign is being lined right up to where the cars end up.

ERIC STOWE: I just think it is important -- this is not dealing with the actual location, but the quantity.

FRED TROTT: But you know, as far as position of the sign, it's --

MR. GLANTZ: I can appreciate your comment, but I don't think we have a traffic accident history here at the center. We have owned it for six years. I don't think we have ever had an accident within the center that have gone onto any of those turning radii. If that is what you're referring to. Maybe I'm mistaken.

Are you referring to this pylon that we proposed here (indicating)?

FRED TROTT: What happens is people that are coming south down -- you have George's Mobil. I call it that. And you have people also making a left-hand turn trying to get in there. I have seen numerous accidents where it happens and then that car heading south ends up into your plaza. And -- and looking at it, it looks like he is aiming right for that.

MR. GLANTZ: Well, there is this large green space that we don't know who owns that that may be where the cars are going. You think they're actually going into the center itself?

FRED TROTT: Yes.

MR. GLANTZ: Really? I would have to ask our Property Managers, but I haven't heard of anything. I have been with the company for five years and I haven't heard anything. We have owned it for six.

The other thing I should stress and I know we said it before, we're really focused on trying to bring national tenants and regional tenants as opposed to local tenants. There are a lot of local tenants in the shopping center down the street and many of them do not have visibility, but they have the local knowledge, history of being in Town for many, many years in the same location.

So our focus is a little different and those types of tenants are looking for certain sizes. If I gave you the entire menu what our requirements were on the pylon sign, it's like a jigsaw puzzle. I'm surprised Passero could actually work it out. Certain tenants have to have a certain site. Above one another. Certain size relative to everyone else. No one can be 20 percent more than anybody else. It's a little puzzle.

So we have worked it out and we felt that 22 feet was an appropriate size. We're only asking for 2 feet higher than what we already have a variance for. And really essentially that was to keep it with a substantial base so it looked proper proportionately. That sign can actually be reduced in height, but we lose the base and with snow and everything else, we felt it was a good idea to keep it up a couple of feet.

As Dave (Cox) pointed out, particularly the one on Chili Center Coldwater Road, it is already below by 5 feet, 6 feet so 22 feet is really only about 17 feet. But I think, you know, that's really all I had to add to that.

ADAM CUMMINGS: I would like to point out, we have talked about this intersection being a -- an established commercial one. This landmark -- I really like the name of Chili Square. I think it's really appropriate for that intersection. But at the same time, I would like it to be known as Chili Square. Whereas, based on that sign there, it's going to be known as a way-finding Aldi sign, not Chili Square. To be our landmark intersection at Chili Square --

MARK MERRY: That's a good point.

ADAM CUMMINGS: Side table? Somebody is reading the Town Code.

ERIC STOWE: Just in a good spot. I couldn't stop. (Laughter.)

ADAM CUMMINGS: Encyclopedia is next.

Do we want to continue -- I will open the Public Hearing to see what the public has to say. We did lump everything together here.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

LAURA SCHRANG, 48 Sleep Hollow

MS. SCHRANG: Hello. Laura Schrang and I live at 48 Sleepy Hollow. So I live in the section of Pumpkin Hill. And I feel a 22 foot sign is just way too high for our area. Um, I think the illumination would be lighting into the windows of the homes of Pumpkin Hill all day and all night long, and I -- I just don't want to feel like I'm living on Jefferson Road in Henrietta with huge, humongous signs along the roadways.

I'm asking the Town not to approve the -- two things, the additional signage on Chili Coldwater Road. I feel the sign should be on Chili Avenue. At Coldwater Road, it would be too distracting and -- and to keep the height of all signs, um, to -- is it 5 feet at -- that the Town has?

ADAM CUMMINGS: It is.

MS. SCHRANG: -- to that level. I think that everybody knows the plaza well and having the advertising as it is has been on Chili Avenue, rather than Coldwater Road, has worked with the Town for many years.

FRANK PARRISH, 1 Dutch Valley

MR. PARRISH: I'm Frank Parrish. I live at Number 1 Dutch Valley over in Pumpkin Hill. And I didn't see on the map -- from back there I couldn't see which side of the driveway is the sign on Chili Coldwater.

MR. COX: South side.

MR. PARRISH: Okay. Well, that is further away from our place. I -- I guess if I really had to tell you that, we -- we talked about the intersection being back, making a left turn if coming from Chili Avenue, that sign would be difficult to see from Chili Avenue no matter how you look at it, I think. The -- even -- because when you come up Chili Avenue in front of the gas station, I believe it would be difficult to see that sign and I'm not sure of the value of it. I would -- I would prefer, as you suggested, looking at that County place, put it out -- more out in the corner there. And it has been my observation that most of these trees on the corner now have been blown over and so there aren't too many trees over there now. Anyway. I guess that's what my comments are. Thank you.

ADAM CUMMINGS: Thank you, sir.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a comment in regard to the two pylon signs proposed. I would certainly recommend that the Board do one based upon traffic and other issues. I know some of the issues in regard to signs and traffic flow have not been addressed by the Traffic & Safety Board as it was presented to the Planning Board, but that's another issue. But it does tie in here. So I -- one sign, I think, on Chili Avenue, um, serves quite well.

Again, as the other gentleman proposed, um, if they can get agreement with the County for a sign further toward the corner, it takes time, whatever, but that could be a separate follow-up proposal, but I think that is the better avenue at this time.

The other point I want to make is that this be addressed -- this particular sign on Chili Avenue be addressed per the Town of Chili building code as follows, to be a condition for

approval. And that is, if only the number of the address -- assuming it's Chili Avenue -- that that number should be on the sign. If it's 810 or 800 to 810 Paul Road is the address, and is not changed, then to prevent confusion, the entire address should be on the sign so that it is identified.

ADAM CUMMINGS: Thank you.

JIM EHMANN, 47 Stover Road

MR. EHMANN: My name is Jim Ehmann. I live at 47 Stover Road. Thank you for bringing tenants to this department.

Signs. Two signs. One on Chili, one on Chili Coldwater Road. As a person who does advertising for a living, not signage -- I highly recommend that they go with the two signs. Coming down that hill from the expressway or even Chestnut Ridge towards Chili Avenue, you have a difficulty in seeing what is beside there beside Vern's Auto. And unfortunately, I wasn't here for the last meeting. I don't even know if Vern's Auto is staying.

MR. GLANTZ: No.

MR. EHMANN: He's not. Vern's Auto is a nice black background with a beautiful white sign. You can see that for a long way. But the tenants that they're bringing in cannot -- do not have that opportunity to put a black background with a white sign on a side of a building. They need to have the identification of what is inside that particular Chili Square.

People don't understand what advertising is. You're on the Planning Board.

ADAM CUMMINGS: Zoning Board.

MR. EHMANN: Sorry.

Zoning Board. I will probably see you in three years. Zoning Board, you don't understand what advertising is and how much goes into it. One of the reasons why there is a -- there is a vacant building at the point of Chili Avenue and Paul Road is because of the configuration of trying to get into it. That's what was basically the demise of that -- as the one in Greece at the corner of Long Pond and Ridge Road.

Traffic patterns, identification of the buildings and the tenants is highly, highly recommended. Being like I said in advertising -- I don't look like an executive, do I? But I am. Being in advertising, you have to use every single avenue today to keep your tenants and keep your business going. Whether it's direct mail, whether it's internet, whether it's signage or giving away product. And unfortunately, I have a feeling what was going into that gray building is going to also be very good for the area.

So my suggestion to you is this, it's 17 feet with the base of the -- base of the sign. It's 17 feet high. It's not that much. It's not going to deter from the area. It's going to help the tenants. My suggestion is to allow both signs on Chili Coldwater Road and Chili Avenue as described by these people. Thank you.

ADAM CUMMINGS: Thank you.

Entertain a motion to close the Public Hearing.

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: Okay. So we still have them all combined as one decision.

Would the applicant like to move forward with that or would you like to separate some of that?

MS. BRUGG: I think we would like to separate the two signs. I would just point out, you're aware of the existing variance; correct?

ADAM CUMMINGS: Yes.

ERIC STOWE: But that is 8 by 10.

MS. BRUGG: 8 by 10 and 20 foot in height.

ERIC STOWE: It was only 8 by 10.

ADAM CUMMINGS: I do have the sheets here.

ERIC STOWE: The decision -- or -- I got -- the variance was for -- to erect an 8 by 10 double-faced freestanding plaza sign with a total of 160 square feet where 60 square feet was allowed.

ADAM CUMMINGS: Yes. On February 24th, 2004.

ERIC STOWE: 20 was permissible by code at the time. It was not ever built. It was subsequently changed to be 5 feet in height.

MS. BRUGG: So --

ERIC STOWE: The height was.

MS. BRUGG: You're not interpreting that be part of the variance?

ERIC STOWE: The variance decision we have is to erect an 8 by 10.

MS. BRUGG: He is saying he was code compliant.

PAUL WANZENRIED: They didn't need a variance at that time, so the 20 foot was allowed. It has since been changed and because it was never built --

ERIC STOWE: Doesn't exist.

PAUL WANZENRIED: It doesn't exist. So it doesn't fall under preexisting.

MS. BRUGG: This is what we're contemplating again, knowing you would have issues.

So we heard what was said about the second sign and I believe that Stan (Glantz) is willing to withdraw the request for variances to allow a second freestanding sign. We would like to work with the primary sign. He may contact -- I'm not sure if he will contact the County. But we'll withdraw that sign. The more important sign is the sign on Chili Avenue. We would still like some height on that sign.

We have an alternative lowering the height to 20 feet which I think is consistent with what we thought the variance was for. Essentially what we're proposing to do is put in a more attractive sign than -- a nice monument sign. And accommodate all of the potential tenants. I will be glad to submit this. Basically the same size in terms of the amount of the sign panel face, but we would lower the total height to 20 feet and it would be the same type of monument style. And that would be per Chili Avenue.

MR. COX: One thing I want --

MS. BRUGG: And we are also able -- because I think the calculation of the square footage for the variance encompassed the entire side panel. We can actually -- if you would like, the lettering for Chili Square to be more bold, and if you would like that more prominent or add an address number on it, we can do that in that space that has already been addressed.

PAUL WANZENRIED: You have an address on the base.

MS. BRUGG: I have bad eyesight.

PAUL WANZENRIED: Mr. Rettig's comment was you want Paul Road underneath it so that it is 800 and 810 Paul Road as opposed to Chili Avenue.

ADAM CUMMINGS: People will search for 800 Chili Avenue instead of 800 Paul Road.

MS. BRUGG: We don't have the option to move the Chili Square identification signage because that is what Aldi approved. This is what they were willing to go with, but we can make this more bold, more prominent if this -- that's something more desirable to help. I appreciate people will call it "KMart plaza," but the fact of the matter is, nobody's kids here will call it "KMart plaza." We all get older.

FRED TROTT: It will be Aldi's plaza then.

PAUL WANZENRIED: Your signage variance, the area -- it's all area. You could put Podunk in there if you wanted.

MS. BRUGG: Correct.

PAUL WANZENRIED: How you make "Chili" or the font is not a determination here. It's only area.

MS. BRUGG: They would advertise for the whole space. So given that, I think we can maximize the -- the impact of that space by --

ERIC STOWE: I also think it's important to note we don't get to determine where the sign goes. It -- appreciate it saying "Chili Ave.," but if it doesn't get built and the subsequent person or developer/owner wants to put it on Coldwater, we cannot prohibit that absent other authority.

ADAM CUMMINGS: The only thing we can restrict on the Coldwater side is its setback off the front.

ERIC STOWE: Correct.

MR. COX: The one thing I will point out, on the 20 -- versus 22 feet is the 20 foot sign just reduces the base and it -- it looks a little more squashed. It doesn't have quite the aesthetic balance, I guess, is the -- as the 22 does. So for 2 additional feet, I think it -- aesthetically it looks better.

ADAM CUMMINGS: Well, to play Devil's advocate on this, you could always scrunch the sign and leave the base as it is.

MR. COX: The problem with that, as Stan (Glantz) mentioned, all those lists of requirements of all --

ADAM CUMMINGS: I get that. We have seen the national -- we have seen McDonald's in here. We have seen KFC in here. We -- well, Wegmans is pretty much national at that point. We have seen all of them in there. We recognize their requirements.

MR. COX: Yeah. So --

ADAM CUMMINGS: Sometimes we view them as hopeful recommendations, but they are truly requirements.

MS. BRUGG: So I think that in terms of, you know, bringing down the total amount of signage -- we're not talking about one attractive sign. It does still need a variance. Um, I think it accommodates a whole lot of tenants which distinguishes it from the Target across the street. I think we also have very different physical conditions for the site. And we're asking for an area variance, not a use variance.

So the burden of proof that the Board has to consider is whether the benefit to the applicant outweighs any detriment to the health, safety or welfare of the community and the consideration of the five factors. Benefit to the applicant is quite significant. We are trying to fill a very challenging building. Very challenging type to fill. We have a tremendous amount of competition for national tenants. There just is -- there is less and less -- less and less retailers out there looking for space. They're requiring smaller spaces and the competition is now online retail. So, you know, I think this is a huge benefit to the applicant.

I think it's also a benefit to the community to have a thriving plaza in this location that is the very center of your commercial corridor. It's a community benefit. I don't think anybody wants to see vacant storefronts in this plaza.

ADAM CUMMINGS: Agreed.

MS. BRUGG: As far as the criteria will we change the character of the neighborhood. I don't think so. If anything, all of the improvements to the plaza including these variances is

going to not only be consistent in maintaining the character of the commercial core, but I think it's being done in a tasteful and appropriate way that we're proposing an attractive sign that will fit right into the character of the neighborhood.

Whether there is any alternative to the variances requested, I would take the position there really isn't. We're not developing -- if we were doing a new build or we were doing a major physical alteration of the property, I think we would be talking about something different. But we can't move the building. We have existing setbacks. We have a church -- I'm not sure how somebody actually chose to build a plaza behind the church, but there's a plaza behind the church. We have existing out parcels that block parts of the building. We have a very awkward configuration at the intersection. It's not a squared-off intersection. I think there's a lot of reasons that there is no alternative to the variance application to address the challenges presented by the property.

So I think we have demonstrated there is no other way to overcome the hardship. Whether the variances are substantial, I think when you look at the impact and the nature and the amount of variances in totality, and given the number of tenants that are going into the plaza, I think we could really conclude that it's not substantial when you consider all of the variance-mitigating factors, that we can accommodate all these tenants. It would be very different if you're looking at one big tenant filling the space. We're not smaller tenants with smaller store fronts with deep setbacks in a difficult location and we would like to overcome that through the use of signage. I don't think the variances are substantial in their impact or their nature or their amount for these reasons. You know, are we making any -- having any adverse impact on any physical or environmental conditions? If anything, I think we're improving the physical conditions of the property. Bringing in these tenants allows a substantial investment in improvements to the site. We are re-facing the plaza and making some significant improvements and updates to the lighting and other -- you know, other improvements to the property that wouldn't be possible without these tenants going into the space and the variances requested are not self-created. They are really created by the existing conditions of the property.

So I do think that we meet all of the requirements for the granting of the variances requested. So based on that, I would ask that you approve the sign. We have, I think, mitigated it. We are asking the minimum relief necessary. I think we have reduced the size to something that is reasonable to accommodate this number of tenants.

Again, going for national tenants, long-term tenants, the type of tenants that you're going to see long-term commitment at this location.

ADAM CUMMINGS: Thank you. So I just want to clear it up. Are we going at 20 or 22 feet on the height? I never heard it settled. You offered up a 20.

MS. BRUGG: We're willing to reduce it to 20 if it is acceptable to the Board.

MR. COX: But we feel a 22 is a better looking sign. But we could go with a 20 foot.

ADAM CUMMINGS: And I just want to make sure I'm clear, on the 22, it really depends where you go. Because you already said it's at grade at Chili Avenue and I will call it Coldwater to shorten it. It has a 5 or 6 foot drop-off. So it's not a 22 foot sign on those two sides. As the side table mentioned, we're not designating the location of it.

MS. BRUGG: We're just giving you the size from the base to the top.

ADAM CUMMINGS: Okay. So it has been reduced down. So to be clear, you want it reduced down to 20?

MS. BRUGG: Yes. We'll amend our application to reduce it to 20.

ADAM CUMMINGS: And then I have one more clarification. On the Chili Center Coldwater side, there was -- there is a request for a 5 foot setback from the front. That would still be there, because we're not determining the location.

Do you want that to still be on there to have the possibility of that location being one of your signs? Now I just point that out because it will become the Board consideration --

ERIC STOWE: I thought it was a 3 foot setback.

ADAM CUMMINGS: Sorry. 3 foot. Misspoke. Sorry, 3 foot setback. Where 15 -- sorry. I read the 5 was 15.

MS. BRUGG: We can address it again. Should we choose to have a second sign, we would be happy to reapply for that. I think we can withdraw this to simplify this.

ERIC STOWE: But I guess, Mr. Cummings, just to be clear, and, Betsy (Brugg), if we can go through the variance to erect a second monument sign, my count says -- would be E, is being withdrawn?

MS. BRUGG: Correct. We withdraw that.

ERIC STOWE: Variance to allow monument sign number 2 facing Chili Center Coldwater Road 3 feet from the lot line is withdrawn?

MS. BRUGG: Correct. Withdrawn.

ERIC STOWE: Then the remaining request, the approval to amend the variance to allow 3 -- it would be one 3-sided monument sign, not 2?

ADAM CUMMINGS: Right.

MS. BRUGG: That's an amendment to that.

ERIC STOWE: Amendment to that variance. 8 by 14 on two sides, 2 1/2 by 15 on the third side is still a good count by the square footage per sign -- excuse me, square foot is per sign, not total, so that would be fine. And the variance for the B monument sign instead of both, to be 22 or whatever height you guys --

ADAM CUMMINGS: 20.

MS. BRUGG: Correct. We would amend that application and make it for a request for 20

foot in height for the monument sign.

ERIC STOWE: Are we in agreement on that, Ms. Brugg?

MS. BRUGG: Yes.

ADAM CUMMINGS: And lastly, would it still include the internal illumination?

ERIC STOWE: And internally illuminated.

MS. BRUGG: Correct.

ERIC STOWE: Just wanted to make sure we were all --

ADAM CUMMINGS: I'm clear. All clear?

MS. BRUGG: I think we're good.

ADAM CUMMINGS: This one would require a sign permit. Because I don't think I covered that. What are you calling this, 3B?

PAUL WANZENRIED: Each individual tenant requires a sign permit.

ADAM CUMMINGS: Okay. I was viewing it as one sign.

PAUL WANZENRIED: The monument would be one sign, and the plaza owners would be doing that, I assume, but whoever is doing -- like Pet Supplies Plus would be doing --

ADAM CUMMINGS: Right. I already mentioned they have got -- that separate application or that separate variance request already has that approval --

PAUL WANZENRIED: Just wanted to make sure it was clear.

ADAM CUMMINGS: When I'm viewing this one, there might be 8, 9, 6, 5, however many tenants -- this is one sign.

PAUL WANZENRIED: That's correct. Thank you.

ADAM CUMMINGS: I still have to do SEQR on this one.

ERIC STOWE: On the whole.

ADAM CUMMINGS: On the whole, yes.

JAMES WIESNER: How are you lettering -- so the Chili Avenue monument sign is E?

ADAM CUMMINGS: There is no Chili Avenue monument sign.

PAUL WANZENRIED: Yes, there is. Just a monument sign.

FRED TROTT: One monument sign.

JAMES WIESNER: So you're calling it E?

ADAM CUMMINGS: 3E.

JAMES WIESNER: 3F is withdrawn.

ERIC STOWE: 3E was withdrawn.

ADAM CUMMINGS: Now I'm following. 3E was withdrawn, so 3F is what I just referred to.

JAMES WIESNER: So when you say those, I didn't know what you were talking about.

ADAM CUMMINGS: The monument sign is 3F. The second monument sign was withdrawn.

ERIC STOWE: I have F as the 3 foot setback that was withdrawn. Just so we're clear. We're going off the agenda.

ADAM CUMMINGS: Right. Well, I combined E to be the second monument sign and the 3 foot, so you're saying they should --

ERIC STOWE: That's fine. I just wanted to make sure I'm good with that -- as long as we're clear on who is doing what.

ADAM CUMMINGS: Yep.

JAMES WIESNER: 3F just has two variances.

ADAM CUMMINGS: Yes. 3F is the amendment of the existing variance from 2004. It has the variance for monument sign to be 20 feet high and the variance for internally illuminated.

ERIC STOWE: All for F.

ADAM CUMMINGS: All for F. Correct.

JAMES WIESNER: So then the -- the max of two sign faces, and the monument size you did not say those for F?

ADAM CUMMINGS: The max? Not following you. Where it says for a total of 263 feet per sign -- square feet per sign?

JAMES WIESNER: Yeah.

FRED TROTT: It was going to stay the same.

ADAM CUMMINGS: Yeah. That is part of the -- that's part of that amended -- amending the variance on February 24th, 2004. That is increasing it. So what it is doing is increasing the square footage on each side of it. That's all one, Jim (Wiesner).

So -- it is taking it from an 8 by 10 sign up to 8 foot by 14 foot. That -- that is still on there.

JAMES WIESNER: Okay.

ADAM CUMMINGS: That math is still the same, 260. They changed the height of the sign, not the square footage.

JAMES WIESNER: 3F, you have two faces with three faces. 5 foot to 20 feet. And then you have the monument size to 32 to 262.2. And then you're saying you added to those three?

ADAM CUMMINGS: No, I'm not following you. Um, the way we're doing it is 3F has the variance asking for amending the variance that was previously granted, which -- we're not allowing two 3-sided monument signs, just doing one, but still increasing the size from 8 by 10 to 8 by 14 with a third side being 2 foot 6 inches by 15 feet which equal -- it still equals 263 square feet per sign. There is just no "per sign." It is only one sign.

Then there is the variance to be 20 feet high and the variance to be internally illuminated.

JAMES WIESNER: So some of the -- the entire of -- 3E is withdrawn.

ADAM CUMMINGS: So the one for 3E that was withdrawn was asking for a second monument sign and the request for 3 feet from the front lot line on Chili Center Coldwater Road.

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.

ADAM CUMMINGS: It has been pointed out, your SEQR form, to be thorough, Ms. Brugg, the Part I that you did fill out here, I want to make sure I go through these.

Number 9 jumped out to a couple of us on the Board. Does the proposed action meet or exceed the State energy code requirements? It was prompted as being "yes." I just want to make sure to discuss it very quickly, whether it is large impact, or no, or small minor. I didn't check "yes" on it.

JAMES WIESNER: Are we doing SEQR?

MR. COX: It meets the Energy Code requirements.

JAMES WIESNER: Hasn't been through Planning Board yet.

ADAM CUMMINGS: For this particular action.

MR. COX: It meets Energy Code requirements.

ADAM CUMMINGS: Just want to make sure we're good on it.

And then the other one was, did you check -- there is a gas station across the street. I kind of view those as non-hazardous. Just wanted to make sure was that a site that was listed adjoining or near any remediation over there?

MR. COX: No. Didn't come up in the search.

ADAM CUMMINGS: You have "no" here checked. I just want to make sure I was -- it was done with the auto complete form.

MR. COX: Yeah.

ADAM CUMMINGS: Still asking for a second.

FRED TROTT: Second.

The Board voted unanimously in favor of the motion.

ADAM CUMMINGS: Now we'll go individually for these applications. So we'll start with 3A which was for the plan with condition of approval, parking down or apportioning 18 parcels fronting Chili Ave. be set to the bank out parcel and other ones all go to this main parcel. So I think we were clear on that condition. We're not trying to drive the use or anything like that. We're just trying to make sure that we're planning for the future if subdivision did happen.

DECISION ON APPLICATION 3A: Unanimously approved by a vote of 4 yes with the following condition:

1. 10 parcels fronting Chili Avenue to be apportioned to bank outparcel to ensure that location has adequate parking spaces.

The following finding of fact was cited:

1. There are no means to accommodate rear lot parking nor relocating this existing building without enormous expense.

ADAM CUMMINGS: 3B was withdrawn. We already did that and tabled it until November. That was the ATM.

ERIC STOWE: The vote on the table with the applicant's consent.

ADAM CUMMINGS: I did that before.

ERIC STOWE: We voted on that before.

ADAM CUMMINGS: We did a unanimous vote.

DECISION ON APPLICATION 3B: Unanimously tabled by a vote of 4 yes for the following reason:

1. Tabled to the November 27th meeting at applicant's request.

ADAM CUMMINGS: 3C, the T2 sign if you remember that one, that was Pet Supplies. I ask for a motion to adopt this application with that one condition.

FRED TROTT: Should you spell it out as being the 178 square feet?

PAUL WANZENRIED: Option A or B.

ADAM CUMMINGS: That's right. I forgot we changed that one.

So yes, this one is the reduction that they proposed for a 179 square feet as opposed to the 318 square feet that was in the application. Thank you. Same condition of approval. Still looking for motion to adopt that application with that relief.

Mark Merry made a motion to adopt Application 3C, and James Wiesner seconded the motion. The Board voted unanimously in favor of the motion.

DECISION ON APPLICATION 3C as amended: Unanimously approved by a vote of 4 yes with the following condition:

1. Sign permit must be obtained.

The following finding of fact was cited:

1. The proposed variance was reduced to the maximum practicable and will provide suitable visibility to vehicular and pedestrian traffic in this area. The larger size is due to large setback (400 feet) from Chili Avenue and consistent with the other signs proposed for this development.

ADAM CUMMINGS: This one is for Suite T5 which was the unknown, still 176 square feet. This one would also have a condition of approval for a sign permit to be obtained. Ask for motion to adopt the application with one condition.

Fred Trott made a motion to adopt Application 3D, and Mark Merry seconded the motion. The Board voted unanimously in favor of the motion.

DECISION ON APPLICATION 3D: Unanimously approved by a vote of 4 yes with the following condition:

1. Sign permit must be obtained.

The following finding of fact was cited:

1. The proposed sign is suitable to provide visibility to vehicular and pedestrian traffic in this area. The larger size is justified due to large setback (400 feet) from Chili Avenue and consistent with the other signs proposed for this development.

ADAM CUMMINGS: Now, 3E. Withdrawn per the applicant's request. All in favor saying "aye"?

FRED TROTT: For the withdrawal of the second monument sign?

ERIC STOWE: If you're going to do a resolution, you would still need a second.

ADAM CUMMINGS: Bummer. Trying to get you out of here.

ERIC STOWE: I'll be fine.

ADAM CUMMINGS: So this one, just to make sure it is clear, on the 3E, it's for the variance asking a second monument sign and it being 3 feet from the front lot line on Chili Center Coldwater Road. To withdraw that.

Fred Trott made a motion to withdraw Application 3E, and James Wiesner seconded the motion. The Board voted unanimously in favor of the motion.

DECISION ON APPLICATION 3E: Applicant was tabled with the following reason having been cited:

1. Variance requests adjourned until future meeting.

ADAM CUMMINGS: Thanks for catching that, Eric (Stowe). Tough to take notes at the same time as I'm doing all this stuff.

Last but not least, 3F which was the variance request for amending the variance from the double-faced freestanding sign at 160 square feet, 8 feet by 10 feet to 8 feet by 14 feet on two sides and 2 feet 6 inches by 15 feet on the third side or 263 square feet the sign being 20 feet high and internally illuminated.

FRED TROTT: Do we mention single?

ADAM CUMMINGS: We don't need to.

JAMES WIESNER: You will do these individually?

ADAM CUMMINGS: No. I was going to do --

JAMES WIESNER: So if one goes down, they all go down.

ADAM CUMMINGS: That's true.

JAMES WIESNER: You will put that risk?

ADAM CUMMINGS: The applicant, do you want them separated or combined?

MS. BRUGG: Separate them.

ADAM CUMMINGS: Separate it is, Jim (Wiesner).

JAMES WIESNER: Okay.

ADAM CUMMINGS: So I will separate those and call them 3F1 -- or 3F1.

3F2. And 3F3. So going on -- with the illumination.

And 3F4.

So the 3F1, which this one would have a condition of approval requiring a sign permit. And it's allowing the three-sided sign to be 263 square feet. Motion to adopt this application

with that condition.

James Wiesner made a motion to adopt application 3F1, and Mark Merry seconded the motion.

JAMES WIESNER: 3F1 for the number of sign faces is what you're voting on first?

ADAM CUMMINGS: Number of sign faces and the square footage going up from 160 square feet to 263 square feet.

JAMES WIESNER: So sign faces and monument sign.

ADAM CUMMINGS: Yes.

JAMES WIESNER: Not dividing them up?

ADAM CUMMINGS: No way to divide them up.

DECISION ON APPLICATION 3F1: Approved by a vote of 3 yes to 1 no (James Wiesner) with the following condition:

1. Sign permit must be obtained.

The following finding of fact was cited:

1. The three-sided sign will provide wayfinding of surrounding traffic to identify this plaza. Additionally, the irregular configuration of this intersection lends itself to such a sign configuration, which will be improvement to this area.

ADAM CUMMINGS: 3F2 is the 20 feet -- yes, 20 feet high, so I would ask for a motion to adopt this application.

Fred Trott made a motion to adopt Application 3F2, and Mark Merry seconded the application. The Board voted unanimously in favor of the motion.

DECISION ON APPLICATION 3F2: Unanimously approved, as amended, by a vote of 4 yes with the following condition:

1. Sign permit must be obtained.

ADAM CUMMINGS: So 3F3 would be the internally illuminated -- I ask for a motion to adopt this application for the intentionally illuminated sign.

Fred Trott made a motion to adopt application 3F3 and Mark Merry seconded the motion. The Board voted unanimously in favor of the motion.

DECISION ON APPLICATION 3F3: Unanimously approved, as amended, by a vote of 4 yes with no conditions, and the following finding of fact was cited:

1. The prevalence of other internally illuminated sign sin this area make this request similar in character to the neighborhood. Additionally, the amount of lighting from the two nearby intersections, church, gasoline station, and nearby plazas will diminish any impacts from the internally illuminated signs.

ADAM CUMMINGS: I do have extra sheets. Um, those are all approved and I'm hoping I get to see you folks again sometime when new tenants come in.

MS. BRUGG: Are we missing one? I thought you said there were four. I just wanted to make sure.

JAMES WIESNER: You combined.

ADAM CUMMINGS: Right. So that is where I mentioned I was confused. The first one where I combined the square footage and double-sided or three-sided, I combined those into one; whereas, Jim (Wiesner) on the side was thinking they were going to be two. So I called those 3F1.

And then the next one was the variance for -- to be 20 feet high which was 3F2. So when I originally said there were three of them, I was correct.

MS. BRUGG: Okay.

ADAM CUMMINGS: Just in the way I was thinking, because I combined those first instead of making them separate.

MS. BRUGG: Thank you.

ADAM CUMMINGS: As confusing as that was.

But I look forward to the new development there.

MS. BRUGG: Thank you.

We will be on the agenda next month.

ADAM CUMMINGS: So next month we do have --

MS. BRUGG: What is the meeting date, November?

MR. GLANTZ: 27th.

ADAM CUMMINGS: I believe it's the 27th.

MS. BRUGG: Okay. Thank you very much.

ADAM CUMMINGS: You're very welcome. Have a good evening.

James Wiesner made a motion to adopt the 9/25/18 Zoning Board meeting minutes, and Fred Trott seconded the motion. The Board vote on the motion was 3 yes with 1 abstention (Mark Merry).

Adam Cummings made a motion to adjourn the meeting, and Mark Merry seconded the motion. The Board was unanimously in favor of the motion.

The meeting ended at 9:01 p.m.