

CHILI ZONING BOARD OF APPEALS  
December 18, 2018

A meeting of the Chili Zoning Board was held on December 18, 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 Valerio, James Wiesner and Chairperson Adam Cummings.

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

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

ADAM CUMMINGS: I would like to take care of the minutes first from November 27th, 2018.

Anybody with any comments? Or revisions? Motion to accept these minutes?

Fred Trott made a motion to accept the 11/27/18 Zoning Board of Appeals meeting minutes, and James Valerio seconded the motion. All Board members were in favor of the motion.

The 11/27/18 Zoning Board of Appeals meeting minutes were approved.

ADAM CUMMINGS: What about October?

JAMES WIESNER: What about October?

ADAM CUMMINGS: So at the same time, we'll do the October 23rd, 2018, minutes. Any questions or revisions? If not, I would like to ask for a motion to accept these minutes.

James Wiesner made a motion to accept the 10/23/18 Zoning Board of Appeals meeting minutes, and Fred Trott seconded the motion. All Board members were in favor of the motion.

1. Application of Spoleta Construction, 7 Van Auken St., Rochester, New York 14608; property owner: 59 Union LLC; for variance to erect a 7'4" x 3'4" double-faced monument sign to be a total of 50 sq. ft. (32 sq. ft. allowed) at property located at 59 Union Square Blvd. in PRD zone.

Matthew Sinacola was present to represent the application.

MR. SINACOLA: Good evening, everyone.

ADAM CUMMINGS: Good evening.

MR. SINACOLA: My name is Matt Sinacola with Passero Associates. This is a -- essentially a duplicate request as issued back in 2016 for a monument sign for the first phase of this project.

So the intent -- if you see deja vu with this, this is essentially the same application. The sign will be identical in size and appearance and colors, lettering. I suspect the only relevant change is the address on the -- on the units because this is 59 as opposed to 85.

The location, if -- you have a copy of the plans?

ADAM CUMMINGS: Yes.

MR. SINACOLA: The argument we had the last time we were before this Board was that the circumstances with this site, both sites I should say, is that there are restrictive easements running along Union Square Boulevard, and thus, we have to stay out of those. There is sanitary. Sanitary forced main, water main, all this other good stuff.

And oddly enough, the argument is the same for this location. It's even more so, because the easements kick further onto the site and drive the location of the proposed monument sign to be further from the road. We're 60 -- we're 60 -- we're 60 foot from the edge of pavement. And I was a little short of that on the other sign application, if I recall. But the -- the argument obviously since we're so far from the road, we just need larger lettering so we can kind of see what -- to identify the structures.

I do have images that I took this morning if the Board would like to see those. First of all, couple of images of the existing sign, including a couple of orange flags, which I'm not sure if that is in code or not.

Again, this is the -- essentially the image of the -- of the sign. They have -- I don't know if you have been out to the site or not, but they have actually started the construction of the monument sign, and that consists of these -- I just have one image of that. It's ---

ADAM CUMMINGS: Why did they do that?

MR. SINACOLA: I think they had a mason on-site with nothing better to do so they said, "Go ahead and put these in."

Don't be swayed by those. There's not much there and could be easily repositioned. I did take the image to illustrate the easement line is very close to this. We also have a vault in here. A lot said and done, we don't have a lot of options.

Unfortunately, across from there is the big aluminum enclosure for the RPZ which I don't have a good image of.

Unfortunately, that's been a call -- going to call more attention to itself than the sign will.

ADAM CUMMINGS: Will it block your sign?

MR. SINACOLA: No, it will not. The -- the RPZ box is comparable distance back from the road. I do have a couple other images kind of showing where the sign will be in relation to the road as one is kind of moving along the road. From three different perspectives.

JAMES WIESNER: So that is not the finish grade in that picture you have up right now?

MR. SINACOLA: The monument? It -- it's close. The base would be buried. So the -- the sidewalks in, um -- so there is going to be a foot or so of topsoil in here to sort of cover all of this material. Because we would only want the -- well, I take it back. It looks like a concrete -- on the bottom. I'm not sure to be honest. This looks tall for some reason. So they may be face -- face stone that goes around the bottom skirt. I'm not sure if that -- if that detail shows it or not.

JAMES WIESNER: You wouldn't leave that vault above ground, would you?

ADAM CUMMINGS: That vault stays above-ground.

JAMES WIESNER: Really? The sign is right on top of the vault.

MR. SINACOLA: If you look at the cross-section detail that is in the package, it shows the foundation section. So you're right. That all gets buried.

ADAM CUMMINGS: Could you get creative like Jim (Wiesner) just said, get creative on your RPZ enclosure and make that be the sign? Novel idea.

MR. SINACOLA: I don't -- I don't --

ADAM CUMMINGS: Maybe Design Associates wouldn't appreciate that.

MR. SINACOLA: With the shiny aluminum surround, I think we best try to screen it the best we can with vegetation. And not get too fancy with it. But in any event, that was the -- that was the -- what we are seeing in that -- that picture is the structural foundation, the brick foundation. So that all gets buried.

ADAM CUMMINGS: Any questions?

JAMES WIESNER: No questions.

ADAM CUMMINGS: Not really a question, but a statement of -- don't really appreciate they have decided to start construction before actually coming in front of us. I get that there was a mason and it's convenient and all of that, but it doesn't really put us in a good spot.

MR. SINACOLA: Yeah. I -- I noticed it on-site and inquired as to whether a variance had been obtained when I saw it and they said, "Well, if that is a requirement before we can build it" -- seemed to be new information even though it is stated on the plans that that is required, so. So I said, "Well, let me get the application in, but keep in mind, that the work done to date is subject to approval and might be required to be demoed out and repositioned."

So I just made that clear to them that was the possibility. I was told the response was, "Don't worry about it. It is no big deal."

I said, "Okay. That's fine."

There is a lot of work going on on-site, a lot of masonry work going on on-site. So it is comparatively trivial in the sense from -- from the standpoint of the amount of work, execution on-site. But the procedural requirement is --

ADAM CUMMINGS: Okay. Thank you.

FRED TROTT: What is the distance between this sign to the other sign that we already approved?

MR. SINACOLA: Um, I will have to figure that out.

PAUL WANZENRIED: 200 feet give or take?

MR. SINACOLA: It's more than that. It's about 200 plus feet to the other entrance, and that sign is another 150 or so feet to the east of that. So I would -- I would conservatively estimate about 300 to 400 feet. It might be more.

FRED TROTT: What is -- it's on the same side of the road, isn't it?

MR. SINACOLA: Yes.

FRED TROTT: The -- what is the purpose of having a second sign?

MR. SINACOLA: There are two separate entrances, and -- these are two separate addresses. Um --

FRED TROTT: But same apartment complex?

MR. SINACOLA: They're the same complex and there is some interconnection, a walking trail and so forth, but they are -- they're separate addresses. There -- one is used for 1 and one is 2. Even though -- I don't think we have identified that in the sign. We're not putting a 1 and a 2 on the monument sign. But the address number is different, for the two separate sections. Two separate entire -- two entirely separate parcels, I'm saying, two tax account numbers.

MR. VALERIO: There -- are there other signs still in there, like the "now leasing" signs and things like that?

MR. SINACOLA: There are temporary signs, I think, for the contractor, and there is a -- if I recall, there was a leasing sign in front of the other structure. I don't know if that shows that image or not. I --

MR. VALERIO: Those will go away?

MR. SINACOLA: Yeah. It's obviously the -- anything associated with the -- with the construction site, that's all...

MR. VALERIO: So the beginning of this sign that was constructed, you're saying that was done before this application was made and then they stopped from there?

MR. SINACOLA: Yeah. I noticed it on-site, which is what prompted me to inquire if the variance had been obtained. The answer was, "No."

I said, "Well, that needs to be done. We'll get that in the works immediately. Keep in mind what you have done to date is subject to change. You may have to tear it out and replace it."

They understood it.

So it was speaking to the Site Manager on-site, that was his response. And again, he didn't seem to be too rattled by it because they have so much work going on on the site, from a practical standpoint to reposition it and put in new footers is not that big a deal. So if we do choose to move it around, it will not impose that big a deal.

ADAM CUMMINGS: Right. But what we're really focusing on is whether it needs to be shrunk down. If we still grant the variance, they would have to still shrink that down, that sign, to get it to be in compliance. We're here for square footage.

Any other questions?

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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: I don't have any other questions.

FRED TROTT: Well, I do. This is going to be the same size as the other sign?

MR. SINACOLA: Yes.

ADAM CUMMINGS: Which is why he is coming in for the variance?

MR. SINACOLA: Yeah. Same number.

ADAM CUMMINGS: Otherwise he could have -- he could use the ratios and the same content of the sign and just make it smaller so that it meets 32 square feet, but then you have disproportionate signs on the same complex.

FRED TROTT: That's what I just wanted to make sure.

ADAM CUMMINGS: Same distance away. So the perception is people pass by, it wouldn't be the same visibility ratio.

PAUL WANZENRIED: Did he hand you a picture of the sign on the other property?

ADAM CUMMINGS: No.

MR. SINACOLA: There is one in there.

ADAM CUMMINGS: I handed that -- the one with the orange flags?

MR. SINACOLA: Yes.

JAMES WIESNER: Where is the address on that sign? I don't see it.

ADAM CUMMINGS: It is on the columns, isn't it? It is right --

PAUL WANZENRIED: This was my question, Mr. Wiesner. Where is the address?

MR. SINACOLA: I think that is a legitimate point. I think it is supposed to be displayed on -- if I recall our -- our discussion here, back two years ago, it was supposed to be a number on the column specifying that address, so -- so that is probably something that needs -- obviously I will communicate that to them.

ADAM CUMMINGS: Yeah. I -- you can't see it from the vantage point, so I just assumed it was on there.

MR. SINACOLA: I think it is right. I don't recall seeing it before, and I -- it sticks in my mind, we talked about that --

ADAM CUMMINGS: Yes. That needs to be on there. At that point in time, these orange flags should go away.

MR. SINACOLA: Okay.

ADAM CUMMINGS: Because they're blocking the front, too. They're there for emergency response so they can respond to the address and if it is blocked by a decorative flag, you can't see it.

MR. VALERIO: I don't see ---

PAUL WANZENRIED: Festoons are not allowed.

ADAM CUMMINGS: I didn't even know it was -- a festoon is what they're called?

So the festoons must go. Festoons.

JAMES WIESNER: We'll be out there checking on it.

ADAM CUMMINGS: That is my word of 2018. Festoon.

MARK MERRY: Worth waiting for.

ADAM CUMMINGS: It was worth waiting for. I'm using that in a sentence this week.

Any other questions? I -- I would like to say a condition of approval would be that a permit would need to be obtained before construction, but it's a sign, so a sign permit would need to be obtained as a condition of approval.

Anybody else have any other comments?

FRED TROTT: Can we make it a condition that the address be displayed on both sides?

ADAM CUMMINGS: Well, that's true. It --

JAMES WIESNER: Required by law.  
ADAM CUMMINGS: It is required as part of the application.  
MR. SINACOLA: They might have put it on the lease, community building. I will check and tell them that it has to go on --  
ADAM CUMMINGS: It has to go on the monument sign and if we approve it tonight, the second monument sign.  
JAMES WIESNER: Quite honestly, that is the only thing unique about it that would need -- that that sign would need to be there, in my opinion. Because if it doesn't have a unique address, what's the point?  
ADAM CUMMINGS: Right. It is just advertising of Union Square Apartments.  
MR. SINACOLA: I'm sure the residents know, but you're right, someone who is visiting or emergency response, they need to know the distance.  
ADAM CUMMINGS: Right.  
So it does serve as wayfinding for people to navigate to that location, but predominantly it is being used as advertising and people are driving by, looking for apartments, to inquire about apartments there.  
MARK MERRY: Is that sign ground-lit, the existing sign? Is there ground lighting for that sign?  
MR. SINACOLA: I think it is.  
JAMES WIESNER: Isn't it part of the application?  
MR. SINACOLA: I think it is. I think we had that. It's not internally lit, that much.  
JAMES WIESNER: I still don't see the sign application, unless I'm missing something. Isn't there usually a separate sign application? Like the hours and stuff? If it is lit?  
ADAM CUMMINGS: Hey, Paul (Wanzenried), real quick, is there usually -- where is our additional paperwork for a sign permit? Isn't there an additional form for a sign permit in terms of hours of operation or anything like that? Oh, wait. That is a SEQR form.  
PAUL WANZENRIED: Being reviewed legally right now.  
ERIC STOWE: We're not disturbing 14.7 acres. We're doing a lot less than a 14.7 acre disturbance, right?  
MR. SINACOLA: For the --  
ERIC STOWE: For the sign itself.  
MR. SINACOLA: For the sign, yes.  
ERIC STOWE: We're not doing a Type I here.  
MR. SINACOLA: Right. Good point. That's -- right. Yes. It will be .009.  
I would have to check to see if they have lights on the other sign. But I -- for some reason I -- I think they -- I think they ran conduit out to it. I'm just trying to think back. I can't recall driving back there at night, I guess is what I'm trying to say. So they may have lights that snap on at night.  
ADAM CUMMINGS: It is really tough to tell with the landscaping.  
MR. SINACOLA: I'm just not sure.  
ADAM CUMMINGS: I don't drive down there at night.  
MR. SINACOLA: I don't have another photo to show you that.  
Is that a separate -- is that part of the sign application or would that be a separate issue all together? The illumination? I guess that is my question, because --  
ADAM CUMMINGS: Separate issue.  
MR. SINACOLA: A number of them in the area, the sign on Union, the church, they do have ground lights mounted looking up at them, or overhead pointing down, that sort of thing.  
ADAM CUMMINGS: Let me just look that up real quick.  
MR. SINACOLA: That's why I asked. I guess --  
ADAM CUMMINGS: Well, that is what we're discussing. There may be lighting on these signs, just not on the application.  
PAUL WANZENRIED: What kind of lighting? Did you go through that?  
ADAM CUMMINGS: That's what we're discussing. We think it's upward lit, at ground level.  
PAUL WANZENRIED: Does current signage on 85 have that?  
MR. SINACOLA: That's what I don't know. I haven't --  
PAUL WANZENRIED: I don't remember seeing any there, but...  
MR. SINACOLA: I'm not sure. I'm just not sure. I would take a look and see if it is lit up like right now or not. Again, for some reason, I -- I kind of recall that they did run conduit over to that area when it was under construction, but I just can't be positive.  
ADAM CUMMINGS: All right. Thank you, Side Table.  
PAUL WANZENRIED: Yes, sir.  
ADAM CUMMINGS: All right. So now, any other questions from the Board? Lighting, as Paul (Wanzenried) said, the upward-facing they can have; correct?  
PAUL WANZENRIED: Yes. They could have downward, like goosenecks or they can go upward. Internally lit would need a variance.  
ADAM CUMMINGS: Okay.  
PAUL WANZENRIED: So if you go internally, which the other one isn't at 85 --  
ADAM CUMMINGS: Correct. This one is not either. I just want to make sure that they -- they work with the Building Department for any of these. There seems to be quite a few surprises what is being built out there.  
MR. SINACOLA: Sure.

ADAM CUMMINGS: So just keep working with them on that. I don't have any other questions.

MR. SINACOLA: If it -- if it is lit, it is up-facing, probably one bulb on both sides, if anything. But I will check --

ADAM CUMMINGS: It might be -- it might not be at the ground lit. It might be the street lighting lights it up enough for people to see it.

MR. SINACOLA: Could be. I think it is too far off to really be effective. I think there is a chance there are two ground lights out there. I will bring it to their attention and make it clear for the application sign, if we get to that stage, that should be included as part of this.

ADAM CUMMINGS: Right. And paying attention to, they have to put on the front of the columns, the street or the address number, it might behoove them to put an upward-facing light on that, too, so it is lit to be able to be viewed, as well.

PAUL WANZENRIED: If they put it there, they could put it within the context of the sign, as well.

ADAM CUMMINGS: Yes, true.

PAUL WANZENRIED: But we'll review that when they make an application.

ADAM CUMMINGS: Okay.

PAUL WANZENRIED: Which I'm assuming will be very shortly, given that we have already started construction.

ADAM CUMMINGS: Correct. They --

MR. SINACOLA: They do have a lot of work in the back, so we'll -- I'm not sure what the timetable will be, but either way.

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

ADAM CUMMINGS: I'll ask for a motion to adopt this application. We do have the one condition of approval on there to get a sign permit. Asking for that motion.

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

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

1. Sign permit must be obtained.

The following finding of fact was cited:

1. Sign is similar to previously approved sign that was approved for Phase 1 of this development on neighboring property and will provide wayfinding for traffic looking for this apartment complex.

ADAM CUMMINGS: We already did the minutes, so I will make a motion to adjourn.

Adam Cummings made a motion to adjourn the meeting, and Fred Trott seconded the motion. All Board members were in favor of the motion.

The meeting ended at 7:32 p.m.