

CHILI ZONING BOARD OF APPEALS  
April 23, 2019

A meeting of the Chili Zoning Board was held on April 23, 2019 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: Any comments on the signs?

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

1. Application of Jeremiah Emmons II, owner; 30 Saddleback Trail, Rochester, New York 14624 for variance to allow existing pool deck to be 6' from side lot line (10' req.) at property located at 30 Saddleback Trail in R-1-12 zone.

Jeremiah Emmons was present to represent the application.

MR. EMMONS: Jeremiah Emmons II, 30 Saddleback Trail.

We moved into our new home last year. We put an above-ground pool in, 12 feet or 11 feet from the lot line which is per code. We did receive a permit for that. After we had the pool up, we decided we would like to put a deck up. It is a very wooded area in our neighborhood. As a matter of fact, we had to take five trees down in order to fit the pool -- fit the pool. So there is only one spot kind of where this deck can go.

We got prices for wood decking which was way too expensive for us, so I ended up finding a resin deck which is 5 feet wide and 13 feet long. It kind of goes like a corner, even but then a quarter, and wraps around that one side as you can see of the pool. We're within 6 feet of the lot line because it does come 5 feet out and we're here to hopefully be able to keep that where it is.

Did not know I needed a permit for a moveable deck. It does come apart in three different sections. So I was not aware of that. We have, of course, addressed that now. So we're addressing the variance.

I have a quick note from the neighbor -- if you would all like a copy -- saying she has absolutely no issues with it whatsoever. So it is up to you.

ADAM CUMMINGS: Yeah. I will take that because I can add it into the project file.

MR. EMMONS: I have seven copies there.

ADAM CUMMINGS: Just so everybody in the audience can hear, since it's a brief letter, I will read it. Dated March 10, 2019. "To Whom it May Concern. I reside at 32 Saddleback Trail. Jeremiah and Gail Emmons who reside next door at 30 Saddleback Trail have applied for a variance for a freestanding pool deck whose legs of the deck are within 6 feet of my property line for which I give my permission for. Sincerely, Chris" -- I can't read the last name. M -- something. Okay.

I have one question. You stated it was a removable deck. Was any thought -- you have it on the one side of the pool. Any thought of putting it on one of the other sides of the pool?

MR. EMMONS: Trees are in the way on this side. The back side, there are trees there. And, of course, from the house to the pool, there is really not enough room to put it there.

ADAM CUMMINGS: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: Since it's a removable deck, um, and I have it listed as an existing deck, um -- Paul (Wanzenried), I don't believe it needs a permit per se.

PAUL WANZENRIED: Not anchored, so not a structure.

ADAM CUMMINGS: Right. So it's not a structure.

With that, I don't have any conditions of approval with this.

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

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

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

1. The presence of trees surrounding the pool limits potential locations for the deck and no other alternative was possible. The neighbor most likely to be impacted, who resides at 32 Saddleback Trail, has provided a letter of support for this application.

MR. EMMONS: I do have a question. Was it Paul (Wanzenried) that said it's a freestanding deck and does not need to be anchored?

PAUL WANZENRIED: It's --

MR. EMMONS: They are -- the Town is telling me I do need to --

PAUL WANZENRIED: There is helical anchors. There -- typically there's an anchoring system to these. If would you give me a call tomorrow, we'll talk about it.

MR. EMMONS: Okay. Cool.

PAUL WANZENRIED: My understanding in talking with Ace, some of these come with what they call helical anchors and you basically would be screwing it in and attaching -- you're attaching it to the pool?

MR. EMMONS: Right. This did not come with that, so the Town has asked me to put cement above and below.

PAUL WANZENRIED: Yeah. Anchor it in some fashion.

MR. EMMONS: Super. Thank you very much, gentlemen.

PAUL WANZENRIED: Mr. Chairman, given the magnitude of the next two --

ADAM CUMMINGS: I think you're reading my mind.

PAUL WANZENRIED: -- I was wondering if we could jump to 4 so we can spend some time with 2 and 3.

ADAM CUMMINGS: I was going to ask the same thing.

Hospitality Syracuse, would you be against or object to me asking -- Application Number 4 of Mr. Daniel Dettorre to jump ahead of you?

MR. KAMBAR: That's fine with us.

4. Application of Daniel Dettorre, owner; 29 Cottage Grove Circle, North Chili, New York 14514 for variance to erect a 50' x 70' pole barn to be 20' from side lot line (50' req.) at property located at 786 Brook Road in A.C. zone.

Dan Dettorre was present to represent the application.

MR. DETTORRE: So my name is Dan Dettorre, and I own the property at 786 Brook Road, which is a 77.25 acre parcel. On the property I would like to erect a 50' by 70' pole barn within the Town Code of 50 feet from the property line at approximately 20 feet from the property line. Purpose of this is I'm -- even though I have quite a bit of land, unfortunately, I'm extremely limited with wetlands and the 526 elevation line. That gives me a very small amount of land to work with. Where we had to locate the septic system, it really locked a very -- very limited locations for the house and the barn to fit within the wetland and the 526 elevation.

In addition, the house and pole barn are almost 1400 feet back from Brook Road and over 700 feet past the adjoining house, which we would be bordering that property line. And the property is -- is wooded next to us, 700 feet back from that house where I would like to put the pole barn.

ADAM CUMMINGS: Okay.

JAMES WIESNER: I was there. So the property right next to you is 800 Brook Road, which has kind of got a square and a couple vertical legs up and down. There is -- I think there is a house on that property, but that house is not --

MR. DETTORE: It is.

JAMES WIESNER: But it's not on the square.

MR. DETTORE: Correct. The larger square is approximately 700 feet from where the pole barn would be.

JAMES WIESNER: To the west is nothing on the site.

MR. DETTORE: Not at all anywhere near that.

FRED TROTT: You're building a house also?

MR. DETTORE: Yes.

FRED TROTT: You just mentioned a pole barn.

ADAM CUMMINGS: You might have the house separate over to it -- you said it is 1400 feet back from Brook Road?

FRED TROTT: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: I do have one condition of approval. You have to get a building permit before you construct. I think they would have already told you that.

MR. DETTORE: Already referred to that.

ADAM CUMMINGS: Only condition I have.

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 Fred Trott seconded the motion. The Board all voted yes on the motion.

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

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

1. Building permit must be obtained.

The following finding of fact was cited:

1. The presence of wetlands on much of the property limits potential development locations. The largeness and isolation of this parcel minimizes any adverse visual or encroachment impacts to the neighboring properties.
2. Application of Hospitality Syracuse Inc., 290 Elmwood Davis Road, Suite 320, Liverpool, New York 13088; property owner: Chili Plaza Properties LLC; for variance to erect a restaurant to be 16' from front lot line (75' req.) at property located at 3240 Chili Avenue in G.B. zone.

Betsy Brugg, Michael McCracken and Chris Kambar were present to represent the application.

MS. BRUGG: For the record, my name is Betsy Brugg. I'm here tonight representing Hospitality Syracuse on this application. Mike McCracken from Hospitality Syracuse is here and Chris Kambar from APD.

So the plans you see in front of you is for a Taco Bell. It has already received preliminary approval from the Planning Board. We are in the approval process now. Went through some extensive Architectural Review with the Planning Board. Have been a couple times recently. We're anticipating that we were going to get final approval soon.

We do need a front setback variance. Code does require 75 feet. However, um, this building is 16 feet from the front lot line. That is actually a desirable feature. It is something that I think is the result of input from the Planning Board. This property is not in the Town Center Master Plan, but it is -- the Master Plan ends right at the frontage of this property and I think this was viewed as an opportunity to develop something somewhat consistent with the spirit of that Master Plan, even though the property is not technically in the Master Plan area.

So the idea here is that the building is closer to the street. You can't see on the plan, but there is an outdoor patio area that will occupy some of that front area. Pedestrian access there to the sidewalk so it is a pedestrian friendly type of a location. And there is no pavement or parking in the front yard. That has all been pushed to the back.

This also has drive-thru configured uniquely in the back. So it is sort of a unique site given the plaza it is located in, which is an older mature property.

So we have looked at this as an independent development, even though it sits in the front of a parking lot of a larger plaza and in that regard have kind of reconfigured the parking areas. As you can see, there is some green that has been added, some landscaping, a -- you know, the drive-thru is in the back of the building. The patio is in the front. It really has more of that urban village type feel that I think the Master Plan would like to see developed further in the Master Plan area.

So I think for all those reasons, it makes sense. The Planning Board liked it. They did approve it. It is not inconsistent coincidentally with some of the other buildings along Chili Avenue. If you go beyond the plaza, I think that the Canandaigua National Bank sort of at the far end of the plaza is probably within the 75 foot setback, if I'm not mistaken.

The Valvoline -- if you look at the aerial, they look pretty close. They look a lot closer than 75 feet. The Valvoline and the car wash. So it would not be sticking out as a sore thumb or

anything to have it out front. So I think that is as far as the area variance, we're looking at the benefit of the applicant as opposed to the detriment of the health, safety and welfare of the community. In this case, I think it is all around beneficial to everyone, increases the better -- a better project to grant the variance for the front setback.

It does not change the character of the neighborhood in any way. If anything, it improves upon the physical conditions of the property by filling in what was otherwise just pavement, unused paved areas of the parking lot. So it is an improvement to the physical conditions of the property.

I don't think the variance is substantial in amount or impact. If anything, the impact and effect of this is really a positive thing, so I would say it's minimal in any kind of significant impact.

It is not inconsistent with some of the other properties along Chili Avenue. This is the -- there is no alternative that would allow us to achieve a pedestrian friendly site that is up closer to the road without a setback variance obviously.

And the variance is needed because this is the site plan that I think everyone desires to see for the project, both for the Planning Board and the applicant. So to the extent it is self-created, it is only because they have chosen to develop in this location. Otherwise it is really the result of the code not aligning with, I think, the provision of the Planning Board. So I think we meet the requirements of the Town lot for the granting of this variance.

ADAM CUMMINGS: Thank you. Good intro.

There was a pause in the meeting for a passing train whistle.

JAMES WIESNER: I want to test my understanding. When you came for site plan originally, they asked you to pull it closer to road. You didn't originally come --

MS. BRUGG: You have the original site plan. I was not involved.

MR. KAMBAR: Chris Kambar from APD Engineering & Architecture. Originally, we had the building turned 90 degrees and the shorter side of the building facing Chili Avenue. Working with the Town staff and Planning Board, they asked us to turn it sideways, move it forward and bring it to look closer to what they would envision for a Master Plan in this area, even though the Master Plan ends before this property.

JAMES WIESNER: So you were before the site -- the Planning Board a couple times?

MR. KAMBAR: Yeah. We received preliminary approval last year in March of 2018. We have gone back recently in front of the Board as of last month -- this month earlier, and it was tabled. We're expecting to get -- we're hoping to get final approval. We had a few items to clean up, conditions to clean up, Town Engineer comments to clean up. We're hoping to get final approval at the next meeting in May.

JAMES WIESNER: This position was as of the last Planning Board meeting, putting it that close to the road?

MR. KAMBAR: Yes.

JAMES WIESNER: Because I see on your site plan, it says 22 feet on there. So I was just curious where -- where it had been.

JAMES VALERIO: 16 feet to the closest point.

MR. KAMBAR: The back corner says 22.9, but off to the side there is a vestibule. The vestibule is --

JAMES WIESNER: The 16?

MR. KAMBAR: The 16.

JAMES WIESNER: This here is to the building (indicating)?

MR. KAMBAR: Yes.

JAMES WIESNER: That's all I got.

MARK MERRY: What is your alternative should you be denied the variance on the setback?

MS. BRUGG: I believe that would kill this project.

ADAM CUMMINGS: So no alternative?

MS. BRUGG: There is no alternative.

MARK MERRY: That's all I have.

ADAM CUMMINGS: I do have a couple documents. One is Monroe County Department of Planning, on April 4th, they did have -- Development Review Committee did give me comments -- or review letter and they did not have any comments. So I just wanted to add that in.

And I also want to make note of -- I did get a letter dated April 17th from Richard and Mary Dale. It does state five comments on here or reasons why they feel that the variance needs to be denied. I will not read it out loud tonight, but I just want to point out these five comments, um, in my opinion really relate to the last -- the last four are all Planning Board comments and not under our jurisdiction tonight and the Number 1 relates to the type of facility, specifically a fast food restaurant use. As Town Counsel reminded me, that's a Town Board matter, not a Planning Board matter. I just want to point that out. It will be with the file and the Board is aware of these comments and we'll be sure to pass those along to the other departments.

JAMES WIESNER: Can you just circulate that to the Board?

ADAM CUMMINGS: Yes. Actually, I can circulate that.

Going onto questions with the vestibule, since we're talking about that is what is encroaching on the 16 feet, that is obvious -- to clarify, that is a building code requirement that

you have to have a vestibule there, to the entrance?

MS. BRUGG: Well, I know we need an entry element because we had to do some reconfiguring of the architecture of this building because the Planning Board wanted to really have a front on Chili. Maybe Chris (Kambar) wants to elaborate.

MR. KAMBAR: Sure. It's not a building code requirement, but it does allow with the dual entry doors for someone to walk in and allows Taco Bell to keep the heat in the building. You enter one door and then you enter a second door.

ADAM CUMMINGS: I only ask because that's the 6 foot that brings it closer on it, so could you move it back 6 feet to still maintain your 22 foot?

MS. BRUGG: I will say the primary reason we have been back at the Planning Board was to go through architecture and the Architectural Advisory Committee did just sign off on architecture at the last Planning Board meeting and part is balancing and making sure to create an entrance that identifies this as an entrance, but also provides a front the Planning Board wants on Chili Avenue, but works from a functional standpoint that people can find the entrance from the parking, as well.

FRED TROTT: Um, how far is the Monro Muffler to that -- to Paul Road, to the distance. Is that --

MS. BRUGG: The Valvoline?

MR. KAMBAR: No. The Monro. It's on the other side.

MS. BRUGG: Oh, the Monro.

MR. KAMBAR: I don't know if the setback -- is the setback still 75 feet there on Paul Road?

ADAM CUMMINGS: No. I don't believe so.

MR. KAMBAR: It's right up -- this is the Monro (indicating). This is the plaza here (indicating). So Monro is right up on the --

FRED TROTT: I was just trying -- asking comparison to yours. I thought that that was even closer to the road than you guys are.

ADAM CUMMINGS: It may be, but is it also not a highway like Chili Ave., but I will try and find out how far that is, if I can measure fast enough.

Any other questions while I'm doing that?

FRED TROTT: As a side question, where you show the greenery, will that be grass? The picture there.

MR. KAMBAR: Um, per the Planning Board's comments at their last meeting, um, we're -- we're in the process of redoing it. There is going to be grass. There is going to be brick column elements with fencing in between, landscaping, you know, intermixed with that. So it will be a nice blend of landscaping and trees and some structural elements to kind of tie the area in and make it look nice. We're using Doug McCord as a landscape architect to help us with that and meet the Planning Board recommendations and comments.

JAMES VALERIO: There is going to be outdoor seating on the east side of the building?

MR. KAMBAR: On the Chili side, there will be -- the concrete patio in that area. I will point it out (indicating).

ADAM CUMMINGS: I'm not able to see how far Monro is. It is close.

JAMES WIESNER: It's actually 25 feet.

ADAM CUMMINGS: 25 feet? So it is --

JAMES WIESNER: 25 feet from rear lot line, 75 feet required.

ADAM CUMMINGS: It is 75 feet required? For the Monro you are talking about?

JAMES WIESNER: Yeah. I have the notice of the findings from that meeting.

ADAM CUMMINGS: Thank you.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

BOB AUERHAHN, 53 Stover Road

MR. AUERHAHN: Good evening. Bob Auerhahn, A-U-E-R-H-A-H-N, 53 Stover Road. I'm surprised there is not a whole bunch of people up here tonight because I know that the firehouse people have been talking about getting tacos for the last ten years.

May I put a picture up on the --

ADAM CUMMINGS: Yes. If you would like to put it up. Just align it the same way that one is.

MR. AUERHAHN: You don't recognize it, though. Just by coincidence, we spent this past weekend with our oldest daughter and her family in Montvale, New Jersey which has the distinction of also having one of the newest Wegmans down there. So there is a lot of similarities between Montvale and Chili. It's on Kinderkamack Road, if you can pronounce that, right across the street from a street that leads to their house.

And I don't know whether this Taco Bell is similar in design to the one you're proposing, but it does seem to be an asset to the community and seems to be a lot of similarities. So I just thought I would point that out.

ADAM CUMMINGS: I -- will point out, he did rotate the Board around. This is what our Architectural Advisory Committee provided input on and --

MR. KAMBAR: This is not the final version. There is still a couple comments we're working out but pretty close.

MR. AUERHAHN: Some of the similarities, it is fairly close to the road. I think there is a drive-thru between the road and the building.

ADAM CUMMINGS: It looks like it goes all of the way around the perimeters.

MR. AUERHAHN: When they were talking about the entry way, it looks like it has a similar type entryway there that is set out closer to the road. So I just thought I would show this to the Board. You can keep the picture.

ADAM CUMMINGS: Okay.

MR. AUERHAHN: If it turns out anything like this, I think it will be good for the community. Can't tell from that picture, you know, without the greenery and the colors and everything how close it will be.

ADAM CUMMINGS: Okay.

MR. AUERHAHN: But I have no objections to it. In fact, since we have been waiting for it for ten years, might as well go ahead.

ADAM CUMMINGS: Thank you. I did want to point out, this does have the signs, so that is our next application discussion, but I thank you for this. I will add it to the project folder, the application folder.

I will just keep saying it is 27 County Road 503 instead of -- I don't even know the word you said.

MR. AUERHAHN: Kinderkamack.

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: This one is specific to the front setback. One condition of approval is that you will need to get a building permit. That's all I have for this one.

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.

ADAM CUMMINGS: Actually, before I do this, did Planning Board do SEQR?

ERIC STOWE: They did.

ADAM CUMMINGS: Or do I do it for this specific action?

ERIC STOWE: I would have that conversation with Ms. Brugg. We --

ADAM CUMMINGS: I would be okay if Planning Board has taken care of SEQR.

MS. BRUGG: I don't know if they did it at the --

PAUL WANZENRIED: At preliminary it would have been done.

MS. BRUGG: If they did it at preliminary, it doesn't need to be done.

ERIC STOWE: I'm with you, but if you wanted a segmented review for purpose to break out this variance from that?

MS. BRUGG: It has been done as a coordinated review. There's no need to do it.

ERIC STOWE: Well, it was not a coordinated review.

MS. BRUGG: Why don't we just do it -- better to be redundant.

ADAM CUMMINGS: I just wanted to point out because you do have a short form here, I want to avoid segmentation on it.

All right.

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

Fred Trott made a motion to approve the application with the following conditions, and James Valerio seconded the motion.

JAMES WIESNER: Can I ask a question before the vote?

ADAM CUMMINGS: Sure.

JAMES WIESNER: So, Fred (Trott), you were on the Master Plan Committee?

FRED TROTT: Yes.

JAMES WIESNER: Was this the vision for that section of road to be on the road like that?

FRED TROTT: Yes.

JAMES VALERIO: Jim (Wiesner), I was also on the Town Center Master Plan Committee and this is what the Committee --

JAMES WIESNER: It fits that?

JAMES VALERIO: -- envisioned.

FRED TROTT: We wanted to have the -- the vehicles will be on the side, but the idea was to get the buildings to the front and parking behind.

JAMES WIESNER: Okay. That's it. Thank you.

ADAM CUMMINGS: I do have -- to follow up with that one clarification of it because we don't have the document in front of us, how far west does that Master Plan go?

JAMES VALERIO: To the railroad tracks.

ADAM CUMMINGS: To the railroad tracks.

FRED TROTT: I was on --

JAMES VALERIO: Down by the highway garage and then up Archer.

ADAM CUMMINGS: Okay. And then that, I think, counts as our entire commercial corridor there.

All Board members were in favor of the motion.

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

1. Building permit must be obtained.

The following finding of fact was cited:

1. The location of the building near to the roadway is in accordance with the goals of the Chili Community Center Master Plan and Comprehensive Plan, which aim to locate parking to the side and rear of buildings to promote a more village-like feel.
3. Application of Hospitality Syracuse Inc., 290 Elmwood Davis Road, Suite 320, Liverpool, New York 13088; property owner: Chili Plaza Properties LLC; for variance to erect the following signs for a proposed restaurant: A 7'8" x 5'11" menu board freestanding sign (2 monument signs previously approved on property), variance for menu board sign to be 7.25' high (5' allowed) and 45.4 sq. ft. (16 sq. ft. allowed), variance to erect 4 wall signs each being 23.5 sq. ft. and totaling 94 sq. ft. (1 wall sign allowed), variance to erect two single faced directional signs to be 3.5 sq. ft. each (3 sq. ft. allowed) and 4'9" high (3'6" high allowed), variance to erect one 3.5 sq. ft. double-faced directional sign to be a total of 7 sq. ft. (3 sq. ft. allowed) and 4'9" high (3'6" allowed) at property located at 3240 Chili Avenue in G.B. zone.

Betsy Brugg, Chris Kambar and Michael McCracken were present to represent the application.

ADAM CUMMINGS: I'm not looking to split these up. I view it as a whole package. Is everybody okay --

MS. BRUGG: I will just break them up so I can explain them each. The first two items listed relate to the menu board. The menu board requires a variance for the size of the menu board itself. It's in the packet.

MR. KAMBAR: We have a picture in the packet.

MS. BRUGG: I can put it up there.

ADAM CUMMINGS: Thank you.

MS. BRUGG: So the first variance is actually for the size of the menu board and then there is a variance for the height and the total -- the total square footage.

We have a drive-thru. The menu board is an essential part of the operation of a drive-thru. No different than any other drive-thru facility where -- like Tim Horton's or McDonald's. The size of this is comparable to any other drive-thru in Town. That needs a variance. Without it, we can't have a menu that features all of the items and it will interfere with the functioning of the drive-thru.

So that would be the first item.

The second group of signs is the four wall signs which are 23 1/4 -- 23.5 square feet each, totaling 94 square feet total where one is allowed. In this case, the four total, um, are lesser in size than code would allow. I believe code allows one sign that would be 100 square feet in size for this site. It is broken up into four -- and I would note code would allow a second sign if we were on a corner. The idea being obviously wherever the traffic potential to the building will come, wherever people look for information, that is where the signs belong.

In this case, we need to have a parking lot. We need a sign on Chili Avenue because we obviously want that clearly as the front of the site. That is something the Planning Board wanted as design of the site as a whole. We have traffic coming from all directions to this building and we need to make sure it is identifiable. Really much like you would have a building on the corner, we have traffic coming from all directions. That is why there are four signs on there.

The architecture of the building also includes these tower elements as part of the design. So they fit -- they really fit nicely into the tower features. Perfect. There you go.

ADAM CUMMINGS: So I just want to clarify, we have --

MS. BRUGG: Yes?

ADAM CUMMINGS: Can I interrupt you, Betsy (Brugg), real quick because you brought up a corner one. We have a lot of properties that come up on the corners where they wanted four and we restricted them to two because that's their avenues of traffic. You pointed out you actually have four.

MS. BRUGG: Correct. It's really a four-sided site. There is no back of the site in reality.

Key Bank, which is the other out parcel, also has four Key Bank signs. All sides of their building has signs.

I believe Citizens Bank also has four-sided signage. So this has been done where it is appropriate. It's not a parcel in the plaza. These -- I think this is an appropriate location to have

this signage. I don't think it is excessive in number or in size. They're not large signs. They're just intended to really provide visibility and identification to the traffic coming in the different directions and also to make sure that the building doesn't have a back of the building. We want a front on Chili but also a front to the customers who are parking in the parking lot and also to utilize these tower elements as part of the architecture. Because there was some balancing in arriving at architecture for the building. This is not a prototype building, which might be what you saw from the other gentleman's photograph, but this is -- this site has really gone under quite a bit of scrutiny in terms of the architecture and I think it's really the appropriate place to put the signs, on the tower elements. I think it is tasteful.

So I think that number of signs is mitigated by the location, the nature of the traffic in the area, the fact that it is a four-sided site with traffic from all four directions and it is not excessive in size. We could put up one 100 square foot sign on the front of this and I don't think anybody would think that would look great. So that is the wall signage.

Then the additional items after that are directional signs. And what we have is two single-faced directional signs, proposing 3.5 square feet each where 3 is allowed and 4 foot 9 inches in height. Those are directional signs for locating the drive-thru. I think Chris (Kambar) can show those on the site plan.

MR. KAMBAR: That's what the directional sign looks like. It is a drive-thru. We would use down here "drive-thru" with an arrow.

MS. BRUGG: They are placed -- if you want to show where they are on the site plan.

MR. KAMBAR: So we'll have one up here (indicating) in the island here and another one up here in this island here (indicating).

MS. BRUGG: They're intended to help customers' vehicles navigate the drive-thru and find the location of the drive-thru, given it is somewhat unique to have a drive-thru in the back of a building in the middle of a plaza essentially. So that is the purpose of those signs. That is the size Taco Bell feels they need. That is what they typically have.

The last item is a double-faced directional sign and we would like to withdraw that variance. That sign has been eliminated from the plan.

ADAM CUMMINGS: All right. So that is the --

MS. BRUGG: There was an additional directional sign, but I think we don't need it.

ADAM CUMMINGS: Got you. That one was the double face that was 4 foot 9 inches high.

MS. BRUGG: Um, yes. 4 foot 9 inches high, 7 square feet where it was allowed because it was a double-faced directional sign.

MR. KAMBAR: It was in the drive-thru here and the drive-thru configuration has changed. And it's a one-way out only so no reason to direct traffic from the drive-thrus. So we no longer need that sign.

ADAM CUMMINGS: Excellent.

And we had to come up with -- another restaurant that came in -- do you have any other signs that -- signs that go above the window that say "pay here" or "pick up food here" or anything like that --

MR. KAMBAR: No.

ADAM CUMMINGS: -- in terms of signage?

I think it looks really tasteful if you can --

MS. BRUGG: I think there was an effort made to -- this -- there is -- was a lot of changes made. This is going to be a unique Taco Bell in terms of the appearance of the building. As you can see, there is no orange, stucco. It's very, um, traditional looking and a lot of work went into it from the Architectural Advisory Committee.

MR. KAMBAR: And I would just like to add, because it's not a more traditional Taco Bell looking building in style, the more adobe, the signage is even more critical for our client to have on the building.

MS. BRUGG: And again, in terms of the -- the balance between the benefit to the applicant and any detriment to the health, safety and welfare of the community, none of the variances we're asking for will have any adverse impact on the community. I think the wall signage is appropriate given the unique characteristics of the site and the building. Um, the directional signage is beneficial to the community. It's really safety, um -- that is the purpose, safety to be able to navigate and find the drive-thru when you're maneuvering in a shopping center that has many destinations that travelers might be having to maneuver. So I think -- and the menu board is -- is essential to the operation of the Taco Bell, but it -- but again, it does not have any adverse impact.

So none of these will have any impact on the character of the neighborhood. They're consistent with other signage found in the neighborhood. This is not the only building that would have signage on all four sides. This is not the only building that will have a drive-thru sign. It is not the only side that has directional signs to help customers maneuver within a shopping center.

There is no other alternative to the variances. We need them. They're not substantial in amount or impact. They are actually beneficial to the physical and environmental conditions of the site. And we would say they are -- they are not really self-created. They are a compromised result in arriving at the site plan. We are again, pushing the building up to the street, not having pavement in the front, having a four-sided building located in a shopping center. I think all of those elements come together to really explain the need for the variances. So I think we meet the legal standards. Thank you.

ADAM CUMMINGS: I just have one question on the four signs. The size of them. Just in terms of perspective, um, was that taken into consideration of proximity to the road, meaning -- you have already stated could you have one. Our code doesn't really state perspective ratios. So meaning you could have one at 100 square feet which will look like a billboard 16 feet from the road.

Can you speak to the smaller ones? Are they still recognizable as you drive by?

MS. BRUGG: I think they're recognizable. It was important to Taco Bell that they fit nicely within the architecture that we ended up with.

ADAM CUMMINGS: Thank you. All right.

JAMES WIESNER: Quick question for you. We're eliminating the last one on the list here?

ADAM CUMMINGS: Yes.

JAMES WIESNER: 3 1/2 square feet and 57 inches high?

The one per code --

ADAM CUMMINGS: Yes. 57 inches high. Yep.

JAMES WIESNER: You can start at the other side.

JAMES VALERIO: I have no questions.

FRED TROTT: I don't have any questions.

MARK MERRY: I can only assume starting on the other end, there would be no questions.

Will you appear, Betsy (Brugg), on the pylon sign that is there today?

MS. BRUGG: No. Correct?

MR. MCCRACKEN: No. It wasn't -- I should -- Mike McCracken from Hospitality Group, Hospitality Syracuse. No, not on the front pylon sign. There was some discussion a while back about a Paul Road sign and that was all I heard about being on any, but I -- but that hasn't come up and that is not part of our current plan.

ADAM CUMMINGS: Okay.

MARK MERRY: Thank you.

PAUL WANZENRIED: Chris (Kambar), can you tell me what the length of the -- or the dimension of the building is along Chili Ave.?

MR. KAMBAR: 78?

MR. MCCRACKEN: 78 to -- closer to 80.

MR. KAMBAR: I believe is very close to 80 feet.

PAUL WANZENRIED: Okay.

MR. KAMBAR: I think we're allowed 1 1/2 --

PAUL WANZENRIED: I'm just checking Ms. Brugg's math, that's all.

MS. BRUGG: Is my math good?

PAUL WANZENRIED: There are two facets to that wall sign code. 100 square feet or 1.5 times the linear footage, whichever is less.

MS. BRUGG: Right. But --

PAUL WANZENRIED: Just --

MS. BRUGG: It's 80. So -- I did my math. I did.

ADAM CUMMINGS: If it is 80, it would be 120 feet.

PAUL WANZENRIED: Just wanted to check.

MS. BRUGG: I ball-parked it -- knew it was like 75 or 80. You know in this modern age, nobody gives you a full-size plan you can scale. I measured by parking space length.

ADAM CUMMINGS: Good idea.

MS. BRUGG: That's my standard unit.

PAUL WANZENRIED: Just checking that, that is all.

ADAM CUMMINGS: And they won't even -- there is a scale bar on there.

PAUL WANZENRIED: You are moving that pylon sign, correct? I see in your plan, it says relocated pylon sign.

MR. KAMBAR: Yes. We are -- we're keeping the setback distance the same. We're just putting it over by the driveway, rather than the middle of the proposed Taco Bell parking lot.

PAUL WANZENRIED: Does that give you another parking space?

MR. KAMBAR: It does.

PAUL WANZENRIED: Thank you.

ERIC STOWE: Adam (Cummings), we have the measurements and dimensions as the slightest variance granted.

ADAM CUMMINGS: Say that again.

PAUL WANZENRIED: Go ahead.

ERIC STOWE: The measurements of the signs, we're at 7 feet, 8 inches by 5 foot 11 inches. We've just run into some interpretation issues before where there were no limitations on the sign for freestanding signs or directional signs. I understand that has been withdrawn. And also wall signs.

ADAM CUMMINGS: Okay.

ERIC STOWE: So the dimensions are called --

ADAM CUMMINGS: You're saying in addition -- oh, I see.

ERIC STOWE: In addition to the number of the signs, the size.

ADAM CUMMINGS: The signs and the square footage, we want the conditions to be with the dimensions as they are stated here.

ERIC STOWE: The decision, yes, please.

PAUL WANZENRIED: So means the total area of the wall sign by my calculations -- I have got 23.45 square feet for those wall signs each, times 4 is 93.8.

ADAM CUMMINGS: 93.48?

PAUL WANZENRIED: No. 93.8.

ADAM CUMMINGS: And that's for all of the wall signs?

PAUL WANZENRIED: That would be the total square footage of wall signs. Each sign is 23.45 square feet.

ADAM CUMMINGS: Okay.

PAUL WANZENRIED: Again, I'm -- if Chris (Kambar) -- if the applicant can give a more accurate dimension, we can tailor it to that.

ADAM CUMMINGS: I would like --

MS. BRUGG: We can look at it.

ADAM CUMMINGS: If you can tell us what those exact dimensions are, I'm in agreement with that.

MR. KAMBAR: I believe the square footage is 23.5, which would make it 94. But let's --

ADAM CUMMINGS: I do not want to get into a significant digits discussion.

MR. KAMBAR: So they are 4 foot wide and I have got 2 foot 6 and 3 foot 6.

MS. BRUGG: Right here. 23.5 is on here.

MR. KAMBAR: They're asking for the X and Y dimensions; is that correct?

ADAM CUMMINGS: Yes.

MR. KAMBAR: Definitely 4 foot wide.

ADAM CUMMINGS: And then 4 foot 3 inches on the Taco Bell lettering. 4 foot 3 inches by 2 foot 6 inches.

MR. KAMBAR: So the Taco Bell is 2 foot 6 inches high. The bell itself is 3 foot 6 inches high and there is a non-specified dimension in between.

ADAM CUMMINGS: Right. You have a nice dimensions there, so there is actually two different rectangles you can do instead of making it one big one because it is not 4 feet all of the way. And then you go 4 feet 3 inches.

MR. KAMBAR: We need to make it four signs because I don't want to make it eight signs.

PAUL WANZENRIED: We would -- Chris (Kambar) is right. We would count it as a rectangle, the bell and --

ADAM CUMMINGS: Perfect. Okay. Let's do it 4 foot 3 inches by -- we'll, you're saying --

MR. KAMBAR: The Y dimension is 6. I would --

ADAM CUMMINGS: I would say the Y dimension is actually 6'3" inches.

MR. KAMBAR: Yeah. That can't --

MS. BRUGG: Can we tie it to this plan?

MR. KAMBAR: The dimensions don't work out then because then we're talking 24. If it's --

MS. BRUGG: Will you be okay tying it to this plan which says -- have on it -- it has on here 23.5. It has 23.5.

PAUL WANZENRIED: I had 23.45 so we're talking .05 difference.

MS. BRUGG: Little bit of grout on one of the bricks basically.

PAUL WANZENRIED: That is your height or square feet total. 23.5?

MS. BRUGG: Uh-huh.

PAUL WANZENRIED: I can live with that.

ADAM CUMMINGS: Okay. 23.5 square feet for each wall sign.

MS. BRUGG: I think the way you have it advertised or on the agenda, 23.5 square feet and a total of 94 square feet.

ADAM CUMMINGS: Okay.

ERIC STOWE: Adam (Cummings), the other item just for clarification, we have been tying the sign -- I think variance or approvals to signs and site plan and anything else to the actual suite. This would not have a suite for the proposed Taco Bell restaurant fronting on Chili Avenue, or something to tie it to this particular structure.

PAUL WANZENRIED: Has the applicant had any conversation with the plaza owner as to whether you would be say Building D or address-wise how you're going to be addressed?

MR. MCCracken: Not yet, no.

ADAM CUMMINGS: Oh, yeah. That ties -- I think that is where you were heading with that, because we have to have a sign for the street address. The street numbers.

PAUL WANZENRIED: No.

ADAM CUMMINGS: The -- the numbers identifying the building, we don't have to have on any sign or building?

PAUL WANZENRIED: You have to have them -- well, they will be on the building.

ADAM CUMMINGS: Right. Does it count as a sign?

PAUL WANZENRIED: No. No. I don't count those as a sign.

ADAM CUMMINGS: Okay.

PAUL WANZENRIED: They -- they are premise -- they are premise identification that is required by the building code.

ADAM CUMMINGS: Okay.

PAUL WANZENRIED: And would be required for 911 and other emergency services. I have never counted an address as part of signage. We put it on -- we request it -- or it is required to be on monument signs, but I'm not going to put it on the menu board. It would have to be on

the Chili Ave. side of -- and that is why I asked the applicant, how are they addressing this? Okay? Because I -- because I think that we ended up or somehow I had ended up with the Assessor and plaza owner that Monro Muffler is Building D, if you look at it. Building A is the Autozone building. B is the Leaf & Bean and C is Bill Gray's. D is Monro Muffler.

I will keep it towards the proposed Taco Bell restaurant for my write-up.

ERIC STOWE: Can we just -- in referencing it to a plan, can we do project 16-0166 of -- of the site plan dated July 7, 2017? At least we have something to point to.

PAUL WANZENRIED: Right.

ERIC STOWE: And a reference.

MR. KAMBAR: We could label the plans Exhibit A, Exhibit B?

ERIC STOWE: That's fine. We have gone through some of them where 30 years later we're trying to figure out who goes to what site plan and what are we dealing with.

ADAM CUMMINGS: So I will actually go off this one with your revision C, ZBA dated 3/19/19.

MS. BRUGG: Subject to final site plan approval.

ADAM CUMMINGS: Yes. Still subject to final site plan.

And Eric (Stowe), in 30 years, I'm not planning on being on this Board, so you can have at it.

PAUL WANZENRIED: That's what you think.

ADAM CUMMINGS: I will be retired in 25. But yes, it is still subject to final approval. All right.

Eric (Stowe), do you want all those to be conditions or just in the record?

ERIC STOWE: They're approved -- your resolution would approve a 7 foot 8-inch by 5 foot 11 inch menu board freestanding sign. Not as conditions, but that is --

ADAM CUMMINGS: Right. We have already noticed it in the application, so it is already in the -- in the document record. Because we're not changing that. We're still good with the 23.5 square feet and total 94 square feet. We're not looking to change that to 23.45 square feet. Because that would change the total number.

PAUL WANZENRIED: That's fine.

ADAM CUMMINGS: Okay.

But I do agree we want to reference it is for the proposed Taco Bell restaurant, APD project number 16-0166 Revision C, titled ZBA dated 3/19/2019. All right. And this is subject to final approval by the Planning Board.

And in terms of fire response, they're right across the street or they will be buying tacos there, so we should be all set.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: With that, one other condition of approval, that you will need sign permits. Goes without saying.

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

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

ADAM CUMMINGS: Motion to adopt this application?

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

1. Sign permit must be obtained prior to construction.
2. Sign dimensions shall be 23.5 sq. ft. for each wall sign for a total square footage of 94 square feet, as proposed in the application, and shall be for the proposed Taco Bell Restaurant only, as designed on the plans identified as Project No. 16-0166, revision C "ZBA" as noted in the revision block, dated 3/19/19.
3. Subject to final approval by the Planning Board.

The following finding of fact was cited:

1. The proposed signage is similar to many of the other commercial/retail properties in this localized commercial corridor. Additionally, the signs provide useful wayfinding purpose to increase vehicular and pedestrian safety.

ADAM CUMMINGS: Minutes from March 26, 2019. Any comments or revisions to those?

Mark Merry made a motion to approve the 3/26/19 Zoning Board of Appeals minutes, and Fred Trott seconded the motion. All Board members were in favor of the motion.

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

The meeting ended at 8 p.m.