

CHILI ZONING BOARD OF APPEALS  
June 18, 2019

A meeting of the Chili Zoning Board was held on June 18, 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 issues on signs, Board members?

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

1. Application of Anita Gingello, owner; 10 Trails End, Rochester, New York 14624 for variance to allow existing 8' x 10' shed 42.3' from front lot line (corner lot) where 55' is required abutting a street; variance to allow existing 9'2" x 20'3" enclosed porch 15' from rear lot line (25' previously approved) at property located at 10 Trails End in R-1-15 zone.

Anita Gingello was present to represent the application.

ADAM CUMMINGS: Good evening. For yourself and any of the other applicants, if you could identify yourself with the name and address for the record, it helps get the document record maintained. And a brief description what you're looking for tonight.

MS. GINGELLO: All I need is a variance so I don't have to get rid of the shed or tear down my porch.

ADAM CUMMINGS: Okay. So I'm actually thinking of doing these as two different decisions. The first one being for your shed and the second one for your porch. So we'll move onto the shed first, which is you're showing there it is off of the Majestic Way side 42.3 feet where it is supposed to be 55.

This one you have a pretty constrictive corner lot. Your house is tucked back, so there is really no backyard there.

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: For this one, I don't have any other questions or comments. You really don't have any other options.

Do you know how long has that shed been there?

MS. GINGELLO: The what?

ADAM CUMMINGS: The shed.

MS. GINGELLO: The shed? I want to say about five years. I have got some letters from my neighbors.

ADAM CUMMINGS: Oh, that would be great. You can bring those on up. I will read it. "To Whom It May Concern, we have no problem with the shed or porch at 10 Trails End. If you have any questions, please contact us at" phone number. And that's from Jeff and Dorothy Whitman at 2 Majestic Way.

We have Michael O'Donnell residing at 22 Stone Barn Road. "I have no problem with the screened-in porch or shed at 10 Trails End Road. They're great neighbors and we're fine with the improvements."

We also have a letter from Daniel J. and Ann Marie Kuntz. "Please accept this letter of support on behalf of the" -- am I saying your last name right? How do you say your last name?

MS. GINGELLO: It's Kuntz.

ADAM CUMMINGS: It is Kuntz. Sorry. I corrected that. My mistake. How do you say your last name?

MS. GINGELLO: Gingello.

ADAM CUMMINGS: Gingello.

"They currently have an application for a variance to allow an existing 8 foot by 10 foot shed 42.3' from front lot line for a variance where 55' is 40 feet from the lot line. We are neighbors directly across and have absolutely no problem that they be allowed this variance nor any other changes to enhance their property."

And I do have one from a -- can't read the name, but he resides at 12 Majestic Way and has no problem with the location of shed and porch at 10 Trails End.

I do apologize for mispronunciation, but those are the letters we have received from the neighbors.

I don't have any conditions of approval because it's existing. There is not really a building permit necessary.

With regard to the shed, 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.

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

1. Letters of support for this project were received for this application. No other alternatives were possible due to the irregular shape of this particular corner lot.

ADAM CUMMINGS: Now we'll move onto the porch which we're looking at. It is supposed to be -- 25 feet was previously approved, and it is only 15 feet. Once again, it's restricted to the backyard. How long has the porch been there?

MS. GINGELLO: The deck was there. I screened it in about three years ago.

ADAM CUMMINGS: Okay. But the deck predated you purchasing the home?

MS. GINGELLO: Right.

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

James Valerio 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: I don't have any conditions on this application.

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

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

DECISION ON PORCH PORTION OF THE APPLICATION: Unanimously approved by a vote of 5 yes with no conditions, and the following finding of fact was cited:

1. Letters of support for this project were received for this application. No other alternatives were possible due to the irregular shape of this particular corner lot.
2. Application of Bill Gray's Restaurant, c/o Skylight Signs, 60 Industrial Park Circle, Rochester, New York 14624 for variance to erect two walls signs on secondary frontage (1 wall sign allowed), variance for signs to total 109 sq. ft. (50 sq. ft. allowed) at property located at 3240 Chili Avenue Suite C4/C6 in G.B. zone.

Dan Gray and Mike Bonanno were present to represent the application.

MR. GRAY: Good evening. My name is Dan Gray. I'm President of Bill Gray's, Inc. I'm Mike Bonanno of Skylight Signs, 16 Industrial Park Circle.

We're here requesting an additional identification sign on the back side of the -- well, I guess it's not the back side anymore. It's called Two Fronts Plaza. We're probably the only

lease -- lessee in that whole plaza that actually has two fronts. So we need to be able to identify both of our businesses from both sides.

I know we appeared before the Town Board to get the -- the change in use permit and they had requested that we shrink the sign in front because they thought it was a little bit too big. We gave it a lot of thought and said it's probably a good time to do that to identify our -- our location from that front.

ADAM CUMMINGS: To clarify, that is from the Chili Ave. --

MR. GRAY: From the Chili Avenue side. We're actually reducing the size of that sign quite significantly at the behest of the Planning Board. So we took that to heart and we found a -- found the money to pay Skylight to change the signs up and we feel it necessary to the success of our new venture there to have both Bill Gray's and the Tap Room identified from the -- from the Paul Road side. So that brings us to you folks tonight for the variance for the additional sign. We're here to answer any questions you may have.

JAMES WIESNER: Would you call this a standard sign package for your -- on the new tap rooms that you're putting in -- I guess the one place I have seen this before is in Greece on --

MR. GRAY: North Greece Road.

JAMES WIESNER: -- North Greece Road.

MR. GRAY: These are significantly smaller than our sign package. We wanted them to be able to fit the existing construction. A standard sign would have been quite a bit taller. We didn't want it to -- to poke up above the roof, the existing roof line. So we're trying to -- trying to bring things down into -- as much of a focus for this location as possible.

MR. BONANNO: And also to mention that prior to considering putting these signs up, there was this very unsightly grouping of conduit and electrical that has now been covered up to accept these new signs. So hoping that that is something to take into consideration, as well.

JAMES WIESNER: Both these signs will be lit or up-lit?

MR. BONANNO: They will be illuminated.

JAMES WIESNER: But only during the hours of operation, I think is that what I read?

MR. GRAY: Correct.

JAMES WIESNER: They will be off the rest of the time?

MR. BONANNO: Absolutely.

MARK MERRY: Do you have a rendering with you of what the front sign will look like?

MR. BONANNO: I don't have one with me, but that has been approved already and is going up on Monday. It's been reduced from 530 square feet down to 210 square feet. So we have reduced it almost 300 square feet.

MARK MERRY: Are you able to access the Tap Room from the front entry of your establishment?

MR. GRAY: Yes.

MARK MERRY: Is there a reason why you would not have reduced the front signage and incorporated some type of signage up front that identifies your Tap Room?

MR. BONANNO: We did.

MR. GRAY: We did. That was -- one of the reasons why we reduced -- we took into consideration what the Planning Board said, reduced the size. We didn't have identification for the two other entities that we have inside from -- from Chili Avenue, which was -- which was Abbotts and the Tap Room, which is currently under construction. So we sort of tried to, you know, make everyone happy and reduced the size of the sign and at the same time, identifying all three businesses that are within that space. I don't know if that answers your question, but...

MARK MERRY: But you're not identifying Abbotts?

MR. GRAY: From the back.

MARK MERRY: The rendering I'm looking at tonight, even though -- they're inside that space same, correct?

MR. GRAY: Abbotts is more in the -- from -- accessible from the restaurant side, so we didn't feel it was necessary to identify it from the other side because we're -- you know, we -- the code only allows for the one sign. We're looking for two signs at that size, so we are -- our thought process was if we come in and want all three signs, it's going to be a little bit difficult. So we stuck with these two identifications on that side.

MARK MERRY: Thank you.

So if I hear you correctly, you will not come back in front of us and ask for a third sign on the side of the building?

MR. GRAY: On the north side, the Paul Road side, no.

MARK MERRY: What is the reasoning for having two "Bill Gray's" signs, one next to the other for identification purposes? It seems a little bit redundant.

MR. GRAY: One is "Bill Gray's Tap Room" and one is -- is the actual logo for the restaurant. Seeing that -- seeing that you can access the restaurant from that side also -- I mean you can come off the Paul Road side and walk out the Chili Ave. side. Like I said, it's only -- probably one of the only spaces in that plaza that that can be done in. So we felt it was necessary to identify the fact that, yes, if you park back here, you can get -- you can get to Bill Gray's restaurant. It is not just the Tap Room.

MARK MERRY: But to go along with your thinking on Abbotts, the Bill Gray's restaurant is more forefront of that building, right? I just -- I think it's a little bit redundant. If you had to lose one of these signs you're proposing tonight, which sign would you lose?

MR. GRAY: I wouldn't want to lose either of them to tell you the truth. I mean they're -- they're both -- they're both in that space and they're -- and both -- we need both signs to identify

what is there from the Paul Road side. If you're -- if you're looking at where it says that tiny little "Bill Gray's" above the "Tap Room"? Is that what you're concerned with?

MARK MERRY: I'm just concerned you have been there for a number of years and been very successful and have not had a "Bill Gray's" sign on that side of the building.

MR. GRAY: This is the first time we have had access to that side.

MARK MERRY: For the Tap Room.

ADAM CUMMINGS: No. Even the restaurant you can't get through.

MARK MERRY: No. I understand that. Thank you.

MR. GRAY: You can't -- prior to this renovation, um, you could not get to Bill Gray's from the Paul Road side.

MARK MERRY: I understand that. Thank you.

So if you had to lose one of those, if you had to pick one, which one would it be?

MR. GRAY: That's -- that's a tough question.

MARK MERRY: It is a tough question. It's a tough request.

MR. GRAY: We need -- we actually -- you know, there is a true need for both there on that side -- on that side. You know, from our standpoint. Because it's -- it's not -- I guess it's not prudent to go in and -- and do that type of renovation and not be able to tell people what is there via the sign.

MR. BONANNO: If for some reason you were to remove the "Bill Gray's" sign and not have the "Bill Gray's" sign, they would think the only thing they can enter on the back side, the north side that never had an entrance before, is the Bill Gray's Tap Room. If they got rid of the "Tap Room" sign, there would be no way to identify the fact there's a Tap Room back there. And it's just a problem -- the problem is Bill Gray's logos are restrictive to that particular size, and again, we have shrunk it down as much as we could. And from the original conversation with, I believe, the Zoning Board or the Planning Board --

MR. GRAY: Planning Board.

MR. BONANNO: -- they were hoping to find some compensation by, "What can you do with the front sign?"

So "Hey, we might need something in the back."

I'm hoping we can have some consideration back there.

ADAM CUMMINGS: I do have one -- I would like to jump in with one clarifying question. Let's take out the content what is on the sign. We'll call the Tap Room a bar facility and there's a restaurant facility. Is that a fair assessment what is in there? So -- as you're attesting to --

MR. GRAY: Correct. There are actually three separate businesses contained inside our leased space, which is the Tap Room, at the bar; the Bill Gray's, the restaurant, the typical restaurant that Bill Gray's has always run in that location for the last 15 years; and at -- and Abbotts custard.

Um, the only way we have been able to -- to identify Abbotts in there is through -- through window and wall signs, which are relatively ineffective compared -- you know, compared to an outside sign that you can actually see. And then we have the giant "Bill Gray's Home of the World's Greatest Cheeseburger" on the south side which identifies the restaurant.

ADAM CUMMINGS: In terms of the back, is there one shared entrance and it splits off into two or --

MR. GRAY: One shared entrance. If you go past the Tap Room, if you walk down the corridor, which is a -- a means of egress through the whole facility, you'll -- you'll make your way out of the Tap Room into Bill Gray's.

ADAM CUMMINGS: Okay.

MARK MERRY: One last question. I feel as if I'm overstepping my bounds here.

Is there such a thing as a Bill Gray's Tap Room that is not associated with a Bill Gray's restaurant?

MR. GRAY: No, there is not.

MARK MERRY: So if I were to see a "Bill Gray's Tap Room," my assumption would be coming in that I would have access to a Bill Gray's restaurant.

MR. GRAY: But again not all Bill Gray's have Tap Rooms.

MARK MERRY: My question is if I see "Bill Gray's Tap Room," my assumption is I would be able to walk into a Bill Gray's restaurant.

MR. GRAY: Correct.

MARK MERRY: Thank you. Appreciate your answers.

FRED TROTT: Um, on this, do you have locations where you have it as "Bill Gray's and Tap Room," one sign?

MR. BONANNO: No. Everything is separate.

FRED TROTT: Everything is a separate sign for both.

Um, my other question is what is a -- like Jim (Wiesner) asked, we're not seeing what is front -- is the front similar to what we're seeing here as far as the two signs?

MR. BONANNO: I'm sorry, I don't have that information. I didn't think we would need that information. It wasn't relevant.

ADAM CUMMINGS: That was before the Planning Board. We -- this is separate.

FRED TROTT: I just kind of like to get an idea. Is this totally different than what the front is?

MR. BONANNO: It will look very, very similar to this, small -- closer together and plus an Abbotts. And a much smaller size. I mean, you're talking 300 square feet difference.

JAMES WIESNER: Did you say plus an apple?

ADAM CUMMINGS: Abbots. I could go for an apple.

FRED TROTT: With that, the front side, would that be -- circumference, square footage, larger or smaller than these two signs combined?

MR. BONANNO: Larger. The reason that we had to make these signs smaller is we didn't want to go above the roof line, and we only had that -- I think 36 -- 33 inches above the -- the awning to work with, and we didn't want to go above it. We didn't want to go below it. We figured it would cover up nicely with the -- with a decorative fascia.

FRED TROTT: I just wondered why you didn't go with like "Bill Gray's and Tap Room," kind of combining the two signs.

MR. GRAY: Believe me, we have gone through so many renditions trying to do that, even down at the Port of Rochester where we just opened. We examined many different ways. Like "Bill Gray's" with a "/and Tap Room." Different configurations. The only way that you could actually see that sign is if you were like from me to you away from it.

So in order to -- in order to be able to see it from -- from Paul Road to -- to the -- to that fascia, you have to have it a certain -- a certain size for it to be meaningful so people can say, "Oh, yeah. There is Bill Gray's and there is the new Tap Room."

FRED TROTT: I mean it -- we are lifelong residents and have known Bill Gray's is there. We have always wanted that entrance coming from this side, but -- so I'm just wondering if there was any way of combining the two, if you have done that at any of your other facilities.

MR. GRAY: No, we haven't. We have actually tried to maintain the separate identities. Even at the North Greece Road, which we opened last year, the sign package has the three different identifying basically signs or logos.

FRED TROTT: I know Tap Room -- I'm familiar with the one in Brockport where it is separated from the restaurant. I can understand the concept of the two signs.

ERIC STOWE: We need to remember it's the quantity and size of the signs and not the content on the signs.

ADAM CUMMINGS: To go along with that point now that the discussion has come up, let's say it is not always Bill Gray's Tap Room and it is leased off with another bar room that comes in. We would still limit to this size -- it makes sense to have this quantity of signs because Bill Gray's can stay and now we could have a new pub or tenant or sub tenant in that space and then it can be directed.

Are there any facilities where you have two separate and say Bill Gray's is closed and the Tap Room is open later hours?

MR. GRAY: Yes.

ADAM CUMMINGS: Thank you.

Anything else?

FRED TROTT: No.

MR. VALERIO: I think what you guys have done back there it looks great. It is much better than the last 20 years. I was curious about the idea of one sign, but as you have explained -- I was interested to see if you ever tried to combine it all under one. Looking at it, some people are concerned -- the color difference and all that, but I know what we're here to look at.

ADAM CUMMINGS: One last question, how far from Paul Road are we to this facade on the building? I will give you the answer. It's on the plans. 202 feet. So you're about 200 feet away perception wise as you have traffic driving. I'm assuming that is a suitable size to be recognized as people driving by to --

MR. GRAY: Well, it is and it isn't. It actually should be larger by -- by sign standards to be able to identify, but we realize that there is not the space there. There is a -- there is a sign ordinance. We're not going to put giant signs on the back of that place to make up for the difference. So, you know, it is always a compromise. What can we do to try to get close to the code and not -- and still be able to identify the -- the businesses within.

ADAM CUMMINGS: Okay. Thank you.

PAUL WANZENRIED: When are you opening up?

ADAM CUMMINGS: Good question.

PAUL WANZENRIED: It's the elephant in the room.

MR. GRAY: This is top secret.

ADAM CUMMINGS: I promise we won't put it --

MR. GRAY: As long as it doesn't go out on YouTube or anything tonight. Our target date for a soft opening, which means we just like quietly unlock the doors and let people in, is the 26th of this month.

ADAM CUMMINGS: Thank you.

PAUL WANZENRIED: He will need a C of O before he does that.

ADAM CUMMINGS: I knew where you were headed.

JAMES WIESNER: He was spying.

ADAM CUMMINGS: I just wanted to know how much inspections and paperwork he had to do.

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: One condition of approval, you would need a sign permit. That goes without saying.

JAMES WIESNER: So would you say that is to scale there as far as the height and the length? That is what it is going to look like on the building?

MR. BONANNO: I would say that it is going to be almost identical to that, except I believe we're actually only putting -- they're going to be a bit closer together just because of the structure that had to be built. So probably 4 to 6 inches apart instead of what looks like 2 feet apart there. I actually have a more -- more tighter rendering if you would like to see it. It --

JAMES WIESNER: Why don't you.

MR. BONANNO: It's very similar. Relatively.

JAMES WIESNER: I'm just more trying to eyeball what it will look like.

ADAM CUMMINGS: But your sign, you're still -- as Counsel said, we're still looking at two signs at that square foot?

MR. BONANNO: That is correct.

FRED TROTT: If they are closer together, they do seem --

MR. BONANNO: There is actually a recommendation after we had applied from the -- the -- the Building Department that they would like it to be a little closer together, so we did that.

FRED TROTT: It looks a lot better in my eyes. I know it is still two signs, but...

ADAM CUMMINGS: Do you have a copy of this?

PAUL WANZENRIED: No. But I was at the meeting, so...

ADAM CUMMINGS: I will add it to the project file.

PAUL WANZENRIED: Thank you.

ADAM CUMMINGS: I forgot to add it in before, but I do have a Monroe County Department of Planning and Development referral form. They deemed it a local matter so they don't have anything to add.

I don't have any further questions.

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

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

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

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

The following finding of fact was cited:

1. Sign is similar to other signs in this commercial zone. Also, the signs are smaller than originally proposed and as recommended by National Sign Standards for recognition of vehicular traffic, but will still serve the purpose of wayfinding for this parcel.
3. Application of James Finn, owner; c/o Eric Brewer, 3721 Scottsville Road, Scottsville, New York 14546 for variance to allow existing open porch to be 20' from front lot line (40' req.) at property located at 54 Harold Avenue in RAO-20 & FPO zone.

Eric Brewer and Brian King were present to represent the application.

MR. BREWER: Good evening. I am Eric Brewer representing the company that is constructing this deck at 3721 Scottsville Road.

MR. KING: Brian King. I'm James Finn's grandson, also Power of Attorney of the owner of the home.

ADAM CUMMINGS: So we have an existing porch. Any idea how long it has been there?

MR. BREWER: It is we -- we are actually in the middle of constructing it right now.

ADAM CUMMINGS: Oh, okay. Got you.

FRED TROTT: You didn't think you needed a permit?

MR. BREWER: We got the permit. We just didn't know about the variance. We got the permit before we got started, but we were not aware of the variance.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry 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: The one condition, I was a little confused about it being existing or in construction so I will just put that as a condition. You already have a building permit, so just keep going with what the Building Department requires of you for inspections, et cetera. Other than that, I don't have anything else.

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.

James Wiesner 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. Building permit is required.

The following finding of fact was cited:

1. This proposed structure will not adversely impact the character of the neighborhood and will provide improved handicap accessibility into the residence.
4. Application of Erik Schwenger, owner; 18 Lonran Drive, Rochester, New York 14624 for variance to allow existing 12' x 12' shed to be 4' from dwelling (8' req.), variance to allow existing swimming pool to be 5' from dwelling (10' req.) at property located at 18 Lonran Drive in R-1-12 zone.

Erik Schwenger was present to represent the application.

MR. SCHWENZER: Hello. I'm Eric Schwenger from 18 Lonran Drive. Just looking for a variance for the shed that is pre-existing, nonconforming and also a variance for the pool that is preexisting, as well.

ADAM CUMMINGS: How long have they been there? Any recent additions with the pool?

MR. SCHWENZER: The pool, from the neighbors behind me, they said it has been there about 40 years. The shed, I have paperwork on the shed. Just the instructions for -- for installing it. They were from the mid-'80s.

ADAM CUMMINGS: Okay.

MARK MERRY: How difficult would it be to move that shed?

MR. SCHWENZER: Quite difficult. It's older. Just wood slab to the -- to the dirt. I think it would be very difficult to move it.

MARK MERRY: Do you have a cost to move that shed?

MR. SCHWENZER: I have not. I have not.

ADAM CUMMINGS: Do you think it would be substantial?

MR. SCHWENZER: I think it would be substantial to move it.

ADAM CUMMINGS: Maybe the same value if not more of the shed.

MARK MERRY: Thank you. No more questions.

FRED TROTT: How long have you lived there?

MR. SCHWENZER: Purchased the house December of 2007 and moved in January of 2008.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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 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.

Fred Trott made a motion to approve the application with no conditions, and James Wiesner 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. These structures have existed for many years with no complaints. Additionally, relocating them impose a significant economic burden on this owner and there is a high risk the structures would not survive the relocation activities.
5. Application of Faber Builders Inc., owner; 3240 Chili Avenue, Rochester, New York 14624 for variance to erect an 8' x 2'11" double faced freestanding monument sign to be 24 sq. ft. per side for a total of 48 sq. ft. and to be placed in a residential district (freestanding signs not permitted in a residential district) at property located at 3 Flinton Run in R-1-20 w/incentive zoning district.

Richard Battisti was present to represent the application.

MR. BATTISTI: Good evening. I'm Richard Battisti, President of Faber Builders, Inc. at 3240 Chili Avenue. I'm here to ask for a variance to erect the sign at our Rose Hill Subdivision as an identification for the residents of our subdivision.

ADAM CUMMINGS: Okay.

MR. BATTISTI: Could I remind the Board, this is identical to the one granted to us in the fall of last year at 4 Flinton Run, which is directly the across the street. We just decided we would rather have it on this side.

ADAM CUMMINGS: Rather, or you're going to have it in addition?

MR. BATTISTI: No. Rather. The other one is scrapped.

MARK MERRY: Point of clarification. Did you just state this is for the purpose of identifying it for the residents of the subdivision? Is that what -- did I hear that correctly?

MR. BATTISTI: That's part of it. Is advertising, too, obviously.

MARK MERRY: For advertising, as well.

MR. BATTISTI: Well, it also adds a bit of -- what is the word I'm looking for?

ADAM CUMMINGS: Community recognition.

MR. BATTISTI: There you go.

MARK MERRY: You're doing them all tonight.

ADAM CUMMINGS: I'm shocked. I have been struggling with my words tonight.

MARK MERRY: Every day for me, pal. I have no other questions. Thank you.

FRED TROTT: Has there been notice that you would not be putting up the sign at the other location?

ADAM CUMMINGS: That is new to me.

MR. BATTISTI: Across the street from it?

FRED TROTT: Yes.

MR. BATTISTI: I don't think there was formal notice. I mean we could do that.

ERIC STOWE: Can't necessarily abandon a variance.

ADAM CUMMINGS: Right.

ERIC STOWE: It was permanent.

ADAM CUMMINGS: Right. It stays there.

PAUL WANZENRIED: Goes with the project.

ADAM CUMMINGS: Right. So we could.

FRED TROTT: Theoretically, we could end up with two monument signs.

ADAM CUMMINGS: Yep.

FRED TROTT: That's the point I was trying to get to.

ADAM CUMMINGS: It would be a -- it would be an accurate statement.

FRED TROTT: There's no way of rendering to fix that?

ADAM CUMMINGS: No.

FRED TROTT: Really?

ADAM CUMMINGS: I'm trying to think. No, I don't believe so.

MR. BATTISTI: I can guarantee that we're not going to build another one.

ADAM CUMMINGS: That is fine. It is just our decision has been made.

Eric (Stowe), a quick question. Fred (Trott) is asking for a point of clarification. Is there any way to rescind or retract a variance?

ERIC STOWE: The only way would be to amend it. And -- and -- but ---

ADAM CUMMINGS: Amending would, in essence, be deleting?

ERIC STOWE: Right.

ADAM CUMMINGS: And the applicant or property owner would have to come in with the application to delete or amend it.

ERIC STOWE: I'm not really comfortable saying the condition of this variance is he is not to use the other one because that applicant isn't here, or that property owner.

ADAM CUMMINGS: Right.

ERIC STOWE: If I remember correctly, the individual homeowner, at least the contract purchaser was present at that meeting.

ADAM CUMMINGS: Correct.

ERIC STOWE: And in agreement to it, because we had to talk about maintenance.

ADAM CUMMINGS: Correct.

ERIC STOWE: That variance doesn't apply for Faber, the builder or anybody else. It



applies to the property owner at 2 Flinton; is that right?

MR. BATTISTI: That's correct.

ERIC STOWE: So we can't condition this on a variance that applies to somebody else.

ADAM CUMMINGS: Right. Thank you.

JAMES WIESNER: And when this property is sold, which it will eventually --

ADAM CUMMINGS: It goes to that new property owner.

JAMES WIESNER: He will end up with it.

ADAM CUMMINGS: Who is probably not in the audience here tonight.

MR. BATTISTI: It's not sold. It's currently a model home.

ADAM CUMMINGS: Thank you. That's what I figured.

FRED TROTT: What is the reason why going from 4 to 2 -- I mean going from that -- the previous location to this location?

MR. BATTISTI: There is a grade change on that -- on 2 that would make the sign look kind of awkward because of the -- there is like a little berm there. Um, that's one reason.

The second reason was we never got it built before the actual home was sold. Now he is in the process of selling it and rather than upset his yard and everything else, we thought -- and the third reason is it's more visible from this -- this lot rather than 2.

MR. VALERIO: Have any of the other neighbors expressed any concern?

MR. BATTISTI: No, not at all.

MR. VALERIO: Would you say that this sign fits other developments' signs throughout Chili?

MR. BATTISTI: In Chili, I'm not sure. But we did build -- yes, actually there is a couple. There is one at -- Bellaqua Estates has a similar sign. We built -- we just built two in Queens Park which is our Henrietta subdivision.

ADAM CUMMINGS: Yes. You did Park Place.

MR. BATTISTI: We did Park Place down the street.

JAMES WIESNER: One on Archer, too.

MR. BATTISTI: Very consistent. Chestnut has one.

PAUL WANZENRIED: Vista Villas has one.

ADAM CUMMINGS: Vista Villas is right around the corner of this one. And even in the past history, you have Gateway --

MR. VALERIO: Just want to make sure it is consistent.

ADAM CUMMINGS: They're everywhere.

PAUL WANZENRIED: It's not uncommon.

ADAM CUMMINGS: What is that?

PAUL WANZENRIED: It's not uncommon.

JAMES WIESNER: My concern is always the maintenance, because once they fall down and the developers go away --

ADAM CUMMINGS: Union Station, only because I live there.

JAMES VALERIO: The Chestnut sign looks good. It has been there 30 years.

ERIC STOWE: Don't have the language at hand, but the similar maintenance condition that we impose on 3 Flinton or whatever the prior one was --

ADAM CUMMINGS: Yep.

ERIC STOWE: And a strong recommendation they advise the purchaser, whoever that may be, that the sign maintenance is their obligation in perpetuity.

MR. BATTISTI: We'll do.

ADAM CUMMINGS: Or Paul (Wanzenried) will be visiting for perpetuity.

PAUL WANZENRIED: Wouldn't be the first time.

JAMES WIESNER: Or his son.

PAUL WANZENRIED: The -- the proposed sign, as you show it there, is shifting back. You need to be 15 feet -- you have to get those out of the easement or otherwise you will need easement relief. Okay? So I have in my notes here that the proposed sign will be 15 feet from the property line, which will essentially put it outside of those easements or on Beaver Road.

MR. BATTISTI: So shifting it closer to the house. That -- we could do that.

ADAM CUMMINGS: Paul (Wanzenried), I'm not sure how it is going to avoid all of the easements. That utility easement to RG&E is very wide.

PAUL WANZENRIED: It's the sanitary easement. Well, that and the utility, correct. But my notes I have here is 15 foot from the property line. We must have talked with somebody who dropped this off about that, getting that out of the drainage easement and the Monroe County Water Authority easement. They will still be in a sanitary easement. It will still be in the utility easement. So we'll just need easement releases. So we can work them. Less is easier.

ADAM CUMMINGS: Please do work with them, because in terms of -- this is logistics and not part of today -- I will add my input -- logistics in the drainage easement, we don't want a sign that would be an obstruction. And the sanitary, we don't want it there. The fiberoptic is further south and you could avoid that so it wouldn't be in the way of the utility if you placed it where Paul (Wanzenried) said. Still within easements, but it would not be in the way. With the exception of the sanitary, it would probably still be in the way. Anyway...

JAMES WIESNER: Good way to get rid of it later. Tear it down.

ADAM CUMMINGS: Just a curiosity, so it is going to be perpendicular to the road, instead -- since it's on a corner, putting it at an angle?

MR. BATTISTI: Yes. This way it would be visible from traffic coming from either side.

ADAM CUMMINGS: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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: Condition of approval, you will need a sign permit. That goes without saying and once again, as Counsel said, we would like to have the maintenance -- must be maintained by the applicant or transferred over to current property owners or new property owners and that will go on for perpetuity.

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

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

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

1. Sign permit must be obtained.
2. Maintenance of sign shall be responsibility of owner of the property. Sign shall be maintained in good repair at all times.

The following finding of fact was cited:

1. The requested sign is similar to other signs in the Town. It does not restrict any vehicular or pedestrian line of sight areas.
6. Application of Robert Fallone, 2070 Lyell Avenue, Rochester New York 14606, property owner: Crlyn Acquisitions LLC for variance to erect a single family dwelling to be 38' from front lot line (60' req.) at property located at 2 West Bellaqua Estates Drive in R-1-20 zone.

Robert Fallone was present to represent the application.

MR. FALLONE: Good evening. My name is Robert Fallone, Jr. I'm a member of Crlyn Acquisitions, owner of the property.

Um, I'm here for a 38 foot front setback as opposed to a 60 foot. Due to the configuration of the lot, it's kind of obvious that we need some relief in the front. So it is 60 feet all of the way around and in the rear.

So if do you have any questions, I can answer them. I think we have provided a -- a floor plan.

ADAM CUMMINGS: Yep.

MR. FALLONE: And elevations.

ADAM CUMMINGS: So the floor plan you have listed here is total -- 2,280 square feet, but just the first floor is 1,177 square feet, is what the footprint actually is.

JAMES WIESNER: So what would prevent you from moving it further back on the property to at least reduce --

MR. FALLONE: There is a 60 foot setback in the rear.

JAMES WIESNER: What is that?

MR. FALLONE: There is a 60 foot setback also in the rear.

JAMES WIESNER: It is probably 50 foot off the back. So you could go back some. You wouldn't be -- you wouldn't -- obviously you wouldn't be able to, um, stay within code, but you could minimize --

PAUL WANZENRIED: Jim (Wiesner), that is 60.5 feet off the back property line. That dimension you're reading is 60.5, not 50.

JAMES WIESNER: Yep. I understood that.

ADAM CUMMINGS: So I'm --

JAMES WIESNER: 60.5. You heard 60.5. The rear setback, I think, by code is 50?

PAUL WANZENREID: 60.

JAMES WIESNER: 60. Okay.

PAUL WANZENRIED: He is .5 feet off the setback.

JAMES WIESNER: Either way he needs a variance, whether it is front or back. Okay.

That's all I got.

MARK MERRY: Glad it was you and not me. I have no questions.

ADAM CUMMINGS: I have a clarification question for you, Paul (Wanzenried). If it is

60 feet all of the way around, his garage is only 27 feet.

PAUL WANZENRIED: At some point you have to count a side. A rear or a side. I gave him one rear and one side.

ADAM CUMMINGS: Okay. And what -- what is the setback requirement for the side?

PAUL WANZENRIED: Side is only 10 and 15 feet. Something like that.

ADAM CUMMINGS: Okay. I don't have anything else.

FRED TROTT: This is because you need -- want to put this house on this piece of property?

MR. FALLONE: Correct.

FRED TROTT: So we could fit a smaller house on this piece of property without a variance?

MR. FALLONE: We could try to wait for a smaller house to come. I mean we have a buyer for this house. Actually, the customer -- well, he is in the audience right now. He brought us his plan and wanted this specific lot. And corner lots are hard to, you know -- are hard to sell in the beginning. We have one extra. There is still one more that we're going to have to deal with.

ADAM CUMMINGS: These corner lots are extremely uniquely shaped.

FRED TROTT: I understand that. We have the issues like we have had tonight --

ADAM CUMMINGS: Correct.

FRED TROTT: With other pieces --

ADAM CUMMINGS: That is why I'm glad we have the Building Department here. I'm hoping the future one with the Planning Board, these type of discussions get in with the lot configurations as they get subdivided.

But as we have it here, the only other option I can see is even if you rotated the house, yes, the applicant said earlier you will still have a setback off that rear lot line.

FRED TROTT: What if you angled the house to meet the curve?

ADAM CUMMINGS: If you do that, as soon as you angle that, you're going to break the 60 foot off the side or the rear.

FRED TROTT: I see.

ADAM CUMMINGS: He has already purchased the boundary at 60.5. If you rotate the house any little bit, you will still be within 60 feet off West Bellaqua Estates Drive. So it will be two variances as opposed to one.

PAUL WANZENRIED: This is just one. Where any other configuration will probably lend you to two or more.

ADAM CUMMINGS: Regardless of size of house, in this neighborhood if we went with a smaller house, it would be out of the character of this --

PAUL WANZENRIED: Yeah.

ADAM CUMMINGS: -- neighborhood.

PAUL WANZENRIED: They're all in the same square footage size.

MR. VALERIO: Considering this lot was approved and the characteristics of the house in that neighborhood are similar, there is really no other issues or way to handle it. So no questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: One condition of approval that goes without saying, you will have to get a building permit. Other than that, I don't have anything.

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.

Mark Merry made a motion to approve the application with the following condition, and James Wiesner 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. Due to the irregular configuration of this lot, no other alternatives are available. A smaller house to fit the setback requirements would not match the size and types of houses in the neighborhood.

The Board discussed approving last month's meeting minutes.

ADAM CUMMINGS: Last applicant of last meeting, I meant it in jest of any dilapidation comments about the deck. The deck was in fine shape, but it was in need of repair.

Adam Cummings made a motion to adopt the 5/28/19 Zoning Board meeting minutes, and Mark Merry seconded the motion. The vote on the motion was 4 yes with 1 abstention (James Wiesner).

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 7:56 p.m.