

CHILI ZONING BOARD OF APPEALS
April 27, 2021

A meeting of the Chili Zoning Board of Appeals was held on April 27, 2021 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, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: Eric Stowe, Assistant Counsel for the Town; Paul Wanzenried, Building Department Manger.

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

ADAM CUMMINGS: Signs. Any questions on that?
FRED TROTT: I didn't see one.
ADAM CUMMINGS: I was going to say, Number 5, Taco Bell. I was going to ask Paul (Wanzenried) if a sign was distributed, if it blew away?
We'll ask the applicant, but as far as you're aware, we did hand them a sign?
PAUL WANZENRIED: Yep.
ADAM CUMMINGS: Okay. For Application 5, which was Hospitality Syracuse, Incorporated?
MS. ALBRIGHT: Yes.
ADAM CUMMINGS: Do you know -- it is the white sign with the red lettering. Was this posted facing the road?
MS. ALBRIGHT: Yes.
ADAM CUMMINGS: Could you tell me where that was? Because I didn't see it, but I drive past and there is so much signage --
MS. ALBRIGHT: I don't know. Somebody else picked it up and put it out there for us.
ADAM CUMMINGS: Okay.
FRED TROTT: I didn't see it.
ADAM CUMMINGS: You didn't see --
FRED TROTT: I went a few days.
ADAM CUMMINGS: Did you see it?
JAMES WIESNER: I don't think I did.
ADAM CUMMINGS: I didn't, but I will admit that I didn't pay a whole lot of attention to it. As I said, there is so much signage there and two lanes of traffic I have to pay more attention to.
PAUL WANZENRIED: Where were you looking?
ADAM CUMMINGS: As I'm driving down Chili Ave.
PAUL WANZENRIED: Did you look on the Paul Road side?
FRED TROTT: I looked on the Paul Road side.
MARK MERRY: I drove by twice on each route.
JAMES WIESNER: That's what I was on, was Chili.
FRED TROTT: I went around the Taco Bell.
PHIL SUPERNALT: I walked it. Didn't see it.
MARK MERRY: Phil (Supernault) walked it.
ADAM CUMMINGS: I guess, Assistant Counsel, is this a sticking point? I believe it is our Town Code, ten-day public notice requirement.
MS. ALBRIGHT: Can -- I apologize. I usually get a picture of it and sent someone else out there.
ERIC STOWE: 500-86(5). Applicant shall direct all best efforts to maintain sign for said time period. Failure by applicant to maintain the required sign shall not prejudice the application.
ADAM CUMMINGS: Okay. So I take that to mean we're good to go? Thank you.
ERIC STOWE: I think if the applicant states that it was posted and not maintained, it's not prejudicial to the application.
ADAM CUMMINGS: Thank you.
As opposed to if she said "No, I didn't put the sign up at all. I threw it in the garbage as soon as Paul (Wanzenried) gave it to me."
ERIC STOWE: Correct.
ADAM CUMMINGS: Thank you. So we'll move on to Application Number 1.

1. Application of Christina Van Epps, 13 Morrison Ave, Rochester, New York 14623,

owner; for a variance to erect a structure (porch) 10ft from front yard setback (40 ft. required) and 5'44" from side yard setback (8 ft. required) at property located at 13 Morrison Ave in RAO-20, FPO District.

Christina VanEpps was present to represent the application.

MS. VAN EPPS: Christina Van Epps, 13 Morrison Avenue. Rochester, New York 14623. What else did you want?

ADAM CUMMINGS: If you have anything else to add.

MS. VAN EPPS: No.

ADAM CUMMINGS: It's perfectly fine if you don't.

MS. VAN EPPS: Just a three-season enclosed porch we want to put out. We have an existing deck and ramp there now. We're not going any bigger than that, farther out or -- that's it. Three-season room.

ADAM CUMMINGS: You're replacing a deck with a --

MS. VAN EPPS: A deck and a wheelchair ramp, correct.

FRED TROTT: So you -- I just wanted to confirm, where the ramp is, that's where you're going to be -- you're not exceeding that point?

MS. VAN EPPS: Correct. We're not going any farther out toward the road where the ramp is. We'll put a 10 by 24. We're just going to push the front of the house out a little bit with a three-season porch.

FRED TROTT: That would -- so was the ramp already -- did have that to be approved before?

MS. VAN EPPS: That's been there since we bought the house. We have been there 27 years. I'm assuming it has been approved. I don't know. It has always been there.

PAUL WANZENRIED: Chalk it up to preexisting.

FRED TROTT: Preexisting, nonconforming. Okay. That's all of the questions I have. Good luck.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault made a motion to close the Public Hearing portion of this application, and Fred Trott seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: I will place one condition of approval. You will have to get a building permit with the Building Department, so just continue to work with them. And other than that, I don't have anything else to add.

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

ADAM CUMMINGS: Motion to adopt the application with one condition of approval?

Mark Merry made a motion to approve the application with one condition, and Philip Supernault 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 prior to commencement of construction.

The following findings of fact were cited:

1. There have been no complaints associated with the existing three-season room in the same footprint.
 2. The structure will not impede or hinder any line of sight or safety concerns for the public traveling along Morrison Avenue.
2. Application of Brian Ribbeck, 883 Morgan Road, North Chili, New York 14514, owner; for a variance to erect a structure (shed) 336 sq. ft. (192 sq. ft. allowed) at property located at 883 Morgan Road in AC District.

Brian Ribbeck was present to represent the application.

MR. RIBBECK: Good evening. My name is Brian Ribbeck, 883 Morgan Road, North Chili, New York 14514.

Essentially we just want to replace our old shed with a newer shed, a lot larger. So...

FRED TROTT: There -- you're removing the existing shed that is there?

MR. RIBBECK: Correct.

FRED TROTT: That's all I have.

PHIL SUPERNAULT: It backs up to Black Creek.

Park is on the other side, right?

MR. RIBBECK: Yes.

PHIL SUPERNAULT: No questions other than that.

ADAM CUMMINGS: You mentioned that it butts up to Black Creek on the one side. We have Morgan Road in the front. It is in the AC zone so a lot of the buildings out there are old barns or we do have some properties that did have sheds added onto their property.

So I just want to ask a couple of questions on these because on our application form there are some blanks on here. I just want to answer them while we're here. So in terms of substantial, he is looking for a shed that is going from 192 feet to 336 square feet. But once again, there are neighboring properties that have structures that are very voluminous and also some other accessory structures that are similar in nature.

Would you acknowledge that this is a self-created hardship that you're coming in here for tonight?

MR. RIBBECK: No. I mean -- I don't -- maybe I don't understand the question.

ADAM CUMMINGS: So it -- I would say it's always that. So meaning, you're needing relief from the code because you're trying to put in a bigger shed?

MR. RIBBECK: Yes.

ADAM CUMMINGS: It is your choice, so it is self-created per se.

MR. RIBBECK: Yes.

ADAM CUMMINGS: That's fine. Part of our balancing act that --

MR. RIBBECK: Yes. We need a larger shed.

ADAM CUMMINGS: So you could have put a smaller one in. You have elected to go with a bigger one?

MR. RIBBECK: My wife has a lot of Christmas ornaments.

ADAM CUMMINGS: Keep saving and you might catch up with Supervisor Dunning.

MR. RIBBECK: That's her goal.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

MATT EMENS, 851 Morgan Road

MR. EMENS: Matt Emens. I drove all of the way out, so -- Matt Emens, 851 Morgan Road, North Chili, New York 14514. I just, as a neighbor, wanted to say that I'm, you know, in favor of this and have no issues with it.

ADAM CUMMINGS: Thank you for speaking up --

MATT EMENS: Yep. Thanks.

ADAM CUMMINGS: -- for the neighbor.

Fred Trott made a motion to close the Public Hearing portion of this application, and Philip Supernault seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: Paul (Wanzenried), I'm having a difficult time with my brain right now. Does he need a permit for this? He does -- no. It's a pre-built shed.

PAUL WANZENRIED: Still needs a permit.

ADAM CUMMINGS: All right. Continue working with Paul (Wanzenried) on that 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, and Mark Merry seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt.

James Wiesner made a motion to approve the application with one 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 is required prior to commencement of construction.

The following findings of fact were cited:

1. The requested variance is not significant since there are several, larger structures in the AC District.
2. Similar properties in this area have detached structures like this in the AC District.

3. Additionally, this structure is far away from any neighboring structures on adjacent properties.
3. Application of Jeffrey & Laura Ames, 385 Morgan Road, Scottsville, New York 14546, owner(s); for a variance to erect a structure (pole barn) 10 ft. from side yard setback (50 ft. required) at property located at 385 Morgan Road in AC District.

Jeffrey Ames was present to represent the application.

MR. AMES: Hello. I'm Jeff Ames. I live at 385 Morgan Road in Scottsville, 14546. And yep, just here for a 10 foot variance to do a 40 by 60 pole barn in the side of my yard.

ADAM CUMMINGS: All right.

MARK MERRY: I have no questions other than Number 5, again, back to the self-created question. This was not self-created.

Can you explain that answer in more detail for us?

MR. AMES: I guess after his explanation earlier yes, it is self-created. I do need a structure to put my stuff inside rather than outside.

MARK MERRY: What are you storing in the structure, sir?

MR. AMES: There is an existing gravel pad there I'm trying to utilize for the entrance of the barn. But all of the stuff is parked outside. I would like to put it inside, cleaner, nicer for the neighborhood.

MARK MERRY: So it is for personal use only?

MR. AMES: Yes.

MARK MERRY: Thank you very much.

FRED TROTT: Couple questions regarding all of the existing sheds.

MR. AMES: They're already gone.

FRED TROTT: And then you couldn't get it within the variance?

MR. AMES: So in between the framed canopy and my property line there is 65 feet. So it is a 40 by 60, 40 foot wide. So I can't -- I can't do that.

FRED TROTT: You couldn't put it on the other side or another place on the property?

MR. AMES: I can't put it over the septic system, no.

ADAM CUMMINGS: So your septic --

MR. AMES: My septic system and power line is all on the other side of the yard. That is the only spot. I'm trying to utilize the existing gravel that is there, too, as much as I can without creating or ripping up more yard.

ADAM CUMMINGS: So I think with your question -- it is a 225 foot wide lot, so in order for you to have 50 feet on each side, you would pretty much be moving your place at -- or the former place at and it would be right in there, but that would be encroaching on your septic -- probably your leech lines on your septic?

MR. AMES: Correct.

ADAM CUMMINGS: Good question.

PHIL SUPERNALT: So there is farmland on either side, right?

MR. AMES: Correct.

PHIL SUPERNALT: That's my only question. Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAN BOON, 351 Morgan Road

MR. BOON: Dan Boon, 351 Morgan Road. I own the property on both sides of Jeff (Ames). So I haven't had a problem it. He is not going to encroach. It's just farmland that I use. It's not going to be an issue for me.

ADAM CUMMINGS: Great.

MR. BOON: So I'm good with it. All right?

ADAM CUMMINGS: Thank you for coming in and --

MR. BOON: No problem, guys.

Philip Supernault made a motion to close the Public Hearing portion of this application, and Fred Trott seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: One condition of approval, you will have to get a building permit through the Building Department, so continue to work with them.

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 Philip Supernault seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt the application with one condition of approval?

Mark Merry made a motion to approve the application with one condition, and Philip Supernault

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 prior to commencement of construction.

The following findings of fact were cited:

1. There is no other feasible location to place this structure due to narrowness of lot and location of septic system.
 2. Similar properties in this area have detached structures like this in the AC District.
4. Application of Clint Battista, 2387 Westside Dr., North Chili, New York 14514, owner; for a variance to erect a structure (two-story addition to home) 7 ft. from side yard setback (10 ft. allowed) at property located at 2387 Westside Drive in R-1-15 District.

Clint Battista was present to represent the application.

MR. BATTISTA: Clint Battista, 2387 Westside Drive. As stated on the application, I'm looking to do a rear addition and current code requires 10 foot side setback. Unfortunately, my existing home is only about 7 feet from the property line, so we're looking to match that with the new addition so it is aligned.

ADAM CUMMINGS: All right.

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. The Board unanimously approved the motion.

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

ADAM CUMMINGS: One condition of approval, you will have to get a building permit. And I don't have anything else on that.

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.

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

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

1. Building permit is required prior to commencement of construction.

The following findings of fact were cited:

1. There have been no complaints associated with the existing house that is the same distance from the side lot line and has existed for many years. This new addition will not further encroach on the neighboring property.
5. Application of Hospitality Syracuse, Inc., 290 Elmwood Davis Road, Suite 320, Liverpool, New York 13088, Chili Plaza Properties LLC., 3240 Chili Ave, Suite B-17, Rochester, New York 14624, owner; for a variance to erect a two-sided (4 sq. ft.) 8 sq. ft. total & 60" high (3 sq. ft./per side & 42 ft. high allowed) at property located at 3240 Chili Avenue in GB District.

Stephanie Albright and Michael McCracken were present to represent the application.

MS. ALBRIGHT: Hi. I'm Stephanie Albright with APD Engineering, 615 Fishers Road in Victor and here with me tonight is also Mr. Mike McCracken from Hospitality Syracuse. Pleased to be before you tonight to talk about this directional sign we would like to put out there.

Taco Bell was happy to open up recently. And we have some good business out there despite the restrictions with COVID. So since opening they have decided they would like to add another sign on Paul Road. As you guys are aware with Chili Plaza there, when you're traveling on Paul Road, you can't see the Taco Bell. The existing monument sign on Paul Road is full and there is no more room to add any more tenants to that sign. So what we would like to do is to add that directional sign. You guys should have it in the packet, but it would have the bell and then would have a "drive-thru" with an arrow. It would be a two-sided sign. It would go in the median of that entrance drive, so the existing "enter"/"exit" signs would stay. There's a light pole

in the median and it would be placed behind that.

We feel it would be beneficial specifically to any non-residents that are traveling on Chili Road -- I'm sorry -- on Paul Road. Many of the residents by now probably realize the Taco Bell was there and would either come through the plaza or drive around, but for any of the non-residents, it would be a good way to help tell them that there is a Taco Bell in the plaza.

We feel some of the other plaza owners could potentially benefit by bringing some extra traffic into the plaza that might not otherwise travel through that way if you would continue on Paul Road and then head east on Chili Ave. So we do feel like it would be a benefit for the community.

JAMES WIESNER: One question for Paul (Wanzenried) actually. So this sign is allowed by code. It is just the size and the height. So even if we were to turn it down, there is still going to be a sign there either way.

PAUL WANZENRIED: If they want to make a sign that conforms, yes.

JAMES WIESNER: All I got.

MARK MERRY: I guess one quick question. This is not going to be a lit or illuminated-by-any-means sign, correct?

MS. ALBRIGHT: You do want it internally lit, correct? It will be powered from the light pole.

MR. MCCRACKEN: Hi. Mike McCracken with Hospitality Syracuse. I live at 7444 Meadowbrook Drive in Baldwinsville, New York. There is a power source there.

Mr. Kuskin is -- has said he would be okay with it. It's an LED lit sign. It matches the rest of the signs in the plaza. So it would -- it would be illuminated. It is an LED sign.

MARK MERRY: So when you say it matches the rest of the signs in the plaza, I don't think we have any freestanding signs --

ADAM CUMMINGS: Chili Ave. side?

MS. ALBRIGHT: The new --

MARK MERRY: On Paul Road.

MR. MCCRACKEN: Not on Paul Road.

MARK MERRY: Are there other directional signs on the Paul Road side that match the dimension of the sign you want to put there?

MR. MCCRACKEN: Not on Paul Road, no. Just internal to the -- to the plaza, once you're in the front.

MARK MERRY: So my other question is, why wasn't this thought of prior to this evening?

MR. MCCRACKEN: We missed it, to be honest with you. We completely missed it. You know, we're pretty invisible on that side of Paul Road. We did realize half of the traffic probably heads towards Rochester and we -- and we miss them. You look down Chili and really the trees are in the way and you don't see it. We were just hoping to direct some of the -- that traffic. And some potential customers that might otherwise come in off Chili Ave. where it is busier, we might reroute some of those and get them in the back of the plaza where it is safer. It is probably a better option for them to come that way.

MARK MERRY: Okay. Thank you.

FRED TROTT: Why not go with a sign that would be within code?

MS. ALBRIGHT: This is the Young photo.

It would match the ones that are on the Taco Bell parcel. So not to say that we wouldn't consider something if it's not approved tonight, but this is the proto that Young, which is the -- Taco Bell's brand -- likes to see on all their restaurants now.

FRED TROTT: The other ones on the property, are those conforming? Because they are smaller.

PAUL WANZENRIED: Smaller and -- smaller and shorter in height.

FRED TROTT: So you could do that and it would be conforming with the other ones?

MS. ALBRIGHT: Um, I have -- I think the other ones are the same size. Or maybe it was approved for a little smaller?

ADAM CUMMINGS: So I -- I believe what we're getting at is if you took the pedestal or pole it is sitting on and cut that down, by 18 inches, you could get --

MS. ALBRIGHT: Correct. It could go on a smaller pedestal.

ADAM CUMMINGS: To alleviate that -- not -- at the same time you have snow piling up and things like that, that might encroach. Snowbanks might encroach the sight distance.

MS. ALBRIGHT: I think the line of sight for anyone on Paul Road heading east, you're higher there and then the entry drive does drop down in. So if that sign is already lower and it has to be back behind the light pole -- so I'm not sure, you know, the lower -- the higher is certainly preferred. I did snap this off of Google Earth in case anybody wanted to visualize. But it does kind of slope down a little there.

FRED TROTT: There is not a space on the --

ADAM CUMMINGS: The lighthouse?

FRED TROTT: The lighthouse.

MS. ALBRIGHT: All of the tenant spaces are full on that.

ADAM CUMMINGS: Right.

PHIL SUPERNAULT: What are the impact -- what impacts on -- say traffic is loading up currently out of there -- is that sign placed far enough back so that let's say a person in a low car isn't going to be looking around the sign for traffic?

MS. ALBRIGHT: Yes. It will be back behind that light pole. It is pretty far set back.

You wouldn't be looking at it through the median.

PHIL SUPERNAULT: Is that mandated, Paul (Wanzenried)? Setback for a sign from the road so as not to get in the line of sight of people pulling out?

PAUL WANZENRIED: The most thing you have to do is keep directional signs out of the right-of-way. Which this is far enough back out of the right-of-way.

MS. ALBRIGHT: It is further back than the existing entry sign that is on the side there.

PHIL SUPERNAULT: Okay. No further questions. Thank you.

ADAM CUMMINGS: I will just share that this plaza, when we changed these lighthouses -- because of the amount of tenants -- we weren't sure how many were going to come in over the years, I do remember a discussion about this, which tenant gets the directional signs if they come in. So I will just be open on that as -- if we give it to Taco Bell, you don't actually own that property. The landlord does. So who is not to say we won't get another application and Bill Gray's wants to put it in, and Leaf & Bean wants it put it in. All of a sudden we have two monument signs and --

FRED TROTT: Or if it is already full, the next one that comes in. Because there is space available there.

ADAM CUMMINGS: I just -- it's a great plaza and -- and I think a sign inventory or a master plan might be warranted there.

But on -- the Side Table, is there any issue that we see on this? They're -- they're kind of the first ones to come with this idea. It looks like a -- the landlord is letting them come in as the application here.

Can we restrict any future ones? Is this a first come, first serve type of thing? Or do we just keep hearing variance applications for signs?

ERIC STOWE: You can keep hearing variance applications and then you would need to distinguish between the two.

ADAM CUMMINGS: So we do do denial after denial, after denial or we could do approval after approval after approval?

ERIC STOWE: Or denial -- as long as there is a distinguishing reason.

ADAM CUMMINGS: Right. Each one sits on its own --

MARK MERRY: To clarify that point, though, say they would be denied the variance, but they constructed a sign that was in regulations, could they still put it on the median?

ADAM CUMMINGS: Yes.

MARK MERRY: I'm hearing yes.

ADAM CUMMINGS: Yes.

MARK MERRY: So it doesn't mean the sign, you won't get other tenants --

ADAM CUMMINGS: Well, it gets to the square footage.

MARK MERRY: You might have other tenants that come that stay within --

ADAM CUMMINGS: That's true. It doesn't limit the number of signs.

MARK MERRY: Just throwing that out there. We just --

ADAM CUMMINGS: We just have a height limit how many we can fit -- or how many they can fit, sign on -- you just --

MARK MERRY: As long as it's not in the right-of-way.

ADAM CUMMINGS: As long as it is not 42 inches high.

MARK MERRY: Just a counterpoint.

ADAM CUMMINGS: Now, the other counter to my own argument is I agree, having it on the other side, it is a landmark, so it is nice to let people know it is on the other side.

MS. ALBRIGHT: And this sign would have drive-thru text on there. The enter/exits are there. So as far as other potential future applicants, you know, Taco Bell is a little bit different because we're trying to get the draw to the drive-thru versus just announcing there is a tenant in the plaza.

ADAM CUMMINGS: So I guess that is a big question on -- you have the different options on there. If you put an "enter" on the center and there is an "enter" on the right-hand lane, that could lead to confusion where people think that the median is the right-hand lane, so I would rather not have the "enter" in the median if we already have one on the side and an exit on the other side.

MS. ALBRIGHT: Right. That is why we felt "drive-thru" was a better fit for that sign.

ADAM CUMMINGS: Right. And then in terms of the prototype, we can acknowledge and appreciate prototyping, but it's also not our concern. If you shrink the sign down, you can still keep the aspect ratio, keep the colors the same and still meet the prototype, but just not the one sitting on the shelf. So we could bring the base down, as you're saying, Mark (Merry). They could bring the pole down, meet the height requirement and then for the square footage, shrink the sign down.

FRED TROTT: Well, leave the Taco Bell bell. That explains everything.

ADAM CUMMINGS: And I'm not thorough enough on the new zoning code, but I believe that would be artwork.

PAUL WANZENRIED: Graphics don't count.

ADAM CUMMINGS: Graphics don't count as signage.

So good discussion.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ADAM CUMMINGS: Motion to close?

Fred Trott made a motion to close the Public Hearing portion of this application, and Mark Merry seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: Was any consideration brought in to -- on the size of the sign? What is the speed limit of Paul Road over there?

FRED TROTT: 30.

ADAM CUMMINGS: I was going to ask her.

FRED TROTT: Oh.

ADAM CUMMINGS: See if they did their homework.

MS. ALBRIGHT: I don't know the speed limit there.

ADAM CUMMINGS: You were on Traffic and Safety. You better answer it then.

FRED TROTT: I believe it is 30. Probably 35.

ADAM CUMMINGS: I believe it's 35. So off of that, do you think it would warrant an aspect ratio or a size that is bigger so that it would be recognized or as 35 miles an hour, would people be able to distinguish that sign with its close proximity to the road and would it cause any obstructions for line of sight if it were a bigger requested variance for a sign?

MS. ALBRIGHT: I don't think there is any concerns with line of sight. Kind of like I mentioned where it is positioned in the median and behind the light pole, so I don't have any concerns there. And as far as the sides, I -- like you mentioned, between snow and how it is kind of set down in, I do feel that the taller and larger would be better. But that being said, we're -- we're here to work with you guys and certainly happy to be in the Town, so...

ADAM CUMMINGS: Yep. I would say it is going to be comparable to the "enter" signs that are there. So legibility-wise, that size does seem to work. I have always entered and exited at the right side.

MARK MERRY: Surprising it works.

ADAM CUMMINGS: Now, once you get into the parking lot, that is a different story.

MARK MERRY: Good luck.

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.

ADAM CUMMINGS: Ask for motion to adopt the application?

Fred Trott made a motion to approve the application, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION: Approved by a vote of 3 yes to 2 no (James Wiesner, Fred Trott) with the following findings of fact having been cited:

1. The proposed sign will provide wayfinding instructions for traffic entering the property. The size and height maintain suitable ratios to be viewed and understood for the speed of traffic passing by.
6. Application of 29-31 Jetview Drive LLC, 31 Jetview Drive, Rochester, New York 14624; (James Sydor) owner; for a variance to erect 3 loading berths two (14'x16') and one – (15' x 30') (6 loading berths per size of the building at 14' wide x 60' long required per code) at property located at 39 Jetview Drive in LI District.

Note: The public notice was incorrect. Application is for two loading berths (14'x50') and one loading berth (14' x 30'). Since the corrected dimensions are requesting less relief than was publicly noticed, the application was heard.

Rob Fitzgerald, Jonathan Sydor and Matthew Sydor were present to represent the application.

MR. FITZGERALD: Good evening. Rob Fitzgerald. Fitzgerald Engineering.

We submitted this application to the Planning Board in March and at that point it was brought to our attention that we need to have loading bays on the building, up to six.

My client owns Sydor Optics, which is the parcel to the south. They have one loading bay for the whole large building which is similar size to this. They really don't have any need for loading bays, but since it's a requirement, we did have two in the back that are actually 50 feet by 14 feet and one to the side, on the north side, which is about 28 feet wide by 30 feet deep. That more than suffices their need, but we're trying to get a little closer to the code and the intent -- I think the intent is just so we don't have tractor-trailers parked on Jetview Drive. It does give them a place to get off the street and park. It more than takes care of their need without having six bays across the back that they will never use.

ADAM CUMMINGS: A sea of asphalt.

MR. FITZGERALD: Right now they get two or three box trucks of deliveries a week.

That's it. Not really a lot of tractor-trailer use. A lot of this would be similar use.

ADAM CUMMINGS: Okay.

MR. FITZGERALD: I do have Jonathan and Matthew Sydor with me tonight if there is any questions regarding the business.

I read the application. That is different than what we proposed. We did propose two 14 by 50 feet and one 14 by 30 feet. That is actually what is in our application, which is a little different than what the letter says (indicating). The sign did depict what my application was requesting.

ADAM CUMMINGS: Good question. Yours does say -- two of them, a quantity of two, 14 feet by 50 feet and one quantity of 14 feet by 30 feet, not 13 feet by 30 feet. And definitely not 14 feet -- 14 feet by 16 feet.

ERIC STOWE: The good news is we noticed with a smaller than requested, so you're granting less relief than published.

ADAM CUMMINGS: Yep. So we will honor what your application was and what was not publicly noticed. So we can make note we will be changing our public noticed one. It will be 14 feet by 50 feet and 14 feet by 30 feet.

Once again, the quantities -- it is a reduction from six total berths to three.

MR. FITZGERALD: Correct. If I could point out, too, on the north side of the building you will see there are three man doors that are labeled. Next to them they have three hashed areas that say they could be future overhead doors. What they have is a panel that can be built within the steel structure that -- it could be removed in the future to put an overhead door in it. We could have up to three more if needed, but we don't want a sea of doors unless it is needed. So -- they're --

MR. JONATHAN SYDOR: Can I comment on that? So -- so with us putting up this and doing this project, we're kind of unsure of some of the future of what truly is going to be needed. So that is where -- you can see on the drawing -- we're in the metal building itself -- we're planning on putting the framework for doors. But when we first put the building up, the sheet -- the sheet metal will be closing that off. But if there is the need for us to put in the door, we have the availability, as you will see, to add another six doors to the building.

So I guess really what our variance is, if we could do it later, if need be. I guess we'll have -- if our need of trucks increases, we'll have the availability to easily add in a door to meet that. But as a cost saver and six doors we don't have to buy, six motors, six all of that, in our upfront costs, that is kind of the -- I guess the other reason for the variance.

ADAM CUMMINGS: And correct me if I am wrong, it wouldn't necessarily make -- I guess it would -- on that north side you would still have a big enough area for the berm. Not just the overhead doors, but would you have enough for a loading dock berth.

MR. FITZGERALD: At least 30 feet deep, yes.

ADAM CUMMINGS: Okay. Thank you. And if you needed more, you could reorganize the parking lot and have them angled like you do --

MR. FITZGERALD: Right.

ADAM CUMMINGS: Maybe. I don't think they're necessary. I like that you --

MR. FITZGERALD: Again, we went from zero to adding -- well, maybe we should put a couple in. We'll kind of suffice that back portion of the building. The grade works out that we can get two loading bays back there. Good future planning without just completely willy-nilly throwing in a full six.

ADAM CUMMINGS: Right.

MR. FITZGERALD: But yet still planning a little bit for the future, unknown.

ADAM CUMMINGS: Jim (Wiesner), any questions?

JAMES WIESNER: One for you and one for them. I didn't quite follow there. So the notice has the two 14 by 16 -- or three loading berths 14 by 16. So which is correct?

ADAM CUMMINGS: So there is three total.

JAMES WIESNER: Okay.

ADAM CUMMINGS: They're supposed to have six. So the variance is we're taking it down from six loading berths to three --

JAMES WIESNER: Correct.

ADAM CUMMINGS: -- and loading berths are supposed to be 14 feet by 60 feet long.

JAMES WIESNER: Okay.

ADAM CUMMINGS: They're asking for a reduction of two of those berths to be 50 feet long and one of them to be 30 feet long.

JAMES WIESNER: So the notice is incorrect.

ADAM CUMMINGS: Correct.

But as Counsel pointed out, that was a greater variance request that was publicly noticed, so they're asking for less relief or a smaller variance, so we can consider it. So we're going to modify the public notice to match their application and then we can proceed tonight.

JAMES WIESNER: Okay.

Then second question for you is, so there is kind of a sister facility right next door.

It looks like there is two loading berths over there?

MR. FITZGERALD: There is one on the side. It is about 50 foot. Sometimes they leave a trailer there. Kind of similar to this. If they need to load -- I believe there is one small one on the back, as well.

MR. JONATHAN SYDOR: There is two. Two on the side and one garage door in the back.

JAMES WIESNER: They're both 14 by 50, you said?

MR. MATTHEW SYDOR: The garage door doesn't have one of those runways.

ADAM CUMMINGS: Can you identify yourself and address for the record?

Mr. MATTHEW SYDOR: Sure. Matt Sydor, talking about 39 and 31 Jetview Drive.

The garage door in the back isn't necessarily a loading door in the back. Just a garage door, overhead door.

JAMES WIESNER: So there is really one true -- as it sounds, for a tractor-trailer and maybe one just as a --

MR. JONATHAN SYDOR: There is two. There is two ramped loading docks that are meant for semis and that will hold a full-length truck.

JAMES WIESNER: That has been more than sufficient for what you have done over there?

MR. JONATHAN SYDOR: Yes.

MR. MATTHEW SYDOR: Yes.

MARK MERRY: So my question is for you.

ADAM CUMMINGS: Oh, gees, I guess two of them.

MARK MERRY: You have the other half to deal with, too.

So if they decide later that they want to have one, two or three additional berths --

ADAM CUMMINGS: That gets them closer to code compliance.

MARK MERRY: Right.

But if they come back and it doesn't meet code compliance for the dimension of the berth, do they have to come back in?

ADAM CUMMINGS: Yes. They would have to come back for any additional berths that don't meet 60 feet long.

MARK MERRY: So as a contingency of this approval tonight that they do?

ADAM CUMMINGS: I don't think we need to because the code says it. If they came in with anything narrower than 14 feet or shorter in length than 60 feet.

MARK MERRY: It's automatic. Or Paul (Wanzenried) drops the hammer?

ADAM CUMMINGS: Yep.

MARK MERRY: Okay. Thank you. All set.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

ADAM CUMMINGS: Motion to close?

Fred Trott made a motion to close the Public Hearing portion of this application, and Philip Supernault seconded the motion. The Board unanimously approved the motion.

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

ADAM CUMMINGS: One condition of approval. You will have to get a building permit for this. So continue to work with the Building Department.

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,

JAMES WIESNER: Are we doing SEQR or did Planning?

ADAM CUMMINGS: That's a good question. Did this go to Planning?

ERIC STOWE: It was not a coordinated review.

ADAM CUMMINGS: Okay. Separate.

Philip Supernault seconded the motion. The Board all voted yes on the motion.

Philip Supernault made a motion to approve the application with one 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 prior to construction.

The following findings of fact were cited:

1. A similar facility along Paul Road has similar loading berths, which have provided sufficient berths for many years. Additionally, minimizing the size and quantity of berths minimizes the amount of impervious, asphalt area on the site when it is unnecessary.

ADAM CUMMINGS: Minutes. Any questions on the minutes?

Philip Supernault made a motion to accept and adopt the 3/23/21 Zoning Board of Appeals meeting 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 Philip Supernault seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:46 p.m.