

CHILI ZONING BOARD OF APPEALS
October 26, 2021

A meeting of the Chili Zoning Board of Appeals was held on October 26, 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: Fred Trott, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

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

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: Any issues with the sign on this one? The Board indicated they had no problems with the notification signs.

1. Application of James Hathaway, Trustee, c/o Community Christian Church, owner; 2647 Chili Ave, Rochester New York 14624 for variance to erect a monument sign A)- 6'-0" height (5'-0 allowed); B)- monument sign to be 64 sq. ft. total - 32 sq. ft. per side (32 sq. ft. total, 16 sq. ft. per side allowed); C)- Monument sign to be internally illuminated (external illumination permitted) at property located at 2647 Chili Ave, Rochester, NY 14624.

James Hathaway was present to represent the application.

MR. HATHAWAY: My name is Jim Hathaway. I reside at 468 Westside -- 458 -- 68 Westside Drive in Gates actually. I'm a member of Community Christian Church, 2627 Chili Ave., down by the Wegmans intersection.

The salient points that I think of that immediately come to mind are location. It's a very busy intersection. The sign that we are asking to replace is actually larger than the sign that we're asking to replace it with. It's old. It's outdated.

When the survey was done, a lot of people did not even know -- a significant number of people did not even know we were a church, which was a little disturbing.

So we had to look at what the sign looked like. It was built in the '60s. It looked very stylish for its time, but it looks like an industrial park.

It is externally lit. You have seen pictures of it actually.

ADAM CUMMINGS: Yes.

MR. HATHAWAY: As you know, it's a very busy intersection, so to get -- we need to let people somehow know that we are, in fact, a church. So that is part of the purpose of the sign -- is to let -- to make it clear that we are a church.

We do not want to do it obnoxiously obviously, but we do want to get -- we do want the information available for the people as they -- as they are driving by succinctly and clearly.

This particular model of sign was noticed at a church up in Webster by one of our parishioners and brought it to our attention. We subsequently contacted Skylight Signs and we have been working with them on that.

As you have seen in the picture, it's fairly subdued. It's not a very obnoxious sign and it's a -- it's to go -- it's to replace -- the intent is to replace exactly where the existing one is.

I have talked with -- there was some -- some other agencies that needed to be brought into the picture. Highway Department, DOT -- or the DOT, the Water Division and a couple others. I am working on trying to find out where the waterline actually comes out from the road. We don't have that on any of the prints.

But I do have a schedule from the Dig Safely that are coming out next week to scan the area to find out exactly where the pipes run. It's a much nicer looking sign. Yes, it is internally lit, but it is not obnoxious. And the illumination can be adjusted. We normally turn the lights off anyway. We adjust it for the time of year, but usually -- a little bit after dark is when the lights -- the lights and the steeple all go off. 8:30, 9 o'clock at night.

Our only neighbors -- we have one house to our immediate left. It's currently empty, so there is nobody to talk with there. There is a neighbor across the street, but they wouldn't see it. And then there is -- up the street is those apartment buildings. That's it. So there really wasn't anybody to get comment from in terms of what their thoughts were about it.

So we think we have come up with a nice-looking sign. Yes, it -- it -- it -- it is a little bit larger than -- significantly larger than the code is, but it is replacing a sign that was larger than it before. So that is essentially our argument.

ADAM CUMMINGS: And I would point out it was also taller.

MR. HATHAWAY: Yes.

ADAM CUMMINGS: The current one is listed as 7 1/2 feet tall and you're going to 6 feet.

MR. HATHAWAY: And it is shorter than the original one, right.

JAMES WIESNER: It is going in the same exact spot as the other one?

MR. HATHAWAY: Same exact spot.

JAMES WIESNER: That's all I have.

FRED TROTT: A couple of questions. I'm concerned about the size of it being an internally lit sign. It's awfully large. I'm also concerned it is going to be a changeable sign?

MR. HATHAWAY: No. It's a fixed sign.

FRED TROTT: I do agree that, you know, your sign does -- has weathered the storm. I just don't know if this is what I would like to see -- the Town would like to see in the area.

MR. HATHAWAY: What?

FRED TROTT: Just seems too bright and bold.

MR. HATHAWAY: Okay.

FRED TROTT: I am concerned about -- mainly very concerned about the size of it. We also had -- I'm trying to count the number of colors. Don't we have a limit on colors in the code?

ADAM CUMMINGS: Did that carry over in the code, Eric (Stowe)? We used to have a four-color limit. I don't know if it carried through. I don't know if we changed it with the code revisions.

MR. HATHAWAY: There is white and blue and black and the logos have red.

ADAM CUMMINGS: He is pointing at that rendering, the circle, the rainbow.

FRED TROTT: And the orange.

MR. HATHAWAY: Yes. There is that -- the logo. Yes. The notes were also another color.

ERIC STOWE: Is the rainbow emblem significant in the religion?

MR. HATHAWAY: Yes.

ADAM CUMMINGS: So it is exempt?

ERIC STOWE: Let's be very careful with RLUIPA. If it's a religious significance --

ADAM CUMMINGS: We don't want to prohibit colors or depiction or --

ERIC STOWE: That are significant to the religion.

MR. HATHAWAY: Both the chalice, the red logo is for the Disciples of Christ and the circle one is the United Church of Christ.

ADAM CUMMINGS: The logo to the left, Community Christian Church, is that the logo, your standard one with the dove and music notes?

MR. HATHAWAY: No. That was just an addition to the sign to make it look a little more friendly or something.

ADAM CUMMINGS: I would say those also reflect some religious depictions would that be a --

ERIC STOWE: Yes. I would be very careful.

MR. HATHAWAY: We want to show we're a musical church and the dove is a spirit of God descending, et cetera. That -- representative of that.

ADAM CUMMINGS: So internal illumination.

Did you look at the alternative of having a solid face sign like you do with external illumination?

MR. HATHAWAY: We didn't look at it, no. I suppose we could do the same type with externally, you know -- external lights like we have on it now.

FRED TROTT: I don't have anything further.

ADAM CUMMINGS: Does that address your illumination part? The minimizing of that variance could be a solid face sign, and are you looking to have -- at the same time, it's only going to be lit until -- by your application, would it be turned off at 9 o'clock at night?

MR. HATHAWAY: At the latest, yes. And we -- the sign is dimmable. It is supposed to be dimmable so we can reduce the intensity of it. It is LED lighting. We can reduce the internal intensity on it.

FRED TROTT: I would rather see an externally lit sign.

ADAM CUMMINGS: I do believe we have an internally illuminated one further down at the insurance company? I thought it was insurance. I don't remember what they sell down the street.

JAMES WIESNER: I kind of look at it -- this is on the edge of Chili, almost to Gates and when you get to Gates, this is what you get.

ADAM CUMMINGS: On the other side you have the Fire Department, Russell's and -- and this is really at 204.

JAMES WIESNER: Do I want this in the center of Chili? No. Do they have it in Gates which you're on the border of? Yeah.

ADAM CUMMINGS: True.

FRED TROTT: But the size of it, too.

JAMES WIESNER: I didn't even know this was in Chili, honestly. I thought we were in Gates already.

ADAM CUMMINGS: Anything else, Fred (Trott)?

FRED TROTT: No. Like I said, I -- with it being internally lit, I'm concerned about the size of it. It seems to be awfully large. Even though it is smaller than the existing, it is still substantial.

JAMES WIESNER: The hope would be it not be lit up so much that the whole front yard is lit up. I don't know if we can control it.

ADAM CUMMINGS: He did say it is dimmable. And having it be blue, it won't be the

bright white.

PHILIP SUPERNAULT: When you talked about dimensions or square footage, um, the -- the existing sign, what is the square footage of the sign proper?

MR. HATHAWAY: Um, off the top of my head, I can't -- the sign -- the sign itself is -- I think it's 6 feet by -- I think it's 6 feet by 4 feet or something like that.

PHILIP SUPERNAULT: So 6 by --

MR. HATHAWAY: I don't know off the top of my head. But the -- but the entire thing, the pillars --

ADAM CUMMINGS: And the roof and everything.

MR. HATHAWAY: I think to the outside of the pillars is 8 feet.

ADAM CUMMINGS: And then from edge of the roof peak to edge of roof peak is the 11 feet?

MR. HATHAWAY: Further. Yes.

PHILIP SUPERNAULT: So it could be surmised that that existing sign proffered is smaller than -- or do we have any idea by looking at this?

MR. HATHAWAY: I don't remember the dimensions, but I remember -- I mean off the top of my head, I don't remember what the actual dimensions are, but I do remember figuring out that even that sign does not -- is larger than the 32 square feet. For both sides.

FRED TROTT: But not as big as what they're proposing.

ADAM CUMMINGS: The sign proper is bigger than -- Paul (Wanzenried), did we have an old permit on this one? It is in the '60s, so I doubt it.

PAUL WANZENRIED: (Nodded in the negative.) If you look at the presentation, the note said current 11 foot wide by 7 1/2 feet tall. If you take 11 feet as the width and subtract 2 feet for the pillars, that gives you 7. It could be about 4 foot tall -- feet, right? 7 times 4 is 28. Still above what is required by code. 28 times 2 is 56.

PHILIP SUPERNAULT: That is what I was guessing.

ADAM CUMMINGS: So it is going from 56 to 64. So is it accurate that it -- we're surmising that it is increasing.

PAUL WANZENRIED: Give or take.

ADAM CUMMINGS: Okay. Any other questions?

PHILIP SUPERNAULT: No questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: All right. Now, as we move forward with this one, I'm going to split these up. As I mentioned previously to you, sir, as -- letter A is going to be the height variance. Letter B is going to be the area or square footage and letter C is going to be the illumination, so we will discuss those individually and decide on them individually.

The reason I do that, um -- I'm recommending to do that -- if you would like us to cluster them together, we can, but the reason I like to separate them, if they're clustered together and one gets denied, all of them get denied. As opposed to if we do them individually, if we approve A and C, and deny B, the sign can still go in. You just can't have letter B. Those are just examples. I'm not predetermining what they are or anything.

So on the height one, changing it -- the overall height before was 7 1/2 feet, including the roof. What we're considering is increasing it from the 5 feet, which is permitted to 6 feet on there.

Any issues with that, gentlemen?

FRED TROTT: I don't.

JAMES WIESNER: Yeah.

There is no sign application notice like we had before, too. The hours of illumination and all that sort of stuff.

ADAM CUMMINGS: Yeah. I see the hours of illumination listed. He has got it listed under the -- the ZBA application form response number 3. But yeah.

Did he supply a sign application, Paul (Wanzenried)?

PAUL WANZENRIED: I don't remember.

MR. HATHAWAY: Yes, I did send it. I did send an application to -- because you all got the packets. Everything you got, they got.

ADAM CUMMINGS: We don't have one in our packet.

PAUL WANZENRIED: Permit application?

ADAM CUMMINGS: We have an area variance application. I have got the Building Inspector denial and then I have his pictures. Then I got the site plan layout.

PAUL WANZENRIED: So what are you looking for? The permit application.

JAMES WIESNER: We always got the separate page with the application for sign variance that had the hours of illumination.

PAUL WANZENRIED: I know what you're talking about.

ADAM CUMMINGS: In terms of the site one, I think we're good.

JAMES WIESNER: Would it impact the third one?

ADAM CUMMINGS: And once again, it is listed in here as one of the ones and he has mentioned a couple, so we'll just mark it down that way.

But in terms of the height, the 6 feet, the only thing I would like to point out is as we move to B, as -- if the sign does get reduced, meaning if we do talk about reducing down, the variance for the square footage on it, that would reduce the height. But I think holding it to a 6 foot height is still reasonable. So we'll move forward with that.

So letter B is the square footage. So we're talking about the dimensions that you have proposed. 8 feet wide by 6 feet tall.

Any issues with that?

JAMES WIESNER: 8 feet by -- you're saying C or B?

ADAM CUMMINGS: No. I was reading it off this one sheet. So sorry. It is 8 feet by 4 feet. 8 feet by 4 feet. I was reading off of the handwritten, where it has note of current and new. He is talking about the overall dimensions on the sign. So the sign proper is 8 feet by 4 feet.

JAMES WIESNER: Okay.

MR. HATHAWAY: And 2 foot skirt on it.

ADAM CUMMINGS: Correct. Then a 2 foot skirt or base on it to raise it up.

FRED TROTT: So we're talking about 50 D or C? Area of signage?

ADAM CUMMINGS: Yes. Any issues with that?

FRED TROTT: No.

ADAM CUMMINGS: I'm also good with that. The aspect ratio and the distance off the road and similar size -- I think we just deduced that it might have been a 7 foot by 4 foot sign, but the lettering seems to be similar and actually I -- for a good 30 years, I've been driving past that or -- or riding some of it and driving the rest of it -- those are smaller letters. So it looks like these will be larger letters, which will be easier to recognize for driver's and way-finding purposes.

MR. HATHAWAY: Correct.

ADAM CUMMINGS: So we don't have anything else there.

So C, for the internal illumination. Jim (Wiesner) made some good points. That is more of a "Gatesy" area. Not to pick on the Town of Gates. But it is definitely dissimilar from ours -- our Chili Center.

JAMES WIESNER: Different vibe.

ADAM CUMMINGS: Different vibe. Right. More Wegmans Market Square.

Fred (Trott), I know you have issues with internal illumination.

FRED TROTT: Yes, I do.

ADAM CUMMINGS: I would say this --

FRED TROTT: I don't think it is necessary. It's not a changeable sign. It can be easily externally lit and look tasteful. And I mean he even said they didn't look into that to consider it.

ADAM CUMMINGS: So would you be willing to look into that? We're pretty much -- if it went this vote, you could have the same sign, just not internal illumination. The same depiction. It would just be a different mode of construction.

MR. HATHAWAY: Sure.

ADAM CUMMINGS: The electrical would still go onto there.

MR. HATHAWAY: Yes.

ADAM CUMMINGS: Anything else?

Okay. So I will go ahead and declare SEQR.

One thing. You will need a condition of approval. You will have to have a sign permit for this. You already applied for that and it had been denied so that is why you were brought here. So just keep working with Paul (Wanzenried) at the Building Department to get that.

MR. HATHAWAY: I need a new sign permit?

ADAM CUMMINGS: No. You will -- already had the application and everything. Paul (Wanzenried) will finish the process.

MR. HATHAWAY: Oh, okay.

ADAM CUMMINGS: You can't get a permit for a sign because you need variances for it, so therefore, it has been delayed or halted.

MR. HATHAWAY: Okay.

ADAM CUMMINGS: It has been denied or halted until you get variances here. Once the Board grants variances, then that permit process can recommence.

MR. HATHAWAY: Okay. Okay. The main change is you want it to be externally lit then?

ADAM CUMMINGS: That is one consideration once we get to letter C. So we'll see where that one goes.

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

ADAM CUMMINGS: Now once again, we'll go onto the individual sections of the application.

So I will move to the variance application A, the height, 6'0" height request.

Ask for motion to adopt this application with one condition of approval?

James Wiesner made a motion to approve Application 1A with one condition, and Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 1A: Unanimously approved by a vote of 4 yes with the following condition:

1. Sign permit must be obtained.

The following finding of fact was cited:

1. Height of sign is reasonable and necessary to maintain visibility from the roadway due to topography of the site.

ADAM CUMMINGS: Letter B, monument sign to be 64 square feet -- sorry. 64 square feet total at -- I had 56 stuck in my head. This is the area variance one, letter B.

I ask for a motion to adopt this application with that one condition of approval. Still a sign permit.

Phillip Supernault made a motion to approve Application 1B with one condition, and James Wiesner seconded the motion. The vote on the motion was 3 yes to 1 no (Phillip Supernault).

DECISION ON APPLICATION 1B: Approved by a vote of 3 yes to 1 no (Phillip Supernault) with the following condition:

1. Sign permit must be obtained.

The following finding of fact was cited:

1. Size of sign is comparable to the existing sign that is being replaced and resided in this location for more than 40 years.

ADAM CUMMINGS: Now the third one is the illumination. I will ask for a motion to adopt this application with that one condition of approval.

Phillip Supernault made a motion to approve the application with one condition, and Fred Trott seconded the motion. Approved by a vote of 3 yes to 1 no (Fred Trott).

DECISION ON APPLICATION 1C: Approved by a vote of 3 yes to 1 no (Fred Trott) with the following condition:

1. Sign permit must be obtained.

The following findings of fact were cited:

1. Internally illuminated sign is similar to the neighboring properties in the Town of Gates.
2. The sign will be turned off by 9:30 p.m. daily.

Phillip Supernault made a motion to accept and adopt the 9/28/21 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 Fred Trott seconded the motion. All Board members were in favor of the motion.

The meeting was adjourned at 7:26 p.m.