

CHILI ZONING BOARD OF APPEALS
December 21, 2021

A meeting of the Chili Zoning Board of Appeals was held on December 21, 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, 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: One change just for courtesy for the two applicants -- because 2 and 3 are likely to take longer than the other ones and are the same applicant, I would like to compress that towards -- and move it to the end. So I will be moving Applications 4 and 5 right after Number 1. So I am contradicting the earlier statement I made.

Moving on, any issues with signs?

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

1. Application of Jeff and Kathy Dillon, 27 Cassandra Circle, Churchville, New York 14428, owner; for a variance of an existing garage to be A.) 51' from front setback (60' req.) B.) 5' from principal building (8' req.) C.) Accessory building in front yard (not permitted) at property located at 27 Cassandra Circle in R-1-20 District.

ADAM CUMMINGS: Counsel has advised me he will be recusing himself.

ERIC STOWE: That's correct, due to an active conflict with our office.

Kathy Dillon was present to represent the application.

MS. DILLON: Hi. My name is Kathy Dillon from 27 Casandra Circle, Churchville 14428.

ADAM CUMMINGS: Anything else to add beyond that?

MS. DILLON: No.

ADAM CUMMINGS: On that, it's pretty self-explanatory. We have the accessory structure on there.

Any questions?

MS. DILLON: We didn't realize it didn't meet code. We want to make sure we correct it.

ADAM CUMMINGS: Right. So to be clear, it is existing. They did come on their own accord. There was not any inspections or anything.

Correct, Paul (Wanzenried)?

PAUL WANZENRIED: That's correct.

JAMES WIESNER: Not a result like the sale of the house?

ADAM CUMMINGS: Not a sale of the house or a complaint or any of those types.

JAMES WIESNER: That's all I have.

FRED TROTT: Did you have the house built?

MS. DILLON: Yes, sir.

FRED TROTT: Now, from what I -- what I see, I see you have like a three-car garage?

MS. DILLON: Yes, sir.

FRED TROTT: That third garage, is that attached?

MS. DILLON: No. The fourth garage.

ADAM CUMMINGS: The fourth --

FRED TROTT: The third garage or the second garage door, is that one attached to the house?

MS. DILLON: We have a two-car garage and a single-car garage attached to the house. This variance is for the garage next to that, to the right of the house.

FRED TROTT: Were they all built when the house was built?

MS. DILLON: The extra garage was built a year or two after we built the house. Built by the same builder.

FRED TROTT: Same builder. You didn't say anything about getting a permit.

MS. DILLON: We thought it was taken care of. We have a house with an in-law. My father took care of it because it was a garage for my mom's car. My husband and I didn't have anything to do with it. My parents are in senior housing now. So we didn't realize that it wasn't up -- didn't meet code. We didn't know that. It has been there about 18 years.

FRED TROTT: House has been there that long?

MS. DILLON: 20 -- it will be 20 April 1st.

ADAM CUMMINGS: It is a very unique lot --

FRED TROTT: Yes.

ADAM CUMMINGS: -- with it being a flag lot. A lot of times it is not viewed as being a front setback just because of the lack of orientation. Because once again, there are lots up in front of them, but it is still a front lot line.

FRED TROTT: Okay. No further questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: This is existing -- Paul (Wanzenried), do you want a condition to be a building permit must be obtained?

PAUL WANZENRIED: Yes.

ADAM CUMMINGS: Yes. So shall be -- there will be one condition of approval that a building permit must be obtained from the Building Department.

FRED TROTT: I have another question.

With combination of square footage, are we exceeding that?

PAUL WANZENREID: No.

ADAM CUMMINGS: No. Good question.

That was checked out previously, correct, Paul (Wanzenried)?

PAUL WANZENRIED: Yes, sir.

ADAM CUMMINGS: Okay. Good question. All right.

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

James Wiesner 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 approved by a vote of 4 yes with the following condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. The building has existed in this location for many years.
2. There have been no complaints by neighboring residents.
3. The unique lot configuration does not allow for another reasonable location.
4. Application of Chili Plaza Properties LLC., 349 West Commercial Street, 3300, East. Rochester, New York 14445 owner; for a variance of a lot depth to be 118.88' (250' req.) at property located at 3240 Chili Ave in GB District.

Stephanie Albright and Sean McCabe were present to represent the application.

MS. ALBRIGHT: Hi. Stephanie Albright with APD Engineering at 615 Fishers Run and I also have Sean McCabe here.

MR. MCCABE: Good evening. Sean McCabe with Harris Beach, 99 Garnsey Road in Pittsford.

MS. ALBRIGHT: We have the application in to talk -- to subdivide the Taco Bell parcel out from the remaining Chili Plaza Properties. We went to the Planning Board meeting last week for that and there was a few kind of questions and comments so we did table it at that meeting and it will be back in front of them in January.

One of the questions that came up there was in regards to the 250 foot parking requirement for all of the tenants in the plaza and I did go over that with Paul (Wanzenried) today and we're on the same page that there is no issues. We do still meet the parking requirement for the plaza as a whole when we remove the Taco Bell parking lot. So we don't have any concerns there.

We'll be working through some easement coordination between Harris Beach and the Town Counsel to get the property easement agreements before it is finalized and I think that should address everything that came up at the Planning Board meeting last week.

So like you mentioned, we're looking for approximately 119 foot lot depth and due to

being in the plaza, we have cross access, so we don't need a separate entrance. So it just makes it easier to develop on a smaller lot than if it was obviously a freestanding lot.

ADAM CUMMINGS: Obviously the landlord of the plaza doesn't want to give up more just for sake of meeting the code.

MS. ALBRIGHT: Yes. Correct. We would get into bigger parking issues. We would take away the parking in front of Subway and Auto Zone if we tried another lot configuration.

One of the Town Engineer questions that was brought up was the western lot line, because there is a small portion of Taco Bell pavement that is kind of over the lot line. But if we move it, then that lot line would go through that monument sign that was relocated with that. So we just will leave that where it is and that will be included in the easement agreement between the seller and buyer.

ADAM CUMMINGS: Okay. And to be clear, you're -- you're not referring to the two easements that are in place for utilities, one being -- actually both being -- one is a storm sewer with easement and a sanitary sewer easement. You're referring to easements between the plaza owner and Taco Bell?

MS. ALBRIGHT: Correct.

ADAM CUMMINGS: Thank you.

JAMES WIESNER: This 118, 119 feet kind of goes to the back triangle perpendicular to the road?

MS. ALBRIGHT: So that distance is the western line.

JAMES WIESNER: The shortest point.

MS. ALBRIGHT: And over on the far side it is 22. Then if you took --

JAMES WIESNER: Just that one side?

MS. ALBRIGHT: Yep.

JAMES WIESNER: And the previous variances, they go with the property. Off the street and all of that; is that true?

ADAM CUMMINGS: Yes. I believe so, yeah. With the subdivision.

JAMES WIESNER: That's not part of it then. Because that's what we heard before.

ADAM CUMMINGS: You're saying in terms of the front setback of off Chili Avenue?

MS. ALBRIGHT: So the Taco Bell obtained a front setback variance for --

JAMES WIESNER: I thought there was a previous variance.

ADAM CUMMINGS: They came -- the Taco Bell came in under the big plaza and we granted front setback to allow that to be up front and that was our first parcel following the Comprehensive Plan.

JAMES WIESNER: This goes with the new property?

ADAM CUMMINGS: It would follow with the property.

Correct, Counsel?

ERIC STOWE: My recollection is that that was a front setback variance specific to the Taco Bell construction. It was how it was phrased. But I don't have the Board action right in front of me. That -- but that is what my memory of it was. It specifically referenced that building.

JAMES WIESNER: That would go with the property then?

ERIC STOWE: Well, it is marked to go to with that one. How internally it is moved in the software to show it -- but legally I wouldn't say we're making them come back for another variance for a front setback when they already got one.

JAMES WIESNER: Right.

ERIC STOWE: And even then, they would be potentially a pre-existing, nonconforming type of thing when we create a new lot.

JAMES WIESNER: Okay.

MARK MERRY: Good question. I'm all set.

FRED TROTT: Just a couple of questions. Why didn't you do this when you first came for the Taco Bell?

MS. ALBRIGHT: At the time, the owner wasn't entertaining that option. So they went into a lease agreement and then since then, they renegotiated.

FRED TROTT: What about does this affect the sign on the Paul Road side?

MS. ALBRIGHT: The new directional sign there? That will need to be a part of the easement agreement -- between the two property owners.

FRED TROTT: Okay. That's all I have.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Mark Merry 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 don't have any conditions of approval for this one.

ERIC STOWE: Adam (Cummings), just with respect to SEQR, we're not doing a coordinated review. So I'm just -- no lead agency designation.

ADAM CUMMINGS: Understood.

Adam Cummings made a motion that 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.

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 4 yes with no conditions, and the following findings of fact were cited:

1. Due to the large size of the entire parcel, the undersized lot will not have an adverse impact on the neighboring parking areas or parcels.
2. The size of the lot is adequate for the use that is currently found on this lot.
5. Application of Rochester Cornerstone Group, 460 White Spruce Blvd., Rochester, New York 14623, Hubbard Spring Housing Development Fund Company, Inc., 150 French Road, Rochester, New York 14618 owner; for a variance of a second freestanding sign (one permitted) at property located at 165 Union Square Blvd. in PRD District.

PAUL WANZENRIED: Mr. Chairman, at this time I do not see the applicant in the audience.

ADAM CUMMINGS: Well, they had their chance to go first, so now we will bump them to the back of the meeting. So we'll jump to Application Number 2.

2. Application of Site Enhancement Service (Rep: J. Charley Schalliol), 6001 Nimtz Parkway, South Bend, IN 46628, Speedway LLC (John Leopard) 539 South Main Street, Findlay, OH 45840, owner; for Speedway LLC, 3152 Chili Avenue, Rochester, NY 14624, proposed variance(s) of:
 - A. Number of Monument Signs- 6 fuel dispensaries, 2 vacuums, 1 air pump, 1 car wash, 1 firewood, total of 11 on-site (1 allowed).
 - B. Height of Monument Signs- fuel dispensaries 102", air pump 69" and car wash/vacuum 72" (60" allowed).
 - C. Area of Monument Sign- fuel dispensaries 34 sq. ft. per side total 68 sq. ft. (2 sides/pump) (16 sq. ft. per side/ 32 sq. ft. total allowed).
 - D. Number of Wall signs (Car Wash) - 4 car wash instruction, menu, entry signs (2 wall signs allowed per building/suite).
 - E. Area of Wall(car wash) Signs- car wash information 17 sq. ft., car wash menu 18.25 sq. ft. (second sign ½ sq. ft. of the first (16 sq. ft.) 8 sq. allowed).
 - F. Directional Sign Size (car wash directional)- 3.2 sq. ft. (proposed) (3 sq. ft. allowed).
 - G. Height of Directional Sign-Dunkin Donuts 54", car wash 46.5" (42" allowed). at property located at 3152 Chili Avenue in GB District.

Charlie Schalliol was present to represent the application.

MR. SCHALLIOL: Good evening. My name is Charlie Schalliol with Site Enhancement Services, 6001 Nimtz Parkway, South Bend, Indiana.

First of all, thank you for allowing us or I guess myself to come before you this evening. Here today to basically hopefully clean up a couple things. And the reason I say that is, we started this process a while ago in trying to get the digital pricing units approved and permitted on-site so that we could better, I guess, connect with the client base and inform them of our goods and services.

And in working with staff, it's come to our attention that there are a couple different issues we need to address. And -- and that's why we're here. I do have -- I'm not sure what artwork you have. You probably have the exact same thing I have printed out. I have an 11 by 17. Would that be easier for anybody? Up to you.

ADAM CUMMINGS: Anybody here want a bigger version?

FRED TROTT: Sure.

MARK MERRY: That would help. Thank you.

ADAM CUMMINGS: I might as well just to add it to the project folder.

MR. SCHALLIOL: You bet.

ADAM CUMMINGS: Paul (Wanzenried), make sure I give this to you before I leave.

MR. SCHALLIOL: I'll give him a copy.

ADAM CUMMINGS: Just to make sure Kathryn (Rogers) had it for the project folder.

PAUL WANZENRIED: Thank you.

MR. SCHALLIOL: This is Chili right now. I have one for the other one when we get to that. So -- and I guess if we just want to walk through this package, that may be the easiest way to go about it. On page 2 of 16, which is the overall aerial that shows the -- we're talking about, located right there at the intersection, actually just down the road, on page 3 of 16, there is a -- there is a couple different shots up and down the street of the property itself.

On page 4 it shows all of the individual elements that we will be discussing this evening. B1 is the fuel pumps. B3 and the B2s are air pumps and some of the other free-standing signs we need. D2 and 3 are the wall signs and the freestanding sign as shown as A in green and anything in orange is the wall signs.

The first signs we come to is page 5 of 16. Number of monument signs on the property, just the way code reads, are fuel pumps -- which we have six at this location -- are all considered monument signs because of their size. As well as the vacuums that we have at the site that are just adjacent to the car wash. We have the air pump, as well, that is also considered a monument sign.

Then the Speedy Wash machine, this -- I guess the interaction machine right in front of the car wash on the back of the property is also considered a monument sign as well as the firewood stand that is just directly on the sidewalk.

Vast majority of these signs are considered for -- are intended for on-purpose use. They're not illuminated. They're not looking for any external-to-the-property notification to motorists passing by. It is merely for on-premises identification, on-premises convenience such as the firewood, the vacuum and the air pump.

The "Speedway" just identifies the pumps so you know what facility you're at. And again, as you can see, it -- up and down Chili Ave. with other fuel stations, it is something they all do. Whether it's Speedway, BP, Citgo, you name it. It's a way to break up the monotony of the fuel pump, because it's not necessarily an attractive feature. But a way to break up the monotony of the element itself.

Next page we're showing the height, because we have a height issue for the pumps, the air machine and the car wash action -- or activator.

And then on the next page, we are showing the square footage of the Speedway pumps themselves. And again, the whole thing that triggered this, we're switching out from the manual to the digital price displays on top of the machine. But again, as this came to our attention, we're -- we're here before you to hopefully clean this up.

On the next page, we're showing two directional signs. One for the Dunkin' Donuts, one for the car wash again. The car wash sign is located towards the back of the property. If you have been to this facility, the car wash is kind of off by itself. You have to kind of go down the little side road this car wash is on and it leads you to the back of the property to lead into the car wash which then comes back towards the road -- the roadway.

The drive-thru's directional sign -- and again, being there, the traffic on this property is a little interesting, because as you know, with -- with a fuel station, there is a lot of different paths that people take, whether they're cutting through the property, whether they're visiting the property, whether they're stopping at the convenience store aspect of it, whether they're going to the car wash, whether they're going to the vacuum. It's important to keep all of the people moving in the different directions. That's why that Dunkin' Donuts drive-thru's sign is definitely an important feature at this property.

Then moving along, is the -- the actual square footage of the car wash sign. You're allowed 3 square feet. Sign is 3.2 square feet. So again, just slightly -- just slightly bigger.

The window graphics -- there were an exorbitant amount of window graphics previously. They have been removed or moved then to the second surface which is then not prohibited by code.

Wall signs shown here on the right, which would be D2 and D3, are associated with the car wash. These are on the back of the building, don't face the roadway and as you can see, it outlines critical information for the people that are utilizing that service. Whether it be the directions, whether it be the dos and don'ts of riding your vehicle through the car wash and having it happen successfully. But again, no off-promises identification.

In the back of the package we just have a couple photos of other stations in the area. Again, this is a unique application seeing the fact that it is -- this property has been there for years. I'm not saying that the way it was done -- again, it wasn't me -- but I'm not saying the way it was done originally was the correct way, but we're here to hopefully clean this up. There have been some improvements made to the property from when we first started. I know that some of the temporary signs that had been placed out just along the property lines, we -- we have talked to the people that run the properties. Those have been removed. Again, some of the window graphics have been removed.

This application is -- so to come before you and -- and work with you to get this closer into compliance and -- and have it be something that, as citizens and hopefully patrons, you can be proud of being in your community.

ADAM CUMMINGS: All right. I will be honest, these gas stations kind of spit in the face of our Comprehensive Plan that was adopted, trying to control or aimed to control sign pollution, visual pollution and the like. And this has always been one of those candidate sites to that end.

I think you would agree that -- that it is -- we're trying to find a balance between the two. Nothing is bland.

And on the other part, we do want to be instructive. And especially safety-wise, letting people know firewood -- it's not as high on priority, but directional of letting people know that

there is an air compressor or vacuum, I would agree, that is nice directional information to let people know that it is there.

Jim (Wiesner), any questions first? Let me just be clear, we're going to go in order. So letter A -- the packet does a good job of going in order of how we are, so letter A, let's start with the monument signs.

JAMES WIESNER: So --

ADAM CUMMINGS: So we're discussing a number of them. One is allowed. And -- and as was stated, there -- there are 12 on there right now. That includes the freestanding sign that is right at the corner, which would be the northeast corner of Chili Avenue and Chili Coldwater. The -- the vacuum unit has two -- or there are two vacuum units, so each of them have a sign on them. The car wash unit has one.

The firewood sign, which to be clear, is just the sign, not the whole cage or -- or stacking frame on those monument signs.

But, Jim (Wiesner), any questions?

JAMES WIESNER: I have a couple of issues and I'm not quite sure by hearing you -- how we want to address them.

ADAM CUMMINGS: I'm trying to keep it -- I'm trying to keep it concise, but I understand your concern on this.

JAMES WIESNER: So I mean I can -- you -- can you tell me -- you only want me to speak to --

ADAM CUMMINGS: Let's just ask the questions and we'll see how they divvy up.

JAMES WIESNER: How it goes.

So two issues that I have is when signs kind of morph into advertising and that's a big concern to me. So one -- so there are two areas where I definitely see that. So they -- so we're calling the gas pump --

ADAM CUMMINGS: Call it B1.

JAMES WIESNER: So B1, we're calling them a monument sign. So we're considering that whole area.

ADAM CUMMINGS: Yes.

JAMES WIESNER: Which the problem with that is, between the top of the pumps and say the Speedway hood on top, you see a lot of advertising in that area.

ADAM CUMMINGS: Yes. And it's a combination. You got the -- as they said, they're trying to go to digital display, the pricing, which is a State -- or federal mandate. At least the State. But then above it the \$10 off any 3, that would be the advertising.

JAMES WIESNER: So my preference would be we just count the area where the actual logos and the signs is and the rest of it not be -- I don't want to see anything in that area. I don't consider that part of the sign, because they can fill that whole area up with advertising. And quite honestly, they have littered the outside of it with advertising. At least one or two of them.

ADAM CUMMINGS: So the description you're saying between the pumps? So you're saying from above the pump up to the top of the sign?

JAMES WIESNER: Yes. To the -- to the bottom of the Speedway. Basically you can see the 10 percent off.

ADAM CUMMINGS: Yep.

JAMES WIESNER: And I mean that's just advertising. There is no value to the public in that area.

ADAM CUMMINGS: Well --

JAMES WIESNER: It's --

ADAM CUMMINGS: The dollar signs would be the 3.29. Those would be -- they have to be there.

JAMES WIESNER: That's fine. But that area between that -- above that and Speedway is just advertising. That is not signs in my opinion. So that's one issue I have, is how -- how we limit that and not allow that to happen.

ADAM CUMMINGS: Okay.

JAMES WIESNER: And the second part of that is, the window signs for D1 -- I take it, those are the ones that are plastered in the windows?

MR. SCHALLIOL: Let me get to the page, but I believe you're correct.

JAMES WIESNER: It says window graphics have been removed. I'm not sure what that means. But window signs again is not signage. That is advertising. So to me that is not something that I would consider consistent with signage that would --

ADAM CUMMINGS: Would be prohibited. It's still a sign, but it's prohibited.

JAMES WIESNER: It's all part of this big package. The question is how do you sift that out without turning the whole thing down. That's where I'm going, is to try -- those are two things I want to see --

ADAM CUMMINGS: If the graphics are behind the windows, meaning posters behind the window, they're allowed.

MR. SCHALLIOL: That was the note on the page, the ones that were external -- when the entire application had started, had been pulled back.

JAMES WIESNER: So...

MR. SCHALLIOL: So the ones that are shown in the package are second surface, which means inside the glass, which are not, I guess --

ADAM CUMMINGS: They're allowed.

MR. SCHALLIOL: -- not applicable or not --

ADAM CUMMINGS: They're not part of our decision.

JAMES WIESNER: So we can't --

ADAM CUMMINGS: No.

JAMES WIESNER: But we can say no external advertising then.

ADAM CUMMINGS: We can't say advertising. We're just doing signs. They can put whatever content --

JAMES WIESNER: I'm trying to prevent the morphing of signs into advertising.

ADAM CUMMINGS: Which is why we're trying to minimize the signage.

ERIC STOWE: We need to be careful. If we look at what is on the sign, then we're in trouble, right? The size, location, not content.

ADAM CUMMINGS: Size, location and quantity.

ERIC STOWE: And quantity, yes.

JAMES WIESNER: So basically it comes -- if I don't think that is consistent with the neighborhood, then the whole things gets turned down, which is pretty drastic.

ADAM CUMMINGS: Yes.

MR. SCHALLIOL: At the same time, in seeing these units and understanding -- I guess in driving -- in driving through the community and -- and looking at the -- the pumps, I would say that the little header piece you're talking about that is above the State of New York mandated, you know, pricing displays, to your point, is -- it's on-premise point-of-purchase advertising. If that is something that -- in order to clean up the look of the pump, that needs to go away, I don't think that would be an issue. Again, to clean up the look of it and to -- and to, I guess, move the -- move the needle closer to the intent of the ordinance.

JAMES WIESNER: I mean that is my concern. Signage that is morphing into advertising.

ADAM CUMMINGS: Sure. Because once again, Speedway -- to be clear, we can't -- we really can't talk about advertising. We can just limit how much signage they got approved for. But we can start helping to keep the advertising down by limiting how many, how big and the location of where they're putting it. So, for instance, the monument sign for Speedway, you got a monument sign at the road. Then you have -- each gas pump has "Speedway" and the wall sign says "Speedway." By the time people get to that intersection, they know they're at Speedway. Fair point?

And then when they're at it, they can see "Speedway" and the "S." This is what we're trying to control, which -- we understand that they're prototype gas pumps. More efficient for the corporations to buy the same, distribute it out to all their franchises and their stores.

JAMES WIESNER: What I'm saying is why can't we control the amount of signage --

ADAM CUMMINGS: We can.

JAMES WIESNER: -- by saying you get the little "Speedway" at the bottom of the pump. You get the bigger "Speedway" at the bottom of the pump, the logo, and then you get the little part at the top that has the Speedway letters on it and limit that to the area of the signs.

ADAM CUMMINGS: We can limit that in terms of square footage calculation and the location.

JAMES WIESNER: I guess that's where I'm going as far as the monument sign relative to the pump.

FRED TROTT: That's what we did over at Scottsville Road.

ADAM CUMMINGS: That's what we did for Fastrac and that's also what we did at Byrne Dairy.

JAMES WIESNER: So the sign is not that entire surface area that you look at at the pump. It's a little bit at the top and a little more at the bottom.

ADAM CUMMINGS: Exactly. Or just the top, or just the bottom.

JAMES WIESNER: I think if you look at Kwik Fill -- I'm assuming they're within code -- if they have just the logo at the top.

ADAM CUMMINGS: They have the top and bottom.

JAMES WIESNER: And nothing in between. I was looking at all those. There is no signage between the pump itself, above the pump itself.

ADAM CUMMINGS: Correct.

JAMES WIESNER: Other than the logo on top.

ADAM CUMMINGS: The iteration how Kwik Fill's came -- the Kwik Fill's came about the same time, too. One has a canopy and one had a canopy. They also came in with a few different prototypes. One we approved them to just have the logo at the bottom, which was just an artwork. They didn't even get to say "Kwik Fill" on it and then the one after that on your application package, the one that is at 3255, that one had a different prototype that mimics what Speedway has, where it is the name, the logo at the top and the bottom, but nothing in between other than -- as Jim (Wiesner) is saying, the State mandated pricing signs.

MR. SCHALLIOL: Sure.

ADAM CUMMINGS: That's the prototype that -- not to call it "precedent," but that's the precedent that we have established here tonight.

MR. SCHALLIOL: If that is something the Board would like to see, with us just maintaining the header and -- and the visual piece at the bottom, again I think that is a reasonable compromise on our end.

ADAM CUMMINGS: Once again, to point out Sunoco, they have the small one at the lower base on the gas pump. The rest of it is their decorative artwork. Byrne Dairy has it down at the base. From what I remember. I already skipped through it.

This is it on page 12. Just to zoom in, once again, they have the top and the base -- we'll be

talking to them about the rest of it because truth be told on this one, we have to speak with Byrne Dairy on that. We did approve a bland one for them. They have since come in with new pumps and we're going to tend to that, of course, later.

That really does cover A and C.

JAMES WIESNER: That covers that one. I'm content that that has been discussed. I guess I'm not clear on the window signs then that are on for D1. Why is that being proposed if that is within code?

MR. SCHALLIOL: Maybe it's not. More just a point of reference.

ADAM CUMMINGS: On D1, I'm trying to get to that page. So on D1, you have got the firewood sign on there. And then, for instance, the Poland Springs that is on the left, Jim (Wiesner) --

JAMES WIESNER: Page 10.

ADAM CUMMINGS: Page 10, D1. You can kind look at the sign that -- that's Poland Springs behind the water bottles. That can't be there.

JAMES WIESNER: So those three -- three total at 8 1/2 square feet are the ones that are outside of the building?

ADAM CUMMINGS: That's my understanding. And to be clear, if they're on the outside, meaning they're hanging on the outside of it, those ones would count in this variance request. If there were any there. If they're -- if they're adhered on the inside or hang on the inside, they're not part of this.

JAMES WIESNER: Those three total are not what we see in the windows. That's what we see on the displays outside.

MR. SCHALLIOL: Right. And I believe originally they were on the window. I apologize if it's a little confusing. But we had the -- the service station actually remove the exterior-mounted window signs, so it's just the interior so this wouldn't be an issue. So technically the window signs shouldn't be a problem.

ADAM CUMMINGS: So meaning you're not asking for window signs?

MR. SCHALLIOL: Correct. So I apologize, that that is confusing. And again, this has been through about 30 different iterations. I apologize that was left in.

JAMES WIESNER: So that is being retracted.

ADAM CUMMINGS: Correct. That is being removed from their application.

JAMES WIESNER: Okay. That's all that I have.

MARK MERRY: I think Jim (Wiesner) covered it pretty good. Covered it pretty well. I don't really have anything else to add in regard to the monument signs.

ADAM CUMMINGS: Nothing for the height, guys?

MARK MERRY: I'm not concerned about that.

ADAM CUMMINGS: Okay. Because to be clear, you have got fuel dispensaries are at 102 inches, so that is 42 inches above the allowed. The air pump is 9 inches above. The car wash vacuum is 12 inches above, just to point it out.

FRED TROTT: Well, I have issues with the first one being the firewood. And I think that we had -- we told Byrne Dairy they couldn't sell the stuff outside.

ADAM CUMMINGS: Couldn't advertise. We allowed them to sell it but not advertise it.

FRED TROTT: So I have an issue with that.

And also I want to understand, there was signs there previously. And so you made them bigger than what they were when you guys came in?

MR. SCHALLIOL: In reference to what? I apologize.

FRED TROTT: For example, the car wash sign.

MR. SCHALLIOL: Okay. We haven't touched any sign that is already on the property. Every sign that is already there is what was there when we started this application process.

ADAM CUMMINGS: Except for it converted from Mobil to Speedway.

FRED TROTT: But Mobil to Speedway.

MR. SCHALLIOL: That's behind me. I apologize.

ADAM CUMMINGS: Mobil might have been a smaller sign. They replaced with Speedway, which is where the signs enlarged.

FRED TROTT: But they did that a long time ago when they became Speedway.

ADAM CUMMINGS: When this property became a Speedway, yes. When this went from Mobil to Speedway, yes, that is when it was never inventoried, the increase in signage. If there were variances provided before, those were not addressed at that time.

FRED TROTT: And you weren't part of that?

MR. SCHALLIOL: Correct.

FRED TROTT: I see.

So I'm to understand -- I guess grasping the whole -- just the D3 -- about the number of monument signs. I know in the past we have taken -- like I said, I'm looking at past -- in reference to the firewood sign and to the fuel pumps.

ADAM CUMMINGS: Now, with D3.

FRED TROTT: I'm sorry. I'm referencing D -- the first -- just the number.

ADAM CUMMINGS: I got you. You're referencing the section --

FRED TROTT: I apologize.

So then with the pumps, like Jim (Wiesner) was saying, I'm in favor of seeing a lot less verbiage, site pollution, whatever you want to call it.

ADAM CUMMINGS: Number of signs. And size of signs.

FRED TROTT: Yeah. There is a lot going on here and I know that we did -- with -- like

you said, Byrne Dairy, there's a violation and Fastrac.

ADAM CUMMINGS: Fastrac.

FRED TROTT: We had them clean that up. I think this needs to be cleaned up.

MARK MERRY: So in regard to the pumps, though, the video screen, where does that come in?

ADAM CUMMINGS: The video screens are not on this application.

Side Table, how did we end up defining those? Because they -- they are a unique one. Our code doesn't address it at all. They're animated. They're audible.

FRED TROTT: They're very loud. And we denied a Mobil station on Chili and Union.

JAMES WIESNER: I thought we did hear them as part of the -- the one on Union Street across from Byrne Dairy.

FRED TROTT: We heard it and I believe we denied them.

JAMES WIESNER: I think we did, too.

ADAM CUMMINGS: I don't remember if we denied them or asked them to take them off and he was willing to do --

MARK MERRY: He was willing to do that begrudgingly. He --

ADAM CUMMINGS: He was willing to take it off because --

MARK MERRY: So -- what is that, though?

ADAM CUMMINGS: I still go to the Side Table.

Are we addressing that tonight? I'm not seeing it on the application. So I -- so I'm not planning on hearing it tonight unless you say otherwise.

PAUL WANZENREID: It's not on the application. You're not going to hear it.

ADAM CUMMINGS: So I think we'll continue on. That's the answer tonight, is we're not considering the screened speaker portion.

MARK MERRY: Charlie (Schalliol), are you planning to come back at another time to discuss --

MR. SCHALLIOL: I mean my goal would be not to. And the only reason I say that, sir, is because -- this is an odd application for -- for my company and the organization in general, because when -- again, when we first started this, it was to -- to switch over to the digital pricing units and what have you. And then as -- as you pull the thread on a sweater, it starts to unravel. Here we are tonight.

The TVs were something small and I very briefly today talked about it. It was the first I had really heard about the TVs being an issue. The reason I say that, I do this all over the country for a lot of different vendors. Starbucks. You name it, I have probably represented them. And the way that these type of TVs are typically, I guess, viewed is because they're not -- they're not functioning when there is not somebody directly in front of them. So the interaction is all blocked interaction. Therefore, it doesn't have any -- it doesn't have any display to off-premises. It doesn't have any impact to off-premise.

ADAM CUMMINGS: Well, I'm -- I actually disagree with that. I just walked down Chili Avenue and Chili Coldwater this week and when cars are at the stalls, I can hear the speakers as I walk down the street. And when I go down the one on Buffalo Road and Union Street, the same thing happened there.

MR. SCHALLIOL: I -- I understand the -- I guess -- again, it's when somebody is there functioning, interacting with the -- with the pump itself, the -- the -- the volume per se, I don't know enough about the units themselves to say they could be controlled down or limited back so that there isn't that experience for somebody walking outside of the -- of the property. That is definitely something I can bring back to -- to Speedway themselves and to ownership and speak with them about. It's nothing I have control over tonight to be able to say I have any impact or control of this.

ADAM CUMMINGS: And since it wasn't publicly noticed tonight, we can't actually discuss it tonight.

MARK MERRY: Just curious as to why --

ADAM CUMMINGS: That makes sense.

MARK MERRY: Thanks for that. So I guess to further Fred (Trott)'s thinking, saying -- staying on the discussion piece of this, you earlier on said we're thinking about how we can clean this up.

Do you have any other remedies that you think we might want to hear that you want to share with us?

MR. SCHALLIOL: Being at the site, from when I first saw them to today was a little different. There were -- there was, what, a mountain of mulch that was at -- I can't remember which site it was, but a picture I saw, there were a couple different teardrop temporary signs, the wind blowers you see out there. There are none of those there today. Honestly, I think some of the exterior premises had actually been cleaned up. I don't know if it was in response to the variance that I know that they went through for the outdoor displays or the ability to -- to sell other items other than fuel. I -- I think that -- in speaking with the previous gentleman's comments, I think that advertising piece in between the pumps -- and again, driving around to the other gas station -- I think it brings it more in line and visually presentation-wise with what other -- other stations have done.

There is just a lot going on at these properties. It's different than -- it's different than the vast majority of other retailers you will see in the community.

All in all, I think the presentation they had at the property -- I know they were talking about straight -- the air machine is slightly crooked. I know they're talking about straightening

that up and basically just doing an overall -- I don't want to say "facelift," because that is demeaning to the property, but the overall aesthetic pump -- pump into the environment. I think that the headers you will see, the digital headers versus the manuals bring a level of sophistication that not every fuel station is willing to, I guess, put that economic generator -- not generator, but the visual impact, I guess, restoration into -- into that look.

So I think there is some good things happening here. I think with the illumination of that piece, I think that will help visually clean it up. The elimination or, I guess, the alteration from the first to second surface window size will help a lot. I think it is already further than it was and I think what they're further going to do in regards to straightening of the pump and the cleaning of the property in general, I think it's on the right track.

ADAM CUMMINGS: Agreed.

But one point I would like to make now, is you're talking about the -- the -- the digitization. Part of the issue we have with this Board, we're supposed to be up front and the application comes to us and then we approve the plan. So at this point you're at the situation of, "Oh, I didn't know the rules. I'm a multi-million-dollar corporation -- Speedway that didn't do any homework and now I'm asking for forgiveness because it's too expensive for us to replace what we put there without permission."

MR. SCHALLIOL: I completely understand the situation I'm in. Absolutely. I guess I was speaking candidly in regard to the properties in general.

ADAM CUMMINGS: No. And I appreciate that it's definitely an improvement. Some of these things are good documents for when they do put the improvements in. It's out of your control. For instance, C2. The car wash sign is fine. Neighbor's fence, makes me cringe. That's out of your control.

MR. SCHALLIOL: Sure. Sure.

ADAM CUMMINGS: C1 is also evidence there's a temporary sign that shouldn't be there. You have the drive-thrus showing Dunkin' Donuts and we also understand you have multiple tenants in there that will do their own thing to slip it in there.

That sign is gone, by the way. That's what I wanted to point out.

FRED TROTT: Gone today, here tomorrow. I mean it's -- that's neither here nor there. I also want to put out -- and I agree with Jim (Wiesner), you pull up to this property, you know you're at Speedway.

MR. SCHALLIOL: Right.

FRED TROTT: I don't think we need a Speedway sign on both vacuum cleaners. You know, I don't --

ADAM CUMMINGS: Well, to be clear, um, it's on the other side. They say "Speedway" on them.

MR. SCHALLIOL: I'm almost positive they just say "vacuum."

ADAM CUMMINGS: Because remember, it's not the content of the signs. We have to make the decision --

FRED TROTT: Okay. I don't think we need a -- two vacuum signs on the vacuum pumps.

ADAM CUMMINGS: Well, I think what you're proposing is instead of having a vacuum sign on each one, a compromise would be one sign in between them that shows that it's a vacuum station.

Is that what you're saying?

FRED TROTT: Yes.

ADAM CUMMINGS: Not to say it has to say "vacuum," but at that location of B2, instead of permitting two signs, we would permit one sign.

MR. SCHALLIOL: To be clear, it says "vacuum" on one side on one and the other.

ADAM CUMMINGS: Because that's the side the houses are on.

MR. SCHALLIOL: That's the whole reason why. You're trying to draw the people to that side of the pump -- well, of the vacuum itself.

FRED TROTT: You pull up, you look at this is a vacuum.

MR. SCHALLIOL: I'm not saying people shouldn't be smarter.

FRED TROTT: They can figure that part out.

ADAM CUMMINGS: Have you seen some of the gas stations?

MARK MERRY: So, Charlie (Schalliol) --

MR. SCHALLIOL: Yes, sir.

MARK MERRY: -- same photo Fred (Trott) is looking at, B2, what is the sign along the curb?

MR. SCHALLIOL: It's a sign that says "Parking for" -- I just saw it today. "Parking for vacuum use only."

MARK MERRY: In my mind, that sign can go.

ADAM CUMMINGS: Unless -- well, I'm not -- that's a directional sign. It's not part of this.

MARK MERRY: Well, here, right. Is that --

ADAM CUMMINGS: I think it's permitted as a directional sign. I don't believe it's part of our count.

MR. SCHALLIOL: No.

ADAM CUMMINGS: It's like an enter and exit.

MR. SCHALLIOL: Purely informational and under the 3 square feet.

MARK MERRY: You're talking about useless signage. That's useless. The same thing with the air sign that -- would you be willing to reduce the size of the air sign? That way -- you

can see an air pump. It's little things like that. When you say "clean things up," I mean that shows an effort instead of -- this is -- do we need to have this huge air sign there, right?

MR. SCHALLIOL: Right.

Are you talking about the copy size itself?

MARK MERRY: Copy size itself. And the height. I mean does it have to be that -- it's a pretty good size unit. Could be a little more low profile.

MR. SCHALLIOL: I can't imagine they couldn't figure something to make it lower profile. The unit itself stays but the header piece is smaller.

ADAM CUMMINGS: So that goes to -- we're at -- the height of that air pump, we're at 5'9" inches. And it's allowed 60 inches. So we're at -- down 9 inches. You drop it down 9 inches, make it a little smaller, we get rid of the variance.

MR. SCHALLIOL: The header piece.

ADAM CUMMINGS: The header piece.

MARK MERRY: Little things like that.

ADAM CUMMINGS: We are trying to minimize these things. So reducing the air pump sign and making it lower than 5 feet tall.

MR. SCHALLIOL: Done. And straightening the unit, too, right?

ADAM CUMMINGS: We can't condition that one, but we would appreciate that.

MR. SCHALLIOL: I think I saw it today and it was still -- I can't remember. I looked at a lot of fuel stations today.

ADAM CUMMINGS: Okay. So we'll still have a monument sign at the air pump. Going back to the vacuums, I think it's a fair point about the directions seeing how the public reacts to things at times. There is warrant to have signs like that. But at the same time, if we want to minimize it, do we want to make it a vacuum area instead of directing it?

FRED TROTT: You have "vacuum" on the front and the side of the pump, in big bold and red. Here it looks like it says "vac."

MR. SCHALLIOL: It does.

FRED TROTT: This is the vacuum up on top.

ADAM CUMMINGS: The one back here (indicating) and a -- then something down at the bottom.

FRED TROTT: I see a red down here (indicating).

ADAM CUMMINGS: We're counting one monument sign.

PAUL WANZENRIED: Two.

ADAM CUMMINGS: The complete assembly -- there might be 4 signs on that one monument sign. There is two total, but on each one, on the monument sign.

PAUL WANZENRIED: Yes.

ADAM CUMMINGS: That is what I was trying to say. Posting on one. But quantity of two, assembly of the same thing. So I would say a compromise on the B2s is -- doesn't need to say "vacuum" on all four sides. Just have one.

MR. SCHALLIOL: How about on the top -- keeping the top header piece where it says -- again, to trigger where to actually do the transaction.

ADAM CUMMINGS: Yes. I never noticed it said "vac" on that western side, that front side.

ERIC STOWE: My suggestion would be some sort of square footage, right? We can't really tell them where. It's the sign and the size.

ADAM CUMMINGS: True.

MR. SCHALLIOL: If we stay under 3 square feet, it's a directional per se? Does 3 square feet sound good?

ADAM CUMMINGS: What is the measurement now?

MR. SCHALLIOL: I got -- just looking at it, I would say it's probably a foot by 2. So it is probably 2 square feet. 2 1/2 square feet.

ADAM CUMMINGS: So 2 square feet -- I don't see dimensions -- I don't know. If I count the word "vacuum" as a directional -- I guess it would be directional at that point. But we'll mark it down as 2 square feet. On each of them. There are two monument signs, 2 square feet maximum and one single sign. What's the height on that one? So that one is it at 72 inches.

I'm okay with that height if we're -- if we're restricting them to just putting that one at the top, it makes sense to keeping the height variance -- and to also make note that it's going to be 2 square feet maximum in terms of square footage and it's going to be a single-faced sign. So meaning we can't suddenly have --

FRED TROTT: Impact.

ADAM CUMMINGS: We can't have it hanging off the top and have it dual-faced.

MR. SCHALLIOL: Sure.

PAUL WANZENRIED: So Adam (Cummings) --

ADAM CUMMINGS: Yes, sir.

PAUL WANZENRIED: -- with regards to the back pumps, monument signs have to have two parallel faces.

ADAM CUMMINGS: Oh. So I can't restrict it to single face.

PAUL WANZENRIED: You could. But what I'm saying is that right now, you have got the back and then the "vacuum" at the top. Right? That's perpendicular. Not parallel. So if you got rid of the back on the west side, the back on the east side, left the north and south sides, he would be fine. He would just need a variance for the number and the height.

ADAM CUMMINGS: The height. I got you.

PAUL WANZENRIED: Follow what I'm saying, Charlie (Schalliol)?

MR. SCHALLIOL: Yes. That is kind of where I was thinking I would end up. I would be amazed if that header piece is over 2 square feet.

FRED TROTT: Okay.

PAUL WANZENRIED: That gives Charlie (Schalliol) what he is looking for in terms of directional to where you conduct the transaction.

ADAM CUMMINGS: I got you.

So say that one more time.

PAUL WANZENREID: The vac signage to the east and the west would be eliminated. The vacuum signage to the north and the south would be permitted.

ADAM CUMMINGS: But right now there is only currently the -- western most vacuum pump or -- that's not a pump. Vacuum station, it only has it on the south side because that's the side it dispenses out air and then on the other one, on the eastern one, it's only on the north face.

PAUL WANZENRIED: Which is fine. You can have signage just at the one side.

ADAM CUMMINGS: That is what I was getting at, single face.

PAUL WANZENRIED: Single-faced monument sign.

ADAM CUMMINGS: Yeah. What I was getting at is in the future, if we're setting the height, it doesn't say it has to be right on. They could affix it onto an assembly of it, run a -- a hanger and then have a two-sided sign on each of them is what I was getting at. Not to say this application. I'm saying in the future, we're limiting him to 2 square foot max.

PAUL WANZENRIED: Once you run a sign between the two towers, let's say -- which I believe you're telling me?

ADAM CUMMINGS: It could be between them or could be on the outside of each one.

PAUL WANZENRIED: Either way. But once -- if you have a "vacuum" here (indicating) and a "vacuum" here (indicating) and running the sign across, right? That's what you're proposing?

ADAM CUMMINGS: No. I'm saying he could hang one off of each of them and say whatever he wanted on each side of it.

MR. SCHALLIOL: Kind of like a blade sign.

ADAM CUMMINGS: Exactly. But I think we're clear on what we're looking for.

PAUL WANZENRIED: I see what you're saying.

ADAM CUMMINGS: What I wanted -- I only wanted 2 square foot max and on one side. I don't want 2 square foot and 2 square foot being 4 square foot. We're good.

Car wash unit sign, did you change that one?

MR. SCHALLIOL: What do you mean?

ADAM CUMMINGS: From Mobil to Speedway, did that change?

MR. SCHALLIOL: I don't know what Mobil had previously.

ADAM CUMMINGS: I don't -- I don't recall.

FRED TROTT: They don't look -- from my memory, it looks very similar.

ADAM CUMMINGS: I think they just -- I think it's the same footprint. They just changed it from blue to red.

FRED TROTT: Blue to red with a lot more red.

ADAM CUMMINGS: Because it was blue before.

FRED TROTT: There was a lot more red than blue on there.

ERIC STOWE: So for the size, I think it's important to note on a monument it is 16 square feet per side, 32. So I don't think we can go more restrictive than our code permits.

ADAM CUMMINGS: So we'll leave it the single face.

ERIC STOWE: Well, they get double-faced.

ADAM CUMMINGS: Oh.

ERIC STOWE: Double face is permitted. So...

ADAM CUMMINGS: Can't restrict any of it.

MR. SCHALLIOL: Can we agree to a condition? Would that help? Again, we want -- I see where we're going with this and I'm -- I think I'm willing to do some things that even maybe the -- the code wouldn't force us into per se. And -- in order to get -- get us to where we need to be.

ADAM CUMMINGS: And to be clear, where my thought is going, if Speedway leaves --

MR. SCHALLIOL: Sure.

ADAM CUMMINGS: -- and the next business comes in, they get their variances, we have a litany of whatever signs they want to put up.

MR. SCHALLIOL: I -- I hear you.

JAMES WIESNER: Right in the center of Town.

ADAM CUMMINGS: Right in the center. Which we have to fight with Wegmans because they don't want the signage right along the street.

I think we're getting through. The number of monument signs, because of the definition of monument sign -- I'm just going to call it out. The one firewood, we already said it to Byrne Dairy. We don't necessarily totally restrict outside sales, seasonal sales of firewood. Bottled water. Washer fluid or -- are the major ones. We just don't need signage on it. So I would like to propose taking off the firewood sign. Because once again, it's the sign. It can say whatever you want on it and -- we're allowing you a sign with that square footage to say whatever you want on it and we're trying to minimize the signage on there.

MR. SCHALLIOL: My only concern would be how would we -- I'm thinking out loud -- how would they notify the public of the price for the element that is being sold?

ADAM CUMMINGS: Every other place that sells the firewood out there, it's right at the cash register.

FRED TROTT: Put a sticker on the bag of firewood.

ADAM CUMMINGS: Or -- yes. Or it's set right on the firewood itself. It would be small -- I won't call them signs. It would be small labels on them. But, of course -- they're getting it delivered from a third party. They're probably not going to put stickers on it.

JAMES WIESNER: Put it in the window.

MARK MERRY: Put it in the window. There you go, Jim (Wiesner).

MR. SCHALLIOL: Now I'm back up to my window signs.

ADAM CUMMINGS: Actually that would be -- so looking at it --

MARK MERRY: That big firewood sign goes up. Put your name on it.

ADAM CUMMINGS: Well, Jim (Wiesner) said it. Right inside that window -- that firewood sign could go right inside the window above the firewood.

JAMES WIESNER: Anything inside, they can do whatever they want. Just trying to be helpful.

ADAM CUMMINGS: That would reduce us down to ten on-site monument signs. Because definition of our -- how we're applying monument signs, the fuel dispensaries -- I'm going to ask the question, but not positive where the Board is going to go with this one.

We're not looking to reduce how many dispensing areas they have, correct? We're okay -- they always had six. We're good with leaving it at six, correct?

JAMES WIESNER: They had seven. I -- I want to see -- for me to jump on this one, I want to see the square footage specified top and bottom as far as what they're allowed.

ADAM CUMMINGS: But on a monument sign, it goes to 16 square foot, correct?

FRED TROTT: How did we do it with Fastrac and Byrne Dairy?

JAMES WIESNER: If they're asking for multiples, we have control over that.

ADAM CUMMINGS: I will -- I will be honest, we didn't define them with monument signs. So meaning they could come back and get even more than we granted them before. So meaning the square footage, they're allowed 16 square feet.

JAMES WIESNER: Why are we calling it a monument sign?

ADAM CUMMINGS: The easiest way our code applies these things. We don't call out fuel stations, fueling pedestals or anything like that.

FRED TROTT: If that is the -- the case, they stop selling gas and they sell monuments, we'll have 16 -- 12 monument signs there that are -- that comply with the code.

ADAM CUMMINGS: Yes. They have six that are dual-sided, yes.

JAMES WIESNER: All I'm saying is we define that square footage.

ADAM CUMMINGS: I'm saying our code defines the square footage. We can't make it more restrictive.

FRED TROTT: So what I'm saying is if they want 12 monument signs, we would like to see them up by taking the top off and taking the bottom.

JAMES WIESNER: We have taken monument sign applications where they define 2 foot by 4 foot like out in front of buildings. Why this -- is this different?

ADAM CUMMINGS: No. We can. That is under the square footage size. They're -- they're 30 -- you're allowed 16 square feet per side.

JAMES WIESNER: Do we know how big those areas are top and bottom?

ADAM CUMMINGS: So he has it listed here as -- it's 34 square feet per side and --

JAMES WIESNER: That's the entire thing. What is the actual "Speedway" and the logo at the bottom?

ADAM CUMMINGS: Oh, that I don't know.

ERIC STOWE: As I think through the compromise, the applicant discussed concessions, right, on the size on the air pump. And I'm thinking that -- a concession on the size and a self-imposed limitation to increase the number of total signs could be a way of -- you're minimizing the variances granted with the applicant's consent to restrict the size. Does that make sense?

ADAM CUMMINGS: Yes.

ERIC STOWE: So I think that -- that that is in line with your charge of minimizing variances if the applicant is consenting to the reduction in the size, even off of our code.

ADAM CUMMINGS: And to further clarify that, instead of measuring it from the entire top down the length -- or the height, and that width of it and calculating that entire thing to be 34 square feet, as Jim (Wiesner) is saying, we would measure out where the Speedway banner is, the top plate and the bottom and --

JAMES WIESNER: And bottom partition.

ADAM CUMMINGS: To the header and the footer.

Do you have those dimensions?

MR. SCHALLIOL: I have got the header itself. I just had it. It's 51 inches wide. And that's from far left to far right. So not the Speedway logo itself, but the far left to the far right.

And the bottom portion with the "S" on it is 3 foot 7 inches wide. And I'm just -- because I don't have it here, because all I have is the overall height, that -- that Speedway header can't be over -- can't be over a foot tall.

ADAM CUMMINGS: Right.

MR. SCHALLIOL: The bottom one, if that is 3.7, it can't be over 2 1/2 feet tall.

So I mean technically we're under the 16 square feet --

ADAM CUMMINGS: Right.

MR. SCHALLIOL: -- per side.

Again, if that is what falls in line with what you have done with the other service stations with the header piece and the bottom piece, and only getting rid of the advertising piece in the middle, then we're all for it.

I almost feel like we should have done this at the station.

ADAM CUMMINGS: Little cold today, though.

JAMES WIESNER: Looks like it should be about 1/3 of what the overall is for each side.

ADAM CUMMINGS: That brings me to 13.2 square feet for each side. So that is a significant reduction. And -- 34 square feet to 13. And allowed is 16. So it's -- it's not -- it's drastically reduced, but it's also not unreasonable. It is still requiring the variance. Or sorry, wouldn't require the variance. It would not require it by doing that. So I guess to that point, if we measured them that way, you could make them a little bit bigger.

MR. SCHALLIOL: They -- Speedway doesn't have any desire to change -- to add to what is already there --

ADAM CUMMINGS: Okay.

MR. SCHALLIOL: -- for these elements.

ADAM CUMMINGS: So what I'm seeing is -- I would still like to see the firewood -- if we're removing that down, that brings us to letter A. That brings us down to ten, a total of ten monument signs.

The air pump, we have already reduced that one down and taken that off. The car wash vacuum we were good with leaving it.

Letter C, we're talking that from 34 square feet per side to 13 -- we'll call it 13.3 square feet.

MR. SCHALLIOL: The only --

ADAM CUMMINGS: Per side.

MR. SCHALLIOL: The only question I will throw out, that all depends on how the code measures the sign.

Is that a correct statement, Paul (Wanzenried)?

ADAM CUMMINGS: We're going against what you recommended. Correct? You did the entire thing. Correct?

PAUL WANZENRIED: Did I do the entire thing?

ADAM CUMMINGS: You did the entire thing.

PAUL WANZENRIED: The entire thing is the monument sign, the freestanding sign.

MR. SCHALLIOL: I just want to make sure when I come to get the permits, Paul (Wanzenried) and I are on the same side.

PAUL WANZENRIED: If you want to break it down to the Speedway banner on top and the logo on the bottom.

ADAM CUMMINGS: It becomes more of a higher quantity of monument signs.

PAUL WANZENRIED: Then I'm not even sure -- what am I classifying that as? Monument signs? Wall signs?

MR. SCHALLIOL: Well, couldn't -- I'm asking -- and I guess maybe this is a Counsel question, as well. Couldn't we, for the stipulation of receiving an approval for the number of monuments agreed to on the B1 signs, that we would limit our square footage to what we came up with, which was the 16 square feet, that being a condition of the number of approval of monument signs?

ADAM CUMMINGS: We came up with 13.

MR. SCHALLIOL: I'm sorry.

ADAM CUMMINGS: 16 allowed. So I think that is what Counsel is saying. Minimizing the variances -- we're reducing what the code allows at the applicant's request. And minimizing the quantity of signs on the property.

ERIC STOWE: I haven't seen it done before, but I can get behind the logic. Right?

ADAM CUMMINGS: I like logic.

But it does make it problematic for Enforcement.

ERIC STOWE: Yes, that's the bigger problem.

ADAM CUMMINGS: Hmm.

JAMES WIESNER: We do monument signs where -- where the sign can be 6 foot by 8 foot, but the text is 2 foot by 4 foot and we do that all of the time. So how is this different?

ADAM CUMMINGS: Well, this -- if you're doing it that way, they become -- on the -- on this one thing, it really becomes two monument signs. Because what you're describing -- I guess it would be close to what we did on the plaza across the street, where it is the full square footage and they could put as many on there as they wanted. If they're given that square footage on this, we're not restricting to just the top and the bottom. It's the whole thing. They're allowed to have 13 square feet on it.

At the same point, if we're going to restrict to the header and the footer, then you're turning it into two monument signs.

FRED TROTT: With the same respect, I guess, what I'm thinking is he is -- he is allowed one monument sign; correct?

ADAM CUMMINGS: On the whole property.

FRED TROTT: On the whole property. So what we're saying is, allowing you this amount of monument signs, we want to see them this way.

ADAM CUMMINGS: That's the logic. We want them -- not to say "this way." We want the square footage reduced.

FRED TROTT: Yes. So I don't know -- I'm trying --

ADAM CUMMINGS: Once again --

MARK MERRY: Fuel dispensers.

ADAM CUMMINGS: Yes. On the fuel dispensary monument signs, yes.

JAMES WIESNER: We want them to be more targeted. So I feel that should be the approach.

MARK MERRY: I don't know. I didn't want to go here.

PAUL WANZENRIED: If they just had red pumps.

ADAM CUMMINGS: If they just had red pumps, we have no say at all.

PAUL WANZENRIED: They're not monument signs, are they? The minute they put --

ADAM CUMMINGS: The Speedway -- I -- I would go so far as saying as soon as they put the Speedway letters at the top, that makes it the monument sign. The "S" at the bottom, I will count that as artwork.

MARK MERRY: That's where I was going to go. I didn't know if we wanted to go there. So how important is that header?

MR. SCHALLIOL: I mean it's the key focal point on the pump. The -- that's -- I mean, it's brand identification for the fueling units. And again, it's -- it's what -- looking through the municipality, that is kind of the standard, is the header and the -- and the -- to your point, the artwork piece at the bottom. I thought we were really close to the compromise with the limited copy area, if -- if the number of signs were approved -- the number of overall monuments, we would make the concession to agree to the -- to the 13 square foot copy area.

MARK MERRY: I don't know if that is forcing --

MR. SCHALLIOL: If we have artwork here that dictates what the -- what the agreed-upon exhibit is, per se, if -- if anything outside of that pops up, it's in violation.

ADAM CUMMINGS: So I'm going to step back a little bit, just to give -- as you said, what the -- what the trend is in the entire community.

So I'm going to just speak how I view the other properties and see if everyone is in agreement.

So the first one, Byrne Dairy, they originally had logos on all four sides of their canopy. We -- we reduced it down and said you could only have two. So now, for instance, on the north side, there is no "Byrne Dairy" on the canopy, but they now do have it on the pumps, which at the time we didn't allow that. So they have it on top and bottom. But I will agree it's tasteful at that point. You can still see it on the building and your eyes can see the lower part to that, to what Charlie (Schalliol)'s point is. When it is on the sign on the canopy -- I take it back. They have it on the top of the canopy, too. So we'll have to address that.

FRED TROTT: They had signs that said "sandwiches" -- all that stuff was written all of the way across.

ADAM CUMMINGS: Yes. Yes. So then -- Kwik Fill is the best example what we're trying to get to. So 3215, they have no wall signage. They have the monument sign at the road and then it's logos -- it's not words except for that middle one, which is really describing premium fuel. It's not Kwik Fill. It's the type of fuel that is there, just like diesel ones.

The Kwik Fill on 3255 Chili Ave., once again, we restricted the canopy -- which I appreciate there's no canopy signs on this one, but you have the monument sign up front that identifies it as Kwik Fill and then this one does have the header and the footer. And -- and then on the building sign, it says "Red Apple." I didn't say -- it tells you the convenience store is there.

At the Mobil, those ones are old ones, so you really don't have Mobil on any of it, except for on the canopy.

And the Sunoco, once again, that is all artwork. That is not letters at all. But we permitted them to have it on the -- on their canopy.

MARK MERRY: I think what Charlie (Schalliol) has showed us, we have a mix.

ADAM CUMMINGS: Correct. And what I'm getting at on this is -- we have to weigh whether they can see "Speedway" from the canopies -- not the canopy -- the headers, or from the building.

MARK MERRY: You can see "Speedway" from the building.

ADAM CUMMINGS: But you have to think of your angle, too. I'm going against the side.

MARK MERRY: The monument sign is at the corner. And if you did delete the headers --

ADAM CUMMINGS: Yep.

MARK MERRY: -- to make them just red --

ADAM CUMMINGS: Or swirlies --

MARK MERRY: There you go.

ADAM CUMMINGS: Like the Sunoco.

MARK MERRY: I don't want to beat Charlie (Schalliol) up and go there, but we're stuck. Right? So how do you really reduce that given the limitations and calling it a monument sign?

ADAM CUMMINGS: Right. So I think what we're all saying there is if Speedway -- if it didn't say "Speedway" at the top, it -- it gets rid of the number of monument sign variances all together.

MR. SCHALLIOL: The "S" is still considered -- the "S" would still be considered signage, correct?

PAUL WANZENRIED: The Board could look at it as a logo.

ADAM CUMMINGS: Right. So you have viewed that before -- because it's a sliding "S," I would give some leeway and count that just like across the street. There is a bank across the street with -- Five Star Bank. That logo is five stars. It's not -- it's not technically -- yes, it's an S, but I would say it's an artistic S. It's your logo. So, therefore, it is not counted as a sign.

MR. SCHALLIOL: Let me ask you this question. Just because I -- I'll -- I'm making promises that I'm -- that -- I'm going to be held to keep, but if you could allow me this leeway.

With the understanding that "Speedway" would come off the header, could we do a sliding "S" at the top of this?

ADAM CUMMINGS: That is exactly where my mind was at. And -- a smaller size, I would say yes.

MR. SCHALLIOL: I think I could probably sell that.

ADAM CUMMINGS: And to be clear, not a sliding "S" all of the way across. A smaller of that one in the upper left-hand corner.

MR. SCHALLIOL: Or in the middle.

ADAM CUMMINGS: Or in the middle. My eyes are going towards -- but yes, in the middle to line up with that other one, yeah. We did a similar one with an ATM, I remember. Is that where you were --

MARK MERRY: No. But --

ADAM CUMMINGS: What that does, it would take off the variance request for all the fuel dispensary monument signs. So the height ones would be off. A number of them would be off. And the area of it would be off. And to be clear, there would be no advertising allowed in between on any of those.

MR. SCHALLIOL: Correct.

ADAM CUMMINGS: Not to say advertising. There can't be any signage on any of them.

MR. SCHALLIOL: Correct. Other than the price unit.

ADAM CUMMINGS: Yeah. Right.

Is that logical enough?

ERIC STOWE: Just before we go withdrawing variances, we need to -- the applicant to be okay with that, too.

ADAM CUMMINGS: Right. Yes. I'm trying to inventory all of them on this. So I think that would cover -- so if you're in agreement with what I'm proposing there, as I proposed previously, is removing or eliminating the one firewood, the six fuel dispensaries -- which you would still allow the artwork on that one. Which from what I'm seeing there, you would pretty much just put a sticker or label over the top of the header ones. That would remove that and reduce that one down to two, three, four -- four monument signs.

And then the height one, because it's not a monument sign, we're not worried about the fuel dispensary height. The air pump has already been removed. The car wash vacuum we're okay with.

We don't have to worry about C, area monument signs for fuel dispensaries. So the entire C would be taken out.

And then we haven't talked about the directional or wall signs. So would you be in agreement with that proposition?

MR. SCHALLIOL: So far so good.

ADAM CUMMINGS: Okay. So wall signs, guys. We have four instructions for the carport -- carport instruction signs, the menu, the entry signs where two wall signs are allowed per building or suite.

Well -- and I guess is there any other questions from the Board on A through C? Are you good with it? Are you not good with it?

FRED TROTT: A through C --

MARK MERRY: I'm fine with what is being proposed.

FRED TROTT: Now we're on --

ADAM CUMMINGS: Onto D, which is the car wash number of signs.

FRED TROTT: Height of directional signs?

ADAM CUMMINGS: Yes.

MR. SCHALLIOL: The car wash signs, it's important to point out the ones that are mounted to the building are on the back of the building. It's merely for people that are getting ready to pull in.

ADAM CUMMINGS: Yep. And area of them, for the car washes, that -- that -- those instructions, you really can't minimize those anymore.

MR. SCHALLIOL: And not be able to read it.

ADAM CUMMINGS: Counsel, can we restrict it to the proposed locations for these?

ERIC STOWE: Yes. And I think you want to be clear, that the south -- or the north side of the car wash building, on the east or west wall; right?

ADAM CUMMINGS: So it would be on the eastern portion of the north wall and is the instruction sign -- or the menu signs -- and then the western side is the -- the western side of the north face is the menu sign.

ERIC STOWE: And the size of that sign.

ADAM CUMMINGS: Yes. And the size. Yep.

So to be clear, the car wash information, 17 square feet, the car wash menu is 18.25 square feet. And to be clear, the first sign is allowed to be 16 square feet and the second one is allowed to be 8 square feet. But to point out, if we make them much smaller, you won't read them.

FRED TROTT: I'm fine with those signs.

ERIC STOWE: Can I just ask if D2 and D3 are the same building? Because the brick doesn't really look similar.

MARK MERRY: It looks different.

MR. SCHALLIOL: I have a sneaking suspicion I mixed up a picture.

PAUL WANZENRIED: I would almost say --

MR. SCHALLIOL: I guarantee I did. So the picture you see at D2 -- and again, I apologize. That D2 is actually at the other property.

ADAM CUMMINGS: At Buffalo Road?

MR. SCHALLIOL: Yes. I apologize. And I have got it here.

ADAM CUMMINGS: Whatever -- are they the same signs?

FRED TROTT: I don't think --

ADAM CUMMINGS: I'm not sure if you have these instruction signs on D2.

MR. SCHALLIOL: At the --

FRED TROTT: At the Chili Avenue one.

PAUL WANZENRIED: They do.

ADAM CUMMINGS: They do?

MR. SCHALLIOL: I would say just not in that location. It's on the other side.

PAUL WANZENRIED: On the east side.

MARK MERRY: There it is different. Yeah.

ADAM CUMMINGS: Okay. So it -- so if we had more of the eastern portion of D3, your remaining easement portion of that building would be on that column, would which -- would be the same size.

MR. SCHALLIOL: Just on the opposite side of that other feature. I --

ADAM CUMMINGS: Okay. Yep.

And it's not the exact signage that you have there.

MARK MERRY: But it's close.

MR. NAGLE: Are you saying D2 is a different location?

ADAM CUMMINGS: Yes.

D2 is at the Buffalo Road.

MR. NAGLE: What about -- about D1 and D3?

ADAM CUMMINGS: Those are the Chili Avenue location.

MR. SCHALLIOL: I apologize.

ADAM CUMMINGS: Good catch.

Just like that picture, it came. So any other questions on that? I'm in agreement with -- okay with that.

Directional sign?

Sir, did you want to see this? I will come down to you.

MR. NAGLE: This is?

ADAM CUMMINGS: This is the one that was supposed to be at D2, to show the instruction signs.

MR. NAGLE: Okay. Thank you.

ADAM CUMMINGS: So on D2, where you're seeing it on that -- if you're facing the building, it's on the right-hand side. If you look at D3, that's what is on the left-hand side as you're facing that wall.

MR. NAGLE: That's on the --

ADAM CUMMINGS: That's on the north side of it. Otherwise the back side.

MR. NAGLE: That's facing me.

ADAM CUMMINGS: That's facing you.

MR. NAGLE: Yes.

ADAM CUMMINGS: Can you read it from your property?

MR. NAGLE: Um, it depends if I have my glasses on.

ADAM CUMMINGS: And they're not illuminated, correct?

MR. SCHALLIOL: The one on the right, I believe, contains illumination. The instructions do not.

ADAM CUMMINGS: All right. Any other questions on those wall signs? All right.

The height of the directional -- or directional signs, I believe that's on page 9 of 16. Yep. 9 of 16. That's the directional sign. 3 square feet is allowed and it's at 3.2 square feet.

FRED TROTT: No issues.

ADAM CUMMINGS: No issues.

FRED TROTT: It's been there, that car wash. When --

ADAM CUMMINGS: It doesn't make it right.

FRED TROTT: I know.

I remember going through this with them wanting -- I don't know why it is not in there. I remember because the Dunkin' -- the Dunkin' Donuts came in. There was a whole issue knowing which was the Dunkin' Donuts and which was the car wash.

ADAM CUMMINGS: Correct. But they only allowed 3 square feet. Whatever they did is put whatever sign they wanted and now we measured it and it is 3.2 square feet and this is the tenant that is stuck with that issue.

You're okay with 3.2?

ADAM CUMMINGS: I'm okay with 3.2.

Jim (Wiesner), are you okay with 3.2? Jim (Wiesner)? Jim (Wiesner), are you okay with 3.2 --

JAMES WIESNER: Not a problem. That's not going to keep me up at night.

ADAM CUMMINGS: So then the height of the Dunkin' Donuts directional sign -- and the car wash one -- so the car wash one is also 4 1/2 inches too high. I'm actually okay with the -- the 4 1/2 inches because it lines up with the top of the fence better. It does. Dunkin' Donuts, 54 inches. So it's up -- trying to put it at eye level. It's more eye level.

MARK MERRY: Are you okay with that?

FRED TROTT: As long as I can get my coffee.

ADAM CUMMINGS: You guys are okay with that one. I'm guessing the 42 inches is similar to post office heights -- or mailboxes. That is Number 6 out of my head.

Okay. All right. I think we made it through it. So we got OKs on all of this. Done a lot of work on this one. We still have to have a Public Hearing, yes. To be clear on letter A, we -- we mutually agreed upon that we'll reduce it from 11 on-site monument signs to 4.

MR. SCHALLIOL: The only reason I vacillate, is -- I thought it was five. So it's the one freestanding sign that is already there, the two vacuums, the one air pump and the one car wash unit.

ADAM CUMMINGS: Yes. You're correct. Because it's not listing here. It's adding in the other ones. So if -- because if I go 6, 7, 8, 9, 10 -- 11 -- well, it said 11 on-site and doesn't include the main one.

PAUL WANZENRIED: The main one is already permitted.

ADAM CUMMINGS: Right.

But how do you get a total of 11 on-site then? It would be a total of 12 on-site.

MR. SCHALLIOL: Well, no matter what, we're getting rid of the extra amount of monument signs with the pump.

PAUL WANZENRIED: It says it right there, 11 on-site, one allowed.

FRED TROTT: So total of 12.

PAUL WANZENREID: So total of 12.

ADAM CUMMINGS: That's what I just said. So we have six fuel dispensaries, two vacuums, one air pump, one car wash, one firewood.

JAMES WIESNER: I thought there was six dispensers.

MR. SCHALLIOL: There's only six at this one.

ADAM CUMMINGS: 6, 8, 10, 11 -- total of 11, but we're not counting the main one on this listing at A, so still have to add one more for the main one, so there's going to be a total of 12 on-site. One is permitted and 11 are additional. Right? What we're going to do is we're going to have the two vacuums, the one air pump, the one car wash -- that's four -- plus the main one, so we'll have a total of five on-site, where one is allowed.

Agreed, Charlie (Schalliol)?

MR. SCHALLIOL: I believe -- I believe that makes sense.

ADAM CUMMINGS: Good catch on that one.

MARK MERRY: Charlie (Schalliol) needs a cup of coffee.

MR. SCHALLIOL: I'm going to Dunkin' Donuts after this.

ADAM CUMMINGS: We don't lack coffee or pizza in this Town.

Was that clear, Side Table? Are you in agreement that we're going to have 5 total on-site? Before there would have been a total of 12 on-site, if you included the main one.

Right?

ERIC STOWE: Yep.

ADAM CUMMINGS: All right. So now when we -- we reduce it down, we'll have five total on-site. There's one permitted. We're adding four through this variance being two at the vacuum station -- stations, one air pump, one car wash.

Then the height, the fuel dispensaries for 102 inches go away because they're not monument signs. The air pump goes away, because it was compromised that they would shrink the sign down and make it shorter than 6 -- or -- 60 inches or shorter. And the car wash vacuum would remain at 72 inches. Letter C.

ERIC STOWE: Mr. Chairman, with respect to that, if we could go back to the number of monument signs, the six fuel dispensaries are not requesting -- or not having variances requested because the applicant has agreed to change the signage that is existing to comply with current code interpretations.

Right?

ADAM CUMMINGS: Yes.

ERIC STOWE: All right.

ADAM CUMMINGS: All right. Letter D, number of wall signs, that one will remain the same.

Letter E will remain the same.

Letter F, remains the same.

JAMES WIESNER: For my edification, so back to 6 -- so you remove -- the gas pumps have been removed for the height?

ADAM CUMMINGS: What is 6?

JAMES WIESNER: Page 6.

ADAM CUMMINGS: Okay.

JAMES WIESNER: So you removed the gas pumps?

ADAM CUMMINGS: Yep.

JAMES WIESNER: Other two below it stay?

ADAM CUMMINGS: Yes. But to be clear -- well, the air pump doesn't stay. The air

pump comes off, because he is going to reduce that bracket and get it lower than 5 feet -- or 5 -- 5 feet or lower.

JAMES WIESNER: So then it is just the one lot there?

ADAM CUMMINGS: Yes. Yes. Yes. The only one for letter B is the car wash/vacuum at 72 inches, or 6 feet.

JAMES WIESNER: The square footage has been removed?

ADAM CUMMINGS: Correct.

JAMES WIESNER: From the next page?

ADAM CUMMINGS: Correct. And that was agreed upon because he is going to put the signage on.

JAMES WIESNER: Going to be logos, not going to be a sign.

And then 2 through 8 are staying?

ADAM CUMMINGS: Yes.

JAMES WIESNER: And the one on 9 is staying?

ADAM CUMMINGS: Yes.

JAMES WIESNER: Then what is happening on 10?

ADAM CUMMINGS: So 10 -- so the window signs were removed before.

JAMES WIESNER: Yep.

ADAM CUMMINGS: And the --

JAMES WIESNER: And the other two are staying?

ADAM CUMMINGS: Correct.

JAMES WIESNER: So two up there.

ADAM CUMMINGS: Correct.

All right. So we have had a lengthy discussion on this. I will open up the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAVID NAGLE, 3311 Union Street

MR. NAGLE: I guess there not much of us, is there? Well, I'm actually -- I'm actually not tied in with this so -- are you -- are you sort of pulling this in together with the other -- the Buffalo Road?

ADAM CUMMINGS: No. Buffalo Road will be separate.

MR. NAGLE: I would be mostly on Buffalo Road. So we go through this, I don't want to expand this any longer than -- the only thing is -- what constitutes a sign might be different -- I'm just throwing in my own two cents, but a sign when you have something that is very -- the same, it's almost like a backdrop. The signs would be almost like when you have like -- on the firewood, you have the signs on each individual thing on the firewood. Or there should be a sign that says "Beware," there is -- there is firewood on the sidewalk that you normally walk on, that you could trip over.

So I know that's a little bit different, but sometimes that -- what is the purpose of a sign -- because when I drive in and I see "Speedway," their logo is just part -- it is a sign, but it isn't a sign, because it's just part of their decoration. So I look at it differently.

ADAM CUMMINGS: Our code explains that. Our code in this Town defines it when it has got the -- I will say alphabet or numerals or something like that that aren't artistic in nature -- they are actual alphanumeric -- that's in there.

And then we also would look at the number of colors and we limit that so that there is not too much --

MR. NAGLE: Distraction.

ADAM CUMMINGS: -- that is how we define that.

MR. NAGLE: All right. I just wondered how -- how that is different from -- because the stuff on the firewood or on the -- is all signs that are outside the building. On the -- on the individual product. So...

ADAM CUMMINGS: And that's what we're restricting -- as Counsel said, we're not restricting it says "Firewood, 6.99." We're just -- if we allow them, they can just have a sign with these dimensions at that location and they can put whatever content they want on it.

All right. If you have nothing else, I will ask for a motion to close the Public Hearing.

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: Your name and address?

MR. NAGLE: David Nagle, 3311 Union Street, but I also own the property right next to them. I border Hess -- I bordered Speedway -- is it going to remain Speedway? I thought there was some changing of names.

MR. SCHALLIOL: Not that has been brought.

MR. NAGLE: Not at this time. Okay.

ADAM CUMMINGS: Okay. So that has been closed.

I will have each of these decisions go separately, A through G. Side Table, anything to add? All right.

JAMES WIESNER: You will do conditions individually?

ADAM CUMMINGS: Yes.

ERIC STOWE: Adam (Cummings), I guess we got the applicant's consent for what was taking place, right? They're on board with withdrawing those applications. I guess I would just want to make that clear, that -- you know, C being withdrawn entirely.

ADAM CUMMINGS: Yes.

ERIC STOWE: And --

So -- so for letter A, it would be -- the withdrawal of the six dispensaries, six fuel dispensaries would be withdrawn at your request based on our determination of the Board, signage and the change of the no longer having signage on there. It would just be -- I won't call them logos -- artistic references on the two faces or those areas. So there would be no signage.

MR. SCHALLIOL: We're in agreement.

ADAM CUMMINGS: Okay.

And that would -- and then also your acknowledgment -- or I forget the verb you used there.

ERIC STOWE: Agreement.

ADAM CUMMINGS: The firewood sign.

MR. SCHALLIOL: In agreement.

ADAM CUMMINGS: In agreement on that one.

And then also in agreement that based on that, the agreement would be on letter B, the height of the fuel dispensaries are -- I view it as moot because they aren't being viewed as monument signs. So they are withdrawn, as is the air pump with the agreed modification to get it within code -- code compliance.

MR. SCHALLIOL: For the height. Agreed.

ADAM CUMMINGS: And then letter C, is the withdrawal of that -- withdrawal of the square footage of the fuel dispensaries square footage.

MR. SCHALLIOL: In agreement.

ADAM CUMMINGS: All right. Satisfactory?

ERIC STOWE: Yes. Thank you.

ADAM CUMMINGS: All right.

JAMES WIESNER: Did you say the window signs?

ADAM CUMMINGS: Window signs were removed. They aren't part of this application.

And there are still window signs within the window, but they're permitted.

JAMES WIESNER: So it wasn't -- so E, it wasn't actually in there if I'm reading it correctly.

ADAM CUMMINGS: Correct. Because they removed them.

JAMES WIESNER: Okay. Got you.

ADAM CUMMINGS: Because they were removed -- in his packet, his informational packet, but they weren't in the public notice.

JAMES WIESNER: Got you.

ADAM CUMMINGS: All right. So letter A, once again, everybody, this is for a total of five on-site, one permitted monument sign and four additional. So the variance is for four additional and it did ask for 11 additional. We reduced to four.

ERIC STOWE: Mr. Chairman, did you do SEQR yet?

ADAM CUMMINGS: No. I will do it right now.

I'm going to do SEQR on all of them, A through G.

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

ADAM CUMMINGS: I ask for a motion to adopt this application as I just specified for this letter A.

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

DECISION ON APPLICATION #2, ITEM A: Unanimously approved by a vote of 4 yes with the following condition:

1. Sign permit must be obtained.

The following findings of fact were cited:

1. The requested variances were minimized compared to the original request.
2. The fuel dispensaries will be limited to regulated, required notices and artwork.

ADAM CUMMINGS: That one is set. We'll move on to letter B. Height of the monument signs -- which once again, this is pertaining to the car wash vacuum at 72 inches of height, or 6 feet.

Ask for motion to adopt the application as described?

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

DECISION ON APPLICATION #2, ITEM B: Unanimously approved by a vote of 4 yes with the following condition:

1. Sign permit must be obtained.

The following findings of fact were cited:

1. The requested variances were minimized compared to the original request.
2. The increased height will not hinder the view of any pedestrians or vehicular traffic on the site.

ADAM CUMMINGS: There -- letter C was withdrawn.

So letter D, I ask for a motion to accept this application.

JAMES WIESNER: Thought we just voted on two of them.

ADAM CUMMINGS: We did. A and B. C is withdrawn.

JAMES WIESNER: I thought B and C were withdrawn.

ADAM CUMMINGS: No. B still has the car wash vacuum height. B -- the only thing reduced on B was fuel dispensary height and air pump height. The car wash vacuum was still --

JAMES WIESNER: I got you.

ADAM CUMMINGS: This is D, the number of wall signs for the car wash.

ERIC STOWE: Is that with -- with the clarification on location and sizing?

ADAM CUMMINGS: Oh, yes. Thank you.

So this is with the location to be on the north side of the wall, with the menu board being on the western portion of the north wall and the car wash instructions on the eastern portion of the north wall.

As per -- I ask for a motion to adopt this application as described.

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

DECISION ON APPLICATION #2, ITEM D: Unanimously approved by a vote of 4 yes with the following conditions:

1. Sign permit must be obtained.
2. Signs are to be located on the north facing wall. The instructions sign is to be located on the eastern portion and the menu sign is to be located on the west portion of said wall.

The following findings of fact were cited:

1. The signs are instructive in nature and necessary for safe usage of the automatic car wash.
2. The location is not visible from the public right-of-way and is not obtrusive to the neighbor properties.

ADAM CUMMINGS: So now we're onto E, which is the area of the signs at the car wash. This one is -- this is for the same one. This pertains to the same locations. So the car wash menu being on the north wall, on the western portion of it and the instructions being on the -- where -- the car wash information being on the eastern portion of the north wall.

Motion to adopt?

Mark Merry made a motion to approve the application, Item E, with conditions, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #2, ITEM E: Unanimously approved by a vote of 4 yes with the following conditions:

1. Sign permit must be obtained.
2. Signs are to be located on the north facing wall. The instructions sign is to be located on the eastern portion and the menu sign is to be located on the west portion of said wall.

The following findings of fact were cited:

1. The signs are instructive in nature and necessary for safe usage of the automatic car wash.
2. The location is not visible from the public right-of-way and is not obtrusive to the neighbor properties.

ADAM CUMMINGS: Letter E. I'm sorry. Letter F. Directional sign for the car wash directional. I don't have much else to say. That is the 3.2 square feet. I ask for a motion to accept that application as described.

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

DECISION ON APPLICATION #2, ITEM F: Unanimously approved by a vote of 4 yes with the following condition:

1. Sign permit must be obtained.

The following findings of fact were cited:

1. Sign size is appropriate for visibility and understanding of vehicular drivers.
2. Requested variance is minor in size.

ADAM CUMMINGS: And letter G, height of that directional sign for the Dunkin' Donuts -- not to say it's a Dunkin' Donuts sign, but it just happens to be a Dunkin' Donuts sign right now. I ask for a motion for this application as described.

Mark Merry made a motion to approve the application, Item G, with one condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #2, ITEM G: 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 is necessary to avoid obstruction from snow accumulations and will not hinder the view of vehicular drivers.

ADAM CUMMINGS: We made it through that one.

MR. SCHALLIOL: Mr. Chairman, with all due respect to the applicant that will not take nearly as long as each application, if you want to hear them in between, by all means.

Application 5 was recalled.

Ryan Brandt was present to represent the application.

MR. RYAN BRANDT: I'm Ryan Brandt from Rochester's Cornerstone Group, here to discuss 1651 Union Square Boulevard. To change things up a little bit -- to talk about the signage.

We're seeking a variance today -- relief from the code section that limits the number of freestanding signs in a Residential District. This is the -- the Hubbard Springs Apartments.

We have started construction. There's two different sites: 154 Union Square Boulevard and 165 Union Square Boulevard. This is just related to 165, though. We have a freestanding monument sign on both sites that was approved by the Architectural Advisory Committee and that is, I guess, our one permitted freestanding sign.

We have an additional sign -- you will see -- I believe in your packet -- so -- so purpose for this sign -- we have two sites, but only one of them has our leasing offices. So when people -- when they come to go to sign a lease, to -- deliveries, really anything that -- anything that is going to require something other than visiting a person on the 165 Union Square Boulevard site, we're trying to direct them over to 154 Union Square Boulevard. Most people will be coming from Union Street, right to go down Union Square Boulevard so they will arrive at the 165 Union Square Boulevard site first. So we're anticipating or we're trying to prevent just a lot of people that are going to kind of drive around that site, pull forward and realize they are on the wrong site and go to the other one or drive around that site, call the office and say, "Can't find you. Where's your office?"

And we have to direct them over to that place. So if you look at the map, it's location -- just in one location at that first entry drive.

Again, attempting to prevent just, you know, high number of cars -- I don't know how many per day, but cars driving around aimlessly trying to find the leasing office.

Colors are consistent with the other way-finding signs and the other monument signs are complimentary to the buildings. I think that's -- that's all -- that's about all I have. So I will answer your questions that the Board has.

ADAM CUMMINGS: Do you have any questions?

MR. NAGLE: Do you have anything you presented that I can see what it looks like?

MR. RYAN BRANDT: This is --

MR. NAGLE: May I use it?

I mow by your sign, too.

MR. RYAN BRANDT: Oh, do you? Okay.

MR. NAGLE: I'm between that.

MR. RYAN BRANDT: 3311, you said?

MR. NAGLE: Yes. I own all of the property there.

Are you Roger --

JAMES WIESNER: So the something yellow is the monument sign?

MR. NAGLE: I was thinking that because he looks awful young but looks like Roger (Brandt). Without the mask.

MR. RYAN BRANDT: Right. Right.

What was that, sir?

JAMES WIESNER: Just to confirm you have the yellow. That is the leasing office. The sign is the one that says "monument sign" on the corner?

MR. RYAN BRANDT: Right.

JAMES WIESNER: Right here is the leasing office and that's the sign.

MR. RYAN BRANDT: The leasing office sign will be our second freestanding sign, which is what we're seeking a variance for. Again, it's a leasing office sign that is trying to direct people away to the other site.

JAMES WIESNER: You're saying there is two leasing offices? One sign or two signs?

MR. RYAN BRANDT: Two signs, but the first sign is just the monument sign for the site, saying Hubbard Springs Apartments.

JAMES WIESNER: Sign out by the road is the sign that --

MR. RYAN BRANDT: Is the monument sign.

JAMES WIESNER: This sign right here (indicating) will be outside the building?

MR. RYAN BRANDT: Correct.

JAMES WIESNER: What is this sign going to look like? It is going to look like -- that one is on the building, right?

ADAM CUMMINGS: No. This is the freestanding that is on the post.

JAMES WIESNER: That is the one on the corner?

ADAM CUMMINGS: No. That's the one in yellow that has -- he has it highlighted. The other one we don't have a rendering. It's permitted. He has got it in. So it's not part of this packet.

JAMES WIESNER: Oh. Okay.

MR. RYAN BRANDT: Same exact colors, though. Complimentary again to what that is going to look like.

JAMES WIESNER: Sign out by the road says whatever the --

MR. RYAN BRANDT: Hubbard Springs Apartments, 165, the address. I think a phone number below, as well. I apologize I did not come with that sign rendering.

ADAM CUMMINGS: One curiosity question. In the packet it says "Regarding Zoning Board of Appeals application for fence height."

Should we be anticipating you coming in the future for fence height or is there some miscommunication?

MR. RYAN BRANDT: No. I think that would have been an oversight. We were -- we were in front of the Board last August, I think it was -- August 2020. Reusing materials, reusing letters. Sorry about that.

ADAM CUMMINGS: Just making sure. Not that we would hear about a fence tonight.

MR. RYAN BRANDT: No. You're in a signage mood, I can tell.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAVID NAGLE, 3311 Union Street

MR. NAGLE: I take it -- David Nagle. I take it that has nothing to do with the other sign at all?

ADAM CUMMINGS: Correct.

MR. NAGLE: I see -- I see on this picture -- is that a strip that is the property line that runs -- just to make sure -- it is on this side right here. Is this a different property line, this -- this -- what is this? This dotted line.

MR. RYAN BRANDT: It looks like a dotted line. That is a good question.

ADAM CUMMINGS: That looks to be the right-of-way line. Or maybe the setback line.

MR. NAGLE: Do they own this property?

MR. RYAN BRANDT: I think the Town owns the north side of Union Square Boulevard.

PAUL WANZENRIED: Yes. Union Square.

ADAM CUMMINGS: Union Square is a 66 foot wide right-of-way owned by the Town.

MR. NAGLE: That's owned by the Town. That's probably the Town --

ADAM CUMMINGS: Yes.

MR. NAGLE: It only goes back so far, right.

ADAM CUMMINGS: Correct. So it looks to be -- I don't have a key on here, but the -- yes, the dark black line, I believe, would be the property line and then the dashed line would be a setback off of that.

MR. NAGLE: Okay. So that's -- that's owned by the Town. So that -- that sign is on the Town side?

ADAM CUMMINGS: No. No. No. It is just on the inside of that dashed line, so it's inside of the setback.

MR. NAGLE: They have a piece of property that runs by the road?

ADAM CUMMINGS: Yes. So they own the property and then the setback is just saying -- they can't put anything within that setback and then it goes to the Town property. So it is on their property.

MR. NAGLE: Is there a strip of Town property between -- between me and -- and Cornerstone then, Union Square?

ADAM CUMMINGS: I -- I'm not sure if I'm describing -- the Town owns the dark black line and then in between -- or right --

MR. NAGLE: Am I looking at the -- this map here?

MR. RYAN BRANDT: He is referencing this up here on the north side of Union.

MR. NAGLE: Maybe you have a different map than I do?

ADAM CUMMINGS: No. It looks like I have the same one.

MR. RYAN BRANDT: You're referring to this, the north side?

MR. NAGLE: The north side.

ADAM CUMMINGS: The north side, it looks like the Town's boundary is that dark line and then there is that jutting out that kind of jumps over. That is a right-of-way taking that was actually taken by the State of New York.

MR. NAGLE: But the Town -- so in other words, you're saying where all those circles are, the Town owns that in the swamp there?

ADAM CUMMINGS: Yes.

MR. RYAN BRANDT: I believe so, yes.

ADAM CUMMINGS: I take that back. I can't say who owns it by this map. I can't speak to that.

ERIC STOWE: Also safe to say it's not part of this application.

MR. NAGLE: That's fine. I didn't know how that would affect the other sign, or not at all really.

MR. RYAN BRANDT: Not on that side. I'm almost positive the Town owns that.

MR. NAGLE: You want a sign there.

MR. RYAN BRANDT: Just in that highlighted location.

MR. NAGLE: I'm the nearest neighbor probably. I have no objections to it.

ADAM CUMMINGS: Thank you.

Anything else, sir? All right. I will --

MR. NAGLE: I mow it every once in a while.

Adam Cummings 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: Sign permit will need to be obtained. That will be one condition for it.

PAUL WANZENRIED: AAC approval.

ADAM CUMMINGS: I thought he already had it. He doesn't have it?

MR. RYAN BRANDT: I think we did -- we presented.

PAUL WANZENRIED: That was last Monday -- or the last Tuesday, but you didn't make the meeting.

MR. RYAN BRANDT: I presented all three, but I have to go back for this one.

PAUL WANZENRIED: Wait. You presented all three to them?

MR. RYAN BRANDT: Obviously not last week, because the November, October meeting.

ADAM CUMMINGS: I will still mark it down.

PAUL WANZENRIED: Still mark it down. I will verify it.

MR. RYAN BRANDT: But obviously a permit will still be needed.

PAUL WANZENRIED: Yep.

ADAM CUMMINGS: Roger 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 an Unlisted Action with no significant environmental impact, and James Wiesner seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: Motion to adopt the application with two conditions of approval?

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

DECISION: Unanimously approved by a vote of 4 yes with the following conditions:

1. Building permit must be obtained.
2. AAC approval must be obtained.

The following findings of fact were cited:

1. The additional sign is not located by the other sign installed for this property.
2. Due to the large size of this development and presence of multiple entrances, additional signage provide beneficial way-finding for visitors and residents within the development.
3. Application of Site Enhancement Service, (Rep: J. Charley Schalliol), 6001 Nimitz Parkway, South Bend, IN 46628, Speedway LLC (John Leopard) 539 South Main Street, Findlay, OH 45840 owner; for Speedway LLC 4371 Buffalo Road, North Chili, NY 14514, variance(s) of:
 - A. Illumination of Sign-Information that changes every 4-5 seconds (no flashing, intermittent, rotating, or moving signage allowed).
 - B. Number of Monument Signs-6 fuel dispensaries, 1 vacuum, 1 air pump, 1 car wash, 3-season sale (firewood, ice, seasonal) (1 allowed).
 - C. Height of Monument Signs-fuel dispensaries 108", air pump 69" and car wash/vacuum 72" (60" allowed).
 - D. Area of Monument Sign- fuel dispensaries 36 sq. ft. per side total 72 sq. ft. (2 Sides/pump) (16 sq. ft. per side/ 32 sq. ft. total allowed).
 - E. Area of Wall (car wash) Signs-car wash information 36 sq. ft. (second sign ½ sq. ft. of first (37.5 sq. ft.) 18.75 sq. ft. allowed at property located at 4371 Buffalo Road in GB District.

Charles Schalliol was present to represent the application.

MR. SCHALLIOL: I can do a full-blown presentation or just start talking?

ADAM CUMMINGS: I'm good with just starting to talk.

Board, in agreement with that?

JAMES WIESNER: Sure.

FRED TROTT: Sure. Let's hit each one.

ADAM CUMMINGS: So the illumination of the sign.

MR. SCHALLIOL: So the illumination of the sign is only -- it's -- wow. I can't even talk. It's contained -- I didn't get that coffee -- it's contained in the freestanding sign. We're not looking to increase any area. We're just looking to reconfigure the area of the existing copy. The only thing that we're seeking is the ability to have the member rate of the Speedy Rewards -- have that -- or have that price be able to be identified in the digital display every 4 to 5 seconds. It's an instantaneous change. It doesn't flash blink or scroll. Not intermittent. Not from dark to light. Instantaneous change and merely showing the patrons who are loyalty members the price difference.

So this sign, unlike other ones, has the ability to -- to handle that function, so that is why we're asking for it at this location.

FRED TROTT: That would be shown where?

MR. SCHALLIOL: So actually it's --

FRED TROTT: Where --

MR. SCHALLIOL: If you look at the right-hand side, it has that little right -- it has that little header. It says "Pay with card." And that's -- it's in the existing configuration, or the existing square footage. Nothing changes. Just the panel sizes change a little to be able to have that little header piece.

ADAM CUMMINGS: To pay where the -- to pay -- so right here (indicating), what we're talking about is going to be changeable, is "Pay with card" is going to be --

MR. SCHALLIOL: That will be -- it will say "Pay with card."

FRED TROTT: It will be able to change.

MR. SCHALLIOL: As well as digits for the pricing. So it will go from say -- wouldn't it be great if gas was 2.45 again? So 2.45 to 2.50. So it's an instantaneous rate of change.

ADAM CUMMINGS: It will change like you said -- it will either say "Pay with card" or

"Member price" or "Non-member price"?

MR. SCHALLIOL: Exactly. Because of the way the State of New York does the regulations in regards to what information you have to display, this is extremely common. Or at least more so now in the State of New York than it has ever been.

ADAM CUMMINGS: Just not in the Town of Chili. We got ones with digital pricing, but not what you're describing.

MR. SCHALLIOL: Understood. Again, it's weird how it hits the code. Because it's not animated because it doesn't -- it doesn't have the clown in between 20 balloons and it -- it's not flashing because it's not a -- it's not a, I guess, strobe effect or what have you. It's the instantaneous change where if you weren't looking at it, you wouldn't know it changed.

ADAM CUMMINGS: The only way you know it changed is if you looked three seconds ago, it said one thing and you looked again and it said something else.

MR. SCHALLIOL: Exactly. With this intersection, with the amount of traffic, the only people that will really pick this up are the people sitting at the intersection with nothing better to do than look around.

ADAM CUMMINGS: But with that point, then why do you need it?

MR. SCHALLIOL: For the people that are sitting at that intersection, just looking around.

ADAM CUMMINGS: All right. So to be clear, I think as Fred (Trott) said, on the left is -- to be on clear on it, that is what it looks like now. And you're not looking to make it any bigger. You're just going to change the digital display to make it fit in the rectangle.

MR. SCHALLIOL: Utilizing the copy area there.

FRED TROTT: Why didn't you ask to do this at the Mobil Station? I'm sorry. The Chili Avenue --

MR. SCHALLIOL: Why didn't we ask? It's my understanding that sign doesn't have the -- components are different to the point where it couldn't accommodate this configuration.

ADAM CUMMINGS: Got you. And you're not looking to change that one out?

MR. SCHALLIOL: Which one?

ADAM CUMMINGS: Chili Avenue.

MR. SCHALLIOL: No. No. No. That is not before you.

And then in regards to the rest of the application, I mean we -- you know, if we're looking at the monument signs, or the B ones, which would be the gas pumps, I mean, I think we -- we worked pretty hard on the last application to get to a place where everybody felt good about it. I hope I'm not overstepping that.

If -- if everybody was comfortable where we ended up there, I mean --

JAMES WIESNER: What is the one freestanding at the beginning?

MR. SCHALLIOL: That's the pylon sign that we just talked about. The one that is at the corner.

JAMES WIESNER: Okay. So it wasn't in the old one, but it was in this one.

MR. SCHALLIOL: Yes. Because this one has something to talk about with -- the vacuum that is shown on B2 is different than the last vacuum unit. I think this actually falls more in line with what we kind of talked about at the last time. And again, I think it's -- it's a single -- single-sided application anyway.

The other green that you see is just an instruction, so -- is there an issue with -- with the vacuum sign?

FRED TROTT: D5 is a separate vacuum?

MR. SCHALLIOL: Correct. That is associated with the air machine, as well.

And again, if we're -- to jump to the air machine, um, I believe we had the same height issue. So again, you know, if they're doing it at one location, we can do it at another; i.e., you know, make the modifications, I should say. Yep.

JAMES WIESNER: Can we go back down through the monument sign list and finish that up?

MR. SCHALLIOL: So the seven gas pumps, if you're good with it, we'll logo it and -- or the -- artistic representation of our logo on the top.

JAMES WIESNER: So we have the vacuum unit.

ADAM CUMMINGS: Right. And to be clear, then where it says 300, any 3 --

MR. SCHALLIOL: I'm sorry.

ADAM CUMMINGS: -- that would not be allowed.

MR. SCHALLIOL: Correct. That one, as well.

JAMES WIESNER: So the firewood sign is out again?

ADAM CUMMINGS: Firewood sign would be out again.

JAMES WIESNER: That was withdrawn.

ADAM CUMMINGS: This one is unique because we have the water ones. So -- well, the firewood falls under seasonal sales signs. But for the gas dispensaries, is everybody understanding and in agreement on that?

FRED TROTT: Yeah.

ADAM CUMMINGS: All right. The vacuum ones --

FRED TROTT: Yes. Fine with those.

ADAM CUMMINGS: The vacuum is good. Air -- Charlie (Schalliol) talked about that already.

JAMES WIESNER: The three seasonal sales signs and one ice.

FRED TROTT: We're looking to remove those signs?

ADAM CUMMINGS: We haven't gotten there yet.

We talked about firewood last time. This one is the seasonal signs -- I think they fall under the same category of we prefer not to have them on there and -- okay. I was missing the ice one, but it does have the "Speedway" on there. The other one just had an ice machine that said "ice" on Chili Ave.

MR. SCHALLIOL: Only thing I would say and I don't know how you feel about this, but the -- the -- the water signs, my concern with removing the sign in general is at what point do people -- if you don't have a price sign out there -- and again, people are -- people are an interesting breed. At what point are you going to have people that just come up and take the water, because they don't realize it's a sale item?

FRED TROTT: I think what we're saying is if you put the water sign with the price inside the building --

MR. SCHALLIOL: Similar to the fire --

MARK MERRY: Well, if it is inside -- why does that water even need to be outside?

MR. SCHALLIOL: I can't speak to the P&L of why they sell certain products in certain --

MARK MERRY: To answer your question, Charlie (Schalliol), if you want to make sure your water doesn't walk, don't put it outside.

MR. SCHALLIOL: I would say the same thing with the firewood.

MARK MERRY: Same thing with the firewood. But that's --

MR. SCHALLIOL: If they have signage, put it inside, in the window behind the glass.

ADAM CUMMINGS: Where it is permitted.

JAMES WIESNER: In proximity of it.

MARK MERRY: You ready for B7?

ADAM CUMMINGS: I think on the three seasonal sale signs --

JAMES WIESNER: That's withdrawn.

ADAM CUMMINGS: -- you're --

MR. SCHALLIOL: We'll just go to the window.

ADAM CUMMINGS: Yep.

PAUL WANZENRIED: Well, what are they doing with the ice machine?

ADAM CUMMINGS: That's the B7. I --

JAMES WIESNER: We're heading to that one right now.

What are your thoughts, Mark (Merry)?

MARK MERRY: The other one says "ice," right?

ADAM CUMMINGS: Correct.

MARK MERRY: What do we do here?

PAUL WANZENRIED: This is -- one is just inundated with Speedway.

JAMES WIESNER: Enough is enough.

ADAM CUMMINGS: Yeah. On this one, I think you have got the trifecta there for Speedway and you have got wall signage and everything else. I guess I'm not understanding either of why -- is Speedway now known for ice?

MR. SCHALLIOL: World renown. Just kidding.

ADAM CUMMINGS: Norwegian.

And --

MR. SCHALLIOL: I can't see -- is that thing on? I can't see any reason why we can't just graphic over that. Would there be a problem with the word "ice" being on the side of it?

ADAM CUMMINGS: No. It would match your other store. I would rather it is an "ice" than "Speedway."

MR. SCHALLIOL: I don't see any reason to necessarily stand here and talk to you about the logos.

ADAM CUMMINGS: So we didn't have ice in the last one.

Paul (Wanzenried), are you okay with ice just being the standard that says "ice" on it?

PAUL WANZENRIED: Yes.

MR. SCHALLIOL: Done.

JAMES WIESNER: So we are down to four.

ADAM CUMMINGS: We are down to -- one, two, three, four -- yes.

To be clear, he is allowed to have one, so we're doing three additional.

Correct?

JAMES WIESNER: Correct.

ADAM CUMMINGS: Just to make sure we're in agreement. Is that correct? There are four total, so three additional and one allowed.

JAMES WIESNER: I'm on board with it.

ADAM CUMMINGS: Does that math work, Charlie (Schalliol)?

MR. SCHALLIOL: Yes.

ADAM CUMMINGS: You caught it last time. I want to make sure we catch it this time.

MR. SCHALLIOL: I think we're good.

ADAM CUMMINGS: All right. And then the heights --

MR. SCHALLIOL: B1 goes away. B2 is -- I mean, there is really nowhere else to put the --

ADAM CUMMINGS: Agreed.

MR. SCHALLIOL: Then B3, I will drop the air down.

And then B4 is the -- the car wash unit.

ADAM CUMMINGS: The Speedy Wash.

MR. SCHALLIOL: Which again, back of the property and is in height-wise what needs to

be for an active vehicle.

ADAM CUMMINGS: Yep.

JAMES WIESNER: Two left.

ADAM CUMMINGS: Correct.

We went from 4 to 2 on that. Now we're going to -- that would go away.

Square footage of the wall signs -- so C2 is the instructions, which is on the south wall on the western portion, and -- sorry. That's the menu. Then the instructions are on the eastern portion of that north wall.

JAMES WIESNER: So there is two -- two signs there that are -- they're adding the square footage to, C2 and C3?

MR. SCHALLIOL: C3 is on the opposite side of the building.

ADAM CUMMINGS: Yes. So it's per side. Now -- that's a good question.

Paul (Wanzenried), we have got the menu and the instructions are added together and counted as one sign.

PAUL WANZENRIED: What page are you on?

ADAM CUMMINGS: 9 of 11.

PAUL WANZENRIED: Thanks.

ADAM CUMMINGS: We're going up a square footage.

FRED TROTT: He is dividing -- Paul (Wanzenried), is the signage per side of the building? The car wash sign -- or the Speedy Wash sign is on the street-facing side, while the two informational signs are on the other side of the building. One of the signs would actually meet code at half the size of the primary sign.

ADAM CUMMINGS: But then we have too many signs because we're at primary and secondary and we have a tertiary sign here.

PAUL WANZENRIED: It doesn't -- it only quantifies linear foot of building facing -- whichever is less -- in the event that the building is on a corner or otherwise faces more than one public street, a second sign of no more than half of the size of the first shall be permitted. It doesn't qualify where that sign is, whether it's -- if this is the front-facing Buffalo Road, it doesn't matter if it is facing Union Street or the north 40.

ADAM CUMMINGS: It infers that it faces two streets so you should have one facing each of the streets, but it doesn't state that.

PAUL WANZENRIED: Doesn't state that. All it states is that the second one can only be one-half of the first. So the "Speedy Wash" up front is a permitted sign.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: That's his road sign.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: That's his front footage.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: So the back side is what we're asking for the variance for before it exceeds that.

ADAM CUMMINGS: Correct. It has to be half of the first sign.

PAUL WANZENRIED: Read half of the first.

ADAM CUMMINGS: My question is are we adding the menu and the instructions together as a single sign because there is two signs on back or are we not counting the menu as a sign and we're only counting the instructions?

PAUL WANZENRIED: I was counting the instructions. The signage to --

ADAM CUMMINGS: To the left is -- the signage to the left is just more stop, go; stop, go. It doesn't give you directions like Chili Ave. Chili Ave. is a different case.

On Chili Ave. it gave you the menu with the descriptions of the different tiers could you order. This one is just telling you proceed or stop.

PAUL WANZENRIED: Right.

ADAM CUMMINGS: So we're just talking about the menu sign.

PAUL WANZENRIED: The instructions to the right of the door.

ADAM CUMMINGS: So on C2, it's the white that's to the east of the bay on the south side of the wall.

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: Okay. I'm clear on this. And that is -- that is 37 1/2 square feet, where 18.75 square feet is allowed. But as we said, font gets much smaller and those are useful instructions. Not that we're looking at the content of it, and it's not facing the road, so I don't see that the size of the sign is -- is visible from the public.

MARK MERRY: Yep.

ADAM CUMMINGS: All right.

FRED TROTT: I have a question.

ADAM CUMMINGS: Go ahead.

FRED TROTT: Now, with the pay option or -- I don't know what you call it, the -- the car wash unit, we didn't address --

ADAM CUMMINGS: That's --

FRED TROTT: -- the signage.

Is that considered signage? Or is that just because -- it does say "Speedway" on it.

MR. SCHALLIOL: Ordering unit?

FRED TROTT: Yes.

MR. SCHALLIOL: That was considered one of the monument signs.

MARK MERRY: For the Chili Ave. site.

ADAM CUMMINGS: Over on letter B it's called "1 car wash." And it was on the Chili Ave. one, called "1 car wash."

FRED TROTT: I'm not familiar -- I'm more familiar with this one. As far as this one has a TV screen.

ADAM CUMMINGS: Okay.

FRED TROTT: So now are we lumping that TV screen with that?

ADAM CUMMINGS: We're not addressing the TV screens.

FRED TROTT: Okay. All right. So what I'm trying to say is if we approve this, are we approving the TV screen portion of it?

ADAM CUMMINGS: No. No.

FRED TROTT: Okay.

ADAM CUMMINGS: We are -- we are addressing the monument sign and the height of the monument sign. Not the TV screen. That's not part of their application.

Did you have another question?

FRED TROTT: You didn't -- the Chili one, did it have one --

ADAM CUMMINGS: Yes. Yes. It's off to the side.

FRED TROTT: Okay.

ADAM CUMMINGS: All right. We addressed that one in terms of the height right there. Then it counted as one of the monument signs.

FRED TROTT: Okay. All right.

ADAM CUMMINGS: Side Table, anything to add?

ERIC STOWE: Just for the clarity of withdrawing which ones and proceeding on which ones.

ADAM CUMMINGS: Understood.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DAVID NAGLE, 3311 Union Street

MR. NAGLE: Just a couple of questions. Start off on B4.

Is any of the lighting or anything changed on that?

MR. SCHALLIOL: No.

MR. NAGLE: No light being put there or anything like that?

MR. SCHALLIOL: Everything that is there now is proposed to remain.

MR. NAGLE: The signs and everything. All right. Because that's the side that faces me. And what made me happy -- they put a dumpster there -- instead they put a two-car garage building right by the road, right next to me.

Does that have any signage or anything put on that at all?

MR. SCHALLIOL: I have no --

MR. NAGLE: It is not in any of the pictures here.

ADAM CUMMINGS: Not according to this application.

MR. NAGLE: Because that --

ADAM CUMMINGS: What is shown here is where the dumpster --

MR. NAGLE: Dumpster, it's like just a couple feet from the road. It sort of blocks me.

ADAM CUMMINGS: Yep.

MR. NAGLE: Which -- they said they were going to put a dumpster, but they didn't say they were to put a garage in and put the dumpsters in the garage, with the original proposal that I saw. I wasn't too happy with that. But would there be any sign on it?

MR. SCHALLIOL: I don't believe there is any signage. Driving by today, I don't remember seeing any signage.

ADAM CUMMINGS: There is nothing permitted or nothing on the application to put signage on it.

MR. NAGLE: Say like the firewood or the temporary signs, where would they be?

MR. SCHALLIOL: They're going away per this application.

ADAM CUMMINGS: They're withdrawing those.

MR. NAGLE: So there won't be -- they couldn't put the temporary sign on that side?

ADAM CUMMINGS: No.

MR. NAGLE: Or on this front building?

ADAM CUMMINGS: No.

MR. NAGLE: Okay. That was basically what I was --

ADAM CUMMINGS: Okay. Good.

FRED TROTT: Can I ask a question to him?

ADAM CUMMINGS: If you would like.

FRED TROTT: You say you're the property next to him?

MR. NAGLE: Yes.

FRED TROTT: When I Google Earth, there is just land there. When I Google Earth, there is just land there.

MR. NAGLE: Yeah.

FRED TROTT: Your property is -- are you the --

MR. NAGLE: Yes.

FRED TROTT: -- the garden shop?

MR. NAGLE: That's mine, too. And the house. I'm in between the two applicants. I

think you arranged just for me here. I'm the only one here. The two guys on each side of me.

But I'm a peaceful neighbor. It's commercial property. You know, what they have to do, they have to do. Just as long as it doesn't -- like I said, the only -- I didn't care about Hess other than they put the garbage thing right by the street so it really blocks any kind of visibility when you're coming around it.

FRED TROTT: Per requirement they have dumpsters.

MR. NAGLE: They didn't have enough room so they stuck it in there, I think. As long as there is not a sign put on it. A temporary sign put on it.

ADAM CUMMINGS: No. That would not be permitted. That is not to say they won't try it, but...

MR. SCHALLIOL: I wouldn't try it.

JAMES WIESNER: Speedway does not make dumpsters.

ADAM CUMMINGS: But no, it would not be permitted. Okay.

FRED TROTT: So I think, Paul (Wanzenried) -- do you want to close the Public Hearing?

ADAM CUMMINGS: Yes.

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

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.

FRED TROTT: My -- I have no complaints about anything except for the first item, elimination of the sign -- of the changeable.

ADAM CUMMINGS: Changeable.

FRED TROTT: I have a really hard time swallowing that. I noticed you're -- you're using comparables. You used comparables. Look at this pump over here at Byrne Dairy. Look at this. I don't want to open up this Town to changeable signs at every commercial building. That's my only hang-up. I -- I see your point. I see that it is small. I just -- we're comparing two Speedways to making them the same and I don't want to have this Speedway in Chili, "Well, we did everything you said over here at Buffalo."

And then I don't want Kwik Fill to come up to me. And I just -- I have a real -- that's my one problem I have.

ADAM CUMMINGS: Comparable if you want to see something that changes it more frequently.

Charlie (Schalliol), you may drive past it, but if you head down the Thruway Exit 41, Petro Center, they toggle back and forth between diesel and gasoline. They do it more frequently so you can see it as you're down the Thruway. That is what we're trying to avoid here.

FRED TROTT: I know this is minimized and everything like that. But I think we're opening --

ADAM CUMMINGS: Yes. We have not approved anyone to do this in Town. I think neighboring towns have, but not in Chili.

FRED TROTT: Yeah.

MR. SCHALLIOL: Only thing I would say to that -- and again, I represent a lot of different people. A lot of people try to accomplish this look in this field with the actual full screen electronic message centers which is a whole different ball of wax. It really gets into the fact that, you know, we have already got digital. Digital is part of technology. It's already in Chili so on and so forth.

This variation, this toggle feature is really no different than somebody standing out there if it was a manual reader board and changing it. It's not a change in -- it's not a change in information. It's not a distracting method of change. It's -- it's -- it's probably the cleanest way you can do something like this. And it's -- it's one of those -- it's one of those features that, you know, technology is -- is changing the sign industry on a daily basis.

FRED TROTT: I -- I -- don't get me wrong. I understand what you're saying and to a point, I agree with you. I'm also looking at -- we're initiating a crack into our system.

MR. SCHALLIOL: I got you.

FRED TROTT: I guess what would -- could we have it where they only allow -- can we put some restrictions on that? Can I rephrase that, where we say it can only say this and this?

ADAM CUMMINGS: No. We can't say that.

FRED TROTT: Can we only have it offer two informations?

ADAM CUMMINGS: No.

FRED TROTT: So they could sit there and tell us it will only be "For member only price," but next week it could be "Milk \$0.99"?

ADAM CUMMINGS: What we're doing here is allowing illumination of sign information. It doesn't have to say what it says here. We can have somebody else change the sign completely and it doesn't have to say fuel prices. For point of clarification, you only have in New York State that you have to put it above the pumps. The monument signs I don't believe are required.

MR. SCHALLIOL: You still have to have -- you still have to display your price on the freestanding signs.

ADAM CUMMINGS: That's new to me. What I'm saying is this one stays with it. If it is not a gas station, somebody else could put other stuff on there and change every five seconds.

MR. SCHALLIOL: I can never remember, because it changes, I think, from community to community. Is the application tied to the property or is the application tied to the -- tied to the applicant?

PAUL WANZENRIED: Tied to the property.

MR. SCHALLIOL: Okay. So even if somebody comes in, they're -- they're not going to be able to utilize this sign unless they're a fuel station. They won't be able to come in and sell something different.

FRED TROTT: But we can only sit there and say we're allowing it -- we're allowing it to be information that changes over 4 to 5 seconds.

ADAM CUMMINGS: Right. That can be a certain height with a certain square footage.

FRED TROTT: Where is that on there?

ADAM CUMMINGS: That's what code allows. The code allows a sign to be up there and then we're allowing --

FRED TROTT: What I'm saying is, this -- where it says "Speedway," they could become -- and integrate this part and become a huge TV screen?

MR. SCHALLIOL: But couldn't we tie -- and again, I'm --

FRED TROTT: I'm looking for answers.

MR. SCHALLIOL: But I guess what I'm saying is couldn't we tie -- this application is based on the artwork submitted on this application. We're not asking for a 4 to 5 seconds of all changeable -- of all copy on that sign. We're asking for a very specific limited application of that 4 to 5 second topic.

MARK MERRY: Square footage is what.

ADAM CUMMINGS: I'm following you. It is pretty much limiting the square footage of that center portion, not the whole --

MR. SCHALLIOL: Right. Just the changeable copy portion that currently -- well, we're proposing in this application. It's not the overall.

ADAM CUMMINGS: I like that approach.

MARK MERRY: I like that approach.

ERIC STOWE: The whole point is not changing like a Vegas strip sign. It is this section.

ADAM CUMMINGS: And our code just says the size of monument sign that is allowed. It doesn't say the allowable size of the changeable information.

ERIC STOWE: We don't allow changeable information.

ADAM CUMMINGS: Correct. So that is our variance on this. We can limit the square footage of this changeable information.

ERIC STOWE: To go to Fred (Trott)'s point, if a traditional retailer goes in there, you could say "Doritos, \$0.99." You can't limit what it says.

ADAM CUMMINGS: Right. Right.

FRED TROTT: So then my next question is, what is the size? Are we looking at just --

ADAM CUMMINGS: Just those three bars. So pretty much the same square footage.

FRED TROTT: Half the size of the sign.

ADAM CUMMINGS: I would say a third.

MARK MERRY: Third of a size?

MR. SCHALLIOL: Just the numerical portion and the one little header piece.

ADAM CUMMINGS: I'm just counting it as if it was three rectangles.

MR. SCHALLIOL: Oh, sure. I got you.

ADAM CUMMINGS: A simplistic view. Technically -- they aren't the same.

MARK MERRY: Looking at that --

ADAM CUMMINGS: I'm looking at the middle section.

MARK MERRY: That's a good-sized sign to Fred (Trott)'s point.

ADAM CUMMINGS: Yeah. About the same size as the American Legion one. Or the School District one down the street.

MARK MERRY: Would you --

ADAM CUMMINGS: Which I can't say -- that's in Riga. That's not Chili.

FRED TROTT: That's my biggest hang-up.

ADAM CUMMINGS: Okay. Well, we're going to move on with these.

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.

FRED TROTT: Are we voting separate?

ADAM CUMMINGS: We're doing them separate. So Letter A is the illumination of signage change every 4 to 5 seconds where currently no changing nor flashing, intermittent, moving rotating sign is allowed.

To be clear, this is the one he is describing.

Can we put a limitation on this for square footage?

ERIC STOWE: Yes.

ADAM CUMMINGS: I would like to limit this to -- I wish we had the exact square footage --

MR. SCHALLIOL: I can get that provided to the staff. Is there -- could we say to the point where it's the middle portion of the sign, square footage to be determined with staff?

ADAM CUMMINGS: I would rather set it tonight.

MR. SCHALLIOL: I just don't have the measurement. I apologize.

ADAM CUMMINGS: I'm trying to see if I have -- does that old decision say the square footage of the sign? Because they did come in for the revised one.

JAMES WIESNER: It doesn't appear anything -- they have reduced the size of the "diesel/unleaded" to fit that in between "Speedway" and the "Beer cave."

ADAM CUMMINGS: Right.

With the abbreviation you're saying. There it is. 8 foot by 5 foot. 21.9 feet high and 66 square feet.

No. That is the signage on the canopies. The price sign wall -- price sign on the wall -- that's not it. 80 square feet is what it looks like for the freestanding sign on the pole.

MR. SCHALLIOL: That has to be 80 square feet total.

ADAM CUMMINGS: Yes. 40 on each side.

Oh, here we go. They did get a variance in 2007 and then they added a 7'2" by 4'6" addition to the free-standing sign. So that would give me -- from what I recollect, because I was here in 2007, is that was the "Beer cave," "Speedy Wash."

MR. SCHALLIOL: Which sign is the same size?

ADAM CUMMINGS: Right.

MR. SCHALLIOL: That sign is broken up into thirds.

ADAM CUMMINGS: So 7'2" on the width. And 4'6".

MR. SCHALLIOL: Roughly 32 square feet.

ADAM CUMMINGS: Yep. 32.2. So we'll call it 32 -- we'll call it 32.5 square feet.

MARK MERRY: No way to put a condition on text?

ADAM CUMMINGS: No.

FRED TROTT: Can you put conditions on when it's on, like we did with the Legion?

ADAM CUMMINGS: In terms of the display on it, the illumination? That's a good question to Eric (Stowe).

Can we restrict the hours of illumination?

ERIC STOWE: Well, sure. But we don't restrict it now. Right?

ADAM CUMMINGS: And if we're going to restrict it, we would only restrict the changeable copy of it.

ERIC STOWE: Right. The changing portion.

ADAM CUMMINGS: So no.

FRED TROTT: Okay.

ADAM CUMMINGS: All right. So I have got that as being -- I rounded up to 32.5 square feet, being the engineer that I am.

ERIC STOWE: Is that per side, Adam (Cummings), or cumulative?

ADAM CUMMINGS: Per side. Good question.

So that would be 65 square feet total.

JAMES WIESNER: You're giving him the whole area, including where the gas prices are?

ADAM CUMMINGS: I'm giving -- yes. That whole middle rectangle. Yep. So it includes that whole thing --

JAMES WIESNER: Whole thing could be a messaging center?

ADAM CUMMINGS: Correct.

MARK MERRY: Is there any way to minimize that?

JAMES WIESNER: I thought you were just going after the strip.

FRED TROTT: You can't.

MR. SCHALLIOL: The only -- to your point, sir, the only portion that we're looking to have the toggle feature is that little red bar and the numerals. I mean -- I understand it's the -- I don't know how -- and again, every community is different -- I mean --

JAMES WIESNER: That strip is about a fifth of that.

MARK MERRY: Just that bar and the numerals.

ADAM CUMMINGS: That I'm not sure. I don't have the dimensions on that.

MR. SCHALLIOL: That's not regulated content.

ADAM CUMMINGS: Right. Hmm. Hmm. Hmm. Hmm.

JAMES WIESNER: It looks to be about 1/5 of that whole -- what you were just describing as a square footage.

ADAM CUMMINGS: I -- I -- I did not cut it into the miniscule -- the bar that says "With Pay Card" and the digits. I -- I don't -- there is no way for us to figure that out tonight. Not --

JAMES WIESNER: You're opening that whole section, that middle section up for a messaging center.

MR. SCHALLIOL: The variance couldn't be -- not saying it would be, but it couldn't be approved as submitted per the artwork? Because that then ties it to only those portions that have the ability to toggle.

MARK MERRY: I'm sensing if we don't do something that way, you may not get it.

ADAM CUMMINGS: It's going to open it up.

MARK MERRY: Yeah. Trying to work with you here, Charlie (Schalliol).

MR. SCHALLIOL: No. I think it comes down to --

ADAM CUMMINGS: Can it be specific to this application?

MR. SCHALLIOL: Yes.

ADAM CUMMINGS: This specific layout -- not to say the content, but this orientation.

MR. SCHALLIOL: Right. And -- I mean I guess that -- that is more --

ADAM CUMMINGS: I will just write it, "orientation limited to this application"? Is that okay? What do you care? You will be our Judge next month. (Laughter.)

Hi, camera.

FRED TROTT: Glad you said it.

ERIC STOWE: Thank you, Mr. Chairman.

Yes, it -- it just creates enforcement headaches with --

ADAM CUMMINGS: Agreed.

ERIC STOWE: Okay. And now we're into the minutia did it move, did it not move?

ADAM CUMMINGS: Is it the same color?

ERIC STOWE: Yep.

ADAM CUMMINGS: Hmm.

MR. SCHALLIOL: But isn't that --

ERIC STOWE: My -- my suggestion would be tabling that portion for a receipt of measurements and you can do the rest of it and -- I mean there is -- not making you come back from South Bend, but -- but I think the Public Hearing is closed. Here's the measurements. The applicant is in agreement with these measurements and a letter and you can vote on it without appearance.

ADAM CUMMINGS: I like that route.

JAMES WIESNER: I mean, if you look at the center section, you can scale that pretty easily if you know what that -- middle of that sign is. I mean that -- that's the same thing --

MARK MERRY: Go ahead.

ADAM CUMMINGS: You can.

JAMES WIESNER: You said it was what, 36 times 2 -- 7.

ADAM CUMMINGS: The whole thing is 7.2 inches, but I have no idea what the scale of the imagery is on there to do that. But I think if we give them that opportunity, they provide us the information, the dimensions and it's not left up to us guessing and being wrong.

MARK MERRY: Okay.

JAMES WIESNER: That's fine. It leaves it open for another meeting that he would have to attend that may or may not --

MARK MERRY: He doesn't have to attend.

ADAM CUMMINGS: He just has to provide the letter. We're going to say he doesn't have to attend.

ERIC STOWE: We just need an opportunity to verify the measurements.

ADAM CUMMINGS: Right. I'm good with that approach.

JAMES WIESNER: We do an absentee --

ERIC STOWE: The presentation has been made. This is merely clarifying the scale. Right?

ADAM CUMMINGS: Scale and the dimension, right.

ERIC STOWE: Yep.

FRED TROTT: I'm good with that.

ERIC STOWE: The applicant can choose not to attend and you can hear it.

MR. SCHALLIOL: Is there going to be no additional testimony, correct?

ERIC STOWE: Public Hearing is closed.

MR. SCHALLIOL: As long as that is what you need in order to be confident with being able to make the decision, absolutely.

ADAM CUMMINGS: So that will be a letter correspondence from the applicant stating the orientation and dimensions of the signage -- I will make a motion to table this 3A, the illumination of the sign information until a future meeting. Public Hearing is actually closed.

MR. NAGLE: So the meeting though --

ADAM CUMMINGS: The meeting is not closed.

MR. NAGLE: I'm just saying.

ADAM CUMMINGS: But we're not adding anything else to the discussion here other than clarifying the dimensions on this.

FRED TROTT: So we're tabling this.

ADAM CUMMINGS: My motion to table this.

Applicant in agreement with that?

MR. SCHALLIOL: Is there any way to straw poll if you provide -- do I need to come back?

ADAM CUMMINGS: We do not do straw polls, but boy -- I would say candidly --

ERIC STOWE: Careful.

ADAM CUMMINGS: -- you're missing one person here. So I'm not --

JAMES WIESNER: I guess that is where I was going to go. Do you think you have enough information to vote on it to see which way it goes without wasting any more of his time? But that's just one opinion.

ADAM CUMMINGS: Eric (Stowe), you were going to say something?

ERIC STOWE: No. You said "candidly," and I said "careful."

ADAM CUMMINGS: That's why I held off. I said it as nicely -- as quietly as I could.

FRED TROTT: It would be only one vote.

ADAM CUMMINGS: I -- I -- I like the approach. I'd like to continue on with that orientation of the dimensions. As Jim (Wiesner) said, it would be nice to have more of the information to really make this decision on there and further clarify exactly what this sign's exact detail is.

ERIC STOWE: And there -- there is no legal requirement that I'm aware that an applicant must be present. You do lose the opportunity to engage in the back and forth, right, the discussion if there is an issue that arises. That's -- that's the tradeoff as I see it.

ADAM CUMMINGS: And to be clear, all we're looking for is the dimensions, the height and the width and the offset with the calculated area of what the changeable display would be.

MR. SCHALLIOL: Sure.

ADAM CUMMINGS: So being offset, reference it from where the rest of the signs are, it's in the center -- so say it's 6 inches off each one, it's this dimension. It's this two dimensions.

MR. SCHALLIOL: I will completely dimension this whole rendering up.

ADAM CUMMINGS: Just that middle portion.

MR. SCHALLIOL: Yep. Yep. That's for sure.

ADAM CUMMINGS: That's what we're looking for.

So I make a motion to table it as we just described. It would be a letter correspondence and a future meeting that we would allow the absence --

ERIC STOWE: Wait.

PAUL WANZENRIED: Sorry.

ADAM CUMMINGS: Little hidden gem in our zoning code.

PAUL WANZENRIED: Just happen to have his sign permit with me here tonight. The overall measurements.

JAMES WIESNER: Even if you knew what the post dimension is, we could scale.

PAUL WANZENRIED: He has got it.

MR. SCHALLIOL: I thought we might have it in the sign permit, but I didn't have that in my package.

PAUL WANZENRIED: Is that what you're looking for?

ADAM CUMMINGS: That's what I'm looking for. The only thing it doesn't have is the offset off the side, but that will work. I will be passing it along.

JAMES WIESNER: I'm saying 7 to 8 square feet. That's my guess.

MARK MERRY: That's your guess.

JAMES WIESNER: 7 or 8 square feet per side.

ADAM CUMMINGS: Paul (Wanzenried), only thing we don't have is the digits' width. We could be close enough. 14 inches tall. Actually, I can scale that.

JAMES WIESNER: 7 feet? 7, 8 feet.

ADAM CUMMINGS: 9.5 square feet.

JAMES WIESNER: You're saying 14 inches by what?

ADAM CUMMINGS: I will send it down to you.

JAMES WIESNER: 56 inches? Just with the "Pay Card" and the digits. That's one side.

ADAM CUMMINGS: That's just one side. The digits change, too. The digits are 14 inches tall. The other one is 6 inches tall with the letters.

FRED TROTT: I thought this was a State requirement. Or is the State requirement -- but not a State requirement of the size.

ADAM CUMMINGS: Not in terms of the size, but we have to count it as part of our changeable. Because if he wasn't changing, "With Pay Card" and "Without Pay Card," it would just --

JAMES WIESNER: 6 inches.

ADAM CUMMINGS: 6 inches. 6 inches by 56. Which is 2 by 3 square feet. So 56 on that, and then --

JAMES WIESNER: By 4 1/2, so 2 1/4. Half of 4 1/2. Half a foot by 4 1/2 feet.

ADAM CUMMINGS: A little bit more --

JAMES WIESNER: So 2 1/4.

ADAM CUMMINGS: No. 56 inches is 4 feet 8 inches.

JAMES WIESNER: Yes. A little more.

FRED TROTT: Double-sided.

ADAM CUMMINGS: And correct. Double-sided. 9 1/2. That is a total of 19 square feet.

FRED TROTT: Counsel, can I ask a question?

ERIC STOWE: Sure.

FRED TROTT: Can we have the changeable to coincide with State-required fuel prices?

ERIC STOWE: I don't know of any State requirement that it's on your freestanding sign. The only one I'm aware of is on the pump.

ADAM CUMMINGS: That's the same I'm aware of. But Charlie (Schalliol) knows more than me.

MR. SCHALLIOL: So I have been told -- again, working with a couple different gas stations, it is at -- again, I apologize because I'm from a different state, but a lot of the municipalities you have to have -- you have to have it on the freestanding sign. I -- I don't have the text in front of me.

ADAM CUMMINGS: I have had it where towns institute that, that you have --

MR. SCHALLIOL: Yes, but I --

ADAM CUMMINGS: I always thought it was -- New York State said it had to be where you dispense the fuel, as well.

PAUL WANZENRIED: That's what I thought.

ADAM CUMMINGS: That is why it is both sides. You have to be able to see it as you're dispensing it. I never understood why you had to see it from the road with the dumb paper copies, but it is because they now moved to the digital displays on the pump so when you select,

it shows up at the small part down there.

MR. SCHALLIOL: I'm not ignoring you. I'm trying to Google it.

FRED TROTT: You're right because Sam's Club and BJ's don't have it out in front of their signs.

ADAM CUMMINGS: Correct. But I have worked with towns that put it into their code and I will really ruin the day for Charlie (Schalliol). I have been places where they exempt the whole gas pumps and everything is okay. But not in Chili.

MR. SCHALLIOL: That's the number I came up with. 19 square feet.

ERIC STOWE: Times Union out of Albany, no New York law explicitly regulates how gas prices are advertised on gas station roadside signs, from the Bureau of Weights and Measures.

ADAM CUMMINGS: But whether you're restricted to these three lines --

FRED TROTT: But how many square feet?

ADAM CUMMINGS: 19 square feet.

MARK MERRY: Total.

ADAM CUMMINGS: Total, yes.

Can we restrict it to -- three -- three rows of changeable font, one being the top, 16 inches by 56 inches; the middle being 15 inches by 37 inches; and the lower one 14 inches by 37 inches?

JAMES WIESNER: I thought we were voting on the strip.

ADAM CUMMINGS: No. Because the digits change, too.

MARK MERRY: I thought we were doing --

JAMES WIESNER: It's the strip. Because the fuel is not changing.

ADAM CUMMINGS: Yes, it does.

MR. SCHALLIOL: The price of the fuel changes.

ADAM CUMMINGS: The digits change.

MARK MERRY: The digits and the stripe.

JAMES WIESNER: I thought just the strip was changing.

FRED TROTT: No.

ADAM CUMMINGS: If it was just the strip, it makes it easy, but then it's 2.3 square feet.

JAMES WIESNER: We're allowing the whole thing.

ADAM CUMMINGS: No. We're not doing the whole thing.

MARK MERRY: The strip and the digits.

JAMES WIESNER: But all three of those will be going -- jostling back and forth.

ADAM CUMMINGS: Every 4 to 5 seconds. Jostling is not one of the allowable terms.

MARK MERRY: I think Paul (Wanzenried) is jostling over at the Side Table to me. It looks like a jostle to me.

FRED TROTT: So then again, we're back at --

JAMES WIESNER: Essentially that can become -- when they go away, that square footage could be something else.

ADAM CUMMINGS: No. What I'm saying now, because we restrict it to what is applied here by describing it as the top row is allowed to be 6 inches tall, 6-inch height because -- shoot. 56 inch wide, that's it. The next row is allowed to be 14 inches tall, but 37 inches wide. That's it.

JAMES WIESNER: How many square feet is that one?

ADAM CUMMINGS: I just gave him my sheet. That's 37 by 14.

JAMES WIESNER: So there are three numbers you're adding up?

FRED TROTT: What he is doing is breaking it down.

ADAM CUMMINGS: I'm breaking it down so each one is limited X. We're not at total square footage now. And the font, it's -- you can only allow 6 inch -- you could do smaller front than 6-inch font, but it wouldn't be visible from anywhere so there's no benefit.

FRED TROTT: Yes. I like what we're doing as compared to just the whole 32 square feet.

ADAM CUMMINGS: I'm not calling it out at all. I'm calling three rows of data.

MARK MERRY: So he is making this out --

JAMES WIESNER: So this whole thing could be changeable font in --

FRED TROTT: But now he is defining --

ADAM CUMMINGS: Now I'm defining each one.

MARK MERRY: -- how big a row is.

ADAM CUMMINGS: Each one is restrictive. You could only have the top one being 6 inches by 56 inches.

JAMES WIESNER: All three are interchangeable.

ADAM CUMMINGS: No. I will describe the top-most row can only be 6 inches by 56 inches. The middle row can only be 14 inches by 37 inches.

JAMES WIESNER: You're boxing them out.

ADAM CUMMINGS: The bottom one can only be 14 inches by 37 inches.

JAMES WIESNER: That way they have to have the exact same thing to repeat it again.

ADAM CUMMINGS: No. They can have different stuff in there, but the once again, the relate-ability of trying to put anything else in there -- you're not going put a picture in there. Not big enough. You could have numerals -- in that middle row you could have two -- because it's 14 inches tall -- two rows of 6-inch font. So instead of saying -- in a future one that is not digits of gasoline, you could say "With Pay Card," "Without Pay Card." Or you could say "Doritos" and "Fritos."

JAMES WIESNER: How are you controlling the two down below it?

ADAM CUMMINGS: By the dimensions. Just by the dimension.

JAMES WIESNER: So the fuel prices are --

ADAM CUMMINGS: 14 inches tall by 37 inches wide.

MARK MERRY: Or whatever goes in there.

JAMES WIESNER: So if there is an exact fit for that sign.

FRED TROTT: Right.

ADAM CUMMINGS: Charlie (Schalliol), are you good with that?

Side Table, are you good with that? Is that clear to everybody?

So to be clear again, the visibility from the road on the practical sense, if you go -- in my opinion, if you go any smaller than 6 inches, nobody is going to do it because in terms of font height -- because you can't read it. So I think it's reasonable why they set it to that size and the sign people know what they're doing. The font for the gas prices -- it works for gas prices because that's what it is currently. It is actually a little smaller than what it is currently. But if you go and have the fear of more content streaming stuff coming in, you're still restricted.

MARK MERRY: It won't work for you.

ADAM CUMMINGS: Correct. You're still restricted -- and in terms of the width, you can't have a whole sentence of anything.

FRED TROTT: I agree with you. I like that.

JAMES WIESNER: It only fits that sign.

FRED TROTT: Yes.

ADAM CUMMINGS: Yes. Very restrictive. We're not restricting content, but the possibilities of what content can go in there are very limited.

JAMES WIESNER: Right. I got you.

ADAM CUMMINGS: So we'll still limit the total square footage to be 19 square feet. Is that fair, Counsel, and then I will still limit it by the topmost row, the 6 inches high by 56 inches wide. Middle row is 14 inches high by 37 inches wide. The bottom row -- bottom is with Ts, not Ds -- 14 inches high by 37 inches wide and there shall be no more than three rows.

ERIC STOWE: Contiguous, right?

ADAM CUMMINGS: Contiguous -- what? Contiguous?

ERIC STOWE: Want them all touching?

ADAM CUMMINGS: Well, yes. Yes. I don't know how else you would have a top most, a middle and a bottom row. Shall be contiguous. I like it. I see what you're saying. We could have one at the very top third, the middle third and the bottom third. I like that.

Shall be contiguous. That's good.

ERIC STOWE: Square footage.

ADAM CUMMINGS: Square footage is 19 square feet.

ERIC STOWE: Allocated in the following manner. Right?

ADAM CUMMINGS: Yes.

ERIC STOWE: You're saying you get one row at this and one row at this and one row at this. And that prevents a cumulative calculation.

ADAM CUMMINGS: Got you. Agreed.

Charlie (Schalliol), you good with that?

MARK MERRY: So it's 19 combined, right.

ADAM CUMMINGS: 19 combined, but can only be -- no. Sorry. No. It is 19 each side.

MARK MERRY: It is.

ADAM CUMMINGS: Paul (Wanzenried), is that what mine shows on that sheet?

MR. SCHALLIOL: I thought it was 9 1/2 per side.

ADAM CUMMINGS: You're right. It is 19 total. Thank you.

All right. So we have the condition on this one to be -- limit the square footage to 19 square feet total, allocated in the following manner. The orientation and dimensions to be -- never mind. We don't need that anymore. Provided that -- the topmost row shall be 6 inches by 56 inches. Middle row 14 inches by 37 inches. On that height and width respectively. Bottom row is 14 inches high by 37 inches wide and they shall be contiguous.

All right. We did SEQR on this. So asking for a motion to accept this application with the conditions of approval that I just described.

Mark Merry made a motion to approve the application, Item A, with conditions.

ERIC STOWE: Did we -- this is just for A?

ADAM CUMMINGS: Just for A.

ERIC STOWE: Okay. --

ADAM CUMMINGS: I did SEQR for all of them, but I'm only doing A right now.

Fred Trott seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #3, ITEM A: Approved by a vote of 3 yes to 1 no (James Wiesner) with the following conditions:

1. Sign permit must be obtained.
2. Square footage of permissible changing text limited to 19 square feet total allocated in the following manner: Topmost row shall be limited to 6"

high x 56" wide; Middle row shall be limited to 14" high x 37" wide; Bottom row shall be limited to 14" high x 37" wide and shall be contiguous.

The following finding of fact was cited:

1. The requested variance was minimized compared to the original request and will not be distracting and the changing text is likely to go unnoticed as it transitions.

ADAM CUMMINGS: This one was approved. All right.

Now we'll move on to B. I lost my sheet. Here we go. So on this one, you're in agreement, we have -- with your consent -- withdrawn the fuel dispensaries and the three seasonal sales signs.

MR. SCHALLIOL: Agreed.

ADAM CUMMINGS: So we are at one allowed monument sign and three additional for a total of four.

Paul (Wanzenried), you need sign permits on these?

PAUL WANZENRIED: Oh, yeah.

ADAM CUMMINGS: Sign permit must be obtained. I think I forgot that on the Chili Avenue one.

I ask for a motion to adopt -- to be clear, 3B, number of monument signs.

Fred Trott made a motion to approve the application, Item 3B, with one condition, and Mark Merry seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #3, ITEM B: Unanimously approved by a vote of 4 yes with the following condition:

1. The requested variances were minimized compared to the original request. The fuel dispensaries will be limited to regulated, required notices and artwork.

The following findings of fact were cited:

1. The requested variances were minimized compared to the original request.
2. The fuel dispensaries will be limited to regulated, required notices and artwork.

ADAM CUMMINGS: That was approved.

3C, which is the height of the monument signs. The fuel dispensaries have been removed with your consent.

MR. SCHALLIOL: Consent.

ADAM CUMMINGS: So we have the air pump at 69 inches -- wait a minute. We have the air pump -- no. We're going to reduce that down, correct?

MARK MERRY: Yep.

ADAM CUMMINGS: So just the car wash like the last one. So ask for a motion to adopt this application?

Mark Merry made a motion to approve the application, Item 3C, with one condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #3, ITEM C : Unanimously approved by a vote of 4 yes with the following condition:

1. A sign permit must be obtained.

The following findings of fact were cited:

1. The requested variances were minimized compared to the original request.
2. The increased height will not hinder the view of any pedestrians or vehicular traffic on the site.

ADAM CUMMINGS: 3D. This is for the area of the monument signs. This has been withdrawn with your consent.

MR. SCHALLIOL: Consent.

ADAM CUMMINGS: And 3E, the area of the car wash signs. This also needs a sign permit as a condition of approval.

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

James Wiesner made a motion to approve the application, Item 3E, with conditions, and Mark Merry seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION #3, ITEM E: Unanimously approved by a vote of 4 yes with the following conditions:

1. Sign permit must be obtained.
2. Signs are to be located on the south facing wall. The instructions sign is to be located on the eastern portion and the menu sign is to be located on the west portion of said wall.

The following findings of fact were cited:

1. The signs are instructive in nature and necessary for safe usage of the automatic car wash.
2. The location is not visible from the public right-of-way and is not obtrusive to the neighbor properties.

ADAM CUMMINGS: Charlie (Schalliol), all set on these. Thank you for the work tonight.

MR. SCHALLIOL: Gentlemen, thank you so much. I greatly appreciate the staff has been great to work with. You're very lucky.

MARK MERRY: Happy holidays.

ADAM CUMMINGS: Anything on the minutes from the November meeting? Only three pages long.

Fred Trott made a motion to accept and adopt the 11/23/21 Zoning Board of Appeals meeting minutes, and Adam Cummings seconded the motion. All Board members were in favor of the motion.

Mark Merry made a motion to adjourn the meeting, and James Wiesner seconded the motion. All Board members were in favor of the motion.

ADAM CUMMINGS: Eric (Stowe), thank you. What has it been?

ERIC STOWE: Seven years.

ADAM CUMMINGS: Thank you for all of the time and effort --

ERIC STOWE: Thank you, guys.

ADAM CUMMINGS: -- the counsel, everything, keeping us in line.

ERIC STOWE: It has been --

ADAM CUMMINGS: We'll miss you.

ERIC STOWE: It's been enjoyable. Thank you.

The meeting ended at 10:12 p.m.