

CHILI ZONING BOARD OF APPEALS
April 26, 2022

A meeting of the Chili Zoning Board of Appeals was held on April 26, 2022 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, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

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

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

ADAM CUMMINGS: Any issues with signs on the Board members' side?

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

1. Application of Linda Gibbardo, 110 Ogden Center Road, Spencerport, New York 14559, owner; for a variance to erect a deck within front setback to be 44' (75' required) at property located at 4329 Buffalo Road, North Chili, New York 14514 in GB District.

Linda Gibbardo was present to represent the application.

MS. GIBBARDO: Good evening. My name is Linda Gibbardo. I live at 110 Ogden Center Road in Spencerport. I'm the owner of the Village Ice Cream Shop in Spencerport and I just purchased the building in February at 4329 Buffalo Road to put in my second ice cream shop location.

I'm just looking to put a deck, which is only about 6 inches high off the front for the serving area and it's currently -- the setback required is 75 feet. The current footprint of the building is actually in violation of that probably since the 1950s. And I'm looking to extend my deck an additional 4 feet out from the current building.

PHIL SUPERNALT: My only concern is Number 6, the -- the self-created?

ADAM CUMMINGS: Self-created?

PHIL SUPERNALT: A lot of people misunderstand that. In essence it is self-created.

ADAM CUMMINGS: Yep. So just explain the question -- is -- with all variance requests, you bought the property as it is. It was your responsibility to do the due diligence and you know it had those violations. You did know the building has always been like that. The way we weigh it, we have got those questions on there, because those are the five questions that we weigh on our decision. Just having one being a "no" -- or a "yes," rather, doesn't mean we would deny the application. It's a scale that we balance on there. But by having it self-created -- New York State doesn't say it, but just about every application is self-created. That is his question, I believe.

Phil (Supernault)?

PHIL SUPERNALT: Yes.

ADAM CUMMINGS: Just wanted to point that out as clarification for you. Board's opinion is that it would be a self-created hardship. But once again, it doesn't necessarily jeopardize the application and the variance of it.

That good enough?

PHIL SUPERNALT: Yes, it is.

ADAM CUMMINGS: One condition that will be on this -- Paul (Wanzenried), correct me if I am wrong, is to get a building permit.

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: One condition would be to continue to work with Paul (Wanzenried) in the Building Department. I'm assuming you applied for a building permit, he denied it and sent you here.

MS. GIBBARDO: For the deck?

ADAM CUMMINGS: Yes.

So just continue on with that for the deck. That's the one condition, is to get a building permit before you start construction.

Side Table, anything else to add?

PAUL WANZENRIED: No.

MATTHEW PISTON: No.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

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

Mark Merry made a motion to approve the application with a condition, and Philip Supernault 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 finding of fact was cited:

1. Variance is minor in nature and there are other similar structures on neighboring properties in the area.
2. Application of Benjamin Bailey, 47 Union Station Road, North Chili, New York 14514, owner; for a variance to erect an accessory structure to be 270 sq. ft. (192 sq. ft. allowed) at property located at 47 Union Station Road in PRD, FPO District.

Benjamin Bailey was present to represent the application.

MR. BAILEY: Hi. My name is Benjamin Bailey, 47 Union Station Road, North Chili 14514.

I don't really have any comments to add. Just looking for additional storage to relieve storage from the garage.

ADAM CUMMINGS: Okay. Any questions?

PHIL SUPERNULT: Just Number 5 again. Better minds than I pointed that out, but since I'm here.

ADAM CUMMINGS: Yep.

PHIL SUPERNULT: In essence, it is self- -- it is self-created?

ADAM CUMMINGS: Yes.

PHIL SUPERNULT: There is nowhere else to place it, right?

ADAM CUMMINGS: It would be the size.

So his -- once again, it's that trick question of is it self-created? Code does say the limit of 192 square feet. You're asking for above and beyond. Ignorance is not always bliss. We're just pointing out the clarification on it and it's part of our weighting scale.

MR. BAILEY: Understood.

PHIL SUPERNULT: Do we have any dimensions in terms of height and stuff like that?

MR. BAILEY: 15 by 18 with a height of 12 feet.

PHIL SUPERNULT: 12 feet.

ADAM CUMMINGS: So he doesn't prompt anything there.

PHIL SUPERNULT: No further questions from me.

ADAM CUMMINGS: One condition will be to continue to get a building permit with Paul (Wanzenried) in the Building Department.

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

Mark Merry made a motion to approve the application with a condition, and Philip Supernault 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 finding of fact was cited:

2. Variance will not result in a change to the character of the neighborhood

and will not be easily visible from the public right-of-way.

3. Application of Quick Service Real Co. LLC, 10950 Grandview Drive, Suite 300, Overland Park, Kansas, 66210, owner; for sign variance(s) A.) Area of second wall sign to be 13 sq. ft. (6.5 sq. ft. allowed) B.) Number of proposed monument signs 2 (1 allowed) C.) Height of monument sign 90.34" (60" allowed) D.) Area of monument sign 36.54" sq. ft. one side (16 sq. ft. per side /32 sq. ft. total allowed) E.) Internal illumination of monument sign (not permitted) at property located at 3208 Chili Ave., Rochester, New York, 14624 in GB District.

Matt Thomlinson and Rich Wilkinson were present to represent the application.

MR. THOMLINSON: Matt Thomlinson with Marathon Engineering. Rich Wilkinson with KBP, as well.

We're asking for several variances. The majority of those are primarily driven by the classification of the menu board as a monument sign for drive-thru portion, so the height -- the additional or second monument sign as well as the square footage of the area -- because of the classification of that as a monument sign, consistent with other fast food restaurants throughout this area within the GB, we need to come before you guys to get that. We're through the Planning Board and other approvals but need to close the loop on this one.

And then relative to the other signs, I think the internal illumination for the front monument sign is consistent with other signage throughout the area and we have got some justification or reasons for that in there.

And then we are at the corner of Paul Road and Chili Avenue and the intention or the goal is to provide two similar or equal signs fronting on both of those roads. But because of the code requirement for half of the square footage on one side, even though we have two frontages, we're requesting that variance, as well. I would be happy to answer any questions that the Board may have on those.

ADAM CUMMINGS: Just to point out, unless the Board objects, I'm planning on doing each of these decisions or variance requests individually. We'll do one SEQR, but individual unless somebody thinks otherwise.

MARK MERRY: How you want the questions? One at a time?

ADAM CUMMINGS: Not seeing anybody in the public, so I think we can do it all as one.

MARK MERRY: Okay.

JAMES WIESNER: I guess I just want to be sure I understand what all these are.

The first one is the area of the second wall sign, which is the KFC on the -- that would be the east side of the building. That -- that is a change -- 13 square foot.

MR. THOMLINSON: If you have the signage package, on page 3 of 4, but it shows the red KFC on two of the frontages.

JAMES WIESNER: That 13 square feet is that extra sign on the -- on the Paul Road side?

MR. THOMLINSON: Correct.

JAMES WIESNER: Then for the second one, the second monument sign, that's -- basically you have a monument sign out front and this is for the menu board?

MR. THOMLINSON: Correct.

The monument sign at the front does comply with the height and the square footages so it is really the menu board we're asking for.

JAMES WIESNER: The fourth one is the area of the monument sign, which that's for the sign out front? Or is that --

MR. THOMLINSON: That is for the -- that is for the menu board, as well. The sign out front does comply with the size requirement.

JAMES WIESNER: That is for the menu board.

PHIL SUPERNAL: Is that Exhibit B, monument Number 2?

ADAM CUMMINGS: On the application --

PHIL SUPERNAL: I guess I would ask --

ADAM CUMMINGS: Yep.

PHIL SUPERNAL: That would be a menu sign also.

ADAM CUMMINGS: That would be a menu sign.

PHIL SUPERNAL: Sorry to jump in.

ADAM CUMMINGS: Because we do have two monument signs. But to be clear, the monument sign -- correct me if I am wrong, the KFC monument sign at the road with the stone base, which I'm just going to point out -- with the exception of externally lit, um -- or sorry.

MR. THOMLINSON: Internally.

MR. WILKINSON: Internally lit.

ADAM CUMMINGS: That says "externally."

MR. THOMLINSON: It is internally.

ADAM CUMMINGS: That is why I was pausing. If it was external, it was compliant. I thought you had a request for internally lit.

So the size height area, this one is compliant?

MR. THOMLINSON: Correct.

ADAM CUMMINGS: But there is a variance -- just to clarify your statement you made, the monument sign is not totally in compliance because of the internal illumination?

MR. WILKINSON: That is correct.

MR. THOMLINSON: That applies to both because the menu board was internally lit.
ADAM CUMMINGS: That was going to be my next statement because I haven't seen a menu board that is not internally lit.
PHIL SUPERNAL: Is this exhibit -- D --
ADAM CUMMINGS: That one.
PHIL SUPERNAL: The internal illumination, this -- this also refers to this?
ADAM CUMMINGS: Yes.
PHIL SUPERNAL: This is the one by the road?
MR. THOMLINSON: Correct.
PHIL SUPERNAL: Okay.
ADAM CUMMINGS: And to just clarify that, for everybody, if this sign -- this is a hypothetical. If the sign was to be denied internal illumination, they could make it externally lit just like they have here to make it code compliant. The area meets it. The height meets it. If they did it externally lit, it would be permitted. I didn't want anybody to think if we deny one variance, the sign suddenly can't appear and suddenly it appears. It is allowed.
Jim (Wiesner), any other questions?
JAMES WIESNER: I believe that is it. Four of the five are actually the menu board and the other first one is the -- the signage.
MR. THOMLINSON: Correct.
JAMES WIESNER: There will not be any sort of directional signs on the property for drive-thru or anything like that?
MR. WILKINSON: I know we -- when we were going through, we do have two enter/exit signs because they asked us to put stone bases at the Architectural Review Board.
ADAM CUMMINGS: That is my concern -- are those way-finding or exempt? They don't come to us, right?
PAUL WANZENRIED: That's correct.
JAMES WIESNER: That's all I have.
MARK MERRY: Can you clarify for me, do you have a board to show me where the monument sign up front is going to be placed on the road?
MR. THOMLINSON: Yep. Absolutely. I apologize. I just brought a reduced set, but I can show you guys here. The monument sign is right near the access drive off of Chili Avenue. That rectangle right there is the proposed monument sign.
JAMES WIESNER: That is where the lit sign is or is that --
MARK MERRY: It's over.
MR. THOMLINSON: That is an existing condition. That is where the sign was. We're proposing it right here (indicating).
JAMES WIESNER: Okay.
MARK MERRY: Thank you. All set.
ADAM CUMMINGS: In terms of the wall sign, how far off the road is this?
MR. THOMLINSON: Um, the -- fronting the Chili Avenue?
ADAM CUMMINGS: Yes.
MR. THOMLINSON: Front corner of the building is 55 feet off the right-of-way, so about 75 feet to the building face.
ADAM CUMMINGS: You're asking for the size -- oh, wait. You're not looking for the size to be bigger on that -- yes, you are.
MR. THOMLINSON: Second wall sign.
ADAM CUMMINGS: The reason I'm asking is just for the perspective ratio, because obviously if you were closer to the road, you wouldn't need the letters to be as large, but with the speed of the road and how far away it is, and the consistency of the logo, it wouldn't really make sense to have two different sizes.
MR. THOMLINSON: Yeah. Especially -- call it westbound traffic -- you will actually kind of sort of see both of them as you go past that direction. I do think it's a nice consistent look.
ADAM CUMMINGS: And they are unique lots there with that one. And even the Wendy's lot, on the other side of that intersection, with its back driveway there, they're pretty unique lots.
PHIL SUPERNAL: So the building signage -- the building design is pretty consistent with your most contemporary corporate designs?
MR. WILKINSON: Yes. KFC letters is our consistent logo. We did reduce -- we usually have a -- we call it "The Mug of the Colonel," the Colonel's face and we took that off the building already to just put "KFC" on it.
PHIL SUPERNAL: Okay. Thank you.
ADAM CUMMINGS: So once again, we have A through E. We didn't consolidate any of these so we'll stick with the way the agenda is.
Side Table, anything to add?
PAUL WANZENRIED: (Indicating).
ADAM CUMMINGS: One second.
PAUL WANZENRIED: No.
ADAM CUMMINGS: All set?
PAUL WANZENRIED: Yep.
ADAM CUMMINGS: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault made a motion to close the Public Hearing portion of this application, and James Wiesner seconded the motion.

ADAM CUMMINGS: Sign permits are required here, correct?

PAUL WANZENRIED: Oh, yeah.

ADAM CUMMINGS: That will be a condition of approval on every one of these.

Once again we'll vote on them separately, but if it all carries through, it's the same condition all of the way through.

JAMES WIESNER: Hours of illumination on here?

ADAM CUMMINGS: That is true. Good question.

Are you planning on running dusk to dawn or just during hours of operation?

MR. WILKINSON: Hours of operation. 10 to 10.

ADAM CUMMINGS: 10 a.m. to 10 p.m. And that's -- that is Sunday to Monday -- or Monday to Sunday?

MR. WILKINSON: Same year round -- or -- the entire week.

The Board unanimously approved the motion.

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

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

ADAM CUMMINGS: 3A, which is the area of the second wall sign to be 13 square feet where 6.5 square feet is allowed.

Philip Supernault made a motion to approve Application 3A with a condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 3A: 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. Variance for additional sign is for menu board sign, which is typical and similar for other fast food establishments in the area. Additionally, it is not easily visible from the public right-of-way

ADAM CUMMINGS: This is for B, the number of proposed monument signs, two where one is allowed.

Once again, this is just in regards to the menu board. Sign permit must be obtained as one condition of approval.

James Wiesner made a motion to approve Application 3B with a condition, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 3B: 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:

2. Variance for additional sign is for menu board sign, which is typical and similar for other fast food establishments in the area. Additionally, it is not easily visible from the public right-of-way.

ADAM CUMMINGS: Now, onto C, the height of the monument sign to be 90.34 inches where 60 inches is allowed.

Once again, sign permit is needed for -- or permit is required.

Philip Supernault made a motion to approve Application 3C with a condition, and Adam Cummings seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 3C: 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. Variance is minor in nature and higher sign will not obstruct any views or impact line of sight for pedestrian or vehicular traffic.

ADAM CUMMINGS: D is area of the monument sign to be 36.54 square feet on one side where 32 square feet is allowed. Once again, sign permit is condition of approval.

Philip Supernault made a motion to approve Application 3D with a condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 3D: 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. Variance for additional sign area is for menu board sign, which is typical and similar for other fast food establishments in the area. Additionally, it is not easily visible from the public right-of-way.

ADAM CUMMINGS: And lastly, internal illumination of the monument sign. To be clear, it's actually both monument signs, correct?

MR. THOMLINSON: Correct.

ADAM CUMMINGS: Sign permit needs to be obtained.

Philip Supernault made a motion to approve Application 3E with a condition, and James Wiesner seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 3E: 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. Internally illuminated lighting is similar to neighboring businesses in this area.

ADAM CUMMINGS: You should be all set with those. Quick recess while I confer with the Side Table.

There was a recess in the meeting.

4. Application of Brickwood Development, 28 East Main Street, Rochester, New York 14614, Encounter Church of Rochester Inc., 3355 Union Street, North Chili, New York 14514, owner; for a variance to erect (10)- 3 Bedroom Units (28%) where 3.6 units (10%) is allowed at property located at 3355 Union Street, North Chili, New York 14514 in the RM District.

ADAM CUMMINGS: To clarify the agenda, the reason there are two on there, these are actually duplications. One just fine-tunes the number of bedroom units; whereas, the first one just talks about the percentages as the code requirement says. This is a request for a rehearing from last month that they were denied. They have reduced their number from 56 percent to 28 percent to cut that in half and I would like to make the motion to rehear this. With the merits that we can reconsider our decision based on new information that came in.

We do have a very nice article, if anyone wants it, of the rehearing process from 2014 that I did find on the interwebs. Everybody has got the additional packet on here that they did provide.

The other thing to explain, this is pretty much a two-step process. We already did grant a variance denial as it was. This one, to do a rehearing, we have a quorum. We also have enough to hold a super majority vote.

But in order to open up the rehearing, it has to be unanimous by the vote that we will open up the rehearing and then after that, after the Board votes, it has to be a super majority for it to pass. Not just a simple majority.

By having Fred (Trott) out, we still have a full Board -- sorry. Quorum of a Board. We do not have a full Board, but we do not have to meet all five of us as the unanimous vote. It is just the duly present Board that is here.

Jim, I think --

MATTHEW PISTON: No. It has to be a unanimous vote to rehear and then unanimous vote to --

ADAM CUMMINGS: Oh, sorry. I missed that up.

In this case, correct?

MATTHEW PISTON: In this case.

ADAM CUMMINGS: In this case. Because it's still a super majority but also unanimous because there are only four of us.

This is similar to what we were part of with Bob Mulcahy being absent in 2011, I think it was. We have only had three re-hearings when I went back to the old decision sheets with the Board. Jim (Wiesner) and I have been on it the longest. Just wanted to pass along some history on it.

I'm going to get my application out real quick. I do thank you for giving a market study. I did add on a graphic I put together that took theirs -- I will admit to -- just adding this on because it clarifies it to me, to be honest. Greenwood Park Townhomes -- I thought the two phases of Greenwood Townhomes next to Wegmans -- I thought one was Greenwood Park and one was Greenwood Townhomes.

Correct me if I am wrong, but I believe Greenwood Park is in Gates and Greenwood Townhomes is in Chili?

MR. EVANS: That's correct.

ADAM CUMMINGS: And then you did give a nice variety across a couple counties. I will say a couple counties because Farmington is technically Ontario County, but Webster, Gates and Chili are all added in here. I just wanted to point those out.

JAMES WIESNER: So you're saying all of the ones on the list that are in Chili you put on here and the ones not in Chili --

ADAM CUMMINGS: So on their list, all of the Chili ones on their list are on the map.

All of the ones that aren't in Chili, which is Greenwood Park Townhomes, Creekwood Townhomes, Brittany Woods, Ivy Bridge and Ivy Bridge Extension, those are not in.

JAMES WIESNER: Okay.

ADAM CUMMINGS: In addition to that, Paul (Wanzenried) did point out that there were two that aren't on this list in Union Square.

One specifically I have numbers for is a -- 53 percent 3-bedroom units of that one. And Union Square, once again, that's -- that's a big development. The one phase -- Phase 1 of it has 270 units, I believe. So -- sorry.

If you wanted to just introduce -- and for the record, I kind of jumped in on that one.

MR. BRENNAN: I appreciate that, Mr. Chairman. I think you did a good job introducing our request.

My name is Daniel Brennan, attorney for the applicant, and we're -- we're requesting a reconsideration. We have provided the Board with additional information. There is different circumstances than when the Board made its last -- took the last vote. We reduced -- as the Chairman already explained, we have reduced the number of requested three-bedroom units, so we have reduced the amount of relief that we're requesting from the code.

So we have provided an updated site plan. I trust you all have a copy. If not, we -- we have extra copies. And we also provided you with the market study. So I will leave it at that. I think we have explained how we think that this project meets the variance standards. Happy to answer any questions you had.

ADAM CUMMINGS: Jim (Wiesner), do you want to start? Do you have any questions?

JAMES WIESNER: Do you want me to make a motion?

ADAM CUMMINGS: I would if you would like to make a motion to open the rehearing. I just wanted to make sure there was no questions on the rehearing process.

JAMES WIESNER: I don't. Perfectly understand it.

I make a motion to rehear this application given the substantial change from the last time we were here.

ADAM CUMMINGS: I will second that.

So just to be clear. Is it okay if we do a verbal vote or do we have to do a roll call vote for the unanimous?

MATTHEW PISTON: I think that's your choice.

ADAM CUMMINGS: Okay. All those in favor say "Aye." Any opposed?

The Board was unanimously in favor of the motion.

ADAM CUMMINGS: So that is unanimous.

So now the rehearing has been accepted. So now we'll move on to -- to hear the application and try to decide it.

Once again, tonight, if it passes, it will be -- must be a unanimous vote.

Do we have to do SEQR again tonight? Because this is actually --

MATTHEW PISTON: It's a different -- yeah, but it's different.

ADAM CUMMINGS: Different action.

MATTHEW PISTON: Yeah.

ADAM CUMMINGS: Okay. Okay. And once again, on the agenda, we're not going to do this twice. 4 and 5 are the same thing. Number 5 just further clarifies the number of units beyond the percentage numbered values. All right.

So -- with saying that, I will open up the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

ADAM CUMMINGS: Before I move on with this one for asking for a motion to adopt this application, I do want to thank you for the market study. I did request that a couple of times and I'm glad to see it here. And thank you to TY Lin to put together.

I am still amazed with how much of a lack of vacancies there are. And I did call a few of the places. They -- they don't have space. My wife asked me why I was calling about townhomes and apartments, but... (Laughter.)

So thank you for that. And -- and the site plan amendment looks good.

Other than that, I will ask for a motion to adopt this application as we have seen it tonight.

Mark Merry made a motion to approve the application with a condition, and Philip Supernault 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. Sign permit must be obtained.

The following findings of fact were cited:

1. Application was approved by a unanimous vote by the Zoning Board of Appeals to rehear this application.
2. Requested variance is a significant reduction of the previously denied application.
3. Additionally, the applicant provided the requested materials and evidence showing developments with similar or greater amounts of 3-bedroom units in the Town.

ADAM CUMMINGS: Thank you for coming back in and most importantly thank you for giving us the needed additional information.

The Board indicated they would hold off approving the minutes.

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

The meeting ended at 7:40 p.m.