

CHILI ZONING BOARD OF APPEALS  
June 27, 2023

A meeting of the Chili Zoning Board of Appeals was held on June 27, 2023 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson Adam Cummings.

PRESENT: Mark Merry, Fred Trott, Philip Supernault, James Wiesner and Chairperson Adam Cummings.

ALSO PRESENT: 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?

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

1. Application of Robert Mason, 2 Club House Drive, Churchville, New York 14428, owner; for a variance to erect an accessory structure (shed A.) 2' from principal structure (8' req.) B.) In front yard (not permitted) C.) 34.9' from setback (35' req. per PRD approval) at property located at 2 Club House Drive in PRD District.

Robert Mason was present to represent the application.

ADAM CUMMINGS: This was tabled from last month.

MR. MASON: Robert Mason, 2 Clubhouse Drive. You already stated we were here last month. We're coming to seek a variance to place a shed on our property, 10 by 12 shed. Property is at 2 Clubhouse Drive, on the corner of Clubhouse and Prestwick. It is a corner lot. Due to the severe sloping on the side and back of the property, we want to tuck it in behind the third garage. And in doing so, it will be within -- it will be 2 feet from the structure and also being 10 by 12, it will also stick out 2 feet from the end of the third garage.

It is not blocking any windows, doors or emergency exits.

JAMES WIESNER: So it's extremely close to the back side of the garage. Only 2 feet there. How will you -- how do you maintain that area between those two if it is such a small --

MR. MASON: Hopefully won't be an issue, but if there is, I believe 2 feet will be enough room to do what I need to do.

JAMES WIESNER: Not like it's going to be on a pad or anything like that.

MR. MASON: No, sir.

JAMES WIESNER: You will have to get in and maintain around it.

MR. MASON: Yep.

JAMES WIESNER: However it takes.

MR. MASON: Yes, sir.

FRED TROTT: Did you consider at all like trying to put like concrete down and then pushing it in the 2 feet?

MR. MASON: No, sir, I did not.

FRED TROTT: Is that something you would consider?

MR. MASON: No. They're going to put it on blocks.

FRED TROTT: I guess I'm trying to relieve some of the -- you know, the zoning codes here.

ADAM CUMMINGS: So that would remove it from the front setback, but then it would be a greater variance from the -- the distance from the principal structure. Because then it would be zero, instead of 8; whereas, he is going for 2. But yeah, it would eliminate letter C.

MR. MASON: I was trying to keep the cost down also, so.

ADAM CUMMINGS: Okay.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

Fred Trott 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: I will do SEQR for all these and individual votes for each of them.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on

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

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

ADAM CUMMINGS: For the first one, this is the one related to letter A, 2 feet from the principal structure where 8 feet is required.

JAMES WIESNER: You will do them individual?

ADAM CUMMINGS: Individually, yep.

JAMES WIESNER: I'm just looking over what the individual ones are here for a minute. So really, I mean -- some of these are tied together really.

ADAM CUMMINGS: Yeah. We could do them all at once. If he went with a smaller shed.

JAMES WIESNER: Like the setback and the -- the location to the dwelling, they're essentially --

ADAM CUMMINGS: They're tied together, yep. Yep. And once again, if you put it closer to a house, thinking on the fire protection side, now you have another wood structure closer to a wood structure. Not that 2 feet is a lot, but any separation is good. But then at the same token, we're looking at a .1-foot front setback for the request there. Pretty minor.

PHILIP SUPERNALUT: I think he has done a pretty good job trying to mitigate given the circumstances that he is on a corner.

JAMES WIESNER: What is the value of putting --

ADAM CUMMINGS: I guess there isn't. So we'll do them all in one vote.

DECISION: Approved by a vote of 3 yes to 2 no (James Wiesner and Fred Trott) with no conditions and the following finding of fact was cited:

1. Variances requested are minor in nature and there are no potential impacts to neighboring properties or viewsheds.
2. Application of Timothy Smith, 215 Humphrey Road, Scottsville, New York 14546, owner; for a variance to erect an accessory structure A.) 46' from front yard setback (100' req.) B.) Accessory structure to be 1,944 sq. ft. with 792 sq. ft. pre-existing and 1,152 sq. ft. proposed (1,200 sq. ft. allowed) at property located at 215 Humphrey Road in RA-1, FPO District.

Timothy Smith was present to represent the application.

MR. SMITH: Good evening, gentlemen.

ADAM CUMMINGS: Welcome back.

MR. SMITH: Yes. I dropped off a copy of the new land map with the new measurements on it. Hopefully you got that?

ADAM CUMMINGS: Yep.

MR. SMITH: Still seeking the variance for it for the 24 foot by 48 foot building. Readjusted everything, the placement of the building, which is now 46 feet back from the front property line and I also squared it off. So I'm an even 45 feet from my neighbor. And still, um, I'm going with this area, because if I go back any farther, I'm into the flood plain and I can't put it in the back because I have an existing raised septic system behind the main dwelling.

FRED TROTT: What came into question was that 136 feet or something.

ADAM CUMMINGS: So the 46 feet from the front yard is from road -- or --

MR. SMITH: From my property line. Because where that is is a 66-foot right-of-way from the centerline because the road curves right at my house.

FRED TROTT: Okay. That is what we had the question on?

MR. SMITH: Yes. We thought it was 33. Paul (Wanzenried) corrected me. It is 66 feet of right-of-way. So from my property line, I'm still 46 back from that. So I'm actually 112 feet back from the center of the road.

FRED TROTT: Okay. All right. No questions.

PHILIP SUPERNALUT: No questions but just an observation. That given the district he's in, the -- sort of the locale of the property, um, I think he is doing as well as he could given all those circumstances.

ADAM CUMMINGS: Okay.

PHILIP SUPERNALUT: Just an observation.

ADAM CUMMINGS: I do have one question on your new revised one. The neighbor to the south, can you just describe -- you have hand-drawn a barn on there. Is that accurate?

MR. SMITH: Me?

ADAM CUMMINGS: It is drawn on your plan sheet here.

MR. SMITH: Yeah, I -- that's my rendition as much as possible.

ADAM CUMMINGS: Of the -- of the neighboring parcel.

MR. SMITH: There is a neighboring parcel, but that's -- the new drawing, that should be on mine. My neighbor does have a barn.

ADAM CUMMINGS: That is --  
MR. SMITH: Both of them have barns, yes.  
ADAM CUMMINGS: Okay. That's what I -- correct.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

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

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

ADAM CUMMINGS: One condition of approval, you will have to get a building permit for this.

MR. SMITH: Yes.

ADAM CUMMINGS: After you applied, you were denied and came here. So just continue on that path with Paul (Wanzenried). And we'll go the same way with the first one unless the Board objects to keeping them combined because we're --

MARK MERRY: I think it makes sense.

ADAM CUMMINGS: I think it does, as well.

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.

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

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

1. Building permit must be obtained.

The following findings of fact were cited:

1. Variance is in character with other properties in the neighborhood. Specifically, the adjacent property has a similar structure in a similar location.
2. Due to the existence of floodplain areas in the other areas of the property, no reasonable alternative location was identified.
3. Application of Christopher Curry, 21 Daunton Drive, Rochester, New York 14624, owner; for a variance to erect a garage 5' from side yard setback (10' req.) at property located at 21 Daunton Drive in R-1-15 District.

Christopher Curry was present to represent the application.

MR. CURRY: Good evening. My name is Christopher Curry and I'm here -- I live at 21 Daunton Drive, Rochester, New York 14624. I'm here to seek a variance to build my garage -- build a garage about 20 feet wide and about 25 feet in the back, which we have the space. And we are only requesting 5 feet because the other -- the other 15 feet seemed to be okay. We have an extra 10 feet so we're going to be 15 feet -- 5 feet from the property line. And so that's basically what we're requesting. Just to build a garage and have 5 feet from my neighbor's property. And that's basically it.

ADAM CUMMINGS: Okay. Thank you.

Jim (Wiesner), any questions about the setback variance?

JAMES WIESNER: No. So -- so -- so the garage is 20 feet wide and 24.7 feet deep or the opposite?

MR. CURRY: We have a lot of space in the back of it. So I suppose we could probably go further back, but we think about 25 feet going back -- and 20 feet wide. 15 was good with the -- with the Town, but we needed an extra 5 feet to make garage a little bit bigger, even though we have 10 feet. So basically say that I can't go probably past 5 feet.

ADAM CUMMINGS: So you're matching the house with the 24.7, so that would be your --

JAMES WIESNER: So it is the same depth of the house.

ADAM CUMMINGS: Right.

MR. CURRY: Yep.

ADAM CUMMINGS: As you are referring to, you first looked at a garage with a width of 15, but you wanted to be 20 feet, which is why you're here for a 5-foot setback.

MR. CURRY: That's it exactly.

JAMES WIESNER: There is the 25.1 feet of the driveway. The 20 feet is not really to scale.

ADAM CUMMINGS: Right. No. It's not to scale.

JAMES WIESNER: So it is actually a little bit -- the width is a little less than the driveway.

MR. CURRY: Right. 5 feet.

JAMES WIESNER: That's all I got.

MARK MERRY: Only question I had and you took it. No other questions.

JAMES WIESNER: I will retract it.

ADAM CUMMINGS: If you wanted to scale it, you could take the 12 1/2 on the back shed, split the line down, but -- I will come back to you if you have anything else, Mark (Merry). Keep thinking.

MARK MERRY: I'm thinking.

FRED TROTT: I don't have anything. I know a 15-foot, two-car garage seems almost impossible, so.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

Philip Supernault 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: I will -- one condition of approval, you will have to get a building permit. You already applied for that, been denied and came here. So just continue on that path with the Building Department.

Adam Cummings made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be 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 5 yes with the following condition:

1. Building permit must be obtained.

The following findings of fact were cited:

1. The size of the garage addition is reasonable and common for two-car garages.
2. The distance from the side property line is similar to other properties in this area and will not detrimentally impact the neighboring property.
4. Application of Dillon Taylor, 47 West Forest Drive, Rochester, New York 14624, owner; for a variance to A.) Erect a pool in the front yard (not permitted) B.) Accessory structure (pool) to be 13.8' from front yard setback (40' req.) at property located at 47 West Forest Drive in R-1-15 District.

Dillon Taylor was present to represent the application.

MR. TAYLOR: Evening. Yep. My name is Dillon Taylor. We're looking to install a pool and -- in this location. It was described that, you know, we would be able to fit this pool in the opposite corner, which currently there is a tree there. It is hard to see on like Google Earth, but I took a picture of it if you would like to see that. My son named the tree, so we'd like to not kill it.

ADAM CUMMINGS: So it would be a significant financial burden to have to take that whole tree down? Is that what you're saying?

MR. TAYLOR: Well, it would be -- it would break his heart.

ADAM CUMMINGS: And you would lose the shade in the backyard?

MR. TAYLOR: It will get -- it will be shade where the -- someday. It's still growing.

ADAM CUMMINGS: Got you.

JAMES WIESNER: I guess I didn't see that tree back there.

MR. TAYLOR: It's (indicating). It's trying.

JAMES WIESNER: Really to take it down -- it's not a huge tree, but that's all I got.

ADAM CUMMINGS: I guess the question is why did the tree go on that side instead of the tree in the front yard and -- instead of where the pool was?

MR. TAYLOR: Tree was there prior to us moving it. I believe I saw older pictures. There used to be a row of trees along that side, but...

MARK MERRY: That's all you have?

JAMES WIESNER: That's all I got.

MARK MERRY: So if approval came down to moving the tree and putting the pool there or not having a pool at all, what is more important to you?

MR. TAYLOR: For me, I -- for the rest of my family, they really would like the tree there. Other concerns about that area, it's a lot more flat. There -- it is not really sloped at all. Any water that falls there, just kind of sits. So we would have to probably grade it more to allow for water to flow away from the pool. But yeah, besides that, not much.

ADAM CUMMINGS: I think I will jump in. So just to explain what our role is today, we're relating it to the code and the code is obvious that it doesn't want it there. It is prohibited.

MR. TAYLOR: Right.

ADAM CUMMINGS: So I appreciate the family sentiment on it, but we take into consideration that this stays with the land. So if you ever sell this property or 50 years from now, we are approving that --

MR. TAYLOR: Yep.

ADAM CUMMINGS: -- this structure can be placed in this outside of our code. So I just wanted to point that out.

MR. TAYLOR: So it doesn't -- I don't see it imposing any kind of unsafe situation. As far as keeping with the aesthetic of the neighborhood, I feel it does -- there was another home, about a block up that has a tree in the front setback.

ADAM CUMMINGS: A tree but not a pool.

MR. TAYLOR: I'm sorry. A pool. A pool. In the front yard, between the home and the road. So I -- you know, I believe that it can.

ADAM CUMMINGS: This is going to be a more permanent pool, not one of the temporary ones?

MR. TAYLOR: Yes. Just like the other one that has a permanent pool.

ADAM CUMMINGS: It looks like it will be a 24-foot diameter?

MR. TAYLOR: Yes.

ADAM CUMMINGS: Any other questions?

FRED TROTT: So that is going to be -- the pool is going to be how far from your property line?

MR. TAYLOR: It's going to be 13.8 feet.

ADAM CUMMINGS: Yep. And you're depicting a fence there. How tall are you planning on that fence to be?

MR. TAYLOR: Um, for -- just a 4-foot fence.

ADAM CUMMINGS: That would be the right answer. If it was going to be taller than that, we would have a separate issue.

FRED TROTT: Yes. I guess looking at that tree, at least -- I'm not a professional, but it -- it looks like that tree is able to be moved. So you could move it to where you would put the pool and then be able to put the pool in the back. It is kind of hard to juggle the concept of, you know -- you know, the tree versus the pool.

MR. TAYLOR: Yeah. I mean --

FRED TROTT: I apologize, but -- but the tree -- the tree is definitely moveable.

MR. TAYLOR: Right.

FRED TROTT: If there is not -- it's not like a 15-, 20-year tree.

MR. TAYLOR: Right. Yes.

FRED TROTT: So that's -- I mean you can easily move it.

PHILIP SUPERNAULT: Yeah.

FRED TROTT: So I kind of have a problem with granting the variance.

MR. TAYLOR: So it would just be the -- avoiding the cost of moving it and --

FRED TROTT: It's not that much. That tree is not that --

MR. TAYLOR: It's not.

FRED TROTT: -- that you can't do it yourself.

MR. TAYLOR: Um, again, it is just also like the -- the area not sloping away. We already kind of deal with a little bit of ponding back there. You know.

ADAM CUMMINGS: Where the pool is or where the tree is?

MR. TAYLOR: Where the tree is currently.

ADAM CUMMINGS: Well, that is going to definitely change when you put a pool there.

MR. TAYLOR: If we put a pool there.

ADAM CUMMINGS: If you put. Well, the other side, it will change over there, too.

MR. TAYLOR: Right. We hoped to continue the slope. It's a Class A soil. Everything should perk well. The water table is over 6 feet deep according to the soil survey.

So any water would -- that did infiltrate would percolate for a while before getting into the groundwater. Or a decent distance.

FRED TROTT: I don't have anything.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

ADAM CUMMINGS: I want to make sure my terminology -- we'll need him to get a pool

permit.

Once again, that condition of approval is that a permit would be need to be obtained. And I really think I'm going to step ahead and really explain this with our -- whichever direction ours goes, if something is denied and it's permitted somewhere else on the property, that means you don't have to come back here. You could go put it on the other property.

If we approve it here, it can go in that area and it stays with that land forever. So your pool is a nice round one. It's 4 feet tall. Somebody 25 years from now can take that down and put another one in. So I just want to explain that to everybody.

Doesn't mean a brand new in-ground pool necessarily can go in. But that is a question I want to ask the Side Table. We're doing a structure that's in proximity to the front setback. So if someone wanted to convert this structure to still be 13.8 feet from the front yard setback and it's a pool, say an in-ground pool, that would be permitted; correct? We're not restricting it to a round, 24-foot diameter pool?

MATTHEW PISTON: I think what you're voting on is an accessory structure, so whatever that may be.

ADAM CUMMINGS: Correct. Well, yes. We said that.

FRED TROTT: The accessory structure, not just a pool.

ADAM CUMMINGS: That is right. Any structure would be allowed in the front. That's a good point. So this decision we're hashing out tonight, we could have a pole barn put in 13.8 feet from the front setback, because it's an accessory structure. As long as it is within the size requirements that are allowed.

JAMES WIESNER: You can't restrict it to a 24-foot pool?

ADAM CUMMINGS: I don't believe so. Can we? I don't think we can restrict it specifically to the dimensions of the application like you can --

PAUL WANZENRIED: I think, Mr. Chairman, because the code references that the pool is considered an accessory structure --

ADAM CUMMINGS: Right.

PAUL WANZENRIED: You're looking at accessory structures.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: Whether that be a pool, in-ground, above ground.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: A shed.

ADAM CUMMINGS: A shed. A gazebo.

PAUL WANZENRIED: Whatever.

ADAM CUMMINGS: And the point -- or the question that has come up, can we hear it specific to a 24-foot, round accessory structure? That's to Counsel.

MARK MERRY: Which it could still be a gazebo.

ADAM CUMMINGS: Correct. Normally it isn't because you're going to the plane -- 13.8 feet to the plane of the front setback, is that variance request. And then the accessory structure is different.

PAUL WANZENRIED: In consultation with my Legal, that 13.8, he could put an addition on his house to 13.8. You're basically allowing a 13.8 setback.

ADAM CUMMINGS: Correct.

PAUL WANZENRIED: Right? Regardless of what --

ADAM CUMMINGS: Correct. That's what I'm mentioning. It is the plane -- the variance is for the plane all of the way along that front setback.

PAUL WANZENRIED: That's correct.

ADAM CUMMINGS: And then a secondary request is for the variance for the accessory structure.

PAUL WANZENRIED: Correct. To allow the unpermitted structure in the front yard.

FRED TROTT: So he could actually extend his house.

ADAM CUMMINGS: Correct. With the 13.8. Correct. That is what I'm trying to explain. It is the plane of the front setback, or the rear setback or the side setback.

MR. TAYLOR: Are you able to put restrictions on it to be 4 feet tall?

ADAM CUMMINGS: Well, that is a different regulation. The 4 feet tall is because that's what the pool regulations are. The fence -- the fence we have a code that says it can be 4 feet tall. If you wanted a 6-foot, you would have to come back to us for a 6-foot -- for a variance for that. Which we have had some people come in. Some be denied. Some did not.

But I just want to make that clear on these two variance requests. They are two distinct ones in this case and even though it says to erect a pool in the front yard where it is not permitted, not permitted is the accessory structure.

And then the secondary one, or the second one -- not even secondary, but the second one is the 13.8 is a front yard setback, regardless what is constructed.

Just for the Board to consider that, of what we do for accessory structures in front yards with the setbacks that we allow on the front. And this one is another unique parcel in that it's -- it's right on that --

PHILIP SUPERNAULT: Two front yards.

ADAM CUMMINGS: Right. So there is two front yards right on that corner. Or on this case, it's on a curve.

All right. Does that clear that up for everybody? So we are going to vote on these separately.

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

ADAM CUMMINGS: Motion to adopt with one condition of approval? We'll start with 4A, accessory structure in the front yard.

JAMES WIESNER: Shouldn't it be 13 by 8 feet from -- well, they're both West Forest Drive, aren't they? So essentially the front yard could be in a side -- it's not specifically saying where it is from.

ADAM CUMMINGS: The way our code is, we have it as a primary front and a secondary front.

Correct, Paul (Wanzenried)?

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: And how did you define this one? Because it's your definition. Which one is which?

PAUL WANZENRIED: Where did his driveway come off of?

ADAM CUMMINGS: His driveway comes off of --

PAUL WANZENRIED: The south side?

ADAM CUMMINGS: -- the south side.

PAUL WANZENRIED: South side is your primary. East side is your secondary.

PHILIP SUPERNAULT: This is the secondary then.

PAUL WANZENRIED: This is the secondary. So if I was to label anything, I would label it 13.8 feet.

ADAM CUMMINGS: From the secondary.

PAUL WANZENRIED: From the secondary front.

ADAM CUMMINGS: That good, Jim (Wiesner)?

JAMES WIESNER: Uh-huh.

ADAM CUMMINGS: And the reason to explain to you why we do that is because if we don't distinguish between that and we just write "front setback," that means the structure could actually be put on the south side of your house, 13.8 feet from that road.

MR. TAYLOR: Right.

ADAM CUMMINGS: And that's not what you're looking for and that's not what we're considering tonight.

MR. TAYLOR: Yep.

ADAM CUMMINGS: All right. Motion to adopt the application with one condition of approval for the pool permit must be obtained?

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

DECISION ON APPLICATION 4A: Unanimously denied by a vote of 5 no with the following finding of fact having been cited:

1. This request is a self-created hardship where a suitable, allowable location to meet code requirements for the placement of the pool on the property is feasible.

ADAM CUMMINGS: So in terms of the accessory structure, it's not in there. We did vote no on that one. Once again, your pool can go into the other area. We're not saying you can't have a pool on your property. You can have a shed on your property. Just not in that location.

Along with that -- with this denial, I see no need to move on to the next one.

Is that accurate, Counsel?

MATTHEW PISTON: You should vote.

ADAM CUMMINGS: We should still vote on that. Okay.

So we'll move on to 4B, which is the front setback.

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

DECISION ON APPLICATION 4B: Unanimously denied by a vote of 5 no with the following finding of fact having been cited:

1. This request is a self-created hardship where a suitable, allowable location to meet code requirements for the placement of the pool on the property is feasible.

ADAM CUMMINGS: So it was denied on that.

One thing to clarify with this denial tonight, if you ever did decide you wanted to put in a shed or gazebo in that other area, we may consider that to be distinctly different or substantially different from your current application if you should choose to do that.

I may be out of place saying that tonight, but I just want to say it doesn't have to be a

barren ground forever in that area. And you do have some flexibility to be able to use that. All right?

So thank you for coming in. Sorry it wasn't the answer you wanted, but I wish you luck with the pool and moving the tree.

5. Application of New Ebenezer Seventh Day Adventist Church, 2710 Chili Ave, Rochester, New York 14624 owner, for a variance to erect A.) An illuminated sign, intermittent rotating/moving (not permitted) B.) Moving, flashing, rotating signage (not permitted) C.) Internal illumination of monument sign (not permitted) at property located at 2710 Chili Ave in R-1-20 District.

Kevin Holman was present to represent the application.

MR. HOLMAN: Good evening. My name is Kevin Holman and I'm here representing the New Ebenezer Seventh Day Adventist Church. As you mentioned, at 2710 Chili Avenue.

We're requesting a variance for an electronic sign. We think that sign would be excellent to inform the community what we're doing. We're not trying to make it a distraction, but I guess one of the better ways to communicate with the community what we're doing, what we would like to do, is have an electronic sign.

The other type of sign means going out there in all kinds of weather to make changes. We can make several changes quickly for any type of programs we're having that could benefit the church or the community. Smoking clinics. Dietary issues. We're also going to be a polling place as it was before. And that is the property that was previously the Parkminster Church.

JAMES WIESNER: This is going to go in the same exact location as the other one?

MR. HOLMAN: Correct.

JAMES WIESNER: Like one for one, same place?

MR. HOLMAN: Excuse me?

JAMES WIESNER: It's the same size and everything.

MR. HOLMAN: Approximate same size. I believe you should all have a picture of the -- of the artist rendering and the size measurements should be there.

JAMES WIESNER: Okay.

MR. HOLMAN: Do you have them?

ADAM CUMMINGS: We have the artist rendering of the new one.

MR. HOLMAN: That is the latest one. We made changes working with the zoning to make sure we changed the colors, which also reflects the trim of the church.

ADAM CUMMINGS: Right. But you don't have it compared to the existing sign, correct?

MR. HOLMAN: It's the approximate same size.

ADAM CUMMINGS: But you don't have a rendering comparing the two. You only have a rendering of the new one?

MR. HOLMAN: Correct.

JAMES WIESNER: That's all I got.

MARK MERRY: So am I reading this application correctly? It says no moving, rotating. And you want to have that permitted -- for what reason do you want it rotating?

MR. HOLMAN: Well, if it cannot rotate, we understand. But the -- the biggest thing we're looking for is to have an electronic sign for people to be able to see what is going on. We understand if you have rotating, spinning, flashing, that can be a distraction. We're not trying to do that. We just want to make sure we are keeping people in the community informed of what it is we're trying to do. Those kinds of things we have no problem with complying.

MARK MERRY: So can we amend and see -- if they want to amend their application based on that? I appreciate that stance. It does help from my perspective, decision-making for this Board.

So you're okay moving forward without the flashing, rotating, as long -- you want us to consider an electronic sign without those features?

MR. HOLMAN: That's correct.

MARK MERRY: That's correct, sir.

MR. HOLMAN: Sure.

ADAM CUMMINGS: But you still want it changeable in a certain frequency, correct? For instance, it has got one static message here and then say 30 seconds later with a transition of --

MR. HOLMAN: Correct.

ADAM CUMMINGS: -- maybe one second, message two comes on.

MR. HOLMAN: Correct.

ADAM CUMMINGS: It's a static message that is intermittently changing.

PAUL WANZENRIED: Therein lies the rotation.

ADAM CUMMINGS: That is where we need to describe what the rotation is. I think we're describing a graphic showing things zooming in and flying in and saying "chicken barbecue" or "daycare service."

MARK MERRY: Polling place.

ADAM CUMMINGS: And -- yes. And that's where we have to get to the definition of rotating. Rotating is that transition from message to message?

PAUL WANZENRIED: Right. That's how the Town looks at it.

ADAM CUMMINGS: Right.



MR. HOLMAN: We're more than willing to make adjustments. We're not trying to make it a distraction. I think I follow your train of thought. So if there is message up there, something happening on this date, if that needs to stay there and another day we can change it --

ADAM CUMMINGS: Right.

MR. HOLMAN: -- to a different message or something, we're willing to comply with it. We just want to be able to communicate the best way to the community versus going door to door with a whole lot of flyers so people can come by and see what we're doing.

MARK MERRY: Kind of like the latter what you described to me, to try to come up with -- maybe I think a reasonable expectation and still serves your needs.

I guess I'm not real clear on the last one where it says illumination of the monument sign.

ADAM CUMMINGS: So that is specifically to internal illumination.

MARK MERRY: It is internal.

ADAM CUMMINGS: Because our code allows external, either down-lit or up-lit. No internal illumination. So people that are coming in with either a -- a plexiglass or a plastic covering with internal illumination -- or this one is counted as internal illumination.

MARK MERRY: That's what it is referring to?

ADAM CUMMINGS: Yeah. I believe the internal illumination would be the top part with the New Ebenezer Seventh Day Adventist Church.

MR. HOLMAN: It has the ability to do that, have the top part illuminated with the name of the church and also has the ability to illuminate where the message is. Typically where the message is will be where the lights are to be able to read the message. There is a timer on there. It can be dusk to dawn if that would be -- or whatever the zoning permits, we can adjust the sign to make it happen.

ADAM CUMMINGS: Understood. Once again, it's not like you're using a projector to put the message on there. They're internally illuminating lights to get the message out. They just happen to be LED lights.

MARK MERRY: I appreciate that clarification.

FRED TROTT: Isn't this internally lit?

ADAM CUMMINGS: Yes.

FRED TROTT: So why would they need --

ADAM CUMMINGS: Because I think they were preexisting, nonconforming.

FRED TROTT: Oh. Preexisting, non-conforming.

PAUL WANZENRIED: Uh-huh. It was a changeable copy sign. I'm not sure if that was internally illuminated.

ADAM CUMMINGS: I think it was internally illuminated.

PAUL WANZENRIED: I don't think it was. The -- Mr. Holman, the sign there -- that is there, the existing sign --

MR. HOLMAN: Existing sign has up-lights.

FRED TROTT: Up-lights? Okay. I apologize.

ADAM CUMMINGS: Must be across the street. There is a church in that area that has --

PAUL WANZENRIED: The one -- you just approved it a couple months ago -- six, seven months ago.

ADAM CUMMINGS: The funeral home is the other one I'm thinking about there.

MARK MERRY: Right. Thank you. I'm all set.

FRED TROTT: I -- to be honest with you, I have to let you know I'm not a fan of changeable signs. I understand the purpose of it. I have a hard time swallowing it. I also just want to make sure you're not -- is the other one -- the whole sign preexisting, nonconforming? Because I thought that came to --

PAUL WANZENRIED: That was changeable copy. They have a variance for that changeable copy.

FRED TROTT: Okay. But I'm concerned about the sign height.

PAUL WANZENRIED: Sign height is the same as what is there.

FRED TROTT: This one is going to be the same.

PAUL WANZENRIED: That's correct.

FRED TROTT: Okay. That's all I wanted, to make sure because we didn't see anything that showed the -- the existing sign. So I didn't want you to come back for --

MR. HOLMAN: I understand.

FRED TROTT: -- a change of that if you're 2 inches over or something. Okay. No more questions.

PHILIP SUPERNAULT: Just our definition of moving, intermittent lighting and all that. So -- would you envision this sign -- you have -- you may have messages that require more than one display?

MR. HOLMAN: Well, currently as here, it is capable of four rows.

PHILIP SUPERNAULT: Correct.

MR. HOLMAN: You could have "Clothes giveaway July 4th."

The second line might say "Food pantry open 2 to 4 on Tuesdays."

PHILIP SUPERNAULT: Gotchu.

MR. HOLMAN: So you could have more than one message.

PHILIP SUPERNAULT: Yes.

MR. HOLMAN: But one message on each of the lines or it could be one message. But nothing will be flashing on, rotating around, spinning. So you would -- that -- it would be static.

PHILIP SUPERNAULT: So -- so the purpose of my question was would you have a

message that may require eight lines, you can't do -- say -- you may have an extended sentence that you can't get them all in one display so it may have to be -- may have to finish in the second.

MR. HOLMAN: That is our job to craft it so it is succinct as possible.

PHILIP SUPERNAULT: I'm okay with it. I'm just saying that is probably your explanation for having to make a -- a moving or intermittent because you can't get it all out in one -- in one message, in one display. If -- if you're confined to four rows of text.

MR. HOLMAN: We'll have to make it so to fit into what the zoning requires.

ADAM CUMMINGS: Can we redefine or clarify our definition of --

PHILIP SUPERNAULT: That's my problem. Sometimes you might not be able -- I don't want to stand in your way -- I don't want the language to stand in the way if you're just trying to complete a statement.

MR. HOLMAN: I'm here with a request and to get clarification so if, indeed, we're approved, we'll stay within the boundaries.

FRED TROTT: Go ahead and ask your question.

ADAM CUMMINGS: It goes back to the same ones we had on all these as they come up. Are we allowed to put in restrictions of -- for clarifications of what "intermittent" means? A static image of a maximum of four rows of text for a 24-hour period?

PAUL WANZENRIED: You can set forth time blocks if you want.

ADAM CUMMINGS: And in addition to that time blocks, as well -- not just hours of duration?

PAUL WANZENRIED: You could say --

ADAM CUMMINGS: 6 a.m. to 11 a.m.

PAUL WANZENRIED: You could do 6 to 11 or what. But it is my understanding you could also set forth that one static message can be there for four hours and then change to another static message. That's under your purview.

Do you have the previous conditions for any of the other signs we have done?

ADAM CUMMINGS: I do not up here. And I know it has been changing over time because it started with the American Legion and then we had the Town's one.

PAUL WANZENRIED: Then we had the Firehouse's going rampant, so. I know in the previous ones, there was certain lumens.

ADAM CUMMINGS: The American Legion, we did very strict --

PAUL WANZENRIED: Yes. It was -- a color involved. Couldn't be anything more than an amber.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: There was certain lumens it could be.

ADAM CUMMINGS: Right.

PAUL WANZENRIED: I believe you set forth time restrictions and it had to be shut off at --

ADAM CUMMINGS: On that one we did because of -- a neighbor requested it, correct?

PAUL WANZENRIED: Something like that.

ADAM CUMMINGS: But those were supposed to have been and I believe they were incorporated to some extent into the new code. So that we didn't have to do that.

PAUL WANZENRIED: (Paul Wanzenried indicated non-verbally.)

ADAM CUMMINGS: No?

FRED TROTT: If it is restricted or not restricted.

PAUL WANZENRIED: The sign code basically hasn't changed.

ADAM CUMMINGS: Bummer. Anyway. So I think we're still on that one and we'll specify -- we'll come up with what we think they are in terms of a -- a -- I don't want to call it "frequency," but a duration. A minimum duration that it can be. Because if it were maximum duration, we would obviously be okay with it because it would mean it is staying static longer.

So we would be imposing a condition -- what's everybody thinking is a suitable time duration?

JAMES WIESNER: I guess one of the other concerns is the size of the text. This is saying up to -- 6 inches of text is like huge.

ADAM CUMMINGS: Yeah. Yeah. And it's --

JAMES WIESNER: I don't know if that can be changed.

ADAM CUMMINGS: We have to see how far back off the road that is.

MR. HOLMAN: One of the things they took into consideration was the setback from the road to determine the size of the letters.

ADAM CUMMINGS: And the speed of the traffic going by.

MR. HOLMAN: Correct. And the speed of the traffic on that street.

MARK MERRY: That is pretty far off the road.

ADAM CUMMINGS: Right. And that -- that is right at the intersection of Pixley. So that's got the turn lane in it, plus the 8-foot shoulder. Not to say it's a five-lane road, but it's pretty darn close.

MARK MERRY: So staying in the same location, same size?

ADAM CUMMINGS: Yep.

JAMES WIESNER: Actual -- the old size is actually on the application.

ADAM CUMMINGS: The size. But I -- did it say the letter size?

JAMES WIESNER: No. It doesn't. It says 3 1/2 by 8 feet.

ADAM CUMMINGS: In terms of the sign, the message sign area --

JAMES WIESNER: Yep. This is 4 feet 8 1/2 by 8 feet total.

ADAM CUMMINGS: I guess a question to you, sir.  
Do you happen to know on that old changeable copy sign that is out there now, what size are those letters that get changed out? Do you know?

MR. HOLMAN: I do not know.

ADAM CUMMINGS: Okay.

MARK MERRY: Because those aren't very visible from the road.

ADAM CUMMINGS: Either they're going to be 4 or 6-inch, maybe 8 -- I don't think they're 8.

MR. HOLMAN: I don't think they're 8. It is about 4.

MARK MERRY: I drive by every day. About 4-inch.

PHILIP SUPERNAULT: They're usually red.

ADAM CUMMINGS: So what that would change it to is they would -- they still have the same messaging, they could almost get to five rows of text instead of four rows of text.

JAMES WIESNER: Just looking at their specs, I don't know if they can change the size of the text or not.

ADAM CUMMINGS: Oh, yeah.

PHILIP SUPERNAULT: I'm sure they can do whatever they want.

FRED TROTT: Look at the ads.

ADAM CUMMINGS: It is all bubbles. There is millions of lights there.

FRED TROTT: You could do --

ADAM CUMMINGS: You could have a whole picture there. The issue I have with these, you could put an entire image on there.

MARK MERRY: Right.

ADAM CUMMINGS: We only want text.

MR. HOLMAN: It's capable of doing that, but we don't have to do it.

ADAM CUMMINGS: Correct. That is what we don't want to see. But --

PAUL WANZENRIED: But --

ADAM CUMMINGS: -- you can't restrict it.

PAUL WANZENRIED: Thank you.

ADAM CUMMINGS: We cannot really restrict the backgrounds of them, I will admit that.

PAUL WANZENRIED: You can't restrict whether he has 6 -- 6 lines of 3-inch or 2 lines of 18-inch.

ADAM CUMMINGS: Right. Nor can we restrict the content he puts on it.

PAUL WANZENRIED: It's basically an area and the parameters involved with the sign.

ADAM CUMMINGS: Yep.

MARK MERRY: I wish we had that information --

ADAM CUMMINGS: So going back to my question, what is the duration you all feel comfortable for, with -- that it is not rotating -- or he is not change -- I personally don't like word "rotating," but that is the way the code is written.

JAMES WIESNER: I guess the question being are we -- I wish we had the conditions for the Town of Chili Fire Department --

PAUL WANZENRIED: I'm going to get them. Talk amongst yourselves.

JAMES WIESNER: So it was that and it was Clifton. Two of them.

ADAM CUMMINGS: The two Fire Departments. Yep.

JAMES WIESNER: And I'm curious to see what those conditions are.

FRED TROTT: And what about the brightness, too.

MARK MERRY: That wasn't the Fire Department. We -- we went deep dive on that.

FRED TROTT: What color is this going to be -- is the letters going to be red all of the time or is it like you could pick any color?

MR. HOLMAN: You can choose.

FRED TROTT: You can choose. Okay.

JAMES WIESNER: I kind of like the white on the black, because I think if you look at like St. Pius X Church -- actually, they might be black on white. But -- but black and white is kind of a neutral. It's not a heavy color. I don't know what we can restrict. If you were to make a list, I would be concerned about size of the text, what kind of colors are associated with it.

FRED TROTT: He says we can't --

ADAM CUMMINGS: So Clifton, I don't see anything other than needing a sign permit.

JAMES WIESNER: Maybe we just did it for the Town of Chili Fire Department.

MARK MERRY: There was more to Clifton than that, though. They had to come back, though. Right? He tabled it and came back.

JAMES WIESNER: We were concerned about the Fire Department because it was in the center of Town and what impacts it would have.

MARK MERRY: That's what I mean. I think he tabled it and then Matt (Emens) came back.

ADAM CUMMINGS: I will try to find another decision sheet, but I didn't see anything on that decision sheet.

MARK MERRY: That was -- Emens, right, that was on that one?

ADAM CUMMINGS: Yep.

FRED TROTT: I don't think they ever put it up.

MR. HOLMAN: You asked a question in terms of the duration information. So would it be appropriate if we had a message in the morning and a different message in the afternoon?

ADAM CUMMINGS: That's what we're getting at, is if we would allow such a thing. If we pick a minimum of 24 hours, that means the same message would be on for 24 hours. If we pick four hours, then you can have a message change over four hours.

So the conditions we have for the Chili Fire Department is -- our most recent one in October of 2020 -- is the sign light settings will be set at a maximum of 0.3 foot candles at a distance of 30 feet.

The sign will only be one color. And amber tone was that color.

The sign will display static images only. No rotating, flashing, fading or animations.

Restricted to one message per day except for conveying emergency alert messages.

Sign will not display pictures of live-action images and the sign lighting will be off between the hours of 11 p.m. and 7 a.m. except for conveying emergency alert messages.

So just to point out to the Board, that is what that one was.

Clifton was --

MARK MERRY: So can we can pause there and continue our discussion?

ADAM CUMMINGS: Yep.

MARK MERRY: Does any of that sound unreasonable to you?

MR. HOLMAN: No. We were just saying we would be comfortable with one message a day. So if we make a change at the appropriate time from 6 a.m. to 7:30, we'll just change it the next day.

JAMES WIESNER: That's what I was kind of thinking. I think if it is off at night, it kind of clears it and you start fresh the next morning with something new.

ADAM CUMMINGS: And there is an area there that is commercial, but there is also residential there, too.

MARK MERRY: Right.

PHILIP SUPERNAULT: Have we ever discussed or is there any kind of guidance around -- any protocol around why you would want to limit to one static message per day? Is there -- is there rationale for that?

JAMES WIESNER: We just don't want -- we want it to be -- you want to give the -- the people buying the convenience of the electronic message, but we just -- the --

FRED TROTT: Distraction.

JAMES WIESNER: The intent has been not to have it look like it is a --

FRED TROTT: Vegas.

JAMES WIESNER: -- an actual dynamic sign.

PHILIP SUPERNAULT: Right. But so -- so -- so I'm sensing two things. Aesthetics and I think probably another thing would be safety.

FRED TROTT: Yes. Traffic and Safety --

PHILIP SUPERNAULT: So I mean -- so what I'm saying is -- say an organization felt the need to display a couple messages a day. Would we really have a problem with that? Is that --

FRED TROTT: Well, he -- he can adjust his sign height. He has five or six lines of, I mean -- four lines, whatever it was.

JAMES WIESNER: I think that is something that the Board has to kind of agree on, because it ultimately comes in to the decision of when we vote on it.

FRED TROTT: I think -- I think what we did --

JAMES WIESNER: I don't think I would be in favor of anything other than the one a day.

FRED TROTT: I think what we do with Chili Fire -- because they also have to look at Chili Fire coming back and saying, "Well, you let him do that."

PHILIP SUPERNAULT: Yeah.

FRED TROTT: And people --

MARK MERRY: We came a long way. We -- we -- with the Chili Fire Department.

PHILIP SUPERNAULT: I mean -- I mean to me --

MARK MERRY: Thank you, Paul (Wanzenried).

PHILIP SUPERNAULT: Big thing about moving messages and bells and whistles and all that is a matter of safety especially on a well-traveled route like that and intersection we don't want people --

FRED TROTT: Like he said, it's a commercial road with residential and you don't want somebody looking at a sign, reading it and taking their eyes off the road --

PHILIP SUPERNAULT: And pulling into the intersection.

FRED TROTT: -- and have a kid run out in front of the car and say I was looking at the sign.

PHILIP SUPERNAULT: Or pulling into a turn lane.

But at the same time, I guess I don't see that we can't maybe permit a couple messages a day, if they feel the need to.

MARK MERRY: I think we need to be consistent.

FRED TROTT: I agree.

MARK MERRY: I think we already established that with the Fire Department.

ADAM CUMMINGS: So once again, we had six conditions before. Sign permit must be obtained.

Sign light settings will be set to maximum of 0.3 foot candles at a distance of 30 feet.

Sign will only be one color, amber tone.

Sign will display static images only. No rotating, flashing, fading or animations.

Restricted to one message per day except for conveying emergencies.

So that wouldn't be relevant to this one.

PHILIP SUPERNAULT: Right.

ADAM CUMMINGS: Because they're not an emergency response organization.

And then sign will not display pictures or live-action images. We made sure -- I remember we made sure that that was different than our condition about the rotating, flashing or animating images there and sign lighting -- in this case sign lighting will be off between the hours of 11 p.m. and 7 a.m. Those were the six that we did previously.

PAUL WANZENRIED: That was for the Legion, Chairman. That's -- the one I handed you was the Legion. That's the one that started it all.

ADAM CUMMINGS: Yep.

FRED TROTT: And we copied it with the Fire Department, too.

MARK MERRY: Well, I think we improved.

ADAM CUMMINGS: We improved on it, yeah. We did copy some of them in there. Actually, I would -- I'm not even sure they're using amber as the color at the Fire Department.

PAUL WANZENRIED: No.

ADAM CUMMINGS: Nor do I think we have measured the 0.3 foot candles. But yeah, you're right. That was a copy/paste from -- from the -- that's on --

FRED TROTT: The Legion.

ADAM CUMMINGS: I'm trying to think -- Scottsville-Chili Road.

PAUL WANZENRIED: Right at Stryker.

ADAM CUMMINGS: Yeah. Right at Stryker. Okay.

FRED TROTT: Only thing I wanted to point out, there is no address on the street sign. Maybe -- or do you have it on that one?

ADAM CUMMINGS: It's on this one.

FRED TROTT: Okay. I was looking at this one.

ADAM CUMMINGS: The Architectural Advisory Committee advised them.

MR. HOLMAN: I do have another copy if you need one.

FRED TROTT: That's all right.

ADAM CUMMINGS: To point out we did not have one static per day -- or one image per day on the American Legion. We did at the Fire Department. So that is --

MARK MERRY: Right. That is why I say we have been progressing over time.

ADAM CUMMINGS: So I guess -- one thing I would like to bring up is this whole thing about amber tone. To go back in history, that was specific to the Legion's application they put in for the grant.

FRED TROTT: For the red one.

ADAM CUMMINGS: No. The amber is their yellowish -- it's a yellowish orange. The Fire Department does red, even though we told them to do amber.

FRED TROTT: I thought it was amber.

ADAM CUMMINGS: When I have driven by, I have seen a couple different colors on the Fire Department one.

PAUL WANZENRIED: Yeah. Those guys are --

ADAM CUMMINGS: So I guess what I'm getting at is, do we want to be that restrictive on colors?

JAMES WIESNER: My preference would be it looks like a sign, black and white. I don't like the colors --

ADAM CUMMINGS: With a black background and white letters?

JAMES WIESNER: Right. Either a black background or white background and correspondingly the opposite color --

ADAM CUMMINGS: Well, it's going to be a black background.

JAMES WIESNER: If you look at any of the churches around, most of their signs are black and white. They're either black trim and white background; white letters, black background. I feel like colors is more of a carnival event. So...

ADAM CUMMINGS: So what I'm getting at is a single color, but not restricting it to amber?

JAMES WIESNER: I think it's -- it -- that goes away from what a -- this sign is meant to give them convenience but not to be flashy.

MARK MERRY: I want to be reasonable, too. So what is your preference? Now your rendering is showing black background.

MR. HOLMAN: That's the rendering they sent us.

MARK MERRY: Would you like white?

MR. HOLMAN: If it needs to be white, we can go back to our sign company and make it white with black letters.

MARK MERRY: What would you prefer?

MR. HOLMAN: I would prefer the white letters.

MARK MERRY: White letters with a black background?

MR. HOLMAN: With a background and if they can make it black, I'm fine.

MARK MERRY: You okay with that?

JAMES WIESNER: I'm okay with that.

MR. HOLMAN: That is as it is pictured.

JAMES WIESNER: I'm not looking for -- I want to be able to give them convenience. I don't want to give them the flash.

MARK MERRY: I understand that.

ADAM CUMMINGS: Well, that is what we restrict on the foot candles. That is the -- that

is the -- the intensity of the illumination visible from farther out. A white is going to be more of a contrast, harsher on the eyes than going to red or amber or yellow. Well, not yellow.

JAMES WIESNER: If you look at Anchor, if you look at St. Pius -- you look at any of those, I think they all have white backgrounds and black letters, just something that is plain.

FRED TROTT: Plain. I understand where he is at. And that is more palatable for me to except.

PHILIP SUPERNAULT: The gentleman is saying black and white. He is okay with white on black.

PAUL WANZENRIED: I believe the vast majority of the signs that Mr. Wiesner is talking about are changeable copy signs.

ADAM CUMMINGS: Yes.

PAUL WANZENRIED: Which is typically a white background with a black letter.

ADAM CUMMINGS: As opposed to a black background with white letters?

PAUL WANZENRIED: Correct.

ADAM CUMMINGS: All right. So the Board is in agreement of putting the conditions on there, as I read them?

JAMES WIESNER: You're going to say -- do you want to read them back?

ADAM CUMMINGS: I will read them back, but I just want to get through that first step you want all six of them on there with the exception of the conveying the emergency alert messages and then we'll go through each to fine-tune them. You want all six?

MARK MERRY: I'm fine with that.

ADAM CUMMINGS: Sign permit must be obtained. That one is done.

Any objection to the sign light settings will be set at a maximum 0.3 foot candles at a distance of 30 feet?

JAMES WIESNER: I guess the question I have, is that realistic? That was specifically taken, I think, off a sign specification from another manufacturer.

ADAM CUMMINGS: It was from -- the sign specification out of the sign regulations for proximity with the road distance and perspective view from what I remember.

JAMES WIESNER: So it was a general.

ADAM CUMMINGS: It was a general. Just a rule of thumb.

JAMES WIESNER: Okay. Good with it.

FRED TROTT: Let me ask this question. Is -- is the Building Department able to check that?

ADAM CUMMINGS: The applicants aren't even able to check that.

FRED TROTT: I didn't know if it was a setting in the -- in the keyboard?

ADAM CUMMINGS: No. Because you have to be 30 feet away. You have to actually take a measurement.

MARK MERRY: You have to get your meter out.

JAMES WIESNER: Why would it say "minimum"? Shouldn't it say "maximum"?

ADAM CUMMINGS: It says "maximum." Does that say "minimum"? It says a maximum of 0.3 foot candles.

JAMES WIESNER: Mine says "minimum," for the Town of Chili.

ADAM CUMMINGS: That was a typo from back then. This is -- this one is the Legion. I'm reading the ones off the Fire Department. It should be "maximum."

JAMES WIESNER: Maybe we corrected it then.

ADAM CUMMINGS: Yes.

MARK MERRY: That's what I mean. I think we -- we --

JAMES WIESNER: Oh, boy.

ADAM CUMMINGS: So you're good with that. Sign will be only one color. Previously we always said amber tone. I'm getting at do we always want them amber tone? It goes against the color scheme that the Architectural Advisory --

MARK MERRY: I don't think it needs to be amber tone. I think their preference is to have a dark background with white light.

JAMES WIESNER: Something consistent that's not flashy.

ADAM CUMMINGS: That goes on to the next one. Static images only, no rotating, flashing, fading or animations.

Restricted to one message per day.

MR. HOLMAN: That's fine.

MARK MERRY: But that message -- one message or one --

ADAM CUMMINGS: The message is in the entire area.

MARK MERRY: Four lines.

ADAM CUMMINGS: He can have many lines as he wants. He has an area.

MARK MERRY: That's one message in your mind.

ADAM CUMMINGS: And actually he -- now we're getting way into the weeds here. He actually has a monument sign that is two-faced. So he could have a different message on each side. But they can't change. Are you following me? I'm not changing content, not saying how many rows he can have.

MARK MERRY: I'm picking up what you're putting down.

JAMES WIESNER: I don't think -- I guess is -- the technology will only allow him to do one thing on both sides.

MARK MERRY: You should be surprised.

I see a big smile up there.

MR. HOLMAN: I can't answer that part of the question, whether or not one -- one and one on the other side.

MARK MERRY: But now you will look into it.

MR. HOLMAN: Yes, I will.

PHILIP SUPERNAULT: If we limit right now the amount of times per day that a church can change --

ADAM CUMMINGS: Not a church.

PHILIP SUPERNAULT: And -- or an organization, do we limit it right now if it were a non-illuminated --

ADAM CUMMINGS: No. If it is changeable copy, they can change it as much as they want.

PAUL WANZENRIED: Change every hour.

ADAM CUMMINGS: If they wanted to send somebody out there, they could change every five minutes. The gas stations do it every second.

PHILIP SUPERNAULT: I mean I would just -- all I was saying is I was lobbying for maybe moving forward the possibility of maybe changing a message once a day. What if an emergency -- say -- okay. So Barry --

FRED TROTT: I think we're trying to stay consistent with the code that we have already kind of let people do.

PHILIP SUPERNAULT: But we're allowing the Fire Department to --

ADAM CUMMINGS: They're in a different category. The only reason they're allowed to deviate from one per day is if it is an emergency alert. Only reason.

PHILIP SUPERNAULT: But we don't allow churches --

ADAM CUMMINGS: They can't give emergency alerts.

MR. HOLMAN: Can I make a comment? I seem to have caused some conversation here.

PHILIP SUPERNAULT: Good conversation.

MR. HOLMAN: Our whole goal is to kind of upgrade how we're operating. Not to cause a distraction. To be an asset to the community. And yet we need to stay within whatever the parameters that you set for us, whether it's white on black, black on white.

When you make the decision, we just want an illuminated sign, electronic sign to get the word and message out there what we're trying to do there. So in no way do I want to be a distraction to anything. Just let us know, as you're discussing, in clear parameters and we'll follow those parameters. And if there is a deviation, we'll come back for a variance request.

FRED TROTT: We appreciate that.

ADAM CUMMINGS: I'm not aware of any other places having any complaints or violations for transitioning more than one in a day. So I think they have been adhering to it. I mean -- with one exception.

How -- how technical do we want to get on this? For instance, the Fire Department puts the date and time on. Technically, that message changes every second. Over time the temperature changes. That message is changing over time when the temperature changes. I don't have a problem with it.

When I drive down there, no different than the banks have been doing for decades. In fact, Brockport -- that was my favorite landmark on the corner with the circular bank. Always told me what the time was and always told me what the temperature was. But that was only changeable -- or a digital sign that changed every --

JAMES WIESNER: So let the Building Department decide what they want to enforce.

PHILIP SUPERNAULT: So you're saying that --

ADAM CUMMINGS: I'm saying if they put a message on here with the time always in the upper right-hand corner and that is the only message -- if we tell him he can do it once per day, he can't put the time up there.

FRED TROTT: But we're saying the Fire Department.

ADAM CUMMINGS: The Fire Department does it. The Fire Department is in violation, is what I'm saying.

MARK MERRY: Two wrongs don't make a right.

ADAM CUMMINGS: Correct. And I'm saying are we trying to restrict it that much, the same as what Phil (Supernault) is trying to say. I think --

MARK MERRY: We're making it too complicated, even for me.

FRED TROTT: To differentiate from that, you're talking about -- there is a difference between a Fire Department and a church. Where I think the Church, they just want to get their message that Sunday mass is -- or Sunday service is -- I apologize -- is at 3 o'clock.

ADAM CUMMINGS: Right.

FRED TROTT: Or next Saturday is moved because Easter mass -- or Easter service -- I apologize.

MARK MERRY: Or a community event.

FRED TROTT: So they're not interested -- I don't think you're interested in telling people what time it is.

MR. HOLMAN: No.

PHILIP SUPERNAULT: But you might want to do a Sunday service and by the way, there is a food cupboard.

ADAM CUMMINGS: Once again, I'm just reminding the Board --

PHILIP SUPERNAULT: That's what I'm trying to lobby for.

ADAM CUMMINGS: It's not they're a church and their messaging. So --

FRED TROTT: Okay. But I guess that is where I'm trying to keep it as restrictive, but still have them be able to use it. And I think --

ADAM CUMMINGS: We're back to one message per day seems like --

MARK MERRY: Let's keep it reasonable.

ADAM CUMMINGS: So we'll move on.

MARK MERRY: And consistent.

ADAM CUMMINGS: No pictures of live-action images. That was specific to somebody trying to put in like a person swinging a baseball bat and the bat going along with it or a picture. We don't want pictures. We want a textual sign. Right, Board?

MARK MERRY: Good with that.

MR. HOLMAN: Good with that.

ADAM CUMMINGS: And then the last one is if the Board wants to restrict the lighting to be off during the overnight hours. Because once again, it does tie to the other part of the code where we don't want internally illuminated signs. And this goes to our old Comp. plan and everywhere else where we didn't want the sign pollution, light pollution and everything else.

Do we want to talk about sign lighting being off during those overnight hours? Because odds are you're not open from 11 p.m. to 7 a.m. or 6 a.m. So what benefit is there to have that -- other than the advertise --

MARK MERRY: Is that reasonable to you?

MR. HOLMAN: That is reasonable. We have the ability to have the dusk to dawn or have it shut off at a specific time. As days get longer, days shorter, we can make those adjustments.

ADAM CUMMINGS: We don't get into the details of daylight savings time and things like that. But I do like that idea of -- I don't think we need to go dusk to dawn because then you lose quite a bit of time. So the 11 p.m. to 7 a.m., um, I think is reasonable. That's the darkest time of the days, other than the morning part. So we'll stick with those. And that's where we'll be at.

So once again, sign permit must be obtained.

Sign lighting will be a maximum of 0.3 foot candles at a distance of 30 feet.

The sign will be only one color.

The sign will display static images only. No rotating, flashing, fading or animations.

Restricted to one message per day. Sign will not display pictures or live-action images and the sign lighting will be off between the hours of 11 p.m. and 7 a.m. Each day.

MARK MERRY: When you say sign will only be one color, you're referencing the light?

ADAM CUMMINGS: Yes. I'm messaging -- sorry. Yes. I'm message -- I'm referencing the messaging part.

JAMES WIESNER: So black background with white letters you're saying?

MARK MERRY: Dark background.

ADAM CUMMINGS: I didn't even restrict it to that. I'm saying one color.

JAMES WIESNER: I would -- would not be in favor of a green or a red or a blue.

ADAM CUMMINGS: I have never seen an LED sign with white background with black letters. Because the lights don't really allow that. It's always a black background because that's media --

FRED TROTT: Well, I think Jim (Wiesner) is saying he wants a black background with white letters. So -- compared to a -- a yellow background with bright green letters.

ADAM CUMMINGS: That -- right. I will just tell you, that is bright. To take that entire LED and have every LED turned on and then just turn off the ones that aren't on -- is what you're pretty much doing -- it's bright.

MARK MERRY: Let's ask the applicant. I think what I've heard from the applicant is a dark background with white letters.

MR. HOLMAN: We can make it happen.

ADAM CUMMINGS: Okay.

PAUL WANZENRIED: Just make it a black back ground. Just make it a black back ground and you don't really care what color the lettering is. It's the black -- it's the background you're concerned about from Adam (Cummings)' point -- point of glare. If it is yellow, that's a huge lighting --

ADAM CUMMINGS: It's a huge glare.

MARK MERRY: The background -- you're -- yes. Very good point.

PAUL WANZENRIED: Mr. Chairman, one more thing. Please address the AAC comment in your conditions.

ADAM CUMMINGS: Where did the letter go?

I had it here. I had a revised one. I misplaced my -- I don't have one.

Paul (Wanzenried)?

Oh, wait. I do have it. It is underneath a pen. Okay. They recommended architectural elements of the existing building, black, brick and white trim be incorporated into the design.

Isn't that what that is?

PAUL WANZENRIED: That is the revised design.

ADAM CUMMINGS: That's what we have been discussing tonight.

PAUL WANZENRIED: I want that referenced in the conditions, if you would, please.

ADAM CUMMINGS: So number 7 --

PAUL WANZENRIED: Otherwise, Mr. Holman is going to pull a fast one on me and put that almond thing up there.

ADAM CUMMINGS: No. I think sign commands will do that -- or Stewart Signs will do



that. We're going off this one (indicating).

MR. HOLMAN: That's fine.

ADAM CUMMINGS: Got you.

So going back to that colored one with the background -- what's the Board consensus on this one for -- how do we want to restrict this with the background of the colors?

MARK MERRY: You're asking again?

ADAM CUMMINGS: I'm asking again because we have Jim (Wiesner) with one opinion and --

MARK MERRY: I'm okay with a dark background.

JAMES WIESNER: It's consistent every -- black and white is very consistent with the other churches as far as what they got. They have a white background and black letters. If you go to Anchor, St. Pius, Baptist Church on Chili Avenue, I think has same thing.

FRED TROTT: You're good with black and white?

ADAM CUMMINGS: But he wants them inverted from what it is here. He wants the whole thing white with black.

FRED TROTT: I don't want the whole thing white.

JAMES WIESNER: I would be okay with a black background and white letters. I think that's more like a sign.

ADAM CUMMINGS: And it would be our first one.

JAMES WIESNER: Not flashy.

ADAM CUMMINGS: Right. We don't want flashy.

JAMES WIESNER: Like carnival lights.

ADAM CUMMINGS: And the red that -- or even amber tone, to me, tones it down, but it also looks like what you would see with DOT siting -- or lighting signs or emergency ones. Like Fire Departments like to do. But now they're all moving to different colors and everything else. So I think we're in agreement with that.

The sign lettering will be one color only. And we'll put it at white -- white tone instead of amber tone. Are you okay with that?

MR. HOLMAN: I'm okay.

A question. On the header where it says New Ebenezer Seventh Day Adventist Church, it's green. Is that acceptable?

ADAM CUMMINGS: Yes. Because that is not part of the changeable font.

MR. HOLMAN: Okay.

ADAM CUMMINGS: It's not a changeable font. It's the one that we're changing the letters.

MR. HOLMAN: That will not change. That will always be there. There is a way we can have that light on, so you can see that. If there is no advertising programs. And everything else will be dark. At the appropriate time, it can go dark, as well.

ADAM CUMMINGS: Yep. That would be acceptable.

PAUL WANZENRIED: Then enter that as a condition, please.

ADAM CUMMINGS: That -- that the top illuminated one --

FRED TROTT: Yes. I'm fine with that one being on 24/7.

ADAM CUMMINGS: That's under -- that's still a part of the internal illumination monument sign, letter C.

PAUL WANZENRIED: It is.

MR. HOLMAN: You're saying it is acceptable?

ADAM CUMMINGS: I'm saying -- well, no. I'm saying that one is supposed to be off from 11 p.m. to 7 a.m. You're saying you want it on from 11 p.m. to 7 a.m.?

MR. HOLMAN: No. It can be off.

ADAM CUMMINGS: I want the whole sign to be off.

MR. HOLMAN: Correct.

MARK MERRY: He is saying it may be on, but the messaging may be off.

MR. HOLMAN: Correct.

ADAM CUMMINGS: That would be fine.

MR. HOLMAN: And if there is no message at that particular day, it would still say what the Church is.

ADAM CUMMINGS: Yep. Yep.

MR. HOLMAN: Okay.

ADAM CUMMINGS: The Church illumination, the green and white, that just needs to be off at 11 p.m.

MARK MERRY: Okay.

ADAM CUMMINGS: Because that still counts in the illuminated monument sign. All right. So I will open up the Public Hearing -- well, I won't even ask the Side Table anymore.

JAMES WIESNER: One thing we hadn't discussed is the size of the font, the size of the text. Because I think --

ADAM CUMMINGS: We can't restrict that.

MARK MERRY: Paul (Wanzenried) says we can't restrict.

ADAM CUMMINGS: We're giving them an area for that sign.

JAMES WIESNER: They could have letters that big.

MARK MERRY: That no one will see. They may see it on the opposite side of the sign, but not the roadside of the sign.

ADAM CUMMINGS: They could also make them as big as the whole thing.

JAMES WIESNER: 4 feet tall.  
ADAM CUMMINGS: It could say "Boom." It could say --  
FRED TROTT: That is the same thing as the firehouse. They can make them as big as they want.  
ADAM CUMMINGS: It can say "Hi."  
MARK MERRY: Just can't say "Go Bills." I mean we -- that cannot happen.  
ADAM CUMMINGS: We'll let the logo in at that point. (Laughter)  
JAMES WIESNER: "Go Bills" on Sundays.  
MR. HOLMAN: No "Go Bills"?  
FRED TROTT: No. That is good. The address. Is that --  
ADAM CUMMINGS: The --  
FRED TROTT: Does that need to be a condition?  
MR. HOLMAN: I can address that.  
ADAM CUMMINGS: Go ahead, sir.  
MR. HOLMAN: The address is put on the artist rendering so you know we intend to have an address on both sides where the brick area is. If not, it will be in the top. But it will be visible on both sides of the signs.  
ADAM CUMMINGS: We have it has to be visible but not part of the sign calculation anymore.  
FRED TROTT: All right.  
JAMES WIESNER: It was required by code.  
ADAM CUMMINGS: Yes. Right.  
FRED TROTT: Okay.  
ADAM CUMMINGS: And we don't -- we don't -- the -- the AAC took care of where it needed to be, so it's on the base of it.  
FRED TROTT: Okay.  
ADAM CUMMINGS: Okay. Jim (Wiesner), what was the other thing? I don't think I have -- we talked about the font. Oh, that's right. Your question was size of the font.  
JAMES WIESNER: We'll leave that be. I fine with that.  
ADAM CUMMINGS: Okay. So we'll move on to the Public Hearing.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

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

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

Adam Cummings 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 Mark Merry seconded the motion. The Board all voted yes on the motion.

ADAM CUMMINGS: So we'll do the first one and the second one -- actually, we'll just do all three because it's all one sign. With those seven conditions.

Does everybody want me to read them again?

FRED TROTT: No. I think we'll get confused. We would have to hear Jim (Wiesner) again.

JAMES WIESNER: Got me fired up.

ADAM CUMMINGS: So we'll ask -- I will ask for a motion to adopt this application with those seven conditions.

Mark Merry made a motion to approve the application with conditions, and Philip Supernault seconded the motion. All Board members were in favor of the motion.

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

1. Sign permit must be obtained.
2. Sign light settings will be set to a maximum of 0.3 foot candles at a distance of 30 feet.
3. Sign text within the changeable message portion will be single color – white tone.
4. Sign will display static messages only. No rotating, flashing, fading, or animations. Restricted to one message per day.
5. Sign will not display pictures or live action images.
6. Sign lighting will be off between the hours of 11:00 PM and 7:00 AM.

7. Must meet Architectural Advisory Comments related to materials matching the principal structure on the property.
6. Application of Expert Skiers Only LLC (Peter Feltner), 55 & 57 King Road, 191 S. Union Street, Spencerport, New York 14559 owner; for a variance to A.) Allow front yard parking (not permitted) B.) Erect a 6' fence in the front yard (not permitted) at property located at 55 & 57 King Road in L.I. District.

Cole Papasergi was present to represent the application.

MR. PAPASERGI: Good evening, Mr. Chairman, members of the Board. My name is Cole Papasergi with Marathon Engineering. I'm here on behalf of Peter Feltner, the owner and applicant of King Road self-storage, located at 55 King Road -- um, 55 and 57 King Road.

He also owns the two westerly lots, which is up on this plan. And all of the parcels are zoned Limited Industrial as well as the neighboring lots.

And we're -- I'm here today to request the approval of two variances for the expansion of the property or of the business.

The original business was constructed in 2007, six buildings and he is adding another six buildings and -- and expanding the gravel self-storage, the surface storage. The two variances we're requesting specifically are for a -- parking in the front, which is not allowed. And we're requesting that the fence that is permitted in the front be 6 feet tall instead of 4 feet tall per code. A lot of this is as a result of combining two lots, so as shown here, as a combination of 55 and 57, it kind of creates an abnormally -- weird-looking lot where the front setback is different than it was previously for the -- for the existing business. And the security of a self-storage business kind of merits the use of a little taller fence to ensure adequate security of the -- of the people's belongings.

Both of these are kind of continuations what was existing of the existing business. There was parking in the front previously as well as -- a 6-foot high fence around the previous establishment. So just kind of not -- not unique to this property.

We have received conditional approval from the Planning Board back in May. And -- and conditional on these grantings of these variances. So with that, I'll open up for any questions.

ADAM CUMMINGS: Do you know the dimension from your -- you're well beyond the 40-foot side setback on that side. But how far from that front parking from King Road are you?

MR. PAPASERGI: From King Road, it's over 250 feet.

ADAM CUMMINGS: Okay. So you're not proposing and you're not even removing any of these trees from the front, so it will still be screened?

MR. PAPASERGI: Correct. The trees up along the side of the private drive will remain.

ADAM CUMMINGS: Okay.

JAMES WIESNER: How tall is that existing fence?

MR. PAPASERGI: 6 feet.

ADAM CUMMINGS: Is that barbed wire at the top?

MR. PAPASERGI: No.

FRED TROTT: There is a cell tower on that property.

MR. PAPASERGI: It is the fifth property to -- sorry. To the west. Which is up. So that.

FRED TROTT: That will not impact where these buildings will be?

MR. PAPASERGI: No. He owns these two parcels and then the -- the tower is the next parcel up.

FRED TROTT: Okay.

MR. PAPASERGI: So the access to that tower is the same private drive, but it's not owned by him.

FRED TROTT: Okay. I guess what I'm trying to get at is, it is a safe distance from any kind of fall, so I think that is one of our requirements.

ADAM CUMMINGS: That -- that's Planning Board.

FRED TROTT: I'm just --

ADAM CUMMINGS: No. I see what you're asking. That would have been a variance sign if they needed that like our next application would be.

FRED TROTT: Okay. I don't have anything further. And this is all going from King -- your existing building, you're going back behind your existing buildings?

MR. PAPASERGI: It's to the east of the existing buildings. These six here (indicating) are the existing buildings and then the new buildings would be to the south and to the east.

PHILIP SUPERNAULT: King Road in front.

ADAM CUMMINGS: To point out the reference, that is rail.

MR. PAPASERGI: This is King Road (indicating). This is the railroad tracks and cell tower is back here and 490 is down there (indicating).

ADAM CUMMINGS: Yep.

PHILIP SUPERNAULT: They're farther from King Road --

JAMES WIESNER: So no change of vegetation that is existing? As -- as Adam (Cummings) said, you -- call it shielding that is already there. You won't be taking any of the vegetation or the trees?

MR. PAPASERGI: So there is a stand of trees in this area. We will be taking a portion of that. We will also be supplementing with some evergreens, thicker evergreens that will hold up as a better buffer.

JAMES WIESNER: But you're not taking it all out?

MR. PAPASERGI: Right. There will still be a stand of trees supplemented by new landscaping to the King Road side.

ADAM CUMMINGS: So I think what I'm visualizing there is adjoining properties along -- that are residential in the -- and the auto repair shop that is there, they will still have their screening right immediate adjacent to the property lines. They're taking off trees farther back and -- and supplementing the screening with non-leaf-falling trees to give some more year-round screening.

JAMES WIESNER: So they should not see anything different than what they see today.

ADAM CUMMINGS: Right. In fact, they should see less eventually when those pine trees make it.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

ANTHONY COMUNALE

MR. COMUNALE: My name is Tony Comunale and I'm here with my neighbor, Tracy Belmont. We have the two properties on King Road in front of this. And I would like -- we were just here two weeks ago --

ADAM CUMMINGS: At the Planning Board meeting?

MR. COMUNALE: Yep. And we're kind of wondering why this wasn't brought up then?

ADAM CUMMINGS: Two different Boards. So they don't have the jurisdiction to consider this. These are items that we have to hear at our Board. They can't hear those. Just like they had -- they made decisions on the review portions that they can do that we can't do here.

So by our schedule, this is our regularly scheduled meeting. That was their regularly scheduled meeting. So they gave a conditioned approval for the applicant there saying it's met their parameters, but one of the conditions they have is that they have to get a variance from us here. If we happen to grant a variance, that completes that one condition. If we do not grant the variances tonight, that then negates their approval that they have at the Planning Board. So that is why they're here tonight, those -- those decisions couldn't have been made two weeks ago. They're different elements, even though it's the same project.

MR. COMUNALE: Okay. But -- but -- we would like to see that rendering.

ADAM CUMMINGS: Okay. He can flip that around for you.

MR. PAPASERGI: No change to the rendering from our Planning Board meeting.

ADAM CUMMINGS: So to be clear, that is the same rendering you saw two weeks ago, according to the applicant. So if you have any further questions, feel free to let me know what those are and I will see if we can address them.

MR. COMUNALE: Where will this parking be that they're --

ADAM CUMMINGS: So if he can highlight where the parking is, there -- there is a few spots, which -- not to us, to them.

PAUL WANZENRIED: You can step closer to them.

ADAM CUMMINGS: So you can go right up and show them where those are.

How many new parking spaces are you adding from what was there before?

MR. PAPASERGI: So we're not adding any new guest spaces. What we are adding are surface storage spaces.

ADAM CUMMINGS: And point to where those are on the plan.

MR. PAPASERGI: (Indicating).

MR. COMUNALE: That's --

ADAM CUMMINGS: But the surface ones are not the front yard parking.

MR. PAPASERGI: Surface storage for RVs, boats.

ADAM CUMMINGS: To be clear, the front yard parking is for the guests; correct? You're not looking to have surface parking up front, or are you?

MR. PAPASERGI: There are four existing surface parking spots outside the fence for guests.

ADAM CUMMINGS: Okay.

MR. PAPASERGI: We're not making any changes to those. And then expanding on the -- the surface storage.

ADAM CUMMINGS: So how many of the surface storage are classified as front yard parking?

MR. PAPASERGI: Um, with the change of the definition of the area of what is front, all of them.

ADAM CUMMINGS: All of -- got you.

JAMES WIESNER: It's hard to define.

ADAM CUMMINGS: And because it's a flag lot, it's off your property there. And how far away from those properties are those? And once again, those are storage and not live -- not live. They're inanimate objects. Those are not allowed to be operational vehicles. Meaning, you are not planning on headlights and taillights facing at these people's properties.

JAMES WIESNER: It would actually be seasonal, too.

ADAM CUMMINGS: And it would be seasonal. Well, not necessarily. Well, snow storage so it has got to be seasonal.

MR. PAPASERGI: One of the things we considered when putting those there, um -- was the seasonal nature of that parking and typically that's more of a grab-and-go-type item. Someone parking an RV, grab the keys and go. Versus people loitering at their storage units,

sounds of garage doors opening and closing. And unloading for multiple hours.

ADAM CUMMINGS: And I just want to make sure to get the public's comments real quick before we jump back into his presentation. Anything else, sir?

MR. COMUNALE: This stormwater management facility that's on here, that -- that's not there now.

ADAM CUMMINGS: Yep. So that is going to be a pond that they have to put in because of the amount of buildings and impervious surface. Meaning that the water can't go down and get eaten up by the grass anymore or soaked up by the grass. It has to be contained into a stormwater pond to treat it to get stone and things like that before we send it back into the drainage ways. So that is mandated by State regulations and federal regulations so that is where that is going to go there. And that's where all their drainage is going to go to.

MR. COMUNALE: On the map, where you're showing -- I believe these are the -- the additional evergreens that they propose to plant. I mean I can kind of figure it, but what -- what is the dense -- the distance between the back of Tracy (Belmont)'s lot and --

MS. BELMONT: Go ahead.

ADAM CUMMINGS: I don't know that answer. I'm guessing it came up at the Planning Board meeting. We're -- we're strictly looking at the front yard parking, allowing it or not allowing it. But I will ask the question of the applicant.

MR. COMUNALE: Would there not be a required setback there?

ADAM CUMMINGS: No. Not for trees.

MR. COMUNALE: No. Between two properties.

ADAM CUMMINGS: Yes. And that's what they're depicting. There is a 60-foot front setback. What we have is -- is a code requirement that prohibits parking of any vehicles in the front of a building or on the front part of a parcel. That's what they're here for tonight. It's one of the uniqueness -- unique parts of our code that we have here. That's what they're here for tonight, but the -- setback that you're referring to, our code has it as being 60 feet from the -- from the back of your property lines and -- and their -- they're beyond that. Well, they're right at it on one of the spots.

But to answer your question of density of the trees, what are you planning on for that?

MR. PAPASERGI: So the trees would -- will be spaced staggered.

ADAM CUMMINGS: Yep.

MR. PAPASERGI: So that's better to fill in the gaps and they will be, I believe, White Pine, which will be a more full type evergreen.

ADAM CUMMINGS: So probably enough that the staggering makes a complete -- as complete of a barrier as you can.

MR. PAPASERGI: Yes. And those will be looked at in the field for best visual impact. There is also an existing grade that is up a little higher in that area, and the elevation of the neighboring houses and elevation of the parking fields are at the same level so there's a natural berm there.

ADAM CUMMINGS: Sir, next question if you have any more?

PHILIP SUPERNAULT: I had a question.

ADAM CUMMINGS: I still want to keep to the audience --

PHILIP SUPERNAULT: I forgot. I thought you were talking to us. I'm sorry.

TRACY BELMONT, 53 King Road

MS. BELMONT: Tracy Belmont, 53 King Road.

My main concern is like my backyard is a forest now. I have pictures of everything grown in, you know. That is my main concern. I don't want to see all that in my backyard. It's my oasis. You know what I mean? It's a complete jungle back there.

ADAM CUMMINGS: They are looking --

MS. BELMONT: To just have ten trees, it is kind of like --

ADAM CUMMINGS: They're maintaining a portion of it. And I think they are looking to add in screening. But it is a sad fact to point out if they want to clear them all out, they could.

MS. BELMONT: They could.

ADAM CUMMINGS: But their plan, they're not going to. So the Town will hold them to that. They are not going to clear it out all of the way to the property line. And, in fact, they're going to add more on --

MS. BELMONT: Like I just said, that's my main concern.

ADAM CUMMINGS: I hope your oasis stays, as well. From what I'm showing there, they're not looking to disturb any of the immediate area you got.

MR. COMUNALE: Just -- just to be clear then, where -- where it is showing these new trees being planted and then it -- it's bordered by that kind of curved line.

ADAM CUMMINGS: I will be honest, I can't answer that. That is not in our packet. The screening of the trees, I can't answer too much because that's the Planning Board.

MR. COMUNALE: Well, I'm just trying to identify this corner of the property here, that goes from where those trees stop, back across our properties and it's -- you know, then it is bordered in by that green area.

ADAM CUMMINGS: Okay.

MR. COMUNALE: So not -- not the green area, but --

MS. BELMONT: Here (indicating).

MR. COMUNALE: The other part between the green area and our properties, is -- is that --

MS. BELMONT: This is what he is talking about right here (indicating).

ADAM CUMMINGS: They're not looking to change anything there.

MR. COMUNALE: It's going to be left the way it is?

ADAM CUMMINGS: Right.

MR. COMUNALE: So in -- and that's -- that's pretty much written in stone?

ADAM CUMMINGS: Nothing is ever written in stone. But that's what I see on his -- you're describing the dark green and the light green area on his rendering and that's what the Planning Board reviewed and required them to put the dark green in. And the light green is just a depiction where they're going to take trees out. The rest of it on that aerial image, um, those trees and everything on that -- I guess lack of a better -- the southeast portion of it is going to remain the way it is, the wooded area that it is.

Is that accurate, sir?

MR. PAPASERGI: Yes.

ADAM CUMMINGS: Okay. Is -- does that answer your question okay? So they drew lines on there of -- with the buildings and the roads they're looking to put in. They're not looking to take anything else out. But once again, it's never set in stone. If they wanted to clear those trees out again later on, just because they wanted to, this Board doesn't have any jurisdiction over that. We don't have a say "yes" or "no."

MS. BELMONT: Thank you.

ADAM CUMMINGS: You're welcome.

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

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

PHILIP SUPERNAULT: Would you describe the fence?

MR. PAPASERGI: It's a chain-link fence, 6 feet tall.

PHILIP SUPERNAULT: Okay.

ADAM CUMMINGS: Matching existing?

MR. PAPASERGI: Matching the existing.

PHILIP SUPERNAULT: Thank you.

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

ADAM CUMMINGS: Now we'll go onto letter A. We will do these ones separately. So the front yard parking is not permitted in this LI zone parcel. I don't have any conditions of approval for this one. But once again, we're focusing specifically on the front yard parking. Some of it was preexisting. Some of it is new. And I will ask for motion to adopt the application.

On 6A, Philip Supernault made a motion to approve the application with no conditions, and Mark Merry seconded the motion. All Board members were in favor of the motion.

DECISION ON APPLICATION 6A: Unanimously approved by a vote of 5 yes with no conditions and the following findings of fact were cited:

1. The property is located in a L.I. Zone with a large setback from adjacent properties on a uniquely shaped parcel.
2. There are no other feasible areas for parking and requiring parking on the back of the lot would move the storage structures closer to the neighboring properties.

ADAM CUMMINGS: So now moving onto B. The 6-foot fence in the front yard.

On 6B, Philip Supernault 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 ON APPLICATION 6B: Unanimously approved on a vote of 5 yes with no conditions and the following findings of fact were cited:

1. There is an existing 6-foot fence that would be matched with the new fence.
2. Due to the nature of the use of the property and need for security, a taller

fence is recommended.

3. The lot is irregular in shape and the flag-shaped nature means that the fence is not encroaching on a public right-of-way.
4. The location of the fence is appropriate to separate the parcel from the adjacent residential parcels.

ADAM CUMMINGS: So that one is all set. In terms of the neighbors, just keep in contact with the Town on it and -- and the applicant seems clear on what their intent is to do on this and just keep in contact with them with your wishes and hopefully he obliges.

7. Application of Crown Castle USA Inc. (Verizon Wireless) 4 Angela's Way, Burlington, Connecticut, 06013, (Town of Chili), owner; for a variance to amend a granted variance (2000) to A.) Allow 130' tall communication tower (120' granted) B.) 155' setback (145' granted) at property located at 25 Rock Island Road, North Chili, NY 14514 in PRD District.

Jared Lusk was present to represent the application.

MR. LUSK: Evening, members of the Board. Jared Lusk with the law firm of Nixon Peabody representing Crown Castle and Verizon Wireless in this application.

As outlined in our May 23rd, 2023, application, Verizon and Crown are proposing what is called an eligible facilities request under federal law to extend the tower -- the existing tower 120 feet tall to be 130 feet tall with -- so a 10-foot extension and then to install the Verizon Wireless antennas on that 10-foot extension as well as the ground equipment at the base of the -- the base of the tower within the compound.

And the existing Crown -- 56 by 21 is the compound where it will be located. That is set forth in the application. It is an eligible facility request. It's within the parameters of the Middle Class Act Relief Law that indicates so long as a tower is not extended more than 10 -- the greater of 10 percent or 20 feet above the existing tower and the compound is not expanded unreasonably under federal law, the Town must approve and cannot deny the application. So it's -- so that is set forth in the application.

ADAM CUMMINGS: I do have to laugh. I love when the federal government tells us what we have to do. I hope that one gets advertised.

MR. LUSK: As a former Board member in my hometown, I appreciate it, as well. I am just a lawyer telling you what the law is.

ADAM CUMMINGS: I always laugh at it. But then they tell us we have Home Rule and can make our own decisions.

MR. LUSK: Yes.

ADAM CUMMINGS: All right. Jim (Wiesner), any questions?

JAMES WIESNER: The only question is why did we never see this packet? I haven't been to the site. I didn't look for a sign. I haven't read it.

MARK MERRY: Sign is there.

ADAM CUMMINGS: Sign is there. I go to the spray park enough so I know right where the sign is.

MARK MERRY: Do you ever bring the kids?

ADAM CUMMINGS: Sometimes. (Laughter.) The water is cold there.

PHILIP SUPERNAL: He goes once in a while.

ADAM CUMMINGS: A cold sprinkler.

But anyway, if you're not familiar with the tower, the one right there at Rock Island is Union Station's entrance to the Environmental Bond Act parking there, and the cell tower is just to the west of it.

JAMES WIESNER: Okay. I will abstain from the vote.

ADAM CUMMINGS: So once again, the packet we did receive, it was -- it was voluminous and it included the Special Use Permit, the site plan approval as well as our variance. So yes, ours out of the whole packet, Jim (Wiesner), is this much (indicating).

JAMES WIESNER: But you -- but by federal law --

ADAM CUMMINGS: We don't have a say.

JAMES WIESNER: -- we don't have anything to say about it anyway.

ADAM CUMMINGS: This is a mere formality.

FRED TROTT: So can I ask -- can I ask a question?

ADAM CUMMINGS: Sure.

FRED TROTT: Then why is he here?

ADAM CUMMINGS: Because our code has it in there that we have to go through this process.

Correct?

PAUL WANZENRIED: You have to amend the variance.

ADAM CUMMINGS: We have to amend the variance because we have -- I will call it a code that has these things in there, and I'm sure it's the original template of a cell tower utility -- telecommunications tower. Which everybody had in this area for the past 25 years.

FRED TROTT: Now they changed it to a federal --

ADAM CUMMINGS: There have been multiple acts over time.

PAUL WANZENRIED: Mr. Lusk, do you remember when that act came into play?

MR. LUSK: The Middle Class, I think it was 2014. Give me one second. I was -- I'm sorry. 2012.

I think what's important is -- what this law doesn't say is you don't have to follow the Town process. Just says if there is a Town process, it has to be done within a certain period of time and if it meets certain parameters, they can't deny it and they must approve. I think what a lot of Towns have done is looked at the criteria for these eligible facility requests and revised their code and said if it is within the parameters here, it -- it -- go see the Code Enforcement Officer and get a building permit because it doesn't waste your time. But the fact is the code doesn't -- the federal law doesn't exempt you from the process. It only restricts the Town's ability to say no. And then -- and they had to act within a certain period of time.

So again, I didn't do it. I didn't write it. I'm just telling you what it says.

FRED TROTT: I understand. I just thought why wouldn't they just come as informational like --

ADAM CUMMINGS: Eventually it won't make it to us. That's the way -- the Towns that have updated their code.

MARK MERRY: We're not there.

ADAM CUMMINGS: We have not updated yet.

JAMES WIESNER: What is strange is -- if we all voted no, what happens?

PAUL WANZENRIED: They Article 78 you and win.

ADAM CUMMINGS: Right.

JAMES WIESNER: It goes to Court and costs the Town a lot of money.

MARK MERRY: So if I abstain --

ADAM CUMMINGS: And the Court looks at you and says you're going against a federal law. What are you doing?

FRED TROTT: My question is we just updated our code book. Why wasn't --

ADAM CUMMINGS: Not for utility towers.

FRED TROTT: Okay. That's -- that's fine with me.

ADAM CUMMINGS: And we haven't even addressed the hovering utility radials yet.

PAUL WANZENRIED: In all of the modifications to cell towers that have happened in the past -- since 2012, um, this is the first application that has produced The Spectrum Act and -- to do The Spectrum Act. Most of them are just switching out antennas and arrays on existing towers and it's a building permit.

When you make modification to the height and add equipment, that falls -- per our code falls into the requirements for a Special Use Permit or to amend a Special Use Permit. Thus, the Planning Board. They change the height, they have to amend -- there is a -- previously there was a height granted. This tower goes back to '07, I think. Somewhere around there. So -- so, you know, this -- this is the first application that's come to me that -- that is -- has brought about The Spectrum Act.

MARK MERRY: So does this meet, Paul (Wanzenried), the 1:1 ratio? For the compound? So it's a 1:1 ratio, right? So for 10 feet high.

PAUL WANZENRIED: No. No. It's -- it's 10 percent.

MARK MERRY: I thought there was a 1:1 ratio, as well.

PAUL WANZENRIED: No. It's a 10 percent -- what do you mean 1:1? Are you talking for the height, the fall distance?

MARK MERRY: Yes.

PAUL WANZENRIED: Fall distance is the height of the tower plus 25 feet.

ADAM CUMMINGS: So that is the setback we're availing. So before they had 145 feet for the 120-foot tall tower. Now they're going up to a 130-foot tower which is why we're not talking about setback from a property line. We're talking about -- we have to revise the setback to make a new setback for the new height.

MARK MERRY: So it doesn't?

ADAM CUMMINGS: Well, right. It won't meet the setback because the old setback was with the old height. Now the thing that is not shown on here is there may or may not be a structure inside if it falls.

MARK MERRY: That is what I'm concerned about. You see where that tower is, it's in a backyard. I mean you don't see that thing if you get right up in the neighborhood and all of a sudden it pokes its ugly head out. You go, "Whoa." And add 10 feet onto that and -- is my concern. But we can't have that concern.

ADAM CUMMINGS: We can have the concern. We can't do anything about it.

PAUL WANZENRIED: You can have that concern, but there is nothing we can do about it.

MARK MERRY: Gee Willikers.

A later-identified person in the audience addressed the Board.

ADAM CUMMINGS: I'll get you at the Public Hearing. I will announce the Public Hearing and then you can talk. We'll do that shortly here. Because I don't want to belabor this one. There is not much we can do about it.

FRED TROTT: I guess like Mark (Merry)'s question, I was in that range, that -- that changes, but we can't -- even though they're short of what we had in our code --

ADAM CUMMINGS: We're not saying "short." The -- we're here because they're --



they're always going to be short. We granted them a variance in 2000. Now they're amending that one to go a little higher and then the setback is recalculated based on that formula that we're talking about there. That is why these two variances are coming in here. It is not addressing if anything falls within that. It is just drawing a line around it and if that tower falls, then Verizon and Crown Castle get to hash that out with that homeowner. And the federal government, we know they're not going to be part of it.

FRED TROTT: So -- yes. So it is still going to be a 145-foot setback.

ADAM CUMMINGS: No. 155-foot. That's what we're considering tonight. It's already been granted 145-foot for the 120-foot tower. That is why they both say "granted," "granted." 130 feet is the new tower because they're adding 10 feet and that extends the setback 10 more feet which is the 1:1 that you're talking about.

FRED TROTT: Okay. I guess that's what I wanted to clarify.

ADAM CUMMINGS: The 25 percent is the total height of the tower -- or the 20 percent. Not 25 percent. Whatever the number was. All right.

FRED TROTT: Yep.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

##### PHILIP SABATKA

MR. SABATKA: This is actually in my backyard so -- this thing isn't going to grow that much taller. I guess my first question was on the setback. The setback, it sounds like it is related to -- because of the new height.

ADAM CUMMINGS: Yes.

MR. SABATKA: Because I also notice the antennas on the tower are closer and lower and then -- and then the next level is out further. I was wondering if that next level up is going to be that much further out as this monstrosity grows?

ADAM CUMMINGS: I don't know that answer.

MR. LUSK: The --

ADAM CUMMINGS: I will see if I can see it.

MR. LUSK: The plans outline the -- the array. Let me see if I can pull it out so you can see exactly.

ADAM CUMMINGS: I don't know why they do the arrays the way they do. You would know better than me.

FRED TROTT: It's going to be interference.

ADAM CUMMINGS: I'm guessing it is interference between the three different carriers --

MR. LUSK: Well, it is one carrier. In terms of the size of the arrays or the distance in the array?

ADAM CUMMINGS: Gotchu.

MR. LUSK: The distance between the array -- the sets of antennas is for interference reasons. The -- the size of the array is based on that -- frequencies that they're using and the spacing, the antenna spacing they need for the network. To Verizon -- I honestly don't know who is the other carrier, but Verizon is operating on five different frequencies. And so with each sector, it needs to provide antennas for each of those frequencies.

So there's more -- frankly, there is more antennas on Verizon's set there than there is for most of the other carriers because they just have more frequencies. It -- if this is recorded, I would say because Verizon has a much better network. I'm sorry. I'm not trying to be flip, but they have more frequencies because they have more traffic.

ADAM CUMMINGS: Does that answer your question?

MR. SABATKA: And will this be 5G that's being put -- replaced?

MR. LUSK: The answer is there is five different frequencies. 5G -- sounds like I'm being a lawyer -- I'm not. I need everyone -- remember they were talking about the 5G -- the 5G millimeter wave that was contemplated and advertised in the Super Bowl a few years ago? This is not that.

It's a fifth frequency. It is similar, but it's not that millimeter wave. Just a fifth frequency that Verizon is operating. And there is so much traffic they will soon be operating on a sixth frequency. Not 5G per se that you saw --

ADAM CUMMINGS: Meaning we don't have Metropolitan New York City speeds. We have Chili, New York speeds.

MR. LUSK: You have reliable on --

ADAM CUMMINGS: Your phones may say LTE 4G or 5G on them?

MR. LUSK: Correct. But it's not the millimeter wave which is really designed to be a replacement for what I would say is fiber, et cetera. And those antennas need to be about 4 to 500 feet apart and -- and the -- and the coverage area is basically homes along, what I would say, a tight suburban or urban street and it gets rid of -- it's a replacement for Greenlight or Road Runner, all those things. It's that fast.

But here you -- in a more suburban rural area like you would see outside of -- outside of Rochester, it -- the -- the distance that you get from -- you need so many antennas, that you wouldn't -- and -- and you just don't have the volume of people to justify that that -- that expense.

So that type of millimeter wave, 5G that I believe you're referencing, just isn't feasible at least at this time in -- in suburban areas.

PAUL WANZENRIED: You like to put them on top of telephone poles, 5Gs. That way they can space them that far apart.

MR. LUSK: We put micro cells -- again, are very similar to what you're putting here. They're the smaller -- but even that isn't the 5G millimeter that you're talking about.

That is -- that's regular 4G that is -- we put those antennas on -- on utility poles and -- in large -- I would say commercial suburban areas like in shopping plazas and commercial areas where there is a lot of traffic. We would put them on Wegmans stores going in and their -- because there is a lot of traffic -- "What do you want me to pick up?" -- that type. Lots of wireless traffic in -- in some of those high density commercial areas. But again, that --

ADAM CUMMINGS: Does that answer your question, sir? Somewhat?

MR. SABATKA: Yeah. It is the millimeter wave that --

ADAM CUMMINGS: That you were --

MR. LUSK: This is not millimeter wave.

MR. SABATKA: It's not?

MR. LUSK: It's not.

MR. SABATKA: What about exposure, health issues because it's a constant exposure as far as the radiation from the cell tower for people that live right there?

MR. LUSK: Again, the -- the application -- and Tab J is a certification that indicates that the -- Verizon is required by law and as a condition of its license, it must operate through the federal standard. Those federal standards are the right power levels, et cetera, with the exposure.

And these are -- so we have provided that proof. And again, that's in there. So it is operating within the federal standards. And that's -- that's all Verizon needs to sort of demonstrate in the health effects. They can't operate outside of federal standards. They would lose their license. They spent billions and billions of dollars on the license.

And once we demonstrate that we're operating in federal compliance, the federal law determines what that safe level of exposure is and we're well below 1 percent of the federal standard. So when you think of, you know, like -- we're well below 1 percent of the maximum standard is what is -- is the exposure from Verizon's antennas.

MR. SABATKA: What about the blocking of open-air television signals? I know -- it seems to form like a shroud when you're in close, but I know I don't have reception with the over air.

MR. LUSK: Again, Verizon has spent billions of dollars on their license. The same as, I assume -- public television stations, over-the-air televisions stations I assume pay millions for their FCC license. So they're -- everybody is paying to be on a certain spectrum. That is your certain lane of the radio highway. And if we're interfering -- if Verizon is interfering with their frequency, there is a problem. If they're -- if they're interfering with our frequency -- if they were in our lane, that's a problem. We're not allowed to do that as a condition of your license. You stay in your lane.

So -- so Verizon stays in this lane because it doesn't want the liability of not staying in its lane. Doesn't mean something doesn't break and there is interference, but again they design their -- their equipment to -- to transmit and receive on certain frequencies. If somebody else is there and it creates interference, it is nothing that Verizon did.

So again, there should not be -- by law there should be no interference because you're required to stay in your lane.

ADAM CUMMINGS: Anything else, sir?

MR. SABATKA: No. Sounds like it's going in.

ADAM CUMMINGS: It -- it's going in and -- and we don't control the frequencies here, so.

MR. SABATKA: Well, if -- well, let me ask this. If the value of my property goes down because I can't sell it because nobody wants to live at the bottom of a tower, will that be reflected in my tax?

ADAM CUMMINGS: I have no idea. That is a question for the Assessor and I -- I couldn't even fathom a guess. It's a question you could pose to them. I -- I truly don't know.

FRED TROTT: I think you have to show that you couldn't sell the property.

ADAM CUMMINGS: I -- I don't know. We'll leave that to the Assessor.

FRED TROTT: I do have a question, though. You -- you talk about you have a standard that you have to meet for radiation.

Does that standard change with proximity of the houses?

MR. LUSK: It's to -- it's human exposure level, right? So -- again, nobody -- obviously if, you know, you and I climbed up and were in front of the antenna when it was transmitting, you and I would be exposed beyond federal level, right? It is likely.

When it -- but -- but it's at ground level when people are -- at ground level is how it is measured. Right?

And so -- so -- so -- so again -- and so again, they measure that as a human being at ground level of the tower, standing at the base of the tower, what the exposure is. Every time you move a foot away from the tower in any direction, you -- you -- you are exposed to less -- the less the -- the RF emission.

FRED TROTT: Okay. But there is no -- I guess what I'm looking for is you have somebody that is within -- that has property or a dwelling 200 feet away from the tower. And you have a tower that is -- there is not another dwelling within a mile.

Is there a different radiation level that you're allowed to -- or the emission levels.

MR. LUSK: (Mr. Lusk indicated non-verbally.)

FRED TROTT: So basic for everyone.

MR. LUSK: It's same -- measured at the base of the tower. You can be a certain level at

the base of the tower. If you're 200 feet -- if your house is 200 feet from the tower, there -- the level of -- of radiation you will be exposed to is -- is far less than what is on your phone or from -- coming from these fluorescent lights. Again, if I stuck my face up next to the antenna and they turned it on, I would far exceed the federal level but the power level is exponentially reduced every time you step away from the tower.

ADAM CUMMINGS: Okay. We'll have to cut the science show off. Sorry.

FRED TROTT: Okay. Let's discuss black and white then.

ADAM CUMMINGS: No. They're not even colors.

MARK MERRY: But we appreciate that, your time.

FRED TROTT: I was just wondering if there is differences.

MR. LUSK: The standard is the same.

MARK MERRY: Fred (Trott) is glowing.

FRED TROTT: I'm wondering why I'm glowing at night. I'm -- I'm within the same -- the same predicament you are, sir.

ADAM CUMMINGS: I need to make -- motion to close.

Mark Merry 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.

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

DECISION: Approved by a vote of 4 yes with 1 abstention (James Wiesner) and the following finding of fact was cited:

1. The variances are consistent with the previously approved variances in 2000.

Philip Supernault made a motion to accept and adopt the 5/23/23 Zoning Board of Appeals meeting minutes, and Mark Merry seconded the motion. All Board members were in favor of the motion.

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 was adjourned at 9:05 p.m.