

A regular meeting of the Town of Victor Zoning Board of Appeals was held on Monday, June 17, 2019 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York, with the following members present:

PRESENT: Mathew Nearpass, Vice-Chairman; Donna Morley; Fred Salsburg, Scott Harter

ABSENT: Michael Reinhardt, Chairman

OTHERS: Scott Shields, 682 County Road 9; Keith Shields, 127 East Main Street; John Brogan, Stickley Furniture; John Butler, Victor Historic Advisory; Mike Campoli, Surmotech; Jeff Thaler, Surmotech; Michael DeNisco, La-Z-Boy; Martin Snyder, 204 High Street; Richard Cali, La-Z-Boy; Betsy Brugg, Woods Oviatt; Al & Kasia Messerschmidt, 670 County Road 9; Al Benedict, Town of Victor Code Enforcement Officer; Kim Reese, Secretary

Vice Chairman Matt Nearpass opened the meeting, the Flag was saluted, and the Pledge of Allegiance was recited.

Mr. Nearpass – Anything we wanted to talk about before we got into public session?

Mr. Harter – I guess I just had a question for Al. Al, I see that there’s some construction going on at the Rochester Linoleum location. It looks like they are expanding toward the Village a little bit. I remember we gave them a variance once upon a time. Is that more work that’s relative to the variance that we already granted them?

Mr. Benedict – They are staying within the variance that was granted. They are extending the parking lot to the village direction, that being east. But the building itself would remain the same size, just a different tenant, different owner.

Mr. Harter – I was just curious. Thanks.

APPROVAL OF MINUTES:

On a motion by Mr. Fred Salsburg, seconded by Ms. Donna Morley,

RESOLVED that the minutes of June 3, 2019, be approved as submitted:

Matt Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 4 Ayes, 0 Nays

Secretary read the agenda into the minutes.

PUBLIC HEARINGS

1. SHIELDS – FENCE

18-Z-2019

682 County Road 9

The applicant is requesting a fence that extends beyond the front line of the house whereas §211-41H states fences over two feet high shall not be erected nearer to a road than the front line of the principal building. The property is zoned Residential 2 and owned by the applicant.

Mr. Nearpass – If you could just first state your name for the record and tell us about the project and we'll go through the application. Communicate to us what the application is all about and anything you can do to help fill in the blanks and we'll go down the line and ask any questions.

Mr. Scott Shields – Sounds good. Alright. Scott Shields is my name and I live at 682 County Road 9. Essentially the majority of my property is in the front of my house, so we've got about an acre and a half in front and very, very little space in the back. So we've got about maybe 10' before it gets heavily wooded and then a pretty steep slope. So, I have two dogs and we have. . .

Mr. Nearpass – When you say the front of your house, that's obviously between the front and County Road 9.

Mr. Shields – Correct. Yes. And we have two dogs, one is a 10 month old Weimaraner that needs to run and it concerns me that we have 55mph at County Road 9 and I'm only looking to do a partial aspect of the actual front of the property, so it's about 330 or so linear feet and it's off set to the south of my property, so it basically goes from the side of my house and borders my neighbor, Mike Converse, on the south side and then basically descends about 60 feet or so from there and then I think 120 feet going north and another 60 feet up to the house.

Mr. Nearpass – As part of your application you have a drawing you included that, it looks like its 66 feet away from the house and 120 feet then 66, then 66 back to the house. Are those exactly the measurements that you're looking for?

Mr. Shields – Yes.

Mr. Nearpass – One thing before we start down at Fred. Al did put some notes together on this. A couple of them, if you haven't read them already – for reference he has an area variance was granted on July 7, 1977 for an above ground pool forward of the front line of the principal structure. Another comment was that a shed appears to be on the proposed fence area, records do not show a permit for the structure and he did mention the applicant was going to provide proof that a permit has been granted or apply for one.

Mr. Shields – We moved in in September, so I'm pretty sure this is a two story barn and that's been there since probably 67 or so when it was built, so I'm fine doing whatever I need to do as far as getting a permit.

Mr. Nearpass – So, Al would we have something going back that far?

Mr. Benedict – Probably not. I knew it went back awhile, but I couldn't find any records of it.

Mr. Shields – Yeah, it was Rudy Kumpf’s property back then.

Mr. Nearpass – Ok. Fred.

Mr. Salsburg – The house sits well above the road, it must be 50 feet above the road and the fence doesn’t extend down to where it becomes any kind of a visual aspect from the road, so that’s good. I wish it didn’t look so institutional. But I think it’s a pretty low impact and you’ve got nowhere behind the house to do anything. I don’t feel it’s a tough call here, that’s my thoughts. The elevation change almost removes it from the normal view from the highway.

Mr. Shields – Actually that elevation is part of the reason that I need to do a fence. We tried to do an invisible fence and because of the slope it didn’t take. And I’m talking about not the buried ones, but a unit you put in the house, it wouldn’t work. We tried it, it didn’t work, so this is kind of my next option.

Mr. Salsburg – I guess my final comment would be would you be open to a fence that didn’t look as much like a small prison? I don’t know just what that would be, but I know some fences look a little more residential than others.

Mr. Shields – We looked at doing a split rail with mesh as well. So, I ended up going with chain link just because it was the most cost effective from an option perspective.

Mr. Salsburg – Would it have to be silver, could it be painted? Or, have slats in it to kind of take off the metallic?

Mr. Shields – There is the option to do green. You can do like the green vinyl coated and we could also do slats as well.

Mr. Salsburg – Could you live with that if we approved it? That would really take it out of the line of sight. That’s my thought.

Mr. Shields – Yes. Ok, I’m fine with that.

Mr. Harter – So the invisible fence is not an option because somehow it doesn’t work.

Mr. Shields – So, you can do the buried invisible fencing, but then you can do the unit that goes in the house. The unit in the house didn’t work like I said. We looked at doing the buried cable. So we have two dogs. One’s a Weimaraner, the other is a whippet. That one, in our old property, she escaped out of the fence. And, anything from a squirrel to a rabbit, will have her take off. He’s chased her down actually Rampe’s driveway across the street before. So, that’s my other concern, plus we have deer, fox, rabbits that are getting in the back yard that I would be concerned about the dogs kind of chasing them out as well. So that’s the only reason I wanted an actual physical structure.

Mr. Harter – Has the fence already been built?

Mr. Shields – No.

Mr. Harter – I have no more questions.

Mr. Nearpass – Donna?

Ms. Morley – My question is how far off the lot line are you looking to put this fence?

Mr. Shields – From the road?

Ms. Morley – Both questions. I'm going to ask you that also. From the road, how many feet is it from the road?

Mr. Shields – I think it's about 120-130 feet from the road?

Ms. Morley – And off the lot line? To the south?

Mr. Shields – To the south, next to Converse, that property? Well, so he, I think on that map, too it shows, he had a split rail with mesh fence there which actually he took down. He took down the fence bordering my property with the expectation that I was going to be putting a fence up there. He actually signed off on the document, too. He and I have spoken about it. But, it would be as close as I'm permitted to put on his property line and he's absolutely fine with it.

Ms. Morley – Ok, and my other thing is Fred, I think the slats make it stick out more than just a fence. When you're driving by 55 mph I'm going to notice all those slats before I would notice the fence that far off the road. That's my opinion.

Mr. Nearpass – Would you be in favor of the green coating that Fred was talking about?

Ms. Morley – Green coating I would like better, because it would more fit in, but I think slats are going to stick out.

Mr. Nearpass – Question, on your drawing I just wanted to add to what you were saying. It looks like it's definitely farther than 120 feet from the road, that fence. Do you have anything that give to a level of accuracy how far from that road you're going to be?

Mr. Shields – I can provide it to you. I think it's closer to 150 was my original guess, but I can tell you.

Mr. Nearpass – If we use the house as an anchor, here on the map, Scott and crew. Would we be ok with saying no further than 66 feet from the house? Forward of the house?

Mr. Harter – In terms of dimensions, I mean, I'm just kind of looking at the drawing that's been photocopied and estimating the scale and it looks like the fence. You've been to the site, Fred, it looks like it's more than 100 foot.

Mr. Salsburg – I think it's 150, if it's an inch. Because there's 120 and if you turn that sideways you've got a ways to go to the street yet. Plus the elevation.

Ms. Morley – I was going to say, plus the elevation.

Mr. Harter – I look at that dimension there, that's the one I'm going to pay attention to.

Mr. Shields – And, I chose that far away from the house, so that it lined up with my neighbor's split rail.

Mr. Harter – It's about right.

Mr. Salsburg – I can't read any other dimensions except his. Actually, that's a pretty good map, you can't read anything, but what you put on it. I must remember that.

Mr. Nearpass – So, in general I'm in favor of what everyone here has said about it. We'll go over the criteria here in a minute, but I think in general this code often, actually almost every time, I think it's come up it's generally referred to more of a subdivision. I think where everyone can see everyone else's house, they are all kind of lined up. They don't like things forward of the front, towards the road. Here I think it does make sense. You also have a variance to put a pool in the front yard, so to me a fence is certainly something that would also come with a pool if you were to have one. I do want to ask the public is there anybody here that would like to speak for or against the application specifically?

Mr. Al Messerschmidt – I live to the north of this property at 670 County Road 9. And, is this a run? Or is this a fence across the front?

Mr. Nearpass – If you come up there I can show you the drawing.

Mr. Messerschmidt – Sure. And, I can't see that well, so you're better off describing it.

Mrs. Messerschmidt – May I come up as well?

Mr. Messerschmidt – This is my wife.

Mr. Nearpass – It's a photocopy, so here's County Road 9 and here's what he's proposing.

Mrs. Messerschmidt – And we're over here, so it looks like it's going to be toward the other, that's what he was talking about, Mr. Shields.

Mr. Messerschmidt – Is it going to box him in in any way? So, the dogs can't get out?

Mr. Nearpass – Yes, that's his purpose. I believe, I don't want to put words in your mouth, but the core point of it is to keep the dogs within the fence.

Mr. Messerschmidt – Right, that's what I thought from what I was hearing, so I just wanted to be clear, because I wasn't understanding exactly how this is going to be boxed in totally around the house, so the dogs can run?

Mr. Nearpass – So as you can see the dogs will have a 120 x 66 square foot box to run.

Mrs. Messerschmidt – So, where's our neighbor's driveway? Would you point that out to me, please?

Mr. Messerschmidt – You don't see anything like that along the road.

Mr. Nearpass – As I said it's probably going to be 120 – 150 feet away from the road. The applicant also has an approval from 1977 to put a pool in the front yard, and so, as you can imagine this is probably isn't as much of a visual impact as a pool would have, it's a fence, but I'll leave it up to you. Do you have an opinion whether you're for or against it?

Mr. Messerschmidt – Well chain link never brings up your property value, I think. I don't see any chain link anywhere down the road.

Mr. Nearpass – One thing he has said he would do is it would be the coated green, if that helps.

Mr. Messerschmidt – I know. I heard. And we had dogs for years and we had four acres invisible fenced and the only time the dogs ever got out is when we didn't put in the fresh batteries and our dog, we had an Airedale which is a very active dog and he stayed within the invisible fence where you put the wire in and we really didn't have any problems. I think a chain link fence would be pretty unsightly.

Mr. Nearpass – Are you for or against?

Mr. Messerschmidt – Against.

Mr. Nearpass – Thank you.

Mr. Messerschmidt – Thank you.

Mr. Nearpass – I'm going to go through the criteria and we'll discuss the language or justification and go from there. Any other comments? From any one on the board?

Mr. Harter – Before we go through the criteria, do we as a board have any opinions before we go through those criteria? Do we have any feelings as to the application? As to how we feel on the chain link vs. some other texture, the color green or?

Mr. Nearpass – We can discuss it, go ahead. I'll let you start.

Mr. Harter – Well I guess in listening to the neighbor, perhaps some other options should be explored besides painting it green. Or having it the color green. Perhaps we should consider that in our deliberations. I guess I'm just throwing it out there. And/or, perhaps get a little more information on the invisible fence as a product and find out what its limitations may or may not be. Just a couple thoughts that came in to my mind in listening to this neighbor speak.

Mr. Nearpass – Sure, so we always try not to get in to the aesthetics of something here, right? It's normally, what the code allows today and Al correct me if I'm wrong. Without coming in front of us the applicant could put a pool with a chain link fence around it per the code and variance that he has.

Mr. Benedict – Correct.

Mr. Nearpass – I totally understand both sides with the invisible fence. We have a dog for example as well that the second it sees, it's an Australian Cattle, and that thing is as fast as you can imagine and the second that thing is on to something they run right through the fences and

they don't come back through the fence because they know they are going to get shocked trying to come back home and it's all up to the dog, and we can all tell stories about we had a dog and then fence was great for the dog. At least the applicant here has shared with us his experience that he's tried it on a previous property. He's got a whippet, which I think we could all google and see it's a very fast dog, almost like a small greyhound. But certainly let's discuss it. I'm in favor of it knowing what's already approved to go in that front lawn. I absolutely take into consideration what the neighbors have said, but at the same time it's approved to have a pool. Fred, do you have something else you want to say? What do you think?

Mr. Salsburg – I'm ready to vote on it. The neighbor has one opinion and I have another. I don't think they look that bad. So who's to say what's right or wrong? It almost doesn't need a variance. You've got to have a chain link fence around a swimming pool.

Mr. Harter – Ok, let's proceed.

Mr. Nearpass – Donna, do you have anything before I go ahead.

Mr. Morley – No, I'm in agreeance with it.

Mr. Nearpass – I'll go through the criteria and if something comes up, just chime in.

1. An undesirable change **would not** be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification:

Mr. Nearpass – I do understand there aren't many fences forward of the properties in the area, the homes are set back in the woods. It's not a traditional development, like this code normally is applied to. There is a certain amount of wooded area in between, the homes and the home is set back. The applicant has proposed to have the green coated fence to fit in. Fred you talked about the elevation of the house is such that you think that the fence would blend in.

Mr. Salsburg – It's well above the highway line. Of course, that's another opinion, personal opinion.

Mr. Harter – It's a physical observation as well.

Mr. Shields – If it makes any difference, I am planning on putting arbor vitae to span that gully area between our property and County Road 9.

Mr. Nearpass – Ok, we'll add that. Applicant is going to also add arbor vitae in between County Road 9 and the fence to help minimize the visual impact.

Mr. Harter – That's a good item to mention.

2. The benefit sought by the applicant **cannot** be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification:

Mr. Nearpass – The applicant has tried both wired and wireless invisible fence and it has not worked for his dogs that he has and is to the put where he needs a physical barrier to keep them in. Anyone else want to add to that?

3. The requested area variance **is** substantial.

Justification:

Mr. Nearpass – Applicant is asking to get 66 feet forward of the front of your house and although it is substantial I do not believe it has a significant weighting within the five criteria given. Again, we are not in a subdivision where this code generally applies.

4. The proposed variance **will not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification:

Mr. Nearpass – Again, it's a 66 x 120 foot fence, it's not obstructing or impacting anything environmentally.

5. The alleged difficulty **is** self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

Mr. Nearpass – It is self-created just by nature. You have two dogs, you need to enclose them in. Any other comments before we vote?

Mr. Harter – Do we want to identify the conditions then, such as the color of the fence and some landscaping?

Mr. Nearpass – Yes. So, there were a couple of conditions that you said you were going to have, you said the fence was going to be the green coated fence. The permit for the other building. The fence will be as proposed 66 by 120. No further to the road than 66 feet. Arbor vitae planted for landscaping in between.

Mr. Harter – Do you have any idea of how many arbor vitae you would be willing to plant?

Mr. Shields – I guess it depends on availability of the big ones. The ones that grow five feet a year because I was thinking between five and six, so that they have enough room to actually grow. That's the plan.

Mr. Harter – So if we put down 5-6 arbor vitae in there, Matt.

Mr. Nearpass – We got those four, anything else? Ok, let's bring this to a vote.

Resolution: Shields Fence Area Variance

Appl. No. 18-Z-2019

At a regular meeting of the Town of Victor Zoning Board of Appeals held on June 17, 2019 the following resolution was adopted:

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on June 3, 2019 from Scott Shields, 682 County Road 9, requesting a fence that extends beyond the front line of the house whereas §211-41H states fences over two feet high shall not be erected nearer to a road than the front line of the principal building.

WHEREAS, said application was referred by Al Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on June 9, 2019 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, a Public Hearing was held on June 17, 2019 at which time one resident spoke against the application and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act and therefore does not require further action; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings:

1. An undesirable change would not be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification: Home is set back and there is wooded area between homes. The elevation of the house is well above the highway line, in such that the fence would blend in. Applicant will plant arborvitae trees in between the fence and County Road 9 to help minimize the visual impact, as well as choose a green coated fence design.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Justification: Applicant has tried both wired and wireless invisible fencing, which has not worked. He needs a physical barrier to contain his dogs.

3. The requested area variance is substantial.

Justification: Although 66 feet forward of the front of the home is substantial, it does not have a significant weighting within the five criteria. Home is not in a subdivision where this code generally applies.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification: This 66 x 120 foot fence is not obstructing or impacting anything environmentally.

5. The alleged difficulty is self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

On a motion by Mr. Scott Harter, seconded by Ms. Morley.

DECISION:

NOW, THEREFORE BE IT RESOLVED WHEREAS, that the application received of Scott Shields, 682 County Road 9, requesting a fence that extends beyond the front line of the house whereas §211-41H states fences over two feet high shall not be erected nearer to a road than the front line of the principal building BE APPROVED.

AND BE IT FURTHER RESOLVED that the following conditions are imposed:

1. A building permit will be obtained for the barn on the property.
2. The fence will be a green coated design.
3. The fence will be constructed as proposed, 66 by 120 feet and no further to the road than 66 feet.
4. Applicant will plant 5-6 arborvitae trees for landscaping in between fence and road.

This resolution was put to a vote with the following results:

Matt Nearpass	Aye
Scott Harter	Aye
Donna Morley	Aye
Fred Salsburg	Aye

Approved: 4 Ayes 0 Nays

Mr. Nearpass – Thank you. Good luck with your project.

Mr. Shields – Thank you.

SURMOTECH, LLC

19-Z-2019

7676 Netlink Drive

The applicant is requesting a parking lot expansion to the property line whereas §211-32A(2)(d)[1][b] states parking and paved areas may be located within up to 10 feet of the property boundary at the side and rear boundaries of lots located in the Light Industrial and Commercial/Light Industrial Districts. Applicant is requesting a drive aisle width reduction from 26' to 15' whereas §211-32A(2)(a)[1] states each off-street parking space for residential and nonresidential use shall measure a minimum of 9 feet by 18 feet with twenty-six-foot aisles.

Mr. Nearpass – You have a couple of these in front of us. Just wanted to make sure you're aware that we have to wait for the County to come back to us with comments. Although, we can discuss, we just can't make the decision tonight until the County comes back. More than likely that will be the July 15 Zoning Board meeting. OK?

Mr. Mike Campoli – I'm an employee at Surmotech, LLC.

Mr. Jeff Thaler – I'm one of the owners of Surmotech.

Mr. Mike Campoli – So what are we doing here? We are continuing to grow. As we grow, five years ago we had 21 employees, this year, we're at probably 69 employees. We're still looking to add 5-6 employees in the near future, as we're trying to hire people right now. So, we're just outgrowing our space, so one of the tasks that my owner gave me was how can we expand the parking lot, so that's what this first one is for. We thought we'd change it, we're asking for variances because when I first looked at it, I tried to get creative so instead of going horizontally where you needed 26 feet, we thought we'd slant the parking lot and do a little U-turn and go right to our property line and then that would give us another 29 spaces for employees and customers to park. In the meantime, I have read the review from Robert Graham and I had to put a contingency plan in place.

Mr. Nearpass – I'm glad you picked up on that.

Mr. Campoli – Knowing they are not going to approve it just because of the way it's worded. So, our contingency plan is the owner Jeff talked to the person that owns the property in front of us at 820 Phillips Road and we are trying to purchase 20 feet from him, so that we can continue with the same design that I originally had for the parking lot except we are going to have it from 15 feet to 20 foot as the Fire Marshal has indicated. But we just started that this week and so now we have the lawyers involved and we're just starting to try and purchase the property to go forward with the parking lot.

Mr. Nearpass – So by, just so I understand, by adding the extra 20 feet to the part that faces building number 820 or is it 20 feet all around from the driveway up to it or?

Mr. Campoli – It's 20 feet to the east toward 820.

Mr. Nearpass – I have the map here. Are you saying 20 feet here or here?

Mr. Campoli – 20 foot here. See where it says 15 foot on both sides? And that's what the Fire Marshal said that they didn't approve, because it's got to be 20 feet. We're going to do it 20 feet this way, so an extra five foot here and an extra five foot here and then that would take us 10 foot away from our property line which is what I think the Town of Victor requires.

Mr. Nearpass – In this case then the variance you would require would just be for the 20 feet.

Mr. Campoli – Correct. From the 26' to the 20' and again we're going to slant the parking lot.

Mr. Salsburg – That sounds like a real good move to me.

Mr. Campoli – Want to be compliant. Again I just read this last week. I got this late last week, so we called the owner of 820 Phillips Road this week and we had a conversation with Jeff.

Mr. Thaler – Yes, he seems to be in agreement. We told him we had a meeting tonight and we'd be progressing forward from there.

Mr. Harter – Can you just rehash what they conveyed to you on the map. I'm trying to understand what the proposal is, I see this map done here by Rich Maier.

Mr. Nearpass – So, if everyone has the map in front of them that has the red outline on paper. The parking lot that faces the east.

Mr. Thaler – So, here's the parking lot and here's our property line where the red line is right now. And, what we're proposing to do was to make a kind of like a U. You go in one way and out the other and we were going to slant all these spots, so they are not kind of vertical I guess. What we're going to do now is increase this from where it is and come out 20 feet more so the line would approximately be about here.

Mr. Nearpass – So this would be able to satisfy Bob's 20 feet, two 20 foot lanes instead of 15 as proposed? And, the variance they would be seeking would be the just the 20 feet aisle.

Mr. Thaler – The 20 feet aisle in place of the 26 foot aisle.

Mr. Nearpass – And, you would be 10 foot away from the lot line.

Mr. Campoli – And we wouldn't have to ask for a variance for that anymore.

Mr. Harter – You are potentially purchasing then land from the property which I believe is to the east?

Mr. Campoli – Yes, 820 Phillips Road, Swiftlift.

Mr. Harter – You’ve had discussions with them.

Mr. Thaler – I had discussions with them Friday and email exchanges today.

Mr. Nearpass – So we can talk about it as a board. Obviously we can’t decide. You know what it sounds like there are a couple things that have to happen – we can wait for the County. I’m sure you’re going to want to provide feedback to the owner of the building, so you can discuss it from there. It’s kind of a catch 22.

Mr. Thaler – I’m kind of caught, because I don’t want to purchase it if this doesn’t work, it would be a foolish thing, but if it works we would move forward and progress and we are in a hiring kind of spree to be honest with you, so I need to get spaces for these people so I have to get all the work done as well. I’m just giving you – that’s what we’re dealing with as a company.

Mr. Nearpass – Fred, what do you think?

Mr. Salsburg – I’m in favor of it. It’s a minor variation to go from 26 to 20 feet and the Fire Marshal agrees with the 20, so I don’t think we have all that much to think about. They are complying with now the lot set back and the size of the parking spaces.

Mr. Harter – I think it’s a good concession to do with what they are speaking about. I would just advise the applicant to make sure if they are able to secure 20 feet from the neighbor and acquire it, I’m sure if the neighbor is looking out for their best interest they need to be certain that if they sell you that 20 feet that they don’t put themselves in a handicap position or fall beneath some type of zoning criteria that they need to satisfy.

Mr. Thaler – I can’t speak for him to be honest with you Scott, I don’t believe he has any issues like you’re referring to, but I can’t tell you 100%. When I showed him the piece of property, I got to tell you, he didn’t even know he owned it. So, I don’t think there’s a big issue with the owner.

Mr. Campoli – We’ve been mowing it for him for years.

Mr. Harter – Ok. I think as with Fred, I think it’s a good concession.

Mr. Nearpass – Donna?

Ms. Morley – I’m all good. I don’t have any questions.

Mr. Nearpass – Same here. I ditto the other members. I think it's a good concession. With Bob's comments as well as obtaining the extra 20 feet, I think helps everybody maximize.

Mr. Thaler – Does that give me approval to go ahead, Matt?

Mr. Nearpass – So, no, there's two things. We can't give you the approval tonight to go forward because we have to wait for the County to come back. The County will come back with an opinion whether they are for or against it.

Mr. Thaler – Do I lock this in or not at this point?

Mr. Nearpass – So, I think you can at least read from the seated board members there isn't anybody here that is against the project. With that said, we're not voting to be for it, but we're just communicating to you as proposed and as we discussed.

Mr. Thaler – That's fine, because I want to get back to him and what date would the County respond because I'll give him a date when we can move forward.

Mr. Nearpass – Our next meeting would be that the County would have it by would be the July 15 meeting, so that's a few Monday's from now.

Mr. Thaler – So, I'll tell him we'll know then. OK, fair enough.

Mr. Nearpass – Well the County will know sooner, but the next meeting that we can discuss it would be the 15<sup>th</sup>.

Mr. Campoli – We'll be here on the 15<sup>th</sup> for some other projects.

Mr. Nearpass – Ok, more to come.

Mr. Harter – You'll have a special seat.

Mr. Campoli – More to come on part 2 of why we're here.

Mr. Nearpass – Other than me asking the public if there is anyone for or against, is there anything else anyone on the board. Any other questions for the applicant on this one? Public, anyone for or against? Hearing neither, you want to talk about the sprinkler system?

SURMOTECH LLC  
7676 Netlink Drive

20-Z-2019

The applicant is requesting a Sprinkler Waiver for a 16' x 40' foot shed. The building is required to have a sprinkler system per Section 83-4F(2)(a) of the Town of Victor Code which states that all structures shall be required to have an approved fire sprinkler system installed and

operational, however, §83-4F(2)(d) states that the Zoning Board of Appeals can grant a waiver. The property is zoned Light Industrial and owned by 7676 Netlink LLC.

Mr. Campoli – Because we're running out of space inside the building and as we procure more capital equipment, currently right now on our property here toward the end I've got a pod sitting there and so we're running out of space in the pod, too, for storing. So, what we're planning on doing is we're putting a shed 41 foot from the edge of this building here, right back in here and so the waiver that we're asking for is you needed a sprinkler system for that. We're putting in a 16' x 40' shed and we're asking for a waiver for us for the expense of getting a contractor to put plumbing to the shed and we'd like to not have to put a sprinkler system in. It's not going to have power to it, it's not going to have water to it, it's just going to have a solar panel to provide a light, so in the winter time we can turn on the light and find things in there.

Mr. Nearpass – I'm trying to find it, but I did read the comments from Bob Graham. Are you ok with putting the fire extinguisher inside there?

Mr. Campoli – Absolutely. We'll put two of them in.

Mr. Nearpass – Fred, any questions?

Mr. Salsburg – What's the nature of the material that would be in the shed. Kind of a big shed, there must be another word for something that gets that size.

Mr. Campoli – Part of our equipment is we make circuit boards, so we have a process of (inaudible) machines and conveyors and as we upgrade equipment we'll keep a lot of that older stuff, just for spare parts because of the cost of the parts for the new machines. So, we've got conveyor belts, racks that we store parts in so, you know, extra chairs, extra tables, all that type of stuff. Our electrical room is getting crowded and from an OSHA standpoint, your electric room is supposed to be pretty clean, so we'd be putting some of our supplies in there. No chemical storage any of that nature.

Mr. Salsburg – No work stations?

Mr. Campoli – No work stations. Absolutely not. But we do as some of our competitors if they are going out of business or they have some fire sales, we'll procure some of those work stations and we'll store them so we're storing some in our other shed right now, so when my owner decides to blow the walls out and expand a little bit farther, which we're trying to talk him into, then we'll have some of the stuff there. It's just equipment, mostly equipment, racks.

Mr. Harter – Is it temporary or is it permanent? Is the structure being proposed to be permanent?

Mr. Campoli – Yes, we are looking to make this a permanent structure.

Mr. Thaler – There's always need for space we find. Even if you're looking at a snowblower you don't want to put it inside the building if you can help it.

Mr. Harter – Is there a drainage easement that encompasses the pond, there?

Mr. Campoli – The current drainage goes from the front parking lot here, goes to the end, all the way along to the boundary right here, there's a catch basin there and there's a fire hydrant and then it goes from there to the retention pond. So, the shed being 41 foot away we're going on corner of the building here, so we're probably going to be about 10 foot away from the retention pond.

Mr. Harter – Well normally, we see under these circumstances an easement that covers the pond for maintenance purposes and it goes to some party, it may go to a private party. It often goes to a municipality. I don't see it identified on your survey map, so one of the things we try to avoid doing as a Board is approving structures that reside within the recorded easements, so I guess maybe I should turn to Al and ask Al do we know anything about an easement that covers this pond out there, Al?

Mr. Benedict – I'm not aware of one, then I haven't dug into it that deeply. I'm looking like you, usually it shows up on an instrument survey and it's not there. Maybe it's one of those things that's supposed to be there, but never got filed? I can always look before the next meeting as to whether one exists or not.

Mr. Harter – I think we'd want to cover that base. We've been down that road before here. Speaking for myself I guess, I'd like to be confident that I'm not voting in favor of a structure that may reside in lands that are covered by an easement, so I think it's kind of a homework item. I do know your surveyor, Rich Maier. You could ask Rich about that and I think he would give you an answer.

Mr. Campoli – He said there was no problem with it when we originally had him over looking at everything. I'll ask him whatever question you want.

Mr. Harter – I'd be curious to know who then maintains the pond and under what proposal they are maintaining the pond.

Mr. Thaler – I don't think we know, to be frank with you, Scott. It's there. We've never seen an issue with it. It's usually pretty dry to be honest with you. But, we know it sits there and we know there's a drainage that goes into, but I haven't seen it.

Mr. Harter – The thing that you find is that ponds need maintenance as time goes on and when maintenance is required, then heavy machinery needs to typically go in there and do some cleaning up and maybe the fixing of things and maybe there's a large rainfall event that precedes everything that causes (inaudible).

Mr. Thaler – So, let me ask you this while I got you Scott, while we're talking. So, if we were to put the, because it's kind of open to us what we're doing back here, if we were to put the shed, say back here more, would that make you a little more comfortable?

Mr. Harter – I think I'm looking at an aerial photograph of an area that has been identified as a pond and it seems like you're close to the pond. I see a black line there. I don't know if that is a right of way line or what that line represents. But, I can tell you as far as I'm concerned I think that your request seems reasonable, I'd just like to see you put the structure in a non-problematic location.

Mr. Thaler – Understand and we'll do our own research as well.

Mr. Salsburg – There's this dash line, wonder what that is?

Mr. Campoli – Which one you looking at, Fred?

Mr. Salsburg – From the aerial view. On this photograph, there's a dash line that goes down. That's it, right there. What's that line mean?

Mr. Harter – Well that line could mean a couple things. It could mean a right of way, but I don't think it's a public right of way. It could mean a private right of way.

Mr. Salsburg – It comes from Phillips Road.

Mr. Harter – It could be covering that private drive that serves the building to the east.

Mr. Nearpass – Instead of speculating, the applicant's got a couple weeks I think it'd be great if you could do some homework on that, whether that's a public right of way or private easement of what that black line represents.

Mr. Harter – If you circle back on Rich. I think he can help you out.

Mr. Benedict – If you're looking at the dashed line, I believe it's a pipe that's in the ground that runs from a detention area behind Swiftlift to the other side to the pond we're talking about. Or it goes the other way, one way or the other.

Mr. Salsburg – Say that again.

Mr. Benedict – If you're talking about the dashed line, it runs from the back of the Surmotech building to the parcel forward of that. It's a stormwater line because I believe that was a detention area behind Swiftlift. Between these two buildings.

Mr. Thaler – We'll get you the answer. We'll find out. We'll make sure. We want everyone to be comfortable with what we're doing?

Mr. Harter – And we don't want you to have any problems either.

Mr. Nearpass – If you get chance to also just look at the costs or make the buying decision before looking to just have storage elsewhere, just leasing storage from one of the many storage areas here in Victor. It didn't seem like it was stuff you needed, to have daily access to and go in and out of.

Mr. Campoli – No, but it's pretty inconvenient because we don't have any trucks ourselves. We use Fed Ex and UPS all day long. So, that would require us to go out and get a truck somewhere and transport them back and forth, so.

Mr. Nearpass – Ok. Had to ask. Any questions? Since we can't vote on it. I hope you've gotten a good read from us at least. I think the answer to the homework question will help a lot I think in general for both of these. We're in favor of what we're proposing.

Mr. Thaler – That's how we read it. We owe you some answers and I know we got to hear back from the County, seems favorable and we'll get the answers we promise and we'll catch up with you on the 15<sup>th</sup>.

Mr. Campoli – So when the County comes back, do you share that with us? So, we'd know before the 15<sup>th</sup>? We'll get a feel for where the County's coming from?

Mr. Nearpass – We'll probably know the first week in July?

Ms. Reese – I think there meeting is not until closer to our meeting. I'll let you know tomorrow.

Mr. Benedict – The County Planning Board generally meets the second Wednesday of the month, I believe.

Mr. Salsburg – Good work on expanding your business. Good to hear once in a while.

LA-Z-BOY FURNITURE – AREA VARIANCE SIGN

12-Z-2019

40 Eastview Mall Drive

Carried over from May 20, 2019 mtg

The applicant is requesting an area variance for a proposed sign on the east elevation of 110 sf which would be code compliant except that the Stickley sign on the east elevation has been indicated that it will remain. The linear length of this elevation is approximately 130 feet thus 130 square feet of signage is allowed per §165-5B(3). An area variance is required as Stickley will no longer have frontage on this elevation. The property is zoned Commercial and owned by East Brook Properties LLC.

STICKLEY AUDI & CO – MONUMENT SIGN

16-Z-2019

40 Eastview Mall Drive

The applicant is requesting area variance to allow proposed monument sign to exceed 20 square feet, to allow to list two tenants/businesses and to allow second freestanding sign for Stickley per Code §165-5(B).

STICKLEY AUDI & CO – WALL SIGN

17-Z-2019

40 Eastview Mall Drive

The applicant is requesting area variance to allow the existing Stickley wall sign (90.36 feet +/-) to remain on east elevation in addition to proposed La-Z-Boy wall sign (110 square feet +/-) with a total of 200.36 square feet +/- for two signs on east elevation. La-Z-Boy application pending. Code §165-5(B). The property is zoned Commercial and owned by East Brook Properties LLC.

Mr. Nearpass – I might need Al to give us some background information on this. Obviously, there's a relationship here between all three applications. I wasn't exactly sure does La-Z-Boy still need a variance?

Mr. DeNisco – I'm Mike DeNisco representing La-Z-Boy and this is Betsy represents Stickley. On the original front side, the north end, I no longer need a variance because we're within compliance of the signage. But on the east side of the elevation, we're here for a variance.

Mr. Nearpass – Right now we're talking about La-Z-Boy number 4 on the agenda. Does La-Z-Boy need a variance?

Ms. Brugg – So, it's a little tricky, so I'm happy to go through it on behalf of La-Z-Boy and Stickley since they are basically talking about two of the items on the agenda are for signs on the same wall. They essentially are hand in hand.

Mr. Nearpass – So for now, if you give us the overview that would be great and then I want to make sure we stick to 4, then 5, then 6.

Ms. Brugg – Sure, definitely. So, item 4 is for the variance to allow La-Z-Boy in connection with their plans to lease a portion of the Stickley building. It's a variance to allow them to have a second wall sign on the Route 96 north side of the building, so visible from the road.

Item 7, if you've looked at that elevation, there's currently a Stickley sign on the wall, so Al's interpretation was that if La-Z-Boy got their sign, Stickley would have to take their sign off anyway because they would no longer occupy that part of the building. So, item 5 on your agenda, the La-Z-Boy sign is a request to allow La-Z-Boy to have a wall sign facing Route 96, whereas item 7 on the agenda is to allow Stickley to retain the existing sign. And, then together they create a combined square footage which exceeds what is allowed by code.

(We explained the renumbering of the agenda).

I have a lot of drawings here.

Mr. Nearpass – It sounded, correct me if I'm wrong, for number 4, La-Z-Boy Furniture area variance sign it says the applicant is requesting an area variance for a proposed sign on the east elevation of 110 sf which would be code compliant except that the Stickley sign on the east elevation has indicated that it will remain. The linear length of this elevation is approximately 130 feet thus 130 square feet of signage is allowed per §165-5B(3). An area variance is required as Stickley will no longer have frontage on this elevation. So correct me if I'm wrong, but I'm thinking Stickley is the one that needs the variance to have a sign on the elevation that it does not have access or a lease for.

Ms. Brugg – Correct. Al is saying that Stickley needs a sign.

Mr. Benedict – I would agree with that.

Mr. Nearpass – What does that have to do with La-Z-Boy?

Ms. Brugg – So, I believe if La-Z-Boy is on there with Stickley, you are talking about, correct me if I'm wrong, Al, the totality of the square footage is also a variance.

Mr. Nearpass – So, today La-Z-Boy can, technically, La-Z-Boy is the only one allowed to put a sign on that elevation.

Ms. Brugg – Right. Under Al's interpretation.

Mr. Nearpass – La-Z-Boy could put a sign there 110 square feet sign.

Ms. Brugg – Al, you're saying you don't need to deal with item 4 as a variance and only deal with the Stickley sign as a variance?

Mr. Benedict – For the most part, yes.

Mr. Nearpass – I'll leave it up to other board members, I'm thinking that the way this reads is that La-Z-Boy is now because of the space they are now occupying their entitled to the 110 square feet sign. And, so, if you can put 110 square foot sign that's great. Now that assumes there's no other sign there.

Ms. Brugg – So, 4 really isn't needed is that what we've saying, so that could be gone?

Mr. Nearpass – I believe 4 is no longer needed. Is that we request the applicant to withdraw their application?

Mr. Harter – Can I just get a little clarification? So that other sign is going to be removed and the La-Z-Boy sign goes there kind of in its place? The other sign is removed?

Mr. Nearpass – So we haven't gotten to 5 and 6 yet. Right now there's a Stickley sign there and ultimately their end goal is to have two signs that's what we're going to talk about in 5 and 6. But 4 is La-Z-Boy seeking a sign that's within the size the code allows on an elevation that they now lease, so they are entitled to that 110 square foot sign on that elevation. Based on now they lease that elevation or the square footage behind it and not Stickley. So, technically what should happen is Stickley sign comes down, La-Z-Boy's sign goes up. That's not what you're going to ask for, but.

Ms. Brugg – So, I think what happened is La-Z-Boy came in first for their signage in connection for their plans to lease the space.

Mr. Nearpass – They had that frontage.

Ms. Brugg – So they started the application process and then Al picked up on the issue with the fact that they no longer occupy that portion closest to Route 96 and therefore that triggered a variance. The other variance was already I think on the agenda? Somehow it was carried over. I kind of came in after that. And, then there's a separate application for (inaudible) sign. If it would help I can kind of go through all of the signage and then sort through it and look at each variance separately?

Mr. Harter – Maybe we should just back pocket or park that one for a minute.

Mr. Nearpass – So why don't we do that, we'll move on to 5 if you can give the overview, we'll park 4 if we have to get back to 4 later on this evening, we will.

Ms. Brugg – If it's good with you, can I jump to 6 and do the wall sign and do the monument sign separately? So why don't we talk about that one wall and the monument.

Mr. Harter – Whatever helps us understand in the best way.

Mr. Nearpass – I just want to make sure for the record it's just clear which. There's three applications, which application we're talking about.

Ms. Brugg – So, if there's no variance needed to item 4 that's it's great, we can withdraw that, but I do think it's important to understand what we're doing and what we're dealing with on each item.

So, Stickley has been in operation here in Victor since 1981. This building has been there a long time and over time there's been changes in the way retail works and the furniture business works and they are currently at a point where typical stores are now in the 15-20,000 sf range so they need to sublease a portion of the store. La-Z-Boy is a great partner to occupy part of a furniture store. This building has I would say a very unique orientation and configuration relative to anything else you'll find on Route 96. What we have here is essentially the side of a building facing Route 96 and I'm going to give you a couple of these. I will tell you I almost got killed on Saturday morning trying to take some pictures, so I decided today that Google Maps was my new best friend. So, I'll give you a couple of these, there's like a million pictures in here of all kinds of signage, but the most important thing is the aerial view. So, you can see the location. I mean you all know where this is.

Mr. Nearpass – Can we keep one of these?

Ms. Brugg – You can keep both of them. I just printed a whole bunch of pictures. There's more than you need. There's lots and lots of signage on the corridor there and I'm sure you most of it very well. So, if you see the building, the building is nearly 40,000 sf in size and if you see where it sits there's a tremendous amount of trees and foliage to the south and along the frontage. There's the City Mattress building that sits closer to Route 96 and then this building is really

oriented toward the mall. It sits kind of above the mall, but you're kind of familiar with that unique access or the entry way into the mall. The site conditions. It's an interesting site. I don't think there's another site in the area where you have the side of a retail building facing Route 96 and really minimal, if any, visibility on the front of the building. So, they are dealing with how to deal with adding another occupant to the building. So if Stickley has a tenant in the portion of the building closest to La-Z-Boy and they have been there since 1981. If they lose that sign, what message does it send to the travelling public? What message does it send to the community when there is suddenly no longer a Stickley sign there and you can't really see the building from the street. You know people could think that Stickley has gone out. So Stickley is concerned with making sure that they have some visibility on the street and they have all kinds of statistical data from their sales and the change in the industry. I mean Amazon has a huge share of the online furniture sales and the business has changed a lot, so they need to decrease the size of the store and they really need to find another occupant if they are going to stay in that building. So, La-Z-Boy is really a good fit for that space. So on the frontage somewhere in the packet there is actually a picture but you've all driven by there and there is a Stickley sign. It's in the packet, but I'm sure you're all seen it. It is illuminated. There's a lot of trees and they could accommodate putting a second wall sign on there for La-Z-Boy. As AI has determined the La-Z-Boy sign would be the permitted sign. They'd really hate to lose the identification. They've had that sign there for a long time. People who know it's there, know it's there. It could send a message to customers that they aren't there anymore if that sign were to be gone.

Application, I guess it's number 5 now for monument sign. A decision was made from a business standpoint for both La-Z-Boy and Stickley that a monument sign is actually the most important thing and most beneficial thing for them. That this is really what would help them the most because that Stickley sign that east elevation is set back a good distance from the road when you come from Victor, you have to come around the bend. There's all kinds of trees, not a whole lot of visibility of that building. When you come from the city or from Pittsford and you pass the mall, there's also an issue with visibility and sight distance and the City Mattress building, so you don't really get a good view of where the Stickley building is. So we have proposed a monument sign. It is 40 sf. That is the item that needs a variance, a separate variance. That is item number 5 on what your current agenda is. That is in your packet. I believe you already have in your packet the wall signs and we did have the sign company plot that so you see what it would look like to both of these on there. I can give you these. There are lots of copies of these. If you want to have these for the record. Let's go through the wall sign portion of this first. That will give you an idea of what that looks like. The Stickley sign just for the record, I think you already have this in your packet, but it is 90.3 sf in size and we do have a drawing with that measurement. The La-Z-Boy sign I think was readvertised or there was correction made I think at the request of AI or here at the town. It was originally measured by boxing around the letters, not including that logo element in the middle so the size went up to 110 sf when that was kind of remeasured. So that's the wall signage. The monument signage is in your packet. The monument sign offers a tremendous amount of benefit because it actually would be visible and it would actually improve the visibility of the location of the stores to the travelling public and let people know that they are actually there. This particular location while it is opposite the mall, we are not on the Target side where there's not a tremendous amount of

traffic coming in through this part of the mall. This is only one of the entrances. So, there's limited mall visibility and there's virtually no visibility of the building itself. I do have a little new information that I'm going to go through with respect to the monument sign.

Ms. Morley – Can I ask you a question on the monument sign? Who owns this property that you are putting this out in front of City Mattress?

Ms. Brugg – Stickley owns the property. I apologize it's an affiliate of Stickley, East Brook. It's a related party. They do control the frontage.

Mr. Harter – And, that's acceptable to the landowner then?

Ms. Brugg – Yes. So, what they did, the sign that's proposed is a high quality construction with materials and colors that compliment and fit with the building and reflect kind of the high quality of Stickley's business. It would significantly improve visibility. We actually consulted with McFarland Johnson traffic consultants. And took a look at the line of sight to the signage that is there, currently. I'll submit this and you can look at this yourself. They took a look at the sight distance and using the Aashto recommended sight distances. The recommended sight distance for a driver to make a decision to change lanes or turn into a site is 800 feet. Currently, the distance for vehicles approaching from the north using the speed limit as the sort of the basis is about 80 feet with the monument sign it will increase to 350 feet and for vehicle travelling from the south the current sight distance is 280 feet and that would increase to 620 feet. So it's significantly improve the traffic safety conditions. And, the ability of drivers to make decisions on the road. I'd be happy to submit the report. I'd be happy to go through it. There's some really good photos. You can see the line of sight drawn in the letter that they gave us. So, we did have them look at it.

Mr. Nearpass – If you want to submit that?

Ms. Brugg – I'd be happy to submit that.

Mr. Nearpass – So this would be exhibit number 3.

Ms. Brugg – The packet of photos I gave you. You've familiar with most of this signage over there. You know there's a lot of signage on Route 96 for different businesses, but I think that what you would see over all is that the monument sign that we're requesting is significantly smaller than many of the monument signs. It's certainly consistent with other monument signs. It's nicer than a lot of the older signs that on the road, obviously. It's intended to be tasteful to provide meaningful information. To help the drivers know the stores are there. It's somewhat directional in that way. Because they don't have frontage visibility. Some of the stores like Verizon have two walls signs and a spot on a very, very large monument sign and have great street visibility. This store, this building does not have that kind of street visibility at all, so I don't think that amount of signage is excessive with the monument. Warfield's is no longer there, but they actually have, I don't think I've actually ever seen this before, but they actually have three monument signs for Warfield's. One at the driveway inside the plaza, one at the front at Route 96 and one a little further south on Route 96. So they actually had three. There's a lot of sites up and down the road that have monument signage and street frontage, great street views

of buildings that have wall signs, like the Bayless. The paint plaza that's not too far from here. So, I've submitted just a whole packet of signs. This isn't all the signs, but it's really just to kind of highlight the fact that there's lots and lots of monument and free standing signs. We're not trying to do anything excessive. All they want to do is to make sure that people know that Stickley is still there, they've been there for a long time. They are worried that people will think they are gone if their signs disappear and to let the public know that La-Z-Boy is there. Again they are not in the most visible location even if you are talking about mall traffic. You're kind of tucked away even though they are close to 96 there's a lot of issues with the visibility with the City Mattress building and the type of traffic that they have and the direction of the traffic in their area. So we think it would help just provide important information and without being excessive, it will be a safety benefit. We've had that reviewed by our traffic consultant. I do think we do meet all the criteria for the granting of the variances. I don't know if you want me to look at them, go through that separately for each sign? But, I think the Board knows, you guys know this it's a balancing test – what's the benefit to the applicant, what's the detriment to the health, safety and welfare to the community. I would say with the monument sign, we're talking about not only a tremendous benefit to the applicant by letting the public know they are there. But I think it's also a benefit to the health, safety and welfare to the community by helping overcome a significant issue with the visibility from Route 96, the fast pace of traffic. If you're coming from the city towards the site and you miss the driveway, I think your next driveway is Panera if I'm not mistaken and if you're coming from Victor and you shoot past the site, you have to figure out how to double back and probably cut through the mall. So, it's not a very visible location unlike most of the other plazas in the area. We don't have buildings that front on the street. They are not highly visible, so the signage I think is beneficial both to the applicant and to the public. At the same time, I don't think there's any detriment from the granting of the signage. It's not excessive in amount, it's not excessive in size. It's not meant to be too big, it's not meant to draw too much attention. It's tasteful. It complements the architecture of the building. It's not excessive. There's only two tenants. Two users in the building. So, I don't think it's excessive in any way. It doesn't change the character of the neighborhood. It's very consistent with other monument signs, if not more tasteful and more consistent than some of the other signage that exists in the area. There really isn't any method feasible to the applicant to pursue other than the variance. There's really nothing they can do, they can't take down the City Mattress building. There's really nothing they can do to improve the visibility of it, they can cut a few trees which wouldn't really even accomplish that much and I think that for the most part people tend to like their trees. I don't think the variance is substantial in amount given the conditions that we're trying to deal with the challenges. I don't think it's substantial in amount or impact, or nature. It does not adversely impact the physical or environmental conditions of the neighborhood, if anything it's an improvement, a traffic safety improvement. And, it is not a self-created condition. It's simply a necessity in the marketplace that they shrink the store. Retail is changing. The market is changing. They have been in this building, they have an investment in being in business in the town of Victor. They've been there for a very long time. It would be nice if they could have another tenant, user in the building and this is the way to make that feasible and possible and to allow these businesses to survive in the difficult environment that they are in with all the online sales and the reduced traffic at the mall and

overcome those kinds of challenges, so I don't think it's self-created. I do think they meet the test for the granting of the variance for the monument. The wall sign I think they also meet the test. I'm going to talk to the other one.

Mr. Nearpass – If you don't mind. I'd like to keep these separate for now, if everyone is ok with it, let's just focus on the monument sign for now because it's really not necessarily as connected to number 4 and 6.

Mr. Harter – Can I just ask a question, listening to you speak for just a second? We started out with number 4 and we kind of parked that, right? Is all this kind of boiling down to if they can relocate their sign from where the La-Z-Boy sign is going onto the monument then everybody is happy? Is that where we're headed with this?

Ms. Brugg – I think in their ideal world they'd like to have the wall signage and the monument signage.

Mr. Harter – The existing wall signage?

Ms. Brugg – In the perfect world they'd like Stickley, La-Z-Boy and a monument.

Mr. Nearpass – That picture right there, which is the number 2, they'd want that and the monument sign.

Ms. Morley – Can I see that for a minute?

Mr. Nearpass – That's the summation of all these.

Ms. Morley – So this you have drawn, this isn't what you wanted now? You want something different? Because this is the first and second window. This is what you want to do now.

Mr. Brugg – Yes, this is this.

Mr. Nearpass – It doesn't show the third window.

Ms. Morley – Ok. So in this picture, right here that you gave us. When you put his sign up, you're not going to be able to see it at all, right, from the road.

Ms. Brugg – Right, they have been looking at reducing some of the foliage and trimming the trees.

Mr. Nearpass – Where in the building is Stickley going to be?

Ms. Brugg – They are going to be in the back portion of the building.

Mr. Nearpass – Is there going to be another Stickley sign somewhere on the building? We have the front elevation.

Ms. Brugg – The front of the building is going to stay the way it is. And they are adding the La-Z-Boy because they are building a separate entrance. This is the front facing the parking lot.

Ms. Morley – On the east side is that all La-Z-Boy in that building or is Stickley?

Ms. Brugg – Only La-Z-Boy.

Ms. Morley – OK. That answers my question.

Mr. Nearpass – Everyone got it?

Ms. Brugg – That's why it's needs a variance for this Stickley sign. I think we're just trying to make this work for the unusual building layout and orientation that it is. And, deal with the visibility challenges and help the two business kind of co-exist there and survive.

Mr. Nearpass – As you can imagine, we get a tremendous amount of requests for signs especially in that area. It's a very sensitive area. It's highly visible and we'll go through it. I'd like to focus on number 5, let's focus on the monument sign.

Mr. Harter – I just have one question to ask. In the whole picture here, whatever the numbers may be, you're looking for a monument sign in addition to the pylon sign, in addition to the building sign?

Ms. Brugg – The pylon sign that's there is not owned or controlled by Stickley. Apparently this pylon sign dates back to I think the early nineties and it was a Caldor sign. It doesn't have great visibility, if someone were putting a sign in there for Stickley today, that's not where you'd put a sign. Right? I mean, there are photos in the packet, you'll see you can barely, if you go on to Google Maps it's very difficult to see that sign. That sign is most visible to vehicles that have already entered into the mall driveway so it's nice that it's there, they don't own or control the sign. It's owned by the mall. They have a spot on that sign, they don't have the ability to remove that sign. They don't own it, they don't control it. We would prefer not to remove the panel off that sign at this time, if that sign were to go away obviously they would not have a sign there, it's not somewhere that they would have proposed a sign, but if they go off that sign, there's just going to be big blank panel there because they don't own that sign and they don't have any control over it. And, it's definitely, if you look at the photos that we have of the approach to that sign, it is very difficult to see if you're coming from Victor you got to be, because of all the foliage and the trees, you can barely see it until you're almost at the intersection and if you're coming from the city you also don't see it until you're close to the intersection. It's not a great sign.

Mr. Harter – The one thing that it does tell me however, is that your neighbor BJ's Wholesale behind you that's their sign. It's all they have. They have nothing else on Route 96. I mean and they do quite a lot of business from what I could tell.

Ms. Brugg – They do. They sell a lot of gas. That's a lot of people in there.

Mr. Harter – That's the only sign they have that identifies their location somehow it seems to be working for them.

Ms. Brugg – So, there is a problem with the visibility. I haven't talked to BJ's about it. I do think that it's little different, BJ's is a wholesale club. It has members. Members tend to go. They know where they're going. It's a destination. It's like going to your health club. And, the gas is a huge draw. People go there for gas. It's a completely different kind of business.

Stickley happens to be a very high end retailer. They are very different. They are not an IKEA. So, they have been really struggling.

Mr. Nearpass – You're not driving around and just at the last second go, oh I'm going to go buy Stickley Furniture today. High end furniture is generally something you'd seek out. You're going to Google it, you're going to see where it is. You're going to know it as a destination versus, I'm just driving down 96.

Ms. Brugg – For some people I think that is true. John can speak to the nature of the business. He's been in this business a long time. I think there are some people that do that. There are some people that know they are there. I think there is a concern that there will be people who think they are gone, because they are shrinking the size of the store and they don't have great visibility. I will say if you compare it to any other retail in the area. You know as I said, Verizon has two wall signs and a prominent spot on a giant monument sign. There are less needy properties than this one. This one needs some identification. They don't have a door, they don't have a parking lot. They don't have anything facing Route 96.

Mr. Harter – Are we waiting to hear back from the County on this one?

Mr. Nearpass – No, the County has come back with a denial on both of these.

Ms. Brugg – Which is there standard comment on all signage on Route 96.

Mr. Nearpass – So which would require a super majority of the total number of board members, so it would need unanimous.

Ms. Brugg – I'd like to be clear. The monument sign is by far the priority. Frankly, I think La-Z-Boy, it's a contingency on their lease. Not that the Board necessarily wants to hear about the business transaction, but when choosing a location you have to have some visibility and that monument sign is a big help. And it's a big help to the public.

Mr. Salsburg – I think the County was ok with the building signs.

Mr. Harter – I'm reading it right now.

Ms. Morley – What if you didn't get the building signs and you got the monument sign?

Mr. John Brogan – Senior Vice President and CFO, Stickley Furniture. We would trade that. If that was a requirement of the Board, we would give up the request for (inaudible) sign.

Ms. Morley – I'm not saying they are in agreeance with anything. It's just a question.

Mr. Brogan – The monument's critical to us. If the monument doesn't go in, La-Z-Boy will not proceed with this lease. We're going to have an empty space. Any tenant that we talk to they are going to ask about a monument sign. You know, as Betsy mentioned if you go up and down 96, you look Eastgate Square, massive pylon sign they have 7 tenants on it. If you look at some of the other properties and these are all properties that do have good visibility from 96 as opposed to ours which doesn't, so Eastgate Square, massive pylon sign, 7 tenants on it, Cobblestone Court, massive pylon sign, 6 tenants on it; Dicks, TJMaxx, Tuesday Morning.

Longhorn across the street has excellent visibility. There's no vegetation in front of it. They've got a big sign on the front of their building and they got a very nice monument sign similar to what we're looking at. You know just example after example of situations where monument signs have been granted.

Ms. Morley – My other question to you is why can't you ask for a variance on the sign that you're already there and leave BJ's.

Ms. Brugg – They don't own the sign, so we can't add another tenant on that sign. And, to be honest, with you from a traffic safety position, this monument sign is much better. It's more visible. It serves the business better.

Ms. Morley – You're saying Laz-Z-Boy cannot apply for a sign on that.

Ms. Brugg – Correct. They cannot put a sign on it. We have no rights to that sign.

Mr. Nearpass – To set the record straight, Al, regarding monument signs, per code, the business names are not allowed to be on the sign. The sign is meant to indicate the plaza name. Eastview Mall and not to really be a listing of the businesses that are at the plaza.

Ms. Brugg – Correct. And, I think I've submitted a packet that shows that this board has granted variances to identify tenants in many different developments just for the record.

Mr. Nearpass – Can you provide them to us?

Ms. Brugg – Yeah, you have the packet. It's got everything.

Mr. Nearpass – Yes, but have we verified that all of them are variances or were previously existing, non-conforming.

Ms. Brugg – I represented some of them, so I know that some of them are.

Mr. Harter – And some of them may be and then we also changed our regulations, I think.

Ms. Brugg – To be honest with you, the monument sign I think is a tremendous benefit to everybody for this site. It's very much consistent.

Mr. Nearpass – Let's do this. Let's talk about the monument sign. Please do not jump back and forth. Let's keep it to the monument sign. Fred, do you have any questions for the applicant?

Mr. Salsburg – No. I don't think it's a problem. I think it will improve the look rather than take away. Most of the signs are not that way. But, we're having trouble being consistent. We've turned down pretty similar applications and then a lot of them have been approved in the past.

Ms. Brugg – I would respectfully submit because I'm familiar the case law on signage that while I appreciate that the Board seeks to be consistent in your application of the code, every application must be reviewed on its own merits and on its own facts. I think that this drawing here that shows you the traffic safety value of the signage is significant. And, I think that you will not find another parcel that suffers from the same conditions that you have here. I can't

think of another property on Route 96 where you have basically the side of a building that's blocked by another building.

Mr. Nearpass – I thought BJ's was used as another example of that.

Mr. Harter – Or what about LL Bean?

Ms. Brugg – BJ's is not on the street, but it's a completely different. It's set back, they do have some visibility, but they are a very large building and they are a membership club by definition they are not open to the general public. You have to be a member to go there.

Mr. Harter – What about some of the other business within the Mall?

Mr. Salsburg – The Anthony Drive project is one that comes to my mind. Where there's a building behind the building. Isn't it on Anthony Drive? Isn't that the name of that street? They came through here a few months ago.

Mr. Nearpass – It was a storage, that one?

Mr. Salsburg – No, no. It's east.

Ms. Morley – Down where Victor Parks and Rec used to be.

Mr. Salsburg – Yes, where the Parks and Rec used to be. There's a number of tenants in there now instead of just one or two. Blossom Drive.

Ms. Brugg – They also don't have the benefit of having 10 tenants in this building because tenants bring other tenants and tenants bring traffic and that kind of thing, too. I just think that the facts justify the needs for a monument for this unique circumstance.

Mr. Salsburg – Well you're doing a good job selling it. I'll give you that much.

Ms. Brugg – I think it's a unique situation. There's not a lot of traffic at Stickley's. With all due respect, it's a unique kind of a business and what do you do with a large building when retail is shrinking and you need to find compatible user to fill the space? You got to work with the challenges that you have and you don't get to rebuild the building. You don't get to decide to put parking in the front and put a door in the front and it is what it is. It's been there a long time.

Mr. Salsburg – I don't think there's another sign near it.

Ms. Brugg – I think we would agree that at some point somebody from the mall might come in to rework that something that will give you an opportunity to revisit that BJ's sign and when that sign goes we certainly will not claim that we have a right to that sign. It's not the preferred sign. It certainly doesn't reflect the quality of Stickley. This monument sign it's a very high-end nice looking sign that will improve the – I mean it will look nice on the frontage. It will improve visual impact.

Mr. Salsburg – I agree.

Mr. Harter – I think it's a lot of signage. I've been on this board for 20 years now and been in the immediate neighborhood for 30 years. I've driven by this site thousands of times. I don't have any problem finding it. I also think with the internet and Google which you used for the photographs and for a GPS, you can find businesses, like the Goodwill store that recently relocated to Eastview Mall. You can find LL Bean. You can find a lot of people that don't have signs on Route 96. Having a sign out on Route 96, maybe once upon a time was the thing to do but I think there are other means by which you can get noticed. I think this is a big ask. That's my opinion.

Ms. Brugg – Is your comment on the totality of the signage or the monument specifically?

Mr. Harter – Yes, my comment is on the totality.

Ms. Brugg – I think we'd be willing to give up the wall signs in exchange. The monument sign is really the priority.

Mr. Harter – Ok, let's see what the rest of the board has to say.

Mr. Nearpass – Donna?

Ms. Morley – I'm a little torn. I don't have any questions right this second.

Ms. Brugg – La-Z-Boy would stay there. They are permitted. I have to take that back.

Mr. Nearpass – I whole heartedly agree with Scott and the findings of the County, as well. The signage is excessive. Right, there's currently a sign on side of the building, there's the monument sign. There's the other kind of elevated monument sign that's on there with BJ's. Stickley is a well-known destination. It's not an impulse buy. It's not something that in general you can always find (inaudible) cases, I completely understand. And, there are others in a similar situation and the code has been changed to try to clean up that area from the signage. To your point, every application stands on its own. Luckily you do have the frontage. I'm kind of in the camp of the monument sign to me seems incredible excessive. I'm more willing to see what we can do on the side of the building to have two of them coexist that's my opinion with Stickley existing with the La-Z-Boy there. But the monument sign to me just continues to pepper Route 96 with more and more signage. I agree the sign looks great. It's a lot better than some of the others that are previously existing, but just adding another sign to it, I just don't see how that adds to the character of the neighborhood or really makes folks find it easier when they are really going to know where you are. They are going to find you online and they are going to search for you.

Ms. Brugg – I'm just going to laugh because my mother is a shopper at Stickley and she's in her 80s.

Mr. Nearpass – She know where it is?

Ms. Brugg – Depends on the time of day, you know. My mother does not use her Google Maps.

Mr. Brogan – We do know. We do a lot of research on what drives traffic to our stores. We do know by communicating with our customers and communicating with our marketing and

advertising firms, signage is important. So, it does draw traffic and traffic is in a tight commodity now-a-days. So in 2021 30% of furniture is going to be bought on line. Millennials right now today, buy 50% of furniture on line. It's a very challenged environment. We need every break we can get. And we know that signage is important. I recognize your comments about destination, but there is a segment in our foot traffic that is drawn in by signs.

Mr. Nearpass – I think Stickley does have that sign under the BJ's sign, correct?

Mr. Brogan – We do, but it's not an effective sign. The visibility is horrible and we don't control that, so that's not where we would put a sign. It was granted by the mall, so it's just not an effective sign, especially in today's environment. So what's going to happen is if we don't get this monument sign I'm not going to have a tenant in this space. I'm going to have a vacant space. La-Z-Boy is an ideal tenant because of traffic, furniture users, and its ideal for that little plaza. We've got City Mattress, Stickley, La-Z-Boy it's an ideal set up. God knows what will go in there if it's not La-Z-Boy, but whoever it is they are going to want a monument sign and if we can't effectively use this real estate, I don't know how long Stickley will be there. So, we've been a great tenant there, great owner there for 37 years. We continue to put money in the property. We maintain it. It's a beautiful property. We're great for the neighborhood. I guess I'm just pleading to understand the challenges that are going on in our industry right now that really makes this monument sign critical.

Mr. Harter – I think you make a very good point. I'm in the business. Betsy and I have worked on projects over the years. I'm very familiar with your situation. The situation of the Zoning Board is we grant this piece of property a variance for the signage and let's say the internet gains ground on you and you decide to relocated to another location, we're still living with that property with the signage variances that we granted on whoever the new owner may be. You know there's a long term impact to the decision that we're considering to make tonight that goes unfortunately beyond your ownership.

Mr. Brogan – Understand.

Ms. Brugg – I'm going to just draw your attention. I'm not really sure, I want to make sure you can see what you can see and you can't see. These are photos that are in your packet. This is approaching, really passing the mall. Approaching you cannot really see anything.

Mr. Nearpass – What am I supposed to see?

Ms. Brugg – You can't see the store, you can't see the BJ's sign. It is not until you hit the intersection that you get to see that. There's this one, this one. Even if you go by you can't really see much and this is approaching from Victor coming towards, you can see the Long Horn, but all you can really see is trees. Again, this is how screened it is. You really have zero visibility.

Mr. Nearpass – I completely understand where you are. I believe the purpose of the changes in the code are to keep it more like that than to continue to pepper Route 96 with distractions and monument signs.

Ms. Brugg – I don't argue at all with the purpose of the code. I'm just going to go back to the standards which is the benefit to the applicant, does it outweigh the detriment to the health, safety and welfare of the community and I think the benefit is significant to the applicant and I don't think there's a significant detriment to the health, safety and welfare of the community because having gone through all those criteria it does not change the character of the neighborhood in anyway. It is not detrimental to a single. . .

Mr. Nearpass – That's your opinion.

Ms. Brugg – Detrimental to the character of the neighborhood? What is the character of the neighborhood? I gave you a packet that shows you the character of the neighborhood. It may not be what the code is, but it's what the character of the neighborhood is.

Mr. Nearpass – Excessive is what the County stated, and we have stated, excessive signage contributes to the negative.

Ms. Brugg – The County has a flat standard comment, so.

Mr. Nearpass – The County has stated and we have as well, that excessive signage does have a negative impact on the character on the neighborhood. That's my opinion.

Ms. Brugg – I totally appreciate it, but I'm trying to make my case.

Mr. Nearpass – I completely understand.

Ms. Brugg – There's not alternative available to Stickley. They've got what they got. They've got a building oriented towards the interior driveway to the mall. They've got a Metro Mattress building, City Mattress building, sorry I keep calling it the wrong mattress store, that blocks the view of the building. They've got the pace of traffic. They've got a huge green area south of this location. They don't have any visibility. There's no alternatives to signage. Is this substantial? I think if you look at substantiality as relative to the surrounding environment and the character of the neighborhood and what's there, it's not substantial, they haven't tried to build a giant sign. It's not going to light up the night skies. It doesn't have any flashing lights. It's very tasteful. It's very complimentary to the building. And probably more complimentary than some of the other signage that's been approved by the board that's there. Does it alter the physical or environmental character of the neighborhood? I think it's an attractive sign, so I don't think it has any adverse impact and it's definitely not self-created. While I definitely know that you have a code that has a regulations that apply to the site, I look at it again what is the character of the actual neighborhood, not the neighborhood that might exist in twenty years, but the actual neighborhood that exists today. What is the character of the neighborhood? And I gave you a packet that documents it. So the question is does the applicant meet the criteria? I mean we would argue that this is something that we need more than it would hurt or have any detrimental impact and that's all I can really put forth is that it's important if not they are going to have to trouble getting any tenant in that space. I mean Victor's been very fortunate, there's not a lot of vacant space. Take a ride over to Henrietta see what retail online sales have done to Henrietta. I think we've been very fortunate here. Again, we'd be willing to give up the sign on the BJ's sign should the town have an opportunity to revisit that sign in the future and that sign

goes away. This is really the more appropriate. The most appropriate and most beneficial sign is the monument sign.

Mr. Nearpass – I'll tell you I've been on the Board a little over 12 years. We have countless numbers of companies in the same situation. You know the monument signs are intended to indicate the plaza and then get you the plaza and then seeing the signage on the frontage, the elevation for each one of them. I understand you're in a unique situation, you do have a property that the side of it faces 96, but at least you face 96. There are other properties that don't face 96 or don't have the advantage of being on 96. You currently do have a sign underneath BJ's. It might not be ideal, but it sounds like it's been there for 30 years.

Ms. Brugg – Is this traffic benefit of any significance the traffic safety value at all for the consideration of the Board?

Mr. Harter – Can I ask you a question about that? Is the safety issue saying that I'm driving down Route 96 and all the sudden I notice I missed Stickley Furniture and I'm going to try to make a U-turn? Is that the safety issue or the word safety I'm not getting it?

Ms. Brugg – It is about the decision making of a driver on the road and whether or not you have a reasonable amount of time to make a decision when you recognize, let's say you are using your GPS, do you have enough time to make that turn? What happens if you miss the driveway? I mean when you drive you're going to be looking for the sign, that's what I do I'm driving down the road I'm going somewhere I need to go, I will be looking where's the driveway, where's the sign. I miss places all the time and I use my GPS sometimes to find my own house.

Mr. Harter – Living in the neighborhood I do my traffic study on a daily basis through there and I can tell you the way the traffic is regulated through there doesn't allow you to hit the speed limit under most circumstances except if you're going through there say after 10 o'clock at night. So, the speed limit is much reduced. On average you probably crawl through there about 20-30mph and if I'm looking for Stickley Furniture, I already know where it is, but if I'm looking for it I can see if from that one sign and I guess the thing that comes to my mind in all of this I don't buy the safety argument and I agree with Matt on the monument thing. We as a Board have had a lot of struggling I would say over monument signs for a various business but if there's some latitude possible here relative to the two signs that are on that one side of the building I think that's something that I can look at more favorably.

Mr. Nearpass – I concur. I see that's where our latitude is, is with the signage on the building itself and not as a stand-alone monument sign on Route 96. That's where I see we have some latitude.

Mr. Brogan – So, the issue with the side of the building is that it's not very visible. It's nearly as effective as we need it to be.

Mr. Harter – Can you trim those trees back a little bit?

Mr. Brogan – I think it might help. I don't think it's going to accomplish what we want it to accomplish. I know it's not going to satisfy La-Z-Boy's requirements. So our concern here is

that they are an ideal tenant and it just give that much visibility. I'd rather if you could see a way to do it. I'd rather if we're concerned about the abundance of signage, taking signage off the side of the building in lieu of that sign. That would be a better situation.

Mr. Harter – The sign that's out there now next to BJ's on the post or whatever we're calling it you have no control over that, who is the owner of that sign and why is there no control over it?

Mr. Brogan – It's on mall property.

Mr. Harter – Then its Eastview's sign?

Mr. Harter – And they won't give you the time of day or they won't accommodate you in some way?

Mr. Brogan – They are uncooperative as far as that sign. They don't have a vested interest in putting another business on there, so.

Mr. Harter – So your offer would be potentially to remove the signage on that side of the building in favor of the monument sign which you feel is most important?

Mr. Brogan – That would be a great, great help.

Ms. Morley – You're saying La-Z-Boy won't go into contract if they don't have a monument sign, the building on the side and the building on the front? That's what you're saying? You have to have?

Mr. DeNisco – La-Z-Boy's approval for me is a monument sign. The sign on the east side building. . .

Mr. Nearpass – Were you aware at that time that the town code does not allow a monument sign with the names La-Z-Boy on it?

Mr. DeNisco – At the time, no, no, until I made the deal with Stickley. I did not know that. Like John had said in furniture retail every day, I have three stores, every day there are people that say they came in because they saw our sign. That's a fact. We track that every day. And, La-Z-Boy does not approve stores that don't face a main road, their front where you walk in the doors, not the side of the building. And, I had to have folks here from La-Z-Boy executives and I don't have experience with the Board like Betsy does, but the fact is they approved it contingent upon a monument sign. I'm willing to explore the idea of not having a sign on the east side of the building with La-Z-Boy as well, but the monument sign is so important to me and to Stickley because if I don't have the monument sign then La-Z-Boy won't be there. And, I'm not trying to use that as an ultimatum or anything like that it's just a fact that if we don't get the monument sign I won't be here, or La-Z-Boy won't be here. And, you know if I might add too, our original design and I know this is not the Planning Board, our original design is very different than here. La-Z-Boy and myself I've worked with La-Z-Boy and we made a lot of concessions from our normal prototype building and one of the big ones was having the color consistent with the building. We did that. We put the trim the same as Stickley's to do that. It doesn't show in here now, but we are actually adding the stone all the way up the piers and tapering just like Stickley.

And, you know, so my point of telling you all that is that we, I, La-Z-Boy have made a lot of changes from our norm and there were two things with La-Z-Boy and one of them was that. I tried to explore other options if we didn't get the monument sign, but they said no. And, I can't control them, all I can do is tell you guys how important it is for La-Z-Boy and for Stickley.

Mr. Nearpass – I hope you can understand that as Scott talked about, the decision that we make runs with the land. In 10, 20, 30, 40, 50 years from now, whoever is in there will continue to be entitled to have yet another monument sign with their name on it, just like we're talking about how the BJ's one is a bit of an eyesore, right? My opinion is still that we're adding to that although the sign looks a lot nicer I'm not sure how we're further benefitting the community and the character of the area by adding another monument sign with two businesses names on it.

Mr. DeNisco – If I may respectfully, one of the things you're benefitting is you're allowing a national brand like La-Z-Boy to come into Victor, be here and we'll be here for a long time. It's a great town, a great environment for business. And La-Z-Boy is an all American company. They've been around since 1929 and what you would be allowing is La-Z-Boy to be here and be part of the community. Be in that mall, be next to Stickley, fine furniture company that they are and we would mesh off each other well and they have been here for 37 years, I don't think they are going to go anywhere especially with the help of La-Z-Boy being there.

Mr. Nearpass – What do you want to do? We can vote on it, we can kick it around a little more. We can recommend tabling it until the next meeting if we want to go out and do a site visit and drive by it?

Mr. Harter – One of the things that we've done in the past, when we've gotten to this. In fact, I think the last one I did was Jerry Goldman who you know, we've asked the applicant to do a plywood mockup of the location of where the sign is proposed, so that we can gauge the size and the scale based on that plywood. We don't have to see this exactly with the stone, but I think that will give us sometimes, the Board perspective on just how positive or negative the monument sign might be.

Mr. Nearpass – Visual impact.

Mr. Harter – A reference is made to the plaza next to the Mobile station, down the road, by the U-Haul. One that had very similar, the Pink Silhouette. I think we did have some active discussions on that one, like we did on yours.

Ms. Brugg – You did have a mock up there.

Mr. Harter – And, they did a mock up for us and I might suggest that as a little more information for the board to gauge the impact of what you're seeking.

Mr. Nearpass – I think it will help. It can only help.

Ms. Brugg – Any other information we can give you, we're glad to do that.

Mr. Harter – You presented a lot of good information. I think if I were in your shoes I would present exactly the same thing. I think you can extract certain things from photographs and

testimony, but I think it's helpful sometimes to visualize it. I'll admit that I've driven by like I said thousands of times and I never knew there was a sign on that side of the building, quite honestly. And when you showed me the photograph peeking in, if you will, I was surprised to see that there was a sign there.

Mr. Brogan – Case in point, that's why the monument is so important.

Mr. Harter – I think you are maybe are willing to give us a little time and do a little effort that way, I think we to get a better feeling for what you're asking. That's my opinion, I don't know how the Board feels.

Mr. Nearpass – I agree. I thought that is was very well articulated. Thank you.

Ms. Morley – They just let Kim know when it's up, so that we can look at it.

Mr. Nearpass – Fred, you ok with that?

Mr. Salsburg – Yeah, good idea.

Mr. Nearpass – So regarding the signage, let's see that was number 5, regarding if I go back to 4 do we all agree 4 is not necessary.

Ms. Brugg – There's no variance to be granted, so it should be eliminated.

Mr. Benedict – I would agree with that, essentially you've given a variance to the building or the property. It doesn't matter which sign you're talking about, I don't think.

Mr. Nearpass – And, then the Stickley wall sign, number 6, what do you want to do there? You still want to pursue having a Stickley sign in addition to it as proposed? Do you want to table it and see how the monument sign holds up?

Ms. Brugg – I think it would be best to table it until we have the mock up and you have a chance to look at it. We can withdraw it later, if needed.

Mr. Harter – I think so, that way we have all the cards on the table.

Mr. Nearpass – I think that would help. I do want to ask I'm just going to go down the three on the La-Z-Boy Furniture area variance sign is there anyone from the public that would like to speak for or against? None. Regarding the monument sign, number 5, for or against? Or, number 6 the wall sign, for or against? Hearing none. Ok, so we'll wait to hear back from you and let us know when the mock up is there. To Scott's point, I do think generally that helps, we can better gauge visual impact and those kinds of things.

Mr. Brogan – Just so we get it right, the mock up just has to be the height and width dimensions of the sign?

Mr. Harter – Yes, build something to the overall.

Ms. Brugg – It won't have the stone and all the beautiful, very simple.

Mr. Nearpass – No, no, no.

Mr. Harter – Just plywood and 2x4s of the same size.

Mr. Salsburg – Paint it about the same color.

Mr. Nearpass – You're going to make them paint it? I wasn't going to make them paint it.

Ms. Morley – They don't have to paint it.

Mr. Salsburg – I think so. Is painting it such a big deal?

Mr. Harter – If you want to paint it, go ahead.

Mr. Nearpass – I would just make something that represents the type of visual impact, size.

Ms. Brugg – Where? In the same spot where we're proposing. Same size, same location. Same height.

Mr. Nearpass – Al, is 36' away from the road is that per code?

Mr. Benedict – Yes, 35'.

Mr. Brogan – So, I just want to make sure we're doing what you want, so as far as the painting, it's going to be a black and white sign. It would be a burden to have to paint it.

Ms. Brugg – We're proposing an earth tone sign, so I think putting up a natural piece of wood should be comparable to what's there.

Mr. Nearpass – I'm ok if it's a natural piece of wood. We're just trying to see visual impact, is it blocking anything. We're ok it's just going to be plywood, form, fit, function?

Ms. Morley – Me, too.

Mr. Nearpass – We're all ok it's just going to be plywood, form, fit, function?

Mr. Harter – I'll just leave it you want to paint it, you can paint it.

Mr. Nearpass – It's up to the applicant.

Ms. Brugg – So, we'll be tabled to what the next meeting night?

Ms. Reese – July 1<sup>st</sup> is the next meeting date.

Mr. Nearpass – You think you can have it in by then?

Mr. Brogan – Yes, for sure.

Mr. Nearpass – Just let Kim know. Thank you very much. Any other topics or I'll motion to adjourn?

It was unanimously agreed and RESOLVED that the meeting was adjourned at 8:50 PM on a motion by Mr. Salsburg, second by Mr. Harter.