Penfield Zoning Board of Appeals
Meeting Minutes Worksheet

The Zoning Board meeting at 6:30 PM local time Monday, September 15, 2014, in the Auditorium Conference Room to discuss, in a meeting open to the public, tabled matters and other business that may be before it.

I. CALL TO THE ORDER:

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<td>Daniel DeLaus, Chairperson</td>
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<td>Joseph Grussenmeyer</td>
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<td>Peter Weishaar, Legal Counsel</td>
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<td>Joseph Platania, Legal Counsel</td>
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<td>Peter Gregory, Legal Counsel</td>
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<td>Harold Morehouse, Building and Zoning Administrator</td>
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<td>Alison Sublett, Secretary to the Board</td>
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<td>Endre Suveges, Building/ Code Compliance Inspector</td>
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Regarding Minutes from Zoning Board Meeting on August 21, 2014 meeting

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*Motion to: A=Approve, D=Deny, T=Table, O=Other
II. PUBLIC HEARING:

The Chairperson briefly explained the procedures that the Zoning Board would follow during the public hearing, also guidelines to applicants and those members of the audience wishing to speak at the public hearing.

The Chairperson further went on to inform the audience that the Board may deliberate on the applications following the hearing and/or at a future work session. Those applicants and interested persons who wished to stay for the remaining portion of the meeting to listen to any deliberation on each matter are then welcome to do so.

The Clerk was directed to read the agenda.

NOTE: The following is meant to outline the major topics for discussion during the Zoning Board public hearings. For more detailed information, the reader should ask to listen to the recorded tape of the July 17, 2014 Zoning Board of Appeals public hearing, which is available at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 during regular business hours.

1. Edgar Borkhuis on behalf of the Bethlehem Lutheran Church, 1767 Plank Road, Webster, NY 14580 requests an Area Variance from Article III-3-37-I of the Code to allow existing stairs with less setback and a Special Permit for Signage under Article VII-7-3 from Article VII-7-12-D of the Code to allow a freestanding sign with less setback on a property at 1767 Plank Road. The property is owned by Bethlehem Lutheran Church and zoned RA-2. SBL #096.03-1-54.1. Application #14Z-0055.

Appearances by: Edgar Borkhuis, member of Bethlehem Lutheran Church, 1767 Plank Road, Webster NY
Ken Francis, member of Bethlehem Lutheran Church, 1767 Plank Road, Webster NY
Mike Mammano, Clinton Signs, 1407 Empire Boulevard, Rochester, NY

Presenter’s statements:
Edgar:
Regarding entry steps:
- We would like to keep the existing steps as they are because they apparently didn’t follow the 1991 Penfield Zoning Board of Appeals by not having a ten foot setback from the property line for the steps.
- There would be no steps if we followed that Area Variance because ten foot is the front of the church. Presents album containing photos taken in 1986 prior to the new steps being installed and present.
- We requesting that you let us keep the existing steps as they are.

Regarding proposed sign:
- Replace existing sign that’s on the front of the steps with a freestanding sign at the location on the map [submitted with application].
- Proposed sign is within the ten feet required setback area.
- Mike Mammano of Clinton Signs places rendering of proposed sign on board
- The problem with the existing sign is that we can’t change it.
- We want to replace it with a sign that we can actually put things on the bulletin board that we want—that we plan on doing at church.

Ken:
- [Indicating on survey map clipped to board] This is Plank Road, this is where the new sign will go. You probably can’t see it from here but it is a ten-foot setback.
- It’s a free-standing sign.
- It is lit within certain hours, it will be shut off at night.
- Points out church building, steps and sign on survey map.

Board questions:
Joe: It’s interesting that you just said from your property line, and I think that’s what happened years ago with both of these variances. There’s actually two variances that you want: one for the steps and one for the side drive-through.
Edgar: One to keep the steps as they are and the other to replace the sign.
Joe: There’s also a third, there’s one that states you need a ninety foot variance from-steps in 1991 granted a ninety foot variance—it should have been a hundred foot. You talk about your property line, we talk about the right of way. Back then it was a mistake, on whose part I don’t know. But you built it, it’s there and you’re asking to keep them where they are.
Edgar: Right.
Joe: It almost looks in the pictures that you gave us that the stairs came out a different direction, they used to come the front of the church, now you come out and go to each side.
Edgar: Correct.
Joe: But it looks approximately like they’re about the same depth away so I don’t see a real problem with the stairs. The second one is the covered drive and that was granted a variance in 1998, that was granted a thirty foot variance and again it should have been an eighty-eight point five foot variance. That’s what you need to have is a larger variance. Since it’s been there and since this is kind of a correction since this a pre-existing condition that is there I personally don’t see a problem with that one either. We’re just readjusting the numbers so that you are now legal instead of now we’ll get to the sign, the third item. You want a monument sign.
Edgar: We want to replace the one that’s there.
Joe: Why do you want to replace the sign?
Edgar: When it was originally installed we can’t change it. It has the pastor who was there in 1991, his name is still on it and you can’t change it. Nothing on that sign can be changed.

Joe: Okay, so that’s why. I was going to say you can keep that sign. Trying to remove that sign will really make that brick look terrible.

Edgar: Obviously when we get the new sign we’ll probably hire a mason to brick the whole thing up again.

Joe: I didn’t know, I thought it was a sign that could be changed. You’re allowed one building-mounted sign and one free-standing sign so you are allowed to keep that sign if in some way you can adapt that sign. If in some way you can remove the interior of the sign change it and put the new pastor’s name on it and make it where it just says the name of your church you can keep it.

Edgar: But it also was a lighted sign.

Ken: You can’t really see the sign either.

Edgar: Because people would drive down Plank Road and the speed limit’s forty five but hardly anyone drives that speed.

Joe: Yes, in fact I drove right past it.

Edgar: We want a sign that at least some people will notice, now I don’t think they even notice it.

Joe: Yes, my point was that if your sign person can work something other than destroying the brick.

Mike: I just learned we can keep the building mounted sign, again it wasn’t a priority for them for obvious reasons, it is parallel to the road, it’s very hard to read, and it’s very narrow. The thought being it may be worse to take the thing down. I can certainly look at that, we may be able to cover it some fashion. [Edgar] can’t reuse it meaning he can’t make a changeable copy, he can’t change things on it. When he refers to changes he wants to add copy, he wants to add events at the church. That’s the whole idea of [proposed] sign. There may be something we can do, just saving the aluminum casing so it doesn’t look terrible.

Joe: And again, this is strictly up to you guys. I just want to let you know you’re allowed that sign. Okay now where the location of the [free-standing] sign is-the sign is going to be-and you a variance for that. You need a ten-foot variance from the twenty-foot setback from the right-of-way. Now where that sign is going to be located, it’s just in front of that tree and is it parallel with the building I believe, not the stairs, but the building? Okay and since the stairs go out ten foot and you have to drive out of the driveway like I did, that sign does not impede any sight distance to the right of cars coming. That’s what we worry about is sight distance. You have to drive ten feet farther to see left than you would to see right. There is no impairment of vision if you have to drive out of that lot onto the highway, am I correct?

Mike: That’s right, the sign is only twenty square feet so it’s a very small sign as well.

Joe: And it’s within our legal signs in Penfield?

Mike: Yes, it is.

Carole: Are the porch steps enclosed in any way?

Edgar: No. There is a cover over the front door.
Special conditions required by the Board: None

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*Motion to: A=Approve, D=Deny, T=Table, O=Other*
2. Kevin Fitzpatrick—YMCA of Greater Rochester, 1835 Fairport Nine Mile Point Road, Penfield, NY 14526 requests a Special Permit for Signage under Article VII-7-3 from Article VII-7-12, Article VII-13-C and Article VII-7-17 of the Code to modify an existing freestanding sign, provide additional building mounted sign and additional traffic control signs larger than allowed at 1835 Fairport Nine Mile Point Road. The property is owned by YMCA of Greater Rochester and zoned RR-1. SBL #125.01-1-34.3. Application #14Z-0056.

Appearances by: Kevin Fitzpatrick – YMCA of Greater Rochester, 1835 Fairport Nine Mile Point Road, Penfield, NY 14526  
Michael Russell – YMCA (COMIDA), 444 East Main Street, Rochester, NY 14604

Presenter’s statements:
Kevin:
- Asking for four different things in our sign plan.
- Adding a thirty-four thousand square foot addition to the YMCA
- Doing a partnership with UR Medicine and part of [the addition] will be a wellness center, so there will be a wellness component to our addition and that’s about six-thousand square feet.
- [Wellness center] will have a shared entrance with us around in the back.
- [Regarding placement of signage] we tried to figure out where was the YMCA and the shared entrance between the YMCA and UR Medicine, how we could make that clear to members and to people that were using the UR Medicine space how to get in, how to get out.
- About twenty-one percent of our YMCA members at Eastside are actually seniors and we wanted to make that everything was labeled and not very confusing because you do have to go all the way back to the west.
- I’ll go through real quick how it’s laid out and go through the four different signage we’re looking for. Uses site map (included in application) to demonstrate where proposed signs will be placed.
  - If you enter from 250 there is one signage that we’ll ask for some changes to that, that’s our current monument sign.
  - If you come down our entry lane, we’re asking for some way-finding signage just to direct people to the Y entrance and then also to the UR Medicine entrance, which is around here in the back. So that we have signage that will hopefully direct them to the back.
  - This is where our shared entrance, we’re asking for signage on this entrance with “UR Medicine” and the “YMCA”, so they know that that’s a shared entrance.
  - We’re actually asking for a building-mounted sign that says UR Medicine where their space is from there.
Also for the YMCA there is an entry sign that we changed from the last time we were here. We talked about it being big and is there a way to clean up that signage at all. So we also have a proposal to clean up that signage from there.

The first thing we’re asking for is our monument sign before it said “Eastside YMCA” and actually gave the address for the YMCA. Holds up picture of proposed change to monument sign. This was a sign that was approved in June of 2011. What we’re proposing to do now is take the bottom-the orange-off of that and putting “UR Medicine”. So we would share this signage with UR Medicine. We’re not looking to make bigger, we’re just looking to use that existing signage to bring that together.

The second thing we’re asking for is the way-finding signage. When we went through our site planning we actually had six way-finding signs that we identified on the site plan that we did with the Planning Board. We’ve re-looked at that and said we could probably get away with four way-finding signs but they might need to be a little bit bigger. What we think is unique about the way-finding signs is that we want to make sure that people know where UR Medicine is or where the YMCA is.

Holds up pictures of proposed directional signs. There are some signs that are the way-finding signs that are “U R Medicine”. There are two of those as you come in the entry way, if I refer back to the site map [points] it would be these two signs here. What we’re trying to do is that people, when they turn into the YMCA property and also Wickham [Farms] that they also understand that for UR medicine they go straight and they turn here [points to site map] and they see the straight signage that’s going to send them continuing to the back so they’re not confused with our main entrance which is here [points to map].

Further back the third sign is over here [point to site map] and that sign is actually a shared sign that says UR Medicine and YMCA [holds up rendering of proposed directional sign for the entrance] ‘cause that rear entrance will be used by Y members and U of R Medicine clients. So that sign points them down.

We have a crosswalk here that acts as a traffic calming device, as our kids are walking back and forth through our camp property. That would then also point them to the entrance.

Two of our signs are UR Medicine and two are shared signs for UR Medicine and the YMCA.

- The new entrance in the back, which is to the west, and again from [Route 250] you cannot see the entrance, so we’re very concerned with making sure that people know where the entrance is.
- At the entrance we’re looking on putting on both sides of that [holds up pictures of proposed building-mounted signs] a UR Medicine logo and also a YMCA logo. Neither one of these are lighted, they would just be how would be as they were walking into the entryway. So they are two of the signs that are on that new west entryway.
- UR Medicine as a tenant of our space, they have about six-thousand square feet of that space, when we looked at the code we know that from signage you get two square feet [of signage] per linear foot. We weren’t sure what the front was. We’re considering for UR Medicine this part [points to portion of addition on site map] is really their space. If you look at the front of
the UR Medicine space it’s about a hundred and twenty linear feet, so that could be about a
two forty square foot sign.
- UR Medicine has asked us, because no one can see the sign on the west side, we’re
  proposing to put the sign on the north side of the building up high.
- From [route] 250 they can see it, and from the parking lot as they’re looking at the way-
  finding signs they start looking towards the building they can see this sign.
- We’re asking that sign be a lighted sign also. Just like we have the lighted sign on the front
  of 250. We have a lighted YMCA sign on the front that is lighted also.

- Lastly, this is what currently [holds up photograph of existing mounted sign by YMCA
  front entrance] on the building.
  - You might say it looks kind of a strange looking sign. A few years ago the YMCA
    nationally went through a branding so we have a new “Y” and a new logo.
  - So it used to say “Y Rochester”. With the new branding we actually had to take that “Y”
    off, so this is what the sign has looked like since then.
  - What we’re looking to do since we have the opportunity to look at signage is clean that
    sign up, make it look a little nicer.
  - Holds up picture of proposed change to mounted sign. What we’re looking to do is put a
    little smaller footprint. If you look at the entirety of the sign it’s a smaller footprint.
  - It’s a smaller logo with “Eastside Family Branch YMCA of Greater Rochester”.
  - The reason we’re looking to put “YMCA of Greater Rochester” underneath there is on the
    front signage [monument sign] where that orange piece was that is now “UR Medicine”,
    that used to say “Eastside YMCA of Greater Rochester”. We just want people to understand
    that the Eastside YMCA or Penfield YMCA is part of a greater organization, which is the
    YMCA of Greater Rochester.

Board questions:
Andris: For the larger directional signs, that is the dual shared ones, if you weren’t allowed the
larger shared sign would you split that up and make multiple signs to share the same
task?
Kevin: We’d like to keep the shared sign. If again we can’t keep the larger shared sign we’d
go for a smaller shared sign. We want for people to know that at that back entrance it’s
the YMCA and UR Medicine, that’s why as we went further back we put those shared
signs together.
Andris: So you felt the shared signs were needed as opposed to the two separate signs?
Kevin: Right, in the front we put the single signs and as we went to the back we put the shared
signs, because it is a shared entrance.
Andris: And the large sign was purely for visual so you don’t need as many so you could see
them from farther away?
Kevin: Correct.
Andris: The second “Y” sign in back, we typically say it’s for identification purposes. They already know they’re at the Y, would you need a “Y” sign at the door necessarily at the back?

Kevin: We looked back and forth with that, but again with the confusion of UR Medicine so people knew exactly where that was and what that partnership was, we thought that would be important to have both the Y and UR Medicine signs back there.

Andris: The front sign on the street, that really the identical size as the orange band that is currently on there, it’s just turning blue with UR Medicine’s logo on there?

Kevin: Correct, no increased size and everything still continues to be lighted.

Carole: On this partnership with the Y, explain how that’s going to work.

Kevin: It’s a shared space, UR will have six thousand square feet of what we call a wellness partner. What they’re looking to do is a family medical care practice, physical therapy, OT, a school of nursing. And where the partnership comes in is that there’s a lot of expertise that UR Medicine has and the YMCA has so we’re looking to-the best example I have of how that partnership works is the school of nursing offers flu clinics and shots and stuff like that and we’d be able to offer that to our YMCA members and to the community through this partnership. The other thing is if you are doing physical therapy. If you’ve ever had shoulder, hip or knee therapy, right now at 250 and 441 they have a rehab facility. What we envision happening is that about the seventh or eighth appointments, those ninth and tenth appointments would actually be at the YMCA through the space that UR Medicine has. But combined they would come to our Wellness Center, they would come to our pool, and we could actually get them into a rehab program. Because as we all know even though you’re done with ten appointments of physical therapy you still have to keep your physical therapy up. The chance of re-occurring injury decreases as you keep getting stronger and progress. So those are some of the places where we think we have a strong partnership with UR Medicine.

Dan: The monument sign out front, the one that you’re going to add the “U of R” at the bottom, which is visible in both directions?

Kevin: Correct.

Dan: So when people approach that sign they’re going to know that the U of R and the Y are both on that property.

Kevin: Right, both at that location, correct.

Dan: So then they’re going to get in, come down the long road and you’re going to have directional sign helping them along the way to find the entrance.

Kevin: Right, correct.

Dan: I have to tell you its fine, it’s a good idea, it’s a good business plan, and I like it. But I think the signs are overkill. I don’t know why the Y need more building-mounted signs and frankly I’d like you go over again because I don’t see why U of R needs more building-mounted signs. One I could see, one they’re allowed. If I’m counting right you’re asking for three building-mounted signs for the U of R?
Kevin: No, two.
Dan: Okay then, why don’t you go over them again because I’m looking at two pictures here.
Mike: On the same line as to what you’re saying is needed is that the monument sign says there’s two occupants and then those signs that direct everybody to the back and then those signs over the entrance for the U of R. Doesn’t that serve the same purpose as the directional signs?
Kevin: We don’t think so in so far as the fact that this is their space, they’re another tenant and they can have that building mounted sign. So again that’s a building-mounted sign that is lighted. The two in the back that is just as people are walking back to that so they know that what that entrance if for. As you’re walking across the concrete walk [points to site map] you don’t see that there’s two doors here. The doors are on the side, we don’t want the doors to open where the west wind would come in. So those signs are actually there to show where the doors are, and that’s the entry that shows where the doors are for the entry that is UR Medicine and the YMCA space.
Joe: Wouldn’t a simple entrance sign take the place of two logoed signs?
Dan: Well that wouldn’t identify the business.
Joe: Well people are coming there either to go to the Y or UR Medicine, right?
Kevin: Right.
Joe: They actually got to go through the same door, is that what you’re telling me, the same set of doors—there’s two doors?
Kevin: They both enter the same door and then one goes left, one goes straight.
Joe: Okay, so inside you put an arrow “U of R” and the other one “Y”. Why do you have to have it outside rather than one entrance sign over the entrance? Because you said there’s two sets of entrances in the back, one to the right and one going straight and you don’t want them to go into any other one. So put “Entrance” over the door instead of logoed signs. I guess our point is that it’s overkill and oversized just like the directional signs. Why can’t you stay within the code and put directional sign up? If they’re coming looking for U of R or if they’re coming looking for the Y, that’s what they’re looking for. So directional signs can just be direction for the U of R. Can’t they just be in code? Then you would only have to deal with [Penfield Building Department], not come here.
Kevin: Right, when we looked at what we believed the code was it was two square feet, which is a very small and we couldn’t direct them if we put “UR Medicine” there. We wanted to make sure they were going all the way to the back because it is that west entrance all the way around.
Joe: You probably know the answer quickly, we allow a two-foot square sign, what size sign are you asking for?
Kevin: The way finding are seventy-two by thirty-six or eighty-two by thirty-six.
Joe: So that’s almost four by three, right?
Kevin: Correct.
Joe: We allow a two square-foot sign and you want what, a twelve square-foot sign? To me it’s overkill. I’m just telling you the truth. I know what you’re saying, older people
maybe, but once you find the building, once they find the entrance, and they’re going
to know where it is. You identify a building for people who don’t know where it is.
Once you know where it is you’re not looking for the signs. It just seems to me there’s
an overkill on signs. We don’t make code, we just enforce code. We grant variances
from code and to me right now you’re not giving me a good excuse as why there should
be a variance from the code. You’re allowed as many directional signs as [the Penfield
Building Department] thinks you need. But you’re asking for much larger signs and
two building mounted signs.

Kevin: We had our sign people mock up a two square-foot sign, which is a very small sign, so
as you’re coming in through that area you have to make sure you know where the Y is,
and Wickham [Farms], and also the Camp. If you’ve been on our road you actually
want to make sure you turn before you get to our Camp area. During the summertime
we actually have about two hundred-sixty kids that are at our Camp. So we have a
turn-around which is back there so we’re very concerned that if people are back there,
especially the first time, if they go back to that camp area there could be an issue. We
want to make sure that first time they know where to go, especially in the summer and
at other times when we’re going to have kids back there that they’re not going to go
back into that camp area. That was one of the reasons for that cross-walk, we consider
that a speed control device or traffic-calming area. We want people to know where
they’re going but also know they need to go slow because we have kids back there.
We’re very concerned with the safety of our kids.

Andris: How easy would it as it exists right now to get to the medical center [from the main
front entrance to the building?]

Kevin: Not very easy, coming in the main entrance [pointing to site map] you would all the
way down the main hallway and turn left and then walk all the way down to the front
of this area [west side of addition] to go in. So I don’t know how long that is but it’s
quite a walk, especially if somebody has an illness and is doing rehab, you get
somebody in a wheelchair or in crutches. Again that is UR Medicine’s concern is that
they know where to get in in the beginning.

Mike: You could have large directional signs internally to lead people that way?

Kevin: The whole idea is that we don’t want people from UR Medicine coming through our
main entrance. They avoid our security by coming through the west entrance. [The
YMCA] has a process so they don’t have to scan in. When we talk about safety of our
members and safety of our children want to make sure we know who’s in the building
all the time. So if we had a lot of people from U R Medicine coming through there our
protocol is that we’d have to see a driver’s license when they come through;

Dan: So if I go into the Y from the west entrance, what portion of the Y is going to be there?

Kevin: When you walk right in you walk into a foyer area. Immediately to the left, which is
handicap accessible, is a door to the UR Medicine space. If you walk about another
three feet [straight] there are sliding doors where you would then enter into the YMCA
space which is where our control desk is.
Dan: Why do need that entrance for the Y?
Kevin: We had our one hundred forty-eight parking spots so if you look at where our parking is, [gesturing to added parking on site map] our furthest parking is over here and believe or not even though people are coming to the Y to work out and get healthy, to park in the furthest are here and walk all the way [points to main entrance] over here is a little bit of an issue. Again for convenience for our members when we added the extra parking we needed the extra entrance for convenience for our members.

Dan: Once the members that are unfortunate enough to have to park that far away realize there’s a back entrance it seems to me they’ll be using that as soon as they realize it’s there.

Kevin: Correct.

Dan: Again I just don’t see the need for the Y signs, U of R, sure. I understand the need for the directional signs and you’ve sort of persuaded me about the size of the directional signs too with both businesses there. If you’re going to have people who really want them to use that back entrance, that’s the part I’m not seeing, other than the inconvenience of having to walk all the way around.

Kevin: I’ll give you the floor plan a little bit: as you go into that second entrance you have an option to continue down that hallway, which is our main hallway in the YMCA, if you right you will be at our Sport Performance Center, further down would be our family gym. As you continue to walk to the left is a MARC, our multi-aging research center, which we have with Lifespan, which is again another reason why we want our seniors to know where they can enter. Before you get there though there is a set of stairs that will bring you upstairs to our Wellness Center. So we figure those stairs are going to get a lot of use. Our new spin stadium, our core exercise and our cardio studio. This will be a second stairway so that’s why people would use that. As we put it together we were looking for member convenience.

Andris: Those dual shared signs, can you point them out again on the map?
Kevin: [Pointing on site map] this one here pointing to Turnham, and this one at the crosswalk that points them to [west entrance]. These two [points to drive entrance from Route 250] are just UR Medicine.

Joe: So technically you’re going to install seven new signs? You’re going to put one underneath on the monument

Kevin: Correct, seven new signs.

Joe: Seven new signs is what you need and all of them are bigger than what is allowed—well the front one isn’t, the directional signs are, and then you’re talking about two building mounted signs. One you’re allowed.

Kevin: We looked at splitting up those small building signs according to our calculations and talking to Harold, with two tenants there we get four hundred square feet of the maximum signage. We do not want to make big or large, obtrusive signs either on the front or on the side. What we did was make the UR Medicine sign small and what we thought was reasonable and we’d have these two small, reasonable signs there. So if
you look at the linear foot there and what I thought was the Code we have two square feet per linear foot of frontage. We have two frontages there so we have over two hundred feet of frontage if you were to take the YMCA and UR Medicine. So technically according to Code we could have four hundred square feet of signage. Again we thought if we did each sign two hundred square feet that would just be ridiculous. So that’s why tried to make them a little bit smaller and to fit in with the building and how it worked.

Joe: Do me a favor, see that one with the Y [holds up picture of addition entrance] and the picture of the U of R Logo next to each other, you can see the large entrance on the back and then you can see the large “Y” on the right and you can see the large “U of R” on the left hand side and you get a good picture of the back of the building.

Kevin: Correct. Those are twenty-two square feet and sixteen square feet. The U of R sign on the side is fifty-two. So fifty-two square feet is this sign here [points to north side of addition]. So if you look at that I believe that’s about ninety square feet of signage. So again when we look at what we have on the front which is eighty-two square feet we could have said eighty-two minus four hundred gives us three-hundred twelve square feet to play with. But again we that was way too big, we did not want to be overly intrusive for the neighborhood.

Joe: So you’re saying that quantity of signs, because they’re less than the big sign, you think that’s a reason it’s okay?

Kevin: We thought it was a much better option given what the YMCA building looks like, given the area, we thought it was much better than putting two big signs up (which we could have by Code). Again we had a hard time reading the Code and with Harold’s help we had to figure out what we needed a variance for. We said ‘Wow, four hundred square feet, that’s a lot of signage, we don’t even need to come close to anything like that.’ That’s why we thought this was reasonable.

Joe: I think you told me you only have a hundred twenty feet of outside lineage on the building?

Kevin: No, that’s the UR Medicine space. If you take the whole YMCA [linear] footage, I think if you look at your application, we put that it’s over two hundred twenty square foot of the frontage. We consulted with the Town as to what they thought would be the frontage of our building based on what our parking was and they told us this is our frontage [points to north facing side of whole building].

Joe: Including the Y is your frontage? You’re adding theirs and yours and saying ‘it’s all mine’.

Kevin: if you look at the site plan this is actually a two story building so we actually have space up here also [points to building on site map]. If you look all the way down through here that’s all of our space. Of the over a hundred thousand square feet only six thousand is UR Medicine. So when we went to the Town and said ‘What is our actual frontage and do we go from 250, do we go from the parking lot?’ Because when you
look at the Code it’s a little ambiguous as to how you figured the frontage. That’s what [the Penfield Building Department] told us to use.

Joe: So you’re speaking for the Y now, not the U of R?
Kevin: For the whole building because what we were told is that you have to take the totality of the building because we’re using it as lease space, what’s the totality of the building in the Code.
Joe: Harold, you told them they could have a four hundred square foot sign?
Harold: They have a lot of frontage on that “main entrance” side of the building.
Joe: Okay, that’s what I have to know. I have to know what you’re allowed.
Kevin: We put our package together once we sat down with Harold and figured out what was allowed.
Joe: We understand where you’re coming from. Sometimes when you have a building this size and you split it down the middle then half could be yours and half could be his and it would be simpler.
Kevin: I wish it were that easy.
Carole: What is the square footage of all the U of R signs?
Kevin: Seventy-four square feet of new [signage] plus the way finding signs.
Carole: And how many are they?
Kevin: There’s four way finding signs, one is thirteen and a half square feet and the other is eight. Mike [Russell] just reminded me that UR does have the option of leasing the second floor of the addition. It would be ten thousand if they [rented] all of the build out, right now its six thousand square feet.

Board Deliberations:
Andris: Are the shared [directional] signs the only ones that needed approval?
Dan: Harold, when you are determining the appropriate size for a directional sign, and also the content, what factors are considered?
Harold: In regards to the numbers needed or size?
Dan: Size and content.
Harold: It should say “Entrance”, “Exit”, “Right Turn”, “Left Turn”, that’s what a traffic control sign is. It’s purely to get you that direction on the property. I don’t want to make an argument about the applicant’s signage but they do have some uniqueness where they have two uses on the property that need to have some direction control for clients.
Andris: That’s how I saw it as well.
Joe: If they just put “U of R” on there, couldn’t they get it down to two foot?
Harold: Yes, they would not need a variance.
Joe: If these signs said “U of R” with an arrow, we wouldn’t be here”
Harold: If we were looking at another type of a plaza with multiple users and you needed some type of control for direction provided to visitors we would give them the opportunity to put some small type of representation so people would know where to go. You see
this in some of the other plazas, it will give you the name and an arrow that says “straight”, another name with an arrow that says “right”.

Joe: But they usually keep them within the two foot? Otherwise they’d be in front of us.
Harold: That’s right.
Andris: But the ones where they put the logo on them, are they larger?
Harold: We wouldn’t allow the logos, just the name.
Andris: Are there any other circumstances that [are similar to applicant’s proposed signs]?
Harold: Not that I can think of.
Joe: [To Andris] When you’re making a motion are you talking about [shared signs] or the smaller ones?
Andris: The dual one that’s directional I actually prefer as opposed to having in theory a lot of small signs running the length of the drive, I think that would be worse. That’s why I asked in terms of number of signs, that’s one of the things that I was looking at is they could litter the whole side of lots with directional signs at every junction because drivers don’t know where to go.
Joe: Maybe the first time you’re there, what about the second time?
Mike: I’m questioning whether we should do this piecemeal. In my mind there’s an interrelationship between the size of the directional and the need for the building mounted signs, particularly the U of R sign. When leading drivers from the monument sign to series of turns in lot, and showing them where why do you need [building mounted signs]? To say that you can have it, well yeah you can have it. But if you want to follow that then they shouldn’t have the other four signs and the larger monument sign. I mean if you strictly want to go by what they can and cannot have.
Andris: I was going to do directional signs and then building signs next.
Dan: I get what [Mike] is saying on how one can affect your decision on the other. Let’s hold off on the vote on that and go through [Andris’] arguments on everything.
Andris: I saw some of the building signs, I saw the front YMCA building sign and I don’t really have a problem with changing that because you can see it, it’s not a visual sign. They’re basically swapping what’s there. I make a motion to approve that.
Carole: I second that. Board votes to approve motion.
Andris: I have issue with the number of signs for U of R. I’m not a fan of multiple signs. I would make a motion not to grant the multiple U of R signs in the back. Directional are adequate to direct people. Route 250 [north] side sign not necessary with directional signs there. No need for two mounted signs. If you take the linear footage they’re actually using eighteen percent of the addition. They’re not actually using a lot of the building. For the U of R signs I don’t like the idea of having two. If they had the one and everything else is directional you really can’t say no to that.
Joe: Which one don’t you like, the one on the side or the one on the door?
Andris: I would rather have the one on what they call the north facing side of the building. Because the directional sign would take you around the back and there’s the one by the crosswalk there’s the signs that lead you right up to the building there.
Mike: So would you rather not have either sign on the back entrance? Or just the Y sign on the back entrance?
Andris: I think if you’re going to have the Y sign you’re going to have the U of R sign. I don’t mind the one on the north face because that’s showing what that part of the building is for. The majority of the time you’re looking at the property you see and you know where to go.
Mike: Isn’t that what the purpose of the directional signs?
Andris: Potentially, yes. There’s the Y sign that’s already been allowed on the building, there’s multiple signs that do that. There’s one on the west side, there’s one on the north side, and I guess that same argument could be used on that as well.
Mike: There’s no directional signs currently.
Andris: Yes, you’re right.
Joe: Back then we allowed two signs on the building, instead of directional signs. Now they’re asking for two signs on the building and five directional signs. See how it starts to multiply. I’m just telling you what our thinking was and why we allowed this. There was a big dispute at that time.
Andris: And that was without knowing there was an addition coming on.
Joe: That’s exactly right.
Andris: My thinking is I would allow one [mounted sign], they’re always allowed the one if we deny the two.
Joe: I know they love these, but when you start getting such multiple signs it becomes a clutter to me. We don’t make the rules, we just give variances for the rules. There are just too many directional signs. If they were within Code, [Penfield Building Department] would allow as many as needed. I object to the size and let Harold decide the number that actually does the job. If they want more then let them come back here again.
Mike: If they want larger ones?
Joe: Come back again, I don’t like the ones they have now.
Mike: So you object to the number and the size?
Joe: No because I don’t know how many Harold would say if they were the right size.
Carole: What if instead of having so many directional signs if just said something like “Entrance Back”?
Joe: I don’t care what it say as long as it’s in code.
Harold: I think some people would get confused as to what’s in the back of a building like this.
Joe: If they put an arrow and the logo, couldn’t they get that in a two foot sign?
Dan: Are you talking about the dual one?
Joe: No, I don’t like that one whatsoever.
Dan: Let’s say if it were two feet?
Joe: Okay, if it were two feet you could put whatever you want on it.
Carole: Or just say U of R with an arrow?
Joe: However they change it to two foot within the code.
M Russell: U of R can’t do that, they can’t break up their logo.
Dan: They can, they just choose not to.
M Russell: We tried to be tasteful with this, we looked at the sign and you look at what’s around the county at hospital campuses. We spent a long time with the planning board and we talked a lot about this stuff too. We tried to be very sensitive to size and scope and do what is necessary to get people to the right place. You have to understand that a lot of folks coming back to this physicians’ offices will be coming through for the first time. It’s not like over time as you mentioned a lot of the Y folks will eventually find the back entrance. They’ll be tons of new people coming in, many with disabilities needing ambulatory care going around back. We felt this was the best way to get them back there. If you look at the tasteful logo it’s a lot smaller than their logos in Brockport and in Pittsford and wherever else they have them. It’s just a tasteful logo at the top just recognizing them as UR Medicine. We’re trying not to be unreasonable, we’re not trying to poke a bear here guys. This is something that we feel is—we didn’t want six million two feet signs all over the parking lot, which we could do. We wouldn’t have to come to you guys. Or we could put, quite honestly, on a lot of our glass frontage we could go nuts and put YMCA all around the building and put U of R medicine. We don’t want to do that, so that’s what we’re trying to do to have a nice tasteful representation.
Dan: But why can’t you put the building mounted signs that you want on the back onto the doors?
M Russell: We could.
Dan: Well then you should, quite honestly and eliminate the request for these. I know these are nice but it’s a lot. This is probably the fourth or fifth time that we’ve seen you guys since you’ve built this building. And we’ll probably see you a few more times as you continue to build.
M Russell: So if that’s something that you feel strongly about, again we respectfully disagree, we think they’re fairly minimal. They just say “Y”, “U of R” at the back. But if that’s something that’s really bugging you guys I could see the fact that we could do a tasteful glass sign and get rid of that. The directional signs really are important for the type of population of folks we’re serving and what we need to have come through there.
Dan: Why did you decide on this size for the directional signs?
M Russell: So these are typical signs if you go to Golisano Hospital, if you go to any of the UR Medicine in Brockport, those are the typical signs that they use.
Dan: For directional?
M Russell: That’s correct.
Joe: This one here [holds up picture of combined directional sign with U of R and YMCA logos] and again I’m asking the gentlemen from the Y: I know you’re going to have a desk there but your Y members will eventually know about that back door, am I correct? I mean if you want to put a Y in the window I don’t have a problem with that.
Dan: They can do that [allowed in the Code].
Joe: Yes, because that’s legal inside. But again another sign on the back of the building for the Y or this sign [points to picture] directing the Y there is overkill.

M Russell: Obviously that’s a concern and we’re not going to fight you on that. We think the directional signs are really important for all the stated reason. One the back two signs we could give on that if you felt that that was important to yield to your process. We could give those up and go with maybe window decals that might serve that purpose as well.

Mike: What about the building mounted sign on the north face?

Joe: They’re allowed the one so they can have it.

Mike: They are, but they’re not allowed the larger signs. I don’t have a problem with the bigger directional signs. I do have a problem with the sign on the north face, I don’t think you need it. You’re directing them specifically to where the UR entrance is.

Joe: They’re allowed one building sign. If you took that out of the equation, if we denied the building sign then that’s kind of irrelevant. We have to look at it as a package.

Dan: Let’s look at it this way: let’s say we denied the signs in the back and they put them on their doors, they’ve addressed that. Let’s say we grant the directional access, because we think it’s a good thing to do, but we deny the other building sign. They still have one building sign they can put “U of R”, right? Because they’ve removed the one for the back.

Mike: Not if you make it a condition of the larger variance.

Dan: That’s true. In other words: surrender their right for a building mounted sign in favor of larger directional signs. Harold, are these directional signs an appropriate size in your opinion?

Harold: No, they’re larger than what would be permitted.

Dan: But I’m asking you if that size, given the layout here, is that something in your opinion is excessive?

Harold: If a different use was asking the same question the signs that they would be provided, that they could use, would just say “Entrance” in small letters the same size [text] would say “U of R Medicine”. That’s what we historically see in campus-type environments where we have multiple buildings and multiple users. It’s a small sort of the same size as nameplates that they can change out very easily because as you know businesses move around. A lot of the landlords of the world don’t like these big, large signs that they have change. They can just replace the nameplate.

Dan: Do you have any windows on the north side that you can put U of R emblem in?

M Russell: Harold, what’s your concern that the signs are too big, the directional signs are too big?

Harold: The code doesn’t allow them to be larger than two square feet.

M Russell: Well you understand that’s why we’re here and that’s why we spent a lot of time with you sharing this information. Clearly I think we some type of dual directional sign that says UR and Y. So what are you suggesting we do, can we shrink them down a little bit? I mean I don’t know if have a lot of leeway to do much.
Harold: I think these two signs that are going to be at the head of the entrance are going to have to be shrunk down a little bit because there’s just not a lot there. The other sign that’s the co-location with the two logos, I think that could be shrunk a great deal. A lot of the space of the signage is the larger logo that the Y carries as opposed to the compounded somewhat larger logo that the U of R has.

M Russell: What would you suggest, twenty percent?
Andris: Could they just be text? “YMCA” and “U of R Medicine”?
Harold: That’s what other campuses would typically do.
Mike: That’s what makes them directional.
Harold: That’s right, it’s just identifying where these businesses are because text between two and three inches isn’t providing any advertising.
Andris: Especially once you’ve turned you already know where you are.
Harold: That’s right, at that size it’s not providing any advertising, it’s just providing thorough identification of where the pathway is to get to them. And this is not necessarily a big campus. Some of the office complexes have large campuses and we don’t need people travelling around trying to find their way because any time you come in contact with another person it’s a point of conflict which is a risk to everybody. So the quicker we can get person A to destination B the better off we are relative to their safety on the property.

Joe: If they’re going to put the two window signs on back and keep the sign on the side of the building and get rid of the Y sign on these two [directional]signs because you technically don’t want people going back there all of the time right? You want them to go your original way? With the Y on the [back] door people will eventually find out about the door on the back, you don’t need another big sign saying “Y” on the back. Because you have steady customers. The people at the U of R have new customers or turn-overs more often. You have steady customers who will eventually go “hey, there’s a door in the back, I don’t have to walk eleven miles.” You want to show where the older people that are coming in have to go. Am I correct?
Kevin: Yes.
Joe: So if they put the two in the window then they’re allowed that building sign for the U of R, if they put these four directional signs in then that’s not overkill in my opinion.
Dan: Of what size?
Joe: If they can get it down a little, but not the dual signs. You don’t need to direct the people from the Y in the back. That’s just my opinion.
Andris: We can make a motion to allow a square footage as well.
Dan: Yes, I understand and I understand that they would much rather have the branding. It’s a much more attractive sign as it’s depicted here than just text that says “U of R Medicine”.
Kevin: The reason we chose the logo is that more people respond to the logo than just text.
Joe: Now are you talking the U of R or the Y?
Kevin: Either one. When we went down and looked at that, someone’s coming down from any lane and they can pick up the logo, they can pick up the Y or UR Medicine much quicker than if you were to try to read those from that position.

Joe: I agree with you but my position you don’t need to tell people from the Y that there’s an entrance from the back. You technically don’t want people to go through the back. You’re telling me you got a desk there and you allow people to go through there. But inside the building you’re going “gee, the U of R patients, we don’t want them in our section” am I correct?

Kevin: No not necessarily. That desk back there is the same size desk as the one in the front.

Joe: But they have to have a little tag to get through it?

Kevin: To get through it, correct.

Joe: Okay so technically you don’t want the U of R patients without that little tag to go through those doors?

Kevin: Correct.

Joe: Are you understanding what I’m saying or not?

Kevin: I guess we’re not understanding that we want to make sure that people know that entrance is there. The first time if they’re parking all the way in the back you can see that’s where that entrance is.

Dan: If you’re saying first time, second time-once they discover then if it’s easier for them to use that back entrance when they park back there then they’ll use it.

M Russell: So going back to what we gave up about ten minutes ago I’m okay with that. We think it balances to have a small Y logo and a small U of R logo, we’re not going to fight you on that. The directional signs we think are important, the monument sign we think is important, and we think the north facing sign is important. I don’t know if the whole is something we can compromise on.

Dan: The only thing I’m debating on now is the size of the directional signs and the need for the building mounted. Why do you need that one on the north side when you have the monument and these directional signs?

M Russell: It’s not that big compared to the scale of the building. It’s very tasteful, backlit-

Dan: Everything is tasteful.

M Russell: Backlit sign logo. It’s what U of R Medicine is, you see it all over town and it just represents that this is their building. You can see it from the parking lot, you can also see it I believe as you’re coming down 250.

Andris: [Holds up pictures of proposed directional signs] this is large, the Code allows up to two square feet and I believe this is close to seven or eight square feet. Could we make a condition where you could have the directional signs, we allow up to X number of square feet.

Dan: Sure we could.

Mike: Somebody said the logos are more recognizable than the text, you have text and logo on both sides. Are you proposing to just put the U of R logo on there without any “U of R Medicine”?
Andris: That is the logo, the whole thing’s the logo.
Mike: So it says “U of R” in text, I could see why the logo is more recognizable than the text because you have the text anyway plus a visual.
Joe: Good point. Do people recognize the logo without the “U of R Medicine” on there, would they understand that? Just the shield part?
Kevin: The shield is also part of the University of Rochester. We spent a lot of time trying to figure something out.
Carole: Why couldn’t you make those directional signs smaller by just taking off the top where the two colors are, the blue and the gold?
M Russell: If we shrunk it down about twenty percent would that work?
Carole: That’s better than it is.
Andris: If we said not to exceed X number of square feet. If it’s two right now we could say you can’t go bigger than eight.
Dan: Are you talking about all four?
M Russell: I think what I’m hearing I think we want to keep them uniform so we think the sum [Andris] agreed upon that still keeps them recognizable as they are but a little smaller.
Dan: But no dual directional signs?
M Russell: We’re still saying we need four signs.
Dan: Four signs but none of them dual? That’s what I’m asking.
M Russell: We were hoping that two be dual again to differentiate the fact that there’s an entrance in the back.
Andris: What if all of them were to stay under eight square feet?
Dan: I don’t care what goes on them if they’re the appropriate size I suppose. I would be okay with four shrunken directional signs and the building mounted sign. And I feel that’s a lot.
Andris: I would agree with that.
Joe: And what’s on them?
Dan: As long as they’re an appropriate size I don’t care what’s on them. I still don’t think they need anything to get people in the back because I think people will gravitate there once they’ve gone there.
Mike: So you’re giving them a size limit and they can put on there anything they want? With logo, writing, two logos?
Dan: Yes. Imagine your U of R logo is going to get so small it’s going to be worthless at some point though. And it’s much more important to identify that the U of R is back there.
Joe: [To YMCA representatives] see you guys are sometimes almost against each other. If you were U of R coming in here you it would be a whole different story. Now it’s U of R, Y and to me the Y’s been there a long time and I know you want the people to come in the back door but my opinion is that they will find it. The first time they walk around the building and someone says there’s a door over there I think they’d find it.
Kevin: And this is the last reason why we came up with the signage, it is really a partnership between the U of R and the Y so we’re trying to get two logos together to show that it is a true partnership.

Dan: And you’re going to have building mounted signs, one building that has two signs. That’s what we always struggle with is signs: is it marketing or is it to help the user. And there’s always a combination. That’s why you guys prefer the logo rather than the text, we get it.

Andris: Is this an appropriate size for signs for all of them? This is an eight square foot sign.

Mike: For all four of them?

Dan: I’m okay with four of that sign [points to U of R logo directional sign].

Joe: I am too.

Andris makes a motion to grant variance for the four larger directional signs not to exceed eight square feet per sign.

Joe: And the building mounted sign?

Andris: They’re allowed that sign. As long as we deny the two signs in back.

Harold: I’m not entirely sure if they said they were withdrawing their application for those two signs on the back.

Joe: If they say they’re not putting two signs in the back, they’re not putting two signs in the back.

Carole: You can’t withdraw it after we’ve already heard it.

Harold: They can withdraw the application at any point any in time. Once we deny it, it’s appealable. If they withdraw that component of the application they can’t appeal it. I thought based on the conversation they were okay with that. I don’t think we have to make a decision on that component.

Dan: Are you withdrawing that?

M Russell: I guess based on the way things are going that’s what you’re going with. We clearly disagree with you but again we’re not going to poke a bear so those two signs on the back, yeah U of R’s not going to be happy about that, they’re going to be really [upset]. We’ve got a lease and a lot of money at stake here and we’re going to have to explain to them why we can’t get that. But in the spirit of getting these two applications through we can probably withdraw those two signs at the back if we can get – I think we got everything else with consideration of shrinking the way signs a little bit. Right? I think we can live with that.

Mike: Now we’ve made it conditional.

Joe: No he’s just said he’s withdrawing it.

Andris: If he’s withdrawing it we won’t even discuss it, it’s withdrawn.

Joe: So there’s nothing else?

Andris: All we have is the directional.
Harold: I think Mike wants to put the two issues together. The directional signs and the north facing sign.

Mike: Yes.

Harold: Andris’ point was, if they withdraw the two mounted signs on the back then they can have the one on the side. You sort of linked them together so that they’re somewhat married.

Dan: [To Mike] So unless this motion is to link the two, even if you’re okay with the signs, if it’s unlinked going to vote no because you want them linked? [To Andris] Your motion is to not link them, they’ve withdrawn the back signs. You’re making a motion to approve the shrunken directional signs?

Andris: Correct.

Dan: So therefore their request for two building mounted signs is mute and they can put up a two hundred square foot U of R sign? That’s a risk that we take unless we condition the way Mike previously suggested.

Mike: So are they withdrawing that application too for the variance for the north facing sign?

Joe: The only reason they had a variance is because they had the signs in the back.

Mike: I understand that, what I’m saying is if they withdraw the variance application for the request, shouldn’t they also be withdrawing the application for the sign on the north since they don’t need it?

Dan: Right, what they are withdrawing is their request for two building mounted signs.

Mike: Plus the north because they can put that up anyway.

Dan: But there’s only one application for the variance for two building mounted signs. Once they’ve agreed to eliminate two building mounted signs.

Mike: If they’re withdrawing the two on the west, then they don’t need the variance for the one on the north. So wouldn’t they be withdrawing that request too? So we’re not making a ruling on that.

Dan: Except that it was one variance request for more than one building mounted sign. It’s one variance. If they’re saying we’re not going to put the sign in the back (west), then it makes their entire request mute. Again unless you condition allowing the directional signs.

Mike: You can make that motion without it.

Joe: I think then because they can’t appeal.

Andris: So I’ll leave the motion as is, all I need is a second.

Andris restates motion to approve directional signs with conditions and Mike seconds the motion, Dan asks Board if there are any additional comments, no one speaks. Dan calls vote.

Dan: Harold, what is the request for the building mounted signs.

Harold: There are two separate U of R signs that collectively don’t exceed their allowable square footage on the back. So they were requesting an additional building mounted
sign. So relative to what this board would have to grant approval for there is nothing further that would be needed to be granted unless they proposed something different.

Mike: So they could either put it up or not put it up, it’s their choice.
Joe: The north sign?
Harold: Correct.
Dan: And it could be larger than proposed as long as it’s within the Code.
Harold: It could be larger than it’s shown on this [holds up picture of proposed sign].
Andris: And they could put it in the back if they wanted to.
Harold: For that matter they could put it on any of the four sides that they choose.
Dan: Are there any other items we needed to vote on?

Board members respond ‘No’.

Dan: So let’s just revamp: the monument sign has been approved, the change in the YMCA building mounted sign was approved, four directional signs of the smaller size were approved, and the last one was rendered mute.

Dan makes a motion to adjourn, Mike recognizes the motion, the Board votes to approve the motion at 8:40 p.m.

Findings:

1. The proposed sign is in harmony with the standards for permitted signs and within the spirit of this article.

Regarding Monument Sign: yes, the proposed modification is in an existing panel, no change in lighting or size of sign.

Special conditions required by the Board: Directional signs not to exceed eight square feet.

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<td>Modification to monument sign.</td>
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<td>Change building mounted sign on east side of building.</td>
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Four traffic directional signs not to exceed eight square feet each.

*Motion to: A=Approve, D=Deny, T=Table, O=Other*
Edgar Borkhuis on behalf of the Bethlehem Lutheran Church, 1767 Plank Road, Webster, NY 14580 requests an Area Variance from Article III-3-37-I of the Code to allow existing stairs with less setback and a Special Permit for Signage under Article VII-7-3 from Article VII-7-12-E of the Code to allow a freestanding sign with less set back on a property at 1767 Plank Road. The property is owned by Bethlehem Lutheran Church and zoned RA-2. SBL # 096.03-1-54.1. Application #14Z-0055.

AREA VARIANCE TO ALLOW AN EXISTING FRONT STEPS AND AN EXISTING ADDITION WITH LESS SETBACK.

WHEREAS, an application has been received by the Penfield Zoning Board of Appeals requesting an Area Variance from Article III-3-37-I of the Code to allow an existing front steps and an existing addition with less setback at 1767 Plank Road; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on September 15, 2014 at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action. Furthermore, the Zoning Board of Appeals has determined that this proposal will not have a significant effect on the environment. Therefore, the submission of a draft Environmental Impact Statement will not be required.

Motion to classify this application as an unlisted action and no further environmental review will be required.

Moved: Joseph Grussenmeyer
Seconded: Carole Mulcahy
Vote of the Board

Daniel DeLaus   AYE
Michael Belgiorno   AYE
Joseph Grussenmeyer   AYE
Carole Mulcahy   AYE
Andris Silins   AYE

The motion to approve the State Environmental Quality Review Act (SEQRA) determination was carried.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board hereby APPROVES the application for an area variance of one hundred (100) feet from the required one hundred (100) foot setback resulting in a setback of zero (0) feet from Plank Road to allow the existing 10 foot by 22 foot entry stairs and an area variance of eighty nine (89) feet from the required one hundred (100) foot setback resulting in a setback of eleven (11) feet from Plank Road to allow a 12 foot by 35 foot addition/drive up canopy at 1767 Plank Road.

1. The Board is correcting two (2) previous approval resolution granted on September 19, 1991 and April 16, 1998 that allowed the stairs and addition/canopy on the non-conforming Bethlehem Lutheran Church.

2. The Board found in the previous two (2) approvals that the proposed variances were minimal in that the existing structure had a pre-existing non-conforming setback of ten (10) from the right of way of Plank Road and the requested area variances would not create an undesirable change in the character of the neighborhood since the structure has existed since the early 1900’s.

3. The Board found in the previous two (2) approvals that the porch and steps would replace a previous porch that had fallen into a state of disrepair and would be removed and any additions to the existing structure would require an application to be heard by this for expansion of a pre-existing non-conforming use.

4. The Board found in the previous two (2) approvals that the requested variances are substantial with respect to the dimensional requirements of the Code but not to the pre-existing non-conforming status of the existing structure as the porch and addition will not extend the front setback any further than it currently exists.

5. The Board found in the previous two (2) approvals that the requested variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The granting of the variances will improve the façade of the existing building and will not extend the front setback.

6. The Board found in the previous two (2) approvals that the alleged difficulty was not self-created as the applicant is attempting to create a safer entryways to the structure for the congregation.
The Board is directed by statutory requirements to grant the minimum variance necessary. The approved setback shall not be modified at any time in the future without approval from the Board.

The Board’s decision was based upon the following information:

1. An Area Variance application form stamped received August 27, 2014 by the Building and Zoning Office.


3. A Short Environmental Assessment Form dated August 27, 2014 stamped received August 27, 2014 by the Building and Zoning Office.

4. An instrument survey dated May 2014 prepared by Jim Missell; L.S. stamped received August 27, 2014 by the Building and Zoning Office.


6. Testimony provided by the applicant and interested parties at the public hearing.

Moved to approve the application for area variance for less setback: **Joseph Grussenmeyer**
Seconded: **Andris Silins**

Vote of the Board

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The motion to approve the application was carried.
SPECIAL PERMIT FOR SIGNAGE TO ALLOW A FREESTANDING SIGN WITH LESS SETBACK.

WHEREAS, an application was received by the Penfield Zoning Board of Appeals requesting a Special Permit for Signage under Article VII-7-3 from Article VII-7-12_E of the Code to allow a freestanding sign with less setback at 1767 Plank Road; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on September 15, 2014 at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby APPROVES the application for a Special Permit for Signage to allow a 4 foot by 5 foot double faced freestanding sign ten (10) feet from the right of way of Plank Road, subject to the following conditions:

1. The applicant shall be required to obtain a sign permit from the Building and Zoning office and pay the appropriate fee.

2. The applicant shall be required to comply with the requirements of the Building Code of New York State, the Property Maintenance Code of New York State and Article IV-4-24 of the Town Code.

3. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. The proposed sign is in harmony with the standards for permitted signs and within the spirit of Article VII-7.

The applicant has represented to the Board that the sign will comply with the size requirements of the Code for the proposed freestanding sign.

2. The proposed sign shall be compatible and not detrimental to neighborhood properties.

The Board determined that the proposed double faced freestanding sign is compatible and not detrimental to the neighborhood properties. The applicant has presented a modest sign that is in keeping with the architecture of the existing building.
3. The proposed sign does not; by reason of its location create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.

The Board determined that the location of the proposed double faced freestanding sign would not create a hazard to the public in general or to any owner or occupant of neighboring properties. The proposed sign is to be located in an area that will provide adequate visibility to individuals visiting the subject property.

4. The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.

The Board determined that the signs do not interfere with the lawful and aesthetic enjoyment of the public highway. The proposed double faced freestanding sign is to be located a greater distance from the right of way of Plank Road than the existing church.

5. The proposed sign is necessary to enhance the business identification, because of the location of the business’ proximity to the front property line, the exterior appearance of the structure containing the business and the nature of the business.

The applicant has represented to the Board that the proposed double faced freestanding sign is needed for identification of the church. The only signage representing the church is located on the front of the church entrance steps and that sign faces the road and is difficult to read due to the distance off the road.

The Board’s decision was based upon the following information:

1. An Area Variance application form stamped received August 27, 2014 by the Building and Zoning Office.


3. A Short Environmental Assessment Form dated August 27, 2014 stamped received August 27, 2014 by the Building and Zoning Office.

4. An instrument survey dated May 2014 prepared by Jim Missell; L.S. stamped received August 27, 2014 by the Building and Zoning Office.

5. Testimony provided by the applicant and interested parties at the public hearing.
Moved to approve the Board’s motion to approve the application to allow the Special Permit for Signage:

Moved: Joseph Grussenmeyer
Seconded: Andris Silins

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the application was carried.
Kevin Fitzpatrick-YMCA of Greater Rochester, 1835 Fairport Nine Mile Point Road, Penfield, NY 14526 requests a Special Permit for Signage under Article VII-7-3 from Article VII-7-12, Article VII-7-13-C and Article VII-7-17 of the Code to modify an existing freestanding sign, provide additional building mounted signs and additional traffic control signs larger than allowed at 1835 Fairport Nine Mile Point Road. The property is owned by YMCA of Greater Rochester and zoned RR-1. SBL # 125.01-1-34.13. Application #14Z-0056

WHEREAS, an application was received by the Penfield Zoning Board of Appeals requesting a Special Permit for Signage under Article VII-7-3 from Article VII-7-12, Article VII-7-13-C and Article VII-7-17 of the Code to modify an existing freestanding sign, provide additional building mounted signs and additional traffic control signs larger than allowed at 1835 Fairport Nine Mile Point Road; and

WHEREAS, the Zoning Board of Appeals of said Town of Penfield held a public hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York on September 15, 2014 at 7:00 PM to consider the said application and hear all persons in favor of or opposed to the application; and

WHEREAS, the Zoning Board of Appeals, acting as lead agency pursuant to the State Environmental Quality Review Act (SEQRA) has classified this proposal as an unlisted action. Furthermore, the Zoning Board of Appeals has determined that this proposal will not have a significant effect on the environment and therefore, the submission of a draft Environmental Impact Statement will not be required.
Motion to classify this application as an unlisted action and no further environmental review will be required.

Moved: Andris Silins  
Seconded: Carole Mulcahy  

Vote of the Board

Daniel DeLaus AYE  
Michael Belgiorno AYE  
Joseph Grussenmeyer AYE  
Carole Mulcahy AYE  
Andris Silins AYE  

The motion to approve the State Environmental Quality Review Act (SEQRA) determination was carried.

SPECIAL PERMIT FOR SIGNAGE TO ALLOW THE MODIFICATION OF AN EXISTING DOUBLE FACED FREESTANDING SIGN AT 1835 FAIRPORT NINE MILE POINT ROAD.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby APPROVES the application for a Special Permit for Signage to allow the modification of an existing 7.5 foot by 6 foot double faced freestanding sign. Said sign will be permitted to exchange the existing 2 foot by 6 foot lower panel reading “Eastside Family Branch YMCA” to “UR Medicine” at 1835 Fairport Nine Mile Point Road, subject to the following conditions:

4. The applicant shall be required to obtain a sign permit from the Building and Zoning office and pay the appropriate fee.

5. The applicant shall be required to comply with the requirements of the Building Code of New York State, the Property Maintenance Code of New York State and Article IV-4-24 of the Town Code.

6. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and
welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

6. The proposed sign is in harmony with the standards for permitted signs and within the spirit of Article VII-7.

The applicant has represented to the Board that the existing double faced freestanding sign had previously received approval from this Board and a new business tenant would be occupying a portion of the building. The YMCA would be allowing the new business (University of Rochester Medicine) to take a small lower portion of the existing sign.

7. The proposed sign shall be compatible and not detrimental to neighborhood properties.

The Board determined that the proposed sign will be compatible and not detrimental to neighborhood properties. The applicant has represented to the Board that no changes would be made to the overall size of the existing sign and the change in business copy would not be detrimental to the neighborhood properties.

8. The proposed sign does not; by reason of its location create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.

The Board determined that the location of the proposed signs would not create a hazard to the public in general or to any owner or occupant of neighboring properties. The applicant has represented to the Board that the sign location would not be changing and therefore should not create any hazard to the neighborhood properties.

9. The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.

The Board determined that the signs do not interfere with the lawful and aesthetic enjoyment of the public highway. The applicant has represented to the Board that the existing sign has not created any interference with the public highway and the expansion approval requires the installation of a traffic control light at this intersection of Fairport Nine Mile Point Road and the driveway entrance.

10. The proposed sign is necessary to enhance the business identification, because of the location of the business’ proximity to the front property line, the exterior appearance of the structure containing the business and the nature of the business.

The applicant has represented to the Board that the business (University of Rochester Medicine) would be located at the rear of the new addition and visibility of the tenant
would be minimal. The modification of the existing freestanding sign is critical for the tenant.

The Board’s decision was based upon the following information:

1. A Special Permit for Signage application form stamped received August 18, 2014 by the Building and Zoning Office.

2. A letter of intent dated August 18, 2014 stamped received August 18, 2014 by the Building and Zoning Office.

3. A Short Environmental Assessment Form dated August 18, 2014 stamped received August 18, 2014 by the Building and Zoning Office.

4. A site plan prepared by Erdman Anthony dated December 20, 2013 stamped received August 18, 2014 by the Building and Zoning Office.

5. Testimony provided by the applicant and interested parties at the public hearing.

6. A sign drawings prepared by id Sign Systems dated June 20, 2014 stamped received August 18, 2014 by the Building and Zoning Office.

Moved to approve the Board’s motion to approve the application to allow the Special Permit for Signage:

Moved: Andris Silins
Seconded: Joseph Grussenmeyer

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried.
SPECIAL PERMIT FOR SIGNAGE TO ALLOW THE FOUR (4) TRAFFIC CONTROL SIGNS LARGER THAN ALLOWED AT 1835 FAIRPORT NINE MILE POINT ROAD.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby APPROVES the application for a Special Permit for Signage to allow four (4) eight (8) square foot traffic control signs at 1835 Fairport Nine Mile Point Road, subject to the following conditions:

1. The applicant shall be required to comply with the requirements of the Building Code of New York State, the Property Maintenance Code of New York State and Article IV-4-24 of the Town Code.

2. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. The proposed sign is in harmony with the standards for permitted signs and within the spirit of Article VII-7.

The applicant has represented to the Board that the proposed traffic control sign are slightly larger than the Code permits.

2. The proposed sign shall be compatible and not detrimental to neighborhood properties.

The Board determined that the proposed traffic control signs are compatible and not detrimental to neighborhood properties. The proposed traffic control signs will aid the members and patients of the businesses of the subject property to appropriately travel to the entrances of the businesses on the property and not to the adjacent farm market that shares the driveway from Fairport Nine Mile Point Road.

3. The proposed sign does not; by reason of its location create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.

The proposed traffic control signs are intended to eliminate any errors by drivers traveling through the parking lot.
4. The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.

The proposed traffic control signs are located a considerable distance from Fairport Nine Mile Point Road and the approved signs would not interfere with the aesthetic enjoyment of Fairport Nine Mile Point Road.

5. The proposed sign is necessary to enhance the business identification, because of the location of the business’ proximity to the front property line, the exterior appearance of the structure containing the business and the nature of the business.

The applicant has represented to the Board that the traffic control signs are needed to provide way of direction to the patients of the medical facility and the rear entrance to the YMCA.

The Board’s decision was based upon the following information:

1. A Special Permit for Signage application form stamped received August 18, 2014 by the Building and Zoning Office.

2. A letter of intent dated August 18, 2014 stamped received August 18, 2014 by the Building and Zoning Office.

3. A Short Environmental Assessment Form dated August 18, 2014 stamped received August 18, 2014 by the Building and Zoning Office.

4. A site plan prepared by Erdman Anthony dated December 20, 2013 stamped received August 18, 2014 by the Building and Zoning Office.

5. Testimony provided by the applicant and interested parties at the public hearing.

6. A sign drawings prepared by id Sign Systems dated June 20, 2014 stamped received August 18, 2014 by the Building and Zoning Office.
Moved to approve the Board’s motion to approve the application to allow the Special Permit for Signage:

Moved: Andris Silins
Seconded: Carole Mulcahy

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried.
SPECIAL PERMIT FOR SIGNAGE TO ALLOW THE MODIFICATION OF A BUILDING MOUNTED SIGN AT 1835 FAIRPORT NINE MILE POINT ROAD.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby APPROVES the application for a Special Permit for Signage to allow the modification of an existing 46 inch by 168 in building mounted sign reading “Rochester Eastside Family Branch YMCA” approved May 20, 2010 by this Board to a 24 in by 168 inch “Eastside Family Branch YMCA of Greater Rochester and 42 in by 48 inch “the YMCA” sign located adjacent to the main entrance of the YMCA facility at 1835 Fairport Nine Mile Point Road, subject to the following conditions:

1. The applicant shall be required to obtain a sign permit from the Building and Zoning office and pay the appropriate fee.

2. The applicant shall be required to comply with the requirements of the Building Code of New York State, the Property Maintenance Code of New York State and Article IV-4-24 of the Town Code.

3. The applicant shall be required to comply with the requirements of the Building and Zoning Administrator.

The Board considered the following five (5) standards in applying the balancing test, which weighs the benefit to the applicant to the detriment to the health, safety and welfare of the neighborhood or community and bases its decision on the following findings as to each of the five (5) standards:

1. The proposed sign is in harmony with the standards for permitted signs and within the spirit of Article VII-7.

The applicant has represented to the Board that the requested building mounted sign is smaller than the sign approved by this Board on May 20, 2010.

2. The proposed sign shall be compatible and not detrimental to neighborhood properties.

The Board determined that the proposed sign are compatible and not detrimental to neighborhood properties. The Board determined that the proposed building mounted sign is not visible until approaching the building on foot.

3. The proposed sign does not; by reason of its location create a hazard of any nature to the public in general or to any owner or occupant of neighborhood properties.
As previously stated the proposed building mounted sign is not visible until approaching the building on foot and therefore would not be a hazard to the neighborhood properties.

4. The proposed sign does not in any way interfere with the lawful and aesthetic enjoyment of the public highway or neighborhood properties.

The proposed building mounted sign is approximately three hundred fifty (350) feet from Fairport Nine Mile Point Road and the sign at that distance would not interfere with the lawful enjoyment of the public highway.

5. The proposed sign is necessary to enhance the business identification, because of the location of the business’ proximity to the front property line, the exterior appearance of the structure containing the business and the nature of the business.

The applicant has represented to the Board that the proposed building mounted sign is needed to identify the main entrance of the building.

The Board’s decision was based upon the following information:

1. A Special Permit for Signage application form stamped received August 18, 2014 by the Building and Zoning Office.

2. A letter of intent dated August 18, 2014 stamped received August 18, 2014 by the Building and Zoning Office.

3. A Short Environmental Assessment Form dated August 18, 2014 stamped received August 18, 2014 by the Building and Zoning Office.

4. A site plan prepared by Erdman Anthony dated December 20, 2013 stamped received August 18, 2014 by the Building and Zoning Office.

5. Testimony provided by the applicant and interested parties at the public hearing.

6. A sign drawings prepared by id Sign Systems dated June 20, 2014 stamped received August 18, 2014 by the Building and Zoning Office.
Moved to approve the Board’s motion to approve the application to allow the Special Permit for Signage:

Moved: Andris Silins
Seconded: Carole Mulcahy

Vote of the Board

Daniel DeLaus AYE
Michael Belgiorno AYE
Joseph Grussenmeyer AYE
Carole Mulcahy AYE
Andris Silins AYE

The motion to approve the foregoing portion of the application was carried.
SPECIAL PERMIT FOR SIGNAGE TO ALLOW MORE THAN ONE (1) BUILDING MOUNTED SIGN AT 1835 FAIRPORT NINE MILE POINT ROAD.

WHEREAS, the applicant has withdrawn the request to place one (1) 48 inch by 48 inch “the Y YMCA” building mounted sign and one (1) 36 inch by 88 inch “UR MEDICINE” building mounted sign located on the rear entrance of the building from consideration by this Board.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board hereby accepts the applicant’s request to withdrawn this component of the application.