A Regular Meeting of the Zoning Board was held on Thursday, November 13, 2014 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, New York, 14472 at 7:00 p.m.

PRESENT: Kevin Wright

 Bruce Peckham

 Don Thorpe

ATTORNEY: Jeffrey Clark

OTHERS: 2

Minutes were taken by Elizabeth Proctor

Mr. Wright began the meeting at 7:05 p.m.

**MOBIL AREA VARIANCE PUBLIC HEARING- BUILDING SIGN (Cont.)**

7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to install 2 building mounted signs on an existing 1 story convenience store, whereas Town Code does not allow signs in a residential zone.

**MOBIL AREA VARIANCE PUBLIC HEARING-CANOPY SIGNS (Cont.)\_**

7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to replace the previous operator’s 4 canopy signs with 2 canopy mounted signs on an existing fuel pump canopy whereas Town code does not allow signs in a residential zone.

**MOBIL AREA VARIANCE PUBLIC HEARING-MONUMENT SIGN (Cont)**

7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to install a 2-sided monument sign to replace an existing 2 sided pole sign, whereas town code does not allow signs in a residential zone.

Mr. Wright continued the public hearing from the October 8, 2014 meeting.

Mr. Wright stated the board was last focused on a series of questions related to illumination. He did speak to Tom Voorhees and the town does not have a lumens orientated statistical barrier, it does have an ordinance stating the light radius from a sign cannot be larger than 25 feet.

Mr. Forelli and Mr. Freeman presented information from Everbrite.

Mr. Peckham stated he stopped into the Bloomfield store; it’s very nice by the way, very nice addition to Bloomfield. HE found the lights on the store were fine. They gave adequate illumination and were not intrusive. The lights on the fuel island were very bright, but they came straight down. The light did not spill out.

Mr. Forelli stated the Canopy lights that Mr. Peckham saw at the Bloomfield Quicklees Store are identical to the one’s already in operation at the Quicklee’s on 15A.

Discussion follows.

Mr. Wright asked for clarification on placement of the Monument Sign.

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham to close the public hearing.

**ADOPTED**

Mr. Thorp-aye; Mr. Peckham- aye; Mr. Wright- aye

**WILMOT AREA VARIANCE DETERMINATION**

Mr. Peckham moved, seconded by Mr. Thorp, that the area variance requested by P.J> Wilmot, 162 Smith Rd, Pittsford, NY at said property, consisting of 122.199 acres, bearing tax account no. 205-01-1-12.22, located in an RA-5 zone, to allow the construction of an entry gate with its highest point being 7 feet, whereas Town Code allows a 4 foot high fence above ground level in the front yard, be approved, subject to the following Findings of Fact and Conclusions of Law:

**FINDING OF FACT**

1. Eric Grey of Wilmorite appeared before the Mendon Zoning Board of Appeals on October 23, 2014 on behalf of P.J. Wilmot, 162 Smith Road, Pittsford, NY 14534.
2. The subject of the proposed area variance requested is a metal/security entry gate.
3. The 16 foot wide gate will be 5-6 feet high on the lower ends and no more than 7 feet high at the center point.
4. The gate will be placed between 2 existing pillars. The gate will be setback approximately 40 feet from the end of the driveway.
5. The gate will be power operated.
6. The gate will not be lighted.
7. A letter was received from neighbor Ed Walsh in support of the proposed request.

**CONCLUSION OF LAW**

1. The granting of the variance will not result in an adverse change to the character of the neighborhood.
2. The granting of the variance will not have a negative environmental impact.
3. The variance is not substantial.
4. There is no alternative method to the variance request.
5. The difficulty is self-created.
6. The action is a Type II under SEQR.

**MOTION**

Mr. Peckham moved the amended determination be approved, seconded by Mr. Thorp.

**ADOPTED**

Mr. Wright- aye; Mr. Thorp- aye; Mr. Peckham-aye

**APPROVE MINUTES OF JULY 24, 2014**

**MOTION**

Mr. Wright moved seconded by Mr. Peckham to approve the meeting minutes of July 24.

**ADOPTED**

Mr. Peckham-aye; Mr. Thorp-aye; Mr. Wright-aye

**APPROVE MINUTES OF OCTOBER, 23, 2014**

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham to approve the minutes as amended

**ADOPTED**

Mr. Thorp-aye; Mr. Peckham-aye; Mr. Wright-aye

**MOBIL AREA VARIANCE DETERMINATIONS**

**MOTION**

Mr. Wright moved, seconded by Mr. Thorp, that the area variance requested by

7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to install 2 building mounted signs on an existing 1 story convenience store, whereas Town Code does not allow signs in a residential zone, be approved based on the following findings of fact and conclusions of law, with a condition:

FINDINGS OF FACT

1. Adam Freeman of Land Tech and Ken Forelli, owner, 7067 Rush Lima, LLC, appeared before the Zoning Board of Appeals on October 23, and November 13, 2014.
2. This application represents a re-branding of this existing convenience store and gas station. IT formerly was branded as a Valero gas station and now will become a Quicklee’s and Mobil convenience store and gas station.
3. The applicants proposed that the new signage for Quicklee’s be mounted on the roof façade of the building. The previous signage was wall mounted; in discussion with the ZBA, at the public hearing, the applicants indicated that they would not be adverse to mounting the sign on the wall of the building rather than on the roof façade.
4. The signage will be backlighted, will not reflect or project onto Rush Lima Road and will only be illuminated during the hours of business (5AM-10PM).
5. No members of the general public appeared at the public hearing (although the CFO of Quicklee’s, a Mendon resident did attend the meeting).

 **CONCLUSIONS OF LAW**

1. The benefit of 7067 Rush Lima LLC is attempting to achieve cannot be achieved by other means
2. The granting of this variance will not create an undesirable change in neighborhood character or nearby properties.
3. The request is not substantial.
4. The request will not have adverse physical or environmental effects.
5. The difficulty is not self-created.
6. This is a Type II action under SEQR

**CONDITION**

That the Quicklee’s convenience store identification signs be wall mounted, rather than roof mounted, in the same general position as the previous convenience store sign locations.

**ADOPTED**

Mr. Thorp-aye; Mr. Peckham-aye; Mr. Wright-aye

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham, that the area variance requested by

7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to replace the previous operator’s 4 canopy signs with 2 canopy mounted signs on an existing fuel pump canopy whereas Town code does not allow signs in a residential zone, be approved based on the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Adam Freeman of Land Tech and Ken Forelli, owner, 7067 Rush Lima, LLC, appeared before the Zoning Board of Appeals on October 23, and November 13, 2014.
2. This application represents a re-branding of this existing convenience store and gas station. IT formerly was branded as a Valero gas station and now will become a Quicklee’s and Mobil convenience store and gas station.
3. The applicants proposed that the new signage for Mobil be mounted on the canopy façade in two locations on the canopy instead of the four locations of the former Valero signage. The new Mobil signage, will, therefore be less extensive in area than previous Valero signage.
4. The Mobil canopy signage will be backlighted, will not reflect or project onto Rush Lima Road and will only be illuminated during the hours of business (5AM-10PM)
5. No Members of the general public appeared at the public hearing (although the CFO of Quicklee’s who is a Mendon resident, did attend).

CONCLUSIONS OF LAW

1. The benefit of 7067 Rush Lima LLC is attempting to achieve cannot be achieved by other means
2. The granting of this variance will not create an undesirable change in neighborhood character or nearby properties.
3. The request is not substantial.
4. The request will not have adverse physical or environmental effects
5. The difficulty is not self-created
6. This is a Type II action under SEQR

**CONDITION**

That the lighting for the monument sign, particularly the Mobil corporate id portion not illuminate the area beyond 25 feet from the sign in compliance with Town of Mendon code.

**ADOPTED**

Mr. Thorp-aye; Mr. Peckham-aye; Mr. Wright-aye

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham, that the application for the area variance requested by

7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to install a 2-sided monument sign to replace an existing 2 sided pole sign, whereas town code does not allow signs in a residential zone, be approved based on the following findings of fact and conclusions of law and condition:

1. Adam Freeman of Land Tech and Ken Forelli, owner, 7067 Rush Lima, LLC, appeared before the Zoning Board of Appeals on October 23, and November 13, 2014.
2. This application represents a re-branding of this existing convenience store and gas station. IT formerly was branded as a Valero gas station and now will become a Quicklee’s and Mobil convenience store and gas station.
3. The applicants proposed that the new ground level signage for Mobil be a free standing monument rather than the pole mounted signage previously used by Valero. The sign will have a stone base, and incorporate both the existing price for two Mobil products (displayed and changed electronically), and a backlighted Mobil corporate identity sign. This new Monument sign will be in the same general area as the previous Valero pole sign, but further back from Rush-Lima Rd.
4. The Mobil monument signage will be backlighted, will not reflect or project onto Rush-Lima Road, and will only be illuminated during the hours of business, (5AM-10PM).
5. No Members of the general public appeared at the public hearing (although the CFO of Quicklee’s who is a Mendon resident, did attend).

CONCLUSIONS OF LAW

1. The benefit of 7067 Rush Lima LLC is attempting to achieve cannot be achieved by other means
2. The granting of this variance will not create an undesirable change in neighborhood character or nearby properties.
3. The request is not substantial.
4. The request will not have adverse physical or environmental effects
5. The difficulty is not self-created
6. This is a Type II action under SEQR

**ADOPTED**

Mr. Thorp-aye; Mr. Peckham-aye; Mr. Wright-aye

**MOTION**

Mr. Wright makes a motion, seconded by Mr. Peckham to adjourn the meeting.

**ADOPTED**

Mr. Thorpe-aye; Mr. Peckham-aye; Mr. Wright-aye