

**Architectural Review Board
December 7, 2004**

Present

Chairman Robert Garlick
Carol Nellis Ewell
Denny Marra
Joseph Slominski
Jackie Sullivan

Absent

Ronald Muraco

Others Present

Jack Crooks, Building Inspector
Trustee Rauber, Liaison Village Board
Donna Stassen, Planning Board Secretary

Jeffrey Gold
Gina Keyes
Donna Heiler

40 Nichols Street
95 Allens Creek Road
42 Nichols Street

**Buckmans Carwash
Signage 40 Nichols Street**

Mr. Gold has resubmitted new drawings based on comments from the November 2, 2004 ARB meeting.

Mr. Gold: Five (5) incandescent gooseneck lights to be wall mounted above sign panels. Panels are single faced alumilite with two color vinyl copy colors. The front and back signs along with the lighting are identical. I believe it fits the guidelines that I received at the last meeting.

Chairman Garlick: What about the sign on the side of the building?

Mr. Gold: That actually is part of the building itself, it goes right through the building the casing is on the inside.

Chairman Garlick: I note that the sign size is bigger than what we generally like to see but I think in light of the size of the building, it would not be out of perspective to have a larger sign.

The board agreed.

Chairman Garlick: You are asking for compact fluorescent lighting.

Mr. Gold: Basically, the fixture itself looks identical; the difference is it is internally ballasted. For all purposes it acts and looks like an incandescent bulb the benefit is it uses a lot less electricity about ¼ and lasts about 7-8 times as long.

Chairman Garlick: Our code specifically excludes that type of fixture. The carwash is right next to the gas station, which is awash with lights 24 hours a day. This would be a good area to test this type of lighting to allow incandescent bulbs in certain areas.

Jack Crooks: The light bulbs that we are talking about makes more sense from a maintenance factor. It certainly is more energy efficient. I agree it is a good place to try it.

Jeffrey Gold stated that the lighting is roughly equivalent to 200 watts.

At this time, the following motion was made by Chairman Garlick seconded by Carol Nellis Ewell and carried unanimously to grant the following Certificate of Appropriateness.

CERTIFICATE OF APPROPRIATENESS

This is to certify that the Architectural Review Board has approved the application of Buckmans Carwash on property located at 42 Nichols Street, Spencerport, NY for a Certificate of Appropriateness on December 7, 2004 as outlined in the **NOTICE OF DECISION** below.

NOTICE OF DECISION

Signage

- Signage shall be the size submitted to the ARB, 10' x 48" & 34" x 34" constructed of single face aluminite panels with 2 colors High Performance Vinyl Lettering. Per submittal dated 11/4/04.
- Sign shall be lit w/ gooseneck fixtures as shown on the submittal to the ARB dated 11/4/04. Compact fluorescent lights to be allowed at this location as a test for possible future use elsewhere in the ARB jurisdictional area.
- Owner shall maintain the sign in good condition as determined by the Village of Spencerport Architectural Review Board.
- Signage and lighting to be approved by the Building Inspector prior to installation.
- After installation of signage and lighting, a picture of the installation shall be submitted to the Village Clerks Office for filing.

Ayes: Garlick, Nellis Ewell, Marra, Slominski, Sullivan

Nays: none

Kravetz Realty

Outdoor seating area/42 Nichols Street

Gina Keyes is representing Kravetz Realty's application.

Gina distributed photos and dimensions of existing patio. (file)

Chairman Garlick asked why the patio was installed back in May or June without approval from the Board.

Ms. Keyes: Quite honestly, I don't have any reason why it wasn't brought before the Board; I think there was miss-communications as to who was going to bring it before the Board.

Chairman Garlick: When Chilango's appeared before the Board last month, there were stipulations put on the applicant before we would consider approving such patio.

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Such stipulations were shared with Ms. Keyes.

Carol Nellis-Ewell: Since we do not have what we asked the applicant for, I don't feel we can proceed at this time.

Jackie Sullivan stated that the board hadn't received any letters supporting the patio, but was in receipt of a letter not in support of the patio written by the owner of the Village Hairport, which states that the patio has restricted access to the salon, along with extension wires lying across the sidewalk.

Chairman Garlick shared the letter with Ms. Keyes and stated that the Board had asked for written comments from the neighbors in regards to the patio.

Mr. McQue construction manager stated there is a way in and a way out with the sidewalks in place along the edge of the patio access to the salon is available.

Mr. McQue: We can block that sidewalk off with walls.

Jack Crooks advised Mr. McQue not to block off that sidewalk.

Mr. McQue: All I am saying is that there is a way in and a way out.

Chairman Garlick: Regardless of the code, there is a pedestrian perception of a way in and a way out, and this is what we are interested in looking at.

Mr. McQue stated that there have been conversations about putting in a second sidewalk along the west side of the patio, and making it handicap accessible, and that Village Hairport's owner didn't have a problem with that.

Jackie Sullivan: My interpretation of this letter is more than just sidewalks I think it is a visibility issue for that particular business.

Mr. McQue: What is obstructing the view of that business right now?

Jackie Sullivan: Nothing, because the patio is not there, my interpretation of this letter is all of the tables, the umbrellas, the wet bar, the busing station etc. are things in front of the general visibility of someone driving into the plaza. As it stands right now, everyone has an equal chance at being seen if you are going into McDonald's or the carwash. In reading this letter, it appears they feel they have no visibility behind the menagerie of tables and such.

Their business is based on walk-ins and people spotting their business.

Donna Heiler: The umbrellas don't block their view and they have a neon sign in the window. It is in the corner and hard to see anyways. The trees were taken down in front, that is what was blocking the view.

Discussion ensued regarding visibility.

Denny Marra: Why was the patio poured?

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Ms. Keyes: It was poured as a condition of Chilango's lease.

Denny Marra: Than why wasn't such intention of a patio brought up when Chilango's came in for the initial approval.

Denny Marra: When you came in front of this board for your business and the sign, you explained your business plan and there was no mention of an outside eating area. All this is done after the fact.

Donna Heiler: We thought that because the landlord was doing the work, they would be getting the necessary permits.

Denny Marra: Knowing something about the Liquor Authority, I don't know how you are going to set something up without a barricade.

Donna Heiler: I will follow up with the Liquor Authority.

Chairman Garlick asked Building Inspector Jack Crooks what happens in a case like this.

Jack Crooks when an original site plan has been changed, I feel it should go back in front of the Planning Board for site plan review and approval because it changes the landscape of the parcel.

Gina Keyes: As the landlord we are the responsible party regardless of everything else, what do I do to make this right?

Chairman Garlick: We will look at the original site plan and wait for all the information that we have requested regarding the use of the patio, if we are not happy with it, we will not approve it. Than you will have a concrete patio out there.

At this point, we will not be making any approvals until we have researched the original site plans and reviewed the requested documents this should be done simultaneously.

Gina Keyes: I do have the intent that I do need to keep all of my tenants happy. I would like a set of guidelines that would help me. Is that double chain idea acceptable with you?

Chairman Garlick stated that the board is waiting to hear what the Liquor Authority would require.

Carol Nellis Ewell: The requirements for fencing set forth by the Liquor Authority will not address any safety or liability issues.

Chairman Garlick: At this point, we should table any action until we receive the requested documents.

Ms. Keyes: Do we have a time frame?

Chairman Garlick: We will act on this as soon as we get the information that is entirely up to you.

Motion made by Chairman Garlick seconded by Jackie Sullivan and carried unanimously to table the application of Kravetz Realty until the required information is received and reviewed by the Planning Board.

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**Chilango's Restaurant
Signage/ 42 Nichols Street**

Donna Heiler is representing Chilango's application for monument signage.

Chairman Garlick: You are asking for approval for a sign that has already been put up.

Ms. Heiler : We have taken the sign down.

Chairman Garlick: Why did you put the sign up?

Ms. Heiler: I wasn't 100% sure that we needed a permit; we wanted to make sure that it fit properly and than we took it back down.

Chairman Garlick: I have a problem with the sign you have submitted, the size and the location. The placement of the sign is on the top where the Village Woods Plaza sign goes, and underneath that sign, all the other signs are rectangular for the other businesses in the plaza. This sign does not follow suit. If the Village Woods sign were moved up that would give additional room for two more rectangular tenant signs.

Ms. Heiler: The reason I asked Brad if we could put it up there, and he approved it was that many of our customers are not from this area. Whereas a lot of the other tenants their clientele is from Spencerport and this area. The customers coming from the east side are having difficulty finding Nichols Street.

Chairman Garlick: I can appreciate that, but we are looking for consistency within the village.

Ms. Heiler: The reason we had the sign made was because Brad wasn't going to do anything to change the directory sign. In addition, we are having a problem with people seeing our sign from the street and we don't have a lot of money for advertising. The sign that was up there wasn't suiting any purpose. Our sign is a pretty sign; the sign maker did a nice job. We advertise in city newspapers, therefore, we draw from all over the county.

Chairman Garlick: Brad Kuskins (manager of plaza) has put us in an interesting position we spoke to him about a year ago at that time we were looking to develop a sign theme. We never heard back from Brad, so we have taken over the job. That is the position we are in.

Carol Nellis Ewell: Most monuments signs do have a header and there is a consistent look to the signs below. I think we have been benevolent in letting the businesses in the Village Woods Plaza develop their own look, and it is well lit. This does not follow that theme the white aluminum is not exactly what we are going for. I did notice that the light is off on one side.

Denny Marra asked Gina Keyes if Brad had mentioned anything about redoing the monument sign.

Gina Keyes: No, he is working in Manhattan right now.

Denny Marra stated that when the board had met with Brad he was emphatic that when Kravetz took the plaza over that he wanted to establish a consistency for the benefits of all tenants.

Denny Marra: Now there are changes being made without permission and no rhyme or reason and this cannot be done. Personally, the address needs to be boldly shown on the monument sign.

Carol Nellis Ewell agreed that the address should be added to the existing sign.

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Ms. Heiler agreed that everyone should have their name on the sign. The couple of days they had the sign up there business doubled.

Denny Marra suggested to Gina Keyes that she hold a meeting for all her tenants and go over plans for a monument sign that would benefit all the tenants.

Ms. Heiler: The sign is very tasteful it goes with our logo.

Jackie Sullivan: The sign does not fit in with the canal town theme.

Ms. Heiler: I don't want to be disrespectful, but I don't understand why you have this canal town theme on Route 31. I don't see any other places in the village with beautiful signage other than Subway. This is a Mexican restaurant what can I put on it that would meet the canal town theme, a donkey? This is a commercial route; we are not next to the canal.

Chairman Garlick: We are looking to create a gateway.

Ms. Heiler: Are you serious, to me your gateway is your bridge. Than you need to do something with the crappy Jims restaurant plaza and the gas station.

Carol Nellis Ewell: The canal town theme is the community; it is unfortunate that this wasn't communicated to you, because we did give that message.

Denny Marra: Who did the sign?

Ms. Heiler: We had it done by Modern Signs.

Denny Marra: Did the sign maker mention that you would need a permit.

Ms. Heiler: That was not up to him, we should have gotten the permit.

Ms. Heiler: Can we put the sign up until Kravetz decides something for a new directory sign, so that new customers can find us.

Carol Nellis Ewell: You do have two signs on the lawn; I would think that would be helpful too.

Ms. Heiler: Those signs are junk, in a few weeks, we will have snow, and no one will be able to see those signs. No one can see our signs or the other businesses sign.

Chairman Garlick: If this is a major issue, you should be working with Kravetz on the monument sign.

Ms. Heiler: I have asked Brad, it is not something they are doing anything about; I can't force them to do it.

Gina Keyes: Our typical standard lease states that the tenants are responsible for their signage, the lighting, the guidelines established by the boards, obtaining the required permits etc. As far as the monument sign out at the street, Brad told Donna Heiler she could do it as long as she took care of getting it approved and paid for the installation. I do know that other tenants were disappointed that they didn't think of it and ask for it. I understand what you are saying that we should work with our tenants so that everyone has a fair shot to survive. At the same time, we also have an economic burden. We just purchased the plaza, and the previous owner left some challenges, The repairs to the drainage in the back is going to cost \$100,000.00 so the monument sign is not that close to the top of the list, unfortunately.

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Carol Nellis Ewell: Well, I think the message that you can give to any of your tenants if they put up a non-compliant sign, is that they have to take it down and not look at it as a victory.

Gina Keyes stated again that a new sign is not a priority right now.

Ms. Heiler: We are just making ends meet, the more visibility we have the more it helps our business.

Ms. Heiler: Could we have temporary usage for now to help our business?

After board discussion, the following resolution was offered.

RESOLUTION 12/2004

**INTRODUCED BY CHAIRMAN GARLICK
SECONDED BY JOSEPH SLOMINSKI**

Resolved that the request of Chilango's Restaurant to allow temporary placement of their sign on the directory sign located at 42 Nichols Street be approved for a term not to exceed 65 days.

Ayes: Garlick, Marra, Slominski
Nays: Nellie Ewell, Sullivan

Adjournment:

Motion made by Chairman Garlick seconded by Jackie Sullivan and carried unanimously to adjourn the meeting at 8:45 P.M.