

**Architectural Review Board
November 2, 2004**

Present

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

Trustee Theodore Rauber
Building Inspector, Jack Crooks
Village Attorney Keith O'Toole
Donna Stassen, ARB Secretary

Others Present

Jeffrey Gold
Andy Squier
Nancy Garlick
Robert Fitzgerald
Patricia Unvericht
Mark Unvericht
Herman Unvericht
Donna Heiler

Absent

Ron Muraco

40 Nichols Street
26 Pinecrest Drive
2824 Nichols Street
Avery Engineering
28 Pinecrest Drive
28 Pinecrest Drive
6 Coventry Drive
42 Nichols Street

In front of the ARB, this evening is the application of Buckmans Carwash for 40 Nichols Street, Spencerport for a Certificate of Appropriateness.

Mr. Gold stated that they would be changing only part of the signage; they would like to leave the "CAR WASH" signs and put the Buckmans name above that.

In addition, there will be a menu sign when entering the carwash.

Chairman Garlick stated that backlit signs such as submitted by Buckmans are prohibited in the village. The ARB has been approving only externally lit signs preferably with gooseneck lighting.

Mr. Gold asked if he could use the existing signs on the building, he went on to say there was a considerable investment made in those signs.

The board agreed unanimously that they would like all the old signage removed from the building

Jack Crooks stated that the last tenant was also requested to use gooseneck lighting.

Mr. Gold asked if a variance could be granted for submitted signage.

Attorney O'Toole: To me it looks like part of the same sign and if you are changing the one part, you should change the whole thing.

Attorney O'Toole: There is an appeal process 140-59, which requires the unanimous vote of all members present, it is possible but it is not easy. That would be a Zoning Board of Appeals process.

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Mr. Gold: We are going to try to make a go of this carwash location and we feel we can do it because of the Buckmans name, the service quality, and the employees we have hired.

Mr. Gold: A carwash in general has to be bright and the proper signage will help this business thrive.

Mr., Gold: Would a new gas station be required to follow the same guidelines, they wouldn't be allowed to use backlit signs?

Chairman Garlick: That is right, if there are externally lit signs available than that is what we would be requesting.

Mr. Gold: Is there anyway we could leave the carwash signs up there and put The Buckmans name up there with the lighting? Treating that as a grandfathered sign.

After discussion, the board agreed that would not be suitable.

Mr. Gold: Does the lighting have to be gooseneck?

Chairman Garlick: Or something similar.

Attorney O'Toole: The code prohibits high intensity discharge lights.

Carol Nellis Ewell: Have you encountered any other concerns with the other locations?

Mr. Gold: Actually, where I thought I would have a problem is in Penfield, we have a lit two sided box sign on the road. We received zoning for that also we received permission to put up another box sign on the building. In addition, in Gates, we did not have a problem; in both these areas, sign permits are required at a minimal cost.

Mr. Gold: What about the menu sign at the entrance to the carwash, which is not visible to the road, could I receive approval for that sign tonight?

Chairman Garlick: I don't have a problem with that sign.

Motion was made by Chairman Garlick seconded by Jackie Sullivan and carried unanimously to allow the menu sign at the entrance to the carwash bay to be installed.

Chairman Garlick: We will be looking for a resubmission when you have details for an external building sign.

Next on the agenda is the application of Chilango's for an outdoor restaurant patio area.

Chairman Garlick: You have seating for how many people at that location?

Ms. Heiler: 16 on the patio and 8 on the sidewalk.

Chairman Garlick: So basically, you have taken over the front sidewalk and patio area in front of your establishment.

Ms. Heiler: We have to maintain a 48 inch walkway between the tables on the sidewalk and the patio area.

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Chairman Garlick: Was that an agreement with the plaza owner?

Ms. Heiler: Yes, the plaza owner put the patio in. The roped area was up for serving alcohol outside.

Denny Marra: Doesn't the liquor authority dictate that? I don't think the rope is sufficient.

Ms. Heiler: It was for the time being, on a temporary basis. We need to put up something that is permanent.

Chairman Garlick: How are you neighbors taking this, the Village Hairport and Westside Pizza and the other neighbors in the plaza?

Ms. Heiler: As long as we keep the walkway clear, I don't believe there is a problem. The Deli and the Tanning Salon don't have a problem.

Chairman Garlick: I noticed that with that little patio in there, people going into the Village Hairport have to go to one side or the other, is that an access concern?

Ms. Heiler: That was just a garden before anyways.

Chairman Garlick: We have a couple of questions; the first question is how we allow using this for an outdoors dining area.

Denny Marra: Personally, I don't have a problem with that, it is good for the business, it adds to the plaza area. The two problems I have are; I am not sure about the liquor board and the confinement because of liquor and the other thing I would have to ask you to take a poll of your neighbors. If the fence goes up it is going to probably be four- foot high you will loose all visibility of that corner of the plaza.

Ms. Heiler: What the landlord suggested and we thought was good too, was to put up a black post with two chains like a fence so there would be total visibility.

Chairman Garlick: I think before we go too much farther down the road here, I think that you are going to have to contact the Liquor Authority.

Ms. Heiler: When I submitted the application to the Liquor Authority, I showed the chain link fence that way we could take it down as soon as summer is over.

Chairman Garlick: They approved that for cornering off an area where liquor would be served.

Ms. Heiler: Yes.

Chairman Garlick: We will need to see a copy of that.

Chairman Garlick: I would also recommend with the approval of the board that you submit the type of materials that you would like to use. In addition, how you would like to corner off this area on a semi – permanent basis. I would expect that any posts installed would be taken down for the winter. We will table any action until we receive that information.

The board agreed to table this application.

Jack Crooks: I would suggest we look at a couple of other parts of this, because there has been some history now. One thing it needs to be absolutely clear that passageway of the sidewalk needs to be

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completely clear. When you put tables on both sides and you have people there, and servers going back and forth it does encumber that passageway

I need a couple of things I would like the Fire Marshall to measure that area the maximum allowed per occupant is 15 sq feet. We have to make sure that we don't exceed that. In addition, once we go out and add the two additional tables along the sidewalk we are really scrunching that area. In as much as we have discussed this and it is well intended that we are going to keep four feet clear, my experience says that doesn't happen too often. In addition, we have people going back and forth to other businesses in the plaza they need to be able to travel back and forth uninhibited. If there is an emergency, they don't need to be restricted in any way.

Ms. Heiler: The only time that it has been a little more crowded on the sidewalk is usually after 7 p.m. on Friday and Saturday nights.

Jack Crooks: It doesn't matter when; you are talking about current business there. In addition, who knows what may end up on either side of you it could be a business with clientele throughout the day it is a safety issue, I don't think it is appropriate.

Jack Crooks: We do need to see something from the Liquor Authority, as far as what goes on in that area. I don't have a problem with it as long as the Liquor Authority is clear with it.

The board also has to decide if that patio is aesthetically appropriate for that corner.

Jack Crooks: We also need to go back to the initial sign that was approved was for goose neck lighting I think what we have is a couple of spot lights.

Ms. Heiler: None of the tenants has gooseneck lighting.

Jack Crooks: But that is what was approved, if that is what was approved than you either put in gooseneck lighting, something appropriate or not light the sign at all. That sign needs to be taken down or appropriate lighting put up.

Chairman Garlick tabled the resolution pending receipt of the following items.

- Receipt of written approval from the Liquor Authority authorizing serving liquor in patio area.
- Written documents from plaza tenants supporting outside fenced in patio area.
- Fire Marshall to inspect sidewalk and patio area.
- Submit materials wishing to use for tables and chairs, fencing enclosure etc.

Adjournment: Board went into Planning Board discussion at this time.