



**TOWN OF PEMBROKE  
ZONING BOARD OF APPEALS  
Minutes for the regular meeting held on October 17, 2018**

**ATTENDANCE:**

- Terrance Daniel—Chairman
- Donald Dylag—Vice Chairman
- Erika Gabbey
- Donald Showler
- John Kadziolka
- Diane Denton—ZBA Secretary

**MEETING called to order at 7:00 pm.**

**Chairman led Pledge of Allegiance**

**Corrections to Minutes from August 15, 2018:**

- **Motion on approval of variance for Dennis Gilbert made by Mr. Showler and seconded by Ms. Gabey.**
- **Result of roll call vote to approve of variance for Mary and Robert Elkins: Four(4) Ayes; One (1) Nay**

**A Motion to Approve** the corrected minutes from August 15, 2018 was made by Mr. Kadziolka; second to motion made by Mr. Dylag.

Voice Vote—ALL AYES—**MOTION PASSED.**

**Public Hearing/Sign Variances/Convenience Store**  
**Speedway/McBride Dale Clarion**  
Allegheny Rd., Town of Pembroke  
Tax Map #15.-1-22.2; Zoning District: Interchange

**Public Present:** Yes – representative for applicant

**PUBLIC HEARING** opened at 7:05pm

The Notice of Public Hearing ran in the Batavia Daily News August 10, 2018, was posted on the Town’s Bulletin Board, and letters were sent to adjoining property owners within 500 feet.

- Jonathan Woche, planner with McBride Dale Clarion, was present to represent Speedway’s application for sign variances regarding their proposal to build a new 4,000 sq. ft. convenience store on Allegheny Rd with fueling for cars and commercial vehicles. Auto fuel sales would be located in front of store with eight dispenser isles. Commercial fuel sales would be located behind

the store with five lines where there would also be truck parking. There would be one driveway, which would also offer access to Subway and the Econo Lodge.

- County approved with a modification for the freestanding sign area and height to be reduced to conform with the Town's regulations or to a level consistent with the neighboring truck stops.
- No letters were received from notified neighboring property holders.
- Signage on the store: two "Café" on front, two ("Speedway" and "Speed Café Made Fresh for You") on canopy, one "Café" sign on rear, and one sign on fuel canopy for trucks.
- Speedway is requesting two free-standing signs. One would be 30ft tall 165 sq. ft. near entrance ("Speedway", fuel pricing, and panel or two below advertising food service). Second would be a highway orientated sign for traffic exiting Thruway, maximum 100 ft. tall, two components to it: Speedway logo with fuel pricing panel below. Combined area of that sign would 602 sq. ft.
- Mr. Wocher stated the intent of the signage. 30ft. sign would identify where driveway and entrance for store is located; highway orientated sign would address highway traffic, so trucks coming off Thruway could see diesel fuel prices. It would be rotated to some degree to face the Thruway exit ramps. Canopy and building signs are similar to Flying J's and Travel America's.
- If ZBA and Planning Board approve, Speedway would hope to build late 1<sup>st</sup> or early 2<sup>nd</sup> quarter of 2019, with a view to opening in summer 2019.
- Mr. Daniel noted what was allowed in the Zoning Code for signage in Interchange district: one attached and one free standing based on the size of the building not to exceed 50 sq. ft. in area and a height of 25ft.
- Mr. Daniel said the board needed to take into consideration the impact on the community and, also, look at the other comparable travel/truck stops and the number, type, and size of their signs.
- Mr. Daniel went over the five points the board considers when deciding whether or not to grant a variance: 1) Would be any substantial change or detriment to the neighborhood; 2) Could it be achieved by some other method; 3) Is the requested variance substantial; 4) What, if any, impact would there be on the environment; and 5) Is the need for the variance self-created.
- Mr. Daniel noted that Speedway is requesting 19 signs, while other comparable businesses have 12-15 signs. He felt they needed to look for ways to meet code, while the board should take into consideration that the present code may not be fair to this type of business.
- The proposed two free standing signs are over 1500 sq. ft., while the total of all requested signage is over 2000 sq. ft. in area. Mr. Daniel thought the pole sign should be lower, noting that Flying J's is 89 ft. high and at the back of the property. TA is 75-79 ft. high, which is what Mr. Daniel felt the maximum height of Speedway's should be. Flying J has a 500 sq. ft. lighted sign with logo only, no gas prices, on its roof. If Speedway removed the gas prices the square footage of the pole sign would be reduced by 900 sq. ft.
- Mr. Wocher noted that lowering Speedway's pole sign would, in itself, offer an opportunity to reduce the area of the sign, as, for visual reasons, taller needs to be larger. So he didn't see a problem with reducing the height of the sign to 65-75 ft.
- Mr. Daniel also thought the sign should be moved from its proposed location to the back and side of the property. Mr. Wocher said that was something less likely to be embraced by Speedway, the proposed location deemed necessary for visibility to exiting Thruway traffic.
- Mr. Daniel considered the pylon sign with fuel prices similar to Flying J's and TA's, not much difference in height and area. Although he thought it should only show "Speedway" and price of gas without any advertising.

- Mr. Daniel pointed out that the Public Hearing could be kept open and any determination on signage left until November or beyond, giving time for new signage plans to be drawn up. The board was in agreement.
- Mr. Wocher was open to coming back with a revised plan. He assured the board that the Speedway site would be superior to the clutter of the other sites.
- The question of lighting came up. Mr. Daniel was afraid the light on the pole sign would beam out beyond the Thruway and into the neighborhood. Mr. Wocher said he could provide details on lighting effect. Mr. Daniel wondered if the fuel pricing would be more visible on the goal post sign.
- In general, board members didn't have any problem with the canopy signage. The pole sign is the most at issue.
- Mr. Wocher explained that the removal of reader/advertising signage isn't what Speedway wants, but realizes this is a compromise situation.

**Motion to leave the Public Hearing opened made by Mr. Dylag and seconded by Mr. Showler.**  
 Voice Vote—ALL AYES—**MOTION PASSED.**

**New Business:** None

**Old Business:** Board was updated on status of water project.

**A MOTION** to close the meeting was made by Mr. Dylag, seconded by Mr. Kadziolka.  
 Voice Vote—ALL AYES  
**MOTION PASSED**

Meeting adjourned at 7:47pm.  
 Respectfully Submitted,  
 Diane Denton-ZBA Secretary

*These minutes were approved by the Zoning Board of Appeals November 21, 2018*