



Town of Gates

1605 Buffalo Road
Rochester, New York 14624
585-247-6100

Meeting Minutes

January 13, 2020

MEMBERS PRESENT: Christine Maurice, Chairperson; Don Rutherford;
Mary Schlaefer; Steve Zimmer; Don Ioannone;
Alan Redfern

MEMBER(S) NOT PRESENT: Mary Schlaefer; Bill Kiley

ALSO PRESENT: Robert J. Mac Claren, Esq., Board Attorney

A public hearing of the Gates Zoning Board of Appeals was called to order by **CHAIRPERSON MAURICE** at 7:30 p.m. at the Gates Town Hall. **CHAIRPERSON MAURICE** explained the purpose and procedure of the Zoning Board.

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CHAIRPERSON MAURICE - Explains process and role of the ZBA; Wegman Road has been postponed a couple of times, but it was properly posted and processed for November 2019 meeting. Variance must be approved by a majority of the Board which is at least four votes. The Board is seven members, two cannot be here tonight, there are five members here tonight. The majority is still four. If application requires approval from the County Planning Board, anything on a county or state road, must be sent to county for their opportunity to comment. The county has no comments on the application for Lyell Avenue and has referred back as a local matter.

the first item of business is to accept the minutes from the last meeting, which was in December, 2020, no changes, additions or corrections

MOTION – MR ZIMMER - Motion to approve the minutes from the December, 2019 meeting

Second – **MR IOANNONE**

All in favor, minutes approved

Application No. 1

THE APPLICATION OF GERBER COLLISION AND GLASS REQUESTING AN AREA VARIANCE FROM ARTICLE V, SECTION 190-24 TO INSTALL A CABINET – ILLUMINATED SIGN WHICH WILL BE LARGER THAN ALLOWED ON PROPERTY LOCATED AT 1931 LYELL AVENUE.

MICHAEL YOST, 20 Ranier Drive, West Seneca, NY 14224; representing sign company that has been installing all of the signs for the Gerber locations; all the signs for the Lyell Avenue location have been approved by the building department in some form, except sign C; according to Building department, allowed fifteen square feet, asking for approval for a sign that is three feet five by ten feet, 34.2 square feet; large wall on that side of the building, would like visibility coming from Lyell Avenue, on that side of the building, when you look at the drawing it is to scale; uniform signs for all locations to keep all looking the same, which is why they are requesting that size for this location;

CHAIRPERSON MAURICE - discussed code, sited to you with building department, 190-24(c) for a sign with a customer entrance is allowed a sign fifteen square feet, did not see customer entrance when drove by, customer entrance is on the east side of parking lot; 190.24(b) is the code that allows one wall sign; if looking at allowing more than one wall sign, this is the second wall sign; side with current exit is allowed; fifteen square feet on the east side; 190.24(b); one wall; this is second

MR YOST - asking for second wall sign then, looking for visibility coming from Lyell Ave, has picture

CHAIRPERSON MAURICE - monument sign in front of building, correct?

MR YOST - yes, out front facing Lyell; on other side over door is another, awning; trying to get front; side and other side

CHAIRPERSON MAURICE - points out, customer entrance as well as parking lot, facing is monument sign

MR YOST - yes; sign A, monument is there already, changing to include Gerber; B, which is on the front; all good, except C

CHAIRPERSON MAURICE - correct

MR RUTHERFORD - along ?

MR YOST - yes

MR RUTHERFORD - new land?

MR YOST - yes

CHAIRPERSON MAURICE - concern about sign on the on west side of the building, customers do not need that sign to find the parking lot, drive past monument sign and drive past wall sign by the parking lot, this is strictly for?

MR YOST - additional eyeballs, hopefully

CHAIRPERSON MAURICE - have a problem allowing additional signs

MR RUTHERFORD - what is inside door?

MR YOST - will walk into lobby with reception desk; office

MR RUTHERFORD - when they take care of wall

MR YOST - whole side of building is along wall

PUBLIC HEARING - no one in attendance

CHAIRPERSON MAURICE - SEQRA - unlisted matter, no further environmental impact; county sent back comments and referred to this Board

MOTION - MR IOANNONE - Motion to deny the sign as presented

This denial was based on the Board's findings that the requested variance did not meet the criteria for an area variance per New York State law. The Board found that requested variance would negatively impact the character of the neighbor and that the end result of the requested variance could be, and was already achieved with the existing signage, without the need for the requested variance. In addition, the Board did not find the evidence or need for additional advertising and visibility persuasive given the existing monument sign and other signage. The Board discussed the application in both the pre-meeting and during the meeting and had concerns regarding the application which were not resolved by either your presentation or responses to the Board's questions. Given the Board's questions and concerns, the Board felt it was appropriate to deny the application.

Second - **MR RUTHERFORD**

CHAIRPERSON MAURICE - Motion to deny application for sign C on the west side of the building

Member Vote Tally

Mr. Ioannone - yes

Mr. Rutherford - yes
Mr. Zimmer - no
Mr. Redman - yes
Chairperson Maurice - yes
Application denied - 4-1

Application No. 2

**THE APPLICATION OF PATHSTONE DEVELOPMENT CORP
REQUESTING AN AREA VARIANCE FROM ARTICLE XX, SECTION
190-102 TO ALLOW FOR MORE UNITS PER BUILDING THAN ARE
ALLOWED FOR A PROPOSED 2-STORY APARTMENT BUILDING TO
BE LOCATED AT 1049 WEGMAN ROAD.**

CHAIRPERSON MAURICE - this is also an unlisted action under SEQRA, no environmental impact; does not mean that something may not come up with Planning Board; anything that is approved here does not supersede issues connected to Planning Board decisions.

PETER GORMAN - engineer - Marathon Engineering, 39 Cascade Drive, Rochester, with him is Robert Cain from Pathstone and Roger Langer from Greater Living Architecture, here to present Churchview Commons, project is located at 1049 Wegman Road; shows on map; the parcel is 7.8 acres in size and is the home of the Gates Presbyterian Church; parcel was zoned R1-1 residential, until last week, rezoning request was approved by the Town Board at the January 6, 2020 meeting; now rezoned to MR, multiple residential district; Pathstone corporation is proposing to build a two story building, situated on a 3.35 acres parcel; the two story building will house forty-five apartment units, community room and office space for onsite services for the residents; parking lot will have 189 spaces; sixty-nine will be for the apartment building itself; storm water management facility is located at the southwest corner of the property; here because the code only allows for eight apartment units per building; proposing forty-five; the number of units, forty-five is allowed by the code based on the density calculation, utilizing the developing rights of the entire property; trying to put six different buildings on the site, required by code, eight units would require six buildings; if six buildings, there would be no room for storm water management, large increase in asphalt and sidewalk for circulation within the property; by clustering units together, preserving green space, less infrastructure and less congested layout; granting the variance will not be an undesirable change in the neighborhood; mirrors the look of surrounding neighborhoods and look of the church; not a big visual presence of the

building from the road; a six building layout would be feasible but a single building has less of an environmental impact; putting storm water management in back would solve drainage problems at rear of property; not a substantial variance, only building the number of units allowed based on the density; have already appeared before the Planning Board for concept review; generally in favor of the project; addressing public comments

ROGER LANGER - Greater Living Architecture, 3033 Brighton Henrietta Town Line Road; several reasons for having all of the units with one building, increase green space; allows to create courtyard in center of building; allows to provide services to tenants; 45 units, some dedicated to disabilities, will be able to have offices for services located in building; discussing project with church for almost two years; initial design was for a three story building; conversations with town and church members, everyone preferred to have a two story, that allows a roof that will not exceed height, instead of a flat roof; trying to present something that fits with character of neighborhood, church and surrounding businesses

MR RUTHERFORD - if not approved, will you be putting up the six buildings?

ROBERT CAIN - Pathstone Corporation, 400 East Avenue; that would come back to a complete redesign; explored initial concept, looked at from aesthetics and unit count at which property operates sustainability; at forty=five units can operate as accustomed to with maintenance for residents and neighbors; six buildings with eight units each maximizes space appropriately for this parcel; explored this concept with Gates Presbyterian wants to preserve green space as well; properties to the north are per town code, however, the three and one-half acres of space intending to build upon is a very congested backyard on property; to summarize, aesthetics and sustainability approach

PUBLIC HEARING

JANICE BEUTNER - elder at Gates Presbyterian Church; has been involved in project for two years; if not two story, one building and required to put up six buildings, it is highly doubtful that congregation would go along with; it is the mission of church and necessary for the community to provide income eligible housing and for victims who are trying to get their lives together; concern for neighbors, assure them of what they are doing; supervised living situation with case managers on site; confident that it would be a great benefit to the entire community, especially the town of Gates

BILL DISPER - 20 N Moore Avenue, Gates for 40 years; Gates Presbyterian is second home; has been on project for two years, working very closely with the team; one building is important for physical community, rather than segregating;

people get together more often; preservation of green space is important, people in town use playgrounds and other facilities; helps community and mission of church

MR RUTHERFORD - seems playground was lost, will there be one?

MR DISPER - yes, will be relocated; looking at a couple of spots; has Rochester area preschool there, utilizes the playground as well as internal groups and families; have entranceway from building to make safer for relocation

MR IOANNONE - age restricted?

MR CAIN - no

MOTION - MR RUTHERFORD - Motion to approve the area variance as presented

The approval is based upon the following findings of fact, which adequately demonstrated the standards applicable to granting the application:

The Applicant sought a variance from Town of Gates Code Chapter 190, Section 102 to allow more units per building than permitted on property located at 1049 Wegman Road, Town of Gates;

There were two other parties who spoke in favor of the Applicant's plea before the Board and there were no parties who spoke in opposition of the Applicant's plea;

The Board found that the requested variance met all of the criteria for permitting the requested area variance;

This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA is required.

Second - **MR ZIMMER**

CHAIRPERSON MAURICE - Motion to allow forty-five units in one building

Member Vote Tally

Mr. Ioannone - yes

Mr. Rutherford - yes

Mr. Zimmer - yes

Mr. Redfern - yes

Chairperson Maurice - yes

Variance approved 5-0

CHAIRPERSON MAURICE - if Planning Board needs redesign; overrides ZBA

MOTION - Motion to adjourn - **MR ZIMMER**

Second - **MR REDFERN**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals