



Town of Gates

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

Meeting Minutes

June 8, 2020

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

MEMBER(S) NOT PRESENT: NA

ALSO PRESENT: Robert J. Mac Claren, Esq., Board Attorney
Cosmo Guinta, Town Supervisor and Zoning Board liaison

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; public meeting requirements satisfied by the zoom meeting; two items on the agenda, applicant for second will go first as she is in the town hall, applicants agree;

MOTION – MS SCHLAEFER - Motion to approve the minutes from the May, 2020 meeting
Second – **MR IOANNONE**
All in favor, minutes approved

Application No. 2

THE APPLICATION OF ELLEN SAFFRAN REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36 TO ERECT A FENCE WHICH WILL ENCROACH INTO THE REQUIRED FRONT YARD SETBACK ON PROPERTY LOCATED AT 181 HINCHEY ROAD.

ELLEN SAFRAN – moved into house in 1999; there was a chain link fence from back of house to neighbor’s garage; garage went to back lot; fence was on property line; three of four years later moved garage and yard was no longer fenced in; son put up wooden fence from garage; neighbor passed away and family sold home; current owner is third one in five and a half years; no one said anything about fence; move in this winter and she and family are extremely loud; replace with privacy fence; called fence company; did not realize needed a permit to replace fence; neighbor asked for privacy fence all the way down the side; fence company took our chain link; neighbor came out with survey and said wooden fence was on her property; town said a permit was needed to replace fence; asked Natalie if extended to front of house, would that cover permit; advised yes, but not fifty feet from easement, therefore variance is needed.

CHAIRPERSON MAURICE – has it been established that the fence is on your property?

MS SAFRAN – yes, except wooden fence is over about three inches into her property; town did new boundaries, changed part of boundary in front and in back and side; could be three inches; had survey put in extra markers; fence would be on her side

CHAIRPERSON MAURICE – fence will be on your property?

MS SAFRAN – yes, markers all the way up

CHAIRPERSON MAURICE – what looked like?

MR SAFRAN – wooden, classic; a little curve at top

MS SCHLAEFER – how big?

MS SAFRAN – six feet

CHAIRPERSON MAURICE – yellow highlights in application, does not extend past house to front yard

MS SAFRAN – no

CHAIRPERSON MAURICE – even with and then jots over to?

MS SAFRAN – yes

PUBLIC HEARING – no one in attendance

CHAIRPERSON MAURICE – received county response, referred back as a local matter; SEQRA type two, obligated to see if environmental impact, can proceed as no negative impact

MOTION – MR KILEY – Motion to approve as presented

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

- 1 The Applicant sought a variance from Town of Gates Code Chapter 190, Section 36 to allow for the erecting of a fence which will encroach into the required front setback on property located at 181 Hinchey Road, Town of Gates;
- 2 There were no parties who spoke for or in opposition of the Applicant’s plea;
- 3 The Board found that the requested variance met all of the criteria for permitting the requested area variance;
- 4 This application involved a Type II action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA is required.

Second – **MR IOANNONE**

CHAIRPERSON MAURICE - Motion to approved variance application as presented

Member Vote Tally

Mr. Ioannone – yes
Mr., Kiley – yes
Mr. Zimmer - yes
Mr. Redfern – yes
Mr. Rutherford - yes
Ms. Schlaefer - yes
Chairperson Maurice - yes
Variance approved 7-0

Application No. 1

THE APPLICATION OF DANIELE FAMILY COMPANIES REQUESTING AREA VARIANCES FROM (i) ARTICLE XXV, SECTION 190-144, (ii) ARTICLE VIII, SECTION 190-36, (iii) ARTICLE V, SECTION 190-22, (iv) ARTICLE V, SECTION 190-26 AND (v) ARTICLE V, SECTION 190-24, ALL FOR THE PROPERTY LOCATED AT 1190 CHILI AVENUE

CHAIRPERSON MAURICE – need motion to lift from table

MOTION – MR IOANNONE – Motion to lift from table

Second – **MR REDFERN**

All in favor, table lifted

CHAIRPERSON MAURICE – received county response, referred as a local matter; SEQRA, unlisted action, does not need any further environmental impact study; setbacks are a type two action and are not subject to further review

DAVID COX – last meeting most feedback was on the billboard sign; previous sign was forty-five by twenty-five feet; revised to resemble other car wash signs – *see slide presentation*; more than half of old Quality Inn sign; ten feet shorter and thirteen feet narrower; more typical Royal Car Wash sign; hardship, if heading east, the property is completely blocked, cannot see property; as move closer, cannot see even when under bridge; difficult to know property is there and where to turn into; looking westbound, abutment comes out and blocks view of the property; over a thousand feet to closest residential; over twelve hundred feet to closest private home; six hundred feet away, more than half; for sale for a long time, almost seventeen years; tough site and part of that is visibility; difficulty, proper signage to alert people; looked at other signs, Westgate Plaza, Rochester Tech Park; large signs in Gates area; reduced in size, shorter, more narrow;

CHAIRPERSON MAURICE – set back variance, why not fifteen feet?

MR COX – explains using survey map; if pushed back to fifteen feet, it would be in the paved area; trying to keep out of that area; proper clearance so that there were no issues with plowing; so that no one would hit the sign

CHAIRPERSON MAURICE – what angle is the sign at?

MR COX – also ten feet back; parallel with the right of way of Chili Avenue

CHAIRPERSON MAURICE – light turned off, hours?

MR COX – yes, 9pm Monday through Friday, Saturday 8pm and Sunday 7pm

D DANIELLE – typically turn lights on an hour before open and off an hour after closed

CHAIRPERSON MAURICE – light would be from 6 am to 10 pm?

DANNY DANIELLE - yes

MR RUTHERFORD – original sign was 250 square feet; this sign is 144 square feet; code is 50

CHAIRPERSON MAURICE – code is 40 square feet

MR RUTHERFORD – is the sign you are proposing the standard sign, are there different signs available that say Royal Car Wash? Could it be closer to 100 square feet?

ANTHONY DANIELLE – could make it smaller, but then get into visibility factor from the highway; intent to see sign from highway, if letters get much smaller, would look like just a blue little circle off of the highway; would not be able to read the letters

MS SCHLAEFER – only have one direction of highway seeing it, correct?

ANTHONY DANIELLE – it is only half; don't know exact count, but imagine that one direction would be about 50 to 60 thousand cars per day, substantial

DANNY DANIELLE – main reason, difficult space; to the east of the bridge, less traffic; hidden; tire lot is blocked by expressway when traveling east; do not see it until you come out from under the bridge; hoping to get some traffic from the highway that will get off and use the carwash; one of the reasons picked that lot

MS SCHLAEFER – why did pick that property, depending on a sign to bring in business?

DANNY DANIELLE – based on the signs around; the proximity of the residential; looked at as a package; pretty looking visual, nice addition to area

ANTHONY DANIELLE – redesigned sign from looking like more of a traditional billboard, comments from last meeting, obvious that town is not in favor of billboards; first, not a billboard because business is on the property; trying to let people know that there is a carwash right off of the exit; second, logo and theme will be recognized as an iconic symbol; more than just a rectangle with words on it

CHAIRPERSON MAURICE – last month, indicated that if variance for pole sign, no wall sign on the west side of the building

DANNY DANIELLE – facing the expressway

CHAIRPERSON MAURICE – cannot condition that you are not allowed to have a sign that you are allowed to have by code;

ANTHONY DANIELLE – shows what it would look like if both signs were used

PUBLIC HEARING – No one in attendance

MS SCHLAEFER – supports local business coming in, but problem is that there is a code and size to sign; not trying to come down to what is allowed

DANNY DANIELLE – all over variance, allowed in other towns

CHAIRPERSON MAURICE – three variances required; set back being 10 feet, not 15; square footage of sign being 144 rather than 40; height being 35 rather than 18

MOTION - MR IOANNONE – Motion to approve all three variances as presented

- 1 The Applicant sought variances from Town of Gates Code Article V, Section 190-22 and Article V, Section 190-26, to permit the construction of a freestanding sign which will be located within the required setback, taller than is allowed, and larger than allowed located at 1190 Chili Avenue, Town of Gates;
- 2 There were no parties who spoke in opposition of the Applicant’s plea;
- 3 The Board received the required response from Monroe County, which referred the matters back as a local matter;
- 4 The Board found that the requested variance met all of the criteria for permitting the requested area variances;
- 5 The application involves an Unlisted action, which under the State Environmental Quality Review Act (SEQRA), no further proceedings under SEQRA is required.

Second – **MR ZIMMER**

CHAIRPERSON MAURICE - Motion to approved setback, size and height of sign, with added stipulation regarding hours 6 am to 10 pm

Member Vote Tally

Mr. Ioannone – yes
Mr., Kiley – yes
Mr. Zimmer - yes
Mr. Redfern – yes
Mr. Rutherford - yes
Ms. Schlaefer – no
Chairperson Maurice - yes
Variances approved – 6-1

MOTION - Motion to adjourn – **MR IOANNONE**
Second - **MR REDFERN**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals