



Town of Gates

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

Meeting Minutes

March 9, 2020

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

MEMBER(S) NOT PRESENT: Don Rutherford;

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; County response, reserve decision; have not received response for this application; will hear but reserving; next when received, thirty-day overlap

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

MOTION – MR IOANNONE - Motion to approve the minutes from the January, 2020 meeting
Second – **MR ZIMMER**

All in favor, minutes approved
MS SCHLAEFER and **MR KILEY** abstain
MR RUTHERFORD, absent

Application

**THE APPLICATION OF CARROLS, LLC REQUESTING AN AREA
VARIANCE FROM ARTICLE V, SECTION 190-24 TO ERECT
ADDITIONAL SIGNS ON THE BUILDING BEYOND WHAT IS
ALLOWED AND LARGER THAN WHAT IS ALLOWED ON PROPERTY
LOCATED AT 4 SPENCERPORT ROAD**

ROBERT BLOOD – from the architectural firm, Lauer-Manguso & Associates, Architects, representing Carrols, from Syracuse, NY

CHAIRPERSON MAURICE –explains which signs considering for a variance, all signs do not need a variance

MR BLOOD – explains that drive thru side, cannot find justification for

CHAIRPERSON MAURICE permitted

MR BLOOD – rear facing the plaza access group, would quality

CHAIRPERSON MAURICE – not on a street, allowed one building sign, with the addition of a fifteen square foot sign over the entrance that is not facing the customer entrance; on the rear, the north side, that is not a customer entrance, that side needs variance,

MR BLOOD – does not have; seventy-five percent of business

CHAIRPERSON MAURICE – on customer entrance side, allowed by code, one, fifteen square foot sign; anything above and beyond that, requires a variance; four variances; top picture, need a variance for number of signs to have two; also need a size variance

MR BLOOD – all on building being set back 100 feet from the driveway

CHAIRPERSON MAURICE – set back allows front sign

MR BLOOD – seemed like if we pushed it back, it would open up

CHAIRPERSON MAURICE – not on sides; two on top, size and quantity; the front elevation, number three, does not require a variance; elevation, number four requires a quantity variance and size; number two picture, drive through side on the west, needs quantity and size; free standing sign is permitted; drive through, directional signs, talked to Kurt and they are permitted by town

MR BLOOD – lettering over the entrance canopy, does that qualify as projecting?

CHAIRPERSON MAURICE – wall sign; one sign but, total of fifteen square feet

MR BLOOD – the project is the former Friendly’s at 4 Spencerport Road, which client, Carrols intends to develop the center portion as a Burger King restaurant; Carrols currently operates at least two other restaurants in town; that is not changing, not replacing; non-compliance signs all around adjacent properties; Rite Aid, key Bank, McDonald’s all have wall signs and free standing signs; consider request as what is presented

CHAIRPERSON MAURICE – looked at permits that Friendly’s had and they were from 1990’s; code has been updated since then and they were permitted, but the sign regulations are different now

MR BLOOD – when first initiate the project, discussed with Kurt; did not find variance that were applied for that would carry over

CHAIRPERSON MAURICE – Friendly’s applied, but denied; go through sign; on building metal

MR BLOOD – main entrance side, corporation mandated; five feet diameter is standard; visibility from the road and desire to have as much visibility as possible in this location; Rite Aid building on one side blocks view from the intersection; amount of eyes coming from rear of the store with the large plaza; want to be able to identify from the back

CHAIRPERSON MAURICE – Friendly’s did not have sign; one of the things that is different is having a free standing sign up front, gives additional visibility, some of other signs may not be necessary; sign on the west side, don’t need over drive thru; parking lot entrance is on the east side of the building so people need to drive past the building to go into the parking lot; will be driving past the building, past the free standing sign; need to consider whether that sign is necessary; need to consider the side facing the parking lot, are both required and allowed

MS SCHLAEFER – at light, plaza itself has a sign that lists all of the places.

MR BLOOD – has not been brought to his attention that they would have a place on that sign

MS SCHLAEFER – something to consider; also have the front signage on the road, so if they do that, will have a second one

MR BLOOD – only one vacancy, assume that was Right Aid

MS SCHLAEFER – look into it, may be free signage

CHAIRPERSON MAURICE – SEQRA statement, signs are an unlisted action and there is no environmental impact, no SEQRA issue with this Board

PUBLIC HEARING – No one in attendance

CHAIRPERSON MAURICE – tabling for county response

MR BLOOD – confusion when submitted site plan in that sending directly to county; wants to confirm it was sent to them

CHAIRPERSON MAURICE – clerk in building department filled in that it was sent on 2/21/20

MR BLOOD – previously told that site plan had to be sent separately

CHAIRPERSON MAURICE – will make a note to make sure

ATTORNEY MAC CLAREN – may have not sent site plan documentation, just the zoning information, will still confirm

MOTION - MR IOANNONE – Motion to table until we get the response from the county

Second – **MR REDFERN**

CHAIRPERSON MAURICE - Motion to table to April for county response

Member Vote Tally

Mr. Ioannone – yes

Mr, Kiley – yes

Mr. Zimmer - yes

Mr. Redfern – yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance tabled 6-0

MOTION - Motion to adjourn – **MS SCHLAEFER**

Second - **MR ZIMMER**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals