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Town of Gates

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

Meeting Minutes

November 14, 2016

MEMBERS PRESENT: Christine Maurice, Chairperson; Don Ioannone; Mary Schlaefer; Ken Cordero; Christopher Dishaw; Don Rutherford

MEMBER(S) NOT PRESENT: Bill Kiley

ALSO PRESENT: Frank M. Cassara, Esq., Board Attorney
Steve Tucciarello, Councilman

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 – states that the first order of business is to accept the minutes from the October 2016 meeting. There are no changes, additions or corrections.
MOTION - MR IOANNONE – Motion to accept the minutes from the October, 2016 meeting
MR RUTHERFORD - Second
All in favor

Minutes from October, 2016 meeting accepted.

CHAIRPERSON MAURICE - explains the process

TABLED FROM OCTOBER, 2016 MEETING

THE APPLICATION OF DAVID YOUNGMAN REQUESTING AN AREA VARIANCE AND CONDITIONAL USE PERMIT UNDER ARTICLE VI SECTION 190-32 AND ARTICLE VIII, SECTION 190-36 TO ERECT A FENCE TO REMAIN WITHIN THE FRONT SETBACK AND HIGHER THAN ALLOWED WITHIN THE PROPERTY LOCATED AT 615 COLDWATER ROAD, TOWN OF GATES, NEW YORK.

CHAIRPERSON MAURICE – states that Mr. Youngman is not in attendance and recommends not lifting from the table, keeping it tabled until next month to see what happens
ATTORNEY CASSARA - states that there was no public hearing component at the last meeting on October 11, 2016, so this board will not run afoul of the sixty-two day rule at this time.
CHAIRPERSON MAURICE - states that the Board is not lifting the table.

APPLICATION NO. 1

THE APPLICATION OF ANATOL AND SHARON SOBOLEW (HOWARD ROAD GARAGE) REQUESTING AN AREA VARIANCE FROM ARTICLE V, SECTION 190-22 (J&D) TO REPLACE A SIGN, WHICH PRE-EXISTED THE ORDINANCE, AND IS LOCATED ON THE ROOF OF THE BUILDING; AND WILL CONTAIN MORE COLORS THAN ARE ALLOWED ON PROPERTY LOCATED AT 51 HOWARD ROAD.

SHARON SOBOLEW – applicant, Howard Road Garage - 51 Howard Road, would like permission to have a sign with more than three colors. Had tried to get an artist to make up a sign that had just three colors and sticking to three colors were not able to see the lettering form the road and because the property which used to be by itself but is not surrounded by Party Time Rentals and Monroe Muffler on opposite sides of them, people do not know they exist when they drive by so they would like to have a sign with more than three colors.
CHAIRPERSON MAURICE - in the application that we consider not only the colors but that signs are not allowed to extend above roof line. In the photo, it is hard to tell if it does go above the roof line or not. Asks applicant to comment.
MS SOBOLEW - does not believe that it does but was not told that she would have to address this
CHAIRPERSON MAURICE - does it extend above the roof line?
MS SOBOLEW - replacing existing sign
MR RUTHERFORD - existing sign extends about half way up the roof and its only about sixteen inches tall so it is way below the peak. If this sign here was placed on the same brackets, it will extend way above the peak of the roof. In the picture it looks like it is down toward the gutter.
MS SOBOLEW - would say it is closer to the bottom, but they said it was going to be where the existing sign was
MR RUTHERFORD - that will be a problem, if it is lower, there is a good chance it will be below the peak of the roof, then it will not be a problem.
MR DISHAW - the top of the sign cannot be higher than the peak of roof. The highest part has to be the peak of the roof.
MS SOBOLEW - states that she can make this happen
MR RUTHERFORD - asks what the dimensions of the sign will be
MR IOANNONE - 59 by 180
MS SOBOLEW - states that she does not have the dimensions of the roof
CHAIRPERSON MAURICE - if the Board were to approve the sign based on the colors and put a condition saying not to extend beyond the peak of the roof, do you foresee a problem?

MS SOBOLEW - no, not at all
CHAIRPERSON MAURICE - type two listing for SEQRA, no action by the Board on this matter, not impacting the environment.
Public Hearing - No one in attendance
MOTION - MR RUTHERFORD - Motion to approve area variance as presented with stipulation that the sign, once mounted, does not extend the peak of the roof.
CHAIRPERSON MAURICE - states criteria for an area variance, because it does not impact the character of the neighborhood?
MR RUTHERFORD - does not negatively impact the character of the neighborhood.
MR DISHAW - Second

Member Vote Tally
Mr. Ioannone - yes
Mr. Dishaw - yes
Mr. Rutherford - yes
Mr. Cordero - yes
Ms. Schlaefer - yes
Chairperson Maurice - yes
Variance Approved 6-0

CHAIRPERSON MAURICE - states that Howard Road is a county road and was referred to the county for their response because it would impact them. They have thirty days to respond and have not yet received a response, although the thirty days has not expired yet. If it is something as non-controversial as a sign, we go ahead and hear it with the condition that if we do receive the response from the county there is no issue with it.
MS SOBOLEW - asks when this was sent in
CHAIRPERSON MAURICE - sent in when you applied, the end of October
CHAIRPERSON MAURICE - type 2 SEQRA

APPLICATION NO. 2

THE APPLICATION OF LANDTECH SURVEYING, AS AGENT FOR JENNY BRONGO (WESTWARD EXPANSION, LLC) REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36 C TO ERECT TWO BUILDINGS WHICH WILL ENCROACH INTO THE REQUIRED FRONT SETBACKS ON PROPERTY LOCATED AT 2548 MANITOU ROAD.

CHAIRPERSON MAURICE - states that this Board is only concerned with the setbacks which are a type 2 listing for SEQRA, although this Board is the lead agency for this tonight, because it is a type 2 SEQRA, there is no action for this Board to take. When you go back to Planning Board, it will revert to them to be the lead agency for the entire project.
Have not received the county response back for Manitou Road and the expressway, should have the response, but will go forward on the expectation and the contingency that it will not be an issue.

BOB WILLIAMS, applicant, states that he has been before the Planning Board. They have gone in for concept and were there in September for preliminary and had a public hearing. Just went through the process of addressing Planning Board comments and refining the plans and just resubmitted to get back on for the November meeting for site planning and final plat.
MR IOANNONE – states that the applicant's need and address are needed for the record
MR WILLIAMS - Bob Williams, engineer with Lantech Surveying, Planning, representing Westward Expansion which is Jenny Brongo and Dan Thomas, are partners and are working to develop. Distributes map, aerial photo. Brongo property currently consists of about 16.4 acres. Were going to break off seven acres on the southern portion of the property to allow for storage unit buildings to be installed and with a large internal driveway access parking lot in between the buildings. Will be used for contractor's storage. The southern boundary is Route 531 and on the west side is Manitou Road. On the other side of Manitou Road is the start of the town of Ogden. There are a couple of buildings on the site already that Brongo is using for an office. The other building is not in use. They are about fifty feet off of the right of way set back. This is a light industrial zoning, so the use for the storage is allowed. Went through Town Board to get a conditional use permit to allow for the storage units. Have been confused about the setbacks since they started. After discussion with Lee and Dave, decided at Planning Board to go back in to see that all are on the same page with the setbacks. The rule is that for light industrial zoning off a state or county road, need to have a 100 foot set back. The impact with 531 and ramp it is a very wide right of way. Lee thought that there were variances given to properties on the other side of 531.
CHAIRPERSON MAURICE – asks if the applicant if referring to Lee Sinsebox and Dave Chamberlain.
MR WILLIAMS - yes
MR DISHAW - asks why they chose that location for buildings
MR WILLIAMS - site at the existing quarry and soil removal, that is the disturbed level, so generally wanted the place there to make it fit better. Already leveled out impacted area and not disturbing any vegetation. Helps for internal flow that was set up.
MR DISHAW - have phase one and two, what is each building for and why they are the sizes they are
MR WILLIAMS - standard unit size; but big enough to allow for a contractor; not the typical self-storage for private individual, although they could use it; thinking more for a hobbyist or someone who has a large collection. Researched other projects and local need for storage and that is the size they came up with.
MR RUTHERFORD - asks what the height of the buildings is.
MR WILLIAMS - twenty-six feet
MR RUTHERFORD - the wall or the peak?
MR WILLIAMS - top of the wall and to the peak is probably thirty
MR RUTHERFORD - asks for idea where building A is with respect to that big unsightly pile of concrete and fill. On the exit ramp you can see it
MR WILLIAMS - fill area is in the middle, staged the buildings on each side of that
MS SCHLAEFER - are you going to remove that?
MR WILLIAMS - most of it, she would like to get in there and clean that whole area. There are pieces of concrete being stored and fill piles that will have to be removed and cleaned up.
MR DISHAW - is it going to be uniform and level? The topography is up and down.

MR WILLIAMS - would have to be leveled off and all the areas in between are going to stone, crushed stone, asphalt and will be leveled out and building pads will be leveled out. Will make sure it drains positively away.
MR RUTHERFORD - between A and B there is a large area. The Zoning Board is charged with granting the minimum number of variances. Curious as to why the building cannot be move toward B a little more.
MR WILLIAMS - challenge is that because of the grade, six, seven foot drop and between the buildings is a fifteen foot drop, slope because of the different areas of excavation. Ten foot drop between the buildings, highest is 6-13, other is 6-10, drops down and because of grade drops had to try to create space between the buildings to allow for that.
MR RUTHERFORD - building B will be higher than building A by fifteen feet?
MR WILLIAMS - yes
MR RUTHERFORD - so that will also be showing from the expressway?
MS SCHLAEFER - what material are they made of?
MR WILLIAMS - steel frame with a metal siding; thought Dan would be here tonight
MR RUTHERFORD – asks if he has pictures of what building is going to look like
MR WILLIAMS - presents pictures of proposed to given idea that Jenny put together
MR RUTHERFORD - any doors on expressway side?
MR WILLIAMS - no
MR DISHAW - will A and B be seen from expressway? There is a big line of trees there now
MR WILLIAMS - not in plan to disturb, point is to be able to see buildings when you drive by
CHAIRPERSON MAURICE - can we keep this copy?
MR WILLIAMS - yes and Planning Board has colored versions too
CHAIRPERSON MAURICE - applicant passed out drawing of what the finished product will look like from street elevation. Picture is in the record.

PUBLIC HEARING - no one in attendance

MOTION - MR IOANNONE - Motion to accept as presented
Second - **MR CORDERO**

ATTORNEY CASSARA - states that any concerns that pertain to the actual project itself would have to be addressed at Planning Board, at a public hearing that they would be holding. The only application before this Board presently is the variance request for the setback. Encourages anyone to go to Planning Board, two weeks from now on the 28th of this month to voice any concerns or garner any further information on what the actual project is going to include. This variance is regarding the setbacks themselves and that is the requested application before the Board today.
CHAIRPERSON MAURICE - motion is before the Board to approve the application as presented given that there are no negative impact to the character of the surrounding neighborhood.

Member Vote Tally
Mr. Ioannone - yes
Mr. Dishaw - abstains
Mr. Rutherford - yes

Mr. Cordero - yes
Ms. Schlaefer - yes
Chairperson Maurice - yes
Variance approved 5-0, with one abstention

CHAIRPERSON MAURICE - already stated that this is a type 2 SEQRA

MOTION - MR DISHAW - Motion to adjourn meeting
Second - **MR IOANNONE**

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals