



# Town of Gates

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

## Meeting Minutes

August 12, 2019

**MEMBERS PRESENT:** Christine Maurice, Chairperson; Don Rutherford; Bill Kiley; Mary Schlaefter; Steve Zimmer; Don Ioannone; Ken Cordero

**MEMBER(S) NOT PRESENT:** NA

**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;

**CHAIRPERSON MAURICE** - states that the first item of business is to accept the minutes from the last meeting, which was in July, 2019, no changes, additions or corrections

**MOTION** - Motion to accept minutes  
*All in favor, one abstention, minutes approved*

**CHAIRPERSON MAURICE** – states that there were three applications on the agenda previously but two were removed since it was decided prior to meeting that

there was no need for a variance. One was for 400 Initiative Drive and the other was for 332 Initiative Drive, both asking for wall signs which were larger than allowed by code.

### Application No. 1

**THE APPLICATION OF AMY CATALANO (VITAL SIGNS), AS AGENT FOR WELLNOW URGENT CARE REQUESTING AN AREA VARIANCE FROM ARTICLE V, SECTION 190-24 TO ERECT THREE WALL MOUNTED SIGNS WHICH WILL EXCEED THE ALLOWABLE SQUARE FOOTAGE ON PROPERTY LOCATED AT 2232 LYELL AVENUE.**

**AMY CATALANO** – states the location of new business and that there are three WellNow Urgent Cares popping up around the city and corporate wants to keep the signage “cookie cutter” but that some other towns have not allowed them to have larger signs.

**CHAIRPERSON MAURICE** – corrects that third sign does not face the street. Also, in October, the developer was granted a setback variance from both Matilda Street and Lyell Avenue. The setback from Lyell is 39’ and setback from Matilda is 4’.

**MR CORDERO** – why do you feel the need for the variance, is it corporate?

**MS CATALANO** – yes, they want to be consistent and have buildings look the same.

**MR CORDERO** – asks for details on the other towns Ms. Catalano listed which did not grant variances for signs for the WellNow in their towns

**MS CATALANO** – could not give specifics about surrounding properties for other locations

**CHAIRPERSON MAURICE** – explains the five criteria for an area variance; demonstrates, on projector, that previous billings on this property were set farther back with allowable sized signs and reiterated, however, that she was not saying they had to do the same

**MR IOANNONE** – states that the sign they were proposing “was way too large”

**MR ZIMMER** - states the sign would be too close to the road and too large for that area

**MR KILEY** – states, “if you are going to Urgent Care, you know where you are going.”

**CHAIRPERSON MAURICE** – asks if there are further questions

**PUBLIC HEARING** - no one in attendance

The Board determined that no further proceedings under SEQRA were required  
**MOTION – MR KILEY** – Motion to deny all three requests, it would be an undesirable change to the character of the area, a very substantial variance, and there are other means to identify the business with signage that does not require this variance.

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, the size of the variance requested was excessive and that the end result of the requested variance could be achieved without the variance. 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.

The denial was without prejudice to the resubmission of a new application.

**Second MR RUTHERFORD**

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley – yes

Mr. Cordero - yes

Mr. Rutherford - yes

Mr. Zimmer - yes

Ms. Schlaefer – yes

Chairperson Maurice – yes

*Variance denied 7-0*

**CHAIRPERSON MAURICE** - stated that it would be an undesirable change to the property and declared it “denied w/out prejudice”.

**MOTION to adjourn – MR CORDERO**

Second – **MR KILEY**

Respectfully submitted,

Clare M. Goodwin, Secretary

Gates Zoning Board of Appeals