



# Town of Gates

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

## Meeting Minutes

December 19, 2019, 2019

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

**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; states that the county response has not been received yet, however, going forward; the first item of business is to accept the minutes from the last meeting, which was in October, 2019; no changes, additions or corrections

**MOTION – MR RUTHERFORD** - Motion to accept minutes

Second – **MR ZIMMER**

*All in favor, new member, Alan Redfern, abstains as this is his first meeting, minutes accepted.*

**CHAIRPERSON MAURICE** – two applications on the agenda, Wegman Road postponed to next month

Application No. 1

**THE APPLICATION OF VITAL SIGNS, AS AGENT FOR BLUE RIDGE DINER, REQUESTING AN AREA VARIANCE FROM ARTICLE V, SECTION 190.24 TO INSTALL A SIGN ON THE BUILDING WHICH WILL BE LARGER THAN IS ALLOWED ON PROPERTY LOCATED AT 1742 LONG POND ROAD**

**CHAIRPERSON MAURICE** - SEQRA, this is an unlisted item and it is this Boards experience that signs do not need an impact review, no further environmental impact study needed; going forward without the county response.

**DAVID INTERLICCHIA** - 11 Creek Drive, Spencerport, NY, 14559; owner of property, Long View Plaza, and Dance Biz; Vital Signs was supposed to be here, emailed earlier and said would contact; owner said he would be here but is not; prepared to say he wants sign on building

**ATTORNEY MAC CLAREN** – not applicant, public comments only; do not have applicant here so cannot hear; legally can deny for failure to appear, or table to next month to give the applicant a change to appear; ownership interest but cannot act as applicant

**PUBLIC HEARING**

**MR INTERLICCHIA** – would like business to go in; sign is thirty-seven square feet; approved sign in parking lot this past summer, which is forty-eight square feet; share parking lot

**MR KILEY** – how many businesses?

**MR INTERLICCHIA** – four businesses in plaza; the one just purchased for Keller Williams was approved larger than sign than what they are looking to put there

**MR RUTHERFORD** – will the diner be taking up the entire space including the salon area?

**MR INTERLICCHIA** – no, listed with broker

**CHAIRPERSON MAURICE** - sign in application is not centered over door

**MR INTERLICCHIA** - looks like it is roughly not centered; also asked about this; may be a computer issue; had same question for Vital sign guy

**CHAIRPERSON MAURICE** - to clarify, is the diner in the space where the windows are to the right and the left of the door?

**MR INTERLICCHIA** - all, it is the three windows in the picture; salon just has one

window on the right side

**MR RUTHERFORD** - and the double doors?

**MR INTERLICCIA** - yes

**MR RUTHERFORD** - the double doors to the far side of the window is all the salon?

**MR INTERLICCIA** - yes, all for salon; dance studio has three separate windows

**CHAIRPERSON MAURICE** - do you know the square footage of the existing signs?

**MR INTERLICCIA** - the existing signs are all thirty square feet; ten foot long by three foot high

**CHAIRPERSON MAURICE** - new is thirty-seven?

**MR INTERLICCIA** - thirty-seven square feet

**CHAIRPERSON MAURICE** - application says fifty-three square feet; calculations show fifty-three

**MR INTERLICCIA** - this is the only rendering he has seen;

**CHAIRPERSON MAURICE** - that is another reason to delay

**MR INTERLICCIA** - sign person was supposed to be here; information you have on application is correct

**CHAIRPERSON MAURICE** - was there any intention of having the same design on the building? Channel letters are blue. Is there any plan to have conforming signs on all of the businesses?

**MR INTERLICCIA** - do not have plans to change the other signs, owner of Blue Ridge was trying to make this the center of attention of the plaza;

**CHAIRPERSON MAURICE** - anchor spot?

**MR INTERLICCIA** - yes

**MR KILEY** - allow sign on Long Pond side?

**ATTORNEY MAC CLAREN** - over either way

**MR INTERLICCIA** - okay with minimum; long term tenant

**CHAIRPERSON MAURICE** - plans for free standing pole sign for plaza?

**MR INTERLICCIA** - no

**MR IOANNONE** - all conditional use permits have to go before the Town Board

**MR INTERLICCIA** - yes, right

**MR RUTHERFORD** - charged with giving the fewest variances as possible; if we grant the variance for a large sign, it opens up the arguments other businesses to say they want one and then a bunch of billboards; may want to bring proposal for more like thirty-five square feet instead of fifty plus; more visible from north and south

**CHAIRPERSON MAURICE** - if we can see an alternate plan that shows the same size as the other sign in the plaza; if that satisfies his requirements of what he

is looking to do, it would be less of a requirement for a variance

**MR INTERLICCIA** - one of his conditions expressed is that if he does not get the big sign, he is not going to put a restaurant in the plaza; looking to make it a spectacle anchor spot

**CHAIRPERSON MAURICE** - will look forward to hearing him next month

**MOTION – MR RUTHERFORD** – Motion to deny without prejudice

This denial was based on your, and your client Paul Botsas', failure to appear at the meeting and resulting failure to respond to the Board's questions regarding the application. The Board discussed the application in both the pre-meeting and during the meeting and had concerns regarding the application. Given the failure to appear and the outstanding 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 – MS SCHLAEFER** - Second

**CHAIRPERSON MAURICE** - Motion to deny the application because the applicant is not here; free to reapply

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Rutherford - yes

Mr. Zimmer - yes

Mr. Redfern - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

All in favor

*Variance denied - 7-0*

**MOTION TO ADJOURN – MR RUTHERFORD**

Second – **MR KILEY**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals