



# Town of Gates

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

## Meeting Minutes

October 15, 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.

\* \* \* \* \*

**CHAIRPERSON MAURICE** - Explains process and role of the ZBA; meeting night change, thanks all who adjusted schedule to be here, including Mr. Diponzio, town board liaison, Mr. Schum, town attorney and Mr. Rappazo, director of public works; explains process; two applications, Chili Avenue is on a county road and we have not received a response, but in our experience, matters such as this would be referred back as a local matter

States that the first item of business is to accept the minutes from the last meeting, which was in September, 2019; no changes, additions or corrections

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

Second – **MR ZIMMER**

*All in favor, Mr. Ioannone and Mr. Cordero abstain due to absence; minutes accepted.*

Application No. 1

**THE APPLICATION OF ROTORK CONTROLS INC., REQUESTING AN AREA VARIANCE FROM ARTICLE IV, SECTION 190-14 TO ALLOW FOR FEWER PARKING SPACES THAN ARE REQUIRED FOR PROPOSED BUILDING ADDITIONS ON PROPERTY LOCATED AT 675 MILE CROSSING BOULEVARD.**

**TOM FROMBERGER** - with him is Chris Mickelsen from Rotork; Rotork would like to expand their current operations, includes two buildings additions, one is a warehouse in the back of the site, the other is additional office space in the front; as part of that construction, would require additional employee parking, as well as building dock access in the back; code requires one space for every 400 square feet; only adding 50 additional employees, only need 190 spaces; includes additional area for visiting guests; requesting relief from 326 spaces to 190.

**CHAIRPERSON MAURICE** - asks applicant to double check the figures for the square footage; current warehouse and new warehouse are 91.4 thousand square feet not 86.4

**MR FROMBERGER** - confirms

**CHAIRPERSON MAURICE** - change to 339 for the record; how many spaces do you need?

**MR FROMBERGER** - 190

**MR MICKELSEN** - maxed out at 130, plan for expansion is 80; would leave 10 spaces for visitors which is rare; mother plant is in England; visitors arrive by plane; commuters drive together

**CHAIRPERSON MAURICE** - ten excess spots; employees

**MR MICKELSEN** - if spot for every employee, it would be 180; requesting 10 additional spaces; never going to have 180 cars

**CHAIRPERSON MAURICE** - Planning Board minutes talk about minimizing the parking area in order to maximize green space; is there any land banking in case you grow more and is there anywhere you can add additional spots?

**MR MICKELSEN** - there is not

**MR FROMBERGER** - maybe on the side; taking away additional green space; added landscaping

**MS SCHLAEFER** - is there only one shift there?

**MR FROMBERGER** - yes

**MS SCHLAEFER** - do you see any potential for any new employees?

**MR FROMBERGER** - 50 with expansion

**MS SCHLAEFER** - after 50, do you see more?

**MR FROMBERGER** - no, that maximizes the site; bought the site in 1998 with the intention of using the field; expectation is that this layout will get them through many years

**CHAIRPERSON MAURICE** - SEQRA, this is an unlisted action, no further environmental impact study needed

PUBLIC HEARING - No one in attendance

**MOTION – MR IOANNONE** – 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 14 to permit less parking than required on property located at 675 Mile Crossing Boulevard, Town of Gates;
- 2 There were no other parties who spoke in opposition or in favor of the Applicant's plea before the Board;
- 3 The Board found that the requested variance would have no negative impact upon the neighborhood;
- 4 If this property is located on a county road, this approval is conditioned upon the receipt of confirmation from the Monroe County that no further review of this matter is required and this matter is being referred back as a local matter.
- 5 This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA is required.

**Second – MR CORDERO**

**CHAIRPERSON MAURICE** - Motion to approve the application as presented

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Rutherford - yes  
Mr. Zimmer - yes  
Mr. Cordero - yes  
Ms. Schlaefer - yes  
Chairperson Maurice - yes  
All in favor  
*Variance approved - 7-0*

Application No. 2

**THE APPLICATION OF PROVIDENCE HOUSING DEVELOPMENT CORP. REQUESTING AN AREA VARIANCE FROM ARTICLE VI, SECTION 190-34, ON BEHALF OF ADJOINING PROPERTY AT 2047 CHILI AVENUE, TO NOT ESTABLISH A BUFFER ZONE BETWEEN 2047 AND 2055 CHILI AVENUE**

**THOMAS PALUMBO** - (civil engineer) from Stantec Consulting Services, representing Providence Housing, with him is Mark Greenberger, executive director; proposing to redevelop the former Perkin's parcel for 50 units of affordable housing; in order to accomplish, must rezone to multi residential; requires adjacent property, general business parcel, to have 100 foot buffer between the two; goal is to provide high quality affordable housing and not negatively impact the adjacent parcel; looking for relief from the buffer requirement; relief to 2055 Chili Ave, site adjacent; had meeting with town staff regarding use of 2047 Chili Avenue; not a lot of zoning districts written for affordable housing uses; often zoning codes do not allow for mixed use and pedestrian friendly communities; this is why many towns have not been able to develop village type settings; buffer areas require large parcels; counterproductive to mixing uses; mixed use allows for more dense developments and allows people to walk from one place to another; transition between the uses, multifamily and general business can be accomplished with plantings and fencings; buffers tend to segregate the users rather than promoting inclusion; although area is general business, points out residential uses with businesses around it without buffers; has been acceptable; variance would allow to use previously developed land to serve demographic need without going out and developing green field; important that redeveloping site that has been vacant for a long time; should variance be granted, will need other variances; will be back; should Town Board rezone, will not create

a burden on the adjacent property

**CHAIRPERSON MAURICE** - SEQRA type 2, this Board is not required to investigate any further environmental impact; area variance, not use variance, criteria; conditioned on rezoning; other variances required; parking; height of building; airport overlay; not discussing tonight or the Town Board rezoning; only area variance of zero buffer between the two properties; in statement of difficulty, 1c, additional dense planting can be added around the property line, if deemed necessary; this Board may condition the variance on that on being approved by Planning Board

**MR PALUMBO** - development plan for the 2017 side is to not encroach past that existing edge pavement; fence, vegetation that is there, can add to that and help the transition between the two properties;

**CHAIRPERSON MAURICE** - Board received letter from David DiCaro, summarizes meetings with results

**MR KILEY** - had to have the hundred foot buffer on your property; for 50 units, how many would that cut that back to?

**MR PALUMBO** - only 1.8 acres, it cuts the property in half; the buffer is on top of setback; will have forty-foot setback with another 100 feet on top of that

**MR RUTHERFORD** - on the west side of the building, there will be a driveway going around?

**MR PALUMBO** - correct; shows that oriented narrow part of building toward shared property line; goes around for fire access and does not go any further around than what the existing pavement is now

**MR RUTHERFORD** - looks like forty-feet between property line and building; driveway is twenty feet wide; space next to building will be ten or fifteen feet of grass and green space?

**MR PALUMBO** - correct;

**MR RUTHERFORD** - fill in with plants?

**MR PALUMBO** - existing trees; will add to buffer; there is a strong buffer along the Brooks Avenue section that would wrap around

**CHAIRPERSON MAURICE** - reiterates that this is an area variance, not a use variance; criteria for an area variance, for this buffer, is whether there is an undesirable change in the character of the neighborhood; whether the benefit sought by the applicant can be achieved by some other method, that does not require a variance; whether the requested area variance is substantial; whether the proposed variance will have an adverse effect on the physical or environmental conditions in the neighborhood; whether the difficulty was self-created; only about the lack of buffer between the two properties

PUBLIC HEARING - no one in attendance

**MOTION - MR KILEY** - Motion to accept 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 34 to permit no buffer zone between the properties located at 2047 and 2055 Chili Avenue, Town of Gates;
- 2 There was one party which issued a letter in opposition to the application and there were no parties who spoke in favor of the Applicant's plea before the Board;
- 3 The Board found that the requested variance would have no negative impact upon the neighborhood;
- 4 The approval is conditioned upon the rezoning of the 2047 Chili Avenue parcel by the Gates Town Board to MR from its current designation.
- 5 The approval is also conditioned upon, pursuant to the Applicant's agreement to the same, the planting of additional screening vegetation along the western property of line of the boundary between the two parcels, subject to approval by the Town of Gates Planning Board.
- 6 If this property is located on a county road, this approval is conditioned upon the receipt of confirmation from the Monroe County that no further review of this matter is required and this matter is being referred back as a local matter.
- 7 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**

**ATTORNEY MAC CLAREN** - conditioned on rezoning?

**MR KILEY** - conditioned on rezoning of property and following along the buffer for sound and sight

**CHAIRPERSON MAURICE** - Motion to approve application as presented with correction to square footage

County has not given response, going forward with assumption it will come back as a local matter; buffer only, not an indication that any other variances are

approved

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Rutherford - yes

Mr. Zimmer - yes

Mr. Cordero - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance approved 7-0

**MOTION TO ADJOURN – MS SCHLAEFER**

Second - **MR CORDERO**

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals