



Town of Gates

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

Meeting Minutes

January 11, 2016

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

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 minutes from the October, 2015 meeting need to be approved.

MOTION - MR IOANNONE to accept minutes from October 14, 2015 meeting as presented - **MR CORDERO** - Seconds

All in favor, Mr. Dishaw abstains due to absence at the October meeting, the October, 2015 meeting minutes are approved by a vote of 6 - 0.

CHAIRPERSON MAURICE - December minutes have not been reviewed by Board and the approval is adjourned to the February meeting.

THE APPLICATION OF JOHN EMBROWN (GROVE ROOFING) REQUESTING AN AREA VARIANCE FROM ARTICLE IV, SECTION 190-17 AND ARTICLE VIII, SECTION 190-36(C) TO ALLOW PARKING WITHIN THE REQUIRED FRONT SETBACK ON PROPERTY LOCATED AT 135 FEDEX WAY.

CHAIRPERSON MAURICE - explains that upon examination the Board's legal counsel, it has been determined that section 190 36C does not apply to this matter. Only section 190 17 that covers parking in the front yard applies and is the only section that the Board will take action on tonight. Section C is only for state and county roads and Fedex Way is not either so it is only the parking in the front that be considered.

CHRISTOPHER WOOD - Carmina, Woods and Morris, engineer on the project, 487 Main street, Buffalo, New York 14203. Requesting an area variance to allow front yard parking to be twenty-seven feet from the driveway where thirty-five is required. See letter entitled Area Variance Narrative, 135 Fedex Way. Proposing a seventy-two hundred square foot office warehouse building. The warehouse portion is six-thousand square feet, the office is approximately twelve hundred square feet. Twenty-two parking spaces. It will be used for the Grove Roofing operation. The back portion is the warehouse and there is an overhead door on either end to enter and exit the building. There is an exit in the back of the building for the trucks. The reason for the variance is to bump out the office portion on the northeast corner of the building. Site is one and one-half acres. There is the potential for expansion down the road. Where the office is placed will allow the expansion of the warehouse portion to the west without having to modify anything else. That is the reason they are asking to place the parking where they have it.

CHAIRPERSON MAURICE - states that she talked with the town engineer about the EAF form submitted and this Board is the lead agency for that on this application and based on the form you submitted, there is no further action as far as SEQRA that the Board needs to take. The ZBA is only granting a variance for parking in the front as the plan has been submitted. Any concerns that the Planning Board has about the storm water drainage, how close it is, width of driveway, or any other concerns that might alter the plan, must come back. Approving as submitted.

MR WOOD - parking lot for the existing facility to the west and the one across the street is actually closer to the right of way than they are requesting.

CHAIRPERSON MAURICE - states that the Board had a chance to observe that also

MR IOANNONE - asks if they are changing the width of the driveway

CHAIRPERSON MAURICE - states that there would be a condition placed that it meets the approval of the fire marshal.

MR WOOD - made as narrow as possible

ATTORNEY CASSARA - asks if the matter is on the Planning Board agenda

MR WOOD - yes, on the twenty-fifth.

PUBLIC HEARING - No one in audience to speak for or against the application.

PUBLIC HEARING CLOSED

CHAIRPERSON MAURICE - states the criteria to approve an area variance:

1. Whether an undesirable change to the character of the neighborhood or a detriment to nearby properties will be created by granting the variance;
2. Whether the benefit sought by the applicant can be achieved some method which will be feasible that would not require a variance;
3. Whether the requested variance is substantial;

4. Whether the proposed variance will have an adverse effect on the physical or environmental conditions in the neighborhood or district;
5. Whether it was self-created

MOTION - MR RUTHERFORD - Motion to approve the area variance as submitted as other local properties have as close of parking to the road, given approval by fire marshal of the width of the driving area.

Second - **MR IOANNONE**

CHAIRPERSON MAURICE - states that approval is also contingent on Planning Board approval.

Member Vote Tally

Mr. Ioannone - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance granted - 6-0

ATTORNEY CASSARA - obtains address for applicant not property address, from applicant.

CHAIRPERSON MAURICE - Motion approved as criteria for area variance were met.

Motion to adjourn - **MR IOANNONE**

MS SCHLAEFER - Seconds

All in favor.

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Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals