



Town of Gates

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

Meeting Minutes

November 13, 2017

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

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 - Minutes from October meeting to be accepted.

No changes, additions or corrections minutes.

MOTION - MR DISHAW - Motion to accept minutes

MR CORDERO - Second

All in favor

CHAIRPERSON MAURICE - Minutes accepted

CHAIRPERSON MAURICE - Explains process

Application No. 1

THE APPLICATION OF KATHLEEN FOSTER REQUESTING A USE VARIANCE FROM ARTICLE XIX, SECTION 190-91 TO SELL PROPERTY FOR USE AS A FINANCIAL INSTITUTION (GATES-CHILI FEDERAL CREDIT UNION); SAID PROPERTY IS LOCATED IN A RESIDENTIAL ZONING DISTRICT WHILE OPERATING UNDER A USE VARIANCE AS A MEDICAL OFFICE, ON PROPERTY LOCATED AT 2870 BUFFALO ROAD.

CHAIRPERSON MAURICE - Explains prior use variance for a medical office granted in 2000. In June of this year, the owner came in to obtain a modification to the use variance to be allowed to sell it, not as a doctor's office because there were no doctors looking to buy it, as another office type use. Granted use amendment, but that deal fell through so we had to pull back that variance and it became null and void. Now there is a new buyer, the Gates Chili Federal Credit Union, so going to have a hearing to see if we can amend the original 2000 use variance away from residential to be used as a bank office. Modification, criteria already met for use variance. To modify, look at third criteria, how does this affect the character of the neighborhood.

KATHLEEN FOSTER - co-owner of property; credit union is looking to buy

CHAIRPERSON MAURICE - asks applicant to explain what is going to be put there; what is it going to look like; who is going to come there?

JOE BOELESTER - PW Campbell, investigate feasibility and help with construction management and design; Smaller credit union that has one office now; ability to offer additional financial services; Single source operation; Regional area credit union; Sheri McFarland - board member - in attendance;

Has site plan; other than a few cosmetic changes to the building to make it look more like a financial institution and less like a house, no real changes to structure; less than twenty-five percent change to the building itself; will see in the back parking area, took out about six parking spots to put in a free standing drive through. Three lanes to bypass on the outside; idea is to have an ATM on the far right and the other two lanes would be either a tube system or an ITM where there would be a video of the person in the office itself. As far as the transactions, president could not be here tonight, in office, twenty to twenty-five visits today which is about half of what it is now; the amount of traffic is reduced drive through increases the transaction speed. Not planning to change any traffic patterns. NY'S ATM safety act must be followed with has specific lighting requirements which go down as you get away from it. Goal is to have zero light bleed. Should be easy to do with shielding and landscaping.

CHAIRPERSON MAURICE - drive through is not part of this application; per town code 190-126, which tells uses that can be in a business, non-retail area, is the "branch bank", is where the drive in bank tellers is, so it is not within scope of Board to give a conditional use permit for drive through.

MR BOELSTER - this is the first step for the building itself and we will cross that bridge when they come to it.

MS SCHLAEFER - how much of the building will you be occupying?

MR BOELSTER - there is the new and old part; the old part is on the left and projects down toward Buffalo, the new part is on the rights, the basement is unfinished and one of the appeals if that is gives the opportunity for growth; generally they will occupy right side, newer part; the left side today is some back offices and an employee lounge, ect.

MS SCHLAEFER - not leasing out the empty space?

MR BOELSTER - no discussion of that today

MS MC FARLAND - Credit Union Association does not allow them to be landlords; cannot lease

PUBLIC HEARING

ADAM NORTON - 2900 Buffalo Road; directly to the west of the property; asks for the hours of operation; where the ATM would be located; twenty-four hour accessibility, lights come on

property; clarify left/right, east/west, he is on west side of property; vacant for two years; in favor of getting property sold, but has questions

MR RUTHERFORD - would you be good with concept of shrubbery on the west side of property?

MR NORTON - concern with lights late at night; not opposed to shrubbery

MR BOELSTER - hours are Monday through Thursday 9-4:30, Friday 9-6, no Saturday hours

MR RUTHERFORD - will the ATM be open 24/7?

MR BOELSTER - most are; it is approximately 70-80 feet from property; in back of building; sits at least 100 feet from the existing doctor's office; in the back in the middle of the parking lot; shrubs are common screening

CHAIRPERSON MAURICE - reminds Board that the ATM portion of the application is not for this Board's approval, looking at building itself and whether to allow the BNR permitted use as a bank office; ATM would go to the Town Board for conditional use permit.

MS SCHLAEFER - question about garbage pickup, there is a slab where the dumpster is; close to residents home; is it possible to regulate hours?

MR BOELSTER - experience with sanitation companies is that you are put on a schedule; can ask for different routing or specific times; not sure about this

MS SCHLAEFER - location, is that a possibility if you moved that area to the back north-east area?

MR BOELSTER - may not be a dumpster; most clients have a shredder and a company that takes that; so little refuse that they may not have one, but if they do, could be in back corner

MS SCHLAEFER - Key Bank across the street from her still has a big truck come in and do their dumpsters

CHAIRPERSON MAURICE - SEQRA type 2. Which means that there is no environmental impact study that this Board has to do

MOTION - MR KILEY - Motion to approve as presented to include all permitted uses listed under the Gates Zoning Code section 190-125.

This approval is strictly restricted and confined to the terms, conditions and specifications submitted with your application, as well as the documents and exhibits attached and made part of your application and is further contingent upon the following:

1. That Monroe County declares that no action is required on its' part and refer the matter as a local matter.

This approval is based upon the following findings of fact, which adequately demonstrated the standards applicable to granting the application:

- 1 The Applicant sought a modification of a previously granted variance from Town of Gates Code Chapter 190, Section 91.
- 2 The Board determined that the modified variance should allow for the use of the property to include any use permitted in a BN-R zone, including a professional office, as requested.
- 3 The only other party who spoke regarding the property raised concerns that were not for review of the Zoning Board.

4 This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and requires no further proceedings under SEQRA.

MR DISHAW - Second

CHAIRPERSON MAURICE - permitted uses under 190-125 are insurance offices, medical office, bank offices, attorney offices, so what this Board is doing is making a motion to approve the modification to the use variance, that is already on there, to avoid having to come in and do this again when we know that building is not going to revert back to residential.

CHAIRPERSON MAURICE - motion is to approve application, modifying the use variance to include the permitted uses, but not the conditional use permitted uses, under 190-25

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance granted 7-0

Application No. 2

THE APPLICATION OF ROBERT CHASE REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36 TO ERECT A PORCH WHICH WILL ENCROACH INTO THE FRONT YARD SETBACK ON PROPERTY LOCATED AT 783 WEGMAN ROAD.

CHAIRPERSON MAURICE - issue with sign; Board members to property and look to see if the sign has been posted; some saw sign earlier, but at least four of the members who went today, saw that sign was not up

ROBERT CHASE - 783 Wegman Road, sign was posted on October 25, 2017, took it down to do leaves; got a call to pick someone up and when he came back it was night; sign was up for sixteen days

(Board confers)

CHAIRPERSON MAURICE - Board has decided to go forward and hear application tonight

DAVID FRASIER - Decks by Design, LLC - hired by Mr. Chase to erect a deck in front of his home; which is 8x15, encroaches eight feet beyond the setback; neighboring properties, 773 and 793, both have almost identical decks

CHAIRPERSON MAURICE - what is the material?

MR CHASE - all composite, 6x6 posts; 42 inches below frost line

CHAIRPERSON MAURICE - on the drawing, it shows that this will extend eight feet out from the house, including steps?

MR CHASE - yes, steps to the edge of sidewalk, off to the side

CHAIRPERSON MAURICE - map shows that the house is set back 52.75 feet and this is going to come out 8 feet, calculating that you need a 5 foot variance

MR KILEY - 5 and 1/4

CHAIRPERSON MAURICE one of the things they have to look at is how substantial the variance is

MR RUTHERFORD - what houses have similar porches?

MR CHASE - 773 and 793

MR RUTHERFORD - houses on either side of you?

MR CHASE - yes

MR RUTHERFORD - did not see that

MR CHASE - 793 also has a ramp

MS SCHLAEFER - the one to the south of you?

MR CHASE - yes

PUBLIC HEARING - no one in attendance

MOTION - MS SCHLAEFER - Motion to accept as presented

This 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 36 to erect a porch which will encroach on the front setback on the property located at 783 Wegman Road, Town of Gates;
- 2 There was no other party in attendance who objected to Applicant's plea before the Board;
- 3 The Board found that the location of the porch and its placement within the setback would have no negative impact upon the neighborhood;
- 4 This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and requires no further proceedings under SEQRA.

Second - **MR KILEY**

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance approved 7-0

CHAIRPERSON MAURICE - this is a SEQRA type 2 action

CHAIRPERSON MAURICE - County referred back as a local matter

Application No. 3

THE APPLICATION OF CAROL SCHWARTZ REQUESTING AN AREA VARIANCE FROM ARTICLE VI, SECTION 190-32 TO ALLOW A FENCE, WHICH IS PARTIALLY

ERECTED, TO REMAIN WHICH IS HIGHER THAN ALLOWED ON PROPERTY LOCATED AT 59 SHADOW LANE.

CHAIRPERSON MAURICE - SEQRA - type 2

CAROL SCHWARTZ AND ANDREW SCHWARTZ - 59 Shadow Lane, downsizing making a retirement home; erect white vinyl fence; metal fence is very old and rusty; improve ambiance

MR SCHWARTZ - land slopes; gap at end, foot; increase height; include post is 4-5 foot incline; building fence along property line; there are fences that exist like this

CHAIRPERSON MAURICE - when does it stop being six feet high?

MR SCHWARTZ - gradual, slope

CHAIRPERSON MAURICE - by the very end of the property line it is a foot out of code?

MS SCHWARTZ - inspector was there

MR KILEY - did you get a permit to build the fence?

MS SCHWARTZ - yes

MR KILEY - fence straight and step down

MR SCHWARTZ - yes, did not get brackets; can bend slightly to a slant

MR KILEY - did not step down, tried to slope it as much as possible

MR SCHWARTZ - even if you step down, still have some gap

MR RUTHERFORD - don't have brackets on the posts, they are actually notched so you are stuck where the position is

MR SCHWARTZ - yes

CHAIRPERSON MAURICE - is it only on the one side?

MR SCHWARTZ - yes, the other side does not slope as much

CHAIRPERSON MAURICE - next to your house, it starts out at six feet?

MR SCHWARTZ - yes, as much as a vinyl fence can be, includes post top

MR RUTHERFORD - fence matches both neighbors in the start?

MR SCHWARTZ - yes

MS SCHWARTZ - they are here to answer

MR RUTHERFORD - cannot start with four foot because it would not look right in the front

MR SCHWARTZ - yes

PUBLIC HEARING

KURT AND MARLENE RIDER - 63Shadow Lane, the south border of the property, they are next door neighbors; objecting to fence; has pictures; can only see front when you drive by and if you measure, it is six and a half feet

MR CORDERO - you are the neighbor that has the wooden fence?

MR RIDER - yes

MR RIDER - (shows pictures) the one that goes to their house is already six and a half feet at the beginning; photo of when they left off with the fence at seven feet two inches; their yard slopes and the fence follows slope; where they left off is already seven feet six inches tall; filled gap with stones, about a foot above the grade; coming through to their property; have piece of broken fence from rocks being against; looks horrible and they are not happy at all;

MS RIDER - is over towering; no longer enjoys going in back yard

MR CORDERO - how much space is there between the two fences?

MS RIDER - for over a year was told the fence was two feet on their property; wanted them to take them down; had survey and found it was right along the line;

MR CORDERO - who maintains that six inches?

MR RIDER - no one, it is filled with rocks and stones now; submits photos; it is the first thing you see when you walk outside and it looks horrible; devalues property; not happy about it

CHAIRPERSON MAURICE - asks if Board can keep photos

MR RIDER - yes

MR RIDER - wife called town supervisor, came out and looked at fence and said it was not right; way off from code; agreed with them that it was wrong

MR RUTHERFORD - fence is actually the same height out toward the roadside and just the post is higher?

MR RIDER - six feet five inches to post, so whatever the difference is between the post and the fence?

MR RUTHERFORD - the fences themselves are close at the beginning?

MR RIDER - yes, still over six feet

MR DISHAW - if a perfect world, what would be your solution to the issue?

MR RIDER - foot and a half variance, huge variance, what are we supposed to do about that?

LINDA PORTER - 55 Shadow Lane - north side, agrees; wood weathered; white plastic all the way up above their fence is an eye sore; if it were even with fence would agree, but even just the first post (shows picture on phone) is already that much higher; section number one is already higher

CHAIRPERSON MAURICE - do you know how tall your fence is?

MS PORTER - six feet; stockade; sloping goes with property line

MR KILEY - asks applicants how many sections are already erected and how many are yet to be put up?

MR SCHWARTZ - seven, one more on that side, ten

MR KILEY - seven out of eight and zero out of ten on the other side

MR SCHWARTZ - yes

MR RUTHERFORD - are you doing the work yourself?

MR SCHWARTZ - self

MR SCHWARTZ - grading, asked by neighbor to put up against wooden fence by neighbor so that there is no gap; did not want to go over the property line; slope is there; question is - are the conditions and circumstances unique to the property; self-created; special privileges; are they uniquely situated; on the same side there is a fence that has the same gap; on the other side, one street over where the same sloping occurs, has the same gap; stone is there and will put some landscaping; was under the impression that is he does landscaping and would not affect drainage;

MS SCHLAEFER - why did you not go with the same product as neighbors so they would all coincide with each other

MR SCHWARTZ - weather and maintenance, look of fence for ten years that has not been painted or repaired; wants to put up a nice fence

MS SCHLAEFER - why put up a fence at all when your neighbors each had a fence that you did not just put something from the side of your house over and stay fenced in by your neighbors fences?

MR SCHWARTZ - visual, wanted a beautiful vinyl fence, looking deteriorated wooden fence

MS SCHWARTZ - wooden fence has not been repaired; her husband had neighborly discussion with both neighbors; offered to pay for half and to paint one side of the fence, did not get a response; if they have to take their fence down that creates their oasis and continue to live in Gates, that they love, would have a hard time having to look at neighbor's fences; every attempt to work with them and share the vinyl fence

MR RUTHERFORD - if you are installing the fence, are you a professional carpenter?

MR SCHWARTZ - No

MR RUTHERFORD - a handyman?

MR SCHWARTZ - yes

MR RUTHERFORD - did a similar thing, but his yard is flat, so it was easy; understands limitations with that type of fence; wonders if a professional installer can make the fence, design a grade and lower it every few feet

MR SCHWARTZ - every post has the same height

MS SCHWARTZ - had discussion with gentleman at home depot as well about how fences are constructed and how they are limited

MR SCHWARTZ - told that very few counties or townships have this six foot rule

MS SCHWARTZ - while the neighbors do not want to see the top of the structure, they do not want to see the entirety of their structures, they are worn

MR PALMER - there was no discussion about sharing a fence; would never have agreed with; do not like the way the white plastic fence looks; like the way their back yard looks; very neat and clean; never a discussion about buying a fence together and sharing a fence; did say yes you can put your fence along ours so there is no gap; seen what has happened; could not do it for some reason; repainted their fence two years ago; does need some repair partially because of the rocks;

MS PALMER - they keep fence maintained

ATTORNEY MAC CLAREN - the condition of your fence is not relevant to the discussion that this Board has before it; unfortunately, this is not the forum; we understand that both sides disagree and that is just how it is going to be

PUBLIC HEARING CLOSED

MR IOANNONE - MOTION - to deny that application based on the fact that it does not fit into the neighborhood;

CHAIRPERSON MAURICE - criteria, undesirable detriment to nearby properties; benefit sought by the applicant can be achieved by a different method which does not require a variance; difficulty is self-created, by choosing that type of fence

This denial is without prejudice to the resubmission of a new application.

This denial 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 32 to erect a fence which is higher than allowed on the property located at 14 Dawnhaven Drive, Town of Gates;
- 2 There were three other parties in attendance who objected to Applicant's plea before the Board;
- 3 The Board found that the height of the fence would have a negative impact upon the neighborhood and would be a detriment to nearby properties;
- 4 The Board found that the proposed fence did not fall within the character of the neighborhood.
- 5 The requested result from the self-creation of the hardship by the choice of fencing used by the applicant.
- 6 The Board believed that the applicant had options which would not require a variance but could achieve a similar result.
- 7 This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and requires no further proceedings under SEQRA.

MR CORDERO - Second

CHAIRPERSON MAURICE - motion is before the Board to deny this application based on the criteria that the Board has to follow on area variances; whether an undesirable change will be produced of a detriment to nearby properties; whether the benefit sought by the applicant can be achieved by a different method which would not require a variance; difficulty is self-created by choosing that type of fence

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance denied 7-0

CHAIRPERSON MAURICE - recommends visiting building department and ask for their help in trying to solve the problem in putting a fence on your property that will comply with the code

Application No. 4

THE APPLICATION OF T. Y. LIN, AS AGENT FOR 142 BUELL ROAD LLC, REQUESTING A VARIANCE OF CHAPTER 97, SECTION 97-4 TO CONSTRUCT A NEW BUILDING WITHOUT INSTALLING AN APPROVED FIRE SPRINKLER SYSTEM ON PROPERTY LOCATED AT 142 BUELL ROAD.

CHAIRPERSON MAURICE - three applications by the same applicant, because all are different, will do them individually

All three applications are SEQRA type 2; Planning Board is the lead agency

RANDY BEBOUT - with TY Lin, agent for 142 Buell, LLC, with him is Tom Littlefield, one of the owners of 142 Buell, LLC; at October 23, 2017 Planning Board meeting, granted preliminary approval for the overall development and final approval on phase one, being the first four buildings and individual storage buildings; at this point they are addressing comments. As a result of the Planning Board meeting, had not addressed signage yet; knew were going to have to come for sprinkler variance, already talked with fire marshal about that;

For this project they are extending water main into the site, required to within 400 feet of the last storage building; owner is intending on sprinklering the 17,000 square foot building; their preference not to sprinkler the smaller buildings, for various reasons, requirement for 2500 square foot; some are larger than 2500, there will be a fire wall; standard practice; will not impact anyone else; not a detriment to the project

CHAIRPERSON MAURICE - fire marshal's letter is in record; he has supported approval and fire chief is also in agreement; mostly because will have fire hydrants; office building will be sprinklered, the main 17,000 square foot will have an automatic sprinkler system, where people will be, right?

MR BEBOUT - yes, there is a small 600 square foot office attached to the 17,000 square foot storage building; one person and any customers

CHAIRPERSON MAURICE - buildings that will not have the sprinkler, have no people

MR BEBOUT - correct, individual storage units with overhead doors

PUBLIC HEARING - no one in attendance

MR KILEY - Motion to approve

This 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 97, Section 97-4 to allow for the construction of a new building without installing an approved fire sprinkler system on property located at 142 Buell Road, Town of Gates;
2. There was no other party in attendance who objected to Applicant's plea before the Board;
3. The Town Fire Marshall and Fire Chief both found no issue with the requested variance;
4. This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and requires no further proceedings under SEQRA by this Board.

MS SCHLAEFER - Second

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance approved 7-0

CHAIRPERSON MAURICE - stipulation that if in the future the buildings become occupied, no longer applicable

ATTORNEY MAC CLAREN - no tenants in the storage unit

Application No. 5

THE APPLICATION OF T. Y. LIN, AS AGENT FOR 142 BUELL ROAD LLC, REQUESTING AN AREA VARIANCE FROM ARTICLE XXVII, SECTIONS 190-161 AND 190-166 TO HAVE STORAGE OF EQUIPMENT/VEHICLES WITHOUT PROVIDING SCREENING ON PROPERTY LOCATED AT 142 BUELL ROAD.

MR BEBOUT - showing area; darker gray area which is going to be a little bigger because they have to accommodate, in phase one, a truck turning movement, ie a tractor trailer or emergency vehicle, which will circulate in front of the storage area and the storage area will be behind it; plan is that the temporary storage area is going to continue to move as they develop; the rate will depend on the market; expectation is that they will go up quickly, a year to three years, do not know; pattern will continue; if demand is enough, there may not be an outdoor storage area; would rather have enclosed buildings than outdoor storage for various reasons;

Do not want to screen because would have to keep changing; elevation change from where it is now, would be difficult to screen; no benefit to screening; no neighbor to screen from

CHAIRPERSON MAURICE - what is going to be storied outside?

MR BEBOUT - could be vehicles; RVs; boats on trailer; construction vehicles

MR IOANNONE - why couldn't they be parked on the back side facing the expressway?

MR BEBOUT - relatively narrow property, 180 feet wide; oriented this way because it is most efficient; (points out where vehicle storage will be); plans submitted show four rows of spaces twelve by thirty-five so they can pull in with a larger vehicle

CHAIRPERSON MAURICE - very regimented where people will be able to store

MR BEBOUT - yes

MR IOANNONE - will see just the first vehicle

MR BEBOUT - depends on your viewpoint

TOM LITTLEFIELD - has partner, Todd Longwell, they are 142 Buell LLC; the spaces will be twelve by thirty-five, in two rows and another two rows back to back; has two other facilities, one in town of Pittsford, had outdoor storage there; when first opened, could not do outdoor

storage and the town approached him to do outdoor storage, because they wanted to have some method to relieve residents from having to look at their neighbor's camper, RV, ect, in their yard; nowhere in town of Pittsford's zoning code was outdoor storage permitted in any zoning district; they approached him and he did there, what he is proposing here; setting rows back farther as continue to build; all of the rows would be striped and marked out, cannot be just a haphazard conglomeration of people parking all over the place, would be kept neat and orderly
MR KILEY - is there any fence on the canal side?
MR LITTLEFIELD - will have a chain link fence on canal side so people cannot come in

PUBLIC HEARING - no one in attendance

MOTION - MR KILEY - approve application as presented

This 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 Article XXVII, Sections 190-161 and 190-166 to have storage of equipment / vehicles without providing screening on property located at 142 Buell Road.;
2. There was no other party in attendance who objected to Applicant's plea before the Board;
3. The Board found that permitted unscreened outdoor storage would not have a negative impact on the neighborhood;
4. This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and requires no further proceedings under SEQRA by this Board.

Second - **MR RUTHERFORD**

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Ms. Schlaefer - yes

Chairperson Maurice - yes

Variance approved 7-0

Application No. 6

THE APPLICATION OF T. Y. LIN, AS AGENT FOR 142 BUELL ROAD LLC, REQUESTING AN AREA VARIANCE FROM ARTICLE V, Section 190-24 TO ERECT MORE SIGNS THAN ARE ALLOWED WITH LARGER SQUARE FOOTAGE THAN ALLOWED ON PROPERTY LOCATED at 142 BUELL ROAD.

MR BEBOUT - proposing to have a total of five buildings signs; three on 17,000 square foot building which will be on a “tower” on top of office building; one on south side, one on west side and one on north side; additional wall signs on utility building; natural orientation on property line creates spot for sign; two faces on that: need some kind of identification on Buell Road, limited frontage; does not own frontage; only has rights to utility easement and an access; driveway takes up the whole access, putting no room, so mounting to building; because of orientation, need two wall signs; not internally illuminated signs, channel letters mounted on building, lit from a soffet light above; on big building, showing decorative down lighting; office side is main entrance facing north; south side has visibility, coming from south; tower is relatively the same elevation as the existing can see from 390; visibility from 390 is reason they are looking for a sign on each side of tower; appropriate and tastefully done; provided details of where squared out area of channel letters and the 390 logo; signs on storage building are forty-eight square feet each, three of those and two signs on utility building are 18.7 square feet each; perimeter of channel letter and logo; interpretation of code was that, worked with Dan Schum and Lee Sinsebox, the basis for the area of the wall sign was using Buell Road as the frontage and taking a conservative approach, said frontage is the width of easement which is twenty-five feet, measured along Buell Road and came up with forty-two feet; building sits 467 feet back, by code allowed to use thirty square feet per each ten feet of business frontage, came up with 126.99 square feet allowed.; code says not to exceed 350 square feet; one half of total with 181.4.

CHAIRPERSON MAURICE - question or number and size of signs, both need a variance

MR RUTHERFORD - does not have a problem with the signs on the utility building; some think that signs on tower are excessive; looks down seeing storage facility and knows what it is; Board is charged with giving minimum variances as possible; one sign on front should be adequate

MR BEBOUT - building on the south end would become most visible; would look like a warehouse

MR RUTHERFORD - will see once you build others; property has requested billboards before

MR BEBOUT - if only one sign on building, on west side, benefit but if driving sixty mph, would be a benefit to have one at least on the north and south side because, most do not have sign at entrance; would give visibility;

MR RUTHERFORD - not wrong, however

MR LITTLEFIELD - relative height, in rear, elevation to elevation of highway is similar, as you get further north, the elevation of the highway is quite a bit higher than this building, one reason why they want to have signage readily apparent

MR KILEY - does the second story serve any other purpose other than to hold the sign?

MR LITTLEFIELD - makes the property more visibly appealing

MR RUTHERFORD - will the tower be taller than the main building?

MR LITTLEFIELD - yes, the main building is one story high

MR KILEY - main purpose of the second story is the sign?

MR BEBOUT - put in to give some architectural aesthetic

MR DISHAW - does not have a problem with signs on utility building, but is you had to choose one which side would you put it on?

MR LITTLEFIELD - north and west side; to see the place

MR BEBOUT - has two fronts, 390 and Buell Road; one sign on each; situation is unique

MR LITTLEFIELD - people may see us going sixty mph on expressway and then hope they find them once they get off; not an absolutely obvious site to find

PUBLIC HEARING - no one in attendance

CHAIRPERSON MAURICE - are the two signs on the utility building within code?

MR BEBOUT - 18.7 square feet each

CHAIRPERSON MAURICE - we have a picture of what that is going to look like?

MR BEBOUT - yes

CHAIRPERSON MAURICE - good with the size and two signs on that building

MOTION - CHAIRPERSON MAURICE - Motion to approve the application with the following conditions; the two proposed signs on the utility building as presented are approved; a sign on the north side of the building above the door approved within code; as presented, the wall sign on the west side of the building is approved; the sign on the south side as presented is not approved

This 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 Article V, Section 190-24 to erect more signs than are allowed with larger square footage than allowed on property located at 142 Buell Road;
2. There was no other party in attendance who objected to Applicant's plea before the Board;
3. The Board found that permitting signs as follows would not have a negative impact on the neighborhood:
 - a. The request for the signs on the utility building are approved as presented in the application;
 - b. The request for the sign on the west side of the tower is approved as presented in the application;
 - c. The request for the sign on the north side of the tower is approved but may only be the size permitted by the code; and
4. The Board found that the request for the sign on the south side of the tower would have a negative impact on the neighborhood and was therefore denied;
5. This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and requires no further proceedings under SEQRA by this Board.

MR DISHAW - Second

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes
Mr. Cordero - yes
Ms. Schlaefer - yes
Chairperson Maurice - yes
Variance approved 7-0

CHAIRPERSON MAURICE - two signs on utility building, sign over door on north side, sized per code; on the west side, sign as presented is approved with no sign on the south side.

MOTION to Adjourn - **MR RUTHERFORD**
Second - **MS SCHLAEFER**

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals