



Town of Gates

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

Meeting Minutes

September 13, 2021

MEMBERS PRESENT: Christine Maurice, Chairperson; Don Ioannone;
Bill Kiley; Alan Redfern; Don Rutherford

MEMBER(S) NOT PRESENT: NA

ALSO PRESENT: Robert J. Mac Claren, Esq., Board Attorney
Christopher Di Ponzio, Councilman & Zoning
Board liaison

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; county response needed, referred back as a local matter

CHARIPERSON MAURICE – first order of business is to accept minutes from August, 2021 meeting; no changes, additions or corrections;

MOTION – MR IOANNONE – Motion to approve minutes
Second - MR KILEY

All in favor, minutes approved

APPLICATION NO. 1

**THE APPLICATION OF COMMERCIAL STREET PARTNERS, LLC
REQUESTING AN AREA VARIANCE FROM ARTICLE XXV,
SECTION 190-144C FOR EXCEEDING THE MAXIMUM BUILDING
COVERAGE REQUIREMENT FOR THE REDEVELOPMENT OF
WESTMAR PLAZA LOCATED AT 2111-2159 BUFFALO ROAD.**

MATT NEWCOMB – Passero Associates; 242 West Main Street, Rochester; also here is Brian McKinnon, representative of developer, Commercial Street Partners, LLC; proposing significant changes to the Westmar Plaza; intent is to increase value of plaza; complete facelift on front of building; removing some parking as a result of the special use permit allowing self-storage, significant decrease in the parking demand; able to create green space, currently no green; provide convenience parking for tenants; re-orient main entrance road; desire to have a farmer’s market; have space to do it, parking is significantly diminished from retail buildings to self-storage; building addition is in parking area; been before Planning Board; favorable reaction to project, special use permit granted; now here for variance; notes error in Passero’s calculations; initially thought they needed a 14,700 square foot addition, one percent increase is shown on plan; currently the building is about twenty-five percent coverage; fifteen percent is allowed; proposing twenty-six percent, a one percent increase; had to increase to offset costs of development, to under two percent; additional ten thousand square feet; just under one percent; still under two percent increase in building area

MR RUTHERFORD - why do you have to go to two percent?

MR NEWCOMB – error on their part, trying for a model of 110,000 square foot of climate controlled storage; off by ten thousand square feet; allows them to keep existing tenants; does not own yet, under contract to buy; want to retain tenants and that is the square footage they need to be at to make it a financially feasible project;

CHAIRPERSON MAURICE – to be clear, drawing received in application has not changed, just the calculation was in error?

MR NEWCOMB -drawing shows fourteen thousand square feet; shows the limit of building, additional ten thousand square feet, still within parking area

CHAIRPERSON MAURICE – 25.6 to 26.6 percent?

MR NEWCOMB – a little over twenty-seven percent

MR KILEY – calculate twenty-eight percent

MR NEWCOMB – Pixley Road, future to add potential pad sites down the road, later; recognize that would need a special use permit; points out location; frontage along Pixley; estimated 5,000 to 7,000 square feet, i.e., Starbucks or Panera or small retail building

CHAIRPERSON MAURICE – asks applicant to show where green space will be added

MR NEWCOMB – white areas on map; islands are all asphalt now; providing connectivity to Buffalo Road; connectivity to U of R; may have community space for town as well; hope to have farmer’s market; could walk from Buffalo Road; developer is trying to revive plaza

CHAIRPERSON MAURICE – August Planning Board

MR NEWCOMB – no, went to Planning before Town Board, July; have to go back after getting variance

CHAIRPERSON MAURICE – spoke with Mr. Rappazzo from building department and Mr. Wall, Planning Board Chair, no concerns; have they seen the change? Mike Wall said there were some stormwater, landscaping concerns

MR NEWCOMB – no, storm water is related to how fast water goes off sites; the more green space, the slower the water gets off of the site?

MR RUTHERFORD – taking out any grass of green space currently in any areas?

MR NEWCOMB - no, edge and parking remain; white is new green space;

MR RUTHERFORD – concerned about the perimeter of the property

MR NEWCOMB - in front, small amount; not adding asphalt

BRIAN MCKINNON – with Commercial Street Partners; is calculation net of green space being added?

MR NEWCOMB – only building coverage

MR KILEY – green space is not part of calculation

MR NEWCOMB - correct

CHAIRPERSON MAURICE – concern about additional space because Mr. Rappazzo and Mr. Wall gave response without seeing the additional ten thousand square feet; decided can go forward based on the location; up to Planning Board; if ZBA approves, not approval of plan; allow Planning Board to go forward with their considerations; SEQRA, unlisted action, no further review needed; during pre-meeting, Mike Lauterborn delivered letter, owns property behind plaza on Marway Circle; concern plans have error on lot line, ten feet into his property; not issue for ZBA; will talk with Mr. Rappazzo

ATTORNEY MAC CLAREN – not concerned with variance

MR NEWCOMB – survey of everything; no intent to do anything on his property

MR RUTHERFORD – lot line is straight

MR NEWCOMB – no plans, did not mark trees; do not intent to do anything on that side of the property, other than repaving

MR KILEY – was the lot size on drawing given to you or did you calculate?

MR NEWCOMB – 14.49 acres, comes out of tax roles

MR KILEY – 649 square feet

MR NEWCOMB – do boundary and verify

MR MCKINNON - Pod sites along Pixley; trying to activate elevation; clean up and invest along Pixley; area with reduced parking for self-storage; nothing lined up yet

ATTORNEY MAC CLAREN – cannot address as a Board without application and plans

MR MCKINNON – activity; potential

MR RUTHERFORD – building once tire repair, says future restaurant

MR MCKINNON – marketing piece, not lined up

PUBLIC HEARING – no one in attendance

MOTION – MR IOANNONE – Motion to accept as presented with thirteen percent

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 144C to allow for exceeding the maximum building coverage requirement on property located at 2111-2159 Buffalo Road, Town of Gates;
- 2 There were no other parties who spoke in favor of the Applicant’s plea before the Board and there were no parties who spoke in opposition of the Applicant’s plea, however, the Board did receive a Letter from Mike Lauterborn Enterprises, Inc. which letter did not object to proposed variance but did discuss a boundary line dispute not relevant to the request;
- 3 The Board found that the requested variance met all of the criteria for permitting the requested area variance;
- 4 The Board received the response from the Monroe County Planning Board referring this matter back as a local matter; and
- 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 KILEY**

CHAIRPERSON MAURICE – motion to approve the request as presented with correction, thirteen percent variance to lot coverage of fifteen percent to be twenty-eight percent

Member Vote Tally

Mr. Ioannone – yes

Mr. Kiley – yes

Mr. Rutherford - yes

Mr. Redfern – yes

Chairperson Maurice - yes

Variance granted 5-0

MOTION - to adjourn – **MR KILEY**

Second – **MR RUTHERFORD**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals