



# Town of Gates

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

## Meeting Minutes

May 12, 2021

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

**MEMBER(S) NOT PRESENT:**

**ALSO PRESENT:** Robert J. Mac Claren, Esq., Board Attorney  
Cosmo Giunta, Town Supervisor and 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 Planning Board response needed, not received for Spencerport Road; will go through application but will vote next month

**ATTORNEY MAC CLAREN** – if county responds will vote next month, not required to attend, up to applicant

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

**MOTION – MR IOANNONE**

**Second - MR ZIMMER**

*All in favor, minutes approved*

Mr. Redfern abstains due to absence from last meeting

Application No. 1

**THE APPLICATION OF RENEE LANDAHL REQUESTING AN AREA VARIANCE FROM ARTICLE XIX, SECTION 190-94(C) TO ERECT A GARAGE ADDITION WHICH WILL ENCROACH INTO THE REQUIRED SIDE YARD SETBACK, ON PROPERTY LOCATED AT 226 MEADOWDALE DRIVE.**

**RENEE LANDAHL** – with daughter Jenna Landahl, just moved here and want to extend garage two feet; has signed letter from neighbor, okay with it

**CHAIRPERSON MAURICE** – SEQRA type 2, does not require environmental impact;

**MS LANDAHL** – two car garage; come forward, toward side and flush against back; couple feet towards neighbor's house

**CHAIRPERSON MAURICE** – in zone you are in, your frontage is eighty feet so required to have a side set-back of eight feet; five and a half foot set back, requiring a two and a half foot variance;

**MS LANDAHL** – from the front of the road to the setback, how far is that supposed to be?

**CHAIRPERSON MAURICE** – thirty five feet; front part not an issue

**MR RUTHERFORD** – planning on taking down the breezeway?

**MS LANDAHL** – yes, whole new garage; attached to the house

**CHAIRPERSON MAURICE** – is the side going to match the rest of the house?

**MS LANDAHL** – yes, eventually will make all the same color

**CHAIRPERSON MAURICE** – roof line?

**MS LANDAHL** - straight across, will flow; trying to do it easy and simple

**CHAIRPERSON MAURICE** – is the driveway going to change?

**MS LANDAHL** – widen to match garage

**CHAIRPERSON MAURICE** – chain-link fence?

**MS LANDAHL** – will still all be there, moved over a little; gate there

PUBLIC HEARING – no one in attendance

**MOTION – MR ZIMMER** – 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 94 to permit the construction of a two car garage which will encroach into the side setback on property located at 226 Meadowdale Drive, Town of Gates;
- 2 There were no parties who spoke in opposition of the Applicant’s plea and the Applicant provided a signed letter from her neighbor stating they have no objection to the Applicant’s pleas;
- 3 The Board found that the requested variance met all of the criteria for permitting the requested area variance;
- 4 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 REDFERN**

**CHAIRPERSON MAURICE** – Motion to approve variance of two feet as presented

Member Vote Tally

Mr. Ioannone – yes

Mr. Kiley – yes

Mr. Rutherford – yes

Mr. Redfern – yes

Chairperson Maurice - yes

*Variance approved 5-0*

Application No. 2

**THE APPLICATION OF MITCHELLE DONNELLY, AS AGENT FOR BURGER KING RESTAURANT, REQUESTING AREA VARIANCES FROM ARTICLE V, SECTION 190-24 TO ERECT MORE WALL SIGNES THAN ALLOWED WITH LARGER SQUARE FOOTAGE THAN ALLOWED ON PROPERTY LOCATED AT 4 SPENCERPORT ROAD.**

**MITCHELLE DONNELLY** – 1464 Main Street, Buffalo

**CHAIRPERSON MAURICE** – SEQRA type 2, no environmental impact study to be reviewed; also went to Planning Board for site review; already discussed issue with county response not received yet

**MR DONNELLY** -area variance, three signs, Flame Grilling and two Burger King logos; slightly larger than what is allowed because it is part of Burger King’s brand to have the same logo; set back 108 feet from Spencerport Road; additional signage would help cause

**CHAIRPERSON MAURICE** – what is your position, are you with the sign company?

**MR DONNELLY** – yes, works for Flex Loom sign, project manager; in a commercialized area, fits in with the other signs

**CHAIRPERSON MAURICE** – sign on front is permitted; allowed one sign on the wall that faces the road; customer entrance on side wall, allowed fifteen foot square sign on that wall; otherwise, no other signs are permitted; the west side, the drive thru side, needs a variance for number of signs permitted and size; on the east side, number of signs permitted and size because it can only be fifteen square feet

**MR RUTHERFORD** – east side not fifteen square feet, but forty for sign; is twenty-one square feet

**MR DONNELLY** – twenty-two

**MR RUTHERFORD** – also looking for a second sign which is another twenty square feet; a lot of variances; if you could only have one sign, would it matter which one?

**MR DONNELLY** – question for Burger King to decide if they had to choose one over other; assume maybe logo, but flame grilling is their slogan they want to use

**MR RUTHERFORD** – goal is to minimize

**MR DONNELLY** – Burger King logo, brand; flame grill is just pin letters, not big and bulky; space between the letters

**CHAIRPERSON MAURICE** – agrees with Mr. Rutherford and as you said, it is a very commercial district; the buildings around it and across the street over the

years have acquired more signs than allowed; would not deny all but agree that the two signs on east side is too much of a variance, where a fifteen foot square sign would be allowed and this would be a total of forty-four square feet; no concern with west side, because of the other buildings; if in a different location, may have a problem; next month, not voting tonight

**MR IOANNONE** – agrees with Mr. Rutherford and Chairperson Maurice

**MR ZIMMER** – single signs, compromise for their location

PUBLIC HEARING – no one in attendance

**CHAIRPERSON MAURICE** – will not have another public hearing next month, does not need to be posted again as the public hearing requirement has been met

**MOTION – MR IOANNONE** – Motion to table

**MR RUTHERFORD** - Second

**CHAIRPERSON MAURICE** - Motion to table as do not have the county response and cannot go forward with vote

Member Vote Tally

Mr. Ioannone – yes

Mr. Kiley - yes

Mr. Rutherford – yes

Mr. Redfern - yes

Chairperson Maurice - yes

*Variance tabled 5-0*

**CHAIRPERSON MAURICE** – up to applicant if he comes back next month, tabled applications are always first on agenda, will have vote then

**MR DONNELLY** – can they change application to have one sign?

**ATTORNEY MAC CLAREN** – if application changed, would have another public hearing; if took one away and otherwise exactly the same, don't need to do anything; would not add anything; if removing something, send email to town and Attorney Mac Claren

**MOTION - to adjourn – MR RUTHERFORD**  
**Second – MR REDFERN**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals