



Town of Gates

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

Meeting Minutes

December 11, 2023

MEMBERS PRESENT: Bill Kiley, Chairperson; Alan Redfern; Dick Lippa; Dave Ferris

MEMBER(S) NOT PRESENT: Don Ioannone; Steve Zimmer

ALSO PRESENT: Robert Mac Claren, Esq., Town/Board Attorney
Lee Cordero, Councilman & Zoning Board liaison

A public hearing of the Gates Zoning Board of Appeals was called to order by **CHAIRPERSON KILEY** at 7:30 p.m. at the Gates Town Hall. **CHAIRPERSON KILEY** explained the purpose and procedure of the Zoning Board.

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CHAIRPERSON KILEY - Explains process and role of the ZBA; applications published in daily record and on town website; application no. 2 is postponed as it has been withdrawn by the applicant

CHARIPERSON KILEY – first order of business is to accept minutes from the November, 2023 meeting;

MOTION – MR REDFERN – Motion to accept minutes from November, 2023 meeting as corrected.

Second – MR LIPPA

All in favor, minutes approved.

Mr. Ferris abstains

APPLICATION NO. 1

THE APPLICATION OF HOSPITALITY SYRACUSE c/o MIKE MCCRAKEN SEEKING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 2301 LYELL AVENUE FROM ARTICLE V § 190-22(B) TO ALLOW A 4 SQUARE FOOT DIRECTIONAL SIGN (ON THE WEGMANS ISLAND) WHERE ONLY 3 SQUARE FEET ARE ALLOWED.

STEPHANIE ALBRIGHT – for AFD Engineering, 615 Fishers Run; also here is Michael McCracken, Hospitality Syracuse; revisiting asking for Wegmans parcel sign; put on Wegmans parcel because with all of the landscaping would not see until on stie if put on Taco Bell parcel; basically asking to approve it to be on Wegmans parcel instead of Taco Bell parcel

ATTORNEY MAC CLAREN – confirm that it is still a four foot sign, so a one foot variance?

MS ALBRIGHT – yes

MR FERRIS – illuminated or just a free standing sign?

MS ALBRIGHT – yes, illuminated;

MIKE MCCRAKEN – just like others, will match the rest of the site

PUBLIC HEARING – no one in attendance

CHAIRPERSON KILEY – SEQRA type 2, no environmental impact

MOTION – **MR FERRIS** – Motion to approve

The Board approved the requested area variance from Article V, Section 190-22B(3) for the Property to allow one (1) four (4) square foot directional sign where only a three (3) square foot sign is allowed. This variance was approved by a unanimous vote of the Board.

Please note that the following facts are not in dispute:

- 1 The Applicant sought a variance with respect to an increase in the overall size of a directional sign at property located at 2301 Lyell Avenue, Town of Gates (the “Property”);
- 2 The Property is located on a State or County road and the County response was required and received prior to the December meeting.

- 3 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application; and

This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and the Board found that no further proceedings under SEQRA is required

Second – MR LIPPA

Member Vote Tally

Mr. Lipa - yes

Mr. Ferris - yes

Mr. Redfern - yes

Chairperson Kiley - yes

Variance approved 4-0

APPLICATION NO. 2

(withdrawn by applicant)

APPLICATION NO. 3

THE APPLICATION OF VINCENT DIRAIMO SEEKING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 898 BUFFALO ROAD FROM ARTICLE V § 190-26(A) AND § 190-22(H) TO ALLOW FOR A FREESTANDING MONUMENT SIGN APPROXIMATELY 35 SQUARE FEET IN AREA (WHERE ONLY 20 SQUARE FEET ARE ALLOWED) THAT WILL ENCROACH INTO THE REQUIRED 15 FOOT SETBACK.

VINCENT DIRAIMO – 427 Latta Road, Rochester, 14612; monument sign to welcome to new establishment on Buffalo Road; want it to be big enough for cars going miles per hour or more to see

CHAIRPERSON KILEY – monument sign?

MR DIRAIMO – yes, total of 100 inches front to back including the pillar; starting at 10 feet from edge of road and will then be 100 inches; 18.3 feet from road to the back of the sign

CHAIRPERSON KILEY – why not at 15 feet?

MR DIRAIMO – hard to see with hot box, public awareness

CHAIRPERSON KILEY – sign by road (shows on map)

MR DIRAIMO – old restaurant sign still there; put coming soon sign over what they had there; not going to go exactly where old sign was but close; logical, split in half; big enough to see when passing by

CHAIRPERSON KILEY - more of a landmark sign then advertising

MR DIRAIMO - correct

MR FERRIS – how big is the pool?

MR DIRAIMO – 18 wide by 38 long; also 10 feet on all sides for concrete deck

CHAIRPERSON KILEY – starts about here (shows on map) about 10 feet back

ATTORNEY MAC CLAREN – hot box, where?

MR DIRAIMO – shows on map, impedes vision; round planting bed on either side; better aesthetically

PUBLIC HEARING – no one in attendance

CHAIRPERSON KILEY – SEQRA type 2, no impact; country referred back as a local matter

MOTION – MR FERRIS– Motion to approve both variances as submitted; a 5 foot setback variance to allow the sign to start at 10 feet and a 15 square foot variance to allow the total of the sign with the pillar to be 35 feet.

The variances were approved as follows:

1. The Board approved the requested area variance from Article V, Section 190-26(A) for the Property to allow an increase in the total area of a freestanding sign, inclusive of the pillar to which the sign is affixed, on the Property to thirty-five (35) square feet where only a twenty (20) square foot sign is allowed. This variance was approved by a unanimous vote of the Board based on the presentation and application provided to the Board, which included a design of the sign.
2. The Board approved the requested area variance from Article V, Section 190-22(H) to allow the above freestanding sign to encroach five (5) feet into the required fifteen (15) foot setback, thus allowing a five (5) foot reduction in the setback, so that the required setback is now ten (10) feet. This variance was approved by a unanimous vote of the Board based on the presentation and application provided to the Board.

Please note that the following facts are not in dispute:

- 4 The Applicant sought variances from with respect to the location within the setback of a freestanding sign and an increase in the overall size of the freestanding sign at property located at 898 Buffalo Road, Town of Gates (the “Property”);
- 5 The Property is located on a State or County road and the County response was required and received prior to the December meeting.

- 6 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application; and
- 7 This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and the Board found that no further proceedings under SEQRA is required.

Second – MR REDFERN

Member Vote Tally

Mr. Lippa - yes

Mr. Ferris - yes

Mr. Redfern - yes

Chairperson Kiley - yes

Variance approved 4-0

MOTION - to adjourn – MR REDFERN

Second – MR LIPPA

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals