



Town of Gates

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

Meeting Minutes

January 13, 2025

MEMBERS PRESENT: Bill Kiley, Chairperson; Don Ioannone; Dave Ferris; Steve Zimmer; Tina Albanese-Stauffer

MEMBER(S) NOT PRESENT: Dick Lippa; Alan Redfern

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

A public hearing of the Gates Zoning Board of Appeals was called to order by **STEVE ZIMMER** (acting chairperson) at 7:30 p.m. at the Gates Town Hall. **MR ZIMMER** explained the purpose and procedure of the Zoning Board.

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MR ZIMMER – first order of business is to accept minutes from the December, 2024 meeting;

MOTION – MR IOANNONE – Motion to accept minutes from December, 2024 meeting.

Second – MR FERRIS

All in favor, minutes approved.

APPLICATION NO. 1

THE APPLICATION OF SKYLIGHT SIGNS, INC. SEEKING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 3035 BUFFALO ROAD FROM ARTICLE V, § 190-24(B) THAT WILL ALLOW THE INSTALLATION OF A SECOND WALL MOUNTED SIGN FOR BOOZY’S WINE AND SPIRITS ON THE SIDE ELEVATION WHEN ONLY ONE SIGN IS ALLOWED.

FRANK CLEERE – co-owner of Skylight signs with Mike Bonano; located at 16 Industrial Park Circle; seeking a variance for the second sign for the front of store; originally supposed to have a side door entrance for Boozy’s; liquor authority does not permit a second entrance; can’t see front of building until past entrance; going from west to east; within allowable square footage and other requirements; front sign has been installed as permitted

PUBLIC HEARING – no one in attendance

MR ZIMMER – SEQRA, unlisted action, no requirements

MOTION - to approve as presented – **MR IOANNONE**

The Board approved the request to permit a second building mounted sign on the side elevation as set forth in the Application.

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 the presentation made during the public hearing held on the above referenced date.

These approvals are based upon the following findings of fact, which adequately demonstrated the standards applicable to granting the application

- 1 The Applicant sought a variance to install a second building mounted sign that is not otherwise allowed on property located at 3035 Buffalo Road, Town of Gates;
- 2 There was no other party in attendance who objected to Applicant’s plea before the Board;
- 3 The Property is located on a State or County road and the County response was required and received prior to the December meeting.
- 4 This application involves an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and, after review, the Board determined that no further proceedings under SEQRA is required.

Second – **MR ZIMMER**

Member Vote Tally

Mr. Ioannone – yes
Chairperson Kiley - yes
Mr. Ferris – no
Ms. Albanese-Stauffer - yes
Mr. Zimmer – yes
Variance approved 4-1

APPLICATION NO. 2

THE APPLICATION OF SKYLIGHT SIGNS, INC. SEEKING AN AREA VARAINCE FOR THE PROPERTY LOCATED AT 3035 BUFFALO ROAD FROM ARTICLE V, § 190-26(A) TO INSTALL A 64 SF FREESTANDING SIGN WHEN ONLY 40 SF ARE ALLOWED.

FRANK CLEERE – co-owner of Skylight Signs, 16 Industrial Park Circle; 2019 first built; forgot to publish application for first building; had to come back; again, sign is similar to; has to be moved back out of right of way; encroaches, close to wire; they will be close to ground; clears easement; lose 15 feet; bring back into middle of parking spot; build similar island to far right to break off parking spaces; no new electric, can use power that runs to building presently; put as Coldwater Commons but do not know what final name will be

MR ZIMMER – no SEQRA requirements

PUBLIC HEARING – no one in attendance

MOTION - to approve– **MR FERRIS**

These approvals are based upon the following findings of fact, which adequately demonstrated the standards applicable to granting the application

- 5 The Applicant sought a variance to permit a freestanding sign to be larger than allowed on property located at 3035 Buffalo Road, Town of Gates;
- 6 There was no other party in attendance who objected to Applicant’s plea before the Board;
- 7 The Property is located on a State or County road and the County response was required and received prior to the December meeting.
- 8 This application involves an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and, after review, the Board determined that no further proceedings under SEQRA is required.

Second – **MR KILEY**

Member Vote Tally

Mr. Ioannone – yes

Chairperson Kiley - yes

Ms Albanese-Stauffer - yes

Mr. Ferris – yes

Mr. Zimmer – yes

All in favor

APPLICATION NO. 3

**THE APPLICATION OF WESTMAR ACQUISITIONS LLC SEEKING
A USE VARIANCE FOR THE PROPERTY LOCATED AT 1965
BUFFALO ROAD FROM ARTICLE XXV, § 190-141 TO OPERATE A
CAR RENTAL AGENCY IN THE GENERAL BUSINESS DISTRICT.**

IAN DENARO – with Westmar Acquisitions, LLC 1965 Buffalo Road; seeking a use variance to operate car rental agency, Hertz, in a general business district; here with Hertz representatives

ATTORNEY MAC CLAREN – need to know number of employees, actual plan for property; operation; prior marketing

TOM – area manager for Hertz

JENNIFER COLON – real estate manager

TOM – medium size branch; West Herr dealership nearby; 2-3 employees on premises; cars, maximum 10, fluctuating daily

JACOB RIVERA – Caliber Brokerage; helped with marketing efforts on landlord side; worked with Hertz separately

ATTORNEY MAC CLAREN previous marketing summary

MR RIVERA – report sent for further description; worked with previous landlord before acquisition sold; did everything he could from leasing and sales perspective; vacant for some time; automotive repair, more intensive parking use, cars sat idle; Hertz model is in and out; do not want inventory on lot; previous marketing efforts, lease and sale, back to 2016 to 2023 on leasing side; year and a half to two years; tenant representative side; not many tenants wanting to lease;

MR FERRIS – facility, Hertz, rental car?

MR RIVERA – yes

MR FERRIS – servicing West Herr cars?

TOM – loaners from Wes Herr if car is in shop; drive to West Herr

MR FERRIS – are you repairing cars?

MR DENARO - no

MR FERRIS – seven bays, used for what?

MR DENARO – Hertz occupies first two, garage based and office space; other five empty and will remain vacant until they find another tenant

CHAIRPERSON KILEY – half rented out

MR DENARO - yes

MR IOANNONE – town code does not allow to have sales

MR DENARO – no sales

MR FERRIS – utilize office space and two bays, possibly sub lease to someone else?

MR DENARO - correct

PUBLIC HEARING – no one in attendance

MR ZIMMER – no environmental SEQRA requirements for this application

MR ZIMMER – county response was not received

MOTION - to table– **MR IOANNONE**

The Board was unable to make a determination with respect to any of the requested variances as the Board did not receive the required response from the County Planning Board prior to the meeting.

The Application will now be heard on Monday, February 10th, at 7:30pm.

Please note that the following facts are not in dispute:

- 9 The Applicant sought a use variance to permit the operation of a car rental agency at the property located at 1965 Buffalo Road, Town of Gates (the “Property”);
- 10 The Property is located on a State or County road and the County response is required but was not received prior to the January meeting.
- 11 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application; and
- 12 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 FERRIS**

Member Vote Tally

Mr. Ioannone – yes
Chairperson Kiley - yes
Mr. Ferris – yes
Mr. Zimmer – yes
Ms Albanese-Stauffer - yes
All in favor

APPLICATION NO. 4

THE APPLICATION OF CARLI SCHLINGER & ERIN BEACH SEEKING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 11 FLORALTON DRIVE FROM ARTICLE VIII § 190-36(B) TO MAINTAIN THE LOCATION OF A WHITE VINYL FENCE WHICH ENCROACHES INTO THE FRONT SETBACK ON WINGATE DRIVE.

CARLI SCHLINGER – 11 Floralton, set size, with Erin Beach and fence variance; understand that ignorance to the town code is not an affirmative defense; fence is a benefit to town; bought house over summer, first time home owners; fence pre-existing; fence before was rotted and rusted, unbecoming; saw opportunity to improve neighborhood; hired contractor and sought building permit; asked that both contractor and she receive a phone call; did not hear back regarding whether permit was granted; received message from contractor saying all set; took that as having communicated with town; demolished old and put up new fence along the same line; when projected completed found out not approved; given that property is on Wingate and Floralton, need variance because two front yards, two setbacks; would not have proceeded if they knew permit was not going to be granted; spoke with code enforcer; spoke with neighbors to get opinion; consensus was that fence is upgrade; no issues approaching stop sign at corner; elevates neighborhood; trees give privacy; bottom of trees are unbecoming at fence line; a lot of foot and vehicle traffic, provides privacy; previous owner had dog that was loose often, prevent this from happening with own dog; beautify community; willing to pay any fee or fine; want to maintain positive relationship with town and community

ATTORNEY MAC CLAREN – how far is fence from edge of road?

MS SCHLINGER – splicing survey with neighbor directly behind; fence lines up with neighbor; from right of way to where fence begins on Wingate Drive side,

approximately eight and a half feet; dotted line along house shows variance that survey added, did not know what is meant; thirty five and a half feet

ATTORNEY MAC CLAREN – eight and a half feet from right of way

MS SCHLINGER – yes

ATTORNEY MAC CLAREN – have to put what it is reduced to on approval letter, want to make sure amount if correct

MS SCHLINGER – best estimate given by splicing surveys

PUBLIC HEARING

CARALYN BLANDO – 10 Floralton Drive; bought in 2015, happy in development; previous owner deaf; dog got loose; all walk dogs; privacy brings up development as you come in; definitely for it

CHAIRPERSON KILEY – no type 2 SEQRA requirement

MOTION - to approve as presented– **MR FERRIS**

These approvals are based upon the following findings of fact, which adequately demonstrated the standards applicable to granting the application

- 13 The Applicant sought a variance to permit an existing fence which falls within the setback to remain on property located at 11 Floralton Drive, Town of Gates;
- 14 There was one other party in attendance who spoke in support of Applicant’s plea before the Board;
- 15 The Property is located within 500 feet of a State or County road and the County response was required and received prior to the December meeting.
- 16 This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and, after review, the Board determined that no further proceedings under SEQRA is required.

Second – **MR IOANNONE**

Member Vote Tally

Mr. Redfern - yes

Mr. Ferris – yes

Mr. Lippa - yes

Mr. Ioannone – yes

Chairperson Kiley - yes

Variance Approved

MOTION - to adjourn – **MR FERRIS**
Second – **MR ZIMMER**

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals