



Town of Gates

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

Meeting Minutes

December 11, 2017

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

MEMBER(S) NOT PRESENT: Don Rutherford;

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 November meeting to be accepted, asks for changes, additions or corrections

MR DISHAW – states that the spelling of his name is incorrect in several places; gave a highlighted copy to ZBA secretary to make changes

MOTION - MR IOANNONE –**Motion** to accept the minutes with corrections

Second – **MR CORDERO**

All in favor

CHAIRPERSON MAURICE – explains process; states that this is a SEQRA type two action which means that this does not require a state environmental quality review.

Application

THE APPLICATION OF JERRY BEVILACQUA (JBI AUTOMOTIVE) REQUESTING AN AREA VARIANCE FROM ARTICLE V, SECTION 190-23 TO ERECT A FREE-STANDING SIGN ON PROPERTY LOCATED AT 167 LEE ROAD IN A RESIDENTIAL ZONING DISTRICT. (VARIANCE PREVIOUSLY GRANTED TO OPERATE BUSINESS)

JERRY BEVILACQUA – states that he is the owner of JBI Automotive at 167 Lee Road; currently where the shop is placed is not visible from the road unless at the right angle; looking for a free standing sign so that people are aware that is where his building is located in the back

CHAIRPERSON MAURICE – who is Mr. Antonia Ciaccia?

MR BEVILACQUA – owner of property, he is his landlord

CHAIRPERSON MAURICE – with the application is a letter from Mr. Ciaccia stating that he has given permission to erect the sign; cannot erect signs without the approval of the property owner; does he live in the house?

MR BEVILACQUA – no, Tony Ciaccia lives on Appian Drive in Gates; he owns 167 Lee Road which he rents out the house in front; he also owns the building in back and he and his sister-in-law own 181 and 183, which is adjacent; it is the deli and the Glass America building

CHAIRPERSON MAURICE – do you live in the front?

MR BEVILACQUA - no

CHAIRPERSON MAURICE – have you had any conversation with the renters who live in the front house?

MR BEVILACQUA – have spoken with the renter who lives in the front, actually works at Ciaccia's deli, his name is Alfredo King; he had no issues with it; also spoke with the owners of Ciaccia's, Stephanie and Ann Marie, and none of them had any issue or anything to say about anything

MR IOANNONE – how long have you been in business?

MR BEVILACQUA – since 2014

MR IOANNONE – at that location?

MR BEVILACQUA – moved to that location in May, 2014

CHAIRPERSON MAURICE – property was given a use variance in June, 1987; it is in a residential zone but it has the use variance to have the repair shop in the building behind; there is no stipulation or condition about signs

MR BEVILACQUA - residential area but use variance; building department gave a copy; no stipulations or conditions, Board did not put that

MR DISHAW - how did you come across that the sign would stand twelve feet tall from the grade?

MR BEVILACQUA – looked up code, 190-22(i) states cannot be bigger than four by five, twenty square feet maximum; height with a single lane, 190-26 (a) had to stand no taller than twelve feet; if a two lane highway, it would be sixteen feet tall, thirty-two feet total on the signage; did not know how everything operated, so he put in for the maximum and will go with agreement as long as visible and cars can be dropped off; two or three times a year he has had to call customers who dropped off at other repair shop down the road because they cannot see him so they assume it is the other shop

MR CORDERO – some of us had problems finding it

CHAIRPERSON MAURICE – picture is the actual design?

MR BEVILACQUA – yes, that would be the logo just like clothing and hat; threw rendering together because did not know if he could put in back with arrow; could not find anything in town signage about restrictions

CHAIRPERSON MAURICE – states that there are restrictions on signs as to what the sign can look like; size and restricted to three colors but because of the first amendment rights cannot tell what to put on sign, can only tell what it looks like

ATTORNEY MAC CLAREN – certain things cannot go on signs

MR BEVILACQUA – would likely be two colors, white background, blue lettering
ATTORNEY MAC CLAREN – can shrink number and put an arrow saying in back
CHAIRPERSON MAURICE – if variance granted, would go in with finalized version, still need sign permit; building department will go over sign codes
MR BEVILACQUA – building department is where he has been dealing with Natalie?
CHAIRPERSON MAURICE - yes
MR DISHAW – what would be the minimum heights that you would need?
MR BEVILACQUA – to the top or the bottom of the sign?
MR DISHAW – to the top
MR BEVILACQUA – how many square feet, would the sign still be the five by four, twenty square feet? What would the square footage of the sign be so would know the distance between grade and bottom of the sign?
CHAIRPERSON MAURICE – not that many signs on your side of the road, being residential, just the one, the church; going by that because do not want the sign to be so big that it sticks out in a residential zone; want to serve purpose but do not want it to be out of place in the residential zone; in pre-meeting, twenty square-foot, twelve feet tall is too big
MR BEVILACQUA – thinks it is too big himself
CHAIRPERSON MAURICE – tossing around a twelve square foot sign no taller than six feet to the top of the sign; that would be fitting with other signs on the street
MR BEVILACQUA – twelve square feet; does it matter the shape?
CHAIRPERSON MAURICE – as long as it is not taller than six feet
MR BEVILACQUA – shows on map that snow plow takes snow and brings straight across and fills front yard; when snow mounds it is about six feet and then not visible; would eight feet be allowable just in case?
ATTORNEY MAC CLAREN – if there a sign in the yard, cannot plow in the yard?
MR BEVILACQUA – have been trying to get them to push all of the snow to the back because does not want to impede visibility and be responsible for an accident; which is why asking for additional height
MR CORDERO – contractor’s responsibility, does not matter if you own the property, it is up to them to abide by any safety laws
MR DISHAW – landlord could tell people where to plow to not block in tenant’s sign
CHAIRPERSON MAURICE – can tell them if he has approved sign, not to block it; still like six feet
MR IOANNONE – agreed to fifteen feet from the side of the road back; where on the property would you locate the sign?
MR BEVILACQUA – whatever he is told; to right of house so do not impede tenant’s visibility; does not mind it being set back a little more than fifteen feet
CHAIRPERSON MAURICE – on diagram the “X” looks like it is going into the driveway rather than the lawn?
MR BEVILACQUA – Natalie, with building department, wrote that on there; would be in the lawn; believes that is the easement for driving; fifteen feet is minimum allowable which is where he put starting point; can address distance from road
CHAIRPERSON MAURICE – optional lighting may be added later?
MR BEVILACQUA – put in just in case because he did not know how the variance went, if he had to put it in now
CHAIRPERSON MAURICE – hours of operation?

MR BEVILACQUA – between nine and six

CHAIRPERSON MAURICE – consider condition since it is residential; does not need to be lighted if hours are over at six

MR DISHAW – are there street lights?

MR BEVILACQUA – yes

ATTORNEY MAC CLAREN – can come back later if he decides wants lights

PUBLIC HEARING – no one in attendance to speak for or against

MOTION – MR DISHAW – Motion – propose six foot tall from grade, not to exceed twelve square foot, non-illuminated sign

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 190-23 to erect a sign on a property located in a residential zone on property located at 167 Lee Road;
- 2 There was no other party in attendance who objected to Applicant's plea before the Board;
- 3 The Landlord provided a signed letter stating that the Applicant has permission to erect a free standing sign on the property.
- 4 The Board found that permitting the sign within the parameters set forth below would not have a negative impact on the neighborhood:
 - a. The sign can be no taller to the top than six (6) feet high from the grade;
 - b. The sign can be a total of twelve (12) square feet;
 - c. The sign cannot be illuminated without future further application to the Zoning Board; and
 - d. The sign can be located fifteen (15) feet from the curb as described in the application;
- 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 CORDERO – Second

CHAIRPERSON MAURICE – motion is to approve variance for sign with the condition that it be no larger than twelve square feet, six feet tall; non-illuminated

Member Vote Tally

Mr. Ioannone – yes

Mr. Kiley – yes

Mr. Dishaw – yes

Mr. Cordero – yes

Ms. Schlaefer – yes

Chairperson Maurice – yes

Variance approved 6-0

Mr. Rutherford absent

MR BEVILACQUA – where does the letter get mailed to?

ATTORNEY MAC CLAREN – where would you like it to go? Will get address after and mail it to the house

MR BEVILACQUA – what is the distance, how far back?

ATTORNEY MAC CLAREN – fifteen feet

CHAIRPERSON MAURICE - code is fifteen feet, if you decide it needs to be closer to the road, it is another variance

MOTION - MR DISHAW- to adjourn

MR CORDERO - Second

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals