



Town of Gates

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

Meeting Minutes

January 9, 2018

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

MOTION - MR IOANNONE - Motion to accept the minutes

Second – **MR DISHAW**

All in favor

Mr. Rutherford abstains due to absence.

CHAIRPERSON MAURICE – explains process

Application

THE APPLICATION OF SKYLIGHT SIGNS, AS AGENT FOR ADVANTAGE FEDERAL CREDIT UNION REQUESTING AN AREA VARIANCE FROM ARTICLE V, SECTIONS 190-22 & 26 TO INSTALL AN ELECTRONIC MESSAGE BOARD SIGN WHICH WILL BE LARGER THAN ALLOWED ON PROPERTY LOCATED AT 1975 BUFFALO ROAD.

DAVID SAMUALSON - Facilities manager, Advantage Credit Union; replacing current sign, time and temperature with logo; upgrade to message center; elements not replaceable; conforms

like Garden Factory and Gates Town Hall and other businesses that have message centers; promote community events, amber alerts, ect.; upgrade gardens, after state sent through and widened road; forty mph, not sure how they are going to handle the time that the messages can be up;

CHAIRPERSON MAURICE – was not referred timely to county although it is a county road
ATTORNEY MACCLAREN - can proceed

CHAIRPERSON MAURICE - any approvals are subject to county input

DIANNE MILLER - Vice President Advantage Credit Union; 1979 Buffalo Road; marketing; community related events, school drives, ect.; are very involved with the community and are happy to use message center for that as well.

MR DISHAW - dimensions of current sign?

MR SAMUALSON - refers to agent

MICHAEL BONANNO - Skylight Signs, Inc, the current sign is fifteen to sixteen feet off of the ground; sixty-four height; sixty square inches; five by five; new is nine feet off the ground to the top of the sign

CHAIRPERSON MAURICE - new is forty-three square feet, current sign is twenty-five square feet?

MR BONANNO - correct

MR SAMUALSON - top is static with logo; will be mounted on existing pole

CHAIRPERSON MAURICE - in reference to statement about other locations with messages centers; pointing out that municipalities such as fire house, town hall, schools do not go by same rules as commercial properties, are not covered in the code in the same way, so can't compare

MR SAMUALSON - was trying to demonstrate that it fits into the area

CHAIRPERSON MAURICE - SEQRA type two action which means that there is no environmental issue

MR DISHAW - current is approximately twenty-five square feet; proposed is forty three square feet; asks to clarify why it is necessary to go from twenty-five to forty-three square feet?

MR SAMUALSON - the current sign is too small for message; motorists would not be able to read it going by

MR BONANNO - half of the sign is taken by "Welcome to Gates"

MR RUTHERFORD - what is the primary purpose of having a message sign? What do you plan on putting on there?

MS MILLER - promotions, i.e. school supplies; rate sale; advertising purposes as well as what the community would like us to do with it

MR RUTHERFORD - advertising?

MS MILLER - logo and brand

MR KILEY - permission granted for time and temperature twelve fifteen years ago to add

MS MILLER - will continue with the time and temperature; know that is where people look?

MR RUTHERFORD - picture with sign is recent?

MR BONANNO - yes, Westmar sign is right behind it

MR RUTHERFORD - hidden by tree in summer time

MR SAMUALSON - addressed with state, said they were not going to do anything about that; supposed to be low growth trees; not working with this; visible in both directions in current state

CHAIRPERSON MAURICE - Board considers which variances are uniquely required by your company? What would compel your property to require this where other commercial properties would still be expected to follow the code?

MR BONANNO - understands that Gates allows message centers; do allow to come to the Board for special variance for message centers, truly here for size purposes rather than for message centers because you do allow that; the formality; this is truly about size and the sign is not obtrusive; fit in with environment of signs that are in the neighborhood; adds element, brings into twentieth century to town with color and text; this is a beautiful sign, beautiful area, not overbearing; was the question why do you need a message center, because you do allow that?

CHAIRPERSON MAURICE - asking why this property qualifies for something that no other commercial property in town is allowed to have

MR BONANNO - is this true, no other property is allowed to have a message center?

CHAIRPERSON MAURICE/MR KILEY - without approval

MR BONANNO - way code is written, do allow message centers, but do have to go through formality because it is going to be conditional; why they want a message center is because they can have it, can afford it and want to make business flourish;

CHAIRPERSON MAURICE - cautions that coming to the Zoning Board of Appeals is never just a formality; that is an erroneous assumption

MR BONANNO - assumed, because sees other signs; hoping for continued in the town of Gates

MR RUTHERFORD - too many signs in the area; Garden factory across the street; accidents; bank on either side of your bank; if people are putting up message signs and everyone is going to be trying to read them, that is going to be a problem; trying to limit the number of message signs and if approved, others will want them

MR BONANNO - what is really causing accidents is trees blocking signs that people cannot see until they get right to them; have an attorney for the United States Sign Counsel who was involved in a study that found no indication that signs cause accidents; wants proof that signs cause

MR RUTHERFORD - said lives close, has seen a number of accidents; busy area with people pulling in and out of Garden Factory, concerned with anything that would make it worse

MR BONANNO - not proven

MS SCHLAEFER - if your sign is twenty-five, code says twenty to thirty-five, why do you need forty-three?

MR BONANNO - this one best suits the height and width; next one down ruins aspect ratio; most people want to see visual aspect like a television

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

MOTION - CHAIRPERSON MAURICE - to approve upgrade to LED technology; not larger sign as it is contrary to the intent of the code section 190-21, to reduce signs or advertising distraction, there is no compelling reason why this property needs a larger sign than allowed, every other commercial property in the town is still mandated by the code. Agrees it is a distraction in busy section of Buffalo Road, across from a very difficult exit from the Garden Factory where it is already very difficult to turn left and is where Buffalo Road narrows from two lanes down to one, drivers coming from Pixley Road do not know that the road is going to narrow; sign would be a distraction and detrimental to character of neighborhood

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 190-22 to replace an existing illuminated sign with an electronic message board sign on property located at 1975 Buffalo Road;
- 2 There were two other parties in attendance who spoke in favor of the Applicant's plea before the Board. There were no applicants in attendance who objected to the Applicant's plea before the Board;
- 3 The Board found that permitting the sign to be upgraded to an electronic message board would not have a negative impact on the neighborhood;
- 4 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.

The denial of the variance from Article V, Section 190-26 is based on the below 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 26 to replace an existing sign with a sign which would be larger than allowed; That the increase in size is contrary to the intent of Code Section 190-21;
2. The Board found that there is no compelling reason to have a sign larger than allowed by the Code;
3. The Board found that the increased size sign may result in a distraction to drivers and may create potentially dangerous driving conditions given the location.
4. The Board believed that the applicant had options which would not require a variance but could achieve a similar result.

Second - **MR DISHAW**

Member Vote Tally

Mr. Ioannone - yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Ms. Schlaefel - yes

Chairperson Maurice - yes

All in favor

Motion approved 7-0

CHAIRPERSON MAURICE - could not approve larger sign, did approve upgrade to LED technology

MR BONANNAO - keep the sign in same spot?

CHAIRPERSON MAURICE - did not say that, cannot have size requesting; can modernize, but cannot be bigger

MR BONANNAO - can we get a little bit larger, at twenty-five square feet the aspect ratio will not work

MR KILEY - thirty-two is the maximum

CHAIRPERSON MAURICE - clarified, thirty-two square feet

MR SAMUALSON can put welcome to Gates on sign as a constant
CHAIRPERSON MAURICE - size is within code

MOTION to adjourn - **MS SCHLAEFER**
MR RUTHERFORD - Second

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals