



Town of Gates

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

Meeting Minutes

September 12, 2022

MEMBERS PRESENT: Bill Kiley, Chairperson; Dave Ferris; Christine Maurice; Don Ioannone; Alan Redfern

MEMBER(S) NOT PRESENT: NA

ALSO PRESENT: Robert J. 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 **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; must have at least three votes to approve application; applications published in daily record and on town website; Storage Mall application requested to be tabled to next month

CHARIPERSON KILEY – first order of business is to accept minutes from the , August, 2022 meeting; no changes or corrections;

MOTION – MR FERRIS – Motion to accept minutes

Second – MS MAURICE

All in favor, minutes approved

Mr. Redfern abstains

TABLED FROM AUGUST MEETING

THE APPLICATION OF ROMAN KSHYSYAK REQUESTING AREA VARIANCES FROM ARTICLE VI SECTION 190-34, ARTICLE XXVI, SECTION 190-161 AND ARTICLE IV, SECTION 190-14 TO ALLOW FOR A BUFFER AREA WHICH WILL BE LESS THAN THE REQUIRED 100 FEET; ALLOW FOR A SIDE SETBACK WHICH WILL BE LESS THAN ALLOWED; AND TO ALLOW FOR FEWER PARKING SPACES THAN ARE REQUIRED, ALL ON PROPERTY LOCATED AT 35, 37 AND 39 DEEP ROCK ROAD.

CHAIRPERSON KILEY – received a few letters of endorsement from local neighbors

MOTION – MR IOANNONE - Motion to lift the table

Second – **MR FERRIS**

All in favor

CHAIRPERSON KILEY – public hearing held last month; confirmed letters sent to residents; 100 foot buffer, set to 0

MS MAURICE – Motion to approve variance per application; required buffer will be 0, 100 foot variance; side set back variance of 15 feet where 40 is required; parking for fewer spaces than required by code

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

- 1 The Applicant sought variances from Town of Gates Code Article VI Section 190-34, Article XXVI, Section 190-161 and Article IV, Section 190-14 to allow for a buffer area which will be less than the required 100 feet; allow for a side setback which will be less than allowed; and to allow for fewer parking spaces than are required, all on property located at 35, 37 and 39 Deep Rock Road, Town of Gates (the “Property”);
- 2 The Property is not located on a County or State road, therefore no County response is required;
- 3 There were no parties who appeared or wrote in objection to the required variances and multiple adjacent property owners and residents provided their support for the variances; and
- 4 This application involved a Type II action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA is required.

MR FERRIS - Second

Member Vote Tally

Mr. Redfern - yes

Mr. Ferris - yes

Ms. Maurice – yes

Mr. Ioannone - abstains

Chairperson Kiley – yes

All in favor, one abstention- variance approved

APPLICATION NO 1

THE APPLICATION OF JAMES SADWICK REQUESTING AN AREA VARIANCE FROM ARTICLE XIX, SECTION 190-94-C, TO ERECT A FRONT PORCH WHICH WILL ENCROACH INTO THE REQUIRED FRONT YARD SET BACK ON A PROPERTY LOCATED AT 348 GATEWOOD AVENUE.

JAMES SADWICK – resides in Holly; address is house he grew up in; mother passed; trying to upgrade house; front steps need work, instead of replacing cement, would like to put a deck that covers steps

ATTORNEY MAC CLAREN – are you the owner of the property?

MR SADWICK – co-owner

CHAIRPERSON KILEY – doing work yourself?

MR SADWICK – have contractor

MS MAURICE – confirm deck will extend 9 feet from house; setback per code is 35 feet from right away; need to know how much of a variance permitting

LUGINE SADWICK – correct, will not protrude into yard, already a little blacktop sidewalk, will only come to edge and steps will come down to sidewalk

MR FERRIS – 9 foot depth; 7 foot width?

MS SADWICK - correct

CHAIRPERSON KILEY - no environmental impact, SEQRA requirements met; not on a county road

MS MAURICE – confirm will look like pictures?

MS SADWICK - yes

PUBLIC HEARING – no one in attendance

MOTION – MR FERRIS – Motion to approve ten foot variance

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 porch which will encroach into the required front setback on property located at 348 Gatewood Avenue, Town of Gates (the “Property”);
- 2 The required public hearing was opened, held, and closed at the meeting; and
- 3 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 IOANNONE**

Member Vote Tally

Mr. Redfern - yes

Ms. Maurice – yes

Mr. Ferris - yes

Mr. Ioannone - yes

Chairperson Kiley – yes

All in favor- variance approved

MOTION - to adjourn – MR FERRIS

Second – **MR IOANNONE**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals