



Town of Gates

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

Meeting Minutes

September 14, 2020

MEMBERS PRESENT: Christine Maurice, Chairperson; Don Ioannone; Alan Redfern; Don Rutherford; Steve Zimmer; Bill Kiley

MEMBER(S) NOT PRESENT: Mary Schlaefer

ALSO PRESENT: Robert J. Mac Claren, Esq., Board Attorney
Cosmo Guinta, Town Supervisor and Zoning Board liaison

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 - Explains process and role of the ZBA; four votes required; social distancing, everyone is six feet apart; property is not on a county road, so county review is not necessary

MOTION – MR IOANNONE - Motion to approve the minutes from the August, 2020 meeting

Second – **CHAIRPERSON MAURICE**

All in favor, Mr. Kiley and Mr. Zimmer abstain due to absence; minutes approved

Application No. 1

THE APPLICATION OF JOHN AND PATRICIA COLTON REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36 TO ALLOW FOR THE CONSTRUCTION OF PORCH WHICH WILL ENCROACH INTO THE FRONT SETBACK ON PROPERTY LOCATED AT 101 ANDY LANE.

JOHN AND PATRICIA COLTON – requesting a variance to install, what was originally a patio, due to the material that it was, a cement slab cinder block, size did not require a variance; updating and eventually looking to replace; composite decking; same dimensions, but since made of the composite material, falls under the definition of a deck;

CHAIRPERSON MAURICE – requirement is thirty-five foot setback from road; house is thirty-five, deck will extend three feet into the setback

MR COLTON - yes

CHAIRPERSON MAURICE – looking for a three foot variance?

MR COLTON – yes

CHAIRPERSON MAURICE – address for photos provided

MR RUTHERFORD – materials?

MR COLTON – composite and PVC handrail

MR RUTHERFORD – steps will come down the side of the garage?

MR COLTON – yes, same as before, just different materials

CHAIRPERSON MAURICE – if the steps were coming off the front, it would add onto the variance

PUBLIC HEARING – no one in attendance

CHAIRPERSON MAURICE – SEQRA does not apply

MOTION – MR RUTHERFORD – Motion to approve variance as presented

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 36 to permit the construction of a porch which will encroach into the side setback on property located at 101 Andy Lane, Town of Gates;
- 2 There were no parties who spoke in opposition of the Applicant's plea;

- 3 The property is not located on a county road, therefore no county response is required;
- 4 The Board found that the requested variance met all of the criteria for permitting the requested area variance;
- 5 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 REDFERN**

CHAIRPERSON MAURICE - Motion to approve the application as presented

Member Vote Tally

Mr. Ioannone – yes

Mr. Kiley - yes

Mr. Rutherford - yes

Mr. Zimmer – yes

Mr. Redfern – yes

Chairperson Maurice - yes

Variance approved 6-0

MOTION - Motion to adjourn – **MR IOANNONE**

Second - **MR ZIMMER**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals