



Town of Gates

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

Meeting Minutes

July 13, 2020

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

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; one member absent; four votes required; social distancing, everyone is six feet apart

MOTION – MR KILEY - Motion to approve the minutes from the June, 2020 meeting

Second – **MR IOANNONE**

All in favor, minutes approved

CHAIRPERSON MAURICE – not making a decision on the ramp tonight, only talking about the porch and the roof; the ramp is a theoretical future structure

Application

THE APPLICATION OF JOE AND LINDA SCHULTE REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36, TO ALLOW FOR THE CONSTRUCTION OF PORCH AND HANDICAP RAMP ENCROACH INTO THE FRONT SETBACK ON PROPERTY LOCATED AT 35 BAMBI LANE

JOE SCHULTE – 35 Bambi Lane, asking for variation on setback rules to repair and improve home; here with wife Linda and Chris Hoover, friend and builder; lived in house since 2008; want to correct; intent is to repair of steps; stay in home, aging; steps not existent; started to repair, moving about six inches from left to right depending on who was using it; problem was that the concrete holding it in place was failing; in attempting repair, discovered that the brick steps were coming apart; only sand left; previous owners left ground next to the steps inked with blacktop;

CHAIRPERSON MAURICE – (referring to slide) are you talking about under the picture window?

MR SHULTE – yes; measures about fifty-five square feet; sidewalk to stairs need to be level, repair or replace; largest problem is the town's thirty-five foot front set back from property line; half is on one side and half is on other

CHAIRPERSON MAURICE – sidewalk is irrelevant to set back, just the structure including the steps

MR SHULTE – overhangs?

CHAIRPERSON MAURICE – porch roof, yes

MR SHULTE – improvement need due to mobility issues; older sister has returned to area who tries to stay completely away from steps; they also have health issues; want to install a small porch which need to be a minimum of eight feet wide and nine feet long, same height as interior floor of the house; stairs to right side of porch, centered on existing sidewalk; at the nine foot mark, bring a ramp up to a nine foot platform; railing would be metal; enter porch from ramp; similar material

CHAIRPERSON MAURICE – what is the material?

MR SHULTE - plastic, composite wood; design problem with front door, screen door is not aligned by five or six inches; cannot be any higher because of roof clearance; suggested that the right way to fix this was a gable on the existing roof; remove offending part of roof so it functions normally

CHAIRPERSON MAURICE – roof similar to what comes out over the garage?

MR SHULTE – yes

CHAIRPERSON MAURICE – only over the eight feet of porch?

MR SHULTE – yes

CHRIS HOOVER – 67 Second Avenue, 14612; same type of gable roof; cut back overhang, cut out dimension, would stick out a little further than the garage; vinyl sided, trimmed with metal; pressure treated frame, aluminum railing;

CHAIRPERSON MAURICE – the porch is enclosed?

MR HOOVER – no, roof, flat

MR RUTHERFORD – how far out past garage?

CHAIRPERSON MAURICE – sixteen inches?

MR HOOVER – garage showing on survey; tried, not within limit; sidewalk is almost four feet out in front of the garage

MR KILEY – four feet out?

MR HOOVER – extended out past the garage about six feet

CHAIRPERSON MAURICE – porch, from the house is going to extend out nine feet, correct?

MR HOOVER – if allowed, yes,

CHAIRPERSON MAURICE – how far out does the overhang extend?

MR HOOVER - depends on previous overhangs; have to match the front;

CHAIRPERSON MAURICE – need to tell us how many feet that you need the variance to be?

MR SHULTE – shows picture

CHAIRPERSON MAURICE – the roof will extend beyond the nine feet of the porch?

MR HOOVER – ten feet past the porch; one foot out

MR RUTHERFORD – from the picture window, to the garage, how many feet?

MR HOOVER – four feet

MR SHULTE – keep eight by nine

MR KILEY – nine feet?

MR HOOVER – ten feet, nine with one foot overhang

CHAIRPERSON MAURICE – have you decided on the ramp?

MR HOOVER - yes

ATTORNEY MAC CLAREN – if we say yes to the ramp, variance will include in set back; have to take permits within six months including the ramp; if so, can look at today; if not included, could lose whole variance; want to confirm now if ramp will be part of this

MR ZIMMER – why does ramp matter if you do not need a variance?

ATTORNEY MAC CLAREN – no formal disqualification of not needing a variance for the ramp; building department does not require it, there is no

exemption in the code; if going to put the ramp on now and it is included in the variance for the setback, eliminates question

CHAIRPERSON MAURICE – in order to put the ramp in with the porch, need dimensions

MR HOOVER – ramp is four foot and nine equals thirteen feet off of the front of the house; deck itself is nine by eight

ATTORNEY MAC CLAREN – roof is not going to extend all the way over the ramp?

MR HOOVER – no, will stop

MR ZIMMER – comes out thirteen feet, what is variance?

CHAIRPERSON MAURICE – thirteen feet, but (calculate on tape map) thirty-six feet to garage set back, another four feet to house, house is set back forty feet; want thirteen feet from the house, twenty-seven, need thirty-five, need eight foot variance; includes ramp

ATTORNEY MAC CLAREN - Approval will say porch length and the ramp

MR HOOVER – wood framed

CHAIRPERSON MAURICE – different, steps coming off from side in drawing off side; in the photo comes up the front; steps coming off side?

MR HOOVER – yes

MR SHULTE – construction includes hinge; under porch, nothing to do with set back

CHAIRPERSON MAURICE – SEQRA – type two; no further exploration, not a county road

MR IOANNONE – ramp materials, railing?

MR SCHULTE – yes, aluminum

PUBLIC HEARING – no one in attendance

ATTORNEY MAC CLAREN – no additional variance needed

MOTION – MR IOANNONE – Motion to approve as specified, four feet and four feet for ramp

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 and handicap ramp which will both encroach into the side setback on property located at 35 Bambi 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 KILEY**

CHAIRPERSON MAURICE - Motion to approve the application as presented, noting that porch needs a four foot variance and the ramp needs an additional four feet, total variance is eight feet

Member Vote Tally

Mr. Ioannone – yes
Mr., Kiley – yes
Mr. Zimmer - yes
Mr. Rutherford - yes
Mr. Redfern – yes
Chairperson Maurice - yes
Variance approved 6-0

MOTION - Motion to adjourn – **MR IOANNONE**
Second - **MR REDFERN**
All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals