



# Town of Gates

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

## Meeting Minutes

August 9, 2021

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

**MEMBER(S) NOT PRESENT:** NA

**ALSO PRESENT:** Robert J. Mac Claren, Esq., Board Attorney  
Cosmo Giunta, Supervisor & 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; both applications are on county or state roads which means we have to receive a response from Monroe County Planning Board but can proceed, did receive today

**CHARIPERSON MAURICE** – first order of business is to accept minutes from July, 2021 meeting; no changes, additions or corrections

**MOTION – MR IOANNONE** – Motion to approve minutes  
**Second - MR KILEY**

*All in favor, minutes approved*  
*Mr. Rutherford abstains due to absence from July meeting*

APPLICATION NO. 1

**THE APPLICATION OF PATHSTONE DEVELOPMENT CORP  
REQUESTING AN AREA VARIANCE FROM ARTICLE XX,  
SECTION 190-102 TO ALLOW MORE UNITES PER BUILDING  
THAN ALLOWED FOR A PROPOSED 2-STORY APARTMENT  
BUILDING TO BE LOCATED AT 1049 WEGMAN ROAD.**

**PETER GORMAN** – with Marathon Engineering, 39 Cascade Drive, Rochester,; presenting on behalf of Pathstone Corporation, the project is Churchview Commons; project is located at 1049 Wegman Road; 7.8 acres that is owned by the Gates Presbyterian Church; parcel is zoned MR, multifamily residential; project is comprised of two story, forty-five apartment units; community room and meeting room for residents to receive onsite services; reconfiguring parking lot and providing for utility services; received approvals from town and planning boards; requesting reapproval of variances granted from prior meetings on 1/13/20 and again on 10/13/20; requesting that forty-five units be allowed in a single structure; lessens the environmental impact of the project; increases green space and reduces storm water runoff; much more efficient use of interior and exterior space; HCR funding is causing delays, require all approvals to be in place before putting application in; application process takes five to six months

**CHAIRPERSON MAURICE** – any changes from prior plan in October, 2020?

**MR GORMAN** – no change

**CHAIRPERSON MAURICE** – variance from the eight units per building; town also has a code for no more than six units per acre; for the acreage, the total units being requested is not in excess; not more units than are than allowed; SEQRA, unlisted action, no further environmental impact review needed; county response received, referred back as a local matter

**MR GORMAN** - number of units requested eats up the total development rights for parcel

**PUBLIC HEARING**

**JAN BUETNA** – 4 Spot Circle, Churchville, elder at Gates Presbyterian Church; church continues to support the project; Pathstone has met all of the contingencies;

with the exception of funding, due to COVID; expected to be breaking ground this fall; wants to go forward with the project

**BILL DASSERO** – 190 North Moore Avenue, Gates; has served on numerous committees at church; was a trustee, elder and deacon at church; church is still very supportive of project; YWCA is a proposed tenant; build working relationships; reviews proposed plans

**MOTION – MR RUTHERFORD** – Motion to accept 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 102 to allow more units per building than permitted on property located at 1049 Wegman Road, Town of Gates;
- 2 There were two other parties who spoke in favor of the Applicant’s plea before the Board and there were no parties who spoke in opposition of the Applicant’s plea;
- 3 The Board found that the requested variance met all of the criteria for permitting the requested area variance;
- 4 This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA is required.

Second – **MR REDFERN**

Member Vote Tally

Mr. Ioannone – yes

Mr. Kiley – yes

Mr. Rutherford - yes

Mr. Redfern – yes

Chairperson Maurice - yes

*Variance granted 5-0*

APPLICATION NO. 2

**THE APPLICATION OF SONBRYNE SALES INC. REQUESTING AN AREA VARIANCE FROM ARTICLE IV, SECTION 190-17 TO ALLOW FOR PARKING WITHIN THE REUIRED FRONT YARD SETBACK ON THEH LONG POND ROAD SIDE OF PROPERTY FOR A PROPOSED BYRNE DAIRY TO BE LOCATED AT 462 SPENCERPORT ROAD.**

**ERIN BROWN** – from Byrne Dairy, corporate offices are at 171 Route 5, Weedsport; seeking variance to front set back; proposed project is on the north west corner of Long Pond and Spencerport Road; parcel is zoned neighborhood business; 150 feet of frontage on Spencerport Road; 360 feet of frontage on Long Pond Road; site is long and narrow; site plan has building located towards the center; fueling facility towards southern portion; want to keep pedestrian traffic of the retail store separate; parking spaces are situated toward center and north portion, causing need for variance; along north east side, parking spaces are 2 feet nine inches from property line; need relief of 7’3’ total; project has been approved by Planning Board for special permit back in June; variance is the last step; issue arose at the end; survey preliminarily did not show right of way line

**CHAIRPERSON MAURICE** – SEQRA type 2, no further environmental impact study needed; county referred back as a local matter; eleven parking spots involved in variance, along Long Pond Road; other spots are not involved; land between right of way and road; need to know how close cars will be to traffic; responded, fifteen feet from parking to the edge of pavement; twenty feet to driving lane line

**MS BROWN** - correct

**MR RUTHERFORD** – after parking, what is in the area that has “grow” on it?

**MS BROWN** – grass, green space

**MR RUTHERFORD** – will there be a sidewalk along there?

**MR BROWN** – no, green space; right of way area

**CHAIRPERSON MAURICE** – describe what barrier is between parking

**MS BROWN** – green space; flush pavement for storm water prevention run off

**MR RUTHERFORD** – what is the grade for the parking spaces?

**MS BROWN** - fairly even, slightly higher

**MR RUTHERFORD** – run off into grass?

**MS BROWN** - correct

**PUBLIC HEARING** – no one in attendance

**MOTION – MR KILEY – Motion to accept 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 17 to allow for parking within the required front yard setback on property located at 462 Spencerport Road, Town of Gates;
- 2 There were no other parties who spoke in favor of the Applicant’s plea before the Board and there were no parties who spoke in opposition of the Applicant’s plea;
- 3 The Board found that the requested variance met all of the criteria for permitting the requested area variance;
- 4 This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA is required.

**Second – MR IOANNONE**

Member Vote Tally

Mr. Ioannone – yes

Mr. Kiley – yes

Mr. Rutherford - yes

Mr. Redfern – yes

Chairperson Maurice - yes

*Variance granted 5-0*

**MOTION - to adjourn – MR KILEY**

**Second – MR RUTHERFORD**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary

Gates Zoning Board of Appeals