



# Town of Gates

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

## Meeting Minutes

June 14, 2021

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

**MEMBER(S) NOT PRESENT:** Don Rutherford

**ALSO PRESENT:** Robert J. Mac Claren, Esq., Board Attorney  
Cosmo Giunta, 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;

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

**MOTION – MR IOANNONE**  
**Second - MR FERRIS**

*All in favor, minutes approved*

Application No. 1

**THE APPLICATION OF CHESTER BRASSIE REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36 TO CONSTRUCT A LIVING ROOM ADDITION WHICH WILL ENCROACH INTO THE REQUIRED FRONT YARD SETBACK ON PROPERTY LOCATED AT 334 YOUNGS AVENUE.**

**CHESTER BRASSIE** – 334 Youngs Avenue; looking to add a living room addition, recently had a baby and house is just over 900 square feet, need more living space; proposing a 20 x 20 addition off side of house; house was built 24 feet from the road, does not meet 35 feet criteria; keep in line with the house and go straight up;

**CHAIRPERSON MAURICE** – describe what it will look like; same siding?

**MR BRASSIE** – exact same siding, will all match aesthetically; not going up to second floor; match height of garage on opposite side of house

**MR KILEY** – are you doing the work?

**MR BRASSIE** - yes

**CHAIRPERSON MAURICE** – variance of 10.8 feet; require 35; only front setback that requires a variance

**MR IOANNONE** – continuity?

**MR BRASSIE** - yes

**CHAIRPERSON MAURICE** – SEQRA type 2 action, no further environmental impact study needed

**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 36 to permit the construction of a living room addition will encroach into the front setback on property located at 334 Youngs Avenue, Town of Gates;
- 2 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 a Type II 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. Ferris – yes

Mr. Redfern – yes

Chairperson Maurice - yes

*Variance approved 5-0*

Application No. 2

**THE APPLICATION OF BRAD WHITE REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36 TO ERECT A STORAGE BUILDING WHICH WILL ENCROACH INTO THE REQUIRED FRONT YARD SETBACK ON PROPERTY LOCATED AT 2551-2565 BUFFALO ROAD.**

**BRAD WHITE** – as stated in letter of intent, looking to maximize indoor storage space; keep with look and aesthetic of existing storage building; keep with current property; tree locations on map on not exact, some mature trees will remain; roof will match to existing shingle roof on other buildings; screened by landscaping; same plan as existing office building, general balance

**CHAIRPERSON MAURICE** – is there a reason why cannot push back?

**MR WHITE** – did consider, but residential component still remaining, trying to keep separate from commercial operation; proposing fencing, keep separate laneway around; if push to the south, will close off laneway; would cause logistical problems with driving lanes

**MR KILEY** – 78 is a necessary dimension, cannot have 70 and be within code?

**MR WHITE** – 70 would be short of face of existing building; desire to maximize storage space;

**CHAIRPERSON MAURICE** – clarify, 2551 is house; what is lane?

**MR WHITE** – eliminate existing garage, which would open up lane; park vehicles to the south in a row, east to west, facing Buffalo Road; if start moving building

down, to have a good drive lane, parking back already at limit; would be closing up lane, would be primary lane, if maintained will be restricted to only the residential portion

**MR IOANNONE** – where is the main entrance?

**MR WHITE** – doors face east; if limited, all activity through main lot; do not want to push south

**CHAIRPERSON MAURICE** – parking?

**MR WHITE** – maintain a good lane through back; drive lane through front yard; space and safety concern

**CHAIRPERSON MAURICE** - side facing Buffalo Road, not going to have big doors or driveway?

**MR WHITE** – no driveway or doors; if can maintain entrance for tenants, would be landscaped and possibly a couple of windows

**MR FERRIS** – existing office, bump out in front?

**MR WHITE** – 3 or 4 feet out, not very big, one window there

**MR FERRIS** – give up 3 or 4 feet to put in line with main building

**MR WHITE** – reasonable compromise

**MR KILEY** – closer to code

**MR WHITE** – still closer; 3 or 4 feet will not make a huge difference; comes down to Board's decision, not a deal breaker

**MR IOANNONE** – what is the height of the building?

**MR WHITE** – proposed new building is slightly higher than 30 by 40; still well under height of existing garage at 51 and the single family house; will not affect any aesthetics, will still be below

**MR FERRIS** – front end, go with existing?

**MR WHITE** – can do stone, siding on a steel building is an issue

**CHAIRPERSON MAURICE** – paint?

**MR WHITE** – same color, close to taupe; metal exterior finish

**CHAIRPERSON MAURICE** – metal comes in that exact color?

**MR WHITE** – close, similar

**CHAIRPERSON MAURICE** – plans to put any signage?

**MR WHITE** – would like to add signage; no variance needed; would need approval; would like to have a yard sign; was rejected without prejudice

**MR FERRIS** – eventually want sign?

**MR WHITE** – yes

**CHAIRPERSON MAURICE** – SEQRA type 2, no environmental required; need to table as county response is required

**ATTORNEY MAC CLAREN** – dates for meetings do not always align to receive a response; it is not that there is necessarily an issue

PUBLIC HEARING – no one in attendance

**MOTION – MR IOANNONE** – Motion to table  
Second – **MR FERRIS**

Member Vote Tally

Mr. Ioannone – yes  
Mr. Kiley – yes  
Mr. Ferris – yes  
Mr. Redfern – yes  
Chairperson Maurice - yes  
*Variance tabled 5-0*

**CHAIRPERSON MAURICE** – no need to post sign again  
**ATTORNEY MAC CLAREN** – cannot make a decision tonight legally; Planning Board is not contingent on county; ZBA, can make it contingent

TABLED APPLICATION

**THE APPLICATION OF MITCHELLE DONNELLY, AS AGENT FOR BURGER KING RESTAURANT, REQUESTING AREA VARIANCES FROM ARTICLE V, SECTION 190-24 TO ERECT MORE WALL SIGNES THAN ALLOWED WITH LARGER SQUARE FOOTAGE THAN ALLOWED ON PROPERTY LOCATED AT 4 SPENCERPORT ROAD.**

**CHAIRPERSON MAURICE** – applicant not in attendance

**MOTION – MR IOANONNE** – Motion to lift the table  
Second – **MR KILEY**  
All in favor

**ATTORNEY MAC CLAREN** – recommend voting on each side of the building separately

**CHAIRPERSON MAURICE** – asks Mr. Ferris, who was not present at the last meeting, to confirm that he is comfortable voting based on the discussion at the pre-meeting.

**MR FERRIS** – yes, is ready to vote

**CHAIRPERSON MAURICE** – west side, no signs permitted; proposing one sign at 22 1/2 square feet

**MOTION – MR IOANNONE** – Motion to deny west side  
No second

**MOTION – MR KILEY** – Motion to approve the sign on the west side  
Second – **MR FERRIS**

Member Vote Tally

Mr. Ioannone – no

Mr. Kiley - yes

Mr. Ferris – yes

Mr. Redfern - yes

Chairperson Maurice - yes

*Variance approved 4-1*

**CHAIRPERSON MAURICE** – east side; allowed one 15 square foot sign; proposing 2 signs, Burger Kings sign is 22 ½ square feet and flame grill sign is 22 square feet, which is a total of 44 ½ square feet

**MOTION – MR KILEY** – Motion to approve one on the east side at 22 ½; deny second sign at 22

**CHAIRPERSON MAURICE** – approve one allowed, size variance up to 22 ½ square feet

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 24 to permit additional signs which are to be larger than allowed on the property located at 4 Spencerport Road, Town of Gates;
- 2 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 The Board received the response from the Monroe County Planning Board referring this matter back as a local matter;

5 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. Ferris – yes

Mr. Redfern – yes

Chairperson Maurice - yes

*Variance approved 5-0*

**MOTION** - to adjourn – **MR FERRIS**

Second – **MR REDFERN**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals