



# Town of Gates

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

## Meeting Minutes

May 9, 2022

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

**MEMBER(S) NOT PRESENT:** Dave Ferris

**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; applications published in daily record and on town website;

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

**MOTION – MS MAURICE** – Motion to accept minutes

**Second - MR REDFERN**

*All in favor, minutes approved*

*Mr. Ioannone abstained*

## APPLICATION

**THE APPLICATION OF ROSS COOLEY REQUESTING A USE VARIANCE FROM ARTICLE XXIII, SECTION 190-124 TO SELL A BUILDING TO BE USED TO HAVE TEE SHIRTS MADE, PRINTED ON AND SOLD IN THE REAR OF THE BUILDING AND TO ESTABLISH A RESIDENCE IN THE FRONT PORTION, ON PROPERTY LOCATED AT 558 ELMGROVE ROAD IN A BNR (BUSINESS-NON RETAIL) ZONING DISTRICT.**

**ROSS COOLEY** – 4566 Clover Street, Honeoye Falls; father purchased 558 Elmgrove Road in 1992, was a residence; removed kitchen and added on to the back of the building to make more suitable for business needs; 2014 purchased building from father as part of business succession; not big enough, quickly moved to another facility; in November 2019, listed property for sale at the assessed value 240k; listed until September 2020 with no offers; took down for 3 months, relisted; no offers since; actively listed through Howard Hanna Commercial Real Estate; costs around 30k per year to carry; vacant building that they have paid a lot to do nothing with; wants to sell; received offer contingent on decision tonight; will refrain from speaking about what he wants to do with the property

**CHAIRPERSON KILEY** – that is probably most of our questions

**JOHN STEWARD** – lifelong resident of the town of Gates, retired Gates Police Officer, 29 years; resides at 1096 Buffalo Road; owner Pig Pen Mini Storage; came here 25 years ago under the same circumstances of a distressed property that did not seem to have any value to anyone; came up with a plan, came to Zoning Board and town has received 40k in taxes; tries to develop properties that will be an asset to town as well as self; recently purchased 999 Buffalo Road which had been vacant for 3 or 4 years; restored and is now back on tax rolls with active companies; no violations on any properties; this property only has value if front is residence; back for development; assisting individual who does T-shirts; also use for storage; next door is office; Big M is on the side; behind is woods and Karate studio; across street is residential, also zoned for business; town has much office space, not interested in buying for office use; intent is to make it work for town, make viable; offer is substantially lower than asking; owner wants out

**CHAIRPERSON KILEY** – no retail?

**MR STEWARD** – correct

**CHAIRPERSON KILEY** – manufacturing t-shirts, wholesale?

**MR STEWARD** – similar to what they were doing

**MR COOLEY** – design correct, both

**MR STEWARD** – use for other; ie sales, hair studio

**CHAIRPERSON KILEY** – meant for office space; manufacturer is set on allowable use; should not have been; t-shirts are manufacturing, not warehouse

**ATTORNEY MAC CLAREN** – have lawyer look at

**CHAIRPERSON KILEY** – two things to ask for

**MR STEWARD** – not going anywhere on offer

**CHAIRPERSON KILEY** – agree

**MR COOLEY** – office dark in COVID, in addition

**MR STEWARD** – not specific to t-shirts

**MS MAURICE** – speak to t-shirts, published as and now understand that the intent is to allow business similar to light industrial; now see that intent is to allow heavier industrial than t-shirts

**ATTORNEY MAC CLAREN** – manufacturing

**MS MAURICE** – should they go to town and ask for rezoning to

allow many similar uses, then get use variance to allow the residential front?

**ATTORNEY MAC CLAREN** – set up as if there is a tenant in place and another going in; issue is do not want to pigeon hole into what is before us; Board would find it hard to permit all light industrial uses in this addition; goes far down the line from screen printing t-shirts; cannot do this based on what is presented; rezone gives options until you find what you are looking for and do residential part separately

**MS MAURICE** – would need to be specific to t-shirts

**CHAIRPERSON KILEY** – that is how it was presented, figure out forward to satisfy all parties

**MR STEWARD** – based on what has been presented, if rezoned, would you be willing to make the front part residential?

**ATTORNEY MAC CLAREN** – would entertain; need additional information

**MS MAURICE** – discussed in pre-meeting, concerned if fire marshal had been to the property to see if it was an appropriate use; chances are going to table for more information

**ATTORNEY MAC CLAREN** – table would give 30 days to discuss how you would like to proceed

**CHAIRPERSON KILEY** – if changed to general business, conditional use goes to Town Board

**MR CORDERO** – reapproved every year

**CHAIRPERSON KILEY** – subject to approval of the town board

**MR CORDERO** – cannot sell car there

**MS MAURICE** – if rezoned, apply for conditional use, valid for one year

**MR STEWARD** – is that something that can be addressed tonight?

**ATTORNEY MAC CLAREN** – unfortunately, the way the application is, cannot amend to that effect

**MR STEWARD** – wanted to go in no matter what was being made

**MS MAURICE** – also time for fire marshal

**CHAIRPERSON KILEY** – if renting, make sure segregated from warehouse

**MR STEWARD** – hope to rent to party running business

**MR COOLEY** – not putting in until rented

**CHAIRPERSON KILEY** – see what is required by fire marshal

**MS MAURICE** – currently, the house is entirely the business?

**MR COOLEY** – there is no house

**MS MAURICE** – what is on the second floor?

**MR COOLEY** – conference room, bathroom, offices

**MS MAURICE** – would go into permits; sprinklers?

**MR COOLEY** – no

**MS MAURICE** – how many employees?

**MR COOLEY** – did have 10

**MS MAURICE** – one of the other concerns is adequate parking; if truck delivery, room to turn around ?

**MR STEWARD** – yes, quite a bit of room past the paved parking lot; big enough to put sixty by sixty pole barn

**CHAIRPERSON KILEY** – need to amend to remove reference to t-shirt

**ATTORNEY MAC CLAREN** – given what we have learned, best to table to allow time to amend

**CHAIRPERSON KILEY** makes the most sense to table to amend

**MS MAURICE** – may end up with withdrawal and rezoning, will take time for public hearing

**MR STEWARD** – faster to redo application and make for general business?

**ATTORNEY MAC CLAREN** – will talk after

**PUBLIC HEARING** – no one in attendance

**CHAIRPERSON KILEY** – no SEQRA issues

**MOTION** – **MS MAURICE** - Motion to table application for one month

Second – **MR IOANNONE**

*Member Vote Tally*

Mr. Redfern - yes

Ms. Maurice – yes

Mr. Ioannone - yes

Chairperson Kiley – yes

All in favor

*Variance tabled*

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

Second – **MS MAURICE**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals