



# Town of Gates

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

## Meeting Minutes

March 13, 2023

**MEMBERS PRESENT:** Bill Kiley, Chairperson; Christine Maurice; Don Ioannone; Steve Zimmer

**MEMBER(S) NOT PRESENT:** Alan Redfern; 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; must have at least three votes to approve application; applications published in daily record and on town website;

**CHARIPERSON KILEY** – first order of business is to accept minutes from the, February, 2023 meeting; no changes or corrections;

**MOTION – MS MAURICE** – Motion to accept minutes from February meeting.  
**Second – MR KILEY**  
*All in favor, minutes approved.*

APPLICATION NO 1

**THE APPLICATION OF JESSE AND JESSICA NEWCOMB REQUESTING AN AREA VARIANCE FROM ARTICLE XIX, SECTION 190-94 TO ERECT A TWENTY FOOT ADDITION ON THE FRONT OF THEIR HOME LOCATED AT 350 WESTDIDE DRIVE WHICH WILL ENCROACH INTO THE REQUIRED SET BACKS.**

**JESSE AND JESSICA NEWCOMB** – went through process before and were approved; after did some architectural measuring and found inconsistent with survey from when they purchased house; Mark with survey company is also present; concluded the survey was incorrect and offered to resurvey property; paid application fee to reapply based on updated survey; asking for same as neighbors; number from right of way from Westside Drive were incorrect

**ATTORNEY MAC CLAREN** – depth not changed from original application?

**JESSE NEWCOMB** – correct

**CHAIRPERSON KILEY** – numbers are the same as far as the setbacks

**MR NEWCOMB** – correct

**MS MAURICE** – reviewed minutes from last meeting, nothing new

**CHAIRPERSON KILEY** – SEQRA – environmental requirements do not apply

**MS MAURICE** – received county response, referred back as a local matter; do point out that water authority mentioned that the sewer access goes into the southeast corner of the house; may impede repairs; does not affect what we are doing tonight but county pointed this out

**MR NEWCOMB** – discussed sewer line with contractor

**PUBLIC HEARING** – no one in attendance

**ATTORNEY MAC CLAREN** – variance of 25.4 feet needed

**MOTION — MR IOANNONE** – Motion to approve variance

**THIS APPROVAL SUPERSEDES AND REPLACES, IN ALL RESPECTS, THAT CERTAIN VARIANCE APPROVAL ISSUED ON NOVEMBER 15, 2022 AS APPROVED BY THE ZONING BOARD OF APPEALS ON NOVEMBER 14, 2022. ANY PREVIOUSLY ISSUED VARIANCE IN CONNECTION WITH THIS PROJECT SHALL BE NULL AND VOID.**

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 94 to permit the construction of an addition to their home which will encroach into the required front setback on property located at 350 Westside Drive, Town of Gates (the “Property”);
- 2 The required public hearing was opened, held, and closed at the meeting;
- 3 The Board did receive the response from the County Planning Board prior to meeting which referred the matter back as a local matter; and
- 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 – MS MAURICE – Second**

Member Vote Tally

Mr. Zimmer – yes

Ms. Maurice – yes

Mr. Ioannone – yes

Chairperson Kiley - yes

*All in favor- variance extended*

**MOTION - to adjourn – MS MAURICE**

**Second – MR IOANNONE**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals