



Town of Gates

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

Meeting Minutes

July 11, 2023

MEMBERS PRESENT: Bill Kiley, Chairperson; Dick Lipka; Dave Ferris;
Don Ioannone;

MEMBER(S) NOT PRESENT: Alan Redfern; Steve Zimmer;

ALSO PRESENT: Dan Schum, Esq., Town/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; only three members present tonight, all must agree; applications published in daily record and on town website;

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

MOTION – MR FERRIS – Motion to accept minutes from April, 2023 meeting.
Second – MR IOANNONE
All in favor, minutes approved.

CHARIPERSON KILEY –minutes from the June 2023 meeting to be approved at next meeting due to number of members in attendance who were at that meeting.

TABLED FROM LAST MEETING

THE APPLICATION OF TINA T. ALNANESE-STAUFFER REQUESTING AN AREA VARAIANCE FROM ARTICLE VIII, SECTION 190-36B TO INSTALL A 6 FOOT WOODEN FENCE THAT WILL ENCROACH INTO THE REQUIRED SETBACKS LOCATED AT 15 TANGERINE WAY.

MOTION – MR FERRIS – motion to lift from the table
Second– **MR IOANNONE**

TINA ALNANESE-STAUFFER – 15 Tangerine Way, 14606; fence was at the back of the house: originally told needed to be 35 feet from the road, was misinformation; move; need 18 feet from house out to reclaim some of the yard; 1100 square foot addition for mom to move in; same fence as was there before; kick out fence, double yard on corner; only one affected is neighbor, got paper from him, said it is not a safety issue; made him back out of driveway; not near corner; privacy fence; rescue large dogs, do not want to have anything that they could jump over

MR FERRIS – how many dogs?

MS ALNANESE-STAUFFER – one at a time; home for three or four weeks and then take another one; had new survey map done, put in where the proposed location of the new fence would be

CHAIRPERSON KILEY – want to move out to center of the tree, 18 feet?

MR ALNANESE-STAUFFER – 18 feet, but it is still 35 feet from the street

MS ALNANESE-STAUFFER - where yellow line is, where fence is proposed to be; had survey guy put in there; lot 28, right behind it is the person who wrote the note; only one affected, his driveway that would be coming out; at the house, where it says 37 feet, straight over to where is says 120 is where the old fence was

CHAIRPERSON KILEY – right at edge of house, straight over

MS ALNANESE-STAUFFER - replacing after 23 years, since they have been there; keep wood color, not painting

PUBLIC HEARING – no one in attendance

MOTION — MR KILEY – Motion to deny because goes out past front of house and cannot find another house in Gates that does that

MR ALNANESE-STAUFFER – there are more in Gates that are a lot closer than what they are asking

CHAIRPERSON KILEY – address in picture; fence aligns with front of house;

MR ALNANESE-STAUFFER – comes right out to street; only 6 feet off sidewalk; some are 6 feet off street; face of adjacent house;

CHAIRPERSON KILEY – there are some where the stockade fence is close to the street; concern is a different portion of the code, not a distance from the setback, face of the adjacent house, past the edge of building

MS/MR ALNANESE-STAUFFER – picture on side of house, Buffalo and Elmgrove, exactly what they are asking

MR IOANNONE – could have been grandfathered in; house built in 70s

CHAIRPERSON KILEY – others in area

MR IOANNONE – could be pre-existing, non-conforming; others not pre-existing, non-conforming

MS/MR ALNANESE-STAUFFER – almost to road, six feet off

CHAIRPERSON KILEY – past front of other houses; others around town are growing arborvitaes to obtain same

ATTORNEY SCHUM – just short of twenty feet from the fence to the roadway?

MR ALNANESE-STAUFFER – will be 35 feet off the road

MS ALNANESE-STAUFFER – 35 feet off the road

ATTORNEY SCHUM – show house being 37 feet off

MS ALNANESE-STAUFFER – from the easement

MR ALNANESE-STAUFFER – still had 19 feet to house

ATTORNEY SCHUM – doing math; don't have dimension to fence, but have 37 feet to right of way

MS ALNANESE-STAUFFER – 18 feet

MR ALNANESE-STAUFFER – another 35 feet to road; talked to secretary when did addition; only 1 foot and 3 inches past what they had to be within code with the easement

ATTORNEY SCHUM – road never as wide as right of way, more land between fence and sidewalk

MS ALNANESE-STAUFFER – side yard is wasted, trying to utilize extra space

MOTION — MR IOANNONE – Motion to approve

Second – MR FERRIS

Member Vote Tally

Mr. Lippa - yes

Mr. Ferris - yes

Mr. Ioannone - yes

Chairperson Kiley - no

Variance approved 3-1

APPLICATION NO. 1

THE APPLICATION OF FRANK MASTRODONATO REQUESTING AN AREA VARIANCE FROM ARTICLE XXIV, SECTION 190-135 TO MAINTAIN THE LOCATION OF THE STORAGE CONTAINER WHICH ENCROACHES INTO THE REQUIRED SETBACKS LOCATED AT 720 ELMGROVE ROAD.

FRANK MASTRODONATO – have forty foot container in a spot that is not in the way; town said it had to be 15 feet away from back fence; 15 feet away from side lot which would put it in the middle of the parking lot; more of a hazard if there was a fire; looking for a variance to keep it where it is; not bothering anyone, up against two fences

MR IOANNONE – purpose of container?

MR MASTRODONATO – storage

ATTORNEY SCHUM – back up to another parking lot?

MR MASTRODONATO – dumpster, before it was there, piles of garbage, ect

CHAIRPERSON KILEY – dumpster was there before?

MR MASTRODONATO – dumpster is where container is now; looking to keep it where it is

MR FERRIS – what is in it?

MR MASTRODONATO – displays, storage, stuff does not have room for in store, tents for events

CHAIRPERSON KILEY – nothing that needs refrigeration?

MR MASTRODONATO - no

ATTORNEY SCHUM – business use?

MR MASTRODONATO - yes

ATTORNEY SCHUM – where originally?

MR MASTRODONATO – in plaza next door at 746

CHAIRPERSON KILEY – don't want to put it in middle?

MR MASTRODONATO – per code, would be in the middle of the parking lot, almost 5 or 10 feet away from the building

CHAIRPERSON KILEY – since moved it, have not heard from anyone in neighborhood?

MR MASTRODONATO – no issues; paid for permit; court; variance first

MR IOANNONE – will it remain yellow or are you going to paint?

MR MASTRODONATO – will do whatever is needed; yes, may paint

PUBLIC HEARING – no one in attendance

CHAIRPERSON KILEY – SEQRA requirements do not apply

MOTION — **MR FERRIS** – Motion to approve

Second – MR LIPPA

Member Vote Tally

Mr. Lipa - yes

Mr. Ferris - yes

Mr. Ioannone - yes

Chairperson Kiley - yes

Variance approved 4-0

MOTION - to adjourn – **MR FERRIS**

Second – **MR LIPPA**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals