



Town of Gates

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

Meeting Minutes

June 12, 2023

MEMBERS PRESENT: Bill Kiley, Chairperson; Steve Zimmer; Dick Lippa

MEMBER(S) NOT PRESENT: Dave Ferris; Don Ioannone; Alan Redfern

ALSO PRESENT: Robert J. Mac Claren, Esq., Board Attorney
Christopher DiPonzio, 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 –minutes from the April 2023 meeting to be approved at next meeting due to number of members in attendance

APPLICATION NO 1

THE APPLICATION OF JOSH JUDKINS ON BEHALF OF 22 MARWAY CIRCLE, LLC REQUESTING AN AREA VARIANCE FROM ARTICLE IV, SECTION 190-14 TO MAINTAIN 11 OUT OF THE 16 OF THE EXISTING PARKING SPACES, WITHOUT SUPPLYING ADDITIONAL PARKING FOR THE PROPOSED 12,000 SQUARE FOOT BUILDING ADDITION LOCATED AT 22 MARWAY CIRCLE

MASON EVERHART – for Josh Judkins, DDS Companies, 45 Hendrix Road, mark company and Anthony Thomas with Machine; 22 Marway is in a general industrial zone; has operated for several years under current configuration; includes 6000 square foot building; 16 parking spaces and gravel storage; need 12,000 square foot eastward building expansion; go into unneeded gravel area as well as asphalt parking area; code states 1 parking space per 400 square feet; total of 45 for proposed development; proposal maintains 11 parking spaces; argument supported by submission

CHAIRPERSON KILEY – what is the activity in the current space?

JOSH JUDKINS – couple of C&C machines; occupies 3 buildings already, need space large enough to house some very large machines; new equipment, not new employees

CHAIRPERSON KILEY – new equipment

MR JUDKINS – new equipment and the size is not going to fit into any of the areas that he already has; not requiring the need for extra employees, only extra space

CHAIRPERSON KILEY – right now there are C&C machines in that current building ?

MR JUDKINS – just began moving in

CHAIRPERSON KILEY – starting process, using for storage?

ANTHONY THOMAS – bought building to house more machines, currently some in there and add more

CHAIRPERSON KILEY – working units?

MR THOMAS – yes

CHAIRPERSON KILEY – how many people work in the building?

MR THOMAS – 2 to 3 there now

CHAIRPERSON KILEY -twice as many as there are now so will have 6 or 8 employees?

MR THOMAS – no, trying to put a linear pallet system in; will have a couple of massive machines; automation, a couple more maybe

ATTORNEY MAC CLAREN – need to make sure enough parking for those you anticipate being there routinely

CHAIRPERSON KILEY – not having customers come in for meetings?

MR THOMAS – no, all customer meetings are at the main shop;

CHAIRPERSON KILEY – is that in the same place?

MR THOMAS - owns 22, 42 (main) and 13 Marway

CHAIRPERSON KILEY – now parking at 23?

MR JUDKINS – sometimes, walk over, have golf cart

CHAIRPERSON KILEY - SEQRA no environmental impact with respect to parking; if anything, a positive by reducing requirements

PUBLIC HEARING – no one in attendance

MOTION — MR ZIMMER – Motion to approve

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 Article IV, Section 190-14 to allow for fewer parking spaces than are required, all on property located at 22 Marway Circle, Town of Gates (the “Property”);
- 2 The Property is not located on a County or State road, therefore no County response is required;
- 3 There were no parties who appeared or wrote in objection to the required variance; and
- 4 This application involved a Type II action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA are required.

Second – MR LIPPA – Second

Member Vote Tally

Mr. Zimmer - yes

Mr. Lippa – yes

Chairperson Kiley - yes

All in favor- variances approved

APPLICATION NO 2

**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.**

TINA ALNANESE-STAUFFER – 15 Tangerine Way, 14606; adds neighbor at lot 128, gave paper saying that he can see backing out from where fence will be; picture #1, were told could only go a foot and 3 inches from corner of house; trying to reclaim property, had 1100 square foot addition; take out from house 19 feet; originally told could go 35 feet from road in November; when came back Randy said 35 feet from easement, which put it a foot, 3 inches off house, not enough to reclaim back yard, rescue dogs, garden; corner lot, side yard

CHAIRPERSON KILEY – where the fence is now is where it ended previously

MS ALNANESE-STAUFFER – right, even with house itself

CHAIRPERSON KILEY - right at 35 foot mark

MR ALNANESE-STAUFFER – off easement

CHAIRPERSON KILEY – to the end is 35 feet

MS ALNANESE-STAUFFER – correct, on the other side, number 2 shows corner of house, then end of fence; not moving the fence that is on the side

CHAIRPERSON KILEY – what was there in the past?

MS ALNANESE-STAUFFER – came straight back

CHAIRPERSON KILEY – what was there is what is allowed for a six foot stockade fence

MS ALNANESE-STAUFFER – correct

MR ALNANESE-STAUFFER – that is why talked to guy behind them and he wrote note

CHAIRPERSON KILEY – do not see any houses in neighborhood that has a six foot stockade fences closer than 35; houses have chain link fences closer

MR ALNANESE-STAUFFER – Board member stopped by said it was okay

CHAIRPERSON KILEY – Lee is around the corner

MR ZIMMER – verify distance from Avocado to the proposed fence

MR ALNANESE-STAUFFER – 35 feet from street to yellow line

ATTORNEY MAC CLAREN – 18 feet from right of way line

MS ALNANESE-STAUFFER – 1 foot, 3 inches from house towards the street; had survey done and line was drawn incorrectly

ATTORNEY MAC CLAREN – failed to provide the distance from house to right of way line to yellow line; 18 foot variance

CHAIRPERSON KILEY – concern with character of neighborhood; stockade fence further out than any other house in area

MS ALNANESE-STAUFFER – want privacy, now a fishbowl

MR ALNANESE-STAUFFER - biggest lot in neighborhood, three quarters of an acre; side is wasted

CHAIRPERSON KILEY – only house that has a stockade fence less than 35 feet

MS ALNANESE-STAUFFER - anyone can get a variance; no one is here to oppose

MR ALNANESE-STAUFFER – only one affected is behind and already talked to him; did not get a straight answer from secretary, may not have done addition

CHAIRPERSON KILEY – came here to get addition

MS ALNANESE-STAUFFER – right, tried to do it all at once; given misinformation; will not impede anyone’s vision

CHAIRPERSON KILEY – nota a safety issue, it is the character of the neighborhood; 35 feet

MS ALNANESE-STAUFFER – keeping it wood, everyone has wood

CHAIRPERSON KILEY – no one else has a six foot fence within 35 feet

MS ALNANESE-STAUFFER – not told need variance; need fence because rescue dogs

CHAIRPERSON KILEY – do not have enough members here tonight to approve

ATTORNEY MAC CLAREN – Chairperson is stating that he is not sure they will have a consensus

MR LIPPA – 6 feet vs 5 feet

MS ALNANESE-STAUFFER – old one is 6 foot; over time rotted out; putting up new panels, improving

PUBLIC HEARING – no one in attendance

CHAIRPERSON KILEY – SEQRA requirements do not apply

MOTION — MR ZIMMER – Motion to table

The Board was unable to reach a unanimous decision in favor of either approving or denying the Application and decided to table the matter in order to allow additional members of the Board to hear the application and render a determination in connection with the variance request.

The Application will now be heard on Tuesday, July 11th, at 7:30pm.

Please note that the following facts are not in dispute:

- 5 The Applicant sought variances from Town of Gates Code Article VIII, Section 190-36B to allow for the construction of a six (6) foot tall stockade fence within the front yard setback on property located at 15 Tangerine Way, Town of Gates (the “Property”);
- 6 The Property not located on a State or County road and therefore no County response is required;
- 7 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application;
- 8 The neighbor immediately to the west of the Property provided a note stating they have no objection to the Application; and
- 9 This application involved a Type II action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA are required.

Second – MR LIPPA

Member Vote Tally

Mr. Zimmer– yes

Mr. Lippa - yes

Chairperson Kiley - no

Variance tabled to next meeting

MOTION - to adjourn – MR ZIMMER

Second – MR LIPPA

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals