



Town of Gates

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

Meeting Minutes

July 10, 2017

MEMBERS PRESENT: Christine Maurice, Chairperson; Ken Cordero; Don Rutherford; Bill Kiley; Don Ioannone; Christopher Dishaw

MEMBER(S) NOT PRESENT: Mary Schlaefer

ALSO PRESENT: Robert J. Mac Claren, Esq., Board Attorney

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 - states that the applications will be held in the order of Crystal Court, Spencerport Road and then Frosthalm Drive.

CHAIRPERSON MAURICE - Minutes from June meeting to be accepted.

MOTION - MR RUTHERFORD - twice in same paragraph square fee is used, believes should not be there.

ATTORNEY MACCLAREN - states that is what was said, no change needed
No other changes or additions.

MOTION to accept minutes - **MR RUTHERFORD**

Second - **MR CORDERO**

MR DISHAW - abstains - not present at the last meeting

All in favor, minutes from June, 2017 meeting accepted.

Application No. 1

**THE APPLICATION OF DENISE MAY REQUESTING AN AREA VARIANCE AND A
CONDITIONAL USE PERMIT FROM ARTICLE VIII. SECTION 190-36 AND
ARTICLE XIX, SECTION 190-94(C)(3) TO ERECT A FENCE WHICH WILL
ENCROACH INTO THE REQUIRED FRONT YARD SETBACK ON PROPERTY**

LOCATED AT 4 CRYSTAL COURT, ON THE WILLHURST DRIVE SIDE OF PROPERTY.

DENISE MAY - 4 Crystal Court

CHAIRPERSON MAURICE - states that numerous times the signs had flopped over and were not readable

MS MAY - had to repost a few times, they kept blowing down

CHAIRPERSON MAURICE - problem is that cannot be sure that the neighbors are aware that there is a public hearing and are not given the opportunity to be heard; discussed in pre-meeting and are going to take a vote to table so that the signs can be posted and come back in August so we can have a public hearing; will need to pick up new signs because the old signs have tonight's date on is, will need a new sign with August meeting date.

MOTION – MR IOANNONE - to table meeting so the applicant can post signs

Your application with regard to the above request was tabled and was not heard at the regular monthly meeting of the Gates Zoning Board of Appeals (“Board”) on July 10, 2017. The application was tabled without public hearing by a unanimous vote of the members of the Board who were present at the meeting.

The tabling of the application resulted from the improper posting of the public notice signs as required by the Gates Town Code. The application will be heard at the August 14th meeting presuming that the posting is properly completed.

You will be required to obtain new Notice of Public Hearing sign(s) from the building department as same must reflect the correct date. Failure to properly post the signs may result in the application being denied or deemed abandoned.

As a reminder, the Notice of Public Hearing sign(s) must be posted fifteen (15) days prior to the hearing and cannot be removed until after the hearing has occurred. The sign must remain posted and visible during the entire period.

Second - **MR RUTHERFORD**

Member Vote Tally

Mr. Ioannone- yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Chairperson Maurice - yes

All in favor

Application tabled 6-0

CHAIRPERSON MAURICE - Signs must be up fifteen days prior to the public hearing and must be visible so that everyone can read it. Signs must stay up until after the public hearing.

Application No. 2

THE APPLICATION OF JOE MELIA REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-36(B) AND ARTICLE IV, SECTION 190-17 TO ALLOW FOR PARKING WITHIN THE REQUIRED FRONT SETBACK FOR FUTURE DEVELOPMENT OF NOW VACANT LAND, FOR USES ALLOWABLE IN A NEIGHBORHOOD BUSINESS ZONING DISTRICT AT THE PROPERTY LOCATED AT 810 SPENCERPORT ROAD.

WALTER BAKER - DSB Engineers representing Mr. Melania

CHAIRPERSON MAURICE - states that there is the same issue with this application as the signs were not up until Saturday

MR BAKER - states that the signs were up on Friday, received a phone call but did not receive signs when dropped off application; picked up Friday at noon; received email from Diane and picked up that day at noon

CHAIRPERSON MAURICE - vote to table tonight; make sure sign is up fifteen days including day of the meeting. Will have to pick up new signs because the date will be different.

MOTION - MR RUTHERFORD - to table to give the applicant time to post signs

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Second - **MR KILEY**

Member Vote Tally

Mr. Ioannone- yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Chairperson Maurice - yes

All in favor

Variance tabled 6-0

Application No. 3

THE APPLICATION OF CRYSTAL LOVETTE REQUESTING AN AREA VARIANCE FROM ARTICLE VIII, SECTION 190-35 TO ERECT A DECK WHICH WILL ENCROACH INTO THE REQUIRED FRONT YARD SETBACK ON PROPERTY LOCATED AT 58 FROSTHOLM DRIVE.

CRYSTAL LOVETTE - 58 Frosthalm Drive

CHAIRPERSON MAURICE - asks the applicant to go through her situation and tell the Board why a variance is needed, what it will look like; explains process

MS LOVETTE - currently have no outdoor space; no back door; house is on a hill, walk in on first floor and go down into a basement and go out the back door; door comes out on a rock hill which is five feet away from another hill; then the property line; front door is only space they have; stoop is starting to deteriorate, so if they are replacing one, may as well get something useable; building an L shaped deck; go six feet, then go over the house and out 12 feet; can actually put table that would be within a permit; deck will not break the plane of house; five feet less than the garage

MR KILEY - how far, one step, two steps?

MS LOVETTE - two steps, would go over the current landing that is there now

MR KILEY - two steps would be like an L?

MS LOVETTE - yes, railings; two sides which are high, have the hill, steps up; make it flat as if the hill is not there

CHAIRPERSON MAURICE - asks to give dimensions again

MS LOVETTE - six feet for first portion of the house and then twelve feet out for second portion of the house

MR KILEY - the twelve foot portion is how wide?

MS LOVETTE - half of house, around eleven feet; has copies of everything

CHAIRPERSON MAURICE - one concern is access to number sixty, the little sidewalk that goes across the front yard

MS LOVETTE - within ten feet of walkway

CHAIRPERSON MAURICE - could neighbor at number sixty see the sign?

MS LOVETTE - he walked past it every day

CHAIRPERSON MAURICE - is the flowering bush at the end of the picket fence staying?

MS LOVETTE - the deck will come out to the second post, there will be a section between the post and the bush

CHAIRPERSON MAURICE - what are the materials?

MS LOVETTE - pressure treated wood

CHAIRPERSON MAURICE - this is a SEQRA type two; no environmental impact that this Board needs to be aware of

PUBLIC HEARING - no one in attendance

MOTION - MR IOANNONE - Motion to accept application as presented; make sure it conforms with the building code

This approval is strictly restricted and confined to the terms, conditions and specifications submitted with your application, as well as the documents and exhibits attached and made part of your application.

This 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 erect porch which will encroach on the front setback on the property located at 58 Frostholm Drive, Town of Gates;
- 2 There was no other party in attendance who objected to Applicant's plea before the Board;
- 3 The Board found that the location of the porch and its placement within the setback would have no negative impact upon the neighborhood;
- 4 This application involves a Type II action under the State Environmental Quality Review Act (SEQRA) and requires no further proceedings under SEQRA

MR CORDERO - Second

CHAIRPERSON MAURICE - approve as presented with set condition that it conform with the building code

Member Vote Tally

Mr. Ioannone- yes

Mr. Kiley - yes

Mr. Dishaw - yes

Mr. Rutherford - yes

Mr. Cordero - yes

Chairperson Maurice - yes

All in favor

Variance Approved 6-0

MOTION - MR CORDERO - to adjourn

MR KILEY - Second

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals