



# Town of Gates

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

## Meeting Minutes

April 10, 2024

**MEMBERS PRESENT:** Bill Kiley, Chairperson; Alan Redfern; Dave Ferris; Don Ioannone; Steve Zimmer

**MEMBER(S) NOT PRESENT:**

**ALSO PRESENT:** Robert Mac Claren, Esq., Town/Board Attorney  
Andrew Loughlin, 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, 2024 meeting;

**MOTION – MR IOANNONE**– Motion to accept minutes from March, 2024 meeting as corrected.

**Second – MR ZIMMER**

*All in favor, minutes approved.*

APPLICATION NO. 1

**THE APPLICATION OF RENEE LANDALTH REQUESTING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 226 MEADOWDALE DRIVE FROM ARTICLE XIX § 190-94(C)(1) TO BUILD A GARAGE ADDITION THAT WILL THAT WILL ENCROACH INTO THE REQUIRED 8 FOOT SIDE YARD SETBACK BY APPROXIMATELY TWO AND A HALF (2.5) FEET.**

**RENEE LANDALTH** – 226 Meadowdale Drive, make a two car garage extend out past line; not encroaching into neighbor’s yard, just going out a little past where it is now; has letter from neighbors; okay with all

**CHAIRPERSON KILEY** – full length, rip down what is there now?

**MS LANDALTH** – yes, but smaller lengthwise, only going to be 33 vs 36 that it is

**MR ZIMMER** – construction going to match rest of house?

**MS LANDALTH** - yes

**MR FERRIS** – sided similar?

**MS LANDALTH** - identical

**CHAIRPERSON KILEY** – no environmental factor, set back issue

**MS LANDALTH** – letter from Gina Balen, 220 Meadowdale – provides letter

**PUBLIC HEARING** – no one in attendance

**MOTION – MR FERRIS** – Motion to pass as presented

The approval is based upon the following findings of fact, which adequately demonstrated the standards applicable to granting the application:

- 1 The Applicant sought variances from Town of Gates Code Article XIV Section 190-54 to allow for a side setback which will be less than allowed, all on property located at 226 Meadowdale Drive, Town of Gates (the “Property”);
- 2 The Property is not located on a County or State Road, therefore the application did not require any review or approval by the County Planning Board;
- 3 No parties appeared in opposition to the Application; 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 – MR ZIMMER**

Member Vote Tally

Mr. Redfern – yes

Mr. Ferris - yes

Mr. Zimmer – yes

Mr. Ioannone - yes

Chairperson Kiley - yes

*Variance approved 5-0*

APPLICATION NO. 2

**THE APPLICATION OF REBECCA TROIANA REQUESTING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 112 FORD AVENUE FROM ARTICLE VIII, SECTION 190-136(B) THAT WILL ALLOW HER TO INSTALL A 6 FOOT STOCKADE FENCE THAT WILL ENCROACH INTO THE REQUIRED FRONT YARD SETBACKS ON FORD AVENUE AND FIRST STREET. THE FENCE WILL ENCROACH INTO THE FRONT YARD SETBACK BY 9 FEET ON FORD AVENUE AND 13 FEET ON FIRST STREET.**

**REBECCA TROIANA** – 112 Ford Avenue; came for fence permit; currently have bushes and shrubs surrounding property and an old wire fence along First Street; remove all and put a fence coming down the side of driveway; swinging gate on side of garage so trucks can have access to waterway; can't put in line with garage due to waterway; due to ditch

**CHAIRPERSON KILEY** – along

**MS TROIANA** – six feet from driveway; fence in front of bushes

**ATTORNEY MACCLAREN** – in front of bushes on house or street side?

**MS TROIANA** – house side

**MR FERRIS** – street side would be on interior portion of bushes at edge

**MS TROIANA** – yes, removed trees so would put fence on inside of bushes and remove wire fence that is there

**MR ZIMMER** – how far from the fence to the edge of the road on First Street?

**MS TROIANA** – thirteen feet from First Street; 9 feet from Ford Avenue across

**MR ZIMMER** – as written

**SUZZANE TROIANA** – 112 Ford Avenue; go back to where see greenery; closer to front of bushes; stop sign; bushes blow out; if fence on other side of bushes, at least 9-10 foot clearance; at least 13 feet from corner; side almost to tree; gives people driving all visibility to see people coming and going; take some out; preserve for birds; line both sides with flower plants

**CHAIRPERSON KILEY** – talking about 6 foot fence, that is the issue Board is concerned with

**SUZZANE TROIANA** – have a very groomed area now; has pictures; trees and bushes on side of First Street are at least 6-9 feet tall right now

**MR REDFERN** – actually going to lower?

**SUZZANE TROIANA** – yes, fence on First Street is an old snow fence now; chicken wire and broken metal fence to contain yard; ; tons of dogs, kids, elderly people walking; looking to control dogs, kids can play, everyone is safe

**CHAIRPERSON KILEY** – stockade wood, 6 foot, painted brown?

**SUZZANE TROIANA** - yes

## PUBLIC HEARING

**DAVID SWIETON** – 50 Ford Avenue; hedges, blind spot; fence not a problem; hedges need to go, because if both stay, now you have amplified the blind spot; house on 107 has large arborvitaes; challenge to get out if headed west; if fence inside hedges, enough clearance if gone.

**SUZZANE TROIANA** – chopping them

**JOSHUA AKE** – 164 Ford Avenue – in favor of fence; blind spot; kids come through; driving west is ridiculous, very unsafe; positive solution for neighborhood; improve with making come to a four way stop; none at Ford; ensure safety;

**MR FERRIS** – how tall are hedges right now?

**SUZZANE TROIANA** – 6 feet

**MR SWIETON** – taller on First

**PETER BLASZKOW** – 163 Ford Avenue; no issues with fence; agrees that 4 way stop would be nice, in case bushes grow back;

**MR FERRIS** – Town Board issue

**ANDREW LOUGHLIN** – can assist with issue; others have 4 way stop in area

**LJUBICA VLATKOVIC** – 124 Wolcott Ave; in favor of fence

**CHAIRPERSON KILEY** – set back issue on town road, no environmental issues; character of the neighborhood issue

**MR IOANNONE** – town code 3 foot; if set back 12 feet; 3 feet to house; then six foot fence

**MR FERRIS** – hedges can get tall and block view, concerned about 6 foot in front of house, especially on Ford; more lenient on height on First could be 15-20 feet, then raise up; fence will also block view; safety factor; stop sign, may not stop; 6 foot stockade makes visibility worse

**MR IOANNONE** – snow load; where does snow go? table and have Kurt, superintendent of highways, come and give opinion

**MR AKE** – would increase visibility heading west versus having bushes there

**MR FERRIS** – safety issue

**MR IOANNONE** – application says going to replace bushes

**SUAZZANE TROIANA** – three feet will not do it; dogs get through fence; prevent children and dogs from biting; doesn't want others coming in

**CHAIRPERSON KILEY** – discussion regarding options

**MR FERRIS** – Board is not comfortable with going that close to road

**CHAIRPERSON KILEY** – because of the geography of this lot, the concern is not coming out past front of house, like everyone else in neighborhood

**SUAZZANE TROIANA** – asked about covering ditch; refused because of bend; if covers bend, can put fence where it need to be; does not want to lose space

**ATTORNEY MAC CLAREN** – with information provided on map; do not know the depth compared to set back; do not have location of tree; Board would consider with specific distance

**SUAZZANE TROIANA** – want entire passage closed; why is town refusing to pay for piping for bend?

**ATTORNEY MAC CLAREN** – not a discussion point here;

**SUAZZANE TROIANA** - if want shorter, need to resubmit?

**ATTORNEY MAC CLAREN** – no, need specific measurements from edge of Ford Avenue to proposed location; willing to go beyond edge of house; alternative is that Board may not be willing to grant variance at all and would be allowed permitted 3 feet; willing to consider a fence that comes farther back from Ford Avenue, but can't determine without actual measurement

**CHAIRPERSON KILEY** – can table for a month and come back with that number

**SUAZZANE TROIANA** – problem is the front of the house?

**CHAIRPERSON KILEY** – yes, main concern; willing to postpone?

**SUAZZANE TROIANA** - yes

**MR FERRIS** – Board is willing to work with but uncomfortable with how close it is to Ford Avenue; need exact measurement from Ford Avenue so can put that in the approval if granted

**MOTION – MR IOANNONE**– 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 information, primarily the distance from the edge of Ford Avenue to the location of the creek, necessary to render a determination in connection with the variance request.

The Application will now be heard on Monday, May 13<sup>th</sup>, 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 112 Ford Avenue, 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 various neighbors appeared in general support of the Application, provided that the existing bushes and shrubbery are removed;
- 8 This application involved a Type II action, under the State Environmental Quality Review Act (SEQRA) and no further proceedings under SEQRA is required.

## **Second – MR FERRIS**

### Member Vote Tally

Mr. Redfern – yes

Mr. Ferris - yes

Mr. Zimmer – yes

Mr. Ioannone - yes

Chairperson Kiley - yes

*Variance tabled 5-0*

**MOTION** - to adjourn – **MR FERRIS**

Second – **MR ZIMMER**

All in favor

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals