



# Town of Gates

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

## Meeting Minutes

September 12, 2024

**MEMBERS PRESENT:** Bill Kiley, Chairperson; Don Ioannone; Steve Zimmer; Alan Redfern; Dick Lippa

**MEMBER(S) NOT PRESENT:** Dave Ferris;

**ALSO PRESENT:** Robert Mac Claren, 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; applications published in daily record and on town website;

**CHARIPERSON KILEY** – first order of business is to accept minutes from the August, 2024 meeting;

**MOTION – MR LIPPA** – Motion to accept minutes from August, 2024 meeting.

**Second – MR IOANNONE**

*All in favor, minutes approved.*

*Mr. Redfern abstains*

APPLICATION NO 1.

**THE APPLICATIONS OF CONG HO SEEKING TWO AREA  
VARAINCES FOR THE PROPERTY LOCATED AT 25  
PASADENA DRIVE. THE VARIANCES ARE FROM ARTICLE XIX, §  
190-94(C)(2) TO MAINTAIN THE PLACEMENT OF ONE 24 SF SHED  
AND ONE 116 SF SHED WHICH ENCROACHES INTO THE 8 FOOT  
SIDE SETBACK BY APPROXIMATELY THREE TO FOUR FEET.**

**CONG HO** – 25 Pasadena Drive; here because shed is supposed to be eight feet from property; right behind in the backyard the land is shallow; difficult to elevate to install shed; need to install shed four feet away instead of eight feet; path for passenger to go in, need four feet

**CHAIRPERSON KILEY** – pictures were very helpful, shows what we need

**CHAIRPERSON KILEY** – setback, no environmental aspects

**PUBLIC HEARING**

**JAMES FEASAL** – 27 Pasadena Drive, to the south; been there for some time, knew the previous owner; they have an existing shed that is parallel, the same distance; put in line with same shed; has leveled off slope, would be a burden to readjust; has no problem with where the sheds are; does not bother him at all

**VIRGINIA JANIS** – 14 Beechcraft Drive; wondering what shed is going to be used for

**MS HO** –for personal use; swing and stuff; house does not have a basement at all; has attic; does not have enough for two stories

**MS JANIS** – is it in any way going to be used as a business

**MS HO** – no, have no business use for shed

**MOTION – MR ZIMMER** – Motion to grant application 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 25 Pasadena 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 Two parties appeared in favor of the application and no parties appears 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.

**MR IOANNONE – Second**

Member Vote Tally

Mr. Redfern - yes

Mr. Lippa – yes

Mr. Zimmer - yes

Mr. Ioannone - yes

Chairperson Kiley - yes

*Variance approved 5-0*

TABLED APPLICATION

**THE APPLICATION OF WEST FIRE SYSTEMS, INC. REQUESTING A SPRINKLER VARIANCE FOR THE PROPERTY LOCATED AT 53 PIXLEY INDUSTRIAL PARKWAY FROM CHAPTER 97 SECTION 97-4 DUE TO THE UNDUE ECONOMIC HARDSHIP THAT THE COST OF UPGRADING WATER LINES AND INSTALLING FIRE SPRINKLER WITHIN THE BUILDING WOULD IMPOSE ON THE PROPERTY OWNER.**

**MOTION - MR ZIMMER** - Motion to lift from table

**MR LIPPA – Second**

All in favor

**CHAIRPERSON KILEY** – received note from fire chief; were accepting of where we are; no increase in square footage, doing what said you were going to do  
**FRANK MAGGIO** – it is a pre-existing structure; they are believers in fire safety; a one inch line would have to be a six inch line; would have to tear everything out; do not want to make building less safe; classic reason why Board

has jurisdiction for variance; building has no basement, no second floor, no way anyone could be trapped; has smoke detectors, co monitored, video smoke monitoring; would defer to fire marshal, but variance would not pose any risk to public or any employees

**CHAIRPERSON KILEY** – no environmental aspects – SEQRA taken care of

**MOTION – MR LIPPA** – Motion to approve

The Board received the input and recommendation from the Fire Marshall who also discussed the matter with the local fire chiefs. The Fire Marshall recommended approval of the variance, provided that the Applicant agree that (i) the overall size of the existing structure is not increased and (ii) that the additional fire protection items discussed in the Application and the Applicant’s presentation to the Board be installed. The Applicant confirmed that they would abide by both conditions set forth by the Fire Marshall.

As such, the Board approved the requested variance.

Please note that the following facts are not in dispute:

- 5 The Applicant sought variances from Town of Gates Code from Chapter 97 Section 97-4 due to the undue economic hardship that the cost of upgrading water lines and installing fire sprinkler within the building would impose on the property owner, located at 53 Industrial Parkway, 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 individuals appeared in support or objection to the Application;
- 8 This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and, upon review, the Board determined that no further proceedings under SEQRA is required.

Second – **MR ZIMMER**

Member Vote Tally

Mr. Redfern - abstains

Mr. Lippa – yes

Mr. Zimmer - yes

Mr. Ioannone - no

Chairperson Kiley - yes

*Variance approved 3-1*

**MOTION** - to adjourn – **MR ZIMMER**

Second – **MR LIPPA**

Respectfully submitted,

Clare M. Goodwin, Secretary  
Gates Zoning Board of Appeals