



Town of Gates

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

Meeting Minutes

November 12, 2024

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

MEMBER(S) NOT PRESENT: Tina Albanese-Stauffer; Dave Ferris

ALSO PRESENT: Robert Mac Claren, Esq., 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 October, 2024 meeting;

MOTION – MR IOANNONE – Motion to accept minutes from October, 2024 meeting.

Second – MR ZIMMER

All in favor, minutes approved.

Mr. Lippa abstains

TABLED APPLICATION

THE APPLICATION OF GEORGE MAREK SEEKING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 2206 BUFFALO ROAD FROM ARTICLE V, § 190-22(H) TO ALLOW A FREESTANDING SIGN WHICH WILL ENCROACH INTO THE 15 FOOT SETBACK BY APPROXIMATELY 7 FEET.

CHAIRPERSON KILEY – heard application last month, received response from county

MOTION - to lift the table – **MR ZIMMER**
Second – **MR IOANNONE**
All in favor

PUBLIC HEARING – no one in attendance

MOTION – **MR ZIMMER** – Motion to approve

The Board did receive the required response from the County Planning Board prior to the meeting on November 12th.

Please note that the following facts are not in dispute and adequately demonstrated the standards applicable to granting the application:

- 1 The Applicant sought variances from with respect to the setback for a freestanding sign at the property located at 2206 Buffalo Road, Town of Gates (the “Property”);
- 2 The Property is located on a State or County road and the County response is required and was received prior to the November meeting.
- 3 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application at the October 15th meeting; and
- 4 This application involved a Type II action, under the State Environmental Quality Review Act (SEQRA) and the Board found that no further proceedings under SEQRA is required.

MR REDFERN– Second

Member Vote Tally

Mr. Redfern - yes

Mr. Zimmer - yes

Mr. Ioannone – yes

Chairperson Kiley - yes

All in favor
Mr. Lipka abstains

APPLICATION NO. 1

THE APPLICATION OF DIAMOND Z ENGINEERING c/o FEDERAL EXPRESS CORP SEEKING AN AREA VARIANCE FOR THE PROPERTY LOCATED AT 2580 MANITOU ROAD FROM ARTICLE VIII, § 190-36(B) TO INSTALL AN EIGHT FOOT CHAINLINK THAT WILL ENCROACH INTO THE 35 FOOT SETBACK ON FEDEX WAY

JOSH SAXTON – Passero Associates, civil project manager; representing client based out of Ohio; for existing Federal Express facility; proposing an eight foot fence to go around existing facility; main reason is to separate parking for employees and people visiting, from actual business operations of the facility; improve; separate from facility; security; go along right of way of FedEx to box out portion that will be loading area; approval last week for razor wire along the top of the fence; standard for all facilities; entrance gate in southwestern corner access to site as needed with gates; remaining parking dedicated to staff as needed; four feet allowed per code, asking for eight; encroachment in front setback of FedEx Way on right of way; side street; location gives more space on their property given paving limits; enclosing existing limits of operation

MR. ZIMMER – need to know what setback number is

ATTORNEY MAC CLAREN – sounded like zero

MR SAXTON – if have to move north would encroach more, asking for zero to give full availability; as construction plans devolve may move north

MR. ZIMMER – amend application?

CHAIRPERSON KILEY – no, did not specify

ATTORNEY MAC CLAREN – just requested a reduction; as long as Board is okay with it

CHAIRPERSON KILEY – SEQRA, unlisted action, do not have to mitigate any issues

PUBLIC HEARING – no one in attendance

MOTION - to table – MR IOANNONE

The Board was unable to make a determination with respect to any of the requested variances as the Board did not receive the required response from the County Planning Board prior to the meeting.

The Application will now be heard on Monday, December 9th, at 7:30pm.

Please note that the following facts are not in dispute:

- 5 The Applicant sought variances from with respect to the setback (to reduce the same to zero (0) feet along FedEx Way and height (to increase the height to eight (8) feet) for a chainlink fence at the property located at 2580 Manitou Road, Town of Gates (the “Property”);
- 6 The Property is located on a State or County road and the County response is required but was not received prior to the November meeting.
- 7 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application; and
- 8 This application involved an Unlisted and a Type II action, under the State Environmental Quality Review Act (SEQRA) and the Board found that no further proceedings under SEQRA are required.

Second – **MR REDFERN**

MOTION - to adjourn – MR ZIMMER

Second – **MR IOANNONE**

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals