



Town of Gates

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

Meeting Minutes

June 9, 2025

MEMBERS PRESENT: Steve Zimmer, chairperson; Don Ioannone; Tina Albanese-Stauffer; Roger Thaine

MEMBER(S) NOT PRESENT: Dick Lippa; Alan Redfern; 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 ZIMMER** (acting chairperson) at 7:30 p.m. at the Gates Town Hall.

CHAIRPERSON ZIMMER explained the purpose and procedure of the Zoning Board.

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CHAIRPERSON ZIMMER – first order of business is to accept minutes from the May, 2025 meeting;

MOTION – MR IOANNONE – Motion to accept minutes from May, 2025 meeting.

Second – MS ALBANESE-STAUFFER

All in favor, minutes approved.

TABLED APPLICATION

THE APPLICATION OF KIMBERLY WEBB SEEKING AN AREA VARIANCE FROM ARTICLE VIII, § 190-36(B) THAT WILL ALLOW HER TO INSTALL A 4 FOOT ALUMINUM FENCE THT WILL ENCROACH INTO THE FRONT SETBACK ON PINTO RUN AT 172 QUEENSLAND DRIVE.

MOTION – to lift table - MR IOANNONE
Second - MS ALBANESE-STAUFFER

KIMBERLY WEBB – 172 Queensland Drive; added a six foot panel onto a fence going towards Pinto Run because there was a problem with the yard, an unstable area so the fence could not go there; printed pictures

CHAIRPERSON ZIMMER – how much did that change?

MS WEBB – 6 feet

ATTORNEY MAC CLAREN – six feet closer?

MS WEBB – yes, still 30 feet from the edge of road over to fence

ATTORNEY MAC CLAREN - what you are asking for now is?

MS WEBB – 26, went one more panel, just 6 feet more, 26 from the house now.

PUBLIC HEARING – no one in attendance

MOTION - to approve – MR IOANNONE

The Board approved the following variances to permit the construction of a three-rail aluminum fence at property located at 172 Queensland Drive:

1. The fence may be four (4) feet tall where only three (3) feet are permitted; and
2. The fence may be a three-rail aluminum fence where only a chain link fence is allowed.

In addition, the Board tabled the requested variance in connection with the location of the fence within the front yard setback. The tabled setback variance will be heard at the June meeting of the Board at 7:30pm on Monday, June 9, 2025.

Please note that the following facts are not in dispute:

- 1 The Applicant sought a variance in connection with the construction of a fence with the required parking at the property located at 9 Coldwater Crescent, Town of Gates (the “Property”);
- 2 The Property is not located within 500 feet of a State or County road and therefore the County response was not required;
- 3 The required public hearing was opened, held, and closed at the meeting and no parties appeared in support or objection to the Application; and
- 4 This application involved both Type II and Unlisted actions, under the State Environmental Quality Review Act (SEQRA) and the Board found that no further proceedings under SEQRA are required.

Second – MR THAINE

Member Vote Tally

Mr. Ioannone – yes

Roger Thaine - yes

Tina Albanese-Stauffer - yes

Mr. Zimmer – yes

All in favor, variance approved

APPLICATION NO 1

THE APPLICATION OF ANTHONY CERVINI (CHARLOTTE CERVINI) SEEKING AN AREA VARIANCE FROM ARTICLE XXIII, § 190-27(A)(2) TO CONSTRUCT A 40' x 40' (1600 SF) POLE BARN THAT WILL ENCROACH INTO THE 15 FOOT SIDE AND REAR SETBACK AT 1030 BUFFALO ROAD

ANTHONY CERVINI – 1030 Buffalo Road; trying to build a storage shed; by

ATTORNEY MAC CLAREN – tell us materials, height

MR CERVINI – turned in drawings, 14 feet high; walls, 40 x 40; not sure on materials, trying to see what can get; metal building

CHAIRPERSON ZIMMER – what are you going to store in it?

MR CERVINI – have a couple of trailers, cars, outside now

MR IOANNONE – flat roof or peak?

MR CERVINI – peak

MR IOANNONE – what is going to be the ultimate height?

MR CERVINI – 20 feet; will come up with real drawings

MR IOANNONE – need drawing to approve

ATTORNEY MAC CLAREN – have drawing that shows height; height under 35 foot maximum is okay

CHAIRPERSON ZIMMER – application already shows what you want to do; variance for specific size building

MR CERVINI – 99.9 % sure on building, just not sure on materials

CHAIRPERSON ZIMMER – metal siding; concrete slab ?

MR CERVINI - correct

PUBLIC HEARING – no one in attendance

CHAIRPERSON ZIMMER – SEQRA type 2, no action required; county response received, referred back as a local matter

MOTION – to approve - MR THAINE

MOTION – to table until we get more information – MS ALBANESE-STAUFFER

The Board was unable to make a determination with respect to the requested variance as the Board was not provided with the necessary information to grant the variance by the Applicant. The Applicant advised the Board that the project was still being determined as to the look and final design. The Applicant, at the next meeting set forth below, is requested to provide: (i) the final height and design of the proposed building, (ii) the materials and colors of the proposed building, and (iii) any additional information the Applicant believes will assist the Board in making its determination.

The Application will now be heard on Monday, July 14th, at 7:30pm.

Please note that the following facts are not in dispute:

- 5 The Applicant sought variances from with respect to the setback for a polebarn at the property located at 1030 Buffalo Road, Town of Gates (the “Property”);
- 6 The Property is located on a State or County road and the Board did receive the County response referring the matter back as a local matter.
- 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 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 IOANNONE

Member Vote Tally

Roger Thaine - yes

Tina Albanese-Stauffer - yes

Mr. Ioannone – yes

Mr. Zimmer – yes

All in favor, variance tabled

CHAIRPERSON ZIMMER – table until you give us a better understanding of what you are going to build and show pictures of it. Do not have a problem with where you are putting it, just need a better idea of building.

APPLICATION NO 2

THE APPLICATION OF AMANDA AND JASON KROHN SEEKING AN AREA VARIANCE FROM ARTICLE VIII §190-36(B) TO INSTALL 6 FOOT WOODEN FENCE THAT WILL ENCROACH INTO THE 35 FOOT SETBACK ON DEEPWOOD DRIVE BY APPROXIMATELY 17.8 FEET AT 42 BOBBIE DRIVE.

JASON KROHN – 42 Bobbie Drive, want room for child to run and play and let dogs out; trying to go 25 feet from garage towards Deepwood; 35 feet from road; 19 showing, push for 25; give almost full 15 feet that would not be fenced otherwise

CHAIRPERSON ZIMMER – construction of fence?

MR KROHN – wood; 6 feet; will not be able to see through it, because of the dog panels; gate to get mower out; 6 foot tall fence all the way around; approved for other sides

MR IOANNONE – painted or stained?

MR KROHN – natural, pressure treated

PUBLIC HEARING – no one in attendance

CHAIRPERSON ZIMMER - SEQRA type 2, no action required;

MOTION – to accept – **MS ALBANESE-STAUFFER**

The Board approved your request to permit the construction of a six foot wooden stockade style fence and reduce the required setback to ten (10) feet from the required thirty-five (35) feet for a reduction of twenty-five (25) feet.

Please note that the following facts are not in dispute:

- 9 The Applicant sought a variance from the required setback requirement of thirty-five (35) at the property located at 42 Bobbie Drive, Town of Gates (the “Property”);
- 10 The Property is not located within 500 feet of a State or County road and therefore a County response was not required;
- 11 The required public hearing was opened, held, and closed at the meeting and no parties appeared in support or objection to the Application; and
- 12 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 are required.

Second – MR IOANNONE

Member Vote Tally

Roger Thaine - yes

Tina Albanese-Stauffer - yes

Mr. Ioannone – yes

Mr. Zimmer – yes

All in favor, variance approved

ATTORNEY MAC CLAREN – motion for 25 feet as opposed to 17

APPLICATION NO 3

THE APPLICATION OF WALMART STORES, INC., SEEKING AN AREA VARIANCE FROM ARTICLE IV §190-14(A) AND ARTICLE XXV § 190-44(C) TO REDUCE THE NUMBER OF PARKING SPACES FROM 938 to 898 AND TO INCREASE THE BUILDING COVERAGE TO 25.6% WHEN ONLY 15% IS ALLOWED AT 2150 CHILI AVENUE.

CHAIRPERSON ZIMMER – have not heard from county

JUSTIN LATTIERRE – with Colliers Engineering and Design; presenting on behalf of Walmart; focus is increased effort in improving site for online grocery pickup; want to make sure their sites can meet the uptick in demand; project proposes a 3665 square foot addition on west side of Walmart; located near the tire and auto center; require a small amount of upgrading, drainage improvements; sight lighting; overall, should function the same; trying to update to signage standards; propose 29 pick up spaces; now 10 located near southeast corner of building; all in vicinity of new expansion; up to north of where seasonal garden center is; everything to the west of that and parking will be reconfigured for expansion; net decrease of 40 spaces; currently there are 938; also increase building lot coverage from 23.6 to 25.6%, due to increase in building square footage; code says for a general business district requirement is 15%; already existing, non-conforming so requesting additional

CHAIRPERSON ZIMMER – traffic flow coming in from Howard Road entrance will pickup, shows on map;

MR LATTIERRE – yes, on western side; reconfiguration from original; associates will be able to walk out, striped areas for them to walk in to get to parking spots; propose other improvements to grating and drainage because of the expansion of the building footprint; additional sight planning; improve lighting

CHAIRPERSON ZIMMER – marked spaces, not drive through, correct?

MR LATTIERRE – correct, 29 numbered spots

MR IOANNONE – Howard Road side has 2 egresses now, one to north and one to south, will both remain?

MR LATTIERRE – no changes

MR IOANNONE – signage?

MR LATTIERRE – indicate which spots are which

MR IOANNONE –directional signs?

MR LATTIERRE – yes, pole mounted; light pole mounted pick up banner signifying location

MR IOANNONE – approval from Board needed for signs, correct?

ATTORNEY MAC CLAREN –Town/Planning Board to approve signs

PUBLIC HEARING

CHAIRPERSON ZIMMER – SEQRA unlisted, no action required, awaiting response from county

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, July 14th, at 7:30pm.

Please note that the following facts are not in dispute:

- 13 The Applicant sought variances to permit to reduce the number of parking spaces and to increase the building coverage at 2150 Chili Avenue, Town of Gates (the “Property”);
- 14 The Property is located on a State or County road and the County response is required but was not received prior to the June meeting.
- 15 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application; and
- 16 This application involved an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and the Board found that no further proceedings under SEQRA is required.

Second – MR THAINE

Member Vote Tally

Mr. Ioannone – yes

Tina Albanese-Stauffer - yes

Roger Thaine - yes

Mr. Zimmer – yes

All in favor, variance tabled

APPLICATION NO 4

THE APPLICATION OF SKYLIGHT SIGNS, INC. SEEKING AN AREA VARIANCE FROM ARTICLE V §190-24(B) TO INSTALL A 138 SF WALL MOUNTED SIGN WHEN ONLY 5- SF ARE ALLOWED AT 53 PIXLEY INDUSTRIAL PARKWAY EXT.

JIM COLOMBO– Skylight Signs, 60 Industrial Park Circle; front portion on the north side has been approved; west side never had a variance for larger sign that is there, is what they are seeking today

CHAIRPERSON ZIMMER – will sign be illuminated?

MR COLOMBO – illuminate with LED; colors; same size as the West Fire sign that was there; was not granted a variance; changed name and merged, has to stick out a little bit larger

CHAIRPERSON ZIMMER – 168 square feet?

MR COLOMBO - correct

MS ALBANESE-STAUFFER – is West Fire also illuminated?

MR COLOMBO – yes, face lit LEDs

ATTORNEY MAC CLAREN – turned off by 11?

CHAIRPERSON ZIMMER – hours of operation?

MR COLOMBO – can negotiate; timer can be put on

MR IOANNONE – off by 11:00

ATTORNEY MAC CLAREN – 11:00 is the code

MR COLOMBO – you got it

PUBLIC HEARING – no one in attendance

CHAIRPERSON ZIMMER – SEQRA unlisted action

MOTION - to accept – MS ALBANESE-STAUFFER

The Board approved the request to permit an increase in the building mounted sign to be a maximum size of up to one hundred sixty-eight (168) square feet where only fifty (50) square feet is permitted.

These approvals are 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, and the presentation made during the public hearing held on the above referenced date.

These approvals are based upon the following findings of fact, which adequately demonstrated the standards applicable to granting the application

- 17 The Applicant sought a variance to increase the size of a building mounted sign that will be larger than allowed on property located at 53 Pixley Industrial Parkway Ext., Town of Gates;
- 18 There was no other party in attendance who objected to Applicant's plea before the Board;
- 19 The Property is not located within 500 feet of a State or County road and therefore a County response was not required.
- 20 This application involves an Unlisted action, under the State Environmental Quality Review Act (SEQRA) and, after review, the Board determined that no further proceedings under SEQRA is required.

Second – **MR THAINE**

Member Vote Tally

Mr. Ioannone – yes

Roger Thaine - yes

Tina Albanese-Stauffer - yes

Mr. Zimmer – yes

All in favor, variance approved

APPLICATION NO 5

THE APPLICATION OF BRITTANY MEEHAN SEEKING AN AREA VARIANCE FROM ARTICLE VIII §190-36(B) THAT WILL ALLOW HER TO REPLACE HER EXISTING FRONT PORCH. THE PROPERTY CURRENTLY ENCROACHES INTO THE 50 FOOT SETBACK 8.6 FEET. WITH THE PROPOSED NEW PORCH THE PROPERTY WILL ENCROACH INTO THE SETBACK BY APPROXIMATELY 18.6 FEET AT 922 TROLLEY BOULEVARD.

BRITTANY MEEHAN – 922 Trolley Boulevard; concrete stoop; needs to be done, falling apart; build a wood deck in front of house

CHAIRPERSON ZIMMER – for verification, looking at drawings, deck, including stairs is 10 feet?

MS MEEHAN – yes, can see in pictures, will go out by bushes, where walkway is, is where the stairs will come down

CHAIRPERSON ZIMMER – no further?

MS MEEHAN - correct

PUBLIC HEARING – no one in attendance

CHAIRPERSON ZIMMER – SEQRA type 2, no further action required; county referred back as a local matter

MOTION – to accept –**MR IOANNONE**

The Board approved your request to permit the construction of a front porch and to reduce the required setback to sixteen and four-tenths (16.4) feet from the required thirty-five (35) feet for a reduction of eighteen and six-tenths (18.6) feet.

Please note that the following facts are not in dispute:

- 21 The Applicant sought a variance from the required setback requirement of thirty-five (35) at the property located at 922 Trolley Boulevard, Town of Gates (the “Property”);
- 22 The Property is located within 500 feet of a State or County road and the Board did receive the County response prior to the meeting referring the matter back as a local matter;
- 23 The required public hearing was opened, held, and closed at the meeting and no parties appeared in support or objection to the Application; and
- 24 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 are required.

Second – MS ALBANESE-STAUFFER

Member Vote Tally

Mr. Ioannone – yes

Roger Thaine - yes

Tina Albanese-Stauffer - yes

Mr. Zimmer – yes

All in favor, variance approved

APPLICATION NO 6

THE APPLICATION OF MICHAEL MONTECALVO SEEKING AN AREA VARIANCE FROM ARTICLE VIII §190-36(B) TO INSTALL A 6 FOOT VINYL FENCE THAT WILL ENCROACH INTO THE 35 FOOT SETBACK ON PILOT STREET BY APPROXIMATELY 3.8 FEET AT 128 JORDAN AVENUE.

CARRIE MONTECALVO – sister of Michael, 128 Jordan Avenue; he lives in Maryland; wants to put a fence in back; vinyl, 6 feet; encroaches, about 4 feet short of the 35 feet

CHAIRPERSON ZIMMER – one gate in back?

MS MONTECALVO – yes

CHAIRPERSON ZIMMER – solid?

MS MONTECALVO - yes, has a photo from manufacturer

PUBLIC HEARING – no one in attendance

CHAIRPERSON ZIMMER – SEQRA type 2, no action to be taken

MOTION – to accept as presented –**MR IOANNONE**

The Board approved your request to permit the construction of a six foot vinyl fence and reduce the required setback to thirty-one and two-tenths (31.2) feet from the required thirty-five (35) feet for a reduction of three and eight-tenths (3.8) feet.

Please note that the following facts are not in dispute:

- 25 The Applicant sought a variance from the required setback requirement of thirty-five (35) at the property located at 128 Jordan Avenue, Town of Gates (the “Property”);
- 26 The Property is not located within 500 feet of a State or County road and therefore a County response was not required;
- 27 The required public hearing was opened, held, and closed at the meeting and no parties appeared in support or objection to the Application; and
- 28 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 are required.

Second – MS ALBANESE-STAUFFER

Member Vote Tally

Roger Thaine - yes

Tina Albanese-Stauffer - yes

Mr. Ioannone – yes

Mr. Zimmer – yes

All in favor, variance approved

MOTION - to adjourn – MS ALBANESE-STAUFFER

Second – MR THAINE

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals