



Town of Gates

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

Meeting Minutes

May 10, 2025

MEMBERS PRESENT: Steve Zimmer, acting chairperson; Don Ioannone; Dick Lippa; Alan Redfern; Dave Ferris;

MEMBER(S) NOT PRESENT:

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 **STEVE ZIMMER** (acting chairperson) at 7:30 p.m. at the Gates Town Hall. **MR ZIMMER** explained the purpose and procedure of the Zoning Board.

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MR ZIMMER – first order of business is to accept minutes from the March 2025 meeting;

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

Second – MR FERRIS

All in favor, minutes approved.

APPLICATION NO. 1

**THE APPLICATION OF KIMBERLY WEBB SEEKING AN AREA
VARAINCE 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.**

KIMBERLY WEBB – 172 Queensland Drive; put up a 4 foot aluminum fence; 3 rail fence that matches next door neighbor's; want to come out from the back corner 20 feet, straight to back to other fence; measured 37 to 38 feet from road; looked different on the map; measured several times; just want a 4 foot fence for dog; to prevent access to road

MR ZIMMER – looking at drawing, when you say corner, you mean the back corner?

MS WEBB – yes

MR ZIMMER - 20 feet towards Pinto, straight back

MS WEBB – yes, L shaped

MR ZIMMER – is there going to be a gate?

MS WEBB – yes, a double gate on both sides

ATTORNEY MAC CLAREN – on driveway side and the back yard side?

MS WEBB – no, on the front of both

ATTORNEY MAC CLAREN – on Pinto?

MS WEBB – Queensland

ATTORNEY MAC CLAREN – on both?

MS WEBB – on both sides, 2, 4 foot gates

MR FERRIS – type

MS WEBB - aluminum

ATTORNEY MAC CLAREN – open?

MS WEBB – yes, just like neighbor next door?

MR FERRIS – duplicating neighbor

MS WEBB - yes

MR FERRIS – how far from road?

MS WEBB – 37 feet; measured 35 and a couple of feet extra; total of 57 feet

MR IOANNONE – south from corner, 20 feet?

MS WEBB - yes

MR IOANNONE – fence runs straight back to the back yard

MR ZIMMER – from road, 15, 16 feet to where the fence is going to be

MS WEBB – from Pinto Road, 37 feet, including town easement or is this the whole thing from the road?

ATTORNEY MAC CLAREN – 20 feet towards Pinto?

MS WEBB – without town easement?

ATTORNEY MAC CLAREN – need to give the number, need to be very specific

MS WEBB – measured several times, 37 feet from where gutter is, started measuring there

MR ZIMMER – code says must be 35 feet from the road, if more, the variance asking for is for height;

MS WEBB – Brianna said to ask for

MR ZIMMER – if more than 37 inches, need a height variance; application is written asking for a variance from the distance from the road

MS WEBB – Brianna said had to do that, because of distance, was never told anything about the height

ATTORNEY MAC CLAREN – need to be clear so that measurements are big enough and you do not need to move it

MS WEBB – in more than 35 feet from the road;

ATTORNEY MAC CLAREN – on map it is about 4 feet from your house

MS WEBB – going from Pinto in?

ATTORNEY MAC CLAREN – yes, not from Queensland

MS WEBB – there is 37 feet, plus another 20 from the road;

ATTORNEY MAC CLAREN – from the edge of the road?

MS WEBB – yes, shows on map, if came out and looked at, would not even need a variance

ATTORNEY MAC CLAREN – saying distance is really about 60 feet

MS WEBB - yes, from corner of house is really about 57 feet

PUBLIC HEARING – no one in attendance

MR ZIMMER – no type 2 SEQRA action required; trying to understand exact variance asking for; distance

ATTORNEY MAC CLAREN – can approve all at once; can table for another month to correct map

MR FERRIS – need accurate number as to the setback from the center of road to properly vote

MS WEBB – made measurements to confirm several times, gave 35 feet plus buffer

MR ZIMMER – can vote on height, table distance, then go to the building department to show that measurements more than 39 feet.

MOTION - to table variance for distance from road, go to building department to prove measurements are in error; okay with 48 inch fence based on pictures and style – **MR FERRIS**

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 LIPPA**

Member Vote Tally

Mr. Lipa - yes

Mr. Redfern - yes

Mr. Ferris - yes

Mr. Ioannone – yes

Mr. Zimmer – yes

All in favor, variance approved

ATTORNEY MAC CLAREN – will fill in building department

MOTION - to adjourn – **MR FERRIS**

Second – **MR IOANNONE**

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals