



Town of Gates

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

Meeting Minutes

September 8, 2025

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

MEMBER(S) NOT PRESENT: Alan Redfern; Dick Lippa;

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 July, 2025 meeting;

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

Second – MS ALBANESE-STAUFFER

All in favor, minutes approved. Mr. Ferris abstains

APPLICATION NO 1

THE APPLICATION OF PHILLIP PASSAFIUME SEEKING AN AREA VARIANCE FROM ARTICLE XIV § 190-54 FOR THE PLACEMENT OF A 10' x 12' SHED WHICH WILL ENCROACH INTO THE 8 FOOT SIDE SETBACK BY APPROXIMATELY 1 FOOT AND WILL ENCROACH INTO THE 5 FOOT REAR SETBACK BY APPROXIMATELY 1.5 FEET AT 34 CITRUS DRIVE.

PHILLIP PASSAFIUME – 34 Citrus Drive; 10 by 12 shed, 7 feet, instead of 8 feet, from side yard, need to be 5, will be 3 ½ feet to the back of the neighbor's yard; to back corner; side driveway that leads up to it; closest building is neighbor's house, 50 feet away

CHAIRPERSON ZIMMER – shed is already there, right?

MR PASSAFIUME – there now, got here early; accepted, having garage done at same time, took everything out of garage and put it in the shed; cancelled garage work

CHAIRPERSON ZIMMER – need clarification on measurements; measuring from vinyl fence, not the property line; neighbor's fence is on their property; need to know distance from shed to property line;

MR PASSAFIUME - about 3 or 4 feet, thought fence had to be away from;

ATTORNEY MAC CLAREN – if don't have distance and wrong, shed is not approved and town could make you take it down and you would have to come back to get a variance; need to get exact measurement from where the actual lot line is, to where the end of the shed is; cannot estimate, need to be pretty exact within reason

MR PASSAFIUME – how do I find out the exact?

ATTORNEY MAC CLAREN - shows on map; know line is 43 feet from edge of house; if you measure 43 feet from the edge of the house and then travel up and measure distance between 43 feet and where the shed is now, that is how you determine; cannot determine or estimate from drawings

MR PASSAFIUME – less than what I say?

ATTORNEY MAC CLAREN – yes, based on pictures, 2 feet, not 7 feet; don't want to approve at 7 feet and then come back and reapply

CHAIRPERSON ZIMMER – variance needs to be right, resale, need to be in compliance

MR PASSAFIUME – measure, what do I do?

CHAIRPERSON ZIMMER – can table and you can come back with the right measurements

MR PASSAFIUME – do I need to do the paperwork over?

ATTORNEY MAC CLAREN – contact building department, usually an email, explain the change in the measurement; do not usually have to fill out a whole new package, they will help you figure out what you need; just modifying the page; will not have to pay another fee

MR PASSAFIUME – is the back one okay?

ATTORNEY MAC CLAREN – yes, on lot line

CHAIRPERSON ZIMMER – need actual distance

ATTORNEY MAC CLAREN – not approving back, but do not need measurements

CHAIRPERSON ZIMMER – variance must be accurate

MR IOANNONE – need to address easement; if power company comes in, will tear down shed

MR PASSAFIUME – driveway, how far is easement?

MR IOANNONE – can call town, just making aware; variance goes with address, not person

MR PASSAFIUME - understands

MS ALBANESE-STAUFFER – easement goes all the way down line; starts at your property and ends at street; 2 telephone poles back there

MR PASSAFIUME – tear down fence?

ATTORNEY MAC CLAREN – legally allowed to, our approval of the shed location does not supersede the easement

CHAIRPERSON ZIMMER – SEQRA type 2, no action required; county is not concerned

PUBLIC HEARING – no one in attendance

MOTION – to table– **MR FERRIS**

The Board was unable to make a determination with respect to the requested variances as the Board was not provided with the necessary information to grant the variance by the Applicant. The Board was unable to determine the actual side setback variance required as the requested setback reduction was not from the correct location.

The Applicant, at the next meeting set forth below, is requested to provide: (i) the actual setback reduction from the side property line (as opposed to the vinyl fence located on the neighbor's property) being requested and (ii) any additional information the Applicant believes will assist the Board in making its determination.

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

Please note that the following facts are not in dispute:

- 1 The Applicant sought variances from with respect to the setback for a shed at the property located at 34 Citrus Drive, Town of Gates (the “Property”);
- 2 The Property is not located on a State or County road and therefore a County response was not required.
- 3 The required public hearing was opened, held, and closed at the meeting and no parties appeared to support or object to the Application; 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 are required.

Second – MR IOANNONE

Member Vote Tally

Mr. Thaine - yes

Ms. Albanese-Stauffer - yes

Mr. Ferris

Mr. Ioannone – yes

Mr. Zimmer – yes

All in favor, variance tabled

APPLICATION NO 2

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

CHAIRPERSON ZIMMER – went through this a couple of months ago

MR CERVINI – 40 x 40 pole barn; 12, 14 x 6 foot beams; on application; 2 x 6 truss rafters; pole size 3 ply by 2 by 6; pole spacing 8 feet; ceiling height 14; roof pitch 21 feet; carrier size 2 x 12; wall puffs 2 by 4;

CHAIRPERSON ZIMMER – outside of barn is brown metal?

MR CERVINI – yes

CHAIRPERSON ZIMMER – white roofing

MR CERVINI - yes

CHAIRPERSON ZIMMER – SEQRA type 2, not required for this request

PUBLIC HEARING

CHARMAINE LEWIS – 331 Dearcop Drive, neighbor; spoke to him; does not approve coming onto her property; does not know where this is going; as long as he builds and does not encroach on property, does not want property seized, already took part.

CHAIRPERSON ZIMMER – site map with location, shows the pole barn is going on his property

MS LEWIS – line is over on her property

MR FERRIS – explain what you are talking about, on your property?

CHAIRPERSON ZIMMER – not what variance request is for; question for the town; nothing to do with building this barn

MS LEWIS – does not wish for him to seize a piece of her property

CHAIRPERSON ZIMMER – understands, but that is not what the Zoning Board is for

MS ALBANESE-STAUFFER – clearly on his property, not seizing any of your property

CHAIRPERSON ZIMMER – county response received

MOTION – to approve—**MR IOANNONE**

The Board approved your request to permit the construction of a pole barn and to reduce the required side and back setbacks each to ten (10) feet from the required fifteen (15) feet for a reduction of five (5) feet.

Please note that the following facts are not in dispute:

- 1 The Applicant sought variances from with respect to the setback for a pole barn at the property located at 1030 Buffalo Road, Town of Gates (the "Property");
- 2 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.
- 3 The required public hearing was opened, held, and closed at the meeting and one party appeared but did not object to the Application; 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 are required.

Second – MR FERRIS

Member Vote Tally

Mr. Thaine - yes

Tina Albanese-Stauffer - yes

Mr. Ferris

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