



Town of Gates

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

Meeting Minutes

November 10, 2025

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

MEMBER(S) NOT PRESENT: Alan Redfern

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 October, 2025 meeting;

MOTION – MR FERRIS – Motion to accept minutes from October, 2025 meeting.

Second – MR LIPPA

All in favor, minutes approved. Mr. Ioannone abstains

APPLICATION NO 2

THE APPLICATION OF JOHN H. MISSELL AND ASSOCIATES SEEKING AN AREA VARIANCE FROM ARTICLE XXV, §190-144 FOR 485-507 SPENCERPORT ROAD IN REGARDS TO THE PRE- EXISTING CELL TOWER.

ATTORNEY DANIEL SCHUM - represents applicant; provides a visual of the application; application for an area variance by La Chase real estate associates; owner of Gates Colonial Plaza, on east side of Spencerport Road, corner of Long Pond; cel tower in picture was originally approved by the Planning Board of the Town of Gates, building permit issued in 1992; not something that is being proposed, has been there in excess of 30 years; parcel itself is 22 by 65 feet; originally assigned street number 507 Spencerport Road and tax account number to pay taxes; cel phone company that was leasing property agreed to pay taxes as opposed to La Chase; has been status of property since 1992; come to mutual agreement that cel phone company should own the site and that La Chase should sell; although it has an address and a tax account number, it is not a legal parcel for conveyance purposes; in contact with town attorney and his letter responding to inquiry is in packet; agreed with him and cel tower company that should apply for a separate tax parcel so that it could be properly conveyed; need to go to Planning Board, come to ZBA first; parcel is substantially undersized; the use of property was permitted in 1992; question is what do we do to create a tax parcel when it is so small, come to board for relief; continuation of parcel as a separate tax account number will have no impact on adjoining properties; whatever impact it has had since 1992 is still there today; criteria for area variance, no other way to accomplish; in order to create a parcel large enough to accommodate the present size requirement or zoning code, is not of interest to applicant or prospective buyer; self-created in part; cel tower company asked for a lease, town approved the lease, town approved site plan and issued building permit; as owner, cannot change in any way with in the realm of reason; asking Board to grant variance; county referred back as a local matter, no need to defer decision

ATTORNEY MAC CLAREN – purchaser is current tenant of cel tower?

ATTORNEY SCHUM – yes, no control over future owner; as town attorney said, cel tower, as it currently exists, has not created any issues; if subsequent owner or any purchaser of property in future, wants to do anything on site, to increase intensity of use, would have to come back to Planning Board; by granting

area variance, are not giving anybody a blank check or cart blanche to do something on site that would not have to come before Board in future

CHAIRPERSON ZIMMER – does not include any addition or subtraction of radials from tower?

ATTORNEY SCHUM – if were to increase equipment that is in the site, to give it more energy, greater distance, more facilities, not to the intent of use; physical increase would require Town Board approval; asking to grant a blanket area variance for project that presently exists; on schedule for Planning Board in two weeks

CHAIRPERSON ZIMMER – no SEQRA type 2; county response received, no issue

PUBLIC HEARING – no one in attendance

ATTORNEY SCHUM – negative declaration of environmental significance because it is a listed action for adjustment of lot lines.

MOTION – to approve – **MR IOANONNE**

The Board approved your request to permit the Property (as defined below) to remain twenty-two (22) feet by sixty-five (65) feet, which is smaller than allowed by the Code.

Please note that the following facts are not in dispute:

- 1 The Applicant sought a variance from the required lot size at the property located at 485-507 Spencerport Road, Town of Gates (the “Property”);
- 2 The Property is located within 500 feet of a State or County road and therefore a County response was required and was received by the Board prior to the meeting, with the County referring the matter back as a local matter;
- 3 The required public hearing was opened, held, and closed at the meeting and no parties appeared in opposition 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 – MS ALBANESE-STAUFFER

Member Vote Tally

Mr. Ferris - yes

Ms. Albanese-Stauffer - yes

Mr. Ioannone – yes

Mr. Lippa - yes

Chairperson Zimmer – yes
All in favor, variance approved

APPLICATION NO 1

THE APPLICATION OF THE GATES FIRE DISTRICT SEEKING AN AREA VARIANCE FROM ARTICLE XIX § 190-94 (E) TO CONSTRUCT A PROPOSED TRAINING FACILITY LOCATED AT 2215 LONG POND ROAD WHICH WILL EXCEED THE ALLOWED HEIGHT IN A RESIDENTIAL AREA. THE PROPOSED TRAINING FACILITY HAS A PROPOSED HEIGHT OF 28 FT AND THE ALLOWANCE IS 15 FT.

ATTORNEY MAC CLAREN – have not received county response, cannot approve or deny application

MOTION – to table **MR FERRIS**

Your application with regard to the above request was to be heard at the regular monthly meetings of the Gates Zoning Board of Appeals (“Board”) on November 10, 2025, where the requested variance was tabled by a unanimous vote of the members of the Board who were present at the meeting at your request.

Given that you requested the matter be tabled prior to the meeting, no hearing was held and the public hearing was not opened.

The Application will now be heard on Monday, December 8th, at 7:30pm.

Second – MR LIPPA

Member Vote Tally

Mr. Ferris – yes

Mr. Lippa - yes

Ms. Albanese-Stauffer - yes

Mr. Ioannone – yes

Chairperson Zimmer – yes

All in favor, variance tabled

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

Second – MR LIPPA

Respectfully submitted,

Clare M. Goodwin, Secretary
Gates Zoning Board of Appeals