

January 4, 2021

The Gates Town Board held five Public Hearings and its Regular Town Board meeting on Monday, January 4, 2021 at the Town Hall Meeting Room at 6:30PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor
Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Daniel G Schum	Town Attorney
Veronica Owens	Town Clerk

6:30PM PUBLIC HEARING

**CONSIDERING TWO [2] CONDITIONAL USE PERMITS FOR HUSSEIN SALEH
TO OPERATE GATES EXPRESS INC,
#1. GASOLINE SERVICE STATON AND #2. FAST FOOD RESTAURANT
AT 2206 BUFFALO RD IN A NEIGHBORHOOD BUSINESS [NB] DISTRICT**

Supervisor Giunta called the Public Hearing to order at 6:40PM. The Town Attorney, Dan Schum verified that the Legal Notice was properly published as required by law.

Supervisor Giunta noted that he noticed the applicant indeed posted on the property the required Public Notice poster as required by the Town of Gates.

Mr. Hussein Saleh explained that the gas station and convenient store have been there since the 1960's and is keeping that the same. Subway was there and went out of business and wants to put in something different. A cuisine that is mainly found in New York City and not here in Rochester, Mediterranean type of menu. For example; gyros with fresh lamb and fresh chicken, falafel, rice dishes, foods that are fresh, made to order, not frozen.

Supervisor Giunta asked if he himself is the operator of the businesses?

Mr. Saleh replied he is the operator, manager, cook and has employees as well. He does travel to NY City to bring back supplies, but doesn't mind in order to have something new and different in Gates.

Supervisor Giunta asked about the hours of operation and if they are the same for both the Gas station and Food and also asked how many employees?

Mr. Saleh stated the hours of operation are the same for both, when the gas station closes, so does the store/food.

Monday – Friday	5:00AM-2:00AM
Saturday	6:00AM-2:00AM
Sunday	7:00AM-1:00AM

There are seven [7] employees right now

Supervisor Giunta asked about the name and signage. Will there be changes and if permits have been applied for as well as the connection with Sunoco?

Mr. Saleh replied that both the Gas station and the Store/Food will all be "Gates Express" and that he has already applied and paid for the signage permits. Gas will be supplied by Sunoco, that is the only connection. Supplier not named after.

Supervisor Giunta clarified and Mr. Saleh agreed with the reason for two separate Conditional Use Permits. One for the gas station and the One for the food. This keeps both businesses separate in case there are issues or changes with one and not the other.

Councilman Loughlin asked if this will be any indoor dining or just to go?

Mr. Saleh replied it will be a take-out or delivery only. No eat-in. Grab & Go.

Supervisor Giunta asked if Board members had questions or comments and then opened it up to the Audience.

Hearing none closed the public hearing.

RESOLUTION 32-21: Motion by Councilman Loughlin who moved both into adoption:

Resolved that the Gates Town Board hereby approves TWO Conditional Use Permits for Hussein Saleh to operate Gates Express Inc. #1. Gasoline Service Station #2. A Fast Food Restaurant, at 2206 Buffalo Rd, in a Neighborhood Business District.

Hours of Operation for both Gas Station and Fast food restaurant:

Monday-Friday	5:00AM-2:00AM
Saturday	6:00AM-2:00AM
Sunday	7:00AM-1:00AM

Seconded by Councilman Tucciarello

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

Motion Carried.

PUBLIC HEARING

CONSIDERING CONDITIONAL USE PERMIT FOR PINKISH PATEL TO OPERATE RODEWAY INN A HOTEL, AT 1273 CHILI AVE. SUITE 1, A GENERAL BUSINESS [GB] DISTRICT

Supervisor Giunta welcomed the applicant, Mr. Patel and questioned if everything was posted properly referring to public hearing notice on the property and also if there has been a name change since this application was submitted?

Mr. Pinkish Patel replied yes signs were posted and that at the time of application the hotel was still under Rodeway Inn, but was recently changed to Motel 6. He didn't expect the re-branding to happen so fast.

Supervisor Giunta state that because of the change in name they could not accept the application and grant this permit as it's no longer for Rodeway Inn. He that the applicant reapply with the new name and resubmit for approval. The fee would only be for fee to publish the Public Notice in the paper. He also stated that Mr. Patel will need to post the proper signage on the property with the new hotel name 15 days prior as required by the Town.

Mr. Patel understood and agreed. He will get the new paperwork in ASAP and follow through on all requirements to be ready for the February Board Meeting.

PUBLIC HEARING**CONSIDERING CONDITIONAL USE PERMIT FOR
YOUSEF MOHAMMAD ABDALLUH
TO OPERATE TASTE THE ISLAND, A FAST-FOOD RESTAURANT,
AT 3095 BUFFALO RD., IN A NEIGHBORHOOD BUSINESS [NB] DISTRICT**

Hannah Abdullah here to represent her son Yousef Mohammad.

Supervisor Giunta noted that the applicant indeed posted the required Public Notice poster as required by the Town. Asked them to explain a bit about their restaurant "Taste of the Island" and the concept.

Ms. Abdullah stated that there was a fast-food restaurant there prior to them. That business moved and they are taking over the space.

Ms. Margareta Benítez will be serving Puerto Rican food, like rice, beans, meats, empanadas, burritos, and tacos as well as chicken wings and French fries. It will be a take-out/delivery only service.

Supervisor Giunta asked about the hours of operation

Ms. Benítez responded that right now the hours are Monday-Friday 10:00AM -5:00PM, no Saturday or Sunday as on right now, but would like to expand the hours of operation eventually.

Supervisor Giunta suggested playing it safe for the Conditional Use Permit and putting in the potential expanded hours in place now.

Ms. Benita's agreed and stated Monday through Saturday then.

Councilman Tucciarello asked if extending the time frame in the future a possibility and maybe a good idea to put that in place as well now.

Ms. Benítez agreed thinking ahead and asked for the days/hours of operation to be Monday-Saturday, 10:00AM -8:00PM, no Sundays.

Supervisor Giunta confirmed; Monday-Saturday, 10:00AM-8:00PM. Puerto Rican Cuisine. Strictly Take-Out or Delivery. He then asked Ms. Benitez about her experience

Ms. Benitez responded that she is a home cook and has catered parties and many requests for her food and to open a place.

Supervisor Giunta asked if Board members had questions or comments and then opened it up to the Audience

Adeane Giagios, 23 W. Adeane Dr. asked for the location

Supervisor Giunta replied 3095 Buffalo Rd at the corner of Coldwater Rd in the Gas station there.

He asked for anymore additional comments from the audience, hearing none closed the public hearing.

RESOLUTION 33-21: Motion by Supervisor Giunta who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Yousef Mohammad Abdallah to operate Taste of the Island, a Fast Food Restaurant, at 3095 Buffalo Rd, in a Neighborhood Business District.

Hours of Operation: Monday-Saturday 10:00AM-8:00PM

Seconded by Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

Motion Carried.

**CONSIDERING A CONDITIONAL USE PERMIT FOR GAIL GALLIPEAU
TO OPERATE CRAVE 360, A RESTAURANT,
AT 250 PIXLEY RD., IN A GENERAL INDUSTRIAL [GI] DISTRICT**

Supervisor Giunta asked the applicant if she had an opportunity to post the required Public Notice poster as required by the Town.

Mrs. Gail Gallipeau responded yes and no, she had emailed the Town explaining she would be out of town for the holiday and would put the poster up when she returned, she stated she put it up 2 days ago but believes it flew off at some point with high winds.

Supervisor Giunta acknowledged the email, and was told that Mrs. Gallipeau was recommended to find a way to post the Public Notice prior to going away, or asking someone to post it while away in order to follow the Town requirement. He also was informed that no one had seen anything posted during this time.

Attorney Dan Schum suggested that the Board postpone this application at this time, due to the required 15-day Public Notice posting was not complied with.

Supervisor Giunta clarified that due to improper posting and notification as stated by Attorney Schum, this hearing will not be heard today and explaining to Mrs. Gallipeau she will have the opportunity to re-apply so that she can post the Public Hearing Notice 15 days prior to the next town board meeting scheduled on February 1, 2021, Only the posting fee will need to be paid.

Mrs. Gallipeau asked after being here for eight [8] years, and not needed this prior, why is it necessary now?

Supervisor Giunta replied, that yes, she has been here eight [8] years, but with the name change it was discovered in the system that you are actually in a GI General Industrial District and a restaurant is not allowed, but with a Conditional Use Permit it can be granted.

**CONSIDERING A REQUEST FROM MARK VAN EPPS,
OF BRICKWOOD MANAGEMENT CORP.
TO REZONE 3419 BUFFALO RD**

Supervisor Giunta asked the applicant was here and if the Public Notice poster as required by the Town was posted as well as notifying neighbors within 300-feet and if he has the affidavit?

Scott Sydelnik, Attorney along with Randy Bebout, Engineer replied yes to both and handed a copy of the affidavit to Supervisor Giunta.

Attorney Schum agreed the affidavit looked appropriate and presumed the list of residents was furnished by the Town

Mr. Sydelnik, confirmed the mailing list was furnished by the Town. He continued that they were here tonight to consider a change in zoning from a PUD to a Sub-divided property, parcel 1 to R-1, parcel 2 to Multi-residential. There have been lengthy conversations about this project with the Town and residents, some of which are in this room, from November 2019 to February 2020 with talks of 250 town homes to other informal and informational meetings throughout and there has been a lot of feedback received and plans have been pivoted significantly from it. This past October plans were pivoted again to half of the property being Town homes, similar to the Ivy Bridge Development, but smaller because it would only be about 50 homes and the other side which is closer to most of the residents present here tonight, being the Eastside parcel being 52 single-family homes. Good quality homes in the \$250,000 area, but the zoning would need to be changed from the current PUD zone, dated back in 2006 when Clearview farms PUD was initially approved. There have been many conversations on the PUD situation, amending it, using it, how to best handle it, but ultimately, to proceed with development the zoning would need to be changed. The owner of the property has no plans to develop the property and has not received any other offers to develop the property. Scott feels this is good partnership with the town as well as the property owner

Randy Bebout, with TY LIN using the East parcel display to show the proposed 52 single family home lots, and technically #53 would be a pond, if that's how the Town chooses to take ownership of the pond. This would be the maximum number of the lots. The proposal is to rezone to R 1-11 under a cluster lay-out, with smaller lot size, 9,000 instead of 11,000, instead of 80-foot wide to 60-foot lot width, no change to the set-backs. The proposal is to preserve a portion of the 4-acres of woods in the back with a conservation easement. Conservation lot would be divided up to the each lot owner. Road length would be 1750 feet and dedicated. The initial thought is to Phase this into two [2] Phases, roughly in half. There has been a trip generation memo presented to the town, which is what the County and State use as part of the SEQR review. From the last meeting, utilities and sanitary sewer questions have been addressed as well as the storm water questions and will meet all requirements, and town engineer will look into that as well.

Councilman Cordero asked if the single-family homes in the far corner where the conservation piece is are they wet lands. How much land is between the properties and will there be trees and berms or any buffering planned.

Mr. Bebout replied that it's not on wet lands and not sure the exact, about 60-feet wide and 100-feet long. There are trees currently there and not planning on doing anything with them at this point in time.

Attorney Schum asked what the intention of the 53rd lot in the residential that contains the storm water and contain an easement to the town?

Mr. Bebout replied that some municipalities like to keep as a whole lot that is owned by the town, some don't, not sure how the town of Gates wants to handle it

Attorney Schum, commented that there is flexibility as to divide and add to the parcels already there and leave an easement to the town

Mr. Bebout, agreed there is flexibility, but as well doesn't feel homeowners should carry the burden of maintaining the pond.

Attorney Schum agreed, but added it's his understanding that this would be subject to a stormwater maintenance agreement with the developer and that would require the developer to maintain the pond continuously

Mr. Bebout, stated that eventually the developer doesn't own anything, but it is something that can be worked through.

Mr. Schum also asked about the 50 foot swath in between the properties which portion it belonged with.

Supervisor Giunta asked if in the 54 units will be 2-story, ranches, and how many bedrooms per

Mr. Bebout answered that it'll be 2/3 ranches with two [2] bedrooms and 1/3 two-story homes with three [3] bedrooms

Counselman Tucciarello asked if these would be for sale or rent and how much monthly if renting

Mr. Bebout answered the town homes would be rentals per month

Evan Van Epps responded that it would be similar to Ivy Bridge at \$1400-\$1800 per month. Town homes have garages and basements.

Counselman Tucciarello asked what the minimum is

Mr. Van Epps replied there are a few that pay less because they were in prior but the minimum is \$1400.00

Councilman Cordero asked if that is what they pay across the street, \$1400?

Mr. Van Epps responded that a few moved in 4-5 years ago at a little less, but around there.

Councilman Loughlin asked if there will be an on-site managers office or managed off-site?

Mr. Van Epps stated the plan is to use the office across the street, as well as the community pool, work-out room, gathering area that tenants can rent for parties.

Councilman Loughlin added, that could be a bit difficult in crossing the street

Councilman DiPonzio asked if these homes would have full basements and was answered, Yes

Attorney Schum in the development plans, there are two [2] distinct projects, what's the plan for development, staging and timing?

Mr. Van Epps responded that once we get started, in Phase I, which would be about 25-30 lots single family homes to complete the infrastructure

Mr. Sydelnik, there has been many conversations on this, Mark Van Epps, is committed to this and once the infrastructure was in it would show commitment to the project. Also, there is a letter of intent on putting in a model home to completion.

Councilman Cordero asked if it will all get done at once the town homes as well as the single-family homes

Mr. Bebout answered no one Phase at a time

Councilman Tucciarello then add future homes as needed

Attorney Schum the applicant did submit a long form, EIF Environmental assessment form. It will be need to be a coordinated review because there is more than one board involved in the process.

Supervisor Giunta opened to the public

Romeo DeLucia, 3335 Buffalo Rd. He doesn't have any issues with the houses, they are all nice, but worried mainly about the roadway and traffic safety. He understands there was an independent traffic study done by their company, but he called the state and they said it should be done by the state with a permit to get the study done before making plans. He added that he told the state everything that was going on and the concern with traffic, with people, children, pets it can be dangerous.

Mr. Bebout responded that being early in this process of rezoning and have submitted the traffic findings to the town in order to find out about rezoning, which is why it's not submitted to the county yet, so they wouldn't know about it. He acknowledges the concern on safety and agrees and reassured the state will need to validate the traffic concerns

Joseph Polizzi, 23 E Adeane Dr. this is in his backyard and sounds great when talking numbers. Getting a letter on Thursday during the holiday weekend and looking around and seeing low numbers in attendance should make sense...it's the holiday. He added they don't want to stop progress, but they don't want town houses, build one-family homes, and what about Manitou Rd with hearing about possibly Amazon coming in to the old Kodak, more jobs, more traffic on Buffalo Rd, not just on route 531. Also, blasting bedrock and possible drainage problems.

Mr. Sydelnik just wanted to add that building a model home in not a cheap endeavor. There's no plan to put in this great amount of money and then washing their hands on the project. The intent is to move forward with the site plan and there have been prior informational meetings. The plan is for the information to go out to the people. Mark has a great tract record in building single-family homes

Maryanne Clarno 3363 Buffalo Rd. The negative...we didn't get the letter till today, postmarked the 30th too late and had to zoom to get here. The positives are that they are doing houses, will there be a berm and could that be part of the conditions when presented to the Planning Board as part of the rezoning?

Attorney Schum, the Planning Board has the authority to impose such conditions if they believe reasonable and necessary in accordance to the Town code.

Maryann also asked about the sewer options. There are four residents on septic and if possible to feed into that sewer line, would really want to.

Mr. Sydelnik, using the display thinks there could be a possibility she may be able to feed into the sewer line.

Ms. Clarno, added that the traffic would change scientifically and to keep that in mind especially if the project happens on Manitou Rd.

Adeane Giagios, 23 Adeane Drive W using the display, if the lot lines are going to be extended to those properties, then they will also be responsible for paying taxes of that as well, which then means they can do whatever they want with that part of the property.

Mr. Bebout, yes, they will be responsible for the taxes, but there would be a Conservation Easement Agreement and it would prohibit changes to be made. It's the cleanest and easiest way to manage that

Attorney Schum, typically a Conservation Easement Agreement is to prevent anything being done to that property except enjoy it.

Mr. Bebout it would remain as is.

Mrs. Giagios feels the lot sizes are too small and it looks like it's all jammed in. She feels they should look around in the area to keep the same look. She agrees 100% with just one-family homes

Mr. Bebout the benefits of the narrower lots is to preserve the four-acres, that easement to buffer

Attorney Schum rezoning to R-1-11 is not necessarily approval of a cluster, it would all need to be presented to the Planning Board, which then would consider it the concerns are legitimate and should be addressed. The Town Board does not plan the sub-division, they only approve the use of the land. It would be up to the Planning Board

Mrs. Giagios is also concerned with the rental properties. Gates has enough rentals, especially at less the \$1400.00 a month. She has issues with that. She believes most people on Adeane Drive do not want rentals coming in basically their backyards.

Mr. Van Epps those were at that rate because, that was the market value at that time. It wouldn't be the case now.

He added that people want to move to Gates, they work here, shop here, and want to live here, and they deserve getting what they want like, a basement, garage, a yard and a nice place to live.

Mr. Sydelnik stated that the Master Plan of Gates is to offer a variety of housing, whether it be rentals, single value home they feel it's keeping in alignment with the plan.

Mrs. Giagios also questioned the blasting only allowed four [4] feet, how would that do for a basement. She also asked if they can guarantee the existing homes not getting damaged by blasting and if they do, who covers the cost of the damage

Mr. Bebout, can't answer the if there will be a need for blasting at this point, and also not sure on any damage responsibilities

Mrs. Giagios, added, there are many unknowns and questions that still need to be answered.

Mr. DeLucia, the road behind Ivy Bridge has homes that are deeded as full basement, but actually have crawl spaces. He wanted to bring that up because that's what happened with them and didn't know how they plan to do it

Mark Assini, 3363 Buffalo Rd, across the street from the project. First wants to wish the Town Board, Mr. Supervisor and the entire Board as well as the handsome town Attorney, Dan Schum, a Happy New Year and also a Thank you, for all the attention given to this project and all the informal hearings that have been put together, they have been very helpful

Mr. Assini added for the record that he is grateful that they have been listened to, and that there is no perfect solution for everyone and that was heard again tonight, but there has been comprises and this is not the most economic thing to do to put in residential housing, but it is consistent with the master plan, it provides a buffer between residential sub-division and any multi-residents that the master plan called for, so thank you for that. Hopefully working with the

Town board and the Planning Board it'll get worked out, but Thank you for listening to the residents. It doesn't always work that way with developers. Some have hard heads and do not want to listen to the people.

The one thing he does ask is for the consideration to the best of their ability is to buffer any type of headlights going into the homes.

Mike Giagios, 23 Adeane Dr W asked if they are building 25 houses to begin with, and if they don't sell [hypothetically] what happens then to the houses and the rest of the project?

Mr. Bebout, believes they will sell. But either way the plan wouldn't change they have to stay single family lots.

Mr. Giagios, also noted he did not receive the notice of this or the last two meetings about this project

Mr. Sydelnik, is not sure what happened, the spreadsheet was from the town, but will look into it and was happy they heard about the meeting and joined.

Supervisor Giunta, apologized for them not receiving notices, and confirmed that they would double check the list and the addresses. He then asked if anyone else wanted to speak including the Zoom callers. No one spoke up

Attorney Schum, is sure it will be confirmed for any future mailings

Supervisor Giunta asked the audience and those on Zoom if there were any more comments or questions.

Attorney Schum stated the Town Board can not act on this application at this date due to the matter referred to Monroe County Planning for comment and have not received response and thirty [30] days have not passed from submission to the planning department. With this if the Board has no further questions nor the Public, then this meeting can be closed but cannot be acted upon till the February Meeting for Vote as 30 days haven't past.

Supervisor Giunta closed the Public Hearing as at this point the Board can not render a decision, this project will go on the February Town Board Meeting Agenda in Old Business.

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta called the meeting to order at 7:30PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman Steve Tucciarello.

RESOLUTION 34-21 Motion by Councilman Cordero to approve

The Gates Town Board hereby approves the minutes of December 7, 2020 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Tucciarello

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

AUDIENCE PARTICIPATION

Mr. Gray, 1530 Buffalo Rd Greeted the Board and the Town Attorney Schum. He continued that he sat through quite a few Conditional Use Permit Applications and even though some were

approved and others postponed, and although he respects and thinks highly of the Town Board, is a bit concerned that he didn't hear anyone ask if taxes were paid on properties, or if Fire Marshal had given blessing on the building they will occupy or the health department, particularly on restaurants. He knows there are properties not current on taxes and as a tax-paying citizen of the Town of Gates wishes the Board would clap down on people who owe taxes and just change the business name to avoid debt to vendors and not sharing as tax payers to the Town. He appreciates everyone's attention and wishes everyone a Happy and Blessed New Year... Wealthy, Healthy and Prosperous

Supervisor Giunta Thanked Mr. Gray and agrees to duly note his suggestion for the future.

Gates Police Chief James VanBrederode wished everyone a Happy New Year as well as thanking everyone for the support and approving the 2021 Budget.

He continued, that he was honored to be at the meeting to recognize four [4] officers along with their families, which he was happy to see present as well. The officers received a Distinguished Service Award. It's a pin they wear on their uniform, that symbolizes they performed an Act of Courage. They put themselves in danger of serious physical injury, on December 18, 2020. This award has not been issued since 2015 when Officer Ellison, who was stabbed.

On December 18th around 5:30PM, rush-hour time, a resident on Lyell Rd was having a mental health issue, suicidal, on his front lawn in very cold temperature wearing just a t-shirt and jeans waving a very large kitchen knife. He was very threatening to the officers, trying to bait them into shooting him. At one point, he kneeled on the front lawn, cutting himself, being very vulgar and threatening towards the police.

When the four [4] officers responded on the scene, doing everything they could to deescalate this individual and try to calm him down, and not use lethal force. This whole event was captured on Body-Cam and the Town does have a copy. It was so intense and vicious the situation ended in the middle of on Lyell Rd. with traffic, and the individual threatening motorists, trying to open car doors, to get in. It was such an intense situation, that deadly physical force could have been used. The last thing anyone wants is to take a human life. These types of encounters are more frequent than people realize or understand. These Officers were able to apply a "Less-than-Lethal Force", using pepper-ball guns, that were approved for purchase to them about fifteen [15] years ago. It shoots a little pellet, that has little caps of tear-gas. They had to shoot multiple rounds, but eventually it did irritate him enough to throw down his knife in the middle of the street. After all this commotion happening in the middle of the street, during rush-hour, they were able to take him into custody.

Chief VanBrederode is so proud of the extent these Officers went to, to not shoot the guy, and grant him that wish to be shot by a Police Officer. They clearly went Above-and-Beyond any training that was given to them at the Police Academy. Outstanding Police work, and that's why they will receive the pin as well as a letter for their file.

Officer B. Geringer

Officer M. Furia

Sergeant D. Kaiser

Officer N. Ventrella

Supervisor Giunta added he did see the "Body-Cam Video" and agrees it was very intense. He also, agrees with the Chief that the Officers went above and beyond in dealing with that situation. The composure and professionalism shown was amazing. There have obviously been previous encounters with this gentleman, as they knew his first name, but they all worked together and collaborated to defuse the situation in the matter they did, without actually shooting the individual and making it a worse situation.

He Thanked them for a Fantastic job, and reiterated that he too is very Proud have them in Gates serving the community.

Supervisor Giunta, Thanked and Congratulated them all again, as well as their family members that were present.

Councilman Loughlin added that while some of the Officers and their families were present at the meeting, he wanted to express a word of Gratitude. While he was home with his family during the holiday, he couldn't help thinking of the people serving our community, so others could be home with their families safely. "Thank you" to the Officers and their families.

Laurie Clocksin, 69 Coldwater Rd, glad to see the Community recognize the Officers. Along the lines of law-Enforcement, she wanted to ask the Board and Community supports Blind Allegiance to governor of the State of New York, it's just a rhetorical question to consider, and as some are aware, there is a bill, a piece of legislation A-416, pre-filed for January 6, 2021, which allows the indefinite detention of individuals that may potentially pose a risk to the public health. She said, it sounds dramatic and it is, and wants everyone to go home and look it up and decide how far you would go or she would go, talk with your families

Supervisor Giunta thanked Ms. Clocksin and stated it would be interesting to see what the Governor actually imposes. Asked if there was anyone else that had anything to add either on Zoom or the audience.

Hearing none closed Audience participation

OLD BUSINESS

NEW BUSINESS

APPROVING THE INTER-MUNICIPAL BUILDING INSPECTOR SERVICES BETWEEN THE TOWN OF WHEATLAND AND THE TOWN OF GATES

RESOLUTION 35-21 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Inter-Municipal Building Inspector Services between the Town of Wheatland and the Town of Gates

Seconded by Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

Motion Carried.

SCHEDULE PUBLIC HEARINGS STARTING AT 7:00PM FOR CONDITIONAL USE PERMITS FOR MICHAEL ILIEVSKI TO OPERATE MAC'S PIZZERIA & GRILL A FAST-FOOD SERVICE, AT 2346 LYELL AVE. GEORGE SAVASTANO TO OPERATE SAVASTANOS, A FAST-FOOD SERVICE, AT 477 SPENCERPORT RD. FRANK MARTUSCIELLO TO OPERATE CASA SARATOGA, A FAST-FOOD RESTAURANT, AT 2280 LYELL AVE. THE OPERATION OF SERVICE KING, A GASOLINE SERVICE STATION AT 73 MARWAY CIRCLE

RESOLUTION 36-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, February 1, 2021 starting at 7:00PM to consider the applications for Conditional Use Permits for: Michael Ilievski to Operate Mac's Pizzeria & Grill a Fast-food Service in a General Business District,

located at 2346 Lyell Ave; George Savastano to Operate Savastano's a Fast-food Service in a General Business District, located at 477 Spencerport Rd.; Frank Martusciello to Operate Casa Saratoga, a Fast-food Restaurant in a General Industrial District, located at 2280 Lyell Ave.; Operation of Service King, a Gasoline Service Station in a General Business District, located at 73 Marway Circle

Seconded by Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

Motion Carried.

**CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS
FOR THE FOLLOWING:**

MCM NATURAL STONE, 595 TRABOLD RD.;
HUB-LANGIE PAVING INC., 39 DEEP ROCK RD.;
DOLOMITE GROUP, 1075 BUFFALO RD.,
TOPS MARKET GASOLINE STATION, 2345 BUFFALO RD.,
WAFFLES-R-WILD, 3872 LYELL RD.

Supervisor Giunta stated that he has reviewed the files and there are no violations against these businesses and finds no reason why the Conditional Use Permits for these businesses should not be renewed and approved on mass.

RESOLUTION 37-21 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: MCM Natural Stone, 595 Trabold Rd; Hub Langie Paving Inc., 39 Deep Rock Road; Dolomite Group, 1075 Buffalo Rd.; Tops Market Gasoline Station, 2345 Buffalo Rd.; Waffles R Wild, 3872 Lyell Rd.

Seconded by Councilman DiPonzio

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**ADOPTING A RESOLUTION THAT THE TOWN OF GATES
DOES HEREBY ADOPT LGS-1 AS THE
EXCLUSIVE RECORDS RETENTION AND DISPOSITION SCHEDULE GOVERNING
ALL TOWN OF GATES RECORDS, EFFECTIVE AUGUST 1, 2020**

RESOLUTION 38-21 Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby approves Adopting a Resolution that the Town of Gates does hereby adopt LGS-1 as the exclusive Records Retention and Disposition Schedule governing all Town of Gates records, effective August 1, 2020.

Seconded by Councilman Tucciarello

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

ADOPTING A RESOLUTION THAT THE TOWN BOARD OF THE TOWN OF GATES DIRECTS ITS ASSESSOR, PURSUANT TO THE NYS GOVERNOR'S EXECUTIVE ORDER 202.83 CONTINUING TEMPORARY SUSPENSION AND MODIFICATION OF LAWS RELATING TO THE PANDEMIC DISASTER EMERGENCY, SPECIFICALLY AS IT PERTAINS TO SENIOR AND DISABILITY EXEMPTIONS, SECTION 467 AND 459C OF THE REAL PROPERTY TAX LAW, TO GRANT EXEMPTIONS ON THE 2021 ASSESSMENT ROLL TO ALL PROPERTY OWNERS WHO RECEIVED THAT EXEMPTION ON THE 2020 ASSESSMENT ROLL, EXCEPT IN THE CASE THAT THERE IS A CHANGE OF STATUS THAT WOULD NO LONGER QUALIFY THE HOMEOWNER, THEREBY DISPENSING WITH THE NEED FOR RENEWAL APPLICATIONS FROM SUCH PERSONS, AND FURTHER DISPENSING WITH THE REQUIREMENT FOR ASSESSORS TO MAIL RENEWAL APPLICATIONS TO SUCH PERSONS.

RESOLUTION 39-21 Motion by Councilman Cordero who moved its adoption:

RESOLUTION DIRECTING THE TOWN ASSESSOR, PURSUANT TO NYS GOVERNOR'S EXECUTIVE ORDER 202.83 CONTINUING TEMPORARY SUSPENSION AND MODIFICATION OF LAWS RELATING TO THE PANDEMIC DISASTER EMERGENCY, SPECIFICALLY AS IT PERTAINS TO SENIOR AND DISABILITY EXEMPTIONS, SECTION 467 AND 459C OF THE REAL PROPERTY TAX LAW, TO GRANT EXEMPTIONS ON THE 2021 ASSESSMENT ROLL TO ALL PROPERTY OWNERS WHO RECEIVED THAT EXEMPTION ON THE 2020 ASSESSMENT ROLL, THEREBY DISPENSING WITH THE NEED FOR RENEWAL APPLICATIONS FROM SUCH PERSONS, AND FURTHER DISPENSING WITH THE REQUIREMENT FOR ASSESSORS TO MAIL RENEWAL APPLICATIONS TO SUCH PERSONS

WHEREAS, on March 7, 2020, Andrew M. Cuomo, Governor of the State of New York issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, on December 18, 2020, the Governor issued Executive Order 202.83, a portion of which includes a local option pertaining to Senior Citizens' and Persons with Disabilities' partial property tax exemption, Subdivisions 7, 7-a and 8 of Section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and Subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received either of those exemption on the 2020 assessment roll, unless there has been a change in status that would no longer qualify the homeowner, dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons; and

WHEREAS, the Town is desirous to adopt such resolution while also allowing the assessor to require a renewal application to be filed when the assessor has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed primary residence, added another owner to the deed, transferred the property to a new owner, or died;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Gates directs its Assessor, pursuant to the NYS Governor's Executive Order 202.83 Continuing Temporary Suspension and Modification of Laws relating to the pandemic disaster emergency, specifically as it pertains to Senior and Disability Exemptions,

Section 467 and 459c of the Real Property Tax Law, to grant exemptions on the 2021 Assessment Roll to all property owners who received that exemption on the 2020 Assessment Roll, except in the case that there is a change of status that would no longer qualify the homeowner, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons; and

BE IT FINALLY RESOLVED, the Town Clerk is directed to provide a copy of this resolution to the Assessor.

Seconded by Councilman Loughlin

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**DESIGNATING COUNCILMAN TUCCIARELLO AS THE DELEGATE AND
SUPERVISOR GIUNTA AS THE ALTERNATE DELEGATE TO VIRTUALLY
ATTEND THE 2021 NEW YORK ASSOCIATION OF TOWN ANNUAL BUSINESS
MEETING IN FEBRUARY DURING PRESIDENT’S WEEK**

RESOLUTION 40-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Town of Gates do hereby approves Designating Councilman Tucciarello as the delegate and Supervisor Giunta as the alternate delegate to virtually attend the 2021 New York State Association of Town annual business meeting in February during President’s week.

Seconded by: Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio-Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**APPOINTING KATHERINE NELSON TO THE GATES CONSERVATION ADVISORY
BOARD FOR A FOUR [4] YEAR TERM TO EXPIRE ON JANUARY 4, 2025**

RESOLUTION 41-21 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do here Appoints Katherine Nelson to the Gates Conservation Advisory Board for a four (4) year term to expire on Jan. 4, 2025.

Seconded by: Councilman Loughlin

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio-Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**ACCEPTING A GRANT FROM THE AUTISM COUNCIL OF ROCHESTER, INC.
FOR OUR GATES RECREATION & PARKS DEPARTMENT
IN THE AMOUNT OF \$500.00**

RESOLUTION 42-21 Motion by Councilman Loughlin who moved its adoption

Resolved, that the Town of Gates do hereby Accepts a grant from the Autism Council of Rochester, Inc for our Gates Recreation & Parks department in the of amount of \$500.00

Seconded by: Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio-Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta stated Organizational meeting held this morning only one modification was made to it but all items passed.

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
REPORT FOR THE MONTH OF DECEMBER 2020**

WARRANTS

GENERAL

CLAIMS # A20-1033 – A20-1103	\$36,954.68
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HIGHWAY

CLAIMS # D20-0532 – D20-0589	\$70,780.55
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LIBRARY

CLAIMS #L20-0192 – L20-0210	\$18,715.25
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TOTAL DISBURSEMENTS	\$1,257,807.33
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TOTAL RECEIPTS	\$2,241,978.90
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Supervisor Giunta noted for the record that the warrants for the month of December 2020 have been examined by the Town Board and paid.

RESOLUTION 43-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor’s Report for the month of October 2020 as read; and the warrants for the month of October 2020 as read.

Seconded by Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF DECEMBER 2020**

The Town Clerk read the report for the month of December 2020 showing the following:

TOTAL REVENUE COLLECTED	\$22,555.38
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TOTAL REVENUE TO THE SUPERVISOR	\$21,475.62
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TOTAL NON-LOCAL REVENUE	\$1,079.76
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RESOLUTION 44-21 Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk’s report for the month of October 2020.

Seconded by Councilman DiPonzio

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of December 2020.

No additions

One [1] Termination

There being no further business to come before the Town Board, Councilman Tucciarello motioned and Councilman Loughlin second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:15 PM.

Town Clerk