

February 1, 2021

The Gates Town Board held five (5) Public Hearings and its Regular Town Board meeting on Monday, February 1, 2021 at the Town Hall Meeting Room at 7:00PM. 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

7:00PM PUBLIC HEARING

**CONSIDERING A CONDITIONAL USE PERMIT FOR MICHAEL ILIEVSKI
TO OPERATE MAC'S PIZZERIA AND GRILL, A FAST-FOOD SERVICE,
AT 2346 LYELL AVE., IN A GENERAL BUSINESS [GB] DISTRICT**

Supervisor Giunta called the Public Hearing to order at 7:06PM.

Town Attorney, Dan Schum verified that in respect to tonight's Public Hearings, the Legal Notice for all were properly published in official newspaper as required by law.

Applicant Michael Ilievski of 2346 Lyell Ave was present.

Supervisor Giunta noted that this is basically a formality and the applicant has been in business for a little over 1 year and because of it being in the zone it's in, it not a permitted use, however under certain conditions is permitted. With some recent audits realized that there are a few businesses that have fallen through the loop and have slipped through the cracks. Stated he personally has not had Mac's Pizza yet, but has heard good things about it. He then asked for the hours of operation?

Mr. Ilievski, stated the Hours of operation are:

Monday – Thursday	11:00AM-9:00PM
Friday & Saturday	11:00AM-10:00PM
Sunday	12:00PM-8:00PM

Supervisor Giunta asked if board members had any questions?

Councilman Steve Tucciarello, welcomed him and thanked him for doing business in Gates.

Supervisor Giunta asked if they do dine-in or strictly take-out, and pizza, wings, subs?

Mr. Ilievski replied they have a 40-person capacity, but really mainly take-out. Before COVID a church group come in, but not now. They have Pizza, Wings, Subs, Quesadillas and other items and also do catering.

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

Rob Kaiser, 2348 Long Pond Rd, says the food at Mac's Pizza is very good, but he really wanted to point out, how grateful he is. He has a hard time hearing and understanding what they are saying because of the mask wearing, but stated they take the time, are very patient and helpful with taking of his order. Other places don't want to take the extra time. He also recommends the Thumpy with jalapeños.

Supervisor Giunta asked if anyone else from the audience wanted to come up. Hearing none closed the public hearing.

RESOLUTION 45-21: Motion by Councilman DiPonzio who moved into adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Michael Ilievski to operate Mac's Pizzeria & Grill a Fast Food service, at 2346 Lyell Rd, in a General Business {GB} District.

Hours of Operation:	Monday-Thursday	11:00AM-9:00PM
	Friday & Saturday	11:00AM-10:00PM
	Sunday	12:00PM-8:00PM

Seconded by Councilman Cordero

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

Motion Carried.

PUBLIC HEARING

CONSIDERING CONDITIONAL USE PERMIT FOR PINKISH PATEL TO OPERATE MOTEL 6, A HOTEL, AT 1273 CHILI AVE. SUITE 1, A GENERAL BUSINESS {GB} DISTRICT

Supervisor Giunta welcomed the applicant, Mr. Patel and noted this had actually come before the board last month, but because it had not been posted properly and with the name change the application needed to be resubmitted. He thanked Mr. Patel for coming in the next day to get it all taken care of. He asked the applicant how long he has owned it

Mr. Patel, replied he has owned the property eight (8) years.

Supervisor Giunta asked if it was always Rodeway prior and if he has a business partner

Mr. Patel replied it was Quality Inn when he purchased it and then it was Rodeway and now Motel 6 and he does have a business partner. He had ad purchase it in 2014.

Councilman Cordero asked why so many changes

Mr. Patel said the contract ran up and the wanted to get out of the Choice franchise. The fees were too high and because Lyell Ave has a Quality Inn they had to downgrade the plan to Motel 6 with a one (1) year contract.

Supervisor Giunta asked how many rooms they have and knows Monroe County has given them business.

Mr. Patel replied, they have 150 rooms and they have, but it's starting to slow down, so not as many.

Supervisor Giunta also asked if they would be renovating and if there is a restaurant?

Mr. Patel replied, yes, they are in phase 1 and once they meet with some investors, they would like to eventually make it more of a resort. As for the restaurant, when they bought it, it was closed, but there is a tenant in there and they are a catering place

Supervisor Giunta asked if the board had anything else.

Councilman Loughlin asked about the security, do they have a contact with someone, especially in the evening hours or do they just call Gates Police

Mr. Patel replied, when the County was there, they had their security, but now that they are cutting down on people there, they are also pulling back on security. He works with the case workers for those that are still there with the county. Other than that, one or two hotel staff he has on hand, depending on the season due to having low seasons.

Councilman Cordero, asked if they had any actual security.

Mr. Patel, answered No, not right now

Councilman DiPonzio asked besides the name change, what other changes will be made?

Mr. Patel responded, they have taken the carpets out putting new flooring into the rooms and slowly will be painting once the weather gets warmer, the sign change is coming, right now there are banners to be put up and then TV's and furniture a bit down the road. Although, if they go the resort path, it'll be a total rehaul

Councilman Loughlin knowing there is a lot of traffic coming off 390 and getting into Spring and construction happening recommends keeping the property and parking lot cleaned and maintained.

Mr. Patel responded that they have hired staff for that coming in the spring, when weather clears up and has also spoken to the tenant about it as well.

Supervisor Giunta opened it up to the floor and asked if anyone else from the audience wanted to come up. Hearing none closed the public hearing.

RESOLUTION 46-21: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Pinkesh Patel to operate Motel 6, a Hotel, at 1273 Chili Ave. in a General Business (GB) District.

Seconded by Councilman Loughlin

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

Motion Carried.

Mr. Patel mentioned, he will send the preliminary plans they have for the building

PUBLIC HEARING

CONSIDERING A CONDITIONAL USE PERMIT FOR FRANK MARTUSCIELLO TO OPERATE CASA SARATOGA, A FAST-FOOD SERVICE, AT 2280 LYELL AVE., IN A GENERAL BUSINESS (GB) DISTRICT

Supervisor Giunta asked if the applicant was here.

Mr. Frank Martusciello Jr., 2280 Lyell Ave, as Casa Saratoga

Supervisor Giunta knows they've been in business and like he told the gentleman from Mac's this is a formality after being discovered with audits. Asked how long he has been in business

Mr. Martusciello has been in in business for a year and with his parents as Martusciello's - 26 years in Gates, they have retired and he is taking over. Everything will be the same, the recipes, everything.

Hours of Operation:	Monday-Friday	7:30AM-6:00PM
	Saturday	7:30AM-4:00PM
	Sunday	10:00AM-3:00PM

Supervisor Giunta asked if there is eat-in or mainly take-out

Mr. Martusciello said it's mainly take-out, a few eat-in here and there, but not many

Supervisor Giunta thanked him for continuing the business in Gates and knows his parents must be proud he is continuing on the legacy.

He then opened it up to the floor and asked if anyone else from the audience wanted to come up. Hearing none closed the public hearing.

RESOLUTION 47-21: Motion by Councilman Loughlin who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Frank Martusciello to operate Casa Saratoga, a Fast Food Service, at 2280 Lyell Ave, in a General Business (GB) District.

Hours of Operation:		
	Monday-Friday	7:30AM-6:00PM
	Saturday	7:30AM-4:00PM
	Sunday	10:00AM-3:00PM

Seconded by Councilman DiPonzio

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

Motion Carried.

PUBLIC HEARING

CONSIDERING A CONDITIONAL USE PERMIT FOR GEORGE SAVASTANO TO OPERATE SAVASTANO'S BAKERY, A FAST-FOOD SERVICE, AT 477 SPENCERPORT RD., IN A GENERAL BUSINESS (GB) DISTRICT

Supervisor Giunta asked if the applicant was here.

Applicant Gina Savastano, daughter - 477 Spencerport Rd present.

Supervisor Giunta asked if she understood what was advised to the other gentlemen from prior public hearings and that this is a formality resulting from audits. He knows this family business has been around for a long time, and wishes George a very Happy 80th Birthday and thanks them for doing their business for 46 years in Gates. He also inquired and stated that added a drive-thru recently.

Gina, thanked the Supervisor and validated they have been in business 46 years in Gates, they have added a drive-thru.

Councilman DiPonzio asked hours of operation.

Ms. Savastano replied with:

Hours of Operation:

Monday	CLOSED
Tuesday-Thursday	10:00AM-8:00PM
Friday & Saturday	9:00AM-9:00PM
Sunday	10:00AM-8:00PM

Supervisor Giunta asked if Board members had any other questions or comments and then opened it up to the public. Hearing none closed the public hearing.

RESOLUTION 48-21: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for George Savastano to operate Savastano's, a Fast Food Service, at 477 Spencerport Rd, in a General Business (GB) District.

Hours of Operation:

Monday	CLOSED
Tuesday-Thursday	10:00AM-8:00PM
Friday & Saturday	9:00AM-9:00PM
Sunday	10:00AM-8:00PM

Seconded by Councilman Tucciarello

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

Motion Carried.

PUBLIC HEARING

**CONSIDERING A CONDITIONAL USE PERMIT FOR SERVICE KING
TO OPERATE A GASOLINE SERVICE STATION,
AT 73 MARWAY CIRCLE, IN A GENERAL BUSINESS (GB) DISTRICT**

Supervisor Giunta asked if the applicant was here.

Ashley Remunda, the General Manager, it was once Gates Automotive, Service King bought it in 2016. It's mainly collision repair and have even repaired a few of the Gates police cars when they have unfortunelty been in a collision. They also have a full-service mechanic shop and service several businesses around the area.

Hours of Operation:

Monday-Friday	7:00AM-6:PM
Saturday	9:00AM-12:00PM
Sunday	CLOSED

Councilman Cordero asked if they sell gasoline

Ms. Remunda replied no, it stays the same as it was. No gas, just collision and mechanic shop

Supervisor Giunta opened it up to the floor and asked if anyone else from the audience wanted to come up. Hearing none closed the public hearing.

RESOLUTION 49-21: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Service King to operate a Gasoline Service, at 73 Marway Circle, in a General Business (GB) District.

Hours of Operation:

Monday-Friday	7:00AM-6:00PM
Saturday	9:00AM-12:00PM
Sunday	CLOSED

Seconded by Councilman Cordero

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

Motion Carried.**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 Andrew Loughlin.

RESOLUTION 50-21 Motion by Councilman Loughlin to approve

The Gates Town Board hereby approves the minutes of January 4, 2021 Organizational Meeting, Public Hearings and regular Town Board meeting as received.

Seconded by Councilman DiPonzio

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

Motion Carried.**AUDIENCE PARTICIPATION**

Don Ioannone, 4099 Lyell Rd., going back to September 2016. The Town put up two (2) signs on Coldwater Rd, one at the Depot and one by the school, Walt Disney, entering the Hamlet of Coldwater to coincide with the book that was written. Last year he received a phone call about the one sign being down on the grass. He called Bill Gillett, but no one can find them. Mr. Ioannone is wondering if they will be replaced?

Supervisor Giunta, was hoping someone would find them and turned them into the Town, but will work on getting it replaced, once Bill gets back into the office

Laurie Clocksin, 69 Coldwater Rd, wanted to at least one last time bring the subject of the Amazon project up even though in fact the Amazon project has never really been referred to as the Amazon project, but rather ROC 1. She was told there were 2 public hearings and only found one. Questioned why it was removed off website and how in a matter of ½ hour 15 page plan was reviewed and passed. She has a flurry of notes, papers and questions not answered. Doesn't understand how from October public hearing there was an old plan, replaced by a new plan with various representatives and is trying to put everything together like a puzzle

Supervisor Giunta explained initially in October Acquest development proposed a 300,000 square-foot warehouse and at that time the tenant was not disclosed and they have that prerogative not to because they own the property. After they went to the Planning Board, they pulled the project in November. Acquest, came back with a new project in December along with TC Pursuits Services Inc. and again not exposing the tenant. It was preliminary for a much bigger warehouse and again the tenant was not disclosed but possible tenants they mentioned included Amazon. Again re-iterated this was all brought to the planning board as pre-liminary. He stated their plan also included to go to Monroe County for a PILOT agreement and if approved would continue and move forward with the process.

He also states that; All Public Notices are printed in the paper, Messenger Post, as well as listed on the website and Attorney Schum can attest to that. Perhaps she was getting confused with the meetings and that for Zoning and Planning boards the public hearings are the actual meetings nights and Town Board has public hearings but they are prior to those meetings.

Mrs. Clocksin feels the Dec. Agenda did not state this and that at that meeting almost all the details were laid out and doesn't know how the public is to weigh in, when Amazon plans to start construction March 1st. She feels they are sneaking in under the radar in such a short time.

Supervisor Giunta explained there is no sneaking in anywhere happening. Tech Park is in a (GI) General Industrial District and that's what it's designed for, so unless it's something outside the norm, there's really no need for them to come in front of the Town Board, because it a business that is allowable in that district. They go to the Planning Board or Zoning Board if there are variances needed and, in this case, there were. They did at both the Zoning and the last Planning Board meeting, which Mrs. Clocksin attended.

Mrs. Clocksin stated that usually the developers come in front of the board and that a Frank Pavia who she had no idea who he was but discovered is Attorney for a Pittsford law firm was here to represent TC Pursuit Services Inc and Trammell Crow who represents Amazon. She believes there are some many details that are being covered up .appreciates that the supervisor always responds for quickly to her emails, but doesn't understand how a project like this can get approved so quickly and hopes that the "need to do" things on the list get done, but doesn't know how by March 1st to start construction. She also feels that although they say it'll bring good jobs, she doesn't necessarily think it's a good employer, and as they say it'll bring money to the town, she doesn't agree.

Supervisor Giunta added that currently it is vacant and collecting x-amount, with the tax-break they will get, we'll collect more than we are currently, which is a win-win situation because are collecting more in taxes, plus the fact that there will bring a thousand (1000) jobs with the additional three-hundred (300) in construction jobs right off the bat. Also, the companies working with Amazon in local construction industries that will potentially gain business from this. Local restaurants, hotels, stores and maybe housing market as well.

Ms. Clocksin, disagrees and feel it will hurt businesses and believes the brick & mortar type businesses will be gone because of Amazon, with people sitting in their homes and just getting things delivered.

Attorney Dan Schum commented that it looks like Ms. Clocksin just doesn't like Amazon

Ms. Clocksin, well the owner is one of the richest men in the United States and doesn't need to get richer off our backs, but if this is what people want and these jobs, she will not stand in the way because she is only one person and closed with that.

Supervisor Giunta thanked Mrs. Clocksin and closed audience participation as no one else had any comments.

OLD BUSINESS

Supervisor Giunta stated that there was one (1) item in Old Business to revisit a Public Hearing request from Mark Van Epps, of Brickwood Management Corp. to consider a Rezone of 3410 Buffalo Rd from a PUD into 2 separate parcels of R-1-11- Residential and MR -Multi Resident District. He continued that at the last meeting they couldn't act on this because of waiting for the Monroe County Planning Board letter, which has been received, January 22, 2021.

Attorney Schum, this application is one (1) for rezoning, which is required to be sent to Monroe County Planning, by the provisions of the municipal law. The Counties response has to do specifically with the proposed uses of the property and whether it fits in with the master plan and is consistent with adjoining uses. The county will have another opportunity if either one or both of these projects are approved for rezoning, to comment again when they do appear before the Planning Board which has control over the development of the property. So, it is the first step of more than one that would be necessary before development occurs, if it were to occur on these properties. They are handled as two separate applications, (#1), as the minutes indicate to rezone 24 ½ acres from PUD to R-1-11 and (#2), is to rezone the remainder of the parcel itself, which is approximately 10-plus acres from PUD to Multi-residential use. So, they are two separate applications. There was a Public Hearing on this project and it was duly advertised and posted in which the public had opportunity to comment and the minutes of that meeting have been approved and remains as matter of old business.

Supervisor Giunta, thanked Mr. Schum and asked if anyone on Town Council or Applicants had comments

The Applicants had no more comments to add, but would answer any questions if need be

Attorney Schum added that since this is two separate applications, suggests the Board handle them separately. Before the Board can act on either application, it must consider the State Environmental Quality Review Act as it applies to rezoning. If this Board was to act on either of the applications, would be granting a Negative Declaration of Environmental Significance solely with the respect of rezoning of the property. There would be reserved for the Gates Planning and or Planning Boards of Appeals. All rights and obligations of further SEQR review that may appear on any future application for any sub-division approval, site-plan approval, or such other development of the re-zoned property. So, there is a two (2) Phase SEQR review. This one is for Re-Zoning and any subsequent application that the applicant might make to the Planning and Zoning Boards would be subject to SEQR Review at that juncture.

**SEQR RESOLUTION
RE: REZONING, PUD TO R-1-11
PART OF 3410 BUFFALO ROAD**

RESOLUTION 51-21 Motion by Supervisor Giunta to approve the Negative Declaration of the SEQR Review for Re-zoning the 24.5 acre PUD to R-1-11

WHEREAS, Brickwood Homes LLC has made application to the Town Board of the Town of Gates to rezone from PUD to R-1-11 approximately 24.5 acres of land on the north side of Buffalo Road, and being a part of 3410 Buffalo Road; and

WHEREAS, before the Town Board may act upon such application it must determine the environmental significance, if any, of such proposed action up on the environment; and

WHEREAS, the applicant has submitted a Part I Short Form Environmental Assessment Form for the proposed action, and the Town Board has reviewed the same, and has completed Part II thereof, and must now render its determination with respect to such proposed action;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1. That the proposed action, rezoning of 24.5 +/- acres of land from PUD to R-1-11, does not meet or exceed any of the thresholds of Part 617.4 of SEQR, and as such is an unlisted action.

Section 2. That based upon the information and an analysis of the same, this Board determines that the proposed rezoning will not result in any significant adverse environmental impacts.

Section 3. That this Resolution shall be deemed a Negative Declaration of Environmental Significance pursuant to SEQR, and the proposed rezoning may proceed without further regard to SEQR. The Supervisor is authorized to execute Part 3 on behalf of the Town Board.

Section 4. That there is specifically reserved to the Town of Gates Planning and/or Zoning Board of Appeals all rights and obligations of further SEQR review that may appear upon any future application for subdivision approval, site plan approval or such other development of the rezoned premises.

Seconded by Councilman DiPonzio

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

Motion Carried.

RESOLUTION AND FINAL ORDER
RE: REZONING APPLICATION OF BRICKWOOD HOMES LLC
24.5 +/- ACRES, 3410 BUFFALO ROAD FROM PUD TO R-1-11

RESOLUTION 52-21 Motion by Councilman Loughlin to approve the Application of Brickwood Homes to rezone 24.5 +/- acres at 3410 Buffalo Rd from PUD to R-1-11

WHEREAS, Brickwood Homes LLC has made application to the Town Board of the Town of Gates to rezone from PUD to R-1-11, approximately a 24.5 +/- acre parcel located on the northside of Buffalo Road and being part of premises commonly known and described as 3410 Buffalo Road, more particularly bounded and described as follows:

All that tract or parcel of land situate in part of Town Lots 1 and 158, Township 1, Short Range, 4,000 and 20,000 Acre Tracts, Town of Gates, County of Monroe, Phelps and Gorham Purchase and State of New York being more particularly described as follows:

Beginning at a point along the northerly right of way line of Buffalo Road, also known as New York State Route 33, where it intersects the westerly property line of Thomas H. and Joan Young, as shown on a map entitled "Brinkman Subdivision" filed in the Monroe County Clerk's Office under Liber 350 of Maps page 61; thence,

- 1) S 73° 23' 56" W, along said northerly right of way line, a distance of 391.74 feet to the southeast corner of Lot 1 of the Brinkman Subdivision, marked with a capped rebar; thence,*
- 2) N 03° 17' 09" W, a distance of 325.93 feet to the division line between Town Lot 1 and Town Lot 158; thence,*
- 3) S 89° 58' 02" W, along the division line between Town Lot 1 and Town Lot 158, a distance of 176.60 feet to a point; thence,*
- 4) N 00° 12' 54" W, a distance of 1508.24 feet to the southerly line of the lands owned by the Niagara Lockport Ontario Power Corporation; thence,*
- 5) S 56° 08' 44" E, a distance of 951.51 feet to a point on the division line between Town Lot 158 and Town Lot 159; thence,*
- 6) S 00° 13' 00" E, along the division line between Town Lot 158 and Town Lot 159. a distance of 871.11 feet to a point along the northerly line of Thomas H. and Joan Young; thence,*
- 7) S 83° 08' 42" W, a distance of 72.31 feet to a point marked by an iron pipe; thence,*
- 8) S 06° 51' 18" E, a distance of 19.00 feet to a point; thence,*

9) *S 83° 08' 42" W, a distance of 93.98 feet to a point; thence,*

10) *S 40° 34' 39" W, a distance of 91.31 feet to a point; thence,*

11) *S 01° 22' 33" E, a distance of 212.42 feet to the northerly right of way line of New York State Route 33, being point of beginning.*

Containing 1,067,394.8 Square Feet or 24.504 Acres of land, more or less.

Subject to any covenants, encumbrances, restrictions, and easements of record; and

WHEREAS, the Town Board of the Town of Gates did heretofore hold and conduct a public hearing to consider such application, which public hearing was held at the Gates Community Center, 1605 Buffalo Road, Rochester, NY 14624 on the 4th day of January, 2021 at 6:30 p.m. and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, upon a review of the map plan and application, and after having heard all interested person concerning such application and due deliberation having been had, the Town Board of the Town of Gates is desirous of acting upon such application; and

WHEREAS, the Town Board of the Town of Gates has heretofore issued its Negative Declaration of Environmental Significance with respect to the proposed action;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1. That by the adoption of this Resolution and Final Order, the Town Board of the Town of Gates does hereby approve the rezoning from PUD to R-1-11 that parcel of land is more particularly described in the application of Brickwood Homes LLC, as presently on file in the Town of Gates Offices and heretofore described.

Section 2. That the Findings supporting this rezoning approval are as follows:

- a) That the development of this property for Single-Family Residential Use is consistent with the Town of Gates master plan and adjoining residential uses.
- b) That the development of the parcel under its present PUD Zoning has not occurred for an extended period of years evidencing the fact that the existing PUD Zoning of the parcel is not the highest and best use of the property.
- c) That the development of the property for Single-Family Residential Use will be subject to review and approval by the Town of Gates Planning Board to assure that all concerns of the development of the property are adequately addressed.

Section 3. That the Town Clerk is hereby directed to give due notice of the adoption of this Resolution and Final Order by publication and posting, as required by Law and to cause the official Zoning Map of the Town of Gates to be amended to reflect this change in zoning.

Seconded by Councilman DiPonzio

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

Attorney Schum continued with the second part of the application of Brickwood homes is to rezone the remaining 10 +/- acre parcel from PUD to MR and if the town board were to act then the negative declaration of the SEQR need to be passed first.

Councilman Lee Cordero motioned to **TABLE**

The Gates Town Board hereby Tables the application from Brickwood Homes LLC to the Town Board of the Town of Gates to rezone from PUD to MR Multiple Residence District

approximately 10+/- acres of land on the north side of Buffalo Road, and being a part of 3410 Buffalo Road, for further discussion

Seconded by Councilman DiPonzio

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

Motion Carried.

Attorney Schum stated the matter will remain under old business.

NEW BUSINESS

ACCEPTANCE OF MONROE COUNTY / NYS STOP DWI GRANT FOR THE PERIOD 01/01/2020 THROUGH 12/31/2020 IN THE AMOUNT OF \$14,532.00

RESOLUTION 53-21 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Monroe County / NYS Stop DWI Grants for the period of 01/01/2020 through 12/31/2020 in the amount of \$14,532.00

Seconded by Councilman DiPonzio

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

Motion Carried.

CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING: WORKFIT MEDICAL, 1190 CHILI AVE.; BIRCHCREST TREE & LANDSCAPING, 150 LEE RD.; HANK PARKER'S PARTY AND TENT RENTAL, 200 PIXLEY RD.; VG TRUCKING INC., 78 MARWAY CIR.; ROYAL CAR WASH, 1190 CHILI AVE.; FEDEX EXPRESS, 2580 MANITOU RD. NATIONAL ENTERTAINMENT NETWORK LLC, 2150 CHILI AVE

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 54-21 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Workfit Medical, LLC. , 1190 Chili Ave.; Birchcrest Tree & Landscaping, 150 Lee Rd.; Hank Parker's Party and Tent Rental, 200 Pixley Rd.; VG Trucking Inc., 78 Marway Cir.; Royal Car Wash, 1190 Chili Ave.; FedEx Express, 2580 Manitou Rd.; National Entertainment Network LLC, 2150 Chili Ave

Seconded by Councilman Loughlin

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
TANYA PALERMO -VG TRUCKING INC TO OPERATE A TRACTOR TRAILER
PARKING LOT, AT 48 PIXLEY INDUSTRIAL PARKWAY
JAMES CAMMILLERI TO OPERATE BURGER KING, A FAST-FOOD SERVICE,
AT 4 SPENCERPORT RD.
THE TOWN OF GATES TO AMEND CHAPTER 147 OF THE TOWN OF GATES
CODE CONCERNING THE REGISTRATION OF DEFAULTED MORTGAGED
PROPERTY**

RESOLUTION 55-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, March 1, 2021 starting at 7:00PM to consider the applications for Conditional Use Permits for: Tanya Palermo of VG Trucking Inc to Operate a Tractor Trailer Parking Lot in a General Industrial (GI) District, located at 48 Pixley Industrial Parkway; James Cammilleri to Operate Burger King, a Fast-food Service in a General Business (GB) District, located at 4 Spencerport Rd.; Amending Chapter 147 of the Town of Gates Code concerning the registration of defaulted mortgaged property.

Seconded by Councilman Cordero

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

Motion Carried.

**ACCEPTING DONATION OF NINE {9} DESKS, VALUED AT \$2,246.76 TO THE
GATES POLICE DEPARTMENT FROM DR. STEVE PARK AND DR. OMAR
HANUCH AT CORNERSTONE EYE ASSOCIATES, AS A SMALL GESTURE TO
EXPRESS THEIR APPRECIATION FOR THE GATES POLICE DEPARTMENT**

RESOLUTION 56-21 Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby approves Accepting donation of nine [9] desks, valued at \$2,246.76 to the Gates Police Dept. from Dr. Steve Park and Dr. Omar Hanuch at Cornerstone Eye Associates, as a small gesture to express their appreciation for the Gates Police Department

Seconded by Councilman Tucciarello

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

Motion Carried.

**APPOINTING STEPHANIE LICCIARDELLO AS DIRECTOR OF FINANCE,
SALERY OF \$70,000 FOR THE YEAR 2021,
HER TERM SET TO EXPIRE ON DECEMBER 31, 2021**

RESOLUTION 57-21

Supervisor Giunta does hereby appoint Stephanie Licciardello as Director of Finance salary of \$70,000 for the year 2021, her term to expire December 31, 2021. She will serve and report directly under him.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta shared that a Public Notice will be posted that the Town of Gates has completed its draft of the Town of Gates Policing Reform Plan, prepared in response to Governor Cuomo's Executive Order #203. It will be available Feb 2nd through Feb 24th in the Town Clerks office, Police Department and Supervisors office for public review and comment before being adopted in March,

REPORTS**SUPERVISOR'S**

**ACCEPTING THE SUPERVISOR'S
REPORT FOR THE MONTH OF JANUARY 2021**

WARRANTS**GENERAL**

CLAIMS # A20-1104 – A20-1130	\$54,267.38
CLAIMS # A21-0001 – A21-0035	\$52,141.34

HIGHWAY

CLAIMS # D20-0590 – D20-0621	\$45,990.45
CLAIMS # D21-0001 – D21-00021	\$14,260.06

LIBRARY

CLAIMS #L20-0211 – L20-0237	\$11,228.48
CLAIMS #L21-0001 – L21-0005	\$14,206.44

TOTAL DISBURSEMENTS	\$2,535,175.81
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TOTAL RECEIPTS	\$5,150,123.47
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Supervisor Giunta noted for the record that the warrants for the month of January 2021 have been examined by the Town Board and paid.

RESOLUTION 58-21 Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of January 2021 as read; and the warrants for the month of January 2021 as read.

Seconded by Councilman DiPonzio

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

Motion Carried.

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF JANUARY 2021**

The Town Clerk read the report for the month of January 2021 showing the following:

TOTAL REVENUE COLLECTED	\$30,650.03
TOTAL REVENUE TO THE SUPERVISOR	\$30,190.85
TOTAL NON-LOCAL REVENUE	\$459.18

RESOLUTION 59-21 Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of January 2021.

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 January 2021.

Two (2) Addition, Three (3) Termination – net result minus 1

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