

July 6, 2020

The Gates Town Board held two Public Hearings and its Regular Town Board meeting on Monday, July 6, 2020 at the Town Hall Meeting Room as well as Conference Call beginning 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 IMDAT OZDEMIR WITH PARADISE PIZZA  
TO OPERATE A PIZZA RESTAURANT,  
IN A (NB) NEIGHBORHOOD BUSINESS DISTRICT  
AT 777 SPENCERPORT RD**

Supervisor Giunta called the Public Hearing to order at 7:08PM. The Town Attorney verified that the Legal Notice was published as required by law.

Applicants not present, but proceeded without them.

Supervisor Giunta stated Paradise Pizza has been established and operating for quite some time but were not aware of needing a Conditional Use Permit. They are located in the old Pontillo's Pizza location, 777 Spencerport Rd.

He has met and spoken with the owners prior and stated they are very pleasant people and has received positive feedback on the business and sees no reason to not grant this.

**RESOLUTION 102-20:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Imdat Ozdemir with Paradise Pizza to operate a Pizza Restaurant in a [NB] Neighborhood Business District at 777 Spencerport Rd.

Seconded by Councilman Loughlin

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

Motion Carried.

**7:10PM PUBLIC HEARING**

**CONSIDERING A CONDITIONAL USE PERMIT  
FOR G&I IX EMPIRE WESTGATE PLAZA, LLC C/O DLC MANAGEMENT CORP  
TO OPERATE A TRAMPOLINE PARK IN A (GB) GENERAL BUSINESS DISTRICT  
AT 2000 CHILI AVE**

Supervisor Giunta called the Public Hearing to order at 7:16PM. The Town Attorney verified that the Legal Notice was published as required by law.

F.L Gorman, Harris Beach real estate attorney, spoke about his relationship with Adam Ifshin CEO of DLC over the years and this presentation will show that this use fits within the zoning district and will make a difference in this shopping plaza and be a community amenity. The project will be a team/partnership relationship to bring a great tenant to a great shopping center.

Chris Ressa, Chief operating officer at DLC, gave background on the company. Stated that they must be creative to face new challenges with shopping centers to do the best. Plaza owned in Gates since 2014. Try to add value to property by partnering with the community, local government, tenants and investors. It's been difficult in this plaza had chronic vacancy and are trying to be creative to enhance the property by bringing unique tenants. They brought in Hibett Sporting Goods here to Gates, only 4 in the NY but a 1000 nationally. Success of tenants are important to DLC and they will do whatever they can to make this successful for all.

Mr. Gorman stated a few points DLC management around county and that one a property is vacant at about 80% it's difficult to rebound.

Jeff Levy, VP of property management gave reasons why he liked working for DLC. Likes the way they operate. They are people first company and they listens to the people, the community and the Town Board in order to be successful. Everything from the first meeting has been reviewed, has met as has been communicating with the Chief of Police every 2- 3 weeks. He wants him to be comfortable with him. He lives in Buffalo and is willing to share his office, cell & home number including his wife's cell for anyone who has any questions or concerns. He is always reachable in discussing the needs for this property, They have already addressed immediate needs of no truck parking signs, and private security, which the Chief was comfortable with, a dedicated vehicle on the property with that company that operates 4 nights a week right now, but has been bumped up to 7 to insure safety of property and the public at that property, additionally with Wal-Mart who also has private security. Security needs to work together and be on the same page. He went over the current security plan. DLC with assistance of G4S will manage all security inside and out. A cohesive group to make project successful. There will be a cohesive group of officers that will provide ample amount of security, outside, parking lots, sidewalks and inside. Guards will be connected, with radios, and well trained. Weekly reviews with Fun City will be held to go over and modify what is needed to successfully managing the operation. He stated that changes or alterations could/may be needed depending on the needs in hand and time of year such as holidays, school breaks etc.

Blay Bradley, VP of Asset Management third time coming in front of the board, and appreciates all the feedback from the Town, residents, and tenant hoping that the presentation reflects that. Went over the economic impacts of the project and benefit of community with tenant placement. Fun City will occupy 30, 000 Sq. foot space with 50 employees and projected \$2 – 2 ½ million dollars 1<sup>st</sup> year sales volume for a successful operation. They are more than just a trampoline park. There is foam pit, balance beam, dodgeball, basketball court. It's family / group oriented activities that fosters team building and entertainment room.

The foot traffic will benefit other area businesses. Wal-Mart has agreed as well as Citizen Bank and the other businesses to allow this.

Supervisor Giunta asked if there is a written approval from Wal-Mart

Mr. Bradley answered yes and went over hours of operation, as well as the security plan, waiver plan, parent/guardian policy, medical authorities and adult supervision requirements.

Staff will be First-aid and CPR trained. Attended ratio is 1 staff to every 8 customers. Security will be radio monitored. Their injury rate is 1% which is very minor. Their equipment is highly rated. The plan is not to have a lot of emergency calls or potential issues.

Mr. Gorman wanted to re-emphasize the importance of this project to DLC the property taxes that would be coming into school \$300 K and township of \$290K along with 50 jobs to the area. Also to the fact that this is a conditional use that will have to renew every year so DLC will monitor this with most importance to protect this investment.

Mr. Ressa stated that with pre COVID and now with a post COVID that they are willing to still invest \$3M not know the uncertainty speaks to DLC and Fun City will be vested into Gates. This would be successful for the plaza tenants along with bringing additional sales tax revenue and property tax the community.

Mr. Gorman stated that DLC wants a partnership and stated that Chris has a retail weekly podcast that he has talked about how the store ended up in our city and talks to people in the industry about the retail shops.

Councilman Tucciarello, asked who authorizes the funding of the security team and will the security either standard or additional ever go away?

Mr. Levy stated the plan is to keep security for as long as planned in order to keep the standard.

Councilman Tucciarello followed up with additional question will the security schedule ever be made less than proposed today?

Mr. Levy responded that the plan is to keep the base schedule and additional as needed.. There could be some alterations, but the hours would be covered. Security would never leave if there are people still on premise. It would never be made less, .if anything more. If the Chief calls and says more security is needed, than more security it is.

Councilman Tucciarello wants understanding and clarification that funding for security stays as stated today and to not be lessened by any means, by anyone going forward

Mr. Ressa stated he has no intention to lessen any security as long as Fun City is operating and promises that they will fund it as long as DLC owns the property.

Councilman Tucciarello asked the term of the lease.

Mr. Ressa responded a 10 year lease.

Councilman Cordero asked if a child is dropped off and then their 2 hour jump time is over what happens if they can't get in touch with anyone.

Mr. Bradley stated the Fun City staff has a protocol for taking care of this and detailed info on the waiver form. They will stay with child in waiting area until someone is reached. No child will be left alone.

Mr. Schum asked what happens if they just get dropped off in parking lot can they come in.

Mr. Bradley stated that Fun City has protocols for drop off and pickup. They must be accompanied by adult to get in. They won't be able to get in on checking process. The security guard will remain with anyone left behind until all are picked up regardless of time.

Supervisor Giunta presented a scenario about waiver forms if someone comes in a week before and then tells another to use their name perhaps at another time not to have to go through the process. Asked how this will be policed or validated?

Mr. Bradley stated the child would need to verify the information on file.

Supervisor Giunta asked about sanitation of the center going forward now that we are in COVID situation.

Rachel Giga, Fun City stated the new location won't be open till this whole COVID subsides or vaccine is developed. She went through what her current location follows. They are designating sanitation times between jump times of customers. Wiping everything down between uses and constantly cleaning throughout the day to be safe and clean.

Councilman DiPonzio asked if there are need for interior and exterior cameras to help assist monitor potential dangers of dropping off kids at facility.

Mr. Bradley stated Fun City has every intention to have cameras both interior and exterior install to help assist monitoring the entire space for safety. Mr. Levy stated another facility in CT has just opened and has them installed and every inch of the facility is viewable with exception of restrooms.

Councilman Loughlin asked if security is armed or anything will deter people from congregating in front of facility.

Mr. Levy replied that security will be unarmed but stated there will be no loitering allowed in front of building or even sitting in cars. Security will be moving people along,

Councilman Loughlin asked about cleanliness of parking lots around facility what is plan as already has many complaints.

Mr. Levy stated has local company Spezio's that will handle the cleanup and is working 7 days a week. They will also continue the sanitation weekly on the property and fence will be replaced all the way down site line.

Councilman Loughlin asked if town could get a copy of the contract / cleaning schedule.

Mr. Levy state he could provide that with but the rates redacted from there.

Don Ioannone, 4099 Lyell Rd doesn't feel it will be a good mix in plaza and would put a strain on police and it will be a hangout for kids at Walmart.

Caroline Kester, 105 Mareeta Rd stated she can see Walmart plaza from her backyard and sees the mess and garbage blowing around. Questioned why nor does she believe now with a new tenant coming in they will start cleaning up. Wanted to see if that can be enforced or written in a permit to make it more than just a promise.

Supervisor Giunta joked and also stated that Mr. Levy's offered his wife's cell number to call.

Mr. Levy reemphasized that they will be cleaning 7 day a week and if they see it not happening to please call him anytime as people want to work.

Supervisor Giunta closed the Public Hearing.

Councilman Tucciarello motioned to TABLE this, for further investigation  
 Seconded by Councilman Loughlin

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 8:45PM. He began with a silent Prayer and Pledge of Allegiance to the Flag, led by Councilman Lee Cordero.

Supervisor Giunta welcomed everyone back and thanked everyone for joining the meeting

**RESOLUTION 103-20** Motion by Councilman DiPonzio to approve

The Gates Town Board hereby approves the minutes of June 1, 2020 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Cordero

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

### **PROCLAMATION**

Monroe County Leg. Frank Allkofer, Chief VanBrederode and Supervisor Giunta presented proclamations and Certificate of Recognition to Michelle Daniels and Geena Cruz for volunteering time, donation of over 1000 handmade mask along with food for our Monroe County community.

### **AUDIENCE PARTICIPATION**

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **CONSIDERING RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING:**

**DEPAUL COMMUNITY SERVICES, 1931 BUFFALO RD; GATEWAY SENIOR APTS.,  
 345 SPENCERPORT RD; NEWCOMB ELMGROVE INC., 2960 BUFFALO RD;  
 VALICIA’S RISTORANTE, 2155 LONG POND RD; NINETY ROCK  
 MANAGEMENT LLC, [TIM HORTON’S] 1508 BUFFALO RD; VALVOLINE LLC,  
 427 SPENCERPORT RD; LKQ/KEYSTONE CORPORATION,  
 6-148 SPENCERPORT 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 104-20** Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: DePaul Community Services, 1931 Buffalo Rd; Gateway Senior Apts., 345 Spencerport Rd; Newcomb Elmgrove Inc., 2960 Buffalo Rd; Valicia's Ristorante, 2155 Long Pond Rd; Ninety Rock Management LLC, [Tim Horton's] 1508 Buffalo Rd; Valvoline LLC, 427 Spencerport Rd; LKQ/Keystone Corporation, 6-148 Spencerport Rd

Seconded by Councilman Tucciarello

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

**SCHEDULE PUBLIC HEARINGS STARTING AT 6:45PM FOR  
CONDITIONAL USE PERMITS FOR  
1931 LYELL AVE., LLC  
GERBER COLLISION & GLASS AT 1931 LYELL AVE.**

**RESOLUTION 105-20** Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, August 3, 2020 starting at 6:45PM to consider the applications for: 1931 Lyell Ave, LLC, Gerber Collision & Glass located at 1931 Lyell Ave.; Tina's Natural Nails located at 1016 Elmgrove Rd.; Imagination Child Care Academy, Inc. located at 220 Coldwater Rd.; Rochester Christian [RCCM] located at 3177 Lyell Rd.; Lyell Rd Hotel LLC, [Quality Inn] located at 1954 Lyell Ave.

Seconded by Councilman Cordero

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

**RE-APPOINTING DON IOANNONE TO THE ZONING BOARD  
OF APPEALS FOR A [7] SEVEN YEAR TERM TO EXPIRE JULY 5, 2027**

**RESOLUTION 106-20** Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do hereby re-appoints Don Ioannone to the Zoning Board of Appeals for the [7] seven-year term, expiring June 5, 2027

Seconded by: Supervisor Giunta

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

Mr. Ioannone thanked us for the appointment again and our vote of confidence

**NEW BUSINESS OF COUNCIL MEMBERS**

Supervisor Giunta welcomed Patrick Pardyjak in the audience who will be taking over as Finance Director for the town because of Art Plewa's retirement.

Councilman Tucciarello also welcomed Pat as he worked with him in legislator for 10 years

**REPORTS****SUPERVISOR'S****ACCEPTING THE SUPERVISORS  
REPORT FOR THE MONTH OF JUNE 2020****WARRANTS****GENERAL**

CLAIMS # A20-0399 – A20-0478	\$210,535.61
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**HIGHWAY**

CLAIMS # D20-0250 – D20-0289	\$20,011.23
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**LIBRARY**

CLAIMS #L20-0062 – L20-0071	\$13,441.14
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<b>TOTAL DISBURSEMENTS</b>	<b>\$1,244,296.51</b>
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<b>TOTAL RECEIPTS</b>	<b>\$437,231.02</b>
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Supervisor Giunta noted for the record that the warrants for the month of June 2020 have been examined by the Town Board and paid.

**RESOLUTION 107-20** Motion by Councilman DiPonzio who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of June 2020 as read; and the warrants for the month of June 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 JUNE 2020**

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

TOTAL REVENUE COLLECTED	\$32,547.10
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TOTAL REVENUE TO THE SUPERVISOR	\$31,228.58
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TOTAL NON-LOCAL REVENUE	\$1,318.82
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**RESOLUTION 108-20** Motion by Councilman Loughlin who moved its adoption:

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

Seconded by Councilman Tucciarello

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 June 2020.

There being no further business to come before the Town Board, Supervisor Giunta motioned to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 9:13 PM.

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Town Clerk