

October 5, 2020

The Gates Town Board held two Public Hearings and its Regular Town Board meeting on Monday, October 5, 2020 at the Town Hall Meeting Room at 7:15PM. 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

7:15PM PUBLIC HEARING

**CONSIDERING CONDITIONAL USE PERMIT FOR
LISA BRUNSON TO OPERATE, PURE IMAGINATION CAFÉ
IN A NB DISTRICT, AT 2997 BUFFALO RD.**

Supervisor Giunta called the Public Hearing to order at 7:28PM. The Town Attorney verified that the Legal Notice was published as required by law.

Lisa Brunson, applicant of 2997 Buffalo Rd., has operated Pure Imagination Café for a little over a year with food and temporary town approved outdoor seating during COVID-19, but not going forward.

Supervisor Giunta asked about the about the menu, if anything different than normal menu was added from when they initially opened. Serving sandwiches / drinks. Now they are looking to add alcohol and asked if they have applied for a liquor license.

Ms. Brunson, answered menu to stay same with sandwiches and salads along with a few new items, but still using the same cooking apparatus, not adding grills. They have applied for a liquor license and do have a temporary one to serve beer and wine only, but no hard liquor. It's the only change since opening a year ago.

Supervisor Giunta asked about the hours of operation

Ms. Brunson, replied hours have be reduced due to COVID, so Monday-Thursday open till 6, but when returned to normal hours will go back to, Monday-Saturday 7:30AM- 8:00PM and Sunday 9:00AM-5:00PM

Councilman Tucciarello, asked if getting todays approval would be part of getting a liquor license application? Stated his mom really loves going there.

Ms. Brunson replied yes and it's the only thing that changed since getting original since application was made and thanked councilman Tucciarello for kind words

Councilman Loughlin added he's been there several times and his children enjoy it and the children can play while the parents sit and have a cup of coffee.

Supervisor Giunta agreed it's a very nice establishment and invited anyone from audience up to speak, hearing no one closed the public hearing.

RESOLUTION 137-20: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Lisa Brunson to operate Pure Imagination Café at 2997 Buffalo Rd, Suite 4 in a NB District.

Seconded by Councilman Andrew Loughlin

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

Motion Carried.

7:33PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta called the meeting to order at 7:33PM. He began with a silent prayer and Pledge of Allegiance, led by Councilman Chris DiPonzio.

RESOLUTION 138-20 Motion by Councilman Loughlin to approve

The Gates Town Board hereby approves the minutes of September 8, 2020 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, had a copy of the October, 1964 Gates Chili News, with an article that the Gates Library would be formerly rededicated as the Colonel Robert N. Abbott Memorial Library on October 27, 1964 at 10:30AM with the public invited. Mr. Ioannone questioned how the designation got lost with the move from Buffalo Rd to Elmgrove Rd., which is just names The Gates Public Library? He has spoken with several people about this, including with Greg Westberg from the recreation commission with talks about renaming the Gates Memorial Park to memorialize the Colonel's memory.

Supervisor Giunta asked Anna Souannavong, the Gates Library Director to possibly research this matter.

OLD BUSINESS

CONSIDERING A CONDITIONAL USE PERMIT FOR G & I IX EMPIRE WESTGATE PLAZA, LLC C/O DLC MANGAGEMENT TO OPERATE FUN CITY TRAMPOLINE PARK IN A GENERAL BUISNESS DISTRICT AT 2000 CHILI AVE.

Councilman DiPonzio motioned to lift the discussion off the table.

Seconded by Councilman Cordero seconded

VOTE: Giunta – Aye Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;
Supervisor Giunta remarked that they have been here before presenting their project before the Board.

F L Gorman, attorney of Harris Beach PLLC, Thanked the Board for taking the application, again, and has looked over all the proposed conditions and agree with everything with the exception of needing to add Sundays which was missed in the original operating hours.

Supervisor Giunta, reviewed the conditions that we have been going back and forth about including the

- Operating Hours;
 - Sunday – Thursday 10:00AM -8:00PM
 - Friday & Saturday 10:00AM-9:00PM
 Closing at 8:00PM and 9:00PM helps the Town, with Walmart Closing at 10:00 and the Police Dept. Shift Change Time [to give ample time to respond if needed]
- Fridays & Saturdays after 6:00PM anyone 17 and under MUST be accompanied by a Parent/ Legal Guardian, which MUST remain on site for the duration of Ticket Time. This is similar to how Movie Theaters proceed on Fridays & Saturdays.
- No-one is to leave the Trampoline Park within their paid Ticket Time and return, unless time is expired and purchase a new Ticket.
- Security:
 - Both Inside and Outside of Park during Hours of Operation and continued outside Patrol, 7 days a week.
 - Security Cameras, requested Inside and Outside the facility, Door Entrances and Exits
 - Along with the perimeter of the Parking Lot, in front, around, and back of building
- “Teen Nights”, Not to be publicized [unfortunately, historically brings problems when it is can be called something else]
- Plaza to be maintained including sweeping and trash pick-up, as well as cart pick-up twice a day
- Continue with “No Overnight Parking”, of tractor trailers
- If DLC were to sell the plaza, the property maintenance agreement and security contract would transfer to new owners.

Supervisor Giunta, added these are some of the conditions set forth though-out the process of this project.

Chief VanBrederode, stated it’s been a great relationship with Mr. Levy from Buffalo addressing some liter issues and the trucks, but has been very cooperative with us and believes it would be a safe as long as all the conditions are met and would be in a good position to hold a safe operation there.

Supervisor Giunta reminded everyone this would be an annual Conditional Use Permit that would require renewing each year.

Councilman Loughlin, asked if during the pandemic are these types of facilities currently operating and if not, what would be the proposed time of opening?

Mr. Gorman responded, some other facilities are open, some are limited hours, some at reduced occupancy. This may be their first location in New York.

Councilman Loughlin asked if other trampoline facilities in the area are open to capacity, on reduced occupancy, or closed due to the pandemic?

Mr. Gorman responded that they are on reduced occupancy, bowling allies have been allowed to reopen with reductions and this is being treated with the same business practices.

This particular facility has a significant build-out in its 30-thousand square feet and would not be open till Spring 2021.

Supervisor Giunta opened discussion to anyone with comments, questions, or concerns

Attorney Schum, added that there was some discussion and the prior meeting about registration of participants and how the process is done as well as conditions on who is eligible to register. Under 17 with a parent / “adult” has a lot of wiggle room and would suggest removing “adult” and make it parent/legal guardian. The idea is that the “adult” has a legal responsibility to the child.

Supervisor Giunta, agreed that is a valid point and would need to be changed. Fridays and Saturdays after 6:00PM anyone under 17 would need to have a legal parent or guardian and remain in the facility.

Mr. Gorman added that is a bit different than movie theater, but is on the mercy of the Board

Supervisor Giunta asked Mr. Gorman if he understood the reasoning behind the attorney’s comments/concern. Mr. Gorman answered he did

Supervisor Giunta responded then it would change the condition to Parent or Legal Guardian

Miriam Rivera, 4 Bru-Mar Drive, commented that if it’s stated Parent or Legal Guardian, then birth certificates would be needed to show proof. Ms. Rivera feels it should be Parent or Legal Adult 25 or older. She would feel more comfortable having someone 25 and older being responsible for her children rather than 18.

Councilman Tucciarello is not sure 25 is the right number, and feels some discussion is needed.

Attorney Schum suggested making it all three, Parent, Legal Guardian or Adult over 25

Mr. Gorman responded it would assist the business reality of the operating location

Supervisor Giunta reiterated that it would be stated as anyone under the age of 17 would need to be accompanied by a Parent/ Legal Guardian/ or Adult 25 or over and remain in the facility

RESOLUTION 139-20: Motion by Councilman Chris DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit, with the added Conditions as Stated in this meeting for G & I IX Empire Westgate Plaza, LLC C/O DLC Management Corp. to Operate Fun City Trampoline Park in a General Business District at 2000 Chili Ave.

Seconded by Councilman Steve Tucciarello

Supervisor Giunta asked the secretary to do a Roll Call Vote

Secretary Lily Alberto,
 Roll call Councilman DiPonzio – Yes;
 Roll call councilman: Cordero – No;
 Roll call councilman Tucciarello – Yes;
 Roll call councilman Loughlin – No
 Roll call Supervisor Giunta – Yes

Motion carried with 2/3 vote

NEW BUSINESS**ADOPTING OF A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN VACANT PROPERTY LOCATED AT THE REAR OF 63 RAHWAY LANE, ROCHESTER, NY TO ELVIO FERNANDES. SUCH RESOLUTION IS SUBJECT TO PERMISSIVE REFERENDUM, AS REQUIRED BY LAW****RESOLUTION 140-20** Motion by Councilman Loughlin who moved its adoption:

WHEREAS, Elvio Fernandes has asked that the Town Board convey to him certain vacant land presently owned by the Town of Gates and located in the rear of the property at 63 Rahway Lane; and

WHEREAS, such property is landlocked and of now useful purpose or value to the Town of Gates;

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

Section 1. That the Supervisor be, and he hereby is, authorized to execute a Deed of Conveyance for such vacant land to Elvio Fernandes, 63 Rahway Lane, Rochester, New York for the sum of One and no/100 Dollar (\$1.00).

Section 2. That the adoption of this Resolution is subject to Permissive Referendum as required by Law.

Seconded by: Councilman Tucciarello

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

Motion Carried.

CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING:

**WESTGATE FASHION PARK, 2170 CHILI AVE.,
GATES MANUFACTURED HOUSING, 1531 BUFFALO RD.;
TRINITY ASSISTANCE COMP.; 3545 BUFFALO RD.;
SONBYRNE SALES [BYRNE DAIRY], 2295 SPENCERPORT RD.;
ABSOLUTE SCREEN PRINTING, 485 SPENCERPORT RD.;
SPEEDWAY LLC. [5 LOCATIONS], 1952 LYELL AVE., 1511 BUFFALO RD.,
465 SPENCERPORT RD., 719 ELMGROVE RD., 2328 CHILI AVE.;
AMERICAN NATURAL GAS, 1145 CHILI AVE.;
DISCOVERY CHURCH, 310 HINCHEY 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 141-20 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: Westgate Fashion Park, 2170 Chili Ave.; Gates Manufactured Housing, 1531 Buffalo Rd.; Trinity Assistance Comp., 3545 Buffalo Rd.; SonByrne Sales [Byrne Dairy], 2295 Spencerport Rd.; Absolute Screen Printing, 485 Spencerport Rd, Speedway LLC. [5 locations], 1952 Lyell Ave, 1511 Buffalo Rd, 465

Spencerport Rd, 719 Elmgrove Rd, 2328 Chili Ave, American Natural Gas, 1145 Chili Ave.;
Discovery Church, 310 Hinchey Rd.

Seconded by Councilman Loughlin

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

Motion Carried.

SCHEDULING A PUBLIC HEARING FOR THE 2021 BUDGET WORKSHOP

RESOLUTION 142-20 Motioned by Councilman DiPonzio who moved its adoption;
Resolved, that the Gates Town Board hereby schedules a Budget Workshop for Wednesday,
October 28, 2020 at 6:30PM in the Supervisor’s Conference Room.

Seconded by Councilman Cordero

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

Motion Carried.

SCHEDULE PUBLIC HEARINGS STARTING AT 6:45PM FOR:

THE PROPOSED 2021 TOWN OF GATES BUDGET;

**TO AMEND LOCAL LAW SECTION 190-170 OF THE CODE OF THE TOWN OF
GATES [PLANNING BOARD];
TO AMEND LOCAL LAW SECTION 190-180 OF THE CODE OF THE TOWN OF
GATES [ZONING BOARD];**

**A CONDITIONAL USE PERMIT FOR REGINALD WARREN TO OPERATE
PURA VIDA VILLE, A FAST- FOOD MEXICAN RESTAURANT
IN A GB DISTRICT, AT 2115 BUFFALO RD.;**

**A CONDITIONAL USE PERMIT FOR ACQUEST DEVELOPMENT TO
CONSTRUCT AND OPERATE A TRUCK AND FREIGHT TERMINAL
IN A GB DISTRICT AT 2600 MANITOU RD.,**

RESOLUTION 143-20 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules Public Hearings for Wednesday,
November 4, 2020 starting at 6:45PM to consider: Amending Local Law Section 190-170 of the
Code of the Town of Gates [Planning Board]; Amending Local Law Section 190-180 of the
Code of the Town of Gates [Zoning Board]; To Consider a Conditional Use Permit for Reginald
Warren to Operate Pura Vida Ville, a fast -food Mexican Restaurant in a General Business
District, at 2115 Buffalo Rd.; To Consider a Conditional Use Permit for Acquest Development
to Construct and Operate a Truck and Freight Terminal in a General Business District at 2600
Manitou Rd.

Seconded by Councilman Cordero

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

Motion Carried.

**RE-APPOINTING BILL KILEY TO THE ZONING BOARD OF APPEALS FOR
A SEVEN [7] YEAR TERM TO EXPIRE OCTOBER 7, 2027**

RESOLUTION 144-20 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Town of Gates do hereby reappoints Bill Kiley to the Zoning Board of Appeals for a seven [7] year term, expiring October 7, 2027

Seconded by: Councilman Cordero

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

Motion Carried.

Supervisor Giunta, commented that Bill has done a great job

**APPOINTING DAVID FERRIS AS AN ALTERNATE
TO THE PLANNING BOARD**

RESOLUTION 145-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do hereby appoints David Ferris to the Planning Board as an Alternate.

Seconded by: Councilman DiPonzio

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

Motion Carried.

Supervisor Giunta welcomed Mr. Ferris to the Planning Board

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, announced there will be a on Halloween drive through event on Halloween Day, October 31, 2020, 3:00pm-5:00PM. It will be a drive-thru for the trick or treaters, with different stations. More information to come.

Councilman Loughlin recognized the Historical Society and our Town Historian, Bill Gillette for all the work they have done and are doing to preserve The Hinchey House and the beautiful dedication that was held October 2, 2020. Also, a Thanks to Doud Post for the flag pole

Supervisor Giunta agreed and added it was a well-attended event that they applied for Grants to help with the new fence, the new flag pole and historical site designation sign.

REPORTS

SUPERVISOR’S

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

WARRANTS

GENERAL

CLAIMS # A20-0670 – A20-0743 \$130,057.71

HIGHWAY

CLAIMS # D20-0391 – D20-0434 \$59,200.14

LIBRARY

CLAIMS #L20-0117 – L20-0140	\$26,820.00
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TOTAL DISBURSEMENTS	\$1,329,599.62
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TOTAL RECEIPTS	\$111,156.04
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Supervisor Giunta noted for the record that the warrants for the month of September 2020 have been examined by the Town Board and paid.

RESOLUTION 146-20 Motion by Councilman Cordero who moved its adoption:

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

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

TOTAL REVENUE COLLECTED	\$20,375.20
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TOTAL REVENUE TO THE SUPERVISOR	\$12,033.70
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TOTAL NON-LOCAL REVENUE	\$8,341.50
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RESOLUTION 147-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of September 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 September 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 8:04 PM.

Town Clerk