

December 5, 2022

The Gates Town Board held its Regular Town Board meeting and five (5) Public Hearings on Monday, December 5, 2022 at the Town Hall Meeting Room starting at 6:45PM. Those attending the meeting were as follows:

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

**6:45 P.M PUBLIC HEARING**

**TO CONSIDER A CONDITIONAL USE PERMIT FOR  
LORAIN VERAS TO OPERATE TACOS N TEQUILA, LOCATED AT  
730 ELMGROVE RD. A (NB) NEIGHBORHOOD BUSINESS DISTRICT**

The Town Attorney, Dan Schum verified that the Legal Notice was properly published as required by law.

Supervisor Giunta asked if the applicant was present and would come up to speak on this application.

Loraine Veras, 245 N. Creek crossing, applicant for the CUP for 730 Elmgrove Rd and Steve Fantuzzo attorney of Nixon Peabody, 1300 Clinton Square is here on behalf of Ms. Veras seeking Conditional Use Permit to operate a full-service restaurant, Tacos N Tequila Mexican Grill. The applicant purchased the property in October 2022 with the intent of operating the Mexican grill. As the board is aware, the previous use of this property was a full-service restaurant, Panorama Restaurant and historically the property has been used as a restaurant for approximately forty (40) years. In effect this means the town has consistently deemed the location as appropriate operation of a full-service restaurant and importantly the previous owner was approved by the town for a conditional use permit without any material conditions or limitations in its business operation. The applicant does not seek any material changes to the operations, in fact the footprint and structure of the restaurant will remain the exact same. The applicant respectfully asks the board to consider three points for purposes of consistency; 1. The Historical treatment of the property is in an appropriate location for a full-service restaurant. 2. The towns previous conditional use permit at this property which did not impose material or restrictions on the owner. 3. The towns approval of other restaurants in the area, including allowable hours

Supervisor Giunta asked Ms. Veras if she is keeping any menu items from Panorama.

Ms. Veras, she has "Panorama Favorites" on the menu. She is keeping two (2) of the cooks, as well as all the bartenders and some of the waitresses (that wanted to stay). She asked them, since they had worked for Panorama for a long time, what some of the favorites were and is keeping them on the menu.

Supervisor Giunta, fantastic and asked if they will be open for breakfast?

Ms. Veras, yes, open from 8:00am-11:00pm, seven days a week, but bar will remain open on weekends till 1:00am with food on the bar side.

Councilman Cordero asked if the bar would be open till 2:00am like typical bars?

Ms. Veras, it all depends on the crowd, if it's busy or not but food until 1 a.m.

Councilman asked if they have a full liquor license?

Supervisor Giunta asked when the license was approved

Ms. Veras, yes full liquor license and it was approved on November 3, 2022

Supervisor Giunta asked if the restaurant and bar will be open the same hours or the restaurant close earlier?

Ms. Veras the restaurant will close around 11:00pm and only the lounge will remain open later on the weekends.

Supervisor Giunta some questions were brought to him and for clarification that there will be NO night club?

Ms. Veras confirmed, there will be NO night club....she continued, if she wanted to open a night club it would not be in Gates.

Councilman Tucciarello, it's a fairly big building with the restaurant and bar space, he asked if she is taking the whole thing? He then asked what a breakfast consists of.

Ms. Veras, responded yes they will have the American breakfast as well as Mexican items like Huevos Rancheros, Huevos Divorciados, chorizo and items from the original menu. There will be a mixed breakfast

Councilman Tucciarello wanted to caution, if this was to be approved, to be considerate of the neighbors behind. To not disturb them, especially with the bar being open later, with possibly a barrier.

Ms. Veras is very aware of the townhouses behind the property and will do all she can to be sure they are not disturbed

Supervisor Giunta asked is she had any type of security?

Ms. Veras replied she has security seven (7) days a week from 7:00pm up, checking ID's and that everything is safe.

Supervisor Giunta then opened it up to the audience and asked if anyone wanted to speak for or against this?

Zoe Christanis, 31 Hubbard Dr. N. Chili, former owner of the property and business and was very apprehensive when looking for a suitable person to takeover such a large undertaking, building, work and pressure and once Lorraine came along and they started talking and the more they did, she felt confident in her ability to take this over and feels she will continue to make this an asset to the community and be very successful.

Supervisor Giunta added, we are all sorry to see her leave, but is happy Lorraine is taking it over.

Josh Mack, 89 Hedge Street, has been a Gates resident for /twenty-three (23) years and really loved Panorama, the service and the food. He was concerned who would be taking over and if they would keep it viable and uphold the standards. He also knows some of the folks who work there and happy to see some of them are being retained, especially those who have been there twelve (12) and more years. It's good to keep employment. He has already been to the new business a few times and has spoken to people and as a resident as well as a parent (Gates Chili diehard) fully supports this.

Gary Glove, lives in Hunters Gate, the condos behind the restaurant and has known Loraine for many years, she's great person, has done a lot to the establishment, has security at the bar and food is really good. He knows she will make a go of it and approves.

Dana Rightmyer , 44 Atwood Dr. worked at Panorama for eight (8) years and it is her second home. When she heard it was being sold was very nervous, but once she met Loraine, realized she is amazing and feels so thankful to be able to work for her and wants to see her have all the opportunities Panorama had because she thinks she will do absolutely amazing. She wants to stay and doesn't want to lose her job and knows be an asset to this community.

Supervisor Giunta again asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:03pm.

## **RESOLUTION 155-22**

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves an application from Loraine Veras for a Conditional Use Permit to Operate Tacos N Tequila. at 730 Elmgrove Rd. in a Neighborhood Business District (NB) with the following Conditions:

Hours of Operation:	Monday – Thursday	8:00am-midnight
	Friday-Sunday	8:00am-2:00am

## **VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

## **Motion Carried.**

### **TO CONSIDER A CONDITIONAL USE PERMIT FOR ELIZABETH ALFAYAD TO OPERATE LEVANTINE'S SYRIAN CAFÉ & CUISINE, LOCATED AT 750 ELMGROVE RD. A (NB) NEIGHBORHOOD BUSINESS DISTRICT**

Supervisor Giunta asked if the applicant was present and would come up to speak on this application and knows this has already been established for a couple of years, but in during an audit was discovered a Conditional Use Permit was not obtained.

Elizabeth ALFayad, 315 Fisher Rd. Levantine's has been in operation since 2019 and realizes ignorance of the law s not an appropriated excuse to not comply with permits and appreciates this coming up in the audit and the opportunity to correct now.

They serve authentic Syrian cuisine, her husband is the head chef and cooks all his traditional recipes from Damascus, Syria, both his parents help in the kitchen as well and try to keep it really true. Currently operate Tuesday- Thursday 11:00am-8:00pm and Friday & Saturday 11:00am-9:00pm. Closed Sunday and Monday. They do not serve alcohol, they are a counter service, not full service. Customer goes to counter, orders and then cashier brings food to their

table. They currently employ eight (8) people, but the number flexes. They are very happy to be in Gates.

Supervisor Giunta asked if they deliver?

Mrs. ALFayad, not them personally, but through 3<sup>rd</sup> party, yes.

Councilman Tucciarello, now that he knows it's there is looking forward to trying it

Mrs. ALFayad, responded yes please do. They have been warmly received by the Gates community, people thought they were crazy to open a Middle Eastern Restaurant in Gates, but people love them and the reception has been very warm and blown away by how kind everyone has been

Councilman Loughlin asked what the occupancy is, how many tables?

Mrs. ALFayad it's small about seven to eight (7-8) tables, some tables with chairs and some benches as well. Right now, the balance between take-out and dine-in is sixty percent (60%) dine-in and forty percent (40%) take-out. It was amazing to see how much support they received in the depths of the pandemic, because a lot of folks were interested in trying new places to support small businesses and businesses in the community

Supervisor Giunta asked if anyone from the audience was here to speak for or against this, hearing none closed the public hearing at 7:10pm.

## **RESOLUTION 156-22**

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves an application from Elizabeth ALFayad for a Conditional Use Permit to Operate Levantine's Syrian Café & Cuisine. at 750 Elmgrove Rd. in a Neighborhood Business District (NB) with the following Conditions:

Hours of Operation:	Sunday & Monday	Closed
	Tuesday-Saturday	11:00am-9:00pm

## **VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

## **Motion Carried.**

### **TO CONSIDER A CONDITIONAL USE PERMIT FOR PADY KAMARA TO OPERATE KAMARA'S AFRICAN RESTAURANT, LOCATED AT 2003 LYELL AVE. A (GB) GENERAL BUSINESS DISTRICT**

Supervisor Giunta asked if the applicant was present and would come up to speak on this application.

Annie Kamara, here for Pady Kamara the applicant who is very sick right now, and she is actually managing the restaurant right now. The Supervisor wishes him a speedy recovery.

Ms. Kamara, the cuisine is delicious African food, mainly from West Africa like, Jollof Rice with Chicken (which is like a fried rice with chicken). They have a little spice to the food.

Their hours of operation are Monday to Friday 11:00am-9:30pm and Saturday till 10:00pm and closed Sunday

Supervisor Giunta asked how many employees and if they are currently open?

Ms. Kamara it's family that works. They actually moved from the city of Rochester on Plymouth Ave. where they were for about four (4) years. This location is currently take-out only.

Councilman Cordero asked if there are still quite a bit of tables in the restaurant?

Ms. Kamara replied, Yes as well as a room in the back for private events. Also, they are eventually looking at getting their liquor license, but right now the bar is closed.

Councilman DiPonzio, would the bar than have extended hours or just during dinning hours

Ms. Kamara is not too sure, but when she spoke with Mr. Kamara he mentioned having extended hours for the bar.

Councilman Tucciarello asked when will the dinning room open

Ms. Kamara replied they're waiting for some final inspection appointment to be scheduled for some they had not passed with the fire marshal.

Supervisor Giunta asked when they applied for their liquor license and if the previous place had one?

Ms. Kamara was not sure of when it was applied for, but the previous place did not have a liquor license.

Councilman Loughlin asked if their other location was on South Plymouth? Ms. Kamara replied yes near the plaza

Attorney Schum asked, once they do have a liquor license, will the bar be open only while food is being served or will there be extended bar hours?

Ms. Kamara replied Mr. Kamara would want the bar to be open while food service and have the bar with extended hours as well on Friday and Saturday

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:17pm.

## **RESOLUTION 157-22**

Motion by Councilman Loughlin who moved its adoption:  
Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby approves an application from Pady Kamara for a Conditional Use Permit to Operate Kamara's African Kitchen, at 2003 Lyell Ave. in a General Business District (GB) with the following Conditions:

Hours of Operation: Monday-Saturday 11:00am-10:00pm  
(Once Liquor License is obtained hours for Friday & Saturday will be 11:00am-2:00am)

## VOTE OF THE BOARD

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

### **Motion Carried.**

### **ADOPTING THE PROPOSED 5-YEAR TOWN COMPREHENSIVE PLAN**

Supervisor Giunta back in February 2022 a voluntary board comprised of members of the community, Planning board, Zoning board, EMS, etc. and put together a Comprehensive Plan Board and since then they had worked to put together a comprehensive plan, which has been available in the Town Clerks office. It's about an eighty-four (84) page plan, that they worked very hard to complete and present to the Town Board in September for review, which they have. There were a few things incorporated and is now here before the Public Hearing for the public to have an opportunity to comment on. There are several members of the CPU Board present and the Supervisor thanked them for coming and for all the hard work they put into this and he and the board truly appreciate them.

Attorney Schum Congratulated the board for doing s great job, especially the Board Chair, Christine Maurice for chairing this up and the plan that has been gathered by this board and presented to the town board for adoption. Many other towns don't have the expertise and volunteers that Gates has to put this all together. He knows many of the other towns have spent in the upwards of tens of thousands of dollars to hire people to produce a plan that is not nearly as nice and comprehensive as this plan. He thanked all the members of the board on a wonderful job. He prepared and put on file a full environment assessment of the plan, which is necessary in order to adopt this master plan update. The environmental assessment of this plan is very complimentary, because the plan proposes to take into consideration development as it impacts adjoining properties, to preserve those areas that are eco sensitive, whether it's streambeds , floodways or wetlands and is very complimentary to maintaining environmentally secure community while at the same time addressing the needs of the citizens. In particular, mentioned were there are previsions in the comprehensive plan, which are called clean alternative energy conservation and development as well as climate smart community. The Town of Gates is proposing by a resolution become a Climate Smart Community, which will open a lot of avenues for implementation of the master plan in accordance with goals that have been developed to conserve energy and make it mutually advantageous.

Councilman Tucciarello also Thanked Christine and her team for the excellent job and really appreciates what they have done. "Thank You, very much"

Councilman Loughlin agrees with Councilman Tucciarello and Attorney Schum and that back in September when it was presented to the Town Board, knew they had far exceeded the Town Board's expectations and appreciates all the hard work everyone put in to present this plan.

Councilman DiPonzio, on behalf of Councilman Cordero and himself, they appreciate all the expertise and hard work, sincerely.

Christine Maurice, CPBU chairperson wanted to point out, besides the folks that were on the Comprehensive Plan Board, there were others like the ones the Supervisor had mentioned like Planning, Zoning, EMS, but wanted to point out the input from residents of the town. They gave the residents the opportunity to express their concerns and what they would like to see in the five-year plan. They held a public forum in the library on April 30, 2022, they had surveys available in paper form and on-line and for both residents and business owners, they held board meetings about every two-weeks, which were open meetings and the public was invited to attend those. The input of the residents was important and one of the repeated inputs was the concern for greenspace and environment for the town and so it's great that the town has expanded from September and beefed it up with the smart climate and the residents will be very happy with that.

Supervisor Giunta asked if anyone from the audience wanted to speak for on this?

Laurie Clocksin, 69 Coldwater Rd didn't realize there were public hearing on the Comprehensive Plan and does appreciate the hard work and was in on a focus group, which she really liked, but didn't know a public hearing was held and has been trying to follow the agendas and meeting

minutes. She is pleased with the Big Lots area and how nice it is. It's a huge improvement. She heard there was a booklet of the Comprehensive plan, but didn't see it and would've like too. She felt the booklet were not available to anyone except the board members and doesn't think residents know what is in it. She does have faith with Attorney Schum that they have done great work, but would like to see it.

Supervisor Giunta and Attorney Schum explained it has been available since September 2022 at the library, on-line and the town clerk's office

Supervisor Giunta asked if anyone from the audience wanted to speak, hearing none closed the public hearing at 7:31pm.

### **TO REVIEW A TOWN PROPERTY ASSESSMENT LIST**

Supervisor Giunta, there was actually one (1) town property on the town assessment list, which is 911 Brooks Ave. the old Holiday Inn / Ramada Inn right in front of the airport. The Town has been approached by a developer, looking to redevelop that whole site. It's a former hotel building that has been vacant and is an ideal site for a revitalization and construction to upgrade and modernize that site. They want to partner with the Town and Restore NY which offers grant money up to two-million dollars to help with demolition, abatement of asbestos, but it has to come through the town, so the town is looking to apply for this through Restore NY and if granted pass onto the developer to hopefully be able to demolish the whole site and revitalize that site. It is the Gateway to Rochester with the airport right there, it's the first thing you see coming into Gates. It would be great to get that done for our community.

Attorney Schum unfortunately that property has been vacant for a quite some time and will not be developed unless there is someone willing to start all over at the ground level.

Supervisor Giunta asked if anyone from the audience wanted to speak on this?

Ed Mauro, 47 Cedar Cove Tr, always wondered about things like this. Who owns land like this? Is it the Town's land?

Supervisor Giunta, it is privately owned, the previous hotel owner, owned it, they foreclosed on it and another property company did buy it and now there are developers interested in redeveloping the whole area.

Supervisor Giunta asked if anyone else from the audience wanting to speak on this, hearing none closed the public hearing at 7:37pm.

### **7:30PM REGULAR TOWN BOARD MEETING**

Supervisor Cosmo Giunta called the meeting to order at 7:39PM. He began with a moment of silent prayer. Pledge of Allegiance followed led by Councilman Loughlin

There were no revisions made to the minutes of the Public Hearings and Regular Town Board Meeting held November 9, 2022. Minutes will stand as drafted, published and made available on the website and Town Clerk's office.

### **AUDIENCE PARTICIPATION**

Laurie Clocksin is confused because she heard the Smart Climate was in the comprehensive plan and doesn't see how to differentiate it. If you adopt it today, then it is as if there was no public hearing on the Climate Smart Community or are we all just supposed to be aware of it?

Attorney Schum, there is no statutory requirement that you have to have a public hearing if the board wants to participate as a Climate Smart Community. It's a commitment on the part of the

board by way of a resolution. If this board or a next board doesn't follow through with that commitment, then it's the end of the participation. It's a commitment to do things in the future. There are ten (10) items that identify the goal of a Climate Smart Community.

Mrs. Clocksin went through the NYS sponsored plan herself, with pledges like bronze and silver. She doesn't understand how the Town of Gates; a homespun community would participate in this and doesn't agree with it and continued with some information she found and feels this is about the public's freedoms. She also added the gas station on the corner of Coldwater and Buffalo Rd has a huge play the lottery sign and it blocks the view.

Supervisor Giunta thanked Mrs. Clocksin for making him aware of it and will let the Code Enforcer check it out. He then closed Audience participation

### **OLD BUSINESS**

None

### **NEW BUSINESS**

#### **APPROVING PROMOTION OF OFFICER MICHAEL DALY TO RANK OF INVESTIGATOR**

Chief Long is here to honored and promote on of our offices to the rank of Investigator. About two months ago, Investigator Sue O'Mara retired after a twenty (20) year career here in the Town of Gates. In a Town like this, at least two investigators are needed. An internal process was started, with who was interested and through the interview process, background, qualifications and came across Officer Mike Daly, who joined the Gates Police Dept. in 2016. He is a Gates Chili graduate and was a Police Officer in Washington DC before moving back to Gates, where he was born and raised. In his career since 2016, the amount of felony drug arrests, felon, felony gun arrest, some domestic arrests that lead to felony level burglaries. Mikes overall ability to talk to people both anti-police people, pro-police people, criminals, victims, witnesses, it was a good fit for us to offer the promotion to Mike for the rank of Investigator. He has done an outstanding job since 2016 and did an outstanding job in DC as well. We like to promote within with people who put in an eight-hour (8) day and Mike puts in ten-twelve (10-12) hour days

Councilman Cordero has known Mike Daley for a couple years and believes he will make a great asset as Investigator with the Gates Police Dept.

### **RESOLUTION 158-22**

Motion by Councilman Cordero who moved its adoption:  
Seconded by: Councilman DiPonzio

Resolved, that the Gates Town Board does hereby approve the Promotion and of Officer Michael Daly to Rank of Investigator.

### **VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

### **Motion Carried.**

Supervisor Giunta has had the pleasure of working with Mike Daley for a few years and feels he will do a fantastic job as Investigator and looks forward to having him in this new role.

Mike Daly, thanked everyone and introduced his baby girl, and family. Is very fortunate to be here with his Gates PD Family as well. He continued with thanking everyone for the opportunity



and very much looks forward to his new role as investigator and continuing strong team work within the department accomplish their goals

Oath was then administered by Chief Long and presented with his Investigator's badge.

Lieutenant Matt Pascarella, obviously they are losing him on the road side of the office to some degree because he will always be working with them. He has appreciated his leadership and ability to talk to the other officer's and as he looks in the back, sees the capable hands that will be taking over that mission. It gives hope to the future of police work, in a time that police work isn't being done all the time, because of fears and things holding them back. We, here in Gates still believe in law and order and fill that mission and some of the the warrants and things he has brought in, is something he hasn't seen. Mike Daly is a hard worker, approachable and down to earth which is rare to find and is sure he will be a great leader in this department for many years.

## **ADOPTING A RESOLUTION TO DESIGNATE THE TOWN OF GATES AS A CLIMATE SMART COMMUNITY**

### **RESOLUTION 159-22**

Motion by Councilman Loughlin who moved its adoption:

Seconded by: Councilman Tucciarello

WHEREAS, the Town of Gates (hereinafter "local government") believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Gates, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) Build a climate-smart community.**
- 2) Inventory emissions, set goals, and plan for climate action.**
- 3) Decrease energy use.**
- 4) Shift to clean, renewable energy.**
- 5) Use climate-smart materials management.**
- 6) Implement climate-smart land use.**
- 7) Enhance community resilience to climate change.**
- 8) Support a green innovation economy.**
- 9) Inform and inspire the public.**
- 10) Engage in an evolving process of climate action.**

VOTE OF THE BOARD

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**ADOPTING A SEQR RESOLUTION AND DETERMINATION  
OF NON-SIGNIFICANCE  
2022 TOWN OF GATES COMPREHENSIVE PLAN**

**RESOLUTION 160-22**

Motion by Supervisor Giunta who moved its adoption:

Seconded by: Councilman Loughlin

**WHEREAS**, the Town Board of the Town of Gates has undertaken to update its existing Comprehensive Plan and in conjunction therewith has created a special Town of Gates Comprehensive Plan Update Board; and

**WHEREAS**, such Board has in accordance with the provisions of Section 272-A of Town Law caused public informational meetings and has otherwise followed the procedure and requirements of Town Law with respect to the draft of such 2022 Comprehensive Plan; and

**WHEREAS**, the Town Board of the Town of Gates did publish Legal Notice and did conduct a Public Hearing so as to receive public comment upon the draft of the 2022 Comprehensive Plan which Public Hearing was held and conducted by the Town Board of the Town of Gates on the 5<sup>th</sup> day of December, 2022, and at which hearing all interested persons were heard concerning the subject matter thereof; and

**WHEREAS**, the Town of Gates did further cause to be prepared a full environmental assessment of the proposed action which generic full environmental assessment form has been on file and has been available for public comment as well; and

**WHEREAS**, as a result of the review of all public comments so received and upon the review of the generic environmental assessment statement relating to the adoption of the 2022 Town of Gates Comprehensive Plan, the Town Board of the Town of Gates is required to determine the environmental impact, if any, of the proposed adoption of such Comprehensive Plan. Upon a thorough review of the proposed plan and the environmental impacts of such plan, if any, upon the Town of Gates, this Board is prepared to issue its Negative Declaration of Environmental Significance with respect to the adoption of the 2022 Town of Gates Comprehensive Plan.

**NOWHEREFORE**, be it **RESOLVED** by the Town Board of the Town of Gates, Monroe County, New York as follows:

**SECTION I.** That the Town Board of the Town of Gates finds and determines that the adoption of the 2022 Town of Gates Comprehensive Plan is a listed Type I Action and upon a review of the information contained in the Environmental Assessment form and the Schedules attached thereto and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town Board of the Town of Gates that the adoption of the 2022 Town of Gates Comprehensive Plan will result in no significant adverse impacts on the environment and therefore an environmental impact statement need not be prepared.

SECTION II. That this resolution shall be and is accordingly a Negative Declaration of Environmental Significance.

SECTION III. That this Negative Declaration of Environmental Significance shall be filed with the Supervisors Office, the Town Clerk's Office and shall be forwarded to the Environmental Notice Bulletin.

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

**Motion Carried.**

**ADOPTING THE TOWN OF GATES 2022 COMPREHENSIVE PLAN**

**RESOLUTION 161-22**

Motion by Supervisor Giunta who moved its adoption:  
Seconded by Councilman Tucciarello

**WHEREAS**, the Town Board of the Town of Gates has caused to be prepared the draft of the 2022 Town of Gates Comprehensive Plan Update; and

**WHEREAS**, such draft plan has been on file and has been the subject of public review and comment; and

**WHEREAS**, the Town Board of the Town of Gates did adopt a resolution and determination of no environmental impact concerning the adoption of such plan by the Town of Gates; and

**WHEREAS**, the Town Board of the Town of Gates did hold and conduct a public hearing to receive public comment upon such draft plan which public hearing was held and conducted by the Town Board of the Town of Gates on the 5<sup>th</sup> day of December, 2022, and at which hearing all interested persons were heard concerning the subject matter thereof; and

**WHEREAS**, the Town Board of the Town of Gates is desirous of adopting the draft 2022 Town of Gates Comprehensive Plan as the Town of Gates Comprehensive Plan.

**NOWTHEREFORE**, be it RESOLVED by the Town Board of the Town of Gates, Monroe County, New York as follows:

SECTION I. That by the adoption of this resolution the Town Board of the Town of Gates does hereby adopt the 2022 Town of Gates Comprehensive Plan as the final Comprehensive Plan of the Town of Gates.

SECTION II. That copies of such plan shall be filed with the Town Clerk and the Monroe County Department of Planning.

SECTION III. That the Town Board of the Town of Gates does hereby establish 2027 as the next year within such Comprehensive Plan shall be further reviewed and updated.

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

**Motion Carried.**

**APPROVING A 5-YEAR LEASE RENEWAL WITH COPIER FAX BUSINESS  
TECHNOLOGIES AS TOWN'S COPIER MACHINES VENDOR**

**RESOLUTION 162-22**

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby Approves the 5-year lease renewal with Copier Fax Business Technologies as Town's copier machines vendor

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

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

**LITTLE CAESAR'S PIZZA, 2394 LYELL AVE.;**  
**T & T BOTTLE & CAN REDEMPTION CENTER, 505 SPENCERPORT RD.;**  
**STARBUCKS COFFEE \$14142, 2110 CHILI AVE.;**  
**390 SELF STORAGE, 142 BUELL RD.; JOE'S KWIK MART, 1952 LYELL AVE.;**  
**CARAGLIO'S PIZZERIA, 3869 LYELL RD.; JACK'SS BBQ & PIZZA,**  
**3055 BUFFALO RD.; PURA VIDA VILLE, 2115 BUFFALO 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.

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**RESOLUTION 163-22**

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following Little Caesar's Pizza, 2394 Lyell Ave.; T & T Bottle & Car Redemption Center., 505 Spencerport Rd.; Starbucks Coffee #14142, 2110 Chili Ave.; 390 Self Storage, 142 Buell Rd.; Joe's Kwik Mart, 1952 Lyell Ave.; Caraglio's Pizzeria, 3869 Lyell Rd.; Jack'ss BBQ & Pizza, 3055 Buffalo Rd.; Pura Vida Ville, 2115 Buffalo Rd.

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**AUTHORIZING SURETY, FORM AND AMOUNT OF OFFICIAL  
UNDERTAKING FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF THE  
TOWN CLERK AND RECEIVER OF TAXES AND ASSESSMENTS; AND HEREBY  
AUTHORIZING THE TOWN CLERK OBTAIN A BLANKET COVERING ALL TOWN  
EMPLOYEES AND TOWN OFFICIALS.**

**RESOLUTION 164-22**

Motion by Supervisor Giunta who moved its adoption:  
Seconded by: Councilman Cordero

Resolved, that the Gates Town Board hereby Authorizing surety, form and amount of official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments; and hereby authorizing the Town Clerk obtain a Blanket Bond covering all Town Employees and Town Officials.

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**AUTHORIZING THE TOWN DIRECTOR OF FINANCE TO MAKE AN  
INTERFUND TRANSFER OF \$340,000 FROM THE GENERAL FUND TO THE  
HIGHWAY FUND**

**RESOLUTION 165-22**

Motion by Councilman Tucciarello who moved its adoption:  
Seconded by: Councilman Loughlin

Resolved, that the Gates Town Board hereby Authorizes the Town Director of Finance to make an interfund transfer of \$340,000 from the General Fund to the Highway Fund

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**SCHEDULING THE 2023 TOWN OF GATES ORGANIZATIONAL AND THE  
REGULAR JANUARY TOWN BOARD MEETINGS**

**RESOLUTION 166-22**

Motion by Councilman DiPonzio who moved its adoption:  
Seconded by: Councilman Cordero

Resolved, that the Gates Town Board hereby scheduled the 2023 Town of Gates Organizational Meeting for Tuesday, January 3, 2023 at 9:00am and the Regular January Town Board meeting for Tuesday, January 3, 7:30pm

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**NEW BUSINESS OF COUNCIL MEMBERS**

Supervisor Giunta announced the Santa Parade. Sunday, December 18<sup>th</sup> and Monday, December 19<sup>th</sup>. The town will be split in half and have two (2) sleighs with a bunch of vehicles going the North and South side each day. Starting at 4:30pm and 5:30pm Map will be on Facebook

Supervisor Giunta also shared Wreaths Across America Ceremony will be held on Saturday, December 17<sup>th</sup> in the Town Hall Meeting Room

Councilman Loughlin invited everyone to the Gates Historical Society presents Holly Days at the Hinchey House. It will be running Saturday and Sunday 10<sup>th</sup> & 11<sup>th</sup> and 17<sup>th</sup> & 18<sup>th</sup> 1:00pm-3:00pm

Councilman DiPonzio on behalf of the Town Board, wishes everyone a Healthy and Happy Holiday Season.

Supervisor Giunta wished everyone a very Merry Christmas and Happy New Year

**REPORTS**

**SUPERVISOR’S**

**ACCEPTING THE SUPERVISOR’S  
REPORT FOR THE MONTH OF NOVEMBER 2022**

**WARRANTS**

**GENERAL**

CLAIMS # A22-0656 – A22-0716	\$62,797.81
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**HIGHWAY**

CLAIMS # D22-0489 – D22-0514	\$36,423.45
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**LIBRARY**

CLAIMS #L22-0214 – L22-0244	\$55,321.97
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<b>TOTAL DISBURSEMENTS</b>	<b>\$1,749,598.25</b>
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<b>TOTAL RECEIPTS</b>	<b>\$1,566,618.87</b>
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Supervisor Giunta noted for the record that the warrants for the month of November 2022 have been examined by the Town Board and signed.

**RESOLUTION 167-22**

Motion by Councilman Cordero who moved its adoption:  
Seconded by Councilman DiPonzio

Resolved, that Gates Town Board hereby accepts the Supervisor’s Report for the month of October 2022 as read; and the warrants for the month of November 2022 as read.

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**ACCEPTING THE TOWN CLERKS REPORT  
FOR THE MONTH OF NOVEMBER 2022**

The Town Clerk read the report for the month of November 2022 showing the following:

TOTAL REVENUE COLLECTED	\$18,462.89
TOTAL REVENUE TO THE SUPERVISOR	\$16,614.26
TOTAL NON-LOCAL REVENUE	\$1,848.63

**PERSONAL STATUS REPORT**

The Town Clerk read the Personnel Status Report for the month of November 2022 with no changes.

**RESOLUTION 168-22**

Motion by Councilman Loughlin who moved its adoption:  
Seconded by Councilman Tucciarello

Resolved, that Gates Town Board hereby accepts the Town Clerk's and Personnel report for the month of November 2022.

**VOTE OF THE BOARD**

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

There being no further business to come before the Town Board, Councilman Cordero motioned and Councilman DiPonzio second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:02PM.

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Town Clerk