

March 6, 2023

The Gates Town Board held Two (2) Public Hearings and its Regular Town Board meeting on Monday, March 6, 2023 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 HEARINGS

**CONSIDERING A CONDITIONAL USE PERMIT FOR
EVAN MAYER (MAYER RESTAURANTS)
TO OPERATE JERSEY MIKES AT 20 SPENCERPORT RD. IN
A (GB) GENERAL 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 to speak on this application. No one was in attendance. He continued and explained this is really just a formality, since they have been operational several months and it was an error on the town's part. When applying for their permits, the conditional use permit should have been applied for as well, but was overlooked. Business has been running smooth and going well. A ribbon cutting ceremony was even held many months ago.

Councilman DiPonzio mentioned this was a previous location of a Subway, so not completely different in operation.

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 58-23

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves an application from Evan Mayer (Mayer Restaurants) for a Conditional Use Permit to Operate Jersey Mikes Subs at 20 Spencerport Rd., in a General Business District (GB) with the following Conditions:

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

Motion Carried.

**CONSIDERING A PROPOSED LOCAL LAW TO ESTABLISH A MORATORIUM ON
THE APPLICATION FOR OR GRANTING OF PERMITS FO THE ELECTRONIC
SIGNAGE WITHIN THE TOWN OF GATES FOR A PERIOD OF SIX (6) MONTHS**

Supervisor Giunta explained the reason for this, is due to some inconsistencies with the code for electric signage. This will give the Town an opportunity to view the town code, compare to other towns and make sure everyone is following the correct code as it relates to electronic signage. Especially for new establishments coming in as revisiting existing businesses that currently have electronic signage and to be sure we have corrected, consistent regulations and codification on this, in order to be fair for everyone.

Attorney Schum agreed, the proposed local law actually allows the board to extend the moratorium up to and additional three (3) months if the code revisions are being worked on and the board needs more time to work on to be sure it is detailed.

Supervisor Giunta since this is a Public Hearing asked if anyone from the audience wanted to speak for or against this. Hearing none, closed the public hearing at 7:20pm.

7:30PM REGULAR TOWN BOARD MEETING

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

There were no revisions made to the Public Hearings and Regular Town Board Meeting minutes from February 6, 2023 and will be published and made available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

Diane Newton, 91 Marc-Mar Trail, her and her husband have been Gates residents for eighteen (18) years. They are here to discuss the New York Citizens Audit, which is a team of over five hundred (500) concerned citizens working to restore integrity to New York State. She presented the Town Board a copy of the "Resolution for an Audit" for review and signature in support. She continued with key points of the resolution, thanked the board for the opportunity to speak on this.

Supervisor Giunta asked if she has gone to other towns as well?

Mrs. Newton knows there has been at least sixty (60) towns across the state that have requested this document, but doesn't know how many have been turned back in. She would like to return for the April TB meeting because the state legislature closes in June and doesn't want to wait to the last minute.

Supervisor Giunta thanked Mrs. Newton and asked if there is a petition that people could sign if they wanted? She replied she has one and would like anyone who wants to sign it.

OLD BUSINESS

CONSIDERING A CONDITIONAL USE PERMIT FOR BISMA KHAN (KHAN HOSPITALITY LLC) TO OPERATE MOTEL 6 AT 1273 CHILI AVE. A (GB) GENERAL BUSINESS DISTRICT

Supervisor Giunta acknowledged that the applicant was here, Ms. Kahn. He wanted to capture on record that there was a meeting held with himself, Gates Police Chief Long, Gates Fire Chief Bubel, Gates Ambulance Dan DiSalvo, Highway Superintendent Kurt Rappazzo, Sal Montemurro Fire Marshal and Ms. Khan to express some of their concerns with the hotel in the past. He believes the meeting went very well and everyone that attended agreed with an outcome of giving Ms. Khan the opportunity to run Motel 6 and turn it around. They have emailed each

other about the concern with the County placing residents at the hotel. He asked Ms. Khan about any meeting with the County and to elaborate on the conversation had with them.

Bisma Khan had a conversation with the Monroe County (Jennifer & Rebecca), they have only placed mothers & children at the hotel, no single people. She believes in the month of February there was minimal police calls. Police Chief Rob Long would need to verify. She continued, there has been progress for sure. They have started painting and some renovations. She invited the board to stop in.

Supervisor Giunta stated he did stop in and did see people cleaning and stated the lobby looked very presentable, better than it did prior times he visited.

Councilman Tucciarello, so much material was covered at the last meeting, with many questions Answered by her and thanked her being in the town.

Supervisor Giunta reiterated with Town Code, No one is allowed to stay more than thirty (30) days, knowing there may be a few currently, but going forward will need to be strictly maintained which is key for the town. He would also like to add a condition, if the county calls to place someone, to inform the town, the more informed the town is the better to assist her.

Ms. Khan agreed with all of the supervisor's comments. She explained that currently there is a family whose house burned down and was placed by the Red Cross

Councilman Cordero asked if the county calls, does she have to place them or can she choose. He is concerned with sex-offenders, PEDI filer being placed there.

Ms. Khan responded, no, she can choose, she is not obligated, there are No sex-offenders or even single people, but the women with children she does want to help. She walks the hallways and spends time at the front desk and likes to be visible

Chief Long, there were sixty-six (66) calls in February, twenty self-initiated by his officers, so forty-three (43) calls to the hotel, most of which was medical related, nothing super bad.

Angela Mitchell, the GM who stated at the hotel last year with the previous owner and says it is way better. Ms. Khan is very active with Monroe County and the communication and understanding of not accepting just anyone, keeping it to family. She is on staff regularly.

Supervisor Giunta asked if Ms. Mitchell is always there on staff.

Ms. Mitchell replied either her or Ms. Kahn are there always.

RESOLUTION 59-23

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

Resolved, that the Gates Town Board hereby Approves a Conditional Use Permit for Bisma Khan (Khan Hospitality) to Operate Motel 6 at 1273 Chili Ave. in a (GB) General Business District with the following conditions:

- No Guest staying more than thirty (30) days
- If Monroe County reaches out to place people, that Ms. Kahn is to notify the Town

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

NEW BUSINESS

**ACCEPTING A GRANT FOR \$62,000 FROM NEW YORK STATE DEPARTMENT
OF CRIMINAL JUSTICE FOR THE GATES POLICE DEPARTMENT
BODY CAMERA PROGRAM**

RESOLUTION 60-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Accepts a Grant for \$62,000 from New York State Department of Criminal Justice for the Gates Police Department Body Camera Program

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

Motion Carried.

**APPOINTING JAY FRIDLEY AS BINGO AND GAMES OF CHANCE INSPECTOR
FOR THE TOWN OF GATES FOR THE YEAR 2023 AT AN
ANNUAL SALARY OF \$7,000**

Supervisor Giunta added Mr. Fridley is also a Special Police with the Gates Police Department as well as Assistant Dog Warden. He has experience as working bingo halls in other areas.

RESOLUTION 61-23

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Jay Fridley as Bingo and Games of Chance Inspector for the Town of Gates for the year 2023 at an annual salary of \$7000.00.

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

Motion Carried.

**APPOINTING DICK LIPPA AS AN ALTERNATE T THE ZONING BOARD OF
APPELAS FOR A FIVE (5) YEAR TERM, TERM TO EXPIRE MARCH 6, 2028**

Councilman Cordero, Mr. Lippa has been a resident of the town since 1942, in the real-estate business since 1977, so as liaison of the Zoning Board welcomes Mr. Lippa to the Zoning Board as an alternate.

RESOLUTION 62-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Dick Lippa as an alternate to the Zoning Board of Appeals for a five (5) year term, term to expire March 6, 2028.

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

Motion Carried.

Attorney Schum commented Mr. Lippa has been very active in the real-estate business for decades and is sure he will be a welcomed addition to the Zoning Board.

APPROVING THE AMENDED TOWN OF GATES INVESTMENT POLICY

RESOLUTION 63-23

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

Resolved, that the Gates Town Board hereby Approves the Amended Town of Gates Investment Policy

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

AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE 2022 BUDGET TRANSFERS WITHIN THE GENERAL, HIGHWAY AND LIBRARY FUNDS

RESOLUTION 64-23

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

Resolved, that the Gates Town Board hereby Authorizes the Director of Finance to make 2022 Budget transfers within the General, Highway and Library Funds.

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

**ACCEPTING GENESEE COUNTY AS THE LEAD AGENCY FOR SEQR,
RELATING TO THE GENESEE COUNTY WATER
SUPPLY IMPROVEMENT PROJECT**

RESOLUTION 65-23

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

Resolved, that the Gates Town Board hereby Accepting Genesee County as the lead agency for SEQR, relating to the Genesee County Water Supply Improvement project

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

**ACCEPTING THE 2022 YEAR END REPORTS FOR
TOWN JUSTICE PUPATELLI AND TOWN JUSTICE CASSARA**

RESOLUTION 66-23

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

Resolved, that the Gates Town Board hereby Accepting the 2022 Year End Reports for Town Justice Pupatelli and Town Justice Cassara

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

**CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS
FOR THE FOLLOWING:
WESTSIDE FAMILY YMCA, 920 ELMGROVE RD.;
DUNKIN' DONUTS, 1578 SPENCERPORT RD.;
MEDHANE ALEM ERITEAM ORTHODOX TEMAHD, 2445 LYELL RD.**

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

RESOLUTION 67-23

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Westside Family YMCA, 920 Elmgrove Rd.; Dunkin' Donuts, 1578 Spencerport Rd.; Medhane Alem Eriteam Orthodox Temahdo, 2445 Lyell Rd

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

**SCHEDULING PUBLIC HEARINGS TO START AT 7:00PM
TO CONSIDER THREE (4) CONDITIONAL USE PERMITS**

**#1 TIMOTHY LATONA (REPRESENTED BY JUSTIN CAROZZOLO) TO OPERATE
GO CAR WASH AT 1190 CHILI AVE. IN A GENERAL BUSINESS (GB) DISTRICT**

**#2 STEVE CAROZZA TO OPERATE MANITOU RD. FLEXIBLE SPACE SUITES AT
2500 BUFFALO RD. IN A (LI) LIMITED INDUSTRIAL BUSINESS DISTRICT**

**#3 TO CONSIDER A PETITION FOR A ZONING CHANGE FOR WHITESTONE
DEVELOPMENT PARTNERS, LLC LOCATED AT 500 DIMINO WAY AND 3410
BUFFALO RD. FROM PUD AND R-1-11 TO PUD.**

**#4 DAN STRATTON TO OPERATE INSURANCE AUTO AUCTIONS CORP. AT 522
TROLLEY BLVD. IN A (GI) GENERAL INDUSTRIAL DISTRICT**

RESOLUTION 68-23

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, April 3, 2023 at 7:00PM to consider Three (3) Conditional Use Permits. #1. Timothy Latona to Operate GO Car Wash at 1190 Chili Ave. in a (GB) General Business District, #2. Steve Carozza to operate Manitou Rd Flexible Space Suites located at 3500 Buffalo Rd. in a Limited Industrial Business (LI) District, #3 To Consider a Petition for a Zoning change for Whitestone Development Partners, LLC located at 500 Frank Dimino Way and 3410 Buffalo Rd. from PUD and R-1-11 to a PUD and #4 Dan Stratton to operate Insurance Auto Auctions Corp. located at 522 Trolley Blvd. in a General Industrial Business (GI) District

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

Supervisor Giunta stated items 12 and 13 were to be added to the agenda and that we had a public hearing earlier about the local law for the moratorium. He wanted to get the negative declaration adopted. Stated this is a local matter of type II declaration for SEQR.

Attorney Schum just added that it is routine and statutory review with no impact to the environment

**RESOLUTION AND NEGATIVE DECLARATION
LOCAL LAW #1-2023**

RESOLUTION 69-23

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

WHEREAS, the Town Board of the Town of Gates is considering the enactment of Local Law # 1-2023; and

WHEREAS, before such Local Law can be enacted the effects of the enactment of such Local Law upon the environment must be considered; and

WHEREAS, routine Governmental Administration and Management is a designated Type II Action under SEQR;

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

SECTION I. That the Board finds and determines that the enactment of Local Law # 1-2023 is routine Governmental Administration and Management, and is, accordingly, a Type II Action under SEQR.

SECTION II. That the enactment of Local Law # 1-2023 may proceed without further regard to SEQR.

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

**ENACTMENT OF INTRODUCTORY
LOCAL LAW #1-2023**

RESOLUTION 70-23

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

WHEREAS, the Town Board of the Town of Gates has considered the enactment of Introductory Local Law # 1-2023; and

WHEREAS, pursuant to Legal Notice duly given the Town Board of the Town of Gates did hold and conduct a Public Hearing to consider the enactment of such Local Law, at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board did heretofore adopt a Resolution and Negative Declaration of Environmental Significance with respect to the enactment of the subject Local Law; and

WHEREAS, the Town Board is now desirous of enacting Local Law # 1-2023;

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

SECTION I. That the Town Board of the Town of Gates does hereby enact Local Law # 1-2023 to read and provide as follows:

Section 1. AUTHORITY.

This Local Law is adopted pursuant to the provisions of Town Law and Municipal Home Rule Law of the State of New York.

Section 2. MORATORIUM ESTABLISHED.

By the adoption of this Local Law, the Town of Gates establishes a Moratorium on the application for, processing, and approval of all applications for Electronic Signage within the Town of Gates.

Section 3. TERM OF MORATORIUM.

The term of this Moratorium shall be for a period of six (6) months and may for good cause shown be extended for a period not to exceed an additional three (3) months from the date of enactment of this Local Law.

Section 4. EXCEPTIONS.

Application may be made to the Town Board of the Town of Gates for exception to the Moratorium provisions of this Local Law and the Town Board shall not be obligated to consider and/or grant exceptions to the Moratorium provisions of this Local Law.

Section 5. WHEN EFFECTIVE.

This Local Law shall become effective upon filing with the Secretary of State.

SECTION II. That the Town Clerk is hereby directed to file this Local Law with the Secretary of State.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, St. Patrick's Day Parade is Saturday, March 11, 2023. The Garden Club will be in the trailer which has been decorated by them as well as Gates Police, a few Doud Post 98 members. Parade starts at 12:30pm. Please join us.

Councilman Loughlin added the Gates Keystone Club will be Grand Marshall, celebrating their twenty-fifth (25) Anniversary.

Supervisor Giunta, the Gates Highway Department will be hosting the Hazardous Waste Collection Day, Saturday April 29, 2023, appointment needed, more information is available in the posting in the front and on the website.

REPORTS

SUPERVISOR'S

**ACCEPTING THE SUPERVISOR'S
REPORT FOR THE MONTH OF FEBRUARY 2023**

WARRANTS**GENERAL**

CLAIMS # A22-0805 – A22-0807	\$26,051.77
CLAIMS # A23-0040 – A23-0096	\$41,110.34

HIGHWAY

CLAIMS # D22-0585 – D22-0588	\$1,744.41
CLAIMS # D23-0031 – D23-0069	\$55,033.75

LIBRARY

CLAIMS #L22-0281 – L22-0289	\$338.06
CLAIMS #L23-0004 – L23-0015	\$26,941.89

TOTAL DISBURSEMENTS	\$2,594,558.61
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TOTAL RECEIPTS	\$10,013,951.08
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Supervisor Giunta noted for the record that the warrants for the month of February 2023 have been examined by the Town Board and signed.

RESOLUTION 71-23

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 February 2022 as read; and the warrants for the month of February 2023 as read.

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

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF FEBRUARY 2023**

The Town Clerk read the report for the month of February 2023 showing the following:

TOTAL REVENUE COLLECTED	\$17,370.63
TOTAL REVENUE TO THE SUPERVISOR	\$17,036.07
TOTAL NON-LOCAL REVENUE	\$334.56

RESOLUTION 72-23

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

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of February 2023.

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 February 2023

Personnel Status Report for the month of February 2023.

Additions: 2 (1-Public Safety and 1-Police Department)

Terminations: 0

Net Change 2

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

Town Clerk