

April 1, 2024

The Gates Town Board held Two (2) Public Hearings and its Regular Town Board meeting on Monday, April 1, 2024 at the Town Hall Meeting Room at 7:10 PM. 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
Dan Schum	Town Attorney
Veronica Owens	Town Clerk

7:10PM PUBLIC HEARINGS

The Town Attorney, Dan Schum verified that the Legal Notice for both Public Hearings were properly published as required by law.

TO CONSIDER CREATING A LIGHTING DISTRICT FOR FRANK DIMINO WAY

Jerry Goldman, attorney agent for Whitestone Development who is the project sponsor for the Whitestone Development planned unit development on Frank Dimino Way, essentially the northeast corner of Buffalo and Manitou Roads, which is a residential development that contains single-family houses as well as multi-family residents. The Town spent a lot of time and effort working with the developer to come up with a program that makes sense for this property, included is the phasing of the project to include single-family being in place as a buffer for residences to the east, but now are here for the creation of the lighting district. The lighting district for this property comes at absolutely no expense to the Town of Gates. The initial construction is done and then there is a continuing maintenance payment for the district itself. He believes the petitions that have been filed have been signed off by the town attorney as well as reviewed by the Director of Public Works, Kurt Rappazzo and believed is a straight forward issue.

Supervisor Giunta reiterated Mr. Goldman's statement that the developer has taken care of all the expenses, so there will be no expense to the Town of Gates and the lighting district would be established, and therefore the tax bills of those participating in that so the town would be collecting on that aspect of it.

Attorney Schum agreed with Attorney Goldman and what he stated was absolutely true, proper in form, and more than sufficient assessment and resident owners that qualify the project to be before the Board, it was properly published and posted. It is purely ministerial in terms of forming the district, but it is a condition of the Planning Board, when they approved this project, they said they wanted the public road to be lighted. There are private roads within the project as well, but the public roads were a condition of the PB.

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

Councilman Tucciarello this has already gone before the Planning Board and feels there is no reason to hold back on.

**RESOLUTION AND NEGATIVE DECLARATION
ESTABLISHING THE FRANK DIMINO WAY LIGHTING DISTRICT**

RESOLUTION 73-24

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman DiPonzio

WHEREAS, the Town Board of the Town of Gates is considering the formation of the Frank Dimino Way Lighting District; and

WHEREAS, before such district can be established the effects of the establishment of such district upon the environment must be considered;

WHEREAS, establishment of districts to provide for the extension of existing utility services in approved subdivisions.

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

SECTION I. That the Board finds and determines that the establishment of the Frank Dimino Way Lighting District is a Type II Action under SEQR.

SECTION II. That the establishment of the Frank Dimino Way Lighting District may proceed without further regard to SEQR.

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

Motion Carried.

**RESOLUTION AND FINAL ORDER
ESTABLISHING THE FRANK DIMINO WAY LIGHTING DISTRICT**

RESOLUTION 74-24

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

In the Matter of the Petition for the formation of the Frank Dimino Way Lighting District in the Town of Gates, Monroe County, New York.

WHEREAS, a written Petition in this matter, dated February 22, 2024, for the establishment of Frank Dimino Way Lighting District having been duly presented to the Town Board, together with the necessary map and plan attached thereto, and an Order having been adopted by the Town Board on March 6, 2024, calling for a hearing of all interested persons in the matter on April 1st, 2024 at 7:10 p.m. at the Gates Community Center, and due notice of said hearing having been given by publication and posting, and a hearing by the said Board having been duly held at 7:10 p.m. on April 1st, 2024, at the Gates Community Center, 1605 Buffalo Road, Rochester, New York 14624, and it being duly

FOUND, ORDERED AND DETERMINED, that (1) Petition herein was signed and acknowledged or proved as required by law and otherwise sufficient; (2) that all property and property owners within the proposed district were benefited thereby; (3) that all property and property owners benefited were included within the limits of the proposed District; and (4) that it is in the public interest to grant in whole the relief sought, and it is further duly

RESOLVED, ORDERED AND DETERMINED, that the establishment of such District, as proposed, be approved and application to the State Department of Audit and Control are not being required because all costs are to be paid for by the Petitioner, it is hereby

ORDERED, that a Lighting District be established in the said Town of Gates, Monroe County, New York, to be designated as the Frank Dimino Way Lighting District and to be of the following description and boundaries, to wit:

**Description of
Frank Dimino Way Lighting District**

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN TOWN LOT 1 OF THE 4,000 ACRE TRACT & TOWN LOT 158 OF THE 20,000 ACRE TRACT, TWP 1, SHORT RANGE, MILL SEAT TRACT OF THE PHELPS AND GORHAM PURCHASE, TOWN OF GATES, COUNTY OF MONROE, STATE OF NEW YORK, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AND BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY OF BUFFALO ROAD – N.Y.S. ROUTE 33 (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST MOST CORNER OF LOT 2 OF THE BRINKMAN SUBDIVISION AS SHOWN ON A SUBDIVISION MAP FILED IN THE MONROE COUNTY CLERKS OFFICE AT LIBER 350 OF MAPS, PAGE 61, SAID POINT BEING MEASURED 1377.50 FEET EASTERLY OF THE EASTERLY RIGHT-OF-WAY OF MANITOU ROAD (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE,

1. N 0° 23' 41" E, A DISTANCE OF 727.45 FEET TO A POINT; THENCE,
2. S 89° 58' 02" W, A DISTANCE OF 143.06 FEET TO A POINT; THENCE,
3. S 89° 58' 02" W, A DISTANCE OF 1273.78 FEET TO A POINT; THENCE,
4. N 0° 23' 59" E, A DISTANCE OF 736.38 FEET ALONG THE R.O.W. LINE OF MANITOU ROAD TO A POINT; THENCE,
5. S 89° 34' 47" E, A DISTANCE OF 803.22 FEET TO A POINT; THENCE,
6. N 0° 25' 13" E, A DISTANCE OF 757.94 FEET TO A POINT; THENCE,
7. N 89° 59' 44" E, A DISTANCE OF 514.85 FEET TO A POINT; THENCE,
8. N 0° 25' 13" E, A DISTANCE OF 680.49 FEET TO A POINT; THENCE,
9. S 56° 08' 44" E, A DISTANCE OF 2135.07 FEET TO A POINT; THENCE,
10. S 0° 13' 00" E, A DISTANCE OF 871.11 FEET TO A POINT; THENCE,
11. S 83° 08' 42" W, A DISTANCE OF 72.31 FEET TO A POINT; THENCE,
12. S 6° 51' 18" E, A DISTANCE OF 19.00 FEET TO A POINT; THENCE,
13. S 83° 08' 42" W, A DISTANCE OF 93.98 FEET TO A POINT; THENCE,
14. S 40° 34' 39" W, A DISTANCE OF 91.31 FEET TO A POINT; THENCE,
15. S 1° 22' 33" E, A DISTANCE OF 212.42 FEET TO A POINT; THENCE,
16. S 73° 23' 56" W, A DISTANCE OF 391.74 FEET ALONG THE NYS-33 R.O.W. TO A POINT; THENCE,
17. N 31° 17' 09" E, A DISTANCE OF 265.83 FEET TO A POINT; THENCE,

18. S 89° 58' 02" W, A DISTANCE OF 411.29 FEET TO A POINT; THENCE,
19. S 6° 47' 56" E, A DISTANCE OF 392.31 FEET TO A POINT; THENCE,
20. SOUTHWESTERLY AROUND A CURVE TO THE LEFT A DISTANCE OF 19.04 FEET WITH A RADIUS OF 5764.66 FEET, AND CENTRAL ANGLE OF 0° 11' 21" ALONG THE NYS-33 R.O.W TO A POINT; THENCE,
21. S 69° 43' 56" W, A DISTANCE OF 252.82 FEET ALONG NYS-33 R.O.W. TO A POINT; THENCE,
22. S 68° 37' 56" W, A DISTANCE OF 505.36 FEET ALONG NYS-33 R.O.W. TO THE POINT AND PLACE OF BEGINNING

ORDERED, that within ten (10) days of enactment of this Order by the Town Board of the Town of Gates, a copy of this Order shall be recorded in the Monroe County Clerk's office and a copy shall be filed with the Department of Audit and Control pursuant to Section 195 of the Town Law.

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

TO CONSIDER A PETITION FROM KEVIN BRONGO FOR A ZONE CHANGE FROM RESIDENTIAL (R-1-11) TO INCENTIVE ZONING AT 456 WESTSIDE DRIVE

Supervisor Giunta asked if the applicant was present to speak on this.

Ed Martin, licensed engineer with DDS Engineer, representing Family Development in this application. He trusts the board has received the letter of petition and copies of the EIF, but distributed reduced copies of the larger print of the design.

The subject property is 456 Westside Dr. in a R-1-11 zoning district, Mr. Brongo would like to construct a seven (7) unit townhome building, which is currently not allowed under this zoning, which is the reason for the request of the incentive zoning. The natural question would be, why deviate from the current zone, but this benefits the town with increased tax return, increased value of the property with no additional impact to the town, in fact a significant reduction to the school district. If three (3) single family homes went in (which is allowed according to code), it would generate school children. These are marketed for empty nesters and is reflected in the square foot, which is under the twelve-hundred (1,200) square feet, which is not conducive to children living there. They are proposing a six (6) foot privacy fence surrounding the property in accordance to the code. Visually the neighbors will not notice a difference, noise wise, empty nesters are typically quiet unlike single-family homes. So, they believe this is a benefit for all involved. His understanding is Mr. Brongo submitted an EIF. The renderings (they displayed) reflect what is proposed and understands the town has a stormwater management requirement for a disturbance of twenty-five thousand (25,000) square feet of soil or more which is lower than the DEC threshold and is very familiar with this, due to other work he has done in the town, which reflected in site plan is a bio-retention area along the westside of the driveway that is sized to accommodate this size of development and they can service this proposed seven (7) unit townhome for water supply, sanitary sewer and for stormwater management. There is no impact to the town, it's all benefits.

Supervisor Giunta asked about the retention pond proposed?

Mr. Martin, it's a bio-retention pond, not a traditional standing pond. It's a very shallow area that's generally dry after a rain event, with a maximum of six (6) inches on ponding.

Councilman Cordero asked where the retention pond would be located?

Mr. Martin (**used rendering to show**) immediately west of the driveway and has calculations prepared to share with the town engineer.

Supervisor Giunta stated he appreciated Mr. Brongo holding an information meeting with the residents and heard there was about seven (7) residents and a couple councilmen.

Councilman DiPonzio asked if it is on slab and no basement?

Mr. Martin replied, no basement

Councilman Loughlin this project being marketed to “empty nesters” will this be a condition of leasing when accepting applications and how will that work?

Mr. Martin it will not be restricting, but will be marketed as so, which is why units are small and not conducive to families

Councilman Loughlin asked how many bedrooms and bathrooms?

Mr. Martin, two (2) bedrooms and (2) bathrooms and one (1) car garage.

Councilman DiPonzio asked is it one-story?

Mr. Martin replied, Yes.

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

Attorney Schum wanted to note, he has represented Family Development, presently and in the past and wanted the public to be aware of that.

Supervisor Giunta asked again if anyone from the audience wanted to speak for or against this? Hearing none closed the public hearing at 7:26pm.

Supervisor Giunta added this being the first, Incentive Zoning Application request for the town would like to review a bit more and discuss what type of incentive zoning and figure out what the town can utilize, if that’s the case. He would like to research with some of the other towns that have done this type of incentive zoning and see what type of incentive their towns have received.

RESOLUTION 75-24

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby **TABLED** the petition from Kevin Brongo for a zone change from Residential (R-1-11) to Incentive Zoning at 456 Westside Dr.

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

7:30PM REGULAR TOWN BOARD MEETING

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

He also stated that today 211 years ago the town was established and today is its birthday. Happy Birthday to the Town of Gates.

There were no revisions made to the Public Hearing or regular Town Board Meeting minutes from March 6, 2024 and will be published as drafted and available on the website and in the Town Clerk's office

AUDIENCE PARTICIPATION

Harry Olstrum (Gates Town Historian, Bill Gillette) graced us with his presence in to wish The Town of Gates a Happy 211th Birthday.

Supervisor Giunta thanked him for coming to celebrate and invited him and all to stay for cake.

Peter Velasquez, host of "The Next Step" radio show and is running for Monroe County Clerk, he had the pleasure of having the Gates Town Historian, Bill Gillette on his show earlier today along with former Gates Police Chief Jim VanBrederode and listening to the history of Gates is still getting calls from listeners, people who have been impacted by the leadership in the Town of Gates and the trajectory this town has taken the last 211 years and just wanted to thank Supervisor Giunta as well as the Board and previous supervisors for standing as a model for other towns.

OLD BUSINESS

None

NEW BUSINESS

**SWEARING OFFICER DAVID LAUER INTO
THE GATES POLICE DEPARTMENT**

Police Chief Rob Long presented Deputy Lauer who is coming to the Gates Police Department from Orleans County where he has about three (3) years of service and most recently became a drug racket expert, which is a big to-do in law enforcement. It also allows him to do some things medically and other officers aren't able to, in determining what substances people are on while operating motor vehicles in the Town of Gates. It goes further than breath test for alcohol. Through the background process have heard no negatives, has an awesome work ethic.

Officer Lauer had his family in the audience and his fiancé, Jessica hold the Bible while Chief Long swore him in. He appreciates the opportunity and excited to get started.

Supervisor Giunta, congratulated Office Lauer and welcomed him to as great team and looks forward to him serving the community.

**AUTHORIZING THE TOWN TO SUPERVISOR TO CONVEY VACANT LAND
ON PORTIONS OF EAST GATES WATER DISTRICT
BETWEEN LISA ANN DR. AND ELDER ST. TO ADJACENT PROPERTY
OWNERS; MELISSA CILENTO, JAMES & DANIELLE MULRAIN AND
MICHAEL J. HELMERC I**

RESOLUTION 76-24

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

WHEREAS, the Town of Gates, through the East Gates Water District, owns certain vacant land situate on Elder Street and Lisa Ann Drive being identified as Tax Account #: 104.18-4-36 and 104.18-4-47; and

WHEREAS, such lands are no longer needed by the Town of Gates or the East Gates Water District for municipal purposes; and

WHEREAS, the Town of Gates has approached properties abutting and adjoining the Town of Gates properties and such adjoining owners have expressed an interest in acquiring title to such vacant land from the Town of Gates.

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

SECTION I. By the adoption of this Resolution the Town Board of the Town of Gates finds and determines that the above referenced properties owned by the Town of Gates are no longer needed or useful for public purpose and the Town Board of the Town of Gates is authorized, pursuant to the provisions of the Town Law, to dispose of the same by private or public sale.

SECTION II. That the Supervisor be and he hereby is authorized to convey portions of the above property to Melissa Celento, James and Danielle Mulrain and Michael J. Helmerci. All costs and expenses of which shall be born by the Town of Gates.

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

Motion Carried.

**ESTABLISHING A “NO STANDING ZONE” ON BOTH SIDES OF
LONG POND RD. FROM LYELL RD. TO GATES GREECE TOWNLINERD. FOR
THE PURPOSE OF PROVIDING BICYCLE LANES AND AUTHORIZING
MONROE COUNTY DOT TO INSTALL SUCH SIGNAGE AS REQUIRED.**

RESOLUTION 77-24

Motion by Councilman Loughlin who moved its adoption:

Seconded by: Councilman Tucciarello

WHEREAS, it has been recommended to the Town Board that in accordance with §131-4. D of the Town of Gates Code that the Town of Gates establish a No Standing Zone along Long Pond Road for the purpose of providing bicycle lanes; and

WHEREAS, pursuant to the provisions of Chapter 131 of the Code of the Town of Gates such No Standing Zone can be established by the Town Board by Resolution;

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

Section 1. That by the adoption of this Resolution, the Town Board of the Town of Gates does hereby establish a No Standing Zone on both the east and west sides of Long Pond Road, County Road 136, from Lyell Road to Gates-Greece Townline Road.

Section 2. That such No Standing Zone be appropriately designated by posting of No Standing signs, in accordance with the provisions of the Vehicle and Traffic Law.

Section 3. That Monroe County shall install the No Standing signs, and upon completion of the original installation, the maintenance and ownership of the aforementioned signage shall transfer to the Town of Gates.

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

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

**COLDWATER ANIMAL HOSPITAL, 612 COLDWATER RD.; CLASSY CHASSY CAR
WASH, 2150 LONG POND RD.; DUNN TIRE #33, 1941 BUFFALO RD.;
GUIDA’S PIZZA, 736 ELMGROVE RD.; HAUS OF NAILS, 2909 BUFFALO RD.;
COLLEGE BOUND SEALERS, 989 BUFFALO RD.; FLEX SPACE STORAGE,
2500 BUFFALO RD.; SPLASH CAR WASH, (TWO LOCATIONS) 1985 BUFALLO RD.
AND 2234 CHILI AVE.;
MEDHANE ALEM ERITREAM 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 78-24

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; Coldwater Animal Hospital, 612 Coldwater Rd.; Classy Chassy Car Wash, 2150 Long Pond Rd.; Dunn Tire #33, 1941 Buffalo Rd.; Guida’s Pizza, 736 Elmgrove Rd.; Haus of Nails, 2909 Buffalo Rd.; College Bound Sealers, 989 Buffalo Rd.; Flex Space Storage, 2500 Buffalo Rd.; Splash Car Wash, (**TWO Locations**) 1985 Buffalo Rd. and 2234 Chili Ave.; Medhane Alem Eritream Orthodox Temahdo, 2445 Lyell Rd.

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

**SCHEDULING THREE PUBLIC HEARINGS
STARTING AT 7:10PM**

TO CONSIDER CONDITIONAL USE PERMITS FOR:

- #1. CARROLS LLC TO OPERATE BURGER KING, LOCATED AT 130 PIXLEY RD.**
 - #2. RICHARD J. CARUOTTA TO OPERATE MACGREGORS GRILL AND TAP ROOM, LOCATED AT 2205 BUFFALO RD.**
 - #3. LETICIA RIVERA TO OPERATE MONTE ALBAN, LOCATED AT 2209 BUFFALO RD.**
- ALL IN GENERAL BUSINESS DISTRICT**

RESOLUTION 79-24

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

Resolved, that the Gates Town Board hereby schedules Three(3) Public Hearings for Monday, May 6, 2024 starting at 7:10PM To consider Conditional Use Permits for:

- 1. Carrols LLC to operate a Burger King located at 130 Pixley Rd.
- 2. Richard J Caruotta to operate a MacGregors Grill and Tap Room located at 2205 Buffalo Rd. in a General Business District. **AND**
- 3. Leticia Rivera to operate a Monte Alban located at 2200 Buffalo Rd. **ALL** are in a General Business District.

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone, Monday April 8th is the Eclipse, the town offices will close at noon. Staff will head to TSE for the activities.

Councilman Loughlin added that April is Autism Awareness Month

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
REPORT FOR THE MONTH OF MARCH 2024**

WARRANTS

GENERAL

CLAIMS # A24-0153—A24-0245 \$163,635.75

HIGHWAY

CLAIMS # D24-0076 – D24-0126 \$89,376.98

LIBRARY

CLAIMS # L24-0041 – L24-0069 \$32,371.73

TOTAL DISBURSEMENTS \$1,322,114.08

TOTAL RECEIPTS \$799,971.33

Supervisor Giunta noted for the record that the warrants for the month of March 2024 have been examined by the Town Board and signed.

RESOLUTION 80-24

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 March 2024 as read; and the warrants for the month of March 2024 as read.

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

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF MARCH 2024**

The Town Clerk read the report for the month of March 2024 showing the following:

TOTAL REVENUE COLLECTED	\$20,911.38
TOTAL REVENUE TO THE SUPERVISOR	\$20,357.52
TOTAL NON-LOCAL REVENUE	\$553.86

RESOLUTION 81-24

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

Resolved, that Gates Town Board hereby accepts the Town Clerk’s report for the month of March 2024.

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

PERSONAL STATUS REPORT

No changes for Personnel Status Report for the month of March 2024.

There being no further business to come before the Town Board, Councilman Loughlin and Councilman DiPonzio second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:05 PM.

Town Clerk