

June 7, 2021

The Gates Town Board held (3) three Public Hearings and its Regular Town Board meeting on June 7 2021 at the Town Hall Meeting Room at 7:00PM. Those attending the meeting were as follows:

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

### **7:00PM PUBLIC HEARING**

Supervisor Giunta called the Public Hearing to order at 7:00PM.

Town Attorney, Dan Schum verified that in respect to tonight's Public Hearings, the Legal Notices were properly published in the official newspaper as required by law.

### **CONSIDERING A CONDITIONAL USE PERMIT FOR CHRISTIAN BRUNELLE TO OPERATE BYRNE DAIRY (THE FUEL FACILITY PORTION), AT 2155 LONG POND RD., IN A NEIGHBORHOOD BUSINESS [NB] DISTRICT**

Supervisor Giunta asked if the applicant was present.

Erin Brown 171 Route 5, Weedsport, NY, she handed revised site-plans to the board members, with minor changes made after meeting with the Planning Board.

Supervisor Giunta, commented on how well prepared she is with everything. Also, heard all positives feedback from the Planning Board, took all their recommendations and implemented them. Checked his understanding that this is a 24/7 operation, including fuel and the retail store.

Attorney Schum, this is solely for the purpose of when having a fueling station it is required to have a Conditional Use Permit. This application has been well thought out and No negative comments.

Councilman Cordero, everything that was asked to do, was done. Sidewalks were added, ATM removed

Councilman Tucciarello, asked for a description the free-standing sign, and also about the color scheme

Ms. Brown, asked if he was familiar with the Manitou Rd. Byrne Dairy location? This location will look exactly the same. The building, the retail store, the canopy, the signs, the colors. The only that will change is the gas prices.

Councilman Loughlin asked what is directly North to the property and also asked it like the other location, will there be the white vinyl fencing?

Ms. Brown, the retail boutique has been purchased as part of the 1.4 acres and will essentially be the park of the parking as well as stormwater catch basin. The plans will show, the fencing on

the westerly side will be custom cedar privacy fence, but not sure it's included on the northerly side in the plans, but could go be added if not already.

Supervisor Giunta, it does show on the plans, the northerly side is included. Ms. Brown, thought so, would be surprised if it wasn't.

Supervisor Giunta asked if any more comments or questions? None.  
Then opened to the public, hearing none, closed the public hearing.

**RESOLUTION 109-21** Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby approves a Conditional Use Permit for Christian Brunelle to Operate Byrne Dairy fueling station portion at 2155 Long Pond Rd. in a (NB) Neighborhood Business District.

Seconded by Councilman DiPonzio

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

**Motion Carried.**

**CONSIDERING A CONDITIONAL USE PERMIT FOR MARK FERRANTE  
TO OPERATE AN IN-HOME, ONLINE AUTOMOBILE SALES,  
AT 2800 MANITOU RD, IN A MIXED USE RESIDENTIAL & BUSINESS DISTRICT**

Supervisor Giunta asked if the applicant was present.

Mark Ferrante, 2800 Manitou Rd. He's had his dealer license since 1992 and in order for him to get his license and retain it, he needs a permit stating he can.

There will be No vehicles displayed outside. He sells (3-8) three-eight cars a year. His business is all word of mouth/internet. Sales transpire away from the residence either at the individual's business or home, those are the rules and regulations per DMV. He is allowed to sell out of the house and that would only be (1 or 2) one or two a year. He's not trying to run a business out of the house.

Supervisor Giunta asked if vehicles are stored on the property and how roughly many vehicles?

Mr. Ferrante, he has a 30x60 pull barn and that's where they would be and no more than (3) three vehicles at one time.

Supervisor Giunta asked if they would ever be outside on display?

Mr. Ferrante responded, never outside, no flyers, no signs, no streamers

Supervisor Giunta asked how would it be handled if a customer choose to see the vehicle at his residence?

Mr. Ferrante responded they could see it in the pull barn or he would take it to their location

Councilman Tucciarello asked what kind of cars does he sell, classics?

Mr. Ferrante, used cares, not classics, just point A to point B vehicles

Supervisor Giunta asked if this is a (7) seven-day operation?

Mr. Ferrante has a full-time job. This is part-time Monday -Friday 4:00PM -8:00PM and Saturday & Sunday noon-3:00PM, but hours of operation are really irrelevant since there's no walk-in sales.

Councilman Tucciarello, you just like to find good deals and flip cars?

Supervisor Giunta asked if any work gets done on them on premise.

Mr. Ferrante, just his own, the cars he sells are already dolled up.

Councilman Tucciarello asked about signage

Mr. Ferrante, no signage, except the dealer sign that may be required, but it's a 2x3-foot, on the side of the building

Supervisor Giunta asked if any more comments or questions from the board and then opened to the public, hearing none, closed the public hearing.

**RESOLUTION 110-21** Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves a Conditional Use Permit for Mark Ferrante to Operate an In-Home, Online Automobile Sales at 2800 Manitou Rd. in a Mixed Use of Residential and Business District.

Seconded by Councilman Loughlin

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

**Motion Carried.**

**CONSIDERING AMENDING AN EXISTING CONDITIONAL USE PERMIT  
FOR GAIL GALLIPEAU OF CRAVE 360, AT 250 PIXLEY RD.**

Supervisor Giunta asked if the applicant was present. Not present. He asked if anyone from the audience want to speak on. None

Supervisor Giunta motioned to adjourn the public hearing till the July 12, 2021 TB Meeting to give the applicant time to be able to present.

**RESOLUTION 111-21** Motion by Supervisor Giunta who moved its adjournment:

Resolved, that the Gates Town Board hereby **ADJOURNS** the Public Hearing for amending an existing Conditional Use Permit for Gail Gallipeau of Crave 360 at 250 Pixley Rd. in a General Industrial District, till the next meeting on July 12, 2021

Seconded by Councilman DiPonzio

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

**Motion Carried.**

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

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

**RESOLUTION 112-21** Motion by Councilman Cordero to approve

The Gates Town Board hereby approves the minutes of May 3, 2021 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.**

**PROCLAMATION**

Legislator Frank Allkofer presented two Proclamations to Ann and her sister Virginia Paddock for their dedicated years of service in nursing (combined together over 100 years) and their involvement in our community.

Supervisor Giunta also presented them with Certificates of Appreciation on behalf of the town of Gates.

**AUDIENCE PARTICIPATION**

Don Ioannone, 4099 Lyell Rd, Thanked the Town Board and Bill Gillette for getting the new Hamlet Court sign on Coldwater Rd.

Supervisor Giunta, thanked him for bring to their attention

Mr. Wallner, approached and was inquiring about his chickens again.

Supervisor Giunta, yes, we actually got back everything from the state and he can go ahead and apply for his permit

Mr. Wallner, first thing in the morning he will be in to get his permits and thanked everyone

Laurie Clocksin, 69 Coldwater Rd., number one for the record, opposes retail sale of recreational marijuana in the town of Gates and hopes there is a public forum before a decision gets reached on it. Number two, it's up to the residents of any town to list any opposition or support for anything that concerns the town in general, which was supposedly done with the Amazon project, which is in the past now, but she is extremely disappointed that the town, specifically wrote a letter of support of a blanket waiver for construction which was submitted by our Town Supervisor, Bob Duffy and CEO of the chief's construction

Supervisor Giunta clarified it wasn't a blanket waiver, it was (30%) thirty-percent

Ms. Clocksin, agreed 30%, but continued.... if Amazons history is checked they typically only allow (7%) seven-percent of local labor for their construction. She doubts they would have backed out. When they come to a town, the promise is jobs, but questions if this is really for the community? She thinks people should examine the "blueprint" that Amazon uses, going town to town, not wanting the community to how they are coming in till they get approved and hopes the same thing doesn't happen with recreational marijuana, she knows it's not casual, it's not

harmless, and really would hate to see the impact it would have on the community and law enforcement. She thanked everyone for their time.

Supervisor Giunta, as far as the marijuana issue, we have not yet had time to discuss amongst ourselves. We do have till December to act on it, but still getting our facts with it as well. As far as Amazon, the supervisor is sorry Ms. Clocksin feels this way and just to talk a bit about his letter of support. In speaking with Amazon, and general contractors, who themselves said they could not provide enough local labor as well as some of the material they use, need to be specially installed by special manufactures so it doesn't void their warranty on the specialized material. It's a pretty big project and if all the local labor and contractors focused on that project alone, who would support the other contracts through-out the town. He feels it'll work out. Amazon asked for a 30% waiver and believes the numbers are out of \$54 million in labor, \$49 million will be local. He believes they would have pulled out, because they did in Grand Island, and they spent more money there. He feels this is a good thing for our community and will bring jobs, it is a positive thing for our town of Gates and will bring revenue, jobs for future years to come. Also, even with COMIDA we are collecting more in taxes, then we would if it's vacant. It's a win-win for everybody.

Ms. Clocksin feels they are not a good employer and is not sure she would want her son or daughter working for Amazon.

## **OLD BUSINESS**

### **TO CONSIDER THE RE-ZONING OF 27 LAND PARCELS WITHIN THE TOWN OF GATES**

Supervisor Giunta, this is to consider the re-zoning of (27) twenty-seven Land parcels within the Town of Gates. We did receive confirmation from the County. This is for a SEQR, type 2 with no significant adverse environmental impact

Attorney Schum, with the County response, the Board did have a Public Hearing and only one applicant withdrew their land from the proposal, so there is (2) two resolutions tonight. First for a negative declaration to the environmental significance and second to approve the rezoning of the (27) twenty-seven parcels.

**RESOLUTION 113-21:** Motion by Councilman Cordero who moved its adoption:

**WHEREAS**, the Town Board of the Town of Gates did heretofore hold and conduct a public hearing to consider such application, which public hearing was held at the Gates Community Center, 1605 Buffalo Road, Rochester, NY 14624 on the 5<sup>th</sup> day of April, 2021 at 7:00 p.m. and at which hearing all interested persons were heard concerning the subject matter thereof; and

**WHEREAS**, upon a review of the proposed rezoning, and after having heard all interested person concerning such application and due deliberation having been had, the Town Board of the Town of Gates is desirous of acting upon such rezoning; and

**WHEREAS**, the Town Board of the Town of Gates has heretofore issued its Negative Declaration of Environmental Significance with respect to the proposed action;

**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 and Final Order, the Town Board of the Town of Gates does hereby approve the rezoning

Seconded by Councilman DiPonzio

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

**Motion Carried.**

**RESOLUTION 114-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do Approves the Re-zoning of the (27) twenty-seven parcels within the Town of Gates

Seconded by: Councilman DiPonzio

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

**Motion Carried.**

**SCHEDULE PUBLIC HEARING  
FOR 898 BUFFALO RD ASSOCIATES, LLC TO REZONE PROPERTY AT 898  
BUFFALO RD FROM R-1-8 AND BN-R TO (PUD) PLANNED UNIT DEVELOPMENT**

Supervisor Giunta, this project was presented at the Planning Board and given their recommendations and given back to the Town Board to schedule a Public Hearing to proceed.

**RESOLUTION 115-21** Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, July 12, 2021 at 6:45PM to consider the application for; 898 Buffalo Rd Associates, LLC to rezone property at 898 Buffalo Rd from R-1-8 and BN-R to (PUD) Planned Unit Development.

Seconded by Councilman Cordero

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

**Motion Carried**

**PUBLIC HEARING TO CONSIDER CHARLIE MEGNA, OWNER,  
C. M. PROPERTIES OF ROCHESTER LLC TO REZONE PROPERTY  
AT 1675 BUFFALO RD FROM (LI) LIMITED INDUSTRIAL  
TO (GI) GENERAL INDUSTRIAL DISTRICT**

Supervisor Giunta, asked the applicant to approach the podium.

Attorney Schum, this was tabled from the last meeting due to the lack of response from the County Planning Department and have since received that response and the Board can now move forward with this application.

Supervisor Giunta, we did receive confirmation from the County with no objections. Due to COVID the rezoning had been delayed. Likes what Mr. Megna has done with the property and building and keeping it up and appreciate that. Have received No complaints since you have been there, the past year or two

Attorney Schum, there was a resident who spoke at the last meeting about this and it was in favor for this application.

**RESOLUTION 116-21:** Motion by Supervisor Giunta who moved to adopt the Type II, SEQR

**WHEREAS**, cm Properties of Rochester LLC applied to rezone property at 1675 Buffalo Road Tax Map # 119.10-3-49 from LI – Limited Industrial to GI – General Industrial; and

**WHEREAS**, before the Town Board may act upon such rezoning it must determine the environmental significance, if any, of such proposed action up on the environment; and

**WHEREAS**, the proposed action is the adoption of Zoning Regulations and is a listed Type II Action;

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

Section 1. That the proposed action is a Type II Action under SEQR.

Section 2. That this Board determines that the proposed rezoning will not result in any significant adverse environmental impacts.

Section 3. That this Resolution shall be deemed a Negative Declaration of Environmental Significance pursuant to SEQR, and the proposed rezoning may proceed without further regard to SEQR.

Seconded by: Councilman DiPonzio

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

**Motion Carried.**

**RESOLUTION 117-21** Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Town of Gates do Approves the Re-zoning of the property on 1675 Buffalo Rd from (LI) Limited Industrial to (GI) General Industrial District.

Seconded by: Councilman Loughlin

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

**Motion Carried.**

**PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR  
DOMINIC ANTONUCCI, TO CONSTRUCT & OPERATE A CONCRETE  
BATCH PLANT, AT 837 BUFFALO RD**

Supervisor Giunta, this was tabled from the Special meeting held last month and since than received a letter stating they would like to withdraw the application and the public hearing.

**NEW BUSINESS**

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

**MGM NATURAL STONE, 595 TRABOLD RD,  
MR. THEO'S INC., 1174 BROOKS AVE., PANERA BREAD, 1501 HOWARD RD.,  
LASER CAR WASH, 3565 BUFFALO RD., MCDONALD'S 1965 CHILI AVE.,  
OPEN DOOR MISSION, 240 COLDWATER RD.,  
STURDI-BUILT SHEDS LLC, 2345 BUFFALO RD.,  
PRAXAIR DISTRIBUTIONS INC., 140 ELMGROVE PARK**

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 118-21** 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: MGM Natural Stone, 595 Trabold Rd.; Mr. Theo's Inc. 1174 Brooks Ave.; Laser Carwash, 3565 Buffalo Rd.; Open Door Mission 240 Coldwater Rd., McDonald's, 1965 Chili Ave., Sturdi-Build Sheds LLC, 2345 Buffalo Rd., Praxair Distributions Inc., 140 Elmgrove Park, Panera Bread, 1501 Howard Rd.,

Seconded by Councilman Loughlin

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

**Motion Carried.**

**SCHEDULE PUBLIC HEARING FOR A PETITION AT 7:15PM  
FOR A REZONE CHANGE FROM CITTA PROPERTIES, LLC  
TO REZONE 1151 SPENCERPORT RD FROM SINGLE-FAMILY RESIDENCE  
TO A MULTI-FAMILY RESIDENCE**

**RESOLUTION 119-21** Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, July 12, 2021 at 7:15PM to consider the petition from; Citta Properties LLC for a rezone change for 1151 Spencerport Rd. from Single-Family residence to a Multi-Family Residence.

Seconded by Councilman Cordero

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

**Motion Carried**

**APPROVING CONTRACT BETWEEN THE TOWN OF GATES  
AND SEYREK DISPOSAL, LLC**

**RESOLUTION 120-21** Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby Approves a contract between the Town of Gates and Seyrek Disposal, LL

Seconded by Councilman Tucciarello

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

**Motion Carried**

**RE-APPOINTING EILEEN ANDREWS TO THE RECREATION AND PARKS  
COMMISSION FOR A (7) SEVEN-YEAR TERM TO EXPIRE JUNE 5, 2027**

**RESOLUTION 121-21** Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby Re-Appoints Eileen Andrews to the Recreation and Parks Commission for a (7) Seven-year term to expire June 5, 2027.

Seconded by Councilman Cordero



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

**Motion Carried**

Councilman DiPonzio commented that Eileen has been with Parks and Recreation for quite a few years and is outstanding and professional in the field and carries over her expertise and appreciates everything she does.

Rhoda Ride, Recreation & Park Commissioner, said thank you for keeping the team intact

**NEW BUSINESS OF COUNCIL MEMBERS**

Councilman DiPonzio complimented Supervisor Giunta, Legislator Allkofer and Councilmen Cordero and Loughlin and everyone for the Memorial Day Ceremony. From the speakers to the Flag dedication to the music from the Pipes and Drum and everyone's participation honestly feels it was outstanding.

Supervisor Giunta, agrees, it was. The weather was beautiful, the speakers and everyone participating worked out great. As they raised the flag, it just caught the wind and it was beautiful.

**REPORTS**

**SUPERVISOR'S**

**ACCEPTING THE SUPERVISOR'S  
REPORT FOR THE MONTH OF MAY 2021**

**WARRANTS**

**GENERAL**

CLAIMS # A21-0223– A21-0307	\$84,851.49
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**HIGHWAY**

CLAIMS # D21-0203 – D21-0256	\$61,908.38
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**LIBRARY**

CLAIMS #L21-0070 – L21-0097	\$44,910.30
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<b>TOTAL DISBURSEMENTS</b>	<b>\$1,174,168.09</b>
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<b>TOTAL RECEIPTS</b>	<b>\$1,045,779.02</b>
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Supervisor Giunta noted for the record that the warrants for the month of May 2021 have been examined by the Town Board and paid.

**RESOLUTION 122-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of May 2021 as read; and the warrants for the month of May 2021 as read.

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**ACCEPTING THE TOWN CLERKS REPORT  
FOR THE MONTH OF MAY 2021**

The Town Clerk read the report for the month of May 2021 showing the following:

TOTAL REVENUE COLLECTED	\$21,782.98
TOTAL REVENUE TO THE SUPERVISOR	\$20,714.16
TOTAL NON-LOCAL REVENUE	\$1,068.80

**RESOLUTION 123-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of April 2021.

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**PERSONAL STATUS REPORT**

Personnel Status Report for the month of April 2021.

Additions 0, Terminations 1 (Building Dept.), Net Change -1

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

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Town Clerk