

July 12, 2021

The Gates Town Board held (1) one Public Hearing and its Regular Town Board meeting on July 12, 2021 at the Town Hall Meeting Room at 7:15PM. Those attending the meeting were as follows:

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

7:15PM PUBLIC HEARING

Supervisor Giunta called the Public Hearing to order at 7:20PM.

Town Attorney, Dan Schum verified the Legal Notice was properly published in the official newspaper as required by law.

CONSIDERING CITTA PROPERTIES LLC., TO REZONE 1151 SPENCERPORT RD., FROM SINGLE FAMILY TO MULTI-FAMILY RESIDENCE

Supervisor Giunta asked if the applicant was present.

Paul Surace and Cara Thibault, 1376 Harris Rd, Webster, recently purchased the property, that was once Zoned Multi-Family, then Rezoned to Single-Family and now they want it rezoned back to Multi-Family. The intention is to break it down to (3) three-family Residence. They need to still meet with their architect

Supervisor Giunta asked if the (3) three tenants have separate utilities, like washer and dryer or will it be shared?

Ms. Thibault replied each unit will have its own washer and dryer and appliances

Mr. Surace, it's (43,000) forty-three hundred square feet, so there's plenty of space, with plenty of parking.

Ms. Thibault, there's a parking lot behind

Councilman DiPonzio asked if there is (1) one entrance or will there be (3) three separate entrances

Ms. Thibault, there will be (3) three separate entrances, right now there's a front entrance and a back entrance and also an egress entrance from the basement, but want to add a side entrance for the third unit

Councilman DiPonzio asked how many cars would fit in the parking lot?

Mr. Surace replied about 10 cars

Attorney Schum asked if the building is presently sprinkled or not?

Ms. Thibault, not a sprinkler system, but it does have a central alarm in it like in a school

Supervisor Giunta, asked if alarms will in installed in each unit? If so, to be sure there are permits for them to be monitored.

Ms. Thibault, Yes there will be. Mr. Surace, we have an architect and he'll get all the permits needed and be sure we're up to code

Supervisor Giunta asked if any more comments or questions? None.

Then opened to the public, hearing none, closed the public hearing.

Supervisor Giunta, unfortunately this will need tot be TABLED till the next meeting August 2, 2021 due to requiring the response from the County. There doesn't seem to be anyone here

Attorney Schum, probably leave the sign up till the next meeting, August 2, 2021

Supervisor Giunta, suggested the applicants to call in a couple weeks to check on status of the Monroe Country response.

RESOLUTION 124-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby **TABLED** till the next Town Board Meeting, August 2, 2021 at 6:45PM, Citta Properties LLC., to Re-Zone 1151 Spencerport Rd. from a Single Family to Multi-Family Residence.

Seconded by Councilman Cordero

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 Christopher DiPonzio.

RESOLUTION 125-21 Motion by Councilman Loughlin to approve

The Gates Town Board hereby approves the minutes of June 7, 2021 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Tucciarello

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

Motion Carried.

AUDIENCE PARTICIPATION - None

OLD BUSINESS

**CONSIDERING AMENDING AN CONDITIONAL USE PERMIT
FOR GAIL GALLIPEAU OF CRAVE 360, AT 250 PIXLEY RD.
(ADJOURNED FROM THE JUNE MEETING)**

Supervisor Giunta asked if the applicant was present. The hours of operation are currently Tuesday -Saturday Noon to 11:00PM and Sunday & Monday -Closed, He asked what she is looking to change it to.

Gail Gallipeau, 250 Pixley Rd., replied Sunday to Saturday 8:00AM to 2:00AM because of parties. They are typically there late, but with parties, they can't always control when they leave. She just wants to be sure to cover anything.

Supervisor Giunta asked how business has been since COVID

Mrs. Gallipeau, they have been short staffed, but doing alright

Supervisor Giunta asked if any more comments or questions and opened up to the audience. Hearing none, closed the public hearing

RESOLUTION 126-21 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby Approves **Amending** the Conditional Use Permit for Gail Gallipeau of Crave 360 at 250 Pixley Rd. in a General Industrial District.

The Hours of Operation:
Sunday-Saturday 8:00AM-2:00AM

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**

RESOLUTION 127-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, August 2, 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

NEW BUSINESS

**APPOINTING GIORDANO ALBERTO TO THE
GATES SPECIAL POLICE**

Chief James VanBrederode asking the Board to consider adding a new person to the program of Special Police. There is about (6 or 7) six or seven members. It's an organization that assist in different detail, also helps patrol our high school and our parks. Giordano Alberto is Senior at Fredonia, and plays soccer for them. He graduated from Gates Chili High School in 2018. We all know his mom and looking forward to him be a member and help him with his future career.

Supervisor Giunta welcomed Gio, and expressed he's known him since he was little and had the opportunity to coach and mentor him. Wonderful individual and has turn out to be a fine young gentleman, and thinks he'll do very well in the Special Police in our organization.

RESOLUTION 128-21: Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Town of Gates do Appoint Giordano Alberto to the Gates Special Police.

Seconded by: Councilman Cordero

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

Motion Carried.

Giordano Alberto, thanked everyone and introduced his parents and girlfriend. He's excited to start his new journey and see how far it takes him.

Chief of Gates Police, James VanBrederode sworn him in

APPOINTING SAL MONTEMURRO AS THE GATES TOWN FIRE MARSHAL

Supervisor Giunta, today was actually Sal's first day at work here, perfect timing to be appointed here today. It seems the whole audience is here for him.

A little background on Sal. He was previously with the Gates Fire volunteer and worked in education and was Joe Manuse's right-hand-man, going to the schools and teaching all the children and mentoring them as well, with Fire Safety. Since that he went to Gates Volunteer Ambulance. He is also a volunteer fire-fighter with the Lakeshore Dept. Supervisor Giunta believes he will be a great asset here for the Town of Gates. He's very enthusiastic and willing to learn and brings much wealth of knowledge with the fire and safety background, which we want to incorporate here in the Town with businesses and so on.

RESOLUTION 129-21: Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do Appoint Sal Montemurro as the Gates Town Fire Marshal.

Seconded by: Councilman DiPonzio

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

Motion Carried.

Sal Montemurro, thanked everyone. He introduced and thanked his wife for her support, his parents and sisters, who are like his second moms and wouldn't be where he is without them, and is very appreciative. He hopes to share his knowledge through out the town and get some Fire Safety buzz.

Town Clerk, Veronica Owens administered the Oath of Office and sworn him in.

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

PARADISE PIZZA, 777 SPENCERPORT RD.; VALVOLINE LLC, 427 SPENCERPORT RD.; LKQ/KEYSTONE CORP., 72 SPENCERPORT RD.; TOPS MARKET GASOLINE SERVICE, 2345 BUFFALO RD.; NEWCOMB ELMGROVE INC., 2960 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.

RESOLUTION 130-21 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: Paradise Pizza, 777 Spencerport Rd.; Valvoline LLC, 427 Spencerport Rd.; LKQ/Keystone Corp., 72 Spencerport Rd.; Tops Market Gasoline Service, 2345 Buffalo Rd.; Newcomb Elmgrove Inc., 2960 Buffalo Rd.;

Seconded by Councilman Loughlin

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

Motion Carried.

**ADOPTING A SEQR RESOLUTION - TYPE II ACTION AND
SUPPORT FOR STATE MS4 MAPPING GRANT APPLICATION**

RESOLUTION 131-21 Motion by Councilman Cordero to approve the Negative Declaration of the SEQR

WHEREAS, the Town of Gates, as a designated Municipal Separate Storm Sewer System (MS4), is responsible for developing and maintaining a storm water management program that will reduce the amount of pollutants carried by storm water during storm events to waterbodies of the State, thereby improving water quality and recreational use of those waterways; and

WHEREAS, a component of the MS4 storm water management program is comprehensive mapping system of the Town's storm water infrastructure to assist in the conducting of illicit discharge investigations, and identifying and mitigating significant sources of pollution that may be contributing to the impairment of those waterways; and

WHEREAS, the Town has identified a three phased MS4 mapping improvement project to enhance its current mapping, and it looking to begin Phase 3: *Round Pond Creek Watershed*. This phase will complete the project, allowing the Town of Gates and its staff to work effectively with neighboring MS4 communities and regulatory agencies in protecting local waterbodies; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Gates Town Board (hereinafter referred to as Town Board) does hereby classify the information collection and mapping of existing infrastructure related to updating its MS4 mapping as a Type II Action under Sections 617.5 (c) (17) & (18) of article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA); and

BE IT FURTHER RESOLVED, that Type II Actions are not subject to further review under SEQRA provisions as these actions have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review in the Environmental Conservation Law, article 8.

BE IT FINALLY RESOLVED, that the Town Board in making this classification has satisfied the procedural requirements under SEQRA and directs this Resolution to be placed in the file on this Action.

Seconded by Councilman DiPonzio

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

Motion Carried.

RESOLUTION 132-21 Motion by Councilman Cordero to approve support for State MS4 Mapping Grant Application

WHEREAS, the Town of Gates, as a designated Municipal Separate Storm Sewer System (MS4), is responsible for developing and maintaining a storm water management program that will reduce the amount of pollutants carried by storm water during storm events to waterbodies of the State, thereby improving water quality and recreational use of those waterways; and

WHEREAS, the Town of Gates (hereinafter identified as Town Board) has identified the need for continued improvements to its current storm water infrastructure mapping, providing a more comprehensive mapping system to assist in the conducting of illicit discharge investigations, identifying and mitigating significant sources of pollution that may be contributing to the impairment of waterways, and allowing the Town of Gates and its staff to work effectively with neighboring MS4 communities and regulatory agencies in protecting the State’s waterbodies; and

WHEREAS, the New York State Department of Environmental Conservation provides a competitive, statewide reimbursement grant program for MS4s to modify and update their mapping through the Consolidated Funding Application, Water Quality Improvement Project (WQIP) program; and

WHEREAS, any funding awarded under this Grant Application will be used for Phase 3: *Round Pond Creek Watershed*, of at three phased projects to update the existing MS4 mapping making it more comprehensive; and

WHEREAS, the Town Board has determined, under a separate resolution, the update of its MS4 mapping is a Type II Action.

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby recognize and does fully support the submission of a Consolidated Funding Application, WQIP on behalf of the Town for Water Quality Improvement Project funding for MS4 Mapping.

BE IT FINALLY RESOLVED that the Town Board does hereby accept that they shall provide at least 25% match of the total of any grant funding awarded, in the form of cash contribution or in-kind services.

Seconded by Councilman DiPonzio

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

Motion Carried.

**SCHEDULE PUBLIC HEARING FOR (2) TWO CONDITIONAL USE PERMITS
FOR LOU TERRAGNOLI TO OPERATE QUICKLEE’S
#1. FUELING STATION AND #2. FAST-FOOD RESTAURANT,
IN A (GB) GENERAL BUSINESS DISTRICT LOCATED AT 2055 CHILI AVE.**

RESOLUTION 133-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, August 2, 2021 starting at 7:00PM to consider (2) **two** Conditional Use Permits for Lou Terragnoli to Operate Quicklee’s, #1. Fueling Station and #2 Fast-food Restaurant, in a General Business District (GB), located at 2055 Chili Ave and to consider a Conditional Use Permit for Commercial Street Partners LLC to operate a Self-Storage at a portion of Westmar Plaza, in a General Business District (GB), located at 2111-2159 Buffalo Rd.

Seconded by Councilman Cordero

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

Motion Carried

**ACCEPTING POLICE TRAFFIC SERVICES PROGRAM GRANT,
FOR SEAT BELT MOBILIZATION IN THE AMOUNT OF \$1,560.00**

RESOLUTION 134-21 Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby Accepts the Police Traffic Services Program for Seat Belt Mobilization Grant in the amount of \$1,560.00.

Seconded by Councilman Tucciarello

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

Motion Carried

**ACCEPTING POLICE TRAFFIC SERVICES PROGRAM GRANT,
FOR REGULAR PTS ENFORCEMENT IN THE AMOUNT OF \$3,750.00**

RESOLUTION 135-21 Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby Accepts the Police Traffic Services Program, for Regular PTS Enforcement Grant in the amount of \$3,750.00.

Seconded by Councilman Tucciarello

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

Motion Carried

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiPonzio, mentioned on Saturday, August 14, 2021 we will have our Summer Celebration. There will be outstanding bands, food, fireworks. Exact details will be on the web-site and it will be mentioned again, next month.

Supervisor Giunta, mentioned this past Saturday, July 10, 2021 the Town Historian, Bill Gillette was honored as the “Citizen of the Year” by the Amita Club.

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
REPORT FOR THE MONTH OF JUNE 2021**

WARRANTS

GENERAL

CLAIMS # A21-0308– A21-0393 \$109,991.21

HIGHWAY

CLAIMS # D21-0257 – D21-0302 \$40,048.49

LIBRARY

CLAIMS #L21-0098 – L21-0122 \$19,737.17

TOTAL DISBURSEMENTS **\$1,191,992.97**

TOTAL RECEIPTS **\$570,503.04**

Supervisor Giunta noted for the record that the warrants for the month of June 2021 have been examined by the Town Board and paid.

RESOLUTION 136-21 Motion by Councilman DiPonzio 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 Cordero

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

Motion Carried.

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

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

TOTAL REVENUE COLLECTED \$18,546.81

TOTAL REVENUE TO THE SUPERVISOR \$16,363.79

TOTAL NON-LOCAL REVENUE \$2,183.02

RESOLUTION 137-21 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 June 2021.

Additions 0, Terminations 1 (Police 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 7:52 PM.

Town Clerk