

August 2, 2021

The Gates Town Board held (3) three Public Hearings and its Regular Town Board meeting on August 2, 2021 at the Town Hall Meeting Room at 6:45PM. 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

6:45PM PUBLIC HEARING

Supervisor Giunta called the Public Hearing to order at 6:45PM.

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

TO CONSIDER 898 BUFFALO RD. ASSOCIATES, LLC., TO RE-ZONE 898 BUFFALO RD FROM SINGLE FAMILY R-1-8 AND BN-R TO (PUD) PLANNED UNIT DEVELOPMENT

Betsy Brugg, Attorney of applicant-Woods, Oviatt & Gillman has been here several times prior including informational meetings.

This project started back in the Spring, after several months of discussions on what this project should look like. The property on 898 Buffalo Rd, the old Doud Post, which is a very deep, irregular piece of property with discussions on how it should be developed. They are proposing (158) One-hundred and fifty-eight residential units in (5) five buildings and to retain and repurpose the existing building, which will house a “club house” type amenities, like a leasing office, fitness center, community space, as well as some family friendly commercial uses.

The property is very unusual, it is split-zoned currently. The frontage is zoned Business Non-Retail, the back portion is zoned R-1. **(Using Renderings to Show)** There is a triangular are to work with, and the benefit of the proximity of the Canal, which is a desirable feature and the City of Rochester on the other side. It is an unusual location, but believes this will offer a nice quality modern housing to offer the community for young professionals, and could bring a lot of activity to the Town. The project is designed to provide as much buffering screening as possible for the existing single-family homes to maintain their privacy. They did hold several neighborhood meetings, and with that process, tried to respond to all comments made and as well as made improvements to the project, along with the referral made by this Board, met with the Planning Board, and had lengthy discussions with them and assuming this gets rezoned to the PUD based on this particular plan, they will still need to go back to Planning Board for site-plan review and sub-division process. From the procedural stand point, going step by step. Planning Board did make a SEQR determination.

Councilman Cordero asked to elaborate on the property to the East, that was to be purchased from RG&E and how much land is it?

Ms. Brugg, responded it’s 5.3 approximate acres. RG&E actually has a building on the frontage, which they will keep and essentially only need access to it, but will not really use the property and really helped improve the quality of this property, allowing the buildings to be closer to the

Canal and creating a more pleasant living environment away from the existing homes, providing more buffering

Councilman Cordero asked if they anticipate having access to the Canal as part of the amenities?

Ms. Brugg, responded, Yes, it's part of the plan, not sure if there will be a dock yet, but access and going through the Site-Plan process will be able to refine more

Supervisor Giunta asked with the RG&E property being acquired, how much more of a buffer does it create with the homes on Varian Lane?

Mr. Krueger-DDS they picked up almost (100) one-hundred feet for buffer. It was about (95) ninety-five feet and now from the closest building to the property line there is about (220) two-hundred and twenty-feet which increased the buffer

Supervisor Giunta asked if they intend to keep that buffer?

Ms. Brugg, yes, they have buffer, screening, also due to the design were able to move some of the pavement and pervious areas.

Councilman Loughlin, asked, within that buffer, what does it entail? (**Using Renderings to Show**), sees trees, but asked if new trees will be added to the buffer, or berm or fence?

Mr. Krueger, they will build a significant berm area, with top soil, landscaping, about (30) thirty trees plan to go into that area, as a Planning Board recommendation

Councilman Cordero asked, what types of trees will be going into that are?

Mr. Krueger responded, a mixture of Evergreens, Blue Spruce, and others, trying to make it as dense as possible for the screening process. No Ash Trees

Supervisor Giunta asked Councilman Cordero and Attorney Schum as liaisons on the Planning Board, if there was anything else brought up, or recommendations for the pool or anything

Attorney Schum, the Planning Board is presently waiting on the results of this rezoning application. They did review the Environmental significance of this project and granted it a Negative Declaration of Environmental Significance. That's the step necessary for either this board or Planning Board to grant a permit or approval. That hurdle has been accomplished.

Councilman Cordero added the Traffic Study was done as well

Attorney Schum agreed, Buffalo Rd is a heavy traffic road, but the level of service has not increased as a result of this project to any significant degree based on the number of units, historically the study supports no increase of level of service on Buffalo Rd, as a result of this project

Supervisor Giunta added, it's his understanding, that prior to acquiring this property, they were looking at about (13) thirteen units per building, but are decreasing that to (9 1/2) nine-in-a-half units per acre

Ms. Brugg, the density is (9 1/2) believes there is about (71%) seventy-one percent Green Space. Among the factors the Planning board were favorable with, were the number of units per building, the density of (9 1/2) units per acre and the PUD Zone can be utilized for any parcel that's less than (50%)

Supervisor Giunta asked if the Board had any more questions or comments and then opened up to the audience.

Donald Onuffer Jr., 97 Varian Lane has (3) three points to make, #1. No significant volume of traffic, how not with (158) units and at least (2) two cars per unit, could be more. He sat and counted (37) thirty-seven trucks out of Dolomite, half one way the other half the other way. Then from Dunkin Donuts watch more loaded trucks, going (40) forty-miles per hour in either direction and with an extra (300) three-hundred cars from the units, all day and night and doesn't have significant value to traffic? He also believes it's dangerous and that children could get hurt on Buffalo Rd going to Dunkin Donuts or anywhere else.

Attorney Schum, clarified what he actually said. "There is no significant increase in the level of service." It's a technical term, but in a traffic study, it's part of the record in this matter they do the same thing. They count cars, trucks, traffic and based on the NY State DOT, the type of road (Buffalo Rd) and the number of cars passing there before and the number of cars anticipated, and they calculate the "level of service" and as Mr. Onuffer indicated, Buffalo Rd is a very heavily traveled road, no question, but the question is "the level of service" and if the added traffic will require some change in the dynamics of that road, stop lights, turning lanes, things of that nature, and the traffic study that was submitted, reviewed by the Planning Board indicates, No significant change in the level of traffic as a result of this project. That doesn't mean there isn't going to be more vehicles, but that there is no need to consider further improvements to Buffalo Rd to address this additional traffic. That's what the traffic study said. Attorney Schum Did Not say there would be No additional traffic and doesn't want to be quoted as saying something he didn't. It's a "level of service"

Mr. Onuffer understands that, but is worried about the amount of people and traffic and especially with a pool in front and children.

Supervisor Giunta asked Mr. Onuffer if this project was single-family homes, how many homes this would be.

Mr. Onuffer replied they worked it out and it would be (40-50) forty to fifty homes.

Supervisor Giunta, knowing his own single-family home having (5) five cars, that even if there were single-family homes with an average of (2-3) two to three cars per household that would be about (150) one-hundred and fifty cars as well.

Mr. Onuffer, but this is looking at over (300) three-hundred cars, but isn't necessarily concerned with the cars, just the children walking on Buffalo Rd. and getting hurt.

#2. Sanitary System, he recalls the sewer backing up growing up and now adding (300) three-hundred people under the same sanitary. It's something that doesn't just need repair, it needs to be fixed. He does wish them the best of luck.

Supervisor Giunta stated the sanitary is the responsibility of Monroe County Pure Waters.

Evelyn Gargan, 149 Varian Lane has a few questions. First, as far as notifications, in reading the town code, it looks as though the town is responsible to circulate in the Town newspaper (which it is, she seen it), and is to be posted in the web-site and she didn't see it on the Agenda for this meeting.

Supervisor Giunta clarified it is on the Agenda

Ms. Gargan, she didn't see in on the Agenda, but will double check, but also, it needs to be posted on the bulletin board and didn't see on the town bulletin board. Also, as far as the posting sign on the property, it says the town requires (15) fifteen-days prior to the hearing date, it

should be posted on site, but there is nothing there at the location. The only sign there was for the Planning Board meeting in April, but nothing currently.

Attorney Schum, there was a Public Hearing in April and it was adjourned and the publication was completed. In April there was a sign posted

Ms. Gargan yes for Planning Board, not Town Board. So that is out of code and has a problem with that. Also, in looking at the re-zoning for PUD verses Multi-family. Making is a PUD opens it up to whatever like a sky-scraper being built, with the approval of the board, of course, but with multi-family rezoning it is more in sync with the residential homes around the area. For example, she heard a three-story building and two-story building going in, would be out of syne with what's around there, with (2) two streets being residential, and the multi-family zoning would fit better in that area, and would like that to be considered.

Next, mentioning the access to RG&E, there may be an easement, but it's RG&E's property, and doubts very much especially with the hill there that RG&E would allow bulldozing it out to access the canal.

Supervisor Giunta, they are purchasing the property from RG&E and allowing an easement for RG&E to access the property.

Ms. Gargan, it's all she has for this meeting, because it was not posted properly according to the town code. Yes, in the paper and on the agenda (she saw it now), but not in front on the bulletin board or on the property. So, it's out of code and this cannot go forward tonight. Also, the property was to be taken care of, but it's not being taken care of al all. It hasn't been mowed, the building looks terrible. She also read in the code that the residents 300-feet from the property need to be notified by mail for each hearing

Attorney Schum, doesn't know if the sign was physically posted on the property or not.

Supervisor Giunta ask Mr. Nuccitelli if he can validate that the sign was posted.

Mr. Nuccitelli, doesn't know if the sign was put up or not, but does keep a watchful eye on the property. He drove by the property and the front was mowed. They would like to make changes, but can not touch the building right now, because not being able to get permits or approvals to do the work. They want to make is esthetically pleasing for the neighborhood, but can't touch during this process. They have noticed and shooed away tractor trailers that have parked there, but the faster they can get the project going the faster they can get other things taken care of.

Olga Arnold, 123 Varian Lane, there is a lot of trees along the property line and wants to know if the developer could leave them as a buffer.

Mr. Krueger & Mr. Nuccitelli (**Using Renderings to Show**) showed that trees already there will be left with additional trees being planted

Supervisor Giunta, at this time, the board can not act on this application due to improper posting of this Public hearing. He motioned to table so the applicant can post on the property and the letters can get mailed out.

Attorney Schum, this application will not be required to be posted in The Post publication again, it's a continuation.

Councilman Cordero, it's up to the applicant to be sure the sign in posted on the property

RESOLUTION 138-21 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby **ADJOURNED** till the next Town Board Meeting, Tuesday, September 7, 2021, 898 Buffalo Rd Associates, LLC., to Re-Zone 898 Buffalo Rd. from a Single-Family R-1-8 and BN-R to (PUD) Planned Units Development.

Seconded by Councilman DiPonzio

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

Motion Carried.

7:00 P.M PUBLIC HEARING

TO CONSIDER (2) TWO CONDITIONAL USE PERMITS FOR QUICKLEE’S #1. FUEL STATION AND #2. FAST-FOOD RESTARUANT AT 2055 CHILI AVE. IN A (GB) GENERAL BUSINESS DISTRICT

Supervisor Giunta called the Public Hearing to order at 7:10PM.

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

John Sciarabba, Land Tech (Project Engineer) they have been working with the town since 2018, acquiring land from the State and County. Last month received Planning Board Site-Plan Approval and are here to get a Conditional Use permit for the Fueling station and the fast-food restaurant.

Attorney Schum agreed the applicants did receive all the Site-Plan approvals, subject to only these Conditional Use Permits

Supervisor Giunta asked what type of fast-food will be going in?

Lou Terragnoli, Quicklee’s in talks with a couple different “breakfast/coffee” providers, which are evaluating the site

Councilman Tucciarello asked what type of car wash will be going in?

Mr. Terragnoli responded it’s a two-bay, automatic laser wash

Supervisor Giunta asked it the carwash would be open 24/7

Mr. Terragnoli, they want to match the convenient store, which will be open 24/7

Supervisor Giunta asked if that will include the fast-food being open 24/7 as well?

Mr. Terragnoli, typically the fast-food types are not open 24/7, but doesn’t know till something is finalized, but the probability is they would not be 24/7.

Councilman Cordero asked if Mr. Terragnoli is going to run the carwash and store and lease out the fast-food

Mr. Terragnoli confirmed that is correct

Councilman Tucciarello asked if the carwash will have doors, so once the car pulls in, especially running 24/7 to contain that type of noise

Mr. Terragnoli yes, front and rear. They have actually had studies done for the noise and it's like the rustling of leaves or a normal conversation at about 200-feet from the doors.

Supervisor Giunta, it's his understanding Quicklee's is in contract to purchase the property next door and once it's complete will go back to Planning Board

Mr. Terragnoli, Yes to both

Mr. Sciarabba the Brooks Ave extension, that they are modifying, the Board may see an application come in for an abandonment feature, meeting with the Monroe County DOT for a modification of the right-of-way

Attorney Schum added that would not be an issue with this application and looking at the County and Town laws, that road has been opened and used by adjoining owners within the last (6) six-years, which makes it difficult to through an abandonment, unless the adjoining owners are obtained

Mr. Sciarabba agreed and with the acquiring of the additional property (the Perkins site) the abandonment thought would give them more flexibility to design in the future, but will work with the town with any future plans.

Supervisor Giunta asked if the Board had any more questions or comments and then opened up to the audience.

Hearing none, closed the public hearings

RESOLUTION 139-21 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby approves **TWO** Conditional Use Permits for Quicklee's to Operate **#1.** Fueling station and **#2.** Fast-food Restaurant portion at 2055 Chili Ave. in a (GB) General Business District.

Seconded by Councilman DiPonzio

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

Motion Carried.

**TO CONSIDER A CONDITIONAL USE PERMIT FOR
COMMERCIAL STREET PARTNERS, LLC
TO OPERATE A SELF-STORAGE AT A PORTION OF WESTMAR PLAZA,
2111-2159 BUFFALO RD**

Supervisor Giunta called the applicants to present.

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

Matt Newcomb, Passero Associates, as well as Brian McKinney, brought this project to Town Staff members and few months ago as something they really want to do, there's much more to it, than just Self-Storage. They are here for a Conditional Use Permit for the self-storage. It's at the South-side of buffalo Rd, opposite of Garden Factory. The Plaza has gone down hill the past few years, the parking lot, the façade, and it's their intent to do improvements to the building and because they are asking for a CUP for the storage units, which doesn't require a lot of parking or traffic, they are looking at removing some of the existing parking, to create a more pedestrian friendly plaza. He showed **(Using Renderings to Show)** green islands

The developer would like to redo the façade of the whole building and utilize a portion of it (old Big Lots) as a self-storage facility, which is climate-controlled, with drive-in access. He continued, that unfortunately with the current state of the economy with COVID there is not much desire of retail tenants, which is why they want to utilize the space as a self-storage facility.

In conjuncture with that, there are outside improvements they are looking to do. The road kind of snakes in and around the building, they want to straighten that in, as well as convenience parking close to the building (which was a good suggestion from town staff)

Mr. Newcomb continued, **(Using Renderings to Show)** it lines up with some of their future plans, potential pad-sites (do not have tenants yet, and knowing they may require CU permits and will work with the town on that), also as part of the project intending to improve the façade of the building. It's like a "If you Build it, they will come" type situation. The goal is to attract some more tenants. Part of being able to do self-storage is it's an adaptable use, if there is an opportunity for a retail tenant to come in down the road, due to all the redevelop, they still have that possibility with the climate control. The biggest caveat is the developer intends to have some sort of Farmers Market in a part of the parking lot. They hope to bring people to the plaza and more customers to the businesses already there and potential new ones.

Councilman Cordero asked where would the Farmer's Market be located?

Mr. Newcomb **(Using Renderings to Show)**

Supervisor Giunta, asked if the façade would be changed throughout the entire facility?

Mr. Newcomb, replied Yes, the entire building. He continued that at the Planning Board (July 26, 2021) they went over the Preliminary plan and received positive feedback from the board and are happy the plaza is being revitalized and a plan in place.

Councilman DiPonzio, other than the façade potentially changing, would the building itself size wise stay the same, except for the portion behind what used to be Big Lots?

Mr. Newcomb, yes, they are proposing a 14,000 square-foot addition to give them 100,000 square-foot of storage. It'll be in place impervious space now, so it'll be a one-for-one change, with the exception of greenspace throughout. Removing asphalt to get to the threshold needed

Supervisor Giunta asked if approved, when would they start?

Mr. Newcomb the goal would be this year start construction. The time-line is shrinking, but there is some work that can be done during the winter, but recognize they need Planning Board approval as well and a possible Variance for building square footage

Councilman Cordero, in front of the addition there is three other spots are those retail places already empty or are there tenants there presently?

Mr. Newcomb **(Using Renderings to Show)** those will be part of the self-storage facility. The goal is to try to relocate the current tenants **(Using Renderings to Show)** to centrally locate

them, which is also why they are providing convenience parking. He's not sure of exactly how many tenants are actually there

Supervisor Giunta asked if the tenants have been notified.

Mr. Newcomb asked Brian McKinney, who responded, not by them as the purchaser of the property, but believes the property management group facilitated the whole transaction, but not privy to that information.

Councilman Loughlin, the parcel to the West, closest to Pixley Rd...there is two proposed buildings, proposed restaurants, is it part of the plan or just potential?

Mr. Newcomb, just potential location, they would like to draw a Starbucks or some sort of restaurant in there

Councilman DiPonzio, looks as if the U of R, is potentially or actually taking over 10, 000 square feet?

Mr. Newcomb, currently U of R is active in the building and again in a situation of "If you build it, they will come" they would like to expand, but would like to see the plans, and are reserving space for them to expand. Also looking at providing Community Space as well within the building.

Attorney Schum, if this Conditional Use Permit was granted, it would be for the 91,700 square-feet behind the U or R and the expansion

Mr. Newcomb, correct, along with the CU Permit, the Site-Plan Approval would cover the improvements to the façade improvements at the Planning Board

Supervisor Giunta asked if the Board had any more questions or comments and then opened up to the audience.

Joe Preteroti, 6 Charlene Drive the organization he and his daughter belong to and is President of, is the largest tenant of the plaza, which is the Bingo Hall, which is for charities and they have not been notified of this. He believes they have a (10) ten-year lease in which they are in year (4) four, and also believes they are required to have (200) two-hundred parking spaces for the Bingo hall, which if the hall was to remain, there would not be 200-spaces. He not apposed to anything, just shocked as an organization, the parents, have heard nothing about this. They contacted Brook hill, who wouldn't comment, just to say nothing was etched in stone

Supervisor Giunta believes they are still in negotiations if the sale goes through

Mr. Preteroti, they are South of U of R in the corner, they are the largest tenant, to not hear anything about this, and especially going into basically where they are is a big surprise.

Supervisor Giunta assumes they are ironing things out and would be reaching out to them and is sure they wouldn't want to lose them as a tenant

Mr. McKinney, hasn't had any interaction with the tenants, this is a project they are trying to revitalize and order to make that work square-footage could change, could be less, or slightly more, but certainty not to put people out in terms of tenants.

Supervisor Giunta, asked if Brook Hill has not reached out to them

Mr. Preteroti nothing, did just hear that someone has spoken with U of R, but no one has reached out the Bingo Hall

Mr. McKinney they have a relationship with the U of R and it just came up about cleaning it up and revitalizing it and hoping they would want to expand in there

Councilman Cordero asked if Caliber was speaking with some tenants? He suggested the Bingo rep possibly call Caliber

Mr. Preteroti this particular situation is that the charity organization to have a Bingo license needs to stay in that Town and they would need to stay in Gates. They have so many questions. They just went a year and half with no income and now just opened back up and then hear the plaza is being sold and you're out.

Attorney Schum, if you have an existing lease, you have serious discussions to have with the landlord because having a lease, the tenant has rights. You can't be out, just because property gets sold. The Legal Notice was properly posted for this Conditional Use Permit.

Mr. Preteroti these organizations only have this as their source of income

Supervisor Giunta, suggests reaching out to Caliber or the actual owner of the property.

Anthony Perrotta, 711 Pixley Rd, has adjoining land to the Plaza and wants to know who owns the Plaza right now and where are they located?

Attorney Schum the application was made by Westmar Plaza LLC in care of Brook Hill Management Corp. Mr. Perrotta can probably get the address from the Assessor's office in the morning.

Mr. Perrotta, asked if they are the applicant, are they going to reconfigure the parking lot in the back

Supervisor Giunta, Yes, they are the applicant. According to their plan, if they get approved they are going to reconfigure the parking lot and add green space and redoing the whole parking lot

Mr. Perrotta (**Using Renderings to Show**) asked what the green spots represented? He also asked how long is the term of the Bingo Hall's lease?

Supervisor Giunta responded it is green space (grass), sidewalks and so on. It's a ten-year lease and they are in year four.

Maggie Briggs, 2 Hillswood Rd, speaking on Gates Bingo is the current manager of the facility of all four organizations. Consideration for plans that have been changes and altered for all the existing tenants on the Big Lots side. It's shown they are being considered in the movement into the new areas, but nothing in writing about the Bingo Hall or plans for the Bingo Hall. The Auto supplies, gym, Hydroponics' being moved, customers are being moved, everyone is being considered but them. She would like that being considered before the CUP is approved.

Attorney Schum, the CU permit has nothing to do with the rights of the tenants, if in fact the applicant continues to have control of the property, if the applicant doesn't have control of the property that is subject to the permit, there's not permit issue. Any tenant that has an existing written lease agreement, it gives them the right to occupy that property. That's up to the applicant to make sure they satisfy that obligation before a permit can be issued to.

Mrs. Briggs is hoping in making their voices heard, that the new owners would consider them as valuable people to keep in the plaza as well.

Supervisor Giunta, is sure they will

Mr. Perrotta (**Using Renderings to Show**) asked how much space would they be taking for the storage? He doesn't think it'll impact the Bingo Hall because the storage doesn't take parking spaces and actually could improve parking for Bingo as well as business.

Bill Daniel, 77 Tarwood Drive asked if the proposed building has any affiliation with the storage across the street at the Tops Plaza? Also, is there really a need to have two across the street of each other?

Supervisor Giunta replied, No connection

Supervisor Giunta asked if the any other comments, hearing none closed the public hearing.

RESOLUTION 140-21 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves a Conditional Use Permits for Commercial Street Partners, LLC to Operate a Self-Storage at 2175 Buffalo Rd in a (GB) General Business District.

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 Lee Cordero.

RESOLUTION 141-21 Motion by Councilman Tucciarello to approve

The Gates Town Board hereby approves the minutes of July 12, 2021 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Loughlin

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

Motion Carried.

AUDIENCE PARTICIPATION

Supervisor Giunta wished Mr. Don Ioannone a Happy Birthday

Mrs. Roselba Pisaturo, 21 Marc-Mar Circle, off Spencerport Rd. She is concerned with the driving style and driving habits between Long Pond and Elmgrove Roads. People do not drive less then 50-55 miles per hour, and passing on the right. They can either hit a car or a mailbox. It's a one-lane each direction street and sometimes people pass on the left going over the yellow

stripes, it's scary. At night, there isn't much light and if it's raining or foggy you don't see the brake lights. There have been many accidents. Possibly adding a light at Appian Dr. or changing the speed limit.

Supervisor Giunta, agreed there have been some serious accidents and it's very sad. Spencerport Rd is a state road and the speed limit is 45-mph and unfortunately people do go above. As far as lighting, if there is some out, we will report to RG&E to be sure they fix the lighting. The speed limits are posted by the state. As for the light, it would involve having a traffic study to see if it merits one. He will speak with the Police Chief and Lieutenants about possibly getting more police presence. They can try to do something.

Marcello DiCesare, 76 Tarwood Dr. is requesting a three-way stop sign on the corner of Tarwood, east and west and Kencrest. People are speeding and using as a cut through. There have been accidents and it's a matter of time before someone really gets hurt. He has also notified the police many times.

Supervisor Giunta, we have added little flashing lights, but will look into adding signs to make it a three-way stop there and patrol it a bit more.

Councilman Tucciarello looking on Google Maps appears to have foliage that goes past the sidewalk, towards the street and asked if people are entering the intersection, if that stops them from viewing the full intersection?

Mr. Daniels the particular Maple tree talked about is in the Northeast corner and the stop sign he's referring to is on the Northwest corner and is in a situation where it's on the Kencrest part of the easement instead of Tarwood. He added that Mr. DiCesare has chopped branches that were in front of the stop sign to make it more visible, which it is

Councilman Tucciarello, so you have it so trimmed up that if someone comes up to the intersection they can see...it's hard to tell on google maps

Supervisor Giunta, we will look into and speak with Kurt Rappazzo (DPW) about it and will reassess the whole situation,

Mr. DiCesare has gone to Law Enforcement and given permission for them to park in his driveway to patrol

Mr. Daniels just wanted to reiterate everything Mr. DiCesare said. People are in too much of a hurry and they use it as a cut through. There is young families and the excessive speed and lack of stopping at the stop sign is going to get someone hurt.

Supervisor Giunta asked if there were any others to speak hearing none closed audience participation.

OLD BUSINESS

**CONSIDER CITTA PROPERTIES LLC TO REZONE
1151 SPENCERPORT RD FROM SINGLE -FAMILY TO
MULTI-FAMILY RESIDENCE
(TABLED FROM THE JULY MEETING WAITING FOR
THE MONROE COUNTY RESPONSE)**

Supervisor Giunta, this was tabled from the July Meeting waiting the Monroe County Response which we received, thanks to the applicants (which it was sent to and shared with us). Based on the response there are no issues.

Attorney Schum read the response from Monroe County and said it was a Local matter

Supervisor Giunta, because it is a local matter, we can go ahead and rezone this to a Multi-Residence

RESOLUTION 142-21 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby Approves Citta Properties LLC to Rezone 1151 Spencerport Rd from Single-Family to a Multi-Family Residence.

Seconded by Councilman Loughlin

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

Motion Carried.

NEW BUSINESS

CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING:

GATEWAY SENIOR APTS., 345 SPENCERPORT RD.;
#1 CHINESE RESTAURANT, 2317 BUFFALO RD.;
CONTACT PRINTING SOLUTIONS, 246 SPENCERPORT RD.;
BUCKMAN’S CAR WASH, 22343 CHILI AVE.;
CHEF’S CATERING OF UPSTATE NEW YORK, 1273 CHILI AVE.;
GERBER COLLISION & GLASS, 1931 LYELL AVE.;
TINA’S NATURAL NAILS, 1016 ELMGROVE RD.;
WAGS DOG CLUB, 700 MILE CROSSING BLVD.;
HUNAN GARDEN, 781 B SPENCERPORT RD.;
IMAGINATIONS HEADQUARTERS, LLC, 220 COLDWATER RD.;
QUALITY INN, 1954 LYELL AVE.;

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 143-21 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: Gateway Senior Apartments, 345 Spencerport Rd; #1 Chinese Restaurant, 2317 Buffalo Rd.; Contact Printing Solutions, 246 Spencerport Rd.; Buckman’s Car Wash, 2234 Chili Ave.; Chef’s Catering of Upstate New York, 1273 Chili Ave.; Gerber Collision & Glass, 1931 Lyell Ave.; Tina’s Natural Nails, 1016 Elmgrove Rd.; Wags Dog Club, 700 Mile Crossing Blvd.; Hunan Garden, 781B Spencerport Rd.; Imagination Headquarters, LLC, 220 Coldwater Rd; Quality Inn, 1954 Lyell Ave

Seconded by Councilman Loughlin

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

Motion Carried.

**SCHEDULE PUBLIC HEARING FOR A CONDITIONAL USE PERMIT
FOR ZOI CHRISTANIS OF PANORAMA RESTAURANT
FOR THE USE OF OUTDOOR SETING AT 730 ELMGROVE RD., IN A
NEIGHBORHOOD BUSINESS DISTRICT,
FOR CYNTHIA ROSSO OF MC DUG OUT AT 1370 BUFFALO RD
IN A NEIGHBORHOOD BUSINESS DISTRICT,**

RESOLUTION 144-21 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedule a Public Hearing for Monday, September 7, 2021 starting at 7:10PM to consider a Conditional Use Permit for Zoi Christanis of Panorama Restaurant to use Outdoor Seating at 730 Elmgrove Rd., in a Neighborhood Business District. For Cynthia Rosso of MC Dug Out at 1370 Buffalo Rd in a Neighborhood Business District

Seconded by Councilman Cordero

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

Motion Carried

**APPROVING A HIGHWAY PURCHASE FOR A 2006 BUCKET TRUCK IN THE
AMOUT OF \$27,000 FROM RADIOMAX COMMUNICATION**

RESOLUTION 145-21 Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby Approves a Highway purchase for a 2006 Bucket truck in the amount of \$27,000 from Radio Max Communication

Seconded by Councilman Tucciarello

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

Motion Carried

**AUTHORIZING THE HIGHWAY DEPARTMENT TO PURCHASE (2) TWO
2019 938M LOADERS IN THE AMOUNT OF \$117,349 EACH FOR A TOTAL OF
APPROXIMATELY \$235,000**

RESOLUTION 146-21 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby Authorizes the Highway Department to purchase (2) Two 2019 938M Loaders as a Public Bid through the State of New York in the Amount of \$117,349 each for a total of approximately \$235,000.

Seconded by Councilman Tucciarello

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

Motion Carried

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone that our Summer Celebration is this Saturday, August 14, 2021, 6:00PM-10:00PM, at Memorial Park. Councilman DiPonzio, added, there will be bands, food truck vendors, fireworks. Exact details will be on the web-site and it will be mentioned again, next month.

REPORTS

SUPERVISOR'S

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF JULY 2021

WARRANTS

GENERAL

CLAIMS # A21-0394– A21-0532	\$115,219.49
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HIGHWAY

CLAIMS # D21-0303 – D21-0348	\$62,941.24
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LIBRARY

CLAIMS #L21-0123 – L21-0157	\$29,168.41
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TOTAL DISBURSEMENTS	\$1,376,297.13
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TOTAL RECEIPTS	\$2,142,197.63
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Supervisor Giunta noted for the record that the warrants for the month of July 2021 have been examined by the Town Board and paid.

RESOLUTION 147-21 Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman DiPonzio

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

Motion Carried.

ACCEPTING THE TOWN CLERKS REPORT FOR THE MONTH OF JULY 2021

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

TOTAL REVENUE COLLECTED	\$37,831.10
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TOTAL REVENUE TO THE SUPERVISOR	\$35,835.94
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TOTAL NON-LOCAL REVENUE	\$1,995.16
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RESOLUTION 148-21 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 July 2021.

Additions 1 (Building Dept. Fire Marshal), Terminations 0, 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 8:12 PM.

Town Clerk