

April 3, 2023

The Gates Town Board held FOUR (4) Public Hearings and its Regular Town Board meeting on Monday, April 3, 2023 at the Town Hall Meeting Room at 7:00PM. Those attending the meeting were as follows:

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

7:00PM PUBLIC HEARINGS

The Town Attorney, Dan Schum verified that the Legal Notice was properly published as required by law.

**CONSIDERING A CONDITIONAL USE PERMIT FOR
DAN STRATTON TO OPERATE INSURANCE AUTO AUCTIONS CORP.
AT 522 TROLLEY BLVD. IN A (GI) GENERAL INDUSTRIAL DISTRICT**

Supervisor Giunta explained this application was **WITHDRAWN**

**CONSIDERING A CONDITIONAL USE PERMIT FOR
TIMOTHY LATONA TO OPERATE GO CAR WASH AT
1190 CHILI AVE. IN A GENERAL BUSINESS**

Supervisor Giunta explained this was previously Royal Car Wash, then Go Car Wash purchased and this is just a formality to update the town's records of any changes. He asked if the applicant was present to speak on this application.

Jamie Mesmer, 1190 Chili Ave. representing Go Car Wash agreed this his understanding as well. The only changes to his knowledge are the hours of operation. **Monday through Saturday 7:00am-8:00pm, Sunday 8:00am-6:00pm**

Supervisor Giunta asked if they came in for the sign permits?

Mr. Mesmer is under the understanding the sign permits have been taken care of. He is representing the Go market leader/president of the company who is based out of and lives in Buffalo, NY. He was actually present during the phone call about the sign permits involving Code Enforcer Mic when it was clarified of a miscommunication which has been cleared-up.

Supervisor Giunta since this is a Public Hearing asked if anyone from the audience wanted to speak for or against this. Hearing none, closed the public hearing at 7:04pm.

RESOLUTION 73-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Approves an application from Timothy Latona (Represented by Justin Carozzolo) for a Conditional Use Permit to Operate Go Car Wash at 1190 Chili Ave., in a General Business District (GB) with the following Conditions:

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

Motion Carried.

**CONSIDERING A CONDITIONAL USE PERMIT FOR
STEVE CAROZZA TO OPERATE MANITOU RD. FLEXIBLE SPACE SUITES
AT 3500 BUFFALO RD. IN A LIMITED INDUSTRIAL BUSINESS DISTRICT**

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

Tom Fromberger, MRB Group and Sherman Gittens, Civil Engineer, stated Steve Carozza was not able to attend but is applying for a conditional use permit. They continued by outlying conditions of uses similar in nature to other permitted uses in the LI district such as light manufacturing & assembly, plumbing contractors. The uses Mr. Carozza is looking for are basically landscaping companies, painters, drywall contractors, flooring business, HVAC, for extra equipment stored inside a covered space. Wood working, car detailers, art studio space, fitness space, batting cage, RV Storage or inventory.

Generally, it's a material storage warehouse of products inside the space. It consists of nine (9) buildings (**used rendering to show**) which will be done in phases. Mr. Fromberger also showed a rendering of the building sample, consisting of a peak roof, garage door access

Supervisor Giunta asked if these were some type of storage units on a bigger scale?

Mr. Fromberger agreed on a bigger scale.

Mr. Gittens added it could be storage units, but also told they could be work spaces

Mr. Fromberger continued, each space will have a bathroom. Mr. Carozza has a similar operation in Webster on 590 Salt Rd. as well is in Avon

Supervisor Giunta asked if any will be vehicles stored outside or strictly inside?

Mr. Fromberger believes the intention is to be stored inside but some exterior vehicles parking outside.

Attorney Schum asked if there would be fencing?

Mr. Fromberger replied, No the other locations don't seem to have a need for it

Supervisor Giunta clarified if approved they will apply for site plan approvals?

Mr. Fromberger replied, Yes

Attorney Schum, to clarify, if someone who rents these spaces will be able to store cement mixers or trucks that are there for days or weeks at a time

Mr. Fromberger there are garage doors and trucks will be able to pull into the garage. Ideally trucks should be parked inside, but on occasion could be outside.

Councilman Cordero asked if the spots would be designated

Mr. Fromberger confirmed the spots would be designated (**used rendering to show**) the buildings with parking spaces as well as additional parking space area.

Mr. Gittens confirmed each unit gets a designated parking spot with an option to pay for additional spots. They have tried minimizing parking to a maximum load usually seen, trying to maintain greenspace.

Attorney Schum asked if a space is rented, how many parking spaces are allotted? Parking spaces would not be rented just for parking?

Mr. Gittens it will depend on the space needed on how many needed, and parking spaces would only be for unit renters.

Mr. Fromberger, it is not intended to be open storage for boats, vehicles and such.

Councilman Tucciarello asked if someone could possibly rent a unit for an office, some sort of small production place with a retail front counter with a sign on the outside. A sign like "Here we are"

Mr. Fromberger doesn't see that happening with a sign on the outside, possibly a number referencing the unit

Mr. Gittens added possibly a portable sign they would put out and then remove, nothing permanent, like a sandwich sign.

Councilman Cordero essentially someone could have a doll-up shop, mechanic shop

Mr. Fromberger, not a full mechanic shop, maybe adding a radio or storing extra plumbing supplies. It's one of the reasons for being at the meeting is to get more information on restrictions, making sure whatever the applicant advertises is appropriate for the town

Councilman Cordero so it's a storage facility for contractors, not as a small business.

Supervisor Giunta asked how many bays per units

Mr. Fromberger replied, nine/ten (9/10)

Councilman Tucciarello asked the square footage of each unit?

Mr. Fromberger 60 x 250 (15,000sq ft).

Supervisor Giunta then opened up the public hearing to the audience.

Don Ioannone, 4099 Lyell Rd stated the address is incorrect on agenda and then asked if the units would have sprinklers?

Mr. Fromberger replied yes, they will be

Supervisor Giunta added if this does get granted, it will need to go before the Planning Board for Site Plan approval and continue on. He believes Mr. Carozza is here to see if this project can be utilized on this property before he goes any further.

Mr. Fromberger agreed, Mr. Carozza believes there is a real need for this type of storage for materials and such.

Cherie Harrington, 21 Adeane Dr. East asked to see the rendering to see the are for the proposed project.

Supervisor Giunta asked if anyone else from the audience wanted to speak for or against this. Hearing none, closed the public hearing at 7:18pm.

Councilman Cordero wants to be sure if this application gets approved, it should be with some conditions. For examples; No running a business, no retail used strictly for storage

RESOLUTION 74-23

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

Resolved, that the Gates Town Board hereby approves an application from Steve Carozza for a Conditional Use Permit to Operate Manitou Rd. Flexible Space Suites at 3500 Manitou Rd., in a Limited Industrial Business District (LI) with the following Conditions:

No Direct Retail operation or use allowed, only uses that are permitted in a LI zone
Any New Tenants need to be approved by Town Code Enforcement

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

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

Supervisor Giunta, they are looking to rezone this to entire project a PUD. Initially this was a PUD at one point, when previous developers wanted to rezone a portion of it, which it was to R-1-11 with the intention of also rezoning the remaining parcel, but never came to fruition. The entire project is looking to rezone as a PUD. This project did go in front of the Planning Board, but still waiting on SEQR and recommendation is needed before granting rezoning. He asked if anyone from Whitestone Development was present to speak on this application but none were present

Councilman Tucciarello asked for clarification on the scope of this application being, to rezone or not to rezone

Supervisor Giunta confirmed yes that it is the scope of this public hearing and explained that in waiting for the Planning Boards recommendation, the board cannot decide or act upon this anyways at this time.

Cherie Harrington, 21 Adeane Dr. asked what R-1-11 means?

Attorney Schum explained R-1-11 is Single-Family residential use.

Ms. Harrington asked where the R-1-11 is currently located on the plot of land.

Supervisor Giunta explained the whole scenario with what the previous developer was trying to accomplish. Initially this was a PUD at one point, when previous developers wanted to rezone the 34 acre section, which 24 acres was to R-1-11 with the intention of also rezoning the remaining 10 acre parcel, once development started but it never came to. The additional 50 acres is already a PUD. So the entire 85 acre proposal would be all rezoned as a PUD.

Attorney Schum stated that one of the benefits of rezoning the entire parcel to PUD is then the town has the ability under the PUD regulations to stage development throughout the entire parcel, including; residential, the storage facility, the apartment facility, in terms of which one gets developed in which order and which improvements get put in and when, so there is an orderly development of the entire parcel as apposed to bits and pieces

Ms. Harrington asked if that would affect the plans presented to the public? They would still include single-family?

Supervisor Giunta replied No, they are actually looking at getting it rezoned. Part of the PUD is Planning Unit Development, it allows multiple housings types within it such as single-family, multi-resident, and also has to show a bit of commercial, something that is beneficial to the actual neighborhood and residents.

Supervisor Giunta since nothing has been received from the Planning Board, nothing can be acted on and instead of closing the public hearing due to the applicant not being present, table the public hearing to the May meeting in Old Business,

RESOLUTION 75-23

Motion by Councilman Cordero who moved to **TABLE**:
Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby **TABLED** the petition for a Zoning Change for Whitestone Development Partners, LLC located at 500 Dimino Way and 3410 Buffalo Rd. from PUD **and** R-1-11 to PUD to the May 1, 2023 Town Board Meeting under Old Business.

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

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta called the meeting to order at 7:36PM. He began with a moment of silent prayer and asked to keep Councilman DiPonzio and his family in our prayers as his dad Dominic DiPonzio recently passed. The Pledge of Allegiance was then led by Councilman Lee Cordero

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

AUDIENCE PARTICIPATION

Councilman Cordero announced one of our Gates Police Officers is moving up to the FBI on April 14, 2023. He congratulated Officer Ethan Paszko, wishing him well even though it's sad he's leaving us, but thanked him for keeping Gates safe and wished him God speed.

Office Paszko thanked the town board for the past year and a half (1 1/2), knowing it's been short, but has loved every minute. He thanked Chief Long for running a great department and will miss him as well as some of his best friends, Officers Brian Gerringer and Dakota VanBrederode which was awesome to work with making this move bittersweet.

Supervisor Giunta congratulated Office Paszko, thanked him for the time he was with GPD and wished him the best as he moves on to his next position, making Gates proud.

Officer VanBrederode added it'll definitely be weird not having Ethan as his partner, especially since they have been partners the past six (6) years from RPD to Gates, has learned a lot from him and is a good friend. He went on to say Officer Paszko did a great job, with 4-5-gun arrests, knows he will do a great job with the FBI and wished him luck.

OLD BUSINESS

None

NEW BUSINESS

Supervisor Giunta wished the Town of Gates a Happy 210th Birthday which it tuned on April 1st. It's the oldest town in the County of Monroe.

**ACCEPTING THE MONROE COUNTY/NYS STOP DWI GRANT
FOR THE YEAR 2023 IN THE AMOUNT OF \$9,919**

RESOLUTION 76-23

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

Resolved, that the Gates Town Board hereby Accepts the Monroe County / NYS Stop DWI Grant for the year 2023 in the amount of \$9,919.00.

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

**ACCEPTING A RESOLUTION TO IMPLEMENT A CLIMATE
SMART COMMUNITY TASK FORCE AND APPOINT A
CLIMATE SMART COMMUNITY COODINATOR**

RESOLUTION 77-23

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

Resolved, that the Gates Town Board hereby Accepts a Resolution to Implement a Climate Smart Community Task Force and Appointed Virginia McIntyre as Climate Smart Community Coordinator.

VOTE: Giunta – Aye; Cordero – 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.; ELMGROVE AUTO SERVICES, 725
ELMGROVE RD.; COLLEGE BOUND SEALERS, 989 BUFFALO RD.;
SPLASH CAR WASH (TWO LOCATIONS) 1985 BUFFALO RD. AND 2234 CHILI 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 78-23

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

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.; Elmgrove Auto Services, 725 Elmgrove Rd.; Guida's Pizza, 736 Elmgrove Rd.; Haus of Nails, 2909 Buffalo Rd.; College Bound Sealers, 989 Buffalo Rd.; Splash Car Wash, (**TWO Locations**) 1985 Buffalo Rd. and 2234 Chili Ave.

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

**ACCEPTING THE RESIGNATION FROM THERESA MAY
A MEMBER OF THE PLANNING BOARD**

Supervisor Giunta thanked Teresa May for the many years of volunteer service as a Planning Board Member. She will be missed and wishes her the best.

RESOLUTION 79-23

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

Resolved, that the Gates Town Board hereby Accepts the resignation from Theresa May as a member of the Planning Board

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

**APPOINTING KIRK KETTINGER AS A MEMBER OF THE PLANNING BOARD
TERM TO EXPIRE APRIL 3, 2028**

Supervisor Giunta highlighted some of his resume and also stated Kirk served with us for 12 years as a Trustee for the Library Board including President for many years. Thinks he will be an great addition and bring a different perspective to the board.

RESOLUTION 80-23

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

Resolved, that the Gates Town Board hereby Appoints Kirk Kettinger as a member of the Planning Board term to expire April 3, 2028.

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

**ACCEPTING A RESOLUTION TO DISSOLVE THE TOWN OF
GATES COMPREHENSIVE PLAN BOARD AND RELEIVE ITS
APPOINTED BOARD MEMBERS FROM THEIR DUTIES**

Supervisor Giunta explained why this board was initially created and now that their job was completed advised the board can be dissolved until next time when needed.

RESOLUTION 81-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Accepts a Resolution to dissolve the Town of Gates Comprehensive Plan Board and relieve its appointed board members from their duties.

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

Motion Carried.

ADOPTING A RESOLUTION FOR OUR TOWN CLERK’S OFFICE TO ALLOW ONE DAY MARRIAGE OFFICIANTS TO SOLEMIZE MARRIAGES FOR A FEE OF \$25.00 AND TO ADD IT TO THE FEE SCHEDULE

RESOLUTION 82-23

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Adopts a resolution for our Town Clerk’s office to allow one day marriage officiants to solemnize marriages for a fee of \$25.00 and add it to the fee schedule.

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

Motion Carried.

ADOPTING THE 2023 MONROE COUNTY HAZARD MITIGATION PLAN UPDATE FOR THE TOWN OF GATES

RESOLUTION 83-23

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby Adopts the 2023 Monroe County Hazard Mitigation Plan update for the Town of Gates.

WHEREAS the Gates Town Board recognizes the threat that natural hazards pose to people and property within the Town of Gates; and

WHEREAS the County of Monroe has prepared a multi-hazard mitigation plan, hereby known as the Monroe County Hazard Mitigation Plan 2023 Update in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the Monroe County Hazard Mitigation Plan 2023 Update identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Gates community from the impacts of future hazards and disasters; and

WHEREAS adoption by the Gates Town Board demonstrates their commitment to hazard mitigation and achieving the goals outlined in the Monroe County Hazard Mitigation Plan 2023 Update.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD, TOWN OF GATES, NEW YORK, THAT:

Section 1. In accordance with the provisions of Town Law, the Town Board of the Town of Gates adopts the Monroe County Hazard Mitigation Plan 2023 update. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

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

Motion Carried.

**ACCEPTING THE BID PROPOSAL OF ELMER W. DAVIS INC. FOR THE REPAIR
AND REPLACEMENT OF THE ANNEX SECTION OF THE TOWN HALL ROOF
IN THE AMOUNT OF \$197,899**

Attorney Schum stated that after review of the only bid package submitted that it appears it was incomplete and he felt that the town board suggest that the Town Board not act upon this at this time and reject bid for being incomplete and then the board can authorize to advertise the rebid of this.

ESOLUTION 84-23

Motion by Councilman Tucciarello who **REJECTED** its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby **REJECTED** the bid proposal of Elmer W. Davis Inc for the repair and replacement of the Annex section of the Town Hall roof in the amount of \$197,899.

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

Motion Carried.

RESOLUTION 85-23

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby Authorizes a Notice of Bidder republication for the repair and replacement of the Annex section of the Town Hall roof.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, announce Earth Day, April 22, 2023 from 10am-noon, the Gates Conservation Board will be presenting about recycling, composting and waste reduction event the at Gates Public Library, then from noon to 4pm there will be a scavenger hunt and clean up at Lions Park with the volunteer group Keep Gates Clean. Everyone is welcome.

Also, reminder Gates is hosting a Household Hazardous Waste Collection Day on Saturday, April 29, 2023 from 7:45am to noon, by appointment only. Information will be posted on the website. Collection site will be the Gates Highway Dept. 475 Trabold Rd.

Councilman Cordero added the Easter Egg Hunt, Saturday, April 8, 2023 at TSE on Elmgrove Rd. at 10am. All are welcome

REPORTS**SUPERVISOR'S****ACCEPTING THE SUPERVISOR'S
REPORT FOR THE MONTH OF MARCH 2023****WARRANTS****GENERAL**

CLAIMS # A23-0097 – A23-0170	\$182,059.74
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HIGHWAY

CLAIMS # D23-0070 – D23-0123	\$154,125.67
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LIBRARY

CLAIMS #L23-0016 – L23-0035	\$25,388.61
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TOTAL DISBURSEMENTS	\$1,908,695.27
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TOTAL RECEIPTS	\$696,426.67
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Supervisor Giunta noted for the record that the warrants for the month of March 2023 have been examined by the Town Board and signed.

RESOLUTION 86-23

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

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of February 2022 as read; and the warrants for the month of February 2023 as read.

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

Motion Carried.

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

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

TOTAL REVENUE COLLECTED	\$37,836.05
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TOTAL REVENUE TO THE SUPERVISOR	\$37,100.89
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TOTAL NON-LOCAL REVENUE	\$735.16
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RESOLUTION 87-23

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

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

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

Motion Carried.

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of March 2023

Personnel Status Report for the month of March 2023.

Additions: 1 (1-Public Works)

Terminations: 0

Net Change +1

There being no further business to come before the Town Board, Supervisor Giunta and Councilman Cordero second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 7:56 PM.

Town Clerk