

May 1, 2023

The Gates Town Board held its Regular Town Board meeting on Monday, May 1, 2023 at the Town Hall Meeting Room at 7:30PM. Those attending the meeting were as follows:

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

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta called the meeting to order at 7:34PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman DiPonzio

There were no revisions made to the Public Hearings and Regular Town Board Meeting minutes from April 3, 2023 and will be published and made available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

Chief Long announced, he along with Town Historian, Bill Gillette and Councilman, Andrew Loughlin are hosting a Candlelight Vigil on Saturday, May 13th at 8:00pm. This is to honor all the fallen Law Enforcement Officers (each name will be announced) that passed last year from NY State. This will be done at the same time as the National Vigil in Washington, DC.

Donna Putnam, 34 Elvia St. and Lori Amico, 37 Elvira St. are here complaining about 2499 Lyell Rd., the corner of Lyell Rd. and Elvira St. They call the police every week for noise, garbage, they as well as other neighbors present are very tired of it all and brought pictures to show. It's now becoming confrontational because it doesn't seem like anything is being done.

Supervisor Giunta asked if other neighbors have complained, they said yes, so he asked Police Chief Long if he could confirm that?

Police Chief Long did confirm there have been calls for 2499 Lyell Rd., but couldn't confirm who the callers were.

Supervisor Giunta is well aware of the house. It is a process, but because the town doesn't have a noise ordinance, it can't act on that, but there are other means of tackling this situation. He knows going forward the police will then submit any calls with code enforcement, who will then process with a nuisance complaint.

Ms. Putnam, stated that in the town code about not having garbage in the yard.

Supervisor Giunta, true, but the town cannot just go on someone's property, but there are notices left giving a certain amount of days to clean up or the town will be forced to correct it.

Ms. Amico, stated it's been like this for over a year now. They are tired of calling and soon as the police leave the residents turn the music back up and feels it is very disrespectful. They handed a petition of 20 signatures to Supervisor Giunta

Supervisor Giunta stated he doesn't know where in the process this is, but will check with the Code Enforcement officer, sometimes citations get held up in the court system

Ms. Putnam presented photos from the Lyell Rd and Elvia St. views. It's an eyesore and there are rats coming into the other yards. It's become confrontational because the neighbors are getting annoyed

Supervisor Giunta, thanked them for coming and bringing it to attention and will confirm with the code enforcer on where in the process this is.

Ms. Amico as far as law enforcement and neighbors it's wasting time for something that could be fixed.

Chief Long asked them to keep calling, because they compile a list of complaints and stated it's no bother

Ms. Putnam said that this happens every Sunday and now are actually ring the doorbells, saying don't call the police as they are having a party

Linda Mangione, 65 Elvira, is in the middle of the road can hear the music, it's very annoying. The unsightliness of that property, will make it hard to ever sell her own house.

Ms. Putnam asked how many families can live in one home, because there are more than one family living there.

Supervisor Giunta thanked them for coming in and asked for the opportunity to investigate it. He will contact them, when he has more information to share.

OLD BUSINESS

REVISITING 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

Supervisor Giunta stated he is revisited / reopening the bid that was proposed last month because he erroneously missed the bid bond that was actually included in the packet, which the reasons the bid wasn't accepted in the first place. He is requested this to reversed the request to go back out for bid per last month's resolution.

Attorney Schum stated that at last month's TB Meeting there was a resolution adopted by the board electing to reject all bids submitted based on the review of the one bid that was received, from Elmer Davis, which at that time was thought to be not in compliance due to lack of bid bond or bid check as required by notice to bidders. Since that has been reviewed and determined to be in compliance, it would be appropriate for the board if it wants to act on the award of bid to Elmer Davis to rescind the prior resolution, rejecting all bids, awarding the bid for the Annex roof section of the Town Hall to Elmer W. Davis, it being the only bid received that was in compliance with bid specification

Supervisor Giunta added the roof has been leaking for years even through multiple repairs, now is affecting the police department and the equipment there and motions to reverse last month's resolution and in fact accept the bid proposal from Elmer W. Davis Inc.

RESOLUTION 88-23

Motion by Councilman Supervisor Giunta moved its adoption:
 Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Approves 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; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Nye;
Motion Carried (4-1)

**TABLED 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.**

RESOLUTION 89-22

Motion by Supervisor Giunta to **REOPEN** the public hearing.

Seconded by: Councilman DiPonzio

Resolved, that the Gates Town Board hereby **reopened** 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.

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

**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**

Betsy Brugg, attorney (Woods Oviatt Gilman) along with developer and engineer. They have been going through the approval process, along with all the various steps since last year. They have been to the Planning Board on the referral of the rezoning, two (2) meetings with the neighborhood for their input and comments, back to the Planning Board (4-24-2023) where a SEQR determination was made, the next part of the process is for the Town Board.

It is a rezoning from PUD & R-1-11 to PUD. (For the benefit of people not knowing, explained the Zoning classifications) The zoning code in the Town of Gates has different zoning classifications that allow different uses. The R-1-11 classification is single-family residential, the PUD is a tool, a zoning classification used to allow flexible design, to optimize greenspace, cluster development, including a mix of appropriate compatible uses, in this case a portion of the property, two (2) parcels, approximately eighty-five point five (85.5) acres. They will use the PUD zoning as a tool of mixed-use development with a very low intensity, low volume, self-storage use on the frontage, it allows transition from single-family to multi-family. This is in a mixed-use of the town, there are single-family, they are sensitive to that, a lot of existing tree line, greenspace and are sensitive to keeping the buffers. They are trying to create a transition between the surrounding uses creating a compatible, consistent development by uses of the PUD zoning. Originally, they were going to leave the R-1-11 portion, the town required them to include the R-1-11 in their request to provide the town with the ability to control the development of that property, should the town board approve the entire PUD, it would then allow the town to dictate how, when the phasing of the single-family gets built to ensure in fact it is included in the project, which is the intent of the developer to indeed build single-family

homes, but is a way for the town to have more control. PUD allows for multiple uses, allowing sensitivity for surrounding land uses and gives the town some ability to control the development more than traditional residential projects.

Michele Smith, 3335 Buffalo Rd. asked if there is some sort of law in a one-mile radius of how many people are allowed to reside there, residential or anything. Occupancy within a certain radius, not needing to be in Gates only, from where they are building one-mile could be Ogden or Spencerport.

Attorney Schum there is no law, that he's aware of (in his experience) that says you can only have so many residences, heads, people or whatever within a one-mile radius. What we have in the Gates Town code, Ogden, Chili code is a density restriction which is part of the Town Board in considering the PUD has to consider the overall density of the project given the acreage of the property that is proposed to be developed. In this case the developer furnished that information to the town in terms of a number of single-family homes, number of apartments, number of rental units and commercial, which is non-residential for this project. That information is consistent with the uses within a PUD in the Town of Gates. All codes have a consideration for density, but not necessarily within a one-mile radius. Density if number of units per acreage.

Adeana Giagios, 23 Adeana Dr. West just wants clarity on what Ms. Brugg said about the town wanting the change from R-1-11 & PUD to PUD. Why does the town want this change or rentals can come in?

Supervisor Giunta explained that the previous developer was only looking at thirty-four (34) acres (the Brinkman property) which was originally zoned as PUD. The Town Board tried to get a handle on it, based on plans they had seen in the past. Part of the PUD plan showed single family at the time in that area. To keep true to original plans and for the Town to allow their project to happen the board wanted the developer to put in single-family homes as originally planned, including some sort of commercial which was needed also. Developers wanted to bypass commercial piece. Board agreed at time if they put single-family homes they would perhaps allow multi-family acreage and rezoned the one parcel to R-1-11 and then would rezone the other to MR. Again, it was supposed to be a two-step process, single-family to multi from PUD at the time. So as agreed the first parcel was rezoned to single-family. The project then went on hold, became stagnant and the developers then tried to circumvent the town board by going to zoning board, but unfortunately it wasn't allowed and denied. Rather than changing the zoning back to PUD, the TB left it as single-family. Now the new developer also have included an additional fifty (50) acres which are currently zoned as PUD, the IACC land, the remaining ten (10) acres still PUD, and the twenty-four (24) acres that are R-1-11 for their project. The new developers can keep single-family, but the town board would like to rezone this back so all this can be under one big PUD. The TB can then dictate to them what the town would like in the PUD. Plans still include, single-family homes, which is currently R-1-11. In fact we have actually asked for a few additional single-family homes. There will be commercial piece, which is the storage unit and will satisfy the commercial aspect, and the townhomes/ patio home (rentals), which is also being proposed. If this goes through based on recommendation of the Planning board, rezoning all to one big PUD will incorporate the multiple uses which is really what the PUD is designed as. There would be more control as the town board to manage the project phases.

Mrs. Giagios asked if it could be divided to R-1-11 so it stays single-family homes, with the other portion being PUD (which scares her) instead of all being PUD to prevent the developer coming in to residential townhouse rentals from coming into the single-family portion.

Attorney Schum added that's the focus on the Planning Board. The plan that has been presented continuously is the Easterly portion, which is presently R-1-11 is scoped to be, planned to be,

laid-out, engineered for single-family dwellings. The PUD designation, not only allows the town to require that, but to stage it, which is much better under PUD than R-1-11 to do so.

Supervisor Giunta asked if that's the concern, that the board wouldn't hold the developer true to their word on the staging of the development.

Mrs. Giagios, yes, it is a concern

Supervisor Giunta responded that it's his concern as well and that it will not happen. As a town board, they have stayed true to wanting single-family homes there and if not, this development will not happen. He gave his word on this, the town board agreed.

Chairman DiPonzio clarified that the previous developer tried to circumvent the Town Board decision as the Supervisor mentioned. The board really wanted the single-family homes built first and they tried what they could to do what they wanted and not what the board wanted.

Supervisor Giunta reiterated that if this project goes through, it going to go through the way the Town Board wants it to go through.

Planning Board Chairman, Mike Wall on April 24, 2023, the application was brought to the Planning Board. The job that was tasked from the town board was for the PB to seek advisory recommendations on the constructability of the project which they did and a letter was issued on April 25, 2023 are meant to further solicit discussions with the applicants themselves. As Attorney Schum pointed out, the intensity and density of the project and the rest of recommendations are items just for information, all items the PB will address as the planning goes further

Supervisor Giunta asked PB Chairman Wall if he is recommending this rezone?

PB Chairman Wall as proposed, rezoning this to PUD, does give the town the control needed to be able to enforce the Phasing (which is the most important thing) Part of the Planning Boards task is making the applicant accountable. He believes the single-family homes are in Phase I, which could jeopardize the other Phase II, III, etc. if Phase I isn't followed correctly. He knows the biggest issue the developer has is traffic, but they have submitted the State DOT and Monroe County DOT, his understanding is both entities have accepted the studies as was proposed. One thing that was with the traffic plan, which he himself brought up was with Amazon down the road not yet occupied was the traffic study taking it in account and it was and feels comfortable it's in the plan, but there are some details that will need to be worked out

Attorney Schum it should be noted that under the town's PUD ordinance, this process of referral to the Planning Board for review and in this case SEQR review, then recommendation to the Town Board is part of the statutory process for PUD approval, so this is step three (3), it's a required referral and recommendation pro or con in letter form, which the chairman referenced and is part of the record.

Supervisor Giunta invited anyone who may want a copy of the PB recommendation letter to help themselves in the back table. He asked if there were anyone else to speak on the project, hearing none, closed the public hearing at 8:06pm

Attorney Schum stated it should be noted as the Chairman, the Planning Board is acting as Lead Agency in a coordinated review with other involved agencies issued a negative declaration of environmental significance at it's meeting on April 24, 2023. This board if chooses it can move forward with petition to rezone without further regard to SEQR.

RESOLUTION 90-23

**REZONING APPLICATION OF WHITESTONE DEVELOPMENT PARTNERS, LLC
TO REZONE 85.24 ± ACRES AT 500 FRANK DIMINO WAY AND 3410 BUFFALO
ROAD TAX MAP # 118.13-1-8.11 AND 118.18-1-1.22 FROM R-1-11 AND PUD TO PUD**

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman DiPonzio

WHEREAS, Whitestone Development Partners, LLC has made application to the Town Board of the Town of Gates to rezone from R-1-11 and PUD to PUD approximately 85.24 acre parcel located at 500 Frank Dimino Way and 3410 Buffalo Road and being more particularly bounded and described as follows:

DESCRIPTION OF PREMISES

TAX ACCOUNTS 118.13-1-8.11 AND 118.18-1-11.22

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

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

1. N 0° 23' 41" E, A DISTANCE OF 727.45 FEET TO A POINT; THENCE,
2. S 89° 58' 02" E, A DISTANCE OF 143.06 FEET TO A POINT; THENCE,
3. N 0° 23' 41" E, A DISTANCE OF 239.01 FEET TO A POINT; THENCE,
4. N 89° 58' 02" E, A DISTANCE OF 6.59 FEET TO A POINT; THENCE,
5. N 0° 01' 58" W, A DISTANCE OF 491.01 FEET TO A POINT; THENCE,
6. S 89° 58' 02" E, A DISTANCE OF 473.40 FEET TO A POINT; THENCE,
7. N 0° 25' 13" E, A DISTANCE OF 757.94 FEET TO A POINT; THENCE,
8. N 89° 59' 44" E, A DISTANCE OF 514.85 FEET TO A POINT; THENCE,
9. N 0° 25' 13" E, A DISTANCE OF 680.49 FEET TO A POINT; THENCE,
10. S 56° 08' 44" E, A DISTANCE OF 2135.07 FEET TO A POINT; THENCE,
11. S 0° 13' 00" E, A DISTANCE OF 871.11 FEET TO A POINT; THENCE,
12. S 83° 08' 42" W, A DISTANCE OF 72.31 FEET TO A POINT; THENCE,
13. S 6° 51' 18" E, A DISTANCE OF 19.00 FEET TO A POINT; THENCE,
14. S 83° 08' 42" W, A DISTANCE OF 93.98 FEET TO A POINT; THENCE,
15. S 40° 34' 39" W, A DISTANCE OF 91.31 FEET TO A POINT; THENCE,
16. S 1° 22' 33" E, A DISTANCE OF 212.42 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF SAID BUFFALO ROAD; THENCE,
17. S 73° 23' 56" W ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 391.74 FEET TO A POINT; THENCE,
18. N 3° 17' 09" W DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 265.83 FEET TO A POINT; THENCE,
19. S 89° 58' 02" W, A DISTANCE OF 411.29 FEET TO A POINT; THENCE,

20. S 6° 47' 56" E, A DISTANCE OF 392.31 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF SAID BUFFALO ROAD; THENCE THE FOLLOWING THREE COURSES ALONG SAID RIGHT-OF-WAY,
21. WESTERLY ALONG A CURVE TO THE LEFT, SAID CURVE HAVING AN ARC LENGTH OF 19.04 FEET, A RADIUS OF 5764.66 FEET, A CENTRAL ANGLE OF 0°11'21", A CHORD BEARING OF S 69°50'26" W AND A CHORD LENGTH OF 19.04 FEET TO A POINT OF TANGENCY; THENCE,
22. S 69° 43' 56" W, A DISTANCE OF 252.82 FEET TO A POINT; THENCE,
23. S 68° 37' 56" W, A DISTANCE OF 505.36 FEET TO THE POINT AND PLACE OF BEGINNING.

HERBY INTENDING TO DESCRIBE A PARCEL OF LAND CONTAINING 3,752,324 SQUARE FEET OR 86.142 ACRES OF LAND MORE OR LESS. SAID PARCEL BEING LOT 2 OF THE AFOREMENTIONED BRINKMAN SUBDIVISION, TAX ACCOUNT NO. 118.18-1-1.22 AND LOT 2A OF THE VILLA CAPRI AMENDED SUBDIVISION PLAN AS SHOWN ON A MAP FILED IN THE MONROE COUNTY CLERKS OFFICE AT LIBER 350 OF MAPS, PAGE 79, TAX ACCOUNT NO. 118.13-1-8.11.

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, New York 14624, on the 3rd day of April, 2023 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 map plan and application, 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 application; and

WHEREAS, the Planning Board of the Town of Gates as lead agency has issued its Negative Declaration of Environmental Significance with respect to the proposed action;

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

SECTION I. That by the adoption of this Resolution and Final Order, the Town Board of the Town of Gates does hereby approve the rezoning from R-1-11 and PUD to PUD that parcel of land as is more particularly described in the application, as presently on file in the Town of Gates offices and heretofore described.

SECTION II. That the findings supporting this rezoning approval are as follows:

- A. The prosed rezoning is consistent with the Town of Gates Comprehensive Plan for the use of the property.
- B. That the subject property has been zoned, in part, for PUD Development and is serviced by Sanitary Sewers and Public Water.

SECTION III. That based in part on the Planning Boards Recommendation as contained in their referral letter of April 25th, 2023, the Town Board has determined that the appropriate land use intensity and dwelling unit density for this project shall include not less than 52 single family homes, no more than 400 townhome style apartments, 20 cottage style homes for rent, a 130,000 square foot self-storage facility and a clubhouse with amenities. It was also recommended that the total number of residential homes on the east side of the development be increased while reducing the number of townhome style apartments in the same area which recommendation is incorporated in this determination by the Town Board.

SECTION IV. That the Town Clerk is hereby directed to give due notice of the adoption of this Resolution and Final Order by publication and posting, as required by Law, and to cause the official Zoning Map of the Town of Gates to be amended to reflect this change in zoning.

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

NEW BUSINESS

ACCEPTING THE RESIGNATION FROM CHRISTINE MAURICE AS A MEMBER OF THE ZONING BOARD OF APPEALS

Supervisor Giunta said a few encouraging words about Christine and how she has been a member of the zoning board for over 12 years including Chairperson of that board. He appreciates all her efforts and hard work and volunteerism with the town. She will be greatly missed.

RESOLUTION 91-23

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

Resolved, that the Gates Town Board hereby Accepts the resignation from Christine Maurice as a member of the Zoning Board of Appeals

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

APPOINTING STEPHEN ZIMMER TO THE ROLE OF PERMANENT MEMBER VS. ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS

RESOLUTION 92-23

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

Resolved, that the Gates Town Board hereby Appoints Stephen Zimmer to the role of Permanent Member vs Alternate Member of the Zoning Board of Appeals.

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

**ACCEPTING THE 2022 TOWN OF GATES AUDIT
COMPLETED BY EFPR GROUP**

RESOLUTION 93-23

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

Resolved, that the Gates Town Board hereby Accepts the 2022 Town of Gates Audit completed by EFPR Group

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

**APPROVING THE STANDARD WORK DAY AND REPORTING RESOLUTION FPR
ELECTED AND APPOINTED OFFICIALS FOR THE NEW YORK STATE
RETIREMENT SYSTEM FOR 2023**

RESOLUTION 94-23

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

Resolved, that the Gates Town Board hereby Approves the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for the New York State Retirement System for 2023.

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

**CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS
FOR THE FOLLOWING:
TIM HORTON’S (2) TWO LOCATIONS, 2311 CHILI AVE. AND 1508 BUFFALO RD.;
CHINA WOK, 1661 HOWARD 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 95-23

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

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Tim Horton’s (2) two locations, 2311 Chili Ave. AND 1508 Buffalo Rd.; China Wok, 1661 Howard Rd.

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

**APPOINTING, BRIANNA SMITH, PROVISIONALLY TO
THE POSITION OF PLANNING ASSISTANT**

RESOLUTION 96-23

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

Resolved, that the Gates Town Board hereby Appoints provisionally, Brianna Smith to the position of Planning Assistant.

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

**APPROVING THE LICENSE OF J. P. WHITE TRASH DISPOSAL & RECYCLING,
TO BE AN APPROVED GARBAGE AND REFUSE COLLECTION COMPANY
WITHIN THE TOWN OF GATES**

RESOLUTION 97-23

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

Resolved, that the Gates Town Board hereby Approves the license of J. P. White Trash Disposal & Recycling, to be an approved garbage and refuse collection company within the Town of Gates

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

**SCHEDULING THREE (3) PUBLIC HEARINGS STARTING AT 7:00PM
FOR CONDITIONAL USE PERMITS FOR
#1. ANGELA TRAPISS TO OPERATE TRUSTED TREASUREZ
AT 1742 LONG POND RD. IN A NB DISTRICT
AND
#2. TIMOTHY REED TO OPERATE TACO DERO RESTAURANT & LOUNGE
AT 1174 BROOKS AVE. IN A GI DISTRICT
AND
#3. TO REVIEW LOCAL LAW #2-2023 AMENDING CHAPTER 131 (PARKING)
AND CHAPTER 133 (PROPERTY MAINTENANCE) OF THE GATES TOWN CODE**

RESOLUTION 98-23

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

Resolved, that the Gates Town Board hereby schedules **THREE (3)** Public Hearings for Monday, June 5, 2023 starting at 7:00PM to consider **#1.** the application for a Conditional Use for Angela Trapiss to Operate Trusted Treasurez at 1742 Long Pond Rd in a NB District. **#2** for a Conditional Use Permit for Timothy Reed to Operate Taco Dero Restaurant & Lounge at 1174 Brooks Ave in a GI District and **#3.** to review Local Law #2-2023 Amending Chapter 131(Parking) and Chapter 133 (Property Maintenance) of the Gates Town Code

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

**AUTHORIZING THE PROVISIONAL HIRING OF AN OFFICER CANDIDATE,
AS RECOMMENDED BY GATES POLICE CHIEF ROB LONG
EFFECTIVE MAY 10, 2023 FOR IMMEDIATE ENROLLEMENT
IN THE POLICE ACADEMY TRAINING PROGRAM**

RESOLUTION 99-23

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

Resolved, that the Gates Town Board hereby authorizing the Supervisor the provisional hiring of an Officer candidate as recommended by Gates Police Chief Rob Long, effective May 10, 2023 for immediate reenrollment in the Police Academy Training Program.

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta noted we are preparing for the Memorial Day Ceremony on Monday, May 29, 2023 at 9:00am in the front lawn of the Town Hall.

Councilman Tucciarello the Gates Lions Club is holding a Geranium sale, it's Pre-order only with pick-up on May 13, 2023.

REPORTS

SUPERVISOR'S

**ACCEPTING THE SUPERVISOR'S
REPORT FOR THE MONTH OF APRIL 2023**

WARRANTS

GENERAL

CLAIMS # A23-0171 – A23-0241	\$77,555.60
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HIGHWAY

CLAIMS # D23-0124 – D23-0163	\$45,571.38
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LIBRARY

CLAIMS #L23-0036 – L23-0058	\$29,184.99
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TOTAL DISBURSEMENTS	\$1,433,277.07
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TOTAL RECEIPTS	\$871,777.34
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Supervisor Giunta noted for the record that the warrants for the month of April 2023 have been examined by the Town Board and signed.

RESOLUTION 100-23

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

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

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

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

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

TOTAL REVENUE COLLECTED	\$52,923.66
TOTAL REVENUE TO THE SUPERVISOR	\$52,181.99
TOTAL NON-LOCAL REVENUE	\$741.67

RESOLUTION 101-23

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

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

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

PERSONAL STATUS REPORT

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

Personnel Status Report for the month of April 2023.

Additions: 1 (Highway)
Terminations: -1 (Police Department)
Net Change 0

There being no further business to come before the Town Board, Supervisor Loughlin and Councilman Tucciarello second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:21 PM.

Town Clerk