

June 5, 2023

The Gates Town Board held three (3) Public Hearings and its Regular Town Board meeting on Monday, June 5, 2023 at the Town Hall Meeting Room at 7:00PM. 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
Robert MacClaren	Deputy Town Attorney
Veronica Owens	Town Clerk

7:00PM PUBLIC HEARINGS

**CONSIDERING A CONDITIONAL USE PERMITS FOR ANGELA TRAPISS
TO OPERATE TRUSTED TREASUREZ
AT 1742 LONG POND RD., IN A NEIGHBORHOOD BUSINESS DISTRICT**

The Deputy Town Attorney, Rob MacClaren verified that the Legal Notices were properly published as required by law.

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

Angela Trapiss, owner of Trusted Treasurez at 1742 Long Pond Rd addressed the board stating that her professional business brings families together to celebrate special occasions, from baby showers to end of life ceremonies. It is not a club or night club, they do not sell or have alcohol on the premises without a permit. She has contracts in place to make sure the facility remains safe and clean. Ms. Trapiss has operated from this location for five (5) years and has worked hard to maintain it. She decorates to make beautiful celebrations, from steaming linens, creating florals with a storage room full of decor for any occasion.

Ms. Trapiss stated she has a great landlord who she works very well with and has throughout the years and does not want to leave this location, and neither do her extended number of followers on Facebook.

Supervisor Giunta added the reason this Conditional Use Permit application is necessary now. Was due to an audit done after a rezoning. It was determined this particular business in that NB district now required it. He acknowledged Ms. Trapiss' business has been there for 5 years already and ran smoothly for the most part until just recently.

Ms. Trapiss only one (1) that can be accounted for and the others could be discarded and feels it could happen at any other public establishment people gather at, like Wegmans parking lot, or Burger King. She does have an out time of 10:00pm.

Supervisor Giunta asked what are the hours of operation?

Ms. Trapiss they can bring food in as early as 9:00am and out by 11:00pm. She only hosts events, Friday, Saturday and Sunday. The other business in the plaza are not open except for the Indian Restaurant, on occasion the dance studio on a Saturday morning. Monday through Friday she is there in meetings, cleaning, steaming linens, designing her decorations. There really aren't many Friday night events.

Supervisor Giunta asked what the occupancy is?

Ms. Trapiss sets the occupancy to ninety (90), but the Town allows one-hundred and fifty (150), but she isn't comfortable with that. She allows ninety (90) with ten (10 Servers for a total of one-hundred (100).

Supervisor Giunta asked if she's involved with the catering or is it strictly them?

Ms. Trapiss they can bring their own, but she has highly recommended some local catering companies, who have also recommended her.

Councilman Loughlin asked is there is staff on the weekends for supervision?

Ms. Trapiss, replied, No, there is no supervision.

Supervisor Giunta asked if she would be willing to add supervision?

Ms. Trapiss replied, she doesn't feel there is a need. After five (5) years of approximately one-hundred (100) events a year, looking at five-hundred (500) events in five (5) years with one (1) incident that she feels was minor.

Supervisor Giunta, there have been multiple complaints. The Code Enforcer wasn't able to attend the meeting, but wanted to speak. Mentioned the spill-over from the area into the parking lot, excessive noise (remembering there are residents in the area), people urinating in neighbors' yards, a lot of garbage. These are some of the complaints coming into the Town.

David Interlicchia, owns the plaza, which he purchased in 2012. Ms. Trapiss signed on as a tenant with Trusted Treasures in 2018 and has been an awesome tenant. Does a great job of keeping the property, the interior clean and well established. Personally, he has not received any complaints from neighbors, with the exception of one (1) who is a complainer and complains about everything (like a dead squirrel in the yard, the snow truck turning, which he did contact the town of Greece about), but no other neighbors, which he does talk too. He keeps the area clean including the dumpster area.

Supervisor Giunta asked if the dumpster is enclosed?

Mr. Interlicchia replied, yes, it is enclosed with a front gate on it, complete barrier, concrete six (6) foot wall. He likes a clean place and has specifically told the restaurant, who is there everyday to be sure to keep everything clean and covered.

Ms. Trapiss added she is there after 11:00pm to confirm all is clean including the parking lot so no other people entering the parking lot need to see garbage. She has an employee who periodically stops in to check the parking lot to be sure it's all good. She advises her clients, that the party is to remain indoors and to not flow outside, except for an occasional cigarette or to get fresh air, but no large group outside for long periods of time.

Councilman Cordero asked if they would be willing to add a fence on the back perimeter?

Mr. Interlicchia replied some of the neighbors have their own personal fences as well as bushes he actually replaced years ago to give a barrier, which are now about ten – twelve (10-12) feet tall.

Councilman Cordero asked what type of fence, chain link or stockade?

Mr. Interlicchia replied, chain link.

Councilman Tucciarello asked if the fence is chain link, is it possible for patrons of the plaza to go around the plaza and access other yards? Is it one person with a fence or multiple people with fences?

Mr. Interlicchia replied there is a duplex at the corner of Nisa Lane that does not have a fence and the rest are single-family residents with fences.

Councilman Tucciarello alluding to an issue that was had, asked what type of party was it?

Ms. Trapiss it was a wedding (two weeks ago). It was family of the bride trying to remove an uninvited guest, which police removed from the event.

Councilman Tucciarello asked what type of events would she deny and not allow?

Ms. Trapiss, anything that would bring “red flags”, if extended hours are requested, renting with no tables or chairs. She has specifically family type events, baby showers, birthday parties, small wedding. She currently has a contract with MCC to hold an academy awards ceremony, a lot of memorial services. She does have a second location in Chili that is bigger for larger occasions like weddings.

Councilman DiPonzio asked how frequently do events go to till 11:00pm, being baby showers and birthday parties? Is the time frame a must?

Ms. Trapiss, a lot do end earlier, and she goes in and starts her cleaning or tear down, but some weddings and even birthday parties do go till 11:00pm.

Supervisor Giunta clarified the no alcohol.

Ms. Trapiss not without a permit and license.

Supervisor Giunta asked if she becomes aware of an event with alcohol and no permit?

Ms. Trapiss replied, she would shut down the event.

Councilman Loughlin spoke on personal experience in receiving emails from residents with complaints and having no point of contact information referred them to the police. He finds it hard to believe that a “wedding” of one-hundred (100) people, with or without alcohol spilling into the parking lot with no staff on scene. If police respond, who is there point of contact?

Ms. Trapiss, her clients have her contact information. She has no incident to refer too. She is on site by 11:00pm till about 3:00am, cleaning and setting up for the next days event.

Mr. Interlicchia recalls getting similar calls a few years ago and went to the site himself to see if there was actually something happening or the “one” person who complains about “everything”, but when he arrived about fifteen (15) minutes later, there was nothing, no issues. He himself wants things to be run smoothly.

Councilman Loughlin is sure it is not the events that end at 6:00/7:00pm that are the issues, but the later, 11:00pm events and with no staff to supervise, how does something keep from getting out-of-control, without neighbors calling to complain and no point of contact?

Ms. Trapiss can add here contact information on the door. She continued with the two (2) complaints, which were prior to 11:00pm she had spoke with the Code Enforcer (Mic) who reassured her she was running the business just fine and she had nothing to worry about.

Supervisor Giunta asked if anyone else from the audience wanted to speak for or against this.

Steve Sloan, 57 Campbell St. has working for Ms. Trapiss for a long time and it has been very successful, with no issues or problems, referring to the question of contact information, maybe she could be sure the town has it and if there is an issue or question she could pass on the client's information. They are all willing to do what it takes to continue the success or her business as well as the surrounding businesses.

Gates Police Chief Long discussed a few instances that have occurred at the site since 2018. There have been arrests made for fighting, emails sent from neighbors with complaints of people vomiting and urinating in their yard, as well as loud music. Understanding the location being close to neighbors and the types of events there could be a level of noise. In December of 2022 the police department received information of a party scheduled that would be in violation of third-party promoter law that was passed a few years ago due to shootings. Chief Long passed the promotional flyer of that event with details including three (3) DJ's as well as bottle service being available. He's not confirmed on if the event actually took place or was cancelled. The latest complaint was on May 21, 2023 in which a Gates Police Officer in process of apprehending a suspect was pushed and struck which resulted in charges and an arrest. Two hours later in the same location a male was passed out drunk on the lawn in which Gates Police and Ambulance were called and received emergency services and told the officers he was attending a wedding at Trusted Treasures.

Chief is sure there are a lot of successful events happening in this location and feels everyone just needs to come together and find a solution, but no one has the right to put their hands on his police officers and will support them. He continued with a letter from the Gates Code Enforcer, Mic Silivestro, who could not attend in person recommending the board not approve the application for Conditional Use Permit, due to the numerous complaints he has received and feels this type of business is not conducive to the area in which it's in. He had previously spoken with the business owner who assured him things were under control, but as of the latest incident doesn't seem so.

Supervisor Giunta asked Chief Long for his opinion if this is something that can be worked on with the applicant or does he foresee other instances happening?

Chief Long, possibly adding a fence or some sort of barrier to the neighborhoods, also having staff on site, like other local establishments such as the Italian American Center during parties helps prevent both the properties and business not get destroyed. Taking a hard look at the functions that have alcohol (which looking at his notes, noticed several functions held with alcohol and not having a liquor license or permit)

Councilman Tucciarello asked Chief Long if most complaints come from parties held later at night?

Chief Long confirmed, yes, the 10:00-11:00pm time and it's being let out and guests are lingering in the parking lot

Councilman Tucciarello asked Chief Long if their closing hours were more like 8:00-8:30pm it could it alleviate some of the issues?

Chief Long replied it parties ended earlier at night, it could prevent issues especially if there is alcohol served, it's an hour to an hour and a half less of drinking.

Ms. Trapiss following up on a few things. First, the letter sent from the liquor authority was sent directly to the town and not to her, stated there may have been alcohol and didn't say there were multiple occasions of incidents. Second, the event in December 2022, did not happen, due to the requests they had for the venue that Ms. Trapiss did not agree too and was cancelled.

Next, the arrest in 2019 was a called to the police she made herself due to exchange of words with a client who refused to leave and damaged a U-Hall truck, which did result in a court appearance. As far as the Code Enforcer's letter not wanted to permit the CUP, due to noise and other complaints such as vomiting and urinating is shocking because he never mentioned it to her. She goes above and beyond to make her events great and successful without incidents.

Councilman Tucciarello, this could go a couple different ways. Just denying it or approve with extra conditions. If the board does approve with conditions and there is continued problems, he wants Ms. Trapiss to understand the CUP can be revoked.

Ms. Trapiss is sure similar calls are made about Wegmans parking lot or Burger King and they are not being shut down

Supervisor Giunta agreed, things do happen, but this venue or business is not in a permissible in this zoning area, which is why it requires a Conditional Use Permit, reiterating what Councilman Tucciarello had referred too earlier if this application is to be approved, there may be additional conditions that will need to be met and if not, the permit will be pulled.

Councilman DiPonzio, referring to Ms. Trapiss' statement earlier about Wegman's or Burger King and understands that, but added there are people representing those establishments on site. It's understood things can happen, or situations get elevated, but having staff on site observing and being present could alleviate issues.

Ms. Trapiss replied she has cameras inside the establishment

Supervisor Giunta asked if she has camera on the outside? Ms. Trappis replied, No, just inside. The supervisor asked Mr. Interlicchia if he would be willing to add cameras to the outside of the plaza? He replied, it would be a problem to add.

Ms. Trapiss added that recently she has an employee who periodically stops to check the property

Councilman DiPonzio asked if alcohol is being made available in her venue, is there a protocol in receiving the proper permits prior to the event?

Ms. Trapiss responded yes, it has to be done ten (10) days prior to event.

Councilman Tucciarello the question is can we make this business work in this zoning? So, the answer is either, No or perhaps down the line realize this type of business does not belong in this area. The decision will be ongoing and really wants Ms. Trapiss to understand this.

Kevin Jones, husband asked why after five (5) years of being allowed to run this business is it a zoning issue

Supervisor Giunta replied, there was a rezoning and through an audit it was found. This is not the only business that was found through the audit

Kevin Jones commented on the many complaints and if they knew, they would have worked on them.

Supervisor Giunta replied, any complaint he has received he has reached out to Ms. Trapiss.

Ms. Trapiss replied this was recently, she also requested a copy of the compliant, but yet to receive it, Chief Long added, she would need to file a FOIL request.

Councilman Cordero asked if Ms. Trapiss would be willing with the landlord to add a fence and cameras. Also have staff more rounds to keep an eye on things.

Mr. Interlicchia the reason there haven't been cameras installed prior is he hasn't seen or heard of any damage done or garbage in the parking lot, but is willing to add cameras to the building.

Councilman Cordero asked a fence? Mr. Interlicchia it could be a bit complicated because of the dip, the neighboring properties, the type of fencing. He did plant trees ten years ago for blocking the parking lot from the houses.

Supervisor Giunta is willing to allow this CUP with one of the conditions being if there is alcohol, the license be known to the town, via an email or phone call

Ms. Trapiss is willing to eliminate this facility from allowing alcohol, due to this venue being primarily baby-showers and other functions with alcohol she can place at her other location.

Councilman DiPonzio asked if she would be willing to having the end time to 8:00pm especially if it's mainly baby-showers and birthday parties?

Mr. Jones responded they have events already booked out a year and those were told till 11:00pm, but going forward after those

Councilman Cordero the board is not trying to close down business, it wants to work together to see them thrive and this is the reason for conditions with a CUP depending on the zone area.

Supervisor Giunta would like to see a staff member patrol some check-ins to be sure everything is clear

Ms. Trapiss replied she can't pay someone to just sit in the parking lot for six-seven (6-7) hours. Supervisor Giunta, possibly the last two hours of an event.

Councilman Loughlin, would be receptive, especially having people already booked a year out to go till 11:00pm, however moving past those dates have the close time earlier, as well as having someone patrol the last couple hours.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:57pm

RESOLUTION 102-23

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves an application from Angela Trapiss for a Conditional Use Permit to Operate Trusted Treasurez at 1742 Long Pond Rd., in a Neighborhood Business District (NB) with the following Conditions:

1. Hours of Closing: Fri. & Sat. by 11:00pm INCLUDING Clean-Up and Sunday by 9:00pm INCLUDING Clean-Up.
2. Staff On-Site TWO (2) Hours PRIOR to End of Event.
3. Alcohol Permits MUST be SHARED with the Town of Gates Code Enforcer and Police Department, FIVE (5) Days PRIOR to EVENT

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

Motion Carried.

**CONSIDERING A CONDITIONAL USE PERMITS FOR TIMOTHY REED
TO OPERATE TACO DERO RESTAURANT & LOUNGE
AT 1174 BROOKS AVE., IN A GENERAL INDUSTRIAL DISTRICT**

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

Timothy Reed looking to get a CUP for 1174 Brooks Ave. the old Mr. Theo's. Currently he runs a few Taco Trucks and is looking to open a brick and mortar. He signed the lease about three (3) months ago and in the process of getting the liquor license.

Supervisor Giunta asked the hours of operation.

Mr. Reed responded: Tuesday-Thursday 10:00am-Midnight. Friday & Saturday 10:00am-2:00am and Closed on Monday.

Supervisor Giunta asked how long Mr. Reed has had the food trucks? He responded since 2021.

Councilman Tucciarello asked the type of business, more on the high-end or more common theme, or diner like? Mr. Reed wants the business to be approachable, a self-service type, come up to the counter, place order and come back get food. Food will also be able to be order from lounge area as well.

Supervisor Giunta asked if it'll be full bar or beer & wine and how many employees? Mr. Reed responded, full bar, and 10 employees to start and increase with the need as well as bouncers on Friday & Saturday nights.

Supervisor Giunta asked when they will open for business? Mr. Reed replied, they'll have a soft opening end of July, with full launch in August with liquor license.

Supervisor Giunta added once he is ready with full open the Chamber of Commerce can be contacted for a ribbon cutting.

Councilman DiPonzio asked what Birria is? Mr. Reed replied it's a stewed meat with the taco being drenched in consume of the stewed meat.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this?

Orlando Rivera, supports this application. His cousin is actually a part of this group of young men doing a great job growing their business the past couple years, with a plan. They will do a fine job, making this spot a success.

Kaja, long time Gates resident, supports the business because she has seen how hard they have worked and is super proud of them and is excited to being there.

Thomasina Johnson, 16 Bru-Mar Dr, stated the people running the food trucks have excellent character and is excited and looking forward to it being in Gates.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 8:18pm

RESOLUTION 103-23

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

Resolved, that the Gates Town Board hereby approves an application from Timothy Reed for a Conditional Use Permit to Operate Taco Dero Restaurant & Lounge at 1174 Brooks Ave., in a General Industrial District (GI) with the following Conditions:

Hours of Operation:

Monday	Closed
Tuesday-Thursday	10:00am-Midnight
Friday & Saturday	10:00am-2:00am
Sunday	10:00am-Midnight

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

**REVIEWING LOCAL LAW #2-2023 AMENDING CHAPTER 131 (PARKING)
AND CHAPTER 133 (PROPERTY MAINTENANCE) OF THE TOWN OF GATES**

Supervisor Giunta they have gone through and reviewed these chapters. Stated this change was to remove jail provisions from these section and impose a stricture fine policy on punishable offences in these chapters.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 8:20pm

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta called the meeting to order at 8:21PM. 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 May 1, 2023 and will be published as written and available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

Phil Torti, 380 Hinchey Rd asked for information on the Highway Department going behind the Hinchey House?

Supervisor Giunta the town is still exploring the possibility of constructing something, but are in the initial phases of drawing up design which would also include a park and whatever else, but it is still in the exploring stages

Mr. Torti feels the town is not being forthcoming

Supervisor Giunta because the town is not there yet, but once there are drawings and things are better solidified the town will hold a public informational meeting and residents will have an opportunity to speak.

Mr. Torti asked when that will be?

The Supervisor replied probably later this year, working with engineers and architects to get renderings of what it could look like.

Mr. Torti asked where the money is coming from to build this?

Supervisor Giunta, they are looking into that as well. There are possibilities of grants, bonding, but reiterated that the town is not there yet.

Mr. Torti asked if there have been studies done on the impact to the residents, he also asked if there are any publications or facts on this? He's on a fact-finding mission.

Supervisor Giunta, there will be a buffering, but traffic studies or anything like that is a long way away. There are no publications available because the town is not there yet. The town wants to be a good neighbor and will take everyone's opinion and look at all options.

Betsey Arms, 610 Hinchey Rd. asked if the town has looked at other locations

Supervisor Giunta, replied yes, they have been looking at other areas. The current Highway garage is about sixty (60) years old. It's falling apart.

Ms. Arms asked if it could be torn down and rebuilt?

Supervisor Giunta, no, the footprint is small and have outgrown it. Tearing it down would not work. There would no operation of the Highway services during the process. This land fell in the towns lap, because the property was donated to the town. They gave one hundred and ten (110) acres, twenty (20) of which would go towards the Hwy Department and the remaining a Nature Park. It's all behind Howard and Hinchey to the railroads. It was in the town's Comprehensive Plan.

Ms. Arms is concerned with the noise from the trucks and is also concern with the safety of the park.

Supervisor Giunta added the trucks be housed indoors and doesn't see where there would be a noise problem. They are already out early plowing, so it's the same noise. This park would not be like the other parks with basketball or tennis courts, it would be more of a nature park with possible sensory aspects. The town would use the information that was gathered during the Comprehensive Plan. The town is receptive to ideas, but are not there yet at this time, but will need residents support. It will go to a vote.

Councilman DiPonzio it would need to go to a vote, obviously she would not want it in her backyard, so she would need to petition it with the town expressing that. The town Board will follow what the people say.

Supervisor Giunta it also comes down to funding as well, whether it's feasible or not, looking at Chili. Their community center took five to six (5 - 6) years to develop including their Hwy garage. It's a vision for a few years down the road

Supervisor Giunta asked if there was anyone else, hearing none, closed the Audience Participation 8:32pm.

OLD BUSINESS

None

NEW BUSINESS

**APPOINTING OFFICER JUSTIN SALE TO THE GATES POLICE DEPARTMENT
TO ATTEND MAY 2023 POLICE ACADEMY**

Chief Long, at last months TB meeting, he requested approval of bringing on a candidate to start the Police Academy, which started in May. Since that meeting, they did a background check and interviewed Justin Sale, who was a Life Scout, has a BA and his Masters, has organized several fundraisers, played D2 Lacrosse. Liking what they saw and heard, offered him a position with the Gates Police Department and he started the Academy on May 10, 2023 and was quickly made Class Sergeant.

RESOLUTION 104-23

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

Resolved, that the Gates Town Board hereby Appoints officer recruit; Justin Sale to the Gates Police Department to attend May 2023 Police Academy.

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

Officer Recruit, Justin Sale was administered his oath by Chief Long. He introduced his family in the audience and thanked Chief Long and entire PD the board for this opportunity.

**RE-APPOINTING GREGORY WESTBROOK TO THE GATES RECREATION AND
PARKS COMMISSION FOR A 6-YEAR TERM, TERM TO EXPIRE JUNE 5, 2029.**

RESOLUTION 105-23

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

Resolved, that the Gates Town Board hereby Re-Appoints Gregory Westbrook to the Gates Recreation and Parks Commission for a 6-year term. term to expire June 5, 2029.

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

**ACCEPTING THE RESIGNATION FROM TANIOS SARKIS AS AN
ALTERNATE MEMBER OF THE PLANNING BOARD**

RESOLUTION 106-23

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

Resolved, that the Gates Town Board hereby Accepts the resignation from Tanios Sarkis as an Alternate member of the Planning Board.

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

ADOPTING THE TOWN OF GATES COMPLETE STREETS POLICY

RESOLUTION 107-23

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Adopts the Town of Gates Complete Streets Policy

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

Motion Carried.

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

**LASER CAR WASH, 3565 BUFFALO RD.; OPEN DOOR MISSION,
240 COLDWATER RD.; MCDONALD’S 1965 CHILI AVE.; STURDI-BUILT SHELDS,
2345 BUFFALO RD.; LINDE GAS & EQUIPMENT, 140 ELMGROVE PARK;
PANERA BREAD, 1502 HOWARD RD.; MFA AUTO, 2800 MANITOU RD.;
BYRNE DAIRY & DELI, 462 SPENCERPORT RD.;
SENENIG LANDSCAPING, 3670 BUFFALO RD.; FAITH OUTREACH MINISTRY,
2910 BUFFALO RD.; WIMPY’S BURGER BASKET, 2160 BUFFALO RD.;
BURGER KING, 4 SPENCERPORT 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 108-23

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: Laser Car Wash, 3565 Buffalo Rd.; Open Door Mission 240 Coldwater Rd.; McDonald’s, 1965 Chili Ave.; Sturdi-Build Sheds LLC, 2345 Buffalo Rd.; Linde Gas & Equipment, 140 Elmgrove Park; Panera Bread, 1502 Howard Rd; MFA Auto, 2800 Manitou Rd.; Bryne Dairy & Deli, 462 Spencerport Rd.; Sensenig Landscaping, 3670 Buffalo Rd.; Faith Outreach Ministry, 2910 Buffalo Rd.; Wimpy’s Burger Basket, 2160 Buffalo Rd.; Burger King, 4 Spencerport Rd.

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

Motion Carried.

**SUPPORTING THE SECURING OF GRANT FINDING FOR NYS ROUND #13 OF THE
CONSOLIDATED FUNDING APPLICATION PROGRAMS UNDER THE WATER
QUALITY IMPROVEMENT PROJECT (WQIP) PROGRAM**

RESOLUTION 109-23

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

WHEREAS, the Town Board of the Town of Gates is eligible for grant funding under New York State’s Round #13 of the Consolidated Funding Application Program under the Water Quality Improvement Project (WQIP) Program; and

WHEREAS, the Town of Gates wishes to make and supports such application for the WQIP category of *Vacuum Trucks in Municipal Separate Storm Sewer System Areas* to purchase a new vacuum truck to reduce pollutants from entering local waterbodies; and

WHEREAS, the Town has demonstrated support from all collaborating regulated MS4 entities and improves water quality within the HUC 10 watershed in a Disadvantaged Community; and

WHEREAS, the application project budget provides an exceptional value as it applies to achieving pollutant reduction, and the Town of Gates has shown the ability to complete 3 similar state-funded WQIP projects in the past 4 years; and

WHEREAS, the Town's recent adoption of their 2022 Comprehensive Plan reflects their desire to practice climate resilience, as further supported by the Town's designation as a Clean Energy Community and consideration of a Bronze designation through the Climate Smart Community Program; and
the proposed activity to be conducted pursuant to the grant funds if approved, is the purchase of equipment, it is considered a Type II Action pursuant to the provisions of SEQR.

NOWTHEREFORE, be it RESOLVED by the Town Board of the Town of Gates as follows:

SECTION I. That by the adoption of this resolution the Town Board of the Town of Gates finds, determines, and supports that the securing of grant funds under Round #13 of the Consolidated Funding Application Program, WQIP category of Vacuum Trucks, and the use of such funds for the purchase of equipment, is a Type II Action, an action which is likely to have no negative impact upon the environment.

SECTION II. That this resolution is and shall be deemed a Negative Declaration of Environmental Significance with respect to the proposed activity which may continue without further review pursuant to the provisions of SEQR.

SECTION III. That the Supervisor be and he hereby authorized to execute any and all grant applications.

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

**NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE
INTRODUCTORY LOCAL LAW #2-2023
AMENDING CERTAIN PROVISIONS OF CHAPTER 70 (BUILDING CODE),
CHAPTER 83 (DUMPING AND LITERING), CHAPTER 133 (PROPERTY
MAINTENANCE) AND CHAPTER 190 (ZONING)**

RESOLUTION 110-23

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

WHEREAS, the Town Board of the Town of Gates did hold and conduct a public hearing to consider the enactment of Introductory Local Law #2-2023 which public hearing was held and conducted at a regular meeting thereof held on the 5th day of June, 2023 at 7:00 pm at the Gates Community Center, 1605 Buffalo Road, Rochester, New York 14624; and

WHEREAS, the Town Board of the Town of Gates is desirous of enacting such Local Law; and

WHEREAS, it is necessary for the Board to consider the impact of such Local Law upon the environment pursuant to the provisions of the State Environmental Quality Review Act; and

WHEREAS, the enactment of legislation is a purely administrative function and as such is a listed Type 2 Action, and Action that requires no further environmental review;

NOWHEREFORE, 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 the Town Board of the Town of Gates declares itself to be lead agency with respect to the consideration of the adoption of the proposed Local Law.

SECTION II. That the Town Board finds and determines that such legislative action is a Type 2 Action and as such is an Action that will have no significant adverse environmental impact and this resolution shall be considered a Negative Declaration pursuant to the provisions of SEQR.

SECTION III. That the town Board may take such further action with respect to such proposed Local Law without further regard to SEQR.

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

**ENACTING INTRODUCTORY LOCAL LAW #2-2023
AMENDING CERTAIN PROVISIONS OF CHAPTER 70 (BUILDING CODE),
CHAPTER 83 (DUMPING AND LITERING), CHAPTER 133 (PROPERTY
MAINTENANCE) AND CHAPTER 190 (ZONING)**

RESOLUTION 111-23

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

WHEREAS, the Town Board of the Town of Gates did hold and conduct a public hearing to consider the enactment of Introductory Local Law #2-2023 proposing to amend certain provisions of Chapter 70 (Building Code), Chapter 83 (Dumping and Littering), Chapter 133 (Property Maintenance) and Chapter 190 (Zoning) which public hearing was held and conducted at a regular meeting thereof held on the 5th day of June, 2023 at 7:00 pm at the Gates Community Center, 1605 Buffalo Road, Rochester, New York 14624 and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board of the Town of Gates is desirous of enacting such Local Law; and

WHEREAS, the Town Board of the Town of Gates did heretofore adopt such Negative Declaration of Environmental Significance with respect to the enactment of such Local Law;

NOWHEREFORE, 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 the Town Board of the Town of Gates does hereby enact Introductory Local Law #2-2023 which Local Law proposes to amend certain provisions of Chapter 70 (Building Code), Chapter 83 (Dumping and Littering), Chapter 133 (Property Maintenance) and Chapter 190 (Zoning).

INTRODUCTORY LOCAL LAW #2-2023

The proposed Local Law proposes to amend certain provisions of Chapter 70 (Building Code), Chapter 83 (Dumping and Littering), Chapter 133 (Property Maintenance) and Chapter 190 (Zoning) as follows:

§ 70-15. Penalties for offenses.

- A. Any person who shall willfully fail to comply with a written order of the Building Inspector, Fire Marshal or any duly authorized assistant within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, plumber, construction superintendent or their agents or any other person taking part or assisting in the construction or use of any building who shall violate any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Building Inspector, Fire Marshal or any duly authorized assistant made thereunder or in addition to any other penalties provided for in this chapter shall upon conviction be guilty of an offense, punishable by a fine of not less than one thousand (\$1,000) dollars nor more than five thousand (\$5,000) dollars upon a conviction of a first offense, a fine of not less than two thousand (\$2,000) dollars nor more than ten thousand (\$10,000) dollars and upon conviction of a third or subsequent offense, committed within five (5) years of the first offense, a fine of not less than four thousand (\$4,000) dollars nor more than fifteen thousand (\$15,000) dollars. Each day, or part thereof, such violation continues, following notification by the Town or service of a summons, appearance ticket or notice of violation returnable before the Town Court, shall constitute a separate offense, punishable in like manner.

- B. An action or proceeding in the name of the Town of Gates, New York, may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of the Uniform Code, this chapter, a rule or regulation adopted pursuant to this chapter or a violation order, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to penalties otherwise prescribed by law.

§ 83-12. Penalties for offenses.

- A. Any person or business entity who is the owner of or is in charge of the property who commits a violation of the provisions of this Article or has control of the property and permits a violation to exist shall upon conviction be guilty of an offense, punishable by a fine of not less than one thousand (\$1,000) dollars nor more than five thousand (\$5,000) dollars upon a conviction of a first offense; upon a conviction of a second offense, committed within five (5) years of the first offense, a fine of not less than two thousand (\$2,000) dollars nor more than ten thousand (\$10,000) dollars and upon conviction of a third or subsequent offense, committed within five (5) years of the first offense, a fine of not less than four thousand (\$4,000) dollars nor more than fifteen thousand (\$15,000) dollars or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day, or part thereof, such violation continues, following notification by the Town or service of a summons, appearance ticket or notice of violation returnable before the Town Court, shall constitute a separate offense, punishable in like manner.

- B. DELETE

§ 133-16. Alternative remedies.

- B. Any person or business entity who is the owner of or is in charge of the property who commits a violation of the provisions of this Article or has control of the property and permits a violation to exist shall upon conviction be guilty of an offense,

punishable by a fine of not less than one thousand (\$1,000) dollars nor more than five thousand (\$5,000) dollars upon a conviction of a first offense; upon a conviction of a second offense, committed within five (5) years of the first offense, a fine of not less than two thousand (\$2,000) dollars nor more than ten thousand (\$10,000) dollars and upon conviction of a third or subsequent offense, committed within five (5) years of the first offense, a fine of not less than four thousand (\$4,000) dollars nor more than fifteen thousand (\$15,000) dollars. Each day, or part thereof, such violation continues, following notification by the Town or service of a summons, appearance ticket or notice of violation returnable before the Town Court, shall constitute a separate offense, punishable in like manner.

- C. Penalties for offenses under § 133-7B, habitually noncompliant vacant buildings or structures. Any person who is found to be owning or having charge or control of any building or structure that is habitually noncompliant under § 133-7B of this chapter shall, upon conviction of any violation of this chapter relating to said building or structure, be punished by the maximum fine of \$1,000 for such violation. In the event of any failure to so comply, each and every day that such violation continues shall constitute a separate offense, and the penalties described above shall be applicable to each such separate offense.

§ 190-213. Penalties for offenses.

Any person or business entity who is the owner of is in charge of the property who commits a violation of the provisions of this Article or has control of the property and permits a violation to exist shall upon conviction be guilty of an offense, punishable by a fine of not less than one thousand (\$1,000) dollars nor more than five thousand (\$5,000) dollars upon a conviction of a first offense; upon a conviction of a second offense, committed within five (5) years of the first offense, a fine of not less than two thousand (\$2,000) dollars nor more than ten thousand (\$10,000) dollars and upon conviction of a third or subsequent offense, committed within five (5) years of the first offense, a fine of not less than four thousand (\$4,000) dollars nor more than fifteen thousand (\$15,000) dollars. Each day, or part thereof, such violation continues, following notification by the Town or service of a summons, appearance ticket or notice of violation returnable before the Town Court, shall constitute a separate offense, punishable in like manner.

SECTION II. That the Town Clerk shall give due notice of the enactment of this Local Law by filing of the same with eh Secretary of State as required by statue.

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

NEW BUSINESS OF COUNCIL MEMBERS

None

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
 REPORT FOR THE MONTH OF MAY 2023**

WARRANTS

GENERAL

CLAIMS # A23-0242 – A23-0343 \$104,694.72

HIGHWAY

CLAIMS # D23-0164 – D23-0202 \$59,662.21

LIBRARY

CLAIMS #L23-0059 – L23-0087 \$49,860.83

TOTAL DISBURSEMENTS	\$1,414,351.13
TOTAL RECEIPTS	\$1,358,453.69

Supervisor Giunta noted for the record that the warrants for the month of May 2023 have been examined by the Town Board and signed.

RESOLUTION 112-23

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 May 2023 as read; and the warrants for the month of May 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 MAY 2023

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

TOTAL REVENUE COLLECTED	\$24,630.06
TOTAL REVENUE TO THE SUPERVISOR	\$23,700.28
TOTAL NON-LOCAL REVENUE	\$929.78

RESOLUTION 113-23

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 May 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 May 2023

Personnel Status Report for the month of May 2023.

Additions: 1 (Police Department)

Terminations: -1 (Public Safety)

Net Change 0

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 8:45 PM.

Town Clerk