

August 7, 2023

The Gates Town Board held a Public Hearing and its Regular Town Board meeting on Monday, August 7, 2023 at the Town Hall Meeting Room at 7:15PM. Those attending the meeting were as follows:

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

7:15 P.M PUBLIC HEARING

**TO CONSIDER THE ENACTMENT OF INTRODUCTORY LOCAL LAW #4-2023.
PROPOSING TO AMEND CHAPTER 190 (ZONING) ARTICLE V
OF THE TOWN CODE RELATING TO SIGNS IN THE TOWN OF GATES**

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

Supervisor Giunta explained back in March a moratorium was place for electronic signs. There were some inconsistencies and confusion with signage and this provided the opportunity to revisit and compare our code with other neighboring towns. He invited Christine Maurice, who spearheaded this to come speak a bit and explain it.

Christine Maurice -13 Loderdale Rd. Back in May 2023, Director of Public Works, Kurt Rappazzo reached out to her and asked if she would be interested in looking at the town sign codes, mainly about the LED message boards, but all of the signage code as well, since it hadn't been updated since 2013. Ms. Maurice was on the Zoning board for fourteen (14) years and knows the town codes very well. A team was put together consisting of Building Inspector, Randy Minster, Code Enforcer, Mic Silivestro, as well as input from Andrew Gartley (formerly on the Planning board), Don Ioannone (Zoning Board of Appeals) along with Supervisor Giunta. They met and made a number of recommendations. She went over the different zone districts, their needs and the impacts. A few changes were slightly made per different zones, with particular attention to LED message signs including how bright they are or how close to an intersection. Also, political signs are now allowed forty-five (45) days prior to election day from thirty (30) keeping in mind, early voting.

Supervisor Giunta thanked Ms. Maurice for all the efforts put into this.

Attorney Schum it's a great opportunity for the Town of Gates to have people like Chris and the team willing to volunteer and take a hard look at these things.

Councilman Tucciarello is not a big sign guy, and feels they are like noise in the environment and take up greenspace, but loves her logic and reason on it all and applauds her.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:24pm.

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta called the meeting to order at 7:30PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman Loughlin.

There were no revisions made to the Public Hearings and regular Town Board Meeting minutes from July 10, 2023 and will be published as drafted and available on the website and in the Town Clerk's office

AUDIENCE PARTICIPATION

**PRESENTATING A CERTIFICATE OF RECOGNITION OF APPRECIATION
TO THE MEMBERS OF THE GATES COMPREHENSIVE PLAN BOARD
CHRISTINE MAURICE (CHAIR), BROM BIANCHI, VIRGINIA MCINTYRE,
PATRICIA REDFERN, MICHAEL WALL, STEPHEN ZIMMER, AND
TO NANCY MAURO IN MEMORY OF EDWARD MAURO**

Supervisor Giunta invited the members of the Gates Comprehensive Plan Update Board to the meeting. Board was made up of 7 volunteers from the planning board, zoning, board, and public. It was an intensive time line from February 2022 to September 2022, holding informational meetings, gathering feedback from the residents and business owners to presenting to the town board and receiving approval. This was all lead by Christine Maurice as chair. Supervisor Giunta presented each member with a Certificate of Appreciation; Christine Maurice, chair, Brom Bianchi, Virginia McIntyre, Patricia Redfern, Stephen Zimmer, Mike Wall (absent) and Nancy Mauro (for Ed Mauro, who passed away).

Sam Samone, 81 Marc Mar Trail, he was here at 2:00pm, saw the public hearing notice on the board and asked at the clerk's office for a copy of the proposed amendment of Local Law #4-2023 and couldn't be found. He just wanted to suggest it be posted on the same board for everyone to see it.

Supervisor Giunta apologized, the clerk on hand was out of the office the past two (2) weeks and may not have been aware.

Kyle Pagano, 270 Trabold Rd. he has been a twenty-three (23) resident of Gates and is concerned with the lack of mowing grass and the upkeep of the on and off ramps of 490. The grass is well overgrown, going up the guardrails. He reached out to the Highway Superintended and left a voicemail, because a deer was siting against the guardrail not easily seen, which is a safety concern. The Town of Gates is looked at a little bit differently from the towns of Fairport or Penfield and he feels, one way to change the stigma of how our town is looked at, is by keeping the lawn mowed in these areas. It is a vital part of our Eco System. We have Home Depot, a movie theater, and restaurants which has people getting off at the exit at 490 to get to. He did reach out to the Ogden Highway Dept. on who is responsible for the upkeep and was told, they are short handed and behind schedule. Their plan of action is once a season that gets mowed.

Supervisor Giunta totally agrees, but unfortunately the Town of Gates doesn't maintain the off ramps or 390 and 490, it belongs to the State. He was actually hopeful because he saw them the prior week but doesn't seem they continued.

Mr. Pagano explained that was due to him calling about the weeds growing across the road and expressing concern for unexperienced motorcyclists possibly washing out and hitting the guardrail. So, they sent a guy out the next day and just trimmed a little of the area. He's bringing this up to the town board, because of the states shortcomings the town looks like this. He complimented the Gates Police for all they do to keep our town safe, but this area has been

neglected for years not months, it's an eyesore. The residents don't cut their grass just one a year, we keep up on it and if there is a neighbor that doesn't everyone knows who it is. He's hoping the State will listen to the Town and feels a proactive plan need to be put together to keep that area especially upkept. When people are entering the Town of Gates it should glow. How do we put a plan together, if the State can't maintain that area, what can be done to allocate funds for the upkeep of that area and sub-contract someone in, that can take care of it? He realizes the Gates Celebration is coming up and there will be fireworks and other things and feels if ten-thousand (\$10,000) dollars is allocated for fireworks, he would much rather that money go to the upkeep of that area in the course of a summer than a twenty (20) minute firework show. He sees this area everyday and feels if it's not brought to the table, it'll never get addressed. He is here for us to lose the stigma. Realizing we are a close community to the city limits and knows it's a different dynamic from Fairport, which is ten (10) miles outside the city limit, it's a big difference, but again commends the police for doing their best. He's asking the board, what can we do to put a proactive plan together and dress up that area?

Councilman Cordero in the past, he cleaned that area under the bridge and was told by state to stop. They stated there needs to be crash trucks, flagmen, it's like twelve (12) people needed for that site. He told them if he couldn't do it they should and here we are.

Attorney Schum added if he was to get a permit to do it himself, it would be a six (6) month process in paperwork itself. Even to do a "Good Deed"

Supervisor Giunta will reach out to Senator Clooney and the State Assemblyman and recommends Mr. Pagano do the same.

Councilman Laughlin to expand, the canal path falls on deaf ears as well.

Virginia McIntyre suggested speaking with Senator Clooney at the Gates Celebration, this coming Saturday.

OLD BUSINESS

None

NEW BUSINESS

APPOINTING DANIEL SWITZER AS A MEMBER OF THE CONSERVATION ADVISORY BOARD TO A FOUR (4) YEAR TERM, TERM TO EXPIRE AUGUST 7, 2027

Councilman Loughlin has known Dan for several years, has been a Gates resident for many years and participates with "Keep Gates Clean" and will be a fine addition to the Conservation Advisory Board.

Supervisor Giunta agreed and added he volunteers his time to pick debris to help keep Gates clean, on side roads and under bridges, etc.

Councilman Tucciarello, thanked Dan for doing this, it is appreciated and looks forward to seeing him at the meetings.

RESOLUTION 125-23

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

Resolved, that the Gates Town Board hereby Appoints Daniel Switzer as a member of the Conservation Advisory Board to a four (4) year term, term to expire August 7, 2027.

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

Dan Switzer is one of the four-founding members of “Keep Gates Clean” and at this point is one of the only active members and are looking for volunteers and mentioned Mr. Pagano would perfect to come join them. They meet each Saturday at 10:00am, this Saturday will be at Spencerport Rd. cleaning for the Gates Celebration. He is honored to have been asked to join this board and looks forward to it.

**APPOINTING TINA ALBANESE-STAUFFER AS AN ALTERNATE MEMBER
OF THE ZONING BOARD OF APPEALS FOR A FIVE (5) YEAR TERM,
TERM TO EXPIRE AUGUST 7, 2028**

Councilman Cordero, she is a neighbor of his and knows she will be a good asset to the zoning board

RESOLUTION 126-23

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

Resolved, that the Gates Town Board hereby Appoints Tina Albanese-Stauffer as an alternate member of the Zoning Board of Appeals for a five (5) year term, term to expire August 7, 2028.

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

**APPOINTING CHARLES JOHNSON FROM THE CONSERVATION ADVISORY
BOARD AS THE TOWN OF GATES LIAISON TO THE MONROE COUNTY
ENVIRONMENTAL MANAGEMENT COUNCIL**

RESOLUTION 127-23

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

Resolved, that the Gates Town Board hereby Appoints Charles Johnson from the Conservation Advisory Board as the Town of Gates liaison to the Monroe County Environmental Management Council

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

Councilman Tucciarello, as liaison to the Conservation Advisory Board, that Charles is a member of, feels he will do a great job, stepping up and taking on this position and thanked him

Charles Johnson is excited.

ADOPTING A RESOLUTION PURSUANT TO THE PROPERTY MAINTENANCE CODE OF THE TOWN OF GATES TO APPOINT A THREE (3) MEMBER BOARD FOR THE TOWN OF GATES HEARING COMMITTEE TO HEAR AND DECIDE UPON MATTERS BY THE CODE ENFORCEMENT OFFICER.

RESOLUTION 128-23

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

WHEREAS, the Town Board of the Town of Gates is authorized pursuant to the Property Maintenance Code of the Town of Gates to appoint, by Resolution, a Town of Gates Hearing Committee to hear and decide upon matters referred to it by the Code Enforcement Officer of the Town of Gates

NOWHEREFORE, be is 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 hereby appoints the following three (3) members of the Town of Gates Hearing Committee to serve until such time as a further Resolution of this Board is adopted. Members are Fire Marshal Salvatore Montemurro, Building Inspector Randy Minster and Town Supervisor Cosmo Giunta as the Town Board Member

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

Motion Carried.

CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING:

#1 CHINESE RESTAURANT, 2317 BUFFALO RD.; CONTACT PRINTING SOLUTIONS, 246 SPENCERPORT RD.; GERBER COLLISION & GLASS, 1931 LYELL AVE.; QUALITY INN, 1954 LYELL AVE.; IMAGINATION HEADQUARTERS, LLC, 220 COLDWATER RD.; QUICKLEE’S #1. FUEL SERVICE FACILITY AND #2. FAST-FOOD RESTAURANT, 2055 CHILI AVE.; WAGS DOG CLUB, 7 MARWAY DR.; COLDWATER LLC, 630 COLDWATER 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 129-23

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; #1 Chinese Restaurant, 2317 Buffalo Rd.; Contact Printing Solutions, 246 Spencerport Rd.; Gerber Collision & Glass, 1931 Lyell Ave.; Quality Inn, 1954 Lyell Ave.; Imagination Headquarters, LLC, 220 Coldwater Rd; Quicklee’s #1. Fuel Service Facility AND # 2. Fast-food Restaurant 2055 Chili Ave.; Wags Dog Club, 7 Marway Dr.; Coldwater LLC, 630 Coldwater Rd.

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

Motion Carried.

**NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE
INTRODUCTORY LOCAL LAW #4-2023
AMENDING CERTAIN PROVISIONS OF CHAPTER 190 (ZONING)
ARTICLE V (SIGNS)**

RESOLUTION 130-23

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 #4-2023 which public hearing was held and conducted at a regular meeting thereof held on the 7th day of August, 2023 at 7:15 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;

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 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.

**INTRODUCTORY LOCAL LAW #4-2023.
AMENDING CHAPTER 190 (ZONING) ARTICLE V (SIGNS)
OF THE GATES TOWN CODE**

RESOLUTION 131-23

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 #4-2023 proposing to amend certain provisions of Chapter 190 (Zoning) Article V (Signs) of the Town of Gates Code relating to the regulation of signs in the Town ; and which a public hearing was held and conducted at a regular meeting thereof held on the 7th day of August, 2023 at 7:15 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;

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 the Town Board of the Town of Gates does hereby enact Introductory Local Law #4-2023 which the Local Law proposes to amend certain provisions of Chapter 190 (Zoning) Article V (Signs)

Resolved, that Gates Town Board hereby accepts the proposed Local Law proposes to amend certain provisions of Chapter 190 Article V (Signs) as follows:

§190-22. Provisions applicable to all districts

- B (5). Delete the words “professional center”.
Add “Setback of sign shall be in accordance with the future right of way in its zoning district”.
- C. Amend first sentence to read: “All Illuminated and Electronic Message signs shall employ only a maximum light density of 3,000 lumens within its casing (plastic or glass covering)”.
- C (3). Add “Electronic message display signs shall be 100 feet from a roadway intersection”.
- K. Add “Non-moving LED or Neon light strips are considered as signage to be included in this calculation”.
- R. Delete existing and Amend to read as follows: “Political signs, i.e. announcing or supporting candidates or issues connected with any national, state or local election, referendum or ballot proposition, may be erected 45 days prior to the election day and must be removed no later than seven (7) days after the election day. Such signs, whether ground signs or portable (including trailers) shall not be attached to fences, trees or utility poles, nor be placed so as to obstruct or impair the vision of motorists. Signs larger than sixteen (16) square feet require a permit”.

U (1). Amend to read as follows: “Mobiles, pennants and flags. Such devices may be used as signs on a temporary basis for the purpose of advertising and may be allowed for a period of up to six (6) months after receipt of a permit allowing same and payment of fee set by the Town Board. The Town Board may allow special event banners as determined by the Town Board resolution. State and National flags (specifically the American flag) are exempt from this Subsection U.

§190-23. Signs in residential districts

- B. Delete
- C. Delete “doctors of medicine”
Add “Setback shall be in accordance with the future right of way in its zoning district. Signs shall be no larger than sixteen (16) square feet. Brightness of signs shall be no more than 3,000 lumens within its casing (plastic or glass covering).”

G. Amend to read as follows: “One non-illuminated sign denoting the contractor, placed on the premises where construction, repair or renovation is in progress, which sign shall not exceed 32 square feet in face area, shall be permitted. This sign must be removed from the premises within seven days after such construction, repair or renovation is completed.”

§190-24.

B. Delete existing section (keep table) and Amend to read as follows: “In Neighborhood Business (NB) and Business Non-Retail (BN-R) districts one wall sign shall be permitted, and in General Business (GB) district one wall sign per tenant shall be permitted, placed flat against the building, not exceeding the sizes as listed on the table following this Subsection B and with a height not greater than six (6) feet. One such sign shall be permitted for each street on which the business fronts. Such sign may be illuminated. In the event that the front of the business does not face a street, any building-mounted sign which is erected shall comply with the regulations contained in Subsection C hereunder. Electronic message display wall sign may be permitted in a General Business (GB) district upon the approval of a Conditional Use Permit granted by the Town Board.”

F. Amend last sentence to read as follows: “Only one such projecting sign is permitted regardless of the number of streets the business fronts on”.

§190-26. Freestanding Signs.

A. Delete the words “In Business and Industrial Districts” and Amend to read as follows: “In General Business (GB) and Industrial Districts”

B (1). Amend to read as follows: “Electronic message displays may be permitted with approval of a conditional use permit issued by the Town Board in General Business (GB) district and Industrial districts subject to the following requirements”

B(1)(a) Amend to read as follows: “Such displays shall contain static messages only of no more than 3,000 lumens only within its casing (plastic or glass covering) and shall not have movement or the appearance or optical illusion of movement of any part of the sign structure designed or pictorial segment of the sign, including the movement or appearance of movement of any illumination of flashing, scintillating or varying of light intensity.”

C. Add “Free standing signs and Electronic Message Display signs are not permitted in the Neighborhood Business (NB) and Business Non-Retail (BN-R) districts”

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

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Tucciarello reminded everyone of the Gates Celebration this coming Saturday, August 12th starting a 5:00pm.

Supervisor Giunta added here will be food trucks, live music with two (2) bands, and fireworks. He hopes to see everyone there.

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

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| CLAIMS # A23-0449 – A23-0551 | \$365,237.83 |
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HIGHWAY

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|------------------------------|--------------|
| CLAIMS # D23-0256 – D23-0311 | \$145,421.20 |
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LIBRARY

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| CLAIMS #L23-0115 – L23-0150 | \$48,721.96 |
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| TOTAL DISBURSEMENTS | \$1,517,871.33 |
|----------------------------|-----------------------|

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|-----------------------|---------------------|
| TOTAL RECEIPTS | \$638,219.44 |
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Supervisor Giunta noted for the record that the warrants for the month of July 2023 have been examined by the Town Board and signed.

RESOLUTION 132-23

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

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of July 2023 as read; and the warrants for the month of July 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 JULY 2023**

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

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| TOTAL REVENUE COLLECTED | \$28,091.18 |
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|---------------------------------|-------------|
| TOTAL REVENUE TO THE SUPERVISOR | \$26,878.26 |
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|-------------------------|------------|
| TOTAL NON-LOCAL REVENUE | \$1,212.92 |
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RESOLUTION 133-23

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 July 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 July 2023

Personnel Status Report for the month of July 2023.

No changes for the month.

There being no further business to come before the Town Board, Councilman Tucciarello and Councilman Loughlin second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:00 PM.

Town Clerk