

December 4, 2023

The Gates Town Board held Three (3) Public Hearings and its Regular Town Board meeting on Monday, December 4 2023 at the Town Hall Meeting Room starting at 7:10PM. 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
Dan Schum	Town Attorney
Veronica Owens	Town Clerk

7:10PM PUBLIC HEARINGS

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

CONSIDERING A CONDITIONAL USE PERMITS FOR FR. MICHAEL COPENHAGEN TO OPERATE ST. NICHOLAS CHURCH AT 1492 SPENCERPORT RD IN A RESIDENCE (R-1) DISTRICT

Supervisor Giunta asked if the applicant was present to speak on this application. Stated that this is more of a formality due to a recent audit after some rezoning across the town and making sure everyone is in compliance. Technically, a church is not allowed in a residential district, but can be approved by the town board with a conditional use permit. The church has been there thirty (30) years. He asked father how many in the congregation?

Fr. Copenhagen, they have about hundred (100) people in the congregation with masses on Sunday morning at 10:00 with morning prayer at 9:00 for about an hour. They also hold occasional parish council meetings, and during Lent there are Wednesday gatherings of about fifteen-twenty (15-20) people. He did ask when the church was rezoned to require this process now?

Supervisor Giunta, we're slowly revisiting zoning in the town and through this process are finding businesses and such that are not properly zoned and technically aren't allowed unless a conditional use is granted or a rezone to the proper district happens. Two (2) years ago there were twenty-eight (28) properties rezoned and there are more that need to be done. The rezoning will then allow these type of businesses to operate without having to come back every year for a conditional use permit.

He then opened the public hearing to the audience.

Cheryl Sarkis, 40 Trabold Rd., just surprised after so many years that this is required and asked if it this was a public audit or if it is based on a certain amount of years?

Supervisor Giunta, understands and reiterated the process stating it's just a formality to make sure they are compliant.

Attorney Schum, the ordinance has always said that property was zoned residential and the ordinance has always said a church is not a permitted use, unless with a conditional use permit which would be granted from the town board. The permit did not exist and so now once it is approved, it will and the church will continue to run as it has been with the additional permit.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:17pm.

RESOLUTION 164-23

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

Resolved, that the Gates Town Board hereby approves an application from Fr. Michael Copenhagen for a Conditional Use Permit to Operate St. Nicholas Church at 1492 Spencerport Rd., in a Residence District (R-1).

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

**CONSIDERING A CONDITIONAL USE PERMITS FOR CHRISTOPHER MAYER
TO OPERATE CRISTO’S WOOD FIRED PIZZA AND PASTA
AT 1308 BUFFALO RD IN A NEIGHBORHOOD BUSINESS (NB) DISTRICT**

Supervisor Giunta asked if the applicant was present to speak on this application. This as well is a formality. Mr. Mayer is the new owner from the old Vineto’s and everything remains the same except for a name change, but asked about any changes and the hours or operation as well as how many employees and their liquor license?

Christopher Mayer, agreed everything basically remains the same, except for the name to Cristo’s as well as a few recipes. The hours of operation will remain; Sunday, Closed, Monday through Saturday 4:00-9:00pm with additional lunch hours on Thursday & Friday. There are nine (9) employees and currently have the temporary liquor license.

Supervisor Giunta asked about the sign permit? Mr. Mayer replied it’s all set.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:19pm.

RESOLUTION 165-23

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

Resolved, that the Gates Town Board hereby approves an application from Christopher Mayer for a Conditional Use Permit to Operate Cristo’s Wood Fired Pizza & Pasta at 1308 Buffalo Rd., in a Neighborhood Business District (NB) with the following Conditions:

Hours of Operation:

Sunday	Closed
Monday- Saturday	4:00pm-9:00pm
Thursday & Friday	added Lunch Hours

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

**CONSIDERING A CONDITIONAL USE PERMITS FOR CHRIS LEVA
TO OPERATE E.G. SACKETT COMPANY
AT 40 HYTEC CIRCLE IN A LIMITED INDUSTRIAL (LI) DISTRICT**

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

John Hotto, Land Tech, 1105 Ridgeway Ave. representing Chris Leva of E.G. Sackett Company is proposing 11,700 sq. ft., one-story storage building shown on site plan, which was provided to the board along with renderings and seeking a conditional use permit for it. The ultimate goal is to sub-divide 3.59-acres from the existing 11.25-acres. Mr. Leva requires additional storage space for his tile and stone operation on Lee Rd. They have already obtained two (2) variances for the project from the Zoning Board of Appeals as well as the rear setback variance from 130-feet to 101-feet proposed, which allows for better circulation and safer access. Also, a parking variance.

Supervisor Giunta asked if the property has already been purchased or still in negotiations?

Chris Leva, based on tonight's outcome. His primary business is located at 454 Lee Rd in Greece. The Diamond Shield Company that is leasing from him is outgrowing the space and need a bigger building. They do a film manufacturing, it's a high-end process for RV's and busses. They CNC cut it, put into tubes and send to a facility in Indiana where it's gets installed. This building would be for overflow of his business, E.G. Sackett which is commercial tile and has been in business one-hundred (100) years. Some clients are Wegmans, RIT, U of R, Strong Memorial, Gates-Chili and Greece School District, etc. They contact them to purchase material and store to use later.

Councilman Cordero asked if Mr. Leva owns the property of just the building?

Mr. Leva responded he is under contract. He used the rendering to show.

Councilman DiPonzio asked what the hours of use would be, and noise level, and if everything is inside?

Mr. Leva responded, it's mostly for an overflow situation. The hours of operation on Lee Rd are 7:00am-5:00pm weekdays only. There may be two visits a day to this location or it could be weeks before someone is there. It's based on need. Most things are housed at the main facility and all is indoors.

Supervisor Giunta asked about the manufacturing hours of operation.

Mr. Leva stated M-F 7am to 5pm. No weekends or shift work. About 6-8 employees. Lazer cutting put onto rolls and then shipped out.

Kurt Rappazzo, Director of Public Works, since this project still needs to go through site-plan approval process, and that the conditional use permit is valid for one year, asks if that one year could start with the granting of the C of O.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:30pm.

RESOLUTION 166-23

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

Resolved, that the Gates Town Board hereby approves an application from Chris Leva for a Conditional Use Permit to Operate E. G. Sackett at 40 Hytec Circle, in a Limited Industrial District (LI) and that it commence once the Cert. of Occupancy has been granted.

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

7:30PM REGULAR TOWN BOARD MEETING

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

There were no revisions made to the Public Hearings and regular Town Board Meeting minutes from November 8, 2023 and will be published as drafted and available on the website and available in the Town Clerk's office

AUDIENCE PARTICIPATION

Don Ioannone, 4099 Lyell Rd. wanted to comment on the wonderful job done on the Veterans Day Ceremony. He also added it was the first time in many occasions that the sound system worked from beginning to the end.

OLD BUSINESS

None

NEW BUSINESS

**APPROVING THE PROMOTION OF OFFICER NICHOLAS VENTRELLA
 TO RANK OF SERGEANT**

Chief Rob Long, started off by saying that over past year have been working on filling some openings in the Gates PD. Officer Nick Ventrella has been a long-standing officer in the Gates Police Dept., is a Gates resident, born and raised, employed with Gates PD since 2016, but prior worked for the building and grounds department. Nick has developed and grown as an officer throughout his career, being very proactive and productive, helping residents, including a promotion as field trainer officer, which allowed him to train incoming officers. All of which lead him to fulfill a spot when one of sergeants that was injured in the line of duty. During that time, Nick performed admirably in which earned him an Excellent Police Award in July before the Town Board. He also earned an accommodation from the Gates Fire District. Chief Long continued, Nick works hard and puts in the time and effort and does a lot of good for our town as why he is seeking to promote him to the rank of Sergeant.

Supervisor Giunta, knows in seeing Officer Ventrella regularly he is well respected within the department as well as himself. He is a fine officer and will feels will make a fine sergeant, continuing the traditions of the Gates Police.

Councilman Cordero has known Officer Ventrella and his family for a long time and he has done a good job. His father is a retiree of the town.

RESOLUTION 167-23

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

Resolved, that the Gates Town Board hereby Approves the promotion of Officer Nicholas Ventrella to rank of Sergeant.

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

Chief Long administered the oath and swore Sergeant Ventrella in.

Sergeant Ventrella introduced and thanked his family and girlfriend. He then thanked the board for approving this promotion and doesn't take it lightly, he appreciates this very much. He thanked the Chief and Lieutenant for trusting him to take this position on and plans to do is very best for the Town of Gates. He thanked all his coworkers for each of the helped him get to this position in his career and each one is like family to him. He has a huge support system and is grateful.

**APPOINTING NICHOLAS TARONI TO THE
 GATES SPECIAL POLICE**

Gates Police Officer Rebecca Lenard asked to bring on Nicholas Taroni as Special Police with the Gates Police Department. He is currently attending RIT with major in Criminal Justice and passion for Law Enforcement. Nicholas also works at Brooklea Country Club and everyone she spoke with in doing the background check said he is a hard worker and will make an excellent addition.

Councilman DiPonzio has known Nick for a few years, he is very diligent and a hard worker, who comes from a great family.

Supervisor Giunta agreed and is familiar with Nicks family and come from a great line of Taroni's and is looking forward to having him as part of the Gates Special Police and feels it will be a great stepping stone for him in continuing in Law Enforcement field.

RESOLUTION 168-21:

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

Resolved, that the Gates Town Board do Appoint Nicholas Taroni to the Gates Special Police.

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

Nick had his Mom hold the Bible while Officer Lenard administered the oath and swore him in.

He then thanked the Town Board for this opportunity and looks forward to working with everyone

AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT ON BEHALF OF THE TOWN WITH THE GATES HIGHWAY DEPARTMENT AND TEAMSTERS LOCAL NO. 118, 3-YEAR AGREEMENT STARTING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2025

RESOLUTION 169-23

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Authorizes the Town Supervisor to execute the collective bargaining agreement on behalf of the Town with the Gates Highway Department and Teamsters Local No. 118, 3-year agreement starting January 1, 2023 and ending December 31, 2025.

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

Motion Carried.

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

**TACO BELL #24797, 2317 LYELL AVE.; LITTLE CAESAR'S PIZZA,
2394 LYELL AVE.; T & T BOTTLE & CAN RETRIEVAL CENTER, 505
SPENCERPORT RD.; 390 SELF STORAGE, 142 BUELL RD.; JOE'S KWIK MART,
1952 LYELL AVE.; CARAGLIO'S PIZZERIA, 3869 LYELL RD.;
JACK'SS BBQ & PIZZA, 3055 BUFFALO RD.; LEVANTINE'S SYRIAN CAFÉ &
CUISINE, 2115 BUFFALO 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 170-23

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; Taco bell #24797, 2317 Lyell Ave.; Little Caesar's Pizza, 2394 Lyell Ave.; T & T Bottle & Car Retrieval Center., 505 Spencerport Rd.; 390 Self Storage, 142 Buell Rd.; Joe's Kwik Mart, 1952 Lyell Ave.; Caraglio's Pizzeria, 3869 Lyell Rd.; Jack'ss BBQ & Pizza, 3055 Buffalo Rd.; Levantine's Syrian Café & Cuisine, 750 Elmgrove Rd.;

VOTE OF THE BOARD

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

AUTHORIZING THE SUPERVISOR TO EXECUTE AN INTER-MUNICIPAL AGREEMENT BETWEEN THE TOWN OF GATES AND MONROE COUNTY FOR THE TRANSFER JURISDICTION AND CONTROL OF THE BROOKS AVE. EXTENSION

RESOLUTION 171-23

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

WHEREAS, the County of Monroe presently maintains Brooks Avenue Extension and Brooks Avenue Extension appears upon the Inventory of Roadways of the County of Monroe; and

WHEREAS, the County of Monroe wishes to transfer jurisdiction of Brooks Avenue Extension west of Old Beahan Road to the Town of Gates and the Town is willing to accept such transfer of jurisdiction from the County;

NOWTHEREFOR, be it RESOLVED by 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 authorize Cosmo A. Giunta, Town Supervisor to execute an Intermunicipal Agreement by and between the Town of Gates and the County of Monroe whereby and pursuant to the terms of which jurisdiction and control of Brooks Avenue Extension west of Old Beahan Road shall be transferred from the County to the Town after which the Town shall be fully responsible for all maintenance, upkeep, repairs and control of said roadway.

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

Motion Carried.

SCHEDULING THE 2024 TOWN OF GATES ORGANIZATIONAL MEETINGS

RESOLUTION 172-23

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

Resolved, that the Gates Town Board hereby scheduled the 2024 Town of Gates Organizational Meeting for Tuesday, January 2, 2023 at 9:00am

VOTE OF THE BOARD

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**SCHEDULING THE 2024 TOWN OF GATES THE REGULAR
JANUARY TOWN BOARD MEETINGS**

RESOLUTION 173-23

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

Resolved, that the Gates Town Board hereby scheduled the 2024 Town of Gates Regular January Town Board meeting for Tuesday, January 2, 7:30pm

VOTE OF THE BOARD

Giunta – Aye; Cordero –Aye, DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone of Wreaths Across America on Saturday, December 16th here in the town hall at noon. Also, the Santa Parade will be Sunday, December 17th starting at 4:00pm and Monday, December 18th starting at 5:00pm. There will be two (2) sleighs going out.

Councilman DiPonzio on behalf of the entire town board wishes everyone a Healthy and Joyous Christmas and New Year.

REPORTS

SUPERVISOR'S

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF NOVEMBER 2023

WARRANTS

GENERAL

CLAIMS # A23-0855 – A23-0940	\$213,284.47
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HIGHWAY

CLAIMS # D23-0481 – D23-0534	\$83,041.94
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LIBRARY

CLAIMS # L23-0269 – L23-0312	\$60,183.29
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TOTAL DISBURSEMENTS	\$1,801,148.84
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TOTAL RECEIPTS	\$1,396,871.66
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Supervisor Giunta noted for the record that the warrants for the month of November 2023 have been examined by the Town Board and signed.

RESOLUTION 173-23

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Tucciarello

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

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

TOTAL REVENUE COLLECTED	\$22,683.15
TOTAL REVENUE TO THE SUPERVISOR	\$20,508.16
TOTAL NON-LOCAL REVENUE	\$2,174.99

RESOLUTION 174-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman Loughlin

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

Personnel Status Report for the month of November 2023.

Additions: 0

Terminations: 1 (Building & Grounds Department)

Net Change -1

Net -1 for Personnel Status Report for the month of November 2023.

There being no further business to come before the Town Board, Councilman Loughlin and Councilman DiPonzio second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 7:55 PM.

Town Clerk