

June 3, 2024

The Gates Town Board held THREE (3) Public Hearings and its Regular Town Board meeting on Monday, June 3, 2024 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
Dan Schum	Town Attorney
Veronica Owens	Town Clerk

7:00PM PUBLIC HEARINGS

Dan Schum, Town Attorney verified that the Legal Notices were properly published as required by law.

**TO CONSIDER LOCAL LAW #2-2024 AMENDING
§ 133-9 (FILLING AND DUMPING) OF THE GATES TOWN CODE**

Attorney Schum the purpose of this proposed local law is that the Superintendent of Highway / Director of Public Works indicated that filled material has been used in the town that consists of non-fill constituents (wood, bricks) that don't tend to become appropriate fill material because it deteriorates and/or doesn't furnish support. So, with recommendation from the Highway Superintendent, fill material will consist of sand, shale, gravel and/or rock only. No non-soil constituents will be permitted and must comply with NY State code requirements.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this? Hearing none closed the public hearing at 7:06pm.

**TO CONSIDER LOCAL LAW #3-2024 TO ENACT CHAPTER 143
(PLUMBING LICENSES) TO THE TOWN OF GATES CODE.**

Supervisor Giunta stated that currently the town does not have a chapter in the town code specifying plumbing licenses and how to obtain a plumbing license and what is needed, so the town wrote the definition of plumbing licenses, registrations, fees, inspection, a whole chapter on what is needed for plumbers to do plumbing in the Town of Gates. Currently the Town Board must approve a plumber's license with an application, this is more for the Building Department to better review the application. Such requirements would be the plumber holding a certificate of competency, a current plumbing license from the City of Rochester or successfully completing a plumbing apprenticeship as recognized and regulated by NY State department of Labor and other requirements. This is a whole new chapter that will be created and added to the Town Code

Attorney Schum again this was recommended by the Director of Public Works. There are references in the code to the receiving and having a plumbing license, but this local law codifies what is expected before you get an annual license.

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

Mike Leone, 255 West Hill Estates asked if this was for just new constructions?

Supervisor Giunta responded that it's a plumbing license for any plumbing job in the town.

Attorney Schum added it could include septic systems and things of that nature.

Supervisor Giunta asked if anyone else from the audience wanted to speak for or against this?
Hearing none closed the public hearing at 7:10pm.

**TO CONSIDER LOCAL LAW #4-2024 AMENDING
§ 190-5 TO REGULATE SMOKE SHOPS IN THE GATES TOWN CODE**

Supervisor Giunta, this is something both the town and town board have been working on ever since cannabis/marijuana was legalized in NY. Even though the Town opted out, many smoke shops have been opening in town and this is a way for the town to regulate them and have some legislation put in place. The state is still working on some laws, and he attended a webinar in which the state has passed some laws this year allowing the local law enforcement to act with some of the smoke shops selling marijuana illegally. The board would like revisit the current code in order to better regulate and define the conduct of the smoke shops in the Town as to defining what a smoke shop is and the paraphernalia. Going through with a fine-toothed comb. Neighboring towns like Chili and Ogden are doing the same to try and regulate them. Gates had about ten (10) shops open and are now down to five or six (5 or 6).

Attorney Schum stated that in the webinar, the State Cannabis Control Board is trying to give as much guidance as they can, recognizing the law they initially adopted, statute state wide , allows counties and cities, but not villages and towns to actually close down these facilities, not understanding why, but trying to put this law into place that would give the police more authority to act on them. He believes that our PD has done a wonderful job trying to coordinate and advising the existing smoke shops that they are keeping an eye on them.

Supervisor Giunta added they are currently allowed in a Neighborhood Business (NB) district and the town is looking to change that and only allow them to operate in a General Business (GB) district including requiring them to come before the Town Board for a Conditional Use Permit.

Attorney Schum added, the plaza owners would be just as responsible for violations in their plaza whether they rent to a tenant or operated the facility themselves. He also added given the fact that the State may have some input on this local law, it may be advantageous to consider tabling or at least closing the public hearing and not acting on presently until he has the opportunity to look further into what may need to be added to the proposed local law.

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

Thomas Keadith, 94 Firestone Dr. wanted to add, he thinks it's lousy for the State to leave the towns and villages out of that law. There should be someone to talk to about it.

Supervisor Giunta agrees and emphasized the town and board are working on it.

Mr. Keadith hopes they success and get some sort of cooperation from the state because it shouldn't make a difference if it's county, town or village.

Supervisor Giunta feels the state put the cart before the horse and should have investigated and done their homework before legalizing this but rushed to push it through.

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

RESOLUTION 94-24

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

Resolved, that the Gates Town Board hereby **TABLED** the consideration of a Local Law #4-2024 to amend § 190-5 to regulate smoke shops in the Gates Town Code

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

Supervisor Giunta suggested that because the public hearings finished earlier than expected to pass the resolutions for Local Laws #2 and #3.

**RESOLUTION AND NEGATIVE DECLARATION OF
LOCAL LAW # 2 -2024**

RESOLUTION 95-24

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

WHEREAS, the Town Board of the Town of Gates is considering the enactment of Local Law #2-2024; and

WHEREAS, before such Local Law can be enacted the effects of the enactment of such Local Law upon the environment must be considered; and

WHEREAS, routine Governmental Administration and Management is a designated Type II Action under SEQR;

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

SECTION I. That the Board finds and determines that the enactment of Local Law #2-2024 is routine Governmental Administration and Management, and is, accordingly, a Type II Action under SEQR.

SECTION II. That the enactment of Local Law #2-2024 may proceed without further regard to SEQR.

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

ADOPTING LOCAL LAW #2-2024

RESOLUTION 96-24

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

WHEREAS, the Town Board of the Town of Gates is considering the enactment of Local Law #2-2024; and

WHEREAS, pursuant to Legal Notice duly given the Town Board of the Town of Gates did hold and conduct a Public Hearing to consider the enactment of such Local Law, at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board did adopt a Resolution and Negative Declaration of Environmental Significance with respect to the enactment of the subject Local Law; and

WHEREAS, the Town Board is now desirous of enacting Local Law #2-2024;

NOWHEREFORE, be it RESOLVED by the Town Board of the Town of Gates, New York as follows:

SECTION I. That the Town Board of the Town of Gates does hereby enact Local Law #2-2024 to read and provide as follows:

**A LOCAL LAW AMENDING § 133-9 B OF THE GATES CODE
TO READ AND PROVIDE AS FOLLOWS**

AMEND § 133-9 B as follows:

- B. Filling with other materials. Filling with or dumping of organic materials, **construction debris**, chemical wastes, liquid petroleum derivatives or other deleterious substances shall not be permitted. **Fill materials shall consist of shale, sand, gravel and/or rock only. No non-soil constituents will be permitted. Fill material shall conform to the General Fill requirements defined by 6 CRR-NY Part 360.13.**

SECTION II. When Effective.

This Local Law shall be effective upon adoption by the Town Board and filing of the same with the Secretary of State.

SECTION III. That the Town Clerk is hereby directed to file this Local Law with the Secretary of State.

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

**RESOLUTION AND NEGATIVE DECLARATION OF
LOCAL LAW #3-2024**

RESOLUTION 97-24

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

WHEREAS, the Town Board of the Town of Gates is considering the enactment of Local Law #3-2024; and

WHEREAS, before such Local Law can be enacted the effects of the enactment of such Local Law upon the environment must be considered; and

WHEREAS, routine Governmental Administration and Management is a designated Type II Action under SEQR;

NOWHEREFORE, be it RESOLVED by the Town Board of the Town of Gates, New York as follows:

SECTION I. That the Board finds and determines that the enactment of Local Law #3-2024 is routine Governmental Administration and Management, and is, accordingly, a Type II Action under SEQR.

SECTION II. That the enactment of Local Law #3-2024 may proceed without further regard to SEQR.

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

Motion Carried.

ADOPTING LOCAL LAW #3-2024

RESOLUTION 98-24

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

WHEREAS, the Town Board of the Town of Gates is considering the enactment of Local Law #3-2024; and

WHEREAS, pursuant to Legal Notice duly given the Town Board of the Town of Gates did hold and conduct a Public Hearing to consider the enactment of such Local Law, at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board did adopt a Resolution and Negative Declaration of Environmental Significance with respect to the enactment of the subject Local Law; and

WHEREAS, the Town Board is now desirous of enacting Local Law #3-2024;

NOWHEREFORE, be it **RESOLVED** by the Town Board of the Town of Gates, New York as follows:

SECTION I. That the Town Board of the Town of Gates does hereby enact Local Law #3-2024 to read and provide as follows:

INTRODUCTORY LOCAL LAW # 3-2024

**A LOCAL LAW TO CONSIDER ENACTMENT OF
CHAPTER 143 (PLUMBING LICENSES) OF THE TOWN OF GATES CODE:**

Chapter 143

PLUMBING LICENSES

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|----------|----------------------------------|-----------|---|
| § 143-1. | Purpose. | § 143-8. | Gates-Chili-Ogden Sewer |
| § 143-2. | Definitions. | | District reviews, approvals |
| § 143-3. | License and registration. | | and permits. |
| § 143-4. | Permit Fees. | § 143-9. | Sanitary sewer requirements. |
| § 143-5. | Permits and inspection. | § 143-10. | Septic tank abandonment. |
| § 143-6. | Backflow prevention. | | Private sewage disposal systems. |
| § 143-7. | Site work drainage. | | |

§ 143-1. Purpose.

The purpose of this chapter is to provide for the protection of public health and safety by establishing rules for the registration of licensed plumbers to conduct work within a building to a point five feet outside the building foundation in accordance with the New York State Uniform Fire Prevention and Building Code, referred to as Article 9, Entitled “Plumbing Requirements.”

§ 143-2. Definitions.

Terms used in this chapter shall have the meanings ascribed to them in the New York State Uniform Fire Prevention and Building Code.

§ 143-3. License and registration.

- A. No person shall conduct the trade, business or calling of plumbing within the Town of Gates without having first registered and obtain an annual license with the Town of Gates. No person shall sell, lend, rent or in any manner transfer or assign a license to any other person, nor shall a person make use of a license to which the person is not entitled.
- B. The Town Clerk or their designee may register and license any applicant who complies with all requirements of this chapter and who:
 - 1) Holds a certificate of competency and a current plumbing license from the City of Rochester; or
 - 2) Has successfully completed a plumbing apprenticeship as recognized and regulated by the New York State Department of Labor, Office of Apprentice Training, and, in addition, has four (4) years of full-time experience as a journeyman plumber under the supervision of a licensed master plumber; or
 - 3) Has ten (10) years of overall full-time experience as a journeyman plumber under the supervision of a licensed master plumber; or
 - 4) A combination of education, training and experience substantially equivalent to subsection B (2) and/or (3) above, such as journeyman pipe or steam fitting, vocational training or vocational instruction.
- C. Prior to an annual license being issued, the applicant(s) shall submit at the time of registration, the following:
 - 1) A certificate of liability insurance naming the Town of Gates as additional insured.
 - 2) Satisfactory evidence of worker's compensation and disability insurance as required by the New York State Workers Compensation Board.
 - 3) Current documentation showing those plumbers who are in the applicant's employ.
- D. All persons engaged in plumbing work in the Town of Gates shall carry on their person current picture identification such as a driver's license, employee identification issued by the licensed plumber or other form or combination of forms of identification acceptable to the Code Enforcement Officer. Required identification shall be produced upon the request of the Code Enforcement Office. Failure to produce required identification upon the request of the Code Enforcement Officer shall be cause for the issuance of a stop-work order.
- E. A registration may be suspended by the Town Clerk, Code Enforcement Officer or designee if the applicant is found to be incapable of conducting the trade or business of plumbing. Any violation of the New York State Uniform Fire Prevention and Building Code shall be sufficient grounds for the suspension of such registration but shall not be held to be the exclusive grounds for suspension.
- F. A registration shall be revoked if a person, firm, partnership or corporation has not maintained an annual license with the Town for a period of five (5) consecutive years. At the end of the five-year period, a person, firm, partnership or corporation may re-register and re-apply for their license. Once a license has been revoked, a plumber shall not be issued permits or allowed to continue plumbing work until the license is renewed.

- G. All annual licenses shall expire on the 31st day of December of the year in which they are issued. Once a license has expired, a plumber shall not be issued permits or be allowed to continue plumbing work until the license is renewed.

§ 143-4. Permit Fees

Plumbing permit fees shall be established by Town Board resolution and amended from time to time by the Town Board. A schedule of these permit fees shall be available from the Town Clerk.

§ 143-5. Permits and inspections.

- A. In all cases where there is to be installation of new plumbing or alteration of existing plumbing, a plumbing permit must be obtained by a plumber registered by the Town of Gates except as follows:
- 1) Necessary plumbing repairs may be done by a licensed plumber under emergency conditions. When this occurs, the required plumbing permit must be obtained the next working day following the emergency. Emergency conditions are defined as those conditions which require immediate plumbing work to prevent a serious threat to the public health or safety or the habitability of a building, occur outside the normal Building Department working hours and are due to an accident or act of God.
 - 2) In single-family residences (excluding rental properties), fixtures or appliances may be replaced with like or similar plumbing fixtures by the resident homeowner without a permit. Relocations require a permit and inspection. The work may be conducted by the homeowner.
- B. Whenever proposed plumbing work also requires the approval of a municipal authority other than the Building Inspector, plumbing permits shall not be issued until such other approvals are obtained.
- C. Plumbing permits must be always displayed on the job site while work is in progress. Failure to display a required plumbing permit shall be grounds for the issuance of a stop-work order by the Code Enforcement Officer.
- D. Determination that a registered plumber has obtained or has attempted to obtain a plumbing permit for any other individual, partnership or corporation shall be cause for revocation or suspension of their license.
- E. All plumbing installations shall be inspected and approved by the Building Inspector prior to backfilling or covering it, except:
- 1) The work is determined to be a bona fide emergency.
 - 2) The delay in obtaining a Building Department inspection would allow or create an undue risk to life, safety or property.
- F. All plumbing permits and installations shall be regulated in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code.

§ 143-6. Backflow prevention.

- A. In the Town of Gates, the Monroe County Water Authority is responsible for ensuring that water of questionable quality does not enter the public water supply system as outlined in the New York State Sanitary Code, Section 5-1.31. Due to the possibility of contamination, the Monroe County Water Authority may require water users to install approved New York State backflow prevention devices. The Water Authority will determine each parcel as either hazardous or nonhazardous. Any doubt will be considered hazardous.

- B. The owner and a licensed plumber shall have the responsibility for the elimination or protection of all cross-connections on the premises as outlined in the New York State Sanitary Code, Section 5-1.31.
- C. A plumbing permit is required for the installation of any backflow device. A Town of Gates registered plumber is required for the installation, maintenance, repair or modification of all backflow devices in conformance with approved plans and specification. It is the owners' responsibility to have backflow containment devices tested on an annual basis by a New York State certified tester.
- D. All public or private lawn sprinkler systems shall have an approved backflow prevention device.
- E. Monroe County Water Authority approval of plans is required prior to submission to the Monroe County Health Department for its approval.
- F. When a customer is or is to be connected to a public water supply and has a private well, it must be properly abandoned to eliminate the possibility of a cross-connection between the private and public water supply.
 - 1) Monroe County Department of Health policy regarding proper abandonment is as follows:
 - a) Remove well pump, well piping and electrical conduit/cable.
 - b) Plug and cap the water supply lines at the inside of the house or other structure.
 - c) Lower the well casing a minimum of 18 inches below grade and cap the well casing by one of the following methods:
 - i. Cast iron/steel casing: completely weld a continuous bead a one-fourth-inch steel plate to the top of the well casing.
 - ii. Plastic casing: solvent weld a plastic cap to the top of the well casing.
 - iii. Place a cover or cap over the top of the well casing: install a concrete cap, 12 inches in thickness, with a round area of twice the diameter of the casing or a square area with a side dimension of twice the diameter of the casing.
 - 2) A detail sketch can be obtained from the Monroe County Health Department.

§ 143-7. Site work drainage.

Site work drainage shall include the area on private property excluding the structure that is beyond five feet of the foundation that requires storm, sanitary and/or industrial sewers. The design criteria and construction specifications in the Gates Town Code also shall apply.

§ 143-8. Gates-Chili-Ogden Sewer District reviews, approvals and permits.

- A. Some plumbing work may require review by the Gates-Chili-Ogden Sewer District (GCOSD) in addition to review by the Town of Gates. The following types of work must be reviewed by the GCOSD.
 - 1) Any new sanitary sewer connections made to main sewers or to lateral sewers.

- 2) Any interior/exterior plumbing additions or modification to accommodate a substantial increase in the amount of sanitary sewage discharged.
- 3) Any interior/exterior plumbing additions or modifications to accommodate a substantial change in the quality of sanitary sewage discharged.
- 4) Repair of sanitary sewer laterals or main sewers in or near the public right-of-way.
- 5) Installation of new sanitary sewer or manhole that is to be dedicated to the GCOSD. (Shop drawings will also be required for this type of installation.)

B. Examples:

- 1) A new sanitary lateral to a residential, commercial or industrial property.
- 2) Installation of additional sanitary sewage connecting to sanitary sewers or laterals in the street or on private property.
- 3) Conversion of a warehouse to a manufacturing facility or an office facility.
- 4) Construction of a building addition to a commercial or industrial building.
- 5) Conversion of a clothing store to a restaurant.
- 6) Conversion of an office building to a laundromat.
- 7) Installation of a commercial-type swimming pool.
- 8) Replacement of all or part of an existing sanitary sewer lateral in the street or on private property or installation of a cleanout.
- 9) Installation of a sanitary sewer that is to be owned, operated and maintained by the GCOSC.
- 10) Installation of a sanitary sewage pumping station that is to be owned, operated and maintained by the GCOSD.

C. The GCOSD is administered by the Monroe County Department of Environmental Services (MCDES), previously known as the “Department of Pure Waters” or simply “Pure Waters”. Basic information about review of plumbing work by the GCOSD has been included in this chapter for your information. Questions about the review, approval or permit issuance processes should be directed to MCDES, Office of Development Review. Questions about sanitary sewer problems should be directed to MCDES.

§ 143-9. Sanitary sewer requirements.

- A. All existing or proposed buildings discharging other than domestic wastes into the sanitary sewers may be required to install pretreatment equipment to remove grease, oil or other materials, and/or provide for the regulation of discharges into the facilities of the District’s sewer system. Refer to the Sewer Use Law of the county of Monroe, Local Law No. 3 of 1988, as amended and as may be modified from time to time. Plans for such buildings must show a plumbing layout with the location and details of the special devices and/or pretreatment equipment. Makes, models and specifications for dishwashers, disposals and other mechanical equipment discharging to the sanitary sewer also must be supplied.
- B. A ten-foot horizontal separation shall be maintained between water mains and sewer lines whenever possible. At crossing of water and sanitary lines, or where a horizontal separation of ten (10) feet is not possible, sanitary sewers shall be constructed with the materials and joints equivalent to water main standards.

- C. Utilities that cross sanitary sewer lines shall be as close to perpendicular to the sewer's center line as possible.
- D. The minimum allowable clearance between the sanitary sewer and any other utility shall conform to Recommended Standards for Wastewater Facilities (Great Lakes-Upper Mississippi River Board of State Public Health and Environmental Managers), as published by the New York State Health Education Services, dated 1990, as revised.
- E. Pipe bedding shall be First Class, Class B as shown on Appendix E, Figure 1, for depth of cover between four (4) feet and ten (10) feet. Concrete encasement, if used, shall begin and end at a joint between two (2) pipe lengths. Where the depth of cover exceeds ten (10) feet, the bedding and pipe requirements shall be indicated on the plan and the design substantiated by the submission of design calculations with the review submission. No District-owned mainline sewer shall have less than four (4) feet of cover. Any lateral/mainline with less than four (4) feet zero inches of cover must be encased in concrete and have prior approval from the district.
- F. Concrete shall not be placed at temperatures below 40° F. without special, prior written permission from the District's inspector. Additives to prevent the concrete from freezing will not be permitted under any circumstance.
- G. Dry mix concrete will not be allowed for manhole benches, or mainline and lateral pipe cradle or encasement.
- H. The district shall not maintain service laterals greater than six (6) inches in diameter.
- I. Cleanouts shall be installed at the GCOSD's easement line, right-of-way line and/or property line for each lateral in accordance with District requirements and shall be level with finished grade. If the cleanout must be located in a paved area, a cover shall be provided as indicated in Appendix E, Figure 9 and Figure 9D, to protect and to help locate the cleanouts. Cleanouts shall be plumb.
- J. When a new lateral is installed and not immediately connected to the building/residence, the end of all laterals shall be plugged with a watertight plug and marked by a twelve-foot-long, two-by-four piece of lumber. The length shall be exact so that the depth of the lateral can be determined by the length of the two by four protruding from the surface. Sanitary service laterals shall have green paint on the end of the two by four, and "SAN" stenciled in two-and-one-half-inch letters. The two by four shall be plumb.
- K. Foundation and footing drains shall be connected to the stormwater system via sump pumps, if necessary. Downspouts and other stormwater drains shall not be connected to the sanitary sewer system.
- L. The use of Dresser or similar type repairs clamps will not be allowed for new sewer construction.
- M. Contact the Office of Development Review for insurance requirements and limits for various phases or projects, including service connections and connections to interceptors and other District facilities.
- N. Materials of construction. The following materials are approved for use in construction of sanitary sewers and appurtenances to be owned, operated and/or maintained by the District. The use of other types of materials will require special approval prior to construction.
 - 1) Pipe for service connections.
 - a) Cast-iron soil pipe, conforming to ASTM A-74 (extra heavy), latest revision. Joints for cast-iron soil pipe shall be oakum-and-lead caulked (riser section) or push-on neoprene gaskets (horizontal section).

b) Polyvinyl chloride (PVC) SDR-21 pipe conforming to ASTM D-2241, latest revision. Joints on horizontal straight portions shall be push-on with neoprene gaskets. Flued or chemically welded joints will only be allowed at, and are required for, the wye fitting and for riser portions at the cleanout. The riser and appropriate fittings shall be Schedule 40 PVC pipe conforming to ASTM D-2665.

O. Quality and identification of materials. Plumbing equipment and systems shall be made of approved materials and shall be free from defective workmanship and shall be designed and installed so as to be durable, without the need for frequent repairs or major replacements.

P. Cleanout frames and covers. Cleanout frames and covers shall be:

- 1) Syracuse Castings No. 4155
- 2) OPW Feuling Components No. OPW 104-A.

§ 143-10. Septic Tank abandonment; private sewage disposal systems.

A. For safety purposes, all abandoned septic tanks shall be crushed, removed or filled with stone, earth or sand.

B. No person shall construct a private sewage disposal system in Gates unless a permit has first been obtained from the Monroe County Health Department.

SECTION II. When Effective.

This Local Law shall be effective upon adoption upon the Town Board and filing of the same with the Secretary of State.

SECTION III. That the Town Clerk is hereby directed to file this Local Law with the Secretary of State.

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin –; 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 Hearing and regular Town Board Meeting minutes from May 6, 2024 and will be published as drafted and available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

Supervisor Giunta presented a Proclamation to the Gates Historical Society for their milestone of 25 years of service from the Town of Gates.

Chief Long thanked the Supervisor and Town Board for having him. He was there to honor four (4) of his officers. He called up Sergeant Kaiser, Officer Bower, Officer Lauer, and Officer Leonard. They responded to a burglary in May of 2024 and when they arrived a suspect charged the officers with a knife. They were able to take the suspect into custody without anyone getting

hurt. He is most proud of the teamwork, how the officers worked together, applied their training skills correctly and professionally without getting anyone hurt in such a high stress situation.

Chief Long presented all four (4) of them with the Gates Police Excellent Police Service Award and Pin. This is the second for Sergeant Kaiser, whose pin will have the #2 on it to represent being his second.

Chief Long explained what this award is and added that this not something everyone gets in their career. It's brought on by extreme incidence, with quick response and action in appropriate manor.

Supervisor Giunta agreed with the Chief and added he and the board are extremely proud of how these Officers handled themselves in the situation, with the communication and poise. They reviewed the police cam video and recognized the professionalism and discipline the officers showed during that situation, especially Officer Lauer, who just was hired on April 1, 2024. He commended them and reiterated how proud they are to have these officers' part of the Gates Police force.

Councilman DiPonzio added along with the day to day difficult things they handle, the fact they are also ambassadors to the town in so many different ways, doesn't go unnoticed. For instance, the Police go along the Fire Department and Ambulance with a summer safety class, also had the Senior Ball program, enacting the DWI Crash which is very powerful and weight barring on the Senior class. Also, at the end of May, there was a "send-off" for children with autism who were going onto a special Olympics at SUNY Brockport and there were representatives from the Gates Police Department including the Chief Long and Captain Pascarella, cheering on the twenty-five (25) participants, escorting them to the town boarder. Between the children and the staff at Walt Disney Elementary they were all thrilled. He realizes all the difficult stuff they deal with daily, but wanted to acknowledge the human side of being there for children and the rest of the town, it's huge.

Giuseppe Mellia Sr. 771 Spencerport Rd - Gates Liquor Owner, feels his business is going down along with his profit because he was told to take down all the signs on his windows. He feels people think the business is closed, even though he has added signs say "Yes, business is open" He wants to know what can the town do to resolve this problem so his business can go back up, he doesn't want to sell and move.

Supervisor Giunta explained the background to the board and that Mr. Mellia is speaking of the signage he had on the store windows and that the town code states no more then thirty percent (30%) can be covered. He was approached by the Code Enforcer due to violating the code and then removed the signs, which is why he came before the board stating that since that, he feels has lost business because it looks closed. Mr. Mellia want to put the signs back up and wants to know what the town can do to possibly revisit and change the code.

Supervisor Giunta continued by saying they have recently looked at the code to review what is considered a sign or a window covering, for example if on the inside he had a shade or curtain and kept closed, would be the same thing. Looking for more clarification on this. He stated there are many businesses in town that have coverings on their windows whether it be signage or not and maybe this is something the board can revisit at and possibly change.

Councilman DiPonzio also, even with signage that may be up, a lot could also be used as a shield from the sun from "baking" the bottles and there could be some practicality as well.

Supervisor Giunta added Mr. Mellia has brought this to his attention several times in his office He complied with taking them down initially but has realized other businesses still have the window coverings. He explained to him there is a process in place and code enforcement is going through the businesses. He did mention that this is something they should revisit.

Councilman Loughlin appreciates Mr. Mellia's compliance and his point, understanding this has been a hindrance to his business and thinks it is worth taking another look at the code and revisit it to help business further their success.

Giuseppe Mellia Jr., approached and went through some figures comparing last year's Memorial Day vs this year's Memorial Day and the drop in sales. He went on saying if the monthly drop continues it affects his business significantly. He stated the store produces a sales tax revenue for the town and is hoping that the board revisiting the town code could see in changing or amending it, so business could somehow benefit from signage even with possibly a permit.

Attorney Schum feels with liquor stores and grocery stores, the people who furnish the products would also like to see their products in the window. It seems most liquor stores window coverings are for the product they have in the store and grocery stores are the same way. He feels it is worth looking at.

Supervisor Giunta asked if there was anyone else in audience participation?
Hearing none closed the public hearing at 7:54pm.

OLD BUSINESS

CONSIDERING A TABLED PETITION FROM KEVIN BRONGO FOR A ZONE CHANGE FROM RESIDENTIAL (R-1-11) TO INCENTIVE ZONING AT 456 WESTSIDE DRIVE

Supervisor Giunta stated this is actually from an application 2 months ago and was tabled last month, because the town board still wanted to research more into this type of incentive zoning.

RESOLUTION 99-24

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

Resolved, that the Gates Town Board hereby **UNTABLED** and reopen the Public Hearing for the petition from Keven Brongo for a zone change from Residential (R-1-11) to Incentive Zoning at 456 Westside Dr.

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

Supervisor Giunta, stated that Mr. Brongo owns 456 Westside Dr. and with the code currently, could build three (3) single family homes, but is looking at building a 7-unit townhome facility. Instead of asking for a rezoning of the property is asking the town for Incentive Zoning. He continued by saying that the Town Board did have a chance to investigate the Incentive Zoning further and have come up with a proposal for Mr. Brongo. Taking into consideration that he is allowed to build 3 homes and now asking for 7 units, the town is seeking for the remaining 4 unit and incentive back to the town \$5,250.00/each in order to build, totaling \$21,000.00 which would be allocated to help improve town parks. That money would be put aside in a reserve to help update one of the parks or park improvement, such as Westgate Park for a shade structure or open pavilion or something else that may be needed. This is what the town is looking for from Mr. Brongo as an incentive to build a 7-unit unit project.

Kevin Brongo stated he has been building in the community for over 40 years and has worked with the parks in the past with consideration of the town. They want to have the parks have more facilities for the benefit of the community. He agreed to this amount for the incentive, but wanted to know if it was to happen prior to planning board approval.

Attorney Schum, the conditions proposed for the board to consider, is the incentive payment would be upon approval of the planning board, before the issuance of the first building permit.

Supervisor Giunta again asked Mr. Brongo if this was acceptable, which he did agree it was.

Supervisor Giunta asked if anyone else from the audience wanted to speak for or against this? Hearing none closed the public hearing at 8:00pm.

**RESOLUTION AND NOTICE OF
NEGATIVE DECLARATION
APPLICANT: FAMILY DEVELOPMENT, INC., KEVIN BRONGO**

RESOLUTION 100-24

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

WHEREAS, Family Development Inc. and Kevin Brongo have applied to the Town Board of the Town of Gates for re-zoning of its property at 456 Westside Drive, Town of Gates, Monroe County, New York, from R-1-11 Residential to Incentive Zoning, as such lands are more fully described in the Application presently on file at the Town Clerk's Office; and

WHEREAS, in conjunction with such Application, the applicant, Family Development, Inc. and Kevin Brongo completed Part I of a long form Environmental Assessment Form for purposes of reviewing the impact, if any, of the proposed re-zoning upon the environment; and

WHEREAS, the Town Board of the Town of Gates did, at a regular meeting thereof, review in detail the full Environmental Assessment Form, finding and determining that the proposed activity in detail, the Town Board is desirous of issuing its finding thereon;

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 does declare that the proposed activity of Family Development, Inc. and Kevin Brongo, seeking to re-zone from R-1-11 Residential to Incentive Zoning the property owned by it at 456 Westside Drive, Town of Gates, Monroe County, New York is an unlisted action pursuant to the provisions of the State Environmental Quality Review Act.

SECTION II. That upon review of the Environmental Assessment Form, as prepared by the applicant, and after having given due consideration to each of the potential environmental impacts of the proposed project upon the environment, the Town Board, by adoption of this Resolution declares that this Resolution shall be determined to be a Negative Declaration of Environmental Significance with respect to the proposed activity, and the proposed re-zoning may proceed without further regard to the provisions of the State Environmental Quality Review Act.

SECTION III. That the reasons and rationale supporting this determination of negative environmental impact are as follows:

- a) That the proposed use of the property is consistent with the present zoning of the property, and the Application of the Incentive Zoning regulations will assure use of the property for Residential uses.

- b) That the site plan review by the Town of Gates Planning Board will assure the development of the property consistent with all applicable environmental regulations.
- c) That the proposed development of the property is in keeping with the Town of Gates Comprehensive Plan.

SECTION IV: That this Resolution and Notice of Negative Declaration relates solely to the rezoning action of the Town Board and the subject premise shall be subject to a coordinated environmental review at such time as all or any part of the subject premise are the subject of further applications to the Town Planning Board or other governmental agencies.

SECTION V. That the Town Clerk shall give notice of the adoption of this negative declaration as required by statute.

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

**APPROVING INCENTIVE ZONING FOR
 APPLICANT: FAMILY DEVELOPMENT INC., KEVIN BRONGO**

RESOLUTION 101-24

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

WHEREAS, Family Development Inc. did heretofore present a Petition, map and plan to the Town Board of the Town of Gates requesting the rezoning of certain lands situate at 456 Westside Drive in the Town of Gates, Monroe County, New York, such re-zoning request to be from R-1-11 Residential to Incentive Zoning, as such lands are more particularly described in such Application and Petition; and

WHEREAS, the Town Board, pursuant to Legal Notice duly given, did hold and conduct a Public Hearing to consider such re-zoning Application, which Public Hearing was held by the Twon Board of the Town of Gates at the Gates Community Center, 1605 Buffalo Road, Rochester, New York 14624, on the 1st day of April, 2024 and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, after due deliberation and consideration of all public comments, if any made at such Public Hearing, and upon a review of the Application, map and plan, the Town Board is desirous of acting upon such Application; and

WHEREAS, the Town of the Town of Gates did heretofore issue its Resolution and Negative Declaration, determining that the proposed re-zoning would have no significant adverse environmental impact;

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 does hereby elect to rezone from R-1-11 Residential to Incentive Zoning, the premises at 456 Westside Drive, Town of Gates, New York

SECTION II. That the Application of the Incentive Zoning provisions of the Town of Gates to the subject premises are subject to the following Incentive Zoning conditions:

- d) That the Applicant shall apply to and receive approval from the Town of Gates Planning Board for the development of the property in accordance with the Incentive Zoning Plan of the applicant prepared by DDS Engineers, dated March 22nd, 2024, showing seven (7) townhomes with the setbacks as shown on such plan.
- e) That upon approval of such site plan and issuance of a building permit for such approved development the applicant shall pay to the Town of Gates, for the Town's use in development and improvement of its parks, or other appropriate use at the Town Board shall determine, the sum of \$21,000.00 (calculated at \$5,250.00 for each of the four (4) additional dwelling units above the three (3) dwelling units that could be developed under the present R-1-11 zoning of the property).
- f) That if final site plan approval is not secured by the applicant on or before December 31st, 2025, the Application of the Incentive Zoning to this parcel shall expire and the zoning will revert to R-1-11 Residential.
- g) That the developed Town Homes will be offered for rent at market rate rents, and all leases will not allow for temporary or transient housing.

SECTION III. That the reasons and rationale supporting this determination include, but are not limited to:

- a) That the applicant conducted a Neighborhood Informational Meeting at which no local opposition was voiced.
- b) That at the April 1st, 2024 Public Hearing no one appeared in opposition to the proposed plan for development.
- c) That the development of the property will return it to the tax rolls of the Town of Gates, as it is presently vacant land previously owned by the County of Monroe.
- d) That the goals of the Incentive Zoning code of the Town of Gates will be accomplished by this re-zoning.

SECTION IV. That the Town Clerk is directed to give due Legal Notice of this change of zoning as required by law and to change the official Zoning Map of the Town of Gates to reflect such zoning change.

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

NEW BUSINESS

APPROVING THE APPOINTMENT OF ERIN KUHN TO THE GATES SPECIAL POLICE

RESOLUTION 102-24

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

Resolved, that the Gates Town Board hereby Approves the appointment of Erin Kuhn to the Gates Special Police.

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

ACCEPTING A GRANT OF \$140,000.00 FOR THE GATES POLICE DEPARTMENT FROM THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES UNDER THE STATE'S LAW ENFORCEMENT TECHNOLOGY (LETECH) PROGRAM FOR STATE FISCAL YEAR 2024-2025

RESOLUTION 103-24

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

Resolved, that the Gates Town Board hereby Accepts a grant of \$140,000.00 for the Gates Police Department from NYS Division of Criminal Justice Services under the State's Law Enforcement Technology (LETECH) Program for State Fiscal Year (FY) 2024-2025.

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

AUTHORIZING THE TOWN SUPERVISOR TO SIGN ON BEHALF OF THE TOWN OF GATES AN THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT (EMAC) REIMBURSEMENT AGREEMENT AND CERTIFICATION, CERTIFYING THAT THE TOWN OF GATES PROVIDED EMERGENCY SERVICES IN THE AMOUNT OF \$43,808.26 AND IS ENTITLED TO BE REIMBURSED FOR THE SAME.

RESOLUTION 104-24

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

WHEREAS, the Town of Gates did provide Emergency Management Assistance to the Erie County area in December of 2022; and

WHEREAS, pursuant to the Emergency Management Assistance Compact (EMAC) the Town of Gates is entitled to be reimbursed for such Emergency Services provided to the Buffalo area during the December 2022 State of Emergency; and

WHEREAS, it is necessary that the Town Board of the Town of Gates apply for reimbursement for such services as were provided.

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

SECTION I. That the Supervisor be and he hereby is authorized to execute for and on behalf of the Town of Gates an Emergency Management Assistance Compact Reimbursement Agreement and Certification certifying that the Town of Gates provided Emergency Services in the amount of \$43,808.26 and is entitled to be reimbursed for the same.

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

AUTHORIZING AND DIRECTING DANIEL G. SCHUM, TOWN ATTORNEY TO COMMENCE PROCEEDINGS IN MONROE COUNTY SUPREME COURT ON BEHALF OF THE TOWN OF GATES VS. REINHARDT BELKE CONCERNING THE PROPERTY AT 3 COURTRIGHT LANE IN THE TOWN OF GATES

RESOLUTION 105-24

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

Resolved, that Daniel G. Schum, Town Attorney, is authorized and directed to commence proceedings in Monroe County Supreme Court on behalf of the Town of Gates vs. Reinhardt Belke concerning the property at 3 Courtright Lane in the Town of Gates.

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

**APPROVING THE APPOINTMENT OF MIKE WALL FROM A PERMANENT
 MEMBER TO AN ALTERNATE MEMBER OF THE GATES PLANNING BOARD**

RESOLUTION 106-24

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

Resolved, that the Gates Town Board hereby Approves the appointment of Mike Wall from a permanent member to an alternate member of the Gates Planning Board.

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

**APPROVING THE APPOINTMENT OF JUAN RUIZ TO POSITION OF CHAIRMAN
 OF THE GATES PLANNING BOARD, TO FILL THE REMAINING TERM OF
 MIKE WALL, TERM TO EXPIRE DECEMBER 31, 2024**

RESOLUTION 107-24

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

Resolved, that the Gates Town Board hereby Approves the appointment of Juan Ruiz to the position of Chairman of the Gates Planning Board, to fill the remaining term of Mike Wall, term to expire December 31, 2024

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

**APPROVING THE APPOINTMENT OF BRANDON STUHLER FROM AN
 ALTERNATE MEMBER TO A PERMANENT MEMBER OF
 THE GATES PLANNING BOARD**

RESOLUTION 108-24

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

Resolved, that the Gates Town Board hereby Approves the appointment of Brandon Stuhler from an alternate member to a permanent member to of the Gates Planning Board.

VOTE: Giunta – Aye; Cordero – 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 109-24

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.

**SCHEDULING PUBLIC HEARING TO CONSIDER A
LOCAL LAW 5-2024, AMENDING § 133-8 TO
REGULATE PARKING OF MOTOR VEHICLES IN THE GATES TOWN CODE.**

RESOLUTION 110-24

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

Resolved, that the Gates Town Board hereby schedules One (1) Public Hearing for Monday, July 1, 2024 starting at 7:20PM to consider a Local Law #5-2024 amending § 133-8 to regulate Parking of Motor Vehicles in the Gates Town Code.

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

NEW BUSINESS OF COUNCIL MEMBERS

None

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR'S
REPORT FOR THE MONTH OF MAY 2024**

WARRANTS

GENERAL

CLAIMS # A24-0327- A24-0447 \$172,446.24

HIGHWAY

CLAIMS # D24-0173 - D24-0245 \$229,717.49

LIBRARY

CLAIMS # L24-0113 - L24-0138 \$38,108.31

TOTAL DISBURSEMENTS \$1,499,912.02

TOTAL RECEIPTS \$1,356,118.53

Supervisor Giunta noted for the record that the warrants for the month of May 2024 have been examined by the Town Board and signed.

RESOLUTION 111-24

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 2024 as read; and the warrants for the month of May 2024 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 2024**

The Town Clerk read the report for the month of May 2024 showing the following:

TOTAL REVENUE COLLECTED \$32,364.30

TOTAL REVENUE TO THE SUPERVISOR \$31,285.38

TOTAL NON-LOCAL REVENUE \$1,078.92

RESOLUTION 112-24

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 May 2024.

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 2024 and there were no changes to report.

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 8:15 PM.

Town Clerk