

November 4, 2024

The Gates Town Board held Four (4) Public Hearings and its Regular Town Board meeting on Monday, November 4, 2024 at the Town Hall Meeting Room starting at 6:45PM. 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

6:45PM PUBLIC HEARINGS

The Town Attorney, Dan Schum verified that the Legal Notices for all three (3) public hearings were properly published as required by law.

TO CONSIDER A CONDITIONAL USE PERMIT FOR ANGELO PALMERINI OF AFSCME COUNCIL 66 FOR A FREESTANDING SIGN AT 1956 LYELL AVE. IN A GENERAL BUSINESS DISTRICT

Supervisor Giunta asked if the applicant was present to speak on this application. He continued and stated that this is a formality, the sign has been there for many years and is just under new ownership, therefore has to be reapplied for.

Angelo Palmerini with Council 66. Agreed.

Supervisor Giunta sees no issues and explained if it was to get approved, for Mr. Palmerini to look over the sign regulations and check any code requirements and or limitations.

Mr. Palmerini asked if the sign has been there over ten (10) years if there have been changes in the code?

Supervisor Giunta answered, Yes and for Mr. Palmerini to check the website or contact the building department to confirm if any changes apply to his sign.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this and hearing none, closed the public hearing

RESOLUTION 163-24

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

Resolved, that the Gates Town Board hereby approves an application from Angelo Palmerini for a Conditional Use Permit to Operate a Freestanding Sign at 1956 Lyell Ave. in a General Business District (GB).

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

**TO CONSIDER A CONDITIONAL USE PERMIT FOR DAN MEDIOLA
(DIAMOND Z ENGINEERING) FOR THE USE OF BARBED WIRE ON TOP OF THE
EXISTING FENCE ON FEDEX WAY AT 2580 MANITOU RD IN
A GENERAL INDUSTRIAL DISTRICT**

Supervisor Giunta asked if the applicant was present to speak on this application. There was no one to speak on this application. He continued and stated that there are other businesses in the area with barbed wire fencing and they are looking to follow protocol to add more security of their facility.

Attorney Schum added there is already an existing fence that has a permit and the applicant is asking to add barbed wire to the top of it for security purposes.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this. Hearing none, closed the public hearing

RESOLUTION 164-24

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

Resolved, that the Gates Town Board hereby approves an application from Dan Mediola (Diamond Z. Engineering) for a Conditional Use Permit for the use of Barbed Wire on top of the existing fence on Fedex Way at 2580 Manitou Rd. in a General Industrial District (GI).

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

**TO CONSIDER A PETITION FOR DAN THOMAS (TAOUK DEVELOPMENT)
TO REZONE USING INCENTIVE ZONING FOR 4660 LYELL RD, 4610 LYELL RD.,
2480 MANITOU RD. AND 2484 MANITOUR RD. FROM RESIDENTIAL (R-1-15)
TO MULTI-RESIDENCE (MR)**

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

John Sciarabba, Land Tech representing the applicant, Dan Thomas, Taouk Development, appreciates the board accepting the application for incentive zoning for the 8.6-acres at the northeast corner of Manitou Rd and Lyell Rd. This property has been historically rundown and an eyesore for the community for many years. He worked on this back in 2008 with the current owner, but the project didn't go anywhere due to lack of access to sanitary sewer. There is access to gas, electric and water and I also under the jurisdiction of Monroe County DOT. In working with Taouk Development, which is a locally owned business who actually lives in the Town of Gates and operates out of Ogden. Mr. Thomas has several projects in process and completed throughout the area as well as owning the gravel pit on Manitou Rd. next to 531 and has a vast knowledge of Gates community. Mr. Thomas is a person who has stake in the town and plans on staying in it.

The proposed project consists of town home and duplex for rent along with apartments (**displayed renderings**), so it's kind of a mixed use. Originally the project was to be all multi-family and after speaking with local residents and holding two (2) informational meetings realized it better to have some ownership and is now a split use. The proposal is eight (8) Duplex units along the north property-line, two (2) twenty-six (26) unit, three (3) story apartment buildings and one (1) ten (10) unit apartment building for a total of eight-five (85). They have precured easements to get access the sanitary system that is east of the site which is outside the jurisdiction of Monroe County Pure Waters to bottleneck and procedures of the project. To date, they have had numerous concepts and two (2) informal information meetings with the

neighbors., with many in attendance tonight. The first on July 11th & with a revised concept plan on August 21st. They took the comments and concerns to heart along with comments from the town and revised the plans again. If it was to get approved for rezone, they would then need to go to Planning Board.

A few things they learned from the neighbors at those meetings were; sensitivity to buffering, especially the neighbors on Queensland, so buildings are setback forty (40) feet from their property line and moved the houses for-sale up to their houses to make a similar use. Also want to maintain the existing trees in that area or/and plant new trees or fence to buffer them. They are not at that level of detail yet, but once they are at the planning board stage, will work with neighbors. They also looked at buffering the taller buildings. They are being careful in the layout of this project. Drainage is always a concern, and there are existing drainage issues on Queensland, but working with drainage they will work closely with the town engineer and work on a stormwater plan with is under the guidelines of the State DEC in order to get that permit. The plan is to not negatively impact their property and they can't with their design. Looking at the plans shown, there is a site for stormwater management to help pull that water away from the neighbors and let it discharge to the wetlands to the east. Traffic is another concern, Manitou is always a busy road and took that to heart. The plans at both July and August meetings showed one (1) access and this new plan has two (2) accesses, Manitou Rd and Lyell Rd. This gives people a choice. Another concern was density with eighty-five (85) units, but what the code allows currently would be twenty (20) houses, but doesn't think practically it would fit on this site and the eighty-five (85) units makes this project viable, it's a business opportunity. It'll be an asset to the community.

The fact that today's society is changing, older people who want to stay in the Gates community and want to downsize or the younger who don't want to worry about the maintenance of owning a house. Mr. Thomas' other current project is in Ogden and has people paying high end rent. There will be no subsidized renters, this is a private project with no public funding. Also, everything in this project is private, from the roads to the sanitary sewer, so no public infrastructure, all developed by the developer. He is aware this is a big change for the neighbors, but feels for the better.

Councilman Cordero asked if the town homes would be for sale and if they're the ones off Manitou Rd.?'

Mr. Sciarabba (**using renderings**) showed which duplexes, townhomes and apartment were for sale.

Councilman Cordero asked if there would be a HOA and if they will be Townhomes or Condos, because there are different rules for each?

Mr. Sciarabba will need to deal with the attorney on that the HOA and the for-sale portion, which is one of their challenges. He's not an expert on which, but as of right now they are going Townhomes with an HOA.

Councilman Tucciarello wanted to expand, asked if there will be common areas with the for-sale properties and because they are common, asked if there will need to be a landscaper to cut grass, and so on throughout those properties?

Mr. Sciarabba, there's a lot of nuts & bolts to work out with this subject with some rental and some owned.

Councilman Tucciarello understands that, but whether calling it townhomes or condos, it will still have common areas and common lawn area under contract

Councilman Cordero added, whether being developed as a townhome or condo it would need to set prior to any approvals

Mr. Sciarabba, clarified that if this was a condo they would own everything inside the walls and they are not looking at doing that, they are looking at giving property lines, so they can have a deck or patio and create property lines. He continued at this point they will be Townhomes with and HOA.

Councilman Tucciarello asked if there is going to be a common area, there will need to be some sort of HOA, which means there will be a declaration by law with regulations of how the owned parcels are actually operated from, like the color of roof or siding to what can get put in the front yard, to what kind of bushes, windows. He asked if there is anything in the works that would help the council understand how this will be managed.

Mr. Sciarabba, the developer is going to build these the way he wants too. He just did this in Mayflower Village in Chili and there is a HOA. He built everything out and people bought these. There will be a declaration like how many cars can be outside. This is just part of the project, he wants to have synergy throughout the property. He will pick the colors, they will all match and (**using renderings**) to showing a townhouse as an example.

Councilman Tucciarello understands, but if they will be owned by residents, then the coloring staying there into the future for long term, goes back to the declaration bylaws, rules and regulations of the HOA and that has to be established, because what they want, if this was to pass, is not a problem. Having manicured lawns and set regulations of colors or what can and can't be put outside be on the board that runs that HOA that's onsite made up of the residents are all important points to having a project in a community that's a positive and not a negative and that's why he's running this type of questioning.

Mr. Sciarabba, stated he just used Mayflower as an example and they have gone through the pain and anguish of developing HOA documents and all that and can provide all that information and is familiar with that process. He doesn't know the nuts & bolts of dividing this property of portion private, portion apartments, but feels those challenges are insurmountable and is will to work with the town to provide documents.

Councilman Tucciarello, a project will outlast its initial owner, but the declaration of rules and regulations will outlast everything and will always be enforceable.

Attorney Schum, said that drawing lines on the map is very important, whether it's this board or the planning board, how the for-sale units and the for-rent units mesh.

Asking this board to consider an incentive zoning of a multi-use property without any input from the planning board in terms of "things that might change" and this board already gives an approval, understanding the developer doesn't want to spend more money to go the planning board. It really is "the chicken and the egg"

Mr. Sciarabba if there are conditions this board has, they understand, they are hoping it goes so they go to the next step.

Supervisor Giunta, if this gets approved at this meeting, what is the next, what would get developed first?

Mr. Sciarabba, update the survey map from ten (10) years ago, do the analysis and submit a subdivision site-plan application to the planning board. Grading, utility, lighting and landscaping and go for conceptual plan and would like to reengage the public with buffering, grading. If fortunate to get the planning process, then there's the sewer design, stormwater permit, looking at least six-months of approvals

Supervisor Giunta, asked if the board added a condition for the residential owned were to be build first would that be an issue?

Attorney Schum a condition of a phased development that would include a certain percentage of.

Mr. Sciarabba like 50% apartments and 50% townhomes could work

Supervisor Giunta asked how is the other project going?

Mr. Sciarabba, he has the C of O. and if the board or others would like to see how they look. They are on Manitou Rd.

Supervisor Giunta asked if the types of finishes on those would be the same for this project?

Mr. Dan Thomas, everything is very high-end. He's had nine (9) units pre-lease and people will be moving in prior to the first of the new year and fourteen (14) after the first of the year and believes there are three units left to rent, one if the model they want to hold off on.

Supervisor Giunta asked if they are single or double bedrooms.

Mr. Thomas, majority are two-bedrooms and there are some one-bedrooms. They have done a market study to see what the market wants. They are doing well so far, there are young professionals and people who are just downsizing, good tenant coming into the community.

Mr. Schum asked if long form of SEQR was filed.

Councilman DiPonzio looking at the rendering in the center it states buildable area, asked what it was.

Mr. Sciarabba, it's a ten unit building not colored in.

Councilman Tucciarello, since there is another project that is very similar, what types of rents will they be?

Mr. Thomas, one-bedroom are starting at \$1550 for the smallest and the two & three bedrooms are \$2300-\$2500 there are also garages available for an additional \$150. The townhome price is not set yet.

Councilman Loughlin, the two larger buildings, will there be a leasing office?

Mr. Thomas, what they did with the other project was designate one unit as the model and it's the leasing office, but they do have a full-time leasing office in Chili and could possibly do the same with this project.

Supervisor Giunta asked opened up to the public for questions.

Steven Connell, 4 Pinto Run lived there for about seven (7) years, looking at the drawings, anyone living in that area knows it's close to impossible to get out and now adding eight-five units with up to two cars each, doesn't understand the driveway in the back (**using renderings to show**) and why it's not sectioned off and not have a cut-through. It's also going to add children to the Spencerport school district.

Supervisor Giunta asked what he would want to see there?

Mr. Connell, condo's perhaps but if he had a house on Queensland he would move, but if anything, he would like to block the road.

Teddy Tice (with ASL interpreter), 4615 Lyell Rd (8 years) he has one-acre of land. There is a lot of traffic, especially in the summer with the ice-cream shop being open has a difficult time getting into his property and has to go around, with the additional traffic will make it worse which is one point. The apartments are too high, three levels will block the view and with single-family homes in the neighborhood being the same height and same size. He feels if they get built he will be forced to sell his house and will move out of the area, he thinks it's ugly.

Diane Cilento, Parkview Place down the street near St. Jude's. Lyell Rd is only two lanes, Manitou Rd is only two lanes and for the year put her granddaughter on the school bus and feels there is already too much traffic. They mentioned selling the duplexes, but what prevents them from renting them or selling and they rent to a family member. There is no guarantee they will remain owner occupied.

Attorney Schum, there is no restriction presently on any single-family homes.

Ms. Cilento so adding a caveat that they will be sold means nothing. She asked if anyone approached the school and asked about the impact.

Mr. Thomas, did speak to a school board member and was told Spencerport School District is at an all-time low enrollment right now.

Ms. Cilento has looked at this and doesn't see where the parking is for the twenty-six (26) units are? Will there be enough parking for possibly two (2) cars per family?

Mr. Sciarabba there are twelve (12) garages (**using renderings to show**) and plenty of visitor parking. He's not sure of the number, but knows enough to cover all the apartments and guests.

Supervisor Giunta the planning board would require ample parking if it gets to that.

Ms. Cilento, there seems to be many unknowns and keeps hearing this is a moving project

Supervisor Giunta added, in their defense, they haven't gotten to all that stuff yet and is sure Mr. Thomas doesn't want to spend the extra money if a project like this isn't approved.

Ms. Cilento is in a condo and knows how they work, they own from the inside the wall and there is no guarantee the people will keep up the property unless there is a HOA. She thinks this is a bad idea.

Dan Dziduch, 39 Pinto Run, lived there 7/8 years. There's a horse farm, farmland with growing crops, it would completely change the landscape or the area. Also concerned with the wetlands, coyote, deer, fox, & blue heron. Wants to know the effects and a comprehensive study on how it'll all effect the wetlands as well as all the approvals like traffic patterns. He feels there is a lot if unknowns.

Supervisor Giunta appreciates the comments and concerns and explained that is why extensive studies need to get approved prior. DEC, traffic studies, wetlands, stormwater is all part of the process which is why it takes about six (6) months or more to get through all that.

Mr. Dziduch asked if the community in those tracks will be notified as stuff gets mitigated?

Supervisor Giunta things could change as studies get done.

Mr. Sciarabba clarified the wetland issue, it has been delineated by a firm and has a jurisdiction determination by DEC and know where the limits of the land is and will not be touching the wetlands or the wetland buffer, but will be getting a wetland permit for the town engineer to review.

Eleni Grammatikis, 192 Queensland Dr, lives in a cul-de-sac overlooking this project in her backyard. She doesn't feel that property is built for high density housing and doesn't understand why it's even being considered, there's a strain on the infrastructure, increase congestion, potential safety hazards, impact on the children that play in the cul-de-sac, high traffic, loss of security, and emergency services. Their neighbor is beautiful, why put the residents through this? Build single-family homes and give people the opportunity to own property. Why change the whole image, she is a bit nervous and emotional about it? They pay the highest taxes and is hoping the voices of the community and the decisions that effect their future should be prioritized by their input, then just letting this come in. She urges the board to keep the zoning policy and respectfully urges the board to reject the zoning change, preserving the single-family property.

Supervisor Giunta, asked if these were all single-family homes even valued at \$150 thousand would be acceptable, he is curious?

Supervisor Giunta added they all must remember as a Town Board, they need to hear all proposals that come in front of them. It's a public hearing and needs to be heard, which is why these occur for all to have the opportunity to speak and the board does it's best to do the best for the community and the town as well. Have faith in the Town Board.

Attorney Schum, one of the requirements for the incentive zoning is that the applicant does show what could be developed on the existing zoning (single-family)

Mr. Sciarabba, the R-1-15, which is fifteen (15) thousand divided by 8.6 is twenty-four (24) lots and some incombered with wetlands so he estimates twenty (20) lots. The reason this piece of land has sat for so long, empty is because the construction costs divided by the unit costs (town homes, apartments, houses) whatever the unit costs need to work out. Offsite sewer, there has to be more density. If someone was to build single-family homes, they would go broke there.

Melissa Thomas, 202 Queensland, read a statement to hold its original zoning and spoke of the wetlands, traffic, and an increase in crime.

George Shukitis, 198 Queensland, 3-stories is much higher then you think and is too many. He feels he will lose privacy.

Sandy Connel, 4 Pinto Run great for revenue, but not the residents. These are one of the best neighborhoods in the Town if Gates. Putting this in will make it go down the tubes.

Michael Thomas, 202 Queensland, echoed what everyone had said, but read some data he found on the density for that area after he foil-requested on the fire and police services.

Supervisor Giunta, based on all the input, feels the board can not act on this application.

Attorney Schum this matter needs to be referred to Monroe County Planning, and is sure the developer has already made that referral, but the town has not received a response yet, but they have thirty (30) days on an application like this, so the town board could not act on this, even if they wanted too. The board will need to table this application for Monroe County's response/comments, leaving the public hearing open. The next Town Board meeting is December 2, 2024 and this application will be on that agenda. He added for further classification, No public hearing signs or legal notice will be required to be posted, this is a continuation.

RESOLUTION 165-24

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

Resolved, that the Gates Town Board hereby **TABLED** the petition for Dan Thomas (Taouk Development) to rezone using Incentive Zoning for 4660 & 4610 Lyell Rd **AND** 2480 & 2484 Manitou Rd from Residential (R-1-15) to Multi-Residential (MR) to Monday, December 2, 2024.

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

7:15PM PUBLIC HEARING**TO CONSIDER THE 2025 TOWN OF GATES PROPOSED BUDGET**

Supervisor Giunta, stated on October 22, 21024 the Town Board did hold their workshop at the town hall and which was published according to the law. Town Clerk, Veronica Owens did present the preliminary budget that was put together by the Town Finance Director, Stephanie Soto. Over 2 ½ hours reviewing this

Mrs. Soto went over some of the highlights of the proposed budget. Proposing a tax levy of \$13,578,203 with a proposed tax rate of \$6.29 per thousand. This proposed rate will keep the town under the 2% tax cap. The rate increased by \$.14 from last year of \$6.15. Putting into perspective on a \$150,000 assessment for last year the tax rate at \$6.15 rate the town tax amount would be \$923 vs this year's proposed rate at \$6.29 the tax amount would be \$943. It would be a \$20.00 increase. Expenditures across the board have increased in health / liability insurance, salaries (minimum wage increase), rising cost to maintain town equipment and facilities.

Supervisor thanked Mrs. Soto and reiterated, it's great the town came under the two-percent 2% tax cap. Stated of the \$13,578,203 \$1,133,903 is for the Gates Ambulance therefore the town is actually only collecting \$12,429,505. Town is appropriating \$1.9M. It's a well put together budget, appreciates it and mentioned, things are going up, cost of equipment, salt, asphalt, salaries (minimum wage went up), insurance (not only health care, buy liability). The town tries to keep the budget as lean as possible, but unfortunately this year needed to be increased by fourteen (\$.14) cents.

Councilman Loughlin appreciates Mrs. Soto for putting this all together and all the hard work as well as some of the concessions made by department heads with inflation. .

Supervisor Giunta added this reflects no drop-in services for the residents and will continue to work to make sure the needs of the residents are met.

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

RESOLUTION 166-24

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

Resolved, that the Gates Town Board hereby Approves to adopt the Tentative Proposed 2025 Town of Gates Budget as the 2025 Town of Gates Adopted Budget

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

Motion Carried.**7:30PM REGULAR TOWN BOARD MEETING**

Supervisor Cosmo Giunta called the meeting to order at 8:08PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman Tucciarello.

He asked the board members if they an opportunity to review the Public Hearing and regular Town Board Meeting minutes from October 7, 2024, and if any revisions were needed. Hearing that there were not, stated that they will be published as drafted and available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

Supervisor Giunta asked if there was anyone for audience participation? He explained each person will have five (5) minutes to present.

Kathleen O'Brien, 914 Trolley Blvd. moved into Gates two (2) years ago and have had issues with the neighbor, who has been there over forty (40) years with verbal abuse, harassment and so she put in a privacy fence and security cameras hoping it would get better, but last week the neighbor moved one of the cameras with a long pole and a second camera caught it. Gates Police came out, it's not trespassing, not harassment. She is afraid of this woman. She was told they could file a restraining order, but it would require the neighbor being arrested and they do not want that. The officer did go over and speak with the neighbor to stop, but Mrs. O'Brien wants suggests on what to do if the neighbor continues.

Attorney Schum agreed with the Officer, there cannot be an official order of protection unless there is an underline, either criminal or family court complaint. In terms of someone's ability to place security cameras, you most certainly can and in a place to furnish the function. Town's codes are not built to resolves neighbors' feuds, but as a private citizen she has the right to file a complaint for harassment in court.

Mrs. O'Brien also asked about extending the fence to the front of the yard, knowing there are different rules/codes? There have been some attempted car break-ins and the neighbor has been killing here grass (no proof)

Supervisor Giunta technically it would be considered a decorative fence

Attorney Schum, it has to be an open fence, not solid wood in the front yard and believes three-feet.

Supervisor Giunta added, she is doing the right steps and asked her continue in this matter with contacting the police

Supervisor Giunta asked if there was anyone else for audience participation
Hearing none closed Audience participation.

OLD BUSINESS

**TO CONSIDER RAISING THE GRADUATED INCOME LIMIT
FOR THE LIMITED SENIOR AND DISABILITY EXEMPTIONS
FOR THE TOWN OF GATES**

RESOLUTION 167-24

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

Resolved, that the Gates Town Board hereby **UNTABLED** the consideration Raising the Graduated Income Limit for the Limited Senior and Disability Exemptions for the Town of Gates.

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

Supervisor Giunta reminded everyone that this was on the agenda two months ago and speaking with the Town Assessor about raising the income levels to provide more exemptions for seniors. The Assessor did present to the Board, which all agree this is a great idea and this will help the seniors qualify for additional exemptions. Levels haven't been changed in twenty (20) years. He feels this would be great for the seniors to raise this level to assist with payment of taxes.

RESOLUTION AND NEGATIVE DECLARATION**Local Law # (7) 6-2024**

(Amended per NYS -Jan 2025 minutes)

RESOLUTION 168-24

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

WHEREAS, the Town Board of the Town of Gates is considering the enactment of Local Law #6-2024; 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 #6-2024 is routine Governmental Administration and Management, and is, accordingly, a Type II Action under SEQR.

SECTION II. That the enactment of Local Law #6-2024 may proceed without further regard to SEQR.

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

RESOLUTION
Local Law # (7) 6-2024
(Amended per NYS -Jan 2025 minutes)

RESOLUTION 169-24

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

WHEREAS, the Town Board of the Town of Gates is considering the enactment of Local Law #6-2024; 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 #6-2024;

NOWTHEREFORE, 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 #6-2024 to read and provide as follows:

A Local Law to amend Article III of Chapter 166 of the Town of Gates Code to increase the maximum exemption available for Persons with Disabilities and Limited Income

INTRODUCTION LOCAL LAW #6-2024
A LOCAL LAW TO AMEND CHAPTER 166 OF THE TOWN OF GATES CODE

ARTICLE III of Chapter 166 of the Town of Gates code is amended to read and provide as follows:

Exemptions for Persons with Disabilities and Limited Incomes

166-16 D. The maximum income allowed to qualify for the base exemption (50% of assessed value) is set at \$38,200 with corresponding increases in the sliding scale:

TOWN LIMITS NEW	
INCOME	PERCENT
\$0 to \$38,200	50%
\$38,201 to \$39,200	45%
\$39,201 to \$40,200	40%
\$40,201 to \$41,200	35%
\$41,201 to \$42,100	30%
\$42,101 to \$43,000	25%
\$43,001 to \$43,900	20%
\$43,901 to \$44,800	15%
\$44,801 to \$45,700	10%
\$45,701 to \$46,600	5%
OVER \$46,600	NO EXEMPTION

Effective Date. This Local Law shall take effect upon filing with the Secretary of State pursuant to the provisions of New York Municipal Home Rule Law.

SECTION I. 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 – Aye; Tucciarello – Aye;
Motion Carried.

Attorney Schum added the Assessor encouraged this to be accepted now because they need to send out letters/notices to all who apply.

NEW BUSINESS

AUTHORIZING SURETY, FORM AND AMOUNT OF OFFICIAL UNDERTAKING FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF THE TOWN CLERK AND RECEIVER OF TAXES AND ASSESSMENTS; AND HERBY AUTHORIZING THE TOWN CLERK OBTAIN A BLANKET BOND COVERING ALL TOWN EMPLOYEES AND TOWN OFFICIALS

RESOLUTION 170-24

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

Resolved, that the Gates Town Board hereby Authorizes surety, form and amount of official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments; and hereby authorizing the Town Clerk obtain a Blanket Bond covering all Town Employees and Town Officials.

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

CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING:

PURA VIDA VILLE, 2115 BUFFALO RD.; LOVING TOUCH CHILD CARE, 395 SPENCERPORT RD.; LUTHERINE CHURCH OF OUR SAVIOUR, 2415 CHILI AVE.; MARKS PIZZA, 2103 BUFFALO RD.; MAVIS DISCOUNT TIRE, 410 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 171-24

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; Pura Vida Ville, 2115 Buffalo Rd.; Loving Touch Child Care, 395 Spencerport Rd.; Lutheran Church of Our Savior., 2415 Chili Ave.; Marks Pizzeria, 2103 Buffalo Rd.; Mavis Discount Tire, 410 Spencerport Rd.

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

**APPROVING THE INTER-MUNICIPAL AGREEMENT BETWEEN
THE TOWN OF GATES AND THE TOWN OF OGDEN FOR THE SHARING OF THE
GATES TOWN ASSESSOR FOR A THIRTEEN-MONTH (13) PERIOD STARTING
DECEMBER 1, 2024 UNTIL DECEMBER 31, 2025.**

RESOLUTION 172-24

Motion by Supervisor Giunta who moved its adoption:

Seconded by: Councilman DiPonzio

Resolved, that the Gates Town Board hereby Approves the Inter-municipal Agreement between the Town of Gates and Town of Ogden for the sharing of the Gates Town Assessor for a thirteen-month period starting Dec 1, 2024 until Dec 31, 2025.

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

Motion Carried

**ADOPTING THE TOWN OF GATES NON-STANDARD
JOURNAL ENTRY POLICY**

RESOLUTION 173-24

Motion by Councilman Cordero who moved its adoption:

Seconded by: Councilman DiPonzio

Resolved, that the Gates Town Board hereby Adopts the Town of Gates Non-Standard Journal Entry Policy

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

Motion Carried.

**SCHEDULING THREE PUBLIC HEARINGS STARTING
AT 7:15PM TO CONSIDER:**

- #1. TO CONSIDER A CONDITIONAL USE PERMIT FOR ANGELO INGRASSIA TO OPERATE A CHIPOTLE AT 2130 CHILI AVE. (WESTGATE PLAZA) IN A GENERAL BUSINESS DISTRICT.**
- #2. TO CONSIDER A CONDITIONAL USE PERMIT FOR ERIC MILLER TO OPERATE HEMPIRE STATE SMOKE SHOP AT 2340 LYELL AVE. IN A GENERAL BUSINESS DISTRICT.**
- #3. TO CONSIDER A CONDITIONAL USE PERMIT FOR STEPHAN CAPIZZI TO OPERATE THE MOBILE PAINT GUY AT 135 FEDEX WAY IN A GENERAL INDUSTRIAL DISTRICT.**

RESOLUTION 174-24

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Councilman Cordero

Resolved, that the Gates Town Board hereby Schedules **THREE (3)** Public Hearings to consider; #1. A Conditional Use Permit for Angelo Ingrassia to operate a Chipotle located at 2130 Chili Ave (Westgate Plaza) in a General Business District. #2. A Conditional Use Permit for Eric Miller to operate Hempire State Smoke Shop located at 2340 Lyell Ave. in a General Business District and #3. A Conditional Use Permit for Stephan Capizzi to operate The Mobile Paint Guy at 135 FedEx Way in a General Industrial District for Monday December 4, 2024 to start at 6:45 pm.

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

**ACCEPTING THE ARPA SUB-AWARD GRANT AGREEMENT BETWEEN
 MONROE COUNTY AND THE TOWN OF GATES IN THE AMOUNT OF \$319,279
 TO SUPPORT YOUTH AND SENIOR PROGRAM AND EQUIPMENT**

RESOLUTION 175-24

Motion by Councilman DiPonzio who moved its adoption:
 Seconded by: Supervisor Giunta and the remaining Councilmen

Resolved, that the Gates Town Board hereby Accepts the ARPA Subaward Grant Agreement between the Monroe County and the Town of Gates in the amount of \$319,279 to support Youth and Senior Programing and Equipment.

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

**AUTHORIZING A NOTICE OF BIDDER PUBLICATION FOR THE
 REPLACEMENT OF FOUR (4) ROOF TOP (RTU) AIR CONDITIONING UNITS
 OF THE TOWN HALL**

RESOLUTION 176-24

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

Resolved, that the Gates Town Board hereby Authorizes a Notice of Bidder publication for the replacement of four (4) Air Conditioning Roof Top Units (RTU) of the Town Hall.

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

**APPOINTING CHARLES JOHNSON TO SERVE A TWO (2) YEAR TERM AS THE
 TOWN OF GATES REPRESENTATIVE FOR THE MONROE COUNTY
 ENVIRONMENTAL MANAGEMENT COUNCIL,
 STARTING JAN. 1, 2025-DECEMBER 31, 2026**

Councilman Tucciarello sits on a board with Mr. Johnson and he is very passionate about this and hard working and thoughtful and will do a great job for the town.

RESOLUTION 177-24

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

Resolved, that the Gates Town Board hereby Appoints Charles Johnson to serve a two (2) year term as the Town of Gates representative for the Monroe County Environmental Management Council, starting Jan 1, 2025 through Dec 31, 2026.

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

**APPOINTING CHRISTINE MAURICE AS A MEMBER OF THE GATES
RECREATION AND PARKS COMMISSION TO FILL THE UNEXPIRED TERM OF
EILEEN ANDREWS, TERM TO EXPIRE JUNE 5, 2027**

Councilman Cordero, Ms. Maurice was the Chairperson for the Zoning Board for many years and will be a great asst to the Recreation and Parks Commission.

RESOLUTION 178-24

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

Resolved, that the Gates Town Board hereby Appoints Christine Maurice as a member of the Gates Recreation and Parks Commission to fill the unexpired term of Eileen Andrews, term to expire June 5, 2027.

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

PROCLAMATION FOR SMALL BUSINESS SATURDAY NOV 30, 2024

Supervisor Giunta signed a Proclamation for Small Business Saturday, which is Saturday, November 30, 2024. The Town Board supports small businesses here in the Town of Gates and encourage everyone and residents to visit small businesses on Small Business Saturday to support them and throughout the year.

**AUTHORIZING A PREPERATION OF BID FOR DEMOLITION
OF THE RESIDENTIAL STRUCTURE AT 3 COURTRIGHT LANE**

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, next Monday, November 11th there will be a Veteran’s Day Ceremony at the Middle School Cafeteria at 10:30am. There will be students from the 5 local elementary schools that wrote essays and will read on what Veterans Day means to them. Along with honoring our Veterans. If anyone knows a veteran, please invite them, also contact our recreation department to be sure they are recognized property.

Councilman Loughlin added to that and invitation following the Town of Gates Celebration the Gates Public Library is also hosting an event 2:00-4:00pm with a showing of the film, Remembering Vietnam, the Wall at 25 with a discussion afterwards with a local professor.

Councilman Cordero, November 23rd, Gates to Recovery will be handing out turkeys to those in need. It’ll be held at the Town Hall in the back-parking lot starting at 9:00am, it’s first-come-first-serve, until they are gone.

Gobble Wobble the morning of Thanksgiving starting at 8:30am at the Town Hall.

Councilman Tucciarello wished everyone a Happy Thanksgiving.

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
REPORT FOR THE MONTH OF OCTOBER 2024**

WARRANTS**GENERAL**

CLAIMS # A24-0852- A24-0960	\$163,940.21
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HIGHWAY

CLAIMS # D24-0430 - D24-0484	\$248,086.79
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LIBRARY

CLAIMS # L24-0277 - L24-0323	\$78,831.66
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TOTAL DISBURSEMENTS**\$1,713,948.30****TOTAL RECEIPTS****\$250,097.80**

Supervisor Giunta noted for the record that the warrants for the month of October 2024 have been examined by the Town Board and signed. The Town Board also examined and approved all payroll and in-lieu of claim expenses per fund for the month.

RESOLUTION 179-24

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 October 2024 as read; and the warrants for the month of October 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 OCTOBER 2024**

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

TOTAL REVENUE COLLECTED	\$25,636.08
TOTAL REVENUE TO THE SUPERVISOR	\$24,261.55
TOTAL NON-LOCAL REVENUE	\$1,374.53

RESOLUTION 180-24

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

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of October 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 October 2024 and there were no changes to report.

Additions: 1 (Town Clerk's Office)

Terminations: 0

Net Change +1

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 8:40 PM.

Town Clerk