

September 4, 2018

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Tuesday, September 4, 2018 at the Gates Town Hall, 1605 Buffalo Road; beginning at 7:00 P.M. Those in attendance for the Public Hearings and regular Town Board meeting were as follows:

Mark W. Assini	Supervisor
Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Daniel G. Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

7:00 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
RAY TROTTA FOR A CONDITIONAL
USE PERMIT TO CONSTRUCT TWO
BUILDINGS WITH PARKING LOTS
AND A DRIVE-THROUGH AT 2222
- 2232 LYELL AVENUE**

Supervisor Assini called the Public Hearing to order at 7:00 P.M. The Town Attorney verified that the Legal Notice had been published as required by law.

Supervisor Assini stated that the only building that will need a Conditional Use Permit is the KFC facility. The Urgent Care building is a permitted use. So the only thing to consider for approval is the KFC building.

Mr. Trotta presented a revised site plan to the Board showing the layout of the proposed buildings and parking. He noted that they may have to lose some of the parking as a result of construction by the State of the road. The entrance on Matilda Street has been redesigned. Mr. Trotta is not sure of the hours of operation, he will check with KFC.

Supervisor Assini stated that any required variances must to reviewed and approved by the Zoning Board of Appeals. All setbacks and parking are to adhere to Town of Gates Codes. Any requirements set forth by the Planning Board are to be adhered to. The hours of operation will be seven days a week 7:00 A.M. – 12:00 A.M.

There was no one in the audience appearing for or against this application.

RESOLUTION 110-18: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit to construct a building and operate a KFC fast-food facility) with parking and a drive-through at 2222 and 2232 Lyell Avenue; subject to the following conditions:

1. The term of the Conditional Use Permit is for one (1) year.
2. All seating, setbacks and parking are to adhere to Town of Gates Codes.
3. Hours of operation to be 7:00 A.M. – 12:00 A.M. seven days a week.
4. All requirements set forth by the Planning Board are to be adhered to.
5. All required variances are to be approved by the Zoning Board of Appeals.

Seconded by Councilman Tucciarello.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:30 P.M.

7:15 P.M. PUBLIC HEARING

**CONSIDERING THE GATES-CHILI
FEDERAL CREDIT UNION'S APPLICATION
FOR A CONDITIONAL USE PERMIT TO
ALLOW AN ELECTRONIC MESSAGE
DISPLAY SIGN TO BE LOCATED AT
2870 BUFFALO ROAD**

Supervisor Assini called the Public Hearing to order at 7:34 P.M. The Town Attorney verified that the Legal Notice had been published as required by law.

Ms. Mary Sawnor, CEO of the Gates Chili Federal Credit Union addressed the Town Board. She stated that they will be relocating their offices to 2870 Buffalo Road and are requesting to install an electronic message display sign at this location. She presented a photo of the proposed sign. It is the same size and configuration as the sign in front of the Town Hall.

Mr. David Redick, 2863 Buffalo Road and Adam Norton, 2900 Buffalo Rd. addressed the Town Board. They are not in favor of the sign. They asked what type it would be and the size. Will the sign be a scrolling sign, and will it be illuminated?

Mrs. Sawnor presented a photo of the proposed sign. It will be the same size and style as the sign located in front of Town Hall. A representative from the sign company was present to answer any questions that they might ask.

Supervisor Assini stated illumination of the sign could be limited. The Conditional Use Permit is for a one year period. If there is a problem it could be addressed at the time of possible renewal of the permit. The applicant is also required to adhere to all requirements of the Town of Gates Sign Code.

RESOLUTION 111-18: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit to the Gates Chili Federal Credit Union to allow an electronic message display sign to be located at 2870 Buffalo Road; subject to the following conditions:

1. The term of the Conditional Use Permit is for one (1) year.
2. The applicant is to adhere to the Town of Gates Sign Code.
3. The hours of sign illumination to be 7:00 A.M. to 7:00 P.M. seven days a week.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:48 P.M.

7:30 P.M. REGULAR TOWN BOARD MEETING

Supervisor Assini called the meeting to order at 7:55 p.m. He began the meeting with a Silent Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 112-18: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the August 6, 2018 regular Town Board meeting as received.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

AUDIENCE PARTICIPATION

Christine Maurice, Chairwoman of the Gates Zoning Board of Appeals updated everyone on the planning progress of the first Town Boards and Commission picnic. It will be held at Memorial Park on September 30, 2018. Please be sure to let the committee know if you will be attending. Board members' families are also invited, the more the merrier.

OLD BUSINESS – NONE

NEW BUSINESS

**APPROVING A CONDITIONAL OFFER OF
EMPLOYMENT AS POLICE OFFICERS FOR
MICHAEL FURIA AND BRIAN GERRINGER**

RESOLUTION 113-18: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Offer of Employment as Police Officer for Michael Furia and Brian Gerringe.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

Chief VanBrederode administered the Oath of Office to Michael Furia and Brian Gerringe. He also administered the Oath of Office to Officer Thomas Irwin who was hired in July 2018, but unable to take the Oath as he was in the mist of moving back to Rochester.

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: BURGER KING
#666 – 1300 CHILI AVE.; DOLOMITE
GROUP – 1075 BUFFALO RD.; TINSELTOWN
USA – 2291 BUFFALO RD.**

Supervisor Assini stated that he has received a memo from the Building Department stating that they have reviewed the Code Enforcement files. There are no violations against these businesses. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 114-18: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permits (as noted above) for these businesses for a period of one (1) year (through September 4, 2019);subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**DESIGNATING A “NO STANDING ZONE”
IN FRONT OF 1500 BROOKS AVE.**

Supervisor Assini stated that a very dangerous situation is occurring at this location. Tractor Trailer trucks are lining up there waiting to get into the Wegman property to unload their trucks. This is causing problems with the traffic in that area. The issue was discussed with the Police Chief and Highway Superintendent, they recommended that a “No Standing Zone” be established and the proper signs be posted.

RESOLUTION 115-18: Motion by Supervisor Assini who moved its adoption:

WHEREAS, it has been recommended to the Town Board that in accordance with §131 – 4 (d) of the Town of Gates Code that the Town of Gates establish a No Standing Zone in front of 1500 Brooks Avenue; and

WHEREAS, pursuant to the provisions of Chapter 131 of the Code of the Town of Gates such No Standing Zone can be established by the Town Board by Resolution;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1. That by the adoption of this Resolution the Town Board of the Town of Gates does hereby establish a No Standing Zone on Brooks Avenue, New York State Route 204, between Burben Way and the Railroad Crossing.

Section 2. That such No Standing Zone be appropriately designated by positing of No Standing signs in accordance with the provisions of the Vehicle and Traffic Law.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**APPROVING THE LOWEST QUALIFIED
BID FOR EMMMMERGENCY CALL
OUT SERVICE**

Supervisor Assini stated that only one bid was received. The bid was opened and reviewed by the Fire Marshal. The Fire Marshal is satisfied with the agreement and it meets all his requirements.

RESOLUTION 116-18: Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Emergency Call Out Service Agreement between Emergency Enclosures Inc. and for the Town of Gates for lone (1) year; said agreement to expire September 3, 2019.

Seconded by Councilman Tucciarello.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Cordero reminded everyone that September 20, 2018 is First Responder Day in Gates. There will be a ceremony in front of Town Hall at 9:30 A.M., weather permitting.

Councilman Tucciarello wished Monroe County Legislator Frank Allkofer a Happy Birthday. His birthday is this Saturday.

Councilman Loughlin reminded everyone that school is back in session, and to drive safely, be aware of the school businesses and children.

REPORTS

**ACCEPTING THE SUPERVISOR'S REPORT
FOR THE MONTH OF AUGUST 2 018**

Supervisor Assini read his report for the month of August 2018 showing the following:

TOTAL RECEIPTS	\$738,347.31
TOTAL DISBURSEMENTS	\$1,395,539.08

WARRANTS

GENERAL FUND	
Accounts Payable	
CI #0748 – 0866	\$264,246/92
HIGHWAY FUND	
Accounts Payable	
CI #0260 – 0303	\$30,857.14
LIBRARY FUND	
Accounts Payable	
CI #0163 – 0179	\$22,167.14

Supervisor Assini noted for the record that the warrants for the month of July 2018 have been examined by the Town Board, and paid.

RESOLUTION 117-18: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of August 2018 as read; and the warrants for the month of August 2018 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**ACCEPTING THE TOWN CLERK'S REPORT
FOR THE MONTH OF AUGUST 2018**

The Town Clerk read the report for the month of August 2018 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$23,467.58
TOTAL NON-LOCAL REVENUES	4,202.13
TOTAL REVENUES COLLECTED	\$29,669.71

RESOLUTION 118-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Town Clerk's Report for the month of August 2018 as read.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

PERSONNEL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of August 2018.

There being no further business to come before the Town Board, Councilman Cordero made a motion to adjourn the meeting. Councilman DiPonzio seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:15 P.M.

Town Clerk

