

May 6, 2019

The Gates Town Board held a Public Hearing and its regular Town Board meeting on May 6th, 2019 at the Gates Town Hall, 1605 Buffalo Road, and beginning at 7:30PM. Those present at the regular Town Board meeting were as follows:

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

7:30 P.M. REGULAR TOWN BOARD MEETING

Supervisor Giunta called the meeting to order at 7:30 P.M. He began with a Prayer and Pledge of Allegiance to the Flag.

Resolution: 77-19: Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Minutes of April 1, 2019 Public Hearings and regulation Town Board Meeting Minutes.

Seconded by Councilman Tucciarello

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

AUDIENCE PARTICIPATION

Providence Housing Proposed Project

Angela Eicholtz; Mark Greisberger; Thomas Polumbo; Nelson Lienhouse; Bret Garwood Greg Carlin and Tony Darpino

A proposed project on 2047 Chili Avenue, corner of Chili Avenue and Brooks Avenue (old Perkins Restaurant). Planned site for a 3 story, 50 unit apartment building. Housing folks that might need different housing. Folks that had a hip injury or fell and can no longer do stairs are stuck in their homes and need a place to go but don't need an intensive care nursing home. They just need that in between spot. They might need someone to check on them from time to time, an elevator or easier access with grab bars in the bathroom. This is not age restricted and will be open for different age groups as long as they meet the income qualifications. Half of the units will be for people with mobility issues and the other half will be for breathing issues for example compromise immune system, chemo treatments or emphysema. The building will have very good quality air from the filters that they use. There will be a site manager and maintenance group on site at all times. Based on income, leasing 1 bedroom is \$675 and 2 bedroom \$825. Net zero energy building that will produce as much energy as it consumes. Also solar panels will be used. They have other projects like this in the area, Greece, Henrietta, Irondequoit and a new project in Penfield starting in July. Providence Housing is committed in working with the Town's Planning Board and Zoning Board on this project.

OLD BUSINESS

Resolution: 78-19: Motion by Councilman DiPonzio

Resolved, that Benjamin Secor (Sensenig's Landscape Supply LLC) 3670 Buffalo Rd. has been removed from the table for further discussions.

Seconded by Councilman Cordero

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

**CONSIDERING THE APPLICATION FOR
BENJAMIN SECOR (SENSENIQ'S LANDSCAPE SUPPLY LLC)
FOR A CONDITIONAL USE PERMIT TO CONSTRUCT AN LED SIGN
LOCATED AT 3670 BUFFALO RD.**

Benjamin Secor, 97 Cress Road, Phelps, NY stated the digital sign is 90" X 40" and would be larger than the one above. Sign message would change twice a week. Hours of operation for this digital sign was discussed for the summer and winter months.

Resolution 79-19: Motion by Supervisor Giunta

Resolved, that the Town of Gates hereby approves the Conditional Use Permit for Sensenig's Landscape Supply LLC 3670 Buffalo Road with the following conditions:

Hours of Sign Operation (illumination)

Summer months (May-Oct)

Mon-Sat 7am-8pm

Sundays not allowed

Winter months (Nov-Apr)

Mon-Sat 8am-6pm

Sat 8am-4pm

Sunday not allowed

Sign must be static image or verbiage – allowed to change 1-2 times a week

Second by Councilman Cordero who moved its adoption:

ROLL CALL VOTE: Cordero–Aye; DiPonzio–Nay; Loughlin–Aye;
Tucciarello–Nay; Giunta–Aye

**ADOPTING A NEGATIVE DECLARATION OF
ENVIRONMENTAL SIGNIFICANCE INTRODUCTORY
LOCAL LAW NO. 1-2019**

RESOLUTION 80-19: Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby adopts the Negative Declaration of Environmental Significance Introductory Local Law No. 1-2019.

Seconded by Councilman DiPonzio

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

**ADOPTING MAIN BODY LOCAL LAW 1-2019 TO
AMEND ZONING CODE CHAPTER 190 OF
THE TOWN CODE**

Resolution 81-19: Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves the amendment to the Zoning Code Chapter 190 of the Town Code.

Seconded by Councilman Cordero

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

NEW BUSINESS

**SCHEDULE PUBLIC HEARING TO CONSIDER
APPLICATION FOR PRAXAIR DISTRIBUTION, INC
(JIM KALIVODA) TO INSTALL A BARBED WIRE
FENCE LOCATED AT 140 ELMGROVE PARK, ROCHESTER, NY 14624**

Resolution 82-19: Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for June 3rd, 2019 at 7:10PM to consider the application for a conditional use permit to Praxair Distribution, Inc. to install a barbed wire fence located at 140 Elmgrove Park, Rochester, NY 14624.

Seconded by Councilman Loughlin

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

**SCHEDULE PUBLIC HEARING TO CONSIDER
A LOCAL LAW TO ESTABLISH A PUBLIC
GATHERING MORATORIUM ON ISSUANCE
OF PERMITS FOR PROMOTER LED
(INDOOR AND OUTDOOR) MUSIC EVENTS**

Resolution 83-19: Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for June 3rd, 2019 at 7:20PM to consider a local law to establish a public gathering moratorium on issuance of permits for promoter led (indoor and outdoor) music events.

Seconded by Councilman Tucciarello who moved its adoption:

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

ACCEPTING THE 2018 TOWN OF GATES AUDIT

Resolution 84-19: Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the 2018 Town of Gates Audit.

Seconded by Supervisor Giunta

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

**AUTHORIZING THE TOWN COMPTROLLER
TO TRANSFER \$560,000 FROM GENERAL
FUND TO THE HIGHWAY FUND FOR 2018**

Resolution 85-19: Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Town Comptroller to transfer \$560,000 from General Fund to the Highway fund within the 2018 Town Budget.

Seconded by Councilman Loughlin

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

**RESCHEDULE THE JULY 1ST, 2019 TOWN
BOARD MEETING TO JULY 8TH, 2019**

Resolution 86-19: Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves the reschedule of the Town Board meeting from July 1st, 2019 to July 8th, 2019.

Seconded by Councilman Cordero

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

**APPROVING THE STANDARD WORK
DAY AND REPORTING RESOLUTION
FOR ELECTED AND APPOINTED
OFFICIALS FOR NEW YORK STATE
RETIREMENT SYSTEM FOR 2019**

Resolution 87-19: Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for the New York State Retirement System for 2019.

Seconded by Councilman DiPonzio

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

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiPonzio reminded everyone of the Memorial Day event on Monday May 27th at 9:00AM location is the Gates Community Center. Councilman Tucciarello wanted to let everyone know that the Gates Lions Club will be selling geraniums from 9-12 at Gates Fire Station locations. Also the 34th Annual Community Awards Dinner Gala will be held on May 21st at 5:30 at the IACC.

REPORTS

**ACCEPTING THE SUPERVISORS
REPORT FOR THE MONTH OF APRIL 2019**

TOTAL RECEIPTS	467,919.35
TOTAL DISBURSEMENTS	1,589,880.22

WARRANTS

GENERAL

CLAIMS # A19-0205-A19-0369	83,021.45
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HIGHWAY

CLAIMS # D19-0069-D19-0113	27,862.06
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LIBRARY

CLAIMS # L19-0052-L19-0072	24,397.76
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Supervisor Giunta noted for the record that the warrants for the month of April 2019 have been examined by the Town Board and paid.

Resolution 88-19: Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Supervisors report for the month of April 2019 as read, and the warrants for the month of April as read; subject to the approval of the Gates Town Board.

Seconded by Councilman DiPonzio

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

**ACCEPTING THE TOWN CLERK'S
REPORT FOR THE MONTH OF APRIL 2019**

TOTAL REVENUE FOR THE SUPERVISOR	17,537.91
TOTAL NON-LOCAL REVENUE	1,237.86
TOTAL REVENUE COLLECTED	18,775.77

Resolution 89-19: Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Town Clerks report for the month of April 2019.

Seconded by Councilman Loughlin

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

PERSONNEL STATUS REPORT

Supervisor Giunta read the Personnel Status Report for the month of April 2019. No Changes.

MOTION TO ADJOURN

There being no further business to come before the Town Board, Councilman DiPonzio made a motion to adjourn the meeting. Councilman Cordero seconded the motion. All were in favor; the motion carried. Supervisor Giunta adjourned the meeting at 8:45PM.

Veronica Owens, Town Clerk