

December 2, 2019

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Monday, December 2, 2019 at the Gates Town Hall, 1605 Buffalo Road, and beginning at 6:58 PM. Those present for the Public Hearing and 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
Veronica Owens	Town Clerk

6:45PM Public Hearing

**CONSIDERING THE PETITION
FOR PROVIDENCE HOUSING TO REZONE
2047 CHILI AVENUE FROM GB-GENERAL BUSINESS
TO MR-MULTIPLE RESIDENCE DISTRICT**

Supervisor Giunta called the Public Hearing to order at 6:58PM asked if public meeting notice was published as required by law. The Town Attorney verified that the Legal Notice had been published as required by law.

Angela Eicholtz along with Tom Palumbo, Joe Gibbons, Bret Garwood and Mark Greisberger representing Providence Housing applied to re-zone 2047 Chili Ave, the old Perkins Restaurant between Brooks Ave and Chili Ave. They have had several public information sessions for anyone who would like to attend. She has copies of Q&A's from these meetings if anyone is interested in one.

Kate Stanford from 111 Mareeta Rd, wondered if the red house adjacent would be combined into the project. A bid was submitted for that house but Providence was not selected, if it becomes available at a future time they will revisit it.

Supervisor Giunta asked about tax implication if they were considering a 581A or Pilot Program. Providence responded that their preference would be the Pilot Program as it is easier administratively to plan for.

Supervisor Giunta asked if residents will have security cards or codes to enter the building. They are planning to use a Fob to access the doors. During normal business hours there will be on site property manager there. If visitors come, they will be to be buzzed into the building by the tenants.

Mr. Schum asked what the income levels of the clients would be, will there be subsidized housing. They are anticipating the income to be between \$20,000-\$40,000.

Mr. Schum also asked if there will be one or two bedroom apartments. They will mostly be one bedroom apartments, there will be 48 – 1 bedroom apartments and only 2 – 2 bedroom apartments.

Mr. Schum asked if approved will any variances be needed. Yes two different variances, a parking variance and an impervious variance.

Councilman Tucciarello asked about the entrance and the exit to the apartments, will it be from Brooks Ave. They will have a two way entrance and exit onto Brooks Ave. using what is currently there. They believe it will be a reduction in traffic because the apartments will be income based and expect not all tenants to have a car.

Councilman Cordero asked if they had concerns regarding people crossing Chili Ave. going to Walmart or crossing Brooks Ave. going to McDonalds. They pointed out there are cross walks

there and a bus line. Also if there is anything they can do to facilitate the safety of the street crossing, they will.

Supervisor Giunta stated he loves the concept, but he's unsure if that location will work. He has reservations with people's safety because it is along two major heavily congested roads. First responders have also voiced concerns being able to get in and out of the area because of the congestion. Councilman DiPonzio shared the same concerns.

Councilman Tucciarello motioned to table the discussion to a later date.

Seconded by Councilman Loughlin

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

7:15 Public Hearing

CONSIDERING THE PETITION FOR PATHSTONE DEVELOPMENT CORPORATION TO REZONE 1049 WEGMAN ROAD FROM R-1-11 RESIDENCE DISTRICT TO MR-MULTIPLE RESIDENCE DISTRICT

Supervisor Giunta called the Public Hearing to order at 7:17PM asked if public meeting notice was published as required by law. The Town Attorney verified that the Legal Notice had been published as required by law.

Matt Tomlinson, Rob Kane and Roger Langer from were in attendance for this hearing. Mr. Tomlinson gave an overview stating that 1049 Wegman Rd. is a 7.8 acre property that they are proposing to build one two story building on with 45 units for apartments. The Gates Presbyterian Church sits on this property and they are requesting to take over the entire 7.8 acres. They are proposing to minimally expand and reconfigure the parking lot. They will require one variance for a 45 unit building in one 2 story structure. They have met with the town staff and zoning board and they will address their concerns. Will be working with the DOT and a traffic consultant concerning the exit and entrance to the property and the Church as well.

Rob Kane who represents Pathstone Corporation stated they currently own two other properties in the town of Gates - Clear End Commons Phase one and phase two. They have been working on this project for two years. They have been working with the trustees and the congregation of the Church which required a majority vote to have Pathstone Corporation enter into a long term land lease. The long term land lease has been approved by the trustees and congregation of the Church. They are proposing to build 24 – 1 bedroom and 21 – 2 bedroom units. They will target individuals making between \$30,000 - \$45,000 per year. The rent would be in the high \$700's to low \$900's. They will also have commercial space for residential services for the tenants who reside on the property. One property manager and one maintenance manager.

Roger Langer stated that the commercial property space will only be there to help the residents with such things as finding a job, or a doctor. It is not a retail space.

Anyone who meets the screening process would be able to rent there. It will not be restricted to age, as long as the income level is met.

Councilman Tucciarello asked what entity would be responsible for the property taxes. Also, what program they would be looking at for paying taxes. The legal entity will be an LLC that would need to be created. They are looking at the Pilot program or regular taxes.

Councilman Tucciarello asked because the two entrances are so close together will one be an entrance and one an exit. They are having a traffic consultant and the DOT look into that to see which would be best for the property.

The Fire Marshall asked Councilman DiPonzio to review a few items so they are aware of them. The first is a Fire Department access road and all weather driveway surface. Proposed building emergency exit road for the Fire Department, road must be able to handle 75,000 pounds. The proposed building would be fully sprinklered. Proposed property would have a private fire

hydrant with proper water flow and pressure. Have water supply for water protection. They stated they would work with the Fire Marshall to make sure all concerns are addressed.

Councilman Loughlin asked if the storm water management facility that is currently on the property would always be filled. Yes it will always be filled and fenced.

Councilman Cordero asked if they were planning on putting in sidewalks. Currently there are no sidewalks, but they will work through that process with the County. He also had a question about the parking lot at the south of the building. That parking lot is currently under lease with the development there.

Councilman Loughlin asked about the noise from the expressway. They are deciding if there will be a need for wall or special landscaping there.

Tom Ward 73 Gateway Rd N. Chili, works in the town of Gates and worships at the Church he is also a trustee at Gates Presbyterian Church. This process has been two years in the making the congregation did approve this proposal with 70%. He feels that this development is important to the Town of Gates and to the Church. They believe this may increase their membership in the church.

Kenneth Bliss, 1039 Wegman Rd. believes the street is dangerous and busy already, he believes this complex would cause more havoc on the road.

Maureen Lloyd, 1041 Wegman Rd. is concerned with the traffic issues, no sidewalks and parking. Stated that turning left from her driveway onto Wegman Rd is already extremely dangerous.

Linda Bede, 3 Loyalist Ave. stated she is a member of the church now and wanted the town to know how difficult the decision to approve this proposal was. She believes it is important for people who need affordable housing in Gates. She stated the church meets every day of the week, so there is always traffic going in and out of the parking lot. She doesn't believe the additional 45 units will make that much of a difference and stated that Wegman Rd has always been a problem.

To act on this petition Mr. Schum stated needs SECR

Councilman Tucciarello motioned to table the discussion to a later date.

Seconded by Councilman Cordero

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

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Giunta called the meeting to order at 8:00PM. He began with a silent Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 147-19 Motion by Councilman DiPonzio who moved its adoption:

The Gates Town Board hereby approves the minutes of 11/6/2019 regular Town Board meeting as received.

Seconded by Councilman Cordero.

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

AUDIENCE PARTICIPATION

Frank Allkofer introduced RoseMary LaPetre from the Gates Garden Club to speak about the Wreaths across America. The Gates Garden Club is sponsoring the 6th annual Wreaths across America celebration December 14th at 12:00 (noon). This ceremony takes place at Arlington National Cemetery and memorial sites all over the country at the same time. The Town of Gates site is in front of the Town Hall. This ceremony honors our fallen soldiers, prisoners of war,

missing in action and those who have served or are currently serving. There are 7 Wreaths representing each branch of the service including POW and MIA. Gold Star and Blue Star families and veterans will lay the wreaths. Cosmo Giunta will honor us as speaker. Many town officials will be in attendance including Senator Joe Rohrbach. Honored guests will be veterans from Korea, Vietnam and the Patriot Guard Riders. There will be refreshments in the Annex room after the ceremony. Also thanked Bill Gillette for the posters and his help.

PROCLAMATIONS

Chief VanBrederode stated in 2017 the Wishing Well was brought back to the remembrance garden, officer Gates was placed there. This year Fireman Joe and the Twin Towers were added with the help of many people who are being honored today.

Frank Allkofer read the proclamation for Joseph Blanda for concrete products for the bench in the remembrance garden. Councilman DiPonzio read the certificate of appreciation from the Town of Gates.

Frank Allkofer presented the Monroe County proclamation for Brian Briskie, painter of Fireman Joe and the Twin Towers. Councilman Cordero presented the Certificate of Appreciation from the Town of Gates.

Frank Allkofer presented the Monroe County for Fred Kilpatrick, builder of the Twin Towers replica. Andrew Loughlin presented the certificate of appreciation from the Town of Gates.

Frank Allkofer presented the Monroe County for Mark Gillette, design of the twin towers replica and Fireman Joe. Cosmo Giunta presented the certificate of appreciation from the Town of Gates.

Frank Allkofer presented the Monroe County for Jeffrey Loeffler, donation of Kozel steel materials for the twin towers replica. Councilman Tucciarello presented the certificate of appreciation from the Town of Gates.

Audience Participation Closed.

OLD BUSINESS

RESOLUTION 148-19 Motion by Councilman Cordero who moved its adoption:

Extend the June Local Law No. 2-2019 moratorium on the permit process concerning mass assembly for public gatherings for three (3) additional months.

Seconded by Councilman DiPonzio

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

NEW BUSINESS

SCHEDULE A PUBLIC HEARING FOR FOR A CONDITIONAL USE PERMIT FOR CARROLS, LLC TO OPERATE BURGER KING, A FAST FOOD RESTAURANT AT 4 SPENCERPORT ROAD

RESOLUTION 149-19 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday January 6, 2020 at 7:00PM to consider the application for Carrols, LLC to operation Burger King at 4 Spencerport Road.

Seconded by Councilman Cordero

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

**SCHEDULE A PUBLIC HEARING FOR
A CONDITIONAL USE PERMIT FOR DANIELLE DUEMMEL
TO OPERATE WAFFLES R WILD, A DINE-IN / TAKE OUT
RESTAURANT WITH THE ADDITION OF A BAR AREA
AT 3872 LYELL ROAD**

RESOLUTION 150-19 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday January 6, 2020 at 7:10PM for a conditional use permit for Danielle Duemmel to operate Waffles R Wild, a dine-in / take out restaurant with the addition of a bar area at 3872 Lyell Road.

Seconded by Councilman Cordero

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

**SCHEDULE A PUBLIC HEARING FOR
A CONDITIONAL USE PERMIT FOR G&I IX EMPIRE
WESTGATE PLAZA, LLC C/O DLC MANAGEMENT CORP.
TO OPERATE A TRAMPOLINE PARK IN A GB
AREA AT 2000 CHILI AVENUE**

RESOLUTION 151-19 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, January 6, 2020 at 7:20PM for a conditional use permit for G&I IX Empire Westgate Plaza, LLC C/O DLC Management Corp. to operate a trampoline Park in a GB area at 2000 Chili Avenue.

Seconded by Councilman Cordero

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

**ADOPTING A RESOLUTION FOR A MUNICIPAL
COOPERATION AGREEMENT BETWEEN NYCLASS
AND THE TOWN OF GATES.**

RESOLUTION 152-19 Motion by Councilman Tucciarello who moved its adoption.

Resolved, that the Gates Town Board adopt a resolution for a Municipal Cooperation between NYCLASS and the Town of Gates.

Seconded by Councilman Loughlin

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

**CONSIDERING RENEWAL FOR THE CONDITIONAL USE
PERMITS FOR THE FOLLOWING: MARK'S PIZZERIA
RESTAURANT 2103 BUFFALO ROAD; WINES BY DESING
3392 BUFFALO RD; TACO BELL 2317 LYELL AVE;
LITTLE CAESAR'S PIZZA 2394 LYELL AVE
T&T BOTTLE & CAN REDEMPTION CENTER
509 SPENCERPORT RD. 142 BUELL LLC; 142 BUELL RD AND
STARBUCKS COFFEE CO 2110 CHILI AVE**

RESOLUTION 153-19 Motion by Councilman Loughlin who moved its adoption.

Resolved, that the Town of Gates hereby approves the renewal of the Conditional Use Permits in mass.

Seconded by Councilman Tucciarello

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

**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**

RESOLUTION 154-19 Motion by Supervisor Giunta who moved its adoption.

Resolved, that the Gates Town Board authorized surety, form and amount of official undertaking for the faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments.

Seconded by Councilman Cordero

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

**SCHEDULING THE 2020 TOWN OF GATES ORGANIZATIONAL
MEETING AND THE REGULAR JANUARY TOWN BOARD MEETING**

RESOLUTION 155-19 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules the organizational meeting on Thursday, January 2, 2020 at 9:00AM. Also scheduled the regular Town Board meeting on Monday, January 6, 2020 at 7:30PM.

Seconded by Councilman Cordero.

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

**AUTHORIZING THE TOWN COMPTROLLER TO MAKE A FUNDS
TRANSFER OF \$450,000 FROM THE GENERAL FUND TO
THE HIGHWAY FUND.**

RESOLUTION 156-19 Motion by Councilman Cordero who moved its adoption.

Resolved, that the Gates Town Board authorize the Town Comptroller to make a funds transfer of \$450,000 from the General Fund to the Highway Fund.

Seconded by Councilman DiPonzio

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

**CONSIDERING CHANGING ALTERNATE HEALTH
CARE BENEFIT STIPEND FOR TOWN EMPLOYEES**

RESOLUTION 157-19 Motion by Councilman Cordero who moved to table the discussion.

Seconded by Councilman Loughlin

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

**ACCEPTING THE CDBG (COMMUNITY DEVELOPMENT
BLOCK GRANT) (YEAR 43 GRANT) FOR VENDOME
SOUTH PAVEMENT AND DRAINAGE REHABILITATION
PROJECT IN THE AMOUNT OF \$45,593.00**

RESOLUTION 158-19 Motion by Councilman Loughlin who moved its adoption.

Resolved, that the Gates Town Board hereby accepts the CDBG (Community Development Block Grant) (Year 43 Grant) for Vendome South Pavement and Drainage Rehabilitation Project in the amount of \$45,593.00.

Seconded by Councilman Tucciarello

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

**ACCEPTING THE CDBG (YEAR 44 GRANT) FOR
NISA LANE GUTTER REPLACEMENT PROJECT
IN THE AMOUNT OF \$50,000.**

RESOLUTION 159-19 Motion by Councilman Tucciarello who moved its adoption

Resolved, that the Gates Town Board hereby accepts the CDBG (Year 44 Grant) for Nisa Lane Gutter Replacement Project in the amount of \$50,000.

Seconded by Councilman DiPonzio

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone that the Tree Lighting will take place on Saturday, December 6, 2019 at 5:30PM in the Recreation Center.

Supervisor Giunta reminded everyone that the Wreath Across America will take place on Saturday, December 14, 2019 at noon in the remembrance garden.

Supervisor Giunta reminded everyone that the Keystone Club pasta dinner will take place on Friday, December 13, 2019 from 5-7PM in the Annex. Tickets are \$8.00 and proceeds will go to buy toys for children for Christmas.

**REPORTS
SUPERVISOR'S**

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

TOTAL RECEIPTS	\$1,045,715.13
TOTAL DISBURSEMENTS	\$1,716,963.59

WARRANTS

GENERAL

CLAIMS # A19-0996 – A19-1195	\$139,306.07
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HIGHWAY

CLAIMS # D19-0345 – D19-0392	\$242,042.69
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LIBRARY

CLAIMS #L19-0215 – L19-0223	\$ 22,073.74
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Supervisor Giunta noted for the record that the warrants for the month of November have been examined by the Town Board and paid.

RESOLUTION 160-19 Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of November 2019 as read; and the warrants for the month of November 2019 as read.

Seconded by Supervisor Giunta

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

**ACCEPTING THE TOWN
CLERKS REPORT FOR
THE MONTH OF NOVEMBER 2019**

TOTAL REVENUE TO THE SUPERVISOR	\$18,292.01
TOTAL NON-LOCAL REVENUE	\$1,803.80
TOTAL REVENUE COLLECTED	\$20,095.81

RESOLUTION 161-19 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of November 2019.

Seconded by Councilman Cordero

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

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of November 2019.

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

Town Clerk