

August 3, 2020

The Gates Town Board held two Public Hearings and its Regular Town Board meeting on Monday, August 3, 2020 at the Town Hall Meeting Room at 6:45PM. Those attending the 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 A CONDITIONAL USE PERMIT FOR
TINA ALBANESE-STAUFFER
TO OPERATE TINA'S NATURAL NAILS, IN A (BN-R) BUSINESS
NON-RETAIL DISTRICT, AT 1016 ELMGROVE RD**

Supervisor Giunta called the Public Hearing to order at 6:51PM. The Town Attorney verified that the Legal Notice was published as required by law each of the five public hearing.

Supervisor Giunta stated that Tina has already had a business in the town and moving locations but not aware that a conditional use permit was needed for this building.

Tina Albanese-Stauffer, 15 Tangerine Way stated she has been in business for 31 years in Gates and moved locations to expand. Has operated for one month already. The salon will be for Nails Services, Hair Services, Pedicures, Massage Therapy and Spa. Hours of operation will be Monday-Saturday 8:00AM-8:00PM.

Supervisor Giunta invited anyone from audience up to speak, hearing no one closed the public hearing.

RESOLUTION 109-20: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Tina Albanese-Stauffer with Tina's Natural Nails to operate a Nail & Hair Spa in a [BN-R] Business Non-Retail District at 1016 Elmgrove Rd. with the Hours of Operation Monday-Saturday 8:00AM-8:00PM

Seconded by Councilman Cordero

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

Motion Carried.

PUBLIC HEARING

**CONSIDERING A CONDITIONAL USE PERMIT
JOSEPH CARUBBA, RVP GERBER COLLISION & GLASS
TO OPERATE GERBER COLLISION & GLASS IN A
(GI) GENERAL INDUSTRIAL DISTRICT, AT 1931 LYELL AVE.;**

Supervisor Giunta called the Public Hearing to order.

Jason Deets, from Churchville is Regional Manager representing Joseph Carubba for Gerber Collision & Glass. Ownership transferred from Sofia to Nu-Look and now Gerber Collision & Glass. Same business, same staff, same materials, same business hours, the only real change is the staff shirts. Hours since Covid-19 Monday-Friday 8:00Am-5:00PM...Outside of Covid-19 Tuesdays and Thursdays till 5:30PM and Saturday 8:00-noon office only

Councilman Cordero asked if Anthony's Service Station is still in front.

Mr. Deets replied, yes, that they share an office space.

Councilman Tucciarello stated that Gerber Collision & Glass has a good reputation and taking over an existing business running the same way, not adding anything different to the outside of the building sounds good.

Mr. Deets stated he was with Nu-Look for 14 years prior to the sale and did the same job for Nu-Look that he will be doing for Gerber which is to oversee all operations so the plan is to stay the same.

Supervisor Giunta invited anyone from audience up to speak, hearing no one closed the public hearing.

RESOLUTION 110-20 Motion by Councilman Tucciarello to approve.

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Jason Deets [Representing Joseph Carubba, RVP] Gerber Collision & Glass to operate Gerber Collision & Glass at 1931 Lyell Ave

Seconded by Councilman Loughlin

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

Motion Carried

PUBLIC HEARING

**CONSIDERING A CONDITIONAL USE PERMIT FOR
BUNTY PATEL, LYELL ROAD HOTELS LLC,
TO OPERATE QUALITY INN
IN A (GB) GENERAL BUSINESS DISTRICT, AT 1954 LYELL AVE.**

Supervisor Giunta called the Public Hearing to order.

Business Partners Harry Patel and Bunty Patel, 1956 Lyell Ave purchased the former Radiance Inn August 2019 which has been rebranded to Quality Inn and is currently operating.

Supervisor Giunta added that the applicants have met with him as well as the Fire Marshal and have made some updates and changes while continuing to work with our Fire Marshal on ongoing issues.

Councilman Tucciarello, again we are in a situation with a business that is already established continuing in Gates under new owners and wishes them the best. Supervisor Giunta agreed and wishes them well.

Supervisor Giunta invited anyone from public up to speak and hearing no one closed the public hearing.

RESOLUTION 111-20 Motion by Councilman Cordero to approve

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Harry and Bunty Patel, Lyell Road Hotels LLC to operate Quality Inn, in a [GB] General Business District at 1954 Lyell Ave.

Seconded by Councilman Tucciarello

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

Motion Carried.

PUBLIC HEARING

**CONSIDERING CONDITIONAL USE PERMIT FOR
ERIN MEDLAR TO OPERATE
IMAGINATION CHILD CARE ACADEMY, INC.
IN A R-1 RESIDENTIAL DISTRICT AT 220 COLDWATER RD**

Supervisor Giunta called the Public Hearing to order.

Applicate Erin Medlar, 219 Palmer Rd., Churchville runs the business at 220 Coldwater Rd.

Supervisor Giunta commented on the very impressive information packet submitted prior and questioned if she is currently operating.

Erin Medlar answered she has been leasing in that building through the Diocese of Rochester since 2012 and started with 4 children and this year will be licensed for 220, clearly a need here in Gates, 108 of those are Gates-Chili students, so she had partnered with Gates-Chili to offer their Universal Pre K Program.

Supervisor Giunta asked if property has already been purchased or in the process and would it include the Church and neighboring properties and would there be any construction happening.

Mrs. Medlar answered she is in the process of purchasing the buildings, but the process is very long. It would include the church, rectory and the building in the back. There is some construction right now, building four more classrooms, using a separate section to accommodate the new UPR classes and school age, because of COVID so many families are needing care for their children and we're trying to make room.

Supervisor Giunta asked if once this gets approved, how will you manage with COVID, are there plans in place, amount of children restrictions?? Is there proper staffing to accommodate the 220 kids?

Mrs. Medlar responded that under the state guidelines, they can have 15 children per classroom to stay within ratios, and they are in the process of hiring staff which is half of the battle. They also collaborate with Walt Disney if needed.

Councilman Cordero asked for clarification on what was being purchased.

Mrs. Medlar, the entire property, the school, rectory, and all the land behind it. Max children capacity will be 220, with lots of additional staff. It's a process, but already have half hired

Councilman DiPonzio asked about hours of operation.

Mrs. Medlar, open at 7:00AM and close at 6:00PM. 108, UPK students are 9:30-2:30, although some come in for before and after care.

Councilman Tucciarello commented that this business is going to help a lot of people and wished Erin the best of luck and feels many children and families are going to appreciate this facility and Thanked Erin for doing business in Gates.

Councilman Loughlin added this is a great use of the building that there is a demand and appreciates Erin expanding here in Gates.

Supervisor Giunta agreed with both Councilmen Tucciarello and Loughlin and knows this is definitely a need in this area and that this Board wishes nothing but success.

Attorney Dan Schum asked about her license and if she could drop a copy off to the Town.

Mrs. Medlar stated she is licensed by Office of Children and Family Services, but also regulated through the State by UPK Program, so overseen by both, and she will drop off a copy of license.

Supervisor Giunta opened the public hearing to the audience.

Don Ioannone, 4099 Lyell Rd strongly ergs the Board grant this Conditional Use Permit. Has worked with Erin as liaison between Imagination Child Care and Gates Catholic Community. Erin is an outstanding tenant, "An Angel in disguise" that came to us in 2012. He says she has and will continue to do great work and has his support.

Andrea Minchella, 10 Marlands Rd, purchased house over 10 years ago, her backyard backs up to the playground of Imagination Child Care. Imagination was not there when purchased house, but playground was full of kids drinking, playing all hours of the night, people randomly showing up in her backyard, cutting through those woods. They came in and changed everything, they have been amazing as neighbors. Her son has attended there and feels the difference it's made in his life is inexpressible. Erin discovered hearing issue with him that no one else caught on to. As a parent and a parishioner of the former church. She feels strongly that nothing better could be put into that property. She also spoken to neighbors who feel the same way. As long as the bell continues to ring, they are happy and want no one else to move into that property.

Supervisor Giunta invited anyone else from the audience up to speak. Hearing none closed the public hearing.

RESOLUTION 112-20 Motion by Councilman Loughlin to approve.

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Erin Medlar, Imagination Headquarter, LLC to operate Imagination Child Care Academy, in a [R-1] Residential District at 220 Coldwater Road.

Seconded by Councilman Tucciarello

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

Motion Carried.

**CONSIDERING CONDITIONAL USE PERMIT FOR
GARY SMELSER OF ANTIOCH PLAN DEVELOPERS, LLC
TO OPERATE RCCM ASSISTED LIVING AND MEMORY CARE
IN A R-1 RESIDENTIAL DISTRICT AT 3177 LYELL RD**

Supervisor Giunta called the Public Hearing to order. Apologized for all the audio difficulties the audio system was having.

Steve Smith 40 South Shore Drive, Newnan, Georgia 30263 is President and Director of Development for Antioch Plan Developers LLC. Gary Smelser and he started 7 years ago, with the vision to help the aging with assistant living/memory care. Model is to work with local churches to develop facilities with architects and most important an operator. They have paired with Peregrine as an operator for this facility.

The reason for being here tonight is to ask for a Conditional Use Permit to operate an Assistant Living/Memory Care Facility, although the Town classifies as Nursing Care Homes which fits into that label, part of the Conditional Use would be to increase from 20 foot build height to a 28 foot build height, which is part of the criteria for conditional use but limited to one story. He looked into what is the existing code is and what is permitted. Reviewing what is allowed in a conditional use scenario and looking at the site, trying to meet that criteria of one story and 20 feet height maximum and feels it can actually be done according to the market. The capacity would be for 54 Assistant Living and 36 Memory Care, carving out 5.76 acres to create that, but it spreads out so far on the land, so thought it could be better use to pull together, reduce the square footage to have more green space, so looking at a preliminary for a 2 story for Assistant Living and 1 story for Memory Care, so the footprint is 40-thousand square feet out of 5.67 acres. He stated parking will be needed, but will be minimal due to it being assistant living and was trying to talk about height requirements they would like.

Supervisor Giunta stated it was not necessary at this stage that would be addressed with the Planning Board if passed.

Mr. Smith showed / talked to the scope of the project 80, 0000 square feet [5.76 acres] this is a 13-15-million-dollar project, which will turn existing non-tax base property into a tax base property. It would create \$125-150K a year taxes for the Town of Gates. So, if the project gets started in March or April 2021, it would take 12 to 14 months to build, which would create about 300 jobs over the course of that time and the once completed will net about 65 good jobs with benefits that will be ongoing.

He showed aerial visuals with a concept layout, not necessarily ready to go ahead with this plan shown, but wanted to show something. Coming off from Lyell Road is the proposal with areas of green space and landscape buffer between facility and local residence and enhance with trees and shrubs, but goal is to leave as much green and possible. The reasoning for the Lyell entrance is due to more active traffic flow which makes the most sense.

Supervisor Giunta asked if the entrance would be right at the church and if all traffic would use that in and out

Mr. Smith responded, it would be just on the east side of the church, between the church and the 2-story existing house, but creating a small buffer and that all traffic would indeed use that in and out, also contacted DOT about the distance for a second driveway, which said a driveway permit would probably get approved, but haven't gone through that process before getting this approved first. The estimated the added traffic is 50 trips per day, there is just not a lot of people coming and going.

Supervisor Giunta asked if any preliminary traffic testing was done.

Mr. Smith answered, not yet, but knows it would have to be done as they move forward. The photos shown are to show the character, not the actual building that will go up, it's the reason for wanting the 28 feet to reflect the neighboring houses with gable roofs and such. If it stays at the 20-foot-high then it could be a flat roof and meet the criteria Gates has, but to enhance the environment and increase value of the neighborhood the extra height would make more sense and to create more architectural features. The photos shown are to show the quality of space, not section 8 type of thing, but space with very nice finishes. [showing slideshow]

As far as the community goes, they wanted to respond to their needs and there was a meeting last week with the neighbors and there were some that came and expressed their concerns.

Supervisor Giunta ask how many people actually showed up.

Mr. Smith answered about 15, but 5-6 expressed concerns.

Supervisor Giunta ask how this meeting was publicized because neither he, nor anyone else at the Town was notified of a public meeting until the day of, not even to share a conceptual plan prior to this, how can a partnership be formed with the town if we were never notified.

Mr. Smith, responded that he is in the Atlanta area, but will take responsibility for the lack of notice, but did communicate with Kurt on things that needed to be noted and to complete the application to get it into the Town ASAP, but didn't realize he needed to meet with anyone prior, but wasn't trying to avoid anything, just didn't know the process.

Supervisor Giunta commented that it would have been a "common-courtesy" thing to do, especially with a project like this coming into a municipality, that the developers come and talk to us. We're here to help with informational meetings. Honestly, having 6 people on a project like this is very low feedback.

Mr. Smith, apologized, but continued that the sign was posted as requested for this public hearing.

Supervisor Giunta questioned the comment made earlier on zoning, but according to our zoning for a nursing care home, it must be approved by Genesee Health Planning Council and/or NYS Health Department and asked if this project is affiliated with or approved by them.

Mr. Smith answered not yet, waiting for this process first, but the operator of other facilities is here who has gone through other types of approvals, who will be operating this facility as well.

Councilman Cordero clarified on a statement made earlier on the informational meeting that was held about this project, stating that if they didn't realize they needed to include the Town Board, and all the residents for input, but if there was a similar meeting held about 3-4 years ago for a rezoning issue and you knew to included them then why would you not include everyone now.

Mr. Smith, agreed there was a meeting held 3 years ago, but that project was pulled, because the market changed and timing wasn't right.

Supervisor Giunta asked if the school district was approached, especially be a neighbor and will any of the school property be used for entrance or exits.

Mr. Smith answered yes, the school was reached and the school attorney said their concern would be about not knowing who was coming in or working there and out especially with the children being so close and was asked if information and background check could be done and /or possibly adding a 8 foot high fence separating the two. There is also a stormwater line on their property which will need to be rerouted and they want the information and engineered data that is gathered to be shared with them as well as any reports in order to be confident of no

storm water back-up or issues, which was agreed to. No school property entrance or exit will be used at all.

Councilman Cordero asked if the property has been purchased already.

Mr. Smith, replied not yet, typically what happens with their model is there is a meeting with the church who has the land and wants to do this, they do all the design development and construction, but prior to that they enter into an agreement with them as a partner. Part ownership is given to them in the development LLC. The land will get transferred into the LLC and then they'll move forward with engineering, but as of now nothing has been done yet. The process right now is to identify how much land is needed, where the access is, and conceptually what can be done with all that land as far as number of units, etc. No purchasing has been done

Supervisor Giunta asked if Mr. Smith if he has built in other locations in NY or any other locations that are completely built and running and if so their names and are they similar to this project proposal

Mr. Smith replied, not in NY. There is one in Canton, Michigan that is about 60% completed in construction due to be completed by mid-January and in operation by March, it's called Kingsley Senior Living, and it'll have 88 beds, so very similar to this one which is 90. Others in the pipeline are: Fort Wayne, Indiana; Sandston, Virginia; Fredericksburg, Virginia; and Walker, Michigan. Many of these will be market driven, and the needs.

Steven Bowman, President of Peregrine Senior Living, an upstate New Yorker based in Syracuse. Operate 3 other facilities in Monroe County, The Gables in Brighton, and 2 in Greece, Crimson Ridge Garden and Crimson Ridge Meadows. He became involved in senior housing 20 years ago and was disappointed with how nursing home were run and how seniors and those with memory care were taken care of. Peregrine wanted to revolutionize this and move away from the custodial model, warehousing people, seniors where be treated and wanted to change the expectation. To move away from that model, required sitting back and thinking about what was our criteria, the need, the aspiration. After struggling for 20 years with the question, what is our goal, how can we say we did a good job, what was the measure, the expectation and for years thinking gentle stimulation, and nurturing care was good, but realized though the aging process, we lose our short-term memory, but are connected to our long-term memory. So through the architecture and activities themed to stimulate those long-term memories to maintain a connection to themselves. Located in a neighborhood, with church and a school provide volunteer opportunities, and community to embrace, which would be more attractive than in a field somewhere tucked away. This will be vibrant

Mr. Bowman then showed a video, setting meant to stimulate the long-term memory. He stated They are trying to accommodate features with flexibility:

- *Having Green Space or Park type setting with forever wild along Wegman Rd
 - *Traffic from Lyell Rd to be less disruptive the other neighborhoods, but if it's preferred to use Wegman Rd, we can accommodate that
 - *The interest is part of the building being a two-story structure, it would be a more residential looking structure than one floor, more dynamic and attractive than one floor
- If different architecture or building placement is preferred, we can look into that

Mr. Bowman added if letters and communication was not sent out properly he takes responsibility for that, but wants as much input from community as possible to accommodate ideas and have a shared vision

Councilman Tucciarello asked if there are 90 beds in this facility that means basically 90 senior / "grandparent" type people, so how often do visitors come and go, which causes extra traffic

Mr. Bowman answered that in a memory care facility only about 15% of residents get any visitors, which goes back to the intuitional model of care, but because of this structure, there will be an increase of visitation to 20-30 per week.

Councilman Tucciarello, so about 4-5 visitors, per day then about how many staff, and asked if residents have cars as well.

Mr. Bowman answered about 35-50 staff will be employed, many part-time in three shifts, so in traffic perspective about 15 trips an hour, which is minimal, especially with traffic counts on Lyell Rd and rarely do residents have cars especially not the memory care residents. Traffic would be primarily staff and food deliveries.

Supervisor Giunta asked about medical staff on hand

Mr. Bowman answered there would be a Resident Care Director and encourages the Board to tour the facility in Greece to get a sense of the energy and see the interior features. Although, not right now with Covid-19

Supervisor Giunta asked if rooms are all single or are there any doubles occupancy

Mr. Bowman, answered, most will be single, there may be a few for married couples

Councilman DiPonzio asked how many acres

Mr. Bolman, 160 acres parcel, which is part of the master plan. This structure to be built on 5- 6 acres and then adding medical use subdivisions later

Councilman Loughlin asked about the type of security that will be used if any and Supervisor Giunta added if there will be cameras and if people can interact with residents

Mr. Bowman said the doors are monitored, and there will be an 8-foot fence around so residents can go outside and walk and enjoy the gardens and be able to visit with other people.

Supervisor Giunta asked if affiliated with Genesee Regional Health and New York State Health Department.

Mr. Bowman, NY States Health Department licenses our building, but we are independent and for-profit and as Mr. Smith said prior taxes will be paid to the Town.

Attorney Dan Schum asked if NYS Health Department has been contacted on if there is a need in the area. Do they regulate? We encourage you to contact them to ask if it's applicable.

Mr. Bowman, we operate 3 buildings in the area and know what the need and demand is to run a quality and viable facility to have our residents flourish and be stimulated. When you walk into our facilities it is very unique experience, with apples trees and aviary

Supervisor Giunta asked if the 3 existing facilities are fully occupied

Mr. Bowman replied that the independent living communities are at about 90% occupied and the memory care facility in Greece have vacancies due to the Corona Virus, it's hard to market because of no visitors allowed, but those building have been full for the 7-8 years we have been there

Supervisor Giunta asked about a waiting list before hand and for how long was the list waiting

Mr. Bowman about 4-5 people and are currently investing 2-3 million dollars in those facilities, because he believes in the viability in long term care

Supervisor Giunta opened the Public Hearing to the audience.

William Marianetti, 53 Golden Oaks Way, the presentation was beautiful. Stated the past 15-20 years he has gone to just about every Senior Living facility in Monroe County to preform and have been in many beautiful places, but have found the difference in these places is the quality of the workers. The building can be the most gorgeous building around, but if not staffed right, it isn't going to make a difference to the residents living there. He knows these facilities are needed as people are living longer and there's a need for assistant living and so forth, but just because there are apple trees growing and all the beautiful looking things doesn't make a difference if there isn't the proper care and attention. He has gone in and seen people with their arms folded over, and stooped over half asleep and not till we really get going do they wake up. They don't really recognize what's going on.

Appian Dr run through to Spencerport Rd as well as Center Lane, they connect Lyell Rd to Spencerport Rd back and forth and Wegman Road is always full with school buses, which is quite a bit of traffic, then the residents who live on Lyell Rd and surrounding areas which use Lyell R. as well as St Jude's Church, it's honestly a lot of extra traffic which there is already plenty. The church next door to this as well as the school, just seems to be a lot of extra congestion in traffic. The building presented is beautiful, but the main concern is the quality of life for these people and the staff that is being hired. There is a big need for trained staffing.

Supervisor Giunta asked Mr. Marianetti if he has ever preformed at the other locations spoken of earlier and if he had, what he thought of them

Mr. Marinette answered that he has and they are nice, but that everyone has their opinions of these type of places. His mother had been in a facility and it was a nice place, but not the care she needed and that is why he feels how it looks is great. But the most important thing, it's the care given.

Stephanie Lauth, 439 Wegman Rd., wanted to share hers along with many of her neighbors who she feels share the same concerns. The logical place to start is surrounding the claim Peregrine and Antioch made to involve the community and that they value our opinion. So less then a week ago, she received the letter in the mail, but many neighbors did not receive, which is why bout 6 households attended the meeting.

It didn't sit well with her after she left the meeting. Though-out the meeting she felt as though there were different versions and different stories being told. She created an online petition, which she printed with 228 signatures but since printing there are more signatures apposing this facility. The photos look wonderful that is not the debate, the issue is the location. To speak on the need, St. Jude's has vacancies that have not been able to fill for months, and speaking with the manager there it's not just due to Covid-19. That's 2 miles away, so why is there a need for a 40 thousand square footprint in one of the last green spaces in Gates, when existing facilities are not filled.

She moved to Gates because she is deep rooted here going back generations, and doesn't want to move out of Gates, but being a Mom is concerned feeling comfortable with her daughter playing outside in their backyard or in the pool that backs up to a facility that may or may not have folks who have had complete background checks or run through NYS registry. The waterway mentioned possibly redesigned adjacent to her property, so then there will be construction folks basically in her backyard for 14 months. Gates raised our assessed values of our homes to make more competitive any with that her taxes went up, but happy to pay to live in a great community, but doesn't believe this project will help to raise the value of her home and is afraid that if it's approved and she is forced to sell for a better fit for her family, she will have a difficult time to sell with the backyard in construction and a 80-thousand square foot building [an average Wegmans is 75-thousand square feet], in the middle of a neighborhood with a church, a park and

an elementary school with no sidewalks and is already very traffic congested. Many of her neighbors are present as well and share the same feedback.

Al Fosberg, 3200 Lyell Rd, corner of Lyell and Appian Dr. directly across the church. The building design looks beautiful, but will not be seen because it'll be in the back of the church. His main concern is traffic. He has stakes and blocks alongside the road. He is constantly cleaning debris off his property, within the last year he has witnesses at least two accidents out there, the stop sign has been knocked down. He has almost gotten hit twice trying to get out of his driveway with people speeding, and then add school busses. That area already has too much traffic, and then to add another road between Wegman Rd and the existing entrance, there isn't enough room. This was brought up three years ago, and doesn't know if a traffic study has been done with these accidents. He would like to sit on his front porch on a Sunday afternoon, but can't because of the congestion of traffic, it's constant noise

Diane Celento, 46 Kimberly Ann Drive, has lived in Gates 64 years and watched the development, there was nothing between Wegman Rd and Elvira St., and has watched all the construction and development happen and with each addition more traffic. She said in the last 8 years has had family members in assistant living and dementia care and says it doesn't matter the cost per month, they get the same care. There is a huge shortage of CNA's (Certified Nursing Asst.) in this area. She would go 3 times a week to help with her own mom, laundry, feeding and just helping out. He can create 35 jobs, but it's the quality of staff for fill the positions. There're facilities, legacies, villages all over this area, but not staffed with proper, competent people. She doesn't feel this is the best way to utilize this land, it's not needed in this area, and there are vacancies in other facilities already. Her experience is what brings her here tonight, traffic aside, dementia is dementia, it's a degenerative disease and it's horrible to watch. If there is not the proper staff, it won't matter how many apple trees there are, or pets, they all have the fluff of hairdressers, and stuff, it's the staff that's hard to find or keep.

Troy Duncan, 2660 Chili Ave., also a member of RCCM, and says he has had the opportunity and honor to partner with the Atwood Senior Living and have hosted game nights, which the residents enjoyed. They have plans with the children's choir to perform, because the residents want that. Also, a lot of the residents have skills that they can share with the children. As far as the Atwood facility, they have a waiting list up to a year and a half, because of the quality of care, the love and concern the staff have. Mr. Duncan also has a brother who lives at the Gables of Brighton which exceeds his expectations and visits him often, they go on walks through the trails, the staff is exceptionally friendly, polite, courteous and guaranties they have a waiting list and expects no less for this facility. He believes the residents are worth the extra inconveniences and traffic and it's up to the residents of Gates to care for them and help them have the best quality of life and feels it's owed to them to have a facility built to give them the best quality of life possible, and in working with seniors for 28 years is aware of what they need and encourages the board to approve this project.

Frank Montalbano, 407 Wegman Rd, and backs up to the church. The gentleman earlier said there was 6 people who spoke in their meeting, but there is more then 7 people here tonight. Mr. Montalbano bought his house in 1995 and feels if this project follows the pattern of the church, it's going to be a mess. He says this church has done nothing to clean up the property, they put in a pipe in 6-7 years ago and since then he and his neighbor have a foot of water in the backyard after rain. He was told there is an underground spring, so when talks of moving sewer lines and pipes, he sees flooding and a mess more so then already. He's begging to not let it go forward.

Rachel Reynolds, 395 Wegman Rd since 2012 and does not support this proposal along with many other residents. It's too large and concern with the proximity to other structures. The height of the building and traffic, but want to focus on the ongoing issues with backyard flooding. Her backyard backs up to RCCM's playground / basketball court, there neighbor on

the right. The rear portion of the backyard floods multiple time per year, which makes unusable weeks at a time. This occurs in various degrees to a number of yards along the RCCM boarder and Ms. Reynolds feels if any further development will spread to more properties. She doesn't support this for-profit nursing home to financially profit the church with no consideration for the community. She also had photos for the board to keep.

Mary Edwards, 455 Wegman Rd, property also, butts up to the church and as a life long resident of Gates and agrees with everyone on the not going forward with this project. The drainage is an issue. They 'creek' that runs along the back was an ice rink when she was a child, that's how much water can accumulate back there. Not sure if they can solve the drainage issue, but they haven't for as long as they have already been there [decades]. The concept of the map they attached to the letter sent, addressed to neighbor, which many did not open, thinking it was trash mail. Fortunately, she opened it and her and her husband went to the informational meeting and there were more then 6 people, not all spoke up. The concept of the building on the map isn't built to scale, doesn't give a good picture. The video shown, showed a long scaping building, but that's not their plan. They plan on a two-story building, 80,000 square feet. If records of school and church are looked at this would be 4 times the size. The back acreage is split by a right-of-way owned by the school district. She knows this because her neighbor and herself were given the opportunity to be deeded 25 feet adjacent to each of our properties, so the vacant lot between her house and the neighbors house will never become a driveway or road. It was originally designated as Granada Rd. Back in the 1930's/1940's Hudson [the subdivision] had envisioned homes back there not schools or churches, it was going to be a sub-division and that was going to be a road there but it will never be an access road to Wegman Rd because her and her neighbor own 25x165 feet, but the rest of the right-of-way continues from the end of her property line to the property owned by the school. She questioned at the meeting about the right-of-way owned by the school district and was told by the Pastor they were working something out with the school district, but typically you cannot build a building in a right-of-way, the building would need to be before or after and after is only .93acres prior to that is 5.76acres, which is also part of the church and daycare as well as the house they own. Mrs. Edwards believes it's too close to the school which is under construction as well as extending their playground closer to their lot line. Mrs. Edwards doesn't like the drainage issues, the concept and simply that its too close. She was here years ago, when they wanted to build an apartment building, and the other projects they have wanted build throughout the years and will continue to come to express my vote as No.

Robert Newhouse, 427 Wegman Rd, moved in 1961. In 1963 his wife noticed a drainage problem, he has walked back there and thankful for boots because the water was well over his ankles. This is about the third time, they have wanted to build something back there, and at one point they said they would build a pond on the school property and it didn't happen.

Sandy Boyst, 476 & 485 Wegman Rd. She lives in one and daughter in other. Mrs. Boyst did not receive a letter about the meeting, but was told 75 letters were sent out and would like to know to whom, because most people she spoke with didn't get it and as far as the traffic it will be more than just visitors, there will be deliveries, garbage, food and other stuff.

Carl Inzinca 452 Wegman Rd wanted to add, has been there since 1955 and can't get out of his driveway now, so definitely does not want this to happen

Ann Mancuso, 14 Regina Dr. Even though she does not live in the proximity believes they are minimizing about of traffic this would increase. It'll be employees in and out all day, deliveries trucks with food, milk, linen and medical supplies as well.

Pastor Stephen Galvano was glad he attended this public hearing, he does not know how many years he has left, but acknowledges he would feel blessed to be able to live on acres of open land in a beautiful facility with good care and companions. As for accidents in front of the church

people spoke of, he has never seen any and the building is very well kept. If there had been any issues, why hasn't anyone knocked on the door to let them know. He apologizes in the name of the church, but he wasn't aware of any issues.

Pastor Galvano wants everyone to look at the future of their parents and should want them to be in a place like this with loving care. He agrees the Board has a tough decision to make, but know they will do the right thing for the community and the people.

Steve Brooks, commented on the fact the two gentlemen that spoke on the project didn't match in their information.

Christine Andrews, 527 Wegman Rd. has watched her father fight this for over 20 years. They were told that no one could build on paper road and she has the actual paperwork. It runs directly through the school. When Gates Chili wanted to build the bus garage there years ago they couldn't because of the wetlands.

Christine feels a traffic study definitely needs to be done, no sidewalks, a school, church. She also commented on the current property not being taken care of now.

A few other people spoke agreeing with not wanting this project to proceed due to traffic and water/drainage issues.

Supervisor Giunta asked if there was anyone else from the audience that had any other concerns other than traffic and drainage which have been captured. Hearing none closed the public hearing at 9:10PM

Councilman Tucciarello motioned to TABLE this, for further investigation
Seconded by Councilman Loughlin

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

Motion Carried

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta called the meeting to order at 9:14PM. He began with a silent Prayer and Pledge of Allegiance to the Flag, led by Councilman Lee Cordero.

RESOLUTION 113-20 Motion by Councilman Loughlin to approve

The Gates Town Board hereby approves the minutes of July 6, 2020 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Tucciarello.

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

Motion Carried.

AUDIENCE PARTICIPATION

Don Ioannone, 4099 Lyell Rd stated that there has been a problem with the microphones and system for years and this effect other boards as well can the board do something to get these fixed.

Supervisor Giunta, agreed and hopes to get the issue resolved before the next meeting

OLD BUSINESS**NEW BUSINESS**

**APPOINTING ADELE VIGIL AND DUANE HENRY JR.
TO THE POSTIONS OF SPECIAL POLICE OFFICERS
WITH GATES POLICE DEPARTMENT**

RESOLUTION 114-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do hereby appoints Adele Vigil and Duane Henry Jr. to the positions of Special Police Officers with the Gates Police Department.

Seconded by: Councilman DiPonzio

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

Motion Carried.

**LISTENTING TO A PRESENTATION OF COLLEGE INTERN
JAMES HART REGARDING THE TOWN'S TREES**

James did his presentation on the Town's trees, including a power point with photos and charts. He inventoried every tree species and location of all town trees within the town easements and street location. He explained the status of the existing trees as well as the importance of maintaining them and keeping them healthy. James also explained the importance of planting future trees in the neighborhoods that have had trees cut, but to be sure they are of various types and species. This helps prevent an outbreak of decease in the future.

**CONSIDERING RENEWAL OF THE CONDITIONAL USE PERMITS
FOR THE FOLLOWING:**

**#1 CHINESE RESTAURANT, 2317 BUFFALO RD.
CHEF'S CATERINF OF UPSTATE NEW YORK, 1273 SUITE 100 SUITE 1,
BUCKMAN'S CAR WASH 2234 CHILI AVE.,
HUNAN GARDEN, 781 B SPENCERPORT RD,
WAGS DOG CLUB, 700 MILE CROSSING BLVD,
CONTACT SUPPLY, 246 SPENCERPORT RD,
PANERA BREAD, 1501 HOWARD 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 116-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: # 1 Chinese Restaurant, 2317 Buffalo Rd.; Chef's Catering of Upstate New York, 1273 Chili Ave.; Buckman's Car Wash, 2234 Chili Ave.; Hunan Garden, 781 B Spencerport Rd.; Wags Dog Club, 700 Mile Crossing Blvd.; Contact Supply, 246 Spencerport Rd.; Panera Bread, 1501 Howard Rd

Seconded by Councilman Loughlin

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

Motion Carried.

**SCHEDULE A PUBLIC HEARING FOR MARTY ZESS
TO AMEND A CONDITIONAL USE PERMIT FOR
WINES BY DESIGN TO ADD AN APARTMENT UNIT
AT 3392 BUFFALO RD**

RESOLUTION 117-20 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Tuesday, September 8, 2020 at 7:10PM to consider Marty Zess of Wines by Design to amend the Conditional Use Permit to add an Apartment Unit. at 3392 Buffalo

Seconded by Councilman Cordero

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

Motion Carried.

**ADOPTING A RESOLUTION TO RENEW
THE CONTRACT WITH THE
COUNTY OF MONROE ENERGY AGGREGATIONH GROUP
FOR THE PERIOD OF SEPTEMBER1, 2020 THROUGH AUGUST 31, 2020**

RESOLUTION 118-20 Motion by Councilman Tucciarello who moved its adoption:

WHEREAS, the Town of Gates has heretofore participated in and has been a member of the Monroe County Energy Aggregation Group; and

WHEREAS, in order to continue such membership, the Town of Gates must renew its contract with the County of Monroe which contract will cover the period September 1, 2020 through August 31, 2025; and

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 approves the membership of the Town of Gates in the Monroe County Energy Aggregation Group and authorizes the Supervisor to execute a renewal contract with the County of Monroe covering the period of September 1, 2020 through August 31, 2025.

Seconded by: Councilman Loughlin

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

Motion Carried

**APPOINTING PATRICK PARDYJAK
AS THE
DIRECTOR OF FINANCE FOR THE REMAINDER OF 2020
TERM TO EXPIRE DECEMBER 31, 2020**

RESOLUTION 119-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do hereby appoints Patrick Pardyjak to the position of Director of Finance for the remainder of 2020, expiring December 31, 2020

Seconded by: Councilman Loughlin

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

Motion Carried.

ACCEPTING THE RESIGNATION OF FIRE MARSHAL RICHARD HARROD

RESOLUTION 120-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do hereby accepts the resignation of the Fire Marshal Richard Harrod

Seconded by: Supervisor Giunta

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

Motion Carried.

APPOINTING DAVID TYTLER TO THE POSITION OF FIRE MARSHAL

RESOLUTION 121-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do hereby appoint David Tytler to the position of Fire Marshal

Seconded by: Councilman Loughlin

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

Motion Carried.

**ACCEPTING THE RESIGNATION OF LINDA SARACENI
AS PLANNING BOARD SECRETARY**

RESOLUTION 122-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do hereby accepts the resignation of the Fire Marshall Richard Harrod

Seconded by: Councilman Loughlin

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

Motion Carried.

**APPOINTING LILY ALBERTO AS PLANNING BOARD SECRETARY
TO FILL THE REMAINING UNEXPIRED TERM OF LINDA SARACENI.
TERM TO EXPIRE DECEMBER 31, 2020**

RESOLUTION 123-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do hereby re-appoints Lily Alberto as Planning secretary to fill the remaining unexpired term of Linda Saraceni. Term to expire December 31, 2020.

Seconded by: Councilman DiPonzio

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

Motion Carried.

**ACCEPTING THE RESIGNATION OF BRENNA BONIS
AS SECRETARY OF THE CONSERVATION ADVISORY BOARD**

RESOLUTION 124-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do hereby accepts the resignation of Brenna Bonis as Secretary of the Conservation Advisory Board.

Seconded by: Councilman

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

Motion Carried.

**SCHEDULE A PUBLIC HEARING FOR ROCHESTER ACADEMY CHARTER
SCHOOL FOR A CONDITIONAL USE PERMIT
AT 310 HINCHEY RD 128 &129 RENOUF DRIVE**

RESOLUTION 125-20 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Tuesday, September 8, 2020 at 7:20PM to consider Rochester Academy Charter School for a Conditional Use Permit for 310 Hinchey Rd, 128 & 129 Renouf Drive

Seconded by Councilman Cordero

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

REPORTS

SUPERVISOR'S

**ACCEPTING THE SUPERVISORS
REPORT FOR THE MONTH OF JULY 2020**

WARRANTS

GENERAL

CLAIMS # A20-0508 – A20-0583	\$91,178.48
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HIGHWAY

CLAIMS # D20-0290 – D20-0328	\$111,152.97
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LIBRARY

CLAIMS #L20-0062 – L20-0071	\$23,466.66
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TOTAL DISBURSEMENTS	\$1,315,296.94
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TOTAL RECEIPTS	\$520,679.03
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Supervisor Giunta noted for the record that the warrants for the month of July 2020 have been examined by the Town Board and paid.

RESOLUTION 126-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of July 2020 as read; and the warrants for the month of July 2020 as read.

Seconded by Councilman Loughlin

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

Motion Carried.

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF JULY 2020**

The Town Clerk read the report for the month of July 2020 showing the following:

TOTAL REVENUE COLLECTED	\$16,299.52
TOTAL REVENUE TO THE SUPERVISOR	\$18,250.54
TOTAL NON-LOCAL REVENUE	\$1,951.02

RESOLUTION 127-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of July 2020.

Seconded by Councilman DiPonzio

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

Motion Carried.

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of July 2020.

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 9:45 PM.

Town Clerk