

September 8, 2020

The Gates Town Board held two Public Hearings and its Regular Town Board meeting on Monday, September 8, 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

**7:10PM PUBLIC HEARING**

**CONSIDERING CONDITIONAL USE PERMIT FOR  
MARTIN ZESS – WINES BY DESIGN  
TO OPERATE AN APARTMENT,  
IN (PUD) PLAN UNIT DEVELOPMENT DISTRICT,  
AT 3392 BUFFALO RD.**

Supervisor Giunta called the Public Hearing to order at 7:10PM. The Town Attorney verified that the Legal Notice was published as required by law.

Supervisor Giunta stated that Mr. Zess already operates Wines by Design and believes there were already two apartments on the second floor initially approved with the prior conditional use that were to be used as offices.

Martin Zess, 70 West Buffalo St., Churchville, NY. Stated yes, the original Conditional Use Permit was a Business Residence, but changed to strictly Business to allow the office space and now he's looking to change it back to Business Residence. Terry Rech, building inspector has approved, but wants to be sure it is recorded properly in the books.

Supervisor Cosmo Giunta asked if there will be one or two apartments and how big.

Mr. Zess replied, just one, upstairs 1800 sq. feet and his Co-Owner and his wife will be moving in.

Councilman Steve Tucciarello, Thanked Mr. Zess for doing business in Gates

Mr. Zess replied, Thanking the town for allowing him to continue doing business in Gates and for all the assistance.

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

**RESOLUTION 128-20:** Motion by Councilman Steve Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Martin Zess to operate an apartment in a PUD District.

Seconded by Councilman Andrew Loughlin

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

**Motion Carried.****7:20PM PUBLIC HEARING**

**CONSIDERING CONDITIONAL USE PERMIT FOR  
MEHMET DEMIRTAS  
TO OPERATE ROCHESTER ACADEMY CHARTER SCHOOL  
AT 310 HINCHEY RD, IN A (R-I) RESIDENCE DISTRICT**

Supervisor Giunta called the Public Hearing to order at 7:20PM. The Town Attorney verified that the Legal Notice was published as required by law.

Stephan Fantuzzo, attorney for Boylan Code Attorneys, stated applicant is under contract to purchase and this property in the past has already been cleared for a school as well as a church in regards to its zoning, and this will be used for very similar purposes.

All internal construction with none to be done external. There will be no building out or environmental construction, so no damage to plants or trees.

Existing footprint will be used as is which he feels this location is perfect for a smooth transition.

Mehmet Demirtas, Director/CEO Rochester Accademy City Charter School, 110 Willow Crest Dr, Brighton, NY, had a Power Point presentation and showed students as well as testimonials from parents, staff and students. RACCS is a public charter school, non-profit organizations governed by an independent board of trustees, composed of 7 board members open to all of Monroe County, with the preference given to the residents of the City of Rochester, which accounts for the 98% students [700 students] coming from the City of Rochester, 2% from other districts and only 3 of those are actually from Gates Chili. Students are chosen by lottery, with preference given to the students living in the City of Rochester

The money follows the student, which means there will be NO economical or financial burden on the Town of Gates because money comes from the Rochester City School District. Books, library technology funds are provided by the RCSD, which is the "Home District". Only nursing services would be provided by Gates Chili, which Gates can charge the RCSD for those services. NO funds are coming from Gates except for the few students form Gates which then would come from the Gates School District.

Elementary is starting with K-3 with approximately 260 students, 40 staff members and about 8 yellow school busses depending changes due to COVIR-19 because of social distancing. About 10 parent drop-offs. Currently renting some space at Bishop Kearney

Drop off will be 8:30AM and Pick-up at 4:00PM

Each year, adding a grade level, until it becomes a full K-5 School, with a full capacity of 400 students, 50 Staff Members, 10 Yellow School Buses and 15 Parent Drop-Offs [last 2 numbers are approximating]

There has been support from elected officials, local leaders due to the hard work, there are changes being made in the City of Rochester, with the graduation rate is more than 90%, which is the main reason for Charter Schools existence, which are held to a higher standard that reports to the NY Education Department, closely monitors, so the need to produce higher academics results as well as good financial situation.

Due to school success results, they were given full term renewal allowing them to open the elementary school. Video played which showed candid feedback from stakeholders, students and parents.

Mr. Demirtas added that he wants to use the building in the same way it was originally intended and set-up for education.

Supervisor Cosmo Giunta checking his understanding that he is currently looking at K-3<sup>rd</sup> Grade with 260 students, 40 staff to start and eventually grow into 4<sup>th</sup> and 5<sup>th</sup> grades over the next couple years up to 400 students and 50 staff members, and 15 drop offs.

Councilman DiPonzio, asked about the total occupancy of the building.

Jim Burton, Architect with Tylin International, identified all the academic spaces, staff spaces, the support space to be sure they had everything they need to run a K-5 program. The capacity within the building has the capacity of 400 students.

Supervisor Giunta asked if this will be a new school or a relocation and is this would be strictly K-5 and no higher?

Mr. Demirtas replied it would be a relocation, they are currently renting space from Bishop Kearney and would move once they find their own space. Also, they already run K-12, with Middle School being run at St. Monica's and High School at Mother of Sorrow's. There is no plan for expansion with this location [310 Hinchey] keep at Elementary level.

Councilman Tucciarello asked what makes this school different from the other schools prior held at this property

Mr. Burton, replied that the proposed use of this property is consistent with the parochial use that's been in the diocese operations like this for many years. The conventional use of a building with support space, a rectory with support space, and elementary school. These will be repurposed to operate in similar way, very consistent to prior use.

Councilman Tucciarello asked why is there only 3 Gates Chili students? Is it the decision of the Director, or the State? You want to be located in Gates, but not accept Gates students.

Mr. Demirtas, there is actually no limit, but the preference is given to the Rochester City School District, and that comes from NY State due to the students of the city needing more support than suburban districts, but if enrollment is low than it opens up to other districts, for example if there is 50% RCSD enrollment than there is 50% opening for students of other districts. It is based on the enrollment of the City of Rochester and there seems to be an extensive wait list.

Supervisor Giunta added a scenario of the first year, not getting full enrollment from the RCSD and there are open spots for Gates, but the following year there are more RCSD would the Gates students from the first year be asked to leave

Mr. Demirtas once a student is in RACC they stay till they graduate.

Councilman DiPonzio asked if this proposal goes through, would it start Sep. 2021.

Mr. Demirtas answered it would be September 2021. K-4<sup>th</sup> with the possibility of moving things in next summer.

Councilman Loughlin asked about parking for staff and busses has a study been done.

Mr. Burton replied that the busses would not be parked on-sight, plenty of space for staff parking and it lends itself well to buss drop off because of the egress and digress. Students are actually dropped off boundary and school. Students are never in harms way, buses are never disrupting regular flow of traffic

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

Angela Antonetti, 251 Hinchey Rd, 5 houses down from school. If you open this year how many spots are there for Gates Chili, or is it already at full capacity?

There are no sidewalks and there are already traffic issues on Hinchey. With the drop-off, and staff cars that's more for parents to deal with, especially with our own children trying to get the bus for Gates Chili. Will there be extra school functions, and fundraisers? Neighbors had to add rocks and signs in their yards not to park on their lawns. Last question is how does this benefit this community?

Mr. Demirtas, We should consider the City of Rochester, as OUR community and our graduation rate shows we are benefiting

Attorney Dan Schum asked if the Charter School runs the same schedule as the other school districts, with holiday breaks and other school closings?

Mr. Demirtas replied yes they follow the RCSD Calendar as they provide transportation and food. There also have been summer school sessions in the past to keep the students up to standard.

Councilman DiPonzio asked if RACC is currently remote or in-class.

Mr. Demirtas replied the offer is Hybrid or Full Remote, so parents have the option.

Supervisor Giunta sked about intermural sports.

Mr. Demirtas, RACC is part of section 5 for Middle and High Schools not Elementary.

Councilman Loughlin, how about after school activities and how often and till what time.

Mr. Demirtas, as far as Elementary school none right now, we have had a partnership with ABS for Middle school students with activities, but not K-5.

Councilman Tucciarello, if we as part of the permit had a limitation of capacity of 400 students with K-5<sup>th</sup> grades only, would that be an issue?

Mr. Demirtas replied not at all.

Mr. Burton addressed the traffic question from earlier, and that it's about 10% for Charter schools only without the church component. Churches have an occupancy low density of about 3 square feet per person and a school has a low occupancy of 100 square feet per, it a huge difference and of course churches have no limitations, Churches can overflow at different times of the year, like holidays and other times. This will not be the experience here. Another reason to reapprove this Conditional Use from the prior use is because right now there are 3 moth ball buildings which is not good for any community and having a low-density use could be the best type of reuse

Gary Scalone, 25 Lettington Ave for over 30 years. It's been a school many times and vacant as well, but what will be happening to the church, how will it be converted if it is, will it be a religious teaching for the children? Also, living in Gates, child went to Gates and wants to continue supporting Gates students, so with that said, if there is fundraising being done, would prefer the students from RACCS do it in the neighborhoods they live in so that the Gates students can continue here in their own town as well

Mr. Demirtas, the plan for the church is to convert to a gymnasium, because it is a public-school religion cannot be taught, but the stain glass will be protected

Mr. Fantuzzo added that there could be opportunity for changes, signs, parking, if need be with. It's already been granted a Conditional Use Permit, so in effect it's actually a renewal, and if

conditions need to be looked at it with the public's input, then it's good. There is a willing owner, willing buyer, an empty building and a great opportunity to make a real difference in the community. That's the real goal.

Steve Wolocki, 117 Renouf Drive, with 260 children to 400, how will it be handled with outside activities, not sure how the school is set up for all that. Will there be a lot of outside activities?

Mr. Demirtas, the first priority is the children's safety. Outside activity will be based on a playground, which the architect can speak to. Children just running around is not good for anyone, so no child will be just running around the parking lot or streets.

Councilman Tucciarello asked if there will be a need for street parking or is there plenty of parking lot spaces .if put restrictions into conditions, would that be an issue

Mr. Demirtas replied if any, it would be only for Parent/Teacher conferences a couple times a year, but not for daily regular use.

Mr. Burton added there is actually the church currently owns the parking lot across the street, so the church has spots for overflow parking, about 10%. There is plenty of room for parking.

Don Ioannone, 4099 Lyell Rd strongly urges the Board grant this Conditional Use Permit that it would be a win win situation for all

Councilman DiPonzio asked about security on site, like a standard security officer or cameras, or automatic locking doors.

Mr. Demirtas, there are internal cameras, administrative assistants in the hallways, and there will be at least two staff people in classrooms, building doors will be locked and no one will be let in.

Angela Antionette, as far as the playground, would it be strictly for the school students or would neighborhood children have access in evenings and weekends when schools is not in use?

Mr. Demirtas, personally has no issue with the neighbors using, but would need to look into the rules, being a charter school if they would allow it.

Councilman Tucciarello can support this with conditions of 5<sup>th</sup> grade being MAX, No on-street parking with exception of parent/teacher conferences, so neighbors would not need to put up signs or add rocks to block parking. There should be ample parking on the premises

Supervisor Giunta asked how many spots are in the additional parking

Mr. Burton answered 123 surface spots.

Councilman Loughlin, we could add a Max of 400 students in the Conditions as long as the Fire Marshal approves, checking the building occupancy as well, if it is higher than the 400, we still Max at 400.

Mr. Burton responded that the building capacity is 400 students with the addition of incidental staff.

Supervisor Giunta hearing no more comments closed the public hearing.

**RESOLUTION 129-20** Motion by Supervisor Giunta to approve.

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Mehmet Demirtas to Operate Rochester Academy Charter School at 310 Hinchey Rd, 14624, with the Conditions of Grades K-5 Only, Max of 400 Students Only, NO On-street parking, except for Teacher/Parent Conferences, and Open House [staggering the days].

Seconded by Councilman Tucciarello

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 8:10PM. He began with a silent Prayer and Pledge of Allegiance to the Flag, led by Councilman Lee Cordero.

**RESOLUTION 130-20** Motion by Councilman Cordero to approve

The Gates Town Board hereby approves the minutes of August 3, 2020 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman DiPonzio

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

**Motion Carried.**

**PROCLAMATIONS**

Supervisor Giunta Presented Certificate of Recognition and Appreciation to 6 outstanding Gates residents for taking the initiative back in April in the midst of COVID-19 and volunteering their time to help “Keep Gates Clean”. He as well as the Board want to say “Thank You.” It’s been a collaborative effort in cleaning not just garbage in empty lots, but gullies, town parks and even some residents who have needed assistance in cleaning their yards. It is very appreciated by all of us as well as the Code Enforcer, and the residents.

Councilman Loughlin also added his words of thanks and commented on one of the times he attended and the amount of garbage in two hours was unimaginable. The Town of Gates and County are grateful. He then presented a Proclamation from Frank Allkofer, the 4<sup>th</sup> District Legislative District County Legislator

Keep Gates Clean Crew:

Lauren Marie Habets, Dan Switzer, Wendi Simbolini, Josh Gravanti, Teresa Marko, Robb Mosher

**AUDIENCE PARTICIPATION**

Don Ioannone, 4099 Lyell Rd let everyone know that the First Responders Day, which is normally held in September will not be held this year due to COVID-19

**OLD BUSINESS**

Supervisor Giunta wants everyone to know that RCCM- Peregrine Assistant Living/Memory Care will hold an Informational Meeting on September 29<sup>th</sup> 6:30PM-8:30PM here in the Town Hall. Please call Secretary Lily Alberto to RSVP to help determine which room will be used.

**NEW BUSINESS**

**AMENDING THE EXPIRING DATE FOR CHRISTINE MAURICE  
OF THE GATES ZONING BOARD OF APPEALS FROM  
DECEMBER 31, 2020 TO MAY 4, 2023**

**RESOLUTION 131-20** Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Town of Gates do hereby amends the expiring term for Christine Maurice of the Gates Zoning Board of Appeals from December 31, 2020 to May 4, 2023

Seconded by: Councilman DiPonzio

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

**Motion Carried.**

Councilman DiPonzio commented that Christine does an outstanding job being the Zoning Chair. She is conscientious, polite and kind to everyone that goes through and that doesn't go unnoticed. Supervisor Giunta agreed she is doing a fantastic job.

**CONSIDERINT RENEWALS OF THE CONDITIONAL USE PERMITS  
FOR THE FOLLOWING:**

**GATES CHILI FEDERAL CREDIT UNION, 2870 BUFFALO RD.;**  
**SSG ROCHESTER LLC DBA GLOBAL SELF STORAGE, 2255 BUFFALO RD.;**  
**FQSR LLC, KENTUCKY FRIED CHICKEN, 1345 CHILI AVE CHILI AVE.;**  
**CARROLS LLC, BURGER KING #666, 1300 CHILI AVE.;**  
**UNDUS QSR [DUNKIN DONUTS #344162], 1482 BUFFALO RD.;**  
**CINEMARK TINSLETOWN USA, 2291 BUFFALO RD.;**  
**FEDEX EXPRESS, 2580 MANITOU 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 132-20** Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Gates Chili Federal Credit Union, 2870 Buffalo Rd.; SSG Rochester LLC dba Global Self Storage, 2255 Buffalo Rd.; FQSR LLC, Kentucky Fried Chicken, 1345 Chili Ave.; Carrols LLC, Burger King #666, 1300 Chili Av.; Undus QSR, Dunkin Donuts #344162, 1482 Buffalo Rd.; Cinemark Tinseltown USA, 2291 Buffalo Rd.; FedEx Express, 2580 Manitou Rd

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**SCHEDULE A PUBLIC HEARING FOR LISA BRINSON  
TO CONSIDER A CONDITIONAL USE PERMIT FOR  
PURE IMAGINATION CAFÉ  
AT 2997 BUFFALO RD**

**RESOLUTION 133-20** Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, October 5, 2020 at 7:15PM to consider Lisa Brunson of Pure Imagination Café for a Conditional Use Permit to operate a coffee shop café, serving food and liquor with indoor and outside seating in a Neighborhood Business District at 3392 Buffalo

Seconded by Councilman Cordero

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

**Motion Carried.**

**ADOPTING A RESOLUTION, THE TOWN OF GATES ADOPTS LGS-1 AS THE  
EXCLUSIVE RECORDS RETENTION AND DISPOSITION SCHEDULE GOVERNING  
ALL TOWN OF GATES RECORDS, EFFECTIVE AUGUST 1, 2020**

**RESOLUTION 134-20** Motion by Councilman Tucciarello who moved its adoption:

**WHEREAS**, the New York State Archives is charged with establishing Uniform Retention Schedules for all local governments so as to protect and preserve important governmental records throughout the State on a uniform basis; and

**WHEREAS**, the State Archives has adopted a revised and consolidated Local Government Records Retention and Disposition Schedules, LGS-1, effective August 1, 2020; and

**WHEREAS**, all local governments are required to adopt LGS-1 prior to August 1, 2020, and to implement it thereafter as the sole and exclusive Records Retention and Disposition Schedule governing local governmental records;

**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 of Gates does hereby adopt LGS-1 as the exclusive Records Retention and Disposition Schedule governing all Town of Gates records, effective August 1, 2020.

Section 2. That the Town Clerk, as the Town of Gates Record Retention Officer shall, as of August 1, 2020 implement LGS-1 with respect to all Town of Gates records governed by such Schedules.

Seconded by: Councilman Loughlin

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

**Motion Carried**

**NEW BUSINESS OF COUNCIL MEMBERS****REPORTS****SUPERVISOR'S****ACCEPTING THE SUPERVISOR'S  
REPORT FOR THE MONTH OF AUGUST 2020****WARRANTS****GENERAL**

CLAIMS # A20-0584 – A20-0669	\$134,154.91
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**HIGHWAY**

CLAIMS # D20-0329 – D20-0390	\$162,947.16
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**LIBRARY**

CLAIMS #L20-0097 – L20-0116	\$19,334.13
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<b>TOTAL DISBURSEMENTS</b>	<b>\$1,608,840.91</b>
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<b>TOTAL RECEIPTS</b>	<b>\$580,610.70</b>
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Supervisor Giunta noted for the record that the warrants for the month of August 2020 have been examined by the Town Board and paid.

**RESOLUTION 135-20** Motion by Councilman Loughlin who moved its adoption:

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

Seconded by Councilman Tucciarello

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

**Motion Carried.**

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

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

TOTAL REVENUE COLLECTED	\$25,688.69
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TOTAL REVENUE TO THE SUPERVISOR	\$18,529.84
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TOTAL NON-LOCAL REVENUE	\$7,158.85
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**RESOLUTION 136-20** Motion by Councilman DiPonzio who moved its adoption:

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

Seconded by Councilman Cordero

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 August 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 8:45 PM.

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Town Clerk