

October 2, 2017

The Gates Town Board held a Public Hearing and its regular Town Board meeting on Monday, October 2, 2017 at the Gates Town Hall, 1605 Buffalo Rd. and beginning at 7:10 P.M. Those in attendance for the Public Hearing and regular Town Board meeting were as follows:

Mark W. Assini	Supervisor
Lee A. Cordero	Councilman
David R. DiCaro	Councilman
Christopher B. DiPonzio	Councilman
Steve Tucciarello	Councilman
Daniel G. Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

7:10 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
MEL BROOKS FOR A CONDITIONAL
USE PERMIT TO OPERATE A BAR/RESTAURANT
AND RENTAL PROPERTY LOCATED AT 191 LEE RD.**

Supervisor Assini called the Public Hearing to order at 7:10 P.M. The Town Attorney verified that the Legal Notice had been published as required by law.

Mr. Mel Brooks addressed the Town Board. He stated that everything will remain the same. There will not be any structural changes to the building. The hours of operation will remain the same as the previous operation.

Supervisor Assini stated that all terms and conditions of the original Permit are to be adhered to. The term of the Conditional Use Permit is one (1) year (through October 2, 2017); and it is to be renewed yearly.

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

RESOLUTION 136-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permit for Mel Brooks (new owner) to operate a bar/restaurant and rental property located at 191 Lee Road,, for a period of one (1) year (through October 2, 2018); subject to the same terms and conditions applicable to the original permit.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello - aye; Assini – aye.

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:15 P.M.

7:30 P.M. REGULAR TOWN BOARD MEETING

Supervisor Assini called the meeting to order at 7:30 P.M. He began the meeting with a Prayer for the victims and their families and the people of the Los Vegas shooting spree, followed by the Pledge of Allegiance to the Flag.

RESOLUTION 137-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the September 5, 2017 Public Hearing and regular Town Board meets, as received.

Seconded by Councilman Cordero.

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

Motion Carried.

AUDIENCE PARTICIPATION

Supervisor Assini congratulated Legislator Frank Allkofer on being inducted into the Gates/Chili High School Hall of Fame.

Don Ioannone, Lyell Road, thanked the Town Board for honoring him as the founder of the First Responders Day in the Town of Gates. He also thanked everyone (by name) that was involved in the preparation and in the participation of the ceremony for this day.

OLD BUSINESS – NONE

NEW BUSINESS

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: ABSOLUTE
SCREEN PRINTING – 485 SPENCERPORT RD.;
AMERICAN NATURAL GAS – 1145 CHILI AVE.;
BYRNE DAIRY – 2295 SPENCERPORT RD.;
GLOBAL SELF STORAGE – 2355 BUFFALO RD.;
GATEWAY APARTMENTS – 345 SPENCERPORT RD.;
TRINITY ASSISTANCE CORP. -3545 BUFFALO RD.
GATES MANUFACTURED HOUSING COMMUNITY –
1531 BUFFALO RD, SPEEDWAY #07593 – 1952 LYELL AVE.;
#07665 – 1511 BUFFALO RD.; #07714 – 719 ELMGROVE RD.;
#07666 – 2328 CHILI AVE.; #07744 – 465 SPENCERPORT RD.**

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

RESOLUTION 138-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town hereby renews the Conditional Use Permits for the above captioned businesses for a period of one (1) year (through October 2, 2018); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Cordero.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
A LOCAL LAW RESINDING THE TOWN OF GATES
LOCAL LAW 2 OF 2014 WITH RESPECT TO THE
ESTABLISHMENT OF THE TAX GRIEVANCE DAY**

RESOLUTION 139-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Wednesday, November 8, 2017 at 7:25 P.M. to consider the above captioned Local Law.

Seconded by Councilman Cordero.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF IGNAZIO CANULLIERI TO**

**REZONE PROPERTY LOCATED AT 4610, 2660 LYELL RD. AND 2480, 2484
MANITOU RD. FROM R-1-11 TO GENERAL BUSINESS**

THIS ITEM WAS WITHDRAWN FROM THE AGENDA

**SCHEDULING THE BUDGET WORKSHOP AND PUBLIC HEARING FOR THE
PROPOSED 2018 TOWN OF GATES BUDGET**

RESOLUTION 140-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Budget Workshop be scheduled for Monday, October 16, 2017 at 5:30 P.M. in the Supervisor's Conference Room.

Further Resolved that a Public Hearing be scheduled for Wednesday, November 8, 2017 at 7:00 P.M. to consider the proposed 2018 Town of Gates Budget.

Seconded by Councilman Cordero.

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

Motion Carried.

**RE-APPOINTING JAMES MOORE AND EMILY LEONE
TO THE GATES CONSERVATION ADVISORY BOARD**

RESOLUTION 141-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints James Moore and Emily Leone to the Gates Conservation Advisory Board for a two (2) year term; said term to expire October 2 2019.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**DECLARING SEQR FOR THE UPDATED
2017 COMPREHENSIVE PLAN**

RESOLUTION 142-17: Motion by Supervisor Assini who moved its adoption:

WHEREAS, the Town Board of the Town of Gates has caused the Town of Gates Master Plan to be updated and reviewed pursuant to the provisions of Town Law, and

WHEREAS, prior to the adoption of the 2017 Town of Gates Comprehensive Plan Update the Town Board of the Town of Gates must review the impact, if any, of the proposed Comprehensive Plan Update upon the environment pursuant to the provisions of the State Environmental Quality Review Act; and

WHEREAS the Town Engineer has caused a Short Form Environmental Assessment Statement to be prepared, which statement has been reviewed by the Town Board and Town Attorney; and

WHEREAS, prior to the adoption of a Resolution approving the Town of Gates 2017 Comprehensive Plan Update, the Town Board must act pursuant to the provisions of the State Environmental Quality Review Act;

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

Section 1. That the Town Board of the Town of Gates determines that the adoption of the Town of Gates 2017 Comprehensive Plan Update is a Type II action pursuant to the provisions of the State Environmental Quality Review Act:

Section 2. That the Town Board of the Town of Gates does further find and determine that the adoption of the Town of Gates 2017 Comprehensive Plan Update will have a positive impact upon the environment in that it provides for an orderly and well thought out plan for the future development and redevelopment of lands within the Town of Gates.

Section 3. By the adoption of this Resolution the Town Board of the Town of Gates does find and determine that the proposed action shall be declared a Negative Declaration of environmental significance for the reasons more fully set forth in Part 2 of the Short Form Environmental Assessment Statement.

Seconded by Councilman Cordero.

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

Motion Carried.

ADOPTING THE 2017 TOWN OF GATES COMPREHENSIVE PLAN UPDATE

RESOLUTION 143-17: Motion by Councilman Cordero who moved its adoption:

WHEREAS, the Town Board of the Town of Gates has caused the Town of Gates Comprehensive Plan to be updated and has prepared a draft Update of such master plan; and

WHEREAS, such draft Update has been referred to and reviewed by the Planning Board of the Town of Gates and a Special Board appointed for the purposes of such Comprehensive Plan review; and

WHEREAS, such proposed Comprehensive Plan Update has been referred to the County Planning Board for review and recommendations pursuant to the provisions of General Municipal Law; and

WHEREAS, the County Planning Board has made no comments with respect to such proposed Comprehensive Plan Update; and

WHEREAS, the Town Board has held one or more Public Meetings to assure full opportunity for citizen participation in such update; and

WHEREAS, the Town Board of the Town of Gates had held a Public Hearing pursuant to legal notice duly published at which Public Hearing the Comprehensive Plan Update was the subject of public discussion. Such Comprehensive Plan Update was also made available for public review at the office of the Town Clerk, the Town Library and on the Town website; and

WHEREAS, THE Town Board is desirous of adopting the 2017 Town of Gates Comprehensive Plan Update;

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 Board of the Town of Gates does hereby adopt the Town of Gates 2017 Comprehensive Plan Update.

Section2. That the Town Board does hereby establish ten (10) years as the maximum intervals at which the adopted plan shall be reviewed by subsequent Town Boards.

Section 3. That the 2017 Town of Gates Comprehensive Plan Update as adopted shall be filed in the Office of the Town Clerk and a copy thereof shall be filed in the Office of the County Planning Department.

Seconded by Councilman DiPonzio.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiCaro requested everyone to pray for retired Police Chief Tom Roche, he is very ill and is in the Strong Memorial Hospital.

Supervisor Assini commended the Police Chief VanBrederode and his staff for establishing the only drug program of its kind in Monroe County “Gates to Recovery”.. They meet every Thursday evening in the Recreation Department activity room for meetings to help families and addicts. He explained how the program works.

REPORTS

ACCEPTING THE SUPERVISOR’S REPORT FOR THE MONTH OF SEPTEMBER 2017

Supervisor Assini read his report for the month of September 2017 showing the following:

TOTAL RECEIPTS	\$390,776.65
TOTAL DISBURSEMENTS	\$996,686.44

WARRANTS

GENERAL FUND

Accounts Payable CI # 0811 – 0892	\$66,989.62
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HIGHWAY FUND

Accounts Payable CI # 0248 – 0276	24,193.50
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LIBRARY FUND

Accounts Payable CI # 0200 – 0234	21,799.21
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Supervisor Assini noted for the record that the warrants for the month of August, 2017 have been examined by the Town Board and paid.

RESOLUTION 144-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor’s Report for the month of September, 2017 as read, and the warrants for September 2017 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Cordero.

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

Motion Carried.

ACCEPTING THE TOWN CLERK’S REPORT FOR THE MONTH OF SEPTEMBER 2017

The Town Clerk read the report for the month of September 2017 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$20,842.73
TOTAL NON-LOCAL REVENUES	7,077.49
TOTAL REVENUE COLLECTED	\$27,920.22

RESOLUTION 145-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Town Clerk’s Report for the month of September 2017, as read.

Seconded by Councilman Tucciarello.

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

Motion Carried.

PERSONNEL STATUS REPORT

The September 2017 Personnel Status Report was read for the Board's information.

There being no further business to come before the Town Board, Councilman DiCaro made a motion to adjourn the meeting. Councilman Tucciarello seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:00 P.M.

Town Clerk