

December 1, 2025

The Gates Town Board held Three (2) Public Hearings and its Regular Town Board meeting on Monday, December 1, 2025 at the Town Hall Meeting Room starting at 7:10PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor
Christopher B. DiPonzo	Councilman
Lee A. Cordero	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
John DiCaro	Town Attorney
Sarah L. Lobene	Town Clerk

7:00 P.M. PUBLIC HEARING

A PETITION TO CONSIDER INCENTIVE ZONING FROM BRAD'S TRAILER OF NY TO A GENERAL BUSINESS LOCATED AT 485-507 SPENCERPORT RD

The Town Attorney, John DiCaro verified that the Legal Notice was properly published as required by law.

Supervisor Giunta asked if the applicant was present to speak on this?

Ian Kuchman with McMahon Larue and Associates and applicant, Carrie Petrotta with Brad's Trailers of NY are requesting Incentive Zoning for the business that is currently operating on Lyell Ave. in Gates and has been for 72-years selling trailer parts and operation in a General Industrial District and are looking to move to Spencerport Rd. to upgrade their facilities and expand the operation, along with upgrading the site on Spencerport Rd.

They are looking at a pull barn type of facility to house the retail services, along with maintenance and servicing of trailers and staging trailer area for trailers in service or waiting for pick-up /drop-off by customer.

The site as it sits on Spencerport Rd is zoned General Business, but as it sits currently has significant infrastructure, utilities, large diameter storm pipes, and sewer infrastructure that would make it nearly impossible to develop right on the road frontage as a traditional retail. He feels a light Industrial Limited type use of auto maintenance (Trailers) in the rear part of the site would be a well accommodated use of that property and site in their opinion with the lite intensity of the use they are proposing. Along with Brad's Trailers, they are looking into the future, adding a two-story storage facility for servicing the trailers in the back to maximize the economic benefit to this otherwise unusable parcel. (**Used rendering to show**)

As part of this, they will honor the 100-foot buffer to the neighbors in the rear and adjacent to the parcel. The will go through the traditional Site Plan Approval and Planning Board process and adhere to all NY Stormwater and other general zoning code requirements and maintain any separation from any FEMA flood plain encumbrances on the site.

As part of the incentive, the applicant has agreed to the terms of the board for the benefits to the Town, recognizing of a donation of a fully furnished trailer be donated to the town by the end of 2026 with the value of \$10,000 in addition of \$5,000 per storage units 3 (50x100) units for a total of \$15,000.

Supervisor Giunta clarified the actual total to the town will be \$25,000.

Mr. Kuchman, agreed.

Supervisor Giunta asked if they will be selling new trailers only servicing like at the current location?

Ms. Petrotta, confirmed that it's just servicing the trailers same as how they run the current location.

Supervisor Giunta understands there will be some sort of gated area for after hours and asked to clarify the size of the buildings and how many bays?

Mr. Kuchman replied that the total size 50x100 (5000sq) with five (5) bays

Councilman DiPonzio asked about the height of the building?

Mr. Kuchman, said less than 35-feet, single-story

Councilman Cordero, could a fifth-wheel camper fit in?

Mr. Kuchman, replied yes, they are thinking for long term for RV's, boats

Councilman Cordero asked if they'll need a 16-foot door to fit trailers?

Mr. Kuchman, replied yes

Supervisor Giunta confirmed this will be done in stages and more down the road

Mr. Kuchman, replied yes

Councilman Cordero asked what is the current buildings square footage?

Mr. Kuchman, responded about half of that.

Councilman Cordero commented that this new building will be a little bit bigger than their existing building

Mr. Kuchman agreed and stated a little bigger and more modern.

Councilman Loughlin asked how many people do they employ or expect too?

Ms. Petrotta replied that right now they have about twelve (12) employees, but hope to grow and possibly employ fifteen to twenty (15-20)

Councilman Loughlin asked is a significant portion of the building is office?

Ms. Petrotta replied, yes there will be offices, she believes three (3) and it's for the wholesale part of the business

Mr. Kuchman added the site plan includes having fifteen (15) employees.

Councilman Cordero asked what is behind that property?

Mr. Kuchman replied they are apartments with a wooded area in between.

Councilman Tucciarello asked about the hours of operation

Ms. Petrotta replied, Mon-Fri 8:00am-5:00pm and Sat. 8:00am-Noon

Councilman Cordero asked if there are any plans to fence this off, with gates?

Mr. Kuchman, stated they are weighing options such as, fencing or more of a natural deterrent of theft like Arborvitaes with some gates at the drive backs access points or fencing the entire perimeter.

Supervisor Giunta added that is all things that would get discussed at the Planning Board if approved by TB.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this?

Val Foote, 29 Sungrove Lane asked for clarification on the site location

Supervisor Giunta, behind AMF Gates Bowl -the plaza on Spencerport Rd., but not on Spencerport Rd. Colonial Plaza came before the board about a year ago to sub-divide this property.

Supervisor Giunta asked if anyone else from the audience wanted to speak for or against this? Hearing none, closed the public hearing at 7:27pm.

RESOLUTION 193-25

Motion by Councilman Tucciarello who moved its adoption:
Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby approves the petition Incentive Zoning for Brad's Trailer of NY to a General Business located at 485-507 Spencerport Rd. with the following Conditions:

- Subject to Planning Board Approvals
- A donation of a fully furnished trailer to the town by the end of 2026 including services with total value of \$10,000 in addition of \$5,000 per storage units (50x100) for a total of \$15,000 once built. Total incentive value of \$25,000.
- Hours of Operation: **Mon-Fri 8:00am-5:00pm**
Sat 8:00am-Noon

VOTE: Giunta – Aye; DiPonzo – Aye; Cordero - Aye; Loughlin –Aye; Tucciarello – Aye;
Motion Carried.

TO CONSIDER A CONDITIONAL USE PERMIT FOR RANDOLPH H. BURNEY TO OPERATE BIG DADDY'S BBQ AND LOUNGE AT 1174 BROOKS AVE. IN A GENERAL INDUSTRY DISTRICT

The Town Attorney, John DiCaro verified that the Legal Notice was properly published as required by law.

Supervisor Giunta asked if the applicant was present to speak on this?

Randolph Burney and his wife Kashana owners of Big Daddy's BBQ have been operating their food truck in Gates for the past 4 1/2 -5 years at the corner of Lee Rd. and Lyell Ave. and has been going well. There really are not any BBQ places in this area and going into 1174 Brooks Ave., in front of the airport is a great way for people to see and stop. He wants to start with

lunch and dinner and then transition to include brunch on weekends and then down the road, breakfast, lunch and dinner.

Supervisor Giunta asked what would the hours of operation be?

Mr. Burney, to start 10:30am-9:00pm Mon-Thus and Fri & Sat 10:30am-Midnight.

Councilman Tucciarello suggested Mr. Burney include the hours for breakfast he wants to eventually incorporate so it is already set in the conditions.

Mr. Burney agreed. Mon-Thurs.6:00am-9:00pm, Fri & Sat 6:00am-Midnight and Sun 9:00am-9:00pm. The 6:00am start would help people on their way to work and he wants to have a spin on breakfast in include eggs & ribs as well as brisket and pulled port. They are also the home of the new “Turkey Ribs”

Supervisor Giunta agreed along with several others the turkey ribs are very good.

Councilman Cordero, it says BBQ & Lounge on the application, will there be a bar?

Mr. Burney, yes, the bar is towards the back, it won’t be a “club” just laid back, enjoying themselves, have a few drinks and the go home.

Supervisor Giunta asked if the bar will have the same hours as the restaurant?

Councilman Cordero asked if there will be dancing?

Mr. Burney replied, No, they need to go home

Councilman Tucciarello asked what type of entertainment, DJ, live music, or just music playing?

Mr. Burney a little bit of all three, like during brunch have live jazz band, also have music bingo at times.

Mrs. Burney added on Fridays and Saturdays have a DJ as well as live entertainment once a month, but will also have a Juke Box.

Councilman Tucciarello commented, what the town is trying to stay away from is a “Night Club” type of environment. Live music and a bar with food to him sounds like it could move into that direction, he then asked Mr. Burney what could they do, so it wouldn’t?

Mr. Burney, it’ll be grown adults and will also have security and ID checking

Supervisor Giunta asked if he has started the liquor license process?

Mr. Burney, yes.

Supervisor Giunta asked if he’ll continue with the food truck?

Mr. Burney replied, he will still keep it and continue in the existing location.

Supervisor Giunta asked if he would consider participating in the Town Celebration next year?

Mr. Burney replied, let him know when and where and he’ll be there.

Supervisor Giunta asked how many employees roughly?

Mrs. Burney replied, 15-20

Supervisor Giunta opened this up for public comment and asked if anyone from the audience wanted to speak.

Gates Police Chief Rob Long, it's good food, run by good people and with no problems in his current location (the corner of Lee Rd & Lyell Ave.)

The concerns are from past locations such as with the Brooks Ave, the old Diplomat locations and hearing of live music, DJ with a combination of alcohol and later hours, unfortunately in the past has brought problems with other establishments in town and has added a burden on emergency services, which is why a Third-Party Law was established in town. We need to protect our residents as well as patrons. He feels a good condition for approval would be to include having security on-site.

Supervisor Giunta, stated that is where the Special Events Permit comes in. Whenever there is a live music event a Special Events Permit would need to be in place.

Chief Long added, we just don't want the people who come in at 9:00pm or 10:00pm to just come in to drink and destroy the business. He just wants everyone to be safe and would feel more comfortable if a condition was to include security on days with live music.

Councilman Tucciarello, expressed his concerns and that they were based on the nighttime entertainment, but feels that this would be covered with the added condition of security. It puts the Police department on notice. The town wants to help Mr. & Mrs. Burney and their business to thrive with no problems.

Supervisor Giunta then closed the public hearing at 7:40pm.

RESOLUTION 194-25

Motion by Councilman DiPonzo who moved its adoption:
Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby approves an application for a Conditional Use Permit for Randolph H. Burney to operate Big Daddy's BBQ & Lounge located at 1174 Brooks Ave. in a General Industry District with the following Conditions:

Hours of Operation:	Mon-Thurs	6:00am-9:00pm
	Fri & Sat	6:00am-Midnight
	Sun	9:00am-9:00pm

VOTE: Giunta – Aye; DiPonzo – Aye; Cordero - Aye; Loughlin –Aye; Tucciarello – Aye;
Motion Carried.

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta welcomed everyone and called the meeting to order at 7:42PM. He began with a moment of silent prayer followed by the Pledge of Allegiance, led by Councilman Tucciarello.

He asked the board members, if they had an opportunity to review the Public Hearings and Regular Town Board Meeting minutes from the Wednesday, November 5, 2025.

RESOLUTION 195-25

Motion by Councilman Cordero who moved its adoption:
 Seconded by: Councilman DiPonzio

Resolved, that the Minutes of the Public Hearings and Regular Town Board Meeting of Wednesday, November 5, 2025. There being no revisions or omissions to them, stand approved as drafted.

VOTE: Giunta – Aye; DiPonzio – Aye; Cordero -Aye' Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

AUDIENCE PARTICIPATION

Supervisor Giunta asked if anyone from the audience wanted to speak?

Chief Rob Long spoke with Buddy the Elf earlier and confirmed the Santa Parade through the Town of Gates will be on Sunday, December 21 starting at 4:00pm and Monday, December 22 starting at 5:00pm. It will be GPS tracked and the street routes will be shared next week.

Supervisor Giunta asked if anyone else from the audience wanted to speak?
 Hearing none, closed the Audience Participation.

OLD BUSINESS

LOCAL LAW #3-2025 AMENDING SECTIONS CHAPTER 131 PARKING, CHAPTER 133 PROPERTY MAINTENANCE AND CHAPTER 190 ZONING

Supervisor Giunta, went touched on some of the amendments and changes in each section of the code and of the different chapters. Stated these were available for review in the clerk's office.

Supervisor Giunta asked if anyone else from the audience had question and wanted to speak about potential code changes?

Chief Long asked if the fine schedules for vehicles were amended and added.

Supervisor Giunta stated that those were removed but would be incorporated in the Town Clerk and Public Works fee scheduled that get published / adopted at the organizational meeting.
 Hearing no more from the audience, closed the Public Hearing.

RESOLUTION 196-25

Motion by Councilman Tucciarello who moved its adoption:
 Seconded by: Councilman Loughlin

WHEREAS, the Town Board of the Town of Gates did hold and conduct a public hearing to consider the enactment of Introductory Local Law #3-2025 proposing to amend certain provisions of Chapter 131 (Parking), Chapter 133 (Property Maintenance) and Chapter 190 (Zoning) which a public hearing was held and conducted at a regular meeting thereof held on the 1st day of December, 2025 at 7:30 pm at the Gates Community Center, 1605 Buffalo Road, Rochester, New York 14624 and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board of the Town of Gates is desirous of enacting such Local Law; and

WHEREAS, the Town Board of the Town of Gates did heretofore adopt such Negative Declaration of Environmental Significance with respect to the enactment of such Local Law;

NOWTHEREFORE, be it RESOLVED by the Town Board of the Town of Gates, Monroe County, New York as follows:

SECTION I. That by the adoption of this resolution the Town Board of the Town of Gates does hereby enact Introductory Local Law #3-2025 which the Local Law proposes to amend certain provisions of Chapter 131 (Parking), Chapter 133 (Property Maintenance) and Chapter 190 (Zoning) of the Gates Town Code.

INTRODUCTORY LOCAL LAW #3 -2025

This Local Law proposes to amend certain provisions of Chapter 131 Parking and Chapter 133 Property Maintenance and Chapter 190 Zoning as follows:

CHAPTER 131 Parking

Re-number, amend and add new sections 5-17 to read as follows

§ 131-1. Short title.	§ 131-10. Vehicle part and tires.
§ 131-2. Purpose .	§ 131-11. Fire lanes.
§ 131-3. Definitions.	§ 131-12. Parking for persons with disabilities.
§ 131-4. General provisions.	§ 131-13. Winter / Emergency parking.
§ 131-5. Campers, trailers and mobile homes.	§ 131-14. Impounding of vehicle.
§ 131-6. Boats.	§ 131-15. Penalties for offenses.
§ 131-7. Commercial vehicles.	§ 131-16. Enforcement.
§ 131-8. Sales of vehicles.	§ 131-17. Exceptions.
§ 131-9. Repairs to vehicles.	

Add following definitions to Section § 131-3. Definitions.

BOAT -- A vessel capable of carrying one or more people and intended for use on or in water.

CAMPER — A motorized, self-propelled vehicle containing sleeping and other facilities for habitation.

COMMERCIAL VEHICLE — Any vehicle used in conjunction with any business or trade, with the exception of the automobile of a salesman, professional person or the like.

CONSTRUCTION VEHICLE — A commercial vehicle customarily used in the construction trades.

JUNKED VEHICLE — Any unlicensed, inoperative, abandoned, wrecked, discarded, stored, dismantled or partially dismantled vehicle or in condition for legal use upon the public highway.

MOBILE HOME — A structure mounted on axles and wheels containing living facilities and towable from place to place.

MOTORCYCLE — An unenclosed vehicle with a saddle for the rider and designed to and up to three wheels.

MOTOR VEHICLE — Any self-propelled vehicle or device that is or intended to be drawn upon a public highway.

REAR YARD — The area across the full width of a lot, from the rear of the principal building to the rear lot line.

RECREATION VEHICLE – A self-propelled or towable device designed for leisure, travel, or outdoor activities (includes travel trailers, tent trailers, motor homes, boats, snowmobiles, etc.).

SEMITRAILER — A detachable trailer supported in front by a truck tractor.

STORAGE / STORED — Parking of a vehicle for a period in excess of 24 hours.

TRACTOR — A truck with only a driver's cab used to haul detachable trailers.

TRACTOR-TRAILER — A combination of a tractor and a trailer or semitrailer.

TRAILER, BOAT — A trailer designed to transport boats.

TRAILER, CAMPER — a collapsible trailer with sleeping facilities.

TRAILER, HOUSE — a rigid-walled trailer with sleeping facilities

TRAILER, UTILITY — A trailer used to haul miscellaneous materials.

Amend following definition title/name as follows (Leave definition description)

HANDICAPPED PARKING ACCESS AREA to **PERSONS WITH DISABILITIES PARKING ACCESS AREA**

HANDICAPPED PERSON to **PERSONS WITH DISABILITIES**

Replace § 131-4. General provisions. (A) with following:

- A. It shall not be lawful for any person to park a motor vehicle upon a public road or highway in the Town of Gates:
 - (1) Within 20 feet of the intersection of another road or highway, or within 20 feet of a crosswalk.
 - (2) Upon any public sidewalk.
 - (3) Directly opposite a driveway
 - (4) In front of a driveway, except where:
 - a. The vehicle is owned by or registered to the occupant of the premises; and
 - b. The vehicle does not obstruct access to or exit from any driveway located directly across the street.
 - (5) Upon any private road or driveway in a manner that obstructs the free passage of another vehicle, without the permission of the owner or occupant of the premises.
 - (6) Diagonally upon any public highway, unless specifically permitted by posted signs.
 - (7) Within 15 feet of a fire hydrant.
 - (8) In the space between a public sidewalk and a point three (3) feet from the paved portion of the roadway, or more than three (3) feet into the public right-of-way where no sidewalk exists.
 - (9) Upon any unpaved, grassed, or landscaped area within the public right-of-way of any roadway, or directly adjacent to the paved portion of any public roadway.

Section B-F remain unchanged

Re-number section § 131-5 Fire lanes. to § 131-11 Fire lanes and move accordingly:

Add new section § 131-5. Campers, trailers and mobile homes.

§ 131-5. Campers, trailers and mobile homes.

- A. No camper, camper trailer, mobile home or house trailer shall be stored outside on public property.
- B. No such vehicle over 35 feet may be parked on public property without first obtaining a permit from the Town Board, following a public hearing, unless such hearing is waived by the Town Board.
- C. Vehicles 35 feet or less may be parked or stored subject to the following:
 - (1) Only two such vehicles per family per lot (unlimited inside enclosed garage)
 - (2) Must be located in a driveway, garage or behind the building setback line.
 - (3) May not preempt required off-street parking
 - (4) The parking or storage of such vehicles shall be in full compliance with Chapter 133-8, Storage and parking of motor vehicles, of this Code
 - (5) Must belong to an owner or occupant of the premises.
 - (6) May not be used for any residential purpose.
 - (7) Must be legally registered.

Re-number section § 131-6 Parking for handicapped. to § 131-12 Parking for persons with disabilities and move accordingly:

ADD new section§ 131-6. Boats

§ 131-6 Boats

- A. No boat shall be stored outside on public property, and no boat over 35 feet shall be stored outside at on private property without Town Board approval.
- B. Boats 35 feet or less may be stored on private property subject to:
 - (1) Maximum two boats per family per lot (unlimited inside garage).
 - (2) Must be stored in a driveway, garage or behind the building setback line.
 - (3) May not preempt required off-street parking.
 - (4) Must belong to the owner or occupant of the premises.

Re-number and amend section § 131-7 Winter/emergency parking. to § 131-13 Winter / Emergency parking and move accordingly:

ADD new section§ 131-7. Commercial vehicles

§ 131-7 Commercial vehicles

- A. No commercial vehicle may be stored outside on public property.
- B. No commercial vehicle over 30 feet, nor any tractor-trailer or semitrailer, may be stored outside on private property in a residential district.
- C. No commercial vehicle may be parked on public property in a residential district for longer than four (4) hours in 24 hours except while providing services to residents.
- D. A commercial vehicle 30 feet or less (not a tractor-trailer or semitrailer) may be parked or stored on public property or private property in a residential district, subject to:

1. Only one per lot; two allowed if one is in an enclosed garage or fully screened.
2. Must be parked in a driveway or garage.
3. Must not preempt required off-street parking.
4. Must comply with § 133-8(C) of the Code.
5. Must belong to an owner or occupant of the premises.
6. Must be legally registered.

D. No tractor-trailer or semitrailer may be stored in any residential, business or commercial district.

Re-number section § 131-8 Impounding of vehicles. And amend to § 131-14 Removal and Impounding of vehicle and move accordingly:

ADD new section§ 131-8. Sale of vehicles

§ 131-8 Sale of vehicles

A. No more than one vehicle may be offered for sale at any property at any time, and no more than two per calendar year.

Said vehicle must:

1. Be owned by a current occupant;
2. Be well maintained;
3. Not create a nuisance;
4. Not be placed in the road right-of-way.

Re-number section § 131-9 Penalties for offenses. to § 131-15 Penalties for offenses. and move accordingly:

ADD new section§ 131-9. Repairs to vehicles.

§ 131-9. Repairs to vehicles.

No major repairs may be made to vehicles outside an enclosed building. Minor repairs (oil, spark plugs, tires, etc.) are permitted. Nothing in this section permits commercial vehicle repair in residential districts.

Re-number section § 131-10 Enforcement. to § 131-16 Enforcement. and move accordingly:

ADD new section§ 131-10. Vehicle parts and tires.

§ 131-10. Vehicle parts and tires.

No accumulation or outdoor storage of vehicle parts or tires is permitted on any property, except that this provision shall not prohibit the storage of spare tires or parts kept within an enclosed garage or building, nor prohibit the normal maintenance of personal vehicles

Moved re-numbered sections along with content:

§ 131-11. Fire lanes. (move entire section from old § 131-5 Fire Lanes)

§ 131-12. Parking for persons with disabilities. (move entire section from old § 131-6 Parking for handicapped)

§ 131-13. Winter / Emergency parking. (move entire section from old § 131-7 Winter/emergency parking)

Amend title § 131-8 Impounding a vehicle) with § 131-14. Removal and Impounding of vehicle.

Replace entire section with following:

A. Vehicles Parked During Snow or Emergency Conditions.

When any vehicle is parked or abandoned on any highway or public parking lot within the Town during a snowstorm, flood, fire, or other public emergency which affects that portion of the public highway or parking lot upon which said vehicle is parked or abandoned, such vehicle may be removed by or under the direction of the Police Department or any other person authorized by the Town to do so.

B. Vehicles Constituting an Obstruction or Parked in Unauthorized Locations.

When any vehicle is found unattended on any highway or public parking lot within the Town where such vehicle constitutes an obstruction to traffic, interferes with the free movement of vehicles or pedestrians, or is parked in a space designated and properly posted for persons with disabilities without displaying a valid state-issued permit or license plate authorizing such parking, such vehicle may be removed by or under the direction of the Police Department or any other person authorized by the Town to do so. Removal may occur immediately when such vehicle creates a hazard, obstructs access, or impedes the use of a designated handicapped parking space.

C. Impoundment, Cost and Fee Schedule.

Any vehicle removed pursuant to this section shall be impounded and stored under the direction of the Police Department or any other person authorized by the Town to do so. The owner or operator of such vehicle shall be responsible for all towing, storage, and administrative charges incurred as a result of such removal and impoundment. The vehicle shall not be released until all such costs have been paid and satisfactory proof of ownership has been established.

Towing, storage, and administrative fees for vehicles removed pursuant to this chapter shall be as set forth in a schedule of fees adopted by resolution of the Town Board and kept on file in the office of the Town Clerk. Such fees may be reviewed and amended periodically by the Town Board to reflect the actual cost of removal, towing, storage, and administrative services.

D. Notice to Owner.

As soon as practicable after the removal of any vehicle pursuant to this section, the Police Department or other authorized Town personnel shall make reasonable efforts to notify the owner of the vehicle of its removal, the location where it may be reclaimed, and the procedures for doing so.

E. Additional Towable Offenses

A vehicle may be removed and impounded when it is:

1. Stopped, standing, or parked in a fire lane;
2. Parked within 15 feet of a fire hydrant;
3. Parked in violation of Town Board-designated no-parking zones.

ADD new re-numbered section § 131-15 Penalties for offenses from old (§ 131-9 Penalties for offenses)

Replace entire section with following:

§ 131-15. Penalties for offenses

A. General.

Any person who violates any provision of this chapter shall be subject to the penalties, fines, fees, and administrative charges established by the Town Board.

B. Establishment of fines by resolution.

The Town Board shall adopt, by resolution at its annual Organizational Meeting — or at such other time as it deems appropriate — a schedule of fines, penalties, towing fees, storage charges, administrative fees, surcharge amounts, and other enforcement-related costs for violations of this chapter.

Such schedule shall have the full force and effect of law until amended by subsequent resolution.

C. Doubling of fines after 15 days.

Any fine issued pursuant to this chapter that is not paid or contested within fifteen (15) days of issuance shall **double**, in accordance with the fine schedule adopted by the Town Board.

This increase shall occur automatically without the need for additional notice.

D. Default judgments for unpaid fines.

If a fine remains unpaid sixty (60) days after issuance, the Town may enter a default judgment pursuant to the Civil Practice Law and Rules for civil collection.

Any additional penalties, administrative fees, late fees, or surcharges associated with the entry or enforcement of a default judgment shall be as established by the Town Board in its annually adopted fee schedule.

E. Criminal penalties upon repeated violations.

Every person convicted of a traffic infraction for a violation of this chapter, or of any rule or regulation adopted thereto, shall be subject to the following penalties, consistent with New York State law:

1. **First offense:** A fine as established by the Town Board, or imprisonment for not more than fifteen (15) days, or both.
2. **Second offense within eighteen (18) months:** A fine, not to exceed the maximum allowed by New York State law, as established by the Town Board, or imprisonment for not more than forty-five (45) days, or both.
3. **Third or subsequent offense within eighteen (18) months:** A fine, not to exceed the maximum allowed by New York State law, as established by the Town Board, or imprisonment for not more than ninety (90) days, or both.

F. Scofflaws.

1. Any person who has been issued three (3) summonses for violations of this chapter within an eighteen-month (18-month) period, and who has failed to satisfy such summonses, shall be designated a scofflaw.
2. The Town shall notify the New York State Department of Motor Vehicles of such designation pursuant to the Vehicle and Traffic Law.
3. In addition, the court may issue a warrant for failure to appear.

G. Effect of paying a fine.

Payment of any fine issued pursuant to this chapter constitutes a plea of guilty to the specified violation and is legally equivalent to a conviction after trial.

H. Failure to respond.

Failure to respond to any charge within sixty (60) days shall be deemed an admission of liability, and the Town may pursue all remedies described in this section, including default judgment, additional penalties, and any enforcement actions authorized by law.

I. Posting of schedule.

The schedule of fines, penalties, and fees adopted by the Town Board shall be maintained by the Town Clerk for public inspection and may be posted on the Town's official website.

ADD new re-numbered section § 131-16 Enforcement from old (§ 131-10 Enforcement) Replace entire section

§ 131-16. Enforcement.

This chapter shall be enforced by the Gates Police Department, Fire Marshal, Code Enforcement Officers, parking monitors, or any authorized law enforcement officer. These officers may issue parking tickets, appearance tickets, or summonses, and may order towing or removal of vehicles from public highways, public parking lots, and private property open to public use, and from private property where violations of this chapter occur, consistent with Town Law and the Criminal Procedure Law.

ADD new re-numbered section § 131-17 Exceptions from old (§ 131-11Exceptions) Replace entire section with following:

§ 131-17. Exceptions.

- A. The provisions of this chapter shall not apply to any peace officer or other law enforcement officer or highway employee while engaged in the performance of their duties.
- B. The provisions of this chapter shall not be construed to hold any enforcement officer of the Town of Gates or other agency responsible for any damages to persons or property by reason of the issuance of a parking summons while exercising his/her discretion within the parameters of this chapter.
- C. Temporary exemptions may be granted by the Town Board or its designee for good cause shown, including but not limited to emergencies, moving, or utility work

Chapter 133 Property Maintenance

Replace entire §133-8. Storage and parking of motor vehicles with following

§ 133-8. Storage and parking of motor vehicles.

A. Purpose.

It is the purpose of this section to regulate the outdoor storage of motor vehicles, junked vehicles, and unlicensed vehicles on private property in order to protect the health, safety and general welfare of the residents of the Town and to preserve the appearance, quality, and character of neighborhoods.

Parking, temporary placement, and use of vehicles on public highways, driveways, and rights-of-way shall be governed by Chapter 131, Parking.

B. Junked or unlicensed motor vehicles.

1. Outdoor storage prohibited.

No person shall cause or permit the outdoor storage of any junked, abandoned, or unlicensed motor vehicle or motor vehicle parts on any property within the Town, except as otherwise permitted by this section.

2. Storage in enclosed buildings.

A junked or unlicensed motor vehicle may be kept if stored entirely within a completely enclosed building.

3. Temporary storage permit.

The Building Department may issue a temporary storage permit for an unlicensed vehicle subject to the following:

(a) The vehicle does not constitute a nuisance or hazard.

(b) The vehicle must be maintained in safe and sanitary condition and fully covered with a commercially manufactured vehicle cover.

(c) The permit shall specify the location, conditions, and duration.

(d) The permit may be revoked for noncompliance.

4. Active repair.

One unlicensed vehicle may be stored outdoors on a residential lot for active repair, provided that:

(a) The vehicle is owned by a current occupant of the premises.

(b) The vehicle is undergoing continuous repair and not stored for more than 60 days.

(c) No dismantling or major repair occurs outside an enclosed building except as permitted under Chapter 131.

(d) The vehicle and repair activity do not violate any provision of **Chapter 131**, including restrictions on parking locations, blocking sidewalks, or creating safety hazards.

C. Storage of registered and operable motor vehicles.

1. General rule.

No motor vehicle may be stored outdoors on private property for longer than 24 hours unless:

- (a) It is currently registered and inspected;
- (b) It is maintained in operable condition;
- (c) It is stored in a driveway, garage, or designated parking area;
- (d) It is stored in compliance with all relevant provisions of Chapter 131.

2. Location restrictions.

Long-term outdoor storage of vehicles shall not occur in any front yard unless expressly allowed under Chapter 131.

D. Vehicle types regulated under Chapter 131.

The following vehicles and equipment are regulated exclusively under Chapter 131, and nothing in this section shall be construed to authorize their storage or parking contrary to that chapter:

1. Campers, motor homes, recreational vehicles, and travel trailers.
2. Boats and boat trailers.
3. Commercial vehicles, construction vehicles, and utility trailers.
4. Semitrailers, house trailers, tractor-trailers, and similar units.
5. Any vehicle defined under Chapter 131 as subject to special parking or storage restrictions.

All placement, parking, or storage of the above vehicles must comply with Chapter 131, including location, number, size limits, registration requirements, and use limitations.

E. Enforcement.

1. The provisions of this section shall be enforced by the Building Department, Code Compliance personnel, or any other officer authorized by the Town.
2. Violations relating to parking, temporary placement, roadway restrictions, or improperly parked vehicles shall be enforced under Chapter 131.

F. Penalties.

A violation of this section shall be subject to the penalties established by resolution of the Town Board pursuant to Chapter 131, in addition to any civil or administrative remedies available under this chapter.

G. Conflicts.

Where a conflict exists between this section and Chapter 131, the provisions of Chapter 131 shall control regarding parking, placement, and classification of vehicles.

Chapter 190 Zoning

Article II Definitions and Word Usage.

§ 190-5 Definitions

Add:

FARM

A **Farm** shall mean any parcel or parcels of land used for agricultural activities or farm operations, including land defined as 'land used in agricultural production' under New York State Agriculture and Markets Law §301(4). A farm includes farmland, pastures, orchards, vineyards, greenhouses, farm buildings, animal housing, equipment storage, and other structures or uses normally associated with agricultural production.

FARM OPERATION

A **Farm Operation** shall mean the land and on-farm buildings, equipment, manure processing and handling facilities, and agricultural practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products, including commercial horse boarding operations (§301(13)) and timber operations (§301(14)), as defined in New York State Agriculture and Markets Law §301(11). A farm operation may consist of one or more owned or rented parcels, contiguous or noncontiguous.

COMMERCIAL FARM

A **Commercial Farm** shall mean a Farm that produces agricultural products, livestock, or livestock products with the intent to sell such products as part of a commercial enterprise. Evidence of commercial operation may include enrollment in an Agricultural District, participation in an Agricultural Assessment, farm tax classification, or documentation of sales. No minimum acreage or gross sales threshold is required unless otherwise defined by New York State Agriculture and Markets Law

NONCOMMERCIAL FARM

A **Noncommercial Farm** shall mean a Farm of five acres or more used primarily for the production of crops, livestock, or agricultural products for personal use, personal consumption, hobby farming, or limited incidental sales not made as part of a commercial farm operation.

Rename Article XVIII (Reserved) to Article XVIII Farm and Farm Operation Regulations

Reassign and add Sections §190-71 to §190-75

§190-71. Location Where Farm and Farm Operation Uses Are Permitted

A. **Farm, Farm Operation, Commercial Farm, and Noncommercial Farm** uses shall be permitted **only on parcels that are simultaneously:**

- (1) Located within a certified **Monroe County Agricultural District, and**
- (2). Located within an **Agricultural District established under New York State Agriculture and Markets Law Article 25-AA.**

B. Such uses are **not permitted** on parcels that do not meet **both** criteria.

§190-72 Compliance With New York State Agriculture & Markets Law

Farm operations permitted under this Section, when located within a certified Agricultural District, shall be protected and regulated consistent with Article 25-AA of the New York State Agriculture and Markets Law, including §305-a regarding unreasonable local restrictions.

§190-73. Loss of Agricultural District Designation; Cessation of Farm Use

A. If a parcel containing a Farm or Farm Operation is removed from either:

- (1). the Monroe County Agricultural District, or
- (2). the New York State Agricultural District under Article 25-AA,

the farm use shall immediately become **non-permitted** under this Chapter.

B. Upon such removal, **all farm and farm-operation activities shall cease within six (6) months** of the date of removal.

C. The property owner shall notify the Code Enforcement Officer **within 30 days** of receiving notice of removal.

§190-74 No Nonconforming Use Status Granted

A Farm, Farm Operation, Commercial Farm, or Noncommercial Farm that becomes prohibited due to the parcel's loss of Agricultural District designation **shall not acquire nonconforming use status** and must cease as required in subsection C.

§190-75 Accessory Agricultural Uses: Farmstands, U-Pick, Agritourism, and Product Sales

A. Accessory Nature.

Farmstands, U-pick operations, Community Supported Agriculture (CSA) pickup areas, seasonal crop sales, on-farm educational activities, agritourism, and other similar uses shall be permitted **only as accessory uses to a lawful Farm or Farm Operation** allowed under this Section.

B. Product Source Requirement.

A majority of products sold or offered at farmstands, U-pick operations, or CSA distribution points must be **grown, raised, or produced on the Farm or Farm Operation**, consistent with NYS Agriculture & Markets Law practices.

- (1) Supplemental products from other local farms are allowed when consistent with AML's definition of farm marketing.

C. Structures and Scale.

Farmstands may include temporary, seasonal, or permanent structures normally associated with direct on-farm marketing. Structure size and location shall not impose requirements inconsistent with NYS AML §305-a.

D. Agritourism and Educational Activities.

Activities including but not limited to:

- (1) farm tours,
- (2) U-pick fruit and vegetable operations,
- (3) hayrides,
- (4) corn mazes,
- (5) farm-based education,
- (6) farm dinners or similar small-scale events,

shall be permitted when they are **customarily incidental** to the agricultural use and consistent with AML guidance on on-farm marketing and agritourism.

E. Parking and Traffic.

Parking and access areas for farmstands and U-pick operations shall be permitted on-farm, provided they do not create off-site safety hazards. Requirements shall not impose unreasonable restrictions inconsistent with AML §305-a.

F. Cessation When Farm Use Ends.

All farmstands, U-pick operations, and other accessory agricultural activities shall cease:

- (1). when the primary Farm or Farm Operation ceases, or
- (2). when the parcel loses its Agricultural District designation and the 6-month cessation period ends.

§190-76 Dimensional requirements.

All requirements for setbacks; signage; and fences, hedges, buffers, and berms shall be as required in Article XIX herein, and consistent with the requirements of Article 25-AA of the NY Agriculture and Markets Law.

Add Article XVIIIA (Reserved)

Add §190-77 through §190-90 (Reserved)

VOTE: Giunta – Aye; DiPonzo – Aye; Cordero -Aye' Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

NEW BUSINESS**CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS
FOR THE FOLLOWING:**

**390 SELF STORAGE, 142 BUELL RD.; CARAGLIO'S PIZZERIA, 3869 LYELL RD.;
CHIPOLTE, 2130 CHILI AVE.; CRISTO'S WOOD FIRED PIZZA & PASTA,
1308 BUFFALO RD.; DEPAUL COMMUNITY SERVICES, 1931 BUFFALO RD.;
JACK'SS BBQ & PIZZA, 3055 BUFFALO RD.; JOE'S KWIK MART, 1952 LYELL
AVE.; KAMARAS AFRICAN RESTAURANT, 2003 LYELL AVE.; LITTLE CAESAR'S
PIZZA, 2394 LYELL AVE.; STARBUCKS COFFEE COMPANY, 2110 CHILI AVE.;
T & T BOTTLE & CAN RETRIEVAL CENTER, 505 SPENCERPORT RD.; TACO
BELL #24797, 2317 LYELL AVE.; THE MOBILE PAINT GUY, 135 FEDEX WAY;
AFSCME COUNCIL 66, 1956 LYELL AVE.**

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 197-24

Motion by Councilman Tucciarello who moved its adoption:
Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following; 390 Self Storage, 142 Buell Rd.; Caraglio's Pizzeria, 3869 Lyell Rd.; Chipotle, 2130 Chili Ave.; Cristo's Wood Fired Pizza & Pasta, 1308 Buffalo Rd.; DePaul Community Services, 1931 Buffalo Rd.; Jack'ss BBQ & Pizza, 3055 Buffalo Rd.; Joe's Kwik Mart, 1952 Lyell Ave.; Kamaras African Restaurant, 2004 Lyell Ave. Little Caesar's Pizza, 2394 Lyell Ave.; Starbucks Coffee Company, 2110 Chili Ave.; T & T Bottle & Can Retrieval Center, 505 Spencerport Rd. Taco bell #24797, 2317 Lyell Ave.; The Mobile Paint Guy, 135 FedEx Way.; AFSCME Council 66, 1956 Lyell Ave

VOTE: Giunta – Aye; Cordero – Aye; Aye; DiPonzio – Aye; Loughlin – Tucciarello – Aye;
Motion Carried.

**REVOKING THE CONDITIONAL USE PERMIT FOR
HEMPIRE STATE SMOKE SHOP LOCATED AT 2340 LYELL AVE**

Supervisor Giunta stated Office of Cannabis Management. (OCM) shut down the smoke shop, therefore they are in violation of town code and will be revoking their CUP.

RESOLUTION 198-25

Motion by Councilman Tucciarello who moved its adoption:
Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Revokes the Conditional Use Permit for Hempire State Smoke Shop located at 2340 Lyell Ave.

VOTE: Giunta – Aye; DiPonzio – Aye; Cordero - Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

**SCHEDULING THE 2026 TOWN OF GATES ORGANIZATIONAL MEETING AND
THE REGULAR JANUARY TOWN BOARD MEETING**

RESOLUTION 199-25

Motion by Councilman DiPonzo who moved its adoption:
Seconded by: Supervisor Giunta and Councilman Cordero

Resolved, that the Gates Town Board hereby Schedules the 2026 Town of Gates Organizational Meeting for Monday, January 5, 2026 at 9:00am and the Regular January Town Board meeting for Monday, January 5, 2026 at 7:30pm.

VOTE: Giunta – Aye; DiPonzo – Aye; Cordero - Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

**AUTHORIZING THE TOWN SUPERVISOR TO SIGN THE SUPPLEMENTAL
AGREEMENT NO. 6 CONTRACT #D014863 BETWEEN THE TOWN OF GATES
AND WITH NYS-DOT FOR THE 2025-2026 SEASON
FOR THE MUNICIPLE SNOW AND ICE AGREEMENT**

RESOLUTION 200-25

Motion by Councilman Loughlin who moved its adoption:
Seconded by: Councilman Tucciarello

Resolved, that the Gates Town Board hereby Authorizes the Town Supervisor to sign the Supplemental Agreement No. 6 contract #D014863 between the Town of Gates with NYS- DOT for the 2025-26 season for the Municipal Snow and Ice Agreement.

VOTE: Giunta – Aye; Cordero – Aye; DiPonzo – Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried

**AUTHORIZING THE TOWN DIRECTOR OF FINANCE TO MAKE 2025
BUDGET AMENDMENTS WITHIN THE GENERAL FUND**

RESOLUTION 201-25

Motion by Councilman Cordero who moved its adoption:
Seconded by Councilman DiPonzo

Resolved, that the Gates Town Board hereby Authorizes the Town Director of Finance to make 2025 budget amendments within the General fund.

POLICE DEPARTMENT

Increase General Fund by \$17,760.95

To:	A00-31210-2000 Police Equipment and Capital Outlay	\$17,760.95
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VOTE: Giunta – Aye; DiPonzo – Aye; Cordero - Aye; Loughlin –; Tucciarello – Aye;
Motion Carried.

**APPROVING THE INTER-MUNICIPAL AGREEMENT BETWEEN
THE TOWN OF GATES AND THE TOWN OF OGDEN FOR THE SHARING OF THE
GATES TOWN ASSESSOR FOR 2026,
TERM JANUARY 1, 2026 THRU DECEMBER 31, 2026.**

RESOLUTION 202-24

Motion by Supervisor Giunta who moved its adoption:
 Seconded by: Councilman DiPonzo

Resolved, that the Gates Town Board hereby Approves the Inter-municipal Agreement between the Town of Gates and Town of Ogden for the sharing of the Gates Town Assessor for 2026, Term January 1, 2026 until Dec 31, 2026.

VOTE: Giunta – Aye; Cordero – Aye; DiPonzo – Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried

**RE-APPOINTING KYLE PITTMAN AS A MEMBER OF
 THE GATES BOARD OF ASSESSMENT REVIEW PLANNING BOARD
 FOR A FIVE (5) YEAR TERM. TERM TO EXPIRE SEPTEMBER 30, 2030**

RESOLUTION 203-25

Motion by Councilman Loughlin who moved its adoption:
 Seconded by: Councilman Tucciarello

Resolved, that the Gates Town Board hereby Re-Appoints Kyle Pittman to the Gates Board of Assessment Review for a 5-year term; said term to expire September 30, 2030.

VOTE: Giunta – Aye; DiPonzo – Aye; Cordero - Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, Saturday, December 6, 2025 will be the Holiday Pajama Party with Santa in the Recreation Center 9:00am.

Also, Wreaths Across America will be held in the Town Hall Meeting Room on Saturday, December 13, 2025 at noon. Santa Parade December 21st and 22nd.

Councilman Tucciarello wished everyone a Very Merry Christmas

REPORTS**SUPERVISOR'S**

**ACCEPTING THE SUPERVISOR'S REPORT FOR THE
 MONTH OF NOVEMBER 2025**

WARRANTS**GENERAL**

CLAIMS # A25-0925 - A25-1012	\$ 174,116.60
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HIGHWAY

CLAIMS # D25-0452 - D25-0492	\$70,147.63
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LIBRARY

CLAIMS # L25-0333 - L25-0374	\$45,224.09
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TOTAL DISBURSEMENTS	\$1,516,739.04
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TOTAL RECEIPTS	\$1,340,559.97
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Supervisor Giunta noted for the record that the warrants for the month of November 2025 have been examined by the Town Board and signed. The Town Board also examined and approved all payroll and in-lieu of claim expenses per fund for the month.

RESOLUTION 204-25

Motion by Councilman Cordero who moved its adoption:
Seconded by Councilman DiPonzo

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of November 2025 as read; and the warrants for the month of November 2025 as read.

VOTE: Giunta – Aye; DiPonzo – Aye; Cordero - Aye; Loughlin – Tucciarello – Aye;
Motion Carried.

ACCEPTING THE TOWN CLERKS REPORT FOR THE MONTH OF NOVEMBER 2025

The Deputy Town Clerk read the report for the month of November 2025 showing the following:

TOTAL REVENUE COLLECTED	\$26,579.18
TOTAL REVENUE TO THE SUPERVISOR	\$25,740.40
TOTAL NON-LOCAL REVENUE	\$838.78

RESOLUTION 205-25

Motion by Councilman Loughlin who moved its adoption:
Seconded by Councilman Tucciarello

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of November 2025.

VOTE: Giunta – Aye; DiPonzo – Aye; Cordero - Aye; Loughlin – Tucciarello – Aye;
Motion Carried.

PERSONAL STATUS REPORT

The Deputy Town Clerk presented the Personnel Status Report for the Month of November 2025.

Additions: 1 (Public Works)
Terminations: 1 (Police-Resignation)
Net Change: 0

There being no further business to come before the Town Board, Councilman Tucciarello and Councilman Loughlin second to adjourn the meeting. All were in favor; motion carried.

Supervisor Giunta wished everyone a Merry Christmas and Happy New Year and adjourned the meeting at 7:56 PM.

Town Clerk