

April 6, 2026

The Gates Town Board held One (1) Public Hearings and its Regular Town Board meeting on Monday, April 6, 2026 at the Town Hall Meeting Room starting at 7:15PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor
Christopher B. DiPonzio	Councilman
Lee A. Cordero	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Steve Palmer	Assistant Town Attorney
Sarah L. Lobene	Town Clerk

7:15 P.M. PUBLIC HEARINGS

The Assistant Town Attorney, Steve Palmer verified that the Legal Notice was properly published as required by law.

**TO CONSIDER A CONDITIONAL USE PERMIT FOR ERIC MILLER
TO OPERATE HEMPIRE STATE SMOKE SHOP AT 2340 LYELL AVE.
IN A GENERAL BUSINESS DISTRICT**

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

Eric Miller, 2340 Lyell Ave., looking to get his permit to be a smoke shop in the Town of Gates.

Supervisor Giunta at one time he was operating and then shut down by OCM and hadn't yet received a letter from them stating he could reopen.

Mr. Miller didn't realize it was needed, but will forward it over.

Supervisor Giunta added he will need to see the letter. He did receive Mr. Miller's business plan, but wanted to know the actual reason for OCM shutting him down?

Mr. Miller the Office of Cannabis Management (OCM) came in ceased products and then left. They did go to other stores in which they left the same type of items and not removing from the stores. His problem with OCM was that legal and enforcement were all acting differently and not following the guidelines they put out. He was calling and talking to them, wanting a conversation and asked for them to go in because what he had on the shelves was legal by the one side of it, however in the other side it was acting differently. He was already in the process of transitioning out of "it" and removing "stuff" and putting by the back door, but unfortunately, they weren't ready with the paperwork and even though they were in the process, they went through the "stuff" by the back door that was waiting to be removed, it's not like you can just throw it in the garbage, that's a danger to the community, and he couldn't just take it home, so it was at the back door and when they went through it, it was held against them. At the time, Mr. Miller didn't care thinking if OCM was removing the "stuff", they were removing the problem for him and he didn't argue about it, but they did end up sealing the store.

Supervisor Giunta confirmed OCM confiscated the products and asked if so, was it returned to him after?

Mr. Miller confirmed they did take it and it was not returned, nor did he ask for it to be returned. Looking back, they should have only been closed for one to two weeks, but it ended up being three-months by the state attorney who then just left and he was assigned a new state attorney

who came in and reopened them and told him they shouldn't have been closed for so long. Mr. Miller continued that being closed for three-months is what actually did the most damage.

Councilman Cordero asked consequently OCM closed him down, the Town pulled the permit and he's open again?

Mr. Miller responded the store is open, but they are not a smoke shop. The store does not need a permit and yes, it is open. There is nothing right now that can be smoked or smoked out of. According to Gates rules, it's 10%. They do have one case of smoking stuff, but he has plenty of other items to be able to keep the store open. The Code Enforcer has been there several times to inspect and be sure they are complying. He is hoping to be able to get his permit back, to be able to bring the rest of his inventory back to the shelves and continue what he wanted to do and do it responsibly.

Mr. Miller added, Hempire State is really a unique style smoke shop, it brings a lot of the old stuff and more of a museum smoke in history. Older people appreciate seeing stuff from when they were young, it's not much of the money maker items, but the joy it having it there.

Supervisor Giunta asked what is Kava and Kratom ?

Mr. Miller explained Kratom is in the coffee family, it wakes you up, gives you energy, also for a lot of pain relief, anxiety relief and opioid relief

Councilman Cordero asked how is it used?

Mr. Miller, it's a leaf that's ground up and put into capsules or you can mix with water. There are several forms.

Councilman Tucciarello asked about Kava?

Mr. Miller, he's still understanding it more, it's like an alcohol substitute at times, it's good for relaxation, but not the alcohol effect

Councilman Tucciarello asked about the house plants (taken from the business plan) and what is his definition of house plants assuming not roses and daisies?

Mr. Miller, since the closer all the plants died, but most basic houseplants, the ordinary type hung inside, No Cannabis plants, No Hemp plants. There is nothing from a hemp plant in the store.

Supervisor Giunta looking at the business plan provided, seems he's looking to reduce the inventory with promotions and in between 18-36 months get down to the 10% of stock, which is a town regulation. He asked Mr. Miller if the plan is to replenish what he has or liquidate till he gets below the 10%?

Mr. Miller certain stuff will be replenished. He had already marked plenty of items "Do not Restock" to reduce and increase space in the store for their plan.

Supervisor Giunta stated he did go in on this past Saturday and saw behind the partition and bunch of stuff and assumed it was stuff not being sold

Mr. Miller said the store is just half, they moved cases up and put stuff in storage. He had a letter from the landlord, which was already sent to supervisor and councilmen.

Councilman Tucciarello confirmed at this time there is No cannabis being sold, strictly museum pieces and houseplants and things like that

Mr. Miller, stated they have the typical head shop items, like pipes, water pipes, papers, tobacco products. They are free of all cannabis items.

Supervisor Giunta asked if anyone wanted to speak for or against?

Karen Cervini, 126 Matilda walks by his shop every day, twice a day. He is one of the cleanest shops in that entire plaza. She has been inside, her son from NY goes in and has purchased stuff and says it's better then the shops in NY. There is no one hanging out front that shouldn't be. She is here for support.

Bob Rathbun, 70 Woodshire Ln, has been going to Hempire State for a while. As someone who engages in cannabis both medically and recreationally, the knowledge that comes out of this store and advice is second to none. This first quarter of the year since they have been closed has made an impression on some of the people who go in there. There are other smoke shops, but he doesn't feel the same about those as he does this smoke shop. They have proven they know what they're talking about and have given good advice.

Megan Smith, 148 Fairgate Dr. during the time it was shut down, she would drive by the parking lot often to see if it was open. It was truly a place people would get together and connected. She knows several of the employees. Nice little community. When they were shut down it did affect a lot of people. Sometimes she just goes in and doesn't buys stuff.

Xavier Padia, 610 Melville Street, was previously an employee for almost four (4) years, but currently works at a fully licensed, legal cannabis dispensary in the City of Rochester and almost of all of the knowledge he acquired to do this job was from Hempire State. The majority of the people they were helping each day, were Chemo patients, people with MS and the amount of people looking for CBD as an alternative to pharmaceuticals is very plentiful and is proud they have a tremendous impact on peoples lives and never a malicious act from the management team and always on top of any new laws that may have come up. This business was hands-down one of the coolest shops in Gates, from video games, musical instruments, events with safe, relaxing fun. He has seen the good cannabis does for so many.

Blaze Osterhough, 59 Cottage Lane, to many people the thought of cannabis or marijuana has a huge stigmatism and shouldn't. It has been proven and shown it is better than many pharmaceuticals. The people at Hempire always gave good advice.

Jessica Jenkins, 54 Tarwood Dr. wants to show support for Hempire because she has personally dealt with them when family members were going through chemo and some with mental health issues and received advice that really did help all the side-effects from chemo. She researched them and really rusted them especially being in the medical field and new they were safe unlike other smoke shops that sell other stuff they are not supposed too. She added this is a safe space.

Supervisor Giunta asked if anyone else wanted to speak for or against?

Hearing none one else closed the public hearing at 7:40pm.

Councilman Cordero said he would motion to Table this application till the board receives the letter from OCM

Mr. Miller asked if there could be a decision on the application pending the letter in order to not have to wait another month? He was told the letter from OCM was sent to the town.

Supervisor Giunta confirmed the letter was not sent to the town from OCM. The board would also like a product list. He asked Mr. Miller to email the letter from OCM for further review. He'll connect with Chief Long to see what he knows or can find out.

Mr. Miller asked Chief Long about some letter, but Chief was not positive on what was sent, except that nothing was signed or had a raised seal.

Supervisor Giunta would feel more comfortable with something from OCM to show as well as provide a Product List to show the items they will be selling.

Councilman DiPonzio offered possibly looking at this at the Town Board Workshop Meeting

Supervisor Giunta asked Mr. Miller if he would consider that which will be held on Monday, April 20, 2026 in the Supervisors Conference Room at 6:30pm. It'll be two more weeks instead of waiting till next month.

RESOLUTION 72-25

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby **TABLED** the application for a Conditional Use Permit for Eric Miller to operate Hempire State Smoke Shop located at 2340 Lyell Ave. in a General Business District till the Town Board Workshop Meeting on Monday, April 20, 2026 at 6:30pm with the following Conditions:

- Mr. Miller is to provide the letter from OCM.
- Mr. Miller is to provide a list of items that were ceased and what OCM left behind that they deemed he could keep, and what is going to happen to those items.

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

Motion Carried

Supervisor Giunta closed the public hearing at 7:48pm.

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta welcomed everyone and called the meeting to order at 7:49PM. 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 Monday, February 2, 2026.

RESOLUTION 73-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Councilman Cordero

Resolved, that the Gates Town Board hereby Accepts the Minutes of the Public Hearings and Regular Town Board Meeting of Monday, March 2, 2026. 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?

Ken Martin, 147 Marietta Rd. wanted to address one of the Conditional Use Permit renewals on the agenda for approval. The Splash Car Wash at 2234 Chili Ave. He has lived in his home since 2018 and before Splash, it was Bachman Carwash and didn't really have any issues with noise from the carwash or being any type of nuisance and even now with Splash Carwash which the carwash itself is fine, but what was approved by both Town Board and Planning Board is the bank of vacuums in front. The bank of vacuums, not sure if it's a lack of maintenance or even shielding is a constant noise. He lives across Chili Ave about 320-feet and can hear the vacuums inside his house all the time, it's a high-pitch whining noise. When the carwash was approved, it was stated the vacuum would create with silencers a noise between 38-45 decibels. Mr. Martin used his phone to show a video of the noise from inside his home with windows and doors shut.

Supervisor Giunta asked Mr. Martin if he has ever brought it to code enforcers attention?

Mr. Martin replied, he has a couple times to the town as well as called corporate of Splash, which the owner lives in Syracuse. He wanted to bring this up because it has made being in his backyard impossible. It's on from 7:45am-8:10pm

Councilman Cordero asked if the vacuum shuts off when put back in the "holster"?

Mr. Martin, that's the problem, they are always active and running. His main goal of bringing this up, is not end someone's business or not renewing a permit, but to bring attention for in the future when TB or PB approve something like this, #1. to consider noises like this travel a lot further than one may think and #2. Just because owners of businesses say they are going to do something at the meetings doesn't mean they actually do them.

Supervisor Giunta thanked him and will follow up with the Code Enforcer and revisit and see what we can do. He then asked if anyone else from the audience wanted to speak? Hearing none, closed the Audience participation

OLD BUSINESS

None

NEW BUSINESS

APPOINTING OFFICER ZACHARY HEMPHILL AS A LATERAL TRANSFER TO THE GATES POLICE DEPARTMENT

Police Chief Long Presented Officer Zachary Hemphill to the Town of Gates Police Department. He will be replacing the spot for Retired Officer Matt Miller who retired last July 2025 and it has taken this long to find quality candidates. Unfortunately, they are still struggling with the candidate pool out there.

Officer Hemphill has three years of experience with Salamanca Police which is a city inside an Indian reservation and has received multiple certifications. He is a Fredonia graduate with a bachelor's degree in Criminal Justice.

RESOLUTION 74-26

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Officer Zachary Hemphill as a lateral transfer to the Gates Police Department.

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

Motion Carried.

Chief Long swore Officer Hemphill in while his Mom held the Bible. He had two of four sisters, his fiancé and her parents, his Dad and younger brother could not attend. The Chief and Supervisor Congratulated him, welcoming him to Gates as he signed his Oath of Office.

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

COLDWATER ANIMAL HOSPITAL, 612 COLDWATER RD.; COLLEGE BOUND SEALERS, 989 BUFFALO RD.; DUNN TIRE #33, 1941 BUFFALO RD.; FLEX SPACE STORAGE, 2500 BUFFALO RD.; GO CAR WASH 1190 CHILI AVE.; GUIDA'S PIZZA, 736 ELMGROVE RD.; SHINY RIDE OF GATES, 1985 BUFFALO RD.; SPLASH CAR WASH, 2234 CHILI AVE.; TAJ MAHAL FINE INDIAN CUISINE, 1742 LONG POND RD.; ULTRA CAR WASH, 2150 LONG POND 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 75-25

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; Coldwater Animal Hospital, 612 Coldwater Rd.; College Bound Sealers, 985 Buffalo Rd.; Dunn Tire #33, 1941 Buffalo Rd.; Flex Space Storage, 2500 Buffalo Rd.; Go Car Wash, 1190 Chili Ave.; Guida's Pizza, 736 Elmgrove Rd.; Shiny Ride of Gates, 1985 Buffalo Rd.; Splash Car Wash, 2234 Chili Ave.; Taj Mahal Fine Indian Cuisine, 1742 Long Pond Rd Ultra Car Wash LLC, 2150 Long Pond Rd.;

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

**APPOINTING MARY RYAN AS THE ASSISTANT ASSESSOR
FOR THE TOWN OF GATES**

Supervisor Giunta, the Town Assessor will be retiring next year. Mary is from the Civil Service list and was working in Assessors office for the Town of Irondequoit. She has been with the Town of Gates for about a month and is doing very well.

RESOLUTION 76-26

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

Resolved, that the Gates Town Board hereby Appoints Mary Ryan as the Assistant Assessor for the Town of Gates

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

**RE-APPOINTING DAVE FERRIS TO THE POSITION OF
ZONING BOARD MEMBER FOR A FIVE (5) YEAR TERM,
TERM TO EXPIRE MARCH 3, 2031**

RESOLUTION 77-26

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Dave Ferris to the position of Zoning Board member for a five (5) year term, term to expire March 3, 2031.

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

**RE-APPOINTING ALAN REDFERN TO THE POSITION OF
ALTERNATE ZONING BOARD MEMBER FOR A FIVE (5) YEAR TERM,
TERM TO EXPIRE MARCH 3, 2031**

RESOLUTION 78-26

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Alan Redfern to the position of Alternate Zoning Board member for a five (5) year term, term to expire March 3, 2031.

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

**ADOPTING A SERQ TYPE II RESOLUTION FOR A CDBG YEAR 51 GRANT
APPLICATION FOR NORMANDALE DRIVE (EAST) PAYMENT & DRAINAGE
REHABILITATION PROJECT**

RESOLUTION 79-26

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman DiPonzio

WHEREAS, the Town of Gates is applying for Year 51 Community Development Block Grant (CDBG) funding for the rehabilitation of pavement and drainage infrastructure on Normandale Drive (East); and

WHEREAS, the project consists of pavement reclamation and storm sewer repairs within the existing roadway, with no impacts to wetlands, floodplains, or historic resources; and

WHEREAS, the improvements will benefit a low- to moderate-income neighborhood by correcting drainage issues and improving roadway conditions; and

WHEREAS, the work involves repair and rehabilitation of existing public infrastructure; and

WHEREAS, under SEQRA (6 NYCRR §617.5), such activities are classified as **Type II actions** and do not require further environmental review;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gates declares the Normandale Drive (East) Pavement and Drainage Rehabilitation Project, submitted under the Year 51 CDBG Program, to be a **Type II action** under SEQRA, requiring no additional review.

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

ADOPTING A GENDER-BASED VIOLENCE IN THE WORKPLACE POLICY

RESOLUTION 80-26

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Adopts a Gender-Based Violence in the Workplace Policy.

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

APPROVING THE COMPTROLLER TO USE THE WORKERS' COMPENSATION PROGRAM RESERVES IN THE AMOUNT OF \$44,800 TO PAY FOR THE WORKERS' COMPENSATION DEFICIT DUE.

RESOLUTION 81-26

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Approving the Comptroller to use the Workers' Compensation Program -reserves in the amount of \$44,800 to pay for the Workers' Compensation deficit due.

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

**SCHEDULING FOUR (4) PUBLIC HEARINGS FOR
 MONDAY, MAY 4, 2026 AT 6:45PM
 TO CONSIDER:**

- #1. A CONDITIONAL USE PERMIT FOR ANTHONY DANIELE TO OPERATE 1100 BROOKS AVE, LLC LOCATED AT 1100 BROOKS AVE, 1014 BROOKS AVE. & 360 BUELL RD. "SUNBROOK" (CONSISTS OF 6 LOTS) IN A GENERAL INDUSTRIAL DISTRICT.**
- #2. AN INCENTIVE ZONE CHANGE FOR JAMES HINMAN FOR 1996 SPENCERPORT RD.**
- #3. AN INCENTIVE ZONE CHANGE FOR JOE FERRARI (JAFCO ENTERPRISES INC.) 485-507 SPENCERPORT RD.**
- #4. A CONDITIONAL UES PERMIT FOR BISMA KHAN TO OPERATE MOTEL 6, 1273 CHILI AVE.**

RESOLUTION 82-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby schedules FOUR (4) Public Hearings on Monday, May 4, 2026 at 6:45pm at the Gates Town Hall located at 1605 Buffalo Rd., Rochester, NY 14624 to **consider:**

#1. A Conditional Use Permit for Anthony Daniele to Operate 1100 Brooks Ave, LLC located at 1100 Brooks Ave., 1014 Brooks Ave, & 360 Buell Rd. "Sunbrook" (consists of 6 lots) in a General Industrial (GI) District.

- #2. Incentive Zone Change for James Hinman for 1996 Spencerport Rd.
 #3. Incentive Zone Change for Joe Ferrari (Jafco Enterprises Inc) 485-507 Spencerport Rd.
 #4. A Conditional Use Permit for Bisma Khan to Operate Motel 6 located at 1273 Chili Ave.

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, thanked “Keep Gates Clean” leader Dan Switzer for coordinating the cleanup schedule which actually started April 4th on Buell Rd in which he participated in along with quite a bit of others and cleaned up Mr. Sciasca’s memorial.

Dan Switzer noted that next Saturday, April 11th there would actually be two cleanups, one at the Lyell Ave Canal and the second at NorthStar Christian Academy and clean that area

Supervisor Giunta also reminded everyone of the Gates Farmer’s Market starting back up May 17th.

Jennifer Erler-Perry Gates Library Director added the “Friends of Gates Public Library” are celebrating 40 years this year and are planning with them on something.

REPORTS

SUPERVISOR’S

ACCEPTING THE SUPERVISOR’S REPORT FOR THE MONTH OF MARCH 2026

WARRANTS

GENERAL

CLAIMS # A25- 1132	\$44,800.00
CLAIMS # A26-0150 – A26-0273	\$257,197.59

HIGHWAY

CLAIMS # D26-0063 - D26-0107	\$138,956.68
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LIBRARY

CLAIMS # L26-0043 – L26-0082	\$29,162.43
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TOTAL DISBURSEMENTS	\$1,946,314.17
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TOTAL RECEIPTS	\$354,635.07
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Supervisor Giunta noted for the record that the warrants for the month of March 2026 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 83-26

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

Resolved, that Gates Town Board hereby accepts the Supervisor’s Report for the month of March 2026 as read; and the warrants for the month of March 2026 as read.

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

**ACCEPTING THE TOWN CLERKS REPORT FOR
 THE MONTH OF MARCH 2026**

The Town Clerk read the report for the month of March 2026 showing the following:

TOTAL REVENUE COLLECTED	\$31,461.02
TOTAL REVENUE TO THE SUPERVISOR	\$31,027.62
TOTAL NON-LOCAL REVENUE	\$433.40

RESOLUTION 84-26

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

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of March 2026.

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

PERSONAL STATUS REPORT

The Deputy Town Clerk presented the Personnel Status Report for the Month of March 2026.

Additions: 1 (Courts)
 Terminations: 1 (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 adjourned the meeting at 8:15 PM.

Town Clerk