

April 20, 2026

The Gates Town Board held its Town Board Workshop on Monday, April 20, 2026 in the Supervisor's Meeting Room at 6:30PM.

Deputy Town Supervisor/Councilman DiPonzio called the Workshop meeting to order and those attending the meeting were as follows:

Christopher B. DiPonzio	Deputy Town Supervisor/Councilman
Lee A. Cordero	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Steve Palmer	Assistant Town Attorney
Lily Alberto	Secretary
Absent:	
Cosmo A. Giunta	Supervisor

Deputy Town Supervisor/Councilman DiPonzio called the workshop meeting to order acknowledging all that were present. The four council members, Deputy Town Attorney, Secretary Lily Alberto and applicant Eric Miller, owner/operator of Hempire State Smoke Shop and excusing Supervisor Giunta as he had a previous engagement. He continued by saying they are here to discuss a TABLED item for the Apr 6 Town Board Meeting which was:

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

He asked to un-table and asked if everyone had a chance to review the information that was sent to them by the applicant which was the inventory list as well as the list of items seized and not seized.

Councilman Tucciarello asked for clarification as he's looking at the list of seized items that were taken by OCM and the items not taken.

Mr. Miller, in his opinion the issue is the state doesn't seem to communicate with the other parts of their departments on what is and is not legal. So, what the field agents' go by verses what legal says in New York are different.

He was trying to be proactive with the business and called to find out exactly what he could and couldn't have and knowing that items on the list are made in New York and approved to be sold in New York and some are not to be sold to dispensaries only to be sold to people with Hemp licenses.

Councilman Tucciarello asked if he has a Hemp license?

Mr. Miller replied he did, but not now. So, if they are manufactured in NY and approved by NY to distribute to Hemp licenses, there are big businesses distributing them. He has seen stores get hit and also these items left alone. There is just conflicting information.

Councilman Tucciarello asked why did the state seize "these" (from the list attached) the he is no longer able to sell because they have THC, but the others he is allowed to sell with a Hemp license.

Mr. Miller because he no longer has a Hemp license he is not allowed to sell and they have been removed to other locations, one in particular in Victor who since putting up a fight is allowed to have those items which he added he did not put up a fight to have.

Councilman Loughlin, that could be by their standards, but by ours being an Opted-Out Town could make a difference.

Mr. Miller feels that is a grey area, the town opted out of being a dispensary which is for cannabis. Cannabis is Federally Legal. The Federal Government is drawing the line. He has watched his store get hurt by the stores around who do sell the stuff and continue to sell the stuff and is watching his business go down while stores down the street selling federally legal stuff.

Councilman Loughlin clarified he can not sell any of the items seized because he no longer has a Hemp license?

Mr. Miller confirmed, correct, he no longer has a Hemp license, so cannot sell Cannabinoids. These items are no longer in his store. He added to be a "Smoke shop" to sell a pipe he needs to have a CUP

Councilman Tucciarello the town is just looking for clarification and a better understanding and is why they are asking for all the information.

He continued and asked if Mr. Miller sells bath salts, synthetic marijuana, any of that type?

Mr. Miller replied, No and doesn't even think the synthetic stuff is even around anymore

Deputy Town Supervisor/Councilman DiPonzio asked if will sell anything that could cause harm to health or anything not researched enough for safety?

Mr. Miller, not nothing like that, but there is always something that can cause harm, in any store like sugar. They have researched many things and have decided not to have or sell anything questionable.

Councilman Cordero asked where is the stuff he could not sell or get rid of?

Mr. Miller, in his home, not where he wants it, but. It's mainly CBD cigarettes.

Councilman Cordero commented if it's at his house and he doesn't want it there what will he do with it?

Mr. Miller doesn't know yet

Councilman Cordero let him know the Gates Police can help him get rid of it whatever he can't. They have barrels.

Councilman Tucciarello asked what in the store that is consumable that is considered smoke shop stuff that is out of the ordinary?

Mr. Miller there is liquid vape stuff, and mainly pipes. The Conditional Permit is for things to smoke or smoke out of over 10%. He has multiple cases of glass from local artists. He ultimately would like go get down to 10%.

Councilman Cordero asked if he knows how long it will take him to get down to the 10%? Will he just mark everything down to sell? In like 6-months?

Mr. Miller doesn't know, he wants to at least run the store as is for two-years. It won't be in just 6-months.

Councilman Tucciarello asked the one list presented is the stuff he would like to get down to 10%?

Mr. Miller it is smoke shop stuff as well as not smoke shop stuff. There is no Cannabinoids, tobacco, cigars and loose tobacco yes

Councilman Tucciarello, but none of that has any type of cannabis in it. There is no cannabis anything in the store?

Mr. Miller, correct. In the Town of Gates to sell more than 10% of the inventory a CUP is required.

Deputy Town Supervisor/Councilman DiPonzio asked, if he'll be OK with being checked up on with OCM, Code Enforcer, Gates Police? Also, what percentage is the store at now?

Mr. Miller currently about 50%.

Councilman Tucciarello is not clear on why Mr. Miller doesn't already have a smoke shop permit if needed. He's not familiar on the different permits and the needs.

Mr. Miller feels the permit was put in place for the town to be able to kick them out. He actually initiated getting his original CUP because of reading Town Board Meeting minutes and acquired if he needed one and then applied.

Councilman Cordero asked about how many people he has coming in and out of the store, just to get a rough idea of how long it'll take to sell down?

Mr. Miller not all of it sells, so not sure, it's different each day. He needs to get back into business to sell stuff to then change the business, but feels other smoke shops in Gates are allowed to continue to sell along with THC.

Councilman Cordero stated that has to do with the Stat not the Town of Gates

Mr. Miller, his issue with the State is done, his only thing now is with the town of Gates

RESOLUTION 85-26

Motion by: Councilman Tucciarello who moved its adoption:

Seconded by: Councilman Loughlin

Resolved, that the Gates Town Board hereby **APPROVED** 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 with the following Conditions:

Hours of Operation:

Mon-Sat	10:00am-8:00pm
Sun	10:00am-3:00pm

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

Motion Carried

Meeting Adjourned

Motion by: Deputy Town Supervisor/Councilman DiPonzio who moved its adoption:

Seconded by: Councilman Tucciarello

Motion carried. adjourned the meeting at 7:20 PM.