

June 1, 2026

The Gates Town Board held One (1) Public Hearing and its Regular Town Board meeting on Monday, June 1, 2026 at the Town Hall Meeting Room starting at 7:00PM. 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
John DiCaro	Town Attorney
Sarah Lobene	Town Clerk

6:30 P.M. PUBLIC HEARINGS

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

**TO CONSIDER A PETITION OF INCENTIVE ZONING FOR LUIS RIBERIO
FOR PROPERTY LOCATED AT 2600 BUFFALO RD IN A RESIDENTIAL DISTRICT**

Ian Kuchman, McMahon LaRue Engineers and Land Surveyors, here with the applicant Luis Ribeiro to discuss 2600 Buffalo Rd. He displayed a diagram for visual.

Along with their application, they submitted a letter of intent to the board that outlines the project, what they’re trying to do, how they feel the site is suitable, and the basis of the Incentive Zoning request. They encourage the public to participate and express their opinions as well as the board.

The parcel at 2600 Buffalo Rd. is 22-acres of what used to be a larger tract of land, but now the remaining lands is configured as a flag lot and it's uniquely situated between 490 and Elmgrove Rd., closer to the 490 off-ramps. It's a unique track of land because it's immediately adjacent to 490, so the develop ability of this parcel has been historically challenging. Originally this track was developed as a subdivision with Davy Dr. benefiting as part of that subdivision back in the 60s and 70s and since then there's always been curiosity as to, is there some sort of high intensity residential use that could potentially be accommodated there and those projects have inevitably died on the vine.

Recently there's been more activity to develop this tract of land and he wanted to make the case that their project is probably the best, in that it's the lowest impact to the community as well as the highest value.

Applying for Incentive Zoning gives the Board the unique opportunity to kind of control what exactly goes on there. As far as the impact, they’re proposing up to 52 units of a Contractor Flexible Space for tradespeople and residents of the community to utilize that have outgrown their residential garage, self-performed type contractors looking for more dedicated space, but not quite ready for the long-term lease space of traditional commercial space, as well as accommodating residents that have RV 's or boat and are looking for nice indoor storage space. So, low impact to the community a nice transitional use between a very high intensity on the other side of 490, being Home Depot and the movie theater there and transitioning across into a neighborhood of a lot of residential communities, but a very integrated residential community where there is a lot of office space integrated along Buffalo Rd. Across the street there is a landscaping contractor so characteristic of the neighborhood having some integrated use for commercial type space.

There will be six (6) buildings, up to nine (9) units per building. Each space will be 25x60-foot. They’ll be insulated building envelope provided with climate control interior, noise control as well as each unit having its own restrooms, shop sink, floor drains, appropriate electric hookups for a contractor to utilize for their operations. It's not going to be a cold self-storage traditional space. It's truly intended for a small business owner/tradesperson. They held a Neighborhood Information Meeting 2 months ago and as anticipated was a mixed bag of opinions on the project. Considering that it’s an undeveloped vacant parcel of land, there

were quite a few neighbors that approached them after the meeting in support of the project and liked the idea of having these amenities within their community.

They did take into consideration the feedback and one of the concerns was visual screening to the residential district both to the West and to the South, so they enhanced that screening and is their intention to provide a visual screening as well as a noise screening.

Another concern voiced during that meeting, which they also share is the traffic coming off the 490 off-ramp. They reached out to New York State DOT that maintains that right-of-way of Buffalo Rd. and given the intensity of this use, there's no concern for negative impact on the traffic to Buffalo Rd. The one caveat they suggested, which they thought was a great suggestion, is the vacant lot to the immediate Southeast of their parcel, which is undeveloped between them and Abbotts Ice Cream was for them to provide a cross access easements, so if someone in the future were to develop that parcel instead of having another driveway coming out onto Buffalo Rd, immediately adjacent to that off ramp, we could share a curb cut which would provide long term planning to mitigate that concern.

Supervisor Giunta asked if they have a letter confirming that?

Mr. Kuchman replied, yes, they have correspondence and are happy to share.

This is the big picture concept they're presenting to the board, this is how they see it today, but of course need to go before the Planning Board, the Town 's Engineering staff and get their buy-in from the technical standpoint of what's buildable and what's achievable with this site. But the intention is low impact, high value to the community and low impact on town resources as far as tax burden and revenue is concerned.

Supervisor Giunta, if he remembered correctly, they said that out of the 22-acres, only six (6) to seven (7) would be used.

Mr. Kuchman replied correct, that they would not be using more than seven (7) acres.

Councilman Cordero asked how much of it is wetlands?

Mr. Kuchman replied, they're developing right up against the wetland buffer that opens up towards the rear of the parcel towards the Elmgrove Crossings Development in the back to the North of their site. But the accessibility to get back there would require them to cross through a wetland and obtain a wetland permit which they have no appetite for with this project so, it would be a limitation of 7-acres of the 22-acres maximum development.

Councilman Tucciarello asked the dimensions of each unit?

Mr. Kuchman replied 25x60-feet.

Councilman Tucciarello asked and what the rental cost would be?

Mr. Ribeiro replied, roughly \$1400.

Councilman Tucciarello asked if any work will be allowed outside of the unit itself by the contractors?

Mr. Ribeiro, no major work, they may be loading trucks in and out from inside their shop, but they don't typically allow anything outside to be done.

Councilman Tucciarello asked what kind of noise level are they going to hear in the backyards, right behind the two (2) main buildings? He knows they have talked about noise detinning walls

Mr. Kuchman responded that he expects noise levels comparable to doors closing on vehicles, moving materials, loading your vehicles in and out. The worst-case scenario, a contractor comes in the morning, loads up their vehicle with their materials, whether it's an electrician or a

Carpenter so, noise associated with that and then they're gone for the day or maybe a couple of days depending on how many materials they've loaded into their truck. He added, Luis has another site in the Town of Ontario that's operational and if the Town or the public were interested in seeing what one of these sites actually looks, we more than welcome to visit.

Councilman DiPonzio asked if that site is adjacent to residential area?

Mr. Ribeiro, replied that it's not adjacent to residential.

Councilman DiPonzio asked what the hours are, the town wouldn't want people showing up at 3:00am because they need to drive out 4 hours in order to fulfill the job. It wouldn't be conducive to a neighborhood no matter

Mr. Ribeiro, stated there's no restriction by the Town of Ontario put upon them, but candidly doesn't believe that's ever happened to them. For the most part it's local contractors, not traveling too far outside of the area to load their stuff From.

Councilman DiPonzio asked if this went forward, if he would be opposed to some kind of time constraints?

Mr. Ribeiro, answered no, they could put something in the lease with Operational Hours between the hours of 7:00 AM - 10:00 PM for example.

Councilman DiPonzio added, days of the week could make a difference as well.

Councilman Loughlin was curious if people would be doing work inside these units or would primarily be for storage? Could they be operating a business out of this location?

Mr. Kuchman, replied its Flex Space so they can outfit it whatever is optimal for them, so if it's a carpenter, they could have their tools in there and do woodworking inside the shop, assemble and then deliver it to the job site (if it was cabinetry for example).

Councilman Loughlin it's not going to be an auto mechanic operating out of one of these bays and having people coming and going and dropping off?

Mr. Ribeiro, stated they don't have any currently and it is permitted in the Town of Ontario. They've had people call to ask about putting in an autobody shop, they just discourage it even though it's an allowed use in Ontario they don't.

Attorney DiCaro following up on Councilman Laughlin 's question, this was presented, initially sort of as a storage operation, but it sounds to him, like in fact it could be more of an operational space. He thinks the board would need them to be very clear, considering they would apply restrictions, if approved, on the types of uses allowed. Right now, it's actually being suggested that potentially there could be unlimited types of operations in this space and that's a little bit of concern.

Supervisor Giunta, stated that any type of retail would not be allowed and as far as businesses, more like carpentry, but mechanic would not be allowed because of issues with anything leaking and getting it drains. They would have to do something with DEC and doesn't think they want to get into all that so, that would be something not allowed if the Board were to pursue this and there would be certain restrictions attached. He asked, if they would like more business type with this as well?

Mr. Ribeiro, yes, and clarified it's not storage in the sense of a self-storage facility. That's not what these are for. They are really intended for individual small businesses.

The “storage” is for large boats or campers that people don’t want in their driveway and rent the facility so, they can store them inside. This truly intended for the small business owner whether it's a carpenter, plumber, landscaper or an electrician those types of businesses.

Councilman Tucciarello, feels that there needs to be a distinction between a plumber who has their supplies there and loads up the van and goes and hits the calls of that day, versus a woodworker who's going to have a lathe and actually do work in the shop. He feels that as somewhat problematic. He doesn't have a problem with the plumber or carpenter loading up wood and nails and so on, but not building a house at that location so, there are distinctions between some of those.

He continued and stated there are difference between someone that loads up and goes to work and meets people in their houses or something that invites someone to that location to do or see something. He thinks that's what the boards definition of retail is and customers visiting that site is not something the board would want. The board is looking for business owners going in, loading up, keeping tools or whatever they need there and going off for the day, opposed to someone that's actually there and working all day with a lathe or something and have people there. He thinks that would be discouraged.

Mr. Ribeiro answered that’s OK, the intent is not a retail facility at all, for example if a plumber has a bay or an electrician and their meeting with a customer, the customer may come in sit around a table because there will be some office space in some of the units as well, so could have a meeting but, wouldn't be selling chandeliers out of there, but could have a sample of a chandelier to show a customer of what they could get them to install in there house, but won't be retail.

Supervisor Giunta asked if he would allow someone that wanted to work on their 1967 Camaro, and wanted to rebuild it, they could rent this space and rebuild it?

Mr. Ribeiro, answered the customer would rent the space for a year lease, there isn’t a month to month type rental. For example, if a plumber or electrician rented a space and wanted to work on their vehicle and brought it in to doll it up or do something to it, that's not something he can control, he can't monitor exactly what everyone’s doing. He will monitor and say they can't have a repair shop because that's a different business, but can't stop them from bringing in their vehicle and doing their own oil change. There's no way to police that anywhere, he wouldn’t know what they’re doing inside their bay, but he will have postings, that they cannot have repair shops and wouldn't lease anyone for that.

Councilman Tucciarello doubts someone would spend \$1400 a month just so they could have a place to change their oil.

Mr. Kuchman, replied it’s more for the hobbyist, car enthusiast that has a vehicle they're passionate about, like RV people, it's their babies and they want a nice space for them. That’s kind of who would use that space, not a car repair shop that's operationally set-up.

Councilman DiPonzio confirmed, it’s indoor storage, with no outdoor storage would be allowed

Mr. Ribeiro replied there won’t be outdoor storage as lease storage space, but there will be an area where if a landscaper has a trailer or something, there will be a place to park it, but it won't be renting outdoor space for a boat all winter. But it allows a business owner that has a vehicle that is excess size there will be a space to park.

Councilman DiPonzio asked but it would need to be a working vehicle, not just staging a bunch of vehicles out there for the winter months, trailers, huge boats

Mr. Ribeiro, answered yes, like in his Ontario site, the rule is, it has to be a registered vehicle and if it’s not, then it can’t be on site.

Councilman DiPonzio asked, registered, does he mean just registered or registered as a working vehicle?

Mr. Ribeiro stated it needs to be a current registered vehicle, for example a trailer needs to be registered, it can't just be a part of their lot, shrink wrapped. They don't allow that.

Councilman DiPonzio asked, if this goes through, will they clear everything and put all six (6) units up or staging it in a certain way?

Mr. Ribeiro, replied it would be a two (2) stage process. They are looking to get approved for the entire project and then more than likely they would do four (4) buildings to the West and then the two (2) buildings to the East after that.

Councilman Loughlin asked what size is the storage facility he has in Ontario, how many units. He also asked the address for that location?

Mr. Ribeiro replied the Ontario location has about twenty (20) units and is located at 1873 Route 104.

Councilman Loughlin asked if he had a rough idea of how many cars are coming and going from that location?

Mr. Ribeiro, said if he had to guess on a daily basis approximately fifteen (15) possibly.

Councilman Loughlin so these businesses, typically don't employees, they might work on something but it's not like they say they work at 1873 route 104, not like a business where there could have six (6) employees working.

Mr. Ribeiro, replied no, he has two (2) tenants that actually rent three (3) bays each. One (1) is an electrician and the other sells parts for like old school cars, like new parks he manufacturers off-site, then sells them. It's strictly an on-line service and uses it more as a warehouse space. Between the two (2) they may have five (5) employees. They go in the morning then they're typically gone all day and don't come back till the afternoon and in most cases not till the next morning.

Supervisor Giunta, asked if there were any other questions from the board and then opened it up to the floor who wanted to speak for or against?

Robert Anderson, 2654 Buffalo Rd, said he kind of backs up to the property. He has worn a lot of hats in his life, and worked a lot of construction and things like that and let's say one of the businesses is a sealer company. Now there's wetlands posted back there and understands they're just using six (6) acres, but there's a lot of wildlife and wetlands behind it, but if these guys go in there with their equipment and back it in there's going be water and stuff when they spray out their equipment for cleaning and wants to know what kind of effect on the environment this could have

Mr. Ribeiro replied, he can assure him, that won't be allowed to take place.

Mr. Anderson reminded Mr. Ribeiro that earlier he said, he couldn't control the guy changing his oil, so how would he be able to control this?

Mr. Ribeiro replied he can't control the guy who does it in his backyard either, but can do his best to assure you as a property owner if someone's going to contaminated his property, there's going be a problem. Just like he wouldn't want a neighbor doing that in his backyard.

Mr. Anderson invited Mr. Ribeiro to take a walk back there and see what's back there before he just starts mowing everything down. He doesn't deny anyone trying to have a business, but there's consequences to all everyone's actions and it's a pretty decent space back there the way it is and would rather see houses there than this proposal. There are other ramifications to all this other than just people coming in there and unloading their trucks.

Supervisor Giunta appreciated Mr. Anderson's comments and asked Mr. Ribeiro, if they would potentially have some type of camera system for the facility?

Mr. Ribeiro, replied they have cameras set up at their Ontario project. Security cameras, in general help catch someone who wants to be malicious.

Jacob Hubert, 16 Davy Dr. asked why this area for this purpose? It seems like there's a lot of other areas within the town that they could choose from. For one, this is so close to residential areas, as well as and knows it was brought up in a previous public meeting, about what the state says about what it adds to traffic, but has there been traffic studies? Just living on that street for a while, Buffalo Rd is quite fast and has seen countless times coming off 490, last minute pulling into Abbots and there being accidents and now adding an additional entrance space to it

Mr. Ribeiro, answered that they have looked up and down and this property has been for sale for years. They looked at it, it fits the needs, they like being close to the highway, they like being close to Home Depot, especially when dealing with contractors and those types of businesses. So, they just thought it was a feasible site for it and still believe that. They believe it's the least intense use for that property and thinks if houses, which it is zoned for, were built back there it would have a lot more traffic. He added, candidly, they are hearing if this project doesn't go through there is a housing developer that is looking to do some low-income track housing in that area. Not him, it's certainly not what he does, but has heard that the seller of the property has someone looking into that.

Mr. Hubert, added on what Mr. Ribeiro said, for what they are utilizing this for, there's so many areas within Elmgrove that already do that, that there are so close to their entrance. He works for L3 Harris and have their own exit that now literally Amazon uses, so how does that differ from looking at spaces within the Elmgrove area where the infrastructure is already well built up for that?

Mr. Ribeiro stated they just haven't found a piece of land that fits the need. This is the land they chose and fits their needs, is there other areas, of course, and there's other areas for any type of property, any type of use, whether it's residential, commercial, industrial and they could say there's another property, but this is one that we like, and put it under contract and are now trying to develop it.

Donna Shot, 2630 Buffalo Rd. was just wondering because according to the Town of Gates Incentive Zoning, it grants developers zoning bonuses or exemptions in exchange for specific other things so, asked what exactly would the board be granting them as far as zoning bonuses or exceptions?

Supervisor Giunta, to be honest, they're not even there yet and haven't started discussing what incentive or amenities to the Town, it's something that would need to be negotiated.

Ms. Shot asked if that something townspeople have input to or is that just something the board does?

Supervisor Giunta asked if she had anything in mind?

Ms. Shot, no, just wondering why Incentive and not Commercial?

Supervisor Giunta, explained they chose Incentive versus a Rezone because, if they rezoned this and let say they're doing some of their preliminary planning or studies and then decide to walk

away, that area is zoned to whatever the zoning change is. Anyone can come in and put whatever is allowable in that area because of the new zoning.

He referred to the situation on Wegman Rd. That's a scenario we don't want repeated. So, therefore if the town goes forward with the Incentive Zone, for this project, it would be based on what is agreed upon. If they only build 4-units and it's allowable for six (6), they can't come back and say, they want to do four (4) more units or want to build something different, they can't. If they walked away from this after approved, it would go back to Residential, nothing changes so there's no risk. Just say he only builds four (4) units and later sells it, whoever comes in would only be able to build two (2) more units because the incentive it was based on and whatever was agreed upon. They couldn't come in and put housing there or whatever else, only what the incentive is agreed upon. Now let's say 30 years later and it's going fine, but one of them falls apart. He can rebuild that one, but he couldn't put anything else changing it from it was originally agreed to.

Councilman Tucciarello, added that basically, it's a control that helps us to only look at a single project and no other projects on that. So, think of it like that and this is a great place for to use Incentive Zoning because of the current zoning of it.

Ms. Shot also expressed concerns too about once people move in, who's going to be policing that, she doesn't want to have to be calling and complaining all the time. Will someone be checking, they can't really control what goes on inside

Supervisor Giunta, is sure, he'll control it with the lease

Ms. Shot also can't see Someone spending \$1400 a month to put their camper in there, there's plenty of barns.

Councilman Tucciarello, replied that some of these campers are a half a million dollars. The board has done a lot of parcels over the years and has seen applicants where you just look at it and cringe and know that it's a bad application for the property and he has seen some applications come through for this property and didn't like it and knew it was the worst use and that it would be disruptive and would have this problem and that problem.

This property will be used by someone, one day, sooner than later and this is probably the best project for this piece of property and once it's in there all those other applicants are go away because the properties already being used so somehow somewhere down the line someone 's going to want to use it for something that you're really not going to like.

Ms. Shot doesn't think anything that goes in there will be good only because of the added traffic. The lawn business now, is renting Delta House and are going back and forth back and forth and is afraid someone is going to get killed there.

Supervisor Giunta, doesn't necessarily disagree with her, but it is zoned Residential, if someone were to come in and put residents, the Town would have no leg to stand on.

Ms. Shot stated she would rather see residents in there.

Councilman DiPonzio, 50 residential with maybe two (2) cars per residence adding a hundred (100) vehicles.

Ms. Shot believes they're not going to get any residential back there, it's all stone.

Councilman DiPonzio, Maier Circle is built on stone with no basements

Vale Foote, 29 Sun Grove Lane, just wanted to echo Ms. Shot's original question of how it's decided what the Incentive Zone deal or perk is? Do the residents have say in it or is it just a closed backroom deal?

Supervisor Giunta, usually it's a discussion, but asked if she had any suggestion?

Mrs. Foote asked if we could you explain to the residents how the board usually come up with what those agreements?

Supervisor Giunta, referred to a project that was approved on the corner of Manitou and Lyell are going to be building a multi-family and the incentive there was, they're going to repave the park for us, going into First Responders Park from the road all the way back into and including the parking lot. That's an amenity to the Town. Another one was an area that was allowed to have three (3) family homes, but the developer wanted to put in a 7 -unit townhomes for senior or 55 and over and the board put a monetary value of \$5,250.00 per unit so, it was an additional \$21,000 that we're able to utilize for a park project. Another project we were looking to get money to utilize to redo the ramp outside.

Mrs. Foote, believes it could have been from a grant and the developer's money could have gone towards something that was actually affecting that neighborhood, that area rather than something here that we could have already gotten other money from.

Supervisor Giunta it's for an amenity for the community and a lot of senior use that

Councilman Tucciarello felt the question could be asking if the town looks for grants?

Supervisor Giunta, yes, we do absolutely.

Mrs. Foote, said that wasn't the question

Councilman Tucciarello felt it was brought up and seemed liked it begged the question.

Ms. Foote asked how do you decide if the incentive is affecting the entire community or can incentive should be affecting the people that are most affected by it or if there should be something that the developer should have to do to benefit the Buffalo Rd area or those neighbors there.

Supervisor Giunta, replied yes absolutely, but again it depends on the project you know.

Ms. Foote, asked but it's a closed-door conversation about it

Supervisor Giunta, replied not necessarily that why we're here in the public. If she has a suggestion and there's something she'd like to see the board would take that into consideration, like the one in our Old Business, was actually sent to the Planning Board for some discussion, there were some things to do with the drainage portion of it which would not only help in that area but also the neighboring areas, the neighborhoods to the north of it.

Ms. Foote, agreed that there have been some good things that actually seemed like a direct and other times where it seems kind of sketchy.

Supervisor Giunta, stated this has only been their fourth (4th) Incentive Zone that they've done.

Councilman Loughlin as far as the First Responders Park, paving was brought up in a meeting but also in town meetings.

Supervisor Giunta, reiterated if she has any suggestions to let the board know

Mark Lehtonen 22 Davy, stated there's a lot of debris or trees and stuff back there, he walks through there and asked if they plan on keeping that on site or take it out? Are they going to grind it all up and leave it there, because there's a lot of wetlands and didn't know if they plan on just throw it over the edges and down into the wet area?

Mr. Kuchman answered, they wouldn't disturb the wetlands, no debris or materials or fill material would go into the wetland that would be an absolute No No it would likely be a means

and methods of the contractor to determine how they're going to build their site so if I were to guess they would grind it down and truck it off site.

Mr. Lehtonen asked if there's going to be security lighting all over the place like a baseball field or something because he was wondering like how much glow is he going to see in his backyard.

Mr. Ribeiro, replied other than a small light on the back of the building just for security they don't anticipate having any light poles, parking lot lights and the building lights that shine down into the parking lot and even from the buildings around the East facing West, the West building will block the light from going into any of that residential. He actually feels from a noise level (not having been all the way through to the back of the woods to hear the noise), these buildings especially the way they are positioned (**using diagram to show**) will make a difference with the noise pollution from the highway.

Mr. Lehtonen agreed with him, there's a difference from when it's winter time or summer time, you don't hear a lot of the noise in summer because of the trees he was grateful for them considering that.

Councilman Loughlin, in regards to security asked if there will be something that prevents people from entering the premises if they're not supposed to be there like a security gate.

Mr. Ribeiro, stated they haven't discussed it, they don't have a security gate at their other project, but are not opposed to it for this location. He added, with security gates it's one of those things that can get put up and there's a code, but then with deliveries and delivery drivers with no code, but they're not opposed to it.

Councilman DiPonzio, asked if there would be a record if they're entering a code at a certain time and had been given it by someone, then there would be then a record of who is coming and going. Maybe not necessarily during standard work hours, but again someone showing up at midnight or 2:00am may not necessarily be a bad thing.

Don Ioannoe, 4099 Lyell Rd., he wanted to mention was the fact that they're talking about a cross easement with the property next door and a security gate could cause a problem if someone buys that property next door and have to make an entrance.

Councilman DiPonzio, replied not if the security gate was far enough up. They wouldn't want someone to drive all the way through the property just to turn around to figure out where they're going. So, maybe if it was halfway or three-quarters of the way, it would allow them to enter and through that.

Ms. Shot stated she was confused and asked if there was going to be two (2) entrances there?

Mr. Kuchman, replied No, they're not proposing another project they're just saying that, what the DOT had suggested since this is undeveloped land right now, to do a cross easement agreement so if in the future, a developer wanted to build something they wouldn't have to build another driveway out to Buffalo Rd. He explained, instead of adding another driveway, they would just have their stub out here so there would be one point of access to Buffalo Rd. He clarified as part of this project, they would grant them an easement so they could build their driveway off of this driveway in the future, if that were to happen.

Councilman Tucciarello asked when would they like to start and complete construction if this get moved forward?

Mr. Ribeiro, answered living in Rochester and some winter starts to approach late October early November, they would like to be in the ground as soon as possible, and eliminate some of the

winter construction issues. If not, then it would clear the land this Fall/Winter and then start building in the Spring.

Councilman Tucciarello asked how long construction would take, a couple months?

Mr. Ribeiro, would say about four (4) to six (6) months

Supervisor Giunta, asked if there were any other questions or comments?
Hearing none Closed the Public Hearing.

Supervisor Giunta, the board would like to table the application to have a little more time to discussion the incentive portion of this, if we do decide to go further as well as offer it out to the public, if there's something they would like to see, and asks that they either e-mail or call him with the suggestions and put into consideration. He feels the board has more questions and may want to reach out to them before they decide.

RESOLUTION 100-26

Motion by Supervisor Giunta who moved that this be Tabled:
Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby **TABLES** the Incentive Zone change application for Luis Ribeiro for the property located at 2600 Buffalo Rd., and will be added on Old Business in the July 2026 TB Meeting.

VOTE: Giunta – Aye; DiPonzio – 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 7:48PM. He began with a moment of silent prayer followed by the Pledge of Allegiance, led by Councilman Cordero.

He asked the board members, if they had an opportunity to review the Public Hearings and Regular Town Board Meeting minutes from Monday, May 4, 2026.

In reviewing the meeting minutes would like to make an amendment as the Supervisors Report, for the receipts portion of it, was understated by \$5000.00. Last month it was total receipts were reported \$246,866.28 it should actually be \$251,866.28. The town received a \$5000.00 check donation for the Summer Celebration, which we excluded so that's the amendment.

RESOLUTION 101-26

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 the Amended Minutes of the Regular Town Board Meeting of Monday, May 4, 2026.

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?

Scott Bubel, 36 Landau Dr, questioned the parking at the MC Dug Out on Buffalo Rd. at Crestwood. Pick-up trucks back into the parking spaces with the wheels to the curb and have the

beds sticking out into the street/walking path and it's difficult to see. So, if he's on Crestwood going towards Buffalo Rd. and wants to make a turn, can't see around the trucks without pushing his car forward into the road and is afraid someone 's going to get hit. He doesn't know who to talk to about this.

Supervisor Giunta will reach out to the owners and let them know, we've been getting complaints or maybe have our Police Officers stop by there as well. He asked Mr. Bubel, if he sees that again, to send him some pictures because then he could show the owners.

Councilman Cordero, the owners could possibly put signs up.

Supervisor Giunta thanked him and asked if anyone else from the audience wanted to speak? Hearing none, closed the Audience participation

OLD BUSINESS

(Continue to Table) TO CONSIDER INCENTIVE ZONING CHANGE FOR JOE FERRARI (JAFCO ENTERPRISES) FOR THE PROPERTY LOCATED AT 485-507 SPENCERPORT RD.

Supervisor Giunta this application to consider a Incentive Zone for Joe Ferrari (JAFCO Enterprises) for the property located at 485-507 Spencerport Rd, was referred to the Planning Board and are still in conversations, so this will **continued to be TABLED**.

NEW BUSINESS

ACCEPTING THE 2025 YEAR END REPORTS FOR TOWN JUSTICE PUPATELLI AND TOWN JUSTICE CASSARA

RESOLUTION 102-26

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

Resolved, that the Gates Town Board hereby Accepts the 2025 Year End Reports for Town Justice Pupatelli and Town Justice Cassara.

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

CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING: BYRNE DAIRY & DELI, 465 SPENCERPORT RD.; LASER CAR WASH, 3565 BUFFALO RD.; MFA AUTO, 2800 MANITOU RD.; OPEN DOOR MISSION, 240 COLDWATER RD.; PANERA BREAD, 1502 HOWARD RD.; PAPA JOHN'S PIZZA, 24 HINCHEY 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 103-26

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; Byrne Dairy & Deli, 2155 Long Pond Rd.; Laser Car Wash, 3565 Buffalo Rd.; MFA Auto, 2800 Manitou Rd.; Open Door Mission 240 Coldwater Rd.; Panera Bread, 1502 Howard Rd.; Papa John’s Pizza, 24 Hinchey Rd.;

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

**AUTHORIZING THE WAIVING OF THE SPECIAL EVENTS PERMIT FEE FOR THE
APPLICANT SAL MONTEMURRO FOR THE 2ND ANNUAL JOE MANUSE
FOUNDATION FUNDRAISER EVENT TO BE HELD ON JUNE 20, 2026
AT TSE LOCATED AT 880 ELMGROVE RD.**

RESOLUTION 104-26

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

Resolved, that the Gates Town Board hereby Authorizes waiving of the Special Event permit fee for applicant Sal Montemurro for the 2nd Annual Joe Manuse Foundation Fundraiser event to be held on June 20, 2026 at TSE located at 880 Elmgrove Rd.

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

**AUTHORIZING THE WAIVING OF THE SPECIAL EVENTS PERMIT FEE FOR THE
APPLICANT JOE ILII FOR VILLAVALLELONGA ROC PICNIC EVENT TO BE
HELD ON JULY 12, 2026
AT FIRST RESPONDERS PARK, LOCATED AT 4310 LYELL RD.**

RESOLUTION 105-26

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

Resolved, that the Gates Town Board hereby Authorizes waiving of the Special Event permit fee for applicant Joe Ilii for the Villavallelonga Roc Picnic event to be held on July 12, 2026 at First Responders Park located at 4310 Lyell Rd.

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

**AUTHORIZING A FIVE (5) YEAR LEASE AGREEMENT BETWEEN
PITNEY BOWES AND THE TOWN OF GATES FOR
A NEW MAIL POSTAGE MACHINE**

RESOLUTION 106-26

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

Resolved, that the Gates Town Board hereby Authorizing a five (5) year lease agreement between Pitney Bowes and Town of Gates for new mail postage machine.

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

AUTHORIZING THE SUPERVISOR TO EXTEND THE LEASE AGREEMENT FOR AN ADDITIONAL SEVEN (7) YEARS WITH GALLINA DEVELOPMENT INC FOR THE GATES PUBLIC LIBRARY, LOCATED AT 902 AND 904 ELMGROVE RD.

RESOLUTION 107-26

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Authorizing Supervisor to extend the lease agreement for an additional seven (7) years with Gallina Development Inc for the Gates Public Library location of 902 and 904 Elmgrove Road.

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

Motion Carried.

ACCEPTING THE CONTRACT BETWEEN THE TOWN OF GATES AND ROCHESTER EMERGENCY VETERINARY SERVICES, INC AS VENDOR TO PROVIDE VETERINARY SERVICES ON ANY DOG RELATED MATTERS

RESOLUTION 108-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby Accepts the contract between the Town of Gates and Rochester Emergency Veterinary Services, Inc. as vendor to provide veterinary services on any dog related matters.

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

Motion Carried

APPROVING ATLANTIC-INLAND, INC AS A CERTIFIED ELECTRICAL INSPECTION AGENCY TO PERFORM ELECTRICAL INSPECTIONS IN THE TOWN OF GATES

RESOLUTION 109-26

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Approving Atlantic-Inland, Inc as a Certified Electrical Inspection Agency to perform electrical inspections in the Town of Gates.

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

Motion Carried.

ADOPTING BOTH A SEQR TYPE II DECLARATION RESOLUTION AND A RESOLUTION OF SUPPORT FOR THE TOWNS' APPLICATION FOR THE NY PLAYS GRANT PROGRAM

Supervisor Giunta the Town of Gates recognizes the importance of promoting safe accessible and inclusive public availability for physical activity opportunities as well as exercise so that's why the Town is applying for the Grant through Community Driven Playground Initiatives to improve capital projects located off the Wegman Rd Park and hopefully will be successful.

RESOLUTION 110-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Supervisor Giunta

WHEREAS, the Town of Gates Town Board supports an application for New York Places for Learning, Activity and Youth Socialization (NY PLAYS) program, a competitive grant overseen by the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP), administered by the Dormitory Authority of the State of New York (DASNY); and

WHEREAS, the Town of Gates recognizes the importance of promoting safe, accessible, and inclusive publicly available physical activity opportunities including exercise as well as Youth Socialization through community driven Playground initiatives; and

WHEREAS, the new public Playground capital project located off Wegman Road, is a documented community need within a disadvantaged community and per the Town's recently updated Comprehensive Plan as well as demonstrated in alignment with their Parks Master Plan prioritized initiatives, will be built to improve outdoor spaces, an impactful resource that promotes physical activity with specialized inclusive equipment, incorporating a grass-like stone-based turf surface; and

WHEREAS, the Town is committed and allocating more than the program's minimum twenty percent (20%) non-state matching contribution, authorizes such funds to be provided through appropriated Town budget park funding sources, and will satisfy all terms of the Grant Disbursement Agreement if awarded funding; and

WHEREAS, the Town Board has reviewed and approves the proposed action under the State Environmental Quality Review Act (SEQRA), determining the Project to be classified as a Type II Action under 6 NYCRR Part 617, completing all required SEQRA and long-term site control and maintenance commitments; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Gates hereby authorizes and supports a NY PLAYS program submission for a community driven new more inclusive playground in a disadvantaged community; and be it further

RESOLVED, that the Town Supervisor is authorized to execute all grant application materials, certifications, and related documents necessary to apply for and, if awarded, accept and administer such funding including minimum local match; and be it further

RESOLVED, the Town maintains full site control of the new Playground project with completed SEQRA authorization associated with the project site location.

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

Motion Carried.

**ADOPTING BOTH A SEQR TYPE II DECLARATION RESOLUTION AND A
RESOLUTION OF SUPPORT FOR THE TOWNS' APPLICATION FOR
THE NYS DEPARTMENTS OF STATE "COMMUNITY RESILIENCE & FLOOD RISK
REDUCTION GRANT PROGRAM FOR A STUDY OF FORD AVE. AND FIRST ST.**

Supervisor Giunta stated the Town continues to look and work on the Ford Ave flooding area, but this is an opportunity to apply for some funding which would be helpful to get additional funding in order to do a study, and then potentially apply for the second phase if awarded

RESOLUTION 111-26

Motion by Councilman Cordero who moved its adoption:

Seconded by Supervisor Giunta

Resolved, the Town Board has reviewed and approves the proposed action under the State Environmental Quality Review Act (SEQRA), determining the Project to be classified as a Type II Action under 6 NYCRR Part 617, completing all required SEQRA and long-term site control and maintenance commitments for the Town's application for the NYS Department of State "Community Resilience & Flood Risk Reduction Grant program for a study of Ford Avenue & First Street area.

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

ADOPTING A RESOLUTION OF SUPPORT FOR THE TOWNS' APPLICATION FOR THE NYS DEPARTMENTS OF STATE "COMMUNITY RESILIENCE & FLOOD RISK REDUCTION GRANT PROGRAM FOR A STUDY OF FORD AVE. AND FIRST ST.

RESOLUTION 112-26

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

Resolved, that the Gates Town Board hereby Adopts resolution of support for the Town's application for the NYS Department of State "Community Resilience & Flood Risk Reduction Grant program for a study of Ford Avenue & First Street area.

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

RE-APPOINTING JOE ARGENTA AS AN ALTERNATE MEMBER OF THE PLANNING BOARD FOR A FIVE (5) YEAR TERM, TERM TO EXPIRE JUNE 7, 2031

Supervisor Giunta made some remarks about Joe stating he has served on the Planning Board for 30 years, thanked him and appreciated all his service during that time. He stated Joe would like to give someone else and opportunity to do so now.

RESOLUTION 113-26

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

Resolved, that the Gates Town Board hereby Re-Appointing Joe Argenta as alternate member of the Gates Planning Board for a five (5)-year term, term to expire June 7, 2031.

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

RE-APPOINTING ABRAMO BIANCHI TO THE POSITION OF GATES RECREATION AND PARKS COMMISSION FOR A FIVE (5) YEAR TERM, TERM TO EXPIRE JUNE 5, 2031

Councilman DiPonzio, Brom has done an amazing job for many, many years and has a vast wealth of information and energy and input to the Recreation Parks Commission.

RESOLUTION 114-26

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

Resolved, that the Gates Town Board hereby Re-Appointing Abramo Bianchi as a member of the Gates Recreation and Parks Commission for a five (5)-year term, term to expire June 5, 2031.

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, the town is finalizing the details for the big celebration of the 250th Anniversary. The town is going to hold it on Saturday June 27th, starting off with a parade going down Pixley Rd. into and ending up in the High School. The parade will start at 3:00pm, there will be plenty of live music with 3 bands lined up, food vendors, craft vendors, and activities for the kids. It’s going to be a fantastic day, we already have people lined up for the parade as well and is hoping that it’ll be a successful event and hopes to see everyone there and invited everyone to spread the word.

Supervisor Giunta also, the Free Rabies Clinic will be Thursday, June 4th at Memorial Park, for dogs, cats and ferrets. It’s from 5:00pm to 7:00 pm.

Councilman DiPonzio, Councilman Cordero and he would like to thank Val Foot for going and just mentioning something he guessed relatively correctly, because no one, cried or screamed about quieting down back there, because we were wondering how are were going to get everyone to quiet down so, Thank you.

Supervisor Giunta also thanked Val and her husband for always attending the Keep Gates Clean on Saturdays. It is very appreciated.

REPORTS

**ACCEPTING THE SUPERVISOR’S REPORT FOR THE
MONTH OF MAY 2026**

WARRANTS

GENERAL

CLAIMS # A26-0361 – A26-0458	\$501,704.63
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HIGHWAY

CLAIMS # D26-0149 - D26-0193	\$80,966.28
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LIBRARY

CLAIMS # L26-0139 – L26-0193	\$35,411.36
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TOTAL DISBURSEMENTS	\$1,873,147.84
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TOTAL RECEIPTS	\$1,182,946.49
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Supervisor Giunta noted for the record, that the warrants for the month of May 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 115-26

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 May 2026 as read; and the warrants for the month of May 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 MAY 2026**

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

TOTAL REVENUE COLLECTED	\$40,334.42
TOTAL REVENUE TO THE SUPERVISOR	\$39,205.21
TOTAL NON-LOCAL REVENUE	\$1,129.21

RESOLUTION 116-26

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

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

PERSONAL STATUS REPORT

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

Additions: 0
Terminations: 0
Net Change: 0

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

Supervisor Giunta adjourned the meeting at 8:45 PM. Hopes to see everyone at the Celebration

Town Clerk