

July 6, 2026

The Gates Town Board its Regular Town Board meeting on Monday, July 6, 2026 at the Town Hall Meeting Room starting at 7:30PM. Those attending the meeting were as follows:

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

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta welcomed everyone and called the meeting to order at 7:30PM hoping all had a wonderful 4th of July. He apologized for the limited space in the meeting room, but explained the Town Hall is under construction and appreciates everyone’s understanding and patience. 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, June 1, 2026.

RESOLUTION 117-26

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

Resolved, that the Gates Town Board hereby Accepts the Minutes of the Public Hearing and the Regular Town Board Meeting of Monday, June 1, 2026.

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

AUDIENCE PARTICIPATION

Supervisor Giunta, stated that agenda item number one will be moved up to audience participation to allow people for that to be able to go on their evening.

Gates Police Chief, Rob Long, was present for two items, one on the agenda and they other being the Gates Special Police Program. He explained, the Special Police are volunteers with the police department and go through a background check and they do a lot of work with the officers. They come in on their own time, volunteering those hours. They do a lot of checkpoints with the Police, direct traffic during storms especially with all the flooding recently. These guys and girls have come into some bad accidents where they had to shut the roadway down, some parking enforcement, the parks and pretty much anything the Police need assistance with in the Police Department. They come in time and time again without wavering at different hours of the night whether it's 1:00 AM when we have a bad storm, whether it's snowing with 3-feet of snow, they definitely put in their hard work and their time.

One of the things Gates Police has done recently over the past couple years with the administration change in the Police department was an idea of bringing Special Police into like a “bull pen”. A kind of training people for that job in Law Enforcement and want to recognize one of those individuals and bring him to the ranks of the Police Department hopefully with the approval of the town board, but there were also two (2) other people in the room he wanted to mention as well. Jermaine Marks, a veteran Special Police Officer who was recently hired with

the Monroe County Sheriff's Office so he got to move on as well as Police officer Stephen Bow who was also hired with the Monroe County Sheriff's Office and is actually in the current Academy with soon to be approved Aiden and will then be Academy mates, which they also went through the Special Police program together.

He continued and stated he would be remiss if they didn't acknowledge someone in the room they were trying to do as a surprise, Sergeant Mic Silivestro of the Special Police.

Police Chief Long acknowledged and recognized his 25 years of dedicated volunteer service. Referencing his dedication of him coming in at one, two, three o'clock in the morning, crazy hours, picking up dogs, being at accidents, being at their checkpoints, helping out like an older brother they never knew they had. They wanted to pull things back when the Chief started over 20 years ago. Mic was the only Special Police Officer at the time because there were like fifty (15) other people in the group and they all had some sort of rank, like commanders and corporals so, Mic was the only person that did any work because of rank and got stuck on all the traffic points.

Fortunately, they didn't shake him and he stayed around and he's been here ever since so, it's his honor to present Mic with a Memorial plaque from the Gates Police Department that says, "In recognition of your 25 years of dedicated volunteer service to the Gates Special Police your commitment, time and unwavering support are deeply valued by both the citizens of the Town of Gates and the members of the Gates Police Department you have faithfully serve. Presented July 4th 2026."

Mic Silivestro, thanked the Chief.

Supervisor Giunta congratulated Mic Silivestro and thanked him, adding it's been an honor having him work at the Town. Working with him, yelling at him, and Mic yelling back, jokingly.

Mic Silivestro, responded to Supervisor Giunta saying "it's called conversations"

Supervisor Giunta, laughed and added he agreed with Chief Long, Mic really does a lot. He is Special Police first and foremost, but also, he is a Code Enforcement and Dog Warden as well. He's a man that wears a lot of hats so, we do appreciate his longevity here and his dedication to the Town, to the residents and community. He thanked and congratulated him and his family.

Mic Silivestro, thanked the Chief, Supervisor, Town Board and his Family. Re-iterated that it is voluntary and he has done it for a long time. It is a bit rewarding being able to do things that he normally wouldn't do, being behind the scenes. He doesn't intend to stop and will be out there.

Police Chief Long added, Mic being there 25-years has been the primary training officer for the Special Police so, people like Jermaine and Aiden and Brian in the back, Mic was the first person they saw in the Special Police program so he was the guiding light so to speak and got them where they are. We all owe him a debt of gratitude.

**APPROVING THE APPOINTMENT OF RECRUIT OFFICER AIDEN MCKENZIE
TO THE GATES POLICE DEPARTMENT TO ATTEND THE
JUNE 24, 2026 POLICE ACADEMY.**

Police Chief Long, stated this appointment is a couple weeks late because the Academy unfortunately started at the end of the month in June prior to this board meeting. He introduced Aiden McKenzie, a resident Gates, 2022 graduate of Gates Chili High School and a 2026 graduate of SUNY Brockport where he studied in Kinesiology. While at SUNY Brockport interned with Gates Chili and did some sports medicine type stuff. He may look familiar to some because he has been with the Special Police since May of 2024 so, he has put in those hours volunteering doing a lot of work with our town and most recently worked part time in Code Enforcement helping Mic Silivestro out and helping the town out with different tasks such as measuring grass, but did get a lot of experience with the troops in the back riding along in events with them and helping them out. They truly appreciate it so when it came down to the hiring process and he was eligible, reachable on the civil service test and actually applied because he wanted to stay with Gates, it was a no-brainer offering him a job. He wishes the best for Aiden and hopes the board approves.

RESOLUTION 118-26

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby Approves the appointment of Recruit Officer Aiden McKenzie. to the Gates Police Department to attend the June 24, 2026 Police Academy

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

Motion Carried.

Police Chief Long continued with administering the oath to Recruit Officer Aiden McKenzie in while his Dad held the Bible

Recruit Officer Aiden McKenzie thanked everyone for coming out to support him. He thanked Mic for helping him out with everything and to Officer Tyler Pratt for bringing him on as Special Police. He also thanked Joe for being a mentor and giving him advice when he needed it and all the officers teaching him and giving advice on everything. He thanked the board and said it was an honor to be able to be a Police Officer.

Supervisor Giunta continued on, stating the meeting is still in the Audience Participation portion and asked if anyone from the audience wanted to speak?

Hearing none, closed Audience participation.

OLD BUSINESS

**UNTABLE AN APPLICATION TO CONSIDER AN INCENTIVE ZONING CHANGE
FOR JOE FERRARI (JAFCO ENTERPRISES) FOR THE PROPERTY
LOCATED AT 485-507 SPENCERPORT RD.**

RESOLUTION 119-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Councilman Tucciarello

Resolved, that the Gates Town Board hereby **UNTABLES** an application for an Incentive Zone change for Joe Ferrari (JAFCO Enterprises) for the property located at 485-507 Spencerport Rd.

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

Motion Carried.

Supervisor Giunta stated this public hearing is reopened and asked if there was anyone to speak for or against this project?

He then recapped and mentioned that at the June 1, 2026 the board tabled this application and sent the applicant to the Planning Board and with our Town Engineers for some type of Incentive recommendation. Since then they have met and believes they do have an incentive agreement.

Mr. Kris Schultz, Engineer for the project, approached the podium stating they were before the Town Board few months ago and had submitted a standard Incentive application and the board thought that based on some downstream drainage issues that it would make more sense for them to take a look at the overall drainage and see if they could mitigate potential flooding issues basically North of Spencerport Rd. It actually worked very well. It took a couple of months which included meeting with the Town Engineer a few times and received information that the Town previously studied for the drainage upstream and basically collects and runs across

Spencerport Rd. This gave them the opportunity to do some additional survey work. This is a large 7-8 acre parcel land that the town owns and was originally set up somewhat. Currently, what is there doesn't function very well at all, but they found out with their survey work there is potential to fix or mitigate a lot of the parcel. Basically, there is a pond not really doing what it was meant to do. The function of a stormwater retention ponds is to basically collect excessive water during a storm event and they throttle it out slowly. The ponds there are basically silted in and haven't been maintained and not doing anything. They figured a better incentive for everybody would be to potentially go in and fix that issue to create some open water storage. Running preliminary numbers with the Town Engineer, it look like they can help out, not just the folks across street, but in the immediate area as well. This would require, thorough design planning board review and everything else for the stormwater pond. They did meet with Town Department Heads, explaining what they were proposing to do and it was very well received. This is something where the cost and burden if it was just on the Town itself would be quite excessive and would be a large budget item.

He explained that for his client, the benefit is that they can also use that area with their stormwater management. They had originally proposed to do their stormwater management as subsurface storage under the parking lots and that's expensive so, the net cost to his client would probably be scientifically less and there may be a benefit of using some of that extra material they pull out so, the Town would end up with a much more aesthetically pleasing asset and it'll also help with stormwater management from not only downstream, but all the subdivisions that drain into there and would suddenly be a way of catching the water during events. There are some other existing drainage areas and issues that this will also take care. One of the things they can do in the course of doing the design work is give the Town of Gates access to the public control structure which is a big thing. Oftentimes being able to service the stormwater pond is key, like getting a truck down there to be able to observe it or watch it, but where it is right now, is literally a jungle to get to. He had photos to show, the pond itself is in such poor shape, there is everything from old tires and is just totally dysfunctional so, they are really looking to partner with the Town both in the design and the construction and like he said, it was well received and, in this instance, is certainly a benefit to the town and far exceeds what the original cash offer that was offered to the town, but the net cost to his client will be agreeable so, it's a win win situation, that's the incentive.

Mr. Schultz, pointing to the map, said that this demonstrates the maximum size of open water that could be achieved depending on as they develop, but the idea is certainly there that this would be more than enough land around the pond for walking trails and stuff like that to be developed later. The access would come in from the plaza and give the ability to come into stormwater management pond outlet structure located in the corner. His research shows that before any of this plaza was developed there was a creek that went right through and what they did was boxed the creek in. So, everyone has been driving across the parking lot for years and didn't realize they have been driving over top of a concrete channel. There are lots of photos, surveys and he has had a lot of fun getting information as to the condition and such and for the most part is in pretty good shape.

He also explained that currently on the South end there's nothing to prevent kids or whatever from going in there, it's not a safe situation. If he was a 10-years old, he'd love to play in there, it's just cool, but they'll take care of all that as part of the design work, including doing improvements and making this more functional, but also safe. He ended that they are really looking forward to digging into the project, but the key part of this is, the Town 's willingness to allow this to be an Incentive application.

Supervisor Giunta, thanked Mr. Schultz, stated that they did meet and that he received a letter from the Town Engineers who reviewed the proposal. He touched on the bullet points of the letter.

- 1.It's in alignment with the Town's infrastructure needs,
2. It demonstrates public benefit and flooding negation
3. It's consistent with the Town's Comprehensive Plan
4. It's appropriate as an Incentive Amenity.

He added that based on this recommendation letter, this is something that he believes the Town is amenable to.

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

A question was asked from an audience member of what will the applicant be building?

Supervisor Giunta, they’re looking to do an office building, some storage buildings, and also a Sports Complex with indoor field.

Mr. Schultz, again referencing the rendering, pointed to behind Gates Bowl this area was part of the original Plaza that just wasn't development. They're assuming if this gets off the ground the enclosed sports field will energize the whole plaza and bring a lot of people in. There's actually pad site parcels that were never developed on the far East side just sitting there waiting for someone to do something. He depicted a 7-Brew, Ariel photo, which was just built in Brockport to show how it could drop in making it a potential for a pad site for some type of coffee shop, fast food or something like that also. He explained that there will actually be three (3) types of storage units flex space. They will be set up as “incubator space” for small businesses like the neighbor who may be a carpenter or plumber working out of the garage potentially running a business. These are spaces that allow people to go in and start a business. He mentioned other developments where you'll get somebody that does like car dial ups. He pointed that the other units are oversized self-storage units for potential winter storage of RV’s or big boats giving owners opportunity to work on or tinker with them. They are secure and located towards the back of the development. The building he is most excited about is the fieldhouse. There is such a demand for that type of rec space and there's nothing around, there are, but get booked up.

Supervisor Giunta, thanked Mr. Schultz and closed the Public Hearing. Based on our Town Engineer’s recommendations and what the board has discussed feels this would be an amenable incentive portion and that it will help our residents and the town overall.

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
FOR JOE FERRARI (JAFCO ENTERPRISES) FOR THE PROPERTY
LOCATED AT 485-507 SPENCERPORT RD.**

RESOLUTION 120-26

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

WHEREAS, Joe Ferrari/Jafco Enterprises submitted a petition to rezone certain property at 485-507 Spencerport Rd. from a General Business (GB) District to Incentive Zoning; and

WHEREAS, said application is subject to review under New York’s SEQRA requirements;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates that based upon the review of the petition and related documents presented therewith, the proposed action is an **Unlisted Action** pursuant to SEQRA and that said action will have no significant adverse impact upon the environment.

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

**INCENTIVE ZONING CHANGE
FOR JOE FERRARI (JAFCO ENTERPRISES) FOR THE PROPERTY
LOCATED AT 485-507 SPENCERPORT RD.**

RESOLUTION 121-26

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

WHEREAS, Joe Ferrari/Jafco Enterprises submitted a petition to rezone certain property at 487-507 Spencerport Rd. from a General Business (GB) District to Incentive Zoning; and

WHEREAS, the subject parcel was originally developed with the intention of creating a multi-use strip plaza, however, the intended development largely failed to materialize and the subject parcel has remained largely under-utilized; and

WHEREAS, the stormwater drainage infrastructure created at the time of the original development has been dormant and has deteriorated over time and the proposed development will include improvements to the stormwater drainage system which have the potential to alleviate stormwater drainage issues throughout a wide area adjacent to and in proximity to the subject parcel; and

WHEREAS, the proposed zoning change is consistent with the Town of Gates Zoning Map and Zoning Plan, and will, in fact, make the zoning in that part of the Town of Gates more consistent than it is currently; and

WHEREAS, the proposed zoning change serves the general welfare of the Town of Gates; and

WHEREAS, the Town Board of the Town of Gates did heretofore issue a resolution and negative declaration determining that the proposed zoning change has no significant adverse environmental impact;

NOW. THEREFORE, be it resolved by the Town Board of the Town of Gates as follows:

SECTION I. That by adoption of this resolution, the Town Board does hereby elect to rezone the property known as and located at 485-507 Spencerport Rd., Town of Gates New York from General Business (GB) to Incentive Zoning.

SECTION II. That the bases for this determination were listed above and include, but are not limited to:

- a) the rezoning accomplishes the goals underlying the Gates Zoning Code;
- b) the rezoning will allow the redevelopment of the property which is currently under-utilized, and return it to the productive tax rolls of the Town of Gates; and
- c) that no member of the public expressed any opposition to the proposal at the public hearing regarding the same, held on July 6, 2026.

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

Motion Carried.

Supervisor Giunta congratulated them and looks forward to their next step at the Planning Board.

**UNTABLE AN APPLICATION TO CONSIDER AN INCENTIVE ZONING
FOR LUIS RIBERIO FOR THE PROPERTY LOCATED AT
2600 BUFFALO RD IN A RESIDENTIAL DISTRICT**

RESOLUTION 122-26

Motion by Supervisor Giunta who moved its adoption:

Seconded by: Councilman Tucciarello

Resolved, that the Gates Town Board hereby **UNTABLES** an application for an Incentive Zone change for Luis Ribeiro for the property located at 2600 Buffalo Rd.

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

Motion Carried.

Supervisor Giunta, stated that this public hearing was closed at the last meeting and are looking to discuss the Incentive portion here tonight. He asked if the applicants were present? He reminded the audience of what the proposed project was. A 6 building of Flex / Storage space.

Ian Kuchman, McMahon Larue, civil engineer representing the client for 2600 Buffalo Rd. They are proposing 52-units total of contractor flex/office space storage units similar to what the previous applicant describes on their project.

They presented an Incentive to the board, revolving mostly around screening around their project, particularly to the western residential neighbors. They showed a maximum build out and screening package that incorporates bermed vegetative plantings along pretty much the entire Western boundary of the project to the residential neighbors. In addition to that they are prepared to offer a \$10,000.00 additional complementary budget to enhance that as the Town Board sees necessary that may address certain neighbors of particular interest or needs to contain that type of screening, whether it be a stockade fence or additional screening plantings, whatever works best to establish that visual screening.

Supervisor Giunta stated he has received some calls from resident's concern with the back of their properties and are looking for some type of privacy perhaps with fencing. He asked the applicant if they would be willing to add some type of stockade fence along their property line to give them a bit of buffer?

Mr. Kuchman, responded yes but not to play favorites to specific neighbors we're offering a comprehensive screening package and vegetation at a minimum that's their starting salvo and then an additional \$10,000.00 to address specific needs as the Board sees fit.

Supervisor Giunta, knows the Planning Board may request additional. He asked if they are planning to screen all the way down on Davey Dr with the berm and perhaps some vegetation?

Mr. Kuchman, responded yes, with possibly arborvitae.

Supervisor Giunta, responded that the residents would prefer a fencing instead of vegetation.

Councilman DiPonzio commented/asked that that may be a request from the Planning Board.

Supervisor Giunta, responded that it could be, he doesn't know exactly what they would require

Attorney DiCaro interjected saying it's a typical Planning Board addition to an approval that they properly screen the neighboring property and not sure as an Incentive.

Supervisor Giunta addressed the developer stating he does not know what the Planning Board may want, He explained the Town has been removing a lot of trees in certain neighborhoods because of circumstances which kind of decimated some of the neighborhoods. It gets pretty costly for the town to replant and partner up with a company that comes in the fall to plant. They charge us roughly \$500 to plant a tree and they guarantee it for a year which is fantastic because we don't have to worry about that. He suggested for the incentive to agree upon a number of these trees to be planted throughout the Town. He stated he drove around Davy Dr. and they are good with trees and have sidewalks. He mentioned that trees and sidewalks are normally the things the town would considered as part of an incentive for a neighborhood near the project, but it looks like that they are set with those, so what they're thinking maybe adding privacy fencing along the south side of the property in addition to.

Attorney DiCaro added that he doesn't want to speak for the Planning Board, but pointed out that Town Board can certainly request this which is going or should be part of the Planning Board, and would be surprised if it wasn't especially being the attorney who handles the PB but, in any event the town board could request it along with the funds that were discussed.

Luis Ribeiro, felt Mr. Kuchman was trying to explain they're not opposed to putting the fence along that property on the South side, in addition and feels it's probably not a \$10,000.00 not knowing the lineal footage is, but probably not 10,000 so, out of the \$10,000.00 incentive that they would provide if the fencing cost \$5000 then it would be \$5000.00 for the board to use at its discretion to plant trees, sidewalks or do whatever the board desires as the incentive so they would put the money escrow and then either the board would take \$5000.00 along with the fence along the South side.

Councilman Tucciarello asked he's saying they would give the town of \$5000.00 Incentive for the rezoning of that property?

Mr. Ribeiro, replied \$10,000.00, they're going to go through the Planning Board and do the buffering and landscaping as part of the Planning Board process and anticipate that will be part of the screening, berms and all that, which is an additional cost that they probably wouldn't have done if it wasn't a residential/neighborhood area. In addition to that expense they are offering \$10,000.00 to the board at its discretion to do whatever, planting trees, putting up additional fencing there would be \$10,000.00 of Incentives for the board 's discretion to use.

Councilman Tucciarello, not sure that will work, but they can talk about it.

Councilman DiPonzio, explained to Mr. Ribeiro, the spot that he selected is in an area that has been established, the neighborhood has been there since the 60s, it's not as if these homes were not there a month ago. So, going in there he should have known he would have to come up with some extra coin in order to get this taken care of and situated, but it does sound.

Mr. Ribeiro asked, what would the board think is proper amounts

Councilman DiPonzio, thinks the Supervisor is trying to come up with something.

Supervisor Giunta, answered that knowing our need around town, if they are looking at potentially forty (40) trees to plant throughout the town with the company charges close to \$500.00 so, it would be like \$20,000. It seems the value is a little less than was discussed previously and what the town is looking for, so it's up to them.

Mr. Ribeiro propose maybe he would go to like a \$15,000 incentive.

Councilman Tucciarello, said he was thinking more like \$30,000

Mr. Ribeiro at \$30,000, he would probably kill the project. He added, candidly he has been offered \$50,000 to walk away from the deal from another developer who he believes came through a broker, directly to him and knows they've been talking to us seller from the broker that represents a group. He doesn't know who the group is that's asking him to take the position of pulling the contract and offering \$50,000.00 and he doesn't want to, but.

Councilman Tucciarello understands, but feels the offer is a touch too low and maybe his is too high, but feels there is something in between where Mr. Ribeiro could certainly afford it and wouldn't it hurt him at all but, would be commensurate to the size of the project and that's the problem the board has to look back and look at other projects that have been done and say this is equivalent, so the board is looking for more than \$15,000.00 otherwise it just wouldn't make sense with what the board has done in the past and likes to be consistent so, if he could toss the board a number out, the councilman is at \$30,000 and Mr. Ribeiro is at \$15,000 maybe they can come up with something the board could appreciate

Mr. Ribeiro the number is relevant and irrelevant, it's relevant to the point not knowing what the Planning Board is going to determine the need to spend over and above. If the Planning Board wants a 10-foot fence or an 8-foot berm or 200 trees, that'll take this project over and these units don't rent for a ton of money you know they get \$9.00/\$10.00 a square foot. There is a little bit of room, but doesn't know what the PB is going to require. He may be willing to go to 20 but, thinks anything over and above that and expecting what the PB may need, thinks they'll just kill the project. He added, candidly he has been offered \$50,000 to walk away from this deal,

Supervisor Giunta believes \$20,000 would get the Town about forty (40) trees

Mr. Ribeiro, said he may be able to get a tree guy to do it less expensive he doesn't know, but the amount is the amount.

Councilman Tucciarello stated the town has a selection of trees it wouldn't want planted like the Maple trees we have from the sixties, so that later down the road we don't see damage they may have caused with roots damaging sidewalks and such.

Supervisor Giunta agreed with Councilman Tucciarello and added the contractor the town has worked with guarantees the trees for a year which is fantastic and if that's something that maybe they can work on as well. The board would be more than happy to listen.

Mr. Ribeiro is happy to put it up to bid to the people he knows and that of course would provide insurance certificates and follow the specs which goes by the caliber of trees he thinks, like 2-inch diameter or inch and a half and see what he comes up with. He's not an arborist, but knows a little.

Supervisor Giunta asked if Mr. Ribeiro was will to do \$20,000 for the project?

Mr. Ribeiro replied he is, because candidly, if it's more than that, he'll probably take the offer, because the numbers won't work. He wants to be in Gates and be a part of this community, but if the financial don't work

Supervisor Giunta asked the town board if this would be amendable to them? \$20,000 to be utilized for tree fund because it'll need to be earmarked. He is sure the Planning Board public hearing will have their own requirements as well as the publics inputs

Mr. Ribeiro, asked to be clear that the \$20,000 is based on final approval of project.

Attorney DiCaro, replied yes if it didn't go through it would go back to residential zoning.

Councilman Tucciarello, answered yes but certainly before building permit was issued.

Mr. Ribeiro asked if the money would be put up like an investment, as they don't do the planting of the trees

Supervisor Giunta correct, the town will need to go through and see where trees would need to be replaced from the ones that needed to come down. Residents have already called about tree replacements.

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR)
FOR LUIS RIBERIO FOR THE PROPERTY LOCATED AT
2600 BUFFALO RD IN A RESIDENTIAL DISTRICT**

RESOLUTION 123-26

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

WHEREAS, Luis Ribero submitted a petition to rezone certain property at 2100 Buffalo Rd. from an R-1 Residential District to Incentive Zoning; and

WHEREAS, said application is subject to review under New York's SEQRA requirements;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates that based upon the review of the petition and related documents presented therewith, the proposed action is an **Unlisted Action** pursuant to SEQRA and that said action will have no significant adverse impact upon the environment.

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

**APPLICATION TO CONSIDER AN INCENTIVE ZONING
FOR LUIS RIBERIO FOR THE PROPERTY LOCATED AT
2600 BUFFALO RD IN A RESIDENTIAL DISTRICT**

RESOLUTION 124-26

Motion by Supervisor Giunta who moved its adoption:

Seconded by: Councilman Tucciarello

WHEREAS, Luis Ribero submitted a petition to rezone certain property at 2100 Buffalo Rd. from an R-1 Residential District to Incentive Zoning; and

WHEREAS, the subject parcel was originally developed with the intention of extending an already developed residential subdivision adjacent thereto, however, the additional housing subdivision was never developed and the subject parcel has remained largely under-utilized; and

WHEREAS, that due to various conditions including inclement weather and natural aging, a large number of mature trees have been destroyed or damaged and they require replacement. As an incentive to the Town of Gates to make the zoning change, the developer shall pay \$20,000 to the Town (said payment to be made at the time of Planning Board approval of the development plan) which shall be earmarked for tree replacement throughout the town; and

WHEREAS, the proposed zoning change is consistent with the Town of Gates Zoning Map and Zoning Plan, and the proposed use is appropriate to the area in which it will be located; and

WHEREAS, the proposed zoning change serves the general welfare of the Town of Gates; and

WHEREAS, the Town Board of the Town of Gates did heretofore issue a resolution and negative declaration determining that the proposed zoning change has no significant adverse environmental impact;

NOW. THEREFORE, be it resolved by the Town Board of the Town of Gates as follows:

SECTION I. That by adoption of this resolution, the Town Board does hereby elect to rezone the property known as and located at 2100 Buffalo rd., Town of Gates New York from R-1 Residential to Incentive Zoning.

SECTION II. That the bases for this determination were listed above and include, but are not limited to:

- a) the rezoning accomplishes the goals underlying the Gates Zoning Code;
- b) the rezoning will allow the redevelopment of the property which is currently under-utilized, and return it to the productive tax rolls of the Town of Gates; and
- c) that no member of the public expressed any opposition to the proposal at the public hearing regarding the same, held on July 6, 2026.

NEW BUSINESS

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

**LAZEEZ KABOB HOUSE, 1273 CHILI AVE, SUITE 1; LKQ/KEYSTONE CORP.
72 SPENCERPORT RD.; TOPS MARKET GASOLINE SERVICE, 2345 BUFFALO RD.;
VALVOLINE INSTANT OIL CHANGE, 427 SPENCERPORT RD.;
SESENIG LANDSCAPING, 3670 BUFFALO RD.; TRUSTED TREASUREZ,
1742 LONG POND RD.; LINDE GAS AND EQUIPMENT, 140 ELMGROVR PARK;
ELMGROVE AUTO SERVICE, 725 ELMGROVE RD.; MCDONALDS,**

1965 CHILI AVE.; CARTEL PALACE, 481 SPENCERPORT 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 125-26

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; Lazeez Kabob House, 1273 Chili Ave, Suite 1; LKQ/Keystone Corp., 72 Spencerport Rd.; Tops Market Gasoline Service, 2345 Buffalo Rd.; Valvoline Instant Oil Change, 427 Spencerport Rd.; Rd.; Sensenig Landscaping, 3670 Buffalo Rd.; Trusted Treasurez, 1742 Long Pond Rd.; Linde Gas and Equipment, 140 Elmgrove Park; Elmgrove Auto Services, 725 Elmgrove Rd.; McDonald's, 1965 Chili Ave.; Cartel Palace, 481 Spencerport Rd.

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

**APPROVING AN INTER-MUNICIPAL AGREEMENT BETWEEN GATES CHILI
CENTRAL SCHOOL DISTRICT AND THE TOWN OF GATES
FOR A FULL-TIME (SRO) SCHOOL RESOURRCE OFFICER,
EFFECTIVE SEPTEMBER 1, 2026 TO JUNE 30, 2027**

RESOLUTION 126-26

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

Resolved, that the Gates Town Board hereby Approved an Inter-Municipal Agreement between Gates Chili Central School District and the Town of Gates for a full time (SRO) School Resource Officer, effective September 1, 2026 to June 30, 2027

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

**ACCEPTING THE RESIGNATION OF STEVE ZIMMER AS AN ALTERNATE
MEMBER OF THE ZONING BOARD OF APPEALS**

RESOLUTION 127-26

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

Resolved, that the Gates Town Board hereby Accepts the resignation of Steve Zimmer as an alternate member of the Zoning Board of Appeals.

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

**APPOINTING JARED RIDER TO THE POSITION OF ALTERNATE MEMBER OF
THE ZONING BOARD OF APPEALS TO FILL THE UNEXPIRED TERM OF
STEVE ZIMMER, TERM TO EXPIRE DECEMBER 31, 2030**

RESOLUTION 128-26

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

Resolved, that the Gates Town Board hereby Appoints Jared Rider to the position of Alternate member of the Zoning Board of Appeals to fill the unexpired term of Steve Zimmer, term to expire December 31,2030

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

**ADOPTING A RESOLUTION IN SUPPORT OF NEW YORK ASSOCIATION
OF TOWNS BILL OF RIGHTS**

Supervisor Giunta explained the Bill of Rights is to protect and defend municipal home rule protect our land and guide our development and freedom of unfunded mandates and modernizing the transparency accessibility and engagement and in a voice and the decision impacting our hometowns

RESOLUTION 129-26

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

WHEREAS, town government provides services essential to the vitality of New York State, including but not limited to maintaining and repairing roads, protecting neighborhoods and businesses, guiding economic development, and serving as the first line of defense, communication, and safety for residents every day of the year; and

WHEREAS, the 933 towns of New York State are home to more than 9.1 million New Yorkers and are diverse in population, geography, and demographics, such that decisions affecting daily life are best made at the local level by the government that best understands each community's character, challenges, and needs; and

WHEREAS, the towns of New York are partners in shaping the State's future, and a true partnership between the State and its local governments will propel New York State forward to the benefit of all New Yorkers; and

WHEREAS, the New York Association of Towns has adopted a *Bill of Rights* articulating the core principles that should govern the relationship between the State and its towns; and

WHEREAS, the Town of Gates shares and affirms the following principles:

1. **Protection and defense of municipal home rule**, recognizing that towns, as the level of government closest to the people, are best positioned to balance competing interests and make decisions that shape daily life;
2. **Local control of land use and zoning**, free from statewide zoning rules that override the voice of resident taxpayers and the officials they elect;
3. **Freedom from unfunded mandates**, so that local taxpayers are not made to bear the cost of orders imposed by State and federal authorities without the resources to carry them out;
4. **Modernized transparency, accessibility, and engagement**, including reform of outdated public notice requirements that consume scarce municipal dollars on print notices often missed by the public; and
5. **A meaningful voice in State decisions** affecting the hometowns that towns govern, so that town government is treated as a true partner rather than an afterthought or a hurdle to clear; now, therefore, be it.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Gates, Monroe County, New York, hereby endorses and adopts the New York Association of Towns Bill of Rights and affirms its commitment to the principles set forth therein; and be it further

RESOLVED, that the Town Board calls upon the Governor and the New York State Legislature to respect and uphold these principles in the enactment of legislation and the administration of State programs affecting towns; and be it further

RESOLVED, that the Town Clerk is hereby directed to transmit certified copies of this resolution to the Governor of the State of New York, the Temporary President of the Senate, the Speaker of the Assembly, the State Senator(s) and Member(s) of the Assembly representing the Town of Gates, and the New York Association of Towns.

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

Motion Carried.

**ADOPTING A RESOLUTION DESIGNATING TOWN OF GATES AS A RECIPIENT
OF VOLUNTARY ANIMAL SHELTER CONTRIBUTIONS PURSUANT NYS
AGRICULTURE & MARKET LAW § 109**

Town Clerk Sarah Lobene, essentially it is putting any monies that the town receives from residents towards our primary shelter that we have that houses the dogs. There's an option on dog license and renewals to make a voluntary contribution.

RESOLUTION 130-26

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

WHEREAS, the New York State Legislature amended Section 109 of the Agriculture and Markets Law to authorize applicants for dog licenses to make voluntary contributions to support animal shelters; and

WHEREAS, Agriculture and Markets Law § 109 provides that a town may, by resolution of its governing body, designate an animal shelter to receive such voluntary contributions collected by the municipality; and

WHEREAS, the Town Board of the Town of Gates finds it to be in the best interest of the Town and the welfare of companion animals to designate a qualifying animal shelter to receive all voluntary contributions collected pursuant to Agriculture and Markets Law § 109; and

WHEREAS, the Town Board has determined that the Town of Gates Animal Shelter, serves the residents of the Town of Gates and provides animal sheltering, care, and related animal welfare services within Monroe County;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Gates, Monroe County, New York, as follows:

1. Pursuant to Section 109 of the New York State Agriculture and Markets Law, the Town Board hereby designates **Town of Gates Animal Shelter**, as the recipient of all voluntary animal shelter contributions collected by the Town in connection with dog license applications and renewals.
2. The Town Clerk is authorized and directed to collect such voluntary contributions in accordance with Agriculture and Markets Law § 109 and to remit the collected funds to the designated animal shelter in the manner and at the intervals required by law or as otherwise administratively appropriate.

3. The Town Clerk is further authorized to take all actions necessary to implement this Resolution, including updating dog license application forms and procedures to reflect the availability of voluntary contributions.
4. This designation shall remain in effect until modified or rescinded by a subsequent resolution of the Town Board.
5. This Resolution shall take effect immediately upon its adoption.

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

Motion Carried

**THE TOWN OF GATES 2026 CONSOLIDATED FUNDING APPLICATION (CFA)
THROUGH THE NYS-DEC: NPG / MS4 GRANT UNDER THE NEW STORMWATER
MANAGEMENT (SWMP) PROGRAM CATEGORY, IS DETERMINED TO BE A TYPE
II ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA), WITH THE TOWN TAKING AND IDENTIFIED AS THE LEAD
AGENCY**

Supervisor Giunta known, there have been some issues right now with stormwater and flooding this is to do some storm water management planning. The funding would help do a lot of these investigating and testing around the town.

RESOLUTION 131-26

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

WHEREAS, the Town of Gates is submitting a CFA application for funding to assist in updating their Stormwater Management Program (SWMP), which supports NYS-DEC Watershed Implementation Plans for stormwater pollutants and includes but is not limited to inventories, procedures, prioritizations; and

WHEREAS, the Town Board has reviewed the proposed action pursuant to the State Environmental Quality Review Act (SEQRA) and the regulations found at 6 NYCRR Part 617 for the proposed project that consists solely of updating established plans, inventory, mapping, and the preparation of priority recommendations without physical construction or alteration of the environment; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gates hereby determines that the submission of the Stormwater Management Program application is a Type II SEQRA Action pursuant to 6 NYCRR §617.5(c)(27) and is therefore not subject to further environmental review under the State Environmental Quality Review Act; and be it further

RESOLVED, that this determination along with the Town identified as the Lead Agency, shall satisfy the 2026 CFA NPG/MS4 Stormwater Management Grant Program SEQRA obligations for SWMP updates; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

Motion Carried.

**SUPPORT FOR THE TOWN OF GATES 2026 CONSOLIDATED FUNDING
APPLICATION (CFA) NPG / MS4 STORMWATER MANAGEMENT PROGRAM
(SWMP) SUBMISSION, SECURED MINIMUM 10% LOCAL MATCH &
AUTHORIZATION FOR TOWN SUPERVISOR TO EXECUTE ALL GRANT
RELATED DOCUMENTS**

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 132-26

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

WHEREAS, the Town of Gates Town Board strongly supports an application toward the 2026 CFA New York State Department of Conservation's (NYS-DEC) Non-Agricultural Nonpoint Source and MS4 Planning Grant (NPG) Program, under the new Stormwater Management category to assist municipalities in updating stormwater plans including inventories, procedures and prioritized management tools; and

WHEREAS, the Town of Gates recognizes the importance of protecting as well as updating SWMP plans maintained in GIS platforms as a prioritized asset management tool that positively impacts overall area watersheds with comprehensive stormwater data; and

WHEREAS, the Town of Gates has successfully completed three previous MS4 State-funded map program planning initiatives, and continues to implement as well as share watershed protection strategies throughout the region; and

WHEREAS, the Town is applying for funds to update their comprehensive Stormwater Management Program (SWMP) that will evaluate existing drainage infrastructure, identify flooding and water quality concerns, prioritize future capital improvements, evaluate green infrastructure opportunities, improve climate resiliency, and establish a long-term implementation strategy; and

WHEREAS, the Town of Gates is submitting an application award request for \$50,000, committed and securing the 10% required local match through Municipal Town Funds if awarded;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gates hereby supports a 2026 CFA application to NYS-DEC Non-Agricultural Nonpoint Source and MS4 Planning Grant Program for Stormwater Management Program updates, commits to securing the 10% local match; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute all grant application materials, certifications, agreements, reimbursement documents, and any other documents necessary to apply for, accept, and administer grant funding, should this project be awarded; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

**AUTHORIZING THE TOWN TO ENTER INTO A TAX EXEMPT
MUNICIPAL LEASE AGREEMENT WITH CHASE BANK FOR
THE HVAC REPLACEMENT PROJECT**

RESOLUTION 133-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Authorizing the Town to enter into a Tax-Exempt Municipal lease agreement with Chase bank for the HVAC replacement project

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

Motion Carried.

**AUTHORIZING THE TOWN COMPTROLLER TO FUND THE WORKERS'
COMPENSATION RESERVE BY \$41,602**

RESOLUTION 134-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby authorizes the Town Comptroller to fund the Workers' Compensation Reserve by \$41,602

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT
FOR AD OBADI TO OPERATE MAGIC 8 BILLARDS, LOCATED AT
2270 LYELL AVE. IN A GENERAL BUSINESS DISTRICT**

RESOLUTION 135-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby Schedules a Public Hearing to consider a Conditional Use Permit for Ad Obadi to operate Magic 8 Billiards located at 2270 Lyell Ave. in a General Business (GB) District to be held on Monday, August 3, 2026 starting at 7:10pm.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT
FOR DOMINIC ANTONUCCI TO OPERATE GLOBALSOFT ENVIRONMENTAL
INC., LOCATED AT 837 BUFFALO RD. IN A GENERAL INDUSTRIAL DISTRICT**

RESOLUTION 136-26

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby Schedules a Public Hearing to consider a Conditional Use Permit for Dominic Antonucci to operate Globalsoft Environmental Inc., located at 837 Buffalo Rd. in a General Industrial (GI) District to be held on Monday, August 3, 2026 starting at 7:10pm.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiPonzio suggested leaving four (4) blank pages in the minutes **“In Memory of”**

- 1. Anne Saracini, longtime employee of Town
- 2. Ellaine Tete , retired Councilwoman of Gates
- 3. Beth Whitnauer, recent Police Clerk employee
- 4. Andrew P. Allocco, retired Captain of Gates PD

REPORTS,

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

WARRANTS

GENERAL

CLAIMS # A26-0459 – A26-0579 \$363,952.27

HIGHWAY

CLAIMS # D26-0194 - D26-0248 \$103,762.31

LIBRARY

CLAIMS # L26-0194 – L26-0247 \$65,112.37

TOTAL DISBURSEMENTS \$1,784,527.21

TOTAL RECEIPTS \$1,052,432.07

Supervisor Giunta noted for the record, that the warrants for the month of June 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 137-26

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

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

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

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

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

TOTAL REVENUE COLLECTED	\$41,801.52
TOTAL REVENUE TO THE SUPERVISOR	\$40,975.80
TOTAL NON-LOCAL REVENUE	\$825.72

RESOLUTION 138-26

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

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

PERSONAL STATUS REPORT

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

Additions: 1
Terminations: 1 (Police Dept. Admin.)
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 8:45 PM.

Town Clerk

IN
MEMORY
OF
ANNE SARACENI

(Longtime employee with Town of Gates)

IN
MEMORY
OF
ELAINE TETE

(Former Gates Town Board Councilwoman)

IN
MEMORY
OF
BETH WHITNAUER

(Gates Police Department Clerk)

IN
MEMORY
OF
ANDREW P. ALLOCCO

(Retired Captain with the Gates Police)