

Sept 8, 2026

The Gates Town Board held five (5) Public Hearings and its Regular Town Board meeting on Tuesday, September 8, 2026 at the Town Hall Meeting Room starting at 6:45PM. Those attending the meeting were as follows:

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

6:45 PM PUBLIC HEARINGS

The Town Attorney, John DiCaro verified that the five (5) Legal Notices were properly published as required by law.

TO CONSIDER A CONDITIONAL USE PERMIT FOR DOMINIC ANTONUCCI TO OPERATE GLOBALSOFT ENVIRONMENT INC, LOCATED AT 837 BUFFALO RD IN A GENERAL INDUSTRIAL (GI) DISTRICT.

Supervisor Giunta asked if the applicant was present?

Dominic Antonucci, 837 Buffalo Rd., is looking to take in, sort and recycle construction material debris to avoid going to landfills by expanding their current recycling operation and their building material yard and heavy equipment operation.

Supervisor Giunta confirmed, currently they are doing some recycling?

Mr. Antonucci replied. Yes, they have been recycling there.

Supervisor Giunta asked him to clarify what he meant by adding to on?

Mr. Antonucci, replied that they take concrete, pavement and building material stockpiles and then recycle the material into stone aggregate, millings and construction spoils.

Supervisor Giunta asked if anything would change as far as topography or anything?

Mr. Antonucci, just add a hoop style building with the recycling operation inside and they are very quiet over there or no disruptions, truck traffic is moderate and no disturbances, they want to take landfill wastes and recycle as much material as they can.

Supervisor Giunta asked about DEC regulations?

Mr. Antonucci they are currently registered as a DEC facility and this is just a new for the C&D debris.

Supervisor Giunta asked if they will take anything from whomever or strictly contractors.

Mr. Antonucci, specially roll off companies

Councilman Cordero asked if they do anything with hazardous material?

Mr. Antonucci, No hazardous material

Councilman Cordero asked if they are located behind the restaurant.
Mr. Antonucci responded, yes, on the West side of the property

Supervisor Giunta asked the hours of operation?

Mr. Antonucci, answered same hours, usually there are 7:00 AM to 5:00 PM., Monday through Friday and some Saturdays, but there's no recycling operations or staff.

Councilman DiPonzio asked if he'll be adding on to the building

Mr. Antonucci replied they are not adding, they are going to put up a new hoop style building which is like those temporary buildings that have the concrete barriers outside and then hoops out like the salt sheds, like some that are on Buffalo Rd already.

Councilman Cordero asked how big is it?

Mr. Antonucci, it'll be 140 long and 8-wide, 30-feet high

Supervisor Giunta asked if this would be by appointment only to dump stuff off or anybody can?

Mr. Antonucci said that usually by operation hours and have a contract with them. Not just get people off the street. They have a multitude of customers already.

Councilman Cordero, like small landscaping companies?

Mr. Antonucci answered there could, but they're usually not roll off boxes and the landscaping companies that do go in are dumping sidewalks and concrete, dump trailers.

Councilman Tucciarello commented a few years back he stopped into the facility because he wasn't sure what it was and said hi to some people there and took a look around and feels this seems like the next natural step in their progression of the business so, it's not going to be out of the ordinary with anything else they're doing or hindrance to anyone.

Supervisor Giunta opened it to the public and asked if anyone from the audience wanted to speak for or against this application?

Hearing None, he closed the Public Hearing.

RESOLUTION 150-26

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Approves an application for a Conditional Use Permit for Dominic Antonucci to operate Globalsoft Environment Inc. located at 837 Buffalo Rd. in a General Industrial District with the following Conditions:

Hours of Operation: **Mon-Fri 7:00am-5:00pm**

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

Motion Carried.

Mr. Antonucci Thanked everyone for helping them recycle and avoiding landfill waste and helping keep the environment clean.

**TO CONSIDER A CONDITIONAL USE PERMIT FOR AD OBADI TO
OPERATE MAGIC 8 BILLARDS LOCATED AT 2270 LYELL AVE IN
A GENERAL BUISNESS (GB) DISTRICT.**

Supervisor Giunta asked if the applicant was present?

Ad Obadi 2270 Lyell Ave. stated he looking at a pool table business, Billiards. He believes it once was the same type of business and would like to bring it back and thinks it would be good for the community to have fun and not have to travel far away and enjoy their time.

Supervisor Giunta clarified this is the old Martusciello's, the building that goes parallel to Lyell Ave. He asked roughly how many tables he'll have?

Mr. Obadi replied Yes and thinks about (15) fifteen tables.

Supervisor Giunta asked if he has had any experience doing this somewhere else?

Mr. Obadi replied, one in Mississippi

Councilman Tucciarello asked how many square feet is the space and if they will serve food or beverages?

Mr. Obadi thinks it's about 7000sq-feet and will serve food and beverages.

Councilman Tucciarello asked if he could elaborate?

Mr. Obadi, replied that they will have alcohol as well as sandwiches and light kind of foods like chicken wings, chicken tenders not heavy type restaurant foods.

Supervisor Giunta asked if he already apply to the state for a liquor license?

Mr. Obadi stated he is waiting for the approval from the board first.

Supervisor Giunta asked when he intends on opening if approved and what will the hours of operation be?

Mr. Obadi, replied as soon as he gets approval and the hours would be Mon-Fri, noon-midnight and the weekends till 3:00am

Councilman Tucciarello asked which liquor license he's going to apply for, beer and wine or spirits

Mr. Obadi, replied beer and wine.

Supervisor Giunta, normally bars are open till 2:00am, so if he's going to be serving liquor there would be an issue right off the top of the bat so he would definitely look at reducing that and asked about how many employees he's looking at.

Mr. Obadi stated he is looking at (6) six employees OK.

Councilman Cordero asked about security?

Mr. Obadi said if they have too, sure, but because it's a very quiet town and very peaceful doesn't think it will be a problem but if they have too, sure.

Councilman Cordero asked if he is taking the bakery section as well?

Mr. Obadi, answered No.

Supervisor Giunta asked if it's two separate buildings with separate entrances and no connections from one to the other?

Mr. Obadi, replied it's two separate buildings/businesses and entrances.

Councilman Tucciarello asked if it would it be a problem, if the hours were restricted to midnight every day of the week?

Mr. Obadi, responded it would be fine

Supervisor Giunta asked if there'll be TV 's in there?

Councilman Cordero asked if it'll be just pool tables?

Mr. Obadi, replied yes Pool tables, snacks and beer

Supervisor Giunta clarified in there will be electronic games, like darts or anything or just strictly Pool Tables?

Mr. Obadi, hasn't given that much thought, but thinks just Pool Tables.

Councilman Cordero asked if he'll be charging by hour

Mr. Obadi, answered that there's 2 options, they can pay by hour or pay a certain amount to play as much as they want. He is still figuring that out and hasn't decided yet.

Councilman Cordero asked if the building is supposed to have a sprinkler system in it for fire to

Supervisor Giunta commented that may need to be deferred to the Fire Marshall. He then asked Mr. Obadi if he has spoken with Fire Marshall or has done any construction?

Mr. Obadi replied No, he is waiting for the board's approval.

Supervisor Giunta appreciated that and thanked him for waiting. He's not sure being that it's kind of like a public assembly type thing there may be certain requirements, but there may also be grandfathered in based on the building, he's not sure and would have to look into it.

Councilman DiPonzio asked if in running the Pool hall in Mississippi, if there were any issues with gambling or problems with winners or losers, probably more so loses, but just problems all together and also asked what is his view trying to operate this in New York?

Mr. Obadi replied No issues, just people wanting to have fun and enjoy the time and there was no gambling.

Councilman DiPonzio asked, what would he do if he saw \$500/\$600 being placed on the table?

Mr. Obadi, replied there is no gambling, it's not a casino.

Supervisor Giunta then opened up to the floor and asked if anyone from the audience wanted to speak for or against this application?

Robert Long, Chief of Police for the Town of Gates Police Department. Stated that his concern obviously would be the crowd that'll be brought in for alcohol, gambling, and billiards hall and so his question would be if the board would require them to have security staff and definitely cameras (inside and outside) of some sort that they would be willing to share with the Police Department for any incidents that could occur? Unfortunately, if you look on the news lately around the Rochester area, it doesn't matter where you are when people get together and there's alcohol involved there's definitely that firewood so to speak for the big fire which no one wants and doesn't need. He doesn't want to see a vacant building and wants it to be occupied and is not looking to totally shut this down, but like you know making sure there are safety protocols in place and they have to meet with the Fire Marshall because he does believe it would need to be sprinklered especially bringing in an audience that big inside of a facility, but again that would be deferred to the Fire Marshall. Again, the overall security and safety of that spot. Parking he knows when it was Martusciello's, parking was kind of an issue and doesn't know the idea for that? These are some of the concerns that he has as the Police Chief, just being open with them and making sure that it's not going like Councilman Tucciarello said 2:00-3:00AM probably not a good idea, maybe if it shuts down at midnight and again he's all for somebody coming into town and using the space and making money and living that dream but, it has to be done safely and doesn't want to see anything happen.

Karen Cervini, 126 Matilda Street, stated she is here with several others that are all basically from the same neighborhood which borders two of our residential streets. She noted, that there may have been more interest in others being here had the sign been posted properly, it was

buried in the weeds along the side of the road and then fell after a few days and doesn't think a lot of the surrounding neighbors saw it so, they got this turn out by word of mouth as well as some of the business owners present

Supervisor Giunta added this application was supposed to be heard last month, but there was a no-show.

Mrs. Cervini continued by reading the concerns. As part of the neighborhood that is being looked at to become a billiards hall that backs up to the old Martusciello's. They believe it is not a good fit for that area, number one reason is the parking situation and the fact that there is not enough space to get in and out without causing more congestion in that area, where there's already a problem. They also believe that the clientele that it will attract and now finding out that there's going to be alcohol will also become an issue in there are. They have spoken with many of our surrounding neighbors and businesses and all have concerns and believe that this will become nothing but a problem for their neighborhood and we respect that the board would take the consideration.

Supervisor Giunta, to his point though back in the day believes it was a billiards place at one point and a bar, back in the day it was a bar/night club.

Councilman DiPonzio asked how the neighbors would feel if it were an operation without any kind of alcohol?

LeeAnn Capostagno, 58 Eugene Street, Her uncle 's a Pool Champion and on that note. Mr. Obadi mentioned 15- 16 tables, which brings in a lot of people. She asked if there will be tournaments?

Mr. Obadi, replied that never thought about that.

Mrs. Capostagno, as a billiard company, you would think if they're going to have Pool Tables and that kind of clientele it would be the caliber the neighborhood is going to accept. A more dedicated thing rather than just like somebody coming in and just playing pool. That's the concern, she doesn't necessarily have the concern about like the alcohol her biggest concern is there's no parking there. There is a convenience store supposed to go literally like right next door, they put a sign. Steve T's that's already open pretty much 24 hours and there's all of 8 parking spots.

Mr. Obadi, stated there is 16 to 25 parking spots.

Mrs. Capostagno asked how many people play a pool table at time and if there's 15 tables plus staff, her concern and living down the street and already seeing overflow, and as a business owner that's her concern. At first, she thought they were taking over that whole area and it made sense, thinking there's enough room to park but now doesn't know.

Mr. Obadi, replied if you look on the right there is at least 25 space for cars because you have the right, the left and in the middle you can at least 8 cars in the middle.

Mrs. Capostagno added but that's Steve T 's parking lot and the bakery will be a Convenience Store supposedly, there's a sign up. Her understanding is it's the building that's pushed back and the biggest concern is it just doesn't look like there's anything there to support that kind of business, so where's the overflow going to go? She added, no offense the road right there isn't being maintained very well, it's mainly the congestion and not being able to get out of there.

Mr. Obadi stated that he appreciates the feedback and the neighbors have the right to object and he doesn't mind, but if anyone wants to stop by to look. He continued, on the right, eight (8) cars, on the left eight (8) cars and in the middle ten cars. It's not marked, but there's space to have at least 25 cars in there. Net counting the Convenience Store on the left there's plenty of space.

Councilman Cordero asked what he's going to do if somebody rents the bakery part on the left? That portion is already a tough one to get into.

Mr. Obadi, replied that they have their own parking in front. He addresses the neighbor who said that it will be mixed with the residents, but there are two bars in the Town, one on Lee Rd. and

one on Buffalo Rd and they have Pool Tables and are next to neighbors. They never have any problems and you can ask the neighbors over there, they've been there for years. He can go and talk to all those neighbors in those neighborhoods and can bring them over so the board can hear them as well. It's like 3 forces against thousands of people, he's just trying to do something good there.

Supervisor Giunta appreciates that, but the board is just trying to look at the whole overall picture of this and see where to go from there. He understands what Mr. Obadi is saying looking at the rendering with the building in the back and the space on the sides and the middle, but not sure 25-cars would fit.

Mr. Obadi, pointed out it's just the middle spaces are not marked. Also, the Chief said something about having cameras in front and inside and possibly go directly to the police where they can watch and that would make it safe for everyone and he would be glad for the police to be involved.

Supervisor Giunta asked when he had the place in Mississippi why did you decide to get out or leave it?

Mr. Obadi replied to move to Rochester, his wife's family is here.

Supervisor Giunta OK and then asked if he sold it, was it still a pool hall and what is was called and where in Mississippi?

Mr. Obadi replied that he sold it to someone else and it's still functioning, it was called Brooklyn Pool Hall in Canton, Mississippi

Supervisor Giunta asked if there was ever have any issues, any flights or anything like that?

Mr. Obadi sometimes you may get someone who's drunk and may have an argument. It can happen anywhere, even your own house.

Supervisor Giunta, so it looks like this is more of a bar type thing. That changes the whole scope of the project.

Councilman Tucciarello, his problem was trying to figure out whether it was a Bar that had Pool Tables or Pool/Billiards place that had a bar and where the emphasis is going to be but now we know.

Attorney DiCaro feels it might be appropriate for the board to consider Tabling this application for a further notice to be published that indicates it is going to be primarily a Bar use as opposed to primarily a Billiards use because obviously that would have an impact on the neighborhoods view of the place and maybe some more commentary. Also, the applicant indicated he'd be willing to have a meeting with the neighborhood and ought to do that.

Jeff Hoyt, 45 Matilda St. stated his main concern is the location of it and about the parking he's hesitant about 20 cars being parked in that lot there has to be fire lanes for the building and things like that that are going to take up space. His question, has he thought about going into one of the plazas, there are several plazas in the Town of Gates that have vacancies in them. Plazas have bigger parking lots, they have bigger infrastructure that are designed to handle the influx of traffic coming in. He's just curious instead of trying to go into a tiny building, it would give Mr. Obadi more room to have tournaments and things like that, that a true Billiards Hall would bring in.

Mr. Obadi stated that he has looked, but they are very expensive.

Supervisor Giunta, knows there is a new owner this property that he's looking at and asked if it's a relative or friend and if that's why there?

Mr. Obadi, replied yes and the rent is very fair. The idea of a bigger plaza is great.

Mary Beth Hoyt 45 Matilda St. feels there were a lot of "I don't know" when asking him questions, a lot of "could be" but nothing was directly answered? So just given that and having alcohol and he said darts seems there's more to it and between the two residential streets.

Mrs. Cervini doesn't know if anyone is familiar with their 5-block area, but not only is it residential, there's a ton of kids which ride there and not good especially with drinking alcohol. She doesn't think it would work, maybe in the Plaza you could steer clear of it, but where he wants to put it, no, those kids are on their bikes riding they go across the front, the neighbors walk across the front all the time, but if there's alcohol there she's not walking that area anymore, and feels it kind of limits everybody.

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

Supervisor Giunta wouldn't be comfortable deciding on something like this after speaking with the applicant and realizing it's going to be more of a bar associated with this, which was never really published that way, it was more of just a Billiard Hall. He thinks more information would definitely be needed, more questions need to be answered and suggested the applicant can come up with a plan including a rendering of what he's looking to do inside the building itself and what he's looking to set up. Where the bar will be, the pool tables and incorporate everything he's planning on having and doing like darts or electric games. It brings it to a different level especially with a bar as well.

Councilman Tucciarello had a few other things he wanted to talk about before making a motion. There was discussion back and forth on how many cars are allowed to park there, there is a Town Code that should be applied to the parking lot, to actually come up with a real number. He would love to see a layout of the place and how big the bar will be to be and how many people can actually be behind it and how many stations. He referred to the comment made by Mr. Abadi on not wanting to serve Spirits and not knowing State liquor Law well enough to say whether or not the Town can enforce "No Spirits" and make that a condition so that's something he would want to look into and of course the "No Gambling" There's just a lot of moving parts here and a lot of question marks and thinks it's going to be a difficult thing to move forward, but wants to give him the opportunity. He referred to Attorney DiCaro, if this application should be tabled or denied to be resubmitted to include the bar or any other items.

Attorney DiCaro, the fact that it appears the primary use is a bar use and wasn't properly noticed and, on that basis, alone thinks it would be appropriate to consider denying the matter without prejudice to reapply with appropriate documentation, is would suggest yes probably the best move is. Denial without prejudice.

RESOLUTION 151-26

Motion by Councilman Tucciarello that this be application be denied without prejudice:
Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby **DENIES WITHOUT PREJUDICE** an application for a Conditional Use Permit for Ad Obadi to operate Magic 8 Billiards located at 2270 Lyell Ave. in a General Business District with the s:

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

Councilman DiPonzio suggested, if Mr. Abadi decides to come back, to have a good plan in place, and possibly hold an informational meeting, reaching out to the neighbors and schedule a meeting room at the town hall, it's been done a number of times in the past and there's a lot of give and most times neighbors will have some very good suggestions.

TO CONSIDER A CONDITIONAL USE PERMIT FOR ERIC VASQUEZ TO OPERATE ERIC'S RETRO ARCADE LLC LOCATED AT 2111 BUFFALO RD. IN A GENERAL BUSINESS (GB) DISTRICT

Supervisor Giunta asked if the applicant was present?

Eric Vasquez, Spencerport, NY, stated he is currently operating a retro arcade. It's a free play model which is really neat because it stands as \$15.00 all you can play from 1-hour 4-hours. A little background on that, he took his kid to the clubhouse, which a buddy owns, but \$3.00 a game, 20 minutes later you've gone through \$20-\$40 and then next thing you know people are spending \$50-\$60, so what he does is \$15.00 play as much as you want with the ability to come and go with a wristband. Play 2-hours go home come back and play later at night. It's fantastic with raving reviews. They're growing and expanding, it's nostalgic and they're selling people a piece their childhood and it's very powerful and meaningful to him and found the community embraces it and is absolutely loving it and the concept.

They have outgrown the current spot they're in. It's tight with a lot of machines in there and wants to expand and get more and different type of games, in addition to the old 70s and 80s games and some stuff like Skee Ball and some Retro USA- Russia Hockey and whatnot. Some games require a little more space, so it's time to expand and they're doing good and people are behind them.

Supervisor Giunta, clarified they are currently located in Ogden right in the plaza and asked if they are looking to move from there or have a second location?

Mr. Vasquez replied, yes, right across from Tops Market. They are looking to move locations, not have two. These types of places have actually become quite a destination and it would almost be counterproductive and fail with multiple places because, right now there's a huge one in Chicago the Galloping Ghost, one in New Hampshire, Fun Spot and Pastimes in Ohio and people like him and there's tons of them that will go across state borders.

He likes to inquire and has asked tons of people from Buffalo, what brings them to his place, visiting family and just coming by and they say no, they sought the Arcade out and googled it and are driving from Buffalo.

So, there's a potential to be something really special and in fact their model is more family oriented, they're not like a Barcade and doesn't want beer or anything like that. He has games that are very rare like there's only 9 left in the world and won't put signage up to keep people off those games. They want host more birthday parties and with proper space it would be a nice birthday venue and touch more families and do better for themselves and the community. They're just looking for somewhere they can better function and operate to see their vision.

Supervisor Giunta asked, roughly how many games?

Mr. Vasquez replied, he has 53 right now in 1000 square foot and has about 30 or 40 more to be added in about a year or so but it's 4000 square foot so, even though it's 4-times in the size they're only going to double and don't have any intention of putting more games. He has submitted a tentative plan to the Fire Marshal and our goal is to have more walk way. The current space even though it's permitted and allowed the chief signed off on it, if somebody 's playing one game and another guy 's facing another game people are polite about it, but it's a little bit of a "excuse me." so they're trying to have it so there's little more space in there, but also fill the void of different kinds of games that aren't currently there which will encompass different ages. There's a lot of kids that are 5 to 8 with not much choice and they just mash buttons, but if there's something like Skee ball or whatever they could play that.

Supervisor Giunta, Interesting and asked if any food or anything?

Mr. Vasquez doesn't anticipate going for food license at this time and recognizes it would be a good revenue stream and maybe at some point possibly. Mark's Pizza is right there and thought about partnering with them, but needs to look into how it works with the carousel because he knows they have issues sometimes. Right now, he sells candy and soda and stuff that doesn't need a permit. People seem to be happy with that.

Supervisor Giunta asked the hours of operation

Mr. Vasquez right now, Thursday to Sunday. He also drives school bus for Spencerport, so it's pretty much like evenings like 5 to 9 or 5 to 10

Supervisor Giunta suggested he give the best-case scenario for the Conditional Use Permit so it's all set as a condition.

Mr. Vasquez thinks with the new venue they'll get more backing and marketing and having better, cooler offerings thinks they'll probably hire someone besides just him and would extend hours

Supervisor Giunta suggested maybe Wednesday through Sunday noon to 10pm.

Councilman DiPonzio added then you have your option to have less hours.

Supervisor Giunta it's an interesting concept so, no quarters are needed?

Mr. Vasquez, elaborated if you're paying \$2.00. \$3.00 per movie at the cheap one, like in Henrietta then you don't care there's riffraff, but if you pay. \$15.00 for a ticket you don't want to get in trouble and get kicked out. They have never come close to an incident at their place and actually brought potential ideas to Brockport and Greece and the Town Supervisor from Brockport actually wrote a little thing on his page that it would be an honor to have them and they'd love to have them but ultimately, he couldn't find what he wanted in Brockport and also the square footage is twice and he actually got a great rate in the Plaza. He knows the other gentleman earlier was talking about pricing and stuff, but he bartered pretty well and thinks the Plaza is great and it's up and coming in his opinion. They did the resurfaced, got new sidewalks and grasses and it's near the expressways, Tinseltown overflow, people from Henrietta that might come, the school.

Supervisor Giunta, stated the plaza owner did reach out to him and provide me a letter of support as well and has heard some positive reviews from the location in Spencerport and even speaking with the Supervisor over there, he likes to bring his kids there too occasionally.

Mr. Vasquez, yes Mike Zale. He added, his mom lived on Hinchey Road, he would always go to Pixley and knows Gates and it's well supported and he thought it was a good fit. It's funny because life isn't always how you think like he was looking at Greece or Brockport, but when he got down to all and really thought it through seen this really as a good business decision and thinks it will be great for the community.

Councilman Cordero asks what's the typical age group?

Mr. Vasquez, great question and he can say precisely they get tons of kids anywhere from 5 to 15 years old and then (he's 54) 40 or late 30s 40, 50s and 60 year olds you don't really honestly see many 20s and he would actually like that, but just don't see that as much, but they get a lot of dads and families showing their kids what dad played and so they have those 4-player games that was really neat. He passed out some stats that show an overlook on what people think of them. 4.9 reviews on a 71 this is after 2 years and then there's 100% recommended on Facebook 30.

Supervisor Giunta asked how many employees.

Mr. Vasquez, replied just himself and a lot of friends and support that are with him here and his wife helps, but potentially could have one or two in the new spot.

He's also willing to add security cameras and offers First Responders and Veterans discounts.

Councilman Tucciarello, thinks it sounds like a wonderful business that he's running and can see "this 80s kid" taking his grandson there and showing what we played back in the 80's and what our machines look like with all the modern stuff now.

Mr. Vasquez added just because he cares about this so much, it's so neat like you walk in there and it's like walking back in time. There're rows of them and the dates are on the Marquis and he points them out to people and he give them tricks on how to play them, and he'll go look at this one, it's 1979, he was 7 and they get a lot of people that feel that way and it's just it's so powerful, it's really neat and he's just thrilled that it's going on. The kids by the way, he thought would be like these graphics are bad or not like them, but they don't even care, they absolutely love the games they eat them up.

Councilman Tucciarello, asked not only do they have Pinball Wizard, but you also have like Galaga and some blasting things.

Mr. Vasquez, yeah, he's got Galaga, Galaxian, Frogger, Donkey Kong and also his new thing, he had one Pinball Machine, now he has three. He has an old 80s jukebox that he's going to put in there and probably be a free play with no charge. He has been searching out 45-vinyls to play a song. He wants to create a space to sit and rest a few. He's 54 and can't play games like he used too and needs to sit down for 20 minutes, but it's awesome so.

Councilman Tucciarello asked so you'll be playing the Jukebox anywhere from The Doors to Rush to Men at work.

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

Val Foote, 29 Sungrove Lane, is one of the business owners at Westmar Plaza and cannot state how excited she is about him possibly coming to the Plaza which she knows is probably rare to hear from her. His business and the hours of operation would have little to no impact on the parking lot and those hours would also support the current operating hours of all the other businesses and they all have very staggered hours and his continuity throughout the day would support the rest of the business. It would give Westmar Plaza more businesses that are actually a destination to go there and stay there and not just drop off your junk and your returns and your rental cars and your items in the Storage units so, that would be good to have people actually come and stay and spend money there. It's also walking distance from school and this would actually give kids a really great opportunity to do literally anything, so they could like come there they could hang out. There's a really great opportunity to use the Plaza and the courtyard for the original dream of actually using it as a courtyard and perhaps if he was struggling with the food possibility they could set up more tables outside. Pura Vida has tables, Marks could. People could get food from Marks and get food from Pura Vida and you'd be able to hang out outside if they needed to and it could actually turn into the hopping place that we all wanted it to be and she think this is a really great opportunity to see that vision come true. Thank you. Thank you anybody else. OK then I'd like to close the public hearing. Joan I would like to make a motion. That we do approve this conditional use permit for Eric

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

Hearing None, closed the Public Hearing.

RESOLUTION 152-26

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Approves an application for a Conditional Use Permit for Eric Vasquez to operate Eric's Retro Arcade LLC located at 2111 Buffalo Rd. in a General Business District with the following Conditions:

Hours of Operation: **Wed-Sun Noon-10:0pm**

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

Motion Carried.

Supervisor Giunta welcome him to Gates and asked when he's looking to open.

Mr. Vasquez has been trying to paint, run electric and get ready and then maybe have a soft opening in mid-October to late October and then a Main opening in November wen the weather gets rainy and colder which brings more traffic.

Supervisor Giunta told him to the Town know or reach out to the Chamber of Commerce to set up a Ribbon Cutting

**TO CONSIDER A CONDITIONAL USE PERMIT FOR KHYBER AMAIL TO
OPERATE PANORAMA MEDITERRANEAN CUISINE LOCATED AT 730
ELMGROVE RD IN A NEIGHBORHOOD BUSINESS (NB) DISTRICT**

Supervisor Giunta asked if the applicant was present?

Khyber Amail, 44 Twin Circle Dr. is here to bring the Panorama back again. It's a place people have memories and grew up going there, including himself as a customer. He tried getting this place before and couldn't, but now has the opportunity to bring it back as a family restaurant with authentic food.

Supervisor Giunta clarified it's a Mediterranean cuisine?

Mr. Amail, answered yes, they will serve breakfast to dinner.

Supervisor Giunta asked the hours of operation?

Mr. Amail, Mondays will be closed and open Tuesday-Saturday 7:00am-10:00pm and on Sunday till 9:00pm

Councilman DiPonzio, clarifying noticed on the application, he had opening at 6:00am and wasn't sure if he had misspoken?

Mr. Amail, responded they will be preparing at 6:00am and open to the public at 7:00am.

Supervisor Giunta, understands and can set the time to accommodate that.

Mr. Amail added he currently owns two other restaurants in Henrietta and Greece for the past ten-years. Mediterranean Kabob house

Supervisor Giunta asked how many employees roughly?

Mr. Amail, answered that for this location, around 15 employees, 2-shifts, breakfast to lunch and dinner, 2-managers and 2-chefs. They want to go local and get the community back and involved because people want to see their kids, people want to see their parents.

Councilman Tucciarello, out of curiosity, with a Mediterranean cuisine, what would breakfast look like?

Mr. Amail, replied it will be typical breakfast, eggs, bacon, coffee and fresh fruits and all that type of stuff, but will also have a Mediterranean twist with lighter options and a little fancier breakfast with different types of omelets and stuff as well as family style platters like \$40 and feed a family of 4 to 5. He added they will also have some outside barbecue, Mediterranean style.

Supervisor Giunta, asked if the barbeque would be in the back of the building or the front of the building?

Mr. Amail, replied in the front of the building, in front of the Pergola, it'll be a charcoal operation, no gas or electric

Councilman Cordero asked if that will be every day, the outside barbeque?

Mr. Amail, replied yes.

Councilman Tucciarello asked how big of a tent, because this is something different than what was originally looked at, where will it be located? How big will it be? What will it be made?

Mr. Amail, replied it'll be made of steel. Similar to the BBQ place in front of the airport, but not as big because that's expensive, so he'll start with the 9-foot stainless steel stand with

charcoal and will have skewers and some griddles for vegetables. He wants to show the cooking process, like live cooking. People want to see and that's what sells.

Supervisor Giunta asked if he'll have any tables outside are.

Mr. Amail, answered that they will, under the pergola which is already outdoor seating there.

Councilman Cordero asked if Mr. Amail bought the building?

Mr. Amail replied, Yes.

Supervisor Giunta, stated the reason he was asking about the outdoor seating and having a side discussion was because initially it was technically never allowed, but since COVID we had to allow things for outdoor seating and just wants to double check.

Mr. Amail added, to be honest he has noticed everywhere you go everything happens outside. Even during hot summer weather, you go to Florida or California, people are outdoors, they have those little misters for water. He continued, in New York we don't do any outside activities, for some reason everybody wants to go in. He wants to bring people and families out.

Councilman Tucciarello asked if the tent he's talking about, is something he would build himself or is it something you buy and set up.

Mr. Amail explained it's a standard tent, some are premade and there are also custom made. He will be very focused on this outdoor cooking which is getting more out there and people are already making those grills, but unfortunately, they are very heavy and expensive he won't be able to just go and get one, but eventually I will, it's a whole setup.

Councilman Tucciarello it sounds very interesting loves the idea, but is curious if it'll require take intervention from the Zoning or Planning boards to set that up.

Attorney DiCaro, stated that if the board grants this, it will be upon a condition that the Planning Board reviews the setbacks to be sure it meets all the requirements needed and any other specific regulations with respect to outdoor seating. His suggestion is the applicant connect with the building department to question the setbacks and submit a plan showing the location of those items and then let the building department indicate whether or not it meets the set-back requirements if it doesn't then send it to the Zoning Board for an Area Variance and if it does then there's no problem.

Supervisor Giunta asked if they're going to have alcohol.

Mr. Amail, replied maybe down the line depending on the clientele he would have wine, but not for now.

Supervisor Giunta opened it up to the public and asked if anyone from the audience wanted to speak for or against this application?

Mrs. Cervini, commented this sounds like a good idea.

Mr. Amail, thanked her and feels Gates needs something like this, he's from here

Supervisor Giunta, asked again if anyone else from the audience wanted to speak and Hearing None, closed the Public Hearing.

Attorney DiCaro added it's not an overwhelming process if they need to go before the Zoning Board for an ordinance, but the point is, he may need to get their approval for the outdoor portion.

RESOLUTION 153-26

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Approves an application for a Conditional Use Permit for Khyber Amail to operate Panorama Mediterranean Cuisine located at 730 Elmgrove Rd. in a General Business District with the following Conditions:

- Hours of Operation: **Mon -Closed, Tues- Sun 6:00am-10:00pm**
- **Prior to the Outdoor Sep-up, confirmation from Building Department if there are any Set-back requirements**

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

Motion Carried.

Councilman Tucciarello suggested Mr. Amail goes to the building department for guidance, then come up with a plan/drawing.

Mr. Amail, stated he has already done that and got the OK, especially with no gas being involved and is away from the building.

Attorney DiCaro added they may have suggested the use is OK because it is, but to confirm the location and the requirements of distances in case an area variance is needed

Supervisor Giunta is looking forward to the opening and with notice for a ribbon cutting.

**TO CONSIDER A CONDITIONAL USE PERMIT FOR ROBIN GUERRIERI
TO OPERATE GAME DAY BAR & GRILL LOCATED
AT 730 ELMGROVE RD IN A NEIGHBORHOOD BUSINESS (NB) DISTRICT.**

Supervisor Giunta asked if the applicant was present?

Robin Guerrieri, 55 Courtright Lane is looking to open a sports bar, with dart boards TV 's, food, there may be some karaoke nights as well as trivia.

Supervisor Giunta asked the hours of operation or something like this.

Ms. Guerrieri, answered Sunday through Thursday 11:00am to Midnight and the Friday & Saturday 11:00am to 2:00am.

Supervisor Giunta asked if they will serve food?

Ms. Guerrieri, responded yes, they're opening the kitchen back up and will have bar food, but a little better

Supervisor Giunta asked if they have ever operated a bar before?

Ms. Guerrieri, responded yes. Westside Sports Bar & Grill on Lyell Ave the old Spenders

Supervisor Giunta asked how many employees roughly?

Ms. Guerrieri said they're thinking anywhere between 6 and 8.

Councilman Cordero asked if there will be any other type of security besides cameras?

Mr. Guerrieri, they have cameras, DVD 's, they'll have security seven nights a week He wants everyone to feel comfortable with no riffraff and wants people to come out with their families, their kids at certain hours and watch the game on Big TV 's. They'll have \$.50 wing

nights. They have been a part of this place for years. He DJ'd and she bartended when Stash owned it.

Councilman Tucciarello asked what is the plan for the back of the building because they back up to residential.

Mr. Guerrieri it'll just beer deliveries.

Councilman Tucciarello, that's fine, all bars have an outside smoking area and just wanted to know if it's behind the building on this one.

Ms. Guerrieri, no it's on the side of the building it's attached and has been there.

Supervisor Giunta asked what the occupancy is?

Mr. Guerrieri spoke to the Fire Marshall, he thought 300, but for the whole building I'm not sure what their

Attorney DiCaro, explained that when this business was one operation, it was a restaurant and a bar and that fit within the typical category of an of a Conditional Use in a Neighborhood Business Zone, but as a separate operation however, a bar is a Condition Use Permitted in a General Business Zone not a Neighborhood Business so, in a vacuum it might be argued that you should seek a variance rather than a CUP and did indicate to the Town Board however that because the operation was in a sense operated as a whole in the way you it's being proposed and operated separately, that it is within a reasonable legal viewpoint to suggest it can consider this and working instead of this as a pre-existing, non-conforming use and allow it to go ahead it's up to the board and thinks it's an unusual situation, but it's not a CUP in a Neighborhood Business (NB) zone as a stand-alone operation, but that business existed as having both under one roof so to speak and can see the board granting permission.

Supervisor Giunta being a Public Hearing, asked if anyone else from the audience wanted to speak for or against this application?

Mr. Amail met them the second day he took over the building and they explained they were a part of Panorama for a long time. She was a bartender and he was a DJ. He always had a dream to have this place and initially planned to open both, but then like himself, saw them with a lot of ambition and good energy and thought it would be a better fit to have them run the bar because bar business requires a lot of work, dedication and responsibility and based on that they went into a contract that they're going to be running the Bar part of it and feels they will do very good as far as you know like maintaining the noise, their audience and they want the Gates Community, not downtown or any other people coming in here.

Attorney DiCaro asked Mr. Amail if he is the landlord?

Mr. Amail, answered yes.

Attorney DiCaro so, they're your tenants, that makes it a little bit more credibility to the idea of a non-conforming use, it's still single ownership of the entire operation.

Supervisor Giunta, stated that the fact that they're residents of Gates goes a long way and investing in our community, Thanked them.

Frank Cervini, 126 Matilda St. would like to see that approved because in his memories of the Panorama it was always a good restaurant with good food.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this application? Hearing None, closed the Public Hearing.

Councilman Tucciarello asked what time frame they're looking at for opening?

Ms. Guerrieri received her temporary liquor license so, it could be anytime, but they’re still fixing things, but probably the second week of football. They are going to try to squeeze the first week of football, but are putting in a lot of work and want it to be done correctly.

RESOLUTION 154-26

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

Resolved, that the Gates Town Board hereby Approves an application for a Conditional Use Permit for Robin Guerrieri to operate Game Day Bar & Grill located at 730 Elmgrove Rd. in a General Business District with the following Conditions:

Hours of Operation: **Sun-Thurs 11:00am-Midnight Fri & Sat 11:00am-2:00am**

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

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Cosmo Giunta welcomed everyone and called the meeting to order at 8:12PM. He began with a moment of silent prayer followed by the Pledge of Allegiance, led by Councilman DiPonzio.
He asked the board members, if they had an opportunity to review the Regular Town Board Meeting Minutes from Monday, August 3, 2026 and the Workshop Meeting Minutes from Tuesday, August 11, 2026. Being that there no corrections minutes will be posted as drafted.

RESOLUTION 155-26

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

Resolved, that the Gates Town Board hereby Accepts the Minutes of the Regular Town Board Meeting of Monday, August 3, 2026 and the Workshop Meeting Minutes from Tuesday, August 11, 2026.

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

AUDIENCE PARTICIPATION

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

Rebekah Klingensmith, 1629 Chili Ave. was there to follow up on her concerns that were brought to the board’s attention in March of this year regarding speeding and traffic behavior on Chili Ave. between Sprucewood Lane and Hinchey Rd.
She recognized the Police Chief and his team 's attention to this, however enforcement is and always will be a short-term solution and because as residents want to “walk the talk”, over the past 6-months have worked hard to advocate for change and gather buy-in from the community. She has been working with Reconnect Rochester to gather resources from across Monroe County on advocating for super multimodal streets and has submitted their concerns to the Monroe County Community Traffic Safety Team, she and a local group Destination Gates have gone out and canvassed along this residential portion gathering comments and signatures and have seen the general consensus to be that change does need to happen along a road that is increasing with pedestrians, bikers, young families and frequent DWI driven patrons. She stopped into Senator Cooney’s office and dove deep into these concerns and proposed solutions and they both came to the same conclusion that road diets are successful traffic calming measures and have worked well across New York State.

Supervisor Giunta asked for clarification of road diet?

Ms. Smith explained Road Diets are essentially taking the 4-lanes and cutting it down to two with the middle turning lane as a traffic calming measure and according to their last recorded traffic study for Gates on that portion of the road, the town is perfectly within the threshold for a Road Diet to work successfully. There is a certain number of average daily traffic and we are perfectly within the threshold which is 15,000 or less a day.

She also referenced the complete streets policy adopted by the Town of Gates in 2023 which committed to performance measuring of our streets and sidewalks including adopting traffic calming measures so, they are getting close to exhausting their options as residents and this is all outside of their 9 to 5. She wanted to put a little bit of heat on the Town Board to join them in their efforts and have them request two things from the State because the answer they're getting from the DOT is, they do not currently have a project program for this portion of Chili Ave. The two things would be: Asking the State for an updated Traffic study to include the 85th percentile of speed, which the last recorded was 50-miles an hour on a 40-mile per hour road and also asking for an updated annual average daily traffic number preferably while the bridge over the Erie Canal is still open in order to not manipulate that data and a request for participation from transportation engineers and the study and consideration of a road diet and reduced speed limit as the current layout of the road is set up in a way to encourage speeding and erratic driving.

She added that she is also grateful for two of her neighbors who are with her to provide further context for the reason we are advocating so strongly for this and hoping the Town Board can join them in their efforts.

Supervisor Giunta thanked her.

Jesus Correa, 1453 Chili Ave., and his wife since the past 9-years living at the corner of Chili Ave and Walbert Dr., have witnessed multiple accidents. The stretch from the Hinchey Rd and Sprucewood Lane has become a 0.6-mile dragstrip. He and his wife occasionally take early morning or early afternoon walks in the neighborhood and walk against traffic because they don't know if they'll get hit because of cars being out of control.

A year and a half ago an accident that really stands out is, he was just walking out his front door and heard tires screeching. A vehicle was traveling about double the speed and how he knows, not being an expert on speed, used to work with the State outlook on 390 and knows when a vehicle is speeding. This vehicles tires screeched and in order for him to avoid a vehicle going into eastbound direction which happened to be a commercial vehicle he veered off onto westbound traffic, thank God there was no one coming, it would have been catastrophic. The tire screech marks left behind was about 150 to 180 feet long and that's before he hit the curve violently and took out 2 mailboxes across the street from him and almost flipped on its back. At that point he went over and called 911 and Gates Police came. He actually knows a few of the Officers from when he worked the highway along with State Troopers who would sit on the Greenbelt, but it's not enough. He has thanked them for being there, but it's just not enough. His proposal, just like Ms. Klingensmith mentioned is the Road Diet on this particular stretch of road. It's a 0.6 mile stretch of Chili Ave. which has become nothing but a drag strip. East and West bound lanes from Hinchey to Sprucewood Lane to funnel into one lane. It would be like Lexington Parkway further down it turns into one lane East and West the traffic slows right down. He continued, explaining not just turning into a one lane on East and West, but essentially a center turning lane so that if anyone needs to merge to turn into a street or a driveway they can do that because right now with the amount of traffic that's coming through at a high rate of speed there, he knows himself turning into his street he's looking behind to not get clipped.

Councilman Cordero asked if that's a state road?

Supervisor Giunta, acknowledged it is a state road and Thanked both Mr. Correa and Ms. Klingensmith and like Councilman Cordero mentioned and unfortunately Chili Ave is a State Rd. which goes through the Town, but the Town does not have jurisdiction over that road. He clarified the street policy, which says, all town owned transportation and public right way, it's specifically for the town. He added that he agrees with them as far as the speed and traffic issues and that maybe the Road Diet would work there, but that would have to be directed from the State. The Town can make suggestions and also reach out to Senator Cooney. He was surprised Rebekah was able to get a hold of him. He is the correct person to speak with as he's the head of transportation, Explained the Town has been advocating for that for decades and trying to put a turn signal at Howard and Buffalo Roads but has been unsuccessful,

Councilman DiPonzio added (3) three Supervisors have tried for that.

Supervisor Giunta, brought up that a year ago we had an accident and a 6-months old passed and they have said to us that has nothing to do with that and that they've done their traffic studies. He added the town has been fighting trust him. He has been actively trying to get something there, but again it's a State Road.

Mr. Correa asked how far does state portion of road go?

Supervisor Giunta, replied all of Chili Ave is a State road

Councilman Tucciarello added when you see route on a road like route 33, they're state roads.

Supervisor Giunta, explained Howard and Buffalo Roads are state roads, Hinchey Rd. is a County Road. We have a lot of state and county roads that are in our town that the town technically doesn't have jurisdiction over, we can't even maintain them. The only thing we do for them is plow, they contract us out to plough, we have an agreement with them we plow and salt and then they pay us for that, but as far as fixing potholes or anything like that, not even cut some of the grass under the underpass. He would love to be able to do it.

Mr. Correa, the thing about this stretch of road in reality, it's not even about the roads or any construction that needs to be done, just restriping.

Supervisor Giunta doesn't disagree and that's something that we'll have to keep trying for that. He also added, there is an Active Transportation Plan that the town actually received a Grant for. The first kick off meeting was held about a month ago and there's another one coming up and the goal is to get the community involved. There will be some focal groups or meetings that will be announcement and invites the community to come out because the road diet may be a viable option that can be suggested and possibly build on that and go from there. The town is actively trying to get through that.

Supervisor Giunta asked Chief Long for his opinion on the Road Diet suggestion and if he thought it would make a difference with speed and traffic?

Gates Police Chief, Robert Long, thinks it could, he remembers Chili Ave at one point further down and Buffalo Rd east of here with 4 lanes at one point and thinks actually by the High School was it 4 lanes at one time. He just feels like they've changed many routes in the Town of gates and wishes he could see the future and tell, but lowering it down to one lane obviously then putting all that traffic into one spot so you can't blow around the other car without getting some sort of other major violation, it could help in slowing the traffic down. He knows Ms. Smith has done an amazing job on this and have been in contact a couple of times and have had that same discussion. The Towns lands are tied, he can go through the enforcement, but can't ticket the way out of the situation, it's not going to change unless some of the physical barriers or lane markings are changed. He's grateful she got Senator Cooney's office involved because that like the supervisor said, is the right avenue.

Right

Supervisor Giunta asked if Senator Cooney was supportive of this?

Ms. Klingensmith, stated he was there for part of it, and had to step out, but it was more of his direct assistant who took the notes and has said, he's always advocated for road diets and has seen it work well and does understand it's a state road and that's why she directly incorporated that into her request because they have all gone up to their limitations as residents so, and keep hearing it's a state road, it's a state road, but what can the Town do, what is what is the boundary from the Town just reaching out to the state because they're more likely to listen to the town board.

Supervisor Giunta, answered not necessarily, but can try, 100%, as a matter of fact we finally got Spencerport Rd paved and Buffalo Rd is going too as well, not sure where they are in the process. Last year he drove around with Senator Cooney and took him through the town to show him the conditions of these roads and said we need to get something done and sure enough he was able to put that in the plan and we got a budget for it and the Governor agreed to it, which is

great, but there's other things like this or like Howard Rd and just trying to get them to cut stuff back and rebuild the bridge which is over 100-years old to we've been putting this on the radar.

Ms. Klingensmith, mentioned it is an election year so.

Supervisor Giunta replied and said nothing 's going to happen there, they can make promises but it's not just going to happen it has to be planned for.

Ms. Klingensmith thinks it would be great to see more heat pushed on it.

Supervisor Giunta, answered that he doesn't disagree with her and the next time he reaches out to him will copy her in on it and they can go from there, but just keep bringing this up and also reaching out to assemblyman Meeks who's also with the state and the extra pressure there and advocate can definitely help. He thanked her and Jesus.

Jay Brandon, 68 Elder St. feels bad about what he's going to talk about because it's been such an incredibly positive meeting to observe and feels he's going to be the big downer, but he's here because the neighbors on his block asked him to speak on their behalf and pursue this. The property at 75 Elder St. for the last year and a half almost 2 years has become a catch all of collection for all sorts of debris, junk, vehicles by the definitions in the Town codes. This has been going on and on. Last May he spoke with the Code Enforcement Officer; Mic and he eventually went out and sited the property owners. And we got a lot cleaned up. The kind of debris he's talking is no less than 15 brick drums from semi-trailer trucks and discarded tires and radiators and batteries and car interiors and every manner of scrap and discarded lumber and stacks of rotted wooden doors and stacks of rotted wooden windows and on and on plus their personal vehicles and so on. Plus, a Christmas tree that sat on the front lawn for 6 months, which they discarded by setting it on fire in the driveway. This is of concern to the neighbors.

The Town Code spells out very specifically as with most municipalities, that it's not just about public safety, and welfare, it's also about the character of the community and protecting the character of the community and the nuisance value. Some of us don't think about the fact that how we maintain our front lawns is also someone else 's view out their front window, and that's and that's the issue here. The neighbors are wondering, not wanting to create an issue, but everyone's irritated.

He first wanted to say is a huge thank you, because they were able to gain some compliance and a lot of the cleanup occurred and is so much better and I can't thank the 2 staff more, it's so much better, however and thinks the sign off is August 31st. However better is not compliant and improvement is not compliant, so, what remains now is a pile of garbage that is 6-feet wide and 2 ½-feet tall sitting on the driveway that is made-up of discarded asphalt chunks, metal wire, corrugated plastic pipes and crushed down spouts and tarps and all kinds of stuff. In addition to a mystery box which is what the neighborhood calls it, it's a 3-foot by 3-foot by 3-foot metal box with a hinged lid that's been up on cinder blocks for a year and a half. It looks like maybe an old part of discarded furnace or something that sat there, they did move it slightly to the side. On the 31st there was a big rainstorm which was sign off day and they were supposed to have resolved this.

Supervisor Giunta asked if this stuff is towards the front of the property to be picked up?

Mr. Brandon, replied not to be picked up, it's just sitting in the driveway.

Supervisor Giunta, asked for clarification if in their driveway, near the street or mid driveway?

Mr. Brandon, responded that the way the lawn is configured, it's a very small front lawn with a 2-story colonial built probably in the 1920s and then a long driveway from the street the apron sidewalk and then back maybe 60-feet.

Councilman Cordero, asked a clarifying question if they tried to put it out front and the garbage didn't pick it up?

Supervisor Giunta, asked so it's middle of the driveway?

Mr. Brandon, stated it was all over the driveway, but what is now left is up near the garage. So, it's a huge thank you but. The neighbors are wondering since the 31st of August, where are we and what is going to happen there, that's part one?

Supervisor Giunta stated he will follow up with Mic as he's on vacation.

Mr. Brandon, continued and explained that the young man that lives there, is the boyfriend of the young lady who lives there. She and her mother owned the property, Mom lives out of state. He took a job with Cox mobile auto or vehicle repair it's a vehicle repair service based out of state which has franchisee employees who get these commercial vehicles and they repair semi-trailer trucks and large-scale commercial vehicles. This is a one-ton pickup so to speak oversized pickup 4-wheels on the rear axle to wheels on the front and a what's called a metal plumber shell and on top and it into our all the pneumatic tools and the compressor and the parts and all of that and this thing is parked on the front. Day in, day out, weekends, holidays, they see this big Cox automotive truck. According to the town code, it prohibits that. It's a commercial vehicle with commercial plates, he doesn't own or rent it. It's registered to the company, but be that as it may the town code says it needs to either be in an enclosed structure or garage or in the drive.

Supervisor Giunta asked if he has plates on it yeah?

Mr. Brandon, responded yes, it has commercial plates. It needs to be in the driveway. That's code Chapter 133-7 paragraph D subsection 2 which is very clear. The other thing is it is a very tiny front lawn and even if it were allowable to have a commercial vehicle, there is another code if it's parked on your front lawn it needs to be at least 10-feet from the property line and there's no way to do that because the front lawn is too small. So, he's always within less than 10 feet of a sidewalk and basically to quote the Code Enforcement guy when the neighbors started first emailing and calling and dropping by, the guy there is well aware of that he's in compliance and it's just excused his phrasing it this way, but it's just basically giving the middle finger. This neighborhood is an old neighborhood, the houses are older buildings and everyone takes care of their property, everyone maintains their lawns, is clean and it's just a very nice older character home. Then imagine, you come home or during holidays and have family, your kids or grandkids and this is what they look at. His next-door neighbor is planning on selling his house, he dreads putting it on the market because this is what people are looking at when they pull up. It creates an image for the next step.

Supervisor Giunta, thanked him for bringing this to their attention and the Town Attorney has taken a few notes and when Mic returns they will follow up with him and see where we are or possibly other gentleman to who's been helping out to go back and look it up in the system and we where we are here and give them the proper citations and get them in front of the court. We will get this hopefully taken care of, give us an opportunity to follow up with them.

He then asked if anyone else from the audience wanted to speak? Hearing none, closed Audience Participation

OLD BUSINESS

Supervisor Giunta stated the he forgot to add this to the agenda as old business and added the following.

CONSIDER RENEWAL OF CONDITIONAL USE PERMIT FOR MOTEL 6 LOCATED AT 1273 CHILI AVE

The renewal of Motel 6 for a Conditional Use Permit. This was a 4-month CUP that was given to them in May with the condition to come back in front of the board in September for renewal. He addressed, there's definitely been an improvement from all the agencies (Police, Fire, Ambulance) and has been provided with information that there have been less calls which is fantastic. Stated that it looks like it's moving in the right direction and hopefully that will continue and appreciates all they have done so far and doesn't see an issue with renewing for another four months.

Raoul Willock, manager of Motel 6, stated he understands it another 4-months, but has changed the whole narrative in regards to how they conduct business. They have increased the rates in regards to all their OTAs which are like Expedia bookings, as well as better clientele with quicker response on his part in regards to when he would just go there and address the issues, if any arises. He lives in Churchville so, he would get there within 15-20 minutes to make sure everything is copasetic. He has literally kicked everyone out and started brand new. He's not

doing the 22-days thing, it's 2-weeks with a 30-day return to the property so, after 2-weeks they can go wherever they want. They have a strick list in regards to the people that were there for 2-weeks and come back in 30 days.

He asked if the renewal could be considered for a year instead. He has already done so much in just the 4-months including kicking DSS clientele, a lot of agencies that were sending them problematic people with mental health issues. He wants the money and the business, but it's not going to jeopardize what he's looking to build.

Councilman Cordero, replied it's a good run and great things are happening, but thinks another four months would help make sure everything is staying on the right track.

Supervisor Giunta added that he can appreciate all the changes and agreed with Councilman Cordero. It's now getting into the winter months where more people he thinks maybe looking for placement, so he'd like to see them get through that and see how you how they handle that as well so, that's why he thinks going out another 4-months would be ideal and then they can revisit.

Councilman DiPonzio added that actually in the 4-months if everything is solid with very little issues and so on, they won't even need to come in, it would just be one of those automatic renewals like number one on the agenda. There's an entire list of businesses for renewal and then at that point thinks it would just be renewed for the remaining for 5-months and then automatic.

Supervisor Giunta agreed it would be an automatic renewal and then going forward the yearly renewal would be in May. Again, this is if there are no issues, you won't even need to hear from the town

RESOLUTION 156-26

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby approves the Renewal of Conditional Use Permit for Motel 6 located at 1273 Chili Ave with the **Condition** it is a (4) Four-month TEMPORARY CUP Renewal till January 1, 2027.

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

Motion Carried.

NEW BUSINESS

CONSIDER RENEWALS OF CONDITIONAL USE PERMITS FOR THE FOLLOWING:

BURGER KING, 1300 CHILI AVE.; CINEMARK TINSELTOWN USA, 2291 BUFFALO RD.; DOLOMITE GROUP, 1075 BUFFALO RD.; DUNKIN DONUTS (#344162) 1482 BUFFALO RD.; GATES-CHILI FEDERAL CREDIT UNION, 2870 BUFFALO RD.; KFC (TWO LOCATIONS) 2222 LYELL AVE., AND 1345 CHILI AVE.; MC DUG OUT, 1370 BUFFALO RD.; ROCHESTER ACADEMY CHARTER SCHOOL, 310 HINCHEY RD.; SUAVE KITCHEN, 505 SPENCERPORT RD.; WINES BY DESIGN, 3392 BUFFALO 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 157-26

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves Renewals of Conditional Use Permits for the following: Burger King, 1300 Chili Ave.; Cinemark Tinseltown USA, 2291 Buffalo Rd.; Dolomite, 1075 Buffalo Rd.; Dunkin Donuts (#344162) 1482 Buffalo Rd.; Gates Chili Federal Credit Union, 2870 Buffalo Rd.; KFC (2 Locations) 2222 Lyell Ave. AND 1345 Chili Ave.; MC Dug Out, 1370 Buffalo Rd.; Rochester Academy Charter School, 310 Hinchey Rd.; Suave Kitchen, 505 Spencerport Rd.; Wines by Design, 3392 Buffalo Rd.;

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

ACCEPTING THE 2026-2027 POLICE TRAFFIC SERVICE PROGRAM GRANT

RESOLUTION 158-26

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

Resolved, that the Gates Town Board hereby Accepting the 2026-2027 Police Traffic Services Grant totaling \$9,847 for the Seat Belt Mobilization of \$808, PTS Enforcement of \$7,914, and Other Than Personal \$1,125 including any additional funds that may become available from the Police Traffic Services Program.

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

**SCHEDULING A PUBLIC HEARINGS TO
CONSIDER TWO (2) CONDITIONAL USE PERMITS FOR ZACH COLE
(MIRABITO HOLDINGS, INC) FOR #1. A FUEL STATION FACILITY AND
#2. A FAST-FOOD SERVICE, BOTH LOCATED AT 2061 CHILI AVE.
IN A GENERAL INDUSTRIAL DISTRICT
AND
FOR ENACTMENT INTRODUCTORY LOCAL LAW 2-2027 TO OVERRIDE
THE TAX LEVY LIMIT FOR THE FISCAL YEAR 2027**

RESOLUTION 159-26

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

Resolved, that the Gates Town Board hereby Schedules Public Hearings to consider Conditional Use Permits Zach Cole (Mirabito Holdings Inc.) for #1. A Fuel Station Facility and #2. A Fast-Food Service, both located at 2061 Chili Ave. in a General Industrial District AND For Enactment Introductory Local Law 2-2027 to Override the Tax Levy Limit for Fiscal year 2027. to be held on Monday, October 5, 2026 starting at 7:00pm.

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

**SCHEDULING A PUBLIC HEARING FOR
THE 2027 BUDGET WORKSHOP**

RESOLUTION 160-26

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

Resolved, that the Gates Town Board hereby schedules a Public Hearing Monday, October 19, 2026 at 6:30pm in the Supervisors Conference Room for the 2027 Budget Workshop.

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

**AUTHORIZING A YEAR EXTENSION TO EMERGENCY ENCLOSURES AS
THE TOWN’S PREFERRED CONTRACTOR FOR EMERGENCY CALL OUT
SERVICES FOR ANY STRUCTURAL BOARD-UP PURPOSE
CONTRACT EXTENSION TO EXPIRE OCTOBER 1, 2027**

RESOLUTION 161-26

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

Resolved, that the Gates Town Board hereby Authorizing a year extension to Emergency Enclosures as the Town’s preferred contractor for emergency call out services for any structural board-up purposes. Contract extension to expire October 1, 2027

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

**AUTHORIZING THE WAIVING OF THE SPECIAL EVENTS PERMIT FEE
APPLICANTS RACHEL AND ALLEN ERTLE FOR THE INSOMNIA HOUSE EVENT
TO BE HELD FROM SEPTEMBER 25TH THROUGH OCTOBER 31ST, 2026
AT 16 AVOCADO LANE**

Their charity is Autism Up. It's a fantastic event, he personally has never been through it, but has heard it's pretty awesome.

RESOLUTION 162-26

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

Resolved, that the Gates Town Board hereby Authorizes waiving of the Special Event permit fee for applicants Rachel and Alan Ertle for The Insomnia House event to be held from September 25th through October 31st at 16 Avocado Ln.

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

**AUTHORIZING A NOTICE OF BID FOR THE TOWN OF GATES HIGHWAY
ROLL-OFF DUMPSTER SERVICE**

RESOLUTION 163-26

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

Resolved, that the Gates Town Board hereby Authorizes a Notice of Bid for the Town of Gates Highway Roll-Off Dumpster Services.

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

**AUTHORIZING CHANGING THE WORKSHOP MEETING SCHEDULED FOR
MONDAY, SEPTEMBER 21, 2026 TO THURSDAY, SEPTEMBER 17, 2026
IN THE SUPERVISOR’S CONFERENCE ROOM AT 9:30 AM**

RESOLUTION 164-26

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

Resolved, that the Gates Town Board hereby Authorizes changing the Workshop Meeting scheduled for Mond, September 21, 2026 to Thursday, September 17, 2026 in the Supervisor’s Conference Room at 9:30am

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

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiPonzio on behalf of Councilman Loughlin reminded everyone, School is back in session and to be sure to look out for the students walking and getting on and off the bus.

REPORTS,

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

WARRANTS

GENERAL

CLAIMS # A26-0677 – A26-0772	\$144,481.07
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HIGHWAY

CLAIMS # D26-0303 - D26-0342	\$61,361.28
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LIBRARY

CLAIMS # L26-0288 – L26-0328	\$42,065.66
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TOTAL DISBURSEMENTS	\$1,847,471.12
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TOTAL RECEIPTS	\$1,822,843.32
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Supervisor Giunta noted for the record, that the warrants for the month of August 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 165-26

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 August 2026 as read; and the warrants for the month of August 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 AUGUST 2026**

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

TOTAL REVENUE COLLECTED	\$65,307.84
TOTAL REVENUE TO THE SUPERVISOR	\$60,064.65
TOTAL NON-LOCAL REVENUE	\$5,243.19

RESOLUTION 166-26

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

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

PERSONAL STATUS REPORT

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

Additions: 1 (Public Safety)
Terminations: 0
Net Change: 1

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 8:55 PM.

Town Clerk