

The Town of Gates **Planning Board** held two public hearings on Monday, November 23, 2020 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., beginning at 7:30PM

MEMBERS PRESENT:

Mike Wall	Chairman
Joseph Argenta	
Juan Ruiz	
Theresa May	Via ZOOM
Dan Schum	Town Attorney
Lee Cordero	Councilman, Town Board

MEMBERS NOT IN ATTENDANCE:

Andrew Gartley	
K. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E.

Chairman Mike Wall called the meeting to order at 7:30 PM and asked for a motion to approve the October 26, 2020 Planning Board Minutes Minutes as received, second by Joe Argenta. All Agreed.

MOTION CARRIED

INFORMAL DISCUSSION

OWNER: Brad White

LOCATION: 2551 Buffalo Rd

R-1-11 (Residential Single-Family Zoning District)

**To combine previously owned property with property listed above for
Landscape Business and 2 or 3 Apartments**

Brad White, thanked for the meeting and to be able to discuss the project. He has received some information, speaking some of the board members in general how to approach this.

He originally obtained the property on 2565 Buffalo Rd in 2004 were there was a similar meeting, with plans, planned use to see if it would fit with the Town. To see if it was a good fit into the town and the business, as well as being appropriate, and thankfully it was. Mr. White feels and hopes the Town does as well, that it was a good addition to the Town, and relationship, and thinks it has due to the fact the business has grown throughout the years.

Mr. White, for some time has had conversations with his neighbor at 2551 Buffalo Rd about when they are ready to sell, to see if he was interested in the property before putting it on the market. The time has come and they are ready to move into something more manageable for them, and the idea and the need did present itself as a reality that they have come to the point of outgrowing the current space and it becoming a challenge. Wanting to remain in the location and the space already being utilized in some form of commercial use for the past 40 plus years. Mr. White's first choice is to not have to uproot and have developed 2565 Buffalo Rd around his needs and use and with the need to grow, the neighboring property seems to be the logical choice. The question is how do they do it, in a way that meets all of the regulations and laws. Whether it's a rezoning or another variance which they obtained for 2565 Buffalo Rd. Another option which seems to be the most logical is a Re-Sub-Divide in making the two properties into one, with the current use variance being amended to the extent of the new single property. Mr. White provided the Board copies of the sketch of what he would like to do along with a letter with the description of plan, summarizing what he had just presented.

This, he believes would serve his needs for the business increase for the life of his business as well as being a good use of that space.

As it is now, not an attractive residence for a single-family home. They are sandwiched between 490 and themselves. It's a home right at the edge of a business district between an active expressway and active business. Mr. White is open to hearing ideas from the Planning Board.

Chairman Wall asked the Board for initial thoughts

Mr. Argenta asked about the property line

Mr. White referred to the sketch that was passed out earlier. About 10 feet off existing asphalt is current property line

Chairman Wall, at first look, not sure the best path, and ask Attorney Dan Schum what the best possible answer could be.

Attorney Schum, the possibility to go back to the Zoning Board, and asking if the new property could possibly be erased from the property line between the two, to make as one. The proposal is to expand the use variance to include the additional R 1-11 single family parcel to be used for business purposes. The alternative is to Re-Zone to a Commercial Type Use, but it's a relatively small parcel to Re-Zone, which could open its self-up to other uses, which then could limit Mr. White later on to retire and sell.

Also, the percentage of lot area covered by buildings. The Town Code regulates the percentage of lot coverage it can have with buildings and is something he needs to look into. In the existing property, it's states it has an apartment and an office. Mr. Schum asked if it's being rented out and if so adding a multi-family home on one parcel, the Zoning Board may have some difficulty with 4 residents on a single-family property.

Mr. White replied there is a renter and also asked if there's a difference in having 3 instead of 4 make a difference

Mr. Schum doesn't think so, if the property is single family parcel, then having multiple residences or apartments changes that. Mr. Schum pointed out he's not giving legal advice just pointing some potential opposition, the more intense of use of property the chance of resistance is there

Mr. White asked how he would find out more

Attorney Schum suggested presenting to the Zoning Board, No one from the Town can answer, that's why there are Boards to go through. It's were you would present your arguments about being close to 490 and Buffalo Rd and no longer needed as residential or the state of your current business or any other things to provide information. There may be opposition from the residents in the back of the property.

Chairman Wall asked about how many acres of each property, Mr. White replied, his is approximately 1.5 acers and similar to 2565. Overall about 3 acres.

Chairman Wall, sees Riviera Drive is South of the property and see from his phone there are existing trees and the houses are well buffered, but there may need to be additional buffering, as well as looking at drainage, outside mitigation with all the disturbance, storm water ponds and possible traffic numbers. He asked if the business would be expanding

Mr. White, answered they are expecting some growth, but there are a lot of unknowns right now, with shut-downs, pandemic, finding help, which is a challenge right now, but are actively pursuing growth and are currently bursting at the seems with a congested yard. If they are not able to do something with the property, they will be either constricted to the current size and not growing, or selling the property to move and not sure how hard that would be to put on the market. They don't want to leave a vacant property, which is what they did 17/18 years ago, with

the current property which was vacant and they developed it and beautified it, and hopefully blended it in nicely in that spot, with nice landscaping, improvements on the house with stonework, siding, and new windows to make sure they fit into that area.

Chairman Wall asked if this idea is hinged on the apartment complex

Mr. White said to make it economically feasible he would need the rental income on the property helps to make money on the property. They are blessed with growth, but still have challenges with business. Also, he doesn't have real other use of that property. It is a single-family home right now, to make into a three apartment would be more work, but two apartments, up/down duplex would take some cost, but relatively little and then be able to continue to generating income.

Chairman Wall suggested when presenting the Zoning Board to be sure to point out all the facts, the more information the better. The Zoning and Planning work together, but independently, so the more information the better.

Juan Ruiz asked what the square footage of the 2551 property is? Mr. White replied, 17, 000/18,000 sq. ft.

Chairman Mike Wall went to side table and asked if anyone had questions....NONE

Attorney Schum agreed with the Chairman to bring as much information as possible, like the economics part of it with the apartments portion helping to support financially the expansion. Also, the 4-5-6 parking spaces in the front adjacent to the property is usually not a prudent use in a residential property. Not making decisions, just point potential questions or concerns. Possibly getting an engineer to look at the plan and point some hot areas that could be issues, they could look into seeing if these fits or not with Codes. Spending a little money now could save a lot later. Going to the Zoning Board first make better sense, some have come to Planning first with a full engineer plan which cost a lot of money. The Use Plan goes to Zoning and Site Plan goes to Planning.

Most likely after tonight the meeting will go back to ZOOM meetings in December, and there are only one meeting per month per board. Mr. White will need to contact the Town to find out cut-off dates for getting on the schedule. This could possibly go into March/April

Chairman Wall looking into smaller types of Engineers may be helpful and cost efficient and they can help with homework. They'll know what to look for and where. It's a good use of money.

Mr. White understands all the advice and how necessary it is before going forward and appreciates knowing the timeline better and will go back to the homeowner and see if it's feasible and works for them as well

Councilman Cordero asked about the number of apartments being four and also asked if he lives at the address? Mr. White responded that it would be two, which is more realistic an Up & Down and he lives in Chili, not on this property.

Chairman Wall asked if anyone else had questions or comments.....None

**GIZZI REAL ESTATE HOLDING
REQUEST SITE PLAN APPROVAL EXTENTION
LOCATION: 3035 Buffalo Rd**

Chairman Mike Wall, stated they are seeking a consideration of granting them a six-month extension Site-Plan. He himself has no issues granting this request and asked the Board if anyone had concerns....None

Chairman Wall motioned to Grant a **Six-Month Site-Plan Approval Extension** for Gizzi Real Estate Holdings for the property on 3035 Buffalo Road. All the Conditions currently with the Site Plan are still in effect.

Joe Argent second motion.... All in Favor

Motion Passed

Chairman Mike Wall made a motion to adjourn the meeting, All in Favor
The meeting was ADJOURNED at 8:00PM

Respectfully submitted,

Lily Alberto
Recording Secretary