

The Town of Gates **Planning Board** held two public hearings on Monday, October 26, 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 Andrew Gartley, Dan Schum	Town Attorney
K. Rappazzo	Director of Public Works
Lee Cordero	Councilman, Town Board
Mike Ritchie	Costich Engineering, P.E.

Chairman Mike Wall called the meeting to order at 7:31 PM and asked for a motion to approve the September 28, 2020 Planning Board Minutes, as well as October 15, 2020, Special Planning Board Meeting.

Motion by Theresa May to approve the minutes as received, second by Joe Argenta. All Agreed.

MOTION CARRIED

CONCEPT SITE PLAN REVIEW

OWNER: Steven R. Edwards

LOCATION: 696 Elmgrove Road

R-1-11 (Residential Zone)

ENGINEER: DSB Engineers

REFERENCES: None

Walt Baker, DSB Engineers, with concept site plan review for land at 696 Elmgrove Rd, 2.1 acres in size. Looking to sub-divide into two lots of approximately 120 feet wide by 800 feet deep. It'll be a shared driveway, with one house closer to street and the other to the rear of the property.

Mr. Baker reiterated it meets the code R-1-11, lots at 37,000 square feet, one being almost an acre in size and the other over an acre in size. Public water, public sewer. Simple concept

Chairman Wall reminded everyone this is a concept site plan review and opened for questions from Board members.

Theresa May asked if these houses would be for Sale or Rental?

Mr. Baker replied for Sale. Two single family houses approximately 1700-2000 square feet in size

Juan Ruiz asked if they will be of equal size of one bigger than the other?

Mr. Baker answered there are no buyers as of yet, but will be marketed for that size of house

Chairman Wall asked where does the proposed driveway line-up to where the existing curb cut?

Mr. Baker replied that's the concern. As of right now it is shown on the South, but could be flipped to the North which is closer to existing curb cut. It's shown on the South end, but not sure where developer wants it. We would need to get the survey shots and coordinate with Monroe County DOT

Chairman Wall asked there would be basements and the approximate square feet of the houses

Mr. Baker replied, Yes there would be basements and the square footage would be 1,700 - 2,000 sf, could be a bit larger, depending on the footprint of the houses [two-story or ranch]. Mr. Baker added it's a fairly secluded and wooded area which will Not be totally cleared out. Just enough to have a front and back yard, keeping tree lines along the perimeters the same.

Chairman Wall asked if there were more questions from Board; there were none.

Side Table:

Attorney Dan Schum, would want to see the shared driveway agreement in the Preliminary/Final Stage

Kurt Rappazzo, would want to see the proposed driveway, possibly use the existing curb cut and to be sure of no drainage impact to neighbors

Mike Ritchie, the comments for the letter and conceptual in nature

Lee Cordero, nothing at this time

Chairman Wall, this is for concept site approval, no action is to take place tonight, just a first look as the Board to generate some concerns or comments before the proposed project. He opened to anyone who wants to speak on project.

Al DePaspero, spoke that his house backs up to this proposed site and for 35 years has looked out and seen trees and thinking of looking out and seeing houses is a bit concerning, but knows he can not prevent that, but asked if the tree and lot line remain and also asked how far from the houses to the property line is the distance? He would like an idea of how far from each other they would be and will there be a buffer between the property lines? He also commented on wanting the driveway to be on the Southside so it would be away from his property line.

Dominic who lives on Land Stone Terrace, the 1st house after Elmgrove Rd. Likes the idea of trees staying as much as possible for privacy, but there are several trees directly behind his property that are about 40 feet tall and are leaning towards his house and believes if any fall, they will hit his house. Thought-out the years he has paid to have them trimmed, but it is very expensive to maintain and doesn't see them as much of a privacy fact, but just too tall and lots of leaves and leaning and could be an issue.

Also, one of the corners of his yard towards Elmgrove has buildup of water which creeps up onto his shed, and hopes that will be addressed. Also, would prefer driveway on the Southside.

Lin Lawlens, lives directly South of the property and even though the gentlemen would like the proposed driveway to be on the South, she would like it to remain where it is. She also agrees there is an abundance of water right below her house, where the basement of 696 Elmgrove used to be and would like to see the final plan, a rendering. Hopefully it works out well for the neighbors on the South and North, but are the only neighbor on the South for the 800 foot stretch and would like to have input when the time comes. Mrs. Lawlens also added that her husbands' parents built the house in 1932.

Chairman Wall asked if anyone else had comments or concerns.....No one else.

He then continued, by thanking Mr. Baker and summarizing some of the concerns brought up today; drainage, the trees, screening, driveway locations can be important to people here, so things to consider before going forward with application. A letter will go out with these summaries.

FINAL SITE & RE-SUB PLAN APPROVAL
OWNER: Manitou Road Gates, LLC
LOCATION: 2600 Manitou Rd
ENGINEER: T.Y. Lin International, P.C.
REFERENCES: 9/28/2020, 10/16/2020

Chairman Wall, noted that Board Member Andrew Gartley would need to recuse himself from this project.

Tim Webber, with Acquest Development, Thanked everyone on the Board, Mr. Ritchie, and Mr. Rappazzo for all the work they have done to help with this project. This is the forth meeting with the Planning Board since July 26th. A lot has been accomplished in 12 weeks and happy with how the project has gone and hopeful everyone feels the same.

Giving an overview of the project:

Well-Constructed, Modern, High Tech, 280,000 square feet warehouse Distribution Building on 34 acres, and is adjacent to consistent uses, 600 feet from Manitou Rd and immediately adjacent to route 531 and 490 and the thru-way. It's a Great location for a distribution building like this. At the Special Hearing on October 15th the project received Sub-division approval SEQR negative declaration and preliminary Site Plan approval and here today to request Final Site Approval on a project that was first presented back in July. We have received comments from Mr. Ritchie dated October 23rd and majority of comments were related to storm water and drainage, cleaning up the plans in general. A revised letter of credit was requested in that comment letter and was submitted today for review and approval. Stormwater maintenance agreements and stormwater easement between lots 1 and 2, just sub-divided two weeks ago are in progress of conveyance excess to sub-divide parcels working on now. All easements and agreements will be submitted to the Town prior to filing. Randy Bebout the Engineer, with TY Lin International, P.C. met with the Fire Marshall today and is providing unrestricted excess to firetrucks in case of an emergency. Went through a plan to provide through Les Harrison Drive immediate excess

Mr. Argenta asked about the access to the fire department, if it will be a security type gate or a bar of some sort

Mr. Bebout, replied that it will need to be a security gate in consistency with the rest of the property. It was discussed with the Fire Marshal, who was satisfied with the plans for the Fire Dept. connection and the access point.

Mr. Argenta asked about the several electric vehicle stations, but none are ADA accessible

Mr. Bebout, there is actually one ADA accessible, and thought it was indicated in plans

Mr. Argenta also asked if building elevations and colors were the same from the plans seen prior

Mr. Bebout answered Yes, the same

Chairman Wall understands that some further coordination has been done with MCDOT, and would like a quick update

Mr. Webber, Monroe Country DOT provided [two weeks ago] a review letter which was commented on. There were seven [7] items and now down to one [1] item with them. They want a restricted return outbound for dump trucks, which was provided today, and squaring away the employee entrance, which will get done the next couple days.

Mrs. May asked for landscaping highlights

Mr. Bebout, [referring to drawings], no landscaping is proposed for the back of site, primary focus is the front of site showing plantings at the entrance points and trees within Eastern and Western islands of Employee parking and landscaping around the signs that will go up. May need to work on a bit further depending on grading. It will be mostly trees

Mrs. May will the trees withstand salt if the snow removal goes toward the trees

Mr. Bebout, most of the snow will be pushed into the employee parking area into the detention pond area, where there are not too many trees, it would be pushed into open areas

Chairman Wall, we understand the Fire Marshal looked at the updated plans. Will the radius need to be increased?

Mr. Bebout, looked into an increase in radius at the four corners, so firetruck can circle around and will provide diagram prior to final plan

Mr. Wall the bus stop shown on plans is that in accordant to RTS?

Mr. Webber has been working with RTS the past few weeks and have had good conversations about it and are good with the Bus stop locations and are also talking about possibly using shuttles in the future, so RTS is good with the stops as is

Mr. Wall asked if there were any other questions and then went to side table.

Mr. Schum, just to be sure all signatures are on plans prior

Mr. Rappazzo, nothing at this time

Mr. Ritchie, just cleaning up plans, storm drainage

Mr. Cordero had nothing

Chairman Wall opened to public...None.... Closed the Public Hearing

Executive Session

Chairman Wall motioned to **Grant Final Site Plan Approval with Final Conditions:**

- 1 All conditions of the Preliminary Site Plan be incorporated in to the Final Site Plan
- 2 All stamps of approval from all regulatory agencies, including the Fire Marshal, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman
- 3 A letter of credit is to be submitted to the Director of Public Works in the amount sufficient to cover drainage improvements, landscaping, and As Built Survey.
- 4 A note on the plans that building is to be constructed according to the renderings and samples presented to the Town

- 5 A note on the plans that the applicant is to provide attention to the maintenance and cleanliness of the boarding roads to the property during the construction phase to the satisfaction of the Town's Dept. of Public Works.
- 6 The applicant finalize the bus stop location and walk-way with RTS.
- 7 The applicant indicates the EV-charging Handicap spaces on the plans.
- 8 The applicant will provide copy the MCDOT permits for office files.
- 9 Any and All final comments from the Gates Fire Marshal, Town Engineer, and Department of Public Works are to be addressed.

Joe Argenta seconded the motion, all in favor

MOTION CARRIED.

LOUIS R. BRONGO
PRELIMINARY SITE PLAN APPROVAL
OWNER: Louis R. Brongo
LOCATION: 4505 Lyell Rd
LI (Limited Industrial District)
ENGINEER: Land Tech

John Sciarabba with Land Tech, on behalf of Lou Brongo who is present as well. He owns the property on 4505 Lyell Rd., which is 2.7 acres and proposing to build an 8000 sq. feet metal building, zoned Light Industrial. The plans are the same as the meeting in September with a couple changes.

He along with Mr. Brongo after reviewing comments from the board, decided to retest the area and met with Monroe County Health Dept. at the site and designed a new leach field, which then allowed for the building to be pushed closer to the road, which is now 109 feet off the right-of-way, well within the set-back requirements.

Also, in the September meeting the Town Engineer requested review section code 157, pertaining to stormwater, so minor tweaks to the plan have been done to stay in conformance of the Town Code. Hovering around the 1-acre disturbance trying to avoid the DEC permit and the information provided to the Town today reflects all the comments received.

The Boards had some minor things, the snow storage, which has been reflected on the current plan, Town Engineer commented on line of credit for Erosion control and Seeding, also addressed comments from the county and town staff

The DOT comments have been addressed as well, the driveway is 16-foot- and 30 feet wide, edged pavement to handle commercial vehicles

Mr. Sciarabba has addressed all Town Engineer comments made prior and believes is ready for Final Approval from the Board.

Mrs. May asked about the existing pond on the adjacent lot, to the west

Mr. Sciarabba commented, not too familiar with the pond, but know that drainage will be South to North according to the Monroe County right of way. Looking at the plans, there are catch basins within the gutter along Lyell Rd

Mr. Argenta asked what the use of the building will be for?

Mr. Sciarabba replied for storage. It's a tree clearing business, so will be related to that, so equipment in and outside. Mostly storage. It's a continuing of his business with his son, which is very successful next door and needs more room.

Mr. Argenta thought there were doors on the side in the previous plans and now looks like overhead doors, North and South

Mr. Sciarabba answered that's correct and also the height of the building was questioned at the last meeting, it will be at about 21-22 feet high at the peak

Chairman Wall, Thanked the gentlemen for including the architecture elevations which was previously requested, and confirmed the colors are the same as previously discussed. He asked as far as the septic system, if the inverts have been designed?

Mr. Sciarabba answered Yes and have been submitted to the Monroe County Health Dept. It's a small system, for four employees at about 60 gallons of water per day, so there are two [2] laterals about 40-feet long

Mr. Argenta asked if the two [2] sections would be connected?

Mr. Sciarabba answered No

Mrs. May asked if this is both Residential and Commercial Land?

Mr. Sciarabba, replied it's zoned for industrial, the North side of Lyell are residential, but this will be primarily be Industrial

Mrs. May, asked about the landscaping, on what is staying or being removed or adding?

Mr. Sciarabba the eyesore of the mobile home will be removed, the rest is trees and grass that will be maintained, but if anything, it will be very minimal, just to maintain, not posing any berms, might add a few more trees

Mrs. May, asked about lighting due to the residents and possible impact to the neighbors.

Mr. Sciarabba the resident across the street, which is the only one to be impacted, and is very involved in this project and is in constant contact with Mr. Brongo, but the lighting is directed to the sides or south and not to the front, which minizines that and not proposing to have lighting go off site. Light contours go from two [2] to zero [0], just wall tacks

Mr. Wall asked if there was lighting proposed on westside with driveway

Mr. Sciarabba doesn't believe so, not at this time

Mr. Gartley asked about the overhead door colors and man-door colors, and about the gutters and if it'll be fire-rated walls?

Mr. Sciarabba answered White, with glass on the man-doors, and there will be gutters with downspout and the walls will be fire-rated

Chairman Wall asked if there were any more questions, then continued to the side table

Attorney Schum—None Mr. Rappazzo—None Mr. Ritchie—None

Councilman Cordero—None Then opened to Public—None

Executive Session

Chairman Wall motioned to **Grant Final Site Plan Approval for 4505 Lyell Rd :**

- 1 All conditions of the Preliminary Site Plan be incorporated in to the Final Site Plan
- 2 All stamps of approval from all regulatory agencies, including the Fire Marshal, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman
- 3 A letter of credit is to be submitted to the Director of Public Works in the amount sufficient to cover drainage improvements, landscaping, and As Built Survey.
- 4 The building is to be constructed according to the renderings and samples presented to the Planning Board
- 5 A note to be added to the plans that The applicant is to pay particular attention to the maintenance and cleanliness of the boarding roads to the property during the construction phase to the satisfaction of the Town's Dept. of Public Works
- 6 All signage shall conform to the Town or Gates standards
- 7 The Town receive the Department of Health approval of the proposed Septic System.
- 8 The applicant to addresses any and all final Town Engineer, Department of Public Works or Fire Marshal comments.

Mrs. May seconded the motion, all in favor

MOTION CARRIED.

**PARKVIEW PLACE SECTION 3
FINAL SITE PLAN APPROVAL
OWNER: Parkview Place, LLC [Robert Marcello, President]
LOCATION: 3990 Lyell Rd
MR (Multiple Residence Zone)
ENGINEER: Schultz Associates P.C.**

Kris Schultz, engineer with Final Site plan of section 3. The last phase of 4 sections. Haven't changed any layout or anything. The same overall as in the preliminary. Some comments received today from the Town Engineer, nothing of concern, an item we had, a separation issue of a couple units, we can handle a number of ways, a potential sunroom in one of the units, to eliminate it. No show stoppers, multiple ways to resolve it.

Chairman Wall asked Board members if there were any questions.....None
Again, this is Phase 3 and will complete the project.

Mrs. May commented she was happy the list of neighbors was included

Chairman Wall called on side table

Attorney Schum, since this is the final section, as discussed previously would like to get some As-Builts for all Four [4] Sections to be on file in the Town Hall

Chairman Wall did ask about the pond possibly acting as a sediment basin, the plans it to dredge that out to the designed elevations, and get surveyed to be sure to get the vines for the homeowner to know

Mr. Schultz, yes, following the completion of the will actually have one of his guys go out in a kayak with a rod and will find out exactly how much sediment got in there and bring back to the designed elevations.

Mr. Rappazzo—None Mr. Ritchie—None Councilman Cordero—None

Chairman Wall opened to the Public

Terry Santiago, [used property drawings to show her home] When this all began, she and her husband attended the meeting for six [6] months and the plans they walked away with, [had with] is not remotely close to what's been built so far. She admits to stop coming to the meeting because once it was approved thought it was the end of it and these would be the plans. Mrs. Santiago says it has changed a lot since then. [Using the Drawings] She pointed the unit next to her home, to the west was supposed to be a four [4] unit, but became a five [5] unit, so her having a five [5] unit on both sides of her would make her look at nothing but walls. She is asking to take into consideration, not making it a five [5] unit. Also, as far as the people on the list, she was not one of them, and this has affected her the most of anyone. She has worked with Bob, who has been kind and added a level of dirt and pine trees and it's appreciated. Unfortunately, some trees have not made it, but. Also, she asks that the tall trees in the back remain there as a bit of "wild life". The buildings are very tall and thinks it's due to the rock level, but feels it's a lot of walls to look at and to Please consider a three [3] or even two [2] three [3] back there

Chairman Wall, Kris, you heard the comments and it looks like a berm and pine trees were put in as a buffer, is there anything that can get done and maybe replace those trees

Mr. Schultz, Yes, the design will keep the long trees as well as extensive landscaping design. The westside of her house which consisted of her berms and pines. In this section, it's actually designed further away from the other homes, and are keeping the majority of the large trees. Again, we are keeping within the original plans discussed and will keep as many trees as possible. Cutting down the number of the unit is not going to change, these are one story units, they are very nice. Most developers go to two-story for more density, but we kept at one-story. They are a bit higher, unfortunately, the area does have a lot of rock, but that's Gates. Mr. Schultz added he knows Mr. Marcello has put in a lot of effort to meet all the concerns.

Mr. Marcello, added that right from the beginning he did meet with Mrs. Santiago and the plans have not changed since day one. He said this is a really rough area, He took all of her dead trees, and actually brought the road over, and wound it in, to give her as much set-back as possible. Mr. Marcello added that Mr. Schultz moved [showing on drawing] because of density, but pulled forward to keep the trees in the back, like she was told they would, nothing has been changed and because of some things that he lost in the preliminary drawings and really want to keep this the way it is. Mr. Marcello feels he has gone above and beyond, he has spent a lot of money and time clearing up the trees adding new trees, redoing the yard and his expense.

Mrs. Santiago, spoke up, that her yard was not redone, nor the trees cleaned up being hers. Mr. Marcello reminded that there were yellow ribbons put on trees to be kept. Mrs. Santiago said that they were not her trees and it didn't matter if they were cut or not. She is concerned with the units being five [5] when the originals showed four [4]. Mr. Marcello replied the drawings Mrs. Santiago has were not the ones approved by the Town, she insisted they were and that is why she stopped coming to the meeting, but Mr. Marcello reiterated that those were not approved and had to go through changes to get approval. It's unfortunate she stopped coming to the meetings, but they this plan, the plan that received the site approval is what they are going with and have been going with.

Chairman Wall asked Mrs. Santiago, if they replaced trees on the westside of her property, buffering the road coming in and minimize the trees coming out behind her property if that would help??? Again, they will need to remove some trees to construct this, but there will be some sort of buffer between her property and the other. This would be on the North side. Also, if they replace the trees that might have died on the berm would this be helpful??

Mrs. Santiago, responded that it the five [5] unit that she'd bothered by, it's all walls

Chairman Wall expressed that looking at the Ariel view.... it is thick back there and if the number of trees being removed back there was minimized that should help buffer. As far as the five [5] unit, he understands, but from the Preliminary on through the final concept there were tweaks being made. Mr. Marcello needs to make this economically feasible for himself, but we want to be sure to cover Mrs. Santiago's needs are as well and asked her if the trees that died on the berm were to be replaced would that help

Mrs. Santiago responded that the evergreens that died have been replaced and died again and realizes that's not Mr. Marcello's fault.

Mr. Marcello says they were not watered, there is an Association that choose to not maintain and water even though they were asked too. He cannot be responsible to water. He agrees to replant one more time, but not responsible for maintaining them. The guy he buys them from recommends them being watered five [5] gallons of water, once a week for the first eight weeks. That was not done.

Mrs. Santiago does appreciate what was done to help with her yard. Her and Mr. Marcello continued repeating the same comments back and forth.

Chairman Wall, suggested both Mr. Marcello and Mrs. Santiago get together offline and come to some sort of compromise. The plans have been approved, we can add a few items as minimizing tree removal in the back and replacing the evergreens with an agreement with the Association of upkeep. Mr. Marcello agreed.

Chairman Wall asked if any board members had further questions...None

Side table.

Attorney Schum—None Mr. Rappazzo—None Mr. Ritchie—None
Councilman Cordero—None

Closed Public Hearing

Chairman Wall, we'll add a condition that the applicant has a conversation with Mrs. Santiago to address the concerns. This is the final approval and the last opportunity to work out any issues concerning landscaping. As far as the property itself everyone has their own right to get their economic investment back and that is what Mr. Marcello is trying to do, but we need to remain neighborly and work together the best we can, especially between the properties existing and proposed.

Chairman Wall motioned to **Grant Final Site Plan Approval for Parkview Place Section 3 at 3990 Lyell Rd:**

- 1 All conditions of the Preliminary Site Plan be incorporated in to the Final Site Plan
- 2 All stamps of approval from all regulatory agencies, including the Fire Marshal, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman
- 3 Town reviews the Letter of Credit to confirm that there is sufficient funds to cover the dredging of the stormwater features and final As-Built Survey to confirm that stormwater storage volume of the pond meets, or exceeds, the approved volumes in the SWPPP.
- 4 A note to be added to the plan that The applicant is to pay particular attention to the maintenance and cleanliness of the boarding roads to the property during the construction phase to the satisfaction of the Town Departments
- 5 The applicant is to work with Mrs. Santiago at 4020 Lyell Road, items to discuss are; minimize the number of trees removed from behind her property to the North, as well as the replacement the Evergreens to the West of her property that have died.

Mr. Argenta seconded the motion, all in favor

MOTION CARRIED.

Chairman Mike Wall made a motion to adjourn the meeting,
The meeting was ADJOURNED at 8:30PM

Respectfully submitted,

Lily Alberto
Recording Secretary