

The Town of Gates **Planning Board** held two public hearings on Monday, December 21, 2020 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., beginning at 7:30PM

**MEMBERS PRESENT:**

Mike Wall	Chairman
Joseph Argenta	
Juan Ruiz	Via ZOOM
Theresa May	Via ZOOM
Dan Schum	Town Attorney
Lee Cordero	Councilman, Town Board
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 November 23, 2020 Planning Board Minutes as received, Joe Argenta, motioned to approve and Andrew Gartley second. All Agreed.

**MOTION CARRIED**

Attorney Dan Schum noting some housekeeping items that Pursuant to the Governor's Executive Orders, we have two members [Theresa May and Juan Ruiz] of the Board who are authorized and are able to fully participate via Zoom with the ability to comment and or questions though-out this meeting which will be recorded and with that said we have a Quorum.

Also, this meeting was properly posted and published as required by law.

**PRELIMINARY / FINAL SITE PLAN**  
**OWNER: Manitou Road Gates, LLC**  
**ENGINEER: Langan**  
**LOCATION: 2600 Manitou Road**  
**G. I. (General Industrial Zoning District)**

Chairman Mike Wall asked if the applicant was present to speak on the project

Frank Pavia, attorney from law firm Harrison Beach in regards to the Site Plan Application. The project team and applicant are participating via Zoom to answer any questions.

James Murry Coleman, Thanked the Board and the Town of Gates and the staff for holding and attending this meeting and showing so much flexibility, especially knowing there is not normally a meeting held in December, especially so close to the holiday.

Mr. Coleman, using the screen to show a display of the site which is essentially 100 acres, currently owned by Acquest Development and has Michael Huntress and Tim Weber present to answer any questions about the site as well.

Site Prelim was previously [November 2020] granted for a cross-dock facility for approximately 280,000 sq. feet on this portion of the site as well as a sub-division, which is very much appreciated. At that time, there was a second project coming, which was to develop a very large, multi-story warehouse, just in the South of that Aquest facility. This project is approximately 3.8 million square feet, five-story building with upwards to 1800 car

parking spaces and over 200 trailer parking stalls in the back. After doing some preliminary deviation work, ran into a number of wet-lands, some came from ‘man-made’ bodies of water, but because of that and the impact it gave them pause and made them rethink the entire site and look at other options and flexibility. The solution they came up with was to basically take that very large building, the 3.8 million square feet with 823,000 square floor plate and take the entire site for that building.

The original site plan that was submitted and the board has been reviewing, as well as submitting all Lead Agency letters and environmental statements through various agencies for this particular project have all be turned in prior to the Thanksgiving holiday.

Subsequent to that the client has done some internal analysis and looked at their network of warehouse buildings and centers across the country and realized this building is slightly too large for their needs in this marketplace and ultimately decided to reduce it and this is the project is being looked at tonight.

The first floor is about 640,000 square feet. Still a five-story building, and identical to anyone driving by. Still have a significant amount of trailer parking stalls in back, car parking in front. They have worked very hard to avoid impacting the wet-lands or doing any harm to those sensitive environment conditions

Moved to a coloring rendering of the project for the remaining presentation

This project does not constitute a potential adverse environmental impact, much less impactful then originally planned. Originally 90 acres and now 46 acres Less than half of original

More “Green Space” will be created on site Will provide approximately 1000 jobs. Peak season will be more Providing 1250 Parked Car spaces in front.  
300 Constructions jobs

Cost about \$280,000,000.00 to build which is a significant impact on real-estate taxes that go out to the community and school district etc.

Will be seeking five [5] Zoning Area Variances due to building being 100 feet tall, it does exceed the max by 50 feet. There are other buildings that exceed the 100 feet in the Rochester Tech Park and believes this building will fit nicely in the area

Discussions have been had with Public Transportation and there is an agreement put in place through discussions with stops in the area with Regional Transit, who is also planning on building a HUB directly from downtown Rochester. There will be a shuttle service

The plan is to complete by the second quarter of 2022 and Open 3<sup>rd</sup> quarter 2022.

Want to start construction first week of March, in talks with contractors, who will be talking with local contractors in January. The plan is to use as much local contractors as possible. There are some specialty areas that may require some out-of-state labor, but for most part are good concrete jobs, electricians, etc.

The plan is to open facility in 3<sup>rd</sup> quarter of 2022 and be fully operational by the 4<sup>th</sup> quarter of 2022 with a Thousand [1000] jobs. Full-time.....Full Benefits, same as Management

They are constructing a similar facility in Clay, NY and last week had the opportunity to tour a few Town Officials through

Kurt Rappazzo, said he had a Great tour last week, it's halfway constructed and is not fully enclosed yet, but got a great sense of the scale of the building and site. It was also amazing to see the number of employees, about 300-hundred and in terms of COVID, all are temperature tested and masked, gloved. Very efficient.

Michael Finan, Langan Engineer on project, using display on screen to show the existing site conditions as of today for the most part, relative to the proposed conditions of the site. North is Les Harrison Drive...left-hand side West is Manito Rd and South is South Rd and right-hand side is Wallace Way. He showed an existing building, as well as two [2] existing man-made ponds, which receives run off storm water, on-site swells, physical pipes and berms

The proposed site will have three [3] entrances, Manito Rd, which was moved northerly away from residents, which is in Ogden, which is a better approach going in and out, to Le Harrison, which will the parking field and service emergency truck and then and excess at South Rd which will primarily cover the truck court to the back. The building is 6035,000 square feet. The proposed building will be in the same location as original. All green area will be either lawn or landscape. Stormwater features in about every corner.

Looking a utilities....Sewer water, this building will have similar uses to the existing on site, with no significant changes to the sewer water usage. There will be a water tank on site for emergency purposes if ever the case. There will be outside lights and improvements at Manito Rd and Les Harrison Drive.

Building will be approximately 975 feet from Manito Rd, save existing vegetation along Manito Rd. Also, along the south

The five [5] Variances that will be needed:

- 1 Fence Height, which will run along the back at 8feet high for security, mostly set back off Manito Rd and Les Harrison. The appearance will be less than 8 feet
- 2 Loading Space 12 x 50 [it's at a reduction, but needed]
- 3 Free Standing Signage. Will need three [3] of them, 1 @ Les Harrison, 1 @ Manito and 1@ South Rd.
- 4 Building Mounter Signage. Will need two [2]
- 5 Height Variance Town is 50 feet, but they need 100. The building in the back is 107, so it can be done.

They will be looking to the Planning Board for Guidance. There are notable reductions.

Theresa May, had two questions, will the color be grey and the lighting, especially for security???

Mr. Coleman, as far as lighting, both Parking and truck areas will have LED lighting, dark side compliant, zero light spillage in area. All criteria will be met.

The Project Architect presented the building color scheme is 2-3 shades of grey an accent strip of blueish type;

Mrs. May, appreciates the effort in keeping the ponds and green space, but want to know if trees will be taken down and if yes, will other be put up?

Mr. Coleman, responded some trees will be taken down in the proposed parking lot, but new ones will be added to landscaping to include bushes and shrubbery. There was a landscaping plan provided to the board along with all the other plans.

The Project Architect presented some sustainability features in the building are the roof that has the capability to support a solar -array as well as electric charging in the truck area, LED lighting in the interior and exterior for as

much light as possible. There are some vertical elements, textures. It's not just a box, it's a nice-looking building with a lot of articular appeals.

Mr. Coleman, people ask why a five-story building, but the geniuses that designed this building using gravity to Have goods come and go. It's the warehouse of the future. It's an internet type of facility. It's wonderful that Rochester is in the front end of this way of a new and contemporary design.

Mr. Coleman, it is a performance-based fire suppression system. It's gone through numerous rounds of testing through various agencies. It had to be tested for hundreds of hours. There is a huge water storage tank behind the building which will provide uninterrupted flow of water to those heads. It's an extremely sensitive system. There is a specialized sprinkler head that has been tested for hundreds of hours. We previously showed some of the modeling with a video footage of this system in action to Supervisor Giunta and Highway Superintendent Kurt Rappazzo. We deal with a Fire Prevention Group out of Atlanta that works strictly with fire prevention and they have been working on this type of building for about ten-years to perfect that system. They are happy to share that presentation with anyone interested in seeing it. It exceeds all expectations. With a thousand people in the building and twelve [12] stair towers to the roof...Human life is number one priority, there's no time to fool around. There have been time studies in an event of a fire as well as there will be fire drills periodically. There is also a fire command center in the building that is extremely state of the art that will be monitoring

Chairman Wall, thanked everyone for such a great presentation and noted this is a Public Hearing and there are people on Zoom as well.

Joe Argenta asked what are the materials used for the building, if precast, metal panel and asked about building elevations

Mr. Coleman replied that the lower portions are precast, fabricated off site and brought in and attached to steel frame. The elevations were included in the packets sent out. First floor is about eighteen [18] feet with structure between. Total is One hundred and five [105] feet which is to the top of the parapet

Mr. Argenta asked if they are going for a certification for sustainability? Mr. Coleman responded they are not seeking any certifications

Mr. Argenta asked about an associated fire pump house will be in an adjacent building

Mr. Coleman replied there is a Pump house adjacent to the building

Andrew Gartley suggested providing a materials board for reference. Also looking for truck movement going in and out, and what it looks like as well as frequency and hours of operation

Amy Dade, Senior Traffic Engineer, truck traffic Les Harrison [northerly] exit is mainly for emergency. South Rd is the main entrance/exit for the trucks.

Morning Peak hours Ten [10] trucks entering, ten [10] trucks exiting	<b>6:30AM-7:30AM</b>
Evening Peaks hours Eight [8] trucks entering, eight [8] trucks exiting	<b>5:30PM-6:30PM</b>
The operation is 24 hours	
Total anticipated truck trips a day is 100-150	
Looked at best way in and out of park	

Mr. Gartley asked if trucks will be turning left onto Manitou to 490

Mr. Pavia, majority of traffic will use 490 to NYS Thruway

Chairman Wall asked about truck size, will it be both, semi-truck and panel vans??? Ms. Dade responded Yes

Mr. Gartley asked about the existing monument sign at corner of Manitou and Les Harrison will it be removed or left as is

Mr. Pavia it'll be left.

Mr. Gartley asked about the bus path

Mr. Finan, the Hub located on the Eastside of Tech Park will be main drop-off point for the large busses than from that point they'll use a 16-18 passenger bus to use as an on-demand type like a shuttle service to help customize rides for the people. It's a unique process and all are excited about it.

Mr. Gartley, the curb stops...due to getting at times large amounts of snow, could a curb be put in, in leu of curb stops. Looking at the plans, it seems there is a walkway and fear the plow could go over

Mr. Finan, it is curb stops to help prevent road depressions and to keep same elevations

Mr. Gartley also asked on thoughts on snow removal and also the 88 parking, non-parking striped areas will need to have a No Parking Sign, it is a NYS requirements

Mr. Finan, there are many available open areas to place snow, and they will definitely add the No Parking sign where needed

Chairman Wall, asked if any other board members had questions? None

He continued, understanding that the airport is about 4 ½ miles away, are there future plans for Drone Use? Also, the Applicant should contact FAA for the crane height requirements; The Board doesn't see this as an issue, howecer, they just like to see and take note.

Mike Finan replied, No Drones will be used and as far as FAA, they have contacted and have letter.

Chairman Wall, then went to side table

Kurt Rappazzo, None at this time

Mike Richie did submit letter, but doesn't see any issues from what he reviewed

Councilman Cordero, None at this time

Chairman Wall asked if the Fire Marshal has been notified on all this

Mike Finan, replied he has

Attorney Dan Schum, there was a mention of a fire suppression that will require a variance and has it been applied for yet?

Mr. Finan, it has been applied for in three [3] of four [4] instances and three [3] have been approved already. Are actually in front of the Buffalo Fire Protection Board and have made some changes to the stairway, as well as a few other things, knowing their requirements and anticipate their response to be similar to the past

Mr. Gartley asked about the trash bin, will they be in the back?

Mr. Finan, not sure as of right now, but used display to show possible locations for them, but knows there is space allocated for them.

Chairman Wall, Opened to the Public

Jerry Dee, is all for this project, but wants local labor to be used. It's a great opportunity for locals

ZOOM,

Christine Maurice, when it is presented to Zoning Board to please have elevations that show for the signs, both wall and free-standing, so it can be visualized.

Mr. Finan, yes we will supply that information.

Michael Huntress, appreciate everyone taking the time and Thanks the Board and all the Officials for helping them from the plans originally to this point, which are much better. Anything Acquest can do to continue in the efforts, let them know

Chairman Wall asked if anyone else had questions or comments? There were none, Public Hearing to remain open until Final Review, and on to the Boards Executive Session.

Attorney Schum, in reviewing Part 2 of the Full Environment Assessment form submitted by the applicant, there is very few areas that have any impact what's-so-ever-on land and doing the due-diligence. Obviously during construction there will be disruption of the land surface, but has been addressed as a continuous project through up and running third-quarter of 2022. No impact on Geological features. Some surface water impact, but primarily to do with channeling, controlling, treating and discharging being done with less water leaving the site, but no impact on ground water or flooding. Some very minor noise during construction, but nothing loud and No long-term effects after project is complete. No significant impact on plants or animals indigenous to the area. No agricultural resource impacts. No significant esthetic resources presently. No identified historic or archeological resources being impacted this project, nor open space or recreation activities presently on the site. Positive impact is green space and open areas will be maintained. Applicant has indicated there will be a traffic study submitted, as well as no significant increase on energy needs. They have address constructions noise and no odiferous nature being proposed in this area and lighting will be dark sky. No negative impact to human health. It is consistent to community plans; this area has been zoned for this for many years. The development plan is consistent with other buildings in the area/community.

The Board has done a great job in addressing all areas of concern. Specific references in Part 2 with a well-done summary with the presentation. The project is substantially smaller than the original that the Board gave approval for, a few months ago. The overall site is going to be environmentally safe

We do have a SEQR resolution to determine there is no significant adverse on the environment impact due to this project.

Chairman Wall, all agencies have been reached out to, and none take exception to the Town of Gates taking Lead Agency

Attorney Schum, understands that, that is the case. He did not personally take that case but has been advised by Mr. Rappazzo, that those notices were given and received affirmative responses to concur the request for Lead Agency would be appropriate with this board.

Chairman Wall, asked the Board for any additional environmental concerns...None

Chairman Wall motioned that the Gates Planning Board is Lead Agency with Type 1 Action, and after review there in No negative impact to the environment and there for no further SEQR action is required.

Andrew Gartley second.

All in Favor...**Motion Passed SEQR PASSED**

Attorney Schum, asked the Board to adopt the additional SEQR Resolution Offered by the Applicant and that it be incorporated in the Minutes of this meeting as Follows;

**SEQRA RESOLUTION**  
**TC Pursuit Services, Inc. (2600 Manitou Road)**

At a special meeting of the Town of Gates Planning Board (the "Planning Board") on December 21, 2020 at the Town of Gates Town Hall, 1605 Buffalo Road, the following resolution was offered by Chairman Mike Wall, and seconded by Andrew Gartley, to wit:

**RESOLUTION DETERMINING THAT A CERTAIN PROJECT PROPOSED BY TC PURSUIT SERVICES, INC. WILL NOT HAVE A POTENTIAL SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT**

WHEREAS, TC Pursuit Services, Inc. (the "Applicant") has submitted a site plan application to the Planning Board for the construction of an approximately 635,000 square foot warehouse distribution facility with a total gross floor area of 2,919,686 square feet (the "Project") on property comprising approximately 100.85 acres located at 2600 Manitou Road in the Town of Gates (the "Project Site"), as well as submitted an area variances application to the Town of Gates Zoning Board of Appeals (the "ZBA") for the Project; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Planning Board is required to make a determination with respect to the potential significant adverse environmental impacts of certain actions to be taken by the Planning Board; and

WHEREAS, to aid the Planning Board in determining whether the Project may have a potential significant adverse environmental impact, the Applicant has prepared and submitted to the Planning Board a Full Environmental Assessment Form ("FEAF") and supporting studies and reports (the FEAF and supporting studies and reports collectively referred to as the "SEQRA Materials"), and copies of the SEQRA Materials are on file in the office of the Town of Gates Building Department and posted online at <https://app.box.com/folder/126549427004>, and are readily accessible to the public; and

WHEREAS, the Planning Board declared its intent to act as Lead Agency for the purpose of a conducting a coordinated review of the Project pursuant to SEQRA; and

WHEREAS, on November 25, 2020, the Planning Board distributed notice of its intent to act as Lead Agency along with copies of the SEQRA Materials to all identified involved and interested agencies; and

WHEREAS, none of the involved agencies objected to the Planning Board's designation as Lead Agency within the statutory 30-day period pursuant to SEQRA; and

WHEREAS, after completing Parts 2 and 3 of the FEAF, and as a result of its careful review and examination of the Project documentation, the SEQRA Materials and correspondence from other involved

agencies, the Planning Board finds that it has a substantial amount of information to evaluate all of the potential benefits and impacts associated with the Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF GATES PLANNING BOARD AS FOLLOWS:

(1) Based upon an examination of the SEQRA Materials prepared by the Applicant, the criteria contained in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, the Planning Board's knowledge of the area surrounding the Project, representations made by the Applicant in connection with the Project, including all correspondence, reports and other Project-related information, and such further investigation of the Project and its potential environmental impacts as the Planning Board has deemed appropriate, the Planning Board makes the following findings and determinations with respect to the Project:

(a) The Project constitutes a Type I action pursuant to 6 N.Y.C.R.R. § 617.4 of the SEQRA regulations;

(b) The Planning Board declared itself Lead Agency for the purpose of conducting a coordinated review of the Project pursuant to SEQRA; and

(c) Upon completion of Parts 2 and 3 of the FEAF (the findings therein which are incorporated in this resolution), the Project does not present a potential significant adverse environmental impact based on the following:

(i) Air Quality: The Project will not substantially impact existing air quality. Some temporary adverse impacts may occur in the immediate vicinity of the Project due to fugitive dust and exhaust fumes caused by the normal operation of heavy equipment during Project construction. Dust control is part of the erosion control process and will be controlled through best management practices. Construction vehicle entrances and haul roads will be stabilized with geotechnical fabrics and stone ballast. Clearing activities on the construction site portion of the Project Site will be conducted in phases, which will limit the potential for fugitive dust and erosion impacts by ensuring that disturbed areas are stabilized (re-seeded, paved landscaped, etc.) before new areas are cleared for construction. Watering will be used throughout the construction site to control dust on roads, vehicles, and cleared areas that have yet to be stabilized. Tarps will be used to cover construction vehicles and storage areas. Any potential adverse impacts to air quality from construction will be short-term, localized and minor in nature, removed in distance from most residential uses, and will not cause a deterioration of ambient air quality.

The Project will not include a stationary, state regulated air emission source. The proposed facility will use natural gas for heating and cooling, and emissions shall be below applicable state permitting and registration thresholds. While the Project will introduce more than 1,000 employees and daily truck traffic to the Project Site, existing air quality will be preserved as a result of the following: (i) due to coordinated shift changes, employee vehicular traffic patterns will be offset; (ii) shift changes will also occur at off-peak street times to assist in dispersing traffic flow throughout the entire 24-hour period (as opposed to effects commonly seen with on-peak shift schedules); (iii) trucks will not be permitted to idle in violation of New York State regulations while waiting to be loaded/unloaded; and (iv) traffic controls (*i.e.*, driveway and intersection improvements as discussed below) will be employed to avoid vehicle queuing in the area surrounding the Project Site. Consequently, any short- or long-term impacts to ambient air quality that may arise are not considered to be significant.



(ii) Groundwater Quality: The Project will use public water and sewer services provided by the Town of Gates, so no wells will be drilled and no septic systems will be installed. Additionally, the Project will not result in any new or additional use of groundwater, or have the potential to introduce contaminants to groundwater. Consequently, no significant adverse impacts to groundwater quality or quantity are expected.

(iii) Surface Water Quality: The construction of the Project will require a notice of intent filing under the New York State Department of Environmental Conservation (“DEC”) General Permit for Stormwater Discharges Relating to Construction Activities (the “DEC General Permit”), and the Applicant will be required to comply with all applicable terms of such DEC General Permit. The Applicant’s consultant, Langan Engineering (“Langan”), has prepared a stormwater pollution prevention plan (“SWPPP”) that will be maintained to address stormwater and prevent impacts to surface water and groundwater from parking areas and internal driveways (which are not appreciably different in type from other existing uses within the surrounding area). The SWPPP will undergo review and approval by the Town of Gates and DEC, and the final design will comply with the requirements of each agency’s engineers. Site hydrology is evaluated in the SWPPP in order to determine the measures needed to control the quality and quantity of stormwater runoff from the Project. Stormwater management features are designed in accordance with the New York State Stormwater Management Design Manual.

Langan further conducted a wetland and waters delineation of the Project Site. No waters or New York State wetlands are located at the Project Site. Small, isolated areas located near existing stormwater ponds contain vegetation which are indicative of an artificial wetland that may be subject to federal jurisdiction pursuant to the U.S. Army Corp of Engineers (“USACOE”). As such, the Applicant has submitted a request for a jurisdictional determination by USACOE which, at most, may require the acquisition of a Nationwide Permit for any activities in this area of the Project Site. If it is determined that these isolated areas are subject to federal jurisdiction, the Applicant shall obtain the Nationwide Permit and avoid and/or minimize all impacts to such areas to the maximum extent practicable through the Project’s site plan design.

(iv) Traffic: The SEQRA Materials include a study entitled “Traffic Impact Study for the Proposed ROCI Distribution Facility Project,” dated November 2020, as prepared by SRF Associates (the “Traffic Study”). The Traffic Study analyzes the potential traffic impacts associated with the Project and summarizes the on and off-site traffic improvements that the Applicant will complete as part of the Project which will avoid and/or minimize potential impacts to the maximum extent practicable.

The Traffic Study establishes existing traffic conditions, predicts background traffic flows, and analyzes potential changes in traffic flow as a result of the Project. The peak hours for the Project traffic are different from the existing intersection peak time periods as a result of the anticipated shift times for Project employees. The Project is expected to generate approximately 737 new trips during the AM and PM Project peak hours (6:30-7:30 AM and 5:30-6:30 PM), respectively, inclusive of both passenger vehicles and trucks. During the time periods of 7:30-9:00 AM and 4:00-5:30 PM (the time periods that encompass the existing intersection peak hours), the Project will generate significantly lower volume of traffic on the order of 101 vehicles per hour, respectively. The majority of the Project’s anticipated traffic will travel directly to and from the NYS Thruway via the I-490 expressway.

The combination of projected traffic volumes approaching the respective driveways of the Project Site indicate warrants for left-turn treatment are met during the weekday AM and PM peak hours at all three Project Site driveways. Therefore, the Project includes the installation of the following traffic improvements subject to Monroe County Department of Transportation approval:

- (a) Installation of a 175-foot long eastbound left turn lane on Creative Drive at the Project Site driveway;
- (b) Installation of a 125-foot long southbound left turn lane on Manitou Road at the Project Site driveway; and
- (c) Installation of a 175-foot long westbound left turn lane on Les Harrison Drive at the Project Site driveway.

All three Project Site driveways shall be designed to provide one entering lane and two exiting lanes; traffic exiting the Project Site shall be stop controlled at their respective approaches to the adjacent roadways. Furthermore, the Applicant shall coordinate with RGRTA to provide transit service for the Project Site as needed. Accordingly, and with installation of the traffic improvements noted above, the Project does not present a potential significant adverse impact to traffic.

(v) Noise: The results of a noise analysis for the Project are contained in a report prepared by the Applicant's noise expert, Robert Anderson Group, Inc. Noise and Acoustical Consultants, entitled "Acoustical Assessment" and dated November 22, 2020. Potential sound emissions from the Project Site were analyzed and are fully compatible with all land usage as defined by ANSI S12.9/Part 5. The Project therefore meets all applicable noise requirements. As such, the Project will not have a potential significant adverse impact on noise levels in the area and will comply with applicable noise regulations and guidelines.

(vi) Solid Waste Production: The Project will produce approximately 10 tons of solid waste per day during construction and approximately 123 tons per month under full operation. Solid waste production will be minimized by onsite recycling of cardboard, paper and glass. Solid waste transport and disposal will be handled under contract by private haulers and disposal will occur in accordance with applicable local and state regulations.

(vii) Soil Erosion and Drainage: The Project plans and other supporting application materials indicate that there will be approximately 85 acres of land disturbance. The Project Site is not located in a designated flood zone. The Erosion and Sediment Control Plan for the Project identifies the existing and proposed topography, temporary controls, bio-retention areas, wet detention ponds, and construction schedules associated with the proposed development. Any potential erosion concerns will be addressed by incorporating specified erosion and sediment controls for the construction phase of the Project in accordance with the DEC General Permit. The DEC General Permit requires the preparation and implementation of the SWPPP that is designed to comply with technical standards for erosion control.

The control measures provided in the Project site plans, SWPPP, and other SEQRA Materials are sufficient to control potential erosion, drainage, flooding, or other impacts which have the potential to occur as a result of construction activities. The measures proposed to minimize or eliminate any such impacts include the implementation of Best Management Practices (i.e., Construction Management Techniques), as well as erosion and sediment control measures and pollution prevention controls. The construction of the Project will avoid and/or minimize to the maximum extent practicable any potential impacts associated with soil erosion by requiring previously disturbed areas to be re-established before construction commences in another part of the Project construction site. Once construction is completed, erosion concerns are expected to diminish altogether with the implementation and continuation of the stormwater management and the proposed landscaping plans. As a result of the foregoing, the Project will not result in a potential significant adverse impact relative to erosion, flooding, leaching or drainage.

(viii) Odors and Light: In addition to the factors addressed above, the Planning Board evaluated the potential for Project impacts related to odors and light. With respect to potential odors, the proposed facility

will not store liquids or other materials on Project Site that could produce odors outside the facility. Trucks visiting the Project Site will not use the Project Site for layover or as a rest area, and the Applicant will enforce the New York State regulations concerning idling of trucks through the use of signage and an on-site “yard boss”. The potential odors associated with truck activity will not differ from the conditions on the adjacent roadways and, therefore, the Project will not have a potential significant adverse impact relative to odors. The Project will increase outdoor light levels within the Project Site boundary as compared to current conditions; however, the proposed plans for the Project will ensure illumination sources do not exceed applicable Town of Gates zoning code provisions. Therefore, the Project does not present a potential significant adverse impact with respect to order or light.

(ix) Vegetation and Wildlife: The Project Site consists of previously disturbed land currently located within the Rochester Technology Park. The development of the Project will require the physical disturbance of approximately 85 acres, which will include the removal of existing vegetation to allow for various site improvements, including the proposed warehouse distribution building, parking areas, internal drives, and stormwater management design features. Approximately 15.85 acres of the Project Site will remain undisturbed and/or further landscaped. Top soil will be stockpiled onsite for reclamation. A landscaping plan has been developed for the Project that will reclaim any undeveloped lands by re-using stockpiled topsoil as appropriate and restoring or enhancing existing vegetation through the planting of over deciduous and evergreen trees, as well as shrubs, grasses, and other groundcover throughout the developed portion of the Project Site. The Project Site is neither home to, nor will the Project interfere with, the movement of any migratory fish or wildlife. Additionally, there exist no records of “rare or state-listed animals or plants, or significant natural communities at the Project Site or in its immediate vicinity.” Based on the foregoing, the Project is not anticipated to result in a potential significant adverse impact to vegetation or wildlife.

(x) Critical Environmental Area Pursuant to 6 N.Y.C.R.R. § 617.14(g): The Project Site neither adjoins nor is located in a designated critical environmental area. As such, the Project will have no impacts in this regard.

(xi) Conflict with Community’s Plans or Goals: The Project is located on previously disturbed land within a Town of Gates General Industrial zoning district known as the Rochester Technology Park. The Project Site is situated among other similar warehouse distribution, industrial, and commercial uses, and the Project is a permitted use within the General Industrial zoning district. As a result, the Project will not result in a potential significant adverse impact relative to officially approved or adopted plans or goals.

(xii) Historical, Archaeological, Architectural or Aesthetic Resources: The Project Site is comprised of land currently used as the Rochester Technology Park. It does not include any unusual or unique land forms, and it neither contains nor is located near any officially designated scenic or aesthetic resources. Additionally, there exists no important historic properties in close proximity to the Project Site. The New York State Historic Preservation Office advised the Applicant in a letter dated, October 30, 2020, that the Project will have no impact on archaeological and/or historic resources.

The Project Site’s current appearance will change with the development of the Project, but the change will be consistent with surrounding land use patterns and improvements. Extensive landscaping along with the distance of the facility from the streets, will screen the view of the facility. Views along Manitou Road are similarly benign. The facility will be set back from Manitou Road approximately 975 feet. The Project’s substantial landscaping plan, which includes the planting of over 785 trees and shrubs, will serve as an aesthetically pleasing natural screen and approximately 15.85 acres of the Project Site will remain undeveloped. Further, a variety of exterior building materials will be used to enhance the visual appearance of the warehouse distribution facility.

While the proposed facility will be taller than similar surrounding warehouse distribution buildings, the visual renderings indicate that the facility will be similar in appearance and height to surrounding uses in the Rochester Technology Park and will enhance the appearance of the surrounding area as a result of the proposed landscaping. The Project, including the appearance of the building façade, the proposed Project Site landscaping and the SEQRA Materials, coupled with existing conditions in the surrounding area, support a determination that the Project will not result in any potential significant adverse impacts to the existing character of the community.

(xiii) Energy: The Project will result in an increase in energy usage in the form of electricity and natural gas as the proposed facility is anticipated to use more than 2,500 MW/hrs. per year of electricity. The proposed facility will be constructed and operated to maximize energy efficiency to the extent practical. The facility will be constructed using energy-efficient building materials and mechanical systems. The prospective tenant will also work toward the installation of a roof top solar array to provide a renewable energy source for part of the energy needs of the Project. The facility will be heated and cooled using natural gas and electricity, respectively. The internal temperature of the facility will be maintained based on use and occupancy of each part of the facility, with set temperatures designed to limit the number of days per year that the rooftop HVAC units run at full capacity. All mechanical equipment to be used within the facility will meet or exceed energy code standards. LED lighting and motion sensors will be used throughout the facility to avoid lighting areas not in use. Battery powered drive units will be used when and where appropriate. Despite the increase in energy usage over current conditions, the Project will not trigger the need to create or extend an energy transmission supply system as electricity and natural gas are readily available at the Project Site. Accordingly, while the Project will result in a change in the quantity of energy used, the change will not constitute a potential significant adverse impact.

(xiv) Hazard to Human Health: The Project will not create any human health hazards. There exists no evidence that contaminants exist on the Project Site or that the Project will expose humans to new sources of contaminants. Further, and as discussed elsewhere in this resolution and the SEQRA Materials, the Applicant has incorporated certain measures into various aspects of the Project to address potential impacts associated with construction, traffic, air quality, erosion, stormwater discharge, noise, and solid waste production.

(xv) Open Space and Agricultural Land: The Project will result in an increase in the intensity of use of the Project Site from its current general industrial use. However, the Project Site is not located in an agricultural district nor does it feature prime soils. The Project Site makes up only a small fraction of the overall area of the Town of Gates, and this particular type of industrial/commercial use is not unique to the general locale or the citizenry, given the close proximity of similar land uses on and around Manitou Road and Les Harrison Road (e.g., Hammer Packaging, Pepsi, Eastman Kodak, Adecco, ITT Exelis, and L3 Harris Technologies). As demonstrated by the site plan application and the SEQRA Materials, the Project Site is capable of supporting the proposed warehouse distribution facility. There are no designated open space or recreational resources displaced by this Project. Additionally, the Project Site is not undeveloped land and is not used for conservation, scenic or other similar purposes and, therefore, does not qualify as a recreational resource or open space as contemplated by SEQRA. In light of the foregoing, the Project does not present a potential significant adverse impact on agriculture, open space and public recreation.

(xvi) Movement of People: Although the Project will trigger an increase in the number of persons visiting the Project Site both during and after construction of the Project, it will not do so in a significant and/or adverse manner. As stated above, it is expected that the traffic associated with the Project will not significantly adversely impact existing traffic patterns along and on surrounding roads. The Project is located along well-traveled roads in one of the principal transportations and commercial corridors in the Town of Gates, and the attraction of persons to this area is an expected and desired outcome for purposes of the Town of Gates' land

use planning. Over the long term, the Project may spur further economic growth in the surrounding area, but forecasting the impacts of such growth without knowing the precise identities or scope of proposed uses is too speculative to allow analysis at this time.

(xvii) Public Services: The Project is not expected to create any significant and/or adverse demand for other actions or need for additional public services that would result in consequences described by the above criteria. The existing public water and sewer services have adequate capacity to handle the Project, and the proposed ingress and egress points and internal drives are expected to satisfactorily facilitate vehicle movement. The Project will incorporate a variety of measures to ensure safety and security and thereby limit the need for police services. The proposed facility will include gates and guardhouses, video surveillance, alarms, and a loss prevention program to minimize theft, all of which will be operational 24 hours per day. While the change in use of the Project Site could lead to a potential rise in the need for police services, any potential impacts associated with the Project will be adequately addressed by the security measures to be implemented at the Project Site. As a result, the Project is not anticipated to significantly or adversely impact the ability of the Town of Gates or Monroe County Sheriff's Offices to serve the Project Site.

Additionally, sprinkler and standpipe connections will be labeled and located on the exterior of the facility, and the interior of the facility will have a state-of-the-art fire suppression system meeting all applicable fire code standards. The Project is designed to provide 360-degree access to the facility by fire engines, and fire hydrants will be located at specific locations on the Project Site to avoid unnecessary hose lays that may otherwise obstruct access. Designated fire lanes will be located at various locations in compliance with the Town of Gates Zoning Code, and the facility will be designed with multiple entry and exit points in the event of an emergency. With these fire protection measures, the introduction of the Project to the area will not result in a significant adverse impact on the ability of the Town of Gates Fire Department to provide fire protection services to the Project Site. With respect to emergency medical services, all ingress and egress drives will be designed to safely accommodate access by all emergency vehicles, including ambulances. Further, all building points of entry and hallways will be clearly marked and constructed in accordance with New York State Building Code requirements. Accordingly, the Project will not result in a potential significant adverse impact to the ability of local emergency medical services to carry out their duties at the Project Site.

Finally, the Project is not expected to create a substantial increase in the population of the area or in municipal budgets. It is anticipated the Project will create over 1,000 permanent jobs and approximately 300 jobs during construction. Almost all of the jobs will be filled from the existing labor pool and, therefore, no increase in population is expected. The Project will also generate substantial property and/or sales tax revenue for the Town of Gates, Gates-Chili Central School District, and the County of Monroe.

(xviii) Potential for Multiple Environmental Impacts: For the reasons set forth above and as supported by the record before the Planning Board, the Project will not result in multiple changes to the environment which, when considered together, result in a potential substantial adverse impact on the environment.

(xix) Area Variances: The Applicant seeks to obtain five area variances from the ZBA for the Project relating to maximum building height; minimum dimensions of certain loading spaces; monument signage; mounted signage; and fence height. None of the requested area variances result in a potential significant adverse environmental impact and, in fact, should provide substantial site plan benefits including the reduction of impervious surface areas, improved security for the Project Site, and improved site access and traffic flows. The height of the proposed building is also comparable to the heights of existing buildings located in the Rochester Technology Park including the L3 Harris Technologies facility located at 2696 Manitou Road and the former Tire Hub facility located at 2436 Innovation Way. Therefore, the granting of the requested area variances do not present a potential significant adverse environmental impact.

(2) As a consequence of the foregoing, the Planning Board issues a Negative Declaration for the Project pursuant to 6 NY.C.R.R. § 617.7 of the SEQRA regulations.

(3) Copies of this Resolution, Parts 1, 2 and 3 of the FEA and the SEQRA Materials shall be placed on file in the offices of the Town of Gates Building Department and the Department of Public Works where the same shall be available for public inspection during business hours.

(4) The Town of Gates Building Department is hereby authorized to distribute and publish copies of this Resolution, Parts 1, 2 and 3 of the FEA and the SEQRA Materials, and to do such further things or perform such acts, as may be necessary to implement the provisions of this Resolution.

(5) This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

**VOTE:**

Chairman, Michael Wall-Aye; Joseph Argenta-Aye; Andrew Gartley- Aye; Theresa May-Aye; Juan Ruiz-Aye

**Motion Carried. The Resolution** was thereupon declared duly **ADOPTED**.

Chairman Wall, made a motion to Grant preliminary Site Approval for 2600 Manitou Rd, with following conditions:

Applicant provide:

- 1 Building Elevations, and Signage as well as a Materials Board for both Zoning and Planning Boards to review
- 2 Depict the Snow storage locations to the site plan
- 3 Striped-out / hashed areas between ADA parking spaces are to be signed with “No-Parking” signs.
- 4 Fire Marshal review and approve the plan prior to Final Site Plan approval
- 5 Dumpster location and details be added to the Site Plan set.
- 6 Applicant receive required Zoning Board Variances. Please denote the date the variances were received,
- 7 The applicant responds in writing to the Town engineer’s letter dated 12/18/2020
- 8 A note be added to the plan that
  - a. “All detention pond[s], drainage features, and culverts, etc. are to be privately owned and maintained
- 9 Final drainage calculation to be provided to the Town Engineer for his review and approval.
- 10 All conditions set forth by Monroe County Department of Planning are to be included into final plan.
- 11 Final approval of the fire suppression system by the appropriate State Agencies be submitted for Town Records.

Andrew Gartley second

All in Favor, none against...**Motion Passed**

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

Respectfully submitted,

Lily Alberto  
Recording Secretary