

The Town of Gates **Planning Board** held three (3) Tabled Preliminary/Final Site Plan Reviews and two (2) regular Preliminary/Final Site Plan Approval Public Hearings on Monday, August 23, 2021 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., beginning at 7:30PM

MEMBERS PRESENT:

Mike Wall	Chairman
Joseph Argenta	
Theresa May	
Juan Ruiz	
Andrew Gartley	
Dan Schum	Town Attorney
Lee Cordero	Councilman, Town Board
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E.

MEMBERS NOT-PRESENT:

Ken Martin	Alternate
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Chairman Mike Wall called the meeting to order at 7:31 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall, then asked for a motion to approve the July 26, 2021 Planning Board Minutes as sent to the Board.

Mr. Argenta motioned

Mr. Gartley second All in Favor...Aye Opposed....None

MOTION CARRIED

OLD BUSINESS

Chairman Wall, doing some recording keeping. The tabled from the July 26th meeting as well as new business. Starting with the first application on the agenda from Commercial Street Partners, LLC., requesting Preliminary /Final Site Approval for the Westmar Plaza Redevelopment 2111-2159 Buffalo Rd will continue to be **TABLED** per request of the applicants. No action will be taken while they are finishing their plans.

Chairman Wall going back to Old Business, asked for a motion to **UNTABLE** application for Doud Apartments, 898 Buffalo Rd Associates, LLP to hear SEQR

Mrs. May motioned

Mr. Argenta second All in Favor...Aye Opposed....None

Chairman Wall, motioned to **Amend** the minutes by deleting the reference that was listed in the April 26, 2021 meeting minutes as Unlisted Action and correct it with a Type I Action and reference it under section 617 for the 53.9 & 10 which clarifies this project appropriately to the scope of the project

Attorney Schum, the applicant has conquered that because of its proximity to the canal, it meets its threshold for Type I Action.

Mr. Argenta second All in Favor...Aye Opposed....None

Chairman Wall, continued the applicant is here to speak for the project. All that the Board is going to do tonight for this project is to declare the intent for the Town of Gates to be Lead Agency, but not taking any SEQR Action. This means that we are putting out letters to all involved agencies, which they have (30) thirty-days to respond from those letters and from those letters, we'll be able to determine if anyone else wants to take this project over or.....

Attorney Schum, the environmental review is suggesting to all involved agencies that the Town Planning Board would be the appropriate agency to review the State environmental quality review and concerns if any of this project. Those agencies have (3) thirty-days from date letter is sent to confirm there is no objection or to ask whether or not they may want to be involved as Lead Agency.

Chairman Wall, what this means is depending on what the determinations letters come back on, the SEQR determination will be made at the September 27, 2021 meeting, but for tonight....

Chairman Wall motioned the intent for the Town of Gates be made Lead Agency

Mr. Argenta second All in Favor...Aye Opposed....None

Chairman Wall, again, No action is taken on Doud Apartments tonight besides Town taking Lead Agency

PRELIMINARY / FINAL SITE PLAN APPROVAL
Sunoco Gas Station
OWNER: Tritec Construction WNY
LOCATION: 1269 Chili Ave
ENGINEER: Rex Cameron
REFERENCES: None
G. B. (General Business Zoning District)

Chairman Wall motioned to **UNTABLE** application of Sunoco Gas Station (Rex Cameron), 1269 Chili Ave.

Mrs. May second All in Favor...Aye Opposed....None

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

Rex Cameron, Tritec Construction WNY, here in regards to 1269 Chili Ave, has made changes per the request of the Board at the last meeting. In speaking with Mr. Rappazzo, who spoke with the County, they agreed to let them put landscaping in between the curb and the sidewalk.

Chairman Wall, stated the Board does not have a set of plans in front of them to review

Mr. Cameron passed out plans

Chairman Wall, one of the comments from the last meeting was the location of the gas pump islands in relation to the building and parking and asked for a briefing on the changes made

Mr. Cameron, they changed the parking from being perpendicular to the building to parallel to the building in front and moving the handicap over to the front side, to give the parking spaces they need, which lets them not have the (24) twenty-four feet for traffic going in-between and actually moved the canopy to where it was

Mr. Argenta, for the parking perpendicular to building, on the side, from the back of the parking space to the entrance, how are if that? Looks a bit tight if someone is trying to back out, while someone is pulling in

Mr. Cameron, it's still a decent size, **(using a rendering to show)** but the size isn't shown

Mr. Rappazzo, added he and Mr. Ritchie went to the property with Mr. Cameron and the property owner a few weeks ago and witnessed how the site operates first hand, had great conversation about how the best way to reconfigure this site and take advantage of the existing traffic patterns and how people use the site now. Mr. Rappazzo and Mr. Ritchie have spoken and believes this plan does a great job of capturing all that. They helped them out, having conversations with the state DOT about removing some pavement, some asphalt in the states right-of-way that's on traffic pavement and turn it into green-space, grass-space and try to break-up the sea of asphalt out there. They will add some striping and looking at this first glance, we can do a more technical review after that, but they feel this fits with what as staff has talked about and as for SEQR, it's a relatively minor project, the only new infrastructure so to speak, is the pumps and canopy which they will deal with separately with Operational Permits from the Fire Marshal's Office, so if Mr. Schum agrees, can be considered as a Type II Action

Attorney Schum, agrees. It's just a massaging of an existing plan that was in place

Mr. Argenta asked if that's where the parking is currently?

Mr. Cameron, the parking sideview which they're talking about is the current parking on the side

Chairman Wall, looks like there is (12) twelve parking spaces outside of the canopy, asked if that's correct and also what is the parking size (it's not labeled)?

Mr. Cameron, yes, but thinks they only need (8) eight and the parking space size is 9x18

Chairman Wall, by moving the canopy back to where it was, the two dispensers closest to the pavement now are covered, which was a concern

Mr. Cameron, TFC is the canopy manufacturer and set it up and as far as the dispensers, the first (2) two are existing now and are actually only adding two (2)

Chairman Wall, the new tanks will go where existing tanks are? He also asked if there is diesel fuel as well and will the canopy height be higher to accommodate them?

Mr. Cameron, yes, that's the best thing, pull out the old tanks and replace with new ones. Yes, there is already diesel. The canopy is already (15) fifteen-feet, (regulation).

Chairman Wall also asked if the sidewalk is at grade or a curb

Mr. Rappazzo replied, the sidewalk in front of the building is flush

Mr. Gartley asked how the man door swings, south to north, because the sidewalks may need to be at (5) five-feet for ADA clearance, which would push parking a bit more to the West.

Mr. Argenta asked if it's existing sidewalk?

Mr. Cameron, responded, it is existing sidewalk, but will make sure it is (5) five-feet.

Mr. Gartley, people may not follow it or possibly make it an exit only. There is a traffic light for people to pull-in, then you're not crossing a three-lanes of traffic to get back to 390. (Some conversation trying to configure a better traffic pattern)

Mr. Gartley, possibly add bollards so cars don't run into the building

Mr. Cameron, can add those

Mrs. May asked for update on landscaping

Mr. Cameron, up along Chili Ave in front of the hotel (next door) there is sidewalk and grass area and will remove blacktop to continue through this property

Mr. Gartley asked if there is enough room from property line to black line (**using a rendering to show**) to get around and into property. There is a hill there

Mr. Cameron the problem with the renderings the canopies are in the air, but can remove the spots, he just added them in because people tend to park there now

Chairman Wall asked if Board had more questions, None, then continued to the side table

Mr. Rappazzo—None

Mr. Ritchie—as Mr. Rappazzo stated, we can work together with Mr. Cameron

Councilman Cordero—None

Public—None

Executive Session

Chairman Wall motioned to declare the Town of Gates the Lead Agency finds that this project is a Type II Action with no negative impact to the environment, and no further SEQR action is required.

Theresa May seconded. All in Favor...Aye Opposed...None

MOTION PASSED

Chairman Wall motioned to **Grant Preliminary / Final Site Plan Approval** for 1269 Chili Ave. Rochester, NY, Anthony Sunoco Station, in a (GB) General Business Zone District with the following conditions:

- 1 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 2 The following note to be added to the Final Site Plans:
 - a. No outside storage vehicles and or materials are to be permitted on this property
 - b. All Signage will conform to Town of Gates standards
 - c. The applicant is to pay particular attention to the maintenance and cleanliness of the bordering roads to the property during the construction phase to the satisfaction of the Town's Dept. of Public Works
- 3 The Gates Fire Marshal shall review and approve the plan prior to final review.
- 4 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.
- 5 The applicant provides an ADA compliant parking space, working with the Town Building Department
- 6 Any and all Final comments from the Town Engineer and the Town's Dept. of Public Works

Theresa May, seconded. All in Favor...Aye Opposed...None

MOTION PASSED: Preliminary and Final Site Plan Approval

NEW BUSINESS

PRELIMINARY/FINAL SITE PLAN APPROVAL

OWNER: Anthony Perrotta

LOCATION: 1773 Buffalo Rd.

REFERENCES: None

L. I. (Limited Industrial Zoning District)

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

Dave Matt with Schultz Associates representing 1773 Buffalo Rd. The owner's intention is to fill the site in order to potentially sell in the future. The site has already been filled and topped with suitable fill. The Town has asked to have a stormwater pond added. This plan shows a water quantity pond that was put in at the South end of property, but in talking with the Town Engineer will increase it to a water quality and quantity pond, doing that by adding a Bioretention area to ease the ponds to count for the runoff reduction of part of the SWIFT

Mr. Matt added going through the Town Engineers comments about (9) nine out of (12) twelve were about increasing the SWITT, erosion control plan, up to post construction stormwater features.

Originally, was on the verge of going either way, so set up to easily be transitioned, so not too much work to increase. Will produce a full SWIFT to accommodate

A few other questions were about the boulders in front, which was actually a comment from the State DOT. They were fine with the (2) two entrances, they just requested they be moved out of the right-of-way and the client has already done it.

There was also add an orange construction fence along the state right of way buffer that was there to ensure that stone of fill crossing go over. They will also produce a letter of credit to accommodate this and the crew that comes out of the pond will show on the site plan where they can use (probably North of the pond) to level out a bit more.

Mr. Argenta, the water is it a Retention or Detention Pond?

Mr. Matt. It'll be a Detention pond

Mr. Argenta, where will it outpour to?

Mr. Matt, it'll exit on the Southwest corner. Inside the pond there is essentially a catch-basin, the water will fill-up the ¾ inch fits, go through the catch-basin, up and exit out to the Southwest. It's a very large property, the fence is not the property line (**using a rendering to show**) it goes beyond, it pretty significant

Chairman Wall asked if Board had more questions, None, then continued to the side table

Mr. Rappazzo—None

Mr. Ritchie—None at this time

Councilman Cordero—None

Public--None

Executive Session

Chairman Wall motioned to declare the Town of Gates the Lead Agency, this project an Unlisted Action based on the testimony of the applicant and submitted documentation, find no negative impact to the environment, and no further SEQR action is required.

Joe Argenta seconded.

All in Favor...Aye

Opposed...None

MOTION PASSED

Chairman Wall motioned to **Grant Preliminary / Final Site Plan Approval** for Perrotta Gates Center, 1773 Buffalo Rd. Rochester, NY, in a (LI) Limited Industrial Zone District with the following conditions:

- 1 The following note to be added to the Final Site Plans:
 - a. Detention Pond and Drainage features are to be privately owned and maintained.
 - b. Final drainage calculation is to be provided to the town Engineer, for his review and approval
 - c. No outside storage vehicles and or materials are to be permitted on this property
 - d. The applicant is to pay particular attention to the maintenance and cleanliness of the bordering roads to the property during the construction phase to the satisfaction of the Town's Dept. of Public Works
- 2 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 3 All Signage will conform to Town of Gates standards
- 4 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.
- 5 A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover drainage
- 6 Any and all Final comments from the Town Engineer and the Town's Dept. of Public Works

Joe Argenta, seconded. All in Favor...Aye

Opposed...None

MOTION PASSED: Preliminary and Final Site Plan Approval

PRELIMINARY/FINAL SITE PLAN APPROVAL

OWNER: VG Trucking Inc

LOCATION: 48 Pixley Industrial Parkway

REFERENCES: None

G. I. (General Industrial Zoning District)

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

John Sciarabba, Land Teck, representing VG Trucking. A local company, with an existing facility on Mar Way Circle and business is doing so well, they are looking to expand. Earlier this year they purchased this property on 48 Pixley Industrial Parkway and are proposing a (40) forty stall parking spots for the tractor trailers and some additional parking for employees. The theory is, the employee would pull in, park their personal vehicle and take their truck for the day's work and deliveries. VG Trucking was Approved for a Conditional Use Permit (Town Board Public Hearing, March 1, 2021).

It's a fairly simple plan, grading exercise, the only utility is electric, stormwater is paramount, disturbing more than an acre, and DEC permit is required and did submit to Town Engineer the preliminary drainage plan, which is in-line with the permits. Basically closing (2) two swells, east and west sides of the parking lot, which will drain southerly towards Pixley into (2) two retention ponds, which will drain into the stormwater system within Pixley Industrial. They are also proposing lighting for security purposes as well as a (6) six-foot high chain-link fence around the perimeter with electric gate.

Received Town Engineer comments and see no show stoppers, most are related to the SWIFT as well as light spill, curb stops, so trucks don't drive over

Chairman Wall asked how high is the fence, because the details how (4) four-foot

Mr. Sciarabba it is (6) six-foot, he'll put a note on it and will revise that detail

Mrs. May sees trees will be taken down for this project, and wants to know if there is plans to replace trees or use trees as a buffer around the property?

Mr. Sciarabba (**using a rendering to show**) They have pushed the parking lot in approximately (65) sixty-five feet from both property lines. They put the fence along the perimeter so there would be no title issues and if they moved it over (10) ten-feet or so could have title issues. Majority of trees will be cleared. The Engineer in his comments mentioned leaving some trees along the northern property line and he spoke with the client (Tanya Palermo) and agreed to do that and maybe bringing the fence in (**using a rendering to show**) it is industrial and the neighbors are used to industrial field. It allows them to maintain the lawn and keep well drained. The fence along the frontage is (10) ten-feet south of edge of pavement with the purpose of the snow removal. The fence is not in the water. Did speak with client about adding street trees to beautify a bit and will add (4) four street trees along the front

Mrs. May, asked for clarification on what is being hauled, to be sure it is no hazmat material in the trucks

Tania Palermo, No, there is No hazmat materials, it's usually grocery type items, like for Wegmans and Tops, No hazmat at all, they do not work with hazard materials at all
The trucks have their own owners and operators and just need a secure place to park. Their other lot is already full and have guys waiting to be able to secure a spot.

Mr. Argenta, the fence at the southern end of the property where the gate is, looks like it starts slopping down into the ponds

Mr. Sciarabba, yes, the engineer mentioned that and (**using a rendering to show**) it's not in the daily water. The intention is to have a place to push the snow in the lowest part of the parking lot

Mr. Argenta, is also looks like there are fixtures shown, as well as lines, but not what the foot candle are and if the gate is electronic, to show where the controls/keypad will be.

Mr. Sciarabba, it's one-foot candle and add all the details

Mr. Argenta asked if there will be any structures on the property?

Mr. Sciarabba replied per the Conditional Use Permit they will have storage container to hold possible lawn mower, things to maintain the site, it'll be put onto the back of the property

Chairman Wall, thanked for keeping the buffer between Tinseltown to the North, but wanted to know if the corner could be turned a bit to the west to buffer cars from 490 driving by.

Mr. Sciarabba asked Mrs. Palermo if she would be ok with pushing the fence (10-20) ten-twenty feet

Chairman Wall also for recordkeeping purposed to show where the electric feed will be coming in

Mr. Sciarabba, agreed and will show

Chairman Wall asked if Board had more questions, None, then continued to the side table

Mr. Rappazzo—None

Mr. Ritchie—None, just when SWIFT comes in and any record keeping items

Councilman Cordero—None

Public--None

Executive Session

Chairman Wall motioned to declare the Town of Gates the Lead Agency, this project an Unlisted Action based on the testimony of the applicant and submitted documentation, find no negative impact to the environment, and no further SEQR action is required.

Theresa May seconded. All in Favor...Aye Opposed...None

MOTION PASSED

Chairman Wall motioned to **Grant Preliminary / Final Site Plan Approval** for VG Trucking Inc, 48 Pixley Industrial Parkway Rochester, NY, in a (GI) General Industrial Zone District with the following conditions:

- 1 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 2 Any Signage will conform to Town of Gates standards
- 3 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.
- 4 A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover drainage and landscaping
- 5 The following note to be added to the Final Site Plans:
 - a. The applicant is to pay particular attention to the maintenance and cleanliness of the bordering roads to the property during the construction phase to the satisfaction of the Town's Dept. of Public Works
- 6 The Applicant address any and all Any and all Final comments from the Town Engineer and the Town's Dept. of Public Works
- 7 The Applicant correct the fencing detail showing the (6) six-foot height
- 8 The Applicant keep the buffering, North and West as much as possible, the intent is to screen the property from Tinseltown and I490
- 9 The Applicant is to add (4) four street trees that are adjacent to entrance
- 10 Garbage locations are to added to the final site plan
- 11 The controls and electric feed to the site be indicated on the final site plan
- 12 The One-foot, foot candle be depicted on the plans and light plans should depict night sky compliance
- 13 Storage Container location be added to the final site plan

Joe Argenta, seconded. All in Favor...Aye Opposed...None

MOTION PASSED: Preliminary and Final Site Plan Approval

Chairman Mike Wall made a motion to adjourn the meeting, Mr. Argenta second. All in Favor

The meeting was ADJOURNED at 8:20PM

Respectfully submitted,

Lily Alberto
Recording Secretary