

The Town of Gates **Planning Board** held two (2) Public Hearings, one (1) Concept Plan Review & one (1) Preliminary/Final Site Plan Review on Monday, August 23, 2022 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

Mike Wall	Chairman
Andrew Gartley	Chairman
Joseph Argenta	
Theresa May	
Juan Ruiz	
Dan Schum	Town Attorney
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Cosmo Giunta	Town Supervisor
Tanios Sarkis	Alternate

MEMBERS NOT-PRESENT:

Ken Martin	Alternate
------------	-----------

Chairman Mike Wall called the meeting to order at 7:30 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall asked for a motion to approve the July 25, 2021 Planning Board Minutes as sent to the Board.

Theresa May motioned Juan Ruiz second All in Favor...Aye Opposed.... None

MOTION CARRIED

CONCEPT PLAN REVIEW
Yard/Parking Lot Install
OWNER: Michael Stratt II
ENGINEER:
LOCATION: 28 Industrial Park Circle
REFERENCES: None
General Industrial Zone (GI) District

The Town Attorney, Dan Schum verified that the Legal Notice was properly published as required by law.

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

Michael Stratt, did some clearing on the property. He had some problems with trees over the winter coming down onto his equipment (**He provided photos**). He thought it was ok to do his own property maintenance and was unaware of the Town Codes.

In speaking with Mr. Rappazzo, he realized the original site plan application he submitted also needed to have floodplain studies and wetland studies and right now he doesn't have the time or the funds to get into all that right now. He would just like to clean-up the trees that are down and chip them and come back to this in a year or so, when he has the time and funds.

Chairman Wall agreed there are some issues with the site-plan that needs to be worked on and a lot with the wetlands out there, but it's not just the Town, but the State as well. The Town would need a wetland delineation and that would tell

where the line is. He continued that Mike Ritchie; town engineer wrote a comment letter explaining this as well.

Chairman Wall continued knowing he's just looking at adding a parking area but asked the limits of disturbance, the square footage

Mr. Stratt replied approximately 23000 square feet. He included a copy of the site-plan that came with the building that shows an existing gravel area and wants to just add to it.

Mr. Gartley asked where is the truck (**from provided photos**) located on the property, on the existing gravel?

Mr. Stratt replied, no it's on area he cleared, towards the perimeter on the west side of the property

Chairman Wall this was set as a Concept Review, but for right now it actually looks more like Mr. Stratt is looking for permission to clear the property and is more of something the Town would take of and asked Mr. Rappazzo for input.

Mr. Rappazzo agreed and said he would get together with Mr. Stratt and work on a timeline that works best for everyone

Chairman Wall looking that this is really about trimming and grubbing, but will go to side table for more input, but there is no necessity to get the approval from this board.

Side Table

Mr. Rappazzo, nothing further

Mr. Ritchie, if it's just clearing and grubbing, does ask in clearing the site to mulch the trees and if there is any muddy water to possibly add a fence to stabilize or add straw or something to prevent from being a mud pit.

Mr. Stratt, as of now the vegetation going through there is waist high, the trees he intends to trim within a month or so and chip and remove off property and leave as is

Mr. Ritchie suggested leaving the chippings as a stabilization

Supervisor Giunta, none

Chairman Wall, since this has changed from concept view to property clearing and with the added comments from Mr. Ritchie, this can be worked on with the Town staff

PRELIMINARY/FINAL SITE PLAN REVIEW
Gatewood Heights Subdivision (Section 4)
OWNER: Jeff DiCesare, Benchmark Prop. & Dev.
ENGINEER: Marathon Engineering
LOCATION: Geraldine Parkway/Kaye Park Terrace
REFERENCES: None
Residential Single Family (R-1-11) District (16 lots)

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

Matt Tomlinson, Marathon Engineering, requesting approvals for the final section, of Gatewood Heights. The other sections of this subdivision were done previously. This site is approximately seven in a half (7 1/2) acres, located just East of the Gates Chili School District, with 490 to the North and the remaining Geraldine and Gateway Park to the South and East.

This project was originally proposed and approved in 1988, but appears the subdivision map was never filed after approvals and so they are proposing to basically develop it in the same configurations and dimensions as what was originally proposed. This will be sixteen (16) lots, the typical lot is approximately eleven thousand (11,000) square feet in size with some larger ones as you go around the curbs at the corners lots. Right now, at the site, the original design or proposed earth work and grading was done primarily waiting for a low area mainly for stormwater management facility within town management easement. There is electric infrastructure, fire hydrants and potential gas infrastructure (still trying to confirm that) run in the ground today. They are looking to phase this, but wanting to all be approved with a 1-A, 1-B approach **(as shown in plans handed out and on screen)** to complete the Kay Park Terrace roadway and have eight (8) lots for sale immediately, with the following eight (8) lots in time dictated by the market. This would also allow the owners some flexibility with larger remaining lots if someone wanted to purchase two (2) lots and turn to one (1), if someone wanted to build a home with an added in-law home.

The sub-divisions for the most part, is exactly the same as what was proposed before and in compliance with what is still the current zoning, single family (R-1-11), but wanted to note the inconsistency with the previous sub-division lots #32-#34 as noted on the plans which are slightly less than 80-foot minimum lot front setback.

They were not able to determine if previous approvals of variances were granted or waived by the planning board, but being that it was granted as proposed as the future phase was not entirely clear if needed to go to the Zoning board. They are hoping to get clarification. Their intention is to hopefully get the approvals and get the utilities in the ground this Fall and get the site stabilized and start selling lots with potential home construction. The existing gas and electric utilities, which typically trail far behind regular construction allows them to move forward quickly with some of the home building.

Mr. Tomlinson believes there is a benefit to the town, with eliminating some of the temporary cul-de-sac with snowplowing, emergency vehicles and other services and really just completing as originally intended. They did receive the Town Engineer's letter with comments as well as County Planning comments, which are mostly technical in nature and have responded with some already in working with Mr. Rappazzo, but would like to finalize some of those details prior to filing all the DEC and other paperwork necessary to obtain all permits. Mr. Tomlinson continued if there were any further questions he or the developer are on hand.

Chairman Wall there will be few challenges. The big one is the Federal Wetlands that will need to get mapped and asked where they are on the delineation?

Mr. Tomlinson the delineations have not yet been completed, however that area was originally designed and proposed as stormwater management facility and under the national permits for wetlands, nationwide permit 43, specifically stormwater management facilities and maintenance and construction within those areas are exempt for preconstruction notification for delineations, which is a response they are working on for Mr. Ritchie's letter. It should not preclude approval from moving forward.

Chairman Wall asked when were the approvals for the stormwater management facility?

Mr. Tomlinson replied, back in 1988-1989

Chairman Wall, so then it will have to be brought up to date in today's standards with the DEC. He asked how it would change in size and shape for the mitigation pond?

Mr. Tomlinson replied, they have and do have a few comments on the sizing or elevations and still laying out of the control structure and the pond and has been reshaped in order to comply with size slopes, and what they have proposed for the infrastructure still needs to be worked out with the town.

Chairman Wall another comment from Mr. Ritchie's letter is the difference in the numbers for the drainage curb. The thought is if you go by the regular curb, the stormwater management should be a bit larger to account for the volume

Mr. Tomlinson the existing conditions of the site are some millings previously compacted earth work, woods with not a lot of vegetation coverage in some areas, although there is still quite a bit of growth out there and that verses-maintained lawn, with thicker grass is what is showing change in the end, but will work with Mr. Ritchie. Note the stormwater facility shown really is limited to the defined area that previous plans showed that pond (**Using plans handed out and on screen**) but the lower area backing into the woods over towards the schools, stormwater management facility is existing detention area that's not modeled in that area, so he believes there is plenty of stormwater volume to provide the storage that required even if there was a slight increase in volumes necessary for compliance.

Chairman Wall asked if these proposed homes going to be slob on grades or basements?

Mr. Tomlinson replied, they will have basements

Chairman Wall there is high bedrock in the area and asked how they would manage having basements?

Mr. Tomlinson replied, there was bedrock location shown on the profiles and Mr. DiCesare, one of the developers has done a few test kits out there in order to determine depth of rock and proximity to sewer. One of the things they have done in the past, is to elevate approximately eighteen (18) inches above the back sided gutter evaluation, to have the home set up a bit higher in anticipation of some of the bedrock. The intention is not to go into the bedrock with any of the basements.

Chairman Wall with the stormwater management facility, the Town would need some way to access it, if need be, where is that on the plans?

Mr. Tomlinson, there is an existing Town drainage easement across the rear yards, but is not aware of any access points that were provided previously. There is a twenty (20) foot gap between lots thirty-eight (38) and thirty-nine (39) that would be proposed to be connected to that over the top of the stone for the proposed streets that could be stabilized with stone under the grass or some other way to ensure the town has access there, but that's a detail that can be worked on with the town staff

Mr. Argenta asked how much of the stormwater management facility is actually constructed now?

Mr. Tomlinson would say the diverts work was done close to the original plans. There was no outfall and believes there's a low area on the east that gets very wet because water is spilling out that way, with the bank not being very well defined. Generally, it's shaped the right way based on the contours they were able to show, but will be defining it closer to the original intent providing outlet control

Mr. Argenta asked if that will be part of Phase I?

Mr. Tomlinson all storm water will be part of Phase I

Mr. Gartley, for clarifications for everyone here, (**Using plans handed out and on screen to show**) the dark green at the top left is probably existing vegetation? He also asked if there is a sound barrier or fence.

Mr. Tomlinson that's woods they are intending to leave. There is also trees on both sides of the fence line and their goal when they shaped the pond is to maintain the existing trees. No sound barrier wall, but there is a chain-link fence. There is a very well defined SWAIL that it discharges too.

Mrs. May, noticing all the people present in the audience, have there been conversations with fellow neighbors about this project or what their concerns may be?

Jeff DiCesare, so far, neighbors have been positive

Mr. Gartley, is there any architect set housing to pick from, one-story or two-story housing/

Rick Visca, Architect, has had some floors plans priced out with Greater Living Architecture and are looking at two-stories, ranches, first-floor masters, all different floor plans to fit in there. Price ranges now-a-days with

construction costs will be over \$300,000.00. Looking to accommodate the mover looking to move up to more space and also those who want to downsize.

Attorney Schum, it was said the stormwater maintenance facility would be addressed in Phase I, but it looks like more than half is in the future Phase II

Mr. Tomlinson, so earthwork and utilities will extend slightly past the lots that ensure everything goes well, they sell the eight (8) lots, they wouldn't want to impact any functionality

Attorney Schum, the town would be looking for a stormwater maintenance agreement that would encompass the entire facility even though it could be approved in the future.

Mr. Tomlinson depending when construction starts and when things go, there may be an opportunity to complete all the roads to make sure things move in a timely manor

Mr. Gartley is this the plan they want to go with or is there thoughts of doing a cul-de-sac?

Mr. Tomlinson a cul-de-sac would be very difficult to get the same number of lots because of space constraints that a dedicated cul-de-sac requires in front setbacks. So, he doesn't anticipate it being the case. The opportunity of that changing is if someone wanted a larger lot and buying two of them and making one type thing.

Chairman Wall the part the board is looking at for Phase I, appears to be to have an emergency turn-around at this stage, and whether at the hammer head end or the cul-de-sac, it has to be taken in account, emergency access even if temporary for now

Mr. Tomlinson, the intersection of Kaye Park Terrace and Kaye Park Terrace would function as that hammerhead turnaround that would fall in compliance with the Code and Town requirements. The millings circle at the end of Geraldine would remain in place until it gets done. **(Using plans handed out and on screen to show)**

Mr. Rappazzo asked what is the timeline between Phase I and Phase II?

Mr. Tomlinson they really are only separating it to provide the greatest flexibility, but no one is sure of where the housing market is going right now and with commodity prices, so eight (8) would be kind of a short-cut connection that seems the most responsible way to move forward till the demand.

Mr. Rappazzo asked if they would be opposed to giving the town a temporary easement over the existing turnaround at Geraldine

Mr. DiCesare, they would not be opposed to that

Supervisor Giunta asked if they would be building a model home

Mr. DiCesare they are planning on a stock home at Lot #3 and #62. **(Using plans handed out and on screen to show)**

Mr. Gartley sees one (1) existing Fire hydrant, but asked of there is a second (2nd)?

Mr. Tomlinson there are two (2) and are spaced as required by the water authority

Side Table

Mr. Rappazzo, No more comments at this time

Mr. Ritchie, nothing additional

Supervisor Giunta, nothing

Open to Public

Diane Barker, 76 Kaye Park Terr., feels as though she is the pioneer of the section, she bought the model home in 1990. She has spoken with many of her neighbors and everyone is very supportive, they just want to see these homes to be at the same value as theirs or more. She herself has put in a lot of money into her property and wants to see the same type of people who are willing to invest the same effort. She is very happy to see this project finally happening. She wanted everyone to know that her and her neighbors are supportive of this project.

Debra Houso, 315 Miramar Rd., she has lived there thirty-seven (37) years and loves it. She is very positive about this project and wanted to be sure to express her support and is looking forward to it moving ahead.

Jim Hetzer, 319 Miramar Rd., his only concern is the comment the engineer stated about raising the basements eighteen (18) inches, 390 backs up to the three (3) house east side, middle lot (**Using plans handed out and on screen to show**) and with raising the basement 18-inches it'll cause even more of a slop in the backyards. The concern is drainage, and it's not as simple as a swale. After a few yeas the swale gets filled in and they are not maintained. He asked if it is possible to put in a hard pipe drainage ion those three (3) backyards, away from the site. He also wanted to clarify, no one was contacted on Miramar about this project.

Doug Little, 5 Geraldine is supportive, of the development, but is concern with the drainage. His backyard has poor drainage. All of the service drainage basically from Kaye Park goes into his backyard. He is wondering if the original development which was from 1989/1990 could be looked at with the current regulations. His question is if most of the service water going to go back into the existing pipes lateral to the road?

Mr. Rappazzo, unlike the rest of the sub-division, this project actually flows North and there should not see an impact

Mrs. Barker, hearing the talk about barriers and wants to know if it is possible that someone contacts the State about adding barriers along the expressway behind those properties, since there will be houses going up?

Mrs. Houso, continuing on the last comment, the barriers go up to Howard Rd., why not continue, why stop?

Supervisor Giunta, initially it was on the 390-project, but somehow it didn't make the final project. There was a Town Hall Meeting held back in July discussing this and a letter to Governor Hochul has gone out asking for the continuation of the barriers. They are working on it.

There is a lighting project 490 so maybe it's possible they add this to that project

Nicole Leak, 77 Geraldine, the current lands appear to have additional fills or soil stock piles and is curious to where it came from and if it's clean fill?

Mr. DiCesare one of the neighbors on Geraldine was installing a new inground pool and doing some work in their back yard, so he allowed them to stage the restoration material and use as an access point for the machinery and equipment. It's clean topsoil

Executive Session 8:13-8:23PM

Chairman Wall motioned to declare the Town of Gates the Lead Agency, after reviewing the presented materials and testimony of the applicant, we find this project an Unlisted Action and that there is no negative impact to the environment, and no further SEQR action is required.

Mr. Gartley second

All in Favor...Aye Opposed.... None

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Subdivision Approval, Preliminary Site Plan (overall) and Final Site Plan Approval for Phase I (Defined as Lots 1, 2, 3, 39, 40, 62, 63 & 64)** with the following conditions:

1. The applicant is to work with the Town Engineer and the Director of Public Works to finalize the stormwater calculations including the pond sizing and wetlands delineation.
2. The applicant is to add the bedrock elevation to the profiles.
3. The applicant is to provide positive drainage, with hard piping, behind lots 62, 63, and 64 as well as lots 1, 2 and 3 to encourage better subdivision drainage.
4. The applicant is to work with the Town for proper location, size, and construction of the stormwater management facility access.
5. All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
6. The Gates Fire Marshal shall review and approve the plan prior to signature of the Planning Board Chairman.
7. All necessary Easement agreements are to be reviewed and approved by the Town Attorney.
8. 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.
9. A letter of credit is submitted to the Director of Public Works before the start of Phase I in the amounts sufficient to cover drainage, landscaping, stormwater pond, and As-built survey.
10. A 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
 - b. The detention pond, drainage and coverts are to be privately owned and maintained.
11. The applicant is to address any and all comments from the Town's Dept. of Public Works and Town Engineer.
12. Stormwater Facility must be constructed in Phase I of the project.
13. The Applicant is to notify the neighbors prior applying for Phase II Site Plan Approvals.

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

Chairman Wall asked for a motioned to adjourn the meeting

Mr. Argenta motioned

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

The meeting was ADJOURNED at 8:45PM

Respectfully submitted,

Lily Alberto
Recording Secretary