

The Town of Gates **Planning Board** held one (1) TABLED Final Site & Subdivision Plan Review and two (2) Preliminary/Final Site Plan Review Public Hearing on Monday, January 24, 2022 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
Cosmo Giunta	Town Supervisor
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 7:38 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall asked for a motioned to approve the December 20, 2021 Planning Board Minutes as sent to the Board.

Theresa May motioned

Joe Argenta	second	All in Favor...Aye	Opposed....None
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MOTION CARRIED

Chairman Wall, doing some recording keeping. The first **tabled** item, Doud Apartment Homes (898 Buffalo Rd) are here and prepared to present, but **tabled** items #2. 20 Industrial Park Circle and #3. Rochester Christian Church Ministries (3177 Lyell Rd.) on the agenda will continue to be **TABLED** per request of the applicants. No action will be taken while they are finishing their plans.

Chairman Wall motioned to UNTABLE 898 Buffalo Rd

Theresa May	second	All in Favor...Aye	Opposed....None
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MOTION CARRIED

OLD BUSINESS

FINAL SITE PLAN & SUBDIVISION PLAN REVIEW

**Doud Apartment Homes
OWNER; 898 Buffalo Rd.**

ENGINEER: DDS Engineers, LLP

LOCATION: 898 Buffalo Rd

**REFERENCES: 4/26/2021, 6/28/2021, 8/23/2021, 9/27/2021, 10/25/2031, 11/22/2021, 12/20/2021
(R-1-8 & BN-R) Residential & Business Non-Retail Zoning District**

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

Cade Krueger, DDS Engineers, LLP, here on behalf of 898 Buffalo Rd. Assoc. LLC seeking Final approval and to discuss revisions made since last meeting they attended in October 2021 to address the comments made by the Board as well as the Town Engineers comments received in a letter.

Some of the changes incorporated are, they have coordinated with the Fire Marshal, the lay-out of the development he requested they increase the width of the drive lanes throughout the site (26) twenty-six feet instead of (24) twenty-four feet to provide access for the emergency vehicles on (3) three sides of all buildings. They added wall packs to the garages as well as more lights throughout the development. Pet way stations, (1) one per unit at a minimal and also received Rezoning approvals from the Town Board at the November 2021 meeting.

Mr. Argenta, looking at the elevations, (**used drawings to show**) are there some of the units (2) two levels or are all flat?

Mr. Krueger, honestly had just received the updated elevations and believes all is flat.

Mrs. May thanked Mr. Krueger for including the samples, but noticed the samples looked a bit different from the rendering shown and wondered why?

Mr. Krueger, he feels it's just how the rendering software makes it look, but the samples are a more accurate representation of the color scheme

Mr. Argenta, asked what the planned use of the existing structure would be?

Mr. Krueger, it will eventually be the rental office, with a mix of retail and commercial use but still under development in the future Phase of the project, but nothing set in stone.

Mr. Gartley in the North parking lot, does light spill onto the property to the North, possible add a light shield to make zero at that property line

Mr. Krueger agrees and even though there are trees there, doesn't want any light to sneak through

Chairman Wall added, especially in the winter time when there are no leaves on the trees

Mr. Krueger, totally agrees and will add some sort of back shield

Mr. Gartley thinks the garbage can between the two North end garages needs a light. Basically, to get light to the garbage dumpster area

Mr. Krueger, agrees it is a bit of a dark spot and will add a minimal type lighting

Mr. Gartley looking at the elevations and assuming there are French doors, asked if there will be lights?

Mr. Krueger, yes residential lights, nothing too powerful, but want to be sure to provide enough lighting especially at the entry doors, but keeping it more natural

Mr. Gartley asked if the metal siding on the sample was a dark bronze metal?

Mr. Krueger replied, he's not sure, but will verify with the architect

Chairman Wall on drawing C-4, there's a Phasing Plan laid out, asks what the approximate time frame for each Phase for construction?

Mr. Krueger, overall, the developers are looking at a (2) Two Year construction time line, so they are estimating a year for each phase. That's Phase I and Phase II. Phase III is more of a future phase, which probably won't

do till they narrow down, what they want to actually do with the existing building, so that will be further down the road. That will be primarily demoing asphalt and recreating

Chairman Wall, but the building itself will remain the same, just the inside, with offices and things like that

Mr. Krueger, yes

Mr. Argenta, in the Phase III, will the parking lot west to the existing structure be in Phase III?

Mr. Krueger, Yes, that will be part of Phase III

Mr. Gartley will the pool be in Phase I? Mr. Krueger replied, Yes in Phase I.

Chairman Wall asked what the status of obtaining the RG&E property

Betsy Brugg, Attorney with Woods Oviatt Gilman, they are making Good progress and are getting close. They do require under the Public Service Law, they need to go before the Public Commission, there is a process they need to go through and it is a slow pace, but working through it and confident they'll get through it.

Attorney Schum, one of the discussions at the Pre-meeting, there really isn't an application to re-subdivide this property yet before the board and can't really do it till both pieces are owned, which presupposes you can't really put a shovel into the ground until then. If the board was to give final approval, it would be subject to all those things happening.

Ms. Brugg, they will get there, they are moving forward, it's just a slow pace process

Mr. Krueger realized foundation plantings were not shown in the drawings, but will add

Chairman Wall knows they received a copy of Constich's letter and see no show stoppers. The big one is SWIFT report and the foundations planting was also on that comment letter.

Mr. Krueger did receive that letter and it was straight forward.

Side Table

Attorney Schum-nothing more than the RG&E comments.

Mr. Rappazzo-the construction for Phase II will it get accessed through Phase I, using the internal roads? Also, the tree clearings to the North

Mr. Krueger they will build that road through Phase I until the end of construction and all the trees will need to get cleared right away for the stormwater management, drainage soil and pond to get in

Mr. Rappazzo-it would be a great idea to get us a description of how things will work through each Phase

Mr. Krueger agreed and will do absolutely.

Chairman Wall a quick follow up on the Phasing Plan. The Phase I works verses the Phase II will they top Phase I or just leave the divider

Mr. Krueger thinks it would be wise to leave binder during construction

Chairman Wall asked Mr. Rappazzo if he had issues with that, and he replied No

Mr. Ritchie adding to the Phasing comments, for the mylar phase, considering construction vehicles will access through Phase I to Phase II, but assuming Phase I will be rented out while Phase II is being built, probable want to add signs to direct traffic and make restricted parking and lane drive

Supervisor Giunta-nothing at this time

Public—None

Executive Session 7:53PM—7:55PM

Chairman Wall motioned **Final Site Plan Approval** for DDS Engineers, LLP, (Doud Apartments) 898 Buffalo Rd., Rochester, NY, in a (R-1-1& BN-R) Residential Single Family & Business Non-Retail District with the following conditions:

1. All conditions of the Preliminary Site plan Approval be incorporated to the Final Plan
2. All stamps of approval from all regulatory agencies, including the Fire Marshal, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman.
3. A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover drainage, landscaping, stormwater inspection, erosion sediment controls, any work in the right-of-way survey
4. The building is to be constructed according to the renderings and building samples provided to the Boa
5. 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
- 6 The applicant provides shielded light to mitigate spillage to the neighbors
- 7 The applicant add lighting to the garbage enclosure per discussion at the Planning Board Meeting
- 8 (1-24-2022)
- 9 The applicant is to verify the color of the metal on the siding
- 10 The site plan is subject to the ownership of the RG&E property
- 11 The applicant must provide proof of purchase and change of ownership to the Town Director of Public Works
- 12 The applicant, once owned should apply for a Resub division Map
- 13 The applicant is to work with Director of Public Works and Town Engineer to fine-tune the Phasing plans between Phase I work, Phase II work, and Phase III work, subject to 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 CARRIED

NEW BUSINESS

PRELIMINARY/FINAL SITE PLAN REVIEW
200 Pixley Rd. Office/Warehouse
OWNER: 200 Pixley Rd. LLC
ENGINEER: Apex Consulting/Survey & Engineering
LOCATION: 20 Industrial Cir
REFERENCES: None
GI (General Industrial) Zone

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

Tim Arlington, Apex Consulting Survey & Engineering Services, PC, currently at 200 Pixley Rd is a (40,000) forty-thousand square foot building and are proposing to add a (12,000) twelve-thousand square foot building in the rear with access off of Mar-Way Drive.

Currently **(using drawing to show)** area is used as loading dock area and are planning to utilize it in the same was as access and loading dock area for the westside of the building. Also, adding an entrance off Mar-Way Dr. that would predominantly be for crowd parking, along Mar-Way and along the Eastside of the property. The dumpster corral would be in the upper corner **(using drawing to show)**. In the front of the building going to have car parking and foundation plantings and sidewalk to entrance of office area.

It's a fairly simple project. It will be for both warehouse and possibly manufacturing.

Jacob Berardi, 200 Pixley Rd LLC, Co-Owner, currently the back property looks like a junk yard, but in the process of cleaning it up. 200 Pixley Rd has been leased out currently to a machine shop in the area and the back area has been paved. Now this lot they want to utilize to build the proposed building, which the current tenant potentially wants for a machine shop. So, they future use of this property is to have a tenant lease it for a machine shop or something related, but they will not be occupying it themselves.

Mr. Arlington on the comment letter he received, mentioned this parcel had been sub-divided, and so one of the things they will want to do is combine the parcels back. He sent updated drawings, but they are not 100% complete yet, but wanted to show they are in progress and working on the items of the comment letter. Also, part of the stormwater management, Mr. Rappazzo stated that one of the criteria was in the reuse of the property they will create more green space and reduce the amount of hard surface. He explained removing some pavement throughout the area **(using drawing to show)**.

The Grading Plan is to utilize a stormwater catch basin **(using drawing to show)** pick up water coming off the loading dock, that will continue to run off to the road and the rest of the run-off will be collected **(using drawing to show)** and add catch basins, which they will add.

The Utility Plan, will need to make connections for water and sewer and put in a new sprinkler system and combine water for both domestic and fire coming in, so they'll need to cross the road to make the connection on the South side of Mar-Way. Electric Service will be (400) Four-hundred Amp.

Landscaping and Lighting Plan, adding foundation plantings **(using drawing to show)** they will add _____ trees to dress the area. Lighting by the doors and along the parking area, as well as the overdoors **(using drawing to show)**.

Elevation of the building is simple, it's a Pre-engineered building and can provide colors if needed. Mr. Arlington **(using drawing to show)**. It'll have a small office space, and rest rooms, but mostly wide open.

Mr. Arlington sent letters to Mr. Rappazzo and Mr. Ritchie and had copies for the Board. **(He passed them out)** It shows they are addressing the comments, but realizing the combination of parcel could take a bit.

Mrs. May on submitted plan, looks like (15) fifteen more employees are expected, is that correct?

Mr. Berardi, yes that's what's estimated

Mrs. May if the tenant is running a machine shop, does that entail having material come in and out, what are they building and how will that impact traffic in the area?

Mr. Berardi currently 200 Pixley is a machine shop, with a large amount of parking that doesn't actually get occupied and the back **(using drawing to show)** onto Mar-Way will not have a significant amount of traffic much

at all. It will be a fixed machine, with aluminum or metal parts being delivered, then machine them and then shipped out by FedEx or other, but nothing more than usual traffic

Mrs. May what are the projected hours of operation?

Mr. Berardi Monday-Friday 7:00AM-4:00PM and No weekends

Mr. Argenta asked about the removed pavement

Mr. Arlington (**using drawing to show**) they will remove pavement along the back, the side and along Mar-Way

Mr. Rappazzo asked if all the pavement along the right-of-way was going to be removed?

Mr. Berardi (**using drawing to show**) explained where the pavement was going to be removed

Mr. Arlington it will give them the (10,000) ten-thousand square feet bed

Mr. Rappazzo asked if it could be reduced down to what they need only for the access. He would like to see it reduced to just the scope of the gate

Mr. Arlington clarified the discussion, that they will try to remove more of the pavement (**using drawing to show**) but keeping in mind there needs to proper circulation for trucks coming in, possibly bring green space forward

Mr. Berardi (**using drawing to show**) explained 200 Pixley Rd has an existing gate with open parking with approximately (230) two-hundred and thirty feet from building to building.

Mr. Argenta asked for the gates to been shown better to be clearer. Looking at the elevations, the west elevation doesn't really show a loading dock extension, there is something marked "new loading dock", is it new or existing or an extension of a building?

Mr. Arlington it's concrete foundation that comes back, like a retaining wall that goes down. Mr. Berardi added it's an existing retaining wall. It's strictly an adjustment in grading to show that the loading dock is four (4) feet below the level of building

Chairman Wall, as far as the loading dock area the grading has to catch up to the depressed loading dock, the drawings are not depicting it.

Mr. Arlington will look over, but thought it was all set

Mr. Argenta confirmed there is only one (1) man door on the East elevation and asked if it was code?

Mr. Arlington there is actually four (4) exists out of the building. The building is sprinkled and can go two-hundred (200 feet and the building is one-hundred fifty (150). Height is twenty-two feet (22) over all around twenty-six feet (26)

Mrs. May looking at the lighting and landscaping plans, has three (3) questions. #1. Talk about matching the existing fences, but what is the existing fence presently? Mr. Berardi currently it's a six (6) foot chain link fence and looking at options for the gate. #2. (**using drawing to show**) sees tree and shrub detail, but asked if any trees were being taken down? Mr. Arlington replied there are no trees currently to be taken down, everything showing on the drawings is being added. #3. Asked about security and lighting and the safety of the location?

Mr. Berardi currently on the building, over every door there will be LED lighting and proposing in the parking lot, a light in almost each corner lighting and spot lights

Mr. Gartley, the mechanical heaters inside?

Mr. Arlington just proposing unit heaters inside

Mr. Gartley asked about the building finishes

Mr. Berardi it'll be wainscot siding (coordinated metal), would like to add glass to the front to make a nice entryway. It'll be two (2) tone colors and the roof a natural color like a brown

Mr. Argenta will the gutters be downspouts drain or connect?

Mr. Arlington they will drain to receivers

Supervisor Giunta, with the manufacturing will there be noise and at what decuple, we don't want issues with noise

Mr. Berardi currently what is being manufactured at 200 Pixley Rd is very quiet. Smaller type manufacturing.

Mr. Gartley asked if the dumpster enclosure is locked?

Mr. Arlington, right now it's basically a fence

Mrs. May would like a heads up on what is being manufactured, like is it plastics or hazmat or anything that can cause an environmental concern

Mr. Berardi they wouldn't allow that type of thing in there, currently it's small aluminum pieces

Attorney Schum asked if there are floor drains as well as air conditioning?

Mr. Arlington right now there is no plant issues needing floor drain. The air conditioning is only in the office area.

Chairman Wall for the utilities, the sanitary is going to cross the street to meet Mar Way, will it be open cut or directional boar?

Mr. Arlington, would prefer open cut, unless the Town doesn't allow and asked Mr. Rappazzo what the rule is?

Mr. Rappazzo generally speaking the public health department doesn't like when you have separate utilities, they would like to see One (1) water meter, one (1) sanitary, so probably settle with them first, but would prefer them Not open cut Mar Way, mainly because of the gutters, but believes there is more going on

Side Table

Attorney Schum believes they have addressed the sub-division part of the project and defers to Mr. Rappazzo on the road cut issue.

Mr. Rappazzo, no further comments

Mr. Ritchie a machine shop was mentioned, so how much parking is there now? Code is one (1) space per four-hundred (400) square feet, which would be about one hundred (100) required for the existing building, looks like there is a lot of room (**using drawing to show**) in the back for future submission and could accommodate per code.

Supervisor Giunta, no comments at this time

Public—None

Executive Session 8:28PM—8:31PM

Chairman Wall motioned to **TABLE** this application for 200 Pixley Rd. The board in general is for the project, but needs additional information before a decision is made on the application.

1. The applicant is to depict the Parking Spaces as required by the Dept. of Public Works and Town Code. If applicant is not able to meet that parking requirement, then a Variance Application should be submitted to the Zoning Board of Appeals
2. The applicant should look at directional boring for utilities underneath Mar-Way
3. A Dumpster Enclosure detail should be added to the plans
4. Per discussion at the meeting, a deduction at Mar-Way should be explored
5. The applicant should depict the Type and Swing of the Gates, so the Board has more knowledge as to the entrance drives
6. The applicant is to provide a demolition plan that depicts more clearly areas of asphalt to be removed to lawn areas
7. The applicant is to finalize the Building Elevations and provide the board Material and Color Samples

Joe Argenta second

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

MOTION CARRIED

PRELIMINARY/FINAL SITE & SUBDIVISION PLAN REVIEW

Lightwood Townhomes

OWNER: Town Gate LLC, Steve Licciardello

ENGINEER: MRB Group

LOCATION: 1010, 1020, 1031, 1036 Spencerport Rd

REFERENCES: 10/25/21

Multiple Residence (MR)

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

Tom Fromberger, MRB Group, proposed development includes a total of twelve (12) units with two (2) buildings, one with eight (8) and the other with four (4). In October presented a concept plan which included (**using drawing to show**). Since that meeting they have gone to the Town Board and received Rezoning approval as well as going to Zoning Board for two (2) variances. In listening and working with the residents have also developed the plan further, with the main comments being on drainage (**using drawing to show**) with areas wet in the back, which slops in the back. Another concern was the driveway location (**using drawing to show**) which

is further west. They asked if it could be moved, but decided to keep in the location which is currently the same, but is really up to the DOT.

Project includes; twelve (12) units, two (2) buildings, one (1) with eight (8) and the other with four (4) with setbacks on the sides of the buildings. Proposing a monument sign. Each unit will have two (2) parking stalls and can also provide parking in front of them for visiting guests. There is also additional parking for overflow. In regard to comments, they have received DRC, Town engineer, Monroe Pure Water, Monroe County Water Authority, as well as working on the Health Dept. and the DOT.

The grading plan in the packets (**showed and example**) consists of two (2) retention facilities, one (1) in the front and one (1) in the back for both water quality and control. Drainage will be directed North (**using drawing to show**) with proposed catch basin. In meeting with neighbors there is a problem with significant pinning water and feel the catch basins will accommodate for it. During a Zoning Board meeting, a neighbor approached and discussed the same issue with drainage. In regard to architectural and overall look to the facility, they provided the architectural elevation (**using drawing to show**) Two-story facilities in the main center section and outer edge is one-floor. The look is the same concept as facility in Greece.

Has residential feel, two-tone color, stone at the bottom, (**using drawing to show**) garage door entry

Mrs. May asked about the lighting to the North, being a residential area, wants it to be friendly to the neighbors

Mr. Fromberger these being residential will be the typical lights of residential with internal system. If a resident wants to turn the outdoor the patio area lights to on they can from inside. It's not lights that would stay on 24-hours.

Mrs. May also asked about fencing and landscaping

Mr. Fromberger each unit has a fence that stands perpendicular. They are proposing to add evergreen plantings (**using drawing to show**) as well as some trees. The primary concern has been the drainage

Mrs. May asked if these would be rentals or owned, because of the utilities

Mr. Fromberger they will be rentals

Mr. Argenta asked where are the fences shown in the drawings and also asked if there are basements?

Mr. Fromberger explained they are not shown, but are an extension of the patio areas to divide between and there are no basements

Mr. Argenta commented that the drawings show fireplaces, but no chimneys. He assumed there will be and what material would it be made of?

Mr. Fromberger the fireplaces will be a gas insert and a small pipe on the exterior (**using drawing to show**)

Mr. Gartley the sanitary line, will it run through?

Mr. Fromberger still working with Pure Waters on that

Mr. Gatley on the floor plans for the bathrooms, (**using drawing to show**) in front of the toilets appears to be either a floor drains or exhaust fan, not sure which it is representing?

Mr. Fromberger it's the exhaust fan

Mr. Gartley asked if each unit will have its own meters, gas, water?

Mr. Fromberger just the gas not the water (**using drawing to show**) still working with the water authority. The meters will be in the back of the units.

Mr. Gartley also asked about the catch basins, are easement?

Mr. Fromberger it's a town easement (**using drawing to show**), town storm sewer

Mr. Argenta asked where the backflow would be?

Mr. Fromberger in the utility closet. Also, there was a comment about adding parking lot stripping. Their preference is not to do it, they feel it would look too commercial.

Chairman Wall the area between the residents and this property looks like there is a revised grading

Side Table

Attorney Schum, the easement to the North will need to be provided by someone besides the developer

Mr. Rappazzo simply tie into this project the sidewalk to Lightwood to benefit the residents

Mr. Ritchie no additional comments

Supervisor Giunta no comments

Public—None

Executive Session 8:52PM—8:56PM

Public Hearing Closed

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.

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

MOTION CARRIED

Chairman Wall motioned **Preliminary/Final Site & Subdivision Plan Approval** for Town Gate LLC, Steve Licciardello (Lightwood Townhomes) 1010, 1020, 1032, 1036 Spencerport Rd., Rochester, NY, in a Multiple Residence (MR) District with the following conditions:

- 1 Snow Storage location to be added to the Final Plan
- 2 The following notes are to be added to the Final Site Plans:
 - a. Detention Pond and Drainage coverts and Drainage System are to be privately owned and maintained.
 - 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 Final drainage calculations are to be provided to the Town Engineer for review and approval
- 4 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 5 All necessary Easement agreements need to be reviewed and approved by the Town Attorney
- 6 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.

- 7 A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover the proposed stormwater practices, erosion sediment controls, landscaping, and As-Built survey.
- 8 The Final Building Elevations and Floor Plan will be approved by the Planning Board Chairman, Director of Public Works, and the Town Engineer. The building is to be constructed according to the renderings and building samples presented to the Board. Any significant deviation may require a revisit to the Planning Board for discussion of changes.
- 9 The applicant shall connect the sidewalk from the property to the existing sidewalk along Lightwood Ave.
- 10 The Applicant shall update the Floor Plan and Building Elevations per discussions at the Planning Board Meeting (1-24-2022). Topics to be Discussed:
 - a. Building Bump-outs, Fireplace and Utility Room
- 11 Parking Lot stripes will be added to the plan per discussion at Planning Board Meeting (1-24-2022)
- 12 Approval subject to any and all Final Comments from the Town Engineer, Town Attorney, and the Town's Dept. of Public Works

Theresa May, seconded.

All in Favor...Aye

Opposed...None

MOTION CARRIED

PRELIMINARY/FINAL SITE PLAN REVIEW

INDUS Hospitality Group

OWNER: Minute Man Services, Inc.

ENGINEER: BME Associates

LOCATION: 1578 Spencerport Rd

REFERENCES: None

General Business (GB)

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

Rebecca Spurr seeking final site approval for a new approximately seventeen hundred (1700) square foot Dunkin Donuts with about a twenty (20) person seating capacity. The development is at an existing vacant parcel at 1578 Spencerport Rd. which is approximately seventeen-point five (17.5) acres in a General Business (GB) District which allows a quick service business upon the issuance of a Conditional Use Permit which will be presented at the February Town Board Meeting (2-7-2022). There is an understanding that there is a need for a Variance for a buffer to the BNR property just North of the property. The buffer that would be required is approximately one hundred and twenty-two feet (122). They have asked the Zoning Board to make recommendations and honor the request and look to be on the February 14th meeting

There are four (4) curb cuts presently, two (2) off Elmgrove Rd and two (2) off Spencerport Rd. but are proposing to close the curb cuts closest to the intersection. On Spencerport Rd are proposing to add a Full-service access, modifying it slightly on the eastern and western sides. On Elmgrove Rd are proposing a Right in, right out only access as far North of the intersection as possible, this was reviewed by the Monroe County DOT and NYS DOT.

This site includes twenty-three (23) parking spaces, which does meet Town code as well as the requirements of the restaurant and the Dunkin brand, ADA accessible along with Drive-thru service. Paint markings to help manage, signs will be required per DOT to provide clear communication. There will be two (2) drive thru on the westside of the building. The menu board will be on the westside of the building. In the front of the store a fenced in patio in the southeast corner (**using drawing to show**),

A study was reviewed by DOT for site circulation and traffic and peak hours. The comment letter was provided from Monroe DOT and NY DOT to the Board and will continue to work with them.

The sewer is north of the site and the water is public water on Elmgrove Rd. As far as the stormwater, this is a redevelopment and are proposing a disturbance of .7 acres and reducing impervious areas on the site. Have provided stormwater narrative in the application.

Landscaping/Lighting, will be adding lawn area and landscaping. The intent is to dress-up the intersection. Will maintain as much buffer to the west as possible which varies 10-16 feet wide of existing natural buffer, but will be introducing shrubs and perennials. All lighting will be LED dark sky compliant.

They have reviewed comment letter from Town Engineer and provided the responses. Also, drawings to show.

Mrs. May with recent legislation to add the oil grates and the security of them, what is the plan and are there handicap spaces?

Ms. Spurr did include the plan for the grease-traps, which is required and will meet any requirements needed. The handicap parking is to the northeast of the building.

Mr. Ruiz asked if there is a similar property to what is being proposed

Jett Metta, no, this is a new design and will be an Eco-friendly building. He believes it's the first in the Country and possibly the region (**using drawing to show**),

Mr. Argenta, asked about the monument signs and the elevations

Ms. Spurr they will bring in separately when getting signage permits

Mr. Argenta asked if the developer was aware of the previous history of the parcel?

Ms. Spurr the current owner is working with the previous, having studies done and getting the appropriate clearances

Mrs. May being this property is close to a residential area, asked if they have spoken with any of the neighbors about a fence or lighting or any of their possible concerns?

Ms. Spurr, they haven't spoken about a fence because they are trying to maintain the existing vegetation that is already there to create the buffer and possibly add planting to build on the buffer. The proposed building will be situated further away than the gas station was prior.

Mrs. May suggested speaking with the neighbors on the project. Lighting, noise, or other concerns

Mr. Gartley, to build on that, with the existing site, build up the vegetation and dress it up

Ms. Spurr will definitely look into it

Chairman Wall in the presentation, it was mentioned getting a ZBA Variance, is that for the buffer?

Ms. Spurr yes for the buffer

Chairman Wall, it's a good plan, but possibly look into shifting it South a bit, which could alleviate needing a variance.

Ms. Spurr the buffer is close to one-hundred and twenty-two feet (122)

Chairman Wall as far as the right in and right out drive on Elmgrove Rd., there was a shift up in the right in drive a bit?

Ms. Spurr yes, it was shifted as far North as possible, Monroe County DOT really wanted them to channelize the right in and right out as much as they could, basically to make left turns impossible

Chairman Wall it does make sense. One thing they are trying to mitigate is someone turning right into the site, then jumping into the drive-thru line (**using drawing to show**) instead of circling around to get into que. Could it be considered that at the end of the property, possible have line stripping to direct people up and around, so they would have to circulate?

Ms. Spurr, yes, they can do that

Side Table

Attorney Schum asked what the property to the North is zoned. Ms. Spurr, Business, Non-Retail (BNR). Mr. Schum looking at the buffer zone and figuring it out

Mr. Rappazzo is confused on the buffer zones. Generally, whoever come second is responsible for the buffer, this was already a developed site and the code does state, that if both sites are developed, the buffer gets split in half. So, it could very well be, that the buffer is only fifty-foot (50), but also keeping in mind the side yard setback if the building height was twenty-five (25) whichever is greater, so if buffer was fifty feet (50) and side set is twenty-five (25) that means the building would have to be seventy-five (75) foot to avoid a variance. If the board is comfortable with that buffer

Chairman Wall is comfortable and the other members agreed

Ms. Spurr confirmed the buffer to be seventy-five feet (75)

Attorney Schum ultimately the developer proposes what they want and the board approves or not

Ms. Spurr they are looking at sublimating and dressing up the area

Mr. Metta suggested adding a nice fence with the garbage enclosure to match. The landscaping is already planned it's what they like to see. They will get with the neighbors to see what they would like.

Mr. Ritchie no additional comments

Supervisor Giunta no comments

Public—None

Executive Session 9:42PM—8:46PM

Public Hearing Closed

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

MOTION CARRIED

Chairman Wall motioned to **Grant Preliminary / Final Site Plan Approval** for Indus Hospitality Group (Dunkin Donuts), 1578 Spencerport Road. Rochester, NY in a (GB) General Business Zone District with the following conditions:

1. Final drainage calculation is to be provided to the Town Engineer for review and approval
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 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, Landscaping, Erosion Sediment Controls, Work in the Right-of-Way, and As-Built survey.
5. The building is to be constructed according to the renderings and building samples as presented to the Planning Board (1-24-2022)
6. All comments from the NYSDOT and MCDOT are to be incorporated into the Final Site Plan. A copy of each permit shall be provided to the Town for our records.
7. The following notes are 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. Any Signage will conform to Town of Gates standard
8. The Applicant is to submit the Final Site Review Fee to the Town of Gates prior to the Signature of the Planning Board Chairman

Theresa May, seconded.

All in Favor...Aye

Opposed...None

MOTION PASSED: Preliminary and Final Site Plan Approval

Chairman Wall motioned to adjourn the meeting

Mrs. May, second

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

The meeting was ADJOURNED at 9:52PM

Respectfully submitted,

Lily Alberto
Recording Secretary