

The Town of Gates **Planning Board** held one (1) Subdivision Review Public Hearing on Monday, July 25, 2022 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., beginning at 7:30PM

MEMBERS PRESENT:

Andrew Gartley	Acting Chairman
Joseph Argenta	
Theresa May	
Tanios Sarkis	Alternate
Dan Schum	Town Attorney
Mike Ritchie	Costich Engineering, P.E

MEMBERS NOT-PRESENT:

Mike Wall	Chairman
Juan Ruiz	
Kurt. Rappazzo	Director of Public Works
Cosmo Giunta	Town Supervisor
Ken Martin	Alternate

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

Acting Chairman Andrew Gartley asked for a motion to approve the June 27, 2021 Planning Board Minutes as sent to the Board.

Joe Argenta motioned Theresa May second All in Favor...Aye Opposed.... None

MOTION CARRIED

SUBDIVISION REVIEW
OWNER: Imagination Childcare Academy
ENGINEER: Costich
LOCATION: 262 Coldwater Road
REFERENCES: None
R-1-11 (Residential Zone) District

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

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

Mike Ritchie, with Costich Engineering, the applicant could not attend and was asked by Imagination Childcare as surveyor on record to represent them. The application submitted is for a subdivision of an existing property from one (1) property to two (2) properties. The application does NOT include any proposed development, just simply the splitting from one to two.

If the Board was to approve this application, the applicant would than file with Monroe County to formalize the lot subdivision.

Theresa May understanding the applicant wants to make this one (1) parcel into two (2), but wants it to be noted that this partial of land is part of the towns historical area and it is important to be mindful of that. Another concern is the wetlands in that area and to mindful of any future development and how it may impact the development, not only historically, but also environmentally.

Mrs. May also asked about #14 on the review packet (Identifying the typical habitat) Urban instead of Suburban was checked, knowing there was an old horse farm there is just curious about their plan on what they are going to do with it.

Mr. Ritchie, is not aware of any development plan besides possibly selling the property and as far as the environmental assessment form, whether it's Urban or Suburban, believes the applicant is just to be sure it's not stated as Rural in nature. Any future development application will need to come before this board for archaeological/environmental features, and doesn't believe his firm will be a part of that, they are just the surveyor of records and have been for many years. Again, no disturbances or development is being proposed.

Mr. Argent, asked what flood zone is this property in and if it is shaded or unshaded?

Mr. Ritchie believes a portion may be in Zone X with a portion in the back shaded

Mr. Argenta, also something that looks like a dead-end road or cult sac, but looking at the Ariel is a bit difficult with all the trees

Mr. Ritchie, actually Marlins Rd ends working with the town, knows years and years ago there was a plan to continue the subdivision back into there (**using sketch to show**) road, but then never happened so it's a dead-end now, but in terms of subdivision and legal lots, there is legal access to Marlins, so that's how it's been subdivided so it that parcel was to ever be subdivided (**using sketch to show**)

Mr. Argent, looking at lot #1, along the North property line, (**using sketch to show**) there are a few notes on it, and asked if Mr. Ritchie knew what they were?

Mr. Ritchie replied they are survey markers

Mrs. May she saw in the application it looked like it was a business, but then saw it's under subdivision review for residential

Mr. Ritchie, it is a Residential District, but doesn't know of any plan for residential development

Acting Chairman Gartley asked about the playground that is currently there, whether it is owned currently by the church property and how will it work?

Mr. Ritchie, currently the church property and the existing lateral are under the same ownership. There may be intentions later down the road to combine the church property and what is referred to as lot one (1), but not now, it does straddle between both properties right now, but they are under common ownership

Acting Chairman Gartley, asked if lot one (1) and lot two (2) were potentially get sold, would the playground get removed?

Mr. Ritchie, yes removed or moved, but now plan right now

Attorney Schum, access to a dedicated road, lot two (2) only means ingress and egress would be the dead end of the road that is to the North (Marlins), so any development of this property for any use would necessitate using that road as only means of ingress and egress, there is no reservation of lost lot one (1)

Mr. Ritchie, there is no proposed access easement across lot one to access to lot two

Acting Chairman Gartley asked Mr. Ritchie is he knew of any fire-hydrants in that area?

Mr. Ritchie knows of fire-hydrants on Marlin, but doesn't believe there are any on the property

Side Table

None

Open to Public

Kathleen Schugg asked if the owner of Imagination Childcare subdivided into two (2) lots and decides to sell the property would there be another public hearing held by the town planning board to include residents, especially being on wetlands?

Attorney Schum, the present occupant has no present plans, but any development of this property would require Site Plan review and approval and would require more legal notices to be published in the legal paper and on the property for Public Hearings to be held

Kathleen Schugg was under the impression the owner was selling the property to

Attorney Schum that could be the case, but no perspective buyer has come forward for approvals prior to buying, so if a buyer out there has signed an agreement to buy this property subject only to being divided, then those buyers are buying at their own risk because it's zoned (R-1-11) Residential

Acting Chairman Gartley also depending on "their" plan, they may need to present to the Zoning Board as well and then require two (2) meetings

Attorney Schum added possibly the Town Board as well if a zoning needs to be changed

Mary Clarsach asked how much property is being sold?

Mr. Ritchie replied, Lot one (1) is plus or minus three (3) acres and the orange lot (**using sketch to show**) is approximately eight and a half (8 1/2) acres. As far as he was told the intention is to sell the lot two (2) in **Orange**

Jim Vogler, (**using sketch to show**) it appears there is eleven point three nines acres (11.39), what would be the requirements for easements and what would be the use

Mr. Ritchie replied he's not aware of any applications, he only knows it's zoned Residential and that is what's allowed per code.

Mr. Vogler asked what the usage is of that zoning?

Attorney Schum replied principally single-family dwellings

Mr. Vogler, commented on the acreage being on such a wetland piece

Attorney Schum responded the acreage really has nothing to do with a number of potential dwellings. There are subtractions that need to be made for roadways, wetlands, buffers to wetlands, all of the things the ordinance would require. A potential question to be brought to the Planning Board is drainage, which could affect the existing structures.

Ms. Schugg, water is a big issue.

Acting Chairman Gartley, we have had a recent townhouse project in the area with property owners with water issues in their basements and the Board had them add in drainage to help accommodate that even though it was on the easement off the properties, so if that was the case here, the town would look at that and possible so something similar, but not sure 100% is it's being sold, it might be.

Ms. Schugg, assuming if a subdivide is being requested, would assume it's to be sold. Also know Gates is working on the Comprehensive Plan and talking about more greenspaces, it would be great if the town was to buy that parcel and turn it into a wildlife refuge and a park for this area....just a thought.

Attorney Schum every piece is for sale potentially and the applicant is free to offer the property for sale. Many people who come meetings like this have enjoyed the openness of what's behind them for many many years and is nice if it stays that

way, but if the adjoining property owner had a right to offer the property for sale, but all they are doing tonight is cutting a piece and agrees, there is probably something coming down, but the town does not know who or what

Executive Session 7:50-7:53PM

Acting Chairman Andrew Gartley 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 for this Subdivision

Mrs. May second

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

MOTION PASSED: NEG. DEC.

Acting Chairman Andrew Gartley motioned to **Approve the Subdivision Request for Imagination Childcare, 262 Coldwater Rd.,** Rochester, NY in a (R-1-11) Residential Zone District with the following conditions:

1. The following notes are to be added to the Final Site Plans:
 - A. A copy of the Final Subdivision Map, including the Liber and Page Information when filed with Monroe County
 - B. Be sure there is no Historical Concern
 - C. Being cognizant of the wetlands

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

Acting Chairman Andrew Gartley 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 7:54PM

Respectfully submitted,

Lily Alberto
Recording Secretary