

The Town of Gates **Planning Board** held two (2) TABLED Public Hearings, one (1) Concept Plan Review & two (2) Final Site Plan Review on Monday, October 24, 2022 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

Mike Wall	Chairman
Joseph Argenta	
Andrew Gartley	Vice Chairman
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
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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 September 26, 2022 Planning Board Minutes as sent to the Board.

Theresa May motioned Andrew Gartley second All in Favor...Aye Opposed.... None

MOTION CARRIED

The Storage Mall
OWNER: The Storage Mall
ENGINEER: APD Engineering
LOCATION: 1214 Brooks Ave.
General Industrial Zone (GI) District

Chairman Wall asked if the applicant was present to speak on the project. There was no one present.

Attorney Schum, noted due to the time this project has been before the board, it would be appropriate for the board to deny without prejudice giving them the right to reapply in the future.

Chairman Wall motioned to **UNTABLE** The Storage Mall, 1214 Brooks Ave

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

Chairman Wall motioned to **DENY WITHOUT PREJUDICE** The Storage Mall, 1214 Brooks Ave.

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

PRELIMINARY & FINAL SITE PLAN REVIEW
DEEP ROCK RE-SUBDIVISION
OWNER: Roman Kshysyak
ENGINEER: Schultz Associates
LOCATION: 35 Deep Rock Road
General Industrial Zone (GI) District

Chairman Wall motioned to **UNTABLE** Deep Rock Re-Subdivision, 35 Deep Rock Rd.

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

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

Dave Matt with Schultz Associates and introduced the owners of 35 Deep Rock Rd. They were before the board back in May 2022 with a Concept Plan which they were then sent to the Zoning Board, where they obtained Variances back in September 2022 for having less than the hundred-foot (100) buffer between residential and industrial, having less than required set-backs and having less than required parking. They also waited for the drawings from architectural, showing elevations of the proposed building. The building is two-hundred & seventy-four feet long (274), one-hundred & ten-feet wide (110) with two (2) fifty by fifty (50x50) offices in the front edge, looking like bump-outs. There will be eight (8) loading docks recessed in the center between the office's buildings.

As part of this project they will tear down the existing building at 37 lot and combining the lots. The stand alone, existing buildings 35 and 39 will stand alone.

Chairman Wall asked if there were revised site plans for the board to look over?

Mr. Kshysyak passed them out while Mr. Matt explained they are essentially the same as back in September with the additions of the Zoning Variances and showing the delineation line of the wetland to the southeast.

They are looking for storage buildings for businesses to store dry goods, general storage, companies like Wegmans, who may not have a location, could temporarily use this location to store things.

There is a new water service and sewer lateral going to the north end of 39. There are a few existing access points to access deep rock to all the lots even though eventually they will own all four (4) properties, they currently own two (2), but have purchase offers on the other two (2).

The building itself will be a blue metal building with a grey block along the bottom edge of the warehouse red brick along the office area. The back wall will be twenty-four (24) feet and pitch up to twenty-eight (28) feet in front of the storage area.

Storm water wise, roof leaders will be caught on the backside, duggers, downspouts go to a storm lateral that is shown going south to a rock lined swale

The area to the south and west of the building will be turned into grass and a few trees will be added.

In part of the Zoning board, they did speak with several neighbors, mainly those that back-up to and they submitted letters of approval

Mr. Argenta, asked if there would be some sort of screening along the west elevation

Mr. Matt, the west side elevation is about fifteen (15) feet off the property line and there are existing trees and fences that are mainly on the neighboring pieces

Mr. Argenta asked if the fencing is chain-link?

Mr. Matt there are a mixture of different types of fencing, but appear to all belong to the residential side.

Mr. Argenta, looking at the elevations, is the block going to be painted?

Mr. Matt believes the plans call for it to be natural grey

Mr. Argenta asked if it's a veneer, is it low bearing

Mr. Demetrius Kshysyak (**using the rendering to show**) confirmed the material shown with normal cinderblock

Mr. Argenta asked if the red in the front is being painted block at the warehouse portion?

Mr. D Kshysyak along the front will be the same, the block is grey

Mrs. May, it was stated the neighbors were spoken too, what exactly will the neighbors see, what's the make-up of the buffer, the fencing? What will be done to make the neighborhood beautiful with the new building?

Mr. Matt, looking at the neighbor's house on the west side, they're going to see their own backyard, trees at the end of their property, whatever fences they currently have, then eventually the blue siding. The fences and vegetation should block some of it.

Mrs. May asked about the buffer of trees and if any trees are being taken down?

Mr. Matt those are on the private side, it's what they already have. They do not plan on taking down any trees

Mr. Gartley asked if a photometrics had been done with the lights on the west side?

Mr. May does have the photometrics on all the other ones, but not that one, but will get something on it.

Mr. Gartley on the elevations he has, the side view of the warehouse it shows straight blue and asked if they will be vertical panels to match the others?

Mr. Matt, yes

Mr. Argenta asked what color the roof will be?

Mr. Matt, galvanized aluminum

Mr. R. Kshysyak presented samples of the roof as well as the siding and concrete

Mr. Argenta asked if there is a landscaping plan?

Mr. Matt, 3rd page shows lighting plan and there is also the landscaping schedule

Chairman Wall looking at the rear elevation, the west side, there are two (2) man doors, but where are the corresponding concrete pads

Mr. Matt will add those

Mr. Gartley asked what color the man doors are planned to be as well as the overhead doors?

Mr. D Kshysyak Man doors, grey and overhead doors, white

Side Table

Mr. Rappazzo, nothing further

Mr. Ritchie, did get revised plans with materials, SWPPP, letter of credit, etc. didn't have the opportunity to go over letter received today, but they have addressed things from his previous letter and feels he can work out any loose ends.

Chairman Wall asked if there are any proposed easements the town is in review?

Mr. Matt they are all privates because they will own all the lots

Supervisor Giunta, none

Open to Public

None

Executive Session 7:49-7:51PM

Chairman Wall as the board, they understand the fifteen-foot (15) width is granted by the Zoning Board, but would like to see additional buffering or fencing requirement between the property towards the west, but feel it can be handled with the Department of Public Works and Town Engineer as part of the approval, but will need to be addresses prior to be signed off on.

Chairman Wall motioned to declare the Town of Gates the Lead Agency, and find this project a Type I project under the SEQR review and that there is no negative impact to the environment, and no further action is required.

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

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Subdivision, Preliminary and Final Site Plan Review Approval of 35 Deep Rock Road** with the following conditions:

MOTION PASSED: NEG. DEC.

1. The following notes are to be added to the Final Site Plan:
 - a. The stormwater management feature, covert etc., is to be privately owned and maintained
 - b. 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
 - c. No outside storage of vehicles and or materials be permitted on the property
2. A final drainage calculation be provided to the Town Engineer for his review and approval
3. All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
4. All Signage will conform to Town of Gates standards
5. The Gates Fire Marshal shall review and approve the plan prior to the Final review
6. Any necessary Easement agreements are to be reviewed and approved by the Town Attorney.
7. The final site plan should show the photometrics for the western side of the building
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 in the amounts sufficient to cover drainage, landscaping, and As-built survey.
10. The building is to be constructed according to the renderings and building samples as presented to the Board
11. The applicant adds the concrete pads to the man doors on the western and eastern sides of the building
12. The applicant is to address any final questions, comments, or concerns from the Town's Dept. of Public Works and Town Engineer
13. The applicant adds snow guards over the all the doors

14. The applicant is to work with the Town Engineer and the Director of Public Works and Planning Board Chair to address additional buffering considerations on the western side of the building and bordering the residential properties towards the west.

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

Mr. Matt clarified it was stated in the beginning 35 Deeprock Rd, but site plan 2 and 4 which is actual 37 the site

CONCEPT PLAN REVIEW
Manitou Rd Flex Space Complex
OWNER: 3500 Buffalo Rd LLC
ENGINEER: MRB Engineering
LOCATION: 3500 Buffalo Rd
Limited Industrial Zone (LI) District

Chairman Wall there will be no final decision made on this project at this meeting it is just for concept review.

Mr. Fromberger, handed out plans. The owners could not attend this meeting, but asked any information given from the Board was to be passed along to them. This is a conceptual review. It's a mix of uses, from office to warehouse, manufacturing to even storage. The building look more like a mini-storage, but will have bathrooms to give the ability to be used as offices.

A rough rendering was passed out, to show what the facility will look like, with access points at the garage doors and man doors. The interior space is divided equally, with restrooms in the back, utility room. Each building will require sprinklers, which will be provided as part of this project. The plan is to do in several phases with the first phase being the three (3) buildings (**used the rendering to show**) in front the main focus. The existing buildings will remain until the use develops it to be taken down. The blue area (**used the rendering to show**) are the stormwater bioretention facilities, but still need to go over the designs.

There is a hundred foot (100) set back off the front and is well buffered with existing vegetation and trees. An access point is off Manitou Rd and Buffalo Rd. The accesses point will be off Manitou Rd where there is a curb cut, but has a shared easement

They did receive the Engineering comments and went through them.

1. Self-storage is not a permitted use and would need Town Board approval for a Conditional Use Permit. But really dependent on the uses, which could be permitted
2. Base on the square footage, indicates this may be a Type I action and will need further clarification
4. Parking Area is not really designated, due to not really generating a lot of traffic. It's more of an off an on-traffic pattern and different times of the day. Really to show trailers
6. Show permanent fencing, but at this point do not really have any fencing plans, but may in the future
7. Disposal, will need to provide dumpster enclosure for things to be disposed properly

Mrs. May, this looks like a massive site as is concerned with the beautification of the property like fencing, buffering. What will it look like from the road?

Mr. Fromberger overall, they can add to the vegetated buffer area and improve upon it. (**used the rendering to show**) what is showing as blue really is the green space. The buffer in the back is a good amount but can be enhances as well

Mrs. May, looking a phasing the project, with all the traffic coming and going while working on the project, when will a traffic study be done?

Mr. Fromberger doesn't see a need for a traffic study

Mr. Argenta it was mentioned some uses could include manufacturing and office, which is not a storage use, so may want to consider change to tenant spaces. And being manufacturing and office could be looked at differently from storage, so it

needs to be more definitive on what it's going to be. Also, may want to look into sidewalks, so some adjustments could be made. Also, identify snow storage areas.

Mr. Argenta asked how high is the building and with parking which use was it based on?

Mr. Fromberger twenty-four (24) feet high and parking on the one (1) per four-hundred (400) square feet for storage use

Mr. Fromberger trying to not over-populate with parking, but making it the most efficient use of space, but understands

Mr. Argenta if it's strictly storage it's one way and if another use could change it.

Mr. Gartley asked to see the floor plans.... Mr. Fromberger brought up to show

Mrs. May asked how would a fire truck be able to turn around and maneuver

Mr. Fromberger they will show on new plans

Mr. Argenta, asked if there is a potential use for southeast

Mr. Fromberger, none right now

Mr. Gartley asked if the owner owns the property to the south as well? It looks like a drive-lane that goes into it.

Mr. Fromberger, he does and there are access easements to all the properties

Mr. Gartley asked if there will be any lot lights added or just building lights? He added photometrics will probably be needed

Mr. Fromberger building lights

Attorney Schum asked if there is any proposal for outside storage

Mr. Fromberger, replied, No

Side Table

Mr. Rappazzo, #1. would like to see the shared access drive, show defined areas for entering and exit to have a free-for-all thru traffic #2. Love the aerial, good to see the pines through there and would love to see them being incorporated and keeping some of the mature woods throughout.

He also asked where the stormwater is charged too?

Mr. Romberger it's something they are working on

Mr. Ritchie, nothing additional

Supervisor Giunta, none

Mr. Fromberger asked how they get on Town Board Agenda for CUP

Attorney Schum, you need to apply, it's gets posted and advertised for public hearing

Supervisor Giunta, it's a two-month process

Open to Public

None

FINAL SITE PLAN REVIEW
2548 Manitou Rd Flex Space Complex
OWNER: Daniel Thomas of Taouk Development
ENGINEER: Land Tech
LOCATION: 2548 Manitou Rd
Limited Industrial Zone (LI) District

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

John Sciarabba with Land Tech is representing Dan Thomas for a four (4) building flex project. It's currently a mining site. The project was previously submitted and fully approved in July 2017 under advisement of town officials, they are submitting an AMENDED Site Plan for Preliminary and Final Site Plan Approvals. They modified the site plan slightly, to accommodate two (2) buildings that are a little bit farther than originally submitted, being **Building B** and **Building D** adding approximately nine (9) thousand square feet to the project. All the setbacks remain the same, the two (2) buildings are the same square foot as well. **B & D** will be the initial buildings and then **A & C** is proposed as future. The new proposed buildings will be 60x250. This all resulted in some site plan changes, creating drainage, pipes, and waterlines, buildings and utilities shifting further north. Still need to adjust some of the grades with the septic field that was proposed, so after five (5) years some minor changes.

They did receive the comment letter from Mike Ritchie, town engineer on Friday and this is the revised plan based on his comments, the board has the original plans. He did address some of the comments from the letter, one of the things is based on the original approval of the hundred (100) foot setback required on Manitou and Spencerport expressway. November of 2016 the previous owners received variances for setbacks, which is why the front setback for Building B is at seventy-four point four (74.4) and sides are forty-seven (47) along Spencerport expressway and they have held on to those ties to those variances.

He addressed the general comments from the letter and set to Kurt Rappazzo and Mike Ritchie with the updates. Items like the SWIP which was prepared for the original submittal. There was a stormwater management previously submitted and signed by Mr. Amico, July 24, 2017. A letter of credit was originally submitted, but will resubmit. The architectural designs are in the way. A thirty (30) foot side yard setback is required, but initially it was twenty-five (25). Mr. Ritchie had asked if there would be tractor trailers stored on-site, but they do not believe so, they owner may have a few construction vehicles in the back, parked as part of his business.

The utility plan with a roof top run-off, (**used the rendering to show**) to show the run-off. Erosion control issues, and access drive, stormwater control outlet, provided a driveway with easement.

Need to do some precision detail with the Septic Field, with possibly some slop reinforcement, also stabilizing construction entrance, some check dams

Mr. Argenta looking at this, accessible parking spaces throughout the site, the 4 slopes would need to be maintained, they look a bit steep especially for ADA

Mr. Sciarabba it must be at two percent (2%) and believes the original 2017 plans shows some irregular handicap spaces on areas that were too steep

Mr. Argenta also asked about snow storage being identified

Mr. Gartley the slop between Builds B & D with nine (9) feet transition there, is parking at an angle, looks steep

Mr. Sciarabba doesn't feel it'll be the most demand parking spaces. Parking is mainly for tenants

Mr. Gartley the dumpster is at a ninety degree (90) to the building, might be too tight for dump truck to get in to pick up. Possibly consider moving,

Attorney Schum, it was mentioned that someone the previous executes a stormwater maintenance agreement, that agreement was referred to the previously approved plan, but a new stormwater agreement with THIS plan would be appropriate

Mrs. May asked what will be stored in the units and are any heated?

Mr. Sciarabba it will be acting as small independent businesses, there could be copiers working as an office or parts for a business, anything that's allowed by code. They are all heated.

Mr. Gartley how will the metering be handled; will it be one (1) meter or multiple and where will be located

Daniel Thomas all separate meters and location will be up to RG&E as well has having one (1) water meter

Mrs. May will there be any hazmat material stored?

Mr. Thomas, No, they would comply with what the town code

Mr. Argenta is there consideration to add bollards so dumpster doesn't get pushed into building?

Attorney Schum it was mentioned the owner may house construction vehicles generally to the east, will it be outside storage

Mr. Sciarabba there will be no outside storage of materials, may just be a dump truck or trailer or backhoe on trailer

Attorney Schum clarified there will be no renting of outside storage of vehicles or trailers

Mr. Sciarabba, No

Mr. Gartley how about a retaining wall between A & C because of the drop

Mr. Sciarabba, **(used the rendering to show)** it's two on one, engineer suggested reinforcement, which they can do and should hold up, but the grades don't technically require a retaining wall

Side Table

Mr. Rappazzo, Just to be sure the Variances are listed on the site plan to have record of

Mr. Ritchie, good job going over the comments, has not had time to go over previously approved plans nor SWIP so comments were general questions, but if they could be provided to him, it would be appreciated additionally add the infiltration to the final plan as well. This is consistently planned with the previously approved plan
Supervisor Giunta, none

Open to Public None

Executive Session 8:38-8:40PM

Chairman Wall motioned to **Amend Previously Approved Preliminary Site Plan Review from back in July 2017 based on the NEW Plans submitted by the applicants for 2548 Manitou Rd. ALL Conditions set for the July 2017 are still in Effect** with the following additions:

MOTION PASSED: NEG. DEC.

1. The applicant looks at the ADA parking spaces to be sure they comply
2. The applicant depicts Snow Storage location upon the Final Plan
3. The applicant is to work with the Town Engineer and the Director of Public Works on the final details for the security gates
4. The applicant revise the Dumpster location as discussed in the Planning Board Meeting
5. The updated stormwater agreement be reviewed and approved by the town Attorney
6. The bollards at the dumpsters by addressed
7. The applicant depicts the Variances on the Approved Site Plan

8. The applicant provides the infiltration results to the final site plan
9. The applicant is to address any and all Town Engineer and Director of Public Works comments
10. A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover drainage, landscaping, and as built survey
11. 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

Mr. Argent, seconded. All in Favor...Aye

Opposed...None

FINAL SITE PLAN REVIEW
Land Clearing
OWNER: Leslie Klein
ENGINEER: Polymer
LOCATION: 23 Moonlanding Road
Limited Industrial Zone (LI) District

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

Neal Onderdonk representing SLK Moonlanding Rd. they would like to clear eight (8) acres of trees on the north side of Trabold Rd, which runs parallel to 390 to 490.

It's basically just clearing and seeding, no plans for construction
Mrs. May is concerned the impact of drainage and creeks

Mr. Onderdonk, It will go to the same place it goes now, Little Black Creek

Mrs. May is there future plans to use

Mr. Onderdonk that's to be determined, but right now the plans is to clear
Chairman Wall asked if there will be any grading?

Mr. Onderdonk doesn't know if any grading is required

Chairman Wall for the Board and referring to the comment letter from Mike Ritchie there are Federal Wetlands and will need to see where that line falls and the impact of that line. With the grading not sure, but there is no grading plan present.

Chairman Wall continue that additional information will be needed in order to make a decision on this. He apologized if they hadn't received the comment letter from Mike Ritchie and quickly went over it.

Mrs. May because you're clearing a lot, is concerned with the property be let looking astatically nice as possible

Mr. Onderdonk all the trees will come off the property and be recycled, all stumps will be removed

Side Table

Mr. Rappazzo asked how equipment is coming in and out of the property to remove the trees, stumps. Will a road be built to get it in and out?

Mr. Onderdonk coming from Moonlanding and utilizing their parking lot and nothing was mentioned about additional roads being needed

Mr. Rappazzo if a road becomes necessary, it will need to be shown in the plans. Also, pulling the stumps will leave holes, is there a plan to bring in fill to add or grade off with what's there?

Mr. Onderdonk grade off what's there

Mr. Rappazzo drawings will need to reflect that, as long as no fill or top soil is coming in, should be in good shape and whatever sediment controls would be appreciated

Mr. Ritchie, as said in letter land clearing, stumps is disturbance. The state determines anything over eight (8) acres requires a SWIP, obviously there are no roads being built, so no stormwater management is needed, but per states law should submit for stormwater permit to be stabilized and anyone who helps prepare the plan can help do. Doesn't need to be a large engineer document, it's just for road sediment control. There are consequences in doing work without a permit, per state, not just town

Supervisor Giunta, none

Open to Public None

Chairman Wall motioned to **TABLE** 23 Moonlanding Rd, pending the applicant providing additional information as outlined in Mike Ritchie's, October 20, 2022 comment letter and also the addition of road details.

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

Chairman Wall motioned to adjourn the meeting

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

The meeting was ADJOURNED at 8:53PM

Respectfully submitted,

Lily Alberto
Recording Secretary