

The Town of Gates **Planning Board** held one (1) Tabled Request and one (1) Preliminary & Final Site Plan Review on Monday, March 27, 2023 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

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

MEMBERS NOT-PRESENT:

Theresa May	
Tanios Sarkis	Alternate
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 February 27, 2022 Planning Board Minutes as sent to the Board.

Joseph Argenta.... motioned Andrew Gartley.... second All in Favor...Aye Opposed.... None

MOTION CARRIED

**GENESEE COUNTY WATER SUPPLY
SEQR LEAD AGENCY REQUEST**

Chairman Wall explained this was tabled from the February 2023 meeting and asked if the applicant was present to speak on the project.

Steve Savage, Director of Engineering for Monroe County Water Authority (not the applicant) wanted to give introduction as the town is used to working the water authority all things water. The relationship goes back to the late 1960's acting as the water department. Similarly, they have a relationship with Genesee County and even though the water authority is in their name, it actually spans six (6) counties. The reason they are presenting is there is more demand for potable water to Genesee County, and more facilities will be built to get more water to supply the needs.

Tim Hens, Genesee County Highway Superintendent, has lead the Genesee County Water supply system for the past twenty-five (25) years.

The county took the lead in late 1990's and ties between Monroe County Water Authority and Genesee County, which helped bring 2.5 million gallons of water into the Town of LeRoy. They have been expanding their system and will be building primarily watermain pump stations and is not much of an impact to the Town of Gates. A lot of the project will run along the railroad system and the plan is to be in construction 2025-2026 timeframe depending on funding and

availability of grants and such. Knowing it's still a few years out, want to go through SEQR in reaching out to the impacted agencies and townships for comments. **(He passed out maps of the phasing plan)**

Jason Foote added that they are looking for an additional seven and a half (7.5) million-gallons of water. They would connect to an existing main between Rt.390 and the Canal heading West for about three-thousand feet, the exact route is yet to be determined. At this point, the wanted to come to present the project to initiate the SEQR portion.

Mr. Argenta asked if it will be trenched, he also pointed out rocks

Mr. Foote, yes, there may drilling, but mainly open cut. They are aware of Gates having high bedrock.

Attorney Schum, generally speaking, the Board would have little objection to the County of Geneseo being Lead Agency for SEQR Review, but the nebulous nature of where the project may go could depend on the ability of the Town of Gates to comment and ask for the comments from Gates be heard as an interested agency

Tim Hens agreed, they want to be "good neighbors"

Mr. Gartley, **(used maps of the phasing plan)** the purple (Hinchey Rd) and even the red, how deep will it go, the side of the road, the middle of the road?

Mr. Foote, ideally outside the roadway, but there may be portions, but at this stage it's unknown. They have identified three (3) different routes depending on land acquisition

Mr. Gartley as far as cost, the green areas may be less cost, it's just trees.

Mr. Foote certainly along the tracks would be better, want to avoid the residential areas.

Chairman Wall asked if the Board had any questions. None.

Side Table

Mr. Rappazzo, thanked the gentlemen for coming in and explaining it all, the board is very interested in what happens in the Town of Gates and want to be involved and want to be "good neighbors" and on the same page as well.

Mr. Foote, they will definitely keep the Town informed and will send the plans, once they are finalized. Including when the Pre-construction phase meeting is set. There are a lot of moving parts to this project.

Mr. Hens, it is a costly project, but will NOT impact the residents of Gates.

Mr. Rappazzo, the concern is not the delivery of water, it's what happens during construction.

Mr. Ritchie, it's an interesting project, no additional comments.

Supervisor Giunta, none.

Open to Public

None.

Closed the Public Hearing

Chairman Wall, thanked them for working with the town and asked when to expect to see site plans?

Mr. Hens, probably eighteen (18) months, in the conceptual phase now, there is a lot of moving pieces. There are Health Department approvals needed, financing, but are aiming for 2025/2026.

Executive Session 7:45pm-7:47pm

Chairman Wall motioned after reviewing the request from Genesee County Legislature to be the Lead Agency, the Town of Gates takes No Exception to the Genesee County Legislature taking Lead Agency providing that that the Applicant receive Site Plan Approval from the Town of Gates.

The Town is requiring Site Plan approval because of the potential impact that the project may have in the Town.

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

MOTION PASSED

**PRELIMINARY & FINAL SITE PLAN APPROVAL
Gates PUD-Residential Development
OWNER: Italian American Community Center
ENGINEER: Passero Associates
LOCATION: 500 Frank Dimino Way & 3410 Buffalo Rd
District: PUD & R-1-11**

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

Betsy Brugg, attorney (Woods Oviatt Gilman) this is the first Public Hearing, but not the beginning of the process which started in the fall. It's eight-five (85) acres on Buffalo and Manitou Roads. It's a split zone, irregular in shape there are a lot of moving pieces, they knew from day one it was in a mixed-use area, near single-family homes and somewhat residential area and have approached in a matter of being sensitive to the neighbors while creating a transition between the different zoning and uses in the area.

The project is a mixed-use project which requires change to PUB zoning, the petition has been submitted, the Town Board has referred the matter to the Planning Board for review and recommendation and on the rezoning as well as density of the project to participate in the SEQR process, with this essentially being the first meeting presenting an overview and description of the project, bringing up to speed with various changes that have been made as well as gathering feedback/comments from the town, different agencies, the public prior to tonight's meeting, knowing they have done a good job preparing also know they are not done.

As for this meeting, they would like to accomplish receiving a recommendation to the Town Board and take Lead Agency to take care of the SEQR process that is over the zoning process.

Jess Sudol, civil engineer with Passero Associates, looking at approximately eight-five (85) acres which is comprised of two (2) parcels. A western parcel, fifty (50) acres and eastern parcel, thirty-four (34) acres (**used rendering to show area**) they have been working the past seven / eight months together with Whitestone Developers on the best use of this property. Currently the fifty (50) acres is zoned PUD, the thirty-four (34) eastern acres were, at one time PUD, but at some point, rezoned to R-1-18 keeping in mind to be used as single-family homes and keep potential uses out of the area. Once they started looking into it, saw a residential project they would call low to medium density as far as multi-family. The average density for the entire project is five point six (5.6) units per acre.

First thing they looked at was the multi-family residential component which makes the most sense, keeping it to the west off and near Frank Dimino Way where the existing senior project is already multi-family. Also, there is not many single-family residences in that area and where there is frontage on Buffalo Rd. looked at what commercial uses would work and came up with self-storage units which is not a flashy project, but there are positive attributes to them. For starters, adding a descent amount of residence, which makes it highly compatible to use those units if they have more stuff then they can fit in their apartments. It is a very low traffic generator. Then on the eastern side of the project, started to consider single-

family homes after looking through concept plans from past years for that area. They are not looking at this as three (3) individual projects, but three (3) uses that go very well together. Looking at pedestrian networks and roads, the potential behind will be seen. As far as the single-family goes, they took the approach of smaller lots, almost like patio homes which takes a cluster approach leaving a significant amount of buffering that will not be touched leaving the deer and turkeys to be free. As far as the apartments, the developer has done very significant number of units in the state of NY over the years, considered high-end rental units with no affordability component, no low-income housing. These are \$1300-\$1600 and up type units. Two-story buildings with a townhouse look, driveways, individual entrances, porch. It would have its own club house (**used rendering to show area**), site would be staffed 24/7 with management and maintenance in operations to be sure the property upheld at its highest point possible, clean, crisp, not a develop and flip scenario (Example of development: behind the Dome in Henrietta as well as Hard Rd in Webster) as it transitions to the west, multi-family to the single-family in the east there is an interesting component in-between served as more of a transition the 20 “cottages” which are single-family home rentals that will receive the same care, maintenance, oversight and the leasing care as the multi-family. They have working on this for a while.

First thing after the concept plan was held a neighborhood meeting (including some in attendance currently) receiving a lot of comments which resulted in some changes in (**used rendering to show area**) access points. Took a significant reduction of single-family homes from sixty-five (65) to fifty-two (52) patio homes, which most developers do not do. Increased buffering and greenspace (**used rendering to show area**) including landscaping.

A follow-up meeting was held at the IACC.

This is still very early in the public review, but have completed a lot of work. Topographic survey and Preliminary Engineering have been initiated. Archeological study (SHPO) have already received approvals. Most importantly, a traffic study, which was submitted to the NY State and County DOT, both agree with the findings from the study and feel they have their arms around traffic.

Addressing comments from Costich Engineering, one was to consider moving the proposed dog park, which they have adjusted. Also, the Phasing which will part of the discussion with the town board as it relates to the PUD. In the phasing, plan to include 26 single-family homes in the first phase of the project (**used rendering to show area**), a small block of the apartments, and also the self-storage. Developing a significant portion of it, reason being there is a demand for all three and because there is rock, moving earth from one area, adding to another.

The other engineer comments are not show stoppers or deal breakers, just technical in nature. This is still early on in the project, but plan to file detailed site-plan review.

Chairman Wall asked for the elevations and Mr. Sudol displayed, explaining each area

Mr. Argenta asked the storage facility is not showing a fence, how will it be concerned or is it not an issue?

Mr. Sudol, a fence will be added in the final plans

Mr. Argenta on the drawing C-130 asked for a breakdown of the parking; hearing four-hundred (400) garages, he asked if that included the single-family homes as well as the cottage homes.

Mr. Sudol replied each one of the 400-hundred apartments has a garage, plus the single-family, number needs to change to four-hundred-twenty (420)

Mr. Argenta stated that on the EAF, there is a question on the number of non-residential buildings.

Mr. Sudol is happy to categorize every thing

Mr. Gartley asked if the plan for the fence is a privacy type and also asked when the traffic study was done?

Mr. Sudol more like a black ornamental type fencing and the traffic study was started in September 2022 and culminated in January 2023, receiving the letters in February 2023.

Mr. Gartley as far as power and the phasing process, asked if it'll be poles or underground transformers.

Mr. Sudol replied it'll be all underground.

Mr. Gartley understands renderings will be coming, but asked about the colors as far as the townhouses; would all being the same or would the owner be able to pick any color.

Mr. Sudol, the home builder will have ten (10) different models with multiple variations, like most tracks, but for the residential units, they typically have 2 or 3 different building types and colors.

Mr. Gartley the plans show a driveway on each end, asking if there will be a garage.

Mr. Sudol (**used rendering to show area**) replied yes

Mr. Gartley, be sure the corners are twenty (20) feet apart per code. Mr. Sural agreed.

Mr. Gartley asked if the clubhouse will have a pool?

Mr. Sudol, Yes there will be a pool, it'll be fenced.

Mr. Gartley, the east side, there is a rather large, mature tree that we'd like to protect. It seems to be proposed to be on a property, which someone could purchase that property and choose to cut it down.

Mr. Sudol once they get to the design determined could possibly add provisions or change the lot configuration.

Mr. Gartley asked what the barn was going to be used for.

Mr. Sudol, maintenance equipment.

Mr. Ruiz, asked if there will be a list of prohibited items allowed to be stored?

Mr. Sudol replied, yes and they are working with a national storage vendor, who have very stringent requirements.

Mr. Gartley as for the apartments, is there a code for the percentage of units needing to be ADA compliant?

Mr. Sudol replied yes and they will have fifty percent (50%) of the apartments ADA compliant.

Chairman Wall as far as the comment letter from Costich, the Board will need a written-response to address the comments. As far as the storage building, it seems twenty-five (25) feet is tight for safely maneuvering if there is a larger type vehicle and recommends them looking into it. As for the earthwork, and hearing about phasing, asked if a cut & fill table has been done yet and what are the earthwork numbers?

Mr. Sudol they can only go so far before they hit rock, and sewer is relatively shallow, so yes, they have set tables, but there is a lot needing to be done (**used rendering to show area**)

Mr. Argenta, will a pump station be needed?

Mr. Sudol, No, they will be installing a new sanitary system along Buffalo Rd on the North side.

Chairman Wall: the town would like sidewalks on both sides for a potential walkable community. Also, asked if they have the initial water pressure from the hydrant flow test. Mr. Sudol replied: Yes, they have and the static pressure is not great, but will address that during design.

Chairman Wall: on Frank Dimino Way there are currently twenty-four (24) entrances on a dedicated road, which need to be mitigated. Mr. Sultan understands and will address.

Mr. Gartley with the sidewalks will streetlights be added? Mr. Sudol replied yes there will be street light for everything.

Mr. Gartley suggests the climate-controlled buildings would look better if turned and are more visible by the road; Mr. Sudol replied they are already looking at that.

Chairman Wall also asked if the Fire Marshal has looked at the plans and responded? Mr. Sudol, not yet

Chairman Wall asked if the Board had any further questions. None

Side Table

Mr. Rappazzo, thanked Whitestone Development and the whole team for going all the steps they have up to this point, with public meetings, working through the town, and the level of review prior to this point has been refreshing and looks forward to that continuing through, throughout this project process. The Town Board has asked the Planning Board to make recommendations on the PUD Plan before them including the phasing.

Mr. Ritchie, no additional comments and is confident they can work together.

Supervisor Giunta, agrees with what Mr. Rappazzo said about the work they have put in so far.

Attorney Schum, it is too early for the Planning Board to consider any action under SEQR. Letters of consent have been sent for Lead Agency and other agencies and they have thirty (30) days to respond and the thirty (30) days have yet to pass; the Board could consider declaring its intent to be lead agency, but that is all they can do. He believes the comment Mr. Rappazzo made with this board making a recommendation to the Town Board for the PUD rezoning would require showing the Phase I, Phase II, and III in terms of maps of some sort.

Open to Public

Romeo DeLucia asked if this was an independent traffic study done by Whitestone or by the State.

Attorney Schum, the traffic study was done by a company hired by the developer then submitted.

Mr. DeLucia called the state and was told the proper way to do the study would be after the winter, with the rubber strips in the road, not a laser and hopes the Board has this done first

Attorney Schum appreciates the comment, but would think the traffic study engineering firm which was retained by the developer when submitted their findings would not be accepted by the state if not appropriate. It's on file, anyone can request to see it.

Mr. DeLucia also called Monroe Count Pure Waters who said they would need to dig so deep and are against this and there will be flooding. This is a big thing. There is a lot of water back there, it's a huge project. They have also put together some money if a lawyer is needed to see if things are being done correctly. Where are the children going to play, don't want to see animals running around, new neighbors, that just moved in and others want a fence to be put in if this project goes through. The Board should be for the community not what the builder wants

Joe Polizzi, 20 Adeane Dr. East asked how people received letters about the meeting. Only 2/3 it's not fair, information should go out to everyone. They would rather have more single-family houses and less townhouse. It's all be cramped in. It's a big project and progress moves on. He feels like it's already been approved and a done deal and is trying to hear everything and be equal whether it goes one way or the other. He moved back in the area for it being the way it is not to be built up like this plan. He understands the developer saying it's needed because they are salesmen. Majority of the people do not want this...build houses, great, but all this. He is all for beautiful single-family homes.

Michael Giagios, 23 Adeane Drive concerned with the fill-dirt that will be brought in to add basements and asked what the elevation of that dirt will do to the houses on Adeane Drive West, where is the water run off going to be?

Chairman Wall, this Board will look at those items with the site plan review. The Developer will need to revise and be sure there are no negative impacts to the existing neighbors.

Adeana Giagios thanked the developers for taking consideration of some of the requests of the neighbors, but is not in favor and some of the reasons why are; the pool, how would that be possible, they can't blast due to the bedrock. Her dad was a builder and built Adeane Drive and knows what they had to go through to build. She is asking Not to Blast please because their basements can easily be disturbed. She didn't receive a letter about the meeting and would appreciate getting one next time. Traffic is a huge issue and more houses being built means more traffic. She asked the Planning Board to protect them from the traffic. If it was single-family homes they would be good, it's not as many people. They all love living in Gates.

Mr. DeLucia is there any type of guarantee from the town if it's approved, that the town is responsible in case of basement flooding and that the town will take care of it? They want something in writing.

Mr. Polizzi wanted to correct something Mr. DeLucia stated earlier. There are no basement, just slabs

James, Adeane Dr. asked if there is an ordinance of some sort of percentage of mixed use of rental verses privately owned for that area?

Chairman Wall that is actually something the Board is looking into, the mix and the density and the use, but there is not enough information to decide tonight.

Mike on Adeane Dr. East appreciates the good job, but has questions....how deep is the bedrock? When playing with the grades, there are watermains going in at roughly five-feet.

Mr. Rappazzo, the town has those same questions, which are in the engineers comment letter trying to get better answers on where the bedrock is

Mike on Adeane Dr. East: we all know living in Gates it's everywhere. He wants to minimize blasting, it could be a huge issue that gets addressed during construction and not before. Also, the map looks great, but would prefer more single-family homes, what about retention ponds, where is water going to go?

Mr. Rappazzo all the ponds are to the south and west, all the drainage heads in that direction. Sewer backups shouldn't be problem because there are two (2) different sanitary systems. Adeane Dr. flows East and this project would flow South. This project would have No impact on the sanitary system on Adeane Dr.

Mike also asked if there are any plans for when it rains and will there be gutter systems placed and what about sidewalks?

Mr. Rappazzo there will be a gutter system and sidewalks.

Mike, when Amazon becomes fully-functional, with trucks and cars, can a traffic study be done with the extra amount of people.

Mr. Rappazzo the people who did this traffic study are the same people who did the impact study for the Amazon project, so that data is used to analyze the impact of the Amazon facility

Mike asked if this goes through, is there any way the road can get widened or a street light get added? Mr. Rappazzo, those are up to the State DOT.

Ms. Brugg explained application process works. They have a very experienced design team, listening to all the comments, issues and concerns, trying to be the best neighbors possible, not trying to short-cut or cut corners. These are regulated areas, there is no skipping drainage or flooding properties. Stormwater is regulated. Traffic studies are done by well know traffic consultants, with many years of experience, with professional standards and methodologies used to evaluate traffic it's nothing that can be influenced. The town requires the applicant to produce the study at their expense, the town then scrutinizes and evaluates it, the DOT as well and it has to be satisfactory to everyone that has approval authority is reviewing the project. There are many steps in the process and want to listen and address all the comments to the best of their ability and want to give the best possible project.

Public Hearing To Remain Open

Executive Session 9:04-9:PM

Chairman Wall motioned to declare the **INTENTION** for the Town of Gates to be Lead Agency, but recognizes that the Board does not have:

- Response from other Agencies' on Gates' intention to be Lead Agency, and
- Information and materials required in order for the Board to completely evaluate the impact(s) and consider a SEQR determination.

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

As well, at that meeting, the Board **TABLE the Application for Prelim & Final Site Plan Approval of 500 Frank Dimino Way & 3410 Buffalo Rd.** with the following initial conditions:

1. The applicant to address the initial comments in Costich Engineering's letter.
2. Address the initial Board's concerns including the plan for blasting and traffic concerns.
3. Modify / advance the stormwater mitigation design features.
4. Corrections to the EAF.

MOTION TABLED

Mrs. Argenta...seconded. All in Favor...Aye Opposed...None

MOTION PASSED: PRELIMINARY / FINAL SITE PLAN APPROVAL

The meeting was ADJOURNED at 9:08PM

Respectfully submitted,

Lily Alberto
Recording Secretary