

The Town of Gates **Planning Board** held one (1) Tabled Request for Preliminary & Final Site Plan Review, one (1) Tabled Prelim & Final Site Plan Approval, one (1) Tabled Re-Approval of Final Site Plan and one (1) Amended Site Plan Approval, on Monday, June 26, 2023 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

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

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 motioned to approve the May 22, 2022 Planning Board Minutes as sent to the Board.

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

MOTION CARRIED

Chairman Wall went over some housekeeping details. Manitou Rd Flex Suites, 3500 Buffalo Rd and Faith Outreach Ministry Church, 2910 Buffalo Rd., will remained TABLED to next month’s meeting on July 24th.

PRELIMINARY & FINAL SITE PLAN APPROVAL
Elite Turning and Machining Corporation
OWNER: 22 Marway Circle LLC
ENGINEER: DDS Engineering and Surveying, LLP
LOCATION: 22 Marway Circle
District: GI

Chairman Wall motioned to **UNTABLE** Turning and Machining Corporation, 22 Marway Circle

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

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

Mason Everhart, Project Engineer with DDS along with Josh Jenkins and Anthony Thomas of Elite Turning and Machining Corp. At the previous meeting they left with three (3) main comments to address. First in regards with building elevations

and dumpster locations, which can be seen on the architects plans now. The second was lighting/photometrics which in on updated plan like lighting lactation, wall mounts on the building, lighting contours as well as detail on spec. Third, parking variance, which was obtained with the Zoning Board on June 12, 2023. In addition, they have addressed all Planning Board and Town Engineer Comments and are now looking to receive Prelim and Final Site Plan Approval.

Mr. Argenta asked what the height at the peek of the building of the addition?

Mr. Everhart replied the same building height as the existing building, the peak at thirty-one (31) feet.

Mr. Argenta, the addition will have only one (1) downspout on the southside side and two (2) in the back?

Mr. Everhart replied the plan for the southside of the building is to tie into the southeast corner. In some of his research, minimum slope for gutters is a quarter (1/4) inch per ten (10) feet, which over one-hundred and twenty (120) feet. It will be a pretty significant size downspout, and there will be two (2) in the back that will eventually drain to the drainage patch in the back of the site.

Mr. Martin asked if the door on the elevations is the overhead door that's on the westside and what size is it going to be?

Mr. Everhart, the door will be selected by the owner

Chairman Wall had some questions on the grading plan; recommended that they should add spot elevations for the concrete pad for constructability. For maintenance and mowing, adjust contours towards the rear of the building for a gentler slope around the concrete pad. Also, review the Concrete Pad Detail; if the cross slope pitches to the east, it will drain better to the drainage swale. Please create a swale on the north and south sides of the building to mitigate any stormwater spill to adjacent properties. He asked if they would need a dumpster location or will they use totes.

Mr. Everhart replied, they will use totes inside the building.

Mr. Argenta followed up on the door on the south east corner, the grade goes 565 in one corner to the side is 563, so there will be a two (2) foot drop in grade at that pad.

Mr. Everhart, we will adjust

Mr. Gartley asked if the Fire Marshal has looked at the plans yet?

Josh Jenkins replied he has not seen the plans, because there isn't a full set of plans, but has had a conversation with him about the code and such and know the Fire Marshal will need to be part of the plan.

Chairman Wall for the proposed elevations, looks like matching the existing building colors and features

Mr. Everhart replied that is correct.

Mr. Gartley believes the front elevation has reds and blacks and asked what color are they looking to match it too?

Mr. Everhart replied he can't specifically respond to that question based on what they will choose, but will match the existing

Mr. Martin asked if they contacted the utilities for the overhead wiring on the northside of the building?

Mr. Everhart replied they have not yet contacted them, but are aware of it.

Mr. Jenkins, the do a lot of construction projects and utilities usually is hard to get through especially when there isn't a full set of drawings yet, but hoping they will agree to bury the line. They will be sure anyone in need to be involved will be.

Side Table

Mr. Rappazzo, no additional comments

Mr. Ritchie, is satisfied, they have responded to the comment and has no additional comments

Supervisor Giunta, no additional comments

Open to Public hearing None

Public Hearing Closed

Executive Session 7:45pm-7:47pm

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

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

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Preliminary/Final Site Plan Approval of 22 Marway Circle.** with the following conditions:

- 1 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 2 The following notes are to be added to the Final Site Plan:
 - a. No outside storage of vehicles and or materials be permitted on the property.
 - b. All Signage shall conform to the 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 The applicant shall add the Zoning Board of Appeals parking variance approval date to Site Plan.
- 4 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
- 5 A letter of credit is submitted to the Director of Public Works in the amounts sufficient to cover construction of all drainage, landscaping, and as-built-survey.
- 6 The building is to be constructed according to the renderings as presented to the Planning Board. Any significant deviations, may require Planning Board Re-Approval.
- 7 Should a future garbage dumpster be required for the property, it must meet the Town of Gates standards (masonry enclosure with proper screening from public view).
- 8 The Applicant shall add a swale to the north and south-sides of the proposed building addition, channeling the stormwater to the swale on the east side of the property.
- 9 The Applicant shall add grading spot-elevations to the concrete pad at the south-side of the building. The pitch of the pad should be towards the rear of the property. Adjust the proposed grading accordingly for better property maintenance
- 10 The applicant is to add additional silt fencing on the north-side to protect from erosion control.
- 11 The applicant shall depict the pavement sawcuts.
- 12 The applicant to finalize the finished floor elevation on the addition.
- 13 The Applicant is to address any and all Town Engineer and the Dept. of Public Works’ comments.

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

MOTION PASSED: PRELIMINARY / FINAL SITE PLAN APPROVAL

AMENDED PRELIM & FINAL SITE PLAN APPROVAL

Gates Taco Bell (Lyell Avenue)

OWNER: Wegmans Food Markets, Inc

ENGINEER: APD Engineering & Architecture

LOCATION: 2317 Lyell Ave.

District: GB

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

Stephanie Albright, with APD Engineering. Is sure the board is aware of a fire at Taco Bell a few months ago along with remodeling a second drive-thru lane and was closed for quite a while. It was one of their best stores and between COVID and the fire have not been able to recoup the business. They would like to remove some of the trees for better visibility. When comparing Taco Bell to McDonalds, Burger King or other business in the area who have better visibility. Trees are great, but they reduce the visibility to the restaurant and with sixty (60) percent of the business is pass-by traffic makes a difference.

They received the comments from Monroe County Planning explaining the impacts and environmental importance of the trees, but also referenced the DOT for the trees on Howard Rd.

The original proposal was to remove all six (6) trees along Howard Rd. and four (4) trees along Lyell, but now are proposing to remove two (2) along Lyell and one (1) on Howard at the intersection replacing with four (4) trees along the south of Howard, leaving greenspace and adding a tree along Lyell. There are no other site plan changes planned.

Mr. Ruiz asked if sales are being affected by these trees, is there a dollar amount in comparison from now to before the trees? How exactly does that greenery affected the sales in that particular store? Also, what are the total sales compared to similar stores in the area like West Ridge Rd and Chili Ave.?

Mike McCracken, Hospitality Group. They have seen about a twenty (20) percent reduction in sales and he can not contribute directly to trees, that have been there before. He really can't explain what has happened. The new color scheme with the new design is like an off white and not noticeable unlike the old bright orange colors even through the trees. As it compares to the other stores, this location was the highest revenue store at one point and has now slipped below the Stone Rd location. It still does well, but. They renegotiated the lease with Wegmans prior to this and asked them for some additional extensions to be able to there for a long time at which caused a bit of a rent increase, but they thought it was going to be a high revenue store and really would like a better visibility to the store especially when most customers are passing by in the car. Also, the customers patterns change when there is a fire and they visit other restaurants and before you know it, out-of-site-out -of-mind. It's a number of factors, not just the trees, but hopeful for more visibility from the trees and hopefully bring the business back to where it was.

Mr. Rappazzo to follow-up on what was just said. How much of the teen percentage of loss revenue from before is due to the Chili Ave store being constructed and Burger King down the street?

Mr. McCracken doesn't think the impact is from the Chili location and can't speak to Burger King, it could have some impact, but can say people will drive by two or three (2 or 3) burger places, but tacos are different.

Attorney Schum, there is quite a bit of shrub growth between the trees which is fairly high, possibly trimming them back a bit as well as the trees could be a great alternative.

Ms. Albright, trimming could help a bit, but it's the upper branches on the trees that are blocking the signage as well.

Mr. Gartley when the rebranding and lighter color was done, did the trees come into consideration since they were already there.

Mr. McCracken especially on a building remodel there are only a couple options

Mr. Gartley asked if a pylon sign was considered or even a sign at the corner?

Ms. Albright, they did discuss, but she hasn't researched too much since it is a leased property and would need to go through Wegmans and not sure they would allow or what town code allows for signage when they don't own the property

Mr. Argent asked, the proposal will really only increase visibility for vehicles traveling east from the west?

Ms. Albright responded, correct

Mr. Gartley asked if a traffic study was done to see where traffic is coming from?

Mr. McCracken strangely they can. It's an MMD study, but they did not do an actual study here. They did originally speak with Wegmans who didn't want the trees down either and he gets it. This proposal is a lot less than the original. The intersection is their main ask.

Ms. Albright as your traveling west, you have the opportunity to turn into from Howard

Mr. Martin asked in the new proposal what is the gain or loss of trees?

Ms. Albright responded removing three (3) at the corner and not replacing and adding six (6) new

Mr. Rappazzo asked if they could present a mock-up to show? Ms. Albright responded, yes.

Mr. Rappazzo asked Attorney Schum, the trimming of the trees is a maintenance item and wouldn't require board approval? Maybe they could trim the trees before doing any type of mock-up

Ms. Albright also asked for clarification on if Taco Bell and Wegmans were to trim if any approvals would be needed? She understands the trees on Howard Rd would need to be approved by the County.

Mr. Argenta added trim trimming is suggestive.

Chairman Wall agrees, it can't be extreme, it's mild trimming of lower branches, but noting significant that would be losing a large percentage of the canopy.

Side Table

Mr. Rappazzo, no additional comments.

Mr. Ritchie, no additional comments, just the revised plan

Chairman Wall, agreed with wanting to see a revised plan

Supervisor Giunta, no additional comments

Open to Public hearing None

Public remained opened.

Executive Session 8:04pm-8:11pm

Chairman Wall motioned to **TABLE the Amended Site Plan Approval of 2317 Lyell Ave.** with the following conditions:

- 1 The Board shall review the revised Site Plans and renderings to better understand the Applicant's proposal. It is the Board strong opinion that the mature trees shall remain, however, the Board will entertain a compromise of tree-trimming to provided better site visibility.
- 2 Authorization from the Parcel Owner (Wegmans) to allow the Applicant's request.

Mr. Argenta...seconded.

All in Favor...Aye

Opposed...None

MOTION PASSED: AMENDED SITE PLAN TABLED

The meeting was ADJOURNED at 8:20PM

Respectfully submitted,

Lily Alberto
Recording Secretary