

The Town of Gates **Planning Board** held one (1) Tabled Request for Preliminary & Final Site Plan Review, one (1) Amended Site Plan Approval, one (1) Re-Approval of Final Site Plan and four (4) Prelim & Final Site Plan Approvals on Monday, May 22, 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
Tanios Sarkis	Alternate
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Cosmo Giunta	Town Supervisor

MEMBERS NOT-PRESENT:

Kirk Kettinger	
Ken Martin	Alternate

Chairman Mike Wall called the meeting to order at 7:334 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall motioned to approve the April 24, 2022 Planning Board Minutes as sent to the Board.

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

MOTION CARRIED

Chairman Wall went over some housekeeping details. The Amended Site Plan Approval application for Taco Bell at 2317 Lyell Ave will be TABLED to next months meeting on June 26th. Also switching the order of # 3 and #4 due to # 3 and #5 being the same engineer group, MRB.

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 motioned to **UNTABLE** Gates PUD-Residential Development, 500 Dimino Way & 3410 Buffalo Rd.

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

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

Jess Sudol, Civil Engineer with Passero Associates, along with Justin Marando, with Whitestone Developers and Betsy Brugg, Attorney (Woods Oviatt Gilman), several months ago were present on number of occasions as part of the PUD process, that rezoning requests of. One of which was Town Board, where they received the Approval for the rezone to PUD as well as the Planning Board declaring Lead Agency, SEQR.

They are here now asking for Preliminary/Final Site Plan Approval. As a PUD, there are several different types of proposed uses; a rental component, with the apartments, cottages, Single-Family Home component, which is in the eastern side of the property and finally the Self-Storage Component, which is in front on the project on Buffalo Rd.

Since the last meeting, there have been some changes made as they are working with the Town Board leading up to the PUD approval. Most notable are the additions of seven (7) Single-Family homes, "Road A" coming into the project (**using rendering to show**) which caused them to reduce some rental apartment units, so there was a reduction in density from the last PB meeting as well as replacing some 10-unit apartment buildings (**using rendering to show**) with Single-Family For-Rent Cottages. As anyone not familiar with this project enters through this will not tell the difference of the Rental Single-Family and For Sale Single-Family homes because they are being designed and constructed similarly, slab on grade.

Per suggestions (Mr. Argenta), redesigned the self-storage, putting all the single-story self-storage units to the back to screen from the road, as well increasing the screening all around. They also addressed the first round of comments from Mr. Ritchie's letter and provided responses to those comments. Since then, Mr. Ritchie issued an additional comment letter (received as of 5-22-2023), but haven't had the opportunity to address those yet, but feels very confident going forward to Phase I. The next step is submitting plans for what is actually going to be built in Phase I, showing the roads, utilities, and what is being built. To start, Phase I will have a bit of all three (3) components of the project, over half of the Single-Family homes (32 of the 58), the Self-Storage in its entirety and the first set of for Rent apartments, including 10-Unit apartment buildings (two-story with individual garages) (**elevations provided**). Plans will be submitted at a future date.

We are here tonight asking the Planning Board to Approve Preliminary site-plan

Mr. Gartley for the apartments themselves (**using rendering to show**) what color scheme will they be and how many?

Mr. Sudol typically have at least three (3) different schemes including colors and possibly some façade materials (some stone, some brick, shade siding, traditional siding). The developer is Whitestone, but there will be one (1) builder for the Rental Units (the 10-Unit Building and the Cottages) and a separate builder for the For Sale, Single-Family homes

Mr. Gartley asked if the cottages will be a single prototype, looking the same? The Single-Family houses as well?

Mr. Sudol there will be about four or five (4 or 5) different options and the Single-Family homes will have about ten (10) different styles to choose from including colors, materials, upgrades and facades. On the single-family, no two homes will look the same.

Mr. Argenta asked if there is a rendering of the storage unit and how many stories would it be

Mr. Sudol did show a rendering, from an existing project in Webster for an example. The color scheme would be the same as that, it'll be climate-controlled build. Blue and yellow branding

Chairman Wall asked about where they are with Agency approvals, for example, sewer and water?

Mr. Sudol met with the Gates Chili Ogden Sewer District (GCO) a few times; there is sewer availability in the area, but a bit tricky due to the bedrock. They are working on the best alignment to service this project. They at one point considered a pump station, but GCO was not happy with it. They are probably on the third round of it. Similarly, with Monroe Water Authority who have reviewed and issued comments letters, which they have addressed.

Chairman Wall asked if they are close to getting permits from both agencies?

Mr. Sudol the next thirty (30) days they will work on Phase I final plans which they will resubmit to them, which will become the construction set, so currently addressing the comments received on the overall plans, then submitting final Phase I plans along with the planning board and anticipate another round of comments, so are looking at mid-summer.

Chairman Wall asked the likelihood after all the comments of something on the site plan itself changing?

Mr. Sudol slim to none. They have had time to reply to the comment letter on the layout and the biggest change would be to move the hydrant, but when they do return for the Phase I Final, all the comments will be incorporated.

Mr. Argenta mentioning backflow, will there be one (1) backflow per complex?

Mr. Sudol indicated that there will be a backflow preventer inside the self-storage project to service that site. They will also have a couple different backflow preventers and master feeders in the apartments, once of which will service the north side on the Frank Dimino extension and the second one which is smaller that will serves the south-side.

Mr. Argenta asked if they will be stand-alone within a building?

Mr. Sudol indicated that the one on Buffalo Rd will be inside the building and the others will be in some sort of enclosure and are already show on the plans.

Chairman Wall going back to the Monroe County Water Authority; did MCWA provide any information on the water pressure? Are there any issues?

Mr. Sudol, yes, they provided their flow test data for them to use. It's not the best pressure they have ever come across, but will make it work.

Mr. Gartley confirmed the sidewalk that goes to Buffalo Rd. is only on the westside?

Mr. Sudol there is sidewalks on both sides of the street all the way through the single-family, but near the Wines by Design (**using rendering to show**) is on the westside of the street only. They will look at it closer.

Side Table

Mr. Rappazzo, it was mentioned there are multiple styles for each of the rental unit buildings and asked for possibly descriptions of each for the board to review.

Mr. Sudol responded 100% will do.

Mr. Rappazzo asked, with the approvals from the Water Authority and Sewer District, it is far along enough to not see any significant to the layout of anything? No issues with function to the single-family homes?

Mr. Sudol, correct, no roads or buildings moving. Right the only slight effect could be with the apartments, not the single-family homes because with the apartments the water service has to go through the master meter and the backflow preventer and there is significant pressure-losses with each one.

Mr. Ritchie, reviewing the comment letter and it's all technical in nature, nothing that impacts the design. They did respond his previous letter and is confident they will respond to the current letter.

Supervisor Giunta is thankful for taking into consideration the changes.

Open to Public

Chairman Wall hearing none will go into executive session, but stated Public Hearing is remain open.

Executive Session 7:55pm-8:00pm

Chairman Wall, SEQR was completed at the last Planning Board Meeting (April 24, 2023).

Chairman Wall motioned to **Grant Preliminary Plan Approval, Overall (NOT Final Approval for any of the Phases) of 500 Frank Dimino Way & 3410 Buffalo Rd.** with the following conditions:

1. Any significant changes in the plans after this Preliminary approval, the Applicant must come back to the PB to review the appropriateness of the approvals and make any adjustments needed.
2. The applicant is to provide correspondences from the following agencies; Gates Chili/Ogden Sewer District, Monroe County Water Authority, the correspondence on permits from NYSDOT and Monroe County DOT.
3. The applicant is to provide the color schemes for the houses and apartment units, as well as the options of house available to purchase, for residential section.
4. All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
5. The Gates Fire Marshal shall review and approve the plan prior to the Final Review.
6. All necessary Easement agreements are to be reviewed and approved by the Town Attorney.

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

MOTION PASSED: PRELIMINARY 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 motioned to **TABLE the Application for Amended Prelim & Final Site Plan Approval of Taco Bell, 2317 Lyell Ave.**

MOTION TABLED

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

PRELIMINARY & FINAL SITE PLAN APPROVAL

Coldwater Animal Hospital (Expansion/Renovation)
OWNER: James Klovstad
ENGINEER: Meagher Engineering, PC
LOCATION: 612 & 624 Coldwater Rd.
District: GI

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

Ms. Wendy Meagher, Meagher Engineering, her client, Dr. Klovstad (Coldwater Animal Hospital) is looking to have two (2) small additions to the existing Coldwater Animal Hospital. He currently owns the adjacent parcel; the site changes are very minor. Looking at improving the ramp in front of the animal hospital for better accessibility, the parking spaces as

well as moving the garbage dumpsters to the adjacent parcel along with the employee parking. There will be minimal grading, the site is very flat. It is a straight forward project with not many improvements, no curb-cuts. Because he does own both parcels they will just do a receptacle easement for access.

Attorney Schum asked if both parcels are owned by the same individual or entity?

Ms. Meagher stated yes, the doctor owns both parcels

Attorney Schum asked if he is not considered a sub-division to combine the two (2) parcels. If this is to get approved, it would be very difficult, but not impossible to sell the vacant lot without selling the animal hospital, but if the board were to consider combining the two, it would be one (1) site that would be coordinated.

Dr. Klovstad the reason they didn't discuss combining the lots together is because they didn't see a need too and for the sake of seeing the project move forward without getting extra approvals.

Chairman Wall informed the doctor, it could be done administratively and no extra approvals would be needed and confirmed with the Director of Public Works, Kurt Rappazzo.

Dr. Klovstad replied if the board thinks that's the best idea, he too has no problem with that.

Mr. Gartley asked if they would be installing a new sign or use the existing sign?

Dr. Klovstad replied the existing sign.

Mr. Gartley looking at the rendering the colors may be too similar and they could possibly look into a different background color so it pops a bit more.

Ms. Meagher added they received minor comments from Mr. Ritchie

Mr. Ritchie spoke with someone from the engineer's office, the biggest comment is the floodplain, so asking the Applicant to provide the calculations demonstrating that the net-effect of the proposed earthwork will not reduce the storage capacity of the floodplain. That data should be added to the Site Plan. Other comments were general housekeeping.

Ms. Meagher did go through and have proposed getting it cut because of how the adjacent parking is being tied in and not proposing any fill.

Mr. Argenta for the dumpster enclosure, would like to see a mason enclosure verses wood for durability and often time some bollards for safety. Also, the proposed ramp, just seems to end

Ms. Meagher in talking to Dr. Krysta are looking at extending the ramp to the parking

Chairman Wall seems like the big item is the floodplain, which may require a Variance from the ZBA and the site also seems to be short on parking. To meet Code, show land-banked parking to meet Code. If the spaces are needed in the future, you already have the approval from the Planning Board.

RE: Floodplain Variance: Ms. Meagher the additions will not exceed 50% of the current value of the structure for the need of a variance with the floodplain.

Mr. Rappazzo replied will need to look more into it, to make sure everyone is on the same page

Chairman Wall indicated that as for the dumpsters, the Board likes to have them screened. Landscaping looks good, but typically ask for a one (1) year guarantee on landscaping.

Side Table

Mr. Rappazzo, no additional comments
Mr. Ritchie, no additional comments

Supervisor Giunta, no additional comments

Open to Public hearing None, **Closed the Public Hearing**

Executive Session 8:14pm-8:15pm

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 612 & 624 Coldwater Rd.** with the following conditions:

- 1 The Applicant seek an administrative approval to combine the two (2) lots into one (1) lot.
- 2 The Applicant extends the sidewalk (adjacent to the twenty-four (24) foot drive aisle) to the parking at the south of the property.
- 3 The applicant shows the existing screen trees around the existing dumpster area.
- 4 Please either depict landbank parking to meet the Code or apply for a variance. Filing of the variance should be prior to the signature of the Planning Board Chairman.
- 5 The Board recommends that the applicant look at the colors of the building signs. Different colors may make for easier identification.
- 6 The applicant to provide a masonry dumpster enclosure with proper screen-plantings.
- 7 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 8 The building is to be constructed and its colors as presented to the Planning Board
- 9 The Gates Fire Marshal shall review and approve the plan prior to the Final Review
- 10 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
- 11 The following notes are to be added to the Final Site Plan:
 - a. There is a one (1) year guarantee on the landscaping
 - b. No outside storage of vehicles and or materials be permitted on the property
 - c. All Signage will conform to Town of Gates standards.
 - d. No outside storage of vehicles and or materials be permitted on the property
 - e. 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.
- 12 A letter of credit is submitted to the Town of Gates in the amounts sufficient to cover construction of all drainage, landscaping, and as-built-survey any work in the Town's right-of-way as directed by the Town Engineer and the Director of Public Works.
- 13 The applicant is to address any and all final comments from the Town Engineer and Town's Dept. of Public Works.

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

MOTION PASSED: PRELIMINARY / FINAL SITE PLAN APPROVAL

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

Mason Everhart, DDS under its current layout, with six thousand (6,000) square feet building, the CNC operation is in demand and so successful, they are looking at a twelve thousand (12,000) square feet expansion. It's a straight forward expansion off the eastside of the existing building encroaching in what is now impervious asphalt pavement. The additional building is to match the style and finish of the existing building. The addition will be fitted with one (1) overhead door on the western face of the building addition with one (1) of the two (2) pedestrian doors next to it and the second (2nd) at the southeast corner. All doors will have wall mount lighting with dark-sky compliance. No new utility connections will be needed, the existing services will be extended internally. There will be just under a half acre of soil disturbance, which is well under the threshold the DEC requirement for permit. The existing drainage patterns will be maintained, as runoff will travel easterly to a well-defined north-to-south flowing ditch.

As far as parking requirements they are aware of the Town of Gates Code requiring one (1) parking space per four-hundred (400) square feet of building area. This means with the proposed development they would need forty-five (45) parking spaces. Their proposal includes maintaining eleven (11) of the existing spaces, however the owner has indicated that a maximum of nine (9) employees would operate the expansion. Client meeting so not happen on-site, so the eleven (11) spaces exceeds the projected demand for spaces. They have submitted an application to the ZBA requesting an Area Variance to allow the reduction of on-site parking and asks the PB to assist in a recommendation to the ZBA in rendering a decision.

Mr. Argenta asked what the height will be?

Mr. Everhart replied the proposed eve is to match the existing building

Mr. Gartley matching the existing, with the stripe or something similar?

Mr. Everhart the plan is to match something similar to the existing building

Mr. Gartley asked if they were doing anything to the existing building?

Mr. Everhart replied no changes except for extending services internally

Attorney Schum asked if there are floor drains?

There are restrictions with floor drains due to the nature of the business and some of the materials used. The pitch of the building will follow the same trajectory of the roof line. It will be a gable roof and will replace the roof of the existing building.

Mr. Gartley does the draining of the roof go into a storm drain

Josh, for the roof its self, there will be roof leaders at the southwest corner of the building and they did receive a comment letter from Mr. Ritchie. The plan is to tie this end to the southwest to existing drainage with one (1) down spout

Mr. Gartley added they may need more than one (1) down spout

Mr. Everhart replied they will take a look at it.

Mr. Gartley asked if the only lighting would be over the man door? He also asked if it's sprinklered?

Mr. Everhart replied lighting will be over the two (2) man doors and the overhead door and there is no sprinkler.

Chairman Wall looks like there are some substantial items that this Board requires before making any final decisions;

1. Building Elevations
2. Parking, it's understood the number of employees, but the Zoning Board would need to make their decision prior to the PB
3. Roof, will need to see the drainage plan
4. Photometrics
5. Sprinkler, the building will need

Side Table

Mr. Rappazzo, no additional comments

Mr. Ritchie, no additional comments

Supervisor Giunta, no additional comments

Open to Public hearing None,

The Public Hearing will remain Open

Executive Session 8:31pm-8:32pm

Chairman Wall motioned to **TABLE the Application for Prelim & Final Site Plan Approval of 22 Marway Circle** with the following initial conditions:

1. The applicant to provide building elevations including the roof leaders, and plan to tie into the storm sewer.
2. The photometrics, light plan.
3. The Zoning Board decision on the Parking and the Sprinkler System variance (if needed).

MOTION TABLED

Mrs. Argenta...seconded.	All in Favor...Aye	Opposed...None
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PRELIMINARY & FINAL SITE PLAN APPROVAL
Proposed Office/Flex Space Building at Elmgrove Crossing
OWNER: Gallina
ENGINEER: MRB Group
LOCATION: 475 Mile Crossing Blvd.
District: GI

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

Steve Shultz, MRB Group proposing a similar building to lot #18 which was presented and approved by the board few years ago. This is thirty-three thousand (33,000) square feet for a flex office, warehouse, projecting about twenty (20) percent office and eighty (80) percent warehouse, fifty-five (55) parking spaces, all in the front (**used rendering to show**). All the buildings in the area have the same type of layout. They have utility improvements associated with the building, water service on each side. Sanitary connection is on each side. Storm drainage will be in the front of the building, catch basins in the parking lot. Extensive landscaping along the front of the building, full size trees lining both the north and the sides, light poles in the front and the back of the building.

Tom Fromberger indicated that the architect just completed his elevation of it. It's sixty (60 feet wider interior, but will be the same look, color and materials as lot #18 building just wider.

Mr. Shultz received comment letters from the county and town engineer and can address all.

Mr. Argent looking at the layout of the suite, looks like the vestibules could accommodate two (2) units tenants, so potentially could be divided? Just looking at the vestibule with two doors.

Mr. Fromberger replied, yes (**used rendering to show**) the one side is more of a warehouse use, but could potentially be divided

Mr. Argenta asked if this has a flat roof?

Mr. Fromberger replied Yes

Chairman Wall looking at the south elevation, looks like the overhead doors and man doors flipped, so might need to be addressed. The landscaping plan is a great plan. Gallina has done a great job throughout the development. Just need to be sure the trees are salt tolerant and to note a one (1) year guarantee on the trees and mulching bench of four (4) inches.

Side Table

Mr. Rappazzo, no additional comments

Mr. Ritchie, no additional comments

Supervisor Giunta, no additional comments

Open to Public hearing None, **Public Hearing Closed**

Executive Session 8:41pm-8:42pm

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 for 475 Mile Crossing Blvd., Gallina Development** with the following conditions:

- 1 The applicant shall confirm that the proposed planting are salt tolerant.
- 2 The applicant adds a one (1) year guarantee on the landscaping; mulching bed is four (4) inches in depth.
- 3 The applicant is to provide revised floor plan and building elevations to the town prior to the signature of the Planning Board Chairman.
- 4 All final drainage calculation be provided to the Town Engineer for his review and approval.

- 5 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 6 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 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.
 - d. The building is to be constructed according to the provided materials to the Board.
- 7 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
- 8 A letter of credit is submitted to the Department of Public Works in the amounts sufficient to cover drainage, landscape, and as-built-survey.
- 9 The applicant is to address any and all final comments from the Town Engineer and Town’s Dept. of Public Works.

Mr. Gartley...seconded.

All in Favor...Aye

Opposed...None

MOTION PASSED: PRELIMINARY/FINAL SITE PLAN APPROVAL

PRELIMINARY PLAN APPROVAL

Manitou Road Flex Suites

OWNER: 3500 Buffalo Rd.

ENGINEER: MRB Group

LOCATION: 3500 Buffalo Rd

District: LI

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

Sherman Gittens, MRB Group, they were in front of the PB back in October 2022 with a concept plan and took all the comments to heart and have a plan to work towards a preliminary approval.

To recap this project is located at 3500 Buffalo Rd. and will be accessed from Manitou Rd. They developed a plan to have three (3), nine (9) unit flexible use suites with six (6) remaining buildings to be developed later in subsequent phases.

They have worked with the Water Authority and Department of Public Works, figuring out the sanitary needs for this site and where they are exactly.

They will be leaving the three (3) remaining buildings for Phase I and then potentially removing the buildings as each subsequently goes on, keeping the center existing building #2 throughout the whole project.

Greenspace will be added which is currently not there, as well as grading the site to allow for stormwater drainage. They have received comments from the Town Engineer, the County and a Conditional Use Permit from the Town Board for storage on the site as required by the code.

Mr. Argenta, even though not in Phase I, asked what are the existing buildings currently?

Steve, the larger existing building is just a warehouse space, which will remain

Mr. Gittens (**using a rendering**) showed what is be removed and explained building #3 is not a self-contained building, it’s more of a covered storage.

Mr. Argenta asked the height?

Mr. Gittens, replied about twenty-eight and a half (28 ½) feet.

Mr. Fromberger showed the elevations/samples. Bottom of each building will have a brick veneer about three (3) feet. The façade would be the corrugated metal in blue or charcoal gray

Mr. Gartley asked veneer, not actual brick, what about trucks and other vehicles backing into that opposed to brick?

Mr. Fromberger mentioned Steve has an existing build with the same material, and has bollards in front

Mr. Gartley sees handicap spots and is wondering if it's required by code or they just added?

Mr. Gittens, just trying to stay ADA compliant with parking, which is in the code, that all ADA requirements need to be met, but if the board does not feel it's needed can be removed. Each unit is assigned its own parking spot

Mr. Argenta looking at the door swings, will the parking be pulled back from the front of the building to accommodate door swings.

Mr. Gittens it can be

Mr. Fromberger added that each unit has its own man door, next to the roll-up door, so the parking can be accommodated as well as parking that's available in front of each door with extra wide isles.

Mr. Gartley asked about the dumpsters on the future Phases, but thinks it should be done in the first Phase

Mr. Gittens agrees, they can add to the first Phase

Mr. Gartley asked if they included the dumpster details? Mr. Gittens, yes on sheet #1, page 6 of 8

Attorney Schum asked if the tenants will be required to maintain their own trash removal to the dumpster?

Steve replied, yes, the tenants would remove their own trash to the dumpster.

Mr. Sarkis asked if there would be enough space for a dump trucks and/or any emergency vehicles to access, like a fire truck without interfering?

Mr. Gittens, yes (**using a rendering**) showing the access.

Mr. Argenta the northeast going into the circle is just a manhole cover? Mr. Gittens, yes that's existed.

Mr. Gartley the space marked snow storage (**using a rendering**) between B and E is it grass

Mr. Gittens, yes it will be vegetated with grass.

Chairman Wall as far as the drive out between building B and E, twenty-four (24) feet seems a bit light, especially for a fire lane. Thank may need to get pumped up to twenty-six (26) feet

Mr. Gittens will check with the town officials and Fire Marshal as well

Mr. Argents asked if each building will have man doors on the backside?

Mr. Gittens in this particular project that is not be proposed

Mr. Argents asked if that's something to look into for the code?

Mr. Gittens pointed out the architectural shown today are not from the proposed location, but from a previous project, but they will look into it and be sure what is required.

Steve, they are tenant specific, if they want two of three units and walls are not required then no wall between.

Mr. Gartley, then be sure to point that out with the sprinkler system layout, so it's known for wall purposes.

Chairman Wall as far as the difference between Phase I and Phase II and drainage in Phase I, the phase line will have to crossover to catch the part. He asked what is the plan for Phase II with grading the entire area?

Mr. Gittens, they labeled phases, but not necessarily will things be done in certain phases...future phases which will all driven by the market. The plan is to grade as much as they need to, to make sure the stormwater drainage is going to be sufficient and if that includes the full site, they will most likely need to fill in areas (**using a rendering**), but there will be some grading on both sides of the Phasing

Chairman Wall it is something that needs to be looked at, obviously in Phase I with the bioretention catch basins to make it work and a what phase does each thing get addressed?

Mr. Gittens, believes it'll get done fairly early in on the project.

Chairman Wall, as far as the dumpster, one (1) for that area may not be enough, but possibly three (3) buildings, may need to have three (3). Also, the understanding is to use the existing curb-cut on Manitou Rd, which is a Monroe County DOT road and he feels the county should take a look at this and get their thoughts. An addition of, not a full-blown traffic report, but based on adjacent properties that have popped up since this project was first brought to the PB conceptually, a traffic assessment on the full build out area.

Mr. Fromberger, can do this, but did reach out to Monroe County DOT, who have reviewed this project and indicated they only needed a permit.

Chairman Wall asked Mr. Rappazzo if the Fire Marshall had taken a look at this project and the layout? Mr. Rappazzo, knows he looked at the concept.

Side Table

Mr. Rappazzo, believes the board brought up good questions and also know Mr. Ritchie did as well in his comment letter and the Fire Marshall will need to look more into the details, but doesn't see anything detrimental to cause revisions to the plan, beyond little tweaks.

Mr. Ritchie, did issue a comment letter, but most is technical in nature, but it does appear parking is a bit short, not sure if they applied for a variance or if the board is comfortable with, could be conditioned upon any approvals.

Mr. Gittens parking is one thing they wanted to address with parking being allowed in front the man doors, which would allow for eight-seven (87) more spaces, allowing them to landbank the remaining spaces required.

Mr. Rappazzo, when apartments have gone through the town it has been allowed to use the garage as spaces and depending on the lay-out, there will be a space in front of the garage as a space as well.

Mr. Fromberger, they are actually showing more parking they is needed. He understands the Code and thinks they can get to that point, with the spaces they have shown, spaces in front of the garage doors (similar to a residential garage) and land banking between the buildings and more is needed they can use another area (**using a rendering**) to show. The goal is to not add more impervious area.

Mr. Ritchie didn't mean to cause a fuss over it, in reality three-hundred and fifty (350) spaces will not be needed and there will be additional spaces if one in front of each door is included and additional land bank spaces shouldn't be unreasonable. In his opinion if they include the potential of future impervious are into stormwater design, doesn't see an issue.

Attorney Schum, it would need to be shown on the plan. Mr. Ritchie agreed. Mr. Gittens, they can do that.

Chairman Wall, there is existing vegetation on Manitou Rd., but asked what is the thought on additional vegetation?

Supervisor Giunta, regarding the Conditional Use Permit granted by the Town Board (April 3, 2023) the conditions were

- No Direct Retail operation or use allowed, only uses that are permitted in a LI zone.
- Any New Tenants need to be approved by Town Code Enforcement.

Open to Public

Mary Schlager doesn't know much about this project, but wants to be sure Emergency vehicles can get in and out.

Executive Session 9:22pm-9:28pm

Chairman Wall motioned to, **TABLE the Application Manitou Flex Suites, 3500 Buffalo Rd.** for the following further information:

- 1 The Town of Gates Fire Marshal shall review the plan and provide the Planning Board with his comments.
- 2 Please provide the Turning templates to depict the access of Emergency Vehicles and moving vehicles through the site.
- 3 Applicant shall depict either land bank parking or apply for Zoning Board Variance
- 4 Applicant to validate the twenty-four (24) foot dimension between Buildings D & C.
- 5 Finalize Phase II grading and the cut-fill quantities.
- 6 Applicant provide a traffic assessment of the full buildout of the area. The Applicant shall work with the Town DPW to obtain the information of any adjacent projects under review by the Town of Gates.
- 7 Applicant to depict the correct number of dumpster enclosures required for Phase I and Phase II.
- 8 Please finalize the building elevations. Please bring building samples to the Board for final approval.
- 9 Provide the Monroe County DOT's documentation with the ingress/egress drive and access road
- 10 Add the date of the CUP (May 3, 2023) and the Town Board's conditions to the plans.
- 11 Provide sufficient landscaping to the northeast of the property.
- 12 Provide Lighting Plan including photometrics.

MOTION TABLED

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

MOTION PASSED: PRELIMINARY / FINAL SITE PLAN TABLED

RE-APPROVAL of FINAL SITE PLAN
Faith Outreach Ministry Church
OWNER: Faith Outreach Ministry
ENGINEER: Vanguard Engineering PC
LOCATION: 2910 Buffalo Rd.
District: R-1-11

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

Joseph Ardieta, Vanguard Engineering PC. This project was brought and approved by the PB back in 2017, then construction commenced and ceased due to finances. The applicant now has financing and are here for reapproval of the project.

The building plan has not changed from the original approval. There was a stormwater plan submitted and approved in 2017. The general permit for stormwater management for construction has been changed a bit and revised in 2020, but no parameters of that permit impact this project, leaving this project meeting all the requirements.

Parking code is forty-three (43) spaces but the property demands more than that, so have fifty-seven (57) spaces, three (33) of which are ADA accessible with a ADA accessible ramp to the basement as well as access to the side of the building.

Stone base in the back was constructed, but will need to be redone. There was a bioretention put in place, but has not been given results of the fill-material used for the bioretention, so cannot attest it has the right material in it. It will need to be retested and then they can choose to keep as-is or have it completely replaced with acceptable material.

He took a look at the site and noticed that the Contractor took some liberties that deviated from the approved plans. They took down some trees. The plan before the Board matches the approved plan, but once received reapproval will add trees, specifically to the west. They have made no major deviations from the original approved plan, just a few slight things

Mr. Rappazzo, just to clarify the bioretention soil will be tested as of what is there right now?

Mr. Ardieta responded it has already been excavated and Joe Donald has a sample and taking to the lab and then report back to them findings. He has had the sample in the car.

Chairman Wall would like a new sample be tested, not testing of the current sample.

Mr. Gartley as far as the handicap parking was there a particular reason why the one (1) **(using a rendering)** on the westside was by itself and not by the other by the building?

Mr. Ardieta didn't feel they had room for it, if it was right off the drive out and it could be hazardous and there was only room to two (2) northwest of the building

Mr. Argenta spoke on the ADA spaces and the accessibility of them

Mr. Ardieta to make better accessibly they may need to move the build back, which will be less buffering to the property to the east and less screening to the adjacent property.

Mr. Ritchie with the ADA code, looks like with some tweaking here and there will get there.

Mr. Gartley asked about the lighting plan that was approved?

Mr. Ardieta the included landscape plan includes the lighting

Mr. Gartley asked if the ramp will be illuminated?

Mr. Ardieta only over the doorway.

Mr. Argent feels the photometric will need to be shown.

Mr. Gartley added looking at the lighting to not shown into the existing house, but there are plenty of trees that might alleviate it

Mr. Ardieta they will be adding trees, landscaping along the west, north and east of the property lines and berms.

Chairman Wall asked if the trash would be totes and where the totes would be kept?

Mr. Ardieta will add a concrete pad with a fence around it, in the northeast corner.

Chairman Wall asked when left at 2017 were there DOT permits for Buffalo Rd?

Mr. Ardieta those permits were received then, but are in the process to see if it needs to be redone

Mr. Gartley asked for building elevations

Mr. Ardieta doesn't have them, but the Town does from original approval

Side Table

Mr. Rappazzo, no additional comments.

Mr. Ritchie asked if the stormwater permit was still open? Mr. Ardieta answered yes

Mr. Ritchie asked if the walkway going down has a railing or barrier on top of wall? Mr. Ardieta there will be railing on both sides.

Supervisor Giunta, no additional comments

Open to Public

Mary Schlage asked if anyone from the board had been to this site and walked to the back? Chairman Wall replied, yes, he has. She continued and asked if permits expire?

Chairman Wall asked which, stormwater or other permits? General Storm Water Permits do not expire once opened until a Notice of Termination has been filed. The Applicant is required to inspect the site to ensure that is no erosion of soil leaving the construction area. For Town Site Plan Permits, there is a certain time that they are good for, then they expire automatically, which is why the Applicant is before this Board again.

Mrs. Schlage is assuming if they are here presenting, they, must need reapproval or renewals of permits.

Supervisor Giunta said they have a Conditional Use Permit, which gets renewed each year,

Ms. Schlage asked what does bioretention mean?

Attorney Schum it's a pond.

Mr. Ardieta added that a bioretention is a stormwater facility that actually filters water. It is between the two parking lots in the middle. It has a very sandy soil. The water goes to it and filters into the ground.

Ms. Schlage there is already a six (6) foot "berm" so why add shade trees to the west

Mr. Ardieta it was in the original plans. He wants to pull all that out and plant shade trees. Mrs. Schlage likes what's there because she can't see, but they can discuss further later.

Mrs. Schlage asked about the lighting on the east, there is a house with children. When will it be on and go off?

Chairman Wall indicated that that is why they need to provide a photometric plan, which will show that light doesn't spill over any property line.

Mr. Rappazzo, to clarify the town does not allow any light to spill over property line.

Ms. Schlage is talking about regular lighting while church is in attendance?

Chairman Wall explained that is the purpose of the photometrics. To make sure parking lots and the building are safe-lit, but not at the expense of an impact the neighbors

Mr. Ardieta they are proposing to add fencing along the property

Executive Session 10:01pm-10:05pm

Chairman Wall motioned to, **TABLE the Application for Faith Outreach Ministry Church, 2910 Buffalo Rd.** for the following further information:

- 1 Updated existing conditions including; the contours of what has been installed out there
- 2 Paying particular attention to the berm area to the west and stormwater management feature towards the north of the property
- 3 Need to see existing base map, grading contours to see what is out there now, including the vegetation to be able to make an assessment on what's proposed.
- 4 New sample of bioretention to be tested and results shared with the Town. If show to be deficient, it will require a complete replacement of the bioretention area to make storm water feature function as proposed
- 5 Need to see the ramp area, light bollards to light up ramp area.
- 6 Applicant to double check the handicap space to be sure the grading is correct to meet code to get to the third parking space to the building. May or may not require a walkway
- 7 Need to see the lighting cut sheets and additional photometrics and proposed lighting on the building and the lights themselves.
- 8 Door locations on proposed plan
- 9 Concrete pad and totes with proper screening.
- 10 The handicap railing added to the ramp detail.
- 11 The Conditional Use Permit, the wording and the dates
- 12 The copies of correspondence from NY State DOT in relation to the curb cut entrance along Buffalo Rd.
- 13 The architectural elevations

MOTION TABLED

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

MOTION: TABLED

The meeting was ADJOURNED at 10:10PM

Respectfully submitted,

Lily Alberto
Recording Secretary