

The Town of Gates **Planning Board** held one (1) Tabled Request for Preliminary Site Plan Approval, one (1) Tabled Re-Approval of Final Site Plan, one (1) Tabled Amended Site Plan Approval and one (1) New Final Phase I Site Plan Approval, on Monday, July 24, 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	
Ken Martin	
Dan Schum	Town Attorney
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Cosmo Giunta	Town Supervisor

**MEMBERS ABSENT:**

Kirk Kettinger

Chairman Mike Wall called the meeting to order at 7:33 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall asked for a motioned to approve the June 26, 2022 Planning Board Minutes as sent to the Board.

Joe Argenta motioned                      Ken Martin .... second                      All in Favor...Aye                      Opposed.... None

**MOTION CARRIED**

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**PRELIMINARY PLAN APPROVAL**

**Manitou Road Flex Suites**  
**OWNER: 3500 Buffalo Rd.**  
**ENGINEER: MRB Group**  
**LOCATION: 3500 Buffalo Rd**  
**District: LI**

Chairman Wall motioned to **UNTABLE** Manitou Road Flex Suites, 3500 Buffalo Rd.

Juan Ruiz .... second                      All in Favor...Aye                      Opposed.... None

Chairman Wall explained this would be their third (3<sup>rd</sup>) request for tabling and per Town Code a decision needs to be made by sixty-two (62) days.

Chairman Wall motioned to **DENY WITHOUT PREDJUDICE** Manitou Road Flex Suites, 3500 Buffalo Rd.

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

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**RE-APPROVAL 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 motioned to **UNTABLE** Faith Outreach Ministry, 2910 Buffalo Rd.

Ken Martin .... second    All in Favor...Aye    Opposed.... None

Chairman Wall explained this would be their third (3<sup>rd</sup>) request for tabling and per Town Code a decision needs to be made by sixty-two (62) days.

Chairman Wall motioned to **DENY WITHOUT PREDJUDICE** Faith Outreach Ministry, 2910 Buffalo Rd.

Juan Ruiz .... second    All in Favor...Aye    Opposed.... None

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**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 **Continue to TABLE** Taco Bell, 2317 Lyell Ave.

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

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**FINAL PHASE I 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**

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

Trevor Haut, representing Whitestone Development, they were previously here at the May 22, 2023 meeting and received Prelim overall Approval. Since then, at the end of June, submitted for Final Sub-Division and Final Site Plan Approval, in addition have been correspondence with the town directly, responding to the Town Engineer's comment letter with a robust package of design on July 12, 2023, as well as the Planning Board comment letter dated May 26 responding July 14<sup>th</sup>. SEQR was granted on April 25<sup>th</sup> and Rezone adopted May 1, 2023.

In the Planning Board letter received, the comments have been addressed. One of which was the interested agency, they have provided all of the responses of the interested agencies to date, including Monroe County Water Authority, Monroe County Pure Waters, NY State DOT, Monroe County Planning and DOT, RG & E, etc. They provided color elevations and renderings with different options of the different residential buildings proposed.

They also received a comment letter for the Phase I Plan and Sub-division plans and after reviewing all comments are technical in nature and foresees no problems.

Mr. Haut stated they have worked closely with neighbors throughout this project, meeting twice, modifying the plans accordingly, increased the separation to neighboring residential parcels, providing a robust buffer, including landscaping screen with Norway Spruce.

Mr. Rappazzo asked Mr. Haut to describe what Phase I of this project consists of?

Mr. Haut (**using rendering to show**) the commercial aspect up front (the storage). Proposing one-hundred and thirty (130) units, made up of thirteen (13) ten (10) unit buildings. The southern part is at Frank Dimino Way will have the clubhouse as well as four (4) ten (10) unit, western and northern ten (10) units and transition to single family rentals, also fifteen (15) cottages set as a buffer and thirty-six (36) single family homes on Buffalo Rd.

Mr. Argenta asked when all the Phases are complete, how many cottages and single-family homes will there be?

Mr. Haut responded the full build out proposes twenty-six (26) cottages and fifty-eight (58) single-family in total.

Mr. Argenta on the storage warehouse, the maximum height of the one building shows forty (40) feet, asked what the parapet on it?

Mr. Haut responded it will not be any higher than forty (40) feet. There will be some architectural features to hide the roof line to have a good floor to floor separation (**using rendering to show**). They will supply the exact measurements.

Mr. Argenta asked for clarification, does this include the five climate-controlled storage buildings?

Mr. Haut responded yes, but the buildings are not climate controlled, just the traditional heating, with triple-chargers, to be able to store and charge cars.

Mr. Argenta asked about vehicles being allowed to be stored inside and also asked if the Fire Marshal is aware and approved?

Mr. Haut responded yes, just like a normal storage unit and the Fire Marshal has seen the plans that were submitted 6/21 and they are waiting for response, but Fire Department assure this is very typical procedure

Justin Marando, with Whitestone Developers added, these don't typically house vehicles. These are storage locker facility.

Chairman Wall as far as the total square footage of the storage area, Town Board resolution dated May 1, 2023 said the maximum of one-hundred and thirty thousand (130,000) square feet allowed for that storage facility, right now it's over approximately five-thousand (5,000) square feet, so it would need to be reduced to match the Town Board's approval. Also, in prior plan it seemed the storage units would be phased; has anything changed with the plan.

Mr. Marando, it's not a problem to reduce the five-thousand (5,000) square feet; no issue. As far as the phasing concern, in the original design, there were two buildings facing the road, which the Board didn't want, so they changed the whole design from the original meetings, which led it being done in one (1) phase.

Chairman Wall asked how many cottage homes in total?

Mr. Haut responded, twenty-six (26)

Chairman Wall reviewed the remaining Town Board resolution; the project shall include no less than fifty-two (52) single-family homes (currently proposed at fifty-eight (58) single-family homes), no more than four-hundred (400) apartments and twenty (20) cottage-style homes. Attorney Schum added those were the negotiated part to install more single-family, but also negotiated with the Town on more cottage-style homes, as well

Mr. Marando, they reduced the apartment style homes and increased single-family type homes and so by doing that they shifted things around and lost a couple buildings. The original had four-hundred (400) apartment units and now it's down to three-hundred and seventy (370) **(using rendering to show)**.

Chairman Wall asked the town Supervisor if he was ok with the proposed twenty-six (26) cottage homes?

Supervisor Giunta responded, yes, they eliminated two (2) building to add the cottage homes

Attorney Schum asked on the east of development there is a preserved forest area, who is going to own it? It will need to be filed for the map

Mr. Haut it's part of the sub-division **(using rendering to show)**. The developer will own.

Jerry Goldman, attorney, for the record, they understand the conservation easement eastern preserved forest will be owned by the Developer, the same as the apartment complex and assures there will be no separation at all.

Mr. Argenta asked if the self-storage will be gated.

Mr. Marando replied, it will be gated and an access code will be needed to access the area. They are finalizing which areas will be gated and which will not

Mr. Martin asked if there is a photo in the packet to show what the fencing looks like?

Mr. Marando it's the black metal picked fence eight-foot (8) with the door that slides back and forth.

Mr. Martin looking at the landscaping plans, noticed there are evergreens along the front seems max height to be fifteen (15) to twenty-foot (20) range, asked if there was a plan to have them on the eastern side as well of the building itself

Mr. Haut is open to looking into that and adding them. They are also looking at berming the back as well

Mr. Argenta asked if the storm pond is fenced in?

Mr. Haut replied it is not fenced in due to it being grated in a way with safe slopes and is by the DEC standards

Attorney Schum, one of the things discussed at the prior meeting was the formation of the lighting district and the discussion was, it would include all the single-family, the dedicated road from Buffalo Rd to the single-family and also to include the section to Frank Dimino Way, which is public. Since the remainder of Frank Dimino Way, if the lighting stopped where the projects stops, it would look odd to have a part of a roadway lit and part not. The owners to the property to the west of this property are part of this application process. It was suggested in discussions; the lighting district would include the remainder of Frank Dimino Way to Manitou Rd. so it was consistent through all dedicated roads.

Mr. Haut asked if they would be needed anything in writing from those parcels?

Attorney Schum responded they would need a petition for lighting district signed from both owners, the developer and the owners of the property to the west.

Mr. Haut, asked if they are unwilling to sign?

Attorney Schum would ask to make their best efforts.

Mr. Martin on the scale of the project itself, asked if a traffic study was done?

Mr. Haut responded, Yes, they performed a TIS traffic study, looking at Manitou Rd., Adeane Dr. which was sent to Monroe County and NY State DOT and Monroe County DOT agreed with their mitigation efforts and didn't required anything further on their roadways and NY State DOT agreed with changing the times to the lights on Manitou Rd. and Buffalo Rd. and Coldwater Rd. as well as adding a turning lane into the project. DOT has signed off.

Chairman Wall asked if the turn lane will be constructed in Phase I? Mr. Haut responded, Yes

Mr. Argenta asked if the turn lane could be added to the drawings?

Mr. Haut, yes, they can add, also it was part of the SEQR, which was voted on April 25, 2023.

Mr. Martin asked for clarification on the townhouse units, has the elevations, but asked if they would all be the same height?

Mr. Haut (**using rendering to show**) typical two-story height, but will provide detailed height and dimensions for the buildings.

Chairman Wall along with heights and styles, asked about the colors, wanted to prevent a "barracks", all uniformed, same color, type of look. He asked if he had color and style patterns to show?

Mr. Haut, they have some watercolor renderings and the color submissions were sent on 5-26-2023 (**using rendering to show**) went through the colors which on a table.

Mr. Marando added they will not repeat colors and styles. They pride themselves in these looking top notches.

Mr. Martin asked if the materials are vinyl siding?

Mr. Marando, its Tyvek siding, it's better for UV

Chairman Wall asked if all stormwater features to be constructed in Phase I and wondering about water just sitting getting stagnant? Mr. Haut, yes.

Chairman Wall asked how long is the construction of Phase I?

Mr. Marando, they are going through the process right now, but anticipate Phase I around two (2) years.

## **Side Table**

Mr. Rappazzo, no additional comments

Mr. Ritchie, issued a 3<sup>rd</sup> comment letter, the previous submissions hammered on detail and the latest comment letter was focused more technical in nature and believes it can get resolved working together.

Supervisor Giunta, on the single-family asked if the square footage could be changed per customer.

Mr. Huat responded yes, the renderings are just to show more of design and colors. Square footage is flexible. There is a large catalog of home designs for the customer to choose from.

## Open to Public

MaryAnn Clarno, 3363 Buffalo Rd. will be right across the street from the single-family homes, asked when they traffic analysis and traffic adjustments was done, did it include all of Buffalo Rd.?

Mr. Huat responded, the area they looked to improve is approximately (**using rendering to show**) from the turn lane to Westview Commons, will have turn lane back to back

Ms. Clarno a number of neighbors have suggested not naming this project "Village"

Mr. Huat responded, only the recreation in the middle is called the Village Green, but have no name set for the project and are open for suggestions.

Ms. Clarno added people have asked if there will be a berm, fence, maybe a sprinkler where the detention pond will be, on the south side of Buffalo Rd.? She also asked about drainage?

Mr. Haut replies yes, a berm and robust spruce trees in different angel along the storage shed to break it up to not be seen across Buffalo Rd. As far as the drainage, it will get much better for everyone around.

Ms. Clarno, Phase I during construction with the single-family homes what is the time frame and what time does construction start in the morning?

Mr. Marando whatever gets done faster

Mr. Rappazzo replied construction typically is allowed from 7:00am-7:00pm

Ms. Clarno asked if there is any blasting, what does that mean for neighbors if there is any damage?

Attorney Schum that was discussed at town board and several test holes were made because they themselves want to know what they are dealing with. If they feel a need to excavate it would require a permit by whoever would be doing the blasting and be notified prior to.

Mr. Haut does not foresee any blasting and trying to keep it most economical as possible

MS. Clarno asked what road would primarily be used during construction, Manitou or Buffalo?

Mr. Haut still in the planning stage and doesn't know yet

Ms. Clarno also asked about the rent amount, she heard premier, but looked up a read rent would be fifteen-hundred dollars (\$1500.00) which is not premiere

Mr. Marando replied no, much higher

Ms. Clarno asked again about blasting damage and who would be responsible?

Mr. Rappazzo, part of the permit for blasting, the insurance is for the blaster, so it's assumed if there is any damage due to blasting, the blaster (the blasting company) would be responsible and the neighbors would just come to the town offices.

Adeane Giagios, 23 Adeane Drive W. on the single-family homes, what's the frontage? Staying at eighty (80) feet per town

Mr. Haut the planning development and district were all on it, at sixty (60) foot lots.

Mr. Rappazzo explained that was already discussed and decided.

Mrs. Giagios then asked who is responsible for the parcel adjacent to the forever wild?

Mr. Rappazzo, explained the Conservation Easement is between the land owner and the Town, so if someone notices, someone going through and taking down trees, they would notify the Town and the Town would reinforce the easement.

Attorney Schum one of the provisions in conservation easement is, they would maintain it in an existing state, but if there are dead or dying trees that would be just as much a concern and they would be responsible for maintaining them

Mrs. Giagios the property on Adeane Dr. that backs right up to potential homes

Mr. Haut responded there are no homes backing to any homes on Adeane Dr.

Ms. Clarno asking for a neighbor on Buffalo Rd that butts backs to the development if a fence would be put up?

Mr. Haut responded it may be appropriate to provide those homeowners some type of fencing and they will look at it and discuss further.

Ms. Clarno also asked about still water and if a fountain could go up to prevent the water just sitting there.

Romeo DeLucia, 3335, the neighbors were just suggesting the fencing in case there are any dogs running loose

Mr. Argenta asked if the ponds are retention or detention?

Mr. Haut, retention, they are designed to hold water and release slowly.

Susan Kingston, lives in the Senior housing apartment at the end of the circle at Frank Dimino Way, facing east and wants to know how many of the fifteen-foot (15) trees will remain so they don't look at the storage units because she has noticed yellow ribbons on the trees and she doesn't know what they mean?

Mr. Haut the ribbons are probably property markers., it doesn't necessarily mean it's being taken down. He continued that there is an RG&E easement as well

Mrs. Kingston, also asked about the property adjacent to Padre Pio, if that was sold as well?

Attorney Schum, this board has no jurisdiction on that property

Mr. Rappazzo that property is not a part of this project.

Mrs. Kingston is very worried about the conservation of the animals, the deer and fox and the people in her apartment complex are not happy about this plan.

Dan Hathway, Wines by Design, 3392 Buffalo Rd. has questions on Phase I vs. Phase II. If two years for Phase I will it have to be filled up before Phase II starts?

Mr. Marando typically it depends on how well it's going. There is the construction period the leasing period, so once leasing is up for the first part.... this will go on for a while.... Crystal ball.... Phase II, three years from now. He showed (**using rendering to show**) turning lane and explained the how the whole process takes so much time.

Ms. Clarno asked with the road widening it would take part of their property

Attorney Schum explained it part of the right-of-way

Mr. DeLucia, the widening of the road, will it mean taking down his pine tree?

Mr. Haut the road is sixty-six (66) feet wide and all of the construction will stay within that 66. There will be no work on the existing properties

Mr. DeLucia asked about adding lighting to the road, it's very dark

Chairman Wall, that is a NY State DOT question

### **Executive Session 8:35pm-8:45pm**

### **Public Hearing Closed**

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

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

### **MOTION PASSED: NEG. DEC.**

Chairman Wall motioned based on the submitted materials and testimony of the applicant to **Grant Final PHASE I Site Plan Approval** 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 Fire Marshall shall review and approve the Site Plans before the signature of the Planning Board Chair.
- 3 The following notes are to be added to the Final Site Plan:
  - a. All Signage shall conform to the Town of Gates standards.
  - 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. This shall require daily sweeping.
  - c. The architectural-colors of all building structures should be random and shall not repeat throughout the development.
  - d. 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.
  - e. The construction operating hours are 7:00 am-7:00 pm weekdays. Any deviation from will require prior approval from the Department of Public Works.
  - f. The applicant is to apply for a blasting permit with the town. In accordance with the blasting permit, the Applicant provide a schedule to the Town and must be communicated to the neighbors.
- 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 in the amounts sufficient to cover all improvements including all improvements within the Town of Gates Right-of-Way, including grading, pavement, gutter, sidewalk and storm sewer, all erosion and sediment control practices, stormwater management practices, lighting, landscaping, as-built-mapping including stormwater pond volumes and survey monuments. The letter of credit shall provide an additional ten percent (10%) of total for contingencies and five percent (5%) for Town inspections as per the Town Engineers letter
- 6 The applicant shall work with the Town to petition the Lighting District for the dedicated roadways (the understood Districts begin at the entrance on Buffalo Rd to Frank Dimino Way heading west to Manitou Rd.)
- 7 The applicant is to revise the application in order to comply with the Town Board's resolution (#90-23) dated May 1, 2023. Applicant must ensure that the minimum and maximum Town Board requirements are met including the total maximum area of the self-storage facility, which was set at 130,000 square feet. Applicant



shall decrease the size of the self-storage facility by five-thousand, two-hundred and seventy (5,270) square feet of overall storage.

- 8 It is understood the preserved forest area be in a Conservation Easement and shall not be disturbed during construction to provide the maximum buffer.
- 9 All easements, including the Conservation Easement, shall be reviewed and approved by the Town Attorney
- 10 Planning Board is requiring additional landscaping and screening of the self-storage area on the west and east sides of said area.
- 11 In addition, the applicant is to add additional berming along Buffalo Rd. to help screen the self-storage unit from the view of Buffalo Road.
- 12 The applicant is to provide a copy of the NYSDOT Highway Work Permit as well as letter of acknowledgment / approval from Monroe County DOT in the context of the Applicant's Traffic Impact Study.
- 13 The applicant is to depict the NYSDOT left turn lane on Buffalo Rd with the Phase I plans.
- 14 The applicant shall depict the Phase I construction entrance road access on the plans. The construction entrance must meet current Town standards.
- 15 The applicant shall provide aeration for the retention ponds to the satisfaction of the Town Engineer and Department of Public Works.
- 16 The applicant is to pursue the installation of a vinyl fencing and / or landscaping to address additional screening with the neighbors to the satisfaction the Town Engineer and Department of Public Works.
- 17 The applicant shall work with the NYSDOT to add a NYSDOT-approved street light at the intersection of Buffalo Road & the Development's ingress / egress drive (entering into the proposed development).
- 18 The Applicant is to address any and all final Town Engineer and the Dept. of Public Works' comments.

Mr. Argenta...seconded.

All in Favor...Aye

Opposed...None

**MOTION PASSED: PHASE I FINAL SITE PLAN APPROVAL**

The meeting was ADJOURNED at 8:55PM

Respectfully submitted,

Lily Alberto  
Recording Secretary