

The Town of Gates **Planning Board** held one (1) Tabled Request for one Prelim. Site Plan & Subdivision Approval AND (1) New, Prelim. Site Plan & Final Approval, on Monday, January 22, 2024 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	
Ken Martin	
Brandon Stuhler	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 7:35 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall asked for a motioned to approve the July 24, 2022 Planning Board Minutes as sent to the Board.

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

MOTION CARRIED

FINAL PRELIM SITE PLAN & SUBDIVISION APPROVAL
40/45 Hytec Flex-Space/Light Industrial Development
OWNER: Cucinelli Family LLC
ENGINEER: Land Tech Surveying & Planning P.L.L.C.
LOCATION: 40 Hytec Circle
District: LI

Chairman Wall motioned to **Continue to TABLE** 40 Hytec Flex-Space.

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

MOTION CARRIED

PRELIM. SITE PLAN & FINAL APPROVAL
Lot R-3A of the SLK-Moonlanding LLC Subdivision-Clearing Plan
OWNER: SLK-Moonlanding LLC
ENGINEER: Schultz Associates, P.C.
LOCATION: Property adjacent to 23 Moonlanding Rd.
District: LI

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

Town Attorney, Dan Schum verified that the Legal Notice was properly published as required by law.

Pat Labor, P. E. for Schultz Associates, the proposed project is located at Trabold Rd, adjacent to 23 Moonlanding Rd., Tax Account # 133.110-01-008 and 133.110-01-011.3. The total property is almost thirty-two (32) acres, but the clearing will only happen with eight point one (8.1) acres. The wetlands were delineated by LaBella in the summer/July and there is also an existing building on the northern parcel. There are two areas that will be cleared. Five point four (5.4) acres will be fully cleared of trees and brush, including stumps outside the wetland area. The remaining two point seven (2.7) acres are in Federal wetlands and there are specific ways to go about clearing according to the US Army Corp of Engineers (ACOE) regulations. It's basically no disturbance to the ground, leave the stumps, and all mechanical equipment will need to be on wooden mat platforms. No changes to the grades, no fill will be performed. Also, Little Black Creek needs to remain untouched, because the creek itself would require permitting to clear. They did prepare a SWPPP for this and submitted a five-acre waiver based on the Town Engineer comment letter as well as other comments, which they responded to, but doesn't see any show stoppers, same with Monroe County Planning comments. There is nothing proposed to go in there as of now, just to make the area more marketable to a prospective buyer.

Mr. Argenta, asked how far away is this from Little Black Creek?

Mr. Labor responded that there's a swale about twenty (20) feet, it's more of a ditch then anything. He believes it's intermittent, meaning it doesn't run all the time. He continued that there is no wetland map associated with it, besides that fact it's a creek

Mr. Argenta asked if there are any requirement of how "x" number of feet to be away from?

Mr. Labor, replied, no, there isn't.

Attorney Schum asked if there is a number tributary to it?

Mr. Labor the county numbered it back in the 1950's

Attorney Schum asked what would drive the applicant to this with a hefty expense to cut down trees and follow all these Rules, and not to be able to fill or use the ground eventually.

Mr. Labor no permit is needed for clearing it. A permit may be pursued later on if building in that area is decided, but for this right now, what is proposed, no permit is needed.

Mr. Argenta, outside the wetlands, would the removals be the same as on the wetlands, for example, stumps remain?

Mr. Labor inside the wetlands, Yes, but outside the wetlands everything will come down and out including the stumps. They will chip them onsite, which will help stabilize the soil. There will be regular SWPPP inspections.

Chairman Wall asked, if an approval goes through, what is the timeline of getting this started?

Neal Onderdonk, replied immediately as long as the ground allows.

Chairman Wall asked if this is a one-phase project or multi-phased?

Mr. Onderdonk again, if the ground allows, one phase.

Chairman Wall, asked what will the as-let condition be for the vehicles on Trabold Rd. Is the intent is to seed?

Mr. Labor responded will seed.

Chairman Wall asked, how the land will be maintained; will it be mowed?

Mr. Labor responded, that could be the case, if they are able to mow into the wet area, but the understanding from the ACOE they can't restrict from cutting vegetation. It all depends on how it's wanted to look like, lawn, meadow. Eliminate Trees, but keep brush, without the lawn.

Mr. Argenta without the trees and just grass area, will the runoff increase

Mr. Labor, replied, there will be the vegetation underneath, and run off from the take off of trees is not something they account for within their stormwater calculations. He believes it will be comparable, swapping trees with brush.

Side Table

Mr. Rappazzo, asked if this information has been shared with the NYDEC to see if they have any jurisdiction over?

Mr. Labor replied, not the DEC, due to the size

Mr. Rappazzo asked if they could put together a report?

Mr. Labor has already asked Labella to put this into a report.

Mr. Rappazzo asked how high are they leaving the stumps?

Mr. Labor replied they will cut down as far as they can, no more than a foot, basically leaving the roots.

Mr. Rappazzo so they are doing all this by hand, from mats for 2.7 acres. Has anyone looked into the feasibility and cost to all this?

Mr. Labor replied they haven't.

Mr. Rappazzo, the Board is not in the habit of approving things that are not feasible or economically-sound and could get tossed out at the end. He continued by asking the owner if he is aware of all the financial costs and if the Board required a guarantee to be sure the requirements are met in those areas, if he would have any concerns in doing so?

Mr. Onderdonk replied he has no concerns

Mr. Ritchie, spoke with Mr. Labor with a concern of the Army Corp of Engineer's interpretation of how things are going to get down and he forwarded an email from them and that was the verbiage and the balance of the notes added to the plans. Also added to the plan, a fence should be added at the wetland limit, not just for the project, but the town in case someone should need to go out there to have some reference to go by. Along Little Black Creek, possibly a double row of fencing. He added from a technical stand point, Mr. Labor has done a great job with the plans. Per the disturbances, it is required to have two (2) inspections per week until it is stabilized. A question would be, is the Town going to consider wood chipping a stabilization or looking for a permanent grass stabilization? Let unattended could cause consequences.

Supervisor Giunta looking at the second page, there are tree protection details, he asked if there will be a few trees protected in that area?

Mr. Labor, only around the creek and if there are high value trees.

Open to Public

None.

The Public Hearing was closed.

Executive Session 7:47pm-7:55pm

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

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Preliminary/Final Site Plan Approval of Moonlanding Rd & Trabold Rd.** with the following conditions:

1. The applicant will comply with any and all Army Corp of Engineers (ACOE), NYSDEC, and Town requirements to secure all required permits and approvals for this action.
2. The applicant shall clearly define, and physically protect, the wetland area as delineated on the Plan throughout the duration of project.
3. The applicant will provide a letter of credit in an amount sufficient to cover any and all permit fees and permit / clearing requirements, an As-Built survey of the entire project area at the conclusion of the project to ensure there were no impacts to the floodplain and wetland limit areas, wood fencing to delineate the wetland areas, street-cleaning, and any and all final requirements from the Town Engineer and the Department of Public Works.
4. The Board recommends that the as-let condition for the area (for the portion that is not designated wetland) be meadow-style, which provides soil-stability with less maintenance.
5. The applicant will address any and all Town Engineer and Department of Public Works final comments.
6. The applicant is to address the Monroe County DRC comments described in the December 13, 2023 letter.
7. The stabilized construction entrance, tree staging area, and mat lay-down areas are to be clearly defined on the Plan prior to the signature of the Town, and will comply with the ACOE and NYSDEC regulations. Additionally, the following note will be added to the Plan prior to signature: "The applicant is to pay particular attention to the maintenance and cleanliness of the bordering roads to the property for the duration of the project to the satisfaction of Town's Department of Public Works and Town Engineer.
8. The sole-access point reviewed was along Trabold Road. If the applicant is not able to utilize this entrance, the applicant must return before the Planning Board to review the alternate plan for access.

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

The meeting was ADJOURNED at 8:05PM

Respectfully submitted,

Lily Alberto
Recording Secretary