

The Town of Gates **Planning Board** held one (1) Prelim. Site Plan & Subdivision Approval, two (2) Prelim. & Final Site Plan Approval and one (1) Prelim. & Final Subdivision Approval on Monday, April 22, 2024 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

**MEMBERS PRESENT:**

Juan Ruiz	Alternate Chairman
Joseph Argenta	
Ken Martin	
Brandon Stuhler	Alternate

**MEMBERS ABSENT:**

Mike Wall	Chairman
Kirk Kettinger	
Dan Schum	Town Attorney
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Cosmo Giunta	Town Supervisor

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

Alternate Chairman Ruiz asked for a motioned to approve the March 25, 2024 Planning Board Minutes as sent to the Board.

Kirk Kettinger motioned                      Ken Martin .... second                      All in Favor...Aye                      Opposed.... None

**MOTION CARRIED**

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**PRELIM. SITE & FINAL SITE PLAN & SUBDIVISION APPROVAL**

**Brodner Equipment Site Improvements**

**OWNER: TLB Realty Enterprises LLC**

**ENGINEER: LandTech Surveying & Planning P.L.L.C.**

**LOCATION: 707 & 711 Elmgrove Rd**

**District: LI**

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

Alternate Chairman Ruiz asked if the applicant was present?

Bob Winans, engineer with Land Tech, as well as Tim Baum, owner of Brodner Equipment. They are asking the board to review and approve a subdivision of the existing property that consists of four (4) parcels totaling 4.3-acres. They want to separate into three (3) lots (**used Renderings to show**), Lot #1 will be the Brodner Equipment Operation Building, they will create Lot #2 which has an existing residential home on Lyell Rd. and will be sold off in 2024 separately from the business. Then also creating Lot #3 on Elmgrove Rd. which will be a building lot in performance with zoning and will need to be built and constructing within the zoning specs and will need to come back to the board with those plans if to be developed. That's the subdivision.

The proposal, since Brodner Equipment has been growing successfully throughout the almost 60-years is a 8,400 square-foot building in part of the area that was parking lot and part of the land that belonged to the residential lot next door,

closing the entrance onto Lyell Rd. making it a nice regular type entrance and nicer (**used Renderings to show**). Part of this construction will be tearing down the existing building closest to Lyell Rd. which is currently used as office space and moving to the new building. The current building has sanitary lateral and can be used. Will need to add water service, and plans have already been submitted to the Water Authority, Pure Waters and DOT and all are on board. He has seen the comments from Costitch Engineering and doesn't see any issues and can address any concerns if need be.

Tim Baum, owner of Brodner Equipment and has been the owner for fifty (50) years. All of the properties are in a LLC, TLB Realty, which are also his, as he has acquired them throughout the years. Now he is looking at consolidating and selling off some pieces since reviewing their business plan after all the gas and electric changes. As the next generation starts taking over, the changes from gas to electric are changing the business is as well. The new building will have a "clean room" which is the new concept for gas and oil. This building will be designed, not only as a show room, but to expand their offices, training rooms as well as an electric repair shop, one of the first of its kind in the Northeast. Also working with some of their manufacturers to help lay it out and design it. He does not have any architectural plans set yet, but will with preliminary approvals and will bring to the board. Looking at putting a building 60x140, which will be divided between showroom and parts. Looking for some height with inside ceilings at 18-feet for scuffling to store equipment. It's understood a sprinkler system is required and are prepared for that as well as oil separator and will be all compliant with all requirements. The main reason for the subdivide is to move some of the properties.

Mr. Stuhler asked what the square footage of the existing house on Lyell Rd?

Mr. Baum, is not positive, it's a 3-bedroom ranch

Mr. Martin added the reason for the question is there is a maximum building coverage of 15% on that lot, but currently there is nothing labeled for coverage for the building and needs to be added to the plans. The board doesn't want to approve something that could create a parcel that doesn't conform to code.

Mr. Argenta it was mentioned of closing an entrance

Mr. Baum replied, yes on Lyell Rd.

Mr. Baum added the residence is 1682-square feet.

Mr. Martin in terms of closing the one entrance, lot #3 is subdivided, encroaches a lot of what is listed as pavement on the site as well as the driveway from Elmgrove Rd. to the building in the back and the asphalt is altered on the site plan, so showing the entire addition of asphalt will need to be shown on the final site plan (**used Renderings to show**).

Mr. Winans will look into and confirm onto site plan

Mr. Argenta added on Lot#3 it looks like there are additional structures (**used Renderings to show**) that extend into Lot #1 as well as a fence.

Mr. Baum responded those are just tents that will be removed

Mr. Argenta it will need to reflect on the site plans. Also, the plans show (sheet #2/3) a stock pile on parcel #1 at the west end.

Mr. Baum replied it is topsoil that will be used to fill-in, not to stock pile.

Mr. Argent asked about the height and if it'll be a pitch roof?

Mr. Baum replied, it'll have a pitch and will be a pull barn style to match the existing building.

Mr. Martin is curious in regards to the parking situation. Looks like a few spots short that are required for use being described. There are enough handicapped spots, juts not overall in general.

Mr. Argenta suggests adding to the drawings all the square footage and what is required with all the structures.

### Side Table

Mr. Rappazzo, none at this time.

Mr. Ritchie, nothing beyond his comment letter.

Supervisor Giunta, asked why the adjacent lots where not similar in size?

Mr. Baum replied, they are thinking of having employee parking in the back area

Mr. Stuhler asked if they plan to add a privacy fence around the property?

Mr. Baum replied, yes.

### Open to Public

None

### Close Public Hearing 7:54

### Executive Session 7:54pm-7:58pm

Alternate Chairman Ruiz 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.

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

### MOTION PASSED: NEG. DEC.

Joe Argenta motioned to **Granted Subdivision Approval for 3918 Lyell Rd., 3948 Lyell Rd.; 707 Elmgrove Rd., and 711 Elmgrove Rd.** with the following conditions:

- 1 The applicant is to provide the following information prior to the signature of the Planning Board Chairman.
  - A. The setback of the existing and proposed structures to the proposed lot lines
  - B. Identifying the square footage of the residential home
  - C. Show conformance with the zoning

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

### MOTION PASSED: FINAL SUBDIVISION APPROVAL

### Executive Session 8:03pm-8:06pm

Joe Argenta motioned to **Grant Preliminary Site Plan Approval of Brodner Equipment Inc. and other lands** with the following conditions:

1. The applicant is to provide building elevations for the proposed building, including materials and finishes
2. Address the stockpile on the Northwestern end of the parcel
3. The applicant will need to identify parking with consideration of buildings square footage
4. The applicant will need to identify the structures
5. A note to be added to the Site Plans:
  - a. The specific references of the Variances granted by the Zoning Board

Ken Martin...seconded.

All in Favor...Aye

Opposed...None

**MOTION PASSED: PRELIMINARY SITE APPROVAL**

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**PRELIM. & FINAL SITE PLAN APPROVAL**

**Manitou Road Flex Suites**

**OWNER: 3500 Buffalo Rd LLC**

**ENGINEER: MRB Group**

**LOCATION: 3500 Buffalo Rd**

**District: LI**

Alternate Chairman Ruiz asked if the applicant was present?

Tom Fromberger, MRB Group here to update the board from the previous application and have addressed the outstanding comments. The proposed application included nine (9) flex use suites totaling approximately 130,500 square feet. Parking required for the site is 346 spaces and has been provided, with combination of parking and banking. Stormwater management facilities are located along the south portion of the site as well as by Manitou Rd. on the west side. Lighting is proposed on the building (**used Renderings to show**) both in front and back also at doors for security purposes. Landscaping was added in back for screening as well as the front which is already well screened. They received a Condition Use Permit, April 2023 by the Town Board for warehouse and storage uses. It is zoned Light Industrial. They have received acknowledgement from Monroe County Department of Health, who are ready to sign off on the plans and Monroe County Water Authority and Monroe County DOT as well. In regard to the DOT, there is no change to the existing entrance, but will repave it. As for the dumpsters, only one (1) is needed, as previously shown, but have added a second to the plan per request (**used Renderings to show**).

Site plans have been revised with architectural and are provided for the board to review. Individual suites can be adjusted with walls and doors. They will provide concrete pads at eat unit. Providing sprinkler and hydrants and are working with the Fire Marshall and in the engineer, report shows adequate pressure. Drainage has been well defined

Matt Morabito, architect, this will be more like a pull barn design with permanent footing. As for the colors, the trim will be bright white, roof will be grey and siding charcoal (**showed samples**). They decided they wanted a skirt around the building with a stone looking product (**showed samples**) to dress up the building a bit. The doors, including the overhead doors at the moment will be white. It will look the same all around the building, from the front to the back.

Mr. Martin asked if the stone was a vinyl product or PVC?

Mr. Morabito responded a vinyl product.

Mr. Martin asked if there will be a water table

Mr. Morabito responded they are working on details, but it would be a flushing detail or possible a sill to blend in.

Mr. Argenta questioned the parking on the back side of buildings E, G & I are right up to the face of the building, and asked if there is some means of pushing that back a bit?

Mr. Fromberger responded they can accommodate that.

Mr. Argenta asked if pull barn style will these be wood framed?

Mr. Morabito replied, yes, it's a sprinkler building, they have a couple options on doing this.

Mr. Argenta asked about the concrete pads possibly be shifted?

Mr. Fromberger, he had mentioned concrete pads would be at the doors on the rear, but will be part of the building permit and code. Some spaces may not have a door, it will all depend on the Code.

**Side Table**

Mr. Rappazzo, just wants to be sure that SEQR is taken care of the right way as discussed previously with a Type One action, which means it'll be a coordinated review, so this board will need to make a motion to grant its intent to be Lead Agency and then send coordinating letters to all interested agencies.

Mr. Ritchie, feels they have made a lot of progress since the last time and have addressed all the comments.

Supervisor Giunta, nothing at this time

**Open to Public**

None

**Executive Session 8:25pm-8:27pm**

Alternate Chairman Ruiz motioned the Intent to declare the Town of Gates the Lead Agency, and will give notices to all other Lead Agencies that intent.

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

**MOTION PASSED: NEG. DEC.**

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**PRELIM. & FINAL SITE PLAN APPROVAL  
Elmgrove Crossing Lot 21 Site Development  
OWNER: Gallina Development Corporation  
ENGINEER: MRB Group  
LOCATION: 275 Mile Crossing Blvd., Lot 21  
District: LI**

Alternate Chairman Ruiz asked if the applicant was present?

Evan Gallina, Gallina Development and have developed this site for the past twenty (20) years and are approaching the last couple lots. The developed lot 19 last year and have leased it and are now looking at Lot 21 and once this is done will have only one (1) lot left. Things are going good with developing since Covid.

Tom Fromberger, the site overview is a 33,900 square foot, on-story building similar to the building at lot 19. In the plan there is **(used Renderings to show)** building location, parking in front and back, dumpster enclosures, entry points, access and loading docks in back. Lighting will be mounted along the back of the building for access and security, also lot lights in front. They provided the landscaping plan which will be a mix of trees and foundation plants around the perimeter similar to those to the other recent lots. The requirement is 102 parking spaces, but they are showing 111. They have spoken with Monroe County Department of Health and are ready to sign off on the plans as well as Monroe County Water Authority, same thing with Monroe County Pure Waters. The received town engineers comment letter and can address those without any issues. He provided the architectural plans which are similar to lot 19.

Mr. Argenta asked about the colors?

Mr. Gallina replied gray on gray, same as the others

Mr. Martin asked about the parking spots and believes they may need one (1) more accessible spot

Mr. Gallina see no problem in adding one

### Side Table

Mr. Rappazzo, no comments

Mr. Ritchie, all set.

Supervisor Giunta, no comments

### Open to Public

None

### Executive Session 8:40pm-8:43pm

Alternate Chairman Ruiz motioned to grant a resolution of SEQR review which was granted many years ago and the development of this lot is full consistent with existing approvals granted through SEQR, and no further SEQR review is required.

Brandon Stuhler ...second      All in Favor...Aye      Opposed.... None

### MOTION PASSED: NEG. DEC.

Joe Argenta motioned to **Grant Preliminary & Final Site Plan Approval of Elmgrove Crossing Lot 21 Site Development at 275 Mile Crossing Blvd. in a LI Zone** with the following conditions:

- 1 The applicant is to address any and all final comments from the Town Engineer and Town's Dept. of Public Works.
- 2 All stamps of approval from all regulatory agencies are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman

- 3 A letter of credit is submitted to the Department of Public Works in the amounts sufficient to cover drainage, landscape, shown on plans.
- 4 The building is to be constructed and its colors as presented to the Planning Board
- 5 All comments from the NY State and or Monroe County Department of Transportation be added to the final plans.
- 6 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.
- 7 All Signage will conform to Town of Gates standards
- 8 All parking, including Handicap are to be depicted in the final plans
- 9 The Gates Fire Marshal shall review and approve the plan, prior to the signature of the Planning Board Chairman

Ken Martin...seconded.

All in Favor...Aye

Opposed...None

**MOTION PASSED: PRELIMINARY & FINAL SITE APPROVAL**

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**PRELIM. & FINAL SUBDIVISION APPROVAL**

**Elder Street/Lisa Ann Drive Subdivision**

**OWNER: Town of Gates**

**ENGINEER: Costich**

**LOCATION: Elder Street & Lisa Ann Drive**

**District: R-1-11**

Alternate Chairman Ruiz asked if the applicant was present?

Supervisor Cosmo Giunta looking to subdivide a parcel of land between Elder Street and Lisa Ann Drive, which is a Town owned land for many many years. The parcel is at no use to the town, and no easements and was approached by residents asking if the land could be donated to them. After review with the Town Board, it was agreed to donate this parcel to three of the four that were approached.

**Side Table**

Mr. Rappazzo, no comments

Mr. Ritchie, it's a great plan

Supervisor Giunta, no comments

**Open to Public**

**Side Table**

Mr. Rappazzo, no comments

Mr. Ritchie, all set.

Supervisor Giunta, no comments

**Open to Public**

Karen, she didn't really understand what was happening and after speaking with a neighbor who explained. She appreciated how well the town maintained the parcel, but in wondering once it is given to those residents, what are they allowed to do with it, for example can they build on it, add a playground, put up tents?

Supervisor Giunta it will be part of their land, so whatever they would normally. In speaking with them, they are looking into fencing it off and using as their own.

Karen, asked what kind of fence are they looking at, stockade?

Supervisor Giunta does not know their preference, but they would need to get a fence permit with the regulations of the town code.

Karen is concerned with the possibility of it being an eyesore.

Attorney Schum added you run that risk if your neighbor sold their house next door to her. Not owning everything runs you the risk of those who do own property to do what they want to with it. The town has regulations.

Mr. Argenta are they taking as is?

Supervisor Giunta, there are guardrails and signs that need to come down once they officially take the property over

Attorney Schum, the Legal Notice that is required has been posted and there is thirty (30) days before it can be officially recorded as their property. Then he will meet with each resident

**Executive Session 8:50pm-8:51pm**

Joe Argenta motioned to grant the Town of Gates this a Type II Action, and no further SEQR action is required.

Brandon Stuhler ...second      All in Favor...Aye      Opposed... None

**MOTION PASSED: NEG. DEC.**

Joe Argenta motioned to **Grant Preliminary & Final Subdivision Approval of 96 Elder St., 97 Lisa Ann Dr. and 111 Lisa Ann Dr.**

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Alternate Chairman Ruiz motioned to **Adjourn the meeting**

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

The meeting was ADJOURNED at 8:55PM

Respectfully submitted,  
Lily Alberto  
Recording Secretary