

TOWN OF GATES
PLANNING BOARD MINUTES
January 23, 2017

The regular meeting of the Gates Planning Board was called to order at 7:35 PM by Chairman Wall.

PRESENT MEMBERS: M. Wall, Chairman; D. Cambisi, T. May, K. Rappazzo, J. Argenta, D. Chamberlain, Daniel Schum, Town Attorney; J. Amico, Public Works; L. Sinnebox, Town Engineer; Lee Cordero, Councilman

ABSENT MEMBERS: G. Lillie

The first matter on the agenda was approval of the November 28, 2016 Planning Board minutes. Mr. Rappazzo made a motion to approve the minutes as received. Ms. May seconded the motion. All were in favor; the motion carried.

There was a change to the agenda. The first applicant was moved to the second.

GIUSEPPE MELLIA

CONCEPT REVIEW

OWNER: Giuseppe Mellia

LOCATION: 810 Spencerport Road

ENGINEER: DSB Engineers

Walt Baker with DSB Engineers spoke and stated that Mr. Mellia was on his way and because they were second on the agenda, Mr. Baker told him there would be enough time to attend the meeting.

Mr. Baker stated that they are proposing to develop a property on the corner of Spencerport Road and Vendome. Mr. Mellia has owned this property for about 10 years. He maintains the property by mowing the grass and keeping it neat and would like to move his hair salon to this property. His hair salon is presently located across the street from this property. Mr. Baker went on to say that because this is a limited size property, Mr. Mellia is looking into building a two-story building so that he can possibly have office space for rent on the upper floor. The rear has a 25 ft. buffer and there is a 15 ft. buffer on top so that will be 40 ft. from the adjacent property owners to the north which are residential. To the east there is an existing two-story commercial building with office spaces in it. Vendome is on the west side and to the south of Spencerport Road are all businesses. Based on the code it did state they only need 6 parking spaces but they are proposing 11 parking spaces. They will have 2 handicap parking spaces and 11 parking spaces. They will need a NYSDOT permit that the water main is on near side on Vendome so there is easy-access to the water service and same as the sanitary service. It will be easy and not have to cross Spencerport Road at all.

Mr. Argenta asked what the two-story building is going to look like.

Mr. Baker stated that they have not yet designed it. He stated that they will have to go to the Zoning Board. The narrow shape of the property they cannot stay behind the setback into the code so they will have to go to the Zoning Board to get a variance. Parking will be in the front yard. He stated that the building will probably be made up of glass and some type of decorative front, block or siding.

Mr. Chamberlain asked if the building will have a basement or be on a slab.

Mr. Baker stated that they talked about putting in a basement for storage. The building will only be 2,000 sq. ft. and storage will be in the basement with the salon on the first floor and an office on the top floor to be rented out.

Ms. May asked if there were only 6 parking spaces. Mr. Baker stated that the code only requires 6 parking spaces but that they are proposing 11 parking spaces. Handicap parking will be in the front of the building in the center.

Mr. Argenta asked if the 11 parking spaces would be enough. Mr. Baker stated that the spaces are based on having a salon and an office on the property.

Mr. Wall stated that the EAF Form lists 20 – 30 people expected per day. He asked if all 30 patrons would be there at once. Mr. Baker said no, the patrons would not be there all at once.

Ms. May asked if the entrance to the property would be on Spencerport Road. Mr. Baker stated the only entrance to the property would be from Spencerport Road.

Mr. Rappazzo asked if the front setback lines up with the building next door. Mr. Baker said it does.

Ms. May asked what the hours of operation would be because of the lighting of the building and the residential neighbors behind the building. She wanted some clarification. Mr. Baker said that he can find that out.

Mr. Wall stated that the property is a tight-site. Other things the board might look for is in that 25 ft. buffer area, there should be sufficient screening between you and the adjacent neighbors to the north. The location for nearest fire hydrant, normal architectural elevations would also need to be included. He stated that it would be a good idea to go to the Zoning Board before returning to the Planning Board.

Mr. Baker stated that that was his plan.

Mr. Amico asked that all correspondence with NYSDOT be copied to the Public Works Dept.

Mr. Sinsebox stated that he submitted a letter with 4/5 items going forward with some information on future submissions.

At this point the meeting was opened to the public

No one present to speak.

Mr. Wall thanked Mr. Baker and stated that he would be receiving a letter from the board.

At the regular meeting of the Gates Planning Board, held on Monday, January 23, 2017, the Planning Board reviewed the **CONCEPT PLAN** for the above referenced location and offers the following recommendations:

1. The Applicant is review the Town's Preliminary Site Application Checklist and provide the technical information with the application, including Architectural Elevations, for Preliminary Approval.
2. Please consider a landscaping plan sufficient to screen the parcels to the north of the subject project.
3. The Planning Board requests that the Applicant obtain the necessary variances before seeking Preliminary Approval.
4. Please depict the ADA Accessible parking spaces.
5. Please add the adjacent land owners to the plan.
6. Please provide lighting photometrics plan with foot-candle contours.
7. Please depict the nearest fire hydrant per the Fire Marshal.
8. Please designate the snow storage locations.
9. Please depict the dumpster enclosure. Masonry enclosure is recommended by the Board.
10. Work that impacts the Right-of-Way will require a separate permit from NYSDOT. Please provide the NYSDOT correspondence and permit to the Town of Gates for Town Files.

11. Please address the comments, provided by Costich Engineering, in a letter dated January 20, 2017.

TITAN ROCK, LLC
OWNER: Titan Rock, LLC
LOCATION: 2997 Buffalo Road
ENGINEER: Schultz Associates, P.C.

PRELIMINARY & SUBDIVISION APPROVAL
N.B. (Neighborhood Business Zoning District 2 lots)

Patrick Laber of Schultz Associates was representing this project. He handed out building elevations he received from the developer. He stated that the property at 2997 Buffalo Road is comprised of 2 properties totaling 1.58 acres. The plan is to re-subdivide those two parcels into one. The zoning of this site is neighborhood business and there is a building there and an existing foundation and the parking lot is still present from the old use. The remainder of the site is covered in brush and low vegetation right now. Generally the site slopes from north to south back to the rear of the site. Inside the subdivision is proposed to remove the old foundation and parking lot and construct a 15,600 sq. ft. building with an 80 space parking lot. A new entrance would be needed to Buffalo Road, a new curb cut. There are two entrances at the present time and the western entrance would be closed. Also proposed is a storm water management facility at the south side of the site. The building itself would be a single story structure. He proceeded in showing some materials. Stone veneer, cultured stone for the bulk of the building. He believes the shingles would be dark grey with light grey accents on the front of the building. He did not have samples. He will have more information at a later time.

He went on to say that with the orientation of the building, all the businesses will face to the east. They are looking for a mix of tenants for this structure. They will have six offices. Looking at renting out the property for professional offices, bakery, dance studio, etc. These tenants will have varied hours of operation. The site does have access to a Monroe County water main on their side of the road and would need a permit from the DOT to tap into that. Regarding the sanitary sewer, Mr. Laber stated that this site is at a high point and that there is a sewer above and below but there is an existing easement that goes across the Bill Gray's property in which there is an existing sanitary lateral. Mr. Laber spoke with Pure Waters about the use of that and they told him that it is ok to use but may need some improvement for them to use it. For storm sewer they have a system running through the parking lot. In the next generation of plans, they will be able to add roof leaders to show how that will all tie in into the tight sight. He went on to say that they are showing some pervious pavement in the parking areas along the outside of the parking lot for green infrastructure-needs to meet the SPDES Permit. They have also been working with the town to determine what the best ways would be to handle drainage from the pond as it goes into the offsite area to the south. The grade very flat and working with the town to find a solution so as to not damage any properties downstream from the pond. There is a landscaping plan included with the plan. Showing furs and spruce trees along the south property line that will be a buffer to the residential lot. The building is set pretty much in line. The building shouldn't block anybody on the side of them.

Ms. May asked how they are going to separate their property from Bill Grays. She wanted to know if they would be installing a fence.

Mr. Laber said that their building will be completely separate from Bill Grays. The buildings will be separated by the grass that is there and a retaining wall. The grade will be rising as they go south. 4 ft. high.

Ms. Cambisi asked if there are any definite tenants lined up for the building because there are a lot of vacant retail spaces already in the town and her concern was that having vacant building space is a haven for crime and drug activities and would be nice to know if they have someone slotted to go into the spaces.

Mr. Laber stated that the owner may have some tenants lined up but he will get more information.

Mr. Argenta asked if they have an easement going through the building. Mr. Laber answered yes and stated that it is an easement for RG&E overhead wires. The easement is still there and not currently being used. It is the same easement that runs over the Fire Dept. and they are in the same situation that they are in where it goes over the building. Mr. Laber stated that if they need to get some sort of release they would.

Mr. Schum asked if Mr. Laber could pursue that.

Mr. Chamberlain asked where they will be putting the snow. Mr. Laber said that for this site they will probably be pushing it back towards the pond. They may have to move it around.

Mr. Argenta said that the doors on the back with the sidewalk stop short of going around the back. Will they have pads out there? Mr. Laber answered yes that they will at least have pads out there and if the Fire Marshal wants more than that they can certainly get them what they need.

Mr. Argenta questioned the overhead door in the back. Mr. Laber said that when they get into the final plans that the overhead door could be an issue.

Mr. Argenta asked if the parking is based on using it as a shopping center. Mr. Laber said that the Town Engineer said to split it up into a bank and office, shopping center, eating establishment to break it up into 20 spaces. Mr. Argenta stated that they should go with the worst case scenario as all offices which would require a large number of parking spaces. Mr. Laber stated that they would look at that.

Mr. Rappazzo asked if they were going to phase in the buildings. Build it in pieces until he is sure he is going to get the demand as it is. It is poor visibility for some of those units from Buffalo Road. He stated that he saw nothing in the plans for a directory sign. Mr. Laber stated that there are no plans at the moment.

Ms. May stated that she is concerned about handicap parking spaces and it looks like there is only parking facing the building and wanted to know if there is going to be space for a big truck or minivan to turn around easily. She also had some concern about a garbage truck getting back there, a snow plow and buses. Mr. Rappazzo also said that emergency services, dumpster pickup and others may have a hard time getting back there. Mr. Laber will take a look at that.

Mr. Rappazzo said that Bill Grays relies on infiltration for its storm water treatment. He wanted to know if that was investigated for this property as a possibility. Mr. Laber stated no that they went by the soil and that it is d type soil and that there is no infiltration. Mr. Laber said that he thought Bill Grays is having some issues with that right now. Mr. Sinnebox said that his observation shows that their dry walls are working fine. He was out there just recently.

Mr. Rappazzo said that the way that the pond is laid out that really, it's mostly above grade it is really a huge space crunch and also eats a lot of that volume that might cut-off the natural drainage way between Bill Greys and others that their water would flow into. Mr. Laber said that the berm right now is all just for vertical storage and that it sounds like they should look into infiltration.

Mr. Wall asked if they have received a copy of Monroe County DEC comments. He stated that #3 states that the proposed project is located in the proximity of a former waste site. Mr. Laber stated that it is the site in the former Kodak Elmgrove. It was a ground water issue. Mr. Laber will get documentation to the Town Engineer with the name of the person who he spoke with regarding that. He stated that it is not an issue for their site. That site has been closed.

Mr. Wall stated that to Board would like to see that documentation.

Mr. Rappazzo stated that the elevations look really nice but they have columns on either side of the doors. Mr. Laber stated that they will be doing some reorientations.

Mr. Chamberlain asked for some information on the pervious pavement.

Mr. Laber said that when rain hits normal asphalt, it just runs-off into the storm sewer system and right to the ponds. There is no cleaning in that and basically taking the water, and what is in it, and throwing out to the pond. The pervious pavement system is started out with pavement that has lots of voids in it and it still strong enough to hold vehicles in parking areas. Water is allowed to infiltrate down through that and then goes into a series of different size stones and then it has an opportunity to go into the soil below that or into a perforated pipe that will then will take it to the pond. What it allows is that it slows up the water from running straight through to the pond and it also gives some polishing to the water and removing some of the pollutants. It is a great initiative that DEC is really pushing as part of the Speedies Permit for construction storm water. This site being so tight, they felt that this was one of the only things they could use making sure they meet all requirements.

Mr. Chamberlain then asked if anyone has done any investigation as to the existing soils that they are trying to infiltrate. Mr. Laber said no and they he needs to take a look at it and that the soil may be better than they think it is. Mr. Chamberlain then asked if he knew where the ground water is. Mr. Laber said they have no information on that at this time.

Mr. Chamberlain went on to say that they are using a large pipe to drain this. Why so large a pipe? Mr. Laber said it would be performing double duty. It is also the pipe that is connecting the catch basins.

Mr. Chamberlain stated that they have two parking spots to access the property that are very close to the turn out and it doesn't allow for too many cars to be stacked out there. It is a very tough situation to pull out. The first two parking spots. He stated that they may want to lose those two spots. Mr. Laber said that when they run the numbers he will see what they can do. Mr. Chamberlain suggested that they move the dumpster site over or even turn it almost on top of the storm line and then remove the curbing at the back so that a snowplow could push snow out into the green areas in the back. Mr. Laber went on to say that the grades back there are fairly flat. Mr. Chamberlain wanted to know where all the fill was going to come from. Mr. Laber stated that there is always sources of fill. Mr. Chamberlain also wanted to know if there would be a basement in the building. Mr. Laber stated no.

Mr. Chamberlain also stated that when they bring in fill that it has to be certified. Mr. Laber agreed. Mr. Chamberlain stated that he could not find a site benchmark in the plans. Mr. Laber said they have one but it just might not be shown on the plans.

Mr. Schum stated that the storm water maintenance agreement needs to include all of the pervious pavement. He said that Mr. Laber did say it is not intended to be a travel pavement but he does not know how he could restrict it and it needs to be included in the maintenance agreement. Mr. Laber agreed. Mr. Chamberlain said that the porous pavement requires vacuuming twice a year going by NYS Design Standards. Mr. Laber stated that they have a schedule for a plan for that.

Mr. Chamberlain said that the way they have the building situated that the building is very large for the site. Now that they see the architectural plan, he believes that they are building this building 20 ft. too long. They should pull back a little bit. Mr. Laber will discuss his recommendation with the owner. Mr. Chamberlain also stated that wheel stops need to be added to the plan. Mr. Laber stated that they have them.

Mr. Wall asked if NYSDOT has look at the entrance to the plan. Mr. Laber said they are putting the plans together now.

Mr. Wall asked if the prior building was a slab-on-grade or basement. Mr. Laber said he believed it was just a slab.

Mr. Wall stated that they may want to address where the temporary concrete washout facility is. There may be a better spot to put that in. He also asked about the retaining wall and wanted to know if there is some sort of drainage behind the wall to let out any water.

Mr. Wall said that the back berm is close to the property line. Having a water problem on adjacent properties. If the building ends up being smaller and the berm can be pulled back that might be able to drop the building down a half a foot. That might be something to look into. Mr. Laber agreed.

Mr. Chamberlain said that he saw once where they put a weir at the last manhole. That underground reservoir area would fill up with water and only let out a certain amount and basically use that as an underground storage and would have to leach away. Mr. Laber said they have done similar things like that with chamber systems. It is basically a weir system – it's like a small pond. He said they could take a look at that. First he is going to see what the soil can take and go from there.

Mr. Rappazzo said that from an elevation standpoint, he wants to see what the front of the building is going to look like to the residents and what the west side is going to look like to make sure it doesn't look like the back of a building.

Mr. Amico said that he would like them to copy the town in on any conversation with the state and also like to be copied in with the RG&E easement issue.

Mr. Sinsebox said that he submitted a letter of comments and concerns and some of the items in that letter were discussed this evening. There are some loose ends that need to be worked out and he is confident that they can do that.

Mr. Cordero asked if they could send some communications to the residents in the back with what they are proposing to do. Keep the residents in the loop.

At this point the meeting was opened to the public

Mr. John Huther, who owns the buildings to the west of the proposed building, wanted to know if the building is going to be the same level as his buildings or above his buildings. Mr. Laber stated that the finished floor right now is about a foot higher than his buildings. Mr. Huther also asked about the back of the building. Mr. Laber stated that the building will be elevated but it is all on one flat level. He said just the grade is going to fall off on the back.

At this point the Planning Board was declared in Executive Session. After discussion among the Board Members, Mr. Wall made a motion to **TABLE** Preliminary & Subdivision Approval for Titan Rock, LLC pending completion of the following:

1. Please depict all four (4) architectural elevations for review. Please update the site plan with the new building footprint including the new tenant access (both front and rear doors), north-elevation canopy, and south-elevation overhead door. Please depict the site access to the overhead door as well as, at a minimum, concrete pads for the rear access doors (west elevation).
2. Please discuss the existing / proposed cross access easement with the northerly property owner. Easement agreements shall be submitted to the Town Attorney for review and approval.
3. Currently, the proposed building encroaches into a 50-foot RG&E Easement. Please review the proposed development with RG&E; provide any documentation from RG&E that they will allow the building and parking areas in their easement.

4. Please designate snow storage locations.
5. Parking Ratio: one concern was the density of the development on the parcel in the context of immediate and future parking requirements. Please update the parking ratio for the development per the recommendations of both the Town Engineer and the Board.
6. ADA Parking: please indicate the ADA Accessible parking spaces at the tenant's entrances.
7. Please consider relocating the dumpster enclosure. The Board's recommendation is to eliminate the need for a garbage truck to back-up the entire length of the eastern parking lot to leave the site.
8. Currently designed, it appears that there will be a quantifiable amount of storm water that could negatively impact low-points at the toe-of-slope from the west, south, and east sides of the storm water management facility berm. Please move the storm water facility towards the north to allow for the addition of a small-swale to mitigate any storm water spillage on to adjoining parcels.
9. Please provide the documentation that satisfies the Monroe County Development Review Committee's comment letter (dated January 13, 2017); specifically point #3 "The proposed project is located in the proximity of a current or former Waste Site. The applicant will need to conduct an investigation to determine any potential impact(s) of the site on the project".
10. It is recommended that the Applicant conduct a soil percolation test to determine the appropriateness of utilizing the on-site soil for storm water infiltration purposes.
11. Please indicate the groundwater elevation on the plans.
12. Please add the catch basin detail to the plan.
13. The Board would like to improve the queuing / stacking of cars. The Applicant should review the +/- 6 proposed parking spaces along the eastern side (adjacent to the ingress / egress drive); eliminating these parking spaces will help the vehicular stacking.
14. Please add the site benchmark information to the plans.
15. Please add the Pervious Pavement Maintenance Schedule to the plans. The complete Stormwater Management Agreement, including the Pervious Pavement Agreement with Maintenance information, will need to be reviewed and approved by the Town Engineer.
16. Landscaping on the Stormwater Feature Berm: the Board is concern with the survivability of the trees on the pond's steep-slopes bank. Please flatten the slope to ensure the survivability of the screening trees.
17. Work that impacts the Right-of-Way will require a separate permit from NYSDOT. Please provide the NYSDOT correspondence and permit to the Town of Gates for Town Files.
18. Please share the revised proposed plan with the neighbors to the south of this project.
19. Please indicate the location of the proposed signage including a sign elevation.
20. The Applicant should consider phasing the construction of project.
21. The Applicant should review the location of the proposed building in conjunction with the existing buildings (to the west and east of the project). The Board's recommendation is to match the setback of the established buildings.
22. Please address the additional comments in the Town Engineer's letter dated January 20, 2017.

Mr. Rappazzo seconded the motion. All were in favor, the motion carried.

There being no further business to come before the Planning Board, Mr. Wall adjourned the meeting at 8:28 PM.

Respectfully submitted,

Linda M. Saraceni
Recording Secretary