

TOWN OF GATES
PLANNING BOARD MINUTES
February 27, 2017

The regular meeting of the Gates Planning Board was called to order at 7:30 PM by Chairman Wall.

PRESENT MEMBERS: M. Wall, Chairman; T. May, J. Argenta, D. Chamberlain, Daniel Schum, Town Attorney; L. Sinsebox, Town Engineer; Lee Cordero, Councilman

ABSENT MEMBERS: G. Lillie, D. Cambisi, K. Rappazzo, J. Amico

The first matter on the agenda was approval of the January 23, 2017 Planning Board minutes.

Ms. May made a motion to approve the minutes as received. Mr. Argenta seconded the motion. All were in favor; the motion carried.

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 stated since they were last at the Planning Board meeting they have been working with the town staff on addressing all the concerns the Board had and met with them twice. The latest plan everyone has is the result of those meetings to try to balance what the client wants.

He went on to say that they did get 4-sided elevations from the architect and showing the south and west of the building. Vinyl siding in the same color as stucco. Roof will be black. The building remains the same size as before at 15,600 sq. ft. Some major changes have been made. Instead of a pond they now have an infiltration basin at the south end of the property and also the large chamber stormwater storage system underneath the parking lot. They had testing done out there and found a lot of sand out there. Looks like water infiltrates pretty good out there.

He stated that they are at 83 parking spaces right now. He referenced a chart and said that it shows a mix of four different uses. Other changes made were in the front they took out 3 or more spaces to allow for more vehicle stacking. They moved the dumpster location so that the plows can push straight back to the south with snow. He continued to add that there are 2 loading areas. On the east side of the parking lot there are additional handicapped spaces. Two tenant spaces each.

He spoke about the RG&E easement. They spoke with RG&E and they stated that they would be willing to release the easement for a fee but they are no longer using it and no longer have a need for it. They confirmed with Frontier Communications that they do not need the Rochester Tel portion of it. It was for overhead wires. They will probably have to remove that easement fully anyway. RG&E has no problem with what they are proposing. They have also added an easement around the infiltration pond so that if the town needed to get back there in some emergency, they would have the right to be there. Not showing vehicle access to the outlet structure. It is not a pond that has a manhole with different openings in it, this is just a spillway covered in stone and is 5 foot wide. The infiltration basin itself will actually be grass so there will not be any vegetation to clog it up. He concluded that that was it for the major changes.

Ms. May asked about the snow storage. Mr. Laber stated that everything would be pushed back to the infiltration area. He also stated that they need to get a variance for parking in the front.

Mr. Wall stated that there are 3 other variances that they will need to seek. Section 190-11. Loading requirement. Second bay only 14 x 44 ft. where by code it should be 14 x 60. He went on to say that section 190-19A defines a 400 sq. ft. surface per space. In their letter they stated 370 sq. ft. That will be another variance they need to seek. 190-19I is where parking lots of 5 or more vehicles should be kept small and control traffic flow instead of a vast parking area. It will also help define the allocation of spaces to the leased building space(s).

Mr. Laber said that will be something to work on.

Mr. Wall asked Mr. Sinsebox his thoughts on the parking in the front setback. Mr. Sinsebox stated that it is an easy variance to get.

Mr. Wall asked if the Trip Gen report has been developed yet. Mr. Laber stated no. Last week due to school vacation it was not completed.

Mr. Wall asked about cross access easement between the two parcels. He asked if there was any proof of the discussion that may have taken place. Mr. Laber did not have any proof with him at that time.

Mr. Wall said looking at the big picture of the two parcels together and the similar uses – it might be advantageous for the two parties to look into a parking agreement. It may only be two spaces that they could share. Looking at the bigger picture that is something that should be a condition. Mr. Laber agreed.

Mr. Wall said looking to the retaining wall to the east, do they anticipate and disturbance to the adjacent parcel. Mr. Laber stated that they have discussed this and the owner will need to talk to owner of Bill Gray's Restaurant. He said there will be some disturbance and no way to get around it.

Mr. Wall asked Mr. Sinsebox if he stated that the Swift needed to be redone. Mr. Sinsebox stated yes.

Mr. Schum stated that one of the issues the Board has had is the unknown of who is going to occupy the buildings and for what use. He went on to say that once they determine the number of parking spaces, if project were to go forward, the uses of the parcel would be limited by the number of parking spaces that are used once the project is built. This could result because of the size of the building and one or more parcels being unusable entirely because an earlier development consumes the parking. This needs to be reviewed with the land owner. This will be strictly enforced. The Board has two choices, they can establish parking ratios now that they believe would be appropriate for the entire parcel and that would limit uses. Mr. Laber stated that they tried to put together a mixed use scenario. Mr. Schum stated that they cannot tell who is going to use it. He went on to state that that is the problem the Board has with the parking ratios and the size of the building.

Discussion on parking issues went on between Mr. Wall, Mr. Schum and Mr. Laber. Mr. Shum said that parking is going to limit the use of the buildings. Mr. Schum stated to Mr. Laber that it would be appropriate to go to the Zoning Board to see what they say about variances for parking.

Mr. Argenta asked about soil. Mr. Laber said they went down 6 foot and found some topsoil and then 2 to 4 feet of sand and then clay.

Mr. Argenta wanted to know about the building finishes. He said they were going to do stucco on two of the elevations and the other two vinyl siding. There is a portion sticking out on the west. He stated that it needs to be the same material as the façade. A good part of it.

Mr. Chamberlain said to pull the building back.

Mr. Wall stated that as a board they had a problem with the front porch.

Ms. May asked about landscaping on the stormwater feature berm. The board was concerned with the survivability of the trees on the pond's steep-slope bank. She asked if they have tackled this issue. Mr. Laber stated that the berm for the infiltration system is now pushed back 15 ft. so the pines will be sitting in that 15 ft. area.

Mr. Chamberlain stated that he had some good news. The resub map is not needed. He believes it needs a little more research but can to this as combined. Make sure taxes are paid and because it is not a subdivision, they can be combined. Nothing has to be filed in the clerk's office. Mr. Sinsebox stated that it is an option.

Mr. Wall asked if the front porch area would ever be used for space as a restaurant patio. Mr. Laber could not say no because it could be possible.

Mr. Argenta stated that in other projects they have stated where the porch area could not be used as additional restaurant space. Mr. Wall said to leave it up to the applicant if they want to include it in the sq. ft. calculations, then it could be used down the road. If not, then it cannot be used in the future.

Mr. Chamberlain said to make it shorter a couple feet for appearance sake. Mr. Laber said they brought them in.

Mr. Chamberlain said that it was talked about breaking up the parking lot. They have curbing sticking out in the drive lane and suggested to stripe them. Mr. Laber fully agreed.

Mr. Schum stated that with their variance application they can apply to have the division nothing more than striping. It's a variance from the code requirements. Mr. Laber wasn't aware that was an option.

Ms. May had a concern about handicapped parking and spaces for big trucks and vans to turn around. Mr. Laber stated that they will be utilizing first loading area to turn around.

Mr. Chamberlain stated that there is no dumpster detail in the plans. Mr. Laber said that there was nothing specific and didn't know what the board would like to see. Mr. Chamberlain said masonry would be fine.

Mr. Argenta reminded Mr. Laber that since they have 8 designated spaces, one will have to be designated for vans.

Ms. May indicated that if the spaces become doctor offices, there will need to be a spot for medical cabs and vans to drop off and be able to turn around.

Mr. Laber said that there should be ample room to turn around.

Mr. Wall had a concern about the impact to the parking to the west. If we proceed with the plans for approval, he would like them to throw a couple turning templates on the plan so to show how a car can back out without impacting the development to the east. Mr. Laber agreed. Mr. Wall went on to say that this will show that the adjacent property owner is not negatively impacted by the development. Mr. Laber agreed.

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

1. Please obtain the required variances discussed for the project. Currently, the project does not meet Town Code Sections 190-11, 190-17, 190-19A, and 190-19I.

He went on to state that the entry gate was moved closer to the existing house. It will be closer to the main entrance off Manitou. The existing house will act as the office and kind of the control point for the leasing of this area. The gate will be there. They also have called out some areas that will be land banked for the parking because there was concern that there was too much parking on the site. They will leave them undeveloped. He went on to speak about putting a drive isle behind the first building and that was something they want to maintain because the developer would like to put her office in the first unit for their storage and materials and access from the existing house. They are now showing that on the plans. They have also added site lighting with some larger poles. They have added a card reader and key pad.

Mr. Argenta stated that they should move their gate 25-30 ft. from the parking spot so that they can back out. There needs to be some distance.

Mr. Winans handed out a copy of a lease agreement that they would be using.

Mr. Wall asked where the septic field is for the one story building that will remain. Reason is it is good to know where it will be so that they won't be impacting with site lighting and parking proposed for the area.

Mr. Winans said it is in the front of the buildings.

Mr. Schum stated for the record that he has done work for the applicant in the past. He is not involved in this project.

Mr. Sinnebox stated that all the comments that he had have been addressed. If approved this evening they will need a letter of credit. He also stated that Mr. Amico, if he were at the meeting, he would say to keep the roads clean.

At this point the Planning Board was declared in Executive Session. After discussion among the Board Members, Mr. Wall made a motion to **UNTABLE** this application. Ms. May seconded the motion. All were in favor. The motion carried.

Mr. Wall made a motion that after reviewing the applicant testimony, and presented materials, the Planning Board declared the Town of Gates Lead Agency and found the project to be an unlisted action with no negative impact to the environment; no further SEQR action is required. Mr. Argenta seconded the motion. All were in favor. The motion carried.

Mr. Wall then made a motion to **APPROVE** Preliminary/Final Site & Subdivision for Westward Expansion, 2548 Manitou Road with the following conditions:

1. All comments and conditions presented in letters dated September 27, 2016 and November 30, 2016 are to be incorporated into the final plan.
2. All Signage will conform to the Town of Gates standard.
3. A Note is to be added to the final plan that the stormwater management feature is to be privately owned and maintained.
4. All Conditions set forth by the Monroe County Department of Planning and Development are to be incorporated into the final plan.
5. The Applicant is to submit the Final Site Review Fee to the Town of Gates.
6. All Stamps if Approval from all regulatory agencies (including the Fire Marshal) are to be affixed to the final plan prior to the signature of the Planning Board Chairman.
7. A Letter of Credit is to be submitted to the Director of Public works in an amount sufficient to cover site stabilization, drainage, As-Builts, and landscaping.
8. The building is to be constructed according to the renderings and samples as presented to the Planning Board. Please add the materials to the final plan.

9. Copies of any required NYSDOT / MCDOT permits are to be provided to the Town for record.
10. Please relocate the security gate to a location that does not impact the movement of the parked cars in the 2-space parking area.
11. Please update and resubmit the SWPPP to the Town Engineer.
12. Please add a note to the final plan that the Applicant is to pay particular attention to the maintenance and cleanliness of the boarding roads to the property during the construction phase, to the satisfaction of the Town's Department of Public Works.
13. Please provide a stormwater agreement to the Town Attorney for review and approval.
14. Please address any final comments from the Town Engineer.

There being no further business to come before the Planning Board, Mr. Wall adjourned the meeting at 8:21 PM.

Respectfully submitted,

Linda M. Saraceni
Recording Secretary