

TOWN OF GATES
PLANNING BOARD MINUTES
April 24, 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; T. May, D. Cambisi, K. Rappazzo, D. Chamberlain, Daniel Schum, Town Attorney; L. Sinnebox, Town Engineer; Lee Cordero, Councilman

ABSENT MEMBERS: G. Lillie, J. Argenta, J. Amico

The first matter on the agenda was approval of the February 27, 2017 Planning Board minutes. Ms. May made a motion to approve the minutes as received. Ms. Cambisi seconded the motion. All were in favor; the motion carried.

Chairman Wall then proceeded to make a motion to Untable the project from the February 23, 2017 Planning Board Meeting. Ms. May made the motion and Ms. Cambisi 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/FINAL & SUBDIVISION APPROVAL
N.B. (Neighborhood Business Zoning District 2 lots)

Kris Schultz of Schultz Associates was representing this project. He stated since they were last at the Planning Board meeting they have been through a number of changes and revisions to the plan. On a referral to the Zoning Board of Appeals to obtain potentially 4 variances with each of those variances pertaining to parking, he stated that they did get 3 of those 4 variances that they sought. The 4th variances they did not have to get.

Mr. Schultz passed out the site plan sheet of the full set and the sheet contains changes that were made since the last Planning Board Meeting in February. This sheet in particular contains all the changes. He went on to describe what the changes were. (could not hear him on the recorded minutes).

He went on to say that they did note the variances granted on the site plan on the bottom left hand corner. He passed out to the Board a letter that he worked with the town to put together regarding the total number of parking spaces. He stated that there has been a lot of discussion to determine the number of parking that would be necessary per code. Because the code has different type of uses for which could be in this plaza, they came up with a weighted sum and the concern was that down the road if the client sells this building to someone else, all of this discussion and agreement may be lost. So it was recommended that a simple acknowledgment by the client of the number of parking and pretty much a whole harmless type or wording to the town would be something that would be recorded and run with the land. So it basically clears the record and fully acknowledges the site does have restrictions if he decided to lease out space to the type of tenant that has the highest demand of parking. He may run out of parking for his last couple of units but he thinks that the fairest way of doing it is to put the responsibility on the developer. They would certainly be in agreement to record that.

Chairman Wall asked Mr. Schultz if the owner is aware that this letter will be filed with Monroe County. Mr. Schultz answered yes. Chairman Wall said that it will be a living document with the property.

Mr. Schum stated that the letter is merely an acknowledgment that the responsibility falls to the developer.

Discussion ensued with Mr. Schum and Mr. Schultz regarding parking at this site. The site will be open parking for the whole site.

Ms. May asked about the easement. She wanted to know what it would look like. The retaining wall from Bill Gray's to the east.

Mr. Schultz stated that they moved the retaining wall to the west about 4 feet and also established contact with Bill Grays. The manager of the restaurant has worked with the Gizzi Family as recently as when the site was cleared to allow vehicles coming in to facilitate removal of trees and today there was correspondence with Bill Grays Corporate in Webster acknowledging the fact that as part of the work they will take full responsibility in any restoration or issues associated with it. He has copies of that correspondence that he can give to the town. Bill Grays sees this development as potential customers. Bill Grays Corporation is very excited about this project.

Mr. Schum asked if the letter is something that they have in word format. Mr. Schultz stated yes. He stated that they started the letter correspond. Mr. Schum asked that when they furnish the final letter to please put on the face of it the tax account number and record owner. This will be for when the clerk indexes it they will have something to reference it. Mr. Schultz agreed.

Chairman Wall asked about the cross access easement. He stated that he is aware of some discussion with the neighbor on the west.

Mr. Shultz stated that there were initial conversations about cross access and it centered upon the need for emergency access. The fire department would like to have that. His client went ahead and contacted the property owner regarding doing a potential cross access and they are still hoping that Mr. Gizzi will eventually purchase the property. But from the standpoint of asking them if they would be interested and they said no. What really shifted their attention was when the fire marshal looked at the plan he stated that access easement for him was not necessary. They did get an easement for vehicular access. Currently the blacktop continues through and they are just proposing to keep it in that fashion. There would still be the ability for cars to move in and out.

Mr. Rappazzo asked if there would be any fence or curb between the parking lots. Mr. Schultz stated no there will not be. Mr. Schultz added that the two loading dock spaces would end up being used for car parking than anything else. They will be marked no parking – loading area.

Chairman Wall asked that if they have looked at adding a sidewalk to the entire stretch of the building so that way if someone pulls into the loading area they could easily access the back. Mr. Schultz stated that they did look at the back of it, but when it came down to practicality, most of the deliveries would come in the front door of the businesses. For a delivery person to go around the back he would have to go into the front door and tell them he is going around the back. It will be easier to just deliver in the front door. If there is a specific business that has a lot of deliveries, the addition of that sidewalk could be done if necessary.

Chairman Wall said that in the northern canopy area where it states no outdoor seating permitted in this area, he asked if they could remove the word outdoor and have it say no seating is permitted in this area.

Mr. Chamberlain asked if another one can be added to the other side. Mr. Schultz agreed.

Mr. Chamberlain said that he stated that there is no sidewalk in the back of the building but he noticed that there are no lights listed either. Mr. Schultz said because of the residential area there is no lighting. They do not want to introduce any additional lighting that would be lights in the back yard of the residential area behind the building. Mr. Chamberlain added that there should be lights in the corners of the building and Mr. Schultz said that it's not a bad idea. Mr. Chamberlain was also worried about tenants throwing boxes in the back but

Mr. Schultz stated that his client would not allow that. His client is very strict on the look of the building and the maintenance of the building.

Mr. Chamberlain added that it was said that there would be 2 no parking signs also back there. Mr. Schultz answered yes. He said they have the striping right on the pavement itself and will also mount no parking signs on the building. At the end of the parking space they have a proposed sign that says delivery vehicles only and will put the same thing on the other delivery area.

Chairman Wall asked about the dumpster detail. He said it looks like they are going to have a 3 ft. chain link door that will face the 5 ft. concrete sidewalk. He asked what is the grading of the pad. Will it be a step up to the curb and is wondering how the door is going to work with the curb. Mr. Schultz answered that the bottom of the door will be up above that so if it needs to swing. Chairman Wall asked if the intent is to hand truck out the 3 x 3 bins that are behind the 4 cubic dumpsters that are behind the door. Mr. Schultz answered yes. He also stated that they are coming out the front doors. The doors are there for emergency only and are not supposed to be used to run the garbage out.

Ms. May wanted reassurance on the landscaping. Mr. Schultz stated that they are showing a fully re-vegetated line along the south on the site plan. This will be a visual barrier that will be year round with pines.

Chairman Wall wanted to know if the trees in the back would be the minimum height of 7 feet. Mr. Schultz agreed that they would be.

Chairman Wall mentioned that the chairperson of the Zoning Board was in attendance if there are any specific questions on the variances that were granted.

Mr. Chamberlain asked about a sign (UFPO). He also stated that there is no construction sequence. Mr. Schultz said they can certainly add that to the plan. Mr. Chamberlain stated that he does not see it in the construction entrance. Mr. Schultz stated that the construction entrance is the existing entrance off of Buffalo Road. They will be going in and out on blacktop. They will ensure that the mud stays on the site. They do not want to rip out blacktop to add stone. This will have a storm water permit and have inspections. They will make sure that there is not an issue. If in the course of construction they remove the blacktop early, where they have issues with mud on the road, they will put a temporary construction entrance.

Mr. Chamberlain asked about submitting legal description for the legal easement in the back for storm water management and also for the facility. Mr. Schultz answered that both those goes along with having the client signing and sending in with permit. They will do that upon approval so they know there are no changes with what they are submitting and approved.

Ms. May asked to see the samples of the siding and the roof. Vinyl siding and black roof.

Mr. Sinsebox stated that he received the updated revised script for the project. Need to modify pond agreement. (cannot hear the rest of his statements).

At this point the meeting was opened to the public. There being no one to speak, the Planning Board was declared in Executive Session. After discussion among the Board Members, Chairman Wall made a motion and 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.

Seconded by Ms. May, all in favor, **SEQR approved.**

Chairman Wall made a motion for Preliminary/Final Site & Subdivision Approval with the following conditions:

1. The applicant change the notes on the site plan to read “no seating allowed in this area” for the northern canopy area. Additionally, the applicant to add a bullet point to the eastern side of said canopy area.
2. The Applicant submit the Letter of Credit sufficient to cover drainage, landscape, and drainage swale maintenance as per the satisfaction of the Director of Public Works and Town Engineer.
3. The applicant finalize and obtain all variances with the Zoning Board of Appeals.
4. The Owner letter, which was presented to the Planning Board, is be filed with Monroe County. The letter needs to have the liber and page listed on top of the letter proving that the letter was filed with Monroe County before the Planning Board Chair signs off on the plan.
5. All copies of the easement are to be reviewed by the Town Attorney for review and approval.
6. The UFPO notes / Call Before You Dig notes are added to the plans.
7. The construction sequence be added to the plan. Sequence to be review and approved by the Town Engineer, DPW, and Planning Board Chairman.
8. The final drainage comments from the Town Engineer, including the final SWPPP comments be addressed.
9. The final plans state that the detention pond drainage area is to be privately owned and maintained.
10. All conditions set forth by the Monroe County Department of Planning and Development be incorporated into the final plans.
11. A note to be added to the plans stating “no outside storage of vehicles will be permitted on this property”.
12. All signage will conform to the Town of Gates standards.
13. The applicant is to submit the final site review fee to the Town of Gates prior to the signature of the Planning Board Chairman.
14. The Gates Fire Marshal should review and approve the plan prior to the Planning Board to sign off.
15. All stamps of approval from all regulatory agencies are to be affixed to the final plan prior to the signature of the Planning Board Chairman.
16. The letter of credit is to be submitted to the Department of Public Works in an amount sufficient to cover drainage and landscaping and ditch maintenance to the southwest.
17. The building is to be constructed to the renderings of the building samples as presented to the Planning Board.
18. A note is added to the plan that the applicant is to pay particular attention to the maintenance and cleanliness of bordering roads to the property during the construction phase to the satisfaction of the Town’s Department of Public Works.

There being no other additions, Chairman Wall made a motion in favor. Ms. May seconded the motion.

Three members, Mr. Rappazzo, Ms. Cambisi and Mr. Chamberlain, were opposed; the vote was 2-3. Therefore, the motion was **DENIED**. The reasons for denial were that there isn’t a general acceptance of the parking ratios as of yet and that the building is too dense for the site.

Chairman Wall made a motion to DENY the project; Mr. Chamberlain seconded it. Mr. Wall and Ms. May were opposed; the motion to **DENY** carried.

There being no further business to come before the Planning Board, Chairman Wall adjourned the meeting at 8:22 PM.

Respectfully submitted,

Linda M. Saraceni
Recording Secretary