

TOWN OF GATES
PLANNING BOARD MINUTES
APRIL 25, 2016

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

PRESENT MEMBERS: M. Wall, Chairman; D. Cambisi; T. May, G. Lillie, K. Rappazzo; J. Argenta; D. Chamberlain; F. Cassara, Deputy Town Attorney; L. Sinsebox, Town Engineer; J. Amico, Public Works; L. Cordero, Councilman

ABSENT MEMBERS: J. DiCaro, Town Attorney

The first matter on the agenda was approval of the January 25, 2016 Planning Board minutes. Ms. Cambisi made a motion to approve the minutes as received. Mr. Chamberlain seconded the motion. All were in favor; the motion carried.

135 FEDEX WAY

OWNER: John Embow

LOCATION: 135 Fedex Way

ENGINEER: Carmina, Wood, Morris D.P.C.

FINAL SITE APPROVAL

General Industrial

Mr. Chris Wood, engineer for the applicant, made the presentation. He began by stating that it's an acre and a half site, 7200 sq. ft. office warehouse building on the south side of Fed Ex Drive. In accordance to code we received. In your letter you requested us to provide building elevations and samples of building materials.

The building consists of a 1200 sq. ft. office. That will be mason restructure with steel framing for the roof. The warehouse is 6000 sq. ft. with block up about 8 ft. concrete block will be brownish tint. The metal will be a beige color. Metal trim along the fascia will be this medium bronze, smooth finish. Windows will be 1 inch insulation dark brown finish and bronze glass. Smooth face blocks painted brown to match. Galloway Gravel.

Mr. Wall asked what they have for the roof treatment.

Mr. Wood said the roof for the warehouse be metal. The color is beige. The roof for the offices will be a rubber roof.

Mr. Rappazzo asked the elevations Mr. Wood had if they face Fed Ex Way. He asked if he had an elevation of the building that faces the other street in the industrial park. Mr. Wood did not have it with him but stated that it will have block along the whole back. Mr. Rapazzo asked if there were overhead doors in the back. No overhead doors in the back. The only overhead doors are on the ends.

Mr. Argenta asked if the sloped roofs are going into gutters. Mr. Wood said yes.

Mr. Argenta asked if Grove Roofing is going to be the owner and the tenant. Mr. Wood answered yes they will be the owner and the tenant.

Mr. Argenta asked if there will be vehicles parked outside. Mr. Wood stated the vehicles will be mostly inside but office parking will be outside. Mr. Argenta asked about lighting. Mr. Wood stated that there is recessed LED lighting above the doors on each end

Mr. Chamberlain stated that on their C1 drawing they have a stabilized entrance way but showing no dimensions on it. Need to put dimensions to it. What they have here is fine. Scaled at 24 ft. and 50 ft. back and he thinks it is sufficient and asked if they would be bringing dirt into the site. Mr. Wood stated yes.

West of proposed entrance way there is a catch basin and a gutter. He would like them to clarify that they are going to put some kind of socks around it to prevent any run off coming off the site and going down. Mr. Wood said there will be protection around the catch basin.

Mr. Chamberlain asked if they had permission to do this from the other owners. Mr. Wood stated that they were requested to put it on there by the engineer but said they can leave it on their property.

Mr. Chamberlain said he understands that they have company trucks and wanted to know if they are 6 wheelers. Mr. Wood stated that the biggest trucks are 6 wheelers. Mr. Chamberlain wanted to know what the stuff stored in the warehouse was for - their own use or selling it to other sources? Mr. Wood stated for their own use and their own projects.

Mr. Argenta asked if most of their stuff is delivered to a site. Shane Baxter, Rochester Manager stated they would only be storing miscellaneous and leftovers in the warehouse.

Mr. Chamberlain asked what is planned for the other ½ acre of land. Mr. Wood stated that nothing is planned right now but it will give them room to expand in the future. Mr. Chamberlain asked if they were going to keep it mowed. Mr. Wood said yes and it would be maintained as needed.

Mr. Chamberlain asked about the roll on dumpster and if it had a top to it. Mr. Wood stated there is no top to it. The dumpster will be at the project and go from project to project. Also for the trucks to pull up to the side and throw their stuff away. Mr. Chamberlain stated that it must have a cover of some sort. It can be a canvas and it must be on it and only uncovered when you are actually loading something into it. Either that or put a roof or a carport over it. Cannot have water getting into it and do not want wind blowing paperwork out of it.

Mr. Wood also stated that the fence which goes from the front of the warehouse working building around the back and then returns back to the warehouse portion also that has privacy slats so that you cannot see through it.

Mr. Chamberlain said that they have a water treatment system picking everything out of the catch basins and the rear yard as well. That will need maintenance. They will have to have a

maintenance log and have that inspected. Mr. Wood said that there is a manual that comes along with it. Mr. Chamberlain that is ok as long as it is followed.

Mr. Chamberlain said that in their details they are not showing any kind of concrete truck washout for construction. We need to have that onsite and maintained not only should be detailed in the plans but you have to have one onsite and have that marked where it is going to go. Actually he doesn't care where it goes but they have to have one. They have enough concrete work and they cannot just dump it or they will have to take it with them.

Mr. Lillie said that he was over at the site earlier in the evening and noticed a lot of large trees on the back line and on the side line. He asked if they planned on keeping any of the trees.

Mr. Wood stated probably not. Anything in the back will most likely go. The ones outside of their property would stay but if in their property they would go.

Mr. Rappazzo asked what color the privacy slats on the fencing would be. Mr. Wood stated they have not picked a color yet. Normally they do green. Mr. Rappazzo stated they should locate which trees are not on their property line and try to keep and in fill wherever possible.

Mr. Amico stated that if they are going to open cut to the water, just make sure you maintain one lane of traffic. You cannot close it. Another thing needed is a letter of credit for whatever work you are going to do in the right of way and storm water. He stated they can get together with the Town Engineer and he can give an explanation of what we need for an estimate and how we do the letters of credit and also make sure that you maintain the cleanliness of Fed Ex Way during construction.

Mr. Sinsebox said the previous review had numerous comments on the drainage system and storm water management. He stated that this engineer has addressed all those and revised the plans. All concerns have been satisfied and he has no further concerns.

The meeting was opened up to the public.

Mary Schlaefter – 1004 Elmgrove Road had a question about the cluster of traffic on Fed Ex Way. That has been brought up in the past and wanted to know if there was going to be a solution to these vehicles to have now a parking lot so now they are not absorbing the whole roadway.

Mr. Wood stated that they will have 22 parking spots on site and the workers will be going to a project and drive directly there. He stated that 22 parking spots should be plenty. If there is overflow during the day they can always park in 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 grant Final Site approval for 135 Fed Ex Way Warehouse & Office Building based on the following conditions:

1. That all conditions of the Preliminary Site Plan approval are to be incorporated into the Final Site Plan.
2. That all stamps of 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.
3. A letter of credit is to be submitted to the Director of Public Works and the Town Engineer in an amount sufficient to cover drainage, landscaping and any work in the right of way.
4. That the building is to be constructed according to the renderings and building samples presented to the Town Board which are building siding is tan, the trim is a mixed bronze, windows are bronze finish tinted, the accent decorative block is a Galloway Gravel and the roof is a rubber type membrane roof. Overhead doors are white.
5. The applicant is to pay particular attention to the maintenance and cleanliness of the border and roads, including Fed Ex Way to the property during the construction phase to the satisfaction of the towns TPW.
6. That the open roadway cuts, one lane of traffic is to be maintained at all times.
7. That the applicant dimension to stabilize construction entrance that the proposed catch basins to the west have additional silts protection.
8. That the variances for the project be added to the site date table and the date received.
9. That the underdeveloped area to the west be maintained.
10. That the roll-off dumpster have a cover over it.
11. That the maintenance log for the storm water treatment unit be submitted to the Town for review.
12. That the concrete truck washout areas are depicted on the plans.
13. The chain link fence we picked green slats for the color
14. Applicant to locate and identify any trees to remain on the south side of the project.

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

Ms. Goergen says that they have submitted to the county that information and she believes the county is passing that along to the DOT.

Mr. Rappazzo asked if there could be additional catch basins because everything drains from the north to the south and you have a set of catch basins on the north end. It is a really long flow path and that's a lot of water that can come in and flood and possibly catch right over those catch basin grates and completely void your entire system.

Mr. Garth Wintercorn, from Costich Engineering stated that the one restriction that they have a lot of large overhead lines going through this property as well as two transmission lines. A whole lot of cutting and tooling so what they did with the drainage is the north end, the flattest part of the existing field, they were able to create a high point which is going to prevent that water that you are concerned about to continue to the south. So it will get into our system, put it through our hydrodynamic unit into our storage system and then just turn to the east into Wegmans existing system.

Mr. Rappazzo stated that that is a long development path.

Mr. Wintercorn said they did not want to create another, they could if they forced it, but then there will be some areas where the grades and the new parking are going to be over 5 percent and as a general rule that we tend to design to, sometimes if you go over 5 percent if you try to get out of your car, it's just going to close on you. That is the reasoning behind it.

Mr. Rappazzo said yes that is not without a challenge but the preference at that point would be to catch that storm water and treat it.

Mr. Wall asked if the lease agreement was a new lease or if they were amending an existing.

Ms. Goergen answered that they are amending

F. Cassara asked how long the lease was for.

Ms. Goergen said they were going to ask for it to last until 2027.

F. Cassara asked if she had a copy of the present lease.

Ms. Goergen stated she would forward it tomorrow.

Mr. Chamberlain asked about handicapped markings, as they have 160 new parking spots.

Mr. Wintercorn said that they have a total of 1048 spots on the site which requires them to have 21 handicap spaces. They only have 19 right now so they need an additional 2 spaces and propose to put them approximately close by where the 19 spots are right now.

Mr. Chamberlain asked about the lighting on the west side. He stated that they have new lighting on the new spot and wanted to know if there was existing lighting.

Ms. Goergen states that there is lighting in the existing spot that should be able to throw some lighting to that direction.

Mr. Chamberlain would like to see a drawing that would show where the light cast would be because normally it would stop at the property line.

Ms. Goergen said that they will be doing LED lighting re-lamp for the entire site so I have proposed for this and can send it along.

Mr. Chamberlain stated he would like to see that.

Mr. Chamberlain asked if they got a SWPPP.

Mr. Gary Smith from Parrone Engineering said yes. He said they made revisions to the SWPPP based on his comments.

Mr. Chamberlain stated that on the one drawing on the utility plan next, which is actually railroad property, they have a roadway of some sort here that you got shell coming right up to the RG&E right of way. Is that a problem you are going to be fencing that off so they have no access?

Ms. Goergen stated that RG&E has made no comments about that and she stated that the area will be fenced off.

Mr. Chamberlain said they mentioned the gas crossings and only showing ½ foot of separation between that and 12 inch pipe. He said he supposes they could do it.

Ms. Goergen answered that RG&E has reviewed those plans and they are accepting of that.

Mr. Chamberlain pointed out that they have 7 ft. chain link fence with barbed wire on top. He asked if that was approved by the town.

Ms. Goergen stated that they are going to continue with what they have along that existing property line.

F.Cassara asked if there was barbed wire along the fencing that exists.

Ms. Goergen was not sure if the existing fencing has barbed wire or not.

A lot of rattling of papers – cannot make out what was being said at this time.

Mr. Chamberlain stated that in the plans he did not see any concrete washout. More rattling of papers and cannot make out what was said at this point.

Mr. Amico stated that one thing that needs to be done is come up with an agreement for the underwater storm facility – storm water management.

Let the record show that Mr. Gary Smith from Parrone Engineering, is acting as Town Engineer for this specific application.

Mr. Gary Smith stated that overall plan shows where those handicapped parking spaces are located and where the additional 2 are and overall layout of storm sewer and drywall discharging to.

There was no one in the audience appearing for or against this application.

At this point the Planning Board was declared in Executive Session. After discussion among the Board Members, Mr. Wall made a motion declaring the Town of Gates Lead Agency and find this project unlisted action, there is no negative impact on the environment and no further DEQR action is required.

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

Mr. Wall then made a motion to grant Preliminary/Final Site Plan Approval with the following conditions:

1. That all town engineer's comments are addressed including providing an overall plan depicting the two additional handicapped spaces.
2. A plan depicting the storm sewers discharging to the drywalls be provided.
3. The maintenance agreement for the underground storage be provided to the Department of Public Works for review.
4. That a stabilized construction entrance location be depicted on the plans.
5. That a concrete washout area also be depicted on the plans.
6. That the fence along the eastern side contain no barbed wire.
7. Revised plans be provided to Parrone that addresses the comment letter.
8. The photometric of the lights be reviewed and approved by the Town Engineer.
9. That the applicant work with the Town Engineer to possibly add additional catch basins.
10. The amended lease agreement be forwarded to the Town Attorney for review.
11. Any letters from NYSDOT or Monroe County DOT and the context of the traffic be sent to the town for our records.

12. That all stamps of all approval from all regulatory agencies including the Fire Marshal are to be affixed to the following plan prior to the signature of the Planning Board Chairman.

13. Letter of credit is to be submitted to the Director of Public Works in an amount sufficient to cover drainage and landscaping.

14. That no outside storage of vehicles and materials be permitted on the property.

Seconded by Mr. Argenta. All were in favor, the motion carried.

FAITH OUTREACH MINISTRY

OWNER: Faith Outreach Ministry

LOCATION: North side of Buffalo Rd.

East of Elmgrove Rd. intersection

ENGINEER: Vanguard Engineering P.C.

PRELIMINARY SITE APPROVAL

Residential Zone

Joe Ardieta from Vanguard Engineering, representing Faith Outreach Ministry, Joe O'Donnell from O'Donnell Associates and Reverend Anthony Uno were present for the meeting.

Rattling of papers, cannot hear what is being said at this point.

Joe Ardieta from Vanguard Engineers stated that access for the church will come off of Buffalo Road from the common access driveway that is presently there. There is an easement on both properties, our property and the adjacent property. He also stated that they have submitted concept application to the NYSDOT. More rattling of papers. Cannot make out what is being said. He continued saying that there is a fire hydrant across the street and a sanitary sewer provided on Buffalo Road.

Joe from Vanguard continued saying right now it is 2 parcels for a total of 1.6 acres. The northern half of the parcel is where the parking will go and handicap parking. It calls for 45 spaces and they are providing 57 spaces based on demands. Access will be provided by sidewalk on the south west and north end of the building. There will be a ramp on the back for access from the basement. To the north you see our storm water management facility. We will have a rain garden on front lawn, bio retention to capture the vast majority of the parking lot and finally will have a pocket pond to the north to capture all that flows to the north.

Joe O'Donnell, from O'Donnell Associates stated he was brought onboard this project a few months ago and I met with Reverend Anthony to get a take of the building look that he wanted. He used adjectives as inspirational, contemporary, uplifting, unique and so we went to the drawing board and came up with 3 or 4 concepts of what we felt would meet his vision of the church. Here is a rendering of that final concept design, Still keeping with the shape of the

original building, with this design they believe it is very unique, inspirational and contemporary. They are prepared to move forward with the final design.

Mr. Wall asked why the final plans are depicting 3 levels.

Mr. O'Donnell stated the church is really 2 levels. Has other diagrams that can be shared. The church has 2 floors one above grade and one below grade. The area in the upper left corner serves as a church spire in the traditional sense but incorporated into the contemporary design of this building. First floor as 10 ft. high and second floor is 9 ft. high. He continued by showing a drawing of a traditional church spire to theirs. He stated that the average height of the building is only 45 ft. 6 in. if you take it to the peak.

Mr. Wall stated that the Board had some discussion in the back room about being not comfortable with the 45 ft. height. The code allows 35 ft. Being in a residential zone he stated it has to be appreciated that it is a sensitive area where aesthetics play a very formal role at this point. Would you agree?

Mr. O'Donnell stated he would agree but exception that church spires is not subjected to the 35 ft.

Mr. Wall stated that his definition of a church spire is different that what Mr. O'Donnell is depicting. This is a building that is ramped up to 45 ft. A church spire is more of less a column or entity on top of a building.

Mr. O'Donnell said that there was really no definition.

Mr. Argenta stated that their elevation does not match the prospective. Where is the height? Your first floor is up some steps and we are not seeing that on the elevation.

Mr. O'Donnell said that this is just an architect's rendering. It would be 45 ft. from the ground. The stairs does not affect the 45 ft.

Rattling of papers again. Cannot make out what was said.

Mr. Argenta asked if they have an elevator in the church. Where would the first floor of the church be?

Mr. O'Donnell answered yes there is an elevator and the first floor of the church is here and the handicap accessibility is in the back of the building. There is a ramp.

Mr. Argenta said he can appreciate the aesthetics but trying to picture how it would go in the community.

Mr. O'Donnell said that way up would only be added space or mechanical space. It will be a pre-finished aluminum panel on the façade. Not aluminum siding. Brick facing Buffalo Road.

Mr. Wall stated that the other part of the problem is that all the Board had in their packet was the color rendering plus this and not the 4 sides. We don't have a complete application to render a decision on. The discussion before the meeting was again that 45 ft. height and he appreciates what the architect was saying and says that this should be a zoning issue. This Board cannot make a decision on the building. The Zoning Board needs to make a determination on the height of the roofline.

Mr. Argenta asked if there was any discussion about putting a stripe down the side to fill the need between the adjacent structure and the roadway so people don't park and block and so forth.

Mr. O'Connell said that they have not thought about that. He stated that they would go to the owner of the site and ask permission to do that. He believes that they would say that they don't want it.

Mr. Sinsebox said that he understands what Mr. Argenta is saying and that just a line along there that defines the travel. Defines where parking ends and driving starts. Without any marking there and just all paved it won't define where parking ends and driving starts.

Mr. Argenta asked about the events at the church vs. the hours is there concern there with traffic.

Mr. O'Donnell stated the general use of the building is going to be on Sunday and Wednesday evening. His understanding is that the neighbor is a group home and that there are cars there all the time.

Mr. Wall asked if there is any soundproofing going to be inside the church.

Mr. O'Donnell answered that the whole inside of the church will be acoustically treated to prevent sound from transmitting outside of the building and also control it within the building.

Ms. May wanted clarification of the lighting in the parking lot. Are there going to be lights in the parking lot?

Mr. O'Donnell stated that there will be lighting with 4 poles – 2 center and 2 along the southern edge.

Ms. May wanted to know if they would be shining into the neighbors houses.

Mr. O'Donnell stated they moved the parking lot to the east as far as possible to leave as much buffer as they could. Also they met with the residents in February and from their requests they are added privacy fence along the tree line and we are also adding landscaping on the residential side. So putting in fence to discreet the parking lot and putting in shrubs to discreet the fence.

Mr. Sinsebox submitted the storm water management calculations and the drainage and that looks all in order except looking a little closer to the pond discharge and looking for ways to pipe it. Mr. Sinsebox discussed this with the applicants engineer on Friday. It has not been resolved

completely but agreed to work with us so we could final a positive outcome. We do need a pond. Residents concerned when they see standing water. Something cannot avoid. There is more work to be done on this.

Mr. Cordero would like to look at the rest of the building – the back and sides.

The meeting was opened up to the public.

Don Ioannone of 4099 Lyell Road said that it is his recollection and his understanding that when this was approved by the Town Board and sent back to the Planning Board that there to be absolutely no variances. I believe they could go before the Zoning Board at this point and ask for the additional 10 ft.

Mr. Wall stated that what the resident did bring up is correct that this matter will have to go back to the Town Board should they want that 45 ft. height. So with that said, this Board cannot make a determination on this plan stated as here. Too many open issues.

Mr. O'Connell was looking for the definition of spire, steeple.

Mr. Cassara stated that if it is going to be a determination of spire or not spire that is something that will be readdressed when they reapply to the Town Board for either a release of the restriction not to seek a variance or an interpretation of what you are proposing is a roofline or a spire. Mr. Cassara also stated that in the drawings he saw this as a roofline and not a spire.

Mr. Amico said because it is built by R-1-11 we have to abide by all the residential parts of the zone.

Mr. O'Connell stated that he was just told by the Reverend that he is willing to drop it to 35 ft.

Mr. Wall said that we do not have those plans in front of us so the right thing to do is to deny this application without prejudice on the following conditions:

1. That if the roof height is to remain at 45 ft. the applicant needs to discuss this with the Town Board.
2. The Planning Board needs elevations on all four sides.
3. That the pond discharge design be approved by the Town Engineer.

Mr. Chamberlain 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 8:49 PM.

Respectfully submitted,

Linda M. Saraceni
Recording Secretary