

TOWN OF GATES
SPECIAL PLANNING BOARD MEETING MINUTES
May 10, 2017

The special meeting of the Gates Planning Board was called to order at 5:45 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

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)

Mr. Schum noted for the record that this meeting was called as a Special Meeting of the Gates Planning Board in accordance with public notification, which was posted by the Town Clerk on the "Meeting Sign Board", posted electronically on the Town of Gates Web Site, and also communicated to WHAM for inclusion in their community calendar.

Mr. Wall made a motion to rescind the Resolutions of the Planning Board adopted at the regular meeting held on April 24, 2017 relating to the application of Titan Rock LLC.

Ms. May made a motion to rescind, Dave Chamberlain seconded it. All were in favor. The motion carried.

Mr. Wall made a motion to reconsider the application of Titan Rock LLC for preliminary/final site and subdivision approval.

Ms. May seconded the motion to reconsider the application. All were in favor, the motion carried.

Chris Schultz of Schultz Associates and Mr. John Gizzi were present.

Mr. Shultz spoke about the application being denied at the last meeting. They have made changes to the plan.

Mr. Schum stated that the plan that has been submitted to the Town is a reduced size building and has last been revised on April 25, 2017.

Mr. Wall asked if it was reduced to 15,000 sq. ft. Mr. Schultz agreed.

Mr. Wall asked about the parking calculations and asked if there were any additional thoughts on the restaurant portion.

Mr. Schultz said that once they took a harder look at what they did with the parking calculations, they realized that in an effort to try to balance the potential different uses of the building, they probably didn't pay enough attention to a restaurant. They did receive some information from the Town Engineer that helped with determining seating capacity for a full sit-down restaurant. That was helpful in that it showed kitchen, walk in coolers and all the things needed and what typically is left over for seating. What they did was noticed that they overestimated some of the other demands. They had 10 spaces per unit. They thought about it and 10 seemed

to be a little bit high. So they did go through and are not even sure if there will be a restaurant, and if they do it does not necessarily have to be in a larger space either. One of the changes he made is reconfigured it and changed some of the numbers around and had numbers as high as 72 seating spaces allowed in the restaurant space. He went on to say that if they use the small bay at the south end, they would hit 83 spaces anyways. It comes down to the fact that they do not know who the tenants are going to be and the code is such that they have to make an educated guess. They followed the weighted average and followed the dimensions from the Town Engineer to come up with that. Numbers for the restaurant would make sense for a sit down. If it happens to be a Subway Restaurant they will be way beyond means for seating. He believes that the board's concerns were not warranted. He thinks that the code is a little vague as to giving directions when developing a large building like this for a number of potential uses.

Mr. Wall asked the Town Engineer if he has reviewed the revised calculations. Mr. Sinsebox answered yes.

Mr. Schultz gave the Town Attorney a signed letter. The purpose of the letter was to relieve some of the responsibility that the town may have in the future regarding parking. An acknowledgement by the developer that based on who he rents to he may come up short of parking and may have an issue renting out the last space.

Mr. Schum stated that the letter needs to be notarized. He stated that they need to submit the original for recording as condition of approval.

Mr. Schum noted for the record that this board did address SEQR at its last meeting. There is no further SEQR requirements needed for this evening's meeting.

Mr. Chamberlain stated that from the last meeting there were a small number of points that they would have like to have changed on the map. He went on to say that he was surprised when the next day Mr. Schultz arrived with the map and that he did not have time to fully modify the map. To get rid of the extra trees and the islands in the parking lot area.

Mr. Schultz said they tried to capture from memory, for example, the notation of outside seating in both front locations. He went on to say that what they like to do is once they get the final resolution they will carefully go through the plans and be revised before mylars are submitted.

Mr. Schum stated that all the terms of conditions for approval could be adopted this evening as stated last meeting.

Mr. Chamberlain was concerned that what was not on the list is the square footage on the bottom.

Mr. Shultz said the town engineer caught it right away. In desire to get the plans back right away it was not changed.

Mr. Sinsebox stated there was nothing further besides final SWPPP coordination.

At this point the Planning Board was declared in Executive Session. After discussion among the Board Members, Chairman Wall made to motion to grant subdivision approval for 2997 Buffalo Road.

Seconded by Ms. May, all were in favor, the motion carried.

Chairman Wall made a motion to approve the application for Titan Rock LLC for Preliminary/Final Site & Subdivision Approval in accordance with plans for the same, last revised April 25, 2017. Those 18 conditions will carry over with the addition of two further 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.
19. Please update the parking ratios per discussions with the Town Engineer, including the updated restaurant seating.
20. In addition to Condition #4, the applicant to notarize the Owner’s letter before filing, and provide the Town with a copy with the liber and page designation.

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

All were in favor, the motion carried.

There being no further business, Chairman Wall adjourned the meeting at 5:55 PM.

Respectfully submitted,

Linda M. Saraceni
Recording Secretary