

TOWN OF GATES  
PLANNING BOARD MINUTES  
SEPTEMBER 23, 2019

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

PRESENT MEMBERS: M. Wall, Chairman; D. Chamberlain, T. May, G. Lillie, J. Argenta: D. Schum, Town Attorney; K. Rappazzo, Dir. Of Public Works; L. Cordero, Councilman; M. Ritchie, Costich Engineering

ABSENT MEMBERS: J. Ruiz, (vacant seat of Jeff W. not filled yet)

The first matter on the agenda was approval of the August 26, 2019 Planning Board Minutes. Mr. Chamberlain made a motion to approve the minutes as received. Ms. May seconded the motion. All were in favor; **the motion carried.**

Mr. Wall then requested a **moment of silence** for John Lathrop, a past Director of Public Works for the Town who recently passed. John was a leader and his dedication to the Town was unparalleled. He was a friend and mentor, and will be missed.

As has been the Planning Board's historical-way to memorialize the passing of an important and significant contributor to the Board, the last page of these minutes will be dedicated to him.

**GALLINA DEVELOPMENT**

**OWNER: Gallina Development**

**LOCATION: Lot 18, 525 Mile Crossing Blvd.**

**ENGINEER: MRB Group**

**PRELIMINARY/FINAL SITE PLAN APPROVAL**

**General Industrial Zone (GB)**

Andy Gallina was present along with Tom Fromberger to speak about the project. They presently do not have a tenant for this building. Mr. Gallina asked Tom Fromberger to go through the comments.

Mr. Fromberger stated that they have updated the plans per the comment letter from last meeting. Mr. Fromberger reviewed each comment with the revision to the plans. They have reached out to DEC with an amended SWPPP.

Mr. Gallina presented the building samples, which are similar color combinations that they have used in the past.

Mr. Gallina asked for a clarification on a Town Comment pertaining to the Conservation Easement.

Mr. Rappazzo stated that what they have talked about was trying to get some sort of overall stormwater agreement on the ponds.

Mr. Schum stated that these parcels are all developed already and the buffering requirements proposed at that time are still there. If you came back in and wanted to expand into those areas then it would be a question of whether or not there should be a Conservation Easement to restrict that development. Right now, the site development that was approved many years ago requires the setbacks and the buffers that they have there. You would hate to see this what is behind those buildings it would detract from the overall buffering that is presently there and that would be the only thing that I could think of that could possibly be incorporated in a conservation easement is to incorporate in the easement the obligation to maintain it and not remove what is there.

Mr. Gallina said if you go back to the minutes 25 years ago, it is there and they have not changed anything. They do maintain it.

Mr. Schum stated that at the last meeting there was a comment about a conservation easement. He stated what was generally discussed was the fact that these ponds have never really been incorporated into an agreement towards storm water maintenance.

Mr. Gallina said that he doesn't believe so. Have we contacted Joe Amico about this? We went through this with the last building for Constantino. We did go through the ponds. Once again, this is a comment from one of the members. I don't know if there is anything in your files. Mr. Schum stated that he doesn't know.

Mr. Rappazzo stated to Mr. Gallina that we are not asking this question from a fact or a standpoint that there is nothing going on and that you are being deficient or that there is a problem, but we have certain requirements passed down to us from higher levels of government and one of those is that anytime we come across a storm water management facility, that there needs to be some sort of agreement on it in case something goes wrong, that we can maintain those structures. Mr. Gallina suggested that Mr. Rappazzo check his records and let him know. Mr. Gallina stated that he can almost guarantee that it exists. Mr. Gallina went on to say that he and John Lathrop worked on it.

Mr. Schum stated that the storm water maintenance agreements that are required by the DEC today are much more elaborate than they were 20 years ago. The idea is that the developer, owner of the land, overall agreement with the municipality requiring them to maintain it and periodic inspections and reports to be filed. All which he is sure his engineer is aware of and none of that was done 20 years ago.

Mr. Gallina said how about 2013 and 2014 when DEC came through and inspected all the ponds? Mr. Schum said that we have a large storm water facility, under our present obligations, we would have no problem approving it, but there has to be an overall storm water maintenance agreement obligating the developer to maintain it and importantly, they require periodic inspections and reports concerning functioning.

Mr. Wall stated that the town will check to see if there is anything on file. Mr. Gallina said they have DEC Reports from 2013 & 2104. Mr. Wall stated that all is needed is a copy of it for Town Records. Mr. Rappazzo stated that they will keep it as simple as possible.

Mr. Wall asked if the DEC looked at the volume of the ponds. Mr. Gallina stated that they did not.

Mr. Fromberger stated that the ponds were constructed per the plans, have been maintained, but have not been recently surveyed.

Mr. Argenta asked about the pond (2007/2008) did you have to do re-do the calculations. Mr. Gallina said they were done.

Mr. Argenta asked about the building elevations. Mr. Gallina said he has the renderings.

Ms. May stated that the buildings look beautiful but can they put flowers around their buildings. Mr. Gallina stated that in the spring they will be updating. Ms. May stated marigolds are the Town flower.

At this point the meeting was opened up to the public. No one was present to speak on this project.

At this point The Planning Board went into Executive Session.

After discussion among the Board Members, Mr. Wall stated that the Gates Planning Board declares itself Lead Agency for this project pursuant to SEQR regulations and finds that this project is an Unlisted Action under

SEQR. There is no significant adverse impact to the environment: no further SEQR action is required.**MOTION PASSED: Neg. Dec.**

Mr. Wall made a motion to grant Preliminary/Final Site Plan Approval for Gallina Development, Lot 18, 525 Mile Crossing Blvd. with the following conditions:

1. That all final comments from the Town Engineer and Department of Public Works be addressed.
2. 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 Chair.
3. That the final drainage calculations and SWPPP are to be provided to the Town Engineer for review and approval.
4. That all conditions set forth by the Monroe County Department of Planning and Development are to be incorporated into the final plan.
5. That there be a note added to the plan that no outside storage of vehicles and/or materials be permitted on the property.
6. That all signage will conform to the Town of Gates standards.
7. That the applicant is to submit the final site approval review fee to the Town of Gates prior to the signature of the Planning Board Chairman.
8. That the Gates Fire Marshal shall approve the plan prior to the Planning Board signature.
9. A letter of credit to be submitted to the Dir. Of Public Works in amount sufficient to cover drainage and landscaping.
10. Building is to be constructed according to the renderings of the building samples as presented to the town.
11. That a note be added to the plan that the applicant is to pay particular attention to the maintenance and cleanliness of the bordering roads to the property during the construction phase to the satisfaction of the town's Dept. of Public Works.
12. That the town will look at the current maintenance agreement on file and records form the NYDEC for this project. The applicant will work with the Town Attorney, Town Engineer, and Dept. of Public Works to make any necessary updates to the agreement subject to any final comments from the Town Engineer and Dept. of Public Works.

Ms. May seconded the motion, all were in favor, **the motion carried.**

**WESTGATE PLAZA**

**OWNER:G & I IX Empire Westgate Plaza LLC**

**LOCATION: 2000-2042, 2050, 2110, 2120, 2130, 2150 Chili Ave.**

**ENGINEER: McMahan LaRue Associates P.C.**

**RE-SUBDIVISION**

**General Business Zone (GB)**

**6 lots**

Mr. Allen LaRue of McMahan Larue Associates was present to speak about the project. Also the attorney for the owner was present.

Mr. LaRue stated that it's a simple subdivision of an existing plaza. The smallest lot is Lot 3. They have adjusted some of the areas to conform with the Town Code. They have been in contact with Monroe County Pure Waters (MCPW) regarding two sewer lines that they wish to dedicate. They will provide MCWA with the plans they need to review and approve.

Mr. La Rue went on to say that they did a complete survey on the site for parking spaces. They are located at every one of the buildings.

Mr. Wall asked about creating non-conforming parcels. Mr. LaRue stated that they don't need variances at this point. But, some of the parking will be no doubt need to be covered under an easement.

Mr. Rappazzo asked if the parent parcel is party to the overall agreement, as well? Mr. LaRue stated yes.

At this point the meeting was opened up to the public. No one was present to speak on this project.

At this point The Planning Board went into Executive Session.

After discussion among the Board Members, Mr. Wall stated that the Gates Planning Board declares itself Lead Agency for this project pursuant to SEQR regulations and finds that this project is an Unlisted Action under SEQR. There is no significant adverse impact to the environment: no further SEQR action is required.**MOTION PASSED: Neg. Dec.**

Mr. Wall made a motion to **GRANT Subdivision Approval** for Westgate Plaza with the following conditions:

1. That Monroe County Pure Waters reviews and signs-off on the Plan.
2. That the Overall Easement Agreement, which contain language on the Cross Access, Reciprocal Parking Agreement, and Utility & Maintenance Agreement, is reviewed and approved by both the Town Attorney and Department of Public Works.
3. That the Overall Easement Agreement shall be filed and recorded with Monroe County and the Liber and Page be labeled on the Plan prior to the Planning Board Chairman's signature.

Ms. May seconded the motion, all were in favor, **the motion carried.**

As has been the Planning Board's historical-way to memorialize the passing of an important and significant contributor to the Board, this page is dedicated to John O. Lathrop, age 91, who passed peacefully on August 26, 2019 with family at his side.

John served as Director of Public Works for the Town of Gates for over 30 years until his retirement. He was a 40 year member of the Gates Lions Club & American Legion Geneva Winnek Post #396. In his younger years, John was an accomplished drummer. His enthusiasm for life & gift for laughter will be remembered by all who knew him. He will be missed.

The meeting was ADJOURNED at 8:45 PM.

Respectfully submitted,

Linda M. Saraceni  
Recording Secretary