

The Town of Gates **Planning Board** held one {1} Concept Site Plan Review and two {2} Public Hearing on Monday, February 22, 2021 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., beginning at 7:30PM

MEMBERS PRESENT:

Mike Wall	Chairman
Juan Ruiz	
Andrew Gartley	
Theresa May	Via ZOOM
Dan Schum	Town Attorney
Lee Cordero	Councilman, Town Board
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E.

MEMBERS NOT-PRESENT:

Joseph Argenta

ALTERNATE:

Dave Ferris

Chairman Mike Wall called the meeting to order at 7:30 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall, then asked for a motion to approve the January 25, 2021 Planning Board Minutes as sent to the Board.

Mr. Gartley motioned

Mr. Ruiz second

All Agreed None Apposed

MOTION CARRIED

Attorney Dan Schum noting some housekeeping items; that Pursuant to the Governor's Executive Orders, we have one member [Theresa May] of the Board who are authorized and are able to fully participate via Zoom with the ability to comment and or question though-out this meeting which will be recorded, as well as the alternant and with that said we have a Quorum.

Also, this meeting was properly posted and published as required by law.

CONCEPT SITE PLAN REVIEW

GATES TOWNHOUSES

OWNER: Atlantic Funding & Real Estate, LLC

ENGINEER: Bergmann Associates

LOCATION: Canal Landing Boulevard

REFERENCES: None

PUD (Planned Unit Development) Zone

Chairman Mike Wall, this is for concept review and will not be voting, it's more of a workshop and asked if the applicant was present to speak on the project.

Brian Furri with Bergmann Associates representing Al Spaziano. This project is at Canal Ponds, Business Park is adjacent to the apartment buildings Mr. Spaziano built a few years ago and South of the Hotel, with access to Route 390 by Bellwood Drive.

{Mr. Furri used drawings for visuals}

They are proposing to build (8) three-story townhouse buildings, each building will have (6) three-story units, each unit will be approximately 1,400 sq. ft.

Access to the development will be from Canal Landing Blvd. with private drive and turn-around cul-de-sac. Proposing a couple common areas for possibly picnic tables, grills, or other.

All utilities are available and will be extended to service each building.

Storm water *{Mr. Furri used drawings for visuals}* to show where coming from and going to

Mr. Furri passed around the elevations drawing. There will be a combination of brick and siding.

Two-bedroom units with two and half bathrooms

Mr. Ferris asked if there are garages and how many parking spaces on the site

Mr. Furri, responded there are garages towards the back *{Mr. Furri used drawings for visuals}* with 2 spaces per unit, plus the garage.

Mr. Ferris is concerned with the amount of parking spaces and the availability for guest parking. Could there possibly be a common area for extra guest parking?

Mr. Furri responded there is space on the private drive, even if it's parallel, like a residential street type.

Mr. Gartley added that it looks like modifications will need to be done to the road

Mr. Furri agreed a few things will need to be modified, possibly adding more visiting parking, but the overall plan will stay the same.

Mr. Gartley commented the parking would be closer to the entry other than the back by the parking.

Mr. Furri, they could look into providing a path to the back, making a driveway with access, and leave the spaces in the front.

Mr. Ferris, along the pathway coming in, possibly widen the road for parallel parking, on the outside edge.

Mr. Gartley, asked if the proposal was for one retention pond, along with the existing one.

Mr. Furri, replied yes, the proposed one is more of a green bio-retention.

Mr. Gartley asked if these would be more like townhouses/condos for renting or buying and do they need to be ADA compliant, or a certain percentage.

Mr. Furri, they will be rentals, and not sure on the ADA compliance 100% because there are no elevators.

Mr. Gartley is not sure, but possibly look into adding some sort of ramp.

Chairman Wall, as far as the garage in the back, this would add a greater-amount of impervious area, not necessarily a bad thing, but could be mitigated with good design. Also, the Applicant should look at how many units makes this property economically-viable. Due to adding driveways to the back of garages, there is a density limit / green space requirement, which could be impacted by the addition of drive lanes to get to the back. As far as the actual lay-out, get away from the ‘barracks look’, possibly flipping units across the road, so it’s not so linear or angular. With architectural itself, and ADA units, it might help to break up the architecture by having some break in the façade, with some units pushed back, and some pushed out.

Some units seem ‘pinched’ by a small separation between the units. We like to see about (30) thirty feet between buildings, some areas, as proposed, are at (19) nineteen feet, and by flipping some buildings, might give a better distance between structures.

Mr. Furri asked if (25) Twenty-five would be ok?

Chairman Wall, the Fire Marshall would need to look at it and see what’s best for this development.

Other things that the Board will look at; traffic-calming, landscaping, continuous sidewalks in front of building, possibly a path around the pond for people to walk, featured to enhance the site and reduce linear traffic patterns. The Board is aware the plans may change, but the cult-sac doesn’t need to be round, it can be a tear-drop shape to give more greenspace. It would need to meet all Town requirements. Town of Greece would need to look at as well, to look over the point of road to private drive meeting. He also asked if the private drive would remain?

Al Spaziano, the developer owns the boulevard and this property is totally Gates, non or which is Greece and all roadways in and out are private and will be paved and remain private. He also addressed previous comments...they can flip the buildings and add drives go right in. The road is (80) eighty-foot wide right now and there is an area to get more parking and possibly more a building over as well. There are actually (2) Two Tax Account numbers and both in Gates

Attorney Dan Schum, the ADA question needs to be answered.

Mr. Furri, doesn’t believe its required in NY State if in clusters with separate entrances. Buildings are 100% Sprinkler

Chairman Wall asked if there were any more questions, then continued to the side table:

Mr. Rappazzo—None Mr. Ritchie—None
Councilman Cordero—None

Mr. Gartley suggested in Preliminary that samples are shown, renderings

Chairman Wall Thanked the applicants for coming and hopes they received enough information to work with, to come back for a Preliminary Site Plan Approval request.

PRELIMINARY/FINAL SITE PLAN APPROVAL

OWNER: McDonald’s USA, LLC

ENGINEER: T.Y.Lin International, PC

LOCATION: 1965 Chili Ave.

REFERENCES: Non

G. B. (General Business Zoning District)

Chairman Wall, noted that Board Member Andrew Gartley would need to recuse himself from this project

Chairman Mike Wall asked if the applicant was present to speak on the project

Randy Bebout, T.Y.Lin International, PC, on behalf of McDonald's USA, LLC and Justin MacArthur the local franchise owner, who could not be present for this meeting.

A brief history, this project has been around several years, looking to remodel, working on the facade and interior, then COVID hit and all McDonald's renovations stopped.

Seeking for Preliminary/Final Site Plan Approval in this meeting in hopes with everything getting approved to begin work on April 25th. Had Building permits, which have expired and will get renewed and plan to update Code requirements.

The proposal is a side-by-side Drive-thru to look similar to McDonald's at 35 Spencerport Rd. being a lot more straight forward, no perimeter curbing changes, no additions to pervious areas. Will be removing and Island and replacing with an island that separates the two ordering stations. The area of disturbance is approximately .2-acres or less, has no impact on utilities. ADA spaces will be relocated with a painted path connecting to the public sidewalk. Will be adding landscaping. Building facade will look very similar to 35 Spencerport Rd. Flow of traffic doesn't change. Will have (2) two digital menu boards, (2) two canopies

Mr. Farris asked if there are any other exterior changes to the building

Mr. Bebout, the building façade will change a bit, reconstruct a parapet wall, all new building signage, and a "brand" wall (Using renderings to show)

He spoke with Mike Richie on the minor comments and will address all, with no issues

Chairman Wall, with the ADA parking being moved, could signage possibly be added to calm traffic to make aware there is ADA crossing

Mr. Bebout, the ADA spaces needs to be 2% of less, but will look into adding a sign, but there are pavement markings and believes the ADA spaces will be visible

Chairman Wall agrees with being visible and suggests going over with the Department of Public Works and Mike Richie

Attorney Schum, in the sign changes, will it require sign permits

Mr. Bebout, has already submitted a sign package to the Building Department, which Natalie had questioned, saying she thought only one was allowed, but he being on the original design new they had (4) four original signs and will work through the dialogue to get it settled. These signs will actually be smaller than what is there.

Mr. Rappazzo agreed the Building Department is looking into the signage issues and is sure it'll get worked out. Also, the menu board is considered the site package, not the sign

Chairman Wall asked if there were any more questions, then continued to the side table

Mr. Ritchie—None

Councilman Cordero—None

Public--None

Executive Session

Chairman Wall motioned to declare the Town of Gates the Lead Agency for this project pursuant to SEQR regulations and finds that this project is a Type II under SEQR with no negative impact to the environment, and no further SEQR action is required.

Juan Ruiz seconded. All in Favor...Aye Opposed....None

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Preliminary and Final Site Plan Review for McDonald's USA LLC, 1965 Chili Ave. with Following Conditions:**

As well, at that meeting, the Board Granted **Preliminary and Final Site Plan Approval** for McDonald's USA, LLC at 1965 Chili Ave. Rochester, NY in a {GB} General Business Zone District with the following conditions:

- 1 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 2 Applicant is to submit the final site review fee to the Town of Gates prior to the signature of the Planning Board Chairman.
- 3 The Gates Fire Marshal shall review and approve the plan prior to final review.
- 4 All stamps of approval from all regulatory agencies, including the Fire Marshal, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman
- 5 A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover landscaping, and erosion and sediment control,
- 6 The building is to be constructed according to the renderings and building samples as presented to the Planning Board.
- 7 The following note to be added to the Final Site Plans:
 - a. 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
- 8 If required, the applicant obtains any sign variance(s).
- 9 The applicant to address any and all final comments from the Town Engineer and /or the Dept. of Public Works.

Dave Ferris seconded. All in Favor...Aye Opposed...None

MOTION PASSED: Preliminary and Final Site Plan Approval

PRELIMINARY/FINAL SITE PLAN APPROVAL

OWNER: JSC Gates, LLC

ENGINEER: APD Engineering & Architecture, PLLC

LOCATION: 4 Spencerport Rd.

REFERENCES: None

G. B. (General Business Zoning District)

Chairman Mike Wall asked if the applicant was present to speak on the project

Todd Markevich, APD Engineering here for Preliminary and Final Site Approval for 4 Spencerport Rd the former Friendly's building. The proposed work is the conversion of the existing building into a Burger King Restaurant. In speaking with Mr. Rappazzo in the original application process he explained the previous proposal that was

brought to the board last year, was to demo the existing building and this plan is to use the existing building understanding there were some concessions made and are taking them in account. They have eliminated the rear drive, the north of the drive-thru and also extended an island, separating the drive-thru traffic from the adjacent driveway. The site will remain similar to existing. The parking to the South of the building into the East will remain as-is. The existing curb-cut will remain as is, in both the front of the property and the rear. Looks like they are Code compliant and no variance is required. The one item needed is a Conditional Use Permit for a Fast-food Restaurant, and that application has been submitted to Town Board and are on the agenda for March 1, 2021, also submitted to Monroe County Planning, still waiting on response. Have received comments from Costich Engineering, and need to address, but look very minor in nature, and doesn't foresee any issues addressing them. Elevations have also been provided, which provides a more modern look, something similar to the Burger Kings now, which are going through a nation-wide remodel program, incorporating more glass, much more modern building, a lot of brick façade. Will definitely brighten the area

Chairman Wall asked the board if there were any questions

Mr. Ferris asked about the current outside seating, if it will remain?

Mr. Markevicz, needs to confirm with the client, but believes the outdoor patio will remain, but not sure if that will include outdoor seating, assumes it will, especially with how things have changed with COVID, but not confirmed.

Mr. Ferris asked if it would be a permanent structure or tables and chairs set-up?

Mr. Markevicz, again, needs to confirm, and can make as part of the next revised plan

Mr. Gartley asked if the gable roof was going to be removed?

Mr. Markevicz can't speak too much to the construction of the building and will need to differ to the architects and get more detail. The design is all conceptual right now

Mr. Gartley also with the brick, instead of removing the existing brick to replace with a thin brick, possibly use what is already there and save some cost

Mr. Markevicz will definitely look into how existing material can be used and still have a modern look. Can bring in samples of materials to use

Mr. Gartley also asked about the signage, two or three

Mr. Markevicz has not reviewed the sign code yet, and is not sure of what is and isn't allowed, but will go through the proper channels to get that

Chairman Wall, asked where the drive-thru is and the provided sidewalks, across the island, could the center one be relocated or add one closer to the front of the building where sidewalks goes the across the whole front face

Mr. Markevicz, the actual intent will be curb-cuts. The rear one would be to access the rear door to the dumpster, also an opportunity for drainage to flow through, which is primary use of the southern one

Chairman Wall asked if there were any more questions, then continued to the side table

Attorney Schum—None, believes the applicant has been given enough to address

Mr. Rappazzo

Councilman Cordero—None

Mr. Ritchie—None

Public--None

Executive Session

Chairman Wall motioned to declare the Town of Gates the Lead Agency for this project pursuant to SEQR regulations and finds that this project is a Type II under SEQR with no negative impact to the environment, and no further SEQR action is required.

Juan Ruiz seconded. All in Favor...Aye Apposed.... None

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Preliminary Site Plan Review for JSC Gates LLC.**, 4 Spencerport Rd. Rochester, NY in a {GB} General Business Zone District with the following conditions:

- 1 The applicant obtains the required Conditional Use Permit.
- 2 The applicant depicts the outdoor seating on the final plans.
- 3 The applicant shall review the architectural comments and concerns including, but not limited to, the change of roof type / heights, the cost / constructability of the removal of the existing doors / windows to create the new facades, and the use of thin bricks over existing brick exteriors.
- 4 The applicant is to provide building samples and / or color elevations of the proposed building.
- 5 The applicant is to obtain any variances.
- 6 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 7 The following note to be added to the Final Site Plans
 - a. No outside storage of vehicles and / or materials will be permitted.
- 8 The Gates Fire Marshal shall review and approve the plan prior to final review.
- 9 The Final Plan will indicate the snow storage locations.

Juan Ruiz seconded. All in Favor...Aye Apposed.... None

MOTION PASSED: Preliminary Site Plan Approval

Chairman Mike Wall made a motion to adjourn the meeting, All in Favor

The meeting was ADJOURNED at 8:22PM

Respectfully submitted,

Lily Alberto
Recording Secretary