

The Town of Gates **Planning Board** held one {1} Public Hearing and one {1} Concept Plan Review on Monday, January 25, 2021 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., beginning at 7:30PM

MEMBERS PRESENT:

Mike Wall	Chairman
Joseph Argenta	
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.

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 December 21, 2020 Planning Board Minutes.

Attorney Schum, reviewed the minutes from the December meeting and realized his comments made that after the Negative Declaration of Significance, is not reflected in the minutes. The comment was: for after the Board incorporate the SEQR Resolution of the applicant TC Pursuit Services, INC as part of the minutes

Joe Argenta, motioned to approve adding the Amendment to the Minutes
Andrew Gartley second.

All Agreed None Apposed

MOTION CARRIED

FINAL SITE PLAN APPROVAL
OWNER: Manitou Road Gates, LLC
ENGINEER: Langan
LOCATION: 2600 Manitou Road
REFERENCES: 9/28/20, 10/15/20, 12/21/20
G. I. (General Industrial Zoning District)

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

Frank Pavia, attorney from law firm Harrison Beach on behalf of TC Pursuits Services. He also introduced participants via Zoom, James Murry Coleman and Andy Ernesto, for the applicant, as well as Mike Finan from Langan Engineering to answer any questions.

Chairman Wall, thanked them for all participating and asked about the changes made since the last meeting

Mr. Pavia, replied, he would go over the broader strokes and then pass on to Mr. Coleman. On January 11th they received the five {5} Area Variances with the Gates Zoning Board of Appeals. So those have been secured.

Also, on January 22, 2021 they received a Jurisdictional Determination from US Army of Engineers, confirming there are no Regulated Federal Wetlands on the site.

On January 5, 2021 received a Declaration of No Concerns from the FAA with respect to Airport review form that the county required.

As to technical revisions were made in response to the Town Engineer's input and other regulatory agents concerns.

There was a bit of technical difficulties, getting everyone on the ZOOM call; issue resolved and meeting continued.

Mike Finan in terms of revisions made there, mainly clean-up and or technical in nature. Nothing significantly impacted the layout or that impacts with the development. The drawings previously submitted show the change from the large facility to this smaller one. Those have already been presented and addressed at the previous meeting, with No significant change

James Murry Coleman, the notes made were in reference to being in escrow and other administrative issues with the town and third-party inspectors, and all will be adhered to prior to construction. The engineering concerns that were brought up in the first set of documents have all been accommodated and sent to the Town.

Mr. Pavia, asked if there were any specific questions? They have received a letter from Monroe County DOT, that they are providing responses to will adhere to whatever the final requirements the DOT places on the project with respect to off-site traffic improvements and what-not.

Technical difficulty continued with ZOOM call and visuals; issue resolved and meeting continued.

Chairman Wall, one of the issues was the retaining wall in the Southwest corner, by Les Harrison Dr and asked about how high will that will be?

Mr. Finan answered there are two walls, the one closer to the intersection at Manitou and South Rd. maybe five {5} feet high and then a modular block wall that perimeters the parking area, just North of the small wetlands and the max height is about nine {9} feet

Mr. Murry-Coleman mentioned there is a fencing for fall safety.

Mr. Gartley asked if the fence is on or next to the wall.

Mr. Finan, replied it's next to the wall, not fastened at the top, due to the modular block walls, they can not be attached to them, so they'll be about eighteen {18} inches away.

Mr. Gartley asked if there will be gravel or grass along side the wall/fence, thinking about the maintenance.

Mr. Finan, replied as of right now, it's grass lawn, but not apposed to putting gravel there, so there is no need to mow or weed-whack that area.

Mr. Murry-Coleman prefers geo-tech fabric with gravel on top, to prevent grass maintenance between the fence and wall.

Mr. Argenta, are retaining walls going to be where there is fencing.

Mr. Murry-Coleman, there is fall protection, wherever there is a retention wall, there will be fencing, but not everywhere they show fencing will there be a retention wall.

Mr. Argenta asked about the RTS drop off and if that's still in.

Mr. Murry-Coleman, yes there will be and it will be approximately near the employee drop off area, just North of the main entrance. He referred to the Site Plan, the Board hand. There is a small shelter that will be utilized. They will be implementing an "On-demand System" using an app to indicate the need for pick-up and drop off with-in that area, using van-type vehicles, not just for them, but others in the area.

Mr. Argenta asked if everything else stayed the same as far as size, parking, entrances, traffic flow?

Mr. Pavia, just to clarify the Variances have been obtained by the ZBA.

Mr. Finan, everything is the same, just modified to a smaller building. The plans the Board have are the final plans with final configurations

Chairman Wall asked about the state of the Fire Suppression System application.

Mr. Murry-Coleman, there have been number of meetings with the Towns technical staff...Fire Marshal, Safety Officials, and are schedule to appear in front of Department of State Variance Board on February 18, 2021. Will be scheduling a meeting {Tuesday, January 26, 2021} to meet with the Town's Fire Protection Staff to "walk Through" what will be happening at that meeting. They have letters of support from the Officials in Gates along with Variance Applications. They anticipate a successful meeting. The project is essentially the same, just smaller, but still has the same technical challenges.

Chairman Wall asked if any Board member had questions? None

Side Table: Mr. Schum, none Mr. Rappazzo, none

Chairman Wall addressed the letter sent from Mike Richie and stated "No Show Stopper", mainly housekeeping and little details.

Mr. Richie, agreed, just some fine tuning and will continue to work with applicants engineer to finalize anything needed.

Councilman Cordero, notice there is no barbed wire showing on fencing, asked if that's a fact?

Mr. Pavia, answered, there is No barbed wire on the fencing at all.

Councilman Wall asked if anyone else had questions or comments.

Laurie Clocksin, is very confused by the whole project, seen a mystery warehouse on the news, her understanding is it began as one building, then Segway to something else, then it was to be sub-divided and has read in the notes she has gathered, no significant changes, no negative environmental impact, {although she is not here about the environment}, no wet lands, US Army Engineer, says no Federal Wetlands, but then wetlands are mentioned.

She stated, she doesn't need them to answer any of her questions, just wants to present, as a resident what her confusion is about a project that is now different from what it was as well as the fact that no one wanted to mention the word Amazon including Amazon, which she feels is a problem, and that Amazon must be ashamed of itself and everyone should wonder about that.

Ms. Clocksin, continued that the offer of 300 temporary jobs and 1,000 permanent jobs, but feels realistically in the end “we” will lose jobs many more jobs with small businesses. As far as environmental impact, can’t conceive how the same specks are being used from the sub-divided ½ the size warehouse and apply them to this project, and as a resident doesn’t understand how Amazon was able to get all the green lights to continue with this project, and start March 1, 2021. She feels there hasn’t been a true public hearing up to now, but saw there is a public hearing scheduled for Feb. 1st, but doesn’t know what it’s for, and as for this meeting, no one is here but the Board and the interested parties, and doesn’t feel it’s fair.

Chairman Wall, as far as the Public Notifications, he referred to Attorney Schum, because this project goes back a year and wants to clarify that there have been public notifications through-out

Attorney Schum agreed and verified that the Public Hearings were legally published and the Board always have the proper quorum, and the public was able to speak on the project. This new project is smaller than the original project, but happens to be on the same site, which is all it shares in-common.

Mr. Pavia, this Board has taken all necessary and legal steps to notice this public hearing as well as the Town ZBA, held public notices on this project, the County of Monroe Industrial Development Agency, held a public hearing on this project.

Mr. Pavia actually commends the Town and all involved, especially during COVID to meet the requirements and expectations of public notices and holding public hearings as a public process.

He added that with respect to the prior project, this group was not involved with that project. It was brought by a completely different applicant, not this applicant. It is the same property owner, absolutely, but not the same applicant.

Mr. Pavia added in respect to the wetlands, there are no Federal or State wetlands located on this site. They knew going in, based on the technical review and the input Langan obtained from NYSDEC, there are not mapped DEC wetlands on the property and are required, as any applicant would be, to confirm that there are no Federal wetlands on the property and that is something that any applicant would good through, when there is an indication that there is potential wetlands, and as indicated earlier in the meeting the US Army Corp, verified there are no Federal wetlands on this property. He believes there are wet-areas, that people seem to call wetlands, but they are just areas that grew out the artificial stormwater ponds that exist on the property, which those wet-areas are actually being avoided by this plan.

Mr. Pavia continued, they have taken every step to build a “State-of-the-Art” warehouse distribution facility, as the rendering shows, fits perfectly on that property that’s located on Rochester Technology Park, which is a General Industrial District Zone, which was set up for the purpose of attracting these types of facilities to be built, to not only bring three-hundred {300} temporary construction jobs, but a thousand {1,000}, but potentially more permanent jobs as well as over three-million dollars {\$3,000,000.00} in value to the community.

Chairman Wall added, that the Board members are also neighbors and live in Gates and have looked at all the environmental regulations. He added that NY State has a rigid SEQR application that the Applicant has to mitigate the impacts to the environment, and the applicant has done that according to the NYS Guidelines. This building is smaller than what was originally proposed, less parking, less impervious area. Mr. Pavia is correct that it is in a General Industrial Zone. The building is tall, but not the tallest on the complex, and the Board has gone through and is satisfied with the proposal compared to the scope of what the Town Code gives the Planning Board the Approval power over. It has all been reviewed and the applicant has mitigated the items to the Board’s best knowledge.

Mr. Argenta added there is no longer a subdivide.

Chairman Wall, asked Ms. Clocksin if her questions were answered and she replied not all.

Ms. Clocksin stated that the Board emphasized this project has been before the public, but the only Public Hearing she could find was October, which it was still be considered as a sub-division and not this project and understands there is a public hearing scheduled for Feb. 1st, but doesn't know what it's for. She also wants to know what Amazon is giving the town? She didn't know the SEQR application was already approved and is happy the footprint has been made a little smaller, but is surprised there is not more conversation on this and feels it has been steam-rolled through. Ms. Clocksin asked if the Board can honestly say they have actually had Public Hearings?

Chairman Wall responded, Yes, this is the forth meeting and the specific meeting for this site was in December.

Attorney Schum stated there was a Public Notice posted for the December meeting in advance of the December meeting.

Mr. Pavia believes Ms. Clocksin is continually confusing this project to the previous project that is totally unrelated to this applicant. He continued that on "This" project the Board held a Public Hearing last month as well as the Town of Gates Zoning Board that held a Public Hearing earlier this month as well as Monroe County, so there have been Multiple Public Hearings provided to the public to participate in.

Ms. Clocksin still didn't understand how a project like this could get all this done, except for the fact it is Amazon and feels because they have enough money to get it done, but no other company would have.

She excused herself and apologized if being confrontational.

Chairman Wall, thanked Ms. Clocksin and asked if anyone else wanted to speak on the project. No One

Executive Session

Chairman Wall motioned to **Grant Final Site Plan Review for 2600 Manitou Rd. with Following Conditions:**

- 1 All conditions of the Preliminary Site Plan Approval to be incorporated into the Final Site Plan.
- 2 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
- 3 A letter of credit is to be submitted to the Director of Public Works in the amount sufficient to cover drainage, landscaping, storm-water management features, and erosion control measures, including the overall cleanliness of the surrounding streets.
- 4 Add the following notes to the Site Plan:
 - a. The building is to be constructed according to the renderings and samples presented to the Town.
 - b. The applicant is to pay particular attention to the maintenance and cleanliness of the boarding roads to the property during the construction phase to the satisfaction of the Town's Dept. of Public Works.
- 5 The applicant shall provide a Final Landscape Planting Plan and Final Pump Station Details and Elevations. Both are to be approved by the Planning Board Chair, Town Engineer, and Department of Public Works.
- 6 For address safety, the applicant is to look at adding a Geotextile fabric material, with stones, mitigating lawn maintenance between the retaining wall and the fence line.
- 7 Address any and all final comments from the Gates Fire Marshal, Town Engineer, and Department of Public Works.
- 8 The Applicant shall provide a copy of all project permits to the Town's DPW for the project files.

Joe Argenta seconded. All in Favor...**Motion Passed**

CONCEPT PLAN REVIEW
OWNER: ATA Power Inc.
ENGINEER: Land Tech
LOCATION: 2061 Chili Ave.
REFERENCES: None
G. B. (General Business Zoning District)

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

John Sciarabba with Land Tech, representing Quicklee's, along with Lou Terragnoli who is director of real estate, to help answer operations of facility. The property is located at the South East corner of Chili Ave. and Beahan Rd. They have been working on this project since 2018. During this time, they have been acquiring parcels from Monroe County DOT and the State of NY as well as working extensively with the Town, with the help of Kurt Rappazzo and the Town Supervisor Giunta related to the Brooks Ave extension. In working with the Attorney General's Office, Monroe County DOT, Monroe County Legislator, acquiring several parcels of land, showing a drawing. Not all the land has been acquired yet, but hopefully with COVID calming down they'll be there at the end, but want to take the opportunity to come in front of the Board to go over building issues and goals.

This would be the second Quicklee's facility in the Town of Gates, first one is located on Buffalo Rd at Manitou Rd. It's not a newer building, it was existing and was acquired. This project would be its first new build for Quicklee's. It's one of 25 stores they currently own, it's a family owned business located in Avon, NY.

The proposal is a 57,000 square foot key store with a drive-thru coffee business, which will be about 1000 sq. ft. They generally work with a local deli Calabresella's, which is at their flagship store in Avon. The rest of the store would be like a convenience store everyone is familiar with. Proposing a four {4} pump canopy and a 44x44 2 bay carwash, as well as vacuum pumps, tank farm is shown.

The biggest part of project is navigating the Brooks Ave. extension and how to best handle that, with residential operations there and businesses, should it be closed off and how? The Town currently plows that road, so trying to navigate a plan. The southside would be the drive-thru with northeast side would be the pick-up window and there is a bypass opportunity, but not promoting cars between the buildings. Trying to increase green space. Proposing two access points on Chili Ave. Traffic study has been completed by both NYS and Monroe County DOT and has been submitted. The drawing tonight does not show too much detail, like utilities, but are there. Storm sewer, sanitary sewer. Future plans will show detail. For this meeting looking for feedback, did receive a comment letter from Town Engineer, who understands these are conceptual plans

Chairman Wall opened to Board Members

Mr. Argenta asked what's on the properties now

Mr. Sciarabba, an old house and service station at one parcel being acquired and the other is some town, some county property

Mr. Argenta would phase one need to be done, because of service station

Mr. Sciarabba the environmental have been done and can give the Town a copy, it's been a slow process,

Mr. Argenta asked about the future access, some areas look a bit tight

Mr. Sciarabba there is some activity to the parcel at the East and in promoting good traffic flows and access want to leave that opportunity open Right now. The traffic study has not fully be digested and need to work on it. May have some shifting around to do

Presenting Mr. Gartley on the diagram between the proposed building and proposed car wash, asked if the line is representing striping or curving

Mr. Sciarabba believes it's twenty-seven {27} feet between the buildings, it's just striping, not a bail-out lane, don't want to promote people driving there

Also, there is some separation for the canopy, even big tank trucks can drive under, so plenty of soom

Mr. Gartley the 18-wheeler parking is that down a way

Mr. Sciarabba towards the North between the two access roads. Most deliveries are front of the store deliveries

Mr Ruiz questioned if they have other properties with the same configuration? See ample opportunity for people to do whatever to avoid that traffic control device

Mr. Sciarabba, understand that point and pedestrian conflict is an issue and appreciates all feedback on how to soften that effect

Chairman Wall there is a speaker on back of property and car wash on site, very close proximity to residential apartments, may need additional buffering to try to mitigate any sound. Also, a sea of asphalt that should be controlled for vehicle traffic. Something that could elevate initial concerns would be to possibly rotate the building and canopy to be more parallel to Chili Ave. and push closer towards Chili Ave. It may open up some greenspace and buffering opportunities towards the back and mitigating the noise away from apartment

Mr. Sciarabba can show generations of plans and want to promote the visual coming from Chili Ave and Beaham Rd.

Mr. Terragnoli can add additional buffering, but can submit a report to the Board the car wash decuples to have comfort in knowing that things can be adjusted

Chairman Wall asked if DOT has seen plans

Mr. Sciarabba, responded that DOT have done the traffic study and have seen the concept and are fine with access

Chairman Wall asked what the time table is for building

Mr. Sciarabba, my client will say as soon as possible, but at 2021, lot to digest and working with the Town Engineer.

Mr. Gartley, when demoing the house will foundations remain or filling in.

Mr. Terragnoli, it will be back filled, same as other structure.

Mr. Gartley, some of the lines could be accident issues because of crossing over.

Mr. Sciarabba was concerned with that as well and hopefully will be able to talk to it for the next meeting.

Chairman Wall, mentioned, not sure about the specific site, but Gates has bed-rock and may be good idea to do a Geotech Report to see what's underneath, especially proposing underground tanks. Good to know what's underneath.

Mr. Sciarabba, once the weather improves they will.

Mr. Gartley asked if they envision any in the areas not highlighted, like trees

Mr. Sciarabba, yes there will be landscaping, they want to make it a beautiful place. They have a landscape architect they work with as part of the team and it will get incorporated. He asked if trees or fencing is preferred

Chairman Wall it's a balance, both works fine, the maintenance becomes the issue. Can show were fence maintenance was overlooked, or deteriorated and same thing with overplanting's and dead vegetation

Mr. Sciarabba the owners/members of the family, as well as Mr. Terragnoli, are here, they operate these stores and are a phone call away and are active to the clients and the towns the work in.

Mr. Gartley asked if the apartment is 2 or 3 story and to consider their views

Mr. Sciarabba there are two green spots, make it bigger and put all the buffering there against the apartments, maybe a curve green area instead of easement

Chairman Wall, the existing building will be taken down to replace with and other building, so maybe there could be something done now, to give a better esthetic look to it.

Mr. Sciarabba, some of the other buildings they are working on have elements of stone, shingled roof, dormers to soften and give more of a residential feel, but will provide at the next meeting

Mr. Terragnoli, looking at more of a Gable roof and will provide all the elevations, but confident the Board will like it

Chairman Wall went to side table

Attorney Schum-None Mr. Rappazzo-None

Mr. Ritchie, may want to consider in the detailed storm water design look for practices in hot spot areas like gas spills and infiltration for no contamination

Councilman Cordero-None

Chairman Wall asked if any other questions or concerns

Mr. Jeffery Levi (with the change in the Brooks Ave extension) finds it important that the future cross access be mandatory in this project to make it flow correctly. Feels he will be developing his project at about the same time

Chairman Mike Wall made a motion to adjourn the meeting, All in Favor
The meeting was ADJOURNED at 8:49PM

Respectfully submitted,

Lily Alberto
Recording Secretary