

The Town of Gates **Planning Board** held five (5) Tabled Preliminary/Final Site Plan Reviews and four (4) regular Preliminary/Final Site Plan Approval Public Hearings on Monday, June 28, 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	
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	
Ken Martin	Alternate

Chairman Mike Wall called the meeting to order at 7:32 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Wall, then asked for a motion to approve the May 24, 2021 Planning Board Minutes as sent to the Board.

Mrs. May motioned

Mr. Gartley second

All Agreed None Apposed

MOTION CARRIED

OLD BUSINESS

Chairman Wall stated this meeting was properly posted and published as required by law. There are some Old Business that was tabled from the May 24th meeting as well as new business. Starting with the first application on the agenda from Atlantic Funding & real Estate, LLC., requesting Preliminary /Final Site Approval will continue to be **TABLED** per request of the applicants.

The last application on the agenda from 898 Buffalo Rd Associates, LLR requesting Preliminary /Final Site Plan Approval will continue to be **TABLED**.

A letter was received from the applicants of Soynbyrne Sales, Inc. at the corner of Spencerport Rd and Long Pond Rd., for Preliminary and Subdivision Plan Review requesting this application be **TABLED**.

Chairman Wall motioned to **TABLE** this application till the applicants can provide the additional information this board needs to make any further decisions.

Mrs. May second

Agreed ALL Apposed None

Chairman Wall going back to Old Business, motioned to UNTABLE this revised application

Mrs. May second

Agreed ALL Apposed None

PRELIMINARY / FINAL SITE PLAN APPROVAL
WESTSIDE PROFESSIONAL LANDSCAPERS
OWNER: Steve and Christine Lewandowski
LOCATION: 2551 and 2665 Buffalo Rd.
ENGINEER: Schultz Associates P.C.
REFERENCES: None
R-1-11 (Residential Zoning District)

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

Patrick Labor, Schultz Associate, covering for Dave Matt, who had a conflict. His understanding is there are (5) five major items from the prior meeting that need to be addressed.

1. How would vehicles navigate the residential portion of the parking lot? **(used Renderings to show)**

Chairman Wall noted that maps were emailed and submitted to the board members, but doesn't replace have paper version in hand

Mr. Labor continued, the change that they came up with is there will be a complete separation of the (2) two parking areas with a privacy fence in between the parking area for the residential coming up the driveway closest to 490, and around the back, the (3) three big doors, facing east towards 490 will also be separated from the residential by that fence. At this time there is NO gate plan. Also noted by the Town engineer, the area near the north garage door was tight, but looks like they can get (24) twenty-four feet by shifting the fence a bit to the north-east, and get more distance there. There is No plan for anything with a trailer or any large equipment to get through there and maneuver around. So that leaves the residential portion with basically a center for parking like a circle for cars to turn-around in.

Mrs. May is very concerned about the lighting and landscaping plan and would like more information (**she referred to the rendering item #1**) looking like landscaping was moved and property lines and doesn't know how that effects the overall project or impacting the green-space

Bradly White responded that the only new green space proposed was along the back-property line along the fence area. The only removal will be some trees that are currently in the place of the proposed building, as well as some dead trees at the edge of the existing driveway (2551) which will get some new bushes put in to help screen. There are (3) three mature trees that will remain along the front

Mr. Labor continued with;

2. DOT and the residential access, which was addressed

Chairman Wall confirmed he received the letter from DOT

Mr. Labor continued

3. There were some changes to the architecture of the building with windows being added

Mr. White, since building materials have spike recently, there's consideration of a pull-barn structure with emphasis with matching the existing building, as well the "taupe" color as close as possible and white trim. To give a bit more esthetic added window, north of the existing building. The roof will be shingles with the plan to match the current buildings.

4. The applicant did go to ZBA, but was tabled due to waiting on DRC plans, but under the understanding that the ZBA chairman sent an email or letter to this board stating they thought it would pass, but at this point it's all he has, is they will be presenting again on July 12th to get finalized.

Chairman Wall acknowledged receiving the email and in it was stated that they had received the county comments had been received, but no real discussion on if it would be passed or not. This board if the conditional use is approved, the ZBA clearance is needed or the project doesn't move ahead.

Mr. White

5. As far as the Town Engineer comments received, first half were pertaining to the letter of credit and (2) two planning questions, (1) one which was already addressed, with the new fence, and the (17) seventeen-foot space north of the door, believing they can get it to (24) twenty-four without a problem and plan on making that change and second, about the gate, which there are no plans for one. (They can go through the building if need be). Do not want issues with a gate being left open or anything else.

Chairman Wall, thanked Mr. Labor and Mr. White for working through the issues and the plan before them looks good

Chairman Wall asked if Board had more questions, None, then continued to the side table

Mr. Rappazzo—None

Mr. Ritchie—the bulk of his comments were housekeeping that need to be addressed prior to Final Site Plan

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 unlisted action is required.

Theresa May seconded.

All in Favor...Aye

Opposed...None

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Preliminary and Final Site Plan and Subdivision Review for Westside Professional Landscaping at 2551 & 2665 Buffalo Rd. with Following Conditions:**

- 1 Any final drainage calculations be provided to the Town Engineer for final approval
- 2 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Plan.
- 3 All signage be conformed to the Town of Gates standards.
- 4 The Gates Fire Marshal shall review and approve the plan prior to the signature of the Planning Board Chairman.
- 5 All stamps of approval from all regulatory agencies, are to be affixed to the Final Site Plan prior to the signature of the Planning Board Chairman
- 6 A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover drainage improvements, landscaping, and As Built survey to the discretion of the Dept. of Public Works and Town Engineer
- 7 The building is to be constructed according to the testimony provided to the Board tonight, which is, the intent is to match the existing building, with the colors being taupe with white trim and green asphalt roof shingles.
- 8 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
- 9 The applicants obtain the ZBA variance at the July 12th meeting and document the date of the ZBA approval on final site plans.
- 10 The applicant to address any and all final comments from the Town Engineer and /or the Dept. of Public Works.

Andrew Gartley seconded.

All in Favor...Aye

Opposed...None

MOTION PASSED: Preliminary and Final Site Plan and Subdivision Approval

Chairman Wall, motioned to UNTABLE this application
Mrs. May second
Agreed ALL Apposed None

PRELIMINARY SITE and SUBDIVISION PLAN REVIEW
PENN LLC-QUICKLEE'S
OWNER; ATA Power Inc.
ENGINEER: Landtech
LOCATION: 2061 Chili Ave.
REFERENCES: None
(GB) General Business Zoning District

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

John Sciarabba with Landtech along with Lou Terregnoli to help answer any questions. This is the (4th) fourth time presenting to the board on this project.

The plans have been updated from comments made at the last meeting on May 24th.

The addition of more directional signage to reduce conflict from the gas station and carwash, added landscaping around the perimeter, as well as a (5th) fifth gas pump for a total of (5) five gas pumps. The access to the carwash and exit is concrete pavement which are heated and typical of Quicklee's to prevent icing in the winter. Also showed the truck maneuvering and staging for the gas truck coming on-site. He received the Town Engineers comments on June 24th, related to the plan and has reviewed and sees no conflicts. Full SWIFT documents haven been submitted, and other utilities plan the board is aware of.

One major change is PENN LLC has entered a real estate contract with the former Perkin's parcel and are in the process of purchasing that.

The other element that came up, and a sketch pad has been submitted on June 16th regarding a hammer head turn around to be able to disconnect the access to Behan Rd.

Mr. Rappazzo, the board had a discussion at the last meeting about the direct connect access to Behan Rd. from Old Brooks Rd. The concerns regarding the turning pad, and spoke with the school district, who after talks agreed they would be ok with that turn-around which is also ok from the Town's stand-point. So as long as it fits the boards concerns, then that's the way the project should be.

Chairman Wall commented the changes were not shown in the plans, Mr. Sciarabba replied that there wasn't enough time to update the plans to get them in in time as well as Mr. Terragnoli wanting to speak on the turnaround itself and the Perkins building

Mr. Terragnoli there was no agreement to purchase the adjacent parcel at that time and feels a critical component to acquiring that property is having the access from Behan Rd. and that connection and feels it's the reason why it's been a challenge in selling that property. Keeping access from the back is vital for the business. He doesn't know what he'll do with that property, but will come back to the board when he does.

Mr. Rappazzo in response to Mr. Terregnoli about wanting to keep the back access open to accommodate the former Perkins site and he recalls at the last meeting the discussion was about the legality of the easement and the public traffic over the private section of it an on to the town's right-of-way. Mr. Rappazzo thinks there's an opportunity to get creative and make that connection straight to the Perkins property entirely viable, nothing saws it couldn't be shortened to facilitate that, and still end with a turnaround, as long as access to the apartment complex is satisfied

Mr. Terragnoli (**used Renderings to show**) the possibility of access and clarified the apartment residents would need to come around to access. He was trying to visualize it.

Chairman Wall, aske Mr. Rappazzo and Mr. Ritchie if what they quickly sketched would affect the site plan as proposed?

Mr. Ritchie, not major tweaks and not a big change to the site plan

Mr. Rappazzo added it will a little work and obviously take further action from the Town Board to release that part of the right-of-way

Chairman Wall added the Town Board will need to grant a Conditional Use Permit for the gas station

Mrs. May, with #11, thanked for the additional landscaping, but aske for highlights on the plan (**used Renderings to show**)

Mr. Sciarabba what was incorporated in the plan (**used Renderings to show sheet #5 & #7**) **trying** to create street trees and some other planting. He's also aware from the town engineer a sign needs to be shifted. A (6) six-foot privacy fence along the back. Landscaping will remain on the former Perkins area

Mr. Gartley asked about the finishes

Mr. Terragnoli brought samples and passed around to the Board members

Chairman Wall asked if Board had more questions, None, then continued to the side table

Mr. Rappazzo—None

Mr. Ritchie—No additional

Councilman Cordero—None

Public

Jeffery Levi, G&I IIX Empire Westgate Plaza LLC, the party selling the property formerly Perkins to the Quicklee's team and 100% support the use of this parcel. It is the best option of all the other opportunities that have presented itself.

Closed Public Hearing

Executive Session

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

Andrew Gartley seconded. All in Favor...Aye Opposed....None

MOTION PASSED: NEG. DEC.

Chairman Wall motioned to **Grant Preliminary/Final Site Plan APPROVAL for PENN, LLC Quicklee's, at 2061 Chili Ave. with Following Conditions:**

- 1 The applicant obtains the proper Town Board Approvals; Conditional Use Permit, and Town Abandonment of a portion of the Right- of-way, to make the project move forward.
- 2 The applicant is to work with the Town to finalize the Turn-around location to the satisfaction of the Town Engineer and the Dept. of Public Works
- 3 The following note to be added to the Final Site Plans:
 - a. Detention Pond and Drainage features are to be privately owned and maintained.
 - b. Final drainage calculation are to be provided to the town Engineer, for his review and approval
- 4 All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
- 5 The following notes to be added to the Final Site Plans:
 - a. No outside storage vehicles and or materials are to be permitted on this property
 - b. All Signage will conform to Town of Gates standards
 - c. All necessary easement agreements will be reviewed and approved by the Town Attorney
- 6 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

- 7 A letter of credit is submitted to the Director of Public Works in the amount sufficient to cover drainage improvements, landscaping, and As-built survey to the discretion of the Town's Dept. of Public Works and Town Engineer
- 8 The building is to be constructed according to the renderings and building samples shown to the Planning Board
- 9 The applicant is to provide all approvals from NY State Department of Transportation for our records
- 10 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
- 11 The applicant to address any and all final comments from the Town Engineer and /or the Dept. of Public Works.

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

MOTION PASSED: Preliminary and Final Site Plan Approval

NEW BUSINESS

PRELIMINARY/FINAL SITE PLAN APPROVAL

OWNER: Gizzi Real Estate Holdings LLC

ENGINEER: Schultz Associates P. C.

LOCATION: 3035 Buffalo Rd.

REFERENCES: None

N. B. (Neighborhood Business Zoning District)

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

_____, Schultz Associates, this plan is exactly the same plan presented a year ago, with No changes or updates. The project was halted at that time due to COVID and lack of possible tenants. The developer sees things are turned around and want to get approval to break ground within six months. It is the same plan the building plan is exactly the same, color, material, everything is identical.

Chairman Wall asked if the board had any questions?

Mrs. May, only about the elevations, if they are the same

_____, yes, exactly the same.

Chairman Wall asked if Board had more questions, None, then continued to the side table

Mr. Rappazzo, there are some things that need to be cleaned up in the plans and stress the developer get them done and be ready for the time of building to not cause any delays later (recording keeping, type things)

Mr. Ritchie, same as Mr. Rappazzo, recording keeping items

Councilman Cordero—None

Public--None

Executive Session

Chairman Wall motioned, that as far as the board, the SEQR determination that there haven't been any significant changes to site plan and still no adverse impacts to the environment and the negative declaration issued back at the first approval of this project still stands.

Chairman Wall added the conditions:

1. Any outstanding recording keeping matters be addressed to the satisfactions of Town Engineer and /or the Dept. of Public Works, prior to construction of the site
2. All Approvals from Previous Preliminary and Final Site Plan are still valid and are in effect for this project.
3. The building is to be constructed based on the approved elevations from the approval of this project

Theresa May seconded.

All in Favor...Aye

Opposed...None

PRELIMINARY/FINAL SITE PLAN APPROVAL

OWNER: Tritec Construction WNY

ENGINEER: Rex Cameron

LOCATION: 1269 Chili Ave.

REFERENCES: None

G. B. (General Business Zoning District)

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

Rex Cameron, wants to replace the Gas Canopy and tanks and add (2) two fuel dispensers. He did receive a letter from Mr. Ritchie with concerns he addressed, he brought some drawings he passed out. Signage stays the same

Chairman Wall asked if the drawings he passed out were not much different than what he had submitted with the application?

Mr. Cameron, he moved the canopy over to accommodate the drive lane.

Chairman Wall, pointed out there is actually a Planning Board check list with the application that depicts the level of detail we need to make action of the project. This is a good start to be able to comment on, but not quite enough information to make action on the project tonight. He continued that the board will listen to the application and recommends Mr. Cameron get with the Town officials and get the check list. There is a grading plan, utility plan, landscaping, and all the information needed for the board to make action on the project.

Mr. Cameron, it's all blacktop with no room for landscaping

Chairman Wall, yes, but you are removing/replacing canopy and we need to see a certain level of detail before. As far as the canopy, how deep are the footings? Have you done a geotechnical study of the site

Mr. Cameron replied, it's on the canopy drawings

Chairman Wall asked Mr. Ritchie if the canopy has been pushed back

Mr. Ritchie replied it has about (14) fourteen-feet and agrees with the chairman that this is still lacking information necessary

Mr. Cameron, the utilities are underground and non-overhead. The storms are already there and drain onto the blacktop

Mr. Ritchie, we would need to see the plan for the underground utilities as the stand today as well as any changes to them. That is more information that need gathered, but appreciates his work and effort

Chairman Wall, appreciates Mr. Cameron working with the town

Chairman Wall some concerns are people parked in front of the store as well as the gas stations and having people have enough room, also with adding (2) two dispensers there could potentially be (2) two people filling up at the pump where it's not covered by the elements, so looking at the size of the canopy based on the number of dispensers.

Mrs. May is concerned with green space and realizes the existing space doesn't really have any, but anything we can do to advocate for it...potted plants for example for environmental purposes would be appreciated. Even though it's a gas station doesn't mean it can't be a pretty one in the town.

Mr. Cameron may need some help with that

Mr. Rappazzo, this has come before this board with a change from (2) two gas islands to (4) four gas islands. You changed the flow of the site, the amount of vehicles that the site can accommodate and created potential issues with vehicles on the site. It would be helpful to the board and town staff to see how vehicles are going to get on-site, off-site and around the islands. You hear the comments the board is making, It would be helpful if sketching showed vehicles parked at the pump and in general the planning board attempts to make things better whenever there's a chance to, so with a site fully blacktopped like this, it's not constructed like today with greenspace. So, you need to spruce it up. Take cues from properties around you like Burger King down the street, the hotel, or seek outside help.

Councilman Cordero, **(used Renderings to show)** the sidewalk in front could have a small berm added and dress up

Mr. Gartley, also need to add the turning radius. It's tight now. It could be difficult getting in

Mr. Cameron, it's the same traffic pattern that's been there

Mr. Gartley, but now you're moving things back (15) fifteen-feet. We just want to make sure it all works. Possibly move the angling of the cars parked

Chairman Wall, the board will not take action on this application tonight, but it is open to the public.

Don Ioannone, Lyell Rd this came before the Zoning Board of Appeals in February for a variance for the blue canopy signs. One was approved and one was to be removed and or the letters removed, but as of 7:00PM this evening they have still not command to compliance and thought the board should know.

Sued Armid, actually owns the property and land As for the plants, he had already spoken with Mr. Cameron about adding plants there as well as yellow safety poles. He's been there (6) six years and there has been no crashes. Also, Sunoco came up with new imaging and hopefully if everything moves along, they will be the first in Rochester to have the new branding. In addressing Mr. Ioannone's remark, he had several family emergencies come up and the sign was the least of his concerns under the circumstances, but he will get right on that ASAP.

Chairman Wall motioned to TABLE this project, pending additional information. As well as the applicant is to speak with Town officials at the Dept. of Public Works to get further guidance on details of checklist

Mr. Gartley seconded.

All in Favor...Aye

Opposed...None

PRELIMINARY/FINAL SITE PLAN APPROVAL

OWNER: Anthony Perrotta

LOCATION: 1773 Buffalo Rd.

REFERENCES: None

L. I. (Limited Industrial Zoning District)

Chairman Wall, the applicant has withdrawn his application. It's recognized as withdrawn without prejudice

PRELIMINARY/FINAL SITE PLAN APPROVAL

ENGINEER: TC Pursuits, Inc.

LOCATION: 2600 Manitou Rd

REFERENCES: None

G. I. (General Industrial Zoning District)

Frank Pavia, council to TC Pursuits, Inc. as well as some members of the project team. Here seeking approval for a modification to the site-plan approval, previously approved January 2021. This application is for an additional (60) sixty trailer parking spaces and (534) five-hundred and thirty-four car parking spaces along the southern frontage of the warehouse distribution facility and an associated minor relocation of a portion of the proposed storm water management features. The site plan also includes some landscape screening put in by the request of the town along the bordering property. This is the only modification seeking approval.

All other features of the site plan previously approved by this board remain unchanged. The modification only impacts 2.6-acres of the total 100-acre site. This board completed a 239M referral to the County Planning Board, in its June 22nd letter the County planning board noted the application is for “minor site layout modification” and reiterated specific comments that the applicant and this board already addressed.

James Coleman, described why they need the additional parking spaces. Originally, the building was 3.5-million square-feet back in December 2020, then transferred that into a smaller building of 2.5-million square-feet which is the building we are looking at today. The original building would hold (950,000) nine-hundred and fifty thousand packages per day. The facility that was approved in January 2021 would hold (650,000) six-hundred and fifty thousand packages per day. Since that time the technology that will be used in this facility has allowed them to increase the handling of packages per day within the same footprint to (850,000) eight-hundred and fifty packages per day, so in order to manage that amount of packages, they’ll need to bring on more associates, and that’s why the extra (500) five-hundred parking spaces is needed , along with the additional (60) sixty spaces for trailers to essentially help manage the distribution of the packages and the storage on-site through-out the parcels.

He continued that storm water will be affected as well as traffic, with the increase of parking and increase of people and trucks on the site.

Mike Finan, to the North (**used Renderings to show**) is where the additional (60) sixty trailer parking spaces, which were originally dispersed and originally approved by the board, not many changes, just bumped out a bit to get the extra (60) sixty spaces in. On the South side (**used Renderings to show**) is where the additional (543) five-hundred and forty-three parking spaces for employees, this is originally where the stormwater area, which is being replaces with parking and pushed the stormwater management further south, which is a natural depression. As a result, added a bioretention on the Westside of the driveway coming in from South Rd. There is no off-site impact to these changes, everything is the same as before except these modifications.

Amy Daike, the original traffic study was done according the original larger building with the associated parking and trailer parking that went along with that building. This proposal now less traffic than what was contemplated in study prepared back in November 2020. Even adding the (543) five-hundred and forty-three parking and additional trailer parking, the traffic levels remains low.

Mr. Pavia, again, these are the only modifications.

Mrs. May, didn’t get to thoroughly look at plan, but thinking of the future and green energy and electric cars, is there a plan for electric car docking stations to be added?

Mr. Finan, at this time, not future proofing the associate parking lot, but are adding electric vehicle charging stations on the truck side of the building. They are anticipating 18-wheeler at some point will be available in the market. They are adding transformer and wiring and actually adding (2) two chargers now to test now. This client is extremely sensitive to sustainability issues and are anticipating adding more of the truck stalls at some point, but as of right now it’s (10) ten of the stalls with (2) two chargers be installed.

Mrs. May asked why he’s not on board with adding electric stations for the employees

Mr. Finan, there is actually solar being put on the roof of the building and will be up and running the summer of 2022, it's a big investment to do that and thinks they are just waiting and seeing how fast that takes hold. It's not clear to him why it's not being incorporated here, but that's a decision made above him.

Mr. Gartley, are trees being removed, to do all this

Mr. Finan, no major trees are be removed and remember this area was already be impacted in the original plan, it's just replacing with parking surface. Even the area below is covered in vegetation **(used Renderings to show)**

Mr. Gartley, could trees be added, his concern is the white building, which is highly secured and might want a buffer, especially adding so many vehicles to that area

Mr. Finan, no one has requested it, but no reason trees couldn't be planted there

Mrs. May, asked to speak on the stormwater impact

Mr. Finan, essentially there is no impact, that area was already targeted for development, it's just shifting and modifying

Mrs. May asked where will the snow removal be banked from the additional cars?

Mr. Finan, there are several isles snow can get discharged too, the ponds can also have snow go to them, bioretention areas, as well as areas below the pond **(used Renderings to show)**

Chairman Wall asked if Board had more questions, None, then continued to the side table

Mr. Rappazzo, asked if they could go through what landscaping will go in on the southside at Theresa Circle, which are concerned for the loss of trees, want t make sure there is screening plantings going in

Mr. Finan, there is landscaping proposed at the intersection **(looked through the renderings for a better-defined plan)** there is a bunch of different types,

Mr. Pavia, the applicant is will to add more trees to buffer to the neighboring properties.

Mr. Ritchie, just some house cleaning items carried over from the original approval, would like to see the town attorney look over the storm water plan again. A revised letter of credit and the storm water permit. Also, the SWIP inspections. He hasn't seen any while doing some work for the town. Be sure to submit all copes. Our town is doing its own inspections, but remember to get those for our town attorney to look over as well.

Mr. Pavia, asked if the town is getting any of the testing because of the modification they ae exchanging drafts with the attorneys from both sides and questions and comments have been attached to it.

Mr. Ritchie, no we haven't

Mrs. May, clarify the hours of operation for employees and trucks

Mr. Pavia, there will be (2) two shifts, 7:00AM-4:30PM, with a half hour gap and then the 2nd shift. During the day is basically loading trucks for outbound and in the evening unloading trucks to stock the facility. This facility is a robotics facility, with smaller items, nothing large, basically size to fit an airport tote. Somewhere between 3:00AM-7:00AM parking empty.

Councilman Cordero—None

Public

Allen Kanoff, attorney for L3Harris located 2696 Manitou Rd. a major defense contractor and are next-door neighbors to the Amazon site. They own South Rd, which is the bottom of the site plan

Steve Cossgrove, Rochester Director of Operations for L3 Harris Corp. provided background on L3Harris. It's a global Aerospace defense technology, provide critical needs. He continued with information of their operations and their facility. They have been good partners with the Town of Gates and have been here for (60) sixty-years and wants to make sure the board carefully considers their concerns about this proposal

Mr. Kanoff,, L3Harris has no objection with the proposal or changes, provides the proposal post traffic mitigations measures that were previously committed to are constructed and a reasonable agreement is worked out between L3Harris and Amazon for use of South Rd, which is owned by L3Harris. As originally proposed with this board included traffic improvements including (175) one hundred- and seventy-five-foot east-bound turn in lane on South Dr. bordering road at a new project site driveway. When this board made a negative declaration of SEQR, found with this instillation traffic improvements did not impact the traffic and they do not disagree.

They are here to assure those improvements are made. They understand that some traffic pattern has changed. It's a matter of safety for not only L3Harris employees who like to walk during their breaks, but the other users of the road. L3Harris does not want to incur any extra coast due to this project as well as any maintenance due to the heavy truck load, Amazon has shown they will bare that cost. L3Harris needs to be able to continue to shut down on occasion as they have done for many many years to transport extra-large shipments of government equipment. The town has been cooperative, with shutting down public roads. Amazon has indicated they would allow that

Bottom line, L3Harris is and wants to remain and continue to be a good neighbor and does not object to the Amazon project or the site plan changes proposed tonight as long as the traffic improvements are installed and traffic flow is not compromised and safety and L3Harris should not be put with any extra expense on account of this project.

Frank Doleman, Berman Associates, staff consultant, his firm has been retained by L3Harris to review the traffic impact report that was submitted to the Planning Board as well as the geometric improvements proposed on South Rd.

He reviewed the November 2020 report that was submitted to the board, and some of the figures and traffic volumes were redistributed in January 2021. His main focus was primarily on South Rd/Creative Way and the impacts along the way of that corridor. He did note that one of the biggest changes was the changing of the routing of trucks. In the November report, trucks were coming in west bound, Creative Way and South Rd turning right into the site. That has been changed to all trucks entering, coming off of Manitou Rd., turning onto South Rd and left into the site driveway. The particular importance is horizontal alignment south of Creative Way as you approach the site driveway. Coming around a curve, coming both directions as you approach the site, thus the focus on the need for left turning lanes to accommodate truck traffic. It's important from the safety standpoint. Looking at the proposed drawing, it's a very good drawing, it accommodates the turning radii of trucks into and out of the site, and there will be a projection of perhaps (260) two-hundred and sixty trucks per day coming into this site, which is spread out through the various hours, but who knows where this industry is going, we may see and increase in product demand and delivery and leaving the site. Want to air on side of caution and emphasize Left turn lanes very needed here, as well as shoulders along this roadway. There is an increase of people walking, jogging and bike exercise.

Mr. Doleman has no fault with the anabasis, just emphasize the particular need for left turn lanes, as well as staying with the (12) twelve- foot lanes, nothing less, especially with trucks.

Mr. Kanoff, again emphasized they do not object to the project and can work something out with Amazon to facilitate the South Rd improvements

Mr. Pavia, appreciates the comments given, and the applicant is willing to have a dialogue between the interested parties, but with all do respect, those comments are not relevant to the application of the modification that they are seeking approval for tonight. Those are comments that were oriented to the site plan application that was approved by this board in January 2021. Again, they are only seeking approval for the additional parking spaces and some minor relocation of the stormwater management features and of course the site plan will incorporate those additional landscaping. All other site plan remains unchanged, as well as the traffic impact study that was complete, that this board received and accepted.

Mr. Finan added that they have been working with the staff at L3Harris, off and on starting back in November 2020 on this very issue and they will continue to do that and are very happy to do that. They will take on the expense of modifying that

road and improving it to handle the truck traffic and want to make this capitol improvement making now, that that road meets the standards of a first-class roadway. The last thing they want is for these trucks to create potholes. Will work to fine a middle ground with L3Harris and is very optimistic they will.

Laurie Clocksin, 69 Coldwater Rd., has been following this development and what they continually consider to be minor changes and modifications are anything but. Five-hundred parking spaces is not really minor, but her main question to the board is why aren't the minutes from the January 25, 2021 posted, all the meeting minutes from January 2020 to April 2021 are posted except for that one?

She doesn't understand how these things are done, but to continually amend a final site plan and it's already well under construction. She thinks Amazon has their big footprint right where they want it and we need to make sure they are not bully us into what they want and people who have been here a lot long, the neighbors who will appreciate the impact of the traffic once it leaves the site and the environmental remediation as far as L3Harris is concerns go, she read a statistic that during this construction process, (10) ten-tons of solid waste per day and the disturbance of (85) eighty-five acres, she feels you can't do that and not have a problem, you can't say at the last minute, we're going to relocate stormwater management. She's not an engineer, but doesn't understand and can be wrong, and if is, apologizes to the board and the panel and the representatives of Amazon, which is clearly Amazon, TC Pursuits Services Inc., which when she looked up could only find a foreign based corporation, based in Austin, Texas, they're construction company is based in Salt Lake City, Utah, they broke their agreement with 90% tax breaks for (7) seven-years to use mostly local labor which is non-descript an so every step of the way, we don't know what to expect and as a resident, sits back and watches and listens and thanks everyone for their time.

Chairman Wall, as far as the storm water mitigation, asked if Mr. Pavia could talk more about if additional pavement has been addressed and mitigated with the off-peaks flows or spill

Mr. Pavia, correct and again, it's only a portion of the entire sites stormwater management features that are going to be mitigated on the site and the only portion it impacts is only 2.6-acres of the 110-acre site and even the Monroe County Planning Department acknowledges this site modification layout

Mr. Finan, exactly, it's only this section (**used Renderings to show**). The rest of the site the bulk of it stays exactly the same. It doesn't change the outcome of what gets discharged from the site and meeting the obligation from the State guidelines

Mr. Pavia, at no time has there been any issues with contaminates or environmental issues to date what's so ever.

Nona Lucas, 2705 Manitou Rd, asked if is was said there was going to be (260) two-hundred and sixty trucks a day? What's going to happen to the (8) eight houses along that road? She's been there (60) sixty-years and is concerned with getting out of the driveway, and feels there must be another route

Mr. Rappazzo asked Ms. Daike if she knew daily traffic on Manitou Rd is?

Ms. Daike believes somewhere in the (20,000) twenty-thousand cars per day

Mrs. Lucas, did anyone think about all the traffic because she's residential and they were there first?

Attorney Schum, that's part of the traffic study Ms. Daike spoke on

Mrs. Lucas asked if this was the big project on Sheppard Rd?

Mr. Pavia replied that it's not their project and can't speak on it.

Chairman Wall asked there was anyone else to speak on? None

Attorney Schum, appears that neither the applicant or the adjoining owner are in disagreement about the application being made to increase the number of parking spaces and relocate a portion of the stormwater management facility. Both of those modifications to the previously approved plan are in fact slight modifications to which the board has recognized as a change to what was previously approved. However, the end result of the modification in fact to have something on the site that was

less in terms of either parking spaces or no real change in the stormwater management that was originally approved at the time of this boards granting of a negative declaration. He suggests in that limited capacity, that the board recognize the modification that it is slight and they ratify in that limited capacity the negative declaration that was previously granted for this project in making a determination upon this application, and doesn't think there is any need to revisit SEQR at this point in time in view of the scope of this slight modification and the fact that the end result of that modification is something less than was originally considered, that both the traffic study and final SEQR determination made by this board previously. Attorney Schum suggests to the board if acting on this application, recognize the previously granted declaration of environmental significance and ratified the findings made by that negative declaration in acting upon this application. To the extent of the application being made by the modification, limited capacity.

He added, the matter that was addresses by L3Harris and the applicant. It's clear from what has been presented this evening is that, the applicant believes that the site plan as approved by this board including the improvements if any to the roadways accessing this property are still in place and they are going to have to comply to those in the development process to the extent that the adjoining owner and applicant have a disagreement to and agreement made (3) three-years ago and the scope of it and what needs to be done is private concern and not a matter for this board. The board can merely enforce the approved plan and the development of the improvements that are shown on the approved plan

Chairman Wall, essentially the traffic improvements done in Prelim/Final are still in affect

Mr. Pavia, as they were incorporated in the traffic impact study, that was reviewed and accepted by the Board

Attorney Schum, believes there is no disagreement about what the plans shows. The proof is in the pudding, in terms of how it's implemented in the field and that's not a matter for this board.

Mr. Pavia, wants to add that, that goes to the site plan application approved in January of 2021 and the modifications are not related to this.

Attorney Schum, wants to make clear this board has no jurisdiction, nor is it going to decide anything related to that issue in this application.

Chairman Wall asked the Attorney if the Town would need to see the easement agreement between the two parties to show both parties have come to an agreement.

Attorney Schum has a copy of the agreement between the predecessors, some (30) thirty years ago and there's some language in hindsight could have been better written. In fact, there's actually an agreement to agree to modify if necessary. It's a matter of private contractual obligations between the two parties which he doesn't want to get into because it's not the jurisdiction of the town.

There is (2) two matter before the board to be acted on this evening. #1. Adding parking spaces and #2. The modification of the stormwater management facility.

Chairman Wall all comments from the previous agreement is still in effect

Attorney Schum, there was an offer to buffering added and landscaping area and ask for the additional landscaping plan be submitted along with the letter with the change of letter of credit.

Executive Session

Attorney Schum, in a limited capacity, the (2) two changes that are being proposed to recognize the negative declaration that was previously issued and ratify it and the approvals that were granted previously for Site-plan approval as still controlling for this project and no further SEQR review would be required or necessary due to the limited capacity of the limited scope of the proposed changes to the site plan.

Chairman Wall, that is the motion on the table and Mrs. May second All in Favor...Aye Opposed.... None

Chairman Wall motioned to **Grant Modification to the Preliminary/Final Site Plan Review for TC Pursuits Inc, 2600 Manitou Rd. Rochester, NY in a (GI) General Industrial Zone District** with the following conditions:

All conditions set forth in the Preliminary/Final Site Plan Approval are still applicable and in effect and is understood there are some items that will change with this modification to the site plan such as, but not limited to;

- 1 A revised letter of credit is submitted to the Director of Public Works
- 2 Maintenance agreement
- 3 Applicant is to add buffering on the Southeast of the project and also between this property and L3Harris
- 4 Any and all Town Dept. of Public Work sand Town Engineer's Comments
- 5 Applicant is to provide copies of the Stormwater Inspections for the Town's records

Andrew Gartley seconded. All in Favor...Aye Opposed.... None

MOTION PASSED: Final Site Plan Approval

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

The meeting was ADJOURNED at 8:37PM

Respectfully submitted,

Lily Alberto
Recording Secretary