

The Town of Gates **Planning Board** held one (1) Concept Site Plan Review Public Hearing Approval on Monday, May 23, 2022 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., beginning at 7:30PM

**MEMBERS PRESENT:**

Mike Wall	Chairman
Joseph Argenta	
Theresa May	
Juan Ruiz	
Andrew Gartley	
Dan Schum	Town Attorney
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Cosmo Giunta	Town Supervisor

**MEMBERS NOT-PRESENT:**

Ken Martin	Alternate
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Chairman Mike Wall called the meeting to order at 7:31 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Mike Wall asked for a motion to approve the March 28, 2021 Planning Board Minutes as sent to the Board.

Theresa May motioned Juan Ruiz second All in Favor...Aye Opposed... None

**MOTION CARRIED**

**CONCEPT SITE PLAN REVIEW**  
**OWNER: Deep Rock I, LLC & Deep Rock II, LLC**  
**ENGINEER: Schultz Associates, PC**  
**LOCATION: Southwest of 35 Deep Rock Road**  
**REFERENCES: None**  
**GI (General Industrial) Zone**

Chairman Wall stated that this will be a concept review and no approval will be given tonight. He then asked if the applicant was present to speak on the project?

Dave Matt, Schultz Associates, PC as well as property owners Demetri and Roman Ksleyeka who currently own number thirty-five (35) and in the process of buying thirty-nine and thirty-seven (39 & 37). They are proposing to sub-divide and combine lot one and two together to have a thirty-three thousand (33,000) square foot storage building to be used as part of the business running out of at thirty-five (35). A couple little office spaces, eight (8) loading docks that is recessed with partial canopy, and bathrooms. In speaking with the water authority, they will need to run separate lines, with a sanitary discharge running lateral north to the sewer.

Currently have four (4) employees at 35 Deep Rock Rd. The rest of the employees are trucking and have no permanent stay at the building. There is plenty of parking, not expecting additional employees.

Drainage, everything flows to the south and west. Small channel west of number thirty-nine (39) that takes most of the drainage out of rest of Deep Rock Rd. Also, deep channel, Wegmans helped improve.

They understand variances are required. The plan if them to own all four (4) pieces, so asking for about a five and a half (5 1/2) foot north set back. Also, a variance will be needed for the buffer, but are prepared to go to Zoning Board and discuss there.

Mrs. May, looks like close to neighbors, how about buffering and if they have spoken with the residents in the neighborhood about the plan

Mr. Matt, no, they have not yet spoken with the neighbors

Mrs. May also asked about the trees being taken down, if they will be replaced

Mr. Matt the trees are along the fence line and do not plan to touch the trees. They want to leave as many as possible.

Mrs. May, realizes it a warehouse but if something gets taken down is there a plan to replace

Mr. Matt the area that is stone now, they would like to change into lawn and add trees

Mr. Argenta asked what the height is?

Demetri Ksleysyak the height will be twenty-four (24) with a pitch at possibly twenty-six (26)

Mr. Argenta asked it'll splash to grade

Mr. D. Ksleysyak is thinking a rock line channel to bring the drainage to the south

Mr. Argenta, may need a variance for additional parking for the separate parcels. Need to look at the code for the amount of square feet.

Mr. Matt one of the engineer comments on the letter was to address the planning board.

Mr. Argenta, once it's combined it will need to be addressed

Chairman Wall to tag into Mr. Argenta's comment, understanding the parcels that are being combined, but what about parcel one and two (1 & 2)

Mr. Matt believes it's due to financing, a financing hurdle

Mr. Argenta suggests access easements

Mr. Matt, there are existing easements between thirty-five and thirty-seven (35 & 37 (lot two)

Mr. Gartley clarified there is an easement right now, but asked if it was on the left or right side?

Mr. Matt replied the left side of thirty-five.

Chairman Wall if the lots are already on the purchase agreement, what other finance would be needed

Mr. Matt, there is two different mortgages on the properties and construction

Mr. Argenta asked if number thirty-seven will remain or be torn down along with the two sheds?

Mr. D. Ksleysyak eventually torn down

Mrs. May wanted clarification on what is being stored in the warehouses presently, anything hazmat?

Mr. D. Ksleysyak No hazmat, it's dry storage, general stuff for like Wegmans or other stores

Chairman Wall, looks like it might be a tight area to get trucks into dock from the truck detail. Is that in the plan to purchase property or for the trucks to actually come down behind the south of thirty-five to access the building?

Mr. Matt, they have tried contacting the State to inquire purchasing that piece, but it's been difficult getting through, but will pursue looking into purchasing it.

Mr. Gartley asked what will the building materials be?

Mr. D. Ksleysyak, metal with six to seven (6-7) foot of blocks

Mr. Gartley asked if there will be windows?

Mr. D. Ksleysyak there will be windows in the back. It'll all depend on what is available in materials

Chairman Wall, to the east of thirty-five (35) looks like wetlands, is there any information on a PEN5E and what jurisdiction it is? He feels the boards need to see an updated wetland delineation of that area.

Mr. Matt replied, those are Federal wetlands, the PEN5E and the PF48 and both are on the other side of ditch. The actual stone there goes to the ditch and so wetlands are on the other side of said ditch

Mr. Gartley asked if all the lighting will be on the East side, away from the residential? He also asked if there will be a lawn and if it will be maintained?

Mr. Matt there will be a couple on the south side at the corner. There will a lawn, which will be mowed and maintained.

Chairman Wall asked if there are any plans for thirty-nine (39) or will it be torn down?

Mr. Matl, they intend to keep it as is.

Mr. Gartley asked if the fence is existing, **(using drawing to show)** and if it's on this property?

Mr. Matt the two subdivisions are rather old and there is some overlap back and forth and they plan to leave it there and not touch it to separate the residential and industrial.

Mr. Gartley was actually thinking of them putting up a new fence, **(using drawing to show)**, which could help appease the residents

Mr. Matt, taking down the existing fence to replace would disturb the existing vegetation

## Side Table

Mr. Rappazzo no further questions at this time

Mr. Ritchie, none

Supervisor Giunta, none

Chairman Wall the big thing is to look at the variances and the variances request and try to mitigate them as much as possible. Since lots one and three (1 & 3) are not being combined into the fault, we need to consider those as someday being sold off and making sure we are not trading a hardship or a non-conforming lot down the road, so they will need to be looked at independently. There shouldn't be a set-back issue, but the big thing is parking for each building. The board will need an updated wetland delineation as well as height and material type information. Also, including the neighbors.

Mr. Matt, most of the neighbors are renters, so notify the renters who live there or the owners?

Chairman Wall the property owners should be notified. He continued this is strictly a Concept Review and no decision will be made on

Mr. Gatley added the board will need building samples and/or color elevations. He also asked about the bump-outs where the loading dock is, is the reason for it is for offices?

Mr. Matt offices can go there, but mainly is for the awning to go over the bay to cover as much of the trucks as possible to keep moisture, snow, rain out of the actual loading dock area

Mr. Argenta, more definition on the roof needs to be shown

Chairman Wall, the Fire Marshal will need to look as well

He continued that the next step is Zoning for a Variance than once that goes through back to Planning Board with the issues being addressed.

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Mr. Argenta motioned to adjourn the meeting

Mrs. May, second

All in Favor...Aye Opposed....None

The meeting was ADJOURNED at 7:54PM

Respectfully submitted,

Lily Alberto  
Recording Secretary