

The Town of Gates **Planning Board** held one (1) Tabled Request for Preliminary & Final Site Plan Review on Monday, April 24, 2023 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

**MEMBERS PRESENT:**

Mike Wall	Chairman
Juan Ruiz	
Andrew Gartley	Vice Chairman
Kirk Kettinger	
Dan Schum	Town Attorney
Tanios Sarkis	Alternate
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Cosmo Giunta	Town Supervisor

**MEMBERS NOT-PRESENT:**

Joseph Argenta	
Ken Martin	Alternate

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 asked for a motion to approve the March 27, 2022 Planning Board Minutes as sent to the Board.

Kirk Kettinger.... motioned      Andrew Gartley.... second      All in Favor...Aye      Opposed.... None

**MOTION CARRIED**

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**PRELIMINARY & FINAL SITE PLAN APPROVAL**  
**Gates PUD-Residential Development**  
**OWNER: Italian American Community Center**  
**ENGINEER: Passero Associates**  
**LOCATION: 500 Frank Dimino Way & 3410 Buffalo Rd**  
**District: PUD & R-1-11**

Chairman Wall motioned to **UNTABLE** Gates PUD-Residential Development, 500 Dimino Way & 3410 Buffalo Rd.

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

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

Jess Sudol, civil engineer with Passero Associates, presented this project proposal at last month's PB meeting with a lot of input from the public. At that time, it was deemed that additional information was necessary for the PB to proceed in any determination in regards to potential environmental impact under SEQR.

In result of that meeting, their office prepared additional documentation that has been submitted to the PB, including responses to comments received from the town engineer, details on the proposed phasing of the project, submitted the Geotechnical investigation, which showed their analysis on how the project was designed as it relates to the bedrock already known to be there. The analysis also included more details on potential impacts to groundwater and how they would deal with that. Also provided updated site plans that went along with responses to all the comments, with additional information, as well as additional analysis in respect to traffic from the comments received from the public at the last meeting (March 27, 2023), specifically on potential impact to Adeane Dr. East and West, which has been supplied to the board as well as comments received from the board, provided an updated Full Environmental Assessment Form. They feel they have provided all the additional information, analysis, drawings and documentation that have been requested of them.

Chairman Wall asked if the Board members had any further questions. Hearing none, he stated that, as far as tonight, this project has a couple of steps with the review process. The Board has received updated Site Plans, which need to be reviewed, therefore, we cannot vote on Site Plan tonight.

Attorney Schum added it would be premature to consider overall Preliminary Site Plan approval, but this project is at a stage in which this board can take a hard look at potential environmental concerns, going through Part 2 of the Environment Assessment form. The three (3) parts are; the applicant completes Part 1, which is the applicants identifying the project and potential concerns, concerning the environmental. Part 2 is the Planning boards analysis after looking at all the information that has been submitted as to whether or not there is an impact #1 and #2 if significant impact or not, which significant is the very important part of the environmental review, because obviously anytime, anything is developed, there are impacts on air, ground, water, subsurface, but he questions is if it's significant, long lasting, forever or a temporary thing that may occur during construction or may not.

The job is to go over each of the eighteen (18) identifying factors that SEQR requires and for the board to give its comments and concerns if any. In going through Part 2, which was completed by the Planning Board, there have been some areas that have been addressed be a moderate impact, as well as items that is he's willing to make part of the record, which is review with the town engineer, Superintendent of highway, and himself. They went through item by item, trying to give response to those items that may have some impact or minor impact on the environment.

Chairman Wall stated Public Hearing is still open, but went to Side table first before hearing from the public

### **Side Table**

Mr. Rappazzo, none at this time.

Mr. Ritchie, is satisfied with the material provided and the questions they had were answered.

Supervisor Giunta, none at this time.

### **Open to Public**

Manuel Das Faias, 2802 Manitou Rd., this property borders his property, right on the property line directly. He heard a fence would be put up or a berm or possibly more the boarder eighty (80) feet, he walked the ribbon, it's exactly eighty (80) feet, nothing has been moved. That's the last piece of greenspace in Gates. He has spoken with other people and was told the Sheriffs and Locust Club were looking at possibly putting ball fields there and guesses everything has been denied. He thinks it's a shame the last piece of grass. He sees all these housed going up all over the place, doesn't understand why there needs to be more. Secondly it was said the rent was to be \$2,700, but has been lowered to \$1400 which his understanding gives subsidies from the government when buildings like this get built and doesn't understand why it moved.

Betsy Brugg, attorney (Woods Oviatt Gilman) to be clear this is a market rate property, there are no government subsidies, just market rate

Donna Stornelli, 16 Adeane Dr. East, opposes this project, because she lives on Adeane Dr. and the road after Industrial Hwy goes from two (2) lanes to one (1), any given day, has to synchronize her timing to get out of her street, even turning right she can't. Commends the speed limit going down, but people don't follow anyway. Her concern with all the apartments and houses, is no one-car family, but multiple, so she estimates about six-hundred (600) more vehicles. She

loves the community in Gates, its calm and quiet, and doesn't want all the buildings going up. Need to give the animals a chance to live, greenspace is needed.

Chairman Wall, thanked Mrs. Stornelli for her comments and asked Mr. Sudol to explain the findings of the traffic study

Mr. Sudol, a lengthy traffic study was provided, including physical counts at each intersection area, as well as going through using the Institute of Transportation Engineers manual projecting cars coming into the area. The way the studies are performed is by looking at peak hour, looking at the worst hours of the day (7:30-8:30am and 4:30-5:30pm), as well as current conditions as exists today, and how those conditions would be with the project. In any area, the addition to their project results in a "drop in level of service" with any potential safety concern are required to install mitigation. In this case with more traffic, they felt mitigation was needed, adding a center turn lane, also looked at a proposed signal time adjustment to the local intersections to operate better. Based on their projections, the mitigation they proposed (anticipating the need for) both NYS DOT and Monroe County DOT found the mitigation proposed to be acceptable to offset the additional traffic from the project, which was a major hurdle with the project engineers, but were satisfied with because they do traffic studies each day, making sure no safety or massive traffic congestion was a concern. In addition, Mr. Rappazzo asked them to take a hard look at Adeane Dr. specifically what the impact would be there, worst case scenario, the delay would be eight (8) additional seconds on left turns off Adeane Dr.

Joe Polizzi, 20 Adeane Dr. East, everyone knows life goes on, projects are going to get built and analysis will go their way. The Amazon building hasn't even opened yet, that will add seconds to the eight seconds. He wishes we could just walk away from this and do the right thing. The talk is people want houses, but these are townhouses, condos. Why not just leave it, wait till people's children move back? The water is going nowhere, no matter what gets done, retaining wall, whatever. Even before this developer, the same people have stated what they want, they are the town and if this continues on, he may not stay in Gates. He doesn't know how to convince people, he has spoken at each meeting, but sounds like it's already been approved, he does appreciate having the time to speak.

Chairman Wall asked Mr. Sudol to speak on the traffic report and if the Amazon project was in that report? Mr. Sudol they Amazon traffic was taken in the projection and added to the report.

Mr. Rappazzo added that the eight (8) seconds is just an average not actual, some may have less and others more. Chairman Wall agreed

Adeana Giagios 23 Adeane Drive West, appreciates everyone coming out, but just as a general consensus around Adeane Drive there is a huge concern for the traffic. Eight (8) seconds unheard of and without a doubt waited three (3) minutes and heard others waited four (4), it's outrageous how long it takes them to get out, so not really keen on the report. She knows they are doing the best they can, but totally against the townhouses, the density of all of them, is it really what Gates wants?? She has lived there since 1962 and loves it and doesn't want to leave. Possibly consider Senior homes, single-family home of course and greenspace. Agrees the town of Gates needs more homes...single-family, senior, not townhouses, not for this project, let's reconsider, let's be proud of Gates.

Michael Giagios, 23 Adeane Drive West, opposes this project, and a couple reasons why, drainage, at the last meeting it was mentioned to be built up, but the drainage is pretty poor right now. The people on Mercury Dr. are complaining because water goes south, so his question is what is going to prevent more drainage going south, if they are building up? The other thing is the traffic, before getting to the turning lanes, you must first get out to the street. Also, the integrity to keep the neighborhood as a neighborhood, not all the other stuff going in there. The density is a small piece of property with a lot of people going into it.

Jason Hen 2812 Manitou Rd. has issue with the noise traffic brings, it's getting ridiculous how loud it is in his house as it is, now with even more cars as well as lights going into his house, he'll need to use his own money to put a fence or some sort of foliage and can't imagine how much it will be. He asked what is being taken on taxes for this project? He feels he keeps coming to meetings and not getting any answers and that it seems to already have been passed. He also asked about notification signs that are required to be posted about the meeting? Someone in the audience responded they were blown down

Chairman Wall, according to Town code, there are a few ways for the public to be notified of a public hearing, mailers (that were sent out), signs posted on the land (which were posted), the website, the board at the town hall and the paper.

Mr. Sudol pointed out in the notification process, following the direction from the town, they first had a neighborhood meeting (which is NOT required by code) sent out mailers with a postcard of the project to encourage the neighbors to come and hear about the project from the beginning, which they received input that lead them to reducing the density, adding buffer, increase amount of greenspace, traffic patterns all of which was a result from the meeting. Then the town suggested an additional neighborhood meeting, due to genuine concerns from the neighbors and the impact the project could have on the public, so once again, they sent out mailers, which is all above and beyond what is required based on the code processing and all done prior to the application process. Mr. Sudol is personally insulted at the implication of “trying to hide something or slipping something through” especially going above and beyond in keeping the neighbors informed and making significant changes, per the requests made at the meetings.

Mr. Polizzi stated, “we ae the town”, the town wants houses, the town doesn’t want what is be thrown at them, that’s the problem. Its great procedures were followed, but he didn’t get anything in the mail and knew nothing about it, someone called him. As “the town” knows what they want, they live here.

Mr. Rappazzo, addressed Mr. Polizzi and explained the Planning Board is made up of volunteers who are also residents of the town and receive no money, they volunteer.

Mr. Polizzi, it’s great everyone is doing volunteer work, but everyone in the audience are also town residents and want house to be built, but know they are not money makers

Mr. Rappazzo, told Mr. Pollizi, what he is looking for is direction and needs to talk to the Town Board, which has much more impact on the zoning, this board is tasked with the project

Attorney Schum an important thing that was touched on, is the majority of this site was zoned by the Town Board as PUD many years ago, it’s not like this applicant is asking for a major change, in fact they are asking for a use that is consistent with what this property has been zoned for fifteen (15) years or more.

Supervisor Giunta, the last developer was only building on thirty-four (34) acres and this is eight-five (85) acres, it’s fifteen (15) acres that’s also owned by the IACC.

Mr. Giagios on the letters, the first one that came out, not too many people on Adeane Dr., got them. He asked for clarification on what PUD and R-1-11 to PUD means?

Attorney Schum, the present PUD ordinance allows a mix of uses, including single-family, a commercial to support the residential portion of the PUD, it includes rental units or for-sale units that are not single-family residences, it’s a mixed use of those three (3).

Mr. Giagios asked commercial to what extent?

Attorney Schum that’s a whole concept of PUD is that the Town board and Planning Board try to determine from each application, because each parcel is unique to what is being proposed for the commercial portion.

Mr. Giagios asked if they could get a grocery store?

Attorney Schum replied, it could go to a grocery store, a laundry, dry cleansers, professional offices, storage units, which is being proposed

Mr. Giagios so if PUD with R-1-11 has to include homes then what is just PUD

Attorney Schum again PUD allows for that mix of single-family, rentals, and commercial

Mr. Giagios wants to know why change everything to PUD, sounds like R-1-11 doesn’t need to be there

Attorney Schum, a prior application was made to the town board to develop a PUD on this portion of the property and as part of that the TB requested the developer commit to a certain portion of that property being single-family homes and the

developer did and the remaining portion, which is the commercial and rental had yet to be designed to be completed, so as the TB, rezoned part of that property, R-1-11 which at that time was all zoned PUD.

The TB is committed to having single-family residences in that area and is part of the PUD the TB is planning to stage the project to be sure single-family residential is in that area.

Mr. Rappazzo, one of the benefits to switching from R-1-11 to PUD is that modifications can be made, like lot size and setbacks in order to make a more compact development that allows for more green acres and space around the development in order to shield Adeane Drive.

Chairman Wall, which is something the Board is looking at to have additional conservation easements

<Undisclosed resident> spoke, with all this going on, there is no enemies, everyone lives here and just want the best for the town. She was not aware the board members were volunteers and commends and thanks them. She realizes with the audience it may sound hot headed, but it's because they care and love living in Gates. They have children and want to see it stay that type of community and just trying to get something done.

Michele Smith, 3335 Buffalo Rd. maybe different type of signage like an A-frame could be used for posting the public hearings. She actually helped put the signs back up, but they kept coming down. Mr. Rappazzo thanked her, always open for suggestions, the town has tried several different types of signs. Brianna actually helped put the three (3) signs up.

Ms. Smith continued asked if there is a thing for a certain amount of people and rentals within a one-mile radius? Not being able to overpopulate, because of all the townhouses being built. Not just within Gates, but into Whitter and Manitou. No one from the board every heard this. At the last meeting, it was said, contemplating storage units. Is it a done deal, there will be storage units or possibly something else they will not want once the project gets started?

Mr. Sudol replied they are proposing storage units

Ms. Smith her preference would be the single-family homes be built first, then houses to rent, then apartments after and hopes that's how everyone else feels.

Mr. Sudol in their Phasing Plan, the single-family homes are in Phase I

Ms. Brugg, that is why the R-1-11 is being rezoned to PUD so the town can insure single-family homes are the first to get built

Mr. Polizzi is curious R-1-11 is not as big as the PUD property? Attorney Schum replied, it's part of it.

Supervisor Giunta right now the R-1-11 is twenty-four point something acres (24.) and the remaining part of Brinkmen's property was ten (10) acres and then the fifty (50) acres is PUD

Mr. Polizzi asked then why is there a need to give up the R-1-11 to PUD and not the PUD to R-1-11?

Attorney Schum the area currently zoned R-1-11 will continue to be used for single-family for sale homes.

Supervisor Giunta showed Mr. Polizzi the rendering

Chairman Wall asked if anyone else wanted to speak for or against this application. No more at this time.

He reminded everyone that at this meeting, only seeking SEQR determination after looking at all the factors that went into the application.

Attorney Schum, as he indicated at the start of the meeting, the State of Environmental Review Act identifies eighteen (18) areas of potential concern for any project to move forward and it's for the Planning Board during the meeting to go through each of the eighteen (18) items and to indicate their comments with respect to the Part 2 which has been completed by the town with assistance of the town engineer and development committee. He then went through each of the eighteen (18) Identification of Potential Project Impacts along with the Comments.

## **ATTACHED**

Attorney Schum continued, the question is, when you get to the end of this is, not only have the items been identified, and as hard look was taken, are there any significant adverse environmental impact under anyone of the categories that would require the PB to review the environmental impact further or converse whether or not based on the responses can the town move forward without any further regard to environmental concerns and should the PB issue a declaration of environmental significance.

Chairman Wall after going through Part 2, it does give the town better control of the project. If there are any significant deviations from what's outlined in the SEQR part, Part 1 or Part 2

Attorney Schum it's important to note this is a snapshot in time and is the developer's proposal on all the maps and plans and reports they have submitted and based on that the developer submitted an application and the town responded to Part 2 as required under the law and if there are any significant changes in this project it goes back to square one and the SEQR process would start over.

Chairman Wall the only thing being looked at is the SEQR. The issue of Zoning will be discussed at the Town Board Meeting, Monday May 1, 2023 at 7:30pm

Attorney Schum, the public hearing was tabled from last month's TB Meeting and was left open to be heard in Old Business this month.

Chairman Wall motioned

### **TOWN OF GATES PLANNING BOARD SEORA Determination for PUD Development at Frank Dimino Way, Buffalo Road & Manitou Road**

WHEREAS, Whitestone Development Partners, LLC (the "Applicant") proposes a mixed-use development on an 85.24 +/- acre site consisting of property at 500 Frank Dimino Way and 3410 Buffalo Road with Tax Account Numbers 118.13-1-8.11 and 118.18-1-1.22 in the Town of Gates, as described in the application, site plan and other information submitted by the Applicant (the "Project");

WHEREAS, the Project includes construction of 400 townhome-style apartments, 20 cottage style homes for rent, a clubhouse with amenities, 52 single family homes for sale, and a 130,000 square ft. self-storage facility, together with related parking, landscaping, storm water management and other site improvements;

WHEREAS, the Applicant has submitted applications for approvals required for the Project which includes a Petition for Zoning Change to the Town Board requesting rezoning of to a Planned Unit Development to accommodate the proposed mixed-use Project;

WHEREAS, pursuant to the Town Code, the Petition for Zoning Change and related information submitted were referred to and reviewed by the Planning Board;

WHEREAS, the Planning Board has approval authority over site plan and subdivision approvals, and is therefore an involved agency for purposes of participation in the SEQ RA process;

WHEREAS, on March 27, 2023, the Planning Board held a public hearing, continued on April 24, 2023, at which the Project was reviewed and members of the public were heard;

WHEREAS, on March 27, 2023, the Planning Board classified the matter to be a Type I action pursuant to the SEORA regulations, and declared its intent to be the lead agency for purposes of conducting a coordinated environmental review and notified other involved agencies;

WHEREAS, the Planning Board has reviewed the Project, including the submissions and information provided by the Applicant, including but not limited to a Petition. for Zoning Change, Application for Site Development Plan Approval, Part 1 of the long form Environmental Assessment form (EAF), site plans, renderings, professional engineering reports including but not limited to a Traffic Impact Study, SWPPP report, Geotechnical Evaluation, and reports addressing existing conditions, utilities, drainage, parking, emergency access, lighting, and landscaping, comments from Town of Gates professional staff, comments from local, state and county agencies, including but not limited to the Monroe County DOT, NYSDOT, comments from the public, and other relevant information.

BE IT RESOLVED, that the Planning Board is the Lead Agency for purposes of the coordinated review and making the environmental determination for the Project, and has completed the Parts 2 and 3 of the long form EAF; and

The Planning Board, having taken the requisite hard look and engaged in reasoned elaboration, has determined that, considering both the magnitude and importance of each identified potential impacts it is the conclusion of the Planning Board of the Town of Gates that any identified potential impacts have been addressed by the Applicant and that the project as presented, will result in no significant adverse impact on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

Mr. Gartley second      All in Favor...Aye      Opposed.... None

**MOTION PASSED: NEG. DEC.**

Chairman Wall, the Town Board meeting will be Monday, May 1, 2023 at 7:30 where the issue of rezoning will be heard. The Planning Board has a strict scope of what gets looked at, but rezoning of property is the Town Board, and by no means is this a complete project, there are a lot of issues to work out and those will be forth coming in the coming months as the process gets worked through.

Attorney Schum added some of the concerns mentioned, whether it's adjoining properties, buffering or whatever as all legitimate questions for the PB to take a look at subsequent meetings. The actual Public Hearing for the development for the project was already taken place, but the project has not received neither Prelim or Final Site approvals or Sub-division approvals. Those matters will be subject to further Planning Board meetings and those meetings are generally the fourth Monday of each month and are open to the public.

Chairman wall reiterated, the board does hear the public, they live in Gates, volunteer, are concern for the town as well, and will take all comments into consideration.

The meeting was ADJOURNED at 8:50PM

Respectfully submitted,

Lily Alberto  
Recording Secretary