

The Town of Gates **Planning Board** held one (1) Prelim. Site Plan & Subdivision Approval on Monday, March 25, 2024 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

Juan Ruiz Alternate Chairman
Kirk Kettinger
Ken Martin
Brandon Stuhler Alternate

MEMBERS ABSENT:

Mike Wall Chairman
Joseph Argenta

Dan Schum Town Attorney
Kurt. Rappazzo Director of Public Works
Mike Ritchie Costich Engineering, P.E
Cosmo Giunta Town Supervisor

Alternate Chairman Juan Ruiz called the meeting to order at 7:33 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Alternate Chairman Ruiz asked for a motioned to approve the February 26, 2024 Planning Board Minutes as sent to the Board.

Kirk Kettinger motioned Ken Martin second All in Favor...Aye Opposed.... None

MOTION CARRIED

PRELIM. SITE PLAN & SUBDIVISION APPROVAL
40 Hytect Flex-Space/Light Industrial Development
OWNER: Cucinelli Family LLC
ENGINEER: LandTech Surveying & Planning P.L.L.C.
LOCATION: 40 Hytec Circle
District: LI

Alternate Chairman Ruiz motioned to **UNTABLE** 40 Hytec Flex-Space/Light Industrial Development

Ken Martin second All in Favor...Aye Opposed.... None

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

Town Attorney, Dan Schum verified that the Legal Notice was properly published as required by law.

John Hotto, LandTech, representing Chris Leva and are here to propose a project at 40 Hytec Circle, seeking subdivision and site plan approvals. The proposal is for a 11,700 square foot building for Mr. Leva’s business as well as a separate building of 12,106 square feet for Diamond Shield Manufacturing. Together with associated site improvements including 61 new parking space, water service with backflow prevention and new sanitary sewer including a bioretention swale for stormwater management. On November 11, 2023 they were granted a Rear Yard Setback Variance from the Gates

Zoning Board as well as Parking Space Amount Variance for less spaces. They also were granted a Conditional Use Permit from the Town Board on December 4, 2023 for a 11,700 square foot storage building.

Mr. Hotto continued, building #1 (**used Renderings to show**) will be used by Mr. Leva's company, E.G. Sackett Co., to store various tile products. Building #2 (**used Renderings to show**) will be for Diamond Shield Inc. who currently occupy space at Mr. Leva's building on Lee Rd.

They are asking for subdivision of the bigger lot AR6 (**used Renderings to show**) to lots AR6-A (Mr. Leva's) and AR6-B (the Cucinelli Family's).

In the initial application, in the SEQR process it was indicated there are wetlands on site, but they wanted it verified. A BME Associates investigation on September 19, 2023 determined No Wetlands were found.

He continued, both buildings will have sprinklers in addition to a new fire hydrant which was requested by the Gates Fire Marshall.

There is a 100-foot buffer (**used Renderings to show**) and are fundamentally preserving that buffer, but are providing a drainage swale that will intercept the existing run-off going towards Midway Dr. neighborhood and rerouting it to the east to an existing retention basin as well as a smaller one on-site. The stormwater would treat both the quantity and quality and are working with the Town Engineer, Mike Ritchie to fine-tune the design. They received and agree with his comments, but just need to work on details and refining a bit with him. The swale will be about a foot deep and it's called a bioretention swale. It will reduce quite a bit going to the neighboring property, it will run into a treated soil product, like an organic mix and filters out any pollutants and goes to retention basin. This plan will reduce a lot of the runoff to the neighbor's properties. The intention is to preserve as much of the existing woods and brush (**used Renderings to show**) to act as a screen, as well as providing evergreen trees to help buffer it. In addition to the building design, there is twenty-four (24) feet in front, but facing the neighborhood is about fourteen (14) feet. So, the building will be reduced in volume and the color of it will help mute the volume of it as well. Both buildings will be similar in design (**used Renderings to show**) aluminum, vertical panels and stone work along the bottom

Alternate Chairman Ruiz classified these changes are updates from the previous meeting?

Mr. Hotto confirmed, yes

Mr. Stuhler asked for building #1, is it going to be for one sole purpose, one company, not renting out later down the line?

Mr. Hotto confirmed, correct.

Mr. Martin asked the area between the existing buildings in the original plans showed something a bit different.

Mr. Hotto in the original plans, they were looking at an addition to the building, but no longer are.

Mr. Martin wanted to confirm the trees that were going to be planted

Mr. Hotto is recommending the Norway Spruce and Pine because deer do not favor those and arborvitae would just get mowed down.

Mr. Martin, asked if the town board mentioned anything about the wooded area to the west about not cutting down or anything?

Mr. Hotto, not specifically, but that hundred-foot buffer cannot be built on. No buildings, no parking, no major disturbance.

Mr. Martin with building #1 having multiple uses, the previous drawings had multiple water services and sanitary services, will it all be one like shown now?

Mr. Hotto replies, yes, it's one property, one water and he will pay for the water and sewer.

Mr. Stuhler to clarify with building #1, it's just one source water and sewer or multiple?

Mr. Hotto (**used Renderings to show**) the utility plan has an existing sanitary sewer.

Attorney Schum in cover letter it's designated as 'flex space' and to him means it's designed and intended for multiple tenant, so will there be separate bathrooms?

Mr. Hotto, no if anything there will be one (1) bathroom. The previous designs were just preliminary and thoughts.

Mr. Stuhler asked, with the two building, what is the increase of truck traffic, will it be multiple tractor trailers, multiple times?

Mr. Leva, with Diamond Shield gets about two/three (2/3) delivery trucks a week with short trucks and sometimes, none, with his existing facility the most is three (3) a week. Once the product is made it is picked up by FedEx or UPS, shipped in cylinders on two or three (2 or 3) pallets and that is like three (3) times a month. Building #one (1) gets stocked and could last a year and if something gets picked up, it'll be with a transit van maybe once a week. No considerably more traffic.

Side Table

Mr. Rappazzo, with the cul de sac at Hytec Circle, he has had conversations in the past with EIS that say they have problems with their employees with their driveway being there on the left and employee parking and loading locks on the northside and their employees having the bad habit of when they leave at the end of their day, going left, trying to short circuit the circle, and sometimes there have been issues with trucks coming out and would hate to see a situation where we have employees from E.G. or Diamond Shield trying to come out making a right and EIS trying to make a left and there being some sort of incident, so the town will need help in doing better traffic control and combing around that circle. Treating that cul de sac more like a round-a-bout and not a cul de sac. The town can help by putting up some signage and if they add some as well in the employee parking to help promote that round-a-bout feel, with everyone needed to go right to make it safer. Also, knowing there is mature vegetation in that cul de sac is asking to have them show in the landscaping plan that along with the existing trees and possibly trimming to improve the line of sight and would love to work with them. He also noticed in the plans with the drainage, paving space and grading, some is part of this project which is on the Cuccinelli's property, so some private easements will be needed for easement maintenance agreements. Anything where it can be determined one person's property or another should have agreements.

Mr. Ritchie, issued a comment letter and knows they can work together to address any further comments.

Supervisor Giunta, none

Open to Public

None

Close Public Hearing 7:54

Executive Session 7:54pm-7:56pm

Alternate Chairman Ruiz motioned to declare the Town of Gates the Lead Agency, and based on the submitted materials and testimony of the applicant, we find this project to be an Unlisted Action project and that there is no negative impact to the environment, and no further SEQR action is required.

Kirk Kettinger...second

All in Favor...Aye

Opposed.... None

MOTION PASSED: NEG. DEC.

Kirk Kettinger motioned to **Granted Final Subdivision Approval for 40 Hytec Flex-Space/Light Indus. Development at 40 Hytec Circle** with the following conditions:

Mr. Stuhler...seconded. All in Favor...Aye Opposed...None

MOTION PASSED: FINAL SUBDIVISION APPROVAL

Ken Martin motioned to **Grant Preliminary and Waive and Grant Final Site Plan Approval of 40 Hytec Flex-Space/Light Indus. Development at 40 Hytec Circle** with the following conditions:

1. The applicant is to provide the landscaping plan.
2. Request the employees adhere to the round-a-bout when existing the site.
3. Show stormwater maintenance and who is responsible.
4. A note to be added to the Final Site Plans:
 - a. The specific references of the Variances granted by the Zoning Board
5. Final drainage calculations are to be provided to the Town Engineer for his review and approval.
6. All conditions set forth by the Monroe County Dept. of Planning and Development are to be incorporated into the Final Site Plan.
7. All Signage will conform to Town of Gates standards.
8. The Gates Fire Marshal shall review and approve the plan prior to the signature of the Planning Board Chairman.
9. All necessary Easement and Stormwater Facility agreements are to be reviewed and approved by the Town Attorney
10. 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.
11. A letter of credit is submitted to the Director of Public Works in the amounts sufficient to cover landscaping plan, the installation of the drainage facilities.
12. The building is to be constructed according to the renderings and building samples as presented to the Board

Mr. Kettinger...seconded. All in Favor...Aye Opposed...None

Alternate Chairman Ruiz motioned to **Adjourn the meeting**

Mr. Martin...seconded. All in Favor...Aye Opposed...None

The meeting was ADJOURNED at 8:09PM

Respectfully submitted,
Lily Alberto
Recording Secretary