TOWN OF GATES PLANNING BOARD MINUTES September 24, 2018

The regular meeting of the Gates Planning Board was called to order at 7:30 PM by Chairman Wall.

PRESENT MEMBERS: M. Wall, Chairman; T. May, D. Chamberlain, J. Argenta, Juan Ruiz, Jeffrie Wilkinson, Daniel Schum, Town Attorney; Robert McLaren, Attorney; K. Rappazzo, Dir. Of Public Works; L. Sinsebox, Town Engineer; Mike Ritchie, Costich Engineering; Lee Cordero, Councilman

ABSENT MEMBERS: G. Lillie

The first matter on the agenda was approval of the March 26, 2018Planning Board Minutes.

Ms. Maymade a motion to approve the minutes as received. Mr. Argentaseconded the motion. All were in favor; the motion carried.

PARKVIEW PLACE SUBDIVISION-Section 2 FINAL SITE PLAN & SUBDIVISION APPROVAL

OWNER: Parkview Place LLC-Robert Marcello, President Multi Family Residential (MR) Zone

LOCATION: 3990 Lyell Road 34 Lots

ENGINEER: Schultz Associates P.C.

Kris Schultz of Shultz Associates spoke for the project. He stated that this is Section 2 of Parkview Place. Section 1 is mostly developed. Sales have been so good that Mr. Marcello is contemplating getting Section 2 started. The new section will consist of 34 additional units. It will pick up on the north end of Section 1. The road will turn easterly and come to a 'T'. From this standpoint, this is not as big a job as section one. We reviewed comments from the Town Engineer and there is nothing substantial that we can't take care of.

Ms. May stated that before the development there were a lot of trees and green plants and wanted to know about the plan to bring in more trees and plants in the area.

Mr. Schultz stated that they maintained everything along the eastern border. They are very deep lots that come off Elmgrove Road. There is also a central area that will be bounded by Section 1 and eventual Section 3 is to be greenspace. There will be a lot of vegetation. Along the church to the west they have maintained as many trees as possible. To the north there is a large wooded area that will be maintained. There is a federally regulated wetland in that, so it is protected. Unfortunately, a lot of the trees on the site were ash trees and unfortunately had to be taken down. Bob does not skimp on landscaping. He spent a good penny on a lot of trees and taking care of that.

Ms. May asked if there are crosswalks for children's safety because of apartment complexes nearby. Mr. Schultz wanted clarification if she meant the south side of Lyell Road. She stated yes. He also stated that there is accessleading into the church property so that people in the development could access the church. The project is set up so that there will be a large corridor of green all the way through between the sections that will give an opportunity for the children to stay on site.

Mr. Wilkinson said that there is a concern about the dead-end road on the northwest side. There is a turnaround there for fire trucks. He stated that it will not meet code for depth. It will have to be reconfigured somehow. He asked Mr. Schultz to check with the Fire Marshal. Mr. Shultz stated that they will pursue this.

Ms. May wanted to know if the property is allowing animals and if there are waste stations in the complex.

Mr. Marcello, owner of the development, stated that in the Home Owner's Association handbook, only certain breeds are allowed and that the owner has to pick up after their pet.

Mr. Argenta asked if this section will be the same layout as Section 1. Mr. Schultz answered yes. Mr. Marcello went on to say that the units will have full basements, no step entry and every interior bathroom and bedroom door will be 3 ft. wide. This will accommodate handicap people. They also build to suit.

Ms. May asked about the color samples. Mr. Marcello stated that they are the same as Section 1.

Mr. Chamberlain said that there is a potential solution for the turnaround that should be explored. He also said that they need to add HOA Designations to the map regarding the maintenance of the pond. He would like to see that added to the map.

Mr. Schum discussed that when there are 3 different HOA's, the town would ask that at the end of the project the HOA's would join into a Master Stormwater Maintenance Agreement where they would jointly agree to maintain the stormwater facility. The Town would like one entity or agreement, not separate contacts for the HOAs.

Mr. Shultz and Mr. Marcello were in agreement.

Mr. Chamberlain asked if Timber Creek Trail was approved. Mr. Schultz answered yes.

Mr. Wall asked about the As Built Survey. Mr. Shultz said it was completed. Digital copies will be provided.

Mr. Wall stated that it will not hinder the approval of Phase 2, however, the Town needs the As-Built Survey. As soon as he gets those in they are to be supplied to the Town.

Mr. Wall asked about the tree limit shown on the plans. He asked if what is shown on the plans the accurate representation of what is out there now.

Mr. Shultz stated that they show as originally approved.

Mr. Wall asked about the wetland limit. Mr. Schultz stated that it will be added to the plans. It does show limited disturbance.

Mr. Rappazzo asked Mr. Schultz if he has gotten any comments from the Fire Marshal on the turnaround. Mr. Schultz stated not yet.

Mr. Rappazzo will have the Fire Marshal get a letter over to Mr. Schultz. He said that basically they saw the slope and grading of that and they have concerned about that, especially with runoff and clearing snow, he says they are going to suggest a solution. He went on to say that in terms of the Letter of Credit, he asked if they released the terms of Phase 1 letter of credit. Mr. Sinsebox answered by saying they have released 60% or 70% of the entire letter of credit for Phase 1 and any work that is not done is still in the letter of credit. Mr. Rappazzo answered OK.

Mr. Rappazzo went on to say that what he would like to see in the letter of credit for Section 2 is the continued care of the pond.

Mr. Ritchie stated that he and Mr. Sinsebox reviewed the plans issued comments and have not received any comments as of yet. They do seem like general housekeeping comments and he thinks that they can work through them.

At this point the meeting was Open to the Public. There were no comments.

At this point the Planning Board was declared in Executive Session. After discussion among the board members, Mr. Wall made a motion to grant final section approval for Section 2 for Parkview Place with the following conditions:

- 1. All conditions set forth by the Monroe County Department of Planning and Development are to be incorporated in the plan.
- 2. All stamps of all approval from all regulatory agencies, including the Fire Marshal, need to be affixed to the plan prior to the signature of the Planning Board Chairman.
- 3. Letter of Credit should be submitted to the Director of Public Works in the amount sufficient to cover drainage, landscaping, and survey As-Built of the site including the stormwater features to the satisfaction of the Director of Public Works and the Town Engineer.
- 4. Please address any final comments from the Town Engineer and Director of Public Works.
- 5. Please add orange construction fence to protect the wetland buffer area.
- 6. Please reconfigure the emergency vehicle turn-a-round to the satisfaction of the Town Engineer and Director of Public Works.
- 7. Please have the Fire Marshall review and approve the plan prior to other Town Signoffs.
- 8. Please provide an As-Built map to satisfaction of the Town Engineer and Director of Public Works.
- 9. Please revise the HOA notes and Stormwater Agreement per the Town Attorney's comments.
- 10. Please correct the Subdivision Map to the satisfaction of the Town Engineer and Director of Public Works.

Mr. Argenta seconded the motion. All were in favor, the motion carried.

GIUSEPPE MELLIA – Commercial Building

OWNER: Giuseppe Mellia

LOCATION: 810 Spencerport Road

ENGINEER: DSB Engineers

PRELIMINARY/FINAL SITE PLAN APPROVAL

Neighborhood Business (NB) Zone

1 Lot

Walt Baker of DSB Engineers spoke on this project. He stated that this is a 2 story building on the corner of Vendome Drive and Spencerport Road. They will be using earth-tone materials that are fire resistant. The site will house a hair salon in the lower level and office space for rent upstairs. There will be 11 parking spots and a handicap parking space with drop-off for that spot. He said they meet the parking requirements for the footage of the building. They have met with the Town Engineer regarding drainage for this area and they met last week to redesign the drainage so they are sending it to different directions as to where it was going so with the increased pavement they will not be affecting the neighbors on the northside of the property. They came up with a solution where they can tie-into a catchbasin around the corner. Best for everybody.

Also received comments from the Fire Marshal and he didn't seem to have a problem with anything but he did mention about the fire hydrant not showing on the plan but they are actually both on the plan. He proceeded to show the Planning Board members where on the map that the fire hydrants are located. They are waiting for approvals from Monroe County Pure Waters, which they do have an existing lateral on the site now. There used to be a house on the existing property at one time. Pure Waters has told them that the lateral is there and a new line connecting to the existing lateral. The water service, there was no records with Monroe County Water Authority for the service as they may have taken it out at some point. They will tie in on Vendome so there won't be any disturbance on Spencerport Road. He went on to say that they need a curb cut from NYSDOT and that will be their next step. Once Planning Board lets them know it is moving along they will get with NYS DOT regarding that. They tried to design the layout so that they keep the curb as far from the intersection as possible. Location keeps it so we tried to tie it over as far as they could but obviously the shape of the property and the requirement of the neighborhood business budding with residential property, they need to have a 25ft.

buffer zone along the north property line because it is all residential and then 14 ft. setback. So they end up with 40 ft. so they had to have the architect get creative with the design of the building to make 2,000 sq. ft. which would be usable and comply with the town codes for that. Also the fact that it is an odd-shaped rectangular corner property, the town code also states that we can't park cars in the front set back of the property so after the concept meeting, they went to the Zoning Board and received a zoning variance to allow the vehicles to park the way it is designed. County comments came in and they mentioned all of the above.

Ms. May stated that she lives on Ford Avenue and knows the area very well. She is very concerned about the building not only because she lives near there, but also there is a group home next to the property. She needs to understand about the curb cut. Mr. Baker stated it will exit on Spencerport Road. She is worried about the residents of the group home wandering and also kids living on Vendome. She is worried about a catch basin where kids would wander over to and concerned about the safety of the kids. Kids always walking up and down Vendome. She is very concerned about the safety factor. No traffic lights. She says that is a very busy area and that is her concern with a business on the corner.

Mr. Baker stated that there is already an existing catchbasin at the intersection of Wolcott and Vendome. The pipe is underground. They do have onsite detention area but that is only during a storm event and it will drain right down to next to nothing. Ms. May asked about the fence the neighbors behind the property have. Mr. Baker stated that those will stay along with the trees behind there. They will have to remove some vegetation and will enhance the area with trees.

Ms. May asked what the colors of the building will be. Mr. Baker said that it would be earth-tone green and beige fieldstones with horizontal and vertical siding.

Mr. Argenta asked what the materials consist of. Mr. Baker said that it mainly consists of hardy board. Mr. Argenta stated that he sees a light pole in the plans on the lot. He wanted to know if it is dark-sky compliant. Mr. Baker answered yes. He said that they will put it on a 10 degree angle so that it is not pointing at the neighbors. It has a shield.

Mr. Argenta said that they mentioned that the building will be handicap accessible but the second floor would not be. Mr. Baker said that is correct.

Mr. Argenta also asked about roof drains. Mr. Baker said that it is splash-block.

Ms. May wanted to know about the back lighting. She stated that it is very dark back there right now. Mr. Baker stated that there will be lights on the end of the building. Where entrance door is they should add a security light. Ms. May also asked about snow removal. Mr. Baker stated that they show it pushing right into the pond.

Mr. Wilkinson said that he noticed the handicap spot and a handicap parking sign. They should add to the plans a no parking zone to the access isle. Mr. Baker agreed with him. Mr. Wilkinson went on to ask if the entrance is the only entrance for construction and wanted to make sure they will not be coming off of Vendome at all. Mr. Baker said no, they will not be coming off of Vendome.

Mr. Chamberlain asked about limiting some of the pavement. They only need 7 parking spaces. Last 3 spaces to the right are very tight. Cheaper to knock off 2 or 3. He went on to say the sidewalk can be shortened up. Also mentioned a light over the back door. Mr. Wall said they have to be careful because 5 ft. is code. Mr. Chamberlain went on to say that there is a detail that shows curbing. Mr. Baker said that originally they had curbing and they worked with Costich on redoing the drainage so they eliminated doing that right in front. Ms. May asked about the 11 parking spaces and wanted to know where staff would be parking. She is concerned if the spaces is for the staff and where would the clients be parking? Will there be enough parking

spaces for clients and staff. Mr. Baker said that is why they needed 11 parking spots. Ms. May went on to say

that she is concerned about clients parking on Vendome Drive. Will 11 parking spots be enough? Can there be a no parking sign on Vendome. Mr.Rappazzo said that the no parking zone can be discussed as time goes on.

Mr. Wall asked if the door swings in is per Fire Code. He went on to ask about ADA accessibility. With it being a 2 story building is there a certain threshold in order for an elevator needs to be proposed? Mr. Baker stated that a 3 story building needs an elevator. Mr. Argenta stated that it depends on the use of the building.

Mr. Wall asked what the height of the building at its highest peak. Mr. Baker replied 35 ft. Mr. Sinsebox stated that we allow per code 35 ft.

Mr. Wall asked about trash enclosure. Mr. Baker stated that it would be board on board. Mr. Wall said that what they like to see is that it matches the building. Mr. Chamberlain would like to see the trash enclosure more to the back of the building. It would make the site look better.

Mr. Wall stated that he understands that the plan has changed. Mr. Baker said that the utility layout is the same as far as water and sewer service. The grading has changed slightly as he had mentioned they decreased the runoff going one way.

Ms. May stated that she knows that the building will consist of a hair salon. She wanted to know how many chairs will be in the salon. Mr. Mellia said that he has the salon across the street and that people can park across the street. Ms. May is concerned about people crossing the street.

Mr. Rappazzo stated that he has concerns about the parking and the uses. So it is definitely a salon on the first floor and the second floor is office space. He says that different uses have different requirements for parking so they have to make sure that there is appropriate parking on site. Even though he has parking for them across the street, people going to the building on the corner of Vendome and Spencerport Road, need to park in that lot and not going across the street to park. Mr. Rappazzo asked that clarification needs to be made as to what will be on the second floor. If it is office space then we will record that as office space and it could never be anything else. Mr. Mellia answered that yes it will be office space.

Mr. Rappazzo asked if the basement is just mechanical space. Mr. Mellia replied that it would be for storage. Mr. Mellia said that it would be storage for coffee and other stuff. So Mr. Rappazzo asked if it would be storage for tenants and Mr. Mellia answered yes.

Mr. Rappazzo has concerns over the configuration of the parking lot and for vehicles to be able to be turned around and adequately parked in spaces. Someone coming in the parking lot and accessing the first spaces in the parking lot is going to be very difficult. In the winter, when there are piles of snow, it will become very difficult. If code requires seven, maybe we can come closer to seven and more workable for people to use. He went on to ask Mr. Mellia if he plans on having a full size dumpster at the site or just use totes. Mr. Mellia doesn't think that there will be much garbage and that he currently uses Boon and Sons. Mr. Mellia said that he can put the garbage in his truck and dump it in the dumpster across the street. Mr. Rappazzo said that this will only work as long as he owns both buildings. He stated that if someday he sells the building, this building has to be able to accommodate dumpsters.

Mr. Shum stated that the town has to approve the site and the uses on the site regardless of who owns the property now or in the future. Point being made, the site has to support itself and not rely on across the street. Mr. Ritchie stated that they did meet on the site and subsequently have revised their drainage and it is an improvement over what they originally had. They will need some time to review the full revised set of plans. He stated that they have made progress. One thing they did discuss is the stormwater piping timing to Wolcott. The town should insist on a 12 inch diameter storm sewer in lieu of the 6 inch in the event so that it would meet town code. In good shape. Just some things to button up. Mr. Ritchie asked if there would be a sump pump in

the basement. Mr. Baker said they will put one in to be on the safe side. Mr. Ritchie said to make sure it goes to the storm system.

Mr. Sinsebox said to put it in the Letter of Credit the usual drainage.

Mr. Wilkinson asked about putting storage of coffee and trash in the basement. Mr. Wilkinson does not want to see trash stored in the basement for a period of time until he brings it across the street to the other building. He doesn't think the Fire Marshal would allow that either. Mr. Mellia stated that the building he has right now has a shooter and discharges the trash. Every other day he dumps the trash from the tote into the dumpster. Mr. Wilkinson stated that they do not want to see trash stored in the basement.

At this point the meeting was opened to the public. There was no one to speak for or against this project.

At this point the Planning Board was declared in Executive Session. After discussion among the board members, Mr. Wall made a motion to TABLE Preliminary/Final Site Plan Approval for 810 Spencerport Road with the understanding that if these issues are worked out, at the next meeting we will entertain a preliminary/final. Things that we need to make a decision are as follows:

- 1. Floor Plan of the proposed building (basement, first, and second levels). This information will help the Board to understand the present and potential future parking requirements.
- 2. Building Samples of the exterior finishes.
- 3. It was understood that an updated Site Plan set was presented to the Town Engineer prior to the Planning Board meeting. It is understood that a certain percentage of the Town Engineer's comments (dated September 16, 2018) were addressed with the revised set, however, the Board did not have a copy of the revised set. Please address all Town Engineering and Department of Public Works review comments and understand that there may be follow-up Planning Board comments with its review of the revised set.
- 4. 11 parking spaces are provided. It appears that the westerly parking spaces will be difficult to successfully complete a back-out movement from the parking stall without impacting the lawn area or parked vehicles. This will become more of an issue during the winter months as the northerly edge of pavement is designated as snow-storage. Please show the vehicular turning template for the westerly spaces without impacting the lawn area or adjacent vehicles. Adjustments in the layout may be required.
- 5. Please refer to Town Code Section 190-19 A and depict the total area required for the drive aisle and parking space.
- 6. With the reviewed Site Plans, it is unclear of the downstream impacts to the neighbors, should the project be developed as-designed. Please provide additional survey basemap information to the satisfaction of the Town Engineer.
- 7. Please add 'No Parking' signs along Vendome Dr.
- 8. Please revise the sign-off block per the Town comments.
- 9. Please revise the trash enclosure building materials to CMU materials. The enclosure should match the building finish.
- 10. Please address the Fire Marshal's comments.
- 11. Please show the sump pump location in the basement with discharge point.
- 12. Please provide the proposed building and site light cut-sheets and update the photometric plan depicting the building lighting.
- 13. Please have the Architect provide Code Compliance information for the building including: door swings, and ADA accessibility for the basement and second floors.

Ms. May seconded the motion. All were in favor, the motion carried.

LYELL AVENUE GATES DEVELOPMENT

PRELIMINARY SITE PLAN & SUBDIVISIONAPPROVAL

OWNER:Caliber Brokerage-Matt Lester LOCATION: 2222 & 2232 Lyell Avenue

General Business (GB) Zone

ENGINEER: Robert Fitzgerald, P.E.

For the record, there is a new attorney for this application – Mr. Robert McLaren due to The Town Attorney, Mr. Schum having an interest in this application.

Mr. Ray Trotta of Hall and Trotta, a design management firm, spoke on behalf of this project. Mr. Trotta handed out an updated application. They addressed some comments since going in front of the Town Board. This project consists of an urgent care and a drive-thru restaurant. The drive-thru restaurant needed a Special Use permit for the drive thru so they had to go in front of the Town Board. They received that approval and some minor conditions. Parking had to be within code and operation is between 7 am and 12 midnight. He stated that when doing Town Board approval process that the submitted plan be tenants and asked for a few more parking spaces. They were able to accommodate that. A slightly updated plan to accommodate a couple more parking spaces and a little drop off zone so that you can back into the space, the dumpster in one area and a few more parking spaces in another area. He went on to say that they have addressed some of the areas. They were asked if they were open to closing one of the driveways and the answer is absolutely yes. They made the plan to accommodate the DOT. They have no issue with closing it an excess curb-cut. It will depend on the DOT.

Mr. Trotta went on to say that he addressed the decibel levels. What is the decibel level of the speakers? The menu board speakers are well within 35 ft. away. The speaker volume is not an issue. The other thing is the variance application by creating two separate lots, which they are two separate lots, and by re-subdividing them, they are actually looking for a variance because of the setback requirements. Also handed out a letter from their engineer. Is looking for comments this evening and recommendation for Zoning Board approval. Zoning Board setbacks. Variance will be needed. They intend to have cross access easements in place. Obviously they will be drafted after. Matilda Street they thought would be better for the driveway. The driveway is on Eugene Street and they chose to close it off and open it on Matilda Street being that it is a town road. If the town wishes, to push it to Eugene Street, they have no problem with that. It was discussed with the town that a couple of Board Members would like to see a fence. We have no problem with putting up a fence. They also have board on board dumpster enclosure and have no issue putting in a masonry enclosure. Will follow the 5 Star masonry enclosure. There was also a comment about a 12 in storm drain, he knows that 12 inch is easier to clean and get into. There is an existing 8 inch and they will propose 12"instead of 8". The last thing there was on a SWPPP there is a reduction. They basically gave their reasoning on how it was designed. One other thing, they did receive the Fire Marshal comments they will address. Everything was OK except there was a note that have to have a hydrant flow report and does realize that the town has a sprinkler policy for buildings. He will alert the tenants. Each tenant will have a sprinkler building. Last thing is the traffic report. It has been ordered. He stated that he should have it the second week in October.

Mr. Argenta asked why the plan shows ambulance parking at KFC. Mr. Trotta stated that it is supposed to be snow storage. Mr. Argenta stated that looking at the dumpster for KFC its orientation is to the west which would mean the truck would have to access from the adjoining parcel. Not sure if that would be a problem. Mr. Trotta stated that they would actually be accessing a side door and the main gates would only be for pickup of trash. So basically the daily trash would go into a side door then the garbage truck comes in one area.

Mr. Argenta asked about the south end of KFC. Mr. Trotta said that right now it is right of way and that is how it looks right now and they are maintaining it.

Ms. May was concerned about traffic on Lyell Avenue. She stated that this is a residential neighborhood where children play so she is concerned about their safety. Taco Bell has a lot of traffic. She brought up the terrible traffic of Chik-Fil-A in Greece. They other concern she has is Lyell Avenue with the traffic and with the new

construction it merges into one lane. There are not many traffic stops. Concerned about people pulling in and out.

Mr. Trotta said that it is a valid point. It is a heavily commercial area. All concerns have been addressed. They are doing the best they can. Getting the traffic off of Eugene Street and onto Matilda Street so the kids playing are in a better situation. Willing to close one of the curb cuts, waiting to hear from DOT.

Mr. Argenta asked if the traffic study will just look at Lyell Avenue. Mr. Trotta stated that it will go a couple of intersections. It is a standard requirement. It will look at traffic on Matilda Street.

Ms. May asked about the drive thru at KFC. She wanted to know how many cars it can have in the drive thru. Mr. Trotta stated that KFC will not have the backup that Chik-Fil-A has.

Mr. Rappazzo stated that we have a KFC here in Gates and that it is not uncommon to see the drive thru backed up 10 or 11 cars behind the speaker. Mr. Trotta said that they have 8 spots behind the speaker. He said that there is enough space to accommodate the drive thru.

Mr. Wall asked where the pick-up window is on the plan and asked the queuing behind the window. Queuing could be actually 12 to 13 cars in line.

Mr. Argenta asked for them to show the speaker and overhead on the drawing plan. Mr. Trotta said they will show it.

Ms. May stated that depending on what the traffic study shows whether it is Matilda or Eugene, she is concerned how many houses will be impacted by traffic due to children playing on those streets. Mr. Trotta stated that it would only impact one parcel. He said they are proposing zero impacted if kept on Eugene Street.

Mr. Ruiz asked if it is fair to say that this restaurant is geared more for drive-thru vs. sit-down.

Mr. Trotta answered yes and no. There is a lot of pick up. KFC has 50/50. He would say 60 percent drive thru and 40 percent sit down. This restaurant is considered quality casual vs. fast food.

Ms. May was concerned about apartment complexes in the area and wanted to know about sidewalks in the area of this project. Mr. Trotta said that there is a sidewalk that goes across the entire site. They will be connecting to the existing sidewalk to the urgent care and a crosswalk to the KFC.

Mr. Wilkinson asked about handicap parking. There is an access isle by the front door. Where will the signs go? Mr. Trotta says usually mounted between sidewalk and curb. Mr. Wilkinson asked for it to be shown on the plan.

Ms. May asked about the building materials. Mr. Trotta will supply the buildings' materials at the next meeting.

Mr. Wall said that he noticed the dumpster enclosure for the Five Star urgent care is reduced. What do they do with the medical waste? Mr. Trotta stated that the medical waste is taken out by a separate company.

Mr. Wall asked who 5 Star is affiliated with. Mr. Trotta stated that they are affiliated with Aspen Dental. Aspen Dental owns 5 Star. Mr. Trotta stated that it may not be a 5 Star urgent care. They recently got petitioned by the medical community that 5 Star insinuates they have better service than other urgent cares. Like a 5 star hotel. So with that the name is being changed to Well Care.

Ms. May wanted to know if the parking lots are separate. Mr. Trotta stated that they are leased. Snow removal will be in the reciprocal easement for both and will be in agreement. Ms. May is concerned about children playing on snow banks. Mr. Trotta stated that it is too small of a site to contain snow and it has to be trucked off.

Mr. Wall asked about cross access easement being shared between the two properties. Has there been any consideration of the property to the east? Mr. Trotta stated that they were considering purchasing that property. There is an issue though. To fit a building there needs to be a cul-de-sac. The cul-de-sac is owned by DOT as a drainage easement. So there is a drainage easement and would take an act of God to transfer it over.

Ms. May asked if there would be any trees or bushes. Mr. Trotta stated that they are vastly expanding landscaping. No trees in the front area. Some along the back line. More lower growth and nice landscaping in the front.

Mr. Rappazzo wanted to talk about the thought process of Matilda and Eugene Streets. Basically Eugene is a busy road to access Albert, Beachwood. There is 50 to 60 homes. There is a lot of potential traffic and movements on Eugene Street. He said there are possible conflicting movements coming out of their parking lot on to Matilda. Mr. Trotta said that whether it is on Eugene or Matilda Street, it is eventually getting to Matilda Street. He stated that if the Planning Board would like to see then move to Eugene Street then it is done. Mr. Rappazzo stated that is may be safer to come out on Eugene Street vs. Matilda Street.

Mr. Wall stated that this application will probably be tabled this evening and have them work with the town engineers on the entrance whether on Eugene or Matilda.

Mr. Rappazzo stated that the access to Lyell Avenue they will follow the DOT's lead. He said that they hope that they recognize the internal traffic on your site. Mr. Trotta stated that he can show an option on plan.

Discussion went on between Mr. Rappazzo and Mr. Trotta regarding the determination of DOT. Mr. Rappazzo stated that we have to make sure what we do is right. More conversation about closing the one entrance on Lyell Ave. Mr. Trotta will show closed on plan and if DOT says to keep it open then it has to be open. Mr. Rappazzo stated that we could show more creative ways to show it closed. There are ways we can block it off. Mr. Trotta is totally open to it. Mr.Cordero stated that flower pots work well.

Ms. May wanted clarification how traffic is being directed. Mr. Trotta stated that right now put some kind of obstacle there so there would be one entrance. It would be very clear where the entrance would be.

Mr. Wall said that he understand the schedule they have to keep. Mr. Wall said they might want to come up with a construction phasing plan. Mr. Trotta said they would go up at the same time. Just does not know when they would be breaking ground.

Mr. Wall asked about more greenspace. Mr. Trotta said that certain spots are too tight. Can do a fence on the one side.

Mr. Ritchie stated that they got responses to their comments. Will be seeing if responses match up with the plans.

At this time the meeting was opened up to the public.

Mr. Jack Cardillo who is the current owner of the property. One of the things that the project will continue to go beyond the property line and past Nick Tahoes. There will be sidewalks. He has lived through this project during the last 2 and a half years. There is two lanes in either direction and the saving grace is the center turning lanes. Now that the road is considered done it is much easier to get in and out of this property.

At this point the Planning Board was declared in Executive Session. After discussion among the board members, Mr. Wall made a motion to TABLE Preliminary Site Plan & Subdivision Approval for Lyell Avenue Gates Development because the board and the town needs to see the following information:

- 1. Please show the queuing of cars for the KFC drive-thru.
- 2. Review the handicap layout with signage.
- 3. Building elevations of both structures.
- 4. Building Samples of the exterior finishes for both structures.
- 5. Please revise the masonry enclosure to match the building materials.
- 6. Please obtain the necessary variances from the Zoning Board of Appeals.
- 7. Please address all Town Engineering and Department of Public Works review comments and understand that there may be follow-up Planning Board comments with its review of the revised set.
- 8. Please provide a copy of the traffic study.
- 9. Please provide lighting cut sheets and photometric lighting plan including building wall-paks.

Mr. Chamberlain seconded the motion. All were in favor, the motion carried.

There being no further business to come before the Planning Board, Chairman Wall adjourned the meeting at 9:38 PM.

Respectfully submitted,

Linda M. Saraceni Recording Secretary