

TOWN OF GATES
PLANNING BOARD MINUTES
November 26, 2018

The regular meeting of the Gates Planning Board was called to order at 7:35 PM by Chairman Wall.

PRESENT MEMBERS: M. Wall, Chairman; T. May, D. Chamberlain, J. Ruiz, J. Wilkinson, R. McLaren, Attorney; K. Rappazzo, Dir. Of Public Works; M. Ritchie, Costich Engineering; Lee Cordero, Councilman

ABSENT MEMBERS: G. Lillie, J. Argenta, L. Sinnebox, D. Schum

The first matter on the agenda was approval of the October 22, 2018 Planning Board Minutes.

Ms. May made a motion to approve the minutes as received. Mr. Chamberlain 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

Mr. Wall stated that this application was TABLED at the last meeting. Mr. Wall asked that we make a motion to UNTABLE this application. Mr. Wilkinson made a motion to UNTABLE this application, Ms. May seconded the motion, all were in favor, the motion carried.

Mr. Walt Baker of DSB Engineers was here to represent the application of 810 Spencerport Road. He went on to say that some engineering concerns they had with drainage that was heading to the east has been redirected. It has been resolved. Building floor plans are being submitted to the Board which illustrated the first floor, second floor and the basement level. The basement level will be strictly for storage. He also brought with him the building material samples. They have revised the plan to accommodate 17 parking spaces and added vehicle turning templates to the plan. He went on to say that they revised the plan for the required parking stalls and the drive aisles with the depth of 18 ft and the drive aisles will be 22 ft. in depth. They also redesigned the drainage with the town engineer. They have added 2 no parking signs on Vendome. They have added an outside closure for the garbage where trucks can get to it easily. They have added landscaping around it. He went on to say they have addressed the fire marshal comments and have also added the building sump pump on the plans and showing the location of that and everything drains to the onsite detention facility. They have also added the light photometrics on the plan.

Mr. Wilkinson asked why the parking spots are 10 ft. wide?

Mr. Baker said that he used to design the parking spots for Wegmans and the 10 ft. stall is really nice. He went on to say they had the room to do it.

Mr. Wilkinson went on to say that the parking is still not real good especially the first couple stalls right off the entrance. Trying to get into those will be difficult.

Mr. Baker stated that they increased the depth so that the stall distance and put the turning template on there. Obviously, it is a small parking lot and tried to accommodate any spaces needed.

Mr. Wilkinson asked if they could flip flop the parking and Mr. Baker said that the headlights would impact the neighbors

Mr. Wilkinson stated that he does not like the way the parking is set-up.

Mr. Wilkinson said that he does not like the parking where it is. He said if they move it they could just pull in and pull out.

Mr. Wall said that the parking is awkward and that we do understand that it is a very unique shaped site. There is a lot going on to make this work. The parking is one component that we feel is awkward and the Board is not comfortable with the way it is showing now. Mr. Wall went on to say he does understand what Mr. Baker is saying about the 10 ft. spaces, but if there is a way to shrink them up to 9 ft width, it might open up some pavement area. He went on to say that the eastern parking spot is still going to be another area for a car to back out. He stated that that spot may actually be lost. This would bring them down to 16 spaces.

Mr. Wall asked about the parking ratio that they came up with to spaces per chair. Mr. Baker said it was based on the architectural graphic standards where they are talking about having two spaces per seat. That is how they calculate the number of spaces needed. They also included the upstairs office space. Mr. Wall asked if the space downstairs would be for a barber. Mr. Baker answered that the space would be used as an office.

Mr. Wall stated that they are trying to make this work not only for this owner but down the road if this property gets sold. This Board is looking for this to make it work.

Mr. Wall asked about the dumpster enclosure and asked if they looked at if a truck could get in and out.

Mr. Baker said they tried to accommodate the best they could with the space that they have. The shape of the property is a corner lot and it is very difficult.

Ms. May asked Mr. Baker to verify what the basement will be used for. Mr. Baker stated that dry goods will be stored in the basement. Ms. May asked if it would be beauty products, etc. Mr. Baker answered yes. She also asked what would be in the second floor. Mr. Baker said that the office space upstairs would be for rent and they have access to the upstairs from the back of the building and that they will not be using the basement for storage.

Mr. Wall stated that the Zoning Board decision in 2017 has lapsed. He went on to say that front parking is allowed in the Town of Gates. The problem is the letter is dated 2017 and the term it could expire in a 6 month period prescribed by town law and commence construction within one year of date of issuance. It has lapsed. Mr. Wall stated that this is something the town attorney needs to look at and make a determination. It could be that the Zoning Board would need to look at this one more time to make sure they are still comfortable with this.

Mr. McLaren stated that he spoke to the Zoning Board attorney and he thought that he was going to relay his feelings about this application to the Board. Mr. McLaren will meet with Mr. Schum, the Town Attorney to discuss this. Ultimately it is the town's decision on that portion of it, the Zoning Board is obviously the appellate board but at the same time, it still has to work within the town law and town code so he will be speaking to Mr. Schum about this.

Mr. Wall stated that the Board just wants to make sure they are doing it right.

Mr. Rappazzo just wanted to reiterate that they have correspondence from the DOT on the entrance on Spencerport Road. If not received yet, we need an Engineer's Estimate for the improvements on Vendome

Drive and Wolcott Avenue's right of way. He also stated that they need to have everything related to the maintenance of the stormwater facility in an agreement.

Mr. Wall asked Mr. Rappazzo if he is comfortable with the parking area as is shown or does he think it needs to be refined.

Mr. Rappazzo stated that it does have its blemishes but that Mr. Baker has done a great job at trying to get as many parking spaces into that lot as possible. He stated he does have concerns with the parking spots on the eastern most spots of the row that is immediately west of the drive thru entrance. It is going to be very tough for vehicles to get in and out of those spots without some kind of three-point turn. He went on to say that someone coming into the entrance and not paying attention could cause some serious damage to anyone parked in those spots. Maybe if they feel they don't need that exact number of spaces, maybe there is some land banking that could be done to get some green space and get some safety back into that site.

Mr. Ritchie stated that they received responses to comments dated October 10th in response to our Sept. 27th and October 17th. They have been addressed. They have done a good job managing stormwater. Need a stormwater maintenance agreement be in place to ensure that it is maintained in the long run.

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 RE-Table this application with the following recommendations.

1. With the front 6 parking spaces, please depict the vehicle turning template, specifically the backing-out movement, for the easterly parking space. If this movement cannot be completed safely, and without a multi-point turn movement, this parking space should be removed from the plan.
2. Please review the final parking ratios and the parking stall size with the Town Engineer and the Director of Public Works. The Board understands that the parcel is an irregular shape; however, the parking area could be fine-tuned for an overall better layout and potentially safer area for customers.
3. The Town Attorney needs to review the Zoning Board decision memo dated August 15, 2017 and will make the determination as to the appropriateness of the new plan / application being reviewed by the Zoning Board.
4. The Board understands that it would be advantageous to review the new driveway location, layout, and potential lane-closure with the NYSDOT prior to resubmitting revised plans. Please have the NYSDOT issue a memo stating their opinion on the driveway layout. The Board understands that the actual permitting of the entrance will be a separate application to the NYSDOT.
5. Please provide full-scale plans for review at the next meeting.

Mr. Wilkinson Seconded the motion to RE-TABLE this application. All were in favor, the motion carried.

LYELL AVENUE GATES DEVELOPMENT
OWNER: Caliber Brokerage-Matt Lester
LOCATION: 2222 & 2232 Lyell Avenue
ENGINEER: Robert Fitzgerald, P.E.

PRELIMINARY/FINAL SITE PLAN APPROVAL
General Business (GB) Zone

Mr. Wall stated that this application was TABLED at the last meeting. Mr. Wall made a motion to UNTABLE this application, Ms. May seconded the motion, all were in favor, the motion carried.

Ray Trotta from The Holland Trotta Project represented this project. He stated that the project is at the corner of Lyell Avenue and Matilda Street. An urgent care center named Well Now (formerly Five Star) and a KFC restaurant.

Mr. Trotta went on to say that they decided not to present at the last Planning Board Meeting of October 22, 2018 was that it wasn't fair to the Town that they only had a day to submit revisions to the Board. He stated that they addressed everything from the Zoning Board and also received the last comments from the Planning Board and resubmitted and recently received some follow up comments. He handed out a Comment Response Letter to the Board members.

Mr. Trotta stated that what they have just received is a second round of comments from the resubmission addressing the Planning Board comments from two months ago. Some of the comments are: Between the first lot and second was to have a cross access to the two lots. They do have access to the cul-de-sac and they do not plan on doing that. If there was to be a future development and they did look at this, they would need to have the front lot, the back lot and the cul-de-sac to make anything work. That is why it was not viable to add to the project. They were originally looking at acquiring the cul-de-sac, but as he said last time half of the cul-de-sac is controlled by the NYSDOT as a drainage easement. It will be too much of a heavy lift to do that.

The second thing is the subdivision plan there was a question about the easement for lot 2 to benefit lot 1 and they did revise the subdivision plan. The easement documentation would have to be a condition of approval to be reviewed. And he stated that that would not be a problem.

The major item was to close the one drive aisle. From the DOT there are two. He stated they did close off one but will have to be coordinated with the DOT as to what to put there; some landscaping, some grass but will be subject to DOT approval on what they want. The access that remains, they elected for the circulation of the site to give as much cuing depth to go with the one they did because if they had access from the other one it could come right into the middle of the building and would tighten up the cuing depth. Going to the other, there is plenty of access for cars parking around the perimeter for the KFC and also goes to a drive aisle that goes to the rear lot and circulates around the urgent care. They put some delineation to separate the two lanes so people know where to go with the left hand side or the right hand side with the arrows and some cross hatching to separate them. The one to the far left towards Matilda St. is approximately 24 ft. wide and then the one to the far right is 16 ft. wide so they are more than adequate as width. Those are existing curb cuts.

The comment about the amount of parking, they have the least amount of parking to have the urgent care and the KFC adequately parked circulation and have it be a viable project for them. They are well below the standards that they actually want and it is a little bit higher than the town wanted. He thinks they definitely made an improvement.

He went on to comment about the reciprocal cross-access easement between Lot 1 and lot 2. He said that there is really not a cross-access easement that is required beyond for parking, so each lot is designed to accommodate the parking of that building. The building's parking is not required to use each other's parking.

He went on to say that there was an interesting comment that they went with the town which requested that have access on Eugene Street vs. Matilda Street. This comment was to go on Eugene and one of the engineer's comments was to go access to Matilda Street.

Mr. Ritchie commented that the three spaces to the east, slide the drive out to the east vs. so it is a straight shot through. Mr. Trotta said the only problem with that is that it may be a little bit awkward when a truck comes in and they thought it would be cleaner to go right through the site. If the town wants it changed, they do not have a problem with that. They didn't plan on doing that because from an operation standpoint, if they move the drive out, as people are utilizing both dumpsters, they are going to have traffic going in front of them. Only reason he sees not to do it.

Mr. Ritchie stated that part of the reason for that is if they move the driveway over farther to the east and combine the two dumpster enclosures and rotate it so they are facing Eugene Street there would be a straighter path for a garbage truck to come in and potentially gain a space.

Mr. Trotta said he would relook at that. He has no issue with that. If it is a conditional of approval he has no problem with that.

Mr. Trotta went on to say the two parking spaces at the northwest property of lot 1 do not have room to back out without going over the property line. There is a cross-access easement between the two and they figured they needed the parking and it is a tight sight, it is a little awkward if you go over the property line and that is why the easement but shouldn't have an issue with it.

Mr. Trotta went on to say that the sidewalk from the cross of Lyell Avenue, what they are trying to do, they have one single access point to cross for pedestrians, they do not want from a traffic standpoint anyone walking across it because they are interrupting the drive thru, and from a safety concern they would rather push all the pedestrian traffic to the front door. This is the reason for the single access point.

Mr. Rappazzo asked if they have pedestrians coming from the east, they would rather they go cross the site driveway access rather than cut across the parking lot. Mr. Trotta stated that they would rather direct them. He said they could put a cross access there but you don't want to encourage it. Just trying to keep the pedestrians away from the drive-thru.

Mr. Trotta went on to say that the urgent care is a stormwater management plan and the KFC is to be in the closed drainage system. There were no comments on the traffic impact study. The letter of credit can be worked out as to what the pricing is. He went on to say they corrected the utility plan. He will submit. From the last time to this time the majority of concerns were around the access point from the highway and also the discussion on Eugene Street. So obviously, they are going on Eugene Street. They will coordinate how they mitigate the closure of area whether grass or landscaping. He is not sure what DOT is going to want.

Ms. May asked about the west side of KFC and the eastside of the urgent care if there will be enough lighting between that space so that traffic runs smoothly. Mr. Trotta said yes. He referred to the plan (C8). No flooding of lights outside the site.

Ms. May asked if Mr. Trotta brought the building samples. He went on to say that all materials for the Well Now are shown and the KFC colors are shown. The colors of the two buildings complement each other well.

Mr. Wilkinson asked if the fire marshal looked at entrance drive and the plan. Mr. Trotta answered yes. He stated that the only thing not looked at was the striping. They just have not looked at the access striping.

Mr. Wall asked Mr. Trotta to explain the two dumpster enclosures. Mr. Trotta went on to say that the KFC has a double because a restaurant generates a lot of trash. The second thing is that the urgent care does not want to

share a dumpster with KFC and that they also want to have their own dumpsters. They made them centrally located to each other so that trash pickup will be easy. There is not a lot the urgent care wants to share with the restaurant for obvious reasons.

Mr. Rappazzo wanted to know if the urgent care has a problem sharing a dumpster or sharing an enclosure. Mr. Trotta said both. The urgent care has for medical waste a totally separate disposal. Someone comes in and gets the medical waste.

Mr. Rappazzo stated that we have clauses with medical offices and dental places and restaurants, and they share enclosures. Mr. Trotta stated that these two are national franchises and they want separate dumpsters.

Mr. Wall asked about the access to Boley Lock and Key. He wanted to know how they access their site now. Mr. Trotta stated they access it from the cul-de-sac. Mr. Wall said that his understanding is that some customers access from Lyell Avenue. Mr. Trotta said they are not changing any of that at all.

Mr. Wall asked where the two existing buildings are now along Matilda St. and Eugene St., is that pretty much all pavement? Mr. Trotta stated that they would like to put grass in there if possible but subject to the DOT.

Mr. Wall stated that adjacent to Matilda St., the north and south parking spaces there are going to be tough to get out of. Mr. Trotta answered yes. He said they are tight. There is a little bit of a hammer head there. It is tight but the best way to get the required parking. He stated what they could do is easily add a little bit more asphalt in that area but it is town right of way area. They would have to work it out with DPW. Just a matter of pushing it out a little.

Mr. Wall stated that the Board is looking at the western access drive; he said it is better laid out with the striping. They are concerned with the movement coming in conflicting with the movement going out. If they use the eastern driveway would be better. This would be a better decision. Mr. Trotta stated that he thinks they would be having complaints because looking at one of the comments from the first time, they wanted him to show where all the stop bars were, if you look you can see if you put the stop bar and then have your stacking there will be two cars before you are in the intersection. This way, there will be six or seven easily before you get to the intersection and you won't have an issue. It is a little tricky sight, but trying to work with the existing. Mr. Wall stated that they want to make sure they get it right. Mr. Trotta stated that another option is to make it a curbed island and then that gets into the fire marshal comments of getting emergency access into there. Mr. Wilkinson stated to add another 4 ft. Mr. Trotta stated that if they want to make it a curbed island, he has no issue with that. It would be something the fire marshal will be ok with.

Mr. Rappazzo stated that all it takes is for one person not paying attention and then there is a head on collision. Compared to the possibility of the cuing space at the KFC, the KFC on Chili Ave. the maximum length of that cue is three vehicles beyond the ordering location. So, while he would love for the KFC to be busier than the one on Chili Avenue, more than likely it is not. I'm ok if we can avoid a situation where someone can get seriously hurt. It is a busy street and when people want to make a quick left in and want to dodge westbound traffic coming in the other direction, they are going to be flying into that entrance. If someone is coming out of the drive thru at the same time, it is going to be bang bang.

Mr. Trotta was a little taken back. He said that to KFC. He said that if they want to move to the other driveway, they can make that happen. He has no problem with that. If they want to review Eugene St. entrance or whether the Board wants the east or west entrance, he is ok with that. He is at a point where he wants to get all the ducks in a row and address all the questions. If it is pushed until next year, he is very nervous that the urgent care and KFC is thinking that they have addressed everything.

Mr. Rappazzo stated that when the driveway is moved over, they actually pick up some space to add some parking spots on the urgent care site which would help to pull this away from Matilda St. and give more of a turnaround in the back. Mr. Trotta said it is a possibility.

Mr. Wall said that we definitely have more information now. We certainly did not have the traffic report which addressed the cuing. Now that we have the information on hand, we have to act on it.

Mr. Trotta stated that he would be comfortable if the Board is comfortable looking at an approval based upon addressing those two items with the town directly. Mr. Rappazzo said that the Board is comfortable with that.

Mr. Wall said that as long as the Board gives them Preliminary/Final Approval, the town will have final say on the location of the accesses to the site from Lyell Ave. and Eugene St. Mr. Rappazzo said yes. Mr. Trotta said that it also ties in with the DOT's comments.

Mr. Rappazzo mentioned that Mr. Trotta said that parking is carefully designed and that so much space is on one side for use and so many spaces for the other site for use, and where it is very clearly defined on the site plan, people don't know that and are not going to follow that and a lot of times, as best intentions as neighbors are going to have, it rubs people the wrong way. Mr. Rappazzo said that he has concerns that folks from the KFC are going to park along the side of the urgent care and that might cause some friction between the neighbors. Mr. Trotta asked if what Mr. Rappazzo is suggesting is that they both have a cross-access parking easement. Mr. Rappazzo stated yes. Mr. Trotta has no problem having the jurisdiction to tell them that they have to do this. He is ok with that.

Ms. May asked Mr. Trotta to verify the hours of the urgent care. Mr. Trotta stated that they are open from 10:00 AM to 11:00 PM. He doesn't think they would open earlier than that. Ms. May asked what hours of operation for KFC. Mr. Trotta stated that the hours of operation are 7:00 AM to Midnight but he believes that they close at 10:00 PM. The reason for midnight is that they could have some special extended hours or promotions during the summer. He has been told that their hours are until 10:00 PM.

Mr. Wilkinson asked about the ambulance parking space for the urgent care. Mr. Trotta stated that it would be in the back of the lot.

Mr. Wall asked if the number of parking spaces for the KFC is the requirement. Mr. Trotta said that is correct.

Mr. Wall asked Mr. Trotta about his thoughts on having a stop sign at the drive-thru exit. Mr. Trotta said that is not an issue at all. They can do that.

Mr. Ritchie said that he agrees with Mr. Rappazzo that if they can work out some of the access differences then we will be all set.

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 declare the Gates Planning Board Lead Agency for this project pursuant to SEQR regulations and finds that this project is an Unlisted Action under SEQR. There is no significant adverse impact to the environment; no further SEQR action is required.

Mr. Wilkinson SECONDED the motion, all were in favor, the motion carried.

Mr. Wall made a motion to APPROVE Preliminary/Final Site Plan & Subdivision Approval for Lots 1 & 2 on Eugene Street subdivision with the following conditions:

1. All conditions set forth by the Monroe County Dept. of Planning & Development must be incorporated into the final plan.
2. A note should be added to the plan that there are no outside storage of vehicles and/or materials will be permitted on the property.
3. All signage will conform to the Town of Gates standards.
4. The Gates Fire Marshal should review and approve the final plan prior to the Planning Board Chair signature.
5. All necessary easement agreements are to be reviewed and approved by the Town Attorney including a cross access and parking easement.
6. The final plan should clearly show the snow storage areas. A note should be added to the plan that any excess snow storage that negatively impacts the overall parking availability will be safely removed from the site.
7. All comments of the NYSDOT are to be incorporated into the final plan.
8. A copy of the NYSDOT permit should be provided to the Town for record.
9. All stamps of Approval from all regulatory agencies (including the Fire Marshal) are to be affixed to the final plan prior to the signature of the Planning Board Chairman.
10. A letter of credit is to be submitted to the Director of Public Works in an amount sufficient to cover drainage and landscaping.
11. The building is to be constructed according to the renderings and building samples, as presented to the Planning Board.
12. A note should be added that 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 Department of Public Works.
13. The final location of the entrance drive off of Lyell Avenue should be reviewed and approved by the Dept. of Public Works, the Town Engineer, and the Planning Board Chair. Issues to be evaluated are, but not limited to, the final driveway location, traffic control, stop signs, cross walk locations, and the dumpster location needs to be adjusted.
14. Please address any final comments from the Town Engineer and the Department of Public Works.
15. Site keynote #14 should be reviewed / addressed and changed
16. For the parking lot directly across from Matilda Street, the applicant should depict an asphalt bump-out sufficient in depth to provide vehicles parked in the two (2) western spaces, an area to safely back-out of the parking stall and into the drive-aisle. Please note that any existing asphalt should be removed and disposed, and should become lawn area as depicted on the plan.
17. Note be added to the Landscape Plan that there is a two-year guarantee on all landscaping.
18. Applicant to prepare a Stormwater Agreement to be reviewed by the Town Engineer, Town Attorney, and the DPW.
19. Please add a dumpster detail to the Detail Sheet.

Seconded by Mr. Chamberlain. All were in favor, the motion carried. The meeting was adjourned at 8:50 PM.

Respectfully submitted,

Linda M. Saraceni
Recording Secretary