

TOWN OF GATES  
PLANNING BOARD MINUTES  
JANUARY 28, 2019

FEB 13 2019

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, J. Argenta, D. Chamberlain, J. Ruiz, G. Lillie, Daniel Schum, Attorney; K. Rappazzo, Dir. Of Public Works; M. Ritchie, Costich Engineering; Lee Cordero, Councilman

**ABSENT MEMBERS:** J. Wilkinson

The first matter on the agenda was approval of the November 26, 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. Argenta 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 stated that he was present for the last meeting and there were still some concerns with the parking configuration. He spoke with Mr. Chamberlain and they did some redesign of the site and resubmitted it. Mr. Rappazzo also looked at it. He showed on the board that they basically switched the parking from the front of the site basically towards the rear. He mentioned by putting 9 ft. by 18 ft. parking spaces vs. 10 ft. parking spaces that they have increased the parking spaces to 19 parking spaces. They originally had 15 parking spaces and it turned out better than originally presented and the owner is happy with it. He went on to say he had a subsequent meeting with NYSDOT regarding the curb cut and when he met with Mr. Chamberlain, he went on to say that they moved their driveway curb cut further to the east so they are 145 ft. from the intersection now.

Mr. Baker went on to say that he spoke with Mr. Schum regarding the Zoning Board issue because they did receive Zoning Approval over a year ago and they have a condition on their approval that substantial construction starts within a year and they had to come to Planning Board and it took more than a year for the layout. He also had a conversation with the Zoning Board attorney and he was ok with the fact that it is still in the process of being approved and didn't feel they needed to go back to the Zoning Board.

Mr. Wall said that it is also the understanding of the Planning Board. We are just going to have the Zoning Board look at this and re-issue another letter with the date on it. No need to go back to the Zoning Board.

Mr. Baker said when they do get approval from the Planning Board they will proceed along with a sewer lateral along the property and get approval from Pure Waters for connection to the sewer and Monroe County Water Authority for the water service, which will come off of Vendome.

Ms. May was concerned about beautification of the neighborhood and the privacy of the people that live in the neighborhood. She would like to advocate for shielded lights and rather than a chainlink fence, have a vinyl fence that is a little taller to respect the privacy of the neighbors in the background.

Mr. Baker went on to say that there is existing vegetation back there and some people already have a stockade fence and a chainlink fence. He said it is shielded.

Ms. May stated that she lives on Ford Ave. and can see through and is just concerned about the lights shining on her neighbors yards. She also asked for color samples of the building. Mr. Baker stated that the colors are beige vinyl and green accent. Trim along the bottom will be stonework. The roof will be a gray color.

Mr. Argenta said it looks like it is on the adjacent side of the properties. Mr. Baker answered yes.

Mr. Lillie stated that he was not at the last meeting and wanted to know about snow removal. Mr. Baker stated that it is on the plan. He went on to say that they have it labeled on the side and over on the front. By redesigning the parking, there is more greenspace on the front of the property and they have added more landscaping on the front of the site and wraps around Vendome and they have the no parking signs on Vendome.

Mr. Lillie went on to say that there are three trees in the back corner of the property and wanted to know if they will still be there. Mr. Baker said yes, the trees will remain.

Mr. Chamberlain said that they could also push the snow in the pond area. Mr. Baker agreed.

Mr. Wall thanked Mr. Baker for working with us and said that it is a much better plan. He went on to mention the eastern side where the parking is, the grades appears to be steeper that three-on-one slopes and was wondering if they should build a small retaining wall so that water will not go onto adjacent properties. The way that it is graded now, it looks that there is a very good potential for water to go onto adjacent properties. Mr. Baker said that they could do that with the decorative blocks.

Mr. Wall also stated that he appreciates the landscaping on the front of the property. He went on to say that as far as the enclosure matches the materials on the plans. It will be painted the same colors. He asked if they could add that as a note on the plans.

Mr. Wall also asked for the cut sheets for the light fixtures. Mr. Baker believes that they have provided.

Mr. Rappazzo just wanted some clarification on the outside-shield for the lighting and the fencing along the rear.

Mr. Wall stated that one of the concerns was the lighting shining onto the adjacent properties and putting a 6 ft. high fence along the back. Mr. Baker said he will work with Mr. Rappazzo on the exact location. He did state that some of the properties already have fencing along the back. Mr. Rappazzo asked if it would look odd if it is just piecemealed. Ms. May said she thinks it would look odd. Mr. Argenta asked if they could get permission for the neighbors in the back to remove their fencing. It will be back to back fencing. Mr. Rappazzo stated that we have fencing like that all over town that are back to back.

Mr. Wall said that they will have Mr. Ritchie and Mr. Rappazzo address any concerns with fencing.

Mr. Rappazzo asked what is the Board's preference.

Mr. Wall stated that having a fence behind a fence could be problematic with the maintenance between those fences.

Ms. May stated that she doesn't think having fences behind fences is esthetically beautiful.

Mr. Argenta said that he is ok with it.

Mr. Baker stated that they could put arborvitaes along the back. Mr. Wall said that his preference would be planting arborvitaes in the back, with a staggered layout, because they are very low maintenance. The Board may consider having them put the arborvitaes in the back. These would look much better in the back than fencing.

Mr. Rappazzo said that some of the things they have come across is that over time some of the trees die and they don't get replaced. So if this is the board's preference to put arborvitaes in the back, that when those trees die they should get replaced.

Mr. Rappazzo said that we have to make sure that DOT, Water Authority, Pure Water is all set before they sign off on the plans. They talked before about Letter of Credit for all the SWPPP inspections, landscaping, erosion control, & drainage.

Mr. Ritchie said that they have reviewed the plans that Walt submitted and he has responded to all previous engineering comments. He would add on about what the board said about the retaining wall, on the east side and ask Walt that maybe spread out some of the contours on the east side, not just immediately at the turnaround but all along that east property line to kind of flatten out that grading. He goes along with what Mr. Rappazzo said as long as all the other approvals are obtained then we can work through the construction and letter of credit process.

Mr. Rappazzo said that as part of this plan the board is requesting that Vendome Drive be designated a no parking zone so they will have to work with the Town Board on that.

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.

All were in favor, the **motion passed**.

After discussion among the board members, Mr. Wall made a motion to approve Preliminary/Final Site Plan Approval for 810 Spencerport Road with the following conditions:

1. Please address any final Town Engineer or Department of Public Works comments.
2. The Following Notes are to be added to the Site Plan:
  - a. "No outside storage of vehicles and / or materials will be permitted on this property".
  - b. "The basement level is for storage space only. No occupancy will be permitted in the basement".
  - c. "Detention Pond / Drainage Culvert / Drainage area is to be privately owned and maintained".
  - d. "The Contractor 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 Department of Public Works".
3. All conditions set forth by the Monroe County Department of Planning and Development are to be incorporated into the final plan.
4. Please provide the building and site light cut-sheets.

5. Please add the photometrics of the building and site lights to the plan. The Town Engineer and the Department of Public Works will evaluate the lighting intensity and determine if add-on, such as, but not limited to, a lighting shield is required.
6. 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.
7. A Letter of Credit is to be submitted to the Director of Public Works in amount sufficient to cover SWPPP Inspections, landscape, drainage, and retaining wall.
8. The Building is to be constructed according to the renderings and building samples as presented to the Planning Board.
9. Please provide a copy of the NYSDOT permit for Town record.
10. A retaining wall shall be constructed on the eastern side of the site, final design is to be approved by the Town Engineer and Department of Public Works. The intent of this wall is to facilitate a more gradual-grade away from the building and to prevent stormwater from negatively impacting the adjacent properties. The Owner is responsible to correct any drainage issues caused by the construction of the site to the satisfaction of the Town Engineer and the Department of Public Works.
11. Please confirm the size of the enclosure and correct the Site Plan keynote as well as the detail on "Detail and Notes" Sheet 3 of 5.
12. Please add a note to the detail "The Block Trash Enclosure shall be painted to match the building color".
13. Please depict the location of the stabilized construction entrance on the plan.
14. At the Planning Board meeting, the intent of the Board was discussed in the context of the effective screening of the subject property from the residents to the north. One item suggested is providing a row of low-maintenance arborvitaes between the property and the residents. These plantings would need to be 'staggered' to create an effective screen between the project and the residents to the north, at an initial planting size of 6' - 7'. A note shall be added to the plan that "The Owner will maintain and replace any tree per the direction of the Town Engineer and the Director of Public Works". Please note that an acceptable alternative could be a 6' high vinyl fence subject to the approval of the Town Engineer and the Department of Public Works. A note shall be added to the plan that "The Owner will maintain and replace the fence per the direction of the Town Engineer and the Director of Public Works".

Mr. Argenta SECONDED the motion, all were in favor, the **motion carried**.

**ALDI - GATES****OWNER: Benderson Development Co.****LOCATION: 8 Spencerport Road****ENGINEER: APD Engineering & Architecture****PRELIMINARY/FINAL SITE PLAN APPROVAL****General Business (GB) Zone**

Mr. Sudath Alvis and Mr. Christopher Kamar of ADP Engineering were present to speak about this project. Mr. Alvis stated that this is an expansion of an existing Aldi's store on Spencerport Road. The expansion will take place along the long wall of the building. They are adding additional landscaping to the building. This building will have additional inside space. There will be no additional traffic. This will provide additional showroom area. When speaking to Mr. Rappazzo, it was determined it would be better to add additional landscaping in front of the building. They went ahead and created that and in front of the existing sidewalk they created dual landscaping and then in front of that there is a sidewalk that provides access to the other side of the building and to the parking lot.

Ms. May stated that she is very excited about this project. She is a frequent shopper of Aldi's. She went on to say that her only concern is that the plaza has no crosswalk coming from the plaza near the Dollar Store. She said that he mentioned that it would not impact traffic but she stated that every time she goes there that parking is a little tight and there have been times when she has had to park in other lots. She would like to see a crosswalk from the plaza. She stated that wheelchairs and elderly people walk to Aldi's from Dunn Towers. She would like to advocate for a crosswalk.

Mr. Alvis said that there is a crosswalk giving them access to a sidewalk along Spencerport Road. He asked her if she is asking for something else. Ms. May said there is a crosswalk by Subway but nothing near Aldi's near the freezers behind the store. She went on to say people have to park in the lot behind at times. Mr. Alvis said 'hat he can talk to the people at Aldi's about this but as far as he is concerned they are increasing the number of parking spaces by two. It will be increased to 99 parking spaces. He stated that there is access along the sidewalk in front of the building as they are proposing going along the back.

Mr. Kamar stated that the store is a leased parcel and Benderson owns the property. He stated that they have cross access to the Chase Bank and to Spencerport. They don't like to promote cross-access to their loading dock. He went on to say that they meet the required parking spaces for the store and that he also shops at this store. He usually has no problem parking there. They have done parking studies in the area and the most parking spaces they have seen are 60 but most of the time it is 20 or 30. He went on to say that at this point it is probably safer not to put in cross-access across their loading dock. He said they could certainly ask the question to Benderson and if they are ok with it, they could put in some striping but he is not sure that they are willing to build sidewalks. Ms. May asked if they could please look into that.

Mr. Argenta asked if the front entrance will be a new design. Mr. Alvis showed a photo of a store in Pennsylvania that has the new design front entrance.

Mr. Wall asked if they received comments from Costich Engineering. He stated yes. Mr. Wall stated that the Board has also received a letter from the Fire Marshal and asked if they received it. Mr. Alvis stated yes. He said they are coordinating with the Fire Marshal.

Mr. Wall asked about the photometrics of the 2 new site lights. He asked to see the cut sheets and photometrics of the fixtures.

Ms. May asked how long the renovation would take. Mr. Alvis stated about 3 to 4 months and that the store will not be shut down the whole time. Mr. Kamar said that it is usually about 10 weeks.

Mr. Ritchie stated that they have issued comments to them and that they are very minor. Mostly housekeeping comments.

At this point the meeting was Open to the Public. Mr. Don Ioannone spoke in favor of the project. He encouraged the Board to promote this project. He said they have been a good neighbor for a good many years. We are good neighbors and they are good neighbors and we should work together.

At this point the Planning Board was declared in Executive Session.

Mr. Wall stated that this is a Type II action and no need for any further SEQR action is required.

After discussion among the board members, Mr. Wall made a motion to approve Preliminary/Final Site Plan Approval for Aldi - Gates with the following conditions:

1. Please address any final Town Engineer or Department of Public Works comments.
2. The Following Notes are to be added to the Site Plan:
  - a. "No outside storage of vehicles and / or materials will be permitted on this property".
  - b. "The Contractor 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 Department of Public Works".
3. The Following Notes are to be added to the Landscape Plan:
  - a. "Two (2) year guarantee on the new plantings".
4. All conditions set forth by the Monroe County Department of Planning and Development are to be incorporated into the final plan.
5. Please provide the site light cut-sheets for Town files.
6. 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.
7. A Letter of Credit is to be submitted to the Director of Public Works in amount sufficient to cover landscape and inspections per the Town Engineer and Director of Public Works.
8. The Building is to be constructed according to the renderings and building samples as presented to the Planning Board.

At the Planning Board meeting, a crosswalk from Aldi's to an 'overflow' parking area in the main plaza was discussed. The Planning Board recognizes that Aldi's leases their property from the Plaza Owner (n/f Benderson), and does not have authorization to speak on their behalf. Therefore, this is not a condition of approval, but the Applicant should review the request of crosswalks with the Plaza Owner as a courtesy to the Town.

Ms. May SECONDED the motion, all were in favor, the **motion carried**.

The meeting was adjourned at 8:20 PM.

Respectfully submitted,

Linda M. Saraceni  
Recording Secretary