

The Town of Gates **Planning Board** held one (1) Prelim. & Final Site Plan Approval and one (1) Re-Approval of the Final Site Plan on Monday, August 26, 2024 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

Juan Ruiz Chairman
Joseph Argenta
Ken Martin
Brandon Stuhler

Dan Schum Town Attorney
Kurt. Rappazzo Director of Public Works
Mike Ritchie Costich Engineering, P.E
Chris DiPonzio Deputy Supervisor/Councilman

MEMBERS ABSENT:

Kirk Kettinger
Mike Wall Alternate
Cosmo Giunta Town Supervisor

Chairman Juan Ruiz called the meeting to order at 7:30 PM and began with the Pledge of Allegiance and a Moment of Silent Prayer.

Chairman Juan Ruiz added as a “Point of Decorum” presenters, public and anyone with comments, concerns or issues are to address them to the Planning Board members.

Chairman Ruiz motioned to approve the July 22, 2024 Planning Board Minutes as sent to the Board.

Joe Argenta ...second All in Favor...Aye Opposed.... None

MOTION CARRIED

RE-APPROVAL OF THE SITE PLAN

Churchview Commons Project
OWNER: Gates Presbyterian Church
ENGINEER: Marathon Engineering
LOCATION: 1049 Wegmans Rd
District: MR

Betsey Brugg, attorney, Woods Oviatt Gilman this application is accentually a reapproval. It was originally approved on Aril 28, 2020. It’s a residential project with forty-five (45) units on 3.35 acres of vacant land adjacent to the church. The project has gone through the usual process needed for site plan approval. An area variance was granted in order for it to be rezoned at that time. Nothing has been changed. Pathstone and the church have been working diligently on the project and are now ready to move forward with the project, but since as number of years have passed are just essentially asking the board to reaffirm the approval. Nothing has changed, the project is identical. Cas Law requires, if nothing has changed, it would be arbitrary to reach a different conclusion. It has the same conditions as

the original approval. They also recently went to the Zoning Board as well as held a committee information meeting on July 31st due to some public interest on the project.

One of the conditions of the approval was to go through the Fire Marshal review and approval, which is underway and are meeting all the conditions set.

Pete Gorman, Marathon Engineering, as mentioned, this is the same project and building size, pavement. He met with and addressed the Fire Marshal comments which were essentially are the only changes. The fire access in the rear was originally twenty (20) feet now widened to twenty-six (26) feet, as well as extending further and some minor water revisions (**Used rendering to show**). Architecture and style are the same, just changed brick color (**Used rendering to show**) from red to gray color and neutral siding.

Mr. Argenta asked if there were building elevations and material samples? He also recalls in the original there being offices and asked if they still exist?

Mr. Gorman replied not with them and yes there are still the offices.

Mrs Brugg, emphasized, nothing has changed, everything has remained the same.

Mr. Martin asked what the siding material or products and brand that'll be used?

Mr. Gorman, just a neutral color siding with a shaker accent (**Used rendering to show**), but didn't know the brand.

Chairman Ruiz asked the square footage of the units?

Devon Corban, seven-hundred (700) square feet for the one-bedroom and closer to eight-hundred/nine-hundred (800/900) for the two-bedroom.

Mrs. Brugg it's work-force housing

Chairman Ruiz asked what is the town's/community benefit?

Mrs. Brugg, there are several, such as affordable housing for the community of Gates, which documents have shown, there are 24-hour support services provided, this property is currently off the tax roll, but with would now be generating some tax revenues. It's quality housing with quality amenities like a fitness center and computer room. It is a very mission-oriented project.

Mr. Argenta, asked about snow storage

Mr. Gorman (**Used rendering to show**) location of the snow storage.

Mr. Stuhler, in the July meeting, it was shown there would be twenty-one (21) apartments for normal residents and twenty-four (24) set aside for subsidized housing

Ms. Corban there will be forty-five (45) units, with twenty-four (24) of them having provided support services.

Mrs. Brugg, again it is work-force housing, with portion of the funding coming through HI support services for different types of need from the community.

Mr. Stuhler understands since it was said, there will be \$600,000 a-year from the state

Mrs. Brugg it's partnered with the YWCA. This is a permitted use

Mr. Argenta due to funding, are there any addition codes that need to be met?

Ms. Corban all state requirements have been met.

Mr. Martin seeing in the plans there will be EV charging stations, asked if they will they be accessible to the public?

Ms. Corban replied they will be for the residents.

Side Table

Mr. Rappazzo, there were some conversations/concerns with the Fire Marshals comments and asked to go over a bit more.

Mr. Gorman (**Used rendering to show**) location addressing the comments from the Fire Marshal with a better safety plan and showed the fire access lane to accommodate the ladder truck if need be and the lighting of the access road. They addressed all the comments and concerns to their satisfaction.

Mrs. Brugg addressed the comment made earlier about benefits to the community. She feels this project will be a model for the town and community. It is an all-electric project, with zero carbon. She added, this includes all utilities and broadband as well.

Attorney Schum, being an all-electric building, asked if they will have it has the capacity to furnish it and if they had a letter from RG&E?

Mr. Gorman replied, Yes, RG&E is in the process with the actual design.

Mr. Martin being zero carbon, what is the heating system, geo-thermal, heat pumps?

Max Hues replied there will be heat pumps as well as an outside condenser.

Mr. Ritchie, did review plans, an compared them to the 2020 plans and in agreeing with Mrs. Brugg are consistent to the previously approved with just a few adjustments according the previous comment letter. There will be a short letter with some housekeeping items to be taken care of prior to final sign off.

Councilman DiPonzio, none at this time.

Open to Public

Rachel Reynolds, Wegman Rd. apposes this project, there is already three schools a town park and feels there are already water and traffic issues and just doesn't want to see a project of this size go up.

Rev. James on behalf of the Pastor of the Church, is an unpaid volunteer of the church and is retired. Being involved in church off Lyell Ave. for many years and is very aware of the need for this type of service and resources that exists in this area. There are several Presbyterian churches that have offered portions of their property for housing purposes and has gone very well and thinks it has become a model of how the church can interact with residents of these dwellings in a very positive way. The church has a long history, it's in their life blood of responding to community need. The church has fed many with a food pantry and backpacks of food to

children in the Gates School System and wants to be able to help more, with not just food, but a home and stability. They are blessed to have the property and the vision an have been working on this project for the past six (6) years and a lot of thought has gone into this and have excellent partners (Pathstone and the YWCA).

Tom Ward, is a member of the Gates Presbyterian Church for over thirty-five (35) years and has worked a lot in the Town of Gates with the Westside YMCA, so is very familiar with the Town. He has seen some opposition through social media, but feels the informational meeting they held on July 31st would have elevated some of the fears of the community like recently released prisoners living there. These things are not true. The proposal from the beginning has been to provide affordable housing for people working two and three jobs at minimum wage with not benefits. His view point is, as there are churches closing all over the place, is that a busy church is a church that's going to live. That's why they have a ninety-nine (99) year land lease with this property. They have been here for two-hundred (200) years and plan to be here another 200. This is for people to have decent housing, which so many don't have. This is a small project with just forty-five (45) units, it's manageable, providing security, excellent improvement, it's not intrusive, not a conflict to other businesses in the area, it's a well thought out project and they have addressed all the concerns and just want to be a part of the community. This Town has a great crew with Top-of-the-line officials and employees and hopes the community is proud of them and doesn't want to endanger that in any way.

Christine Andrews, has lived on Wegman Rd. for 59-years and has some concerns and would like to see stats on crime rates at similar housing, (example English Village, Heights of Perinton), what if this doesn't go as they plan? She wants to be sure to feel safe and the children as well. There are no sidewalks and the grounds need to be more secure for the children. Being a substitute teacher for years she has seen a huge change in the environment. She is also confused on the fire truck access and also asked if a traffic study was done? She has many questions like, would reduce the assessment of the property around, emergency services getting through, sidewalks, and the students walking through the property and the possible dangers as well as how many people would actually be living in each apartment?

Mr. Rappazzo most of the conditions were already addresses by the Town Board during the process of rezoning from single family to multi-family and looked sat all the potential uses and the potential increases. Wegman Rd is a County road, so the county looked at the traffic study and the impacts of that, evaluating the number of driveways and it would be on them whether or not to address any pedestrian or crossing issues. This was done in 2020.

Janice, lives in Churchville wanted to address the legitimate concerns Ms. Andrews' serious concerns as a mom and grandma. She is also a parishioner of the church and has been a part of this project since the beginning and knowing a lot of things need to be taken care of, like security and walking on Wegman Rd. As far as too many people in each unit, both Pathstone and their affordable housing units, which there are twenty-three (23) and the YWCA and their supported housing units which there are twenty-two (22) have leases that people will have to abide by. They will need to sign the lease with their responsibilities spelled out and if they do not meet those responsibilities, then there will have to be remedies even if it means to ask them to leave, it will not be a free for all. There is a whole vetting process and back at the meeting on July 29th, the process was spelled out, there are security and background checks. Also, as far as people or children walking through, the apartment complex next door has people walk through, but there has never been an issue or vandalism. She hopes her input made things a little clearer and helped ease Ms. Andrews' concerns.

Mr. Rappazzo, the town did receive some grant money from the federal government to develop an Act of Transportation Plan and hope to kick that off that process later this year. The Act of Transportation Plan is a vehicle that will allow the town to investigate and use the publics involvement and the community to improve pedestrian and bicycle facilities throughout the town and include the County DOT, the State DOT, the school district, everyone to come up with a community wide solution on how to improve pedestrian stuff throughout the town and use it to hopefully get grant money to pay for it.

Mrs. Brugg wanted to make sure the community is aware this project does include security with cameras and periodic overnight surveillance. There will be more security coverage than most neighborhoods have. She appreciates the concerns, but most of the things that were said are what is already reflected in existing communities everywhere and this project is not the cause of any current issues or project to have in the future. They are simply here for a re-approval of a site plan, the town has already gone through the approval process, planning process and zoning board process, all of the issues relevant to site plan approval have been addressed from traffic to drainage to landscape to architecture, there has been a very extensive review process, nothing material has changed, so essentially this board is not reviewing the development, just reapproving the site plan.

Executive Session 8:10pm-8:13pm

Chairman Juan Ruiz motioned to **RE-APPROVE Final Site Plan Approval of Churchview Commons** located at **1049 Wegmans Rd.** in a **MR Zone** with the following conditions:

1. All Conditions from the original April 28, 2020 letter are met and satisfied. **(Copy Included)**
2. Addressing the comments/concerns of the Town Fire Marshal and Fire Chief.
3. The applicant is to provide finalized Building Elevations (including Material and Color Samples) **prior to the signature of the Planning Board Chairman**

Ken Martin...seconded. In Favor...Aye Opposed...None

MOTION PASSED: FINAL SITE PLAN Re-APPROVED

PRELIM & FINAL SITE PLAN APPROVAL
456 Westside Townhomes
OWNER: Family Development Inc.
ENGINEER: DDS Engineering and Surveying
LOCATION: 456 Westside Drive
District: Incentive Zoning

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

Chairman Ruiz asked if the applicant was present?

Ed Martin, DDS Engineering and Surveying, they were here last month and there were some comments and questions on fire protection, drainage, landscaping, lighting and rendering and materials being used, which he passed out double-sided renderings to the board and side table, which show the backside as well as the front. The material selection will clarify the building is not a yellow as in the rendering. The siding will be a natural sand (**Used rendering to show**), with a weather wood roof, mainly earth tone colors will be used. Landscaping and lighting plans have been updated to show both front and rear, wall-mounted and dark sky compliant. Mr. Ritchie had questions on drainage in his letter they received and all comments have been addressed. Last, fire protection and concerns with getting as fire truck in and out and the updated plans show it is now NY State compliant.

Mr. Martin added, he appreciates the everyone at the Town making themselves available and in working with so many towns, not all municipalities do that. Very appreciative with getting everyone in a room and coming up with workable solutions.

Mr. Argenta his original question was to do with lighting fixtures, but the one he sees in the drawings do not seem to coincide with the elevation

Mr. Martin does not use colored rendering as anything other than architecturally of what it'll look like, same for landscaping. Those are artist rendering used to drive the design. The specs in the drawing, supersedes it.

Mr. Argenta the photometrics show the front only and not the rear, he asked if it'll be the same?

Mr. Ed Martin replied that would be his proposal, yes.

Mr. Ken Martin asked if the floodlight shown will be in the rear as well?

Kevin Brongo, developer replied there are codes for residential lighting and will meet code, but will not be a flood light in the back. It will be the appropriate residential lighting.

Ken Martin asked if the natural sand siding is D-4.

Mr. Brongo replied, yes, D-4.

Ken Martin asked also the backside (**Used rendering to show**), is worried with the pitch shown, water will not get out fast enough, so he would like to see where the downspouts are and where they are going too

Mr. Brongo the plans (**on C-4**) do show the downspouts and how it's tied in.

Ken Martin is concerned with people coming out of the home with rain coming off the roof onto the concrete pad in the back

Mr. Brongo could add shields if need be.

Mr. Argenta the pad in the back is it a full patio

Mr. Ed Martin it's a 6x6 pad, it is drawn to scale

Side Table

Mr. Rappazzo, none at this time.

Mr. Ritchie, none at this time

Councilman DiPonzio, none at this time.

Open to Public

None

Executive Session 8:27pm-8:31pm

Chairman Juan Ruiz motioned the Board declare this an Unlisted Action and based on the review of the impacts on the environment that the board has discussed and the town engineer has reviewed, and the board is Granting a negative declaration of environmental significance and no further SEQR action is required.

Brandon Stuhler...seconded.

In Favor...Aye

Opposed...None

MOTION PASSED: NEG. DEC.

Chairman Juan Ruiz motioned to APPROVE Preliminary/Final Site Plan Approval of 456 Westside Drive Townhouses located at 456 Westside Drive. in an Incentive Zone with the following conditions:

- 1 All Conditions of the **Preliminary Site Approval** are to be incorporated into the **Final Plan**.
- 2 Fire Marshal must review and approve the Final Site Plan **prior to the signature of the Planning Board Chairman**, including all the concerns of the Fire Marshal.
- 3 **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**.
- 4 A **Letter of Credit** is to be submitted to the Town of Gates in the **amounts sufficient to cover construction of all Drainage, Landscaping, and As-Built-Survey and Fire Access Road**.
- 5 The **building is to be constructed** according to the renderings and samples as presented to the Planning Board.
- 6 **All comments** of the New York State **Department of Transportation** are to be incorporated into the final plan.
- 7 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 Dept. of Public Works.
- 8 **Sub-Division Approval must be granted prior** to the signature of the Planning Board Chairman on the Final Plan.
9. The applicant must submit the Final Site Plan Review Fee to the Town of Gates prior to the signature of the Planning Board Chairman on the Final Plan.
10. The building elevations and materials must adhere to the approved specifications.
11. Compliance set by Monroe County Dept. of Planning and Development are to **be incorporated into the Final Site Plan**.
12. All **Final Drainage** calculation be provided to the Town Engineer for his review and approval
13. **All necessary Easement agreements** need to be reviewed and approved by the **Town Attorney**
14. All **Signage** will conform to Town of Gates standards
15. A detailed **Lighting Plan**, (including Catalogs and Photometrics) must be included in Final Plan

Joe Argenta ...seconded. In Favor...Aye Opposed...None

MOTION PASSED: FINAL SITE PLAN APPROVED

Ken Martin motioned to **Adjourn the meeting**

Joe Argenta...seconded. All in Favor...Aye Opposed...None

The meeting was ADJOURNED at 8:36PM

Respectfully submitted,
Lily Alberto
Recording Secretary