

The Town of Gates **Planning Board** held one (1) Prelim/Final Subdivision & one (1) Extension of Site Plan Approval on Monday, October 28, 2024 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

**MEMBERS PRESENT:**

|                 |                          |
|-----------------|--------------------------|
| Juan Ruiz       | Chairman                 |
| Joseph Argenta  |                          |
| Kirk Kettinger  |                          |
| Brandon Stuhler |                          |
| Denise Cambisi  | Alternate                |
| <br>            |                          |
| Dan Schum       | Town Attorney            |
| Kurt. Rappazzo  | Director of Public Works |
| Mike Ritchie    | Costich Engineering, P.E |
| Cosmo Giunta    | Town Supervisor          |

**MEMBERS ABSENT:**

|            |           |
|------------|-----------|
| Ken Martin |           |
| Mike Wall  | Alternate |

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 Ruiz motioned to approve the August 26, 2024 Planning Board Minutes as sent to the Board.

Brandon Stuhler...second      All in Favor...Aye    Opposed.... None

**MOTION CARRIED**

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.

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

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**PRELIM & FINAL SUBDIVISION APPROVAL**

**Advance Auto Parts Subdivision Section 2**

**OWNER: Colonial Plaza LLC**

**ENGINEER: James H. Missell & Associates Professional Land Surveying Services**

**LOCATION: 485-507 Spencerport Rd.**

**District: Incentive Zoning**

Chairman Ruiz asked if the applicant was present?

Jim Missell, project surveyor asking for board to approve a subdivision and lot line adjustment. The project consists of two properties, Gates Colonial Plaza is approximately twenty-one (21) acres and the Gates Bowl property on the western side is approximately three (3) acres. The lot-line adjustment is not only for the Gates bowl property, but on the eastern side of the building is nineteen (19) feet over the existing property line and they would like to correct that and move that property line to the east approximately seventy-five (75) feet and will include the parking spaces shown, which is part of the bowl lease, which will eliminate the encroachment for the

business itself. The Gates Bowl property will increase in size about five (5) acres. The second part of the property is for the Plaza portion and would like to split off the eastern portion of the property, which is the proposed lot 203, essentially taking a new property line from the south western corner of CVS and drop straight down to the south pocket line, which the creates lot 203, which is approximately seven (7) acres. Remaining lots will be 202.

Mr. Argenta, the graphics do not match the legend, just about all the lot lines shown according to the legend are proposed lot lines, so it would need to be cleaned up a bit.  
He continued, proposed lot 203 parking needs to be addressed

Mr. Missell, can address the line and show the parking lines better.

Attorney Schum, asked about the GCO easement and who it services? He also asked about parking for each business and that it seems to be shared by all there

Mr. Rappazzo added, it seems a lot of things have been “shared” parking, utilities and other things, but we want to make sure, those things are preserved not only for now, but for the future. No one knows what may come.

Attorney Schum agreed, if in the future CVS or anyone wants to sell their parcel there are things being “shared” outside their parcel that can cause issues.

Mr. Missell added, CVS and Advance lease their parking spots, and are guaranteed their spots, for example CVS has forty-eight (48) spots. but if there are parking outside those, they can be identified to make clearer

Mr. Rappazzo, if there are existing agreements in place, they need to be made clear. No one wants in the future for someone coming into the town complaining about their neighbor restricting their access and the town doesn't know what is going on.

Mr. Argenta, the other part is the parking for the bowling on the east side, the property line is going right up along to where spaces are. There will need to be some sort of access agreement to allow vehicles pull into those spaces because it'll be tight

Mr. Missell feels they can provide access to be sure it doesn't get fenced in or block off the ability for parking.

Mr. Rappazzo added as well as the shared sanitary, this would avoid any issues later on.

Mr. Missell will show it.

## **Side Table**

Mr. Rappazzo, nothing further at this time.

Mr. Ritchie, the board members and Kurt echoed his main comment from his letter. Titles and be sure all the easement agreements are shown in the plan, also sewer lateral to make sure it is listed.

Supervisor Giunta, none at this time.

## **Open to Public**

None

**Executive Session 7:44pm-7:46pm**

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.

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

**MOTION PASSED: NEG. DEC.**

Joe Argenta motioned to **GRANT Preliminary & Final Subdivision Approval of Advanced Auto Parts Subdivision, Section 2** located at **485-507 Spencerport Rd.** in a General Business District with the following conditions:

1. The applicant is to address any and all final comments from the Town Engineer and Town’s Dept. of Public Works.
2. The applicant is to address comments showing graphics of existing and proposed.
3. **All necessary Easement agreements** need to be reviewed and approved by the **Town Attorney.**

Brandon Stuhler ...seconded.      In Favor...Aye      Opposed...None

**MOTION PASSED: PRELIMINARY & FINAL SUBDIVISION APPROVED**

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**EXTENTION OF SITE APPROVAL**

**Gates PUD-Residential**

**OWNER: 3410 Buffalo Rd., LLC**

**ENGINEER: Passero Associates**

**LOCATION: 500 Frank Dimino Way & 3410 Buffalo Rd.**

**District: PUD**

Chairman Ruiz asked if the applicant was present?

Betsy Brugg, attorney, Woods Oviatt Gilman asking for a straight forward request. This project has been in the approval process for approximately two (2) years. A lot has gone into it, millions of dollars have gone into it and there has been a lot of progress, but are asking for an extension of the Planning Board approval which is due to expire in the end of October 2024. There has been earth work being done and now with the weather changing, want to be sure the project is locked in for an additional year.

Attorney Schum the existing Town Code requires a substantial improvement of the property in the one year of approval. As things would be has started in its infancy now and reasonable to consider with winter coming that a year would give them adequate time to substantially construction under way during this one-year period.

Mrs. Brugg added, nothing about this project has changed. All of the Conditions of the Project are still in effect. She added, quite as bit of work has been done already, that may not be visible to the naked eye, a lighting district was created, numerous easement agreements have been put in place, a lot of work has gone into getting the project this far, but at this point, they just need more time.

**Side Table**

Mr. Rappazzo, supports the one (1) year extension

Mr. Ritchie, no comments

Supervisor Giunta, no comments

**Open to Public**

None

**Executive Session 7:52pm-7:53pm**

Chairman Juan Ruiz motioned to **GRANT an EXTENSION of Site Plan Approval for Gates PUD-Residential Development** located at **500 Frank Dimino Way & 3410 Buffalo Rd.** in a PUD District with the following conditions:

- 1 Improvement to the property
- 2 All Previously APPROVED conditions will continue to apply.

Kirk Kettinger ...seconded. In Favor...Aye Opposed...None

**MOTION PASSED: PRELIMINARY & FINAL SUBDIVISION APPROVED**

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

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

The meeting was ADJOURNED at 7:50PM

Respectfully submitted,  
Lily Alberto  
Recording Secretary