

The Town of Gates **Planning Board** held two (2) Tabled Items and five (5) New Items on Monday, August 25, 2025 at the Gates Town Hall Meeting Room, 1605 Buffalo Rd., and beginning at 7:30PM

MEMBERS PRESENT:

Juan Ruiz	Chairman
Joseph Argenta	
Kirk Kettinger	
Denise Cambisi	Alternate
Ken Martin	
John DiCaro	Town Attorney
Kurt. Rappazzo	Director of Public Works
Mike Ritchie	Costich Engineering, P.E
Chris DiPonzio	Deputy Town Supervisor/Councilman

MEMBERS ABSENT:

Brandon Stuhler	
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 July 28, 2025 Planning Board Minutes as sent to the Board.

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

MOTION CARRIED

PRELIMINARY SITE PLAN APPROVAL

135 FedEx Way Storage Facility
OWNER: Steve Capizzi
ENGINEER: LandTech
LOCATION: 135 FedEx Way
District: General Industrial Zoning

Chairman Ruiz noted the applicant asked for this application to continue to be tabled due to waiting on DEC Response.

PRELIM. & FINAL SITE PLAN APPROVAL

Eastern Bluebird Storage Facility
OWNER: Bluebird Storage Facility LLC
ENGINEER: Thornton Engineering
LOCATION: 20 Industrial Park Circle
District: General Industrial Zoning

Chairman Ruiz asked if the applicant was present?

Glen Thornton, engineer was here before the board back in May and there were some open items including two (2) area variances that they received approval of by the Zoning Board in July.

The project remains the same, just repurposing or reuse of an existing building foundation that's been there thirty (30) years or so. The new building will be a climate controlled self-storage facility. They have addressed comments from Monroe County Agencies, Fire Chief and Fire Marshal, who are fine with the proposed project. The (1) one open item from the Town Engineer is for the potential wetlands impacts in the back of the building. They did hire a wetland delineator who issued a report stating he found No wetlands in the area behind the building and the report has been submitted to Corp and the DEC.

At this time, they are proposing to receive final site plan approval with conditions. There would be no work done behind the area for any potential wetlands that would require permits that they would obtain if need be. They would like to start on the building and are in a time crunch and need to order the steel as quickly as possible which will take months to receive.

Mr. Argenta asked when was the letter submitted to the DEC

Mr. Thornton, the certified letter was submitted in the last two weeks and just waiting on the response that could take a while which is why they hired a delineator.

Side Table

Mr. Rappazzo the plans show there will be storing of RV's, trailers and boats?

Mr. Thornton, Yes at the conclusion of the project. The final build out would be to pave out the leveled area in the back for storage of boats, RV's and trailers

Mr. Rappazzo the concern with that is being in the flood plains, the odd chance of flooding could be an issue, would they be anchored down?

Mr. Thornton good question, he agreed it is something to think about and asked if there are any recommendations, he has never run into that issue, and is open for any suggestions from the town and would accommodate it.

Mr. Ritchie, in terms of the wetlands, if the DEC comes back and says there are wetlands and there would be an associated buffer within the proposed development, asked if they would plan to get a permit or look to abandon the rear storage area?

Mr. Thornton thinks they would attempt to get a permit. Their delineator did not feel there would be a problem getting a permit because it's all stone and not a vegetated area.

Mr. Ritchie the board has been consistent with other projects on requiring the letter from DEC

Councilman DiPonzio, no comment

Open to Public

Evan Galina, Galina Development owns several buildings in the area to this project and the lack of windows on this project does not look like it's aligned with the others in the area

Executive Session 7:44pm-7:50pm

Juan Ruiz motioned to **TABLE Preliminary & Final Site Plan Approval of Eastern Bluebird Storage Facility** located at **20 Industrial Park Circle** in a **General Industrial District** for DEC letter.

Joe Argenta...seconded.

In Favor...Aye

Opposed...None

MOTION PASSED: PRELIMINARY & FINAL SITE PLAN TABLED

PRELIMINARY SITE PLAN APPROVAL

Gates Plaza Pharmacy Redevelopment Plan

OWNER: 570 Delaware XXVII

ARCHETECTIC: James Allen Rumsey

LOCATION: 2 Spencerport Road

District: General Business Zoning

Chairman Ruiz noted the applicant asked for this application to continue to be tabled due to waiting on DEC Response.

MODIFYING PREVIOUSLY APPROVED SITE PLAN & SUBDIVISION APPROVAL

500 Frank Dimino Way & 3410 Buffalo Rd

OWNER: Italian American Community Center

ENGINEER: Passero Associates

LOCATION: 500 Frank Dimino Way

District: PUD Zoning

Chairman Ruiz asked if the applicant was present?

Betsy Brugg, Woods Oviatt Gilman This is a fully approved project from 2023, it went through Site plan approval, SEQR approval and secured all other necessary approvals.

They made some changes and significant improvements to the project that they are sure the neighboring residents will be happy with. They decreased the amount of town home from 370 to 260, took out the self-storage, are keeping the club house with its amenities and added single-family homes from 58 to 144. This modification is less impactful, less density and still keeping the "special" tree.

It was presented to the Town Board and was well received. The SEQR was already determined for this project

Jess Sudol, Passero hopes the PB board, similar to the Town Board finds the project consistent to the original. Residents were concerned with traffic, but they have letter from NY DOT proving the traffic study and with this revision with less units translates to the traffic being scientifically less by 20% and will still include the turn lane. All the buffering and setbacks will remain (**used renderings to show**). They are searching for an overall preliminary approval and Phase I Final approval.

In Phase I will be the single-family homes on the eastside (**used renderings to show**) which was an original request.

Mr. Argenta asked how many apartments? What is the total amount of units?

Mr. Sudol, 260 apartments plus 144 single-family homes for a total of 404.

Mr. Argenta asked on the drawing by lot 1, along Buffalo Rd. if it was a sidewalk?

Mr. Sudol, it's actually an access path to the whole structure, as well as the one by lot 22

Mr. Martin asked if in Phase I it will include the single-family houses closest to the road?

Mr. Sudol, yes

Chairman Ruiz asked about the landscaping plan to delineate the single-family dwellings from the apartments?

Mr. Sudol, yes, he will work with Mr. Ritchie and Mr. Rappazzo on the plan for the landscaping.

Side Table

Mr. Rappazzo, our town code requires a certain amount of buffer in between those two uses and the board would like some sort of buffer to separate the two.

Mr. Sudol agrees and will work on

Mr. Rappazzo feels there needs to be an overall preliminary subdivision approval with modifications and ultimately a Final for Phase I subdivision approval to cover the homes and a lot of the right-a ways and lot lines to be able to file the map with Monroe County and then ultimately a site plan approval to cover the construction of the apartment complex

Mr. Sudol agreed

Mr. Ritchie reviewed the plans and provided comments per what the applicant stated and feels from the SEQR stand point, nothing much changes there, except a bit of technical work that needs to be done, but nothing more intense that was previously approved.

Councilman DiPonzio, nothing more

Open to Public

Julie Thomas, Adeane Dr. E, concerned with the traffic. Mitigating traffic and adding a turn lane is great, if turning into the complex, but coming out of Adeane Dr east or west is almost impossible to make a left hand turn during commuting hours min the AM and PM

Mr. Sudol knows traffic is a major concern, including with some driving faster than supposed too, but having the turn lane will help people turning in, but also help those turning out.

Mr. Argenta asked if people will be able to drive out of Frank Dimino Way onto Manitou Rd?

Mr. Sudol replied, yes. It also helps with the town trucks plowing, not having to turn at the end of a road, but being able to drive through.

Maryann Assini, Buffalo Rd., asked if the lot and house sizes are the same from the original besides having more single-family houses?

Mr. Sudol, yes the lot sizes area the same as proposed.

Mrs. Assini asked if where the storage facility was to be is now houses?

Mr. Sudol, there will be 4-5 lots (**used renderings to show**) as well as greenspace and pond and will all be maintained.

Mrs. Assini asked about the turn lane and its position

Mr. Sudol it'll be across the townhouses across the street.

Mrs. Assini also asked who will be building the houses

Mr. Miranda not sure yet, they are still negotiating and finalizing

Executive Session 8:10pm-8:12pm

Chairman Juan Ruiz motioned to **GRANT Modifying the Previously Approved Site Plan Approval of 500 Frank Dimino Way & 3410 Buffalo located** 500 Frank Dimino Way in a PUD District with the following conditions:

- The applicant will work with the Director of Public Works on the buffering details.
- All conditions of the Previously Approved Site Plan approval are to be incorporated into the Final Plan.

MOTION PASSED: MODIFYING THE PREVIOUSLY APPROVED SITE PLAN

Denise Cambisi...seconded. In Favor...Aye Opposed...None

Chairman Juan Ruiz motioned to **GRANT Approval of PHASE I of the APPROVED Site Plan of 500 Frank Dimino Way & 3410 Buffalo located** 500 Frank Dimino Way in a PUD District.

MOTION PASSED: PHASE I OF THE APPROVED SITE PLAN

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

Preliminary & Final Site Plan Approval

OWNER: Galina Development

ENGINEER: MRB Group

LOCATION: 325 Mile Crossing Blvd (Lot 20)

District: General Industrial Zoning

Chairman Ruiz asked if the applicant was present?

Evan Galina, Galina Development Proudly presenting on a project that has been 25-years in the making. It's the last lot of the Mile Crossing development. It is in-line to the rest of the park. An industrial flex building on a corner lot, single-story, with the look and feel of the rest of the park.

They are just trying to get to the finishing line of this project. They are at 100% occupancy and are looking to break ground this coming Spring.

Tom Fromberger, MRB Group. He went over some minor changes to the plans (**an updated packet was handed out**) in response to the town engineers comment letter as well as the Fire Marshals.

Mr. Argenta asked if the revised layout was included in the updated packet provided?

Mr. Fromberger, not in the smaller scale for everyone, just the larger display.

Mr. Galina added, the revised driveway mirrors building 475, making the corner lots consistent.

Side Table

Mr. Rappazzo, all set.

Mr. Ritchie, all set and satisfied with their responses.

Councilman DiPonzio, all set

Open to Public

None

Executive Session 8:21pm-8:22pm

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...second

All in Favor...Aye

Opposed.... None

MOTION PASSED: NEG. DEC.

Chairman Juan Ruiz motioned to **GRANT Final Site Plan Approval of Galina Development** located at **325 Mile Crossing Blvd (Lot 20)** in a Limited Industrial District with the following conditions:

- Incorporate all responses outlined on the comment letter from the Town Engineer referring to the **New Plan** into the Final Plan.
- All conditions of the Preliminary Site approval are to be incorporated into the Final Plan.
- The Fire Marshal must review and approve the Site Plans before the signature of the Planning Board Chairman.
- All regulatory agency stamps of approval, including from the Fire Marshal, must be affixed to the Final Plan prior to the Planning Board Chairman's signature.
- A letter of credit, sufficient to cover drainage and landscaping along with certified as-builts, must be submitted to the Director of Public Works.
- The building must be constructed according to the renderings and building samples presented to the Planning Board.
- All comments from the New York State Department of Transportation must be incorporated into the Final Plan.
- The Applicant must 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.
- The applicant must submit the Final Site Review Fee to the Town of Gates prior to the Planning Board Chairman's signature on the Final Plan.
- Building elevations and materials must adhere to the approved specifications.
- No outside storage of vehicles and/or materials will be permitted on the property.
- Compliance with conditions set by the Monroe County Department of Planning and Development is required.
- The Dumpster Enclosure must be shown on the Final Plan.
- The drainage report must be incorporated into the Final Plan.
- All necessary easement agreements must be reviewed and approved by the Town Attorney.
- All signage is to conform to the Town of Gates standards.
- A detailed lighting plan must with catalogs and photometrics must be included in the Final Plan.
- All **requirements from the DEC including Approval Letter** are to be included in the Final Site Plan.

MOTION PASSED: FINAL SITE PLAN APPROVED

Ken Martin...seconded.

In Favor...Aye

Opposed...None

Re-Subdivision & Site Plan Approval

OWNER: Daniel Lamphron

ENGINEER: LandTech

LOCATION: 955 Hinchey Rd

District: R-1-15

Chairman Ruiz asked if the applicant was present?

Tom Sutherland, Landtech 1.5-acre lot located between Hinchey Rd. and Brooklea Dr. Currently there is a house on the northside of the site with a driveway to Hinchey Rd. leaving the southside off Brooklea Dr. vacant with some trees and a little lawn. They are proposing to sub-divide the single-lot to 4-lots. The southern 3-lots

would have 3-single-family homes on Brooklea Dr. with public utilities off Brooklea Dr. and access to Brooklea Dr. They have submitted to DEC on July 29th and are waiting for response and understand there can not be a full approval till.

Mr. Sutherland added this project is looking at an Incentive Zoning change, but continued with addressing the comments from the Town Engineer letter (**used renderings to show**) including keeping as many trees as possible.

Rich Battisti, applicant and affiliated with Faber Builders, which is currently building a home on 114 Booklea Dr. They are trying to develop 3-lots on Brooklea Dr. from the one at a cost to allow building these homes for the work-force. Inflation has hit restate at a high and lot development is the higher cost of building and with these lots can build homes to fit their budgets. Also, currently there is one (1) tax number associated with this property and with this proposal it would be four (4). Adding quite a bit to the town tax roll. With the incentive zoning, like they have done in other towns is pay a fee to the town to be used for parks or other projects. In this case they are offering to pay \$1000.00 per lot.

He understands full approval is not doable at this meeting, but would like Subdivision Approval as well as a letter to the Town Board.

Attorney DiCaro the Town Board would have to happen for the incentive zoning prior to the Planning Board making any substantive approval. It makes sense the PB sees the proposal, but doesn't think they could make any decision and also a SEQR determination.

Mr. Battisti understands they would need to return to this board, but to at least receive subdivision and a letter of recommendation.

Attorney DiCaro explained as in previous applications, the PB has not given conditional approvals before having the DEC letter.

Open to Public

Steve Brady, Pinehurst Dr. adjacent to the proposed property on Brooklea. His concern is most of the lots in the area are at least 100-feet and feels it's too small to get three lots in.

Mr. Sutherland as part of the incentive zoning, the lots are smaller to build three work force houses with smaller dimensions

Mr. Brady thanked him for the clarification, but based on that information, objects to this proposal. It is very different to the other lots in the neighborhood.

Mr. Rappazzo, to clarify, the PB will not take any actions because #1 the Town Board would need to vote on the change of the zoning. The very valid question from Mr. Brady on the width of the lots is allowed per zoning and as incentive zoning they would be allowed to request narrower lots, but does require approval from the town board, which they will need to go before and present everything to them and then come back to the Planning Board for subdivision approval.

Silvia Ellis, 8 Pinehurst Dr., 38 years. Asked how doe the residents communicate with the Town Board to be able to take their feelings and concerns into consideration before making approvals?

Mr. Rappazzo, much like getting a notice about this meeting, so would happen for the town board meeting which meets the first Monday of the month. (He also introduced councilman DiPonzio).

Ophelia Monroe, 139 Brooklea Dr. about the notices sent in the mail, not everyone received a notice.

Mr. Rappazzo, explained there is a process per code to notify by mail notices, 500-feet of the project. If the property is outside that 500-feet, there is no letter, but everyone is more the welcome to share the information with others. It is also posted in the paper of record and the town website(townofgates.gov) as well as signs on the property.

Kloeonike Hawses, 11 Pinehurst Dr. knows many people did not receive the letters and are in the range. She does not agree with having three houses on that lot, because their homes are big lots and feels it's going to make the surrounding homes taxes go up. She is a disabled senior citizen and it will affect her. They found out the house they are building on 114 Brooklea is going for \$374,000 with \$12,000 in taxes. She will not be able to afford that and does not want to be pushed out of her house. She was not able to show photos when she was fighting here assessment and was told she needed to get her own comps, but doesn't have the ability too, she doesn't have internet or a computer.

Don Iannone, didn't hear what the incentive amount was?

Mr. Battisti, \$1000 per lot

Mr. Iannone added the property on Westside Dr paid \$23,000 for six lots.

Mr. Rappazzo the incentive is at the discretion of the town board

Mrs. Ellis, it breaks her heart, she bought her home, just pulling into the driveway, not even getting out of the car. With her realtor she had seen over 100 houses, but when they pulled into the driveway, she knew that was her house. It was a feeling, the neighborhood felt right. She went on about the neighborhood and the neighbors. She feels these houses won't have the character of the neighborhood, which are not cookie-cutter. She also doesn't understand using the phrase "work-force" houses. She feels the existing houses in that area is something the town of Gates should be proud of.

Khalil, 127 Brooklea Dr. next to the property and feels 3 houses is too much and will leave no space between houses.

Councilman DiPonzio it's been about two years since they have had Incentive Zoning and the suggestion has been to approach the Supervisor with the proposal, and then hold an Informational Meeting to include the residents/neighbors for information and feedback giving the opportunity to hold a second meeting to meet requirements or requests.

Mr. Martin knows on Brooklea, the setback to the homes is pretty consistent throughout the whole neighborhood and it's not at the minimum 35-foot setback, which is where these are placed.

Mr. Sutherland, it has been revised, after reading the town engineers comments did more 15-feet and are in-line

Chairman Ruiz asked if they could briefly define the term "work-force"

Mr. Battisti if your looking for new construction now-a-days, living in a subdivision is starting at \$500,000 and with this project hoping to start at \$350,000 very similar to the house at 114 Brooklea (**used renderings to**

show) not custom homes, but not cookie-cutter. He also feels the comps from having three houses at \$350,00 would be better than one at \$500,000 or more.

Juan Ruiz motioned to **TABLE Re-Subdivision & Final Site Plan Approval of 955 Hinchey Rd. in a R-1-15 District.**

Joe Argenta...seconded.

In Favor...Aye

Opposed...None

MOTION PASSED: RE-SUBDIVISION & FINAL SITE PLAN TABLED

Re-Subdivision & Site Plan Approval

OWNER: Agree Limited Partnership

ENGINEER: Colliers

LOCATION: 2150 Chili Ave (Walmart)

District: General Business & AOD Airport Overlay

Chairman Ruiz asked if the applicant was present?

Chase Kramer, Collier Engineering and Design on the 5000sq ft expansion for Walmart at 2150 Chili Ave. This project is associated with the building expansion. They did go before the Zoning Board and did receive Area Variances, but due to Walmart's needs and request for the square footage needed to add to the site are required to present to the Planning Board. One of the things Walmart as well as other large-scale retailers are seeing is an increase in online grocery pick-up program and so Walmart is taking this opportunity to address the future demand and provide for it. Currently there are ten pick-up spots, that were just placed there, but are looking at making this a more formal location for this program. This expansion will house, selves, racking and refrigerator units to hold orders. The proposal is the expansion and a bit of rework to the side parking lot adding 29 pick-up spots with each having a number sign associated with it for the patrons can use to communicate with the store associate for the pick-up. Due to these changes, there is a deduction of 40 parking spaces (**used renderings to show**) which has been approved in July by the Zoning Board as well as the lot coverage. Gas meter will be relocated, speed cushions will be added and updating lighting as well as adding.

Mr. Argenta asked if there will be any storage outside the property?

Mr. Kramer, no more then what's existing.

Mr. Martin didn't see any elevations attached and asked how tall is this section compared to the existing building?

Mr. Kramer, there will be architectural submissions, they are waiting on approvals before getting drawings done, but it'll match the existing building height.

Mr. Rappazzo the board will require the architectural plans prior to any approvals of site-plan

Mr. Kramer we will get that package done and submitted

Mr. Argenta, just for clarification, it's not a re-subdivision

Mr. Kramer, replied, No

Mr. Martin in terms of the speed cushions, assuming it's a buffer with a reduced path

Mr. Kramer they are essentially concrete table top, with the intention of reducing speed. There is associated signage, but it will all be laid out in the drawings.

Mr. Martin asked if there was a way to separate the area with possible landscaping?

Mr. Kramer, it's something to look at.

Mr. Rappazzo, from a fire aspect would not want that completely shut off.

Mr. Martin agreed. Not like a guardrail or anything to shut off, just to slow down. Also. The garden center Don't look to get used much, why not just put the expansion there?

Mr. Kramer, that's a corporation question

Open to Public

Rita Cominely, Arrowhead Dr. clarified they are not taking the Garden Center for this project, but adding to the building and wanted to know how far out?

Mr. Kramer, the Garden Center will stay and the building will be expanded toward Howard Rd. about 50-60 feet off the western most edge as well as to the north approximately 30-feet.

Mr. Martin asked if there will be security cameras in that area, being like a gully and will be dark at night when closed.

Mr. Kramer, most likely there will be.

Mrs. Cominely, asked about in the spring and summer when they add garden stuff in a section of the parking lot? She also asked about the Auto Center?

Mr. Kramer, none of that will be touched as part of this project. The auto center has been a vital part of business and will remain.

Mrs. Cominely asked if this was to be specifically for pick-up? She added some of her neighbors couldn't attend and wanted to be sure to get all the information

Mr. Kramer, yes, strictly or pick-up.

Mr. Martin asked if this would be just employee access, not patrons?

Mr. Kramer, just employees.

Executive Session 9:12pm-9:13pm

Juan Ruiz motioned to **TABLE Site Plan Approval of Walmart Remodel** located at **2150 Chili Ave.** in a **General Business & AOD Airport Overlay District** for the detailed Architectural Design.

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

MOTION PASSED: FINAL SITE PLAN TABLED

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

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

The meeting was ADJOURNED at 9:13PM

Respectfully submitted,
Lily Alberto
Recording Secretary