



William D. Reilich
Supervisor

TOWN OF GREECE

PLANNING BOARD

MINUTES

MARCH 16, 2016

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Alvin I. Fisher, Jr., Chairman

Rick Antelli

Christine R. Burke

William E. Selke

Jamie L. Slocum

Michael H. Sofia

Christopher A. Schiano, Esq., Deputy Town Attorney

John Gauthier, P.E., Associate Engineer

Scott R. Copey, Planner

Michelle M. Betters, Planning Board Secretary

Absent

Devan Helfer

Additions, Deletions and Continuances to the Agenda

Announcements

2016 MAR 18 A 10:00
TOWN OF GREECE
TOWN CLERK

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PUBLIC HEARINGS

Old Business

1. Applicant: The Church of the Mother of Sorrows of Greece, Monroe County, N.Y.
Location: 5000 Mount Read Boulevard
Mon. Co. Tax No.: 046.14-08-001
Request: Minor subdivision approval for the Mother of Sorrows subdivision, consisting of 2 lots on approximately 10.25 acres
Zoning District: R1-12 (Single-Family Residential)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Richard Giraulo, LandTech/LaDieu Consulting, LLC; and Rev. William G. Coffas, Pastor of Mother of Sorrows Church, presented the application:

Mr. Giraulo: We were here about a month ago. At that time, we were asked to get some variances; they were granted last night. We are confident that both sites have their own sanitary water services and we just coordinated mapping those out, but it should not be an issue.

Mr. Copey: They were granted the variance last night, and we have had some discussion regarding easements. I'm not sure whether there is anything definitive regarding the buses using the Mount Read Boulevard exit. The cross access easements would be included in the resolution and would need to be filed before the map gets signed.

Mr. Gauthier: The Department of Public Works/Engineering comments are relatively technical. We are trying to get additional information on definition of easements, and we are just verifying that the disturbance will be less than 4000 square feet or whether there would be permeable pavement involved.

Mr. Giraulo: Those are site plan issues. There will be a separate application, and we will have that information.

Mr. Gauthier: In terms of the subdivision, there are no issues.

Fr. Coffas: To answer the question in terms of parking and the passage of buses throughout the property, we are working with the lawyers to enter into a written agreement.

Rachel Christensen, 44 Paddy Hill Circle: Regarding the historic part of the church, is there some way that we could save the religious artifacts?

Mr. Fisher: The state law required that if will be used as an educational institution, I believe those items will be saved.

Fr. Coffas: The building that we are discussing is the old church; it looks like an old, abandoned library. The bell has been preserved; we plan to display it. The other item is the statue of Mary, and it also will be preserved and displayed. We want to make sure that those are put in a safe place and preserved. There is not much else, but we have the word of the new school that the dignity of that building will be preserved.

Joe Camiolo, 447 Creighton Lane: I'm here on half of my mother, Jane Camiolo, 4874 Mount Read Boulevard. I just want to make sure that we don't lose sight that the old

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church was once a library, so the precedent has been set. There is a lot of significance, yet the best thing we can do to keep that building is to look at the minor things to be done. That whole property is set up for a school and it upsets me if anyone thinks there would be a problem with it becoming part of that again.

Motion by Mr. Sofia, seconded by Ms. Burke:

WHEREAS, The Church of the Mother of Sorrows of Greece, Monroe County, N.Y. (the "Applicant") has submitted a proposal to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a minor improvement plan, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 5000 Mt Read Boulevard (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. Upon review of the application, the Planning Board determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2) & (7).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

VOTE:	Antelli	Yes	Burke	Yes
	Helfer	Absent	Slocum	Yes
	Selke	Abstain	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

Mr. Sofia then made the following motion, seconded by Ms. Burke, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. This subdivision map is for conveyance purposes only; no new construction is proposed. Approval of this map does not supersede any other conditions imposed by the Town of Greece or any other agency. Additional Town of Greece approvals must

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be obtained before any future construction. A note that indicates this requirement shall be added to the plat.

3. Cross access easements shall be provided in a form acceptable to the Planning Board Attorney, and shall contain a provision which prohibits substantial modification or termination of the easement without prior approval of the Town of Greece. Such easements shall be recorded in the Office of the Monroe County Clerk. A note to this effect shall be added to the plat.
4. Subject to approval by the Town's Commissioner of Public Works and Engineering staff.
5. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include successors and assigns.
6. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
7. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

VOTE:	Antelli	Yes	Burke	Yes
	Helper	Absent	Slocum	Yes
	Selke	Abstain	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPLICATION APPROVED

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New Business

None

SITE PLANS

Old Business

1. Applicant: Crescent Beach Restaurant and Hotel, LLC
Location: 1372, 1384 & 1390 Edgemere Drive
Mon. Co. Tax No.: 035.09-1-21, 035.09-1-22, 035.09-1-23
Request: Site plan approval for the following changes to the site of an existing restaurant: addition of concrete patio north side and pavilion on the east side; revised parking lot layout; removal of an accessory structure (one-car garage); and related utilities, grading, and landscaping, on approximately 2.6 acres
Zoning District: BR (Restricted Business)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Richard Giraulo, LandTech/LaDieu Consulting, LLC; and Zenon Konopka, Crescent Beach Restaurant, presented the application:

Mr. Giraulo: At the last meeting, it was determined that we needed variance for the pavilion. It could be no closer to the water than the building itself; that is shown on the plan, and we have added the notation as it was granted last night. The Town has some comments regarding the dumpster enclosure; that will be a solid white vinyl fence, and it will be higher than the dumpster itself. Comments we received from the Town's engineering staff have been addressed. We will be installing some concrete landscape islands to better define that connection between Edgemere Drive and Crescent Beach Road ("Old Edgemere Drive"). The parking lot will be resealed, restriped, and holes will be patched.

Mr. Copey: There is not a whole lot that is new. They received a variance for the pavilion from our Board of Zoning Appeals. They need to obtain reapproval from Town Board for their special use permit. I have added a recommended condition of approval that that will have to be done prior to the site plan receiving final approval signatures. We have had discussion regarding parking in relation to the pavilion and uses, and that may well be dealt with most appropriately by Town Board and the special use permit.

Mr. Gauthier: We had comments asking us to show all utilities, laterals, liber and pages shown on the plan.

Marcia Clegg, 1412 Edgemere Drive: This has been going on forever and ever. Is there any end in sight? We live down there. It's just mess, and there is a dumpster that is filled. They have been in and out of court, in and out of meetings. When will this happen?

Mr. Konopka: When I came on board, I kind of spearheaded this restart of the effort. Not only is time valuable to me and us, we really want to this to be perfect—and we want to hang our hat on this—of becoming the best place, on time. We had some speed bumps before I came on, I think we have gained some momentum and hope to get this opened and get some summer months in. The Town has been great to me since I have been here. I

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really do think that we are at a point where there is a light at the end of the tunnel, and hopefully we'll end up with a beautiful place.

Ms. Clegg: I'll take your word for it.

Mr. Konopka: Thank you.

Kevin Cleary, 1432 Edgemere Drive: I still see employee parking backing into the roadway; there is nothing stopping them. I don't see a change after two years. It's a road and it's a safety issue. I'm confused as to why the applicant has so much resistance to doing what the Town and the neighbors want; they can't even empty the dumpster. It's a disaster.

Mr. Giraulo: Sorry for your frustration. It's good to see that everyone wants to get this done. We did make some changes, the island is larger, and we have a 24-foot-wide standard aisle for backing up without encroaching into the roadway. This is a much safer condition that we have had out here.

Mr. Konopka: Again, sorry for the frustration. Our engineer has said that there is enough room to back out of the employee parking spaces, but we could put a sign and tell staff that they have to back in to the spaces, and I will enforce that; you have my word.

Mr. Selke: What if you extended the curb? You're saying that it is designed correctly so that there is better access.

Mr. Giraulo: Yes. It allows for better access.

Mr. Sofia: How many parking spaces do you have?

Mr. Giraulo: We have 125 spaces; code requires 115.

Mr. Konopka: On every night, there will be complimentary valet parking. On busier nights, the valet company says that they can double park or triple park; that will open up spaces that we need.

Mr. Cleary: What is proposed for the lighting? It's fairly dark there and for safety it should be well lit.

Mr. Fisher: One issue that we have tried to address is to be clear where the roadway is; that's why there is the curbed island. Before, people would park across that roadway, everywhere; now, this will be well defined. The Fire Marshal has to be sure that emergency vehicles can get through.

Mr. Cleary: Will there be a striped line that shows that it's a road?

Mr. Fisher: Primarily, we want to be sure that people know where to cross, and also a vertical element or sign so that you can see it in the winter.

Mr. Schiano: Are you talking about a yellow line in the roadway?

Mr. Fisher: Most subdivision streets do not have a line.

Mr. Selke: Because of the roadway, you want it to be clear.

Mr. Gauthier: If it's determined that it's needed, and if we don't see it as a problem for us.

Mr. Cleary: So, making it look more like a road would make it safer.

Mr. Copey: The Planning Board could put a condition that the applicant has to request advisement from the Town's Traffic Advisory Committee about how to mark the road. They might say that it's not standard practice.

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Mr. Giraulo: There is an existing street light on that island. There are concerns about the roadway, but this is heavily identified now with curbing and landscaping on both sides of the roadway.

Mr. Selke: What about the parking lot lighting?

Mr. Giraulo: That is shown in the plans. There will be new heads put on, and they will not affect the neighbors.

Mr. Selke: Have you considered putting in more handicapped parking?

Mr. Konopka: With the valet parking, customers will be picked up at the door. I did note that at the last meeting, and that will be a priority. The experienced population will be taken care of and very accessible. It's important to us to have safety and accessibility. You can't have the best place in town without that.

Mr. Selke: Will the delivery area be taken care of? Will the roadway have a street sign? Is this a county road?

Mr. Copey: We have proposed a street sign. Crescent Beach Road is a town road.

Mr. Konopka: With the complimentary valet parking, it will be a win-win and will solve the parking issue.

Mr. Copey: Where will you stack the cars?

Mr. Giraulo: We will start near Edgemere Drive and then fill in.

Mr. Copey: We should have the Fire Marshal take a look at the proposed parking of cars.

Mr. Selke: What about screening for the neighbor on west?

Mr. Giraulo: The landscaping plan shows arborvitaes for screening.

Mr. Sofia: Is there a walk-in cooler?

Mr. Giraulo: Yes. It will be shielded by a fence.

Mr. Sofia: There is a really small shoulder near Edgemere Drive. When the bio-retention pond goes in, will it be a police issue if people start parking there? What is the barrier between the parking lot and the property to the west? On the south side of the parking lot, what will be there?

Mr. Giraulo: Because Edgemere Drive is a County road, this plan has been submitted to the Monroe County Department of Transportation for review. There will be a four-foot-high vinyl fence; on the south side, there will be post and rope.

Mr. Sofia: There is no secret to the history of the property. I have driven past it and have not seen any work taking place. The Town has issued permits and work could have been done but has not. So, what is the realistic timeline?

Mr. Konopka: There are things have been done, and I feel confident that when we get the full go-ahead, things will happen quickly. We are working with some of the best in the business. I would be disappointed if we weren't open by July 4th.

Mr. Sofia: So would the neighborhood and the Town. If you were to get approval with conditions tonight and there were no other holdups, except the special use permit (which prevents you from opening but doesn't prevent you from putting a hammer on the wall tomorrow), when will the hammers start, when will you move the dumpster?

Mr. Konopka: The hammers will be going against the wall tomorrow, I mean, as soon as we can. I'm not the most patient person in the world. I'm the kind of person that can find a way to get things done; I've done that all my life and in every profession I've been in. I

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really like this challenge. I know that there have been issues in the past but I think that we are past those. It's time to get going.

Mr. Sofia: How does the Town Board know that we are concerned about the parking and the pavilion?

Mr. Copey: Gary Tajkowski, the Director of Development Services, is aware and he advises the Town Board; however, the Board could put something in the resolution.

Mr. Konopka: With the valet parking, I don't think that it will be an issue. Let's just get this moving. You have my word.

Mr. Copey: They do meet the code requirements for parking.

Ms. Burke: What do you intend to use the pavilion for? It's open. How will you have a wedding reception if it's raining and real windy? How will you prevent rain and wind from getting in?

Mr. Konopka: We are doing the best we can at this point. It's better than a tent; it looks a lot better. I think that we can work with it being open. Regarding breaking the wind and rain, if it is some bride's special day, rain can put an end to the day. Moving forward, we are working with some great consultants that have done this for a living and done this on their recommendation and I think that it will help. It will help with the sun, and it's something that we want to do the proper way, keep it as an A-plus venue. It would be cheaper to have a tent, but to have the best place, we needed that roof.

Mr. Fisher: I think that a lot of people are interested in the Crescent Beach because it's been a real community resource. As we have gone through this process and had the participation of the neighbors, raising concerns and questions, I appreciate the applicant's willingness to make the changes to be able to improve the site so that it can be open, so I'd like to thank you.

Mr. Konopka: What happened in the past was the past, but it's common sense.

Mr. Fisher: Your openness has been refreshing, and I think that we are going to end up with a good product.

Motion by Mr. Selke, seconded by Mr. Antelli:

WHEREAS, Crescent Beach Restaurant and Hotel, LLC (the "Applicant") has submitted a proposal to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a site plan, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 1372, 1384 & 1390 Edgemere Drive (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. Upon review of the application, the Planning Board determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (SEQRA Regulations, §617.5(c) (2) & (7).)
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

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RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

VOTE:	Antelli	Yes	Burke	Yes
	Helfer	Absent	Slocum	Yes
	Selke	Abstain	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

Mr. Selke then made the following motion, seconded by Ms. Antelli, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. A dated signature of the owner/developer shall be added to the plan.
3. Subject to the Town Board's approval of a Special Use Permit to operate a restaurant.
4. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed. A note that indicates these requirements shall be added to the plan.
5. Prior to the issuance of a Final Certificate of Occupancy for the Premises, The Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such certification shall be on the certification form provided in such guidelines and shall be completed by a New York State Licensed Landscape Architect or Certified Nursery Professional. A note that indicates these requirements shall be added to the plan.
6. As offered and agreed by the Applicant, the existing dumpster enclosure shall be upgraded to white vinyl fence, so as to completely screen the dumpster and coolers from public view.
7. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.
8. Snow storage areas shall be identified on the plan.

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9. The special use permit and area variances that were granted and the date on which they were granted shall be added to the plan.
10. The locations of all exterior doors shall be shown on the plan. All exterior doors shall be connected by a sidewalk to an acceptable fire safety zone.
11. No pre-construction meeting shall be scheduled unless and until a Notice of Intent (NOI) has been filed with the New York State Department of Environmental Conservation (the "NYSDEC").

Throughout the life of the storm water permit (from the filing of the Notice of Intent to the Notice of Termination), the developer shall comply fully with all aspects of the NYSDEC General Permit No. GP-0-15-002, particularly Part IV, which describes:

- periodic inspections of the construction site by a qualified professional; and
- maintenance of a site log; and
- stabilization requirements; and
- Maintenance of sediment traps and ponds during construction.

The periodic inspection reports shall be provided to the Town's Engineering staff within 24 hours of inspections.

12. Subject to approval by the Town's Fire Marshal, Commissioner of Public Works, and Engineering staff.
13. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
14. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
15. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
16. The pavilion shall not be enclosed. Any materials installed on or to the pavilion, acting as sides, walls, weather protection, etc., is not permitted.
17. As offered and agreed to by the Applicant, staff-only parking signage shall be installed in the staff parking area, and the Applicant shall require employees to back in to the three northernmost parking spaces.
18. Center lane striping and other road markings may be appropriate for this section of Crescent Beach Road. The Applicant shall install road markings if so directed by the Commissioner of Public Works, based on the advice of the Town's Traffic Advisory Committee.
19. The proposed stacked parking of customer vehicles by a valet parking service, as described at this meeting, shall be subject to approval by the Fire Marshal and the Planning Board Attorney.

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VOTE:	Antelli	Yes	Burke	Yes
	Helper	Absent	Slocum	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPLICATION APPROVED

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2. Applicant: Indus Real Estate II, Inc.
Location: 2585 West Ridge Road & 1271 Long Pond Road
Mon. Co. Tax No.: 074.14-3-10, 074.14-3-13
Request: Site plan approval for a proposed mixed-use commercial building (one-story, 6,275± square feet) with drive-up service window, related parking, utilities, grading, and landscaping, on approximately 1.2 acres
Zoning District: BR (Restricted Business)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Matthew Tomlinson, Marathon Engineering; and Kip Finley, Indus Hospitality, presented the application.

Mr. Finley: Our special use permit for the Starbucks was approved by the Town Board. The Town Board took it upon themselves to add a condition that required cross access with the property at 1273 Long Pond Road. That was one of the topics that this Board was working on; they did it for you. We received a setback variance for parking and building last night. The Board of Zoning Appeals was reluctant to address the variance for number of parking spaces because they really did not feel that we could commit to just a 3200-square-foot restaurant; they wanted more information. We are here to request site plan approval for a building shown with the Starbucks, a restaurant, and retail. The Board of Zoning Appeals' reluctance to decide on the parking means that we now have to try to find a tenant that is willing to go through the special use permit process so that we can go through parking variance process, so that we can sign a lease, so that we can build a building; therefore, you won't see much action on this site for months. We are in final agreements with Heritage Jewelers so that we can work on the property. We made an offer to the neighbor to the south and we have to come to a conclusion before we have plans signed.

Mr. Copey: We have covered most of the issues. The applicant received variances and a special use permit. On the question of cross access, the most recent drawing shows an 18-foot-wide area cleared of parking striping; it shows an easement, but the pavement stops short of the property line. We would recommend that it be extend to the functioning driveway on the property to the south.

Mr. Finley: On the south, it's paved.

Mr. Tomlinson: We will extend that.

Mr. Copey: It has to be clear on the plans.

Mr. Gauthier: Although we have not completed our review, the remaining comments seem technical and would not have any bearing on an approval.

Mr. Tomlinson: We have made some improvements with the additional greenspace on the south edge.

Aria Matthews, 1273 Long Pond Road: I own the property at 1273 Long Pond Road. I have some concerns about this company in that they have been unwilling to work with me. Last night at the Town Board, there was some resolve with maintaining the access to the former Edwards Press parking lot and to West Ridge Road. We really need it for the safety of our client and customers' vehicles and also for distributors accessing our lot. The only entrance

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is from Long Pond Road and is only one car width wide. My site would not work with just that entrance.

Mr. Schiano: Just so I'm clear, how long have you been in that location?

Ms. Matthews: Two and half years.

Mr. Schiano: During that two and half years, not that there was anything in writing, there was an implied easement that everyone could use the driveway?

Ms. Matthews: Yes, between Charlie Edwards and me.

Mr. Schiano: It was open and everyone basically knew that?

Ms. Matthews: Yes.

Mr. Fisher: At our last meeting, we tried to make it as clear as possible that we expected that there would be cross access for safety purposes. This is something the Planning Board looks at every time we have a site plan—is it appropriate to have cross access between adjacent sites? We made the determination—and I think that there was also a recommendation from the Traffic Advisory Committee—that there be cross access. It's important for our purpose that one of our conditions is that there be cross access; I think that was echoed by the Town Board as part of their approval. It's important that it takes place as part of the action on the site.

Ms. Matthews: Will it be wide enough?

Mr. Copey: It will be 18 feet wide.

Ms. Matthews: So during the winter there will be enough room?

Mr. Copey: Yes.

Mr. Sofia: Could you show us where the cross access will be? Are we going to have two entrances on Long Pond Road?

Mr. Gauthier: Part of the challenge is that Long Pond Road is a county highway. We would have a difficult time restraining that.

Mr. Fisher: I think that that is one reason to have cross access; it make it safer.

Mr. Sofia: It satisfies the Board.

Mr. Tomlinson: It's not wide enough to have two double stacked parking.

Mr. Fisher: The applicant will have to provide evidence that cross access will be granted.

Ms. Matthews: I still have concerns about the exiting vehicles.

Mr. Copey: The Monroe County Department of Transportation, still has to complete its review; we are waiting for comments from them.

Ms. Matthews: What kind of landscaping and signage will be put there so that it does not block us?

Mr. Tomlinson: We do not have signs yet. The landscaping will be a low guiderail, 30 inches in height.

Mr. Sofia: When the building at the former Edwards Press site at 1271 Long Pond Road comes down, your building will be more visible.

Mr. Finley: The material on our building's exterior will be primarily brick, with some accents of stucco and a lot of glass for the storefront; there will be some cedar. The colors will be brown or earth tones.

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Mr. Selke: Do we need details for the height of the guard rail?

Mr. Finley: Right now, the entire length of Ms. Matthews' driveway encroaches on our property, and they need that space to fit vehicles; it will keep vehicles from pulling too far in. Before we finish I'd like to ask about condition #2—"The applicant will modify the driveway for cross access"—we have done that for the final plans. Will this be the same condition by the Town Board, repeated?

Mr. Copey: The Town Board did not specify that the cross access has to be unobstructed or that it needs to be a functioning curb. This a condition that the Planning Board requires routinely; typically, the Planning Board will be more specific in site design. The Town Board and Planning Board requirements do not conflict with each other.

Mr. Finley: I would like it stated for the record that we are doing this only to get our site plan approval. Being an engineer for 30 years, I can say that there is no traffic safety purpose for this. I would like it put in the record.

Mr. Fisher: To say that there's no traffic safety purpose is not true. We had our Traffic Advisory Committee review this, and they have people that I would say are substantially more qualified than you to be able to judge traffic and safety issues. They do it in an independent, objective way, and those are the people that we rely on. We don't rely on you; we rely on them. I think that there is a substantial issue, as evidenced by the fact that the Town Board felt it important to be able to add to it.

Mr. Finley: We are going along with it, but we felt that it was a favor to the neighbor more than anything else.

Mr. Fisher: We review the need for cross access all the time. Safety is one of our priorities. If there is an issue, we are adamant that it be taken care of.

Mr. Finley: Town Board put us in an awkward position last night by putting that condition in. Now our neighbor pretty much expects to have use of our property for free.

Mr. Sofia: That does not grant her permission to have her customers park cars on your property. As long as I've been on this Board, there has been only one case where we did not require cross access, and that was because it was a safety issue to have it. There were too many residents in the area that would use it as a cut-through. We have always requested cross access; it is for safety issues. We have no obligation to the neighbor and you are out of line for saying so.

Mr. Finley: Were you at the Town Board meeting?

Mr. Sofia: I was not, but you're talking to this Board.

Mr. Fisher: On the other hand, I appreciate the flexibility you have shown in the way the building is sited. It's dramatically improved as to what it came in as. It provides a big safety improvement for people and give you more effective parking. I believe that it is a site that will work well.

Motion by Mr. Selke, seconded by Ms. Slocum:

WHEREAS Indus Real Estate II, Inc. (the "Applicant") has submitted a proposal (the "Proposal") to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a site plan, as more fully described in the minutes of this public meeting, relative to property generally located at 2585 West Ridge Road & 1271 Long Pond Road (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

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1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
2. The Planning Board has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, One Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Planning Board's consideration.
4. The Planning Board has carefully considered environmental information that was prepared by the Applicant's representatives or the Town's staff, which included but was not limited to: descriptions; maps; drawings; analyses; reports; reviews; aerial photographs; and Part 1 of an Environmental Assessment Form (the "EAF") (collectively, the "Environmental Analysis").
5. The Planning Board also has included in the Environmental Analysis and has carefully considered additional information and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Planning Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
7. The Planning Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from owners of nearby properties or other interested parties, and all other relevant comments submitted to the Planning Board as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Planning Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Planning Board has met the procedural and substantive requirements of SEQRA.
11. The Planning Board has carefully considered each and every criterion for determining the potential significance of the Proposal and the Project upon the environment, as set forth in SEQRA.
12. The Planning Board has carefully considered (that is, has taken the required "hard look" at) the Proposal and the Project and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Planning Board concurs with the information and conclusions contained in the Environmental Analysis.
14. The Planning Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Planning Board's determination is supported by substantial evidence, as set forth herein.

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15. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Planning Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Planning Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

VOTE:	Antelli	Yes	Burke	Yes
	Helper	Absent	Slocum	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

Mr. Selke then made the following motion, seconded by Ms. Antelli, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. The Applicant shall modify the plan to provide a functioning driveway for vehicular cross access with the property at 1273 Long Pond Road. A cross access easement shall be provided in a form acceptable to the Planning Board Attorney, and shall contain a provision which prohibits substantial modification or termination of the easement without prior approval of the Town of Greece. Such easement shall be recorded in the Office of the Monroe County Clerk.
3. No building permits shall be issued unless and until highway permits are issued. A note that indicates this requirement shall be added to the plan.
4. Addresses for each building shall be added to the plan.
5. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed. A note that indicates these requirements shall be added to the plan.
6. Prior to the issuance of a Final Certificate of Occupancy for the Premises, The Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such

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- certification shall be on the certification form provided in such guidelines and shall be completed by a New York State Licensed Landscape Architect or Certified Nursery Professional. A note that indicates these requirements shall be added to the plan.
7. All heating, ventilation, and air conditioning (HVAC) equipment shall be screened from public view. If the HVAC equipment is or will be roof-mounted, the screening for such HVAC equipment shall be visually compatible with the proposed building(s), and shall be shown on the architectural elevations of the building(s). If the HVAC equipment is or will be ground-mounted, its location shall be shown on the site plan. Evidence that such HVAC equipment is or will be screened shall be submitted for review and approval by the Clerk of the Planning Board prior to affixing the Planning Board approval signature to the site plan.
 8. The exterior appearance (that is, materials, colors, and architectural style) of the proposed building shall be the same on all sides of the proposed building. As offered and agreed by the Applicant, such materials and colors shall be brick (in the tan color family) and EIFS and aluminum panels (in the taupe color family), with cedar accents. Elevations of the exterior appearance shall identify these colors and materials, shall show all sides of the proposed building, and shall be filed with the site plan.
 9. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.
 10. Snow storage areas shall be identified on the plan.
 11. The special use permit and area variances that were granted and the date on which they were granted shall be added to the plan.
 12. The locations of the designated fire lanes shall be shown on the site plan.
 13. The locations of all exterior doors shall be shown on the plan. All exterior doors shall be connected by a sidewalk to an acceptable fire safety zone.
 14. Water mains and hydrants shall be installed and be in proper operating conditions prior to the commencement of any aboveground construction.
 15. Suitable access roads and temporary street signs shall be installed and maintained so as to provide continuous access to fire department and other emergency vehicles prior to the commencement of any aboveground construction.
 16. Permanently mounted "No Parking - Fire Lane" signs shall be posted along the fire lanes at intervals of 50 feet or less. A note that indicates this requirement shall be added to the plan.
 17. No building permits shall be issued unless and until the Applicant executes an agreement for maintenance of the proposed storm water management facilities. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
 18. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review.

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19. No building permits shall be issued unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk.
20. Subject to approval by the Town's Fire Marshal, Commissioner of Public Works, and Engineering staff.
21. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
22. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
23. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

VOTE:	Antelli	Yes	Burke	Yes
	Helper	Absent	Slocum	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPLICATION APPROVED

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New Business

None

SPECIAL PLANNING TOPICS

Old Business

None

New Business

None

CODE ENFORCEMENT

ADJOURNMENT: 8:40 p.m.

APPROVAL OF PLANNING BOARD MEETING MINUTES

The Planning Board of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Alvin I. Fisher, Jr., Chairman

Date: _____