



William D. Reilich
Supervisor

TOWN OF GREECE

PLANNING BOARD MINUTES

NOVEMBER 16, 2022

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Michael H. Sofia, Acting Chairman

Jamie L. Anthony

John Geisler

William E. Selke

Christopher A. Schiano, Esq., Deputy Town Attorney

Mathew J. Trau, Junior Engineer

John T. Caterino, Clerk of the Planning Board

Janelle Castellana, Planning Board Secretary

Absent

Alvin I. Fisher, Jr., Chairman

Christine R. Burke

William P. Timmons

Additions, Deletions and Continuations to the Agenda

Continued: Fieldstone Estates LLC, North Greece Road, to December 7, 2022.

Announcements

Policy of Decorum

OFFICE OF PLANNING & ZONING

1 VINCE TOFANY BOULEVARD • GREECE, NEW YORK 14612

TEL.: (585) 723-2355 • FAX: (585) 723-2442

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PUBLIC HEARINGS

Old Business

1. Applicant: Fieldstone Estates LLC
Location: North Greece Road
Mon. Co. Tax No.: 044.02-1-2 and 033.04-2-64.1
Request: Preliminary plat approval for the proposed Fieldstone Estates North subdivision, consisting of 145 residential lots on 99.82± acres.
Zoning District: R1-18 (Single-Family Residential)

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

Mr. Geisler made a motion seconded by Mr. Selke to continue the application to December 7, 2022.

VOTE:	Burke	Absent	Anthony	Yes
	Geisler	Yes	Sofia	Yes
	Selke	Yes	Timmons	Absent
	Fisher	Absent		

**MOTION CARRIED
CONTINUED TO DECEMBER 7, 2022**

New Business

None

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SITE PLANS

Old Business

None

New Business

1. Applicant: Sonbyrne Sales Inc.
Location: 1050 Stone Road
Mon. Co. Tax No.: 075.06-1-29.11
Request: Site plan approval for a proposed Byrne Dairy retail store and motor vehicle fueling station (4232± square feet) with related fuel dispensing station canopy, parking, utilities, grading, and landscaping on approximately 3.55 acres.
Zoning District: BR (Restricted Business)

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

Christian Brunelle, Sr. Executive Vice President, Byrne Dairy, presented the application:
Mr Brunelle: This site is the Frear garden center, 1050 Stone Road, across the street from McCall Road. The property is 3.55 acres, it currently has four commercial uses, a pizza shop, convenience store, nail salon and the garden center that is not operational at this time. There are 5 greenhouses on the property, so a total of over 20,000 square feet of rooftop at the present time. 478 feet of frontage along Stone Road, 135 feet along Everclay Drive. We were in front of the Development Review Committee (DRC) a few times with layouts. Originally proposed the store and the fuel pumps more towards the rear of the site. The Town wanted the layouts more toward the auto dealership as possible and towards Stone Road. The store will be 4,232 square feet, identical to the Maiden Lane and Fetzner Road location which was built just over a year ago. This one is a little different in that the porch is facing Stone Road, concrete seating patio and bike rack. The Town thought that would be a good fit with the pedestrians. We meet all the setback requirements. Same amount of fuel pumps and positions as the Maiden Lane and Fetzner Road location which is four (4) fueling pumps, eight (8) fuel positions. They are faced perpendicular to Stone Road so there is no light spill across the road to residents or to the north to any residents. The pumps run east west, so when you pull into the pumps the headlights face the store. Proposing two (2) curb cuts on Stone Road, currently there is three (3) very large curb cuts there now. This has been sent to the Monroe County Department of Transportation (MCDOT), a traffic study has been done and they recommend some road widening. We have done the same thing at the Gates - Long Pond Road location. We exceed the parking space requirement. The dumpster enclosure is a white vinyl fence along the dumpster, fully closed, located in the northeast corner. We removed the ATM kiosk that was on the original plan. We proposed some black ornamental wrought iron fencing along the front, landscaping underneath the fencing. We have added a buffer along the north to the residential property. We have proposed 46 Norway Spruce and White Pine trees, five (5) foot on center, on top of a three (3) foot high raised grass berm, 14 feet wide per the request of the DRC. Clusters of Pear trees along that as well. Proposed Red Maples along the front. We have labeled on the drawings the open space to the east and future building to make sure it would fit, just to reserve the space for planning purposes. If someone should go there, they would come in front of the Board, just as I am today. MCDOT took that into consideration for access and said they will share the driveway. This site is three times the size of the Maiden Lane and Fetzner Road location. The lighting plan has been submitted, it is a foot candle lighting, 0.0 lighting spill on all property lines. 100% dark sky friendly and compliant in lighting, same lighting used at the other locations. I have to have

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that in order to get any permits. Same signage as other location. A building sign in the dormer of the building, 49 square feet with the monument sign. At the request of the DRC, we turned the building from original proposal. The HVAC equipment and mechanical pad located on the east side of the building would be visible from Stone Road, so we proposed a white vinyl fence. After talking with DRC, we decided to change the fence to a hardy panel to match the store. We also ran that six-foot fence from north to south, past the mechanical equipment and attached to the building so you won't see the equipment. At the end of the fuel canopy are two double-walled fiberglass petroleum tanks (20,000 and 10,000 gallon). Free air station as well.

Mr. Caterino: This project is also before the Board of Zoning appeals for two (2) Special Use permits and two (2) area variances. The special use permits are related to the operation of a gas station and the storage capacity of the fuel tanks. The area variances are associated with the size of the canopy and the size of the free-standing sign out front. We did have neighbors in attendance last night, comments were brought up regarding traffic, lighting, screening, buffering, and overall intensity of the use. Zoning Board did not act last night. There is still some additional information that they are looking at and looking for some guidance from this Board in terms of screening, buffering and normal Planning Board items. As mentioned, the traffic study was submitted to Monroe County Department of Transportation, and they are still in the process of reviewing that document. One of the preliminary comments that they had was the requirement for left turn lanes on Stone Road, so one going into McCall Road and then one going into the site. In terms of the traffic study, they do predict that the peak hours in the morning will be between 7am to 8am. The number of trips that are generated to the site during those hours are estimated around 108; 67 of those will be estimated as passer by traffic and then 41 that will be more destined for Byrne Dairy. In terms of evening hours, the estimated peak hours will be between 4:30pm to 5:30pm. They are predicting about 91 trips; 51 of the trips estimated as passer by traffic and the remaining 40 destined to Byrne Dairy. They did provide an estimate of the traffic pattern, they believe that 60 percent of the overall traffic will be from east on Stone Road, 33 percent expected to be west on Stone Road, 5 percent will be coming from the south on McCall Road and 2 percent from Everclay Drive. Stone Road is a county road, so they have the final jurisdiction on what is done for highway improvements and curb cuts, etc. In terms of Town comments, additional fencing along the Stone Road frontage to provide street scape, additional buffering, and screening on the north end of the property so the berm and the addition of the pear trees to fill in any gaps for the people on the north end. Other comments were related to the past use of the property as a nursery and greenhouse, we want to make sure environmental reviews were done to make sure there is no contamination. Mr. Brunelle will provide that document to us. Fire Marshal comments related to the address. Building related to ADA and site accessibility.

Mr. Trau: We are working with Mr. Brunelle on a few topics, nothing that would hold it up.

Mr. Sofia: Looking at the drawings on the screen, it looks like if you're exiting the driveway, the headlights are going right into that home across the street. The thought is if you move your driveway to the east about 30 to 50 feet and line up with the driveway across Stone Road.

Mr. Brunelle: I don't see it as a problem, the utility poles are dictating a lot of this. I will make note of that.

Mr. Sofia: The berm and trees are good, but we were talking about fencing along the neighboring properties.

Mr. Brunelle: I have no problem with fencing, just need to know what kind you would like. I brought pictures of wooden board on board which provides no gaps, no light spill through it.

Mr. Selke: You have done a great job working with us. What are the hours of operation? What is the dumpster enclosure material? How many employees? Coming out of the exit will there be stop signs? What will the hours be for deliveries? What is buffering around the store itself? What is the safety measure for the fuel tanks?

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Mr. Brunelle: Hours are 24 hours a day, 7 days a week. 6-foot vinyl dumpster enclosure. Generally five (5) employees on a shift. Yes, we will have stop signs. We will restrict the hours 7am to 7pm for deliveries. Around the store is a wrap around porch with flush parking. Fuel tanks have over 20 sensors on them, they are monitored 365 days a year. The tank fills even have an overflow protection on them which isn't required; an alarm that if overfilled more than 90 percent it has a screeching alarm/siren that goes off. Staff is trained on them. Weekly inspections are done and filed each week. Byrne Dairy has their own inspectors that drive around and inspect, sign off and filed in fuel binder.

Mr. Geisler: How often do they clean the site? I was at Maiden Lane and Fetzner Road and noticed a lot of papers around.

Mr. Brunelle: Manager has a checklist and is supposed to go around and clean.

Mr. Sofia: We have a concern on the outdoor seating and the hours of operation, for the neighbors across the street and noise.

Mr. Schiano: Just to be clear, they have an application for the hours of operation with the Zoning Board of Appeals, that hasn't been approved.

Mr. Brunelle: All the locations have picnic tables outside; we haven't had any problems.

Mr. Schiano: The issue is that this location has neighbors across the street.

Mr. Brunelle: When we were at DRC we added the outdoor seating for a pedestrian feel, I can remove the outdoor seating.

Kimberley Abramow, 25 Everclay Drive: I share a property line with Frears, both my side yard and back yard, completely unbarricaded, no fencing. I would like to let the Board know that this area has a root problem with the trees that are existing. The Town has had to come out to pump my basement out almost yearly, so the idea of planting new trees as a buffer does not sound appealing or a solution. Its a large concern. Obviously, Byrnes have gone into people's neighborhoods for quite some time, I have never done this, but I can tell you I have rights as a homeowner. I am directly impacted, more so than some of the other neighbors which I believe is called an aggrieved citizen. The other factors like traffic, the enjoyment of my lawn, my backyard, having a parking lot 24/7 should be taken into consideration and not dismissed. If they need to move the driveway, they need another traffic study. The idea of this future building that we don't know yet, what is going to happen to the property? Is it just going to be this open-ended property on the side of my yard that I can't fence because I am prohibited by the Town from doing so? You can't put a fence in a side yard.

Mr. Schiano: You can with a variance from the Board of Zoning Appeals.

Mr. Sofia: It is my understanding that the applicant is proposing a fence around both sides of your property, we will confirm. We will talk with engineering about the tree issues.

Ms. Abramow: Our property values are going to be impacted, our health is at risk, you're putting a gas station in the middle of homes upon homes. This is not your average lot, very close to homes. We have two (2) gas stations within a quarter mile another within a half a mile. We have a Tops, a Wegmans, an Aldi's all within a quarter mile. This is not needed. How long ago was this zoning reviewed? A lot has happened since then. You can't just dismiss it. We have a right to enjoy our property.

Marlana Green, 1031 Stone Road: The driveway that you are proposing exits right across from my driveway. That will create almost a four way stop to try and get out of my house at rush hour to get to work. I have a problem with lights coming in my house and a driveway across from mine. The lights are already shining into my house as people turn. The noise of impatient drivers honking their horns as people are turning into the plaza, I have to listen to that 24 hour a day? That's a problem. A screeching overflow alarm? Breathing fumes? I have a big problem with that. My question is would you want this in your front yard? You're going to add a lane, what is that going to do to my property? Are you going to take some of my property away so you can widen the road? For a gas station in a residential area?

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Mr. Sofia: The property is zoned properly. So this Board cannot say he can't put his business there.

Ms. Green: But you can say if he can put a 24-hour gas station. The lights are going to spill on the neighboring properties.

Mr. Sofia: The Board of Zoning Appeals takes care of the special use permits and the hours of operation.

Pat Rebholz, 1025 Stone Road: I am questioning the drawings, how can they develop the corner lot with just a figment of a building? Are you approving that as is? Where is the egress from that building? Along with the intensity of the traffic, fumes, lights, we do not want this open 24 hours a day in our wonderful little neighborhood.

Mr. Sofia: That is a separate application, that is not being proposed tonight. They just have to show that on the drawings for the county. When something does want to go into that building, they will have to come before this Board. They will share a driveway with the Byrne Dairy.

Mary Gatto, 44 Cedar Road: I always go to Byrne Dairy on Maiden Lane, that's where I get my gas, take my Grandkids to get ice cream. That's an appropriate place, its commercial across the street with a gas station, Trotto's pizza, Lamplighter, strip mall. The only thing I saw was a problem was the apartments that back right up to that. I wonder how the people that live on the second floor feel about looking out over to the gas station. I proceeded up Long Pond Road and Spencerport Road. All four corners are commercial, auto parts, Speedway, previous restaurant which is now Byrne Dairy. No residential except an apartment complex and a wooden fence that the second-floor people can look right over and see everything going on at Byrne Dairy. The exit to Long Pond Road there is a house, a high house, like on Stone Road, so you can look down and see there too. I understand it is commercial. Bob Johnson is commercial and has been there for quite some time, we don't even know he is there. The car trailers come in, never hear it, never see the lights, he does a good service. How does he feel about having Byrne Dairy right next door? As much as we keep comparing it to Maiden Lane, this is right smack dab in the middle of people's homes. Right down the street is a Rite Aid that has been sitting empty for maybe 10 years. The Dutch Mill has been empty, why not there? That Valero gas station at the corner is nothing but a drug spot, I don't want that down on our street. Highway Oil, what are you doing with that place? Go there. Isn't this a privately owned lot? Why was this particular spot chosen? There is a more appropriate use. I came home from Aldi today about 4:30pm and waited more than 10 minutes because someone was trying to make a left onto McCall Road.

Mr. Schiano: Those are all privately owned lots; we can't tell them what to put on their properties.

Kellie McCracken, 85 Everclay Drive: I think the two percent of traffic pulling out of Everclay Drive is an underestimate by far. The traffic on Stone Road is like traveling on 390. You try to make a left hand turn out of Everclay Drive on to Stone Road under normal circumstances, you wait, then find an alternative route. The 24 hours nonsense, we do not need it. It's going to draw bad business. Greece Police are going to be really busy. It is too busy with the school busses and the kids. Everclay Drive is a cut through to Stone Road, they don't go slow either.

Roshan Ali, 1013 Stone Road: I just bought my house in December. The busy times are the exact times I leave and come home from work. My driveway is on Cedar Road, its already a tough spot to make a left onto Stone Road. I have traffic concerns. I heard they are widening the road, so are they putting in a double turn lane? Any consideration of putting in a traffic light at McCall Road? I have concerns about the store being open 24 hours. I am worried about crime. Are there security cameras? Are there stats on crime at the other stores?

Mr. Brunelle: We have over 30 security cameras on site. When you pull into the site until you leave, you are on camera. They are on light poles, corners of buildings, canopy, read your license plate, in the store. Recording 24/7 and kept for six months. Panic button that calls to

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911. We can tap into them at any given time. Maiden Lane opened August 2021, I am unaware of any activity or issues overnight at that location. I get phone calls if anything happens.

Mr. Caterino: We can verify with Greece Police Department.

Mr. Schiano: Is there a way to get your financials from midnight to 5am? Why you have to be opened those hours?

Mr. Brunelle: There isn't a lot of activity at that time, the main reason we keep our stores open is to stock and clean the store. We keep the lights on for safety inside the store. We don't get deliveries during those times. The left-hand turning lane is not going to be double, its called a TWLTL, either or. There are right ways on both sides of the road, which is owned by the County. They reserve the right to road widening projects just like this. So, no private property is being taken. The EPA and DEC standards call for stage one vapor recovery. In the old days when the fuel tanker pulled up, he took the gas hose out, there is a vent sitting there, there's a fill, you take the vent plug up four-inch air, put the gas in, the fumes go out the four-inch vent (old days). Now what is required they have two hoses, one hooks up to the fill, one hooks up to the vent pipe, that is vapor recovery. Recovered back into the system. We vent our pumps through the canopy columns. Typical stores you will find vents sitting out in the yard somewhere, doesn't do well in NY State with the snowplows. I put them in the canopy columns, if there is any sort of fumes which there legally can't be, are vented through the columns at a height of 18 feet in the air. We will put a six-foot fence around 25 Everclay Drive, all four corners if that's what they want. I can remove the berm. Whatever they want. We will fence any property touching residential. Per the zoning, appropriate uses for this property are grocery store, liquor store, pharmacy, restaurant, bar, taverns, night clubs and hotels. They legally can be put into this location.

Ms. Gatto: Regarding the crime, about five houses on my street have already been robbed. The Maiden Lane store isn't a mile away from the city line. Its not the same culture. Somebody should do a study in this area on crime. We have emergency vehicles that go through here, and it's already tight.

Mr. Sofia: This Board recognizes that this is primarily in a neighborhood setting.

Ms. Abramow: I know your taking this back for zoning, but it was stated that the reason they stay open is for stocking. Wegman's closes at night, they do their stocking during the day.

Jean Mastrella, 1007 Stone Road: I have to add 10 minutes onto my drivetime to get out of my driveway. Would the traffic study recommend a traffic light? Is that something this Board could reject? How can we suggest a traffic light to them?

Mr. Caterino: With it being a county road its subject to MCDOT approval. Whether they want to put a traffic light there, they have certain thresholds to require a traffic light, and DOT could deny permits or the traffic study overall.

Mr. Schiano: You can write letters to Monroe County with your concerns and recommendations.

Mr. Sofia: If there are no other comments, I will close the Public Hearing. We are not acting on this tonight. For the neighbors, the next Zoning Board meeting is December 6, 2022 and Planning Board will be December 7, 2022.

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Mr. Selke made a motion, seconded by Mr. Geisler to continue the meeting to December 7, 2022.

VOTE:	Burke	Absent	Anthony	Yes
	Geisler	Yes	Sofia	Yes
	Selke	Yes	Timmons	Absent
	Fisher	Absent		

**MOTION CARRIED
CONTINUED TO DECEMBER 7, 2022**

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SPECIAL PLANNING TOPICS

Old Business

None

New Business

None

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ADJOURNMENT: 8:19 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: _____

Date: _____

Alvin I. Fisher, Jr., Chairman