



*William D. Reilich*  
Supervisor

# **TOWN OF GREECE**

## **PLANNING BOARD MINUTES**

**SEPTEMBER 19, 2018**

**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

Richard C. Antelli

Christine R. Burke

John Geisler

Michael H. Sofia

William E. Selke

John Gauthier, P.E., Associate Engineer

Christopher A. Schiano, Esq., Deputy Town Attorney

Michelle M. Betters, Planning Board Secretary

Scott R. Copey, Planner

### **Absent**

Jamie L. Slocum

### **Additions, Deletions and Continuances to the Agenda**

### **Announcements**

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**PUBLIC HEARINGS**

**Old Business**

None

**New Business**

**SITE PLANS**

**Old Business**

None

**New Business**

1. Applicant: Lakeshore Community Church  
Location: 3651 Latta Road  
Mon. Co. Tax No.: 044.03-2-12.3  
Request: Site plan for proposed addition (1980± square feet), to existing church, relocation of access road, with sidewalk and new patio on approximately 35.74 acres  
Zoning District: R1-44 (Single-Family Residential)

David Cox, P.E., Passero Associates; and Pastor Vince DiPaola, Lakeshore Community Church, presented the application.

Mr. Cox: Currently, Lakeshore has a teen education program that meets in their gym; it's not set up acoustically or furniture-wise, to service them well. They would like to dedicate a space for them. The addition will be about 2,000 square feet; in the back of the building you will not see it from the road. We show the elevations that will match the existing building. One change that we have made is to the outside patio; we will be shifting it a bit to be against the new building. There is an existing fire access loop that goes around the building; we will be relocating and adding to that. There is an existing storm sewer that runs under the building, so have move that a bit. We are adding landscaping and some new sidewalks; pretty minor improvements. We have received all Town comments and did receive an area variance approval from the Board of Zoning Appeals last night.

Mr. Copey: This was reviewed by the Monroe County Department of Planning and Development and the Monroe County Development Review Committee with no special comments from them. The Fire Marshal asked that the fire lane be extended all the way around the building, and it was, and a new sprinkler should be added as well. Area variances were granted by the Board of Zoning Appeals last night. There was a question by our Technical Services Department regarding handicapped parking. Are those addressed?

Mr. Cox: We addressed that; we have four or five additional spaces if that's required.

Mr. Gauthier: We did not have any questions. However, on the aerial photography view, what's going to be placed between the parking and the building? Is that additional parking?

Mr. Cox: That is existing parking.

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Mr. Vince DiPaola: When we built our building, we had the minimum parking paved, of about 40 or 50 spaces. Most of the parking that is paved now was in that condition.

Mr. Gauthier: OK, I understand.

Mr. Selke: Will the addition match the existing building?

Mr. Cox: Yes.

Mr. Geisler: Where is the new road?

Mr. Cox: The existing road is shown here. We have to move it a bit around the new addition; this is for emergency vehicles.

Mr. Fisher: This is a rather small addition and practically invisible as you're driving down the road.

**Mr. Selke made the following motion, seconded by Mr. Geisler:**

WHEREAS, Lakeshore Community Church (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 3651 Latta Road (the "Premises"); and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, 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)(7).)
2. According to SEQRA, Type II actions have been determined to not have a significant 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 by the Planning Board relative to the application.

<b>VOTE:</b>	<b>Antelli</b>	<b>Yes</b>	<b>Burke</b>	<b>Yes</b>
	<b>Geisler</b>	<b>Yes</b>	<b>Slocum</b>	<b>Absent</b>
	<b>Selke</b>	<b>Yes</b>	<b>Sofia</b>	<b>Yes</b>
	<b>Fisher</b>	<b>Yes</b>		

**MOTION CARRIED**

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**Mr. Selke then made the following motion, seconded by Mr. Geisler, 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 exterior appearance (that is, materials, colors, and architectural style) of the proposed addition shall be the same on all sides and shall be consistent with the existing building. Elevations of the exterior appearance shall identify these colors and materials, shall show all sides of the proposed addition, and shall be filed with the site plan.
3. 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.
4. The locations of the designated fire lanes shall be shown on the Site Plan.
5. 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.
6. 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.
7. Water mains and hydrants shall be installed and be in proper operating conditions prior to the commencement of any aboveground construction.
8. 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.
9. Subject to approval by the Town's Fire Marshal, Commissioner of Public Works, and Engineering staff.
10. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
11. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
12. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

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<b>VOTE:</b>	<b>Antelli</b>	<b>Yes</b>	<b>Burke</b>	<b>Yes</b>
	<b>Geisler</b>	<b>Yes</b>	<b>Slocum</b>	<b>Absent</b>
	<b>Selke</b>	<b>Yes</b>	<b>Sofia</b>	<b>Yes</b>
	<b>Fisher</b>	<b>Yes</b>		

**MOTION CARRIED**  
**APPLICATION APPROVED WITH CONDITIONS**

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**SPECIAL PLANNING TOPICS**

**Old Business**

1. Applicant: McDonald's USA, LLC  
Location: 2341 West Ridge Road  
Mon. Co. Tax No.: 074.14-4-13.11, 074.19-4-1-1.2 & 074.196-4-7.113 (part)  
Request: Minor improvement plan approval for proposed façade improvements, modifications to vehicle circulation and drive-up service window, and additional landscaping at an existing restaurant, on approximately 1.32 acres  
  
Zoning District: BG (General Business)

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

Randy Bebout, TY Lin International; and Hector Urena, local were owner/operator McDonalds, USA, LLC., presented the application.

Mr. Bebout: We here a couple of weeks ago to present some changes to the building, and we received some comments From the Board that night. We were working with the Town engineering on the storm water; it was a big deal, given the constraints that we had. We went back to the drawing board with those comments to come up with a plan that did not have the negative impacts on the storm water. I have passed around the plan that shows there is no increase in impervious area; there is a slight increase of about 57 square feet in the green space. We did that without negatively impacting the site. The only change was the reduction in parking to make that work. The owner is comfortable with the number of parking spaces that we have. Fifty-six spaces are required by the Town's zoning ordinance, we previously showed 48, which was an increase over the 44 that we had, and now we will be at 37 parking spaces. The Board of Zoning Appeals previously granted an area variance for 48 spaces; now we will to back before them to request a variance for the 37 parking spaces. In general, most everything about the site has stayed the same. We have kept the pedestrian walkway, and we've taken the parking spaces and shifted them so that they are in line with the building. Everything in front stayed the same, and the parking in the rear is the same. The side-by-side drive-through is now a bit behind the building, but in the same configuration; it had a slight impact on the vehicle queuing, but it is still an improvement. We are working on a set of revised plans that we will submit by the end of the week. It will include storm water mitigation, adding a storm quality structure to improve the site, and we will not be doing any detention modification on the site. I have an updated rendering of the proposed new exterior of the building. We have added a branding wall to the drive-through side, and we have wrapped some of the brand wall to the rear of the building, but we have an electric meter and other utilities, so we could not wrap it entirely with brand; there also is a freezer/cooler. We also added a window or spandrel glass on the drive-through side.

Mr. Copey: No comments.

Mr. Gauthier: We are happy with what is being presented.

Mr. Bebout: Our goal is to get this project completed this year, with the paving and storm water work.

Mr. Fisher: This plan was before us and they were directed to mitigate storm water. They have worked with the Town engineering staff, and although they have eliminated some

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parking, they are in a much more usable position. They also have responded to the Planning Board's comments about making changes in the building.

Mr. Geisler: The previous plan showed windows with grids; the current presentation is better. It looks much better. Is there a lighting system on the rear of the building?

Mr. Bebout: Honestly, I don't know whether they are there or not. There are no lights on the rear of the building.

Mr. Selke: Are there markings for the drive-through lanes and window?

Mr. Bebout: There will be yellow striping from the building all the way back; it defines the entrance to the lanes. There are arrows indicators.

**Ms. Burke made a motion, seconded by Mr. Antelli, to continue the application to the October 3, 2018, meeting, as requested by the applicant.**

<b>VOTE:</b>	<b>Antelli</b>	<b>Yes</b>	<b>Burke</b>	<b>Yes</b>
	<b>Geisler</b>	<b>Yes</b>	<b>Slocum</b>	<b>Absent</b>
	<b>Selke</b>	<b>Yes</b>	<b>Sofia</b>	<b>Yes</b>
	<b>Fisher</b>	<b>Yes</b>		

**MOTION CARRIED  
APPLICATION CONTINUED TO  
OCTOBER 3, 2018, MEETING**

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**New Business**

1. Applicant: Hi-Style Development Corporation  
Location: 849± Flynn Road  
Mon. Co. Tax No.: 033.04-2-62.112  
Request: Concept plan for proposed subdivision, consisting of 13 lots, as a cluster development, pursuant to Section 278 New York State Town Law, on approximately 10.9 acres  
Zoning District: R1-18 (Single-Family Residential)

Randy Bebout, TY Lin International; and Mark Cassara, Hi-Style Development Corporation, presented the application.

Mr. Fisher: This would be a subdivision proposal under the provisions of New York State Town Law, Section 278 ("Section 278"). It is a special approach to land use planning, which allows the Planning Board to grant area variances for some of the lot size and setback requirements to, in effect, cluster the lots more tightly together, without increasing the density of development that is permitted by the zoning of the property. Section 278 requires that a public hearing be held on a formal request for subdivision approval; that also is a requirement for requests for subdivision approval under other sections of the Town Law. The Planning Board would conduct the public hearing and would be a part of that discussion involving the neighborhood and you. The Planning Board would determine whether the use of the provisions of Section 278 in this case for a clustered development would benefit the town. That's where we need public input to be able to make that determination. In a concept review such as what we are holding now, normally we would discuss with the applicant the issues related to the proposal. I don't think that it is appropriate for the Planning Board to make any definitive statements without input from people who live in that area. I know that there was no neighborhood notification because we don't do that for concept plan review, which is not a formal request for approval. We first have to make a determination about how many lots can be created reasonably and practically, in conformity with the zoning requirements. We also have to ask whether the use of Section 278 here would benefit the town, whether clustering here would preserve the natural and scenic qualities of open lands, determine who would be responsible for maintaining and protecting that open space, and decide how that land should be left. Those are questions that we can answer only after we have heard from the residents. I look at tonight's discussion as being more along the lines of presenting information to the Board.

Mr. Schiano: There are residents here from Jonquil Lane. I have spoken to them and advised them that this agenda item is not a public hearing, and is not open to public input, but the Board will be not voting on anything.

Mr. Fisher: I also have a concern that the information that we provide somehow implies to the developer that we are approving something, or that we agree with the proposed number of zoning-compliant lots, or that we have agreed on the way that the land should look, because we need to get the input from the neighbors before we can make that determination. I would look at tonight discussion simply being the developer describing to us and to the neighbors what he proposes the development to be. I would hesitate to have the Planning Board provide any definitive information. The Planning Board is the last to hear from the applicant, staff, then from the neighbors, and provide information so that we can make a legitimate decision. I think that many times you know more about this property and what the benefits and detriments are of this property than we do.

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Mr. Schiano: So, what you are saying is that you don't want to give any definitive direction until all the neighbors have been notified so they all have been given an opportunity to be here.

Mr. Fisher: They should be here to see what is being proposed, but the Planning Board does not provide any information tonight. In this case, I don't think it is appropriate until we have heard from the neighbors in a more open, public forum. How long do you think it would be before the applicant and neighbors could come before us again?

Mr. Copey: Once we come to an agreement that we are at least following the rules about cluster subdivisions, they would need to invest in a full design, so a couple of months out. The Planning Board's official determination of the zoning-compliant lot count occurs at the time of preliminary plat approval, per our zoning ordinance. Nothing is real until we get to that public hearing and have a formal review.

Mr. Bebout: I would like to give a quick understanding of the history of this project so far. We submitted an application for rezoning in 2016, for R1-8 zoning, which had 24 lots; we were denied. We sat on the project for a while, then submitted a new application for R1-8 zoning, this time with 18 lots; that also was denied. This parcel is unique in that compared to adjacent property, the road frontage is very narrow, and there is a wetland and a drainage passageway in the front of the site. The cost of development is a little higher here than normal because there is about 450 feet of roadway to get from Flynn Road to the first building lot; there is no revenue return on those first 450 feet of infrastructure. Developers talk about return on roadway; they want houses on roadways for that return. That was a basis of the rezoning requests—that this is different from the adjacent parcels, and there is a higher per-lot development cost here. At one time, we thought about developing this as a standard subdivision; he's allowed to do that. We have done numerous layouts, we have determined that we can meet all the setbacks required by current zoning, we can meet all the requirements, and get 13 lots. We came to this cluster subdivision plan for many reasons. One is the neighbor concerns. We wanted to come up with a plan that would work for the client, be feasible, and have the least impacts on the neighbors. Not just the neighbors on Jonquil Lane but the other neighbors in regard to their concerns about storm water drainage. We can look at the conventional plan. With a longer roadway, we anticipate having bigger houses for several reasons, but the result is an increase in impervious area. Whether we do the conventional or cluster layout, we have to mitigate all that. We think that there is a benefit to starting out with less pavement; minimizing the pavement in this cluster plan accomplishes that. We talked about all the issues for this site—traffic and drainage. Traffic is what it is. The zoning permits us to have a subdivision with 13 lots. Traffic won't change. One might argue that smaller homes would mean smaller families and less traffic. We are not saying that we are not defining that, but that is a potential tendency with the smaller lots. We submitted information to the Monroe County Department of Transportation ("MCDOT"); they reviewed it and had some concern about the location of the subdivision street on the east side of Flynn Road, but our Flynn Road frontage is what it is. They have accepted our proposed Flynn Road access location and have said that there is no better way to place our road. We have laid this out to have 8000-square-foot lots, 60-foot-wide lots. The lots will be 60 feet wide on the south side of the site, and there will be 80-foot-wide lots on the north side. We were trying to appease the neighbors. We wanted to provide a transition in the lot sizes, but to have all 80-foot-wide lots it would not be much of a cluster; that's why we went to the 60-foot-wide lots on the south side. The two lots that abut lots on Jonquil Lane, we propose to move the front setback closer to the street so that the buffer is bigger. I mentioned that the reduction in roadway length would reduce the impervious area and long-term maintenance cost. It will be a dedicated, public roadway, and the shorter length would mean less infrastructure that the Town would own. By clustering the lots, there will only be three lots that abut houses on Jonquil Lane; we would move the setbacks forward. The remainder

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will abut the proposed preserved area, and we propose to cover that under a conservation easement. We could divide up the preserved area and incorporate it into the proposed lots, or leave it intact if the Town wanted to own it.

Mr. Copey: I don't think that the Town wants to own the extra land.

Mr. Bebout: We propose to cover that under the conservation easement, and the land would stay as it is, not cleared or graded or changed. The Town has a long-term plan for the Hojack Trail; it would be nice to have some land undisturbed along the trail. We have also shown a potential parking area for the Town to have for trail users. The developer is interested in doing this plan, is willing to do this plan, we came to this design because we are being sensitive to the neighbors. There is no way to do this plan and impact the neighbors any less. The developer has been in touch with neighbors and has tried to work through some of their concerns. This is what we have come up with, and I think that it is a good plan. I listened to your opening remarks and with all due respect, I appreciate and understand what you offered but the unfortunate part for us is that it would be great to have some feedback out of this Board tonight. We have to walk out of here and we have to say we are going to invest into developing these plans and come back. If for whatever reason the Board decided to not do that, we would be back at square one again. I'm sharing that honest thought with you and would appreciate any feedback.

Mr. Fisher: The controversial nature of this site and the need to be able to have the opportunity to have all the people in the neighborhood to have input. To be able to answer the questions: Does this conform to the number of lots and how is the land going to be left? So, we need to hear from these folks and that has to be done in a public hearing. That is my feeling that we can't make those determinations. That process is mandated by the state.

Mr. Bebout: We have met all the concept requirements and there is nothing that overly concerns me; we will work with them.

Mr. Cassara: We were asking for a rezoning for the benefit of the neighbors. I don't mean to be rude but we have spent a ton of money; we tried for apartments. I'm not going to leave this at Jonquil Lane anymore. I've tried to please everyone. We can develop the subdivision and use up all the land on the property, and I'll sell a bigger house. I thought that this would be a nice way to accommodate the neighbors, but they don't want anything built there. The bottom line is I pay taxes and we are not trying to bother anyone, but you can't have forever wild there because it's someone else's developable property.

Mr. Copey: This is out of normal procedure, but what if we had time to notify the neighbors about a public hearing on a preliminary plat, and we accepted the submittal of an application for approval of a preliminary plat, and you got back in front of the Planning Board for a public hearing before you spent the money on engineering? I suggest that the Board continue this matter for two weeks and have the public hearing at that time.

Mr. Cassara: Maybe we will keep the conventional layout, but it is the best way in an ugly situation' that's all I'm looking at.

Mr. Gauthier: So, you would present both your conventional and your cluster plans? The engineering of such conventional plans usually is not really, seriously pursued. Such plans usually are plausible and not what the developer wants, but you are considering doing it?

Mr. Cassara: Oh yes, I'm considering that. I just want a fair situation.

Mr. William Billby, 72 Avery Park Lane: It seems as though we have been through this three different times and I think each time it has been a variation of the previous plan. My question is what is a Section 278 plan?

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Mr. Schiano: First, this is not a public meeting so we are doing you a favor by letting you come up to address the Board. I'm a little cautious about this discussion going on, but a Section 278 subdivision under New York State Town Law allows the Planning Board to change the layout as long as the number of lots that they build on does not exceed what they would have if they were building a conventional subdivision, but they shrink up the land that's built on, and get some public land out of it that can't be disturbed. So same number of lots if he was building conventionally but shrunk up where there is a conservation easement or some sort of parkland given. The developer is saying that he can fit 13 lots there and they would not need any variances. They are asking for review and comment on a concept, allowed under New York State Town Law, to have more of a parkland area but shrink the lots down so that they have the same number of lots on a smaller area as opposed to spreading all 13 lots on a bigger area. The Planning Board is allowed to do that.

Mr. Copey: You may call the Planning Department if you have any questions.

**Mr. Sofia made a motion, seconded by Mr. Antelli, to continue the application to the October 3, 2018, meeting, as requested by the applicant.**

<b>VOTE:</b>	<b>Antelli</b>	<b>Yes</b>	<b>Burke</b>	<b>Yes</b>
	<b>Geisler</b>	<b>Yes</b>	<b>Slocum</b>	<b>Absent</b>
	<b>Selke</b>	<b>Yes</b>	<b>Sofia</b>	<b>Yes</b>
	<b>Fisher</b>	<b>Yes</b>		

**MOTION CARRIED  
APPLICATION CONTINUED TO  
OCTOBER 3, 2018, MEETING**

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**ADJOURNMENT:** 8:15 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