Planning Board Minutes
March 3, 2015

Present	**Absent**
Chairman Wohlers	Craig Byham
Joseph Slominski	William Rutter
Liz Venezky	

Others Present

Attorney Eric Stowe
Village Engineer David Willard
Deputy Clerk Pam Gilbert
Gary Penders Village Trustee
Carol Nellis Ewell, Village Liaison
Patrick Smith, Building Inspector
Kris Schulz
Richard Holtzberg
Scott Clyde
Dale Kellerson
Dennis Lewandowski
Mr. Pelusio
Joan Quigley
James White

At this time Chairman Wohlers led the Pledge of Allegiance.

ARB

Berkshire, Hathaway Home Services
Dennis Lewandowski
162 S Union Street, Spencerport NY.
Signage

Dennis Lewandowski stated to the Board that he has been at this location for several years as Prudential Discovery Real Estate. Prudential is phasing out of the real estate business and Berkshire Hathaway is taking it over. We have joined them at this branch and will be requiring a new sign.

Chairman Wohlers: I believe the sign is already installed is that correct?

Dennis Lewandowski: Yes

Chairman Wohlers asked the applicant why he did not get a permit ahead of time.

Dennis Lewandowski: I didn't think I needed one it is the same size as the one that replaced the original sign 3 years ago.
Chairman Wohlers: I see no problem with the one you have up there as far as the colors and the size is appropriate.

At this time the board offered the following resolution:

Motion made by Chairman Wohlers seconded by Joe Slominski and carried unanimously to approve proposed signage located at 162 S Union Street for Berkshire and Hathaway Home Services with the following conditions:

1. Signage approved not to exceed 34" x 43".
2. Colors and graphics as shown on drawings submitted on February 5, 2014 and approved on March 3, 2015.
3. Signage to be kept in good condition as determined by the Village of Spencerport ARB.

After installation the applicant shall submit a photograph of the completed installation to the Village Clerk for filing.

Ayes: Wohlers, Slominski, Venezky
Nays: none

Planning Board

Unfinished Business

Mavis Tire

Attorney Holtzberg: I hope that we are here tonight for the final stages of this site plan. There were a lot of issues that the board had and I think over the last several meetings we have addressed those satisfactorily. Tonight I just received a letter from the town engineer commenting on a couple of the issues, in fact the size of the building has been reduced by 1 bay and that reduction allows for several other positive features. As you know there was an issue regarding noise and a study was provided to the board showing that noise is not an issue in these particular Mavis Tire stores. We feel we have met that burden. We also had the SEQR issue and I think we have taken care of that and I believe we have met our requirements for the SEQR. Based on the modifications that we have made and based on the requirements from the town we believe at this point that our client is entitled to an approval from this board. We would like this to be our final appearance.

Kris Schultz: The next step would be looking at the SEQR.

Chairman Wohlers: I would like to address that; you have made an attempt by dropping it one bay I think we go back to October when we asked for a reduction in building size it took all the way until February to have the building reduced by 1 bay. We had suggested 4-5 bays at a different location in the plaza and that has never been approached or looked at. We had asked for a noise study you supplied 2 from 2 other locations down state we have nothing there for a base noise level for that location. And there are still issues as far as traffic and going safely through the plaza. Our Comprehensive Plan showed a perimeter road and we have lost that with this project.

Kris Schultz: First off lets jump on the perimeter road what is proposed today is what you have today. When we relocated the building we basically moved the parking that originally was on this side of the building to the back. This is the exact configuration of the perimeter road that you have today to say that we didn't address or look at it is not true that issue has been resolved. The idea of keeping a corridor open we addressed that over and over we agreed that putting this building here in no way impacted putting an extension to East Ave in the future. We even have correspondence from the Village Engineer- that we have addressed all his concerns. Those comments you have made are unfounded. The placement of the building is because this is where it works because this is the logical place for the building. Back to the sound study if you read it what it basically said is that two comparable Mavis facilities both show that noise made here will make the same amount of noise it was a concern that other towns had and it was addressed. Asking for additional sound study requirements for this is way above what is necessary. It is not even on a main road or near houses it is located in the back of a plaza shielded by the canal bank and an elevated railroad. To have this and say noise is an issue I truly believe that is totally short sided and you are not looking at the information that was provided. I am amazed that we are at this point and that you can have a list that we have not given you. At the last meeting we asked for you to please tell us if there were any additional concerns or information that you needed so that when we come to this meeting today we can address them. To come in today and hear that you have unfounded concerns is not acceptable. This is not a project that we are going to walk away from we have bent over backwards to address every concern in writing. We haven't received any comments back from the agencies that we sent the Full EAF to. Your Village Engineer has done an extensive review not only on the site plan along with other village staff members that said they were all set. I just don't understand how you can sit there and say that we haven't given you what you have asked for. That is totally unfounded.

Chairman Wohlers: We have asked for traffic flows and snow removal the snow situation ……

Mr. Pelusio: Excuse me I have had enough vote it down and I am going downtown I am not playing. There is no more additional snow, there is no traffic change it is the same parking lot you just don't want it vote it down, and I want a vote. Stop playing around with all this money I have spent 80,000 dollars and hundreds of dollars for these meetings and the engineer and architect fees I am done. So vote it down so I can go home and do what I have to do. Done!!

Chairman Wohlers: I would like to ask for legal advice can we take a vote at this time?

Attorney Stowe: Not until SEQR is completed.

David Peluso: Than do SEQR because that is what I paid for.

Attorney Stowe: The proper procedure is to address the SEQR process upon completion of the SEQR depending on the outcome of the SEQR process than a vote can be taken.

Mr. Pelusio: I am recording it this time I am going to take this to the judge in Buffalo like the last kangaroo court you had with your other buddy.

Chairman Wohlers: Excuse me I don't think we need these kinds of comments.

Mr. Pelusio: Too bad I paid for it; go ahead have your SEQR meeting.

Chairman Wohlers confirmed with Village Attorney Stowe that is was ok for Mr. Pelusio to tape the meeting. Mr. Pelusio proceeded to tape the meeting.

Attorney Stowe: The other important legal part to note with respect to any vote is that any vote for any action requires a majority of the duly constituted board. It is important to note there are three of you and any vote would have to be unanimous.

Mr. Pelusio: Why are we having this meeting then? Why am I spending another $1500.00 dollars if the members aren't here?

Attorney Stowe: Because it was requested.

Mr. Pelusio: The last meeting there wasn't anybody here either, you have an obligation to have your people here make note of that counselor, let's go.

Attorney Stowe: There were 5 people here last month and it was addressed that two people would not be present tonight.

Mr. Pelusio: Just vote it down so I can go downtown that's all I want to do I will sue you personally.

At this time the Planning Board stated Part 2 of the SEQR.
Filed in folder
The board found that the following items would result in a significant adverse environmental impact
Notes:

#13 Impact on Transportation

Liz Venezky: Kris did you redo the traffic pattern?

Kris Schultz: Yes, we shifted it this plan is a great improvement from what you have today as far as pedestrian access around that area. We also shifted the roadway away from the front of the BOCES Building. This plan you have here is an improvement both from a vehicular and pedestrian standpoint.

Liz Venezky: Did you list the trucks radius turns?

Kris Schultz: That was all given to the Village Engineer and that was part of their review.

Liz Venezky: So they saw it but we didn't get it?

Village Engineer David Willard: They demonstrated that with a 69 ft semi. There is still an issue with the tractor trailers unloading for the supermarket they have to cut across spaces at the BOCES parking lot that is a pre-existing condition.

Kris Schultz: The timing is such the deliveries don't coincide at a time when we are making it worse we are actually making it better. Before the trucks used to drive right along the sidewalk of BOCES now they are shifted back.

Chairman Wohlers: I noticed that the BOCES bus pulls right up to the sidewalk to facilitate the students.

Kris Schultz: They will be pulling up to a sidewalk that is striped.

Chairman Wohlers: The students will be coming up between vehicles in order to board the bus?

Kris Schultz: Coming out into a striped walkway just like a stripe that you would see adjacent to a handicapped space.

Chairman Wohlers asked the Village Engineer what size tractor trailer was demonstrated. Chairman Wohlers stated that he had seen a 53 ft trailer delivering to the Dollar Store.

Kris Schultz: That trailer is smaller

Chairman Wohlers: 53 ft is longer than what you have proposed on your turning radiuses you have a 48 ft trailer. We still don't have a designated unloading area for the building and that is something we have talked about since the beginning.

Kris Schultz: Yes, and what we did provide is information that the building itself is not stocked from the standpoint of a truck pulling up like a loading dock. Their deliveries they would actually pull into one of the parking spaces they are not like Tops where they are unloading tractor trailers for an extended period of time. Deliveries come in the front or the rear man door they don't need an overhead door or a loading dock.

Chairman Wohlers: How would we address the snow? Sure the snow is there every year some years there is a greater quantity this year there is a big quantity.

Kris Schultz: Every business and every municipality has had problems with the snow this year.

Mr. Pelusio stated that there is a large area behind Lamont's where they can store snow we have trucks loading the snow and taking it off site. We haven't lost one space due to snow it is better this year than last year.

Liz Venezky asked for clarification of the trailer size used for demonstration purposes.

David Willard confirmed that the length of the trailer was 48 ft total length is 69 ft. there may be a slight difference.

Chairman Wohlers stated that would need to be looked at for the difference between the 48 ft and the 53 ft as far as demonstrating the turning radius.

Kris Schultz: It has to do with the wheel base if the wheel base is exactly the same you just may have the additional extension on the trailer.

Chairman Wohlers: If the dumpsters stay where they are along the south bank they take up parking spaces and will be in the way of your turning radius.

Kris Schultz: I think basically they were placed there for convenience because those spaces were never used and for the ease of the hauler. Certainly if they became an issue they could be relocated. What we did with the turning study is we tried to show how a tractor trailer would negotiate the reconfigured parking lot if all of the spaces were full of cars. When in reality they have this entire area to maneuver and swing so the dumpsters have never been an issue. This store is not going to result in all these spaces suddenly being filled. It is not a realistic concern.

The Board determined that the building placed in the proposed location may result in a change to existing transportation systems. The board feels there will be an impact on the safety of the students with the bus stop location where it is for the BOCES building.

Liz Venezky: Alongside the Canal behind the buildings there is a right of way to the trail for emergency vehicles.

Kris Schultz: There is not a right of way there is an easement owned by the Village of Spencerport for sanitary sewer. That access to the park is being allowed by the owners of the property even the signage is placed on this developer's private property.

Liz Venezky: Is the intention now to block that?

Kris Schultz: No of course not as a matter of fact with these improvements we are actually generating parking that would be approximate to that access. This is in keeping with that use we have actually even located in this area handicap spaces it is shielded where you would come in behind the building and have a safe location to access the sidewalk or the stairwell.

Mr. Pelusio: I would like to make a comment about the gate and the signs they never asked if they could put them there they just went along and did it themselves they just took our land and did what they wanted with it. All that parking behind the new building is certainly not needed for the building because there isn't any access to the rear of the building. All that parking is for the village to use.

Chairman Wohlers: Is the parking behind the building for more merchants or for that one?

Kris Schultz: We designated areas approximate to each building for our count.

Liz Venezky stated that such business will probably increase the road traffic.

Kris Schultz suggested to the board that they use the professional opinion of the Village Engineer for guidance on the SEQR questions.

Kris Schultz agreed to have the Fire Marshall take a look at Chairman's Wohlers concern regarding the fire lane.

Chairman Wohlers: If the East Ave Corridor ever does get connected to Lyell Ave the cars will be backing into that drive-through lane along a lot of the distance of the East Ave Corridor.

Kris Schultz: This isn't an East Ave Corridor first of all there were plans to attempt to construct a corridor to run along the old trolley line those plans were studied by the village and was determined that the cost associated with that would be very high. There were recent attempts by this developer to try and generate a road through to connect that was not successful. Each instance we have looked at studies paid for by the Village of Spencerport the routes that were proposed and we looked at those specific routes in relation to the placement of this Mavis Building and provided documentation to the Village Engineer that there are no changes we are not creating a new roadway. We have provided a safe pedestrian passage now for people wanting to go from the park to Top's.

Chairman Wohlers: If that building wasn't there and was located somewhere else your perimeter road could be over tighter to the BOCES building and continue out through there.

Kris Schultz: You are not going to take this corridor and turn this into the East Ave runway because you are not going to build a road through your park. So, this access is no longer a viable road. Most of those studies said that they were going to scrap the buildings and put in mixed uses along the canal it was great urban planning but it is nothing that was realistic. The cost benefit isn't there and the need for a road in there isn't there anymore.

Liz Venezky: I understand where you are coming from but keep in mind that we are charged as a board to go by the guidelines of the Comprehensive Plan which is fairly current and still a big portion of that East Ave Corridor and having access to it is in there.

Kris Schultz: The comprehensive plan update was done right at the time that we were proposing the large Heritage Development at a time when the Village and the developer were working closely together and part of trying to get the plaza redeveloped we needed the support of the Village to show that made sense with planning. So a lot of the comprehensive plan matched almost identically to what that whole project was. That was a big direction of the comprehensive plan it wasn't intended to hamper development in the plaza.

Kris Schultz: If we didn't have a Top's and we were in the same situation that we were in ten years ago and a store like Mavis wanted to come in there that potentially would be a draw and bring interest to the plaza I think it would be a lot different now things have flipped and we are going to tell this private owner what he can do in his plaza and what type of store he can put in because we have the benefit of already having a big Top's and the benefit of a successful plaza. Now we don't really think we want a tire store so we are going to basically do what we can to discourage development discourage new businesses from coming into this community and I think that you have lost site.

Liz Venezky: I disagree, I don't think that is our intention at all we like the plaza and love what you have done with it but there is not very much room left to do anything and we need to be more careful of what we put where. I understand it is your business and you want it to be viable but also consider that we like to be careful and protect our community.

Attorney Holtzberg: I understand as a board you are here to protect your community and your master plan it is a balance act and you have to balance. A private owner I believe essentially has a right and I am getting a sense that we are trying to find all the reasons he shouldn't have that right. As Kris has said that road is never going to happen so that 1 in a 10,000 chance is that the reason you deny a building that otherwise is a good use for the property. There is free enterprise in this country every citizen has a right we are here to make sure that we comply with all the rules and regulations. But to just make a decision saying I really don't want it there is because it has one too many bays or it may produce too much noise even though we have a study that says it doesn't it is ludicrous. I am not trying to be critical but when you are listening on this side it just makes no sense this project should move forward. You won't even notice it six months from now. When you put something under a microscope always you will find defects. The question is are those defects really damaging defects or are they just under a microscope. I think that we have put this building under a microscope and found all these little reasons none of which over a period of time will make a hill of beans people will love it they will buy their tires there. It will look like it has always been there. We have met virtually almost every requirement we can't meet everything specifically to the Nth degree that you want Mr. Wohlers we can't because buildings aren't that way. But we have in essence more than in essence met all of your objections and I understand that you wanted this earlier we had constraints with our tenant that wouldn't allow us to reduce the size of the building before the time we did and we apologize for that it wasn't something we were trying to do believe me we wished we could have reduced the bays 6 months ago. Lets really look at this project from a use point of view for what it will do for the community rather than say maybe if we had the striping here instead of there it really isn't going to matter,

Chairman Wohlers: My answer to part of that is once that building is there we will never be able to put the road in as it is in the comprehensive plan. You start running your air wrenches you have a noise level that is not acceptable.

Attorney Holtzberg: That is not what the study says Mr. Wohlers that is what you say.

Liz Venezky: We don't have a study.

Attorney Holtzberg: We gave you a study from other Mavis Tire Stores it won't change air wrenches are air wrenches.

Chairman Wohlers: I think it was Mr. Schultz that said there would be a study done on this location using the base line noise level from the plaza now and what it would be with Mavis.

Mr. Pelusio: Do you remember the garage on Union Street for 30 years did it make a lot of noise?

Chairman Wohlers: I don't know I didn't live here than.

Mr. Pelusio: Just vote it down let me get out of here give me my piece of paper so I can go downtown.

David Willard: I just wanted to clarify on one thing; it was mentioned that I was in full agreement that there was no impact to the corridor study. Going back to my November 10, 2014 letter what I said is it appeared that the proposed building overlapped on 2 or 3 of the alternates but that it was very difficult to tell because the drawing is only a concept drawing not drawn to any scale. My comment was that an additional study could be done at this point and time if we truly wanted to determine what the impacts would be to a future eastern corridor.

Mr. Pelusio: If you want an eastern corridor you have to buy the plaza do you think someone is just going to allow you put a road through their property without you buying it. Let's talk reality folks that if you want to put the thing there buy the plaza. I don't know what you are talking about you don't own it.

Chairman Wohlers: There was one more item; such proposed action may alter the present pattern of movement of people or goods. It does but not a large impact.

Attorney Holtzberg: Are you talking about the corridor being changes?

Chairman Wohlers: No, the traffic coming in the fire lane and the bus stops for BOCES students.

Attorney Holtzberg: And that is what you feel is a major impact?

Chairman Wohlers: I think it is the safety of the students cutting down that area and restricting the flow through there is a safety concern.

Mr. Pelusio: Here it is March and BOCES doesn't have any extensions in my opinion they are working on other locations.

Chairman Wohlers: We can't consider the future for this site.

Mr. Pelusio: Mavis won't be open until after June.

The Board agrees that the proposed action may result in a change to existing transportation systems. The board went on and answered the following questions.

a. Projected traffic increase may exceed capacity of existing road network.
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.
c. The proposed action will degrade existing transit access.
d. The proposed action will degrade existing pedestrian or bicycle accommodations.
e. The proposed action may alter the present pattern of movement of people or goods.

The Board determined that proposed actions will result in no, or a small impact may occur for all questions except for question d. where the board determined that a moderate to large impact may occur because of the location of the exit doors from BOCES and the concern of the placement of the fire lane.

#15 Impact on Noise, Odor, and Light

Chairman Wohlers: As far as noise we don't know it may or it may not affect the neighboring residents.

The proposed action may produce sound above noise levels established by local regulation.

Liz Venezky: Dave Willard I have a note from November 25, 2014 where you addressed some of the issues.

David Willard: It was an email actually when the noise study came in I reviewed it and I summarized it in my email. I reviewed the Spencerport Code and there were no measured limits for noise. Two of my comments in regards to the sound study were:

1. Could the sound study include measurements of sound around the Spencerport site just too kind of get a baseline.
2. Maybe an environmental engineer could give you an idea on what is excessive noise as far as decimals.

Attorney Holtzberg: Just so you understand if you want an accurate sound study of this location you would have to build the building first to know what the impact of a wrench would be. You can't just stand outside with a wrench because it is inside of a building.

We couldn't give you a study as to what the Spencerport results would be we have to give you something that has been tested on a built building.

Liz Venezky: We could probably get a general baseline of the existing sound now.

Attorney Holtzberg: Not what the impact wrenches are going to do which is what your concern is. We have given you probably as good a study as we could possibly give you. Similar buildings and similar locations I don't know what more we can give you.

Attorney Stowe: The code states that any excessive noise is prohibited. Excessive noise- any sound which endangers or injures the safety or health of humans or animals or annoys or disturbs a reasonable person of normal sensitivity or endangers or injures personal or real property.

Kris Schultz: There are repair garages in the village I don't think that there has been a single complaint lodged with the building department from any resident within the last 10 years and certainly there garage doors are open in the summer.

Mr. Pelusio: Has anyone stood and listened to the noise in the plaza lately.

Chairman Wohlers: I was there today

Mr. Pelusio: What did you hear?

Chairman Wohlers: It is a quiet location.

Mr. Pelusio: You didn't hear Top's music?

Chairman Wohlers: No, it wasn't on today I would have heard it.

Mr. Pelusio: 90% of the time it is on and you can hear that all over the plaza. You think that an impact wrench from that corner of the plaza you are going to hear by the gas station?

Chairman Wohlers: I don't know that is what we are asking for.

Mr. Pelusio: But you can hear that music all through and I bet that is a heck of a lot more decimals than those wrenches are making.

Chairman Wohlers: I am not going to make that determination.

Mr. Pelusio: Than maybe you should do a study.

Attorney Holtzberg: You actually are making a determination

Chairman Wohlers: Not as far as determining if that is too loud or not I am not.

Attorney Holtzberg: You are saying that the noise is having an adverse impact you are making that determination.

Attorney Stowe: The only thing the format's for is if it may have an impact at this point. The distinction is the word "may".

Attorney Holtzberg: Counselor we have a noise study that says it is not we have no prior experience because the building is not built so we are just having somebody because they think an impact wrench may cause a large impact on the area to deny an application or a SEQR.

Attorney Stowe: No, there has been no determination from what I am gathering the issue becomes if it may make a moderate or large impact at this stage based on the information before this board. The SEQR process asks that you "take a hard look" and this is what the board is doing.

This board is asked to determine the significance of a sound study that was provided with 2 wrenches firing in a 7 bay store in an area (I can't determine the scale) to and from residences.

Attorney Holtzberg: In order to determine that it may I haven't heard any basis other than impact wrenches make noise. I would like to know what the basis of determining that it may have a significant impact is.

Attorney Stowe: But you would agree that the study has 2 wrenches and the proposal has 7 bays.

Attorney Holtzberg: Yes, it doesn't mean that there is going to be more than 2 wrenches at one time. It may but it may not.

Attorney Stowe: But they have to look at "may" that is the distinction.

Attorney Holtzberg: If sound is injurious to the average person with normal sensitivity there would never be a tire store anywhere in the country.

The board agrees that the proposed action may result in an increase in noise, odors, or outdoor lighting. The board went on and answered the following questions.

a. The proposed action may produce sound above noise levels established by local regulation.
b. The proposed action may result in blasting within 1500 ft of any residence, hospital, school, licensed day care center, or nursing home.
c. The proposed action may result in routine odors for more than one hour per day.
d. The proposed action may result in light shining onto adjoining properties.

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

The board determined that proposed actions will result in no, or a small impact may occur for all questions except for question a. where the board determined that a moderate to large impact may occur based on the fact that the sound study submitted did not represent the actual proposed location for the Mavis Tire Store in Spencerport.

17. Consistency with Community Plans.

The board agrees that the proposed action is not consistent with adopted land use plans. The board went on and answered the following questions.

a. The proposed action's land use components may be different from, or in sharp contrast to current surrounding land use pattern(s).
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.
c. The proposed action is inconsistent with local land use plans or zoning regulations.
d. The proposed action is inconsistent with any County plans, or other regional land use plans.
e. The proposed action by cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.
f. The proposed action is located in an area characterized by low density development that will require a new or expanded public infrastructure.
g. The proposed action may induce secondary development impacts(e.g., residential or commercial development not included in the proposed action)
h. Other

Eric Stowe: It isn't inconsistent with zoning regulations as it is permitted if a special permit is issued. Are you were considering more that the use is inconsistent with the Comprehensive Plan. The land use plan refers to the Comprehensive Plan.

The board determined that proposed actions will result in no, or a small impact may occur for all questions except for question c. where the board determined that a moderate to large impact may occur based on the fact that they find the use does not comply with the Comprehensive Plan.

Chairman Wohlers: That concludes Part 2

At the time the board continued to Part 3 Determination of Significance.

At this time the following resolution was offered.

Introduced by Chairman Wohlers **Resolution 3/2015**
Seconded by Liz Venezky **March 3, 2015**

WHEREAS, the Planning Board of the Village of Spencerport ("Planning Board") received an application for Subdivision and Site Plan Approval, dated August 21, 2014, and has received additions

and modifications to the application throughout the pendency of the application. Said application is from Schultz Associates, P.C., representing the landowner, Pelusio Spencerport, LLC, along with Richard H. Holtzberg, Esq., as attorney for Pelusio Spencerport, LLC (together, the "Applicant") and requests Subdivision of two parcels, Tax I.D. 087.130-0002-002.1 and 087.130-0002-009.1; said application further requests Site Plan Approval for the construction of a Mavis Discount Tire Store upon the parcels requested to be subdivided.

WHEREAS, by resolution adopted November 4, 2014, the Planning Board determined that the Proposed Action is subject to the State Environmental Quality Review Act under the New York State Environmental Conservation Law, Article 8 ("SEQRA") and declared its intention to act as Lead Agency for the purpose of reviewing the environmental impacts of the Proposed Action under SEQRA ("Lead Agency"); and

WHEREAS, there is currently pending before the Village of Spencerport Zoning Board of Appeals an application for a Special Permit with respect to the operation of the Mavis Discount Tire Store that is the subject of the application;

WHEREAS, the Planning Board has reviewed the attached Environmental Assessment Form, Part 1, prepared on the Proposed Action on behalf of Petitioner with the Environmental Assessment Form, Parts 2 and 3, prepared on the Proposed Action by the Planning Board; and

WHEREAS, the Planning Board has concluded that the Proposed Action may have a significant impact on the environment if it is approved and built; and

NOW, THEREFORE, be it hereby

RESOLVED, that the Planning Board, as Lead Agency, hereby determines that the Proposed Action is a Type I Action pursuant to SEQRA; and be it further

RESOLVED, that based upon the Planning Board's review of the Proposed Action, the materials provided by the Applicant and the comments received from the public on October 7, 2014 and all other materials submitted in connection with the application, the Planning Board On March 3, 2015 hereby determines that the proposed action may result in significant adverse environmental impacts and hereby issues a positive declaration as to the Proposed Action pursuant to SEQRA, and be it further

RESOLVED, that the Planning Board finds that the Proposed Action presents significant potential adverse environmental impacts in at least the following respects:

1. A potential adverse impact associated with noise in and around the property, generated from the operation of the Proposed Action. This is a long-term impact given the permanent nature of the Proposed Action.
2. A potential adverse impact associated with traffic generated from the operation of the Proposed Action. This is a long-term impact based upon the revised traffic patterns and the safety issues generated thereby.
3. A potential adverse impact associated with a material conflict with the Village of Spencerport Comprehensive Plan, as adopted. This is a long-term, irreversible impact given the permanent location of the Proposed Action obstructing the specific goal of the Village of Spencerport to establish a connection between East Avenue and Lyell Avenue.

RESOLVED, that the Full Environmental Assessment From, as completed on March 3, 2015 by the Planning Board, is hereby incorporated and made a part of this resolution; and be it further

RESOLVED, that copies of this resolution, as well as a notice of positive declaration and intent to prepare a draft environmental impact statement , shall be transmitted to all identified involved agencies, made available to the public and filed and published in accordance with 6 NYCRR 617.12; and be it further

RESOLVED, that the Planning Board, as lead agency, hereby determines that scoping, pursuant to 6 NYCRR 617.8 shall be required in the review of this proposed action; and be it further,

VOTE OF THE BOARD

Ayes: Wohlers, Slominski, Venezky

Nays: none

Kris Schultz: Mr. Chairman I request that we immediately schedule the next meeting for April 7, 2015 to begin the scoping process. I ask that this board be familiarized with the process. It is my understanding that what we do is look at the issues the board has that you feel you don't have sufficient information and we clearly define what we would need to provide or to show that we are ok or how we would potentially mitigate those situations.

Attorney Stowe: Scoping is pretty clear on the language scoping determines the scope.

Approval of Minutes

Motion made by Chairman Wohlers seconded by Joseph Slominski and carried unanimously to approve the minutes of February 10, 2015 as written.

Adjournment

Motion made by Liz Venezky seconded by Joseph Slominski and carried unanimously to adjourn the meeting at 8 30 p.m.