

A Special Meeting of the Geneseo Town Board was held on Thursday, July 24, 2008 in the conference room of the Geneseo Building.

PRESENT: W. Wadsworth, D. Dwyer, F. Manapol, M. Tenalio, D. Dimpfl  
ALSO PRESENT: J. Coniglio-Town Atty, R. Gray-Hwy Supt, R. Maxwell-Code Enf Officer, M. Guyon-MRB Group, J. Girolamo-APD Engineering, D. Jerum, T. McDermott-Lowes, T. Lucey-APD Engineering, K. Kamlet-Newman Development, T. Greiner-Nixon Peabody, W. Kennison, H. Appell-Liv Co News

**MEETING OPENING & APPROVAL OF MINUTES:**

Supervisor Wadsworth called the meeting to order at 4:30 pm in the conference room of the Geneseo Town Office Facility. Wes Kennison led the pledge to the flag and a moment of silence was held for service men and women around the world and those residents flooded by rain in southern Livingston County.

The Board reviewed the minutes of June 23<sup>rd</sup> and July 10<sup>th</sup>. Mr. Dwyer moved and Mr. Tenalio seconded the motion to approve the minutes of June 23, 2008 and July 10, 2008 as presented. Motion passed with voting as follows: Wadsworth-aye; Dwyer-aye; Manapol-aye; Dimpfl-aye; Tenalio-aye. Nays: None.

**TOWN BOARD FINDINGS STATEMENT GENESEO TOWN CENTRE PROJECT**

Mr. Dwyer moved and Mr. Tenalio seconded the motion to adopt the following Resolution:

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") IN CONNECTION WITH AN APPLICATION SUBMITTED BY GATEWAY TOWN CENTRE LLC FOR APPROVAL OF A PLANNED DEVELOPMENT DISTRICT**

**WHEREAS**, The Applicant and Project Sponsor, Gateway Town Centre LLC (the "Project Sponsor") has applied for among other permits and approvals, preliminary and final site plan approval, and preliminary and final subdivision approval, as well as for a special permit from the Town of Geneseo Planning Board ("Planning Board") pursuant to Section 106-35 and Chapter 93 of the 1977 Zoning Ordinance of the Town of Geneseo (the "Town Code"). In addition, the Project Sponsor has applied to the Town Board for rezoning of the Project Site under applicable provisions of the Planned Development District regulations under the Town Code at Section 106-58 ("PDD") (collectively the "Applications").

**WHEREAS**, in accordance with SEQRA the Town Planning Board, as Lead Agency determined the Applications to be Type I actions and directed the Project Sponsor to prepare a Draft Environmental Impact Statement and a Final Environmental Impact Statement, and

**WHEREAS,** the Town Planning Board conducted a coordinated review of all potentially adverse environmental impacts and the mitigation thereof and adopted its Findings Statement in connection therewith, and

**WHEREAS,** as result of the application for approval of the PDD the Town Council is an Involved Agency under SEQRA and is required to adopt its own SEQRA Findings

**WHEREAS,** the Town Council has retained the assistance of the MRB Group to assist in identifying and evaluating the potential environmental impacts of the Application, and

**WHEREAS,** with the assistance of the MRB Group the Town Council has carefully considered the potential environmental impacts of the proposed Actions against the criteria set forth in 6 NYCRR 617.7(c) and has taken a hard look at the potential environmental impacts as required by SEQRA, and

**WHEREAS,** as a result of the foregoing the Town Council has compiled its Findings as required by SEQRA which are annexed hereto at Schedule A. \*

**IT IS THEREFORE RESOLVED,** that the Findings Statement set forth at Schedule A is hereby approved and adopted, and it is further

**RESOLVED;** that the Town Council does hereby authorize the Town Supervisor to execute the Findings Statement, and it is further

**RESOLVED,** that the Town Council does hereby authorize and direct the Clerk of the Town to forward a copy of the Findings Statement to any agency as may be required by law.

At this time the Board discussed Schedule A / the Findings Statement at length, including: item #17, the need for a drive-thru pharmacy; item #18, the number of construction jobs to be created and the number of employees; item # 80. No data was found to support any changes to any items of the Findings Statement, so no changes were made to the document or resolution.

The resolution was adopted with voting as follows:

Wadsworth	AYE
Dwyer	AYE
Manapol	AYE
Tenalio	AYE
Dimpfl	NAY

**LOCAL LAW # 2 OF 2008 – “PDD” LAW:**

Mr. Dwyer moved and Mr. Manapol seconded the motion to adopt the following resolution:

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF GENESEO ADOPTING  
LOCAL LAW NO. 2 OF 2008 REZONING  
A PORTION OF TAX MAP NO. 81.00-1-29.113  
AS A PLANNED DEVELOPMENT DISTRICT**

WHEREAS, Article VII of Chapter 106 of the Town Code, enacted pursuant to Local Law No. 1 of 2005, authorizes the creation of planned development districts to permit the development of land for specialized purposes where tracts of land suitable in location, area and character for the uses and structures proposed are to be planned and developed on a unified basis; and

WHEREAS, Gateway Town Centre, LLC (“Applicant”) has applied for the subdivision of approximately 24 acres from an existing 119.9 acre parcel, Tax Map No. 81.00-1-29.113, and the rezoning of such new parcel from Use Class 22, Mixed Use III to Planned Development District; and

WHEREAS, pursuant to the State Environmental Quality Review Act and implementing regulations (“SEQR”) the proposed action is the subject of a Final Environmental Impact Statement (“FEIS”) filed by the Town of Geneseo Planning Board as lead agency on April 21, 2008; and

WHEREAS, the Town Council, as an involved agency pursuant to SEQR, has adopted a Findings Statement concerning the project and certified that consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; and

WHEREAS, the proposed Planned Development District will authorize development within the project area not otherwise authorized in Use Class 22, Mixed Use III or the Gateway Overlay District, specifically the application seeks access to the project’s internal roadway system from Route 20A, construction of a building which exceeds the currently authorized area limitations for retail uses, construction of a building which exceeds the currently authorized height limits and a project site which preserves less than 40% of the site as open space; and

WHEREAS, the Findings Statement requires mitigation conditions which preserve the 40% open space requirement of the existing zoning and reduce the overall size of the primary structure and garden center to 155,433 square feet.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Geneseo makes the following Legislative Findings in connection with the application for rezoning as Planned Development District:

1. The application of a Planned Development District is intended to result in a development which has advantages over that which would be obtained under conventional zoning and further the development goals of the Town without conflicting with surrounding land uses and result in the promotion of the general health, safety and welfare of the Town.

2. The current Master Plan for the Town of Geneseo is entitled the "Town and Village of Geneseo Comprehensive Plan of April 1992." (the "Comprehensive Plan"). The Comprehensive Plan contains the community's goals for development. Objective Number 1 of the Comprehensive Plan states in pertinent part: "provide for balanced development, including all kinds of uses." Thus, the Comprehensive Plan identifies several objectives, as well as including proposed land use maps which demarcate the potential location for certain uses. The proposed land use maps provide for "all types of land uses: residential, commercial, industrial, open space/agricultural and public/institutional."

3. As to the area associated with the Project Site, the Plan provides that: "[c]ommercial areas in the Town's proposed land use maps extend from those in the Village. General commercial and general commercial/business office park uses and transitional office uses are proposed for Route 20A, east of the Village." On the other hand, Objective Number 2 of the Comprehensive Plan is to: "[m]inimize sprawl by encouraging more intensive land uses to locate near existing development." Recommendations regarding Objective Number 2 include proposed land use maps which locate more intensive land uses within and adjacent to the Village.

4. Further, Objective Number 13 of the Comprehensive Plan is to: "[a]llocate sufficient areas in the Town and Village for commercial development." The recommendations concerning that Objective include that: "[t]he recommended boundary for the general commercial (GC) area south of Route 20A remains unchanged from current zoning. This area is planned for development of a 250,000 square foot shopping center [this area has now been constructed since the Comprehensive Plan was drafted]." Further, the Comprehensive Plan provides that the recommended boundary for commercial area north of 20A extend from the new (as of 1991) Town/Village line to the existing residential development west of Country Club Road. Further, the recommendations for that objective state that the Town and Village should: "[p]rovide for different types and scales of commercial uses, and to provide a transition from commercial to residential use, this commercial area on the north side of 20A is divided into two segments."

5. Moreover, Objective Number 13 of the Comprehensive Plan, including recommendations provided therein, states that: "[t]he Segment adjacent to the Town/Village line is recommended for either general commercial or business office park use (GC/OP). . . . and further states that "the eastern most segment of the commercial area on the north side of Route 20A is recommended for low intensity office use (OFF)." In addition, the recommendations provide: "such a traditional use (low intensity office) provides a buffer between the higher intensity commercial uses and residential and agricultural uses."

6. Based upon the foregoing, including the plans evaluated in the FEIS, the Gateway Town Center (“GTC”) Project is not inconsistent with officially adopted and applicable land use plans and goals in the Town of Geneseo, and the Project is consistent with same. There are several aspects of the GTC that may be considered inconsistent with certain aspects of the referenced plans and/or zoning, including the potential for direct access onto Route 20A as well as the underlying zoning restriction on maximum building area and height and certain requirements regarding green space. That having been said, the Comprehensive Plan and other documents contemplate similar uses in the area of the Project Site and, while certain Project Site structures including the warehouse are larger than what is contemplated by the underlying zoning (without the granting of area variances), the types of uses contemplated by the Project are authorized. Further, for the reasons set forth in the SEQR Findings Statement, including mitigation measures concerning conditions the Planning Board will impose regarding decreasing the size of the home improvement warehouse, increased green space and measures to be taken to preserve certain views associated with the Project Site, the Town Council finds that the Project is consistent with the Comprehensive Plan as well as being consistent with Town land use provisions and goals.

7. The historic Village of Geneseo is located within the Town which is located in a rural setting and is also the center of Livingston County. The Village’s downtown commercial area is dominated by small retail, service and office uses with many such uses adapted to meeting market needs of college students at the State University of New York Campus located adjacent to the downtown area of the Village. Smaller downtown commercial uses are complemented by larger commercial development concentrated along Route 20A located at the eastern border of the Village, and extended into adjacent areas of the surrounding Town. The immediate vicinity of the Project Site is of a commercial character which has expanded in recent years along this important regional highway. The Project Site is currently an agricultural field located adjacent to an existing commercial use.

8. Analyses were undertaken as part of the FEIS to evaluate the capacity of Route 20A, and the potential need for road widening to accommodate additional traffic. The conclusion of these additional analyses showed that widening of Route 20A had the potential to affect the National Historic Landmark designation of the Village, but such analyses showed that traffic expected to be generated by the Project will not require the widening of Route 20A within the National Historic District, and therefore is not expected to have an impact on same. In any event, based on the measures identified, including requiring trucks that serve the Project during the construction phase not to travel through the Historic District, any impact from such traffic to it will be mitigated to the maximum extent practicable.

9. Further, the applicant was required in the FEIS and revisions thereto to review the potential incompatibility of the Project with the cultural landscape and historic ambience associated with the Town and Village, including the Historic District. The Project is to be located in the Gateway Overlay District with permitted uses including light manufacturing, research and development facilities, as well as warehousing/freight terminal and data centers. Thus, given the wide range of uses contemplated by the

underlying zoning, it cannot be said that the Project once developed would be incompatible with the zoning of the Gateway Overlay District, nor is there any indication that the Project would be inappropriate to the cultural landscape, and historical ambience or insensitive to same in light of current allowed uses in the Project Site area and in light of the current uses developed in the Project Site area.

10. The FEIS addresses concerns regarding the view of the Genesee River Valley from U.S. Route 20A, including its significant scenic value and the importance of this view to the visual character of the community. It should be noted that the Genesee River which is located approximately 2.5 miles to the west of the Project Site is not visible from the Project Site, nor is it visible from U.S. Route 20A. The opposite valley wall, extending to an elevation of approximately +/- 1,200 feet at 7 to 10 miles from the Project Site is visible from portions of U.S. Route 20A (at an elevation of +/- 900 feet) when facing or driving west. The so-called valley wall visible from portions of U.S. Route 20A is referred to as the “Route 20A Valley View Corridor.”

11. Based upon the foregoing, including the line of sight evaluation provided, photo simulations and the visual Addendum to the EAF, the Town Council finds that potential impacts from the Project to the community and the area adjacent to the Project Site, including potential visual impacts, have been sufficiently identified to evaluate same. Upon review of the aforementioned line of sight evaluations, photo simulations and the visual addendum, the Town Council finds that the visual impact on the valley view is similar for each of the five alternate building locations (CP-1, CP-3, CP-4, CP-5 as well as CP-6). Although the FEIS indicates that CP-5 is the preferred alternative, the Town Council further finds that the degree of impact on the valley view as between the five alternative orientations is indiscernible and/or not consequential.

12. The Town Council finds that the potential impacts from traffic due to establishment of the Project, including operation of the uses contemplated by the Project has been adequately assessed based upon the various traffic analyses, reports and studies undertaken by the Project Sponsor. Further, the Town Council acknowledges that there will be impacts to vehicular traffic in the area due to the operation of the Project, but based upon the various mitigation measures identified which will be imposed as conditions by the Planning Board to any site approvals and/or as conditions to any special use permit issued, that the traffic impacts associated with the Project will be appropriately mitigated and such mitigation will be made to the maximum extent practical under the circumstances.

13. The purpose of the Project is to provide a modern shopping center to serve the needs of the Town and Village of Geneseo and surrounding areas. According to the Project Sponsor, the uses proposed for the Project will provide a broader range of goods and services to the community than are currently available, and will enhance consumer convenience. For example, the Lowe’s Home Improvement Warehouse which is the primary component of the Project will increase the variety and quality of home improvement products available – including hardware items, lumber, and plants and gardening supplies at competitive prices to local residents.

14. Moreover, there is a need for this type of development in the area. The anticipated market area for the uses proposed for the Project includes the Town and Village of Geneseo, as well as parts of Wyoming, Steuben and Allegany Counties – areas that are within 20 to 45 minutes driving time of the Project Site. The Project will also feature a drive-thru pharmacy, which is a use that is not currently found outside of the Village of Geneseo (there is a drive thru pharmacy located in the Village associated with the Wal-Mart). The pharmacy will be the first free-standing pharmacy in the Town to feature a drive-thru window for the drop-off and pick-up of prescription medicine, thereby providing an additional option for persons in the community, including seniors, parents traveling with sick children and others of the convenience and expediency of receiving prescription medicines without having to exit their vehicle.

15. The Town Council expects that operation of the Project will result in an increase in employment opportunities. In fact, approximately 120 construction jobs will be created, generating over \$5 million in wages. The CGR Report (commissioned by the Town Council) indicates that once the Project is constructed, the home improvement center is projected to employ approximately 150 employees, resulting in a net gain of approximately 90 employees. While the Planning Board has expressed certain reservations regarding the nature of the permanent employment provided by the home improvement warehouse, it appears that the Project nevertheless represents substantial new employment opportunity for the community.

16. In addition, the Town Council expects that other local retailers will ultimately benefit from the Project. The CGR Report indicates that existing retailers can compete and thrive in the same retail market as a “large footprint” retailer and that Main Street businesses in the Village of Geneseo will benefit as the commercial development in the Town establishes Geneseo as the “market town” of Livingston County.

17. The Applicant submitted an economic impact analysis prepared by Camoin Associates which includes a peer review of the CGR Report, an employment analysis and case studies of economic impact in five other communities where Lowe’s has built new stores. The Camoin Report finds the CGR Report sound, but conservative in approach resulting in an understatement of job gains and other economic benefit. The case studies reflected communities both larger and smaller than Geneseo, although Geneseo had the highest median household income. The case studies support the CGR conclusion that traditional retailers can compete and thrive in the same market as a large footprint retailer.

18. Further, the Project will provide an increase in tax revenue with the expectation that during the first year of operation, Project property tax revenues are anticipated to range between \$190,000 and \$230,000 and that tax revenue is expected to grow thereafter. It is expected that Livingston County and the Town will receive a percentage of the benefit of the additional property tax revenue.

19. The Town Council finds that creation of a Planned Development District, subject to the conditions set forth above and in the SEQR Findings Statement, has advantages over that which would be obtained under the conventional zoning of Use

Class 22, Mixed Use III, furthers the development goals of the Town without conflicting with surrounding land uses and promotes the general health, safety and welfare of the Town of Geneseo.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Geneseo hereby adopts said Local Law No. 2 entitled "A Local Law amending Sections 106-7, 106-8 and 106-13 of the Code of the Town of Geneseo to establish Planned Development District No. 1, to be known as Gateway Town Centre, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State.

**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12242

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(Use this form to file a local law with the Secretary Of State.)

Town of Geneseo

**Local Law No. 2 of the year 2008**

**A local law** amending Sections 106-7, 106-8 and 106-13 of the Code of the Town of Geneseo

**Be it enacted by the** Town Council of the

**Town of** Geneseo as follows:

Local Law relating to zoning for the Town of Geneseo, providing for the establishment of Planned Development District No. 1, to be known as Gateway Town Centre

Section 106-7 is amended to add to the enumeration of districts the following:

PDD1      Planned Development District No. 1

Section 106-8. The zoning map of the Town of Geneseo shall be amended to incorporate the location and boundary of Planned Development District No. 1

upon approval of the subdivision of Tax Parcel 81.00-1-29.113 by the Town of Geneseo Planning Board. The boundaries of Planned Development District No. 1 shall be as shown on the approved and filed subdivision map.

Section 106-13 is amended to add a new paragraph (22) as follows:

(22) Use Class 25, Planned Development District No. 1

- (a) The development of Planned Development District No. 1, to be known as “Gateway Town Centre,” has been presented and is described according to a site plan filed with the Town of Geneseo Planning Board. This site plan may be changed, altered or amended. The final site plan and subdivision as approved by the Planning Board is hereby made a part of this paragraph (22) and shall be filed in the offices of the Town Clerk.
- (b) The Gateway Town Centre will consist of a home improvement center and garden center of approximately 155,433 square feet and a retail pharmacy of approximately 14,820 square feet. The actual square feet shall be determined by the Planning Board through the process of final site plan approval.
- (c) The Gateway Town Centre is located entirely within the Geneseo Gateway Overlay District. To the extent any aspect of the approved site plan is in conflict with the provisions of Section 106-27 of the Zoning Code applicable to the Geneseo Gateway Overlay District, the approved site plan shall supersede Section 106-27 and said site plan shall be controlling.
- (d) Traffic Access and Improvement
  - [1] As shown on the site plan, there shall be access to the Gateway Town Centre from one access point along Route 20A and from a second access point along Volunteer Road.
  - [2] Traffic improvements shall be made by the developer in accordance with the requirements of the New York State Department of Transportation.
- (e) Architectural Considerations
  - [1] A 10 foot high berm including adequate landscaping to screen the view of the east side of the Lowes building from Route 20A shall be required as part of the site plan. The landscaping shall include a mix of conifers and deciduous trees of sufficient height and density to block or screen the view of the east side of the Lowes building from Route 20A.

The berm shall include gradual grades and a gentle transition between the top and side slopes of the berm.

[2] The south side of the Lowes building contains the Garden Center which houses large outdoor products that will be visible without proper screening. Landscaping and/or the installation of privacy panels, wall fencing or shadow box fencing shall be required to adequately screen the Garden Center. Additionally, the berm height along the north side of Route 20A shall be 6 to 8 feet. The Planning Board requests the opportunity to review the proposed screening during the site plan review process and modify the landscaping layout, make up, density and height as necessary to sufficiently block or screen the south side of the Lowes building.

[3] The dumpster, generator and trash compactor located along the south side of the Lowes building shall be contained in wood enclosures such as slatted fencing and shall also be screened by landscaping plantings that are compatible with the architecture of the Lowes building.

[4] The maximum height of the trademark building peak shall be permitted to be 45 feet.

[5] All stormwater management facilities shall be screened by split rail wooden fencing and landscaping plantings so as to discourage access to such facilities and to minimize their visibility.

[6] The parapet walls of the Lowes building shall be constructed of a sufficient height so as to conceal any roof top structures including the HVAC units.

[7] No trailers or other store inventory offered for sale will be placed in the parking lot.

[8] Merchandise offered for sale outside the building will be limited to specified display areas immediately adjacent to the front of the building

(f) Additional findings and conclusions

[1] In addition to the foregoing, all of the findings of fact and conditions which were made by the Town Council acting as an involved agency pursuant to the State Environmental Quality Review Act and set forth in a Findings Statement adopted July 24, 2008, shall be required as conditions of site plan approval by the Planning Board and are incorporated by reference herein and shall become a part of this local law.

[2] The Planning Board may impose additional conditions which are not inconsistent with the Findings of the Town Council and which the Planning Board determines are practicable and reasonably necessary to mitigate adverse environmental impacts and ensure that the development is consistent with officially adopted land use plans and goals in the Town of Geneseo.

- (g) Revocation. In accordance with Section 106-61(c), this amending local law shall be automatically revoked and void, and the previous zoning and regulations reinstated unless subdivision and site plan approval are granted by the Planning Board within one year of the effective date of this local law.

The Board reviewed and discussed the proposed local law and resolution at length, including the type of material to require for enclosing the dumpster and generator, and the height that should be allowed for the peak of the building. The word “should” within the local law was changed to “shall” in various places and in section (22) (c) “provisions of the zoning code” was changed to “...provisions of *Section 106-27* of the zoning code ...”. Councilman Dimpfl requested the Board wait until an August meeting to consider the approval of this local law.

A vote on the resolution was called for and the resolution was adopted with voting as follows:

Wadsworth	AYE
Dwyer	AYE
Manapol	AYE
Tenalio	AYE
Dimpfl	NAY

**BOOHER HILL ROAD WATER DISTRICT :**

Mr. Dimpfl moved and Mr. Tenalio seconded the motion to adopt the FINAL ORDER ESTABLISHING WATER DISTRICT NO. 5, as attached to the official minutebook.

Motion passed with voting as follows:

Wadsworth	AYE
Dimpfl	AYE
Dwyer	AYE
Manapol	AYE
Tenalio	AYE

Nays: None.

**ADJOURNMENT:**

At 6:30 pm Mr. Manapol moved and Mr. Dwyer seconded the motion to adjourn the meeting. Motion passed unanimously. Jean Bennett, Town Clerk

\* Schedule A (Town Board’s Findings Statement) will be inserted into the document in the official minute book & within the minutes that are posted to the website.