

Town of Geneseo Planning Board
Meeting Minutes
March 9, 2015
7:01-8:12 PM

Members Present:

Dwight Folts
Darcy Young
Tom Curtin, Vice Chair
Bob Irwin
Marcea Clark Tetamore, Esq.

Others: Allithea Killeen, 9080 Cole Rd., Boston, NY,

Bread 'n' Breakfast
Susan Kinsey, 3162 Avon Rd.
Patti LaVigne, Town Board member
Bob Harris, 5307 North Point Dr.
James Coniglio, Town attorney
Diane McMullan

Excused:

David Woods

1. CALL TO ORDER:

The regularly scheduled March Planning Board meeting was called to order in the board room of the Town Offices at 7:01 p.m. by Tom Curtin, acting chair.

2. CODE OFFICE REPORT:

Ron Maxwell reported that Fire Inspections are underway. He continued that Coast Professional is "dead in the water". Their Henrietta office has been closed and 172 employees have been laid off from the Geneseo office. Evidently, a federal audit charged them with improper information being given by their representatives to the public. Therefore, their federal contract has been cancelled. Future expansion has also been cancelled. The federal government was their primary contract. A few local contracts remain.

Dwight Folts, Chair. entered the meeting and assumed the Chair shortly after 7 PM.

Chair Folts reported that he intends to send letters in support of the renewal of Coast Professional's federal contract.

3. VILLAGE PLANNING BOARD REPORT:

No report was given as David Woods was excused from this meeting.

4. REVIEW OF UNAPPROVED MINUTES:

FOR November 10, 2014 Planning Board meeting minutes.

MOTION was TABLED due to lack of a quorum at the meeting.

FOR December 8, 2014 Planning Board meeting minutes.

MOTION was TABLED due to lack of a quorum at the meeting.

FOR February 9, 2015 Planning Board meeting minutes.

Marcea Clark Tetamore moved to APPROVE the February 9, 2015 corrected minutes.

Darcy Young SECONDED the Motion.

All in Favor: Tom Curtin, Bob Irwin, Marcea Clark Tetamore, and Darcy Young

Opposed: None.

Abstained: Dwight Folts

MOTION CARRIED.

5. Public Hearing for a Special Use Permit: for Allithea Killeen, Bed'n'Breakfast, located on 4185 Roots Tavern Rd., Tax Map #63.-1-9.1

At 7:10 pm Chair Folts opened the public hearing and asked for public comments. Sue Kinsey, 3162 Avon Rd., spoke up and said that the Killeen house is visible from her home. She had some questions. Allithea then explained her future plans and answered questions in doing so. The house being discussed is a small, two-bedroom currently rented by Erika Hutton, a veterinarian who lives there and also hunts. There are 35 acres in total on the property which was originally purchased in 1997 from the Tolers. The salt mine disaster took away the water and it has not returned. As a result, the water supply is dependent on the pond which has a filtration system connected to it. Fifty gallons of drinking water is maintained and carried in. Pond water serves all other needs. Regarding signage - there will be none. (They could actually have a 2' x 2' sign.) The mailbox is a log cabin and that serves as the sign to Hidden Fox B&B; a family of foxes lives behind the manure pile. As for as additional lighting which could create light pollution, there will be none. It will be just a home as it has been.

There were no further questions from the floor and so Chair Folts closed the Public Hearing at 7:15 PM.

Chair Folts and the Board went through the Short Form Environmental Impact Statement questions. All answers were no.

Tom Curtin, Vice Chair, made the SEQR MOTION for negative declaration for this project. Based upon information and analysis, and supporting documentation, the proposed action will not result in any potentially large or significant adverse impacts.

Darcy Young SECONDED the Motion.

All in Favor: Tom Curtin, Dwight Folts, Bob Irwin, Marcea Clark Tetamore, and Darcy Young

Opposed: None.

Abstained: None

MOTION CARRIED.

Marcea Clark Tetamore moved granting a Special Use Permit for Allithea Killeen's Bed'n'Breakfast, located on 4185 Roots Tavern Rd., Tax Map #63.-1-9.1.

Bob Irwin SECONDED the Motion.

All in Favor: Tom Curtin, Dwight Folts, Bob Irwin, Marcea Clark Tetamore, and Darcy Young.

Opposed: None.

Abstained: None

MOTION CARRIED.

6. NEW/OTHER BUSINESS:

Future of Long Point Park

Patti LaVigne, Co-chair of the Master Plan Committee, reported that they began working in January. Bob Brennan is the other co-chair. Members of the committee were selected from a pool that had responded to a newspaper request for members. These members are: Margaret Duff (Village Trustee), Hop Manapol (Town Board), Joanne Harris (of North Point Dr.), Ken Hatheway, Patty Fennell, Georgene Ehman, and Kathryn Fitzsimmons.

The committee is planning next to do a survey to determine public input. Comments on this project can be made at the web site, *GeneseoNY.org*, then go to *Long Point Park*. Committee members wish to identify the stakeholders; **the Town Planning Board is considered a stakeholder so that is why PattiLaVigne made the presentation at the meeting.**

There is no recent map showing the buildings. There are 60-70 ash trees on site.

Discussion occurred about the land across the highway from Long Point on how it is zoned and whether it should be developed. A local park example is area around Vitale Park which is developed and that helps draw people to it.

General discussion continued. Friends of Long Point Park want to see the return of the rides. However the Park has limitations in its covenant. The DEC grant limits activities to swimming, fishing, etc. To add a for-profit operation would call for an act of the state legislature.

The museum has been condemned and is to be demolished. Existing Long Point buildings are old. It has to be determined if they are worth saving or suitable for tearing down. The Old Beer Garden is still there.

There was strong support for a kayak launch, for elimination of motorized boats, for support of a bikes and things for young families as well as educational programs. Robert Leathers is suggested as an architect for playground plans that would then be constructed by volunteers.

There is 324' of water frontage. A part-time lifeguard doesn't seem to work. There is money in the town budget for a full-time lifeguard; full-time was the consensus.

Special Use Permits

Chair Folts asked Town Attorney, Jim Coniglio, Esq., to speak about this.

Since 1982 TEMPORARY USE permits have been discouraged. Temporary use is not in the Geneseo Town Code. The Code is being revised and site and special use will be in the code for all development. There will be more permitted uses and fewer need for special use permits.

Those permit holders whose use conditions have changed can be asked to come before the Planning Board again. However, a Public Hearing will not be necessary.

The secretary and CEO Maxwell will send notice to all temporary special use holders explaining that unless the conditions of their special use permits have changed, the use is now permanent.

Jim Coniglio, Esq., will relay to the Town Board the need for seasonal permit request language.

Attorney was then asked about Solar Energy Farms. He explained that, unlike wind nergy which currently has language in the Code, solar energy does not. Appropriate language will be necessary for the future.

7. ADJOURNMENT:

There being no additional business, Chair Folts called for adjournment.

Darcy Young made the MOTION to adjourn the meeting at 8:12 p.m.

Tom Curtin SECONDED the Motion.

All in favor: Tom Curtin, Dwight Folts, Bob Irwin, Marcea Clark Tetamore and Darcy Young.

Opposed: None.

Abstained: None.

MOTION CARRIED.

Respectfully submitted,

Carolyn Meisel
Secretary pro tem
Planning Board
Town of Geneseo

CM/cm/dm
Attachment

Westlaw.

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88 A.D.2d 767, 451 N.Y.S.2d 499
(Cite as: 88 A.D.2d 767, 451 N.Y.S.2d 499)

C
Supreme Court, Appellate Division, Fourth Department, New York.
In the Matter of Peter Yakowec SCOTT, Respondent,
v.
ZONING BOARD OF APPEALS OF the TOWN OF SALINA et al., Appellants.

May 14, 1982.

In proceeding in review of town's zoning board of appeals' determination denying a special use permit, the Supreme Court, Onondaga County, Roy, J., annulled board's determination and directed board to issue permit subject to reasonable conditions, and appeal was taken. The Supreme Court, Appellate Division, held that: (1) board's denial of permit was arbitrary and capricious under circumstances in which petitioner's business was a permitted special use contemplated under the ordinance, board had previously issued a special use permit for same business and board's finding that petitioner's business would be undesirable was not supported by the record; (2) issuance of a special use permit subject to a one-year time limitation would not be permissible where the ordinance did not authorize imposition of a time limitation; and (3) trial court properly exercised its discretion in conducting hearing in order to clarify and supplement proceedings before board.

Judgment affirmed.

West Headnotes

[1] Zoning and Planning 414 ¶1357

414 Zoning and Planning
414VIII Permits, Certificates, and Approvals
414VIII(A) In General
414k1357 k. Business, commercial, and industrial uses in general. Most Cited Cases (Formerly 414k436.1, 414k436)

Town's zoning board of appeals' denial of special use permit was arbitrary and capricious under circumstances in which petitioner's business was a permitted special use contemplated under the ordinance, board had previously issued a special use permit for same business and board's finding that petitioner's business would be undesirable was not supported by the record.

[2] Zoning and Planning 414 ¶1355

414 Zoning and Planning
414VIII Permits, Certificates, and Approvals
414VIII(A) In General
414k1355 k. Conditions attached to permission in general. Most Cited Cases (Formerly 414k382)

Issuance, by town's zoning board of appeals, of a special use permit subject to a one-year time limitation would not be permissible where the ordinance did not authorize imposition of a time limitation.

[3] Zoning and Planning 414 ¶1741

414 Zoning and Planning
414X Judicial Review or Relief
414X(E) Further Review
414k1741 k. Preservation below of grounds of review. Most Cited Cases (Formerly 414k743)

Town's zoning board of appeals could not complain on appeal that special term had improperly directed a hearing where board had not objected at the time and had participated fully in the hearing.

[4] Zoning and Planning 414 ¶1616

414 Zoning and Planning
414X Judicial Review or Relief
414X(B) Proceedings
414k1616 k. Hearing and argument. Most Cited Cases (Formerly 414k581)
In proceeding in which special term annulled