

**Members Present:**

Matt Griffo, Chair  
Robert Freiburger  
Chuck Nesbitt  
Dori Farthing  
Sue Richardson

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell  
MRB | group Engineer Scott DeHollander  
Robert Yull, Livingston County PB Rep

**Public Present:**

Otto & Susan Kenney

**Applicants Present:**

Mark Grovanz, Engineer, Fisher Associates, NOYES Hospital (Red Jacket Center)  
Dennis Rex, Architect, Church of Latter Day Saints  
Tom Piascik, Engineer, Piascik Engineering, Church of Latter Day Saints

**1. Meeting Opened:**

Chair Griffo opened the meeting at 7:00PM.

**2. Meeting Minutes:**

The January 9, 2008 meeting minutes were reviewed. S. Richardson moved to approve the minutes as amended D. Farthing seconded the motion. There was no further discussion. The vote was as follows: M. Griffo – Aye, R. Freiburger – Aye, S. Richardson – Aye, D. Farthing – Aye. C. Nesbitt abstained, as he was not present at the January 9, 2008 meeting. The motion passed.

**3. Code Enforcement Report:**

January 2008

Building Permits: 6  
Zoning/Sign Permits: 1

CEO Maxwell stated that he and Code Enforcement Officer Dean O’Keefe have been very busy with the annual fire inspections. C. Nesbitt asked if most of the fire inspections pass. CEO Maxwell stated that he has never really had one that failed, however some come close.

Chair Griffo stated that he had been invited to a meeting at the Code Enforcement Office with CEO Maxwell, CEO O’Keefe and Dennis Barefoot, Livingston County Deputy Highway Superintendent in regards to new parking improvements including a one-way road at the County’s Millennium Drive Complex. Chair Griffo explained that since the Village now owns Millennium Drive, the County is requesting approval for a curb cut on Millennium Drive and the location of new parking in front of the building which encroaches upon the Village right-of-way by approximately ten feet, noting that the trees along Millennium Drive will not be disturbed except for trimming of low branches. Chair Griffo explained that this is a Village Board matter at this time, but wanted to make the Planning Board aware of the meeting and letter he had received. Chair Griffo stated that Doug Welch, Village Street Superintendent is opposed to any work being done in the Village right-of-way.

**4. Livingston Health Services (Red Jacket Center) proposed 2-Lot Subdivision,  
50 East South Street:**

Before discussing this matter, member D. Farthing wanted the record to show that as she is a contiguous property owner to this project, she will be abstaining from any voting that takes place regarding this project.

Mark Grovanz, Engineer with Fisher Associates stated that NOYES Hospital would like to subdivide their property at 50 East South Street (Livingston Health Services/Red Jacket Center) into two parcels. The existing parcel is approximately 10.24 acres and they would like to subdivide approximately 6.5 acres from that for future use similar to the existing one. It was noted that NOYES owns two parcels adjacent to each other. The other parcel, formerly a contaminated site is apart of this subdivision, but will be added to or combined with the 6.5 acre parcel at the time of filing the subdivision.

Mr. Grovanz pointed out that the main issue with the proposed subdivision would be the existing salt shed on the parcel. The proposed subdivision shows the shed on both parcels. Mr. Grovanz stated that they have discussed moving the proposed subdivision line, removing the shed or asking for a variance, but that the owners and attorneys have not yet decided. S. Richardson asked why the property line was chosen if the shed was going to be an issue. Mr. Grovanz explained that it was a clean line and it maximizes the use of the new lot.

Chair Griffo asked about the transformer in the southwest corner of what will be the Livingston Health Services parcel. Mr. Grovanz stated that he had done some research on this but that an easement did not show up for it. Chair Griffo asked why an easement would be needed. Mr. Grovanz stated that an easement would be needed for RG&E to get to it. C. Nesbitt asked if this is the transformer what was installed when they were preparing for the mobile MRI unit. Chair Griffo stated that it was for the building and MRI unit and that the Planning Board was not made aware of it until it was already there.

CEO Maxwell stated that in regards to the shed, which would be an accessory structure, all accessory structures in the Mixed Use Zoning district should be setback a minimum of 25' from any property line. The Village's Engineer from MRB | group Scott DeHollander stated that the shed is a rather permanent building with a concrete foundation used as a salt shed and suggested that the salt shed could be boxed out. Mr. Grovanz stated that this does not allow for the clean look they are hoping for. CEO Maxwell stated that if a variance is applied for one of the criteria to determine whether or not the variance could be granted is if there is any other feasible means other than a variance and as far as he is concerned there are. Mr. Grovanz stated that they have advised their clients against requesting a variance, but it is up to them. Chair Griffo stated that the status of the structure would be a stipulation for approval of the subdivision. Mr. Grovanz stated that he and his clients were aware of this and that when they appear in front of the Board again, they will have an answer regarding the shed.

CEO Maxwell asked Mr. Grovanz if Fisher Associates was involved with the new power that NOYES is bringing into the current facility. Mr. Grovanz stated that he was not aware of that, therefore is not involved with it.

Mr. Grovanz stated that pending the decision regarding the shed, they are hoping to gain approval next time. Chair Griffo stated that the shed and the remediation of the contaminated site would be significant issues to gain approval of the proposed subdivision. Mr. Grovanz wondered if the contaminated site would play a role in the subdivision or site plan. CEO Maxwell stated that it should be addressed under subdivision. Engineer DeHollander agreed and suggested that it might even trigger a long Environmental Assessment evaluation. S. Richardson asked how long ago was the remediation of the contaminated site and wondered if the gas station was the source of the contamination. CEO Maxwell stated that the gas station was the source of contamination, and no one knew the date of remediation but Mr. Grovanz stated that he would supply the Board with all necessary papers from DEC stating that the site is no longer contaminated. Engineer DeHollander stated if the file was closed regarding the contamination, then a short environmental assessment evaluation could be done.

Chair Griffo stated that the Church of Latter Day Saints is before the Planning Board for site plan review of the parcel to the west of this parcel. The Planning Board at this time is wondering about a road cut and cross access. Engineer DeHollander stated that the plan proposes a 30' wide

easement for ingress and egress for the existing building/parking area; however, he would like to see wording in the subdivision relating to this matter.

Chair Griffo stated that the Planning Board strongly urges NOYES officials to grant the Church of Latter Day Saints an easement for cross access and shared ingress/egress. Dennis Rex, Architect, Church of Latter Day Saints stated that Tom Piascik of Piascik Engineering and the churches Real Estate Department were working on this matter with NOYES Officials. Chair Griffo stated that the last time the Church appeared before the Planning Board NOYES was not interested in allowing a cross easement. Dennis Rex, Architect for the Church of Latter Day Saints stated that that was correct. Engineer DeHollander stated that with the existence of the intersection at Center Street and Livingston Health Services it provides a good scenario/technical reason to ask for the cross easement.

Chair Griffo asked when a traffic light at this intersection might be discussed with NYS DOT. Engineer DeHollander stated that the development of the new NOYES parcel would trigger a traffic study and the Planning Board could ask the Church of Latter Day Saints to run it through their traffic advisor. Some discussion followed regarding why this proposed subdivision would not trigger a traffic study, but it was determined that site plans where a planned use is known triggers a traffic study not a subdivision of land. S. Richardson wondered what the Planning Board could do if NOYES would not allow the cross easement. Chair Griffo stated that the Planning Board could then push harder for it within the subdivision approval process.

Chair Griffo stated at this time, these are the items that need to be worked out before proceeding with subdivision approval: cross access easement, easement to the transformer, the once contaminated site, the shed and SEQRA.

Chair Griffo noted that the rooftop units were a large issue with the current Livingston Health Services building and have been looked at very closely with any new projects that have come before them since then.

Mr. Grovanz thanked the Board and stated that they may or may not be back in March.

## **5. Old Business:**

### **Little League**

Secretary Mack stated that the Little League power point presentation from the January 9, 2008 Planning Board Public Hearing on the matter did not get attached to the letter for the Village Board for their meeting on Monday, February 25<sup>th</sup>. Secretary Mack apologized for this and asked Chair Griffo if it would be appropriate to put it in their mail folders with a memo stating that. Chair Griffo did not see a problem with this.

R. Freiburger stated that he had spoke with Village Board Trustee Brad Hill regarding the letter and the Village Board may have specific questions regarding the letter. The Planning Board welcomed the chance to try to answer any questions the Board might have and hopes that they will come in the form of a letter to the Planning Board.

C. Nesbitt asked if the Village Board planned to look at the usage of Highland Park as a whole. Chair Griffo stated that this issue has definitely stirred renewed interest in all of the Village owned parks. Chair Griffo stated that however regarding this issue, he believes that the Planning Board has done all they can do in the review of this project including asking Engineer DeHollander to review it. Chair Griffo stated the Village Board would be forming a committee rather quickly to look at Highland Park. Chair Griffo stated that he personally believes it would be a win win situation for the Village to try to acquire additional property around the park.

Further discussion followed and the Board asked Engineer DeHollander to provide them with calculations of approximately how much money it would be to run the wattage and type of bulb that Little League proposed, including bulb replacement and life expectancy. Engineer DeHollander stated that he would provide the Board with this information as soon as possible.

## **6. The Church of Jesus Christ of Latter Day Saints – 42 East South St. – Site Plan:**

Chair Griffio noted that the Kenney's from 12 Seneca Avenue were present and that their property backs up to this one. Chair Griffio stated that an on site meeting did occur to assess the drainage issue brought to the Planning Board's attention at the October Planning Board meeting. Engineer DeHollander stated that there was a good representation of Seneca Avenue property owners at the meeting.

Chair Griffio asked what site changes had been made. Tom Piascik, Engineer, Piascik Engineering stated that the main changes in the site were drainage and grading. He explained that the original storm water management facility was located at the southern part of the property. This has been modified to an open pond with bio-retention areas, which are a soil and plant-based stormwater management area used to filter runoff from developments. One bio-retention area will be located at the northeast corner (front) of the parcel and one in the southeast part of the parcel, with a dry stormwater bio-retention area in the middle of the parcel along the east property line.

Mr. Piascik explained that they are proposing a stormwater management pipe approximately 12"-15" in diameter across the rear of the Livingston Health Services parcel to convey flows to Jaycox Creek and under Route 20A. Chair Griffio asked who would own and maintain the pipe. Mr. Piascik stated that the church would, however, the Board wondered what would happen if the pipe were to get clogged. CEO Maxwell stated that Engineer DeHollander should speak with Doug Welch, Village Street Superintendent regarding this matter and suggested that if the Village did not want to take over responsibility for the pipe an easement should at least be granted to the Village to maintain it and in case of an emergency. Chair Griffio stated that he would prefer to see the Village maintain the pipe on a continuous basis so that there was no need to worry about rather the Church or Livingston Health Services would.

Chair Griffio asked for more details regarding the bio-retention areas.

Mr. Piascik explained that they would be landscaped mulched areas. The areas would be landscaped with some shrubs and high water plants. The Board agreed that within site plan approval a notation should be made that these areas will be well maintained. The Board wondered if these bio-retention areas would be safe enough to walk in. Mr. Piascik stated that this is the fifth or sixth project he has done using these types of retention areas and has not had any issues with them.

S. Richardson asked if there were any around here that the Board could go visit. Mr. Piascik stated that the closest one would be in Fayetteville, New York.

Mr. Piascik continued by explaining that the areas will consist of approximately 30" of a sandy topsoil and then 3" of mulch. CEO Maxwell asked how these types of retention areas hold up in dry weather, wondering if the plants would die. Mr. Piascik stated that he has not had any problems with these areas and does not foresee a problem here.

D. Farthing asked about the longevity of this type of design. Engineer DeHollander stated that this design is within the Village's and DEC guidelines but is typically used in small scale and redevelopment applications. Engineer DeHollander stated that drainage calculations had not yet been submitted but are expected soon.

Dennis Rex, Architect stated that the Church takes very good care of their properties and does not foresee an issue here. C. Nesbitt stated that these areas are rather large mulched areas and wondered if they would be weeded. Mr. Piascik stated that he does not recall having any issues of weeds in these types of areas but stated that he could submit some photos to the Board of these types of areas.

C. Nesbitt asked if there was any concern of contamination on this parcel from the adjacent contaminated (now remediated) parcel. Mr. Piascik stated that this parcel was not affected at all.

Chair Griffio asked if the proposed storm water management plan for the parcel takes care of the neighboring property owner's issues. Mr. Piascik stated that they are actually keeping the drainage patterns the same as they currently are. Otto Kenney, one the neighbors to the south stated that this

plan is not going to make the drainage situation worse and that they can accept this. Mr. Kenney explained that they thought that this project might make the issue worse, but it does not seem like it will do that.

Susan Kenney asked if the field at the rear of the property would be mowed. Mr. Rex stated that he believes that this area will be mowed once or twice a year.

Mr. Kenney stated that some of his neighbors were concerned about light spillage. Chair Griffo stated that all lighting will be dark sky compliant and does not foresee any spillage. Mr. Rex stated that most of their lights will be on timers and should be shut off by 11PM if not sooner as it varies from building to building.

Chair Griffo asked if this was to conserve energy. Mr. Rex stated that it was. Engineer DeHollander stated that he is still awaiting lighting calculations.

Engineer DeHollander also asked about the cross access easement. Chair Griffo stated that in the past the Church indicated that they would be leaving a spot in their parking lot for a cross access ingress/egress easement and wondered if they are still willing to do this. Mr. Rex stated that they were. Mr. Piascik stated that there were a number of areas within the parking lot that could be used for an ingress/egress from the neighboring property. Engineer DeHollander stated that he believed the best possible spot for the easement from the Livingston Health Services parcel would be in the front. Mr. Rex stated that whatever NOYES is willing to grant them within reason they would agree to. Engineer DeHollander stated that he believed this one intersection at Center Street and Livingston Health Services could work for the three different parcels, including the Livingston Health Services parcel, the new parcel NOYES is subdividing from the Livingston Health Services parcel and the Church parcel.

S. Richardson wondered why the Board would not want to carry the easement further towards the front of the parcels to incorporate more than three parcels. Engineer DeHollander stated that he believes that three with these types of uses would be well served by a combined access. The additional driveways located to the west of the NOYES driveway are minor traffic generators and may not be significantly benefited by participation in a cross access agreement to access the NOYES driveway across the Church site.

Chair Griffo asked what the Church was looking for tonight. Mr. Piascik stated that he is hoping that the Board will schedule a preliminary public hearing for this project for their March meeting. It was noted the short environmental assessment form was on file for this project and would need to be acted on at a later date. Engineer DeHollander asked Mr. Piascik to submit any correspondences that he submits to DEC and DEC submits to him regarding this project to the Planning Board. Engineer DeHollander stated that within the stormwater management document there should be a comparison of existing and proposed peak runoff calculations at the culvert at 20A. Mr. Piascik stated that this all would be included in the report.

## **7. Sign Grant Requests/Reviews:**

### **Swain Sports – Ken Emerson**

Mr. Emerson thanked the Board for agreeing to meet with him face to face regarding the sign grant that had been previously discussed at the December Planning Board meeting.

Mr. Emerson continued by stating that he has had nothing but positive remarks on the existing sign, however has done as requested by the Planning Board and submitted revised colored renderings for the sign. He apologized to the Board for the misunderstandings that took place regarding the grant request.

Chair Griffo stated and the Board agreed that there was not a problem with the style of the sign or design of the sign, but with the colors used. Chair Griffo explained that the Board is looking for earth tone colors including some gold leaf.

Discussion took place on how the sign could be changed to keep within the parameters of other signs in the Village. Mr. Emerson stated that the sign is very similar to others in the Village, just not the color.

C. Nesbitt asked what the cost of modifying the sign would be.

Mr. Emerson stated that he has already spent a lot of money on the sign and if it has to be changed hopes that the sign maker will “eat” some of that cost.

C. Nesbitt stated that if the sign were not already built he would suggest a different font style and different color scheme.

The Planning Board carefully reviewed the two other colored renderings, which were presented. D. Farthing stated that the feeling is that the way the sign exists does not keep within the guidelines of what the Village is looking for.

Mr. Emerson stated that he is very proud to have moved the business back to Main Street and believes that the sign colors do attract the younger crowd that he was looking to get.

S. Richardson and R. Freiburger stated that they both could live with the sign, as is. CEO Maxwell asked if the Board had received any complaints or negative comments about the sign. The Board said they had not and CEO Maxwell stated that his office had not either. S. Richardson stated that for a sporting goods store she believes that the sign and its colors might be appropriate.

Chair Griffo stated that from now on he believes that that Planning Board should look more closely at sign grant applications to make sure they are historical looking in nature with the earth tone colors and gold leaf.

With no further discussion, S. Richardson moved to approve the sign grant application from Swain Sports/Ken Emerson, 94 Main Street, as first presented to the Planning Board in December 2007. The sign is one sided, 18” X 138”, sandblasted high density urethane with a black outer border, medium blue background and dark green to white fade lettering. The sign has been estimated at \$2143.80. As per sign grant guidelines, Mr. Emerson is asking for 1/2 the cost of the sign up to \$1000.00 from the Village Board of Trustees. R. Freiburger seconded the motion. Chair Griffo stated that he hopes future sign grant applicants will not have their sign maker construct the sign prior to receiving approval of the grant from the Village. With no further discussion the vote was as follows: M. Griffo – Aye, R. Freiburger – Aye, C. Nesbitt – Aye, S. Richardson – Aye and D. Farthing – Aye. The motion passed.

#### **The Geneseo Store and Royalties Screenprinting**

Secretary Mack explained to the Board that Neal Moynihan from The Geneseo Store and Royalties Screenprinting had submitted two sign grant applications for the two businesses. As there was some concern with the Swain Sports sign grant application, Secretary Mack has asked for applicants to appear in front of the Planning Board. With this said, Secretary Mack stated that Mr. Moynihan was not able to attend this evenings meeting and had said that he would submit a letter in place of attending but that no letter had been received.

The Board discussed whether or not Mr. Moynihan could apply for two grants with two different names within the same property. The Board agreed that this would be a question to ask our Attorney and perhaps our Grantsmen.

The Board agreed that this application should be tabled until a time when Mr. Moynihan could appear before the Board and they could consult with the Village Attorney and/or the grantsmen.

#### **8. Meeting Closed:**

With no further discussion, D. Farthing moved to close the meeting at 9:25PM. R. Freiburger seconded the motion. The motion passed with ayes from all.

Aprile S. Mack, Secretary