

**Members Present:**

Matthew Griffo, Chair  
Robert Freiburger  
Charles Nesbitt  
Susan Richardson  
Dori Farthing

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell  
Livingston County Planning Board Rep  
Robert Yull

**Applicants Present:**

Jacob Kane – Muddy Waters

**1. Meeting Opened:**

Chair Griffo opened the meeting at 4:03PM. Chair Griffo asked the Board if the 4:00PM meeting time would work out for them versus the 7:00PM meeting time. The Board agreed that it would, but was concerned that if the Board had a public hearing, the public might not be able to make it at the 4:00PM time. Chair Griffo agreed and stated that perhaps those hearings could be held at 6:00PM rather than 7:00PM. The Board agreed that this might work. Therefore, Chair Griffo stated that next months meeting would be scheduled for 4:00PM. The Board was fine with this.

**2. Meeting Minutes:**

The August 27, 2008 meeting minutes were reviewed. D. Farthing moved to approve the minutes as presented. R. Freiburger seconded the motion. The motion passed with ayes from M. Griffo, R. Freiburger, C. Nesbitt, S. Richardson and D. Farthing.

**3. Code Enforcement Report:**

August 2008		September 2008	
Building Permits:	9	Building Permits:	2
Zoning/Sign Permits:	0	Zoning/Sign Permits:	0

S. Richardson asked about the email that was forwarded to the Planning Board members from Code Enforcement Officer Dean O'Keefe regarding the dirt pile at the Cedarwood Estates Subdivision by Brickwood Homes. CEO Maxwell stated that if the Board remembered, there was considerable concern about the large dirt pile located on the property. Several letters had been sent to Mark VanEpps, owner regarding this hazard, and the photos in the email showed that this hazard has been taken care of. On a side note, CEO Maxwell stated that Mr. VanEpps has secured the money for the one unfinished house in Phase I of the subdivision.

S. Richardson asked about the clean up of the Waring property on Lakeville Road across from the Kwik Fill. CEO Maxwell stated that there is approximately a 30' X 30' section that still needs to be cleaned up. Chair Griffo asked if a building permit could be issued for this parcel if one was requested after site plan review. CEO Maxwell stated that he would not be able to issue a building permit until his office receives a letter from DEC about the clean up. He noted that the small piece of land could be meditated on site or off site.

The Board asked if Genesee Country Apartments has started their renovation project. CEO Maxwell stated that he has not heard a thing from them.

CEO Maxwell stated that the GVTA (Genesee Valley Teachers Association) Federal Credit Union on Millennium Drive is in the process of finishing the outside of the building. CEO Maxwell commented that the building is big. S. Richardson asked about the inside. CEO Maxwell stated that he believes they are getting ready to drywall.

C. Nesbitt asked about the variance request for the house located at 33 Highland Road. CEO Maxwell stated that they had requested and were granted a sideyard setback variance for the addition to the house. C. Nesbitt asked if the house was in compliance with all Village regulations because of the architectural design of the house. CEO Maxwell stated it does. Chair Griffo asked if the ZBA (Zoning Board of Appeals) could request the applicant to supply them with an architectural rendering. CEO Maxwell stated that by law they couldn't. Chair Griffo asked our Livingston County Planning Board Representative Robert Yull for his opinion on this. Mr. Yull stated that this could be written into one's code, but at this time our Code does not have. S. Richardson stated that part of the roof is considered a green roof, as it will have grass growing on it.

C. Nesbitt wondered if this type architecture could be used on the vacant Second Street parcel. CEO Maxwell stated that it could. C. Nesbitt asked if this would still be the case as the lot would be within the Historical District of the Village. CEO Maxwell stated that it would and at this time there is no Historic Review Board and if there were, it would be strictly voluntary.

Discussion continued and Chair Griffo wondered how objective/subjective one could be. D. Farthing commented that she would hope that someone building in the Historical District would keep that in mind.

The Board agreed that the architectural style of the house at 33 Highland Road is much different than any we have seen and it does stick out some, but it does bring some character to the neighborhood.

The Board thought that the shared driveway would be a concern. CEO Maxwell stated that the owner's that share the driveway never came to the Zoning Board of Appeals opposing the variance request.

S. Richardson asked about the outcome of the variance requests for the garage on Oak Street and South Street. CEO Maxwell stated that the variances requested were granted and that each homeowner plans to match the existing architecture of the house.

#### **4. Muddy Waters Coffee House – Jacob Kane – 53 Main Street:**

Prior to the applicant appearing before the Board a brief discussion took place regarding the request. Chair Griffo explained that Jacob Kane would like to open a coffee house at 53 Main Street, the former Pictures and Presents storefront. The application is for a Special Use Permit for an eating and drinking establishment as per Village Code. Chair Griffo stated that the Zoning Board of Appeals makes the decisions on all Special Use Permits but that as a courtesy the Planning Board reviews them prior to that.

Chair Griffo suggested that the Board ask Mr. Kane about refuse removal, noise, hours of operation, whether or not there will be live entertainment, security and any other items they may think of. C. Nesbitt wondered if there is a spot in the rear of the building that will allow for the tables and chairs. Chair Griffo stated that he believes there is only a small-enclosed garbage area in the rear. CEO Maxwell stated that there is an entrance/exit in the rear that he sees the employees using, but that is all. CEO Maxwell continued by stating that his main concern regarding this application is that alcohol is not to served and he is asking the Planning Board to send that out to the Zoning Board of Appeals and if alcohol wished to be served in the future, a new Special Use Permit application be submitted.

S. Richardson asked if they needed a special permit if they wished to stay open until midnight or later. The Board agreed that one was not needed as some bars and pizza shops stay open pass midnight.

At this time, Jacob Kane joined the Board. Chair Griffo explained that this is the beginning process of a Special Use Permit. The area is going from a retail establishment to an eating and drinking establishment, which is an allowed use within the C-1 Commercial Zoning district with a Special Use Permit.

Chair Griffo asked if Mr. Kane ran another coffee house. Mr. Kane stated that he has run a coffee house in the south wedge of Rochester near Goodman and Clinton, directly behind a theater for about a year. The Board asked if he was apart of the neighborhood improvement program within the city of Rochester. Mr. Kane stated that he was not.

C. Nesbitt asked why Geneseo was chosen. Mr. Kane stated that by chance, as a group of SUNY Geneseo students worked with south wedge businesses and two were paired up with him. During that process he started asking questions about Geneseo, explored it a little bit further, and then started to pursue the idea.

Chair Griffo asked about the lease. Mr. Kane stated that he has leased the spot for three years with an option for two more with the option for an additional 5 years.

Chair Griffo asked Mr. Kane to confirm that per the application there is no desire to serve alcohol. Mr. Kane stated that this was correct. Chair Griffo stated that if there were a wish to serve alcohol in the future a new special use permit application would need to be applied for. Mr. Kane stated that he understood this but he has no plans to serve alcohol now or in the future. Chair Griffo stated that the Board's recommendation to the Zoning Board of Appeals would state that. Mr. Kane did not have a problem with this.

Chair Griffo asked if Mr. Kane planned on having any type of live entertainment. Mr. Kane stated that he has live entertainment on Friday and Saturday nights at his current location and would like to do the same here if possible. The Board did not see a problem allowing this but asked what type of live entertainment it would be. Mr. Kane said that it will not be acoustical, no bands, no pa systems, but that he would like to bring in some folk, jazz, and blues music which is a little bit quieter. Chair Griffo stated that this was fine and no special permits were required, however, the Village does have a noise ordinance. Mr. Kane did not think there would be an issue with noise.

Chair Griffo asked if Mr. Kane planned on having outside tables. Mr. Kane stated that his business is considered a counter business, but he would like to place a couple tables outside for his customers. CEO Maxwell stated that he would need to fill out a sidewalk permit in the spring for this, but that this is just a formality. Chair Griffo asked if the permit describes how far out the tables can go. CEO Maxwell was not sure and stated that he would get back to the Board on that.

S. Richardson asked if an awning would be used. Mr. Kane stated that there is currently an awning there that he does plan on using. C. Nesbitt asked if Mr. Kane thought there was room out back for a couple tables and chairs for his customers. Mr. Kane stated that there is a very small walkway out there with a small area for garbage; therefore he has no plans to place tables and chairs out there.

Chair Griffo asked if Mr. Kane was responsible for the refuse pick up. Mr. Kane stated that he was and that he realizes he has to contract with a private vendor for this and at this time is considering contacting Waste Management. Chair Griffo asked if the garbage would be picked up weekly or less frequently. Mr. Kane stated that he was thinking that refuse should be picked up at least once a week. CEO Maxwell inquired whether or not a commercial business such as Mr. Kane's had to recycle. Mr. Kane stated that he does plan on recycling either way and would like to be as green as possible including using organic products.

Chair Griffo asked what the hours of operation would be. Mr. Kane stated that he would like to be open at least 7AM-11PM Monday through Friday and perhaps 8AM-midnight on the weekends. Mr. Kane asked if there was a problem with this. Chair Griffo stated that there was not because as far as he knows a business can be open twenty-four hours a day. Mr. Kane continued by stating he hopes the coffee house becomes an alternative for the bar crowd.

Chair Griffo asked how many staff members would be working at one time. Mr. Kane stated that normally he would have one to two people working at a time.

Chair Griffo asked what the policy is if there was something less than desirable going on outside. Mr. Kane stated that common sense would kick in and they would be asked to leave. Chair Griffo asked what would happen if they chose not to leave. Mr. Kane said that the local law enforcement agency would then be contacted. Chair Griffo encouraged Mr. Kane to call 911 if needed, as they will work with him. Mr. Kane stated that he would not hesitate.

S. Richardson asked if someone local would be managing the coffee house. Mr. Kane stated that at this point he will be the overall manager, but he is hoping to employ shift managers and commented that he is aware that Starbucks is closing and that perhaps some of their employees might want to work for him.

C. Nesbitt asked about the seating capacity. Mr. Kane stated that he believes there is room for at least fifty people. CEO Maxwell commented that if the seating capacity were over fifty, the fire rating would change and some other safety measures would need to take place. S. Richardson asked if the current space is sprinkled or if it would need to be with the coffee house moving in. CEO Maxwell stated that the area is not sprinkled and that it does not have to be.

C. Nesbitt asked about the menu. Mr. Kane stated that he will be serving the same type of items as are offered by Starbucks including pastries and he hopes to expand that menu in the future to include sandwiches for lunch. D. Farthing asked if Mr. Kane would be offering wireless Internet. Mr. Kane stated that he most definitely would be.

The Board asked when Mr. Kane would like to open. Mr. Kane jokingly said that he wanted to open yesterday but understood that he must go through the Zoning Board of Appeals process. It was noted that the Board meets on demand but the cutoff date for the November meeting had passed, therefore, the next possible Zoning Board of Appeals meeting would not be until December 2<sup>nd</sup>. C. Nesbitt asked if the Zoning Board meets on demand, why couldn't they schedule a meeting as soon as possible. Chair Griffo stated that inquiries have been made to the Zoning Board of Appeals regarding this. However, CEO Maxwell stated that law requires the applicant to mail notice of the hearing to all property owner's within one hundred feet of the properties boundary lines at least ten days prior but no more than twenty days prior to the hearing.

D. Farthing asked if the pastries would be made on site. Mr. Kane said that he is not planning on it, but wondered if there was something else he needed from the Board or Code Enforcement Office if he wanted to do this. CEO Maxwell stated that there would be the possibility that a fire compression system would be needed if this were the case. Mr. Kane stated that he hopes to have the pastries delivered daily and is looking into where he can get these types of items locally as currently he uses a baker right around the corner from his current business in the South Wedge.

The Board welcomed Mr. Kane to Geneseo and wondered if he was ready to open now. He stated that he was but that there is still a bit of work to be done. Mr. Kane thanked the Board and left the meeting.

## **5. Old Business:**

Chair Griffo stated that he would like to wrap up the sunset clause that the Board had talked about earlier in the year in a work session. CEO Maxwell stated that he believes that these types of items are covered in the new zoning proposal, but would need to look that up for the exact wording.

## **6. Meeting Closed:**

With no further discussion, S. Richardson moved to close the meeting at 4:46PM with second from R. Freiburger. The motion passed with ayes from M. Griffo, R. Freiburger, C. Nesbitt, S. Richardson and D. Farthing.

Aprile S. Mack, Secretary