

**VILLAGE OF GENESEO**  
**ZONING BOARD OF APPEALS PUBLIC HEARING FOR**  
**Jacob Kane- Muddy Waters Coffee House**  
**53 Main Street**  
**Tax Map ID# 80.12-2-34**  
**November 18, 2008; 4:30 p.m.**

Present:

Chair Carolyn Meisel  
Gail Dorr  
Marlene Hamilton  
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Secretary

Debra Lund

Absent:

Paul Schmied

Applicant:

Jacob Kane- Muddy Waters  
Coffee House

Chair C. Meisel opened the public hearing at 4:30 p.m. and Board members were introduced. The public notice was read. It was noted thirteen certified notices were sent and receipts returned. Proper notification was published and the County determined there would be no significant county wide impact. J. Kane introduced himself and explained he would like to open a coffee house. He would serve coffee, teas, soup, sandwiches and pastries. Coffee beans and teas would be for sale as well. His intention is to be open from 7:00 a.m.-11:00 p.m. on weekdays and until midnight on weekends.

M. Hamilton noted a letter from the Planning Board Chair stated J. Kane had no interest in selling alcohol now or in the future.

*Nov. 17, 2008*

*Carolyn Meisel, Chair  
Village of Geneseo Zoning Board of Appeals  
119 Main St.  
Geneseo, NY 14454*

*Dear Carolyn,*

*At the October 22, 2008 Planning Board meeting, Jacob Kane appeared before the Board to discuss his plans for a coffee house at 53 Main Street. The coffee house will be named Muddy Waters and it will be Mr. Kane's second such coffee house. Mr. Kane has indicated that he has no desire now or in the future to serve alcoholic beverages. Other concerns that were discussed included weekly refuse removal, crowd control, and sidewalk service. The Planning Board was supportive of Mr. Kane's plans, but explained to him that they would be notifying the Zoning Board of Appeals that they were not in support of alcoholic beverages being served now or in the future.*

*If you have any questions or would like to discuss this matter further please feel free to contact me.*

*Sincerely,  
Matthew W. Griffo, Chair  
Village of Geneseo Planning Board*

J. Kane stated that was correct- it was not his intention to sell alcohol. M. Hamilton commented a restaurant; Pauper Jack's, occupied 53 Main Street at one time and then became a mercantile establishment. Code Enforcement Officer R. Maxwell stated J. Kane needed to come before the Board for the Special Use permit as such permits do not permanently attach to the property; the permit is necessary for the property to revert to an eating and drinking establishment.

M. Scott, Executive Director of Campus Auxiliary Services, representing the Big Tree Inn, welcomed J. Kane to the Main Street landscape. He is glad consumers have the opportunity to choose from various establishments but noted it is a tough market. The Big Tree Inn is willing to offer help if needed. J. Kane commented he would like to support local businesses but is having difficulty finding a local bakery. M. Scott commented they had used a chocolatier, who has since gone out of business. They also try to support local businesses. J. Kane said he will be bringing baked goods from Rochester until he can find a local source. R. Maxwell noted there is a bakery in Livonia Center which has a good reputation.

Chair C. Meisel asked if the Board had questions. T. Wilson remarked the Planning Board had addressed most of the concerns in the letter received from Planning Chair M. Griffo. He wondered if the focus was on the campus crowd. J. Kane stated he hoped to serve the community as a whole with quality coffees, teas, soup and sandwiches.

G. Dorr asked if the cooking would be done on site. J. Kane noted he is limited as to what he can cook as there is no kitchen per se; he will do what he can and stick mainly to soups and sandwiches which do not require a lot of preparation. He has another store at 529 Goodman St., Rochester which is near Highland Park. M. Hamilton asked if it was a chain store as she had seen a "Muddy Waters" in Ohio. J. Kane said it is not a chain store but also knows of two establishments in San Francisco, CA with the same name.

T. Wilson wondered if there would be adequate parking. J. Kane said he understood he would have the same parking issues as other Main Street businesses; it is always a catch-22.

C. Meisel asked if J. Kane intended to keep his outside trash and street area maintained. J. Kane responded in the affirmative.

M. Scott suggested J. Kane might be interested in participating in the "Campus Cash" program offered to SUNY Geneseo students whereby they may use their campus card to purchase items from participating merchants. He offered the example of students being able to use the Campus Cash card at the Big Tree Inn for dinner on certain nights of the week. Other nights are reserved for regular customers. Pizza Paul's and Burger King participate in the program. There is flexibility in times students may use the cards and that is up to the discretion of the individual business. M. Scott would be willing to discuss this further if J. Kane would like.

C. Meisel asked if there were further questions.

With no further questions, G. Dorr moved to approve a Special Use Permit, Use Class #14, for an eating and drinking establishment, “Muddy Waters”, a coffee house serving coffee, teas, and other beverages as well as baked goods; this permit is for non-alcoholic beverages, no alcohol will be served on the property. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel- aye; T. Wilson – aye; G. Dorr-aye; and M. Hamilton – aye. The motion carried.

After further discussion the Board noted that if J. Kane wishes to serve alcohol at some future date, it will be necessary for him to come back before the Board for a permit to do so.

J. Kane thanked the Board; he and M. Scott exited the hearing.

The three sets of October 07, 2008 minutes were reviewed.

G. Dorr moved to approve the Jones, 5:00 p.m. minutes as amended. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; G. Dorr – aye; and T. Wilson – aye. The motion carried.

M. Hamilton moved to approve the Kruger-Blood, 5:20 p.m. minutes as presented. G. Dorr seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; G. Dorr – aye; and T. Wilson – aye. The motion carried.

M. Hamilton moved to approve the Livingston County Historical Society, 4:30 p.m. minutes. G. Dorr seconded the motion. The motion carried. The vote was as follows: M. Hamilton – aye; T. Wilson – aye; and G. Dorr – aye. Chair C. Meisel abstained. The motion carried.

G. Dorr moved to close the public hearing and the meeting at 4:57 p.m. M. Hamilton seconded the motion. All were in favor. The public hearing and meeting closed.

Debra Lund  
Secretary