

Members Present:

Matthew Griffo, Chair
Claren Kruppner
Sue Richardson

Other Village Representatives Present:

Code Enforcement Officer Ron Maxwell
MRB | group Engineer Scott DeHollander
J. Thomas Reynolds, Village Attorney

Applicants Present:

Corrin Strong, Avon Road 3-Lot Subdivision
Larry Scoville, 42 Court Street Apartment Building
Mark Scoville, 42 Court Street Apartment Building
George Pancio II, MD, 38 East South Street, UCVA Addition

1. Meeting Opened:

Chair Griffo opened the meeting at 4:00PM.

2. Meeting Minutes:

The April 22, 2009 public hearing and regular meeting minutes were reviewed. A couple minor changes were made. At this time, the minutes were not approved, as the full Board that attended that public hearing/meeting was not present at this meeting.

3. Code Enforcement Office:

March 2009

Building Permits:		1
Zoning/Sign Permits:	0	
Fire/Rental Housing/Property Maintenance Inspections:	47	

April 2009

Building Permits:		5
Zoning/Sign Permits:	0	
Fire/Rental Housing/Property Maintenance Inspections:	13	

CEO Maxwell stated that the developer of the Cedarwood Estates Subdivision by Brickwood Homes off of Lima Road had contacted him with the possibility of building a new home in Phase I. Some discussion took place regarding the naming of streets. Code Enforcement Officer O'Keefe informed the Board that the ultimate decision lies with Livingston County E911.

Nexgen sold their parcel on Veteran Drive to Shopper's World. CEO Maxwell stated that the new owner's are hoping to have the building done by November; however, he has requested an elevation plan to see if any changes have been made to the façade. Chair Griffo stated that he was 99.9% sure they would need to come to the Planning Board. CEO Maxwell asked if they would be able to start any site work prior to this. Chair Griffo stated that he did not think it was a problem, but they should be aware that they might be asked to stop work if the Planning Board or Engineer DeHollander has any concerns.

Some discussion took place regarding possible code violations around the Village. CEO Maxwell and CEO O'Keefe stated that they do not go out and look for violations but act on complaints received, noting that a complaint form has been developed for this purpose. CEO O'Keefe noted that one does not have to leave their name and one does not have to fill out the form, but the office staff has been asked to fill out the form if they receive any complaints over the phone or one does not want to fill out the form.

4. Corrin Strong 3-Lot Subdivision, Hartford House property:

Chair Griffo asked if Engineer DeHollander had any questions or concerns for Mr. Strong. Engineer DeHollander asked if the plan at this time was for the one driveway to be used by all three proposed lots and Mr. Strong's sisters parcel, if so, he suggests that a cross access easement be put into place to allow for this. Mr. Strong stated that his attorney has advised him that since there are no plans to sell these parcels to any other individual other than himself, there was no need for this. Engineer DeHollander stated that he understood this, but he would advise the Board to request this and no matter what, all existing agreements can continue as is.

Engineer DeHollander stated that all existing or proposed (if any) utilities and existing easements (if any) be added to the subdivision map. He also suggests that easements be provided as necessary for electric, telephone, gas etc...Attorney Reynolds stated that when and if Mr. Strong goes to sell these parcels, he would not be able to do that without the cross access easements.

Engineer DeHollander asked if the parcels would be on a sewer or septic system. Mr. Strong stated that the main house is on a septic system, but the gatehouse is on public sewer. Engineer DeHollander asked, that these be labeled as such on the plans.

5. 42 Court Street LLC, Two-Story Four-Unit Apartment Building, 42 Court Street

Mark and Larry Scoville:

A revised plot plan had been submitted earlier in the afternoon, which included any structures that existed on the lot and the proposed structure. Larry Scoville stated that the proposed sidewalk shown on the map in the front of the building would be extended all the way to the parking lot and front of the parcel.

The Board wondered if enough room has been left to allow for an emergency vehicle to get to the perimeter of the building. Mr. L. Scoville stated that he believed that there had been. Chair Griffo stated that he would like the Fire Chief to take a look at the plans to see if he believes adequate room has been left. Mark Scoville did not see a problem with this, but stated that he has been told that no one would ever try to get a fire truck in there, but they would if needed probably try to get an ambulance down there. He also stated that the building would be 100% sprinkled. CEO O'Keefe stated that the NYS Fire Code would determine where any fire lanes should go along with their width.

Some discussion took place regarding whether or not this plan was considered a sketch or conceptual plan. It was determined that the two words sketch and conceptual are interchangeable with one another. Engineer DeHollander was quoting from the Village's Land Development Regulations and Public Works Requirements, which all present believed was not up to date with the new zoning. Items need to be added to the plan, such as the existing zoning district, setback requirements, height restrictions, total number of parking spots required and proposed and the total area of the parcel. A topographical map should be supplied. Mr. L. Scoville stated that their engineer stated that they did not need to include such detail in the concept or sketch plan.

Attorney Reynolds believed that the new zoning would supercede the design regulations and public works requirements but noted that the zoning was more generalized where the design regulations and public works requirements were more specific.

Engineer DeHollander asked what amount of disturbance would be made to the parcel. As if it was more than one acre of land full conformance with NYSDEC Phase II storm water regulations will need to be followed. Mr. L. Scoville and Mr. M. Scoville did not believe that more than one acre would be disturbed for the building. Engineer DeHollander explained that the building would not be the only disturbance on the parcel, but that the area proposed for parking would also need to be taken into consideration. Mr. L. Scoville and Mr. M. Scoville stated that the parking area would not be paved. Engineer DeHollander explained that whether the parking area would be paved or not, it is still

disturbance. Proof will need to be shown that the existing stormwater management plan can handle the additions. Engineer DeHollander asked if any new catch basins were being proposed. Mr. L. Scoville stated that there were not.

It was noted that the Board had been supplied with a letter from Michael Hoey giving permission to Larry Scoville's family and tenants of 42 Court Street (buildings A, B and C) to traverse his property at 46 Court Street. The Board had also been supplied with a copy of a utility easement between Mr. Hoey of 46 Court Street and Larry Scoville owner of property located at 44 Court Street.

With no further discussion, C. Kruppner moved to grant conceptual approval to 42 Court Street LLC, Larry and Mark Scoville for a two-story four-unit apartment building at 42 Court Street. S. Richardson seconded the motion and the motion passed with ayes from C. Kruppner, S. Richardson and M. Griffo.

6. UCVA – University Cardiovascular Associates – 38 East South Street Addition

George Pancio II, MD:

Dr. Pancio stated UCVA has been in Geneseo for approximately seven years, four of which have been in the ranch style house turned doctors office. The existing building is approximately 900 square feet in size, it has served its purpose, but with many new regulations including HIPAA (Health Insurance Portability and Accountability Act) an addition is more of a necessity than want. Currently any stress tests that are completed in his office are done in the kitchen. The intent is to add an approximately 30' X 30' addition to the rear of the house. The façade will not be changed, and the roof on the addition will match the existing roofing material.

Dr. Pancio stated that their intent is not to increase the volume of patients they see, but to give the existing patients and staff more room. At this time there are approximately five employees at this location which includes a doctor.

Dr. Pancio stated that the lot is rather large and they have plenty of room in the rear to expand.

The Board did not see a problem with adding an addition to the rear of this building. Engineer DeHollander stated that at this point, a design professional engineer would need to be hired by the applicant. Dr. Pancio stated that he did not have a problem with this.

The Board asked about a possible cross access from this parcel to the church parcel, noting that room has been left for the church parcel to cross access to the NOYES Livingston Health Services property. Dr. Pancio did not see a problem with this as long as it was something that could be done in the future. The Board agreed that all that would need to happen is that a cross access easement should be planned for on the site plan.

The Board asked Dr. Pancio about his timeframe for the addition. Dr. Pancio stated that he wants to build this summer and it will take approximately two months to build. The Board thought that it would take at least two more months for the entire site plan review process to be completed. Dr. Pancio wondered if there was any way for it to take only one more month. The Board agreed that they would look into this matter further.

With no further discussion, S. Richardson moved to grant conceptual approval for an addition to the rear of the building at 38 East South Street owned by UCVA – University Cardiovascular Associates. C. Kruppner seconded the motion and the motion passed with ayes from S. Richardson, C. Kruppner and M. Griffo.

7. Byrne Dairy Convenient Store with Gas Pumps – 39 & 41 East South Street:

Chair Griffo stated that he along with CEO Maxwell and CEO O'Keefe met with the representatives from Byrne Dairy regarding their proposal for a convenient store with gas pumps at 39 & 41 East South Street. *Section 130-65 Motor vehicle service, sales or repair establishments of the new Zoning Code, G. states that No motor vehicle establishment with fuel-dispensing equipment shall be*

located within 300 feet of any public entrance to a church, school, library, hospital or charitable institution. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line. Therefore, Byrne Dairy would need an area variance, as the Church of Latter Day Saints is located directly across the street from 39 & 41 East South Street. Chair Griffo stated that he suggested to the Byrne Dairy representatives that before the Planning Board reviews the proposal, they should apply to the Zoning Board of Appeals for a variance. Byrne Dairy was listed as an agenda item for tonight's meeting, but Chair Griffo believes they decided to not show due to needing a variance.

Some discussion took place regarding whether or not Byrne Dairy if approved would be able to sell alcohol per the NYS Liquor Authority because of its vicinity to the church. Chair Griffo contacted the NYS Alcohol & Beverage Control Board and they stated sales for off premises consumption only is allowed.

It was noted that if the variance is granted, a new building along with a new canopy and new pumps are planned. C. Kruppner wondered if one common driveway was planned. It was noted that this would be discussed during the site plan review process. CEO Maxwell stated that he advised the representatives that a traffic study would need to be completed and Engineer DeHollander stated that an environmental assessment would also need to be completed.

8. New Business:

Chair Griffo has received a memo from Mayor Hatheway regarding the possibility of merging the Village and Town Planning Boards. The Mayor would like the Board to examine the feasibility of merging the two Boards. What are the advantages? What are the disadvantages? In the Planning Boards opinion, do the advantages outweigh the disadvantages, or vice versa? The discussion should be focused at the broad level, and not get involved in details such as possible size, length of terms, representations, etc...

Chair Griffo asked each member to put their thoughts in writing and then we would all sit down as a group to put those thoughts into a report, which will be forwarded to the Village Board. CEO Maxwell commented that the Town and Village of Livonia Planning Boards merged a few years back, which seems to be working fine.

9. Old Business:

Engineer DeHollander reported that he has not yet heard from Piascik Engineering regarding the grading plan modifications made to the Church of Latter Day Saints site on East South Street. The letter was dated April 27th. CEO Maxwell stated that he had learned that the dirt dug out was used elsewhere on site and that some of the fill that is being brought in is from the Coast Professionals site on Volunteer Road. Engineer DeHollander noted that per the site plan he does not believe there was discussion about borrowing material from part of the site for another part.

The area excavated is believed to be at least four to five feet deep and covers approximately an acre of land. A sign is posted requesting fill material. Some discussion took place regarding what type of fill could or could not be used, as it was mentioned that perhaps some brush was thrown into the hole.

As the letter was not sent certified return receipt, it was agreed that another letter should go out certified return receipt, giving them five to seven days to respond, and if no response is received the Code Enforcement Office will put a stop work order on the project. It was agreed that Engineer DeHollander would send a letter along with calling and CEO Maxwell would stop by the site.

10. Meeting Closed:

With no further discussion, C. Kruppner moved to close the meeting with 2nd from S. Richardson. The motion passed and the meeting closed at 5:54PM.

Aprile S. Mack, Secretary