

Village of Geneseo  
Zoning Board of Appeals  
Public Hearing for  
Byrne Dairy, Rep.: Christian Brunelle  
39 & 41 E. South Street  
Tax map #:81.13-2-13.2 & 81.13-2-14  
July 21, 2009, 4:30 p.m.  
Meeting # 2

Present:

Chair Carolyn Meisel  
Gail Dorr  
Marlene Hamilton  
Paul Schmied  
Thomas Wilson

Applicant:

Byrne Dairy Representatives:  
Christian Brunelle  
Guy Pitman

Code Enforcement Officer:

Dean O'Keefe

Public:

Howard Appell

The public hearing reconvened at 4:30 p.m. Chair C. Meisel thanked the Byrne Dairy representatives for returning. Consultation with Village Attorney J. Thomas Reynolds regarding interpretation of certain portions of the Zoning Code of the Village of Geneseo resulted in two letters from him.

Letter #1:

13:23 FROM-REYNOLDS & HENEHAN 5852266740 T-718 P001/001 F-621

Reynolds & Henehan  
Attorneys at Law  
5579 Avon-Lima Road  
P.O. Box 190  
Avon, New York 14414-O190

J. THOMAS REYNOLDS (585) 226-3311  
DAVID L. HENEHAN FAX (585) 226-6740  
[rhlaw@frontiernet.net](mailto:rhlaw@frontiernet.net)

July 21, 2009

VIA FACSIMILE ONLY: 243-9190

Carolyn Meisel  
Chairperson, Zoning Board of Appeal  
Village of Geneseo  
119 Main Street  
Geneseo, New York 14454

Re: Byrne Dairy

Dear Carolyn:

This letter will confirm our conversation regarding the application for Byrne Dairy before your Board. Ron Maxwell was concerned as to whether or not the Noyes Facility was a hospital. If it is defined as a hospital, the 300 foot setback requirement would apply to it,

as it did to the Church of Latter Day Saints facility. I checked with James Gross, the facilities manager for Noyes and he indicated that the Geneseo property was defined as an ambulatory care center. He further indicated that the technical definition of hospital would require them to have the ability to care for patients overnight. That is not the case in this instance and the 300 foot setback requirement does not apply. If you have any suggestions, please call.

Yours truly,

**REYNOLDS & HENEHAN**

J. Thomas Reynolds

JTR/pav

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Village of Geneseo

Letter #2:

07-21-'09 15:52 FROM-REYNOLDS & HENEHAN 5852266740 T-724 P001/001 F-630  
J. THOMAS REYNOLDS  
DAVID L. HENEHAN

Reynolds & Henehan

Attorneys at Law  
5579 Avon-Lima Road  
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Avon, New York 14414-0100

July 21, 2009

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Carolyn Meisel

Chairperson, Zoning Board of Appeal

Village of Geneseo

119 Main Street

Geneseo, New York 14454

Re: Byrne Dairy

Dear Carolyn:

The Code Office has advised me that they have measured the distance from the door of the Church of the Latter Day Saints to the Byrne property line. That distance is over 300 feet, and, therefore satisfies the code requirement regarding Byrne's distance from a church. In conclusion, it does not appear that Byrne will require any area variance for either a church or "hospital" being too close to Byrne's property line.

If you have any questions, please call.

Yours truly,

**REYNOLDS & HENEHAN**

J. Thomas Reynolds

JTR/pav

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Code Enforcement Officers R. Maxwell and D. O’Keefe measured the distance from the nearest lot line of the proposed Byrne Dairy to the public entrance of the Church of Jesus Christ of the Latter Day Saints and found that distance to be three-hundred eighteen (318’) feet and in accordance with the Zoning Code of the Village of Geneseo. Chair C. Meisel remarked the distance would be greater if measured on the improved surface of the walkway rather than “as the crow flies”.

As Livingston Health Services is not a hospital, the three-hundred (300’) foot setback requirement does not apply.

C. Brunelle, Chief Operating Officer for Byrne Dairy respectfully and formally withdrew his request for a variance. C. Brunelle asked the minutes to reflect Attorney J. Thomas Reynolds’s letters, the Noyes Memorial Hospital letter, and the Livingston County Planning Board’s suggestion that the Village ask New York State Department of Transportation (DOT) to conduct a traffic impact review to determine the need for a traffic signal at the intersection of Route 20A and Center Street. He offered to personally meet with the DOT representatives in the Rochester office with letters of support from any agencies requesting the need for a traffic signal.

Further discussion ensued regarding suggestions received from the Livingston County Planning Board. C. Meisel commented the traffic burden on the intersection will increase when the Church of the Latter Day Saints is completed. Possible additions to the Livingston Health Services and the University Cardiovascular addition will also increase the traffic volume. P. Schmied noted most of the suggestions are issues which will be addressed during the Village Planning Board sessions. The Zoning Board will write a letter asking the Village Board of Trustees to send a request to New York State Department of Transportation for a traffic impact study and possible installation of a traffic light at the Center Street- Route 20A intersection per the County Planning Board’s suggestion and C. Brunelle’s request. A similar letter will be sent to the Village Planning Board. C. Brunelle and fellow representative G. Pitman exited the meeting at 4:37 p.m. (Please see the attached copies of the Noyes Memorial Hospital and the Livingston County Planning Department letters).

P. Schmied moved to close the public hearing at 4:40 p.m. G. Dorr seconded the motion. The vote was as follows: Chair C. Meisel- aye; M. Hamilton – aye; G. Dorr – aye; P. Schmied – aye; T. Wilson – aye. The motion carried and the public hearing closed.

Discussion followed. Secretary D. Lund is to write the letters to the Village Board and the Planning Board and submit them to Chair C. Meisel for approval and signature. The Zoning Board was in favor of a traffic study and light at the Center Street-Route 20A intersection if the New York State DOT would allow it. It was noted Livingston Health Services is in favor of the project and that the Church had not responded to any inquiries by the Board or apparently, (from earlier discussion) from Byrne Dairy, or the Code Enforcement Office.

The Byrne Dairy - July 07, 2009 minutes were reviewed. P. Schmied moved the minutes be approved as amended and M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel- aye; M. Hamilton – aye; G. Dorr – aye; P. Schmied – aye; T. Wilson – aye. The motion carried.

M. Hamilton moved to adjourn the meeting. T. Wilson seconded the motion. All were in favor and the meeting closed at 4:50 p.m.

Debra Lund  
Secretary

 **Noyes**  
**MEMORIAL HOSPITAL**  
*Our strength is caring... our focus is you.*

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✓ Zoning copied  
✓ Planning copied

June 16, 2009

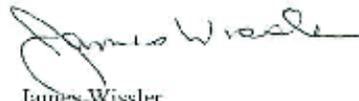
**COPY**

Mr. Richard Hatheway  
Geneseo Village Mayor  
119 Main Street  
Geneseo, NY 14454

Dear Mr. Hatheway:

I am writing to support Burn Dairy's use of the property opposite Livingston Health Services. I do not see any conflicts with our business, and in fact, this may be a benefit to our employees at Livingston Health Services.

Sincerely,



James Wissler  
President and Chief Executive Officer

JW:ks

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JUN 17 2009

Village of Geneseo

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JUL 15 2009  
Village of Geneseo

LIVINGSTON COUNTY  
PLANNING DEPARTMENT

Livingston County Government Center  
6 Court Street, Room 305  
Geneseo, New York 1445-1-1043  
Telephone: (585) 243-7550  
Fax : ( 585)243-7566  
E-mail: [aellis@co.livingston.ny.us](mailto:aellis@co.livingston.ny.us)

July 13, 2009

Debra Lund  
Village of Geneseo ZBA  
119 Main Street  
Geneseo, NY 14454

Re: Zoning Referral #2009-67, Village of Geneseo, Area Variance and Site Plan Review for a retail store with Fuel dispensing equipment on East South Street (Applicant: Sonbyrne Sales, Inc. /Byrne Dairy)

Dear Ms. Lund:

The Livingston County Planning Board, at its regular meeting on July 9, 2009 reviewed the zoning referral from the Village of Geneseo of the above mentioned pursuant to Sections 239-l and m of the General Municipal Law of the State of New York. The Planning Board voted to recommend "Approval" of the proposed action with the modification that the Village request the NYS Department of Transportation to conduct a traffic impact review to determine the need for a traffic signal at the intersection of Route 20A and Center Street.

The Planning Board would also like to forward the following advisory comments:

1. All proposed access points should meet the Village of Geneseo Access Management Standards and NYSDOT Standards. The Village Zoning Code, Section 130-42, Access Management Overlay District, sets spacing standards for access points or driveways. In order to meet the spacing standards, only one driveway on each street should be allowed.
2. An assessment of traffic impact to the intersection of Center Street and State Route 20A should be provided by the Applicant to the Village for consideration.
3. Due to the location of the proposed in the MU-2 District and the close proximity to the Geneseo Main Street Historic District, the Village should require the Applicant to submit detailed site plan information that adheres to the Design Standards set forth in the Village Zoning Code, Section 130-36, H.
4. The Village should carefully consider the benefits of the requested variance to the Applicant against the potential negative impact on the neighborhood.
5. To ensure that the proposed development meets the Village of Geneseo Zoning Code, the Village may want to require the Applicant to combine the two parcels into one as a condition of approval of the Area Variance.
6. All lighting should be planned in such a way as to ensure that it does not interfere with safe travel on East South Street, Center Street or with neighboring properties. All lighting should be "dark sky" compliant.
7. The Applicant should provide the Village with full details on all signage to ensure that it meets the requirements in the Village of Geneseo Zoning Code.
8. The Applicant should provide the Village with full details on all parking to ensure that it meets the requirements in the Village of Geneseo Zoning Code.
9. The Applicant should provide the Village with full details on all internal traffic flow to ensure that it meets the requirements in the Village of Geneseo Zoning Code and provides for safe and efficient interaction with traffic on Route 20A and Center Street.
10. All landscaping should meet Village of Geneseo landscaping, screening and buffering regulations.
11. The Applicant should provide details on the location and screening of any proposed refuse containers on the property.

There was a quorum present at this meeting. There was a majority vote on this matter.

Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call Heather Ferrero, Planner, or me at 243-7550.

Sincerely,

Angela Ellis  
Planning Director

cc: Pat McCormick, Chairman, Livingston County Planning Board  
Robert Yull, Village of Geneseo representative, Livingston County Planning Board  
Sonbyrne Sales, Inc. /Byrne Dairy, Applicant

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**JUL 15 2009**  
Village of Geneseo