

Members Present:

Chair Matthew Griffo
Sue Richardson
David Woods
Claren Kruppner

Other Village Representatives Present

Code Enforcement Officer Dean O'Keefe
Code Enforcement Officer Ron Maxwell
MRB Group Engineer, Scott DeHollander
Attorney J. Thomas Reynolds
Robert Yull, Livingston County Planning Board Rep

Public/Applicants Present:

Bob Freiburger – Village of Geneseo Resident (Prospect Street)
Janis Gilbert – Town of Geneseo Resident (Reservoir Road)
Bonnie Willey – Town of Geneseo Resident (Reservoir Road)
Ralph & Sharon Roach – Town of Geneseo Residents (Reservoir Road)
Marian Roecker – Town of Geneseo Resident (Reservoir Road)
Terrance Bromley – FSB Realty (Rochester, NY)
Fred Barzaco – FSB Realty (Rochester, NY)
Jim Olverd – Bowling Alley/Hampton Inn
David Young – Larson Design Group (Hampton Inn)
Jerry & Charlotte Barber – Town of Geneseo Residents (Reservoir Road)
Attorney James Coniglio – Hampton Inn
Marty Estruch – Hampton Inn
Lars Mazzola – Town of Geneseo Resident (Reservoir Road)
Jane Fowler Morse – Town of Geneseo Resident (Reservoir Road)
Linda Poste – Village of Geneseo Resident (Route 20A – Lakeville Road)
Larry Scoville – Town of Geneseo Resident (Reservoir Road)
Dawn Aprile – Aprile Associates (5 Megan Drive)
Frank & Mary Ann Reitano – Fit Club 24/7 (5 Megan Drive)
Christian Brunelle – Chief Operating Officer, Byrne Dairy
Guy Pitman – Maintenance Manager, Byrne Dairy
Mark Byrne – Vice President of Retail Operations, Byrne Dairy
Dan Tremblay – Town of Geneseo Resident (Reservoir Road)

1. Meeting Opened:

Chair Griffo opened the regular meeting at 7:00PM.

2. Code Enforcement Office:

July 2009

Building Permits	7
Zoning/Sign Permits	0
Other	3

3. Town Planning Board Update – David Woods:

A public hearing was held on Monday, August 10, 2009 for site plan and special use permit for Eastman Savings and Loan. The Town Planning Board granted final approval and issued them a special use permit.

In a separate action the Planning Board reviewed the special use permit for Rainbow Ridge Therapeutic Riding Center on Lima Road. This was their first renewal and the special use permit was renewed for a five-year period.

The Town Planning Board had substantial discussion regarding the Hampton Inn.

4. Hampton Inn Subdivision and Site Plan Review:

The Inn is proposed for the vacant land located on Route 20A between the Quality Inn and bowling alley. The land is currently wooded. The Hampton Inn is proposed on its own lot, which is proposed to be subdivided off from the bowling alley parcel. The bowling alley parcel will be well over five acres and the Hampton Inn parcel will be approximately 6/10 of an acre. The building façade will face Route 20A and will have an overhang for unloading etc...Some parking will be available in front, but most of it will be along the side and in the back. There are currently two existing curb cuts for the bowling alley parcel. One will be utilized by the bowling alley and the other will be dedicated to the Hampton Inn property.

A storm water pollution plan has been prepared and submitted. The storm water is proposed to drain to the rear of the parcel and to a new storm water management system located on the Quality Inn parcel, which will drain to the existing storm drain under Route 20A. All public utilities are readily available on site. However, the 10" Village owned water line on site will need to be relocated to around the edge of the parking lot.

A substantial cut in the rear is proposed to make way for the parking area to be somewhat lower than the building. At this time approximately 8,000 cubic yards will need to be removed from the site.

An architectural rendering was presented. The sides mirror one another. The front and rear are very similar to one another, but the rear view includes an indoor inground pool and the front view includes the overhang. The building is proposed to be red brick with beige. Currently they are proposing one sign on the front of the building and a monument sign near the road.

D. Woods moved to open the public hearing for the Hampton Inn project at 7:15PM. C. Kruppner seconded the motion and the public hearing was opened with ayes from all.

Chair Griffio explained that the Board has met with the applicant and/or the applicants engineer on at least two different occasions. The Board has identified some items that they had concerns with which the applicant is working on getting resolved. Chair Griffio asked that any comments or questions that are asked by the public be directed to the Board and not the applicant or his engineer. Chair Griffio also stated that once Mr. Young has completed his presentation, he would open the floor to those comments or questions. He stated that he would like to go around the room in an orderly fashion and once everyone has had a chance to speak if they so desire, perhaps more comments can be made or questions asked by anyone who already has had a turn. He also asked that the public clearly state their name for the record. It was noted that the Village Engineer Scott DeHollander from MRB Group was present along with Village Attorney J. Thomas Reynolds and the Village's Livingston County Planning Board representative Robert Yull.

Mr. Young continued with his presentation. The height of the building has been determined by the storm water management facility based on the Department of Environmental Conservation requirements for a pond with this amount of volume. The building is proposed to be three stories high with sixty-seven rooms and a footprint of 15,900 square feet. The storm water management facility will require an easement for maintenance reasons. They did look at incorporating the pond with the drainage channel, however, per NYS DEC regulations; any live channels into ponds should be avoided, because of quality control issues.

At the work session the buffering issue as outlined in the Livingston County Planning Board's recommendation was discussed in detail. The residents have asked for an 150' forever-wild buffer at the rear of the Hampton Inn property. However, if the applicant agrees to this, he will lose approximately 14 acres. At this time, 25' of a forever-wild area is shown. Another issue that arose was the required 245' between access points. The applicant feels as though there is already two existing access points, therefore the requirement of 245' does not apply.

At this time, the floor was opened up for comments and questions.

Dan Tremblay stated that his main concern is with the existing catch basin. When there was a pond on the Poste property, a lot of water collected on his property. Since

Ms. Poste filled in the pond; he has had no problems and feels as though he will have water again once this Inn is built. MRB Engineer DeHollander stated that he would look into this matter further and make sure there will not be an issue. Chair Griffio explained that this project would not have a negative impact in regards to what is there, the NYS DEC regulations state that the project must meet what is currently there or make it better.

Janice Gilbert stated that she resides at 4505 Reservoir Road, in the past if when we have received heavy rain, she has seen water crest Route 20A and wonders if that will happen again with this project. Engineer DeHollander stated that the culvert under Route 20A was updated and fixed, therefore the ponding of water onto Route 20A disappeared. The storm water management facility will be designed so that it will not allow a huge flow of water into the culvert at one time. Mrs. Gilbert asked how deep the pond would be.

Mr. Young stated that it would be approximately 4' deep and he also noted that a lot of the storm water that currently flows down Route 20A will be pushed back towards the pond to be treated. Mr. Young stated that they believe they will be improving the current conditions.

Bonnie Willey stated that she resides at 4604 Reservoir Road. She asked for the height of the building compared to the Quality Inn building. Mr. Young stated that the Hampton Inn will be approximately 48' in height and that the Quality Inn is approximately 30' in height.

Jerry Barber stated that he has lived on Reservoir Road for over fifty years. He is very concerned that only a 25' buffer is being proposed. Chair Griffio stated that the Board realized the buffer is a major concern of the neighbors and that the Board is working with the applicant to enlarge it.

Charlotte Barber stated that she and her husband Jerry reside at 4291 Reservoir Road. She asked about the existing easement located at the edge of her lawn. Chair Griffio explained that the applicant has indicated to the Planning Board that they do not have plans to open that easement up to traffic. Mrs. Barber stated that she and her husband have maintained and mowed that strip of land for fifty years and wonders if that gives them any rights. Chair Griffio stated that he was not sure if maintaining and mowing the easement for fifty years gives them any rights, but he can look into it. He did state however, that there is a 10" Village water line that goes through there.

Sharon Roach stated that she resides at 4297 Reservoir Road. She is very concerned about the buffer. She wonders if any one on the Board believes that a 15,000 square foot footprint for a hotel and with parking lot is too large. Chair Griffio stated that the proposed size currently conforms to the recently adopted Zoning Code. She stated that she is concerned about the height of the building and how it will affect the neighbors in regards to noise and light. Chair Griffio explained that all lighting must be dark sky compliant, which eliminates light spillage at the property line.

Marion Roecker stated that she resides at 4309 Reservoir Road. She is concerned about the increase in noise and the traffic. She continued by stating that it is important to have a buffer, as it will help with noise.

Ralph Roach stated that he resides at 4297 Reservoir Road; he is concerned with lighting, as currently they see a lot of light from the Quality Inn. When vehicles are pulling into the Inn in the dark, the vehicle lights will be facing Reservoir Road. If the buffer is reduced, this will increase the light. He stated that he and many others were concerned that there was only going to be an 150' buffer, but they are even more concerned since it has been stated here tonight that it is only going to be 25'.

Mr. Roach asked if the Planning Board has received a final report from DEC stating that what is being proposed for storm water management is okay. Engineer DeHollander explained that the storm water does exceed the normal for a storm water pollution plan but a SWEPE has been prepared and submitted to DEC. The SWEPE is a plan explaining how they plan to mitigate the storm water above and beyond what is required. Also, a State Environmental Quality Review Act (SEQRA) long form has been submitted which takes in account all environmental concerns that have been brought to the Board's attention. The SEQRA will be acted on by the Board after preliminary approval has been given but prior to final approval.

Mr. Roach asked if the Planning Board has received a final report from DOT. Chair Griffio stated that they had not, but he explained that this corridor has been studied more so then others, and all of those are being taken into consideration. Engineer DeHollander stated that once they put their numbers together, he would verify their findings.

Mr. Roach wondered if the agricultural land on Reservoir Road has been taken into consideration. Chair Griffio stated that at this time they had not but that the Board would look into it and Engineer DeHollander

stated that he would take a closer look at the Agricultural and Markets law regarding this project. David Woods, Planning Board member and retired Livingston County Planning Board director stated that if this project were located within 500' of an AG district, an AG Data statement would need to be prepared.

Lars Mazzola a resident of Reservoir Road thanked the Board for listening to all of the neighbor's suggestions, noting that every resident is concerned about their quality of life. He continued by stating that their main concern is that their current quality of life is going to get worse. He stated that he has heard Chair Griffo say that it is not going to get worse, but he really thinks that it will. He continued by stating that they love creeks, they love wildlife, including the cardinals, and if the buffer is lost, these items will also be lost. Mr. Mazzola stated that if they were apartment dwellers they would not be saying anything.

Mr. Estruch stated that he has sat on Mr. Mazzola's back deck and can appreciate what the neighbors are saying. He continued by stating that his intent is not to lower the quality of life.

Mr. Mazzola continued by stating that the plan to reality is a huge step. He stated that he truly believes that their quality of life will be negatively impacted if this Inn is built. He wonders why the pond couldn't be located elsewhere, perhaps on the other side of the stream near the Quality Inn. Mr. Mazzola stated that he has been in contact with Craig Richardson from NYS DEC who fired many numbers at him and without knowing the site or the exact proposal, he suggested that it might be possible for the retaining pond to be a different shape than what is being proposed. Mr. Mazzola suggested that perhaps the pond could also have a nice fountain in it. Mr. Mazzola stated that he was very grateful that the Board is listening to their concerns. Chair Griffo stated that he is glad to hear that the neighbors and developers are sitting down and talking.

Bob Recotta stated that he is the current owner of the property. He is very aware of the water situation and concurs, but stated that the water problems do not begin with this parcel, but that they start above the hill and come across his property. He believes that the retention ponds at the Wegmans plaza have helped some. He continued by stating that there is approximately seven acres of land, and a 15,000 square foot building footprint is actually small for the code. He continued by stating that he purchased the land and bowling alley approximately twenty years ago as an investment, and then they were annexed into the Village and have paid an extra \$70,000 - \$80,000 in property taxes. He has given the Village easements and asks for the Boards cooperation especially since all zoning requirements have been met. He also noted that this property is further back from the Reservoir Road residents than the commercial businesses to the west.

Jane Morse stated that she resides at 4285 Reservoir Road. The other neighbors have brought up most of her concerns, but she wanted to note that they are an old established neighborhood and that there is currently a fairly large green area behind the Quality Inn and proposed Hampton Inn that they do want to see disturbed. In the winter, lights from the Quality Inn parking lot do shine into their homes and the same will be true for the Hampton Inn. She stated that she can also see hotel room lights and believes the same will be true with the Hampton Inn. She was grateful that the Board and developer seem to want to work with the neighbors. She is also concerned about the noise not only from traffic but also from dumpsters when they are emptied. She would like to see mitigation so that the quality of their neighborhood does not have to be decreased. Most of the neighbors including her plan on or have retired and want to stay in their neighborhood and maintain the value of their properties. She understands that all lighting will be dark sky compliant, but believes some type of light will spill over onto their properties. She continued by stating that sometimes diesel trucks idle all night, but maybe that can be eliminated.

Larry Scoville stated that he resides at 4255 Reservoir Road; he believes that the Inn will be a great addition to the Village and from what he has seen thus far it appears they are doing a fine job. His major concern however is with the pond. He is wondering if there is any way that this Inn could be built without the pond. Engineer DeHollander stated that if the Inn were to be built without a pond, there would be a negative impact on the area, however with a pond, it will remain the same or improve. Mr. Young stated that essentially they have to mitigate the water quality and water quantity, and that is why a pond is required. There are other ways of mitigating storm water, but they are not available in this area because of the types of soil. Mr. Scoville asked if they would consider making it a pleasant pond with a fountain.

Linda Poste stated that she owns and resides at the property located at 4222 Lakeville Road. Her family has owned this property for over 51 years and a lot has changed over the past 51 years. She stated that when she returned to Geneseo, flooding of Route 20A near her property was common. She tried to get it corrected, as

there was only a 15” pipe under Route 20A when it should have been much larger than that with what was going into it. In 1998 the State put in a 30” pipe under Route 20A. All of her drainage concerns were now gone. She stated that her main concern is drainage and what affect the Inn project will have on her now dry land. She continued by stating that she understands that drainage will be the same or actually improved, but she wondered who was responsible and who would be held accountable if the drainage worsened. She also stated that the developer’s engineer used the word swale earlier and she hopes he is referring to the ditch not swale, as the swale is located on her land, but the ditch does have an easement that goes through her property.

Chair Griffo stated that the Planning Board would be the responsible ones. She wondered that since DOT were the ones that installed the culvert, shouldn’t they be involved in this process. Chair Griffo stated that the Village’s engineer deals with these types of concerns. Engineer DeHollander stated that these types of concerns are reviewed to access management and even though DOT owns the culvert, they usually leave it up to the municipality to determine whether or not a project will have a significant impact on it. The applicant is taking calculations, but he as the Village Engineer is reviewing and making sure it is being preserved as is or being improved. Ms. Poste was also concerned about Mr. Tremblay’s concerns.

Chair Griffo noted that some of the neighbors on Seneca Ave were concerned about the recent Church of Latter Day Saints project and what affect drainage from that project would have on their properties. After this project was completed at least one neighbor has stated that he was able to mow his lawn earlier in the spring then ever before, noting that the project actually improved conditions.

Mr. Estruch stated that he wanted to hear everyone’s concerns and after listening to everyone here, he wants to address the concerns. He stated that he owns the Quality Inn and is very aware of the water issues. Mr. Estruch stated that he believes the water issues come from upstream, the farmers and the Wegmans plaza. He stated that he is trying to correct the issue and believes there will not be any issues when the Inn is built. He continued by stating that there is a need for an Inn and he is going above and beyond what is required to take care of the water issue.

Mr. Estruch continued by asking the public to look to the west of his property at Linda Poste’s property where there is a fence all the way to the rear property line that backs up to Reservoir Road. He stated that if he wanted he could put a fence up at the rear of his property lines that also back up to Reservoir Road, but he has instead chosen to leave the buffer. He stated that he is here to do good and not bring any problems and not make their lifestyles any worse.

Mr. Estruch stated that prior to owning the Quality Inn, the Inn was unruly and an animal house. Recently the Quality Inn won a platinum award for the best run Quality Inn in the United States. He believes that as long as he is the owner, he will do the right thing.

Chair Griffo stated that he appreciates Mr. Estruch’s comments and asked Mr. Estruch about the Denny’s property and all the orange barrels. Mr. Estruch explained that Denny’s never had an easement through the Quality Inn property and they were supposed to maintain their section of parking and never did. Therefore, Mr. Estruch stated that he took it upon himself to maintain it. Recently, the property lessee has agreed to contribute and the barrels have come down.

Mr. Estruch’s Attorney Jim Coniglio stated that Denny’s owed Mr. Estruch a significant amount of money, as there was a verbal understanding that they would reimburse Mr. Estruch for any costs incurred regarding the parking lot improvements and Mr. Estruch was not reimbursed. Attorney Coniglio stated that Denny’s was being cooperative but the actual landlord was not. However, since then the issue has been resolved as there is a new landlord.

At this time Chair Griffo asked if there were any new comments or concerns.

Mr. Mazzola stated that he is very concerned about the buffer and understands that Mr. Estruch has given his word, but wondered what happens when Mr. Estruch is no longer involved. Mr. Mazzola stated that he would like the provisions written into place so they are guaranteed the buffer is maintained as it is now. Chair Griffo stated that all of the concerns would be taken into consideration.

With no further discussion, D. Woods moved to leave the public hearing open until September 9, 2009 at 4:00PM to accept written comments. C. Kruppner seconded the motion and the motion passed with ayes from all.

5. Aprile Associates – 5 Megan Drive/Fit Club 24/7:

Dawn Aprile appeared before the Board for a proposal for the vacant Ponderosa building at 5 Megan Drive that has been vacant for approximately a year. Frank and Mary Ann Reitano would like to open “Fit Club 24/7” in the location. The fit club will be a full-featured center with aerobics equipment and massage therapy. This would be their second location; the first location is located in Brockport, NY. Brockport’s club has been extremely well received and they believe the same will happen here.

This club is unique in that it is open twenty-four hours a day, seven days a week, 365 days a year. The club will have staffed hours, but it will be available for members anytime of the year whenever they want. Each member will be given key fobs to use to enter the building. Their system is very sophisticated in that there will be cameras focused on the entrance, which they can access from any computer with Internet. There is also a sensor on the door that senses whether or not one or two people enter the building with one fob swipe. Each individual can wear a medallion, which will notify E-911 if there is some type of emergency with the individual. Mr. Reitano stated that their goal is to become apart of the community and promote well-being in the area.

They are looking at a gold or lighter gold color for the exterior of the building, which is different then the beige color it is now. They are thinking about a muted green color with gray undertones for the existing bright green awnings. The Board agreed that Member Richardson could be the liaison with Ms. Aprile and her perspective tenants regarding the final color choice.

Ms. Aprile also explained that their goal is to clean the property up. The former tenants (Ponderosa) land leased the property, which meant they were responsible for all maintenance items related to the building and the property. However, Fit Club 24/7 will be renting from Aprile Associates. Therefore, Aprile Associates will maintain it.

Signage was briefly discussed. Noting that no signage colors had been chosen as of yet as the colors of the building and awning had not been decided upon. They are hoping to erect a sign on the façade of the building, which they understand needs to come before the Board for approval, but believe they have some time as they do not plan to open until December. Mr. Reitano stated that they had also asked about the sign grant program and Secretary Mack had forwarded them the guidelines and application.

Lighting was briefly discussed. And at this time, other then replacing the bulbs, they do not have any plans to replace actual fixtures unless they are broken.

6. Byrne Dairy – Convenient Store with Gas Pumps 39 & 41 East South Street – Site Plan Discussion:

Christian Brunelle, Chief Operating Officer, introduced himself, along with Guy Pitman, Maintenance Manager and Mark Byrne, Vice President of Retail Operations.

Mr. Brunelle presented a site plan design for a convenient store with gas pumps at 39 & 41 East South Street. A topographical map has been prepared but was not available for the Board tonight.

The two properties have a combination of six road cuts currently. Their plan is to eliminate four of the cuts and keep two of them. Some discussion took place regarding the placement of the driveways and it was determined that NYS DOT would have a large impact on where they could be placed. Mr. Brunelle stated that he has placed the driveways based on the turning radius for a tractor-trailer that will deliver the fuel.

Blue spruce trees have been added to the landscaping plan to act as a rear property line buffer. A wood stockade dumpster details will be forthcoming.

The sidewalk placement was discussed, noting that it will be built to Village Code. At this time, the sidewalk has been set within the Byrne property. It was noted that Jason Frazier, the Village Street Superintendent would be contacted regarding the sidewalk placement. The sidewalk from the south to the north side of the property leading to the crosswalk on Center Street is currently next to the curb where there is vehicle parking. It was noted that when the parking lot is plowed, the snow will be plowed onto the sidewalk, therefore it was suggested that the sidewalk be moved away from the curb. The Board wondered about snow removal. Mr. Brunelle stated that in the past if need be, snow has been removed from the property.

It was noted that community friendly lighting is being proposed versus dark sky compliant lighting like the code calls for. The Board stated that the code specifically requires dark sky compliant lighting.

Signage was discussed as presented to the Board this evening. The proposed monument sign is 6' high, double sided, which the code allows for. It was noted that the Board had hoped to see a brick monument sign. The sign does have digital gas prices, which is not allowed by code, even though the Board felt as though this had a much cleaner look than the alternative. The building sign is a wood sign with three gooseneck lights, which will be painted green to match the color of the roof. The Board thought that no digital numbers referred to electronic scrolling signs, but that is not what it says. The Board asked if the white backgrounds on both signs could be toned back some, with perhaps a tan color versus the white, which is currently proposed. It was noted that the other parts of the sign are actually part of Byrne Dairy's logo. The Board asked for what exactly Mr. Brunelle is looking for in regards to his requested variance. Mr. Brunelle stated that he would put a narrative together for the Board.

With no further discussion, S. Richardson moved to grant conceptual approval for a convenient store with gas pumps at 39 & 41 East South Street. C. Kruppner seconded the motion and the motion passed with ayes from all.

The Board inquired about the Wedding Dress/Associated Health driveway access. It was noted that some of their access would be cut off and their dumpster which is currently located on the Byrne Dairy property will need to be relocated. The Board asked if new fuel tanks would be installed. Mr. Brunelle stated that there would be and any others would be removed including any contaminated soil if there is any.

Engineer DeHollander stated that estimated trip generations have been submitted and if DOT is ready to approve the proposed driveways, MRB will not require anything above and beyond that.

7. Meeting Closed:

With no further discussion, D. Woods moved to close the meeting at 9:50PM seconded by C. Kruppner. The motion passed with ayes from all and the meeting was closed.

Aprile S. Mack, Secretary