

Members Present:

Matthew Griffo, Chair
Dori Farthing
Claren Kruppner
Sue Richardson
David Woods

Other Village Representatives Present:

Code Enforcement Officer Ron Maxwell
MRB Group Engineer Scott DeHollander

Applicants Present:

Christian Brunelle, Byrne Dairy proposal
Mark Scoville, 137 Center Street Special Use Permit
Attorney Kevin VanAllen, Scoville Attorney for 137 Center Street proposal

Public Present:

Dan & Judy Scoville
Tom Wilson

1. Meeting Opened:

Acting Chair D. Woods opened the meeting at 4:03PM.

2. Meeting Minutes:

The November 16, 2009 Meeting minutes were reviewed C. Kruppner moved to approve the minutes as presented with second from D. Farthing. The motion passed with ayes from all.

3. Code Enforcement Office Report:

November 2009
7 Building Permits
21 Other Permits

Two of the seven building permits issued were for the Crown Court Plaza, the build outs for the Shoe Dept. and Maurice's. The Shoe Dept. is open; however, Maurice's will not be open until late January, early February. The twenty-one other permits issued were fire inspections mostly restaurants and churches which have to be inspected every year.

S. Richardson asked about the recently noticed dumpster at 38 East South Street, University Cardiovascular Associates. She wondered if the dumpster had always been there and thought that the Village had a law that the dumpster had to be enclosed. CEO Maxwell believed that the dumpster had always been there and perhaps it is just more noticeable now with the construction going on and that the Village does not have a law requiring dumpster enclosures unless it is a new build.

D. Farthing asked about the roof shingles on the Crown Court building on Veteran Drive, she thought that special material was going to be used that resembled shingles, but they appear as though they are the commonly used shingles. CEO Maxwell stated that they are real. The material that resembled shingles only had a guarantee for 15 years, where the real shingles have a longer guarantee. Therefore, the owner requested that change and the Board approved it.

4. Town Planning Board update:

Acting Chair Woods reported that the Town Planning Board meeting is scheduled for tonight at 7:00PM. Most of the items on the agenda have been reported on previously.

1. Site Plan Public Hearing for Final Approval
Geneseo Mini Storage Rentals (three new buildings)
4550 Genesee Street (Genesee Riverfront Properties)
2. Site Plan and Special Use Permit Public Hearing for Final Approval
Morgan Estates Phase II (Peter Bruckel)
3. Two Lot Subdivision Public Hearing for Final Approval
West Lake Road (Estate of Elizabeth A. Gray)
4. Preliminary Approval
Linsner Three Lot Subdivision
Lima Road
5. Concept/Preliminary Approval
Gary Benedict Two-Lot Subdivision
Booher Hill Road
6. Concept Approval
Lakeville Estates Site Plan Phase II

5. 2010 Tentative Planning Board Meeting Schedule:

The Board did not see any problems with the proposed 2010 meeting schedule. It was noted that meeting dates and times are subject to change. S. Richardson moved to approve the schedule as presented with second from C. Kruppner. The motion passed with ayes from all.

6. Mark Scoville – 137 Center Street, Special Use Permit proposal:

Attorney Kevin VanAllen representing Mr. Scoville stated that he believes that the property has been inspected by all that wanted to inspect it and they are aware that the Planning Board will not be acting on the request tonight due to the Livingston County Planning Board meeting being canceled last week due to weather.

Mr. Scoville stated that construction is slated to start on January 15th. He asked if he would be able to start work without the approvals from the Board. Acting Chair Woods stated that he believes that is up to the Board but he does not foresee any problems at this time. S. Richardson wondered if we could approve contingent upon the County's review. Acting Chair Woods stated that the Department of State would say that is illegal. CEO Maxwell noted that the County Planning Board had several applications before them and all of those have also been postponed until January.

Acting Chair Woods opened the Scoville Special Use permit request public hearing at 4:15PM and asked if anyone present wished to address the Board on that application. With no one wishing to address the Board, Acting Chair Woods stated that the public hearing would be left open and the Board would continue with other business.

Attorney VanAllen asked if there was anything else the Board requires at this point. Engineer DeHollander commented that the building was previously operated as a tavern and a letter was forwarded to him from Jason Frazier, Village Superintendent of Streets who does not have any concerns relating to drainage, therefore, MRB Group has not responded to the request. CEO Maxwell commented that he believes they are wondering if they can go ahead and start the renovations if there are no issues. Acting Chair Woods stated that after a couple conversations he has had with County Planning staff, traffic and access at the Center Street/Route 20A intersection would be a concern. Engineer DeHollander asked what specific issues the County had. Acting Chair Woods stated that they are concerned with access to the site in relationship to ingress and egress, keeping it as safe as possible and they want to keep it working well with the Fire Hall parcel.

CEO Maxwell stated that he had spoke with Superintendent of Streets Jason Frazier regarding the placement of the driveway and at this point he wishes to keep the driveway as is because he will not make a decision until the results of the traffic studies are released, he does not want to make the Scoville's change it, if in the near future, they will just have to change it again depending on what the State plans to do with that intersection.

Mr. Scoville stated that he understood this and is aware that the State might want to make improvements to that intersection that might affect this parcel. C. Kruppner stated that he did notice some low spots in the parking lot at the time of his site visit, but Mr. Scoville seemed more than willing to take care of the issue.

Attorney VanAllen argued that the Scoville's are not making any changes to what it has been in the past, they have potential tenants that want to open up as a such and the Scoville's want some reassurance that it will be allowed. The Board understood this, but by law could not act on the request until it has been reviewed at the County level.

Attorney VanAllen asked if they would be able to appear before the Village Planning Board prior to their scheduled January 27th meeting. The Board noted that they could possibly appear at the work session, but Chair Griffio would need to make that decision. Mr. Scoville stated that he is very concerned with all of these hold ups, as his potential tenant wants to get moving with their application for licenses.

7. Byrne Dairy – 39 & 41 East South Street – Site Plan proposal:

At 4:27PM Acting Chair Woods opened the Byrne Dairy Site Plan public hearing. Christian Brunelle, Byrne Dairy Chief Operating Officer distributed revised site plans to the Board, two stamped site plans were distributed to Secretary Mack for the Planning Board file and CEO Maxwell for the Code Enforcement Office file. It was noted that a demolition permit had been issued for the existing building on the site.

Mr. Brunelle proceeded with his presentation. There are currently two parcels with six entrances/exits. They are proposing to combine the parcels and eliminate four of the six entrances/exits. The entrance/exit on Route 20A has been moved to the correct location away from the Route 20A/Center Street intersection per code. A full set of plans has been submitted to the NYS DOT and a NYS DOT Highway permit has been applied for.

A sidewalk is proposed for the southern boundary line, which will cross over the lot to a crosswalk on Center Street. On the northern boundary line, a sidewalk will be constructed from the building to another crosswalk on Center Street, making the lot very accessible. Mr. Brunelle stated that their attorney is working with our attorney regarding easements needed.

The building will be 3,960 square feet in size. The front of the building will have a 10' porch with picnic tables, but there will not be porches on the side, due to setback requirements.

At 4:30PM Chair Griffio arrived.

There will be four pumps with two fueling stations each for a total of eight fueling stations. The canopy will be 45' X 40' in size. The dumpster will have a wooden enclosure and will be painted to match the building. A lighting plan was previously submitted to the Board and all light fixtures are dark sky compliant per code. Parking on the lot meets or exceeds the zoning requirement. A hedgerow of blue spruce trees will be planted on the rear property line that will eventually provide a natural buffer.

On December 1, 2009, *the Zoning Board of Appeals approved a free standing sign of thirty-two (32') square feet [four (4') high x eight (8') feet wide] per side with a total height of six (6') feet from ground level; said sign to have goose neck lighting matching the building roof color and a maximum LED lighting of fifty (50) candlepower of lighting per square foot within the portion of the free standing sign displaying fuel pricing as per the Village of Geneseo Zoning Code as LED lighting is more energy efficient and energy should be saved where possible.*

Approval was also given for one-hundred sixteen (116') square feet of total square foot area of the proposed sign package with the north and south facing canopy signs removed (signs number two (2) and four (4) of the December 01, 2009 presented site plan) rather than the requested overall signage package variance of one-hundred forty-eight (148') square feet.

Chair Griffo asked if the Board any questions or concerns. S. Richardson asked if any lighting was planned for the back of the building. Mr. Brunelle noted that three wall packs will be installed on the rear of the building for safety reasons that will face down and are also dark sky compliant. S. Richardson asked if the building would have a back door. Mr. Brunelle explained that there would not be, but that there would be a door on the side of the building towards the rear of the building for employees only and deliveries.

Chair Griffo asked if there would be any rooftop heating ventilation, air conditioning (HVAC) units on the roof of the building. Mr. Brunelle noted that they would actually be placed on a concrete slab along the rear of the building with their own canopy, which will be attached to the building. Chair Griffo wondered if a special use permit was needed for the onsite food service portion of the convenient store. CEO Maxwell stated that that type of service is considered mercantile and does not require a special use permit, because the number of people who can be served and eat there is below the threshold.

D. Woods was asked about security. Mr. Brunelle stated that they have a state of the art security system. As soon as you enter the building, there will be a TV screen that records you entering, and there are approximately 12-20 tiny security cameras will be installed in the ceiling tiles and a panic button will be installed under the counter. The store will be open 24 hours a day; therefore, it is important to have these types of security features. Mr. Brunelle stated that he could access these cameras at his main office in Syracuse through their computer system and that any alarms will go directly to a security company that will in turn contact the local 911 center.

The Board wondered when they hoped to break ground. Mr. Brunelle stated that as soon as he can he would have a shovel in the ground. He hopes to be open by spring if not sooner. The Board asked if local contractors would be used for construction. Mr. Brunelle stated that he will try to use local contractors, but most of the time they use Fingerlakes Construction Company.

Chair Griffo asked if there were any questions or comments from the public. Mr. Dan Scoville stated that he owns the property to the rear of this parcel. He wonders if the back property line has been established. Mr. Brunelle stated that he believes that pins were put in, but he will double check on this for him. Mr. Scoville commented that this proposal is a good thing and it is better then what is there now.

The Board inquired about the digging going on at the site currently. Mr. Brunelle noted that some remediation is taking place, as some hot spots were found when the ground was tested. CEO Maxwell asked if the DEC reports regarding the hot spots could be sent to his office for the file. The Board asked if all debris would be removed from the site when demolition takes place on the existing building. Mr. Brunelle stated that yes all debris would be removed.

Engineer DeHollander stated that there were a couple comments from today's letter he would like the Board to be aware of. Engineer DeHollander noted that the specified blue spruce buffer plantings proposed have a mature height of 60' and a spread of 20'-25', and the Board might want to consider a dwarf species, which will better suite the buffer area for this application. Mr. Brunelle did not have a problem with this, as long as the exact name of the dwarf species was forwarded to him.

Engineer DeHollander noted that a minor adjustment has been made to the lighting plan, therefore an updated photometric plan should be submitted and a signature block should be added to the Mylar set of plans.

The Board and CEO Maxwell agreed that no building permit would be issued until the site plan was signed, but the building plans could be submitted to the Code Office for review at any time.

With no further questions, C. Kruppner moved to close the Byrne Dairy public hearing at 4:56PM with second from D. Farthing and the motion passed with ayes from all.

8. Mark Scoville – 137 Center Street, Special Use Permit proposal continuation:

Attorney VanAllen addressed the Board asking Chair Griffo if the Board would consider placing Mr. Scoville on their Work Session agenda for January 20, 2010.

Chair Griffo did not have a problem with this. Mr. Scoville thanked the Board and wondered if anyone had heard from the County. The Board suggested that Mr. Scoville or Attorney VanAllen contact the Planning Department and inquire about the staff reports.

With no further discussion, D. Woods moved to close the Scoville Special Use permit request public hearing at 4:59pm with second from D. Farthing. The motion passed with ayes from all.

9. Byrne Dairy – 39 & 41 East South Street – Site Plan proposal continuation:

With no further discussion, the Board reviewed the State Environmental Quality Review Act short form for the Byrne Dairy proposal. D. Farthing moved to grant Byrne Dairy a negative declaration. C. Kruppner seconded the motion and the motion passed with ayes from all.

With no further discussion, D. Woods moved to grant preliminary and final site plan approval to Byrne Dairy contingent upon all comments from MRB Group's September 21, 2009 and December 14, 2009 letters being satisfied. C. Kruppner seconded the motion and the motion passed with ayes from all.

10. Code Enforcement Office:

CEO Maxwell stated many Tim Horton's around the country are also becoming Cold Stone Creamery's. CEO Maxwell wondered if he could issue a sign permit for Tim Horton's to add the Cold Stone Creamery sign, noting that they do not plan to change the size at all and the Cold Stone Creamery sign is like color to that of Tim Horton's. Chair Griffo believed that the Board should review the changes. Further discussion followed. It was agreed that more details were needed to make a decision.

11. Meeting Closed:

D. Farthing moved to close the meeting at 5:42PM with second from S. Richardson. The motion passed with ayes from all.

Aprile S. Mack, Secretary