

Members Present:

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

Other Village Representatives Present:

Code Enforcement Officer Ron Maxwell
Code Enforcement Officer Dean O'Keefe
MRB | group Engineer Scott DeHollander

Applicants Present:

Dawn Aprile, Aprile Associates, ESL Federal Credit Union
Joseph Burkhart, NPV, Inc., ESL Federal Credit Union
John Stapleton, Marathon Engineering, ESL Federal Credit Union
Mark Scoville, 42 Court LLC
Kevin VanAllen, Attorney, 42 Court LLC
Corrin Strong, 4-Lot Subdivision, Avon Road

Public Present:

Dave Smith, Courtside Apartments
Michael Willey, Courtside Apartments
Amy Carpenter, 17 Avon Road
George Stocks, SUNY Geneseo

1. Meeting Opened:

Chair Griffo opened the meeting at 4:02PM.

2. Code Enforcement Office:

March 2010

Building Permit(s)	7
Zoning/Sign Permit(s)	1
Fire & Maintenance Inspections	6
Rental Housing Permit(s)/Inspection(s)	12

CEO Maxwell commented that Byrne Dairy is almost ready to open and he noted that CEO O'Keefe has done most of the inspections. CEO O'Keefe stated that the contractors cooperated well with any requests he had.

MRB Group Engineer Scott DeHollander stated that at other Byrne Dairy locations he has seen them set up outdoor sales areas for outdoor furniture, swing sets etc... CEO Maxwell stated that if he or CEO O'Keefe notices anything like this, they would inform the onsite manager that they will need to appear before the Planning Board for site plan modification. CEO Maxwell also noted that when the Certificate of Occupancy is issued, it would be issued for the building only with a statement of no outside sales.

Regarding the Church of Jesus Christ of Latter Day Saints issues still outstanding, Engineer DeHollander stated that he had received a letter from Passage Engineering that the church has had some contact with NYS DOT and might be able to connect into their underdrain. Engineer DeHollander is guessing it will have to be a pump station type of situation. CEO Maxwell stated that the temporary Certificate of Occupancy expires sometime in May.

CEO O'Keefe stated that he had received a phone call from ABVI Goodwill representatives and before they start any interior work, National Realty has hired a contractor to remove some asbestos within the walls. The National Realty contractor should only be in there for approximately a week and then ABVI Goodwill contractors will start their work.

S. Richardson asked about the building permit issued to Palace Properties for 3 Center Street. Chair Griffo as previous owner, stated that the building has been sold to Palace Properties. They are renovating the upstairs for apartments, while he is retaining his space for another five years and Mary Mohan will be renting the other small storefront.

3. Town Planning Board Update – David Woods:

At the April 12, 2010 regular Town Planning Board meeting, the Board held a public hearing for Final Approval of Phase II of Lakeville Estates. Final approval for Phase II of Lakeville Estates was granted at the Planning Board work session on April 26, 2010.

A stop work order had been issued for the new apartment buildings at Morgan Estates because there were some issues with changes and non-compliance to the stormwater management plan. However, at this time, the stop work has been lifted with a lot of conditions and timetables that need to be met.

4. 42 Court Street, LLC – Site Plan Review – 2 Story/8 Unit Apartment building:

Mark Scoville stated that there has been some delay in getting a revised set of plans from his engineer and he is not sure when they will be available, but understands that no decisions can be made tonight.

The Livingston County Planning Board at their April 8, 2010 meeting disapproved the site plan due to the following reasons:

1. Potential lack of adequate emergency and fire vehicle access on the property presents a public health, safety and welfare concern.
2. There is a lack of adequate green space, which affects the neighborhood character.

The County Planning Board also had several advisory comments.

CEO O'Keefe stated that he had spoken to Mr. Scoville briefly and at this time it appears that a garage is going to be demolished, therefore a area variance will not be needed for the side yard setback. Also, as far as the Code Office is concerned, all NYS Fire Codes are being met.

It was noted that the Planning Board would only be able to approve the plan on a super majority vote (4 to 1) or they could resubmit the updated plan to the County Planning Board.

At 4:31pm Chair Griffo opened the 42 Court Street LLC Public Hearing.

Chair Griffo asked if the Board had any questions or comments. They did not; therefore Chair Griffo asked if the public had any. David Smith, owner of Courtside Apartments appeared before the Board in regards to a commercial grade fence he would like placed between the Scoville property and Courtside Apartments property to cut down on foot traffic. Chair Griffo asked if Courtside Apartments was willing to share in the cost of this fence. Mr. Smith stated that he was not. Mr. Scoville commented that where Mr. Smith would like a fence is nowhere near where his new building is proposed. However, Mr. Scoville stated that he is willing to erect a fence at the back of the property facing the Meadows. Further discussion took place between Mr. Scoville and Mr. Smith and it was

agreed that they would both seek out estimates for a fence and Mr. Smith stated that they would help pay for approximately 200' of fence.

With no further questions or comments, Chair Griffo stated that the public hearing would be left open until approximately 5:00pm, while the Board proceeds with their other agenda items.

5. Aprile Associates/ESL Federal Credit Union – Subdivision & Site Plan:

Joe Burkhart, NPV, appeared before the Board representing ESL. In regards to the proposed electric for the ESL project, at this time, they are proposing to come off an existing pole near Tim Horton's and Route 20A and go underground from there to a pad on their site. The Board did not have a problem with this.

C. Kruppner stated that the sidewalk committee would like to see at least a sidewalk easement on the east side of Ryan Drive for a possible sidewalk in the future.

Ms. Aprile stated that she believes if a sidewalk was erected on the east side of Ryan Drive, it would be placed in the existing right-of-way and there would not be a need for an easement.

Chair Griffo asked what the other concerns were in relationship to the ROW as discussed at the work session. Engineer DeHollander stated that landscaping, hydrant(s), and lampposts were the major concern. Ms. Aprile stated that this was evidence that a sidewalk easement was not intended for the east side of Ryan Drive. CEO Maxwell stated that he remembers the Planning Board having a lengthy discussion on sidewalks and whether or not one was needed on the east side of Ryan Drive and they determined that it was not and one would not be needed in the future.

At 4:45pm Chair Griffo opened the ESL/Aprile Associates Public Hearing.

Engineer DeHollander commented that it does appear that the west side of Ryan Drive was less congested than the east side and that a sidewalk on the west side was more feasible within the ROW but not necessarily on the East side.

Ms. Aprile felt as though if the Planning Board was requesting a sidewalk easement from Aprile Associates on the east side of Ryan Drive, this was rescinding the original approvals given. Engineer DeHollander stated that as a new project before the Board, he believes that the Board has a right to ask for one. D. Farthing stated that she believes that sidewalks throughout the entire Village are very desirable. CEO Maxwell believes that the Village would have required a larger ROW if a sidewalk was ever thought about for the east side of Ryan Drive.

C. Kruppner stated that since the original approval was given, the Village has been extending their sidewalk system and this area is one area where they believe sidewalks are needed. Ms. Aprile stated that sidewalks in front of the office building at 2 Ryan Drive on Lakeville Road going up to Volunteer Road has been discussed at length in the past and it was determined that it was not practical because of the steep grade.

D. Woods stated that he believes that the Planning Board and Sidewalk Committee believes that there is a substantial need for sidewalks on both sides of all Village streets. He also stated that one municipal board does not have the ability to make a decision for future Boards. D. Woods stated that reading through the SEQRA material that was provided to him, he did not find any reference to discussion on sidewalks. He suggested that Attorney Reynolds be consulted on this matter.

Further discussion followed and Ms. Aprile wondered if the Board would consider moving forward with final approval if she agreed to either prove why there was only supposed to be a sidewalk on the west side of the street with no intention for a sidewalk on

the east side of the street or prove there is enough room in the ROW for one and if she can not prove either one of those scenario's, she will agree to provide an easement.

Before closing the public hearing for 42 Court Street LLC, Chair Griffo asked if there were any other comments or questions. Hearing none, S. Richardson moved to close the public hearing at 5:08pm with second from D. Farthing. The motion passed with ayes from all.

D. Woods stated that he did not think that the Planning Board could give subdivision approval if the easement was not on the subdivision map that would be filed with the County. Ms. Aprile thought that she could just file a legal description of the easement if one was needed. D. Woods stated that he is uncomfortable with an easement being added as a legal description at a later date.

Chair Griffo stated that he believes at this time the best thing to do would be to postpone granting final approval while the Planning Board investigates what was approved in the past and why. Engineer DeHollander stated that the Board and applicant should keep in mind that the zoning has changed from when the original subdivision and site plan approval was given for the Wal*Mart Supercenter project. The current zoning states that sidewalks should be installed on both sides of the street. D. Farthing did not feel comfortable granting final approval even if the sidewalk would fit within the ROW knowing that the landscaping plan may have to be adjusted to fit the sidewalk in that ROW.

S. Richardson asked about the rooftop units and the view from Veteran Drive. Mr. Burkhart distributed the "camera" view from Veteran Drive. He explained that the rooftop units are low profile units that are approximately six inches taller than the rooftop, but they are willing to screen them. The Board wondered if the roof sides could be raised some to hide the units. Ms. Aprile stated that height deed restrictions must be approved by Wal*Mart therefore, they do not want to have to go back to Wal*Mart to ask for a change in what they already approved. CEO Maxwell suggested that perhaps the units could be painted to blend in.

S. Richardson stated that she would like to see the units on the ground and screened like GVTA and Byrne Dairy and the Shoe Dept./Maurice's have done. Mr. Burkhart stated that if they were to do this, they would have to redesign their building. Ms. Aprile commented that if they are only slightly visible isn't that better than seeing the entire units on the ground. S. Richardson stated that she could agree to the units being painted to match keeping in mind that there is a tree line on the east side of the property. D. Farthing stated that the units would have to be maintained and kept painted.

Before closing the public hearing for Aprile Associates/ESL, Chair Griffo asked if there were any other comments or questions. Hearing none, C. Kruppner moved to close the public hearing at 5:25pm with second from S. Richardson. The motion passed with ayes from all.

Engineer DeHollander continued by asking about the separation distance between the two driveways that did not meet Code. Mr. Stapleton stated that they have been adjusted to meet Code. Mr. Stapleton stated that the landscape has been revised per the Zoning Code, however, he noted that the existing trees/bushes did not match that of what is required by Code. The Board did not have a problem with this. Engineer DeHollander stated that he had reviewed the revised plan and all the requirements of the Zoning Code have been met.

D. Woods stated that SEQRA is still an issue. He stated that he had been supplied with the original SEQRA completed for the entire area when the Wal*Mart Supercenter was

built and he believes that the Planning Board can clearly rely on it, but suggests that a short form be reviewed for this specific project keeping the original SEQRA in mind.

At this time, the SEQRA short form was reviewed. With no further discussion, D. Woods moved that the ESL project will not result in any large and important impact(s) and therefore, is one, which will not have a significant impact on the environment, therefore a Negative Declaration should be granted. C. Kruppner seconded the motion and the motion passed with ayes from all.

D. Woods wanted to mention that he has seen the parcel referred to as 4 Ryan Drive, however a number has not been assigned to the parcel. The Local Addressing Officials (Code Enforcement Officers) will assign a number but it probably will not be 4.

At this time, Ms. Aprile spoke up and reluctantly agreed to granting the Village a 10' easement from Aprile Associates for a future sidewalk on the ESL parcel only.

D. Woods stated that an easement was one condition, but separate from that who would install and pay for the sidewalk. Ms. Aprile stated that she agrees to the easement only and the applicant will not install the sidewalk at this time. S. Richardson asked about the subdivided out parcel that Aprile Associates would be retaining. D. Woods noted that when that site is developed, a sidewalk or sidewalk easement would be discussed then.

With no further discussion, D. Woods moved to grant final subdivision approval for a two-lot subdivision to Aprile Associates subject to them providing the Village a 10' easement for the possibility of a future sidewalk on the ESL parcel. D. Farthing seconded the motion. There was no further discussion and the motion passed with ayes from all.

With no further discussion, D. Woods moved to approval final site plan approval for ESL on Ryan Drive, noting that the electric will be fed underground from Route 20A north to a pad on the ESL parcel and that the roof top units and roof access door will be painted to match the E.F.I.S. color. D. Farthing seconded the motion with no further discussion, the motion passed with ayes from all.

6. Corrin Strong – Four Lot Subdivision – 13 Avon Road:

Mr. Strong stated that he wishes to subdivide the gatehouse parcel into four lots. Lot #1 and Lot #2 will be new building lots for single-family homes, Lot #3 will be the gatehouse lot and Lot #4 will be the remainder of land. At the last Planning Board meeting, he had proposed a road between Lot #1 and Lot #2, however he is abandoning that for a proposed cul-de-sac public street, which is proposed as Phase II of this subdivision. Lot #1 and Lot #2 have also been enlarged from the last plan before the Board.

D. Woods asked if all utilities would be from Avon Road. Mr. Strong stated that they would be. Mr. Strong also stated that NYS DOT has requested at least a 5' separation between driveways. Mr. Strong stated that he does not have any plans to build these houses; he is just planning on selling them, therefore the new owners will have to obtain their own NYS DOT ROW permit for a road cut. S. Richardson asked for the distance between the edge of the road and the iron fence. Mr. Strong stated that it is approximately 21'. S. Richardson asked if any deed restrictions would be in place to maintain the iron fence. Mr. Strong stated that there would be a number of deed restrictions for the two new building lots. Engineer DeHollander reminded the Mr. Strong and the Board that these deed restrictions would need to be placed on the subdivision map prior to it being filed. CEO Maxwell reminded the Board that the Code Enforcement Office couldn't enforce deed restrictions. Mr. Strong stated that at least two deed restrictions would be that the wooded area be maintained as such and that the iron fence is not to be removed except where the driveway will be placed.

Mr. Strong stated that he had received Engineer DeHollander's letter, but was confused as to why he would want the finished floor elevations for Lots #1 and #2 as they are just building lots, no houses are planned at this time.

S. Richardson asked if the Board had enough information to grant final approval. D. Woods stated that the Board could probably vote on preliminary approval and schedule a public hearing for next month, but he does not believe that a short form SEQRA would work for a parcel that is within the Historic District. He believes that a long form is required and the Planning Board is obligated to go through coordinated review requesting Lead Agency status. D. Woods suggested that Mr. Strong contact SHPO (NYS Office of Parks, Recreation & Historic Preservation) regarding his request for a subdivision of a historical parcel as soon as possible as it may take them a longer time to respond than some other involved/interested agencies. CEO Maxwell asked if an archeological dig would need to be done. D. Woods stated that SHPO would probably request one.

Mr. Strong wondered if the Board required a long EAF form for all actions within the historic district. Chair Griffo stated that the Board does if they are compelled to. D. Woods stated that he would not be comfortable with a short form. Mr. Strong asked if the Board would be able to proceed with a public hearing. The Board believed that they would be able to proceed with a public hearing next month and agreed to set the public hearing for 4:30pm on Wednesday, May 26th. D. Farthing stated that she would like to review the proposed deed restrictions prior to that meeting. Mr. Strong did not have a problem with this.

Mr. Strong asked if the specs for the driveway construction for the farm market that he had submitted was what the Board and Engineer DeHollander were looking for. Engineer DeHollander stated that he did not receive a spec for the driveway. Therefore, a Planning Board member gave Engineer DeHollander theirs. Engineer DeHollander stated that he would review the spec as soon as possible and get back to Mr. Strong and the Board.

Mr. Strong asked about the sign for the farm market. As the farm market is not within an Agricultural District and the proposed sign did not meet zoning requirements, Mr. Strong would need to apply to the Zoning Board of Appeals for an area variance.

7. Meeting Closed:

With no further discussion, D. Farthing moved to close the meeting at 6:45PM with second from C. Kruppner. The motion passed with ayes from all.

Aprile S. Mack, Secretary