

**Members Present:**

Matthew Griffo  
Sue Richardson  
David Woods  
Claren Kruppner

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell  
MRB Group Engineer Scott DeHollander

**Applicants Present:**

Attorney Kevin VanAllen, representing:

Corrin Strong – Hartford House Subdivision Phase II

And

42 Court LLC – Mark Scoville & Larry Scoville

Larry Scoville – 42 Court LLC – Apartment Building Site Plan

Mark Scoville – 42 Court LLC – Apartment Building Site Plan

Robert Topping – Topping Engineering – 42 Court LLC – Apartment Building Site Plan

Ronald Fix – Wilson Farms

Marcus Knoll – TRM Architect – Wilson Farms

Dale Ryan – Design Plus, Inc. – KFC/Taco Bell

**Public Present:**

Colby Wright – Livonia Boy Scouts Troop 174

Bonnie Wright – Livonia Boy Scouts Troop 174

**1. Meeting Opened:**

Chair Griffo opened the meeting at 4:00PM.

**2. Meeting Minutes:**

The June 23, 2010 meeting minutes were reviewed. C. Kruppner moved to approve the minutes as presented. S. Richardson seconded the motion. The motion passed with ayes from D. Woods, C. Kruppner and S. Richardson. M. Griffo abstained, as he was not present at the June 23<sup>rd</sup> meeting.

**3. Code Enforcement Office Report:**

**June 2010**

Building Permits	10
Rental Housing Inspections	5
Zoning/Sign Permits	5

CEO Maxwell stated that the Hampton Inn hopes to break ground any day. DEC has approved their plan and site work will begin first. The Village Board Approved a Letter of Credit for the Hampton Inn project on July 26<sup>th</sup> pending approval from Village Attorney Reynolds. CEO Maxwell noted that a pre-construction meeting would be held soon. C. Kruppner was interested in attending and the Board did not have an issue with this, therefore CEO Maxwell will forward the info to C. Kruppner as soon as he is made aware of it.

D. Woods asked if Mr. Estruch had applied for the sign variances for the Hampton Inn project. CEO Maxwell stated that he had talked with Jim Olverd, Kircher Construction regarding this and he advised that they would probably apply for those after the start of the new year.

D. Woods noted that the Zoning Board of Appeals had sent the Planning Board a letter dated June 18<sup>th</sup> requesting the Planning Board to review sign design before sending the request for variance to them. This would allow the Zoning Board to reach a determination and eliminate the need to send the applicant back to the Planning Board. D. Woods did not think the Planning Board could legally do this. Chair Griffo stated that he would contact Attorney Reynolds regarding this matter.

CEO Maxwell stated that the ESL building on Ryan Drive is being framed and the project is moving right along. Chair Griffo asked about the electric for the ESL site as last time he heard ESL was just going to do their own electric but property owner (ESL land leases the property) Aprile Associates was looking for a regional solution. Chair Griffo continued by stating that this issue is an ESL and Aprile Associates issue that they need to work out. CEO Maxwell stated that he believes a regional solution should be found and if a transformer needs to be set, it can always be screened and once the high voltage is underground and a new project needs to hook into it, they would only need to switch out the transformer not the underground utility. Chair Griffo explained that power companies do not think into the future and as long as the electric is underground it is not a concern of the Village's.

C. Kruppner wondered if the Planning Board should write a letter directly to National Grid regarding this matter. Chair Griffo stated that he did not think this was necessary, as he has had direct communication with National Grid regarding this matter. S. Richardson also noted that per the approved Village Board minutes recently emailed out, this matter was discussed at the July 12, 2010 Village Board meeting.

Chair Griffo asked CEO Maxwell for an update on the Rental Housing Law, which states that all rental housing in the Village needs to be registered and inspected. CEO Maxwell stated that he and CEO O'Keefe are still in the process of completing inspections and they are having trouble with some landlords complying with the law.

CEO Maxwell continued with his report noting that he has been in the Town of Groveland completing several inspections for the 46,000 square foot Livingston-Wyoming ARC building at Hampton Corners.

The storm water management pond in front of Pond Side Plaza on Lakeville Road at Morgan View Road is being made deeper with a four-foot ledge to comply with Phase II Storm Water Management requirements for the additional apartment buildings Peter Bruckel is constructing at Morgan View Estates on Clearview Drive in the Town of Geneseo.

#### **4. Town of Geneseo Planning Board Update:**

D. Woods reported that at the June 28<sup>th</sup> Town Planning Board meeting, the following three minor subdivisions were approved:

1. McClellan two lot subdivision – 5230 Reservoir Road
2. Town of Geneseo two lot subdivision – Warner Road

3. Tuchrello two lot subdivision – 4789 Lakeville Road

D. Woods reported that he was asked to sit on the newly formed Village Steering Committee regarding grants available to Main Street property owners and business owners to improve their façades and signs. This program is a program the Village has financially contributed to and is working with the Livingston County Development Corporation on. At this time, the committee has been asked to draft guidelines for the program. An architect from Perry is working with the committee. At this time, the committee wants to make sure that the program guidelines do not conflict with the Village's new zoning that is in place and is taking into consideration the Planning Board's recommended changes to the current Village sign grant program.

D. Woods stated that one item that is still out on the table is whether or not an applicant will be allowed to apply for and receive a sign grant from both the Village and County programs, noting that both are intended as matching grants and perhaps the Planning Board might want to discuss this.

D. Woods stated that the County had proposed Main Street boundaries but they did not exactly match that of the Village's Mixed Use MU-1 Zoning District therefore, it was suggested that it should match and the committee did not seem to have a problem with this.

**5. Sugarcreek to Wilson Farms Addition/Facelift – 137 Main Street:**

Ronald Fix from Wilson Farms and Marcus Knoll from TRM Architects appeared before the Board for an addition and facelift to the Sugarcreek into a Wilson Farms at 137 Main Street.

Mr. Knoll stated that they are looking to put an 11' addition on the north side of the building and pick up the existing gable to make it uniform, as presented in the drawing. The vinyl would be replaced with dryvit and would be red in color.

A new sign is being proposed. The current sign is 48 square feet and the new sign is proposed at 38 square feet. The sign would consist of individual backlit letters and no additional lighting is being proposed for the site. Chair Griffo asked if the letters would be internally lit. Mr. Knoll stated that they would be with LED lights. Chair Griffo asked Mr. Knoll if he was aware that backlit signs were nonconforming. Mr. Knoll stated that the sign size is being reduced from what it currently is. Chair Griffo suggested that Mr. Knoll look at the Fit Club 24/7 that has light behind it instead of internal light. Chair Griffo also stated that he would like to see the freestanding pole sign at the street lowered to a monument type sign.

D. Woods asked if there was enough room for an 11' foot addition on the north side of the building. Mr. Knoll explained that there was and that per Village Zoning, there is no side setback requirement. Chair Griffo asked if the hedges along the north side of the building would be removed for the addition. Mr. Knoll stated that there are no plans to alter the landscaping in any way, but there will be some loss of grass on that side of the building.

D. Woods asked if there would be any additional parking spaces added. Mr. Fix stated that there are no plans to alter the remainder of the site in any way. He explained that because of where the fueling island is located, it is hard to add any additional parking.

Chair Griffio asked if Mr. Fix could possibly do something about the Livingston Area Transportation Systems (LATS) buses that stage in the parking lot. Chair Griffio stated that he understands if they are customers, but if they are just standing there that is another issue. Mr. Fix stated that he would look into this matter further.

Chair Griffio stated that the Planning Board has been encouraging wooden dumpster enclosures when there is any type of a change to a site for safety and aesthetic reasons. Mr. Fix and Mr. Knoll did not seem to have a problem with enclosing the dumpster.

S. Richardson asked about the satellite dishes on top of the building. Mr. Fix stated that they are used in conjunction with the NYS Lottery terminals. S. Richardson wondered if they could be removed or placed elsewhere on the roof to hide them. Mr. Fix did not have a problem with trying to place them elsewhere on the roof to try to hide them as long as they still worked properly. It was suggested they be placed behind the peak of the roof on the northeast corner of the building.

Chair Griffio asked if the inside layout of the store would be changed. Mr. Fix stated that they would be changing the entire look of the store inside and out. The Board wondered if any work was planned for the bathrooms. Mr. Fix stated that there wasn't. Chair Griffio asked what the construction schedule was. Mr. Fix stated that they would like to start work as soon as humanly possible but understands that approval from this Board is needed first.

At this time, the MRB Group letter from Scott DeHollander dated July 26, 2010 was reviewed. Mr. Knoll stated that their surveyor is working on some of the items Mr. DeHollander asked about and they will be forwarded to him and the Village as soon as they are completed. All other comments have been discussed during this meeting.

D. Woods asked if a public hearing would be needed. The Board briefly discussed this and agreed that one was not necessary. Therefore, S. Richardson moved to waive a site plan public hearing for the Wilson Farms addition/facelift with second from D. Woods. The motion passed with ayes from all.

At this time, the State Environmental Quality Review (SEQR) form was reviewed. S. Richardson moved to grant Wilson Farms a negative declaration for their addition at 137 Main Street. C. Kruppner seconded the motion and the motion passed with ayes from all.

With no further discussion, D. Woods moved to approve preliminary and final approval for a 320 square foot addition to the Wilson Farms building at 137 Main Street, to include façade color and design change, wooden dumpster enclosure, relocation of satellite dishes to a view less obtrusive, and satisfaction of MRB Group Engineer DeHollander's comments from July 26<sup>th</sup>. The motion passed with ayes from all.

#### **6. KFC/Taco Bell – Façade change request - 4200 Lakeville Road:**

Dale Ryan, Designplus Architects Inc. appeared on behalf of the owners of KFC/Taco Bell. Mr. Ryan stated that the owner is under contract to remodel the entire restaurant in and out or face losing it. It is one building with two different restaurants in it. The goal is to separate the two businesses out but still house them under one roof. The hope is to paint the building two different colors, red paint would be used to represent KFC and orange would be used to represent Taco Bell. Grey paint would be used on the outside of the building to separate the two. The Board agreed that the colors appear to be earth tone colors as the Village prefers.

The exterior shape of the building would basically be the same, except the parapet would be knocked out slightly and the windows and doors would be reworked to get the feel of two towers at the front of the building to represent the two different restaurants. Chair Griffo asked if this would change the footprint of the building. Mr. Ryan explained that with the Taco Bell portion, they are proposing to put an arch in which could only happen if the footprint changes approximately 6-8" in that area.

At this time, signage was discussed and Chair Griffo inquired about the Taco Bell "bell" and wondered if it was a logo and whether or not calculations had been done on the requested signage. Mr. Ryan stated that he had not yet done any calculations as he was waiting to receive feedback from this Board.

Chair Griffo wondered if there was a proposal to remove the freestanding sign. Mr. Ryan stated that there was not. Chair Griffo stated that he personally does not like the freestanding sign and believes the proposed changes are dramatic enough that the freestanding sign could be removed. Chair Griffo continued by stating that Route 20A is very cluttered and there is public concern to get it less cluttered and get it cleaned up and this would be a start. Mr. Ryan stated that he would take all of this information back to the owner.

Mr. Ryan asked about the Planning Board process because his company is located out of Louisville, Kentucky and any concerns or requests the Planning Board has he can not act upon until discussing them with the owner. Chair Griffo explained that the process involves sketch plan approval, preliminary approval, SEQR approval and final approval, which will probably also involve a public hearing. Mr. Ryan stated that the owner had hoped the process would not be that long as the store is due to close on January 1, 2011 if no improvements have been made. Chair Griffo explained that at this time one thing the Board is looking for is the actual pantone measuring system colors that are proposed.

D. Woods stated that the larger than life Coronal Sanders logo is not aesthetically pleasing. CEO Maxwell and Secretary Mack noted that the signage along with the freestanding sign might have received a variance, so the amount of square footage allowed might be based on that variance. Secretary Mack will look that information up and forward it to the Board and Code Office along with Mr. Ryan. Chair Griffo however reminded Mr. Ryan that design approval is actually up to the Planning Board.

Chair Griffo asked Mr. Ryan if he was aware if any other changes were proposed for the lot, including landscaping and parking lot. Mr. Ryan stated that he was not aware of any. D. Woods stated that about a year and a half ago major zoning updates were approved and they have instituted an access management overlay district, which might include this parcel and the need for an interconnection to an adjacent parking lot. Engineer DeHollander stated that he would have to review the Code further to see if this parcel would fit that requirement.

With no further discussion, C. Kruppner moved to approve sketch plan approval for the proposed exterior changes to the KFC/Taco Bell restaurant at 4200 Lakeville Road. S. Richardson seconded the motion and the motion passed with ayes from all.

## **7. Hartford House Subdivision – Phase II / Corrin Strong – 4 Lots:**

Attorney Kevin VanAllen representing Corrin Strong appeared before the Board for final approval of the four-lot Hartford House Subdivision – Phase II. Attorney

VanAllen stated that the deed restriction regarding lawn maintenance as discussed at the last Planning Board meeting have been added.

D. Woods noted that the current plan before the Board is not labeled as the Hartford House Subdivision Phase II as agreed up by this Board and Mr. Strong and listed on the Environmental Assessment Form that the Negative Declaration has already gone to NYS for. It was agreed that since the Negative Declaration had already been granted under Hartford House Subdivision Phase II and sent to the State, that is how the map should be labeled.

D. Woods also noted that the approval when given would include those items as mentioned in the May 25, 2010 letter from the New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau.

Secretary Mack noted that per Section 130-100 P. (3) of the Village Zoning Code, the applicant shall be billed for all additional costs incurred by the Planning Board or its agents and final plat approval shall not be given until all fees assessed prior have been paid in full. It was also noted that Mr. Strong has not yet paid any of these engineering fees, which at this time equal \$2199.00. Attorney VanAllen confirmed with Mr. Strong via telephone that these fees have not yet been paid.

It was noted that the Planning Board had received a fax from Attorney Reynolds regarding the Declaration of Uniform Plan and Restrictions as proposed by Mr. Strong. His comments are as follows” *“It seems that the “right to farm” section’s last sentence really is a “right to farm” notice, rather than a deed restriction because Corrin is the farmer; any prospective purchasers of lots 1, 2 and 3 are not. Under the enforcement section, I suggest it state that Corrin and his successors in interest, as well as any owners of lots 1.2 and 3 have the right to seek enforcement of a violation of the restrictions.”* Attorney VanAllen stated that in reading Attorney Reynolds fax, he does not believe Mr. Strong would have an issue with this.

#### **8. 42 Court LLC – Apartment Building – Mark Scoville/Larry Scoville:**

The Board was presented with a note from DPW Superintendent Jason Frazier regarding storm water discharge from 42 Court Street and water service for the site. The note states that Mr. Frazier does not have an existing problem with the 12” storm drain however, Engineer DeHollander wanted to clarify this with Mr. Frazier as soon as possible, therefore left the meeting to try to contact him via telephone as he is concerned (per comment #13 from the MRB Group letter dated July 26<sup>th</sup>) that the runoff coefficients for the developed parcels have been underestimated. The Applicants Engineer should provide these data sheets for review. By MRB calculations, the developed runoff coefficient for area two may be as high as .80 in lieu of the estimated .57 included in the report. This will impact the capacity analysis of the receiving system. Further, the existing site plan (sheet 2) indicates that there is tributary drainage from the adjacent eastern properties (Courtside), which cannot be confirmed to be included in the drainage calculations provided.

It was noted that comments 1-12 of the MRB Group letter dated July 26, 2010 are fairly technical in nature.

Chair Griffo asked how the applicant could comply with MRB comment #13. Engineer DeHollander explained that the engineer could modify his report per the Village’s Design Criteria. Mr. Topping commented that MRB uses a higher calculation chart then he does and handed Engineer DeHollander a letter with today’s date.

Mr. Mark Scoville commented that the stormwater from Courtside Apartments dumps onto their property and wonders why they are the ones that need to clean it up. He also asked why DPW Superintendent's Jason Frazier's memo is not being taken into consideration.

Engineer DeHollander stated that the project is not subject to the SWPPP stormwater requirements to provide a pond. However, due to undetermined capacity issues in the 12-inch pipe additional calculations are necessary. If a capacity problem is found then the small swale proposed along the west property line could be utilized as storage to mitigate the pipe capacity.

With no further discussion, C. Kruppner moved to grant 42 Court LLC preliminary approval for a two-story eight-unit apartment building. D. Woods seconded the motion and the motion passed with ayes from all.

Attorney VanAllen asked if the Board was in a position to do SEQRA. The Board agreed that with outstanding issues regarding stormwater management, they would not be reviewing SEQR, but would do so prior to final approval.

Larry Scoville stated that Courtside Apartments has been dumping their stormwater onto the 42 Court LLC property for years and he has complained to the Village with no relief. Mark Scoville stated that the stormwater from their entire parking lot drains through the property at 42 Court. The Scoville's asked once again what the Village could do to help them solve this issue or was it a matter that they have to peruse. Chair Griffo stated that he would contact Village Attorney Tom Reynolds regarding this matter and get back to them.

#### **9. University Hots – 114 Main Street:**

CEO Maxwell stated that Steve Vasile plans to open a restaurant at 114 Main Street – University Hots. However, a special use permit is required. Therefore, the Board set a public hearing for University Hots for 4:30pm on August 25, 2010.

#### **10. 6 Wadsworth Street – Tax Auction:**

CEO Maxwell stated that 6 Wadsworth Street has been listed on the list of properties that will be being sold at auction because of delinquent taxes. CEO Maxwell also stated that the building is a red tagged condemned building within the Village.

#### **11. Meeting Closed:**

S. Richardson moved to close the meeting at 6:43pm. C. Kruppner seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary