Village of Geneseo
Planning Board

March 23, 2011
Regular Meeting & Public Hearing

Members Present:
Matthew W. Griffo, Chair
Susan Richardson
Dori Farthing
Claren Kruppner
David Woods

Other Village Representatives Present:
Code Enforcement Officer Ron Maxwell
Code Enforcement Officer Dean O'Keefe
MRB|group Engineer Scott DeHollander
Livingston County Planning Board Representative
David Matthews
Attorney J. Thomas Reynolds

Applicant's Present:
Will Wadsworth, Wadsworth Homestead LLC Special Use Permit
Mark Scoville, 42 Court Street Apartment Building
Brian Atterten, Treadwell Enterprises, Director of Operations for KFC/Taco Bell

Public Present:
Tobias Scott Killian – SUNY Geneseo Geography 201 Class
Kelly Nolan – SUNY Geneseo Geography 201 Class
Mark Sacha – SUNY Geneseo Geography 201 Class
Walt Slater – 38 Crossett Road
Carolyn Eastman – 38 Crossett Road
Amy Carpenter – 17 Avon Road (Hartford House)
Corrin Strong – 17 Avon Road (Hartford House)

1. Meeting Opened:
Chair Griffo opened the meeting at 4:02pm.

2. Meeting Minutes:
The February 23, 2011 meeting minutes were reviewed. D. Farthing moved to approve the minutes as presented. C. Kruppner seconded the motion. The motion passed with ayes from all.

3. Code Enforcement Office Report:
February 2011

Building Permits:	2
Zoning/Sign Permits:	2

S. Richardson asked CEO O'Keefe about the Forever Art Tattoo & Body Piercing sign as denied by the Planning Board in February. CEO O'Keefe stated that he had spoken with the owner of the establishment and they have been advised that they must change their sign and believes they were going to contact Sign Blazer in Lakeville and Sign Language in Perry for quotes.

4. Town Planning Board Update – David Woods:
David Woods stated that he was unable to attend the Town Planning Board meeting held on March 14, 2011, but that in February, conceptual and preliminary approval was granted to Coast Professionals for an addition to the rear of their building on Volunteer Road, with drainage being the biggest concern.

5. Livingston County Planning Board Update – David Matthews:

David Matthews reported that the County Planning Board reviewed the Wadsworth Homestead LLC zoning referral from the Village at their last meeting and voted in favor of the proposal with concerns regarding parking and emergency vehicle access. CEO O'Keefe reported as Fire Marshall he has spoken with Fire Chief Andrew Chanler who does not have problems gaining emergency vehicle access to or from the Wadsworth Homestead. D. Woods stated that he would like to see something in writing from the Fire Chief regarding this, as it will help in the review of the SEQR.

6. Wadsworth Homestead LLC –
Commercial Kitchen Special Use Permit & Site Plan Review:

It was noted that sketch plat approval was granted at the February meeting and SEQR Lead Agency Determination letters were sent out in early March to all involved and interested agencies.

D. Woods asked Mr. Wadsworth where the project stands with the New York State Historic Preservation Office (SHPO). Mr. Wadsworth stated that they are outside the census track for any kind of tax credit funding therefore SHPO is saying that they really do not have any say. Mr. Wadsworth also stated that he has left very specific messages for SHPO but he has not received a call back. D. Woods explained that in order for this Board to review Part II of the SEQR they would need some kind of response from SHPO.

At 4:30pm Chair Griffo opened the Wadsworth Homestead LLC public hearing for a special use permit and site plan review for a commercial kitchen and to hold approximately six to eight catered events in 2011 with approximately one hundred fifty (150) people per catered event outside under a tent on South Street, Tax Map #: 80.20-1-1.21.

Chair Griffo asked if there were any questions from the public.

Mr. Walt Slater – 38 Crossett Road asked if the proposed commercial kitchen is a pre-cursor to the Wadsworth Homestead becoming a Bed & Breakfast/party house. The Board explained that at this time, Mr. Wadsworth is requesting a special use permit to renovate an existing building on the property to a commercial kitchen to hold catered parties of up to 150 people outside under a tent. Mr. Slater asked if this was a change in the current zoning classification for the property. The Board explained that the proposed use is an allowed use in the MU-1 (Mixed Use) Zoning District with a Special Use Permit. A Special Use Permit allows the Planning Board to put limitations on some uses such as time limits and hours of operation. Chair Griffo explained that Mr. Will Wadsworth would be running the catering business and that the Village Code does have a noise ordinance that does limit how far from a property line noise can travel. Mr. Slater thanked the Board and stated that he was okay with the proposal.

Mr. Corrin Strong – 17 Avon Road (Hartford House) sated that he was in support of the proposal because he might be coming to the Board in the near future for the same type of request, therefore was here to see what the process was. However, he thought that the Code put size limits on parties of this nature referencing the Temple Hill Bed & Breakfast request from a few years back. CEO Maxwell and CEO O'Keefe stated that the Temple Hill Bed & Breakfast along with Mr. Strong's property are located in different Zoning Districts then Mr. Wadsworth's. Also, what limits the number of people is lot coverage and size of the building. CEO Maxwell also explained that as part of the Wadsworth application, they will need to know where the tent will be exactly placed on the property, and at

that time, an emergency preparedness plan would need to be submitted, which will provide instructions to all employees on what to do if there is a fire and/or emergency.

With no further questions, C. Kruppner moved to close the Wadsworth Homestead LLC public hearing at 4:47pm. D. Woods seconded the motion and the motion passed with ayes from all.

CEO Maxwell asked if the Board had any concerns with the Code Office issuing a building permit for the interior rebuild for the commercial kitchen. Some concern was voiced about issuing a building permit prior to hearing back from SHPO. Mr. Wadsworth stated that the exterior building façade would not be changing. D. Farthing asked if there would be an exhaust. Mr. Wadsworth stated that there would be, so therefore, there would be a minor façade change and that the exhaust would be put through the wall facing the driveway. He also explained that the exhaust would not be used at all times. The structure is a brick building, so therefore, the Board wondered if the brick could be saved from where the exhaust would be placed, as they believe SHPO will want to know if the building could be put back to its original appearance. Mr. Wadsworth did not have a problem with saving the brick. Mr. Wadsworth explained that at this time, he would like to get started on the plumbing, new flooring and electric. The Board agreed that the Code Office could issue a building permit.

At this time, the Board reviewed a preliminary site plan with the commercial kitchen labled as Building #8. The proposed tent location was also marked along with future parking. The Board asked about drainage. Mr. Wadsworth noted that he has no plans at this time to disturb more than an acre of land therefore drainage is not a consideration. The Board asked about parking for this year. Mr. Wadsworth stated that he plans to have vehicles parallel park along the driveway like they have been doing for years with the four Fox Hunt functions (no charge parties) that take place there each year.

D. Woods reminded the Board that for the Special Use Permit request and Site Plan review request in front of the Board, they were only reviewing what is before them, but SEQR was being done on a comprehensive basis. S. Richard asked if the site plan before them was sufficient. D. Woods believed that it was but welcomed the Village Engineers comments. MRB Engineer Scott DeHollander stated that he does not have any comments at this time.

Mr. Wadsworth thanked the Board and left the meeting.

7. 42 Court LLC – Apartment Building – Mark Scoville:

Mark Scoville appeared before the Board for SEQR determination and Final Site Plan review. The Board asked Engineer DeHollander if he was satisfied with the Drainage Report from Fisher Associates dated February 25th. Engineer DeHollander stated that he still has some concerns that he believes can be worked out easily. As outlined in the March 8, 2011 letter to the Planning Board, MRB offered the following comments:

1. *The report should quantify what percent of the existing Court Street 12-inch storm sewer is consumed by the tributary drainage areas DA-1 and DA-4. Does the capacity exist to receive the developed flows?*
2. *The report should explain why the capacity of the 10-inch (Outlet 5) does not change for various modeled storms. Isn't the 10" discharge a function of the head?*
3. *The report should explain what method is proposed to distribute flows, which "overflow" the proposed facilities. Such that they are not concentrated.*
4. *The report should explain what the required theoretical storage capacity is to retain the 2, 10 and 25-year events on the 42 Court Street properties without overflowing toward the neighbors.*
5. *Is there a DA-4 or outlet 4?*

Engineer DeHollander stated that he needs to speak with Steve McTarnaghan, Water/Wastewater Treatment Plant Operator in regards to the 12" storm sewer on Court Street to confirm whether or not it will be replaced during the II (Infrastructure Improvements) project, which will take place this year. He also wants to make S. McTarnaghan aware of the potential capacity issue.

Engineer DeHollander stated that his other concern is detailed in how the swale at the back of the site will be connected to the new outlet and how outlet 3 will operate under an overflow. Basically Engineer DeHollander wants to make sure there is no concentrated discharge of storm water toward a structure. He is also concerned with the proposed size of the swale and recommends that the swale be made deeper by approximately two feet or widen the swale to handle the possible overflow of something greater than a 2-year storm event. The Board and Mr. Scoville was very concerned with making the swale any deeper because of its location in the Village. The swale however should be large enough to provide storage for something larger than a 2-year storm event if it is not made larger to hold the storm water it could over flow frequently. The Board did not think this was a concern considering the area where the swale will be is undeveloped land that will be located.

Engineer DeHollander noted that in the event that the storm sewer was going to be replaced during the II project on Court Street, that perhaps the swale could be eliminated all together because the capacity issue was the primary basis for the swale. D. Woods inquired why the project was not subject to following the standard that no more storm water should be leaving the site then what is currently leaving the site and that the swale should be sized for a 100-year storm event. Engineer DeHollander acknowledged that the swales 2-year storm design was not typical but that it provided a practical solution to a series of uncommon stormwater management conditions which have occurred in the tributary watershed. Specifically, the upland developments have not provided storage of storm events and these flows now cross the 42 Court Street site.

D. Woods stated that he does not believe the Board can act on this tonight, considering he did not believe that the stormwater question on the SEQR form could be answered satisfactorily. Attorney Reynolds believed that the Board could proceed with the SEQR and Final Approval as long as Engineer DeHollander is assured that the storm water run off does not exceed what it currently is.

At this time Part II of the SEQR was reviewed.

A. Does action exceed any Type I threshold in 6 NYCRR, Part 617.4?

No.

B. Will action receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6?

No.

C. Could action result in ANY adverse effects associated with the following?

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?

No. (Conditions on Final Site Plan approval will ensure that there will be no adverse drainage or flooding problems).

C2. Aesthetic, agricultural, historic, or other natural or cultural resources; or community or neighborhood character?

No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

No.

C7. Other impacts (including changes in use of either quantity or type of energy)?

No.

D. Will the project have an impact on the environmental characteristics that caused the establishment of a critical environmental area?

No.

E. Is there, or is there likely to be, controversy related to potential adverse environmental impacts?

No.

D. Farthing left the meeting at 5:40pm.

With no further discussion, C. Kruppner moved to grant 42 Court LLC (Mark Scoville) a negative declaration for a two-story eight-unit apartment building at 42AB, 44 and 48 Court Street, Tax Map #: 80.7-1-36.111. S. Richardson seconded the motion. The motion passed and the vote was as follows: M. Griffo – Aye, S. Richardson – Aye, C. Kruppner – Aye and D. Woods – Nay.

With no further discussion, S. Richardson moved to grant final approval to 42 Court LLC (Mark Scoville) for a two-story eight-unit apartment building at 42AB, 44 and 48 Court Street, Tax Map #: 80.7-1-36.111 with the following conditions:

1. That the Department of Public Works and Water and Sewer Department support the connection of the storm sewers with the understanding there might be an issue in the event we receive something over a 10-year storm event.
2. That the swale either be made deeper by approximately 2' or wider to accommodate something over a 2-year storm event.

The motion passed and the vote was as follows: M. Griffo – Aye, S. Richardson – Aye, C. Kruppner – Aye and D. Woods – Nay.

8. KFC/Taco Bell – 4200 Lakeville Road – Site Plan Modification:

Brian Atterten, Treadwell Enterprises, Director of Operations for KFC/Taco Bell appeared before the Board in relationship to the proposed color changes and sign changes. Chair Griffo explained that he personally has concerns regarding the maintenance of the stormwater management pond located in the front of the property, especially the overgrown cattails. Mr. Atterten stated that he would have the cattails trimmed.

Another issue of which was a concern to the Board was the oversized entrance/exit signs and the logos on them. Per current Village Code, entrance/exit signs are prohibited, however, because these were pre-existing, they have to comply with the Code prior to the changes that state that they cannot be larger than 3 square feet per side and they must not have any logos on them. It was noted that a sign permit application had been submitted for in/out signs that are still larger than 3 square feet per side, but smaller then the existing ones but that the logos had been removed. Mr. Atterten stated that they would be reduced in size to comply with 3 square feet.

Chair Griffo inquired about the freestanding sign. Mr. Atterten stated that he did not think KFC/Taco Bell would budge on this sign. Chair Griffo wondered if they would consider making it a monument sign similar to the Tim Horton's one. Mr. Atterten stated that he would take that suggestion back to Corporate. Chair Griffo asked that the minutes reflect that the free-standing sign was given a variance for approximately 50 square feet when in fact it is approximately 90 square foot in size because it is double sided.

Discussion continued regarding the freestanding sign and the need for the candlepower of the sign not to exceed 50 footcandles. Mr. Atterten stated that from what he has been told the

measurement of footcandles couldn't be taken until the new panels have been installed. The Board did not have a problem with this as long as they are measured as soon as possible after the new panels are installed and that information is forwarded to the Code Enforcement Office. It was also noted that if the Planning Board receives complaints regarding the brightness they could be asked to lower the footcandles even more. The Board also noted that the signs on the building and the in/out signs should also comply with this requirement. Mr. Atterten stated that he understood this.

At this time SEQR was reviewed. D. Woods moved to grant KFC/Taco Bell a negative declaration for site plan modification which includes, building façade change, building color change and new signage located at 4200 Lakeville Road, Tax Map #: 81.14-1-2. C. Kruppner seconded the motion and the motion passed with ayes from all.

With no further discussion, D. Woods moved to approve the following sign permit applications for KFC/Taco Bell:

New Building Signs:			
KFC "Canopy Sign"	1'8" X 6'0"	-	10.00 Square Feet
KFC "Colonel Mug Sign"	5'6" X 5'8"	-	20.81 Square Feet
Taco Bell "Letter Sign"	9" X 9'1"	-	6.81 Square Feet
Taco Bell "Bell Sign"	4'6" X 4'10"	-	21.73 Square Feet
Total Square Footage:			59.35 Square Feet
Other Signage:			
Directional Signage (In/Out)	1.5' X 2' per side	-	3 Square Feet Per Side
Freestanding			
Pylon Sign Faces	5'1" X 8'9" per side	-	44.479 Square Feet Per Side

With the following conditions:
The frame and pole of the Freestanding Pylon Sign will be painted black and Per Section 130-90 C. (4) of the Village of Geneseo Zoning Code: To avoid concentration of illumination, all signs on the property may have no more than 50 candlepower of lighting per square footage of sign. S. Richardson seconded the motion and the vote was as follows: S. Richardson – Aye, D. Woods – Aye, C. Kruppner – Aye and M. Griffo – Nay.

With no further discussion, D. Woods moved to approve preliminary and final site plan modification for an exterior building remodel at KFC/Taco Bell, 4200 Lakeville Road, Tax Map #: 81.14-1-2 with the understanding that four copies of the missing plan map (A4.1) be submitted for signature to accompany COV and A4.0 already on file in the Village Clerk's Office. S. Richardson seconded the motion and the motion passed with ayes from all.

9. Meeting Closed:

D. Woods moved to close the meeting at 6:25pm. C. Kruppner seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary