

Members Present:

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

Other Village Representatives Present:

Code Enforcement Officer Dean O'Keefe
Attorney J. Thomas Reynolds

Applicants Present:

Attorney Eric M. Dolan – 18 Wadsworth Street – Paul & Jennifer Dotterweich
Paul & Jennifer Dotterweich – 18 Wadsworth Street
Marcia Podhorecki – Not Dot Shop & Quality Office Environments – 127 Main Street

Public Present:

Rosette Ptak – 13 Wadsworth Street
Carey & Bertie Vasey – 11 Wadsworth Street
John Linfoot – Nothnagle Realtors
Kristin Smith – 29 Wadsworth Street
Chad Putnam – 16 Hawthorn Circle
Paula McClure – 19 Wadsworth Street
Chuck Nesbitt – 63 Second Street

1. Meeting Opened:

Chair Griffo opened the meeting at 4:04pm.

2. Meeting Minutes

The May 25, 2011 regular meeting minutes were reviewed. C. Kruppner moved to approve the minutes as presented. D. Farthing seconded the motion and the motion passed with ayes from all.

3. Code Enforcement Office Report:

May 2011

Building Permits:	5
Zoning/Sign Permits:	9

Code Enforcement Officer Dean O'Keefe reported that he and Code Enforcement Officer Ron Maxwell have also issued a few violation letters over the past month, but unfortunately at this time, they are not listed on the report.

CEO O'Keefe asked what the process is for University Hots to renew their Special Use Permit. D. Woods asked if any complaints had been received regarding trash from University Hots. CEO O'Keefe stated that their office was not aware of any.

A Board member asked about the Caruso project on Center Street. CEO O'Keefe stated that Mr. Caruso is turning the building into a two-family and unfortunately because of several issues found while trying to remodel, the place has been completely gutted. The Board wondered if a two-family was an allowed use in this zoning district. CEO O'Keefe stated that it is.

A Board member asked about the tavern at the top of Center Street and the newly constructed deck that appears to be larger than what was approved. CEO O'Keefe stated that this is what was approved however; the ADA (American with Disabilities Act) handicap ramp was moved from the front to the side.

4. Town Planning Board Update – David Woods:

D. Woods reported that the Town Planning Board met on June 13, 2011. At that meeting, they approved a two-lot subdivision for Theodore Trojanoski at 3420 Avon Road and amended the special use permit for the Wind Tamer windmill as a science project at the Genesee Country Christian School on Long Point Road by granting it a permanent special use permit.

D. Woods also reported that there was general discussion regarding an inquiry from Dawn Aprile regarding property the Aprile's own north of Wal*Mart. The current zoning in the gateway district allows for commercial, industrial and office space, however, the Aprile's are considering a residential use of possibly elderly housing. This would require a re-zoning application. The Town Planning Board was generally receptive of this idea, but reminded Ms. Aprile that there is the outstanding issue of SEQR when/if a re-zoning application is applied for.

5. Livingston County Planning Board Update – David Matthews:

In lieu of attending the Village Planning Board meeting, David Matthews submitted the following via email on June 20, 2011: *“At the last Livingston County Planning Board meeting on Thursday June 9th, the Special Use Permit for 18 Wadsworth Street was presented. I gave some background including the property applying for a variance previously, and being denied by the Village Board. I was at that Village Board meeting, which I thought that was last fall, but did not have an exact recollection. There was no audience or attendance of the owners or neighbors at the meeting, and hence no discussion or argument for or against. The Special Use permit was granted (18 for, 2 against).”*

6. Dotterweich – 18 Wadsworth Street – Special Use Permit Request - Single Family to Two Family:

Village Attorney J. Thomas Reynolds briefed the Board on the Wadsworth Street special use permit request. He noted that per Village Law, which is referenced in the Village Code, the Planning Board has sixty-two days from the date of Public Hearing to make a decision. Once a decision is made, the decision shall be filed in the office of the Village Clerk within five business days after and a copy of that decision must be mailed to the applicant and in this case also to the owners.

At this time, the Board agreed that they would more than likely close the public hearing, but leave a written comment period open for two weeks, then meet in a work session to discuss any written comments received at their regularly scheduled work session on July 20th and at the regular meeting on July 27th a decision would be made. There was some concern from the Board regarding these dates as only three of the five members would be available for the work session and only four of the five members would be available for the regular meeting. Attorney Reynolds noted that three made a quorum and that any action requires three votes.

The applicant and his clients did not have any concerns with the above mentioned plan as long as the sixty-two days per Village Law for the Planning Board to make a decision was not being pushed back.

Chair Griffo opened the 18 Wadsworth Street public hearing at 4:30pm.

Chair Griffo stated that the proper notice was sent to all property owners within 100' of all property lines certified return receipt and the legal notice was published in the Village's legal newspaper, the Livingston County News.

Chair Griffo continued by stating that the Planning Board has received two comment letters regarding the special use permit request. Attorney Dolan stated that he had received a copy of those letters, but asks that they be read into the record or made a part of the record. At this time, Paula McClure stated that she had a letter from Lynn Kennison she wished to submit and read into the record and Village Clerk/Treasurer Merrick handed Chair Griffo a letter from Sandra Brennan, Village Board Trustee. It was also noted that the Board had received a letter from the Livingston County Planning Board.

Chair Griffo stated that all comments should be directed towards the Board and not the applicants or the applicants Attorney and at this time Chair Griffo opened the floor to the public.

Kristin Smith stated that she has resided at 29 Wadsworth for approximately 28 years. Over those years, she has seen growth and change in a very positive way. The street is an eclectic mix of all ages of all kinds of professions, including family's at all different stages of life. She stated that she is proud to live there and takes pride in her home and property. She continued by stating that homes should remain as single family homes. She feels as though we have enough student housing in our village. She also feels as though allowing a two family special use permit is just a cover for what is to come and she is against the request.

Paula McClure read Lynn Kennison's letter into the record:

"22 June, 2011

To the Planning Board of the Village of Geneseo:

I am a resident of Geneseo, New York and live at 8 Wadsworth Street. I have read with great interest Mr. Dolan's letter requesting a special use permit for 18 Wadsworth Street. I must say I find it very interesting on how he characterizes our street.

Mr. Dolan states that the reason for the lack of interest in the purchase of 18 Wadsworth Street is because the character of the neighborhood is such that 18 Wadsworth Street is only attractive for those who want to purchase it as a two family dwelling capable of being used for rental property. He also states that a majority of the homes have taken advantage of this designation. Earlier Mr. Dolan states that 11 of 25 residential properties on the street are currently used, to some extent as rental or multi-family properties. The last time I did the mathematics 11 of 25 did not represent a majority. In fact it is 44%.

Mr. Dolan has stated that the house is difficult to sell because of its location. How does he explain the other properties in the village that have been on the market for a long time and have not sold? Some of these are located on streets in the historic district, namely Oak Street, Second Street and Center Street. I have passed these homes with their "For Sale" signs in the lawns for many weeks/months as I've made my almost daily walk through Geneseo.

I don't think location and zoning are the only reasons that properties are not selling in Geneseo. But those issues should be left for another discussion.

How has Mr. Dolan become acquainted with our Wadsworth Street neighborhood? Has he knocked on doors to meet we people who live here, or does he only know us by our names that appear on the zoning maps and the classification of our homes?

Mr. Dolan, let me take a moment to acquaint you with our street.

We are artists we are professors, we are musicians, we are small business owners of Geneseo businesses. We are retired college professors who raised our families here, we

are schoolteachers. We are children who play on the streets and over the years have enjoyed setting up our lemonade stands to sell to those who pass by.

We are the grandchildren whose parents and grandparents lived on this street. We are people who are involved in the philanthropy of the community. You should take a survey of how many hours of service to the good of this community are selflessly given by those of us who live on Wadsworth Street. I think you'd be surprised.

We fondly call ourselves the "arts district" of Geneseo. Did you know we have a collection of artists who are icon painters, fiber artists, music historians, composers and musicians who have performed in at least 4 continents? If you ask me there is a lot of character on this street. I think the problem is the way others, such as yourself have characterized our street and neighborhood.

Do you know that we are probably the only street that enjoys very little traffic during more than 4 months of the year? Do you know that the student traffic patterns on our street have changed since the construction of the science building and the operation of the bus line?

Mr. Dolan, I understand you have a job to do, but we have a neighborhood to live in. Don't write us off. This neighborhood has character because of the balance that currently exists. Your request is what will change the character of this neighborhood, not the actions of those who live here.

I respectfully ask that the Village Planning Board give serious thought about this request for a special use permit and deny it on the basis of preserving the real character of the street. Mr. Dolan suggests that the character that of this street is not desirable. He couldn't be anymore wrong.

Mr. Dolan, come visit us some time.

***Sincerely yours,
Lynn Melizzi Kennison"***

Mrs. Ptak stated that allowing this request will lead to something else.

John Linfoot stated that he is the Nothnagle Real Estate Agent that has the property listed for sale. He has had four specific inquiries all of which are were not for a single family use.

Mrs. Vasey asked if this request was granted would it change the zoning. Chair Griffo explained that the zoning would not change, but that the current zoning allows for this type of conversion with a special use permit.

Attorney Dolan thanked the Board and the Wadsworth Street residents for coming out and stated that he meant no disrespect to the residents. But however, by the end of the day, a Multi-Family use is an allowed use in the R-2 Residential Zoning District with a Special Use Permit.

Attorney Dolan mentioned Trustee Brennan's letter which states that a code revision subcommittee is currently working on documents for review and consideration by the Village Board for revision of various portions of the Zoning Code. "One revision the subcommittee will recommend will correct a previous oversight incorporated in the Code which mistakenly allows a 2-family dwelling as a specially permitted use in a single family zoning (R-1 and R-2). The original intention of the Village Board was to allow a family to incorporate a "mother-in-law" conversion in a single family home, but not allow for conversion of a single family home to a 2-family dwelling." Attorney Dolan noted that this might be the case but at this time and at the time of the application there was not a referendum in place on student housing.

Attorney Dolan stated that he believes the request is a sufficient one in that there are other rental properties on the street, four to the south of this property. He stated that he sympathizes with the residents, but that this home has been on the market for nine months with no interest as a single

family home. He continued by stating that he thinks it is inappropriate to curb the spread of rental housing within a district that allows it.

Attorney Dolan stated that in relationship to Village Code Section 130-20 D (1) which refers to Special Use Permits and states the following:

(1) *The Planning Board will hear and decide upon application for such permits as specified in this chapter. A permit for any special use shall be granted only if evidence is presented which establishes that:*

(a) *The proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Village's long-term planning goals and this chapter.*

Attorney Dolan stated that the zoning regulations are presumptuously positive on this factor in that there are other rentals of this type on this street.

(b) *The proposed building, hours of operation, use, or intensity of operation involved will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.*

Attorney Dolan stated that there are numerous other rentals in the area, there are numerous students in the area, and this being a student rental is just speculation.

(c) *The proposed building or use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with or devalue the development and use of neighboring property in accordance with the applicable district regulations.*

Attorney Dolan stated that no exterior changes to the property are planned at this time.

(d) *The proposed building or use will be adequately served by essential public facilities and services.*

Attorney Dolan stated that this is not an issue.

(e) *The proposed building or use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use.*

Attorney Dolan stated that he was not aware of any additional provisions.

(f) *All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.*

Attorney Dolan stated that the Dotterweich's do not plan to make any changes to the property.

(g) *Where requested, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the special use permit.*

Attorney Dolan stated that this factor does not apply.

(h) *In the review and approval of special use permits, the following additional factors shall be considered:*

[1] *General conformance with the Village of Geneseo Comprehensive Plan and its long-term planning goals and guidelines for development associated with them.*

Attorney Dolan referenced Chapter IV of the Comprehensive Plan– Future Land Use and the three land use categories as listed:

- a) **High Density Residential**
- b) **Medium Density Residential**
- c) **Low Density Residential**

This property would fall under Medium Density Residential as it states: “Many of the homes within this district are large older homes, some of which have been converted to multifamily units. The density envisioned for the medium-density residential areas is approximately 1/5 to 1/4 acre lots. Special consideration should be given to establishing guidelines for the effective re-use of these large homes and to ensuring enough off street parking, landscaping, and overall greenspace is incorporated.”

[2] *Consistency with development standards and guidelines of the zoning district in which it is located.*

[3] *Criteria for the review of site plans enumerated in Article XIV of this chapter.”*

Attorney Dolan thanked the Board and stated that he would be happy to answer any questions the Board may have. The Board did not have any further questions; therefore, Chair Griffo asked if the public had any more comments or questions.

Kristin Smith reiterated what she had previously stated.

Mrs. Ptak asked for clarification on what a two family means. Chair Griffo asked CEO O’Keefe for his knowledge on the matter. CEO O’Keefe explained that a two-family unit cannot have more than four unrelated tenants in each unit, therefore a maximum of eight tenants would be allowed if approved. However, there is nothing preventing a person to move in with six to seven kids in one unit.

Mrs. Ptak stated that she is very much also concerned with having yet another property with an absentee landlord on the street. CEO O’Keefe explained that this is why the Village has the Rental Housing Law and yes, historically, when landlords do not live in the house or area there are tendencies for more issues. Chair Griffo noted that there is no distinction between student and nonstudent occupancies.

Mr. Putnam asked if the letters received by the Planning Board are available to the public. Chair Griffo stated that they are and asked Secretary Mack how Mr. Putnam could obtain a copy of the letters. Secretary Mack stated that the Village Clerk has FOIL (Freedom of Information Law) forms available that can be filled out to request such items, with the cost being twenty-five cents per page. Mr. Putnam stated that FOIL requests are sometimes quite lengthy. Attorney Reynolds stated that this would not be the case.

With no further discussion, C. Kruppner moved to close the public hearing at 5:02pm. S. Richardson seconded the motion and the motion passed with ayes from all.

After some discussion, D. Woods moved to leave the written comment period open until close of business (4:30pm) on July 6, 2011. D. Farthing seconded the motion and the motion passed with ayes from all.

After some discussion, D. Woods moved to grant Attorney Dolan until close of business (4:30pm) on July 13, 2011 to submit any further comments he may have. C. Kruppner seconded the motion and the motion passed with ayes from all.

The Board also agreed to meet at their regularly scheduled work session on July 20, 2011 to discuss any further written comments they receive from the public and/or Attorney Dolan. The Board was aware that there may only be three members present at that work session, therefore agreed that no decisions would be made at the work session. It was also noted that there would probably only be four members of the Board present at the regularly scheduled meeting on July 27th. Attorney Reynolds did not see a concern with this as long as there was a quorum present of at least three members.

7. Sign Permit Request:

Not Dot Shop/Quality Office Environments – 127 Main Street

Marcia Podhorecki owner of the building appeared before the Board with a sign permit application for two businesses that are located in her building at 127 Main Street. She explained that she had received approval for this sign under the Geneseo, NY Façade Renovations grant. She also explained that this would be a perpendicular double sided sign for both businesses.

The Board asked where the sign will be placed. Mrs. Podhorecki explained that the sign would be placed on the column of the building closest to Chestnut Street. The Board also asked if the sign would be lit. Mrs. Podhorecki stated that at this time, she does not plan to light the sign.

With no further discussion, C. Kruppner moved to grant the Not Dot Shop & Quality Office Environments a perpendicular sign as outlined in the application and discussed.

D. Woods seconded the motion and the motion passed with ayes from all.

8. Meeting Closed:

With no further discussion, S. Richardson moved to close the meeting at 5:31pm. C. Kruppner seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary