

**Members Present:**

Matthew W. Griffo, Chair  
Susan Richardson  
David Woods

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell  
Attorney J. Thomas Reynolds

**Applicants Present:**

Attorney Eric M. Dolan – 18 Wadsworth Street – Paul & Jennifer Dotterweich  
Paul & Jennifer Dotterweich – 18 Wadsworth Street

**Public Present:**

Rosette Ptak – 13 Wadsworth Street  
Carey & Bertie Vasey – 11 Wadsworth Street  
Tim McMahan – 25 Wadsworth Street  
Margaret Vangalio – 9 Westview Crescent

**1. Meeting Opened:**

Chair Griffo opened the meeting at 4:04pm.

**2. Meeting Minutes**

The June 22, 2011 regular meeting & public hearing minutes were reviewed. S. Richardson moved to approve the minutes as presented. D. Woods seconded the motion and the motion passed with ayes from all.

**3. Code Enforcement Office Report:**

**June 2011**

Building Permits:	13
Zoning/Sign Permits:	2
Rental Housing Inspections:	3
Violation Letters:	7

The Board asked if KFC/Taco Bell had started interior renovations. CEO Maxwell stated that they have not. Chair Griffo asked if some maintenance could be done on the storm water management pond at the front of their property. CEO Maxwell stated that he would call them regarding this.

The Board wondered if the Code Enforcement Office was ready for the SUNY Geneseo students to return in regards to rental housing. CEO Maxwell stated that he and CEO O'Keefe are still in the process of completing rental housing inspections.

CEO Maxwell stated that he and CEO O'Keefe met with Greg O'Connell new owner of the Oak Valley Inn property on Millennium Drive. Mr. O'Connell is planning on putting more offices into the building east of the Inn building. At this time, a hair salon is located in part of the building. Mr. O'Connell has also installed metal fire escapes on this building along with installing all new windows and a new roof. In the building to the west of the Inn building, Mr. O'Connell has installed all new windows and a new roof.

Chair Griffo asked CEO Maxwell what the process was in regards to obtaining a Certificate of Occupancy when a property changes hands. CEO Maxwell explained that the Code Office only issues new Certificates of Occupancies for new buildings. Otherwise, if requested, and no Certificate of Occupancy is on file, a visual Certificate of Compliance is issued. However, in regards to the Village Code all rental housing units within the Village need to be inspected each time the property is purchased by someone new.

**4. Town Planning Board Update – David Woods:**

D. Woods reported that the Town Planning Board met on Monday, July 11<sup>th</sup>.

At that meeting a two-lot subdivision was approved for Michael Donegan at 4725 Lakeville-Groveland Road.

There was further discussion by the Town Planning Board with Dawn April regarding the property to the north of Wal\*Mart. Premium Development owns the land and they would like to change the zoning of the property to multi-family residential. This property is located in the gateway overlay district of the Town. The proposed project is also requesting a modification in density and height restrictions. All of these actions are an action of the Town Board, but the Town Planning Board has been discussing the request with Ms. Aprile as if the Town Board approves the changes, the application will come back to the Town Planning Board for Site Plan Review. D. Woods noted that the Town Planning Board also agreed with the Town Board being Lead Agency on these requests for SEQR.

The Village Planning Board was somewhat concerned that they or the Village Board at least had not yet received a letter regarding this matter. D. Woods explained that the Town Planning Board did things a little bit out of order and agreed to the Town Board being Lead Agency on SEQR prior to receiving a letter from the Town Board requesting this, therefore, the Village Board has not received a letter and they are probably not a potentially involved agency, but would be a potentially interested agency. The Board was then concerned that the Village Board would only be considered an interested agency and not an involved agency if the end result could result in the vehicular ingress and egress for this project coming from a Village owned street.

D. Woods also stated that the Town Planning Board discussed the inadequacies in the Town Zoning Code which had been forwarded to the Town Board. At this time, the Town Board has requested that the Town Planning Board draft a request for proposals for a comprehensive revision of the Zoning Code. The Town Board however, is concerned about the price of those possible consultants; therefore, they are not yet committed to sending out the request for proposals.

D. Woods continued by stating that one of the serious defects that still remains in the Zoning Code is that of use classes, which was fairly common, but not anymore. The Zoning Code is also very cumbersome and difficult to deal with especially for an applicant.

**5. University Hots – 114 Main Street – Special Use Permit Renewal:**

Chair Griffo asked the Board and CEO Maxwell if they were aware of any complaints regarding University Hots. CEO Maxwell was not aware of any and neither was the Board. With no further discussion, D. Woods moved to grant a permanent Special Use Permit for University Hots located at 114 Main Street noting that the original SEQR negative declaration granted would still apply. S. Richardson seconded the motion and the motion passed with ayes from all.

**6. Village Tavern – 137 Center Street – Sign Permit:**

The Board reviewed the sign permit application from Rick Vattimo for the Village Tavern at 137 Center Street. It was noted that the sign is approximately 18 square feet in size, is free standing, double sided, externally lit, and white with black lettering. The sign does meet all Zoning Code requirements per CEO O’Keefe who previously reviewed the application and approved it for size. Some discussion took place regarding the verbiage, but it was agreed to leave that up to Mr. Vattimo. With no further discussion, S. Richardson moved to approve the sign permit application as presented again noting that perhaps the verbiage may need to be changed. D. Woods seconded the motion and the motion passed with ayes from all.

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

Attorney Reynolds reminded the Board that they must make their decision regarding any applications before them within 62 days after the public hearing and then they have 5 days to file that decision with the Village Clerk and forward such decision to the applicant(s).

Attorney Reynolds asked if the Planning Board had a chance to review the draft resolutions (approval and denial) forwarded to the Board. Chair Griffo said that they had and that they had already made some changes to them.

Chair Griffo explained to all present that three of the five Board members, Code Enforcement Officer Maxwell and Attorney Reynolds met last Wednesday, July 20, 2011 in a work session to discuss the proposal before them. In that discussion, they mainly concentrated on the impact the proposed special use permit would have on the neighborhood.

Chair Griffo also noted that this same application had been before them a few months ago with the applicant being the proposed new owner and not the current owner, and that the request from that proposed owner was denied. Chair Griffo explained that at that time, this was the first such application before the Planning Board as the Village Code had recently changed.

Chair Griffo explained that the Board has reviewed all of the letters received and considered each and every one of them very closely; therefore he believes the Board is ready to make a decision and asked Attorney Dolan if he had anything else to add. Attorney Dolan stated that he rests on the papers previously submitted and the comments he has previously addressed to the Board.

Chair Griffo asked if the Board had any further comments.

D. Woods stated that this has been a hard process for the Board, applicants and Wadsworth Street neighbors. He continued by stating that he thinks we have a situation here where there are different uses in a neighborhood, that many people would like to be preserved as such. He stated that people have vested hard earned money and it’s very understandable that they want to preserve and recoup that value. He explained that the Board has listened to the comments made by all parties at the Public Hearing and has listened to the advice of the Village Attorney. D. Woods stated that for him as a Planning Board member it comes down to taking all of those considerations and comparing them to the factors listed in the Village Code for granting special use permits. Certain conditions have to be met and some in fact have been met, but some have not. D. Woods continued by stating that he does not feel as though this is in harmony with the Village’s long term planning goals and will have a substantial adverse affect on neighboring properties, including devaluing them. D. Woods thinks that this Board in order to comply with the Village Code and Village’s long term goals has to take a position to preserve and protect what can be protected. D. Woods ended by stating that the residents that spoke or wrote letters have very legitimate concerns and value their properties, for these reasons, I could not move to approve this petition for a special use permit.

S. Richardson stated that she follows along with what D. Woods stated. She also stated that she feels bad for the owners who are just trying to sell the property, but a special use permit goes with

the property. If the buyer of the property was requesting the special use permit and explained specific ways they planned on mitigating any issues that might come up, this might have a different outcome. However, parking and landscaping changes have not been addressed; therefore, she would have to also vote no.

Chair Griffo stated that as the applicant's counsel has stated, this request is a permitted use in this zoning district, but with a special use permit. Chair Griffo stated that he is very concerned with the tipping point or domino effect of approving a special use permit such as this may cause.

With no further discussion, D. Woods moved the following with second from S. Richardson:  
**Whereas**, a petition, was presented to the Village Planning Board (the "Village") of the Village of Geneseo, New York (the "Planning Board") on April 13, 2011, for a special use permit for 18 Wadsworth Street, in the Village of Geneseo, New York; said building being described in said petition, which is annexed hereto as Exhibit A, and  
**Whereas**, a two-family dwelling is a use permitted by special use permit in the R-2 Residential District in Village of Geneseo; and  
**Whereas**, an application has been submitted to the Planning Board for a special use permit for a two-family dwelling at 18 Wadsworth Street; and  
**Whereas**, Section 130.20-D.(1) of the Village Code specifies the conditions which must be met in order for a Planning Board to grant a permit for a special use; and  
**Whereas**, the proposed use is not in harmony with the general purposes, goals, objectives and standards of the Village's long term planning goals and this chapter;  
**Whereas**, the proposed use will have a substantial and adverse affect upon adjacent properties, the neighborhood, traffic conditions, parking and other matters affecting public health, safety and general welfare;  
**Whereas**, the proposed use will not be operated so as to harmonize with the immediate vicinity and will devalue the use of neighboring properties;  
**Whereas**, the proposed use is not in conformity of the Village of Geneseo Comprehensive Plan and its long term planning goals and guidelines.

Before taking a vote, Chair Griffo asked if there was any further discussion. Attorney Dolan asked that the Board to be specific in relationship to what the "general purposes, goals, objectives and standards of the Village's long term planning goals" are. Attorney Dolan stated that the Board is speculating on housing values and discriminating against student housing vs. rental housing. As he does not feel the decision would be the same if this property would be rented to a family with small children. D. Woods stated that he supports the resolution as presented and believes that it should be kept as is.

With no further discussion, the vote was as follows: M. Griffo – Aye, S. Richardson – Aye and D. Woods – Aye. The motion passed and the application for special use permit was denied.

### **8. Meeting Closed:**

With no further discussion, S. Richardson moved to close the meeting at 4:51pm. D. Woods seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary