

Members Present:

David Woods, Chair
Dori Farthing
Matt Griffo
Claren Kruppner
Susan Richardson

Other Village Representatives Present:

Code Enforcement Officer Ron Maxwell
Kurt Rappazzo, MRB Group Engineer
Attorney J. Thomas Reynolds
Livingston County Planning Board Representative
Stewart Leffler

Applicant/Others Present:

Chris Visalli, Village Tavern, 137 Center Street
Adrian Goddard, Goddard Development, 4181 Lakeville Road
Brian Burri, Bergmann Associates, Goddard Development, Mavis Tire, 4181 Lakeville Road

1. Meeting Opened:

Chair David Woods opened the meeting at 4:30pm.

2. Review of Minutes:

The April 24, 2013 meeting minutes were reviewed. C. Kruppner moved to approve the minutes as presented. S. Richardson seconded the motion and the motion passed with ayes from D. Woods, D. Farthing, C. Kruppner and S. Richardson. M. Griffo abstained as he was not present at that meeting.

3. Code Enforcement Office Report:

April 2013

Building Permits	2
Sign Permits	3
Rental Housing	11
Fire Inspections	0
Avoidable False Alarm Violations	1
Violations	0
Temporary Structure/Tent	0

Code Enforcement Officer Ron Maxwell stated that the owners of Aunt Cookies had contacted his office in regards to whether or not a permit was required for painting the building façade. CEO Maxwell stated that he advised them that if they were keeping the same colors, no permit was needed, but if they were changing the colors, they would need to come before the Planning Board for site plan modification.

CEO Maxwell stated that the Code Enforcement Office has received many calls about refuse that has not been picked up, so Code Enforcement Officer Dean O'Keefe has been working on those.

Chair Woods asked what the status was on the McDonald's rebuild. CEO Maxwell stated that the building permit has been issued and paid for; he believes they plan to start work on approximately June 5th. Village Engineer Kurt Rappazzo, MRB Group asked if a pre-construction meeting has been scheduled. CEO Maxwell stated that there will not be one held due to scheduling conflicts. M. Griffo asked if as previously discussed a meeting could take place on site regarding what landscaping would be removed and what would be kept. CEO Maxwell stated that he would work on scheduling this.

The Board asked what the status was on The Hammocks of Geneseo. CEO Maxwell stated that they are still in the process of getting some approvals from Livingston County. CEO Maxwell stated that Coast Professionals has broke ground on their third and final addition. S. Richardson asked

about the Gray Subdivision on Stonehouse Drive. CEO Maxwell and D. Woods stated that the subdivision is moving along.

Chair Woods stated that the Temple Hill Cemetery sign has been installed, but is covered by a tarp until the unveiling ceremony. Chair Woods also stated that a sign permit application will be coming from Will Wadsworth for the Homestead entrance. As the sign(s) are not allowed in the MU-1 Zoning District, a full variance is required, therefore they are appearing before the Zoning Board of Appeals first prior to coming to the Planning Board.

4. Town of Geneseo Planning Board Update – D. Woods:

D. Woods stated that the May 13th Town Planning Board meeting was cancelled because there were no agenda items. However, the Town held the kickoff meeting for the zoning revisions project on May 20th. The next step will be a public workshop meeting that will be held in late June or early July.

D. Woods reported that the request for proposals sent to a group of consultants to develop a farmland protection plan for the Town of Geneseo yielded no proposals being submitted which was a complete surprise and disappointment to the Town. D. Woods stated that the feedback from some of those consultants that were sent a request for proposal have stated that the scope of work that needs to be done is more than what is available through the grant the Town received. CEO Maxwell stated that this protection plan is key to the zoning code revision process.

5. Village Tavern – 137 Center Street – Seasonal Temporary Event Tent:

Chris Visalli representing the Village Tavern appeared before the Board for the restaurant's seasonal temporary event tent. Mr. Visalli stated that the tent has been placed in the exact same spot it was last year, but they have made it much nicer this year. Their plan is to hold rehearsal dinners, restaurant overflow and fundraisers under the tent. The Board asked if there would be lights and music. Mr. Visalli stated that there would be but that as far as they are aware, they have had no noise complaints and the Police Department has not had to respond to the site. CEO Maxwell stated that CEO O'Keefe had spoken with Geneseo Police Department Officer Szczesniak who confirmed that. M. Griffo stated that as a neighbor who resides to the west of the property, events have been shut down in a timely manner. D. Farthing stated that as a neighbor who lives across the street to the southeast, she has heard noise from the tavern up to at least 10pm.

D. Farthing stated that the newly erected wooden fence along the one edge of the tent is a nice improvement, but she wondered if it was a permanent fixture. Mr. Visalli stated that the fence had been erected as a permanent fixture so that customers would not park in the grass.

Chair Woods advised that the Village does have a noise ordinance and a noise permit is required for a wedding reception or similar event to be held outdoors or in a tent, with music provided by a band, orchestra or sound reproduction equipment. It was noted that the Homestead would also need to apply for a permit.

M. Griffo stated that if the tent would be erected every summer maybe the Board should consider modifying the original site plan permanently to allow for a tent at certain times of the year. Chair Woods asked if the Board had any concerns with treating this as a permanent revision to the site plan. CEO Maxwell stated that a tent permit would still be needed from his office per NYS regulations. Chair Woods stated that procedurally the Planning Board would need to waive the Public Hearing Requirement and state that the previous SEQR analysis would still be valid.

Some of the Board members were hesitant to agree to a permanent change to the site plan, noting that their normal course of action would be to put a time limit on it and then possibly grant a permanent change. Other Board members agreed, but noted that they usually do that with a special use permit approval not a site plan approval/change. Some of the Board members were concerned that if a permanent change was made to the site plan and complaints were received there would be nothing for the Board to review/change in coming years. Chair Woods stated that the Noise

Ordinance would still be in affect whether or not the Planning Board decided to approve a permanent change to the site plan.

With no further discussion, M. Griffo moved to amend the site plan for the Village Tavern located at 137 Center Street to allow for a permanent seasonal tent, waving the Planning Board public hearing requirement and that the previous SEQR Negative Declaration granted has not been changed. C. Kruppner seconded the motion.

Chair Woods asked if there was any further discussion. M. Griffo asked if in the future the Code Enforcement Office, Police Department or Planning Board received any complaints if the permanent approval could be undone. D. Woods stated that any complaints received by the Police would be handled by the Police and any noise complaints would be covered under the Noise Ordinance. D. Farthing wondered if a time period could be added to the permanent approval. Mr. Visalli stated that he would have to talk to the Tavern owner Mark Vattimo, but believed that the tent would not be required prior to May 1st and after October 31st.

M. Griffo moved to amend the motion to include permanent site plan modification for a seasonal tent for not prior to May 1st and not after October 31st. C. Kruppner seconded the amendment to the motion. The motion passed with ayes from all.

The Board reminded Mr. Visalli that the Tavern would need to apply for a noise permit through the Village Board. M. Griffo asked what the fence posts are for that have been recently installed on the property. Mr. Visalli stated that a dumpster enclosure is being built and that they are adding some additional landscaping to the property.

6. Goddard Development – Mavis Discount Tire – 4181 Lakeville Road:

Chair Woods stated that he had been contacted by Mr. Goddard in regards to the Mavis Discount Tire development presented to the Planning Board at the February 2013 meeting. Mr. Goddard had asked to be on the agenda tonight to discuss the project.

Brian Burri, Bergman Associates representing Goddard Development stated that they have contacted National Realty – owners of the adjacent shopping plaza and they are not even willing to discuss the possibility of a cross access easement. Mr. Burri stated that they have spoken with NYS DOT and they do not see a problem with lining this parcels driveway up with the Kwik Fill driveway across the street. Mr. Burri stated that the layout of the parcel has not changed, other than a pedestrian access to Route 20A being added.

At this time, Mr. Adrian Goddard introduced himself and clarified with the Board that the Board's main concerns with the project were cross access and aesthetics of the building. The Board stated that this was correct. Mr. Goddard stated that they are willing to identify a location on their parcel and reserve an easement for a future cross access easement to the plaza. The Board was very appreciative of this, but wanted to see this investigated further. Mr. Goddard stated that when they had contacted National Realty they were very assertive in not wanting to discuss it.

Mr. Goddard and Mr. Burri presented the Board with a colored rendering of the building that had been recently built in Hyde Park, New York. Mr. Goddard said that it is a carriage house design and that they are willing to do something like that here in Geneseo.

Chair Woods asked Engineer Rappazzo about the option of an easement for a future cross access easement if National Realty was not willing to provide an actual cross access. Engineer Rappazzo stated that it would be up to the Board, but that he suggests that the actual pavement to the National Realty property line be provided. The Board asked if Engineer Rappazzo has seen this before. Engineer Rappazzo stated that one of MRB Group's clients (not a municipality) did this in Penfield. NYS DOT wanted their client to close the access to Empire Boulevard with an access through a shopping plaza.

Chair Woods asked Attorney Reynolds about this option. Attorney Reynolds stated that he did not see why the access could not be provided on a conditional basis and as conditions change with the

plaza, this access would not be affected and Goddard Development would not need to come back to the Board for a modification to their site plan.

The Board wondered if Livingston County might consider a cross access easement to their parcel to the east. It was noted that this type of access might not be to a signalized intersection like that of the cross access easement to the National Realty property, but that it should be discussed. It was also noted that there are future plans to extend Veteran Drive to Megan Drive and connect Millennium Drive to Veteran Drive.

D. Farthing wondered if the proposed dumpster location would need to be moved if that is where the cross access was going to be. The Board agreed that they could put their dumpster there for now and move it in the future. There was concern about this as they are planning a permanent masonry dumpster enclosure. M. Griffo wondered if the building could be extended to allow for the dumpster(s).

Chair Woods asked the Board if they liked this rendering better than what was presented in February. The Board agreed that this building is a vast improvement over what they had seen previously. However, they were still concerned about the number of bays/size of building. Mr. Goddard stated that this building has seven bays and is approximately 6600-6700 square feet in size.

M. Griffo asked if the color presented across the building façade is the corporate color. Mr. Goddard said that it is, but that it had to be modified somewhat for this specific building. The Board liked the stone columns on the corners of the building, but wondered if this design could be carried along the entire front of the building. Mr. Goddard stated that they do have some flexibility but price is a consideration also.

The Board asked that in the next submission that a view of the building coming from the east be provided along with a view of the building coming from the west. The Board liked that the old tires and oil would be stored in the building and picked up on a weekly basis as was discussed at the February meeting. The Board asked where customer vehicles would be parked overnight hours. Mr. Goddard stated that there are very few customers that leave their vehicles overnight, noting that they do oil changes, tire repairs/changes, brakes, inspections and other minor vehicle repairs, so there is no need to leave a vehicle overnight.

The Board asked if this would be a franchise. Mr. Goddard explained that Mavis Discount Tire would be corporate owned, but that Goddard Development is purchasing the land and leasing it to them.

Chair Woods stated that this project would need to be referred to the Livingston County Planning Board. Their next meeting is June 13th with a submittal deadline of Wednesday, June 5th, which is the day the Village has to get the actual referral to them. The Board asked when this property would change hands. Mr. Goddard stated that once they receive site plan approval, the property would transfer to Goddard Development.

M. Griffo stated that he was concerned with the Route 20A/Lakeville Road access being straight across from the Kwik Fill Route 20A/Lakeville Road access. Engineer Rappazzo explained that this is what is preferred.

The Board asked about the future 8,000 square foot retail building planned for the site. Mr. Goddard stated that they have no plans to build that building now, but is aware that they would need to come back to the board for site plan modification, including but not limited to building appearance, signage, lighting and parking. Engineer Rappazzo stated that the utilities for this building should be installed at the same time the Mavis Discount Tire building is built. Mr. Goddard did not have a problem with this. The Planning Board was concerned that utility stubs would be visible if this was done. Engineer Rappazzo stated that they could remain underground and be capped at ground level. Mr. Goddard also stated that they would plan to leave this area grassy. The Board asked about the storm water prevention plan. CEO Maxwell stated that it would look much like the storm water management area like Coast Professionals has on Volunteer Road.

Further discussion took place regarding the dumpster location. During this conversation it was noted that the current plan does not meet the required number of parking spaces, therefore an area variance would be needed. Chair Woods stated that the submittal to the Livingston County Planning Department should include a variance application. Mr. Goddard stated that they would have to look at the plan and that they could possibly reduce the size of the building to accommodate the required number of parking spaces without needing a variance. It was agreed that this needed to be discussed further with the Code Enforcement Office and Bergmann Associates.

Chair Woods asked if there were any other concerns. The Board did agree that they would like to see the Mavis Discount Tire corporate color strip on the front of the building toned down and more earth tone colors used. Mr. Goddard stated that he would like to stay with a prototype building. The Board also agreed that the proposed second building on site would visually impact Route 20A/Lakeville Road more than this building will. Mr. Goddard stated that the second building would not be built until they have a tenant and is aware that there might be obstacles that they may face in the future regarding that building.

Chair Woods stated that he did not think this project was ready for Conceptual/Sketch Plat approval. The Board agreed. Procedurally speaking, Chair Woods stated that the Planning Board would need a copy of what was presented tonight for their records. The next submittal should include a cross access easement reference and dumpster location. This submittal should be made in time for the referral to the Livingston County Planning Board and if the proposal does not meet the parking space requirements or any other Code requirements, a variance application should be submitted at the same time. The Board was concerned with the possible need for a variance for the number of parking spaces, wondering how the second building on the site would meet the parking requirements if this one did not.

Mr. Goddard asked what happens after they submit the plan to the County Planning Board and are granted conceptual/sketch plat approval at the next Planning Board meeting scheduled for June 26th. Chair Woods stated that if conceptual/sketch plat approval is granted at the June 26th meeting, a public hearing would probably be scheduled for the July 24th Planning Board meeting with the possibility of preliminary and final approval being granted at the August 28th Planning Board meeting.

Engineer Rappazzo stated that some of the items he would need to review are the storm water management plan and how vehicles will be navigated around the site. M. Griffo stated that a landscape plan also needs to be submitted. S. Richardson noted that a lighting plan should also be submitted that includes all dark sky compliant lighting.

D. Farthing left the meeting at 5:48pm.

Mr. Goddard and Mr. Burri thanked the Board and left the meeting.

7. Livingston County Planning Board Update – Stew Leffler:

Stew Leffler stated that no Village business came before the County Planning Board at their meeting on May 9th. Agenda items included applications from the Town of Nunda, Village of Avon, Town of Sparta and Town of Lima. The agenda items from the Town of Sparta and Town of Lima were applications from the municipalities to extend the moratorium on all natural gas and/or petroleum extraction.

Chair Woods stated that the Town of Geneseo's moratorium on all natural gas and/or petroleum extraction has also expired. The Town is hoping to address this with the zoning revisions project.

8. Pizza Hut Signage – 71 East South Street:

M. Griffo asked if a sign permit had been issued for the new internally lit sign installed on Pizza Hut. CEO Maxwell stated that a permit had not been issued and that he had not noticed that the sign was different. M. Griffo stated that final site plan approval for that building did not include an internally lit sign. M. Griffo continued by stating that the previous sign had been externally lit. CEO Maxwell also stated that the Planning Board per Code does not need to review the sign if it is of like size and color of the one it is placing. S. Richardson noted that the Planning Board did not review the sign changes from HSBC Bank to Community Bank. Chair Woods stated that he had spoken to CEO Maxwell and CEO O'Keefe regarding that signage and had signed the permits. CEO Maxwell stated that he would look into it and report back to the Board.

9. Meeting Closed:

With no further discussion, C. Kruppner moved to close the meeting at 6:00pm. S. Richardson seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary