

Members Present:

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

Other Village Representatives Present:

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

Applicants Present:

Joe Ferrino, McDonald's Geneseo Franchise Owner, 4162 Lakeville Road
Paul Rubenstein, McDonald's USA, LLC
Ginny Snider, McDonald's USA, LLC

Public Present:

Caroline Smith, SUNY Geneseo Student
Robert May, SUNY Geneseo Student
David Gentile, SUNY Geneseo Student

1. Meeting Opened:

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

2. Review of Minutes:

The August 28, 2013 Regular Meeting/Public Hearing meeting minutes were reviewed. D. Farthing moved to approve the minutes as amended. S. Richardson seconded the motion and the motion passed with ayes from all.

The October 3, 2013 Special Meeting minutes were reviewed. C. Kruppner moved to approve the minutes as amended. M. Griffo seconded the motion and the motion passed with ayes from all.

3. Code Enforcement Office Report:

<u>August 2013</u>		<u>September 2013</u>	
Building Permits	06	Building Permits	03
Sign Permits	04	Sign Permits	03
Rental Housing	54	Rental Housing	01
Fire Inspections	02	Fire Inspections	00
Avoidable False Alarm Violations	00	Avoidable False Alarm Violations	02
Misc. Violations	00	Misc. Violations	00
Temporary Structure/Tent	01	Temporary Structure/Tent	00

Code Enforcement Officer Ron Maxwell stated that he had received an email from Scott Harter, Engineer regarding the Livingston County Historical Society's proposals as discussed with the Planning Board in August. CEO Maxwell stated that he had spoken with Mr. Harter on the phone and advised that he should contact Planning Board Secretary Aprile Mack for submittal requirements. Secretary Mack stated that she had briefly spoken with Mr. Harter this afternoon regarding the requirements and he would call her if he had any further questions. No time table was given as to when they may be submitting plans.

CEO Maxwell stated that he had received a site plan map from Tom Fraser, Fraser Engineering and Design Services for the Genesee Valley Federal Credit Union on Millennium Drive, an additional

parking lot is being proposed. Mr. Fraser will be submitting a full site plan application in the near future.

CEO Maxwell stated that he recently received a complaint from a tenant of the Geneseo Medical Center currently owned by Stewell, LLC (Dr. Supinski). Upon completion of a property maintenance inspection CEO Maxwell found many parts of the building to be in a state of disrepair. An official letter was sent to Dr. Supinski. However, the building is up for sale and CEO Maxwell stated that Greg O'Connell who also owns the Oak Valley Inn property is in the process of purchasing it.

S. Richardson asked CEO Maxwell about the dumpsters behind the Village Tavern at 137 Center Street. Earlier in the summer it appeared that a dumpster enclosure would be installed along the east property line, but now they have been relocated to behind the tavern with no enclosure. M. Griffo stated that the Planning Board was assured that an enclosure would be installed. CEO Maxwell will follow up on this.

Chair Woods stated that he had agreed to draft a letter to the Tavern from the Planning Board regarding events being held under the tent without a Noise Permit; however he has not done so yet. Chair Woods stated that the Village Board is aware that the Tavern is operating without a Noise Permit and that one may be requested. It may be a moot point this late in the season, but as they prepare for next season, it is a good time for them to apply. The Board wondered if Noise Permits were issued per season or per event. Chair Woods, Village Attorney J. Thomas Reynolds and Secretary Mack were unsure. However, Secretary Mack believed that there has not been an instance of a Noise Permit being requested for more than one event or for a season. M. Griffo wondered if the Village Board would ask for a recommendation from the Planning Board regarding such requests. Chair Woods was unsure, but agreed that the Planning Board could make the Village Board aware of their concerns. S. Richardson stated that the Homestead should also apply as they have had live music in the past. The Board agreed.

4. Livingston County Planning Board Update – Stew Leffler:

Stew Leffler reported that the Livingston County Planning Board last met on October 10th. Agenda items included zoning referrals from the Town of Leicester and Town of Avon for moratoriums on/and prohibition of gas and petroleum and extraction activities, underground storage of natural gas, and disposal or treatment of natural gas or petroleum extraction, exploration and production wastes.

The last agenda item included a zoning referral within the Town of Livonia from Bulk Products Development Corporation for site plan review for the construction of a one-acre corn storage facility on Bronson Hill Road. Mr. Leffler explained that the zoning referral included proof that truck traffic will be reduced, but that there will be more trips in a short amount of time because the corn is dropped off, dried and picked back up for delivery or loaded on railcars.

Mr. Leffler also stated that the County Planning Board reviewed a report on the renewal of Agricultural District #2. Mr. Leffler reminded the Board that a "Bicycle & Pedestrian Supportive Code Language Training Workshop" is being held at the County Government Center on October 30th from 6:30pm-8:30pm. C. Kruppner stated that he will be attending this workshop. Also, the County Planning Department is hosting a training session on December 3rd which will cover the new SEQR forms, online access, use of the workbooks, and other new requirements. Chair Woods and S. Richardson stated that they plan to attend.

5. McDonald's Restaurant – 4162 Lakeville Road:

Chair Woods asked Attorney Reynolds to update the Board on the McDonald's project. Attorney Reynolds stated that he had spoken with Mr. Anderson a representative from McDonald's

USA in Chicago, Illinois regarding the change to the Escrow Agreement – “(G) “Work” 8. The site plan and all other stipulations made by the applicants by the Planning Board shall be adhered to.” Mr. Anderson has stated that the wording is too broad.

Attorney Reynolds also stated that he briefly met with Chair Woods and C. Kruppner about some of the unanswered questions the Board discussed at the special session on October 3rd. C. Kruppner stated that he had done some extensive research by reviewing the Planning Board’s minutes, reviewing the signed site plan, reviewing any other documentation on file and visiting the site. Upon conclusion of that meeting and site visit the following items need to be addressed or have already been addressed:

1. The sidewalk relocation and lowering along Route 20A – this concern has been addressed.
2. The painting (Cityscape Gray) of the drive-thru canopies has been agreed to by the owner.
3. The “Welcome” signs above the entrance doors, which were not agreed to by the Board.
4. The “Reserved Drive-Thru” signs that occupy two adjacent parking spots were not in the approved signage package.

Attorney Reynolds stated that the first two items have been discussed and agreed upon. McDonald’s representatives are working very closely with the Village’s Department of Public Works regarding the relocation and lowering of the sidewalk. The second item has also been agreed upon and it is just a matter of logistics. The yellow canopies are a shelf stock item – “Cityscape Gray” is a special order. The “Welcome” signs above the two entrances were discussed at the November 2012 Planning Board Meeting. Per approved minutes these signs would be removed.

The “Reserved Drive-Thru” signs that occupy two adjacent parking spots were not in the approved signage package or on any renderings presented to the Board. Chair Woods stated that when the Board did give approval to the project the welcome signs and drive thru reserved signs were not in the sign package.

Attorney Reynolds stated that McDonald’s is agreeable to the first two as discussed at the meeting on the 3rd of October, and believe the work can be completed by January 2, 2014 if not sooner.

Chair Woods asked for comments or questions from the Board.

S. Richardson asked if the two reserved drive-thru signs that occupy two adjacent parking spots are used for customers whose orders are not ready yet. Joe Ferrino, franchise owner stated that this was correct. At the previous building, vehicles would just pull ahead. CEO Maxwell stated that this kind of set up is similar to Curbside To Go at Applebee’s. S. Richardson stated that she really had not considered them signage. D. Farthing asked if the parking spots were striped. C. Kruppner stated that they are striped with yellow paint instead of white like the other parking spots. The reserved signs are mounted to bollards. CEO Maxwell stated that these signs are also similar to the reserved handicap parking signs and are used because of snow. M. Griffo stated that they were not a part of the sign package. D. Farthing felt as though because the “please have your money ready” signs were apart of the sign package, these should have been also and that unlike Applebee’s Curbside To Go signs these are not close to the building and stick out. S. Richardson suggested that they be reduced in size. C. Kruppner stated that he is not for or against the signs but because they were not a part of the approval and not previously mentioned brought them to the attention of the Board. S. Richardson also suggested that the “Welcome” signs over each entrance be taken down and these be kept as is as a compromise. M. Griffo believed that because they were not a part of the approved plans, they should not be there.

D. Farthing wondered if the extra signage made McDonald’s over the allowed square footage for signage. CEO Maxwell stated that he considers them informational signs; therefore they are not included in the overall square footage. M. Griffo stated that even if CEO Maxwell did not consider them as signage, they should have been listed on the final site plan or final building plans. CEO Maxwell stated that they might have been on the building plans, but that he would have to look.

S. Richardson asked about the yellow “eyebrow” or architectural roof element on the west side of the building. Chair Woods stated that this “eyebrow” was depicted on one of the two colored renderings as listed in the Planning Board’s approval from March 27, 2013.

M. Griffo stated that the light fixtures especially along the south side do not seem to be dark sky compliant. He stated that he has observed that the resident’s yards on the south side of Reservoir Road are more lit up than they were before. MRB Group Engineer Rappazzo stated that dark sky compliancy refers to light shining up not shining out. M. Griffo stated that the Board was assured that no light would leave the property.

M. Griffo also asked about the HVAC (Heating-Ventilation-Air Conditioning) units on the rooftop that are visible heading west and east on Route 20A, because the Board was assured they would not be. C. Kruppner stated that in regards to the height of the building and the location of the building on the site, it is where it is supposed to be. M. Griffo asked if other Board Members remembered discussing this. C. Kruppner stated that in the October 24, 2012 Mr. Bebout stated that there would be rooftop HVAC units but that they would be screened by the 3’ high metal architectural feature around the top of the building. S. Richardson commented that they do stick up some and if she starts looking around she can see them on the new Hampton Inn and other newer buildings in the Village. C. Kruppner commented that from the Wegmans Plaza many rooftop HVAC rooftop units can be seen. S. Richardson did note that the units are not depicted on the colored rendering.

CEO Maxwell stated that looking at the signed site plan, there is one “Reserved Drive-Thru” parking sign. M. Griffo asked if these two parking spots are included in the overall parking calculation. CEO Maxwell stated that they were, but even if they weren’t they would be within the parking requirements per Code. Chair Woods stated that logistically the parking spots have to be labeled in some fashion.

Chair Woods stated that the “Welcome” signs over the two entrances and the “Reserved Drive-Thru” signs should have been shown on the site plan, but he cannot say that he objects to them. M. Griffo stated that he agrees with Chair Woods, however, his main concern is with the light spillage onto the resident’s properties along the south side of Reservoir Road.

At this time, Chair Woods asked if the McDonald’s representatives present would like to respond with any questions or comments.

Paul Rubenstein, McDonald’s USA, LLC stated that the yellow canopies and sidewalk are being taken care of as discussed. He continued by stating that the sidewalk had not yet been relocated/replaced because they thought they had to obtain additional permits from DOT but the work to be done is included within the original permit, therefore work should start on the sidewalk within 5-10 days depending on the weather.

Mr. Rubenstein stated that Cityscape Gray canopies are a customized item; therefore they are being engineered now for snow load etc...it is taking longer than they had first anticipated. Engineer Rappazzo asked if the canopies were being replaced instead of being painted. M. Griffo stated that the Board thought that the existing ones would be painted Cityscape Gray not be replaced with different/new ones which are that color. Ginny Snider, McDonald’s USA, LLC stated that they thought they had to replace them, not just paint them. She asked if the Board would be open to the existing ones being painted instead of replaced as this would be a huge cost savings to them. Mr. Ferrino explained that they would not just be painted, but that they would be taken down, taken to a shop, painted, dried etc...similar to that of a vehicle being painted. The Board did not have a problem with this as that is what they thought was going to happen. Mr. Rubenstein stated that the yellow ones are considered a trademark in the fact that they are the “eyebrow” shape and finds it to be an interesting development that Corporate is willing to paint them instead of replacing. Mr. Ferrino stated that he would be much happier if they could just be painted instead of replaced, especially because of the cost involved.

Mr. Rubenstein continued by discussing the “Welcome” signs above the two entrances and the reserved parking drive-thru signs. Mr. Ferrino stated that he would like to move forward so that he may obtain his permanent certificate of occupancy as soon as possible, therefore removing or keeping these signs for him is not a deal breaker. D. Farthing asked if there was truly a need for the “Reserved Drive-Thru” signs. Mr. Ferrino stated that over the years he has learned that striping does not work especially in the winter when there is snow. Discussion continued proposing to cut the square footage of the signs in half. Ms. Snider stated that the “Reserved Drive-Thru” signs are new to the McDonald’s USA sign portfolio and apologizes for them not being apart of the original sign package. Mr. Ferrino explained that a lot goes into a rebuild and basically when it came down to picking out these types of signs a book was put in front of him and he probably just said go with these ones.

CEO Maxwell believes that these two spaces need to be labeled for what they are for exactly; otherwise they will be used as regular parking spots. D. Farthing noted that only one sign is shown on the approved site plan. It was again suggested that the square footage of each sign be cut in half and it was also suggested that they be horizontal, instead of vertical. Others pointed out that horizontal signs would not work.

Mr. Rubenstein continued the discussion in regards to the light spillage. Mr. Ferrino asked for clarification. M. Griffo stated that the pole lights in the parking lot along the rear property line are noticeably lighting up the front yards of the properties along the South side of Reservoir Road. Mr. Ferrino stated that lighting is a matter of security. M. Griffo stated that he understood this but that all lighting must be dark sky compliant and there must not be any light spillage. It was noted that shields were agreed to be added to the light fixtures along the rear property line. Mr. Rubenstein and Ms. Snider agreed that the shields had not been added to the fixtures as agreed upon, but they will make sure they are installed as soon as possible.

Mr. Rubenstein asked how big of an issue the “Welcome” signs over the door are, commenting that he believes the building would look silly without them. C. Kruppner stated that he does not mind them at all and that the only reason he brought them up was because it was a part of the research that he had done. S. Richardson stated that they are subtle enough that she does not mind them. CEO Maxwell stated that he had to drive by twice before he actually noticed them. Chair Woods stated that he does not find them objectionable or obtrusive, but that they were not on the approved renderings. M. Griffo agrees 90% but asked that the record reflect that they were not supposed to be there.

Next, Mr. Rubenstein brought up the comment regarding the HVAC rooftop units. He continued by stating that he did a quick run around Geneseo and many rooftop units are noticeable especially driving West on Route 20A. He believes that one really does not notice them unless they are specifically looking for them. It was noted that the front of the building is approximately 22’ tall and 18.9’ tall in the back. Mr. Rubenstein stated that in architectural terms the building height should be split up like it has been. M. Griffo again stated that he agrees with this, but wants it noted for the record that the Planning Board was assured that the units would not be seen and they are visible.

Chair Woods asked Attorney Reynolds what the next step was. Attorney Reynolds stated that the Board and McDonald’s have been provided with an Escrow Agreement that includes:

1. The sidewalk along 4162 Lakeville Road, Geneseo, New York is to be lowered approximately 1.5 feet and the elevations, slopes and drainage arrangement shall be as set forth on Exhibit A.
2. The canopy modification shall be as set forth on Exhibit B but the existing canopies will be painted Cityscape grey instead of being replaced.
3. The “Order” bar beneath the drive thru canopies shall be painted Cityscape grey to match the building.
4. The striped pedestrian walkway from the connecting sidewalk to the building shall be relocated to the northwest corner of the parking lot next to the relocated walkway.

5. A permanent barrier shall be installed at the east end of the sidewalk along Route 20A, which is satisfactory to the Village DPW.
6. The storm water quality management unit located in the northeast corner of the property shall meet the standards set forth in the site plan.
Engineer Rappazzo stated that the unit that was installed was from a different manufacturer than originally proposed, but is now an updated design which is acceptable.
7. The landscaping plan as approved shall be completed.
Ms. Snider stated that the landscaping will be finished as soon as weather permits. Mr. Ferrino stated that the grass is coming in nicely – however, because of the issue with the sidewalk out front, that has not yet been seeded, but because of weather restraints he plans to sod that area once the sidewalk has been replaced.
8. The site plan and all other stipulations made by the applicants to the Planning Board shall be adhered to.

Attorney Reynolds stated that McDonald's USA has stated that this stipulation is too broad and would like it clarified. Attorney Reynolds believes that it should reflect reduction in size of the "Reserved Drive-Thru" signs. Noting that the current size of each sign is 4.6 square feet and the Planning Board would like to see each sign reduced to 2.3 square feet each. M. Griffo asked if these signs come from Corporate. Mr. Ferrino stated that they did and that different ones would need to be custom ordered. Further discussion took place. It was agreed upon that the "Reserved Drive-Thru" signs could stay as is.

Attorney Reynolds stated that the only issue to address is light spillage along the rear property line to the south side of Reservoir Road. Ms. Snider stated that they had agreed to add shields to these lights (as noted in the March 27, 2013 Planning Board Minutes) however, that has not been completed, but will be soon. Mr. Ferrino asked how light spillage is measured as it could be coming from an adjacent property. Engineer Rappazzo stated that MRB Group does have a meter to measure light. It was noted that the light spillage has just recently become noticeable with the McDonald's rebuild.

S. Richardson exited the meeting.

With no further discussion, M. Griffo offered the following resolution:

A decision and resolution in connection with an application submitted by T.Y. Lin International, on behalf of McDonald's USA, LLC and Joe Ferrino, Franchise Owner for site plan approval for the redevelopment of the McDonald's restaurant including demolition of the entire site and construction of a new approximately 3,911 square foot restaurant and associated site features including dumpster enclosure/shed, side-by-side drive-thru, asphalt parking, utilities, landscaping, lighting and sign at 4162 Lakeville Road, Village of Geneseo, Tax Map #: 81.14-1-4.2 was made on March 27, 2013, a Final Site Plan was filed in May, 2013 and an amendment passed on October 3, 2013.

WHEREAS, the Applicant has requested a minor Amendment in said site plan; and

WHEREAS, a Public Meeting to consider the request was held on October 23, 2013; and

WHEREAS, the specifics for the change is set forth in the attached exhibits; and
NOW THEREFORE, be it resolved that the McDonald's Geneseo, requested amendment to the site plan is granted with the following conditions:

1. The sidewalk along 4162 Lakeville Road, Geneseo, New York is to be lowered approximately 1.5 feet and the elevations, slopes and drainage arrangement shall be as set forth on Exhibit A, attached hereto.
2. The canopy modifications shall be as set forth on Exhibit B attached hereto.
3. The "Order Here" bar underneath the drive-thru canopies also be painted Cityscape Gray, to match building and said exhibit as attached be changed to reflect this.
4. The striped pedestrian walkway from the connecting sidewalk to the building be relocated to the northwest corner of the parking lot next to the relocated walkway.
5. A permanent barrier shall be installed at the east end of the sidewalk along Route 20A which is satisfactory to the Village DPW.
6. That the storm water quality management unit in the northeast corner of the property shall meet the standard set forth in the site plan.
7. The landscaping plan as approved shall be completed.
8. Compliance with the site plan submitted by the applicants and the installation of the shields the applicants agreed to attach to the light fixtures to reduce light spillage to the south side of Reservoir Road as indicated in the Planning Board minutes from March 27, 2013.

D. Farthing seconded the motion. The vote was as follows: David O. Woods, Chair - Aye, Matthew W. Griffo, Member - Aye, Dori Farthing, Member - Aye and Claren Kruppner - Aye.

6. Other Business:

Chair Woods reminded the Board of the Genesee/Finger Lakes Regional Planning Council's Fall Workshop to be held in Batavia in November.

7. Town Planning Board Update – David Woods:

D. Woods stated that he was not present at the last Planning Board meeting on October 21st; however, CEO Maxwell stated that he was in attendance and that they worked on the proposed fence law.

8. Meeting Closed:

With no further discussion, M. Griffo moved to close the meeting at 6:02pm. C. Kruppner seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary