

Members Present:

David Woods, Chair
Dori Farthing
Matt Griffo
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
James Kernan, Pending Planning Board Member

Applicants Present:

Ric Ayling, **TYLIN**INTERNATIONAL - Geneseo Land Corporation – Cedarwood Estates Subdivision
Jeff Fitch, Signlanguage Inc. – Bank of Castile/Tompkins Insurance – 11 South Street
Evan Conklin, Carpe Diem Tattoo, 118 Main Street
Josh Palmer, Vital Signs, Carpe Diem Tattoo, 118 Main Street
Rocco Dragani, Property Owner, 116 and 118 Main Street

Public Present:

Allan & Sue Bonnell – 11 Westhampton

1. Meeting Opened:

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

2. Review of Minutes:

The November 20, 2013 regular meeting minutes were reviewed. D. Farthing moved to approve the minutes as presented. S. Richardson seconded the motion. The motion passed with ayes from D. Woods, D. Farthing and S. Richardson. M. Griffo abstained as he was not present at the November 20, 2013 meeting.

3. Code Enforcement Office Report:

<u>November 2013</u>		<u>December 2013</u>	
Building Permits	05	Building Permits	02
Sign Permits	01	Sign Permits	00
Rental Housing	00	Rental Housing	00
Fire Inspections	01	Fire Inspections	00
Avoidable False Alarm Violations	01	Avoidable False Alarm Violations	05
Misc. Violations	00	Misc. Violations	00
Temporary Structure/Tent	00	Temporary Structure/Tent	00

Code Enforcement Officer Ron Maxwell reported that the Hammocks project within the Town of Geneseo is moving along and they are also in the process of changing some of the interior layouts of the apartments as first proposed.

Country Max had a small electrical fire due to an extension cord. The sprinkler head within the area of the fire worked properly, however, when the alarm sounded, it sounded in the adjacent Good Will store, not Country Max. National Realty, the owners of the plaza were notified immediately of this malfunction and are working on solving the issue. Luckily the fire was located in an incinerator room which was previously used as such when Wegmans occupied the spot years ago.

CEO Maxwell stated that BOCES is continuously working on a house on Heritage Drive. M. Griffo asked about erosion control requirements for construction of a single family home.

CEO Maxwell stated that silk fencing is not required but that no runoff should be leaving the property. M. Griffo stated that he believes some runoff has ended up in the storm drain. CEO Maxwell will advise the builders of this concern.

The Board asked about the status of Mavis Discount Tire. CEO Maxwell stated that he believes they are proceeding with the project, but he has not seen a final site plan or any building plans. CEO Maxwell continued by stating that the Hallmark store in the Genesee Valley Plaza (Wegmans Plaza) is relocating to Pondsides Plaza between Salon Secrets and the Sears store. Sally's Beauty Supply and Kay Jewelers will be splitting the Hallmark store area and PetSmart will be opening in part of the former Fashion Bug store.

S. Richardson noted that a new sign panel has been placed at the oil change place on East South Street. CEO Maxwell stated that CEO O'Keefe has stopped by the location to inform the new manager, but has not yet heard back from him. Secretary Mack stated that she and CEO O'Keefe has this pending to send a letter by the end of the week if we have not heard from them.

4. Town Planning Board Update – David Woods:

D. Woods stated that the Town Planning Board did not meet in January and the work session scheduled for next Monday the 27th has also been canceled. However, D. Woods did note that the Town Zoning revision project is moving along.

5. Livingston County Planning Board Update – Stew Leffler:

S. Leffler stated that the Livingston County Planning Board did not meet in January, but did meet in December with the following agenda items:

Town of Avon:

Subdivision and Site Plan Review for two lots and an extension of Tec Drive in the Crossroads Commerce Park. This application was from the Livingston County Industrial Development Agency (IDA). The IDA has found that in order to further develop the area, the original subdivision and site plan must be altered for what people are looking for.

Village of Livonia:

Zoning amendment on the size and number of projecting signs allowed in commercial districts and other Code amendments. This application was from the Village of Livonia.

Village of Leicester:

Zoning amendment to delete "Boarding House" from the Village Zoning Regulations. This application was from the Village of Leicester. The Board asked if this was in relationship to a specific parcel. Mr. Leffler stated that it was not. The proposal is to eliminate such uses within the Village of Leicester. However, it was noted that there had been some controversy and news coverage about a specific parcel in the Village of Leicester regarding such a use over the past year.

Town of Conesus:

Use variance request for a winery and tasting room at 6442 Stagecoach Road. The application was from Stan & Jan McCormack. This application was withdrawn as it was determined that a variance would not be required for such a use.

6. Planning Board – Miscellaneous:

At this time, Chair Woods introduced Jim Kernan. Mr. Kernan is being considered for Claren Kruppner's position on the Planning Board. C. Kruppner's term expires at the end of March and he is spending his winters in Florida. C. Kruppner had made a suggestion to Mayor Hatheway to appoint a

new member to the Planning Board and he become an Alternate member. This will be further discussed at the Village Board meeting on January 27th, therefore, Mr. Kernan was asked to join the Board this afternoon. The Board welcomed Mr. Kernan.

7. Bank of Castile/Tompkins Insurance – 11 South Street:

Jeff Fitch, from Signlanguage Inc. appeared before the Board with a sign permit application for the Bank of Castile/Tompkins Insurance Agency located at 11 South Street. The logo is changing and the “Tompkins” name is becoming more prevalent. The Board did not see any concerns with the proposed changes; therefore, M. Griffo moved to approve the sign permit application as presented by Mr. Fitch tonight. S. Richardson seconded the motion and the motion passed with ayes from all.

8. Carpe Diem Tattoo – 118 Main Street:

Josh Palmer, Vital Signs appeared before the Board with two sign permit applications for Carpe Diem Tattoo studio at 118 Main Street. They are proposing outside window lettering which has already been installed and a vertical sign between the window and door. Evan Conklin, sole proprietor stated that if the Board is not in favor of the vertical sign, he can use a horizontal sign that will fit over the window. The Board asked if there were any regulations in regards to how close to the ground a sign could be placed. CEO Maxwell stated that he was not aware of any. Mr. Palmer stated that the sign will be approximately 1’ off the ground. The Board asked why they decided to install the lettering on the outside of the window. Mr. Palmer stated that the lettering is actually real 24 Karat Gold and the way the sign is made it looks better on the outside of the window. The Board asked about the overall square footage. Total square footage allowed is 16. The window letter is approximately 10 square feet and the vertical sign being is approximately 6 square feet. With no further discussion, S. Richardson moved to approve the sign permits as presented. D. Farthing seconded the motion and the motion passed with ayes from all. The Village’s sign grant program was briefly discussed. Mr. Conklin stated that he may apply for the grant. The Board explained to Mr. Conklin that per grant requirements, the sign should not be installed prior to the grant application process. Mr. Conklin stated that he was aware of this.

9. EuroCafé Real Food & Deli – 116 Main Street – Special Use Permit Request:

Chair Woods explained that the applicants (Margaret Zdzieszynski and Krystyna Skrzypek) for the special use permit request for a café at 116 Main Street were unable to make it to tonight’s meeting. CEO Maxwell stated that this is a new application and different applicants from the previous special use permit which had been granted for the same location but never opened. It was noted that the previous special use permit application was granted on April 24, 2013 with an expiration date of June 1, 2014.

As discussed with the previous application, when reviewing special use permits similar to this one for the Main Street area, the Board is concerned about the hours of operation, litter, noise, the sale of alcohol and other nuisances. The Board also noted that special use permit applications such as these are usually granted for one year with the opportunity to renew for a longer period. It was noted that on the application the café will be closed on Sunday and Monday, Tuesday through Friday it will be open from 11:30am through 8:30pm and Saturdays from 4:00pm – 9:00pm. However, the Planning Board cannot regulate the hours of operation. D. Farthing stated that with the University Hots Special Use Permit application litter was a big concern, but they were asked to cleanup any trash that might be left on the street in front of the business. It was also noted that if there were any disturbances, the Police Department might be involved and a Nuisance Violation may be issued. At time of renewal the Board could ask the Police Department if any such violations were issued. The Department of Public Works could also be asked if there has been any trash left in the public right-of-way in the area of 116 Main Street.

At this time, the Board noted that the new New York State short environmental assessment form was submitted. However, Chair Woods stated that the Board may want to make a motion determining that the previous review of the short environmental assessment form from the April 2013 special use permit application and negative declaration granted as on file is acceptable for this application. The Board agreed that the café special use permit applications were very similar. With no further discussion, M. Griffo moved to waive the review of the new New York State short environmental assessment form as submitted and that the negative declaration as granted for the previous special use permit application is acceptable for this application. S. Richardson seconded the motion and the motion passed with ayes from all.

D. Farthing moved to waive the public hearing requirement per Village Code requirement. S. Richardson seconded the motion and the motion passed with ayes from all.

S. Richardson moved to approve a special use permit for a small café – EuroCafé – to be located at 116 Main Street for a term expiring February 1, 2015. D. Farthing seconded the motion. Chair Woods asked if there was any further discussion. M. Griffo stated that any excessive noise or disturbances reported will be reflected in the Planning Board’s review of the renewal request next year. The motion then passed with ayes from all.

It was noted that no signage was requested. Secretary Mack stated that she made the applicants aware of the sign permit process and they wished not to submit a sign permit application at this time.

At this time, Rocco Dragani, property owner of 116 Main Street and 118 Main Street entered the meeting. Mr. Dragani asked if the special use permit was granted for 116 Main Street and if the sign permit applications were approved for 118 Main Street. The Board stated that both the special use permit application and sign permit applications were approved. Mr. Dragani thanked the Board and left the meeting.

10. Cedarwood Estates Subdivision – Sketch Plat Review

Chair Woods started the sketch plat review with a history on the subdivision. Chair Woods stated that this subdivision has been in the works for a number of years and he is in the process of reviewing Planning Board minutes on the project as far back as 1988. He explained to the Board, that he along with Code Enforcement Officers Ron Maxwell and Dean O’Keefe, MRB Group Engineer Kurt Rappazzo and Secretary Mack met informally with Ric Ayling, TY Lin International representing Cedarwood Estates in December. The developer, Mark VanEpps would like to proceed with Phase II of the subdivision which was approved by the Planning Board in February of 2007 with conditions, but never filed. Phase I of the project was approved, filed with the County Clerk and has several houses built on the lots.

Chair Woods continued by explaining that the subdivision as approved as a whole show plans for townhouses in Phase V however, new Zoning has gone into affect that does not include townhouses in the Residential R-2 Zoning district as the previous Zoning Code did. Therefore, the subdivision as a whole must come back to the Planning Board for preliminary review and final review for Phase II.

The previous approval of all phases of the subdivision included cluster development which required open space and a Home Owners Association or HOA. Chair Woods stated at the time, there was a lot of discussion on whether there would be one or more HOA’s for the open space within the subdivision as there is already a HOA in place for Phase I of the subdivision along the southern property lines and the proposed common space would be located somewhat in the middle of the subdivision behind a circle of homes. Woodbine Park within the Village is considered cluster developing and there have been many issues with the open space within that development in regards to encroachment and how/who is to maintain the open space.

At the time of the informal meeting, Chair Woods found that before the Planning Board grants preliminary approval the subdivision must be referred to the County Planning Board and any comments from the County Planning Board must be received. *Section 130-100 F. of the Zoning Code states: Referral to County Planning Board. Where required by §§ 239-l and 239-n, Chapter 12-B, of the General Municipal Law, the preliminary plat application shall be forwarded to the County Planning Board for its review. Any preliminary plat may be submitted to the County Planning Board for review and need not be limited to the requirements of this section. No decision shall be made on the preliminary plat until these comments are received.*

Chair Woods explained the tentative schedule for this application. As the Planning Board cannot grant preliminary approval until the County Planning Board acts upon it, preliminary approval could possibly be granted in February, with the possibility of a Public Hearing for final review/approval being held in March, with no guarantees of final approval being granted that evening.

At this time, Ric Ayling presented the sketch plat design to the Planning Board. The plan as submitted retains the original roadway, however, an additional cul-de-sac is proposed at the interior of the parcel in the area of the formerly proposed open space. In lieu of the originally proposed townhouses, standard sized lots are being proposed for the entire subdivision. The current Zoning will allow for more than 100 lots at the minimum sized lot allowed. However, the current plan calls for a total of 72 lots, that are similar to those in the completed Phase I. The proposed lots in the future phases are approximately 75' wide, whereas 50' wide lots are required per current Zoning Code regulations. Phase II lots are larger than that at approximately 100' wide to allow for the construction of larger sized homes. Mr. Ayling noted that lots 47-52 are approximately 119 feet deep due to the location of the existing roadway stub. However, the current Zoning Code requires a minimum lot depth of 125', therefore they will be looking for an area variance for those lots. Mr. Ayling also stated that in the southwest corner of the subdivision a unique shaped cul-de-sac is proposed.

At this time, Village Engineer Kurt Rappazzo's January 21, 2014 comment letter was reviewed. Engineer Rappazzo stated that some of his comments are technical in nature where others need further review by the Planning Board and applicant.

Comment #2: There appear to be several deviations from the Village Code requirements for the layout of residential lots (Village Code Section 130-97 C3) specifically: Side lot lines being at right angles or radial to street lines (c), corner lots being 10% wider (f), and lots not being deeper than three times their width (g).

Comment #6: "Cul-de-sac streets shall only be permitted if the Planning Board determines that connections to existing or future streets are not possible or reasonable for specific reasons of topography or design" (Village Code Section 130.97 C5a). The proposed cul-de-sac street should be extended westerly to Steeplechase. Engineer Rappazzo also noted that Village Streets Superintendent Jason Frazier is not in favor of cul-de-sac streets.

Mr. Ayling stated that in review of Engineer Rappazzo's comments, he has prepared two alternate subdivision plans. Alternate 1 consists of a slight variation from what was submitted with a traditional cul-de-sac and unique shaped cul-de-sac. Alternate 2 consists of a traditional grid type subdivision with a through street and one traditional cul-de-sac. Mr. Ayling stated that cul-de-sac homes are very marketable and create a sense of community. The Board stated that there are many concerns with cul-de-sacs, specifically related to how it would be maintained and snow removal. Mr. Ayling stated that it would be dedicated to the Village. The Board explained that the Village no longer wishes to take dedication of cul-de-sac streets. Mr. Ayling continued by stating that a grid-like alternative plan is not a desirable one to the developer and the grid-like pattern would consist of approximately eight corner lots which are less marketable.

Discussion continued and the Board asked if the existing stormwater management area is capable of handling the proposed. Mr. Ayling stated that the stormwater management area would

need to be modified. He stated that DEC had originally agreed that Phase II of the subdivision would be grandfathered from what the new DEC requirements are, however that may not be the case with all the changes that are being requested. M. Griffo made Mr. Ayling and the Board aware of the significant drainage issues along the area to the south of this property which backs up to Melody Lane. Engineer Rappazzo stated that this would need to be looked at further.

The Board agreed that they were in favor of no open space and no HOA. The Board asked if the proposed building lots were large enough or wide enough to accommodate pools, accessory structures and decks. CEO Maxwell stated that he believes they are, but that lot coverage may be an issue as pools, accessory structures, decks, sidewalks, patios and driveways are included in the overall lot coverage. The Board had strong objection to any variances that may be requested.

Chair Woods stated that it has come to the Board's attention that an undedicated water line runs through this property to the property located at 4177 Lima Road within the Town of Geneseo. Mr. Ayling stated that they are aware of this line and they agree that it needs to be relocated. Chair Woods suggested that Mr. Ayling discuss this matter further with Village Water/Waste Water Treatment Plant Operator Steve McTarnaghan and Jason Frazier.

Chair Woods asked what the consensus of the Board was tonight regarding the plan(s) as presented, noting that cul-de-sacs and area variances are not favorable.

D. Farthing stated that she would prefer that the number of things that do not comply with the Village Code be minimized. Mr. Ayling argued that the lots that would require variances are twice the size of what is required, but they do not comply with the current Zoning Code Section 130-97 C. (3) (g) which states that "Lots deeper than three times their width at the setback line shall be avoided." Mr. Ayling continued by stating that what is proposed is consistent with the surrounding neighborhood which is highly encouraged, but variances to comply with that consistency are discouraged.

S. Richardson stated that she does not believe every option has been looked which would not include cul-de-sacs. She also stated that she would prefer not to see homes located very close to each other, but also does not want to see an 1800 square foot houses built with 4000 square foot houses.

Mr. Ayling suggested that if the cul-de-sac was allowed, the area in the cul-de-sac would not necessarily need to be grass. The Board agreed, but they also did not want to see the area black topped. S. Leffler suggested that a compromise might be to use indigenous plantings that would not need to be maintained on a regular basis.

Chair Woods stated that even though this is not a public hearing, there are two neighbors in attendance and wondered if they would like to speak. Allan Bonnell stated that he and his wife Sue reside at 11 Westhampton. He continued by stating that their biggest concern is with ingress and egress, fire safety and pedestrian safety. The proposed subdivision does not have an alternate ingress and egress, so Westhampton would be the only way in and out of the entire subdivision. The Board suggested that a second ingress/egress could be added to the subdivision that connects to Lima Road. Mr. Ayling stated that this was a possibility, but a very undesirable one especially due to the costs involved with that.

Mr. Ayling continued to explain that a grid like pattern is less desirable and the homes would be approximately 150' apart. According to Mr. Ayling, the industry has supported cul-de-sac streets for a long time, they are desirable, they allow for a greater sense of community and they are what people are looking for. Mr. Ayling stated that he believes what is being presented is way less aggressive than what could be presented. The Board agreed that they would like to see a plan that does not include cul-de-sac streets but thru streets.

Regarding ingress and egress, Mr. Ayling stated that he does not feel that a subdivision of this size is a large generator of traffic. However, it was pointed out that if there are a total of 72 lots/homes built within this subdivision with on average of two vehicles per home, which would be a total of 144 vehicles that need to use Westhampton as an egress/ingress. However, it was noted that this type of subdivision would not warrant a traffic study.

The Board preferred Alternate 1 over Alternate 2 but without the cul-de-sac street and without the uniquely shaped cul-de-sac. Alternate 1 seemed to be more walkable than Alternate 2 and with Alternate 2 the Board could envision fences popping up along rear property lines. The Board also agreed that they do not look favorably on variances for any lots. Chair Woods directed Secretary Mack to submit Alternate I to the County Planning Board for their review and asked Mr. Ayling and Engineer Rappazzo to discuss the drainage issues further as discussed tonight.

With no further discussion, Mr. Ayling thanked the Board and left the meeting.

11. Meeting Closed:

D. Farthing moved to close the meeting at 6:50pm. S. Richardson seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary