

**Members Present:**

David Woods, Chair  
Matthew Griffo, Member  
Susan Richardson, Member  
Dori Farthing, Member  
Claren Kruppner, Alternate

**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

**Applicant(s) Present:**

Glenn & Kim Punzi, 7 Woodbine Park, Special Use Permit Request – RV over 20’ in length  
Sam Fichera, 4235 Veteran Drive, Wal\*Mart Supercenter – Site Plan Modification Request –  
Landscaping of Temporary Storage Trailers  
James & Kelly Alexander, 84 Avon Road, Property Owners  
Pat Cole, 84 Avon Road, Cole Real Estate Agent  
Alan S. Cole, 84 Avon Road, Cole Real Estate Agent  
Jeremy & Michelle Lee, Proposal to Purchase 84 Avon Road for Chiropractic Office  
Todd & Heather Caroccio, 207 Lima Road – Special Use Permit Renewal for a Pre-K

**Public Present:**

Chris Wegener, Lake Construction

**1. Meeting Opened:**

Chair Woods opened the meeting at 4:30pm. Member James Kernan was not present; therefore Chair Woods asked that Alternate Member Claren Kruppner join the Board.

**2. Meeting Minutes:**

The April 23, 2014 Meeting Minutes were reviewed. D. Farthing moved to approve the minutes as presented. S. Richardson seconded the motion and the motion passed with ayes from all.

**3. Code Enforcement Office Report:**

**April 2014**

|                                  |    |
|----------------------------------|----|
| Building Permits                 | 07 |
| Sign Permits                     | 00 |
| Rental Housing                   | 00 |
| Fire Inspections                 | 00 |
| Avoidable False Alarm Violations | 00 |
| Misc. Violations                 | 00 |
| Temporary Structure/Tent         | 00 |

Code Enforcement Officer Maxwell informed the Board of the Sewer Backup which took place at the Fox Run Apartments on Megan Drive on May 16<sup>th</sup> due to the ground being too saturated from the storm water which unfortunately ran over into the sanitary sewer. All first floor apartments will have their carpets and linoleum replaced even if they did not experience any flooding. The handicap accessible apartments received the most damage due to having roll in showers with floor drains. Emergency Mitigation Services came in and measured the amount of moisture in the drywall in all apartments on the first floor. Some drywall will need to be replaced. Fox Run Apartments management has brought in storage trailers to store all first floor occupants personal belongings while the carpet and linoleum are being replaced. They have also brought in extra dumpsters. All first floor

occupants have relocated with family or are staying at the Quality Inn in Geneseo or J.J. Leisure's in Lakeville.

Chair Woods asked if there were any storm water concerns within the Cedarwood subdivision during or after the storm. M. Griffo stated that he had stopped by the subdivision and walked back by the pond which was very dry and it appeared that there was only a little bit of standing water in one of the side yards of one of the homes. Chair Woods stated that he had done a visual inspection of the subdivision while in his vehicle but could not see any standing water.

S. Richardson stated that she had asked Code Enforcement Officer Dean O'Keefe about any adverse affects from the storm and he advised her that the culvert pipe on Lima Road near Volunteer Road had overflowed due to debris getting caught in the pipe. It was noted that Jaycox Creek near NOYES Livingston Health Services and Route 20A was overflowed into the property to the east of the creek but not onto Route 20A and no damage was done to the property.

Attorney Reynolds asked if there was any noticeable drainage issues on the Church of Latter Day Saints property on East South Street. CEO Maxwell was not aware of any.

CEO Maxwell reported that at least one building at the Hammocks is nearing completion and will be requesting a Certificate of Occupancy soon.

The Board asked if CEO Maxwell was aware of the temporary flags near the entrance to McDonald's. CEO Maxwell stated that they are allowed for at least a 14-day period, but per Code they are allowed more than one time throughout the year. He will speak with the management. CEO Maxwell noted that the problem with temporary signs is the frequent change over in management.

The Board asked if there was an update on the Mavis Discount Tire Site Plan. MRB Group Engineer Rappazzo reported that he has heard nothing further from them and CEO Maxwell stated that he had received a call from a contractor regarding sign regulations for a contractor sign. CEO Maxwell advised him that there was not a signed site plan on file at this time.

CEO Maxwell reported that there are at least three new businesses going into the Genesee Valley Plaza and therefore a lot of construction happening within the structure itself.

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

David Woods reported that the Town Planning Board met on May 12<sup>th</sup> with the following agenda items:

- Livingston Country Club – Addition to rear of main structure – covered open porch/deck
- Cornerstone Baptist Church – Reservoir Road – Addition for educational use

#### **5. Livingston County Planning Board Update – Stew Leffler:**

Stew Leffler reported that the Livingston County Planning Board met on May 8<sup>th</sup> with the following agenda items:

**Town of West Sparta** – Site Plan Review and Special Use Permit request for expansion of operations at Hope Valley Ministries, Inc on Schmidt Road.

**Town of York** – Site Plan Review and Use Variance request for an event hall in a historic barn at 3145 York Road East (near Abbey of the Genesee).

**Town of Avon** – Site Plan Review for a parking lot expansion on Interstate Drive – Genesee Valley Ford.

**Town of Avon** – Site Plan Review for three buildings on Tec Drive:

1. ~12,000 square foot rental building with 4-bays.
2. ~6,000 square foot office & storage building to be used by the applicant for a Highway and Industrial Services Company relocating from the state of Wyoming.
3. ~1,620 square foot office building

**Town of Geneseo** – Town Zoning Amendment to provide dimensional requirements for multi-family apartment and town home developments.

**Village of Dansville** – Site Plan Review and Area Variance request for a Taco Bell with drive-thru window at 135 Franklin Street. No parking is proposed adjacent to the building; however, ADA compliancy then becomes a concern. CEO Maxwell stated that as long as they are ADA compliant, there are no State ADA rules that require ADA accessible parking next to a building.

**Village of Dansville** – Subdivision Review and Variance Request for the former Wilcox Press Company on the corner of School and Knox Streets. Parts of this property will be subdivided off and added to existing non-conforming lots to make them more in compliance with current Village regulations and a strip of this parcel will become parking.

## **6. Glenn & Kim Punzi – 7 Woodbine Park**

### **Special Use Permit Application review for RV over 20' in length:**

Chair Woods explained that this is the first time the Board has seen an application under Section 130-54 C. of the Code which states: *“No yard, driveway or vehicular parking area shall be used for any open storage or other storage of any equipment greater than 20 feet in length, such as motor homes, camping trailers, boats, utility trailers or other similar equipment, unless by special use permit. Criteria used for this special use permit:*

*(1) On an improved surface.*

*(2) In an area of the property that is the least visually intrusive to neighboring properties.*

Chair Woods noted that this section of the Code was amended in 2012 with Village Local Law #2 of 2012.

Mr. Punzi explained that before relocating to Geneseo in 2008 from downstate, he familiarized himself with the local laws and inquired to the Assessor and the Homeowner's Association at Woodbine Park about parking an RV of this size in his driveway and was told that it was okay. Mr. Punzi presented the Board with a copy of the proposal from July 2008 to expand his driveway to the rear of the property to park the RV. Mr. Punzi commented that when they are not on the road, the RV which was purchased in 2009 has been parked in the same spot since then. Mrs. Punzi commented that the neighbors two doors down did not even know the RV was parked there.

Mr. Punzi argued that because the driveway extension was completed and the RV was purchased prior to 2012 he should be grandfathered in, arguing that if his house was built prior to changes in setback requirements he would not be made to move his house.

The Board asked Attorney Reynolds for direction. Attorney Reynolds stated that the Board could table the discussion for this evening so he can look into it further. The Board wondered why this application was before them, especially considering the comments Mr. Punzi has made. Chair Woods explained that the Code Enforcement Office had received an anonymous complaint about “structures” in the driveway at 7 Woodbine Park. Upon investigation by the Code Enforcement Office, it was determined that Mr. Punzi did have an RV over 20' in length in his driveway which is in direct violation of the Village Code which states a Special Use Permit is required for a vehicle like this over 20' in length. There was continued discussion regarding anonymous complaints and whether or not the Code Enforcement Officers were to act upon anonymous complaints.

Mr. Punzi stated that he has compiled a list of at least 20 properties in the Village with vehicles parked on them that are over 20' in length, but he does not plan to submit that list to the Village. Mr. Punzi completed by stating that the RV is a part of their life and if he is not allowed to park it in his driveway, he will have to sell his house. The Board wondered if the Punzi's had any other items in their driveway.

Mr. Punzi stated that there is usually a truck with work trailer parked in the driveway. The Board inquired about whether or not a tent was also in the driveway as depicted on the photos taken by CEO O'Keefe. Mr. Punzi stated that there was but only while they were cleaning out the garage.

Mr. Punzi did not understand why he is being singled out as he was not aware that any other violators were sent letters to comply. CEO Maxwell explained that his office acts on complaints; the office does not go out and look for violators.

Member Griffo assured Mr. Punzi that the Board is only doing its due diligence and this matter will be resolved. With no further discussion, M. Griffo moved to table this matter with second from C. Kruppner. The motion passed with ayes from all.

**7. Wal\*Mart Supercenter – Site Plan Modification –  
Landscaping Plan/Storage Trailers – 4235 Veteran Drive:**

Sam Fichera appeared before the Board with a site plan modification to landscape along approximately 300' of the western boundary line to block the view of the temporary storage trailers. Mr. Fichera continued by stating that he had hoped to put the arborvitaes in this Spring, but is wondering if the Board would allow him to plant them in the Fall instead. The plan is to plant approximately 80-100 3'-4' arborvitaes that will grow to a height of 15'-20'. The arborvitaes should grow 5' per year, bringing them to their maximum height within 3 years. There will be a 4' mulch bed surrounding the trees.

The Board asked if blacktop would be removed. Mr. Fichera stated that existing pine trees would be removed and a solid row of arborvitaes would be planted in their place so no blacktop would need to be removed. The Board wondered if once the arborvitaes are planted would Wal\*Mart run a hose from the building out to them. Mr. Fichera stated that he does have a portable water tank in the inside of the building that he could place out there if the Board preferred him not to run the hose from the building, noting that he need to use a soaker hose on them for at least 24 hours the first few days after planting.

The Board questioned the number of temporary storage trailers. Mr. Fichera stated that he usually has between 6 and 12 trailers depending on the season. The Board argued that that there appears to be more trailers at any given time of the year than what the Planning Board has previously approved. Mr. Fichera stated that he thought they were abiding by what had been previously approved. The Board also questioned why the arborvitaes could not be planted now. Mr. Fichera stated that this is what the landscaper told him.

M. Griffo asked if there have been any attempts to expand the store. Mr. Fichera stated that he did not believe there was any room left on the site to expand and still be within what was originally approved. CEO Maxwell stated that he believes Wal\*Mart still owns the parcel to the south of the Shoe Department/Maurice's building, noting that if they combined that parcel with the Wal\*Mart Supercenter parcel, they could possibly put an addition on the building and be within Code.

The Board asked what Wal\*Mart's were doing corporate wide for storage space. Mr. Fichera commented that the last two stores he has managed did not need to use temporary storage trailers. Mr. Fichera continued to explain that the Geneseo Wal\*Mart's Lawn and Garden Center is the #3 top selling Lawn and Garden Center in the State.

The Board agreed that the temporary storage trailers are a temporary solution that they would like to see a permanent solution for noting that an addition to the building seems to be a more acceptable solution from their perspective. The Board asked about storage availability in the store itself. Mr. Fichera stated that since he took over as manager 4 years ago, Wal\*Mart has changed the backroom process; therefore they cannot use the backroom for the seasonal items such as grills, air conditioners and patio furniture.

Further discussion followed and the Board asked if 300' of landscaping would hide everything that is on that side of the store especially considering that the property to the northwest has been developed with The Hammocks. Mr. Fichera commented that Wal\*Mart has only agreed to the 300' of landscaping as proposed.

The Board agreed that Wal\*Mart should evaluate the idea of expanding the store before any further action is taken. The Board asked if the addition would be on the west side. Mr. Fichera stated that the east side of the building would be the only feasible direction for an addition considering the docks are located on the north side of the building and the Tire & Lube Center is located on the west side. The Board wondered if an addition was built would they still be in compliance with the parking

requirements. CEO Maxwell stated that he was not sure and that there are different parking requirements if warehouse space or store space is added. The Board agreed that at least 7,000 square feet would need to be added which is approximately equal to 14-16 temporary storage trailers.

With no further discussion, C. Kruppner moved to take no action on the request for 300' of landscaping, but request that Mr. Fichera talk to Corporate about the Board's request for a permanent solution of possibly expanding the building and come back with a written plan within 6 months. M. Griffo seconded the motion and the motion passed with ayes from all. Mr. Fichera thanked the Board and left the meeting.

### **8. Dr. Jeremy Lee - Chiropractic Office – 84 Avon Road:**

Attorney Kevin VanAllen appeared before the Board on the behalf of his clients Dr. Jeremy Lee and Michelle Lee. Attorney VanAllen stated that he believes that their application to the Board was premature. At this time, Dr. Lee has a contract with the current owners, James & Kelly Alexander to purchase the property at 84 Avon Road to use as his Chiropractic Office. Attorney VanAllen explained that Dr. Lee does plan on doing some work to the façade, but not in the near future. At this time all that Dr. Lee is requesting is the confirmation that the property can be used for a professional office.

A change of use for this property came before the Zoning Board of Appeals in 2005. At that time, the property was granted a change of use as follows:

1. *Change of Use from a nonconforming use as a car dealership to another nonconforming use as:
  - A. Dog Grooming Service
  - B. Professional Office Space
  - C. Retail Flooring Business*
2. *Installation of three equally spaced posts on the lot line between 84 Avon Road and 2 Westview Crescent. Each post is to have a No Parking Sign attached to it. There will be a painted line on the blacktop from the east to the west between each post to specifically delineate the lot line, and prohibit commercial parking on 2 Westview Crescent.*
3. *Submittal of the flooring products material safety data sheets to the Zoning Board.*
4. *The pull tractor owned by Mr. James Alexander, which runs on a summer circuit is to be kept on the commercial lot known as 84 Avon Road.*

Attorney Reynolds stated that according to section 130-68 B. of the Village Code states:

*In any district, whenever a nonconforming use of land, premises, building or structure, or any part or portion thereof, has been discontinued for a period of 365 consecutive days, such non conforming use shall not be reestablished, and all future uses shall be in conformity with the provisions of this chapter. Such discontinuance applies to all active and continuous operations of a nonconforming use, or a part or portion thereof, regardless of any lack of intent to abandon the same or regardless of intent to resume active operations at a later date. If actual abandonment in fact is evidenced by the removal of buildings, structures, machinery, equipment and other evidences of such considered to be completed, and all rights to reestablish or continue such nonconforming use shall thereupon terminate.*

Attorney Reynolds continued by stating that the Code Enforcement Office has determined that there has been no gap in the use of the building as Mr. Alexander has been using it for his heating business. It was noted that the property at 2 Westview Crescent has been sold since the 2005 approval.

Chair Woods stated that in his opinion the proposed use as a chiropractic office is much more acceptable than other possible uses. The Board agreed. However, the Board did agree that there will be site plan approval concerns such as ingress/egress, lighting and parking. Chair Woods suggested that the Board could possibly give conceptual approval tonight and a public hearing could be

scheduled for next month. Attorney VanAllen stated that a site plan approval might be premature and that there is existing lighting and ingress/egress that Dr. Lee plans on utilizing. Attorney VanAllen asked if Dr. Lee could withdraw his application so he can proceed with purchasing the building and open a Chiropractic office.

Attorney Reynolds believed that withdrawing the application would be fine but that the Board is concerned with that the front of the property not be used as a full access ingress/egress and that all lighting be dark sky compliant. CEO Maxwell stated that there are two designated ingress/egresses with a curbed boulevard in between the two.

Attorney VanAllen stated that there will be changes to come, but he and his client do not know when, therefore would like to withdraw the application. Therefore, there was no action taken or required by the Board and Attorney VanAllen and his client thanked the Board and left the meeting.

**9. Todd & Heather Caroccio – Special Use Permit Renewal Request-  
PreK – 207 Lima Road:**

Heather Caroccio appeared before the Board to Renew the Special Use Permit to operate a Pre-K out of her home. Mrs. Caroccio stated that as approval of the Special Use Permit in 2012, they have built a room off of their garage that is solely used for the Pre-K. She continued by stating that on Monday, Wednesday and Friday is when she holds the Four Year Old classes and on Tuesday and Thursday is when she holds the Three Year Old classes. Both classes run from 9am-11:30am. Mrs. Caroccio stated that they have had a wonderful first year; they are full for next school year and have a waiting list after that.

The Board wondered if there have been any traffic concerns with parents getting in and out of the driveway. Mr. Caroccio stated that the drop-off/pickup times vary and that some parents carpool. The Board asked Attorney Reynolds for clarification on whether or not the Special Use Permit was granted to the property or to the property owners. Attorney Reynolds stated that the Permit is valid for the current owners only.

With no further discussion, M. Griffio moved to approve a permanent Special Use Permit to Heather Caroccio for a Pre-K at her residence located at 207 Lima Road. D. Farthing seconded the motion and the motion passed with ayes from all.

**10. Other Business:**

CEO Maxwell presented the Board with a paint color swatch for the Sea Cow Grill located at 4262 Lakeville Road. They are proposing to paint the top part of the building “Earthy Ocher (C15-4)” and the bottom part of the building “Brandied Pears (C15-2)”. With no further discussion, D. Farthing moved to approve the colors as presented. S. Richardson seconded the motion and the motion passed with ayes from all.

It was noted that the Village Tavern located at 137 Center Street had applied for a Noise Permit through the Village Board.

**11. Meeting Closed:**

With no further discussion, C. Kruppner moved to close the meeting at 6:11pm. S. Richardson seconded the motion and the motion passed with ayes from all.  
All closed.

Aprile S. Mack, Secretary