

Members Present:

David Woods, Chair
Matt Griffo, Member
Susan Richardson, Member
Dori Farthing, Member
Jim Kernan, Member

Other Village Representatives Present:

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

Applicant(s) Present:

Ruth Ann and Brian Lewis, Sweet Arts Bakery – 95 Main Street
Sam Fichera, Wal*Mart Supercenter Manager – 4235 Veteran Drive
Don Quinn, Wal*Mart Market Manager – 4235 Veteran Drive
Brian Burri, Bergmann Associates, Goddard Development, Mavis Discount Tire, Lakeville Road

Public Present:

David Matthews

1. Meeting Opened:

Chair Woods opened the meeting at 4:30pm.

2. Meeting Minutes:

The November 19, 2014 meeting minutes were reviewed. S. Richardson moved to approve the minutes as presented. D. Farthing seconded the motion and the motion passed with ayes from D. Woods, S. Richardson, D. Farthing and J. Kernan. M. Griffo abstained as he was not present at the November 19, 2014 meeting.

3. Sweet Arts Bakery – Special Use Permit Application – 95 Main Street:

Ruth Ann Lewis appeared before the Board with a Special Use Permit application for the Sweet Arts Bakery/Coffee Shop at 95 Main Street. Mrs. Lewis explained that she opened the Sweet Arts Bakery in Avon, and then started attending the Geneseo Farmer's Market where she has had huge success; therefore she has decided to open a second Sweet Arts Bakery in Geneseo. All the baking will be done in Avon and brought to Geneseo every morning. Evening Star Coffee Roasters from Avon will be supplying the bakery with the coffee. As discussed at the November Planning Board meeting, Mark Scoville, owner of the property is in the process of renovating the façade of the building.

Mrs. Lewis explained that there will be a delivery area in the rear and approximately enough seating for twenty. Mrs. Lewis asked about outside seating. CEO Maxwell explained that a sidewalk permit is required for that which can be obtained through the Village Clerk's Office for no fee.

The Board was interested in the hours of operation. Mrs. Lewis explained that they plan to be open weekdays 7:30am – 6:00pm and on the weekends from 9:00am-4:00pm. Mrs. Lewis stated that they prefer to open with longer hours and then condense based on customer flow. The Board asked when the shop is scheduled to open. Mrs. Lewis stated that they had hoped to open at least a week prior to the SUNY Geneseo students returning from break, so approximately January 12th.

Chair Woods stated that per Village Code a public hearing on the application will be scheduled. The next Planning Board Meeting is scheduled for January 28th. Mrs. Lewis asked if this would delay the opening on the 12th. The Board agreed that it would. Further discussion followed and the Board agreed that they could meet prior to the 28th if that would work out better for the applicant.

Mrs. Lewis was in agreement. Therefore, M. Griffo moved to have Secretary Mack schedule a public hearing for the Special Use Permit application for either Wednesday, January 7th or Wednesday, January 15th at 4pm depending on the publication deadline for the Livingston County News. J. Kernan seconded the motion and the motion passed with ayes from all. Mrs. Lewis thanked the Board and left the meeting.

4. Goddard Development/Mavis Discount Tire – Lakeville Road – Site Plan:

Brian Burri, Bergmann Associates appeared before the Board to request a second extension to the site plan approval and review the revised building elevation plans. Mr. Burri explained that Goddard Development owners of the property have put a second bid package together for the construction of the building and hope to break ground in the spring. The first extension expired on November 28, 2014.

Attorney Reynolds stated that he does not believe that the following conditions of approval have been met:

1. An easement, in a form acceptable to Village Attorney J. Thomas Reynolds be provided to the Village over the existing sidewalk for access purposes.
2. An easement, in a form acceptable to Village Attorney J. Thomas Reynolds be provided to the Village for the purpose of cross-access. This easement shall extend from the proposed entrance through the parking lot to the proposed cross-access point.

Mr. Burri stated that he was not aware that these easements had not been submitted yet. Chair Woods reminded Mr. Burri that the site plan will not be signed until all conditions of approval have been met.

CEO Maxwell stated that there has been some concern regarding the site and the future second building, noting that Goddard Development is under the impression that the 2nd building is all set. Mr. Burri explained that what has been approved is layout, size and retail occupant, which was done to proceed with the entire site layout including SEQRA and parking with the understanding that the building design and colors would still need approval by the Planning Board and that if any changes are made regarding the occupant, size of building, parking etc...that a review of the site plan would be required.

With no further discussion D. Farthing moved to approve the exterior elevation plan as last received in the Village Clerk's Office on December 5, 2014. M. Griffo seconded the motion and the motion passed with ayes from all.

With no further discussion, S. Richardson moved to grant an extension of the site plan approval for Goddard Development/Mavis Discount Tire with the condition that any outstanding engineering and attorney fees are paid to the Village in full; with the understanding that additional fees will be incurred and billed to the applicant as this is an ongoing process. Attorney Reynolds shall be contacted as soon as possible regarding the status of the easements. This extension is to expire on March 31, 2015. J. Kernan seconded the motion and the motion passed with ayes from all.

5. Wal*Mart Supercenter – Storage Trailers – 4235 Veteran Drive:

Wal*Mart Supercenter Manager Sam Fichera appeared before the Board with Wal*Mart Market Manager Don Quinn to discuss the storage trailers. Mr. Fichera explained that he has pushed the idea of adding on to the store to corporate and they have said it is not feasible at this time. He continued by stating that as previously discussed, Wal*Mart is willing to install hedges along the west property line which will somewhat block the view of the storage trailers.

The Board asked why it was not an option to add on to the store. Don Quinn, Market Manager for Wal*Mart stated that financially a million dollar expansion to this store is not feasible especially

because the storage trailers are only required for a short period of time. The Board asked if there was anyone above Mr. Quinn in the Financial Division that could give the Board further information. Mr. Quinn stated that rarely do Wal*Mart stores expand their stock rooms. Mr. Quinn continued by stating that this store is not considered an overall larger volume store, however, it does have an overall large volume of seasonal sales.

Mr. Fichera explained that the storage trailers are used during the spring/summer for the lawn and garden items such as patio sets and lawn mowers. Wal*Mart is in the only place in Geneseo to purchase these types of items. Mr. Fichera stated that otherwise he would need to send customers to Henrietta or Monroe County.

Chair Woods asked for the Boards thoughts.

S. Richardson stated that she believes some of the garden center within the west fenced in area has not been utilized for seasonal items and wonders why Wal*Mart would not consider enclosing this area for more warehouse space. Mr. Fichera stated that this would not be a feasible option for them especially in the spring. Mr. Fichera stated that he has incorporated every possible inch of floor area that he has been able to and previously has needed eighteen forty foot trailers, but is currently down to six. He also stated that he has never received a complaint from any of his customers regarding the trailers. Mr. Quinn asked if the Village has received any formal complaints.

CEO Maxwell was not aware of any. S. Richardson continued by stating that the modification to the site plan was temporary but has become permanent without approval.

M. Griffo stated that he agrees with S. Richardson and also noted that the storage trailers are not taxable under the real property law. M. Griffo continued by stating that when the proposal for a Wal*Mart Supercenter first came to the Board all parties worked together and agreed on the site plan as is without any outdoor storage. Mr. Quinn asked why this is such a concern especially if no complaints have been received and the site is kept clean. M. Griffo stated that the Board must give consideration to what was originally approved and the opposition at that time including landscaping, façade and design elements.

Mr. Quinn stated that they are willing to update the landscaping. M. Griffo stated that he understood this, but that storage trailers are still being requested which are not taxable. Mr. Quinn stated that Wal*Mart would be willing to pay a fee for the trailers. CEO Maxwell stated that a fee will be assessed for the trailers and has been in the past, but hasn't recently as was awaiting the outcome of the Planning Board's decision.

Mr. Fichera commented that he has never received a complaint about the storage trailers, but has and will receive complaints if there are no patio sets and air conditioners for sale. He continued by stating that this store alone sold 900 air conditioners in approximately two days when it got warm.

D. Farthing stated that she has been observing the number of and sizes of the trailers which seems to change frequently. Mr. Fichera stated that the store has become more efficient with fewer clearance items, detailed seasonal planning and listening to what the customers want. He also explained that weather plays a large role in the sale of seasonal items. D. Farthing stated that what was originally a temporary request became a permanent one when the opportunity arose to store the trailers inside the fenced in area in the winter.

Mr. Fichera stated that he does not want to add anymore trailers and has reduced the number of them over the past few years. Mr. Fichera stated that he would prefer not to have any trailers but cannot store the items in the store where they might be considered a fire hazard.

The Board wondered why storage trailers are utilized by Wal*Mart. Mr. Fichera stated that he could not answer that question, but did state that when they were located in the Genesee Valley Plaza (Wegmans Plaza) they utilized storage trailers. The Board then asked why when this store was built storage trailers were not asked for especially if they were already being used. Mr. Fichera stated that he and Mr. Quinn were not around then but that a lot has changed since then including online sales.

M. Griffo stated that the Hammocks high end apartments have been built to the northwest of the Wal*Mart parcel and the undesirable view they have onto the Wal*Mart property. Mr. Quinn was confused as to why this was being brought up. CEO Maxwell noted that at the time of the Hammocks site plan review the Wal*Mart property was never mentioned.

D. Farthing stated that in 2011 was the first request for site plan modification for the addition of storage trailers which was intended for May through September of that year, but after that, the trailers did not disappear with as many as eighteen forty foot trailers at one time. Mr. Fichera stated that during their store remodel they used storage trailers which accounted for some of those eighteen. Mr. Fichera continued by stating that because Staples is closing, they are not sure how that will affect their back to school sales. Mr. Fichera also stated that they are trying to store as much as they can in the store without violating fire code.

Mr. Fichera commented that they try to give back to the community as much as they can, including employing over 300 local people and for the first time will be participating in the “Shop with a Cop” program.

Stew Leffler as a citizen stated that the Planning Board has a responsibility to the community as Wal*Mart does to its customers and employees. Therefore, no specific complaints may have been received but the Board must take into consideration what impacts any modifications to the site plan might have on the community as a whole. Mr. Fichera agreed but stated that he and other employees are taken to task when they do not have an item in stock such as an air conditioner which then the customer would need to travel to Monroe County to purchase. The Board stated that whether the store had trailers or not, they would still receive these types of complaints.

Chair Woods stated that he believes there are three options:

- 1) Continue to have Wal*Mart apply twice a year for temporary site plan modification, which is what has been happening.
- 2) The Planning Board could permanently amend the site plan to allow for a maximum number of trailers (up to 4), up to a maximum size with the addition of a significant amount of landscaping. This option would involve a public hearing and notification to all neighboring properties within 100’ feet of the property boundary lines.
- 3) Make no modifications to the site plan. Therefore storage trailers would not be allowed. The Code Enforcement Office would enforce this regulation by citing Wal*Mart on a daily basis. Customers would end up driving to Monroe County for their goods.

The Board asked Mr. Fichera when he would specifically need the trailers. Mr. Fichera stated that he would need them May through July and then November through December. Mr. Fichera clarified that he would actually need the trailers through the month of August due to more and more online sales from college students purchasing online and then picking up in store. The Board questioned if needing trailers for six months out of the year would be considered temporary.

Chair Woods asked if the Board wanted to make a decision or tonight or should give Wal*Mart until next month to think of the options presented. Discussion followed and informally the Board agreed that if a decision was made tonight, they would opt for option number three. However, at least three of the five members believe they could agree to option number two. With no further discussion, Mr. Fichera and Mr. Quinn thanked the Board and left the meeting.

6. Livingston County Planning Board Report – Stew Leffler:

Mr. Leffler reported that the County Planning Board met on Thursday, December 11th with the following agenda items:

- 1) Zoning Referral from the Town of Conesus for a Moratorium and Prohibition of Natural Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration and Production Wastes.
- 2) Zoning Referral from the Town of York for a Moratorium pm and Prohibition of Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal or Treatment of Natural Gas or Petroleum Extraction, Exploration and Productions Wastes.
- 3) Zoning Referral from the Town of York for rezoning, area variance, special use permit and site plan review for a wind turbine at the York Animal Hospital located at 2275 Main Street, York.
- 4) Zoning Referral from the Town of Conesus for a conditional use permit, site plan review and area variances for a restaurant (Conesus Inn) at 5654 East Lake Road.

7. Executive Session:

M. Griffo moved to enter into executive session at 5:59pm to discuss pending litigation with Attorney Reynolds, CEO Maxwell and Deputy Clerk/Treasurer Mack to remain in the room.

D. Farthing seconded the motion and the motion passed with ayes from all.

At 6:24pm M. Griffo moved to come out of executive session noting that no action was taken during the session. J. Kernan seconded the motion and the motion passed with ayes from all.

8. Meeting Closed:

With no further discussion, S. Richardson moved to close the meeting at 6:25pm. D. Farthing seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary