

**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  
MRB Group Engineer Kurt Rappazzo  
Livingston County Planning Board Representative,  
Stewart Leffler

**Applicant(s) Present:**

Krystyna Skrzypek, Euro Café - Real Food & Deli, 116 Main Street, Special Use Permit  
Margaret Zdzieszynski, Euro Café - Real Food & Deli, 116 Main Street, Special Use Permit  
Tim Brinduse, T.A.B. Design Architect, Lee Chiropractic, 72 East South Street  
Dr. Jeremy Lee and Michelle Lee, Lee Chiropractic, 72 East South Street  
Teri Thielges, Three Unit Apartment Building, 3 South Street  
Joe O'Donnell, O'Donnell & Associates Inc, Three Unit Apartment Building, 3 South Street  
Brian Lewis, Sweet Arts Bakery, Sign, 95 Main Street  
David Matthews, Vital Spot, 3 Bank Street

**1. Meeting Opened:**

Chair Woods opened the meeting at 4:30pm.

**2. Meeting Minutes:**

The January 28, 2015 meeting minutes were reviewed. J. Kernan moved to approve the minutes as presented. D. Farthing seconded the motion. 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 January 28, 2015 meeting.

**3. Code Enforcement Office Report:**

<u>January 2015</u>	
Building Permits	02
Sign Permits	01
Avoidable Alarm Violations	02
Zoning Permit	01
Rental Housing	02
Fire Inspection	01

Code Enforcement Officer Ron Maxwell reported that his office has received a few complaints about sidewalks not being shoveled or salted at commercial businesses. CEO Maxwell explained that it is the landlord or property owner's responsibility to keep all sidewalks free and clear of snow and ice. However, many commercial businesses have a maintenance company that takes care of the property and they in turn subcontract the job out. CEO Maxwell stated he has been in contact with these specific landlords and the issues have been resolved.

CEO Maxwell stated that his office had also received a complaint about a handicap parking sign being too high at Byrne Dairy. Upon inspection, it was determined that the sign was too high at 8' tall when per ADA compliancy it should only be 5'-7' tall. The sign has since been lowered. Regarding handicap parking signs, all the handicap parking signs in the Geneseo Square Plaza are missing. Per ADA compliancy in this climate, signs are needed due to not being able to see the markings on the

pavement at all times of the year. The property owner has been notified and will be installing new signs as soon as possible.

CEO Maxwell stated that his office has received an inquiry about a possible Solar Farm within the Town and/or Village of Geneseo. CEO Maxwell stated that because solar farms need to be located near a substation, Crossett Road or Big Tree Lane might be where it is being considered. Chair Woods stated that the Village and Town do not have any regulations for Solar Farms; therefore new regulations would need to be developed and approved. Chair Woods suggested that the Town and Village work together on this if the farm would be located in both municipalities. CEO Maxwell suggested that General Code Publishers be contacted to see if they have any sample regulations.

CEO Maxwell reported that there was a fire at the Grace and Truth Christian Fellowship Church on East Groveland Road in the Town of Groveland near the NYS Trooper Barracks. The church was a total loss but there were no injuries.

D. Farthing asked about ads for other printing companies taped to the outside windows of the former Staples store in the Genesee Valley Plaza. CEO Maxwell stated that he believes the Village Code has regulations against this, but the Town Code might not. However, he will contact the landlord of that plaza to have them removed as soon as possible.

#### **4. Euro Café - Real Food & Deli – 116 Main Street – Special Use Permit Renewal:**

Chair Woods opened the Euro Café Real Food and Deli special use permit public hearing at 4:37pm. Margaret Zdieszynski & Krystyna Skrzypek own and operate Euro Café Real Food & Deli, located at 116 Main Street, Tax Map #: 80.16-1-30. Ms. Zdieszynski stated that the café has been open for one year. They have been very successful and believe they have brought something unique and special to Livingston County. Everything they serve is homemade and they do not use any preservatives.

Ms. Zdieszynski continued by stating that she and Ms. Skrzypek were a bit confused when they were notified they needed a special use permit after one year of operation. Ms. Zdieszynski stated that all she was told was that the Village Code required it, which is foreign to her. She stated that she was finally able to speak with Chair Woods who explained the process. However, she stated that this entire experience brought back traumatic memories reminiscence of the system in Poland that they had to leave. She stated that she loved Poland but the government was pushing down and killing the private businesses. She stated that she and Ms. Skrzypek felt like they were being treated poorly when they were not getting any answers as to why a special use permit was required. She continued by stating that she does not wish to elaborate more, but they are doing everything they have been required to do and if possible they would like the Special Use Permit to be granted for longer than one year.

Chair Woods stated that he had spoken directly to Ms. Zdieszynski and understands her concerns and comments. He also noted that the Code Office has not received any complaints regarding the business. Secretary Mack stated as a Village resident and secretary to the Planning Board, to the best of her ability, she tried to explain the Code to Ms. Zdieszynski and that Ms. Skrzypek was present at the meeting in January when the public hearing was scheduled by the Board.

Chair Woods asked for comments or questions from the Board. S. Richardson stated that she does not feel as though special use permits for restaurants should be given for more than a year's time when they are first applied for as the Planning Board cannot foresee what might be of concern. Ms. Zdieszynski believed that this should not be the case for their small café. S. Richardson stated that a restaurant is a restaurant. M. Griffo stated that he has suggested that special use permits may not be necessary for small cafés like this one, but currently the Code states that one is required.

Chair Woods declared the Public Hearing for Euro Café Real Food and Deli closed at 4:47pm. The Board agreed that the previous Negative Declaration granted under the SEQRA would still be in effect.

Discussion followed regarding whether or not the Board wished to grant the Special Use Permit for a term of three to five years. M. Griffo stated that he would like to see the special use permit granted in perpetuity as no problems have arisen over the past year.

With no further discussion, M. Griffo moved to grant a permanent Special Use Permit to Margaret Zdzieszynski & Krystyna Skrzypek for a small café – Euro Café Real Food & Deli, located at 116 Main Street, Tax Map #: 80.16-1-30. S. Richardson seconded the motion and the motion passed with ayes from all.

Ms. Zdzieszynski asked what their next steps were. Secretary Mack stated that the approval will be filed in the Village Clerk's Office with Village Clerk Marsha Merrick within seven business days and mailed to the Café.

Ms. Zdzieszynski and Ms. Skrzypek thanked the Board and left the meeting.

#### **5. Lee Chiropractic – 72 East South Street – Site Plan Review:**

Chair Woods opened the Lee Chiropractic Site Plan Review Public Hearing at 4:50pm.

Tim Brinduse, T.A.B. Design Architect on behalf of Dr. Lee stated that he is in receipt of MRB Group Engineer Kurt Rappazzo's comment letter dated February 24, 2015. However, he and Dr. Lee feel as though what is being asked of Dr. Lee is a lot of work for a very small business. There is an existing bridge over Jaycox Creek that would need to be reconstructed if a sidewalk were required which would require a walkable bridge over the creek. Mr. Brinduse pointed out that to the west of this parcel are small offices, sole proprietors and to the east are large corporate owned food chains.

Mr. Brinduse argued that large businesses have the funds to install and maintain sidewalks, where the small business owner does not. He continued by stating that the cost of a sidewalk could cost Mr. Lee approximately \$7,000 if not more if the bridge and concrete headwall over the creek would need reconstruction. Mr. Brinduse continued by stating that the properties to the west do not have sidewalks, including the NOYES Hospital property and the Church of Latter Day Saints property.

Mr. Brinduse asked the Board to keep in mind that this parcel was purchased for a small office, the building is approximately 900 square feet in size and that this is the best use of this property. Dr. Lee is aware that no matter what he will need to make improvements to the ingress/egress which will be done with a NYS DOT road permit as a minor commercial driveway.

Mr. Brinduse stated that the Lee's did not expect to have to do this much work when they purchased the property. Dr. Lee's budget for this project is increasing rapidly and Dr. Lee may have to abandon the project and it will become a rental home again.

Chair Woods thanked Mr. Brinduse and asked if there were any comments or questions from Dr. Lee or others. Dr. Lee stated that Mr. Brinduse handled it for him.

Hearing no further comments or questions, Chair Woods declared the public hearing closed at 4:58pm.

Chair Woods asked Engineer Rappazzo for his comments. Engineer Rappazzo stated that per protocol he reviewed the plans as per Code requires, therefore all of his comments are based upon that. However, those comments are recommendations only with the Board having the last say.

Chair Woods asked the Board for their comments or questions. J. Kernan stated that Dr. Lee is his neighbor on North Street and although he supports walkability within the Village, this parcel is unique because it is small, sits on a creek and a larger corporate business could not use, therefore, does not believe that a sidewalk is necessary. S. Richardson stated that this property is similar to the other converted residences along Route 20A where the Board did not require a paved driveway or parking area. Dr. Lee commented that in the long term he would like to pave the driveway and parking area. S. Richardson also stated that this parcel is unique. D. Woods stated that the proposed

use as a small office is a good use of this parcel. D. Farthing stated that she is also a proponent of sidewalks, but does not believe a sidewalk along this parcel would be beneficial. M. Griffo agreed noting that installing a sidewalk would be a financial burden to the Lee's. M. Griffo commented that when Dr. Lee operated his business out of his home on North Street there were no parking concerns that he was aware of. Dr. Lee believes that the existing parking is appropriate for the number of patients he will have at one time, but in the long term would like to improve the parking and pave it.

Chair Woods noted that Dr. Lee had in the past received a special use permit for one year to see patients in his home on North Street and a concern the Board originally had was parking, but never received any complaints. Chair Woods continued by stating that he also is a proponent for walkability and biking paths within the Village and was a strong supporter for sidewalks within the Hammocks in the Town. The Village has in the past applied for a grant for sidewalks in this area of Route 20A but was not awarded one. The Board did insist that McDonald's install a sidewalk along the front of their parcel, but that project was larger in scale and had the financial backing of a corporate company.

S. Richardson asked about the driveway. Mr. Brinduse stated that DOT considers it a minor commercial driveway cut but at this point, he has not pursued it with them. S. Richardson stated that the reason she was asking was because the State Farm office on the opposite side of Route 20A towards Center Street was also a private residence turned into a professional office space and she does not believe that that driveway cut was altered. M. Griffo stated that he believes that they did change it some. Mr. Brinduse stated that obtaining a DOT permit is a lengthy process that could take months, but they are still going to go forward with that.

D. Farthing asked from Engineer Rappazzo's perspective in regards to the creek if a gravel or paved parking area would be preferred. Engineer Rappazzo stated that paving would be better for the property long term, but it is the preference of the Board.

D. Farthing stated that she would like to see a landscape plan. It was noted that the Code has an extensive list of possible items that can be used for landscaping. Engineer Rappazzo noted that he would recommend that no landscaping be planted near or on the water line that runs through the property. Dr. Lee commented that they do not have a landscaping plan as parking is proposed to go right up to the building. Mrs. Lee stated that they have no idea what is currently planted, therefore do not have an idea as to what they would want to do in the future. The Board agreed that a landscaping plan would not be required and that whatever they decide to do will be better than what is currently there and their home on North Street is nicely landscaped.

Chair Woods asked if Dr. Lee was proposing a sign. Dr. Lee stated that they are proposing a 5' X 3' X 1.5" double faced carved high density urethane sign painted with enamel paint and mounted between two 4" X 4" vinyl clad posts. The Board asked where the sign will be located on the property. Dr. Lee stated that the sign would be placed east of the new driveway and west of the existing utility pole diagonally. Dr. Lee continued by stating that they were hoping to get approval on the sign design tonight even though they are scheduled to go in front of the Zoning Board of Appeals next Tuesday, March 3<sup>rd</sup> for approval of the sign as signs are not allowed in the R-1 Zoning District. Chair Woods stated that the Board normally does not give conditional approval, especially in this case as signs are not allowed. The Board was in agreement, but did look at the sign permit application and was in favor of the design. The Board asked if the sign would be lit. Dr. Lee stated that he would probably use some type of ground lighting. The Board did not have a problem with this, as long as the lights were dark sky compliant and not shining in the eyes of drivers along Route 20A. If approved at the Zoning Board of Appeals on Tuesday, the sign permit application will be placed on the agenda for the Planning Board's next meeting scheduled for March 25<sup>th</sup>.

Mr. Brinduse stated that he and the Lee's are in agreement with Comment #5 on Engineer Rappazzo's February 24<sup>th</sup> letter which states: *"We would recommend that the accessible parking space and access aisle be relocated between the building and the proposed sign to eliminate additional pavement area."* The Board was also in agreement.

Chair Woods asked if there were any other comments. Hearing none, Part II of the SEQR Short Environmental Assessment Form was reviewed. All questions were marked “No, or small impact may occur.” With no further discussion, M. Griffo moved to grant a negative declaration based on the information and analysis, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts.” D. Farthing seconded the motion and the motion passed with ayes from all.

J. Kernan offered the following resolution with a second from S. Richardson in connection with an application submitted by Tim Brinduse, T.A.B. Design Architects, on behalf of Dr. Jeremy and Michelle Lee, Lee Chiropractic for site plan approval for façade changes, handicap ramp and parking at the property located at 72 East South Street, Village of Geneseo, Tax Map #: 81.13-2-31.

**WHEREAS**, T.A.B. Design Architects has submitted a site plan application on behalf of Dr. Jeremy and Michelle Lee, Lee Chiropractic for preliminary and final site plan (the “Site Plan”) to this Board evidencing its proposed development; and

**WHEREAS**, T.A.B. Design Architects, on behalf of Dr. Jeremy and Michelle Lee, Lee Chiropractic has as part of its application submitted an Environmental Assessment Form which identified the proposed action as an Unlisted Action pursuant to the regulations governing the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, on February 25, 2015, the Planning Board held a public hearing, which was duly advertised, for the purpose of soliciting public comment on the potential environmental impacts of the proposed actions; and

**WHEREAS**, after soliciting information from all involved agencies and the public, the Planning Board on February 25, 2015 issued a Negative Declaration, finding that the action as proposed would not have a significant adverse impact on the environment pursuant to the requirements of SEQRA; and

**NOW THEREFORE, BE IT RESOLVED** that the T.A.B. Design Architects application on behalf of Dr. Jeremy and Michelle Lee, Lee Chiropractic for site plan approval for façade changes, handicap ramp and parking at the property located at 72 East South Street, Village of Geneseo, Tax Map #: 81.13-2-31 is hereby GRANTED preliminary and final approval with the following:

1. A sidewalk is not required along the front of the parcel.
2. Gravel parking is acceptable.
3. No landscape plan is required.
4. The accessible parking space and access aisle will be located between the building and the proposed sign to eliminate additional gravel area.
5. 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.
6. An updated site plan be submitted to MRB Group Engineer Kurt Rappazzo for signature with resolution of any outstanding items from MRB’s comment letter dated February 24, 2015.

The vote was as follows: David O. Woods, Chair – Aye, Matthew W. Griffo, Member – Aye, Susan B. Richardson, Member – Aye, Dori Farthing, Member – Aye and J. Kernan, Member – Aye.

## **6. Three-Unit Apartment Building – 3 South Street – Site Plan Review:**

Chair Woods opened the Thielges Site Plan Review Public Hearing at 5:37pm.

Joe O'Donnell, O'Donnell & Associates Inc. appeared before the Board with his client Teri Thielges who owns the property at 3 South Street. Ms. Thielges wishes to construct a three unit apartment building at the rear of the property where the storage units currently sit. The storage units will be demolished.

On January 6, 2015, the Zoning Board of Appeals approved the request for permission to erect a three unit apartment building that fails to meet both side yard (ten feet) setbacks; rear yard (thirty feet) setback; and the property fails to meet the seventy-five (75') foot minimum lot width, in an MU-1 mixed use district per 130-133 Bulk & Use Table of the Code of the Village of Geneseo. A four foot, two inch (4'2") side yard setback for each side and a nineteen foot (19') rear yard setback variance was granted; and ten (10') feet relief from the lot width was also granted. The variances were granted contingent on Livingston County Planning Board recommendations as the Livingston County Planning Board met on January 8th.

Mr. O'Donnell stated two more variances are being requested at this time to comply with each multifamily dwelling development providing a recreation area or areas furnished with suitable equipment at a standard of 100 square feet for each dwelling unit, with a minimum of 1,600 square feet per area, relief from the 1,600 square feet per area is sought as the plans include a standard 100 square feet for each dwelling unit and to comply with the parking area having a 10' side yard set back, a 4'2" variance is being requested. The Zoning Board Appeals will meet on March 3, 2015 to discuss these requests.

Mr. O'Donnell continued by stating that these units will be upscale housing units each with one parking space per unit per Code requirement. The parking spaces will be situated between the existing building and the new three unit apartment building. The building will have a row house aesthetical look with earth tone colors.

Mr. O'Donnell stated that it is their hope to obtain preliminary and final site plan approval at the next Planning Board meeting on March 25<sup>th</sup>. A concern that was brought up from the Livingston County Planning Board was that the property is listed on the National Register of Historic Places as part of the Village's Historic District and that a long SEQRA coordinated review would be required. It was noted that the Zoning Board of Appeals is looking into this matter. CEO Maxwell will check with Zoning Board of Appeals Secretary Debby Lund and report back to this Board.

Mr. O'Donnell presented the Board with sample materials they plan to use. An architectural grade shingle will be utilized which has a thirty year warranty. A midline quality vinyl siding will be used with cultured stone for the water table of the building. At this time, they have not decided on specific colors, however each unit will have their own distinct color. Chair Woods stated that for final approval, a colored rendering would need to be submitted.

Regarding landscaping, Ms. Thielges presented the Board with a packet of information which included photos of fencing ideas, dwarf shrubs that would possibly be utilized, other landscape design ideas and a rough sketch of where those items would be placed on the property. She stated that she plans to use ground cover instead of grass and that it is very unlikely she will use stamped concrete for the back patios but crushed stone with large flat stones instead. She continued by stating that she will probably use a landscape company from Lakeville that she has used in the past.

Chair Woods stated that he does not believe that this project will have any impact on the Historic District, and believes the need for SHPO – State Historic Preservation Office - to review is not necessary, but that before any final determination is made by this Board, the Board should wait to hear back from them. M. Griffo asked if there was a time period in which the Board would need to wait. Chair Woods stated that it is usually within thirty days, but many times, the SHPO will get to it on the last day and request more information. The Board wondered when the inquiry was made to

SHPO. Chair Woods believed it had been made several weeks ago by the Zoning Board of Appeals Secretary Debby Lund. CEO Maxwell believes that Secretary Lund and SHPO only communicated verbally, therefore there would be nothing in writing coming from SHPO, but that he would look into it.

Chair Woods asked if there were any other comments or questions. Hearing none, he declared the public hearing closed at 5:46pm.

Chair Woods asked if the Board had any further questions or comments. S. Richardson asked about the use of mulch in landscaping next to buildings. CEO Maxwell stated that he recommends pea sized gravel be used in place of mulch next to buildings. Ms. Thielges stated that she would probably not use mulch but creeping ground cover. D. Farthing asked about the proposed chain link fence noting that in other projects where chain link fence was proposed, the Board preferred that a slated fence be used. Ms. Thielges stated that the chain link fence will be used on the west side of the property and back up to the seven eleven property, so preferred to use chain link fence and will plant cedar along it. The Board asked how high the fence would be. Ms. Thielges stated that it would be the standard height. D. Farthing asked if any windows would be placed on the west side of the building where tenants would be looking at the back side of the seven eleven building. Mr. O'Donnell stated that small windows will be used on that side of the building for light only and not egress.

M. Griffo stated that he received a phone call this afternoon from Scott Hicks, Rector-Hicks Funeral Home regarding the proposed parking for this project. Mr. Hicks is aware that the parking requirements are being met per Village Code and in no way is he against this project but believes that the Village needs to look at the Code in relationship to today's standards of more than one vehicle or one parking spot per apartment. M. Griffo stated that this same concern has been brought up in the past. Ms. Thielges stated that each unit will only have two bedrooms and they are proposing three parking spots for the three units per code requirement. The Board understood this. However, M. Griffo stated that Mr. Hick's concern is that any overflow parking will end up in the municipal lot which is utilized by his business during calling hours and funerals. The Board was in agreement that the Code is unrealistic for today's world.

Mr. O'Donnell and Ms. Thielges thanked the Board and left the meeting.

#### **7. Sweet Arts Bakery – 95 Main Street – Sign:**

Brian Lewis, Sweet Arts Bakery, 95 Main Street appeared before the Board with a sign permit application. Mr. Lewis stated that right now they are proposing a simple design of 6-9" letters spelling out the word "BAKERY" for the front of the building above the large glass windows. The letters will be lit with three goose neck lights which will face down on the letters. They are hoping to put a sign decal inside their window in the future and/or install a perpendicular sign similar to the Clothes Horse. The Board asked if the bright yellow color of the letters which was depicted on the sign permit application would be what they would be using. Mr. Lewis stated that he hopes to find metallic gold or brass letters but is having trouble locating letters that size.

With no further discussion, D. Farthing moved to approve the sign permit application as presented. M. Griffo seconded the motion and the motion passed with ayes from all.

#### **8. Vital Spot – Exterior Patio – 3 Bank Street:**

Chair Woods stated that on January 26<sup>th</sup>, the Village Board conceptually approved the design plan schematic for the Vital Spot exterior patio subject to the Planning Board's final review and approval.

David Matthews, DesignOne Architecture and Planning appeared before the Board with an exterior patio plan for seasonal and winter use, along with an elevations plan. Mr. Matthews explained that there are different aspects of the project and what role the Village Board and Planning Board will hold. The Planning Board cannot act upon the physical changes that are proposed to a

Village owned sidewalk and they cannot act on the sale/consumption of alcohol on the patio. However, the Planning Board can review the façade changes that are being proposed.

In July, Mr. Matthews stated that he on behalf of Paul DeVelder owner of the Vital Spot appeared before the Planning Board with what they were going to propose. Mr. Matthews continued by stating that at that time, the Planning Board gave him the general thumbs up on the proposal and is proceeding with the project with the Village Board. Mr. DeVelder wanted to get feedback from the Boards before he invested a lot of time and money into the project. They are hoping to receive approval in March to move forward with the project as soon as weather permits to be open in time for SUNY Geneseo graduation in May.

Regarding aesthetics some changes have been made as to what was discussed in July. The tiered sidewalk is still proposed, but all items associated with the restaurant will be removable so as not to interfere with pedestrian traffic and maintenance when the restaurant is closed. The existing sidewalk and stamped concrete is approximately 14' wide. The tiered sidewalk is proposed at 9'4" wide with an 8" retaining wall. This will allow for a 4' public sloped sidewalk at all times.

Mr. Matthews stated that the aesthetic changes to the façade include new entry doors, new awning and sign, new metal siding anodized color to match adjacent SUNY Geneseo buildings, existing brick will be painted, new windows will be added to allow more natural light to enter and the existing Vital Spot sign will be removed. Mr. Matthews stated that Mr. DeVelder has a new business plan for a restaurant instead of a night club. They will no longer be open until 2am. They will open for lunch, dinner and evening hours only.

Member M. Griffo left the meeting at 6:06pm.

Mr. Matthews stated that Mr. DeVelder plans on renaming the business which will include a separate sign permit application. Mr. DeVelder is also planning an interior renovation with new food stations and new restroom locations.

The Board asked about the existing kitchen fans on this side of the building. Mr. Matthews stated that these two fans are to remain as there is no way to remove them. The Board was concerned about grease dripping from the fans on to the newly painted exterior of the building and on the newly installed tiered sidewalk. Mr. Matthews stated that those kitchen fans are utilized by the Village Café which occupies the Main Street level space.

The Board asked if the electric/telephone lines that string across Bank Street will be removed or buried underground. Mr. Matthews was not sure.

Chair Woods stated that for the Board's information Trustee Ben Gajewski met with the SUNY Geneseo Facilities Department regarding comprehensive street scape ideas for Bank Street in general. They have been very receptive as has Key Bank.

Chair Woods asked if the Board had any comments or questions. D. Farthing stated that regardless of the use, the façade changes are welcomed. J. Kernan stated that he is still not clear as to what the Planning Board's role is when a private business is moving onto a public street. Chair Woods agreed and explained that the Village Board will need to address this type of use. Logistically Chair Woods believes that the Village Board would need to make revisions and/or additions to Chapter 105 of the Village Code - Streets and Sidewalks, specifically Section 105-11.1 - Sidewalk permits. Chair Woods continued by explaining that timing may be an issue as the Village may need to act prior to the Planning Board acting. Chair Woods stated that the Planning Board would be looking at site plan modification.

Mr. Matthews stated that he and Mr. DeVelder have been very direct on how this exterior design came about, noting that under existing Code they could be issued a sidewalk permit for tables and chairs, but because of the slope of the sidewalk did not feel it would be safe, therefore have

proposed the tiered sidewalk which they will pay for. This is unique in that a private party is willing to make improvements to a public sidewalk.

Currently, the Village Code allows for a sidewalk permit for up to one year or less. Mr. Matthews stated that Mr. DeVelder is willing to apply every year if he needs to.

Member J. Kernan left the meeting at 6:20pm.

The Planning Board is very supportive of this idea, especially now that Mr. DeVelder has a new business plan. Planning Board members have seen this type of sidewalk use in other municipalities. Chair Woods stated that the Police Chief and DPW Superintendent have expressed their concerns to the Village Board regarding this proposal. Chair Woods continued by stating at this time, the Planning Board does not have an application before them. D. Farthing noted that the formal application should include any lighting plans.

Chair Woods asked for any comments or questions from Engineer Rappazzo. Mr. Matthews stated that all infrastructures are in place. Engineer Rappazzo stated that his concern would be the separation between the public and private space and how it would be maintained especially during the winter months. Mr. Matthews stated that Mr. DeVelder and DPW Superintendent Jason Frazier will work something out in regards to the clearing of snow and ice.

CEO Maxwell asked if a special use permit would be required for an eating and drinking establishment or is the Vital Spot grandfathered, but believes a special use permit would be beneficial especially because of the new business plan and the business moving out onto the sidewalk. The Board agreed that site plan modification and special use permit review could be reviewed simultaneously. However, Chair Woods believes that the Planning Board's approval is on hold until the Village Board makes a decision.

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

#### **9. Town of Geneseo Planning Board Update:**

D. Woods reported that the Town Planning Board met on February 9<sup>th</sup> with the following agenda items:

1. Fred Staley - Staley Storage - 5319 Lakeville Road  
Permanent Special Use Permit granted
2. Kathy Baker - Massage in Motion - 3166 Elm Road  
Permanent Special Use Permit granted
3. Allithea Killeen - Bed'n'Breakfast - 4185 Roots Tavern Road  
Public Hearing Scheduled for March 9<sup>th</sup>.

#### **10. Livingston County Planning Board Update:**

Stew Leffler reported that the Livingston County Planning Board met on February 12<sup>th</sup> with the following agenda items:

1. Zoning Referral from the Town of York for an amendment to permit two-family and multi-family residential uses in a commercially zoning district.
2. Zoning Referral from the Town of York for creation of a Wind Overlay Zoning District on a parcel at 2275 Main Street.

Mr. Leffler stated that a training session was held during the meeting titled "County Planning Board Basics." During the training session Planning Department Officials presented a map of the county with all properties within the County that would qualify for Board review. Mr. Leffler stated

that he was very surprised to see the number of properties that would qualify for review. However, the County Planning Department is also in the process of updating the zoning referral process.

**11. Meeting Closed:**

With no further discussion, S. Richardson moved to close the meeting at 6:47pm. D. Farthing seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary