

**Members Present:**

David Woods, Chair  
Susan Richardson, Member  
Dori Farthing, Member  
Jim Kernan, Member  
Claren Kruppner, Alternate Member

**Other Village Representatives Present:**

Code Enforcement Officer Dean O'Keefe  
Attorney J. Thomas Reynolds  
MRB Group Engineer Kurt Rappazzo  
Livingston County Planning Board Representative,  
Stewart Leffler

**Applicant(s)/Representative(s) Present:**

Tim Brinduse, T.A.B. Design Architects, Lee Chiropractic, 72 East South Street  
Dr. Jeremy & Michelle Lee, Lee Chiropractic, 72 East South Street  
Joe O'Donnell, O'Donnell & Associates Inc, Thielges Apartment Building, 3 South Street  
Teri Thielges, Thielges Apartment Building, 3 South Street  
Jason Thielges, Thielges Apartment Building, 3 South Street  
David Santiago, TNT Fireworks, Logistics, Tent Sparkler Sales, Wal\*Mart Supercenter Parking Lot  
Anna Kowalchuk,  
Livingston County Historical Society Museum, Museum Administrator, 30 Center Street  
David Paoletta, Livingston County Planning Department, Planner,  
Millennium Drive Roadway Extension Project – Subdivision

**1. Meeting Opened:**

Chair Woods opened the meeting at 4:30pm.

**2. Meeting Minutes:**

The May 27, 2015 meeting minutes were reviewed. J. Kernan moved to approve the minutes as amended. D. Farthing seconded the motion and the motion passed with ayes from all.

**3. Lee Chiropractic – 72 East South Street – Phase II – Addition:**

Tim Brinduse appeared before the Board with Dr. Jeremy and Michelle Lee for an addition to the building at 72 East South Street which will house Dr. Lee's Chiropractic Business. Mr. Brinduse stated that on June 2, 2015 they appeared before the Village of Geneseo Zoning Board of Appeals with the following requests:

- 1) a front yard setback of 11' 10" where Section 130-76 A states no part of any parking area shall be closer to a street or lot line than the minimum setback required for a principle building in the relevant district
- 2) for an 11' 8" side yard setback where the set back fails to meet the 15' minimum setback
- 3) for 32.4% lot coverage where the maximum allowable lot coverage is 30%

The Zoning Board of Appeals has determined the first variance for a front yard setback would not be needed if the property were in the Mixed-Use (R-2) district as are all the properties surrounding this one on Route 20A. This property appears to have been overlooked in the last zoning update. The lot should have been zoned commercial originally but the Board does not have the authority to rezone it, therefore the variances are necessary. Therefore, the Board granted approval of the requests for

- 1) a front yard setback of 11'10" where Section 130-76A states no part of any parking area shall be closer to a street or lot line than the minimum setback required for a principle building in the relevant district;
- 2) an 11'8" side yard setback where the setback fails to meet the 15' minimum setback and
- 3) for 32.4% lot coverage where the maximum allowable lot coverage is 30% per Bulk and Use Table 130-130 (R-1) of the Code of the Village of Geneseo.

Mr. Brinduse continued by stating that at this time they are waiting to hear back from NYS DOT and that the drawing is a little different than what was originally submitted as the porch has been taken off and is now a stairway into the basement which will become Dr. Lee's office.

Chair Woods asked if there were any questions or concerns. Engineer Rappazzo stated that he has reviewed the plans and is also waiting to hear back from NYS DOT.

Dr. Lee asked if it was okay to begin construction as soon as possible. Code Enforcement Officer Dean O'Keefe stated that his office did not have a problem with that as long as the Board did not have any concerns with it. The Board did not. However, it was noted that last month, Dr. Lee mentioned that he would supply the Board with a letter from the church on Haley Avenue stating that he could utilize their parking lot during construction. It was also noted that any outstanding fees due to the Village would need to be paid prior to the Mylar being signed.

Chair Woods stated that the previous SEQRA negative declaration granted would still apply. With no further discussion, S. Richardson moved to grant site plan modification from the site plan originally approved on February 25, 2015. C. Kruppner seconded the motion and the motion passed with ayes from all.

#### **4. Livingston County Historical Society Museum – 30 Center Street:**

Anna Kowalchuk, Museum Administrator appeared before the Board for conceptual site plan review for renovations and an addition to the museum at 30 Center Street.

Phase I – West side will consist of the following:

Demolish existing restroom addition	~ 232 square feet
Build new accessible restroom addition	~ 207 square feet
Build collection management addition	~ 564 square feet
Alterations	~2,658 square feet

Existing Middle Room, Auditorium and West Hallways

Alterations will include lowering the floors as they are approximately three inches higher than they should be and this will eliminate the need for ramps. Parking will be moved towards the rear of building instead of on the west side towards the front of the structure. Ms. Kowalchuk stated that there has been some discussion with the Christ Community Church located at 26 and 28 Center Street in regards to tying into their parking lot to make both parking lots flow better as long as no parking to either is lost and drainage is improved. Ms. Kowalchuk continued by stating that what is currently the office will become the collections management area which includes the addition.

The following area variances will be required which will be heard by the Zoning Board of Appeals on Tuesday, July 7<sup>th</sup>:

- 1) erect a building addition that fails to meet the thirty (30') feet rear yard setback per Section 130-131: Bulk & Use Table R-2 Residential District, a nineteen (19') foot variance is requested
- 2) relief from Section 130-76 A: parking area set backs from lot lines & streets- no parking area other than driveways for ingress and egress, shall be located closer to a street or lot line than the minimum setback required for a principal building in the relevant district

At this time they are only looking for conceptual review so that they can apply for funding. BERO Architecture has been working closely with the NYS Historic Preservation Office (SHPO) regarding this project but has not yet officially submitted an application to them.

The Board asked what the timetable was for this project. Ms. Kowalchuk stated that they hope to start next summer and Phase I will also include upgrades to all HVAC. The additions and alterations will allow for handicap accessibility throughout the building, add exhibit space and allow for environmental controls within the facility.

Phase II consists of the following:

Demolish existing Annex and Carriage Shed	~2,121 square feet
Collection Storage and Exhibition Addition	~4,425 square feet

Ms. Kowalchuk stated that they hope to bury any power/telephone/cable lines that are overhead and improve drainage by tying into the storm drain on Center Street. One of the requested variances is for the rear which does backup to a residential building lot, however, that section of the residential building lot is not utilized and the addition will actually give this neighbor more privacy. The Willard Hose House will be moved to the east of the property and ideally the Big Tree structure will be moved to the north east corner of the lot and be preserved in some way. The tree itself fell in 1857, is hallow and is not serving any purpose being in an outdoor shelter.

Ms. Kowalchuk asked if there were any questions. Chair Woods stated that the Board's main concern is SEQR (State Environmental Quality Review) in relationship to SHPO. Ms. Kowalchuk stated that the SEQR form and any communication between SHPO would be copied to the Planning Board for their file.

With no further discussion, D. Farthing moved conceptual site plan approval for Phase I and Phase II for the Livingston County Historical Society Museum located at 30 Center Street. J. Kernan seconded the motion and the motion passed with ayes from all.

### **5. Apartment Building – 3 South Street – Site Plan Review:**

Joe O'Donnell, O'Donnell & Associates Inc, appeared before the Board with Teri Thielges for a two-unit apartment Building at 3 South Street. Due to needing a sprinkler system and the cost of that sprinkler system, Ms. Thielges has decided to build two units, basically cutting the third or west unit off the original proposal. Two units will allow for more green space on the east and west sides of the building.

Originally two bedrooms were proposed for each unit, however, three bedrooms are now proposed for each unit with the third bedroom being located in the basement with proper ingress/egress.

Regarding engineering costs based on Engineer Rappazzo's April 23, 2015 letter, they have received quotes up to \$10,000 for engineering on this project. Mr. O'Donnell is wondering if Engineer Rappazzo's requirements could be scaled back now that this project has been scaled back to two units. Engineer Rappazzo stated that he would need to review his letter again and any new plans, but he believes that most of his comments were related to the required sprinkler system so does believe many of his comments were not applicable anymore.

At this time, the State Environmental Quality Review Short Environmental Assessment Form was reviewed. It was noted that the Village of Geneseo Zoning Board of Appeals Secretary has spoken to the NYS Historic Preservation Office regarding the significance of this property being located in the Village of Geneseo Historic Designation District, but nothing had been received from them in writing. With no further discussion, S. Richardson moved that the Planning Board has determined, based on the information and analysis, and supporting documentation that the proposed action will not result in any significant adverse environmental impacts. C. Kruppner seconded the motion and the motion passed with ayes from all.

With no further discussion, C. Kruppner moved to grant preliminary site plan approval for a two-unit apartment building on the property located at 3 South Street. J. Kernan seconded the motion and the motion passed with ayes from all.

### **6. American Promotional Events/TNT Fireworks – Wal\*Mart Supercenter Parking Lot:**

David Santiago, American Promotional Events/TNT Fireworks, Logistics, appeared before the Board for sparkler sales in a tent in the Wal\*Mart Supercenter parking lot. Mr. Santiago stated that his company has agreements with several Wal\*Mart stores in New York State to set up tents in their parking lots to sell sparklers. Their plan is to sell from June 22<sup>nd</sup> through July 5<sup>th</sup>. Normally a tent will be erected a few days prior to the start of sales and come down a few days after sales. A storage container with the fireworks will also be delivered a couple days before the start of sales and will be picked up a couple days after the end of sales. For convenience, a portable toilet will also be delivered.

Mr. Santiago stated that they will abide by all State and Local regulations. The tent will be weighted with water barrels and they are in the process of getting an engineered plan from a NY State Engineer for that.

The Board wondered why Wal\*Mart was also selling sparklers in the store. Mr. Santiago stated that what Wal\*Mart is selling in the store is different than what they are selling in the parking lot. The Board also asked who would be selling out of the tent. Mr. Santiago stated that they were not sure at this time, but that it is usually an organization doing it as a fundraiser. There is an application process involved, they seek out churches first and then different organizations.

The Board stated that Mr. Santiago has not yet addressed signage. Noting that signage for these types of vendors have been a concern by the Board and Village in the past. Mr. Santiago stated that each tent comes with a signage kit which includes signage to be used in and on the outside of the tent only, any other signage would be signage the organization running the sales would obtain on their own.

The Board asked how the cash register and lighting within the tent would be powered. Mr. Santiago stated that generators are used for these functions. The Board asked what the hours of operation are. Mr. Santiago stated that normal hours of operation are from 9am – 10pm.

At this time, Secretary Mack noted that she had just received an email from Virginia Daniel from American Promotional Events/TNT Fireworks that includes the letter of authorization from Wal\*Mart giving American Promotional Events/TNT Fireworks permission for tent sales at this Wal\*Mart and several other Wal\*Marts in New York State.

With no further discussion J. Kernan moved to approve temporary site plan modification for sparkler sales in the Wal\*Mart Supercenter Parking Lot at 4235 Veteran Drive with the following conditions:

1. Sales will take place from June 22<sup>nd</sup> – July 5<sup>th</sup>
2. Copy of OFPC Permit be submitted for file.
3. Tent and all other materials are to be removed by July 8<sup>th</sup>
4. Local Contact Needed for Permit
5. No signs will be erected beyond the confines of the tent
6. Hours of Operation are to be from 9am – 10pm
7. Tent will need a permit, will need to be inspected and will need Engineered Plans stating how the tent will be properly weighted.
8. Permit will be needed for storage unit.

S. Richardson seconded the motion and the motion passed with ayes from all.

## **7. Livingston County – Millennium Drive Roadway Extension Project – Subdivision**

Chair Woods explained that there has been several discussions in the past few weeks regarding the road cut for the Millennium Drive extension. It appears that there are inconsistencies within the Village Code regarding a 125' or a 150' road separation. This would be between the Wal\*Mart drive and Millennium Drive extension. Therefore, the matter is going before the Zoning Board of Appeals on Tuesday, July 7<sup>th</sup>. The draft legal notice for the Zoning Board of Appeals reads as follows: *“for an interpretation of Section 130-42 D-1–b, Table 1 for Minimum Connection Spacing Standards for 35 mph or less of 125 feet per the Code of the Village of Geneseo, 125-foot or 150-foot; and if the 150-foot applies a request to use the 125-foot distance.*

The Board agreed that they agree with the offset as conceptually approved at the May 27<sup>th</sup> Planning Board meeting.

**8. Code Enforcement Office Report:**

**May 2015**

Building Permits	08
Sign Permits	02
Avoidable Alarm Violations	01
General Complaint	03

CEO O’Keefe stated that the Code Office received a complaint regarding the Goddard Development/Mavis Discount Tire site not being mowed, they have been contacted and the site should be mowed soon. Other complaints have been filed and followed up on as per the Code Enforcement Office Report for May as emailed to the Board.

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

D. Woods reported that the Town Planning Board met on June 8<sup>th</sup> with the following agenda items:

- Public Hearing: Stewart Subdivisions – Jones Bridge Road  
Both Subdivisions were granted final approval.
- Concept Review: Seven Nations Stakes Two Lot Subdivision – 5114 Crossett Road  
Conceptual Approval was granted.
- Concept/Preliminary Review: Mulvaney Two Lot Subdivision – 5206 West Lake Road  
Conceptual and Preliminary Approval was granted.  
A July 13<sup>th</sup> Public Hearing was scheduled.

D. Woods also reported that the Town Board held a Public Hearing on the proposed fence regulations but did not vote on those regulations at their last meeting. The Town is also still in the process of working on the comprehensive zoning code update.

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

Stew Leffler reported that the Livingston County Planning Board met on June 11<sup>th</sup> with the following agenda items:

- Town of Geneseo
    - Fence Regulations for the Lake Shore Zoning District
  - Village of Livonia
    - Site Plan Review, Special Use Permit & Area Variance for Telecommunications Tower on Wildbriar Drive
  - Town of Avon
    - Subdivision Review for three lots on East River Road
  - Town of Geneseo
    - Area Variance for a house addition at 5507 Eagle Point Drive
- Mr. Leffler explained that this request did not pass as the lot line development impacts ability for maintenance.

**11. Miscellaneous:**

T-Mobile plans an antenna upgrade to the antenna atop of the Brodie Hall Building on the SUNY Geneseo Campus off of Park Street. The Board hopes that with the new incoming President there will be better dialogue between the Village and college.

**12. Meeting Closed:**

With no further discussion, C. Kruppner moved to close the meeting at 6:18pm. D. Farthing seconded the motion and the motion passed with ayes from all.