

Members Present:

David Woods, Chair
Matt Griffo, Member
Susan Richardson, Member
Dori Farthing, Member
Jim Kernan, Member
Claren Kruppner, Alternate 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)/Representative(s) Present:

Adrian Goddard, Goddard Development, 4181 Lakeville Road, Phase II – Site Plan
Brian Burri, Bergmann Associates, Goddard Development, 4181 Lakeville Road, Phase II – Site Plan
Mark Grovanz, Livingston County Department of Health,
Environmental Health Director, Professional Engineer
Millennium Drive Roadway Extension Project – Subdivision
David Paoletta, Livingston County Planning Department, Planner,
Millennium Drive Roadway Extension Project – Subdivision

Public Present:

Chris Wegener, Lake Construction

1. Meeting Opened:

Chair Woods opened the meeting at 4:30pm.

2. Meeting Minutes:

The July 22, 2015 regular meeting minutes were reviewed. D. Farthing moved to approve the minutes as presented. J. Kernan seconded the motion. The motion passed with ayes from D. Woods, S. Richardson, D. Farthing & J. Kernan. M. Griffo abstained as he was not present at the July 22nd meeting.

3. Livingston County – Millennium Drive Roadway Extension Project – Subdivision:

David Paoletta, Livingston County Planning Department, Planner, presented the Board with a preliminary subdivision plan for Millennium Drive which includes the extension of Millennium Drive to Veteran Drive. It will include the transfer of lands between Livingston County and Kings Harbor View Associates. The road will be built to Village standards and then dedicated to the Village.

Village Engineer Kurt Rappazzo stated that the comments from his September 22, 2015 letter are mostly technical in nature. Mark Grovanz, Livingston County Department of Health, Environmental Health Director and Professional Engineer stated that he would like to discuss some of Engineer Rappazzo's comments with the Board.

Comment #1 The anticipated area of disturbance shall be depicted on the plan and confirmed. As noted on the plan, disturbances over 1-acre will require coverage under SPDES General Permit GP-0-15-002, and the development of a Stormwater Pollution Prevention Plan with water quality and quantity mitigation.

Mr. Grovanz continued by stating that it is the County's goal to disturb less than an acre of land. Per the plan submitted the new road is labeled Lot #3 with a total acreage of 1.02 but only .97 acres of that is to be disturbed. Mr. Grovanz believes that if acreage cannot be kept under an acre the County may have to scale back the project. The Board asked Mr. Grovanz to explain. Mr. Grovanz explained that the County's understanding was that they were going to help mitigate a traffic problem by adding an extension to a road, but by adding sidewalks, trees and lighting, the project becomes much more than what was planned and almost economically unfeasible. In order to keep the project

under an acre, the County could eliminate the full reconstruction of the beginning of the extension where Millennium Drive currently ends by spot repair it and not include sidewalks.

Chair Woods stated that as a Board Member not the Chair, eliminating sidewalks is unacceptable to him and feels that other Board Members may feel the same. It was noted that on the preliminary plans being presented and received in the Village Clerk's Office on 09/16/2015 a 5' wide sidewalk is shown on the east side of the Millennium Drive extension.

Engineer Rappazzo commented that per NYS regulations, the project needs to stay under an acre, however, if there are things that can be done to limit the amount of grading that can be done to help the project stay under an acre and he is willing to work with the County to figure that out. The Board felt the same.

M. Griffo asked if the sidewalks had to be apart of the roadway extension on could an easement be given for a future sidewalk. Engineer Rappazzo explained that per Village Code requirements when a new road is going to be dedicated to the Village sidewalks must be installed by the applicant. M. Griffo understood this but asked if the project were to be done in phases if it mattered. Engineer Rappazzo stated that even if the project were to be done in phases, the total amount of disturbance would still be taken into consideration.

Comment #5 The proposed sidewalk shall be shown crossing Veteran Drive, and the Wal*Mart driveway, to tie into the existing sidewalk. The crossing shall be located between the turnaround and the Wal*Mart driveway.

Mr. Grovanz asked the Board to look at the big picture in regards to when Veteran Drive is extended and if the Board wants a sidewalk on the south side of Veteran Drive. Mr. Grovanz stated that the County is proposing to cross Veteran Drive on the east side and then tie into the sidewalk on the north side of Veteran Drive. However, Mr. Grovanz explained that adding this sidewalk is not as easy as it sounds due to the grade along the road and ADA compliancy. The Board agreed with the change.

Comment #11 Additional street trees appear to be required for compliance with Village Land Development Regulations. Section A-38.G requires street trees be located at 50-foot intervals on both sides of the right-of-way. The plan proposes 50-foot intervals on alternating sides of the right-of-way.

Mr. Grovanz commented that this would double the number of trees that are proposed. Engineer Rappazzo agreed.

Comment #13 Street lighting should be consistent with the lighting along Veteran Drive and Ryan Drive. Details shall be finalized.

S. Richardson wondered if it would be feasible for the street lighting to be placed on the west side only if the sidewalk is proposed for the east side only. Engineer Rappazzo commented that as long as the road and sidewalks are illuminated per Code regulations, he does not believe it matters if street lighting is on one side or the other or both. S. Richardson also commented that trees have a better survival rate if there are not as many of them. Mr. Grovanz stated that they would not object to trees on the west side only.

J. Kernan asked what section of Code refers to street lighting, sidewalk and landscaping requirements. Engineer Rappazzo stated that the Village Subdivision regulations and Village Land Development Regulations would apply in this proposal and that the Board can modify those regulations if they so desire. S. Richardson commented that because this is not a residential subdivision she believes that modifications could be made. Mr. Grovanz agreed.

Discussion continued and it was noted that Megan Drive has street lights on one side and sidewalks on the other. It was also suggested that the street lights be placed opposite where the trees will be planted if trees and lights are going to go in on opposite sides of the road. Chair Woods stated that as long as sidewalks, street lighting and trees are included in the plan, he personally believes that the Engineer, DPW Superintendent and County can figure out where to best place them. Chair Woods also feels as though this Board would be doing the Village a disservice with future applicants if they did not do everything they could to ensure the goals of the Village are being met.

C. Kruppner asked that the street lighting at the Veteran Drive/Millennium Drive intersection be reviewed closely to make sure there are no gaps. Engineer Rappazzo stated that intersection lighting along with the entire street will need to have a certain amount of illumination per Village Code.

Chair Woods stated for the records, that on May 13, 2015, the Livingston County Board of Supervisors as an involved agency, declared its intention to establish itself as Lead Agency for the purposes of fulfilling the SEQR requirements in connection with this project and on July 8, 2015 adopted a Negative Declaration for this Unlisted Action.

S. Richardson moved to approve preliminary plat approval as presented and discussed with the Board with the understanding that there will be continued conversations with Engineer Rappazzo, especially regarding the comments as discussed and addressed tonight. D. Farthing seconded the motion and the motion passed with ayes from all.

The final plat subdivision public hearing was scheduled for Wednesday, October 28, 2015 at 4:35pm.

4. Goddard Development – Site Plan Concept Review – Phase II – 4181 Lakeville Road:

Brian Burri, Bergmann Associates appeared before the Board on behalf of Goddard Development Partners for the proposed construction of a 4,000 square foot building, which will have a 2,000 square foot retail component and a 2,000 square foot restaurant (Dunkin' Donuts) with drive-thru. As part of the Phase I (Mavis Discount Tire) development, they had originally allocated for an 8,000 square foot retail building to be constructed in this phase and had engineered the improvements accordingly. The 4,000 square foot building with drive-thru still falls within the parameters of the original layout and will not increase the imperviousness of the site that was planned for the engineering of the stormwater drainage facility.

The proposed materials of the building will be similar to what is being used on the Mavis Discount Tire building. Colors to be used will be earth tone browns and tans; however it was noted that bright orange colors are currently being proposed for sections of the Dunkin' Donuts side of the building. Dunkin' Donuts is being proposed for the south side of the building with the drive-thru pick-up window on the south side of the building facing Route 20A.

The Board questioned why the pick-up window would be placed on the south side of the building. Mr. Bergmann explained that internally for Dunkin' Donuts this was the only place to put the pick-up window. The Board asked if the drive-thru lane would be large enough for two cars. Mr. Burri stated that it would not be. The Board was not in favor of there only being enough room in the drive-thru lane for one vehicle. Mr. Burri noted that the bio-retention area is located just south of the drive-thru pick-up window so this would not allow for two lanes.

Code Enforcement Officer Maxwell stated that he has reviewed the conceptual plan submitted and at this time it appears that a variance will be required for the number of parking spaces. Mr. Burri believes that a variance would be required for at least five to six parking spaces, but CEO Maxwell believes it is more than that. Mr. Burri commented that he believes that the number of parking spaces were calculated incorrectly for the Mavis Discount Tire building and would like to review that with CEO Maxwell in detail. CEO Maxwell believes that his office had already reduced the number of parking spaces more than usual based on the Mavis Discount Tire building being part service, part warehouse and part retail. CEO Maxwell does not believe that the number of parking spaces can be reduced any further.

Mr. Adrian Goddard, Goddard Development Partners stated that when he compares the Mavis Discount Tire site in Geneseo to others that have been built there is a lot more parking on this site than those. The Board understood that that may be the case but tried to explain that this Village has its own set of regulations regarding the number of parking spaces required. Chair Woods stated that this seems like it is something that needs to be worked out between the Code Enforcement Office and Bergmann Associates and a variance may or may not be needed, but that Bergmann Associates may also need to apply to the Zoning Board of Appeals for an interpretation of the Code.

Discussion continued regarding the location of the drive-thru pick-up window and the width of the drive-thru lane. It was noted that the Board was not in favor of what was being presented and that per Village Code regulations, drive-thru pick-up windows are whenever possible to be provided for in the rear of the building unless the Planning Board determines it is not feasible. Mr. Goddard commented that the drive-thru pick-up window has been placed on the south side or Route 20A side of the building because of internal operations. He does not believe that there is another prototype Dunkin' Donuts can utilize for this location. Mr. Goddard stated that he would be willing to landscape and/or fence the area to hide it. The Board agreed that landscaping would not hide it and that they did not want to see a fence. Engineer Rappazzo stated that the bio-retention area would also need to be taken into consideration when discussing landscaping and/or fencing in that area of the site.

CEO Maxwell asked if this Dunkin' Donuts would have a kitchen as the Dunkin' Donuts within the convenient store of the gas station on Route 20A near Wegmans has most of their fresh baked goods delivered each morning from Rochester. The Board asked if this would be the second Dunkin' Donuts in Geneseo within two miles of each other. Mr. Goddard stated that this Dunkin' Donuts would replace the current one in the convenient store but was not clear on the about deliveries or the kitchen.

At this time Chair Woods identified the concerns with the conceptual plan presented:

1. Drive-Thru Window location on the building
2. Queuing Lane width
3. Number of Parking Spaces required and the need to go to the Zoning Board of Appeals for a variance or interpretation of the Zoning Code.
4. No dumpster enclosure noted on the plans.

At 5:35pm Alternate Planning Board Member Claren Kruppner was asked to fill in for Member S. Richardson as she had to leave the meeting. It was noted that C. Kruppner had been present since the meeting began at 4:30pm.

Discussion continued regarding the aesthetics of the building and traffic entering and exiting. It was noted that the Board took considerable time with the McDonald's rebuild and were told in the beginning that a McDonald's drive-thru restaurant as built was not feasible due to no prototype being available. CEO Maxwell stated that he believed Dunkin' Donuts receives their deliveries via tractor trailer and in reviewing the conceptual plans did not believe a tractor trailer could maneuver the site as presented. CEO Maxwell also noted that the conceptual plan depicts a snow storage area along the west side of the driveway at Lakeville Road/Route 20A. He believes that storing snow in this area will cause a line of site issue.

Mr. Burri continued by stating that at some point, Goddard Development would also like to subdivide the parcel and asked if that could be completed simultaneously with site plan review for Phase II. It was noted that if the parcel were to be subdivided, cross access would be a concern and several different agreements would be needed for shared parking, shared driveway, shared stormwater facilities and other items.

At this time, Mr. Burri and Mr. Goddard thanked the Board and left the meeting.

5. Burger King – Building Colors – 79 East South Street:

CEO Maxwell stated that he had received a call from MJ Painting Contractor regarding painting Burger King and he presented a photo of a Burger King they had already painted to the Board. Giving that there was not enough information available for the Planning Board to decide, the Board asked CEO Maxwell to contact them to submit a more detailed plan, keeping in mind that a representative able to make decisions on colors may need to appear before the Board at the October meeting.

6. Demolition of 71-73 Main Street:

CEO Maxwell updated the Board on the demolition of the Kelly's Saloon building at 71-73 Main Street. The Code Enforcement Office had previously issued a demolition permit for the building shortly after the fire on July 29th that gutted the building. However, no demolition has taken place. Steve Burnette owner of the building is working with the Village Board and Jason Frazier, Village Street Superintendent to see when the best time would be to demo based on the Main Street reconstruction project.

7. Thielges – Two Unit Apartment Building – 3 South Street – Site Plan:

Engineer Rappazzo stated that he has not received an updated/finalized site plan to review/sign for the two unit apartment building at 3 South Street. As such, the Board asked if he would contact the owners engineer as a follow up and report back to the Board.

8. Lee Chiropractic – 72 East South Street – Site Plan:

CEO Maxwell reported that he had issued Lee Chiropractic a Certificate of Occupancy for the work he had done on the existing house to turn it into his Chiropractic Office so they could open. Dr. Lee has an agreement with the church on Haley Avenue to use their parking lot. CEO Maxwell believes that Dr. Lee contacted Senator Patrick Gallivan about the requirement from NYS DOT to install a sidewalk along East South Street/Route 20A from the western edge of his property to Haley Avenue. He believes that Senator Gallivan worked with NYS DOT and Dr. Lee does not have to install the sidewalk. Engineer Rappazzo stated that he was not aware of this change and he has not received an updated/finalized site plan to review/sign for the project.

The Board agreed that they were in favor of the concrete walkway between the handicap ramp and church parking lot, but noted that it was a change to the site plan that had not been approved. CEO Maxwell stated that because of ADA compliancy, he does not think it needed to be approved. The Board understood this, but also noted that it was a change to the site plan that they were not aware of. Engineer Rappazzo stated that he will follow up with Dr. Lee's architect regarding the site plan.

Regarding the free standing sign that was granted through a variance, CEO Maxwell explained that he has reviewed the variance granted and the height of the sign was never discussed. Per Code requirements the sign is not allowed to be higher then 6' and CEO Maxwell believes it stands almost 7.5' tall. Chris Wegener, Lake Construction who had done the work for Dr. Lee stated that the sign could be lowered without much difficulty and did not think Dr. Lee would have a problem shortening it.

9. Genesee Volley Tennis Club – Corrin Strong – Special Use Permit Renewal:

Secretary Mack noted that the Genesee Volley Tennis Club's 5-year Special Use Permit is due to expire at the end of October. The Board advised Secretary Mack to notify Mr. Strong and schedule a special use permit public hearing for 5pm at the next meeting on October 28th.

10. Town Planning Board Update – David Woods:

D. Woods reported that the Town Planning Board last met on September 14th, however, he was not present at that meeting. The Board did grant final approval for a three-lot subdivision to Heartwood Farms (Walter & Cindy Pond) located at 4771 Reservoir Road.

11. Training Opportunity:

Chair Woods stated that the Genesee/Finger Lakes Regional Planning Council is presenting their Fall 2015 Local Government Workshop in Batavia on Friday, November 13th. Chair Woods stated that there is one session being held that the Board might be interested in regarding sign regulations and municipalities not violating free speech. Chair Woods stated that through the Village's Code Update, he has brought Deputy Mayor Sandy Brennan's attention to an article in The

Washington Post from June 18th "***Supreme Court reaffirms broad prohibition on content-based speech restrictions, in today's Reed v. Town of Gilbert decision.***" Chair Woods distributed a copy of the article to the Board for their review.

12. Livingston County Planning Board Update – Stew Leffler:

Stew Leffler stated that he did not have an update for the Board at this time.

13. Village Board – Proposed Code changes in the MU-1 Mixed Use Zoning District:

Chair Woods stated that the Façade Renovation Guidelines as adopted by the Village Board at the end of 2010 were put into place for those applying to the Village's Main Street Grant for façade renovations. As such, since then, the Planning Board has heavily relied on those guidelines for review of all applications before the Planning Board. However, they are just guidelines they were never amended as local law within the Village Code.

The Village Board is proposing to amend certain sections of the Village Code to incorporate the guidelines as law in the MU-1 (Main Street) Mixed Use 1 Zoning District. Chair Woods distributed the draft proposed changes to the Board for their review as follows:

Amend Section 130-34, Mixed-Use District 1, to add new item J and K.

"J. Visual compatibility. *New structures shall be compatible in height and number of useable floors with existing buildings on adjoining properties.*"

"K. Facades. *New or renovated structures shall comply with the Façade Renovation Guidelines, as approved and adopted by the Village Board of Trustees.*"

Amend Section 130-104, Application for site plan approval, to insert a new item (4) under D, Development data. Remaining items will be renumbered accordingly.

"(4) *Architectural features, including exterior design, facade, windows and doors, roof line, building height and number of useable floors, and exterior materials and colors.*"

Amend Section 130-105, Standards for approval or disapproval, to insert a new item C. Remaining items will be re-lettered accordingly.

"C. *Achievement of a harmonious relationship and visual compatibility with surroundings and buildings located on adjoining properties.*"

The Village Board has set a public hearing to consider these changes for their regular meeting on Monday, October 19th at 5:15pm. Discussion followed and the Board agreed that they have no objections to the changes and their response to the proposed changes are favorable but did not feel as though they should take any action on the proposal.

14. Meeting Closed:

With no further discussion, C. Kruppner moved to close the meeting at 6:22pm. J. Kernan seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary