

Village of Geneseo
Planning Board

October 28, 2015
Regular Meeting and Two Public Hearings

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)/Representative(s) Present:

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
Ian Coyle, Livingston County Administrator
Millennium Drive Roadway Extension Project - Subdivision
Angela Ellis, Livingston County Planning Department, Director
Millennium Drive Roadway Extension Project – Subdivision
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
Bob Storie, Project Manager, Carrols Corp, Burger King, 75 East South Street
Steve Burnette, Rebuild, 71-73 Main Street
Randel Fuller, Crosier Consultants, Professional Engineer, 71-73 Main Street
Rocco Dragani, High Street Property Management LLC, 94 Main Street

Public Present:

Sarah Simon, Genesee Sun
Chris Wegener, Lake Construction
Steve Sessler, Sessler Law
Sarah Dieter, Kelly's Saloon
Philip Dieter, Dieter Construction
Matt Leader, Livingston County News

1. Meeting Opened:

Chair Woods opened the meeting at 4:30pm.

2. Meeting Minutes:

The September 23, 2015 meeting minutes were reviewed. D. Farthing moved to approve the minutes as presented. J. Kernan seconded the motion and the motion passed with ayes from all.

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

Chair Woods opened the Millennium Drive public hearing at 4:35pm.

Ian Coyle, Livingston County Administrator stated that the County is ready to move forward with the project and that any comments he has received have been positive. In terms of the project itself the Village Board and County have agreed to terms regarding sidewalks, lighting and landscaping details.

Chair Woods asked if there was anyone present that wished to voice their comments regarding this proposal. Hearing none, Chair Woods asked Kurt Rappazzo, the Village's Engineer from MRB Group for his comments.

Engineer Rappazzo stated that he has reviewed the revised site plans dated October 22, 2015 and supporting documents. All of the comments from his September 22, 2015 letter have been addressed. At this time, he has no further technical comments, but does request that any easement documents be submitted to the Village Attorney for review.

Chair Woods again asked if there was anyone present that wished to voice their comments regarding the proposal. Hearing none, Chair Woods asked the Planning Board for their comments.

M. Griffo thanked the County for their investment in the community and stated that there has been a need for a road connection from the Millennium Drive Complex for many years. All agreed.

Chair Woods again asked if there was anyone present that wished to voice their comments regarding the proposal. Hearing none, Chair Woods stated that he would leave the public hearing open a little longer and proceed with agenda items.

4. Code Enforcement Office Report:

Code Enforcement Officer Maxwell reported that the contractors for the Mavis Discount Tire building started to paint the building but he was not sure it was the correct color; therefore he asked Chair Woods and M. Griffo to meet him on site to look at. It was determined that the contractors had gone with a different brand of paint trying to match the P-6 Benjamin Moore Old Canal #1132 brown color as close as possible. Upon looking at it, M. Griffo and Chair Woods agreed that the brand/color of paint they have used is okay.

CEO Maxwell also reported that when the contractors were installing the trusses on the Mavis Discount Tire building, some of the trusses collapsed. He has not done a framing inspection and will not complete a framing inspection until he receives an engineer's report stating what trusses were damaged and how they were repaired.

Regarding the proposal from Goddard Development Phase II (Dunkin' Donuts) on the Mavis Discount Tire site in September, CEO Maxwell is waiting to hear back from them on how they wish to proceed. The Board asked if the Mavis site would be paved before winter. CEO Maxwell stated that is what they are pushing for and storm drains were being installed today.

CEO Maxwell reported that the Lee Chiropractic free-standing sign at 72 East South Street has been lowered. It was noted that the Code Enforcement Office has received a copy of the letter between Lee Chiropractic and the Assembly of God church at 2 Haley Avenue regarding the use of the parking lot, but a copy of that letter is needed for the Planning Board file also.

S. Richardson noted that in the past couple months, the Planning Board has not received copies of the monthly Code Enforcement Office Reports, and she is wondering if the Board could start receiving those again. CEO Maxwell stated that when he is able to catch up and receive more help he would be happy to supply those reports again. He noted that one of the items that keeps him very busy is rental housing. Rental properties need to be inspected every three years and each time the property changes hands even if the three years has not passed.

5. Town Planning Board Update – David Woods:

D. Woods reported that he was not present at the last Town Planning Board meeting held on Monday, October 5, 2015, but concept and preliminary plat approval was granted to Riedman Development for a two lot subdivision at the Hammocks off of Volunteer Road. CEO Maxwell stated that they have six more buildings to be built and that at this time they are at 85% capacity for their existing buildings.

6. Genesee/Fingerlakes Regional Planning Council – Fall Workshop:

Chair Woods reminded the Board that the Genesee/Fingerlakes Regional Planning Councils fall workshop is being held on Friday, November 13, 2015 at the Clarion Hotel in Batavia. One important session being held at the workshop is sign regulations and that when regulating signage, municipalities must be careful not to violate free speech. Chair Woods asked that if anyone would like to attend, they should let Secretary Mack know as soon as possible.

7. Continuation of:

Livingston County – Millennium Drive Roadway Extension Project – Subdivision:

Chair Woods asked one more time if there was anyone present that wished to voice their comments regarding the Livingston County – Millennium Drive Roadway Extension Project – Subdivision. Hearing none, M. Griffo moved to close the public hearing at 4:43pm. S. Richardson seconded the motion and the motion passed with ayes from all.

Chair Woods noted for the record that Livingston County had declared themselves Lead Agency for this project as part of the State Environmental Quality Review (SEQR). Therefore, the County granted a Negative Declaration for the project and no action is needed from this Board regarding SEQR.

Chair Woods asked if there were any final comments the Board wished to make. Hearing none, M. Griffo moved the following with second from S. Richardson:

A decision and resolution in connection with an application submitted by the Livingston County Planning Department on behalf of the Livingston County Board of Supervisors and Kings Harbor View Associates to review the proposed Millennium Drive Roadway Extension Project and subdivision on Millennium Drive, Tax Map #'s 81.10-1-3.111 and 81.10-1-6.

WHEREAS a Public Meeting to consider the request was held on October 28, 2015; and

WHEREAS, on July 8, 2015 the Livingston County Board of Supervisors after soliciting information from all involved agencies and the public, 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 Millennium Drive Roadway Extension Project and Subdivision request is granted.

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 James Kernan - Aye.

8. Livingston County Planning Board Update – Stew Leffler:

Stew Leffler reported that the Livingston County Planning Board met on October 8, 2015 with the following agenda items:

Town of Geneseo referral for subdivision review for Phase II of the Hammocks, combining two lots into a single lot. The referral passed with advisory comments.

Village of Mount Morris referral for site plan review and use variance for a 2,400 square foot truck service garage at 10 Van Dorn Avenue. There is already a food distribution and storage business in this area of the Village. The referral passed with advisory comments.

Village of Geneseo referral for zoning text amendment regarding compatibility of structures on Main Street in the MU-1 Zoning District. The language is proposed to strengthen the Village Planning Boards authority to regulate development and redevelopment along Main

Street. There was concern raised regarding the definition of “compatible” and “harmonious” and the general subjective nature of the wording. The referral passed with advisory comments.

Town of York referral for a four lot subdivision on Main Street in York, leaving one lot landlocked with no access easement to the road and concern was raised regarding the crossing rights at the railroad. The referral passed with advisory comments.

9. Burger King – Site Plan Modification – Façade Color – 75 East South Street:

Bob Storie, Project Manager, Carrols Corporation owners of several Burger King’s in the area appeared before the Board with a new paint scheme for the Burger King located at 75 East South Street. Mr. Storie distributed a colored rendering of the proposed paint scheme noting that what is shown on the colored rendering does not specifically match the colors chosen. A silver color is proposed to be used on the existing roof shingles, a camel tan color is proposed for the upper portion of the building and a brownish “Monterey Cliffs” color will be used on the lower portion of the building and on any out-buildings. Mr. Storie stated that Carrols Corporation will decide in the next two to three years whether to close this Burger King or completely remodel it, commenting that they have already replaced the original soda system. It is the intent of Carrols Corporation to paint the building with the above mentioned colors to make a warm contemporary look.

As a matter of reference it was noted that in 2006, Burger King, then owned by Kessler Group painted the building white with a blue roof. As that was a direct violation of the original approved site plan calling for earth tone colors, Kessler Group appeared before the Board in August of 2006 with the agreement that the roof color would be painted to match what was originally approved as best as possible. By January of 2007, the roof color was still blue and no attempt was made to comply with the original approved earth tone colors. In April of 2007, Kessler group submitted an alternate color for the roof “Sherwin Williams #2206 – Rowhouse Tan”. The Board agreed to this color and the roof was painted in mid May of 2007.

M. Griffo commented that the red ban appeared around the roofline a few years ago which was not originally approved when the building was built and asked Mr. Storie if any thought had been given to removing the red ban. Mr. Storie explained that the red ban is apart of the Burger King logo and a requirement of the Burger King franchise. CEO Maxwell stated that the red ban is a part of Burger King’s brand and is not considered apart of signage.

After discussion, all Board members agreed that the colors being presented were earth tones which would blend the whole building together. As a point of order M. Griffo stated that the red ban was not a part of the original site plan.

With no further discussion, S. Richardson moved to approve the façade color changes as presented and received in the Village Clerk’s Office on September 30, 2015. J. Kernan seconded the motion and the motion passed with ayes from all.

10. Corrin Strong – Special Use Permit request - Genesee Volley Tennis Club Tennis Court with lights on Avon Road:

Chair Woods opened the Genesee Volley Tennis Club special use permit renewal public hearing at 5:00pm. The previous special use permit was granted in 2010 for a five year period. CEO Maxwell stated that he has not received any complaints regarding the club or the court lights. The club is tucked back in the woods of the Hartford House Estate and therefore not very visible from the road.

Chair Woods asked if there was anyone present that wished to voice their comments regarding the special use permit. Hearing none, the Board noted that they may want to consider a permanent special use permit for the Club, but there was concern voiced regarding the court lights and if Mr. Strong wished to replace them in the future. It was noted that the special use permit originally granted included six court lights and Mr. Strong would need to notify the Board if he wished to replace them in the future.

As Mr. Strong was not present, M. Griffo contacted Mr. Strong via cell phone. Mr. Strong stated that he was on his way. After discussion, it was agreed that Mr. Strong's presence was not necessary, therefore M. Griffo again contacted him via cell phone and had him remain on the line while the public hearing/meeting continued.

Chair Woods asked again if there was anyone present that wished to voice their comments regarding the special use permit. Hearing none, D. Farthing moved to close the public hearing at 5:10pm. J. Kernan seconded the motion and the motion passed with ayes from all.

With no further discussion, M. Griffo moved to grant a Special Use Permit, in perpetuity, for a private club - the Genesee Volley Tennis Club (Corrin Strong) located on Avon Road, Tax Map #: 80.8-1-21.214, with six court lights, with the condition that the court lights will not be on past 10:00PM. D. Farthing seconded the motion and the motion passed with ayes from all.

11. Steve Burnette – Rebuild after fire 71-73 Main Street:

Steve Burnette appeared before the Board with Randel Fuller, his Professional Engineer for a site plan application for a mixed-use two story structure rebuild after fire at 71 – 73 Main Street.

Mr. Burnette voiced his concern regarding the new legislation that has been put into place for the MU-1 (Main Street) Zoning District. He was not sure why the new wording would apply to his application because the Village received his application prior to the law being passed on October 19, 2015. He stated that his application for site plan and building permit were delivered to Secretary Mack on October 1, 2015 and the actual site plan was submitted to her from Randel Fuller, Professional Engineer on October 13, 2015. Chair Woods stated that the Village Board looked into this and they were told that the date of the issuance of the building permit is the date that is used to determine such things. Mr. Burnette stated that he has retained Attorney Kevin VanAllen to represent him; however, he was unable to attend the meeting tonight.

Local Law #3 of 2015 was passed on October 19, 2015 and reads 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."

Mr. Burnette began his presentation with a brief history of the building at 71 – 73 Main Street. The original building was built in 1838 for a hat-making business. The building started to deteriorate after the death of Mr. Perkins the hat-maker in 1862 when the Ayrault's purchased it selling meat and groceries until the building was sold to Mr. Burns in 1909. Mr. Burns made significant improvements to the building and conducted a successful meat market there for several years and then again after a fire in 1919. In 1921 Mr. Burns passed away and Postmaster James Dwyer purchased the building and made major repairs and alterations including lowering the ground floor to street level and a new façade was added to bring the building out even with the buildings on either side. An addition was also made to the rear of the building and the interior was partitioned. The stucco was also added around this same time. The property sold again in 1928 and changed hands several times until 1937

when it was purchased by James Vangalio. Mr. Vangalio made repairs and remodeled the second story, converting it into two apartments.

Mr. Burnette continued stating that what he is proposing now is not much different than what was there prior to the fire on July 29, 2015, with possibly only one occupant (Kelly's) instead of two on the ground floor and one four bedroom apartment on the second floor instead of two-two bedroom apartments on the second floor.

Chair Woods stated that what is being presented is not far from what the Village would like to see especially in regards to the new regulations as put in place on October 19th. Mr. Burnette commented that the new wording states that *"New structures shall be compatible in height and number of useable floors with existing buildings on adjoining properties"*, however, there are many one story buildings on Main Street located adjacent to two story buildings.

Mr. Burnette continued with his presentation stating that a 4" water main had been installed to the property while Main Street was under construction, which will be able to accommodate a sprinkler system for the building. The updated Uniform Fire Prevention and Building Code dictates that a sprinkler will be needed and that if the second floor were to be used for anything other than residential purposes an elevator would be required. Mr. Burnette stated that he hopes that Kelly's Saloon will return and occupy the entire ground floor level.

Regarding storm water drainage, DPW Streets Superintendent Jason Frazier has supplied Mr. Burnette with a letter dated October 13, 2015 which states: *"The property at 71 Main St, formerly known as Kelly's Tavern may tie their storm water drainage into the storm catch basin in the Alley between #7 and #9 Center St. There has been no known problems with this catch basin and drain line to the street. There are other business with their own private storm lines tied into this catch basin as well."* The building originally had a dirt cellar, but Mr. Burnette is proposing a real cellar with block walls and a concrete floor. However, the cellar walls will be moved in four or five feet on each side so that the adjacent buildings foundations are not disturbed.

Chair Woods asked if Engineer Rappazzo has had a chance to review the presented plan. Engineer Rappazzo stated that at this point he does not have any comments. He continued by stating that the water line has already been upgraded, DPW Superintendent Frazier has given approval to tie into the Village's catch basin and there will be no increase in impervious surface, therefore no concerns stand out for him at this time.

M. Griffo commented that Mr. Burnette has been in this community for a long time in the construction business and his quality craftsmanship can be seen in buildings around the Village, like the Cornerways property at the top of Center Street at Highland Road and the Big Tree Inn at 46 Main Street.

At this time, Chair Woods distributed a copy of an email he received from Louise Wadsworth, Downtown Coordinator for Livingston County and a member of the Main Street Grant committee when the Façade Guidelines were originally approved and adopted specifically for the grant by the Board of Trustees on December 20, 2010. Chair Woods stated that Mrs. Wadsworth has offered to work with Mr. Burnette at no cost to make recommendations based on the Façade Guidelines. Chair Woods also stated that the Association for the Preservation of Geneseo (APOG) has an architect on retainer to give free advice to property owners regarding façade design.

The email from Mrs. Wadsworth reads as follows:

"Hello David

Here are my thoughts on the conceptual sketch for 71 – 73

It would be recommended that the commercial door be specified as having ¾ length glass, it should be a wood door. The residential door entrance should be ½ length glass, wood door.

He might want to think about changing the location of the stairs to the second floor and put them all the way to one side and thereby create one complete storefront.

There should be lighting for the sign band, could the sign on the sign band be more linear? and take up more of the band? combined sq ft of signage for this and the perpendicular sign should be no more than the linear footage of the building. see guidelines for max perpendicular sign size.

They should specify the type of lights for the signs and then there should also be lighting in the store windows.

I like the overall design and it complies with the guidelines. There are some suggestions in the guidelines for the amount of window space (could you check that percentage?) it seems to me the windows upstairs could be taller.

I would be happy to meet with them in person and show them examples.

Louise"

Mr. Fuller asked what the next step was to proceed with the application. Chair Woods stated that this meeting is considered conceptual or sketch plat review, then there would be preliminary review and then final review. Mr. Burnette was concerned that the process may take at least three meetings (three months). Chair Woods stated that three meetings (three months) is only if all goes smoothly. Mr. Burnette's concern was that would bring them to the heart of winter. Chair Woods understood this and again explained the three stages of site plan review. The Board wondered if preliminary and final approval could be accomplished in one meeting. Chair Woods stated that preliminary and final approval could possibly be granted at the same meeting, but could not promise this, especially because the November meeting and December meetings are being held a week earlier due to the Thanksgiving and Christmas holidays. Also, the façade details would need to be worked out and it is highly recommended that Mr. Burnette seek the assistance of Mrs. Wadsworth regarding these details.

The application will be referred to the Livingston County Planning Department for Livingston County Planning Board review on November 12, 2015.

With no further discussion, J. Kernan moved to grant conceptual/sketch plat review to Steve Burnette for a mixed-use two story structure rebuild after fire at 71 – 73 Main Street. M. Griffo seconded the motion. S. Richardson asked about the placement of the doors on the façade of the building in relationship to the Façade Guidelines and it was noted that Mrs. Wadsworth mentions this in her email. Mr. Fuller stated that he was trying to replicate what was there prior to the fire, but believes the placement of the doors can be adjusted per the Guidelines. With no further discussion, the motion passed with ayes from all.

The Board agreed to hold a public hearing on the application at their November 18, 2015 meeting at 4:35pm. D. Farthing noted that she would not be able to attend the meeting on the 18th. M. Griffo excused himself from the meeting at 5:37pm.

12. New Business:

Chair Woods stated that the Village Board will be running an ad in the Livingston County News and Genesee Valley Pennysaver seeking applicants for current and future vacancies on the Planning Board and Zoning Board of Appeals. Persons interested in being appointed to either board are invited

to submit a letter of interest, including relevant educational background and professional experience, to the Village Clerk by November 23, 2015.

As previously discussed J. Kernan has submitted his resignation with regret due to other commitments, however, he has agreed to stay on as a member until the Board has appointed someone new. Chair Woods and the Board thanked J. Kernan for this.

13. Thielges Two Unit Apartment Building - 3 South Street – Final Details:

Teri Thielges appeared before the Board with her Architect Joe O'Donnell and her son Jason. Ms. Thielges would like to get the final site details approved for the fencing, landscaping and color(s) of the building. Land Tech Surveying & Planning has submitted a final site plan. Mr. Thielges has submitted a color scheme and landscaping plan. Mr. O'Donnell has submitted architectural plans.

Further discussion followed and D. Farthing moved to approve the following:

- Color Details from Certain Teed
 - Roofing: Charcoal Black Architectural
 - Siding: Certain Teed "Cyprus"
 - Trim: Certain Teed "Heritage Cream"
- White Painted Wood Fence (no arch) and stone as pictured on the Site Plan and Elevation & Landscaping Overview plan and Landscaping and Fencing Sample Images plan from Mr. Thielges on October 27, 2015 for the east and north sides of the property.
- Black standard slated, decorative chain link fence on the west side of the property as pictured on the Site Plan and Elevation & Landscaping Overview plan and Landscaping and Fencing Sample Images plan from Mr. Thielges on October 27, 2015.
- Side and front landscaping to include dwarf evergreens and dwarf flowering trees such as dogwood bush and/or rosebud. Around the sidewalks at the entrance will be boxwoods and ground cover, avoiding the use of mulch and grass, as pictured on the Elevation & Landscaping Overview plan and Landscaping and Fencing Sample Images plan from Mr. Thielges on October 27, 2015.
- Building to have black shutters on the main four windows as shown on the front elevation option 2 on the site plan elevation and landscaping overview from Mr. Thielges on October 27, 2015.

J. Kernan seconded the motion. The motion passed with ayes from all. A Mylar will be forthcoming for signatures. Ms. Thielges thanked the Board and left the meeting.

**14. Sign Permit Application and Sign Grant Application for:
Rocco Dragani, High Street Property Management LLC,
Scoville Building LLC, 94 Main Street:**

Mr. Dragani appeared before the Board with a sign permit application and sign grant application for a single sided carved high density urethane sign, finished with 23k gold leaf for High Street Property Management LLC Student Rentals. The sign will be placed on the façade of 94 Main Street and will be replacing an existing sign.

With no further discussion, S. Richardson moved to approve the sign permit application as presented. J. Kernan seconded the motion and the motion passed with ayes from all.

The total cost of the sign is approximately \$995.00, through the Sign Grant Program, he would be allowed 50% of the sign cost up to \$1000.00. Therefore, Mr. Dragani is requesting a grant in the amount of \$497.50 from the Village Board. With no further discussion, S. Richardson moved to approve the sign grant recommendation to the Village Board. D. Farthing seconded the motion and the motion passed with ayes from all.

15. Meeting Closed:

D. Farthing moved to close the meeting at 6:07pm with second from J. Kernan. The motion passed with ayes from all.

Aprile S. Mack, Secretary