

**Members Present:**

David Woods, Chair  
Matt Griffo, Member  
Susan Richardson, Member  
Dori Farthing, Member  
Stew Leffler, Member

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell  
Attorney J. Thomas Reynolds  
MRB Group Engineer Kurt Rappazzo

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

Brian Burri, Bergmann Associates, Goddard Development, 4181 Lakeville Road, Phase II – Site Plan  
Attorney Frank Pavia, Harris Beach Attorneys at Law,  
Goddard Development, 4181 Lakeville Road, Phase II – Site Plan  
Attorney F.L. Gorman, Harris Beach Attorneys at Law,  
Goddard Development, 4181 Lakeville Road, Phase II – Site Plan  
John Pontillo, GioVanna’s Pizza, 4153 Lakeville Road – Sign Permits  
Don Livingston, Intermissions (Bar), 8 Center Street – Special Use Permit  
David Matthews, Design One Architecture, Bar-Eat-O, 3 Bank Street – Sign Permits

**1. Meeting Opened:**

Chair Woods opened the meeting at 4:30pm, welcoming new Board Member Stew Leffler replacing Jim Kernan who was no longer able to serve. The Board and all welcomed Stew.

**2. Meeting Minutes:**

The November 18, 2015 regular meeting/public hearing minutes were reviewed. S. Richardson moved to approve the minutes as presented. M. Griffo seconded the motion. The motion passed with ayes from D. Woods, M. Griffo and S. Richardson. D. Farthing abstained as she was not present at the November meeting. S. Leffler also abstained as although he was present at the November meeting, he was not an official member of the Planning Board at that time.

**3. Intermissions (Bar) – Special Use Permit Request – 8 Center Street:**

Don Livingston appeared before the Board with a Special Use Permit request for a bar at 8 Center Street. The building is owned by Palace Properties in which Mr. Livingston is part-owner. The building is located adjacent to the Riviera Theater and addressed as 6-8 Center Street. The building currently contains the “Alley Cat Purrfect Price” shop and a vacant storefront which was previously a tattoo parlor and prior to that was a liquor store. The shop is addressed as 6 Center Street and the vacant storefront is addressed as 8 Center Street.

Mr. Livingston explained that the Riviera Theater is being used for much more than a movie theater as weddings, memorial services and other types of functions are being held there. It is Mr. Livingston’s hope to create a complex with a restaurant, bar and theater/event center, where food is prepared on site eliminating the need to outsource. The restaurant and bar will not only service the patrons of the theater but anyone else who wishes to frequent them.

Phase I was the remodeling of the theater, Phase II is the proposed bar and Phase III will be the restaurant. However, what is being proposed now is the special use permit for the bar only and the restaurant will come in the future. Mr. Livingston stated that there is not a lot to change within the building itself but a bump-out will be added to the rear of the building where there is an existing foundation but no enclosure. This area will be used for restrooms and storage. The Board asked if there was an existing basement over this part of the building. Mr. Livingston stated that the entire building is built on a concrete slab and there will be no changes to the foundation. There is no current exit out the back of the building, so that will also be a part of the renovation. Mr. Livingston estimates

that the occupancy of the bar will be approximately 49. The building is approximately 25' from the property line and there is parking available in the rear which does backup to the municipal lot.

The Board asked if there would be internal connections within the building between the proposed bar, future restaurant and theater. Mr. Livingston stated that the internal connections will be added when the building is remodeled for the restaurant, noting that all of that will come before the Board at a future date and will be engineered. Mr. Livingston explained that in order to get a liquor license for the bar Planning Board approvals are required.

The Board asked about the exterior renovations. Mr. Livingston stated that they plan to use the same color scheme for the façade and interior as they used with the theater. This will also be true for the future restaurant. Mr. Livingston stated that he proposes to increase the front façade on the bar to appear as if it has two stories. Chair Woods asked if the Village's Façade Renovation guidelines have been reviewed as they have been integrated into the Code per Local Law. Mr. Livingston stated that they had. The Board asked if a second story is planned for this section of the building. Mr. Livingston stated that he has no plans to add a second story to this part of the building.

The Board asked if there were any future plans for a porch/deck on the front of the building between the bar and theater. Mr. Livingston stated that any future plans for that part of the building have not yet been determined, but that his plan is to renovate the building to its original façade as much as possible.

The Board asked if there were any ADA (American with Disabilities Act) concerns. Code Enforcement Officer Ron Maxwell stated that when the shop is renovated into the restaurant ADA compliancy will be required. Mr. Livingston stated that ADA accessibility is planned with access from the bar to the restaurant and from the restaurant to the theater. The Board was very concerned about the possibility of a required ADA compliant ramp attached to the front of the building. Mr. Livingston stated that will not be an option for them and when the time comes, if an outside ramp is required, it will need to be attached to the rear of the building somehow.

The Board asked about ownership of the businesses. Mr. Livingston stated that each business will have their own management. Mr. Livingston also stated that there is currently a perpendicular sign attached to the façade of the bar in which he plans replace and match to that of the marquee on the theater.

The Board asked about dumpster location and enclosure. Mr. Livingston stated that he does not anticipate any dumpster changes. D. Farthing asked about change in use for both the bar and restaurant with the possibility of the need for additional dumpsters. Mr. Livingston stated that he is not anticipating a great need and if that is the case, he will request that the existing dumpsters be emptied more frequently.

The Board asked about the rental apartments above the theater and current apartments over the shop. Mr. Livingston stated that there are two rental apartments above the theater which had been completely gutted and remodeled at the time the theater was remodeled. The same will be done to the two apartments above the shop at the time renovation takes place for the restaurant. Mr. Livingston commented that as with their other rentals, they only refurbish what was there but make the bedrooms and closets larger with a smaller living room so there is not enough room for the tenants to hold a party.

The Board asked what the proposed timeline was for this project. Mr. Livingston stated that it is hope to be open by June but would prefer to be up and running by SUNY Geneseo graduation in May. Further discussion followed and it was agreed that the Board would like site plan and colored renderings to be apart of the next submittal. Mr. Livingston did not have a problem with this and stated that the color scheme should be available by the next meeting. Chair Woods asked that Mr. Livingston contacts Louise Wadsworth at the Livingston County Economic Development Office to go over the Façade Guidelines in detail.

With no further discussion, S. Richardson moved to approve conceptual approval for a special use permit for a bar at 8 Center Street. S. Leffler seconded the motion and the motion passed with ayes from all.

The public hearing for this matter was scheduled for February 17<sup>th</sup> at 4:35pm, noting that the legal notice should include the request for special use permit and site plan. The Board asked if this project would need to be reviewed by the Village Engineer. Kurt Rappazzo, the Village's Engineer from MRB Group stated that he is concerned with whether or not the current water service to the building is capable of handling what is being proposed now and in the future, as the current use is more domestic and will become commercial. Mr. Livingston believed that what is currently there is sufficient.

The Board asked if a sprinkler system would be required for the restaurant. Mr. Livingston stated that he was not sure and CEO Maxwell stated that per building code a sprinkler system may have to be installed. Mr. Livingston stated that the restaurant portion of Phase III of this project will be engineered and before the Board and Code Office at a later date.

Mr. Livingston thanked the Board and left the meeting.

#### **4. GioVanna's Pizza and Pasta – Sign Permit Application – 4153 Lakeville Road:**

John Pontillo, owner of GioVanna's Pizza and Pasta appeared before the Board for a building sign. CEO Maxwell stated that also included is a request for a panel sign on the freestanding sign near Lakeville Road/Route 20A. However, it has been determined that the freestanding sign with sign panels had previously been approved through an area variance, therefore, Attorney Reynolds has advised that the Planning Board does not need to review and approve this application.

The Board asked if the proposed sign is similar to the sign that was previously there. CEO Maxwell stated that the previous sign was a multitude of colors and this sign is red and internally lit. CEO Maxwell stated that the proposed sign is 41 square feet and 45 square feet of signage is allowed.

Mr. Pontillo stated that they had planned on being open before now, but that much more work was needed than originally expected. He continued by explaining that all items left by the previous tenant had been removed and replaced with new. There were also major repairs needed to the roof, plumbing, electric and HVAC (Heating, Ventilation and Air Conditioning) that should have been taken care of previously by the landlord/property owner. Mr. Pontillo stated that he and the landlord/property owner worked together to fix all of these problems. The Board asked when Mr. Pontillo plans to open. Mr. Pontillo stated that they hope to be open in time for Valentine's Day, but that there is still a lot of work that needs to be done.

The Board asked if the electrical lines for the sign were replaced. Mr. Pontillo stated that all new wires had been installed for the sign. With no further discussion, M. Griffo moved to approve the building sign for GioVanna's Pizza and Pasta at 4153 Lakeville Road in the Livingston Plaza as presented. D. Farthing seconded the motion and the motion passed with ayes from all.

Mr. Pontillo thanked the Board and left the meeting.

#### **5. Bar-Eat-O Sign Permit Applications – 3 Bank Street:**

David Matthews, Design One Architecture and Planning appeared before the Board on behalf of Bar-Eat-O (Paul DeVelder) for new restaurant signage. The restaurant is located at 3 Bank Street and was previously known as the Vital Spot. CEO Maxwell stated that four sign permit applications were received on January 19<sup>th</sup> with a meeting date of January 27<sup>th</sup> and an original submittal date of January 13<sup>th</sup>, which did not leave much time for him to review.

The four signs being requested are:

- (1) Lettering on the north side canopy approximately 8' in length and 14" high.
- (2) Lettering on the west side canopy approximately 8' in length and 14" high
- (3) Replacement wall sign for the north side of the building at the top of Bank Street at Main Street. The sign will be attached to the building replacing the Vital Spot sign. The sign is approximately 8' in length and 4' high. There is also an arrow which will be placed directly under this sign that is approximately 7' in length and

18" high. The sign is white with black and orange letter, the border on the sign is black and the logo is white and orange. The arrow is orange.

- (4) Perpendicular double sided sign approximately 4' in length and 2' high. The sign will be externally lit and be affixed to a steel frame and bracket which will be attached to the north side of the building.

Mr. Matthews stated that per Section 130-5 of the Village Zoning Code the first two signs would be considered a canopy sign not an awning sign:

*An awning is a moveable or retractable ornamental roof like protective cover over a door entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including, but not limited to fabrics and/or plastics.*

*A canopy is a fixed ornamental, roof like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.*

Also, per Section 130-92 B. of the Village Code: Additional (sign) regulations for MU-1 Zoning District *canopy signs displaying the name of a shop, store or business are permitted upon approval of a sign permit. The area of the sign shall be deducted from the calculated entitlement area for signs. The signs must be an integral part of the canopy in that any letters or insignia must be flat and parallel to the surface of the canopy and not project from the canopy surface. The allowable area for a canopy sign shall be 15 square inches for each foot of building frontage, but in no case shall the area of the sign be more than 10% of the canopy surface area.* As the letters are not flat, both the canopy signs on the north and west side of the building will require variances.

CEO Maxwell stated that he does not believe that the replacement wall sign will require a variance; however, the Planning Board has the right to review and approve or disapprove. The Board asked if the entire north side of the building counts as frontage for Bar-Eat-O. CEO Maxwell stated their frontage would extend on Bank Street up to the emergency exit door only. It was noted that Bar-Eat-O has approximately 90 feet of frontage, therefore, 90 square feet of signage would normally be allowed, but per Zoning Code requirements, only 60 square feet is allowed and they are allowed one of each sign type.

The two canopy signs are 9.33 square foot each and the replacement wall sign is 44 square feet in size and the perpendicular sign is 16 total square feet (8 square feet per side), bringing the total to approximately 79 square feet, which is over the allowed 60 square feet. Mr. Matthews stated that at this time, Mr. DeVelder is willing to remove the request for the perpendicular sign. For confirmation, Chair Woods asked if Mr. Matthews was taking the perpendicular sign off the table. Mr. Matthews stated that he was. Removing the perpendicular sign would still put the total signage over 60 square feet at approximately 63 square feet.

Further discussion followed revolving around Section 130-84 of the Zoning Code which explains the intent of the sign regulations as follows:

*The intent of these provisions is to promote and protect the public health, safety and welfare by providing comprehensive time, place and manner restrictions on signage which shall include controls on size, height, quantity, location, spacing, shape, scale, proportions, lighting, motion, design, maintenance and appearance. More specifically, the provisions of this article are intended to accomplish the following:*

- A. *Protect and enhance community appearance.*
- B. *Encourage commercial signs and graphics to be designed so as to be functional and compatible with the aesthetic appearance of the building they are located on and the surrounding neighborhoods.*

- C. *Reduce the frequency and magnitude of hazards to motorists and pedestrians caused by sign obstructions and distractions.*
- D. *Preserve and create more attractive business and residential environments.*
- E. *Conserve the value of buildings and properties and preserve existing neighborhood character.*

The Board agreed that the canopy signs are designed so as to be functional and compatible with the aesthetic appearance of the building, but that because they are projecting from the canopy they are in direct violation of the Village Code and both would need a variance or at least an interpretation of this section of code versus section 130-92 B.

The Board stated that they could possibly approve the replacement wall sign, therefore, M. Griffo moved to approve the replacement wall sign as presented. S. Richardson seconded the motion and the motion passed with ayes from all.

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

## **6. Goddard Development – Site Plan Concept Review – Phase II – Dunkin’ Donuts’ 4181 Lakeville Road:**

Brian Burri - Bergmann Associates, Attorney Frank Pavia – Harris Beach Attorneys at Law and Attorney F.L. Gorman – Harris Beach Attorneys at Law appeared before the Board on behalf of Goddard Development and Dunkin’ Donuts’ for a second look at the revised conceptual site plan for Phase II of the Goddard Development/Mavis Discount Tire site on Lakeville Road.

As discussed with the Planning Board at the September 23, 2015 meeting, the drive-thru window has been relocated from the south (Lakeville Road-20A) side of the building to the west side of the building. Additionally an escape lane as been provided for on the south and west sides of the building, allowing vehicles to exit out of the drive-thru lane if they so desire. The drive-thru entrance has been relocated to the west more and further away from the Mavis Discount Tire building. A 6’ high chain link fence with slats dumpster enclosure has been added to the plans towards the northwest part of this area of the property.

Mr. Burri continued with the responses to Engineer Rappazzo’s comment letter dated January 21, 2016 letter, starting with #3.

#3 How will deliveries be conducted? A loading zone for deliveries shall be provided. Mr. Burri stated that deliveries to Dunkin’ Donuts’ are once or twice a week and in most cases the deliveries are done during the night when Mavis is closed. However, there will be times when a delivery is made during the morning hours. The delivery zone will then be the drive lane along the front of the Mavis building, but will be made prior to Mavis opening. The Board asked if the deliveries would be made through the front entrance. Mr. Burri stated that they would be. The Board also asked about deliveries to the retail space. Mr. Burri stated that as they currently do not know what will be in the retail space he cannot comment.

It was noted that from past experience, the Board has been told that no deliveries will be made during the day or during peak hours, but that has not been the case and deliveries take place whenever. There was discussion about putting wording into the final approval regarding when deliveries could and could not take place. The Board was also concerned with delivery trucks blocking emergency access and also blocking parking spaces, especially handicap accessible ones. Mr. Burri commented that there will be other ways for customers/employees/emergency vehicles to get where they need to be. However, it was also noted that the delivery truck does not move until it has made its complete delivery.

Attorney Pavia stated that the proposed Dunkin’ Donuts’ is considered a mini one. The Board wondered if this would change the size of the truck making the deliveries. Attorney Pavia stated that it would not, but that the delivery would be made in a shorter amount of time.

#4 Foundation plantings are required along all front yard and principal entrance facades. A planting row will be needed between the sidewalk and east face of the proposed building.

(Section 130-36 H.3.c.3.a). Mr. Burri stated that at the time of formal site plan submittal, a landscaping plan will be provided.

#5 The Planning Board should determine if it is satisfied with the proposed building elevations, especially the south elevation that faces Lakeville Road. Village Code requires 70% of the total building frontage be transparent from three feet to ten feet above grade. (Section 130-36 H.4.a.1.b). Mr. Burri stated that due to the operation and internal layout, they cannot provide glass west of what is currently being proposed. The Board was concerned with that amount of wall so close to Lakeville Road. Attorney Pavia asked if some type of architectural feature could be added to make it look transparent. The Board agreed that the Code specifically states that it must be transparent. Further discussion took place and before the Board could approve any other possibilities such as some type of architectural feature, the Zoning Board of Appeals would need to grant them a variance.

#6 The dumpster enclosure is noted as a 6' high chain link fence with slats, but should match the construction of the proposed building, or the Mavis dumpster enclosure. Mr. Burri commented that the fence will be vinyl and will match the building. The Board asked why a dumpster enclosure similar to the Mavis Discount Tire dumpster was not being proposed. Mr. Burri stated that the Mavis dumpster enclosure is more visible than that of this dumpster enclosure. Also, the applicant is afraid that a masonry enclosure is more likely to be damaged by refuse trucks and they would rather repair a vinyl enclosure than one that is masonry. CEO Maxwell commented that concrete bollards should be installed to prevent trucks from damaging the enclosure. The Board commented that the enclosure would be very visible heading east on Route 20A. The Board also asked if a refuse truck would impede the flow of the drive-thru traffic or other plaza traffic. Mr. Burri stated that Dunkin' Donuts' as an operating procedure would need to determine whether or not the refuse truck is causing a problem. The Board also noted that when the access to the adjacent parcel is given, the dumpster would need to be relocated so that might need to be taken into consideration now.

#7 Submittal for site plan approval shall include site plans, stormwater pollution prevention plan, and engineer's report all updated to reflect the new site layout. Mr. Burri stated that these items would be included in their formal submittal to the Board for preliminary/final site plan approval.

#8 It is our understanding that the applicant is considering subdividing the site. The Planning Board should consider its expectations of such an application. Mr. Burri stated that this would also be applied for at time of formal/full submittal to the Board. The Board was concerned that the two new parcels may not meet all Code requirements. Mr. Burri stated that the way it has been laid out all Code requirements are being met. The Board asked what parcel the proposed cross access easement would be located on. Mr. Burri stated that the easement would be shared by the two parcels, but that Mavis would own the majority of the cross access. Attorney Pavia stated that the two owners would have an agreement to share parking, the cross access easement and any other items. The Board was concerned that it appeared that the dumpster enclosure for Dunkin' Donuts' would partially be on the Mavis parcel. Mr. Burri stated that only part of the concrete pad apron would be on the Mavis parcel.

The Board asked about traffic and whether or not a traffic study had been done to determine what type of impact a Dunkin' Donuts' at this location would have on Route 20A/Lakeville Road. Engineer Rappazzo does not believe a traffic study was previously completed, but will go back and look through his files at the office. The Board was in agreement that a formal traffic study should be completed especially because the peak time of vehicles entering and then exiting will be in the morning when traffic is already busy on Route 20A/Lakeville Road. The Board was also concerned about the number of left hand turns that would be being made into and out of the site.

It was noted that the Dunkin' Donuts' at its current location is busy in the peak morning hours with vehicles stacked in the drive-thru line all the way to the parking area. Mr. Burri stated that there will be room for approximately five to six vehicles to be lined up in the drive-thru. It was also noted that at the current location, there is never enough adequate parking. Attorney Pavia stated that what is being proposed is a mini Dunkin' Donuts' which does not get the same amount of traffic as a full Dunkin' Donuts'. It was originally the Board's understanding that Dunkin' Donuts' would be vacating its current location and moving to this one; however, others have heard that they will be keeping their

current lease. CEO Maxwell stated that at the current location, the kitchen is not being used as it once was as donuts are made off site and delivered daily.

The Board asked for clarification on the drive-thru line. Mr. Burri stated that there will be enough room for approximately six vehicles in the drive-thru lane on the west side of the building, which includes the vehicle at the pick-up window, with additional space to allow for approximately three more vehicles to be in the queue on the north side of the building. This will allow for up to nine vehicles in the drive-thru lane before entering the parking lot.

Mr. Burri stated that they would now like to address Comment #1 and #2 on Engineer Rappazo's letter dated January 21, 2016.

#1 The plan shows that the site is short of the required parking by six (6) spaces. It is our understanding that in lieu of pursuing a variance, the applicant wishes to petition the Planning Board to reduce the requirement under Section 130-81 B of the Village Code.

a. The Planning Board has the right to request a parking analysis that tabulates the parking demand for the three proposed uses (Mavis, Dunkin' Donuts', Retail). At a minimum, the analysis should include: the hours of operation, the number of employees, the anticipated number of customers, and serviced vehicles awaiting customer pick up. Data should be empirical and based on multiple observations. The analysis should result in the total number of parking spaces required during the peak business hours for each use, increased by an acceptable contingency factor. Such an analysis could result in a higher parking requirement.

b. Similar to land banking, the Planning Board also has the right to require the applicant set-aside sufficient open space to accommodate the reduced parking spaces.

*Section 130-81 states:*

*§ 130-81 Off-street parking and loading standards by usage.*

*The listed parking standards reflect reasonable standards for uses in most locations. The Geneseo Village Board, in adopting these standards, is providing guidance to future developers, tenants and residents of uses requiring off-street parking and loading. From an environmental, community character and cost perspective, it is always desirable to construct the least number of parking spaces to accommodate a particular use. The following general requirements apply to all off-street parking.*

*B. The Planning Board, at its discretion, may require less off-street parking or loading if warranted based on the information presented. In any case where less off-street parking is required, the Planning Board reserves the right to require the set-aside of additional open space sufficient to accommodate the amount of off-street parking which would ordinarily be required.*

The response from Bergmann Associates in regards to comment 1.a.: The Planning Board has been supplied with copies of letters from Mavis Discount Tire and Luis Ribeiro, developer of the mini Dunkin' Donuts', supporting the reduced parking capacity as sufficient for the parking needs of the current and future users.

The response from Bergmann Associates in regards to comment 1.b.: The applicant is unable to provide open space beyond what is shown on the concept plan because of the site constraints. Nevertheless, in light of the support demonstrated by the present and future uses of the site, we submit that "set-aside" open space is not required to accommodate the reduced parking spaces.

The Board was concerned with the responses as no one knows what type of retail business will be going in next to Dunkin' Donuts'. Mr. Burri stated that they did not either, but that it would be a tenant with low turnover. The Board commented that Goddard Development is trying to fit a lot onto a small site.

S. Richardson asked if any consideration had been made to just having the Dunkin' Donuts'. Mr. Burri stated that he did not think taking the retail component out of the building would make much difference. The Board was confused by this statement as the building would then only be 2,000 square feet instead of 4,000. The Board also stated that if the cross access easement was open a lot of concerns voiced by the Planning Board would be eased. The Board is aware that Goddard Development has approached National Realty with no cooperation from them.

Mr. Burri continued by stating that from their perspective they are slightly under what Code requires for the number of parking spaces, however, because once subdivided, the two lots will share an easement for parking and other items, the number of parking spaces required is being met. They believe that they are six parking spaces short of what is required for both parcels combined, with a total of 51 spaces being provided and a total of 57 spaces required. CEO Maxwell stated that five parking spaces are required for the retail component of the Dunkin' Donuts' building.

Mr. Burri commented that they feel as though the Mavis part of the parcel has more than what they need per the Code and per experience with other Mavis Discount Tire sites. Mr. Burri noted that Mavis Discount Tire anticipates at least 25 customers or 25 vehicles per day with their peak being on Saturdays with up to 30 customers. They have also determined that Mavis' peak hours occur in the afternoon or evenings, which is opposite that of Dunkin' Donuts'. Mr. Burri stated that the Board should take into consideration that Mavis has seven bays within the building which should be counted in the overall parking equation. The Board was aware of this, but noted that when a vehicle is done, it has to be moved out of the bay and into the parking lot until it is picked up. Mr. Burri stated that he is aware of this but per Code requirements to account for this, two parking spaces are required for each bay.

The Board asked how many employees Mavis has and how many employees are anticipated for Dunkin' Donuts'. Attorney Pavia stated that Mavis usually has five employees in the building at one time and Dunkin' Donuts' will have four to five employees at a time. The Board commented that at least ten spaces of the fifty-one will be taken by employees, which does not include the number of spaces that will be taken by the employees of the retail space. Therefore, the Board did not understand the argument Bergmann Associates was trying to make on behalf of Goddard Development. Mr. Burri explained that from their point of view, parking for Mavis was over provided for and Dunkin' Donuts' does not need as many spots as is required.

Mr. Burri continued by stating that per Section 130-81 B of the Village Code, the Planning Board, at its discretion, may require less off-street parking or loading if warranted based on the information presented. Attorney Reynolds commented that he has reviewed this section of Code and it gives the Planning Board a lot of discretion, but the Planning Board needs to determine if the information provided is substantial for them to make a decision and whether or not they will require additional open space to take the place of those parking spaces. Attorney Pavia stated that they feel as though the info provided warrants their request for the reduced number of parking spaces.

The Board asked what the next step would be if they did not choose to allow for less parking. Chair Woods stated that he believes that the applicant then has the right to request a variance through the Zoning Board of Appeals.

*Section 130-79 Alternate parking arrangements was sited as follows:*

*A. The collective provision of off-street parking areas for two or more buildings or uses located on adjacent lots is permitted. Unless it has been demonstrated that joint use is appropriate in accordance with Subsection C below, the total of such off-street parking facilities shall not be less than the sum required for the various buildings or uses computed separately. Furthermore, the land upon which the collective facilities are located must be owned or leased by one or more of the collective users.*

*B. Off-site parking. Off-site parking meeting the location requirements of § 130-76 may be used to meet the requirements of this chapter. Such off-site parking shall be subject to deed, lease or contract restrictions acceptable to the Municipal Attorney binding the owner, heirs or assigns to maintain the required number of spaces available throughout the life of such use.*

*C. Joint use. The off-street parking requirement of two or more uses, structures or parcels of land may be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap at any point in time. If the uses, structures or parcels are under separate ownership, the right to joint use of*

*the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.*

Attorney Pavia commented that because the proposed parcels and uses will have an agreement in place for shared parking and other items and based on the information provided the number of parking spaces proposed are more than capable of handling the current, proposed and future uses.

Chair Woods stated that from a planning and design standpoint, the second sentence in Section 130-81 B (*In any case where less off-street parking is required, the Planning Board reserves the right to require the set-aside of additional open space sufficient to accommodate the amount of off-street parking which would ordinarily be required.*) he does not believe that the legislative intent was to allow for less parking simply because a site is too small to accommodate the amount of parking required. S. Richardson agreed noting that at some sites parking has been overestimated, but in other areas, parking has been under estimated. She also noted that the proposed businesses are not seasonal therefore; parking for year round business should be taken into consideration. M. Griffo stated that a lot of thought and effort went into developing the Code as it is today. Therefore, parking along Route 20A varies from one spot to another in order to fit a project on a site, however none of it appears to constrain the site as what is proposed does. M. Griffo stated that he would like to see all projects meet the minimum parking requirements. S. Leffler stated that his concern is for the future, if Dunkin' Donuts' is the tenant today, what could be the tenant in the future. He also stated that there is still the unknown of what retail business will go into the spot next to Dunkin' Donuts. He commented that he believes the entire Planning Board would like to see less parking/less pavement, but they also need to take into consideration any current and future uses.

Attorney Gorman stated that Luis Ribeiro, contract vendee and authorized Dunkin' Donuts' franchisee would be purchasing the lot with the 4,000 square foot building. Attorney Gorman also argued that the Village Code requires a minimum of ten parking spots per 1,000 square feet for sit-down low turnover (evening peak) restaurants, but what is being proposed is mainly a drive-thru business which the Code does not take into consideration. The Board agreed, however commented that they still do not know who or what the other tenant will be, therefore, leaving the number of minimum required parking spots up in the air.

Attorney Gorman commented that from Mr. Ribeiro's past experience with other Dunkin' Donuts' in Monroe, Ontario and Wayne counties, the number of parking spaces reflects the reality of the predominance of drive-thru customers. Attorney Gorman also commented that the City of Buffalo is doing away with all of its parking regulations and letting the market determine the number of spaces that are required.

S. Leffler stated that the number of parking spaces is going to limit the number of people that are going to park there and demographics are showing that the Millennials are driving less. However, the Village Code has not caught up with that change; therefore, the regulations are what they are. S. Leffler commented that he believes there are bigger issues the Board should concentrate on, like is this the right business for this site.

Mr. Burri continued with Comment #2 which states that consideration should be given to rotating the parking spaces east of the drive-thru exit such that they are parallel with Lakeville Road (NYS Route 20A). Engineer Rappazzo stated that this comment was added to reduce the number of vehicles that would have to backup into the drive-thru lane. Mr. Burri stated that if they could, they would rearrange the parking to allow for this, but rotating the spaces would result in a loss of one parking space.

Chair Woods stated that the applicant is asking the Planning Board to consider Section 130-81 B of the Village Code which states that "*The Planning Board, at its discretion, may require less off-street parking or loading if warranted based on the information presented. In any case where less off-street parking is required, the Planning Board reserves the right to require the set-aside of additional open space sufficient to accommodate the amount of off-street parking which would ordinarily be required.*" Chair Woods informally asked the Board if they were amenable to the request or do they feel that the numeric requirements need to be adhered to. M. Griffo stated that he believes that the numeric requirements need to be adhered to. D. Farthing also agreed that the

numeric requirements need to be adhered to especially if a request for subdivision is coming in the near future. S. Leffler stated that looking at the site for possible future development, more than likely the Mavis building will continue to be some type of vehicle repair shop, but the future uses of the Dunkin' Donuts'/retail space may change. Engineer Rappazzo commented that in regards to the letters that have been submitted from Mr. Ribeiro and Mavis, he has only briefly reviewed them, but he does not believe either are comparing apples to apples and the comparisons are relating to other municipalities.

Attorney Pavia asked if the Board could table their vote on the conceptual plan. Chair Woods stated that the Board could postpone their vote if that is what is being requested. Attorney Pavia stated that yes that is what they would like to do. The Board did not have any objections to this.

Further discussion followed. The Board asked what the occupancy would be of the mini Dunkin' Donuts'. Attorney Pavia stated that it will approximately seat twenty people. Therefore, from a Planning standpoint, there is the chance that twenty vehicles could be parked at any one time, not taking into consideration the employees and the retail component. The Board stated that they believe a traffic study should be conducted. Attorney Pavia stated that he would take the information gathered tonight back to Mr. Ribeiro and Mavis but did not think they would be able to gather the information prior to the next Planning Board meeting on February 17<sup>th</sup>.

### **7. 2016 Planning Board Calendar:**

The 2016 Tentative Planning Board meeting date and submittal deadline date calendar for the remainder of 2016 was reviewed. It was noted that all meetings are on the 4<sup>th</sup> Wednesday of the month unless otherwise noted, all meetings begin at 4:30pm with public hearings generally scheduled for 4:35pm and that meeting dates and times are subject to change. After review of the calendar, it was noted that only three of the six (including alternate) members would be available for the February 24<sup>th</sup> meeting; therefore, the Board agreed to move the February meeting to February 17<sup>th</sup>, the third Wednesday. With no further discussion, D. Farthing moved to approve the 2016 Tentative Planning Board Calendar with the change for February. S. Leffler seconded the motion and the motion passed with ayes from all.

### **8. Follow up to 71-73 Main Street Public Hearing:**

Chair Woods reported that after the public hearing for the Steve Burnette site plan for rebuild of 71-73 Main Street (Kelly's Bar) he had received a call from a concerned citizen that was not able to physically get into the Board Room because there was standing room only. There were public standing in the breakroom and hallway, making it difficult to get into the room. Chair Woods wondered how the Board felt about rescheduling a public hearing like this in the future if they believe there will be public there that is over what can be handled in the Boardroom. The Board agreed that in this particular instance, they had no idea that many people would show up for the hearing and they also noted that the majority of public present did not want to speak. M. Griffo stated that in the past, the Board has agreed to leave the public hearing open to receive comments or questions in writing up to a specific amount of time. The Board agreed that every situation is different and they would need to make any changes at that specific time.

### **9. Code Enforcement Office Report:**

CEO Maxwell reported that he has been in the process of completing fire inspections within the Town.

### **10. Town of Geneseo Planning Board Update – David Woods:**

D. Woods reported that the Town Planning Board met on January 11, 2016 and approved final site plan review for a change in apartment size at the Hammocks. They now wish to have more one bedroom and two bedroom apartments instead of three bedroom apartments.

**11. Livingston County Planning Board Update – Stew Leffler:**

S. Leffler reported that the County Planning Board met on January 14, 2016 with the following agenda items:

Zoning Referral from the Village of Caledonia for the Comprehensive Plan Update for their Village.

Zoning Referral from the Town of York for site plan review modification and special user permit modification to add bulk cheese production at 1840 Craig Road. The applicant is Project Garden/Brian Paris.

The next Livingston County Planning Board meeting is scheduled for Thursday, February 11<sup>th</sup>.

**12. Town of Geneseo – Town Board Update – Matt Griffo:**

M. Griffo as a new member of the Town Board stated that the Town Board has received very preliminary information regarding the proposal for a four story hotel on Route 63 in the area of Scorsone's. M. Griffo continued by stating that a zoning change would be needed in that area to allow this type of development and there are many other items that need addressed, so this project is in its very preliminary stages. The Board asked about water and sewer hookups. M. Griffo stated that the site has water running to it, but that sewer would need to be handled on site. The Board thanked M. Griffo for this update.

**13. Meeting Closed:**

With no further discussion, S. Richardson moved to close the meeting at 7:14pm. D. Farthing seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary