

**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  
MRB Group Engineer Kurt Rappazzo

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

Don & Tawny Livingston, Palace Properties, Intermissions (Bar), 8 Center Street – Special Use Permit  
Jim Sullivan, Palace Properties, Intermissions (Bar), 8 Center Street – Special Use Permit  
Rick Hilimire, 196 Lima Road – Two Lot Subdivision

**Public Present:**

Mark Scoville, Owner of 87, 93, 95 Main Street and 99 Main Street  
Neil & Judy DeVries, Owners of 14 Center Street and 16 Center Street  
Nicholas Duran, WGSU, SUNY Geneseo Radio Station  
Keara Hartson, WGSU, SUNY Geneseo Radio Station

**1. Meeting Opened:**

Chair Woods opened the meeting at 4:30pm. The review of the January 27, 2016 meeting minutes was deferred.

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

Chair Woods stated that Secretary Mack had notified him this morning regarding a mistake she had made regarding the mailing list of all property owner's within 100' feet of all property boundary lines that she had supplied to Don Livingston to mail the legal notice of public hearing for the Special Use Permit request for Intermissions (Bar) at 8 Center Street certified return receipt. Secretary Mack stated that Mark Scoville, co-owner of two of the properties that had been missed had been in the Village Office today inquiring about Intermissions and that is when it was noticed that four properties within 100' of all boundary lines had mistakenly not been included. Secretary Mack apologized to Mr. Scoville in the office that morning and tried to make the other two property owners aware of what had taken place. Mr. Livingston stated that he had noticed that the Scoville properties had not been included, but did not question Secretary Mack regarding this.

Chair Woods also stated that the Board had received a letter from the Livingston County Planning Board regarding their review of the project. The County Planning Board at their February 11, 2016 meeting voted to recommend "Approval" with six advisory comments. Advisory Comment #2 states: *"The proposed action is a Type I Action under SEQR because it involves an Unlisted Action occurring wholly or partially within a district that is listed on the National Register of Historic Places (Village of Geneseo Main Street Historic District). Type I actions require the Applicant to submit a Full Environmental Assessment Form (EAF) for municipal review. If not done already, the Applicant should submit a Full EAF for the Village to review. The Village should complete the SEQR process before final action is taken."* At this time, the Planning Board has received a Short Environmental Assessment SEQR Form.

Chair Woods continued by stating that Village Attorney J. Thomas Reynolds is out of town, but that he had contacted him via telephone earlier today. Attorney Reynolds advised Chair Woods, that the Planning Board precede with the public hearing as scheduled but because of the mistake Secretary Mack had made and that a Full Environmental Assessment Form is required, the Planning Board hear any public comments, but hold the public hearing over until the March 23<sup>rd</sup> meeting. This will allow Secretary Mack to resend the hearing notices to all property owners within 100' of all property

boundary lines, including the four properties that had been omitted, allow for the public hearing notice to run as a legal notice again in the Livingston County News and allow Don Livingston to complete the Full EAF for the Village to review.

At 4:38pm, Chair Woods opened the public hearing for the Special Use Permit request for Intermissions (Bar) at 8 Center Street. Chair Woods asked if anyone present would like to speak.

Mr. Scoville commented that he had not heard about Mr. Livingston's proposal until recently when he read it in the newspaper. He stated that he is concerned about noise, trash, the fence and right of way that is adjacent to his property. Mr. Scoville continued by stating that Mr. Livingston himself was concerned about these same types of things at one of his properties adjacent to Kelly's and received a variance for putting up a fence that was more than 6' tall. Mr. Scoville continued by stating that he is especially concerned about parking. His parking lot is for tenants only and worries that patrons of the bar will be parking there and his tenants will not be able to find a spot to park.

Judy DeVries stated that she resides at 16 Center Street and owns both 14 and 16 Center Street. She continued by stating that in the past, as soon as the bars close, she has had an influx of people urinating on the bushes, throwing pumpkins through the windows, vomiting on the sidewalk, unnecessary noise and broken bushes. She stated that she believes opening another bar this close to a residential district is not a good idea.

Neil DeVries asked if Mr. Livingston planned on having outdoor music. Mr. Livingston stated that he would not be. Mr. DeVries asked if a deck would be added to the building. Mr. Livingston stated that there would not be. Mr. DeVries wondered why a second bar in this area of the Village was needed. Mr. DeVries commented that he is concerned just as his wife and Mr. Scoville are.

Jim Sullivan, part owner of Palace Properties stated that as part of having events at the Riviera they would like to be able to offer alcohol. Therefore, a bar is needed and future plans do include renovation of the remainder of the building into a restaurant. He continued by stating that this will not be a night club but more of a service building for the Riviera.

Mr. DeVries asked what the hours of operation would be and rather or not the bar would only be open when the Riviera was open. Mr. Livingston stated that as he described at the January meeting their plan is to convert the shop area into a restaurant which will be interconnected to the bar and theater. At this time, the exact hours of operation have not been determined. Mr. Livingston commented that it is not their intent for this bar to be oriented towards the younger college aged crowd. Mr. Livingston continued by explaining that when there is an event at the theater such as a comedian they would like to be able to offer alcohol. Mr. Livingston commented that at their properties they do not tolerate foolish behavior as Mrs. DeVries mentioned.

Mr. Livingston stated that he would be happy to sit down with Mark to talk things over. Mr. DeVries wanted assurance that the proposed would be nothing like the bar which is located across from this location. Mr. Livingston stated again that that is not their intent.

Chair Woods stated that any public comments should be made to the Board not the applicant(s); however, the conversation that has taken place so far has been very informational.

Mrs. DeVries commented that if they knew what the hours of operation were going to be, they would be a little less concerned. Chair Woods stated that the Board cannot dictate what the hours of operation are to be. Mrs. DeVries stated that she understood this, but is concerned with noise and the possibility of customers sitting in the bar from five to six hours at a time. Mr. Livingston stated that it is not their intent to run this bar as a hang out for anyone but to service the theater and in the future to service the restaurant.

Chair Woods asked if there were any other comments from the public. Hearing none, Chair Woods asked the Board if they had any comments. The Board agreed that it was a good idea for Mr. Livingston to sit down with Mr. Scoville. The Board commented that because of the location of the DeVries' home, not all of the public lewdness comes from the bar business. The Board stated that they do not believe this use will have an impact as other uses of this type might.

Mr. Livingston stated that he would also be willing to sit down with the DeVries to discuss their concerns further. Mr. Livingston continued by stating that there are no plans for outside activity and no plan for a deck. Mr. Livingston stated that in order for the theater to serve alcohol, they must have

a bar to service it. Mr. Livingston continued by stating that because they will be running the business, they have control over events that are taking place and what time the events are to be finished.

Chair Woods asked if there were any other comments from the public or Board. Hearing none, D. Farthing moved that the hearing be left open to be reconvened at 4:35pm on Wednesday, March 23, 2016. S. Leffler seconded the motion and the motion passed with ayes from all. Mr. Livingston thanked the Board and left the meeting.

### **3. Rick Hilimire – Two Lot Subdivision – 196 Lima Road – Sketch Plat Review: (corner of Lima Road and Ivy Lane):**

Rick Hilimire appeared before the Board with a two lot subdivision for one of his rental properties located at 196 Lima Road on the corner of Lima Road and Ivy Lane. It was noted that on January 5, 2016 the Zoning Board of Appeals had granted Mr. Hilimire a twenty-five foot rear yard setback area variance for each proposed parcel with each parcel having a depth of one hundred feet when a lot depth of one hundred twenty five feet is required.

Mr. Hilimire explained that it is his intent to deed the new lot to his son so that his son can build a home on it. The new lot would have frontage on Ivy Lane. The new lot would require a driveway cut which Jason Frazier, Village Streets Superintendent believes could be placed with ease in accordance with the Village Code and Design Criteria. Mr. Hilimire is also aware that the water tap fee is \$750 with an additional sewer tap fee of \$750. The Ivy Lane lot will be bigger than the other lots on Ivy Lane which are located in the Woodbine Park Subdivision which is a cluster development.

CEO Maxwell stated that he believes that Ivy Lane will need to be renumbered to account for this lot which he is in the process of discussing with E-911 and County Planning.

Chair Woods asked Engineer Rappazzo for his comments. Engineer Rappazzo stated that he has reviewed the proposed subdivision plan and that the information regarding the area variances be provided for on the plan including the date received and the amount of relief. Engineer Rappazzo continued by stating that the plan does not include any potential development information, therefore is not an official building lot. Engineer Rappazzo stated that to assist the Code Enforcement Office, he is suggesting that the applicable dimensional requirements for the R-2 Residential Zoning District (setbacks, lot width, and lot depth) be included on the plan. Mr. Hilimire stated that he did not have a concern with adding these items to the plan.

Chair Woods stated that per Village Code and State Law, a public hearing is required for subdivision. Mr. Hilimire was aware of this. Therefore, the Planning Board scheduled the public hearing the next meeting on Wednesday, March 23, 2016 at 5:00pm.

The Board did wonder if when the new home is built if it would interfere with line of site and if it would be in line with the other homes on Ivy Lane. Mr. Hilimire stated that it is not their plan to put the house right up to the road, but they also want to make sure they have some backyard. The Board wondered if the front yard setback had to be at least that of what Ivy Lane front yard setback requirements are. CEO Maxwell stated that because this parcel is not a part of the Woodbine Park subdivision it did not have to be that of what Ivy Lane is, but he does agree that it should match that of Ivy Lane as closely as possible.

Per the map created by the Livingston County Planning Department in June 2015, this property is not located within 500' of a County Planning Board referral.

Mr. Hilimire thanked the Board and left the meeting.

### **4. Code Enforcement Office:**

CEO Maxwell reported that the new owner of Cornerways (85 Center Street) has been in touch with his office regarding being able to hold events at the house as part of a Bed and Breakfast. The Bed and Breakfast is an allowed use as long as it is owner occupied and it does use more than five bedrooms. The owner plans to reside on the third floor which cannot be occupied by the Bed and Breakfast due to restrictions of the Uniform Fire Prevention Code. However, the new owner wishes to board a therapeutic horse. CEO Maxwell stated that he is not sure if the boarding of a therapeutic horse is an allowed use and plans to contact State Code Officials for further guidance. Per Section

130-66 F. of the Village Code “No exterior evidence of the bed-and-breakfast establishment shall be allowed, except for parking and either one attached sign no larger than eight square feet or one freestanding sign in the yard no larger than 12 square feet. No additional advertising of any kind is allowed on site. The Planning Board shall have discretion regarding the location of the attached or freestanding sign.”

**5. Town Planning Board Update – David Woods:**

D. Woods reported that the February Town Planning Board had been cancelled.

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

S. Leffler reported that the Livingston County Planning Board met on Thursday, February 11, 2016 with the following agenda items:

Referral from the Town of Mount Morris for a Zoning Amendment to add Solar Farms as a Specially Permitted use in all zoning districts. The Planning Board discussed this referral in detail and ended up disapproving it based on some of the language within the proposed including the definition of a farm. S. Leffler stated that the County Planning Board agreed that much more work needed to go into the proposed new code before they would be able to pass it.

Referral from the Town of Avon for rezoning a portion of the Ashantee Planned Unit Development from PUD to Agricultural. This property is located adjacent to the golf course on Route 39/Avon Road.

Referral from the Village of Geneseo for Intermissions as discussed earlier in this meeting.

**7. Other Business:**

Chair Woods stated for the record that Rotary has an upcoming event taking place at the Geneseo Riviera Theater in March. Chair Woods stated that although no longer President of Rotary he is still a member.

**8. Meeting Closed:**

With no further business before the Board, S. Richardson moved to close the meeting at 5:45pm. S. Leffler seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary