

Village of Geneseo
Planning Board

May 25, 2016
Regular Meeting and Public Hearings

Members Present:

David Woods, Chair
Susan Richardson, Member
Dori Farthing, Member
Stew Leffler, Member
Michael Venturino, 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
Stephen Staveski, SEI Design Group, McClellan House, 26 Main Street
Mark Scott, Executive Director, Campus Auxiliary Services, 26 Main Street
S. Rondo, Facilities Manager, Campus Auxiliary Services, 26 Main Street
C. Mitchell, Facilities Director, Campus Auxiliary Services, 26 Main Street
Will Wadsworth, Wadsworth Homestead Site Plan Modification, South Street
Christopher Hurlbut, Warrior Industries, Gunsmith, 230 Lima Road
Rachael Braaten, Warrior Industries, Gunsmith, 230 Lima Road
Roger Irons, Keystone Novelties, Sparker Sales, 4260 Lakeville Road (Bowling Alley Parking Lot)
Jack Buholtz, TY Lin International, Cedarwood Estates Subdivision, Phase II (Reapplication)

Public Present:

Jim Kimball, Lecturer of Music, SUNY Geneseo
JoAnne Finn, 227 Lima Road

1. Meeting Opened:

Chair Woods opened the meeting at 4:30pm.

2. Meeting Minutes:

The March 23, 2016 meeting minutes were reviewed. S. Richardson moved to approve the minutes as submitted. M. Venturino seconded the motion and the motion passed with ayes from all.

3. McClellan House – Exterior and Interior Renovations – 26 Main Street:

Stephen Staveski, SEI Design Group appeared before the Board with representatives from Campus Auxiliary Services for SEQR Full EAF Review, Preliminary and Final Review for exterior and interior renovations to the McClellan House located at 26 Main Street.

Mr. Staveski stated that the New York State Parks, Recreation and Historic Preservation Office responded to their submittal with the understanding that the project consists of replacing and/or repairing damaged wood trim; restoring wood shutters; painting the exterior of house; replacing a wood ADA ramp with new concrete ramp; reconstructing the concrete porch and front steps; installing storm windows at larger first floor window units; replacing single pane sashes with insulated glass in new sashes at second and third floor; removing a porch on the back of the house; and reconstructing a two story enclosed porch which includes new insulated walls and energy efficient window units. It is the opinion of the Office of Parks, Recreation and Historic Preservation that the project will have No Adverse Impact on the building with the following conditions:

1. The three porches, which are all highly character defining, are repaired in kind to match the existing porches in all qualities including materials.

2. The windows are retained and repaired. Storm windows and weather stripping can be installed to make the building energy efficient.

Chair Woods stated that based on the letter provided, the Planning Board will probably not be prepared to act on the proposal at this meeting. Mr. Staveski stated that from his perspective he believes what the State is saying has no affect on the request before the Planning Board and what they are asking for could be taken care of when a Building Permit is applied for. Chair Woods believed that discretion is not in the hands of the Code Enforcement Officer therefore further information was needed from the State prior to taking action. Mr. Staveski stated that he had reached out to Sloane Bullough, Historic Sites Restoration Coordinator whom the letter was received from asking what the next step was. Mr. Staveski explained that Mr. Bullough stated that as long as CAS followed the conditions as stated and any conditions the Planning Board puts in place they should be set. Mr. Staveski also commented that his clients' believe that more detailing will be required for the bidding process including some deconstruction and they were hoping to get approvals tonight so that work could start this summer. The Board did understand this.

Chair Woods opened the CAS-McClellan House public hearing at 4:44pm.

At this time, Chair Woods asked if there was anyone present that would like to address the Board regarding the application before the Board. Mr. Mark Scott, Executive Director, Campus Auxiliary Services stated that what they are proposing is to make the house more energy efficient and safer for all. The house is being used for the Kimball Music Collection, Museum, and the Shooting Stars (School of Education) program. Mr. Scott commented that it was their hope to have most of the proposed work done before the fall semester began as to not interrupt those uses.

S. Leffler wondered beyond this Board what agency or who would be able to determine whether or not what is being proposed meets the guidelines of the States letter. Mr. Staveski was not sure. Code Enforcement Officer Maxwell suggested that a structural engineers report would be considered a third party verification.

Chair Woods asked if there were any further questions or comments. Mr. S. Rondo, Director of Facilities, Campus Auxiliary Services (CAS) asked if Mr. Staveski could explain to the Board and Public present how CAS ended up with the proposal that is before the Board. Mr. Staveski stated that the initial analysis had been done with a SUNY construction firm; therefore SEI Design Group was able to review their documents, look into the history of the building, have their structural engineer evaluate the property and come up with a plan. The plan was put together into booklet format that included current zoning, possible uses for the property and a detailed scope of work for the interior and exterior of the building. Safety has also been addressed. For example, the front steps have become a tripping hazard and the handicap accessible ramp has been deteriorating rapidly.

Chair Woods asked again if there was anyone present that had any questions or comments. Hearing none, S. Leffler moved to close the public hearing at 5:00pm, S. Richardson seconded the motion and the motion passed with ayes from all.

The Planning Board agreed that they did not want to micromanage this project and would like to move ahead with approvals making the letter from the State a condition of final approval.

At this time, the Full Environmental Assessment Form (EAF) as received on April 13, 2016 was reviewed. D. Farthing moved that upon review of the information recorded on the EAF and other supporting documentation on file including the May 25, 2016 letter from the New York State Parks, Recreation and Historic Preservation Office, it is the conclusion of this Board that this project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact

statement need not be prepared and therefore the Board issues a negative declaration. M. Venturino seconded the motion and the motion passed with ayes from all.

With no further discussion, S. Richardson moved to grant preliminary and final site plan modification approval with the recommendations supplied in the May 25, 2016 letter from the New York State Parks, Recreation and Historic Preservation Office to Campus Auxiliary Services for minor alterations to the inside and outside of the McClellan House located at 26 Main Street, Village of Geneseo, Tax Map #: 80.12-3-34. S. Leffler seconded the motion and the motion passed with ayes from all.

4. Christopher Hurlbut – Special Use Permit – Home Occupation at 230 Lima Road:

Chair Woods opened the Hurlbut Public Hearing at 5:05pm. The hearing was scheduled to review the special use permit application from Mr. Hurlbut for a home occupation: home based gunsmith and internet based gun, parts and accessories shop at 230 Lima Road (owned by Rachael Braaten).

Mr. Hurlbut addressed the Board with his plan to open a home business. Mr. Hurlbut stated that his business is to promote the training his company can provide along with the internet based sales of apparel and gear. He is in the process of applying for a Federal Firearms License (FFL) to modify/adjust firearms and sale of his companies manufactured gun parts. He is a certified gunsmith and only plans to conduct online business within his home.

The Board asked if there would be customers coming to the property for any reason. Mr. Hurlbut explained that part of having a FFL through the Bureau of Alcohol, Tobacco, Firearms and Explosives or ATF, he is authorized to accept a weapon if for some reason someone does not have a firearms license. Mr. Hurlbut explained that he is not applying for a FFL for this reason, but to be able to conduct the internet based business from his home office. The ATF does maintain a log and can at anytime come to his residence to inspect. Mr. Hurlbut also stated that in some instances he may be asked to maintain custody of a weapon until it can be turned back over to the FBI or ATF. Per the ATF, he must have a gun safe on site for these instances, but this is not his main purpose for applying for the special use permit for a home occupation.

Chair Woods explained to all present that the reason for Mr. Hurlbut's appearance before the Board is per Village Zoning regulations; a special use permit is required for a home occupation within the R-2 Zoning district. However, this request is somewhat out of the ordinary considering a home occupation usually consists of a hair salon or doctors office.

Chair Woods asked if there was anyone present that wished to address the Board regarding this matter. JoAnn Finn stated that she resides at 227 Lima Road and upon receiving the certified notice of this meeting, she was not comfortable knowing this type of business may be opening in close proximity to her home. However, now that she listened to Mr. Hurlbut explain what he actually will be doing she feels better. She was worried that someone may mistake her home for Mr. Hurlbut's.

Rachael Braaten stated that she is Mr. Hurlbut's fiancé and owner of the house. She explained that their children between the ages of 11 years old to 4 months old also reside in the home and understands how Ms. Finn feels but their business is not as scary as it sounds and if she felt as though this was a danger to their children she would not approve of it in her home. Ms. Braaten and Mr. Hurlbut both stated that they are open to any questions/concerns people may have.

Chair Woods asked if the Board had any questions. The Board wondered if Mr. Hurlbut had any employees. Mr. Hurlbut stated that this business is a partnership with others from Fort Drum, New York and down south. The Board asked about parking. Mr. Hurlbut stated that the business is an online business therefore parking was not needed. The Board asked about storage of firearms and ammunition. Mr. Hurlbut explained that he does have a personal gun safe on site and that the ATF does require him to have one, but no ammunition will be stored on site. The Board asked about the

FFL permit. Mr. Hurlbut stated that the FFL has to be renewed every year, with continuous background checks every 6 months and an audit almost every year. The Board asked about homeowner's insurance. Mr. Hurlbut stated that their homeowner's insurance considers this a home office with no inventory on site and no customers coming to the house. The Board asked if there were other FFL's in the area. Mr. Hurlbut stated that there is one in Avon, Springwater and Lakeville.

Chair Woods explained that special use permits are usually issued with time constraints, typically one year, three years or five years, however, he believes that the Board would probably not want to create a problem for Mr. Hurlbut when he goes to renew the FFL, therefore the Board may consider a length of time for the permit that is more than twelve months but less than two years. Mr. Hurlbut commented that he would rather have the permit issued for a year than it expiring in the middle of the FFL.

With no further discussion, M. Venturino moved to close the public hearing at 5:30pm.

D. Farthing seconded the motion and the motion passed with ayes from all.

The Board reviewed the Short Environmental Assessment Form. S. Richardson moved to grant a negative declaration for the project as the Board has determined, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts. S. Leffler seconded the motion and the motion passed with ayes from all.

With no further discussion, S. Leffler moved to grant a Special Use Permit to expire on May 25, 2017, to Christopher Hurlbut on behalf of Warrior Industries LLC for a home occupation: home based gunsmith and internet based gun, parts and accessories shop at 230 Lima Road, Tax Map #: 81.5-1-3. M. Venturino seconded the motion and the motion passed with ayes from all.

5. Keystone Novelties, Sparker Sales, 4260 Lakeville Road (Bowling Alley Parking Lot):

Roger Irons, Regional Vice President for Keystone Novelties appeared before the Board to hold sparkler sales in a tent in the Livingston Lanes (bowling alley) parking lot at 4260 Lakeville Road. Mr. Irons stated that Keystone has been in business for many years with over 600 locations. They have obtained all the necessary permits and licenses including approval from the property owner. Mr. Irons explained that after speaking with CEO Maxwell, the tent will be placed in the grassy area between the two driveways entrances/exits. Some of the tent stakes will need to be placed in the blacktop area of the parking lot. The tent will be set up between June 16th and June 22nd and the sale will begin after any required inspections on June 23rd. Their last day of sales is scheduled to be July 5th with the tent being removed by July 10th. Normal business hours are 9am – 9pm daily; however, they are scheduled to be open late on July 3rd and July 4th and close early on July 5th. Mr. Irons stated that someone will be on site the entire time any of their products are on site.

Chair Woods reminded the Board that they had already approved site plan modification for sparkler sales with tent in the Wal*Mart Supercenter parking lot for the same time period. Some concern was voiced regarding the necessary setbacks for this type of sale in a tent and that some of the bowling alley parking spots would be coned off. Mr. Irons stated and CEO Maxwell confirmed that during the requesting time period, the bowling alley is closed; therefore parking would not be a concern. Some concern was also voiced about the generator blocking the line of site when vehicles are trying to exit at the east side of the property. CEO Maxwell believed that the generator was not that big, therefore was not concerned about a line of site issue. The Board asked about interior tent lighting. Mr. Irons stated that the generator would be used to light flood lamps hanging within the tents interior, but they would not need to run the generator for electricity for cash registers as iPad's are used for this function. Mr. Irons continued by explaining that their cashier stays in the tent overnight with no use of lighting other than something that may be battery operated. These cashiers are mandated to take an online training course regarding security and they are advised to have an air

horn to ward off any intruders. The only sign that is proposed is the 4' X 6' banner which is below the allowed 30 square feet. It will be placed on the tent as shown in the program overview; however no pennants will be displayed.

With no further discussion, S. Richardson moved to approve site plan modification for Keystone Novelties for sparkler sales in the Livingston Lanes (bowling alley) parking lot from June 23rd – July 5th with the tent to be erected between June 16th and June 22nd coming down by July 10th. M. Venturino seconded the motion and the motion passed with ayes from all.

6. Wadsworth Homestead – Site Plan Modification: Lighting – South Street:

Will Wadsworth appeared before the Board for site plan modification for the addition of five ten foot lights along the Homestead driveway. The Homestead is used continuously from mid May through October. The driveway is not well lit and often guests and or staff do not leave until after dark. Mr. Wadsworth anticipates that the lights will only be used up to twenty times a year and only when needed. Spot lights have been used in the past; however, they wish to make it safer. The Board asked if the lights are dark sky compliant per Village Code requirements. Mr. Wadsworth stated that he was not completely sure as they were given to him second hand. The Board asked if they were decorative. Mr. Wadsworth stated that they were somewhat decorative, however, did not have any specs on them.

Mr. Wadsworth continued by explaining that due to the unknowns of the lights he was given, he went to an electric supply store within Livingston County and presented light specs to the Board. The light has a distinctive round post top with Type V distribution (*Type V distribution is a beamless lighting apparatus meant for large, commercial parking areas as well as areas where sufficient, evenly distributed light is necessary. Type V produces a circular distribution that has the same intensity at all angles*). After brief review by Engineer Rappazzo, he did not have any concerns. The Board asked about the height of each pole. Mr. Wadsworth stated that the light with pole would be approximately twelve feet tall and does not believe that they will be able to be seen from the main road.

Chair Woods stated that he did have a brief conversation with Heather Ferrero; Deputy Planning Director for the Livingston County Planning Department that believed such modification would not need to be referred to the County Planning Board. SEQRA would also not be required.

With no further discussion, D. Farthing moved to waive the site plan modification hearing and approve site plan modification for the Wadsworth Homestead for five 78 watt RAB lights as presented to the Board. M. Venturino seconded the motion and the motion passed with ayes from all.

7. Goddard Development – Site Plan Concept Review – Phase II – Dunkin' Donuts' 4181 Lakeville Road:

Brian Burri, Project Manager, Bergmann Associates, appeared before the Board on behalf of Goddard Development and Dunkin' Donuts' for a third look at the revised conceptual site plan for Phase II of the Goddard Development/Mavis Discount Tire site on Lakeville Road. Since Mr. Burri last appeared before the Board, the site plan has been revised to meet the required number of parking spaces. This was achieved by re-working some of the existing parking spaces, curbing and reducing the size of the building. The layout also takes into account the Board's comments from the September 2015 review meeting, including locating the drive-thru window on the west side of the building, widening of the escape lane and providing a dedicated dumpster for Dunkin' Donuts.

Chair Woods asked Engineer Rappazzo to review his May 20, 2016 comment letter with the Board and Applicant.

- Comment #1: This latest plan shows that sufficient parking is provided; however, I believe the project is still short six (6) parking spaces based on the following:
- a. The design engineer reduced the square footage of the Dunkin' Donuts' space by changing the building footprint to place the walk-in box outside the building. This allowed them to decrease the required parking by two (2) spaces. However, the box is located in the southwest (front left) corner of the building and would be highly visible from NYS Route 20A.
 - b. The design engineer proposes to eliminate the landscaped island and drive aisle on the eastern edge of the parking area to add four (4) additional parking spaces. This drive aisle is necessary as it allows tractor trailer delivery vehicles to safely navigate the site as shown in the attached plan from the original Mavis application. Without the drive aisle, a delivery vehicle would have to reverse or make other awkward movements to get in and out of the site. The drive aisle also provides simple access to the Mavis dumpster enclosure by garbage trucks. This drive aisle cannot be removed.

The Board asked how any of the proposed changes and/or current site would be affected if the property is subdivided. Engineer Rappazzo stated that several different easements would be required between the two lots and each lot would need to own a part of the entrance/exit. The Board asked about the possibility of an area variance. Engineer Rappazzo stated that if an area variance is granted for what is being presented tonight, the site would stop working and flowing freely, with a greater potential for accidents. Mr. Burri commented that from counts they have taken, on average at Mavis there are only ten customers per day. The Board agreed that if the cross access easement was granted sooner rather than later between the owners of the plaza and Goddard, they may be able to look at the plan as presented differently. Based on the information provided and the unknown of what could be submitted to the Zoning Board for an area variance, the Board cannot comment in a positive or negative way.

Chair Woods stated and the Board agreed that they would also be able to look at this proposal in a different way if only a Dunkin' Donuts' was being proposed and the retail space was taken out of the picture. The Board agreed that the cold box being proposed on the outside of the building is now a line of site issue and that the whole buildings is branding. The Board would like to see something more aesthetically pleasing. It was noted that the Board had gone through a rigorous process with the rebuild of McDonald's.

Mr. Burri asked if the colors as presented are okay. The Board noted that what is being presented has flashes of color especially the orange. When the Mavis Discount Tire building was presented it also had flashes of color that were eliminated per the recommendations of the Planning Board. The Mavis building was also shaped much differently then what was finally agreed upon by the Planning Board and applicant. The Board hopes that the applicant can come up with something other than this box shaped building.

The Board is also concerned about the drive-thru in relationship to the queuing of vehicles. The Board agreed that if the second tenant was eliminated from the building there may be less concerns that need addressed. Mr. Burri commented that Goddard had been originally approved for an 8,000 square foot building with two retail tenants which had been downsized to a 4,000 square foot building with two tenants (Dunkin' Donuts and a retail space) and has now been downsized to a 3,808 square foot building with two tenants (Dunkin' Donuts and a retail space). Chair Woods stated that the building itself was not approved and this has been discussed with Goddard Development

many times. Mr. Burri commented that from what he understood the 8,000 square foot retail building was approved with only the need to come back before the Board for architectural approval. The Board also noted that the space discussed had been two retail businesses with one now being proposed as a restaurant.

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

8. Cedarwood Estates Subdivision – Phase II:

Jack Buholtz, TY Lin International, appeared before the Board on behalf of the Cedarwood Estates Subdivision, Phase II (Reapplication – Lot #'s 16-26). This phase of the Cedarwood Estates Subdivision had previously been approved on April 23, 2014. However, the subdivision although approved and the Mylar signed, it was never filed at the County Clerk's Office, therefore needing reapproval by the Planning Board before it can be filed. Mr. Buholtz has spoken with Engineer Rappazzo and has confirmed that there have been no changes made to the subdivision as approved in 2014, therefore Attorney Reynolds has advised that the subdivision process would not necessarily need to start from the beginning.

Attorney Reynolds stated procedurally that if everything was identical in the plan as it was in 2014, there have been no changes in the Village Code that would alter the subdivision, then the Planning Board may proceed quickly with a public hearing and signatures and the 90 days would start again. The Board asked if the owner Mark VanEpps/Geneseo Land Corporation does intend to move forward and file this time. Mr. Buholtz stated that they did and had not filed previously because of the tax implications.

CEO Maxwell stated as he had previously stated per the Village Code, the Village must take dedication of the road and any other utility easements prior to his office issuing a building permit. Mr. Buholtz stated that he was aware of this and asked what the next step would be. The Board agreed to set a public hearing for the subdivision at their next meeting on June 22nd at 4:35pm. Mr. Buholtz thanked the Board and left the meeting.

9. Town Planning Board Update:

David Woods stated that the Town Planning Board last met on May 9th in which he Chaired the meeting. Agenda items included:

Site Plan Modification/Special Use Permit Modification for the Deer Run Winery located at 3772 West Lake Road. Approval was granted for the winery to add a permanent parking lot and an additional driveway entrance from West Lake Road.

The new proposed zoning code changes are in its final stages. At this time, the Zoning Code Revisions committee is in the process of educating the Town Board, Town Planning Board and Zoning Board of Appeals on the changes.

10. Livingston County Planning Board Update:

Stew Leffler reported that the County Planning Board last met on May 12th with the following agenda items:

Zoning Referral from the Town of Caledonia for site plan review for the construction and operation of an automobile recovery facility (pick and pull self service junk yard) on River Road (former quarry/gravel pit is closing or has already closed). The applicant was Joseph A. Dendis. There was not a quorum present.

Zoning Referral from the Village of Caledonia for subdivision review for three lots on Maple Street and Technology Place. The Applicant was Power Properties Group, LLC. A concern the Board has was rather or not the site is clean, therefore the mater was tabled to request further information.

Zoning Referral from the Town of Groveland for site plan review modification for a church at 3462 East Groveland Road. The Applicant was Grace & Truth Christian Fellowship. The Grace & Truth Christian Fellowship formerly had a church on site that had burned to the ground a few years ago. The Planning Board approved this referral.

Zoning Referral from the Town of Geneseo for update of their Zoning Law. The Planning Board approved this referral.

11. Code Office Update:

Kelly's Saloon is in the process of submitting sign permit applications for their perpendicular sign and building sign (letters) which will need Planning Board approval.

His office received a few complaints about refuse being left behind after SUNY Geneseo graduation. Other complaints received by his office include lawns not being mowed in a timely manner.

The Hammocks within the Town of Geneseo are moving forward with their approved site plan. The same number of permits have been issued for the Village as of this same time last year. Premium Development Corporation properties within the Town and Village of Geneseo have been sold at auction as follows:

Village – Vacant Land on Megan Drive
New Owner: Dawn Aprile Holdings LLC (Dawn Aprile)

Village – Vacant Land at the end of Veterans Drive
New Owner: To be determined

Village – 4243 Lakeville Road (Enterprise Rent-a-Car, AT&T and Subway)
New Owner: Prizm Properties LLC (Chuck Aprile)

Town – Vacant Land on Volunteer Road (two parcels)
New Owner: CW Aprile Properties, LLC (Chuck Aprile)

12. Meeting Closed:

With no further discussion, S. Leffler moved to close the meeting at 7:06pm. M. Venturino seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary