



## **CITY OF GENEVA PLANNING BOARD**

### **MEETING MINUTES**

7:00 PM | March 18, 2024

Public Safety Building - 255 Exchange St, Geneva NY

1. **Roll Call:** Don Cass, Anne Nenneau, Kevin Reed, Charles King, Dave D'Amico, Michael John, Bryson Cochran (new member)

**Excused:** N/A

**Also Present:** Neal Braman

2. **Continue a Site Plan & Architectural Review for a Proposed Dunkin Donuts, corner of North & Exchange St.**

Ben Harrell, engineer and representative for CHA Consulting, is again present for the project.

The originally proposed internal illumination of the outdoor sign has been removed. Stop bars have been added at the crosswalk entrances. The landscaping tree list has been revised: Shademaster Locusts will be removed and replaced with Sugar Maples and Norway Spruces will be removed and replaced with White Spruces. Directional signs around the site (DD) have been removed.

Mr. Harrell reads aloud an email from Mark's Engineering that addresses various traffic issues. It is recommended that the left turn lane at the intersection on N Exchange St be lengthened to account for traffic entering and exiting the site. It is also recommended that the dedicated left turn lane southbound from East North St to Exchange St be lengthened to the east side of the proposed entrance to reduce the number of stacked cars for the new driveway. The traffic study did not explicitly recommend this; however, the applicant is willing to put that recommendation into place. The traffic study shows there are gaps in traffic movement that will allow for left turns into and out of the site.

Mr. King reads aloud from the City of Geneva Zoning Code, Chapter 350, Article 9.1-B3 and Chapter 350, Article 9.4 that was passed in December 2023 regarding invasive plant species.

**Action Taken:** Mr. John makes a motion to classify this action as an unlisted action under NY Code Rules & Regulations Part 617 and to declare the City of Geneva Planning Board the lead agency for the purposes of the SEQR review. Mr. Reed seconds.

*Roll was called:*

|             |         |
|-------------|---------|
| Mr. Cass    | Aye     |
| Ms. Nenneau | Abstain |
| Mr. Reed    | Aye     |
| Mr. King    | Nay     |
| Mr. D'Amico | Aye     |
| Mr. John    | Aye     |
| Mr. Cochran | Aye     |

*Motion was **APPROVED***

Mr. Cass reads through Part 2 of the short environmental review for board members to discuss as needed.

Board members determine there is a "Moderate to Large Impact" for two [2] items - #2 and #5. All other items are determined to have "Small to No Impact."

Mr. King reads additional remarks for SEQR items #1, #2, #3, and #5. Full remarks are attached to these minutes.

*Mr. Cass invites any member of the public to address the board.*

Paul D'Amico, former City Councilor and former liaison to the LDC, states that the city's Comprehensive Plan was created when he was a member of City Council. He states it is not law or a rulebook and while it should not be ignored, it should not be injected into a conversation about whether or not one approves of a project. He believes the majority of citizens would like to see what lot developed. He also states that much effort went into trying to get a grocery store on that site, with no success. He would like to see this project approved.

Jamie Kaim, resident of N. Wadsworth St, states that there are currently no ready-made food options in the afternoons in the proposed Dunkin' area. He says his family have lived in that area for over 40 years and the amount of students walking is very minimal. He would like to see this project approved.

Jessica Farrell would like to thank Mr. King for bringing attention to the issues with the project and Comprehensive Plan and updated Zoning Code. She feels it is unfortunate that his concerns are being dismissed. She also states that she believes the site should be

developed, but this is not the correct project for the site. She expresses concern regarding the drive thru and traffic aspect, including the exhaust from idling cars in the drive thru.

*No other members of the public are present to speak.*

Because questions #2 and #5 in Part 2 of the SEQR review were determined to have a "moderate to large" impact, board members complete Part 3.

Mr. King uses this time to speak about the Comprehensive Plan and ethics. He suggests that because the Planning Board was without a City Council liaison for over 2 years, the board should ask the current City Council what their expectations are of the Planning Board in terms of training and attendance. He would like to move that the current City Council liaison be requested to request the full City Council be consulted on what constitutes a member in good standing.

Mr. Reed reads aloud what he has written in Part 3 of the SEQR review – "Based on the traffic study provided by the engineering firm, it is believed that the project will still allow for typical daily use and pedestrian safety." – and invites any member of the board to suggest changes, additions, corrections, and edits.

Mr. King states that he believes the pedestrian numbers provided by the traffic study should be followed up on. Mr. Reed states that even if the numbers provided by the study were doubled, it would still not result in an engineering change of the existing system. There is continued discussion regarding the traffic study that the applicant has conducted and provided. Mr. King suggests that it would be wise to request the city conduct its' own traffic study. He believes the board is rushing to judgement and not explaining to the fullest extent what the impacts are.

Mr. Cochran asks if anything was done to address the lack of pedestrian study since the last meeting on March 4. Mr. Harrell states that no further study was done as the original numbers provided were well under national standards.

Mr. King asks Mr. Harrell to encourage the applicant to be as "neighborhood friendly" as they can be, especially with regard to school kids safely crossing the intersection in the mornings.

Mr. Braman adds that the intersection in question was signalized with push button crossing indicators in 2007. One of the indicators was hit by a vehicle, but will be fixed per the Director of Public Works. Crosswalk striping will also be refreshed.

Mr. Cass invites another member of the public to speak.

Cassie Snyder, resident of Ward 2, believes there are more than the 9 pedestrians (children) crossing the intersection on a "nice" day. She believes the schools could be contacted regarding the students who are bussed in vs. walk to school in that area to help provide additional information.

Mr. Reed again reads aloud what he has written in Part 3 of the SEQR review after suggestions were made by the board – “Queueing of vehicles blocking through traffic and pedestrians traveling on the sidewalk at drive through entrances were a concern of the board. The engineering firm responded by adding stop bars before sidewalks to encourage stopping prior to the sidewalk. Additionally, queue lanes were justified in the traffic studies to accommodate vehicles turning left into the development. The engineering firm lengthened the existing left turn heading south on Exchange St. and did not change the left turn heading west on North St.”

**Action Taken:** Mr. D'Amico makes a motion to approve the short environmental assessment form, Part 1 as completed by the applicant and Parts 2 and 3 as completed by the Planning Board, declaring a negative determination of significance noting that this proposed action won't result in any significant, adverse environmental impacts. Mr. Reed seconds.

*Roll was called:*

|             |         |
|-------------|---------|
| Mr. Cass    | Aye     |
| Ms. Nenneau | Abstain |
| Mr. Reed    | Aye     |
| Mr. King    | Nay     |
| Mr. D'Amico | Aye     |
| Mr. John    | Aye     |
| Mr. Cochran | Nay     |

*Motion was **APPROVED***

Mr. Harrell reads comments from David West, City Planner. He prefers to see a ground mounted, externally illuminated monument sign instead of a pole mounted sign. The updated elevation plan does not show that change as a pole mounted sign is permitted and what the owner prefers. However, it will be externally illuminated, not internally illuminated as previously planned. Gooseneck lights will be provided for external illumination.

Mr. West questioned the planned directional signs with a “DD” logo and the applicant has decided to remove those signs to prevent any conflict with the advertising aspect of traffic signs.

Mr. West questions the signage as it seems there are 3 signs proposed when only two [2] are permitted. There will only be 2 signs – a double facing pole mounted sign and a building mounted sign. Aggregate area for both signs is 96.5 square feet, under the permitted 100 square feet, and the building mounted sign is under 5 ft. above the roof line.

**Action Taken:** Mr. Reed makes a motion to approve the Site Plan and Architectural Review for the proposed Dunkin' Donuts at 15 East North Street as shown on drawings D101 dated March 18, 2024. The following conditions shall apply: (1) There shall be a 90-day time limit to obtain a building permit, (2) Nothing in this approval shall relieve the applicant of his responsibility to comply with all state and local requirements, including but not limited to, Geneva Municipal Code Chapter 350 Zoning and NYS Uniform Fire Prevention Code and Building Code. Mr. D'Amico seconds.

*Roll was called:*

|             |         |
|-------------|---------|
| Mr. Cass    | Aye     |
| Ms. Nenneau | Abstain |
| Mr. Reed    | Aye     |
| Mr. King    | Nay     |
| Mr. D'Amico | Aye     |
| Mr. John    | Aye     |
| Mr. Cochran | Nay     |

*Motion was **APPROVED***

### **3. Any questions or comments.**

Short term rentals and upcoming potential processes that are discussed. The most updated part of the Zoning Code pertaining to short term rentals will be sent to board members.

### **4. Adjourn**

**Action Taken:** Mr. King makes a motion to adjourn at 8:33PM. Mr. Reed seconds.

*Roll was called and the motion was **APPROVED** unanimously (7-0).*

Respectfully submitted by Lauren Karlsen, Administrative Aide

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

**Yes (Moderate to large impact may occur).**

The proposed action is in conflict with Geneva's Comprehensive Plan. I have twenty-one page references I'll submit for the record.<sup>1</sup> The project would not provide "a graduated sense of celebratory arrival as drivers, pedestrians, and bicyclists make their way from the city's edge to downtown." (p28). It is not a two-story mixed use building within 20 feet of the road with a building-mounted sign (p29). It is not "uniquely urban" but "cookie-cutter suburban". It represents not a gateway to Geneva but a barrier separating north from south and west from east. Our Comprehensive Plan specifically cautions against automobile-dependent development in areas with heavy foot traffic, and our new Zoning code expressly prohibits this site plan. As I told Mr. Harrell last meeting, I think the site plan is fine in a vacuum, it just doesn't belong at this location. It is not difficult to buy coffee and breakfast on Exchange Street. One might argue that it is not laissez-faire capitalism to provide a \$11 billion corporation with an uneven playing field such as a single-use one-story building, a drive-through, a pylon sign, and perhaps other economic advantages so that they can use the 1968 instead of the wisely updated 2023 zoning to compete our downtown mom-and-pop coffee and breakfast shops out of business. The 2014 North End Brownfield Opportunity Area Nomination study usefully reflects this site, which used to be six properties before we combined it into one: (p61:) "The intersection of Exchange and North streets seemed to participants to be an obvious opportunity for a much-improved 'gateway' into the City. Redeveloping strategic vacant properties near this intersection and marketing the area as a neighborhood commercial center could help to bring basic services and amenities back to the area, such as a grocery, a pharmacy and a general store. The gateway concept could include celebrating North End neighborhood culture and pride through investments in streetscape infrastructure and public art." That study also calls for a teen center.

The northernmost lot, the one which used to be 14 North Exchange Street, is still zoned residential if we're insisting on using the old zoning. Reviewing minutes, I see that zoning allows a permissive extension of zoning 30 feet to the less permissive zone, however old site plan maps seem to show 14 North Exchange as having closer to 35 feet than 30 feet of road frontage. This lot is likely still partly residential.

Looking back through the 2021 minutes, I see that Ms. Nenneau, who is now recusing herself, was the member of the Planning Board who made the motion to hold a public hearing for combining the six lots, she made the motion to combine the six lots, and she voted as a member of a bare quorum—5/9 members—to approve the site plan. As a member of the IDA and essentially the owner of the lot, she should have recused herself from all of those votes as well.

I'm going to read from the May 17th 2021 minutes: "Ms. Nenneau mentions that in the purchase agreement with the IDA & LDC, there are stipulations on the use of the second retail space-trying to ensure it is [a] community-centric, such as a small food store. Also some discussion that prior to renting the space, the developer would consult the IDA to further some of the mission statement of this area." The second store was significant to me, and this is a different site plan that has now abandoned all pretense at city mission. Mr. Harrell should not dismiss Mr. West's comments on the Comprehensive Plan with a blanket statement that it passed in 2021 and is essentially the same. This is a different site plan. As such, Director West's comments on this site plan deserve some attention.

We discussed last month how the new Zoning regulations passed by City Council in December require a Special Use Permit to do a Drive-Through, and that a Code-Enforcement Officer can approve a permit for a pole sign. Mr. Braman suggested that we might go that route with him issuing a permit for the sign and us issuing a Special Use Permit. Those two distinctions seem at first glance to be fairly reasonable, and low bars to meet in comparing 1968 with 2023. However, new Zoning also expressly prohibits drive-thru facilities that are "on a lot directly adjacent to or across the road or street from a property used for residential purposes." This drive-through would be on a lot adjacent to or across the street from six different residences, affecting their property values and quality of life. Council set up the new zoning to have only a 10 foot maximum setback, even more restrictive than the Comprehensive Plan's 20-foot suggestion, and a 30-foot, or two-story

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<sup>1</sup> (Part 1 pages 19, 21, 23, 28, and 29; Part 2 pages 4–5, 16–18, 35, and 37; Part 3 pages 26–27, 30–31; and the Comprehensive Plan in Motion update, pages 2, 3, 20, 22, and 24.)

minimum height. This plan is dead in the water under the new Zoning regulations; the only way to pass it is to ignore all of the city's 21st century research, grants, and white papers and grandfather it in using the 56 year old code, and even then with an unacceptable pylon sign. Approving this site plan would be effectively announcing that the Planning Board is above the Comprehensive Plan, above City Council's recommendations as to new zoning, and above all of the Planning or Zoning documents that the city has produced over the past 15 years.

David West advised that we reflect upon each potential impact's 1) likelihood, 2) magnitude, 3) duration, and 4) importance. A deviation from a variety of adopted Geneva city plans would be 1) certain in likelihood, the magnitude would be 2) large, the duration 3) permanent, and the importance 4) high.

2. Will the proposed action result in a change in the use or intensity of use of land?

**Yes (Moderate to large impact may occur).** Same general reasoning and likelihood/magnitude/etc. as my answer #1.

3. Will the proposed action impair the character or quality of the existing community?

**Yes (Moderate to large impact may occur).** Same general reasoning and likelihood/magnitude/etc. as my answer #1.

4. No, or small impact may occur.

5. Will the proposed action result in an adverse change in the level of traffic or affect existing infrastructure for mass transit, biking or walkway?

**Yes (Moderate to large impact may occur).** Adding a drive-through at this intersection would affect the infrastructure for driving, walking, and biking in a substantial and negative way. Geneva's 2017 Active Transportation Plan identified the intersection of North & Exchange as one of the five most problematic intersections in the city for walking and biking. Geneva High School serves free breakfast to students starting at 7:00am and classes start at 7:30am. With Daylight Saving Time, the sun rises after 7:00am in parts of seven distinct months of the year (September–March). East- and west-facing traffic occasionally face the sunrise either head-on or in a rear view mirror. "Distracted driver" is one of the leading causes of road accidents, and here there would be people fumbling with their cell phones on their ways in to place a mobile order and fumbling with their coffee cups on their way

out. Some drivers would be craving their first cup of coffee in the morning, which might make their driving less safe. World Health Organization describes "Caffeine Dependence Syndrome," as something a small but significant percentage of caffeine users exhibit, around 10%, where there is "higher priority given to drug use than to other activities and obligations . . ."<sup>2</sup> At a minimum, if people insist on going forward with this site plan against all the well-reasoned community- and City Council-driven policies, the Planning Board should request for the City to do a more comprehensive traffic and pedestrian survey at this intersection with the hypothetical new driveways in mind, during the school year and not only on January 18th, one of the coldest days of 2024. Such a traffic and pedestrian study should be made to determine if an additional salaried crossing guard would need to be added to this intersection.

The likelihood of impact is 1) significant, the magnitude is 2) moderate, (large during construction or if the crosswalk buttons are out of service, which we know happens in Geneva), the duration would be 3) permanent and the importance of pedestrian safety among children is 4) very high.

6. & 7. No, or small impact may occur.

8. Will the proposed action impair the character or quality of important historical, archaeological, architectural or aesthetic resources?

**Yes (Moderate to large impact may occur).** Same general reasoning and likelihood/magnitude/etc. as my answer #1.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? **Yes: Moderate impact: ground water, flora, and air quality.**

10. No, or small impact may occur.

11. Will the proposed action create a hazard to environmental resources or human health?

**Yes (Moderate to large impact may occur).** Same general reasoning and likelihood/magnitude/etc. as my answer #5.

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2 (Journal of Caffeine Research, September 2013)