

**Town of Geneseo Planning Board
Regular Monthly Meeting Minutes
February 8, 2010
7:00 – 8:45 PM**

Members Present:

Dwight Folts
Marcea Clark Tetamore
Patti LaVigne
David Woods
Tom Curtin
Hank Latorella

Others:

Jim Coniglio, Esq. (late)
Dean O'Keefe, CEO
Jim Oberst, MRB
James Bonsignore, Esq.
Ed Martin, PE
Kevin Van Allen, Esq.
Todd Cole

Hendrika Van Lieshout
Leon Van Lieshout
Paul Lytle
Erwin Lindsley
Evelyn Lindsley

Excused:

Mark Shepard

1. **Call to Order:**

Chair Folts called the regular monthly meeting to order in the board room of the Town Offices at 7:00 p.m.

2. **Review of Minutes:**

The minutes of the January 11, 2010 Planning Board monthly meeting were reviewed by the board members present.

Tom Curtin made the MOTION to accept the minutes of the January 11, 2010 meeting as corrected.

Hank Latorella SECONDED the motion.

All in favor: Dwight Folts, David Woods, Patti LaVigne, Tom Curtin, and Hank Latorella.

Marcea Clark Tetamore temporarily left the meeting to take a phone call and therefore did not vote.

Opposed: None.

MOTION PASSED.

The minutes of the January 25, 2010 Planning Board work meeting were reviewed by the board members present.

Tom Curtin made the MOTION to accept the minutes of the January 25, 2010 meeting as presented.

David Woods SECONDED the motion.

All in favor: Dwight Folts, David Woods, Patti LaVigne, Tom Curtin, and Hank Latorella.

Marcea Clark Tetamore temporarily left the meeting to take a phone call and therefore did not vote.

Opposed: None.

MOTION PASSED.

3. Code Office Report:

The Code Office Report for the period 01/01/10 through 01/31/10 was received and reviewed by the Planning Board.

Dean O'Keefe, CEO, spoke and reported that rental inspections and fire inspections were still in process. He also gave a brief update on Ron Maxwell, CEO, who was now home after having had knee surgery.

4. CONCEPT/PRELIMINARY APPROVAL: Special Use Permit, Use Class #17 for Shannon Pinckney, 5132 Route 63 for an acupuncture home business.

Chair Folts asked Shannon Pinckney to speak about this permit application.

Shannon Pinckney came forward and spoke about her acupuncture business. She is a board certified/licensed acupuncturist specializing in oncology support at the Rochester General Hospital's Cancer Center. She lives at 5132 Route 63 and has practiced a couple days a week at Sweet Briar. However, there is no longer room there. She would like to treat patients/clients out of her home location. The entrance/driveway to her house actually appears to be in the front yard of Sweet Briar. Her home business will be known as "The Gardener's Cottage at Sweet Briar." (The house itself is green.) Ms. Pinckney plans to practice Tuesdays and Fridays, using a room in her house.

Board members inquired about parking and the number of cars to be there at one time. Shannon Pinckney said there will only be one person treated at a time and, therefore, there should be no more than one car, or perhaps two briefly, at a time. There is parking by her house.

Ms. Pinckney was asked about a sign and she would like one small sign right below the Sweet Briar sign (sandwich board type sign) to read "The Gardener's Cottage" at Sweet Briar.

Chair Folts then explained the process of obtaining a special use permit. Approval may be given initially for a one year period. When the permit comes up for renewal, the time is usually extended to five years — provided there are no problems.

Tom Curtin made the MOTION to grant CONCEPT and PRELIMINARY APPROVAL for a Special Use Permit, Use Class #17 to Shannon Pinckney, 5132 Route 63 for an acupuncture home business.

David Woods SECONDED the motion for a one year time period.

Public Hearing will be held at 7:05 p.m. on March 8.

All in favor: Dwight Folts, David Woods, Patti LaVigne, Tom Curtin, Hank Latorella, and Marcea Clark Tetamore.

Opposed: None.

MOTION PASSED.

5. Final Approval: Site Plan and Special Use Permit for Morgan Estates Phase II, tax map#81.-1-29.13.

Ed Martin from Land Tech introduced himself as representing the applicant, Peter Bruckel. Another Land Tech representative, John Sciarabba, had spoken at the previous Planning Board meeting on January 25; the discussion regarding stormwater management/drainage/ponds had begun then. Mr. Martin said that approval for the drainage system for the entire project had originally been obtained several years ago. A problem occurs now because the standards for stormwater management have changed and been upgraded. It is these standards which concern MRB in their draft letter written February 5, 2010.

Ed Martin explained that Land Tech has now re-created stormwater management to the North. Efforts have begun to bring the pond belonging to Peter Bruckel up to the current regs. Mr. Martin spoke about technical aspects such as water elevation, etc. The "as built" survey will be done when weather permits. The pond will need to be dug out so that the sloping sides can encourage cattail growth which is desirable. The pond under discussion is in front of the gas station owned by Peter Bruckel. Another pond to the East is owned by a new property owner. However, the two ponds are actually one as they are connected and drain back and forth into each other.

Planning Board members expressed their concerns about the lack of maintenance to both ponds. Ed Martin offered one solution to the fact that the pond/s are owned by two different individuals. He said the town might do as some towns have done and take an easement but not own the pond/s. Marcea Clark Tetamore wanted to know if this means the town would then be responsible for upkeep. Town Attorney Coniglio repeated what he had said at the previous board meeting, i.e. The town does not want to take dedication/responsibility for the ponds. The problem exists in that Peter Bruckel has access to the east side of the pond but not to the west. David Woods suggested a possible solution, in that Peter Bruckel could negotiate with the other (Pondside) owner as some of "his" water will be dumped into Peter Bruckel's pond because of its very design. "The pond" (meaning the two connecting drainage ponds) was originally designed to hold stormwater drainage for the entire project when completed. The Planning Board has the responsibility to ensure that stormwater management is adequate. Attorney Coniglio agreed that "the pond" was originally designed for the entire project and said this should be a consideration in the Planning Board's findings. Jim Oberst, MRB (town engineer), raised the issue again that one pond in particular has not been maintained. Mr. Bruckel has no ability legally to maintain the eastern pond. Jim Oberst said that as a result, now both ponds need maintenance; they are connected and will "silt up."

Patti LaVigne wondered if the Planning Board has legal recourse to hold Peter Bruckel responsible for the other person's lack of maintenance. Jim Oberst reminded Planning Board members that there had originally been a proposed plan that would have eliminated this problem and a similar problem might arise every time another parcel of land is sold. There are only a few changes to the outlet structure necessary and Ed Martin said Peter Bruckel will make these. The Town currently has an easement over the outlet structure (per Town Attorney Coniglio). The former Town Engineer, Mike Guyon, originally wanted to simplify and not unduly impact future projects/buildings.

Jim Coniglio, Esq., suggested that an easy solution would be to contact the current Pondsides owner and ask him to make the necessary changes to his pond. Peter Bruckel might be willing to approach the owner because both owners need easements from each other in order to drain from one pond to the other.

The east pond could be made part of the approval process which should have appropriate legal/technical measures for stormwater management put into place.

There was some additional discussion between board members and Ed Martin.

Jim Oberst, MRB Town Engineer, said they are working on the sprinkler issue for the apartments.

SWPPP cannot be resolved until final approval. (Ed Martin reported that 80% of this is done.)

Ed Martin said that architectural and landscaping are present on the submitted plans.

Patti LaVigne made the MOTION for FINAL APPROVAL for Morgan Estates phase II, tax map#81.-1-29.13 with the following contingencies:

- 1. Stormwater management system is confirmed as established.**
- 2. Legal and technical mechanisms are in place to assure the system remains functional to the satisfaction of the Town Engineer and Town Attorney.**
- 3. Hydraulic measurements meet code.**
- 4. Finalization of SWPPP is to the satisfaction of the Town Engineer.**

Tom SECONDED the MOTION.

All in favor: Dwight Folts, David Woods, Patti LaVigne, Tom Curtin, Hank Latorella, and Marcea Clark Tetamore.

Opposed: None.

MOTION PASSED.

6. PRELIMINARY APPROVAL: Site Plan Lakeville Estates, Phase II.

James Bonsignore, Esq., began to briefly summarize the status of this project to date.

Marcea Clark Tetamore made a MOTION to go into Executive Session for the purpose of a personnel issue.

Tom Curtin SECONDED the motion.

All in favor: Dwight Folts, David Woods, Patti LaVigne, Tom Curtin, Hank Latorella, and Marcea Clark Tetamore.

Opposed: None.

MOTION PASSED.

Planning Board members left the board room and returned several minutes later. No motions were made during the Executive Session.

Patti LaVigne made the MOTION to return to regular session.

Tom Curtin SECONDED the motion.

All in favor: Dwight Folts, David Woods, Patti LaVigne, Tom Curtin, Hank Latorella, and Marcea Clark Tetamore.

Opposed: None.

MOTION PASSED.

Attorney Bonsignore continued by giving some background information on the walkway surveys, walkway makeup, and also his intention to deal with the recreation center issue this evening.

Attorney Bonsignore said the first major issue is as follows:

Walkways – Planning Board members have been provided with copies of the residents’ survey. Twenty-eight responses were returned and 21 out of 28 responses do not want walkways. Attorney Bonsignore reported that he had conferred with CEO Maxwell and is committed to establishing the original “main” paved walkway to the recreation center. As the project expands there are plans for additional roadways which will have gutters from the northern side of the park. These gutters can provide a walking surface. Attorney Bonsignore reiterated that his client remains committed to continuing discussions with the town engineers so that issues will be resolved.

Regarding the recreation parcel – originally it was stated that it would remain “undeveloped” and not be utilized but will be landscaped. Attorney Bonsignore referred to a draft conservation easement which he has had distributed to board members this evening. He intends to apply for a town conservation easement which may actually have walking paths or trails. The Town Board will have to consider the granting of this easement. There are no stormwater facilities on this conservation area.

If the town does not want the easement then the developer might be willing to hold the easement.

However, community/recreation center construction will begin soon.

Attorney Bonsignore said that MRB's 58 comments in a draft letter dated February 8 were just received today. Unfortunately, Scott Harter could not attend tonight's meeting.

James Bonsignore, Esq., then continued with the question of mailboxes which will be individual in phase II as they were in phase I.

There will be alternate side lighting (including coach lighting) every 100 feet in phase II as in phase I. This will be code compliant.

Attorney Bonsignore then said he would like to deal with the issue of a cut-off point for phase II. He proposed that no more than 15% of phase II be constructed (tied to building permits) prior to completion of the recreation center and its receipt of a certificate of occupancy. Planning Board members then discussed the issue of C of O's vs. building permits. Chair Folts asked Dean O'Keefe, CEO, for his input and CEO O'Keefe responded in favor of building permits. Attorney Bonsignore then proposed a mutually agreeable-upon construction timetable before the remaining landscaping work is actually completed. This would be after the center is actually built.

Tom Curtin stated for the record that the Planning Board has received a petition with 45 signatures advocating that there be a Community/ Recreation Center. Attorney Bonsignore prefers that any timetable be tied to a C of O for that recreation center in the event additional earth work is needed. The elevations for the recreation center still remain to be approved by the Town Engineer.

Chair Folts requested that further information such as elevations and any plans for trails in the conservation/easement area be received by March 1. This is to provide board members adequate time to review material before the March 8th meeting.

Hank Latorella said he still wants the issue of trails and their suitability for scooters and bikes (wants concrete or blacktop as does David Woods) to be resolved at the next meeting. He also requested that landscaping of the recreation area be dealt with then.

Attorney Bonsignore said that MRB's 58 comments will be addressed soon.

David Woods expressed his wish for a written timetable for the tiers of building by the March meeting.

Tom Curtin reaffirmed that the current plan for walkways is still what we all are discussing. (PDF drawing received from Attorney Bonsignore and labeled 100120).

Hank Latorella made the MOTION to grant PRELIMINARY APPROVAL for the Site Plan for Lakeville Estates, Phase II with the understanding that the conditions of town engineers be resolved and a timetable for trails and building tiers and paved trails also be satisfied before final approval is granted.

Tom Curtin moved to add the amendment that the plans for the Community Center be included on the final site plans.

Patti LaVigne SECONDED the motion.

All in favor: Dwight Folts, David Woods, Patti LaVigne, Tom Curtin, and Hank Latorella.

Abstained: Marcea Clark Tetamore (In an effort to avoid allegations of impropriety, due to the fact her mother is a resident of the park.)

Opposed: None.

MOTION PASSED.

Patti LaVigne and Chair Folts then said a letter has been received today dated February 5 from Mary Tranello at Lakeville Estates. This letter has been distributed to Planning Board members.

Chair Folts announced that all letters received by the Planning Board will be made a part of the official record and available at the time of the public hearing; no public hearing is scheduled as yet.

7. New/Other Business:

Chair Folts announced that the Marie DePaz two-lot subdivision, 4286 Reservoir Rd., tax map#81.-2-48 has been added to the agenda under New Business due to the fact the application came into the Code Office late.

Kevin Van Allen, Esq., presented the plans for the two-lot subdivision. Marie DePaz is selling off parcels of her 96+ acre property on Reservoir Road. The applicant for this project is Todd E. Cole who would like to build a house on the two-acre plot at some point.

Planning Board members then briefly discussed where the property is located. Maps were examined. The parcel is east of the Cornerstone Church. The area is zoned AR.

Marcea Clark Tetamore made the MOTION for CONCEPT/PRELIMINARY APPROVAL for the DePaz two-lot subdivision, 4286 Reservoir Rd., tax map#81.-2-48.

Tom Curtin SECONDED the motion.

All in favor: Dwight Folts, Marcea Clark Tetamore, David Woods, Patti LaVigne, Tom Curtin, and Hank Latorella.

Note: David Woods stated that Todd E. Cole had done a project for him but felt this was not a conflict.

Opposed: None.

MOTION PASSED.

The secretary announced that the Public hearing will be March 8 at 7:05 p.m. The application will be referred to the County Planning Board. Chair Folts said SEQR will be done at the next meeting.

Chair Folts announced that there is training information from Monroe County available and interested members should speak to the Town Clerk.

Chair Folts also announced that Sweet Briar is now a historic site.

8. **Adjournment:**

There being no additional business, the meeting ended at 8:45 p.m.

Tom Curtin made a MOTION to adjourn the meeting at 8:45 p.m.

Marcea Clark Tetamore SECONDED the motion.

All in favor: Dwight Folts, Patti LaVigne, Hank Latorella, Tom Curtin, David Woods and Marcea Clark Tetamore.

Opposed: None.

MOTION PASSED.

Respectfully submitted,

Diane McMullan, Secretary
Town of Geneseo Planning Board

dmm