

APPROVED
on 04/26/10

**Town of Geneseo Planning Board
Regular Monthly Meeting Minutes
April 12, 2010
7:00 – 9:00 PM**

Members Present:

Dwight Folts
Hank Latorella
Marcea Clark Tetamore
Mark Shepard
David Woods
Tom Curtin

Others:

Ron Maxwell, CEO	Jeanie Clements
James Oberst, MRB	Hendrika Van Lieshout
James Bonsignore, Esq.	Milton Stephens
James Coniglio, Esq.	Sharon Stephens
Leon Van Lieshout	Mary Tranello
Augie Tranello	

Excused:

Patti LaVigne

1. Call to Order:

Dwight Folts, Chair, called the April 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 March 8, 2010 Planning Board monthly meeting were reviewed by the board members present.

Marcea Clark Tetamore made the MOTION to accept the minutes of the March 8, 2010 meeting as corrected.

Hank Latorella SECONDED the motion.

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

Opposed: None.

MOTION PASSED.

3. Village Planning Board Report.

David Woods was asked to give this report by Chair Folts.

David gave a brief update on a special use permit requested by a chiropractor. Planning board members remarked that surveyors had been seen on Corrin Strong's property on route 39. David Woods said he believed these were surveyors for the requested subdivision. Mr. Strong had prepared only his own sketch for the Village last month and was asked to produce something more to scale.

Byrne dairy is to open in May.

4. **Code Office Report:**

The Code Office Report for the period 03/01/10 through 03/31/10 was received and reviewed by the Planning Board.

CEO Maxwell reported that residents have been asked to take down signs. The road next to TSC has been repaired. Erosion control for Peter Bruckel's Morgan Estates site "is progressing." Ron Maxwell said they are waiting on a sprinkler system too. There are questions on flow and pressure. Town Engineer, Jim Oberst, said a hydro flow test was done but a full report has not been received. Marcea Clark Tetamore inquired about the 6-unit building foundation at this site. CEO Maxwell said he would report more on this project later in the meeting.

Hank Latorella asked about the cars in Lakeville at Groveland and Long Point Rd. CEO Maxwell has asked them to clean up the unlicensed vehicles.

5. **PUBLIC HEARING for FINAL APPROVAL: Site Plan Phase II, Lakeville Estates, MAC, LLC, tax map #064.-0002-040.001 located at the northwest corner of state routes 20A and 256.**

Chair Folts made a brief announcement that the public hearing would begin at 7:15 p.m. as advertised. This differs from the 7:10 p.m. mentioned in the March 8 Planning Board minutes.

Chair Folts opened the public hearing for final site plan approval for the above mentioned project at 7:15 p.m. He asked those present wishing to speak to do so within a five-minute limit so that board members could listen to their comments. At this time, he did not foresee the board directly answering questions.

James Bonsignore, Esq., representing the owner of the project, passed around a drawing of the new recreation center. At the request of Chair Folts, this drawing was also circulated amongst the public present. Chair Folts announced that the drawing in addition to the letters received over the past few months from Lakeville Estates residents would be made a part of the official record.

Chair Folts then asked those wishing to speak to identify themselves with their addresses.

SPEAKERS were as follows:

Leon Van Lieshout, 5574 Canton Drive, spoke about the walking paths and that he could not see the paths on the drawings. He said the paths were promised and he wants them. However, he represents only himself. He also wants the internal roads improved.

Sharon Stephens, 5556 Canton Dr. spoke about her need to change the town code - referring to general code E which deals with parking, lighting, and patios. Patios are designed for outdoor living purposes. The definition is "a structure enclosed by roof or awing;" patios are designed for outdoor living purposes.

Ms. Stephens requests that the code be updated for phase II. Otherwise, she said, "What good is it?" She added that she has been reported for harassment because of this request, and others similar to this, to "management." CEO Maxwell pointed out that the appropriate code is actually the recently passed section 75, dealing with mobile home parks, not the general town code.

Hank Latorella asked about specific patio definitions for mobile homes. Ms. Stephens said that there are none. Marcea Clark Tetamore read from the code in that a patio "provides easy access to and from the home." Planning board members discussed whether a driveway or walkway connecting a garage to the home would fit such a definition. James Bonsignore, Esq., spoke as a representative of the property owner and said a blacktopped driveway to a garage would provide "the safe passage" spoken of in the code. CEO Maxwell agreed that such would satisfy the definition.

Jeanie Clements, 3456 Thorpe Drive, spoke about the condition of the internal roadways. She stated she has been there six years and no repairs have ever been done. After a rain storm there is flooding at the end of her property where she goes to get her mail. She said roads are just not maintained.

A maintenance fee of \$315 is paid by each resident every month. Chair Folts asked if the condition of the roadways is an issue throughout the development or just at 3456 Thorpe Drive. Hank Latorella emphasized the importance of things being done correctly – specifically the maintenance of roadways at Lakeview Estates so as to generate good will. Chair Folts asked if there is a procedure for maintenance complaints/requests.

James Bonsignore, Esq., said there is a 3-part form which the residents can fill out and submit to the regional manager who receives these maintenance complaints. Attorney Bonsignore said he himself visits quarterly and is aware of potholes, etc. that occur as a part of the need for regular spring maintenance. He said these take some time to repair. Jeanie Clements reiterated that there has been no road maintenance the last six years. Chair Folts asked if folks present knew about the 3-part form. (No resident present knew about such a form.) In fact, several spoke up and said that the local management has discouraged any complaints or maintenance requests. Chair Folts suggested that the Regional Manager, Elwood Long, at Lakeview Estates make the process known to residents this week. Marcea Clark Tetamore said personally she has dealt with management and the customer service she had received was very poor. It was suggested that perhaps a visit once a quarter was not enough and that a visit by Morgan Management or one of their employees once a month would be better.

Tom Curtin then said that the Planning Board actually has no enforcement power except for the property maintenance code enforced through Code Enforcement. The efforts and intent of the Planning Board are to make phase II of this project as code compliant as possible. The town engineer and code enforcement officers will enforce the code.

Chair Folts said that all sites in II will be surveyed. However, the board cannot remake phase I history.

The public hearing open for 30 minutes until 7:45 p.m. Chair Folts offered to hold it open longer if there were those who still wished to comment. There were no additional comments

and the hearing was closed at 7:46 p.m.

James Bonsignore, Esq., spoke about the variances granted for walking paths in phase I. Together with code enforcement, the paths for phase II have been developed. Auxiliary parking will be delineated and there will be paths to these areas. They will be shielded by dark sky compliant lighting.

There ensued some discussion that the condition of internal roadways was and is a maintenance issue – not a site plan issue. Kevin Morgan said it has been an inherited problem. Lot plantings, drainage issues, etc. have been corrected. Mr. Morgan said he will make a pledge personally to make the 3-part maintenance request forms available to residents.

All future lots will be staked. Homes will be “dropped” under the supervision of Morgan Management. – not AGL as in the past.

Attorney Bonsignore continued, saying there will be 1½ ft. additional gutter on each side of the internal roadways to allow for access to recreational and parking areas. This should provide some additional space for those wishing to walk along the roadways.

There will be a nature trail along pond (with perhaps a park bench). This to be added to the drawings. Off route 256 there will be a temporary construction road; negotiations are underway with DOT. The recreation building will be sized according to the number of homes. Hank Latorella expressed his concern that the building be large enough should residents wish to have a meeting. Tom Curtin said it was his experience that such buildings function as larger meeting rooms for extended family gatherings and they perhaps may have an exercise room. Additional discussion about this issue continued. Hank Latorella finally requested that the size of the recreation building allow 15 sq. ft./person. This would be about 1,900 sq. feet for 45 people. Loose chairs could accommodate 65 people. A great room would be sized between 600-700 sq. ft. Attorney Bonsignore said he will supply the size of the proposed building to board members. It was not available this evening, however.

Marcea Clark Tetamore spoke about speed bumps on Regal Lane due to lack of lighting in that area. Attorney Bonsignore said lighting is not possible for about a 50-foot area due to the National Grid easement. Jim Oberst, MRB, was asked for his opinion and he said lighting would be best but failing that speed bumps were his third choice.

Jim Oberst said that he is comfortable coordinating comments with Scott Harter. He will not sign off on the mylar until all engineering conditions are satisfied.

Board members summarized that no more than 15% of building permits can be granted before the recreation center is completed; and no more than 30% permits are to be granted before nature trails/walkways are completed.

Marcea Clark Tetamore requested that the March 30 plans already received by Planning Board members be reviewed and updated in preparation for the April 26 work meeting.

Attorney Bonsignore made one last request for final approval, saying the town engineer had expressed his willingness to work with the project engineer, Scott Harter, to resolve any remaining issues.

After additional discussion, Chair Folts announced consensus amongst board members that a vote for final site plan approval be done at the April 26 Planning Board work meeting.

6. New/Other Business:

Chair Folts asked Jim Oberst, MRB, to update the Planning Board on Morgan Estates, phase II. J. Oberst presented the board with “Morgan View Estates, Phase II – Status Update, April 12, 2010.” Peter Bruckel has investigated the cost to update the two ponds in question and now does not wish to do so. Evidently, Pondsides has recently changed hands and the new owner is not willing to cooperate with the work needed on his pond. The drainage area would need to be resized. Mr. Bruckel is now grading without knowing where the drainage water is going – now it is set up to go to the road. He has also said he will construct another retention pond for this stage of construction.

Marcea Clark Tetamore said a “stop work order” should be issued as an access road is in the same general area. There is storm sewage already present; the developer has acted as if a drainage plan has already been approved. However, MRB has not yet received reports of necessary inspections. There is as yet no SWPPP.

CEO Maxwell said he will issue a stop work order. This is clearly a code enforcement issue. Additional discussion among board members continued. Town Attorney Jim Coniglio said it is important to not confuse a conditional approval with enforcement.

Tom Curtin requested that the April 12 MRB status update will be attached to these minutes. It will be made a part of the official minutes. Jim Oberst was thanked for reports such as the April 12 one.

8. Adjournment:

There being no additional business, the meeting ended at 9 p.m.

David Woods made a MOTION to adjourn the meeting at 9 p.m.

Mark Shepard SECONDED the motion.

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

Opposed: None.

MOTION PASSED.

Respectfully submitted,

Diane McMullan, Secretary
Town of Geneseo Planning Board

dmm

Attachment



Morgan View Estates, Phase II – Status Update

April 12, 2010

Timeline since Planning Board approval

February 8, 2010 Planning Board meeting - Final approval given, contingent on:

- Confirm establishment of stormwater management system
- Resolution of pond maintenance issues
- Resolution of hydraulic issues
- Approved Stormwater Pollution Prevention Plan (SWPPP)

March 2, 2010 – MRB review letter:

March 8, 2010 Planning Board meeting: Discussion on pond maintenance

March 15, 2010 – Land Tech response letter:

March 22, 2010 – MRB review letter:

- Water supply issues
- SWPPP issues
- Site plan revisions required

March 26, 2010 – Land Tech response letter:

- Revised Water Supply Report
- Revised SWPPP
- Site plan updates

April 1, 2010 – MRB review letter:

- Outstanding concerns regarding sufficient flows to meet sprinkler demands
- LCDOH submittal and approval status?
- Stormwater management report review on hold at request of Land Tech



Items of note from latest plan review or 3/29/10 site visit:

- In accordance with the SWPPP specs noted on the plans, prior to any site disturbance:
 - Permits and approvals should be obtained
 - Pre-construction meeting should be held
 - Erosion measures should be installed per the plan details
- Erosion control deficiencies need to be corrected in accordance with the plans, including proper installation of silt fence and check dams.
- An approved project SWPPP (signed by the developer and contractor) needs to be on site
- Weekly stormwater inspection reports need to be filed on site and weekly copies should also be provided to the Town.
- There is still a question as to who will be performing the weekly SWPPP inspections for the developer. These are required to occur weekly and must be done by a qualified erosion control specialist or a licensed engineer.
- We have no record of whether a Notice of Intent (NOI) has been filed with the DEC as required.
- Our understanding is that final approval is pending from the Livingston County Department of Health for the watermain plans. This should have been obtained prior to installation of this utility
- New pond location and stormwater report was submitted on April 7, 2010. This changes the plans (conditionally approved by Planning Board) by proposing to direct drainage to an on-site pond northwest of the site versus to the "regional" pond created for the Morgan View development along Route 20A. This pond proposes a point discharge onto the Wegman's plaza property which may require an agreement with the plaza owners.
- We are still awaiting demand information for the fire suppression system to verify sufficient flows are available