

**Town of Geneseo Planning Board
Regular Monthly Meeting Minutes
May 10, 2010
7:00 – 8:00 PM**

Members Present:

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

Others:

Ron Maxwell, CEO
Randy Cofield
Myron and Pat Brady

1. Call to Order:

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

2. Code Office Report:

The Code Office report for the month of April 2010 was examined by the Planning Board members. Chair Folts asked CEO Maxwell if there was anything further to report.

Ron Maxwell reported that Peter Bruckel is back working at Morgan Estates. The Code Office is doing the inspections. Marcea Clark Tetamore said there was a report of construction material blowing about at the site during the recent wind storm – CEO Maxwell will check this out.

Chair Folts clarified the STOP WORK order matter discussed at the previous meeting. He said he did not, nor did he intend to, give permission to lift the STOP WORK order during a phone conversation with Peter Bruckel. However, he said, his phone conversations dealing with the conditions necessary to lift the order must have been interpreted as permission for Peter Bruckel to go back to work.

Board members discussed accessory buildings briefly; these were described as garages.

CEO Maxwell reported briefly on Good Will which will be occupying the former Ames Plaza.

3. Review of Minutes:

The minutes of the April 26, 2010 Planning Board work meeting were reviewed by the board members present.

David Woods made the MOTION to accept the minutes of the April 26, 2010 meeting as presented.

Patti LaVigne SECONDED the motion.

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

Abstained: Dwight Folts (absent for the meeting)

Opposed: None.

MOTION PASSED.

The minutes of the March 25, 2010 special meeting dealing with the Depaz subdivision were then reviewed by board members.

Hank Latorella made the MOTION to accept the minutes of the March 25, 2010 special meeting as corrected.

Mark Shepard SECONDED the motion.

All in favor: David Woods, Mark Shepard, Dwight Folts, and Hank Latorella.

Abstained: Patti LaVigne, Marcea Clark Tetamore, and Tom Curtin (all absent for the meeting)

Opposed: None.

MOTION PASSED.

4. Village Planning Board Report:

David Woods, requested by the Chair, reported as follows:

Byrne Dairy will open Wednesday.

Mark Scoville's application for site plan approval for a new multi-family residential building on the north side of Court Street has been re-referred to the County Planning Board, which disapproved it the first time. The Village Planning Board is still waiting to see the stormwater and erosion control plans.

Corrin Strong's most recent application is for a four-lot subdivision for two new building lots fronting on Avon Road. A possible second phase of the project may eventually involve the creation of a new access road. The Public Hearing is scheduled for the 26th.

There was some brief discussion about the Hampton Inn; no construction plans have been submitted to the Code Office.

5. CONCEPT/PRELIMINARY APPROVAL: Cofield Two-Lot Subdivision for property on the lake (4565 West Lake Road), tax map # 82.60-1-16.1.

Chair Folts requested that Mr. Cofield come forward and explain his request. The property is on West Lake Road and Blue Heron Drive. Randy Cofield said previously there were two existing lots that were combined. The one lot (parcel A) is 10 feet short on the road side, being 90 feet instead of the zoning requirement for 100 feet. ZBA did approve a variance on this parcel A. Parcel B has a boat house on it. CEO Maxwell said A had more than the required square footage and thus the ZBA granted the variance. Parcel B has Randy Cofield's cottage on it. Tom Curtin asked about the sewer easement that exists which is flat toward the lake side.

A copy of the ZBA variance had been distributed among Planning Board members. David Woods asked that future referrals be bundled so that an applicant would be required to have only one public hearing.

Tom Curtin made the MOTION to grant CONCEPT/PRELIMINARY APPROVAL for the Cofield two-lot subdivision property (4565 West Lake Road), tax map # 82.60-1-16.1.

David Woods SECONDED the motion.

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

Opposed: None.

MOTION PASSED.

At this point there was some discussion about the actual wording of the variance request as it has already gone to the county from the ZBA. The wording may include a request for the two-lot subdivision. The secretary will obtain the ZBA and county letters from the Town Clerk before a public hearing is scheduled. In the future it may be possible to do one public hearing for both the ZBA and the Planning Board.

The Planning Board will hold its public hearing to consider final subdivision approval on June 14 at 7:15 PM. This subdivision will be sent to the county planning board (if necessary) but the county may have already examined it during the ZBA referral.

5. New/Other Business:

The following subdivision application was received in the Code Office after the closing date. Thus, it is dealt with under New Business on the agenda.

Chair Folts asked that Mr. Brady come forward to speak about the Brady two-lot subdivision, tax map # 81.-2-48.1. (This application was added on to the agenda after the closing date.) Myron Brady presented board members with a map and explained his wish to subdivide the original 93.8 acres. He and his brother, Brandon Brady, are cooperating on the purchase and then rental of 93 acres in order to continue farming. One lot will be 10 acres with a right-of-way. It will be maintained as farm land. There is a house on the larger parcel and it will be up for sale. This remaining parcel will be 83.8 acres.

M. Brady said it is his intention to continue farming the property under discussion and this is the reason for the subdivision.

This subdivision will be referred to the county. It is in the AG district.

Mark Shepard made the MOTION to grant CONCEPT/PRELIMINARY Approval for the Myron Brady two-lot subdivision, 4286 Reservoir Road, tax map # 81.-2-48.1

David Woods SECONDED the motion.

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

Opposed: None.

MOTION PASSED.

A Public Hearing will be held June 14 at 7:15 p.m.

Chair Folts reminded Myron Brady that five copies of the map plus the mylar are required.

OTHER NEW BUSINESS:

Chair Folts announced that Sweet Briar now appears in the national register of historic places.

The Chair then discussed Morgan Estates' senior housing and the possibility that the developer might build another type of apartment building (a duplex) other than what has already been approved in the site plan. Chair Folts has already been asked by the Town Supervisor to meet with himself and the developer (at Peter Bruckel's request) "to iron things out." Marcea Clark Tetamore said that her feeling was that such a meeting might be interpreted as improper and questioned what purpose it would serve. She also had concerns about the Open Meetings Law. David Woods, however, felt that such a meeting with Supervisor Wadsworth, Chair Folts and Peter Bruckel was not unusual. He said he would not discourage the Planning Board Chair from meeting with a developer/applicant and the Town Supervisor and feels it does not violate the Open Meetings Law. Such meetings have occurred in the past.

Chair Folts is currently waiting for a return a call from Supervisor Wadsworth about whether such a meeting will take place. The Chair reiterated that he does not speak for the Planning Board. David Woods said such a meeting with an applicant would not be improper and it can be made a matter of record that such a meeting took place. Chair Folts will report if such a meeting does take place.

Board members then discussed recent developments and correspondence from the town engineer about the ongoing drainage/erosion issue. Per Jim Oberst's email, even with the new pond some water will drain into the "old" pond. Peter Bruckel has already broken ground and the DEC will most likely not look favorably upon this. Plus, the drainage pattern to the storm sewer is being changed on Ken Book's property. David Woods reiterated that the board is only insisting that P. Bruckel abide by storm water phase 2 regs.

CEO Maxwell said he has already told Dean O'Keefe, CEO, to have a pre-construction meeting. CEO O'Keefe has gone down to the pond with Jim Oberst and the Bruckel site rep – they then realized how much dirt had to be moved.

CEO Maxwell was asked about the signed easement. He said that it is supposed to be at the Town by Tuesday morning. NOI was received.

Memo of May 10, 2010 from Jim Oberst, MRB, will be entered into the official record.

Hank Latorella inquired about a mound of dirt behind the gas station. CEO Maxwell said it is just open land and is not part of the project.

CEO Maxwell went on to report that a building permit application was received for Lakeville Estates to build a garage (at a house on a corner lot). The house is sold with the promise of a garage. There is no room for a garage. The house was placed by AGL.

Chair Folts announced that both Lakeville Estates and Morgan Estates owe the town quite a bit of money. The \$7,000 owed will be questioned if/when the Chair meets with Peter Bruckel and Supervisor Wadsworth.

CEO Maxwell explained Sessler's request for a STOP WORK ORDER because a garage being built was too large. The garage was built in the existing footprint. The permit was supposed to state "not to be used as another dwelling." It can be used as living space but not another residence. There is a bathroom and a great room only but there is no kitchen.

6. Adjournment:

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

David Woods made a MOTION to adjourn the meeting at 8 p.m.

Mark Shepard SECONDED the motion.

All in favor: Hank Latorella, Dwight Folts, Patti LaVigne, 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

From: Oberst, Jim [mailto:Jim.Oberst@mrbgroup.com]
Sent: Monday, May 10, 2010 4:07 PM
To: will wadsworth; Dwight Folts
Cc: jconiglio@underbergkessler.com
Subject: RE: Something interesting

Will,

Peter also inferred at the last Planning Board meeting that these pond changes were sprung on him at the last minute. Just for the record, here's a quick background on this issue:

November 4, 2009 - Morgan Estates, Phase 2 plans propose an on-site pond which would capture some, however not all of the developed runoff from this site. MRB review letter recommends that all drainage from this site be taken to the existing pond along Route 20A, since that pond was designed for the full build-out of the Morgan Estates development. We also noted that if they decided to send flow to this pond, however, not make the required changes to bring it up to Phase 2 compliance, then they would need to submit a Notice of Intent (NOI) to the DEC requesting a waiver. This waiver process is a 60 day review period in which the DEC could ultimately reject the requested waiver. This NOI also need to be filed prior to any site disturbance.

January 22, 2010 - Plan submitted for Morgan Estates at this time propose to use the existing pond, however, they only show minor modifications to the outlet structure and no other pond changes. Upon doing a site visit, we note that the information shown on the Land Tech plans is based on the original pond design drawing, however, it does not reflect the actual "as constructed" conditions. Based on this, we request that Land Tech perform an as-built survey to verify pipe sizes, materials and inverts, along with the pond volumes. As part of this submission, Land Tech provides a copy of the NOI, in which they indicate that this pond will be Phase 2 compliant (and therefore a waiver will not be requested). We provide comments in our review letter indicating changes that will need to be made to this pond to make it Phase 2 compliant.

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

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

March 22, 2010 - Revised plan shows regrading and an enlarging of the east pond (as currently proposed). It appears that a portion of the east pond upsizing is based on the results of the as-built survey which showed the pond to have insufficient storage volume based on the developed flow requirements.

So to answer your original question, in order for them to do something less than what is currently proposed, would require that they submit a revised NOI to the NYSDEC asking for a waiver on the Phase 2 regulations. Of course this is supposed to be done prior to any site disturbance, so I'm not sure what DEC's reaction to this would be (though I would guess not favorable).

James Oberst, P.E., LEED AP