

**Town of Geneseo Planning Board
Meeting Minutes
December 10, 2012
7:00 – 8:15 PM**

Members Present:

Dwight Folts, Chair
Tom Curtin, Vice Chair
Darcy Young
David Woods
Marcea Clark Tetamore, Esq.
Hank Latorella
Patti LaVigne

Others:

Ron Maxwell, CEO
Mary Calabrese, Esq.
Richard and Ceil Gray, Gray Family Partnership

Public Present: Chris Saunders, Georgie Ehmann, Shirley Cox, Helen Mavity, Mr. and Mrs. William Hollar, Gary Cox, Donald Ehmann, Lynn Rowly, Kevin Johnston, Dan and S. Pelot, Tony and Tamara Gullo

1. CALL TO ORDER:

The regularly scheduled December meeting was called to order in the board room of the Town Offices at 7:00 p.m. by Dwight Folts, Chair.

2. REVIEW OF MINUTES:

Chair Folts asked the board to review the November 19, 2012 minutes.

David Woods made the MOTION to approve the November 19, 2012 minutes as corrected.

Marcea Clark Tetamore SECONDED the Motion.

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

Opposed: None.

Abstained: Dwight Folts (Excused from November 19th meeting.)

MOTION PASSED.

3. CODE OFFICE REPORT:

Chair Folts asked Ron Maxwell, CEO, to report on Code Office activities. CEO Maxwell gave a report on some area construction. He has the plans for another Reservoir Road house to look over. Wegmans submitted a permit request for coolers. There are plans for changes to Walmart's in the near future.

4. VILLAGE PLANNING BOARD REPORT:

David Woods reported on the recent Village Planning Board meeting on November 28. New item on the agenda was McDonald's rebuild. The signage and color schemes are still under discussion. Items which will probably go to the ZBA are signage and access. The ZBA action will probably not occur until January.

5. PUBLIC HEARING for FINAL APPROVAL: Gray Family Partnership Stonehouse Drive 21-Lot Subdivision, Tax Map #91.44-1-10.1 and 91.44-1-10.2

Chair Folts opened the public hearing at 7:10 p.m. Richard A. Gray updated the board members on changes that the surveyor had made on the maps enabling them to be more readable. Lots 11 and 13 show the preexisting right of way on the maps. There is a typo which must still be corrected. Stonehouse Drive must show ingress and egress along the Drive. Discussion occurred about water and sewer which is almost impossible to place on the map said Mr. Gray. Liber numbers are in a footnote, however. The Town has water maps and the county has sewer maps. Several corrections will be made by the surveyor to the final maps which R. Gray will bring in for necessary signatures before filing.

Mary Calabrese, Esq., presented the proposed covenant (attached) to ensure private road maintenance. There were some questions from the neighbors (public present) involving this road maintenance and easements involving lots 11 and 13 and the 4907 W. Lake Road driveway. Attorney Calabrese said that the attorneys are composing a letter describing the covenant to go out to all prospective landowners. Each landowner will be responsible for 1/21 of road upkeep. The landowners will decide their own manner of upkeep enforcement for the road.

A private driveway for lot #13 would need DOT approval for a separate driveway. Questions came up regarding a lot owner's non compliance. If someone is not cooperative regarding their share of road maintenance, then it will be up to the property owners to come up with a remedial method, Attorney Calabrese explained. One solution is to sue in Small Claims Court. The meaning of maintenance was discussed. In the past it has involved stoning and snow removal. It could also mean paving if land owners agreed.

A question was asked of R. Gray whether there are any plans to further subdivide 4907 West Lake Road. The owner is not part of the Gray Family Partnership; however, there are no current plans for subdivision now or in the future. 4907 includes the equivalent of three lots which results in the lot owner sharing 3/21 of the road maintenance.

The average width of a lot is 35 feet and approved via a variance. Each lot with its home will be passed to future buyers on the existing footprint.

Discussion then occurred regarding the mechanism for road upkeep/maintenance. David Woods is concerned about the lack of a formal home owners association or other vehicle for maintenance. He does not find the proposed covenant from Attorney Calabrese to be adequate. Marcea Clark Tetamore said that a solution could be for the home owners to take a noncompliant home owner to Small Claims Court. Chair Folts asked D. Woods to explain further his wish for a Home Owners Association and the matter of enforcement of decisions. Hank Latorella wishes to legislate these decisions.

Patti LaVigne said she does not believe the Planning Board has the ability to enforce a requirement for a Home Owners Association. CEO Ron Maxwell said there are often problems with enforcement even with a Home Owners Association as there have been with Woodbine Park in the Village.

There being no additional comments from the floor, Chair Folts closed the public hearing at 8 p.m.

Patti LaVigne made the MOTION for FINAL APPROVAL of the Gray Family Partnership Stonehouse Drive 21-Lot Subdivision, Tax Map #91.44-1-10.1 and 91.44-1-10.2 with the following conditions from the approved November 19, 2012, Planning Board minutes:

- 1. With reference to lots 11 and 13, the plat must clearly show the actual easement for access to West Lake Road through 4907 West Lake Road.**
- 2. The access easement for other properties with access to Stonehouse Drive must be shown on the map.**
- 3. Water easements are shown on the Town maps. Sewer is shown on County maps.**
- 4. Evidence of a Home Owners Association or other vehicle approved by the Town Attorney is provided assuring maintenance of Stonehouse Drive.**
- 5. Reference to the ZBA approval date must be added to the map.**

This MOTION incorporates # 4 - the covenant from Mary Calabrese, Esq. dated December 10, 2012. (Attachment)

Darcy Young SECONDED the motion.

All in favor: Patti LaVigne, Darcy Young, Tom Curtin, and Dwight Folts.

Opposed: David Woods.

Abstained: Marcea Clark Tetamore and Hank Latorella.

MOTION PASSED.

Final maps will be brought in later in the week by Richard A. Gray who will obtain the necessary signatures.

6. NEW/OTHER BUSINESS:

The ZBA hearing regarding the sidewalks and other Hammocks' issues will be December 18.

Meeting dates for the year 2013 were then discussed and it was decided to change both the October and November usual dates due to legal holidays. The attached table of meeting dates with dates for agenda submittals was approved.

David Woods made the MOTION to approve the attached table with meeting dates and submittals.

Marcea Clark Tetamore SECONDED the Motion.

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

Opposed: None.

MOTION PASSED.

7. ADJOURNMENT:

There being no additional business, Chair Folts called for adjournment.

Patti LaVigne made the MOTION to adjourn the meeting at 8:15 p.m.

Hank Latorella SECONDED the motion.

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

Opposed: None.

MOTION PASSED.

Respectfully submitted,

Diane McMullan, Secretary
Planning Board
Town of Geneseo

dmm
Attachments

All 2013 Town Planning Board Meetings will be held at 7:00 PM in the conference room of the Geneseo Town Office Facility, 4630 Millennium Drive, Geneseo, NY.

Regular Monthly Meeting Date	Work Meeting Date	Agenda Deadline for Submission (Noon on the date below)
January 14, 2013	---	December 28, 2012
---	January 28, 2013	January 11, 2013
February 11, 2013	---	January 22, 2013
March 11, 2013	---	February 22, 2013
April 8, 2013	---	March 22, 2013
---	April 22, 2013	April 5, 2013
May 13, 2013	---	April 26, 2013
June 10, 2013	---	May 24, 2013
---	June 24, 2013	June 7, 2013
July 8, 2013	---	June 21, 2013
August 12, 2013	---	July 26, 2013
September 9, 2013	---	August 23, 2013
---	September 23, 2013	September 6, 2013
October 21, 2013	---	October 11, 2013
November 18, 2013	---	November 8, 2013
December 9, 2013	---	November 20, 2013

GRAY -- Long Point Subdivision

Proposed covenant

The Grantors herein also convey to the grantees herein an undivided one-twenty-first (1/21st) interest in common with owners of lots abutting and/or using for ingress and egress from West Lake Road the driveway known as Stonehouse Drive as shown on said map.

The Grantees hereby acknowledge that the above referenced Stonehouse Drive is a common private drive and, as such, it is not a public road or highway owned, maintained or otherwise the responsibility of the Town of Geneseo. Grantees hereby agree that the cost and expenses of maintenance, repair, and replacement of Stonehouse Drive is solely the private responsibility and obligation of the owners of lands reliant upon said Stonehouse Drive for ingress and egress to East Lake Road, and agree to hold the Town of Geneseo harmless for any claim for maintenance and replacement thereof. Grantees further acknowledge that the covenants contained herein are private property rights the enforcement of which are not the responsibility of the Town of Geneseo.

It is understood and agreed that as apart of the consideration for this transfer, the grantees herein for themselves, their distributes, executors, administrators, successors and assigns agree with the owners of all the other lots similarly situated that the owner of each lot shall pay a 1/21st share for the construction, improvement, maintenance, repair, upkeep and replacement in its entirety of said Stonehouse Drive;

It is further understood that this conveyance is made subject to the right of the grantees herein together with the right of all others similarly situated to use the lands conveyed in common including the right to install sewer and other utility lines and pipes together with any other use deemed to be in the common interest as determined by all property owners in a manner established by them;

It is further agreed that each land owner will pay 1/21st of any costs associated with said maintenance, construction and/or repair of said Drive together with 1/21st of any tax or other charge levied by governmental authorities against the lands owned in common.