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**Town of Geneseo
Zoning Board of Appeals
Dawn Aprile
Southwest corner of Lima Road/Volunteer Road intersection
The Hammocks @ Geneseo
tax map no. 81-1-2.81
Tuesday December 18, 2012**

Appeal by **Dawn Aprile**, appellant, from a decision of the Code Enforcement Officer and application for permission to construct a sidewalk in the proposed Hammocks @ Geneseo apartment project which fails to meet the Town's Design Standards: 1)Section 3F.(1)(a) sidewalks on both sides of the street changed to just one side; 2)Section 3F.(1)(b) sidewalks from each apartment entrance to the street to be eliminated; 3) Section 3F.(1)(C) curbed sidewalks to be eliminated. In addition, permission to subdivide the entire property so that two of the resulting lots will meet the required minimum lot width of 50 feet at the road frontage as per Section 106-13B(17)(d)(3)(a)(ii)(C) of the Town of Geneseo Zoning Code on property located in the vicinity of the southwest corner of the Lima Road/Volunteer Road intersection in theTown of Geneseo.

Board Members Present: **Chairman John Maxwell, Peter Palermo, Steven Haigh and Soren Thomas**

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Ron Hall**, Attorney for the Town, **Dawn Aprile**, applicant, **David Riedman** for Riedman Development Corp., and **Lincoln Swedrock** of BME Associates, Fairport, NY, (builders of the proposed project),

David Woods, 48 Westview Crescent, **Pat and Chad Putnam**, 16 Hawthron Cir.,
Mary d'Imperio, 17 Hawthorn Cir, **Linda Hamilton**, 4186 Lima Rd.,
Ann Monroe-Ballargeon, 4194 Lima Rd., **James Willey**, 45 Hawthorn Cir., **Rudi Muller**, 25 Hawthorn Cir.,
Don McLane, 38 Hawthorn Cir., **Rich Calnan**, 40 Woodine Park
Dwight Folts, 9 Oak St. **Ken Book**, 4490 Reservoir Rd.

Chairman John Maxwell opened the meeting at 7:34 and requested the green cards (certified return receipts from adjacent properties to the applicant). **David Riedman** said they were on his desk at work but would be brought to the Town Clerk tomorrow. **Chair John** explained nothing decided tonight would be official without the green cards.

Two letters were noted: from the Livingston County Planning Board with general concerns which were not specific to this application; and from the Village of Geneseo Board of Trustees who stressed keeping the Design Standard concerning sidewalks and curbing.

Unapproved minutes from the Town of Geneseo Planning Board meeting of November 19 were shared-one motion passed to recommend that the ZBA deny any variance to eliminate curbing separating pedestrians and vehicles at parking stalls areas. A motion to allow sidewalks on just one side of the road failed to pass.

At this time the Board members invited **Linc Swedrock and David Riedman** to the table. All Board members were aware of the site. **Linc** gave an overview telling of the balancing and compromising they have done with the Planning Board. Balancing the number of buildings and

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sidewalks and maintaining sidewalks. Sidewalks especially from each building to the road. Why a sidewalk from each apartment door to the street when each tenant can use the driveways. Thus a variance request.

Soren Thomas Driveways are 10' on the ends of the buildings and 24' doubles for the others.
Yes

Linc Swedrock continued. The project is trying to be green. The water coming off pavement is to go into the lawn area. Therefore no curbing to stop the water. There is 5' space between the sidewalks and the roadway. Positive drainage from the buildings meets DEC approval. The gray water goes into the sanitary. They treat runoff before it goes into the system. They need to allow it to filter in, through grass. They slow the rate of runoff before it reaches the retention pond using bioswales. The natural grass serves as a filter first to slow the water down. Curbs hold the water from draining.

Soren Thomas Did you do an impervious surface study? **Yes**

Dawn Aprile--SWEP permit from DEC. The pond was completed with MRB in 2000 and it does comply today.

Soren Thomas 35% impervious surfaces in this project. I'm concerned with the grading of the site. He then asked questions about the topo map.

Dwight Folts of the Town Planning Board--Topo was oked by the Town Engineer and MRB

David Riedman--We build from the ground up and we keep ownership. This project is looking toward empty nesters. For that population we try to eliminate changes in grade.

Dawn Aprile We have added extras to this project by giving each apartment a garage. This isn't typical. It is a departure from the typical standard. This is a 17 acre site and 9.9 is open space.

Linc Swedrock We are asking the sidewalks be flush with the driveways and the roadway to keep things green. There are internal catch basins. All then looked to the maps and those catch basins.

Dawn Aprile The 4th request is for parcel access. Phase one has 10 buildings, phase 2 will have 4 buildings and phase 3 will have 3 buildings. Premium Development will retain ownership of 2 & 3 and will sell to Riedman Corp later. If Phases 2 and 3 never happen, these parcels will be landlocked as they will not have road frontage on Volunteer Rd. Now is the time to be sure they have access and thus this request.

Dwight Folts, as an individual Thornapple has no sidewalks, no curbs and no driving in grass as this makes mudholes. Common sense should be used here--what is this vs retail development. A single sidewalk is sufficient in this development.

Chad Putnam of Thornapple. He studied these plans. He lived downtown in the Village where sidewalks were not plowed, salted and were neglected. Roads aren't. Where he lives now there is no issue with sidewalks as there aren't any. How about pervious pavement for pedestrian

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traffic? If future if you want another road coming in it is good to have an easement.

Jim Willey Presently I live with flush edge drives. I'm in favor of them.

Ann Monroe-Ballargeon As an adjacent property owner, safety is her concern. There could be kids living in these apartments. 300' setback from Lima Road.

Don McLean of Thornapple--I maintain flood insurance. Jaycox Creek needs to be cleaned. A freak rainfall and there will be flooding.

Chad Putnam The retention pond to Jaycox Creek is across the road. Concern for back flow?

Chairman John Maxwell directed the discussion to be focused on the issues at hand.

Rich Calnan Lives at Woodbine. Sidewalks should be on both sides. A 5' setback from sidewalk area to street isn't enough with kids. Without curbing, the snow plows will tear grass up. As for parcel access, he had no comment.

David Woods, as an individual, read a prepared statement disapproving all variances that deviate from the Gateway District Design Standards. He reviewed all section headings in the Standards and stressed this is the first significant project since the Design Standards were adopted and to maintain the integrity of the Standards, they should not be ignored or abrogated.

Dawn Aprile of Premium Development said Coast was the first project in the Gateway and this is the second. It is a departure from the norm in the amenities that are offered.

David Riedman responded to Design Standards. All possibilities couldn't be thought of. To navigate the maze of requirements and regs and local rules is their job. It is a balancing act. They are not trying to save money. They are trying to think green-no gutters on buildings, etc.

Soren Thomas --Will there be sidewalks on Volunteer for the project? **No** The project is internal and doesn't face Volunteer.

Chairman John Maxwell read the short form SEQRA. **Peter Palermo** moved that since the proposed action has been considered under SEQRA and has met the requirements for a Type II action, the proposed action is not environmentally significant. **Soren Thomas** seconded. Carried.

The Board decided to go through the 5 questions for each item separately.

A-Sidewalks; B-Sidewalks from apartments to road; C-Curbs; D-Easements

The **Board** then went through the 5 questions necessary for an area variance:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance?

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A. No **B. No** **C. No** **D. No**

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

A. Yes-put them in **B. Yes-put them in** **C. Yes-put them in** **D. No**

3. Is the requested variance substantial?

A. Yes, whole project **B. No** **C. Yes** **D. No**

4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

A. No **B. No** **C. No** **D. No**

5. Is the alleged difficulty self created?

A. Yes **B. Yes** **C. Yes** **D. Yes**

Steven Haigh moved denial of Variance 1 for sidewalks on only one side of the proposed road in this development. **Peter Palermo** seconded. **Carried.**

Peter Palermo moved approval of Variance 2 for no sidewalk from apartments to the road. **Steven Haigh** seconded. **Carried.**

Soren Thomas moved approval of Variance 3 for no curbs. **Peter Palermo** seconded. **Carried.**

Peter Palermo moved approval to subdivide the property as outlined. **Soren Thomas** seconded. **Carried.**

Chairman John Maxwell asked for approval of the corrected **Alderson November 13, 2012 minutes.** **Steven Haigh** moved and **Peter Palermo** seconded. **Carried.**

Peter Palermo moved that the hearing be closed and **ALL** seconded. Motion carried.

Meeting adjourned at 9 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.