

**Town of Geneseo Planning Board
Meeting Minutes
June 09, 2014
7:00 – 8:15 PM**

Members Present:

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

Others:

Ron Maxwell, CEO
Tom Viti
John Zatkiewicz, Cornerstone Baptist
Kenneth Horton, Cornerstone Baptist
Ted Lozier, Cornerstone Baptist
Karen Zulauf
Tom Burke, Livingston Country Club

John Battaglia, EnSol
Kristin Price, EnSol
Joe Bucci, Jr., Amer. Rock Salt

1. CALL TO ORDER:

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

2. CODE OFFICE REPORT:

Chair Folts asked Ron Maxwell, CEO, to give a monthly report. CEO Maxwell passed out a handout from Commercial Power Systems for a proposed standby generator to be located five feet from a building at Coast Professional. He asked for comments from board members. It was decided that plantings should be placed around the generator – specifically, shrubs between the generator and the road. CEO Maxwell will let them know. Cornerstone Baptist Church plans were reviewed for a Building Permit. GameStop plans to move into Genesee Valley Plaza. The Hammocks have been given one C of O already with another one probably later this week.

3. REVIEW OF MINUTES:

Chair Folts asked the Board to review the May 12, 2014 Planning Board meeting minutes.

Tom Curtin made the MOTION to approve the May 12, 2014 minutes as presented.

Darcy Young SECONDED the Motion.

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

Opposed: None.

MOTION PASSED.

4. VILLAGE PLANNING BOARD REPORT:

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

D. Woods said that the board had met on May 28. A Special Use Permit was renewed for a Pre-K on Lima Road. The old Balconi property was discussed. There might be a chiropractor's office located there under a "change of use" by the ZBA. This is a change of use seldom granted; it was in the former Town Code. No action was taken on Mavis Tire or the Cedarwood Subdivision.

Regarding the **Farmland Protection Plan** interviews with farmers will begin this week.

D. Woods plans to meet with the Consultant, John Steinmetz, next week regarding **Rezoning**.

5. FINAL APPROVAL for Site Plan Modification: Livingston Country Club, 1,396 sq. ft. Addition, 4436 Lakeville Road, Tax Map#81.-1-34.1

Thomas Burke came forward with photos showing where dining will be in the new location. There were also photos of the landscaping done on the north and west sides of the addition.

Tom Curtin made the MOTION for FINAL APPROVAL for Site Plan Modification for the Livingston Country Club 1,396 sq. ft. Addition, 4436 Lakeville Road, Tax Map#81.-1-34.1.

Darcy Young SECONDED the MOTION.

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

Opposed: None.

MOTION PASSED.

6. PUBLIC HEARING - FINAL APPROVAL: Site Plan Modification for Cornerstone Baptist Church Additions, Tax Map#81.00-2-30.2

The Public Hearing was opened by Chair Folts at 7:10 p.m. Those present were given an opportunity to make comments.

The revised 05/05/2014 plans were examined by Planning Board members. These were presented by several representatives from the church as Steven McElwain was not able to attend. The new plans show "dark sky compliant" for the site. CEO Maxwell came forward with the elevation drawings. These were also reviewed. New siding will be consistent with existing. Landscaping will consist of shrub plantings (e.g. evergreens). Concrete planters will be located in front of the additions with plantings similar to what is in front of the church now. Spruce or birch can be located on the corner.

There being no further comments from the floor, Chair Folts closed the Public Hearing at 7:30 p.m.

SEQR short form was done by the Planning Board. Part 3 was not done.

David Woods made the SEQR MOTION for negative declaration for this project. Based upon information and analysis, and supporting documentation, the proposed action will not result in any potentially large or significant adverse impacts.

Marcea Clark Tetamore SECONDED the MOTION.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

Tom Curtin made the MOTION to grant FINAL APPROVAL for the Cornerstone Baptist Church Additions to include east side, west side and parking lot, 4232 Reservoir Rd., Tax Map#81.00-2-30.2.

Marcea Clark Tetamore SECONDED the MOTION.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

7. CONCEPT/PRELIMINARY APPROVAL: Site Plan for American Rock Salt Rail Spur Extension, 5520 Route 63, Tax Map#98.-1-6.

Chair Folts asked for representatives to come forward to explain this proposal. Joe Bucci and John Battaglia presented plans to board members. These were plans originally approved in 1995. They are awaiting a letter from DEC to this effect regarding the original site plan approval.

This project is to be a 1,500 foot rail spur extension. Archeological issues will be resolved. Phase 1, 2 and 3 work was reviewed and approved 20 years ago. SEQR was done at that time with DEC as lead agency. At that time SHPO investigations were done with nothing found. County Planning Board approval was also obtained then. There is a nationwide permit for wetlands. Water quality certification will be obtained also. Plantings will be done.

Darcy Young made the MOTION for CONCEPT/PRELIMINARY APPROVAL for Site Plan for American Rock Salt Rail Spur Extension, 5520 Route 63, Tax Map#98.-1-6.

Tom Curtin SECONDED the MOTION.

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

Opposed: None.

Abstained: None.

Public Hearing will be Held June 23rd at 7 p.m.

MOTION PASSED.

8. FENCE LAW DRAFT.

The Town Planning Board received a letter from the ZBA requesting that the Board move ahead with this issue. There have been some concerns in the community, specifically from lake home owners at the Gray Home Owners Association where lessees recently became owners of the lake side homes.

David Woods expressed concerns about review by any boards.

There was then discussion among Planning Board members. Chair Folts continued to express the consensus of the board that this is NOT about the origin issue brought before the board first in May 2013. The issue brought the fact that the Lake District had no specific zoning codes to the attention of the Town Planning Board members.

It was recommended that building/fence applications for permits will go to the Code Enforcement Officer for approval, making it unnecessary for applications for fencing permits to go before the ZBA unless there are denials.

Marcea Clark Tetamore suggested that the Town Board receive the Planning Board Fence Law Draft (see attached). It was agreed that a moratorium may cause more concern and issues than passing the new fencing code for the Lake District.

D. Woods questioned where this will fit into the existing Town Code. Marcea Clark found the existing fencing code and suggested that the new code be placed under 106-16 A (1) (3) of the Town Code.

Marcea Clark Tetamore made the MOTION that the Town Board pass the following: that “Fences, walls or other structural screening elements” be added under section 106-16 A (1)(3) of the Town Code.

Tom Curtin SECONDED the MOTION.

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

Opposed: Bob Irwin.

MOTION PASSED.

The attached Fence Law Draft dated 06-09-2014 will be sent to the Town Board for review

and approval.

9. NEW/OTHER BUSINESS:

There will be a work meeting on June 23rd.

There was no New/Other Business brought up.

10. ADJOURNMENT:

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

Tom Curtin made the MOTION to adjourn the meeting at 8:15 p.m.

Marcea Clark Tetamore SECONDED the MOTION.

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

Opposed: None.

MOTION PASSED.

Respectfully submitted,

Diane McMullan, Secretary
Planning Board
Town of Geneseo

dmm
Attachment

TOWN CODE 106-16A (1) (3)
Planning Board 06-09-2014

Fences, walls and other structural screening elements.

- A. A building permit is required in the Lakeshore ("L") District prior to installation of a fence unless the New York State Agriculture and Markets Law prohibits local regulation of fences on properties directly engaged in normal agricultural activities in furtherance of active farming operations.
- B. Any fence shall have its most pleasant or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
- C. The height of all fences shall be measured from the average finished grade of the lot at the base of the fence. The height of the fence is not to exceed six feet.
- D. Fences six feet or lower in height are exempt from the setback requirements. Fences with a height in excess of six feet are permitted only in commercial and industrial districts and must be set back from the property line. In no case shall the height of a fence exceed its setback from an adjacent lot. The setback should be an additional one foot for every foot in height exceeding the six foot standard. The maximum fence height is twelve feet.
- E. Fences incorporating barbed wire, electric current or similar materials or devices shall be allowed only when necessary for agricultural or public utility operations and, unless part of an agricultural operation, shall be subject to a minimum ten-foot setback.
- F. The Planning Board, as part of site plan review, may require a fence or other screen to shield adjacent residences or other uses from undesirable views, noise or light.
- G. Fences shall be maintained to provide functional, visual and structural integrity.
- H. Fences designed to maim or injure prospective intruders are prohibited except as authorized in Subsection E above.
- I. No fences shall be erected in such a manner as to interfere with the visibility of pedestrian or vehicular traffic.

J. Special Fencing requirements for the Lakeshore ("L") District:

1. No fence erected on a lakeshore parcel shall unduly impair views to the lake from adjacent and other area side lots. Maximum fence height is 3 feet 6 inches (3' 6").
2. No fence shall be constructed beyond the 15' rear setback line specified for the Lakeshore ("L") District. Setback to be measured from lake elevation of 819 feet.
3. These restrictions under the requirements for the "L" District apply to hedges and other landscaped items which are located at property lines and are planted with the intent to act as fences and would restrict the view of the lake from adjacent properties.
4. These restrictions under the requirements for the "L" District pertain to all fences, hedges and other landscaped items that are constructed or planted from the date this law is enacted and forward. Fences, hedges and other landscaped items that were constructed or planted prior to the enactment of this law are exempt.