

**Town of Geneseo Planning Board**  
**Meeting Minutes**  
**November 10, 2014**  
**7:00 – 8:15 PM**

**Members Present:**

Dwight Folts, Chair  
Bob Irwin  
Darcy Young  
David Woods

**Others:**

Ron Maxwell, CEO  
Jim Oberst, Town Engineer  
Roxanne Baker, Coast Professional  
Joe Ardieta, Coast Professional  
John A. Anderson, Esq., McDermott Subdivision  
Bob Harris

Steven Goebel  
Catie Love

**Excused:**

Hank Latorella  
Tom Curtin  
Marcea Clark Tetamore, Esq.

**1. CALL TO ORDER:**

The regularly scheduled November 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 said that CEO Dean O’Keefe is currently out of the office having surgery. He continued that there are five buildings on Conesus Lake in various stages of construction in either Groveland or Geneseo. In the Village, “The In Between” received a variance for apartments. The Hammocks continue to move ahead with continued construction issues such as insulation, plumbing, etc.

**3. VILLAGE PLANNING BOARD REPORT:**

David Woods was asked to give a brief report to the board members. The Village Planning Board met on October 22<sup>nd</sup>. “The Statesmen” has applied for a permit for a smoking deck (in the back of the building). They will return at the next meeting after the matter has gone to County Planning. There was a sign application approved for a new attorney’s office. Another sign application was turned down due to lack of colors being specified. The significant item for discussion was the outdoor storage trailers at Walmart. For years the Village has given temporary approval but now a more permanent solution is desired. Walmart will most likely return to the Village Planning Board at the November meeting.

**4. REVIEW OF MINUTES:**

Chair Folts asked the Board to review the October 6, 2014 Planning Board meeting minutes.

**Darcy Young made the MOTION to approve the October 6, 2014 minutes as corrected.**

**David Woods SECONDED the Motion.**

**All in favor: Dwight Folts, Darcy Young, Bob Irwin, and David Woods.**

**Opposed: None.**

**MOTION CARRIED.**

**5. PUBLIC HEARING for FINAL APPROVAL of TWO-LOT SUBDIVISION for PREMIUM DEVELOPMENT (Dawn Aprile), Volunteer Road, Tax Map#81-1-2.8111 (portion) and FINAL APPROVAL of SITE PLAN MODIFICATION for COAST PROFESSIONAL PHASE 4 (15,000 sq. ft. building addition), 4273 Volunteer Rd., Tax Map#81.-1-82.2**

Chair Folts opened the above Public Hearing at 7:10 PM. Joe Ardieta, Vanguard Engineering, presented a diagram of the project again to the Board. Vanguard Engineering's latest response to Jim Oberst's comments was sent to MRB today; J. Ardieta said it was probably not yet received. He continued to discuss with the Planning Board the changes to SWPPP. Storm water quality will now be improved. The excess drainage will be to the east. The steepest grade of the project will be on the east side of the new parking. The water depth will not exceed six inches at any one time and it will be dry the majority of the time. J. Ardieta continued that the water can only remain at such a six inch depth for two days.

Jim Oberst spoke about the desirability of a storm water maintenance agreement with the Town. J. Ardieta said he has a standard agreement which he will submit to the Town Engineer. This was then discussed by board members. It was decided to send the resulting agreement to the Town Attorney.

Employees will access the main building from the new parking lot and J. Ardieta has, therefore, proposed a walkway in between the two parking areas. It is roughly 500-600 feet to the main building from the farthest parking space.

David Woods asked that the subdivision motion to divide Premium Development land into two lots (one = 4 acres and the second will = 67.8 acres) be entertained first.

Chair Folts asked if anyone present would like to speak. Since there were no comments from the floor the Public Hearing was closed at 7:25 p.m.

**David Woods made the MOTION for Final Approval of Premium Development's Two-Lot Subdivision, Volunteer Road, Tax Map#81-1-2.8111.**

**Darcy Young SECONDED the Motion.**

**All in favor: Dwight Folts, David Woods, Bob Irwin and Darcy Young.**

**Opposed: None.**

**MOTION CARRIED.**

**David Woods made the MOTION for FINAL SITE PLAN MODIFICATION APPROVAL for Coast Professional's Phase 4 (15,000 sq. ft. building expansion/addition), 4273 Volunteer Road, TaxMap#81.-1-2.82. This approval is to be contingent upon the following:**

- 1) The Town Planning Board receives a Storm Water Discharge Agreement which has been approved by the Town Attorney.**
- 2) The Town Planning Board receives notification that the easement between the two parties (Coast Professional and Premium Development) has been approved by the Town Attorney.**
- 3) The issues enumerated in the MRB November 7<sup>th</sup> letter from Jim Oberst are resolved.**

**The previous SEQR approval given to Coast Professional applies.**

**Darcy Young SECONDED the Motion.**

**All in favor: Dwight Folts, David Woods, Bob Irwin and Darcy Young.**

**MOTION CARRIED.**

CEO Maxwell remarked that the subdivision Mylar must come to the Planning Board Chair to be signed.

**6. CONCEPT/PRELIMINARY APPROVAL for the McDermott TWO-LOT SUBDIVISION, North Road, Tax Map#82.-1-16.111.**

Chair Folts asked the representatives for this project to come forward and present it to the board. John A. Anderson, Esq. presented the McDermott subdivision. Attorney Anderson asked for some insight from the Planning Board on final plat requirements. There are a total of 216 acres bisected by North Road. One hundred and seventy-nine acres are used for agriculture. Of the parcel on the left side of North Road 37 acres are to be retained by the McDermotts. Attorney Anderson submitted a sketch to board members. This was then examined. A new boundary line for the new subdivision parcel as proposed would be a Town highway. The current owners would like to avoid the expense of a survey as one was not required when they originally purchased the farm. The potential owners of the new subdivision are Donnan Farms and they also do not require a survey. It is their intention to farm this new parcel and later place it into the Ag District.

Attorney Anderson continued that the McDermotts do have a survey of the 37 acre parcel and this survey could be updated. The cost would be in the neighborhood of one to two thousand dollars with a survey of the entire farm amounting to possibly as much as 10 to 12 thousand. Chair Folts then asked board members to discuss the effects of a survey not being done. David Woods brought up the problem of precedent. CEO Maxwell suggested that a rough dimensional sketch on an actual survey could be done. Attorney Anderson was asked by Chair Folts to obtain actual estimates from the surveyor.

**Darcy Young made the MOTION to grant Concept Approval for the McDermott Two-Lot Subdivision, North Road, Tax Map#82.-1-16.111.**

**David Woods SECONDED the Motion.**

**All in favor: Dwight Folts, Darcy Young, and David Woods.**

**Opposed: Bob Irwin.**

**MOTION WAS NOT CARRIED.**

**7. NEW/OTHER BUSINESS:**

Chair Folts asked board members to examine the new proposed fencing code as it was distributed this evening. (See attached.) D. Folts' main concern was the height of the fence down to the mean lake water level. This height was proposed at four feet. David Woods suggested that all definitions be in one place and that changes be dated. A boundary line fence was discussed; most fences are for that purpose anyway. Chair Folts agreed to take the Planning Board comments back to the next meeting dealing with fences on the 13<sup>th</sup>.

**8. ADJOURNMENT:**

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

**David Woods made the MOTION to adjourn the meeting at 8:15 p.m.**

**Darcy Young SECONDED the Motion.**

**All in favor: Dwight Folts, David Woods, Darcy Young, and Bob Irwin.**

**Opposed: None.**

**MOTION CARRIED.**

Respectfully submitted,

Diane McMullan, Secretary  
Planning Board  
Town of Geneseo

dmm  
Attachment

Attachment:

§106.28 Lake Residential District Fence Regulation

A. Definitions:

- (1) "Fence" shall have the same meaning as contained in the definition contained in §106-6 of this Chapter.
- (2) "Lake Residential District" shall mean the "L" Zoning District as set forth on the Zoning Map of the Town of Geneseo pursuant to §106-8 of this Chapter.
- (3) *"Front" shall mean that portion of a lot facing either a public highway, or facing a private drive used for ingress and egress for more than one (1) residences*
- (4) "Mean Water Line" shall have the same meaning as "Mean Conesus Lake Level", set forth in §106-6 of this Chapter.
- (5) "Side Yard" as used in this Section shall mean that part of a lot which begins *at a point on a boundary line that is parallel to the rear portion of a Principal Structure and extends to the front set-back line.*

B. Permit Requirement:

- (1) No Fence may be installed or constructed in the Lake Residential District unless a permit has been issued by the Town Code Enforcement Officer.
- (2) No permit for a Fence shall be issued unless the proposed Fence shall comply with the standards contained in this §106-28.
- (3) An application for a Fence Permit shall be made to the Code Enforcement Officer on forms prescribed by the Code Enforcement Officer and shall be accompanied by a current survey map depicting the proposed location of the Fence *and also depicting the Mean Water Line.*

C. General Standards:

- (1) Each Fence shall be constructed so that the decorative side of the Fence shall directly face the abutting property line.
- (2) Any Fence constructed within fifteen (15) feet of the Mean Water Line shall be comprised of materials which are sixty percent (60%) transparent, *as viewed from an angle of Ninety (90) degrees.*
- (3) Fence materials for fences or portions of fences located fifteen (15) feet or greater from the Mean Water Line may be opaque.

- (4) Fences located between the Mean Water Line and the rear building line of a principal structure, including decks and porches, shall not exceed four (4) feet in height.
- (4) Fences located in Side Yards may have a height in excess of four (4) feet but shall not exceed six (6) feet in height.
- (5) Fences constructed in rear yards must be not less than fifteen feet from the Mean Water Line.
- (6) No Fence shall be constructed beyond the front yard setback line.

**Commented [JAC1]:** We need to come up with some kind of setback distance for the properties that front on private access drives. For properties fronting on public highways I assume you'll want whatever normally applies.

D. Variances:

- (1) Applicants claiming hardship may apply to the Zoning Board of Appeals for limited relief from the requirements of this section upon a showing of an unnecessary hardship which are entirely due to unique conditions and circumstances affecting only the lot in question, and which are not due to general conditions and circumstances affecting other properties within the Lake Residential District.
- (2) Prior to acting on an application for a variance, the Zoning Board of Appeals shall refer the application to the Planning Board for its review and recommendation.
- (3) Upon a showing of an unnecessary hardship, and a favorable recommendation from the Planning Board, the Zoning Board of Appeals may grant only the minimum variance necessary to grant relief from the hardship.

*Additional Discussion point: we should probably amend definitions already contained in §106-6 As Follows:*

**Fence-** A barrier made from fabricated building materials, of planted shrubbery or other natural vegetative growth placed or arranged as a line of demarcation between lots or to enclose a lot or a part of a lot. For the purpose of this chapter, a "fence" is a "boundary line fence" when the average center line of the vegetative growth or other materials is established on the lot line or within two feet of the lot line.

**Mean Conesus Lake Level-** the Mean High Water Elevation established by the New York State of Environmental Conservation pursuant to 6NYCRR §608.11.

*We should add the following definition:*

**NYCRR-** The New York Code, Rules and Regulations.