

Village of Geneseo
Zoning Board of Appeals
Public Hearing For
Genesee Valley Conservancy, Rep.: Benjamin Gajewski
Lima Road and Cavalry Road at the trail heads
Tax Map ID# 81.5-1-36 & 81.5-1-76.13
March 03, 2009, 4:30 p.m.
Meeting #1

Present:

Chair Carolyn Meisel
Gail Dorr
Marlene Hamilton
Paul Schmied
Thomas Wilson

Code Enforcement Officer:

Dean O'Keefe

Applicant:

Representative Benjamin Gajewski,
Genesee Valley Conservancy (GVC)
Oliver Chanler, Briar Patch LLC

Public Present:

Ronald & Pat Scott
Josephine Deragon
Mary Guinta

John Love
Maureen E. Schneider
Lawrence May

Chair C. Meisel opened the public hearing at 4:30 p.m. The public notice was read and Board members were introduced. It was noted proper notification was published; forty-nine (49) legal notices had been sent and forty-seven (47) receipts returned, one undeliverable. The Genesee Valley Conservancy (GVC) representative was invited to state his case.

B. Gajewski said signs were needed to identify the forty (40) acre nature preserve trails and as there are no buildings, a free standing sign is necessary. The Conservancy would like the signs to be as small as possible while still providing useful information and identifying the property. Currently O. Chanler's field fronting Lima Road is mowed but there is nothing identifying an access trail head at that location. The Conservancy would like to let everyone know they can access the preserve from there as well as from the main entrance on Cavalry Road.

Chair C. Meisel noted a number of public was in attendance and asked if any would like to comment at this time.

M. Schneider stated she was confused as to the location of the sign. She further wondered about the necessity of two signs versus one.

B. Gajewski said the GVC would like to place the sign at the entrance by the sidewalk on Cavalry Road and at the base of the trail on Lima Road. The nature of the preserve is that it is primarily used by those going for an evening stroll, walking the dog, bird watching, and other such activities. The thought was that this small preserve would mainly be accessed by pedestrian traffic from residents of Lima Road, Woodbine Park, Ivy Lane, and Melody Lane. Many do not know they can access the park through the

Briar Patch property and would be more likely to utilize the preserve if they did not feel they must drive to the main entrance on Cavalry Road or that they might be trespassing on private land.

J. Love commented the Lima Road entrance is not safe as it is difficult to cross Lima Road due to heavy traffic volumes and the lack of sidewalks and a cross walk near the trail entrance. He is concerned about possible accidents when those coming from the south side of Lima Road or Woodbine Park try to cross to the park entrance. Of further concern was the possibility of vehicles parking at the Lima Road entrance to access the park without a parking area.

O. Chanler commented he did not see traffic as being a large obstacle or that the preserve will draw much vehicle traffic. It is there primarily for the community to use. B. Gajewski remarked the GVC had considered both foot and vehicular traffic and problems walkers might encounter. The Conservancy has had dialogue with the Mayor concerning a potential crosswalk for this area. He was given to understand the idea would be considered during the Traffic Corridor Study now in progress.

M. Guinta asked who is responsible for maintaining the property and cleaning it. She expressed concerns over cars parking along Lima Road and property devaluation as the area is not kept mowed.

B. Gajewski noted he does much of the trail work himself. The mowing is on a rotating schedule and only done few times a season as the intent of the preserve is a forever wild area. There are volunteers who also help maintain the trails and remove garbage. O. Chanler stated the area is in better shape than it was before the Conservancy took it over. B. Gajewski noted bed frames and other debris had been removed as trails were laid out. Vehicles will be directed to the Cavalry Road entrance to park. It is a small residential area and there have not been more than one or two cars parked on Cavalry Road at any given time. Usually a vehicle parked there belongs to someone doing work there rather than those just enjoying the preserve. If parking becomes an issue, the GVC will install a gravel parking area at the main entrance. O. Chanler suggested the sign for Lima Road might note the parking is located at the main entrance on Cavalry Road.

M. Schneider wondered if the sign would also list park hours. B. Gajewski stated the hours are on the brochures at the trail heads and on the website. There are no lights as it is a forever wild area so usually the preserve is not frequented after dark.

J. Love did not see the need for a sign designating the trail head on Lima Road. B. Gajewski responded it is difficult to direct people to the property as there is no distinction from surrounding fields and the trail is difficult to find if one does not know where it is located. He often has to show people the Lima Road access. C. Meisel asked if a trail would be put in. B. Gajewski stated a path exists and there is no need for additional structural alteration as bushes define the area.

L. May asked why brochures for the trails were not readily available at the Conservancy office on the corner of Main and North Streets. B. Gajewski said brochures are available at the office and maps are on the website as well. However there is a need to identify the preserve as the Conservancy has other lands as well. Each nature preserve should be self-sustaining. L. May remarked the island of conserved property used to be a gathering area for kids who frequently cut across yards on Cavalry Road rather than using the trails. He would not like this to become a bigger problem. B. Gajewski replied the

GVC can not stop trespassing but people are directed to follow the trails and remain within the confines of the park corridor.

L. May expressed concerns regarding nuisance wildlife in his yard since the Conservancy has taken over and the land has reverted from tilled farm acreage to a wilderness area. He has many more snakes and mice in his yard now. B. Gajewski stated the purpose of a wild life preserve is to promote habitat for birds, deer and other wild life.

M. Schneider wondered how vehicle drivers would be directed to park on Cavalry Drive if they are already parked on Lima Road. She has concerns that three or more cars may park on Lima Road or on the grass to gain access to the trails and this is a potential hazard. J. Love reiterated his feeling that there is no good access from Lima Road but felt Cavalry Road as a quieter residential street was a better parking choice. He wondered if a parking area would be put in there. B. Gajewski commented GVC had considered putting in a gravel parking area but the cost was approximately three-thousand (\$3,000) dollars and could not see the financial outlay when most people using the preserve walk to it. If it becomes an issue in the future, the Conservancy will put in a parking area.

R. Scott noted he currently mows the Lima Road trail head access field next to his house. He is concerned that vehicles will start parking in that field and cut it up as it is a clay base and does not dry out except in August, October and September. The rest of the year it remains wet. B. Gajewski said the sign could indicate no parking on Lima Road and direct any vehicles to the Cavalry Road entrance.

M. Guinta stated she does not feel there is a need for the conservation area in the Village. B. Gajewski responded it provides an educational opportunity utilized by the Geneseo Central School students and the SUNY Geneseo students. Many other people find it rejuvenating to visit an oasis of calm and quiet in a busy world.

Chair C. Meisel returned to the discussion of the sign by suggesting it might be placed farther back from the roadway. G. Dorr commented most of the public in attendance seem to object to the Lima Street sign and suggested one sign be considered for the Cavalry Road main entrance to the preserve with trail markers being used to designate the trail entrance from Lima Road. B. Gajewski felt the Lima Road sign to be necessary to make Woodbine Park, Ivy Lane, Melody Lane and Lima Road residents aware that access to the Conservancy land is within walking distance. He feels many more people would use the area if they were aware of the Chanler property access. C. Meisel noted many people now mistakenly use Wm. Curry's long drive as park access and she feels the sign would eliminate this misunderstanding. R. Scott would like the sign to specify "no parking, walking trail only" to stop off road parking on Lima Road and he would prefer a brochure box attached to the sign rather than more verbiage. B. Gajewski thought the GVC could add this to the sign; there already is a brochure box at that trail entrance.

Chair C. Meisel commented the Livingston County Planning Board had responded with a decision of no significant countywide impact but did suggest parking along Lima Road should be avoided and GVC should provide details to the Village Zoning Board as to how the parking issue will be mitigated (letter dated February 26, 2009 and on file in its entirety). B. Gajewski noted the GVC had been in contact with County Planning and was aware of their concerns. M. Schneider stated parking still concerns her. B. Gajewski commented vehicles have not been a problem and there have rarely been more than one parked on Cavalry Road at a time other than at a one-time

promotional event for the property. O. Chanler said it is not illegal to park on Cavalry Road during the day time, the park is not in use after dark and he has only seen one car at a time there in past years. It would be an easy stroll from Ivy Lane or Woodbine Park to the preserve.

B. Gajewski remarked a sign would let the public know this land belongs to an organization and is not just fields. He had to ask hunters to take down a tree stand and not to hunt with bow and arrow last fall. Other people are afraid to use the trails thinking they might be trespassing on private land.

G. Dorr asked if notices had been sent to Cavalry Road residents as only Lima Road residents were in attendance. It was noted the Cavalry Road residents had been notified and those B. Gajewski spoke with verbally stated they did not have a problem with the signs.

M. Hamilton would like the sign to be smaller and less like a real estate sale sign; she did not care for the hanging chain and wondered if it could be constructed differently. The current design looks as if it would be easy to vandalize.

B. Gajewski said the Conservancy has been informed the current sign on Cavalry Road is illegal and the group would like to make it legal. He envisioned the sign being similar to the DEC signs directing people to public land access. The preserve is there for the public good but he would like people to be aware that it is owned by the Genesee Valley Conservancy through the generous land donation of Oliver Chanler.

Chair C. Meisel asked the size of the current Cavalry Road sign; one usually does not notice it when driving by. B. Gajewski said it is approximately two and one-half (2 ½) feet by one and one-half (1 ½) feet. There is more text on the current sign and it sets quite a ways back. The new sign is closer to the road showing the entry points to the trails and does not have as much text as the current sign. The information is now in the brochures that accompany the sign.

L. May inquired as to why the sign law was enacted into Village Code. Why are variances allowed if there is a clear law against something?

Chair C. Meisel answered people would build very large signs if allowed; especially some businesses. The purpose of the Zoning Board of Appeals is to look at matters that fall into the grey areas of the Code. There must be a rationale behind each decision. In this case, it is the need for a sign where there is no other reasonable means of putting up a sign other than by using a free standing one. L. May asked why a brochure box could not be located at the office on Main Street. Chair C. Meisel responded one can not see the preserve through the houses; the sign would be a means of letting the public know the trails are there. M. Guinta asked if there was access to the preserve from Westview Crescent. There is not other than from paths created by homeowners whose property backs to the area.

J. Love wondered how the GVC chose the sign placement and what is the right of way for the road. B. Gajewski said he looked at visibility from the road and the signs could be repositioned if necessary. The Lima Road sign is double sided and perpendicular to the road so it can be seen from both sides and the Cavalry Road sign has a blank back side. Code Enforcement Officer D. O'Keefe will check on the right-of-way but noted typically it is thirty-five (35) feet from the center of the road. Chair C. Meisel remarked the sign sets back enough on Lima Road to be a single sided sign but one would have to walk up to it to read it. M. Schneider wondered if the sign should be closer so that it

could be more readily seen. J. Love stated people stopping their vehicles to read it would cause accidents. He felt it should be placed farther back.

T. Wilson commented the preserve is a great public resource and has walked through it. It would be a community benefit to let people know they can access the land from Lima Road; especially, for those living on Woodbine Park and Ivy Lane who are within walking distance. However he would recommend discouraging parking along Lima Road.

B. Gajewski said he could see a need to emphasize that parking is available on Cavalry Road and not along Lima Road in the brochures and on the website. He noted there have been few issues in the last two years. These did not involve parking but rather hunters and snowmobiles trespassing on the preserve. In both instances, he talked with those involved and the matters were resolved. He is sure the same could be done should a parking problem arise.

T. Wilson suggested the Village Police Department could be made aware of the signage and potential parking problem. They would be able to issue parking tickets to any parked cars. This should be a deterrent.

O. Chanler wished the public to know that Cavalry Road was so named for the Geneseo Cavalry Regiment as they have nothing else in the community to commemorate them. When he bought the property, he had the option of putting in a two-hundred (200) house development and of putting a through road from Lima Road to Avon Road. Instead he chose to build a cul-de-sac with larger lots and to donate a portion of the land to the Conservancy to create a park like area. There is a right of way on the vacant lots for a sewer line but that is not part of the Conservancy property.

P. Schmied noted the dialogue had gone on for quite some time. The consensus was the sign is too large. Perhaps the GVC could review and modify it to a more modest size. He said the original sign presented would be fine on Cavalry Road but agrees with the public present regarding the Lima Road sign. Perhaps the Village needs to put up “no parking signs” at that location. It is important to identify where the trail begins but walkers do not need a sign of this size. He is not worried about drivers as most entering the preserve from Lima Road will be residents of the area. P. Schmied suggested the sign be reviewed and modified to indicate a walking trail and no parking available at that location.

M. Guinta asked who the contact person would be should problems arise. B. Gajewski stated that would be him. He can be contacted by calling the office and leaving a message (243-2190 –Genesee Valley Conservancy) or via email. If any one would like his business card and email address, he would provide it. He has done mailings to neighboring properties in the past and would like to address any problems and hear any concerns.

T. Wilson asked if it was clearly evident where the trail begins after one gets past the field R. Scott mows. R. Scott said there is a lane on the left side and on the right is no man’s land. B. Gajewski said it is fairly noticeable. T. Wilson suggested the sign might be set back to that point to let people know where to go. B. Gajewski asked how far back everyone would want the sign placed. D. O’Keefe commented the house set back after the thirty-five (35) feet from road center is another twenty (20) feet.

J. Love suggested the sign be placed on the other side of the boulevard and Code Enforcement Officer D. O'Keefe commented Village permission would be needed to do so.

G. Dorr wondered if O. Chanler intended to develop the other seventeen acres behind Lima Road. He responded he probably could do that but at this time, there is virtually no housing market. He is just paying property taxes on vacant land for now. G. Dorr asked if O. Chanler would be willing to put up a rustic fence or something similar to keep individuals from parking on the field; he noted if necessary, he could.

P. Schmied stated he had stopped and looked at the Lima Road access point and he would be reluctant to enter there if he did not already know it was the trail head. C. Meisel said there is a definite need for a sign.

B. Gajewski said he would redo the Lima Road sign and wondered if the Cavalry Road sign was acceptable as presented. M. Hamilton replied she is not in favor of it as it looks like a realty sign and looks as if it would pull loose from the chains too readily. D. O'Keefe suggested eliminating the chain and adding a second post. M. Hamilton felt this would be an acceptable improvement. O. Chanler said the current Cavalry Road sign sets back and has a lot of text on it. The proposed sign is more visible from the roadway. T. Wilson noted he would be for the Cavalry Road sign as presented with the extra post modification. B. Gajewski suggested the sign for Lima Road become a one-sided sign and be placed parallel to Lima Road. P. Schmied said the sign should note the access point is a walking trail and should have a brochure box.

B. Gajewski said he would revise the location and size of the Lima Road sign. T. Wilson suggested the GVC might want to canvas the neighborhood for their input. T. Wilson moved to table the public hearing until March 17, 2009 at 4:30 p.m. for further discussion and to review the revised signs. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; G. Dorr – aye; T. Wilson – aye; and P. Schmied – aye. The motion carried. Chair C. Meisel invited the public to attend.

P. Schmied moved to approve the minutes of the 11/18/2008 Kane-Muddy Waters Coffee House as presented. G. Dorr seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; G. Dorr – aye; T. Wilson – aye; and P. Schmied – aye. The motion carried.

P. Schmied moved to adjourn the meeting, M. Hamilton seconded the motion. All were in favor. The meeting adjourned at 5:32 p.m.

Debra L. Lund
Secretary