

Members Present:

David Woods, Chair
Dori Farthing
Jim Kernan

Other Village Representatives Present:

Code Enforcement Officer, Ron Maxwell
MRB Group Engineer, Kurt Rappazzo
Livingston County Planning Board Representative,
Stewart Leffler

Applicants Present:

Ric Ayling, **TYLIN**INTERNATIONAL - Geneseo Land Corporation – Cedarwood Estates Subdivision
Danny Carman – Danny’s Village Flooring – 35 East South Street
Krystyna Skrzypek - EuroCafé Real Food & Deli – 116 Main Street

Public Present:

Allan & Sue Bonnell – 11 Westhampton
Jason & Karin Sorge – 12 Westhampton
David & Hilda Geiger – 13 Steeplechase
Rebecca Christie – 10 Westhampton
Pat Viele – 4 Dorchester Drive
C. Vitello – 12 Steeplechase

1. Meeting Opened:

Chair David Woods opened the meeting at 4:30pm.

2. Code Enforcement Office Report:

January 2014

Building Permits	02
Sign Permits	05
Rental Housing	19
Fire Inspections	01
Avoidable False Alarm Violations	06
Misc. Violations	00
Temporary Structure/Tent	00

Code Enforcement Officer Ron Maxwell reported that he had received a call from Goddard Development regarding Mavis Discount Tire, but has not yet had a chance to return the call. MRB Group Engineer Kurt Rappazzo stated that he had received a call from Bergmann Associates regarding the same project and would like to update the Board on that in the meeting.

In regards to things happening out in the Town, the Hallmark store is in the process of relocating to Pondside Plaza next to Sears and the current Hallmark store will be split into two stores, Sally’s Beauty Supply and Kay Jewelers.

D. Farthing asked about the Hammocks project in relationship to Wal*Mart noting that some of the buildings within the Hammocks project have a “great view” of the west side of the Wal*Mart building where their storage trailers are placed. CEO Maxwell believed that the Hammocks project does call for an area within it to be a park like setting and a gazebo is planned but he believes that is closer to Lima Road than Wal*Mart. D. Farthing stated that when Wal*Mart appears again before the Board regarding their storage trailers, the Hammocks project should be taken into consideration. The Board agreed.

3. Town Planning Board Update – David Woods:

D. Woods reported that the Town Planning Board did not meet in February. However, he noted that the Town Zoning revision project is moving along.

The Town Planning Board does plan to meet on March 10th as a NYSERDA – New York State Energy Research and Development Authority representative will be presenting an overview of NYSERDA’s new construction program. The program is a State-funded program that through capital incentives and technical assistance helps design teams, building owners and all real estate stakeholders to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings. Chair Woods stated that the Village Planning Board members have been invited to attend this meeting also. CEO Maxwell wondered why NYSERDA would be presenting this type of information to the Planning Board’s as it relates to building code. D. Woods stated that the presentation of this material might just be apart of their general outreach program.

4. Livingston County Planning Board Update – Stew Leffler:

S. Leffler stated that the Livingston County Planning Board met on February 13th with the following agenda items:

Town of Avon:

The Town of Avon is reviewing a proposal to rezone two parcels on Lakeville Road from A-1 Agricultural and B-1 General Business to B-1 General Business. The proposal involves one parcel on Lakeville Road and adjacent vacant parcel to the north. The front portions of both parcels are zoned General Business, the rear portions of both parcels are zoned Agricultural. The proposal intends to extend the boundaries of the existing General Business District to include both whole parcels. This proposal was passed by the Livingston County Planning Board with advisory comments.

Town of Avon:

The Town of Avon is reviewing a site plan proposal for the construction of a 7,920 square foot shop addition at Lakeland Equipment to accommodate the new larger farm equipment. This proposal was passed by the Livingston County Planning Board with advisory comments.

Village of Geneseo:

As discussed at the January Village Planning Board meeting and on the agenda for tonight, the Cedarwood Estates Subdivision proposal was granted approval from the the Livingston County Planning Board with the following advisory comments:

- The Village should ensure all the necessary notifications are completed at least 10 days prior to the Village Planning Board Pubic Hearing.
- If not done already, the Applicant should submit an Agricultural Data Statement for the Village to review. It was noted that the statement was submitted on February 12th.
- The applicant should submit an Environmental Assessment form for the Village to review before final action is taken. It was noted that the new short SEQR form had been submitted on February 18th.
- If not done already, the Applicant should supply the Village with an updated Stormwater Pollution Prevention Plan that ensures that all stormwater facilities will be sufficient to handle existing and future stormwater from the proposed development.
- The existing stormwater facility is maintained by a Phase I Homeowner’s Association (HOA). The submitted information shows that the HOA owns the stormwater management facility, but it is currently owned by Geneseo

Land Corporation (the applicant). It is unclear how or if future phases will also be responsible for the maintenance of this stormwater facility. The Applicant should provide the Village with details on this.

- Phase II received a Certificate of Approval of Realty Subdivision plans from the Livingston County Health Department in 2007. Because the plans have changed, the revised plans may need to be reviewed by the Department of Health. The Applicant should check with the Department of Health to determine if a new review is required.

Mr. Leffler also reported that Heather Ferrero of the Livingston County Planning Department has been appointed Deputy Planning Director. The Transportation Connectivity Plan will be presented in March. The G&W railroad expects a grant for repairs from Caledonia to Mount Morris and other work from Mount Morris to Dansville.

The Livingston County Planning Department is examining the General Municipal Law regarding County Planning Boards. The Planning Department is questioning the language regarding what constitutes “deliberation” and if an otherwise excused member of the Livingston County Planning Board may respond to factual questions regarding matters under consideration. Until resolution of this concern, the Planning Department will contact the reporting municipal boards prior to the County Planning Board meetings to gather factual responses to anticipated factual questions in an attempt to be prepared for such questions that may arise at a meeting.

5. Danny’s Village Flooring – 35 East South Street – Sign Permit:

Danny Carman appeared before the Board with a sign permit application for two signs at 35 East South Street where he has recently opened a flooring business. He apologized to the Board for installing the signs without first getting a permit, stating that he was unaware he needed one as they are the exact same signs that were already on the building from the business that previously occupied the spot, he just put new faces on them. He stated that he has been in the flooring industry for over 17 years. One sign has been placed over the main entrance door and the other has been placed on the east end of the building. He realizes only two signs are allowed therefore one sign on the south side of the building has been eliminated. Chair Woods stated that he is a neighbor of Mr. Carman’s and has purchased goods from him in the past, but does not believe that is a conflict of interest. The Board agreed. With no further discussion, D. Farthing moved to approve two signs for Danny’s Village Flooring at 35 East South Street. J. Kernan seconded the motion and the motion passed with ayes from all.

6. EuroCafé Real Food & Deli – 116 Main Street – Sign Permit:

Krystyna Skrzypek, co-owner of EuroCafé appeared before the Board with a sign permit application for a double sided vinyl perpendicular sign over the café at 116 Main Street. The Board asked if the sign would be lit. Ms. Skrzypek stated that she believes the sign will be externally lit with at least one if not two goose neck type lights. The Board explained that the lights should be dark sky compliant. It was noted that per Section 130-91 D 2 of the Village Zoning Code the proposed sign shall be at least nine feet from the bottom of the sign above the ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic. Ms. Skrzypek stated that she was aware of this and did not believe the sign would be in violation. With no further discussion, J. Kernan moved to approve the sign as presented. D. Farthing seconded the motion and the motion passed with ayes from all.

7. Cedarwood Estates Subdivision – Sketch Plat, SEQR and Preliminary Plat Review:

Chair Woods started the discussion with a brief history on the subdivision. This subdivision has been in the works for a number of years. The developer, Mark VanEpps, Geneseo Land

Corporation would like to proceed with Phase II of the subdivision which was originally approved by the Planning Board in February of 2007 with conditions, but was never filed. Phase I of the project was approved and filed with the County Clerk and has several houses built on the lots.

This entire subdivision was approved in 1990 which included townhouses in Phase V. However, new Zoning has gone into affect that does not allow for townhouses in the Residential R-2 Zoning district as the previous Zoning Code did. Therefore, the subdivision as a whole must come back to the Planning Board for preliminary review and final review for Phase II. Phase V with the townhomes was considered cluster development which at the time required open space and a Home Owners Association or HOA. Now, open space is not a requirement. In reviewing the subdivision and all of its phases as a whole again, the Planning Board is trying to be sure that the future phases would comply.

At this time, Chair Woods explained the layout of tonight's meeting.

- 1st – Ric Ayling, TY Lin International, representing Geneseo Land Corporation will present the current plan which will include Phase II and any future phases.
- 2nd - Kurt Rappazzo, MRB Group Engineer representing the Village will go over his comment letter dated February 21, 2014.
- 3rd - There will be discussion and questions from the Planning Board to Mr. Ayling and Engineer Rappazzo.
- 4th - Although, tonight is not a public hearing, Chair Woods stated that if it is okay with the Planning Board (which it was), he would allow Jason Sorge to speak five minutes on behalf of the residents/property owners of Phase I of the Cedarwood Estates subdivision.
- 5th - Possible review and action on the short SEQR – State Environmental Quality Review.
- 6th - Possible preliminary plat approval.
- 7th - Possible scheduling of Final Plat Public Hearing for March 26th.

Ric Ayling, representing Geneseo Land Corporation stated that the original preliminary plat approval given on all phases was done prior to Geneseo Land Corporation taking ownership of the property. Phase I was completed and Phase II was given approval in 2007 with conditions, but was never filed because of poor market conditions. Market conditions have changed therefore, they would like to proceed with Phase II.

The roadway alignments as currently proposed are as they were originally proposed. However, a roadway has been added in the middle of the subdivision with building lots on both sides where open space was originally proposed. All lots in all future phases are for single family homes only and they foresee houses being built that are similar to those in Phase I. A Homeowner's Association (HOA) will not be required, but they plan to dedicate a piece of land in a future phase to the Village or the Genesee Valley Conservancy. Chair Woods stated that from his understanding, Mr. VanEpps has had an initial meeting with Ben Gajewski, Executive Director at the Conservancy regarding this. Mr. Ayling stated that is his understanding also.

Mr. Ayling continued stating that they plan to correct some drainage issues along the rear property line of the homes on Melody Lane by directing that storm water into the existing storm water management area. There is an existing private water easement that runs through the property; they are proposing to modify this by connecting it to the municipal main closer to the end use area. They believe that the end user will end up with better water quality and better water flow to their residence. The Village's Master Plan has been reviewed by the Livingston County Planning Department and Chair Woods in relationship to what is being presented and it was agreed that what is proposed is consistent with that plan.

Mr. Ayling continued by stating that their goal is to obtain preliminary approval tonight with the understanding that there is more engineering to do in hopes of being granted final approval in

March. A Zoning Board of Appeals hearing is scheduled for Tuesday, March 4th to obtain variances for Lot #'s 51-56 which do not meet the minimum allowed lot depth of 125' per Bulk & Use Table 130-131 of the Village of Geneseo Code. A variance not to exceed 6' in depth is sought for each lot. Each lot will be 119' long if the variance is granted which is keeping with the lot already developed in Phase I on Dorchester Drive and will keep the lots on Dorchester Drive in line with one another. In order to establish the lot depth of 125' a jog in the road would be needed which is not desired by the applicant or Village.

Chair Woods stated that what is being presented is the most current plan, noting that other layouts were presented that included cul-de-sacs which the Village is not in favor of, therefore to promote connectivity, a road through the middle of the subdivision is being proposed.

At this time, MRB Group Engineer Rappazzo reviewed his February 21, 2014 comment letter. Engineer Rappazzo stated that the site plan does not identify lots which are not in conformance with the Village Code and Design Standards, specifically those lots that exceed the 3-to-1 ratio for length to width or do not meet the minimum lot width measured 25-feet from the edge of the right-of-way. He noted that the Board has authority over these requirements, but wanted to make sure they were aware of any deviations they may be allowing. The corner lots along Dorchester Drive do not appear to be at least 10% wider than the interior lots as required. These lot lines should be reconfigured per Village Code. To whom is the strip of land between lots 33 and 34 being conveyed to?

Steeplechase needs to be shifted so that there is adequate separation between the roadway pavement and the deep trunk sewer. Engineer Rappazzo explained that this is a thirty year old sewer and there are no plans in place to replace it, but it is in the best interest of the Village and Developer to move Steeplechase. Mr. Ayling stated that he believes Steeplechase can be shifted approximately 10' which would not necessitate a variance. Engineer Rappazzo was in agreement.

A hydrant shall be provided at the end of the main near Lot 43. The hydrant located at Lot 20 shall be moved to the end of the Phase II main at Lot 22. To eliminate the dead end water main, the Village is requiring a connection to the distribution main to the west of the proposed project. Ideally, the Village would like to see a line run from the north end of the property west through the conservancy and sanitary sewer line and tie into the Village. Engineer Rappazzo stated the Conservancy would need to agree to this.

To prevent further ponding of water along the rear property lines of Melody Lane underdrains shall be provided in the rear yard swale along the western edge of the development, and any swale not meeting the required 2.0% minimum slope. A preliminary grading plan for the future phases shall be provided and storm water should flow away from homes and make it to the stormwater management facility. Storm water laterals shall be extended to each lot. Per Village Land Development Regulations, roof leaders and sump pumps shall only discharge to the storm lateral. The Homeowner's Association, which is responsible for maintaining the stormwater management facility, shall be extended to include the proposed and future lots.

At this time, Chair Woods asked for comments/questions from the Planning Board. D. Farthing asked for further explanation on the shifting of Steeplechase. Engineer Rappazzo explained that the road needs to be shifted approximately 10' so that there will be adequate separation between the roadway pavement and the deep trunk sewer. The sewer line is approximately 30 years old and even though there are not immediate plans to replace it, it is recommended that the roadway pavement be moved. Engineer Rappazzo and Mr. Ayling did not see a problem with shifting the road. D. Farthing also commented that she is glad to see that the drainage concerns along the rear property lines of Melody Lane are being addressed along with all other drainage concerns.

With the Board not having any more questions or concerns, Chair Woods asked if Mr. Sorge would like to address the Board.

Mr. Sorge on behalf of the residents of Cedarwood Estates had the following concerns:

The amount of traffic:

Mr. Sorge explained that the only ingress/egress is through Westhampton. Therefore, with a total of 76 lots times approximately 1.5 vehicles per residence, there would be approximately 114 vehicles using a single access. They would like to see a second ingress/egress added. Mr. Sorge compared this subdivision to the Woodbine Park subdivision that has only 64 lots with a two access points, Woodbine Park and Ivy Lane.

Chair Woods stated that per Village of Geneseo Streets Superintendent Jason Frazier, cul-de-sac streets were eliminated and Dorchester is proposed to dead end at the Chanler property with the idea of Dorchester continuing in the future, which would allow for a second access to the subdivision. However, Chair Woods did state that he did not know how realistic this idea is, but it does allow for future access. Mr. Sorge commented that when/if this ever happened, there would be bigger concerns such as this roadway now being used as a cut through from the Geneseo Central School.

The open space we were promised:

Mr. Sorge stated that he and the other residents now realize that the open space was eliminated because of the Village Zoning Code change, however, the current home owners were promised green space and many bought their homes based on this. The residents would like to recommend that the open space that was originally planned and promised be added back into the design as a forever wild space that essentially would be maintenance free, very similar to how it is currently.

Chair Woods explained that because of the Zoning Code change, this subdivision is no longer allowed townhomes or cluster development which required open space. He continued by explaining that with further phases, there could possibly be new Zoning Code changes which might allow for open space and can be considered as those future phases are developed. Phase II would not apply. CEO Maxwell stated that the Board and residents should keep in mind that with every new house, there is a recreation fee charged which is contributed to the addition of sidewalks where there are none and updates to Village parks.

Property Values:

Mr. Sorge continued with the resident's next concern of property values going down. Lot sizes should be comparable to those in Phase I. Lot sizes smaller than the lots of the existing homes would result in the building of smaller homes at lower sale prices. The lots proposed appear to be smaller than the lots on the original plans the residents were all given when they purchased their homes. Mr. Sorge stated that shallow depth lots limit the size home to be built as well as any kind of patio or deck to be added. Mr. Sorge noted that the Viele's that reside at 4 Dorchester Drive have a lot 6' shorter than Code and had to obtain a variance to put a deck on their home. Mr. Sorge also noted that the Nothnagle website advertised custom built homes smaller than 2000 square feet.

Chair Woods stated that the Board was aware of the Nothnagle Genesee Valley Pennysaver ads and did make them aware that Phase II had not yet been approved.

Retention Pond:

Mr. Sorge stated that some of the homes in Phase I have had water in their basements. They have concerns about the homes closest to the stormwater management facility and if storm water from Phase II will also be draining towards the pond and cause more moisture in their basements. Also, given the size of the development the residents have questions about who will be responsible for the maintenance of the retention pond.

Engineer Rappazzo explained that the existing storm water management facility is proposed to be deeper and store water. Mr. Sorge wondered if this would then cause backups from the pipes that drain directly into the pond back into the homes. Engineer Rappazzo stated that he was not sure, but asked Mr. Ayling to review this further.

Mrs. Vitello who resides at 12 Steeplechase stated that she has had major drainage issues and has had to hire a plumber. Mr. Geiger who resides at 13 Steeplechase commented that they are all very concerned about drainage and how the new phase of homes are going to affect the current homes. They are also concerned about maintenance of the pond. Chair Woods asked Mr. Ayling who would be maintaining the pond. Mr. Ayling stated that Phase II will be incorporated into the current

Homeowner's Association which is responsible for maintaining the pond. Mrs. Viele commented that nothing has been done to the pond. Mrs. Geiger stated that they pay into a Homeowner's Association every year and if the fee is not paid, interest and late fees are added to it. Mrs. Bonnell who resides at 11 Westhampton stated that a "black hole" exists between the Homeowner's Association and the residents that pay into it.

The residents wondered if the Village would assume responsibility of the pond. CEO Maxwell stated that the stormwater management facility is a requirement of the Department of Conservation, not the Village and he doubts the Village would ever take responsibility for it. CEO Maxwell explained that the developer is responsible for the Homeowner's Association until all the phases are built out and then he turns it over to the residents. Engineer Rappazzo stated that a Homeowner's Association can be turned over the residents at any time.

Access to Nature Preserve:

Mr. Sorge stated that the residents of Phase I would like direct access to the nature preserve and believes it would be a draw to the neighborhood. Chair Woods stated that between lots 33 and 34 in a future phase a direct access to the Genesee Valley Conservancy is proposed which would involve the cooperation of the Conservancy and the developer.

D. Farthing asked the residents how they feel about the size of the proposed lots as presented. Mr. Geiger stated that they seem to be comparable to the lots in Phase I, but there is definite concern about the size of the houses that are proposed in the future phases. Mr. Ayling explained that it is the developer's intent to build the same size houses which are currently in Phase I, the only change is that the lots are narrower, noting that originally there were 72 lots proposed including townhomes, but now there are 76 single family building lots proposed. Chair Woods confirmed that all the lots do meet the minimum square footage required by Village Code. Mr. Ayling commented that the lots are significantly larger than what is required by Code.

Mrs. Vitello commented that Mr. Ayling keeps saying it is the developer's intent to build the same size homes in future phases as there are in Phase I, but there is no guarantee that will happen. Chair Woods explained that it is not the responsibility of the Village to determine what size homes are built in the subdivision as long as the lots are in compliance with the Village Code, and that this matter would need to be taken up with the developer.

At this time, Chair Woods asked if the Board felt comfortable reviewing the SEQR application. J. Kernan as a new member was specifically concerned about how stormwater management was dealt with in relationship to SEQR, noting that he does not want to see it become a concern in the future. Engineer Rappazzo explained that the stormwater management plan as presented does not exceed that of which was originally approved. He does believe there are some spots within the subdivision that need to be looked at closer, but feels confident that those can be dealt with on an individual basis.

Part I of the SEQR Short Environmental Assessment Form was reviewed. #2 asks: "Does the proposed action require a permit, approval or funding from any other government agency?" Mr. Ayling had it marked "No" but the Board believed that it should be marked "Yes" noting that a variance was being requested from the Zoning Board of Appeals. Mr. Ayling amended this by writing in Village of Geneseo Zoning Board of Appeals and signing and dating it.

#8 asks: "Will the proposed action result in a substantial increase in traffic above present levels?" D. Farthing wondered if this should be marked "Yes" instead of "No" considering the neighbors concerns about increased traffic and only one ingress/egress. CEO Maxwell noted that at the time the subdivision was initially approved, he does not believe that increased traffic was a concern. He also stated that CEO O'Keefe had spoken with Fire Chief Chanler who was not concerned about a single ingress/egress. Chair Woods also explained that he believes that it should be taken into consideration that there will not be a substantial amount of traffic added to Lima Road. It was agreed that this question would be kept marked as "No".

Part II of the SEQR Short Environmental Assessment Form was reviewed. The Board agreed to mark question all twenty questions as “No, or small impact may occur.” With no further discussion, D. Farthing moved to grant a negative declaration based on the information and analysis, and any supporting documentation and that the proposed action will not result in any significant adverse environmental impacts.” J. Kernan seconded the motion and the motion passed with ayes from all.

With no further discussion, J. Kernan moved to grant sketch plat and preliminary plat approval to TY Lin International on behalf of Geneseo Land Corporation for Cedarwood Estates Subdivision and Phase II which contains eleven single family home building lots with the following conditions:

1. Approval from the Village of Geneseo Zoning Board of Appeals for all necessary variances.
2. All issues and concerns that are in Village Engineer Kurt Rappazzo’s February 21, 2014 letter be satisfactorily addressed.

D. Farthing seconded the motion and the motion passed with ayes from all.

Chair Woods stated that the next step would be to schedule a public hearing for final plat review for Wednesday, March 26, 2014 @ 4:45pm. Chair Woods stated that he does not believe the Board would be considering final approval that evening unless all the t’s are crossed and the i’s are dotted.

Chair Woods asked if there were any further questions. Mr. Ayling stated that it is the developer’s intent to preserve the character of the Village. Mrs. Viele commented that she does not know how the developer is going to build houses comparable to those in Phase I on Dorchester Drive with narrower lots. She continued by stating that her lot is barely large enough for her very small house and in order to put a deck on the rear of the house a variance was needed. Chair Woods stated that the Board was aware of the variance the Viele’s had to obtain.

With no further discussion, Mr. Ayling and the neighbors thanked the Board and left the meeting.

8. Mavis Discount Tire – 4181 Lakeville Road:

Engineer Rappazzo stated that he had received an updated set of plans from Bergmann Associates in regards to the Mavis Discount Tire site on Lakeville Road. It was noted that Secretary Mack and CEO Maxwell had not yet received an updated plan for their files. Engineer Rappazzo stated that he would like the Board to review the updated plans in relationship to the approval granted by the Planning Board on August 28, 2013. The Board briefly reviewed the set of updated plans Engineer Rappazzo presented. The Board then agreed that the plan should be looked at page by page by a couple members of the Planning Board, Engineer Rappazzo and CEO’s Maxwell and O’Keefe.

Chair Woods did note that it is the Village’s intention to send a letter to National Realty, the owners of the property behind and to the west of the Mavis Discount Tire property when this project has been completed to encourage them to make the connection between to the two properties.

A meeting was set for Wednesday, March 12th at 9am in the Geneseo Building to review the updated plans.

9. Meeting Closed:

D. Farthing moved to close the meeting at 6:08pm. J. Kernan seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary