

Village of Geneseo
Planning Board

March 26, 2014
Regular Meeting & Public Hearing

Members Present:

David Woods, Chair
Matt Griffo
Sue Richardson
Dori Farthing
Jim Kernan

Other Village Representatives Present:

Code Enforcement Officer, Dean O’Keefe
MRB Group Engineer, Kurt Rappazzo
Attorney J. Thomas Reynolds
Livingston County Planning Board Representative,
Stewart Leffler

Applicant Present:

Rick Ayling, **TYLIN** INTERNATIONAL - Geneseo Land Corporation – Cedarwood Estates Subdivision

Public Present:

Jason Sorge – 12 Westhampton	David & Cristina Geiger – 13 Steeplechase
Pat Viele – 4 Dorchester Drive	Steve Vitello – 12 Steeplechase
Tom Wilson – 9 Kimberly Drive	William Drain – 243 Lima Road
Carol Carey – 2 Melody Lane	Rocio Valencia – 16 Steeplechase
Jani Lewis – 11 Steeplechase	
Brennan Mix – 6 Westhampton, Representing Parents Gary & Heidi Mix	

1. Meeting Opened:

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

2. Meeting Minutes:

The January 22, 2014 meeting minutes were reviewed. M. Griffo moved to approve the minutes as presented. S. Richardson seconded the motion and the motion passed with ayes from D. Woods, M. Griffo, S. Richardson and D. Farthing. J. Kernan abstained as he was not a member of the Board at that time.

The February 26, 2014 meeting minutes were reviewed. J. Kernan moved to approve the minutes as presented. D. Farthing seconded the motion and the motion passed with ayes from D. Woods, D. Farthing and J. Kernan. M. Griffo and S. Richardson abstained as they were not present at the February meeting.

3. Code Enforcement Office Report:

February 2014

Building Permits	03
Sign Permits	02
Rental Housing	00
Fire Inspections	02
Avoidable False Alarm Violations	02
Misc. Violations	00
Temporary Structure/Tent	00

Code Enforcement Officer Dean O’Keefe reported that The Hammocks are moving forward quickly as they are ready to start their 5th - 10 Unit building and a 30’ X 30’ storage building for mowers and other maintenance equipment.

The Hallmark store has moved out of the Genesee Valley Plaza and will be opening soon in the Pondside Plaza next to Sears and the hair salon. The vacant spot left by Hallmark in the Genesee Valley Plaza has been split into two stores, a beauty supply store and jewelry store.

4. Town Planning Board Update – David Woods:

D. Woods reported that the Town Planning Board met on Monday, March 10th, but he was not in attendance. Agenda items included a brief description of Peter Bruckel’s proposal to build townhomes behind the Genesee Valley (Wegman’s) Plaza. However, D. Woods stated that there are no setback requirements in the current Town Zoning Code for townhouses, so the Code would need to be amended.

D. Woods reported that the steering committee for the Town Zoning Law Revision met recently and is currently concentrating on the Commercial and Industrial Zoning districts. The next district they will concentrate on is the residential district.

5. Livingston County Planning Board Update – Stew Leffler:

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

Town of Lima: Zoning Amendment in the Lima Code.

Town of Groveland: Site Plan Modification for an additional salt storage pad at American Rock Salt.

Town of Conesus: Applicant Christopher Maggiulli for a Use Variance and Site Plan Review for a calibration laboratory on Niver Road.

Town of Nunda: Site Plan review and Area Variance request for a 32,000 square foot manufacturing facility on Route 408 for Once Again Nut Butter.

6. Cedarwood Estates Subdivision & Public Hearing:

Chair Woods stated that the Planning Board had given preliminary approval to the Cedarwood Estates Subdivision on February 26th with a condition that all necessary variances were granted by the Zoning Board of Appeals and all issues and concerns that were in Village Engineer Kurt Rappazzo’s February 21, 2014 letter be satisfactorily addressed. On March 4th, the Zoning Board of Appeals did not grant a variance to Cedarwood. Therefore, there is a new subdivision plan before the Board tonight that does not require any variances, therefore eliminating one of the preliminary approval conditions. Chair Woods also explained that an internal meeting was held last Friday, the 21st with Attorney Reynolds, MRB Group Engineer Kurt Rappazzo, CEO D. O’Keefe, Secretary Mack and himself. Village Streets Superintendent Jason Frazier was unable to attend, but he and Engineer Rappazzo had discussed the project prior to the internal meeting and again stated that the Village does not want cul-de-sac streets or dead end streets.

Chair Woods opened the Cedarwood Estates Subdivision Public Hearing at 4:45pm.

Mr. Ayling began his presentation with a brief history of the project. Mr. Ayling stated that he on behalf of Geneseo Land Corporation is seeking final approval for Phase II of the Cedarwood Estates Subdivision. Phase II was originally approved in 2006, however, it was never filed with the County Clerk, therefore making it null and void. In light of the Zoning changes made by the Village, Geneseo Land Corporation had to revise its plan and eliminate the townhomes, therefore eliminating the need for open space. The revised plan essentially affects future phases of the subdivision not Phase II.

Mr. Ayling continued by stating that he had originally met with Village staff in December to discuss what the requirements were and the changes in the Zoning Code. He appeared before the Planning Board in January for sketch plat review. On February 13th, he appeared before the Livingston County Planning Board and on February 26th was granted preliminary approval from this Board with conditions. What is being presented tonight is very close to what was presented on February 26th. On March 4th, he appeared before the Zoning Board of Appeals for an area variance request for six lots on Dorchester Drive that did

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 six (6') feet in depth was sought but denied.

The following updates have been made to the plan which is being presented tonight:

-Steeplechase has been moved to the west to the edge of the easement. This results in all of the Phase 2 lots being 80 feet in width minimum.

-All of the corner lots have been increased to 10% wider than the typical interior lots. Typical interior lots are 75ft. Therefore, the corner lots have been increased to 83ft minimum. This resulted in one lot being removed from the south side of the proposed future interior roadway. The total number of lots proposed currently is 75 (including Phase I).

-The Dorchester right-of-way has been shifted to provide the minimum code required lot depth of 125ft. An additional right-of-way easement is proposed on the east side to cover the sidewalk. A notch is provided in lot #56 to provide the required 60ft right-of-way at the beginning of the future phase. This is required due to the existing configuration (offset) of the lot lines of lots 7 and 8. It is our understanding that this lot (56) complies with the code because a compliant lot will fit within the proposed lot.

i.e. the 119.19ft deep section adjacent to the notch is not required, and is excess area.

An example layout for Lot #56 is also being presented that demonstrates the adequacy of the lot to provide a suitable home consistent with the neighborhood. This is the smallest lot in the subdivision, and easily supports a larger home, deck, garage, and shed.

Engineer Rappazzo stated that at this time, he has briefly reviewed the new plan, but has not yet reviewed the technical aspects of the plan. There has been some discussion about the concern of Dorchester Drive continuing to no where; however, it is very unlikely that any development might happen past that area and J. Frazier would prefer this type of layout over a cul-de-sac type street. Engineer Rappazzo stated that J. Frazier was in support of the variance and he does not have any concerns with shifting the right-of-way as long as all the appropriate easements are filed so that the Village can legally access all utilities. Engineer Rappazzo noted that this is a shift of the right-of-way on paper only, and that the location of the pavement would not change.

Engineer Rappazzo stated that he does have some concerns with not tying in downspouts to the municipal storm sewer system. Village Land Development Regulations and Public Works Requirements states that roof leaders and sump pumps shall only be discharged to the storm lateral. However, new DEC regulations call for storm water to be discharged on land. Engineer Rappazzo stated that he will work this out with Mr. Ayling and DEC.

At this time, Chair Woods asked for comments or questions from the public, explaining that all questions or comments should be addressed directly to the Board and that he asks that any public wishing to speak state their name and address for the record.

Steve Vitello stated that he resides at 12 Steeplechase. He asked for clarification on the lots along Dorchester Drive that no longer need an area variance. Chair Woods asked Engineer Rappazzo to clarify this. Engineer Rappazzo stated that a variance is no longer needed because the right-of-way along Dorchester has been moved to the west approximately 6' making each of those lots originally needing variances meet Code requirements. This is not a change in the physical location of the roadway but it is a change in location of the right-of-way which easements to the Village will be required.

Mr. Vitello continued by stating that he and other neighbors have some general concerns about the size of the proposed lots, noting that it was his understanding that all lots within the subdivision except for where the townhouses were proposed would be around the size of his lot or bigger and that the houses built would be equal to or greater than the value of his home. The types of homes the developer is advertising are half the size of his. He believes this will have a huge impact on the assessed value of his home if and when he goes to sell it. Chair Woods stated that the Village has no control over what is being advertised or what type of home is being built as long as all Code requirements are being met.

Rocio Valencia stated that she resides at 16 Steeplechase and she echoes that of what

Mr. Vitello has stated. She also commented that her experience with the developer was horrible and that a lot of what the developer promised has never happened.

Tom Wilson resident of Kimberly Drive asked about the large lot with the right-of-way out to Lima Road. Engineer Rappazzo stated that an approximately 30-year old sewer line runs under there and it is his understanding at this time that the Village has no plans to relocate that sewer.

Mr. Wilson wondered if an access road could be built there in the future as there appears that when the subdivision is completely built out there will be a lot of traffic on one single access road. Engineer Rappazzo stated that the Village does not want a road built over the sewer line that is located there. Also, Chair Woods stated that Fire Chief Andrew Chanler has stated that he does not see a problem with emergency vehicle access with only access road.

Pat Viele who resides at 4 Dorchester Drive stated that when she attended the Zoning Board of Appeals meeting she thought on the map there was some type of an access to the Conservancy land. Chair Woods asked Mr. Ayling to point out on the map where that is proposed and Chair Woods explained that this access is planned in a future phase not Phase II.

Carol Carey who resides at 2 Melody Lane stated that she had the same question that Mr. Wilson had and at this time, does not have any further questions.

Mr. Drain who resides at 243 Lima Road stated that he has no questions or comments at this time.

Brennan Mix who resides at 6 Westhampton with his parents Gary and Heidi Mix read the following letter into the record from his father Gary Mix dated March 26, 2014:

I am writing to voice my concern and my opposition to the requested changes for the development of Cedar Wood Estates.

My wife and I are very pleased to have moved back to Geneseo (almost 5 years ago) as we have always loved the community. I was fortunate to grow up in the village and attend Geneseo Central School. There always appeared to be a healthy balance in the village that contributed to the quality of life we all enjoy. I had the good fortune to serve on the Pembroke Town Strategic Plan update committee. As a committee we reviewed many of the variables that contribute to healthy and stable smaller and rural communities. Factors such as the type and availability of housing, the percentage of homeownership, entry level, mid-career and upscale housing as well as factors such as residents feeling validated, believing they had a voice that would be heard and respected within the community, prior agreements being honored are all quality of life factors.

When we made the decision to purchase our house at 6 Westhampton, we did understand that at some point there would be additional development however that approved development was based on larger lot sizes. To further reduce lot sizes for the developer's planned profit has serious considerations. It violates the previous approval and could be harmful in respect to property values for existing homeowners. Additionally between the many apartment complexes, and the availability of entry level houses, it would appear that the market for slightly larger lots and house sizes would be desirable for the stability of the village. Larger and therefore fewer lot and house sizes would also have a less negative effect on traffic flow. When we did move back to Geneseo, I was surprised at the traffic and the speed of traffic on Lima Road. With the addition of the Hammocks traffic will only become even more intense. You have an opportunity to minimize what will be a growing problem in the future by maintaining the original agreement with the developer.

Finally a developer's wishes should not supersede the desires of residents with the affected neighborhoods. I encourage you to not approve the requested modifications to the approved plans.

Thank you for listening, I am looking forward to hearing the outcome of this process.

Engineer Rappazzo clarified that a Zoning change by the Village is why the changes to the subdivision as once approved has now been presented. Chair Woods stated that a lot of what is being discussed goes back to the Village Zoning Code update made in 2008-2009. Among those changes, was the elimination of townhomes in this zoning district. Townhomes were a part of a future phase of this development and open space was a requirement of having townhomes in a subdivision. Therefore, with

townhomes no longer being allowed, the developer has presented a new plan which does not include open space.

David Geiger who resides at 13 Steeplechase stated that his concern is with construction debris. Where will construction debris be disposed of, noting that there has been a history of this type of material just being disposed of in the undeveloped parts of the subdivision? Also, in the past there was a large steep pile of top soil that became a dangerous condition.

Cristina Geiger stated that she resides at 13 Steeplechase; she commented and questioned why the zoning changed as she and her husband purchased a house in this subdivision with the understanding that there would be beautiful open green space. She does not understand why the zoning is not supporting the residents.

Jason Sorge who resides at 12 Westhampton commented that even though the open space is no longer required it does not mean that they cannot have it. Chair Woods stated that this was correct. Mr. Sorge continued by expressing his concern with the storm water maintenance pond and what new roads and houses will do to the existing pond. He stated that currently the water line in the pond is approximately 6" below the drainpipe into his basement. Engineer Rappazzo responded stating that the pond will be brought into compliance and that the pond was originally built to mitigate full development of the site.

Janie Lewis commented that she resides at 11 Steeplechase she is also concerned about flooding issues. She continued by stating that before moving to the Cedarwood Estates subdivision she lived in Woodbine Park, but Woodbine Park has two access roads. She understands that the Fire Chief is not concerned with accessing the development but her concerns go beyond that, there is going to be a significant amount of traffic using one access point. Similar subdivisions within the Village have two access points, this one does not.

Chair Woods stated that because of the slight redesign to the subdivision a full set of plans have not been submitted or reviewed by Engineer Rappazzo or the Board. Therefore, he does not anticipate the Board taking any action tonight and does anticipate that the Board will make a final decision until all plans have been reviewed and all of Engineer Rappazzo's concerns have been addressed.

Chair Woods asked for any other comments or questions.

Rocio Valencia stated that she agrees with Mrs. Geiger regarding the zoning change which they as homeowner's were not made aware of.

Jani Lewis commented that she agrees with Mr. Sorge in regards to the open space, even though it is not required per Code, they could still have it.

With no further questions from the Public, Chair Woods asked if the Board had any more questions while the Public Hearing was still open. M. Griffo wondered if it would be appropriate to keep the public hearing open for written comments. Chair Woods and the rest of the Board did not see a problem with this. Therefore, it was agreed that the Public Hearing would remain open for written comments only which could be submitted no later than Wednesday, April 2, 2014 by 4:30pm.

Mr. Sorge asked for clarification on whether or not another public hearing would be planned for final approval. Chair Woods explained that one is not required and he does not anticipate another public hearing being held unless there is a major change in what is currently being proposed.

Chair Woods stated that the Public is welcome to stay, but that the Public Hearing part of the meeting is over and that the Board was going to continue with their discussion about the project with Engineer Rappazzo, Attorney Reynolds, CEO O'Keefe and Mr. Ayling.

As brought up by a resident of Cedarwood, there have been concerns in the past with construction debris and the large pile of top soil noting that the Code Office had a struggle with the developer to get these items taken care of properly. Attorney Reynolds stated that these types of issues create a liability for the owner and it would be in their best interest to get them taken care of as quickly as possible.

The Board asked if there would be an erosion and sediment control plan for Phase II and future phases. Engineer Rappazzo explained that a Stormwater Pollution Prevention Plan is required per DEC regulations. The plan must include a concrete waste disposal area where the trucks are washed off before

heading back out onto the main road. The Board wondered if DEC would be inspecting the subdivision for these items. Engineer Rappazzo stated that DEC now leaves it up to the local Code Enforcement Office to handle. Engineer Rappazzo also stated that a Letter of Credit will need to be issued and could be used an enforcement tool.

The Board asked if the jog in the road will now require manholes to be placed in the street. Engineer Rappazzo stated that the actual pavement is not shifting; this again will be done on paper within the right-of-way and easements granted to the Village. All utilities will be in the boulevard area.

Chair Woods stated to Mr. Ayling that he does not believe it is the Village's responsibility to get involved with the disputes between the developer and land owners. However, he would like Mr. Ayling to convey to the developer that it is clear from the public hearing comments that a problem does exist and he hopes that the developer takes this to heart and addresses it. The Board agreed.

The Board asked if there would be any deed restrictions such as a minimum square footage requirements of homes. Mr. Ayling stated that he did not believe so and Attorney Reynolds stated that this is not a requirement of the Village Code.

The Board asked about the need for a retention pond within a subdivision of this nature. Engineer Rappazzo explained that it is a requirement of DEC, noting that original DEC guidelines for a subdivision accounted for a 10-year or 25-year flood, however, now DEC requires a stormwater maintenance pond to accommodate for as little as a 2-year flood. Discussion followed relating to stormwater management and the water quality and water quantity requirements per DEC. During this discussion, Mr. Sorge made the Board aware that some home owner's within the subdivision have been required to pay into a Homeowner's Association and he has not. The Board questioned whether or not a second stormwater management pond would be a benefit to the overall subdivision. Engineer Rappazzo stated that there will be modifications made to the current facility again noting that the current facility was built to handle all phases of the subdivision.

The Board asked what was going to happen to Mr. Sorge's basement considering the water line in the pond is approximately 6" below his drain outlet. Mr. Ayling stated that this is not an uncommon occurrence which could be mitigated with a check valve that the developer could supply. D. Farthing asked if the Board should be concerned about safety issues around the pond.

M. Griffo stated that the Board has had this discussion in the past with other facilities and came to the conclusion that fencing was not an option. Engineer Rappazzo agreed noting that DEC also deters from fences as wildlife can get caught in them but that facilities like this one are sloped.

New DEC regulations require source control treatment of stormwater, therefore, all downspouts are not to be tied into the storm drains, but directed to an area where it will infiltrate into the ground where it should spread out evenly. The Board was concerned that with this type of distribution, there will need to be 8' distribution spouts going into yards which may not be aesthetically pleasing. Further discussion followed and it was agreed that Engineer Rappazzo and Mr. Ayling should discuss this matter in further detail.

In closing, Mr. Ayling stated that their plan is to make every effort to comply with the goals of the Village and the neighbors. He believes that most of the concerns can be mitigated. Mr. Ayling also stated that he would like some concurrence from the Board that this layout is what he should proceed with for final approval. Chair Woods stated that he believes that as long all concerns discussed tonight and any other concerns Engineer Rappazzo might have are addressed, the Board could consider final approval at a future meeting.

Mr. Ayling thanked the Board and left the meeting.

7. Goddard Development – Mavis Discount Tire – 4181 Lakeville Road:

Chair Woods stated Engineer Rappazzo had received a set of final plans for the Mavis Discount Tire site from Bergmann Associates. The Board had decided at the February 26th meeting that these plans should be reviewed in depth before they are signed. Therefore, an internal meeting was held last Friday,

the 21st with Attorney Reynolds, MRB Group Engineer Kurt Rappazzo, CEO O'Keefe, Secretary Mack and himself.

One of the outcomes of that meeting was that the sign permits were never acted upon. It was noted that the teal and white band across the front of the building has been limited to the western most five bays and was replaced with "Hardie Board" as approved at the August 28, 2013 Planning Board Meeting. However, CEO O'Keefe stated that the sign permit only includes the lettering on the front of the building, not the branding strip.

Engineer Rappazzo stated that per Building Code, a floor drain and oil/water separator will be required, which has not been added to the plans. A sprinkler system however, will not be needed.

Engineer Rappazzo stated that the biggest change in the site plan is the extension of the water main. At this time, they are proposing to not tie into the main at Millennium Drive and bring a new water main to the western property line. Instead, they would like to use the existing 1" line which was used for original building on the property. However, since this water line has not been used in years, it must be flushed and pressure tested to make sure there is sufficient flow and there are no leaks in the line. Phase II is proposed with a retail building and at that time, they plan to connect to the water main on Millennium Drive and bring a new line to the western property line.

At this time, the sign permit applications were reviewed. The Board asked if the freestanding sign needed a variance. CEO O'Keefe stated that it does not as freestanding signs are allowed in that district and it does not exceed the square footage allowed. The only stipulation is that it cannot interfere with the line of site. The Board also asked about the freestanding sign in relationship to Phase II. CEO O'Keefe stated that at that time, signage for the entire site will need to be reviewed.

With no further questions or comments, M. Griffo moved to approve the sign permit applications as presented. S. Richardson seconded the motion and the motion passed with ayes from all.

8. McDonald's Restaurant – 4162 Lakeville Road:

Attorney Reynolds stated that the Temporary Certificate of Occupancy for McDonald's is due to expire on April 1st. At this time, the canopies are still yellow, instead of grey as agreed upon. CEO O'Keefe stated that he believes they will be changed soon as the Code Office did receive a phone call asking if a permit was required for this. Attorney Reynolds stated that he will contact McDonald's to see what the time table is.

9. Meeting Closed:

J. Kernan moved to close the meeting at 6:20pm. D. Farthing seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary