

**Members Present:**

David Woods, Chair  
Matthew Griffo, Member  
Susan Richardson, Member  
Dori Farthing, Member  
James Kernan, Member  
Claren Kruppner, Alternate

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell  
MRB Group Engineer, Kurt Rappazzo  
Village Attorney J. Thomas Reynolds  
Livingston County Planning Board Representative,  
Stewart Leffler

**Applicant(s) Present:**

Rick Ayling, TY Lin International, Cedarwood Estates Subdivision, Geneseo Land Corp.

**Public Present:**

Howard Appell, Livingston County News

**1. Meeting Opened:**

Chair Woods opened the meeting at 4:30pm.

**2. Meeting Minutes:**

The March 26, 2014 regular and public hearing minutes were reviewed. D. Farthing moved to approve the minutes as amended. J. Kernan seconded the motion and the motion passed with ayes from all.

**3. Code Enforcement Office Report:**

**March 2014**

Building Permits	03
Sign Permits	00
Rental Housing	01
Fire Inspections	00
Avoidable False Alarm Violations	07
Misc. Violations	00
Temporary Structure/Tent	00

The Board asked CEO Maxwell about the temporary storage trailers at Wal\*Mart as it appears at this time, they have no approval from the Planning Board. CEO Maxwell stated that he will stop by the store to speak with the manager and explain to him that they must appear before the Planning Board next month with a plan of action or the trailers will need to be removed.

CEO Maxwell noted that the yellow canopies at McDonald's have been replaced with grey ones as requested, therefore, the permanent Certificate of Occupancy has been issued and the money in escrow with the Village has been returned.

The Board inquired about dumpster enclosures for the Village Tavern as previously discussed. CEO Maxwell stated that he will stop by the Tavern to inquire. The Board also inquired if the Tavern had applied for a noise permit. CEO Maxwell and Secretary Mack did not believe they had. Chair Woods stated that he would draft a letter to them regarding this.

CEO Maxwell stated that CEO O'Keefe has been working with Antonelli Construction as they are in the processing of building a couple homes on Heritage Drive.

**4. Town Planning Board Update – David Woods:**

D. Woods reported that the Town Planning Board met on Monday, April 14<sup>th</sup>. Agenda items included a proposal from Peter Bruckel for townhomes on the North side of Reservoir Road. However, an amendment to the current Town Zoning Code will be needed because there are currently no setback requirements for townhomes in the Code.

D. Woods reported that the steering committee for the comprehensive Town Zoning Law revisions are moving along well and the Farmland Protection Plan kickoff meeting was held on Tuesday, April 15<sup>th</sup>.

#### **5. Livingston County Planning Board Update – Stew Leffler:**

S. Leffler reported that the County Planning Board met on Thursday, April 10<sup>th</sup> with the following agenda items:

**Town of Livonia:** Right to Farm Law for the Town of Livonia.

**Presentation:** Livingston County Transportation Connectivity Plan

**Reminder:** Genesee/Finger Lakes Regional Council Spring Training Workshop is being held on May 15<sup>th</sup> at the Burgundy Basin Inn in Pittsford.

#### **6. Cedarwood Estates Subdivision:**

Rick Ayling, TY Lin International appeared before the Board on behalf of Cedarwood Estates Subdivision, Genesee Land Corporation, Mark VanEpps for final approval. Mr. Ayling stated that a complete subdivision package has been submitted along with a response letter to Engineer Rappazzo's April 21<sup>st</sup> comment letter. Mr. Ayling continued by explaining that the comment letter mainly included technical aspects of the subdivision and that no significant changes have been made to the plan since the March 26<sup>th</sup> meeting. Engineer Rappazzo agreed.

M. Griffo asked about comment #6 on the TY Lin letter dated April 23<sup>rd</sup> which states: "*Gravity basement drains were identified at #10 and #12 Westhampton. The developer will review the system elevations and if necessary, will cap the drains and provide a sump pump to these owners.*" M. Griffo asked if the residents were notified that the drains would be capped. Mr. Ayling stated that Mr. Sorge resides at 12 Westhampton and he met with him last week on site and took elevation calculations therefore, Mr. Sorge is aware of this, but it appears at this time, that Mr. Sorge will not require the drain to be capped. Mr. Ayling continued by stating that he has not yet been in the basement of 10 Westhampton, but plans on following up with the owner as soon as possible. The Board wondered where the water would drain if the drain was capped. Mr. Ayling stated that a line would be dug that would drain directly into the sump pump. The Board asked that any letters between the homeowners and Mr. Ayling be copied to the Planning Board and Engineer Rappazzo. Mr. Ayling did not have a concern with this.

M. Griffo asked if a clear path to the conservancy land would be created at the end of Phase II. Mr. Ayling stated that it is not the intent of the developer to provide for a clear path until a later phase where a piece of land is planned to be dedicated to the Conservancy that will connect the subdivision to the conservancy and vice versa. Chair Woods stated that the Livingston County Transportation Connectivity Plan as Mr. Leffler mentioned recommends connecting pedestrian trails with the existing pedestrian routes in the Village.

The Board asked about the road way to the east which connects to the Calabrese property. Engineer Rappazzo stated that he believes the Village currently has right-of-way to that area. M. Griffo asked if the Calabrese's had been notified about the movement of their water line. Mr. Ayling explained that this was not a concern at this time as it is not included in Phase II but a future phase.

D. Farthing asked about the maintenance of the pond in regards to the Homeowner's Association (HOA). Mr. Ayling stated that the HOA will be modified to include the future proposed

lots to share in the cost of maintenance of the detention pond. He did note that ponds usually do not need a lot of maintenance as long as it is reasonably mowed and nothing has settled in the bottom of it. Mr. Ayling also stated that he believes that the pond is currently functioning properly. The Board wondered if the Village would hold any type of easement over the pond. CEO Maxwell stated that in an emergency situation the Village would be able to. D. Farthing asked if this was something within the HOA itself or included in the plans. Attorney Reynolds stated that it is something that is on the record for the Village to gain access for emergency situations only. Mr. Ayling stated that this is common practice.

S. Richardson asked about the HOA in relationship to the comments made at the Public Hearing where some residents stated that some are billed and paying into the HOA, others are billed but not paying into it and some are not even billed for it. She believes that it should be spelled out that the developer is responsible for the pond until all phases of the subdivision have been completed. Mr. Ayling stated that Mr. VanEpps is the Administrator of the HOA, but he does plan to add Phase II to the currently HOA. S. Richardson stated that she understood this, but wondered how the Village could address the concerns of the neighbors. Chair Woods explained that the Village is not a party to the financial relationship between the developer and the residents.

CEO Maxwell asked that language be added to the approval that addresses how excavated top soil and other materials will be placed during construction of Phase II and after Phase II is completed. The Board recalled that the Code Office had received complaints in the past regarding the dangers the mound of top soil created. Attorney Reynolds also recalled this and agreed with CEO Maxwell. CEO Maxwell stated that he would like to see it seeded and maintained at a height that would not be considered a danger. Mr. Ayling stated that he did not have any concerns with this. D. Farthing was concerned that with future phases the excavated top soil would slope in a way that when it rained, excess top soil would drain towards Jaycox Creek. Mr. Ayling assured the Board that this would not happen.

The Board asked about drainage along the backyards of the affected properties on Melody Lane. Mr. Ayling explained that rear yard drain inlets will be installed; however, there is only one lot in Phase II which will require this. He explained that they plan to correct any drainage issues as the phases are developed. CEO Maxwell asked if the tiles would be placed on Village or private property. Mr. Ayling stated that they will be placed on private lots but easements to the Village will be provided for each of them. CEO Maxwell stated that it has been his experience that tiled areas need to be maintained and mowed.

Chair Woods informed Mr. Ayling that there are outstanding engineering and attorney fees due to the Village. Attorney Reynolds stated that the Board could include this as a condition of final approval. Mr. Ayling stated that Mr. VanEpps is responsible for these. The Board understood this but informed Mr. Ayling that they will need to be paid prior to the subdivision plat being signed.

The Board wondered what would be the course of action if the signed subdivision plat is not filed with the County in a timely manner. Attorney Reynolds believed that the process would need to start from scratch. Mr. Ayling stated that it is the developer's intent to file in a timely manner.

With no further discussion, S. Richardson moved the following:

**A decision and resolution in connection with an application submitted by T.Y. Lin International, on behalf of Geneseo Land Corporation/Mark VanEpps to review the proposed final subdivision plat for Cedarwood Estates Subdivision, Phase II request (11 new single-family building lots), located on the west side of Lima Road, off Steeplechase, Westhampton and Dorchester Drive, Tax Map #: 81.5-1-74.421.**

**WHEREAS a Public Meeting to consider the request was held on March 26, 2014; and**

**WHEREAS, after soliciting information from all involved agencies and the public, the Planning Board on February 26, 2014 issued a Negative Declaration, finding that the**

**action as proposed would not have a significant adverse impact on the environment pursuant to the requirements of SEQRA; and**

**NOW THEREFORE, be it resolved that the Cedarwood Estates Subdivision request is granted with the following conditions:**

1. That all outstanding invoices to the Village be paid in full.
2. Specific provisions on where and how excavated top soil and other materials will be placed are provided for and listed on the final plans subject to approval by Village Engineer Kurt Rappazzo, MRB Group.
3. An easement, in a form acceptable to Village Attorney J. Thomas Reynolds be provided to the Village for the purpose of accessing the Stormwater Drainage Systems.
4. The comments outlined in the April 21, 2014 letter from Village Engineer Kurt Rappazzo, MRB Group be satisfied.
5. Notification be made to the Phase I homeowners in writing with a copy to the Planning Board and Engineer Rappazzo that gravity basement drains in Phase I will be capped and a sump pump will be provided by the developer if needed.
6. The Homeowner's Association is the responsibility of the Developer until the last lot in the subdivision is developed, when responsibility is to be transferred to the homeowners.

James Kernan seconded the motion.

Chair Woods asked if there was any further discussion. M. Griffo stated in the future the Board may want to consider requiring a construction road for overall applications. A construction road would have less effect on an existing developed area and allow for less wear and tear on a Village dedicated street. The Board agreed that this may be something they would want to consider in the future, but not for the application before them.

Hearing no further discussion, the motion passed with ayes from all.

#### **7. Other Business:**

Chair Woods welcomed Claren Kruppner back to the Board as an alternate Planning Board member. In the absence of a Board Member, the alternate serves as an acting member.

Engineer Rappazzo reported that there has been no new developments with the Mavis Discount Tire site plan as discussed at the March meeting.

#### **8. Meeting Closed:**

With no further discussion, M. Griffo moved to close the meeting at 5:50pm. J. Kernan seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary