

Village of Geneseo  
Planning Board

June 22, 2016  
Regular Meeting and Public Hearing

**Members Present:**

David Woods, Chair  
Susan Richardson, Member  
Dori Farthing, Member  
Stew Leffler, Member  
Michael Venturino, Member  
Claren Kruppner, Alternate

**Other Village Representatives Present:**

Code Enforcement Officer Ron Maxwell  
Attorney J. Thomas Reynolds  
MRB Group Engineer Kurt Rappazzo

**Applicant(s)/Representative(s) Present:**

Jack Buholtz, TY Lin International, Cedarwood Estates Subdivision, Phase II (Reapplication)

**Public Present:**

William Drain – 243 Lima Road  
Carol Carey – 2 Melody Lane  
George Jarrett – 269 Lima Road  
Amy Schmidt – 9 Westhampton  
Sue Bonnell – 11 Westhampton  
Bruce Dantz – 12 Melody Lane  
Jason Sorge – 12 Westhampton

Jean Manly – 11 Thorn Apple Lane  
Howard & Pat Viele – 4 Dorchester Drive  
Rob & Rebecca Christie – 10 Westhampton  
Don & Bernice Chichester – 255 Lima Road  
Mary Calabrese – 4177 Lima Road  
Greg & Sue Byrnes – 7 Westhampton

**1. Meeting Opened:**

Chair Woods opened the meeting at 4:30pm.

**2. Cedarwood Estates Subdivision – Phase II:**

Chair Woods stated that Jack Buholtz, TY Lin International, appeared before the Board on behalf of the Cedarwood Estates Subdivision, Phase II (Reapplication – Lot #'s 16-26) at the May meeting. This phase of the Cedarwood Estates Subdivision had previously been approved on April 23, 2014. However, the subdivision although approved and the Mylar signed, it was never filed at the County Clerk's Office, therefore needing reapproval by the Planning Board before it can be filed. Mr. Buholtz had spoken with Engineer Rappazzo confirming that no changes had made to the subdivision as approved in 2014, therefore Attorney Reynolds advised that the subdivision process did not need to start from the beginning but that a Public Hearing should be held.

At this time Chair Woods read the Notice of Public Hearing:

VILLAGE OF GENESEO

Planning Board

PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE THAT the Planning Board of the Village of Geneseo will hold a public hearing, pursuant to Section 130-12, Section 130-100 B. (3) (b) of the Village Zoning Code on

Wednesday, June 22, 2016 at 4:35pm at the Geneseo Building, 119 Main Street, Geneseo, NY, to review the previously granted final subdivision plat for Cedarwood Estates Subdivision,

Phase II for Geneseo Land Corporation, located on the west side of Lima Road, off Steeplechase, Westhampton and Dorchester Drive, Tax Map #: 81.5-1-74.421. Said Planning Board will at said time hear all persons in support of such matters and objections thereto.

Dated: June 3, 2016

By Order of the Village of Geneseo Planning Board

Aprile S. Mack, Secretary

Publication Date(s): June 9, 2016 and June 16, 2016 (Livingston County News)

Chair Woods opened the public hearing at 4:35pm. Noting that the approval given on April 23, 2014 included 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.

Village MRB Group Engineer Kurt Rappazzo commented that Phase II is an extension of Phase I and an extension of the existing street known as Steeplechase. Preliminary approvals for the subdivision as a whole were previously granted. In order for the developer to move forward and file the subdivision with the County Clerk, a currently signed and dated subdivision Mylar is required. Engineer Rappazzo stated that he has looked at the plans and the short answer to whether or not they are the exact plans is yes.

Chair Woods stated that he would ask anyone that wishes to speak to keep their comments and questions to a minimum of three minutes if possible and before speaking state their name and address for the record.

Mary Calabrese stated that she resides at 4177 Lima Road. She stated that she is concerned about the way Engineer Rappazzo just stated that the "Short answer is yes" to what is being presented is exactly what was approved in 2014. She continued by stating that the development has been going on for the past twenty-nine years with different owners and developers, therefore is not satisfied with Engineer Rappazzo's statement. Engineer Rappazzo stated that at this time, he has not compared the two plans side by side which will be done before any signatures are added to the Mylar.

Ms. Calabrese asked how much longer this subdivision would continue to be developed and how many more lots are left to be developed. Code Enforcement Officer Maxwell stated that in Phase I there is one more lot to be developed on the corner of Westhampton and Lima Road to the south and eleven lots are proposed in Phase II. Mr. Buholtz stated that the developer anticipates selling/developing four to five lots a year.

Jason Sorge stated that he resides at 12 Westhampton. He wanted to confirm that what is being proposed or reapproved is only for Phase II. Chair Woods stated that it was. Mr. Sorge commented to why the Village would just reapprove with no other considerations being made especially with the changes the Village has seen over the past few years (especially with rental housing). Mr. Sorge stated that he is also concerned with there being only one entrance/exit for the entire subdivision considering the amount of traffic eleven more lots will create.

Greg and Sue Byrnes stated that they are new residents within the Cedarwood Estates subdivision and reside at 7 Westhampton. They are also concerned about there only being one entrance/exit that is only approximately 18 feet wide.

Rob & Rebecca Christie stated that they reside at 10 Westhampton. They asked how many lots overall were approved with the preliminary plat. Engineer Rappazzo stated that with what is currently being proposed and what Village Zoning Code allows, when all phases are completed there will be a total of 76 Lots.

Mr. Christie asked if a traffic study had been completed. Engineer Rappazzo stated that this had not been a concern at the time of preliminary approval, but Chair Woods did state that the same

concerns were mentioned in 2014. Mr. Christie asked if the Planning Board had done their due diligence. Chair Woods stated that an easement to a second access point had been added to a phase to the north. Mr. Christie asked if there was any language in the Code that would require a second entrance/exit. Chair Woods did not believe there was. Mr. Christie asked how the second entrance/exit would be accessed. It was noted on the map where it was proposed for. After looking at the map, Mr. Christie asked if this access was a hypothetical one or a legal one. Chair Woods stated that it is to be considered a future access but was not guaranteed. Mr. Christie asked that a study be completed to determine whether or not a second access road was needed. Mr. Christie stated that he is very concerned about the safety of the children in the neighborhood.

Jean Manly stated that she resides at 11 Thorn Apple Lane she asked if all eleven proposed lots are single family lots. Chair Woods stated that they were.

Howard Viele stated that he resides at 4 Dorchester Drive which is the furthest lot from Lima Road. He is concerned about a fire truck being able to access the lots. He did note that an ambulance had been able to get down to his house. Mr. Viele also stated that someone has been dumping dirt in the undeveloped areas which is a concern because of storm water flow as he does not want his RG&E box under water.

Pat Viele stated that she also resides at 4 Dorchester Drive and echo's what Mr. Christie and her husband have said.

Don Chichester stated that he resides at 255 Lima Road. The preliminary plan that he had seen several years ago included townhomes for Phase III. Chair Woods stated that the preliminary plan did include townhomes, but since that approval, the Village Zoning Code no longer allows for multi family homes in that Zoning District. Therefore, the preliminary plan has been changed to only include single family homes. Mr. Chichester asked how the developer would get into each phase to develop. Chair Woods stated that the existing streets would be used to access future phases and the streets for each of those phases would be built prior to any building permits being issued.

Sue Bonnell stated that she resides at 11 Westhampton. Her major concern is with traffic flow and the approximately fifteen children under the age of 12 that have gotten used to the quality of life with only a small number of vehicles enter and exiting the subdivision. She would like to see this type of quality of life continued for future generations.

Bernice Chichester stated that she resides at 255 Lima Road and asked if a future road could be possible through proposed Lot #20. Chair Woods stated that the Board and Developer had previously discussed this however, there is a deep sewer line that runs through there, therefore any type of development is not feasible for that area of proposed Lot #20.

Amy Schmidt stated that she resides at 9 Westhampton she agrees with what everyone else has said. She is also concerned about construction vehicles coming in and out of that one ingress/egress with the amount of people living in the neighborhood especially the children.

George Jarrett stated that he just purchased 269 Lima Road, therefore was just here to listen.

Bruce Dantz stated that he resides at 12 Melody Lane. His biggest concern is with drainage. He wondered if the storm water management facility was currently working properly and how it would be affected in the future with new development.

William Drain stated that he resides at 243 Lima Road. He is concerned about the increased amount of traffic which will be added to the already heavily traveled Lima Road, which is something the Village does not need.

Chair Woods asked if there were any other comments or questions.

Mrs. Calabrese stated that her comments remain the same as the first time she spoke.

Mr. Sorge commented that there has been someone dumping piles of dirt at the site.

Ms. Byrnes asked what the projected time table for construction was and if all eleven lots would be developed at one time. Mr. Buholtz stated that the developer anticipates selling and building on approximately five lots per year.

Mr. Christie asked how much the lots would be sold for. Mr. Buholtz stated that he has no idea. Mr. Christie wondered if the Planning Board needed to be made aware of the price of the lots. Chair Woods stated that the price of each lot is not a matter for the Planning Board to consider. Mr. Buholtz stated that they do plan to abide by all Village Code requirements.

Ms. Schmidt stated that the best part of living in a historic small town village is the close knit community and believes this proposal changes that. She does not believe that the developers and Village have really thought about the safety and overall wellness of the entire community.

Mr. Chichester stated that the original plan he was given when he purchased his house on Lima Road was a five year plan, but it has gone past that. Chair Woods stated that this subdivision has been in the works for many years and all that is proposed at this time is for Phase II, eleven single family building lots. Mr. Chichester asked when the subdivision had to be completed. Chair Woods explained that the developer has ninety days from the date of approval to file the subdivision map with the County Clerk, but that as long as that subdivision map is filed it is a valid subdivision whether the lots have been developed or not. Chair Woods explained that it is very common for a developer to only file one phase at a time because of the significant higher property tax amounts they would be required to pay.

Chair Woods asked if there were any further comments or questions from the public. Hearing none, D. Farthing moved to close the public hearing at 5:08pm. S. Leffler seconded the motion and the motion passed with ayes from all.

Chair Woods asked if the Board had any comments or questions. D. Farthing wanted to confirm with Engineer Rappazzo that during the development stage, there would be enough space for emergency vehicles to get in and out and turn around. Engineer Rappazzo stated that there would be. Chair Woods stated that at the time this Phase and others appeared before the Board, the Fire Chief had reviewed it.

S. Richardson commented that the residents should be aware that no building permits will be issued until the infrastructure has been installed and dedicated to the Village.

S. Leffler asked if there were any guidelines to follow that would generate a second access point. Engineer Rappazzo stated that this subdivision does not warrant two access points as it does not discharge onto a NYS road like Route 20A.

M. Venturino asked about the concerns the neighbors have about drainage. Engineer Rappazzo stated that this has been addressed by the addition of parameter swales along the Melody Lane properties, storm sewers, and under drain tiles. Mrs. Calabrese commented that she never sees water in the storm water management facility, but that there is always water in the drainage ditch along Lima Road. Engineer Rappazzo stated that this does not surprise him considering the storm water management facility was built for the entire subdivision not just Phase I.

With no further discussion, S. Leffler moved to approve 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 June 22, 2016; 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

WHEREAS, on April 23, 2014 the Planning Board approved the Cedarwood Estates Subdivision Phase II final plat and this approval has now lapsed;

NOW THEREFORE, be it resolved that the Cedarwood Estates Subdivision Phase II final plat is reapproved 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.

S. Richardson seconded the motion. Chair Woods asked if there was any further discussion. CEO Maxwell stated that before any building permits are issued, he has requested that Engineer Rappazzo and himself walk the site with any other Village representatives and any of the applicant's representatives to make sure all parties involved are in complete agreement to what may still need to be done. CEO Maxwell stated that this would include dedication of water and sewer infrastructure along with the road. Engineer Rappazzo commented that even before any infrastructure is started, a Letter of Credit needs to be in place and a pre-construction meeting needs to be scheduled.

It was noted by Mr. Sorge that someone has been dumping dirt on the site within the past few weeks. CEO Maxwell stated that he was not aware of this, he was only aware of the dirt that had already been on site that had to be knocked down into smaller piles because of the danger one large pile created. He continued by stating that he will look into this.

Some discussion took place regarding the Homeowner's Association (HOA) and whether or not one existed and which parcels had or are contributing to it. However, as discussed at previous Planning Board meetings, the Village does not get involved with HOA's. Attorney Reynolds advised any current property owners that they should review their deeds/mortgages for further information and contact Geneseo Land Corporation (Mr. VanEpps) for further information.

Chair Woods stated that there is a motion on the table that has been seconded to approve Phase II of the Cedarwood Estates Subdivision. With no further discussion the vote was as follows: S. Richardson, Member – Aye, D. Farthing, Member – Aye, S. Leffler, Member – Aye, M. Venturino, Member – Aye and D. Woods, Member – Aye. The motion passed.

**3. Sign Permit Application – Edward Jones Investments – 133 Main Street, Suite 4:**

CEO Maxwell presented the Board with a sign permit application for Edward Jones Investments which is now located where the former Allstate Insurance Office was in the building with Team Cheer at 133 Main Street, Suite 4. The sign is approximately 16.6 square feet in size and they are allowed up to 18.5 square feet. The sign is sand blasted high density urethane with a dark green background with white lettering and a white border. The Board asked if the sign would be lit. CEO Maxwell stated that the goose neck lighting which was used on the previous sign would also be used for this sign. With no further discussion, M. Venturino moved to approve the sign as presented. D. Farthing seconded the motion and the motion passed with ayes from all.

**4. Code Enforcement Office, Town Planning Board & County Planning Board Updates:**

CEO Maxwell reported that Mavis Discount Tire was hoping to receive their permanent Certificate of Occupancy by the end of June. However, there are still some outstanding issues that need to be worked out, therefore, a second Temporary Certificate of Occupancy will be issued.

D. Woods reported that an Open House on the proposed new Zoning Law for the Town of Geneseo will be held on the 30<sup>th</sup> at the Livingston County Government Center.

S. Leffler asked if the Village Board had approved the Livingston County Planning Board Referral Exemption Agreement Update. If so, S. Leffler asks that a copy of the signed agreement be sent to Angela and Heather at the Livingston County Planning Department.

**5. Meeting Closed:**

With no further discussion, S. Leffler moved to close the meeting at 6:15pm. M. Venturino seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary

*No July 2016 Meeting and No August 2016 Meeting*