

**Town of Geneva
Planning Board
March 29, 2022
DRAFT**

Present: Mary Ann Bell, Robert Gringeri, Eric Reuscher, Kenneth Nardoizzi (absent from 7:40-8:05 due to a fire call), Gary Johnson, Jeff Trickler

Staff: Floyd Kofahl, Code Enforcement Officer, Amy Naegele, Clerk of the Board, Pat Nicoletta, Town Engineer, Steve High, Town County Planning Board Representative

Others Present: 50 members of the public

Chair Mary Ann Bell called to order at 7:00 pm.

Public Hearing – Bayview Heights - Phase 3 PB2022-001

The applicant is applying for a modification to a previously approved site plan. Prior to the start of the Public Hearing, Mary Ann asked that members of the public keep their comments limited to 3 minutes each.

Matt Newcomb, from Passero Associates, presented to the Board. He provided an overview of the project and updates since the last meeting. He explained that they are looking to modify the existing approved subdivision to create 92 lots on the approximately 41-acre parcel. The original plan had a multifamily component which has been removed and it is now only single-family homes. An additional item being added is a secondary access point off of Turk Road to help with traffic and also to allow the development to have 2 points of ingress/egress. He noted that they were able to add this access point because the owner owns both parcels. This also means they will be meeting the current Fire Code requirement of 2 access points. He also went over the proposed stormwater management facility. He explained that the current runoff, that flows freely to the north, will be intercepted by a storm sewer along the roadways and then piped to the stormwater management facility, which has been designed to meet DEC standards. He explained that the developer is required by DEC to reduce post development stormwater runoff compared to the existing. They are also proposing a second stormwater management pond. He explained that they had received MRB's comment letter and had addressed all comments other than the SWPPP comments. He noted that this was due to some technical issues at their office, but the comments were technical in nature. Since then, they have received a second comment letter and found nothing major, also all technical in nature.

Matt also talked about the parcels along White Springs Brook. At the last meeting they talked about extending these parcels to the brook, but it has since been decided that they will not be extended and the parcel along White Springs Brook will be donated to the town for future pathways that may be desired. He also added that another benefit is that sidewalks have been added to the development. He asked if the Board had any questions.

Ken Nardoizzi asked if the town was on board with accepting the donated parcel and Floyd confirmed they are. Robert Gringeri asked Matt where the stormwater would eventually discharge. Matt explained that the water will be piped to the stormwater management facility and then there is a storm pipe that currently takes the flow of a small section that it will be tied into. Further downstream it is connected to another pond and then goes under 14 into the lake. He

explained that this will close up the system. Robert asked that the process will slow the rate of flow, which Matt confirmed. Matt again went over the fact that DEC requires a stormwater management plan that results in less runoff than the existing. Gary Johnson asked if the pond would be excavated, which Matt confirmed it would be. Gary asked about the elevation of the bioretention area between lots 37 and 38. Matt confirmed the elevation and went over the design of the underdrain pipe. Gary questioned the trails going around the pond and Matt explained that they had been removed from the plans. Ken Nardoizzi questioned if the pipe that is currently there will be adequate to take the water and Matt confirmed the pond is sized appropriately.

Mary Ann asked for comments from the public. She asked that anyone wanting to speak to come to the podium and state their name for the record. Charles Darling, of 25 Bay Heights Circle, came to the podium to speak. He requested more than 3 minutes and explained that he was speaking on behalf of 19 homeowners. Mary Ann said she would allow this. Charles read a letter to express the concerns of the homeowners. This letter is attached at the end of these minutes. The concerns were highlighted as traffic safety, water management and drainage, completion of the infrastructure of this phase 3 project prior to building of homes, and project management and oversight.

Gary Breese of 57 Bay Heights Circle asked if it would be possible for the initial presenter to turn the display and reidentify the location of the retention ponds and the projected flow of the water. Mary Ann said when the public had all spoken, she would have him do that. Gary requested that it be done prior to the public comments so that comments could be made based on that. Mary Ann asked Matt to oblige. An unidentified attendee requested to hold the plans up so that people toward the back could see them. Matt identified the 2 stormwater management facilities, identified the roads, and the access points to phase 3. He identified the parcel that is deed restricted to not have any development on it other than stormwater management. Charles Darling requested to ask a question. He asked the percentage of water going to each pond and Matt explained about 60 percent would go the north pond and 40 percent to the south. There was a discussion regarding the depth of the ponds. Matt confirmed that the south pond would be 8-10 ft deep and the north pond would be about 10 ft deep.

Jim Modera of 4233 Glass Factory Bay spoke. He questioned the mention of a pond downstream of the stormwater management facility and asked for a location of the pond and asked what the final pathway of the water to the lake would be. He also questioned the capacity of the pond downstream and whether the developer would be preparing the pond to sustain the water that is the overflow. He would like to see the management of this water as it makes its way to the lake.

Mike Vorozilchak of 20 Bay View Terrace addressed the Board. He questioned whether the Town of Geneva had the demand for this housing and noted the current projects on Carter Road and at Orchard Park. He questioned whether the construction would be in phases, whether the infrastructure would be done at the developer's expense, and whether it would be done according to Town Code. He noted a previous road that was not completed to code. He also questioned the timeline of the project and if the lots would be developed in order or on demand. He also questioned how this current plan compares to the existing plan that has already been approved. He voiced concern regarding the capacity of the town and MRB to facilitate, inspect, and manage 3 different property developments at 1 time. He noted issues with a water line and gas line during the construction of the 4 model homes.

Gail Tompkins of 23 Bay View Terrace spoke to the Board. She referenced the public hearing notice and a section that referenced commercial or industrial use. She questioned what

that meant and if they plan to put an office in to sell the model homes. She also questioned how long the project would take.

Charles Darling asked if they could expect a written response from the town or Floyd regarding all of the questions that were raised during his presentation. It was confirmed that he could expect that.

Mary Ann confirmed that there were no other members of the public wishing to speak and then turned it over to Pat Nicoletta. Pat explained that the first item would be for the Board to designate themselves lead agent if they want to act on SEQR tonight.

Motion made by Ken Nardoizzi for the Planning Board to designate itself as lead agency. 2nd by Gary Johnson. All in favor. Motion carried.

Pat led the board members through Part 2 of the SEQR. He explained that all items were no or small impact but highlighted items that were small impact. He also highlighted that the proposed completion date is 2025. He confirmed that the project would have to go before SHPO. After Pat had finished going through Part 2, Ritann Tosto of 18 Bay View Terrace, requested to speak and was allowed by Mary Ann. She expressed concerns regarding the use of the word small and how it could be subjective. She asked if there was a number that qualifies as small. Pat explained that this is a New York State developed document. There was further discussion regarding the SEQR process. Discussion returned to Pat and the Board. Charles Darling interjected and spoke with Mary Ann regarding the SEQR and time for the public to review. Jim Modera requested to speak and requested the opportunity to look at the data that had been submitted. Mary Ann confirmed with Pat that the Board would return to MRB's comment letter later.

She asked Floyd for his comments. Floyd addressed the board members. He explained that this application is for a modification to an existing approval. The existing approval is for 76 residential units, including townhomes. The previously approved plan did not have a secondary road for traffic control/access. Now the applicant is going from 76 lots to 92 and adding a second road to help with the internal subdivision traffic. The town did take the data from this and other proposed projects in the area and sent it to the state requesting for the 3rd time in 5 years for the speed limit be reduced. The state denied it again, stating the impact from the development does not outweigh the issue of the truck traffic on the road. The town had also reached out to Pam Helming, who supported the request. There was a discussion regarding if and when a traffic study had been done and at what time of year it was completed. Eric Reuscher expressed his concerns that the Town keeps pushing for a speed limit change. There was further discussion and comments from the public expressing their concern regarding the speed limit change.

Floyd returned to the current application. He spoke to the drainage concerns explaining that the applicant must meet certain requirements by the state and DEC and the amount of drainage that leaves the phase 3 site must be reduced. He went over the process to ensure compliance with drainage requirements. He went over the flow of water, explaining that after leaving the stormwater management facility it will flow under Bay Heights Circle to the retention pond in the back and from there to the ditch by Red Jacket Orchards, and then down under 14 into a drainage ditch and into the lake. He explained that this is the flow pattern being proposed and that one of the issues is the current retention pond that is not part of phase 3 has not been maintained. He explained that the town has developed a drainage program and part of that is to work on these areas and bring them back to appropriate function. He explained that the larger retention pond is being dedicated to the town and the town will be maintaining it and the new lots will be in a drainage district. There was a discussion regarding the responsibility for the

upkeep of the current retention areas and Floyd explained that this the responsibility of the owner of the property. This was common practice in the past but recently the town has started taking such projects and creating drainage districts. There were multiple comments from the public asking questions regarding the current drainage. Floyd explained that the new phase will be under a drainage district and that the town will be maintaining the stormwater management facility. There were multiple comments from unidentified members of the public expressing concern over drainage issues on the already completed phases. Floyd explained that the creation of the drainage fee on new building permits and construction was created to help the town improve drainage areas such as the retention pond that has become overgrown. The town is also applying for funds from the state when available. Floyd reiterated that the development of Phase 3 will not increase the flow to the existing retention pond.

Robert Gringeri confirmed that when the developer bought the property, he bought it with the previous approval and asked Floyd if the planning board could ask the developer to get the existing drainage back in proper working order. Floyd explained that would be up to the planning board but explained that the developer did not buy all of the already completed phases, but only phase 3. He also explained that the phase 3 that had been previously approved does not address the drainage like the new proposal does. He also confirmed that most recent approval was in 2010. There was a question from the public regarding what was under review. Floyd explained that the planning board looks at what is being proposed now. He also explained that if the modification being asked for does not get approved by the planning board, the developer could come in tomorrow and start what was previously approved.

There was an unidentified member of the public that commented on the previously approved plans having 76 homes without adding a second entrance. She expressed her concerns about that ever being approved in the first place. Floyd explained that the Fire Code has since changed and a new plan would have to have 2 roads. He confirmed that if the developer built according to the previously approved plan, they would not be required to add a second road.

Mary Ann closed the Public Hearing.

Greg Missick asked to speak. He addressed the public and explained that if there is an accident and a fire there will be no way for the emergency vehicles to get in. When it was explained to him that the Fire Code had changed, he chose to donate part of his own land to the town to create a secondary access to Turk Road. He was trying to help the property but pointed out that if this is not approved, if there is a fire, there will be no help for the homes blocked to emergency vehicles due to there only being one road.

Floyd returned to concerns that had brought up by the public. He addressed the concern over a performance bond and explained that the town requires a bond whenever there is going to be infrastructure that is going to be dedicated to the town. He confirmed that there will be a bond posted on this project. He also talked about the water main issue that occurred during the construction of the 4 model homes and explained that the issue was actually caught during one of the inspections by the town water department. He also mentioned that the contractor was replaced. The gas line had been hit because the utility company staked the property incorrectly and when it was hit, they stopped, and called the utility company back out. He explained that the town and the town engineer company are capable of handling the developments. He confirmed that MRB will be doing the inspections on all phases of the construction and the town water and sewer department would be going out and inspecting as well.

Floyd explained that any items being discussed tonight would be available through a FOIL request and that the minutes would be available within 5 business days. He provided his

email to the public for any requests. He confirmed that the SWPPP report, the engineer's report, and the project plans have been available for review in the clerk's office. He explained that anyone could come in to review those items whenever the clerk's office is open.

He addressed concerns regarding traffic and explained that in the near future a sign will be put up by the entrance on 14 stating that no construction vehicles should use that entrance and direct them to Turk Road. The new construction entrance will be where the new road will be going in. He explained that Bay View Terrace is a town road and is therefore allowed to have the construction vehicles needed for the model homes on it. He also explained that when he called the utility companies, he was told that their trucks use municipal roads and he cannot make them use the construction road.

Floyd reiterated to the Board that they are looking at a modification to a previously approved plan. It is a 16-lot increase to the previously approved project. Greg Missick confirmed with Floyd that if this new plan does not move forward that he can go back and build the previously approved plan. There was a public comment regarding cost of infrastructure and the bond. Floyd went over the process for the bond, which happens after approval.

Mary Ann asked Steve High, the Town Representative for Ontario County Planning Board, for any input from the County. Steve confirmed that the County Planning Board reviewed the site plan in February as referral 27-2022 and it was reviewed by County Planning, Soil and Water Conservation, and the Ontario County Planning Board and was referred to the Town of Geneva Planning Board with comments. These comments are on file in Planning Board file PB2022-001.

There were public comments regarding concerns over knowing how to be aware of what was going on. It was explained that the agendas are posted on the website and provided to the Clerk's Office and the Public Hearing notice goes to the paper.

Throughout the meeting, multiple unidentified members of the public made comments regarding their concerns for this project.

The Board discussed the Public Hearing. Robert Gringeri made a motion to reopen the Public Hearing and carry over the Public Hearing to the April Planning Board meeting. 2nd by Eric Reuscher. All in favor, motion carried.

Mary Ann spoke to the public and explained to them that items are available for review at Town Hall and Floyd is available for questions.

Brian, from Bay View Terrace, asked for a moment to speak. He explained that we are looking at an amendment to an already approved plan. There was a discussion and it was confirmed that the amendment is for the addition of 16 homes. He suggested that everyone look at the impact of the 16 houses on the previously approved plans. He showed support for the planning board members and the code enforcement officer and the work they do. He explained that the developer has already opened up his own property to create a second access point. He urged his neighbors to remember that development is going ahead with or without them, and he has already been approved to build 76 houses. He also expressed concern about delaying the hearing another month.

Mary Ann confirmed that the Public Hearing will be carried overed until the next meeting, and the Board will revisit the SEQR at the next meeting. She assured the public that the minutes from any meetings this year would be on the website and items would be available for review at Town Hall.

There was a short intermission while waiting for everyone to leave.

Fox Living Trust PUD – Site Plan Review

Floyd addressed the Board. He explained that the Town Board is holding the Public Hearing for the PUD approval at their April meeting. The applicant decided to focus on that part of the process before coming before the Planning Board. If the PUD is approved at the Town Board meeting, the site plan review will be on the April Planning Board Agenda.

It was confirmed that the Planning Board will meet on the normal date, the 3rd Tuesday of the month.

Meeting Minutes of February 15, 2022

Motion made Eric Reuscher to approve minutes. 2nd by Ken Nardozzi. All in favor, motion carried.

Steve High's Report

Steve confirmed that he had nothing to report.

Other Business

Ken Nardozzi confirmed that this project could potentially be voted on at the next meeting. He explained that he might not be at the meeting due to Fire Training and Floyd confirmed he can submit his comments to Floyd in writing and Floyd will report them to the Board.

Floyd provided updates to the Board on other projects. The medical office building that was recently approved next to Town Hall has been pulled. The email notice said that it was due to funding. Floyd has also found out they are looking at a merger with another medical provider.

80 acres on Carter Road was recently purchased with the intent to build a manufactured home park. The developer was looking at doing something similar to Gypsum Mills in Victor with mostly doublewides. The plan was for 300 lots, and the parcel would allow 640 lots. This was submitted to the City for sewer approval and was denied. The project is on hold until the Town of Geneva can come to agreement on a new contract with the City of Geneva. There was discussion regarding the sewer system. Floyd confirmed that the City stated at this time they cannot handle a project of this capacity.

Ken Nardozzi asked Floyd about the old LR Bates property on Gambia Road. Floyd confirmed the property and explained that he had received a call from someone looking to purchase it. He does not know if it is getting cleaned up for a sale or if they are just looking to make improvements.

Motion made by Eric Reuscher to adjourn the meeting. 2nd by Robert Gringeri. All in favor, motion carried at 8:57.

- Attached letter

Talking Points for Planning Board Meeting

3/29

At a meeting held on 3/23/22 it was decided that rather than have each property owner address this Planning Board meeting it would be more practical to have a single individual express our collective concerns. My name is Charles Darling and I reside at 25 Bay Heights Circle. I have been requested to put forth these concerns which have been expressed from several property owners who reside on Bay View Terrace, Bay Heights Circle and Glass Factory Bay. These concerns do not represent all residents of these communities. We are in the process of gathering additional information from our neighbors to determine whether there are additional concerns beyond what I am about to present.

We would like to make it clear that we are not opposed to this development. We seek to ensure it is done safely, effectively, adheres to Town of Geneva Code, and contributes positively to the community and protects our environment and assets.

It is our understanding Phase 3 was originally approved many years ago and that the current developer, Mr. Missick, has petitioned the town for a revision of the original development plan.

We hope everyone will agree that a great many things have changed since this plan was originally approved. The normal traffic flows that existed when this plan was originally approved are no longer the same.

Our concerns regarding the proposed revision to this project are as follows:

1 Traffic Safety

All of us attending this meeting are aware of the many major accidents that have occurred on Rt. 14 and continue to occur. There currently exists a blind turn off of Rt. 14 onto Glass Factory Bay at the northern most entrance, a few hundred feet from the Bay View Terrace turnoff. Both of these turnoffs occur several hundred feet from a slight hill which prevents north bound traffic from seeing either of these accesses onto Rt. 14. With the current speed limit of 55mph, this leaves little reaction time for either driver. To increase traffic flow in this particular section of Rt. 14 exacerbates an already dangerous situation.

We have been informed by the town that it has petitioned NY State on several occasions to consider lowering the speed limit from 55 MPH to the speed limit as you approach the city of 35 MPH. We have been told the State has refused to do this or consider installing a traffic light to slow the traffic at the intersection of Rt. 14 and Bay View Terrace.

There are currently 94 homes that access Rt. 14 from Bay View Terrace. If this proposal is approved with access from Phase 3 through Bay View Terrace and Bay Heights Circle, this could more than double the existing traffic with an additional 200+ cars at a minimum.

In addition, there are no sidewalks on either Bay View Terrace or Bay Heights Circle. These roads are currently narrow to begin with, the residents constantly walk and bike these roads

with their children, grandchildren, and pets. To increase the traffic flow in this area without addressing these safety issues would create a very hazardous situation for residents.

Therefore, we would like to propose that the developer, Mr. Missick, and the town Planning Board consider access to Phase 3 solely from Turk Road. By doing this, we divide the anticipated traffic flow onto Rt. 14, ensuring the safety of all concerned.

2 Water Management and Drainage

First and foremost, has there been a Short or Full Environmental Assessment conducted and forms submitted per the Town Code (Town of Geneva Code Section 165-77) for this project.

We are concerned about the large drainage pond proposed at the north end of this project, having been told that the overflow of this drainage pond will flow into the dry well that currently exists on Bay Heights Circle. This overflow will then travel under the Circle down the property line between 6 Bay View Terrace and 4 Bay Heights Circle, dumping all excess runoff into a swampy area behind these properties. This will undoubtedly create a health issue with insect infestation. What is the proposed solution? There already exists one retention pond behind 7 Bay View Terrace that is routinely full and creates a mosquito infestation that the home owners have not been allowed to address.

Furthermore, we have been informed that this proposed drainage pond will be 14' deep. A drainage pond of this depth creates an additional danger to the residents of Bay View Terrace, Bay Heights Circle, their children and pets. By creation of a pond of this size, the

town and the developer would be creating what is commonly referred to as “an attractive nuisance” to young children. This would create an ongoing liability to both the town and the developer far beyond the completion of this project. What are the safety mechanisms being put in place to ensure the safety of the residents, old and new? What entity is going to be responsible for the maintenance of this drainage system upon completion of this project?

Upon review of the elevations of this proposed development, there currently exists a natural drainage on the West side that flows into a creek and under Turk Road. Has this been considered as an alternative solution, rather than dumping more water into an already overloaded system?

3 Completion of the infrastructure of this Phase 3 project prior to building of homes

Is it the intent of the Town to require the developer to complete the full infrastructure, roads, water, NYSEG prior to beginning to build homes? As a result of the magnitude of this project, how is this going to impact the current water system/pressure and the existing sewer system. Is the Town requiring the developer to post a performance bond per Town of Geneva Code Section 165-83 to ensure the infrastructure portion of this project is fully completed prior to the building of homes? The reason we are concerned about completion of this project is it appears that the developer has started previous projects within the town

and has yet to complete any of them. Admittedly we are not aware of the possible reasons for these failures.

4 Project Management & Oversight

Who will be the project manager of this development? Do they have the credentials to complete a project of this magnitude?

It is our understanding that there is a great deal of development being proposed for the Town of Geneva. Who from the Town will be responsible to ensure that this project complies with all existing Town codes? Does the Town currently have the manpower to properly oversee a project of this size while addressing all of these other projects? The reason we raise this issue is that we have been struggling to get the Town to enforce compliance with construction of the 4 model homes. Heavy trucks continued using the existing roads rather than the construction access road off of Turk Rd; utilize driveways for turnarounds; large trucks backing all the way down the roadway; and running construction vehicles after the permitted evening hours. Why was a Stop Work Order not issued until compliance was achieved?

Thank you for allowing us to express our collective concerns in front of the Town and this Planning Board. We would like to enter a copy of these concerns into the minutes of this meeting. We would further request, that if further concerns are brought to our attention by our neighbors, we be permitted to present them to the Town Planning Board at a later date.