

**VILLAGE OF HONOEYE FALLS PLANNING BOARD**

**January 6, 2003**

**MEMBERS PRESENT:** Denise Heischman, Chair  
John Hoffman  
Earl Fontaine  
Betsy Taylor  
Tom Judd

**ALSO PRESENT:** Michael Tobin, Village Attorney; James Turner, Village Code Enforcement Officer; Mr. & Mrs. Larry Cranmer; Robert Keiffer, FRA Engineering; Richard Rosen, Carole Barrese, Spiro Jenetos, Mark IV; David Dworkin, John August, Monroe Village Associates; Gary Smith ; Jerry Goldman.

Chairman Heischman called the regular meeting to order at 7:30 p.m.

**CONTINUE PUBLIC HEARING: SITE PLAN REVIEW : NEW HOME : 17 HIGH STREET: CRANMER**

Mr. Keiffer, engineer for the applicants and the Cranmers approached the Board to discuss plans for a new home to be built on the Cranmer's property. The Board had previously granted the Cranmers subdivision approval in order to create the building lot for the new home, at which time preliminary plans for the proposed house were reviewed.

Chairman Heischman noted that all trim and molding should extend around the end of the house and around the back in order to avoid a "stagefront" look, and should all match in size in order to maintain Village character. Mr. Keiffer stated he had been in contact with Monroe County Water Authority and the Village DPW in regards to the water and sewer lines. Mr. Keiffer stated that the applicant understood that any development of the back of the property would necessitate an extension of the sewer lateral. Mr. Turner stated that Greg Emerson, Village DPW had no problems with the proposed house. Mr. Tobin stated that an easement would be needed for the sewer lateral. Mr. Tobin informed Mr. Keiffer that he would prepare easement documents, but that Mr. Keiffer would need to provide him with a current map. Mr. Keiffer agreed to provide necessary documents in regards to the easement.

Chairman Heischman inquired if Mr. Cranmer planned to build anything next to the proposed house. Mr. Cranmer stated he had no plans to do so as long as he was living there. Chairman Heischman noted there were no water or setback problems. She noted also that alterations had been made on the plans to preserve a tree on the property. Chairman Heischman instructed the applicant as to specific measures he could take in regards to preserving the tree during construction, including installing fencing around the dripline, and to avoid placing heavy dirt piles or parking machinery under the tree .

Chairman Heischman inquired if there were any other comments or concerns from the assembled. As none were noted, the public hearing was closed at 7:42 p.m.

**ACTION ON THE PUBLIC HEARING ITEM**

Motion by Betsy Taylor, seconded by Tom Judd to grant site plan approval to Larry Cranmer for a new home to be built at his 17 High Street property, pursuant to plans received 12/10/03, dated 11/04/02, by Barden Homes. with the following conditions:

1. Trim will be matching around the entire house.
2. Applicant will obtain an easement for sewer line.

Motion carried.

Mr. Tobin noted that the building permit could not be issued until the easement was recorded.

## **DISCUSSION: FOIL REQUEST : TOWN OF MENDON**

The Board and Mr. Tobin discussed various issues relating to the FOIL request submitted by the Town of Mendon, dated 12/2/02, relating to the DEIS for the West Main Street development by Monroe Village Associates. A discussion ensued regarding the necessity of applicants to submit an Agricultural Data Statement. Mr. Tobin stated that Town of Mendon and the Department of Agriculture and Markets were interested agencies rather than involved agencies as listed in the DEIS.

Mr. Tobin and the Board further discussed procedures for approvals of future DEIS submissions, with attention on coordination of notices. Mr. Tobin stated that the Monroe Village Associates application might have to be postponed until the Agricultural Data Statement was submitted.

## **DISCUSSION: 1 PRIDE STREET : NEW HOME**

Mr. Rosen, Ms. Barrese and Mr. Jenetos from Mark IV approached the Board to discuss plans for the 1 Pride Street home built by Mark IV. Mr. Rosen presented elevation drawings for the house in question. Chairman Heischman reviewed the history of the approvals for the house, which was originally submitted August 5, 2002. At that meeting, the Board had stipulated that the house as submitted was too similar to the house across the street, both of which were at the entry to the subdivision. Mr. Rosen at that time stated he would amend the plans and resubmit for approval. The house was approved at the September 9, 2002 meeting, pursuant to revised plans. Mr. Rosen later submitted a sketch on October 12<sup>th</sup> and submitted new plans on October 28<sup>th</sup>, 2002 to the Board. Mr. Rosen stated that the changes he had made to the approved house had a negative affect on the interior floor plan, and he was submitting another set of plans for approval. The plans were reviewed at the November 4, 2002 meeting, and were approved pursuant to the addition of a pergola to the house, as shown on the plans submitted to distinguish it from the house across the street. It was noted that work would be stopped on the house if the builders failed to comply with the addition of a distinguishing architectural feature.

Mr. Rosen objected to the Board that he had not received written notice of the Planning Board meeting of November 4. He also objected that he did not receive written notice of the addition of the pergola until December 2, 2002. Mr. Rosen chided the Board for inefficiency in their administrative process. Mr. Rosen stated that at no time did the Board state to him that the addition of the pergola was necessary in order to build the house as submitted.

Mr. Judd reminded Mr. Rosen that he had already received approval for a house to be built on that lot, but he had chosen not to build it. Chairman Heischman informed Mr. Rosen that the Board did not formally approve the plans he used to build the house. Mr. Rosen stated he was angry at the Board for procedural laxity. He stated that once construction began on the house, a stop work order should have been issued from the Building Inspector. Mr. Hoffman noted that the building permit would have been nullified if the house was not built as specified in the approvals.

Much discussion regarding the agenda of September 9, 2002 and the approvals that were issued after that meeting ensued between the Board and Mr. Rosen. Chairman Heischman stated that the matter could be resolved by the addition of the pergola. Mr. Rosen stated that he would not add it free of charge, and that the buyer did not want to pay for it. Mr. Jenetos submitted that collectively, additional architectural features on the house could qualify the house as significantly different from the one across the street. The Board determined that there was no significant difference between the two houses on the side facing Clover Street.

Chairman Heischman noted that an agreement signed by Mark IV at the beginning of construction stated that there would not be two houses across the street from each other that would be the same model. Chairman Heischman stated that while the Board had tried to work with and accommodate Mr. Rosen on this house, the original agreement stated that this would not happen.

Mr. Rosen stated that he was unaware that he was on the agenda for the November meeting. Mr. Fontaine stated that at the September meeting, it was agreed that Mr. Rosen would add something to the side of the house to distinguish it from the one across the street. Mr. Rosen stated “That was all in your head” and accused the Board of interfering with a business contract. Further discussion ensued regarding whether the other features of the house would collectively solve the problem. Chairman Heischman reminded Mr. Rosen that he had already received approval for a house he could not build; that it was not the Board’s intent to inconvenience a buyer, but that the plans for the house were approved at the September 9<sup>th</sup> meeting. Chairman Heischman stated it was not the fault of the Board that Mr. Rosen erred in his architectural drawings. Mr. Turner stated that the building permit was still in dispute, as it was issued for the house that could not be built, due to Mr. Rosen’s architectural error.

Mr. Rosen stated that the Board had signed off on the plans and knew what was to be built. Mr. Rosen stated that the matter would now proceed to litigation.

### **PUBLIC HEARING : SUBDIVISION APPLICATION: WEST MAIN STREET: MONROE VILLAGE ASSOCIATES**

Mssr. August, Dworkin, Goldman and Smith approached to Board to discuss their application for subdivision of their West Main Street property. Mr. Dworkin stated that Max Stoner approved an easement for the water main to go through the Mathstone property. This would allow Village Associates to proceed in installing a 12” water main through that area. A discussion ensued regarding spacing between the water main and the sewer line. Mr. Smith stated that Monroe County Water Authority would have to determine the location of the water main, and that 10 feet of separation between the sewer and water lines was necessary. This would require a total of 30 feet needed to space the lines. Mr. Goldman stated that a combination of vertical and horizontal spacing could be used, and that the spacing was the final detail to be worked out in the water and sewer plans. A discussion ensued regarding potential configurations for the sewer and water lines. Mr. Dworkin stated that three things were needed: enough land to place the lines, relocation of the water main, and approval from the Monroe County Health Dept. A discussion ensued regarding a possible notification of the Monroe County Department of Parks for an easement sue to the railroad easement shown on the map.

Mr. Goldman stated that the intent for the application before the Board was to gain preliminary subdivision approval for Phase I of the Monroe Village Square project, incorporating Tiers 1-3. Mr. Goldman stated it was the intent of the applicants to define approvals and close out subdivision issues, but not to gain site plan approval for any buildings at this time. Mr. Goldman stated that the applicants wished to see some degree of integration in the project, as well as define specific areas such as the Village Green area, but it would be in a preliminary stage, without the posting of a bond or Letter of Credit for the project.

Mr. Tobin inquired what was to be divided. Mr. Smith stated that the developers wished to combine the two lots, extend it into a third lot, and combine these lots into one singular lot to eliminate lot lines, center lines, setbacks, etc. Mr. Judd stated he had a concern regarding the combination of these lots and what would prevent the applicants from selling it off and not conforming to the building sizes for retail as defined in the MUCLID legislation. Mr. Goldman stated that the code clearly defined the area as a MUCLID district and that any new developers would have to conform to existing MUCLID zoning. Any sale and future development would have to conform with said zoning, and this would be revealed in the due diligence process when selling the property.

Chairman Heischman noted the 2- 7.5-acre lots included the ring road and open space. Plans for the subdivision were reviewed by the Board. Mr. Tobin noted that legal descriptions of the property would be needed prior to final approval.

Chairman Heischman inquired if there were any further questions from the assembled. As none were noted, the public hearing was closed at 9:10 p.m.

ACTION ON THE PUBLIC HEARING ITEM

Motion by Earll Fontaine, seconded by John Hoffman, to grant preliminary subdivision approval to Monroe Village Associates pursuant to plans received 12/11/02.

Motion carried.

APPROVE MINUTES

Motion by John Hoffman, seconded by Earll Fontaine to approve the minutes as corrected.

Motion carried.

ADJOURN

Motion by Earll Fontaine, seconded by Betsy Taylor to adjourn the meeting at 10:15 p.m.  
Motion carried, meeting adjourned.

*Respectfully submitted,*

*Sheila Byrne Coleman  
Planning Board Secretary*