

**HENRIETTA PLANNING BOARD  
PUBLIC HEARING  
OCTOBER 9, 2007**

**MEMBERS PRESENT**

Peter Minotti, Chairman  
James Grunert  
Stephen R. MacIntyre  
Lawrence Neill  
Devon Van Vechten, Vice Chairman

**MEMBERS ABSENT**

M. Rick Page

**STAFF PRESENT**

Mark Byrne, Director of Engineering & Planning  
Christopher Martin, Corneles Engineering  
Patricia Shaffer, Town Clerk

**STAFF ABSENT**

William Walker, Esquire  
Jeffrie Wilkinson, Fire Marshal/Building Inspector

*(Let the Record show the tape recorder was not working properly)*

**PETER MINOTTI, CHAIRMAN**

A Public Hearing is being held before the Henrietta Planning Board today, Tuesday, October 9, at 7:30 p.m. in the main meeting room, 475 Calkins Road, Henrietta, New York 14467 to hear all persons with regard to the following Application: Application No. PB-284, Riverton Parcel F - For preliminary approval for a 104 lot subdivision on approximately 37.5 acres of land located on the south side of Erie Station Road and approximately 500 feet west of East River Road in a Planned Unit Development Zoned District. This Public Hearing is being held so that you, the general public, can present your opinions to the Henrietta Planning Board regarding subdivision concerns, specifically limited to trees, the lots themselves, open space, the infrastructure, utilities, sidewalks, and flood prone areas. Members of the Board may or may not ask questions at this meeting as we will review these projects during our regular work session on October 23, 2007. Who do we have this evening representing Application No. PB-284?

**JOHN CARUSO, PASSERO ASSOCIATES**

My name is John Caruso, and I'm with Passero Associates.

**PETER MINOTTI, CHAIRMAN**

Good evening.

JOHN CARUSO, PASSERO ASSOCIATES

I'd like to spend about ten (10) minutes on a short presentation, this evening. I understand there is a lot of people behind us. I did want to introduce Jim Mortese from (*Inaudible*) and also with us from Ryan Homes, is Curt Ringer, (*sp*) Curt is from Rochester, the Department Head for Ryan Homes, and they're going to be building this as well. And also with us is Brandon McDonald, he is the President of the Riverton Homeowner's Association, the RCA Riverton Community Association. Just the quick history of what we've been doing is, this is one of the last parcels, I think there's another one called Parcel A, and Parcel F is one of the few parcels left in the Riverton Association, and it is at the north end of the site, is a very narrow piece of land, you can see it there in green, and it is adjacent to the other Riverton Community. With respect to our efforts, we came to the Planning Board on May 9<sup>th</sup>, 2006, this was probably a few months ago, and since I know that we're not going to be making any determinations tonight because the SEQRA process has begun. I thought that I would just give you a background of what the issues that we've been dealing with so that what you see here, when the time does come in a few weeks, that you'll be able to make your determination of significance, and (*Inaudible*) There's five (5) common areas that I thought I would bring up, tell you what these issues were that we were dealing with on this parcel, how we address them, and then I will answer your questions in that order, okay? Moving on, the agencies that we've been dealing with, before we bring back in to start the preliminary design, were the New York State D.O.T., the Army Core (*sp*) of Engineers, the Town technical comments, and staff, Riverton Community Association, and we dealt with them and the issues that they wanted to see and try to make the Project compatible with themselves, and then the Planning Board comments that came out of (*Inaudible*)

Starting back with New York State D.O.T., the New York State D.O.T. comments on this Project were that they wanted to see traffic study reports, and so we did one. They also wanted to see, and had some concerns about where we were bringing the driveways, or entrances for Erie Station, so on this plan, the ones you have in front of you, this location here was one of the entrances that we kept, and the other one was the cul-de-sac. New York State D.O.T. did not allow us to have two means of access to the parcel. They gave us that notice in a letter after they reviewed the traffic study they agreed with it, they asked us to do, to keep all the shoulders near one of the driveways on both directions and move a terminal. But they did not want us to have a means of access or curb cut on the parcel. We totally disagree with that, and we put together, what I call, a pretty good technical comment, and response to them, and we resubmitted that to the D.O.T., and asked them to reconsider. They came back, they did reconsider but they would not give us a means of access, so that required us to redesign the Project as you see it. So, we had to make a decision on whether we were going to fight with the animals, sit down and just hash it all out, or whether (*Inaudible*) And so we collectively got our act together, and decided that we we're going to move on with the Project, and comply with New York State D.O.T. so that's what you see before you. The next agency is the Army Core of Engineers. If you recall, I had mentioned that this is one of the last few pieces of the Riverton Parcels. It was the Parcel that because a lot of the (*Inaudible*) And as a result they (*Inaudible*). Over time those areas filled with water, and became wetlands. We've had a wetland

regulation done on the Parcel. We showed that to you in the concept stage. We also had the Army Core Engineers come in, and verify that the lists of the wetlands that you were claiming to be wetlands, were in fact wetlands, and some of them were a higher value than others. Some of them were considered non-jurisdictional because they were just *(Inaudible)* There was no street running by there. So we were able to take some of the *(Inaudible)* However, the ones that were jurisdictional, we requested that we were able to disturb them, but we needed to give them back, or another area on the Parcel that we could preserve, and reconstruct these wetlands. So that's what you're seeing in the rear eastern end of your Parcel, next to the *(Inaudible)* area towards some of the disturbances *(Inaudible)* Take that even further and we have submitted, they have agreed to what we have proposed in terms of quantity, and they will not continue to review the plans until we can get the SEQRA determination, but we think that we are on a one or two yard line with the Army Core Engineers. It's been eighteen (18) months and what you've got right now *(Inaudible)* so that is where we are with the Army Core. Under technical comments and their multi-platinum for paper view is usually *(Inaudible)* just a quick summary of some of those issues where they wanted a traffic study, they were concerned about the sidewalks, and them not reaching all the areas on the plans. We do have sidewalks all along the southern *(Inaudible)* There was some concern about *(Inaudible)* They commented that there was some relief from the Town Board that *(Inaudible)* Another good comment they had was who is responsible for these trails that go through people's backyards? We've had a chance *(Inaudible)* We changed the plans so that we don't have a lot of sidewalks going in people's back yards. Now the sidewalk trail system goes out into where it does cross between yards in the back, we've had that over in *(Inaudible)* In the back yard you can see the westerly open space, if you will that the RCA *(Inaudible)* It starts coming out in the backyard it became between two (2) houses there, and then we'll put that trail on an easement to the RCA, so to answer the questions the RCA will maintain the trail, and they'll own them it will be under an easement to them. It will be on someone else's property, and it's just that little section of the connection from the sidewalk back to their lands, and we did that so we didn't have to have someone else's piece of land between two (2) homes. However, their homes face *(Inaudible)* So, you'll see that area against this area here is all *(Inaudible)* which is what they wanted so we can talk about that, I just wanted to bring it up.

DEVON VAN VECTHEN,  
*(Inaudible)*

JOHN CARUSO, PASSERO ASSOCIATES

Sure. Moving on, we talked about D.O.T., Army Core, and some of the Town's technical comments, those and other housecleaning items from the Town technical comments, and the Army Core mentioned *(Inaudible)* Of course storm water, and drainage was a big issue, we had *(Inaudible)* The fourth (4<sup>th</sup>) agency, and the issues that we've been dealing with, is the Riverton Community Association. We've been working on it with them for over a year. On things that we wouldn't think about is engineering but it's really compatibility, and things that they're looking for because one tells them their comments really come down to their abrasiveness as part of the neighborhood, and how do we integrate into their systems. Such as, how do we bring the trail, and if we bring the trail

(*Inaudible*) Let's use the same lighting that they're using, and they want it right along their trails (*Inaudible*) Several places where their trails end, they want to show us where they picked up, so that it made sense for us to show them two lots down from what they had over here. So, we got on the same page. More interesting is they want to see the berming along Erie Station Road, in the back of those lots where we were showing the vegetation remaining. They like the way it is over in Riverton now, so they said, "Why don't you build these berms over here, and we'd rather see that then (*Inaudible*) There are some areas that are going to be handled by (*Inaudible*) and we agreed on how we were going to deal with that. It's by taking all the (*Inaudible*) Clean it up, seed it, grate it, and then, not that it looked like some nasty cluster (*Inaudible*) So in the area is where that persists and at that point to be (*Inaudible*) we have agreed and the plans are so noted on how that (*Inaudible*) and very similar to what I said (*Inaudible*) And we talked about connections of the trails, and the last (*Inaudible*) I wanted to talk about you know, issues (*Inaudible*) When we spoken last, Patty, I think you weren't here but Sandy was, and each of you had some comments (*Inaudible*) Sandy was adamant that we didn't have any of these lots with property lines (*Inaudible*) So there are no lots on this property in which we propose to do that. Here's a good example, there is some consistent wetlands here, and you can see as you go up the land here, past where the resident areas are being disturbed, and (*Inaudible*) You can see that the property lines are not in the wetland area so that you won't have an issue with people entering wetlands, and disturbing them (*Inaudible*) and so we were able to do that. Devon was concerned about a punch list that Riverton issues in (*Inaudible*) Mr. Chase has been on top (*Inaudible*) for two (2) summers now, '06 and '07, resolving these issues with Rick and RCA. I'm happy to say, that he has resolved them. Jim, your comments were the same thing, about sidewalks, green space, to the west, you want to see that more open. We don't have any (*Inaudible*) Rick is not here, but he wanted a (*Inaudible*) slip, and Steve, you were asking us if to check out Riverton, same problems (*Inaudible*) Where we're placing trees if we were to do more buffer, and we were going to keep vegetation there, natural, and then maybe check filling more trees (*Inaudible*) and I think what we've wound up with is were not going to try and save it as land use, knock it all down, build over the berm, plant more trees that aren't going to be subject to the (*Inaudible*) because we're going to mix it up. And we weren't through with RCA, but they have had problems with disease in their trees, and which diseases they were, and which trees in they were. So, we've had a chance (*Inaudible*) to separate those, and not propose to use them in the parcels. We're trying to separate them so they can't infest each other. And Larry, you're concerned with traffic, and (*Inaudible*) and it was resolved by eliminating that one access to access to the west that was on the curb. So it was the same comment that the RCA also had, the Town Engineer, and D.O.T. So, Mr. Chairman, that is a quick summary of five (5) major agencies, and issues that we've been dealing with as far as what we've done, and how we integrated them in our new plan. How we take them into account when you do SEQRA, and last thing I will tell you is our schedule is received (*Inaudible*) by design, in phase one (1). I think in phase one (1) will be about forty (40) lots, and that will take us up to about here. So, they would come in, and do this, and with phase one (1) we would probably pursue temporary construction access from the D.O.T., so that we don't have to continually service the site from the first phase main entrance, driving trucks down the road, one road we would dedicate, so they drive over (*Inaudible*) they break it, (*Inaudible*)

wants replacement, and we all know *(Inaudible)* I'm going to try.

PETER MINOTTI, CHAIRMAN

Thank you, John, the Planning Board appreciates the update. At this time, I would ask if there are any residents here this evening that would like to ask questions or make comments, please come up to the microphone, for the Record, state your name, and your address, and the Applicant, or the Board will do their best to answer your questions. Good evening.

CAROL BURRITT, 182 COUNTESS DRIVE

Good evening. My name is Carol Burritt, I live at 182 Countess Drive. I'm here tonight with an issue that has probably not been thought of, to this *(Inaudible)* Because it's an issue that the Riverton Community Association has not longed to address in relation to this huge development. I'm a resident of this on *(Inaudible)* this is, it's not shown on the map but *(Inaudible)* it's a wetland, that up until 1991 was owned by *(Inaudible)* they bought it from *(Inaudible)* in 1982, during the period of 1982 to 1986, our townhouses were built on part of the land that was pretty much made by *(Inaudible)* At the conclusion of all this *(Inaudible)* and after much discussion *(Inaudible)* behind *(Inaudible)* that corporation over the course of about five (5) or six (6) years, then disappeared. Final word from the lawyer from *(Inaudible)* was that they were representing the corporation and they would let nature take its course. What nature taking its course has meant for us is that *(Inaudible)* the pond is now filled in with *(Inaudible)* we can do nothing about this because it is a supposed private piece of property owned by the *(Inaudible)* we as homeowners *(Inaudible)* I'm here to say that we're talking about letting a corporation, who has allowed this to happen, start again on another phase of Riverton. Now the only thing that allowed them to do this was because the Riverton Community was able to get a hold of these *(Inaudible)* in order to get them to *(Inaudible)* And I know for a fact because I've been very active in the coalition for a number of years now, that that is how things got done. They're saying that they won't start this new venture without cooperation of the Town, you say you won't do this new Project until you *(Inaudible)* the problem is there's a much older nest that *(Inaudible)* by the Riverton Association, sitting in my back yard. It's what was considered an asset for Riverton years ago *(Inaudible)* we still had fisherman that would come here, it was built with *(Inaudible)* it was once stocked with fish *(Inaudible)* and it's probably damaged our property. It's probably *(Inaudible)* and I guess I came here tonight to say maybe, before we move forward, I have a stack of papers, I have the original map of Riverton, and I have the deed from *(Inaudible)*, I have the deed where they sold it for a dollar to *(Inaudible)* I have letters from many, many lawyers that just say, "you're pretty much out of luck." I was hoping maybe preserve judgment, until you know everything. I have tried calling to give the information I have out. Thank you, very much.

PETER MINOTTI, CHAIRMAN

Thank you Ms. Burritt. John, is there anything you want to speak to?

JOHN CARUSO, PASSERO ASSOCIATES  
*(Inaudible)*

PETER MINOTTI, CHAIRMAN

Okay. Is there anyone from the Town that wants to comment? Is there anyone else that's a resident that would like to speak to this Application this evening, questions or comments? If not, I'll check with the Board, Mr. Neill?

LAWRENCE NEILL  
Not at this time.

PETER MINOTTI, CHAIRMAN  
Mr. MacIntyre?

STEPHEN MACINTYRE  
*(Inaudible)*

JOHN CARUSO, PASSERO ASSOCIATES  
No, there is no SEQRA on this.

PETER MINOTTI, CHAIRMAN  
Mrs. Brill?

PATRICIA BRILL  
Not at this time.

PETER MINOTTI, CHAIRMAN  
Mr. Grunert?

JAMES GRUNERT  
*(Inaudible)*

PETER MINOTTI, CHAIRMAN  
Mr. Van Vechten?

DEVON VAN VECHTEN, VICE CHAIRMAN  
*(Inaudible)*

JOHN CARUSO, PASSERO ASSOCIATES  
See what addressed?

DEVON VAN VECHTEN, VICE CHAIRMAN  
Her concerns . . .

JOHN CARUSO, PASSERO ASSOCIATES

Um, I don't disagree, I just don't know how this applies to this Application?

DEVON VAN VECHTEN, VICE CHAIRMAN

So, you're saying you have no comment?

JOHN CARUSO, PASSERO ASSOCIATES

I don't even know, it's not within the previous site that I knew . . .

DEVON VAN VECHTEN, VICE CHAIRMAN

There is an outstanding . . .

JOHN CARUSO, PASSERO ASSOCIATES

Those issues are being addressed, and I guess the best thing for us to do is to give you a letter from the RCA that says, they're satisfied with what we're doing. That discussion was about construction, and the builder, and we know this is going to be Ryan Homes, I don't know . . .

DEVON VAN VECHTEN, VICE CHAIRMAN

*(Inaudible)*

JOHN CARUSO, PASSERO ASSOCIATES

*(Inaudible)*

DEVON VAN VECHTEN, VICE CHAIRMAN

*(Inaudible)*

PETER MINOTTI, CHAIRMAN

Thank you, Mr. Van Vechten. Mr. Byrne, Mr. Martin, anything? If there are no other comments regarding this Application, I therefore close the Public Hearing.

The Public Hearing adjourned at 7:56 P.M.

Respectfully submitted,

Leann C. Long  
Deputy Town Clerk