

# **TOWN OF RICHMOND**

## **PLANNING BOARD**

### **MINUTES: September 24, 2020**

#### **Members Present**

Michelle Hodgeman, Chairperson  
Michael Baker  
David Richardson  
Jeannie Riorden  
Leonard Wildman  
Scott Gillen, Alternate  
Elizabeth Klingenberg, Secretary

#### **Guests**

Tod Dodgen  
Kate Deprez Ransom  
Jared Ransom  
Jane Emirbayer  
Kelly Steele  
Andrew Slyter  
Lynne Ciolek  
Larry Ciolek  
Charles Cardinale  
Sharon Cardinale  
Eric Lang  
Sheila Chalifoux, Town of Richmond Attorney  
Spencer Shumway, Code Enforcement Officer  
Liz Yockel, Town Board Member  
Steve Barnhoorn, Planning Board Liaison  
Daryl Marshall, Town Supervisor

Chairperson Hodgeman called the meeting to order at 7:01 PM with the Pledge of Allegiance.

**Continue Public Hearing** – Site Plan – The Broadway Group, LLC – for properties owned by Kenterprise II, LLC and located at 8673 and 8677 Main St., Tax Map #135.20-2-11.2 and 135.20-2-11.1.

Chairperson Hodgeman started by reading emails that she had received since the special meeting. Some community members had contacted her in regard to the front of the building. She stated that there will be bump-outs of 12-inches on either side of the main entrance, and the entranceway will be bumped out 4 feet. When asked, Ms. Steele stated that there may need to be a modification to the foundation in order to include the bump-outs.

Another email stated that the individuals want to make sure that “everything is set” and that the town gets what it deserves. They stated that residents will be looking at the building for a long time and asked the Planning Board to take the front of the building into consideration before approval.

Mr. Wildman thanked Ms. Steele for attempting to change the original building but stated that he was hoping for a couple more peaks and more dramatic bump outs. The rendering received does not match the photos that the Planning Board liked and presented, and while he appreciates that it feels like the Planning Board is being heard, he still wants a better building.

Chairperson Hodgeman stated that she received permission to walk the property and noticed a large number of trees. She noticed a tree that was over 54 inches in diameter and asked if that tree and any other large trees could be saved. She observed that several did not seem to be in the way of the parking lot nor impeding the detention ponds and noted that they would help with flood control.

Mr. Wildman noted that it would be helpful to have a rendering to show the building, where the ponds will be, and the large trees. Ms. Steele replied that the plans show the existing trees. The grading plan shows

why some trees need to be removed, and that page C1 in the civil plans will show the location of the trees, their diameter, and whether each tree is being cut down or kept. It looked like approximately 18 large trees will be kept. Ms. Steele also noted that trees will be planted after construction is complete.

Chairperson Hodgeman continued by saying she checked in with HHATS and spoke with Bob Sloane. He reported that because the project has moved forward into the designer and engineer's hands, and as they are a consulting firm, they would likely not have suggestions or changes.

Chairperson Hodgeman also stated that she spoke again to Jon Hinman, the Town Engineer. Jon said that there is one more option for flooding that could be taken but that he did not feel it was necessary. What has already been done by the flood expert hired is enough, but if the Planning Board wants, a study could be done to show the potential rise in elevation based on current plans, to show what all flooding possibilities could be. Ms. Chalifoux added that Jon meant this study is not required but would allow the Planning Board to go above and beyond. Chairperson Hodgeman noted that currently all state regulations have been followed and met.

Ms. Steele stated that the floodplain engineer reviewed all of Broadway Groups plans and concerns were addressed, and that neither the floodplain engineer nor Jon Hinman had issues with plans. She asked: If they meet what the state law requires, why does more need to be done? Chairperson Hodgeman replied that two weeks prior, water was running across Main Street and properties were flooding. Ms. Steele commented that this was discussed at the last meeting and that the detention pond on the property would slow down any flooding. She continued that Mr. Hinman stated that the detention pond would improve on the current conditions and that her engineer, Mr. Slyter, is also present for the meeting.

Mr. Baker added that if we were concerned about neighbors, why has it not come up before? Chairperson Hodgeman replied that first, some bigger picture items needed to be taken care of. For example, because of the moratorium on the sewers, would they receive approval to build? Or due to floodplain issues, would something be able to be put there at all? The engineers study the property itself and make sure there will not be any issues with flooding but do not necessarily take into consideration that it will not have an effect on bordering properties. The water does need to go somewhere.

Mr. Slyter commented that it is the duty of the civil engineer to protect not only the project that is being worked on but also on neighboring properties to make sure problems are not being caused. He stated that he understands drainage and flooding issues but that this project has done numerous things to address this while not creating a "detrimental impact to adjacent properties". Mr. Wildman asked why the additional study had not been done. Chairperson Hodgeman replied that Mr. Hinman does not recommend it or think it is necessary, but it is something that can be considered. She stated that she does not expect the Broadway Group to fix the entire problem. Mr. Gillen added that as he is a business owner in the town, he does not want to exacerbate any flooding issues but feels that what Mr. Slyter is proposing with the detention pond and other mitigation items makes it seem like they are doing what they can, but he does not want to see something make the flooding situation worse. Ms. Steele added that she is not an engineer, but that is why she has an engineer and why Mr. Hinman and the floodplain engineer reviewed the plans. She feels that flooding is not being exacerbated but will instead be improved and slowing down the flooding.

Supervisor Marshall stated that flooding is a concern for him, as during the last meeting over six inches of water was coming across the road. He spoke with Mr. Hinman and learned that when doing a floodplain study for a floodplain permit, applicants only need to be concerned with water being generated on that particular lot. The flooding issue is not for water coming from their lot but from the creek and into their lot and between two properties. The concern he has is the elevated absorption point for the water coming off the parking lot on the western side. There is a 3-foot rise from the existing grade, shown on page C3 of the civil plans. If the water is held back due to the rise in the grade it could threaten neighboring buildings. He stated that everything has been addressed that needed to be, but those are his thoughts. Supervisor Marshall continued by saying that he would like to see the absorption area lowered a little.

Mr. Ciolek commented that if Mill Creek goes over its banks, detention ponds will quickly fill and overflow. Mr. Baker asked Supervisor Marshall if the building will make flooding worse. Supervisor Marshall replied that it will not be made worse but is curious to know if there is a better way to design the absorption area between the parking lot and the drainage ditch so that there was not such a drastic rise. Supervisor Marshall added that he spoke with Mr. Hinman recently about the sediment under the bridge. If the Department of Transportation will assist with removal, there may not be another flooding event like what has recently been experienced. He added that if the next step is taken it will be "very involved". He thinks that if he could get site engineers to look at the actual concern it will be taken care of without this next step being taken.

Mr. Slyter stated that the grade of the water quality pond will not exacerbate the issue. It is required by the state and cannot be removed. He found that additionally, the FEMA designated flood zone only touches the back corner of the property. As no work is being done there, according to FEMA, no study would need to be done. Chairperson Hodgeman asked Mr. Slyter about the deeper pond in the West side of the property behind the building. Mr. Slyter replied that it is an additional water quality feature required by the state. The grade provides a second phase of additional protection to trap pollutants.

Supervisor Marshall asked if the pollution trap could be designed to be alongside the building. Mr. Slyter replied that based on the criteria that needs to be met according to the state, being long and adjacent to the building does not achieve what is needed for surface area and shape, as well as the underdrain pipe underneath. Water cannot be directed toward that direction. The grade can also not be lowered because certain storm events must be kept out of the area. When the main detention pond fills up, the flow must be stopped from backflowing into the initial pollutant pond. If the pond is cut any deeper there will be groundwater issues.

Chairperson Hodgeman moved on to discuss the building color. The rendering shows a color, but it can be changed. Ms. Steele stated that previously the Saratoga store was shown but the Planning Board wanted the building to look more like Honeoye Commons. She stated that this would be a good in between, but the color can be changed.

Mr. Richardson noted that the large yellow Dollar General sign was never discussed before this rendering and asked if it would be near the road. Ms. Steele replied that they are meeting the town code requirement for signage. Mr. Richardson stated that the black standalone letters will be on the building but was wondering if there were options for the street sign to keep with the tenor of the town. Ms. Steele replied that the sign is Dollar General's trademark and that it cannot be changed. She said that instead of having a black stand on the bottom, stacked stone could be added to match the bottom of the building. Supervisor Marshall asked if a sign was needed by the road, and Ms. Steele replied that it is needed. She stated that every Dollar General has a road sign, whether it is a pylon or monument-style. Mr. Ciolek asked if landscaping could be done. Ms. Steele stated that yes, low-growing shrubbery can be added that does not obstruct the signage. Mr. Shumway found the application from Dollar General for a sign permit, for a 4ft by 8ft sign on a pylon (pole). The permit was not issued because the property is not owned by them yet. Ms. Steele replied that the paperwork for signage is done by Dollar General. If a pylon sign is not approved, a monument sign is issued.

Chairperson Hodgeman stated that at the last meeting there was discussion about not having merchandise or propane cages out front and asked if Ms. Steele had spoken with Dollar General about that. Ms. Steele replied that she has checked with Dollar General and no merchandise will be out front. Mr. Gillen asked if that would be a condition of the site plan, and Ms. Chalifoux replied that yes, it could be.

Ms. Chalifoux asked if there were matching documents for the proposal with the stacked stone. Chairperson Hodgeman replied that some modifications, such as the 12-inch bump-outs on the sides, require a modification to the foundation plan. Ms. Chalifoux stated that there can be new plans sent or a specific condition for it in the motion. She also stated that the sign can either be reflected in the site plan or

could be a condition of approval.

Chairperson Hodgeman asked if there were any comments about the bump-outs from the Planning Board. Mr. Richardson asked if it would be possible to give the bump outs a complimentary color to the rest of the building. Even if it was a darker tan or a grey it would add some contrast if secondary peaks could not be added. Mr. Michael Baker and Chairperson Hodgeman agreed that it would give more personality to the building. Ms. Ciolek suggested the same color palette as Honeoye Commons.

Supervisor Marshall added that he would like more charm. He does not see enough inspiration from Honeoye Commons in the building. Mr. Wildman stated that he would like a larger peak in the center and peaks on either side, or even a porch or awning. Ms. Yockel added that she agrees about having the same colors as Honeoye Commons, and asked if columns could be added around the entrance to add more visual interest. Ms. Steele stated that porches and support columns cannot be done. The roofline cannot be changed, but façade upgrades can be done on the front to address concerns of a flat front. Mr. Michael Baker replied that they are not requesting a change in the roofline, it will still be a flat roof. They just would like peaks to be added. Ms. Steele replied that she can look into adding parapets on the sides. Supervisor Marshall suggested adding the look of columns by using trim. Mr. Wildman suggested that Chairperson Hodgeman and Supervisor Marshall have a conversation with Ms. Steele before the next meeting, to talk to the design team and come up with a design.

Ms. Chalifoux asked if everything being discussed, landscaping and signage, will be added to the renderings and plans so that they do not need to be made conditions. Ms. Steele agreed. Chairperson Hodgeman replied that a new sign permit for the monument-style sign will need to be received, and that a meeting will be set up with Ms. Steele and The Broadway Group to come up with a front façade that can be agreed on.

Ms. Steele agreed that the current plans submitted are not the plans that she wants to be voted on.

Chairperson Hodgeman asked if the Planning Board agreed that the public hearing be left open until the October meeting.

**Public Hearing – Annexation – The Broadway Group, LLC – for properties owned by Kenterprise II, LLC and located at 8673 and 8677 Main St., Tax Map #135.20-2-11.2 and 135.20-2-11.1.**

Chairperson Hodgeman made a motion to open the public hearing for the annexation at 8:57pm. Mr. Wildman seconded the motion, which was passed unanimously via voice vote. Mr. Wildman asked how the annexation can be done if The Broadway Group does not own it. Ms. Chalifoux replied that the application came from the property owner. Chairperson Hodgeman made note that these properties were previously combined, so this will be a recombination of the two pieces of property.

With none present to speak for the public hearing, Chairperson Hodgeman made a motion to close the public hearing at 8:58pm. The motion was seconded by Mr. Richardson and was passed unanimously via voice vote.

Ms. Chalifoux asked the Planning Board to acknowledge the map that was submitted. Ms. Steele agreed that a plat map was sent. Chairperson Hodgeman acknowledged that the Planning Board has the map as of September 18th.

**Chairperson Hodgeman made a motion to approve the re-subdivision of the properties located at 8673 and 8677 Main Street following town code provision 173-8. Mr. Wildman seconded the motion, which was passed unanimously via voice vote.**

### Record of Vote

	Member Name	Aye	Nay
Chairperson	Michelle Hodgeman	X	
Member	Michael Baker	X	
Member	David Richardson	X	
Member	Jeannie Riorden	X	
Member	Leonard Wildman	X	
Alternate	Scott Gillen	X	

**Site Plan** – Bald Hill, LLC – for property owned by Eric Lang and located at 4860 County Road 27, Tax Map # 135.14-1-23.000.

Chairperson Hodgeman opened by asking Mr. Lang if he had gone back to Mr. Shumway to see if permits were needed for the soil work that has been done. Mr. Lang stated that he has plans for the retaining wall on the North end, but they were received this evening. Chairperson Hodgeman asked that he submit them to Mr. Shumway so that the Planning Board members can review them before the next meeting. Mr. Lang also stated that according to the DEC because the property is not in a watershed (it is .5 miles away from the watershed) there is no need to get a permit. Chairperson Hodgeman asked if Mr. Lang had documentation from the DEC. Mr. Lang replied that he spoke to the DEC representative over the phone and has the phone number for Dan, the person he spoke to. Mr. Lang added that no permits are required for the retaining wall or fences. Mr. Lang stated that he will drop the paperwork and plans off to Mr. Shumway in the morning.

No true site plan has been done yet because Mr. Lang is still waiting to figure out drainage on the property and figure out what the final picture will be. There are three sides to the property, with slopes on the South and West side and the North side will have the retaining wall. He stated that having the U-shape behind the building will make it easier for his tow trucks.

Chairperson Hodgeman stated that at this point the Planning Board cannot move forward until information is received about the design and engineering for the retaining wall. When asked by Mr. Gillen, Mr. Lang stated that the drainage and parking proposal will be finished before the next meeting as well.

**Minor Subdivision** – for property owned by Charles and Sharon Cardinale and located at 8828 Sandy Bottom Road, Tax Map #149.05-1-4.120.

Supervisor Marshall stated that he has Mr. and Mrs. Cardinale present with him in his office. Mr. Cardinale stated that the property is being subdivided into two parcels. One with 100ft of frontage from West to East. The other will remain the same with the house, shed, and garage. The dotted line on the map shows that that is where it will be split. A surveyor has come out already, but maps have not been received yet.

Chairperson Hodgeman asked the Cardinales that they provide the prints by the next meeting.

**Chairperson Hodgeman made a motion to have a public hearing for the property at the October meeting. Mr. Michael Baker seconded the motion, which was passed unanimously via voice vote.**

**Minor Subdivision** – for property owned by Alice Faye Mann and located at 4683 County Road 37, Tax Map #135.00-2-6.100.

Chairperson Hodgeman stated that she did research on the property. She was not sure if Dugan Drive was actually a town road and wanted to make sure one piece of property was not landlocked. The road is considered a town road.

Mr. Wildman stated that there may be a 2-acre minimum and asked if there was any minimum acreage for those lots. Mr. Shumway said that Lot 2 would need to meet the 2-acre requirement.

**Chairperson Hodgeman made a motion to send the application back to the applicant and ask for further modifications. With a second by Mr. Michael Baker, the motion was passed unanimously via voice vote.**

### **Review Proposed Code Changes**

Mr. Barnhoorn reported that the public hearing was held in September and public comments were received. Some typos will be fixed and clarifying language will be added, but nothing that affects the law itself. Mr. Barnhoorn hopes that it will be approved at the October meeting.

Mr. Barnhoorn also thanked the Planning Board for how well the Abundant and Broadway Group applications have been handled. He stated that the Planning Board is doing its due diligence for the town.

### **Ontario County Planning Report**

Mr. Wildman stated that he was not present for the County Planning Board meeting, but there were only minor applications he has nothing to report.

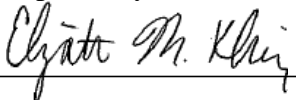
### **Approve Minutes** – Meeting of August 27, 2020 and the September 10, 2020 Special Meeting

Chairperson Hodgeman stated that she has some minor edits that have not yet been sent to the Planning Board Secretary. There were no other comments from the Planning Board.

**Chairperson Hodgeman made a motion to approve the minutes for both the August 27<sup>th</sup> and September 10<sup>th</sup> meeting with the inclusion of edits. Mr. Richardson seconded the motion, which was passed unanimously via voice vote.**

**Chairperson Hodgeman made a motion to adjourn at 9:49 pm. The motion was seconded by Mr. David Richardson and passed unanimously via voice vote.**

Respectfully Submitted,

  
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October 3, 2020