

VILLAGE BOARD MEETING
Minutes
February 6, 2013

CALL TO ORDER: 7:00 p.m.

The Pledge of Allegiance was led by Mayor Lobene.

BOARD MEMBERS PRESENT

Joyce Lobene, Mayor
Theodore E. Rauber, Trustee
Carol J. Nellis-Ewell, Trustee
Gary Penders, Trustee
Fritz Gunther, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT

Craig Byham, Luther Jacobs Way
Glenn Granger, Village Walk Circle
Charles Hopson, Maplewood Avenue
Gary Inzana, West Avenue
Ray Kuntz, Coolidge Avenue
Owen McIntee, Electric Superintendent
Richard Olson, Village Attorney
Joan Quigley, Maplewood Avenue
Kris Schultz, Schultz Associates
David Spencer, West Avenue
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent
David Wohlers, Clark Street

APPROVAL OF MINUTES

A motion was made by Trustee Rauber, seconded by Trustee Nellis-Ewell and carried that the minutes of the regular meeting January 3, 2013 be approved as read.

A motion was made by Trustee Rauber, seconded by Trustee Penders and carried that the minutes of the workshop meeting January 16, 2013 be approved as read.

PRIVILEGE OF FLOOR

Mr. Gary Inzana, Village Square Management, 24 West Avenue made the following statement:

To: Spencerport Village Board, Planning Board and Zoning Board Members

I am here tonight to talk for few minutes about our village, and the proposed development at the Village Plaza. Spencerport has grown slowly over the years, the population has been fairly stable and the Village has for the most part absorbed the limited development smoothly. We probably all agree that we like our village as it is today. Improvements have been made along the canal, Main Street is doing well, we have our supermarket and things are pretty calm and peaceful. There are now two large developments that will change our village, hopefully, with proper planning and patience, for the better. The commercial and residential development on Union Street and Big Ridge Road is already underway and the plans for the Village Plaza project are in the early stages of review. The question is as we look into the future how intensely do we want the village developed?

The impact that the commercial aspects of these two project will have on Main Street remains to be seen, and any review of the plaza project should take this into account. Main Street has already lost several parking spaces due to the dual traffic on East Avenue. Although this may have been necessary to benefit the plaza, it definitely impacts Main Street, especially the businesses immediately adjacent to these former parking spaces.

We all know what problems poor planning on even a small development can cause – I am referring to the Post Office. At the time the Village wanted the Post Office in the worst way and practically bent over backwards to have it located here, in the Village. While overall we are glad to have it in the Village it was very poorly planned out. The village wanted it located on Main Street but ended up with it in the back on a lot that doesn't have three feet of level parking anywhere. Parking? That is another story.

On the other hand the plans for the Spencerport Insurance building were methodically scrutinized and the result is a beautiful building that is a fine addition to Main Street. Careful, thoughtful, patient and thorough planning can result in a beneficial project both for the developer and Village.

The Village Plaza development has the potential to enhance our Village if done right – it also has the potential to detract from our Village if done wrong. This is a big project and I believe the Village needs to again be careful, thoughtful, patient, and thorough in studying this project. Perhaps outside help may be needed. For example the developer brought in SRF Associates traffic engineers to talk about parking – they did not talk at all to my recollection about traffic flow. Naturally, the developer wants the parking and traffic study to show up in the best possible light – I've been there. On many small projects it may not matter how the study turns out because the project is not large enough to have a large negative impact. This project is large enough. I suggest the Village have its own traffic and parking study to confirm or dispute the findings from SRF. Yes, this is an expense, but it is money well spent and due diligence will have been done. I suggest if there are any other issues where the Village does not have the proper expertise and they bring in additional professionals. This is the largest project I can recall that the Village has seen and probably will ever see and it is very important it is done right, the process is not rushed, and the best interests of the Village are served.

Now I would like to point out some points for discussion regarding the proposed development at the Spencerport Plaza.

Mr. Ferranti the traffic engineer said at last night's Planning Board meeting that he did not recommend putting in the number of parking spaces that his study shows are needed. He said fewer spaces on the site would have less environmental impact, less impervious surfaces, less lot coverage etc. Even though his study came up with considerably less parking spaces than required by our Village Code, I believe inadvertently what he meant was that the site plan is too dense.

Section 340-29 of the code enumerates required parking spaces for different uses. Although this was not discussed at last night's Planning Board meeting, Section 340-29 A (15) states that the (parking) requirements are for the actual use of the property, not the zoning district it is in. Therefore it is possible to calculate the required parking spaces per our existing code.

The current zoning code requires a 10' wide parking space; the site plan shows 9 foot wide parking spaces. Even with these narrower spaces there is insufficient parking for this density. For example the code requires two parking spaces per dwelling unit. The site plan for this project shows one and a half spaces per dwelling unit. For the 99 dwelling units proposed, an additional 49 parking spaces are needed that are not shown on the plan.

The site plan specifies a gross commercial/retail floor area of about 137,000 sq. ft. with 456 commercial parking spaces provided, based on one parking space for 300 sq. ft. of commercial spaces.

The zoning code requires one parking space for every 250 sq. ft. of gross floor area for supermarkets, stores and plazas, and 1 space for every 200 sq. ft. of floor area for banks, medical offices etc. this is somewhere around 91 to 152 commercial parking spaces less than is required in the code.

In total, I believe this site plan would need an additional 140 to 201 parking spaces to satisfy the existing code.

Gross Floor Area is a term referring to the total floor area inside the building envelope, including the external walls, and excluding the roof.

One last point on parking, Mr. Ferranti state that people will walk up to 1200 feet, almost a quarter of a mile, (even in winter?) to go to the grocery or other stores. Perhaps, but Section 340-29B of the code states: All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board of Appeals may permit the parking spaces to be on any lot within 500 feet of the building if it determines that it is impractical to provide parking on the same lot with the building. The site map shows 6 lots for this project.

The plan calls for 99 apartments. I did not see where it stipulates their sizes, or number of 1, 2, or 3 bedroom units. Regardless of size, for multifamily units the code requires 3500 sq. ft. of lot area per dwelling unit. This site plan falls woefully short of this requirement. In addition the site plan attempts to use this same lot area for an additional 32, 190 sq. ft. of retail-commercial space. This is not reasonable or realistic. For an example of density, Hilltop apartments on Brockport Road in the village, has 63 two story apartments on 5.2 acres of land which is just about the code allowance of 3500 sq. ft. of land area per apartment.

There is no landscape plan submitted with the drawings, however it seems obvious from the site plan that open space and landscaped areas are minimal with the site dominated by buildings, parking, and roadway. In addition I'm, sure you are all aware that the plan calls for building heights of 65', almost double what the code allows and almost certainly an intrusion and obstruction to the neighbors across the canal.

Because of the density of this project it is doubtful that this site could satisfy Article XIV, Architectural Design Standards, which is fairly comprehensive and covers many aesthetic aspects of a project.

Perhaps some of these issues will be covered by a new Incentive Zoning District. The verbiage in the new district regulations will be very important to regulate this new district.

If this new district gives more authority and flexibility to the Planning Board, perhaps the Village board would like to reserve for itself the right to sign off on any project in an Incentive Zoning District.

To sum it up I believe this project has too much of everything except for green space, open areas and landscaped areas and should be scaled back to more appropriately fit in with existing buildings and complement our village as required by Section 340-87. Performance goals:

- A. Architectural theme: to preserve, promote, restore and enhance a 19th Century Canal Village.
New buildings: the design of new buildings should reflect the historic architecture of the town in terms of scale, massing,...etc.

In closing at the completion of this project, I hope the Village will be satisfied that it was done properly, with due diligence and careful consideration with respect to the village, its residents and its businesses.

Sincerely,

Gary Inzana

Mr. David Wohlers, Clark Street requested that the speeding on Union Street be addressed by the Ogden Police Department. Mr. Wohlers indicated that he did speak to the Town Supervisor about the speeding as well.

Mayor Lobene indicated that she would speak with the Chief of Police regarding this issue.

Mr. Craig Byham, Luther Jacobs Way requested the Village Board to look into increasing the property tax exemption amount for veterans. Mr. Byham further explained that the Village offers the lowest exemption for veterans in the county and the value of the Town of Ogden's exemptions are six times higher than the Village. Mr. Byham further explained that there are many veterans currently returning from Iraq and Afghanistan and it would be in the best interest of the Village to make our community desirable for them to purchase homes.

Mr. Dave Spencer, West Avenue indicated that he wanted to send out some kudos to the Electric Department for the job that they do keeping the trees off the wires and the preventative maintenance and upgrades to the system. Mr. Spencer added that he has seen the police doing traffic control on Union Street.

Administrative Committee – Mayor Lobene, Chair

Mayor Lobene reported that she participated in a conference call with CSX regarding the RR Bridges and that a contractor has been selected and they are following up on subcontractors. Work may begin as early as March. Mayor Lobene continued explaining that the Landmark Society will be participating with the "Walk thru History" booklet that will be published with help from the NYS Eire Canalway grant.

Mayor Lobene explained that she had called the girls from the office on December 26th due to inclement weather and told them if the weather was bad not to come into the office and that she and Jackie could take care of the office. However the staff was able to come into the office. Mayor Lobene continued that the question came up how staff will be paid if they do not come into the office due to weather. Mayor Lobene indicated that she feels that if the Board tells them not to come in they should be paid their regular hourly rate.

Trustee Gunther indicated that the direction seemed vague and subjective and wanted to know what the policy is for inclement weather.

Mayor Lobene responded that she felt that the office staff lives in various locations Clarendon, Sweden, Churchville and by the Lake as well as different ages that they might not be able to come into the office due to the weather conditions.

Trustee Gunther added that we have the same situation with the DPW and Electric staff members and they are required to come in.

Mayor Lobene responded that they are trained to drive in that weather.

Trustee Gunther responded not to drive into work.

Trustee Penders commented that the driving force of closing the office would be if the roads were close or a state of emergency has been issued.

The Board agreed that operations would be closed if a state of emergency is issued.

Resolution 54 2/2013

Introduced by: Mayor Lobene

Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby appoints Sandra Mitchell, 76 Prospect Street to the volunteer position of Village Historian.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Trustee Nellis-Ewell clarified that Mrs. Mitchell will be serving in a volunteer capacity without pay or a stipend.

Mayor Lobene responded that was correct and that Mrs. Mitchell will be assigned a Village laptop, camera and have a budget line for expenses.

Trustee Rauber explained that Superintendent West will be attending Advocacy Day in Albany, NY. This is an opportunity for representatives from municipalities to talk to law makers regarding the importance of CHIPS funding.

Trustee Nellis-Ewell indicated that she is looking for the disposition of Mayor Lobene's request for additional holidays of Martin Luther King Day and Veterans Day for the employees.

Mayor Lobene responded that she asked the Board members to think about it and did not hear from anyone.

Trustee Rauber indicated that the holidays and veterans exemption should be discussed during upcoming budget planning.

Mayor Lobene indicated that she will be putting the additional holidays on the workshop agenda and that she feels badly that the Village does not observe Veterans Day.

Trustee Nellis-Ewell commented that she is married to a Vietnam Combat Veteran and that reviewing increasing this exemption would be desirable.

Mayor Lobene requested the treasurer and clerk to look into the Veterans exemptions.

Sewers Committee – Trustee Rauber, Chair

Trustee Rauber commented that the sewer relining on Union Street went well and Superintendent West is working with SCS regarding a shared sewer line in the Coolidge Avenue area.

Trolley Depot – Trustee Rauber, President

Trustee Rauber commented that the Depot committee in working on licensing agreement for the operation of the museum portion of the operation with the Village.

Mr. Glenn Granger questioned if a piece of the CSX bridge will be saved to be put near the museum.

Mayor Lobene responded no but she thinks it is a good idea.

Planning/Zoning/Building Control – Trustee Nellis-Ewell, Chair

- A. Planning – Trustee Nellis-Ewell reported that the Planning Board met on (1/8) and the concept plan for the Village Plaza expansion was presented to the Board resulting in questions and concerns, the Village is represented by the DPW, Electric Superintendents, Village Attorney and Engineer to address the various questions and concerns. Since that meeting the Planning Board met last night (2/5) and the questions and concerns were reiterated regarding the parking study. Trustee Nellis-Ewell clarified that Mr. Ferranti, SRF was only speaking about parking and size of parking spaces not traffic flow.
- B. Architectural Review - Trustee Nellis-Ewell reported that representatives from Maximum Tan came to the 1/8 meeting with new sign design and that ARB requested that the applicant reconsider the colors and size to be code compliant. The applicant was on the agenda for last night's meeting (2/5) however did not attend.
- C. Zoning – Trustee Nellis-Ewell reported that a ZBA meeting was not necessary on January 16, 2013 and that if a meeting is necessary in February will be held on the third Thursday.
- D. Building Control
- E. Code Review - Trustee Nellis-Ewell indicated that there are a few outstanding issues including parking on front lawns and incentive zoning and deferred further comments to Attorney Olson.

Resolution 55 2/2013

Introduced by: Trustee Nellis-Ewell
 Seconded by: Trustee Penders

Be it resolved that the Village of Spencerport Board of Trustees hereby approves attendance at the Spring 2013 Land Use Decision-Making Training Program by any Village, Planning or Zoning Board member and support personnel. Cost not to exceed \$120 per person.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Trustee Nellis-Ewell indicated that the Zoning Board of Appeals is looking for an alternate.

Mayor Lobene responded that she would talk to Evelyn Dow regarding placing an advertisement for a ZBA alternate.

Finance Committee – Trustee Penders, Chair

Trustee Penders read the independent auditor's report regarding procedures and recommendations. Trustee Penders indicated that there were eight procedures reviewed and from the review four recommendations were made. Trustee Penders asked the Board to review the suggested responses to the recommendations and that they would be discussed at the workshop meeting on the 20th.

Treasurer Kimbler commented that the independent auditors report is being done on behalf of the Board and is required by law. The responses are suggested by staff but are not required and can be discussed at the workshop meeting.

Facilities Committee – Trustee Penders, Chair

- A. Electric

Trustee Penders added that over the past fifteen years improvements have been made to the electric system to improve safety and reliability.

Trustee Penders reviewed the agenda for the upcoming MEUA Engineering Workshop.

Resolution 56 2/2013

Introduced by: Trustee Penders
 Seconded by: Trustee Rauber

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the attendance of SME Superintendent and three (3) SME Linemen to the MEUA Spring Engineering Workshop Wednesday & Thursday, March 13 & 14, 2013 Embassy Suite Hotel, 6646 Old Collamer Road, East Syracuse, NY. Cost not to exceed \$201.00 per person.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Trustee Rauber and Nellis-Ewell questioned who will be backing up SME operations.

Superintendent McIntee indicated that Mike Meyers and Norb Sauter are not attending.

B. Other (Drainage, Franchise)

Public Works Committee – Mayor Lobene, Chair

A. Highways/Garage

Resolution 57 2/2013

Introduced by: Trustee Rauber

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the sale of the Giant Vac, tow behind leaf vacuum; Model 9800 6 cylinder engine; serial #96-256135 in the amount of \$1,000 to Monroe County.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

B. Public Services (Refuse, Recycling, Parks)

Public Safety Committee – Trustee Penders, Chair

A. Fire Department - Trustee Penders reported that there was a small accident with the new rescue truck.

B. Police - Security cameras are in place and functioning. Work continues to get them in the police cars.

C. Ambulance -

Trustee Nellis-Ewell questioned if signs will be put up regarding the cameras.

Trustee Penders responded that he would like to have signs put up.

Human Resources Committee – Mayor Lobene, Chair

Economic Development Committee – Mayor Lobene, Chair

Green Initiatives – Trustee Nellis-Ewell, Chair

Trustee Nellis-Ewell submitted the following update:

Excerpt from the January 2013 Energy Smart Communities Newsletter – Haley Rotter, previously Finger Lakes Communities Coordinator.

“endless opportunities...From simple equipment change-outs, to green building projects and the utilization of solar, wind and geothermal technologies, customers are connecting to incentive programs.

And the good news is, there is no lack of funding. NYSERDA is funded by the Public System Benefits Charge (on your utility bill), and there is plenty of money available for projects. Sometimes it's simply a matter of increasing awareness, and of course, the completion of paperwork!

An encouraging fact...is that total consumption of energy in the U.S. fell by 3 percent between January and September 2012, compared to the same nine-month-period in 2011, according to the latest statistics released by the Energy Information Administration (EIA). This is a small step in the right direction, yet per capita, the U.S. (still) uses more energy than nearly any other country in the world. We are going to need to implement sustainable energy practices for many years to come!"

As an example locally, guided by Lee Loomis of NYSERDA, with Isaac Home Energy, I participated in a complicated walk-through Energy Assessments/Audits with air flow and thermal imaging testing of the Ogden Senior Center on January 15 and February 1. Having provided copies of utility bills from RG&E and Spencerport Municipal Electric, the SAHARO Advisory Board is awaiting the complete report that analyzes and details priorities and paybacks, and makes recommendations.

With DPW Supt. Tom West, I attended the meeting of the Finger Lakes Regional Sustainability Consortium on January 16 at the M&T Building in Rochester. I plan to attend meetings on February 13 and in March, to be scheduled either March 12 or 13. Guided by consultants, this cross-sectional group interacts for the final purpose of providing a regional sustainability plan. In addition, as the next phase of the Heritage Trail project, with Superintendent West and Clerk Sullivan, cost-permitting, Mayor Lobene and I are hoping to incorporate elements such as recycled plastic picnic tables, dual trash containers enabling collection of water bottles, etc. and pervious paver pathways into the landscaping. Thank you for your guidance and support.

SME Superintendent McIntee and his crew, as a cost and energy savings measure, completed installation/replacement of LED street lights on Nichols and Prospects Streets. Superintendent McIntee will further elaborate in his report. My appreciation for the vision to the plan and undertaking these successful projects.

Village Clerk – Jacqueline Sullivan

Resolution 58 2/2013

Introduced by: Mayor Lobene

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves Liz Venezky to attend Microsoft Access Training on either Friday, February 8 or 15, 2013 at Greece Community Continuing Education. Cost not to exceed \$89.00.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Superintendent of Public Works – Thomas M. West

Superintendent West reported that all staff has been trained in CPR/AED and thanked SFD and Eric Jensen for the use of their facility and Eric volunteering his time for the training. Confined space and OSHA training will take place in February. Hearing tests will be scheduled in the next month. Garbage cans for the parks are being repainted at this time. Work continues on phase two of the Heritage Trail; will be working with SCS to slip line the sewer line from the school to Coolidge Avenue.

Superintendent of Electric – Owen McIntee

Superintendent McIntee thanked Trustee Penders and Mr. Spencer for their positive comments. Upgrade work continues at Hilltop View apartments to bring the area up to current standards. Make ready work at the substation continues for the installation of a new transformer. New LED street lights have been put up on Nichols Street saving considerable energy. Working with BOCES regarding their electrical upgrades and energy rebates in the amount of \$2500.

Attorney – Richard J. Olson

Attorney Olson submitted a draft letter to the post office to be reviewed by the Board and Clerk for accuracy and to be forwarded to the post office.

The parking on front lawns code will be reviewed when Kevin Kelly returns from Florida at the end of March.

Resolution 59 2/2013

Introduced by: Mayor Lobene
Seconded by: Trustee Nellis-Ewell

**INTRODUCTORY LOCAL LAW #1-2013
VILLAGE OF SPENCERPORT, MONROE COUNTY**

THE INCENTIVE ZONING LAW OF FOR THE VILLAGE OF SPENCERPORT

WHEREAS, the Village Board has before it a proposed Local Law to provide for a system of incentive zoning; and

WHEREAS, in order to enact this Local Law, the Village Board of the Village of Spencerport is required to hold and conduct a public hearing thereon;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the Village Board of the Village of Spencerport shall hold and conduct a Public Hearing on the 20th day of February, 2013, at 7:00 p.m. at the Village Hall, 27 West Avenue, Village of Spencerport, New York, 14559 to consider to the attached Local Law; at which Public Hearing all interested persons will be heard concerning the subject matter thereof.

SECTION 2. That the Village Clerk shall cause due notice of such public hearing to be published as required by law.

Vote of the Board:	Theodore E. Rauber, Trustee	Aye
	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Fritz Gunther, Trustee	Aye
	Joyce Lobene, Mayor	Aye

Unfinished Business

Trustee Gunther suggested that staff take a look at other items that are not used to be sold.

New Business

Bills

Motion was made by Trustee Gunther, seconded by Trustee Penders and carried unanimously that the monthly bills be paid as audited in the following amounts:

General Fund	\$ 91,817.42
Electric Fund	\$ 63,384.14
Sewer Fund	\$ 38,942.14
Trust Fund	\$ 156.00
Capital Fund	\$ <u>00</u>
TOTAL:	\$194,300.40

Motion was made by Trustee Gunther, seconded by Trustee Rauber and carried unanimously that the cash disbursements for the General, Electric, Sewer, Trust and Capital Funds, February 2013 be approved as audited.

Adjournment

Motion was made by Mayor Lobene seconded by Trustee Rauber and carried unanimously that the regular meeting be adjourned 8:41 p.m.