

Village Board Workshop Meeting

October 15, 2014

4:30 p.m.

Minutes

BOARD MEMBERS PRESENT

Glenn Granger, Mayor
Carol J. Nellis-Ewell, Trustee
Gary Penders, Trustee
Charles Hopson, Trustee
Ray Kuntz, Trustee

BOARD MEMBERS ABSENT

OTHERS PRESENT

Daniel Anastasia, Amity Street
Craig Byham, Luther Jacobs Way
Lina Kirik, Cherry Creek Lane
Mike Maeger, Kirkgate Drive
Owen McIntee, SME Superintendent
Rich McQuilkin, Code Enforcement Officer
Jim Ritzenthaler, Wood Duck Run
Patrick Smith, Building Inspector
Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent
David Wohlers, Clark Street

Trustee Granger called the meeting to order at 4:30 p.m.

Mr. Rich McQuilkin, Code Enforcement Officer reviewed his monthly activity report with the Village Board. Mr. McQuilkin indicated that four (4) inspections were completed during the month: Spencerport Exempts Club, Snuggeries, Strong Urgent Care and Bad Apples Bistro. Three out of the four need re-inspections due issues. Re-inspections have been done at five businesses: Napa Auto Parts, Piscaturo Law Office, Beauty and the Beast, McDonalds Restaurant and the Reptile store all businesses are now in compliance. On C of O inspection is outstanding at 138 S. Union Street (Grandpa Sams building) so that the owner can proceed with refinancing. Addressing bulk brush issues and regular bulk issues, follow up letter has been sent to Mr. Pelusio regarding the installation of No Parking/fire lanes and they have been installed. Letter is out to Bob Spencer regarding 500 Union Street for items that need to be corrected in the common areas of that plaza. Address a complaint regarding 6 Village Trail and the parking of a boat and trailer on the Village right of way. The boat and trailer were removed from the Village right of way however they are now in the resident's driveway; re-secured the vacant building on Glen Carin Court. Met with Tom Michielson regarding dividing the store front of the Masonic Temple and he has installed new keys in the Knox Box for building access. The Village Office is up to compliance with emergency lighting.

Trustee Penders reviewed the code regarding the ability of a property owner to have a trailer on their lot for the purposes of construction operations. Trustee Penders questioned Mr. McQuilkin if that is how he interprets the law regarding the trailer located at the bowling alley.

Mr. McQuilkin responded that it is up to the Board if that is how long they would like to allow him to have the trailer and Mr. McQuilkin does not know how long Mr. Progno's timeline is going to be.

Mr. Penders indicated that as he interprets the code if Mr. Progno is using it for construction he can have it on his property.

Mr. McQuilkin was under the impression that Mr. Progno is using it for can and bottle storage.

Mr. Progno indicated that the trailers have pop cans in half and bowling alley stuff in the rest of it. Mr. Progno continued that he is in the process of cleaning out the back of the bowling hall so that renovations and an addition can be done.

Mr. McQuilkin questioned if Mr. Progno had a timeline for the project.

Mr. Progno responded that he was thinking six months and that it may have to be extended during construction.

Discussion ensued regarding the plans for the bowling alley.

Trustee Penders commented that if Mr. Progno spoke to Donna regarding the trailer to just contact her and give her a firm date and that he does not see any problem with it.

Resolution 53 10/2014

Introduced by: Trustee Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves permitting the continued placement of the trailer located at 45 Nichols Street for the purposes of construction until April 15, 2015.

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Aye
	Ray Kuntz, Trustee	Aye
	Glenn C. Granger, Mayor	

Mr. Patrick Smith, Building Inspector indicated that he has been working with the owner of 42 Nichols Street regarding the installation of firewalls within the units and the expansion of the University of Rochester urgent care facilities that are currently located at that plaza.

Attorney Eric Stowe indicated that he continues to work with Crown Castle regarding the permitting process for co-locations at their site located at 500 West Avenue as it pertains to Reg. F or Reg. G (ice/wind loads). MRB Group indicated that the Village cannot use Reg. G and should use Reg. F. Attorney Stowe continues to work with Dave Willard from MRB and Crown Castle's attorney. Attorney Stowe added that there is a Department of State memo that indicates that Reg. G is appropriate and MRB's issues is whether it applies to the Village or not. Attorney Stowe indicated that he is currently working with the Department of State to gather a direction to proceed.

Attorney Stowe commented that rezoning is necessary for the Village Pines property. Attorney Stowe explained that the newly annexed parcel has the zoning of the parcel that it is touching (R1) and that the R1 zoning is not appropriate for the developer's proposed project. Attorney Stowe continued that the appropriate zoning would be PRD which was last used in the 1970's but continues to be appropriate or the Village Board could pursue incentive zoning to recoup some of the recreation fees that are to be forwarded to the Town of Ogden upon development of the parcel.

Attorney Stowe indicated to the Village Board that he and the applicant need they need a direction from the Village Board as to which type of rezoning they would like to entertain; PRD or an incentive zoning application.

Trustee Nellis-Ewell confirmed that if we followed the PRD model the code is predominately from the 1970's but would work today.

Attorney Stowe responded that for the use, and the setbacks, density and coverage and all of that; yes that would cover it and get it in and by okay ask I read it and reviewed it with the engineer.

Trustee Nellis-Ewell questioned how the rezoning relates to the IMA.

Attorney Stowe responded that the PRD does not relate to the IMA however the incentive zoning you could pass on some of the Village's costs to the developer or recoup some of the Village's recreation fees.

Mayor Granger questioned when action needed to be taken.

Attorney Stowe responded that the Village Board should take a look at both zoning codes and determine by the next meeting which route they want to take and how they would like to see the project come in.

Trustee Nellis-Ewell commented that the PRD would be the most expedient one.

Trustee Hopson commented that he would need to review the options.

Trustee Pender commented that he would also need to review the options.

Trustee Kuntz commented that he too would need to review the options.

Discussion ensued regarding the timing of the rezoning process.

Trustee Hopson indicated that Mr. Feltner had contacted him with questions regarding his parking lot/drainage issue and that Trustee Hopson responded to Mr. Feltner that he would present the questions to the Board.

Mr. Feltner's questions read by Trustee Hopson:

Could the DPW supply the labor if he provided the material?

Tax abatement for 10 years if he does all this work himself?

What happens if there is another flood caused by his problem?

Mayor Granger asked Attorney Stowe what would Mr. Feltner's responsibility be if there was another flood?

Discussion ensued as to who would determine the cause of another flood.

Trustee Penders reviewed the two studies that the Village has completed regarding flooding of Northrup Creek from 1937, 1972, 1997, 2002 and 2006. The studies indicated that to prevent future flooding pond retention could be installed upstream in the domus area, increased culvert capacity/stream relocation with costs from \$5,000 to \$900,000 or increasing the berms or flood proofing properties. The studies also indicated that all Village drainage regarding this creek is privately owned and the Village is not responsible for this drainage.

Mayor Granger questioned why a retention pond upstream is not appropriate.

Trustee Penders responded that there is not enough area for the retention pond.

Trustee Penders continued that if the Village does the work on Mr. Feltner's pipes it still will not alleviate the flooding problem in Village. The most effective flooding prevention would need to be done upstream in collaboration with the Town.

Discussion ensued regarding cheaper methods of fixing those pipes.

Trustee Penders indicated that work has been done regarding drainage; sediment has been cleaned out and Village Plaza owner installed new larger pipes in the plaza.

Trustee Penders indicated that in his opinion the responsibility of those pipes is Mr. Feltner's.

Clerk Sullivan commented that she is working with Nora Venezky regarding potential grants to do a study for the expansion of the depot facility and possible relocation of the bridge tenders building.

Trustee Nellis-Ewell indicated that the Village did apply for a planning grant to expand the depot.

Clerk Sullivan responded that we had and were unsuccessful.

Ms. Brook Bouchard, Bond Financial explained the 2015 health care rates to the Village Board including the Village's current plan and additional plans that are available to the Village.

Trustee Penders explained that this resulted in the response from NYS regarding the permit application to move the crosswalk.

Mayor Granger indicated the he feels he should not have it engineered and just move the crosswalk.

Trustee Penders indicated that NYS would shut the project down.

Mayor Granger does not see how it will improve conditions.

Trustee Penders indicated that it will improve site.

Mr. McQuilkin commented that when he learned to drive he was taught looks left, right, left then proceed. The driver would then be proceeding into the crosswalk and someone could be in the crosswalk while the driver is looking left.

Mr. McQuilkin added that he is aware the cab posts are in the line of sight but at least there is a buffer zone of one lane prior to the crosswalk.

Trustee Kuntz questioned what initiated the change to be presented.

Trustee Penders it was a safety issue as he explained and the accident.

Discussion ensued regarding the safety issues, vehicle cab design and navigating the turn at that corner.

Resolution 54 10/2014

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

Be it resolved that the Village of Spencerport Board of Trustees hereby approves the quote from Schultz Associates for the NYSDOT improvement permit plan for the relocation of the exiting crosswalk on Union Street at Amity Street. Cost not to exceed \$2,850.00

Vote of the Board:	Carol J. Nellis-Ewell, Trustee	Aye
	Gary Penders, Trustee	Aye
	Charles R. Hopson, Trustee	Nay
	Ray Kuntz, Trustee	Nay
	Glenn C Granger, Mayor	Nay

A motion was made by Trustee Nellis-Ewell, seconded by Trustee Hopson and carried that the workshop meeting be adjourned at 5:45 p.m.