

**Village Board Workshop Meeting
December 17, 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

Craig Byham, Luther Jacobs Way
Owen McIntee, SME Superintendent
Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent
David Willard, MRB Group
David Wohlers, Clark Street

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

BI/CE/FM - (4:30-5:00 p.m.) – P. Smith/R. McQuilkin

Mr. Rich McQuilkin reviewed his monthly report and highlighted the following: 8 building inspections were conducted; 6 re-inspections were conducted with only two being incomplete at this time at 500 S. Union Street and Spencerport Bowl is incomplete as well; 3 temporary sign permits issued; inspected the laundromat in the Village Plaza due to a complaint of water on the floor. Mr. McQuilkin could not determine where the water was coming from and spoke with the owner of the business and a seal was just replaced on one of the machines and the owner would double check the machines. The owner also indicated that customers sometimes over load the machines causing them to leak; residential refuse issues regarding rental units putting out too much garbage; worked with Tim Horton's regarding a fire alarm system being in trouble and the situation has been corrected; walk through was completed with Mr. Patrick Smith at 42 Nichols Street regarding code compliance issues; attended the Monroe County Fire Marshalls meeting and training; a FOIL request has been received for all property code violations for the past year.

Discussion ensued regarding the FOIL request regarding telephone numbers.

Attorney – (5:00 p.m.) – E. Stowe

Attorney Stowe indicated that the Village Planning Board did give the Village Pines Section 3 rezoning application a favorable response and outlined to the Village Board the timeline and the complete rezoning process.

Attorney Stowe added that the Planning Board indicated that they have concerns with the proposed development regarding density, increase in traffic flow, water pressure, sewer capacity and the installation of sidewalks.

Trustee Penders questioned if the public hearing date of January 7, 2015 is appropriate to make a determination.

Attorney Stowe explained the timeline and that the public hearing can be conducted on January 7th and the Village Board has 45 days after the public hearing to make a decision regarding rezoning.

General

Mr. Andrew Spencer, BME (Engineer for Village Pines Section 3)

Mr. Spencer explained the development and reviewed density indicating that with variances there could be more single family lots developed under the current zoning of R-1; with rezoning the development would be able to reduce the number of lots developed 82, preserve green space and buffers between lots including sidewalks and a natural surface trail connecting all of the sidewalks in the development.

Discussion ensued regarding the development of the property, lot size, and layout of the development, single family and multifamily dwellings and cost of the homes.

Mr. Spencer indicated that the proposed development is not too dense for the neighborhood. Discussion ensued regarding lot size and setbacks for proposed lots.

Trustee Nellis-Ewell indicated that a concern is density and requested clarification regarding Mr. Spencer's comment regarding increased density under the R-1 zoning compared to the PRD zoning.

Mr. David Willard, MRB Group commented that the increased density under the current R-1 zoning would only be appropriate if there is sufficient water pressure, sanitary and storm water capacity in the system.

Mr. Spencer responded that the storm water regulations have been grandfathered on other developments however this will be verified. Mr. Spencer added that MCWA did improve some of the water lines in the area.

Mr. Willard responded that Village Pines Section 2 had issues with water pressure and fire flows at the time of development. Mr. Willard questioned what approvals were received from the Town of Ogden.

Mr. Spencer responded that the overall project received preliminary concept approval and section 1 received final approval.

Mr. Willard added that the Village of Spencerport never approved the project for sewer connection.

Mr. Wohlers indicated that a letter was received at the time indicating acceptance into the sewer system.

Discussion ensued regarding sanitary sewers and density.

Trustee Nellis-Ewell commented that what happened in the town is interesting and good from a historical perspective however this is a new project and should be addressed as one in her mind and addressing all of the findings and concerns at this time.

Mr. Spencer responded that all concerns are being addressed at this time.

Trustee Nellis-Ewell indicated that she worked on the current comprehensive plan and that the trend is moving to smaller homes and townhome type properties.

Mr. Willard commented that he is familiar with the property in Pittsford that received the grandfathered storm-water approval and that was granted because the project received approval under the old regulation but did not start until well after the regulations had changed. However in this case the Town of Ogden approvals would not be grandfathered and the project should be considered a new project with current storm-water regulations applied.

Mr. Willard commented that MC Pure Waters will need to approve the project because of the IMA between the Village and Monroe County. Mr. Willard questioned if it is better to proceed with the rezoning acknowledging to the developer that there could be potential road blocks or determine solutions to the road blocks prior to rezoning.

Attorney Stowe responded that the Village Board has been presented an application and that the Village Code should be followed with respect to rezoning. Attorney Stowe questioned that through the County Planning Review will the other agencies involved be informed of the project.

Mr. Willard responded that County Planning will note agencies that need to be informed of the project.

Discussion ensued regarding the Village Code and how it pertains to rezoning.

Further discussion ensued regarding the marketing and value of the properties.

Trustee Penders questioned how traffic flow will be determined.

Mr. Spencer responded that there are industry standards to determine traffic flow and will be added to the EAF long form.

Trustee Penders confirmed that the Village Planning Board will receive all of the reports that the Village Board will be receiving.

Mr. Willard responded that the Planning Board should receive copies of all reports regarding this project.

Discussion ensued as to what the Village Board reviews and what the Planning Board reviews.

Resolution 68 12/2014

Introduced by: Trustee Penders

Seconded by: Trustee Hopson

Be it resolved that the Village of Spencerport Board of Trustees hereby approves renewing EAP Workforce Solutions, 3896 Dewey Avenue #125, Rochester, NY 14616 2015 Employee Assistance Program agreement to provide services to Village Employees for calendar year 2015 at a rate of \$3.65 per employee.

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	Aye

Resolution 69 12/2014

Introduced by: Trustee Penders

Seconded by: Trustee Nellis-Ewell

LEGAL NOTICE

PUBLIC HEARING

Rezoning of Village Pines Section 3

Please take notice that the Board of Trustees of the Village of Spencerport will hold a public hearing at the Village of Spencerport, 27 West Avenue, Spencerport, New York, at 7:00 p.m. on Wednesday, January 7, 2015 to consider adoption of the rezoning of Village Pines Section 3:

WHEREAS, Village Pines, LLC, Spencerport, NY, is the owner of this land containing 34.4003 acres of land, more or less, situated in the Township 3, Range 1, Town Lot 68, Tax map #101.02-1-1.1 Village of Spencerport, County of Monroe.

WHEREAS, on behalf of Village Pines, LLC, Spencerport, NY, did heretofore make application to the Village Board of the Village of Spencerport to rezone the 34.4003 acres from Single Family Residential (R-1), Planned Residential Development (PRD); and

WHEREAS, pursuant to the provisions of Chapter 370-17 of the Village Code, the Village Board of the Village of Spencerport has been granted the power and authority to establish and amend zoning districts within the Village of Spencerport; and

WHEREAS, pursuant to the provisions of Village Code and in order for the Village Board to consider such rezoning application, the Village Board must hold and conduct a public hearing thereon at which public hearing all interested persons may be heard concerning the proposed rezoning; and

WHEREAS, due legal notice of the conduct of such public hearing must be given by publication and posting as required by law; and

WHEREAS, the Village Board desires to hold and conduct such public hearing upon the request of Village Pines, LLC.

NOW, THEREFORE BE IS RESOLVED, by the Village Board of the Village of Spencerport, Monroe County, New York:

SECTION I: That the Village Board of the Village of Spencerport shall hold and conduct a public hearing on the 7th day of January at 7:00 p.m. at the Village of Spencerport, 27 West Avenue, Spencerport, NY to consider the rezoning of certain lands owned by Village Pines, LLC, as follows:

All that tract or parcel of land containing 34.4003 acres of land, more or less, situated in Township 3, Range 1, Town Lot 68, Village of Spencerport, County of Monroe, and State of New York, being more particularly bounded and escribed as follows:

Beginning at a point, said point being a New York State DOT concrete highway monument at the northwest corner of said Town Lot 68, said point also being the southwest corner of Town Lot 55; thence

1. S86 degrees 03'46"E, along the southerly boundary line of said Town Lot 55 and of the Village of Spencerport and of lands now or formerly of Spencerport Water Company (T.M. No. 086.19-06-01), a distance of 933.32 feet to an iron pipe in concrete at the southeast boundary corner thereof; thence
2. S86 degrees 34'05"E, continuing along said southerly boundary line of Town Lot 55 and of the Village of Spencerport and also along the southerly boundary line from the Village Pines Subdivision Section 2 and of Heather Acres Subdivision Section 3, a distance of 804.22 feet to a point; thence
3. S86 degrees 30'18" E, continuing along said southerly boundary line of Town Lot 55 and of the Village of Spencerport and of Heather Acres Subdivision Section 2, a distance of 1,064.04 feet to a point on the westerly boundary line of the Timber Ridge Subdivision, as filed at the Monroe County Clerk's Office in Liber 276 of Maps, Page 86, thence
4. S01 degrees 48' 36"W, along said westerly boundary line, a distance of 360.05 feet to a point on the northerly right-of-way line of new York State Route 531; thence
5. S63 degrees 03'20"W, along said northerly right-of-way line of new York State Route 531, a distance of 549.83 feet to a New York State DOT concrete highway monument; thence
6. N81 degrees 42' 44"W, continuing along said northerly right of way line, a distance of 2,377.33 feet to a New York State DOT concrete highway monument being on the westerly boundary line of the aforementioned Town Lot 68, thence
7. N02 degrees 21' 16"E, along said westerly boundary line of Town Lot 68, a distance of 449.57 feet to the Point of Beginning.

SECTION II: That the Village Clerk shall give due legal notice of such public hearing by publication and posting as required by law and shall give notice of such public hearing as may be legally required by Chapter 370 of the Village Code.

SECTION III: That at such public hearing all interested persons shall be heard concerning the proposed rezoning.

By Order of the Trustees of the Village of Spencerport

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	Aye

A motion was made by Trustee Penders, seconded by Trustee Kuntz and carried to adjourn the workshop session to executive session at 5:50 p.m. to discuss pending and potential litigation.

A motion was made by Trustee Penders, seconded by Trustee Hopson and carried to adjourn the executive session to workshop session at 6:15 p.m.

A motion was made by Trustee Penders, seconded by Trustee Nellis-Ewell and carried to adjourn the workshop session at 6:15 p.m.