Village of Spencerport
Town of Ogden
Joint Public Hearing
Wednesday, July 9, 2014
7:00 p.m.
269 Ogden Center Road, Spencerport, NY
Minutes

This public hearing was held regarding the annexation application by Mr. David Wohlers, Village Pines, LLC to the Village of Spencerport for property located at the south end of Coventry Drive in the Village of Spencerport currently located in the Town of Ogden consisting of 34.4 acres of land, more or less situated in Township 3, Range 1, Town Lot 68 to be annexed into the Village of Spencerport.

Village of Spencerport Board of Trustees Present

Glenn C. Granger, Trustee
Charles Hopson, Trustee
Carol Nellis-Ewell, Trustee
Gary Penders, Trustee

Village of Spencerport Representatives

Eric Stowe, Village Attorney
Jacqueline Sullivan, Village Clerk
Tom West, DPW Superintendent

Town of Ogden Council Members Present

Thomas Cole, Council Member
David Feeney, Council Member
Malcom Perry, Council Member
Thomas Ushold, Council Member
Gay Lenhard, Supervisor

Town of Ogden Representatives

Lynn Bianchi, Town Clerk
Daniel Schum, Town Attorney
David Widger, Highway Superintendent

Others Present
Joanne Feeney
John Berg
Ken & Fran Meyers
Angie & Jack Weave
Ron & Johanna White

Terry & Roberta West
Karen & Frank Rakoski
Jill Cordts
Alan & Barb Pittman
Mark & Melody Roberge
Dave & Mary Hodder
Dennis & Diane Dupree
Craig Byham
John Peck
Jack Klein
Mark Howard
Linda & Eric Johnson
Robert Scalia
Angie & Tom Calandra
Liz Venezky
Betty Kelley
James Grassi
Dale Kellerson
Rosanne & Fred Holbrook
Tom Hull

Supervisor Lenhard opened the meeting by welcoming everyone and asking Town Clerk Bianchi to read the legal notice regarding the public hearing.

Town Clerk Bianchi read the legal notice.

Supervisor Lenhard explained to the public that both Boards will hear all comments and entertain questions regarding the proposed annexation however no decision will be made tonight. Supervisor Lenhard requested that if there are individuals who would like to make comments or ask questions to raise their hands and they will be called upon to proceed to the podium and once at the podium they will need to state their name and address prior to making comments or asking questions. At this time Supervisor Lenhard turned the meeting over to Town Attorney Daniel Schum.

Attorney Schum explained the purpose of the meeting and that tonight's meeting is not about the development of the property. This property did have plans presented to the Town of Ogden Planning Board prior to tonight's meeting and the developer and his attorney may speak about the plans for the property however those plans will have no bearing on the property if both boards choose by majority voting to annex the property into the Village and then the development of the property will be in the hands of the Village Planning Board. Annexation will occur if the process proves benefit to both the Town and the Village.

Attorney Schum disclosed that the property was owned by his client Luther Jacobs owned the property and upon his passing his son Paul Jacobs and Attorney Schum bought the property from Luther Jacobs' estate. Subsequently Attorney Schum and Paul Jacobs sold the property to the present owners David Wohlers and Paul Craul who own Village Pines, LLC. Attorney Schum continued that he and Paul Jacobs currently hold the mortgage on that property. Attorney Schum continued that he is disclosing this information because I could be considered a conflict of interest.

Attorney Schum added that it has been about 25 or 30 years since the Village and Town had a joint meeting. The last time this occurred was when Luther Jacobs annexed a portion of the development to the east of the Village Pines into the Village of Spencerport.

Attorney Schum announced that Mayor Joyce Lobene tendered her resignation as Mayor this week. Attorney Schum continued Joyce has been a supporter of the Village for her whole life and we are going to miss her as a Mayor and the Village Board will miss her guidance. She is not here this evening and that is the reason why and for myself and the members of the community I would like to express with gratitude her service to the Village.

Attorney Richard Olson disclosed that he was the Village of Spencerport Attorney and resigned May 7, 2014. Subsequent to my resignation I prepared the application for annexation for Mr. Wohlers. Attorney continued that this is a public hearing for the annexation of 34 acres from the Town of Ogden to the Village of Spencerport. The property, if developed, will be served by RG&E for gas and electric, MCWA for water, Village of Spencerport for sewer serve and the property will be zoned R1 if annexed to the Village.

In 2006 a development was approved for this project by the Town of Ogden Planning Board for senior housing and the market for senior housing has changed considerably and there was a proposal to change the zoning but it never when any farther. Had the property been developed in the Town of Ogden all Town vehicles would have had to travel on Village streets to conduct business as well as private garbage haulers would be contracted to service the development. The Village tax base would increase and all other taxing jurisdictions would remain the same.

Mr. David Wohlers, Village Pines, LLC indicated that the proposal for development of the property will remain the same as it was presented to the Town in 2006. The project will consist of 38 townhomes and 42 single family homes. The single family homes will behind Hawthorn Drive with 40 foot buffer zone. Single family homes will consist of ranch style homes and the townhomes consist of ranch and two story units. Mr. Wohlers added that phase one was approved in 2006 by the Town Planning Board.

Supervisor Lenhard asked if the Village Board had any comments. There being no comments Supervisor Lenhard called on the public to speak.

Ron White, 123 Hawthorn Drive

Mr. White questioned if the property is going to be turned over to another developer with approvals? Is there a legal binder that can be developed to prevent changes in ownership and insure that the development will occur as proposed prior to annexation? How will the storage of materials be controlled from a stand point of appearance or damage to neighboring properties? Will there be a storm water plan as early on as possible in the process?

Supervisor Lenhard commented that most of the questions pertain to the planning board process.

Mr. White acknowledged that they are planning board questions however he wanted them to be included in the minutes of tonight's meeting.

Thomas Calandra, 116 Hawthorn Drive

Mr. Calandra commented that he is concerned that the property is going to be turned over to another developer and that in addition to Coventry Drive being a roadway into the project that a house that is currently in for sale and in foreclosure may be purchased as an additional roadway into the project and would harm many residents on Hawthorn Drive. Mr. Calandra added that he feels there needs to be an agreement that should be reached to prevent this from happening to the residents of Hawthorn Drive.

Angie Calandra, 116 Hawthorn Drive

Mrs. Calandra added that she would like to know the value of the single family homes.

Tom Hull, 111 Hawthorn Drive

Mr. Hull questioned if the electric would ever become part of Village Electric.

Supervisor Lenhard responded that RG&E will not give up that property to the Village.

Trustee Penders added that RG&E can provide service to the area and will not give it up.

Mr. Hull also questioned the value of the homes and that it is not going to be restricted to senior living and that will add traffic to the area causing potential back up due to the stop signs in the area.

Supervisor Lenhard commented that all the questions are planning board questions either for the Town or Village Planning Boards.

Jim Grassi, 9 Coventry Drive

Mr. Grassi commented that back in 2006 when there was discussion going from R1 and senior citizen that traffic flow would be so much easier and there would be trucks going up there and now there is concern about wear and tear on the road. Mr. Grassi questioned if the town homes will be owned or rentals; Mr. Grassi suggested that the Village could plow up there for the town for a fee; will sidewalks be in this area and they will need to be plowed; sidewalk maintenance will be a future added cost to the Village; will the property go back to R1 and is there a need to be a concern for parking for seniors and what are the pluses and minuses to the Town and Village.

Supervisor Lenhard commented that both Boards need to be concerned about pluses and minuses and that the developer is making a case that it is more advantages for the property to be in the Village rather than the Town and she does not think that the Town or Village has any bias as to whether the property is in the Town or Village and the development will move forward.

Tom Hull, 111 Hawthorn Drive

Mr. Hull questioned if the plan needs to be reapproved by the Planning Board.

Attorney Schum responded that if this property is annexed to the Village the developer would have to present his plan to the Village Planning Board for approval and all Town Planning Board approvals would be nullified. It would carry some weight that it was approved in the Town but the Town would carry no weight in the Village Planning Board approval process.

Frank Rakoski, 501 Washington Street

Mr. Rakoski commented that from a geographic aspect it would make sense to annex the property to the Village along with the mention garbage and plowing services. Mr. Rakoski also referred to a Town Planning Board Meeting on 10/14/2014 that they considered a proposal to change this property from senior citizen to R1 and he submitted the minutes from that meeting to be added to the record. Mr. Rakoski continued that proposal surrounded making the property R1 zoning and a section 278 allowing for higher density type of housing. The Town Planning Board Attorney comments to the developer were appropriate in that he should basically go back to the drawing board if the developer wants to make it non-senior and that there are calculations to be done. Mr. Rakoski encouraged both boards to read the planning board minutes that were submitted. Mr. Rakoski added that if the property is annexed to the Village the property goes to R1

Ron White, 123 Hawthorn Drive

Mr. White commented to Trustee Penders in regards to RG&E that they would probably not give up that property to service. Do they have current right-of-way to the property? If they do, where is it? Would it be underground, aerial to that point, then underground? How would it be manufactured? The other point is that if it does reach the point of the Village Planning Board and because Mr. Wohlers is the chair of that Planning Board would he recuse himself and then someone else then take the chair?

Tom Calandra, 116 Hawthorn Drive

Mr. Calandra indicated that he has one further situation that I would like to mention. I do not know the answer to it. Those plans as presently constituted, are they timely for now or do they have to be redone if this gets approved? Those plans I think are back in 2006.

Attorney Schum responded that if both boards were to vote in favor of annexation, it would go back to the Village Planning Board at square one.

Mr. Calandra responded **s**quare one and those plans could be amended.

Attorney Schum responded that the developer I am sure has spent a lot of money on engineering plans and would present a plan that is very similar, if not the same and it would be up to the Village Planning Board to say whether they like it, the public, whether they like it or not.

Mr. Calandra responded yes, but those plans could be amended.

Attorney Schum indicated that there is no jurisdiction in the Village of Spencerport. None at all.

Mr. Calandra responded Ok, thank you.

Eric Johnson, Coventry Drive

Mr. Johnson commented that he is possibly one of the newest neighbors in the neighborhood and I have heard that this is not the time to talk development issues. I just want to give some consideration to the social side of this, simply because we have talked about economics and RG&E, power, lighting and things like that, I would submit to you by way of a quick story. We just had our neighborhood garage sale and

for 8 hours on Friday and 6 hours Saturday, you had better watch where you walked in the street. We had a lot of folks here that do not drive these streets and they were looking for deals. I almost got ran over mowing my lawn. I normally do not see traffic like that and I thought to myself, it will be good when this is over. That is point one. Point two, and this might be for the Development Board, we are talking about a significant change in the neighborhood if we do this, if we come in to Coventry. Rush hour traffic is like electricity and water, it is going to find a path of least resistance. We are going to have cars all over the place finding their way to the one spot. I am just by this conversation voicing my concern about all the small children, elderly folks and soon to be elderly folks that live in the neighborhood. They are going to have to pay more attention than they ever did to walking out in the street, walking their dogs, playing with their kids. Thank you.

Supervisor Lenhard added that the developer is sitting here, so I am sure he is listening to all of these comments also. Is there anyone else?

Frank Rakoski, 501 Washington Street

Mr. Rakoski made a comment about that map. That is just the plot map from 1995, which is all I see, it is not the buildings. At the meeting in 2010 there was much more detail, I am sure the approved 2006 plan show all the houses and everything so you could see the layout. There was just one entrance road but it had all the specific detail of where the houses and streets are.

Supervisor Lenhard responded that we are just looking at the piece of property. Annexing or not. Anybody else? (No response) I am going to close the Public Hearing. Ok, the Public Hearing is closed. If you all want to sneak out, you are welcome to, we have the whole agenda to go through; however you are also welcome to stay.

Supervisor Lenhard closed the public hearing at 7:35 p.m.