SPECIAL TOWN BOARD LEGISLATIVE AGENDA

Wednesday, March 28, 2018 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Communications and Announcements
III. Public Participation
IV. Additions and Deletions to Agenda
V. Approval of Minutes - None
VI. Petitions
VII. Resolutions by Function

Law and Finance
18T-089 Adoption of Local Law No. 1 of 2018 to be known as "A Local Law Extending the Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment

Public Works - None
Public Safety - None

Community Services - None

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: April 4, 2018
XIII. Adjournment

This meeting will be video recorded and broadcast LIVE via the town's website www.penfield.org and the Town’s Government Access Cable Channel 1303.
Questions regarding video coverage contact Penfield TV at (585) 340-8661.
A Special meeting of the Penfield Town Board was held on Wednesday, March 28, 2018 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain Supervisor
         Linda Kohl Councilwoman
         Paula Metzler Councilwoman
         Andrew Moore Councilman
         Robert Quinn Councilman

Also Present: Lisa Grosser Deputy Town Clerk

Absent: Richard Horwitz Town Attorney

Supervisor LaFountain called the meeting to order – Pledge of Allegiance

Communications and Announcements – None

Public Participation

Fritz Odenbach, co-owner of Shadow Lake, asked that the Board consider not extending the Moritorium on Shadow Lake. Odenbach has owned the property for two (2) years and it has been separate from Dolomite and Shadow Pines. Odenbach stated he has no plans to develop the property and the Moritorium has affected his business. There are two (2) lots on the Shadow Lake property, near Baird Road, that he would like to consider selling and the Moritorium would prevent that.

Supervisor LaFountain stated that the Moritorium was originally put in place on both properties because they are zoned R-1-20 and were up for sale by the same owner. The two (2) properties remain tied as part of the Moritorium. The Town is slated to close on the Shadow Pines property by April 30, 2018 and the existing Moritorium expires on March 31, 2018. As we move forward with the Town’s Comprehensive plan, zoning on both properties will be reviewed.

Councilwoman Metzler said the Comprehensive Plan Committee will review all property across the Town. The legal justification to maintain the Moritorium can include the update of the Comprehensive Plan. Initially the Moritorium was placed on both parcels.

Supervisor LaFountain asked if the Moritorium has had an affect on all aspects of Shadow Lake’s business.

Fritz Odenbach said yes, golf, restaurant and party business have been affected. Odenbach added he does not understand the logical reason to continue the Moritorium on the Shadow Lake property.

Additions and Deletions to Agenda – None

Approval of Minutes – None

Petitions – None

Resolutions by Function

Law and Finance

#18T-089 Adoption of Local Law No. 2 of 2018 to be known as “A Local Law Extending the Moratorium and Prohibition within the Town of Penfield of Public Golf Course Redevelopment” By Moore

WHEREAS, the Town Board of the Town of Penfield wishes to adopt proposed Local Law No. 1 of 2018 which would extend a moratorium and prohibition within the Town of Penfield of redevelopment of public golf courses for a period of approximately one (1) year; and
WHEREAS, the Penfield Town Board has designated itself as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and has designated itself as "lead agency" pursuant to SEQRA; and

WHEREAS, the subject application has been determined to be a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), and no additional environmental review of this action is deemed necessary; and

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on March 21, 2018, at 7:00 PM on said date, to consider the said proposal and to hear all persons interested on the question of the adoption of Local Law No. 1 of 2018, and the Public Hearing was closed and decision was reserved;

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY IS ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS: Local Law No. 1 of 2018, hereinafter set forth:

TOWN OF PENFIELD
LOCAL LAW NO. 1 OF 2018

A LOCAL LAW
EXTENDING
THE MORATORIUM ON AND PROHIBITION OF
PUBLIC GOLF COURSE REDEVELOPMENT
WITHIN THE TOWN OF PENFIELD

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. The Local Law to effect a Moratorium on and Prohibition of Redevelopment of Public GolfCourses in the Town of Penfield, originally enacted as Local Law No. 1 of 2016, subsequently extended by Local Law No. 1 of 2017, and by this resolution Local Law No. 1 of 2018 is hereby extended until March 31, 2019, or until a duly enacted repeal of said Local Law No. 1 of 2018 as so extended, whichever shall first occur.

Section 2. If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 3. This Local Law shall take effect immediately.

Moved: Moore
Seconded: Kohl
Penfield Town Board, March 28, 2018

(Resolution #18T-089 – Continued)

Discussion: Councilman Quinn stated he supports the continuation of the Moritorium for one (1) year.

Supervisor LaFountain stated this is a continuation of Local Law #1 enacted in 2016, and extended as Local Law #1 of 2017. This Local Law #1 of 2018 will remain in place for one (1) year unless there is a duly enacted repeal of this Local Law.

Councilwoman Metzler noted that on February 26, 2016 a letter was sent to the Supervisor by John Odenbach stating that Shadow Pines, Shadow Lake and Greystone golf courses were all being put up for sale.

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Public Works - None
Public Safety - None
Community Services - None

Old Business - None
New Business - None

Public Participation

Fritz Odenbach stated that Shadow Pines closed down their operations in the fall of 2015. There was discussion of selling Shadow Pines for development, however, both Shadow Lake and Greystone golf courses were marketed and sold as golf courses.

Supervisor LaFountain said if there is anything the Town can do to help promote and separate out Shadow Lake from Shadow Pines we will do that.

Executive Session - None

Next Meeting - April 4, 2018

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 7:18 PM.

Lisa Grosser, RMC
Deputy Town Clerk