TOWN BOARD WORK SESSION AGENDA

Wednesday, June 27, 2018 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order
II. Approval of Minutes – June 13, 2018
III. Monthly Reports - None
IV. Public Hearings - None
V. Guests
   a. NONE
VI. Action Items
   a. Request for Transfer of Development Rights - 1725 Scribner Road - Costello
VII. Informational Items
   a. Tree Preservation Guidelines - Valentine
VIII. Held Items
   a. Jomanda Way, Expanding No Shooting Petition - LaFountain
   b. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
   c. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
   d. Starbucks Relocation to 1798 Penfield Road - Costello
   e. YMCA Roadway Dedication - Valentine
IX. Old Business – (NONE)
X. New Business
XI. Executive Session - Legal Matters
XII. Next Meeting: July 11, 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.
I. **Call to Order**

**Present:**
Supervisor LaFountain  
Councilwoman Metzler  
Councilman Moore  

**Also Present:**
Jim Costello  
Lisa Grosser  
Mark Valentine

**Absent:**
Councilwoman Kohl  
Councilman Quinn

II. **Approval of Minutes - 6/13/18**
CW Metzler moved for the approval of the Minutes of June 13, 2018, CM Moore seconded the motion.

III. **Monthly Reports - None**

IV. **Public Hearing - None**

V. **Guests**

- None

VI. **ACTION ITEMS**

a. **Request for Transfer of Development Rights - 1725 Scribner Road - Costello**

Supervisor LaFountain stated that the Public Information Meeting was held on April 18, 2018.

Jim Costello said that this matter had been tabled for the Town Attorney and Town Board members to review. Costello added that he has received addition comments from neighbors who have expressed concern regarding the application.

Councilwoman Metzler stated she is not convinced that this request satisfies the requirements of Transfer of Development Rights per Town Law §261-a(2) and read the following exert: “The purpose of providing for transfer of development rights shall be to protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value and to enable and encourage flexibility of design and careful
management of land in recognition of land as a basic and valuable natural resource.” Metzler continued to say she has also reviewed how this law has been used in the past. This request is not appropriate under Transfer of Development Rights and she is not supportive.

Councilman Moore stated he concurs with Councilwoman Metzler and added neighbors had concerns, including the number of units. The developments should be kept separate and not co-mingled. Moore stated he is not in favor of utilizing Transfer of Development Rights for this request.

Metzler then stated the purpose behind the Town Law for Transfer of Development Rights discusses designating Sending Districts and Receiving Districts. The development rights from the Sending District are relocated to the Receiving District, thus allowing a municipality to achieve its preservation objectives for the lands in the Sending District. If the intent of the Town Law is to achieve preservation, there are no objectives for the proposed Sending District (Crowne Point) which could be Open Space or something similar. When reviewing the Comprehensive Plan’s land use map, that area is zoned Residential and is not marked for preservation. Metzler stated this further shows that this request is not appropriate under Transfer Development Rights.

Supervisor LaFountain stated that there will be discussions during the upcoming Comprehensive Plan review. The committee will review and make recommendations to the Town Board. LaFountain continued to say, based on Town Law this transfer is not appropriate. LaFountain requested that Jim Costello follow up with a letter to the developer. LaFountain asked Costello to forward the draft letter to the Board for its review prior to sending it to the developer.

Jim Costello added that he would include Councilwoman Metzler’s findings in the letter.

Councilwoman Metzler moved to deny the request for Transfer of Development Rights, Councilman Moore seconded and all present voted “Aye.”

b. Tree Preservation Guidelines – Valentine
Mark Valentine submitted a summary to the Board for its review and stated that this request had come before the Board by Councilwoman Metzler and the Conservation Board. The memo explains how the guidelines are distributed by staff.

Valentine then reviewed the memo noting that the guidelines for a Woodland EPOD requires a higher level of review and a report is issued. When an application for development is proposed on treed lots, staff researches the property and determines if the existing conditions warrant a review by the Conservation Board. This occurs when an application is submitted for preliminary and
final site plan approval since a tree inventory is not required for concept/sketch plan review. Valentine continued to say when it is determined that an application warrants the review of the Conservation Board for the goal of tree preservation, the guidelines are distributed by staff to the applicants of the proposed development as they work through the site plan review process. The Conservation Board review the submitted documentation and a memo is provided from the Conservation Board to the board having jurisdiction with their recommendations. It is then up to the applicant and the Board to agree upon a site plan and/or landscape plan that preserves and/or provides adequate plantings for proposed development.

Valentine added currently there is some disease going on in Town with Austrian Pines and the Emerald Ash Borer, and several trees are being removed. Valentine said he is working with the Planning Board and Town Board on the enforcement of the Tree Preservation Guidelines.

Councilwoman Metzler thanked Mr. Valentine for this review as it is very helpful.

Valentine said, if the Board finds this summary acceptable, he will forward it to the Conservation Board.

Supervisor LaFountain stated that not every application goes before the Conservation Board. He asked if there is a benefit to perform an inventory at the concept sketch plan review stage?

Valentine said we can do a visual assessment.

LaFountain added, if the area is heavily wooded, we can start that discussion earlier. This way issues can be identified and if we have more information up front, we can avoid problems down the road.

Metzler added that it is difficult to enforce a violation of guidelines. This is good input to accomplish what those guidelines are meant for.

LaFountain asked Valentine to circle back to the Conservation Board during either their July or August meeting. They can then provide feedback to the Town Board. It is important to have communication sharing between the Town Board and the Conservation Board.

Councilwoman Metzler moved to have Valentine provide the guidelines to the Conservation Board, Councilman Moore seconded, and all present voted “Aye.”
VII. INFORMATIONAL ITEMS

a. None

VIII. HELD ITEMS

a. Jomanda Way, Expanding No Shooting Petition - LaFountain
b. Preservation of Curb Cut and Parking Requirement Relief, 2136 Penfield Road - Costello
c. Sign Ordinance Updates/Proposed Ordinance Revision - Costello/LaFountain
d. Starbucks Relocation to 1798 Penfield Road - Costello
e. YMCA Roadway Dedication - Valentine

IX. Old Business - None

X. New Business - None

XI. Executive Session - Real Estate, Litigation and Human Resource Matters - Councilman Moore moved to go into an Executive Session regarding a legal/real estate matter, Councilwoman Metzler seconded and all present voted "Aye."

XII. Next Meeting - July 11, 2018

XIII. Adjournment - Supervisor LaFountain adjourned the regular Work Session at 7:21 PM.

Lisa Grosser, RMC
Deputy Town Clerk