

# ***A Brief History of the Shadow Pines Property***

## ***Land for sale***

On December 1, 2015 Dolomite/Oldcastle announced they were ceasing golf operations at Shadow Pines and listing both Shadow Pines and Shadow Lake golf courses for sale. Dolomite/Oldcastle is an international company headquartered in Dublin, Ireland, and oversees mining and excavating operations at the quarry situated between the two golf courses.

Following that announcement, there was much speculation and resident concern regarding the future of the golf courses and potential impacts to the Penfield community.

Both golf course properties are zoned R-1-20, meaning residential half-acre lots. Although the land was never used for residential development, this zoning has been in place since 1929. The golf course properties acted as a buffer between the active quarry and residential neighborhoods.

Shadow Lake golf course was sold May 26, 2016 and continues to operate as a golf course. However, Shadow Pines did not attract a golf course operator to buy the property and Dolomite/Oldcastle marketed the property for residential development.

Since the property was listed for sale, the potential for a large-scale residential development at Shadow Pines has caused town residents to express their concerns to the Penfield Town Board.

Resident concerns included the impact a large-scale residential development would have on:

### Existing town infrastructure

- Town, County and State roads
- Traffic impacts
- Drainage and environmentally-sensitive areas
- Sewer systems

### Local schools

### Character of the neighborhood/area

## ***Moratorium on development***

In response to resident concerns, on March 23, 2016 the Town Board established a moratorium on development of the golf courses for one year (Resolution 16T-085) as “the Board wants to make certain that

any potential development of these properties is compatible with the needs of its town residents. The Board further believes that there is a need for a study of these properties to address issues that may be associated with potential high density residential development relating to existing local circumstances, potential impacts to roadways, sanitary and storm sewer capacity, drainage, environmental protection overlay districts (EPOD's), proximity to an active quarry, public safety, the school district, and historic preservation."

The moratorium was extended for a second year until March 31, 2018.

### ***A committee of town residents***

To further study the matter, on April 6, 2016 the Town Board established the Shadow Pines/Shadow Lake Properties Land Use Committee (known also as the Moratorium Advisory Committee) to recommend possible uses for the property (Resolution 16T-094). The citizen Committee, made up of a cross-section of 22 town residents and representatives from the local schools, historic preservation board, and conversation board, met throughout the summer months and presented recommendations to the Town Board on September 2, 2016. The preferred recommendation of the majority of the Committee was that the Town should purchase the Shadow Pines property to preserve open space and recreational opportunities for the community.

The Committee stated in its report:

*"The Committee recommends this preferred option after nine committee meetings, many hours of information review and discussion, and careful consideration because open space/recreational use:*

- 1. Maintains the existing use of the land and the character of the surrounding community*
- 2. Is in concert with existing plans*
- 3. Is in concert with clearly expressed community expectations*
- 4. Minimizes the impact on Penfield School District*
- 5. Does not exacerbate existing traffic issues on surrounding roads"*

### ***Purchase and Sales Agreement, and Public Referendum***

Acting on the Committee's preferred recommendation, on November 3, 2016, town representatives began discussions with Dolomite/Oldcastle to explore the Town's purchase of Shadow Pines. On March 30, 2017, the Town received an initial draft "Letter of Intent" for the sale of Shadow Pines Golf Course from Dolomite/Oldcastle expressing its interest in selling Shadow Pines to the Town for the appraised value. This began formal negotiations between the Town and Dolomite/Oldcastle.

Negotiations continued back and forth throughout 2017 as various terms were discussed, most notably the Town Board's intent that a public bond vote referendum be held so residents would have the opportunity to vote for or against the financing for the purchase of the former Shadow Pines golf course.

On September 20, 2017 Dolomite submitted a revised “Letter of Intent” for Purchase and Sale of Real Property Shadow Pines Golf Course to the Town, this time allowing the Town a purchase contingency to obtain financing provided the Town close by January 31, 2018—but with no possibility of extensions.

The terms of the closing date presented a problem for the Town because the January 31, 2018 deadline did not allow enough time to hold a Public Referendum, as desired by the Town Board, and still close on the purchase of the property.

At this point, citing the significant potential importance of this property for community use, the Town Board chose to move forward with bond resolutions to undertake the acquisition of the Shadow Pines properties (Resolutions 17T-211 and 17T-212, on November 20, 2017) subject to a Permissive Referendum.

As provided by the terms of a Permissive Referendum, a citizen petition was received on December 20, 2017 with the required number of signatures calling for a Public Referendum (provided a Purchase and Sales Agreement was reached with an extended closing date past January 31, 2018 to allow for the vote on bond financing).

A bond vote date was set for February 27, 2018 (again, provided a Purchase and Sales Agreement was reached with an extended closing date past January 31, 2018 to allow for the vote on bond financing).

On January 17, 2018, Dolomite/Oldcastle and the Town of Penfield entered into a Purchase and Sales Agreement which allowed sufficient time to hold a Bond vote for the Town’s acquisition of the former Shadow Pines Golf Club (\$3.65 million acquisition costs). Also, on January 17, 2018, the Town Board passed a series of resolutions (Resolutions 18T-064 and 18T-065) to expedite the absentee ballot process to ensure that town residents who serve in the military, are permanently ill or disabled, or unable to be in town on February 27th, have the right to vote on bonds to finance the purchase of Shadow Pines.

### ***Future use of the property***

If residents approve the two propositions, the Town Board will explore potential future land use of Shadow Pines, such as a combination of open space, green space, passive and active recreation (consistent with Moratorium Advisory Committee’s preferred recommendation), and general municipal uses such as a community center, library, lodge, playgrounds, trails, or other public facilities. Further, in accordance with the Town Board’s history of commitment to resident involvement and input, a committee of town residents would be established to make recommendations to the Town Board regarding the uses of the property.

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The Town of Penfield legally must remain neutral on whether to vote yes or no on the Public Referendum and therefore cannot make any recommendations regarding the vote.