

Approved

A regular meeting of the Geneseo Town Board was held on Thursday, January 24, 2013 in the conference room of the Geneseo Town Office Facility.

TOWN PRESENT: William S. Wadsworth, Supervisor
Roberta Irwin, Deputy Supervisor
Richard Taylor, Councilman
Jerald Wrubel, Councilman
James Coniglio, Town Attorney
Larry Levey, Town Highway Superintendent
Ron Maxwell, Code Enforcement Officer
Carol LaVigne, Town Assessor
Jean Bennett, Town Clerk

ABSENT: Felicisimo Manapol, Councilman

ALSO PRESENT: Rebecca McKeown, Genesee Sun News
Betsy Brugg, Esq, Fix Spindelman Brovitz & Goldman
Jerry Watkins, Riedman Development
Dawn Aprile, Premium Development
Don McLane
Rudy Mueller

MEETING OPENING, APPROVAL OF MINUTES:

Supervisor Wadsworth called the meeting to order at 7:00 PM. Councilman Wrubel led the pledge to the flag and a moment of silence was held for service men and women serving around the world.

The Board reviewed the minutes of January 3rd and January 10th. The January 3rd minutes were corrected. Mr. Taylor moved and Ms. Irwin seconded the motion to approve the minutes of January 3, 2013 as amended. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Wrubel-aye. Nays: None. Ms. Irwin moved and Mr. Taylor seconded the motion to approve the minutes of January 10, 2013 as presented. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Wrubel-aye. Nays: None.

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Supervisor Wadsworth updated the Board with a meeting he had with the Mayor. The Village is proceeding with improvements to their Reservoir Road water tank which will improve the water quality the Town purchases from them. In addition, the Town Board has been invited to meet jointly with the Village Board at their regular meeting of February 11th in order to approve the 119 Main Street exterior repair project.

DRAFT GATEWAY MASTER PLAN:

Supervisor Wadsworth provided Board Members with his responses to the comments submitted for the public hearing on the draft Gateway Master Plan. He suggested it would be appropriate to review these for discussion at the next Town Board meeting.

2012 FINAL ASSESSMENT REPORT:

Assessor LaVigne provided Board Members with the 2012 Final Assessment Report. The Town of Geneseo has a total of 2612 parcels, with 1219 being located within the Village. The Town's total assessment is \$771,666,116, of which \$274,245,199 is exempt, making a total taxable assessment of \$497,420,917. This report will be posted to the Town's website.

The Board was in possession of a letter submitted by the Assessor and recommending the position of Assessor be shared between the Towns of Geneseo and Groveland when she retires.

2012 ANNUAL TOWN CLERK REPORT:

The 2012 annual report from the Town Clerk was reviewed by the Board and she offered her financial records for Town Clerk and Tax Collection for audit by the Board. It was agreed Councilmen Taylor and Wrubel will perform the audit.

THE "HAMMOCKS @ GENESEO" PROPOSED RESIDENTIAL DEVELOPMENT:

The Board reviewed a letter from Jerry Goldman dated January 16th to the Town Board requesting that the Town Board adopt a resolution accepting the sidewalks as depicted on the plan/map they submitted in full satisfaction of the sidewalk requirement under the Design Standards. In response to this request and for possible future requests for issues unforeseen

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when the Design Standards were drafted and adopted, the Town Attorney had drafted the following proposed amendment to the Design Standards:

Section 6. Legislative Relief

- A. Any applicant for the approval of a Site Plan, Subdivision or Special Use Permit, which would subject to these Standards may apply to the Town Council for relief from the provisions hereof based upon a showing that strict application of the Standards will result in practical difficulty.*
- B. Said application shall be in writing and shall:
 - 1. clearly state which standard from which relief is sought;*
 - 2. set forth the alleged practical difficulties upon which the application is based;*
 - 3. establish that the strict application of the Standard is not essential for the public health, safety and welfare.**
- C. In considering the application the Town Council may consider, but is not required to consider examples of similar developments in which the Standard from which relief is sought was not strictly applied.*
- D. Under no circumstances shall the Town Council consider either cost or convenience to be the sole determining factors in reaching its decision without establishing additional facts proving practical difficulty.*
- E. In the event that the applicant has sustained the above described burden of proof the Town Council may, by resolution, grant the requested relief or some lesser degree of relief if the public health, safety and welfare can be duly protected.*
- F. In granting such relief the Town Council must limit the degree of relief granted to the minimum amount necessary to equitably accommodate the applicant's needs while still protecting the public health, safety and welfare. Under no circumstances is the Town Council authorized to grant complete relief from all of these Standards.*

It was the consensus of the Board that this draft amendment Section 6 Legislative Relief to the Design Standards would suffice to give the Town a little flexibility for an unforeseen issue arising from implementation of the Design Standards.

Ms. Irwin moved and Mr. Taylor seconded the motion to amend the Design Standards for the Gateway Overlay District and Adjoining Business and Low-Intensity Office Districts to add Section 6 as stated above. Motion passed with voting as follows: Wadsworth-aye; Irwin-aye; Taylor-aye; Wrubel-aye. Nays: None.

At this time the Town Board reviewed a (second) letter from Jerry Goldman dated January 24th requesting "legislative relief" from Section 3, Paragraph F (1)(a) of the Design

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Standards. The consensus of the Board was that the letter met the criteria required by the newly adopted Section 6 of the Design Standards.

Board Members expressed concern that the submitted drawing showed two areas where the sidewalk runs through “landbanked” parking. Mr. Watkins explained that the “landbanked” parking is to expand parking in the future if they find there is not enough. If the parking is expanded to these areas, the sidewalk would be relocated to go around the parking area. He showed a second drawing that illustrated where the relocated sidewalks could be placed.

Mr. Taylor moved and Ms. Irwin seconded the motion to approve the sidewalk drawing received January 17, 2013 known as *Zoning Variance Exhibit 1* and in the event that the “landbanked” parking is ever installed, the sidewalk will be relocated around the parking area, *not* through it. Motion passed with voting as follows: Wadsworth-aye; Taylor-aye; Irwin-aye; Wrubel-aye. Nays: None. The Zoning Variance Exhibit 1 will be attached to the official minute book.

CONESUS LAKE/LONG POINT PARK:

Supervisor Wadsworth advised Board Members that the Highway Superintendent has deemed the SUNY Geneseo Crew Club floating dock as unsafe. Larry can build a new floating dock for approximately \$10,000, which is \$5,000 less than it can be purchased elsewhere. The Supervisor advised that Board Members should be prepared at the next Town Board meeting for a request from the Crew Club to “upfront” the cost of a floating dock, while they do some fundraising.

WATER/SEWER ISSUES:

The Board reviewed a request from Livingston County Water and Sewer Authority (LCWSA) to give their office the authority to follow a “one-time removal of late penalties” procedure for payment of water and sewer bills from Town of Geneseo customers. A one-time penalty removal would be allowed on a customer’s account only if that customer has not made a late payment during the previous 2 years. Mr. Wrubel moved and Mr. Taylor seconded the motion to authorize the LCWSA to follow the “one-time removal of late penalties” procedure for Town of Geneseo water and sewer customers if the customer has not made a late payment during the previous 2 years. Motion passed with voting as follows: Wadsworth-aye; Wrubel-aye; Taylor-aye; Irwin-aye. Nays: None.

MISCELLANEOUS:

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Supervisor Wadsworth informed the Board of Geneseo Resident Sylvia Viti's praise for Highway Superintendent Larry Levey's response and resolution to their concerns with regards to a road ditch drainage issue.

ADJOURNMENT:

At 8:05 pm Ms. Irwin moved and M. Taylor seconded the motion to adjourn the meeting.
Motion passed unanimously.

Jean Bennett, Town Clerk

Attachments: Zoning Variance Exhibit 1