

Regular Meeting of the Town Board of the Town of LeRoy held on Thursday, July 8, 2021 at 7:00 PM in the Boardroom of the Town Hall, 48 Main Street LeRoy, New York.

Members Present: James Farnholz, Supervisor
John Armitage, Council
John Johnson, Council
David Paddock, Council
Ronald Pangrazio, Council
Eric Stauffer, Highway Supt.

Recording Secretary: Patricia A. Canfield, Town Clerk

Others Present: Mark Masse, Sam Caccamise, Judith Caccamise, Dina Caccamise, Nancy Englerth, Thomas Englerth, Todd Englerth, Hayley Loffler, Michael Pettinella, Christopher Stella, Gina Stella, John Burrs, Carol Konarski, Eileen Dries, John Mangefrida, Rebecca Hiler, Gerald Rathburn, Susan Rathburn, Beth Nicoll, Jeff Nicoll, Carol Burdett, Eric Burdett, Ed Englerth, Eric Raines, Jr., Anne Walkins, Ethan Raines, Grace Raines, Eric Raines, Shelley Stein, Suzanne Ingalls, Sharon Brant, Kevin Ferguson, Linda Ferguson, Charles Flynn, Sarah Krzemien, Shane Hegeman, Cathy Glucksman, Bruce Glucksman

Supervisor Farnholz called the regular meeting to order at 7:00 PM followed by the pledge to the flag and approval of the minutes of the meeting of June 24, 2021 on **MOTION** by Councilman Armitage and seconded by Councilman Paddock and passed unanimously.

PUBLIC HEARING:

Local Law 2-2021 titled Rezone Properties –

Rte 19 from Residential 2 [R-2] to Light Industrial [I-2] the following tax maps 25.-1-73; 25.-1-3; 25.-1-3.2; 25.-1-2.12; 25.-1-1.1; 22.-1-37.1; 22.-1-35.1 encompassing 185 total acres.

Supervisor Farnholz read the following notice of Public Hearing:

PLEASE TAKE NOTICE that the Town Board of the Town of LeRoy will hold a public hearing to consider the adoption of Local Law 2-2021 titled Rezone Properties – Rte 19 from Residential 2 [R-2] to Light Industrial [I-2] the following tax maps 25.-1-73; 25.-1-3; 25.-1-3.2; 25.-1-2.12; 25.-1-1.1; 22.-1-37.1; 22.-1-35.1 encompassing 185 total acres. Said hearing will be held on July 8, 2021 at 7:00 PM at the Town Hall, 48 Main Street, LeRoy New York 14482 to hear all comments.

By Order of the Town Board, Patricia A. Canfield, Town Clerk

The hearing was open for all questions and comments:

Rebecca Hiler, 8506 Lake Street Rd – Spoke against rezoning of parcels and added that she has been in her home for 20 years and never thought of it being an industrialized area and doesn't want to be surrounded by industrial businesses.

Susan Rathbun, 8506 Lake Street Rd – Shared concerns of her property being devalued if the zone is changed after making several home improvements. Asked if there were other areas that could be developed possibly in the Village of LeRoy.

Orion Hiler, 8506 Lake Street Rd – Stated the community is the best with the school and culture and shared concerns with a large structure being built in the rear of their property and also fumes associated with operation.

Shane Hegeman, 8507 Lake Rd – Shared concerns of loss of peace in neighborhood and possibly fumes and asked how it would be helpful to the community.

Charles Flynn, 7415 Randall Rd – Would like the rural community to stay as is and feels that solar is a concern and a blight on the identity of the community. As a realtor, has concerns of property values declining with rezoning of long-term plan. Also, asked if easements are issued for line of site.

Sarah Krzemien, 9388 Warsaw Rd – Stated she wouldn't have purchased her house if there was talk of re-zoning areas. Has concerns of increase in taxes with factories sitting empty. Feels it is unnecessary with no benefit and could hold a referendum and let the residents decide.

Kathy Glucksman, 7472 Randall Rd – Shared concern of decrease in property values being surrounded by industry and would like the citizens protected. Feels that most neighbors are opposed and asked what regulations would be in place to protect the residents.

Edward Englerth, 8593 W. Bergen Rd. – Has owned his property for 37 years and is unhappy with the proposed zone change and relayed neighboring residents are not in favor of project.

Carol Konarski, 7468 Randall Rd – Feels the change to zoning would be an injustice to the neighborhood and de-value properties and added she moved to the country to have peace, quiet and privacy.

Gerald Rathbun, 8506 Lake Rd – Not in favor of industrial zoning in their back yard with concerns of noise, odor and truck traffic.

Eric Raines, 8564 Lake Rd – Purchased historic property known as the Olmstead Manor on Lake Rd and is not in favor of rezoning properties and would like to see the land stay as is. Asked the necessity of rezoning area and presented a map of the comprehensive plan stating there was no proposed change for future land use. Presented signed petition of residents in opposition and asked the local govt to protect residents.

Mary Margaret Ripley, 8719 Lake Rd – Stated her residence is surrounded by industrial with funeral home, compost and sewage treatment plant and spoke highly of her neighbors both residential and industrial. Also, stated she understands the concerns of the neighbors, but added Route 19 is not quiet as there is steady traffic with the Thruway and 490 Interchange.

Sue Ingalls, Lake Rd – Shares concerns of traffic, but also added there is a need for growth and business development to allow the younger generation to stay in the area for work.

Chris Stella, 8572 Lake Rd – Stated he is a landowner but wanted to relay that he was never bullied into selling his land. Asked the Town Board what the next step in the process would be.

Eileen Dries, 7204 Lake Rd – Shared that there is already industry at the corner of West Bergen and Lake Road and a less desirable business could come into area for development.

Beth Nichols, 7319 Randall Rd – Has concerns with additional semi traffic and increased chance of accidents.

Kevin Ferguson, 8522 Lake Rd – Owns a horse farm and asked how light pollution would be handled and also has concerns of additional truck traffic and jake break noise.

Gina Stella, 8572 Lake Rd – Asked if the zoning is changed and factory was built would the DOT be in charge and would the Town of LeRoy have any input.

James Farnholz, Supervisor – Relayed that the Town Board has the option of voting on local law or could table the item and seek additional information. Town Board would have input on site plan review of any project that was considered for the area.

John Johnson, Councilman – Added that the community should support growth and tax base due to burden of tax stress.

Reid Whiting, Attorney – Spoke that he has not seen a line of site in an easement agreement that he is aware of in Genesee County. Also, added as representing the Village of Avon, he has not heard of any negative impact on the community when Barilla Pasta Plant was built.

Mark Masse, GCEDC – Relayed he has not heard any complaints from the housing development off of Route 5 in Batavia when the Hood Yogurt Plant was developed. DOT created a turning lane and a second access was put in on Rte 63.

With no further questions, on **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously to close the public hearing.

GUESTS:

Hayley Effler – AES Distributed Energy – Commercial Solar – Rte 5 Storage Solar Project – Hayley handles third party reviews with decommissioning plans, wetland delineation, archeology studies and noise analysis. Property owned on Route 5 by Richard Prinzi is split zoned. Both parcels are zoned industrial with frontage being zoned commercial.

OLD BUSINESS:

1. Discussion of Rezone from Public Hearing [R-2] to [I-2] -

Town Board discussed light pollution, traffic and building permit process with valid DOT concerns. The financial picture would be to entice business and industry to bring into the community and could have already been developed. Town Board will have jurisdiction over the permitting process with regards to site plan and based on recommendation from Planning Board.

2. Appointment – Zoning Board of Appeals – Stephen Barbeau –

On **MOTION** by Supervisor Farnholz and seconded by Councilman Armitage and passed unanimously with voting as follows: Council Armitage, Johnson, Paddock, Pangrazio and Supervisor Farnholz – aye the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy appoints Stephen Barbeau to the Zoning Board of Appeals for a one-year term as a non-voting chairman.

NEW BUSINESS:

1. Purchase AED Defibulator – LeRoy Community Pool -

On **MOTION** by Councilman Armitage and seconded by Councilman Pangrazio and passed unanimously with voting as follows: Council Armitage, Johnson, Paddock, Pangrazio and Supervisor Farnholz – aye the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy authorizes the purchase of a Philips Heart Start On Site AED with waterproof case; Smart Pads Cartridge Pad for child/adult and Smart Pads Cartridge Pad for infant/child at a cost not to exceed \$3,000. Lifeguards will be certified and will check battery annually.

2. Discussion of Genesee County Revenue Distribution [formerly sales tax distribution] -

Supervisor Farnholz relayed the revenue distribution from Genesee County all agreements signed or reduce the amount put into sales tax agreement to ensure coverage for surcharge.

3. Acceptance of Resignation -

On **MOTION** by Councilman Armitage and seconded by Councilman Pangrazio and passed unanimously with voting as follows: Council Armitage, Johnson, Paddock, Pangrazio and Supervisor Farnholz – aye the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy accepts with appreciation of service to the community the resignation submitted by John Duyssen in the position of Town Justice.

COMMITTEE REPORTS:

Highway:

Highway Supt. Stauffer reported:

- Highway Roof has been Re-Coated and completed.
- Assisting other municipalities with paving projects as needed.

Assessment:

Supervisor Farnholz reported the Assessor will be attending annual training the week of July 12th.

Parks & Recreation:

Supervisor Farnholz reported:

- Camps have been moved due to school replacing roofing.
- Pool/Wildwood Park approximately 200 attendees per day.
- Consideration of swimming instruction could be held in two weeks.

IT/Computer:

Supervisor Farnholz will be looking at canceling zoom teleconference and eliminating monthly charge.

Transfer Station:

Highway Supt. Stauffer relayed the new contract will begin July 1st and will be co-mingling recycling with one container and will sort off site.

Ambulance:

Councilman Johnson reported ambulance is working on their 2022 budget and will be asking for supplement of \$33,000 compared to \$70,000 in 2021. Investments have increased and have obtained COVID relief funding. Will be looking to purchase a new ambulance under state bid.

Village:

Councilman Pangrazio reported:

- SEQR for PUD on East Avenue proposed project will be July 21st.
- Public Hearing will be held to discuss zone change from Residential to PUD [Planned Unit Development] on East Avenue.

PUBLIC COMMENTS:

Shelly Stein – Commented on the excellent job paving on North Street Road.

EXECUTIVE SESSION:

On **MOTION** by Supervisor Farnholz and seconded by Councilman Johnson and passed unanimously to enter into Executive Session at 9:10 PM for personnel and legal with Town Board, Town Clerk and Highway Supt. present.

On **MOTION** by Supervisor Farnholz and seconded by Councilman Paddock and passed unanimously to come out of executive session at 9:30 PM with the following action taken:

Local Law 2-2021 of the Town of LeRoy – Rezone Properties Residential 2 [R-2] to Light Industrial [I-2] – Route 19 – 185 Acres –

On **MOTION** by Supervisor Farnholz seconded by Councilman Johnson and passed with voting as follows: Council Armitage, Johnson, Pangrazio and Supervisor Farnholz – aye; the following **RESOLUTION:**

RESOLVED, the Town Board of the Town of LeRoy adopts Local Law 2-2021 titled Rezone Properties – Rte 19 from Residential 2 [R-2] to Light Industrial [I-2] the following tax maps 25.-1-73; 25.-1-3; 25.-1-3.2; 25.-1-2.12; 25.-1-1.1; 22.-1-37.1; 22.-1-35.1 and encompassing 185 total acres.

AUTHORIZATION TO PAY BILLS:

On **MOTION** by Councilman Paddock and seconded by Councilman Johnson and passed unanimously the following bills were presented for payment:

Abstract # 12	2020/2021	Voucher #
General Fund A, B, SL & Cap Proj H:	\$51,398.70	283~308
Highway Fund DA & DB:	\$4,336.63	102~110
Water Fund SW / HG:	\$70.50	12

With no further business to come before the Board, on **MOTION** by Supervisor Farnholz and seconded by Councilman Paddock and passed unanimously to adjourn at 9:32 PM.

Respectfully Submitted, Patricia A. Canfield Town Clerk