

## VILLAGE OF LEROY BOARD OF TRUSTEES

Minutes of Regular Meeting held on

**May 18, 2022**

Village Hall, 3 West Main St., Le Roy, NY

- PRESENT:** Mayor Gregory Rogers  
Trustee Richard Tetrault  
Trustee Raymond Yacuzzo  
Trustee James Bonacquisti  
Trustee William Kettle  
DPW Sup. Robert Lathan  
Clerk-Treasurer Eileen Carmel  
Village Attorney Jake Whiting  
Eric Weiss of Village engineering firm, CPL  
Waste Water Plant Operator Andre Carmel
- Absent: Chief of Police, Greg Kellogg  
WWTF Superintendent Steven Carroll
- Guests: Eric Biscaro, Megan Hensel
- Others Present: Rita Wallace, Bob Taylor, Nancy Crocker, Karen and Milt Ebersold, Kelly and Ray Coniglio, Mary, Rachel, and Ken Smith, Pete McQuillin, Chad Alquist, Jason Haugh

Mayor Rogers called the meeting to order at 7:00 pm, followed by the Pledge to the Flag, and approval of the minutes of the Board of Trustees meeting on May 2, 2022 on a motion offered by Trustee Yacuzzo, seconded by Trustee Bonacquisti, and passed unanimously.

**PUBLIC HEARING: A motion** was offered by Trustee Kettle **to open the public hearing to comments regarding issuing a special use permit for construction of a 60-unit senior development at 143 Lake St.** The motion was seconded by Trustee Tetrault and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye.

Developer Eric Biscaro answered questions from the public:

- The development will be 80 – 100 feet from neighbor’s properties. However, there will be grading, existing bushes/trees will remain around the property lines, and any installed lights will be down-facing.
- The map handout of the development is preliminary.
- There are no income restrictions for residents of the development. There are no subsidies – residents need enough income to move in. There will be no sublets.
- The pond in the preliminary map will only fill up in the case of a heavy rain. On the question of whether it will saturate a neighboring property, a Board member stated the plan still requires NYS Department of Environmental Conservation approval.
- A special use permit is required for the development, because the property is zoned R-3, and Village Code requires the permit for multi-family dwellings. On questions of whether that permit had to be renewed or if there are conditions, the answer was “no” to both.

- Regarding the possible dangerous conditions of the entrance/exit to the development on Route 19, a Board member stated the NYS Department of Transportation makes the final decision.
- The driveway width will be 28-30 feet at the street entrance/exit and narrow to 20 feet within the development. The Fire Department will have to sign off on that.

Nancy Crocker read a statement in favor of the development because, as a Real Estate Agent, she wants to help empty-nesters and adult parents find housing in LeRoy and right now that's very limited.

**A motion was offered by Trustee Kettle to close the public hearing**, seconded by Trustee Bonacquisti, and unanimously passed.

**COMMUNICATIONS:**

Letter mailed to the Board but addressed to the County Legislature from Stephen Ferry, Supervisor of the Town of Darien regarding a protest letter he received from a resident of Darien, and encouraging the county to raise sales taxes .25% for Medicaid stabilization.

Trustee Yacuzzo pointed out that Supt. Ferry's letter states the County's Medicaid expense only comes from property owners and that it should be spread to everyone. However, he believes Supt. Ferry ignored a stream of that income in that, on rental properties, that Medicaid amount is built into the cost of rent, so it's not just property owners paying. Further, he believes raising sales tax will drive people out of the County.

All Board members were opposed to the proposal.

**DEPARTMENT CONSIDERATIONS:**

DPW: Sup. Lathan stated all was good at the DPW.

Clerk: Clerk-Treasurer Carmel stated that due to several factors, the appointees for various Village boards didn't make their oaths of office in the 30-day window after appointment on April 4<sup>th</sup>. She asked to add the list to the meeting minutes for this meeting to restart the 30-day limit.

**A motion was offered by Trustee Yacuzzo for the list of annual organization appointments to be repeated in tonight's meeting minutes to allow extra time for the Clerk to administer oaths of office.** It was seconded by Trustee Bonacquisti, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye.

**ORGANIZATIONAL APPOINTMENTS:**

Mayor Rogers appoints the following:

Deputy Mayor.....	Trustee Yacuzzo
Clerk-Treasurer.....	Eileen Carmel
Deputy Clerk-Treasurer.....	Katie Eick
Budget Officer.....	Mayor Rogers
Attorney.....	Jake Whiting
Bingo Inspector.....	Steve Rogers
Official Newspaper.....	Batavia Daily News
Alternate Official Newspaper.....	Democrat & Chronicle
Registrar.....	Patricia Canfield

Official Depository..... General – Five Star  
Payroll – Bank of Castile  
NYCLASS

Mayor Rogers appointed the following individuals as members to serve on **Village Boards:**

PLANNING BOARD

Pat Major (2023)  
Tom Frew (2025)  
John Mangefrida (2027)

SEWER BOARD

Gerry Aron, Chairman (2026)  
Brian Wardell (2024)  
Christopher Kemp (2025)  
Colin Dailey (2023)  
Dave Panepento (2027)

ZONING BOARD OF APPEALS

Joseph Spadaro (2024)  
John Allen (2023)  
Joe Laurie (2027)  
Bob Taylor (2027) Alternate

HISTORIC PRESERVATION

Joanne Snyder      Raymond Yacuzzo      Dawn Monsees

**OLD BUSINESS:**

SEQR Full Environmental Assessment, Parts 2 and 3 – 143 Lake St.: Eric Weiss, of Village engineering firm, CPL, reiterated that the Village Board had previously passed a resolution announcing its intent to serve as lead agency on the 143 Lake St. senior housing development project and circulated the completed SEQR, FEA Part 1 – Project and Setting, and other documentation to all involved agencies. He stated that the 20-day waiting period was concluded with none of the agencies objecting.

**SEQRA RESOLUTUON TO SERVE AS LEAD AGENCY  
FOR 143 LAKE STREET SENIOR HOUSING\***

On motion of Trustee Tetrault, seconded by Trustee Bonacquisti, the following resolution was adopted by the Village of LeRoy Board of Trustees:

**Whereas**, the proposed project will include a residential development on approximately 16.3 acres at 143 Lake Street in the Village of LeRoy. Action includes the construction of approximately 31 duplex units for senior housing.

**Whereas**, that the Village Board designated its intention to serve as Lead Agency for the proposed action and circulated Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies were given 20 days from the mailing of the Lead Agency Notice to consent. Interested Agencies were given notice, but were not required to consent pursuant to 6 NYCRR Part 617.6.

**Whereas**, none of the involved agencies that received the notification regarding the Village Board intent to declare lead agency responded by indicating they “did not consent”.

**Now Therefore Be It Resolved**, the Village Board declares itself to be lead agency for the proposed action and therefore responsible for determining whether an environmental impact statement is required in connection therewith and otherwise complying with the procedural and substantive requirements of SEQRA.

VOTE

AYES:            Trustee Tetrault  
                     Trustee Yacuzzo  
                     Trustee Kettle  
                     Trustee Bonacquisti

NOES: Mayor Rogers  
None  
ABSENT: None  
DATE: 05/18/2022

Engineer Weiss went through the SEQRA FEA, Part 2 – Identification of Potential Project Impacts and Part 3 – Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance, with the Board, completing the required forms and ultimately concluding that the project would result in no significant adverse impacts on the environment.

**SEQRA – NEGATIVE DECLARATION  
FOR 143 LAKE STREET SENIOR HOUSING\***

On motion of Trustee Bonacquisti, seconded by Trustee Yacuzzo, the following resolution was adopted by the Village of LeRoy Board of Trustees:

**Whereas**, the proposed project will include a residential development on approximately 16.3 acres at 143 Lake Street in the Village of LeRoy. Action includes the construction approximately 31 duplex units for senior housing.

**Whereas**, that the Village Board designated its intention to serve as Lead Agency for the proposed action and circulated Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies were given 20 days from the mailing of the Lead Agency Notice to consent. Interested Agencies were given notice, but were not required to consent pursuant to 6 NYCRR Part 617.6.

**Whereas**, none of the involved agencies that received the notification regarding the Village Board intent to declare lead agency responded by indicating they “did not consent”.

**Whereas**, the Village Board declared itself to be lead agency for the proposed action and therefore responsible for determining whether an environmental impact statement is required in connection therewith and otherwise complying with the procedural and substantive requirements of SEQRA.

**Whereas**, the Village Board duly reviewed the EAF and related documents with respect to the above-referenced project and duly considered the impacts which may be expected to result from the proposed action with the criteria set forth in the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”); and

**Now Therefore be it Resolved** by the Village Board as follows:

1. Based upon the review by the Village Board of the EAF and other necessary criteria, the Board hereby finds and determines that the proposed action is an “Unlisted Action” under SEQRA and will result in no significant impacts and therefore, such action is not one which “may include the potential for at least one significant adverse environmental impact,” (b) “there will be no significant adverse environmental impacts,” and (c) no “environmental impact statement” need be prepared, as such quoted terms are defined in SEQRA. Reasons supporting this determination are attached hereto and hereby made a part of this resolution for the purposes of SEQRA. This determination constitutes a negative declaration for purposes of SEQRA and it has been prepared in accordance with Article 8 of the Environmental Conservation Law.
2. A copy of this resolution shall be placed on file in the office of the Village Clerk, where the same shall be available for public inspection during business hours and such notice of negative declaration shall be filed in such offices, posted in such places and published in such manner as shall be necessary to conform to the requirements of SEQRA.

This resolution shall take effect immediately.

VOTE

AYES: Trustee Tetrault

Trustee Yacuzzo  
Trustee Kettle  
Trustee Bonacquisti  
Mayor Rogers

NOES: None  
ABSENT: None  
DATE: 05/18/2022

**SPECIAL USE PERMIT  
FOR 143 LAKE STREET SENIOR HOUSING\***

On motion of Trustee Bonacquisti, seconded by Trustee Tetrault, the following resolution was adopted by the Village of LeRoy Board of Trustees:

**Whereas**, the proposed project will include a residential development on approximately 16.3 acres at 143 Lake Street in the Village of LeRoy. Action includes the construction of approximately 31 duplex units for senior housing; and

**Whereas**, the proposed project is located in an R-3 zoned area within the Village; and

**Whereas**, the according to Section 215-29 of the Village Code, multifamily dwelling(s) are permitted in a R-3 district upon the issuance of a special use permit; and

**Whereas**, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the Village Board has reviewed the proposed action and issued a Negative Declaration; and

**Whereas**, in considering the proposed project, the Village Board has duly considered all submissions and information relevant to the Application, including comments at the duly held public hearing and the special permit requirements; and

**Now Therefore Be It Resolved**, that relative to the special permit requirements in Section 215-15 of the Code, the Village Board finds that satisfactory provisions and arrangements have been made, and the project has been proposed such that those requirements are satisfied, particularly given the following conditions:

1. The location and size of such use, the nature and intensity of the operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous and shall be in harmony with the orderly development of the district.
2. Location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.
3. Operations of any special use shall not be more objectionable to nearby properties than would be operations of any permitted use.
4. The proposed special use shall not cause noise, vibration, odor, lighting glare and unsightliness so as to detrimentally impact on adjacent properties.
5. Traffic access to and from the site, as well as on-lot, shall be constructed to reduce traffic hazards.
6. All such uses shall be attractive landscaped. This shall involve grading, seeding and regular mowing of the front yard area at a minimum.

**And be it Further Resolved**, that the proposed project application be approved, including the issuance of a Special Use Permit approval, all subject to the following conditions:

1. The developer obtains approval of the SWPPP from the Village Engineer.
2. The developer submits and obtains a permit from the NYSDOT for the driveway.
3. The developer completes an archaeological study, obtaining approval from SHPO.
4. The developer submits and obtains final site plan approval that meets all current zoning.

5. The developer acquires the necessary building permits and approval from the Village of LeRoy building and zoning department.

VOTE

AYES: Trustee Tetrault  
Trustee Yacuzzo  
Trustee Kettle  
Trustee Bonacquisti  
Mayor Rogers  
NOES: None  
ABSENT: None  
DATE: 05/18/2022

WWTF Project: Trustee Kettle made a **motion for a Resolution to Authorize Pay Application #11 to Wind-Sun Construction for \$124,611.50.** The motion was seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

**NEW BUSINESS:**

Tax Warrant: Trustee Yacuzzo made a **motion for a Resolution to Authorize and Certify the 2022-2023 Tax Warrant, authorize delinquent sewer charges included in the warrant, and authorize the Mayor, Board of Trustees, and Clerk-Treasurer to sign the 2022-2023 Tax Warrant and that the collection of taxes shall begin June 1, 2022.** The motion was seconded by Trustee Kettle and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye.

Approval Officer Stawicki: Officer Emmalee Stawicki achieved a 90% rating on her Civil Service final exam, top of the list of 8 eligibles. Trustee Bonacquisti made a **motion to approve Officer Stawicki's permanent part-time competitive position at \$21.00/hour.** The motion was seconded by Trustee Yacuzzo and passed with voting as follows: Trustees Tetrault, Yacuzzo, Bonacquisti, and Kettle, and Mayor Rogers – all Aye.

57 Wolcott St.: Due to the ongoing issue in which the Wolcott St. Reconstruction last summer later caused flooding on private property and while the Board believes the contractors or the engineers are responsible, the Board doesn't want the homeowner stuck with the bills, therefore, Trustee Tetrault made a **motion for a Resolution to pay bills for the remediation work required at 57 Wolcott St. resulting from the Wolcott St. Reconstruction project.** The motion was seconded by Trustee Yacuzzo and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye.

Stop Sign at Adams St. and Fillmore St.: After discussion, and a motion by Trustee Kettle, to set a public hearing to add a stop sign at Adams St. and Fillmore St., which was seconded by Trustee Bonacquisti and passed unanimously, resident Pete McQuillen commented that he believed such a local law was already enacted. **[It was later discovered that Local Law No. 3-2013 designated a stop sign intersection at Adams St. and Fillmore St., therefore canceling the need for a public hearing.]**

Appointment of Part Time Laborer, Cole Biggins: Mayor Rogers appoints Cole Biggins to the position of part time Laborer at the DPW. A motion was offered by Trustee Kettle to ratify the Mayor's appointment of Cole Biggins, as of May 23, 2021, to the position of part time Laborer, \$13.20/hour. It

was seconded by Trustee Bonacquisti, and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye.

Added: CPL Recommendation Letter WWTF Phase 2 UV Disinfection Bid Award: Eric Weiss presented the Board with a recommendation letter concerning the general and electrical contracting bid awards. With CPL’s recommendation, the Board made the following resolutions:

Trustee Yacuzzo made **a motion for a Resolution to accept the bid received from STC Construction, Inc. in the amount of \$1,118,000, contingent upon concurrence of Award by the NYS Environment Facilities Corporation.** The motion was seconded by Trustee Kettle and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye.

Trustee Yacuzzo made **a motion for a Resolution to accept the bid received from Hewett Young Electric LLC in the amount of \$138,000, contingent upon concurrence of Award by the NYS Environment Facilities Corporation.** The motion was seconded by Trustee Kettle and passed with voting as follows: Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, and Mayor Rogers – Aye.

CPL will issue the Notice of Award on the Village’s behalf to the contractors and provide a copy of the Notice of Award to the grant writer to finalize the MWBE participation and/or waiver process. Once complete, CPL will prepare the Agreements for signature by the contractors and the Village.

**CITIZEN PARTICIPATION:**

Bob Taylor: Questioned Trustee Bonacquisti’s record of the shortest Village Board meeting ever on 4/13/22 as there weren’t enough members present at that meeting. After some discussion, Trustee Bonacquisti announced he wouldn’t dispute former Trustee Taylor’s record.

Pete McQuillen: 2 Adams St. is close to being sold. The lot is low and there will be problems with water flowing to neighboring Madison Ave. which is very low. He’s asking the Village to either take out some trees in the area or consider deeding over the 14’ easement in that area instead of taking out the trees. Mayor Rogers said they would see what the original intent of the easement was and leave it to the Village Attorney and DPW Sup. Attorney Whiting said he’d look into it.

**OFFICIAL CONSIDERATIONS:**

Trustee Bonacquisti: Said he’s glad the Senior Housing development got started. The community needs it. Thank you, Nancy, for your positive statement. Thank you to everyone in attendance and for being respectful of the process.

Trustee Kettle: Also wanted to thank everyone in attendance. The project still needs Genesee County, DEC, and DOT approval.

Trustee Yacuzzo: He felt those in attendance were respectful and had good questions.

Trustee Tetrault: Asked about cracked sidewalks and the hanging flower pots on Main St. Sup. Lathan stated they were in talks to replace the sidewalks and the Village bought the baskets but someone else filled them.

Mayor Rogers: Wanted to chime in with previous sentiments regarding the Senior Housing project. They went through the process last year and appreciated how everyone handled themselves tonight.

**AUTHORIZATION TO PAY BILLS:**

A motion to pay bills retroactive to 5/2/22 was offered by Trustee Bonacquisti and seconded by Trustee Tetrault and passed unanimously. Payment is as follows:

General Fund – Auto pays and check numbers, 24344, 24347, 24349, 24352, 25049-25086 totaling \$100,300.05

Cap #2 Fund – Check numbers 1151, 1152, 1153, 1155, totaling \$412,383.90

There being no further business before the Board, **a motion was offered by Trustee Bonacquisti to adjourn**, seconded by Trustee Kettle and passed unanimously.

Meeting adjourned at 8:14pm.

Respectfully submitted,  
Eileen Carmel, Clerk-Treasurer

\*See Board Resolution 5/17/2023 approving amendments to these minutes to include the full text of resolutions passed concerning the 143 Lake St. Senior Housing Project.