

REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES

10/4/2021

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON OCTOBER 4, 2021, IN THE MEMORIAL AUDITORIUM, TRIGON PARK.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, and Richard Tetrault; Chief of Police Greg Kellogg; Supt. of DPW Bob Lathan, Supt. of STP Steve Carroll, Clerk-Treasurer Eileen Carmel; Deputy Clerk-Treasurer Katie Eick; Village employee Andre Carmel, Mark Masse of Genesee County Economic Development Corp.; Andrew Kosa of CPL; Developer Eric Biscaro (including staff, Rocky and Megan); Town Councilman Ron Pangrazio; 46 citizens

EXCUSED: Trustee Yacuzzo

Mayor Rogers called the meeting to order at 7:00 pm and asked everyone to stand and recite the Pledge of Allegiance.

PUBLIC HEARING, LOCAL LAW #5 OF 2021, AMENDMENT TO ZONING LAW -

A motion was offered by Trustee Kettle to open the Public Hearing on proposed Local Law #5 of 2021, an amendment to the zoning law for the property known as East Avenue (Rear), LeRoy, NY, a part of Tax Map Number 12.-1-55.11, consisting of approximately 23.6 acres pursuant to a zoning change application made by developer Eric Biscaro. Seconded by Trustee Bonacquisti and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault, Mayor Rogers – Aye, carried.

Mayor Rogers announced that due to the absence of Trustee Yacuzzo, there wouldn't be a vote at this meeting but the vote would likely occur at the October 20 meeting.

He introduced **Mark Masse, Sr. V.P. of Operations of Genesee County Economic Development Center (GCEDC)**, who began by describing the agency's incentive process for commercial rental properties that involves sales tax abatement, mortgage tax exemptions, and PILOT (Payment in Lieu of Taxes) programs. He stated that in Genesee County there's a need for 1,400 single family homes and apartment rentals. A standard PILOT is for 20 years. Once the GCEDC accepts an application, there's a public hearing, then incentives are offered. Before that can happen, though, zoning needs to be changed and the SEQR completed by the municipality.

Concerning Eric Biscaro's application to the GCEDC, the project would qualify for sales tax abatement, mortgage tax exemptions, and the PILOT. In the first four years, Biscaro would pay 10% of all taxes (county, village, school), 15% for the next three years, 20% the next three years, 50% the next five years, and 75% for the last five years. However, the PILOT doesn't cover taxes and fees for fire, water, sewer. Once the project is finished, it would bring in more tax revenue than the village is currently receiving on the land as it is.

The GCEDC previously approved applications for similar projects in Batavia, The Manor House and DePaul, however, those projects didn't require rezoning, like this project.

Andrew Kosa, Professional Engineer and Principal Associate with CPL, the engineering firm for the Village, spoke in regards to traffic and storm water. The Traffic Analysis of East Ave. completed by CPL concluded that the traffic generated by the proposed development would

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not cause a delay to the traffic on East Avenue and a minimal delay at the intersection of East Ave. and East Main.

When a citizen mentioned that the intersection of East Ave. and East Main was dangerous, that you can't see clearly, Mayor Rogers responded that it was the first they've heard this. East Main is part of a state highway and DOT had to sign off on the dangerousness of the intersection approximately ten years ago.

Regarding CPL's preliminary review of the grading plans and Stormwater Pollution Prevention Plan, Kosa began by explaining that CPL's job is to ensure compliance with the NYS Department of Environmental Conservation's regulations for stormwater design. A preliminary review showed everything was in order and that if the project moves forward, there are three more checks for compliance. He pointed out that regulations require any water discharge from the project has to be equal or less than what is running off now or they (CPL) can be fined.

Attorney for Condidorio family, Amy Kendall, asked a question concerning the percentage of imperviousness and whether that figure includes the road or not. Kosa stated that on a 22 acre site, 18% will be impervious. Developer Biscaro said it does not include the road. Kendall asked if the SEQR includes the road and if it does, what was the analysis? Kosa responded that the SEQR does include the road but that the roadway was not designed yet.

Trustee Bonacquisti asked if Pete McQuillen's retention pond on Fillmore resulted in less water? McQuillen responded that it's working. The pond isn't full yet but it's taking on water and not releasing it. It's been less than a year since he installed it, however. The swale did it's job during recent big storms and there's dry section that previously was a "quagmire."

Tom Condidorio stated this is about a zoning change that will affect home values, affect everything. Where are you with the zoning change? Mayor Rogers responded that the plan is to try to grow the tax base so that home values don't go down. Trustee Bonacquisti pointed out that on Fillmore St., the sale of homes is now 28% over assessed values.

Jim Gomborone asked if the Board looked at other properties. Mayor Rogers said they have considered West Bergen Rd. Gomborone said there were better areas without these flooding issues.

Developer Eric Biscaro handed the Board a new packet of documents and stated he was starting with the storm water plan. "We won't fix the golf course, but we will definitely not add to it." Water, sewer, cable, electric, and fuel line installation, inspection, and approval will be his responsibility, not the Village's. He will pay for the lift station, and maintenance on infrastructure, incl. snow removal on roads. Water and sewer bills will be paid by the individual.

A resident asked about children in the PUD as some people aged 50 and over do have children. Biscaro stated that no, children cannot be residents in the 50 and above senior living facility.

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Florence Condidorio stated that in her research on PUDs, they all required a Home Owner's Association. Village Attorney, Jake Whiting, stated there was no requirement in the LeRoy Village Code for an HOA.

Tom Condidorio commented that the developer could change his plans or the village could change its code. Attorney Whiting stated the village could approve the zoning change, but impose restrictions and conditions. He didn't think the village would impose the age condition, but Mayor Rogers stated they would want to keep the age limit.

David Porter asked what is the village's tax benefit would be. Biscaro stated that in the first year, the village would get six times the amount they're getting now. Getting about \$400.00/year now, when we close, they'll get \$2,400.00/year even before we build.

Tom Frew asked about the spreadsheet (titled Village Tax Dollars) on the village's website. Biscaro said it was based on the PILOT. Masse pointed out that it's only on the PUD, not the single family homes.

Biscaro stated he was in renegotiations with Robert Fussel for property on the other side (West of East Ave.). Kendall asked if the other side was part of the SEQR. Biscaro said it wasn't, there was no flood zone there. Kendall said that if they know they will develop the West side, they have to include that in the SEQR.

Porter stated he has young children and there are no sidewalks – is there a plan to put them in? Mayor Rogers said they have no plan now, but will look into it. A comment was made that it was the residents of that area that didn't want the sidewalks at the time East Ave. was originally put in.

Gomborone asked since this will affect everyone in the village, why isn't it put to a referendum? Village Attorney Whiting said the board was elected by the constituents of the village. The board needs to follow the procedure laid out in the village code, which is what they're doing. There is no public referendum component in the village code as it pertains to zoning changes.

Biscaro stated that he's put in roads (at Clinton Crossing) but it hasn't cost the \$1 million projected. HE's just asking the village for trucks to haul the stone for the project.

Pete McQuillen asked if engineering has been done on the road. Mayor Rogers responded, "no."

Trustee Tetrault offered a motion to close the public hearing at 9:48 pm, seconded by Trustee Kettle. All were in favor. Motion carried.

APPROVAL OF MINUTES: A motion was offered by Trustee Bonacquisti to approve the minutes of the Board of Trustees dated September 15, 2021 as previously printed and presented. Seconded by Trustee Kettle and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.

COMMUNICATIONS:

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OLD BUSINESS:

- a. **Resolution to accept Sections 2 and 3 of the SEQRA for East Avenue Senior Housing PUD** – Trustee Kettle made a motion to table until October 20, 2021, seconded by Trustee Bonacquisti. On a call of votes, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.
- b. **Resolution to accept SEQRA Negative Declaration for East Avenue Senior Housing PUD** – Trustee Kettle made a motion to table until October 20, 2021, seconded by Trustee Bonacquisti. On a call of votes, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.
- c. **Resolution to Adopt Local Law #5 of 2021** - Trustee Kettle made a motion to table until October 20, 2021, seconded by Trustee Bonacquisti. On a call of votes, Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.
- d. **Resolution Wolcott St. Villager Pay App #4** - Upon recommendation of the Village engineers, CPL, pay application #3 from Villager Construction was received for the Wolcott Street Reconstruction project and a motion was offered by Trustee Tetrault and seconded by Trustee Bonacquisti for a resolution to authorize payment of said application. On a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Mayor Rogers – Aye, carried.
- e. **Resolution Wolcott St. Change Order #2** - Upon recommendation of the Village engineers, CPL, Change Order #2 was received for the Wolcott Street Reconstruction project and a motion was offered by Trustee Kettle for a resolution to authorize Change Order #2 for an additional \$50,700.00 and was seconded by Trustee Bonacquisti. On a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Mayor Rogers – Aye, carried.
- f. **Resolution to Authorize Pay Grade Level – Jason Davis** – Upon recommendation of Chief Kellogg, due to Davis’ prior years of service with another law enforcement agency, a motion was offered by Trustee Bonacquisti to authorize an increase in pay grade level to Jason Davis. It was seconded by Trustee Tetrault and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Mayor Rogers – Aye, carried.

NEW BUSINESS:

DEPARTMENT CONSIDERATIONS:

Ron Pangrazio – Town Board – Old Wickes property has been given a time limit – February 22, 2022. Recreation Pool Cover – shared cost (Mayor Rogers talked with Town Super. Farnholtz and the Village will pay full cost of pool cover.* Spray Park at Wildwood joint meeting coming up Oct 14, Town and Village. AD Call redoing the gravel on the Bocce court on Mill St.

OFFICIAL CONSIDERATION:

Trustee Kettle – He knows we don’t usually put center lines on village streets, but he almost got hit on North Street when someone drove way over into his lane.

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Mayor Rogers – The problem with East Ave. and the dangerousness of pulling onto Main St.
Trustee Tetrault – Winter street parking start in Nov.? Chief Kellogg said he'd look into extending it.

CITIZEN PARTICIPATION:

RESOLUTION TO PAY BILLS – Motion to pay bills was offered by Trustee Bonacquisti and seconded by Trustee Kettle. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Mayor Rogers – Aye, carried.

General Fund – ACH and check numbers 24315 and 24601 - 24639, totaling \$814,499.51

ADJOURN – There being no further business, a motion was offered by Trustee Tetrault to adjourn, seconded by Trustee Kettle and on a call of votes: Trustee Bonacquisti – Aye, Trustee Tetrault – Aye, Trustee Kettle – Aye, Mayor Rogers – Aye, carried.

Meeting adjourned at 10:00 pm.

Respectfully submitted,

Eileen Carmel,
Clerk-Treasurer