

REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES

8/18/2021

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON AUGUST 18, 2021, MEMORIAL AUDITORIUM, TRIGON PARK.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Raymond Yacuzzo, Richard Tetrault; Clerk-Treasurer Eileen Carmel; Deputy Clerk-Treasurer Katie Eick; Chief of Police Greg Kellogg; DPW Superintendent Bob Lathan; 75 citizens (handwritten list included).

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

PUBLIC HEARING – Motion by Trustee Yacuzzo to open the public hearing of Local Law #5 of 2021, concerning a zone change, seconded by Trustee Bonacquisti. No further discussion offered. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

This is a local law concerning a zone change from R1 to PUD in relation to a proposed residential development in the East Avenue area of the Village.

Mayor Rogers thanked the LeRoy Central School and Superintendent, Merritt Holley, for the use of the auditorium. He told the audience that the Board wanted to hear their concerns and would give everyone a chance to speak. He explained that the reasoning behind the proposed East Avenue Senior Housing Development project was to expand the tax base and keep it stable, provide for senior housing needs, and, in accordance with the 1988 Board Resolution to help build infrastructure in the Village, they were willing to put up to one million dollars toward the road.

Eric Biscaro, the developer on the project, presented photos of the area in question and the site plan, explaining the development won't be visible to East Avenue as it will be behind a thick surrounding hedgerow, with minimal elimination of trees. He also showed a video walkthrough of one of the 1200 sq. ft. senior patio homes and the backyard and street views of the Clinton Crossings Adult Community in Batavia, which his company built twelve years ago. He finished his presentation by reading testimonials from homeowners in his housing developments.

Mayor Rogers opened the floor for questions from the audience. The following questions/comments were frequently interrupted and shouting occurred on more than one occasion.

Tom Condidorio, 38 East Ave. – explained how his parents bought property many years ago on East Ave. from Mr. Fussell, that the intention at the time was for East Ave. and South Ave. to connect and it would be a residential neighborhood. He wants to keep the R1 zoning. The current development plan doesn't belong in the Village. He asked if the developer was getting a tax break. Biscaro answered he didn't know, "it's not there yet."

Anna Sorenson, 103 East Main St. – identified herself as Bob Fussell's daughter and stated the property doesn't make as much money as is paid in taxes. Nobody tried to buy the property from

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their family. People need houses. She looked at Biscaro's previous developments and said they were not horrible. She's a Nurse Practitioner and understands the needs of seniors.

Rosemarie Betz, 26 East Ave. – her family used to live on East Main St. and the traffic noise was so bad she couldn't sleep at night so they moved to East Ave. and she loves it there. She will fight this development.

Christine Betz, 26 East Ave. – She's disabled and loves to see the kids walking down the street and people walking their dogs. They would lose that if this development happens.

Renee Robinson, 12 Poplar Ln. – stated that in the 2018 census, in Genesee County, over-55 was the slowest growing demographic. Earmarking future development for over-55 was unreasonable, it should be for families. There's nothing to draw me here but my family.

Biscaro explained that older people will be selling their current homes to families and they will then move into his development. When Robinson asked if he would put it in writing that the shrubbery would stay, he agreed to it.

Barb Anchor Elliot, 22 East Ave. – she's worried about safety, about access to the road with construction vehicles, that this aspect wasn't in mind when East Ave. was reconstructed. This location is wrong, a better place would be on Lake Street, where the cheese factory was looking to buy.

Biscaro denied the traffic would triple, based on his other developments.

Mayor Rogers asked Rick Henry, Engineer with CPL, if the street could handle double capacity. Henry agreed it could but that the state DOT wouldn't allow the street to be wider.

Dan Fernaays, 16 East Ave. – he's worried about traffic, it's a narrow street with parking on the street. How will you keep people off South Ave.? Gate it? You may gate it now but it'll be open permanently and will be a short cut to the school.

Chris Hamler, 11 East Ave. – it's a narrow street and they have problems with parking and getting into their own driveway now.

Jackie Whiting, 1 Poplar Ln. – she believes there would probably be more traffic if it stayed zoned R1. The Board's job is to look into what's available for the community. She thanked the Board.

Gary Revier, 41 South St. – worried about flooding and wanted a better explanation of the map, which field, the location.

Biscaro said he has seen the pictures out there showing flooding. None of the water is coming from this property. He'll make sure that in the development, roofs shed water, when they plant the lawn, there will be less water, and they'll add ponds.

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Florence Condidorio, 14 Wilson St. – she asked the Board why no professional study on flood zones and traffic were done before it got this far.

Mayor Rogers explained that it's the developer's responsibility to provide those reports. The Board reviews the reports and the Village's engineers said there would be less water coming off than currently. Next, it goes on to the state DEC so they can sign off on the project. Engineer Henry agreed. The Mayor said he also wanted to do more streets for the traffic study.

Jerry Robinson, 12 Poplar Ln. – with COVID, this project may not be the thing to do right now.

Ann Frew, 5 Poplar Ln. – Everyone feels it shouldn't be in their neighborhood.

Maurice Turner, 24 East Ave. – “East Avenue is a jewel.” He moved from the city and knows. He's worried this development could turn into a Genesee Street situation. What happens after Biscaro is done with the development? A PUD belongs in the Town. If this development does go through, he asked that the Board think outside the box. What about a road from Asbury? Can a compromise be made that doesn't destroy the jewel, the neighborhood?

Dwight Kanyuck, Attorney with Knauf Shaw, Attorney for Condidorios – stated he sent a letter to the Village Clerk regarding the application for the proposed rezoning of East Avenue to PUD and requested the letter be added to the public hearing record. [Due to its length, Mr. Kanyuck's letter has been added to the end of these minutes.]

Tom Feeley, 71 East Main St. – “The Board works for us.”

Maggie Burnside, 100 East Main St. – Her property is on the corner of East Main and East Ave. and is worried about losing her driveway if East Ave. is widened. She was assured they weren't doing anything to the street.

Jennifer Keyes, 43 East Main St. – she said every street in the Village is beautiful, we need to reduce the tax burden, and if this had been available years ago, her parents would have moved here.

Greg Weinman, 92 East Main St. – he stated he talked to the Board and then looked at Clinton Crossings. He doesn't think they fit here. We have rentals already, he's more in favor of single family homes.

Ron Pangrazio, 39 East Ave. – His is the last house on the street and has no neighbors, with good reason, it's wet. We need to correct the water problem.

Robert Fussell, 46 Wolcott St. – His father made some money on the property but gave away a lot too, some to the Condidorios. In responding to Pangrazio, the Village refused at the time to put in a lift station so his father could develop the property. People should be in the Village not the Town. There's no traffic problem. Real estate people say it will be great for LeRoy. We pay taxes and insurance on the land. No one has ever said he's been a bad neighbor. This will help the community. It's a tax wonder.

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Linda Turner, 24 East Ave. – This is a vacation place to her grandchildren and the neighbors all know each other and help each other.

Rita Wallace, 3 South St. – People at this meeting don't represent the whole community. We can't control what happens 30 years from now. She's in favor of a new road from Asbury.

Dan Fernaays – It's not good to compare Batavia to LeRoy. Traffic from Clinton Crossings comes from a state highway.

Trustee Yacuzzo read a letter from Cindy Haynes, of Church St. – She believes this development is much needed. The LaRosa Villas is not a good comparison due to the income limits and many of those apartments are still available. This development would be independent senior living, ready to move in. She visited the Clinton Crossings in Batavia, talked to the residents. She was impressed by the dignity and independence, that maintenance was a priority, by the feeling of safety.

Barb Fernaays, 16 East Ave. – If this is going to happen, why not another road? Traffic is an issue. Seniors are active and on the road.

Tom Bennetti, 18 East Ave. – Questioned whether all 60 buildings would be built at the same time.

Biscaro said crews wouldn't all be there at the same time. There would be no constant construction vehicles on the road, maybe 1 or 2 at a time and they would use delivery vehicles to bring in construction equipment.

Mayor Rogers thanked everyone for coming, these were all good points, and the Board has a good idea of the concerns, things like traffic and water. No action would be taken tonight. There was going to be a motion to suspend the public hearing, not close it. The Board has heard and will do its due diligence, and on September 15<sup>th</sup>, at the next Board meeting, will give proper follow-up.

Trustee Kettle will be unable to attend the September 15<sup>th</sup> meeting.

Renee Robinson – suggested that when the Board asks other community members about this to ask if they'd be in favor if they were building it in their neighborhood.

Tom Condidorio – the purpose of zoning is to protect the property owner and changing from R1 to PUD is an injustice.

Bob Taylor, 6 Poplar Ln. – other people have no skin in the game.

Mayor Rogers asked Ron Pangrazio, Town Councilman, if he had anything to mention: nothing.

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Mayor Rogers thanked everyone for coming to the meeting, the Board now has a good idea of everyone's concerns. The Board will not take action tonight. He asked for a motion to suspend the Public Hearing, not close it, until the next Board meeting on September 15.

Trustee Yacuzzo made a motion to suspend the Public Hearing of Local Law #5 of 2021, concerning a zone change. Seconded by Trustee Bonacquisti and on a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

APPROVAL OF MINUTES – A motion was offered by Trustee Bonacquisti to approve the minutes of the Board of Trustees dated August 2, 2021 as previously printed and presented. Seconded by Trustee Yacuzzo and on a call of votes Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

COMMUNICATIONS – GLOW Household Hazardous Waste collection on 9/18/21 and Electronics collection on 9/25/21 was noted by Mayor Rogers.

DEPARTMENT CONSIDERATIONS:

STP Superintendent Steve Carroll is on vacation.

DPW Superintendent Bob Lathan – DPW is all okay.

Chief Kellogg – regarding 66 Lake St., it's been non-stop incidents. He had a well-received conversation with the owner, McDonald, and he's working with law enforcement. Chief reached out to Parole and Code Enforcement. As a result, they've had 7 arrests in the last 2 weeks.

OLD BUSINESS:

- a. Upon recommendation of the Village engineers, CPL, pay application #2 was received for the Wolcott Street Reconstruction project and a motion was offered by Trustee Yacuzzo and seconded by Trustee Tetrault to approve said application to Villager Construction. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.
- b. Upon recommendation of the Village engineers, CPL, pay application #2 was received for the WWTF project and a motion was offered by Trustee Yacuzzo to approve said application to Wind-Sun Construction and seconded by Trustee Bonacquisti. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

NEW BUSINESS:

- c. A motion was made by Trustee Tetrault to authorize a resolution for the Deputy Mayor to sign paperwork as the Village of LeRoy's Certifying Representative for the Main St. Grant. It was seconded by Trustee Bonacquisti. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.
- d. A motion was made by Trustee Bonacquisti to authorize a resolution to enter into an agreement with Leroy Central School for a School Resource Officer (RSO). Seconded by

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Trustee Tetrault and on a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

- e. A motion was made by Trustee Bonacquisti to authorize a resolution to accept the resignation of Austin Skawienski of the LeRoy Police Dept. on the recommendation of Chief Kellogg. It was seconded by Trustee Kettle and on a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.
- f. A motion was made by Trustee Bonacquisti to authorize a resolution to hire a part-time Police Officer, Jason Davis, on recommendation of Police Chief Greg Kellogg. Davis worked for the Batavia Police Dept. for 22 years, and holds many certifications. Motion was seconded by Trustee Kettle and on a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Tetrault – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti – nothing.

Trustee Kettle – nothing.

Trustee Yacuzzo – nothing.

Trustee Tetrault – He asked local Real Estate Agent, Nancy Crocker, if all these people are selling their properties in the village, where are they going? Crocker said most don't know. One recently went to live at the Greens at Saint Ann's. Trustee Bonacquisti suggested sometimes they sell to get out of a bad mortgage.

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

General Fund – check numbers 24306-24553, totaling \$51,838.51

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

Meeting adjourned at 9:00 pm.

Respectfully submitted,

Eileen Carmel,  
Clerk-Treasurer