

REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
8/2/2021

A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES WAS HELD ON AUGUST 2, 2021, BOARD ROOM, VILLAGE HALL.

PRESENT: Mayor Gregory Rogers; Trustees James Bonacquisti, William Kettle, Raymond Yacuzzo; Clerk-Treasurer Eileen Carmel; Chief of Police Greg Kellogg; STP Superintendent Steve Carroll; 23 citizens.

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

Mayor Rogers explained that Eric Weiss (Engineer with CPL) was running the board through Part 2 and Part 3 of the SEQR for the proposed East Avenue Senior Housing Development project, that the meeting wasn't a debate, the Board needed to hear the information but if there was a question from the audience pertinent to the discussion, the Board would entertain it. He also introduced Eric Biscaro, (including his staff, Rocky and Megan) the developer who submitted the project application.

OLD BUSINESS:

- a. Eric Weiss explained that previously, the Board had passed a resolution for a Notice of Intent to Declare Lead Agency for the East Avenue Senior Housing Development project. This was followed up by paperwork to all the other involved agencies, which had 30 days to voice opinion on the declaration. Only two agencies responded, with no objection to it.
 - Mayor Rogers read the resolution aloud.
 - A motion was made by Trustee Yacuzzo to adopt the resolution for the Village Board to serve as lead agency for the East Avenue Senior Housing Development, seconded by Trustee Bonacquisti. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.

SEORA RESOLUTUON TO SERVE AS LEAD AGENCY
FOR EAST AVENUE SENIOR HOUSING PUD

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

Whereas, the proposed project will include a proposed residential development on approximately 23.6 acres of a 64.61 acre parcel south of East Avenue in the Village of LeRoy. Action includes the subdivision of land for approximately 30 duplex units for senior housing to be rezoned as a planned unit development (PUD) as well as subdivision and development of eight (8) single-family lots (150 ft. deep lots and separate from the senior housing PUD). In addition, the extension of East Avenue approximately 1,210 feet down the existing 60-foot right-of-way along with the extension of public sewer, water, and other utilities; water/sewer lines are found at East Avenue, Poplar Lane, and South Street.

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

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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 substantiative requirements of SEQRA.

- b. East Avenue Senior Housing PUD –SEQR, Parts 2 and 3. Part 2 of the Environmental Assessment Form is designed to help the lead agency inventory all potential resources that could be affected by a proposed project. Part 3 provides the reasons in support of the determination of significance, where the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact.
 - For Part 2, Eric Weiss asked the Board a series of main questions. A “no” answer meant they would continue through the list, but if there was a “yes” answer, there were a series of sub-questions to answer.
 - a. Impact on Land – “yes” Sub-questions all were answered “No, or small impact may occur.”
 - b. Impact on Geological Features – “no”
 - c. Impacts on Surface Water – “yes” Discussion of Mad Creek with audience participation. Sub-questions all “No, or small impact may occur.”
 - An audience member questioned all of the “No” answers. Trustee Yacuzzo answered that he had degrees in geology and had worked for the DEC and the Board chose him to be the spokesman. If he had any doubt about any of the questions, he would say so.
 - A member of the audience, later identified as Amy Kendall, Attorney with Knauf Shaw, there on behalf of the Condidorios, questioned whether the planned development that’s been proposed is available to the public. When the Board answered that it would be and that this was not a public hearing, just a work session, she mentioned that for any meeting of the public body, the information has to be made available to the public and that there was no difference under the law between a public hearing and a work session. Trustee Yacuzzo explained that the public would have the opportunity to comment when the SEQR report is released. She objected to the completion of Part 2 without having the public have the available environmental information in advance of the meeting.
 - Bonny Reed, 11 Orchard Dr., had a problem with a potential buyer answering these questions. Mayor Rogers noted the question and said that the buyer knew more about it than anyone else present. Mr. Biscaro also commented that he’s familiar with the particular

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form that the Board is filling out. She still had a problem with it but would go by what the board decided.

- Jackie Whiting commented that there seemed to be speculation and “not sure” with some of the answers and asked what would happen after these questions are answered? Will there be more investigation to be sure? Is this just an initial overview? Eric Weiss answered that this was to determine if there would be a substantial environmental impact. There are two options: complete this tonight and say it’s not going to have a significant environmental affect or, if there are a lot of moderate to large affects, then it could go to the next step, which would be an Environmental Impact Statement, a much more in-depth environmental review. These questions [in Part 2] lead you down the path of which way to go.
- d. Impacts on Ground Water – “No”
- e. Impact on Flooding – “No” When Trustee Yacuzzo confirmed with the engineer that the area was not in a flood zone, one audience member who didn’t identify himself, objected, saying that on South Avenue, behind his house, there was a flood way. Trustee Yacuzzo clarified that this was about the area to be affected by the building project. He agreed there are flood zones and flood ways, but this parcel is not in one of those areas.
- f. Impacts on Air – “No”
- g. Impacts on Plants or Animals – “No”
 - Rosemary Betz said she felt strongly about the impact on animals this project would have, that it was a wetland, and that it would ruin the neighborhood. Trustee Yacuzzo explained that the area was not designated a wetland and offered to go through all the questions in this section so that she would understand why they said no. Most of the sub-questions pertained to “threatened or endangered species, as listed by the NYS or the Federal government that use the site, or are found on, over, or near the site.” Eric Weiss commented that, as documented in Part 1 of the AEF form, according to the DEC website, that site does not contain threatened or endangered species. The rest of the questions were all answered “no” and therefore, the main question of impact on plants and animals was “no.”
- h. Impact on Agricultural Resources - “yes” There were questions from the audience about zoning, and Eric Weiss replied that the property is all zoned “R1” or residential and not agricultural. Sub-questions all were answered “No, or small impact may occur.”
- i. Impact on Aesthetic Resources – “No”
- j. Impact on Historic and Archeological Resources – “No”
- k. Impact on Open Space and Recreation – “No”
- l. Impact on Critical Environmental Areas – “No”
- m. Impact on Transportation – “No” At questions from the audience, they went through the sub-questions, which all were answered “No.” A question was asked if the existing road would support this traffic. Eric

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Weiss answered that it was his professional opinion that it's not going to accede the capacity of the roadway. There was a question regarding a report of 1000 cars going through the area, which Trustee Bonacquisti stated was inaccurate and that the Chief of Police was going to try to contact the state to do that because our machine didn't work. When asked whether East Avenue was a standard-width road, the Mayor answered that there is no standard, the village streets vary in width. Are construction vehicles with their weight taken into account in that question? Eric Weiss stated that construction vehicles would be trailered in, they wouldn't be traveling back and forth on the road. He later said that it was his feeling that it [East Avenue] was built as a residential street and it's still going to be a residential street. When asked if there was going to be through-traffic from South Street, Trustee Yacuzzo said no, that there was emergency access from South Street only.

- n. Impact on Energy– “No”
 - o. Impact on Noise, Odor, and Light – “Yes” Trustee Bonacquisti asked if this would including the building of it, and Eric Weiss said yes. Sub-questions all were answered “No, or small impact may occur.” Trustee Yacuzzo asked if there was a requirement for down-cast lighting and Eric Biscaro answered that there was.
 - p. Impact on Human Health – “No”
 - q. Consistency with Community Plans – “No” Trustee Yacuzzo mentioned that he'd seen plans that went back thirty years showing residential development in that area.
 - r. Consistency with Community Character – “No”
- For Part 3, Eric Weiss read the requirements stating that the lead agency must complete Part 3 for every question in Part 2 where the impact was identified as potentially moderate to large. He stated that none of the answers in Part 2 were answered as moderate to large impacts and based on that, there was no requirement to add any information to Part 3.
 - a. Attorney Amy Kendall respectfully asked that the Board hold off on Part 3 until after the public hearing because once the Negative Declaration is signed, all the community concerns are basically irrelevant.
 - Mayor Rogers asked Eric Weiss' opinion. He felt that the Board went through Part 2, were comfortable with the responses, and it sounded like the Board was comfortable with the conclusion for the Negative Declaration and recommended that they proceed.
 - Trustee Kettle read the Negative Declaration aloud. Trustee Kettle made a motion to adopt the Negative Declaration, seconded by Trustee Bonacquisti.
 - When asked if there's any further discussion, Trustee Bonacquisti asked about the impact of water. Is it going to create more water for other streets or the golf course? Eric Weiss stated that, according to NYS DEC regulations, this development cannot increase any runoff. The developer has to provide a Storm Water Pollution Prevention Plan which gets submitted to the Village

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engineer, for review and concurrence. He stated they did not have that plan, just a preliminary document. Mayor Rogers said that was the most important thing they needed to know, before the public hearing. Trustee Yacuzzo suggested a caveat that included language about downward lighting waiting until they got the Storm Water Pollution Prevention Plan, perhaps table Part 3 until they get the plan. Mayor Rogers reminded them they had a motion on the floor. Eric Weiss said they could fill out Part 3 to include those comments.

- Trustee Kettle made a motion to rescind his previous motion to adopt the Negative Declaration, seconded by Trustee Yacuzzo. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.
- b. Town Board Rep Ron Pangrazio asked for clarification on whether it would take 6-8 years to build the development, as he had heard/read. Eric Biscaro said no, it would be more like 18 months. They would build in 20-unit (10 building) phases and, as long as they fill up, they would start the next phase before the first was complete. It could theoretically stop at 40 units, if they don't fill up, but he didn't think it would happen.
- Eric Biscaro stated the reason he's doing this is because the County has asked for anyone to build this kind of housing. There's a need in this county for senior housing and upper-end market-rate housing.
- c. A motion was made by Trustee Kettle to table discussion of the Negative Declaration Resolution until they've reviewed the reports from the developer, seconded by Trustee Yacuzzo. On a call of votes: Trustee Bonacquisti – Aye, Trustee Kettle – Aye, Trustee Yacuzzo – Aye, Mayor Rogers – Aye, carried.
- d. Motion by Trustee Yacuzzo to adopt a Resolution to hold a Public Hearing Aug. 18, 7pm, at the WSS Memorial Auditorium at Trigon Park., seconded by Trustee Bonacquisti. During discussion, a question was asked regarding the emergency access road. Mayor Rogers explained that the County Planning Board recommended emergency access and it's definitely part of the project as possibly a passable, secondary road at this time. The Fire Dept. was out there and signed off on it. A question was asked if the Village of LeRoy would be responsible for the road. Mayor Rogers responded that in 1988, the Village signed a Resolution to help build infrastructure, to help promote building. It's to help, not to put in the full, entire road. 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 Kettle to approve the minutes of the Board of Trustees dated July 21, 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.

OFFICIAL CONSIDERATIONS:

Trustee Bonacquisti – nothing.

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Trustee Kettle – Thanked everyone for coming out to the meeting.

Trustee Yacuzzo – nothing.

Ron Pangrazio, Town Councilman:

- Town Court is down to one Justice. Stafford Town Justice Bob Mattice will be filling in on an as-needed basis. Plans for “Tobacco Free” signs have been tabled until they can make sure they are consistent with the Village. Pool – they’ve now had training in use of the AED defibrillator.

Earl Funderburk thanked the DPW for picking up debris at the Jello Factory. He also asked about a streetlight outside his home on Trigon Park side and asked if a downward facing light could be installed. He mentioned a Sycamore tree outside his property on 4 South St. leaning on power lines. Former Trustee Maurice Turner who works for Niagara Mohawk said he’d look into Mr. Funderburk’s streetlight situation.

Jackie Whiting – Applications are available for the LeRoyan of the Year award. And the LeRoy Business Council is back in action after COVID.

DEPARTMENT CONSIDERATIONS:

Chief Kellogg – Police Department is “all good.”

STP Superintendent Steve Carroll:

- Asked that a resolution be made to surplus a utility truck – 2004 American Hummer, VIN: 137FA553X4E212293
- Motion was made by Trustee Yacuzzo and seconded by Trustee Bonacquisti to surplus the utility truck and get it ready for auction.

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

General Fund – check numbers 24280 – 24304, totaling \$131,485.99

Mayor Rogers thanked everyone for coming to the meeting.

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 8:44 pm.

Respectfully submitted,



Eileen Carmel,
Clerk-Treasurer