

Town Board Minutes
Local Law 4-21
Amending Zoning
December 14, 2021

The monthly meeting and Local Law 4-21 Amending Zoning on Kennels and Solar Farms Public Hearing of the Torrey Town Board was held on December 14, 2021 at 56 Geneva St. Dresden New York and called to order by Supervisor Flynn at 7:30PM.

Present: Supervisor Patrick Flynn, Councilman; Colby Petersen, Peter Martini, Lawrence Martin, Grant Downs

Others present: George Thompson, Linda & Alan Lefko, Gary McIntee, George Dowse, Burge Morris, Marilyn Flynn, John Ghidiu, Dwight James- Code Officer, Tim Chambers- Hwy Supt.

Mr. Flynn led the pledge of allegiance.

Local Law 4/21

Mr. Flynn opened the public hearing Amending the Zoning for Kennel and Solar regulation at 7:32PM.

Mr. Downs had questions on Solar Law. Should be a requirement for Special Use Permit for Battery storage onsite and the inclusion of Prime Ag Land in the law.

George Dowse of planning board stated while drafting the solar law the planning board found no battery storage regulations in residential code.

Mr. Downs stated the need for more control over land use, if it is classified premium ag land.

Brief discussion on definition of premium/prime land classification which is available at Yates County Soil & Water.

Mr. Martini disagreed with regulating use of Ag Land.

Mr. Downs had comments on Kennel Law Section D Lighting, Section 7: clarification of disposal of animal remains and a Breeder should submit end of breeding life plan for animal.

No other comments on the law, went on with business,

Abstract of vouchers - Mr. Flynn presented the abstracts. Motion by Mr. Petersen, 2nd Mr. Martin that the bills on the General A & B Accounts in the amount of \$ 10,797.80 be paid, carried by all.

Motion by Mr. Martini, 2nd Mr. Petersen that the bills on the Highway DA & DB Accounts in the amount of \$ 9,414.53 be paid, carried by all.

November Minutes

Motion by Mr. Downs 2nd Mr. Petersen to accept the November minutes with name correction as noted. Carried by all.

Contract of Mengel, Metzger & Barr Accounting Firm to complete the 2021 AUD for \$2,200 was presented. Motion by Mr. Downs 2nd Mr. Martini authorizing Supervisor to sign contract carried by all.

Contract for Agreed Upon Procedures for Supervisors Financial audit was discussed. No action taken.

Norbut Solar Decommissioning Plan Mr. Flynn presented the Norbut Solar Decommissioning Agreement for NSF Site 1, NSF Site 2, NSF Site 3.

Motion by Mr. Martini 2ⁿ. Mr. Petersen to approve the Norbut Solar Decommissioning Agreement as presented. By roll call vote: Flynn- Aye, Martini- Aye, Petersen-Aye Martin- Aye Downs- Aye 5 Ayes 0 Nays. Carried.

Vital Statistic Registrar

Motion by Mr. Flynn 2nd Mr. Downs to reappoint Betty Daggett as Registrar and Darlene Conley as Deputy Registrar for two-year term to 2023, carried by all.

ARPA: American Rescue Plan Act Funding

Mr. Flynn introduced the following resolution

" Pledge the ARPA Funding when received in full form from the Federal/State government, toward Water District 1 project."

WHEREAS, the following resolution was offered by Supervisor Flynn, seconded Councilman Martini and duly adopted by the Town Board of the Town of Torrey on December 14, 2021 at 7:30PM at the town hall, 56 Geneva Street, Dresden, Yates County, New York,

BE IT RESOLVED, that the Town Board of the Town of Torrey is willing to pledge the ARPA Funding in an amount of \$96,222, when received in full from the Federal/State government, toward the Water District No. 1 project to aid in offsetting the increased costs related to the Pandemic supply chain and material price increases, contingent upon receiving the remaining funding necessary to complete the project.

Roll call Vote

Flynn- Aye, Martini- Aye, Petersen-Aye Martin- Aye Downs- Aye

5 Ayes 0 Nays. Carried.

Highway Report: Tim Chambers reported they are working on new park proposal for 2022 at the beach.

Getting cost for replacing crossover pipes for Anthony Beach Rd and Long Point Road. Cleaning up debris from recent wind event.

Mr. Downs inquired as to the status of Leach Rd shoulder landslide. The highway placed 8' of fill at site and there has been no movement since.

Code Report: Dwight James received 2 special Use applications, 1 site plan review 2 site visits, 11 building inspections, 2 fire inspections, 11 meetings with builders/applicants, 34 hours of Continued Education training and traveled 230 miles.

Mr. Downs inquired as to the status of Torrey Station, the Special Use Permit is about to expire and Mr. Higgins has not brought the property into compliance.

Mr. James stated he will check the next step in the procedure for non-compliance on a Special Use Permit and report in January meeting.

Water District 1: Jeremy Delyser of Clark Patterson Lee Engineering, has not received any notice on additional funding requested from Rural Development. Mr. Flynn and Mr. Martini spoke with Mr. Delyser earlier on progress and status of funding.

Mr. Downs inquired why the letters to residents in WD 1 was not sent out as promised by Mr. Delyser at last month's meeting.

Mr. Martini stated Mr. Delyser did not have the cost numbers to insert into the letter informing the resident of the cost to date and projected cost increase per household.

Mr. Downs would like to see the letter go out now updating the district residents what the status on the project.

Perry Point Water District: Discussion on the water contract and water committee. No meeting has been scheduled. Mr. Martin will contact Chairman Miller for date of next meeting.

Yates County Planning Board: Mr. Flynn read letter from Yates County Legislature stating recent appointment of Torrey representative George Dowse to Yates County Planning Board.

Gary McIntee asked what is the delay on Perry Point Water District Plan. What is the next step? Cost is increasing every day.

The Town needs a water contract signed with the Village to pursue funding; Mr. Martini will have a report on both districts at next meeting.

There being no further comment on the Local Law 4 /21 Amending the Torrey Zoning Kennel and Solar Regulations, Mr. Flynn closed the public hearing on Local Law 4/21 at 8:35pm.

LL 4/21 SEQR Short Form: Motion by Mr. Petersen 2nd Mr. Martini declaring Town Board as lead agency on the SEQR for Local Law 4/21 carried by all.

Mr. James- Town Code Officer, read each question of Part 2 to the board members for consideration, the following resolution was offered, Motion by Mr. Downs, 2nd Mr. Petersen,

WHEREAS, the Town of Torrey Town Board, hereinafter referred to as Town Board, has determined Local Law No.4 of 2021 to be an Unlisted action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Short Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and,

The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

Roll Call Vote- Flynn- Aye, Martini- Aye, Petersen-Aye Martin-Aye Downs- Aye 5 Ayes 0 Nays. Carried.

Local Law 4/21 Adoption resolution:

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Torrey for a public hearing to be held by said Town Board on December 14, 2021, at 7:30 p.m. at Torrey Town Hall, 56 Geneva Street, Dresden, New York, to hear all interested parties on a proposed Local Law entitled, "Local Law to Amend the Town of Torrey Zoning Law" and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Torrey, on December 1, December 8, 2021 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 14, 2021, at 7:30 p.m. at the Torrey Town Hall, 56 Geneva Street, Dresden, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Town Board of the Town of Torrey, after due deliberation, finds it in the best interest of the Town of Torrey to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Torrey hereby adopts said Local Law No. 4 of 2021, entitled "Local Law to Amend the Town of Torrey Zoning Law", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Torrey, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town's official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

Roll Call Vote- Flynn- Aye, Martini- Aye, Petersen-Aye Martin-Aye Downs- Nay 4 Ayes 1 Nays, Adopted

John Ghidiu thanked Pat Flynn for his 40 + years leading the Town of Torrey.

He addressed the Water District 1. A multimillion \$\$ project in need of a point of contact person/ project manager to oversee, and coordinate all areas of project. Each month the project

manager will report to the Town Board on the status of areas of project from legal, grants, residents and monthly costs. This would also keep the project in line with budget and transparent.

Mr. Downs suggest more communication with the district residents with the status of project.

Mr. Flynn and Mr. Martini both support Jeremy Delyser's efforts on Water District 1 and keeping the board updated.

Mr. Ghidiu hopes for the best on this project.

This being Mr. Flynn's last monthly meeting as Supervisor, honoring his 43+ year career representing the Town of Torrey, a brief celebration was held with cupcakes for all attendees.

George Thompson asked that all correspondence be entered into the minutes. He sent a lengthy documents to the board for their review and comments.

Mr. Petersen made a motion to enter into executive session for a employee issue, 2nd Mr. Martini at 9:30 carried by all.

Mr. Flynn closed the executive session and made a motion to move back into regular session at 9:55pm.

Actions from Executive Session:

Motion by Mr. Petersen 2nd Mr. Flynn, to send a censure letter to Ellen Campbell- Planning Board member, carried by all.

Motion by Mr. Petersen 2nd Mr. Martini appointing Mike Warner to the Planning Board carried by all.

Motion by Mr. Flynn 2nd Mr. Downs to hold an interview on possible candidates for vacant Councilman seat opening 1/1/2022 on December 29, 2021 at 6:30 carried by all.

Motion Mr. Flynn 2nd Mr. Martin, to hold end of year special meeting on December 29, 2021 at 7:00PM carried by all.

Mr. Flynn made the motion to adjourn 2nd Mr. Downs carried at 10:05PM.

Respectfully submitted,