

Town Board Minutes
Local Law 4 & 5
September 9, 2014

The monthly meeting of the Torrey Town Board held on September 9, 2014 at 56 Geneva St and called to order by Supervisor Flynn at 7:30PM.

Present: Patrick H. Flynn, Burge W. Morris, Linda K. Francisco, Colby J. Petersen

Excused: John H. Martini

Others present: Jeff Finger- Highway Supt., Jim Smith District II Legislator, George Thompson, Dwight James Code Officer, Linda Downs, Sue Davie, Bill & Jane Crumlish, Mary Lilyea, Jack Hessney, Dave Granzin, Linda Lefko

Mr. Flynn led the pledge of allegiance.

Matt Tette of Stork Insurance presented the 2015 commercial insurance proposal. This proposal is with Selective Insurance. Matt gave an overview of coverage, liabilities and umbrellas. The premium proposal is \$ 15,984.77 which is about 3% increase. Mr. Flynn noted that new truck and equipment has been added this year, he asked if this could be part of the increase.

With no further questions or discussion, Matt thanked the board for their consideration on this proposal.

Motion by Mr. Petersen 2nd Mr. Morris to accept the proposal of \$ 15,984.77 of Stork Insurance, carried.

Mr. Flynn opened the public hearing on Local Law 04-14 To Over ride Tax Levy Limit Established in General Municipal Law §3-e and 05-14 “ Amending Torrey Zoning Law in sections pertaining to Districts -Special Use, permitted uses and definitions at 7:50pm.

Mr. Flynn inquired if anyone desired to speak on LL 04-14. A brief discussion on the tax cap, he then closed the public hearing at 8:00pm.

The following resolution was offered by Mr. Flynn, 2nd Mr. Petersen,

WHEREAS, a resolution was adopted on August 12, 2014 by the Town Board of the Town of Torrey for a public hearing to be held by said Town Board on September 9, 2014 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 to override the tax levy limit established in General Municipal Law §3-c; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Torrey, on August 27 & September 2, 2014 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on September 9, 2014, 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, 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 2014 entitled, “A local law to override the tax levy limit established in General Municipal Law §3-c”, 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 minutes of this meeting and in the Minutes Book of the Town of Torrey, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Roll Call Vote: Patrick Flynn- Aye John Martini- Absent, Linda Francisco- Aye Burge Morris- Aye
Colby Petersen-Aye Adopted 4 Ayes- 0 Nays 1 Absent

A local law to override the tax levy limit established in General Municipal Law §3-c”,

Section 1: Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Torrey, County of Yates pursuant to General Municipal Law §3-c, and to allow the Town of Torrey to adopt a town budget for (a) town purposes (b) fire protection districts and (c) any other special or improvement district governed by the town board for the fiscal year 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2: Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the town board.

Section 3: Tax Levy Limit Override

The Town Board of the Town of Torrey, County of Yates, is hereby authorized to adopt a budget for the fiscal year 2015 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

Section 4: Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Mr. Flynn presented the abstracts of vouchers for audit.

Motion by Mr. Morris 2nd Mrs. Francisco that the bills on the General A & B accounts in the amount of \$ 6,607.26 be paid, carried.

Motion by Mrs. Francisco, 2nd Mr. Petersen that the bills on the Highway DA & DB accounts in the amount of \$ 89,717.44 be paid, carried

Dave Granzin- Chairman Planning Board was asked to introduce the Local Law 05-14 Zoning changes. Added to Districts, new Permitted Uses and structures with definitions.

A. Solar Farm:

1) Add "Commercial Solar Collection System" to Special Permit Uses in Ag (98.33), Ag/Res (98.41), Community Center (98.65), Industrial (98.73), and Light Industrial (98.81) districts.

2) Add two definitions:

Solar Collection System - A solar collection system is a series of photovoltaic modules electrically connected and mounted on a supporting structure. For the purpose of this law, the term solar collection system does not include other technologies for the collection of solar energy.

Commercial Solar Collection System - A commercial solar collection system is a solar collection system whose principle purpose is to convert solar energy into electrical energy and to transfer it to the public electric grid in order to receive credit or payment. Any solar collection system greater than 2,000 square feet will be considered a commercial system.

B. Mini Storage

Add Mini commercial warehouse for self-storage to Permitted Uses and Structures in 98.30 Ag., 98.38 Ag./Res., 98.70 Industrial, and 98.78 Light Industrial Districts.

C. Woodworking shop, furniture manufacturing, repair, and sales

Add as requiring a Special Use Permit Ag (98.33), Ag/Res (98.41), Community Center (98.65), Industrial (98.73), Light Industrial (98.81)

D. 98.10 Definition- Cottage Industry: A cottage Industry is an industry in which the creation and sale of products and services is home-based rather than factory-based. The distinction between a home occupation and a cottage industry is a matter of scale. A home occupation can display no evidence of business activity outside the premises and may not have paid employees (see section 98.119) while a cottage industry may have both (see section 98.131).

E. 98.131 Cottage Industry (This is a Special Condition)

A cottage industry must comply with the Special Conditions set forth in this section and all other applicable regulations in this Chapter.

- A. A Special Use Permit is required
- B. Location: Cottage industries are allowed in the Ag., Ag./Res., and Community Center districts.
- C. Operator residence: The owner/operator of the cottage industry must reside on the property. The residence and manufacturing/sales facility may be in different buildings on the same property.
- D. Appearance: The exterior of the manufacture/sales building or buildings must maintain the character of the neighborhood.
- E. Off-street parking: The property must have sufficient parking spaces for all employees, customers and suppliers. In addition, there must be sufficient space for cars to turn around so they do not back out onto the road.
- F. The Performance Standards found in Section 98.25 must be strictly observed.
- G. Employees: The cottage industry may not have more than six (6) paid employees.
- H. Signs: One permanent sign may be placed on the property. Off-premise directional signs are allowed in accordance with the requirements of section 98.129.
- I. The owner must comply with OSHA and NYS, Yates County and Town of Torrey fire, safety and health codes.

F. 98.10 Definition

Home Occupation: An occupation or business activity that results in a product or service for financial gain, is conducted in whole or part within a dwelling unit or an accessory building and is clearly incidental to the residential purposes of the dwelling unit. The distinction between a home occupation and a cottage industry is a matter of scale. A home occupation can display no evidence of business activity outside the premises and may not have paid employees (see section 98.119) while a cottage industry may have both (see section 98.131).

Mr. Flynn inquired if anyone desired to speak on LL 05-14 or had questions. There being no one desiring to speak on Local Law 05-14, the public hearing was closed at 8:10PM

The following resolution was offered by Mr. Flynn, seconded Mrs. Francisco,

WHEREAS, a resolution was adopted on August 12, 2014 by the Town Board of the Town of Torrey for a public hearing to be held by said Town Board on September 9, 2014 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 to Amend Torrey Zoning by Adding to permitted uses in districts: Solar Energy, Woodworking, Cottage Industry, Mini Storage and definitions, and;

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Torrey, on August 27 & September 2, 2014 and all other notices required by law to be given were properly served, posted or given, and;

WHEREAS, said public hearing was duly held on September 9, 2014, 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 05-14, or any part thereof; 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 05-14.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Torrey hereby adopts said Local Law No. 5 of 2014 entitled, “ Amend Torrey Zoning by Adding to permitted uses in districts: Solar Energy,

Woodworking, Cottage Industry, Mini Storage with definitions. 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 minutes of this meeting and in the Minutes Book of the Town of Torrey, and to give due notice of the adoption of said local law to the Secretary of State of New York.

Roll Call Vote: Patrick Flynn- Aye John Martini- Absent, Linda Francisco- Aye Burge Morris- Aye Colby Petersen-Aye
Adopted 4 Ayes- 0 Nays 1 Absent

Justice books audit, Mr. Flynn and Mr. Morris will perform the review September 30, 2014 at 10:00am in the town justice court room.

Budget Workshop is scheduled for September 23, 2014 at 7:00 PM in the Town meeting room.

Motion by Mr. Morris 2nd Mrs. Francisco to approve the August minutes with the following note,
On August 14 Flynn, Martini, Francisco, Morris had an emergency special meeting with Jeff Finger to review two proposals on guide rail for Hopeton bridge project. Carried.

Discussion on Wastewater Law.

District Legislator Jim Smith inquired if 200' from the lake was adequate for inspections. Why single out the lakefront property owners. Shouldn't all septic be inspected to determine it is properly functioning.

A discussion on an appeals committee formation, Mr. Petersen stated the regulations are pretty clear there is no "gray areas" to argue. The 200' requirement is sufficient as there is little movement for that distance. All properties in the blue area would also fall into inspection zone 1.

George Thompson inquired about aerobic systems, there is a maintenance requirement and would the property owners get a pass of town inspection if they had proof of contractor's inspection.

Mr. Petersen stated aerobic systems are pumped and inspected via the manufacturer requirements, the reports generated from these inspections are normally accepted by town watershed inspectors.

Unless there is a visual violation (surface water) in the leach system, inspection on this area will be minimum. Neighbor complaints usually direct inspectors to leach fields.

Question on inspecting inside the dwelling. Unless invited in by the owner, a form would be completed by owner with all the pertinent information on inside plumbing.

Who would enforce the law, the Yates County Soil & Water is contracted by Town for watershed.

Septic inspections are required for property sales.

Motion by Mr. Flynn, seconded Mr. Petersen to hold a public hearing on the Wastewater Law September 30, 2014 at 7:00pm in the Fire house, carried.

Jeff Finger gave the highway update. Hopeton Rd is open and bridgework is completed.
Working on Long Point Rd bridge project. Having problems with two trucks T-2 and T-4.
Sue Davie of Arrowhead Beach Rd complimented Jeff on the ditch work on Arrowhead.

Dwight James gave his Code report. 9 permits, 1 C of C, 1 Area Variance, 2 site visits 2 violation visits, 8 building progress visits, 12 meetings 1 Short term rental, 3 violation notices, traveled 119 miles.
Changing office hours, Saturday only by appointments.

George Thompson of Serenity Rd is researching a water district in the north town line. Mark Venuti is the Town of Geneva's Supervisor and is Torrey's attorney so Mr. Flynn will contact. Town of Geneva owns the waterline that could supply the new district. There is also a well in Kashong that produces a large volume of potable water that would not require treatment.

There being no further business before the board, Jeff Finger requested it go into executive session on a pending personnel

issue at 8:50pm. Mr. Flynn made a motion to move into executive session 2nd Mr. Morris.

Mr. Finger has a better job offer elsewhere and would like a pay increase of \$ 5,000 to stay with Town, no action was taken, meeting adjourned.

Moved out of executive session at 9:20pm

Respectfully submitted,