

Town Board Minutes  
Town of Torrey/Town of Milo Special Meeting  
DiOrio Annexation Public hearing  
January 26, 2021

The special joint meeting public hearing of the Torrey Town Board and Town of Milo Board was held on January 26, 2021 in the Dresden Methodist Church hall 60 Cornelia Street, Dresden, New York was called to order by Supervisor Flynn at 7:00PM.

Present: Torrey Supervisor Patrick Flynn, Milo Supervisor Leslie Church, Torrey Councilmen: Colby Petersen, Peter Martini, Lawrence Martin, Grant Downs, Milo Councilman: Dale Hallings, Arden Sorensen, Gene Spanneut, Excused: James Harris  
Others present: Linda Downs, George & Rosa Thompson, Robert Miller  
Supervisor Flynn led the pledge of allegiance

Motion by Councilman Petersen seconded Councilman Sorensen selecting Supervisor Flynn to preside over the joint hearing, carried by all.

Supervisor Flynn opened the public hearing at 7:02. This public hearing is for the annexation of Milo parcel TM # 76.59-1-2, 2907 Adeline Drive to Torrey parcel TM # 76.59-1-2, 2903 Pompey Rd, both parcels owned by Frank & Nancy DiOrio. The DiOrios garage is located the Town of Milo and their residence is in the Town of Torrey, it will be a benefit for the DiOrio's to combine these properties into one parcel.

No one appeared to speak in support or opposition of this annexation at the public hearing.

Being no further discussion Supervisor Flynn closed the hearing at 7:08PM

Town of Torrey acted as lead agency for the SEQR review. Supervisor Flynn read each question from Part 2 of the Short (EAF) Environmental Assessment Form- "Impact Assessment" aloud to the town board members for their decision. A negative adverse environmental impact was determined. Councilman Petersen offered the following resolution 2<sup>nd</sup> Councilman Martini,

**SEQRA DETERMINATION OF SIGNIFICANCE**

**WHEREAS**, the Town of Torrey Town Board, hereinafter referred to as Town Board, has determined that the annexation of that part of Tax Map No. 76.59-1-2 located within the Town of Milo into the Town of Torrey 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, Public Hearing Record on said action from the joint public hearing held by the Town Boards of the Towns of Torrey and Milo; 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
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

**This by roll call vote 5 Aye 0 Nay**

Patrick H. Flynn Aye  
Colby J. Petersen Aye  
Grant J. Downs Aye  
Peter J. Martini Aye  
Lawrence J. Martin Aye

**Supervisor Church offered a resolution to approve annexation and adopting Order** on behalf of the Town of Milo, seconded by-Councilman Sorenson

**This by roll call vote 4 Aye 0 Nays 1 Absent**

Leslie Church Aye  
Arden Sorensen Aye  
Dale Hallings Aye  
Gene Spanneut Aye James Harris - Absent

**Supervisor Flynn offered the following resolution approving annexation and adopting Order** seconded Councilman Petersen, on behalf of the Town of Torrey

**WHEREAS**, the Town of Torrey and the Town of Milo have received the petition of Nancy P. DiOrio and Frank M. DiOrio dated December 8, 2020 for the annexation of certain lands as described therein (the "Petition"); and

**WHEREAS**, the Town Board of the Town of Torrey held a joint public hearing on January 26, 2021 with the Town Board of the Town of Milo in relation thereto and proper notice of said joint public hearing was published and posted according to law.

**NOW, THEREFORE, BE IT RESOLVED**, that, upon consideration of the Petition and upon consideration of the testimony, evidence and information received at the joint public hearing, the Petition complies with the provisions of Article 17 of the General Municipal Law in that it describes the territory proposed to be annexed, states the number of inhabitants thereof who are qualified to vote for officers of the Town of Milo as zero (0), is signed by the owner of 100% of the assessed valuation of the territory proposed to be annexed, has a certificate attached to it from the Town of Milo Assessor certifying that the Owner does own 100% of the territory proposed to be annexed, has the Owner's signature properly attested by a Notary Public and has been properly filed with the Town Clerk of the Town of Torrey and, upon information and belief, with the Town Clerk of the Town of Milo; and be it further

**RESOLVED**, that after considering the effects of the requested annexation, the Town Board makes the following findings:

1. the proposed annexation will have no adverse effect upon the territory sought to be annexed.
2. The proposed annexation will have no adverse effect upon the local government, namely, the Town of Torrey, to which the said lands are sought to be annexed.
3. The proposed annexation will have no adverse effect upon the remaining area of the Town of Milo.
4. The proposed annexation will have no adverse effect upon any school district, public benefit corporation, fire protection district, fire district or other district corporation, fire alarm district or town or county improvement district, situated wholly or partly in such territory; and be it further

**RESOLVED**, that no separate agreement with the Town of Milo relating to the assumption of indebtedness and or liability, or apportionment of same, is necessary; and be it further

**RESOLVED**, that it is in the over-all public interest to approve such proposed annexation; and be it further

**RESOLVED**, that no persons qualified to vote for officers of the Town of Milo reside in the area to be annexed or in any part of the property such area to be annexed is a part and, therefore, no special election is needed for the approval of this annexation; and be it further

**RESOLVED**, that the Order, which the Town is required to adopt and file pursuant to General Municipal Law §711 2. b., is hereby approved and adopted and the Town Board members shall each sign the Order and the Town Clerk shall file such Order, with copies of the Petition, the notice of public hearing, any written objections to the Petition, and the minutes of the public hearing, in the offices of the Town Clerk of the Town of Torrey and shall send all such documents to be filed with the Town Clerk of the Town of Milo.

**This by roll call vote      5 Aye    0 Nay**

Patrick H. Flynn	Aye
Colby J. Petersen	Aye
Grant J. Downs	Aye
Peter J. Martini	Aye
Lawrence J. Martin	Aye

**Supervisor Flynn offered the following resolution to adopt Local Law 1-21** seconded by Councilman Martini

**WHEREAS**, a resolution and order were adopted by the Town Board of the Town of Torrey on the 26th day of January, 2021 approving and ordering the annexation of land from the Town of Milo to the Town of Torrey as requested in the petition of Nancy P. Di Orio and Frank M. Di Orio for the annexation of certain lands as described in said petition; and

**WHEREAS**, a resolution and order were adopted by the Town Board of the Town of Milo on the 26th day of January, 2021 approving and ordering the annexation of land from the Town of Milo to the Town of Torrey as requested in the petition of Nancy P. Di Orio and Frank M. Di Orio for the annexation of certain lands as described in said petition; and

**WHEREAS**, no special election is required for this annexation as no persons reside within the territory being annexed who are qualified to vote for officers of the Town of Milo; and

**WHEREAS**, Section 714 of the New York General Municipal Law requires the adoption of a local law, without further notice or public hearing, following the adoption of said resolution and order to effectuate the annexation, 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. 1 of 2021, entitled "A Local Law Annexing Certain Territory to the Town of Torrey", 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 Local Law 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.

**This by roll call vote     5 Aye   0 Nay**

Patrick H. Flynn	Aye
Colby J. Petersen	Aye
Grant J. Downs	Aye
Peter J. Martini	Aye
Lawrence J. Martin	Aye

Local Law 1-21 Annexation of Town of Milo parcel TM #76.59-1-2 into Town of Torrey parcel TM #76.59-1-2, Adopted unanimously.

Supervisor Flynn thanked all for their attendance, and made the motion to adjourn, seconded Supervisor Church, carried at 7:35PM

Respectfully submitted,

Betty M Daggett  
Torrey Town Clerk