

**VILLAGE OF PERRY
PLANNING BOARD MEETING MINUTES
JULY 6, 2023**

PRESENT:	James Reynolds	Chairperson
	Tim Cipolla	Member
	Dennis Huff	Member
	Christa McIntyre	Member
	Todd Mack	Member (arrived at 6:45pm)
	Dana Grover	Alternate
	Terri Humberstone	Alternate
	Christina Slusser	Zoning Secretary
	Don Roberts	ZEO
ALSO PRESENT:	Christa VanAllen	Perry Herald
	Jill Gould	Applicant (PMSA)

Chairperson James Reynolds called the meeting to order at 6:30 pm and led in the Pledge of Allegiance.

MINUTES

Motion to accept the minutes from the last meeting on June 1, 2023 was made by James Reynolds, seconded by Dennis Huff, and carried with the following vote:

Ayes	6 (Reynolds, Huff, Cipolla, McIntyre, Grover, Humberstone)
Nays	0
Abstain	0

(Todd Mack was not present at this time.)

PUBLIC HEARING - 151 N. CENTER STREET, BREEZEWAY BARN

The public hearing regarding a minor site expansion for a roof over an existing concrete apron at Breezeway Barns located at 151 N. Center Street was opened at 6:32pm. With no comments from the public, the hearing was left open.

The hearing was later closed and James Reynolds made a motion to approve the application based on no comments received from Wyoming County Planning Board. Tim Cipolla seconded the motion and it was carried with the following vote:

Ayes	7 (Reynolds, Cipolla, Huff, McIntyre, Mack, Grover, Humberstone)
Nays	0
Abstain	0

PUBLIC HEARING – 62 S. MAIN STREET, APPLICATION BY PMSA

Jill Gould, a Main Street business owner and member of the Perry Main Street Association (PMSA), applied for a mural on behalf of PMSA at the property located at 62 S. Main Street owned by Mike Bellamy. There is a contract between PMSA and the property owner to allow PMSA to apply for the mural on behalf of the property owner. The contract addresses insurance liability and includes a warranty that the work will be covered for a period of time.

The mural itself is still a concept image but a sample image of the elements to be included was provided. The mural is funded by Rotary, PMSA, and some private donors in the community. Examples from Avon and Mt. Morris by the same artist were provided as examples of the quality of work to be expected.

The concept image includes a cow that you can only see from one angle. The image will change based on your perspective. The intent is for the mural to be interactive. A black heart shaped balloon will be able to be painted with chalk paint and could be used to advertise events. It won't be able to be accessed without a ladder, which was a concern of the Planning Board to ensure that the element could not be changed by the public. A silver balloon will be in the shape of the Silver Lake Sea Serpent, a reference to Perry being "uplifting." A wooden armature used by artists is included along with a picture frame to depict Wilkes Art. The significance of the turtle seen in the image is for Turtle Island, a reference to Native Americans in the area. The right-hand corner of the image depicts the early history of the area, moving to modern times going left. The image contains no advertisements.

There were four community input sessions where information was gathered which took place at Perry Central School, Perry Marketplace, Burts Lumber, and a public PMSA meeting. The concept mural has been driven by community input.

Concerns were discussed on the liability of distractions as it pertains to the sign elements and interchangeable balloon. Regulations cannot be content based. There is control over the number of signs, size, and location. By definition of the law, a mural is a sign. Graffiti was another mentioned concern. Graffiti and defacing buildings is citable under graffiti and destruction of property.

The Planning Board could make a condition for approval, such as the only portion of the sign that can be intermittently changed is the balloon. Suggestions were offered for getting donations to a community organization to allow a message to be added to the balloon. For example, a birthday or anniversary wish. The message portion is meant to be lighthearted; something to make someone smile.

PMSA owns the rights to the art on the wall. They are the commissioning body of the wall art. If a new owner comes in, a permit is transferable.

Motion to close the public hearing was made at 7:14 pm. The Planning Board was prepared to approve the mural, but it needs to be referred to the Wyoming County Planning Board first. A motion was made by Todd Mack to approve the application for the mural contingent upon comments received from the WCPB. James Reynolds seconded the motion and it was carried with the following vote:

Ayes	7 (Mack, Reynolds, Huff, Cipolla, McIntyre, Grover, Humberstone)
Nays	0
Abstain	0

OTHER BUSINESS

COMPLETE STREETS

The Complete Streets law was adopted by the Board of Trustees on 6/19/2023.

DOWNTOWN REVITALIZATION INITIATIVE (DRI)

A meeting took place last Wednesday. Usually the maximum an applicant can ask for is 40% of the total project cost. This year the state allowed communities to come up with their own rule. The Local Planning Committee agreed that applicants can ask for 50% or even more if a proforma demonstrates the need for more. Nonprofits and public projects will still be able to get up to 100% of funding. The LPC is looking to create language to score the projects. One could score higher if able to match the funds requested. The application process is open now.

AMORTIZATION

At the next meeting, the agenda should include an amortization discussion and impacts of downtown in the C1 district. The goal is to take some non-compliant residential uses that have no chance of being commercial and rezone them. James Reynolds will be working on a map for the next meeting. The Planning Board can make a recommendation on the zoning of parcels on the map and redefining the boundary for first floor residential uses. If introducing a new law or amending a current law, property owners do not need to be personally notified, but there needs to be a public hearing. The Planning Board will consider a setback rule so it would be possible to have a storefront with an apartment behind it on the first floor. The intent is to encourage growth while getting rid of non-compliant properties.

SOLAR PROJECT AT 200 NORTH MAIN STREET

Don Roberts has received updates on the solar project, an application by Perry Community Solar that was previously approved by the Planning Board. The plan was submitted that the project would be solely based in the Village, but it appears that plans have changed several times in the last month. The Wyoming County IDA is working on a PILOT agreement and the Town of Perry is expected to receive 46% but the project is supposed to be within the village

limits. Solar panels are found on the other side of the municipal border, not meeting the 5' setback. A fence is also over the town line. Fencing is required for the project but the Village of Perry Planning Board cannot approve anything over the municipal border.

A few options were presented. A fence could be allowed over the boundary, the Village and Town could do a joint approval, or the plan needs to stay within village limits as proposed. The Planning Board agreed that the plan needs to stick with the original approval.

The next meeting will be August 3, 2023 at 6:30pm. Motion to adjourn was made by James Reynolds at 7:50pm and carried.

Respectfully submitted,
Christina Slusser
Village Clerk, Zoning Secretary