

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
OCTOBER 21, 2024**

A regular board meeting of the Village of Perry was held at the Village Hall, 46 North Main Street, Perry, New York at 7:30 pm on the 21st day of October 2024.

PRESENT:	Rick Hauser	Mayor
	Arlene Lapiana	Trustee
	Joel Bouchard	Trustee
	Richard Muolo	Trustee
	Robin Kwiecien	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
	Eli McWhinney	Attorney (present for public hearings)
GUESTS:	David Spink	Fire Chief
	Ed Rechberger IV	(present for public comment)
	Derek Rechberger	(present for public comment)
	Mike Kandrach	(present for public hearings)
	Lorraine Sturm	Perry Herald

Mayor Hauser called the meeting to order at 7:30 pm and led in the Pledge of Allegiance.

PUBLIC COMMENT

Ed & Derek Rechberger attended to meet the Village Board and to inform them that Derek is the new owner of the Agway property. The Rechberger's are aware that there was consideration of changing how the property is zoned and although they are not opposed to it being residential, they prefer to leave it zoned as is until their plans for the property are finalized. Mayor Hauser let the Rechberger's know that the Board is aware of the request and the map proposed has no change to that area.

INTRODUCTION AND OATH OF OFFICE – VILLAGE TRUSTEE, ROBIN KWIECIEN

Mayor Hauser formally welcomed and swore in the newest board member, Robin Kwiecien.

Mayor Hauser spoke about the recent loss of colleague, Jeff Drain. Jeff started at the Village of Perry in 2012 as a dual licensed water and sewer plant operator, supervising both plants. Mayor Hauser commented that Jeff was a steady hand doing important work, always with humility. He was known for being easy to work with, cultivating strong relationships and for his responsibility and respect. Jeff was described as deliberate and quiet, with kind leadership. He was loyal to his job and to the village. The Village Board and attendees had a moment of silence in Jeff's memory.

MINUTES

Motion to approve the minutes from October 7, 2024 was made by Trustee Lapiana, seconded by Trustee Muolo, and carried with all voting aye.

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT FOR EMPLOYEE ASSISTANCE PROGRAM

WHEREAS, the ESI Employee Assistance Group has provided the Village of Perry with an annual renewal agreement for the Employee Assistance Program (EAP) at a cost of \$1,530.00 for general employees and \$685.00 for public safety employees; and

WHEREAS, the EAP program is available to all employees and their household members including children up to age 26 who do not reside with the employee; and

WHEREAS, the EAP program offers many free services for employees including counseling, trainings, and wellness resources; and

THEREFORE, be it resolved that the Board of Trustees of the Village of Perry approves the Employee Assistance Program Contract for a period of 11/1/2024-10/31/2025 at a total cost of \$2,215.00 and authorizes the Village Clerk to execute the agreement.

Trustee Muolo made a motion to adopt the resolution authorizing the professional services agreement for the Employee Assistance Program which was seconded by Trustee Lapiana and carried with all voting aye.

PUBLIC HEARING AT 7:45PM ON EXPENDITURE OF \$20,000.00 FROM THE REPAIR RESERVE FUND SUBJECT TO PERMISSIVE REFERENDUM

At 7:45 pm, Mayor Hauser opened the public hearing on the expenditure of \$20,000.00 from the repair reserve fund. No comments were received. At 7:58 pm, Mayor Hauser closed the public hearing for the same. No motion was needed.

PUBLIC HEARING AT 8:00PM TO CONSIDER THREE PROPOSED LOCAL LAWS WHICH WILL AMEND THE ZONING CODE OF THE VILLAGE OF PERRY

At 8:00 pm Mayor Hauser opened the public hearing to consider three proposed local laws. In summary, the proposed local laws are to amend the use table and add a definition for pet grooming, rezone certain parcels and update the zoning map, and allow for amortization of nonconforming lots in the C1 district. Attorney Eli McWhinney was present to go through the resolutions for three proposed local laws. Mr. McWhinney explained that there are three resolutions for each law. The first is for the Village Board to declare lead agency for SEQR, the second for negative declaration of SEQR, and the third to adopt the local law. The Board provided

an opportunity for public comment on the proposed local laws. No comments were made and motion to close the public hearing was made by Mayor Hauser, seconded by Trustee Lapiana, and carried unanimously.

LOCAL LAW 3 OF 2024

**RESOLUTION OF THE VILLAGE BOARD
OF THE VILLAGE OF PERRY TO DECLARE ITSELF LEAD AGENCY
IN REGARD TO PROPOSED LOCAL LAW NO. 3 OF 2024**

Adopted: October 21st, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village Board of the Village of Perry, believing it was the most appropriate candidate to seek lead agency status under State Environment Quality Review (SEQR) Law in regard to the passage of a Local Law known as “Amending Chapter 490 (‘Zoning’) and ‘Attachment 2, Village of Perry Use Table’ in the Village of Perry Zoning Code so as to Add a Definition and Uses for ‘Pet Grooming’ and Bring the Use Table into Compliance with the Village Comprehensive Plan and the Long Term Planning Goals of the Village”; and

WHEREAS, pursuant to and in accordance with the provision of Section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Village Board of the Village of Perry determined that the proposed revision to the Zoning Use Table was a Type II Action, and thereby required a Coordinated Review seeking the input of other agencies.

WHEREAS, the Village Board of the Village of Perry authorized that notice of such declaration be sent to the following agencies on September 16th, 2024, pursuant to Section 617.6 of the New York State Environmental Quality Review Act:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry

4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and

WHEREAS, having sent such notice to the above involved and interested agencies on September 17th, 2024, and after having waited 30 days as prescribed by 6 NYCRR part 617.6(b), and received no objection from those agencies.

NOW ON MOTION OF Trustee Lapiana which has been duly seconded by Trustee Bouchard, be it

RESOLVED, that the Village Board of the Village of Perry hereby declares itself Lead Agency under the State Environmental Quality Review Act regarding the potential environmental impacts of passing a Local Law revising the Village of Perry Zoning Use Table.

Ayes: 5

Nays: 0

Quorum Present: Yes No

VILLAGE OF PERRY
RESOLUTION MAKING THE DETERMINATION OF NON-SIGNIFICANCE FOR
PROPOSED LOCAL LAW NO. 3 OF 2024 AMENDING THE VILLAGE OF PERRY
USE TABLE AND ADDING DEFINITIONS AND USES FOR “PET GROOMING”

Adopted October 21, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public, with due and proper notice of the time and place whereof given as required by law; and

WHEREAS, the Village Board of the Village of Perry is considering the adoption of proposed Local Law No. 3 of 2024 which would amend the Village of Perry Use Table and add definitions and uses for Pet Grooming; and

WHEREAS, pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality

Review Regulations (6 NYCRR part 617), the Village Board of the Village of Perry declared its intent to seek Lead Agency status on September 16th, 2024 to review of the environmental impacts of such law, sending notice of such intent to all interested and involved agencies; and

WHEREAS, upon receiving no objection from any interested or involved agencies, the Village Board declared itself Lead Agency on October 21st, 2024; and

WHEREAS, upon assuming Lead Agency status, the Village Board reviewed the proposed local law and all supporting documents, taking a hard look at all potential adverse environmental impacts pursuant to SEQR by completing Part I and Part II of a Full EAF; and

WHEREAS, the Village Board, as Lead Agency, hereby finds and determines that it has considered the proposed local law, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with said law; and

WHEREAS, the Village Board believes that the amendments to the Village of Perry Use Table are consistent with the Village of Perry's Comprehensive Plan and long term planning goals. Furthermore, the Village Board finds that the particular amendments to the Use Table do not represent a substantive change in the zoning code, but rather are an administrative function to clarify and make clear the "residential use" provisions of such table which may have been unclear or imprecise in prior drafts. The Village Board believes that the passing of this local law shall not have any environmental impact whatsoever; and

WHEREAS, following from the above, the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment; and

WHEREAS, the reasons supporting this determination are set forth in the negative declaration determination of non-significance with respect to this law, a copy of said negative declaration attached hereto as *Schedule A*; and

NOW ON MOTION OF Trustee Bouchard, which has been duly seconded by Trustee Lapiana, therefore, be it

RESOLVED, that after careful and deliberate review, the Village Board of the Village of Perry has determined that the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment and hereby adopts a negative declaration determination of non-significance; and be it further

RESOLVED, that the Village Board authorizes the Mayor of the Village of Perry to sign said negative declaration and authorizes the Village Clerk of the Village of Perry to forward a copy of said negative declaration to:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry
4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and be it further

RESOVLED, that the notice of Negative Declaration will be published in the Environmental Notice Bulletin (ENB) in accordance with §617.12 of 6 NYCRR.

Quorum Present: Yes No

Ayes: 5

Nays: 0

**VILLAGE OF PERRY
RESOLUTION TO ADOPT LOCAL LAW NO. 3 OF 2024 ENTITLED
“AMENDING CHAPTER 490 (‘ZONING’) AND ‘ATTACHMENT 2, VILLAGE OF
PERRY USE TABLE’ IN THE VILLAGE OF PERRY ZONING CODE SO AS TO ADD
A DEFINITION AND USES FOR ‘PET GROOMING’ AND BRING THE USE TABLE
INTO COMPLIANCE WITH THE VILLAGE COMPREHENSIVE PLAN AND THE
LONG TERM PLANNING GOALS OF THE VILLAGE”**

Adopted: October 21, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village Board of the Village of Perry has been considering a proposed local law that would amend Chapter 490 (“Zoning”) of the Village of Perry Zoning Code as well as the Village of Perry Use Table to bring such Code and Use Table into compliance with the Village Comprehensive Plan and the long term planning goals of the Village of Perry; and

WHEREAS, a Notice of Public Hearing regarding the proposed local law was duly published and posted as required by law and said public hearing was held on September 16th, 2024

at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed Local Law; and

WHEREAS, the Village Board of the Village of Perry left the public hearing period open until October 21st, 2024 so as to allow community residents to continue to submit comments on said proposed local law; and

WHEREAS, The Village Board of the Village of Perry, recognizing that this local law may have adverse environmental impacts, initiated a New York State Environmental Quality Review (SEQR) pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617); and

WHEREAS, pursuant to the aforementioned law, the Village Board of the Village of Perry declared their intention to seek lead agency status to all other involved and/or interested agencies on September 17th, 2024, and received no objections, thus, the Village Board declared itself as lead agent for SEQR purposes on October 21st, 2024, and undertook a coordinated review with the neighboring municipalities, the County Planners, and interested State Agencies acting as Lead Agency; and

WHEREAS, the Village Board, acting in its capacity as Lead Agency in regard to the SEQR on this matter, concluded that the introduction of a new local law would have no significant environmental impact as laid out in 6 NYC RR Part 617.7(c), and thus issued a Negative Declaration on October 21st, 2024.

WHEREAS, pursuant to Section 239-L and Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board on or about September 17th, 2024 for review and comment; and

WHEREAS, comments from the Wyoming County Planning Board were received October 8th, 2024, and the following determination was made:

Approval with Comments, *said comments are annexed hereto as **Schedule A***; and

WHEREAS, the Village Board of the Village of Perry has taken these comments into consideration, and feels it is in the best interest of the Village of Perry to adopt said law; and

NOW ON MOTION OF Trustee Lapiana, which has been duly seconded by Trustee Muolo, therefore, be it

RESOLVED, that the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to adopt Local Law No. 3 of 2024 entitled, “Amending Chapter 490 (‘Zoning’) and ‘Attachment 2, Village of Perry Use Table’ in the Village of Perry Zoning Code so as to Add a Definition and Uses for ‘Pet Grooming’ and Bring the Use Table into Compliance with the Village Comprehensive Plan and the Long Term Planning Goals of the Village”; and be it

FURTHER RESOLVED, that the Village Board shall file the required report of its final

action with the Wyoming County Planning Board in no more than 30 days, and be it

FURTHER RESOLVED, that the Village Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting, to file the law in the Office of the Village Clerk, and to file the law with the Secretary of the State of New York pursuant to Section 27 (1) of the Municipal Home Rule Law.

Ayes: 5

Nays: 0

Quorum Present: Yes No

LOCAL LAW 4 OF 2024

**RESOLUTION OF THE VILLAGE BOARD
OF THE VILLAGE OF PERRY TO DECLARE ITSELF LEAD AGENCY
IN REGARD TO PROPOSED LOCAL LAW NO. 4 OF 2024**

Adopted: October 21st, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village Board of the Village of Perry, believing it was the most appropriate candidate to seek lead agency status under State Environment Quality Review (SEQR) Law in regard to the passage of a Local Law known as “Amending Chapter 490 (‘Zoning’) and ‘Attachment 3, Village of Perry Zoning Map’ in the Village of Perry Zoning Code so as to Rezone Certain Parcels and Bring the Village Zoning Map into Compliance with the Village Comprehensive Plan and the Long Term Planning Goals of the Village Of Perry”; and

WHEREAS, pursuant to and in accordance with the provision of Section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Village Board of the Village of Perry determined that the proposed revision to the Zoning Map was a Type II Action, and thereby required a Coordinated Review seeking the input of other agencies.

WHEREAS, the Village Board of the Village of Perry authorized that notice of such declaration be sent to the following agencies on September 16th, 2024, pursuant to Section 617.6 of the New York State Environmental Quality Review Act:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry
4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and

WHEREAS, having sent such notice to the above involved and interested agencies on September 17th, 2024, and after having waited 30 days as prescribed by 6 NYCRR part 617.6(b), and received no objection from those agencies.

NOW ON MOTION OF Trustee Bouchard which has been duly seconded by Trustee Lapiana, be it

RESOLVED, that the Village Board of the Village of Perry hereby declares itself Lead Agency under the State Environmental Quality Review Act regarding the potential environmental impacts of passing a Local Law revising the Village of Perry Zoning Map.

Ayes: 5

Nays: 0

Quorum Present: Yes No

**VILLAGE OF PERRY
RESOLUTION MAKING THE DETERMINATION OF NON-SIGNIFICANCE FOR
PROPOSED LOCAL LAW NO. 4 OF 2024 AMENDING THE VILLAGE OF PERRY
ZONING MAP TO REZONE CERTAIN PARCELS IN THE C-1 DISTRICT**

Adopted October 21, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open

to the general public, with due and proper notice of the time and place whereof given as required by law; and

WHEREAS, the Village Board of the Village of Perry is considering the adoption of proposed Local Law No. 4 of 2024 which would rezone the following parcels in the C-1 District and amend the Zoning Map to be in compliance with these changes:

Property Address	SBL #	Current Zoning	Amended Zoning
59 N. Main St.	100.7-10-2	C-1 / DDD	R-2
49 N. Main St.	100.7-10-4	C-1 / DDD	R-3
41-43 N. Main St.	100.7-10-12	C-1 / DDD	R-3
31 N. Main St.	100.7-10-13.1	C-1 / DDD	R-3
18 Lake St.	100.7-6-7	C-1 / DDD	R-2
13-19 Federal St.	100.7-3-23.1	C-2	R-3
89 S. Main St.	100.7-7-38	C-2	R-3
91 S. Main St.	100.8-7-41	C-2	R-3
33 Tempest St.	100.6-2-27.112	R-2	R-3
	& 100.6-2-27.111	R-2	R-3; and

WHEREAS, pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617), the Village Board of the Village of Perry declared its intent to seek Lead Agency status on September 16th, 2024 to review of the environmental impacts of such law, sending notice of such intent to all interested and involved agencies; and

WHEREAS, upon receiving no objection from any interested or involved agencies, the Village Board declared itself Lead Agency on October 21st, 2024; and

WHEREAS, upon assuming Lead Agency status, the Village Board reviewed the proposed local law and all supporting documents, taking a hard look at all potential adverse environmental impacts pursuant to SEQR by completing Part I and Part II of a Full EAF; and

WHEREAS, the Village Board, as Lead Agency, hereby finds and determines that it has considered the proposed local law, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with said law; and

WHEREAS, the Village Board believes that rezoning these particular parcels within the C-1 District is consistent with the Village of Perry's Comprehensive Plan and long term planning goals, and further ensures the continuous commercial storefront characteristics desired within the C-1 District. Furthermore, the Village Board finds that the particular parcels that are being rezoned are currently commercially zoned but primarily have residential uses, and that by rezoning these parcels from commercial classification to residential classifications, the residential characteristics of the parcels will be maintained to the benefit of the property owners, and the parcels will avoid being subjected to amortization. The Village Board believes that the passing of this local law, if

anything, will prevent any potential environmental impacts by maintaining the character and qualities of not only the parcels to be rezoned, but also that of the C-1 District; and

WHEREAS, following from the above, the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment; and

WHEREAS, the reasons supporting this determination are set forth in the negative declaration determination of non-significance with respect to this law, a copy of said negative declaration attached hereto as *Schedule A*; and

NOW ON MOTION OF Trustee Muolo, which has been duly seconded by Trustee Lapiana, therefore, be it

RESOLVED, that after careful and deliberate review, the Village Board of the Village of Perry has determined that the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment and hereby adopts a negative declaration determination of non-significance; and be it further

RESOLVED, that the Village Board authorizes the Mayor of the Village of Perry to sign said negative declaration and authorizes the Village Clerk of the Village of Perry to forward a copy of said negative declaration to:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry
4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and be it further

RESOVLED, that the notice of Negative Declaration will be published in the Environmental Notice Bulletin (ENB) in accordance with §617.12 of 6 NYCRR.

Quorum Present: Yes No

Ayes: 5

Nays: 0

VILLAGE OF PERRY
RESOLUTION TO ADOPT LOCAL LAW NO. 4 OF 2024 ENTITLED
“AMENDING CHAPTER 490 (‘ZONING’) AND ‘ATTACHMENT 3, VILLAGE OF
PERRY ZONING MAP’ IN THE VILLAGE OF PERRY ZONING CODE SO AS TO
REZONE CERTAIN PARCELS AND BRING THE VILLAGE ZONING MAP INTO
COMPLIANCE WITH THE VILLAGE COMPREHENSIVE PLAN AND THE LONG
TERM PLANNING GOALS OF THE VILLAGE OF PERRY”

Adopted: October 21, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village Board of the Village of Perry has been considering a proposed local law with the purpose of amending and updating the Village of Perry Zoning Map to amend the boundaries of the C-1 District and rezone certain parcels in order to maintain the continuous commercial storefront characteristics of Main Street in the Village’s Commercial Districts, and ensure cohesiveness between the Village Zoning Map and the Village’s Comprehensive Plan and long term planning goals; and

WHEREAS, the Village Board of the Village of Perry specifically wishes to amend the Village of Perry Zoning Map by amending the boundaries of the C-1 District by rezoning the following parcels (proposed updated zoning map is attached hereto as **Schedule A**):

Property Address	SBL #	Current Zoning	Amended Zoning
59 N. Main St.	100.7-10-2	C-1 / DDD	R-2
49 N. Main St.	100.7-10-4	C-1 / DDD	R-3
41-43 N. Main St.	100.7-10-12	C-1 / DDD	R-3
31 N. Main St.	100.7-10-13.1	C-1 / DDD	R-3
18 Lake St.	100.7-6-7	C-1 / DDD	R-2
13-19 Federal St.	100.7-3-23.1	C-2	R-3
89 S. Main St.	100.7-7-38	C-2	R-3
91 S. Main St.	100.8-7-41	C-2	R-3
33 Tempest St.	100.6-2-27.112	R-2	R-3
	& 100.6-2-27.111	R-2	R-3

WHEREAS, a Notice of Public Hearing regarding the proposed local law was duly published and posted as required by law and said public hearing was held on September 16th, 2024 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed Local Law; and

WHEREAS, the Village Board of the Village of Perry left the public hearing period open until October 21st, 2024 so as to allow community residents to continue to submit comments on

said proposed local law; and

WHEREAS, The Village Board of the Village of Perry, recognizing that this local law may have adverse environmental impacts, initiated a New York State Environmental Quality Review (SEQR) pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617); and

WHEREAS, pursuant to the aforementioned law, the Village Board of the Village of Perry declared their intention to seek lead agency status to all other involved and/or interested agencies on September 17th, 2024, and received no objections, thus, the Village Board declared itself as lead agent for SEQR purposes on October 21st, 2024, and undertook a coordinated review with the neighboring municipalities, the County Planners, and interested State Agencies acting as Lead Agency; and

WHEREAS, the Village Board, acting in its capacity as Lead Agency in regard to the SEQR on this matter, concluded that the introduction of a new local law would have no significant environmental impact as laid out in 6 NYC RR Part 617.7(c), and thus issued a Negative Declaration on October 21st, 2024.

WHEREAS, pursuant to Section 239-L and Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board on or about September 17th, 2024 for review and comment; and

WHEREAS, comments from the Wyoming County Planning Board were received October 8th, 2024, and the following determination was made:

Approval with Comments, *said comments are annexed hereto as **Schedule B***; and

WHEREAS, the Village Board of the Village of Perry has taken these comments into consideration, and feels it is in the best interest of the Village of Perry to adopt said law; and

NOW ON MOTION OF Trustee Lapiana, which has been duly seconded by Trustee Muolo, therefore, be it

RESOLVED, that the Village Board of the Village of Perry feels it is in the best interest of the Village of Perry to adopt Local Law No. 4 of 2024 entitled, “Amending Chapter 490 (‘Zoning’) and ‘Attachment 3, Village of Perry Zoning Map’ in the Village of Perry Zoning Code so as to Rezone Certain Parcels and Bring the Village Zoning Map into Compliance with the Village Comprehensive Plan and the Long Term Planning Goals of the Village Of Perry”; and be it

FURTHER RESOLVED, that the Village Board shall file the required report of its final action with the Wyoming County Planning Board in no more than 30 days, and be it

FURTHER RESOLVED, that the Village Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting, to file the law in the Office of the Village Clerk,

and to file the law with the Secretary of the State of New York pursuant to Section 27 (1) of the Municipal Home Rule Law.

Ayes: 5

Nays: 0

Quorum Present: Yes No

LOCAL LAW 5 OF 2024

**RESOLUTION OF THE VILLAGE BOARD
OF THE VILLAGE OF PERRY TO DECLARE ITSELF LEAD AGENCY
IN REGARD TO PROPOSED LOCAL LAW NO. 5 OF 2024**

Adopted: October 21st, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village Board of the Village of Perry, believing it was the most appropriate candidate to seek lead agency status under State Environment Quality Review (SEQR) Law in regard to the passage of a Local Law known as “Amending Chapter 490 (‘Zoning’) to add § 490-15(K) Allowing for Amortization of Nonconforming Lots, Structures or Uses within the C1 District”; and

WHEREAS, pursuant to and in accordance with the provision of Section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617) the Village Board of the Village of Perry determined that the proposed revision to the Zoning Code was a Type II Action, and thereby required a Coordinated Review seeking the input of other agencies.

WHEREAS, the Village Board of the Village of Perry authorized that notice of such declaration be sent to the following agencies on September 16th, 2024, pursuant to Section 617.6 of the New York State Environmental Quality Review Act:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry
4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and

WHEREAS, having sent such notice to the above involved and interested agencies on September 17th, 2024, and after having waited 30 days as prescribed by 6 NYCRR part 617.6(b), and received no objection from those agencies;

NOW ON MOTION OF Trustee Bouchard which has been duly seconded by Trustee Lapiana, be it

RESOLVED, that the Village Board of the Village of Perry hereby declares itself Lead Agency under the State Environmental Quality Review Act regarding the potential environmental impacts of passing a Local Law revising the Village of Perry Zoning Code to add a procedure for amortization within the C-1 District.

Ayes: 5

Nays: 0

Quorum Present: X Yes No

VILLAGE OF PERRY

RESOLUTION MAKING THE DETERMINATION OF NON-SIGNIFICANCE FOR PROPOSED LOCAL LAW NO. 5 OF 2024 ESTABLISHING A PROCEDURE FOR AMORTIZATION OF NONCONFORMING LOTS, STRUCTURES OR USES WITHIN THE C1 DISTRICT

Adopted October 21, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public, with due and proper notice of the time and place whereof given as required by law; and

WHEREAS, the Village Board of the Village of Perry is considering the adoption of proposed Local Law No. 5 of 2024 which would establish a procedure for amortization of nonconforming lots, structures or uses within the C-1 District; and

WHEREAS, pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617), the Village Board of the Village of Perry declared its intent to seek Lead Agency status on September 16th, 2024 to review of the environmental impacts of such law, sending notice of such intent to all interested and involved agencies; and

WHEREAS, upon receiving no objection from any interested or involved agencies, the Village Board declared itself Lead Agency on October 21st, 2024; and

WHEREAS, upon assuming Lead Agency status, the Village Board reviewed the proposed local law and all supporting documents, taking a hard look at all potential adverse environmental impacts pursuant to SEQR by completing Part I and Part II of a Full EAF; and

WHEREAS, the Village Board, as Lead Agency, hereby finds and determines that it has considered the proposed local law, reviewed the full environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with said law; and

WHEREAS, the Village Board believes that establishing a procedure for the amortization of nonconforming lots, structures or uses within the C-1 District is consistent with the Village of Perry's Comprehensive Plan and long term planning goals, and further ensures the continuous commercial storefront characteristics desired within the C-1 District. Furthermore, the Village Board finds that the enactment of the proposed local law, in and of itself, will have no environmental impact, and that in the event there is a proposed amortization action under this local law, the potential environmental impacts of such action can be evaluated under the particular factual circumstances at that time; and

WHEREAS, following from the above, the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the environment; and

WHEREAS, the reasons supporting this determination are set forth in the negative declaration determination of non-significance with respect to this law, a copy of said negative declaration attached hereto as *Schedule A*; and

NOW ON MOTION OF Mayor Hauser, which has been duly seconded by Trustee Lapiana, therefore, be it

RESOLVED, that after careful and deliberate review, the Village Board of the Village of Perry has determined that the proposed local law will not result in any large and important environmental impacts, and, therefore, is one which will not have a significant impact on the

environment and hereby adopts a negative declaration determination of non-significance; and be it further

RESOLVED, that the Village Board authorizes the Mayor of the Village of Perry to sign said negative declaration and authorizes the Village Clerk of the Village of Perry to forward a copy of said negative declaration to:

1. Village of Perry Planning Board
2. Wyoming County Planning Board
3. Town of Perry
4. New York State Department of Transportation
5. New York State Department of Environmental Conservation; and be it further

RESOVLED, that the notice of Negative Declaration will be published in the Environmental Notice Bulletin (ENB) in accordance with §617.12 of 6 NYCRR.

Quorum Present: Yes No

Ayes: 5

Nays: 0

VILLAGE OF PERRY
RESOLUTION TO ADOPT LOCAL LAW NO. 5 OF 2024 ENTITLED
“AMENDING CHAPTER 490 (‘ZONING’) TO ADD § 490-15(K) ALLOWING FOR
AMORTIZATION OF NONCONFORMING LOTS, STRUCTURES OR USES WITHIN
THE C1 DISTRICT”

Adopted: October 21, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Hall located at 46 N. Main Street in the Village of Perry, New York on the 21st day of October, 2024, commencing at 7:30 P.M. at which time and place the following members were:

<u>Present:</u>	Mayor	Rick Hauser
	Trustee	Arlene Lapiana
	Trustee	Joel Bouchard
	Trustee	Richard Muolo
	Trustee	Robin Kwiecien
<u>Absent:</u>	N/A	

WHEREAS, all Village Board Members, having due notice of said meeting, and that pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Village Board of the Village of Perry has been considering a proposed local law to establish procedures to amortize nonconforming lots, uses and structures within the

C-1 District to allow the Village of Perry to maintain the continuous commercial storefront characteristics of Main Street in the Village of Perry, and to ensure cohesiveness with the Village Comprehensive Plan and the long term planning goals of the Village of Perry; and

WHEREAS, a Notice of Public Hearing regarding the proposed local law was duly published and posted as required by law and said public hearing was held on September 16th, 2024 at which time all parties in attendance were provided an opportunity to speak or provided written comment in favor of or in opposition to the proposed Local Law; and

WHEREAS, the Village Board of the Village of Perry left the public hearing period open until October 21st, 2024 so as to allow community residents to continue to submit comments on said proposed local law; and

WHEREAS, The Village Board of the Village of Perry, recognizing that this local law may have adverse environmental impacts, initiated a New York State Environmental Quality Review (SEQR) pursuant to, and in accordance with, the provision of section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations (6 NYCRR part 617); and

WHEREAS, pursuant to the aforementioned law, the Village Board of the Village of Perry declared their intention to seek lead agency status to all other involved and/or interested agencies on September 17th, 2024, and received no objections, thus, the Village Board declared itself as lead agent for SEQR purposes on October 21st, 2024, and undertook a coordinated review with the neighboring municipalities, the County Planners, and interested State Agencies acting as Lead Agency; and

WHEREAS, the Village Board, acting in its capacity as Lead Agency in regard to the SEQR on this matter, concluded that the introduction of a new local law would have no significant environmental impact as laid out in 6 NYCRR Part 617.7(c), and thus issued a Negative Declaration on October 21st, 2024.

WHEREAS, pursuant to Section 239-L and Section 239-M of the General Municipal Law, said local law with all supporting documents was submitted to the Wyoming County Planning Board on or about September 17th, 2024 for review and comment; and

WHEREAS, comments from the Wyoming County Planning Board were received October 8th, 2024, and the following determination was made:

Approval with Comments, *said comments are annexed hereto as **Schedule A***; and

WHEREAS, the Village Board of the Village of Perry has taken these comments into consideration, and feels it is in the best interest of the Village of Perry to adopt said law; and

NOW ON MOTION OF Trustee Lapiana, which has been duly seconded by Trustee Muolo, therefore, be it

RESOLVED, that the Village Board of the Village of Perry feels it is in the best interest

of the Village of Perry to adopt Local Law No. 5 of 2024 entitled, “Amending Chapter 490 (‘Zoning’) to add § 490-15(K) Allowing for Amortization of Nonconforming Lots, Structures or Uses within the C1 District”; and be it

FURTHER RESOLVED, that the Village Board shall file the required report of its final action with the Wyoming County Planning Board in no more than 30 days, and be it

FURTHER RESOLVED, that the Village Clerk is hereby directed to enter the adoption of said Local Law in the minutes of this meeting, to file the law in the Office of the Village Clerk, and to file the law with the Secretary of the State of New York pursuant to Section 27 (1) of Municipal Home Rule.

Ayes: 5

Nays: 0

Quorum Present: Yes No

CLERK/DEPUTY TREASURER REPORT

VILLAGE OF PERRY

Abstract # 010

10/18/2024
16:29:47

Summary by Fund

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	21,679.47	38,526.49	60,205.96
F	WATER FUND	449.83	11,570.95	12,020.78
G	SEWER FUND	165.91	20,811.91	20,977.82
HF	WATER TREATMENT PLANT PROJECT		12,496.50	12,496.50
HS	CAPITAL PROJECT - SEWER IMPROV		18,382.63	18,382.63
JA	SILVER LAKE WATERSHED COMMISSI		255.80	255.80
TA	TRUST & AGENCY		7,672.00	7,672.00
Total:		22,295.21	109,716.28	132,011.49

Vouchers were audited by Trustee Muolo. Trustee Lapiana made a motion to approve abstract #10, vouchers #692-782 for a total of \$132,011.49 which was seconded by Trustee Bouchard and carried with all voting aye. Financial reports were also provided – NYCLASS statement dated 9/30/2024 and revenues/expenses for general, water, and sewer funds.

DEPARTMENT REPORTS

Reports for the following departments were reviewed with no action needed: DPW/Parks, WTP/WWTP, and Police.

TRUSTEE REPORTS

Trustee Bouchard attended the Fire Committee meeting tonight. The Fire Department is looking at adding a new member. Motion activated lights were installed at the hall, a ladder truck is out for maintenance, there is a possible opportunity to surplus some equipment, and the Halloween parade is planned.

Trustee Lapiana also attended the Fire Committee meeting, adding that a motion is expected soon for a new female member of the Fire Department.

With no further business, Trustee Lapiana made a motion to adjourn the meeting at 8:45 pm which was seconded by Trustee Bouchard and carried.

*Refer to https://villageofperry.com/site/assets/files/2315/2024-10-21_village_board_agenda_packet.pdf for Schedule A's and Local Law Drafts that are referenced in the above resolutions (LL A of 2024 = 3 of 2024, LL B of 2024 = 4 of 2024, LL C of 2024 = 5 of 2024).

Respectfully submitted,
Christina Slusser, Village Clerk