

Town of Yates August Regular Board Meeting
8 S. Main St., Lyndonville, NY 14098
August 12, 2021 7:00PM

Present: Jim Simon, Supervisor
Susan Hrovat, Councilman
John Riggi, Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
Dan Wolfe, Code Enforcement Officer

Excused: Roger Wolfe, Highway Superintendent
Terry Chaffee, Jr., Councilman
Trisha Laszewski, Assessor, Report Submitted

Others : Larry Wolfe Vito J. Peritore, Jr. and Daughter Georgette Stockman
Paul Lauricella

Supervisor Simon called the August Board Meeting to order at 7:03PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

Paul Lauricella, Town of Yates, congratulated Dan Wolfe on his upcoming retirement and added that he has been a real people person willing to work with residents and never abuse his power or authority to hurt people.

RESOLUTION NO. 73 -8/21

RESOLUTION TO APPROVE MINUTES OF THE JULY REGULAR MEETING

RESOLVED, to approve the minutes of the July 8, 2021, regular Board Meeting as presented to each Board Member.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

RESOLUTION NO. 74-8/21

RESOLUTION TO ACCEPT RESIGNATION OF DAN WOLFE AS YATES CODE ENFORCEMENT OFFICER

WHEREAS, on July 19, 2021 Dan Wolfe submitted a formal resignation letter from his duties as Town of Yates Code Enforcement Officer, effective December 31, 2021, be it

RESOLVED, that the Yates Town Board accepts, with regret, the resignation of Dan Wolfe as the Yates Code Enforcement Officer, and thanks him for his many years of faithful service.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Councilman Suhr said that Dan Wolfe has been a people person that has always done what’s best for the community and he will be badly missed.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

RESOLUTION NO. 75 -8/21

RESOLUTION TO PAY BILLS

WHEREAS, bills have been reviewed by the Town Board, be it

RESOLVED to pay bills as follows:

Fund A (General – Townwide)	\$ 37,274.84
Fund B (General – Outside Village)	\$ 2,826.93
Fund DA (Highway – Townwide)	\$ 11,497.80
Fund DB (Highway – Outside Village)	\$221,237.17
H (REDI)	\$ 44,603.50
Water 4-	\$ 45,946.76
Water 2-	\$ 44,541.30
Youth-	\$ 8,668.50
Fire-	\$

TOTAL	\$416,596.80

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Suhr

Supervisor Simon said that there was a big chunk there for DB-Highway which he thinks was the work being done on Marshall Road. He said Roger looked at that and decided that it was the right time to do the work and spend the DB funds.

Councilman Riggi asked if it needed to be done as a result of the large manure trucks on that road.

Supervisor Simon said no, it was time to improve the road and the improvement was planned but that the manure trucks are being addressed on a case by case basis. He said there were some repairs on County Line Road as well as a result of the manure trucks.

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

PRIVILEGE OF THE FLOOR

Vito Peritore, owner of 1461 County Line Road, addressed the Board with a business idea for the property he inherited from his father at this location. He said that he had talked to Dan Wolfe earlier in the day about putting an establishment there for motorcycles from out of town to stop by. He would like to have food, volleyball courts, and a tavern; a destination for bikers to ride to. He wants to do it right and sink some money into it for families to visit and stressed that it would not be just a tavern. He said that Dan told him that it was not zoned for that type of use but he always thought that it was considered commercial property.

Dan responded that there are 6 different zoning districts and this one is either in a hamlet or in an agricultural residential district and unfortunately, taverns are not a permitted use. He told Mr. Peritore that he has a "0" chance of putting a tavern there. He explained the term "reasonable expectation" and said that this is a country location and people expect it to stay that way without commercial or industrial businesses next door. It is not permitted and he cannot do it. He said that his job is to enforce the letter of the law without discretionary judgement.

Vito asked if there would be a way to get the zoning changed or if the residents said that they wanted this type of establishment, would it be allowed. He said that he has the space and vision to make it happen but is restricted by an old rule that was put into play a long time ago. He said that people are sick of going to the same establishments and would like another place to go. He stressed that it would be a destination, not just a bar.

Supervisor Simon thanked Vito for bringing his ideas to the Board and said that if he is looking for the zoning to be changed that is a tough sell. He explained that 4 years ago the Town had gone through a major comprehensive plan review and upgrade where every piece of land and zoning district was analyzed with public hearings and a task force was formed which was an eye opener. He felt that tampering with this now after it's already been addressed would be a very difficult change to make.

Dan recommended that if Vito would like to open a tavern or that type of business, he should look for property in the Town where it is a permitted use. He said that 1461 County Line Road would be a perfect spot for a multi-family residence given its size and location. He wished Vito the best and said that he would be happy to work with him and he's grateful that Vito is willing to fix up the property.

Dennis Seekins, Town of Yates, said that he lives across the street from an eyesore on Maple Avenue and he has talked to Dan Wolfe about this property before. He feels that all of the houses in the area are so much better than this home and that because of this they are subsidizing his rent.

Dan Wolfe asked him to come in and talk to him again about the property on Monday.

TOWN OFFICERS REMARKS

Dan Wolfe, Code Enforcement Officer, said that he has been doing inspections on open building permits and is planning to retain his Department of State certification. Unfortunately all of the classes for this are still online and they are hard to find.

Supervisor Simon said that over the next couple of months they will be discussing the marijuana opt in or opt out. He will ask Terry Chaffee to dive into what's happening in New York State with this and present more information to the Board.

He said that the Great Lakes Wind Study is ongoing. He and John will keep digging into this and it may be another issue that they have to fight.

He said that the 200th Anniversary Celebration plans are chugging along and there will be another meeting toward the end of the month, on August 24th. He hopes to have some solid recommendations for where they're going with the celebration.

Councilman Hrovat said in order to get the bio-digester work moving forward maybe they should start holding 2 workshop meetings each month to get what needs to be done a little faster. She thinks that we need to get our environmental package put together. We need to condense our time and intensify our efforts so we can move it along.

Supervisor Simon agreed and said that after the September workshop meeting we should add a few more meetings and put it all into resolutions which is public notice.

ADJOURNMENT

Moved by Councilman Riggi, whereas there is no new business to be brought before the Board, the meeting be adjourned at 7:32PM.

Seconded by Councilman Suhr

4 Ayes 0 Nays 1 Absent (Chaffee)

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk