

FLEMING TOWN BOARD MEETING
AUGUST 9, 2010
6:30 P.M.

Call to Order by Supervisor Gary B. Searing at 6:30 p.m. with the Pledge of Allegiance.

Roll Call by Town Clerk, Charleen Dygert found the following board members present:

Supervisor Gary B. Searing
Councilman Arthur Fritz
Councilwoman Ellen DelloStritto
Councilman Ronald LaVarnway
Councilman Gerald Dudek

Also present: Attorney Dale Yates
Superintendent Paul Chipman

Approval of minutes

On a motion by Councilman LaVarnway, seconded by Councilman Fritz, the following resolution was

ADOPTED Ayes 5 Searing, DelloStritto, Fritz, LaVarnway, Dudek
 Nays 0

Resolved that the minutes of July 12, 2010 be approved and that the minutes of June 14, 2010 be amended to include a motion by Councilman Dudek, seconded by Councilman Fritz to reschedule the Public Hearing for the Yantch PDD for July 12th at 7:00 p.m.
APPROVED 5 – 0.

This meeting started at 6:30 p.m. to take care of town business before the scheduled Public Hearing at 7:00 p.m.

Old Business

On a motion by Councilman Fritz, seconded by Councilwoman DelloStritto the following resolution was

ADOPTED Ayes 5 Searing, Fritz, DelloStritto, LaVarnway, Dudek
 Nays 0

Resolved to approve Planning Board Training 5/3 and 6/7, 2 hours each day, 4 hours total for Planning Board Members.

Building Code Enforcement Officer – Don Bowen gave his report for the month of July. He also said that he attended 3 days of training in Montour Falls and will be back there at the end of the month. Councilwoman DelloStritto asked about the rental law letter. He revised the letter include the consent form which has to be filled out before the inspection.

Zoning Code Enforcement Officer – Alan Kozlowski gave his report for the month of July.

Assessor – Fred Farrell had nothing to report.

Planning Board Chairman Jamie Moore was absent and there was no report.

Highway/Utilities/Recycling – Paul Chipman gave his report for the month of July.

New Business:

- (a) Councilman Dudek made a motion to hire Louis Vasile as Recycling Attendant, seconded by Councilman LaVarnway. APPROVED AYES 5 NAYS 0
- (b) Councilman Fritz made a motion to schedule a Budget workshop for September 15th at 6:00 p.m., seconded by Councilman LaVarnway. APPROVED AYES 5 NAYS 0
- (c) Councilwoman DelloStritto made a motion to approve the water/sewer changes, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0
- (d) Councilman LaVarnway made a motion to approve bringing Grout Tech back in the fall to repair sewer lines and to set a cap at \$6,000 seconded by Councilman Fritz. This was approved on the following roll call vote:

Supervisor Searing	Yes
Councilman Fritz	Yes
Councilwoman DelloStritto	Yes
Councilman LaVarnway	Yes
Councilman Dudek	Yes
- (e) Councilwoman DelloStritto made a motion to schedule a Public Hearing for a Library vote at 7:00 p.m. on September 13th, seconded by Councilman Dudek. APPROVED AYES 5 NAYS.0

Public be Heard forum was read by Town Clerk Charleen Dygert. Allen Kozlowski stated that he attended the OWLA meeting last week and in Dr. Haffman's report he noted that Fleming paid for his research.

Ann Marie Nadge asked if the Public hearing for the library that was just approved, is in regards to allowing the tax payers to use the library. Supervisor Searing and Councilman LaVarnway answered yes and only involved the people in the Auburn school district.

Sarah King commented on the OWLA meeting.

With no more comments Supervisor Searing closed the Public be Heard.

Requests and Comments of the Board: Councilman DelloStritto commented on information she received on a moratorium on hydrofracking. Supervisor Searing said he thought the board could read it over and they would discuss it at the next meeting. Sarah King said that the Senate had passed a moratorium on hydrofracking for a year.

Councilman LaVarnway commented on what a great job Alan Kozlowski, Zoning Code Enforcement Officer and Don Bowen, Building Code Enforcement Officer, are doing.

Budget Transfers/Amendments: Councilwoman DelloStritto made a motion to approve the Budget Transfers and Amendments, seconded by Councilman Fritz. APPROVED AYES 5 NAYS 0

Town Clerk's Report: Councilwoman DelloStritto made a motion to approve the Town Clerk's report as presented by Town Clerk Charleen Dygert, seconded by Councilman LaVarnway. APPROVED AYES 5 NAYS 0

Supervisor's Report: Councilman Fritz made a motion to approve the Supervisor's report as presented by Supervisor Gary B. Searing, seconded by Councilman Dudek. APPROVED AYES 5 NAYS 0

Approval of Bills for Payment #440 – 491 was approved for payment on the following motions and seconds:

<u>FUND</u>	<u>AMOUNT</u>	<u>MOTION BY COUNCILOR:</u>	<u>SECONDED BY COUNCILOR:</u>
General	\$ 9,382.66	DelloStritto	LaVarnway
Highway	83,874.27	Fritz	DelloStritto
Water	6,110.15	LaVarnway	Fritz
Sewer	8,035.41	LaVarnway	Fritz
Refuse	1,295.92	Dudek	Fritz
Lighting	180.00	DelloStritto	LaVarnway

This concluded the town business portion of the meeting. Supervisor Searing announced that there would be a ten minute break while waiting for the attorneys to arrive. The time was 6:55.

At 7:05 Supervisor Searing reconvened the meeting and opened it up to the Public Hearing on the Yantch PDD which is a continuance from the July 12th meeting.

Attorney Andy Leja stated that the Public Hearing is a continuance from the last meeting and will continue to the September meeting. Since the last meeting the Planning Board sent a letter to the Town Board with their recommendations. He said that although the Board does not have to accept all recommendations he suggested that from the SEQR stand point the Board take into consideration the Planning Boards' letter.

Supervisor Searing informed the public that all this information is available to anyone through the Town Clerk.

Supervisor Searing opened the meeting for public comments and questions on environmental aspects of the project. A question was asked "what do you mean by

environmental”? Andy Leja explained that the environmental issues have to do with impact on the air, water, land, traffic, noise, etc. as opposed to hours of operation.

The public was also informed that this has been an on going project with presentations and an informational meeting and the information has been at the town clerk’s office for anyone to look at for several months. Tonight the board needs to get through the SEQR process to identify whether there is any significant environmental impact arising from this project.

David Yantch explained to the public his plans for a winery. They will grow grapes and purchase wine from existing NYS wineries, re-label and sell. They built a 40 x 98 building where there will be small weddings and similar functions. Afternoon weddings will be done at 8:00 out by 9:00. They are looking to put something nice into the town called agri tourism where people can go and have a memory. He also explained the septic system and the holding pond. He answered any questions from the public.

He heard comments from Sarah King, Mrs. Worden, and Marylyn Panarisi who spoke for her mother, Francis Post. She said that her mother has no problem with the project at all.

Mrs. Worden was concern with the traffic. Andy Leja said there was a study done and the conclusion was there would be no significant impact which means it does not require any special improvements.

Janet Cuthbert of Buck Point was concerned with the traffic and the septic system as to where it is leeching to.

Tim Buhl who designed the septic system, explained that it is a sub-service disposal system. He said that the system is over designed and state of the art.

Sarah King said that Dave & Chris Yantch have said they are planning on small weddings of about 99 people. That does not mean there are going to be 100 cars because you would figure 1 – 4 people per car.

Ann Ormsby of West Lake Road said her concerns were noise, traffic, safety and the change this will have on a residential area. She said that other wineries are not within a residential area and in her opinion this business does not fit a residential area.

Supervisor Searing closed public comments portion of the meeting.

Andy Leja said the Public Hearing will remain open until the next meeting (9/13/2010) and written comments are welcome. Andy Leja took the board through part 2 of the SEQR and Environmental Assessment. This is where the board decides whether the impact is significant or not significant.

After completing part 2 of the SEQR Andy Leja asked the board to make a termination of a positive declaration or negative declaration.

On a motion by Councilman LaVarnway and seconded by Councilman Dudek the following resolution was

ADOPTED	by ROLL CALL VOTE	
	Supervisor Searing	Yes
	Councilman Fritz	Yes
	Councilman DelloStritto	Yes
	Councilman LaVarnway	Yes
	Councilman Dudek	Yes

Resolved to declare a negative declaration on the SEQR portion of the Yantch PDD.

Andy Leja said that a Negative Declaration will be issued and with the Board's permission he will draft the necessary paperwork to go with it to get distributed to other agencies that have approval authority over this including DOT and also include it with the package that goes to the County Planning Board.

Mr. Leja commented on a letter dated 8/2/10 from Kathryn Hankins. He explained what a PDD will allow an applicant some space not to meet some requirements of the Comprehensive Plan, such as green space, set backs, etc. but in exchange for that the applicant agrees to conditions that the board can impose. The overall goal for a PDD are consistent with what the Town Board believes is the overall character harmony of the neighborhood. He invited anyone with comments to send a letter or e-mail to the board and they will be reviewed.

Adjournment: Councilman LaVarnway made a motion to adjourn, seconded by Councilman Dudek. APPROVED AYES 5 NAYS 0 The time was 8:55 p.m.

Respectfully submitted,

Charleen V. Dygert
Town Clerk