

**MINUTES
REGULAR TOWN BOARD MEETING
JULY 27, 2020**

PRESENT:

Supervisor Don Trout, Councilman Mike Pfeiffer, Tyrone Thomas, Howard Strader and Bob Lotz.

ALSO PRESENT:

Town Attorney, Dennis Benjamin, Assessor, Jim Cleere, MRB Representative, Mr. Patrick Nicoletta, Don Eichenhofer, Scott Knowlton, John Morabito, Kyle Black and Joe Fairman.

PLEDGE OF ALLEGIANCE:

Supervisor Trout led everyone in the Pledge of Allegiance.

NEW BUSINESS:

2020-031

Councilman Lotz made the motion to approve the following Automobile Salvage Yards: Councilman Thomas seconded the motion.

John Cavali, 2282 Brewer Road
Don Trout, 1130 Route 96 North
Trout Enterprises, 2410 Edwards Road
Stephen Paine, 2206 Brewer Road

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

2020-032

Councilman Strader made the motion to approve a 2016 CBDG homeowner who requires a subordination document from the Town so they can facilitate a refinance on their existing mortgage with another bank at a lower interest rate. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

2020-033

Councilman Lotz made the motion to accept the resignation of Mr. Adam Keuer from the Town Planning Board, effective immediately. Councilman Thomas seconded the motion.

AYE
Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

2020-034

Councilman Thomas made the motion to approve Mrs. Jolene Steele to fill the unexpired term of Mrs. Kimberly Pfeiffer to the Town Planning Board, effective immediately. Councilman Lotz seconded the motion.

AYE
Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

2020-035

Councilman Lotz made the motion to schedule a Public Hearing on August 26th, at 6:00 PM, at the Village Fire Department, 39 East Water Street, to consider the establishment of a Joint Fire District, with the Village of Waterloo and the Town of Fayette. (copy appended to the minutes). Councilman Pfeiffer seconded the motion.

AYE
Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

2020-036

Councilman Pfeiffer made the motion to designate Supervisor Don Trout as the Environmental Certifying Officer for the Community Development Block Grant. Councilman Lotz seconded the motion.

AYE
Supervisor Trout

NAE

Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

The motion was carried.

2020-037

Councilman Thomas made the motion to approve the Consent Agenda as follows: Councilman Lotz seconded the motion.

Approval of Minutes – June 15, 2020
Approval of the Town Clerk’s Monthly Report
Approval of the Canine Report
Approval of Bills:

GENERAL FUND – TOWNWIDE	\$42,450.55
GENERAL – PART TOWN	870.83
HIGHWAY TOWNWIDE	7,110.12
HIGHWAY – PART TOWN	8,522.60
BORDER CITY LIGHT DISTRICT	4,054.17
WATERLOO SEWER DISTRICT #1	29,911.16
5 AND 20 SEWER DISTRICTS	96,388.83
BURGESS ROAD WATER DISTRICT	9,934.51
BORDER CITY WATER DISTRICT	11,546.91
POWDERLY ROAD WATER DISTRICT	17.60
BREWER ROAD SOUTH	1,423.27
PRE-EMPTION WATER DISTRICT 6	4,260.00
TOTAL	216,490.55
COMMUNITY DEVELOPMENT FUND	300.00
TOTAL	216,790.55

AYE
Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

Supervisor Trout asked Mr. Nicoletta to address the board on an update regarding the Watermain Improvement Area.

Mr. Nicoletta presented to the Board a handout for the Watermain Improvement Area that he also presented to the Board last month. (copy appended to the minutes). Mr. Nicoletta said this project extends from Pre-Emption Street to Packwood Road. This cost of this estimate contains fire protection

in addition to water for these homeowners. Mr. Nicoletta said the total cost of the project is \$377,000 and the length of the project is 7000 feet.

Mr. Nicoletta said they have tested eight wells in the included area and three of them have tested positive for coliform and that is approximately 37 percent of the population tested. Mr. Nicoletta said he has spoken with a representative from USDA to see if the percentage of testing was adequate and the USDA Representative said it was sufficient.

Supervisor Trout asked Mr. Nicoletta if he feels the town has a good chance of obtaining a grant for this project. Pat said that due to the contamination of the wells he is optimistic the town would have a good chance

Supervisor Trout also said that this area is in an economic opportunity area and that is also a plus in obtaining grant funding for this project.

Mr. Nicoletta said the cost for MRB to go out to obtain this grant is between \$8000 and \$10,000 dollars.

2020-038

Councilman Lotz made the motion to authorize MRB Engineer, Mr. Patrick Nicoletta to apply for grant funding, approximately between \$8000.00 and \$10,000 dollars, regarding the Water Main Improvement Area of Pre-Emption Road. Councilman Pfeiffer seconded the motion.

AYE
Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

2020-039

Councilman Lotz made the motion to approve the Zoning Code Amendment to the Town’s Zoning Code. Councilman Pfeiffer seconded the motion. The Amendment is as follows:

Town of Waterloo Zoning Code Text Amendment Resolution At a regular meeting of the Town Board of the Town of Waterloo, Seneca County, New York, held at the Town Hall, 66 Virginia Street, Waterloo, New York, on the 27th day of July, 2020 there were Present: Don Trout, Supervisor Michael Pfeiffer, Councilman Bob Lotz, Councilman Howard Strader, Councilman Tyrone Thomas.

WHEREAS, Chapter 135 of the Town of Waterloo Code (the “Zoning Code”) adopted by Local Law No. 3 of 2000, as amended, governs the uses of land and other aspects thereof within the Town; and

WHEREAS, at the Town of Waterloo Town Board’s (“Town Board”) January 13, 2020 meeting, Councilman Pfeiffer introduced a proposed text amendment to the Zoning Code to allow access over private roads and driveways as a permitted use in the Commercial (“C”), Low density Residential (“R1”), and Moderate-density Residential (“R2”) zoning districts (the “Proposal”); and

WHEREAS, the Town of Waterloo Zoning Map (the “Zoning Map”) contains numerous C, R1, and R2 zoning districts located along public right-of-way that separate Multiple Use (“MU”) and Agricultural (“A”) zoning districts from such public right-of-way, effectively landlocking properties in the MU and A zoning districts; and

WHEREAS, there are numerous existing driveways and private access roads in the Town of Waterloo (the “Town”) that provide access to a public right-of-way through such C, R1, and R2 zoning districts to landlocked parcels in MU and A zoning districts; and

WHEREAS, nonetheless, the use of such existing driveways and private access roads in many instances currently violates the Zoning Code; and **WHEREAS**, there are large areas of land in the A and MU zoning districts that are completely landlocked from the public right-of-way, or separated from the nearest public right of-way by R1, R2 or C zoning districts; and

WHEREAS, the Town of Waterloo Comprehensive Plan was adopted January 23, 2017 (the “Comprehensive Plan”) and identifies the Town’s land use planning policies and goals. The loss of employment and economic activity is identified by the Comprehensive Plan as one of the most challenging issues facing the Town. According to the Comprehensive Plan, the population of the Town has decreased significantly in the previous decade, which was caused, in part, by the loss of jobs; and

WHEREAS, the Comprehensive Plan identifies preserving the rural atmosphere of the Town and encouraging agricultural uses as important land use planning goals. The - 2 - Comprehensive Plan also encourages mixed-use development to increase population density and support commercial growth; and

WHEREAS, the Comprehensive Plan recommends that the Town review the Zoning Code for inconsistencies and modify the Zoning Code to accommodate development projects. The Comprehensive Plan specifically suggests amending “Schedule I: Land Use or Activities” of the Zoning Code to create consistency of uses between zoning districts; and

WHEREAS, in response to surveys conducted for the Comprehensive Plan, a plurality of respondents listed “keeping taxes lower” as the issue local government should primarily focus on; and

WHEREAS, the Proposal is consistent with, and advances several land use planning goals identified by the Comprehensive Plan: and

WHEREAS, the Proposal will help support agricultural land uses in the Town by allowing access to existing A zoning districts. There are numerous permitted, specially conditioned, and specially permitted uses in the A zoning district that are not permitted in the R1 or R2 zoning districts, including, by way of example, agricultural equipment and retail sales, farming of poultry and hogs, and mobile home parks; and

WHEREAS, residential uses are permitted and permitted with special conditions in the MU zoning district but are not permitted in the C zoning district; thus, the Proposal will help increase residential density and support mixed use development by allowing access to existing MU zoning district properties across C zoning district properties; and

WHEREAS, the landlocked A and MU zoning district properties cannot be used for any of the uses not permitted in the adjacent R1, R2, and C zoning districts. This inconsistency frustrates the intent of the Zoning Code and undoubtedly has negative impacts on property values, employment, and tax revenues for the Town; and

WHEREAS, the Proposal will benefit the Town by allowing effectively landlocked parcels in A and MU zoning districts to access public right-of-way and by legalizing the existing use of impermissibly used driveways and private roads. Improving access to effectively landlocked parcels in the A and MU zoning districts will also lead to increased development within the Town, more efficient use of land, and increased property values and property tax revenue; and

WHEREAS, the Proposal was duly noticed for a public hearing to be held on February 24, 2020; and

WHEREAS, in accordance with the public notice, the Town Board conducted a public hearing on February 24, 2020; and

WHEREAS, in accordance with General Municipal Law Section 239-m, the Proposal was duly referred to the Seneca County Planning Board for the required review under such section of the General Municipal Law; and

WHEREAS, by report dated February 11, 2020, the Seneca County Planning Board has reviewed and given its comments regarding the Proposal to the Town Board; and

WHEREAS, the Town Board conducted review under the State Environmental Quality Review Act ("SEQRA"), as lead agency, and has carefully reviewed all of the materials in connection with such review, including the Environmental Assessment Form, and other application materials; and

WHEREAS, the Town Board has duly issued and filed as necessary a negative declaration under SEQRA, finding that the proposed action constituting the Proposal would have no significant adverse impact on the environment, thereby completing the review under SEQRA; and

WHEREAS, the Town Board has duly considered all matters raised in the public hearing process as well as in writing; and

WHEREAS, the Proposal will allow effectively landlocked A and MU zoning district parcels to access the public right-of-way and to be used and developed as intended by the Zoning Code and any permits secured there under; and

WHEREAS, the Town Board finds that the Proposal, for all of the foregoing reasons and findings, is in the interest of the Town as a whole and has public benefits,

NOW, THEREFORE, the Town Board hereby resolves that Schedule I: Land Uses or Activities of the Zoning Code is amended to add the following provision:

Agricultural	Single Fam	Types Hom	Varied	Commercial	Industrial	Multiple
A	R1	R2	R2	C	I	MU
P	P	P	P	P	NP	P

NOW, THEREFORE, the Town Board also hereby resolves that Zoning Code 135-79(D) Shall be amended to add the following provision.

All private access roads and driveways located in the R!, R2, A, MU and C zoning districts that connect a property within an A or MU zoning district to a public right-of-way, are permitted by right.

COMMITTEE REPORTS:

Councilman Lotz said he has been working with MRB Engineer, Mr. Pat Nicoletta with the infiltration issue for Sewer District 1 and 2. Councilman Lotz said they have found a few issues with Sewer District 2 and he has a meeting set up with MRB this Friday, July 31st, to try and find a solution to these issues.

Councilman Strader asked Mr. Pat Nicoletta to speak about replacing the water line from Sessler Drive to the Railroad. This would give the residents new fire hydrants as well and a new service. Mr. Nicoletta said the final cost for Materials and Labor by Town Forces is \$122,752.00. (copy of handout appended to the minutes).

Mr. Nicoletta also gave the Town Board a handout concerning the replacement of the Master Meter at the Seneca Lake Park. Pat said the current meter is not functioning properly and they want to relocate to a more practical area closer the access road. The cost of the project is \$46,794.00. Pat said this estimate includes in house labor and electric is not included in this estimate. (copy appended to the minutes.).

SUPERVISOR COMMENTS:

Supervisor Trout gave a copy of an Intermunicipal Agreement previously to the Board Members so they could have a future discussion on an Intermunicipal Agreement Between the Town of Phelps to properties within the Town of Waterloo. This is the water line that was installed during the Four Town Water Project. This section of water line belongs to the Town of Phelps. Mr. Nicoletta said due to the proximity of Waterloo residents who live close to the Phelps waterline, they would be able to tie into that waterline.

If the homeowners decide to tie in, the Town of Phelps will read the individual water meters on the Waterloo Properties at least quarterly and will directly bill the homeowner. The homeowner will pay directly to the Town of Phelps.

Supervisor Trout said this will be voted on at next month’s Town Board Meeting.

2030-040

Councilman Pfeiffer made the motion to adjourn the meeting at 7:20 PM. Councilman Strader seconded the motion.

AYE
Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion was carried.

Respectfully Submitted,

Sandra L. Ridley
Town Clerk

**NEXT TOWN BOARD MEETING
AUGUST 24, 2020**

Respectfully Submitted,

Sandra L. Ridley
Town Clerk

**NEXT TOWN BOARD MEETING
AUGUST 24, 2020**