

PLEASE TAKE NOTICE, that the Town Board of the Town of Byron will hold a Public Hearing on Wednesday, June 12, 2013 regarding a Local Law entitled, "Zoning Law of the Town of Byron" at 7:00 p.m. at the Byron Town Hall, 7028 Rte. 237, Byron, New York. A summary of the law is as follows:

ARTICLE I. PURPOSE: For the purpose of promoting the health, safety and general welfare of the people of the Town of Byron, this Local law is adopted pursuant to Article 16 of the Town law of the State of New York. Its purpose is to regulate and restrict: the height, number of stories, and size of buildings and other structures; the percentage of the lot that may be occupied; the size of yards, courts and other open space; the density of population and the location and use of buildings, structures and land for business, industry, agriculture, residence, or other purposes. Such Local Law and Zoning Map, which is a part of said Local Law, are designed to: lessen congestion in the streets; to secure safety from fire and other dangers; to provide adequate light and air; to provide for solar access and the implementation of solar energy systems; to prevent the overcrowding of land and to avoid undue concentration of population; to facilitate the efficient and adequate provision of public facilities and services; and to provide the maximum protection to residential areas from the encroachment of adverse environmental influences. Such local law and Zoning map were made after reasonable consideration, among other things, as to the Comprehensive Plan adopted by the Town. Consideration was also given as to the character of the Town and its peculiar suitability for particular uses and with a view to conserving property values and natural resources and encouraging the most appropriate use of land throughout the Town.

The full text of the Proposed Zoning Law of the Town of Byron is on file at the office of the Town Clerk and is available for inspection during regular office hours.

Debra Buck-Leaton
Byron Town Clerk

PUBLIC COMMENTS:

Sue Fuller: She is opposed to the 120 day time frame to comply with Section 11.01

Roger Jaczynski: He would like to have the Board consider removing Section 11.01(o)

Karen Jaczynski: The screening requirements in Section 11.01 would be a danger for vehicles leaving the repair shop.

Sue Fuller: All of Section 11.01 is not feasible

Roger Jaczynski: The law is limiting his ability to do business with number of vehicles allowed under Section 11.01. His biggest concerns are Section 11.01(f) and (i)

Karen Jaczynski: Abandoned/unlicensed vehicles on Town roads is also an issue.

Chairman Zuber: Discussed the issue of abandoned/unlicensed vehicles on Town roads at the Planning Board meeting and with Attorney Boylan and decided it was of no concern to the Zoning Law, it is a police issue

Councilman Thompson: Roger was asked to write a letter to the Board on what he'd like to see incorporated into the Zoning Law, and he never did

John Sackett: Expressed several concerns regarding the Proposed Zoning Ordinance.

ENVIRONMENTAL QUALITY IMPACT REVIEW WITH REGARD TO PROPOSED TOWN OF BYRON ZONING LAW OF 2013

RESOLUTION #48:

Attorney Boylan asked the Town Board the following questions:

1. Will the Proposed Action result in a physical change to the project:

Councilman Wooton offered the following resolution and moved for its adoption:

Be It Resolved, that the Proposed Action will not result in a physical change to the project.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

2. Will there be an effect to any unique or unusual land forms found on the site?

Councilman Thompson offered the following resolution and moved for its adoption:

Be It Resolved, that there will not be an effect to any unique or unusual land forms found on the site.

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

3. Will Proposed Action affect any water body designated as protected?

Councilman Thompson offered the following resolution and moved for its adoption:

Be It Resolved, that the proposed action will not affect any water body designated as protected.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

4. Will Proposed Action affect any non-protected existing or new body of water?

Councilman Thompson offered the following resolution and moved for its adoption:

Be It Resolved, that the proposed action will not affect any non-protected or new body of water.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

5. Will Proposed Action affect surface or groundwater quality or quantity?

Councilman Thompson offered the following resolution and moved for its adoption:

Be It Resolved, that the proposed action will not affect surface or groundwater quality or quantity.

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

Councilman Thompson offered the following resolution and moved for its adoption:

Be It Resolved, that the proposed action will not alter drainage flow or patterns, or surface water runoff.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

7. Will Proposed Action affect air quality?

Councilman Thompson offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not affect air quality.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

8. Will Proposed Action affect any threatened or endangered species?

Councilman Austin offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not affect any threatened or endangered species.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

Councilman Redick offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not affect non-threatened or non-endangered species.

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

10. Will Proposed Action affect agricultural land resources?

Councilman Wooton offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not affect agricultural land resources.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

11. Will Proposed Action affect aesthetic resources?

Councilman Thompson offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not affect aesthetic resources.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

Councilman Thompson offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not impact any site or structure of historic, prehistoric or paleontological importance.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

Councilman Thompson offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

Councilman Austin offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g).

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

15. Will there be an effect to existing transportation systems?

Councilman Thompson offered the following resolution and moved for its adoption:
Be It Resolved, that there will not be an effect to existing transportation systems.

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

16. Will Proposed Action affect the community's sources of fuel or energy supply?

Councilman Thompson offered the following resolution and moved for its adoption:
Be It Resolved, that the Proposed Action will not affect the community's sources of fuel or energy supply.

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

Councilman Thompson offered the following resolution and moved for its adoption:
Be It Resolved, that there will not be objectionable odors, noise, or vibration as a result of the Proposed Action.

Councilman Redick seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

18. Will Proposed Action affect public health and safety?

Councilman Wooton offered the following resolution and moved for its adoption:
Be It Resolved, that the proposed action will not affect public health and safety.

Councilman Thompson seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

19. Will Proposed Action affect the character of the existing community?

Councilman Thompson offered the following resolution and moved for its adoption:

Be It Resolved, that the proposed action will not affect the character of the existing community.

Councilman Austin seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

Councilman Thompson offered the following resolution and moved for its adoption:

Be It Resolved, that there is not public controversy related to potential adverse environment impacts.

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Aye: 5 Nay: 0

A RESOLUTION DETERMINING THE ENVIRONMENTAL NON-SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT OF THE PROPOSED LOCAL LW NO. 1 OF 2013 KNOWN AS THE TOWN OF BYRON ZONING LAW
RESOLUTION #49:

Councilman Wooton offered the following resolution and moved for its adoption:

The Town Board of the Town of Byron, duly convened in regular session, does hereby resolve as follows:

Pursuant to, and in accordance with, the provisions 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 Town Board of the Town of Byron hereby makes the following determinations and classifications with respect to the proposed Town of Byron Zoning Law (hereinafter referred to as the "Action").

1. The Town Board of the Town of Byron (hereinafter referred to as "Town Board") hereby determines that the Action is subject to SEQR.

2. The Town board hereby determines that the Action does not involve a Federal agency, and does not involve other agencies.

3. The Town Board hereby makes a preliminary classification of the Action as a Type 1 Action.

4. The Town Board hereby finds and determines that: (a) it has considered the Action, reviewed the short 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 the proposed Action; (b) the Action (to wit, the adoption of the Town of Byron Zoning 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 (c) the reasons supporting this determination are set forth on the attached Notice of Determination of Non-Significance with respect to this project (a copy of which said form is on file in the Office of the Town Clerk of the Town of Byron).

5. The Town Board, as Lead Agency with reference to the above-described project, hereby: (a) adopts a negative declaration pursuant to 6 NYCRR Section 617.7 with respect to the

project, (b) authorizes the Supervisor of the Town of Byron to sign a negative declaration determination of non-significance with respect to the project, and (c) authorizes the Town Clerk of the Town of Byron to forward a copy of said negative declaration determination of non-significance to the New York State Department of Environmental Conservation, Town of Byron Planning Board, Town of Byron Zoning Board of Appeals, Building and Code Inspector of the Town of Byron, Genesee County Department of Planning, New York State Commissioner of Agriculture and Markets, and New York State Office of Parks, Recreation and Historic Preservation.

6. This Resolution shall take effect immediately.

Supervisor Crnkovich seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 1 (Councilman Redick)

A **motion** was made by Councilman Wooton to close the Public Hearing at 8:37 p.m. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

NONE OF THE BOARD MEMBERS MADE A RESOLUTION TO ACCEPT THE NEW ZONING LAW.

Town Attorney Paul Boylan: The Town Board now owns the Zoning Law and it's the Town Board's decision, not the Planning Board's, on what changes to make with the Zoning Law.

It was decided that Councilman Wooton and Supervisor Crnkovich will discuss the Zoning Law with Sue Fuller and Roger and Karen Jaczynski to determine what changes could be agreed upon to move forward with finalizing the Proposed Zoning Law in order to placate all the parties involved.

MINUTES:

A **motion** was made by Councilman Redick to approve the Byron Town Board minutes of May 8, 2013 as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

CEO/ZEO REPORT:

- Number of Inspections: 15
- Number of Zoning/Building Permits Issued: 9
- Number of Land Separations: 1
- Number of Building C.O./C.C. Issued: 3
- Number of Zoning Complaints Filed: 1
- Number of Zoning Complaints Resolved: 1

·Have issued 3 notices for tall grass, 2 properties have cut the grass, one has not and will be issued an Appearance Ticket to the Byron Town Court.

·Appearance ticket issued for an unsafe building (mobile home) at 6966 Swamp Rod, court date set for June 10, 2013. Owner does not live in Byron.

A **motion** was made by Councilman Wooton to approve the CEO/ZEO Report as written. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PARK COMMITTEE REPORT – Councilman Redick:

·The Park Committee had budgeted \$5,500 for the cushioning at the playground, the materials necessary to provide a safe base and border amounted to \$5,996.45. The committee had cashed in some CDs to put towards the job. Apparently the job went over budget and Councilman Redick was asked to ask the board and Supervisor if the Town could pay the balance of \$496.45.

·At this time, the Park Committee has approximately \$300 left in their account from last year.

·The \$2,000 provided by the Town to the Park Committee from the 2013 budget at this time will have draws taken for \$720 for Creekside Port-A-Johns and \$500 to pay the gate keeper.

·The question of a possible noise ordinance for ATVs was discussed. Realizing there isn't a noise ordinance in Byron because it's an agricultural area, it was wondered if exceptions can be implemented that can be enforced for the noise created by ATVs.

·The Park Committee would like to thank the Highway Department for the charcoal grills.

·Councilman Redick was asked if there was a new insurance agent representing the Town?

Highway Superintendent Heins: Doesn't see a problem with the Town paying the balance of \$496 as long as the Park Committee pays the balance they owe out of their own account.

PLAYGROUND MULCH

RESOLUTION #50:

Councilman Austin offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board authorizes the payment of \$496.00 for cushioning mulch at Firemen's Park from the Town's General Account Park Committee fund line item. Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

A **motion** was made by Councilman Thompson to approve the Park Committee Report as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

ABSTRACTS

RESOLUTION #51:

Councilman Austin offered the following resolution and moved for its adoption:

Resolved, that the Byron Town Board pay the following abstracts:

<u>Fund:</u>	<u>Abstract:</u>	<u>Vouchers:</u>	<u>Amount:</u>
General Fund	#8	#127 - #156	\$ 18,047.97
Highway Fund	#6	#79 - #90	\$119,427.62
Sewer Fund	#6	#24 - #34	\$ 9,435.29
General Fund	PA#9	#38 - #45	\$ 1,259.25
Sewer Fund	PA#7	#7 - #8	\$ 999.25

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Ayes: 4 Nays: 1 (Thompson)

TOWN CLERK'S REPORT:

Paid to the Byron Park Committee for Pavilion Rental.....	\$ 90.00
Paid to the NYS Ag and Markets for spay/neuter program.....	\$ 49.00
Paid to the DEC for hunting/fishing licenses.....	\$ 257.94
Paid to NYS Dept. of Health for Marriage Licenses.....	\$ 45.00
Paid to the Town of Byron Supervisor.....	<u>\$2,640.91</u>
Total Disbursed for April 2013.....	\$3,082.85

A **motion** was made by Councilman Austin to approve the Town Clerk's Report as given for May, 2013. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

FINANCIAL REPORT:

·The Financial Report for May 2013 was reviewed.

A **motion** was made by Councilman Redick to approve the May 2013 Financial Reports as written. The motion was seconded by Councilman Austin and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SUPERVISOR'S REPORT:

·Received Mercy EMS Response Time Report for April 2013.

A **motion** was made by Councilman Wooton to approve the Supervisor's Report as given. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

OTHER BUSINESS:

WEST SHORE TRAIL:

Councilman Thompson and Councilman Austin attending Bergen Town Board meeting on Tuesday, June 11th where representatives were present from the Sheriff's Office and State Police. The Sheriff's and Troopers would like to have Byron and Bergen both have the same keys to the gates along the railroad bed. The Sheriff's would need 15 and Troopers would need 9 keys. The Sheriff's Department will tell the Board what to put on signage so that the Sheriff's Department can enforce it. They also talked about the Towns requiring a permit to be on West Shore Trail with nominal fee to get one, and a stiff penalty if caught without one. The Town already gives the snowmobilers permission to use trail, so they wouldn't need a permit. Councilman Thompson will discuss the issue of permits with the Town of Bergen. It was also decided that the Town Boards need to speak to the Town Judges about enforcing the tickets.

Attorney Boylan: Per his discussion with Bill Sheron at the Sheriff's Department, the Sheriff's could not patrol the trail without getting paid, but can patrol the entrances and exits.

Highway Superintendent Heins: He talked to the Sheriff's Department and dispatch and they said it's impossible to catch all of them.

TRANSFERS:

GENERAL FUND BUDGET TRANSFERS:

RESOLUTION #52:

Councilman Redick offered the following resolution and moved for its adoption:
Resolved, that the Byron Town Board authorizes the following transfers:

GENERAL FUND

Transfer From: A1990.4 Contingency \$ 4,510.00

TOTAL: \$ 4,510.00

Transfer To: A7110.4 Park Contractual \$ 4,510.00

TOTAL: \$ 4,510.00

Councilman Wooton seconded the resolution which was adopted by the following vote:

Vote: Ayes: 5 Nays: 0

ASSESSOR'S REPORT:

The 2013 Assessment roll is done and will become final on July 1, 2013. It is approved at 100%. The Town of Byron has been at 100% since 1999. The Town has been a part of the state annual reassessment program since 1999. Value changes are as follows:

	<u>2012</u>	<u>2013</u>
Total Town Value	\$126,648,485	\$132,125,566
Increase=\$5,477,081		
Total Town Taxable	\$103,922,177	\$105,795,238
Increase=\$1,873,061		

A **motion** was made by Councilman Thompson to approve the Assessor's Report as written. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

SPECIAL MEETING:

A **motion** was made by Councilman Thompson to schedule a Special Meeting on June 26, 2013 at 7:00 p.m. to discuss the proposed union contract. The motion was seconded by Councilman Wooton and carried with the following vote:

Vote: Ayes: 5 Nays: 0

PUBLIC COMMENTS:

John Schrenker: When he received his change in assessment he talked to the assessor about the method in which the assessment was determined. Mr. Schrenker recorded his conversation with

the Assessor, and he has filed a complaint with NYS Assessor's Association. Mr. Schrenker believes the Assessor and Board of Assessment Review are not limited to compare only properties in the Town of Byron, but can go outside the Town of Byron. He believes the Assessor provided incorrect, false information, and that he either deliberately lied, or he does not know his job.

Eric Zuber: Did you let the assessor know you were recording the conversation? He believes that the Town's Assessor, Barry Flansburg, is very capable of doing his job. He represents four towns and has never heard a complaint.

John Schrenker: It is not illegal to tape a conversation.

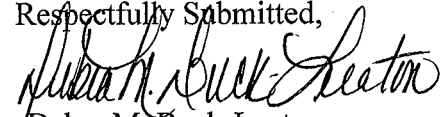
Supervisor Crnkovich: He will talk to the Assessor regarding this matter.

ADJOURN:

A **motion** was by Councilman Wooton to adjourn the Byron Town Board Meeting at 9:38 p.m. The motion was seconded by Councilman Thompson and carried with the following vote:

Vote: Ayes: 5 Nays: 0

Respectfully Submitted,



Debra M. Buck-Leaton
Byron Town Clerk