

Town of Murray Public Hearing and Board Meeting

June 26, 2023

Present: Supervisor Joseph Sidonio, Councilmen Randall Bower, Lloyd Christ, Michael Mele and Gerald Rightmyer, Town Clerk Cindy Oliver, Highway and Water Superintendent Dirk Lammes, Code Enforcement Officer Chad Fabry, Town Justice Ted Spada, Legislator John Fitzak, Raymond Santoro, Stacey Keon, Mark Taylor, Donna Smith, Dave Knapp, Sam Millspaugh, Laurie Millspaugh, Sam Lammes, David Piedmonte, Elaine Berg, Mark Scarborough, Chris Caufield, Louise Passarell, Amy Machamer, Michael Christopher, David Leach, Tammy Leach, Jeanne Spada, Lindsay Fredendall

Moment of silence and pledge to the flag.

Public Hearing – Incentive Zoning – Lynch Road – Tax Map No. 75.-1-40.2

Motion by Mele, Seconded by Bower to open the public hearing at 7:01 p.m.

Motion Carried

Supervisor Sidonio read the notice of the public hearing and asked if anyone wishing to speak for or against the proposed incentive zoning to please address the Board.

David Piedmonte asked for an explanation of the incentive zoning. He said he is also concerned about the increase of activity on the road. Code Enforcer Chad Fabry stated that it is a mechanism put into place by many towns. In this case, the applicant would like to put up a building to house their operation. It will be used to store equipment in the winter time, to fix equipment if needed. This normally wouldn't be allowed in residential agricultural district. The proposed amenity that Sam and Son's would provide to the Town is a water line worth \$330,000. The purpose of the amenity is to offset any negative impact. This is not pay to play, Chad as seen it used successfully in many municipalities and it is available to anyone who makes application to the Town Board.

Motion by Mele, Seconded by Christ to close the public hearing at 7:08 p.m.

Motion Carried

Town Board Meeting

Motion by Bower, Seconded by Rightmyer to open the Town Board meeting at 7:09 p.m.

Motion Carried

Motion by Mele, Seconded by Bower approving the following agenda amendments:

- Move Justice Spada from New Business to after approval of minutes
- Under New Business, remove Chad overseeing the final draft of the revised zoning law
- Remove public comment

Motion Carried

Motion by Bower, Seconded by Mele approving the minutes of the May Town Board meeting as submitted Motion Carried

Justice Spada spoke about the quotations he has received for the court and meeting room ceiling issues. Brief discussion of this project.

Town Clerk

Receipts for May totaled \$967.00 with \$751.92 going into the general fund.

Last week Cindy attended a meeting at the village office to discuss ways to streamline the business part of the Joint Youth Rec Program. In the contract it states that the county agrees to reimburse the towns and village up to but not to exceed \$1,875. The reimbursement is not guaranteed. If we do receive it, it amounts to \$625. We are asking our respective Boards if the program can keep any reimbursement they may receive. All in agreement to donate back to the program any reimbursement received.

Highway and Water Department

Written report submitted:

The Highway crew has been mowing the ditches for the county, state and town roads and also mowing cemeteries.

They've finished screening topsoil and millings. They've been installing culverts, hauling stone for Holley and assisting Barrie, Gaines and Clarendon with paving.

The water department found and fixed two leaks and has been flushing hydrants.

The 2022 water quality report has been released and is available online and in the Town Clerk's office.

Code Enforcement/Building Department

Two building permits were issued, six building inspections were completed and two certificates of compliance were issued.

There were no appeals to the Zoning Board of Appeals for the month of June.

The Planning Board approved Sam and Son's revised site plan by resolution. Board members continue to have workshop meetings on the Murray Zoning Ordinance. The Planning Board's July meeting date has been changed due to the Fourth of July holiday.

Motion by Mele, Seconded by Bower to amend the agenda to include addressing the proposed incentive zoning formally Motion Carried

RESOLUTION 2023-029

At a meeting of the Town Board of the Town of Murray, duly held on June 26, 2023, Councilman Randall Bower moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

WHEREAS Sam and Son Company, Lynch Road, Tax Map No. 75.-1-40.2; made an incentive zoning application to construct a 27,500 square foot, single-story building on said property; and requested that an area of 9.6 acres +/- be zoned to allow the following uses:

- Outdoor storage of construction equipment, construction materials, staging of construction spoils, topsoil, crushed screenings, et al., germane to the primary business operations. No retail sales.
- Indoor repair of construction equipment and vehicles related to the business operation.
- Outdoor repair of equipment where technically infeasible to conduct repairs indoors.
- Operate a Site/Civil contracting business and conduct necessary meetings and office operations.
- All uses allowed by right in the Residential Agricultural District as described in the Town of Murray Zoning Code

WHEREAS in exchange for an amenity of 3,800 linear feet of 8-inch water line along Lynch Road, including self-flushing hydrants at 500-foot intervals; it is

RESOLVED that the Town Board of the Town of Murray grants incentive zoning for the above-described operation and necessary structures on Lynch Road, Tax Map No. 75.-1-40.2.

Upon being put to a roll call vote, the vote was as follows:

Ayes	5	Bower, Christ, Mele, Rightmyer, Sidonio
Nays	0	

Resolution was unanimously adopted.

RESOLUTION 2023-030

At a meeting of the Town Board of the Town of Murray, duly held on June 26, 2023, Councilman Lloyd Christ moved adoption of the following resolution; Councilman Randall Bower seconded the motion:

RESOLVED, that the Town Board of the Town of Murray hereby authorizes Code Enforcement Officer Chad Fabry to organize training for the Town Planning Board members and Zoning Board of Appeals members; and it is

FURTHER RESOLVED, that the cost of such training will not exceed \$500.00

Upon being put to a vote, the resolution was thereupon adopted.

RESOLUTION 2023-031

At a meeting of the Town Board of the Town of Murray duly held on June 26, 2023, Councilman Michael Mele moved adoption of the following resolution; Councilman Gerald Rightmyer seconded the motion:

BE IT RESOLVED that the Town Board of the Town of Murray hereby authorizes Code Enforcement Officer Chad Fabry to oversee the amendments to the proposed, revised solar law.

Upon being put to a vote, the resolution was thereupon adopted.

RESOLUTION 2023-032

At a meeting of the Town Board of the Town of Murray, duly held on June 26, 2023, Councilman Gerald Rightmyer moved adoption of the following resolution; Councilman Lloyd Christ seconded the motion:

RESOLVED, that the proposed Town of Murray Local Law No. 2 of 2023 entitled “*A Local Law to Rescind the Town of Murray Zoning Ordinance Dated May 25, 2009 as amended and adopt the Town of Murray Zoning Local Law*” be and the same hereby is introduced, and a public hearing shall be held on July 17, 2023 at 7:00 p.m. to consider the adoption of such local law; and it is further

RESOLVED, that Cynthia Oliver, Town Clerk of the Town of Murray, shall attend to publishing a legal notice in *The Batavia Daily News* at least five (5) days in advance of such public hearing.

Upon being put to a vote, the resolution was unanimously adopted.

Motion by Rightmyer, Seconded by Christ authorizing the Code Enforcement Officer to review and issue a permit to Hickory Ridge for a firework display on July 1, 2023 Motion Carried

This is a one time only authorization. Article 405 of the NYS penal code gives all the requirements. Chad will make this into an application and the Town Board will review the applications moving forward.

Supervisor Sidonio informed all that his office door was kicked in last week. Nothing was disturbed or taken and the NYS Police were called.

Motion by Bower, Seconded by Mele approving the Supervisor’s financial report and that the following bills are approved to be paid: Motion Carried

General Fund	\$21,533.31
Highway Fund	\$21,421.95

Water District No. 1	\$613.09
Water District No. 2	\$600.00
Water District No. 3	\$309.01
Water District No. 4	\$85.82
Water District No. 5	\$44.47
Water District No. 6	\$2,600.38
Water District No. 7	\$1,718.03
Water District No. 8	\$181.33
Water District No. 9	\$322.86
Water District No. 10	\$851.39
Water District No. 11	\$2,397.92
Water District No. 12	\$331.60
Water District No. 13	\$120.33
Water District No. 15	\$272.22
Water District No. 16	\$54.94
Water District No. 20	\$143.71
Street Lights	\$646.76

Highway and Water Superintendent stated for the record that prior to the meeting, Supervisor Sidonio took a document from Councilman Christ that was not his to take.

Motion by Bower, Seconded by Christ that the meeting be adjourned. Motion Carried

So adjourned.

Respectfully Submitted,

Cynthia L. Oliver