

Bennington Town Board
July 10, 2024

Workshop Session 6:30 p.m.
Audit of bills; Highway Dept report; review Board meeting agenda

In attendance:
Supervisor Ellen Grant, Council Members Chris Domes, Michael Gadd, Joyce Mohun, Clerk Joanne Rosenthal.
Absent: Council Member Bernard Frounick, Highway Superintendent Jake Jensen

Regular Board Meeting 7:30 p.m.

Call Meeting to Order by Supervisor Grant; pledge of allegiance led by Council Member Joyce Mohun.

**Set Agenda – No additions.
Report of Conflict of Interest – No conflicts.**

<u>Financial Matters</u>	General Fund vouchers	#132 to #151.	\$124,299.33.
	Highway Fund vouchers	#132 to #145.	\$ 59,253.22.
	Cowlesville Water vouchers	# 28 to # 32.	\$ 9,005.86.
	Cowlesville Light vouchers	# 7	\$ 149.89.

**Motion by Joyce Mohun, seconded by Chris Domes to approve vouchers for payment.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.**

Financial Reports Supervisor Ellen Grant presented the Monthly Report of Supervisor.

**Motion by Joyce Mohun, seconded by Michael Gadd to approve the Financial Reports ending June 30 2024.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.**

Unfinished Business

Resolution #2024-7-1 Set Date of Public Hearing and Declare Lead Agency Status for Proposed Local Law #4, Year 2024, A Local Law Establishing Zoning Guidelines for Solar Energy Systems Zoning Updates and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts.

The Town Board of the Town of Bennington has met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 10th day of July, 2024, commencing at 7:30 p.m., at which time and place the following members were: Present: Supervisor Ellen Grant, and Council Members Joyce Mohun, Chris Domes and Michael Gadd, with Council Member Bernard Frounick absent.

Bennington Town Board
July 10, 2024

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board of the Town of Bennington has considered a proposed local law known as “Establishing Zoning Guidelines for Solar Energy Systems and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts”; and

WHEREAS, pursuant to section 239 l-m of the General Municipal Law, said local law with all supporting documents is to be submitted to the Town of Bennington Planning Board and also the Wyoming County Planning Board for its comments; and

WHEREAS, the Town Board of the Town of Bennington recognizes that this local law is a Type I Action under SEQR, and declares itself the Lead Agency to review the matter for any potential adverse environmental impacts; and

WHEREAS, the Town Board of the Town of Bennington finds it in the best interest of the Town of Bennington to hold a public hearing on the adoption of said local law.

NOW ON MOTION OF Joyce Mohun which has been duly seconded by **Chris Domes**, be it

RESOLVED, by the Town Board of the Town of Bennington will hold a public hearing on the proposed local law on the 2nd day of October 2024, at 7:30 p.m., at which time and place all interested parties and citizens for or against the proposed law will be heard.

Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.

Resolution #2024-7-2 Town Board Declares Lead Agency Status for the Purpose of Proposed Local Law #4 Year 2024, A Local Law Establishing Zoning Guidelines for Solar Energy Systems Zoning Updates and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts.

The Town Board of the Town of Bennington has met at a regular board meeting at the Town Offices of the Town of Bennington located at 905 Old Allegany Road, Attica, in the Town of Bennington, New York on the 10th day of July, 2024, commencing at 7:30 p.m., at which time and place the following members were: Present: Supervisor Ellen Grant, and Council Members Joyce Mohun, Chris Domes and Michael Gadd, with Council Member Bernard Frounick absent.

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

Bennington Town Board
July 10, 2024

WHEREAS, the Town Board of the Town of Bennington believes it is the most appropriate candidate to seek lead agency status under State Environment Quality Review Law as the legislative body with the authority to approve the local law known as “Establishing Zoning Guidelines for Solar Energy Systems and Amending Article II of the Town of Bennington Zoning Law Providing for the Creation of Zoning Overlay Districts and Solar Overlay Districts; and

WHEREAS, pursuant to and in accordance with the provision of Section 617.6 (Initial Review of Actions and Establishing Lead Agency) of the New York State Environmental Quality Review Regulations, (6 NYCRR part 617.4, paragraph (b)(2)) the Town Board of the Town of Bennington has determined that the proposed zoning guidelines and creation of overlay districts is a Type I Action which requires a Coordinated Review seeking the input of other agencies.

NOW ON MOTION OF Michael Gadd which has been duly seconded by **Joyce Mohun**, be it

RESOLVED, the Town Board of the Town of Bennington has determined that it is the most appropriate candidate to seek lead agency status and conduct the coordinated review for the identification of impacts and determination of significance. as the legislative body with the authority to approve the afore-mentioned zoning changes; and be it further

RESOLVED, that the Town Board of the Town of Bennington hereby declares itself as lead agency; and be it further

RESOLVED, that the Town Board of the Town of Bennington will begin review under the State Environmental Quality Review Act, also known as SEQRA and that notices will be sent to the following agencies for a Coordinated Review in accordance with Section 617.4 of the New York State Environmental Quality Review Regulations:

1. Town of Bennington Planning Board
2. Wyoming County Planning Board
3. New York State Department of Environmental Conservation
4. New York State Department of Transportation
5. New York State Department of Agriculture and Markets
6. Town of Darien
7. Genesee County Planning Board
8. Town of Marilla
9. Erie County Planner
10. New York State Office of Renewable Energy Siting
11. Agricultural and Farmland Protection Board of Wyoming County
12. Town of Sheldon
13. Town of Attica
14. Town of Alden
15. Town of Alexander

The town engineer, JP Schepp will be assisting in coordination of the review process.

Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.

Bennington Town Board
July 10, 2024

New Business

Resolution #2024-7-3 Contract with Byrncliff Resort for Swimming Program

Be it Resolved, that the Town Board hereby authorizes the Supervisor to enter into an agreement with Byrncliff Resort, Varysburg NY for use of facilities for the Youth Recreation Summer Swim and Craft Program for the period July 9, 2024 through August 15, 2024, a total of 66 hours, in an amount not to exceed \$2,310.

Motion by: Joyce Mohun. Seconded by: Chris Domes.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.

**Resolution #2024-7-4 Letter of Support for Wyoming Co. Grant Application – County Wide
Broadband Plan, Study & Engineering**

Be It Resolved, that the Town Board of the Town of Bennington is offering its strong support for the ConnectALL Regional and Local Assistance Planning Grant application being developed by the County of Wyoming to fund the development of a county-wide plan, feasibility study, and engineering schematic.

Motion by : Joyce Mohun. Seconded by : Michael Gadd.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.

Communications

Supervisor

- o Survey from FEMA on developing floodplain training.
- o Bennington Senior Citizen Officers list.
- o May & June 2024 Justice Court reports for Justice Linsey.
- o NYS Ag & Markets Dog Control Officer & Municipal Shelter inspection reports for Wyoming County Animal Control - Satisfaction rating.

Town Clerk

- o Certificate of Liability Insurance on file from NY Electrical Inspection Agency.

Minutes of Previous Meetings: All minutes approved as submitted.

Departments

Supervisor

- o Supervisor Grant to place an order for additional stamped envelopes prior to price increase of USPS stamps.

Bennington Town Board
July 10, 2024

Town Clerk

- o Presented Town Clerk monthly report for disbursement of received funds.
- o Vital statistics YTD for 2024. Births 0. Marriages 5. Deaths 10.
- o Wyoming County Building Department Property Maintenance report for June not available.
- o NYSDEC transitioned from valeron orange to plain paper for sporting licenses and tags. Copies of Q&A made available to the public.

Highway

- o Roadwork improvements on O'Connor Rd., Sierk Rd., and Tinkham Rd.
- o Ditching and roadside mowing continues on other town roads.

Assessor

- o Jim Kirsch attending annual training week of July 15; will not have office hours on July 17.

Zoning/Planning

- o Update on Bennington I Solar Project by Delaware River Solar by Attorney Walter Garigliano. Coordinating with Town Engineer JP Schepp to confirm updates and draft plan.
- o Wyoming County Zoning Department monthly report for June 2024.

- o Approve Special Use Permit request for 3-year renewal submitted by William Ayers, Ayers Earthmovers & Forestry Services, Inc.

***Motion by : Joyce Mohun. Seconded by : Michael Gadd.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.***

- o Approve Home Occupation Permit request submitted by Karen Whitton, 1614 Route 77, Strykersville, NY 14145, Town of Bennington NY, for a Hair Salon, by appointment only, operating hours Tuesday – Friday, 9 am – 4 pm.

***Motion by : Joyce Mohun. Seconded by : Michael Gadd.
Ayes: All (4). Noes: 0. Abstain: 0. Absent: 1. Bernard Frounick.***

Recreation

- o Summer Swim & Craft six week program at Byrncliff Resort in at capacity, with 51 children enrolled. Tuesday and Thursday, July 9 - August 15.
- o Summer Concert Series is happening on Thursdays at 7 pm at Pine Tree Park on Lapp Rd. unless otherwise noted. July 11 – Heart to Heart - bluegrass/folk/country (Historical Society Museum), July 18 - 3 Parts Whiskey - celtic/folk/country, July 25 - Full Swing Band - big band sounds & American standards, Aug 1 - Kelly's Old Timers - classic country/soft rock/folk. Bring your lawn chair and friends. Refreshments available for sale. Rain site - Bennington Town Hall.

Water District

- o Installation of new water meters continues within the Cowlesville Water District.

Bennington Town Board
July 10, 2024

Petitions and public concerns

Petitions - none presented

Public concerns - comments heard from the following:

Jason Acquard

Mark Prior

Melanthe Howell

Any other Business to Come before the Board/County Matters

None presented

Adjourn at 8:44 pm.

Motion by Joyce Mohun

Attendance 18.