



Village of Perry Board of Trustees

Village Board Meeting • Agenda • Tuesday, September 3, 2024 • 7:30 PM

Village Board Room • 46 N Main Street, Perry, NY 14530

1. Open Meeting and Pledge of Allegiance
2. Public Comment
3. Presentations & Board Actions
 - a. Approval of Minutes – August 19, 2024
 - b. Resolution Appointing Tree Board Member, Sandy Lawrence
 - c. Resolution Approving Submission by the Perry Tree Board for the Tree City USA Reward Grant
 - d. Resolution Authorizing Budget Amendments to the 2024-2025 Village of Perry Budget
 - e. Resolution to Set a Public Hearing to Discuss Three Proposed Local Laws Regarding the Village of Perry Zoning Code
 - f. Resolution Accepting Resignation of Village Board Member, Dariel Draper
4. Clerk/Deputy Treasurer's Report
5. Department/Committee Reports
6. Trustee Reports
7. Executive Session

**VILLAGE OF PERRY
VILLAGE BOARD MEETING MINUTES
AUGUST 19, 2024**

A regular board meeting of the Village of Perry was held at the Village Hall, 46 North Main Street, Perry, New York at 7:30 pm on the 19th day of August 2024.

PRESENT:	Rick Hauser	Mayor
	Arlene Lapiana	Trustee
	Joel Bouchard	Trustee
	Richard Muolo	Trustee
ALSO PRESENT:	Samantha Marcy	Administrator
	Christina Slusser	Village Clerk
GUESTS:	Lorraine Sturm	Perry Herald
ABSENT:	Dariel Draper	Trustee

Mayor Hauser called the meeting to order at 7:30 pm and led in the Pledge of Allegiance.

PUBLIC COMMENT

No comments.

MINUTES

Trustee Lapiana made a motion to approve the minutes from August 5, 2024 which was seconded by Trustee Bouchard and carried with all voting aye.

RESOLUTION APPROVING PERRY FIRE DEPARTMENT LADIES AUXILIARY RESERVATION REQUEST

Mayor Hauser tabled this resolution, as the applicant has withdrawn their request.

RESOLUTION AUTHORIZING CHANGE ORDER NO. GC-01, APPROVING SUBSTANTIAL COMPLETION AND APPROVING PAYMENT APPLICATION #3 FOR THE STORMWATER IMPROVEMENTS PROJECT

WHEREAS, the project engineer from MRB group has presented Change Order No. GC-01 for the general contractor, D&H Excavating, Inc., for an increase in the total contract price of \$74,433.10 due to unstable conditions discovered during the project and the need for additional gravel; and

WHEREAS, D&H Excavating, inc. has completed all required work within their contract and the Village of Perry can accept Substantial Completion for items that have been completed and the Village of Perry has beneficial use of; and

WHEREAS, the final payment application #3 has been received for D&H Excavating, Inc. in the amount of \$113,627.80; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves Change Order No. GC-01 in the amount of \$74,433.10 and authorizes the Mayor to execute the change order documents; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the substantial completion; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves payment application #3 to D&H Excavating, Inc. in the amount of \$113,627.80 and authorizes the Village Clerk to submit payment.

Trustee Lapiana made a motion to adopt the resolution authorizing Change Order No. GC-01, approving Substantial Completion, and approving pay app #3 for the Stormwater Improvements Project which was seconded by Trustee Muolo and carried unanimously.

CLERK/DEPUTY TREASURER REPORT

VILLAGE OF PERRY

**Abstract # 006
Summary by Fund**

08/16/2024
14:41:45

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	945.70	208,944.44	209,890.14
F	WATER FUND		4,740.90	4,740.90
G	SEWER FUND	13.04	29,474.87	29,487.91
HB	LEAD SERVICE LINE REPLACEMENT		537.50	537.50
HE	CDBG STORMWATER IMPROVEMENTS P		114,852.80	114,852.80
HF	WATER TREATMENT PLANT PROJECT		15,240.24	15,240.24
HS	CAPITAL PROJECT - SEWER IMPROV		248.75	248.75
TA	TRUST & AGENCY		1,384.10	1,384.10
Total:		958.74	375,423.60	376,382.34

Vouchers #348-454 were audited by Trustee Lapiana

A - General Fund
Paving of Benedict St., Watkins Ave, & Hawthorne St. = \$176,327.50

Motion to approve payment of abstract #6, vouchers #348-454, for a total of \$376,382.34 was made by Trustee Muolo, seconded by Trustee Bouchard, and carried with all voting aye.

Mayor Hauser requested a special meeting for the purpose of holding a year-end financial review. ARPA funds must also be allocated by the end of the year. A special board meeting will be held on Wednesday, September 25, 2024, at 7:00 pm.

DEPARTMENT REPORTS

Reports were reviewed for the following: NYCLASS Statement, Village Administrator, Department of Public Works, Water and Sewer Department, Police Department.

TRUSTEE REPORTS

Trustee Bouchard is recording Letchworth Community Access's (LCA's) first podcast tomorrow.

Trustee Lapiana reported that the police department will have a vehicle for the School Resource Officer which will be gray with a Perry Yellowjacket decal.

Mayor Hauser attended a DPW committee meeting last week. The committee is looking into the brush drop off policy for the area next to the sewer plant. There are concerns with the area following the DEC's definition of brush recycling and how to get residents to comply with the requirements.

Letchworth Gateway Villages (LGV) has partnered with Parks & Trails New York for grant funding provided to Trail Town Communities. A bike repair station was recently installed at the Main Street Trailhead by Memorial Park. The rest of the funds need to be spent by November. The group is looking at bike racks, seating, and signage.

EXECUTIVE SESSION

Mayor Hauser made a motion to enter executive session at 8:00 pm which was seconded by Trustee Muolo and carried with all voting aye.

At 8:09 pm, Mayor Hauser made a motion to exit executive session which was seconded by Trustee Lapiana and carried. Trustee Lapiana stated that Joey Hopper's family wants to thank the Police and Fire Departments for their time and presence during services.

At 8:10 pm, Trustee Lapiana made a motion to adjourn the meeting which was seconded by Trustee Bouchard and carried.

Respectfully submitted,
Christina Slusser, Village Clerk



RESOLUTION APPOINTING TREE BOARD MEMBER, SANDY LAWRENCE

WHEREAS, Tree Board Chairperson Dan Zerbe is requesting the appointment of Sandy Lawrence to the Tree Board; and

BE IT RESOLVED, the Village of Perry Board of Trustees hereby appoints Sandy Lawrence to the Tree Board to the term ending March 31, 2027.



RESOLUTION APPROVING SUBMISSION BY THE PERRY TREE BOARD FOR THE TREE CITY USA REWARD GRANT

WHEREAS, the Perry Tree Board has applied for the 2024 NYS Urban Forestry Council Tree City USA Reward Grant for up to \$1,000.00 to plant new trees on Tempest Street; and

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the submission of the 2024 Tree City USA Reward Grant application and authorizes the Administrator to sign the application.



2024 Tree City USA Reward Grant Application

Funding is available for qualified Tree City communities to plant large specimen trees or a grove of trees in a prominent location within the community.

Name of Municipality: Village of Perry

Project Contact: Daniel Zerbe, Tree Board Chairman

Address: 102 Main St. North, Perry, NY 14530

Email & Phone: daniel.zerbe@gmail.com

Municipal contact: Steve Deaton, DPW Superintendant

Address: 46 N. Main St. Perry, NY 14530

Email & Phone: SDeaton@villageofperry.com

Name and Title of municipal official: Samantha Marcy, Village Administrator

Signature of municipal official: Samantha Marcy

PLEASE PROVIDE:

• **Date of Planting Event:** November 9, 2024

• **Participants:** List potential participants and how you will involve the public in your event and/or how you will share news of the event.

Tree Board Members: Daniel Zerbe (chairman), Steve Deaton (DPW), James Reynolds, Felisa McKay, Joel Bouchard (Village Trustee), Jonathan Bouchard, Sandy Lawrence, Robin Redding, Jules Hoepting (Secretary).

The Perry Garden Club

The Public will be invited via a scheduled facebook event post. News of the event will be shared in the Perry Herald.

• **Description of Project:** Include a brief description of your proposed project and why you should receive this grant. Include genus, species, and size of tree(s) to be planted. You are encouraged to contact a Grant Committee member, NYS DEC forester or ISA-Certified Arborist for assistance. Let us know in your application if you do this. Points are given for it.

A tree equity mapping analysis of the Village of Perry has identified Tempest Street as a priority planting street for planting based on low neighborhood property values and small street tree canopy over the right-of-way. This plan was submitted for review to DEC region 9 forester Nate Morey, Nate.Morey@dec.ny.gov who contributed suggestions.

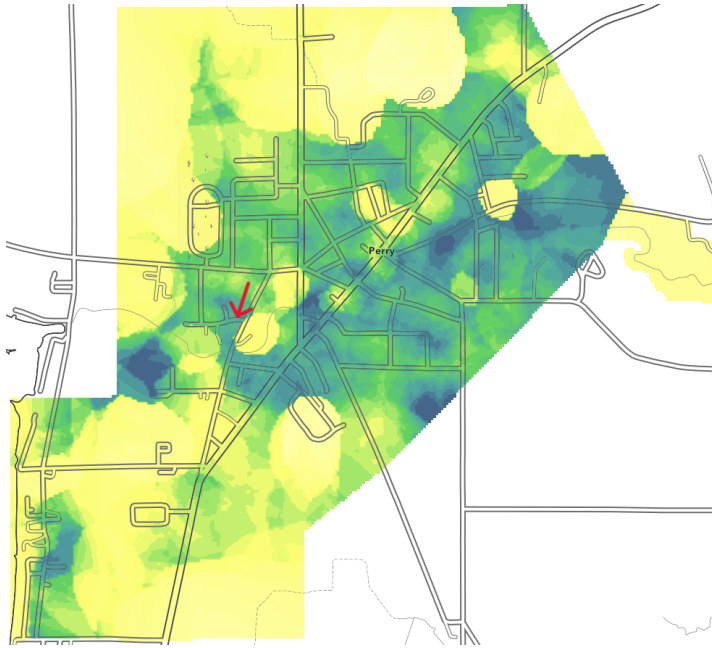


Figure 1. This interpolation map shows concentrations of low property values within the village. Tempest street is the area outlined in red.

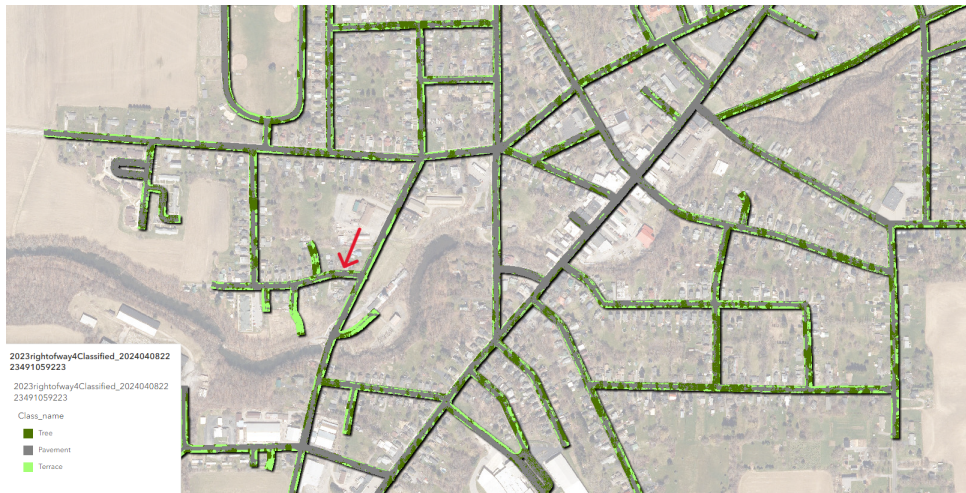


Figure 2. This classified map of Perry's right of ways shows a relatively low canopy density.

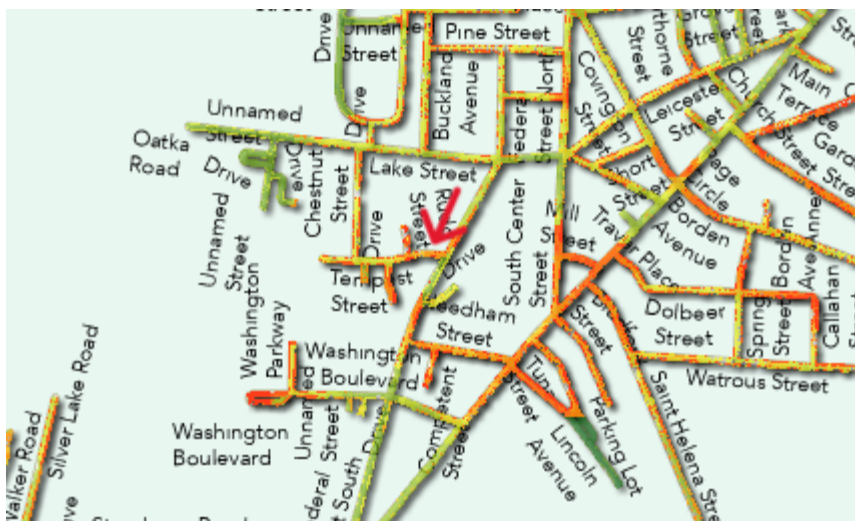


Figure 3. When the above two values are integrated, Tempest street is identified as one of our orange streets (as opposed to green and yellow) indicating a right of way with low property values and low tree canopy.

Prioritizing the planting of streets with lower property values is not only a way to ensure planting equity, but maximizes the value of the planted trees because street trees increase

property values, improve neighborhood safety, and beautify neighborhoods. For those interested, an explanation of the mapping project can be found at <https://arcg.is/1jeS8a>.

An article summarizing the event and the equity principles behind the fall planting will be submitted to the local paper, the Perry Herald.

The trees will be purchased from Schichtel's Nursery. The choices of trees will be dictated by the presence of power lines and the size of the planting strip along Tempest street, and our planting strategy of increasing street tree diversity. All nine trees are of cultivars that have not yet been planted in Perry and none are maples which are identified as overrepresented on our streets by our street tree inventory in 2018. Perry has maintained Tree City USA status for 7 years.

• **Photos:** Please include 1-4 pictures representative of the site(s) where you will be planting and describe the location.

Tempest street is easily accessible to walkers who will also appreciate the trees, on one of the routes that connect the village park to the silver lake outlet trail.



- **Budget:** Describe how you will spend the grant funds by listing estimated costs (purchase of tree, necessary supplies, etc.)

13 Tempest	3 small	Power line	BETULA TIANSHANICA 'EMERALD FLARE'	1 1/2"	\$112.00
		Power line	CATALPA SPECIOSA 'LEMON LIME'	1 3/4"	\$129.00
		Power line	MALUS 'PROFUSION'	1 3/4"	\$113.00
15 Tempest	1 small	Power line	NYSSA SYL. 'WILDFIRE'	1 1/2"	\$145.00
20 Tempest	1 large	No line	ALNUS X SPAETHII	1 1/2"	\$112.00
22 Tempest	1 tall and narrow	No line	CELTIS OCC. 'PRAIRIE SENTINEL'	1 1/2"	\$112.00
25 Tempest	1 small	Power line	FAGUS SYL. 'ROSEOMARGINATA' (2)	1 1/2"	\$145.00
41 Tempest	1 small	Power line	CORNUS KOUSA 'TRI-SPLENDOR'	1 1/2"	\$127.00
Addresses	# mature height	site notes	(shipping not included--will be covered by the village tree budget)	caliper	Total: \$995.00

- **Establishment Plan:** THIS IS CRITICAL! Include a detailed plan for successful establishment of the tree(s) indicating who will be responsible for watering, weeding, mulching, and any other measures that will lead to successful establishment and a thriving tree(s).

The trees will be established in accordance with the practices the tree board has developed in cooperation with the department of public works (DPW) in recent years. The locations for the planting will be flagged by the tree board two weeks before the planting. The DPW superintendent will then call in the planting locations for marking before digging. The trees shipped by Schichtel's Nursery will be planted and staked by the DPW. The tree board and the public will place weed cloth and mulch following planting, and the tree board will perform any necessary watering until late spring when the Village hires a seasonal employee to water all the new trees in the village. After a year and a half (the second spring), the tree board will remove the stakes during our monthly work days.

Each of the property owners on Tempest St. were contacted by letter and only those that did not object to a tree on their right-of-way were included in the planting plan. Property owners were also informed by this letter of the recommendations for watering frequency for the first three years and for proper mulching.

Send completed applications by August 30, 2024 to:

NYS Urban Forestry Council, 121 State Street, Albany, NY 12207

or via email to admin@nysufc.org (please put all information into one attachment if possible).



RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO THE 2024-2025 VILLAGE OF PERRY BUDGET

WHEREAS, the Police Department has received an insurance payment for a totaled police vehicle; and

WHEREAS, the Village Administrator is proposing the following budget amendments to reflect the payment and allow for replacement:

Budget Amendment:

INCREASE REVENUE:	A2680 (Insurance Recoveries)	\$ 28,891.00	
INCREASE EXPENSE:	A3120.2 (Police Equipment)		\$ 28,891.00

WHEREAS, the final BAN payment on the 2022 Hybrid Police Vehicle has been paid and the Village Administrator is proposing the following budget amendments to reflect the correct account codes for payment:

Budget Amendment:

INCREASE EXPENSE:	A9730.6 (BAN, Principal)	\$ 14,730.80	
INCREASE EXPENSE:	A9730.7 (BAN, Interest)	\$ 805.69	
DECREASE EXPENSE:	A3120.2 (Police Equipment)		\$ 15,536.49

BE IT RESOLVED, that the Village of Perry Board of Trustees hereby approves the budget amendments and hereby authorizes the Village Administrator to make the budget amendment to the 2024-2025 Village of Perry budget.

**RESOLUTION TO SET A PUBLIC HEARING
TO DISCUSS THREE PROPOSED LOCAL LAWS
REGARDING THE VILLAGE OF PERRY ZONING CODE**

Adopted: September ____, 2024

WHEREAS, the Village Board of the Village of Perry met at a regular board meeting at the Village Offices of the Village of Perry, State of New York, on the 16th day of September, 2024, commencing at 8:00 p.m., at which time and place the following members were:

<u>Present:</u>	Mayor	_____
	Trustee	_____
	Trustee	_____
	Trustee	_____
	Trustee	_____
<u>Absent:</u>		_____

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 Village Board of the Village of Perry, New York (the “Board”) desires to amend the Zoning Code of the Village of Perry (the “Code”) in order to bring the same into compliance with the Village Comprehensive Plan and the long term planning goals of the Village of Perry (the “Village”); and

WHEREAS, the Board is considering the adoption of three local laws to meet the aforesaid desires, to wit:

- i. A PROPOSED LOCAL LAW ENTITLED “AMENDING CHAPTER 490 (‘ZONING’) AND ‘ATTACHMENT 2, VILLAGE OF PERRY USE TABLE’ IN THE VILLAGE OF PERRY ZONING CODE SO AS TO ADD A DEFINITION AND USES FOR ‘PET GROOMING’ AND BRING THE USE TABLE INTO COMPLIANCE WITH THE VILLAGE COMPREHENSIVE PLAN AND THE LONG TERM PLANNING GOALS OF THE VILLAGE”;
- ii. A PROPOSED LOCAL LAW ENTITLED “AMENDING CHAPTER 490 (‘ZONING’) AND ‘ATTACHMENT 3, VILLAGE OF PERRY ZONING MAP’ IN THE VILLAGE OF PERRY ZONING CODE SO AS TO REZONE CERTAIN PARCELS AND BRING THE VILLAGE ZONING MAP INTO COMPLIANCE WITH THE VILLAGE COMPREHENSIVE PLAN AND THE LONG TERM PLANNING GOALS OF THE VILLAGE OF PERRY”
- iii. A PROPOSED LOCAL LAW ENTITLED “AMENDING CHAPTER 490 (“ZONING”) TO ADD § 490-15(K) ALLOWING FOR AMORTIZATION OF NONCONFORMING LOTS, STRUCTURES OR USES WITHIN THE C1 DISTRICT”; and

WHEREAS, the amendments to the Code considered under these Local Laws have been reviewed by the Village Planning Board; and

WHEREAS, prior to the passing and adoption of aforesaid Local Laws, a Public Hearing must be ordered, the date and time of which, with description of the matter being considered, to be duly published and posted; and

WHEREAS, the Board is required to refer actions of the nature considered under the proposed Local Laws to the Wyoming County Planning Board pursuant to GML 239-l for comments; and

WHEREAS, the Board desires to refer such proposed Local Laws to the Wyoming County Planning Board prior to the Public Hearing with the hope of having received said comments from the Wyoming County Planning Board for discussion at the Public Hearing; and

NOW ON MOTION OF _____ which has been duly seconded by _____, be it therefore,

ORDERED, that the Village Clerk publish a Notice of Public Hearing calling for said Public Hearing on the ____ day of _____, 2024, as well as the proposed Local Laws on the sign board of the Village of Perry not less than ten (10) days before the date of such public hearing; and be it

FURTHER ORDERED, that a copy of the Notice of Public Hearing and proposed Local Laws be made available in the Village Clerk's Office and on the Village website during regular office hours; and be it

FURTHER ORDERED, that the proposed Local Laws be referred to the Wyoming County Planning Board for comment upon the adoption of this Resolution.

Ayes: ____

Nays: ____

Quorum Present: ☐ Yes ☐ No

Dated: _____, 2024

DATED: September ____, 2024

Village Board of the Village of Perry

[SEAL]

**A PROPOSED LOCAL LAW (LL #A of 2024)
ENTITLED “AMENDING CHAPTER 490 (‘ZONING’) AND
‘ATTACHMENT 2, VILLAGE OF PERRY USE TABLE’
IN THE VILLAGE OF PERRY ZONING CODE SO AS TO
ADD A DEFINITION AND USES FOR ‘PET GROOMING’
AND BRING THE USE TABLE INTO COMPLIANCE WITH
THE VILLAGE COMPREHENSIVE PLAN AND THE
LONG TERM PLANNING GOALS OF THE VILLAGE”**

BE IT ENACTED by the Village Board of the Village of Perry as follows:

SECTION I. AUTHORITY

The Village Board of the Village of Perry enacts this Local Law pursuant to the authority granted under Article 7 of the Village Law of the State of New York.

SECTION II. PURPOSE

The purpose of this law is to amend the Village of Perry Use Table of the Zoning Code of the Village of Perry, and update the provisions of Chapter 490-14 of the Zoning Code of the Village of Perry, so as to add “Pet Grooming” and otherwise update the Zoning Code to bring the same into compliance with the Village Comprehensive Plan and the Village’s long term planning goals.

Specifically, the following provisions of the Zoning Code of the Village of Perry will be updated and amended:

§ 490-14: Word usage and definitions

This Section shall be amended to include the definition of “Pet Grooming” setout below.

Attachment 2: Village of Perry Use Table

This Attachment shall be updated to include “Pet Grooming” as a permitted use within the M-1 District, and as a use with a special use permit within the C-1, C-2, DDD, R-1, R-2, and R-3 Districts.

The Use Table shall also be updated so as to make “Kennels” a use with a special use permit within the M-1, C-1, and C-2 Districts.

The Use Table shall be further updated so as to revise the “Residential Uses” provisions, particularly in regard to the C-1, C-2 and DDD Districts, to bring the same into compliance with the Village Comprehensive Plan and long term planning goals of the Village of Perry, specifically by ensuring the continuous commercial storefront characteristics of Main Street in the Village’s Commercial Districts.

SECTION III. ENACTMENT

The Village Board of the Village of Perry hereby amends the Code of the Village of Perry by amending the following sections to Chapter 490 – Zoning:

§ 490-14: Word usage and definitions.

Chapter 490, Section 14 of the Village of Perry Zoning Code shall be amended to include the following definition for “Pet Grooming”:

PET GROOMING – The grooming of a domestic animal including bathing, cutting of hair, trimming of nails, and other services generally associated with the act of grooming and aesthetic maintenance of domestic animals. This definition shall expressly exclude veterinary services, breeding, boarding, overnight accommodation, or any uses associated with the definition of “KENNEL” as provided in this Section.

The Village Board of the Village of Perry hereby amends the Code of the Village of Perry by amending the following attachment to Chapter 490 – Zoning:

Attachment 2. Village of Perry Use Table.

The Village of Perry Use Table annexed as Attachment 2 to the Zoning Code of the Village of Perry shall be amended as shown in the attached **Exhibit A**. Specifically the Use Table shall be amended by adding a provision for “Pet Grooming” and altering the provisions of the Table in regard to “Residential Uses.”

The Use Table shall be amended to include a new line for “Pet Grooming” which shall be a permitted use within the M-1 District, and as a use with a special use permit within the C-1, C-2, DDD, R-1, R-2, and R-3 Districts.

The Use Table shall further be amended to make “Kennels” a use with a special use permit within the M-1, C-1, and C-2 Districts.

The Use Table shall further be amended to revise the “Residential Uses” provisions, and more specifically, ensure that there be no newly established first-floor residential uses in Main Street facing buildings within the Village’s Commercial Districts.

SECTION IV. SEVERABILITY/VALIDITY

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or circumstances, and the Village Board of the Village of Perry hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION V. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION VI. EFFECTIVENESS

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law of the State of New York.

DRAFT

DRAFT

EXHIBIT A

ZONING

490 Attachment 2

Village of Perry Use Table

[Amended by Local Laws No. 2-2021 & __-2024]

Principle Uses	C-1	C-2	DDD	M-1	R-1	R-2	R-3	RCOZ	LD
Commercial Retail and Personal Service									
Retail shops and sales (30,000 square feet or less)	P	P	P	P	-	-	-	-	SP
Retail shops and sales (Over 30,000 square feet)	SP	SP	-	-	-	-	-	-	-
Personal service shops (e.g. barbershops, beauty salons, and shoe repair)	P	P	P	P	-	-	-	-	-
Restaurants	P	P	P	P	-	-	-	-	SP
Restaurants with drive-through service	-	P	-	P	-	-	-	-	-
Financial Institutions, with or without drive-through service	P	P	P	P	-	-	-	-	-
Automotive, car washes	-	SP	-	SP	-	-	-	-	-
Automotive, new and used motor vehicles sales and service	-	SP	-	SP	-	-	-	-	-
Automotive, gasoline service stations	SP	SP	-	SP	-	-	-	-	-
Automotive, gasoline service stations, public garages, and collision shops	-	SP	-	SP	-	-	-	-	-

Farm equipment sales and service	-	P	-	P	-	-	-	-	-
Nurseries and greenhouses	-	P	-	P	-	-	-	-	-
Auction barns and flea markets, exclusive of livestock	-	P	-	P	-	-	-	-	-
Boat or marine sales and service	-	P	-	P	-	-	-	-	-
Mortuaries and funeral homes	P	P	-	P	SP	SP	SP	-	-
Mobile home, trailer and recreational vehicle sales and service	-	P	-	P	-	-	-	-	-
Adult uses	-	-	-	SP	-	-	-	-	-
Docking Facilities	-	-	-	-	-	-	-	-	SP

ZONING

Principle Uses	C-1	C-2	DDD	M-1	R-1	R-2	R-3	RCOZ	LD
Commercial, Arts, Entertainment, and Recreation									
Art, dance, music or photographic studios	P	P	P	P	-	-	-	-	-
Theaters and cinemas	P	P	P	P	-	-	-	-	-
Assembly halls	P	P	-	P	-	-	-	-	-
Outdoor recreation	P	P	-	P	-	-	-	-	-
Indoor recreation	P	P	P	P	-	-	-	-	-
Golf courses and country clubs	-	-	-	-	SP	SP	SP	-	-
Campgrounds	-	-	-	-	-	-	-	-	SP
Commercial Hospitality									
Bed-and-breakfast	P	P	-	-	P	P	P	-	P
Village inns	-	-	P	-	-	-	-	-	-

Commercial, Office and Medical

Office	P	P	P	P	-	-	-	-	-
Medical offices or clinics	P	P	P	P	-	-	-	-	-
Nursing or convalescent homes	P	P	-	P	-	-	SP	-	-
Hospitals	-	SP	-	SP	-	-	SP	-	-
Pet daycare	P	P	-	P	-	-	-	-	-
Small animal hospitals (veterinary and animal hospitals)	-	SP	-	SP	-	-	-	-	-
Kennels	SP	SP	SP	P	-	-	-	-	-
Pet Grooming	SP	SP	SP	P	SP	SP	SP	-	-

Manufacturing and Industry

Manufacturing, light	-	-	-	P	-	-	-	-	-
Warehousing and distribution	-	SP	-	P	-	-	-	-	-
Workshops	P	P	P	P	-	-	-	-	-
Contractor yards	-	SP	-	P	-	-	-	-	-
Building materials supply (warehousing lumber, millwork, construction material, ect.)	-	P	-	P	-	-	-	-	-
Laundry and dry-cleaning	-	P	-	P	-	-	-	-	-
Printing, publishing, and engraving	-	P	-	P	-	-	-	-	-
Machine or tool sales, service or rental	-	P	-	P	-	-	-	-	-
Truck terminals	-	-	-	P	-	-	-	-	-

ZONING

Principle Uses	C-1	C-2	DDD	M-1	R-1	R-2	R-3	RCOZ	LD
Residential Uses									
Single-family dwellings	SP (2) (3)	-	-	-	P	P	P	-	P
Two-family dwellings	SP (2) (3)	-	-	-	-	SP	-	-	SP
Multifamily dwellings	SP (2) (3)	P	P	SP	-	-	P	-	SP
Residential conversions	- (1)	- (1)	- (1)	- (1)	-	-	-	SP	-
Group homes	-	SP	-	SP	-	-	-	-	-
Civic and Institutional Uses									
Religious places of worship and faith-based facilities	P	P	-	P	P	P	P	-	P
Public and private schools	-	SP	-	SP	P	P	P	-	P
Parks and playgrounds	P	P	-	P	P	P	P	-	P
Buildings, structures, and recreation facilities in parks	-	SP	-	SP	SP	SP	SP	-	-
Clubs and fraternal organizations	-	SP		SP	SP	SP	SP	-	-
Civic and institutional uses	-	-	-	-	-	-	-	-	-
Governmental facilities (offices, fire stations, public works, etc.)	SP	SP	-	SP	P	P	P	-	P
Cemeteries	-	SP	-	SP	SP	SP	SP	-	-

Other Uses									
Agriculture	-	-	-	P	-	-	-	-	P
Public utility facilities	-	SP	-	SP	SP	SP	SP	-	-
Towers	-	SP	-	SP	SP	SP	SP	-	-

Key:

- P: Allowed by right SP: Requires special use permit
 -: Not permitted (1) / (2) / (3): See Notes

Notes:

- 1: Prohibition on First Floor Residential Conversions: It shall be impermissible to convert/build first floor for residential purposes – first floor must remain commercial use in C-1, C-2, DDD, and M-1 Districts
- 2: Allowed above the first floor only, unless subject to exception under note (3).
- 3: C-1 District Residential Use Exemptions
 - (i) C-1 First Floor Residential Uses on Main Street: Within the C-1 District, buildings or structures on lots or parcels located on Main Street which have frontage on Main Street, may use the rear forty percent (40%) of the building, as measured from the Main Street face of the building to the rear of the building, for residential uses if such forty percent (40%) of the building provides a minimum 700 square foot living space and the property is otherwise in compliance with §490-71 of the Code (“Off-street parking, loading and stacking”). The front facing sixty percent (60%) of all buildings on Main Street with Main Street frontage shall remain for commercial use.
 - (ii) C-1 First Floor Residential Uses on Side Streets: Within the C-1 District, buildings or structures on lots or parcels located on Borden Avenue, Covington Street, Lake Street, Dolbeer Street, Gardeau Street, Travers Place (private drive) and Page Circle which have previously established first-floor residential uses may continue to use the first-floor for residential use. Any such previously established first-floor residential uses may not be altered or expanded.

**A PROPOSED LOCAL LAW (LL #B of 2024)
ENTITLED “AMENDING CHAPTER 490 (“ZONING”) AND
‘ATTACHMENT 3, VILLAGE OF PERRY ZONING MAP’
IN THE VILLAGE OF PERRY ZONING CODE SO AS TO
REZONE CERTAIN PARCELS AND BRING THE VILLAGE
ZONING MAP INTO COMPLIANCE WITH THE VILLAGE
COMPREHENSIVE PLAN AND THE LONG TERM PLANNING
GOALS OF THE VILLAGE OF PERRY”**

BE IT ENACTED by the Village Board of the Village of Perry as follows:

SECTION I. AUTHORITY

The Village Board of the Village of Perry enacts this Local Law pursuant to the authority granted it under Article 7 of the Village Law of the State of New York.

SECTION II. PURPOSE

The purpose of this law is to amend and update the Village of Perry Zoning Map of the Zoning Code of the Village of Perry to amend the boundaries of the C-1 District and rezone certain parcels in order to maintain the continuous commercial storefront characteristics of Main Street in the Village’s Commercial Districts, and ensure cohesiveness between the Village Zoning Map, the Village Comprehensive Plan, and the long term planning goals of the Village of Perry.

SECTION III. ENACTMENT

The Village Board of the Village of Perry hereby amends the Code of the Village of Perry by amending the following attachment to Chapter 490 – Zoning:

Attachment 3. Village of Perry Zoning Map.

The Village of Perry Zoning Map annexed as Attachment 3 to the Zoning Code of the Village of Perry shall be amended as shown in the attached **Exhibit A**, specifically amending the boundaries of the C-1 District by rezoning the following parcels:

Property Address	SBL #	Current Zoning	Amended Zoning
59 N. Main St.	100.7-10-2	C-1 / DDD	R-2
49 N. Main St.	100.7-10-4	C-1 / DDD	R-2
41-43 N. Main St.	100.7-10-12	C-1 / DDD	R-2
31 N. Main St.	100.7-10-13.1	C-1 / DDD	R-2
18 Lake St.	100.7-6-7	C-1 / DDD	R-2
13-19 Federal St.	100.7-3-23.1	C-2	R-3
89 S. Main St.	100.7-7-38	C-2	R-2
91 S. Main St.	100.8-7-41	C-2	R-2
33 Tempest St.	100.6-2-27.112	R-2	R-3
	& 100.6-2-27.111	R-2	R-3

SECTION IV. SEVERABILITY/VALIDITY

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or circumstances, and the Village Board of the Village of Perry hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION V. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION VI. EFFECTIVENESS

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law of the State of New York.

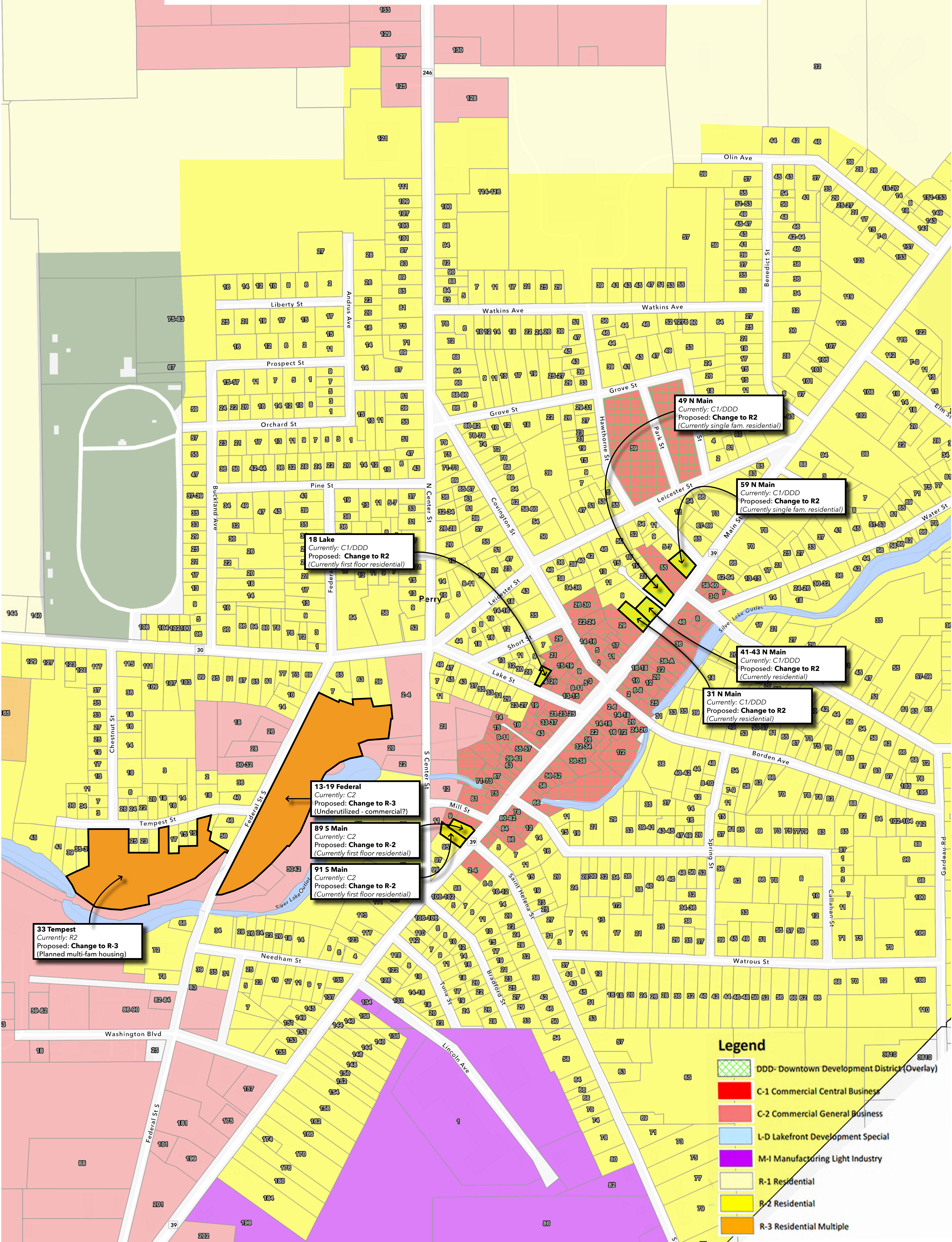
DRAFT

EXHIBIT A

VILLAGE OF PERRY, NY

PROPOSED REZONING

June 27, 2024



**A PROPOSED LOCAL LAW (LL #C of 2024)
ENTITLED “AMENDING CHAPTER 490 (“ZONING”)
TO ADD § 490-15(K) ALLOWING FOR AMORTIZATION OF
NONCONFORMING LOTS, STRUCTURES OR USES
WITHIN THE C1 DISTRICT’**

BE IT ENACTED by the Village Board of the Village of Perry as follows:

SECTION I. AUTHORITY

The Village Board of the Village of Perry enacts this Local Law pursuant to the authority granted it under Article 7 of the Village Law of the State of New York.

SECTION II. PURPOSE

The purpose of this law is to amend § 490-15 of the Village of Perry Zoning Code (“Nonconforming lots, uses and structures”) to add subsection “K” which shall allow procedures to amortize nonconforming lots, uses and structures within the C-1 District as defined in the Code. The amortization process is intended to allow the Village of Perry to maintain the continuous commercial storefront characteristics of Main Street in the Village of Perry, and to ensure cohesiveness with the Village Comprehensive Plan and the long term planning goals of the Village of Perry.

SECTION III. ENACTMENT

The Village Board of the Village of Perry hereby amends the Code of the Village of Perry by adding the following subsection to Section 490-15 “Nonconforming lots, uses, and structures”:

§490-15(K). Amortization of Nonconforming Lots, Structures, or Uses within the C-1 District.

A. Amortization of nonconforming lots, uses and structures within the C-1 District. In order to comply with the long-term planning goals and the Village of Perry Zoning Law and Comprehensive Plan, a nonconforming lot, structure or use existing in the C-1 District as defined in this zoning law may be amortized in accordance with any of the following procedures:

(1) Termination of timeframe. Except as otherwise provided in New York State Law, the Village Zoning Enforcement Officer (hereinafter the “ZEO”) may provide for modification or termination of any type of nonconforming lot, use or structure within the C1 District within a reasonable timeframe as defined herein.

a. “Reasonable Timeframe”: An amortization timeframe as determined by the ZEO shall be deemed a “reasonable timeframe” for the purposes of this section where such timeframe provides the owner of the nonconforming lot, structure, or use sufficient time to recoup their investments made in the nonconforming portion of the subject property. The reasonable timeframe set forth by the ZEO shall be no less than three (3) years.

b. Procedure: In providing for such modification or removal, the ZEO shall provide a written notice of the nature of the nonconforming lot, structure, or use to the property owner by first class mail and certified mail, return receipt requested, and such written notice shall provide a reasonable timeframe for the modification or termination of such nonconforming lot, structure, or use. The nonconforming lot, structure, or use shall be modified or terminated, and the property brought into compliance with the Village Zoning Law within the reasonable timeframe provided by the ZEO.

c. Appeal: In the event that the property owner disputes either that the nonconforming lot, structure, or use is nonconforming, or that the property owner does not believe the reasonable timeframe provided by the ZEO is “reasonable”, the property owner shall have a right to appeal such determination to the Village Zoning Board of Appeals (hereinafter “ZBA”). Such appeal shall be filed with the ZBA within sixty-two (62) days of mailing of the written amortization notice from the ZEO. If an appeal is filed with the ZBA, the ZBA shall hold a public fact-finding hearing into the factual circumstances of the subject property. The property owner shall be provided with notice of the public hearing by both first class and certified mail, return receipt requested, and afforded an opportunity to speak at said hearing. Upon conclusion of the public hearing, within sixty-two (62) days, the ZBA shall make a written determination as to their factual findings and considerations, and state their determination as to what constitutes a reasonable timeframe for modification or termination of the nonconforming lot, structure or use. After such timeframe is established by the ZBA, the nonconforming lot, structure or use shall be modified or terminated in order to comply with the Village Zoning Ordinance and Comprehensive Plan in accordance with the final determination set forth by the ZBA.

c(i). Public Hearing Determinations: At the public hearing, the ZBA shall make inquiries into the relevant factual circumstances of the subject property to determine both the improvements and investments associated with the modification or termination of the nonconforming lot, structure or use, as well as the reasonable timeframe to allow for the recoupment of the owner’s investment in the nonconforming aspect of the lot, structure, or use.

c(ii). Determining Investments: In determining the investments made to the nonconforming lot, structure or use, the ZBA may consider, in addition to any other factors which it deems relevant, the following: the purchase price of the nonconforming portion of the lot, structure or use; any capital investments or improvements made to the nonconforming portion of the lot, structure or use subsequent to purchase; the appreciation or depreciation of the nonconforming portion of the lot, structure or use subsequent to purchase; the cost to modify or terminate the nonconforming portion of the lot, structure or use, and any other costs or expenses which have been incurred by the property owner. There shall be an affirmative obligation on behalf of the property owner to provide any proof, documentation, or other sufficient verification of any alleged investments, improvements, and expenditures made into the subject property which would warrant an extension or alteration of the reasonable timeframe provided by the ZEO, and the ZBA shall have a right to request any proof, documentation, or other sufficient verification which

it deems necessary in order to make a fully informed decision based on the specific facts and circumstances of the subject property. A failure to provide any such corroborating documentation may be held as an adverse inference against the property owner. See Table 1 of this section for reference.

c(iii). Determining Recoupment Period: In determining the reasonable timeframe for amortization, the ZEO, or on appeal, the ZBA may consider, in addition to any other factors deemed relevant, the following: capital investments or improvements required to modify or terminate the nonconforming portion of the lot, structure or use; the anticipated timeframe to allow for modification or termination of the nonconforming portion of the lot, structure, or use; the annual gross revenue generated by the subject property; the resale value of the subject property both with and without the nonconforming portion of the lot, structure or use, and any other factors relevant to the property owner's ability to recoup his investments. See Table 2 of this section for reference.

(2) Transfer of ownership or death. Upon either the transfer of ownership or death of the owner of any nonconforming lot, use or structure, said nonconforming lot, structure or use must be modified or removed in order to comply with the Village zoning ordinance.

(3) Public nuisance. The Village Board may provide for the termination of a nonconforming lot, use or structure upon determination that the nonconforming lot as a public nuisance. Any nonconforming lot, structure, or use which causes an unreasonable interference with a right common to the general public, including but not limited to conditions which are dangerous to health, offensive to community moral standards, or unlawfully obstructing the public in the free use of public property, may be deemed a public nuisance by the Village Board and subject to termination of its use by any methods deemed necessary by the Village Board in the interest of public safety.

SECTION IV. SEVERABILITY/VALIDITY

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or circumstances, and the Village Board of the Village of Perry hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

SECTION V. REPEAL

All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

SECTION VI. EFFECTIVENESS

This local law shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law of the State of New York.

Table 1: Factors Determining Investments in Nonconforming Lot, Structure or Use:

Total purchase price of subject property (For reference only – not applied to total investment calculation)	
Percentage of subject property which is nonconforming	
Purchase price of allocated to nonconforming portion of subject property	
Capital investments or improvements, made to nonconforming portion of subject property after purchase	
Capital investments or improvements made to nonconforming portion of subject property after purchase which are not essential to nonconforming portion of subject property (deducted from total investment)	
Appreciation or depreciation of the nonconforming portion of the subject property after purchase (appreciated value is deducted from total investment, depreciated value is added to total investment)	
Estimated cost to modify or terminate the nonconforming portion of the subject property	
Other Factors:	
Other Factors:	
Other Factors:	
Total investment in nonconforming lot, structure or use	

Table 2: Factors Determining Recoupment Period:

Anticipated timeframe to modify or terminate the nonconforming portion of the subject property	
Gross annual revenue generated by the subject property	
Gross annual revenue generated by nonconforming portion of the subject property	
Resale value of subject property with nonconforming lot, structure or use (if owner wishes to sell)	
Resale value of the subject property without nonconforming lot, structure or use (if owner wishes to sell)	
Gross annual revenue x anticipated timeframe to modify or terminate nonconforming portion of the subject property (“gross revenue for modification or termination Period”)	
Total investment (from Table 1) / gross revenue for modification or termination period (“percent of cost”)	
Is percent of cost less than or equal to 15% (If yes, this is the recoupment period. If no, extend period to bring Percent of Cost equal to or below 15%)	
Other Factors:	
Other Factors:	
Total Recoupment Period:	

Residential Uses should be allowed a longer amortization period. Please refer to recent and relevant case law for reference.



RESOLUTION ACCEPTING RESIGNATION OF VILLAGE BOARD MEMBER, DARIEL DRAPER

WHEREAS, Mr. Dariel Draper has tendered his resignation from the position of Village Board Member effective August 30, 2024; and

WHEREAS, Mr. Dariel Draper has served on the Village Board since April 2011; and

NOW, THEREFORE BE IT RESOLVED, the Village of Perry Board hereby accepts the resignation of Mr. Draper, thanks him for his 13+ years of service and contributions to the Village of Perry, and wishes him well.

VILLAGE OF PERRY

Abstract # 007
Summary by Fund

08/30/2024
09:56:10

Code	Fund	Prepays	Unpays	Totals
A	GENERAL FUND	1,515.68	75,691.28	77,206.96
F	WATER FUND	259.12	7,759.99	8,019.11
G	SEWER FUND	82.88	7,300.91	7,383.79
HE	CDBG STORMWATER IMPROVEMENTS P		172.50	172.50
JA	SILVER LAKE WATERSHED COMMISSI	37.99	172.34	210.33
TA	TRUST & AGENCY		2,860.72	2,860.72
Total:		1,895.67	93,957.74	95,853.41

Vouchers #455-512 were audited by Trustee Lapiana

08-30-24
10:57:56

Village of Perry - 2024 - 2025 - Village Tax Collection
Trial Balance - All Swis Codes
08-30-24

Original Warrant	2,311,582.30
Adjustments	0.00
=====	
Adjusted Warrant	2,311,582.30
Full Payments	2,116,651.02
Penalties	2,802.22
=====	
Total Collections	2,119,453.24
Taxes Outstanding	194,931.28