

Minutes

Village Board of Trustees

March 9, 2006

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Clerk-Treasurer Sharron Cunningham, Police Chief David Kole, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, Village Justice William Driscoll, and Manager's Assistant Rachel Baer. Also present were: Raymond Stewart, 31A Lorraine Blvd.; Terry Ostrander, 3179 S. Main St.; Don Zeigler, 535 Watkins Road; Tom Sweet, Chemung Co. Legislator; Jean Quinn, 555 Gardner Road.

ABSENT: Howard Miller

Resolution by Trustee Swartz, seconded by Trustee Catlin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 23, 2006 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Sullivan, seconded by Trustee Swartz

BE IT RESOLVED, that the audit of bills as listed below be received and approved for payment when in funds:

General -	\$188,394.31
Water -	\$ 67,634.72
Trust & Agency -	\$ 1,962.48

and be it further

RESOLVED, that \$3,900.00 is hereby appropriated from the Capital Reserve Fund for one half of the cost of the Teal Park Bandstand renovation.

Mayor Gross - did that come in lower.

Clerk-Treasurer - total amount will be \$7,800. It originally was \$12,000.

Trustee Swartz - when we restored it before, we didn't strip it, just painted over it. Chris has samples of the color. Anything gold will be gold leaf.

Village Manager Azzarelli - it will be done before concerts start.
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Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Sullivan, seconded by Trustee Catlin

BE IT RESOLVED, that the Justice Reports for February 2006 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that the minutes of the following meetings are hereby received and placed on file in the Village Clerk's Office:

Traffic Commission - February 22, 2006
Planning Board - February 28, 2006
Zoning Board of Appeals - March 2, 2006
Traffic Commission - March 8, 2006

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Sullivan:	Aye

At this time, Atty. Groff declared open a Public Hearing on Application of Deborah Lynch-Kuklis for a Special Sign Permit at 105 Fletcher St. He noted that the applicant will be amending her application to provide further information. This hearing is conducted on the application as submitted to date.

As nobody came forward, Atty. Groff declared the public hearing closed.

Motion by Trustee Sullivan, seconded by Trustee Swartz, that the SEQR Review and possible action on the Kuklis special sign permit application be tabled until further information is received.

Roll Call Vote:

Mayor Gross: Aye
Trustee Catlin: Aye
Trustee Swartz: Aye
Trustee Sullivan: Aye
Resolution by Trustee Swartz, seconded by Trustee Catlin

WHEREAS, the Village of Horseheads Traffic Commission met on February 22, 2006 and considered several traffic safety issues, and

WHEREAS, said Commission made recommendations regarding same, and

WHEREAS, this Board feels that it would be in the best interest of the health, safety and welfare of the Village of Horseheads residents and the users of its streets if the Traffic Commission's recommendation was to be enacted.

NOW THEREFORE BE IT RESOLVED, that Village Attorney John Groff is hereby directed to prepare enabling legislation for this Board to consider which would implement the following Commission's recommendations: No Parking or Standing anytime on the south side of Fletcher Street between Center St. and its terminus by the football field; and on the north side already designated as no parking have an additional sign be added stating that the hours are 7am-6pm.

Mayor Gross - is this just on the north side, just during school hours, not on weekends?

Chief Kole - on the north side just during school.

Roll Call Vote:

Mayor Gross: Aye
Trustee Catlin: Aye
Trustee Swartz: Aye
Trustee Sullivan: Aye

Communication from Mayor Gross - Appointments to Comprehensive Planning Committee:

Communication from Mayor Gross - Appointment to Comprehensive Planning Committee

The Village of Horseheads Board of Trustees passed a resolution on October 13, 2005 to establish a Village Comprehensive Planning Committee. As Mayor I was empowered to appoint individuals to the committee and to name the chairperson. Be advised that I have appointed the following individuals as members of the committee and have appointed David Radin and Michael Stenpeck as Co-Chairs of same:

Dave Radin
Mike Stenpeck
Art Ambrose
David Baker

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Mike Belosky
Bill Congdon
Harvey Dunbar
Sandra Felthousen
Maureen Ferrell
Denis Kingsley
Suzanne Peters
Damien Sonsire
Dennis Wieland
Donald Zeigler

At this time, the Board completed Part 2 of the Full Environmental Assessment Form relative to the application by Terry Ostrander for a Special Use Permit to operate an auto sales/repair facility at 3179 S. Main Street.

Atty. Groff stated that the applicant did a short form, and the results indicated that there may be some significant environmental impacts, so you required applicant to submit a Full EAF. Part 2 is the part where you go through an analysis of the project to evaluate the impacts.

Atty. Groff read the questions, and the Board had the following concerns:

17. Noise

Trustee Swartz - working on choppers, my concern is if they will be worked on inside garage.

Mr. Ostrander - they will be worked on inside garage.

Atty. Groff - applicant indicated that vehicles will be worked on inside the building. Doors will be closed according to applicant.

After completion of the questions, it was appropriate to declared a Negative Declaration establishing that would be no adverse environmental impacts.

Village Manager Azzarelli - the applicant's architect had a family member become ill, wasn't able to provide a complete copy of the site plan, but it does have handwritten changes - it designates where he'll have a 15 ft. setback, even with Turks building, a sign that says no left turn, a sign in rear directing exit to rear. It marks building as 40 x 120, all other setbacks are in compliance, and he does have letter in the folder from Tim VonNeida allowing access.

Trustee Sullivan - so you'll have exiting out the back.

Mr. Ostrander - yes.

Trustee Swartz - when will we get a revised map.

Village Manager Azzarelli - as soon as the architect's wife is well.

Atty. Groff - resolution offers that he has 45 days to provide updated site plan prepared by architect,

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also provides that code enf. officers are not authorized to do a building permit until that site plan is provided.

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, Terry Ostrander is the owner of real property located at 3179 S. Main Street, Horseheads, NY, identified as Tax Map Parcel #69.10-1-8, and

WHEREAS, said property is situate in a C-1 Neighborhood Commercial District in the Village, and

WHEREAS, the owner has applied for a Special Use Permit to operate an auto sales and repair facility at said location, and

WHEREAS, the application is subject to SEQR, being an Unlisted Action, pursuant to SEQR regulations, and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form, and

WHEREAS, the Village of Horseheads Board of Trustees is informed and believes that the Village is the only involved agency with respect to the SEQR review of this action, and

WHEREAS, this Board of Trustees has conducted a thorough review of the application, the Full Environmental Assessment Form and all of the environmental consequences of same as more specifically delineated on that portion of the form to be completed by the Board as Lead Agency, and finds that the Action will not have a significant environmental impact, and

WHEREAS, a public hearing was held on February 23, 2006 regarding the application for a Special Use Permit at which time all interested or affected parties were afforded an opportunity to present their views regarding the application, and

WHEREAS, this application has been reviewed by the Village of Horseheads Planning Board, Town of Horseheads Planning Board, and Chemung County Planning Board, all such Boards having recommended the approval of same, or have assented to local determination, and

WHEREAS, the applicant has supplied a revised "marked up" site plan showing among other things proposed directional vehicular traffic signage, revised building dimensions, revised grass area, and revised building location, and

WHEREAS, this application has been thoroughly reviewed and given thoughtful consideration by this Board.

NOW THEREFORE BE IT RESOLVED, that 1) a public hearing on the environmental aspects of this action is waived; 2) Mayor Gross is authorized and directed to sign the Full Environmental Assessment Form finding there to be no significant environmental impact; and 3) the application of Terry Ostrander for a Special Use Permit to operate an auto sales and repair facility at 3179 South Main Street be and the same hereby is approved with the following conditions:

1. The applicant shall establish and maintain an area of grass extending from the westerly curb or edge of pavement on South Main Street, westerly to a point which

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is in line with the front facade of the building on the parcel immediately north of the subject premises, said parcel being known as Turk's Produce. The width of this area is approximately 15 ft. Said area shall be maintained as grass and shall not be permanently or temporarily improved with plantings or structures having a height greater than two feet above existing grade.

2. The applicant shall place and maintain signage in the vicinity of the driveway noting that exiting left turns are prohibited. The location, content and nature of such signage shall be to the satisfaction of the Code Enforcement Officer.
3. The applicant will install and maintain signage northerly of the building to be constructed on other lands owned by the applicant immediately northerly of the subject site advising patrons that they may exit the subject premises to the west, thereafter turning northerly or southerly.
4. The new building to improve the subject site and being utilized as an automotive repair and sales facility shall be no greater than 40 ft. by 120 ft.
5. This approval is based upon verbal and handwritten modifications by the applicant to a previously-submitted site plan prepared by Robert W. Vollmer entitled New Building, Turk's, dated January 23, 2006, Job #2605. The applicant has represented that the site will be improved as noted in the handwritten and verbal modifications and representations, some of which are referred to above. Applicant has further represented that the hand drawn/written modifications to the January 23, 2006 site plan could not be made prior to this March 9, 2006 meeting due to health matters effecting the architect's family, preventing the architect from modifying the site plan prior to the meeting. Accordingly, the applicant is granted

45 days to submit to the Code Enforcement Officer an updated site plan consistent with the handwritten and verbal modifications, and consistent with the above approval. The Code Enforcement Officer is directed to refrain from the issuance of a building permit for construction of the new building on the subject premises until such time as the applicant has filed with the Code Enforcement Officer an updated site plan reflecting the site to be improved consistent with the conditions noted above and consistent with the handwritten and verbal representations of a modified site plan by the applicant to this Board.

Mayor Gross - will you maintain an open road that is free of ruts?

Mr. Ostrander - yes.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Sullivan:	Aye

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Motion by Trustee Sullivan, seconded by Trustee Swartz, that an item regarding Appointments to Horseheads Fire & Rescue Co., Inc. be added to the agenda.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, William H. Lathrop, of 3171 Watkins Road, Horseheads, and Rachel L. East, of 210 S. Main Street, Horseheads, have been elected to the membership in Horseheads Fire & Rescue Co., Inc., pursuant to their by-laws, and

WHEREAS, such entity has requested approval of same by the Fire Commissioners in accordance with Village Law §10-1006.

NOW THEREFORE BE IT RESOLVED, that this Board, acting as Fire Commissioners, does hereby approve of the membership of William H. Lathrop and Rachel L. East in the Horseheads Fire & Rescue Co., Inc. effective this date. Such membership shall be probationary for one year from the effective date of this approval.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Sullivan:	Aye

Trustee Sullivan - St. Patricks parade will be on Sunday, March 12th. Parade starts at 2pm, 30 units so far, rain or shine.

Clerk-Treasurer - Southern Tier Leadership Conference coming up in April. I'll need to know who wants to go.

Mike Stenpeck - Comp. Planning Committee had their kick off meeting. I'd like to thank everybody for their time, I think we have a "who's who" of the community.

Mayor Gross - you two worked very hard, you should be proud.

Chief Kole - Civil service notified me that our request to hire a lateral transfer from Schuyler County was approved. Officer Joe Runyan will be at the next Board meeting for the official swearing in. He has two yrs. experience from Schuyler County. Good addition for the Village

Chris Lawrick - Almost spring, pulled street sweeper out of hibernation, if weather holds we'll start sweeping up,

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Mayor Gross- thanked police officers for work last week, very devastating week.

As there was nothing further to bring before the Board, the meeting was adjourned.

/rmb