

**Minutes**

**Village Board of Trustees**

**September 11, 2008**

A meeting of the Village of Horseheads Board of Trustees was held on the above date at 7:00 p.m.  
Present were:

**Village Board and Staff:**

Mayor Donald Zeigler  
Deputy Mayor Ronald Swartz  
Trustee Howard Miller  
Trustee Walter Herbst  
Trustee George Koliwasky  
Village Manager Marc Whitney  
Village Attorney John Groff

Police Chief Mike Barton  
DPW Chris Lawrick  
Clerk-Treasurer Sharron Cunningham  
Deputy Clerk Michele Accavallo  
Justice Bill Driscoll  
Recreation Director Nate Nagle  
Mike Stenpeck - Planning Bd.

**Others:**

Martha Hauser, 407 W. Broad St.  
Jean Quinn, 555 Gardner Rd.

Joseph and Karena Bifano, 213 Lincoln Rd.  
Suzanne and Don Peters, 104 W. Mill St.

Resolution by Trustee Miller, seconded by Trustee Herbst

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of August 28, 2008 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

Mayor Zeigler:       Aye  
Trustee Swartz:       Aye  
Trustee Miller:       Aye  
Trustee Herbst:       Aye  
Trustee Koliwasky:   Aye

Resolution by Trustee Swartz , seconded by Trustee Koliwasky

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

General -	\$186,345.11
Water -	\$ 26,195.75
Trust & Agency -	\$ 1,301.43

and be it further

RESOLVED, that \$8,835.31 be transferred from the Capital Reserve Fund for the acquisition of radar units and vehicle bar lights for the Police Department.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

At this time Atty. Groff declared open a public hearing on the Special Sign Permit application from Pennies From Heaven, 206 W. Franklin St. As nobody came forward to speak, Atty. Groff declared the public hearing closed.

The Board read and answered the questions on Part 2 of the Short Environmental Assessment form regarding this application. On Question C1 lengthy discussion focused on traffic hazard issues. The Board then discussed how to possibly mitigate those issues with alternatives. It was suggested that possibly raising the height of the sign could solve the hazard issues. Mrs. Bifano said she would raise it to whatever the Board wants.

Motion by Trustee Swartz that this particular sign as presented would have an adverse effect on the traffic pattern as it relates to Question C1 due to visibility concerns, seconded by Trustee Miller.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

The Board completed the rest of the questions on the Short Env. Assessment Form. Atty. Groff stated that the Board could issue a finding that there would be a potential adverse environmental impact. Based on dialogue of the Board they concluded that the impact could be mitigated by either raising the sign, or changing the dimensions of the sign, or both.

Motion by Trustee Swartz, seconded by Trustee Koliwasky, that since the applicant has agreed to amend application to allow for elevation of the sign or changing the placement of the sign, the resolution should be amended to approve the sign subject to the condition that it be elevated so as to be no lower than 6 ft. above the grade of the planter.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

The Board discussed and agreed that the size of the sign itself, 5ft. by 3ft. is no problem.

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, Bernadette Tarntino is the owner of real property located at 206 W. Franklin Street, Horseheads, NY identified as Tax Map Parcel #59.06-1-26, leased to a business commonly known as Pennies from Heaven, and

WHEREAS, said property is zoned C-2 Hanover District, and

WHEREAS, Karena Bifano, owner of Pennies from Heaven, has applied for approval of the installation of an exterior sign approximately 15 sq. ft. located within the required 10 ft. front setback requiring the issuance of a Special Sign Permit, and

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

WHEREAS, the applicant has submitted a Short 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 Short 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 may have a significant environmental impact as applied, but has been mitigated by the applicant's amendment at this meeting to place the bottom of the sign no lower than 6 feet above the grade of the planting area in which the sign would be placed, and

WHEREAS, a public hearing was held on September 11, 2008 regarding the application for the special sign 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 Planning Board and Village Traffic Commission, both of which recommended denial of the application as submitted due to the potential for a traffic hazard, and

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

NOW THEREFORE BE IT RESOLVED, that a public hearing on the environmental aspects of this action is waived; and the application of Karena Bifano, d/b/a Pennies from Heaven for a Special Sign Permit at 206 W. Franklin Street be and the same hereby is approved subject to the elevation change as noted above.

Roll Call Vote:

Mayor Zeigler:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Herbst:	Aye
Trustee Koliwasky:	Aye

Resolution by Trustee Herbst, seconded by Trustee Miller

BE IT RESOLVED, that the Justice Reports for August 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

BE IT RESOLVED, that the minutes of the Traffic Commission Meeting of September 3, 2008 and of the Planning Board Meeting of August 26, 2008 be received and placed on file in the Village Clerk's Office.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Debbie Gessick, on-site manager for the Village's Farmers Market, has submitted a Festival Permit application making the last farmers market for 2008 to be conducted on Saturday, September 13<sup>th</sup> from 9:00am to 3:00pm in Teal Park, said festival to include a classic car show, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, and

WHEREAS, the Public Works Director has reviewed the street closing request, and barricade locations.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from 9:00am - 3:00pm on Saturday, September 13<sup>th</sup>, 2008:

- Pine St. from Steuben St. to the end of Teal Park
- Steuben St. from Pine St. to S. Main St.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Herbst, seconded by Trustee Koliwasky

WHEREAS, the Town and Country Fire Department has submitted a Festival Permit Application for their annual Open House to be conducted on Thursday, October 9<sup>th</sup>, 2008 from 5:00 pm to 8:00 p.m., and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, and

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from 4:00pm to 9:00 pm on Thursday, October 9<sup>th</sup>, 2008:

- W. Franklin St. from Boorum Pl. to Gardner Road

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Miller, seconded by Trustee Herbst

WHEREAS, the Chemung Sunrise Rotary Club has submitted a Festival Permit Application for Holly Days and Chili Cookoff to be conducted on Saturday, November 29<sup>th</sup>, 2008 from 2:00pm - 7:00pm in Hanover Square, and

WHEREAS, said application has been reviewed by the Village Traffic Commission, having recommended approval of same, with minor modifications.

NOW THEREFORE BE IT RESOLVED, that the Public Works Department is hereby authorized and directed to close the following streets for said event from Noon - 8:00 p.m., and to close the Village parking lot on S. Main St. from 9:00am to 8:00pm, on Saturday, November 29<sup>th</sup>, 2008:

S. Main St. at Franklin St. south to Broad St.  
Franklin St. from Grand Central Ave. to Eleanor St.  
John St. from Grand Central to S. Main St.  
the Main Street parking lot  
the John Street parking lot

STREETS TO REMAIN OPEN TO TRAFFIC:  
N. Main, southbound, turning east on Ithaca Road  
Ithaca Road, westbound, turning north on N. Main St.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Resolution by Trustee Swartz, seconded by Trustee Koliwasky

WHEREAS, the Village of Horseheads Traffic Commission met on September 3, 2008, the minutes of which are hereby received, and

WHEREAS, the Vehicle and Traffic Law, Chapter 235 of the Village Code, provides in pertinent part that the regulations and schedules adopted by the Board relating to vehicle and traffic matters may be amended and modified from time to time as deemed necessary by the Village Board via local law, resolution or motion, and

WHEREAS, the Village Traffic Commission has recommended the establishment of a No Parking zone on the north side of Broad Street, from S. Main St. to the Village parking lot, and

WHEREAS, this Board endorses such recommendation.

NOW THEREFORE BE IT RESOLVED, that Village Code Section 235-75, Schedule XV: Parking Prohibited at All Times, be amended to add thereto:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Broad Street	North	From S. Main St. westerly to Village parking lot

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Atty. Groff recommended that the Board table CSEA ratification until the next meeting for wage salary schedule.

Motion by Trustee Herbst, seconded by Koliwasky, that the CSEA Ratification be tabled until the next regular meeting.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Martha Hauser, 407 W. Broad Street - concern in our neighborhood about the former Arbor Manor. Business being run from there. Plus this large truck that he wants to park back there. There is stuff being dumped out back also. We need something resolved. Real traffic hazard with big trucks - concern for children and the value of her property is being effected. Wants to change code or something to resolve this problem. It is definitely a thriving business, not just a home office.

Trustee Herbst - that parcel is zoned R-3. Don't think these businesses are covered under the Home Occupation rule. Also, residences are only permitted one driveway.

Village Manager Whitney - Tom Skebey has verified that there are no current code violations present. This person wants to park a large vehicle between two houses, on property he actually owns. He also owns additional property out back where the trucks are parked. Code Enf. was over there today. Operating a vehicle this size on Village streets would violate the weight limit code regulation.

Trustee Herbst - what about the business operation. This is a residential area.

Village Manager - I was told that this owner had received a variance for the whole business operation. I haven't looked into it beyond what I've been told.

Motion by Trustee Herbst, seconded by Trustee Swartz, that the Village Manager is hereby directed to investigate the complaints that have been alleged tonight and concerns of both the Board and the public regarding this location, and to report back to the Board on the findings.

Roll Call Vote:

Mayor Zeigler: Aye  
Trustee Swartz: Aye  
Trustee Miller: Aye  
Trustee Herbst: Aye  
Trustee Koliwasky: Aye

Woman who lives at 511 W. Broad st. - this area has always been a quiet neighborhood. For this person to get any equipment of that size out into the street, it will be very difficult. Field out back is very marshy and he thinks he won't be able to park it back there.

Mayor Zeigler - a good point that was brought out is the number of driveways you are allowed. All this will be looked at.

Trustee Miller - liked the draft of the next newsletter.

Atty. Groff - said emails were sent to you on portable storage units and he needs direction how to further proceed.

Mayor Zeigler said he wants to include the storage and clothes bins.

Atty. Groff said the law presented does not include commercially zoned property. If you want to expand the local law or finalize this local law and have another local law to address that matter - one for residential areas and one for non-residential areas.

Trustee Swartz questioned the term of one year. He felt that is too long, wants 30 days and can request additional 30 days with a fee maybe. Trustee Herbst agreed, said we should finalize the residential aspect first and do non-residential afterwards. All agreed.

Atty. Groff said the proposed law on Host Liquor issues has been presented to the Board. Do you want to proceed with local law or see what NYS will do. After brief discussion, everyone agreed to hold off and see what law the state adopts.

Trustee Koliwasky stated that we should schedule more workshops. We should have another four -hour session. We seemed to accomplish a lot at our last one. Village Manager asked the Trustees to submit dates for workshops. He noted that he is meeting with members of the Comprehensive Planning Committee and also reps from LaBerge regarding the Comprehensive Plan. I have also asked our department heads to submit comments on the comp. plan. I will come back to the Board with all this after I meet with them.

Manager Whitney asked the Trustees to also submit topics for the workshop.

/rmb