

## Minutes

### Village Board of Trustees

September 14, 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, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, DPW Chris Lawrick, Clerk-Treasurer Sharron Cunningham, Fire Chief Artie Sullivan, Police Chief David Kole, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer.

Also present were:

Emma & Winston Tinker, 112 Bentley Pl.	Alene Chaffee, 534 Perkins Ave.
Kenneth Rohrer, 530 Perkins Ave.	Richard Keyser, Atty. for Keuka Prop.
Penny & George Kastenhuber, John St.	Richard & Bev Moriarty, 505 Highland Ave.
Scott & Deb Shaw, 515 Highland Ave.	Brad & Joyce Cole, 403 Bush Ave.
Don & Jan Zeigler, 535 Watkins Rd.	Mark Wallisky, 211 Kinley Pl.
Marnie & George Koliwasky, 303 Eleanor	Bob Chapman, 712 Tiff Ave.
Martha Hauser, 407 W. Broad St.	Jean Quinn, 555 Gardner Rd.
David & April Augustine, 208 Bentley P.	Becky Stock, 507 Perkins Ave.
Jim Lynch, 303 W. Mill St.	Tom Sweet, 807 Center St.
Cheryl Geinitz, 703 S. Main St.	Art Ambrose, 348 Coleman Ave., Elmira
Jamie Gensel, Fagan Engineers	Mary Jo Yunis, Keuka Properties
Carol Gonzalez, 408 Bush Ave.	Stephanie Martinez, 712 S. Main St.
Lance & Linda Snyder, 525 Perkins Ave.	News Media

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of August 10, 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 Miller:	Aye
Trustee Sullivan:	Aye

Resolution by Trustee Swartz, seconded by Trustee Sullivan

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

General -	\$ 285,519.53
Water -	\$ 27,372.10
Trust & Agency -	\$ 2,042.96

and be it further

RESOLVED, that \$1,892.25 be appropriated from the Capital Reserve Fund for KVS Software Upgrades.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the Justice Reports for August 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 Miller:	Aye
Trustee Sullivan:	Aye

At this time, Atty. Groff declared open a Public Hearing on Proposed Local Law establishing a Moratorium on Outdoor Wood Boilers. Atty. Groff stated that this is in regards to wood boilers as primary heat source for residential structures. Moratorium would prohibit installations during the six months while the Board reviews the impact. Nobody came forward. Atty. Groff declared the public hearing closed.

Village Manager Azzarelli - this issue came up recently. Board asked for a workshop on 9/26 to educate the Board on this issue. We have started researching it. Its important because energy costs go up. Some counties have already outlawed them.

Resolution by Trustee Miller, seconded by Trustee Swartz

WHEREAS, the Village is considering a local law establishing a six-month moratorium on Outdoor Wood Burning Furnaces, and

WHEREAS, this proposed local law was presented to this Board on August 10, 2006, and notice of a public hearing regarding this matter was published in the official newspaper of the Village and a public hearing regarding same was held on September 14, 2006, and

WHEREAS, this Village Board of Trustees has given this matter due consideration.

NOW THEREFORE BE IT RESOLVED, that said Local Law Establishing a Moratorium on Outdoor Wood Burning Furnaces is hereby adopted and the Village Clerk-Treasurer is directed to file same with the Secretary of State as required by law.

Roll Call Vote:

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

Resolution by Trustee Sullivan, seconded by Trustee Miller

BE IT RESOLVED, that the minutes of the Planning Board Meeting of August 22, 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 Miller: Aye  
Trustee Sullivan: Aye

Resolution by Trustee Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that the following equipment is hereby declared surplus:

Police: - 1996 Jeep Cherokee (VIN#1J4FJ28S3TL298081)  
Fire: - MAKO Air Compressor (4500 PSI)  
DPW: - 1988 John Deere Loader (VIN# T0210CA744164)

Trustee Swartz asked what will happen to this equipment

Village Manager - some will be auctioned off, fire equipment will be donated to another department.

Roll Call Vote:

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

At this time the Board conducted the SEQR Review relative to the Keuka Properties subdivision proposal on Gardner Road. After lengthy discussion between the Board Members, Village Attorney, and the developer regarding the procedure for completing the form, the Board proceeded to and completed Part 2 of the form. During their review they answered yes to the following questions:

- #1 - construction time over one year
- #5 - surface or groundwater quality or quantity

- #6 - drainage flow
- #15 - effect existing transportation system
- #20 - public controversy

The Board discussed in detail the Bentley Place interconnection issue.

Trustee Sullivan indicated that we have been presented with a lot of information from other agencies - NYSDOT, our own Traffic Commission, Planning Board, Fire Dept., and Police Dept. He noted that NYSDOT sent two letters saying that they feel interconnection between neighborhoods is recommended.

Atty. Groff indicated that the application as originally submitted had no connection at all. Their revised application includes limited access between the new road and Bentley place.

Jamie Gensel, Fagan Engineers - NYSDOT looked at the analysis, and looked at all three options. Under all 3 there are no issues regarding traffic operation. But from an access point of view, that is a different issues.

Atty. Groff said that the Board need to address their positions regarding the proposal before you, which is a limited access to Bentley. The three options are:

- no access as in original submission
- limited access gate - present submission
- through street, traffic both ways

The Board was polled regarding their preference.

Trustees Catlin, Swartz and Miller indicated they want no access, as in the original submission.

Mayor Gross stated that she would also vote for no access. But if there was a chance that we would have any more development proposals in the Village, I would have voted for an access. We are also charged with the safety of all of you. This is a very hard position for this Board to decide. Its not just your neighborhood and your safety. We also have to listen to concerns of the state.

The Board then discussed the items that were identified as possible negative impacts, and Atty. Groff offered draft language for the Board to consider relative to the items identified for placement in Part 3 of the form regarding whether the items are important or significant, and how important it is.

- Question #1 from Part 2: Will the proposed Action result in a physical change to the project site?

From the submissions from Keuka Properties LLC, it appears that this phase, consisting of 16 building lots with residences to be constructed on same, may be constructed over a period of time greater than 1 year especially when taking into consideration construction of the individual residences. Given the nature of the project, that being that the residences are to be constructed as demand for same materializes, it is not commercially reasonable for the residences to be constructed

until adequate demand for same has been demonstrated through commercially reasonable sales, etc. The environmental effects of construction of the single family residences is typical of residential construction of moderately priced dwellings, and will be mitigated through adherence to state mandated regulations, policies and procedures relating to surface water runoff, etc. There have been no public or governmental concerns raised relative to this issue. Accordingly this impact is deemed to be unimportant and insignificant.

- Question #5 from Part 2: Will Proposed Action affect surface or groundwater quality or quantity? AND Question #6 from Part 2: Will Proposed Action alter drainage flow or patterns, or surface water runoff?

The applicant represents and concedes that Phase 2 will be subject to a discharge permit to be secured from NYS DEC. The project has heretofore been designed in such a way as to mitigate and reduce to small and moderate the effect of surface water discharges and other environmental concerns regulated by such permits. The probability of adverse environmental impacts of this nature are minimal given that this subject is regulated by and the project will be constructed in accordance with NYS Environmental Conservation Law, rules and regulations. Such regulations and adherence to same mitigate and reduce the impacts to small or moderate. Given the state regulation of this area and adherence to same, the absence of objections to this phase relating to this impact, it is deemed that this impact is so reduced and rendered unimportant and insignificant.

- Question #15 from Part 2: Will there be an effect to existing transportation systems? AND Question #20 from Part 2: Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?

It has been determined that Phase 2, constructed with an interconnection to Bentley Place is subject to significant public controversy. It has been asserted by property owners and others of an adjacent residential subdivision that interconnection with Bentley Place of any nature will result in adverse environmental impacts, predominantly to that subdivision. It has been reputed that the impacts will be increase of traffic flow, potential risk of harm to the public, diminution of property values, etc. These potential impacts could be mitigated or reduced to small to moderate by a) eliminating the interconnection, or b) reducing the interconnection to design and construction for emergency access only so as to be closed to the general public. The probability of adverse impact is speculative. The duration of any adverse impact is unknown, but could be long term. If adverse environmental impact does result, it could be reversed by permanently closing the interconnection. Keuka has indicated that it is opposed to any form on interconnection, but is willing to develop some version of an interconnection, even to the point of a fully developed street if required to do so.

Based upon the information and analysis provided to date, it would appear that this impact is important. Such impact could be mitigated or reduced to small or moderate by eliminating the interconnection in its entirety. The applicant has agreed to do so and will revise the construction drawing accordingly.

All Board Members were in agreement with the language provided.

Atty. Groff stated that having completed Parts 2 and 3 it would be appropriate to complete a Determination of Significance.

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Keuka Properties, LLC (Keuka) is the owner of premises situated in the Village of Horseheads, located on Gardner Road commonly known as Tax Map Parcel #48.20-5-8.1 comprised of approximately 23.2 acres, and

WHEREAS, Keuka has made application for Preliminary Approval for a 43-lot single family subdivision to be located off of Gardner Road, said subdivision to consist in part of several roads to be dedicated, and for final approval of Phase 2 of same, said project depicted on a site plan prepared by Fagan Engineers entitled Overall Site Plan for Gardner Road Subdivision - Keuka Properties, Job #2003.052A last revised May 31, 2006, and

WHEREAS, the Village has determined that the proposed action is a Type I Action pursuant to SEQR regulations, and

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

WHEREAS, the Village of Horseheads has assumed and been granted Lead Agency Status with respect to a coordinated SEQR Review, and

WHEREAS, on this date this Board, as Lead Agency, has engaged in a Determination of Significance, pursuant to SEQR regulations, has identified the relevant areas of environmental concern, has thoroughly analyzed the relevant concerns, and has documented its reasons for concluding that the environmental concerns identified and analyzed are not significant with the access way to Bentley Place being eliminated in its entirety.

NOW THEREFORE BE IT RESOLVED, that Mayor Gross is authorized and directed to sign the Determination of Significance for this project reflecting that as Lead Agency the Village of Horseheads Board of Trustees has determined that this phase will not result in any large or important environmental impacts, and thus a Negative Declaration shall be prepared and filed as required by law.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, Keuka Properties, LLC (Keuka) is the owner of premises situated in the Village of Horseheads, located on Gardner Road commonly known as Tax Map Parcel #48.20-5-8.1 comprised of approximately 23.2 acres, and

WHEREAS, Keuka has made application for Preliminary Approval of a 43-lot single family subdivision to be located on the above premises, said subdivision to consist in part of several roads to be dedicated to public ownership, and has applied for final approval of Phase 2 of the project, Phase 2 consisting of 16 lots, and

WHEREAS, said project including Phase 2 is depicted on a site plan prepared by Fagan Engineers entitled Overall Site Plan for Gardner Road Subdivision - Keuka Properties, Job #2003.052A last revised May 31, 2006, and

WHEREAS, said application is subject to SEQR, first having been classified as an Unlisted Action and now being classified as a Type I Action pursuant to SEQR regulations, and

WHEREAS, on August 10, 2006 the Village of Horseheads declared its intent to assume Lead Agency Status for the SEQR review of the project (proposed action), and

WHEREAS, all involved/effected agencies were informed of such declaration and have consented to the Village Board's assumption of such status allowing a coordinated review, and

WHEREAS, Keuka has submitted a Full Environmental Assessment Form, and

WHEREAS, a public hearing was held on the application before the Village of Horseheads Board of Trustees on August 10, 2006 at which time all involved, effected or interested parties were afforded an opportunity to comment on same, and

WHEREAS, the principal subject of public, neighborhood and the applicant's concern has been the creation of access through the project via an extension of Bentley Place, connecting same with a through road servicing the project; such through road ultimately terminating at Gardner Road. Various alternatives have been considered with respect to the Bentley Place extension including:

1. No extension, thus no interconnection between the project and Bentley Place
2. A version of limited access so as to allow emergency vehicles only, and the like, should the main access road of the project be obstructed or inaccessible, and
3. Development of a typical two-lane Village street

and

WHEREAS, Keuka has indicated, with respect to the issue of Bentley Place interconnection, that it is amenable to most any municipal decision regarding same, however Keuka would prefer that there be no interconnection of any nature between the two subdivisions for full public or emergency access purposes, and

WHEREAS, this Board has engaged in a Determination of Significance of the project as required by SEQR, has identified the relevant areas of environmental concern, has thoroughly analyzed the relevant concerns [and has documented its "Negative Declaration" showing why the environmental concerns that were identified and analyzed will not be significant], and

WHEREAS, the application has been referred to the Village Planning Board, Town of Horseheads Planning Board, and County Planning Board for their review and comments which have been

received and considered.

NOW THEREFORE BE IT RESOLVED that the application of Keuka Properties, LLC for development of Phase 2 of Gardner Road Subdivision, such phase consisting of 16 lots, is hereby approved, and be it further

RESOLVED, that with respect to the issue of interconnection of such phase with a continuation of Bentley Place, such interconnection shall not be developed - there shall be no continuation of Bentley Place into Phase 2.

Roll Call Vote:

Mayor Gross:	Aye
Trustee Catlin:	Aye
Trustee Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	NO

Trustee Swartz - thanked everyone from the neighborhood that came and spoke. It was a grueling ordeal.

Trustee Miller - thanked everyone for coming.

Trustee Sullivan - I also thank everyone. I would have to say that I do take into consideration safety, not just on Bentley but also on this new development and the apartments. I have to agree with NYS DOT, Village Traffic Commission, firefighters I've talked to, police officers I've talked to, and my saying no means that I would like a limited access. And I'm thinking of everyone.

Mayor Gross - I would also like to thank everyone for coming, its been a long process. I admire your coming together. Before I was on this Board, I could never understand why everything took so long in government, now I have learned why. If you don't believe public input is important, had you not joined together there would be a road through there.

Resolution by Trustee Swartz, seconded by Trustee Sullivan

BE IT RESOLVED, that a public hearing is hereby scheduled for Thursday, September 28<sup>th</sup>, 2006 at 7:05 p.m. regarding the Village's grant application through the Empire State Development Corporation's 'Restore NY' program for grant monies for demolition of the former LRC Property on South Avenue.

Roll Call Vote:

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

Resolution by Trustee Miller, seconded by Trustee Catlin

BE IT RESOLVED, that this Board hereby receives an application from Barrington Associates for rezoning of 9.69 acres on Gardner Road to Planned Unit Development, and be it further

RESOLVED, that said application be forwarded to the Village, Town and County Planning Boards for their review and comment.

Roll Call Vote:

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

The Board discussed setting a date for a Workshop on the New Building Code Law. It was set up for Tuesday October 3<sup>rd</sup> at 9:00.

Atty. Groff - The Manager had a meeting with town and county reps regarding the Kentucky Ave. Wellfield. This is in reference to the old landfill on Blostein Blvd. The EPA and DEC have determined a long time ago that this Kentucky Ave. well of the Elmira Water Board was contaminated with pcb's. The source was predominantly from Westinghouse. It was cleaned up, but DEC has now decided to continue with cleanup of the Koppers Pond, a swampy area partly in the Town, adjacent to old Village landfill. Village has been invited to join in the process of evaluating whether or not there is contamination there, and if so to identify the source. Then to attempt to develop a remediation plan. So we are at the beginning of the issue. We met with the County Atty., Town, and will be developing a response to the EPA saying that we are interested in participating in the project. We don't know the full scope of what is going on at this point. If we do not participate, they will do what they want to do and bill us afterward.

Trustee Swartz thanked Chris for the new fencing around the pit. It looks great.

Everyone wished the Village Manager good luck.

Village Manager Azzarelli - in the Board's packets is an employment agreement which needs a resolution for allocation of additional funds. Other thing is I left a list of issues for the Board to address and look at. Other thing is the window for moving people into Medicare PPO is coming up. That would be a cost savings in this budget of about \$80,000. In the following year it would be \$140,000. This is a County plan and includes County prescription plan. So there is no more donut hole. I encourage the Village to move in that direction.

Village Manager Azzarelli - people think they know why I'm leaving. Not leaving because of the Mayor. Process for this new job started over a year ago. I applied for another one last fall - did not get that one. Then this State Dept. job came open. Great opportunity for me. The Mayor is a good boss - she is demanding, and has high standards.

Vill Mgr. thanked everyone.

Mayor Gross - thanked Vinnie. Someone approached them about the recent Vietnam wall that was in town. They were looking for lighting. Vinnie came up with a solution. He made contact with Lane Construction. He has been a great resource for the Village.

Dave Augustine, Bentley Place - I applaud the Board's decision on Bentley Place.

Scott Shaw, Highland Ave. - thanked the Board for its decision.

Mayor Gross - I am meeting with Dept. Heads at 9am tomorrow if any other Trustees are available to attend. Need to meet with Board to determine in what direction we are going to go. Maybe sometime next week.

Monday - Sept. 18<sup>th</sup> - Noon - workshop for Board regarding Manager vacancy.

As there was nothing further to bring before the Board, the meeting was adjourned at 9:00.

/rmb