

# Minutes

## Village Board of Trustees

February 23, 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 Ronald Swartz, Howard Miller, and Kevin Sullivan, Village Manager Vincent Azzarelli, Village Attorney John Groff, Fire Chief Dick Sullivan, DPW Chris Lawrick, Police Chief David Kole, Planning Bd. Member Mike Stenpeck, Deputy Clerk Donna Hartsock, and Manager's Assistant Rachel Baer. Also present were: Lorrie Sullivan, Boorum Place; Martha Hauser, 407 W. Broad St.; Jean Quinn, 555 Gardner Rd.; and Josh Miller, website developer.

ABSENT: Earle Catlin

Resolution by Trustee Miller, seconded by Trustee Sullivan

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of February 9, 2006 be dispensed with and the same stand approved as entered by the Clerk.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

BE IT RESOLVED, that the Clerk-Treasurer is hereby authorized to transfer the funds indicated on the attached sheet.

Trustee Sullivan - our sidewalk program, is that still adequate.

Chris Lawrick - last year was way up in numbers. Conifer did a lot of work at their complex. They paid us up front for it. That is the only reason. We allowed businesses to use the program a few years ago, numbers were down prior to Conifer work.

Roll Call Vote:

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

Resolution by Trustee Swartz, seconded by Trustee Miller

WHEREAS, the Village of Horseheads advertised on January 27, 2006 for the submission of bids for the Supply of a Breathing Air Station to Refill Self-Contained Breathing Apparatus

Cylinders in the Village of Horseheads, and

WHEREAS, bids were opened and examined on February 10, 2006, and

WHEREAS, the following bids were received:

- 1) Tyler Fire Equipment \$45,008.00

and

WHEREAS, said bid has been examined and determined to be in order, the lowest responsible bidder being Tyler Fire Equipment, and

WHEREAS, the Fire Chief and Village Manager have submitted their recommendations regarding the bids and the award of a contract, the same recommending award to Tyler Fire Equipment.

NOW THEREFORE BE IT RESOLVED, that the Village of Horseheads Board of Trustees does hereby accept the bid of Tyler Fire Equipment, and be it further

RESOLVED, that Village Manager Vincent Azzarelli is hereby authorized and directed to execute an agreement with Tyler Fire Equipment to effectuate this resolution.

Trustee Swartz - seems high for an air compressor.

Dick Sullivan - 6000 psi, its like filling high pressure cylinders. Has to be approved by OSHA, filtered air, etc. This is part of that grant the Fire Dept. just received. We fill tanks for Erin, Breesport, etc. everyone in the northern part of the county.

Roll Call Vote:

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

At this time, Atty. Groff declared open a Public Hearing on Application of Terry Ostrander for a Special Use Permit to operate an auto repair/sales facility at 3179 S. Main St.

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

At this time, the Board completed Part 1 of the SEQR form for the Ostrander application:

C1 - Yes. Discussion:

Mayor Gross - as far as we know has the county approved another entrance at this location.

Mr. Ostrander - current curb cut is already there. Mr. VonNeida was at the county meeting.

Mayor Gross - are you planning to use that for both entrance and exit.  
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Mr. Ostrander - yes.

Mayor Gross - noise levels - is this just for used cars. it says choppers.

Mr. Ostrander - motorcycles too, and custom cars and hot rods.

Mayor Gross - did you let the planning board know that.

Mr. Ostrander - no.

Mayor Gross -- so there is a possibility noise could be higher.

Answer to C-1: Traffic patterns - Noise levels may be significantly increased due to proposed use including chopper motorcycles and stock care repair and sales; articularly if the vehicles are using non-stock mufflers. The traffic pattern may be significantly altered due to change in use from single family dwelling to commercial automobile sales/service.

C -2 - No.

C-3 - No.

C-4 - Yes. Discussion:

Mayor Gross - my concern is the house set back. According to original plans we have, this is now only a 4 ft. setback from the road. So the intensity is much greater.

Mr. Ostrander - Trees I took out. Only room for 4 cars. 12 foot driveway, not widening. Ingress/egress is the same. Will probably get limited to right turn only.

Mayor Gross - we have to have everyone in on this. What if VonNeida doesn't agree to do that. Then you'll have traffic going both directions.

Atty. Groff - you can require signage. You can say it doesn't allow for left hand turn. At the planning board level you said you were considering making it one way.

Mr. Ostrander - no place to exit. And people won't do it. I can put up all the signs I want, but people will do it anyway.

Mayor Gross - how come you brought it 6ft further ahead than your existing building.

Mr. Ostrander - code says I only need a 6 ft. setback. I put green area up front for display. According to what I was reading.

Atty. Groff - the maps they are referring to, there are discrepancies between two maps.

Discussion ensued regarding differences in building/lot dimensions shown on application versus the large map.

Mayor Gross - Planning Board hasn't seen this large map. This should go back to the planning Board. Building is 4,608 sq. ft. If you were to enlarge it, you'd have to come back to us for a size

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any larger than that because this is what you are asking us to approve.

Atty. Groff - your application is for a special use permit for this use. It was necessary for them to be provided with a sketch of site plan. What they are telling you is it appears you've made a deviation. Once its approved, you have to construct to those plans and specs. You can't change the layout once its been approved, unless you come back. As far as signage, if you were to place signage for one way and they disobeyed, then they get consequences. There is a safety factor and liability reduction factor by having the sign. You can't force people to do it, but a lot would respect the signage. If they were to approve this project and say that it had to be ingress only or right turn only and you did something to facilitate people to exit in both directions, they would shut you down.

Atty. Groff - you can decide if you feel this structural change is that material or not. If it is you can kick it back to the Planning Board, or you can vote.

Mr. Ostrander - everything is the same except I narrowed down the building. I needed to get this rolling. They said it wouldn't be a problem changing the size of the building.

Discussion ensued with the applicant regarding getting updated plans submitted before next Tuesday's planning board, and some kind of approval on the traffic patterns.

Answer for C-4: Significant change in use or intensity or use due to change from residential to commercial.

C-5 - No

C-6 - No.

C-7 - No.

Atty. Groff - on the basis of your answers, it would be appropriate to check box identifying potential effects. That means applicant has to submit long SEQR form.

Resolution by Trustee Swartz, seconded by Trustee Miller

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 Short Environmental Assessment Form, and

WHEREAS the applicant has provided a site plan that is materially different than the one reviewed and considered by the Village Planning Board, and

WHEREAS, the applicant has provided information at the public hearing which was different from

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the application submitted in that dimensions have changed, and points and methods of ingress and egress are inconsistent as previously reported, and

WHEREAS, the Chemung County Commissioner of Public Works Tim VonNeida has failed to approve of the means of ingress or egress or to provide comments.

NOW THEREFORE BE IT RESOLVED, that the applicant be required to submit an updated application reflecting the intended use and the design, and

BE IT FURTHER RESOLVED, that the applicant provide a full SEQR in connection with this review based upon the Short Form SEQR conducted this evening.

Roll Call Vote:

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

At this time, Atty. Groff declared open a Public Hearing on Proposal Local Law on Records Access

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

Resolution by Trustee Sullivan, seconded by Trustee Swartz

WHEREAS, the Village is considering a local law Amending Local Law #1 of 1994, Establishing Regulations Governing Public Access to Records, and

WHEREAS, this proposed local law was presented to this Board on February 3, 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 February 23, 2006, and

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

NOW THEREFORE BE IT RESOLVED, that said Proposed Local Law Amending Local Law #1 of 1994, Establishing Regulations Governing Public Access to Records 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 Swartz:	Aye
Trustee Miller:	Aye
Trustee Sullivan:	Aye

Discussion on Setting Up Budget Review Meetings:

The Board agreed to schedule the following budget review workshops -

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1. Tuesday, March 21<sup>st</sup> - 4:30-6:30
2. Wednesday, March 22<sup>nd</sup> - 4:30 - 6:00
3. Monday, March 27<sup>th</sup> - 4:30 - 6:00
4. Tuesday, March 28<sup>th</sup> - 4:30 - 5:30
5. Wednesday, March 29<sup>th</sup> - 4:30 - 6:00

Village Manager - you'll get the drafts ahead of time.

Mayor Gross - we should do the larger departments on the 21<sup>st</sup> and 22<sup>nd</sup>.

Village Manager - Upcoming MS4 meeting on new storm water laws.

Mike Stenpeck - Comprehensive Planning Kickoff Meeting on March 1<sup>st</sup>.

Chris Lawrick - on the MS4 meeting, it is imperative that Manager Azzarelli and Attorney Groff go to this meeting coming up. NYSDEC will be there. They keep changing the rules and we need some admin. people there to listen to it.

Mayor Gross - clock is coming along. How about the fundraising?

Chris Lawrick - yes, already ordered what will go around the clock.

Trustee Swartz - I will work on the fundraising part.

Mayor Gross - The recent Pipeline 4 Progress, list of young people.

Village Manager - Mike called me today, he will forward the individuals. They are really holding on to names and numbers.

Mayor Gross - we were going to send letters to those residing in the Village.

Village Manager - he is still working that, no breakout between village and town yet.

Atty. Groff briefed the Board on the status of the Barber crematorium project. I previously indicated to you that it was moving forward in positive manner. I received a letter after my last report indicating otherwise, it is a lengthy report. It is requesting significant amounts of information regarding the project. It basically states that until the cemetery or crematory is approved by the Div. of Cemeteries, it does not exist. They have legitimate concerns about involvement of Barber Funeral Home. Those concerns are understandable. If there was involvement on the part of Scott Barber after the approved formation of this corporation, then those involvements would be violations of state law and would put his license at risk. So the point of this is I misinformed you unknowingly at your last meeting and I apologize. The letter asks for a multitude of information regarding the project which the proponents of the crematory are preparing to develop and certainly will be responsive to Dep. of State. The questions go to things like source of funding for project, the ownership of the property where the project will be located, the means by which the public or users of this facility would have ingress and egress to the facility, and whether there would be co-mingling of funds or cross marketing by funeral entities and specifically Barber with the proposed crematory. Responses to those inquiries are in the process of being developed. Once provided it is a matter of public record and available to anybody interested by making requests. I will ask my client if I

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have authorization to release to the Village and its staff so that you don't have to go through the inconvenience of requesting the information from the Div. of Cemeteries. I apologize for misinforming you. My client does still intend to proceed.

Mayor Gross - but there is no application.

Atty. Groff - that is a matter of opinion. An application was submitted. The Div. of Cemeteries asked for information. They rec'd some info. They asked for more at a later date. There was no response. Then they said it is withdrawn. Information was provided subsequent to that date. They've been asked to continue their consideration.

Mayor Gross - that particular board does not have to approve the building. Does it have to be approved by Div. of Cemeteries.

Atty. Groff - no.

Mayor Gross - would they say the same thing.

Atty. Groff - you can ask that question. Law says that a cemetery or crematory building or modification to it have to be approved by Div. of Cemeteries. They were not approved.

Mayor Gross - then how come you have a building.

Atty. Groff - you have a proponent of a project that went forward on the basis of risk and speculation. It may have been fool hearty in doing so, but they elected to do it, and there was no prohibition to doing so. There is no crematory because it hasn't been approved yet. They took a risk.

Mayor Gross - will this be completed by April 26.

Atty. Groff - not sure, I can say they are pursuing it aggressively.

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

/rmb

**TRANSFER LIST 2/23/06**

**General Fund**

<b><u>Amount</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Description</u></b>
\$ 76.98	1325.411	1450.411	Election Supplies
480.00	1990.477	1620.437	Employee Assistance
548.30	1623.468	1623.465	Village Equip.Maint.
170.00	1623.469	1623.467	Network Admin.
48.00	1990.477	1920.473	NYCOM Dues

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<b><u>Amount</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Description</u></b>
639.97	7140.443	7140.440	Recreation Cont.Serv.
20.46	7141.443	7141.410	Concession Stand Sup
3600.00	8020.419	8020.100	Plan/ZBA Members
39.89	8810.443	8810.410	Cemetery Mat/Sup.
<u>\$5623.60</u>			

**Water Fund**

\$ 298.50	1990.477	1623.465	Village Equip.Maint.
299.50	1990.477	1623.467	Network Admin.
3129.78	1990.477	8310.168	Employee Recog.

1957.40  
\$5685.18

8320.440

8320.410

Wells-Mat/Supplies

**Increase Expense – Revenue Received**

\$30000.00  
4892.99  
571.95  
317.30  
13215.60  
2796.05  
41.85  
268.03

1112.449  
1621.505  
3010.496  
3120.161  
5410.440  
7180.100  
7180.499  
7180.501

NYS Fine Disbursement  
County 65/35 Recreation  
Cops Program  
Police Reimbursable Overtime  
Sidewalk Program  
Super Saturday Kids  
Recreation Fees  
Super Saturday Expense