

January 27, 2005

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, Howard Miller, Ronald Swartz, and Kevin Sullivan, Clerk-Treasurer Sharron Cunningham, Village Attorney John Groff, DPW Chris Lawrick, Planning Board Member Mike Stenpeck, and Manager's Assistant Rachel Baer. Also present were: Dave Shoen, WENY/WCBA Radio; Ted Bennett, Chemung Co. Legislator; Tom Smetanka, 402 Thorne St.; Chris Covert, NYSDOT; Don Zeigler, 535 Watkins Road.

ABSENT: Village Manager Azzarelli

Resolution by Trustee Miller, seconded by Trustee Swartz

BE IT RESOLVED, that the reading of the minutes of the Board of Trustees Meeting of January 13, 2005 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

Presentation by Chris Covert - NYSDOT - Status of Bypass Project:

Chris Covert - DOT - engineer in charge of project. Started project middle of April 2004. Completed a major portion of westbound access road, bridges of Route 13 interchange, and a significant portion of linear park. Very difficult year to get through - rainy. Did not meet all goals that we had planned for the last year. At the outset we were looking to complete westbound service road by November, to shift traffic over. Then work on south side with eastbound road. Again, its not that there are major delays - contractor controls the schedule, he knows what he can get done. Currently working to get back on schedule. We are currently shut down since before Christmas, presently about the middle of March we will start back up, particular at the bridge over Newtown creek. Working first on that. Then back into earth work for retaining walls by the school. More concrete and paving work by creek. Like to have the service road in place with traffic by the beginning of June. Then we can shift the eastbound traffic over and open up the south side for work on the next service road. Some more work for the linear park too. Ornamental fencing. We are now keeping the sidewalks plowed down there. We believe we are progressing along very well. People here in the community have been wonderful to work with. Very minor problems.

Trustee Swartz - For the existing service road, your goal is to transfer traffic over .

Mr. Covert - yes, westbound traffic will be routed over near the beginning of June. Eastbound will move over to the westbound. Full completion date is 2007. We started in 2004. I think we have been moving along very rapidly.

Mr. Covert - yes, any major changes we keep in touch with Chemung County Emergency Management Agency. And with police and fire, and our own operation center who also checks in with emergency services. We keep all that up to date.

Trustee Swartz - gas station is closed. Is that going to be taken out, and the motel?

Mr. Covert - We did take property from the Sunoco station for this project. At this time there is negotiation for purchase of the remainder of the property. There was some access issues, which made it more difficult for them to enter the property.

Mayor Gross - Thanked Chris for updating. She noted that he will be leaving to take a different position.

Chris Covert - I have taken a promotion into the Rochester region, end of February. Been wonderful working in this area. Chris Lawrick has been wonderful to work with.

Chris Lawrick - they have been so open to us and even residents with questions. That is very refreshing.

Mayor recognized Ted Bennett, Co. Legislator - entire I86 throughout the state should be completed by 2009.

Resolution by Trustee Swartz, seconded by Trustee Sullivan

WHEREAS, Highland Hills Development, Inc. is the developer of and remains the owner of unsold lots in a subdivision located in the Town of Horseheads commonly known as Highland Hills, same situate on Gardner Road, and

WHEREAS, the residential housing project is provided water by the Village of Horseheads' water system, and

WHEREAS, the developer has constructed a water distribution system for the project site in accordance with plans and specifications heretofore approved by the Village of Horseheads and various staff thereof, and

WHEREAS, Village personnel oversaw the construction of the water distribution system and have reported that it was constructed as designed, such system has undergone required pressure testing and disinfection, and

WHEREAS, Village Manager Azzarelli and Director of Public Works Chris Lawrick have recommended the acceptance of the water system, and appropriate easements for the maintenance and repair of same, as well as entering into the proposed Permissive Water Service Agreement with the developer and the Town of Horseheads.

NOW THEREFORE BE IT RESOLVED, that this Board does hereby accept the dedication of the water distribution system for Highland Hills and easement dated December 1, 2004 for the maintenance and repair of same from Highland Hills Development, Inc., does direct that such easement be recorded in the Chemung County Clerk's Office at the expense of the developer, authorizes the Village Manager to execute any and all documents necessary for the recording of same including the NYS Transfer Tax Return, and does henceforth authorize the issuance of water connection permits to the dedicated system in accordance with the rules and regulations of the Water Department as amended from time to time, and be it further

RESOLVED, that the Village Manager is authorized and directed to execute the Permissive Water Service Agreement on behalf of the Village when it is in final form, a copy of which shall be filed with the Clerk-Treasurer.

Mayor Gross - does this mean that the one person up there with the problem will be able to get water.

Chris Lawrick - as soon as we take over the system she will be hooked up with no cost to her. Her services line is already installed to the water main.

Roll Call Vote:

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

Motion by Trustee Swartz, seconded by Trustee Miller, that the resolution on the water rate increase be tabled until the next meeting in order to get more information.

Roll Call Vote to table:

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

Resolution by Trustee Miller, seconded by Trustee Catlin

WHEREAS, Chapter 102 of the Village Code, Building Construction and Fire Prevention, provides in pertinent part at Section 102-12 for the establishment of fees by resolution of the Board of Trustees, and

WHEREAS, a review of the current fee structure associated with building permits and other matters

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related thereto has been reviewed by Tom Skebey, Code Enforcement Officer for the Village of Horseheads, and

WHEREAS, such Code Enforcement Officer has recommended a restructuring of the fee schedule, in general increasing fees to compensate for the increased cost of operation of plan reviews and code compliance matters in general, and

WHEREAS, Village Manager Azzarelli has reviewed the proposed Village of Horseheads fee schedule for 2005 and has recommended to this Board the adoption of same, and

WHEREAS, this Board finds that it is in the best interest of the residents of the Village of Horseheads that those individuals using code enforcement services should be responsible for paying, to the fullest extent possible, the full cost and expense of such user's projects, etc.

NOW THEREFORE BE IT RESOLVED, that the proposed Village of Horseheads Fee Schedule 2005 as attached be and the same hereby is approved and adopted, said fees shall become effective immediately for all matters and applications received or occurring after January 28, 2005.

Trustee Sullivan - what are the major differences from the previous schedule.

Rachel Baer noted that the fee for variances and special use permits are increased up from \$30.00 to \$50.00.

Mayor Gross - this is the same fees as Town of Horseheads.

Roll Call Vote:

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

Discussion and Possible Action on Planning Board Recommendations:

Atty. Groff - You have received reports from the Planning Board for recommendations they have to make changes relative to professional offices. They are recommending the elimination of the zone on the east side of GCA north of Route 17. Also proposing establishment of a new zone south of route 17 on GCA, in the Victory Heights complex area. Also proposal to update definition of professional office. That definition has been subject to a number of modifications. Current version is more restrictive than it has been in recent past, and this new proposal recognizes professions that are heavily educated.

Atty. Groff - also have a recommendation that the BOT consider changing porch requirements. Right now it provides that structures have to be so many feet off the edge of the right of way. An exception was created allowing for porches under certain dimension to be put up in the front of buildings. They would not violate setback. One of the characteristics was they could not be wider than 8'. Planning Board is suggesting it be allowed for entire length of a building. Depth is 6'. If its more the 6' deep, or wider than 8', then it is a structure and if it encroaches on setback it would not be permitted.

Trustee Miller - if we do away with overlay zone on Grand Central, will we be vulnerable to lawsuits.

Atty. Groff - Yes. I would not recommend eliminating the zone on GCA north of Route 17. You just recently created it. In doing so you gave the owners a property right, and a certain expectation. To change it so dramatically so soon after you created it, undermines the logic in creating it.

Mayor Gross - but how did we change it, everything that was there before is still there.

Atty. Groff - your looking at one structure. You need to look at entire block from Burns to Route 17. When you created the overlay zone, you essentially rezoned all of those properties north of Route 17 in this block, so as to allow professional offices in any of them. You also took what was then a non-conforming use and made it conforming. It is now a legitimate prof. office. To roll it back, and make it non-conforming again, they are losing something.

Discussion ensued.

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Mayor Gross - but the residents are requesting it.

Atty. Groff - that is only one of the factors that you should be weighing, but that is not the controlling factor. Its very difficult and risky for any municipality to create a land use regulation and then change it.

Mayor Gross - another concern was traffic and parking. Before with Dr. May and Dr. Rodabaugh they took their front yards and made them into parking lots.

Trustee Swartz - I looked at these lots, there is space behind each house to make parking lots.

Mayor Gross - could we limit parking

Atty. Groff - zoning law already limits parking in front yards. Rodabugh did it because it was before it was against the law.

Mayor Gross - would like to you to report back on this, it would be important for us to know.

Atty. Groff - will report back by the next meeting.

Trustee Swartz - does anyone know what Amber Court is going to do with that complex.

Mayor Gross - their hopes are to demolish some of the buildings, but not for sure.

Trustee Sullivan - regarding the proposed definition for 'professional office', - reads fine to me. Don't see a problem with it. The Board agreed.

Trustee Miller - Regarding the change for porches, I don't see a big problem with that.

Atty. Groff - original rationale for porches was to allow for a covered entryway. A question that will come up will be will you allow it to be a covered porch. What we're talking about is not porches, it's the setback requirement. Your setbacks are designed to prevent structures from being built out to the road. These smaller porches were disregarded. So this is a setback issue.

Mayor Gross - how about enclosed porches.

Atty. Groff - we already prohibited that. They cannot be enclosed.

Trustee Miller - would like to go along with width of the house.

Mayor Gross - would like to look this over a little bit longer. Could have quite an effect, in Windsor Gardens especially. If some houses have it, and some don't.

Discussion explaining porch setback. Atty. Groff - our law says you can't build a structure closer than 30' to the right of way. But, if you build a porch and the porch isn't anymore than 6 x 8 you can put it up without a variance. Question is do you want to extend that exception out to the length of the house, not just 8'

Mike Stenpeck - its always the 8' that is the problem. Getting requests for more than the 8'.

Lengthy discussion ensued.

Atty. Groff - your only hearing the exceptions. You might want to think about how many times people have put up 6' x 8' porches. They never came and asked for more space. I don't know how many that is. But its something to be mindful of.

Mayor Gross - we need to set up a workshop on this matter.

Trustee Swartz - thermal imaging camera - would like to see demonstration of how it works.

Bob Skebey - I heard that the old sunoco station has been sold, but will not tear it down.

Mayor Gross - thanked DPW for all their work in this weather. She also requested that the Police Chief report at the next meeting on the plans for Hanover Square pedestrian issue.

Resolution by Trustee Swartz, seconded by Trustee Miller, that this Board along with Atty. Groff move into an Executive Session to discuss a personnel matter involving a particular person.

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Roll Call Vote:

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

At 8:00 p.m., the Board and the Village Attorney moved into an Executive Session, the minutes of which are attached hereto and made a part hereof.

At 8:25 p.m., the Board reconvened to the regularly scheduled meeting of this date.

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

Respectfully submitted,

Sharron Cunningham
Clerk-Treasurer

/rmb

VILLAGE OF HORSEHEADS FEE SCHEDULE 2005	
TYPE	FEE
1 & 2 FAMILY RESIDENTIAL NEW CONSTRUCTION	.10 sq ft
DETACHED RESIDENTIAL SUPPLEMENTAL BUILDING	.08 sq ft
MINIMUM FEE	\$25.00
BUILDING WITHOUT PERMIT	\$50.00 plus building permit fee
OPEN DECKS	\$25.00 under 500 sq. ft. \$30.00 over 500 sq.ft.
MULTI FAMILY AND COMMERCIAL NEW CONSTRUCTION	.10 sq. ft. plus \$1.00 per thousand of construction cost
INDUSTRIAL/ MANUFACTURING	same as commercial
COMMERCIAL REMODELING & INDUSTRIAL REMODELING	.02 sq. ft. minimum \$50.00
FUEL TANK DISPENSING ISLAND/ WITH CANOPY	\$50.00
FUEL TANK INSTALLATION	\$25.00
FUEL TANK REMOVAL	\$25.00
DEMOLITION	\$25.00 residential \$50.00 commercial
SWIMMING POOLS	\$25.00
1 & 2 FAMILY BUILDING PERMIT RENEWAL and ACCESSORY BUILDING	1 ST renewal \$20.00 each renewal after \$50.00
COMMERCIAL BUILDING PERMIT RENEWAL	.10 sq ft
MOBILE HOME INSTALLATION	\$25.00

TYPE	FEE
SIGNS	\$25.00
TEMPORARY SIGN PERMIT	\$10.00
SITE PLAN REVIEW FEE	\$50.00 minor project \$100.00 major project plus reimbursement for any engineering review costs
SPECIAL USE PERMITS	\$50.00
VARIANCE REQUESTS	\$50.00
PUBLIC HEARING NOTICES FOR VARIANCES	applicant pays actual costs incurred *
PUBLIC HEARING NOTICES FOR PLANNING BOARD ACTIONS	applicant pays actual costs incurred *
PUBLIC HEARING NOTICES FOR PLANNED UNIT DEVELOPMENT	applicant pays actual costs incurred *
PUBLIC HEARING NOTICES FOR REZONING, NO PARKING AND ZONING ORDINANCE CHANGE REQUESTS.	applicant pays actual costs incurred *
FLOOD PLAIN DEVELOPMENT	\$25.00

* Applicant shall pay, prior to publication, a deposit in an amount determined by the Village Manager to be adequate to cover such costs and publication expense.

EXECUTIVE SESSION

January 27, 2005

An Executive Session of the Village of Horseheads Board of Trustees was held on the above date at 8:00 p.m. in Village Hall. Present were Mayor Patricia Gross, Trustees Earle Catlin, Ronald Swartz, Howard Miller, and Kevin Sullivan. Also present was Village Attorney John G. Groff. They discussed a personnel matter involving a particular person.

At 8:25 p.m., upon motion by Trustee Miller, seconded by Trustee Sullivan, the executive session was adjourned, and the Board reconvened to its regular meeting of this date.

Roll Call Vote:

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

/rmb