

## VILLAGE OF ATHENS BOARD MEETING & PUBLIC HEARING MINUTES - JANUARY 9, 2013

*Pledge to the flag.*

**PRESENT:** Mayor Andrea Smallwood, Trustee Herman Reinhold, Trustee Robert June, Trustee Gail Lasher and Trustee Anthony Patsky.

The Mayor opened the PUBLIC HEARING at 6:30PM for the purpose of hearing public comment on the proposed zoning law.

The Village Board reviewed and completed parts I and II of the SEQRA Review Short Environmental Assessment Form for unlisted actions only. After Part III 'Determination of Significance' was completed, the Village Board determined, that based upon the information and analysis that the proposed action will not result in any significant adverse environmental impacts.

1.) *Chris Pfister, resident of the Village and also a member of the zoning review committee that worked on this project, stated that he was happy to see this zoning document proceed to the final stages and hopefully pass into law. Some of the comments he made on the proposed document were:*

\* Section 92-13 commercial setbacks side and rear. He questioned why the Village Board decided to change them.

\* Historic district (Section 92-15.H D). He noted that the wording changed in that section to state that the 'Planning Board may seek advice from this committee (Historic District Advisory Committee)...'. He would like it to state 'must seek advice from this committee' as it was originally stated.

Mayor Smallwood stated that the Village Board agreed that they wanted to expedite the process of obtaining a building permit. The Planning Board and any other Village Agency can send historic review items to the new Historic Advisory Committee.

\* Section 92-16 H Historic Districts and Landmark Structures. H.(1)(a) 'Contributing properties are properties that have structures built prior to 1960...'. He stated that he felt putting a specific year on that designation was not favorable since it might change in 20 years as far as some of these structures being significant. Also some buildings built after 1960 may contribute.

The Mayor stated that the Village Board wanted to have some way to determine which properties are contributing and non-contributing without having to look at each property individually which is very time consuming. The Village Board can always amend the law in the future to change the date as time goes on.

Village Attorney Tal Rappleyea recommended just changing the wording by inserting an 'or' to designate properties as contributing or non-contributing to the following 'include structures built prior to 1960 or those that help define the historic district'.

\* Mr. Pfister also noted some areas in the document layout-wise that seemed confusing.

\* The appeal process (Section 92-16 N) pg. 23 was also mentioned by Mr. Pfister. Formerly the document named the ZBA as the Appeal Board. The Village Board changed it to the Village Board being the appeal board. He is curious as to whether the Village Board really wants to take this on.

Mayor Smallwood noted that the ZBA will now only be dealing with area variances. The Village Board felt it would be better suited as the Appeal Board in this process.

\* Mr. Pfister also mentioned that he feels Section 92-24 (b)(2) single dwelling unit seems too strict.

\* Mr. Pfister also noted that he felt Section 92-24 D (6) recreational vehicles contains a conflict with (a)(2) and (b) in that section.

The Village Board will review his comments later.

2.) *Ron Puhalski, village resident*, questioned the listed uses for the CR district (Commercial Residential). It states that restaurants with no drive-thru's are allowed with a site plan review. However Banks, Saving & Loans and Credit Unions are also allowed with a site plan review. However, it does not eliminate drive thru's from Banks, Savings & Loans and Credit Unions. Is that what the village wants? Are they willing to entertain this possibility?

The Village Board stated that that would require a site plan review and will be determined at that point. If there is enough room for one then it is a possibility.

3.) *April Paluch, Town resident*, asked whether there was something in the new zoning to protect those people who have older homes that have burned and need to rebuild since the new building criteria, for example, setback requirements would not allow them to build again on the same property.

The Mayor stated that the zoning has provisions to protect those people and enable them to build on the same footprint.

The Village Board determined that after receiving comments from the Public they felt that no comments presented would affect the Short Form for SEQRA so the following RESOLUTION was passed:

A MOTION was made by Trustee Reinhold, that the following RESOLUTION be passed;

It is hereby resolved, that therefore the Village Board of the Village of Athens hereby adopts a Negative Declaration associated with the adoption of a new zoning law and finds that there will be no significant negative environmental impacts associated with such adoption. (RESOLUTION attached).

Seconded by Trustee Anthony Patsky.

Trustee June votes aye.

Trustee Lasher votes aye.

Mayor Smallwood votes aye.

RESOLUTION passes.

A MOTION was made by Trustee Reinhold, seconded by Trustee Patsky, all in favor, to close the Public Hearing at 7:15 PM.

OPEN Regular work meeting.

**DEPARTMENT HEADS PRESENT:** Fire Chief Jim Robinson Jr., Code Enforcement Officer Mike Ragaini, DPW Director Dennis Proper, Chief of Police Roger Masse, VRI representative Ken Sabia and Village Attorney Tal Rappleyea were also present.

Department Head meeting.

**CORRESPONDENCE:**

1. Michael and Anne Pirrone. Re: Athens Fire Department.
2. The YMCA. Re: 'Greene Y Tri' on September 7, 2013.
3. Athens Community Foundation. Re: Grant Awards – Flower program, Dog Park.
4. Greene County Joint Landfill Venture. Re: Financials.
5. Greene County Legislature. Re: RESOLUTION # 442-12 Authorizing relevy of unpaid village taxes for the year 2012.
6. Tom Carroll. Re: Application for request to use the gym. RESOLUTION made by Trustee Reinhold, seconded by Trustee Lasher, all in favor, to approve use of gym as requested contingent upon them providing proof of insurance or waivers.
7. NYMIR. Re: Welcome.
8. Athens Community Foundation. Re: Rejection of grant application.

**PUBLIC:**

1. *Michael Black, resident of the Village*, attended the meeting to inquire as to whether the Village Board had read the letter he had written addressed to the Mayor and Village Board regarding the Athens Police Department. He has not received any written or verbal response to this letter and he is due to appear in court shortly.

The Mayor stated that they have received his letter and at the advice of the Village Attorney they are unable to discuss this issue in a public forum. The Village Board is looking into it however and has distributed the letter to the Department Head to deal with.

Mr. Black stated that he thought that the charges against him should be withdrawn and that he hopes that his letter was not written in vain.

2. *Francesco Taccetta, resident of the Village*, attended the meeting to inform Trustee Patsky and the Village Board that if they had any questions regarding a recent incident that happened to him and he has already discussed with them then he would be available for them at any time.

Trustee Patsky thanked him and stated that the Village Board will have to discuss this matter in Executive Session.

### **OTHER BUSINESS:**

A RESOLUTION was made by Trustee Reinhold, seconded by Trustee June, all in favor, that based upon the recommendation of the Fire Chief the Village Board approve the purchase of new fire hose at a cost of \$5,795.00 and an equipment rack at a cost of \$1250.70.

The Fire Chief stated that they have received prices from 3 vendors for the hose that they wanted to purchase and the only vendor to provide them with a cost for that specific type of hose that they requested was Garrison.

Garrison was the only vendor that carried the equipment rack that they required.

A MOTION was made by Trustee Reinhold, seconded by Trustee June, all in favor, approving payment of the following vouchers:

**GENERAL**-Abstract #1730, vouchers numbered #9912217 through #9912248 and vouchers numbered #9912277 through #9912279 in the amount of \$82,472.62.

A MOTION was made by Trustee Reinhold, seconded by Trustee Patsky, all in favor approving payment of the following vouchers:

**WATER**- Abstract #10263, vouchers numbered #9912249 through #9912263 in the amount of \$13,901.56.

**SEWER** – Abstract #10234, vouchers numbered #9912266 through #9912276 and vouchers numbered #9912264 through #9912265 in the amount of \$19,305.36.

A RESOLUTION was made by Trustee Lasher, seconded by Trustee June, all in favor, approving passing the proposed Zoning law. (RESOLUTION attached).

MOTION made to adjourn tonight's meeting at 9:45PM.

Good Night!

Mary Jo Wynne