

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 8, 2012

PRESENT: Supervisor Teresa Dean
 Council Edward Fairbrother
 Mike Smith
 Mike Saglibene
 Attorney Fredrick Ahrens
 Town Clerk Linda Cross

ABSENT: Council Andy Gillette

Supervisor Dean called the Town Board meeting to order at 4:30 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE

Jim Appier, 87 Hillview Drive, stated the weeds are high on the east bound ramp, obstructing your vision to pull into traffic this.

REPORTS

Supervisor Dean stated the following reports for July 2012 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance Report, Youth Department Monthly Report, Department of Public Works Monthly Report, Assessor's Monthly Report, Justice Court Monthly Report, Code and Planning Department Monthly Report, SPCA Monthly Report.

Councilperson Fairbrother complimented our Code Officers for how they operated and helped people in Golden Glow and Harris Hill Manor with the latest storm. He has had nothing but compliments from these people with regards to working with them on roofing and structure problems from all the trees. Councilperson Fairbrother also complimented our Commissioner of Public Works along with the Highway Supervisor and staff for their job well done clearing all the trees and debris in a very timely manner and making the roads assessable. Councilperson Fairbrother also thanked Supervisor Dean for visiting these sites that were hit really bad, and made sure they had water and ice along with bathroom facilities for the Golden Glow area.

UNFINISHED BUSINESS

RESOLUTION NO. 172-12
LOCAL LAW # 3 OF 2012, TOWN OF BIG FLATS MUNICIPAL CODE,
TITLE 17 – ZONING ADOPTED

Resolution by: Fairbrother
Seconded by: Smith

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 8, 2012

RESOLUTION NO. 172-12, LOCAL LAW # 3 OF 2012, TOWN OF BIG FLATS
MUNICIPAL CODE, TITLE 17 – ZONING ADOPTED continued

WHEREAS there has been duly presented to the members of the Town Board on April 25, 2012, Town of Big Flats Local Law Tentatively No. 2 for the Year 2012, first amendment includes replacing the transition yard chart in Chapter 17.16.080 *Transition yard* requirements, with the more restrictive chart 17.36.300 *Transition yard, buffer yard, landscaping and barrier* requirements to be consistent, and

WHEREAS the second amendment includes changing Chapter 17.52.020 General Requirements *sect.5* from “twenty-four(24)feet” to” thirty-six(36) feet”, to be consistent with the tables in Chapter 17.52.050 Sign Requirements by *principal use* and district, and

WHEREAS the third amendment includes removing the use “*Vehicle sales and/or repair, heavy equipment* in Chapter 17.12.010 from the “Conservation(C)” district, adding it to the “Commercial(CL)” and “Business Neighborhood 2(BN2)” district in Chapter 17.12.010 Use requirement table, and

WHEREAS the fourth amendment includes removing “bakery”, “Convenience mart”, “Parking lot, Commercial”, and “Restaurant, standard”, from the “Business Neighborhood 2(BN2)” district in Chapter 17.12.010 Use requirement table, and this Town Board by resolution, preliminarily adopted said Local Law on April 25, 2012, making the final adoption of said Local Law subject to a Public Hearing to be held on July 11, 2012; and

WHEREAS in accordance with said resolution and Notice of Public Hearing, this Town Board of the Town of Big Flats did conduct a Public Hearing on July 11, 2012 at 4:30 P.M., and all persons appearing were given the opportunity to be heard, and the Clerk of this Town Board having filed proof of the publication and posting of the Notice of Public Hearing and requirement for a permissive referendum, and

WHEREAS the Town Planning Board duly reviewed said proposed Local Law at their regular meeting of June 5, 2012 and provided recommendation of approval with the exception of removing “Bakery”, “Convenience Mart”, and “Restaurant, standard” from the “Business Neighborhood 2(BN2)” zone, and

WHEREAS the Chemung County Planning Board recommended the Town Board enact the proposed zoning amendment subject to any additional modifications made by the Town Planning Board, and

WHEREAS the Town Board has completed the Full Environmental Assessment Form, and

WHEREAS the Town Board concurs with the Town Planning Board and accepts the exception of removing “Bakery”, “Convenience Mart”, and “Restaurant, standard” from the “Business Neighborhood 2(BN2)” zone, and

THEREFORE, BE IT RESOLVED hereby determines, pursuant to the provisions of SEQRA 6 NYCRR Part 617, that the proposed Type 1 action will not have a significant effect on the

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 8, 2012

RESOLUTION NO. 172-12, LOCAL LAW # 3 OF 2012, TOWN OF BIG FLATS
MUNICIPAL CODE, TITLE 17 – ZONING ADOPTED continued

environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

FURTHER RESOLVED that Town of Big Flats Local Law Tentatively No. 2 for the Year 2012, as hereinafter set forth be and the same hereby is finally adopted, to wit:

**TOWN OF BIG FLATS
LOCAL LAW NO. 3 FOR THE YEAR 2012**

A **LOCAL LAW** amending the Municipal Code, Title 17 – Zoning of the Town of Big Flats.

Be it enacted by the Town Board of the Town of Big Flats as follows:

SECTION 1 Amend Chapter **17.16.080** *Transition yard* requirements to read:

A. Where a R1, R2, or TCR *district* abuts any other *district* without an intervening *road*, a minimum side or *rear yard setback* in the other *district* that is measured from a *lot line* coincident with the boundary of the abutting *district* shall be increased more than the minimum *yard setback* specified in Section 17.16.020 for the other *district* by the number of feet as follows: (except where the TCR abuts the TC and TC2)

Other <i>District</i>	Residential <i>Districts</i>	<i>Transition Yard</i> Depth in Feet
RU	R1 & R2	25
TC	TCR	25
C	R1 & R2	25
RCD	R1 & R2	25
BN	R1 & R2	25
BN2	R1 & R2	25
TC2	R1, R2, & TCR	25
BNR	R1 & R2	50
BR	R1 & R2	50
ABD	R1 & R2	75
CL	R1 & R2	75
I	R1 & R2,	75

SECTION 2 Amend Chapter 17.52.030 **General requirements** to read:

- A. All signs shall comply with the following requirements:
1. The installation of a sign, except for a residential, occupation, agricultural, temporary, window sign, memorial, Tourist-Oriented-Directional, real estate, sandwich board, construction, civic, roadside stand, banner, private owner merchandise sale, and as provided in Section 17.52.040, shall require a building permit.
 2. A sign shall be constructed and installed in compliance with applicable provisions of the NYS Uniform Fire Prevention and Building Code.

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 8, 2012

RESOLUTION NO. 172-12, LOCAL LAW # 3 OF 2012, TOWN OF BIG FLATS
MUNICIPAL CODE, TITLE 17 – ZONING ADOPTED continued

3. No sign shall be located at or near an intersection in violation of Section 17.36.070, clear vision zone, or in any manner which may cause a traffic hazard at the intersection. A sign shall not be located where, by reason of the position, shape or color of the sign, it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device, nor shall any sign make use of the word “Stop,” “Look,” “Drive-In,” “Left” or “Right,” or any other word, phrase, symbol or character in such a manner as to distract, mislead or confuse traffic.
4. No sign shall be placed on a roof or on a cupola or similar roof mounted structure or on top of a parapet or similar architectural element of a building.
5. No sign shall be more than thirty six (36) feet in height above the finished grade or the grade shown on a grading plan of a site plan approved by the planning board, unless otherwise stated. Grading of a site for the purpose of raising the elevation of a sign contrary to this section is prohibited, except as shown in an approved site plan.
6. Each sign on a lot shall be set back a minimum of five (5) feet from the edge of any road, unless otherwise stated.
7. Any off-lot sign is prohibited.
8. No Sign shall be permitted in any road right-of-way
9. Any flashing sign is prohibited.
10. No sign is permitted for a wind energy conversion system, except as required in 17.36.150.
11. A sign for any residential use, either as listed in Section 17.12.010 or as nonconforming pursuant to Chapter 17.56, occurring in a BR, ABD, CL or I district shall comply with the provisions of Section 17.52.050.
12. All signs, sign finishes, supports and electric work shall be maintained, kept clean, neatly painted and free from all hazards, such as but not limited to faulty wiring, loose supports, braces, guys and anchors.
13. No utility pole or tree, or the like, located in any public right-of-way or public easement shall be used for the posting of signs.
14. No trailer or vehicle shall be intentionally parked on the premises in a manner to serve as a sign.
15. Refer to 17.12.010 for the list of residential, general, business, industrial, and accessory uses.

SECTION 3 Amend Chapter 17.12.010 **District Use Requirements** relative to the identified uses listed below:

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 8, 2012

RESOLUTION NO. 172-12, LOCAL LAW # 3 OF 2012, TOWN OF BIG FLATS
MUNICIPAL CODE, TITLE 17 – ZONING ADOPTED continued

USE	DISTRICT														
	RU	R1	R2	TC	TC2	TCR	BN	BN2	BNR	BR	ABD	CL	I	C	RCD
Bakery				S	S		S	S	S	S	S				
Convenience mart				X			S	S		S					
Parking lot, commercial				S							S	S			
Restaurant, standard				S	S		S	S		S	S				
Vehicle sales and/or repair, heavy equipment								X				X	X		

SECTION 4: This Local Law shall become effective forty-five (45) days after the date of its final adoption and on the date it is duly filed in the Office of the Secretary of State of the State of New York and in accordance with the provisions of the Municipal Home Rule Law of the State of New York..

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None
ABSENT: Gillette

NEW BUSINESS

RESOLUTION NO. 173-12
GROFF/LYONS DRAINAGE PROJECT

Resolution by: Smith
Seconded by: Saglibene

WHEREAS the properties on Groff Rd. and Lyons Dr. have drainage issues, and

WHEREAS a pipe drainage system with catch basins would alleviate these drainage issues, and

WHEREAS the Town can construct such drainage system, and

WHEREAS, for environmental review purposes, purchasing is a Type II Action for the purposes of SEQRA and as such, no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner of Public Works to purchase materials at a cost not to exceed \$22,000.00 to construct the drainage system.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None
ABSENT: Gillette

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 8, 2012

RESOLUTION NO. 174-12
CHEMUNG SUPPLY CORPORATION TO INSTALL UPGRADED GUARD RAIL

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS a section of guide rail on Breed Hollow is in need of an upgrade, and

WHEREAS Chemung Supply Corporation has been awarded the county bid for supplying guard rail service, and

WHEREAS Chemung Supply Corporation has provided cost quote of \$9,323.80 for said upgrade, and

WHEREAS, for environmental review purposes, purchasing is a Type II Action for the purposes of SEQRA and as such, no further action is necessary regarding the same, and

BE IT THEREFORE RESOLVED the Town Board authorizes Chemung Supply Corporation to install upgraded guard rail at a cost not to exceed \$9,323.80.

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None
ABSENT: Gillette

RESOLUTION NO. 175-12
AUGUST 8, 2012 COMMUNICATIONS LOG APPROVED

Resolution by: Fairbrother
Seconded by: Smith

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

July 31, 2012

Time Warner Cable – RE: Agreement with programmers' services. *Referred to: filed with Town Clerk.*

August 1, 2012

New York State Department of Taxation & Finance – RE: 2012 Final Equalization Rate. *Referred to: Assessor and filed with the Town Clerk.*

CARRIED: AYES: Smith, Fairbrother, Saglibene, Dean
NAYS: None
ABSENT: Gillette

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 8, 2012

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 4:42 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk