

MINUTES OF THE TOWN BOARD MEETING OF AUGUST 11, 2010

PRESENT: Supervisor Teresa Dean
 Council Edward Fairbrother
 Marcia Hudock
 David Manchester
 Mike Smith
 Attorney Thomas Bowes
 Town Clerk Linda Cross

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.

Supervisor Dean announced the first two items under New Business are tabled.

PUBLIC HEARING: 4:32 p.m. Special Use Permit – Camping World

Supervisor Dean called the public hearing to order at 4:32 p.m. and read the legal notice duly advertised in the Elmira-Star-Gazette on August 2, 2010, which allowed and considered public comments on the special use permit for Camping World to permit RV sales at Tax Parcel # 57.04-1-7.17.

IN FAVOR: None
OPPOSITION: None
COMMENTS: None

Since there were no further comments, Supervisor Dean closed the Public Hearing at 4:33 p.m.

PRESENTATION

Steve Polzella, Director of Planning for the Town of Big Flats, gave an overview of the proposed zoning amendment.

CONCERNS OF THE PEOPLE

Steve Polzella, Director of Planning, commended the Planning Board on their review of the Ridgeline Overlay District, regarding the ATT cell tower project near Yawger Road.

REPORTS

Supervisor Dean stated the following reports for July 2010 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Agriculture & Market Monthly Report, SPCA Monthly Report, Supervisor's Fund Balance Report, Justice Court Monthly Report, Community Center Monthly Report, Department of Public Works Monthly Report, Assessor's Monthly Report

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Supervisor Dean reported the following:

- Community Center Board looking for direction from the Town Board.
- Meeting August 26, 2010, regarding the budgets effect to the ORPS office.

OLD BUSINESS

RESOLUTION NO.179-10
SPECIAL USE PERMIT FOR CAMPING WORLD APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Planning Board has received an application from Camping World for site plan approval to permit an RV sales event located off CR 64, Tax Parcel 57.04-1-7.17, and

WHEREAS the property is located in the Business Regional (BR) district near the intersection of I-86 and CR 64, in the Consumer Square Plaza in the parking lot of the former Wal-Mart, and

WHEREAS a public hearing was duly held on August 11, 2010 whereat all interested parties were duly heard, and

WHEREAS the Planning Board of the Town of Big Flats granted site plan approval, Resolution P-2008-29, on August 5, 2008, and

WHEREAS the Planning Board of the Town of Big Flats has determined pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration in Resolution P2008-28, now

BE IT THEREFORE RESOLVED the Town Board approves the special use permit for Camping World with the following conditions:

- Hours of Operation shall be limited to hours within the times of 6:00 am EST and 11:00 pm EST
- The dates of the sales event shall be August 18, 2010-August 23, 2010
- The applicant may begin moving vehicles onto the site three days prior to the sale, August 15, 2010
- All vehicles shall be removed and the site shall be returned to original condition no later than August 25, 2010
- Operational lighting shall follow the schedule of the plaza
- All signage shall comply with Town of Big Flats Municipal Code Chapter 17.52
- Applicant shall adhere to the site layout as depicted on the approved Site Plan.

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RESOLUTION NO.179-10 Special use Permit for Camping World continued

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

NEW BUSINESS

RESOLUTION NO.180-10
PUBLIC HEARING SET FOR LOCAL LAW NO.1 OF 2010

Resolution by: Smith
Seconded by: Hudock

WHEREAS the Town Board approved Resolution No. 239-07 adopting Local Law 6, 2007 titled Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code (also referenced as Municipal Code, Chapter 15.04), and

WHEREAS due to a concern with reference to electrical inspections, the Building Inspector/Code Enforcement Officer recommends the Town Board amend Chapter 15.04 of the Town Municipal Code, Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code section of the Town Code, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board sets a public hearing for August 25, 2010 at 7:02 p.m. to hear comments regarding proposed Local Law No. 1 of 2010 titled "Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code".

CARRIED: AYES: Hudock, Manchester, Fairbrother, Smith, Dean
NAYS: None

CORRESPONDENCE

Notice of Petition/Stavitsky & Associates LLC. A notice of petition was received on July 14, 2010 in the matter of Lowe's Home Centers, Inc.

Letter of Interest/Donald Gaylord. A letter was received from Donald Gaylord, dated July 22, 2010, stating his interest in serving on the town board should vacancies become available.

Letter of Interest/Andrew Gillette. A letter was received from Andrew Gillette, dated July 27, 2010, stating his interest in serving on the town board should vacancies become available.

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Concerns about Kahler Road Brush Drop Area/Jean Bailey & Virginia Miller. A letter was received from Jean Bailey and Virginia Miller, dated July 27, 2010, regarding their concerns with closing the Kahler Road brush drop area.

NYS Electric & Gas Corp. Rate Cases/State of NY Dept. of Public Service. A letter was received from Douglas Elfner, Director of Office of Consumer Policy, dated July 23, 2010, regarding the increase for annual electric delivery and natural gas delivery revenues.

Liquor License Alteration/Monitag Inc Tag's Tavern. An alteration application was received from James T. Rhodes, owner of Monitag Inc. Tag's, dated July 22, 2010, regarding an amendment to the liquor license.

Final Equalization Rate/NYSORPS. A letter was received from Brian F. Moon, Real Property Analyst, dated August 3, 2010, regarding the Final State Equalization Rate for the 2010 Assessment Roll.

Program Updates/Time Warner Cable. A letter was received from David Whalen, Vice President for Public and Governmental Affairs for Time Warner Cable, dated August 1, 2010, providing the Town Board with a list of expiring and added programs.

Meeting Minutes/ECTC Planning Committee. The meeting minutes of the Elmira-Chemung Transportation Council, from Brian C. Kelly, PE, were received.

Web Design & Development/inCommand Technologies. A letter was received from Jay Erickson, Webdesign & Development, dated July 26, 2010, regarding designing and developing a website for the town.

Water & Wastewater Services/Aqua New York, Inc. A letter dated July 12, 2010 was received from Keith E. Gabage, Director of Corporate Development of Aqua, regarding publicly traded water utility, providing water and wastewater service.

Stray Voltage Testing Order/State of NY Public Service Commission. An order requiring additional mobile stray voltage testing in areas of New York State was received from the NYS Public Service Commission, dated June 17, 2010, stating the requirements of the Electric Safety Standards.

Since there was no further business to come before the Board, Councilperson Manchester made a motion, seconded by Councilperson Fairbrother, to adjourn the Town Board meeting at 5:24 p.m. All in favor motion carried.

Date approved: _____

Linda J. Cross
Town Clerk