

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, DECEMBER 20, 2004

MEETING TO ORDER

Mayor Barnicle called the meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were:

Present:

Absent

James Barnicle, Mayor
Ariel Escobar, Trustee
Victor, Marinello, Jr. Trustee
Brian VanDermark, Trustee

Scott Schoonmaker, Trustee

Also Present: Richard Sush, Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Alan Reynolds, Highway Superintendent
Sue Flora, Code Enforcement Officer
Glenn Smith, Village Engineer
Clarence Decker, Water Superintendent
Arlene Glass, Grants Department

MOMENT OF SILENCE - URSULA GOOD

Mayor Barnicle asked for a moment of silence for Ursula Good who passed away this week.

APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF DECEMBER 6, 2004

A motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of December 6, 2004 as presented.

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OLD BUSINESS

Used Ice Skates

Mayor Barnicle asked for donations of used ice skates for use by children wanting to ice skate on the deHoyos Park pond that will be kept clean for ice skating when weather conditions permit.

Village Holiday Hours

The Mayor announced that all Village offices will be closed on Thursday, December 23rd at noon and all day Friday, December 24th in celebration of the Christmas Holiday and no recycling, and on Thursday, December 30th and Friday, December 31st in celebration of the New Year's Holiday.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE ITSELF LEAD AGENCY REGARDING THE ADOPTION OF LOCAL LAW NO. 16 OF 2004 AMENDING THE ZONING CODE TO PROVIDE FOR A SENIOR CITIZEN AFFORDABLE HOUSING FLOATING DISTRICT

Deputy Village Attorney Tim Havas explained that the original Local Law has been modified as follows:

D. Development Standard.

- (4) (a) The site density has been changed to make it more restrictive so it shall not exceed 16 dwelling units per acre.
- (b) The maximum building height shall be thirty-eight (38) feet instead of forty (40) feet which is the Planning Board's recommendation.

WHEREAS, the Village of Monticello Board of Trustees is contemplating the adoption of proposed Local Law No. 16 of 2004 which would amend the Zoning Code to provide for a Senior Citizen Affordable Housing Floating District; and,

WHEREAS, the Village of Monticello Board of Trustees intends to declare itself Lead Agency regarding the aforementioned Local Law No. 16 of 2004; and,

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WHEREAS, this proposed Local Law constitutes a Type I Action as is specified under the State Environmental Quality Review Act (SEQRA); and,

WHEREAS, the Village of Monticello Board of Trustees wishes to become Lead Agency in connection with the SEQRA review process regarding this proposed Local Law; and,

WHEREAS, all other interested agencies have been notified of the Village of Monticello Board of Trustees' intention to become Lead Agency and have been provided with the Long Form EAF.

NOW, THEREFORE BE IT RESOLVED, that:

- (1) The Village of Monticello Board of Trustees hereby Designates itself as Lead Agency for the consideration of the SEQRA Review process regarding The adoption of proposed Local Law No. 16 of 2004 which would amend the Zoning Code to provide for a Senior Citizen Affordable Housing Floating District.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

PART II OF THE ENVIRONMENTAL ASSESSMENT FORM

Prior to the to the vote to declare a Negative Declaration under SEQRA, the Mayor completed Part II of the Environmental Assessment Form.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE A NEGATIVE DECLARATION REGARDING LOCAL LAW NO. 16 OF 2004 WHICH WOULD AMEND THE ZONING CODE TO ESTABLISH A SENIOR CITIZEN AFFORDABLE HOUSING FLOATING DISTRICT

WHEREAS, the Village Board of Trustees is contemplating the adoption of proposed Local Law No. 16 of 2004 which would amend the Zoning Code to provide for a Senior Citizen Affordable Housing Floating District; and,

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WHEREAS, this proposed Local Law is defined as a Type I Action pursuant to the State Environmental Quality Review Act (SEQRA); and,

WHEREAS, the Board of Trustees has given consideration to the Long Form EAF which has been submitted;

NOW, THEREFORE BE IT RESOLVED, that:

- (1) The Village of Monticello Board of Trustees has considered the attached Long Form EAF prepared in connection with the adoption of the above-captioned proposed Local Law No. 16 of 2004 which would amend the Zoning Code to provide for a Senior Citizen Affordable Housing Floating District; and,
- (2) The Village of Monticello Board of Trustees hereby determines after careful consideration that the adoption of said Local Law will not result in any significant adverse environmental impact.
- (3) This resolution shall take effect immediately.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 16 OF 2004 AMENDING THE ZONING CODE TO PERMIT A SENIOR CITIZEN AFFORDABLE HOUSING FLOATING DISTRICT

Mayor Barnicle opened the public hearing at 7:10 p.m.

Gordon Jenkins questioned why there is such a rush to hurry this project to completion?

The Mayor responded that the Village is doing all the reviews in a condensed version because the State has grant money available in their budget for this fiscal year and if the project waited a year to do the extended process fully the money might not be available in the next State budget fiscal year.

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Carmen Rue was concerned that this land has been designated wetlands and should not be used for this type of development.

The Mayor responded that the building and roadways will not touch any wetlands.

Barbara Burton did not feel the Village should change zoning to accommodate a certain development.

At 7:14 p.m., Mayor Barnicle closed the public hearing as there were no other comments.

**RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES
ADOPTING LOCAL LAW NO. 16 OF 2004 WHICH WOULD AMEND THE
ZONING CODE TO PERMIT A SENIOR CITIZEN AFFORDABLE HOUSING
FLOATING DISTRICT**

WHEREAS, the Village of Monticello of Trustees has contemplated the adoption of Local Law No. 16 of 2004 which would amend the Zoning Code to provide for a Senior Citizen Affordable Housing Floating District; and,

WHEREAS, the Village of Monticello Planning Board recommends that the Village of Monticello Board of Trustees adopt the aforementioned legislation provided that it is modified to allow a maximum building height of 38 feet rather than 40 feet; and,

WHEREAS, the Monticello Village Board of Trustees have declared themselves lead agency for SEQRA purposes; and,

WHEREAS, the Village of Monticello Board of Trustees, after careful consideration, and after giving all interested agencies an opportunity to be heard have hereby determined that the adoption of Local Law No. 16 of 2004 will not have any adverse environmental impact; and,

WHEREAS, a public hearing was held on December 20, 2004 pertaining to the aforementioned legislation.

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NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees formally adopt Local Law No. 16 of 2004 which would amend the Zoning Code to provide for a Senior Citizen Affordable Housing Floating District, and be it further

RESOLVED, that this legislation shall be placed into effect immediately.

A motion was made by Trustee Escobar, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

PART II OF THE ENVIRONMENTAL ASSESSMENT FORM - MONTICELLO FIRE HOUSE

Prior to the to the vote to declare a Negative Declaration under SEQRA, the Mayor completed Part II of the Environmental Assessment Form regarding the construction of the Monticello Fire House.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE A NEGATIVE DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH REGARD TO CONSTRUCTION OF THE MONTICELLO FIRE HOUSE ON RICHARDSON AVENUE

WHEREAS, the Board of Trustees of the Village of Monticello ("Village"), wishes to construct a new firehouse on Richardson Avenue in the Village of Monticello; and,

WHEREAS, the contemplated action appears to be a Type I action requiring review pursuant to Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act ("SEQRA"); and,

WHEREAS, an Environmental Assessment Form ("EAF") has been completed; and,

WHEREAS, the Board of Trustees of the Village of Monticello has assumed Lead Agency status regarding the proposed construction; and,

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WHEREAS, the Board of Trustees of the Village of Monticello has completed the EAF and found that the construction of the new firehouse on Richardson Avenue in the Village of Monticello will have no significant adverse impact on the environment.

NOW, THEREFORE BE IT RESOLVED, that the Trustees of the Village of Monticello has given consideration to the attached EAF prepared in connection with the proposed construction of a new firehouse on Richardson Avenue in the Village of Monticello.

BE IT FURTHER RESOLVED, that the Board of Trustees of said Village does hereby determine that the proposed action would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA; and,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

A motion was made by Trustee VanDermark, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO REFERRING A ZONING CHANGE REQUEST FOR PROPERTIES LOCATED ON ST. JOHN STREET WITH RESPECT TO PROPOSED COMMERCIAL USE TO PLANNING BOARD

WHEREAS, the Village Manager and the Board of Trustees of the Village of Monticello have received a request for a zoning change for areas of St. John Street with respect to proposed commercial use and zoning; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that it is appropriate and in the best interest of the Village of Monticello to refer this request to the Planning Board for its recommendation.

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NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Trustees of the Village of Monticello hereby refers a zoning change request for properties located on St. John Street with respect to proposed commercial use to the Planning Board.

A motion was made by Trustee Escobar, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A CONTRACT WITH WAL-MART FOR THE LIMITED PURPOSE OF CONTINUED ADEQUATE WATER SERVICE FOR THE FIRE PROTECTION SYSTEM

WHEREAS, Wal-Mart owns a retail store at Route 42 and Anawana Lake Road in the Town of Thompson and is in need of continued water services for fire protection purposes; and,

WHEREAS, the Village of Monticello has been providing said services since 1998; and,

WHEREAS, the Board of Trustees of the Village of Monticello continues to agree to provide Wal-Mart and Wal-Mart has agreed to continue to accept from the Village of Monticello, adequate water services for fire protection only; and,

WHEREAS, the agreement will continue for three (3) years at an annual fee of \$15,625.00 per year plus any percentage increases as applies to residential properties in years two (2) and three (3) payable in advance.

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Monticello that:

1. That the Manager of the Village of Monticello shall be and hereby is authorized to sign a Contract on behalf of the Village of Monticello with Wal-Mart for the limited purpose of adequate water service for Wal-Mart's fire protection system.
2. That this resolution shall be effective immediately upon signature of the Village Clerk.

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A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

PUBLIC COMMENT

Ambulance Corp

A resident questioned why the Monticello Ambulance Corp is no longer in operation and has been evicted by the Village?

The Mayor responded that the Ambulance Corp lost their certification from the State Department of Health, so at this time they are not qualified to perform their duties.

Grant Forum

Carmen Rue felt the Grant Forum scheduled for this evening should have been rescheduled because of the inclement weather.

Mayor Barnicle explained that the weather is extreme but the grant informational meeting will be held this evening, and the Village will contact community groups and possibly go to qualified recipients to ensure that everyone is informed of the criteria for these HOME grants.

Outside Water Contract - David Weiner

Carmen Rue felt that a roll call vote had not taken place when they were approving the contract for outside water for David Weiner at the last meeting. She felt it is illegal if the entire Board had not voted to approve this contract. She indicated that she will FOIL for the tape of that meeting to prove she is correct.

ADJOURNMENT

At 7:30 p.m., a motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

