

Minutes of a Regular Meeting
Of the
Board of Trustees of the Village of Johnson City, New York,
Held in the Justice Building at 7:30 PM on February 2, 2010

Present: Mayor Dennis F. Hannon

Deputy Mayor Monica Silas
Trustee Richard Balles
Trustee Ronald Davis
Trustee Cindy Novobilski

Jeff Jacobs
Chief Stephen Hrustich
Chief Douglas Potts
Thomas A. Johnson
Robert Bennett
Daria Golazeski

Village Attorney
Johnson City Fire Department
Johnson City Police Department
Village Clerk/Treasurer
Director of Services/Public Works
Planning Consultant

ORDER OF BUSINESS:

1. PLEDGE OF ALLEGIANCE

The Mayor led the Pledge of Allegiance.

2. FIRE EXITS

The Mayor noted the fire exits.

3. MAYOR'S ANNOUNCEMENTS

4. APPROVAL OF BOARD MINUTES

Motion made by Trustee Balles - Seconded by Trustee Silas to accept and place on file:

Work Session and the Regular Board Meeting minutes of January 19, 2010.

Motion made.

Board polled.

Ayes 5 Nays 0

5. BIDS (none)

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6. PUBLIC HEARINGS

The Mayor read the short form as stated:

Regarding a request from Affordable Senior Housing Opportunities of NY, Inc., to rezone the property located at 1035 Anna Maria Drive Rear & 1039 Anna Maria Drive from R9 (Residential 9,000) to PUD, for the construction of 129 apartments (26 one bed and 103 two bed) for senior citizens.

- a) Receipt of letter from Dept. of Planning & Code Enforcement dated January 20, 2010 – Daria Golazeski.
- b) Receipt of letter from Director of Public Services – Robert Bennett – dated January 21, 2010.
- c) Receipt of letter from residents regarding concerns dated January 2, 2010.
- d) Receipt of letter dated January 26, 2010 from Roseann Dellapenna.
- e) Receipt of letter dated February 1, 2010 from Gerald & Joanne O'Donnell.

The Mayor opened the Public Hearing.

Michael Connors- 248 Harrisville Rd., Suite B., Williamsville, NY – He represents the Affordable Housing Opportunities of New York, Inc. He explained in depth several other projects that currently exist in addition to explaining in detail what they are anticipating from this rezone. He stated that only one minor modification has been made to the original plan which took the parking spaces from 139 to 149 spaces and excluded parking garages prior to the Planning Board approval.

Trustee Davis – asked regarding gaining additional access, and if when looking at this design if two entrances had been discussed.

Michael Connors – stated that the Buffalo locations and the two that are under construction at this time do not have more than one entrance and it seems to work very well.

Trustee Davis asked if based on a design study do you feel that this is the best way to go with this.

Trustee Silas asked if he felt that access from another entrance was a problem.

Mr. Connors stated that in some cases there were access issues of going from the other properties to their properties. Plus the monetary issues and liability issues and because of those things we were not able to come to an agreement with them.

Trustee Balles stated that in October of 2009, Mr. Putman asked that a marketing study be completed for an in-house analysis prior to the Planning Board approval and safety is an issue.

Can you explain the purpose of the study and how you plan to address the safety issues?

Mr. Connors explained the in-house analysis and addressed the different safety issues.

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Chief Hrustich asked regarding public safety issues regarding pipe line, fire hydrant, and sufficient truck turn around issues to enable the ability of fire vehicle response.

Mr. Connors responded to all the questions.

Trustee Novobilski asked if there would be staffing on the facility. She also asked regarding housing and its proximity to neighbors and problems and issues that had come about as a result of the facilities.

Mr. Connors stated that these are individual units, therefore the need for much less staff. There would be most likely a management person, an administrative person and a maintenance person on site. Being a brand new building, there would not be much need for the maintenance person, beyond that; they would be contracting with local companies for grass cutting, dumpster, plowing, etc. He stated that Senior citizens are some of the best neighbors that you can get and that the projects that he has been a part of in Buffalo, there were not any additional concerns from the residents for fear of safety or feeling the need for fencing, privacy, etc. to protect their properties from the resident of the facilities. As far as the neighborhood, there will be very little impact on the neighborhood, as far as noise, traffic, etc.

Mayor Hannon asked if there would be on-site security.

Mr. Connors stated that there would not be a security guard. But, that there would be security regarding the doors. Once they get through the entrance of the lobby the door would lock and then there would be access code that would be typed into that the resident, then the resident would be able to view the person and either give them access or deny them access to their rooms.

Mayor Hannon asked if part of the responsibility of management would be to oversee the residents and their leases.

Mr. Connors stated that in the affirmative and stated that they would be responsible for reporting violators, such as having people in their unit that should not be there.

Denise Stoughton - Anna Maria Drive, JC – Spoke on behalf of the residents opposing the rezone of Anna Maria Drive. She spoke regarding the access and the fact that there is only one access to Anna Maria Drive. She stated that the residents believe that the project will cause stress on the sewage, drainage and cause run off issues in the area. In addition, they have asked for a PILOT agreement. She does not feel that for the amount of revenue to be received by the applicant that enough jobs are being created. The residents do not feel that there will be control over who rents these apartments. She also does not feel that this high density project fits the design of the Comprehensive Plan. They do not feel that it is in the best interest of the Village to proceed with this project. (Letter on file – from residents)

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Cheryl Ebert –6 Marlayne Dr., JC - Spoke regarding the hill access and the fact that the road could be difficult to navigate. Secondly that it is not near a bus route without cost to the village. But her biggest concerns are what is the true assessment for the completed project; the actual income it will produce, the number of permanent jobs it will generate for the Village and guarantee that the job can be finished and cost to the Village during and after the project. What research has been done regarding Affordable Housing? There is a disproportionate amount of property that cannot be taxed in this small Village. When my husband and I added a small, covered porch to our home, there was an extensive amount of paper work involved and at the time, I thought it was silly, but as I thought about it, it occurred to me that they were protecting the neighborhood by assuring high quality workmanship, although inconvenient for us at the time. I respectfully request that the Village Board gather all data, and background information before moving forward with this decision. Thank you.

Steve Holowinski – 1174 Anna Maria Dr., JC - They are asking for a variance for parking spaces. Since this is not on a bus line, I think the number of spaces that they are asking for should be a factor in your decision.

Resident - Anna Maria Dr., - Attended a meeting when the recommendation of .12 trips per hour @ 129 units works out to be 25 per hour. This is a significant change in the traffic pattern, but especially when there is peak time when the buses are out. There are already several parts of the village that are zoned for this type of development that would not require rezoning, plus they are near postal services, on bus routes, near grocery stores and have sidewalks.

Howard Newman- 925 Reynolds Rd.-JC – Have you done any housing studies where these project have gone and would you want one of these projects built in your neighborhood where your house is?

Resident -Reynolds Rd., -JC-Spoke regarding the access, the PILOT and stated that the project needed to benefit the tax payers, residents and the village not the developer.

Gerald O'Donnell – 1100 Christina Dr., JC – Spoke regarding the fact that a large piece of property was taken off the tax base when the school took over the property on Reynolds Road. Now there is talk of this property going off the tax rolls. Nothing against the older generation. I am 79 years old myself. I pay more for taxes than they would pay in 10 years. I don't understand what the board is thinking when they allow for properties to go off the tax rolls.

Julie Deemie-Zoa Ave., JC- Concerned that this is a senior project and yet it is not on a bus route. Also wondered regarding the PILOT.

Susan Sullivan- Marian Dr., JC –This is residential area; these are elderly people, which means they will need services, such as Meals on wheels, etc. This also creates more traffic. We have three handicapped children right in our area and without sidewalks this can be an issue. Many times I turn Reynolds Rd. and there are children riding bikes in the road. Safety is a concern.

Resident – 1124 Anna Maria Dr., JC – Stated concerns regarding property values. She also mentioned that services are often needed or desired with older persons, which would increase traffic and cause safety issues.

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John Sullivan – Marian Dr., JC- Would like the board to understand that they would very much like for there to be building in this area, but for the right project. This is a residential area with single family homes. If it was 20 to 50 of units, we would welcome them. This is the wrong project for the wrong place. You are going to be asking elderly people in winter to navigate hills and it's just not the right thing to be doing.

Tom Dellapenna-504 Delrose Ln., JC - Spoke regarding the many projects over the years that he or his family has rejected selling property and or developing because of the fact that he did not like what they did or were about. He stated that the property is not conducive to single family homes. He spoke regarding the utilities that exist on the property. He can assure people that his family has put a lot of money into services for future development by planning ahead and therefore to allow filling or whatever myth is out there, it would just be a waste of all the money that had been previously spent on these services. He stated that he can be objective as he lives near Indian Ridge apartments.

Trustee Balles asked regarding the minerals that are on the property. He also asked regarding two accesses.

Mr. Dellapenna - Stated that it would be up to Mr. Connor and the Affordable Housing to do whatever searches etc. before taking possession of the property. They would need to do the entire environmental surveying etc. He also stated that he is trying to do right by his neighbors. That he too wants the right project. He stated that he could not speak for Mr. Connors, however as a contractor he spoke regarding the cost ineffectiveness of two accesses.

Mr. Connors – A lot of their project are not near bus routes. He further stated that these are people living independent and therefore they do not need a bus route, there are no nurses coming in. In the event that they are not preparing meals for themselves, they go to a restaurant. Relative to traffic, it is not as simple as multiplying by 4 – the numbers quoted in the amd period are on the high end level.

Trustee Davis – Asked regarding the actual assessment and what the actual taxes are that will be paid on the property.

Mr. Connors – stated that they would be paying special district taxes.

Mr. Newman – Asked regarding the PILOT. How does a project like this impact the value of the homes?

Mr. Connors – stated that his home is within 1 mile of one of the projects and it has not negatively affected the value of his home. In Western New York the buildings are quality and the people don't mind having them close by.

Marie – Resident - Spoke regarding the housing issue and the business of Reynolds Rd. and the dump trucks and that the people are going to be paying attention.

Joanne O'Donnell – Christina Dr., JC – wants to see something go up there that will help to relieve the taxes. This is one of the last areas in Johnson City that we have left to be developed and we can't afford to give away the tax base, because when we give something away, it is the rest that has to make up for that loss.

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Julie Deemie –Zoa Ave., JC - Made the point that the Richards St. Project that was rejected was much larger, but it was rejected. She also asked for an explanation of the PILOT agreement.

Daria Golazeski – explained regarding the PILOT. She stated that there is no funding from other sources to make up for what the owner is not paying.

Mr. Connors –Stated that they would be paying special district taxes. He stated that PILOT is Payment in Lieu of Taxes. That there is no subsidy of State, County or Federal monies. That during the first year you pay special district taxes then year two through 9 which is 20% + 5% then year 10 is 60%, year 11 is 100%. 20% is still far more than we receive now. 20% + 5% to year 9, year 10 = 60%, year 11= 100%.

Howard Newman- 925 Reynolds Rd., JC – Asked how during the first 10 years does the Village actually benefit when you are providing services to them. Where is the cost benefit to the Village in this?

Mayor Hannon stated that there is positive revenue starting with day one although it is reduced due to the pilot for the first 10 years.

Denise Stoughton – stated that there are drainage issues and access issues.

MaryAnn Egan – stated that she would like to be paying what they are going to be paying.

Trustee Davis – Asked if they knew what they were going to pay?

Ms. Egan – stated that the first year is an estimate of \$5,750.00, based on \$100,000.00.

Liz Johnson – Myrtle Ave, JC – Only one entrance could be a problem. This could be an ok project that could be worked out, but might be a bad time for it.

The Mayor closed this portion of the public hearing.

7. PETITIONS RECEIVED (none)

8. PRIVILEGE OF THE FLOOR – VISITORS

Eric Reinegal – Shubert St., Binghamton – Press & Sun-Buletin – Stated that he has covered the Village of Johnson City and is going to be moving on as has has taken a job with the State Insurance Fund and will be working out of Syracuse. He also states that he has had a special place in his heart for Johnson City as his daughter was born in Johnson City. He stated that he has spoken to a lot of people in the audience over the years and would like to thank all of them and that he has tried to represent the village in a fair and eventful way. I wish the Village all the best in the future and hope they can make wise decisions moving forward. Thank you.

Mayor Hannon – stated that we appreciated his comments and that he will be missed.

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Julie Deemie –Zoa Ave., JC- Asked regarding the government meetings in the Press and why we are not listed?

Mayor Hannon stated that we would follow-up on this item.

Bill Klish – Asked regarding the Audit results. The Volunteer Firefighters, training and the best way to handle. Will the budget process be public knowledge and what time frame?

Mayor Hannon stated that the time frame would probably be April or May and that the Auditors would meet with the Mayor and the Trustees at that time. There have been conversations regarding training, etc. and that would be handled by the fire committee. The Budget process will begin in March.

Julie Deemie – asked regarding cost estimate to train and outfit firemen.

9. COMMUNICATIONS

Mayor Hannon directed to receive and file:

Motion made by Trustee Balles – Seconded by Trustee Novobilski that the following Communications be accepted and filed:

- a) Letter dated 12/30/09 from Newman Development Group -NYSDEC Certifies cleanup at site No. C704048.
- b) Letter dated 1/14/10 from State of NY to Supervisor Bernardo and Village of JC (as co-applicant) – application for 2009-2010 Local Government Efficiency Grant was not approved.

Board members polled.
Motion Carried

Ayes 5 Nays 0

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10. COMMITTEE/BOARD REPORTS

Mayor Hannon directed to receive and file:

Motion made by Trustee Davis – Seconded by Trustee Novobilski that the following Communications be accepted and filed:

- a) Bing-JC Joint Sewage Board-Open Meeting Law – hold a special meeting on 1/25/10.
- b) Bing-JC Joint Sewage Board-Open Meeting Law – hold a continuation meeting on 1/26/10.
- c) Johnson City Central Schools - Regular Meeting of December 22, 2009.
- d) Johnson City Central Schools – Regular Meeting of January 26, 2010.
- e) Town of Union – Reorganizational Meeting of January 6, 2010.
- f) Town of Union – Regular meeting of January 6, 2010.
- g) Town of Union – Regular meeting of January 20, 2010.
- h) Library Board – Board of Trustees Meeting – dated November 9, 2009.
- i) Library Board – Board of Trustees Meeting – dated December 7, 2009.

Board members polled.
Motion Carried

Ayes 5 Nays 0

11. DEPARTMENT REPORTS

Trustee Balles read from his Veterans Park Committee Report dated 2/2/2010 (Gazebo Beautification statement on file in the Clerk’s office).

Mayor Hannon directed to receive and file:

Motion made by Trustee Silas – Seconded by Trustee Novobilski that the following Communications be accepted and filed:

Police Department – November 2009 Monthly report – dated 1/19/2010

Board members polled.
Motion Carried

Ayes 5 Nays 0

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12. PAYROLL AND BILLS PRESENTED

Mayor Hannon directed to receive and file:

Motion made by Trustee Balles - seconded by Trustee Silas Abstract #13 for the Fiscal Year 2009-2010, having been audited by the Board and approved, be ordered paid as follows:

Abstract #13

GENERAL	\$442,652.76
WATER	\$46,817.71
SEWER	\$7,658.64
REFUSE	\$30,774.56
LIBRARY	\$13,153.16
JSTP	\$50,238.45

Board members polled.

Motion carried.

Ayes 5

Nays 0

13. UNFINISHED BUSINESS

14. NEW BUSINESS

FINANCE: ALL BOARD MEMBERS

RULES: ALL BOARD MEMBERS

HUMAN SERVICE & GOV'T AFFAIRS: DAVIS & SILAS

LIBRARY: NOVOBILSKI

FIRE: BALLEES & SILAS

POLICE: SILAS & DAVIS

Resolution #23 - – Motion made by Trustee Davis - seconded by Trustee Novobilski to authorize the Police Department to send Sergeant O'Hara and Detective Brenner to the Search Warrant Training Seminar, Onondaga Community College, Syracuse, NY on 3/2/10 –3/3/10, with the Village to reimburse all customary and reasonable expenses with an estimated cost of \$50.00 [A889].

Board members polled

Motion carried

Ayes 5

Nays 0

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Resolution #30 – Motion made by Trustee Balles - seconded by Trustee Davis to authorize for the Police Department to send Detectives Saroka, DW Smith, Hozempa and Cashman to a presentation on “The Art of Visualizing Criminal Cases”, at the Ramada Inn, Cortland, NY on 2/11/2010, with the Village to reimburse all customary and reasonable expenses with an estimated cost of \$94.00 [A889].

Board members polled
Motion carried

Ayes 5 Nays 0

PUBLIC WORKS/PARKS: BALLEES & DAVIS

Resolution #24 – Motion made by Trustee Balles - seconded by Trustee Davis to authorize to dispose of a 1993 Ford Pick-up that is worth less than \$500.00 to Gary’s U-Pull It at no cost to the Village. The vehicle information is on file in the Village Clerk’s office.

Board members polled
Motion carried

Ayes 5 Nays 0

Resolution #25 – Motion made by Trustee Novobilski - seconded by Trustee Silas to authorize the Clerk/Treasurer to recalculate the amount due on Water/Sewer/Refuse Bill #6710 - **Sewer** that was dated January 1, 2010. The property is located at 9-11 Avenue C, and a request was made by John M. Kuzel in a letter dated January 19, 2010. A credit of \$600.00 was authorized to be applied toward the balance due for Sewer Bill #6710.

Board members polled
Motion carried

Ayes 5 Nays 0

PLANNING & ZONING: SILAS & NOVOBILSKI

Resolution #26 – Authorization to grant the request from Affordable Senior Housing Opportunities of NY, Inc., to rezone the property located at 1035 Anna Maria Drive Rear & 1039 Anna Maria Drive from R9 (Residential 9,000) to PUD, for the construction of 129 apartments (26 one bed and 103 two bed) for senior citizens and authorizing publication of said notice.

Attorney Jacobs read the long form into the record and is on file in the clerk’s office. This is only a rezone authorization. The project does not depend on this approval. There would still need to be further approval at a later date.

Mayor Hannon asked for a Motion.

Motion made by Trustee Davis to Hold Over to the February 16, 2010 Meeting.

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15. PRIVILEGE OF THE FLOOR - VISITORS

The Mayor opened the second privilege of the floor.

Carol Laskowski – Asked regarding the Library amount listed under payroll and bills.

Clerk/Treasurer Johnson gave an explanation of the library payments.
The Mayor closed this portion of the privilege of the floor.

16. ADJOURNMENT

The meeting was adjourned at 9:26PM.

Thomas A. Johnson, Village Clerk/Treasurer
TAJ/ck