

The regular meeting of the Board of Trustees was held on 9/14/15 at 6:00 p.m. in the Council Room of Village Hall.

Present: Deputy Mayor Thomas VanAernem
Trustee Michael Horrigan
Trustee Robert Cook
Trustee James Gallagher, Jr.
Attorney William Nikas

Absent: Mayor John E. Barton

Deputy Mayor VanAernem opened the meeting to public comment.

Diane Rehn, LaCrosse Street advised the Board that the Gospel Lighthouse Church had a booth at Sandy Hill Days where Pastor Paul was handing out fliers to the public "Celebrate Recovery", coming in January 2016 a Christ Centered Recovery Program. The neighbors were hoping that this matter was resolved or ended since the neighbors provided a petition to the Village. She advised the board that the neighbors are against a recovery program and asked the Board what they could do about it.

Deputy VanAernem advised her that there is not much the Village Board can do. Attorney Nikas advised that this is an issue from a constitutional stand point as to whether a religious organization can do this, regardless of zoning. Religious organizations have quite a bit of flexibility when it comes to zoning codes. He suggested that she and her group get independent legal advice.

Mrs. Rehn advised that there was a get together at the Church in August – the neighbors were depicted as naysayers and that the neighbors did not attend their event. The neighbors did not attend because they were not informed of the event. She feels it is unfair for the neighbors to be depicted as the "bad guy" or "naysayers" by the Church and the Post Star.

Local Law No. 3 of 2015 Zoning Amendments is required to be reaffirmed based on the response from the Washington County Planning Board. Attorney Nikas outlined the Long Form EAF. The Board determined there is no adverse effect and a negative declaration was determined. The Washington County Planning Board considered the local law a matter of local concern but asked the Village to consider the financial impact. The County Planning Board's concern was the provision to allow the taxpayer to have two separate lots maintained as a non-conforming use even though the Assessor combined the two lots for tax purposes. This is something that could be discussed with the assessor. The Assessor actually sent out an invitation to the residents – if you have two lots with separate tax map numbers you could consolidate them into one tax map number. It stated on the invitation you could save taxes if you did consolidate lots when in fact it doesn't save taxes because those two lots maintain their separate identity. Accordingly, if you have two 50' lots they are both buildable lots, although they do not conform to the current code of 75'. They do conform to the old Code so you could build two houses on those 50' lots. So saying you could save taxes if you merge lots is inaccurate. The Board agreed a discussion with the Assessor may be a good idea – asking her not to represent a savings. This could possibly be done in a workshop.

**RESOLUTION - BOARD OF TRUSTEES
VILLAGE OF HUDSON FALLS**

SUBJECT: REAFFIRMING ADOPTION OF LOCAL LAW 3 OF 2015- AMENDING CERTAIN SECTIONS OF
CHAPTER 215 OF THE CODE OF THE VILLAGE OF HUDSON FALLS, TITLED "ZONING"

Upon motion made by Trustee Cook, seconded by Trustee Horrigan and carried

WHEREAS, the Board of Trustees of the Village of Hudson Falls ("Board") is considering the adoption of Local Law No. 3 of 2015, which would, if adopted, amend and modify sections of Chapter 215 "Zoning" to the Village of Hudson Falls Code;

WHEREAS, the Board finds that it is necessary to adopt this law for the purpose of updating and providing

clarification in certain sections of the Zoning Code that exist in the Village Code for the Village of Hudson Falls; and

WHEREAS, the Board finds that the adoption of Local Law No. 3 of 2015 is a necessary and proper exercise of authority by the Board; and

WHEREAS, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law 3 of 2015 was duly conducted on August 10, 2015 at 4:00 p.m. at the Village Hall; and

WHEREAS, the Board has considered the public comments made at the public hearing; and

WHEREAS, the Washington County Planning Board will review Local Law No. 3 of 2015 on August 11, 2015; and

WHEREAS, the Board, serving as lead agency for this Type 1 action under SEQRA, reviewed a long environmental assessment form and determined that the action does not present any adverse environmental impacts; and

WHEREAS, after thorough review and deliberation, the Board proposes to adopt Local Law No. 3 of 2015; and

WHEREAS, the Attorney for the Village has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself.

NOW THEREFORE, BE IT RESOLVED, that the Board hereby adopts Local Law No. 3 of 2015, annexed hereto, contingent upon the Washington County Planning Boards approval; and

BE IT FURTHER RESOLVED, that the Board adopts and authorizes the filing of a negative declaration; and

BE IT FURTHER RESOLVED, that the Board hereby authorizes the Village Clerk and the Attorney for the Village to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary actions for the promulgation thereof; and

Roll Call:	Trustee VanAernem:	Aye
	Trustee Gallagher:	Aye
	Trustee Horrigan:	Aye
	Trustee Cook:	Aye
	Mayor Barton:	Absent

Request of John Hall, 52 Ferry Street to purchase Village Owned Property adjacent to his property. Attorney Nikas asked that the issue be tabled. He and Superintendent Fiorillo will visit the property to determine the necessary steps to take concerning the property description and whether a survey is necessary. Superintendent Fiorillo reported that Mr. Hall would like to know what approximately the Village will be asking for the property. The Board agreed to obtain an appraisal of the property to determine the value before the next meeting. Trustee VanAernem will ask someone to give him an appraisal of the property – he will need the particulars.

Attorney Nikas provided the Board with an update on the Paris Park designation – Village has filed with DEC who requires an archeological survey and a survey with topo. We received a second quote for the survey and topo for \$1,000 (completed). The second quote for the archeological survey quote was a little more than \$2,000. The architect will then prepare the design. Upon completion all will be sent to DEC for review and then the Village will be able to request legislative action to redesignate the property. Trustee Cook advised that municipal parking is

something the village needs in order to broaden economic development in the Village. The plan also includes a pavilion for the farmers market. Hopefully by this time next year we will be building a parking lot.

Deputy Mayor VanAernem reported that with all the renovations that have gone on in the Village the Code Committee discuss trying to keep a positive movement by designating October as Pride and Beautification Month. This is another way to reach out to the community to encourage community pride and our quality of life. Hopefully everyone will join in to keep the momentum going.

PROCLAMATION

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried

WHEREAS, the quality of life in a community is often exemplified by the physical beauty of that community; and

WHEREAS, the Village of Hudson Falls, through various neighborhood and civic initiatives, has demonstrated pride in our community's appearance; and

WHEREAS, various elements of the Village of Hudson Falls community, including civic groups, religious organizations and the business community, have demonstrated a willingness to work together to enhance the beauty of the Village through a variety of endeavors.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HUDSON FALLS that the month of **OCTOBER, 2015**, be proclaimed

PRIDE AND BEAUTIFICATION MONTH

in the Village of Hudson Falls, New York, and that **all Village Residents, Business Owners, Civic Groups and Religious Organizations** be encouraged to observe this month as an opportunity to come together as friends, as neighbors and as a community to beautify properties within the Village to enhance community pride and quality of life.

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby commends those citizens, neighborhoods, businesses, religious organizations and civic organizations who undertake beautification initiatives.

Roll Call:	Trustee VanAernem:	Aye
	Trustee Gallagher:	Aye
	Trustee Horrigan:	Aye
	Trustee Cook:	Aye
	Mayor Barton:	Absent

Trustee Cook noted that he has seen improvement in every neighborhood. He sees where someone is repainting their house, installing new windows, replacing a roof, painting a front porch, etc.... people are taking pride in the community. This is well done, and a nice initiative.

Trustee Horrigan provided the Board with the Yard Waste policies from Queensbury and Glens Falls. As a general rule during the summer months the Village DPW picks-up bagged leaves and small bundles of branches. The last three years he has seen an uptick in the abuse of yard waste on streets. He feels it has become impossible for Code Enforcement to enforce due to the time involved. Some of the piles have been extremely large. The Village does not have the staff or the equipment to pick-up this type of yard waste. Glens Falls will pick-up brush and bags until June 2nd. Between June 2nd and October 1st Glens Falls picks-up only bagged yard waste (no brush under any circumstance). Between October 1st and November 30th Glens Falls picks-up brush and leaves. The Town of Queensbury has a spring and fall clean-up. In the spring the Town of Queensbury picks-up brush less than 4" in diameter & 8' long along with bagged yard waste. In the fall the Town of Queensbury picks-up bags only (no brush).

In Queensbury you get one shot a year to put brush on the side of the road. He feels the Village should revise the Village's current standards to reflect the policy in Glens Falls. No brush on the side of the streets through the entire summer (June 2nd to October 1st) bagged yard waste only. Code Enforcement does not have time to determine whose brush is whose because people are placing it on the property lines, in front of abandoned homes, etc.... Then after you go through the process of a ticket the debris has already rotted and many times blocked a storm drain. He would like to see this change for next year's yard waste collection criteria.

Upon motion made by Trustee VanAernem, seconded by Trustee Cook and carried the minutes of the regular meeting and public hearing of 8/10/15 were approved as read.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried the resignation of PT Police Officer S. Bunio be accepted effective 8/27/15.

Upon motion made by Trustee Gallagher, seconded by Trustee Horrigan and carried the resignation of MEO W. Morehouse be accepted effective 9/29/15.

Upon motion made by Trustee Horrigan, seconded by Trustee Cook and carried it is

RESOLVED, that the request of Chief Diamond to appoint Donnie J. Long, 1 Balsam Drive, Apt. 8, Queensbury, NY as PT Police Officer be accepted effective immediately.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried it is

RESOLVED, that the request of Superintendent Fiorillo to hire Donald Brilyea, Little Street, Hudson Falls NY as a Laborer upon his availability.

The Board reviewed the information sheet Rick Conley provided regarding the Cannons in Juckett Park. Deputy Mayor VanAernem thanked Mr. Conley for the information, it will be placed in the parks file for future reference.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried, the following monthly reports were approved as read: Police Department, submitted by Chief Diamond; Justice Court submitted by Justice Matthew Mabb; Code Enforcement submitted by Francis Cortese; and Fire Department, submitted by Chief Michael Fitzgerald.

Upon motion made by Trustee Horrigan, seconded by Trustee Cook and carried the following abstracts were audited and ordered for payment:

General Fund	Check Nos.	29380 - 29458
Water Fund (General Fund)	Check Nos.	29380 - 29458
Water Fund	Check Nos.	5515 - 5519
Main Street Grant	Check Nos.	1016
Trust Fund	Check Nos.	6524 - 6545
Payroll Fund	Check Nos.	28898 - 28928

The Deputy Mayor opened the meeting to Public Comment.

The Deputy Mayor thanked the Glens Falls Kiwanis for their donation of \$10,000 to be used towards the revitalization of playground equipment at Derby Park. He also thanked the Glens Falls National Bank for their donation of \$500 to be used toward the purchase of playground equipment at Derby Park. Between these organizations, the hospital grant and the Village's contribution we are well on our way to making the revitalization a reality. We will have a new playground to be enjoyed for years to come.

The Deputy Mayor thanked the New Life Baptist Church for all their efforts. The Church continues to mow and clean up properties that have been vacant or abandoned and left uncared for. They also mowed and picked up

along River Street. The churches efforts are extremely appreciated. In addition, they provided care packages for the Police Department, Department of Public Works and Clerk's Office to show their appreciation for the Village employees services. A nice community gesture, many thanks to them and hopefully everyone will join in.

The Deputy Mayor asked the Board for their comments – none was given.

The Deputy Mayor asked for general public comment.

Superintendent Fiorillo suggested that with all the proposed uses at Juckett Park, the Village may wish to consider drafting new guidelines for groups using the park. As part of the Rte 4 Construction Project many of the crosswalks were removed around the park. During Sandy Hill Days trailers were parked in front of the crosswalks by St. Mary's and Tops blocking the view of those crosswalks. This is a potential liability and safety issue. In addition, on Sunday morning when cleaning up Juckett Park it was discovered one of the vendors backed their vehicle into the park by the cannon and down the center sidewalk. This caused ruts along the sidewalk, they also ran over the sprinkler system and the control box for a powerhead.

Trustee VanAernem feels this is another area of where accountability is necessary. The Village and others have invested a lot of money into the park. Sandy Hill Days is not the only organization that uses the park, he agrees new guidelines should be considered.

Attorney Nikas indicated that Sandy Hill Days has committee members that are on site during their events and the Sandy Hill Farmers Market will have supervision during their event but you just cannot prevent some of this unless you're lucky enough to catch them in the act. Trustee Horrigan feels there are still liability issue to be addressed. Attorney Nikas is not sure the insurance would cover the damage but if the vendor could be identified they should be banned and should reimburse the cost for damages. Superintendent Fiorillo pointed out that the vehicle backed into the park right near the cannon, there was a potential for the cannon being damaged. Trustee Cook advised that he would follow-up with the Sandy Hill Days Committee members to determine whether they can identify the vendor.

Trustee VanAernem inquired as to whether there should be requirements for electrical access during events. Superintendent Fiorillo reported that there were no electrical issues in the park during Sandy Hill Days. Superintendent Fiorillo observed that the vendors were generally using inadequate lead cords and likely caused the electrical issues they had in the past. He would suggest requiring a certain grade extension cord in order to access electricity in the park.

Upon motion made by Trustee Gallagher, seconded by Trustee Cook and carried the regular meeting was adjourned.

Upon motion made by Trustee Horrigan, seconded by Trustee Cook and carried the Board convened as the Local Board of Health regarding 18 Spruce Street, Hudson Falls and 108 Oak Street, Hudson Falls.

Attorney Nikas asked Code Enforcement Cortese for an update. Code Enforcement Officer Cortese reported that the church volunteers cleaned up the yard. He has no access to the inside of the home. Consequently, he cannot determine whether there are health and safety issues on the inside of the residence. There may be water damage due to the fact there is a tarp on the roof and the tarp has been shredded and is no longer protecting the roof. Attorney Nikas advised that the Village does not have jurisdiction inside but we do for the exterior if there is a public health hazard i.e. roof deteriorating and allowing water to infiltrate may be a potential public health hazard. Attorney Nikas asked if Code Enforcement Officer Cortese could determine if the roof is out of Code or is a hazard. CEO Cortese will take some pictures to get a better idea.

Upon motion made by Trustee Cook, seconded by Trustee Gallagher and carried it is

RESOLVED, that the Village Board authorize Code Enforcement Officer Cortese to do an onsite inspection of the exterior of the property located at 18 Spruce Street; removed the tarp which is now hanging from the home, take photographs and to then form an opinion using the Property Maintenance Code as to whether a public health or safety issue exists.

CEO Officer requested that the Board listen to his concerns regarding a tree located at 108 Oak Street. Superintendent Fiorillo brought the tree to CEOs attention. He feels the Board should consider taking action on this issue. He has provided notice to the owner and has received no response.

Upon motion made by Trustee Horrigan, seconded by Trustee Gallagher and carried it is

RESOLVED, that Code Enforcement Officer Cortese be authorized to do an onsite inspection of the condition of a tree located at 108 Oak Street and form an opinion as to whether a public health or safety issue exists.

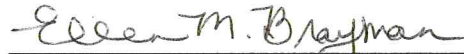
Upon motion made by Trustee VanAernem, seconded by Trustee Cook and carried the meeting of the Local Board of Health was closed and the regular meeting resumed.

Upon motion made by Trustee Horrigan seconded by Trustee Gallagher and carried the Board entered into Executive Session for the purpose of discussing contract negotiations. Chief Diamond and Labor Attorney Elena Difio-Kean were asked to attend Executive Session.

Upon motion made by Trustee Horrigan, seconded by Trustee Gallagher and carried executive session was closed and the regular session continued.

No action was taken.

Upon motion made by Trustee Cook, seconded by Trustee Horrigan and there being no further business to come before the Board the meeting was adjourned at 7:35 p.m.



Ellen M. Brayman, Clerk/Treasurer

VILLAGE OF HUDSON FALLS
LOCAL LAW NUMBER 3 OF 2015

A LOCAL LAW AMENDING CERTAIN SECTIONS OF CHAPTER 215 OF THE CODE
OF THE VILLAGE OF HUDSON FALLS, TITLED "ZONING".

Be it enacted by the Board of Trustees of the Village of Hudson Falls, as follows:

§1. Authority and Applicability.

This local law is adopted pursuant to the authority vested in the Board of Trustees of the Village of Hudson Falls pursuant to Municipal Home Rule §10 of the State of New York. It shall apply to certain provisions of Chapter 215 of the Code of the Village of Hudson Falls titled "Zoning".

§2. Declaration of Policies and Purpose.

The Board of Trustees of the Village of Hudson Falls has reviewed the provisions contained in Chapter 215 of the Code of the Village of Hudson Falls and believes that certain amendments to the provisions contained therein are reasonable and necessary. The recommended amendments shall therefore be enacted and authorized pursuant to the provisions of this local law.

§3. Amendments.

- A. Table 1 of Chapter 215 shall be amended to prohibit "Duplex (or two-family)" use in the Class A and Class B residential districts.
- B. Table 1 of Chapter 215 shall be amended to prohibit "Multifamily dwelling (including apartments)" use in the Class B residential district.
- C. Table 1 of Chapter 215 pertaining to "Professional office incidental and subordinate to SFD" shall be amended to delete the phrase "residential dwelling unit in conjunction with retail or office use".
- D. Table 3 of Chapter 215 pertaining to lot width shall be amended to increase the minimum 50 feet lot width required in the Class A, B, and C residential districts to 75 feet.
- E. §§215-12.1B and 215-12.1C and §215-12.1D pertaining to conversion or additions to a single-family dwelling and/or a multifamily dwelling shall be deleted in their entirety.
- F. §215-103C and §215-122 pertaining to the granting of a permit or special extension for the expansion or extension of a nonconforming use by the Zoning Board of Appeals shall be deleted in their entirety.

- G. §215-8, Definition of "Building Lot" shall be amended (i) to delete the phrase "and assigned a Tax Map number", and, (ii) to add the following sentence at the end thereof: "The merger of two or more adjoining lots for real estate tax purposes shall not preclude the reversal of said merger at the request of the landowner and shall not cause a forfeiture of any rights that had been vested at the time of the merger".
- H. §215-8, Definition of "Restaurant" shall be amended to delete the phrase "other than a tavern".

§4. Section Numbering.

The section numbering contained herein is used for the adoption of this Local Law. Upon incorporation of the foregoing into the next revision of the Code Book of the Village of Hudson Falls, the foregoing section and/or paragraph numbering may be amended by the publisher upon final publication.

§5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§6. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.