

SPECIAL MEETING

We, the Undersigned, Town Board of the Town of Malone, do hereby Waiver a Special Meeting, Thursday, April 16th 2009 at 9:10am, for the purpose of consideration of a permit allowing for the construction of a Holiday Inn Express Hotel & Suites on Route 11 West, adjacent to the Malone-Dufort Airport; to consider the hiring of special legal counsel for the purpose of assisting the Town Board with the SEQR for the proposed Holiday Inn Express; and any other business to come before the Board.

PRESENT:

Supervisor

Councilor

Councilor

Councilor

Councilor

ABSENT:

Deputy Supervisor Walbrdge

ALSO PRESENT:

Susan M. Hafter, Town Clerk
Andrea Stewart, Budget Officer

Darcy Fargo, Malone Telegram

At 9:12am, Supervisor Maneely called to order a special Meeting of the Malone Town Board, noting that all Board Members and the media had been duly notified.

Consultant Attorney –

* On the motion of Councilor Caplan, with a second thereto by Councilor Sullivan to hire Attorney Andrew Leja, of Hiscock & Barclay, LLP, to act as consultant to Town Attorney Lillian Anderson-Duffy, in the matter of SEQR and Malone-Dufort Airport adjacency for the Holiday Inn Express project on Rt. 11 in the Town of Malone.

Discussion – Councilor Sullivan added that hiring of the consultant, is in no way intended to replace Attorney Anderson-Duffy’s services, but to augment and assist them.
CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (3-0).

Note: At this time, Councilor Taylor arrived.

Request for approval of permit –

Chris LaBarge of Branch Development, LLC, asked the Town Board, under Chapter 4 of the Malone town Code, to permit construction of a Holiday Inn Express on property which is adjacent to the Malone Dufort Airport.

04/16/2009

* On the motion of Supervisor Maneely with a second thereto by Councilor Sullivan:

Resolution #7-2009

The Town of Malone Town Board hereby resolves:

The Town of Malone Town Board hereby acknowledges receipt of the application by Branch Commercial Development LLC for a permit under Chapter 4 of the Town of Malone Code entitled “Airport Approach Hazard Protection”, Section 4-7 thereunder, to construct a Holiday Inn Express Hotel & Suites on Tax Map Parcel # 112.-1-7 and 112.-1-1.300; and

The Town of Malone Town Board determines that the subject tax map parcels are in the AH-1 District as set forth in Sections 4-3(A) (1) and 4-4 (A(1)) of the Town Code; and

The Town of Malone Town Board determines that the proposed Hotel project exceeds the height restrictions of the AH-1 District pursuant to Section 4-4(A)(1) of the Town Code; and

The Town of Malone Town Board determines that it has no discretion under Section 4-7 of the Town Code which relates to the granting of permits to construct structures in the aforementioned District as well as other Districts described in the said Chapter 4 of the Town Code; and

The Town of Malone Town Board, pursuant to Section 4-7 of the Town Code determines it must deny the subject permit application as the proposed project exceeds height restrictions for the subject District as described above; and

The Town of Malone Board hereby finds, declares and further resolves that the subject permit application is a Type II action under the SEQR regulations, 6NYCRR Section 617.5(c)(19), as the denial of the permit application is ministerial in nature, involving no exercise of discretion where the issuance is solely predicated on the applicants compliance or non-compliance with the relevant building code; and

The Town of Malone Town Board hereby finds, declares and further resolves pursuant to 6NYCRR Section 617.6 (a)(1)(i), that as the subject permit application matter is a Type II action, the Town of Malone Town Board has no further responsibilities under the SEQR regulations; and

The Town of Malone Town Board hereby denies the permit application.

CARRIED WITH ALL MEMBERS PRESENT VOTING AS FOLLOWS:

Supervisor Maneely – Aye; Councilor Caplan – Aye; Councilor Sullivan – Aye;
Councilor Taylor – Aye. (4-0)

ADJOURN:

* At 9:22am, on the motion of Councilor Caplan with a second thereto by Councilor Sullivan, there being no further business to come before the Board, that it duly adjourn, with the next regularly scheduled meeting to be held Wednesday, April 22, 2009.

CARRIED WITH ALL MEMBERS PRESENT VOTING IN FAVOR (4-0).

Respectfully Submitted,

Susan M. Hafter, Malone Town Clerk
April 22, 2009