

PUBLIC HEARING on proposed annexation of property for Lowe's project into the City of Hornell was held jointly by the City of Hornell, Village of North Hornell, and the Town of Hornellsville on Wednesday, Dec. 12, 2007, at 7 p.m. in Council Chambers at 82 Main St., Hornell, N.Y.

PRESENT: Honorable Shawn D. Hogan, Mayor;
Aldermen Bob Flaitz, Chris Koehler, Bill Norton, Jean Shepard, Glenn Hann, and Les Lewis; Stenographer Karen Schu; and City Clerk Robert J. Roberts.

AND FROM THE MEDIA: Jen Carpenter of The Evening Tribune.

ALSO PRESENT: City of Hornell Planning Board Chairman Leo Lejeune; Jim Griffin, Executive Director of the Hornell Industrial Development Agency; Pietra Lettieri, counsel for the IDA; Hornellsville Town Supervisor Ken Isaman; North Hornell Mayor John Falci; Hornellsville Town Attorney Patrick McAllister; Hornellsville Town Planning Board Chairman Bob Panter; Randy Jackson. Brian Jackson, and Richard LaValle of Hornellsville; Angela Caldwell of Arkport; John Johnson, Joe Dick, Frank Libordi, and Glenn Thomas of North Hornell; Bill Giese and Stacie Schieder of Hornell; Angela Dupuis and Brent Marvin of Canisteo.

Mayor Hogan opened the hearing by explaining that this was being held to solicit public comment on the proposal to annex 34.6 acres of land in the Village of North Hornell owned by Dr. Alan Robbins into the City of Hornell. The City sent out SEQRA findings with requests for comment and received none, Mayor Hogan said. Plans are for adoption of the SEQRA and the annexation of the property to occur the evening of Dec. 17, 2007, at the meeting of the City Common Council, he said.

The floor was opened for comment.

Bob Panter, chairman of the Town of Hornellsville Planning Board, said his board supported the annexation, the Lowe's project, and the proposed revenue-sharing agreement. But, he added, the Town would not support annexation if Lowe's were not built there.

Patrick McAllister, attorney for the Town of Hornellsville, said he was concerned about proper procedure being followed for advertising and holding of the hearing. He also said Lowe's has a history of backing out of development deals and that the Town has talked with other people involved in similar projects who said Lowe's quit projects "halfway or three-quarters down the road. The problem with that," Mr. McAllister said, "is that if the Town commits to annexation, it's done. It's irrevocable." The Town would lose its ability to control over what would be situated there, he added. He asked that officials stipulate in the agreement that the annexation was in effect only for a Lowe's store.

Pietra G. Lettieri, counsel for the IDA, said the hearing was held properly. She said the annexation law is not tied to a specific project, but is relative to the property itself. She reviewed current assessed valuation for Dr. Robbins's property as well as what it would generate in the City, and found little difference. She concluded that there was a 90-day period to solicit comments.

Mayor Hogan said the comments from the Town officials were well-taken, and added that the City has worked in cooperation with the Town on a number of projects, most recently bringing City water to South Hornell. The two municipalities will continue to work together in the future, Mayor Hogan added. He noted the Lowe's project is going through review by various government agencies, and that Lowe's was quite pleased with work done by the Army Corps of Engineers and FEMA.

"It's not like the City is trying to hijack anyone or steal anything," Mayor Hogan said.

North Hornell Mayor John Falci said he talked with Lowe's officials last week and they "seemed very very happy with how the Army Corps of Engineers responded. It looks like everything's a go."

Mr. Panter asked about the possibility that a restaurant could go on the annexed site in addition to a Lowe's. Mayor Hogan and IDA Executive Director Jim Griffin said the only focus now is on Lowe's.

There being no further comment, the public hearing was closed at 7:20 p.m.

Shawn D. Hogan
Mayor

Robert J. Roberts
City Clerk