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March 17, 2008

PUBLIC HEARING LOCAL LAW #2 FOR 2008 – CONVERTED CONDOMINIUM UNITS Upon due notice to all members of the Village Board, a Public Hearing was held on Monday, March 17, 2008 at 7:00 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose was to consider the enactment of Local Law #2 for 2008 for the Village of Minoa relating to the establishment of Article IV of Chapter 143 of the Village of Minoa Municipal Code entitled “Converted Condominium Units” to give the Village the option of assessing these units as single family residences using market value methods within the Village of Minoa.

PRESENT: Mayor Donovan
Trustee Cronk
Trustee Brazill
Trustee Champagne
Trustee Theobald
Attorney Primo
Clerk/Treasurer Snider

ALSO Thomas Petterelli, and John Sears

PRESENT:

PROOF OF PUBLICATION A motion was made by Trustee Brazill and seconded by Trustee Theobald agreeing to waive the reading of the Proof of Publication of Public Hearing. All in favor. Motion carried.

PURPOSE OF PUBLIC HEARING Mayor Donovan called the Public Hearing to order at 7:05 p.m. for Local Law #2 for 2008 for the Village of Minoa which involved creating a local law establishing Article IV of Chapter 143 of the Village of Minoa Municipal Code entitled “Converted Condominium Units.”

Mayor Donovan turned the Public Hearing over to Attorney Primo for an overview of the proposed Local Law.

Attorney Primo said the proposed local law addresses a loophole in the NYS Tax Law which permits the formation of condominium units in existing subdivisions. He said there was an article in the Syracuse Post-Standard about Mallard's landing and the condominium development. Copies of the paper were provided for the public to review. Attorney Primo said that developers who are sensitive to the property tax laws are attempting to convert existing subdivisions to condominiums. He said that condominiums are entitled to be assessed at a lower rate and allows the taxes to be reduced by 65% to 75% of what would normally occur. Attorney Primo said that there is a New York State law that allows municipalities to opt out of the law and give the municipalities the ability to contest it and treat the condominiums as single family homes. Attorney Primo said the goal of the law is to protect the current properties in subdivisions and the Village of Minoa by protecting the tax revenue. Attorney Primo said there was a sense of urgency in the village because there is development in the village and we do not want to see smaller properties converted to condominiums.

Below is the proposed Local Law #2 for 2008:

Village of Minoa

Local Law No. Two (2) of the year 2008.

A local law establishing Article IV of Chapter 143 of the Village of Minoa Municipal Code entitled "Converted Condominium Units."

Be it enacted by the Board of Trustees of the Village of Minoa as follows:

Section One (1). PURPOSE AND INTENT.

The Village of Minoa Board of Trustees finds that it is desirable, to the greatest extent possible under the law, to give the Village the option of assessing single family residences at market value. In that, an owner of an existing single family residence may take certain steps to categorize their property as a condominium and such categorization may prevent the Village Assessor from using the market value method of determining a property's value for a single family residence from being used and thus result in a lower assessment than its current market value, this lower assessment may result in uneven and unfair taxation to similarly situated single family residences. The Village Board finds that this result would be unfair to the remaining taxpayers of the Village. Real Property Tax Law Section 581(c) authorizes assessing jurisdictions to disallow

converted condominiums as set forth in this local law.

Section Two (2). A new Article IV shall be added to Chapter 143 of the Code of the Village of Minoa to provide as follows:

Article IV
Converted Condominium Units

Pursuant to Section 581(c) of the Real Property Tax Law (“RPTL”), the Village of Minoa does not recognize converted condominium units, as defined in Section 581(c) of the RPTL, as condominium units for purposes of assessing the value of said condominium under Section 339-y of the Real Property Law.

Section Three (3). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

**COMMENTS FROM
THE VILLAGE
BOARD**

Trustee Theobald asked if the smaller lots already completed in Minoa Farms could be grandfathered in and Attorney Primo said no, they could not.

Mayor Donovan said they did not want to take the chance that the smaller lots in Minoa Farms could be changed from subdivisions to condominiums.

Attorney Primo said the application to convert the properties to condominiums would have to have been filed with the Attorney General’s Office and the Village of Minoa would have been made aware of the notice of filing after it was submitted. Attorney Primo said we would not necessarily know this would be going on; therefore it was important to address it immediately.

PUBLIC COMMENTS

Mayor Donovan said he had forwarded the proposed Local Law to the Minoa Farms Committee and Chris Beers said they had discussed it and they were thankful for the information and they all agreed that it be passed as quickly as possible.

Mr. Beers asked what would happen if someone currently had an application in process and the Village of Minoa was unaware of it. Attorney Primo said there would be a filing in the Clerk’s office only after something had been approved by Attorney General. Attorney Primo said The Town of Manlius had recently acted on this law as well and when he received word he took the initiative to review the law.

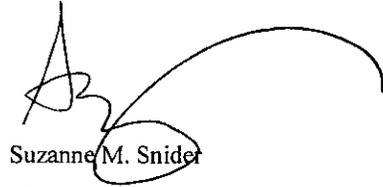
Mayor Donovan asked if anyone else from the public wished to speak either for or against the proposed Local Law.

Let the record show that there were no other comments in favor for or against the proposed Local Law.

**PUBLIC HEARING
CLOSED**

A motion was made by Trustee Brazill and seconded by Trustee Cronk to adjourn the Public Hearing for Local Law #2 for 2008 at 7:11 p.m. All in favor. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Suzanne M. Snider'. The signature is stylized with a large, sweeping flourish that extends to the right and then curves back down towards the text.

Suzanne M. Snider
Village Clerk/Treasurer