

A Public Hearing was held on Monday, April 6, 2009 at 6:30 pm in the Tannersville Village Hall

Present: Lee McGunnigle, Mayor  
Linda Kline, Trustee  
Gregory Landers, Trustee  
Anthony Lucido, Trustee  
Mary Sue Timpson, Trustee  
Mark Hyer, Planning Administrator  
Catherine Palmieri, Deputy Clerk

Also present: Aldo Bell, Larry Clinton, John Donato, Carl Giangrande, Eirick and Robin Leach, Michael Lockwood, Greg Lubow, Jeff Prince, Berna Showers, Karen Terns, Jordan Valdina

The Mayor opened the Meeting with the Pledge of Allegiance.

The Mayor asked if anyone was here to speak on the **Public Hearing for the Leach Site Plan Review**. There was no response. The Mayor closed the Public Hearing and said he would reopen it if someone came forward.

Presentation by applicant: Mr. Leach submitted receipts showing that certified letters were sent to neighbors of the proposed project. He referred to a letter from DOT indicating that the sign for the business had to be placed outside of the 33 foot ROW. Mr. Leach said that this will be done and the map will be changed accordingly to reflect the change.

The Mayor made note of the fact that no one has shown up for the Public Hearing and there have been no written comments received from neighboring property owners. The Mayor said that this is an Unlisted Action under SEQRA and he made a motion for a Negative Declaration. The motion was seconded by Trustee Kline. All in favor, motion carried.

The Mayor made a motion to approve an amended Site Plan when submitted which will reflect the location of the sign in excess of 33 feet from the centerline of Route 23A. Trustee Landers seconded the motion. All in favor, motion carried.

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**Public Hearing for Hunter Foundation 'Restore New York' Application.** The Mayor said that tonight's public hearing has been postponed until the next regular Board Meeting on the 21<sup>st</sup> as it has been determined by Empire State Development that there should be a joint application filed by both Hunter Foundation and the Catskill Mountain Foundation. Karl Heck of Greene County Economic Development will provide details at that time.

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**Public Hearing for Zoning Document:** The Mayor asked the Board members if they would write down any of their individual concerns regarding the Zoning Document and give them to Mr. Hyer so that he can combine them with the public comments that will be

received this evening and forward them on to Fraser. The Mayor stated that this is the very beginning of the process. Tonight we will listen to the public comments on the February 27, 2009 draft of the document, consolidate them and get them to Fraser and they will come back with a redraft. This is just a starting point document. Mr. Hyer, as our liason with Fraser, will prepare a 'laundry list' of the comments. **The Mayor opened the Public Hearing** and asked anyone who wished to comment to please do so.

Comment: (Jeff Prince). Concerned that a project currently undergoing DEIS preparation could turn out to be deemed nonconforming.

Is in favor of Architectural Review but said care should be taken as to how it is interpreted in regard to making it specific to buildings.

Feels that the fact that there is a Historic District in the Village should be mentioned in the Zoning Document.

Suggested that we expand the ability to subdivide existing parcels and have some guidelines established.

Comment: (Karen Terns). Questioned restriction of hedges and fences to 3 feet and asked how it would relate to existing and future construction. Also the issue of no swing sets permitted in front yard in R1 zone.

Would the Village Board be the Architectural Review Board?  
The reply was 'we will get the answer for you.'

Comment: (Berna Showers). Asked whether an acre was needed to build a house in R1 zone. Mr. Hyer confirmed this and explained requirements of the different zones. Another comment from same person was not sure Zoning Document is needed at all.

Wants to see an enforceability plan, what process will be used, how it will be enforced and who will do it.

Comment: (Larry Clinton). Wants to be sure that the issue of whether or not to have Zoning will actually come up for a vote by the residents of the Village.

Comment: (Trustee Timpson). If a property owner is in a particular zone and has a lot size that is nonconforming, and he has a home which burns down 80% or more, or he has a lot that is vacant (and it is smaller than the recommended lot size for the area), can he build on it?

Comment: (Greg Lubow). Suggested that future public hearings on zoning be started earlier and possibly have separate days as meetings become bigger.

The Mayor made a motion to close the Public Hearing on the Zoning Document. Trustee Timpson seconded the motion. All in favor, motion carried.

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**Donovan Site Plan Review:** Carl Giangrande, Mr. Donovan's engineer, came forward and stated that they revised their plan based upon restrictions that DOT was placing regarding parking, primarily the 33 foot right of way that begins in the center of 23A. Mr. Giangrande continued that the restriction has direct impact on where they were planning to place their parking. What they have done is eliminate the construction portion of the project and are looking at strictly a change of use for the first floor of the existing building. Another alteration is the amount of overall parking spaces which will now be 16 rather than the original 24. They feel that with the reduction in the size of the facility, 16 spaces would be adequate.

Mr. Giangrande said that what is being provided this evening will show the enclosure of the existing front porch and the enclosure of the existing deck which is on the northwest side. Nothing will change regarding the planting and grading that was agreed upon. Another accommodation to DOT is that they centered the entryway because there is a 75 foot requirement from the lot line for the entry of vehicular traffic to the property. Mr. Giangrande said DOT also asked them to increase the drainage curbing to 4 feet although if one looks up and down the road there does not seem to be 4 feet of a curb at any point.

The Mayor asked Mr. Hyer to review where we are at. Mr. Hyer stated that since the applicant changed the Site Plan, it will require a 239 Review from the County. If the Board deems this to be complete, we will package it up and send the new Site Plan down with the 239 Review Letter. That will take 30 days.

Mr. Hyer asked Mr. Giangrande if the plan is still for the project, The Foggy Dew, to be a restaurant/café. Mr. Giangrande replied 'yes.'

Mr. Hyer said that in the last 239 Review the County asked about signage. Mr. Giangrande said the map shows the sign and its location.

MH: What about a lighting plan? Mr. Giangrande said lighting was added to the map.

MH: Do you show the location of outdoor storage and will it be bear proof? CG: yes.

MH: A vegetation schedule is shown, and there is no problem with your neighbor on the right, Mr. Wiltse? CG: No problem.

MH: Are the boundaries of the entire property plotted to scale? CG: yes.

MH: You need to show the ramp for ADA compliance. CG: It will be made clearer.

MH: What about the grease trap? CG: It is on the architectural, in the building itself.

MH: I believe those were the salient points of our last review.

The Mayor asked the Board members if there were any comments. Trustee Landers asked about the parking area. Mr. Giangrande said there is a small swale which they may have to fill in. In response to Trustee Lucido's question, Mr. Giangrande said they may need to add a stone setback based on how the grade change comes up, and they may be back filling to create a level elevation.

The Mayor said for the record this is an Unlisted Action under SEQRA, and he made a motion to approve the Site Plan, subject to DOT approval, with the New Map showing ADA requirements. It was further stipulated that in order to protect the parking lot, a retaining wall is necessary in back of parking spots 11-16, the height to be determined by

the flow of the grade. Trustee Landers seconded the motion. All in favor, motion carried. The application is to be sent down to Greene County Planning for a 239 Review.

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**Donato Site Plan Review:** Jordan Valdina of Synergy Design, an engineer on the project, introduced himself and presented a detail which he said the DEP requested last week and which Synergy prepared for them on how the manhole extension is actually constructed. Mr. Valdina gave Mr. Hyer two copies of what was prepared for DEP.

Mr. Hyer asked if that is the one that they put a collar on. Mr. Valdina said that there is a butyl seal, and he went on to say that the DEP asked for the seal to prevent infiltration of sediment, etc. Mr. Valdina said they are submitting updated drawings. Michael Lockwood, another engineer on the project, mentioned that when they were before the Board last, a request was made for more detail of the drainage area and he was submitting that this evening. Mr. Lockwood said they were removing the proposed canopy from the drawing at this point in an effort to receive Site Plan Approval. They expect that next month they will apply to the Zoning Board for a variance to include the canopy.

Mr. Hyer asked about the drainage in the front with which DOT had a problem. Mr. Valdina said that they are raising the grade and thereby removing the stormwater storage area. By building up the grade towards the proposed drainage ditch (part retention, part infiltration trench), it should address the concern. Crushed stone will be put in at the base of it and it is, in fact, slightly oversized as the grassy yard will absorb a lot of the water. There should be no water or concern about icing due to the increase in the grade.

Mr. Lockwood said although the fence is on the Site Plan, they wanted to discuss the possibility of eliminating the fence and in its place put in coniferous plantings. He said the nearest neighbor's house is 685 feet away. After discussion, it was agreed by the Board to allow Mr. Donato to eliminate the fence provided that if within the next two years any noise complaints are received, the Board has the right to review the Site Plan again and require Mr. Donato to come up with a more satisfactory mitigation. Mr. Hyer stated that he personally would be in favor of the fence. It was further stipulated that the Site Plan should reflect that in place of the fence there should be ten new plantings of evergreen trees with a minimum height of five feet. Mr. Hyer further stated that the vegetation line is 'in perpetuity,' meaning that if any trees die, they must be replanted. He also stated that Dr. Robert Schneider of the Medical Center had no comment to make on the issue of smoke being emitted from Mr. Donato's wood burning stove.

Mr. Donato requested approval to put in a basketball area. He received approval for it but was told guests must be instructed that it could not be used after 10 pm and that the area may not be lighted. All lighting on the premises needs to be down lighting.

The Mayor asked if this is being treated as a new Site Plan. Mr. Hyer said that it was. The Mayor stated that for the record this is an Unlisted Action under SEQRA and he made a motion for a Negative Declaration. Trustee Kline seconded the motion. The Mayor made a motion to approve the Site Plan with the above listed contingencies. Trustee Timpson seconded the motion. Trustee Lucido abstained from voting as he had missed previous meetings at which the project was discussed. Motion passed 3-0.

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**Terns Subdivision Review:** Karen Terns submitted two Minor Subdivision requests, one from herself and one from her son, Byron Terns on their two properties located on Penrose Avenue. They are asking to create four lots out of two lots. Mr. Hyer stated that if divided as proposed, they would be able to build a 45 foot wide house on each lot. Ms. Terns stated that her existing house is 40 feet wide.

The Mayor stated for the record that these two proposals are Unlisted Actions under SEQR and made a motion for a Public Hearing before the next Planning Board Meeting. Trustee Kline seconded the motion. All in favor, motion carried.

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**Aldo Bell—Culvert Issue on Penrose Avenue:** Mr. Bell came forward and stated that he has a culvert issue on property he owns on Penrose which he would like to see corrected as he has plans to build on it. He stated that the sewer map from the year 2000 indicates the presence of a 4 inch pipe which was not disturbed. In November of 2008, after Mr. Bell had purchased the property, it was determined that the pipe was in fact an 18 inch pipe.

The Mayor asked is there a way to mitigate the issue of the pipe which currently flows into the lot on which Mr. Bell wants to build. Can the pipe be moved and the water redirected without having a negative effect on anyone else? After discussion, the Mayor made a motion that we take one more look at it and come back to the next regular board meeting with a solution. He asked if Trustee Lucido would please do that and Trustee Lucido agreed to do so.

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**Greg Lubow—Site Plan Review:** Mr. Lubow came forward to explain that what he had in mind was doing some exterior decorative modifications to 6026 Main Street, namely extending the spindles that exist over the eastern portion of the building across the front to the end of the building. He also wants to add a peaked roof over the existing law office with two lights.

After discussion, the Board felt that this type of action does not trigger Site Plan Review. The Mayor made a motion that it is determined that these types of decorative changes do not trigger Site Plan Review. Trustee Landers seconded the motion. All in favor, motion carried. The Mayor pointed out for the record that DOT wants to be notified when people use the sidewalk to repair their building.

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**Approval of Planning Minutes of March 2, 2009:** The Mayor made a motion to approve the minutes as submitted. Trustee Kline seconded the motion. All in favor, motion carried.

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