

A Public Hearing was held on Monday, August 3, 2009 at 6:30 pm in the Tannersville Village Hall, followed by a Planning Workshop Meeting at 7:00 pm

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

Also present: Howard Bates, Richard Brooks, Margarete Garvey, Edward Nihill, Byron Terns, Karen Terns, Brian and Helen Walsh

Deputy Mayor Gregory Landers opened the Public Hearing on **Proposed Local Law # 1 of 2009 – “Providing for Repair or Removal of Unsafe Buildings and Collapsed Structures”** with the Pledge of Allegiance. Deputy Mayor Landers requested that the Board take the time to read the provisions of the proposed law.

After waiting a reasonable amount of time for someone from the public to attend, Deputy Mayor Landers made a motion to close the Public Hearing. Trustee Kline seconded the motion. All in favor, motion carried 3-0.

Public Hearing for Nihill – Fairway Commons. Deputy Mayor Landers opened the Public Hearing and called upon Mr. Nihill for the presentation by the Applicant. He asked if there was anyone from the public to comment on the project. No response.

Mr. Nihill and his engineer, Howard Bates, brought up the Subdivision Maps for the Board to look over. Deputy Mayor Landers closed the Public Hearing and opened the regular Planning Workshop Meeting.

Mr. Hyer asked if Trustee Timpson would state for the record the details of her conversation with Mr. Nihill which were out of range of the tape recorder. Trustee Timpson said that rather than 3 townhouses, there will be one apartment building which will look identical to the 3 townhouses. Mr. Nihill said that this is correct: same outside lighting, same roof design, same roof colors. Trustee Timpson said that there is no lighting in the parking lot. The lighting will be just on the house itself. Mr. Nihill said this is correct. Trustee Timpson said: 3 water hook-ups and one sewerage hook-up. Mr. Nihill said “correct.”

Deputy Mayor Landers asked what makes it an apartment instead of a townhouse? Mr. Nihill replied that a townhouse would require 3 individual deeds.

Mr. Hyer added that the basic difference between townhouses and condos is that with townhouses you own the land under your house where with condos you do not. Everything with condos is ‘common ground.’

Deputy Mayor Landers asked Mr. Nihill “what is the difference between a condo and an apartment for you?” Mr. Nihill replied “there is a big difference. For a condo you have to get all your permission from the Attorney General. Condos are individually owned from the sheetrock in. In an apartment there is one owner who owns the dwelling and he rents out to clients, or customers.”

Mr. Hyer asked “who is the other owner of record on this property?” Mr. Nihill replied “Dominick Calla.” Mr. Hyer “Do you have a letter of authorization to do this with your partner? He is the other owner, right?”

Mr. Nihill: “Correct.”

Mr. Hyer: “If the Board approves this tonight, they are not just approving you...they are also approving Mr. Calla. Therefore, we have to know that he is aware of the proceedings.”

Mr. Nihill: “This is the first time this was brought to my attention. He and I are one person. We are the developers.”

Mr. Hyer: “Who is Dominick Calla?”

Mr. Nihill: “He is my partner in business.”

Mr. Hyer: “Is he a person?”

Mr. Nihill: “Yes.”

Mr. Hyer: “Then you are not one person...you are two.”

Mr. Bates attempted to clarify as follows: “The corporation named Nihill-Calla Enterprises LLC is actually the owner of the property and, I believe, the developer of record.”

Mr. Hyer: “Is Dominick Calla aware of what you are doing, Ed?”

Mr. Nihill: “Yes. He is not here tonight because he is in Italy.”

Mr. Hyer: “Whenever a municipal board gives discretionary approval, they have to give it to the owners of record unless there is a letter of authorization.

Mr. Nihill: “So if I had 20 partners, you would want all 20 people here tonight?”

Trustee Timpson: “...or letters.”

Mr. Hyer: “This is not a deal breaker. We are asking the question whether Dominick Calla is aware of what is going on...and he was at a meeting?”

Mr. Nihill: “Correct.”

Mr. Hyer: “So you have no problem if this Board verifies what is done tonight with Dominick Calla?”

Mr. Nihill: “Not at all...as long as it is not going to put me off for another 30 days. I’ll get a letter from Italy tomorrow.”

Mr. Hyer: “How long is Dominick in Italy?”

Mr. Nihill: “Eight weeks, and he left last week.”

Deputy Mayor Landers: “I believe we can probably approve it if we do it with the stipulation that we receive that letter.”

Mr. Hyer asked for clarification of where the lighting plan was shown. Mr. Bates pointed out its location. The Board was satisfied that the landscaping was shown as previously agreed upon.

Mr. Hyer asked Mr. Nihill if his 'Offering Plan' provides for plowing and maintenance. Mr. Nihill replied "yes."

After discussion, Deputy Mayor Landers made a motion for a Negative Declaration under SEQR. Trustee Timpson seconded. All in favor, motion carried 3-0. Deputy Mayor Landers made a motion for approval of the Site Plan Application with the stipulation that the letter of approval is received from Mr. Nihill's partner, Dominick Calla, and upon water and sewer approval. Mr. Hyer clarified that water approval is required for the first three apartments.

Trustee Timpson seconded the motion and clarified that approval is contingent upon the following:

- 1) that approval is received from the partner, Dominick Calla,
- 2) that approval is received for water and sewer hook-ups, and
- 3) that construction does not begin before 6:00 am on weekdays and 8:00 am on weekends.

All in favor, motion carried 3-0.

Mr. Bates asked to bring up the fact that what is going to be received from the DEP will not be a formal approval but a letter stating that the sewer design is "approvable." He stated that he was informed that his design for the sewer hook-up will not be approved by DEP until the subdivision is approved and filed with the Town Clerk.

Byron Terns Subdivision Review: Mr. Terns brought the map up for review by the Board.

Mr. Hyer asked if he could change the wording from "3 Lot Subdivision" to "2 Lot Subdivision." Mr. Hyer said that he understood that the reason it said "3 Lot Subdivision" was because Mr. Terns was condensing 3 lots into 2.

Karen Terns stated that she had taken both her map and Byron's map to Real Property in Catskill and that they were fine with both of them.

Mr. Hyer stated that the next order of business would be a Negative or Positive Declaration under SEQR.

Deputy Mayor Landers made a motion for a Negative Declaration under SEQR. Trustee Timpson seconded the motion. All in favor, motion carried 3-0.

Deputy Mayor Landers stated that he believes that the Board has been over this enough so that everyone knows what is going on. He made a motion to approve the Application for Subdivision. Trustee Timpson seconded the motion. All in favor, motion carried 3-0.

Mr. Hyer asked that the Mayor be requested to sign the approved subdivisions for both Karen Terns and Byron Terns.

The next item listed on the agenda, the **Weyant Subdivision**, was not dealt with as there was no one present to represent the project.

Hunter Foundation Subdivision: Richard Brooks of Brooks and Brooks Surveyors and Planners came forward. He explained that as the survey maps are extremely detailed, he prepared a graph to help the Board understand the ultimate goal.

Mr. Brooks stated that the Hunter Foundation now owns 3 separate lots, each one with its own building across from the Orpheum Theater. Each lot is under one half acre in size and runs from Main Street back down to the stream. What they are proposing to do is to take the three lots and make four lots. Mr. Brooks stated ‘as you know from the Site Plan Review you did two years ago, the back is being developed into parking lots, storm water retention, etc. to service these three buildings as well as the Orpheum Theater.

Mr. Brooks continued that what they are hoping to do is to create four lots with the parking lot on its own lot and accessible from the other three lots. This will result in less cross easements.

Deputy Mayor Landers pointed out that there was a problem in that there is no room to work on one of the buildings. Mr. Brooks answered that there are existing easements that would allow for this.

Mr. Hyer asked if Mr. Brooks would address the line of sight issue when exiting the parking lot. Mr. Brooks said he understands that one or two of the parking spaces will be lined off for ‘no parking.’ He said he will remind the Hunter Foundation of the need to take care of this.

At Mr. Hyer’s request, Mr. Brooks said he would prepare a document showing the proposed easement that would go in each of the three deeds as well as the proposed easement with the Orpheum Theater. Mr. Hyer also asked to see the easement that would be given to Mr. Bucca. Mr. Brooks stated that the easements would provide for maintenance by the Hunter Foundation (snow plowing, pot hole repair, etc.) Mr. Brooks stated that nothing allowed for in the original Site Plan is going to change.

After discussion, Deputy Mayor Landers stated that we should set a Public Hearing for 7:00 pm on Monday, October 5th at which time the easements would also be reviewed. Mr. Brooks said he would try to get the easements to the Village office for review prior to that time. Mr. Hyer asked that they be sent to his attention, and he will see that they get distributed to the board members in advance of the Public Hearing.

The next item on the agenda, **Kosher Mountain Deli**, was not dealt with as no one was present to represent the project.

Deputy Mayor Landers acknowledged a letter from a gentleman identifying himself as ‘Michael’ who was passing through the area and wished to compliment the Village of Tannersville on the availability of trash receptacles in our Village. Michael said he appreciated these and wished that more municipalities would provide such containers.

Trustee Timpson acknowledged receipt by the Village of a letter from CHIPS and said that it would be looked into.

Deputy Mayor Landers made a motion to adjourn the meeting. Trustee Timpson seconded the motion. All in favor, motion carried. _____

Minutes submitted by Catherine Palmieri, Deputy Clerk

A Regular Board Meeting was held on Tuesday, August 11, 2009 at 7:00 pm in the Tannersville Village Hall.

Present: Lee McGunnigle, Mayor (present for Executive Session)
Linda Kline, Trustee
Gregory Landers, Deputy Mayor
Anthony Lucido, Trustee
Mary Sue Timpson, Trustee
Catherine Palmieri, Deputy Clerk

Deputy Mayor Landers opened the meeting with the Pledge of Allegiance.

Deputy Mayor Landers stated that a motion is needed to vote on Proposed Local Law #1 of 2009 – The Unsafe Building Law.

Trustee Timpson made a motion to vote to accept **Proposed Local Law #1 of 2009 – The Unsafe Building Law**. Trustee Kline seconded the motion. All in favor, motion carried 4-0.

Deputy Mayor Landers made a motion to approve the vouchers as submitted. Trustee Kline seconded the motion. Deputy Mayor Landers, Trustee Kline and Trustee Lucido voted to approve the vouchers. Motion carried 3-0, with Trustee Timpson abstaining from the vote.

Privilege of the Floor: Trustee Kline stated that Steve Tuomey, Assistant Fire Chief, came into the office prior to the meeting this evening and asked if it would be possible to include a voucher in the group being approved this evening which would allow a check to be prepared in the amount of \$1000.00 for the Fire Department Convention that will take place in September. The amount has been allowed for in the Approved Budget. The voucher was included as Mr. Tuomey requested.

Deputy Mayor Landers closed the regular meeting and the Board went into Executive Session. Topics dealt with were retiree insurance and a payroll question regarding camp personnel.

Deputy Mayor Landers closed Executive Session and re-opened the regular meeting.

Deputy Mayor Landers asked that the Building Inspector, Dominick Caropreso, be informed that the 'Unsafe Building Law' has been adopted.

Deputy Mayor Landers made a motion to adjourn the meeting. Trustee Kline seconded. All in favor, motion carried 4-0.

Minutes submitted by Catherine Palmieri, Deputy Clerk

