

A ZBA Meeting and Planning Board Meeting was held on Monday, August 4, 2008 in the Tannersville Village Hall

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

Also present: Howard Bates, Allen Bennett, Jeff Prince, David Kukle, Daniel Weston, Sara Jaskiel, Peter Donovan, Carl Giangrande, Mrs. Leona Pakter Wollenberg, Alison Wollenberg, Charlene Holdridge, Gary Slutzky, Robert Tait, Mark Burns, Bonnie Geller-Geld, David & Noemi Salb

In the Mayor's absence, Deputy Mayor Greg Landers opened the meeting with the Pledge of Allegiance.

Mr. Landers asked if there was a motion to approve the Planning Minutes of July 2, 2008. Trustee Kline made a motion to approve the July minutes and Trustee Lucido seconded the motion. All in favor, motion carried.

**Privilege of the Floor:** Ms. Sara Jaskiel, a Tannersville summer resident, said she had spoken with the Mayor and he advised her to come before the Board this evening to discuss her plan to hold a concert on Saturday, August 16 at the back side of Rip Van Winkle Lake (Lake Road). She described the event as something that the parents and children of the summer orthodox community would be interested in but the entire community would be welcome to attend. There would be a folksinger and a keyboard player and the time of the event would be from about 10:00 pm to 12:00 am. Cost of tickets would be \$20 for adults with children free. In response to Trustee Lucido's question, Ms. Jaskiel said they understood that they would be responsible for clean up and are looking into obtaining a porta-potty. Trustees Landers and Kline said that it could be a problem if the music were to be too loud. The trustees recommended contacting Mr. Simon, the Village Attorney tomorrow for his guidance on the matter and told the lady that the Village would contact her. \_\_\_\_\_

The Mayor arrived and closed the Regular Planning Meeting and opened the Zoning Board of Appeals. Mr. Hyer stated that the first and only order of business for the Zoning Board of Appeals is the

**Kirschner residence -- 91 So. Main Street: Request for an Area Variance.** Mr. Hyer stated that this is an unlisted action under SEQRA. He opened the Public Hearing and asked if there was anyone present who wished to speak. A lady identified herself as Leona Pakter Wollenberg whose family owns the lot adjacent to the Kirschner property. Mrs. Wollenberg stated that her family opposes granting of the variance due to the possibility of future building on their lot.

Mr. Hyer wanted to clarify that under the ZBA Act of the State of New York public hearings are held for input but it is not the neighbors' decision whether a variance is granted or not. There are specific descriptive clauses in the law by which the decision is made. Trustee Landers stated that he wished to speak as a member of the public and said it was his feeling that if a property owner has a problem with an adjoining neighbor wanting to build closer than the 20 foot setback variance, he believes it should remain at the 20 foot setback. Mr. Hyer asked Dan Weston, the representative for the applicant, how much more space they are requesting. Mr. Weston replied 24 more inches. Trustee Timpson also inquired, as a member of the public, if site work was done previously and this matter addressed at that time. Mr. Hyer replied that the work was done but the subject was not addressed. Mr. Kukle asked if the plan was always to build the deck on the east side of the house. Mr. Weston replied yes, but originally the deck was to have been larger. Trustee Lucido, also speaking as a member of the public, said the house was designed knowing they needed more space for the deck. Trustee Landers added the builder knew how far away the garage and the property line were. He could have designed the house smaller or differently so that it wouldn't encroach. Mr. Hyer thanked everyone for their input and said the ZBA will take the information provided under advisement and make a decision. Mr. Hyer said they have to enumerate the reasons for a decision. Mr. Kukle stated that what triggered it for him was the last item on the list, that the issue at hand was self created. Mr. Hyer agreed and said that the applicant could have found a way to design the house differently to fit on the lot completely. Mr. Hyer made a motion to deny the requested variance for the reason that the issue was self created and Mr. Kukle seconded the motion. The application was denied 2-0.

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The Mayor made a motion to close the ZBA portion of the meeting and open the Planning Workshop Meeting. Trustee Landers seconded the motion. All in favor, motion carried.

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**Hunter Foundation – Historic District:** Ms. Charlene Holdridge and Mr. Gary Slutzky of the Hunter Foundation came this evening to answer some questions regarding the Historic District. Mr. Hyer stated that the Village of Tannersville is undergoing a Comprehensive Zoning Document at this time and that Roger Murman, Project Engineer at Fraser, looked at what was submitted and feels that it is a good idea but that it should be integrated in with the Zoning Document. Mr. Hyer said that the Committee will be meeting with Mr. Murman within a week or so. Mr. Murman wants the Board to pull the Zoning Document together and incorporate what was submitted into it. Ms. Holdridge replied that it makes sense to do so and asked when the meeting will take place. The Mayor responded that the meeting is planned for next week. Mr. Hyer stated that the Village has the rough draft of the Zoning Document prepared. The Mayor inquired of the Board whether they had any questions or opinions about the Historic District. The Mayor said the Village has to look at how the Historic District will impact the Zoning Document

and that meeting will take place next week. Mr. Slutzky said at some point they would appreciate a letter of support from the Village for the Historic District if that is how it will be going. The Mayor said the fact that Fraser is on board right now planning the Zoning Document is a good thing as we will have more professional input. We know that the Foundation is doing a great work but we will be able to have Fraser's opinions placed in to the Document so that the Board is up to speed. There are negatives and positives to every decision that is made. Mr. Slutzky agreed and said that is all they are looking for as well.

Ms. Holdridge said the draft has been submitted to the State level and the Village's support will weigh heavily on whether it makes it to the National level.

Trustee Timpson asked why the Village is not on record as supporting the Historic District. The answer was that we are not necessarily not in support of it. Mr. Hyer explained that Roger Murman, Fraser's engineer, said what we will probably have to do is take the Historic District, lay it on the Zoning Map and see the implications as every one of the zoning districts has specific uses permitted and not permitted.

Mr. Hyer then asked Ms. Holdridge if she is proceeding forward without Village Board approval? Is the application in? Ms. Holdridge replied that the draft of the application was submitted because she misunderstood something and sent it in. Mr. Hyer said they want to review the proposal with the Zoning Document and, to play devil's advocate, see if they actually even want it. Trustee Timpson said there was a meeting, at which Mr. Hyer was not present, where the Board did say they were in favor of the Historical District. The Mayor asked if the minutes were available from that previous meeting. The reply was that the minutes were not readily available.

Trustee Landers said he still supports the Historical District but showing support is different than adopting it. The Mayor said having Fraser look it over should bring some clarity to the matter. Trustee Kline offered that as the meeting with Fraser will take place next week and the next Regular Board meeting is two weeks from tomorrow, addressing the subject at the Board Meeting seems to make sense. Mr. Slutzky commented that whichever way Fraser's review goes, the project will still grind slowly through the works. He doesn't think the two week delay should matter and by August 19 the Village should have a handle on how they want to proceed.

The Mayor wrapped it up by saying let us have the meeting with Fraser next week and by the next Board meeting we should have a clearer idea of what is recommended. All agreed. \_\_\_\_\_

**Trailhead Village:** Mr. Robert Tait came forward and gave some background: back in 1991 they came before the Board for subdivision of the Sussman property on Spruce Street. He said approval was received at that time and a map was filed with Greene County. Subsequent to that, Mr. Tait stated that they received approval for 25 townhouses with sewer and water hookups on that original site plan. Nine of the 25 units were built in 1991. The other 2 buildings on the original site plan were never built. Mr. Tait stated that the project was reactivated in the year 2000 and approval was received from the Village of Tannersville building dept to build 6 townhouses on Lot #11. Prior to selling the units they were surveyed and a site plan filed with the County for Lot #11. Mr. Tait pointed out on the map where in 1991 approval was given for an 8-unit building

and in 2002 they built 6 units, leaving 2 units not built. Mr. Tait said in 2002-2003 additional drainage approval was obtained from DEP due to a change in the law. Stormwater approval was given by DEP in 2003-2004 and called for a change in location of the units and/or buildings. Trustee Landers asked 'just on Lot 8...or everything?' Mr. Tait said 'everything.' Mr. Tait said he then recalls coming before the board in 2005 for an approval of the change in the site plan or the building location. He did not receive the stormwater approval which was in process at that time and he believes the final signing and filing was being held for that to be brought back to the board. He never did bring it back so it was never finalized. Mr. Tait said they had the Public Hearing, etc.

Mr. Tait said he has come this evening for two things:

1. to seek final approval of the revised site plan subdivision map now that he is bringing the final approval from DEP, which he calls the missing piece;
2. approval of the Transportation Corporation which is required by DEC to own the sewer network within the property and to be responsible for repairs, etc;

Mr. Hyer stated that there is a discrepancy between the map filed with Greene County and what Mr. Tait is showing. Mr. Hyer said he could not find the answers in the minutes but his position is that there have been changes in the subdivision and we need to move forward from this point.

To summarize, Mr. Hyer said construction has happened on the site which did not come back to the board for approval, i.e., the stormwater pond. The townhouses are being proposed in different locations and metes and bounds are submitted for approval. Approval is also being sought from the Board for the subdivision plat map as it sits in front of you.

Mr. Hyer asked Mr. Tait how many townhouse units would there be when it is totally built out. Mr. Tait replied '33.'

Mr. Hyer said he recommended that the Board should always look at what the final project is going to look like. He said they needed to look at what does Mr. Tait want tonight and what does he need 2-4 years from now. Mr. Hyer said if the Board so desires they can approve the concept tonight and follow it with a Public Hearing next month.

Mr. Tait stated that he went through this with a previous board and this same map was in front of them. Mr. Hyer replied that unfortunately the map was never filed with Greene County and therefore it does not count. If an approval is not filed within 62 days, theoretically, you start over. If you have the same board, it's easy. You have a new board sitting here and this is all new to them.

The board agreed to have a Public Hearing in September before the next Planning Workshop Meeting and they agreed that it is an unlisted action under SEQR. As Trustee Timpson stated she could not be present before 7:00 pm, the Public Hearing was set for 7:00 pm.

In response to Mr. Tait's question, Mr. Hyer explained to him that at the Public Hearing the Board would decide, based on public input and the issues raised, whether they will approve or disapprove the subdivision application, approve or disapprove the

Transportation Corporation and make a determination for a positive or negative declaration under SEQR.

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**Peter Donovan: Preliminary Site Plan Review for Restaurant/Bar  
Set Public Hearing**

Mr. Donovan and his architect, Carl Giangrande, came before the Board and proposed an addition to an existing building which will convert it to a restaurant/bar facility. The location is Main Street and Raspberry Lane. There will be parking for 12 cars and the plan is to accommodate 48 people. Mr. Hyer asked if Mr. Donovan felt 12 spaces were sufficient for 48 people plus employees and said he recommended that the applicant add at least 2 or 3 more parking slots for employees.

Mr. Donovan stated that as the property is in the 100 year Floodplain, the first floor will be built on piers three feet above grade.

Trustee Landers asked if down lighting was planned and Mr. Donovan said it was.

Mr. Hyer addressed the board saying that he recommended that the applicant add additional employee parking, that all lighting be down lighting and that they consider a vegetation line between the restaurant and its neighbors. Mr. Donovan said they planned to maintain the existing heavy growth of vegetation that exists as a buffer. Mr. Hyer said if the board desires the buffer it should be sketched in on the site plan and they should make notes that the vegetation line will be maintained.

Trustee Landers said he was concerned about a safety issue exiting the property.

Mr. Hyer recommended to the board that they consider a public hearing to get the thoughts of the neighbors as it will be a restaurant/bar. Trustee Landers asked whether they will need a bigger water line for a sprinkler system. Mr. Donovan said he thinks the existing service will be adequate. Mr. Hyer asked where the sign will be. Mr. Donovan replied that they believe a sign on the building will be sufficient. As they are so close to Grand Union they feel they will be visible enough.

Mr. Hyer recommended doing a field inspection of ingress and egress. People will be pulling out in the early morning hours and now is the time to look at the driveway grade. He stated that the applicant is not looking for any special use permits, just the standard application. Mr. Hyer said this meeting and the next meeting is when everything needs to be on the map for safe and sane operation. Trustee Lucido asked whether the driveway has to be a certain number of square feet in order to access the main highway. Mr. Hyer explained that he is referring to the 'cut.' The applicants said it was 12-14 feet. Mr. Hyer said he would call Mr. Shepherd at DOT to see if a restaurant/bar requires a certain width and asked if the applicant would give him an accurate measurement of what it is. Mr. Giangrande asked whether if there is the possibility, due to time considerations, of getting approval to dig foundations and put in piers. The response was that site plan review has to take place first.

Mr. Hyer said at the next meeting the applicant should come back with the map showing the vegetation line. Trustee Landers indicated that the map should also show the lighting, where the sign will be and whether it will be lighted.

The Mayor declared the project an unlisted action under SEQR and made a motion for a public hearing in September. Trustee Kline seconded the motion. All in favor, motion carried.

Mr. Hyer reminded the applicant that he needs to inform the contiguous landowners within 200 feet of the public hearing date and time by certified mail. A form letter may be obtained from the Village office. A copy of the map was given to Mr. Hyer.

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**Moguls (Powder): Preliminary Site Plan Review**  
**Set Public Hearing**

Mr. Hyer gave an explanation of what Mr. Burns is proposing. Mr. Burns wishes to tear down the façade that was put out as a kind of a walkway in front of the main building entrance and he wants to restore the original doors that were there.

Mr. Burns has submitted the application, the SEQR form and a short environmental assessment form. As the property is on Rte 23A, it needs a 239 Review from Greene County. It has not been obtained as yet because it required a professionally drawn Site Plan Map, hand drawings no longer being accepted. Therefore a PE or architect drawn map was necessary.

- Side issues:
1. Mr. Burns needs a permit from DOT because the sidewalk has to be shut down and our code enforcement officer has to be present during the tear down to supervise it (at Mr. Burns' expense),
  2. DOT requires the Village to get the permit, and we need a Certificate of Insurance from Mr. Burns so that the Village is covered in the event someone is injured.

Mr. Hyer said the first order of business would be approval of the project and the Site Plan. Mr. Hyer told the Board that he did a field inspection and the whole thing is in pretty good order.

Trustees Lucido and Landers asked questions of Mr. Burns regarding the construction. Trustee Timpson if it will be a one-day project and the reply was 'yes.' The Mayor asked how could the Building Inspector be there the whole time and asked whether it was possible to get a casual employee to be present in his place. Mr. Hyer said he would check with Mr. Shepherd of DOT for the answer.

Mr. Hyer said although this could require a public hearing he recommended that it is not needed as it is a simple demolition.

Trustee Lucido made a motion that the Site Plan be approved as presented. Trustee Landers seconded the motion. All in favor, motion carried. The Mayor stated that it is an unlisted action under SEQR and made a motion for a negative declaration. Trustee Kline seconded the motion. All in favor, motion carried.

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**Review of Engineering Proposals for CC Lots Subdivision:** Mr. Hyer explained to the Board that he was giving each of them a breakdown of the 9 responses he received in response to the Request for Proposal that was sent to the engineering firms. Responses were received from the following firms:

Crawford & Associates	C.T. Male	HDR
Rettew Engineering	Fraser & Associates	Kaaterskill Associates
Morris Associates	Delaware Engineering	Chazen Engineering

Mr. Hyer told the Board that their job this evening is to choose an engineer to review the CC Lots Subdivision Proposal. He will then obtain from Mr. Prince and Bates all the supporting documentation that needs to accompany the package.

The Mayor stated that a lot of engineering firms are not familiar with watershed issues and an effort was made to get firms that were familiar with our community. Board members made comments regarding the various firms from past experience. The Mayor asked the Board to choose their four top contenders. When the count was tallied, Delaware Engineering was the one company everyone had chosen and, based on that fact, Delaware was selected as the firm to do the job. Trustee Lucido made a motion to award the job to Delaware Engineering and Trustee Landers seconded the motion. All in favor, motion carried. The Mayor asked of Mr. Prince that the escrow account be set up as soon as possible before anything else takes place. Mr. Prince asked if Mr. Bates can sit down with Delaware Engineering to review the documents. Trustee Landers said this seems possible as Delaware Engineering has requested to speak with Mr. Bates.

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**Privilege of the Floor:** Mr. Allen Bennett, a homeowner on Sunset Avenue, came to say that he has been having difficulty in obtaining a C of O on his property in order to obtain homeowner's insurance. As far as he is aware, everything is in order but some needed paperwork appears to be missing. The Mayor asked that the Building Inspector, Mr. Caropreso, be contacted to straighten the matter out.

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**Resolution Authorizing the Mayor to enter into Contract with Greene County Planning and Economic Development to receive funding for a Main Streets Grant:** The Mayor asked if there was a motion. Trustee Landers made a motion to approve the Resolution, Trustee Kline seconded the motion. All in favor, motion carried.

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**Trustee Landers made a motion to adjourn the meeting and go into executive session. Trustee Kline seconded the motion. All in favor, motion carried.**  
Summary: updated board on former mediation/arbitration session.

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