

A Planning Meeting was held at 7:00 pm on Monday, June 8, 2009 in the Tannersville Village Hall

In Attendance: Lee McGunnigle, Mayor
Linda Kline, Trustee
Gregory Landers, Trustee
Anthony Lucido, Trustee
Mary Sue Timpson, Trustee
Mark Hyer, Planning Administrator
Robin Dumont, Clerk

Also present: Howard Bates, Carl Giangrande, Danny Powell, Jeff Price, Karen Terns

The Mayor opened the meeting with the Pledge of Allegiance.

Re-Organization: The Mayor brought up the fact that due to a conflict with the Town of Hunter Meeting on the third Tuesday of the month that the Village of Tannersville Regular Board Meeting be switched to the second Tuesday of the month.

The Mayor made a motion to approve the Re-Organization list. He asked if there was a second. Trustee Lucido seconded the motion. All in favor, motion carried 4-1. Trustee Timpson stated that she was opposed to a couple of the appointments. The Mayor asked whether she would state them for the record. Trustee Timpson put in writing that she was opposed to the appointments of Village Attorney and Camp Director. The Mayor stated that the appointments were carried 5-0, except for two which were carried 4-1.

The Mayor made a motion that Dominick Caropreso be added to the list as Code Enforcement Officer and Building Inspector. Trustee Kline seconded the motion. Trustee Timpson opposed the addition. Motion carried 4-1.

One item which did not require a second was the re-appointment of Gregory Landers as Deputy Mayor.

Boat House Proposals: The Mayor asked whether any additional proposals came in during the past week. The Clerk replied that no additional proposals were received. The Mayor stated that there are two proposals and asked if the Board was ready to move on either of them. Trustee Landers made a motion to accept B.Z. Halberstam's proposal. Trustee Lucido seconded the motion. All in favor, motion carried.

CC Lots: Access Review: Mr. Prince indicated that Mr. Bates was going to show the Board where they wish to ask permission to come in to drill the second well. They would like to get in and out and get the job done before summer vacation starts. The Mayor asked whether Delaware Engineering has approved the proposal. Mr. Bates replied that

the proposal is a draft and has not been finalized yet. He continued that there seemed to be a lot of unnecessary concerns last month. Mr. Bates continued that he had a discussion with Mary Beth Bianconi of Delaware Engineering and informed her that he had sent a work plan to the DOH 3 or 4 weeks ago. He said Ms. Bianconi wanted to see something in writing but he has not sent anything to her as yet because he wanted to show the Board first. The Mayor stated that they did not want to put the cart before the horse and give access to drill a test well that would not be authorized for approval in the future.

Mr. Bates said if the proposal is ok, he is asking for Board approval subsequent to DOH approval of the work plan. The Mayor stated that there is no sense in our giving you authorization to get access if the DOH is not going to allow you to drill the well where you want to drill it.

Mr. Prince said we cannot come in through CC Lots Road due to the neighbors not wanting access, and we cannot bring the rig across the bridge as it is too heavy. We want to use as little of the Bike Path as possible to cut into our property. Any repairs that need to be done will be and any mitigating factors for erosion control and runoff will be done. Titan Wells has given us the proposal, and everyone knows that they are a reputable company. We are asking for this approval subject to DOH and Ms. Bianconi. If we wait until next month, we cannot complete the EIS until the second well is drilled.

Mr. Hyer said that he spoke with Ms. Bianconi and Mr. Simon and they said that if the Board gives approval for the Applicant to use the Bike Path, they want us to have an agreement drawn up by the Village Attorney which will hold harmless and indemnify the Village and also put money in escrow to recover the cost of any repairs necessary to the Bike Path. Mr. Hyer continued that an insurance issue has to be set up whereby the Applicant is responsible to see that public would not be blocked from access to the Bike Path. Mr. Hyer stated that the location of the well needs to be clarified and approved by the DOH.

The Mayor said we will put you on next Tuesday's Board Meeting agenda. He stated that Mr. Simon should begin drawing up the draft agreement. He said the Applicant should get in touch with Delaware Engineering and ask DOH to get an answer to the Board by next Tuesday. Mr. Hyer asked if DOH is going to approve a tentative location of the well site. Mr. Bates said we should know soon.

Trustee Landers said he would be away for the next meeting but he wanted to say that in the event the Board gives access to the Bike Path in his absence, it should be clearly marked at both ends that the Bike Path is closed due to construction in order to prevent injury to anyone unaware of the closing.

Review of Terns Subdivisions: Ms. Karen Terns presented new maps, and Mr. Hyer endeavored to explain them to the Board. Mr. Hyer pointed out the line leading into the Subdivisions (line 1219, 23 degrees). He said that the line, as proposed last month, was the Subdivision line, which if approved, would have said that East End Street was part of an improvable subdivision lot. Mr. Hyer pointed out proposed locations of Lots One and Two. Discussion continued among the parties.

Mr. Hyer was asked to clarify the discussion. He continued as follows: the Applicants

are proposing a 4-lot Subdivision, 2 owned by Karen Terns and 2 owned by Byron Terns. They are proposing to move the lot lines over.

The Mayor stated that the Board is not taking away anyone's rights to use any road in the Subdivisions. If the Subdivisions are approved, we do not wish to impinge on anyone's rights regarding use of streets that are there or not there as recommended by the Village Attorney. Discussion continued, after which the Mayor recommended putting the proposal on next week's meeting agenda by which time Ms. Terns will have new maps drawn and re-presented to the Board.

Mr. Hyer stated that Ms. Terns will need to have two separate maps for the two Subdivisions: the Karen Terns Subdivision and the Byron Terns Subdivision. Also required are Mylars for each.

Mr. Powell was recognized. He said he and his neighbors have questioned whether the previous Board had the legal right to allow Mr. Terns to build on the right of way.

The Mayor stated that people who feel that their rights have been infringed on by a former or current Board have the legal right to take whatever action is appropriate. However at this time, that is not what is before the Board. What exists on the current map is what exists.

Ms. Terns said that her attorney will speak with the Village Attorney to come to a conclusion that is satisfactory to everyone.

The Mayor stated that if Board members are not comfortable with what is being proposed at this time, they have the option of going on record and he asked them to do so.

.Trustee Kline indicated that whatever agreement the attorneys arrive at is what will be considered and voted on by the Board.

.Trustee Landers said he feels that what are being proposed are legal Subdivisions and does not see why they should not be approved. Our lawyer has spoken his piece.

.Trustee Lucido said he just wants to be sure that our attorney has given the best and legal way in which the proposal should be handled. We want to do the right thing now.

Mr. Hyer said we will go back to Mr. Simon for final review and written comment.

Mr. Powell asked whether SEQRA comes into play. Mr. Hyer replied that it does. If there is one potential substantial environmental impact, that could give the Board grounds for a Positive Declaration which would require an Environmental Impact Statement (EIS) on the project. In the absence of a potentially significant environmental impact, they can do a Negative Declaration.

Mr. Powell asked if water run-off is an issue. Mr. Hyer said every issue is considered. Mr. Powell then asked if the Board would look into the engineering firm which did a Stormwater Run-off Review in the area last year. The Mayor asked whether the Clerk would bring the study to the next meeting. The Clerk said she would do so.

Donovan Site Plan Review: Mr. Hyer stated that the DOT objected to the parking as presented by the Applicant. This Site Plan is to address the proposed parking. It would appear that the parking has been moved back far enough to not be an issue. Maps were presented to the Board.

Mr. Carl Giangrande, engineer for the project, said that the parking has been relocated

beyond the 33 foot right of way as DOT indicated is required from 23A. We have arranged for parking of vehicles on the left and right sides of the building. DOT also said the entrance should be 75 feet from any intersection or adjacent driveway. Therefore we centered the entrance to the middle of the property. We do not expect that DOT will have any additional requests.

The Mayor stated that in the April minutes we had a motion (and seconded) that with DOT approval the Site Plan would be approved. Now that there is a new Site Plan, it is subject to DOT approval and 239 Review from the County.

Trustee Kline made a motion to approve the new Site Plan as stated subject to the approval of DOT and Approved 239 Review by Greene County. Trustee Landers seconded the motion. All in favor, motion carried.

Mr. Giangrande will provide copies of the map.

HTC Water: The Mayor indicated to the Board that an unauthorized use of water has been noticed at the high school building. He recommends that the Code Enforcement Officer/Building Inspector and one of the Highway men go over tomorrow or Wednesday to assess the situation and get back to us.

Review Comments on Zoning Document: Mr. Hyer began the review by referring to page 3 of the Zoning Document and said that Trustee Timpson has given him a Social Services Law that states that local municipalities cannot treat family or group home day care homes any differently than a regular residence. Therefore we have to change our definition and make sure that we do not put restrictions on such homes that we would not put on residences.

Trustee Timpson added that the Greene County Department of Social Services inspects such homes to determine whether adequate care is being provided for children. Mr. Hyer said that he would run this past Mr. Murman of Fraser.

Next there was a discussion about Nonconforming Uses in the event a house burns down. Trustee Timpson said that she understood from Mr. Murman that the Variance Process would be available in such a case. Mr. Hyer continued that if there is a Nonconforming Use, there is a burn down rule or replacement rule based on a percentage and that the Board should read it. Trustees Landers and Lucido have also raised objections to this. Trustee Timpson said she feels there needs to be another avenue other than the Variance Process.

Mr. Hyer said the options are as follows: 1) if the burn down rule or replacement rule is removed from the document, than the homeowner can rebuild the house,
(change the percentage), or

- 2) make the burnt down building severe
- 3) leave it in.

As it is now, if a nonconforming residence in the Central Business District burns down more than 60%, it cannot be replaced as is but would have to be replaced with a business downstairs and an apartment upstairs.

Trustee Landers said it is his feeling that the homeowner should be able to rebuild in the original footprint. Trustees Landers and Kline agreed with him and it was further agreed that up to one year be allowed for the construction. Mr. Hyer said the change was to be as follows: page 45: 13-3.2 "omit."

Trustee Landers stated that his vote to eliminate the 60% burn down rule applies to all districts. The Mayor clarified that the nonconforming homeowner in any district can replace the burned down building as it was in the original footprint.

Mr. Hyer stated that Trustee Landers has proposed changing some density ratings and has indicated them on the map.

He asked Trustee Landers to show and explain his changes and Trustee Landers pointed them out on the map. Trustee Landers pointed out as follows: "This will remain R1, low density. This line would separate them. This would become R2. Same thing over here: this would stay R2. An updated map will be obtained.

Mr. Hyer pointed out something that says Business District but is actually owned by Greene County. It should be white. This one here is Dickie Lawrence's house, so he would go to R2.

Mr. Hyer said the last big one is the yellow one: Residential Single Family across from Spring Street. Trustee Landers recommended that the whole east side should go to R2. Both sides of the street should be the same, R2. Trustee Lucido agreed that it should be R2 on each side of Spring Street.

The Mayor said the only other argument is that once you do that they can take these longer, deeper lots and try to subdivide them into small building lots.

After discussion, the vote went as follows:

Trustees Timpson and Kline and Mayor: R1

Trustees Landers and Lucido: R2.

Mr. Hyer stated that by a vote of 3-2, the classification for the east side of Spring Street remains as R1.

Mr. Hyer reminded everyone that for changes reference needs to be made to the page of the document, the article, the district and the subparagraph and that it has to be documented in the minutes.

After discussion, last parcel on Railroad Ave, end lot, business formerly known as Sitz Mark, being changed from R2 to B1. In agreement: 5: Landers, Lucido, Timpson, Kline, Mayor.

Greene County property on Railroad Ave: change the white. The Clerk then indicated that the Greene County property just sold to a private owner. Mr. Hyer said they would check tomorrow. If Greene County still owns it, it stays white.

Mayor: the remaining yellow areas on the north side and south side of Spruce St are currently R1. Change to R2? Trustee Landers said he is in favor of the change due to the fact that a lot of them are not conforming. Trustees Landers, Kline and Lucido agreed to R2 and highlight the shaded area parcels. Mr. Hyer said he would correlate it with the tax map.

The Mayor said he was pleased with the work accomplished this evening. They addressed the Spruce Street highlights, the footprint issues, burn down, replacement.

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

Minutes submitted by Catherine Palmieri, Deputy Clerk