

A Public Hearing was held on Monday, May 5, 2008 at 6:30 pm in the Tannersville Village Hall.

Present: Lee McGunnigle, Mayor
Linda Kline, Trustee
Greg Landers, Trustee
Tony Lucido, Trustee (absent)
Mary Sue Timpson, Trustee
Mark Hyer, Planning Administrator
Catherine Palmieri

Also present: Mary Basagic, Joseph Vanucchi, Diane Kadola, Marjorie Yager, Jeff Prince, Greg Lubow, Judy Terns, Howard Bates, John Donato, Michael Pascucci, Lewis Byrne, Barbara Garrison

The Mayor opened the meeting with the Pledge of Allegiance. He stated that the present order of business this evening is a **Public Hearing on the Kadola Subdivision**. The Mayor asked if anyone present was here to speak about the Kadola Subdivision. As there was no response, the Mayor made a motion that the Public Hearing on Kadola be closed at this time but reopened should someone come forward to speak on the subject. Trustee Landers seconded the motion. All in favor (with the exception of Trustee Timpson who arrived at meeting later), motion carried 3-0.

Trustee Landers made a motion to approve the **Planning Minutes of April 7, 2008**, seconded by Trustee Kline. All in favor (except for Trustee Timpson who arrived later), motion carried 3-0.

Quote/Agreement for DJ & Marketing Service from Ment Media Group for “Rubber Duck Race & Festival”: The Mayor stated that he has also received a quote of \$200 from a Tannersville DJ, Jim Jerro. Trustee Landers asked if Mr. Jerro would also do the marketing service and the Mayor replied that he would not. There was an inaudible discussion between Trustees Landers and Kline, after which Trustee Landers made a motion to approve the Ment Media proposal. There was no second to the motion and the Mayor asked that the proposal be tabled until the arrival of Trustee Timpson.

Public Hearing on Sayegh Subdivision: The Mayor opened the Public Hearing and asked if anyone was here to speak on the subject. Mrs. Basagic said she had come this evening as she received the letter and wanted an explanation of what is going to be done. The Mayor asked Mr. Vanucchi to clarify. Mr. Vanucchi stated that the property consists of 1.1 acre on the corner of Pleasant View and 23A and he pointed out on the map where Mr. Sayegh proposes to divide the property. He said Mr. Sayegh wants to sell the house, the property on which it is located and keep the other portion himself. The Mayor asked

if there were any further comments. There were none. The Public Hearing was closed. The Mayor made a motion for a Negative Declaration under SEQR. Trustee Kline seconded the motion. All in favor (except for Trustee Timpson who arrived later), motion carried 3-0.

The Mayor read the following waiver which will apply as it will be part of the Subdivision Law: **“The mylar subdivision plat and copies shall state in clear 12 point or larger type: “Subdivision Approval does not authorize the construction or design of water and sewage service and hookup to the premises. Permits for water and sewage are discretionary approvals that may or may not be granted.”**

The Mayor made a motion for approval of the Subdivision with the condition that was just read. Trustee Kline seconded. All in favor (except for Trustee Timpson who arrived later), motion carried 3-0.

CC LOTS – Submit Stormwater Pollution Plan: Mr. Jeff Prince asked to be recognized at this time to say that the present plan is to submit the Stormwater Plan by the end of the week, according to Howard Bates. He asked if they may then come to the next scheduled Regular Board Meeting (May 20) if it is submitted in time. The Mayor replied “yes, if it is submitted in time.”

Public Hearing on Kadola Site Plan: The Mayor reopened the Public Hearing and asked again if anyone had come to speak on the subject. There was no one present wishing to speak. The Public Hearing was closed. The Mayor made a motion for a Negative Declaration under SEQR and to approve the Subdivision with the waiver as follows: **“The mylar subdivision plat and copies shall state in clear 12 point or larger type: “Subdivision Approval does not authorize the construction or design of water and sewage service and hookup to the premises. Permits for water and sewage are discretionary approvals that may or may not be granted.”** Trustee Timpson seconded the motion. All in favor, motion carried 4-0.

(At this time, Mr. Vanucchi turned over to Mr. Hyer copies of the letters that went out to neighbors notifying them of tonight’s public hearings on the Kadola and Sayegh properties.)

Public Hearing on Donato Site Plan: The Mayor opened the Public Hearing and asked if anyone had come to speak on the subject. Mr. Michael Pascucci, a neighbor, said he has ‘quality of life issues’ with the property, one of which is that his three year old has learned offensive language due to guests on the property. Mrs. Garrison said noise (screaming, yelling) goes on there until 4:00 or 5:00 in the morning. You can’t have your windows open and can’t sleep.

Mrs. Garrison said she understood that smoke from the property was an issue previously but she believes it has been addressed. Mr. Hyer stated that the code enforcement officer, Mr. Caropreso, gave him an informal report today as follows: Mr. Caropreso spoke to

Mr. Donato regarding several complaints on his wood burning stove. Mr. Caropreso said Mr. Donato has installed half the smokestack and another section still has to go on. He also said that Mr. Donato has installed a catalytic converter. Mr. Caropreso stated that if the catalytic converter is functioning properly there would be no smoke. Mr. Caropreso said that what Mr. Donato has to do now is put on the other section of smokestack and have the inspection done to make sure that all is in compliance. If the neighbors see smoke in the future they should call Mr. Caropreso because that would indicate that the system is failing. Mr. Caropreso told Mr. Hyer that what has been done should alleviate any environmental issues under SEQR.

The Mayor asked Mr. Donato to come up and look at the site plan. Mr. Donato pointed out the house and deck, another building he is putting up in back of his house, two small storage spaces on both sides and, in back of that an actual storage building. He identified a building in the back as a 'storage shop/private office.' Mr. Donato said there was an old trailer on his property near the "Train" for many years which he removed. He said it was grandfathered in to put a 3 bedroom building/trailer in its place. In response to the Mayor's question, Mr. Donato said that he plans this as his own residence. At this point, Mr. Pascucci mentioned again that the existing buildings do not block the sounds of offensive language reaching his house. Mr. Donato replied that he plans to deal with some of the noise problems by hiring a security guard.

The Mayor asked if there were any other comments. There were none. The Mayor then made a motion to close the Public Hearing portion of the Site Plan Review. Trustee Kline seconded. All in favor, motion carried.

The Mayor made a motion to reopen the regular Planning Meeting. Trustee Landers seconded. All in favor, motion carried.

The Mayor asked Mr. Donato to come up front so that Mr. Hyer could tell him about the Greene County Planning Board's denial on the Form 239 Review. Mr. Hyer told Mr. Donato that in addition to the Village of Tannersville, the Greene County Planning Board must also give their approval on all Site Plans. The County said that when they looked at Mr. Donato's plans some of the items on the Village of Tannersville Site Plan Law were not on the checklist. More specifically, they could not tell what was existing and what was new. Mr. Hyer said he tried to get hold of Mr. Lockwood, the engineer, twice but did not get a call back. Mr. Hyer pointed out that what needs to be done is to go down the list of the 22 items and see that they are all addressed. Mr. Donato said he would take the responsibility of bringing the paperwork to Mr. Lockwood and having him look it over.

The Mayor said there are various ways to deal with the noise issue: fencing, vegetation, higher trees. Would Mr. Donato be open to planting evergreens or adding a fence in the back? Mr. Donato replied that they are adding a 5 foot solid wood fence in the back. Mr. Hyer asked if he could go to 6 foot on the fence. Mr. Donato said he didn't think they would want the fence that high. The Mayor suggested talking to the neighbors to the rear.

Mr. Hyer suggested a vegetation line, in addition to the fence, all along the front. The trees can be forest trees, such as pine trees, and that will cut a lot of the noise. This should be in addition to the security guard, not in place of him.

Mr. Hyer brought up something Trustee Landers raised at the last meeting which is the necessity for a road maintenance agreement for the common driveway which exists. Mr. Donato said he would speak to Mr. Simon about this.

Although it was not reflected in the minutes, there was discussion at last month's meeting about the need for 'down lighting' on the project. Mr. Hyer suggested that Mr. Donato mention this to his engineer, Mr. Lockwood. In Mr. Donato's defense, Mr. Hyer said that he already saw to it that the lighting on "The Train House.com" sign was changed to 'down lighting.'

Next issue raised was parking: Mr. Donato said he planned parking for 25 cars plus for each house (75 or 50?) The Mayor asked that Mr. Donato have his engineer draw and delineate how many cars can park there and also show the scheme of the lighting for the parking area. The Mayor said we will get the next map to Greene County and have them respond to these concerns. Mr. Hyer said he would meet with Mr. Donato and give him a 'bullet list' of the things discussed this evening.

Subdivision Law: Move for Public Hearing: Mr. Hyer said he wanted to review some changes suggested by Mr. Simon (in bold) which the Board has not seen before. If the changes are approved this evening, we can entertain a motion for a Public Hearing.

Page 1, **SECTION 3. POLICY**

- E. **"Any Variances from Local Law must be obtained prior to the subdivision application being submitted."**

Page 2, **SECTION 5. WAIVERS**

"Where the Village Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements or **design features** is not requisite in the interest of the public health, safety and general welfare or **undue economic hardship** or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions, provided that such waiver will not have the effect of nullifying the intent and purpose of the Master Plan, Site Plan Review or any other local law or ordinance of the Village of Tannersville."

Page 3, **SECTION 1. SKETCH PLAN**

3. "The name of the owner, the name of the professional person(s) responsible for the subdivision design, and the names of **all contiguous land owners, owners across**

the street/roadway or driveway and others the Village Board may deem appropriate and as disclosed by the most recent municipal tax records. In the event the owner is a corporation, LLC or other similar entity, the names and addresses of all individuals with greater than a 5% interest in such entity.”

Page 5. **SECTION 1.**

A. Requirements

Water and Sewer

Prior to applying for a building permit: (This is inserted before paragraphs 1. and 2. which follow it.)

Page 6.

B. Public Hearing

A public hearing shall be held by the Village Board within sixty-two (62) days from the official submission date of the Minor Subdivision Plat. Said hearing shall be advertised in a newspaper of general circulation in the Village at least five (5) days before such hearing and notice of such hearing shall be given by certified mail to **all contiguous land owners, owners across the street/roadway or driveway and others the Village Board may deem appropriate** of any perimeter boundary of the subdivision with receipts indicating mailing of the notice at least ten (10) days prior to the Public Hearing.

Page 6. **SECTION 3. FILING OF APPROVED MINOR SUBDIVISION PLAT**

B. The mylar subdivision plat and copies shall state in clear 12 point or larger type: “Subdivision Approval does not authorize the construction or design of water and sewage service and hookup to the premises. Permits for water and sewage are discretionary approvals that may or may not be granted.”

Page 12. **SECTION 3. APPROVAL OF MAJOR SUBDIVISION PLAT**

3. Public Hearing

Last line on page, add **“to all contiguous land owners, owners across the street,”**

Top of page 13, add **“roadway or driveway and others the Village Board may deem appropriate”**

Pages 20-21. **SECTION 3. ROAD DESIGN AND CONSTRUCTION**

F. Grades

Roads

Grades of all roads shall conform in general to the terrain and **in no case shall grades of side roads ingressing or egressing to and from thru-roads be greater than four percent (4%) within fifty feet (50') of the edge of the thru-road pavement. In no case shall grades of the roads be less than one percent (1%) or greater than ten percent (10%).**

Driveways

In no case shall grades of driveways be more than six percent (6%) within thirty feet (30') of their ingress/egress onto a road.

Mr. Hyer said for the last change, the one on Roads and Driveways, he would like to have Mr. Bates take a final look at it. Mr. Bates, an engineer, gave us his services free of charge. Mr. Hyer said if the recommended changes are acceptable to the Board, we can entertain a motion for a public hearing. The Mayor asked the Board if there were any questions. As there were no questions, the Mayor made a motion for a public hearing on Local Law #2 of 2008. Trustee Timpson seconded the motion. All in favor, motion carried. The Mayor requested that the Public Hearing be scheduled for 6:30 pm at the next meeting. Mr. Hyer asked that a copy of the Subdivision Law with the recommended changes be placed on display in the Village Office so it will be available to the public.

Quote/Agreement for DJ & Marketing Service from Ment Media Group for “Rubber Duck Race & Festival” Continued from first page: The Mayor reiterated that he has obtained a quote of \$200 from a Tannersville resident, Jim Jerro, for the DJ portion of the event. He said a radio station is doing the Car Show for free. The Mayor said it is not clear on the Ment Media quote what portion of the \$475 fee is for promotion and what is for the DJ. He indicated that it might be worthwhile to see if the liaisons for the events might want to use the Tannersville resident as the DJ for this event, the Car Show or both.

Trustee Timpson said she would like to move forward with the Ment Media proposal. Trustee Landers said he had earlier made a motion to accept the agreement for the “Rubber Duck Race & Festival” as presented. Trustee Timpson seconded the motion. The vote was as follows: Yes: 2- Landers & Timpson; No: 1-Kline; Mayor: recused himself. The Mayor asked that the decision be tabled until the next regular Board Meeting.

The Mayor made an announcement that volunteers could be used tomorrow and Wednesday to help install the Skate Board Park. He said the Village is checking on whether there are any County programs that might make it possible to get an employee to help supervise and run events there. There is signage at the entrance as to what safety equipment should be worn. The Boat House is being rented and this should assist with some supervision. Mr. Hyer is working on obtaining surveillance equipment to discourage problems. If anyone has thoughts on the subject, please pass them along. More benches will be needed. Maybe there will have to be another project where people can donate them.

Boat House Rental Contract (as drafted by Mr. Simon): Any comments? After discussion, the Mayor stated that on page 6, there needs to be a correction in the wording. Instead of “fifty hundred dollars,” it should read “fifty dollars.” It is a one year lease with no renewal options. The Mayor said we will need a little time to review the document. He asked that anyone who has changes to recommend please get them to the Clerk by tomorrow afternoon. He will then bring a rough copy to the lessee. The contract should be added to the Aenda for the next regular Board Meeting.

Quotes for Sunview Tower Work: Mayor said he asked for quotes from four local contractors to complete the FAB grant and he asked the Board to look them over. The Mayor then made a motion that the Village buy the trees and accept Mr. Kevin Thompson’s proposal to finish off the road, grade it and plant the trees. Trustee Kline seconded the motion. All in favor, motion carried.

Assistant Director Position for Camp: The Mayor asked the Board to consider the two applications before them and indicated that the Camp Director, Liz Garvey, has recommended Michelle Byrne for the position. The Mayor made a motion to appoint Michelle Byrne as Assistant Director. Trustee Kline seconded. Motion carried 3-1. Trustee Timpson indicated she is opposed as she did not have time to review the applications.

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

One agenda item was overlooked: the NIMS meeting in Cairo on May 22. The Mayor asked if Trustee Timpson would be willing to attend. Trustee Timpson indicated that she would check her calendar and see if she would be able to attend. Trustee Timpson later indicated that she would attend the NIMS meeting.

Minutes submitted by Catherine Palmieri.

