

A Planning Workshop Meeting was held Monday, September 8, 2008 at 7:00 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  
Robin Dumont, Village Clerk  
Catherine Palmieri, Deputy Clerk

Also present: Aldo Bell, Larry Clinton, Wayne Graff, Denise Helmreich, Mark Hyer, George Kelly, Ann Kourdi, Greg Lubow, Ed Nihill, Hannah Schlanger, Berna Showers, William Simon, Gary Slutzky, Patrick Darfler-Sweeney, Robert Tait, Karen Terns

The Mayor made a motion to close the Public Hearing on Water Rates, Trustee Kline seconded the motion. All in favor, motion carried. The Mayor turned the floor over to Mr. Hyer, who stated that the Public Hearing scheduled for this evening on the Donovan Site Plan has been postponed to the next Regular Board Meeting Tuesday, September 16.

**Trailhead Village:** Mr. Hyer stated that there are 3 things Mr. Tait is looking for this evening: the SEQR review, the Subdivision review, and approval for the Transportation Corporation.

Mr. Simon was asked to clarify the issue of the Transportation Corporation for the Board. He began by saying that in 1924 the Village of Tannersville entered into an agreement with New York City whereby they would build a sewer system and sewage treatment plant in the Village at the total expense of New York City, including operation and maintenance. That agreement is still in effect due to a lawsuit brought to the Court of Appeals by Fred 'Skeeter' Haines about twenty years ago. At that time the Court of Appeals decided that the agreement is still in effect. The agreement provides that any extension of the system, as long as the engineering was submitted by the Village to the City of New York, that proper approvals are given as to the structural soundness of the system, that New York City once again would have to construct the collection system for the extension at no cost to the Village including operation and maintenance.

A person who applies for a Transportation Corporation and actually builds it is only required to operate it for a period of five years. Then, unfortunately under New York law, if it is abandoned due to being a liability or not generating money, the municipality in which the system is built is responsible for it.

So, Mr. Simon continued, if the Village accepts or grants this Transportation Corporation, the system could very well be left in five years to the Village of Tannersville to assume all the liabilities for the collection system as well as having to collect costs from the individual homeowners for maintenance or repair. The Village does not provide this service to anyone else in the Village.

Mr. Simon asked Mr. Graff, Attorney for Trailhead Village, why wasn't New York City asked to extend the sewer lines for Trailhead Village. Mr. Graff replied that they would not do it because they did not want to do the installation and engineering.

Mr. Simon stated that there is something that needs to be corrected in the engineer's report and that is the fact that in Tannersville there is no tie-in between water rates and sewerage.

Mr. Hyer pointed out to the board that Mr. Tait is also looking for conceptual approval for two other town houses proposed that would also be tied into the sewer system. Mr. Hyer had two questions to ask of Mr. Simon:

- 1) Does the Village board have the option of refusing to adopt the Transportation Corporation and, if so, what are the options for the developer?
- 2) If the board decides to accept the Transportation Corporation, are the money limits (\$5,000) high enough to buy the Village protection in the event it is abandoned in the future?

Mr. Simon addressed the second question first by saying the Village could hire an engineer at the developer's expense to review the figures. He stated that probably the cost of maintenance for the first five years of the system would be very small. As for the first question, Mr. Simon said it is discretionary to approve or deny the Transportation Corporation. The law does not talk about what standards you would have to use but in his opinion, referring to its denial, if sufficient reasoning was set forth and the reasoning was for the public good...Mr. Simon could think of a denial which was based on the fact that there is an agreement with New York City in which they agreed to do all of this and it is for the benefit of all the residents of Tannersville that we proceed according to that earlier agreement and ask for an extension.

Trustee Landers asked Mr. Tait if there was an inspector present when the system was put in...what is to ensure that it was done right? Mr. Tait replied that the entire construction was inspected by a representative engineer from DEP. Mr. Tait stated that it was their understanding that the Transportation Corporation would become owned by the Homeowners Association and that they (the HOA) would accept the full responsibility of any maintenance and/or repairs if they were required in the future. It was never their understanding that such costs would fall back on the Village. Mr. Tait continued that the system was approved by both entities. It was built to the standards and totally inspected by DEP as well as their own engineering firm. It has been totally inspected and the plans and engineering were approved. It is virtually a very simple gravity system which should require absolutely no maintenance or upkeep for a very long period of time.

Trustee Timpson said we should go back to DEP and request that they do what they are required to do under the 1924 agreement. The Mayor asked whether we can go back to the agency which was the driving force behind the establishment of the Transportation Corporation and explain the situation: that it should really be up to the City of New York to take over the extension. Mr. Simon said when he was reading the law it is a little vague as to whether a purely collection system feeding into a municipality system technically requires a Transportation Corporation. He feels there is a little bit of wiggle room there.

The Mayor asked if the matter could be tabled for this meeting. Mr. Simon said that there are 60 days to make a decision. The Mayor said there will be 3 more meetings prior to that. The Mayor asked if a letter could be written explaining the special arrangement of the Village of Tannersville regarding this extension. Mr. Simon said to Mr. Graff that if he would want to reach out to the Department of Health, he would be given any supporting literature necessary. Mr. Graff indicated that in his opinion a joint letter would be the way to approach it. The next several exchanges were inaudible.

It was determined that the SEQR determination and subdivision approval would be held off until we are further along in the process.

Mr. Graff asked if he should pursue a 30-day extension in writing. After discussion, it was agreed that an extension of 60 days, until October 23<sup>rd</sup>, would be requested.

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**Aldo Bell – Lot Line Adjustment Request:** Mr. Hyer updated the Board as follows: the applicant owns two contiguous lots. His house is on the lot to the west. Initially he was going to go before the ZBA and ask for an area variance. Mr. Bell has changed his mind and would now like to do a Lot Line Adjustment. He wants to move the lot line over into the other lot that he owns.

Mr. Bell put maps before the Board. Mr. Kelly, Mr. Bell's contractor, explained what Mr. Bell is desiring to do is gain 12 feet from his other lot as he wants to build a 14' by 28 foot dining room. Rather than ask for the variance, due to problems with a neighbor across the street, they are looking for preliminary approval of the lot line adjustment tonight and will submit a survey from Mr. Vanucchi in a week or so. They are hoping to begin construction before the frost comes in. The addition will measure 312 feet, one room, with a garage underneath, same height and style as the house.

Mr. Hyer further stated that under the lot line law a public hearing is not needed and the Board can make a decision tonight. He continued that what the Board should address is whether by giving Mr. Bell a lot line adjustment is there an impact on his other lot. Mr. Hyer asked whether the remaining lot would be wide enough to accommodate another home in the future within the Village Set Back Ordinance. It was determined that it would be wide enough and that the proposed construction at this time is legal. The Mayor stated that it is 40 feet from the front and 20 feet from each side.

The Mayor made a motion to give discretionary approval to the Lot Line Adjustment and declared it to be an Unlisted Action under SEQR with a Negative Declaration. Trustee Kline seconded the motion. All in favor, motion carried. Trustee Landers suggested the further stipulation that Larry Vanucchi must submit the properly constructed survey map, with metes and bounds description, before the Mayor signs off on it. The Mayor then made a motion that the Lot Line Adjustment, with the proper survey map with metes and bounds description, be approved when received. Trustee Timpson seconded the motion. All in favor, motion carried 5-0.

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**CC Lots Update:** The Mayor brought the Board up to date by saying that Delaware Engineering met with Mr. Hyer and himself to go over some preliminary items. They are contacting Mr. Bates on behalf of the CC Lots Subdivision. They will be speaking this week and will have more answers and concerns which they will bring to the next Planning Board Meeting. This is why Mr. Prince is not here this evening. Trustee Timpson asked who contacted who. Mr. Hyer answered that Delaware Engineering contacted us to say they are working on an in-depth review which they expect to have for us in a couple of weeks. She will then contact the engineer, Mr. Bates, and tell him where she is headed with this and then present it to the Board. Is there a time frame for this, asked Trustee Timpson. The answer was 'two weeks.'

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**Other Business - Retiree Insurance**

The Mayor stated that this was brought up at the last Board Meeting at which he was not present. The Board has taken certain initiative to review Retirement and Retirement Policies as far as insurance being paid on behalf of former employees of the Village of Tannersville.

The Mayor said he had the Village Clerk review everyone who is currently receiving insurance benefits from the Village of Tannersville so that the Board can review them all. Depending on when the employee retired determines which Handbook was in effect. The Mayor asked if a Board member would like to speak on behalf of the Board as he himself was not present at the meeting at which it was discussed.

Trustees Lucido and Timpson said there is one employee who, according to the Handbook that was in effect at the time of their retirement, did not have the necessary 20 years of service to entitle them to insurance although two previous administrations chose to pay the retiree's insurance. The minutes were reviewed and no arrangement to pay the insurance was found. The Mayor asked if the Board wanted to deal with the issue.

Trustee Landers made a motion to stop paying the retiree insurance for the individual concerned and to send a letter stating the Board's position. Trustee Lucido seconded the motion. The Clerk asked whether the minutes should reflect the name of the retiree for the record. The Mayor turned to the Village Attorney, Bill Simon, and asked if the name of the retiree had to be disclosed in Executive Session. Mr. Simon replied that it did not need Executive Session to be disclosed but suggested that before the letter is sent would it not make sense to contact the person and ask if there were special arrangements agreed upon to provide them the insurance. There might have been a compelling reason why the person was given the insurance. The Mayor reminded the Board that there was a motion to stop paying the insurance on the floor and a second. He called for a vote. Trustees Timpson and Klein voted yes to stop paying the insurance. Mayor voted no. Motion carried 4-1.

Trustee Timpson asked if the Board could review the current Handbook. The Mayor replied that Trustee Kline has taken initiative and has begun reviewing the Handbook of 2002 with the thought of correcting some of its deficiencies. He told Trustee Timpson that she would be welcome to be part of the committee working on it.

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**Retirement Resolution – Former Deputy Justice:** The Mayor asked if anyone had anything to add to the Resolution which was entitled “Adopting Reportable Working Days Per Month for Former Appointed Deputy Justice Participating in the NYS and Local Retirement System.” Trustee Timpson asked if there could be clarification of the dates of Mr. Simon’s service. The Clerk said she would add in the dates when Mr. Simon was Deputy Justice and Acting Judge. Trustee Landers made a motion to approve the Resolution with the proposed amendment. Trustee Timpson seconded the motion. All in favor, motion carried 5-0.

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**Privilege of the Floor:** Patrick Darfler-Sweeney, Superintendent of Schools of the Hunter-Tannersville Central District, wanted to talk about the Historic District proposed for the Village of Tannersville. Mr. Darfler-Sweeney said that he attended the meeting last Thursday at the Village Hall regarding the Historic District, hoping to get information on what effect it would have on the school district. He said the meeting was cordial enough but sufficiently vague. Mr. Darfler-Sweeney was told he would have to submit a notarized letter if he needed more information than had been provided up to now. Tomorrow he plans to contact the Dept of Parks and ask for clarification on how life will be different at the school, pre-Historical District and post-Historical District.

**Historic District Update:** Mr. Hyer said he wanted to clarify some things for the Board. He continued by saying that he feels he might have caused some confusion in the matter. After the Board Meeting attended by Kathleen LaFrank and the Hunter Foundation, the Board discussed integrating the Historic District into the Zoning Document. Mr. Hyer said he asked Ms. Holdridge whether she had sent the application in without Village Board approval. He wants to make it clear that he is now aware that the Village Board has no approval powers in this at all. That being said, what concerns him is that the Village was not informed about the project from the beginning. To make a long story short, Mr. Hyer said that he feels that the Historic Preservation Group should have come to the Village Board and asked for their involvement from the beginning, let them know what they were doing and told the Village that it had no powers of approval. We learned from Ms. LaFrank that the decision is based on responses to the letter that is sent out. Ms. LaFrank said if 51% of the respondents said that they did not want the District, they would not do it, though there would be some give and take. The Village Board has nothing to say about it. Mr. Hyer said after it was clarified, he called their Legal Dept with the suggestion that when they go into their next municipality they might want to consider telling the Board up front that they are going to draw lines in their village or town and ask them if they want to get involved in it.

Discussion continued. Mr. Simon, Village Attorney, offered to research whether any building, historic or not, within a Historic District could be renovated without the approval of the Historic Preservation Group. He said he would fax the information to the Village Office before noon tomorrow. The Mayor thanked him for that offer.

In an effort to ensure that all property owners within the proposed Historical District received the letter informing them of the Historic District, the Mayor made a motion to send another letter to each of them, about 30 letters in all. Trustee Landers said he will

second the motion provided the letter spells out the pros and cons of the issue. The Mayor said the letter will do so. Motion seconded by Trustee Landers. With the exception of Trustee Timpson, other Board members voted in favor. Motion carried 4-1.

**Prince Subdivision on Park Lane – re-approval of subdivision with no changes.** Mr. Hyer directed a question to Mr. Simon, Village Attorney, as follows: on this two-lot approved subdivision, the applicant failed to file it within the 62 days mandated by Real Property. The applicant is now back in front of us with the original papers that were signed and the question is this...Can this Board simply make another SEQR tonight, Unlisted Action with a Neg or Pos Dec, re-approve the subdivision and can they do all this without another public hearing? There have been no changes to it. Mr. Simon replied: “You cannot approve a subdivision without a public hearing.” Mr. Hyer said then we will have to reschedule the public hearing for the next meeting in October. Mr. Simon added that it would be necessary to notify the contiguous neighbors.

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**Approval of Minutes from August Planning Meeting:** Trustee Landers made a motion to approve the minutes from the August meeting provided the following change is made to the last sentence under “**Review of Engineering Proposals for CC Lots Subdivision**” (page 7) as follows: instead of “Trustee Landers said this seems possible as Delaware Engineering **has requested** to speak with Mr. Bates.”, it should read “Trustee Landers said this will be possible **if** Delaware Engineering requests to speak with Mr. Bates.” Trustee Kline seconded the motion. All in favor, motion carried.

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**Water Main Request for CC Park Road:** The Mayor said to Mr. Simon that a resolution passed by the previous administration in 2007 regarding the installation of a water main off Spruce Street is vague and needs clarification. Mr. Simon stated that the Resolution says that “the current service line is beyond repair and needs to be replaced.” The Mayor asked how far does the service line go. Mr. Simon replied that the Village would be within its rights to re-examine the issue from an economic point of view and, if you are inclined to do something, do what Trustee Landers has suggested, run the 6” main across the beginning of the road and allow people to tap in with the service lines. Discussion continued and the Mayor asked Trustee Lucido if he would take the lead and speak with Joe Myers and work out how far it should be taken to make it feasible to service the people who are on that line. The Mayor stated that we have only a 2-month window. Trustee Lucido agreed to do this. The Mayor continued as follows: please also see if the Board can determine to what extent we should participate with materials, piping and if we can get other people to operate and do the digging. Would Trustee Lucido be able to come to the next Regular Board Meeting and give a report with possible options, the Mayor asked. Trustee Lucido replied yes. And, as it would be a Capital Improvement, some of the funding can come from the Capital Fund. Trustee Landers added that it has to be deep enough so that it doesn’t freeze. The Mayor added that this problem was just brought to his attention two days ago.

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**Mountaintop Coordinator:** The Mayor said he attended the meeting for the Mountaintop Coordinator. He asked Trustee Kline how many municipalities have agreed to support this position. She replied that eight or nine municipalities are on board and she thinks Ashland has yet to vote on it. The position is an Events Coordinator/Planner which would be funded through the County and the individual municipalities. The Mayor said there are a lot of events taking place on the Mountaintop, and we are a tourist based economy on some level. A lot of events go on and people cannot keep track of them. Some of them are not advertised. Some are successful and some are not, probably because one hand doesn't know what the other hand is doing. This position is a plan for a solution to the problem: get the word out regarding what is going on in our neighboring communities, help promote the events, work in conjunction with Greene County Tourism and be another hand on top of the mountain for Greene County Tourism.

The Mayor asked the Board's thoughts. Trustee Lucido said they are requesting \$9000 over three years...\$3000 a year. Trustee Landers asked if they would promote our existing events or are they going to look for other ways to promote the community. He said he didn't know if the average taxpayer would actually benefit from it...the businesses would possibly benefit if it pans out. Greg Lubow said at least 75% of the attendees at Village events are local and they seem to enjoy them. Trustee Timpson added that we're not spending \$3000 a year to put them on.

The Mayor added that it might have the added benefit of giving us some forward vision and inform us of events taking place in other municipalities.

Trustee Landers said it takes quite a bit of money to promote one event. Is this person going to be able to get funding that we don't know about, that we've been trying to get for years to fund things? The discussion continued, pro and con.

The Mayor made a motion to participate in the proposed agreement to create a position for a Mountaintop Coordinator and Events Planner and for this year use \$3000 from the Celebrations line item to put towards that effort. Trustee Kline seconded the motion.

Discussion continued. The Mayor said the motion is on the floor and seconded. All those in favor: Trustee Kline: AYE. Trustees Lucido, Landers and Timpson: NAY. Motion not carried.

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**Parking on Tompkins Street:** Greg Lubow began by saying everyone knows that parking has been out of control all summer on Tompkins Street and South Main Street. He said he wishes the Village had contacted someone in the Congregation or himself sooner instead of just putting up 'No Parking' signs. Mr. Lubow said he sometimes acts as a liason and they would have addressed the issue. He received a lot of calls from members of the congregation after the signs went up. What is needed for the congregants is parking on the synagogue side of the street and parking in the Parking Lot on Friday nights and overnight on some nights during the summer because the Orthodox do not drive at such time. What they are asking for is permitted parking on the synagogue side of the street, which has been there traditionally for a long time. However, Mr. Lubow continued, from the end of the building towards South Main Street, to the Stop Sign, there will be no parking allowed whatsoever. And for next summer, what they would

suggest doing, and it is possible that the congregation may contribute some money, is to stripe the areas and put up a tow-away sign. They will inform the community through their website and emails. Discussion continued.

The Mayor asked if Mr. Lubow could send a letter outlining exactly what they have in mind, revisit the corners with a couple of the Board Members and maybe someone from the Fire Dept to make sure that there is the necessary clearance. Trustee Landers said State Law says that there is no parking within 30 feet of an intersection, and there is no parking in the Village Parking Lot from November 1<sup>st</sup> through April 30<sup>th</sup> between the hours of 5:00 am and 9:00 am. Mr. Lubow said if the Village will do the painting for the No Parking Zone, they will supply the paint.

The Mayor asked Mr. Lubow if he would send the fax tomorrow so a compromise can be reached. Mr. Lubow said he would do so.

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**Re-open Privilege of the Floor:** Ed Nihill said he wants to finalize his project, Fairway Commons, and he asked if the Village Board can come up with a list of what he is lacking. Trustee Timpson asked what the foundations are for on the property. Mr. Nihill replied ‘garages.’ The Mayor said to Mr. Nihill that he needs to send a letter to Mr. Hyer, get a proposal and all the materials together and arrange to get on the next planning board meeting.

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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.