

A Planning Board Workshop Meeting was held on Monday, October 1, 2007 at 7:00 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, Deputy Clerk

Also present: Jeff Prince and Howard Bates.

The Mayor opened the meeting with the Pledge of Allegiance.

Trustee Kline made a motion to approve the minutes of August 21, 2007 and September 10, 2007. Trustee Landers seconded. All in favor, motion carried.

The Mayor proposed the Adoption of Resolution # 25 of 2007 Authorizing the Mayor or Treasurer to Submit and Receive Disbursement Requests to the Environmental Facilities Corporation under the FAB Grant Program. Trustee Landers seconded the Proposal. The result was as follows: Ayes: 4; Nays: 0. Abstentions: Trustee Lucido was absent.

Presentation of proposed subdivision revised law by Mr. Hyer. Mr. Hyer said to the Board if you look at the Subdivision Regulations you have in front of you, in the right hand corner, there are six or seven places of recommended changes which we will go over now and, depending on how you feel, we can move on this tonight or put it off until next month.

1. On page 3, under Sketch Plan, Section 1, B. 3., the current law reads as follows: "The name of the owner, the name of the professional person(s) responsible for the subdivision design, and the names of all property owners as disclosed by the most recent municipal tax records within five hundred (500) feet of any perimeter boundary of the subdivision." We are recommending that it be changed to "all contiguous land owners, owners across the street, and others the Village Board may deem appropriate" That's the first change that we are recommending, and, for the record, all the proposed changes have been discussed with Mr. Simon.

Do you want to think about it or do you have any thoughts on it? Trustee Timpson said "it's appropriate." Trustee Landers said he thinks it's very appropriate and has already been discussed. Mr. Hyer said "we can go with that."

2. The next one, Mr. Hyer continued, is on page 5, Section 1, A. 3 and says that "If sewer and water service to the parcels is proposed to be accomplished with connection to the Village municipal systems, the applicant shall present designed plans for such connection from a licensed engineer, including proof that such municipal systems possess the capacity to achieve the intended service. The applicant must adhere to the requirements set forth in the Village Water and Sewer Use Laws, respectively."

We recommend taking out "including proof that such municipal systems possess the capacity to achieve the intended service." Otherwise what we are saying is that they can ask to come into our files to prove we have water. Let them just put their application in to the Water Commissioners and they will make the determination as to whether there is enough water. The Board agreed.

3. On page 6, Section 3. A., there is an incomplete sentence. Mr. Hyer said he'll run that past Mr. Simon again. We won't change it in substance. Agreement from the Board.

4. On page 9, Section 1, A. 2., presently reads: "The name of all subdivisions immediately adjacent and the names of the owners of record of all property adjacent to the subdivision and within five hundred (500) feet of any perimeter boundary."

Mr. Hyer said that as earlier, under Sketch Plan, Section 1, B. 3., we are recommending that it be changed to “all contiguous land owners, owners across the street, and others the Village Board may deem appropriate.” Agreed to by all.

5. On page 9, Section 1, A. 9, reads, “If sewer and water service to the parcels is proposed to be accomplished with connection to the Village municipal systems, the applicant shall present designed plans for such connection from a licensed engineer, including proof that such municipal systems possess the capacity to achieve the intended service. The applicant must adhere to the requirements set forth in the Village Water and Sewer Use Laws, respectively.”

Again, said Mr. Hyer, we recommend taking out “including proof that such municipal systems possess the capacity to achieve the intended service.” All agreed.

6. On page 10, D., Mr. Hyer recommended that a space be inserted between “Review Act” and (SEQR). Approval by Board.

7. On page 20, Section 3., E., Mr. Hyer said this refers to grades of roads, as follows: “Grades of all roads shall conform in general to the terrain and shall not be less than one (1) percent or greater than six (6) percent. In no case shall grades of roads and driveways be greater than (3) percent within fifty (50) feet of any intersection. Minimum specifications are subject to modification upon the approval of the Village Highway Superintendent and the Village Highway Committee.”

Mr. Hyer said he feels that in a mountainous area a 6 percent grade is ludicrous and he recommends changing. After a give and take discussion, the following changes were agreed to by the Board:

“Grades of all roads shall conform in general to the terrain and shall not be less than one (1) percent or greater than ten (10) percent. In no case shall grades of roads and driveways be greater than eight (8) percent within fifty (50) feet of any intersection. Minimum/maximum specifications are subject to modification upon the approval of the Planning Board and the Commission of Public Works.”

8. On page 24, Section 6., A.: Mr. Hyer said he isn’t clear on whether the Parks and Recreation Areas clause is for the general public or just the land owners in the subdivision. He is going to call Greene County Planning for the answer.

Mr. Hyer said as there was agreement to all the proposed changes, he will run them past Mr. Simon once more and bring them back next month for final approval. If the Board then decides that the wording is fine, then we’ll go to a Public Hearing, change the law and file with the Attorney General.

At this point, Mr. Prince said he wanted to bring up a question. He stated that during the Public Hearings held by the previous administration on the subdivision law there was a lot of talk of including in the subdivision law that the Village has the right to decide on all sewer connections. The Mayor said he remembered Mr. Prince making reference to that, and if we wanted to address the issue, now might be the time to do so. The Mayor went on to say that he wonders whether actually Village law would supersede the DEP when it came to “nuts and bolts” anyway. Mr. Prince added that if the Village says we have authority to have sewer hook ups, subject to your regulations, the DEP cannot arbitrarily say no. The Mayor said to Mr. Hyer, can you word it so that the Village, which is part of the three way contract, is lead agency in determining sewer hook ups for the subdivisions? Mr. Hyer questioned whether it should go in the subdivision law at all. After discussion, the Mayor said he would discuss how he saw it being handled with Mr. Hyer so that he could present it to Mr. Simon. Mr. Hyer agreed and added that he felt Mr. Simon would not want this buried in the subdivision law but handled as a separate document.

NYMIR Training: Mr. Hyer stated that the State Legislature has decreed that all board members have four hours of training. He distributed tests to Trustees Landers and Timpson. Mr. Hyer will give the Mayor his tests tomorrow. Trustee Kline has completed the four hours of training.

CC Lots: Mr. Hyer gave an update on the application sent in by the Village to DEP. We were informed that DEP has sent the application to their Law Department. No status or determination has been given as of yet. Mr. Hyer said that Mr. Prince or Mr. Bates is advised to contact Gail Buckman directly. Mr. Hyer said he has heard that every application now goes to the Legal Department as Step # One.

Mr. Hyer gave an update as to where we are with the Subdivision Review as follows: we have gone through the Sketch Plan and we are headed toward a Preliminary Plat. We hit a couple of glitches and the Sketch Plan has been changed. At this point, Mr. Bates stated that he believed that what he and Mr. Prince submitted this evening is the actual Preliminary Plat.

Mr. Hyer asked the Board to refer to Page 9 of the Subdivision Law, "Preliminary Plat and Accompanying Date," plus the three pages of conditions which the applicant has to comply with tonight.

Mr. Prince stated to the Board that they have come back this evening with the Preliminary Plat, dealing with the issues which the Board said needed to be corrected on the map and which they wanted to see before considering the application complete. Mr. Prince distributed packets to the Board outlining what has been done and included in the submittal.

Mr. Prince said they hired a consultant who delineated the wetlands. Trustee Landers asked whether he is understanding correctly that the piece of stream that runs from the Lake to the road, that half acre of Gooseberry Creek, is federally regulated? Mr. Bates replied yes, it's a low lying area to the left when you standing on the old railroad bridge. Mr. Prince interjected that the bottom line is that there are no real wetland issues there and that anything that could be a concern could be mitigated easily. Mr. Hyer said the summary of the wetlands discussion is on page 5 and 6.

Mr. Prince added that they have submitted documentation on Wetlands, the Water Report and the Traffic Study completed by Kaaterskill. These would be distributed with the maps showing sewer lines, road profiles, water lines, how we plan to treat the water. The goal is to turn the water over to the Village if they want it. In the Water Report you will see that we have mitigated most of the questions that you might have. According to the consultant, there are no serious wetland issues. Mr. Prince said that during the SQRA process, if further analysis or a Site Plan Visit is desired, the consultant could accompany the visitors and answer questions.

The Mayor asked how the berm of the road was dealt with and Mr. Prince showed him on the map. Trustee Timpson asked if they plan on hooking into the Village water system, and Mr. Prince replied if you'll let us, we do, and he continued, in answer to that you'll see on the map that there are certain criteria that have to be met in order to hook into Village water. Our tests for water indicate that we have excess capacity so that is a good thing for the Municipality in that we have more water than this project needs. So we believe we will be able to supply you with water that you need. Trustee Kline asked if the number of gallons was known. Mr. Bates replied that the well flow test indicated 52 gallons per minute. The Mayor asked for a summary of well information. Mr. Bates said 52 gallons per minute on a 24 hour round the clock basis would produce just under 75,000 gallons a day. Trustee Landers asked if there would be shut-offs for every house and a curb box for every house. Mr. Bates replied yes. But the Village would be responsible only from the main, right, said Trustee Landers, not inside your site? Not inside, said Mr. Bates. Mr. Bates continued, what normally happens is that you have your road, your 50 foot right of way. Mr. Bates said his experience has been usually you define your limit of responsibility right at the property line or the edge of the roadway at the curb stop. What we are planning on doing is turning the road and utilities in the road over to the Village, so you would be responsible for the main and then the service out to the curb stop at the property line, nothing in the site itself.

The Mayor asked whether we could just review the 'laundry list' that we gave you at the last meeting from the minutes and you can point out where in these studies those items have been addressed. Mr. Prince and Mr. Bates agreed.

Started with page 2 of the minutes of September 10, 2007:

a) “This is a very large subdivision. It should have two entrances not just one.”: ... Mr. Prince pointed out on the map: “Here’s your main entrance which is on Spruce Street, and here’s your other entrance which he has coming out onto Clum Hill Road -2nd page, it didn’t fit on one. The Mayor said how wide is that road? Mr. Bates answered, same as the rest, 24 feet wide, and around 50 feet right of way.

b) “Well head protection area must be delineated on the map and should not be part of anyone’s residential lot.”: Mr. Prince pointed out that they have a hundred foot and a two hundred foot radius and we took out those lots where the wellhead was. Mr. Bates said what the rules say is that whoever owns the well in a public water supply system has to own the property in the first hundred feet of the well. After that there are a series of exclusionary requirements: you have to have sewers in certain places, but it doesn’t say you can’t sell these off and whatever you have as additional requirements you can attach those as requirements on the deeds to make sure the owners do not do anything to violate the integrity of the water supply. Mr. Prince said DOH is mostly concerned with the hundred foot radius. The Mayor responded that the Village Attorney is mostly concerned with a two hundred foot radius.

d) “Road Maintenance Agreement, covenants and restrictions should be submitted for review. This development may require an offering plan if there is to be an association that runs or maintains common areas.: Mr. Prince said those are Mr. Simon’s comments, but those items are not required at this point according to our attorney, Larry Gardner. Mr. Prince said Mr. Gardner will draw up a Road Maintenance Agreement that will be specific to this project. Mr. Prince showed a generic agreement which Mr. Gardner provided as a sample. The Mayor indicated that this item is in question as we do not yet have the Road Maintenance Agreement.

1- (from page 2 of Mr. Simon’s letter): The completed application must allow for a two hundred foot or more well head protection easement.” The Mayor said ‘that’s right there’ (looking at the map).

From Mr. Hyer’s review sheet:

“3. Resolve the issue of the Clum Hill entrance, i.e., emergency vs another year round ingress and egress. The Mayor said “we’ve already covered that.”

“8. Description of safety mitigations protecting the children of the Village camp from ingress and egress traffic from Spruce St., i.e., stone wall/fence, stone pillars with lights, etc.” After discussion, Mr. Hyer summarized as follows: regarding the safety of the children of the camp what we are doing to mitigate the concerns of traffic flow is that:

- 1) a retaining wall will be built and on top of the wall will be a structure that will prevent cars from careening off in ice and rain conditions, and
- 2) a walkway will be installed as recommended in the Traffic Report.

The Mayor said he was comfortable with the way it is proposed to be handled and the way the drawing depicts the area.

“11. A schematic and design profile of the proposed bridge to be constructed across Gooseberry Creek.”: Mr. Bates said he would bring copies of the drawing of the bridge to the Village office on Tuesday, October 2.

“13. Update the Village Board on the water quality of the well you propose to contribute to the Village water supply system. Reference J. Myers comments.”: The Mayor said ‘that’s obviously in the Water Report, right?’ Mr. Bates replied ‘right.’

“15. Phoenix Environmental Laboratories and Titan Drilling Corp sent a Draft Progress Report but the Village never received a final narrative report describing the testing results and the water quality.”

Mr. Hyer asked if the Village ever received a narrative report from Phoenix. Mr. Bates replied ‘no, but that’s not the way it’s handled. Normally, we get the analytical data back and the consultants working on the project review it and make the determination.’ Mr. Hyer asked ‘so you did the narrative?’ Mr. Bates replied, ‘I did the narrative.’

Mr. Hyer summarized as follows: The Applicant is looking for a determination by this Board that we have a completed application. We have already started the SEQR process and have labeled it as a Type One Action. Our next step is to send out this information, the completed application with the maps, to all the other reviewing agencies. However, it is this Board's decision whether:

- 1) they have enough information to call this application 'complete' and,
- 2) they have reviewed the submission in a comprehensive manner so that they can say they are comfortable with what's there and, at this point in time, they do not have any other recommendations for the applicant. Mr. Hyer said he wished to state that once the application is declared complete and it is sent out, it can still be changed, as Mr. Prince indicated previously, in Public Hearings and other meetings as we review the Preliminary Plat. We can still say we want this done, and this came up, etc. However, prior to that the Board has to make the determination as to whether they have enough information and whether they have reviewed it sufficiently to say they have a complete application.

Trustees Timpson and Kline said that rather than making a decision this evening, they would like to have more time to review the entire submission, maps, etc.

Mr. Prince stated that as Planning Board Meetings take place only once a month, can he and Mr. Bates come to the Regular Board Meeting later this month in the interest of time. The Mayor said that would be possible and he further asked Trustees Timpson and Kline if they would communicate all their concerns on the project to Mr. Hyer, before the Board Meeting later in the month, and Mr. Hyer will relay them to Messrs. Prince and Bates for clarification at said Board Meeting later in the month. The Mayor stated that he looks forward to seeing the Road Maintenance Agreement from Mr. Gardner and the drawing of the bridge crossing the park. He acknowledged that the materials presented this evening represent a tremendous amount of work. We can read the Water Report and gain more understanding of the project. The discussion of the water system continued

and Mr. Bates acknowledged that if they were going to have an independent project and a water system by themselves, they would need a secondary well to provide for redundancy. As it is envisioned, the Village is the secondary source for the project. Mr. Bates offered to sit down at a time of the Village's choosing to give an overview of the system.

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

Minutes submitted by Catherine Palmieri, Deputy Clerk

Lee McGunnigle, Mayor