

Village of Tannersville
Public Hearing for Variance
December 15, 2003
Approx. 7:15 pm

The Mayor made a motion to open the second public hearing in regards to Thomas Hangarter's Variance for the Yacht Club. Trustee Morra seconded. All in favor, motion carried.

The Mayor stated that as of today, the Village still had not received any plans for Thomas Hangarter for the variance.

Greg Lubow, representing Thomas Hangarter, stated that Mr. Hangarter does not need a variance for his building (the Yacht Club). In accordance to the 1954 Ordinance you can build within 5 feet of the property line, and there is a 20 foot setback on Main Street.

The Mayor stated that first of all Thomas Hangarter was aware of this public hearing.

Trustee Legg wanted to know what the definition of being on Main Street was.

Greg Lubow stated that if you look at the 1954 Ordinances that parking lot is considered a Main Street Parking Lot and the Yacht club is not considered on Main Street.

Jeff Prince stated that the parking lot is an access point to the Yacht Club.

The Mayor stated that he met with Thomas Hangarter. It was our understanding that we had to hold a public hearing with this variance. He met with Pugliese and Hangarter. Pugliese said that Mr. Hangarter should go fill out a form with a notary saying that Pugliese doesn't have a problem with Mr. Hangarter's Variance because he owns the parking lot (Mr. Pugliese).

The Mayor also stated that he also spoke with Skip Pratt who owns the abutting property to the Yacht Club. He said that he didn't have a problem with it, he just wanted to see what Thomas was building.

The Mayor stated that he told Thomas Hangarter that he could start building as long as he gave the Village a notarized letter stating that he was going to submit a plan that would comply with the New York State Building Codes.

In the event that a variance was not needed, the Mayor suggested that Greg Lubow talk with Tal Rappleyea, the Village Attorney and draft up a legal opinion of the Village land use ordinance or Property Maintenance law that the Village has on record.

Greg Lubow stated that there was a 1971 amendment to the Village law discussing setbacks and the purpose of the setbacks was to make a 20 foot buffer between residents in the Village back in the 1970s. But it couldn't be applicable to Main Street.

The Mayor then stated that Thomas Hangarter discussed with the Village that he wanted to build within one foot of the property line not five. NYS Building codes say that you can build up to within one foot of the property line, depending on the construction. The Building codes have changed somewhat since last year.

Greg Lubow said that he mentioned 5 feet because that is what he understood to be the state law.

Keith Griffin stated that New York State, between residents wants a minimum of four feet. But then you come to the local law, which can supersede the state law. Then it branches off in putting in windows and doors because at five feet you can build in windows and doors.

Trustee Morra then made a motion to postpone this variance hearing until the two attorneys get together and have the law clarified.

Trustee Legg asked if the sewer line lied under the building. Mayor Weyant stated no.

Then Mayor Weyant asked Greg Lubow if he was aware that there was a sewer easement of 10 ' from the center of the sewer on both lines where the proposed building would take place.

Greg Lubow stated that in the sewer agreements from 1924 there was a window, a blank space, of how many feet would be needed in the easement, and the value of that footage would be determined at a reasonable measure.

The Mayor stated that he spoke with Alex Emory from the Sewer Treatment Plant and he said that it was 20 feet. Thomas Hangarter spoke with the attorney from the DEP and said that it was also 20 feet. The Mayor also asked Keith Griffin if he would research this matter so everyone has the correct information.

Trustee Morra Made a motion to close the public hearing. Trustee Legg seconded, all in favor, motion carried.

The Mayor made a motion to re-open the board meeting. Trustee Morra seconded. All in favor, motion carried.

The Mayor stated that on December 29, 2003 the Village was holding a public hearing in conjunction with the Town of Hunter regarding the Annexation of about 17 acres of land belonging to Catskill Development LLC from the Town in to the Village. The hearing will be at 7:00 pm in the Town of Hunter Town House.

Jeff Prince interrupted saying that there was a meeting the 16th of December regarding the Annexation, not the 29th. He also said that the Village told him that it was canceled because it could not be properly noticed. However he also said that according to the staff up at the Town, it was still on the agenda for the Board Meeting on the 16. He requested that if the meeting is indeed on the 16, if someone from the Village Board could attend.

The Mayor stated on record to Jeff Prince that he personally called Larry Gardner and asked him why the Village of Tannersville, did not receive anything from the Town's last Board Meeting stating that they were having a public hearing with Village. There were no letters, calls or memos to the Village in regards to this annexation public hearing. The only way the Village had any knowledge of it was by reading in the paper. Then the Clerk had called the town to clarify when the meeting was, and she was told the 29th.

Jim Planck stated that he spoke with Walter Gallagher, Councilman for the Town of Hunter earlier today and he said also that the Town of Hunter was indeed holding the public hearing on the annexation on the 16th, because they didn't want to have the end of the year meeting on the 29th with the public hearing. He also stated that if it is a joint public hearing then both board had to be present, not just one representative.

Trustee Morra stated that in reality to transfer land from the town that is vacant into the Village, no public hearing is needed. He also said that if the meeting is indeed on the 16th, then he thinks the board should go.

The Mayor then asked the clerk to call the Town of Hunter first thing in the morning to ask them what kind of public hearing they are having tomorrow if they are having one. And if they are having one on the annexation, if we could have a copy of the notice that they posted letting people know about it. Because he wants to see the nomenclatures used to see if they stated that it was a dual public hearing.

Jeff Prince reinstated his position that he was at the last Town Board meeting where they stated that they were in fact scheduling to have a public hearing on the annexation on the 16th of December. He also stated that the Town Board wanted to act as the Planning Board in the review of this project. Jeff Prince told them that the Village Board acts as their own planning board. But the town insisted that they wanted to do it because they felt that the Village didn't have the experience.

Trustee Morra wanted to know how the Town knew what experience the Village had or didn't have.

The Mayor stated that first we have to find out if we are legally obligated to go to this meeting on the 16th or not. If the Village is legally obligated to attend, then 2 of the 3 or possibly 3 board members will indeed go to this public hearing. But if not, then one of the board members can go for support.

Jim Planck stated that in prior annexations that Larry Gardner has handled that he has used the words "joint public hearing". He suggested that the Village Board contact Tal Rappleyea to find out for sure what the Village's position is and if there should be a joint public hearing for safeties sake.

The Mayor stated that he already discussed this matter with Tal and he agreed that The Village should have a joint public hearing with the Town on this annexation for safeties sake. That's why we agreed to hold this meeting on December 29th. Because that is what the Town told the Village originally.

Jim Planck recommended that if the public hearing was indeed on the 16th (tomorrow) that we post emergency notices through out the Village in at least 6 or 7 places stating that due to miscommunication the meeting has been changed. But safeguard the Villages emergency notification interest so when the Village Board attends this meeting it wont be moot afterwards.

Jeff Prince on another note stated that Catskill Development has an agreement with Frasers that they will represent Catskill Development and the Village to work out the water problems. These are the things of interest, establishing where the aquifer is, where they can drill wells, and will monitor the water. He stated that the only thing Frasers Need is a copy of the map where the Village's water tower is located so when they drill they know how to set everything up. If it turns out that they can't drill there, then the plan would be to go over on Spring Street, or the reservoir. As long they are drilling on Village property. He also wanted to submit an application to the Village for a sewer connection.

Trustee Morra stated that that application has to be updated and Catskill Development will have to resign it before they can submit it to the City.

Jeff Prince stated that he thinks they can go forward 100% with the existing connections for water and sewer on the existing portion of Catskill Development LLC in the Village. He stated that everything will be funneled into that existing property.

Trustee Morra stated that now we are getting to the point where we need an agreement that Catskill Development is going to pay for the consultants for the Village to come up with the Plans.

The Mayor stated that the MOU that was proposed needs revisions before the Village will sign it.

Trustee Morra stated that he wanted to see something in it from the Department of Health.

Trustee Legg felt that there was a lot wrong with the MOU and it was too generic. He doesn't feel that we should have to pay for anything. We are not hiring anyone. Catskill Development is. Then he stated that the paragraph concerning the work to be done is too short and needs to be expanded. It mentions drilling the wells but doesn't say anything about hooking into the water system.

Jeff Prince stated that this is why he had the meeting with Frasers regarding the drilling etc. They are going to supervise the drilling, the aquifer research, and flow tests, and the state regulations and tests. This is all in the agreement between the Development and Frasers.

The Mayor stated that we will take all of the comments from the Developer and the board members and submit them to the Village attorney for review.

The Mayor stated on record that they agreed that Frasers would be their consultants but not at the Villages expense. He also wanted Mr. Prince to understand that the Water Department in the Village was for the whole Village. We are not isolating any portions of the water system for anything or anybody. You are going out to find additional water to supply the Villages water supply for everyone. There is no segregation to any one unit. If there is a shortage, everyone is short.

The Mayor also stated that when they submit an application for sewer, there are certain necessities that need to go along with it. He asked Mr. Griffin to explain these necessities to Jeff Prince.

Keith Griffin said that one thing that is need is a building permit, a site plan review.

Jeff Prince interrupted stating that he already gave the Village a site plan review.

The Mayor replied that Jeff told him that he said the plan had changed.

Jeff Prince stated that they were discussing what changes may be needed for the connections possibly the Vanucci property.

The Mayor stated that we do not have their site plan review.


Jeff Prince stated that the Village would have it tomorrow.

The Mayor stated that Keith can deal with Jeff in making sure they are complying with everything they need for the permits so when the Villages meet with the DEP they don't send us packing if we are missing some key information.

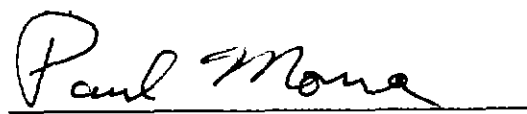
Jeff Prince stated that Catskill Development would hope that the Village would designate themselves as the lead agency. And they don't have any doubts about the Village not being qualified to review this project and process.

The Mayor then turned to Dave Kornell of M&D Lease holding Corp, the contractors working on the bike path and stated that they are going to get paid tonight, but they need to submit the invoices on time and not at the last minute. The Village has 10 days to pay them after the invoice is received. If we don't have the proper documentation, we can't pay them.


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



 Glenn Weyant, Mayor



 Paul Morra, Trustee



 Edward Legg, Trustee