

Village of Tannersville  
Board of Trustees  
Public Hearing  
Monday, December 29, 2003  
In conjunction with the Town of Hunter  
Town Board

The Village of Tannersville Board of Trustees, in conjunction with the Town of Hunter Town Board, held a joint public hearing at the Town of Hunter Town House, on Monday, December 29, 2003 at 7:00 pm.

Present:

**Representing the Village of Tannersville:** Glenn Weyant, Mayor, Edward Legg, Trustee, Paul Morra, Trustee, Robin Castle, Clerk.

**Representing the Town of Hunter:** Richard Rem, Supervisor, Daniel Breck, Councilman, Dolph Semenza, Councilman, Paul Solodar, Councilman, Carina Pascucci, Clerk, Lara Hamrah-Poladian.

Also present: Tal Rappleyea Esq., Attorney for the Village of Tannersville, Larry Gardner Esq., Attorney for the Town of Hunter, Jeff Prince, Elliot Fishman of Santos & Associates, Bob Mokarry, Ron Carnetta, Rick Kilmer of Santos & Associates, Victoria Crane, Lyla Memhard, Richard Mannix, Joel Sherman, Bill Kimble of the Kingston Daily Freeman, Jim Walker, Ryan Byrne, Fred (Skeeter) Haines, Nathan Hommel, John Glennon, John Farrell, Sharron Weiner, Beth Hait, Pete Manfredie, Kevin Tucker, John Elpenheimer, Mike Tancredi, Trustee for the Village of Hunter, Marry Ellen Elesio, representative of the DEP, Orville Slutzky, Jim Planck of the Catskill Daily Mail, JoAnne Ginavin, Elizabeth Hague, Athena Billias, Myrna Sherman, Elane Farley, James Farley, Charles Ktcher, Ellen Minoove, Harry Poladian, Mark Hyer, Henry Frick, John Astros, Veronica

Supervisor Richard Rem called the meeting to order and dispensed the privilege of the floor.

Supervisor Rem then turned the floor over to Elliot Fishman to give a short presentation on the Catskill Development Project.

Elliot Fishman made the following points:

- The proposed project will have 144 units that have a loop around the development with two entrances from Clum Hill Road.
- There seems to be one state regulated wetland near the proposed complex that borders the Rip Van Winkle Lake.
- They would like a proposed extension into the Village water main on the existing acreage in the Village.
- They would also like to connect to the sewer system.
- Catskill Development has also hired a separate consultant to study the traffic impacts concerns at the intersection of 23A and Clum Hill Road. If a car is exiting Clum Hill road at this intersection how long would they have to wait for each direction they

may turn. The consultants came up with a 10-15 second wait.

- The traffic on Clum Hill Road will increase slightly but not significantly.
- If the land owned by Catskill Development located in the Town of Hunter was annexed into the Village of Tannersville, then this development in total would be under one set of rules and regulations, as well have access to sewer and water connections.

Supervisor Rem then opened the floor for comments from the public.

Bob Mokarry asked Mr. Fishman if their studies were bonded with performance bonds.

Mr. Fishman stated that no they weren't because they are not required by law.

Mr. Mokarry then asked if something is wrong in their study, can the residents sue their company, and will that be the only recourse.

Mr. Fishman replied that yes, if something is wrong then they can be sued.

Ron Carnetta then asked when the storm water drainage plan be finished?

Rick Kilmer, an associate of Santos and Associates stated when everything is in order they hope to have that plan finished with in 60-90 days.

Armando Islas asked if there were other intersections that may be accessible to this project, and what about the seasonal impact on Clum Hill Road and 23A. Is the study publicly available.

Fishman stated that the study was done during peak hours during the morning and afternoon during the week. And unfortunately the only intersection will be that of Clum Hill Road unless people drive around by County Route 16. The study is available to the public. The Town and Village Boards have a copy.

Victoria Crane asked what the Credentials of Santos and Associates were.

Fishman stated that Santos and Associates have been around for 25 going on 26 years. Kilmer is a sub-contractor. He is located in Rensselaer County.

Ms. Crane also asked what the impact on the general population may be.

Fishman stated that there maybe some or little impact depending on who buy the units. There could be negative or positive impacts. This could increase the tax base but also have effects on traffic, water and sewer issues.

Mayor Weyant stated that now there are currently 440 permanent residents living in the Village of Tannersville.

Lyla Memhard stated that she doesn't understand why they want to annex this land into the Village of Tannersville and taking it out of the town of Hunter in the first place. She also wanted to know who looks at this and decides how it will be.

Fishman stated that there are many benefits to this annexation but with a project such as this all parties and planning boards have to go through the SEQRA process.

Councilman Dolph Semenza said that the recommendation to the planning board is to take this step by step. They have to explain the impact that they could have or not have on annexing the property. The problems would be taken care of so that this board knows that once the property is turned over to the village that everything will be in order. Once this land is turned over to the Village the Town loses control. We will take the necessary steps through this process.

The Mayor stated that the Village of Tannersville Village board will act as its own planning board in this review process.

Village Attorney Tal Rappleyea then stated that surrounding municipalities will be aware of the annexation and their inputs accepted. All involved agencies will be noticed and retain their own engineers.

Supervisor Rem asked to Larry Gardner if the surrounding municipalities can put an impact on this project.

Rick Kilmer the stated that the SEQRA review process that is being discussed here is set up by the DEC and is specific to include every impact. (Sewer, septic, water, lighting, traffic, etc.) It will be addressed by a lead agency and will take quite some time.

Richard Mannix stated that this impacts everyone on the mountaintop and should included the whole mountaintop. He also wanted to know if the developer had any references.

Jeff Prince replied that this development, Catskill Development LLC, has not done a condo project before. They are relying on expert professionals for this process.

Mannix then stated that he would be more comfortable if he knew that the developers had experience and a track record.

Joel Sherman stated that the greatest impact of this project will be the people. There will be more traffic, more kids in the school. He also asked what the marketing plan and price ranges would be.

Jeff Prince stated that there would be 144 Units built in phases. There will be a preconstruction offering, and there is a great demand for housing on the mountaintop.

Sherman stated that Mr. Prince did not address the question.

Jeff Prince stated that these are 2-3 bedroom triplex housing. They will be in the \$200,000.00 pricing range.

Bill Kimble of the Daily Freeman then asked if the City would allow this development connect to the sewer, and if there were any other aspects for this annexation.

Jeff Prince said that the City would have to approve if they connected through the existing land in the Village. They want to fit into the community.

The Mayor stated that if they create this development in the Village, they will also have water and garbage pick up provided that they purchase the Village garbage bags.

Jim Walker asked how close this development would be to the lake. It is a very sensitive lake and was almost ruined by Cortina Valley.

Fishman stated that there is a 100' buffer to the surrounding wetland by the lake.

Ryan Byrne then stated that in drought time, the reservoirs get extremely low. He wanted to know what kind of water studies were being done on the water supply. He also stated that this will be a nightmare in the winter time when the roads are bad and people will be trying to exit on to 23A from Clum Hill Road.

Jeff Prince then stated that they are trying to make this a safer situation for the future possibly working with the DOT to grade down the road.

Ryan Byrne continued stating that he knows how low the reservoirs get when there is a drought. 3 years ago there was nothing in the old reservoir.

Fred(Skeeter) Haines said that the main concern here is water. The Village of Tannersville just doesn't have it. Back when he was a member of the Village board, they had to pump the water of dibbles dam. In 1991 the Village water system didn't have the money for the repairs.

Fishman stated that the Developer is working with J. Kenneth Fraser and Associates to develop and aquifer studies as well as a safe yield study to see how much water we have and need.

Nathan Hommel then asked if there were going to be other access points than Clum Hill Road and how far the buildings were going to be from the property lines.

Fishman stated that there was a 20' setback on the property lines.

John Glennon asked if there could be and access point across the Hyser Property

Jeff Prince stated that no there couldn't be an access point there because there are wetlands there that become a concern. But that is not a ruled out option. This will be a give and take situation as the project goes along.

John Farrell asked what the peak hours of the road study were - there isn't much sight distance there.

Fishman stated that the peak hours studied were between the hours of 8-9 in the morning and 4-5 in the afternoon.

Farrell also asked if there was a study conducted on the intersection of Clum Hill Road and County Route 16.

Kilmer stated that there was not a study done at that intersection. And the study done on the intersection of 23A and Clum Hill road was done on December 2<sup>nd</sup>. During the week.

Farrell then asked who will take care of the roads.

The Mayor stated that this is going to be a gated community so they will have to maintain their own roads because they will not be Village Roads.

Sharron Weiner then asked if they can provide sources for their work and wanted to know if they have ever worked in a seasonal area before.

Fishman stated that yes they have worked with a seasonal area before.

Beth Hait asked if they would be voting on this annexation tonight. Councilman Semenza stated that no decisions would be made tonight. This is just a hearing for both boards to here any and all opinions from the residents of the community.

Beth Hait then also pleaded that no body moves on to deciding on this annexation until all questions have been answered. There are major concerns: water, sewer, etc. etc.

Pete Manfredie stated that on a Sunday afternoon it takes minutes not seconds to exit from Clum Hill Road on to 23A. When doing the water study, what till the impact be on the existing wells.

Fishman stated that they will re-conduct the study to a weekend day during the peak ski season.

John Elpenheimer stated that he wanted to know who the developers were and if the plans change after they annex the property into the Village what happens then?

Tal Rappleyea stated that it is recommended that the developer would have to put up a performance bond or cash bond up front in case the project doesn't fall through.

Mr. Elpenheimer stated that it shouldn't be recommended; it should be demanded.

Tal continued that if the Town consents to the annexation the Village will not approve it on their part until all of their concerns are answered. They will have to provide an adequate water that will no affect the other wells in the Village.

The Mayor responded that if these conditions are not met the Village will not accept the annexation and the property will not go back to the town.

Councilman Semenza then asked if the scope and intent of the property can change.

Jeff Prince stated that just because the land is annexed doesn't mean the review process will stop. Once the property is in the Village it is their responsibility to review.

The Mayor stated that we are governed by the same laws that the Town is subject to. However, being that the Village also has a water department, there are more rules and regulations to follow. So that's why there are more to take in to consideration.

Mike Tancredi, Trustee for the Village of Hunter stated that he sensed hostility in the room. He also stated that you can't stop development. There is a challenge to balance development with nature. Communities also need an expanding tax base.

Mary-Ellen Elesio from the DEP asked if there was a process for annexation.

The Mayor stated that vacant property doesn't need a public hearing. But out of respect for everyone it was agreed to have this meeting.

Supervisor Rem then added that either board can approve or disapprove the annexation.

The Mayor again stated that the Village has not and will not accept the annexation until all obligation are fulfilled by law.

Mary Ellen asked what the project was dependent on.

Orville Slutzky stated that there needs to be improvement and bring more beds to the Community. Unless we have a means of improving the tax base, then we are going to go down the drain.

Jim Planck from the Daily Mail asked if this project can change after the Annexation, and if it can change, then why would the Town Planning Board approve this. Are there safe guards.

Fishman stated that it was his understanding that there will have to be a process to follow if the project is increased or decreased, and may need public hearings.

Jim Planck also asked if there was anything that the Village has to do to safeguard this.

Larry Gardner stated that there was a 45 day period to be done to conduct the research for the contractual aspects to cover this.

The Mayor then stated that this is only vacant land with a proposal and he doesn't know of any state laws requiring that there has to be a contractual obligation.

Larry Gardner responded that there are no state laws requiring contractual obligations, however there are

mandates for public hearings but he didn't know the specific answer to that question.

Tal stated that this is something that can be worked out between the Town and the Village regarding a housing project.

Councilman Semenza stated he wanted to know if annexation had to be specific or generic.

Supervisor Rem stated that they can make it specific.

Ron Carnetta asked why the board would not want a clear plan.

Supervisor Rem stated that that was an excellent question and if Mr. Carnetta didn't mind if he could hold off and save his comment to that question until the end of the meeting when everyone else has been heard.

Someone asked (with out stating their name) if condos were taxed at full Value.

Larry Gardner responded that there is a capital of earnings approach.

Councilman Solodar then stated that annexation can not be denied because of a condo versus town house approach. The important thing is to look and see if the annexation is in the public's interest.

Mrs. Manfredi stated that she would like to invite someone to take a ride with her to see the dangers of the intersection at 23A and Clum Hill Road.

Victoria Crane stated that she wanted to know the legal name about the Developer because she cant find any research on the internet on engines such as lexis nexis regarding this Developer.

Jeff Prince that the name of the company is Catskill Development of New York LLC. It is a newly formed limited liability corporation.

The Mayor suggested that Ms. Crane contact the department of state because all businesses have to be registered.

Tal said that you can call 1-900 TELCORP and find anything out about companies that are registered.

Nathan Hommel asked if the annexation is granted but the project doesn't go through, would the land go back to the town?

Tal stated that the Village couldn't say for sure at this time.

John Astros had a concern for the term Gated community if it had access to public roads.

JoAnn Ginavin asked who the officers of the Company were.

Jeff Prince stated that that this review won't be quick but they will provide any info and take the time needed.

Jeff Prince then introduced Veronica (Poltorovich) sp. She is here to observe and will provide details that are necessary.

Richard Mannix stated that real estate development is risky. Everyone should look at the credentials and see what share the developer themselves is willing to put into this project.

Bill Kimble then asked if the time could be extended if one board approves and one disapproves.

The Mayor said that if one board approves and one disapproves, then the developer can go to court to appeal.

Jim Planck asked if this project had a name. Jeff Prince replied no.

Jim Planck then asked if there was discussion with the DOT for the intersection of Clum Hill Road and 23A. Jeff Prince stated that no there are not any discussions yet but it is the intentions to converse with the DOT.

Jim Planck then asked if air quality was being looked into. Jeff Prince replied that the engineers are looking into that matter.

Councilman Solodar then made a motion to close the public hearing.

Supervisor Rem then suggested that the Village Board should state their positions first.

Trustee Morra said that the Town should go first.

Supervisor Rem then stated that Slutzky and Tancredi made some good points about this being a recreational community. We are either going to grow or die. This is a prime piece of property. He said that he was in favor of being developed. The Town will lose some revenue. Under the right conditions controlled good development will be for annexation. There will be consistency and flow. This matter needs careful consideration.

He then asked the development if they plan to have phases. Jeff Prince replied that they hope to plan to build and sell with in five years.

Supervisor Rem then asked if they plan to pre-sell. Jeff Prince replied that they plan to but cant with out approval.

Supervisor Rem then asked if they knew how much water was needed to be adequate.

Trustee Morra stated that the Board of health also has to have approval in this matter that after all of these studies are done.

Trustee Legg stated that we have a memorandum of Understanding with the developer that they have to look into providing and adequate water supply in order for this to go through.

The Mayor then stated that we are addressing the following concerns:

- Dibbles Dam
- The Sunview Water tower
- Concerns with the Water Treatment Plant

He also stated that is this is worked properly than this can be a positive thing.

Supervisor Rem then asked if the Village would Take the land if they can't supply the sewer.

Trustee Morra stated that they can't say anything now but will try their best to move things along.

Supervisor Rem then asked about the sewage treatment.

Rick Kilmer said that the DEP & DEC will have to approve also through the SEQRA review.

Trustee Legg then stated that we had received a copy of the letter from the DEC saying that they will not approve the connection of this development to the sewer system.

Jeff Prince said that they haven't even seen their plans for the project so they shouldn't make the judgment.

Supervisor Rem then asked what the alternatives were to this matter.

Trustee Morra then stated that it could be a possibility that they have their own wastewater treatment facility. It was only a suggestion though.

Councilman Semenza then stated that we need to look at everything and all be in agreement.

Councilman Solodar then asked what would happen if Cortina got back on track, then how will the traffic be?

Jeff Price said that is something that would have to be addressed.

Then Solodar commented that there could always be a stop light there.

The Mayor then asked for confidence in the Village and asked the Town Board for a sense of direction will they make.

Trustee Morra then stated that if the annexation didn't go through, they could always go on with out that 17 acres.

Supervisor Rem stated that there are still unanswered questions and stipulations.

The Mayor suggested that the Town submit a list of questions to the Village, then we can set up a meeting to go over the answers to the questions.

Trustee Morra then stated that the Village can't proceed with anything without approval from the Board of Health.


Supervisor Rem then stated that he would have a list of questions to the Village Clerk by Monday.

Larry Gardner suggested that there be prompt preparation of the minutes to resolve these matters quickly. He also addressed the possibility of an extension after the 45 days.

Jim Planck then asked what the Village would do after the end of the 45 days.

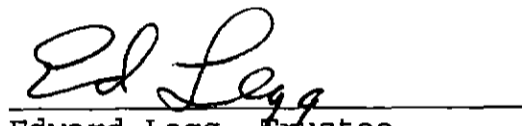
The Mayor then stated that there are options after the 45 days.

The meeting ended.



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Glenn Weyant, Mayor



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Edward Legg, Trustee



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Paul Morra, Trustee