

Village of Tannersville
Public Hearing
June 22nd, 2004

A public hearing was held by the Village of Tannersville Board of Trustees on June 22nd, 2004 in the Tannersville Village Hall.

Present: Glenn Weyant, Mayor
 Edward Legg, Trustee
 Robin Castle, Clerk
 Tal Rappleyea, Village Attorney

Also Present: Fred Johnsen of the Kingston Daily Freeman, Sharon Leach, Carol Vanucchi, Al Sayegh, Michael Leach, Joseph and Valentine Farra, Nancy Solaas, Mary Palividas, Audrey Landers, Phyllis McGlynn, Nancy Truesdell, Sarah and Mary Basagic, Dot Saqqal, Elizabeth Gosen, Rosemary & Guido Tocci, Frances Clark, Diana Henry and Tony Kowalski of America Retold, Raymond and Mariette Mokarry.

The Mayor opened the public hearing with the Pledge of Allegiance.

The Mayor then stated that we have received some help from Fraser's Engineers to develop a map of possible locations where the adult entertainment could be designated so many feet from a school, church, recreational facility, residences, etc. Due to the size of the Village of Tannersville it was very difficult to have buffers at 1000 ft. We had to decrease the buffer to 250 ft, which only revealed 2 possible locations within the whole Village. If we don't pass this law, the business could be located anywhere.

Trustee Legg then gave some background on this matter. He stated that 6 months ago in November of last year, the Village held a public hearing and passed a 6 month moratorium not allowing this entertainment to come in for that period. The Village is not trying to shove anything down anyone's throat, we are trying to prevent this from happening. The Village of Tannersville is taking the lead out of the 3 municipalities (within the Town of Hunter) and hopefully the rest will follow.

Village Attorney Tal Rappleyea stated that there is a strong potential for an adult entertainment facility within the Village of Tannersville. He stated that he researched this matter, and it was unconstitutional to 'zone' this out because it was protected by the US Supreme Court. We can however regulate it using research on areas and the number of people.

The floor was then open to questions from the public.

Sarah Basagic suggested that there could be hours of designation for operation such as in Athens and Cairo.

Tal Rappleyea stated any special use permits will have to go before the board and will be fully screened.

Fran Clark asked if there were any possibilities of inter-municipal agreements for the two Villages and the Town. A suggested place would be Hunter Mountain.

Al Sayegh asked if there were limitations to the size of the designated area and suggested the East end of the Village as a potential location.

The Mayor replied that the East end of the Village doesn't fit with in the proposed parameters.

Mr Sayegh also asked if there were any applications in front of the board. The Mayor stated that there were no applications at this time, this was brought to our attention by word of mouth.

Nancy Solaas asked if there were any other places in New York State that had parameters around 250 feet.

Tal Rappleyea stated that the most solicited parameters that he found in his research were between 750 and 1,000 feet. But the Village of Tannersville is much smaller than those towns.

Diane Henrey from America Retold asked if there were stipulations for New York State parks (the Village is located in a park).

The Village Attorney stated that it is definitely an area to look into.

Carol Vanucchi asked who tipped off the community about adult entertainment coming into the Village. The Mayor stated that he would not name the individual.

She also asked how three guys could get in a car and ride around designating places. The public was not notified enough about this to get in on the suggested areas.

The Mayor asked her how she suggested that we notify the public more for future use and to reach out to more people.

It was brought to the attention that the Village should not just jump into passing this law, perhaps to do more research. Tal Rappleyea stated that the Village could extend the 6 month moratorium, however it could not be indefinite. It could continued to be extended for up to possibly 2 years, provided that we are showing progress in reaching where we want to go with this matter.

Carol Vanucchi stated that there is already an existing adult video store and wanted to know how do we deal with that if this law is passed.

Tal Rappleyea stated that they would be handed a violation notice and couldn't do that type of business. There does not have to be a grandfather clause.

The Village is only interested in regulating the area in which adult entertainment business can perform in this village.

Carol Vanucchi continued asked if we are only regulating a certain area how can we say a business is in violation if they are outside of that designated area.

Tal stated that the law will apply to the entire Village. The proposed law shows that adult entertainment will be outlawed in the whole village except within a particular area. If anything is done outside of this designated area then the business is in violation of this law.

A lady from the audience asked if the Village was going to keep playing catch up with the different businesses that would want to come in here.

The Mayor stated that we are taking a proactive approach in this matter not a reactive approach. If we don't have this law then anything can come in.

The Mayor thanked Ms. Vanucchi for bringing it to the Board's attention that there was already this type of business in the Village.

Mary Basagic stated that to get the word out to the public we should post a notice in the Post Office

The Mayor stated that we do post our notices in the designated area of the Post Office and didn't appreciate the fact that someone purposely put that misleading article on the outgoing mail box in sighting the public for no reason what so ever. The Mayor stated that his phone was ringing off the hook due to that article with misleading information. The first thing he did was consult with the Village attorney regarding the extension of the moratorium due to the more interest from the public.

Al Sayegh suggested the board putting a mailing out to notify the public about the meetings.

The Mayor stated that a mailing is a good idea but it would be too costly. He encourages people to submit their email addresses to get updates that way.

Carol Vanucchi then asked if the old Tannersville Supply could be used even though it is land locked. The Mayor replied that it may now be owned by Roy Johannessen which is located along a recreational trail (the Bike Path). It is not land locked because there is a right of way from the Village Street by the Curtis Residence.

The Mayor stated that this is excellent feed back and really appreciated it.

Tony Kowalksi asked the board if it would make sense to drop the parameters to the next lower level and see how many more pop up and identify more opportunities to this approach. Then someone would have to volunteer their parcel and put deed restrictions on their property when sold.

The Mayor stated that upon conversation with the Village Attorney the parcel would have to be of reasonable size.

Tal continued stated that there is a case by case test. If there is only one property owner that volunteers one parcel and they put a deed restriction, then that is not reasonable. When that is looked at by the court they will see it is unreasonable and say the law is stricken and they could do what ever they want.

Carol Vanucchi asked what included adult entertainment.

The Mayor stated that the draft clearly defines what is considered adult entertainment.

Audrey Landers asked the board if they checked out where the old Klondike used to be.

Tal stated that they looked at that and there are a number of residences right across from that property and the Bike path is not to far away.

Jim Planck from the Daily Mail asked in regards to what Ms. Clark stated earlier about inter-municipal agreements, is it theoretically possible for an adult entertainment district to encompass the two Villages and the Town to come online and all agree that this district could theoretically be at Hunter Mountain for example.

Fran Clark stated that New Jersey has a housing development law that zones certain districts.

The Mayor asked if Ms. Clark could get us a copy of the New Jersey Law regarding that matter for us to look at.

Jim Planck asked what the average setback that most municipalities used for the adult entertainment buffer, and also asked if there were no court case protections that went around the minimum setbacks.

Tal Rappleyea replied that went around or specified the certain setbacks. The average setbacks were between 750 and 1000 feet ranging all together from 400ft to 1500 ft.

Jim Planck asked if the Village had the responsibility to locate a spot.

Tal replied that the Village has to designate an area defining parameters.

Fran Clark stated that if Hunter Mountain was to be the designated area per say in the Village of Hunter, it is not in the commercial district and does not touch Route 23A.

The Mayor asked if we could also get a copy of the Village of Hunter proposed local law for adult entertainment.

Trustee Legg stated that the Village and Town of Hunter were going to follow the Village of Tannersville's Local law.

The Mayor stated that he spoke with Mr. Friedman and stated that this problem with the designation was taken care of a long time ago.

Trustee Legg continued saying that we are probably never going to make the public satisfied with the designated area for adult entertainment and he would not want something like that going up on his property. He suggested to designate the area somewhere in the business district of town.

Nancy Solaas asked if there would be restrictions on the outside of the building.

The Mayor stated that if this was on Main Street, the New York State Liquor authority requires a certain amount of frontage on the front of building. We will have to look into that further, along with the other suggestions that we have received tonight.

Trustee Legg stated in the Adirondack Park there has been a strip club for years so that may not apply here as well.

Tal said he would still check on the matter.

Sarah Basagic asked if the Village really has no place for this entertainment to go would it be possible to encompass the Town.

The Mayor stated if we could not designate an area we are at risk of being sued. Or we could actually set a legal precedent.

Tal stated that if after all of the research we still only have 4 parcels at 100ft setback then that is not enough possibilities for designated areas. Then they just wont be able to come here.

The Mayor stated that he felt confident in the Judges that they won't strike down our law after looking at all of the research that we have done.

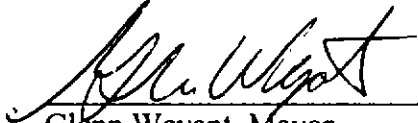
Carol Vanucchi asked where do we go from here.

The Mayor stated that we can extend the moratorium and he asked if anyone would like to join the committee for the research and to come up with ideas for the designation of areas.

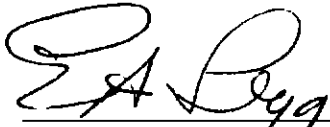
Sarah Basagic, Carol Vanucchi, Nancy Solaas, and Fran Clark volunteered to join the committee.

Trustee Legg made a motion for the Village Attorney to draft an extension of the six month moratorium and have a public hearing at the next Village Board Meeting. The Mayor seconded. All in favor, motion carried.

Trustee Legg made a motion to close the public hearing. The Mayor seconded. All in favor, motion carried.



Glenn Weyant, Mayor



Edward Legg, Trustee

