

**Village of Tannersville  
Board of Trustees  
Public Hearing Continuation  
August 12<sup>th</sup>, 2004**

A Public Hearing was held on August 12<sup>th</sup>, 2004 at 6:00 pm in the Village Hall.

Present: Glenn Weyant, Mayor  
Paul Morra, Trustee  
Edward Legg, Trustee  
Robin L. Castle, Clerk  
Tal Rappleyea, Village Attorney  
Keith Griffin, Village CEO

Also Present: Jonathan Ment of the Kingston Daily Freeman, Donna Weyant, Fred Haines, Loring "Skip" Pratt, Jeff Prince, Emilia and Boleslaw Wolny, Andrew Wolny, Ellen Wade, Virginia Bowes, John Chambers, Robert Young, Mary Susan Timpson, Cliff Bertrand, Berna Showers, Steve Showers, Joseph Cristino and Jim Planck of the Catskill Daily Mail.

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

He then turned the floor over to Dennis Schlanker, new council for The Yacht Club.

On the issue of the variance, their position is that in regards to the setbacks, the variance is not necessary but they respect the board's position as well. In regards to the site plan review, plans have been submitted on several occasions, and Mr. Pratt has engaged in the services of Crawford and Associates. He asked if the board had to make an ultimate decision that their judgment not be clouded with problems that are evident of this record. He also stated that he didn't feel that judges should have to make this decision. Mr. Schlanker stated that we shouldn't be here at this meeting and we should be moving forward. He asked if the board would postpone the meeting for a month so he can concur with Mr. Pratt and to resolve this problem in the best interest of the community.

The Mayor then opened the floor for public comment.

Fred Haines wanted to know if Mr. Hangarter didn't have a permit and plans, then why the building inspector told Mr. Hangarter to go ahead with the building and submit the plans at a later date. He also asked if the City didn't shut him down (for the deck over the sewer line), then why didn't the Village shut him down and give them notices of violation. He then directly asked Mr. Griffin why he didn't shut them down.

Mr. Griffin replied that he shut them down three times and issued a stop work order besides.

The Mayor stated that the Village went out far and above what they should have to try to accommodate the property owner. According to the property owner, Mr. Pugliese and Mr. Pratt were supposed to submit notarized letters to the Village agreeing that there was no problem with Mr. Hangarter doing his work. He was also supposed to submit a notarized letter to the Village stating that he was going to submit a complete set of plans before he started work. The Building inspector did issue a stop work order. Mr. Hangarter personally came to the Mayor's Inn, and promised that this would be a long legal battle and he would not honor the stop work order. The Village kept extending and extending deadlines for work to be done. The stop work order was issued, the Village has closed the place, there's been an agreement with the Village Attorney, Mr. Hangarter and his attorney, to re-open it under certain circumstances. As far as the deck is concerned, it is 10 feet from the center of the sewer line not 20 according to the DEP. The Mayor stated that it was requested from Gail Buckman from the DEP, that they request in writing to put the deck over the sewer line. The request has been made, but no response has taken place. The Mayor stated that they want that letter to limit the Village's liability over the sewer line.

Fred Haines insisted that it changed from 10 feet to 20 feet from the sewer line.

The Mayor stated that Alex from the sewer plant came up and told Mr. Hangarter that they did not want that deck to go over the sewer line.

Mr. Haines stated that the rules and regulations are not followed in this Village. He stated that we have to go by Village law and not look the other way. He also asked if, when Mr. Hangarter submitted his application, stated that he need parking for so many cars.

The Mayor stated that we are in the process of doing site review.

The Mayor stated this Village board was not in the business to shut people down and Mr. Haines did when he was mayor. This Village Board is not trying to keep business away. To this date the building is open because we have been working with the property owner. The Mayor continued that it's a disgrace that we are where we are today and we are all not proud of it. The Village board has the authority to work with the confines in the Village and our people that live here and own businesses here.

Tal stated that back when Mr. Haines was shut down years ago, that was an unfair situation because the plans were there on in the Village offices. It shows that the government was not responsive to the residents. This Village Board is responsive. They are trying to work with the people and the neighbors, and the business folks so that they don't get into an unfair situation like Mr. Haines Had.

Mr. Haines stated that if the laws were being followed, then the building inspector would have shut Mr. Hangarter down a long time ago.

The Mayor and Tal both stated that Mr. Hangarter was shut down. The Mayor added that Mr. Hangarter was sent 19 Violations including one for working through a stop work order.

Jeff Prince stated that he has noticed giant steps forward have been made to this day. IT is not an easy situation for the Village Board to sit and act as a planning board and deal with all of these issues. He said that Mr. Schlenker is not here to litigate; he is here to try to make peace, and ask for additional time to work with Tal, the Village Board, and the engineers. Acting quickly doesn't serve anybody's best interest. Lets take the personalities out of it and let professionals handle the situation to come up with something everyone can live with.

The Mayor stated that this is not about personalities.

Mr. Schlenker stated that he appreciated what the former mayor stated. There will be adherence to the rules, codes, and will give every respect to what these rules are and with compliance to the law. The Variance is a legal issue before the board. His client has filed for site plan review. If they satisfy the Village's requirements, then they can deal with the noise issue and the concerns that Mr. Pratt has.

Mr. Pratt stated that he was involved late in this process. Mr. Pratt stated that he has never shouted about this issue. When Aspen and Slopes went to the market, TYC was part of the offer, but has been withdrawn and the others were sold. Since the last meeting the deck has is a disaster waiting to happen. It is also listed as the new Slopes 2004 on their website with a grand opening of Saturday, October 20<sup>th</sup>. It seems as though Slopes is transferring to The Yacht Club. When he put the deck over the sewer and also barbeques on his (Mr. Pratt's) property - which have been removed - it is not just a noise hazard but a fire hazard. His style is to have a party outside and he is putting it into the heart of the Village, next to where the Village board is trying to build a children's playground. He (Mr. Hangarter) will also make full use of the public parking lot. Mr. Pratt stated that he has tenants that reside in his building and they want to go to sleep and stay asleep.

Mr. Pratt continued and stated that the only issue at the last meeting he had was the issue with the deck. Since the last meeting, several things have happened: the advertisement of the reincarnation of Slopes, and he has not received any correspondence from council or Mr. Hangarter. Six months ago, Mr. Pratt was asked by Mr. Hangarter to write a letter to the Village, and he did stating pretty much what he has said now.

Mr. Schlenker stated that on the issue of the use on the premises, constitutes a preexisting use. Prior to Mr. Pratt coming in, the premises was a bar-restaurant. Mr. Hangarter will have to comply with all rules and regulations. It appears that the lighting rod that brings us here is the issue with the deck. It seems to be a major factor in this case in terms of use. He then stated that Mr. Hangarter will continue to exist - like it or not.

The Mayor stated that the issue with the variance is with the building that is built with in one foot from the property line.

The Mayor stated that the original settings not the unauthorized extension were preexisting uses

Mr. Schlenker stated that issues are better resolved through attempts at discussion.

The Mayor then asked if there was any further public comment.

Trustee Legg asked Mr. Pratt what he would expect as far as the set back variance is concerned, whether it be 20 feet or less.

Mr. Pratt stated that Mr. Hangarter has brought this deck out whether it be dismantled in a half an hour or five hours. Once a fire starts forget it. Mr. Pratt stated that he knows how they operated down the street. He has seen this and been in this position in for over 35 years before the Yacht Club was the Yacht Club. He has seen the pig and other barbecue. When he (Mr. Pratt) came up and saw that Mr. Hangarter had 2 barbecue pits on his (Mr. Pratt's) property and not the deck. They were within feet of his (Mr. Pratt's) building, which is vacant, and will not be rented until this matter is resolved. He asked the board that the pontoon deck be removed.

Trustee Legg asked if the most they could take down would be the 20 foot and if that was possible would Mr. Pratt be happy with that.

Tal replied that for buildings located on Main Street but outside of that 100 foot zone the set back requirement is 20 feet from adjoining building.

Trustee Legg asked Mr. Pratt what he would accept.

Mr. Pratt replied that he has to accept what the board decides.

Mr. Pratt also stated that there is a little picket fence that blocks anybody's passage. Some years ago, the Yacht Club was on his property, and there was a footage land swap and Mr. Lubow handled it.

The Mayor stated that he wanted to make one thing clear that the 20' set back doesn't only include the deck, the building itself is encroaching on the property line as well.

Mr. Schlenker stated that their objection is that they don't need a variance and they are not going there today, they have already articulated their legal position. His position to compromise still stood.

Trustee Morra stated that he was in agreement of giving them thirty (30) days to straighten out everything. Everything with the building, engineering to say its safe for the public to be in there, the building meets with all of the codes, that everything is perfect. Then we will worry about the variance.

Andrew Wolny stated that he is Mr. Hangarter's tenant. He stated that he hasn't had a pig roast at this property in over a year. The two barbeque pits Mr. Pratt was referencing

are too small to cook a pig in. Mr. Wolny also stated that he always had problems when Mr. Pratt had a night club (Six Mile Cross), but never made any commotion. If he had been notified sooner the problem with the noise would have been resolved sooner. He has been closing doors etc. He stated that he is not doing anything different but business has picked up at night. Tommy Hangarter lives in the city. As far as the noise was concerned, someone could have spoken to him (Drew Wolny) personally. Maggie (Landis) was also concerned. Mr. Wolny stated that he was not here to make problems -- he just wants to make a living for himself and his children. If anymore problems occur while he is there, he would be more than happy to help take care of them.

Mr. Pratt stated that Andrew Wolny's name never came into the conversation. He [Wolny] is not involved in the construction, Mr. Hangarter is responsible as the land lord.

The Mayor asked if there were any more comments from the public. No one responded. The Mayor then stated that he wanted to make a few things aware to the public.

He stated that he agreed with council in the integrity of compromise. This is the 4<sup>th</sup> attorney Mr. Hangarter has had for representation. If TYC did not go in, Mr. Hangarter stated that he would not sell Slopes and Aspen. Every time there is a public hearing, a new attorney has been retained for 1 or 2 days. This seems to be Mr. Hangarter's Motive. The Board is always unaware of things going on or that have been done at TYC. He gets a permit then overextends it. This has repeatedly gone on for nine months. Believe it or not there are some people in the Village that do approve of what the Mayor and the Trustees are doing in the Village. There has been a tremendous amount of misconception that has been led, and this is referenced in the letters between the counsels. Mr. and Mrs. Wonly, the people that rent the facility, did not even know that the building was for sale until they found out at the last public hearing.

The Mayor stated to Mr. Schlenker, that his confidence in his client was zero. This Village Board has been misled since they broke ground. We let him put in his foundation because we were told that this was to be a place of fine dining. He misled us to get him to where we are today. He stated and directed to the Wonly's that he never tried to personally shut down the Yacht Club. We had a public hearing two weeks ago, and someone was supposed to get in touch with Mr. Pratt and communicate, to this day no one has.

The Mayor continued to Mr. Schlenker that they are asking the Village Board to authorize what has already been extended over and over again. The Mayor stated that he begged counsels to make this problem go away. This community does not need hate and discontent.

At this point in time, all board members have said what they have had say. If there are no additional public comments, then we need to take a roll vote.

Mr. Schlenker stated that he is not asking to suspend the process but to recognize the reality of circumstances. He is suggesting deferring the decision on the variance for 30 days to clean this mess up.

The Mayor stated that he does not like using tax payer's money for unnecessary things or for your (Schlenker's) client's negligence.

At this point in time, the Village board will take a vote. In thirty days, Mr. Hangarter will comply with everything that is required or give your best efforts of everything that is required. If 30 days is up and Schlenker is gone and there is another attorney then this Village Board will take appropriate steps to reach a decision.

Trustee Morra stated that he wanted to be clear on what the vote is going to be on. He wants the building to be certified by the engineers that everything is safe, and that all other aspects are in order, and the site plan review, and the variance.

Trustee Legg stated that he is an engineer and he knows that this is not all going to be cleared up in 30 days. The Variance may be able to get cleared up but you may not get the engineers in there to look at the building and certify that it's safe within 30 days.

Mr. Schlenker stated that he feels that the Village Board will be impressed by these engineers (Crawford and Associates). They are going to come in and they are not going to be applicants. They look at there own liability and their own integrity. They will identify problems that need to be corrected.

Trustee Legg asked realistically do they think they could get this done in 30 days. Mr. Schlenker replied that realistically in 30 days they will identify and correct some things. He continued stating that he thinks that they can see where they are in 30 days.

Trustee Legg stated that we should have the variance issue cleared up in the 30 days and they (TYC) should be working on the other things as well.

Mr. Pratt stated that he will not be here for the next meeting and would appreciate correspondence by Labor Day. Mr. Schlenker gave Mr. Pratt his card to get the ball rolling.

Schlenker stated that they will give whatever they can in 30 days.

Trustee Morra stated that he wanted everything completed as he previously stated.

Trustee Legg stated that he would like give the 30 days on the variance and on the other things but don't think realistically that everything completed.


The Mayor stated that in 30 days they will re-evaluate with the expectation that everything will be completed for compliance at the next Village Board Meeting.

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

Tal stated that before we adjourn the meeting, he wanted to point out that the next board meeting is actually 31 days. The Board stated that it would be fine to have 31 days instead of 30.

  
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 Glenn Weyant, Mayor

  
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 Paul Morra, Trustee

  
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 Edward Legg, Trustee