

**VILLAGE OF TANNERSVILLE  
CONTINUED PUBLIC HEARING  
September, 9<sup>TH</sup>, 2004**

A continued public hearing was held on Thursday, September 9<sup>th</sup> 2004 at 6:00 pm in the Village Hall.

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

Also Present: Fred Haines, Terri Legg, Dennis Schlenker, Clifford Bertrand, Darryl Legg, Ellen Wade, Emilia Wolny, Nancy Solaas, Mark Flynn, Barbara Hamrah, Jim Planck of the Catskill Daily Mail.

The mayor opened the meeting with the pledge of allegiance.

The Mayor then turned the floor over to Mr. Schlenker, counsel for The Yacht Club.

Mr. Schlenker stated that since the last meeting, because of the status with his client, everything will be reviewed by Crawford and associates giving them a second opinion. and all matters will have been complied in a reasonable amount of time. It was Mr. Schlenker's understanding that there was at least 1 or several meetings with Barton and Logudice, Mark Anderson, and with Mr. Griffin (Village CEO). He continued to state that he had no control over Barton and Logudice. They have noted that on those plans [submitted to the Village Board this evening] are 80% complete. Within the next few weeks they will have the remaining 20% done to Mr. Griffin. Mr. Schlenker stated that they are addressing every issue to satisfy the board so that this project should go forward. Mr. Schlenker also stated that it was his understanding that Mr. Anderson from the NYS DOS Codes Division was p to full speed on this project. He continued to say that the board had some concerns to contact Mr. Pratt. There was at least one attempt by Mr. Hangarter himself to contact Mr. Pratt.

Tal Rappleyea stated that he had contacted the DEP in regards to the right of way over the sewer. Gail Buckman did confirm that TYC did make the appropriate application to be allowed to build that deck over the right of way. She had given them (TYC) verbal consent but had not gotten them anything in writing.

Mr. Schlenker continued that if DEP said no, then he will go to them again, and that they are trying to put this project through. He also stated that when Mr. Griffin gets the plans, the engineers will available for questions.

Trustee Legg stated that he wanted to know if any progress had been made with thei issue of the variance.

Schlenker stated that he doesn't understand what Mr. Pratt wants. He does understand Mr. Pratt's concerns for the noise and the location of the property. TYC is willing to work things out.

Trustee Legg asked if the plans would be certified and the engineers were going to building certify that the building is in compliance with those plans.

Mr. Schlenker stated that yes absolutely and when Barton and Logudice is finished with those plans, Crawford and Associates will look at them as well.

Trustee Legg stated that the engineers should show the 100% over design and the 6% stress would make it 94% and could have eventual failure.

Schlenker stated that the engineers took that into account and have factored that in.

Trustee Legg stated that it would be interesting to show that the 6% is insignificant to the design criteria.

Mr. Schlenker stated that TYC will comply fully and Barton and Logudice would not put their name on the line. Crawford and Associates will also look at these. If there are any issues, they will correct the errors.

Trustee Legg stated that anyone with a PE stamp wouldn't certify plans that are not in compliance.

The Mayor stated that one of the previous architects did in fact certify plans and submitted them to the Village that were NOT in compliance.

Schlenker stated that Barton and Logudice and Crawford and Associates were handling this situation very seriously.

The Mayor asked Mr. Griffin to give an overview of the meeting he had with Mark Anderson, and Barton and Logudice. The board was a little behind the scenes and would like to get caught up.

Mr. Griffin stated that it was a regular meeting for the review of the plans for the sprinkler system. There were parts of the building that he himself had never been in before. TYC has a long way to go. They looked at the overstress issue as well as some sections of the building with fire hazards. In the first small extension they built (they were allowed to put footings only in due to the weather), they didn't use pressure treated lumber. They excavated about 2-3 feet of soil from underneath the building. There were also some issues with the railings. The deck is only 1 ft. from the property line in some spots. For the sprinkler systems, and firewall, if they are not going to do them, they will need a variance. They have a lot of work to do.

Mr. Schlenker stated that Barton and Logudice is working with Crawford and Associates. The State is supposed to issue a to do compliance list.

Mr. Griffin stated that he gave MA the website to keep himself informed about TYC's grand opening on Halloween. Right now they have an occupancy level of 99 due to the good graces of the Department of Health and Mr. Greg Lubow. If they were to have live music, they are bound to have more than 99 people and Mr. Griffin stated that he will wrap a chain around the building and shut it down. If something should happen, he will not let the Village be held responsible for it.

Mr. Griffin continued that there were parts of the building that he had never seen before – Doors were always locked. There is a firewall that needs to be built. Roth tried to draw one on the plans. TYC would have to start at the foundation and take it through the building.

Tal asked where the firewall was to be located.

Mr. Griffin stated that anywhere in the building between the business and the temporary residence. It should be between the kitchen and the rest of the building. The Village, as well as himself, were told that this would get done, but it hasn't. In the kitchen, there is a walk-in fridge.

Tal asked if the above apartments were occupied.

Mr. Griffin replied that maybe Andrew Wonly lived there, and he may be the only one allowed because he is the tenant and has a lease on the place.

Tal stated that the only person that may live up there is the owner. Not the tenant.

The Mayor stated that this didn't sound right from a DOH point of view.

Tal asked if the 2 hour firewall by the bathroom would protect the residential space, and Mr. Griffin replied yes.

Mr. Griffin was then reviewing the plans submitted to the Village this evening. Mr. Schlenker stated that they are addressing all of the concerns and that they are not requesting an extension – they are showing progress.

Tal stated that from a legal stand point, making a decision on the variance and site plan review, time will be hasty and lead to a very tight window. They can be separated from the other issues. The board doesn't need to make a decision as far as the application goes.

Trustee Morra asked Mr. Griffin if there was a fire hazard. Mr. Griffin replied yes. Trustee Morra then asked why the building was still open and Mr. Griffin replied that it was an existing condition in an existing building.

Mr. Griffin also added that there will need to be an inspection on the electrical in the building.

Mr. Schlenker asked Mr. Griffin if he could be provided with a list of immediate issues and he will personally see that they are addressed.

The Mayor stated that he received 2 emails from Mr. Pratt. As of 4 days ago, there has been zero communication with Mr. Pratt. An Abutting land owner is concerned with the changing of land use of the property because she has a right of way from Main Street through her property to TYC.

Mr. Schlenker asked which property owner, and the Mayor stated that it was the Krooked Café.

The Mayor continued that there are existing liabilities that the board was not aware of until tonight. Mr. Griffin made reference to not being invited to other parts of the building, it seemed as though they did not want him in there.

Mr. Schlenker stated to Mr. Griffin that he will make sure that he has unlimited full access to the building.

The Mayor stated that he gets concerned that minutes before a meeting things start to come in. The Village board is owed more than a 4:30 fax. This did not give us ample time to follow up and review and makes us uncomfortable. The 19 violations that were issued seem to be shorthanded. The Village has expended tax payer's money to defend its position paying for counsel. The Mayor stated that his position is that Mr. Schlenker has to convince him that the liability for the Village is going to get done in a quick matter. We are very uneasy; it has been going on for almost a year. – Mr. Griffin stated that it has been over a year. Things still seem to be fractured. Lists are not there and parties are not getting the necessary information, and it worries us. We need to work at the fractures putting the safety issues as a priority. The Mayor stated that in his term he did not want any casualties and wants TYC to demonstrate in an effective and timely way to resolve this matter.

Schlenker stated that he will try to get Ron Slade from Barton and Logudice to call Mr. Griffin and CC Tal. He will also make sure that Mr. Griffin retains full access to the building and won't stay part of this case if this doesn't happen.

Trustee Legg stated that if Mr. Griffin gives TYC a safety list, the engineers will have to create a timetable that is realistic to comply to the issues or they will be shut down.

Schlenker asked Mr. Griffin to review the plans and have them by Monday.

The Mayor stated that he would not feel comfortable until the engineers are sitting across from the board with the completion of construction plans with safety items as number

one. The Mayor stated that he proposed that we continue this for 2 more weeks and have a meeting with everybody here – The Village Board, Counsel, the Engineers, etc.

Mr. Schlenker stated that he could not make it on a Thursday and Trustee Legg suggested that the meeting be held during the day so the engineers can come during regular business hours.

The Mayor proposed September 28<sup>th</sup> at 1:00 pm here in the Village Hall. The Mayor asked the board and Counsel if that was a good time for them and all parties agreed.

The Mayor then opened the floor for public comment.

Jeff Prince stated that in speaking with Mr. Hangarter, he didn't want to hold back on this and he wanted to get this resolved as quickly as possible.

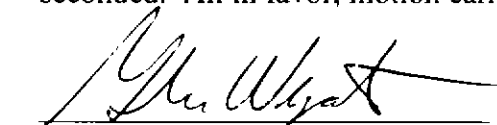
Fred Haines stated that this is costing tax payer's money and he doesn't understand why it has taken so long to get resolved. He then asked the board individually if any member told Mr Hangarter to go ahead and build with out a building permit.

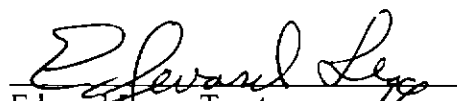
The Mayor, Trustees Morra and Legg, all replied no that they did not give Mr. Hangarter the go ahead.

Mr. Haines then asked Mr. Griffin the same question. Mr. Griffin replied that Frank Groff was filling out the building permit application for a small extension and told him that he could put in the footings only because of the weather. Mr. Haines stated that Mr. Griffin had no right to give him the go ahead on that because he had three people to answer to on the board.

The Mayor asked if there were any further comments from the Board or audience.

With there being no further business Trustee Legg made a motion to adjourn the public hearing until September 28<sup>th</sup>, 2004 at 1:00 pm in the Village Hall. Trustee Morra seconded. All in favor, motion carried.

  
Glenn Weyant, Mayor

  
Edward Legg, Trustee

  
Paul Morra, Trustee