

Village of Tannersville
Board of Trustees

A continued public hearing was held by the Village of Tannersville Board of Trustees on Tuesday, September 28th, 2004 at 1:00 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, Building Inspector and CEO

Also Present: Ron Slade from Barton and Loguidice (B&L) PC, Jeff Price, Orville Slutzky, Fred Haines, Donna Weyant

The Mayor opened the meeting with the Pledge of Allegiance.

The Mayor then turned over the floor to Dennis Schlenker, Counsel for The Yacht Club.

Mr. Schlenker stated where they left off there were discussions with Mr. Griffin regarding the immediacy of certain safety and code violations with respect to this project, completion of the plans, etc. to give satisfaction to the board to get this project moving forward on track and to keep it on track, and to satisfy the concerns of the citizens. There had been concerns with Mr. Pratt regarding the sewer and is being dealt with. Mr. Pratt has also spoken with Mr. Hangarter regarding the use of the property. It seems that Mr. Pratt's prime concern is the use.

In regards to satisfy Mr. Pratt's concerns regarding noise, use of the deck, hours of operation, Mr. Hangarter is willing to do a good faith effort, and willing to document specific use of TYC. By the time Mr. Pratt arrives on the weekend Mr. Hangarter will have a copy of the survey provided to him. Plans have been submitted with documents. He will comply with the rules and regulations of the Village of Tannersville as well as the State of New York.

Ron Slade, a Professional Engineer and Registered Architect from B&L stated in the recent meeting with Mr. Griffin and Mark Anderson, they went through all of the correspondence regarding TYC concerns and issues. They submitted 100% complete set of documents with 13 sheets of drawings to the Village of Tannersville. All of the violations were addressed as well as the sub-par construction and reviewed the structure. In the past 2 years the codes have changed and now have to look at unbalanced load structures. Unfortunately there has to be structural improvements. We are waiting on the flood elevation to see if TYC is in the flood district. If this building is, the renovations will be minor to fix.

Mr. Schlenker stated that there is no effort to cloud information. They are trying to take into consideration the concerns of responsibilities to the community and get things in order crossing the t's and dotting the i's. He continued to state that Mr. Hangarter has been made aware of the code changes and he will comply.

The Mayor stated that this is why there is a process to get structural design plans to the Village Board for them to be reviewed and then a permit is issued. The Building inspector has reviewed prior plans and stated the problems and therefore has not issued a building permit because of safety factors. The building inspector is certified to the New York State Building Codes and he knows his job. The Mayor stated that for the record [Mr. Hangarter] was not given a permit because the Village was not given applicable engineering to authorize the permit. It seems that now the fears have been identified and it is appreciated. Now we have to come to the reality of protecting the Village and safety of the Public. The Village is justified in doing what was done to protect the community.

The Mayor stated to Mr. Schlenker that he has done in 6 weeks what the other attorneys couldn't do in a year. This was 13 months to get to where we are today. So far Mr. Schlenker has kept his word. It seems that we all are committed to the public.

The Mayor stated that the Morning after the last meeting, Mr. Hangarter called Maggie <Landis> while he was there. The Village Board has bent trying to get Mr. Hangarter to contact Skip Pratt for 13 months. Last night is when Jeff Prince called Skip Pratt with Mr. Hangarter on 3rd party line. Mr. Pratt called the Mayor about the conversation with Mr. Prince and Mr. hangarter. It was the Mayors opinion that if it wasn't for Mr. Prince's assistance, that conversation may not have taken place. The Mayor then introduced an article from the August 7th, 1987 edition of the Windham Journal about a fire in Mr. Pratt's building so that everyone understands Mr. Pratt's paranoia about barbeques on the deck with it being as close as it is to his [Mr. Pratt's] property. Mr. Hangarter had the tenacity to call Ms. Landis the morning after the last meeting, but not Mr. Pratt to get this process expedited.

Schlenker stated that the lynch pin in the agreement with Mr. Pratt and Mr. Hangarter would be that there will be no barbeques on the deck or preparation of food. The use of the deck will be strictly circumscribed and how that will be done to satisfy Mr. Pratt's concerns.

The Mayor then asked Mr. Schlenker if there was an agreement with Mr. Hangarter and Mr. Pratt saying that Mr. Hangarter was allowed to do renovations that were infringing on Mr. Wolny's Liquor license (Drew Wolny had a lease on the building).

Mr. Schlenker stated that the liquor license was not implicated and he doesn't have information to answer the Mayor's question but is aware of State Liquor Authority regulations. Mr. Schlenker stated that something has happened to the tenant recently in regards to a criminal nature and because of that there may be some changes regarding the relationship. Mr. Schlenker gathered that the board knew what he was talking about.

The Mayor stated that he was aware of it. Mr. Wolny was operating the building and Mr. Hangarter renovated the building when it was leased to him and the liquor license was under his mother's name.

The Mayor asked again if there was permission to renovate the building.

Schlenker stated that there was permission and he would find out if there was any documentation of agreement between Mr. Hangarter and Mr. Wolny and supply the necessary documents to Mr. Rappleyea.

The Mayor then asked Mr. Slade if he was in the board's position, would he let this building open.

Mr. Slade stated that there was a letter from the DOH in the file that stated the building is unsprinklered and for an occupancy load of greater than 100 people there is supposed to be a sprinkler system installed. The letter also stated that they can operate to an occupancy of 99 people.

The Mayor stated that the letter Mr. Slade is referring to had nothing to do with what he just asked Mr. Slade. The Mayor re asked his question if he owned that building would he allow people to go in there, specifically his family to have a good time, in his opinion as a Professional Engineer.

Ron Slade stated that the building has stood the test of time and there are certain things to take care of immediately.

Tal asked what those immediate concerns were.

Ron Slade stated that there are posts that can be ID separately. They have created a list but it needs to be prioritized .

The Mayor stated that this prioritized list was asked for at the previous meeting.

Ron Slade stated that they did go through and make a list but it didn't contain some of the structural concerns.

Schlenker asked Mr. Slade how long it would take to fix the structural concerns. Mr. Slade replied that it may take a month or 2 before the snow load concerns are addressed.

Tal re-asked the questions of the immediate concerns and if the posts he was referring to were the foundation posts.

Slade stated that the posts are attached to the footings, columns have to be enlarged, a new beam on the roof at the ceiling addition to fix the 6% overstress.

The Mayor asked if that beam was the beam that they accidentally cut through with a chainsaw, then bolted it back together, and covered it up with sheetrock so no one would see it.

Mr. Griffin stated that he was not sure of the exact location of that beam.

Tal asked what a 6% overstress means.

Ron Slade stated that for a particular snow load based on what the codes say and what the codes allow, there is a safety factor. The roof may bend, and could possibly break.

Tal asked if there was a permissible overstress.

Ron Slade replied that if there is less than a 5% overstress its negate. If it is over 5% then beams have to be added.

Tal again asked what the other things on the immediate list were because that is why we were here.

Keith stated that there is 1 post in the front section that he wanted to know how it fit in with the 6% overstress factor.

Trustee Legg asked Mr. Slade if he could come up with a complete list of priorities and a time table as to when those items would be completed and to occupy the building.

The Mayor stated that if the building was to remain open he would like a letter from the architect saying it is safe to keep open.

Tal added that absent to that letter his recommendation would be to shut the building down.

Trustee Legg asked if they gave the list of critical items would that be permissible.

Tal stated that if the engineers gave us a list and a letter saying that in their (B&L's) opinion, that this building was ok to occupy to 99...Trustee Legg asked how we could enforce that. Tal stated that someone would have to do a head count and if they were over 99 they would be shut down and we would have to cite them.

Schlenker stated that for this in-term period Mr. Hangarter will adhere. He welcomes unannounced inspections.

The Mayor stated that this task has consumed him tremendously. The Village has been patient and come to multiple meetings, and canceled trips. The Mayor stated that Mr. Hangarter has not come to one meeting. For the record it is an insult to the board that he has not shown up.

The Mayor continued to say that if we receive this letter that the building is safe to occupy with Mr. Slade's PE stamp it will relieve the Village of any liability.

Schlenker recapped what the Mayor said and stated that they are going to provide a list of critical items and construction should be addressed. On an in-term basis, Ron Slade will go back to B&L and provide a letter that the premises is safe to stay open. He understood everybody's concerns.

Mr. Schlenker then asked Mr. Slade how long it would take for B&L to get a letter to the Village. Ron Slade replied that the Village would have it by the end of the week.

Trustee Legg stated that most of the critical items should be addressed fairly rapidly.

Ron Slade stated that adding the timber to the existing structure columns to the foundation are the most problematic. Most of the stuff will be done readily.

The Mayor then asked the board if they has a problem with the suggestion he mentioned earlier regarding the receipt of the letter. Both Trustees Legg and Morra agreed that the suggestion was good.

Jeff Prince stated one of the issues from the beginning was the building permit, but if the letter is received and the building permit is issued then everything will be ok.

The Mayor stated that he received a letter from Mr. Orville Slutzky and he (the Mayor) had no doubt that someone gave Mr. Slutzky some off base information. In regards to the comment regarding the certified blueprints, Mr. Slade is the first person to supply the Village with appropriate blue prints of the building and that is why TYC never received a building permit.

Mr. Slutzky stated that he wrote the letter with retrospect to the businesses in our area. He stated that he did not get into specific problems that may have existed or corrected. All he wanted to do is express his feelings to the Village board on how important it gives a place for people to go after hours.

The Mayor quoted the letter "...to discriminate against somebody who has worked hard to support needs of the community..." The Mayor stated that the Village is not discriminating against anybody. The Village just doesn't want an incident happen in our community. The Mayor stated that he wanted to make an appointment with Mr. Slutzky and inform him of what is going on.

Mr. Schlenker stated that he admired the Mayor's comment from a previous meeting where he stated that he was not in the business to close down businesses. Mr. Schlenker stated that he wanted a tight construction schedule, wanted to get things done, and he recognized immediate concerns.

The Mayor stated that by Friday 10/01/04, if the Village does not receive the letter, the board will set up a special meeting to push on forth for the closure which may or not be a bad thing. They could do work without working around people and could do the work rapidly.

Trustee Legg asked if the building permit would be issued once the letter is received because Mr. Hangarter can't do any work until the building permit is received.

Mr. Griffin referred to the section of the Building coded known as footnote g which specifically contradicts the code itself. Mr. Slade stated that he would have to read the commentaries regarding this footnote.

Tal stated that the Village should have B&L submit their letter by Friday at noon to give Mr. Griffin enough time.

The Mayor stated in Orville's letter he mentioned the adding of more rooms at TYC and this was the first time the Village has heard of these new rooms.

Schlenker stated that in the mean time the building permit application can be filled out to speed up the process in parallel.

Schlenker also stated that the Village Board represents the tax payers of the Village of Tannersville. Violations are to be looked at through the building inspector.

The Mayor stated that the Engineers showed proof of what needs to be fixed. We issued 19 violations to Mr. Hangarter.

Fred Haines stated that he should have been shut down and he shouldn't have been given the go ahead. Mr. Hangarter is involved with the Village and has donated money for the bike path.

The Mayor stated that Mr. Hangarter had the violations for months – some of which have been worked.

Mr. Haines stated that Mr. Hangarter was weeded out.

Jeff Prince stated that this should keep going in the right direction. The reason Mr. Hangarter doesn't come out is because he doesn't want confrontation. This is strictly business and not personal and doesn't mean disrespect to the board.

Schlenker stated that he agreed with Mr. Prince that there is no disrespect to the board. He also stated when Mr. Griffin comes to do the final inspection there will be a good level of construction, a good job, and not sub-par construction.

The Mayor stated that there have been no arguments since Mr. Schlenker has been the attorney. The Village Board is here to protect the people of the Village as said when each member took their oath.

Ron Slade stated they are repairing things that shouldn't have been approved in the first place.

Schlenker asked when the next Village Board meeting was going to be held and they could see where the project stood at that point.

Jeff Prince stated that you lose 2 weeks and suggested a special meeting after the letter is received on Friday.

The Mayor stated that the Village needs Mr. Pratt's consent with a letter of agreement between him and Mr. Hangarter along with B&L's Letter. Once all of those things are received, it will set up the site plan review. Without these items we cannot go to site plan review.

Jeff Prince stated that we do not need Mr. Pratt's consent.

Tal stated that from a legal stand point we don't need consent. But from a litigation stand point, the Village wants to avoid an article 78 where Mr. Pratt can sue the Village for violating their own laws for allowing with TYC to proceed.

Mr. Schlenker stated that he will deal with the issue with Mr. Pratt.

The Mayor stated that for a special meeting everything has to be submitted to the Village. He advised Mr. Schlenker to get in touch with Mr. Hangarter and Mr. Pratt and work on the agreement.

Tal stated the building permit can't be issued until the site plan is approved and variance is granted or agreement with regards to the variance is done. The Site Plan and variance will be dealt with in this process. He recommended that the Village adjourn to a date to see where the situation lies and then they can do the building permit.

Mr. Griffin stated that Joe Damrath from the DEP issued a violation for impervious services and he wasn't sure if that had been taken care of. The Mayor asked Tal to get in contact with Gail Buckman from the DEP to see if the issue was resolved.

Trustee Morra stated that if that the Village Board has to meet as a board, he is unavailable to the 14th of October.

The Mayor stated that the Special Meeting on this issue will be at 6:00 on October 14th in the Village Hall prior to the regular board meeting at 7:00. The Mayor stated that we have to wait to have the special meeting on the 14th because you have to have a unanimous board according to the land use and set back law.

Orville Slutzky stated that the letter was written only to keep business alive.

The Mayor asked the audience for further public comment.

Being there were no further comments from the public, Trustee Morra made a motion to close the continued public hearing. Trustee Legg seconded. All in favor, motion carried.

The Mayor opened a special meeting.

Trustee Legg made a motion to approve resolution number 33 of 2004 authorizing the submission of a grant application to the Rails to Trails Program from the New York State Office of Parks, Recreation, and Historic Preservation. Trustee Morra seconded. All in favor motion carried.

Trustee Legg made a motion to pass resolution number 34 of 2004 authorizing the submission of a grant application to the NYS DEC for a dam safety project for reservoir #3. Trustee Morra seconded. All in favor motion carried.

Trustee Morra made a motion to pass resolution #35 of 2004 supporting a collateral source bill. Trustee Legg seconded. All in favor, motion carried.

Trustee Morra then made a motion to elect T. Patrick Meehan, JR and Dennis Lucas as regulars of the Executive committee members of the Coalition of watershed Towns and Richard Morse as an alternate member. Trustee Legg seconded. All in favor, motion carried.

A discussion then evolved regarding the attendance of workshop meetings. The board agreed that for future policy the clerk is to contact each board member to invite them to the meeting and they can elect to come or not to come.

The Mayor then moved the meeting along and opened a public hearing for the adult entertainment. The Mayor stated that Dolph Semenza donated 2 parcels of his land at Village Market.

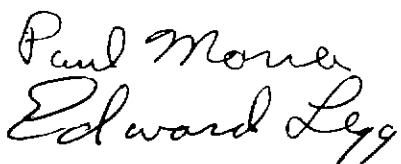
The Mayor then asked the board and public for comment.

Being that there were no comments on the proposed adult entertainment law, Trustee Legg made a motion to close the public hearing. Trustee Morra seconded. All in favor, motion carried.

Trustee Morra made a motion to adopt local law number 3 of 2004. Trustee Legg seconded. All in favor, motion carried.

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


Glenn Weyant, Mayor


Paul Morra
Edward Legg