

**MINUTES OF REGULAR TOWN BOARD MEETING OF THE TOWN BOARD OF THE TOWN OF HUNTER HELD ON TUESDAY, NOVEMBER 17, 2015 AT 7:00PM AT THE TOWN HALL LOCATED ON RTE. 23A IN TANNERSVILLE, NEW YORK.**

<b>Present:</b>	<b>Daryl Legg</b>	<b>Supervisor</b>
	<b>Anthony Coiro</b>	<b>Councilman</b>
	<b>David Kukle</b>	<b>Councilman</b>
	<b>Raymond Legg</b>	<b>Councilman</b>
	<b>Dolph Semenza</b>	<b>Councilman</b>
	<b>Corina Pascucci</b>	<b>Town Clerk</b>
<b>Others Present:</b>	<b>Larry Gardner</b>	<b>Town Attorney</b>
	<b>Lara Hamrah-Poladian</b>	<b>Secretary to Supervisor</b>
	<b>Sgt. Robert Haines</b>	<b>Hunter Police Department</b>
	<b>Plus all names on attached listing.</b>	

Supervisor Legg calls the meeting to order at 7:00 PM with the Pledge of Allegiance to the Flag.

AUDIT – The following vouchers were audited and approved for payment by the Town Board:

General Fund (TW) Voucher #465 through #513 in the amount of \$112,215.18  
 General Fund (TOW) Voucher #1051 through #1052 in the amount of \$12,785.59  
 Highway Fund (TW) Voucher #174 through #199 in the amount of \$35,846.07  
 Highway Fund (TOS) Voucher #1074 through #1083 in the amount of \$27,608.50  
 Landfill Closure Fund Voucher #95 through #100 in the amount of \$2,934.18

**PRIVILEGE OF THE FLOOR**

R. Bates asks if he will be able to ask questions under the Land Use item on the agenda.

Supervisor Legg states yes.

**MINUTES**

Councilman Coiro makes a MOTION to approve minutes of Regular Meeting 10/20/15 & Public Hearing & Special Mtg. of 10/28/15. Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

**TRANSPORTATION CORPORATION/MACHNE TASHBAR:**

Board acknowledges received from Grant & Lyons LLP comments on draft Certificate of Consent

Board acknowledges petition received.

Supervisor Legg offers RESOLUTION #13 of 2015 – Resolution of consent to the formation of the Machne Tashbar Sewage Works Corporation pursuant to Article 10 of the Transportation Corporations Law. Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

**TOWN OF HUNTER**

A meeting of the Town Board of the Town of Hunter was convened in public session at the Town Hall, 5748 Route 23A, Tannersville, New York on November 17, 2015. The meeting was called to order by Supervisor Legg and, upon roll being called, the following were present:

PRESENT: All councilmen

ABSENT: None

The following Resolution was offered by Daryl Legg, seconded by Dolph Semenza, Sr., to wit:

RESOLUTION OF CONSENT TO THE FORMATION OF THE  
MACHNE TASHBAR SEWAGE WORKS CORPORATION PURSUANT  
TO ARTICLE 10 OF THE TRANSPORTATION CORPORATIONS LAW

WHEREAS, on June 13, 2014, a petition was submitted to the Town Board by Machne Tashbar requesting the Town Board's consent to the formation of the Machne Tashbar Sewage Works Corporation pursuant to Article 10 of the Transportation Corporations Law; and

WHEREAS, by letter of October 29, 2014, Machne Tashbar amended its petition to limit the geographic area to be served by the proposed Machne Tashbar Sewage Works Corporation to two existing parcels; and

WHEREAS, on February 17, 2015, by resolution No. 6, the Town Board denied the request by Machne Tashbar in its petition dated June 13, 2014, as amended October 29, 2014; and

WHEREAS, on Machne Tashbar submitted a revised petition dated September 10, 2015, again requesting the Town Board's consent to the formation of the Machne Tashbar Sewage Works Corporation pursuant to Article 10 of the Transportation Corporations Law ("Revised Petition"); and

WHEREAS, a duly noticed public hearing was held on October 5, 2015 at the Town of Hunter Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said formation of the Machne Tashbar Sewage Works Corporation and all spoken and written comments received by the Town Board have been considered; and

WHEREAS, the consent to the formation of the Machne Tashbar Sewage Works Corporation constitutes a Type II action for purposes of the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5(c)(26) as the proposed action involves only a change of ownership with no construction or expansion of the existing sewer service area.

WHEREAS, Machne Tashbar is a religious corporation duly incorporated and existing pursuant to Article 10 of the Religious Corporations Law, having filed its certificate of incorporation in the office of the Kingsd County Clerk on April 1, 2003; and

WHEREAS, Machne Tashbar currently owns and operates a wastewater treatment plant pursuant to SPDES Permit No. NY 026-3061 which services parcels 209.00-3-17 and 209.00-2-6.1, the two parcels proposed to be included in the service area of the Machne Tashbar Sewage Works Corporation; and

WHEREAS, the Machne Tashbar wastewater treatment plant has been approved by the New York State Department of Environmental Conservation by the issuance of the aforementioned SPDES Permit and has received the approval of the New York State Department of Health for its existing community sewer system; and

WHEREAS, the owners of the two parcels proposed to be included in the service area have provided their written consent to the formation of the Machne Tashbar Sewage Works Corporation;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Hunter that:

1. The Town Board hereby consents to the formation of the Machne Tashbar Sewage Works Corporation pursuant to the terms and conditions set forth in the annexed Certificate of Consent, and hereby adopts said Certificate as evidence of its consent; and
2. The Town Board hereby authorizes and directs the Supervisor to sign the annexed Certificate of Consent and to take any and all further actions as may be necessary to effectuate the aforementioned consent.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Daryl Legg	Voting: Aye
Dolph Semenza, Sr.	Voting: Aye
Raymond Legg	Voting: Aye
David Kukle	Voting: Aye
Anthony Coiro	Voting: Aye

Dated: November 17, 2015

**TOWN BOARD OF THE TOWN OF HUNTER  
STATE OF NEW YORK**

-----

In the Matter of the Application of

**MACHNE TASHBAR      CERTIFICATE OF CONSENT TO FORMATION OF THE MACHNE TASHBAR SEWAGE WORKS CORPORATION**  
For Consent to the Formation of the  
Machne Tashbar Sewage Works Corporation

-----

WHEREAS, a revised petition dated September 10, 2015, was submitted to the Town Board by Machne Tashbar for consent to form the Machne Tashbar Sewage Works Corporation pursuant to Article 10 of the Transportation Corporations Law;; and

WHEREAS, a duly noticed public hearing was duly held on October 5, 2015, at the Town of Hunter Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said formation of the Machne Tashbar Sewage Works Corporation; and

WHEREAS, the consent to the formation of the Machne Tashbar Sewage Works Corporation constitutes a Type II action for purposes of the State Environmental Quality Review Act pursuant to 6 NYCRR § 617.5(c)(26) as the proposed action involves only a change of ownership with no construction or expansion of the existing community sewer service area; and

WHEREAS, on October 28, 2015, the Town Board of the Town of Hunter adopted this Certificate of Consent to Formation of the Machne Tashbar Sewage Works Corporation (hereinafter the "Corporation") upon the following terms and conditions:

1. Ownership of the existing Machne Tashbar wastewater treatment plant ("WWTP") and all associated pipelines, appurtenances, easements and rights of way, and the existing SPDES discharge permit for the WWTP, SPDES Permit No. NY 026-3061, shall be transferred from Machne Tashbar to the Corporation in exchange for stock of the Corporation within thirty (30) days of the Town Board's adoption of this consent. Prompt notification of the conveyance and copies of all documentation of said transfers shall be submitted to the Town Board for the Town's records.

2. The service area of the Corporation shall be strictly limited to the two parcels currently served by the Machne Tashbar WWTP, namely the Machne Tashbar parcel identified as tax parcel no. 209.00-3-17 and the Gemach Chasdi Yoel parcel identified as tax parcel no. 209.00-2-6.1, formerly known as the “Redcoats” parcel, as said parcels are currently configured and as proposed in the petition. As set forth in condition #5 of the approved site plan for the Machne Tashbar wastewater treatment plant dated 6/29/2007, last revised 10/30/07, the service area shall be the existing facilities on the Machne Tashbar property and the Redcoats property that generate wastewater and any in-kind replacement of such structures. No increase in said service area, whether by means of increase in the size of said parcels or by the addition of other parcels, shall be made.
3. The maximum permitted flow of the discharge from the Corporation’s WWTP shall be limited to the existing SPDES permitted flow of 26,000 gallons per day (gpd), 30 day average, as stated in the petition, and no application shall be made to Department of Environmental Conservation (“DEC”) or any other agency to amend the SPDES permit to increase the permitted flow.
4. Development of the existing structures in the service area shall be limited to what can be served by the WWTP under the existing 26,000 gpd, 30 day average, SPDES permit and the laws and regulations of New York State, DEC, New York City Department of Environmental Protection (“DEP”), New York State Department of Health (“DOH”), Greene County Department of Health and the Town of Hunter. The total overnight population served by the WWTP shall be limited to that number of persons who can be served within the existing WWTP flow limit, assigning a flow to each person of no less than 67 gpd.
5. As stated in the Petition, the operating costs of the Corporation are estimated to be \$75,000.00 per year, assuming operation during the months of June, July and August with monthly operator certification, sampling and maintenance during the months of September through May. The sewer service charge shall be the total of the operating costs and debt service, if any, and shall be assessed to the two parcels in the service area based on the pro-rata water usage of each parcel. The Corporation shall provide to the Town Board by April 1 of each year an independent audit of the previous year’s finances conducted and prepared by an independent certified public accountant.
6. Within three (3) months of the date hereof, Machne Tashbar shall execute and record a deed restriction on its parcel for the benefit of the Town of Hunter with language approved by the Town Attorney that will prohibit the construction of a sewer extension or lateral on its property that would cross over, through or under the Schoharie Creek. Such deed restriction shall run with the land.
7. Machne Tashbar shall within six (6) months of the date hereof or as soon thereafter as feasible convey to the Town of Hunter a conservation easement limiting further development on Machne Tashbar’s parcel within fifty (50) feet of the top of the bank of the Schoharie Creek. The text of the conservation easement shall be subject to prior approval of the Town Attorney and shall include a provision prohibiting the construction of a sewer extension or lateral that would cross over, through or under the protected area. The Town shall reimburse Machne Tashbar for Machne Tashbar’s closing costs, including title search, filing fee, drafting documents and survey and the cost to obtain Queens County Supreme Court approval of the transfer of development rights by a religious corporation.
8. As required by the Machne Tashbar final site plan approval, the Corporation shall promptly install a computerized, continuous discharge monitoring system to monitor flow, chlorine and pH in the WWTP discharge, which information shall be conveyed electronically live to the Town’s consulting engineer or other designee. This system shall be installed no later than May 1, 2016, in preparation for the summer season. The monitoring system and the reasonable cost of the consulting engineer’s review of the data shall be at the Corporation’s sole expense.

9. The Corporation shall provide simultaneous copies to the Town engineer or other designated Town official of all communications with DEC and/or DEP, including submission of monthly discharge monitoring reports. The Corporation shall permit inspections at reasonable intervals and reasonable times without advance notice by engineers retained by the Town Board and by building, zoning, health and safety officials acting on behalf of the Town Board, to determine compliance by the Corporation with the terms and conditions of this Consent.

10. Machne Tashbar guarantees that the Corporation shall continue to maintain and operate the WWTP and associated pipelines and appurtenances for a period of at least five (5) years, and as evidence of such guarantee shall within sixty (60) days hereof provide to the Town a performance bond, letter of credit or other form of security acceptable to the Town Attorney in the amount of \$ 75,000, the estimated cost of operations and maintenance for one year, and shall provide the Town with an assignment of the Corporation's interest in its Operation and Maintenance Agreement with DEP to be held in escrow by the Town Attorney so long as the Corporation continues to operate the system properly or to be drawn upon in the event of abandonment or discontinuance of the maintenance and operation of the system by the Corporation.

11. The stock of the Corporation shall be placed in escrow with the Town Attorney and title thereto shall pass to the Town in the event of abandonment or discontinuance of the maintenance and operation of the system by the Corporation or in the event of a violation by the Corporation of the terms and conditions of this Consent, which violation is not corrected within sixty (60) days of receipt of notice of said violation from the Town Board by the Corporation or Machne Tashbar. In event of such transfer of the stock of the Corporation to the Town, the Town shall be under no obligation to permit continued operation or occupancy of the subject parcels in the service area.

12. Machne Tashbar has waived and shall not use any power of condemnation it may otherwise have pursuant to Section 124 of the Transportation Corporations Law to acquire real estate, or any interest therein, to lay, repair or maintain conduits or sewer pipes with connections and fixtures and other necessary portions of the system, in, through or over the lands of others, and the certificate of incorporation of the Machne Tashbar Sewage Works Corporation shall so provide.

13. Upon approval of this Consent, Machne Tashbar and the Town shall exchange mutual general releases solely with respect to any and all claims arising from actions predating the date of the Town Board's approval of this Consent.

This consent to the formation of the Machne Tashbar Sewage Works Corporation shall not be deemed to constitute or be construed to indicate a willingness of the Town Board to approve high density residential development in the area of the subject parcels. The Town of Hunter Comprehensive Plan calls for low density, large lot residential development in the Platte Clove corridor.

IN WITNESS WHEREOF, this Certificate of Consent to the Formation of the Machne Tashbar Sewage Works Corporation is hereby executed by the Supervisor of the Town of Hunter as authorized by the Town Board.

Dated: November 17, 2015

\_\_\_\_\_  
Daryl Legg, Supervisor

#### AMBULANCE

Monthly Report acknowledged.

Board acknowledges receipt of memo from Ambulance Administrator Re: Holiday pay .

Board agrees to pay Allison Weiland for legal holidays.

#### POLICE

Monthly report acknowledged.  
Town of Hunter Police Department

## Monthly Report

October 2015

Calls for service:	91
Arrests made:	3
Criminal charges levied:	6
Criminal complaints:	7
Non-criminal complaints:	57
Assists to other agencies:	15
Uniform traffic tickets:	5
Parking tickets:	27
Accidents investigated:	5
Report requests:	1 = \$10

Discussion regarding purchasing either an SUV or a car. Board agrees that the SUV is something to consider.

## ASSESSOR

Monthly report acknowledged.

## GRIEVANCE BOARD

Supervisor Legg makes a MOTION to reappoint Dana Hommel to the Grievance Board. Seconded by Councilman Semenza.

Ayes-5-                      Noes-0-

Discussion regarding possible opening on Grievance board. Supervisor Legg states that George Nicholas is no longer a resident of the Town of Hunter and adds that he will be submitting a letter of resignation. Anyone interested in serving on the Grievance Board should contact the Town Assessor, Mark Hommel.

## BUILDING/CODE ENFORCEMENT

Monthly report acknowledged.

TOWN OF HUNTER

OFFICE OF CODE ENFORCEMENT

MONTHLY REPORT OF ACTIVITIES OCTOBER 2015

10	Building Permits Issued
1	Building Permit Renewals
3	Certificate of Occupancy Searches Performed
2	Certificates of Occupancy Issued
6	Certificate of Compliance Issued
0	Sewer Inspections
0	Notice of Violation
0	Sign Permits Issued or Renewed
1	Demo Permits Issued

10/1 Arrive @ 10:00 – Guy from North Lake Road asked about a car-port – Return call to Mike Esslie Attorney about house with no CO – Call Matt Burd DEP about Maul's new house hook-up – Greg Lubow called about Mazon property – Paul Brody in about #3343

- 10/2 Pat Byrne in about replacing single wide with new double wide – Jeremiah Dixon in about #3327, done, needs inspection – Nathan Hommel in about Twilight water system – Doug Ostrander in to renew #3265, Renew Building Permit #3265 – Sent letter and DEP rejection of Maul’s sewer hook-up to the Town Board – June Lodge guy in about his garage – Return call to Rocco about Demo and rebuild – Arboretum called about Permit – Mike Bliss KEA called back about Arboretum
- 10/5 Email from Catskill Mountain Builders about Sewer and water requirements for building – Issue Building Permit #3347 – Daryl in about BOH and Allison Stout – Daryl in about Maul and DEP – Certificate of Completion #3347 – Called DOH about Allison Stout – Returned a call to Barbara about building, in the Village – Return call to Beecher Smith about need for permit – Issued Building Permit #3348 – Certificate of Occupancy Issued Bob Mazon’s – Left a message for Allison Stout on her Cell – Guy from June Lodge in about garage
- 10/6 Return call to Mary Ellen DEP, left a message – Allison Stout called and came in for copy of paperwork on 122 County Route 25 – Called Marty from Platte Clove about electric hook-up – Pat Byrne in about replacing single wide with double wide – Jeff Prince in about permit – Issue Building Permit #3349 – Confirm training in Cairo 10/30 – Return call about plans for 36 Elka Park Road – Arboretum in, Issue Demo Permit 2015-7, Issue Building Permit #3350 – 36 Elka Park Road in to take pictures of house plans
- 10/7 Final Septic for 164.00-3-18 left on my desk by DEP Greg Squires, I emailed a copy to the owner – Rosney in with ? about lot line, not my specialty – June Lodge guy in about combining lots for his garage – Called Architect for Arboretum about snow load and wind load – Jimmy Wiltse in about repairs to Nick Bove property – Jeremiah Dixon in about #3327, did I inspect? - Called installer for Wade woodstove, need Workers Comp, back and forth – Mary Ellen DEP called about Onteora System
- 10/8 Received email insurance certificate from Ashes to Ashes – Download with help from Sarah pictures sent to my email – Issue Building Permit #3351 – Called Primax about sewer hook-up, left a message – Email from 167.00-2-9 about building a cabin in the woods – Email from Sarah, I called and emailed Village of Tannersville about Maul –
- Rocco called about putting a travel trailer on his property while building – Edwin Benjamin’s significant other in about flood maps – Back and forth with Robin in Tannersville about Maul – Superior Data called about CO Search
- 10/9 Message on machine and Email from Mary Ellen DEP giving ok for Onteora Permit – Issue Building Permit #3352 – Emailed 3 DEP letter to Larry Gardner about Maul sewer hook-up – Work on files – Complaint from Deborah Kruse about Hunter Highlands V unit – Edwin Benjamin in about a garage – Issue Building Permit #3353 – Sol in about building a house – Josh from Onteora in for Building Permit #3352
- 10/13 Answer Christine Wade ? on machine by email – read and answer emails – CO Search 150.03-5-3 – Review plans for deck, called engineer, needs higher snow load – Discovered someone installed a 2 way radio in



the Durango ??? – Inspect Demo #2015-7, Demo #2015-8, #3352 – Certificate of Completion issued Demo #2015-7 – Certificate of Completion issued #2015-8 – CO Search 164.65-3-2

- 10/14 Return call to Engineer about snow load – Return call to Kathleen Marsh about woodstove – Call Woolheater about doublewide – Edwin Benjamin called about Marsh woodstove – Inspect Marsh woodstove, not installed as per manufactures instructions – Inspect #3353, Woolheater site, #3335, #3305>#3320, #3349 – Issue Certificate of Completion #3335 – Call Jeff Prince about change of plans #3349 – Daryl left a message about Showers Road Sewer ready for hook-up, call Bogner @ DEP – received a call about a fireplace insert
- 10/15 Received a letter from Corina requesting Dr. note for my medical procedure, I go back 10/27 and will get it then - Received email from Lara with DEP list of hook-ups and sample letter – Daryl called about Showers Road hook-up I asked if there would be a fee for Building Permit – Spoke at length with Bogner from DEP about hook-ups – Steve Schildhorn PE in about renewable energy and to find out my status after medical procedure – 53 Showers Road in about hook-up, I informed him that I would be sending a letter in the next couple of days – Work on Sewer hook-up letter and application – Bod from modular model on 23A in about building – Guy from the Village of Hunter in with ?'s about putting a bedroom in the 3<sup>rd</sup> floor attic of a building
- 10/16 Email from DEP about Maul sewer – Call Daryl, he said no fee for hook-up permits – Type all hook-up letters and envelopes - Type all notification letter and envelopes for Showers Road sewer hook-up – Inspect #2648, #3349, #3237, #3297, #3337
- 10/19 Print applications for permit to hook-up sewer – Inspect #3200 – Send notifications to Showers Road sewer people – Received CO Search, belongs in the Village of Hunter – Issue Building Permit #3354 – Issue Certificate of Occupancy #2648 – Inspect #3349, #3352, #3350
- 10/20 Edwin Benjamin called about concrete – Steve Cavallero called about storage container, will talk to Sarah tomorrow – Send copy of CC #3294 to Solar Generation – Call Kendra about house @ 66 Hunter Lane, found plans and septic as built, Emailed septic to her - Email building permit application to Morabito for pellet stove – Email Mate Shuto about cabin in the woods – Call DOH to ask about outhouses, not a problem for them – Called Robert Buy DEP about Showers Road extension – Inspect #3154, #3274, Reggies Junk Yard, gates closed, Bach, building a deck, Rory's Junk Yard, gates closed, #3322 – Woolheater called about installing a septic – Issued Certificate of Completion #3322
- 10/21 Answer email from Mate Shuto, spiral stair not allowed to be only egress from a floor – Call from person interested in buying land and building, tried to answer her questions – Work on training requirements for Code Enforcement Officer to answer Christine Arleo's inquiry – Stop at Daryl's to show him response to Arleo's inquiry – Inspect #3340, #3305 > #3320, #3349, #3353, #3239, #3345, #3352, #3350, #3302, Stop at Nick Bove's



- 10/22 Application for building permit on my desk – Receive email forward from Sarah K – Work on files – Inspect #3350, #3273, #3352, #3262, #3349, stop in Village of Tannersville to talk to a mason on Penrose & Renwick, #3354, #3278 – Certificate of Completion Issued #3273 – June Lodge guy in about permit – Issue Building Permit #3355
- 10/23 Return call to Jerro about sewer hook-up - #3349 called, is pouring today, I inspected yesterday – Strzelec in about septic – Mary Ellen DEP left a message about Onteora – Inspect Rory’s, he was not there, all gates closed – Inspect #3157, Bach, #3297, #3237 – Philip Suh called about sewer hook-up, called back and left a message – Return call to Barry Donaldson, Onteora architect, left a message – Greg Lubow in with \$ for CO – Nick Bove in about renovations
- 10/26 Return call to Angelo Parisi about Wade – Tony Lucido in about pouring concrete – Process CO fee for Mazon – Return call to Lamberts – Bob Guisman from Hunter Highlands called and came in with questions and pictures – Research ADA requirements for parking – Certificate of Occupancy Search 181.11-1-31- Inspect #3350, #3326, #3352, #2249 – Return call Frank Picone, phone is busy
- 10/27 No Work, Dr. Appointment
- 10/28 Work on files – Confer with Sarah – Andy DePalermo in for permit application – Return call to Frank Picone about sewer hook-up – John Brower in about permit – Call about a sign, it’s in the Village – leave @ 2:00 for Dr. appointment
- 10/29 Email from Bogner DEP with ?’s about sewer hook-ups, called him and left a message – Catch up on paperwork – Confer with Sarah about Onteora and FOIL request – Andrea Morabito in about permit – Bob Green in with building ?’s – Call from Almond in Onteora about building – Strzelec called with building ?’s – Inspect #3345, #3350, #3352, #3154, #3207, #3337, Bove
- 10/30 Issue Building Permit #3356 – Class in Cairo, return to the office @ 4:30

Discussion regarding the status of O’Shays .

L. Gardner states that their time to act has expired, he will write one final letter and if no response, the Town Board will take action. He adds that any expenses can be relieved on the January Property Tax bill.

#### SHOWERS ROAD

Board acknowledged receipt of letter & permit package sent to residents to be hooked up to sewer extension. Supervisor Legg states that the 90 day deadline will be extended.

Councilman Semenza feels that the residents need to be made aware of this; he will contact Jim Bogner of NYCDEP as per Supervisor Legg.

#### PLANNING

Monthly report acknowledged.

**Town of Hunter Planning Board  
Monthly Report  
NOVEMBER 2015**

**Meeting: Tuesday November 3<sup>rd</sup>, 2015 ~7:00PM**

S. Killourhy - Chairman  
M. Czermerys – Deputy Chairman absent  
S. Friedman arrived at 7:12p  
S. Schneider left at 8:00pm  
J. Michaud–Uhrik absent  
C. Knopp  
J. Dixon  
D. Galin – alt.  
A. Dale – alt

10 members of the public were present, including Councilman D. Kukle, Councilman A. Coiro

**Chairman S. Killourhy calls the meeting called to order at 7:10pm**

**MOTION: by J. Dixon to approve minutes of the October 6<sup>th</sup>, 2015 meeting. Seconded by Unanimously carried.**

PRIVILEGE OF THE FLOOR: Offered but no one chose to speak.

**NEW BUSINESS:**

**1) C. Leach 2 lot Subdivision Sketch Plan-** Elka Park – R. Brooks of Brooks & Brooks presents two lot subdivision of 10.02 acre parcel of land to separate two existing dwellings on to two separate lots. Each lot is 5.01 acres and each dwelling is serviced by an individual well and septic system, and all site improvements existing. The lands being subdivided are on County Rte. 16 or Platte Clove Rd with adequate road frontage. The Board acknowledges the application and SEQRA Short EAF and survey sketch plan maps. S. Killourhy states this is an UNLISTED action. The Board reviews the SEQRA short EAF for completeness and begins Part 2 of the short EAF. The Board finds the proposed action will not have any adverse environmental impacts. The Board declares a negative declaration on the subdivision. The Public hearing will be scheduled for the Dec. 1<sup>st</sup> meeting.

**OLD BUSINESS:**

**2) Hunter Mountain Outfitters Site Plan, Sketch Plan–** Haines Falls – N. Bove presenting as property owner. *Project description: The retail store will be open year round. Addition of 1,530 sq. ft. to existing 3,650 sq. ft. commercial retail building. The existing concrete white façade to be updated with beige siding and red roofing. Parking spaces delineated approx. 20 spots with 1 handicap space. No new lighting is proposed.* The Board acknowledges the receipt of new sketch plan of Site plan, letters from NYS DEC, NYC DEP re: SEQR Lead agency and approval from GC Planning 239 review.

**3) Eisler 5Acre Subdivision –** Lanesville/Lexington - R. Sardo; Surveyor & P. Eisler; property owner

*Project description: Six (6) lot subdivision of a 33 acre parcel off Diamond Notch Rd. in Lanesville and lands in the Town of Lexington. Each parcel will be over 5 acres. Lot 4 has an existing dwelling and garage with its own well and septic. Lots 1, 2, and 3 are beyond where the Town Of Hunter Highway maintains.* S. Killourhy states this is an UNLISTED action. The Planning Board is coordinating with the Town of Lexington since much of the lands are in the Town of Lexington. Lexington does not have a 5 Acre Subdivision in their Subdivision Law; it is considered a Major subdivision and they have requested a Full EAF for the review. The Board acknowledges that the applicant’s surveyor R. Sardo has submitted the Full EAF as requested. The Board reviews Part 1 for completeness and will forward it to Lexington and the other involved agencies. All of the lots are accessed from Diamond Notch Rd in the Town of Hunter; however since lots 1, 2, and 3 are beyond where the Town of Hunter Highway maintains the Planning Board has requested the applicant construct a Road maintenance agreement for access to these lots. Applicant P. Eisler has submitted a draft Road Maintenance Agreement

(RMA) for review. The Board will review and discuss at the next meeting and the Board agrees to schedule the Public Hearing for the Dec 1<sup>st</sup> meeting.

**4) Manice/ Steers Lot Line Adj.** –Tannersville/ Onteora Park – S. Schneider is recused. M. Schmidt from Kaaterskill Associates presents new maps of a change to the Lot Line adjustment previously approved in December 2014. The maps were filed but no deed was filed with the Lot Line adjustment. There is no change to Lot 2 –Lands retained by Manice remains at 4.23acres. Lot 1 – Lands of Steers 5.80 acres will be combined with 4.04 acres of Steers Lot that has road frontage along Minwawa. Total new acreage for Steers is 9.84 acres. S. Killourhy states that this is still a Type I action. The Board reviews the change, and determines the negative declaration stands as there are not significant changes to adversely affect the environment. The Board unanimously approves the Lot Line adjustment.

**5) Cortina Mtn. Estates– PROCEDURAL REVIEW ONLY-** Tannersville  
- Review of Resolution for 90-day extension of Conditional Subdivision Approval given at the Oct. 6, 2015 meeting. Board agrees with final draft of Resolution that was approved at the Oct. 6<sup>th</sup>, 2015 meeting. **Attached.**

*~ The next Planning Board meeting Tuesday December 1<sup>st</sup>, 2015 at 7PM~*

**THE HUNTER PLANNING BOARD RESOLUTION GRANTING 90- DAY EXTENSION FOR  
CONDITIONAL FINAL APPROVAL TO THE CORTINA MOUNTAIN  
ESTATES SUBDIVISION**

WHEREAS, on January 2, 2015, the Town of Hunter Planning Board (“Planning Board”) passed a resolution granting conditional final approval to a 95 lot subdivision map located on 164.406 acres of land owned by applicant Cortina Mountain Estates LLC (“Cortina Mountain”) (hereinafter “the Subdivision”); and

WHEREAS, the expiration of this conditional approval will expired 180 days from the date granted, on July 6<sup>th</sup>, 2015; and

WHEREAS, on May 28<sup>th</sup>, 2015 the applicants requested a 90 day extension in accordance with the Town of Hunter Subdivision Law and pursuant to NY Town Law § 276(7)(c) from the July 6<sup>th</sup>, 2015 expiry date; and

WHEREAS, on June 2<sup>nd</sup>, 2015 the Planning Board granted the 90 day extension, the conditional final approval will expire on October 5, 2015; and

WHEREAS, on November 3<sup>rd</sup>, 2009 the Planning Board issued a Negative Declaration on the project; and

WHEREAS, on June 21<sup>st</sup>, 2013 the project received NYCDEP SWPPP design approval; and

WHEREAS, on October 2<sup>nd</sup>, 2015 the applicants requested a second 90 day extension in accordance with the Town of Hunter Subdivision Law and pursuant to NY Town Law § 276(7)(c) from the October 5<sup>th</sup>, 2015 expiry date; and

NOW BE IT RESOLVED, the request for a 90 day extension of the conditional final approval was granted on this day of October 6<sup>th</sup>, 2015; and

FURTHER RESOLVED, the conditional final subdivision approval will continue to remain in effect until January 5<sup>th</sup>, 2016; and

FURTHER RESOLVED, prior to the expiration of the 90 day extension proof be provided that the process is moving forward with the application to the NYS DOH for Realty subdivision, draft or status of Homeowners Association/ Offering Plan and status report of Transportation Corporation and Water Works.

Introduced by: Marc Czermerys      Seconded by: Jeremiah Dixon

Upon the question of the adoption of this Resolution, the following Board members voted “Aye” in favor of the Resolution:

Ayes 7 (S. Killourhy, M. Czermerys, S. Friedman, S. Schneider, J. Michaud-Uhrik, C. Knopp, J. Dixon)

The following Board members voted “No” in opposition of the Resolution: None

The following Board members were “Absent”:    None

**TOWN OF HUNTER PLANNING BOARD  
PUBLIC HEARING & SPECIAL MEETING  
FOR HUNTER MTN. OUTFITTERS SITE PLAN  
TOWN HALL  
TUESDAY NOVEMBER 10<sup>th</sup>, 2015  
AGENDA**

**MEETING: called to order by Chairman S. Killourhy at 6:02 PM**

**MEMBER ROLL:**

S. Killourhy - Chairman  
M. Czermerys – Deputy Chairman **absent**  
S. Friedman- **absent**  
S. Schneider - **absent**  
J. Michaud–Uhrik **absent**  
C. Knopp  
J. Dixon  
D. Galin – alt. (arrived at 6:10pm)  
A. Dale – alt

**PUBLIC HEARING: Hunter Mountain Outfitters Site Plan – Haines Falls**

Chairman S. Killourhy opens public hearing at 6:04PM. No one present to speak. Public hearing is closed at 6:06PM. S. Killourhy if some arrives late and wishes to speak it will be allowed.

**OLD BUSINESS:**

**1) Hunter Mountain Outfitters Site Plan– Haines Falls, N. Bove presenting.**

**SEQR Determination and Site Plan Review:** 5607 State Rte 23A Tax id# 166.19 – 3-2

**Project description:** *The retail store will be open year round. Addition of 1,530 sq. ft. to existing 3,650 sq. ft. commercial retail building. The existing concrete white façade to be updated with beige siding and red roofing. Parking spaces delineated approx. 20 spots with 1 handicap space.*

*No new lighting is proposed.*

The Board acknowledges receipt of the letter from NYC DEP SEQRA, C. Garcia re: Lead Agency and Comments and acknowledges that an updated Site Plan Map showing Stormwater & Erosion control measures. The Board reviews with property owner N. Bove the status of the project and reviews the newly submitted site plan map. The Board reviews the Short EAF and reviews the comments from NYC DEP and NYS DEC. N. Bove states his engineer has or will be submitting the Stormwater plan requested by NYC DEP. The Board notes that the bio- retention area depicted on the map may not

accurately depict where the roof leader and the 6” outlet pipe is. It is suggested that the applicant review this information to his Engineer, David Rider.

S. Killourhy states this is an UNLISTED action under SEQRA. The Board reviews and completes part 2 of the Short EAF, determining based on the information and mitigation measures to be implemented that the proposed action will not result in any significant adverse environmental impacts.

**MOTION: by J. Dixon for a negative declaration on the presented action. Seconded by C. Knopp. Unanimously carried. Absent 4 (M. Czermerys, S. Friedman, S. Schneider, J. Michaud-Uhrik)**

The Board discusses and reviews the presented Site Plan.

**MOTION: by C. Knopp to approve the Site Plan application as presented with the following conditions:**

**Prior to any further structural work, engineered building plans are submitted and approved by the Building Department/ Code Enf. Officer. Building permit will be issued and displayed.**

**All NYC DEP permits are approved and issued, including but not limited to Stormwater and Sewer connection.**

**Any changes to the Plans as presented and approved must be presented to the Planning Board for further review and approval.**

**Seconded by A. Dale. Unanimously carried.**

**Absent 4 ( M. Czermerys, S. Friedman, S. Schneider, J. Michaud-Uhrik)**

**Meeting adjourns at 6:34PM**

#### NYC DEP

Board acknowledges receipt of Notice of Complete Application from DEC for NYC Watershed(FAD).

#### LAND USE REVIEW OF LAWS

Most current update requested for Junkyard and Junk Storage Law (R. Bates)

R. Bates asks the status of the Junkyard law and expresses his opinion that the amount of time this law is taking to rewrite is unfair. He asks how long his junkyard license will be extended for and he would like this in writing. Councilman Kukle states that the most recent draft is on the Town’s website and that the Town Board has requested that the Junkyard Law and the Scrap Processor license be separated into different laws. He adds that they have been returned to the consultant and the Land Use Committee is waiting to hear back from the consultant.

Board acknowledges receipt of information from Platte Clove Environmental Group (P. Graef) on Site Plan Review Law.

Councilman Kukle states that some of this information has been incorporated into draft laws.

#### JUSTICE COURT

Monthly report acknowledged.

#### WRIGHT ROAD STREAM PROJECT

Board acknowledged extension letter sent and granted by Gregory Kist USDA

Councilman Coiro makes a MOTION to Authorize supervisor to sign NRCS – ADS-093 form Notice of Grant Agreement Award Form. Seconded by Councilman Kukle.

Ayes-5-

Noes-0-

Board acknowledged receipt of fully executed copy of NRCS – ADS-093 form Notice of Grant Agreement Award form.

Board acknowledged payment request voucher 1,2,3 received.

#### COLUMBIA GREENE COUNTY HUMANE SOCIETY/SPCA

Councilman Coiro makes a MOTION for Supervisor to sign annual contract with the Columbia Greene Humane Society. Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

HIGHWAY-Bid opening 1992 International Snow Plow

1. \$1,001.00 Robert DiRuzzio
2. \$1,256.00 Reginald Bates
3. \$1,503.00 Craig Bates

Supervisor Legg makes a MOTION to award bid for a 1992 International Snow Plow to Craig Bates for \$1,503.00. Seconded by Councilman Coiro.

Ayes-5-

Noes-0-

MOUNTAINTOP SUPERVISORS & MAYORS ASSOCIATION (MSMA)

Board acknowledges receipt of Water Supply Permit modifications from GC Soil & Water.

BOOKKEEPING/BUDGET

Supervisor Legg makes a MOTION to Adopt 2016 Town of Hunter Budget that was presented at the Special Meeting held tonight at 6:30 PM. Seconded by Councilman Kukle.

Ayes-5-

Noes-0-

Councilman Semenza makes a MOTION to authorize annual software contract –Williamson Lawbook. Seconded by Supervisor Legg.

Ayes-5-

Noes-0-

TOWN HALL

Board acknowledges increase to buyout amounts as per 11/9 Budget Meeting (\$2500/\$5000)

MEETINGS

Board authorizes to hold the Regular & Year End meeting on Tuesday 12/29 @ 6:00 pm and Organizational Monday 1/4/16 @ 6:00 pm.

HEALTH INSURANCE

Councilman Legg makes a MOTION to authorize supervisor to sign group application – MVP. Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

Councilman Coiro makes a MOTION to authorize supervisor to sign HRA/FSA administration fee agreement (if needed). Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

BUILDINGS AND GROUNDS

Councilman Legg states that he has received pricing on roof repairs which would require two man lifts, \$92,000. He adds that he is looking for a contractor to look at two problem areas on the roof and also to protect the two air conditioning units on the east side from snow.

BUDGET MODIFICATIONS AND TRANSFERS

Councilman Kukle makes a MOTION to approve the following effective 10/30

- 1) Transfer \$61.00 from DA 5130.4 to DA 5140.4 to cover Drug Testing expense
- 2) Transfer \$10.58 from A 1620.4 to A 5010.4 to cover office supply expense

Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

CORRESPONDENCE – Town Board acknowledges the following:

Receipt of opposition letter for Dollar Tree from Hunter Foundation Board of Directors

Receipt of letter from Central Hudson requirements for decorative attachments to poles.

Receipt of letter from Mountain Cloves Scenic Byway minutes of October meeting.

Receipt of notice of Training for elected officials in Albany 1/13-15 2016 @ The Desmond Hotel .

Receipt of Tobacco-Free Action letter November is Great American smoke out help decrease youth smoking.

Received from Ashokan Watershed Stream Program notice of funds available for stream management.

L. Hamrah-Poladian excuses herself at 7:40 PM.

#### EXECUTIVE SESSION

Councilman Legg makes a MOTION to go into Executive Session at 7:42 PM to discuss the employment history of a particular person or persons. Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

C. Pascucci excused at 7:42 PM.

Supervisor Legg makes a MOTION to come out of Executive Session (no time on tape). Seconded by Councilman Coiro.

Ayes-5-

Noes-0-

No action taken.

Supervisor Legg makes a MOTION to adjourn (no time on tape). Seconded by Councilman Legg.

Ayes-5-

Noes-0-

---

Corina Pascucci  
Town Clerk, RMC