MINUTES OF REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF HUNTER AND CONTINUATION OF PUBLIC HEARING(HARDSHIP VARIANCE REQUEST FROM PRIMAX PROPERTIES, LLC-DOLLAR GENERAL) HELD ON TUESDAY, OCTOBER 20, 2015 AT 7:00 PM AT THE TOWN HALL LOCATED ON RTE. 23A IN TANNERSVILLE, NEW YORK

Present: Daryl Legg Supervisor

Anthony Coiro Councilman
David Kukle Councilman
Raymond Legg Councilman
Dolph Semenza Councilman

Corina Pascucci Town Clerk

Others Present: Lara Hamrah-Poladian(left 8:35pm)Secretary to Supervisor

Larry Gardner Town Attorney
John Farrell Highway Sup.
Sgt. Robert Haines Hunter PD

Glen Morrison Ambulance Admin. Erika Bain Ambulance Dept.

Plus all names on attached listing.

Supervisor Legg opens the meeting 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 #411 through #464 in the amount of \$19,097.00

General Fund (TOS) Voucher #1049 through #1050 in the amount of \$135.51

Highway Fund (TW) Voucher #158 through #173 in the amount of \$7,652.37

Highway Fund (TOS) Voucher #1059 through #1073 in the amount of \$55,774.67

Landfill Closure Fund Voucher #83 through #94 in the amount of \$11,037.51

PRIVILEGE OF THE FLOOR

Margaret Nihan reads a summary regarding the intent of the Mountain Cloves Scenic Byway.

George Bain states that there is a number of people in the hallway unable to participate and feels that the board should move this meeting to a larger venue with a larger occupancy.

Roy Silver states that vital information was not discussed regarding the Machne Tashbar Transportation Corporation and eminent domain powers in regard to right of way and easements under the Environmental Protection Law. He adds that deed restrictions are eliminated by eminent domain and Machne Tashbar can exercise eminent domain. He demands that the Town Board disapprove the Transportation Corporation application from Machne Tashbar.

Carrie Dugo asks the board to vote no on the variance request from Primax Properties, LLC to allow more time for residents to decide and asks where there is proof of a hardship. She references a petition with 500 signatures. Christine Arleo states that she is waiting on an answer from the Town Board regarding the qualifications, education and certifications held by James Boyle as the Town's Code Enforcement Officer. Supervisor Legg suggests that she call Mr. Boyle.

Supervisor Legg makes a MOTION to approve minutes: Regular & Public Hearing 9/15; Special Mtg 9/23 & Public Hearing & Budget workshop 9/28; Public Hearing 9/29 & Special Mtg. 10/5 & Special Mtg 10/14. Seconded by Councilman Semenza.

Ayes-5-

Noes-0-

VARIENCE REQUESTS

Patrick Byrne (mobile home)

Supervisor Legg makes a MOTION to hold a Public Hearing regarding the variance request from Patrick Byrne at 5:30 PM on 10/28/15. Seconded by Councilman Legg.

Ayes-5-

Noes-0-

Joshua and Catherine Woolheater (mobile home)

Supervisor Legg makes a MOTION to hold a Public Hearing regarding the variance request from Joshua and Catherine Woolheater at 5:40 PM on 10/28/15. Seconded by Councilman Coiro.

Aves-5-

Noes-0-

CONTINUE Public Hearing from 10/14 for Primax Properties (site plan/minor subdivision)

Supervisor Legg states that comments from the public will relate only to the variance request and if they don't, he will close the Public Hearing.

Adam Sellner introduces himself as representing Primax Properties, LLC. He adds they are a real estate development company for Dollar General stores. He adds that he is here tonight to request a hardship waiver based upon the Town's law which allows for the request as long as the applicant can prove substantive economic hardship, that the project won't harm the public and that it is consistent with the town's comprehensive plan. He states that a delay in the project will cause an economic hardship. He adds that the moratorium was issued in October of 2014 and he got approval for the project from Dollar General in November or December of 2014. He states that when he asked to be placed on the Planning Board agenda he found out that the town was under a moratorium which was to end in July of 2015. He adds that in July of 2015 the town extended the moratorium for another three months and then in October extended for another three months. He states that he has \$25,000 invested in this project Dollar General has the option to cancel the lease which would be a loss of more money. He adds that if they move forward with the lease, Dollar General can impose fines for a missed delivery date which equates to triple the daily rent every day they go over. He adds that they have no problem working with the Planning Board on aesthetics and landscaping. He states that the only issue they have is parking, they are asking for fewer parking spaces(32 over the required 60) than the law requires.

Discussion regarding shadow parking.

Councilman Coiro states that the applicant would have to get approvals from several regulating agencies which could be a lengthy approval process and asks if this would hinder their ability to complete the project in a timely manner

Adam Sellner states that Primax Properties, LLC entered into a contract agreement with Dollar General on 8/21/14 which was before the moratorium was in place. He adds that the agreement was approved and a lease was generated from that.

George Bain asks if the lease was signed after the moratorium was in place.

A. Sellner states yes, they had already put several months into planning and had planned on extra time however the moratorium kept getting extended. He adds that the delivery date is 7/4/16 or 7/5/16, the first week in July. Peter Barker states that Primax Properties, LLC must have significant revenue to own 75 Dollar General stores so

why should the Town Board grant a variance based on economic hardship.

Jim Martocci reads a letter from the President of Twilight Park which summarized states that rushing the project through is not the right way for the Town Board to do business and the Town Board should put aside the request for the variance.

Christine Arleo asks if there is a potential problem with NYCDEP and the Village of Tannersville with sewer and water hookup.

Supervisor Legg states that the applicant is prepared to install well and septic if not granted.

Sean Mahoney feels that the contents of the land use laws are still in draft form and adds that the Planning Board would need time to become comfortable with them once adopted.

Discussion regarding signage.

Supervisor Legg states that the town has a sign law.

Carrie Dugo asks if Dollar General is prepared to plant 30 foot tall trees to hide a septic tank should they have to go that route.

Unknown speaker states the septic would be buried.

Discussion regarding the six other hardship variances approved by the Town Board.

Carrie Dugo asks the Town Board if any members have a financial interest in this project.

Board members states no.

Councilman Semenza states that of the six previous variances, one project was on the scenic byway and there was no public interest, no outpouring of the public at the meetings.

Public questions regarding why Dollar General has chosen Tannersville as a location.

Adam Sellner states that their research department has gathered census information, traffic counts and vacation areas and has identified Tannersville as a spot.

Discussion regarding more public notice for such public hearings, board states that they follow the same protocol for all meetings.

Public questions what Primax Properties, LLC would do with the property if Dollar General ever broke their lease. Adam Sellner responds that it would depend on who owned the property.

George Bain states that he overheard a local high school student say that they were excited about Dollar General being in Tannersville because their family was poor and didn't own a car.

Elda Martocci states that the board isn't responsible for bad decisions people make, Primax signed a contract under a town moratorium.

Some members of the public present express concern over Dollar General putting local shops out of business and they urge the Town Board to take public opinion into prevue.

Supervisor Legg states that if there were no moratorium in place, the applicant would only be going before the Planning Board. He adds that when Stewarts came, the Planning Board took all opinions and worked with Stewarts and the Town of Hunter has one of the nicest Stewarts in the state, he has faith in the Planning Board to do the same with Dollar General. He reminds those present that the Town Board has the right to impose conditions. He adds that the public comment heard tonight does weigh in on the board's decision.

Councilman Legg makes a MOTION to close the Public Hearing at 8:28 PM. Seconded by Councilman Semenza.

Ayes-4- Noes-1-(Coiro)

Councilman Coiro states that his vote is on the grounds that there were still people in the audience that wanted to be heard.

Councilman Legg makes a MOTION to deny the variance request from Primax Properties, LLC. Seconded by Councilman Kukle.

Ayes-4- Noes-1-(Supervisor Legg)

Councilman Kukle states that Dollar General has a chance to set new parameters as to how Dollar General stores will look.

Councilman Semenza adds that once before the Planning Board, they are subject to SEQR review.

Meeting pauses while crowd disperses.

L. Hamrah-Poladian leaves approx. 8:35 PM

AMBULANCE

Monthly Report acknowledged.

NEW HIRE-Ambulance

Supervisor Legg makes a MOTION to hire Allison Weiland as Full Time Driver/EMT at the Emergency Medical Technician rate, filling in for Richard Eck until 1/1/16 where she will become the only Full Time Driver. Seconded by Councilman Semenza.

Ayes-5- Noes-0-

POLICE

Monthly Report acknowledged.
Town of Hunter Police Department

Monthly Report

September 2015

Calls for service: 83 Arrests made: 3 Criminal charges levied: 4 Criminal complaints: 7 Non-criminal complaints: 47 Assists to other agencies: 18 Uniform traffic tickets: 20 Parking tickets: 61 Accidents investigated: 3 Report requests: 1 = \$10

Sgt. Haines states that there is still no bid price available for the 2016 police car he would like to purchase. Discussion regarding pedestrian and parking issues on both the mountain road and the back mountain road. Discussion regarding no parking signs and Sgt. Haines asks the Town Board to implore upon NYSDOT to increase the size of the parking lot on the back mountain road.

Councilman Kukle states that these issues are on the agenda for the Catskill Park Advisory Committee.

Discussion regarding a shuttle service.

Councilman Kukle informs residents that they can write support letters to the Chair of the County Legislature in support of a seasonal shuttle system between the Town of Catskill and the Town of Hunter.

ASSESSOR- Monthly report acknowledged.

ABANDONMENT OF SUBDIVISION

Board acknowledged receipt of notice from Mr. & Mrs. Janiszewski.

BUILDING/CODE ENFORCEMENT -Monthly report acknowledged.

TOWN OF HUNTER

OFFICE OF CODE ENFORCEMENT

MONTHLY REPORT OF ACTIVITIES SEPTEMBER 2015

- 1 Building Permits Issued
- 2 Building Permit Renewals
- 7 Certificate of Occupancy Searches Performed
- 2 Certificates of Occupancy Issued
- 4 Certificate of Compliance Issued
- 0 Sewer Inspections
- 1 Notice of Violation
- 0 Sign Permits Issued or Renewed

- 1 Demo Permits Issued
- 9/1 Email from Anitra Gazorian about the Code, I sent her a copy of what pertained Return Call to Bill Miller about alternative septic systems John Cooms called abut flood maps, will be in 11:00 > 11:30 Work on occupancy numbers for buildings at Tashbar Joel Weinstock called to say goodbye for the season CO Search 149.04-2-4 CC Issued #3344 John Cooms in to look at FEMA Maps Work on August report to the Board Work through lunch, leaving early for medical reason Continue to work on Tashbar numbers Leave early
- 9/2 Continue to work on Tashbar numbers Tim Matthews in for CO –Steve Schildhorn PE called about Mazon CO Greg Lubow called about Mazon CO Call about building a garage on June Lodge Measure last of the rooms at Machne Tashbar CO Issued #3252
- 9/3 Calculate room square footage for Machne Tashbar, email final number to Dave Kukle Dave K called about numbers #3345 in for their permit Email Lara, why did I not receive Estimate of revenue worksheet B2555? Received call and email from Anitra Gazoorian, I responded by email Finish and email August report to the Board Edwin Benjamin called on my line for Mark Issue Building Permit #3346 Call from appraiser with ? Is moratorium still in effect? Work on Revenue and Expenditure worksheets for 2016 Tim Matthews in for corrected CO
- 9/4 Received return call from Mary Ellen DEP about Gouda open permit, she also complained about Rory parking vehicles on non-site plan approved lots I called Chris Costello about Gouda close-out, he will look into it Organize my desk for my departure next week Back-up computer on flash drive Inspect #3278, #3327, #3339, #3342, Demo 2015-5, Demo 2015-6, #3340 Talk to Ray Legg in the parking lot about Tim Legg and my going in for a medical procedure Call from John Cooms, he was told by FEMA that the Town of Hunter's suspension ended 8/28/15 Certificate of Completion #3342 Certificate of Completion Demo 2015-5 Certificate of Completion Demo 2015-6
- 9/7 Holiday
- 9/8 Kourtis #3338 called about footing James the stone guy in with Code ?, in the Village of Hunter Bob Guisman called with an electric ? Work on files Bill Hauner in about letter I sent him Renew Building Permit #3146 Madsen overhead doors in looking for garages being built Robert Janiszewski in about building a garage on June Lodge Frank Young in about building a house on Josh Road Tim Leg in for building permit application Note on my desk, Onteora will be in in PM for Demo Permit Rich Bauman in about Demo permit for Onteora Issue Demo #2015-7 Bob Haines in for application for building permit, garage Reply to Solar Generation email, Wade permit
- 9/21 Arrive @ 9:15 First day back after surgery Return Calls from phone messages 1) Morgan from Solar Generation about Wade Permit 2) Question about shed in Lanesville 3) Barry Donaldson, Onteora architect for Tennis & Golf building 4) Dan Thompson ? about garage inspection #3200 5) Marcus from Platte Clove Community about new house 6) Bob on June Lodge about building a garage 7) Britney about cost for a CO Search 8) Rob Wilson with ? as to which Code we are using CO Search 206.03-4-3

- 9/21 Arrive @ 10:30 Bob from June Lodge in about building a garage Talk to Bob Haines about building a garage CO Search 166.19-3-2 Return calls from machine 1) Mark Rubin with code ? 2) Chris Agusto ready to close up Oscar's 3) Linda Rapchick Hunter Highlands with Code ? 4) Martin ? with Code ? 5) Gary with ? about a breezeway
- 9/24 Arrive @ 10:30 Return Call to Chris Agusto Received a CO Search request with no check, called and left a message CO Search 181.12-2-3 Contractor in about an addition to a house on Scribner Hollow Road Jeff Prince called Guy in with ?'s abut building a cabin in the woods Jeff Prince in with plans for house, not all requirements met
- 9/25 Arrive @11:00 David Kelly in #3097 Renew Building Permit Call Pat Byrne abut replacing singlewide with doublewide Return call Mark Rubin Terry Hommel in with ? about a ramp Phil Geraffo doing plumbing for #3343 Call Greene 911 for a # on Josh Road Call Frank Young about 911 # Back and forth with Greene County about # Received Fed Ex with plans for Onteora Rich Bauman in about permit for Onteora Return a call about flood maps Confer with Sarah about Oneora, no permit, no DEP approval CO Search 209.00-4-3.2 CO Search 166.17-4-5 CO Search 166.17-4-6 Call Paul Gans about building off County Route 25 Nathan Hommel in about water building at Twilight Call from Woolheater in Lanesville about flood insurance Sarah transferred a WHAT IF guy who may be buying in Lanesville Dan Thompson #3200 not coming up this weekend, no inspection needed on Monday
- 9/28 Arrive @ 1:00 after Therapy Read some emails DEP not allowing Maul to hook new house up to sewer system Confer with Sarah about Maul's Return call to Bill Smith in the Village of Hunter Sent Application for sewer hook up to DEP for new Dollar General Call from Linda Rapchick about deck at HH Call Donnie Van JR about no CO for house on State Route 23A CO Issued #3043 Donnie Van Jr in about house with no CO Call from Onteora Architect about Golf and Tennis building
- 9/29 Arrive @ 10:10 Return call Mary Ellen DEP about Onteora system, left a message Work on files –
 Empty Emails Review Jeff Prince plans Received a forwarded email from Susan about Allison Stout –
 Mary Ellen returned my call about Onteora Call Jeff Prince about wrong insurance forms I called Petosa for correct forms, no problem Called Prince so he can get the proper forms from the Mason planned to do the work
- 9/30 Arrive @10:15 Woolheater called about installing a doublewide, needs a variance from moratorium Woolheater called about set-back 50' front 30' side and rear as per LL #1 of 1985 Peter ? called about a property he bought at foreclosure, needs electrical inspection prior to Central Hudson turning on power Christine Wade called about permit for woodstove Woolheater called about variance Ronnie and Donnie Van in about Onteora permit Scan and send variance information to Woolheater Forward solar info to Town of Hunter Call and left a message for Jimmy Wiltse about Maul project Jimmy Wiltse in about Maul June Lodge guy in about garage I called Joe Fabiano about Maul Joe Fabiano Called back Donnie Van Jr in with Workers Comp exemptions

Supervisor Legg directs Town Clerk C. Pascucci to send a memo to Mr. Boyle informing him of what Mrs. Arleo is requesting from him.

PLANNING – Monthly report acknowledged.

Town of Hunter Planning Board Monthly Report OCTOBER 2015

Meeting: Tuesday October 6th, 2015 ~7:00PM

S. Killourhy - Chairman

M. Czermerys – Deputy Chairman

S. Friedman

S. Schneider

J. Michaud-Uhrik

C. Knopp -

J. Dixon -

D. Galin – alt.

A. Dale – alt

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

Chairman S. Killourhy thanks J. Michaud –Uhrik for her time serving as Town of Hunter Representative on the Greene County Planning Board and states that the Town Board has appointed D. Galin as the new Town representative / member of the Greene County Planning Board.

PRIVILEGE OF THE FLOOR- offered but no one spoke. OLD BUSINESS:

<u>1) Eisler 5Acre Subdivision</u> Lanesville/Lexington - P. Eisler; property owner presenting. The Board acknowledges a letter from Town of Lexington Attorney Tal Rappleyea stating the Town of Lexington's request for Full EAF under their Subdivision Law. The Board agrees that it would be appropriate for the applicant to prepare a full EAF and continue the coordinated review with the agencies. The Board discusses with P. Eilser the status of preparing a road maintenance agreement for the portion of Diamond Notch Road that extends past where the Town maintains. J. Farrell states that the Town has a right of way on the road but has not maintained for over 10years therefore by state law it is considered abandoned. Unless

<u>2) Cortina Mtn. Estates Major Subdivision and Site Plan -</u> Tannersville –D. Baker representing. The Board acknowledges a letter from J. Shaw Esq. requesting a 90-day extension of Conditional Subdivision Approval. The Board discusses the request and what accomplishments have been made since the original Resolution in January 2015. The Board reviews a prepared Resolution to extend the Conditional Subdivision approval an additional 90 days. The Board amends the Resolution and is approved.

NEW BUSINESS:

- 3) Morabito 2-lot Subdivision Sketch Plan-Haines Falls A. Morabito presenting
 - -Ackn rcv'd application, short EAF, and sketch maps of proposed 2 lot subdivision
- 4) <u>Hunter Mountain Outfitters Site Plan, Sketch Plan</u>—Haines Falls—N. Bove presenting proposed 1500 sq. ft. expansion of the former Breck's Ski shop. N. Bove states he is now the owner of the property. His plans include a year round business of ski/snowboarding equipment and biking. S. Killourhy states at the September Town Board meeting the Town Board granted N. Bove's hardship waiver request. The hardship was requested since the total square feet of the building is more than 3, 500 sq. ft. as stated in the Land-Use Moratorium on Major Subdivisions and Site Plans. The Board acknowledges the following has been submitted: Planning Board application, short EAF, and sketch maps of proposed site plan. The Board also reviews the submitted letter from the NYC DEP, J. Damrath re: Site Inspection/ Watercourse Determination and the need for a Stormwater Plan to be submitted. The Board votes for Lead Agency and will conduct a coordinated review with the NYS DEC and NYCDEP. The application also must be reviewed by the Greene County Planning Board for 239 Review. S. Killourhy states this is an UNLISTED action under SEQR.

~ The next Planning Board meeting Tuesday November 3rd, 2015 at 7PM~ PLEASE NOTE THIS IS ELECTION DAY – Plan accordingly

NYC DEP

Update – Showers Road Sewer Extension.

Supervisor Legg states that letters are going out next week regarding a time limit of 90 days to do a hookup. He feels that the possibility of the ground freezing, 90 days may not be enough time.

TRANSPORTATION CORP.

MACHNE TASHBAR: Board acknowledged receipt of Stipulation & Order Discontinuance: 9/24/12, 6/22/07, & 6/27/08

LAND USE

Board acknowledged amended contract authorized @ 10/6 mtg. sent to Delaware Eng. Re: Manning/Gilmore

JUSTICE COURT-Monthly report acknowledged.

Supervisor Legg offers RESOLUTION #12 of 2015 authorizing application for Justice Court Assistance Program Grants. Seconded by Councilman Semenza.

Ayes-5- Noes-0-

GRANTS

Councilman Semenza makes a MOTION for Supervisor to sign certification: CDBG & Contract w/Western Catskills. Seconded by Councilman Legg.

Ayes-5- Noes-0-

Councilman Semenza makes a MOTION to authorize Supervisor to sign Contract with NYSDEC for Smart Growth Grant . Seconded by Councilman Kukle.

Ayes-5- Noes-0-

GREENE COUNTY

Board acknowledged receipt of resolutions; #236-15 Authorizing GC to assume 100% responsibility for payment to Community Colleges, #246-15 Establish equalization rates, #191-15 Award Bid for Propane.

Board acknowledged receipt of Planning Board agenda 10/21

Board acknowledged receipt of Hazard Mitigation Annex for Hunter updates need to be sent by 10/30/15

HIGHWAY- Request to put out to bid 1992 International Snow Plow for parts – local paper only Supervisor Legg makes a MOTION to authorize the Highway Superintendent to put out to bid a 1992 International Snow Plow for parts, local paper only. Seconded by Councilman Coiro.

Ayes-5- Noes-0-

MOUNTAINTOP SUPERVISORS & MAYORS ASSOCIATION(MSMA)

Board acknowledges NEXT mtg: 10/26 in Ashland-REQUEST for members of Town Board attend Board acknowledges receipt of minutes of 8/24/15

RESIGNATION

Board acknowledges receipt of resignation from Sara Schneider -Land Use Committee.

Councilman Kukle states that she did a wonderful job, will be missed and put in many hours on the Land Use Committee.

LAND USE COMMITTEE

Councilman Kukle makes a MOTION to appoint Charlie Knopf to the Land Use Committee. Seconded by Councilman Coiro.

Ayes-5- Noes-0-

BUDGET

Set public hearings (2016 Budget AND Local Law #8) & next workshop

Supervisor Legg makes a MOTION to hold Public Hearing for 2016 budget on 10/28/15 at 6:00 PM. Seconded by Councilman Semenza.

Ayes-5- Noes-0-

Supervisor Legg makes a MOTION to hold a Public Hearing on proposed local law #8 to override the tax levy limit on 10/28/15 at 5:50 PM. Seconded by Councilman Semenza.

Ayes-5- Noes-0-

Board wishes to wait to speak with the Budget Officer before they schedule the next budget workshop.

TRANSPORTATION CORPORATION

Supervisor Legg makes a MOTION to hold a special meeting with Rodenhausen to discuss Machne Tashbar Transportation Corporation and to consent or not consent to the formation of a transportation corporation on 10/28/15 at 6:10 PM. Seconded by Councilman Semenza.

Ayes-5- Noes-0-

TOWN HALL

Board acknowledges Trick or Trunk Event 10/31 from 5 – 7pm

Barbara Bates asks the Town Board if they can donate candy for this event.

Board will ask M. Hommel to make sure that the parking lot lights are on.

BUILDINGS AND GROUNDS

Councilman Legg states that J. Dixon is working on the Planning office. He adds that a door is being put in in the upstairs office of the town police for evidence storage and that D. Haeberer is pricing roof patches and coating metal roofs.

CORRESPONDENCE

a)Ackn. rec'd from CWC resolution #'s 2738-2752, 2754, 2756

b)Ackn. rec'd from CWT minutes of 8/17/15 meeting and agenda

c)Ackn. rec'd thank you to C. Pascucci for patience/helpful demure with tax information

d)Ackn. rec'd request from Dept. of Aging with survey help for Legal Service Initiative for the Elderly

e)Ackn. rec'd Senior Citizen Roundtable News -Shopping bus info on town website or call (518) 719-3559

f)Ackn. rec'd Public Service Commission notice of Energy Affordability for Low-income Utility Customers

g)Ackn. rec'd " Reforming the Energy Vision meeting in Kingston Town Hall 11/12/15

h)Ackn. rec'd rate information from Central Hudson

EXECUTIVE SESSION

Supervisor Legg makes a MOTION to go into Executive Session at 9:27 to discuss the employment history of a particular person. Seconded by Councilman Semenza.

Ayes-5- Noes-0-

C. Pascucci excused.

Councilman Kukle makes a MOTION to come out of Executive Session at 9:59 PM. Seconded by Councilman Coiro.

Ayes-5- Noes-0-

Councilman Kukle makes a MOTION to adjourn at 10:00 PM. Seconded by Councilman Coiro. Ayes-5- Noes-0-

Corina Pascucci Town Clerk, RMC