

Village of Fleischmanns
Public Hearing
December 20, 2010

The Village of Fleischmanns Board of Trustees held a Public Hearing on Monday, December 20, 2010 at the Skene Memorial Library at 5:00 p.m. Present were: Mayor David Morell, Deputy Mayor Todd Pascarella and Benjamin Fenton. Village Trustees Harriet L. Grossman and Fred Woller were absent. The Village Board is seeking public input on proposed amendments to its Zoning Law. The Zoning Law is being revised to help implement the recommendations of the Village's recently adopted Comprehensive Plan & the public hearing will provide opportunity for the public to comment on the draft Zoning Law and Map Amendments and copies of the draft Chapter 100-Zoning Law along with the new set of Design Guidelines.

John Granito advised the Village Board that he was in total support of the Village Zoning draft, but questioned what was going to be allowed in the industrial zone located where the Bailey property was located at Depot & Wager Ave.

Village Trustee Benjamin Fenton directed the public to Sec. 100-15. 1 Industrial District.

Purpose. To designate areas best suited for industrial uses because of location, topography, transportation, existing facilities, and relation to other land uses.

Permitted Uses. Industrial uses are permitted by Special Permit only as listed below.

Special Permit Uses.

Gas and fuel distributors

Light manufacturing

logging, sawmills, lumber yards

private recreation

Retail Store

Self-storage facility

Warehouse

Wholesale Business

Permitted Accessory Uses.

1. Accessory uses, including solar and other alternative energy systems and equipment.

Area, Height, Density and Setback Requirements

1. Maximum building height: 40 feet
2. Required setbacks:
 - a) Front yard: 25 feet
 - b) Rear yard: 25 feet
 - c) Side yard: 25 feet

Mr. Granito also expressed concern as to gas & fuel distributors perhaps being too much for the historic zone & for the environment in case of some kind of mishap.

Donald E. Kearney questioned if the Village really should be extending the historic district to encompass Ellsworth Avenue which is part of the residential district. Mr. Kearney said he thought it was wise that parking was included in the zoning, but he was wondering about places of assembly & places of worship; one space for every three seats. He questioned if that should be designated by square footage or the capacity as determined by fire regulations since there are houses of worship and places of assembly that do not have seats. Of personal concern to Mr. Kearney was 'General Village' where the setbacks are increased to 25' & 25' in the rear which is quite a difference compared to what it is now because I realize it would be an existing non-conforming use, but if the place was damaged beyond 75% & had to be rebuilt from what I read, we would have to abide by this. I think we're my home is in the Village that a 25' front set back is too restrictive. On Wagner Avenue, it would work fine since they have nice big flat level plots there. That leads me to my main concern; maximum lot coverage 30%. That means I can't use 70% of my land to build on? That's condemning an awful lot of the land. I think my lot is a long narrow one. The narrow end of my garage is about 45' wide. So a 25' set back from the rear & a 25' set back from the front, overlap one another. If my garage was to burn down, I wouldn't be able to rebuild

it or what if I wanted to extend on it?

Margaret Kearney stated that made her property absolutely worthless. I could never rebuild on my property & think there are many other places that are like mine. I'm sure that the apartment building next door to me could never rebuild. I don't believe that the Mariotti property (the yellow house east of Margaret Kearney's property) would be able to rebuild. Depending upon what you consider a lot, at the living room, across the street from me, I doubt if they would be able to rebuild, but I think there are quite a few others too. That is really rather restrictive when they start talking about set backs. There are a lot of places around here that are built with a bank in back of them. And now you are starting to talk about not incorporating that.

Sec. 100-26 addressing dumpster enclosures & they are talking about these refuse containers having to be enclosed. Mrs. Kearney quoted a section; all refuse and waste storage containers shall be screened from adjoining properties. Landscaping around the base of the walls that enclose the trash container is encouraged. Multi-family and townhouse developments exceeding four (4) dwelling units shall be required to provide centralized containers along with separate recycling containers; does that mean that they also have to be enclosed? or not? Mrs. Kearney felt the statement was unclear. She would love to see them enclosed in a barrier because the ones that are next door to me & across the street in the summer really provide a very lovely odor plus the appearance.

Larry Reilly advised the Village could go back & look at the language.

Addressing page 10026, you're talking about fences, hedges, walls & so forth. I really have no problem with this except that I wonder if it should not include some kind of a set back from the sidewalk and/or the roadway for that fence. The fences across the street from me are approximately 2' from the sidewalk, but it is not sufficient for any plowing. There is absolutely no place to put the snow and consequently fences become damaged. There are many other places where I see the

same thing. The fence that Mr. Granito has constructed are built directly on to the roadway & I just wondered if the people drafting this document wouldn't want to consider some kind of a set back for this. She also addressed hedges & no matter how you trim your hedge, if it's planted right up against the edge of the sidewalk or roadway, it takes up some of that sidewalk or roadway & I didn't think that was the intent of the barrier.

Mrs. Kearney also addressed Sec. 100-56 concerning residency of Planning Board Members. Every member of the Planning Board, at the time of his/her appointment and throughout his/her term of office, shall be a resident of the Village. Presently, Planning Board Members are allowed to reside outside the Village, but within Delaware County; and what would happen to those who are current members of the Planning Board and do not reside in the Village of Fleischmanns.

Mrs. Kearney also reiterated what her husband, Donald E. Kearney, mentioned about the historic district. Mrs. Kearney also inquired why where she resided was that not considered a residential district. Are all hotels & motels & also restaurants at least over a certain size should not be special use permit in any district? She thought it would be wise for the Planning Board to take a look at hotels & motels.

Donald E. Kearney also brought up the fact that the empty lot located across from the old yellow Mariotti house w/ 25 'front & 25' set backs that lot becomes un-buildable.

John Granito questioned if the property lines.....are they using the deeds which read from the middle of the stream to the middle of the road? Is that where one can start counting 25'? I think you either have to go property by property & designate which ones would be exempt.....maybe go for a variance, maybe you really have to review each property. We don't want to eliminate lots or restrict building.

Village Attorney, John Fairbairn referenced Setback on page 1001: The

minimum distance between a principal structure or use and the property line or street line of the lot. Setback, Front-The required open unoccupied space between the centerline and the nearest part of the main structure, but not including open porches, entrance steps and other similar structures on the front of the main structure. Setback, Rear: The required open unoccupied space measured from the rear lot line to the nearest part of the main or accessory structure. Setback, Side-The required open unoccupied space measured from the side lot lines to the nearest part of the main or accessory structure.

All questions were answered from the public and Mayor Morell thanked everyone for their input.

Plaintmainstreet.net under community projects.

SEE ATTACHED DELAWARE COUNTY PLANNING
RECOMMENDATIONS

Close of Public Hearing

Motion made by Benjamin Fenton to close the Public Hearing. Motion seconded by Todd Pascarella. Benjamin Fenton-Aye. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

Regular Village Board Meeting

The Village Board of Trustees opened the regular Village Board meeting at 5:35 p.m.

Mark Project/Peggy Ellsworth

Peggy Ellsworth gave an up-date on the Main Street Program. The Committee consists of Bill Birns, Larry Reilly, John Duda as well as Peggy's rehab specialist have been meeting regularly and in dialog. We now have nine (9) properties in the target district that have received preliminary acceptance letters to participate. Some are almost ready to go to bid. We are waiting for SHIPPO no adverse impact statements. Some are just in the beginning of the process. We are also looking at

doing a civic portion of this towards the library. We have until 2012 to finish it up. We will look at the anchor buildings on the end of town if there are still funds available. She suggested the Board think about a street-scape committee. I did get approval if you want to do work on the parking lot; it just can't be paving. It can be green space and beautification.

We have not heard from the Office of Parks Records Historic Preservation is for the contract for the park. There may be some organizational changes on the state levels. We probably won't hear from them until mid-January.

Delaware Operations

Motion made by Todd Pascarella to approve the following purchase orders for the month of December, 2010: Delaware Engineering: Slack Chemical, Bulk Coagulant (PAC), gal., 300 gal. at \$2.49/gal, total cost of request: \$747.00, reason for purchase: chemicals used in the treatment process; Slack Chemical, 25% sodium hydroxide, 55 gal. drums, 220 gal. at \$1.44/gal, total cost of request: \$316.80, reason for purchase: chemicals used in the treatment process. Motion seconded by Benjamin Fenton. Todd Pascarella-Aye. Benjamin Fenton-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

Resolution

Election Polling Place

At the Regular Village Board Meeting
Of the Board of Trustees of the
Village of Fleischmanns, New York
Held at the Skene Memorial Library
On Monday, December 20, 2010 and

Upon motion made by Benjamin Fenton and seconded by Todd Pascarella, the following resolution was duly adopted:

Whereas, the next General Village Election for officers will be held on Tuesday, March 15, 2011 and

Whereas, the Board of Trustees of the Village of Fleischmanns

according to Election Law Sec. 15-104 (3) must designate by resolution the polling place in each district and the hours the polls will be open,

Now Therefore, Be It Resolved, that the Village Board of Trustees designate the Skene Memorial Library, 1017 Main Street, Fleischmanns, New York 12430 as the official polling place in District 1 for voting in the Village of Fleischmanns Election and designate that the polls be open the hours from 12:00 noon until 9:00 p.m.

Dated: December 20, 2010

Village Clerk

Fleischmanns

Lorraine DeMarfio,

Village of

State of New York)
)ss:
County of Delaware)

I, Lorraine DeMarfio, Village Clerk of the Village of Fleischmanns, New York do hereby certify that the foregoing is a true & correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on December 20, 2010 and the whole thereof.

Lorraine DeMarfio, Village Clerk
Village of Fleischmanns

Motion made by Benjamin Fenton to approve the above resolution.
Motion seconded by Todd Pascarella. Benjamin Fenton-Aye. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

ZBA Chair/Appointment

Motion made by David Morell to appoint Bill Birns as Chairman of the ZBA effective November 16, 2010 for a term of three (3) years, expiring Nov. 16, 2013. Motion seconded by Benjamin Fenton. David Morell-Aye. Benjamin Fenton-Aye. Todd Pascarella-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

ZBA Training Hours/Bill Birns

Motion made by Todd Pascarella to approve and acknowledge receipt of a Certificate presented to Bill Birns marking completion of four (4) hours of Catskill Regional Land Use Training delivered by The Catskill Center for Conservation & Development. Motion seconded by Benjamin Fenton. Todd Pascarella-Aye. Benjamin Fenton-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

Resolution

Cancellation of Outstanding Interest Penalties/287.18-6-19.11

At the Regular Village Board Meeting
Of the Board of Trustees of the
Village of Fleischmanns, New York
Held at the Skene Memorial Library
On Monday, December 20, 2010 and

Upon motion made by Benjamin Fenton and seconded by Todd Pascarella, the following resolution was duly adopted:

Whereas, there are delinquent Village taxes outstanding on parcel # 287.18-6-19.11 (the "Property"); and

Whereas, the owner is prepared to make payment in full; and

Whereas, a mistake was discovered in the assessment by the Town of Middletown's Assessor's office; and

Whereas, the Village Board would like to resolve any outstanding payments.

Now Therefore, in consideration of the foregoing, It Is Resolved That:

1. Pursuant to its authority under Sec. 1182 of the Real Property Tax Law, the Village Board does hereby authorize the enforcing officer for the Village to cancel all outstanding interest, penalties and other charges that are outstanding against the property providing that any outstanding delinquent taxes are paid in full by January 31, 2011.
2. This resolution will take effect immediately.

Dated: December 20, 2010

Village Clerk

Fleischmanns

State of New York)
)ss:
County of Delaware)

Lorraine DeMarfio,
Village of

I, Lorraine DeMarfio, Village Clerk of the Village of Fleischmanns, New York do hereby certify that the foregoing is a true & correct transcript of a resolution adopted by the Board of Trustees of the Village of Fleischmanns, New York on December 20, 2010 and the whole thereof.

Lorraine DeMarfio, Village Clerk
Village of Fleischmanns

Motion made by Benjamin Fenton to approve the above resolution.
Motion seconded by Todd Pascarella. Benjamin Fenton-Aye. Todd Pascarella-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

Minutes Approval/November 15, 2010

Motion made by Todd Pascarella to table approval of the November 15, 2010 Board Meeting minutes. Motion seconded by Benjamin Fenton. Todd Pascarella-Aye. Benjamin Fenton-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

Water Project Approval

Motion made by Todd Pascarella to allow the Village Treasurer to pay outstanding vouchers in connection with the Water Project prior to Board Meeting approval, pending approval by Delaware Engineering and the receipt of funds wired to the Village Water Project Fund to the Village's account by EFC. Motion seconded by Benjamin Fenton. Todd Pascarella-Aye. Benjamin Fenton-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

January, 2011 Board Meeting/Date Change

Motion made by Todd Pascarella to hold the January, 2011 regular Village Board meeting on Wednesday, January 19, 2011 at 6:00 p.m. Motion seconded by Benjamin Fenton. Todd Pascarella-Aye. Benjamin Fenton-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

Question arose as to the litigation at the movie theatre and the use of the pump station by the senior citizens.

Mayor Morell stated for the record that the Zoning Review Committee worked very hard. This is a big project and he wanted to thank them personally and on behalf of the Village Board for all that they did. Mayor Morell also thanked everyone who made comments tonight at the Public Hearing. This will have a profound effect on the Village and he wanted to assure everyone that this was being taken as most serious and important project. He expressed his thanks to everyone who donated their time and efforts & it speaks a lot about a community when people are willing to put this kind of effort forth for nothing but the idea of doing some good for other people and the next generation. I

sincerely want to thank everyone involved including those who have commented on it.

Vouchers

Motion made by Todd Pascarella to pay the following vouchers for the month of December, 2010: General Fund, Abstract # 48, Voucher # 192 totaling \$529.99; General Fund, Abstract # 50, Vouchers #193 through 213, totaling \$22,284.67; General Fund, Abstract # 51, Vouchers # 214 through 216 totaling \$1573.54; General Fund, Abstract # 53, Vouchers # 217 through 219 totaling \$7,608.68; Water Department Fund, Abstract # 13, Voucher # 34 totaling \$188.70; Water Department Fund, Abstract # 14, Vouchers # 35 through 38, totaling \$919.68; Sewer Department Fund, Abstract # 7, Vouchers # 73 through 80 totaling \$25,064.50; Water Project Fund, Abstract # 14, Vouchers # 28 through 30 totaling \$297,467.53; Water Project Fund, Abstract # 15, Vouchers # 31 through 33 totaling \$168,734.45. Motion seconded by Benjamin Fenton. Todd Pascarella-Aye. Benjamin Fenton-Aye. David Morell-Aye. Harriet L. Grossman-Absent. Fred Woller-Absent. Motion so carried.

Adjourn

Motion made by Todd Pascarella to adjourn. Motion seconded by Benjamin Fenton. Todd Pascarella-