

Catskill Town Board Monthly Meeting
Catskill Town Hall
September 1, 2009 6:30 pm

Attendance: Peter Markou, Supervisor
Robert Antonelli, Councilman
Lewis O'Connor, Councilman
Patrick Walsh, Councilman
Michael Smith, Councilman
Elizabeth Izzo, Town Clerk
Linda Speckman, Code Enforcement Officer
Michael Sterthous, Town Attorney

Supervisor Markou opened the meeting with a moment of silent prayer and the Pledge of Allegiance. He welcomed all in attendance.

The following minutes were approved:

08/04/2009 Public Meeting #8-2009 JUNK: Martha
Conners
Motion Councilman Antonelli
Second Councilman Walsh
Ayes 5, Nays 0 Absent 0

08/04/2009 Public Hearing # 9-2009 JUNK: Kevin
Williams
Motion Councilman Antonelli
Second Councilman Smith/Walsh
Ayes 5, Nays 0 Absent 0

08/04/2009 Town Board Meeting
Motion Councilman Antonelli
Second Councilman Smith
Ayes 5, Nays 0 Absent 0

08/19/2009 Town Board Committee Meeting
Motion Councilman Antonelli
Second Councilman Walsh
Ayes 5, Nays 0 Absent 0

The following resolutions were discussed and approved:

RESOLUTION # 95-2009 APPOINTMENT OF EMT (P/T)
CATSKILL AMBULANCE SERVICE

Councilman Antonelli presented the following for consideration and adoption,

WHEREAS, the Catskill Town board has authorized the filling of a part-time EMT position for the Town of Catskill Ambulance Service, and

WHEREAS, Ambulance Administrator, Matthew Leibowitz, has recommended that Ernest Longhi, Jr. be appointed to said position, and

WHEREAS, Ernest Longhi, Jr. meets the minimum qualifications established for said position, so

THEREFORE, WE, the Catskill Town Board hereby re-instate Ernest Longhi, Jr. to the position of EMT (Part-time) effective August 17, 2009. The rate of pay shall be \$12.62 per hour. Said appointment shall be subject to a probationary period of twenty-six weeks.

Councilman Walsh seconded this motion.

Ayes 5, Nays 0 Absent 0

Motion Carried

Supervisor Markou asked Linda to speak about the need for the following resolution. She stated that the house in question is located at 44 Ladies Lane in Palenville. She stated the windows to the house are either open or broken so that children can gain entry as well as animals and other infestation. The house has been abandoned for years and has recently been purchased by a person who is failing to comply with the order to remedy to secure the building. The basement has a spring in it. It is continuously filled with water. This is the reason why the house was abandoned by the original owners. They couldn't stop the water from coming into the house. There have been recent complaints from neighbors. They feel that there is a mosquito infestation breeding in the basement. She stated a letter was received by Audrey Lewis of the DOH requesting that we look into the matter. Linda stated Dr. Schilansky also contacted her as Health Officer for the Town of Catskill and consulted with her on it. She is asking the Board to authorize her office to secure the building and will continue with it in court.

Councilman O'Connor stated that house was on fire at one time and the foundation is filling with water. He would like to know if we can get the building condemned by an engineer. Linda stated we could do that. Councilman O'Connor stated there will always be water in that cellar and we wouldn't be able to get rid of the mosquitoes. He stated if someone pulls the plywood off and falls down into the cellar and drown, we would be liable.

Councilman Smith asked exactly where the house was located. Linda stated it is off of Stony Brook.

Linda agreed with Councilman O'Connor to have an engineer check out the home and tear it down. She suggested to the Board to initially secure the windows. She stated that at the back of the house, one of the windows is broken and the grass has been trodden down from foot traffic.

Linda stated when the house was built several years ago they blasted for the foundation because they wanted a 9 foot basement. They used a superior walls foundation which has a stone footing. The owners at that time were constantly pumping water out of the house. The house eventually filled up with mold and they abandoned the home. It was purchased a year ago by Kristin Tomaszewski and Glen Young. He did all the contact with Linda prior to purchasing the property. She explained to him that what would be required was an engineer's analysis of the foundation and several other things before any building permit would be granted. Instead of complying, he gutted the whole inside the house. It is basically a shell on a foundation. She has him coming into court on that issue.

Councilman Smith asked if we could remove the structure. Linda stated that would be based on the engineer's instructions. She stated under the Emergency section of this chapter the Board can authorize securing the house tonight. She stated if the Board would like to go for a full unsafe building/demolition, we would have to follow the procedure and have public hearings et al.

Supervisor Markou stated we will pass this resolution tonight and instruct you to proceed with the next step which would be demolition of the property.

RESOLUTION # 96-2009

UNSAFE BUILDINGS—EMERGENCY CASES

Councilman O'Connor offered the following for consideration and adoption,

WHEREAS, the Catskill Town Board is required to take immediate action to protect the life, safety or health of any person/ persons relating to unsafe buildings within the Town of Catskill, and

WHEREAS, the Code of the Town of Catskill, § 90 (1-11), provides for the orderly process of removing or repairing any unsafe structures, and

WHEREAS, in certain emergency cases, § 90-10, the Catskill Town Board must take action to secure / demolish dangerous structures to protect the life, safety or health of any person, so

THEREFORE, WE, the Catskill Town Board do hereby authorize the Code Enforcement Officer(s) to immediately cause the securing, repairing or demolition of such unsafe structure, such at 44 Lady's Lane, Palenville, NY 12434, T.M. # 185.01-1-8.111, under §90-10 of the Code of the Town of Catskill.

Councilman Smith seconded this motion.

Ayes 5 Nays 0 Absent 0

Motion Carried

RESOLUTION # 97-2009

TO SCHEDULE PUBLIC
HEARING FOR JUNK:
FRANCIS SAUNDERS JR.

Councilman Antonelli presented the following for consideration and adoption,

WHEREAS, the Catskill Town Code Enforcement Office has reported that conditions on the property located at Wilson Road, Catskill NY 12414, Tax Map #137.00-5-13.2, constitute a public nuisance, and

WHEREAS, the Town of Catskill Code Enforcement Office has an Order to Remedy (s) outstanding on this property due to junk accumulation with no corrections being made, so

THEREFORE WE, the Catskill Town Board hereby approve and set a public hearing pursuant to Chapter 115 of the Town of Catskill Code concerning this matter on Tuesday, October 6, 2009 at 6:15 pm at Catskill Town Hall, 439-441 Main Street, Catskill, NY 12414.

Councilman Smith seconded this motion.

Ayes 5, Nays 0 Absent 0

Motion Carried

Supervisor Markou reviewed the county resolutions:

Resolution # 254-09 Awarding Fuel Oil Bids

Resolution # 263-09 Reimbursement to Community
Colleges (Catskill's share \$5,604.86)

Supervisor Markou next spoke about new business. Kellie Darling approached the Board regarding the Summer Recreation program. She stated they had 250 children; same as last year. She stated there was a decrease in the Tiny Tot program so one program was eliminated. She stated the field trips were the same. She stated she contracted out of county for bus transportation. She stated the local bus company was asking a rate of \$375 a day when previously it was \$178. Since this increase wasn't incorporated into the budget she needed to look elsewhere for transportation. She stated she contracted with a company in Columbia County. They charged \$240 a day. They were able to maintain transportation for the program.

She stated this year they implemented a registration fee. One child enrolled was \$25 up to a maximum of \$50 for a family. This helped offset administration costs. She stated

the continued dedication of the staff and the support in the community enables the Center to run this program and she thanked them.

Kellie stated the program ended in a positive balance but that is due to the fact that they didn't hire three staff members because of the decrease in the Tiny Tot program.

Supervisor Markou stated it is always nice to see a positive balance.

Councilman Antonelli asked what is a 10% indirect cost. Kellie stated this would be part of her salary, utilities. These costs aren't put into budgets so 10% out of the total cost of the program is for that.

Supervisor Markou approached the Greene Medical Arts request. He stated he asked Michael Sterthous to attend tonight and speak about the options to facilitate their request.

Michael Sterthous stated there are three options given the County response. He stated a couple ways were spoken about to try to give them their request. He stated the property is split zone. The commercial zone (CZ) runs along the front of the lot and the back is high density residential (HDR). Presently there are medical offices and they would like to expand that for other professional offices. Their petition was for rezoning to move the CZ back to where the HDR starts. In the CZ there is a permitted use of general and professional offices. That would accommodate their request.

The Board at the same time discussed if there was an ability to limit all the uses because if you were to look at uses permitted in CZ there are all sorts of things from restaurants to commercial activities that may or may not be appropriate for that lot in that particular neighborhood. He believed the Board had given him direction that those uses not to be appropriate. Mike crafted a local law to address two options. The first being moving the CZ to encompass the entire property eliminating the HDR but limiting it to professional offices. The draft resolution would require the property owner to record a deed restriction that would limit the use of that property to general professional offices and effectively eliminating all other permitted uses in the CZ.

The second alternative would be to change the specially permitted uses in the HDR to accommodate general and professional offices. That change would encompass the entire Town. This change would be that throughout the Town those HDR zones would now encompass a specially permitted use for general and professional offices.

At the last meeting, the Board authorized him to send the petition from the applicant and the thoughts of the Town Board to the County Planning Board and they responded with an approval without any conditions but provided a comment that we might want to consider a use of a zoning amendment that would accommodate split zones. The zoning law does not have a provision right now. One way would be to say the most restrictive zone covers the entire property. Another way would provide something similar to that one use allowed in one zone but not in another the use in both regulations of the district where the lot has frontage may be extended into the more restrictive district to align

parallel to and not more than x number of feet from the street frontage. This may accommodate this project.

Councilman O'Connor stated the first option making sure that it could be only professional offices is for the front building and the actually line goes through the middle of the building, we can be accused, if the people of Columbia Memorial or Kaaterskill decide to go for a zoning change and we don't allow it, of spot zoning.

Mike Sterthous stated he doesn't believe the Town would be accused of spot zoning but can't speculate what might happen down the road. He stated down the road if Kaaterskill Nursing Home came and asked for something similar, the Board would have to look at the circumstances surrounding it. He stated spot zoning in and of itself is generally approving a zoning change that affects one particular property without any other reason other than the property owner wishes it to change.

Mike Sterthous reviewed the options again. The first option is to move the boundary back so GC encompasses the entire lot of Greene Medical Arts which would make the building sit within the GC zone and general and professional offices would be a permitted use. He suggested that they still be required to go to the Planning Board because of the commercial use and need site plan approval. There would still be the opportunity for the Planning Board to look at and make sure what office uses are going in there, what parking uses would be required, are there any improvements to be made to the parking area, etc.

Councilman Antonelli asked which would be the easiest to do and eliminating that they wouldn't be able to have restaurants etc. Supervisor Markou and Mike Sterthous stated they would place a deed restriction.

Linda Speckman stated she can not enforce deed restrictions. Councilman O'Connor stated as long as they own it, the Board would be able to enforce it. If they sell in the future, they would have to come back to the Planning Board to change it the other way. Mike stated that Planning would be advised to request a copy of the deed.

Councilman Antonelli stated that when this was done years ago, there was a restriction to be used only for doctor's offices and a hospital. He stated the building is too big for them to fill it with medical. He stated if not granted they won't do work on the building. Supervisor Markou stated the building needs lots of work back there. Councilman Antonelli stated he feels we should give it to them.

Mike Sterthous stated the second option would be to add another specially permitted use to the HDR. Lines would not be moved, the zoning map would not be changed, and there would be no need to worry about deed restriction. If it was a specially permitted use it would still need to go to the Planning board. This would require all HDR in the Town change.

Councilman Walsh stated he believes option two is the easiest remedy. Mike Sterthous stated to look at extend of HDR. The Planning Board would have the control to deny or condition upon special permit.

Mike Sterthous stated there is nothing on the books about split zoning for the third alternative. Mike stated for a couple of years now, he and Linda have been trying to come up with something. Linda stated when she has a split zone she takes it to the Zoning board.

Councilman Antonelli stated he is under the impression that the Board is in agreement to grant them but the Board needs to decide which way to go.

Mike stated he has two versions of a local law depending on which way the Board would like to go. He stated the next step is to decide on the language, get a final version of the local law, noticing a public hearing, completing the SEQRA process and enacting the local law.

Supervisor Markou stated this would be placed on our next agenda. Mike Sterthous stated after final revision of the language, schedule a public hearing 14 days out.

Linda stated that she and Michael have been talking about moving some of the permitted uses into special uses so the Planning Board can review them.

Mike stated you may consider the other changes if the Board decides to go with option 2. This would take a number of permitted uses as special uses and give the Planning Board authority to look at more closely.

Mike stated we can dust that off and build a broader law or do as two separate local laws. Councilman O'Connor stated we should use two separate laws so we can move on this one.

Supervisor Markou asked Linda to resurrect the memo and resend to the Board.

Supervisor Markou reviewed the reports which are available in the Town Clerk's office. He asked for comments from the Board. He welcomed back Councilman O'Connor. There were no further comments from the Board.

Supervisor Markou asked if anyone from the public would like to address the Board. Mike Lanuto asked if the Board was going to discuss the sewer line going up through Jefferson Heights. Supervisor Markou stated that would not be discussed tonight. He stated there is a meeting scheduled for September 23rd at the Senior Center.

With no further comment a motion to go into executive session was made by Councilman Smith and seconded by Councilman Walsh. The board went into executive session at 7:20 pm.

Motion to end executive session and board meeting was made by Councilman Antonelli and seconded by Councilman Smith. Meeting ended at 8:00 pm.

Respectfully submitted,

Elizabeth Izzo
Town Clerk