

**SPECIAL MEETING-BOARD OF TRUSTEES-FEBRUARY 2, 2010-7:00PM**

**PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES – JOHN BASILE, KEN BAKER, KEITH COLLINS, ELLEN VOMACKA**

Mayor Martin called the meeting to order at 7:00pm and led the pledge to the flag.

**RESOLUTION**

**WHEREAS**, Scott M. Ronda has submitted an application for a Special Use Permit in order to construct a two family dwelling located at 297 North Hudson Avenue, identified as tax map number 243.76-1-7 and to subdivide the property through the center of the dwelling; and

**WHEREAS**, pursuant to Article VI, section (b) of Stillwater Zoning Law a public hearing was duly held on January 19, 2010 at 7:00 P.M.; and

**WHEREAS**, the Board of Trustees completed a SEQRA review and determined the application was a Type II Action on December 15, 2009; and

**WHEREAS**, the Board of Trustees has duly considered the application; now, therefore, be it

**RESOLVED**, that the application of Scott M. Ronda for a Special Use Permit in order to construct a two family dwelling located at 297 North Hudson Avenue, more fully identified as tax map number 243.76-1-7 and to subdivide the property through the center of the dwelling as proposed is hereby granted; and, be it further

**RESOLVED**, that the application is conditioned upon receipt of permits for 2 curb cuts from New York State Department of Transportation; and, be it further

**RESOLVED**, that the application is conditioned on the effective storm water control; and, be it further

**RESOLVED**, that the application is conditioned upon the satisfactory resolution of the electrical supply to the neighbor to the west of the property.

**RESOLVED**, the Village Clerk is hereby authorized to issue a Special Use Permit subject to the conditions of this resolution

|                 |            |
|-----------------|------------|
| Trustee Baker   | Voting Yes |
| Trustee Basile  | Voting Yes |
| Trustee Collins | Voting Yes |
| Trustee Vomacka | Voting Yes |

Resolution moved by Trustee Basile, seconded by Trustee Vomacka

Discussion: Trustee Basile led a discussion on storm water and stated the drain is located south of the project and is not a viable solution. He also stated he was not concerned about the run off however; the temporary electrical connection at Mrs. Baker's looks substandard and appears to be an immediate safety issue. It was agreed Building Code Officer Lynn Goman should inspect the storm water and especially the electrical connections to determine it's acceptable.

Mayor Martin advised he'd received a letter from Mrs. Rita Baker which included photos he found very disturbing and stressed the Building Code Officer needs to settle the situation as soon as possible.

**MOTION** to approve Mr. Ronda's Special Use Permit made by Trustee Basile, seconded by Trustee Collins  
Motion carried 4-0

At Mrs. Baker's request, Trustee Vomacka read the following into the record:

February 2, 2010

Mayor Ernest Martin  
Village of Stillwater  
Stillwater, NY 12170

Dear Mayor Martin:

Recently, it has come to my attention that the Village Board held a Public Hearing on January 19, 2010 for a Special Use Permit request from Scott Ronda. I understand that there is another meeting for this same subject on Tuesday, February 2, 2010 for the Village Board to vote on the Special Use Permit request for 297 Hudson Avenue.

By copy of this letter and the supporting documentation enclosed with it, I request that this correspondence be read publically in its entirety to become an official part of the Village minutes for this meeting.

I reside at 291 Hudson Avenue, which is the property behind and adjacent to 297 Hudson Avenue; I have lived at this same address for more than 42 years and have been a quiet, respectful neighbor to everyone.

In 2008, Mr. Ronda's townhouse projects began when the Westcott properties were demolished and the new buildings were constructed. Dirt, dust, noise, construction equipment were endured on a near daily basis. My driveway was being used by all the contractors with large equipment coming in and out (including the County Waste dumpsters). This was the beginning of things that concerned me, but I was being as neighborly and accepting of the situation as possible.

The first major problem I encountered was when they wanted to take the tree down that was adjacent to my property. I overheard Frank Ronda and two gentlemen discussing the tree. One of the men asked how much will it cost if the tree fell on my home. The other man responded, "More than \$10,000."

When they started to take the tree down, Frank Ronda rushed to my house and told me to get out of the house since they were taking the tree down and they were worried it was going to fall on my home. I was terrified and had nowhere to go. I gathered my dogs and went to the garage where I stayed until the process was over.

November 22, 2008 at 8:15 pm, my power went out. I believe this electrical situation was caused by construction equipment running over the electrical lines to my home. I sat in the dark and the cold until I could get an electrician the next day (November 23). Ultimately, Scott Ronda reimbursed me for the expense I incurred. And this brings me to the gravest of my concerns.

Mr. Ronda approached me about removing the pole on 297 Hudson Avenue, which supplies electricity to my home. He said he wanted to remove the pole and put a new one on my property and he advised me he would coordinate this with NYSEG and have his contractor (Andy Marshall) make the changes, so all the wires would be underground that go to the street. My wires were already underground out to the pole that is on the Ronda property. The wires to my property existed underground prior to my purchasing the property and prior to Ronda's purchasing 297 Hudson Avenue, as an easement exists or existed from the previous owners.

I was fearful to legally commit to anything and ultimately decided it was in my best interest to hire an attorney (Andrea DiDomenico) to represent me for at least the NYSEG papers that needed to be signed. Andrea advised me they were ok to sign, and Scott picked them up from Andrea and brought them to me. I signed them but have yet to receive a copy and to date, I have heard nothing further on this subject (action or papers) from Andrea, Scott or NYSEG.

I believe this process started in October 2009. Again, to be neighborly, I agreed to this but then when the process started, there have been several things that I am extremely concerned and upset about.

To run new lines, Scott told me that a section of my fence would have to come out as well as the shrubs. He told me he would replace the shrubs and the fence. I requested that when he replaced the fence, that a 6 foot privacy fence be installed out to my driveway because from what I understand, the deck of the unit to be built will be in such close proximity to my house, I will be losing all the privacy I enjoyed for 42 years (including the lack of privacy from the new unit Frank and Joan Ronda live in).

Once the papers were signed a few months ago (without having a copy I cannot give you the specific date), Scott told me that NYSEG should be completing all the work within a week or two and that they would call me to let me know when this would occur. I heard from Scott and his contractor, Andy Marshall, and he said that I would be without power for approximately one hour when the transition took place. The Ronda and Marshall communications indicated to me that I should expect everything to have been resolved within a very short period of time. However, day after day, I received no call from NYSEG and the condition of the wiring that Mr. Marshall handled to my home has been a growing concern.

Mayor Martin, I am well aware that you and other Village Board officials and Village employees were advised of my problem and were extended requests to check this situation out to help me. But as I understand it, you simply want a letter from me to advise you of my concerns.

In the last few days, I had to seek assistance to get a professional opinion before I proceeded to accommodate your request because no one in an official Village capacity has assisted me. For your visual since you did not come to see my home, enclosed are photographs documenting the work Mr. Scott Ronda had done on my property:

- 1) Standing on my rear porch, looking down into where the skirting was pulled from my trailer with the wires pulled through the hole, cut off and capped. Red capped wires in the pictures have been tested and it has been determined that these wires are live. (1A is a close up)
- 2) Facing my back porch, the wires that are depicted in #1 above
- 3) From the wires in #2 above, facing toward Hudson Avenue – the wires run along the side of my trailer on the ground in the snow with several splices and capped ends to the “new pole” that has been erected
- 4) This is a hole where they dug up the old wires (near the new pole in #3 above) and cut off the wires leaving them exposed (and the hole not filled in). There are several trenches in my yard from what they dug up.
- 5) New and old wires with the splices and ends capped to the new pole
- 6) This is the back side of Ronda’s shed and all the wires, fencing, brush tossed and left when they did the work. Across the yard from the shed is more debris/brush, removed and discarded fencing, and cut wires (not shown).
- 7) Standing at my garage and facing Hudson Avenue, the new pole, the old pole where all the electricity to my home is connected still and the primary reason for this photo, to document the elevation which will cause more water issues to my property
- 8) A closer picture of the old pole with more wires on the ground that go to my house
- 9) Rear north corner where water is gathering that did not exist for years when the Westcott’s lived next door
- 10, 11, 12) The driveway B. Mang and I own and share that shows an elevation in the land surrounding where the house originally stood. The ground is now frozen, but prior to this week, there were huge puddles in the ruts recently caused by Ronda’s construction vehicles and others who service these properties.

When you have to vote on whether Mr. Ronda has the right to a Special Use Permit, should he not be responsible to correct the damage and problems he created on my property before he can do anything? Should he not be responsible to assure that he does not create water issues or other problems for all the other properties in our area? Should residents have to incur expenses and needless anguish associated with what other people do? What responsibility does the Village have relative to my situation and to prevent others from experiencing such problems?

Who in the Village serves and protects residents and taxpayers? What rights do I have and who shall uphold them?

Perhaps you might say this is my fault. Perhaps Scott Ronda might say the same thing. Shame on me for being neighborly. Shame on me for trusting everyone in this process and accepting them at face value. Shame on me for accepting that when someone claims that they will take care of everything and, to quote Scott, “It will be better than before”, that I should expect it be completed on a timely basis and that I shouldn’t have to follow up, request, beg or enforce to have corrective measures implemented that were at the hand of someone else.

In retrospect, does it make sense to have this electrical work done in such a fashion? Does it make sense to put a 4 foot pole in the middle of my yard behind a fence where NYSEG would have a great deal of difficulty gaining access to read it? Why would a meter be placed here? Why would the meter not be perhaps attached to my garage, which is a permanent structure?

I will be 88 years old in April, I am of sound mind. For nearly half my life I happily, comfortably and privately resided in my current home. To the best of my knowledge, I bothered nor interfered with anyone. I find myself now in a predicament for which there seems to be no help. I am upset. The safety of myself, my dogs and my home have been compromised. I lost my privacy. I incurred financial expenses in an attempt to protect myself and my property. I believe that those who have the authority to help me have failed to do so.

I respectfully request your assistance for immediate attention.

Sincerely,

Rita Baker

Cc P. Ryan, Village Clerk

Enclosures – 13 photos

**MOTION** to renew the current Village Health Insurance coverage with CDPHP made by Trustee Collins, seconded by Trustee Basile  
Motion carried 4-0

Mr. Ken Ingersoll questioned the status of the WWTP and voiced his concerns about effluent on the shoreline behind his home. Trustee Basile will follow up and Mr. Ingersoll was asked to contact Supt. Gerasia if and when he noticed it again.

Motion to adjourn made by Trustee Basile, seconded by Trustee Baker  
Motion carried 4-0

Meeting adjourned 7:50pm

Respectfully submitted

Patricia Ryan  
Clerk-Treasurer