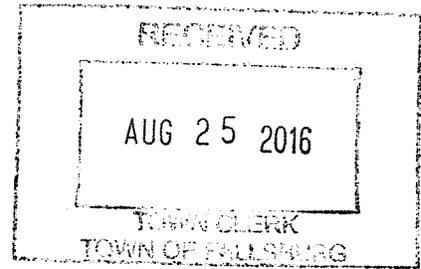


State of New York - County of Sullivan
Town of Fallsburg - Town Board



In the Matter of the Application of /
CONGREGATION AHVH (Camp /
Summerville) /
for a Hardship Variance from the Town's /
Residential Moratorium Local Law /

**Verified Petition for Relief from
Moratorium**

The Petitioner, Congregation AHVH (Camp Summerville), by its attorneys, KALTER, KAPLAN, ZEIGER & FORMAN, hereby submits this Petition for a hardship variance from the application of the Town's Residential Moratorium Local Law (the "Moratorium Law"), and in furtherance thereof, respectfully alleges as follows:

1. The Petitioner is the owner of three parcels of real property located on the easterly side of Loch Sheldrake - Hurleyville Road (County Road 104), in the Town of Fallsburg, known as Town of Fallsburg SBL 17.-1-24; 17.-1-28; and 26.-1-30 (collectively the "Property"). As part of the Petitioner's pending site plan approvals, said three parcels shall be consolidated into one parcel.

2. Petitioner acquired parcel 26.-1-30 on February 26, 2014, for a purchase price of \$550,000.00. Petitioner acquired parcel 17.-1-24 and 17.-1-28 on July 10, 2014 for a purchase price of \$25,000.00. Accordingly, Petitioner's acquisition costs for all three parcels was \$575,000.00.

3. Historically, parcel 26.-1-30 was operated as a Summer Camp. Operation of that parcel as a Summer Camp was discontinued a few years before the parcel was acquired by the Petitioner. Accordingly, the right to continue to operate the parcel as a Summer Camp no longer existed when the Petitioner purchased the Property, and the Petitioner required site plan approval from the Town Planning Board in order to again operate a Summer Camp at the Property. The Petitioner obtained site plan approval from the Town Planning Board during the year 2015. The Petitioner expended in excess of \$35,000.00 in order to obtain site plan approval to operate a Summer Camp at the Property consisting primarily of engineer fees, attorneys' fees, and fees paid to Town consultants.

4. At the time that the Property was acquired by Petitioner, the existing buildings on Parcel 26.-1-30 (which were previously used as a Summer Camp) were in dilapidated condition. Indeed, prior to allowing any of the buildings to be occupied, the Town Code Enforcement Officer requested the Petitioner to submit an engineer report confirming that occupancy of the building was appropriate. The main building on the Property had been in a partial state of construction at the time that the Property was acquired by the Petitioner. Subsequent to acquisition and obtaining site plan approval from the Town Planning Board, the Petitioner invested significant funds to renovate/repair several buildings on the Property, complete the construction and obtain a certificate of occupancy with respect to the main building on the Property, and to install a new swimming pool. The Petitioner invested in excess of \$700,000.00 towards these construction efforts during the year 2015.

5. Although the Petitioner completed sufficient construction for the Petitioner to begin operating a camp at the Property during the summer of 2015, the construction and renovation efforts of the Petitioner had not been completed at that time, more specifically the Mikva building and several dorm buildings had not been renovated and, therefore, were not used during the 2015 summer season.

6. In furtherance of the Petitioner's operation at the Property, it became clear that the Petitioner's operation was more than a Summer Camp. The Petitioner's activities at the Property does not involve the typical recreation fo a Summer Camp. Indeed, all of the participants at the programs conducted at the Petitioner's Property are Yeshiva students and the primary activity at the Petitioner's Property consists of religious study and education. Most of the participants at the Petitioner's Property are involved with religious education and religious study for most of the day; recreational activities are limited to swimming generally in the late afternoon.

7. As part of the Petitioner's recruiting efforts for its Yeshiva students and as part of fund raising activities conducted by the Petitioner, the Petitioner also hosts events at the Property, before and after the Summer months, generally on weekends. These events consist of Shabatons, which consist of a weekend of religious activities, generally supervised by a Rabbi, and attended by a group of people, typically with some affiliation to each other, such as a large extended family, or a religious school from Brooklyn, New York. These Shabatons allow the participants an opportunity to experience the religious training that is the foundation of the Petitioner, and allows the Petitioner to interact with potential donors and participants of its programs.

8. In light of the fact that the Petitioner conducts activities at the property on a year-round basis, rather than during the Summer months, during the year 2016 the Petitioner filed a Petition with the Town Planning Board for a change of use of the Property from a Summer camp to a religious retreat. The application was submitted to the Planning Board on April 28, 2016 and approved by the Planning Board at its May, 2016 meeting.

THE PROJECT

9. As stated in Paragraph "5" above, although the Petitioner opened the Property for Summer use during the Summer of 2015, the Petitioner had not completed construction of all of the items that the Petitioner had planned to construct, and that the original site plan obtained by the Petitioner allowed. In particular the site plan allowed the expansion of the mikva building on the Property, and for the conversion of several additional buildings that were located on the Property, and allowed those buildings to be renovated for future use as dormitory buildings.

10. After evaluating the Petitioner's needs, based upon the success of its Summer program during the year 2015, the Petitioner determined to invest additional money into the Property, and in lieu of renovating the mikva and the existing buildings on the Property, the Petitioner submitted an application to the Town Planning Board to demolish several of the buildings and to construct a new building, which would be a combination of mikva building and dormitory building.

11. Exhibit "A" annexed hereto represents the existing conditions of the Petitioner's property as of today's date. Exhibit "B" annexed hereto represents the proposed project now pending before the Town Planning Board, to demolish certain of the buildings or portions of the buildings and to construct a new mikva and dormitory building.

12. In connection with the pending Project, the Petitioner will require an area variance from the Town of Fallsburg Zoning Board of Appeals. The Petitioner submitted an application to the Zoning Board of Appeals for the variance. Initially, the Zoning Board of Appeals deferred taking any action on the application based upon the recommendation of the Town Code Enforcement Officer who took the position that before the Zoning Board of Appeals could act on the pending application, the Petitioner needed to obtain a change of use for the Property from a Summer camp to a religious retreat. As stated, in Paragraph "8" above, the Petitioner obtained that approval from the Town Planning Board during the month of May, 2016.

13. Although the Petitioner obtained approval of the change of use of the Property to a religious retreat at the May, 2016 Planning Board meeting, the Petitioner missed the deadline to file to be on the agenda for the Zoning Board meeting of June, 2016, and the variance application could not be heard at the July, 2016 Zoning Board meeting because of the Moratorium Law. Thus, the Petitioner still needs approval of the Zoning Board of Appeals for the construction project described herein, that being to demolish certain of the buildings and a portion of the existing mikva building and to construct a new combination mikva and dormitory building. Upon obtaining said approval, the Petitioner will need to return to the Town of Fallsburg Planning Board for site plan approval.

14. The Petitioner expended in excess of \$10,000.00 to obtain the approvals previously described in this Petition, that being for a change in use of the property from a Summer camp to a religious retreat, and to seek to obtain the zoning area variance described above.

15. The area variance is required because the new building to be constructed would be located closer to the property line than is allowed by the current zoning. Interestingly, the new building to be constructed will be no closer to the property line than the existing building that the Petitioner proposes to demolish and replace with the new building. In fact, had the Petitioner elected not to demolish any of the buildings but to renovate them, no area variance would be required. The area variance is required because the Petitioner proposed to demolish the existing deteriorated buildings and replace them with new; because the replacement building will be new construction and not within the same footprint as the existing building, the area variance is required.

HARDSHIP

16. The hardship experienced by the Town Moratorium Law is several.

17. The Petitioner's operations is at or near capacity, based upon the attendance at the Property during the Summer of 2016. In fact, the demand to attend the Petitioner's religious education programs at the current time exceeds the capacity of the Petitioner to serve the needs of the interested applicants. During the Summer of 2016, approximately 70 students attended the Petitioner's programs. The current plan is to expand by 35 to 40 students during each of 2017 and 2018, and to reach capacity during the year 2018 of 140-180 students. Construction of the new dormitory building is necessary for the Petitioner to continue its operations and meet the existing demand to attend the Petitioner's religious education programs.

18. The Petitioner's timeline would be to obtain approval from the Town of Fallsburg Planning Board as soon as possible so that the Petitioner can begin construction during the Fall of 2016, and pursue enough construction of the project prior to the Winter months so that construction can continue during the Winter of 2016, and the building be completed prior to the Summer of 2017. Obviously, that timeline cannot be met in the event that the Petitioner is unable to pursue this project for a year or more as a result of the Moratorium.

19. It is also clear that the Petitioner will incur a substantial financial hardship in the event that the Petitioner is unable to complete the construction and renovations of the Property that the Petitioner purchased. As stated in Paragraph "4" above, when the Petitioner acquired the property it was in dilapidated condition, many of the buildings needed to be demolished and all of the other buildings needed to be substantially renovated. The Petitioner invested substantial money to accommodate this. In addition, as part of the original approval from the Town of Fallsburg Planning Board, the Petitioner obtained approval to renovate several additional buildings which the Petitioner was unable to do prior to the 2015 Summer season. Subsequent to the 2015 Summer season, in an effort to improve the property, the Petitioner determined not to renovate the additional buildings (approval for which had already been obtained) but, instead to demolish the buildings and construct a new building.

20. In essence, what has occurred is that the Petitioner, in an effort to substantially improve the property (which of course would benefit both the Petitioner and the Town, in general, and the surrounding properties in particular) has subjected the property to the Moratorium Law, which could have been avoided had the Petitioner taken the easy way out and simply renovated the existing buildings.

21. As previously stated, subsequent to the 2015 Summer season, the Petitioner has invested in excess of \$10,000.00 to obtain approval for a change in use in the property from a Summer camp to a religious retreat, and in connection with the preliminary engineering to present to the Town of Fallsburg Zoning Board of Appeals in order to obtain the area variance previously discussed herein. The Petitioner is obviously committed to invest additional funds to complete the engineering, obtain Planning Board approval, demolish the existing buildings and construct the new combination mikva and dormitory building.

22. In addition to the funds expended by the Petitioner subsequent to the 2015 Summer season, the Petitioner has invested in excess of \$1,320,000.00 since 2013 in order to acquire the Property, obtain site plan approval to operate a Summer camp at the property, to complete construction of the Property, to renovate other buildings at the Property, and to install a new swimming pool, so the Petitioner could begin operation at the Property during the 2015 Summer season. This investment involved the purchase of the Property (\$575,000.00), the costs and expenses of obtaining approvals (\$35,000.00), the construction and renovation costs of \$700,000.00, and the costs of changing the use to a Religious Retreat and the Zoning Variance of \$10,000.00, for a total of all of the foregoing of \$1,320,000.00.

23. In the event that the Petitioner is unable to construct the new dormitory building prior to the 2017 Summer season, the Petitioner will need to rent space at a different location to accommodate the 35 projected additional students. The projected costs of this off-site rental is \$40,000.00. Such off-site rental, in addition to being more cumbersome, will also require expenses over and above the rental expense of \$40,000.00 by way of transportation costs, and off-site supervision.

RELIEF REQUESTED

24. For the reasons heretofore set forth, the Petitioner is requesting relief from the Moratorium Law and requesting authority to complete the development of the Project.

25. As set forth in this Petition, the approval of this Project has been ongoing for almost a year. The Petitioner has already obtained a change of use of the Property from a Summer camp to a religious retreat, and has already appeared before the Zoning Board of Appeals for the area variance to allow this project to move forward. As part of the foregoing, the Petitioner has provided the Town Planning Board and Town Zoning Board with a comprehensive map of the existing conditions at the Property and of the proposed site plan showing the new buildings to be constructed. The detailed engineering has been in progress, and is expected to be completed shortly. Inasmuch as the Planning Board has already reviewed this project on several occasions, it is anticipated that at the next Planning Board meeting when this project will be considered, that the Petitioner will be in a position to request a negative declaration and site plan approval.

26. The Petitioner has also demonstrated a substantial financial hardship mandating that this Project be allowed to proceed notwithstanding the Moratorium Law. To date in excess of \$1,320,000.00 has been paid for property acquisition costs and development costs, including engineers and town consultants, and if the new building is not complete prior to the 2017 Summer season, the Petitioner will incur additional costs of operation of \$40,000.00 to \$50,000.00.

27. For all of the reasons set forth herein, it is respectfully submitted that the Petitioner has demonstrated that a significant hardship would be incurred, financial and otherwise, in the event that the Petitioner would not be allowed to proceed towards completion of this Project, and that, in such event, Petitioner would suffer irreparable injury and will suffer a major setback towards the Petitioner meeting the needs with respect to the Petitioner's religious education programs.

WHEREFORE, it is respectfully requested that the Town of Fallsburg grant the Petitioner relief from the stay of development provided for by the Town of Fallsburg Residential Zoning Moratorium Law and that this Project be allowed to proceed through the approval process of the Town of Fallsburg Planning Board and any other Town Boards which may require approval for this Project, including the Architectural Review Board and the Building Department.

Dated: Woodbourne, New York
August 10, 2016

CONGREGATION AHVH

By: _____
Moishe Grunhut, President

EXHIBIT "A"

EXHIBIT "B"

Existing Building Legend

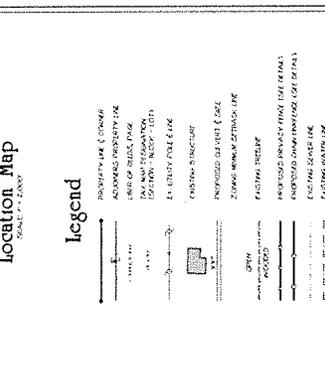
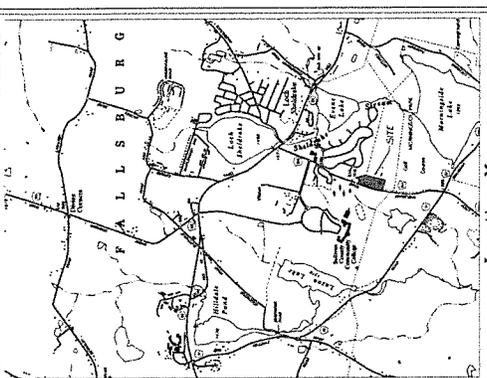
NO.	DESCRIPTION	AREA (SQ. FT.)	NO. OF ROOMS
1	CHAPEL - COMMUNITY CHURCH	10,000	10
2	CHAPEL - COMMUNITY CHURCH	10,000	10
3	STAFF HOUSE	2,400	25
4	CLASSROOM	100	1
5	OFFICE	1,000	10
6	RESTROOM	100	1
7	WATER TOWER	100	1
8	WATER TOWER	100	1
9	WATER TOWER	100	1
10	WATER TOWER	100	1
11	WATER TOWER	100	1
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18	WATER TOWER	100	1
19	WATER TOWER	100	1
20	WATER TOWER	100	1

TOTAL NUMBER OF STAFF HOUSES: 25
 TOTAL NUMBER OF CHAPELS: 2
 TOTAL NUMBER OF CLASSROOMS: 1
 TOTAL NUMBER OF OFFICES: 10
 TOTAL NUMBER OF RESTROOMS: 1
 TOTAL NUMBER OF WATER TOWERS: 18

Zoning Legend: RFC-1

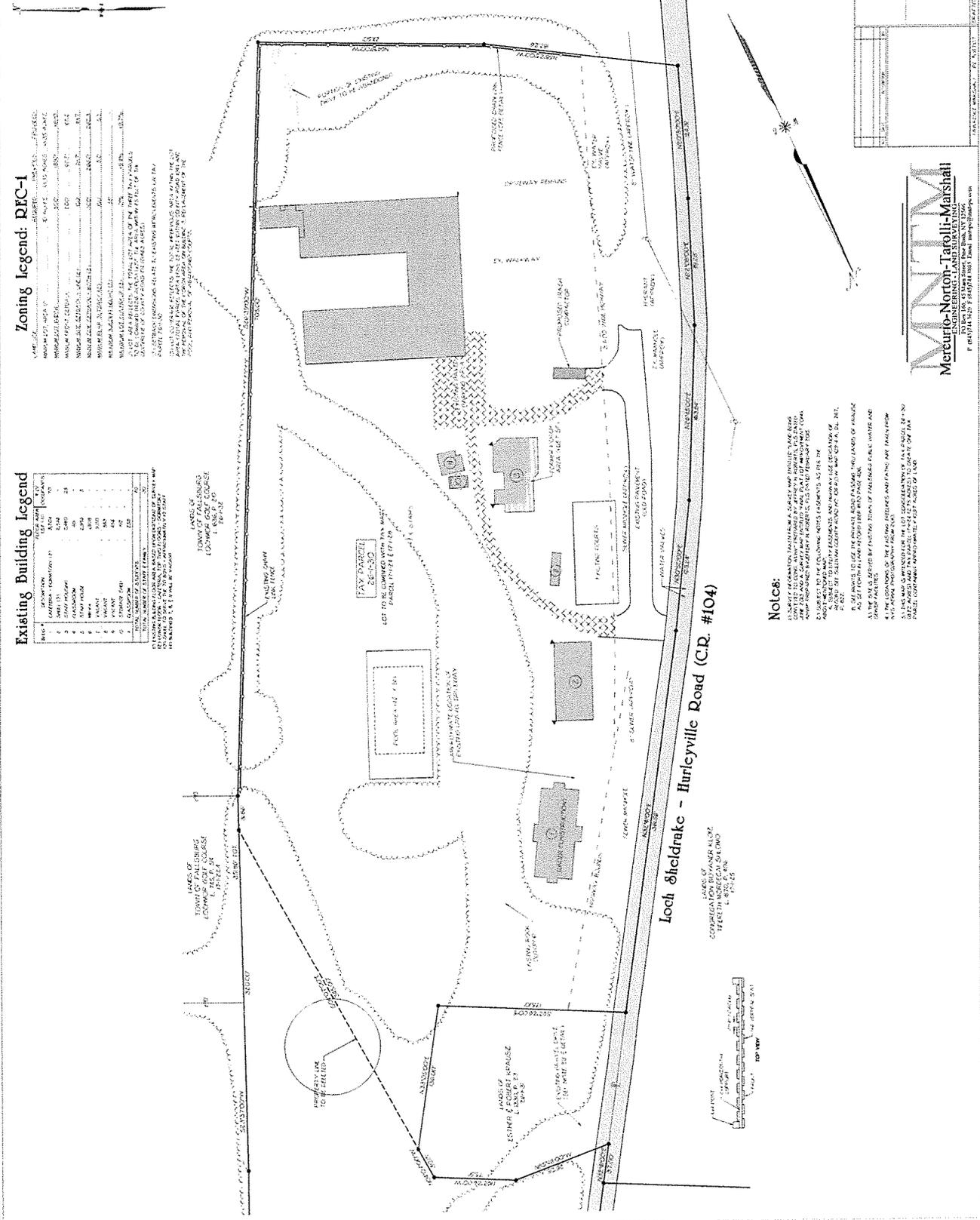
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Tax Parcel 17-1-24 = 2.75 Acres
 Tax Parcel 17-1-28 = 3.24 Acres
 Tax Parcel 26-1-30 = 8.22 Acres
 Total Area = 14.21 Acres

"Camp Summerville"
 Sketch Plan
 for
 Congregation AVHV
 in the Town of Fallsville,
 South Carolina
 Scale 1"=40' March 21, 2014



Notes:
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE OR SIDEWALK UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE OR SIDEWALK UNLESS OTHERWISE NOTED.
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METEM
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DATE: 03/21/14
 DRAWN BY: J. MARSHALL
 CHECKED BY: J. MARSHALL
 APPROVED BY: J. MARSHALL