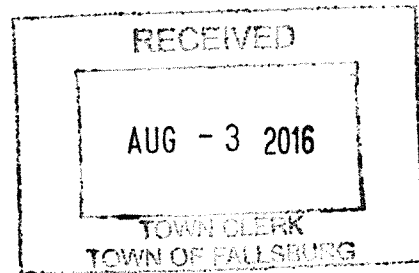


State of New York - County of Sullivan  
Town of Fallsburg - Town Board



=====  
In the matter of the Application of /  
**UTA of KJ** /  
/   
for a Hardship Variance from the Town's/  
Residential Moratorium Local Law /  
=====

**Verified Petition for Relief from  
Moratorium**

The Petitioner, UTA OF KJ, 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 a parcel of land located at 224 Pleasant Valley Road, South Fallsburg, New York (the "Property"). The Property consists of approximately 112 acres.
2. The Petitioner operates a religious Summer camp at the Property, and has operated at such location for in excess of 15 years.
3. Pending before the Town of Fallsburg Planning Board is an application to construct an addition to one of the dormitory buildings now located on the Property. The addition to the dormitory building (the "Addition") is designed to house approximately 250 additional girls.

**STATUS OF APPLICATION**

4. The application before the Town of Fallsburg Planning Board has been pending for approximately two years.
5. The application before the Town of Fallsburg Planning Board includes the construction of an addition to a dormitory building, as well as additional items, including the expansion of the kitchen/dining room, construction of a new swimming pool and additions to several of the other buildings. All of the items of construction that had been requested have been approved by the Planning Board, with the exception of the Addition to the dormitory building, which is the subject of this Petition.
6. Approval to construct the Addition was granted more than one year ago. However, when the Petitioner requested permission to begin construction, it became apparent that the number of occupants of the Addition that had been provided to the Planning Board by the then project engineer was not accurate, and, therefore, application for the construction of the Addition once again was placed before the Town of Fallsburg Planning Board.

7. In connection with the pending application, all of the requests of the Planning Board have been addressed by the applicant, and the Project has progressed through all aspects of the Planning Board, including several staff meetings, public hearings and hearings in front of the Planning Board. The application is now ready to seek final approval.

8. At the Planning Board meeting held during the month of June, 2016, a request for approval of the construction of the Addition to the dormitory building was made. At that time, all items requested by the Planning Board had been addressed and the only open issue was the approval of the sewage disposal system for the Addition. The Property is currently serviced by Town water and sewer. However, the site plan shown to the Planning Board at the June, 2016 meeting provided that the location of the Addition would be outside of the sewer district and that the Petitioner would design a sewage disposal system specific for the Addition.

9. Inasmuch as the design of the sewage disposal system had not yet been reviewed by the Town Engineer, a negative declaration pursuant to SEQRA and approval for the Project was requested, with the condition that the Town Engineer must approve the sewage disposal system. However, by a three to two vote, the Planning Board determined to postpone the negative declaration and approval until such time as the Town Engineer approved the sewage disposal system.

10. Subsequent to the June, 2016 Planning Board meeting, the Project engineer determined that a septic system for the Addition would be more complicated than expected. As such, it is anticipated that at the next Planning Board meeting, the location of the Addition would be shifted such that the entire Addition would be located within the sewer district, thereby eliminating the need for a septic system for the Addition.

### **THE HARDSHIP**

11. This Project has been pending before the Town Planning Board for in excess of two years. The original engineer on the Project was Adler Engineering. The current engineer is Michael Rielly.

12. The camp has been operating in the Town of Fallsburg for in excess of 15 years. It has grown consistently since it began operating, and is currently serving students at or near its capacity. The construction of the Addition to the dormitory building is required in order for the camp to continue to meet the needs of its student population.

13. In addition to the dormitory building being a newer facility to house students, the opening of the new dormitory building will allow other buildings located on the Property to better serve the needs of the camp, including moving students from existing housing and provide for more building space for each occupant.

14. A more detailed description of the engineering effort being pursued in connection with this Project by Michael Rielly is attached hereto as Exhibit "A".

15. Since inception, the Petitioner has incurred fees and expenses of in excess of \$65,000.00 towards obtaining approval. The foregoing includes fees for engineers, attorneys, and Town consultants, including the Town Engineer and the Town Planner, and costs of Property improvements as required by the Town Planning Board. The foregoing consists of the following:

Michael Rielly, P.E.	\$ 6,930.00
Adler Engineering	6,500.00
Architectural Plans	3,950.00
Expediting Fees	2,162.50
Engineer Escrow	1,000.00
Planner Escrow	1,500.00
Test Holes - Septic	3,000.00
Construction of Play Fields	35,000.00
Excavating	1,500.00
Legal Fees	<u>4,750.00</u>
Total	\$ 66,292.50

### **RELIEF REQUESTED**

16. As stated earlier, the camp is currently operating at or near capacity and can no longer meet the needs of its growing population.

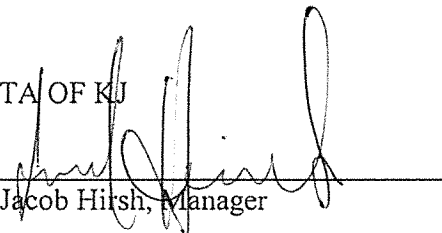
17. Approval of the Addition to the dormitory building will allow for the housing of the additional student population that the camp is serving, and will also allow for more efficient operation by utilizing existing buildings in a more efficient manner. The Project approval already includes additional recreational facilities for the occupants, including the construction of a new swimming pool, the construction of an addition to its kitchen and dining facilities, and the construction of additional playing fields. Final approval of this Project will result in a newer, more efficient operation. The camp is an expanding operation that has operated in the Town for in excess of 15 years. Construction of this Addition to the dormitory building is essential for the continued expansion.

18. Financial hardship has also been demonstrated, based upon the investment, to date, in obtaining approval of in excess of \$65,000.00.

19. As previously stated, this Project is at the final stage necessary for approval. Indeed, at the June, 2016 Planning Board meeting two of the members of the Planning Board were willing to approve the Project subject to the Town Engineer approving the design of the sewage disposal system. It is expected that in less than 30 days a revised site plan can be submitted to show the entire Addition to be located within the Town Sewer District, and this Project will seek final approval at the first Planning Board meeting immediately after relief from the Moratorium Law which is requested herein is granted.

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.

Dated: Woodbourne, New York  
July 28, 2016

UTA OF KJ  
By:   
Jacob Hirsh, Manager



# MICHAEL G. RIELLY, PE

473 WOLF LAKE ROAD, ROCK HILL, NY 12775

PHONE: 845-594-2937

MICHAELRIELLYENGINEER@GMAIL.COM

July 1, 2016

UTA of Kiryas Joel  
Attn: Jacob Hirsch  
PO Box 1226  
Monroe, NY 10949

RE: **UTA - Status for Town Board Moratorium Waiver Application**  
Town of Fallsburg, Sullivan County, NY

Dear Mr. Hirsch:

The purpose of this letter is to summarize the work that I have completed so far on the UTA project.

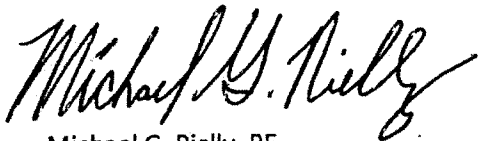
I got involved in the project in January 2016. Below is a list of items that I completed as of today.

1. Reviewed the Alvin Adler, PE file to review the project and understand the history.
2. Used the Adler digital drawing files and created a base map for the project, numerous errors were discovered in the mapping that required the use of aerial photos and numerous site visits in order to refine the mapping.
3. Prepared proposed site plan showing the proposed additions and pool.
4. Prepared long form environmental assessment form (EAF).
5. Prepared a sewer feasibility letter describing the options for wastewater disposal for the dorm addition that is outside the water and sewer districts.
6. Performed 24 deep test pits, and some percolation tests in the field next to the proposed dorm addition in order to determine if the field was adequate for a septic field.
7. Attended Planning Board Workshops.
8. Began assessing the site for determining the location for a recirculating sand filter system for wastewater.

Total project charges to date are \$6,930.00.

If you have any questions please call me at 845-594-2937 or email me at michaelriellyengineer@gmail.com. Thank you!

Sincerely,



Michael G. Rielly, PE

Cc: Joel Kohn

**KALTER, KAPLAN, ZEIGER & FORMAN**

ATTORNEYS AT LAW

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ELLENVILLE, NEW YORK 12428

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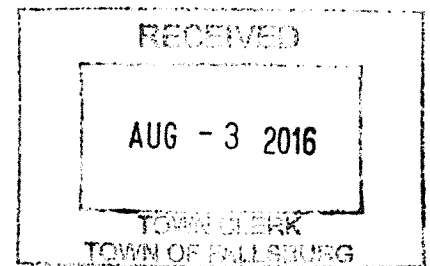
FAX (845) 647-6232

Email: [jkaplan.kkzf@gmail.com](mailto:jkaplan.kkzf@gmail.com)

August 2, 2016

Ms. Donna Akerley, Town Clerk  
Town of Fallsburg Town Clerk's Office  
PO Box 2019  
19 Railroad Plaza  
South Fallsburg, New York 12779

**RE: UTA of KJ**



Dear Donna:

Enclosed is the original and six copies of a Petition for Relief from the Town of Fallsburg Moratorium law.

Please let me know when the public hearing will be scheduled.

Very Truly Yours,

JAY L. ZEIGER

JLZ/dm

Enc.

cc: Mr. Jacob Hirsch (via email with enclosures)  
Joel Kohn (via email with enclosures)  
Paula Kay, Esq. (via email with enclosures)  
Ms. Mollie Messinger (via email with enclosures)