

“Minutes are not official until approved by their respective board.”

## TOWN OF FALLSBURG PLANNING BOARD MEETING

July 12th 2018

In attendance: Arthur Rosenshein, Chairman, Balsey Louckes, Irv Newmark, Michael Kirtack Planning Board Members, Mollie Messenger, Code Enforcement, Paula E Kay, Deputy Town Attorney

- Arthur Rosenshein called the meeting to order at 7PM.

### PUBLIC HEARING:

1. LUXOR JUNIOR – SBL# 12-1-41.5
  - Applicant not heard.

### NEW BUSINESS:

1. MOUNTAINCREST MOBILE HOME PARK – SBL# 59-1-53- Requests a 6 month extension for a previously approved site plan.
  - Jay Zeiger represented.
  - Arthur Rosenshein: We have one more extension?
  - Jay Zeiger: This is the first extension. We are entitled to 2 6 months.
  - Arthur Rosenshein: Alright motion for 6 months?
    - MOTION:
    - Balsey Louckes motions for approval of a 6 month extension. Irv Newmark seconds. All in favor.
  - Jay Zeiger: Steve had told me that under the new version of the zoning law you can extend past the 2 year.
  - Arthur Rosenshein: 1 year.

- Jay Zeiger: 1 year plus 1 year then you can go beyond that.
- Paula E Kay: You can apply for an extension. There is a set of criteria. You have to show what you have done. You have to provide documentation. If for example you are waiting for third party approvals, you have to show some diligence in obtaining those approvals. Come in and tell the Board that you are waiting for DEC.
- Arthur Rosenshein: It is still our discretion.
- Paula E Kay: Right. It is your discretion and if you decide you do not wish to grant the extension, you don't grant the extension.
- Michael Kirtack: They have to show kind of need.
- Paula E Kay: Or purpose.
- Arthur Rosenshein: They have to document it which is different.
- Jay Zeiger: I think the first extensions you are nice but then you have to show due diligence.
- Paula E Kay: It's not that you're waiting for the market to improve or sitting around looking for purchases. You have to be working toward getting into the ground.

2. WOODBOURNE COMMONS – SBL# 24-2-1.2 – Requests a 6 month extension for a previously approved site plan.

- Jay Zeiger represented.
- Jay Zeiger: This is the movie theater that you approved to convert it into a medical center. I don't know what happened at the buyer's end but the buyer's which was an affiliated medical group came to our public hearings. They were diligent. When it came to close they didn't close. There is a contract dispute between the owner and the buyer. In the meantime we found a new medical group that is looking. They are going to have to take it as a lease purchase because we have to finish the contract dispute with the other group. We are looking to begin work after the season.
- Arthur Rosenshein: Questions?
- Balsey Louckes: You see these yellow markers they put in Town? Maybe he should put it in front of his building so they can't park in front of his building.
- Mollie Messenger: That's a DOT permit.
- Jay Zeiger: I have had no issues with your office this year but I remember last season a couple of times Denise or somebody called me state somebody put a barricade up.
- Mollie Messenger: They did a bunch of things. The 4<sup>th</sup> of July I got a call from Simmi that they were trying to change the entrance to the movie theater. Somebody was out there with construction fence. I'm not sure who it was.
- Jay Zeiger: It wasn't us.
- Mollie Messenger: The shul claims it wasn't them either. Somebody took it all down. I haven't seen anything since then. The markers we got a DOT permit to put them in the no parking zones. That would be something they would have to do eventually. Parking along that corner is probably the most dangerous thing

you can do.

- Balsey Louckes: Who makes the decision to put up no parking signs?
- Mollie Messenger: DOT does.
- Arthur Rosenshein: I had a conversation with the Rabbi. His people are complaining about the condition of the parking lot. You might pass that on.
- Jay Zeiger: That will hopefully all get cleaned up.
- Arthur Rosenshein: I stated to him that the Town is putting in a new parking lot and why not have them park there. He shrugged.
- Mollie Messenger: I don't think your old client paid all the fees.
- Jay Zeiger: He did.
- Mollie Messenger: I'll check into it.
- Jay Zeiger: He had 2 bills. One from the engineer and one from your department. They were almost the exact same amount. We got the first bill which I believe was yours. We got the second bill which I ignored because I assumed it was the same bill. We got it again and he sent me a check and I sent it.
- Paula E Kay: I would suggest that perhaps whatever the Board does, if the Board is thinking of approving this that it be contingent on all bills being paid.
- Mollie Messenger: We will double check.
- Jay Zeiger: I think it wasn't your bill. It was from Will's office.
- Irv Newmark: Everyone would like to see that building improved.
- Arthur Rosenshein: That is a reasonable thing. How about a motion on a 6 month extension contingent on the fees being brought up to date?
- Paula E Kay: Can we put a time limit on that?
- Balsey Louckes: 2 weeks.
- Arthur Rosenshein: Alright.
- Jay Zeiger: Not from today, I think they are paid but Mollie is going to check. 2 weeks from notification that something is owed.
- Paula E Kay: You will be notified tomorrow.
- Arthur Rosenshein: So 2 weeks from then..
  - MOTION:
  - Balsey Louckes motions for conditional 6 approval of the 6 month extension. Irv Newmark seconds. All in favor.

3. PARK SLOPE – SBL# 32-1-32.4 - Requests site plan approval and lot improvement for a two lot combination and recreation facilities and parking lot. Zone: REC-1. Acres: 8.66. Location: Brophy Road, Hurleyville.

- Randy Wasson represented.
- Randy Wasson: This is on Brophy Road. This is a development approved years ago by the Planning Board and built, constructed as you see it. Brophy Road right here. They have acquired this 8 and a half acre parcel. It has an existing house on it. Existing house and driveway. What they want to do is make this a 20 foot wide roadway. Through road. The main access is still over here. The primarily want to add recreational facilities. They are adding basketball, volleyball and a couple of hand ball courts. The courts will be lighted but screened. There

will be some woods there. This is the existing house that will become the caretaker's house. There will be extra parking right here. It works really well with the existing development. They want to consolidate the 2 parcels so it becomes one. We had a work session back in April. April 20<sup>th</sup>. There were several comments. There were 15 things discussed and questions asked.

- Arthur Rosenshein: Any not covered?
- Randy Wasson: They are all addressed.
- Arthur Rosenshein: You are widening the driveway. Do you have to go to Town approval on that?
- Randy Wasson: I think we have to do that.
- Audience: You should do something, you can't drive fire trucks through there.
- Randy Wasson: You don't have to it is a through road. Until now it is just a single lane.
- Audience: I am talking about the development.
- Randy Wasson: That has a loop road all the way around it.
- Arthur Rosenshein: Mollie anything to add? Apparently all 15 items are done.
- Mollie Messenger: I messaged Randy today, he got my email. I talked to Randy this morning about how we were going to move forward with this project. If it was going to be an amended site plan for Park Slope or if he was going to be applying for a special permit for recreation facilities from Park Slope. He told me they would be combining the lots and it would be an amended site plan. That is fine and they can add that parcel to the park slope parcel but the density calculations on the map he provided don't equate to the density calculations that were from the original 2005 approval of Park Slope. I emailed you today and said the density doesn't make any sense.
- Randy Wasson: I don't know what the original was on. We do know the number of units we got that from the owner. The number of existing units. We are adding 1. We are adding 8.7 acres of land. I would say about 2 acres of that is wetland.
- Mollie Messenger: I'm not talking about density for the buildings because back when this was built it was 10 per acre. I am talking about the impervious surface and all of that. When this was built you were only allowed 20% and it was at 18.6. The new site plan that you have has a bunch of additions plus you are now adding the 8 acres and the impervious surface and you have to subtract the wetlands. Is it over 20% now? Under? Where are we at? I didn't see that calculation. I know the unit count won't matter but the impervious surface does. That was just my concern because at the work session we talked about getting a new density calculation because Park Slope has added quite a few additions.
- Randy Wasson: I don't have the answer on impervious. We can look at the impervious. The density we are okay with.
- Mollie Messenger: With the units yes. As far as other things I did a quick look today. I talked to Randy. They added driveways with concern to the neighboring properties. I gave you my sheet.
- Arthur Rosenshein: I asked if he needed Town approval because of the Town road.
- Mollie Messenger: We don't give driveway permits on Town roads. You contact

the Highway Department and talk to them about it to see if you culvert or not.

- Balsey Louckes: Are you going to use both of those roads in and out for coming and going.
- Randy Wasson: They are available to use.
- Balsey Louckes: Can we make that one emergency access this way we only have 1 with cars?
- Irv Newmark: But that is the caretaker's house.
- Balsey Louckes: Just open a thing up there for emergencies to the caretaker's house. This way we don't have 2 outlets going onto the road.
- Randy Wasson: I am sure there is no objection there. We can just get a compactor there.
- Balsey Louckes: Before I let you go any further I would like you to get a letter to the Hurleyville fire commissioners and let them go through there. Let them come back with anything they have going on there. As far as road lines and fences they put out in the middle of the road. How many outstanding permits? Any violations?
- Mollie Messenger: I didn't have a chance to look at that yet. This application has come to you in a couple different ways and a couple different forms. I think Randy is trying to wrap up and figure out what they were trying to do.
- Balsey Louckes: I would like to see a letter from the Hurleyville fire commissioners. Not the fire company.
- Mollie Messenger: Will and Ken aren't here tonight but we had asked about the well houses. Is there a well in the well house?
- Randy Wasson: There is a well in the well house that is not used. They are actually connected to the Town water.
- Mollie Messenger: Not used meaning it is decommissioned or not used meaning it is just sitting there?
- Randy Wasson: It is disconnected. It hasn't been sealed or anything like that.
- Mollie Messenger: Sewer?
- Randy Wasson: Town sewer.
- Mollie Messenger: Lighting?
- Randy Wasson: There is lighting on the courts, not on the parking. We do have detail for the lightings and the footprint.
- Arthur Rosenshein: You won't bother the neighbors?
- Randy Wasson: I don't think so. This is all wooded. You can see the distance from the other property.
- Mollie Messenger: And the road grade contours?
- Randy Wasson: They are on there.
- Mollie Messenger: Thank you.
- Arthur Rosenshein: Has Ken had time to look at it?
- Mollie Messenger: This one we didn't discuss today. We had asked for the road grade contours, the driveways. A bunch of things.
- Arthur Rosenshein: Have they been reviewed?
- Mollie Messenger: No. The drawings were just handed in.
- Arthur Rosenshein: So there's nothing major.

- Mollie Messenger: There is some paper issues you have to deal with.
- Balsey Louckes: I would like to see 1 way in and out instead of 2.
- Arthur Rosenshein: I don't understand your rationale on this one.
- Balsey Louckes: Because they will be flying in and out of here.
- Randy Wasson: There is a traffic problem here.
- Arthur Rosenshein: It might alleviate the traffic problem.
- Balsey Louckes: Before it was a single family home, one car was coming in once and a while. Now you have multiple cars in and out.
- Arthur Rosenshein: So your reasoning is using 2 will make it worse?
- Balsey Louckes: A lot worse.
- Arthur Rosenshein: You'll figure out some way. A gate?
- Randy Wasson: Originally we weren't even going to do this. It was early discussion.
- Balsey Louckes: You can look to see which one your sight distance is better on and make that your entrance. Right there on that turn with that one is pretty close. Maybe that would be better to come in and out of. Look at your sight distance and see what you have.
- Randy Wasson: I'll go back and see what the numbers say.
- Mollie Messenger: The only thing I am concerned about is the impervious surface.
- Randy Wasson: 20%.
- Mollie Messenger: Remember to look at the environmental restraints.
- Randy Wasson: Do we need a public hearing?
- Arthur Rosenshein: Paula?
- Paula E Kay: We're amending a previously approved site plan but based on the location and the amount of properties nearby, I recognize a lot of this may be back in the woods but even so I would be cautious and have the public hearing.
- Arthur Rosenshein: Okay. This will be an interesting one. It is already built.
- Audience: They celebrate every night. Every night they call the police. Constantly.
- Arthur Rosenshein: Alright so public hearing.
- Balsey Louckes: Randy send that letter out certified.

## OLD BUSINESS:

1. LUXOR JUNIOR – SBL# 12-1-41.5 – Continued discussion for a development consisting of 100 single family homes. Zone: PUD. Acres: 41.62. Location: Maplewood Ave., Loch Sheldrake.
  - Applicant not heard.
  
2. CENTER FOR DISCOVERY – SBL# 34-9-11/13/14/16 – Requests site plan

approval to construct a 90 x 58 three story building with retail spaces on the ground floor and residential units on the second and third floors. Zone: MX. Location: 234 Main St., Hurleyville.

- Glenn Smith and David Fanslau represented.
- Glenn Smith: We were here at the last meeting we showed pictures and plans of what the proposed building will look like from the architect. Essentially as we discussed the last couple meetings, it is a proposed 3 story building on Main Street in Hurleyville near the Wild Turkey Bakery. The first floor is 4 retail shops and the second and third floors are 4 apartments on each of them for 8 apartments above. Since the last meeting, we had a workshop session, got a lot of surveys on the property done. We made alterations that the Town has asked for. We also got the letter from the County 239. One of their suggestions was that we connect the proposed parking off of Main Street to the Rail Trail. Everything on the plan in orange is one parcel at 1.26 acres created from the 3 or 4 small parcels. We added lights to the plan since the last meeting. David Fanslau went to the June ZBA for 2 variances. One was for the height of the building to go from 35 feet to 40 feet height. The second one was of the 4 apartments on each floor, 3 are well over 1,000 square feet and then one is 735 square feet. That the ZBA denied because they didn't want 1 bedroom apartment. The architect has increased the building length by 6 feet to get that apartment on each floor to exceed 1,000 square feet to avoid the ZBA. We moved it 6 feet to the south and kept the separation from the Wild Turkey Bakery.
- Arthur Rosenshein: So you are all done with the ZBA?
- Glenn Smith: Yes. Not going back.
- Paula E Kay: The Wild Turkey Bakery is also the Hurleyville Market?
- David Fanslau: The official name of it is the Hurleyville Market.
- Glenn Smith: Essentially I believe we have addressed all the outstanding questions at this point. We had a public hearing 2 meetings ago. We addressed some drainage issues with water going down Cole Street.
- Arthur Rosenshein: Mollie?
- Mollie Messenger: Ken wrote me a couple notes that they still need the grading plan.
- Glenn Smith: That was on the last. When we meet with the staff meeting it was on there.
- Mollie Messenger: Did you send him the drawings?
- Glenn Smith: Yes. He commented on it at the staff meeting.
- Mollie Messenger: Okay well these are the notes he gave me today. Grading plan still needs something. The DEC permits are require today. Grading plan still needs something. The DEC permits are required.
- Glenn Smith: That was for the partial buffer of the DEC wetlands. It is a note on here.
- Mollie Messenger: The erosion control plan we still need.

- Glenn Smith: We have a silk fence showing all around. He got those on the detail sheet. I sent it to him about 2 weeks ago.
- Mollie Messenger: The sewer lateral slopes and inverts.
- Glenn Smith: Okay.
- Mollie Messenger: And you will need a highway permit for the road access for the new parking lot.
- Glenn Smith: Alright.
- Mollie Messenger: What plan set is that? What's the date?
- Glenn Smith: July 2<sup>nd</sup>. The one prior to that was June 25<sup>th</sup>. Are these comments from after June 25<sup>th</sup>?
- Mollie Messenger: These comments are from today.
- Glenn Smith: All that has changed.
- Mollie Messenger: Some of these things Glenn can clear up in engineering.
- Arthur Rosenshein: So far everything you have said we can approve pending.
- Mollie Messenger: I would like to note that I am still against the parking outside of the market. I think it is a mistake.
- Glenn Smith: To clarify, we have shown 3 spaces. One we took out to put a dumpster enclosure also.
- Mollie Messenger: The parking is half in Town property and half on their property. Backing out onto a road, I don't like it. They still need Architectural Review Board. They haven't gone there yet.
- David Fanslau: The Architectural Review Board is needed for building permits?
- Mollie Messenger: It is needed for Planning Board. The Board can make whatever decisions they want. You had talked about coming back to the ARB in August and that would have worked out if you were still going to the ZBA in July. Your timing would have been better. Now that you are not going until August, whatever you guys want to do.
- Arthur Rosenshein: Up until then I was ready to go, now I am not sure.
- Paula E Kay: The problem could be if the ARB requires something.
- Arthur Rosenshein: That would stop me.
- David Fanslau: The building is designed in accordance with the guidelines for the MX zone and it will stay in the color scheme that the ARB requires. It's not going to be requesting something out of the ordinary. I don't anticipate issues with the ARB. We would make it conditional with the ARB approval but it we are not looking for any variances on color or design. The building will have the same materials the other buildings on Main Street have. It's not anything out of the ordinary.
- Arthur Rosenshein: I am a little reluctant though.
- Paula E Kay: Generally this Board doesn't act until the ARB has reviewed it.
- Balsey Louckes: So if we start it now we start a bad policy for those to come.
- Paula E Kay: But what I was going to say is it's not as though the applicant can



- Paula E Kay: We'll just reiterate it.
- Arthur Rosenshein: Assuming there is nothing there.
- Mollie Messenger: And the lot consolidation.
- Arthur Rosenshein: Which also can be done by then. Can you still do that by signature?
- Mollie Messenger: They are all exactly in the same name.
- David Fanslau: That is just the assessor. We can write a letter to the assessor and she can consolidate.
- Glenn Smith: Would it make sense to make consolidation to be a condition of this Board's approval just to be sure that we consolidate all the lots?
- Discussion.
- Arthur Rosenshein: Just make the motion no building permits pending consolidation.
- Mollie Messenger: It is a lot easier for us to issue a building permit after lots have been consolidated so that all the information is on one parcel.
- Balsey Louckes: In other words, no permits until everything is consolidated. If it's not consolidated they don't get any permits.

move the project between now and next month because they have to go to the ARB. Maybe at the next meeting you just bring them back and if there have been no changes then the applicant doesn't need to be there. You need to review and make sure the ARB didn't make any changes to the site plan so you can approve without that contingency.

- David Fanslau: The ARB is purely advisory to the Planning Board, they can't change the site plan.
- Arthur Rosenshein: We wait for their advice.
- David Fanslau: They don't have the power to change the site plan.
- Paula E Kay: Sometimes they ask for changes.
- David Fanslau: That would require an amended site plan.
- Paula E Kay: Right.
- Arthur Rosenshein: I'd rather not disrespect their process.
- Paula E Kay: It doesn't tie you up.
- David Fanslau: It does. We would be able to get conditional approval and if the ARB wants something and we have to come back for it versus coming back for a 6<sup>th</sup> meeting on this one project.
- Paula E Kay: Again, until the ARB acts this Board cannot.
- Arthur Rosenshein: Right we can go right to the edge but you do have a few things to do. I agree with you on that. Assuming the ARB comes in neutral with no changes, you don't need to be here.
- Paula E Kay: You won't need to be here. The ARB meets the first Thursday. By the second Thursday you are done.
- David Fanslau: If we were looking at something out of the ordinary for the ARB.
- Arthur Rosenshein: We ask for their voluntary time and I want to respect that.
- Irv Newmark: We've never made an exception since the ARB came to existence.
- Discussion.
- Arthur Rosenshein: Can we put it on the agenda? They don't have to come in assuming with this about the ARB.
- Mollie Messenger: You would eventually be doing conditional approval based on engineering comments and what not. And lot consolidation.
- Irv Newmark: They will be done with that.
- Arthur Rosenshein: We are assuming that nothing comes up.
- Paula E Kay: Since you two aren't going to be here, the conditions would be unless something changes, engineering review.
- Arthur Rosenshein: Architectural Board review. Road permit.
- Mollie Messenger: They need DOT, DEC, and Highway permits.
- Glenn Smith: The County DPW on the entrance in. That would be a condition of approval.
- Mollie Messenger: You won't have the DOT permit in a month either.
- Arthur Rosenshein: So we will have that in the minutes.