

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

April 14th, 2016

Arthur Rosenshein, Chairman, Irv Newmark, Balsey Louckes, Maria Zeno, Ron Singer, Planning Board Members, Gary Tavormina, Planning Board Alternate, Mollie Messenger, Code Enforcement Officer, Paula E Kay, Deputy Town Attorney, Will Illing, Town Engineer

- Arthur Rosenshein called the meeting to order at 7:01PM.
- March meeting minutes approved.

PUBLIC HEARING:

1. HASBROUCK TAVERN (SAL CRACOLICI) – SBL# 9-1-7
 - Sal Cracolici represented.
 - Sal Cracolici: I'm just looking to open up a restaurant on the old Hasbrouck site. I put in the application, trying to get board approval. Based on the approvals, I'm really interested, I think it's a great area.
 - Paula E Kay: He did receive a use variance at the Zoning Board.
 - Luther Hepp: I am all for the project. In Woodbourne we have no place to go eat, no facilities. Secondly if we want to have events, we don't have anywhere to go but the fire department. If you are looking for a different environment, that is the place to go. I happen to know that that property has been looked at by a lot of people who might change the tax rates for Woodbourne or Fallsburg. I'd like to not see that. I hope you'll entertain the restaurant.
 - Kenneth Walter: I've eaten at Cracolici's when it was in Liberty. It'd be nice to have another place over that way, instead of going to Liberty or elsewhere.
 - Arthur Rosenshein: Any other questions? Public hearing is closed.
2. JOHN WALLACE – SBL# 6-1-1.17
 - John Wallace represented.
 - John Wallace: I'm looking to start an internet sales business. I want to do it out of my house, little foot traffic, some deliveries.
 - Arthur Rosenshein: Where?
 - John Wallace: Ulster Heights Road.
 - Arthur Rosenshein: Questions?

- Luther Hepp: I happen to have a major internet business. I don't see why John shouldn't be given this opportunity. You don't have dumpsters, tractor trailers, and no one would know he is there. It gives him the opportunity to make some extra money.
- Arthur Rosenshein: Anyone else? Public closed.

3. MARCO MOROCHO – SBL# 46-1-22

- Martha Ropa represented.
- Martha Ropa: He has been working really hard on this new place. More than a year and a half. He wants to open a grocery store. We are here to ask you to give us the permission to open the store on Main Street, Mountindale.
- Paula E Kay: Do we have your mailings?
- Martha Ropa: Yes.
- Mollie Messenger: Yes I have them.
- Arthur Rosenshein: Any questions or comments? Public closed.

4. FOUR BROTHERS INVESTMENT LLC – SBL# 8-1-37.2

- Michael Kozakowski represented.
- Michael Kozakowski: We are trying to get a pole building on residential property. He owns a hunting camp in the area, he wants to use it for storage for motorcycles, excavators, plows, stuff like that.
- Arthur Rosenshein: You have the mailings?
- Michael Kozakowski: I'll go get them.
- Will Illing: Yep.
- Arthur Rosenshein: Will you put it up so people can see it?
- Michael Kozakowski: Yep.
- Arthur Rosenshein: Now that we have the site plan, any questions? Okay, public is closed.

5. OHEL ELOZER DBA BE'ER HATORAH – SBL# 17-1-33.1

- Joel Kohn represented.
- Arthur Rosenshein: We have the mailings?
- Mollie Messenger: I haven't talked to him yet.
- Joel Kohn: This was kept open.
- Paula E Kay: Yeah we had an issue with the mailings.
- Balsey Louckes: Not everyone got the mailings.
- Arthur Rosenshein: The reason you are here is because of that.
- Paula E Kay: Mr. Walter did not receive it.
- Balsey Louckes: How many people did not receive it?
- Maria Zeno: The certified receipts were reviewed to see if his was mailed?
- Paula E Kay: The law is substantial compliance, but since we had this discussion at the last board meeting and agreed to keep it open, we needed the new mailing. If one is missed, we work with it because it is considered substantial. In

this case, we had a discussion, you were talking to Gregg and you said there was a sidebar, and that was what needed to happen.

- Arthur Rosenshein: We also don't know if others have been missed.
- Paula E Kay: We have the list and Gregg went through it last time. Mr. Walter is here and I think we should hear from him.
- Mr. Walter: No I think he should follow the law.
- Arthur Rosenshein: Our attorney just said...
- Mr. Walter: I'm a large parcel right along side him, number 2 there is no guarantee even though you have no proof of mailings. The other parcel is the community college, the town of Fallsburg owns 2 of them, and the other parcel is owned by someone, I don't know who that is.
- Arthur Rosenshein: What you're saying is that it is more than just you that didn't receive the certification?
- Mr. Walter: I don't know.
- Arthur Rosenshein: I am looking for your advice on this.
- Paula E Kay: Mollie is going through the list. Mr. Walter wasn't even on the list, we need to verify that the list itself was correct. Normally, since he is here, he should speak. Being here shows he had notice. I want to be sure that there isn't someone else that didn't receive notice. The best way to handle it is that it is noticed for tonight, keep it open, let whoever is here talk, and then go back and research it.
- Joel Kohn: It's going to stay open?
- Paula E Kay: We may or may not.
- Joel Korn: The mailings were okay.
- Paula E Kay: We don't know yet.
- Mr. Walter: The only reason I am back tonight and the only reason I knew, I was here last month to support Cracolicis. After the presentation was made and discussion went on, I realized where the property was, and that's what opened the discussion. When I went to the Building Department, I was told there were going to be new mailings going out.
- Arthur Rosenshein: We are going to get your comments here tonight, at the next meeting, if we find that in fact you were only one they missed, nobody else, I am going to close the public hearing. If we find anything else, notifications will have to be sent. Now is your opportunity.
- Joel Kohn: The only thing we are looking for here is an expansion. I wish to expand an existing building which is now 720 square feet, and add 200 square feet. It was a laundry, it will become a dining room so the families have a separate place to eat. It's a 320 foot expansion, not adding occupancy. No new people. All the same as it was.
- Mr. Walter: These 2 pieces of property owned by the town water district. This is not a thorough faire for this business, to be provided by the town or to be maintained. If you look at the second picture, that's the lane at the top. This is what the camp looks like when I park outside of it and they hang their clothes on the fence which I feel shouldn't be. My main concern is, I took pictures over time, come Friday and Sunday, the drive to the house is an obstacle course. This sign

says no parking, this side has no room to park because there is no shoulder. There is an answer. From here to here, could be their parking area, and where they could have a driveway in and out of. They should not be granted anything until they correct their issue with traffic flow. I'll show you an aerial of it. This is the building, back in here is the area that could be made. They never bothered to have adequate parking, you have never asked to require it. They have people there giving the song and dance about weekends. There has be to adequate parking before they go forward with this current issue. Many times I have gone over the hill to go to the farm and I have had to go through traffic and blockage. That is a highway and there is no parking on either side.

- Arthur Rosenshein: Anyone else? Alright we will leave it open pending review of notifications.
- Joel Kohn: I would like to point out, I did not know he was the owner of the property, we did get some complaints on this property as well, but on the gatherings over there on that property.
- Arthur Rosenshein: Can we discuss it on our agenda?
- Paula E Kay: We can discuss it.
- Arthur Rosenshein: We just can't move on it.

6. 290 LAUREL AVE – SBL# 36-1-33.1

- Jay Zeiger and Kirk Rother represented.
- Jay Zeiger: Kirk Rother is on the way. Can we put it off another 10 or 15 minutes.
- Arthur Rosenshein: Is there anyone here that has to leave?
- Kirk Rother: There is a lot line change of 3 parcels down the road here on Laurel Avenue. This is to get the property known as 290 Laurel Ave to have 10 acres which is required to have a development. This lot line change would happen simultaneously with the proposed site plan. The proposed site plan is comprised of 11 buildings, 22 units on what will be 10 acres served by Luke Roadway, 1 way for a portion of it, 2 way for the rest.
- Arthur Rosenshein: Any questions?
- Kurtis Luster: Where is this?
- Kirk Rother: It's 800 feet north of the intersection here Laurel splits.
- Kurtis Luster: Is that Brookside?
- Kirk Rother: No. If you look at this map, this is the fork from Laurel Ave, the property on the right hand side. It's currently vacant land.
- Brian Manown: I'm concerned about the number of these kind of developments accumulating on Laurel Avenue, I am wondering if there are any plans to widen Laurel Avenue, provide sidewalks for pedestrians, turning lanes, that kind of thing so that doesn't stuff up traffic too badly. I would just be concerned about the number of these kinds of developments accumulating. It is a local street. Is there a provision or thought by the developer or town to widen the street?
- Paula E Kay: That would be a Town Board issue.
- Brian Manown: Would you have some input before approving the site plan?
- Arthur Rosenshein: We would see if the road is adequate, if it is we don't have anything to do about it. If it was inadequate, we could turn the project down. As

far as getting an approval, if it comes to the point where we say to the developer that the road is inadequate, then they go to the Town Board.

- Brian Manown, If there were a number of people in the neighborhood who felt the street was inadequate, those people would go to the Town Board?
- Arthur Rosenshein: Yes. Anyone else? Public closed.

NEW BUSINESS:

1. HASBROUCK TAVERN (SAL CRACOLICI) – SBL# 9-1-7 - Requests site plan approval for an existing restaurant (use renewed through ZBA approvals). Zone: REC-1. Acres: 1.07. Location: Benton Hollow Rd., Woodbourne.
 - Sal Cracolici represented.
 - Arthur Rosenshein: Have you inspected the building?
 - Mollie Messenger: No I have not.
 - Arthur Rosenshein: So we should wait?
 - Mollie Messenger: No that is all part of the operating permit process.
 - Arthur Rosenshein: What happened at the ZBA?
 - Paula E Kay: The ZBA approved their use variance.
 - Arthur Rosenshein: As is? Were there any comments?
 - Paula E Kay: No, as it was here, they were happy to see it used again.
 - Arthur Rosenshein: What kind of restaurant?
 - Sal Cracolici: Italian American.
 - Arthur Rosenshein: The only question I have has to do with parking. How many cars do you have parking for?
 - Sal Cracolici: I assume parking for 30 cars?
 - Arthur Rosenshein: The more the better.
 - Balsey Louckes: When do you open?
 - Sal Cracolici: I plan to do research and open as soon as possible.
 - Paula E Kay: How many employees?
 - Sal Cracolici: I hope to hire 10. It depends on how well I do. The Liberty restaurant had 10 employees.
 - Arthur Rosenshein: You're doing it mainly as a restaurant that has a bar.
 - Sal Cracolici: I do mostly restaurant with a bar. I don't mind coming in and drinking, but I am not looking for an all day bar.
 - Arthur Rosenshein: Do we have a site plan?
 - Mollie Messenger: We do. Will and I were just talking about the permit process. We have put regulations on hours of operations. Anyone want to know the hours of operations?
 - Discussion.
 - Will Illing: You need to know the hours of operation.
 - Paula E Kay: It doesn't matter what they are, but since we do it for everybody.

- Sal Cracolici: My hours are probably going to be 11 in the morning, latest 12 at night.
 - Will Illing: 7 days a week?
 - Sal Cracolici: 7 days a week.
 - Arthur Rosenshein: Is there a residence on this property?
 - Sal Cracolici: Yes.
 - Arthur Rosenshein: What do you intend to do with that?
 - Sal Cracolici: I'll probably redo the house and live there.
 - Gary Tavormina: The garage needs repair as well.
 - Arthur Rosenshein: That's code stuff. SEQR?
 - Paula E Kay: It's type 2.
 - Arthur Rosenshein: Motion for site plan approval?
 - MOTION:
 - Irv Newmark motions for site plan approval. Gary Tavormina seconds. All in favor.
2. JOHN WALLACE – SBL# 6-1-1.17 – Requests site plan approval for a home based business for internet sales of sporting arms. Zone: AG-1. Acres: 4.28. Location: 2626 Ulster Heights Rd., Woodbourne.
- John Wallace represented.
 - Arthur Rosenshein: We have no opposition to this. Type 2 SEQR.
 - John Wallace: I'm just looking for when UPS comes to deliver.
 - Arthur Rosenshein: Motion for site plan approval?
 - MOTION:
 - Maria Zeno motions for site plan approval. Balsey Louckes seconds. All in favor.
3. MARCO MOROCHO- SBL# 46-1-22 – Requests site plan approval for a grocery store. Zone: B-1. Acres: -1/4 acre. Location: 72 Main St., Mountaindale.
- Martha Ropa represented.
 - Mollie Messenger: It's an existing building they have been working one. They have building permits they are trying to get moving forward. They have been to the ARB, they got conditional approval for their sign but they need to come back with revisions. They will get an operating permit. The parking is on the street because it is in the business district. They have been moving through the process.
 - Arthur Rosenshein: Anyone on the board have any questions? No, motion for site plan approval?
 - MOTION:

- Irv Newmark motions for site plan approval. Gary Tavormina seconds. All in favor.
4. FOUR BROTHERS INVESTMENT – SBL# 8-1-37.2 – Requests site plan approval for a 50 x 80 pole building. Zone: AG-1. Acres: 1.26. Location: 321 Divine Corners Rd., Loch Sheldrake.
- Michael Kozakowski represented.
 - Arthur Rosenshein: If we give site plan approval for a storage building, it means storage not anything else. My personal concern was access, if you have a fire, you don't have access. I think that is a bit of a problem.
 - Paula E Kay: It is an undersized lot. Is it a coverage issue? So it is an area variance?
 - Irv Newmark: You're going to need to get machinery in there to build that building, you might want to decide where the driveway is going now so everyone can build the driveway and use it.
 - Paula E Kay: This is an undersized lot and a very large building. You are going to need an area variance, is there a way that you could make the building a little smaller to alleviate that need?
 - Arthur Rosenshein: The applicant has already stipulated that there is some legal move in the actual size of the building. He said he did the biggest you could do because when you are before a board you can only go down.
 - Will Illing: The plan show a 10 foot difference across the building. There should be a grading plan provided to make sure the grading can be accomplished without covering the septic system, and again with the driveway system coming in.
 - Arthur Rosenshein: This will all show up again, you are going to go to the ZBA and then you will come back to us. Those are the things we are going to ask for. Access is a big one, and the fact that there is a slope in there, you might want to show a provision for run off.
 - Paula E Kay: The ZBA, as well as this board, will want to know, what put you over the lot coverage? What would be the size that would comply?
 - Will Illing: We would like to see a bulk table on the next plan we see.
 - Discussion.
 - Paula E Kay: It's an accessory.
 - Mollie Messenger: I have a question. I didn't get to speak to reviewing this plan. They have adjacent property to this parcel, I believe. Without the aerial map, I'm wondering if I am correct. If they have adjacent parcels and they are undersized, then by code they have to join it to the adjoining parcel.
 - Arthur Rosenshein: Then they don't have to go to the ZBA?

- Mollie Messenger: That was my question. They would have to combine it to move forward.
- Arthur Rosenshein: We have to see which side its adjoining on.
- Maria Zeno: If you look at the gravel driveway, it looks like it is encroaching. You see how right by this single family house, it encroaches.
- Will Illing: The plan has adjacent properties listed here, the SBLs are provided, but they should be shown on the map so the board knows where these are in relation to everything else.
- Mollie Messenger: My last comment on this is the house permits on this are still open, so we need to get those closed before you come back.
- Arthur Rosenshein: So they built it and never finished it.
- Mollie Messenger: It has an open building permit.
- Arthur Rosenshein: Anything else?

5. NVEH SHALOM – SBL# 28-1-32.1 –Requests site plan review for the addition of a 86 x 84 dormitory building for 90 students and a 60 x 68 classroom/library building. Zone: REC-1. Acres: 21.96. Location: 389 Riverside Dr., Fallsburg.

- Joel Cohen represented.
- Joel Cohen: The project is located on Riverside, it's in the REC-1 overlay zoning district. We would like to add another dormitory. We went to the Planning Board, they wanted a bed count. We now have that. They wanted to see a compactor outside. There is a dumpster that will be changed to a compactor.
- Discussion.
- Joel Cohen: SWEPP will be required for the project.
- Gary Tavormina: You have a trailer on that piece of property. The wheels are on it, no tie downs.
- Mollie Messenger: The office trailer in the middle.
- Joel Cohen: We will make sure that is taken care of.
- Gary Tavormina: I don't like the condition of that third floor of that hotel building. I would recommend it be removed before any issues or building permits for anything to do there. That building is a disaster.
- Mollie Messenger: That was one of George's recommendations, they've been asking to take that third story off for a while now.
- Arthur Rosenshein: In the past we've required...when it says only first floor used, we require them, particularly when the building is in bad shape, to remove everything above the first floor. Because there is no way we can enforce it and we have incidents in the past where buildings have been used despite protesting.
- Joel Cohen: Only the first story of this building is being used. The rest is not in use. There is some preliminary plans for possibly replacing that, but we're not up to that point of doing it.

- Arthur Rosenshein: It's quite possible for removing the upper floors and putting a roof on, you might be better off.
- Joel Cohen: They are still weighing their options.
- Arthur Rosenshein: If the upper floor is not passing inspection, then either you have the cost of fixing it up and not using it, or getting it off and putting a roof on.
- Will Illing: This property is in the sewer district but not in the water district, an out of district user, for this board to give them approvals, they should get approval from the Town Board to expand and use more town water because it is going to increase the sewage flows which are already limited. They need to go to the Town Board. They are out of the district, I can't authorize an expansion.
- Arthur Rosenshein: If they were in the district, they would have the right, but not being in the district, it's at the discretion of the Town Board.
- Paula E Kay: It's 90 students, will there be staff sleeping in there as well?
- Joel Cohen: No only for students, they have more than enough room for staff until now, which were used by the members of the Congregation, but now will be used for staff.
- Gary Tavormina: That whole building should be demolished. I wouldn't put an animal in there.
- Arthur Rosenshein: They're going to have to do a lot of work on it.
- Discussion.
- Joel Cohen: The bedrooms of the staff there are (inaudible). The staff housing would be 1,2, 3 per bedroom, depends on the size of the family.
- Arthur Rosenshein: You're not quite doubling, close, a little less, potentially close to double. You have 96 plus 33, you are adding another 90 something.
- Joel Cohen: It's more than double for students. Now it is 96.
- Arthur Rosenshein: Okay. Mollie you have inspected this layout entirely?
- Joel Cohen: They actually had more than 33 students, but in 2014, it was determined this building can only hold 33 students.
- Mollie Messenger: George has been the one involved with this building. They currently have an open permit because they are increasing the kitchen, dining area right there and didn't meet any setback requirements. They are doing that right now. George's comments were the same as Gary's, they need to take that part of the building off, some of the buildings need to be addressed. With this site plan they are going to need to do some more work.
- Paula E Kay: It sounds like the first thing that needs to happen is they go to the Town Board before you guys even do much more.
- Arthur Rosenshein: I'm a little confused. The duplexes are staffed?
- Joel Cohen: Yes.
- Arthur Rosenshein: You have 4 family hotel buildings with 4 bedrooms. You have 8 bedroom duplex, 6 bedroom duplex, 3 of those. 8 families and staff with a 12 bedroom. It sounds like you are running a summer resort with students.

- Joel Cohen: Until now there was much more housing than they needed for staff, and it was used by members of the Congregation in the summer.
- Arthur Rosenshein: You're using a summer resort with students.
- Joel Cohen: Now it will be much more of a camp than it was before. It was members of Congregation.
- Arthur Rosenshein: Any other comments?
- Gary Tavormina: Where some of these buildings are, there is no access for emergency vehicles to get to. Some of those buildings in the back, you won't get a fire truck or ambulance in there. The driveway going into the hotel has to be redone, it goes to this and then to nothing. It is very difficult to get back.
- Arthur Rosenshein: You are going to have to show emergency access to any building anyone occupies.
- Balsey Louckes: How many parking lots?
- Joel Cohen: We're adding another 17 spots.
- Balsey Louckes: You've got 29 parking spots?
- Joel Cohen: Right now they only have 12.
- Balsey Louckes: A drop off point for the bus?
- Joel Cohen: They will only be bused in the beginning of the season.
- Balsey Louckes: Find a place for them to park.
- Gary Tavormina: You have to upgrade that parking lot. An entrance into the facility, that has to be corrected, somehow so they can get emergency vehicles in there.
- Balsey Louckes: Don't you have another entrance by the mikvah?
- Joel Cohen: I don't think so.
- Balsey Louckes: Check that out I do think you have one there.
- Arthur Rosenshein: What are your recreational facilities?
- Joel Cohen: They're not going to really have any outside activities. It is mostly inside.
- Arthur Rosenshein: So you're making a yeshiva?
- Joel Cohen: It's going to be acting like a yeshiva. It's a camp, but most of the boys learn all day
- Paula E Kay: Then it's not a camp. It's not a school...
- Arthur Rosenshein: It doesn't pass state.
- Paula E Kay: We have to decide what it is. Depending on what it is, all the setbacks change and whether or not it is allowed in the zone.
- Arthur Rosenshein: As soon as you do away with the camp recreation....you have to decide. Put that down as an open question.
- Paula E Kay: Religious retreat is allowed in the REC-1 zone. We have to make sure we are calling it what it is for future reference.

- Arthur Rosenshein: It could be to your advantage. I think the first step is you are going to have to figure out the water. You will have to get something from the Town. That is the determining question right there.
- Gary Tavormina: Mollie, are the density of the buildings and all that...
- Mollie Messenger: For the proposal, they are under the density calculations. If they are changing the use to something else, I don't know. Should you get Town approval and move forward with it, Keystone will look at all those driveway and runoff issues.

6. OHEL ELOZER DBA BE'ER HATORAH – SBL# 17-1-33.1 – Requests site plan approval to increase the size of an existing laundry building with an 11 x 32 addition to use as a dining hall. Zone: HR-1. Acres: 9.98. Location: 46 Leroy Rd., Loch Sheldrake.

- Joel Cohen represented.
- Joel Cohen: This is an addition of 352 square feet to an existing laundry building which will be used a dining building. It's going to be 720 feet, 352 square feet. I blew up the map to show what it is.
- Arthur Rosenshein: The building itself is inconsequential, but it does open whatever else we want to do. The parking is a good question.
- Joel Cohen: They park on the side. It's an important issue. We are going to propose more parking, there is a parking area over here. He is willing to accommodate more vehicles.
- Will Illing: There is a sewage pump station over there, how come he can't use the lower right hand corner for parking?
- Joel Cohen: This is all a grass field. You'd rather park here than over here?
- Arthur Rosenshein: How do we parking calculations?
- Mollie Messenger: They have to do it per building, they need a bulk table for it.
- Irv Newmark: We need a driveway into the back.
- Will Illing: They need to provide a copy of their deed to demonstrate they have a right to use road to the water tanks. We need to revisit it, they need to provide us the deed. They are using the water tank road to access their bungalows in the back and some of their little classrooms.
- Arthur Rosenshein: This is a chance we have with a lot of old camps, we have to iron out the little issues.
- Gary Tavormina: We have to have access to the buildings, somehow, someday.
- Arthur Rosenshein: Or, show that you have the right to use the town access road, or negotiate. Could they negotiate with the Town?
- Will Illing: Sure.

- Arthur Rosenshein: That would probably be the cheapest way to solve your problem, however you do it, those are your 2 big issues. We are going to take our shot while we have it.
- Joel Cohen: So you want to see more parking and you want to see the CBL.
- Arthur Rosenshein: Parking is obviously a problem, this is when you get it straight.
- Will Illing: The laundry is going to stay where it is, you're adding on for dining but the laundry facilities will stay in that building.
- Joel Cohen: Most of the units have laundry. That's why they don't need this laundry anymore. They want to use it now for the families to eat there.
- Will Illing: So the laundry will be gone?
- Joel Cohen: Yes.
- Arthur Rosenshein: Any issues with the water and septic on this one?
- Will Illing: They have an on site pump station that was rebuilt several years ago. There is no issues that I am aware of this time.
- Balsey Louckes: Did the fire department get their stuff?
- Joel Cohen: I sent out to the Loch Sheldrake fire company.
- Balsey Louckes: Certified?
- Joel Cohen: I couldn't get a copy of the certificate. I am not sure if it was sent out. We will make sure if it was sent out.
- Gary Tavormina: That's the only way to make sure it is done.
- Balsey Louckes: They may not answer but at least you can prove to us you sent it out.

7. LANDS OF GREENFIELD GROUP (CENTRAL PARK BUNGALOWS)- SBL# 56-1-4.3 – Requests conceptual review to remove an existing 4 unit dwelling and construct 2 duplex dwelling units. Zone: B-1. Acres: 5.84. Location: 5351 SR 42, So. Fallsburg.

- Abe Berkovich represented.
- Arthur Rosenshein: Motion to adjust the agenda and move item number 7 up to whatever is more convenient.
 - MOTION:
 - Balsey Louckes makes a motion to adjust the agenda. Irv Newmark seconds. All in favor.
- Abe Berkovic: This place is called Central Park Estates. Basically, the existing old four family house which...they would like to tear down the existing the old four family house facing the road. Instead of rebuilding, they would like to put 2 duplexes.
- Balsey Louckes: Actually beautify it a bit.
- Mollie Messenger: Jay are you part of this project?

- Abe Berkovic: I have a blanket retainer.
- Will Illing: The property is on record as having some infiltration in flow matters. We expect the infiltration in flow matters to be taken care of on this project. Whatever it takes. The rain water coming into the system, something is wrong up there. Whether it is gutters, or drains. Test, cameras. That's all.
- Arthur Rosenshein: You want to replace a rundown 4 family with 2 duplexes. How do we do the zoning requirements?
- Abe Berkovic: The property as is above the lot coverage. With the new duplex, I'm still going to be under that existing lot coverage. Meaning to say...
- Arthur Rosenshein: You're still going to be over but the same amount?
- Abe Berkovic: Less than I am currently. I am improving the lot coverage. I am at 28%, but when I am all said and done I will be at 26.5%.
- Arthur Rosenshein: Even though they are making it better...
- Paula E Kay: They are still.
- Abe Berkovic: If you send me to the ZBA, what variance am I asking for?
- Paula E Kay: You have an existing nonconforming lot, that is continuing to be nonconforming. I think it is still....something doesn't feel right. You still have a nonconforming lot with 2 high of a lot coverage. The fact that it is existing and there was never a variance granted? Maybe that's what we need to check. Was there ever a variance granted on this parcel?
- Abe Berkovic: If there was never a variance granted on this parcel, what then?
- Paula E Kay: Based on the fact that you are now changing what's there, you may have need a variance.
- Abe Berkovic: What variance am I asking for? To continue a nonconforming that I have already?
- Paula E Kay: They are increasing the lot coverage. The bulk table says x, you have y.
- Abe Berkovic: I am asking 26% and I am right now 27%, and they are denying me the 26% when I am currently the 27%.
- Paula E Kay: Yes. I want to see the bulk table and I want to see if there was ever a variance given for lot coverage.
- Arthur Rosenshein: In what time frame was the last thing built on this property?
- Abe Berkovic: It looks like 12 or 13 years ago.
- Will Illing: The lot hasn't been changed recently except for the pool.
- Arthur Rosenshein: They are improving the situation.
- Balsey Louckes: What they built there is what they tore down and rebuilt.
- Abe Berkovic: They probably never asked for a variance. It was a tear down and a rebuilt. They were probably under the 91 laws. In the 91 laws you only have to count impervious surface only for the footprint, you didn't do blacktop. They didn't do a variance.
- Arthur Rosenshein: For us it is an easy one once you clear the legal hurdles.

- Paula E Kay: I want to look at the file. I would love to not send you anywhere.
- Arthur Rosenshein: It would be nice to see the shoddy building down, if we can do it.
- Will Illing: The ARB will be involved?
- Arthur Rosenshein: Yeah. What do you have to do to replace the basketball court recreationally?
- Abe Berkovic: These kids are going to go there to enjoy a playground with slides.
- Arthur Rosenshein: You will put that on there of course. Your problems are not with us, it's legal. Am I correct? The board agrees this as an easy one?
- Mollie Messenger: Will you require a public hearing?
- Paula E Kay: It's site plan only, not special permit, so you have discretion.
- Arthur Rosenshein: I would like to say no, anyone else?
- Balsey Louckes: I would say no.
- Maria Zeno: I say no.
- Abe Berkovic: I guess that's a motion.
- Will Illing: The ownership is not condo, it's privately owned?
- Abe Berkovic: There's a new purchaser, he is owning it privately.
- Arthur Rosenshein: Let us make a motion to not have a public hearing.
 - MOTION:
 - Maria Zeno motions to not have a public hearing. Balsey Louckes seconds. All in favor.
- Paula E Kay: I just want to look at the file, I have the plans. I just want to see what happened.

OLD BUSINESS:

1. MOUNTAINDALE ESTATES – SBL# 42-1-11.2 - Request for planning to authorize 239 review submittal. Zone: REC-1. Acres: 73.35. Location: CR 56, Mountaindale.
 - Paula E Kay: We had a staff meeting. The applicant will be back before the board in May but they needed to do their 239 since it has been such a long time since they have been active. During the staff meeting we agreed that the board could do a motion to do the 239 to get it rolling, then they will be back with their revised plans and their updated engineer next month.
 - MOTION:
 - Maria Zeno makes a motion for 239. Balsey Louckes seconds. All in favor.
 - Paula E Kay: The last time they were here, or the time before that was the public hearing. You had asked them to respond to the public hearing comments. They sent around their responses to the public hearing comments. You would have received them almost a year ago. If you need them resent to you, let Mollie know, because if you don't feel anything was addressed properly, if you want anything confirmed or changed, how the responses were made, let us know so we can move forward.
 - Balsey Louckes: How old is this?
 - Mollie Messenger: Years. I don't know the...
 - Balsey Louckes: 8 years?
 - Paula E Kay: The public hearing was last May.
 - Mollie Messenger: We haven't heard from them since June of last year. They did the public hearing and the comments.
 - Irv Newmark: I think it would be helpful...I know there were people who spoke up.
 - Paula E Kay: We will recirculate the minutes for the public hearing as well as the responses.

2. YESHIVA ZICHRON MAYIR – SBL# 42-1-14 – Requests site plan approval for the construction of a 72 x 46 dormitory. Zone: R-1. Acres: 18.8. Location: Ronald Tawil Way, Mountaindale.
 - Allen Frishman represented.
 - Allen Frishman: We had to get a variance for the replacement of the dormitory which was received last month at the ZBA. Part of the agreement, we had to remove some of the old buildings. There were 2 trailers and a garage, this site plan shows them removed. We finally convinced the owner's to remove the old dormitory. Now that we have that out of the way, we are back. This project was in front of you a while back. We are just looking to move ahead. This is the up to date site plan. The third page shows the lighting that will be required, the necessary parking in front of the dormitory. We are working with an architect to

work on the design of it. We're pushing to get that resolved so we can go in front of the ARB. We'll be contacting Will to get started on the sewer capacity. There were many more trails on this property years back that went into the pump that will be used for the dormitory. The calculations have to be made, but it might be that we are okay based on what was removed. That's the update on where are at.

- Arthur Rosenshein: How many more students?
- Allen Frishman: Right now we are 40, they're talking about up to 80. So doubling the population.
- Arthur Rosenshein: How many total on the property?
- Allen Frishman: 40 that use the yeshiva all year round. Then the bungalow colony on the right is rented in the summer. Then a new group of boys come in, so it changes in the season. It's run like a real school, a yeshiva. The kids are there all year round. They leave in the summer, some go to Israel. Then come back and graduate. It's 40 now, and that's why the dormitory was considered to made bigger. They're not immediately putting in the new population, but they are building for the eventual bigger population.
- Irv Newmark: It's going to be a 2 story building and you're removing the old dormitory?
- Allen Frishman: Yes. That's going to go at the completion of the building. Because of the elevation drop, the topography, you're going to have a walk out on the bottom. Then you will have the 2 stories on level when you pull in, you will only see the 2.
- Mollie Messenger: It does drop off there quite a bit, be very careful you don't get into a 3 story issue there. The dormitory building you are taking down has dining in there, it is all going?
- Allen Frishman: The dining room is in the gym.
- Mollie Messenger: There is dining and everything underneath this 2 story building.
- Allen Frishman: They're not 100% sure what they are doing in the bottom level of the new building, but the existing building is strictly rooms and a little rec area. The dining area is in the new building they built years ago.
- Paula E Kay: Show me on the map where the dining is now.
- Allen Frishman: This is just housing, no dining in there. I eat with them sometimes.
- Mollie Messenger: This is going to be completely removed? Dirt, nothing?
- Allen Frishman: Right down to nothing. There is a note that says to removed. It will be graded and grassed.
- Paula E Kay: Mr. Chairman, one suggestion may be on the new dormitory where it says proposed 48 by 96 2 story building, we can say 20 rooms but can we also say maximum occupancy right on the site plan?
- Arthur Rosenshein: Given the size, isn't that?

- Allen Frishman: That translates to 80 beds, we can add that note.
- Balsey Louckes: What would it cost you to rip this 2 story building down?
- Allen Frishman: Lots.
- Balsey Louckes: 50 thousand? Before we move on, once this building is built, you have no money to do this.
- Arthur Rosenshein: That's why we have bonds.
- Balsey Louckes: That's what I am saying, we have to make sure we have a bond.
- Allen Frishman: That's already part of the conditions. Prior to moving well ahead with the permits, we have to get a bond in place. There won't be a problem with money afterward.
- Jay Zeiger: They can't take it down, they have to use the old building until...
- Balsey Louckes: I just want to make sure there is money there after the new building is up.
- Allen Frishman: Understood, that will be part of the bond.
- Gary Tavormina: What is the distance between the 2 buildings?
- Jay Zeiger: That's close, 10 to 15 feet. That is coming down.
- Gary Tavormina: Supposedly.
- Jay Zeiger: It has to.
- Arthur Rosenshein: The new one looks like it has 50 feet or better.
- Irv Newmark: Can a fire truck get in there to that?
- Allen Frishman: To the new building? Yeah, that's why we put the cars on the opposite side. They will have access and they can still go further in. You have emergency access. Fire company have been in this place, once and a while.
- Discussion.
- Gary Tavormina: You should have some kind of roadway to those cottages. Some temporary roadway in case something does happen. A fire truck in mud is useless.
- Will Illing: That town sewer pump station next to the proposed building, the Town has an easement there and I would like it to be shown on the map, to make sure the building is outside the easement. Even so, we want some clearing around it.
- Arthur Rosenshein: In addition, given the size of the building, the proximity, the Sandberg Creek would need some kind of plan for erosion control.
- Allen Frishman: The erosion control plan we are going to start working on.
- Arthur Rosenshein: It is a very sensitive area given the slope.
- Allen Frishman: This was an update to tell the board we are back, to get going as soon as possible. I wanted to get the questions from you guys to move ahead, Tim will be in contact to figure out what you want on the sewer pump.
- Will Illing: He will be doing the calculations, submitted for review by Keystone.

- Mollie Messenger: Before we go onto the next item, the county had pointed out with the yeshiva is in close proximity to the 100 year flood plain, that should be marked on the map and then addressed.
3. ROSEMOND ESTATES – SBL# 30-1-11.3 – Requests site plan modification to amend the location of the interior road. Zone: REC-2. Acres: 36. Location: 195 Rosemond Rd., Woodridge.
- Jay Zeiger and Jacod Fried represented.
 - Jacod Fried: This is the old one, here we have a 35 foot road, it passes through phase 1 here and goes to phase 2. What we came up with is having at the intersection of Silver Lake Road, come in right here at phase 1 and 2, here should be the main entrance. Phase 1 will turn in, and phase 2 continues straight into phase...now the new road in here so of course if this is the main road to phase 2, we don't need this road to be 35 feet.
 - Arthur Rosenshein: I understand that some of the wetlands have been de-wetlanded?
 - Jay Zeiger: It was remapped.
 - Arthur Rosenshein: Yes I understand. I think we should have our engineer work it as well.
 - Jacod Fried: I understand. I rely on Jim Bates.
 - Arthur Rosenshein: We're not questioning it. Wetlands are a very iffy thing.
 - Jay Zeiger: This is mostly built, this area over here. There are a couple of other tweaks.
 - Jacod Fried: This we have here, the loops, the shul was here dropped down in the center. Had no design to it. By request, we redesigned the layout to have 8 circles, we had the pools. It's beautiful this way.
 - Arthur Rosenshein: Is Mr. Geneslaw involved with this?
 - Mollie Messenger: He is and he sent a review letter limited on the access to it. I emailed Mike Reilly last week and told him to send it to Keystone, as of yesterday they haven't received it. So double check so Ken can review.
 - Jacod Fried: The other day he asked if I sent it, I said no, then he said he sent it.
 - Mollie Messenger: Bob sent that out, Keystone needs to review the intersection, and we have the mapping of the wetlands. Did you update the Department of Health?
 - Jacod Fried: Absolutely. With the water, everything was done and approved. He didn't stamp it because he was waiting for profiles from Reilly, he had that done an hour ago. He will drop it off Monday at the latest.
 - Mollie Messenger: So the Department of Health approved what Anthony did?
 - Jacod Fried: Yes. With the entire storage building, that addition, he said after he reviewed it, he a list of talents, he addressed it all. Everything now is ready to be approved. From the profiles of Mike Reilly, which he asked for profiles on this

area, the as built, I don't know who did it, when it was built there were no profiles in the plan. He is asking for old profiles in phase 1, the rest, everything was fine.

- Mollie Messenger: So I am still waiting for a letter from the Department of Health, and then I will get new plans.
 - Jacod Fried: Yes.
 - Arthur Rosenshein: The addition of the new access, assuming we get...(inaudible)
 - Mollie Messenger: We still don't have water for phase 2 yet. Phase 1 is good.
 - Arthur Rosenshein: The whole thing was to reduce the size of the road from 30 to 24, and that is dependent on the acceptance of the new entrance.
 - Jay Zeiger: Acceptable to who?
 - Paula E Kay: Us.
 - Jay Zeiger: I guess what we are looking for you to say is that provided Geneslaw...
 - Arthur Rosenshein: Does anyone have a problem with reducing the road to 24 feet because there is another entrance?
 - Jay Zeiger: You want to discuss this?
 - Arthur Rosenshein: Let's get the review back and see what he says. It's a minor change, not a big deal.
 - Balsey Louckes: It looks kind of closed to me, but if you open it up.
 - Arthur Rosenshein: Thank you.
4. BROOKSIDE ESTATES – SBL# 49-2-14.1/14.2/16/19/28 – Requests review to remove old units and replace them with new units and a shul. Zone: HR-1. Acres: 8.64. Location: Laurel Ave., So. Fallsburg.
- Randy Wasson Represented.
 - Balsey Louckes: Has anybody been up to look at this?
 - Mollie Messenger: Yes.
 - Balsey Louckes: I think this first entrance going in is too small for anything.
 - Will Illing: For fire access?
 - Balsey Louckes: Yes.
 - Randy Wasson: We were here last month at which point we received some comments from Keystone associates. They didn't seem too significant. We're coming back this month, we received comments this morning and then we also received final comments from Keystone in response to the last meeting, they had further comments and set them around, you do have plans that reflect those changes. As of the last meeting, we have not received any comments from the Fire Department. After we met with the board, AJ Pantel was here and we met with him. We reviewed the plan with him and we did address his comments and we did call out in our response letter. They are on the plan. Specifically some

signage at the front, 911 addresses. Clearance on one of the driveways was a concern, the others were fine. Also, just prior to the last month meeting, we had tested the water pressure on the well at the front of the property, it was more than adequate, dispelling over 1,200 gallons a minute. That was good. Today we received some comments from Keystone, follow up comments. We have tried to address them today since we received them. One of them was change the paving section, the paved entrance to this parking lot across the street. We changed that to what they requested, we had 3 inches of asphalt they wanted, we have 1 coarse, and they wanted 1 inch of this and 2 inches of something else. He indicated that based on the layout and the way the thing is proposed, a SWEPP would not be required. He did ask we show water and sewer service for building number 31 which we accidentally left off the map. We did that. We are showing those connections to the existing sewer and water main in the building next to it. He asked for a stamp copy of the survey map, we will give him one. He talks about pedestrian crosswalk from the parking lot to the west side of Laurel Avenue. We can do that, but we don't have any standards for that. We're not sure if the Town wants to do that, or if they want to do that.

- Will Illing: A painted crosswalk? For the parking lot?
- Randy Wasson: Yes.
- Gary Tavormina: At least when people driving, when a pedestrian steps into that, the law requires them. If it is open, there's nothing there.
- Randy Wasson: We're amenable.
- Gary Tavormina: If someone coming out the parking lot is in that crosswalk, they have to stop. They should know they have to stop. That would give the driver indication that there are people that will walk across the road.
- Randy Wasson: Whatever the board decides is okay
- Irv Newmark: Mr. Geneslaw has prepared site plan approval resolution with 29 conditions plus special conditions. We can always add they provide a crosswalk subject to the Town's approval should they want it. That can be item number 30. They don't need a SWEPP, they've done everything they have been asked to do.
- Mollie Messenger: I did speak to AJ today, I had been requesting for written something from them. What Randy said was fine, they had talked about it in all of the normal quotes about what the fire department wants, he also said he is going to start asking for where the main shut off is for the gas because these are all fed off of a main tank. He recently ran into a situation where he thought he was turning off the main tank, it was fed from the other side of the community. That is something we need to start looking for, the main shut off of the gas. Those 2 parking lots in the front, they are now off the plan, does that mean they are not on.
- Randy Wasson: They are off the plan per one of Bob's comments, for parking with these types of projects. They were in the front yard between the buildings

here and here. We have taken these spaces and added them to this parking in the rear.

- Mollie Messenger: You're taking down the buildings and those apartments and putting up 2 new buildings. You know that's also asphalt right there. Why are you not putting the parking in front of those buildings?
- Randy Wasson: They want parking separate with individual spaces for each building.
- Mollie Messenger: You're taking up all the asphalt and planting new grass?
- Randy Wasson: Except for where the driveway is going.
- Paper rustling.
- Audience: The community over here. We have the kids running over here so it is dangerous.
- Mollie Messenger: Isn't that how the cars are getting to the parking lot?
- Audience: Yes. They are backing up.
- Mollie Messenger: I appreciate you moving the parking lot.
- Maria Zeno: In Bob's comments, he talks about sidewalks along Laurel Avenue. I think that goes to another matter during the public hearing, was a discussion had with Bob that that isn't out authority. He says it may be necessary along Laurel Avenue, if so if applicants should be involved in some way. I am wondering how we should address that comment.
- Mollie Messenger: What the Town has been doing is taking back enough room on the sides of the road so they can put in sidewalk, then they will actually own the property to put it in. As far as making the applicants responsible for putting in sidewalks, we haven't done that in the past. But we have taken the property the last couple of times. That is up to the board.
- Paula E Kay: The way he words it is provide sidewalk or fair share of cost.
- Irv Newmark: Would they be willing to give the Town enough space?
- Randy Wasson: Whether they actually do it or not, it would be a good idea wouldn't it?
- Mollie Messenger: That's what we've been doing.
- Irv Newmark: I have a question. You fought to identify where the main gas valve is and put it on the plan, the fire department isn't going to get the plan.
- Mollie Messenger: No there needs to be a sign.
- Irv Newmark: A little sign? If we're going to do it.
- Mollie Messenger: A lot of the fire service are familiar with the properties.
- Randy Wasson: We could put up a facility sign where they enter the property.
- Irv Newmark: Yeah saying where the main valve is. Anybody else on the board have anything else to say?
- Will Illing: I don't see whits on the driveways. I see a note saying we are going to clear trees and branches for emergency access. Their driveways, how wide are they. They look narrow on the proposed plan.

- Randy Wasson: We are widening them to 20 feet.
- Balsey Louckes: Are you tearing that building down to do that? The building on the first driveway there? How do you get 20 feet with the building?
- Randy Wasson: Go the other way.
- Will Illing: We are going to make a note that it is 20 foot all the way.
- Irv Newmark: We are going to add 30 to the conditions, as far as a crosswalk if the Town requires, the crosswalk painted. Now we are going to add the main gas valve be marked so the fire department can find it in emergencies, that will be 31. The property to be given to the Town in case the Town decides to build a sidewalk.
- Paula E Kay: That is in there already. Let me find the number. It is a special condition.
- Irv Newmark: Number 3 under special conditions.
- Balsey Louckes: I thought the question was would they split the cost with the Town.
- Maria Zeno: That's what the special condition says, it says provide sidewalk or fair share of cost along Laurel Avenue as approved by Town Board. As a board, we can take a position in that they share the costs of doing sidewalks when such a project is approved by the Town Board.
- Paula E Kay: The condition is saying, either or to be determined by the Town Board when the condition warrants, but if you have a preference, you should let the Town Board know.
- Irv Newmark: If the Town Board decides to install sidewalks, can't they say they're going to install them on such street and they charge back?
- Paula E Kay: They can do it special district.
- Will Illing: It's been done with grants. There are ways to do that. We are asking for the land now, they don't have to give it to us but we are asking.
- Irv Newmark: They are agreeing to that.
- Maria Zeno: That's not the language in the special conditions which is why we need to revisit that specific one. He is saying for them to grant the land to the Town so when the Town is ready to do sidewalks, we'll already have that land and we won't have any problem. The condition is discussing sharing costs.
- Paula E Kay: He is saying provide sidewalk or fair share, so the cost of the sidewalk. Take it out, provide the sidewalk. I think Maria wants the money.
- Maria Zeno: No I am not saying the money, I'm a little confused. They're providing the land but they are not making the sidewalk. I am reading it as provide the sidewalk.
- Paula E Kay: No it means provide the land for future sidewalks.
- Randy Wasson: We are providing 25 feet for the sidewalks.
- Paula E Kay: Yes the land necessary for the sidewalks.

- Kurtis Luster: With those conditions, you said 30 conditions, how can I access a copy of these conditions to see if my concerns have been addressed?
- Mollie Messenger: Your concern will be in that resolution, that resolution doesn't address the culvert you were talking about. That's more on the map than in the engineering. The resolution is about providing grinders and adhering to the water and sewer. If you want to talk to Mr. Wasson about the culvert, you should talk to him. He is worried about the culvert behind Angela's apartment.
- Randy Wasson: That's a 30 inch culvert, it's fairly new. We're not proposing anything with respect to that stream.
- Kurtis Luster: I also asked about that second building that is going to be demolished, that second one has asbestos on top.
- Mollie Messenger: They have to have an asbestos abatement done, and it will have to be removed.
- Kurtis Luster: How will I know? When it is being done?
- Mollie Messenger: They will have to apply for a demo permit, and then they will go out and you will see machinery move there. Feel free to call my office and make sure it is taken care of. They have to make sure the building is asbestos free before they take it down. Number 21, grinder shall be provided is not needed.
- Irv Newmark: Anything else?
- Randy Wasson: I got this so late, I did the quick items that were concerning. Is this required for ARB approval?
- Mollie Messenger: Yes, the new buildings. You know what you're doing with them?
- Randy Wasson: Yes. It also says subject to Planning Board review, and ARB as well?
- Mollie Messenger: Yeah.
- Discussion.
- Gary Tavormina: We need a rendering of what the building will look like for the Building Department. It is a 1 story and so we know what it will look like. So the Building has what it will look like.
- Randy Wasson: Yeah we will. I have a question for Will. Number 20, a master water meter.
- Will Illing: We discussed that and the individual meters are fine, they are going to pay a lot more money to have 4 than 1. Randy, what I didn't see on these comment additions, the pump station on the site. We talked about verifying that it is adequate in size. Let's make sure that gets submitted. Just submit the information on it so we know it will be okay.
- Randy Wasson: It's shown on the utility plan. All we are adding to it now is 1 house.
- Will Illing: It needs to be looked at by an engineer and make sure it works. When will the work be done?

- Randy Wasson: We're trying to get it all done by July. There's no phase 1.
- Mollie Messenger: The only thing we didn't address was that the compactor was within 5 feet of the lot line. You put in the flood plain?
- Randy Wasson: Right on the edge, but I raised it a foot.
- Mollie Messenger: What's that going to be, gravel or asphalt parking? Gravel. So you're doing clearing over there?
- Randy Wasson: Very little.
- Mollie Messenger: On the other side?
- Randy Wasson: Yes, the front half, we're clearing the back half.
- Balsey Louckes: We talked about putting trees there, on the other side too.
- Randy Wasson: This side is pretty good woods which we're not disturbing. We have a wider buffer. This side is a series of trees, the house is up here toward the front, with the grading with just a pressure treated retaining wall.
- Irv Newmark: We got everything? We need neg dec. A motion for neg dec.
Unlisted action.
 - MOTION:
 - Gary Tavormina motions for neg dec. Maria Zeno seconds. All in favor.
- Irv Newmark: We need site plan approval pending 31 conditions.
 - MOTION:
 - Gary Tavormina motions for site plan approval pending the list of 31 conditions. Maria Zeno seconds. All in favor. Arthur Rosenshein recused.
- Gary Tavormina: I know when I built the house, the top of the foundation was 18 inches above the ground. Can we restrict those to that 18 inches?
- Paula E Kay: That's really Code Enforcement.
- Mollie Messenger: What would be the reason?
- Gary Tavormina: If it is at 18 inches above, the small windows they can't get out. In order for it to be a bedroom, it has to have certain windows to get out of it. If it is 18 inches above the ground, you can't put those windows in.
- Mollie Messenger: They will and do. What we are seeing is basements are being made with egress windows, no matter what size.
- Gary Tavormina: If it is only 18 inches above, you don't have that 4 feet of concrete.
- Will Illing: The code allows for window wells for egress.
- Arthur Rosenshein: What you're trying to do is to limit them becoming apartments.
- Gary Tavormina: Not only that, I am trying to limit the elevation of the project. You're putting 5 feet more to the house above the ground.
- Mollie Messenger: The only restriction we have now is the 35 foot height restriction. If they do lift it out of the ground, they may lose the upper floors.
- Will Illing: Architecturally, it is ugly and not aesthetically pleasing.
- Discussion.

- Gary Tavormina: We all know what will happen.
- Arthur Rosenshein: The question is do we have a legal basis for making a restriction or not. The answer was no the last time I asked, and I am getting a no signal.
- Balsey Louckes: Would you rather have a window someone can get out instead of getting stuck down there?
- Will Illing: They are coming with permits and proving their basements anyway.
- Balsey Louckes: You restrict them and then you are making a real trap down there.
- Gary Tavormina: I am looking at what is normal. Normal is 18 inches above the ground.
- Paula E Kay: From a Planning perspective, you can deal with the height of the building. From a Code Enforcement, Mollie's office deals with everything else. I understand, but I don't think that the Planning Board can limit the height coming out.
- Gary Tavormina: Okay.

5. NEW PALMS – SBL# 28-1-41.2 – Requests site plan amendment to revise the roadway. Zone: R-1. Acres: 31.80. Location: Riverside Dr., Fallsburg.
 - Glenn Smith represented.
 - Arthur Rosenshein: Other than saving half the pavement, can you give me the rationale for the change?
 - Glenn Smith: Originally approved, we had a 2 lane on the green version of your plan, the second sheet, a 2 way road coming from Riverside Drive and a huge cul-de-sac. You'll find 2 way road don't give it the safety they need for the phase 1 of New Palms. It is a bit safer with the crossing. The red version is taking out the cul-de-sac and extending the 1 way so the 2 way coming from Riverside and then has 1 way around counterclockwise. There is more parking proposed on the red than the original. Basically have 1 way around the entire loop. I saw Mr. Geneslaw's comments about some people in the first 3 units going against the traffic. This is the same concept on the Old Fall's estates and phase 1 of the New Palms. They are all go around the way they are supposed for the last 2 years on projects that are finished.
 - Arthur Rosenshein: While we are thinking about it, that area called County Road 53 on this map. Every tree, bush, etc. was taken out. I see no sign of anything going in.
 - Glenn Smith: I saw comments on that, I was thinking they were referring to Riverside Drive. It is pretty open looking. Our landscape plan shows, that was

part of the Old Palms, it was a ratty old fence. Our landscape shows existing a couple types of trees, it also shows proposed planning down there as well.

- Arthur Rosenshein: When does that go in?
- Glenn Smith: It's under construction now.
- Irv Newmark: The houses don't look bad when you drive by, but if they had some landscaping.
- Glenn Smith: Our landscaping was approved, they are going to do it.
- Will Illing: This proposed 1 way is 20 feet wide?
- Glenn Smith: 12 feet with 2 foot shoulders and the 2 way is 24 feet.
- Will Illing: Can fire engines get around that loop?
- Balsey Louckes: I was looking at that at the last commissioner's thing, year.
- Arthur Rosenshein: I can't think of a reason not to do it. People in units 15,49, 48, and 47 would be the ones to take the shortcut.
- Will Illing: It is a good idea to decrease the impervious area.
- Arthur Rosenshein: Apparently we logged it on phase 1.
- Glenn Smith: The loop will go around counterclockwise, so Mr. Geneslaw was concerned this guys would go against traffic.
- Arthur Rosenshein: I was concerned these guys will take a bus.
- Glenn Smith: There will be signs, 1 way. There will be signs on both sides of the road.
- Gary Tavormina: I would make it a little bit wider than 12 foot.
- Arthur Rosenshein: What's useful for fire engineer? 12 feet enough?
- Maria Zeno: The department already looked at it?
- Gary Tavormina: 12 foot is pushing it.
- Balsey Louckes: 12 foot with 2 foot shoulders.
- Gary Tavormina: You know as well as I do, they are going for blacktop. If you make it 14 foot wide, then you have a bit more maneuverability room to give that fire truck. If someone is parked on the side.
- Arthur Rosenshein: The fire company looked at it and said okay.
- Glenn Smith: If I may also, a vast majority of the road is 1 way now. We're only increasing it by about 200 feet of additional 1 way.
- Arthur Rosenshein: Mollie, anything to add?
- Mollie Messenger: I want to leave it open about the landscaping if possible, if we could add more trees, it would be nice.
- Glenn Smith: On the original plan, we also showed a dozen and a half 6 foot high white pines along this whole side. It wasn't very visible from Route 42. We could switch it around add more.
- Mollie Messenger: If we could leave it open or have the condition to look at that. It's so stark over there. There are like 2 trees.
- Arthur Rosenshein: Do we approve it pending on the update?

- Mollie Messenger: We are going to do a final walkthrough and as built before they get COs on these buildings because we have to bond different stuff depending on what they're not done with the new procedure. When we do that walk around with Glenn, we might add some trees, or have the availability to add some trees.
 - Arthur Rosenshein: Subject to Code Enforcement review of approval process.
 - Glenn Smith: On your drawings, the old dumpster were by the existing entrance off of Riverside Drive. They would like to put a compactor on the right side of Riverside Drive.
 - Will Illing; Right across the street, people live there. A compactor across the street. It is noisy and smells.
 - Glenn Smith: That garage is 50 feet in. It's probably 40 or 50 feet off the road. It's not real far.
 - Arthur Rosenshein: We'd need a landscaping plan for that.
 - Glenn Smith: It'd have to be landscaping with fencing around that.
 - Arthur Rosenshein: You say the garbage and we approved the garbage.
 - Glenn Smith: The existing is the old pad for the garbage. It's a little bit farther back on the road.
 - Will Illing: It's an improvement but we should make it appropriate.
 - Arthur Rosenshein: Landscaping, we need to see it also.
 - Glenn Smith: Access is one of the main issues also, they want to pull in and back out without going around the entire loop.
 - Arthur Rosenshein: We now have a handle. The update landscaping plan will include trees along County Road 53, thicker. Thicker planting, bigger trees. And a plan submittal on the compactor so we know what to enforce. In turn for that, you will get your approval of your 1 way road. Motion is for approval of the revision of the site plan to make the roads 1 way as per the submitted plan on the condition that before they are allowed to make the change, they have to submit an updated landscape plan. Including the compactor or container, whatever is being put in. When I see it and I like it, if it is bad enough I will bring it to the board.
 - MOTION:
 - Balsey Louckes motions for approval of site plan approval pending updated landscaping and compactor plans. Irv Newmark seconds. All in favor.
6. 290 LAUREL AVE – SBL# 36-1-33.1 – Requests conceptual review for a new duplex development with 22 units (11 buildings), community center, pool, recreation area and playground facilities. Zone: R-1. Acres: 9.4. Location: Laurel Ave., So. Fallsburg.
- Jay Zeiger and Kirk Rother represented.

- Kirk Rother: The whole lot line change is pretty simple and self-explanatory. The site we would like to situate the development on is 9.39 acres in size, the duplex law requires 10. We are borrowing roughly 6/10s of an acre from the adjacent property to the south. That has an existing development on it. It would be exactly as it is today with regard to acreage, we are giving that 6/10s from the property to the south which is vacant. This one ends up with 10, this one starts and finishes at 5.7. The one at the end loses 6/10s of an acre, from 6.9 to 6.3. That's the extent of it. This will become a filed map with the County.
- Jay Zeiger: We will consolidate existing maps.
- Arthur Rosenshein: Mr. Geneslaw's comments. Prior to final approval, multiple lot line batch should carry the approval of licensed surveyor. The intersect of Laurel Ave and Laurel Park has difficult site lines and traversing intersection will become increasingly difficult as traffic volumes increase. 2 suggestions from the board to consider, on the multiple lot line change pack, request the applicant provide a road widening strip across the frontage of all lots along the east side of Laurel Avenue, the applicant has already offered.
- Jay Zeiger: That's on the map.
- Kirk Rother: At the staff meeting, we had shown the widening, the right of way line on the site that is being proposed for development. It was brought up that we should perhaps offer a census for the lot line change, which we had done. We revised the plan.
- Arthur Rosenshein: You're talking about the presumed right of way line?
- Kirk Rother: Yes.
- Arthur Rosenshein: Discuss with the applicant the potential of the town acquiring the subtly triangled portion of the tax lot to provide some of the land needed for a T intersection. We do not see this suggestion as a conditional approval rather an opportunity to open a conversation. If the board is interested in pursuing this suggestion, please refer to Keystone for their traffic engineer to review.
- Will Illing: We were speaking with the DoT about that intersection and making it more safe. We don't have the land to do it. It would require taking it at some point. I don't know what to do with it at this point, Keystone could look at it.
- Kirk Rother: We just received these and we haven't had a chance to talk to the applicant about that. It's also a new owner, so we don't have a yes or no.
- Arthur Rosenshein: How is it a different owner?
- Jay Zeiger: The owner of this lot is different from this lot.
- Arthur Rosenshein: In a sense, that triangle piece is useless.
- Kirk Rother: I don't know if it is.
- Arthur Rosenshein: It isn't it all but landlocked except for 1 foot. Or separate from the rest?
- Kirk Rother: They computed the acreage really quick, you may be able to have a 1 family house on it.

- Arthur Rosenshein: If they give any of that property away, they can't have a house on it.
- Will Illing: We only need a half acre. That looks like a half acre.
- Arthur Rosenshein: To be continued. Extensive conversation between Paula Kay and Jay Zeiger, covering various elements of bulk regulations, we will defer comments until we know the results of the conversations.
- Jay Zeiger: We resolved that. There were 3 issues, the first 2 we were in agreement with. The third was where I pointed out the inconsistency on the language, and your interpretation was the more conservative of the 2. Without agreeing or disagreeing, we have accepted that interpretation.
- Arthur Rosenshein: It would be nice to know what those items were.
- Kirk Rother: This shaded area slopes over 20%, the duplex law requires that you have 10 acres for duplexes. The conversation was whether if it was 10 net acres after subtracting slopes. They agreed it was 10 gross acres. Issue number 2 had to do with the lot coverage calculations, the area code in the duplex law says you subtract steep slopes, wetlands, and unusable areas.
- Jay Zeiger: It doesn't say that. It says environmental constraints.
- Kirk Rother: Then it says see definition of impervious areas. When you see that definition, it says that your impervious area is computed on a gross lot acreage. Not subtracting anything out. We lost on that argument, we said go ahead and subtract the acreage, we'll go with the way it is written for the duplex law. With that result we are right on the threshold of the 25%. We had to make our road 1 way to get us right under the impervious area. The last issue had to do with the density calculation. I don't remember the specifics of it.
- Jay Zeiger: Do you take out the environmental? We all agreed and we did.
- Kirk Rother: And we are still allowed to have 27 units and we proposed 22.
- Jay Zeiger: The 22 is limited by the impervious calculation.
- Arthur Rosenshein: So what are we doing?
- Jay Zeiger: We want to know if you have any suggestions? Anything you like, don't like? We want Kirk to go in and do the detail engineering, get your thoughts on what we're detailing.
- Kirk Rother: This is one of the simpler projects. This is already in water and sewer districts. There is no 239 review.
- Gary Tavormina: I like a 15 foot roadway.
- Will Illing: The compactor is shown in the corner of the parking lot.
- Arthur Rosenshein: I don't see much to fight about. Recreational area. 2 pools, a community center. Basketball court. That's more than most summer camps have.
- Gary Tavormina: How many stories?
- Jay Zeiger: 2 story buildings. We're not sure yet.
- Audience: 1 story building.
- Gary Tavormina: With a basement? Yeah.

- Arthur Rosenshein: Anyone on the board have any questions?
- Gary Tavormina: Get an elevation of the building?
- Mollie Messenger: If your sketch plan is okay, you may want to send it to the ARB.
- Arthur Rosenshein: We want to go to the ARB sooner, because what's been happening is by the time the developer shows they have already bought the units, they get alligator tears about the expense of the gable on a building. So now go earlier and if they have suggestions, we know sooner. I had an opportunity to speak to the ARB last week and I offered them our support for their work. What has been happening, by the time it gets to the ARB, it is too late.

7. LAUREL CREST – SBL# 56-1-1/39-1-90 – Requests site plan amendment from a previously approved site plan for the addition of duplexes. Zone: HR-1. Acres: 20.67. Location: Laurel Ave., So. Fallsburg.
- Jay Zeiger and Abe Berkovic represented..
 - Jay Zeiger: The long term members of the Planning Board probably remember this was approved some time ago, in 2009. A lot of work was done in there, most of this infrastructure, the rooms, the sewer and water. Four houses were already built over here. This is what was approved. It was approved for 64 units.
 - Abe Berkovic: The developer who started this project, somehow stall or didn't follow orders, stalled. Right now I am represented is in contract to buy the project. I got involved, the first thing I saw to make this project viable, we have to purchase the project next door. It makes for a much better layout. This area was missing. It gave it a lot of grading constraints, we have now a new layout with the same amount of units. Disregard unit 27 A and B, 30 A and B. It was a mistake. They forgot it.
 - Paula E Kay: Do you have an as built as to...
 - Abe Berkovic: They are working on that. We did hire a surveyor, we are working with him to really update and make sure everything is in order. We have the same layout.
 - Jay Zeiger: Over here, these were quads. These were 12 units in here. Those quads have been eliminated and now they are being replaced with some 2s. It's been spread out to encompass the new land which gives it a more wide open...
 - Arthur Rosenshein: Do you fit the existing zoning laws?
 - Mollie Messneger: And no.
 - Arthur Rosenshein: If this were a brand new project, would it go with the provisions of the duplex law?
 - Jay Zeiger: It was approved as a multiple residence in the HR-1 zoning district?
 - Abe Berkovic: Under the current zoning as well.
 - Arthur Rosenshein: But you're now putting in duplexes.

- Abe Berkovic: It doesn't say you can't.
- Arthur Rosenshein: When I ask the question, will this work under the present code?
- Abe Berkovic: It will work, we will just have to be under the current lot coverage with impervious service. Before that, we didn't count the impervious service when it was under the 90-91 laws. Once our engineer feels it is done, we will be under the 25%.
- Mollie Messenger: I have a different spin on this. The Laurel Crest development as shown in the upper half, is pretty much existing in that circle on the original piece. In my opinion, you would allow them to use this property the way that it is approved because they are vested with those 4 units that are up there, to continue to put those units as they were originally marked. When they add this next property and they want to spread them out, though it is a good idea, I feel they still need to fall under the duplex law because the law governs anything with 3 or more duplex units which is what they are installing. My only problem with that is the retention basin is now at the road instead of in the middle of the first loop where it was originally. Because they are spreading them out, I feel they would need a variance for the pond to be there, I am in agreement with allowing the remainder of the original site plan that was approved.
- Abe Berkovic: Even if we get a variance for the storm water pond, I don't know if we have the 175 set back.
- Mollie Messenger: Do you have a measurement there?
- Abe Berkovic: I might make that 175 feet.
- Mollie Messenger: I think you could shimmy around to get it. I don't know where the board stands. I have had conversations with Abe about when you add property, you open your site plan up. He could build Laurel Crest as it is today right now.
- Will Illing: But if he is going to add land, it should be.
- Paula E Kay: We don't disagree with you, but you're adding a new piece of property to it, and that property is subject to current code. It's essentially a new project.
- Arthur Rosenshein: What you're saying is go with the old one or make it a new one.
- Paula E Kay: I think how Mollie presented it was very fair. You have your existing site plan, you're going to put it together, do the as built, and you can build that in accordance with the original site plan. The new property has to fall under the duplex code, you're going to have to meet as well as you can the requirements.
- Will Illing: Unless they don't build duplexes on it.
- Abe Berkovic: Right now the storm water is right in the middle. Presumably all the kids will be playing right here. It just doesn't make sense, it's not a good design.
- Arthur Rosenshein: Personally I agree with you, I like the new design better. The question is how we get there.

- Abe Berkovic: That's why we are here today.
- Mollie Messenger: I think you can shimmy the houses to make it work, but you have to figure out what to do with the storm water.
- Abe Berkovic: This is a given that we fall under the duplex law.
- Paula E Kay: It depends what you're building.
- Abe Berkovic: IT doesn't say anything in the multifamily. If you look at the HR-1 zoning table, it doesn't reference the duplex law.
- Mollie Messenger: The duplex law trumps everything 2 or more duplexes on it.
- Arthur Rosenshein: That doesn't stop you from amending to move the storm water to the new property. Aside from the duplexes, you were saying it was unsafe to have the storm water in the middle. Moving it would not be that much of an issue.
- Abe Berkovic: Mollie is bringing up that we won't be able to put it at the 175 foot setback.
- Jay Zeiger: Except if moving the pond was an amendment to approval.
- Arthur Rosenshein: The amendment to try to put duplexes in when you can't....
- Jay Zeiger: If we can amend the plan to move the pond, then come under your duplex law for these new units...
- Mollie Messenger: That would be like segmentation, you can't do that. You can't call for an amendment to the plan by adding more property, then move the pond and then come back as a duplex.
- Jay Zeiger: We want to amend the plan to annex this piece, then move the pond. Then we want to as a second phase, eliminate the quads and build the duplexes.
- Will Illing: If you're going to build duplexes there, you really need to comply with that code. The purpose of that code was when you were going to build, to give them setbacks of 175. The pond is in the buffer.
- Paula E Kay: If they say that this is what we're going to do, and we do SEQR on both sides, that's not segmentation.
- Mollie Messenger: I am in disagreement with that. I am not creating a new way to get this approved. I think you need to work on the plan, if you want to spread out and do it, then you need to work on the plan a bit.
- Maria Zeno: If they purchased the property, annexed it, combined and then came back with it showing that it is now owned by them?
- Mollie Messenger: It's still an amendment.
- Maria Zeno: Would it fall under the duplex law?
- Paula E Kay: It depends on what they're building there.
- Mollie Messenger: It's all the new code. As soon as they start making changes to the property, it reverts to the new code.
- Paula E Kay: My question is with the segmentation, but we can talk. The second phase has to come under the new code and if you're building more than 3 duplex structures, it definitely falls under the duplex development.
- Jay Zeiger: If we made these, instead of duplexes, made them triples?
- Mollie Messenger: Townhouses?

- Paula E Kay: 3 or 4 unit multifamily?
- Jay Zeiger: We are under the multifamily which is how this was approved.
- Mollie Messenger: I think you need to fit into the code without any silly business.
- Paula E Kay: I think what you need to do, I think you know where the board stands, is go work on the plan and figure out what it is you're trying to build and what code you're trying to fit under. If it is multifamily, show it. If it is duplex, comply with the code.
- Jay Zeiger: We went to 3s just as an example, are we under multifamily or townhouses?
- Will Illing: Even if you're under multifamily, doesn't that zoning require better setback than what you're showing?
- Paula E Kay: Multifamily is 50.
- Will Illing: On the front yard?
- Paula E Kay: For 3 to 4 units, or for more than 4 units it is 75.
- Will Illing: That's more than that shows.
- Mollie Messenger: I'm not in disagreement that I don't like the plan, I just need you to follow the code.
- Abe Berkovic: We just have to find a creative way.
- Mollie Messenger: I think you can get there without being creative, I think you can get there with just following the code. I want to reiterate, my recommendation to this board is to not approve anything until I have final plans for those buildings that are existing and that I have a path to make them compliant.
- Abe Berkovic: We're working on that. It is part of the contract for purchase that we bring those buildings up to compliance.
- Gary Tavormina: Single, or multi story?
- Abe Berkovic: It's over a cliff with a basement.
- Will Illing: So far they are all 2 story.
- Gary Tavormina: Mollie should get an elevation so she knows what is being built there.
- Arthur Rosenshein: They have the code.
- Jay Zeiger: That has to happen, and we have to go to the ARB.
- Gary Tavormina: That doesn't always happen, and it should happen.
- Abe Berkovic: We can't get building permits without that.