

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

May 12th, 2016

In attendance: Arthur Rosenshein, Chairman, Irv Newmark, Balsey Louckes, Maria Zeno, Ron Singer, Planning Board Members, Gary Tavormina, Planning Board Alternate, Mollie Messenger, Code Enforcement, Robert Geneslaw, Town Attorney, Paula E Kay, Deputy Town Attorney

- Arthur Rosenshein called the meeting to order at 7PM.
- April minutes approved with amendments

PUBLIC HEARING:

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

- Joel Kohn represented.
- Joel Kohn: It is an HR-1 zoning, it is a camp of about 100 kids. They're adding an addition to the existing laundry building which will be made into a dining room, they are adding 300 square feet to an existing building of 720 square feet. Last month, someone from the public asked about parking and the Planning Board thought we should add some to the project. There will be parking in front of this lunch room. There are 29 spaces proposed. The Planning Board asked for us to send a letter to the fire department, which I did. The fire commissioner was on the site, he didn't have any comments.
- Ken Walter: What is the use of this property?
- Joel Kohn: Camp.
- Ken Walter: I am going to hand you an aerial of the property as it exists. You can see where the college is, you can see the water tower. There is the corner of Leroy Road and the water tower, where the property is located. I found some of my pictures of what traffic can look like. Label 2, label 3. We can park wherever we want. You have a van on top of the hill in a blind spot. This is on the other side of the hill. These pictures don't show everything, I've seen cars on both sides of the road. This here is number 7. Here is the pool, that parking you see is in this spot here and they have had cars parked in this spot, this is supposed to be an emergency exit. I don't know how when you look at the size of this yard you are going to get the fire trucks and other emergency vehicles in there. This is

a picture of this property here. Here it is from the corner of the road up to the water tower, and next to it. You get a good idea what it looks like. Parking should go in that second half, there is a lot of room for plenty of parking, so they aren't parking on the road. I don't care what they do here. Since day 1 when it was passed, they never took care of parking. This parking spot down here is nice on this end, and then steep on this end. One day a truck backed up and got stuck. How good it is is a debatable question. I have a problem with the number of lots they have there. As far as I am concerned, they need to fix this before getting approvals. This is from a court filing concerning Mr. Lam in Wurtsboro, Bloomingburg.

- Arthur Rosenshein: What does this have to do with this project?
- Ken Walter: I cannot believe what they say anymore, if one part of the community acts this way then there are other parts of the community acts this way. I believe they come in here with pretty pictures, but the end result is not what we agreed to. That's why I am letting you know how we are played, I'm getting tired of seeing these boxes dumped all over the place. I want to make 1 comment about public hearings. I feel the public hearing process is flawed. When the public comes here, a neighbor who is supposed to know everything about it may not know your concerns. When you have your first presentation by the applicant, you raise concerns but then the public is shut out from making comments. I think public comments should be down toward the end or there should be two. When you get to the final end, then get some input. The public doesn't know what it is coming down toward the end, they don't read the law. You enlighten them. You have public hearings on public laws. When it comes to Planning, and Zoning boards, the public has no ideas what your concerns are. I think it needs to be looked at and give the public a better chance to respond.
- Arthur Rosenshein: Anyone else? Public hearing closed.

2. WOODBOURNE MEDICAL – SBL# 22-2-22

- Joel Kohn represented.
- Joel Kohn: There is really no bad. It is consistent. It is conforming. The board provided the tax map of the existing building, which was recently a store but will be converted into a doctor's office. It will have 2 doctors and 3 employees, the use will be the same as the existing use and there is a municipal parking right next to it. The required amount of spaces is 5 spaces, the use is always 5 spaces based on square footage.
- Arthur Rosenshein: Any questions? Closed.

3. SANDBURG TRADING, LLC – SBL# 46-4-23

- Bill Resnick represented.
- Arthur Rosenshein recused himself.
- Bill Resnick: This used to a grocery store, and we are reopening it as a grocery store.

- Irv Newmark: This was an existing grocery store, and they want to reopen as a grocery store. They have to come to use for a permit. Any comments?
- Regina Monet: (inaudible)
- Irv Newmark: Anybody else? Public closed.

4. ABRAHIM MAKOVIC – SBL# 32-1-5.3

- John Makovic represented.
- John Makovic: This is a garage replacement. This is in Hurleyville New York. Here we have the survey showing the house and the location of the old garage, which collapsed from snow. It is being replaced with a new garage of more of a square shape as to this one. This was a small one with a large addition built on. Because the left side is about 6 inches off the property line, there was a variance approved from 30 feet down to the 6 inches. Now we are here to ask for approval to rebuild.
- Arthur Rosenshein: This would be site plan approval?
- Paula E Kay: Yes.
- Arthur Rosenshein: Questions? No, public closed.

5. THE NEW PINES VILLAS – SBL# 39-1-88.1/39-1-96.3/56-1-4.1

- Glenn Smith and Jeff Kaplan represented.
- Glenn Smith: What I passed out to the board is a reduced map of this. It is the former Pines Hotel property. The property in green are 3 separate parcels that total about 85 acres that are owned Mr. Eisner who owns the Pines Villas LLC. There is a parcel down here near 42, the red here is Tribeca Estates. The intent is to consolidate all the parcels into a single parcel. Just so the board knows, this property has access to Laurel Avenue here and Route 42 here. Mollie stated we needed a public hearing for this.
- Arthur Rosenshein: Questions?
- Belinda McKinney: I am representing my mother Joyce McKinney. We are off of 42, Willow Heights Road.
- Arthur Rosenshein: Show us on the map.
- Belinda McKinney: My concerns are of the future plans for the 85 acres.
- Glenn Smith: The owner wants to develop that into some homes in the future but nothing final. The applicant is going to talk to the Town about home development but we have to come back before this board.
- Belinda McKinney: How many homes in here?
- Glenn Smith: The red? That's 35 duplexes, 74 homes total and those are pretty much there.
- Belinda McKinney: I have an issue, my town lives right next to the Town of Fallsburg sewer plant. She's elderly, she has a lot of medical issues. We as a family, spend a lot of time there having family barbecues. When we visit, or others visit, the first statement is about smell. My concern is with all this housing

is the treatment plant cannot handle it. I've already been to the Town, but this is my issue here.

- Arthur Rosenshein: You have been to the Town Board?
- Belinda McKinney: Yes and I am going back. That's my issue with this because it will affect the treatment plant.
- Paula E Kay: What is the address?
- Belinda McKinney: 4 Willow Heights Road.
- Barbara McKinney: I think it is pretty clear that the property will be used for housing and that has to be taken into consideration across the big picture, not just combining the lots. They will be back here talking about building. What my sister is saying about sewage and taking into consideration the big picture, not that you are going to live in those walls by yourself. I think that those are things you should be taking into consideration.
- Arthur Rosenshein: You contacted the Town Board, has anyone contacted the DEC.
- Belinda McKinney: I will if I have to.
- Arthur Rosenshein: You have to work your way through the agencies. Here's our situation, with this here they aren't doing anything but consolidating lots. As far as the Planning Board is concerned in regard to sewers, we're not engineers. We go to the engineers. If the Town Engineer, our consulting engineers all say there is capacity, because we personally don't have the knowledge to go beyond that. I am very sympathetic, but also very limited.
- Belinda McKinney: I understand that, but this is my objection of turning 3 parcels into 1 because eventually you have 37 duplexes already, that's 72. Even if you consolidate it, you're still going to have the same issue. I don't agree with it. I say put whatever you can put on 3 parcels separately. If you take 3 and consolidate, if you have planned on putting 50 on each one, when consolidated you will have 600. This is why I am against consolidating 3 parcels.
- Arthur Rosenshein: Just out of curiosity, are all of these (inaudible)
- Glenn Smith: I believe they are, they can be developed. If I can just make a comment, I have developed sewer plants for 35 years. Sewer plants can be well below capacity and still have odors, it depends on the operation. There are odors in that plant, but it is below capacity.
- Balsey Louckes: Have to do a Town Engineer on that.
- Steve Bordwin: I am particularly concerned about lot 56.1-441 which is a business. It is not zoned for business. What will happen to that?
- Jeff Kaplan: It does not change the zoning district on that property. It is what it is.
- Steve Bordwin: Okay so no changing.
- Brian Manown: How can 1 piece of property be half B1 and half REC-1.
- Arthur Rosenshein: It is not uncommon, you can have the business section close to the highway and then go to another. That isn't unusual.
- Brian Manown: I would support the woman's comments about consolidation and also question the future of that consolidation. If possibly a duplex colony was proposed, the minimum requirements should maybe be based on current property limits than based on the acreage after the property is consolidated. I

don't think it is fair to consolidate a whole bunch of individual properties and then go for the duplex development. Earlier I submitted comments about the natural connection between Gamble Road and Elm Street, if for example if this was developed as conventional subdivision, you might see a street as a connection. One thing that is lacking for future planning is the addition of streets as part of the infrastructure for the town to handle all the additional traffic with the new developments. I am wondering of what your opinion is of those comments. Is that something that the Town should be looking at?

- Arthur Rosenshein: That is more the Town Board's issue. Had they come before us as a project, then we might discuss it in depth. Since there is no proposal per say, there's no way for us to tack on suggestions. There is no plan, so we can't do anything. When they come into the plan, then your suggestion will be...
- Glenn Smith: That came across the board during the Tribeca project. The consensus was not to extend the streets from Gamble up to Laurel.
- Arthur Rosenshein: There were comments from an expert who thought it would make things worse. We don't have a project in front of us so there is nothing to do with it now.
- Brian Manown: It seems to me that there could be 100s of new residences on Gamble Road.
- Glenn Smith: One of the requirements was no future developments could use Gamble Road, they have to use 42 or Laurel Avenue.
- Brian Manown: My point would be that right now it appears as all the traffic would be forced onto 42.
- Arthur Rosenshein: It is hypothetical at this point. It is not productive to talk about a project that doesn't exist.
- Brian Manown: I wanted to lend another perspective to Glenn.
- Arthur Rosenshein: Anyone else? Closed.

NEW BUSINESS:

1. 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 Kohn represented.
 - Joel Kohn: Does the Planning Board want me to address the public comments? There were some comments we addressed about not sufficient parking. There is now proposal to add 20 more parking spots.
 - Balsey Louckes: How many do you have now?
 - Joel Kohn: They are staggered, 7 spots here, 5 or 6 here.
 - Balsey Louckes: So that's 12, that's 32.
 - Joel Kohn: And now another 25 spots.
 - Balsey Louckes: How many kids do you have?
 - Joel Kohn: 150.

- Balsey Louckes: How many staff?
- Joel Kohn: I'm not sure what staff is. It is only 15 to 25.
- Balsey Louckes: So there's 20 spots already taken.
- Joel Kohn: Most of the staff have a cousin, most don't have cars.
- Arthur Rosenshein: What is the surface of the parking lot?
- Joel Kohn: It is gravel. It will have wheel stops.
- Arthur Rosenshein: Wide spaces.
- Joel Kohn: The Planning Board was suggesting this area.
- Arthur Rosenshein: Will you need permits?
- Joel Kohn: We will probably.
- Arthur Rosenshein: The increase in the laundry room, the 30 by 10, it's not...
- Joel Kohn: It's not an increase in the population.
- Arthur Rosenshein: There's only so much we can look at in response. However, I was proposing to the Planning Board if we do site plan approval that we do it such that you can't get a building permit until the parking lot is in. That building permit will not be issued until the parking lot has been made.
- Joel Kohn: Can I do it simultaneously and have a condition? There has to be fines for occupying.
- Arthur Rosenshein: It wouldn't be the first time there occupying without.
- Balsey Louckes: We took care of the staff, but we have 20 extra parking spots. I have a problem with parents day. You have 100 kids, then you have all these parents coming. Twice a year there is parents day.
- Joel Kohn: No parents day.
- Paula E Kay: This is an ongoing?
- Joel Kohn: It's an ongoing, every weekend some parents come.
- Paula E Kay: We would need to make sure there is enough parking for X number of parents as well as staff.
- Irv Newmark: If you have the space there, make it more, make it level, so that if someone has to park there are trees so someone can't park.
- Joel Kohn: It is gravel so there will be no trees.
- Irv Newmark: If there is more room...
- Joel Kohn: Overflow parking, grass parking.
- Arthur Rosenshein: Grassy area assuming that it is drivable.
- Joel Kohn: They didn't want to take this area, this open area.
- Arthur Rosenshein: Is that an open field?
- Joel Kohn: There is open field and some trees. They have to remove some trees.
- Arthur Rosenshein: Anyone want to make a proposal?
- Gary Tavormina: I don't think 25 parking spots are enough.
- Arthur Rosenshein: 25 additional, they have some already.
- Joel Kohn: We can leave this area open for parking.
- Ron Singer: Is there enough space to park twice as many, whatever size that is, let's say 50 by 150.
- Joel Kohn: That's probably 100, 10 parking spots each side, 64 feet this way.
- Ron Singer: Is there a way to double that by having the other side just as a long,

is it level? Can cars come in on a rainy day?

- Joel Kohn: It's not too steep, it's not too level where water sits in, it's a little slope.
- Ron Singer: Enough for a car to park?
- Joel Kohn: Yeah.
- Ron Singer: No trees or anything in that area?
- Joel Kohn: It is no heavily wooded.
- Ron Singer: I would propose, which would not be a burden on your end, take that same area, double the size as an emergency, keep it as a lawn, cut down a couple trees, that way if you do have the extra cars from overflow they have a place to park. It's something that won't be very costly. I think that would be a help.
- Irv Newmark: The fire chief says he has no problem, but if you have that space there and there is a fire, the truck can drive in there.
- Arthur Rosenshein: Code Enforcement, what is your feeling as far as whether we require it to be done before building permits or another method?
- Mollie Messenger: You could do it where they have to have it in before stick building. That way they can start the foundation but not the framing.
- Arthur Rosenshein: It would be permitted to go as far as foundation but no further until the parking lot is done. We also have a motion that the size of the parking lot would be duplicated in the field for overflow.
- Joel Kohn: That is fine.
- Arthur Rosenshein: Motion for approval with the conditions as stated.
 - MOTION:
 - Gary Tavormina makes a motion to approve pending construction does not reach further than foundation until parking lot is built, and the parking area is double in sized by using the open field. Ron Singer seconds. All in favor.

2. WOODBOURNE MEDICAL – SBL# 22-2-22 – Requests site plan approval for a doctor's office. Zone: MX. Acres: .33. Location: 432 SR 52, Woodbourne.

- Joel Kohn represented.
- Joel Korn: It is proposed for an existing retail store. The existing use is retail which would require 5 parking spaces turned into a doctor's office. We will have 2 doctors and 3 employees, which will require the same amount and there is a municipal parking area right next to it.
- Arthur Rosenshein: What's the square footage?
- Joel Kohn: It's a little over 2,000.
- Paula E Kay: Would this be year round?
- Joel Kohn: Right now it is just seasonal.
- Arthur Rosenshein: You need building permits before you go in. They need a seasonal permit if they are going to be. Board, any comments?
- Gary Tavormina: It was a gas station at 1 time. Quite a few years ago.
- Paula E Kay: What about signage?
- Joel Kohn: We will just be replacing the same sign.

- Mollie Messenger: They still have to go to the ARB.
 - Balsey Louckes: Plan to do a face lift on the building?
 - Joel Kohn: No we just want to use the building.
 - Arthur Rosenshein: Other than changing the sign, no changes to the building.
 - Paula E Kay: Plan to open this summer?
 - Joel Kohn: They don't know if that will happen but they want to.
 - Mollie Messenger: That side of the street looks really nice, you may want to put something into this building.
 - Arthur Rosenshein: When they go to the ARB, the ARB may have some thoughts. Does anybody on the board have any comments or suggestions?
 - MOTION:
 - Balsey Louckes motions for site plan approval. Irv Newmark seconds. All in favor.
3. SANDBURG TRADING, LLC – SBL# 46-4-23 – Requests site plan approval to operate a convenience store. Zone: MX. Location: 64 Main St., Mountaindale.
- Bill Resnick represented.
 - Arthur Rosenshein recused himself.
 - Irv Newmark: You have the permit for the renovation, the ARB to sign approval.
 - Bill Resnick: I have a CO as far as construction. The ARB gave me approval.
 - Irv Newmark: This is it. It was in business for a while existing grocery store on Main Street. Any comments? Motion for site plan approval.
 - MOTION:
 - Gary Tavormina motions for site plan approval. Ron Singer seconds. All in favor.
4. DOWNTOWN MOUNTAINDALE – SBL# 46-4-23 Requests two lot sub-division. Zone: MX. Location: Main Street, Mountaindale.
- Joe Pfau represented.
 - Arthur Rosenshein recused.
 - Mollie Messenger: Both these 2 Downtown Mountaindale subdivision and site plan are kind of together. You can do them together.
 - Joe Pfau: The subdivision is actually a number of old tax parcels on Main Street across the intersection of Post Hill Road, there's a number of buildings on all the lots. There's the old school building. The subdivision is proposing to cut the school building off to 2.3 minus acres and the remaining acres stay the same. The site plan itself is proposal to take the existing building and convert it into a 12 unit apartment building. It is in the MX zone and it is adjacent to the R1 zone which is not an allowable use. The MX does allow townhouses and other residential buildings, but not apartment buildings. We require a use variance for this project, the reason we are here this evening, we're not seeking approvals for the subdivision or site plan but we do need to consult the respective boards.
 - Irv Newmark: You need to go the Zoning Board to get that use.
 - Paula E Kay: You're contiguous to another zone?
 - Joe Pfau: Yes.

- Paula E Kay: Rather than a use variance, why don't you go to the Town Board for a zone change?
 - Joe Pfau: We discussed that, they preferred to go this route first.
 - Paula E Kay; Let's have that discussion with the Town Board.
 - Joe Pfau: So I can't get the referral?
 - Paula E Kay: I think if you are contiguous to the zone that allows it, it is cleaner. You can get a denial from here, I don't think that's an issue. I think we should consult the Town Board, I think the zone change is the way to go, rather than the Zoning Board to jump through hoops that can set a precedence.
 - Irv Newmark: We don't have objections to what you want to do, but as Paula says, it is the best way to have it done. What do you want to do with the school? The reason you're looking for that is to convert the school into 12 unit apartments?
 - Joe Pfau: Yeah the subdivision itself doesn't require any variances.
5. MOUNTAINDALE COMMONS – SBL# 46-4-23 – Requests site plan approval to convert a vacant school building into a 12 unit apartment building. Zone: MX. Acres: 2.32. Location: Main St., Mountaintdale.
- Joe Pfau represented.
 - What do you want to do with the school? The reason you're looking for that is to convert the school into 12 unit apartments?
 - Joe Pfau: Yeah the subdivision itself doesn't require any variances. To be honest, we were considering doing a public hearing for the subdivision, our thought was we needed it for the site plan, so our thought was to hold off and do them at the same time.
 - Gary Tavormina: They have to get the thing approved first.
 - Irv Newmark: We can't do too much.
 - Maria Zeno: Do we have to deny it so he has the option to do both things/
 - Paula E Kay: Yeah they're going to have to get set up for public hearings anyway and then we can have discussions with the Town Board and move forward.
 - Irv Newmark: So there's nothing for tonight.
 - Joe Pfau: Deny it.
 - Irv Newmark: Yes it is denied.
6. CONGREGATION KAHAL MINCHAS CHINUCH (PARK HOUSE ESTATES) SBL# 60-1-51/52/53 & 54 – Requests conceptual review for a religious retreat. Zone: REC-1. Acres: 23. Location: Park House Rd., South Fallsburg.
- Arthur Rosenshein: We are going to skip Park House for now because the applicant is still renroute.
 - Abe Berkovic and Jeff Kaplan represented.
 - Maria Zeno: Can you confirm where this is? Is this Wild Wood Drive and turns into Park Road? Yes?
 - Abe Berkovic: Yes. That road has 3 names. Most of that road is Park House Road.
 - Irv Newmark: There's machinery there right now?

- Balsey Louckes: That's on the left side.
- Abe Berkovic: This property has been here for a long while, now we have some engineering done. We are proposing to build 11 duplexes and if permitted, because it is a religious retreat, they run a kolel, it is a senior education program for men to study to become rabbis, or rabbis to continue their educations. Usually they are married men in their 20s or 30s train to become rabbis. This is a kolel program, a religious program. We are cleaning up all the junk on the side, some of the buildings have been removed in the past, there are additional buildings being proposed to be removed, they are being replaced by newer ones way back off the road. I think it will be better than what it is there now.
- Arthur Rosenshein: Is the original hooked up to sewer?
- Abe Berkovic: The original is hooked up to an existing sewer system, all the new is being hooked up to the new sewer system.
- Paula E Kay: To clear up some confusion over the use. Whether a religious retreat is allowed in this zone, duplex development is not. We don't have any restriction under religious retreat as to what type of housing or structures are contained in there, that is why it does not fall under duplex development. Their use does constitute a religious retreat, that is how we have to analyze it.
- Ron Singer: This is a year round retreat, families will be living there, will it be tax paying?
- Paula E Kay: I don't that is something the board can address as part of your analysis.
- Mollie Messenger: I don't think it is year round.
- Abe Berkovic: It is seasonal, just for the summer. A religious retreat program for the summer.
- Arthur Rosenshein: Ken is already reviewing this?
- Abe Berkovic: Yes.
- Mollie Messenger: We asked Ken at the work session to start forwarding and start doing the preliminary review. Is your septic leech field in the setback too? Is that existing?
- Abe Berkovic: The new is in the setback, the reason why is unless you show me otherwise, we didn't find any restrictions to having it in the setback, only in the duplex law does it have the 175 foot no cut buffer.
- Mollie Messenger: The only thing I am thinking is the board and their landscaping plan is going to want a buffer, and you will be growing trees in your buffer.
- Abe Berkovic: We could do stuff, we could do shade buffering with a fence and shrubbery, which don't grow big roots.
- Mollie Messenger: Just be careful with that, when you go to landscaping plan and you have your leech field right there, I think that will be a big issue.
- Arthur Rosenshein: Lighting plan?
- Abe Berkovic: This is just...we have developed, Ken is reviewing.
- Arthur Rosenshein: The road design as far as width?
- Abe Berkovic: I believe it is 20 feet.
- Balsey Louckes: Separation on the buildings?
- Abe Berkovic: 31 feet as per town code.

- Arthur Rosenshein: We don't think your storm water area will be full enough.
- Gary Tavormina: I would eliminate this T and make a cul-de-sac.
- Arthur Rosenshein: That takes care of this playground.
- Gary Tavormina: Emergency vehicles, firetruck instead of having a back up, they make a turn around and get where they have to go.
- Arthur Rosenshein: What diameter would that have to be?
- Balsey Louckes: 30 feet.
- Abe Berkovic: I could do something....
- Mollie Messenger: Have you sent it to the jurisdiction yet?
- Balsey Louckes: You have 2 entrances to this place right?
- Abe Berkovic: Yes, there are 2 entrances. 1 in the middle and 1 on the far left.
- Balsey Louckes: Up to your first entrance, to your right is your dumpster right?
- Abe Berkovic: There is a refuge enclosure there, yes.
- Balsey Louckes: Maybe for emergency access you can get a road down to that T there.
- Abe Berkovic: Where?
- Balsey Louckes: You see right back to your dumpster, the road.
- Abe Berkovic: We have the proposed expansion for the sewer there, it would be difficult. I could bring the road somewhere out this way. The emergency road, it would be unpaved, and it would be graded and it would be 10 or 12, 15 foot fire lane.
- Balsey Louckes: I definitely think you need that there. Unless you can think of a way to put a 30 foot road in there.
- Abe Berkovic: We can continue and come out over here. It will be unpaved. Emergency only, grass over it.
- Maria Zeno: These lots are under the same ownership being combined?
- Abe Berkovic: Yes, they are the same ownership and there is 4.
- Mollie Messenger: Have you started the combination process?
- Abe Berkovic: No.
- Arthur Rosenshein: What was this originally?
- Abe Berkovic: A bungalow colony.
- Paula E Kay: Then it was a duplex development.
- Abe Berkovic: They have replaced since they took over, 5 duplexes since they took over. The zoning changed in between and therefore the duplex will continue. They tore down and replaced a lot of the old stuff.
- Balsey Louckes: I have restrictions in here, what would that be considered since it is a retreat.
- Paula E Kay: They are a religious retreat, so we have to go by the bulk tables for that.
- Abe Berkovic: 45 for a religious retreat. But you never will see it.
- Balsey Louckes: The ones you are tearing down, their roof is 10 feet up in the air.
- Paula E Kay: It's 45 feet.

- Balsey Louckes: The existing buildings they are tearing down, they are going to go higher than that? I'm just saying because this is what we are going to deal with now. Everything will be a religious retreat.
- Mollie Messenger: They can't go 45 because they will need sprinklers and they will never be able to have sprinklers.
- Balsey Louckes: We're coming across something now where we will take our duplex laws and everything will be retreat.
- Abe Berkovic: This is a 501CS, it is a religious program. Not since yesterday, but for over 40 years.
- Arthur Rosenshein: Someone comes in and wants to buy a house as a condo, they have an ownership right. I understand your concern, I'm not disagreeing entirely. Would you put your money down knowing it was owned by the congregation and you have no recourse if they are mad at you?
- Robert Geneslaw: What if you have a long term lease?
- Arthur Rosenshein: Would you be comfortable if a client came to you and wanted to buy into those conditions?
- Paula E Kay: No I wouldn't but with a lease that protects the tenant, that may be...
- Arthur Rosenshein: That may be the way into the future.
- Paula E Kay: This is a section of the code that exists....
- Arthur Rosenshein: We can be uncomfortable and we can't do anything
- Paula E Kay: This use, the way they describe it, it fits perfectly.
- Balsey Louckes: I understand that. This is twice tonight it happened to us and I can see it may become more and more, I think we need to become more educated on this.
- Arthur Rosenshein: We have to change the bulk tables.
- Paula E Kay: If we don't like it, the Town Board needs to.
- Abe Berkovic: I want to point out to Paula's point about the 99 year lease. When you file for tax exemption, they ask you do you have tenants and a lease? That could potentially disqualify you from having tax exempt on the property. Maybe you can do the 99 year lease, but there are other consequences that it sets off.
- Maria Zeno: What is the point of the playground near unit 46? That doesn't make much sense to me. It looks like it is overlapping.
- Abe Berkovic: That's because the units behind it, units number 15, 16, and 17 are being demolished. Originally, last week when we saw it at the work session, these buildings were further spread out this way. He just has to move it around. I believe this is a new proposal at the end of the fire lane.
- Arthur Rosenshein: Okay, go for public hearing.
- Abe Berkovic: Neg dec?
- Arthur Rosenshein: We will eventually.
- Abe Berkovic: Do you require neg dec for a public hearing?
- Arthur Rosenshein: No we don't.

7. ABRAHIM MAKOVIC – SBL# 32-1-5.3 – Requests site plan approval for a replacement garage over 1500 S.F. Area Variance approved by ZBA. Zone: REC-2. Acres: 2.58. Location: 191 Mitteer Rd., Hurleyville.
- John Makovic represented.
 - Ron Singer recused himself.
 - John Makovic: This is for a garage replacement.
 - Balsey Louckes: You've gone to the Zoning Board for the zone changes.
 - John Makovic: Yeah from 30 to 6 inches.
 - Balsey Louckes: What size unit?
 - John Makovic: Approximately 40 by 44. It's staying in the footprint of the old one, it was shifted a little bit from old one. It doesn't come out as far. It's more rectangle.
 - Arthur Rosenshein: Comments from the Code Enforcement?
 - Mollie Messenger: ZBA is good and they need to replace this garage.
 - Arthur Rosenshein: So it is good. Any particular color?
 - Mollie Messenger: Green.
 - Arthur Rosenshein: So it is a type 2 SEQR. Do I have a motion?
 - MOTION:
 - Balsey Louckes motions for site plan approval. Maria Zeno seconds. All in favor.
8. THE NEW PINES VILLAS LLC – SBL# 39-1-88.1/39-1-96.3/56-1-4.1 – Requests lot line improvement to consolidate three lots into one lot. Zone: REC-1/B-1. Location: Laurel Ave., Gamble Road, NYS Rt. 42.
- Glenn Smith and Jeff Kaplan represented.
 - Maria Zeno recused herself.
 - Arthur Rosenshein: It is a 3 lot consolidation. I spoke to counsel about it, basically we can't do anything based on, we have some evidence, and we don't. It's simply a lot consolidation at this time. If anybody has any objections, go ahead, or anything else to do it. There is no plan that I know of. This will be the third time I've seen this thing.
 - Balsey Louckes: What happens with the hotel? That's a separate parcel?
 - Glenn Smith: Different parcel, different owned.
 - Balsey Louckes: How many acres? That's already separate?
 - Glenn Smith: It's all separate, it's the purple area. The green area of 85 acres is the consolidation.
 - Arthur Rosenshein: I think somewhere in a long chain of ownership lawsuits, the property was separated. Comments on this before we do anything? Mr. Geneslaw?
 - Robert Geneslaw: I got Glenn's letter in 11 by 7, 11 by 14 drawing.
 - Glenn Smith: I did a short EAF but I didn't think it was required for consolidation.
 - Robert Geneslaw: I don't think so but I did not see any indication on the 2 pieces of paper that I received of who the owner is. That the owner consents to doing it. I think that should be part of the record. It shows the tax lot number, and I

assume they are listed there, but nothing that the owner is submitting the application. I think that is important. It can be made a condition of approval but if somewhere in the file.

- Mollie Messenger: Consolidations don't necessarily have to come through the Planning Board. It already went to the County and they rejected it and that is why they are back here. Normally these don't come to us.
- Glenn Smith: The current plans do show the owners, New Pines LLC own all the parcels. The reason the County rejected it is because this white parcel was originally part of this parcel, where Tribeca was, but that was subdivided here, the County requires this consolidation to be approved.
- Gary Tavormina: Being that you are concerned for the neighbors, and until we know the project is going to be up for consolidation, we shouldn't do anything.
- Arthur Rosenshein: There's no project. They have the right to due process.
- Paula E Kay: This is simply a lot improvement, there is nothing in front of the board to review except the elimination of lot lines.
- Arthur Rosenshein: Anyone else? In that case, motion to approve the lot improvement with no action to be taken until proof of ownership of all 3 properties being within the same ownership is shown.
 - MOTION:
 - Balsey Louckes motions for lot consolidation with no actions taken until ownership is proved. All in favor.

9. CONGREGATION AVHV RELIGIOUS RETREAT – SBL# 17-1-24/28 & 26-1-30
– Requests site plan approval for the conversion of a summer camp into a religious retreat. Zone: REC-1. Acres: 14.21. Location: Loch Sheldrake/Hurleyville Rd., Loch Sheldrake.

- Ari Grunhut and Jeff Kaplan represented.
- Arthur Rosenshein: We had approved site plan, everything was taken care of, and now you're raising it once more.
- Paula E Kay: Part of the issue was that it wasn't really being utilized as a summer camp, there was usage that the Town determined at other times during the year, in all actuality it wasn't a summer camp. When we reviewed it with the owner, it is not a summer camp. Religious retreat is allowed in that zone and their usage is more in line with that use. We asked them to come back and get approved as a religious retreat if that is what they are going to do. They are operating 12 months out of the year, there are people in and out, then it is retreat.
- Ari Grunhut: It is used as a camp 10 months out of the year.
- Arthur Rosenshein: What is the lot coverage?
- Ari Grunhut: A minimum of 10 acres. I think it is 11 altogether. We have 9.4% covered.
- Arthur Rosenshein: With the buildings that now exist. Religious retreats are up 10%.
- Ari Grunhut: Camp and religious retreat are both 10%. That's not being changed.

- Arthur Rosenshein: They've done some work on some of the buildings.
- Ari Grunhut: The buildings we use have had work and there are some buildings that are vacant that are boarded up.
- Arthur Rosenshein: How does this religious retreat express itself? What goes on here?
- Ari Grunhut: For 9 months it is not used for the children, it is used mostly for the weekends. For religious purposes. Some classes, alumni.
- Paula E Kay: For the Planning Board's records, I would suggest we get a pretty good sense that there could be usage 12 months out of the year, 7 days a week. That we expect from September through May that it will mostly be during the weekend, but there is possibility of during the week. Then during the summer it will be a boy's camp?
- Ari Grunhut: Yeah elder boys, teenagers.
- Balsey Louckes: How many people on the weekends?
- Ari Grunhut: 3 to 16.
- Balsey Louckes: How many buildings do you have winterized?
- Ari Grunhut: Just the 1 building.
- Balsey Louckes: How many can that hold?
- Ari Grunhut: 70.
- Balsey Louckes: That's the only one you use during the winter? The rest are shut down
- Ari Grunhut: Right.
- Mollie Messenger: You have the food service in the summer, what do you do in the winter?
- Ari Grunhut: We don't have food service in summer, it comes from Nitra. Groups that come have to make sure to get their food.
- Mollie Messenger: You don't have any food cooking facilities.
- Ron Singer: How do you keep the food warm?
- Ari Grunhut: We have food warmers, hot plates.
- Paula E Kay: Can we put a maximum occupancy on...
- Arthur Rosenshein: That's up to Code Enforcement. Some of those buildings, they've all been inspected. Is there any changes to anything as far as physical layout from your prior plan to this one? All the conditions that we imposed before still hold?
- Mollie Messenger: They're not followed through yet so that needs to be done.
- Arthur Rosenshein: Right, everything we did in the past is still applicable. We talked about the right of way disappearing in the back, fence off to the side.
- Gary Tavormina: We talked about consolidating the lot.
- Ari Grunhut: That is still pending because of the tax issues.
- Jeff Kaplan: We're just waiting for the ordinance.
- Paula E Kay: It needs to be conditioned on that.

- Jeff Kaplan: No objection.
- Arthur Rosenshein: Anything else? There isn't much for us to do on this.
- Mollie Messenger: Before you propose taking that big building down, which needs to come down, this site plan still has that building on it. Those buildings are still a huge hazard, what's the plan?
- Ari Grunhut: I was in before, sent to the Planning Board, we were there and they sent us back because the required setback changes with the use. What variance would they give us?
- Arthur Rosenshein: Interesting setback.
- Paula E Kay: Front yard for religious retreat is 75 feet, is that an issue? For camps it is 200 feet.
- Ari Grunhut: It makes it easier.
- Arthur Rosenshein: Why would they need a variance if they don't need anything?
- Mollie Messenger: They had proposed taking down that very large building and then building a very large new building in the back.
- Arthur Rosenshein: Is that on the table?
- Mollie Messenger: I'm not sure.
- Ari Grunhut: The reason I am coming back...
- Arthur Rosenshein: What are you applying for at the Zoning Board?
- Ari Grunhut: To take down 7 probably. Then go back the way it is.
- Arthur Rosenshein: You go to the ZBA, get approval to take the buildings down and replace them, you come back to us and build it. You need site plan, so you'll be coming back. The only action in front of us now is the change of use with nothing else implied.
- Mollie Messenger: You're never going to make it through the Zoning and Planning Board in order to build this year, what buildings are coming down prior to the season?
- Ari Grunhut: I want Zoning Board approval before taking it down because this is for my son, for the town, they will be glad to give me the variance.
- Arthur Rosenshein: I propose the Planning Board have a motion to approve the change of use and that is all, to religious retreat with the approval pending the lot consolidation. The approval doesn't come into effect until lot consolidation. That's not all I can think of doing but we will see it again.
- Gary Tavormina: They can change the use but they still haven't done what we asked them to do.
- Arthur Rosenshein: And now they are going to the ZBA.
- Gary Tavormina: It is time we stand fast in what we say. This is what you have to do to get approval, if you don't you don't get approval.
- Arthur Rosenshein: But right now they are just asking for change of use.
- Gary Tavormina: Why are we giving him change of use if they haven't done what we asked prior to the properties?

- Jeff Kaplan: It's been done, we just need the letters signed by the judge.
- Gary Tavormina: Get the letter signed and bring it to us.
- Jeff Kaplan: All we are asking is the change subject to consolidation.
- Gary Tavormina: I'm very skeptical dealing with this applicant. We've had experience before. I'd like to close the barn door before the horse gets out.
- Irv Newmark: If we do a motion to change the use subject to the lot line change, then we're not doing anything until they show us. So we're just saying we will do it subject to.
- Arthur Rosenshein: They have a right to the change of use.
- Paula E Kay: They are not complying with their current site plan because their site plan is for a camp, and they are not operating it as a camp. It cleans it up on our end to have their site plan match what is going on there at that property, it should be reflected in their site plan.
- Arthur Rosenshein: It will make it easier for us, in the would be next step.
- Paula E Kay: We would like to see some of those buildings come down before you get ZBA approval. Some of those buildings are in pretty deplorable condition, that would be a sign of good faith with the Zoning Board and would help you move forward.
- Arthur Rosenshein: The only thing we are saying is we allow the change the use pending the combining of the properties.
 - MOTION:
 - Maria Zeno makes a motion to approve the change of us pending lot consolidation. Balsey Louckes seconds. Gary Tavormina opposed. All others in favor.

OLD BUSINESS:

1. WESTBOURNE – SBL# 21-1-42.1/42.3/42.4/42.5/44.1 – Requests 6 month extension of a previously approved site plan and review of access road off of State Route 52.
 - Randy Wasson represented.
 - Randy Wasson: We are requesting an extension on Westbourne approval, I think last time we were here we had 4 items.
 - Arthur Rosenshein: Can you fill in for the several board members who have changed since this started several decades ago?
 - Randy Wasson: The site is located up past the Mobile Station on Route 52 in Woodbourne. It's on the south side of the road. There's 44 units there now, they are part of this project. In total with the 44 plus the new housing units which includes apartments, and single and 2 family homes, total number of units is 331 and the existing 44. This all ties into the existing water and sewer systems for the town. We've been back for several extensions, we've been working through the various conditions for approval that we had to get. Most recently we had 4 items left on the list, we had to work out details for a sidewalk that would run down Route 52 to the intersection of Route 52 and come down in front of Maisner and

the Mobile. We also have to tap into the town water main, we have to cross Route 52 to tie into the main, that's a high pressure main. That's a DOT permit for that. The last thing that was on the list was we had the old sewer line, that runs down from the apartments into the town and down on Route 42. Those were the things left to be down, we have the warring contractor coming to test on Route 52, if not this week then the week after. DOT is ready to issue the permit for the road cut to tie into the water main, they are waiting on contractor insurance information. The only item that is hanging out is the sidewalk, because there are several issues with that. Where is it going to go, how would we do it, we would have to cross a private property. The determination is we would stay on Route 52, which is a town road now, then we would come up onto and stay within the DOT right of way alongside Route 52. We've come up with a layout and spoken to Ken Elsworth about this on several occasions. We just emailed him drawings and said this is the one. I was hoping to get out there with Ken this week but I missed him. I need to just walk Ken through, and get Will's input. He hasn't seen, he saw an earlier iteration. That's where we are at, we're looking for the extension so we can wrap this up.

- Arthur Rosenshein: The big issue with this is you have how many people, eventually, will be on site?
- Randy Wasson: 1,000 plus
- Arthur Rosenshein: Because of the proximity to Woodbourne, we're looking at people walking into town. The bigger stopper is the fact of how do you get people into town safely? To which I will add, there is a project similarly proposed called Timber Ridge that is on the Old Falls side of the property, with potentially 400 units give or take, it is going to have the same issues. One of the things proposed was that they would partially use the Westbourne properties as one of their exits, and another exit on 42. I just think that the Westbourne people, it is the same ownership, I want it formally known that if there is a proposal to use that property for egress and ingress, walking pedestrians, that may alter the Westbourne plan. It clearly was not designed for another 1,200, 1,500, 2,000 people and I want your owners to know that. That could put a stop on Westbourne or they may have to change some stuff. Even if Westbourne is built out and Timber Ridge wants to use the road, it's the same owner. There may be changes. I'm guaranteeing anything. I want the public record to know that it is out there. Another item, I don't know if the Planning Board have seen this, are receipt of a petition which I will read. There are 174 signatures and it includes Timber Ridge and Westbourne. We the undersigned have a concern for the impact that the Timber Ridge and Westbourne estates will have on our community, we request that any further action by the town Planning Board be postponed and made subject to a full and complete update of the Town of Fallsburg comprehensive plan. I would say that is an issue for the Town Board, the Town Board has the authority as far as comprehensive plan and anything else. There is a stirring out there and I can't tell you where it will end up. I wanted the board to know and that petition as part of our record. As far as tonight's agenda, you are simply looking for a 6 month extension of a prior approval and that is the only action we will take if we take any. Any board comments?

- Ron Singer: You need the sidewalks to get into town, you can't walk on 42. The Town should not be paying for that.
- Arthur Rosenshein: The Town is not.
- Ron Singer: Is there a setback on private land?
- Randy Wasson: We can't take any land so we have to stay within the state redwing. There is room to widen the shoulder and that's what's being proposed as we get onto the main highway itself. The existing shoulder is about 6 feet and we will widen it another 5 or 6. That will keep us within the right of way and will keep us out of things like Maisner's sign and the DOT signs. The length of that is about 380 feet or so.
- Ron Singer: That will take you into Town?
- Randy Wasson: That will take you to the Mobile Station, then it's all asphalt and the DOT has the crosswalk right there to get you across 42.
- Arthur Rosenshein: Our engineer is also reviewing that so it will be interesting to see the outcome.
- Randy Wasson: I think we have zeroed in on it now.
- Ron Singer: Lighting obviously.
- Randy Wasson: Lighting on the project side, there is lighting on old 52. I believe there is a street lamp on 52, I am not sure about that.
- Arthur Rosenshein: Anyone else from the Planning Board? No comments, any further, motion for a 6 month extension on what is presented?
 - MOTION:
 - Balsey Louckes motions to grant 6 month extension. Ron Singer seconds. All in favor.

2. EDEN WOODS – SBL# 20-1-3.3 - Requests a 6 month extension of a previously approved site plan.

- Jeff Kaplan represented.
- Jeff Kaplan: This project is on Zimmerman Road, there were 3 items that needed work. It needed some modifications from what was approved by the Board, it has been submitted to Keystone and we are waiting for them to submit the amended plan to the Board for the Chairman's signature. There are 2 items unrelated to that action of the Board, they are the road, Zimmerman Road, a town road, in which there are some plans that have been submitted for some work, we are looking for approval of the bond application that has been submitted before we can start work. Similar on the water main extension, we have submitted a bond and are waiting for approval.
- Arthur Rosenshein: For the Board's information, part of the condition of approval was that the applicant improve Zimmerman Road, it's a town road that is not in great shape. Straighten it out a little and improve the paving. So you're waiting for...
- Jeff Kaplan: The plan has been submitted, we are waiting for the bond to be approved so we can start working.
 - MOTION:

- Irv Newmark motions for 6 month extension. Maria Zeno seconds. Gary Tavormina opposes. All others in favor.

3. SIVANANDA YOGA RANCH – SBL# 10-1-13.3 – Requests site plan amendment to change parking lot. Zone: AG-1. Acres: 50. Location: Budd Rd., Woodbourne.

- Mark Ashley represented.
- Mark Ashley: This is the site plan approved, we submitted the changes on the actual plans that were given to the board. This is the architect's rendering, there are basically 2 things. There was an extra opening that was put into the plan, which the access off of Budd Road when the septic was put in, we put in a new septic system. To be able to bring in all the staging and materials, we opened up the area here, it's an open field. We're putting in a solar electric field, and a car port. The car port will handle, it's 160 feet long and 40 feet wide, this has been approved. There's about 30 car parking spaces there, this will be the main parking area for the ranch. That's not going to be enough parking, we wanted to open up the parking and the entrance and the departure. This opened up the staging for the rain and the septic, the road is there already. The existing, the culvert by the driveway off of the road a few more feet, it is now 45 feet across from the egress to Budd Road. Basically we looking to have that approved as an entrance. The way it is drawn on the maps I gave you, is that we would have an extra 15 parking places which would be over by the 150 feet. The entrance would be about 30 feet wide, plus another 20 feet for each parking place so there would be sufficient parking. We would gravel that area, for fire hazards. That was the amendment.
- Arthur Rosenshein: Questions? Code Enforcement?
- Mollie Messenger: It was just too big of a change for me to approve myself because it is going to have the 2 different accesses, but I don't think there is a problem with it.
- Arthur Rosenshein: This will be an amendment to a previously approved site plan. Any comments?
 - MOTION:
 - Balsey Louckes motions to approve amended site plan. Ron Singer seconds. All in favor.

4. 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 Berkovic represented.
- Abe Berkovic: If you look on page 1, there is unit number 3456. Which is an old couple of family house. We are looking to remove the old house and replace it with the same amount of units, which is 40 units. So 2 duplexes.

- Arthur Rosenshein: So everything in color is there. You're proposing to take down the fourplex.
- Abe Berkovic: If you look on page 2 you can see it.
- Arthur Rosenshein: And instead a duplex that overlaps the first location of the basketball court.
- Abe Berkovic: We are going to move the basketball court, we are going to replace it. There is a new group that will be occupying, a children's playground. We are proposing in front of the pool a playground area.
- Arthur Rosenshein: Code Enforcement?
- Mollie Messenger: With this one I don't think I had too many issues with the actual buildings. I don't like that the plans have just a spot for recreation, I like to know what will be there. That would be one of my questions. The density stays the same, I don't think there's a parking issue over there. There are roadways throughout. I don't believe the fire department has any issues. Are they numbered with 911 numbers? You may have to renumber them.
- Abe Berkovic: The new plan has the new numbers that has to go in.
- Mollie Messenger: I'd like to see or know what is going in that recreation space.
- Abe Berkovic: What they are looking for is a big area where they have a swing set, slides, things like that.
- Arthur Rosenshein: She is looking for a layout plan more specific. Something she can look at and walk over there and say there will be a swing set for 6 kids here.
- Mollie Messenger: I don't want to see 3 swings there. You have quite a few kids, I'd like to see something.
- Maria Zeno: What about lot coverage?
- Abe Berkovic: The lot coverage as of last month is a little over the maximum. The maximum is 25% and the existing is 28.5%. The new lot coverage since we are moving the basketball court and making some adjustments, the new lot coverage would 27.8%. So we are reducing.
- Mollie Messenger: You are moving or removing the basketball court?
- Abe Berkovic: Removing.
- Arthur Rosenshein: So we have the same number of units and less lot coverage.
- Balsey Louckes: They're getting rid of an old building next to the road.
- Abe Berkovic: Correct, and putting in something new.
- Arthur Rosenshein: What's it do to the bedroom count?
- Abe Berkovic: It's town water, so I don't know. I don't have the bedroom count.
- Mollie Messenger: I feel like he said he didn't have an issue last time he was here. You can make it subject to engineering.
- Abe Berkovic: The only issue, you can confirm this with Will, there might be an issue with infiltration. He was okay if the Planning Board would approve with condition that prior to building permit being issue, the infiltration would be tested. That was something I discussed with him.
- Mollie Messenger: That is what he said last time, your infiltration issues needed to be taken care of.

- Abe Berkovic: We had someone go out, there is infiltration. He gave me a list of people who do a test. He said he was okay with the Planning Board issues demo permit with the testing.
- Ron Singer: The paved basketball court is being demolished and there is no basketball court being proposed.
- Abe Berkovic: They don't play basketball.
- Arthur Rosenshein: We lose the basketball court and gain a recreational area.
- Balsey Louckes: And get rid of an eye sore.
- Arthur Rosenshein: I don't see as much standing between this and approval.
- Gary Tavormina: Mollie wants to know what will go in the grass area. Make that subject to approval.
- Balsey Louckes: While we're on it, I see these 3 entranceways, I would like to see only 1 downhill at the last part for emergency exits anyway.
- Abe Berkovic: They don't use it.
- Balsey Louckes: If it's in there like that, they won't use it. I don't know if the new crowd uses them, but the old crowd used them.
- Abe Berkovic: In the summer there is only 1 parking spot.
- Balsey Louckes: This is where everyone should be coming in and out, not here and here.
- Arthur Rosenshein: It's fenced already.
- Balsey Louckes: But they have gates.
- Arthur Rosenshein: I have seen cars parked there constantly.
- Abe Berkovic: We make that as a condition.
- Arthur Rosenshein: The condition can be that the fence is moved down so it is physically impossible. People are backing out into traffic right there.
- Abe Berkovic: The only issue if there is a propane delivery or something.
- Arthur Rosenshein: They can open the gate.
- Abe Berkovic: So when they are on 42 they leave the truck?
- Arthur Rosenshein: They call ahead.
- Balsey Louckes: There doesn't seem to be a problem for them getting into this parking lot. Even the gas company doesn't have to do that.
- Abe Berkovic: I will have them move the gate out.
- Arthur Rosenshein: Let me see if I have everything, motion for site plan approval pending specific layout for the playground and no issues with it, if Code Enforcement has an issue, you're coming back. There should be enough stuff. Subject to Town Engineer approval. Any permits, that's before building permits, and movement from those 2 areas to the point where it is physically not possible for a car to park there. This is type 2, we don't need SEQR.
 - MOTION:
 - Balsey Louckes makes a motion for site plan approval pending a detailed recreation plan layout, Town Engineer approval, and the 2 fences moved so no cars can park in the emergency access.

5. MOUNTAINDALE ESTATES – SBL# 42-1-11.2 - Request for preliminary subdivision approval. Zone: REC-1. Acres: 73.35. Location: CR 56, Mountindale.
- Joe Pfau represented.
 - Irv Newmark: The 239 letter?
 - Joe Pfau: Did you receive? It was local determination. If you recall, after the public hearing, we did respond to the public hearing comments issued. The issue was SHIPO had sent in requesting an archaeologist that it be done. We got a sign off from SHIPO now, we submitted that. We responded to Keystone's technical letter. I believe those were pretty much the outstanding issues. What we're looking for tonight is a preliminary subdivision approval, knowing that we have to go to the outside agencies. We have to go the State Health for water, the New York DEC for the sanitary sewer extension. We have a lot of work to do. We can't go to any of these agencies without this board's preliminary approval.
 - Mollie Messenger: There was a lot back and forth with SWEPP, can you bring us up to date for the record of why we are using the SWEPP we are using.
 - Joe Pfau: What happened was when we prepared the SWEPP for the project, the DEC, every few years update the regulations. We had to show that we conformed with those regulations, we had to provide a timeline. We sent that to Ken Elsworth. They basically grandfather project for certain time extents, we felt we felt within those time constraints. We submitted to the DEC, we are covered by them. In regards to the SWEPP, we are covered there.
 - Paula E Kay: Ken is comfortable, he advised Mollie today that he agrees completely with how the applicant represented the SWEPP issue, so we're fine on that.
 - Irv Newmark: Bob are you on this?
 - Robert Geneslaw: Yes I am. Joe covered the rest of the items I had. I don't have a copy of the 239 yet, but I understand it was provided by the county. Before we get to preliminary, we have to finish the environmental process and I don't believe that was done. I can prepare a negative declaration for the next meeting if the board is satisfied you have everything you need and resolution for preliminary approval for next meeting.
 - Joe Pfau: We were requesting the approval this evening if possible, that was the whole focus, the negative dec and preliminary approval.
 - Robert Geneslaw: If the board wants to do it without prepared resolution in front of them, they can.
 - Paula E Kay: What I will say is that at our last work session, the point of that session was to get all the pieces together so they could come in for preliminary approval.
 - Joe Pfau: This is preliminary approval, we certainly have to come back for final.
 - Irv Newmark: Are we allowed to do that?
 - Robert Geneslaw: The preliminary approval is a formal action by the board, you have to complete the environmental process before you take a formal action. Unless Paula has another way around.

- Mollie Messenger: If I can just interject, have we decided if that will lock you into the number of lots?
- Paula E Kay: Yes
- Mollie Messenger: So it locks you into the lots you have here, barring any engineering issues, slope water, what have you.
- Robert Geneslaw: Also, Keystone's report came in today. I understand it's several pages long. I have not seen it yet.
- Joe Pfau: I have a copy of it, it recommends preliminary approval.
- Robert Geneslaw: There is a copy of it at my office.
- Irv Newmark: We're not going to set a precedence of something we don't normally do. We will wait for Bob to prepare the negative dec. I don't think we have any objection to the project, we just can't do it now.
- Joe Pfau: You've given negative declarations before without having resolutions in front of you.
- Irv Newmark: With a project this size I don't think it is wise to do it.
- Joe Pfau: This project previously received preliminary approval the last time, there was a negative dec resolution prepared which staff has had for a number of months.
- Irv Newmark: You have it?
- Paula E Kay: From the prior iteration. What year was that?
- Mollie Messenger: The changes between the negative declaration and the last resolution are they had to change the housing types. They didn't have to change the lots or engineering, but the types had to be changed. The resolution still needs to be changed and resolution has to be written, but I don't know that there would be issues between the 2.
- Joe Pfau: I don't know why the board can't vote on the resolution.
- Irv Newmark: If we vote it is going to be subject to Bob's approval. We're not going to say we are okay.
- Paula E Kay: He can't approve it, but it can be subject to Bob's preparation of the documents in accordance with the previous approval, which documents the town has in its file.
- Robert Geneslaw: I didn't understand the recommendation.
- Paula E Kay: It is very much the same project.
- Robert Geneslaw: It is. If you think the board can do that without seeing it, I won't object.
- Paula E Kay: I do think we made some representations to the applicant at the last work session that if they had several items including the SWEPP and that Ken was comfortable, the 239 and the response from SHIPO, that we would be ready to recommend preliminary approval to the board. I understand Bob's concerns, but it is not a new project, but it was previously approved and that is why I see it as a little different. I would recommend that you issue the preliminary approval subject to Bob's review, and preparation of the documents which will be an amendment to the prior approval.
- Mollie Messenger: Are we putting timelines on preliminary approvals?
- Paula E Kay: Yes. For subdivision let me see if we have anything.

- Irv Newmark: We will vote on it if you give us the wording of it.
- Paula E Kay: I am seeing if we have anything that limits preliminary approval, if don't have anything I think we have to recommend a time limit on this preliminary approval.
- Joe Pfau: The preliminary approval are 6 months, you need to require 6 month extensions. We will back for extensions, because we have to make submissions to the state Health Department. The State Health is pretty good but the DEC will take months just to respond.
- Discussion.
- Robert Geneslaw: So 6 months to come back.
- Paula E Kay: So my recommendation would be for preliminary approval with the condition that Bob reviews Ken's comments, Bob reviews the prior approvals, both the neg dec and the approval resolution, and issue new resolutions in accordance with the prior approvals and any changes that are necessary between the prior approval and today.
- Irv Newmark: Anyone want to make a motion to do that?
 - MOTION:
 - Gary Tavormina motions to give preliminary approval pending Robert Geneslaw's reviews of Ken Elsworth's comments, prior approvals, and of the negative declaration resolutions.

6. CAMP OHR SHALOM – SBL# 10-1-15.2/10-1-15.1 – Requests site plan review for 33 duplex homes. Zone: REC-2. Acres: 92. Location: Todd Rd., Woodbourne.

- Glenn Smith, Jeff Kaplan, and Eli Brezel represented.
- Glenn Smith: We were here in January. This is on Todd Road, Todd is a dead end and near the dead end is where the camp is located. The first drawing I gave is a copy of the site plan, it's about 142 acres of property. On the south side of the road is a camp that has been in existence for many years. On the north side of Todd is a proposed housing development, this board approved this project back in 2007 for 88 units, a combination of duplexes and singles.
- Discussion.
- Glenn Smith: That's the sewage plant, that tied into the water system. That blue square is closer to the road. There's 2 existing wells there. The water building was never built because the development did not proceed at that time because of recession. We were back in January before the board, met with staff once or twice. The plan is to keep the layout, but reduce down to 66 units. On the second sheet you can see it a bit better. The other issue that came up to was to form a duplex development law. All the recreational house are on Todd Road, they are now at the back property line. That meets the 175 foot setback. The separation between the buildings is 25 feet which we can do if we have the fire flow, which we have a dry hydrant in this pond right here and we even meet the 1,000 gallons of water. The sewage from the development will flow through down to the proposed sewage plant and the water from across the road will pump up and circulated around the buildings that way. There was a storm water plan done in

2007, we're modifying that a little bit. We've changed the basins. We're close to sending this whole thing to Keystone for review. We had neg dec when we got approval from you guys. What we're doing is the DEC permit had to be modified because that expired and the camp did build a smaller system.

- Arthur Rosenshein: Is this on a separate ownership lot?
- Glenn Smith: It's part of the overall same property, the sewer and water are on that property.
- Arthur Rosenshein: How are you going to get that tested?
- Glenn Smith: The original approval was for the sewer and water was for the development
- Arthur Rosenshein: This is going to now be condos.
- Eli Brezel: We don't have a problem working with the system, however the town wants it. One undertaking we are doing is any of these houses will be tax paying. Making a subdivision creates its own difficulties, we'd like to keep it as one entity.
- Glenn Smith: The Pearl Sewage Corporation which is a part of the DEC and the Delaware River Basin Commission, that exists.
- Paula E Kay: I am trying to wrap my head around what kind of entity this is and it becomes.
- Glenn Smith: If it was subdivided, the sewer and water would be on the same parcel as the development.
- Eli Brezel: There is a problem with that. The DEC would like to see the one sewer plant on the one. The sewer plant serves its own part. However we do it.
- Mollie Messenger: How does it work for lot coverage if you had to subdivide off the houses?
- Glenn Smith: We're not even need the maximum lot coverage.
- Mollie Messenger: On that side of the road?
- Glenn Smith: Yeah we meet the minimum lot size. There's a couple different ways of doing it.
- Balsey Louckes: How'd you come up with the fire flow?
- Discussion.
- Glenn Smith: It will be 2 pumps side by side.
- Gary Tavormina: If this piece was broken off with permission to use this sewage plant on the other side of the road, is the feasible? We're talking about no complications about it.
- Eli Brezel: We spoke with the Town, we are listening for the best course.
- Gary Tavormina: I think people would be more comfortable if that was broken off by itself with use of the sewer water, on the other side of the road.
- Discussion.
- Glenn Smith: Ideally we'd like to get conceptual site plan approval so we could get Keystone requirements and then the DEC.
- Arthur Rosenshein: There is no such thing. We can discuss it and decide if the layout if pleasing to our eyes.
- Glenn Smith: It's a much better layout this way.

- Paula E Kay: I think before the board can do anything we need to see the proposed subdivision.
- Arthur Rosenshein: My general statement is I'd much rather see 31 feet. Why cram so close together if you don't have to?
- Glenn Smith: I did layout at 31 feet but we lost up to 40 units.
- Eli Brezel: You have to understand that ownership already lost 20 units.
- Irv Newmark: I'd like to see overflow parking.
- Glenn Smith: We will have more parking.
- Irv Newmark: More parking somewhere.
- Arthur Rosenshein; Any other? The best we can say Glenn is that the members of Planning Board have voiced no great opposition to the design.
- Balsey Louckes: The other thing is the camp should realize when they separate the property, they are losing the pool. The Home Owner's Association can say they own the pool and does not belong to the camp. It's on the other side of the road, you'll be giving it up.
- Gary Tavormina: Get an elevation to Mollie.
- Glenn Smith: I'll proceed with Keystone.
- Arthur Rosenshein: Yeah continue with the review. You didn't get any great opposition.
- Glenn Smith: This already had neg dec before originally, there's no reason to go through SEQR again.
- Arthur Rosenshein: Paula, the original neg dec was for a bigger project but can it cover this?
- Glenn Smith: The modified site plan we're looking for.
- Paula E Kay; The original neg dec was for 88 units of this type of development.
- Glenn Smith: Singles and doubles, basically bungalows.
- Arthur Rosenshein: We need to look at it and see if there are any changes. Do you know the date of the original neg dec?
- Glenn Smith: Around 2007.
- Arthur Rosenshein: That's what we need to look at. Anything else?

7. 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.

- Jacob Friedman represented.
- Jacob Friedman: I was here last month at the board here, asking for a few changes on our site plan. The main issue is we'd like to divide phase 1 and phase 2. The existing road is developed as a 35 foot road in phase 1 passing through facilities and houses, going back in phase 2. The reason I am here is I want the road to come straight from the bottom...I had another plan that I don't have with me, that the main entrance will come in here, for phase 1 will make a left into here, then phase 2 will continue straight. We redesigned phase 2, much nicer layout. Everyone agreed on that last month. Recreation, we have here and here instead of right next to each other. What happened last month, we didn't get the approval. We had Jim Bates come in here on this road, he had wetlands, he

surveyed it, he found that the wetland is a lot smaller than it was originally surveyed years back. The reason is because the whole site is definitely more dryer, we have the water retaining. The land dried up a lot, he has no issue with the road passing by. Last month, we had the board recommending that Keystone go out with Jim Bates, on that condition it would have been approved. Unfortunately, Jim was on vacation for the first week after that board meeting and then 2 weeks of rain. They are scheduled to go out there next Thursday, I am asking for conditional approval so I do not have to wait until next meeting to get it done.

- Mollie Messenger: The reason this is important for this meeting is to have the shul they are building right now, it is almost finished. They are looking to change the width of the entrance road to 20 feet instead of the 30 feet that is proposed. I told Mr. Friedman I wasn't going to give him a CO for the shul until the road was put in and done so we had adequate access to and from the shul. If the Planning Board is agreeable, next Thursday if they go out, and Ken is agreeable to the wetlands, if the Planning Board is agreeable to the 20 feet....we just need something to go on because we are coming down to the wire.
- Arthur Rosenshein: Any comments?
- Irv Newmark: I don't know if the 20 feet is adequate, there are a lot of houses in phase 1.
- Mollie Messenger: The first entrance would be phase 1. That's why they are reducing it from 30 to 20 if they get this other road in. If they don't get the other road in, it would be 30. It's a catch 22. I asked Mr. Friedman to come back even though they haven't made that site visit because I need to know what road would be acceptable to the board once we have the other engineering answers.
- Arthur Rosenshein: Does anybody have objection to a conditional approval pending our consultant's review of the wetland situation?
- All board members say no.
- Arthur Rosenshein: So we will put in a motion for an amendment to reduce an existing 30 foot road to a 20 foot road with a condition that when it is reviewed by the Town, if the wetland situation is found to be amenable to the second phase going through.
- Jacob Friedman: Basically what I am asking is for an approval for this road.
- Mollie Messenger: I want to preface this, phase 2 does not have water and is not fully engineered yet. Even though they have built phase 1 and they have these roads going in, this project is several years old and we really need to know if there will be water for phase 2, or if it is changing and where you are at, you can't go on forever.
- Jacob Friedman: Phase 2 is pending only on water, that's the last condition. We have 4 wells that we know of.
- Balsey Louckes: I thought the village offered you to hook into the water?
- Jacob Friedman: The sewer.
- Balsey Louckes: Show me the first road and what you have to work with. How wide is that road?
- Jacob Friedman: Right now it is 20 feet.

- Arthur Rosenshein: It was approved as 30 feet because that was going to be the way to the back. We are approving a different way to the back.
- Jacob Friedman: This is now the entrance, this is Silver Lake Road, right across that we would like to make the entrance, phase 2 would go straight and phase 1 would go in and make a left.
- Balsey Louckes: Which road will stay 30 feet?
- Jacob Friedman: We don't need a 30 feet road.
- Balsey Louckes: But it's only 20 feet now.
- Jacob Friedman: This road would service both phase 1 and 2 originally. Now I will eliminate this 20 foot, it's only phase 1.
- Balsey Louckes: It's 20 foot now?
- Balsey Louckes: It's not a road yet. Its gravel. If we have phase 1 using here and phase 2 would use this entrance, a 20 feet would be sufficient for both of them.
- Irv Newmark: Why can't you keep the first road to phase 1 where you have it?
- Jacob Friedman: We can do that.
- Irv Newmark: I think you're better to have the 2 roads, you are better off to leave that road off to Rosemond Road.
- Jacob Friedman: The road is there. We are fine with that.
- Gary Tavormina: This way you are going directly into phase 1.
- Irv Newmark: You can have that other road, but keep both of them.
- Jacob Friedman: I am absolutely okay with that. I just figured that instead of having 1 entrance after the other.
- Irv Newmark: More entrances are better.
- Balsey Louckes: The shul is up there for both of them?
- Jacob Friedman: We have it here.
- Balsey Louckes: I'd really like to see it wider than 20 foot ride.
- Gary Tavormina: 20 foot, 2 foot on either side.
- Balsey Louckes: Yep.
- Gary Tavormina: 20 foot road, with 2 foot of gravel on either side. If you have to get emergency vehicles side by side. It would be better.
- Balsey Louckes: This way someone comes in, they can park on the side.
- Jacob Friedman: Okay.
- Arthur Rosenshein: I am troubled. We don't have the map. We are changing on the fly.
- Mollie Messenger: You're not approving the new road, and I don't think you should. Rosemond should come back. He's going to have to come show us DOH approval for the water, you moved houses around in phase 2 and that needs approval. You have a bunch of other things you need to do. This is just going from 30 to 20 for phase 1 only.
- Arthur Rosenshein: That's the only thing on the floor. This discussion to move that road here, make this the main. I don't like that without having something solid. You're going to get the phase 1 road that was 30 feet reduced to 20 foot with gravel on both side. That's the only change in front of us right now. That's the only thing you can get. Every other discussion is for later. Motion for site plan

amendment to change the road from 30 feet to 20 feet with 2 feet on either side, with review of the Town of the wetland situation.

- MOTION:
- Gary Tavormina motions for approval of site plan amendment of the road from 30 feet to 20 feet pending the review of the Town on the wetlands. Ron Singer seconds. All in favor.

8. BLUESTONE ESTATES – SBL# 61-1-10.1/10.2/10.3/11.1/11.2/14.2/15 –
Requests preliminary sub-division approval to create a 28 lot cluster sub-division. Zone: R-1. Acres: 169. Location: East of Avon Lodge Rd., Woodridge.

- Joe Pfau represented.
- Joe Pfau: As you recall, we had a public hearing on this project a couple months ago. This is a 28 lot subdivision. Simple 3 acres lots, well and septic.
- Arthur Rosenshein: Orient the board to the map.
- Joe Pfau: This is Avon Lodge Road and the Neversink River. The Davos property is to the east in this area here, this go out to Woodridge. As you are driving down the road, there are open paddocks along the front, large fields in this area with fencing. There is a camp in the center. The Davos sewer treatment plant is in the middle of our site. All the lots are 3 acres lots, we had our public hearing, we sent in our written response to the comments. We received a letter from Keystone with technical comments. Mostly just housekeeping items. We did say that in this letter that the plans are at the stage for preliminary approval. This is a subdivision project so this is a preliminary approval. We have to go to the state Health Department to get a real subdivision approval where they will review the well and sewer which will be individual wells and septic. We're already gotten a response from the state designating which will they want us to drill and test. We'll be doing that in coordination with the town and Will, and Ken Elsworth.
- Arthur Rosenshein: What kind of perks did you get?
- Joe Pfau: Real good, the soil out here is very good. There were a couple of areas where we hit shallow bedrock. That was the only issue, a lot of sand and gravel. This soil is very good.
- Arthur Rosenshein: You're sure you are in the township of Fallsburg.
- Joe Pfau: We had this discussion with good, there's no question. The soil testing will be witnessed by the state Health Department. They will test these lots with a representative. There will be a secondary review for the wells and septic because this is a subdivision project. What we're looking for, if everything is in line, we are hoping to have a resolution drafted so that at next months meeting we can get approval.
- Arthur Rosenshein: What issues are outstanding?
- Joe Pfau: It's really Department of Health.
- Arthur Rosenshein: Anything on road cuts?
- Joe Pfau: I assume we need a local highway permit from the local Highway Department.

- Mollie Messenger: There were just a couple of comments about 2 of the lots had some of the acreage in the flood plain and they might have to jostle around the...
- Joe Pfau: I discussed that with Ken and he had me come back for a workshop to discuss.
- Mollie Messenger: There wasn't too much as far as technical comments for now, depending on what the wells are and where they fall, that's where they are at. When I talked to the Department of Health, they don't want to review it anymore until it gets preliminary.
- Arthur Rosenshein: Who drives on the road?
- Joe Pfau: Right now they are supposed to be private. It will be a Home Owner's Association.
- Arthur Rosenshein: The road design, there will be bonding involved?
- Joe Pfau: The road have been designed, the plans submitted. The plans are pretty close to final form.
- Arthur Rosenshein: Keystone looked at the plans?
- Joe Pfau: I assume, he gave us comments on every sheet of the plans. He has comments on some of the driveway slopes, no comments on the road designs. We do need a waiver sometime before final approval to make the cul-de-sac plans, which we mentioned earlier on. We noted it on the plan.
- Arthur Rosenshein: Is there a Home Owner's Association involved?
- Joe Pfau: Yes.
- Arthur Rosenshein: In order to maintain the roads. Any recreational?
- Joe Pfau: There is a recreational facility in the center of the site, there is a large open space parcel with steep slopes, there is also another open space parcel on the other side of Avon Lodge which is owned by us, which will be an open space parcel. The third open space parcel will be where the recreation facilities are.
- Arthur Rosenshein: What provisions are being made to protect the existing sewer lines and sewer plant?
- Joe Pfau: There's an easement to Davos for the line. The sewer treatment plant is on its own lot. It's not a part of our property.
- Gary Tavormina: How are you going to protect the sewer lines that are there?
- Joe Pfau: There is an existing easement that runs through and goes under, Ken had reviewed our crossing. Initially when we had our first layout, we had the property lines a little off of the easement, and it was recommended that we line the property lines up along the easement, which was done. The review of the crossing were in a fill situation here, so I don't think there will be any issues with the existing line.
- Arthur Rosenshein: There have to be several property owner's whose property will be crossed with sewer lines.
- Joe Pfau: 2.
- Arthur Rosenshein: How do they know in the future where that line is so they don't accidentally do something to it?
- Joe Pfau: It will show up on their surveys and I think that is why they wanted it to run along the property lines.
- Arthur Rosenshein: Monuments or something?

- Joe Pfau: There could be, typically they run along the property lines.
- Gary Tavormina: Any manholes in there?
- Joe Pfau: There are 3 along our property.
- Gary Tavormina: That should indicate where the line is.
- Joe Pfau: Yes. If there is some kind of markings that the town would like.
- Arthur Rosenshein: 40 years from now, the original property owners who were aware of it are no longer here, and now you have a situation where someone bought the property and they don't have a clue. I propose some kind of monument or marker to indicate. We have to have something.
- Joe Pfau: I misunderstood the question at first. I thought you were talking about protecting the road constructing.
- Arthur Rosenshein: I'm not worried about you guys, you will fix it if you break it. Paula can you see anything else that stands between preliminary and us?
- Paula E Kay: They have a lot of work to get....
- Arthur Rosenshein: All the technical approvals, we've located the design, the road, everything else.
- Balsey Louckes: Any public comments we need to take care of?
- Joe Pfau: We've sent in written responses to all the public comments.
- Paula E Kay: Maybe we make sure all the public comments are addressed before preliminary.
- Arthur Rosenshein: It's been a long time since we did real subdivision work here. One of the problems in the past has been the time gap between preliminary and final. We tend to lose track of all the nuances. That's always my concerns. That's why I wanted most of preliminary done. What I'd like to see is some documentation of the comments. You intend to come right back after you get these approvals. How many years will it take to get the approvals?
- Joe Pfau: I will say 6 to 9 months to get through this process.
- Paula E Kay: When you were recused on the other subdivision, even though our code doesn't have a limit, we did say 6 months.
- Arthur Rosenshein: That's a good idea. So that we are reminded of what we've done. Preliminary approval with 6 months to renew it. We did SEQR on this?
- Paula E Kay: I don't think so.
- Arthur Rosenshein: We can't.
- Paula E Kay: Yeah we need to hold off.
- Arthur Rosenshein: By the next meeting, we better have a review on that. Long form or short?
- Joe Pfau: Long form.
- Arthur Rosenshein: I'd like a copy of it made available, for all the members, sent out electronically so we can look at if we need to.
- Joe Pfau: We did have Keystone's letter stating the plans are ready for preliminary approval. If everything is okay, can we authorize Mr. Geneslaw to prepare the resolution so that at the next meeting, if everything is all set, we can have vote for preliminary approval?
- Robert Geneslaw: I have made a note to that affect.

