

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

September 8th, 2016

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

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

PUBLIC HEARING:

1. MARSHALL WEISMAN – SBL# 36-1-33.2
 - Marshall Weisman represented.
 - Marhsall Weisman: We were here before the board about five years ago, they have an approval for a 3 unit duplex development. It has lapsed. It is a 3 acre parcel. Every parcel is 1 acre. It is a little narrow. They will have to get a variance for 70 feet instead of 500 feet. It will be 3 single family homes.
 - Mollie Messenger: This was the development residence at Laurel from years ago.
 - Arthur Rosenshein: Any questions? No comments. Public hearing is closed.

NEW BUSINESS:

1. MARSHALL WEISMAN – SBL# 36-1-33.2 - Requests sub-division approval for a three lot sub-division. Zone: R-1. Location: Laurel Ave., So. Fallsburg.
 - Arthur Rosenshein: The lots are substandard, so we refer you to the ZBA.
 - Mashall Weisman: Thank you.
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OLD BUSINESS:

1. PETER & AMY CAREY – SBL# 8-1-3.8/3.14 – Requests site plan approval for a 72 x 160 horse barn/riding arena. Zone: AG. Acres: 8.1. Location: 81 Cole Rd., Hurleyville
 - Peter and Amy Carey represented.
 - Arthur Rosenshein: You've been in front of the ZBA. The ZBA gave you permission to build with side yard variances.
 - Peter Carey: You need 10 acre lot size.
 - Arthur Rosenshein: There's 2 lots on the map, are they joined officially?
 - Peter Carey: We did the paperwork for it, she said it would take until October until that was finished.
 - Mollie Messenger: Yes they filed the paperwork a while ago.
 - Arthur Rosenshein: Paula, they did a negative dec on this, so even if we were going to do an environmental on this we don't need to.
 - Paula E Kay: It's really residential, so they don't really need it.
 - Arthur Rosenshein: They did it to cover themselves. According to the ZBA minutes, they asked you a series of questions, but they gave no recommendation except okaying the variance. Tell us what you are doing.
 - Amy Carey: Basically, what I would like to do is bring some of my riding business from Divine Corners Road to our home to get off of Divine Corners. I plan on putting in a building that can be all year round. I plan for educational horsemanship there. That's kind of the gist of it. I am a certified instructor.
 - Arthur Rosenshein: What are the dimensions of the building?
 - Amy Carey: 72 wide by 160 long.
 - Arthur Rosenshein: Is it the full building?
 - Amy Carey: It's like the pavilion in Morningside, an enclosed area where the kitchen would be would be the stalls.
 - Arthur Rosenshein: So 72 by 160. How many people maximum?
 - Amy Carey: Maybe 10 riders a day over the summer season, that's over 10 hours throughout the day. If I host clinics, there would be about 10 at a given time. I would like to possibly have some public events down the line, that may bring in some more.
 - Arthur Rosenshein: Will this trigger special use permits?
 - Paula E Kay: I am looking, for public events that's a little bit new.
 - Mollie Messenger: It's under riding table. There would be, in the zoning it's for riding stables. They're together.
 - Balsey Louckes: Public hearing?
 - Paula E Kay: Both the ZBA and the Planning Board had a public hearing.
 - Arthur Rosenshein: From the minutes of the ZBA, there is a neighbor that you

can't see it. That's in the future. It's not what you're applying for.

- Amy Carey: Correct/
- Paula E Kay: It's not under special use permit. Stable and riding canopies fall under site plan approval.
- Balsey Louckes: You'll have to come back for that.
- Arthur Rosenshein: How many people at one time?
- Amy Carey: The most group would be 3 kids at a time, it is small numbers throughout the day.
- Arthur Rosenshein: They trailer in horses?
- Amy Carey: I only have a few clients that trailer in, but we provide.
- Arthur Rosenshein: Anyone on the Planning Board?
- Will Illing: Did they discuss storage?
- Amy Carey: We have a pasture drag, I regularly drag the pasture and it breaks down very quickly.
- Will Illing: So when you clean the barns out and you have manure and straw usually...
- Amy Carey: We have 6 stalls going in, they will be used very minimally. We do run in sheds outside, so the horses are outside. Currently, we have compost barns and a lot of the local gardeners come and take piles.
- Arthur Rosenshein: Mollie?
- Mollie Messenger: We have to find out where the bathroom facility is if she is bringing the public in and I asked about the fire department to make sure the driveway was wide enough to get service vehicles in.
- Peter Carey: The driveway is wide enough now. There is only 1 pitch point and it is 17 feet.
- Arthur Rosenshein: What was the answer on the bathroom?
- Amy Carey: The bathroom will be in the facility all the way at the far corner here, tapping water from our well.
- Peter Carey: Water will come from the house well, I anticipate the leech field stuff will be within the boundaries we have to stay in. This half of the building, this bathroom will be over here. We just got the trees cleared off, I haven't had a chance to perk test it, find out where that would be but it would be within the setbacks.
- Irv Newmark: That goes through Mollie.
- Paula E Kay: You will need a handicap sign for handicap parking and striping on the bottom.
- Arthur Rosenshein: Having informed you of that, you need to go to Mollie, not to us. We can go to site plan approval.
 - MOTION:
 - Gary Tavormina motions for site plan approval. Balsey Louckes seconds. All in favor.
- Mollie Messenger: The only thing I need from you is to mark where you want the handicap parking.
- Amy Carey: Thank you.

2. ROSEMOND SOLAR, LLC – SBL# 30-1-9.4 – Requests conceptual review for a solar field. Zone: REC-2. Acres: 35. Location: 191 Rosemond Rd., Woodridge.
- Mollie Messenger: Rosemond is not coming.
 - Arthur Rosenshein: There are a lot of unknowns in that. I don't know if you got the email with all the stuff from the County with the suggestions and everything else. The fire was the thing that concerned me the most. When they looked at the layout, there were no spaces for the trucks to go through. Also how do you de-energize the cells?
 - Balsey Louckes: You generate the system.
 - Gary Tavormina: You can de-energize the cells.
 - Maria Zeno: Can we look back at the meeting minutes on how we dealt with the college?
 - Will Illing: We will have to do the complete compilation of questions and technical aspects, they are addressing all of them in the review.
 - Mollie Messenger: We had a long meeting with them.
 - Balsey Louckes: The college one doesn't look so good as they said it would.
3. CAMP OHR SHALOM – SBL# 10-1-15.2/10-1-15.1 – Requests amended site plan approval for a reduction of duplex homes to 33 on a previously approved site plan. Zone: REC-2. Acres: 92. Location: Todd Rd., Woodbourne.
- Glenn Smith and Jay Zeiger represented.
 - Glenn Smith: I passed out a copy of the site plan here. Essentially this is a project approved by the Planning Board back in 2007 for a housing development of 88 units on the north side of Todd Road. The plan has been redefined down to 66 units and 33 duplexes/ Those are the green boxes, on a roughly 44 acre parcel. The property across the road is the old Shalom summer camp. They are self-sufficient, they have their own sewer systems and wells. The 2 proposed existing and approved wells for this are across the road on this blue line, it is on the second page I handed out. One is a 60 gallon a minute well and one is a 50 gallon a minute well. The plan is to build a new sewage treatment plant on the camp property to serve the housing development. That, the sewage plant, and the water system are within a utility easement that will be granted...
 - Arthur Rosenshein: You went from owning that piece at one time...
 - Glenn Smith: Originally it was one entire piece, the board thought it should be subdivided, then it was found out that it was subdivided in 2006. Todd Road is the subdivision line. The housing development is on one side of the road, the camp is on the other side. We are going to keep the sewer and water on one side of the road where it was proposed all along.

- Arthur Rosenshein: I thought in one presentation you were going to have ownership of that particular piece.
- Glenn Smith: It was toiled down earlier on, maybe subdivide a piece across the road so that parcel was part of this one here.
- Arthur Rosenshein: But the Transportation Corporation...
- Glenn Smith: It's still the Transportation Corporation either way. Last Halloween we discussed the sewer and water being a utility for the housing development.
- Audience: What is the objection to the water in this proposal? What is the down side? That is a cleaner way.
- Arthur Rosenshein: In general, we like to have utilities on the same property as the...
- Audience: I don't see the problem.
- Jay Zeiger: It's a subdivision of this piece. Both pieces would have to...
- Audience: Be combined at some point.
- Arthur Rosenshein: I was simply remarking on that. I would ask Paula or Will what are your preferences?
- Paula E Kay: We would like to make sure we have as much control as possible. With an easement it should be okay.
- Will Illing: I agree.
- Paula E Kay: It's always preferable that it is owned, but with an easement and as long as we can review the easement language.
- Maria Zeno: They're in the same ownership?
- Audience: No.
- Glenn Smith: This sewer system was approved the DEC back in 2009 or 2010. They made it good for 5 years. We are asking them to renew the approval, it was a tertiary plan. Same with the water system, that was about 90% approved by the Health Department back in 2008. They had a couple questions, but the final Health Department wasn't issued, but I dealt with the Health Department a couple of times and they had no issues with it. What we have to discuss with staff, in 2008 the Health Department did a regulation for the amount of water and the 2 existing wells were fine at the time, now at the change of rates in backup capacity, we need about another 10 gallons. There were 2 other wells drilled and they were looking for wells back in 07, which are 7 and 8 gallons a minute. It should be no trouble finding water. I know staff wants to do more tests and go through the procedure with the town engineer and Keystone and contacting the neighbors again.
- Arthur Rosenshein: So you haven't gotten public approval on this one.
- Glenn Smith: At this point no, we have to renew because of needing more water than back in 2007.
- Audience: When we speak to the people who do the testing, the two existing wells really are bigger producer but they didn't try to take it.
- Glenn Smith: We have to retest the wells. There is a lot of water out there.
- Will Illing: The capacity of your proposed waste water plant is how many gallons a day?
- Glenn Smith: 70.

- Will Illing: It is under the DRBC threshold then?
- Glenn Smith: The DRBC issued a document in 2013 that expires in 2018. They didn't meet their last year's annual operating report. It's under the Perrello Sewer Transportation Corporation. We're not 100% sure that transportation program was filed, so we looked into that.
- Will Illing: Was the DRBC involved with the water, or just the waste water?
- Glenn Smith: It has to be 100,000 gallons per day for water.
- Will Illing: What was the threshold for sewer? 50?
- Glenn Smith: It's not much for sewer. I'm not sure. The DEC, we applied for a modified SPEDES permit. The guy who is handling that in the permit office, John Serrecco was transferred, so a new gal Rebecca Chris is handling it. She said it is in the review process, they have until October 17th to comment. In the next couple weeks we will have something.
- Will Illing: A lot of times they will work jointly with the DRBC if they feel the permit needs their input.
- Arthur Rosenshein: From the original Geneslaw memo and site plan approval resolution of July 11th, what else has changed?
- Mollie Messenger: We worked on that today. We added that they need to continue with the DOH and the DRBC approval on the water supply. We added in that they would have to pay a bond for the sewage treatment plant which is standard language. We took out the wording for Tribeca.
- Arthur Rosenshein: The bond is for sewer?
- Mollie Messenger: Sewer and water. We really didn't change much, we did a small amount of verbage about the amendment of approval and why we went from type 1 to unlisted because of the reduction.
- Arthur Rosenshein: So striking 10.
- Jay Zeiger: We've been going around in circles on our end, no one seems to have a sewer transportation corporation agreement between the Town and the property owner. I assume you have looked in your closet and you don't have it?
- Will Illing: We must have it. I assumed you have it from Robbie Kuhen because he drafted it years ago.
- Audience: Jay Zeiger was not representing the project at that time.
- Will Illing: Who was?
- Glenn Smith: Tim Milner, Jim Bates. Randy Wasson did some works on it.
- Paula E Kay: Who was the attorney then?
- Will Illing: I'll have a file for it.
- Jay Zeiger: If it's not there, Will if you don't have it.
- Will Illing: There has to be, if the Town Board approved the transportation corporation for this project which they did, they would have had to have an agreement to do so.
- Jay Zeiger: Is that on a secretary's state website?
- Paula E Kay: We can make that...
- Jay Zeiger: I'm trying to figure out where we go. I guess the Town could have approved the formation and then turned it over to Rob and it never got pursued. If

there is no agreement, then we generate one. Paula do you want me to draft that or you want to handle that yourself.

- Paula E Kay: We need to table that until we know what we have but generally the Town has been drafting them.
- Glenn Smith: They just did the Raleigh that way.
- Arthur Rosenshein: Quite a pile of things still hanging. The question is going to come up, do the conditions trigger a weight. Do you think we can pass conditionally with all these items still open?
- Mollie Messenger: I think they are substantially completely with the engineering as far as the project is workable, they just have to get the rest of their stuff.
- Arthur Rosenshein: You've ready Glenn's illuminous submission on the dry item?
- Glenn Smith: Basically, it consists of pvc pipe, 8 inch diameter about 140 feet out into the pond with an inlet strainer. There are numerous computations that the NFDA puts out. They used it in the town of Thompson on Bailey's Lane. We have the pond, we're going to get just about 1,200 gallons a minute.
- Balsey Louckes: How long can you do that for?
- Glenn Smith: As long as you want, there is about 5 and a half million gallons of water in the lake.
- Balsey Louckes: How deep is the pond?
- Glenn Smith: It's about 4 or 5 feet in the middle. You are supposed to have 1,000 gallons a minute for 60 minutes. The point was you could put 2 trucks with suction to pull up 600 gallons a minute with each one if you want.
- Balsey Louckes: Who is going to maintain the opening?
- Glenn Smith: There is a maintenance form in there. You have to clear the weeds away from it, keep it clear, for when the trucks pull up to it. It's part of the common area.
- Will Illing: It should be inspected yearly.
- Arthur Rosenshein: Will the insurance inspector look at that every year?
- Will Illing: Not likely, I've never noted them to look at private facilities.
- Balsey Louckes: Also in their Home Owner's thing, we have the rights to that 24/7. If we have a fire up the road I still want to be able to use that pond.
- Arthur Rosenshein: Sounds good. Going through this list, item 4, Planning Board should decide whether the item number 7 on the cover sheet revised, the speed bumps are acceptable.
- Mollie Messenger: I am sorry I took that out also. We have a policy in Fallsburg as far as 300 feet apart, that is just what we accept. Glenn you have a note on there about speedbumps.
- Glenn Smith: I have no additional speedbumps other than as shown on these drawings, shall be constructed on project roadways without prior approval of town Planning Board.
- Mollie Messenger: If they put them on they have to be 300 feet apart.
- Arthur Rosenshein: No closer than 300 feet apart.
- Mollie Messenger: It had on there that it needed Architectural Review Board approval and also that the Planning Board needed to review elevations. I took

that out, it didn't make any sense. Did you guys go to the ARB? I forget what that looked like, I'll have to look at that.

- Arthur Rosenshein: Prior to my signing, this is taken from the list because I haven't seen the updated list. We need the transportation corporation acceptable to the Town, Paula has okay the easement agreement, Public Health on the water, the DRBC approval needed, modified SPEDES, bond for sewer water is needed, fire department agreement to allow access. Note on the plan for the fire department to the dry...
- Paula E Kay: That's fine.
- Arthur Rosenshein: That gives enough authority. There was a discussion of parking for the shul.
- Glenn Smith: The parking on the plan, basically we need 165 spaces for residents. Then for the shul, on the size of the shul and the municipal area, 6 people per parking, it'd be 60 more spaces. That's 225 spaces. We're asking for a waiver that suggests the residents of the shul are residents of the development. I'm showing 168 spaces on the plan versus 165 needed for residents and guests.
- Arthur Rosenshein: Did you put any near the shul?
- Glenn Smith: There are about 15 in front of the shul/
- Paula E Kay: How many were on the original plan with the additional density? Did you reduce the parking or did you leave the parking?
- Glenn Smith: Compared to the original, this layout is different so the parking here is nothing...
- Paula E Kay: I'm wondering if there was a parking waiver originally as well.
- Mollie Messenger: The camp isn't going to have use of any of this property, they're not going across the street, they're not using the shut.
- Paula E Kay: Will we put a note to that affect so we don't see a lot of...
- Arthur Rosenshein: That's the basic list. There are others on the list but I wanted to point out the most important. We still have the question of the negative dec. We can't vote until that is decided.
- Mollie Messenger: The negative declaration is done, Bob sent a note. All we did to alter it today, the first three paragraphs of the 2007 negative are the same, explaining the project and what happened. We inserted a paragraph to talk about how this is an amended site plan application with a reduction so it went from a type 1 to an unlisted action. It goes on to further state the environmental were okay. I can read the paragraph.
- Arthur Rosenshein: If you would.
- Mollie Messenger: Whereas the Planning Board is reviewing an amended site plan for 66 duplex units and 33 structures on the north side of Todd Road, Woobourne. The Town of Fallsburg, County of Sullivan for Camp Ohr Shalom here and after referred to as the amended project situated in the Town of Fallsburg tax map 10-1-15.2. That's important because in the above paragraphs you were 15.1, we wanted to put that in there to show you are a different sbl, different side of the road, different project. Whereas the Planning Board has followed and complied with the applicable standards of the New York State Environmental Quality Review Act, was designated lead agency and conducted a

coordinator review and classified the action as unlisted. Applicants completed the part 1 EAF and the board reviewed the EAF part 2 and approved the EAF part 3, and after environmental and adopted a negative declaration on this day in September. Everything else is boiler plate.

- Arthur Rosenshein: We can go for a motion for negative dec with the amendment that was read.
 - MOTION:
 - Irv Newmark motions for negative dec with the amendment read by Mollie Messenger. Balsey Louckes seconds. All in favor.
- Balsey Louckes: You have a pole that sits on the corner of your property up there, it's about a quarter the way into the road. It's all scratched up. You guys willing to take care of that pole? It may be before your property.
- Audience: It's a utility pole?
- Balsey Louckes: Yes.
- Audience: Is it NYSEG?
- Balsey Louckes: I don't know whose it is. You can get ahold of them.
- Mollie Messenger: Which side of the road?
- Balsey Louckes: The camp side.
- Will Illing: Is it on your survey map? Which side of the boundary is it on? The road is not in the right of way up there.
- Glenn Smith: Easterly side of the road.
- Will Illing: There's no right of way.
- Discussion.
- Arthur Rosenshein: I'm not sure how to put that in. It's not on the property.
- Balsey Louckes: Somehow that pole should be taken care of.
- Will Illing: There was a traffic study done for this project years ago, that traffic study included recommendations for Todd Road moving that pole. I don't know that that shouldn't be looked at and make sure we are following recommendations.
- Arthur Rosenshein: I don't know how to put that into the proceedings.
- Audience: I think the town has a better ability to get NYSEG to do something.
- Paula E Kay: How about as a condition of approval, the applicant will work with the Town that is located on Todd Road to have the pole removed from the premises.
- Irv Newmark: The electric company may decide it is necessary for them to do something there.
- Discussion.
- Will Illing: The board has to recommend it.
- Arthur Rosenshein: You want to add that as a condition Mollie?
- Mollie Messenger: Yes I wrote that down.
- Balsey Louckes: What are we going to do about the road? Are we going to bond that road? How are we going to make sure the road is in good condition when they're done there?
- Will Illing: I just need authorization from the board to establish a road bond.

- Paula E Kay: So bond it.
- Arthur Rosenshein: We add to the list a road repair bond, before and after pictures. Anything else? With the list, the Planning Board is voting to authorize the chairman to sign the site plan when all the conditions listed previously are met, not before then.
 - MOTION:
 - Gary Tavormina motions for amended site plan approval and signature from the chairman after the list of conditions has been met. Balsey Louckes seconds. All in favor.
- Jay Zeiger: That incorporates the amended resolution, that bond?
- Paula E Kay: Site plan approval. The maps can't be signed.
- Jay Zeiger: This amended resolution that Bob prepared.
- Mollie Messenger: We're reviewing the one Keystone did.
- Discussion.
- Mollie Messenger: I'm going to give all these conditions back to Maria, Maria will incorporate them into the resolution.
- Jay Zeiger: They have adopted this resolution that Keystone has prepared and we'll get a copy of it. That resolution will have a provision in it that the chairman can't sign the map until all the conditions in the amended resolution.