

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

October 13th, 2016

In attendance: Arthur Rosenshein, Chairman, Maria Zeno, Michael Kirtack, Balsey Louckes Planning Board Members, Gary Tavormina, Planning Board Alternate, Will Illing, Town Engineer, Mollie Messenger, Code Enforcement, Paula E Kay, Deputy Town Attorney

- Arthur Rosenshein called the meeting to order at 7PM.
- September minutes approved
- Michael Kirtack established as new Board Member. October Planning Board meeting will be Maria Zeno's last meeting.

PUBLIC HEARING:

1. FRANK SCAFURI (ROGER DE CANDIA) – SBL# 3-1-9.42
 - Frank Scafuri represented.
 - Frank Scafuri: I have 27 and a half acres of property. It's in the woods it's not on the road or anything.
 - Arthur Rosenshein: You're going to take a 27 and a half acre parcel and reduce it by 5 and a half. Is there anyone out that has any questions that came for this particular item? Okay closed.
 - Mollie Messenger: Do you have your mailings? Thank you.

2. DEBBIE & GENE BERTHOLF – SBL# 2-1-9
 - Debbie and Gene Bertholf represented.
 - Debbie Bertholf: We are requesting permission to build a 35 by 40 barn for storage on our property which is 6 and a half acres. It's almost in the center of the property.
 - Arthur Rosenshein: Any questions? Public closed.

3. INTERMAK GARAGE, LLC – SBL# 35-6-1.1

- Rob Bernard represented.
- Arthur Rosenshein: This is located where?
- Rob Bernard: On Koon's Road in Hurleyville. We're interested in building a 48 by 90 storage building on a property with similar buildings surrounding. I have a site map here.
- Arthur Rosenshein: Any questions? Public closed.

4. GARDEN TERRACE – SBL# 36-1-40.3

- Joel Kohn represented.
- Joel Kohn: This is a duplex development on Laurel Avenue, there is an existing shul building. They got approval about a year ago to expand that shul to a little over 5,000 square feet. They decided it will be hard to meet building code, doing the expansion and the existing. They decided to demolish the whole building and replace it with a new 5,000 square feet building. A little bit less than what was here.
- Arthur Rosenshein: It's getting smaller?
- Joel Kohn: Yes. It will be a 1 story building with a basement underneath. The basement will have some classrooms.
- Arthur Rosenshein: Questions? Public hearing closed.

5. JOSEPH ROSSINI – SBL# 40-3-1

- Marty Miller represented.
- Marty Miller: This is very simple. I can open the map. For those of you who remember, there was a guy by the name of Kanterwitz. At some point Yitz's brother threw him out of Woodridge and when they did, he built a garage at the intersection.
- Arthur Rosenshein: Point it out, so if anyone wants to see it they can.
- Marty Miller: In any event, Yitz built a garage there. In 1930's, someone imposed a deed restriction saying you can't use it as a garage. It's been used as a garage for about 40 years. The building was there, it was built as a garage. At one point there was a building which is closer to South Fallsburg that was a car wash. That building appears on earlier maps, it was converted. The use was discontinued at some point, we're just looking to reopen the doors. It will be built and used a body shop. The sign may still be there that states auto body shop. That's really the issue. We're not planning on any changes, not planning to increase the ground space, no additional paving. As it is.
- Arthur Rosenshein: Questions? Public closed.

NEW BUSINESS:

1. MARSHALL WEISMAN – SBL# 36-1-33.2 - Requests sub-division approval for a two lot sub-division. Zone: R-1. Location: Laurel Ave., So. Fallsburg.
 - Joel Kohn represented.
 - Joel Korn: This was here last month for a 3 lot subdivision. I am here to get a 2 lot subdivision.
 - Arthur Rosenshein: Any questions? Mollie this meets all the zoning?
 - Mollie Messenger: Yeah we went through this last time.
 - Arthur Rosenshein: Any conditions? With subdivision approval, we have 2 parts. Preliminary and final. When we have a minor like this, we tend to put them both together. As far as SEQR is concerned it is a type 2 action. Questions?
 - Will Illing: Can we get taking for a sidewalk in the future?
 - Joel Korn: I can ask the owner but she is not here tonight.
 - Balsey Louckes: You are representing them. Do you want to wait or move on?
 - Joel Kohn: Let's have it is a condition.
 - Arthur Rosenshein: What size?
 - Will Illing: Usually, 25 foot from the property line, their property lines is the center line of the road.
 - Joel Kohn: I don't see that as an issue.
 - Arthur Rosenshein: The final map will have that listed.
 - Will Illing: Does that move their setback line back if we do that? That 35 foot shown, it will move it back right?
 - Joel Kohn: Yes.
 - Arthur Rosenshein: You may want to consult with Mollie before you do that.
 - Mollie Messenger: I don't think that will pose an issue.
 - Will Illing: Just to be noted.
 - Arthur Rosenshein: Motion for preliminary and final approval.
 - MOTION:
 - Maria Zeno motions for approval. Balsey Louckes seconds. All in favor.

2. FRANK SCAFURI (ROGER DE CANDIA) – SBL# 3-1-9.42 – Requests sub-division approval for a two lot sub-division. Zone: REC-2. Acres: 5.51. Location: 333 Rose Rd., Woodbourne.
 - Frank Scafuri represented.
 - Arthur Rosenshein: You have parcel 3-1-12.4, which is presently 27.51 acres. You are going to take 5.51 acres and sell it to a neighbor who has parcel 3-1-9.42. That will leave you with 22 acres which is well above minimum.
 - Frank Scarfuri: This is being taken...
 - Arthur Rosenshein: I have it backwards. We're taking from 3-1-9.42 which will be

15.96 acres and adding it to the presently 22 acres of parcel 3-1-12.4.

- Frank Scafuri: Correct.
 - Arthur Rosenshein: Any issues Mollie?
 - Mollie Messenger: No they have to subdivide that piece off in order to get its own SBL and then they have to combine it with the Assessor's office to the correct piece. The condition would be to subdivide and then combine.
 - Arthur Rosenshein: Right because this lot which will temporarily be created is not a legal lot. Procedurally it has to happen at the same time. That's the only condition I can think of. Any questions? Alright, again this is a minor subdivision type 2 action. Motion?
 - MOTION:
 - Balsey Louckes motions for approval. Gary Tavormina seconds. All in favor.
3. DEBBIE & GENE BERTHOLF – SBL# 2-1-9 – Requests site plan approval for a 30 x 40 storage barn. Zone: REC-1. Acres: 6.5. Location: 552 Divine Corners Rd., Loch Sheldrake.
- Debbie and Gene Bertholf represented.
 - Mollie Messenger: We talked about the setbacks, we discussed the use is just for equipment. Are you putting a new driveway in.
 - Gene Bertholf: Behind the house is another little road here.
 - Paula E Kay: You'll need a statement from the town.
 - Discussion.
 - Arthur Rosenshein: This is a site plan approval, a 1 step process. A type 2 action. Anyone have any questions on the board?
 - Gary Tavormina: I had one question and he asked it, access for a vehicle but he is going to have a cement truck pull back there so that will be it.
 - Arthur Rosenshein: Do I have a motion?
 - MOTION:
 - Balsey Louckes motions for approval. Gary Tavormina seconds. All in favor.
4. INTERMAK GARAGE, LLC – SBL# 35-6-1.1 – Requests site plan approval for a 48 x 90 warehouse for storage (this was previously approved and project was never started). Zone: HR-1. Acres: .244. Location: Cunes Rd., Hurleyville.
- Rob Bernard represented.
 - Paula E Kay: This was approved previously, the approval expired. You guys had a variance from the ZBA that has also expired.
 - Arthur Rosenshein: What is the life of a ZBA variance?
 - Paula E Kay: 6 months.
 - Arthur Rosenshein: Does the variance go with property or the owner?
 - Paula E Kay: Property.
 - Gary Tavormina: So he has to go to the Zoning Board.

- Paula E Kay: Yes you just have to refer him.
 - Arthur Rosenshein: Yes we just have to trim it down before he goes. This goes onto the ZBA.
5. GARDEN TERRACE – SBL# 36-1-40.3 – Requests site plan amendment to replace the existing shul with a 5000 S.F. shul with classrooms in the same location. Zone: R-1. Location: Laurel Ave., So. Fallsburg.
- Joel Kohn represented.
 - Arthur Rosenshein: You're taking down the old building and putting up a new. Will, you want a sidewalk on this one?
 - Balsey Louckes: It's too far in to put a sidewalk in.
 - Will Illing: I thought we asked for that the first go around.
 - Mollie Messenger: We couldn't get the little house in front because they didn't own that.
 - Will Illing: Now we can get that.
 - Arthur Rosenshein: Questions? It's a swap of a building for another building, you have the map on the second page.
 - Mollie Messenger: What is that house used for in front?
 - Joel Kohn: It's the caretaker.
 - Mollie Messenger: Can you label it?
 - Joel Kohn: Last year, we did the grand sewer system in place.
 - Will Illing: There's no increase because of this building anyway.
 - Joel Kohn: The old one we felt it was obsolete, we made a new grinder.
 - Arthur Rosenshein: Basically, this should go to the Architectural Review Board. Can we approval pending the ARB or no?
 - Paula E Kay: Usually you don't do that.
 - Mollie Messenger: You wanted to ask if you had any landscaping requirements.
 - Arthur Rosenshein: Won't they do it?
 - Paula E Kay: You should.
 - Arthur Rosenshein: What does it look like now from the road? Any screening?
 - Mollie Messenger: There's a couple sparse trees.
 - Arthur Rosenshein: When you come back you'll come back with the ARB approval and something to do with screening and planting in that area. So it looks nice from the streets. I think we can assure you there will be on difficulties since it is a one for one.
 - Will Illing: Arthur, I just want to make sure it is clear, our procedure is they have to get a demolition permit, they have to temporarily cap their water and sewer lines to the old building and mark them on the property. I would like to see a utility plan, take your drawing and mark where sewer and water connections will be. I'm not sure if that building is metered or not, if it is the new one needs to be also. You'll need permits for the water and sewer reconnections.
 - Joel Kohn: That's before we come back?
 - Will Illing: That's afterward, I just want to make sure we have it down.

- Discussion.
- Gary Tavormina: If an emergency vehicle has to come to the shul or the school, is there a roadway to get there?
- Joel Kohn: This is where it connects to the shul.
- Gary Tavormina: What I am looking at is that this side street is wider, so emergency vehicles can get access. How about an access road? Art, off of Laurel Park road where it says the walkway. Rather than a walkway, have it as an access road, as an emergency for vehicles to come in off of Laurel.
- Arthur Rosenshein: Okay.
- Discussion.

6. JOSEPH ROSSINI – SBL# 40-3-1 – Requests special permit for the operation of a motor vehicle repair shop. Zone: B-1. Acres: .67. Location: Rt. 42. Fallsburg.

- Marty Miller and William Kloss represented.
- Arthur Rosenshein: Before we get any further, what is the zoning on this?
- Mollie Messenger: The building lost its use because it hasn't been used as a repair garage in the last 2 years. They have to go to the Zoning board because they don't meet any of the setbacks or the lot coverage.
- Arthur Rosenshein: State road?
- Mollie Messenger: They have to go for 239 review, they have easements from 42, electrical easements. It's a tough site. They've opted to go to the Zoning Board, that's next week. I'm not sure you can request 239 until they come back.
- Arthur Rosenshein: We can't do anything until the Zoning.
- Paula E Kay: Zoning will do a 239.
- Arthur Rosenshein: Usually if the zoning doesn't fit, we stop right there.
- Marty Miller: What you can do is grant site plan approval subject to the variance.
- Balsey Louckes: Yeah but we don't do that.
- Arthur Rosenshein: Procedurally the ZBA may come up with issues and things that we need to know in their review. I prefer to get that information before.
- Marty Miller: We basically don't comply in 3 respects that are marginal. With respect to the lot coverage, it is what it is. We're not adding anymore, it's a preexisting site.
- Mollie Messenger: I emailed you, you should go to the Zoning Board and be able to explain to the board where you're parking outside. Where the cars will be.
- Marty Miller: It's on the map. The one thing I will tell you, the back of the building closest to the elementary, I had suggested putting the vehicles waiting back there. I was told that was the right of way that accesses the town piece, it may block it. The interesting thing that is when George Fulton prepared this map in 1981, he has unpaved storage area. We paid the town for that.
- Arthur Rosenshein: This line represents that?
- Marty Miller: This line here is in the survey you have, this area here is yours.
- Arthur Rosenshein: One of the things we will ask you is where you will be storing the vehicles.

- Marty Miller: Generally speaking, probably toward the behind of the building. I don't think anyone cares if we block the right of way because no one uses it.
- Arthur Rosenshein: The Town.
- Marty Miller: If the Town needs, we can move it. In the past, vehicles have been stored in the vicinity of the building. Probably because the overhead doors face 42, disabled vehicles will be stored on County Road 53.
- Arthur Rosenshein: You'll have to figure out some way to do that because everyone I have ever seen becomes a junkyard. On the other side of the post office, is a garage. You'll notice cars out there so long you can't see them through the brush.
- Marty Miller: I worked at that location from 98 to 2006. Cars that were wrecked or hard to repair, deemed total loss by insurance, they were taken out in a week or so.
- Arthur Rosenshein: That will be our chief concern. That's what it was already used for.
- Paula E Kay: Will there be an impound lot?
- Marty Miller: Not that I am aware of.
- Paula E Kay: Every car will have a customer associated.
- Marty Miller: They're not a police tow service.
- Arthur Rosenshein: You'll have no time to have a vehicle without a license plate.
- Marty Miller: That's not the same thing. If you own a vehicle, you just bought a mustang and decide to have it refurbished, it doesn't have plates on it. It's not a junk car. There may be a time where vehicles, in terms of motor vehicle repair shop, vehicles are repaired and refurbished without plates. We're not talking about maintaining unlicensed vehicles as a normal portion of business in large numbers. They may not pass inspections until they get out of the shop.
- Mollie Messenger: The plan you have in the ZBA file just has a little thing saying customer parking. You will have to show actual parking spots. We have to tell you how many you can have, so you will have to show us how you are using parking.
- Marty Miller: There is yellow markings on the pavement on the corner of 42 and Old Falls.
- Mollie Messenger: Put them on the plan.
- Marty Miller: The parking in front of the building will be temporary short term parking. Someone pulls in they will block the overhead doors. It's not long term.
- Paula E Kay: Just so that we know the total number of spaces, and do they have to show handicap?
- Mollie Messenger: Yes they have to show them on the plan.
- Marty Miller: On the plan that went to the ZBA.
- Discussion.
- Arthur Rosenshein: There is one other item.
- Balsey Louckes: On the side closest to the elementary on the Old Falls side, I'd like to see a guard rail put there.
- Arthur Rosenshein: Understand what the concern is, that area is used as a

shortcut to avoid the light.

- Balsey Louckes: If you put a guard rail there, you can park more cars.
 - Marty Miller: There is a guard rail there.
 - Balsey Louckes: It is open on the one side. It loops up around here and is open here.
 - Marty Miller: The space here is only about 2 cars wide. We can block it with cars. If you locate a guard rail, you are prohibiting the ability to park here. You have a questionable size of a road here. This, arguably, may be public easement. We can't put a guide rail in there. If you put it back here, you have made this area unusable.
 - Balsey Louckes: Right now it is the biggest hazard we have there is the 4 corners.
 - Michael Kirtack: People still do it.
 - Marty Miller: Then after the Town collects a sufficient amount of money.
 - Paula E Kay: We can't put anything there unless we know it is part of the easement or not. I don't know if that is an answer. I'd like to see if there is something there right now, show it on the map. See where it is in relation to the easement.
 - Will Illing: Also on this map, I would prefer before we approve it that they take off these storage areas on town properties. If you need more land for parking, the Town board, maybe, with agreement may make that available.
 - Arthur Rosenshein: The car wash is on 2 properties.
 - William Kloss: This is parcel 1, this is parcel 2. At some point it was combined. This is a map from 1981. This has been used as a garage.
 - Arthur Rosenshein: This is a meeting of a 3 rod line and a 4 rod line.
 - Marty Miller: There was a question of how wide this county road is. Whether a 3 rod road, a 50 foot road, the answer beats me. George Fulton, who did the survey, is particularly sharp in those things and he didn't know which it was.
 - Paula E Kay: Can he update that?
 - Will Illing: Yes.
 - Marty Miller: We don't know and we don't want to spend the money to research it. It is what it is. It's a practical matter that if the state or county want to widen the road, they will do the research.
 - Will Illing: I would think after all the work they did over there, they know where the right of way is.
 - Mollie Messenger: It's going to go through the DOT for the 239 anyway.
 - Arthur Rosenshein: Alright head forward to the ZBA
7. WOODBOURNE COMMONS – SBL# 24-2-1.2 – Requests site plan approval to convert the existing movie theater to a medical complex. Zone: MX. Acres: .54. Location: Rt. 52, Woodbourne.
- Maria Zeno is recused.
 - Jay Zeiger and Tim Gottlieb represented.
 - Jay Zeiger: We were here a year or so ago, give or take, to discuss the

development of this as a medical office. This is the sketch here that Tim did.

- Tim Gottlieb: This is a 15 space parking area. Paved sidewalk from the parking area to the building and a paved sidewalk going along the front of the building, along the property line. Some landscaping, handicap ramp that will be addressed with the architect once we layout the building.
- Paula E Kay: About the use, medical complex. What does that mean? Are we talking 1, 2 physicians? Is it a clinic? Is it a combination? Dental? Medical? X-ray?
- Jay Zeiger: I don't know if the physicians that will be there are going to be selected. It's not Crystal Run. The property owner believes that there is a need for medical services in the building. I don't think they know the mix of doctor's or...
- Audience: (Inaudible)
- Jay Zeiger: What I am being told is that the downstairs is a medical group from Brooklyn, primarily pediatricians. The upstairs is where there may be other offices.
- Paula E Kay: What I am trying to figure out is the number of patients that can be seen at a single time. Let's say there is a 12 o'clock appointment, are there 5 pediatricians? Are there 12 pediatricians? Is there a walk-in clinic where people don't need appointments, like an urgent care component? Just so we can be sure we have adequate parking and emergency access.
- Jay Zeiger: The 15 parking is more than is required.
- Arthur Rosenshein: I don't understand that.
- Jay Zeiger: In downtown Woodbourne there is an apartment with one.
- Arthur Rosenshein: What you're saying is because it's in the hamlet itself, that hamlet takes...
- Mollie Messenger: Parking is use, not by area.
- Balsey Louckes: He owns the parking lot right next to it right?
- Arthur Rosenshein: Half of it.
- Paula E Kay: Is this a professional office?
- Gary Tavormina: My question is if the parking spots are here, how are you going to stop the synagogue from using the parking lot?
- Audience: As of now it will be gated.
- Arthur Rosenshein: Let's answer the first question. Is there a requirement?
- Mollie Messenger: The parking requirements are listed on the map.
- Arthur Rosenshein: What about what counsel suggested? Because of its location, it wouldn't need separate parking.
- Mollie Messenger: You can waive parking to a certain extent. With a store, maybe you do that. With a doctor's office, you don't do that.
- Paula E Kay: I don't think you can waive parking either, I'm still also looking at really what use we're trying to fall into. In the MX district, there is not medical, there are professional offices. I'm trying to figure out if it is offices, clinic, urgent care. So we can be sure to fit it into the proper use. Also to make sure that no...
- Arthur Rosenshein: If parking was a requirement, I think you would look at the potential. There are 25 examining rooms, the waiting room has 30. Even though

you know the group only has 3 physicians, which is the calculation is set to be, you know the potential for the building is much higher.

- Will Illing: Year round?
- Jay Zeiger: Potentially over the summer.
- Arthur Rosenshein: Did you do a structural review of the building?
- Will Illing: I was curious, the feeders usually have a sloping floor.
- Jay Zeiger: For medical professional offices, which I looked on, has 80% lot coverage. It'd be impossible if we were at 80% to add parking. This building has the extra land so we are showing the parking.
- Paula E Kay: I think we need to look at this.
- Arthur Rosenshein: Yeah this should be done in someone's office. It's a perfectly reasonable place and reasonable use, it's about fitting it into whatever the legal definitions are, a trip to the ZBA. Let me check with the rest of the board members. What do you think of the use?
- Balsey Louckes: Love it.
- Gary Tavormina: I'd like to see it go through, myself.
- Jay Zeiger: When you're looking into it, the plan on the ground floor is going to be pharmacy and upstairs is physical therapy.
- Paula E Kay: There's pharmacy, and professional offices. No medical.
- Jay Zeiger: Gary the pharmacy would be over here. I thought everyone had a copy of this.
- Mollie Messenger: Will there be deliveries to the property? Are people going to come in and out?
- Audience: UPS.
- Jay Zeiger: It's not like a grocery store.
- Paula E Kay: There may or may not be ambulances but there likely be medical...
- Michael Kirtack: Waste.
- Paula E Kay: More medical transport to and from the building.
- Arthur Rosenshein: If from an examination you find out someone is worse off than you thought, you need an access. You may want to think about that. Something with deliveries and ambulances. You are going to research this.
- Paula E Kay: I think we need a staff meeting on this.
- Arthur Rosenshein: You have this much, you had a very positive response from the board.
- Paula E Kay: Do you think we want our planner involved on this?
- Arthur Rosenshein: At the point where you have made your determination as to whether it is go or no go, obviously if it needs the parking it will be a problem, then the planner would be appropriate.
- Mollie Messenger: Is the staff meeting only in house staff? No engineering or staff?
- Paula E Kay: I would think that...
- Mollie Messenger: If we do need the staff level, if you need them to come, we need an escrow.
- Paula E Kay: I think it would be helpful to have them there.

- Jay Zeiger: Them is?
- Paula E Kay: Engineering and planning.
- Jay Zeiger: Why do we need engineering there?
- Paula E Kay: Fine, then just the planning.
- Jay Zeiger: Now all we are doing is taking an existing building and paving parking.
- Gary Tavormina: I think a big question is where the floor goes.
- Jay Zeiger: That would be architect.
- Arthur Rosenshein: Okay so the planner anyway.
- Jay Zeiger: I'm not objecting, if you think we need an outside engineer...
- Will Illing: We will see how it goes.
- Mollie Messenger: Can you email me and request a staff meeting and provide an escrow of \$,1000.00?
- Jay Zeiger: Okay. Paula did we answer your question?
- Paula E Kay: What I would like between now and the staff meeting is more of a narrative. The plans for the building.
- Jay Zeiger: Would this help?
- Paula E Kay: That would help but I need a narrative as well.
- Jay Zeiger: The elevation I just passed out.
- Paula E Kay: That's the space which is great, but the number of physicians, the pharmacy, the number of employees for the pharmacy, if there is physical therapy, how many therapists approximately. Any other services that the building will be supplying so we have a better sense of what the operation will be like. Also time, is this a 9 to 5, a 9 to 9. Seasonal versus not seasonal.
- Arthur Rosenshein: Are we looking at a special use permit?
- Paula E Kay: If it's professional offices, no.
- Jay Zeiger: It is in the zoning as a permit subject to site plan review.
- Paula E Kay: If it is considered a professional office and pharmacy, correct.
- Arthur Rosenshein: It's easy to pick it up on special use, but that's not the way it is heading. Let's see what comes out of the staff meeting. I would say that when you're calculating the use, as I said earlier, it is going to be based on what is inside, the potential. Right now, you could only get lucky enough to get more doctors.
- Jay Zeiger: The floor plan that is attached to it is pretty close to the final.
- Arthur Rosenshein: Yeah so use that to determine the potential. That's what I was getting out. I counted 30 waiting rooms, which is fine. But we have to take that number into account. Even though it's been stamped on there, I think I counted 30 seats. You have 11 on 1 floor, 10 on the bottom floor.
- Paula E Kay: That's why it will be helpful to have the narrative.
- Arthur Rosenshein: We have to work on the potential, the potential is what the floor plan is.
- Will Illing: When they come to the staff meeting, it would be nice to see a grading plan for this parking area. There is a maximum slope for the lot, things of that nature.

- Audience: When is the staff meeting?
- Mollie Messenger: Not until the first week or second week of November.
- Tim Gottlieb: Do we need more parking?
- Paula E Kay: I need your narrative, then we'll engage the planner and assess the parking.
- Tim Gottlieb: I don't want to do the grading plan if I have to provide more parking.
- Arthur Rosenshein: He should know more before he does that. Do remember the whole vehicle access as far as emergency.
- Jay Zeiger: Paula you need the floor plans...

OLD BUSINESS:

1. ROSEMOND SOLAR, LLC – SBL# 30-1-9.4 – Requests continued review for a solar field. Zone: REC-2. Acres: 35. Location: 191 Rosemond Rd., Woodridge.
 - John Reagan represented.
 - John Reagan: Since the last meeting, we sat down with Keystone and we have been working over the past month to address the comments to the site plan. We revised the site plan and resubmitted it recently. Keystone provided a couple additional comments today. We are far along enough in the process to do the public hearing on our application.
 - Arthur Rosenshein: What's nice about the site is it won't be visible except to the distant road, which is making life a lot easier. We're in a position, there are no sets of rules here. I assume in the meetings that are going on with Zoning and the comprehensive plan, they will bring this in. It has to be brought in for the comprehensive plan. As far as the public hearing, absolutely.
 - Mollie Messenger: I'm trying to open it to give you some highlights, but my phone is not working right now.
 - John Reagan: I can read them right now, there's only 3 additional comments that were...they took their first letter and added 3 comments.
 - Paula E Kay: They added, they didn't subtract?
 - John Reagan: They added. They just wanted us to correct the date on the application. They asked us to include the tax parcel number, total acreage, and property owners on the map. They asked for an electrical layout plan and we will provide a solar array plan which will include the electrical plan.
 - Mollie Messenger: Yeah you're working through the process, they had 25 comments from the original letter that they will go through and correct the plan and work through. Just for the board's knowledge, Murray did put together a 6

page new solar law. We'll look at that. She's filed a whole bunch of new information. I don't know there is a lot of Planning questions, but we will review it.

- John Reagan: The access road we showed on the plan, it's up here. It's screwy shaped, that's to work around setbacks.
- Arthur Rosenshein: It's not going to be heavily trafficked.
- John Reagan: We just wanted to point that out, if you have a better suggestion we are open.
- Arthur Rosenshein: We just care about the emergency vehicles.
- John Reagan: We have a 100 foot setback on one of these sides, it is possible for some of these tall trees to shade. Can we cut trees and replace them?
- Balsey Louckes: I don't think you are able to touch the buffer.
- Mollie Messenger: It has to be undisturbed.
- Will Illing: What if there were no trees on it.
- Mollie Messenger: There would have to be a landscaping.
- John Reagan: Just selectively, some tall trees may shade so there wouldn't be as much electricity. We would replace with planting.
- Mollie Messenger: Have you started any of your SEQR studies yet?
- John Reagan: Yes we had our engineering consultant do an environmental review of the site. I think we submitted that.
- Mollie Messenger: I was just asking, Keystone was still asking for it.
- John Reagan: We submitted our environmental assessment form, I think Keystone was asking for our phase 1. We will be happy to provide it. Of course we do studies on endangered species on wetlands and the whole nine yards.
- Paula E Kay: Yeah the board has to review that, our planner does.
- John Reagan: It was indicated in email from Paige, that the escrow is drawn down and we need to replenish it, we just don't know how much.
- Will Illing: Talk to Paige please.
- Mollie Messenger: Just email her back.
- John Reagan: We had talked about at the last meeting, we offered to do a public hearing outside the public meeting, you suggested mailing the property owner.
- Paula E Kay: That's the public hearing.
- John Reagan: We're interested in offering as much outreach as possible, beyond what is required. I'm here to offer it again.
- Will Illing: You want to go beyond your neighbors?
- Arthur Rosenshein: I don't want to open that can of worms.
- Paula E Kay: We want to treat your application the same way we treat every application. The notices will go to the folks required to get the notices, anyone who reads our website or reads the notices can appear and speak at the public hearing.
- Gary Tavormina: There should be something for first responders. There should be an indication program for first responders.
- Arthur Rosenshein: That will be in the plan, which the fire department will have. Will, your office will have a copy.

- Mollie Messenger: You'll have to call my office to make sure you get everyone you have to mail.
 - Paula E Kay: Did the board authorize public hearing?
 - Arthur Rosenshein: Yes.
 - Mollie Messenger: You have to do the mailing 2 weeks before the public meeting. Call Denise, and explain to her that you are not from around here.
2. TRIBECA ESTATES – SBL# 39-1-88.4 – Requests site plan amendment for the modification of the entrance road. Zone: REC-1. Location: Gamble Rd., Fallsburg.
- Maria Zeno recused herself.
 - Jay Zeiger and Eli Brezel represented.
 - Jay Zeiger: The road that we are talking about has already been constructed this summer. What was approved by the Planning Board was a road 28 feet in width with 4 foot median in the middle and 12 foot on either side. What was built was a median at 3 feet 9 inch, and each side was 10 feet instead of 12 feet.
 - Eli Brezel: There is no median at this point.
 - Arthur Rosenshein: Yes I know.
 - Eli Brezel: How we always do it is we pave the road and then cut out the median. That's how we did it.
 - Jay Zeiger: The proposal would be the 3 foot 9 median and the 10 feet for each side of the road. According to our engineer, the 10 feet on either side complies with the Town department for a 2 way road.
 - Will Illing: Why doesn't the median come all the way out further, why does it start 100 feet in?
 - Arthur Rosenshein: The proposed median.
 - Eli Brezel: He can bring it out as far as he wants, if there is a truck pulling in, the median shouldn't go to the property line. If you want it to be 50 feet of, we don't have a problem doing it closer. Just so we have the 24 foot of paved road at the entrance in case there is a concern of pulling in.
 - Jay Zeiger: The proposed median was 23 feet 9 inches. If you want it closer, that's not a problem.
 - Gary Tavormina: Preferably.
 - Eli Brezel: We have to work this out, it was an oversight on our part until Keystone came and made a walkthrough inspection and they actually measured the road. No where did I pick it up on the plan.
 - Arthur Rosenshein: The point of the road entrance with the median was in lieu of having a secondary entrance. That's the Planning Board's purpose, to have 2 entrances or an alternative that works well.
 - Will Illing: Which meant wider lanes than 10 foot.
 - Arthur Rosenshein: That's it, that's what the original plan. You haven't given us a rationale for changing the original plan other than you made a mistake.

- Eli Brezel: We're talking about traffic coming off a road that is 20 feet maximum. The Planning Board is asking the developer to make a road that is bigger and better than the road that it is feeding to this development.
- Arthur Rosenshein: Aren't you rebuilding Gamble Road?
- Eli Brezel: Now it's like 17 feet, we have money bonded to make it 20 feet.
- Arthur Rosenshein: You could make Gamble the same width as this.
- Gary Tavormina: My concern is that if you bring it closer to the road, it eliminates...
- Discussion.
- Eli Brezel: The bottom line is, Mollie spoke about this at the contractors meeting, the requirement for a 2 way road in a development, the answer was 20 feet. We have what is required, we have that feature that you are looking with the median going in between the 2 sides. That will provide you the 2 way thing. We're meeting the criteria. We did other projects and we don't have any other projects that have 20 feet wider roads, and that's coming off busier roads with an excess of speed of what this road is. If you want to take that even further, when you're turning off of 42 onto Gamble, Gamble on the bottom is just 20 feet and that's a 55 MPH zone and that's acceptable to the Town. At the turn area, you will have 24 feet basically. We have a better condition than the Town does on Gamble. I think we accomplished what has to be there.
- Mollie Messenger: How did you get 23 feet 9'?
- Eli Brezel: I think what happened was honestly, when we made this construction, I think the contract thought it had to be 20 feet, he added extra shoulder for the side. When we came to pave, the paver went the whole width of the stone base.
- Arthur Rosenshein: How do these problems always rebound to save the developer money?
- Eli Brezel: I think in this project, there were a lot of areas that did not save money. We were not aware of this. The difference of doing this right or wrong in this one, is really insignificant. We have the swells on both sides, we have cap basins inside already. A lot of work is in place.
- Will Illing: There's no road cross section is there? We don't even know what kind of shoulder is being provided. This is not an adequate entrance for this project. It was not our intention to have such narrow lanes coming in, I don't even know if there is even a shoulder here because there is no cross section to show a shoulder or how big that shoulder is. I know there is a ditch along the edge of the pavement.
- Eli Brezel: I know the ditch is about 2 feet off the pavement.
- Will Illing: I think the intention was originally was that we would have these lanes wide enough in that case that one of these lanes were closed for an accident, that vehicles come up the other lanes and even go in both directions.
- Eli Brezel: If that is the concern, the median does not have to be a full median.
- Balsey Louckes: Keystone, they just came down at the end of job and figured this out?
- Arthur Rosenshein: They do a final inspection.
- Balsey Louckes: They don't show up during the job?

- Mollie Messenger: There wasn't anyone called to do the inspections for the width. They haven't been doing the inspections for the width because they haven't been getting calls. Which is why we had a construction meeting and there is a whole inspection schedule that has to be done, developers can't be done until they get these inspections.
- Eli Brezel: I don't want to challenge anyone over here, but I could list numerous projects that have more homes than this project, have a longer entranceway than this project, and do not have 12 foot of pavement with 2 feet on the side.
- Will Illing: That's what you agreed to.
- Eli Brezel: I'll take it a step further, if our plan was submitted as we are proposing it today, it would be approved the same way.
- Gary Tavormina: I have one question. Why is the median 3 foot 9? The median doesn't have to be 4 foot. If you make it narrower, you have an 11 foot roadway.
- Arthur Rosenshein: We want enough of a median to separate the roadway. Is anybody besides me tired of developers building it anyway they want and coming in for changes late.
- Michael Kirtack: I'm new on the Planning Board but I have been saying that a long time. It happens at the end and whatever they do gets approved.
- Arthur Rosenshein: I drove through, it is a very nice project. I see somethings that are a little odd. Gary, you see this parking here? I defy you to go from that parking into the project. We lettered the law, we got a parking spot. If you go there, there is a fence and you can't get into the project. That is built to spec and I am not asking for a change.
- Eli Brezel: I intend to change it.
- Arthur Rosenshein: The one by the pool is the same way. You have built up stone.
- Eli Brezel: The reason we put it over there is we want to feed that one.
- Arthur Rosenshein: In general, I'm getting reports back about projects, all the time, it wasn't built the way it was designed. There were changes made without asking. The point is, you designed it in the first place, it was okay in the first place, that's the way it should be. I understand your rationale about the road coming up to Gamble Road. I would like to see what is essentially 2 separate roads. Will seems to indicate that the 12 feet makes it that way with a good divider.
- Will Illing: Yeah, well I think a 10 foot lane with a 2 foot shoulder would be okay. I don't know if we have that. If we had a 12 foot road with a 2 foot shoulder, that's what we wanted.
- Arthur Rosenshein: The original design with the shoulders is what you want.
- Will Illing: Yes. We gave it a lot of thought when we approved. We asked for 2 entrances and some projects can't provide, so we want a nice wide entrance.
- Gary Tavormina: I agree. It's common practice, build it and come back and ask for a change.
- Arthur Rosenshein: Is there anyone here in favor of the change?

- Jay Zeiger: This is not a question, how it happened we don't really know. We have an engineer doing a weekly inspection. It wasn't picked up by anyone else. Mistakes happen on major construction.
- Arthur Rosenshein: This one can be remedied. Many can't be changed, this one the remedy is obvious.
- Jay Zeiger: Except the remedy is far more expensive than the existing conditions. We can make a smaller median of 2 feet and that would get us 11 point something on either side with a shoulder. It provides 2 ways.
- Arthur Rosenshein: The issue with narrowing a median is the median acts to make it 2 roads. If you narrow the median, it is essentially the same as 2 roads.
- Jay Zeiger: You make it higher.
- Eli Brezel: We could put down the center what you have on the side of the roads. A rail.
- Arthur Rosenshein: I personally want to leave it the way it has been approved.
- Will Illing: Typically your medians are landscaped with a couple trees and small plantings.
- Arthur Rosenshein: Is anybody not in favor of what I want?
- Balsey Louckes: You have the water (inaudible) in already? Are they going to disturb the retention ponds?
- Mollie Messenger: There are ditches on both sides.
- Arthur Rosenshein: There's plenty of width there. It's a flat undeveloped area. It's not going to disturb anything. I think that is the opinion. Bill your engineer for not catching it.