

"Minutes are not official until approved by their respective board."

TOWN OF FALLSBURG PLANNING BOARD MEETING

January 12, 2017

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

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

PUBLIC HEARING

1. RICHARD AND ROCHAN NORBY – SBL# 20-1-31.3/31.4
 - Richard and Rochan Norby represented.
 - Richard Norby: We own the property by 33 Midwood and the other doesn't have a number. The properties are next to each other on Midwood Road. One property is currently 2.43 acres and the other is 5.39 acres. The existing trailer with an addition on it. We want to build a new house next to this house. We wanted to move the lot line to create 2 properties that have 3 acres.
 - Arthur Rosenshein: That sounds good, does anybody have any questions? No. Public closed.

NEW BUSINESS:

1. RICHARD AND ROCHAN NORBY – SBL# 20-1-31.3/31.4 - Requests lot line change. Zone: REC-1. Acres: 8.18. Location: 33 Midwood Rd., Loch Sheldrake.
 - Richard and Rochan Norby represented.
 - Arthur Rosenshein: Mollie, there are problems with the property lines as far as distance is concerned?
 - Mollie Messenger: Right, Mr. and Mrs. Norby want to subdivide the property and have a

new home which is fantastic and leave the other home, but the problem is they have a big gazebo which will not meet the setback distance on the side property line. There's no way to move it because it is very large.

- Arthur Rosenshein: Is that the existing pavilion?
- Mollie Messenger: Yes. In order to do the subdivision, they have to make the property right so they have to go for a variance. The board can't make a determination right now but if they see something on the plan they would like changed, or would an issue, any insight would be appreciated?
- Will Illing: The proposed carport is a variance as well? It is 18 feet from the proposed property line.
- Mollie Messenger: I wrote on my memo here, we checked all the setbacks and the gazebo is the problem, not the carport.
- Discussion.
- Paula E Kay: Can you show us where the gazebo is?
- Mollie Messenger: Did you add the carport after we talked?
- Richard Norby: No. The carport, we're not that attached to where that is located, the architect's idea was to use that for solar panels.
- Mollie Messenger: Yeah you can't have anything in the setback so the carport has to be on the other side or in the back. The carport would be an issue too, you will have to revise that when we talked.
- Richard Norby: I don't remember what it was on. This was the one I showed you.
- Irv Newmark: Mollie they would have to go to the Zoning Board and ask that the pavilion be allowed to stay?
- Paula E Kay: Because it violates the setback. It's just an area variance.
- Arthur Rosenshein: What is that down at the very bottom center? It looks like a driveway.
- Richard Norby: This is Midwood Road, this is a shoe horn driveway that is existing right now.
- Arthur Rosenshein: That would be shared by both?
- Richard Norby: Yes it would be.
- Irv Newmark: Half on one and half on the other.
- Arthur Rosenshein: I assume you can get an easement from both sides. Does anyone see any issues for this?
- Richard Norby: What's the setback on the carport?
- Mollie Messenger: The 40 feet. Your architect had gone through and done the setbacks. You have to move accessory structures behind the front face of the building and they have to be in the different setbacks. With the accessory structures, if it's within a certain size it can be within 10 feet of the property line. I'm not sure how that is, over 350 square feet it needs to be 35 feet from the property line.
- Richard Norby: Under 350?
- Mollie Messenger: 10. Maybe that's what he was trying to propose, but be clear about what that is going to be.
- Arthur Rosenshein: Anyone else? It's simple, we can't do anything before the ZBA. Can I

type it as a type 2 action? There's nothing more to do, just have that in the minutes.

- Paula E Kay: Yeah and deny it to send it to the Zoning Board.
- Richard Norby: Next week is the Zoning Board. Then we come back in February for this?
- Mollie Messenger: Yes.
- Will Illing: Arthur we should know where proposed septic and well are going to go. Where is the existing well? I don't see it.
- Richard Norby: There's no existing well, it's a spring. It's down behind the gazebo.
- Will Illing: The existing house, where does it get its water from?
- Richard Norby: From this spring.
- Will Illing: Which is on the other property, so you would need an easement.
- Richard Norby: So we need an easement or we were thinking of having wells on both properties.
- Arthur Rosenshein: How common is it for people to take water from surface springs?
- Will Illing: Some bottled water comes from springs but there are houses around here using spring water.
- Arthur Rosenshein: What do you think of that from sanitary?
- Will Illing: I have no problem with that if it is properly constructed and protected.
- Arthur Rosenshein: So that is your choice.
- Richard Norby: So how do you get an easement for it?
- Paula E Kay: You own both?
- Richard Norby: Yes.
- Paula E Kay: You would prepare it or have an attorney prepare on your behalf and it would have to be filed with the deeds for both parcels.
- Richard Norby: Can you get an easement for a well for both properties?
- Irv Newmark: No.
- Paula E Kay: You can't do shared wells.
- Richard Norby: So we're going to have two wells because the sewage is going behind the house down here somewhere, and I don't think that spring will work.
- Will Illing: That would be bad for the spring water.
- Arthur Rosenshein: Yeah it slopes to the back, that's unusual.
- Will Illing: The septic system for the proposed house should go over there. Is that possible?
- Richard Norby: That is possible. We have plenty of property on that side.
- Will Illing: Mollie you will have to review these plans.
- Mollie Messenger: When he comes in for building permits he will have to show full septic plans. There should be plenty of property to get a system.
- Will Illing: There's a stream here as well?
- Richard Norby: It doesn't run all the time.
- Will Illing: You still have to keep distance.
- Richard Norby: What's the distance?
- Will Illing: Stream, probably 100 feet.
- Mollie Messenger: You had a surveyor make at this for you?

- Richard Norby: Yes.
- Mollie Messenger: When the board moves through, you'll have the surveyor prepare you a final map that you will have to take to the County. You will have to hire an engineer for septic and then your architect and all that.
- Richard Norby: We have talked to somebody.
- Arthur Rosenshein: Given all that, once you come back it shouldn't be any issues if you take care of everything. There's no more we can do.
- Richard Norby: Okay I will call Mollie.

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.
 - Arthur Rosenshein: What was this about the road, with site distance?
 - Mollie Messenger: There is a bunch of stuff, do you want to go in some sort of order?
 - Arthur Rosenshein: Let's let Mary do the honors.
 - Mollie Messenger: I don't know how you want to work through this. There are a couple of questions going down Mary's list. Is that what you want to do?
 - Arthur Rosenshein: That would be fine.
 - Mary Guirastante: 2 days ago I received a response from you guys, we addressed that this morning. Did you read that?
 - John Reagan: We did, I saw the traffic.
 - Mary Giurastante: So I think probably for ease of review, we could go through our list that we gave you on the January 3rd letter. Then as we're going through that, we can touch on the topics Melissa brought up. For Planning, I may need a little help from Will on engineering. Object number 7, comment number 7 under Planning. I believe we need to get some sort of lease agreement between the Town and the property owners. I'm not sure if that is underway or not. It wasn't mentioned in the comments received 2 days ago.
 - John Reagan: I believe we sent a draft of that, did you see that?

- Mary Giurastante: I think what you might be referring to is we have an agent authorization form in the file, that's for the State and Federal employees that already have access to the project or some sort of affiliation to the project. It doesn't mention the Town employees, and I believe that under the current lease agreement, it should be a separately drafted document. That has to be between the Town and the land owner. That should be initiated by you guys.
- Paula E Kay: You draft it and I will review it.
- Mary Giurastante: I spoke to Ken about the emergency action plan that was received, I don't know if Ken mentioned this to you Mollie, in my opinion it was relatively coherent and it covered most of the bases. It does need to be reviewed by the Fire Department. I'm not sure if that was received, you mentioned some sort of...
- Mollie Messenger: We had an email today, we had a bunch of Fire Department...
- Irv Newmark: It used to be Woodridge.
- Paula E Kay: It was sent to Fallsburg.
- Mollie Messenger: I'll get you an address tomorrow and then why don't you send the action plan, we'll get you the right person to get it to.
- John Reagan: So you want us to resend the drawings?
- Mollie Messenger: The layouts, yeah.
- Mary Giurastante: The decommissioning plan was something you addressed in the email 2 days ago. You weren't able to fix and we verified that you took out about 4 steps in the process. One of them was reforestation. That doesn't seem necessary, or we don't plan to reply to that as long as you guys are on board. There were a few errors although minor in the scope of things, I think the overall supposed profit would about \$120,000.00 after decommissioning and selling off all the parts. We did have a question and we don't really have the expertise to answer this but the way it was figured was that you would be able to sell all parts that had been broken down and taken from the site. To us that seemed questionable because not all parts are reusable and it is expected that the Town will do this decommissioning which is why suggested making a bond between you and the Town to basically guarantee they would have the funds to decommission. That is something the Planning Board will have to discuss with you. I don't know if you guys will have a comment on the necessity of the bond.
- Mollie Messenger: I don't know if we took a bond with the college.
- Balsey Louckes: They own the property.
- Arthur Rosenshein: It was a different situation.
- Mollie Messenger: They don't own the solar field.
- Paula E Kay: But they own the property.
- Arthur Rosenshein: So we can hold them responsible, there has to be a responsible party here.
- John Reagan: Is a bond the only instrument you would consider? A letter of credit?
- Paula E Kay: It doesn't have to be bond. Letter of credit, cash escrow.
- Arthur Rosenshein: How does that work over the very long term?

- Paula E Kay: The letter of credits can be extended. It is less expensive to do a letter of credit rather than a bond.
- Arthur Rosenshein: What's the Town's recourse if it lapses?
- Paula E Kay: We have the letter in our possession, it won't lapse.
- Arthur Rosenshein: This company is fairly new, that's why the long term is a consideration.
- John Reagan: I appreciate that and agree that is a valid real concern. Just a couple of suggestions from my end on that. WE prepared the decommissioning cost estimate based on the future value of the materials that could be sold to offset the cost of decommissioning. My first suggestion is that perhaps you require us to update this periodically? Some period of time you think is reasonable. We had an engineer use best methods to calculate this, it could change. We would have to update that instrument periodically.
- Michael Kirtack: So this only lasts so long?
- John Reagan: So the predicted life span is 20 to 25 years. The solar panels will degraded in efficiency very slightly. Something like .4% per year. So 20 years from now they will still generate electricity and we will have paid off our investments so it's just making money but there will be some point in time where there is either new technology or something more efficient. We estimated 9,512 solar panels for this project. The salvage value price predicted is \$26 dollars per panel.
- Will Illing: In future dollars.
- John Reagan: A brand new panel today, we buy in bulk, so is about \$160 to \$170 per panel. There's about \$1,500,000.00 of valuable panels that we just installed. They're all the same, they go in and come out easy. So if for some reason the decommissioning had to happen early on, there is certain value way in excess of what the cost would be. That gets back me to updated the decommissioning plan periodically and perhaps with some real conservative safety factor to write in, a letter of credit or bond that as some point needs to be established. If you build it tomorrow, a year from now you have \$1,500,000.00 just in solar panel. These are the same you could put in the backyard.
- Balsey Louckes: Would your company buy them used?
- John Reagan: We would if the price is right. For your consideration, the one respect updating it periodically helps you guys. On our end, we think the financial instrument initially is an unnecessary cost. For your protection, you should require it.
- Will Illing: We would have to have it right away because we don't know what your financial situation will be and a letter of credit, if we asked you for one then, you may not be able to support it. I'm not sure if we're talking about \$50,000.00 or what we are talking about, but I think we would start off with a letter of credit that 5 years later would be discussed and modified.
- John Reagan: Yeah and I know of letters of credits, the banks are required to update those periodically.
- Will Illing: Annually, otherwise they are done.
- Mollie Messenger: We can discuss the bond amount. Let's move on.

- Mary Giurastante: I mentioned in that email there were a few minor errors to chance in the calculation area.
- John Reagan: We didn't quite get that, you indicated line items 11 and 15, and the math...
- Mary Giurastante: It is 2 of the totals, the first is off by 29 and the second is off by 9. I think it is a dyslexic error, the numbers are just switched. That's really simple. I think we made a note about placing the annual inspection requirement in the lease agreement and they wanted me to ask if there was some kind alternative that the Town would suggest for annual inspection? For the Town to legally go on site and check that everything is in working order? Alternative agreement?
- Paula E Kay: We could do both.
- Mollie Messenger: The Town won't have anybody that go and see if they are working.
- Paula E Kay: We can hire somebody on behalf of the Town.
- Irv Newmark: Why would you care if they are working?
- Paula E Kay: After a certain amount of time they are abandoned and they have to be removed.
- Irv Newmark: I understand abandonment, if the sun comes out they will be working.
- John Reagan: There are some codes out there that require if they aren't producing electricity for typically a year, they are considered abandoned.
- Discussion.
- John Reagan: We have to do reporting to the New York ISO and NERC. North American Electric something Commission. We have to do recording demonstrating the facility if operating and it meets their electrical code or reliability requirements for the grid.
- Will Illing: Annual?
- John Reagan: It is even more frequent than that. You can impose some condition on us that we report annually that it is operating. We're doing that anyway.
- Arthur Rosenshein: What about the local electric company? NYSEG. You must have something with them too.
- John Reagan: They're not the regulator they are just the transmitter. We report to regulatory agencies. My whole point is we can report to the Town as often as it would like us to that the facility is operating.
- Will Illing: So annually Mollie?
- Paula E Kay: Or as requested.
- Mollie Messenger: If you want to send reports one a year like we ask for sprinkler reports, that would be fine.
- Mary Giurastante: The next one is something you and Melissa commented on. Number 17, regarding the US Fish and Wildlife service update. In the letter, I think it mentioned that particular review was for 5 different project sites. You probably noticed probably 1 of the names was blacked out. It mentioned the Indiana Bat being on site, but I don't think it was referencing Rosemond because the 2 sites it was referencing were blacked out.
- John Reagan: That is true.

- Mary Giurastante: I think we discussed with the Northern Long eared bat. They're not doing any tree clearing between June 1st and July 31st which is the breeding season. There was 1 other mention of bob turtles which was cleared of any presence on site. It mentioned you had an independent consultant go on and check the site. To which there was probably a report we didn't receive. I feel that is something we should receive.
- John Reagan: I'm sure we can provide that documentation.
- Mollie Messenger: Do you know who you had walk the site? Was it local?
- John Reagan: We use several forms, TRC. I'm not sure who did it on this one.
- Will Illing: Did we deal with site distance?
- Mary Guirastante: That will be in the next section coming, that Ken and Kyle are on. I guess the last question I have was also addressed was the lease boundary line. Paula, I think your legal expertise might be a bit more appropriate. What are your thoughts on having a lease agreement that doesn't have a boundary specified and says that within 30 days of breaking ground you can identify the lease boundary, but having a site plan that is already approved on lease boundary, do you see that as 2 conflicted documents?
- Paula E Kay: Mhm.
- Mary Guirastante: Obviously the site plan needs to be approved before you can say that this is the legal lease boundary. A suggestion that Keystone has made, and this is if the Planning Board in agreement, we could possibly make a conditional approval when you feel it is appropriate to approve on the condition of having an updated lease agreement that has that boundary in that lease agreement. Does that make sense?
- Arthur Rosenshein: No problem with that.
- Mary Guirastante: It would be unfortunate if you had to go back and redraft that agreement. Then we have the site plan, engineering comments.
- Mollie Messner: You probably don't have to go through all of them, there are highlighted ones. Everyone is asking about number 9.
- Mary Guirastante: It was assumed for site distance stuff that the speed limit was 35 in the project, it is confirmed at 55 for the project. We spoke about that today. It does create a conflict with the site distance.
- Irv Newmark: That road, if you go 55 on you will kill yourself. Whether it is posted, there are numerous places on that road when going up a hill, where this driveway is was a single family doublewide. The people there would have gone in and out than they will be.
- Arthur Rosenshein: Except during construction. If it becomes a real problem, I think you're correct about during the construction phase, we could ask for a flagman. If you stop it, we don't want that. There was some question about clearing brush to increase the site distance.
- Mollie Messenger: If they could that would, but I don't know if that is feasible.
- Will Illing: The road could be posted hidden drive.
- Irv Newmark: That location, I don't know if clearing the brush will do much.
- Paula E Kay: One other question, it may be premature, but when do anticipate the construction?

- John Reagan: We can't cut trees during June and July, so say for this purpose August and September.
- Irv Newmark: August there is a lot of traffic on that road. You could start but you would want somebody there.
- John Reagan: If it's a summertime construction, you could condition us to have a flagman but if it is better to construct later in the fall, I don't see an issue.
- Irv Newmark: If you're coming up from Woodridge, going in won't be as much a problem as trying to come out.
- John Reagan: Yeah one month won't kill us on construction and we will provide a flagman to make it safe.
- Arthur Rosenshein: I think that's acceptable, it's not a project you get all the time.
- Mollie Messenger: I think we need hidden drive posted.
- Arthur Rosenshein: How long will the construction be?
- John Reagan: 2 months, it shouldn't be more.
- Mollie Messenger: Is that house still occupied or is someone going to occupy?
- John Reagan: To my knowledge they will live there.
- Mollie Messenger: So they will be using the driveway?
- John Reagan: I can get that. I would presume that.
- Mollie Messenger: So they are in and out of that all the time.
- Arthur Rosenshein: I can't make out where the driveway is.
- John Reagan: If time of day is an issue, the traffic being delivered will have solar panels.
- Discussion.
- Mollie Messenger: That's good.
- Paula E Kay: Any other?
- Mary Guirastante: I think there was an issue with printing to actual size, and that's going to scale. As long as those plans I receive are fixed.
- Will Illing: Ken has technical comments but they don't need to be discussed. They will be handled between Ken and your engineer.
- Mollie Messenger: Did you have any questions?
- John Reagan: I might have a couple still. If I could switch to SEQR determination. Is there any information to make that determination?
- Mollie Messenger: We need that one report.
- John Reagan: The bob turtle.
- Mary Guirastante: Then Melissa mentioned there would be a letter coming in from the US Fish and Wildlife in late January, so whenever that comes in.
- Arthur Rosenshein: What did we type this as?
- Paula E Kay: Did we make a determination, I don't think we did anything.
- Arthur Rosenshein: Should we?
- Paula E Kay: Do you want to wait until you have all of your documentation? Let's wait and let...
- Arthur Rosenshein: Did we take lead agency?
- John Reagan: I don't think so.

- Arthur Rosenshein: I thought the requirement was to.
- Paula E Kay: We could do that.
- Arthur Rosenshein: I was thinking type 1 on this. They're doing a full form on this. If you don't mind making that motion.
- Paula E Kay: That's fine.
- John Reagan: Our experience from studying all the projects in the state, they have been mostly type 1s.
- Arthur Rosenshein: I just want that in books, done and over with. On the SEQR side we take this as a type 1 action and take lead agency status. Board?
 - MOTION:
 - Balsey Louckes motions for lead agency and list as a type 1 action. Irv Newmark seconds. All in favor.
- John Reagan: Mary, I am assuming that these few outstanding submittals, if we get them to you, is it reasonable for next month's meeting to have approval.
- Paula E Kay: You have a couple documents you need to produce.
- John Reagan: We should have in the next week or so.
- Mollie Messenger: We still need to hear from the Fire Department, let's see where we get with that.
- John Reagan: We are close.
- Arthur Rosenshein: I have heard of locations refusing these. They have become quite contentious. They were asking about electromagnetic radiation?
- John Reagan: We have towns begging for these, and some that don't want them.
- Irv Newmark: What's the name of this? What type of project of this?
- John Reagan: Rosemond Solar. Solar farm. This is under NYSERTA as a community solar farm.
- Irv Newmark: Thank you.
- Arthur Rosenshein: And with that we are done.
- Paula E Kay: You got everything you wanted?
- John Reagan: Yes thank you.

2. LAUREL CREST – SBL# 56-1-1/39-1-90 – Requests amended site plan approval from a previously approved site plan to relocate the duplex units. Zone: HR-1. Acres: 20.67. Location: Laurel Ave., So. Fallsburg
 - Abe Berkovic and Jay Zeiger represented.
 - Jay Zeiger: We are here to have you say no.
 - Arthur Rosenshein: Okay, no.
 - Jay Zeiger: What we have done, this is an approved project.
 - Arthur Rosenshein: So you need to go to the ZBA.

- Jay Zeiger: It is an approved project with 64 houses on 17 acres. The new proposal is 64 houses on 40 plus acres. At the end of the day, we will have the same number of houses and more open space, and as we will see as we go through the Planning Process, the houses are being moved further from the road. There are a lot of benefits to the project. When the plan was approved, the Town did not have its duplex law. That is the reason for us needing the variance. You can take a look at the rest, over here you can see the biggest change here is under the original approval, all these houses were approved at this location. The new proposal is that these houses are being moved back over here. That's a good thing. When we come back we'll show you the full acreage. For now since we don't need, we can start with the 175 foot setback. We don't need that, if you want to go through with the other variances we need, we can do that.
- Arthur Rosenshein: You can't do that, that's what the variance is about. Plus the retention pond.
- Mollie Messenger: I've gotten 2 calls about the retention pond in the front, they are very concerned about an 8 foot hole that close to the road.
- Jay Zeiger: The people that called are just neighbors?
- Mollie Messenger: I want you to be aware...
- Arthur Rosenshein: The Planning Board itself is concerned about it, it doesn't matter who is saying it.
- Mollie Messenger: I just want you to be aware. I don't know what the regulation is about alongside a Town road or how close it is.
- Will Illing: We can install guiderails on a Town road.
- Abe Berkovic: We can do a burn out.
- Irv Newmark: A fence.
- Will Illing: It needs traffic protection, no fence. Fences it will go right through.
- Mollie Messenger: I think it might be something you want to look into before next week so you can present to the Zoning Board some ideas.
- Abe Berkovic: We can do curbs along Laurel Avenue.
- Jay Zeiger: We'll talk to Larry Marshal.
- Arthur Rosenshein: We've seen some awful ones in the past, we will want to see some renderings.
- Abe Berkovic: I said that to the engineer this week that we would need 3d rendering to show the Planning Board.
- Paula E Kay: The ZBA will probably want to see it.
- Arthur Rosenshein: That's their question, we definitely will want to. Zen garden is a nasty looking affair.
- Jay Zeiger: The flipside of having a retention pond with screening or protection is much better.
- Arthur Rosenshein: I'm not against the deal, but pointing out you don't want to be blindsided.
- Mollie Messenger: You might want to get some ideas and rendering together for next Thursday.

- Arthur Rosenshein: That's on a hill.
- Irv Newmark: You're going to have nice landscaping.
- Arthur Rosenshein: Moving the houses back is a nice thing.
- Abe Berkovic: The extra acreage is also a nice thing.
- Arthur Rosenshein: I just wanted you to know it will be a big deal.
- Jay Zeiger: Any other concerns you want to bring up to us?
- Mollie Messenger: Any idea on what you're doing with the existing houses yet? Are you thinking of rehabbing?
- Abe Berkovic: Right now still proposing.
- Mollie Messenger: Very concerned on how you're going to address that grading.
- Arthur Rosenshein: May I suggest that once you get the engineering done, you get a landscaping architect? It is going to take some imagination I think. This would go to the Architectural Review Board as well.
- Mollie Messenger: Is it ready to go to the ARB, is that something you're looking to do sooner than later?
- Jay Zeiger: We'd like to go to the ZBA first.
- Mollie Messenger: You will, you're going there next week.
- Abe Berkovic: Do we go to the ARB with a recommendation?
- Mollie Messenger: I think with this project since the landscaping is going to be difficult, I think you might want to go to the ARB sooner than later, since you're on such a steep slope. It may have something to do with the engineering as well. Because there might be retaining walls, Ken may pick up. I would go there.
- Arthur Rosenshein: Get it in early because we'd hate to see it as excuse that they changed something.
- Jay Zeiger: I would ask for a motion....I'll turn it over to Paula.
- Paula E Kay: Formal denial.
- Arthur Rosenshein: Motion to deny the application?
 - MOTION:
 - Gary Tavormina motions to deny the application and to refer to the Zoning Board of Approvals. Irv Newmark seconded. All in favor.

3. GAMBLE ESTATES – SBL# 39-1-84/79.2/88.1/78 - Requests conditional site plan approval to expand an existing 20 unit bungalow colony with 20 new units in 10 duplexes. Zone: R-1. Acres: 13.5. Location: Gamble Rd., Fallsburg.

- Glenn Smith, Jay Zeiger, Eli and Yitzi Brezel represented.
- Jay Zeiger: This project you have seen many times before. We were here last month.
- Glenn Smith: At the bottom of the project is Gamble Road and the purple line which is the 13 and a half acre parcel. The 29 existing Schreiber Bungalow colony. It would be reduced down to 20 units. That's over here. Then the orange 10 duplexes, a new 20 units, to make this 40 units total. There is an existing swimming pool here, a proposed swimming pool here. Basically, the sewer and water come in off Route 42, Tribeca is up here. There would be an easement for the Tribeca utilities. This is the property above

with the proposed duplex, this is the 35 foot wide easement that will cover sewer and water that goes through this parcel to serve the Tribeca parcel. There is a drive off of Route 42 which is part of the easement for Town personnel to have access to the property, pull in here where the water meter pits are

- Jay Zeiger: This is an easement to the Town.
- Will Illing: It's an easement for Tribeca first of all. The Town needs rights to access this.
- Arthur Rosenshein: Did you satisfy the requirement from the DOT on November 22nd?
- Glenn Smith: Did you get a copy of the letter I sent to them? I responded to all those comments on there, my first comment was that we have to get a permit from DOT for the waterline. That was acquired last June, it was installed in June and all taken care of. They asked about storm water, I offered them a copy of them SWEPP. I am waiting to hear back. Now they want a rental permit for whenever you cross a State road with a utility line.
- Arthur Rosenshein: Rental permit?
- Glenn Smith: They charge a yearly fee to rent a strip of their road that is cross with the waterline.
- Will Illing: After paying it for 20 years, they just let us go on one we had.
- Eli Brezel: I believe we have the place a bond, it is valid for a few years. When we took out the permit from the DOT, one of the things they required was a bond that there won't be any damage to the road.
- Discussion.
- Glenn Smith: It describes a 200 square foot section of road that the water goes across. I addressed those comments.
- Jay Zeiger: Mollie should have a copy of the letter. It was attached to the same letter that he wrote addressing some of the Planning comments.
- Glenn Smith: I think you are right.
- Jay Zeiger: That's it. Arthur he has it.
- Discussion.
- Glenn Smith: 1 comment was about a fence, they questioned it is 25 from the road. I noted it is 27 feet away outside the right of way.
- Glenn Smith: Since the last meeting, some of the changes to the plan, we widened the road from 16 feet to 24 feet from the request of the South Fallsburg Fire Department. 12 foot pavement and 4 foot shoulders. I am showing a 2 handicap parking space parking lot behind the shul as requested. The last meeting discussed the need for parking. I didn't know if you want to call it tonight or if last meeting was enough.
- Arthur Rosenshein: I think it is in the minutes.
- Glenn Smith: We showed the easement we filed for giving Tribeca rights for water to cross into this property. The lot coverage on the one sheet, we showed possible future additions on the Schreiber bungalows with those additions increasing lot coverage to about 24.1%.
- Arthur Rosenshein: Mollie that means if they come in for those additions, they don't have to come to us?

- Mollie Messenger: Glenn put in there where they can build the additions, so they can build them if that is where they will be.
- Yitzi Brezel: Also the reason Mollie mentioned it, the month this place is sold we would only have this guy come and he wants to make an addition, he is going to take up more lot coverage, this way he knows what he can get.
- Glenn Smith: I also had a note on here for a permanent sum pump in the water meter pit with a permanent electrical service, install 3 horse power electrical sum pump model congruent to the adjacent meter.
- Will Illing: The sewer line coming from the new grinder that will go in, there is a sewer line from that grinder all the way down?
- Glenn Smith: Yes.
- Will Illing: Is it installed already?
- Glenn Smith: Tribeca installed in the manhole, the other stops a few feet short of the manhole.
- Will Illing: There are so close together.
- Discussion.
- Will Illing: Very good.
- Glenn Smith: That's all I had on the DOT letter.
- Arthur Rosenshein: Anything else you can think of Mollie?
- Mollie Messenger: Are you satisfied with the parking installed?
- Arthur Rosenshein: You mean down there, yes.
- Mollie Messenger: The waiver on the parking...
- Arthur Rosenshein: We have to do the SEQR.
- Mollie Messenger: Right, I'm just looking from last month.
- Glenn Smith: We'll also have the addition of the fence.
- Balsey Louckes: Is that on there?
- Glenn Smith: That fence has been on the plan all along.
- Paula E Kay: It's number 11 under special conditions.
- Jay Zeiger: There is a date in the resolution?
- Paula E Kay: April 15th.
- Will Illing: And there is one for Gamble Road?
- Paula E Kay: May 31st.
- Mollie Messenger: I think we agreed on the conditions, just to change the dates. I didn't change the dates yet.
- Arthur Rosenshein: I understand we're a little uncertain about taking lead agency status. I don't recall if we did, does anyone have a record of it?
- Mollie Messenger: I'll be right with you.
- Paula E Kay: It can't hurt, just do it.
- Arthur Rosenshein: Motion to accept lead agency status on Gamble Estates?
- Gary Tavormina: Is that in the guidelines?
- Paula E Kay: They have to, that's the only reason they are here.
 - MOTION:

- Gary Tavormina motions for lead agency. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: The next thing is negative dec. There are 2 documents. Basically, without going into it, unless someone wants me to read it, saying we have looked it over, received an assessment from the EAF, we have the storm water permit, reviewed all the environmental impacts, etc. Therefore, we would entertain a motion for negative declaration of environmental significance for Gamble Estates. Any comments before motion?
 - MOTION:
 - Gary Tavormina motions for negative dec. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: The next thing we have to do is the subdivision.
- Jay Zeiger: Just to repeat the subject...
- Arthur Rosenshein: It is a subdivision and a lot improvement.
- Glenn Smith: The original bungalow had 6.8 acres, we took 6.9 roughly from Tribeca and added it to the Schreiber. It's a lot line change.
- Jay Zeiger: This is subdividing this piece from here and added over here. This piece is coming off of this and being fixed to that.
- Arthur Rosenshein: Based on the draft subdivision approval resolution dated today, the Planning Board has a proposal for the property. Turning 31.7 acres plus or minus turning etc. Does the board motion for subdivision approval for both separating from Tribeca and adding to the bungalow colony?
 - MOTION:
 - Gary Tavormina motions for approval of the subdivision and lot improvement. Irv Newmark seconds. All in favor.
- Mollie Messenger: Before you move on to the site plan resolution, do you have construction sequencing and timeline?
- Eli Brezel: In a week or 2, before we do anything we will come to you. We would love to get working in the next 30 days. I don't want to say that will happen, because somethings have to fall in place. It's hard to make real plans before approval.
- Mollie Messenger: You and I have had different conversations about different things, I'm trying to look to the summer and I am trying to see if you are trying to do it. I don't believe it can happen. I can't do what I did last year for Tribeca, it's too much for my office and the applicant. I can't have all the rush, I won't be able to push for a temporary CO. I want you to be aware of that.
- Will Illing: I think the resolution should state that the site has to be substantially complete before anybody moves on the site. These sites are not substantially complete and people move in, they get temporaries. It isn't a good idea.
- Arthur Rosenshein: Can we legally say that as a condition of approval, there cannot be any temporary COs?
- Paula E Kay: No.
- Arthur Rosenshein: We can do it for specific items but not blanketed.
- Mollie Messenger: It is difficult, because it is a judgement call and it's hard.
- Eli Brezel: This project, there isn't a lot of community things to get done.

- Mollie Messenger: There is a lot of work to do, and a lot of work to do for Tribeca.
- Arthur Rosenshein: And that has been moved and finished, what is the timeline with that?
- Yitzi Brezel: We have dates for everything with Mollie's office, the Town has a \$160,000.00 bond for completion, not bond but actual money.
- Mollie Messenger: When you go back to the drawing board, you're trying to do a lot in the next 5 months.
- Will Illing: The weather.
- Paula E Kay: Just for everyone's purposes to hear this tonight, we do have a temporary CO provision in our code, this is where it gets difficult for Mollie's office. Her office cannot issue a temporary CO unless her office makes a determination that there's no safety issues. That's key. They often get pushed to issue and there are questions to safety. We want to make sure everything is completed, nothing unsaid.
- Gary Tavormina: It's the old story of who let the horse out of the barn, you won't catch it after it is out. If you have a project, completed, you don't have go back to anyone, it's done and finished. Sign and delivered, the Building Department is taken care of, the engineer, everyone is happy.
- Will Illing: We are saying things are going to be different this time around, unless all the safety matters are taken care of. That means a substantially compete site.
- Balsey Louckes: Weather is a factor in this. If it rains for 3 weeks straight.
- Arthur Rosenshein: I have in front of me, the Town of Fallsburg Planning Board Gamble Estates duplex development site plan resolution draft copy of January 12, 2017. Has everybody read it? There is the usual numerous list of items, including several of which would not allow a temporary CO to be given. I assume the applicant is familiar with the document? You have no objections or changes?
- Jay Zeiger: That document you are looking at incorporates the comments we were able to agree upon with the Building Department.
- Arthur Rosenshein: Anyone have anything to add? No, in that case, a motion for site plan approval for the Gamble Estate duplex development as presented?
 - MOTION:
 - Gary Tavormina motions for site plan approval as presented. Irv Newmark seconded. All in favor.