

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

June 21st, 2017

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

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

Discussion regarding draft Comprehensive Plan and Draft Zoning changes.

- Arthur Rosenshein: The purpose of this meeting is so the Planning Board will be presented the draft zoning, plus to put in comments at this point, and once we have made our comments, then I will ask for public participation. You can ask the consultants. We will follow the usual rules, if you are going to speak say your name so it is in the recording. We should all be civil, if you have something to present, here is where you do that. There is no reason to get angry about it, it is just part of a process.
- Paula E Kay: The documents the board has in front of them, I am assuming you got them very recently. You are going to get a presentation from Jonathan Lochman who is the Town Planner who was hired to work with the Comprehensive Plan Commit and prepare the Comprehensive Plan update as well as the Zoning text and map amendments. All of those are proposed, the Town Board has referred both documents to this board for comment. The Town Board received the documents on Monday night and the Town Board is going to do its own independent review of the entire draft. Nothing is set in stone as of yet. It is a proposal. I believe there will be a Steering Committee meeting as well, at some point in between next Monday's closing of the first public hearing and the Town Board agenda.
- Arthur Rosenshein: I imagine we will have some comments but it is our first presentation of the meeting. What I would suggest, if any of the members here or not here have comments to make, they make them in writing and we can mail them

to Mollie. If you come up with anything to say, that way we can add to the record. Is this a formal public hearing?

- Paula E Kay: It is not a public hearing, there are public comments.
- Arthur Rosenshein: Okay, with that...
- Mollie Messenger: If anybody would like a copy of the Draft Plan or Draft Zoning, you can buy them in the clerk's office. They are half the price of a normal FOIL.
- Paula E Kay: They are also on the Town's website. You can read them or print them there.
- Arthur Rosenshein: Has everybody noticed that the enlarged proposed new zoning map is up there. After the presentation and after we make comment, I'll leave a few moments for people to get up and look. Then we will go to your comments, it's only fair if you get a good look at it.
- Audience: For those who have glasses, can we get a bigger version printed?
- Mollie Messenger: We just have to get that printed, we just need to know you need one.
- Audience: If you look at it online, you can zoom right in.
- Mollie Messenger: Just call the office in the morning or send an email.
- Jonathan Lochman: I am with Nelson, Pope, and Vorhees. Usually from our firm you see Bonnie Franson, she has been the one with the Comprehensive Plan Committee since last July, worked with them through about a dozen meetings. Because of scheduling, she had to be in another community tonight. I have been helping her for the last several weeks on getting the Zoning and Comprehensive Updates complete. I'll be the one helping out tonight. I gave a slide presentation over at the high school on Monday night, where I went over the Comprehensive Plan which is the background, the underpinning of the zoning. I also went through and quickly went through all the Zoning changes. I'm not going to go through the Comprehensive Plan because the charge of the Planning Board is to make comments on the Zoning piece. Of course you can have comments on the plan behind it, but your job tonight is to work through the Zoning and give comments. I have put on your table this slideshow that says Town of Fallsburg 2017 Zoning Update on the first slide. For those of you in the audience that I want to see this, if you go to the Town's website, you can see the slides from Monday night there. Based on the Comprehensive Plan, the first thing that changed were 5 of the purposes of the zoning. They are labeled F, L, M, B, and Q. The ones unchanged are not listed. These are just the new ones. These 5 purposes will tell you, this is how the story starts and all the Zoning changes do these 5 things. Encourage cluster development that conserves open space, insure proper provision of sewage disposal systems, protect ground water and surface water sources, protect the Neversink corridor for its scenic open space, ecological and water supply attributes, and to protect and encourage expansion of the Town's agricultural resources. Those are the new and reinforced concepts in the Plan that got translated into the Zoning document you have before you. On page 2, you will see

the part of the Zoning document piece is the definition section, terms have to be precisely defined in an ordinance so you know what you are talking about. I am not going to read through them all, but this is a list of some definitions that are new to the ordinance and some that are amended. They go from A to S. The amended zoning districts, we use to have a REC-1 and REC-2, REC-2 was merged into REC-1 so there is just REC-1. The same thing happened with I1 and I2. I2 was put into I1 and everything is I1. There is a new Neversink River overlay with special standards to protect water quality of the river. The REC residential overlay is eliminated, its function in the current ordinance is for cluster development, density bonusing, that's not happening in the new plan and new zoning. Cluster development section has been completely rewritten. Cluster developments are now being mandated or strongly encourage throughout the entire Town. The AG1 zoning district has been expanded. The Comprehensive Plan Committee really emphasized agriculture, we had some numbers that really want to make sure that agriculture is reinforced. Those land owners who are getting the tax advantages of being a New York State agriculture district, their support.

- Arthur Rosenshein: I have a couple questions. When you merged the heavy industry and the I1. I didn't see it, a relatively recent copy of the proposed bulk tables, I saw the I2. What is going to be changed or lost, if you can do it easily? From the heavy industry.
- Jonathan Lochman: I have the Zoning districts here, this should help answer. This is a version of section 3.10 attachment 2.7, which is the table parts of the back of the ordinance. In the industrial district, I1 is on page 2.7. On the next page...
- Arthur Rosenshein: Are all the items from the heavy industrial district now to be included in the new combined district?
- Paula E Kay: All the uses.
- Jonathan Lochman: Yes, some things that were really not compatible with industry were taken out, like restaurants, reservoirs, agriculture, nurseries, fairgrounds and amusement parks were taken out of the lists.
- Arthur Rosenshein: So you reduced what was in the light and simply reduced that and added the items from heavy to that. We don't have a lot of industrial, I was curious what we end up with.
- Jonathan Lochman: I have brought with me, redline versions where I can...it will take me a minute to flip through them all.
- Arthur Rosenshein: It is not necessary for me, I don't know if anyone else..
- Gary Tavormina: That's been there for years.
- Arthur Rosenshein: It was the uses I was concerned with.
- Jonathan Lochman: I think in a Town like yours, you don't get industry very often moving into your industrial district, if you did suddenly have a plant nursery there, it would ruin your ability to house an industry that may want to use that space. By eliminating some of the nonindustrial uses from the list...
- Arthur Rosenshein: Why did you include, motorcycle racing, practice tracks, atv,

snow mobile racing? Why was that not eliminated?

- Jonathan Lochman: That is not in the new one.
- Arthur Rosenshein: Mine is only 2 days old. I have it in red here, if it is gone that's fine, it just seems as a non compatible use.
- Jonathan Lochman: It is still there.
- Arthur Rosenshein: I suggest you deal with that one.
- Jonathan Lochman: Good idea, thank you. Consider that your first Planning Board comment.
- Irv Newmark: It's not an industry really.
- Jonathan Lochman: Our intention was to get those oddball uses out.
- Arthur Rosenshein: We've had the issue about the motorcycles before, we don't want it anywhere. At least I don't want it anywhere.
- Jonathan Lochman: Are there any others there that don't look right?
- Arthur Rosenshein: Not offhand, but I don't want to take up all the time with that. It didn't fit your statement so that is why I brought it up. Could you spend a few minutes describing the Neversink overlay?
- Jonathan Lochman: I think if I go through this for like 10 minutes, the Neversink overlay is one of my topics.
- Arthur Rosenshein: Alright that's fine. Does anybody else on the Board have a question what we have seen so far? Okay, amended zoning district.
- Jonathan Lochman: This table shows the changes of acreages from the current map to the proposed. You can see that on the bottom, there are 4 districts that don't change at all. MX, mixed use, neighborhood business, PRD and PUD. Those are staying the same. That's easy. Then if you look up, remember I mentioned that REC-2 was being eliminated and added into REC-1. REC-1 is now roughly 19 to 20 thousand acres. AG1 really increased from 8,374 acres up to 23,000 acres. That is the area beyond the reach of your sewer districts in the northern belt of the Town. That's the biggest change to the map is the AG district north of the last hamlets. The R-1 is also being reduced, B1 is the same. Hamlet residential is within 1 or 2 acres different. The new I1 zone is 712 acres when it was 612 before. That extra 100 acres came from the I2 zone. That's a good mathematical way of looking at the changes between the 2 maps. I will go through quickly by topic, highlights of what has changed within the ordinance in the new proposal. On the bottom of page 38, these are 7 things that are all over the place. There is an issue of who gets to issue fence height waivers at religious uses. It can now be authorized by the Code Enforcement Officer. There is a clarification for farm produce stands and they can be allowed on farms when the farmer doesn't necessarily live at the farm. The landscaping sections now prohibits planting of invasive species. There are lighting standards that now will apply to multifamily or residential developments. Stricter screening and buffering requirements for those public utility buildings, like pump stations, high voltage substations, telephone company switching companies. They need stricter screening. There is an issue about secondary kitchens, some people

want a second kitchen but they're not doing it because they want a second dwelling unit, they are just doing it for their own purposes. That is allowable and can be reviewed by the Code Enforcement Officer. Also, in the R1 district and hamlet, mixed use, B1, neighborhood business, the Planning Board can make sidewalk installation a condition of approval if you want to connect to existing sidewalk networks and make better pedestrian connections in those types of areas.

- Arthur Rosenshein: Can the Planning Board require provision for future sidewalk to be set aside?
- Jonathan Lochman: I will have a look.
- Arthur Rosenshein: Just make a note of it. To give the Planning Board more flexibility. If any of the Planning Board have any questions on the sections we have covered, please go ahead.
- Jonathan Lochman: Then on page 4 there is a summary about duplex developments. The duplex developments are a type of development where each building has 2 families. They are allowed in the R-1 district, they are no longer going to be allowed in the hamlet residential or in the PRD. Those are largely developed areas and the Comprehensive Plan wanted to limit that use to the R1. There are provisions for vegetative buffers for the front yard and perimeters in duplex developments, so natural plantings are preserved. Between the sets of 5 buildings, for every 5 buildings, those are arranged in a pod around a parking area, the ordinance would call for a 75 foot minimum with natural buffer left between the 5 buildings until the next group. Each group of 5 would be separated by 75 feet from the next group of 5 with wooded vegetation left. That's a review of changes to the duplex developments. Special permits and special permit use procedures, there is a provision to send certified mail notices which is consistent with the other types of hearing notices the Town sends out. There was confusion in the ordinance about home professional offices as well as home occupations and having those 2 things in the ordinance was not working. We worked on eliminated the home professional offices, and now everything is a category of home occupation.
- Arthur Rosenshein: Would a home doctor office still be allowed?
- Jonathan Lochman: If it is at their home, it could be a home occupation. If it's not at their home, it would have to fit under medical...
- Arthur Rosenshein: But a dentist could have an office under his own home?
- Jonathan Lochman: Yeah. That issues is just sort of a drafting problem where sometimes there are rules about home professional offices and sometimes there are rules about home occupations. It would lead to confusion. A lot of these things arose out of problems that have collected by the staff and ZBA where definitions had been pointed out to be weird, odd, or trouble. This is a great time to fix those up. Quarry operations, there are NY state DEC rules and different thresholds where the state controls the pits, quarries, mining. We clarified in there that the state regulations do supersede the Town. Then there are new standards for sleep away camps, day camps, and religious retreats. You can find those in the special

permits section.

- Paula E Kay: One of the things we had talked about was to simplify the regulations a little bit to make sure for a similar type of use on the property, that we had similar setbacks for example. I haven't seen that section yet. For a camp or a religious retreat or a duplex development, do we have the same setbacks or is that something still to look at?
- Jonathan Lochman: I would have to go in and read it to answer that questions as to whether if the setbacks are the same. Let me write that down.
- Paula E Kay: It is a concern of mine, I want to make it easier for applicants and the Board.
- Jonathan Lochman: That's a good point, I will work with Bonnie on that to make sure it is as simple as it can be. Having only worked with it a few weeks, I don't know if there are differences, if she has reasons for the things she wants to be different. I'll be sure she works through that issue. On page 5, site plan review. In section 3.10 5.4, it clearly now states what site plans have to show. They are to show the full set of environmental constraints, delineated wetlands, flood plains, steep slopes, the soil mapping units with the soil types, hydric soils. Apparently there has been a problem in the past where the ordinance has regulated certain things but it didn't say clearly that you had to submit information on these certain things. Storm water dilution prevention plan, those are required by the state of New York, DEC. The ordinance now says if an applicant is going to have to present storm water PPP to the state, they also need to give it to the Board as part of the application. The third bullet is a Town house keeping thing, there is an actual law in New York state that the Town has to file the decisions of the Board within 5 business days with the clerk, that gives the clerk applicants their appeal date is keyed to that day of filing with the clerk. That little chore, has to be kept up with. The fourth bullet is about expiration of site plan approval, I guess there had been some issues in the past as people, they get approved by the Planning Board here at the village, then they have to go to the state or the Delaware Commission, they get held up and it takes a year. It's been kind of muddy how exactly their site plan lives or expires, if they have to come back to this Board again. This section clears up those issues.
- Gary Tavormina: On expiration, do they have to show reason for an extension?
- Jonathan Lochman: Yes, and after I go through all of these I can open the book and if you like...
- Paula E Kay: That doesn't necessarily change, what we're trying to is be very clear as to when the expiration is, how many extensions an applicant can get, then they come to you in order to apply for...we are trying to make sure there is clarity, so the Board knows and the applicant knows this is the day your site plan is going to expire. It will not be murky.
- Gary Tavormina: It's murky to a point, does the applicant have to supply a reason
- Paula E Kay: That's up to you. That's not clarified, what will be clarified is the cut

off date.

- Arthur Rosenshein: What happens, it says absolute through your expiration with final construction completed or you must reapply. Even if they are in the latter stages of building and the clock runs out, they must reapply anyway?
- Paula E Kay: Yes.
- Jonathan Lochman: At 3 years, all the time is up for procrastinating or delays. Then you do have to come back for new site plan approval. You guys could make quick work of it if it is all the same. As built modifications to site plans, there has been some controversy when very small changes to the field conditions come up. The ordinance sets up a process that the CEO can approve field changes, very small things. They have to notice the Planning Board if something has been changed. If the Code Official thinks it is a big change, they can send the person back to the Planning Board if need be. That's the site plan review changes in a nutshell. Cluster developments, you'll see that the next three boxes are about cluster development because the Comprehensive Plan Committee and Bonnie Franson when she drafted the ordinance to follow the comp plan, really pinned a lot of the hopes of the Town for making sure that water quality is kept high, run off kept to a minimum, habitats are preserved, wetlands are healthy, really rest on cluster developments and the current system of the Town of dealing with cluster developments hasn't been optimal.
- Arthur Rosenshein: For the purposes of the audience listening, would you tell us what a cluster development is?
- Jonathan Lochman: I'd be happy to. To make it very simple, if you have a 10 acre lot, row size is 10 acres, your zone allows 1 house per acre, you would look at that and say you can have 10 houses. If there were steep slopes, or a creek, or pond, there are deductions from the total area for environmental total constraints. Let's say there is an acre of wet stuff, or steep stuff. You had 10 acres, but for the purposes of calculating the number of houses, you'd have to have 9. What you could do if you wanted to grade less of the land, have shorter roads into the land, have shorter water or sewer lines into the land, you could allow under the cluster development provisions to take those 9 houses and group them together, and have them at 1 corner of the lot. The developed area of the lot would have 9 houses on it, but you could have it on 5 acres. Then have 5 acres left undisturbed behind there and have some trails or a place to walk your dog.
- Arthur Rosenshein: Who would own that?
- Jonathan Lochman: A Home Owner's Association typically, or it could be given to a land trust, some case some people will give it to the Town. I was assuming that you have had some cluster development.
- Arthur Rosenshein: We have but there are people here who do not know.
- Jonathan Lochman: It really is a win win for a lot of different people. It's a win for the developer in that it is less expensive, you could put in a road, water and sewer lines, and parking areas that are half as large, as if you made a big road down the

whole thing with 5 lots on each side with a big cul-de-sac at the end. By clustering, the same number of houses can be developed on the land with much less infrastructure. The environment wins because if there is a wet area on the land, you can stay away from it. If the developer hasn't lost their monetary potential reward, they could still sell 9 houses. The environmental resources are kept free from grading, and less land is stripped of plants.

- Will Illing: Is it fee simple parcels or condo type?
- Jonathan Lochman: When you say the word cluster development, there isn't one way to do it. Cluster development is the idea, how you roll that out...I live in a development in a duplex, we have a yard that we own. The common land we pay dues, we have a share in the common land, so we have a yard the size of this court room. So it is both. We have a piece of land that we own and fee, and we have like a 15 acre park we can use, there is a swimming pool we pay dues to maintain. There is a playground. We both have our own yard and common area.
- Arthur Rosenshein: The type remains the same for the district. Just because you are clustered doesn't change the permitted type of unit.
- Jonathan Lochman: Correct. There's no bonus involved either, it's 9 units no matter how you do it. The process, the applicant need to do the conventional plan to figure out how many houses they could get, they will show the Planning Board if this passes, both a traditional concept and a cluster concept. You will have the authority to tell them to do the cluster if you think it is a better idea. There may be some situations that a cluster doesn't work on the site and that a conventional type of subdivision is better. I can't say a cluster development is the best deal 100% of the time but most of the time you will find it will. If you look on page 5, you will see that cluster developments now apply throughout the Town's residential districts. Environmental features to be preserved are clarified and defined. Wetlands, floor plains, historic properties, farms. You can have a farm in the middle of a cluster development if it is large enough. I have seen a number of those in my travels and work, where you can have a farmer develop 10 or 15 lots around their farm where they can still have their farm, and the farm counts as open space. View sheds can be preserved, water bodies, habitats for endangered, threatened, or special concern wildlife, unique landforms or geological formations, space for trails that may cross the property.
- Arthur Rosenshein: Can the Planning Board waive some of those provisions?
- Jonathan Lochman: Yes. On page 6, the procedures, the subdivisions can submit a cluster layout with a conventional layout, the Planning Board would choose between them. The 50% minimum of the parcel we preserve, what can be changed by the Planning Board depends on the characteristics of the property. Some of the design standards, I won't read them all it become quite extensive. Utilities in cluster developments are typically in the ground. The standard required, and if at all possible, to reuse old farm roads and old lanes that may be on the property rather than create new roads. Preserve stone walls and hedge rows, place buildings at

the edges of meadows or fields, so they don't stick out in the center. Retaining existing vegetation and topography for buffering and screening to minimize grading. Building below ridgeline, if there is a ridgeline on the property you can cluster away from it and it will leave the ridgeline alone. If there are septic systems provided, you can't go down below certain minimum lot sizes for the health rules, but if you provided a packaged sewage treatment plant, you can put units closer together but if you are using septic systems, there are state rules on minimum lot size, and Health Department requirements that will have to be met.

- Arthur Rosenshein: Is the term major subdivision defined so the Planning Board knows where the line is?
- Jonathan Lochman: Yes.
- Arthur Rosenshein: I looked under definition and couldn't find it.
- Jonathan Lochman: I think you'll find it in the cluster provisions themselves. 3.10.14.
- Arthur Rosenshein: I want to make it easier on the Board and Code Enforcement.
- Jonathan Lochman: Some of the other things about it, a lot of people think well couldn't somebody play a trick and 20 years after it is approved and develop the open space. In my practice, I've seen that tried but the proposed ordinance would require a conservation easement, which is a deed instrument recorded with the registry that defies the open space and says it can't be developed. I know you guys aren't on the Planning Board forever, but 20 or 30 years there will be a record that this open space can't be developed. The easement needs to be photo documented with the boundaries marked. Open space maintenance is required, if the Home Owner's Association fails to deal with the open space issues, the Town can come in and take over and charge the home owner's. Those are typical provisions of condominium and cluster developments you'll find in communities around New York.
- Paula E Kay: Before you move on, I have a question, making sure we are persistent throughout. Reading through the cluster, I want to make sure the separation distance for multifamily within the cluster section is the same as the separation distance when we talk about multifamily development elsewhere. And the same with duplexes, just for consistency. For us to globally go through and make sure we are maintaining separation distances, as Mollie and Will will required.
- Will Illing: I will have to look at the zoning more, it is interesting that we have a minimum lot size of 1 acre in AG1 and REC1, minimum lot size in those areas is usually 3 acres. For clustering, we're allowing 1 acre. We need to look at that closer because we are getting high density out there in the country, it's all buildable. 10 acres gets 10 houses roughly. That's for the future water supply of our Town.
- Jonathan Lochman: It is a trade off in that 50% of the land is left undisturbed, whereas if you have 30 acres, you could grade everything and put a road down, then have 10 houses, 5 and 5 each on 3 acres. That would take up the whole 30

acres with 10 lots. Then you could have those 10 homes on 1 acre lots, 10 acres with 10 houses and 20 acres of nothing.

- Will Illing: So your maximum density is really 2 acres per house.
- Jonathan Lochman: The yield is the same but you can reduce the...I wish I had a white board. Imagine a 10 acre square with a road down the center, 5 squares on the left and right side of the road, each square has 3 acres. You get 30.
- Will Illing: I'm saying that 1 house per 3 acres.
- Jonathan Lochman: Under this clustering, it is 1 house per 3 acres, in both scenarios, it's just that in the cluster.
- Michael Kirtack: It is how you set them.
- Jonathan Lochman: You have 20 acres vacant. The overall density is still 1 for 3. Plan resort districts, the only thing changed in those is there was some confusion, when you figure out how many units you can have maximum in a planned resort district, just like everything else in the ordinance, you have to subtract out the environmental constraints in the same manner. That is made consistent. The Neversink River overlay, the idea is that within 750 feet of the river, there be a 10% limitation of lot coverage for impervious surfaces. You have to leave 90% of your lot in grass, plants or vegetation, not gravel, not building footprint, not sidewalk or driveway.
- Arthur Rosenshein: Regardless of whether it is in a flood plain or not.
- Jonathan Lochman: Correct, that's just in the overlay. If it is also in the flood plain, which is probably is as well being that close to the river, then the flood plain management of the village would also apply.
- Arthur Rosenshein: Which supersedes which?
- Jonathan Lochman: FEMA.
- Michale Kirtack: The stricter one.
- Jonathan Lochman: The Planning Board can require conservation easements on the outside of building envelopes, similar to cluster developments under this proposal. If there is a piece of land that has river overlay on it and other areas that are not in river overlay, the Planning Board can require clustering and move the building away from the Neversink River and allow them on the higher portion of the site, away from the river outside the overlay. In no event, can anything be disturbed within 50 feet of the edge of the water, a 50 foot undisturbed buffer. It's recommended to have restricted illumination levels for wildlife of the river. There is a catch all for all the conditions that can be established by the Planning Board. The very last page, Architectural Review Board, this clarifies and lists all the types of developments that the Architectural Review Board will have jurisdiction over, it includes duplex developments, multifamily, townhouse developments, religious retreats, institutional uses, hotels, colleges, nursing homes and adult homes.
- Arthur Rosenshein: Can we add a line in there that says other?
- Mollie Messenger: It is already restricted because they are subsidiary to the Planning Board.

- Arthur Rosenshein: So you can add a line there that says others as recommended by the Planning Board.
- Jonathan Lochman: There is an article 30 on page 198, the last thing in the ordinance.
- Mary Giurastante: I can turn it to if we are naming different developments that would subject to the review, it is a subsidiary board to the Planning Board, it might be violated that they purview over specific development unless we identify every development possible. There might be a legal issue with the kind of entity that it is, if we start to identify there are certain restrictions to what developments they do and do not have.
- Arthur Rosenshein: We can put down such as and use it as examples.
- Jonathan Lochman: You want the Planning Board to have final say.
- Mary Giurastante: Yeah to maintain subsidiary status because a developer could challenge that.
- Jonathan Lochman: That part of it is my presentation. I would refer to you Mr. Chairman how you would want to continue.
- Arthur Rosenshein: The next step I think we should take is questions by the Board members and staff.
- Gary Tavormina: I have a question on the area of Woodbourne, referring to the map. You have a REC-1 area in the area of a residential, a major residential section. If you go up, there is another section that is not even labeled.
- Arthur Rosenshein: Get up and show us.
- Gary Tavormina: I shall try. This is Woodbourne, this is all residential. Beyond that, if you go up Beaver Lane, I will show you on this map here. This is the industrial zone. This is all residential, this is REC-1 adjacent to residential. This road here that goes up, has been divided by lots on both sides of the road for residential reasons, why should it be REC-1?
- Jonathan Lochman: I believe the committee did that because it is not next to the other lane outside the other hamlet, there is some space in between there.
- Gary Tavormina: There's no space.
- Jonathan Lochman: I can ask to look at that. You are interested in having the yellow hamlet residential, the hamlet residential to extend...
- Gary Tavormina: What is this?
- Jonathan Lochman: Right now it is REC-1.
- Gary Tavormina: Why is it divided?
- Jonathan Lochman: It used to be.
- Gary Tavormina: My point is this, if this is a major development right now, and Beaver Lane is a residential area as well, why shouldn't it be REC-1? There is water and sewer there.
- Will Illing: That would have to be confirmed.
- Gary Tavormina: I have water and sewer on Beaver.

- Will Illing: Both sides?
- Gary Tavormina: My side.
- Jonathan Lochman: What you are asking is the REC-1 area you indicated, why isn't it yellow which is R1?
- Gary Tavormina: Yes. It's all residential all the way up that road. Why should you be able to put a ball field up on 20 or 30 acres and destroy a residential?
- Arthur Rosenshein: Further questions Board members? Anything on the staff side at this point? At that point, I will ask it to questions from the audience. Remember we need your name for the minutes, and an amount of civility.
- Brian Manown: There is notably, quite a bit of AG space being added to the overall acreage. I support that completely, if all of that land weren't farmable and Gerry probably knows, even though it may not all be farmable, if it is wooded, forested, and if it's part of the natural habitat, it seems like as it might qualify as coming under some kind of protection. Even if another district needed to be created, like a forest conservation or something. It occurred to me, to balance things out, it may not fit completely under AG classification, if it is wooded, if it is providing a natural habitat for forest, or even if it is just ridges that need protecting for views, some kind of conservation could be created for that purpose.
- Jonathan Lochman: Timber harvesting is considered a type of agriculture under the zoning, it may seem like AG is just growing things that you eat, AG can also be cattle, raising and cutting trees, also the AG allows agribusiness, so you could sell tractors on the AG district too. It's not just a pure setting of fields growing crops. It's not that restrictive in the zoning. Some residential is allowed as well, not all kinds of development, the biggest reason is that area of Town is really beyond the end of any utilities.
- Arthur Rosenshein: In looking at the bulk tables, in the REC zone they can also have agriculture. Agriculture is not restricted to the AG zone.
- Murchi Grunhut: I don't understand the purpose of the Zoning Board, the council members, everything is to satisfy the residents of this beautiful Town. The people who pay their taxes, to accommodate them. I do realize that 15,000 acres has been transferred to farming. Farmers pay taxes here?
- Irv Newmark: They pay the same taxes.
- Murchi Grunhut: I haven't seen cows here.
- Michael Kirtack: It's not just cows.
- Murchi Grunhut: 15,000 acres for farming?!
- Jonathan Lochman: One thing I did bring with me, there many, many land owners that have their land registered as farms and are part of the New York State agricultural district, and are registered with the taxing authorities as farms. The areas where people have registered farms is tracking the agricultural feature. Those maps are available in the Comprehensive Plan. I know we didn't bring plans with us, the Board Members probably don't have these. In the Comprehensive Plan Update, there is a figure called proposed zoning and agriculture. There is another

figure, that is a map of agricultural features and shows where the farms are in the north part of Town, existing farms. They are shown in a mustard color. The layout of the agricultural district by the Comprehensive Plan Committee, was based on where farms are, where land owners have registered their land as farm under the state's program. Not just any old person can fill out a form and become a farm, you have to prove it to the state. They are careful about that. It isn't an arbitrary designation, it is based on where the farms are and where people are registered. The Sullivan County, it's called the agricultural district number 4, they have set up these areas where if you are within their boundaries, you can register your farm with this program. It covers the north side of the Town, beyond Woodbourne and beyond Loch Sheldrake.

- Irv Newmark: There are a lot of horse people. There are people building horse stables and they have 6 horses. I live in Mountindale and I have a guy with 6 beef cows. They may not be large, giant dairy farms. There are people who have these.
- Will Illing: There will be a demand for that land. It will be needed.
- Murchi Grunhut: 6 cows you said?
- Irv Newmark: Not big farms with 100 cows.
- Arthur Rosenshein: Not upstate.
- Paula E Kay: There are all different kinds of farms, farms don't necessarily include animals.
- Irv Newmark: Crops, raise bees. Apple trees. They don't talk or make any noises.
- Karen Loose: You also included in that definition is logging, a farm could include a logging operation. Do you have any idea what percentage of this increase of 15,000 is vulnerable to the logging folks? 6 cows won't take up a lot of area, are the loggers taking up the rest of the area?
- Jonathan Lochman: I don't have a readymade answer for you with acres, but if you look at the use list, there are class 1 and class 2 agricultural.
- Karen Loose: Or would the Board have any sense of looking at that zoning in that area, to what extent does that open up more logging?
- Irv Newmark: It won't open up anymore, this is what usually happens. Usually loggers drive around and when they see marketable trees, they contact the land owner. I believe you have to have a permit to log in the Town of Fallsburg. The best solution is you hire a forester, if a logger approaches, and it usually a 50/50 split. You hire a forester and he gets a percentage, he goes in the woods and marks only the trees that are ready. You don't touch the rest of the trees, you still have the woods. They make them put the tops in piles, it can be done right and it is a good thing when it is done right.
- Arthur Rosenshein: We don't have clear cutting in logging.
- Karen Loose: Has it been increased by 15,000 feet?
- Irv Newmark: No it won't be increased because they can do it now.
- Michael Kirtack: When they go before the Building Department, they have to get a permit and they are bonded to make sure that it is done right, it is inspected and

they don't get their bond back if it isn't done right, correct?

- Mollie Messenger: Logging is beneficial, you need to log off your property to create more property. Logging is a good thing.
- Albert Grund: The agricultural district for properties, will have a reduced more favorable tax rate?
- Arthur Rosenshein: I don't know.
- Michael Kirtack: They get a very minor tax break, it's not large. It's only on a percentage of the land that they actually use.
- Irv Newmark: They have to file, not everyone in there has filed.
- Albert Grund: You can assume there will be a bunch of property owners that will not process.
- Irv Newark: Never been the case.
- Michael Kirtack: When you do what they're talking about, you have to prove that you're walking part of the farm, and that money is going through. You have to spend money and take in money, and you have to keep the records to show that you are keeping it up.
- Jonathan Lochman: Another tough part of that system, if you get tax benefits from some of the farming and then you decide you want to sell it for commercial use or house slots, you may have to pay back some of the tax breaks you got. There are rules on that, it is like a penalty for taking the land out of farm production. To the state.
- James Legary: The only comment I want to make, as a member of this community I have had the pleasure of attending the Comprehensive Planning Board meetings that lead up to everything we are discussing tonight, 2 of the members are here. I know they were appointed by the Board, a cross section of this whole community, the time and effort they put into coming up with what we are all seeing right now, I just want everyone to know that there were a lot of man and woman hours put into this, it wasn't done overnight. I know members of your Board also participated, just for the record I want that made to be clear.
- Arthur Rosenshein: Any other questions? No then we are coming to an end. I would ask the Planning Board members if you have any more questions at this point, any remind you that as you get a chance to read over the information, as questions come up, a lot of the code can be read online, compile them and email them to Mollie's office. So they can be added together and be added to the record. Is there any date by which it should be done?
- Paula E Kay: The Town Board left the public hearing on the Comprehensive Plan open until next week. They are taking written comments and they will take verbal comments during next week's Town Board meeting. That Town Board Meeting, the Town Board has also asked for Jonathan as well as the Comprehensive Plan members to attend.
- Jonathan Lochman: Bonnie will be there too.
- Paula E Kay: Excellent.

- Arthur Rosenshein: The date of that meeting?
- Paula E Kay: That is June 26th at 6PM. The Town Board wants to be able to ask questions of both the members of the committee as well as the planners, in order to hone in on issues and questions they have with the plan. And then there will be a public hearing on the Zoning on July 10th, also at 5:50PM. We don't have a location for that meeting. 5:50PM will be the start of the public hearing.
- Arthur Rosenshein: Anything else to add tonight?
- Jonathan Lochman: I've been asked along with Bonnie, to collect questions at the Code Office, get it to us by Friday night, and we will type up the questions and prepare some answers, so we will start on Monday night by stating the questions and presenting the answers. I will work on some of your questions from this Board, any other questions that you get into the Code Office, they will get them to us and we will talk with you this week about some of these things too. By Monday night, anything people are asking we should have a detailed answer.
- Gerald Skoda: I tried to input some questions this morning on the Town website, and I didn't see a process for doing that.
- Mollie Messenger: Just email me.
- Gerald Skoda: That's what I did. Put a statement in there that they can email you.
- Mollie Messenger: Just use my normal email address and send me the questions that way. There's nothing on the website to get to us. My email address is on the website.
- Arthur Rosenshein: Anything else? In that case, we are adjourned.