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Monday, February 22, 2016
The Town of Fallsburg Town Board
Conducted their Legislative Meeting at Town Hall
19 Railroad Plaza, South Fallsburg, NY
6:00 pm

Present:

Supervisor Steven Vegliante
Councilman Arnold Seletsky
Councilman Nathan Steingart
Councilman Joe Levner
Town Clerk Donna Akerley
Attorney Jacob Billig
Supervisor's Secretary Linda Ingber
Comptroller Scott DuBois

Absent:

Councilman Mike Weiner

5:50 p.m. -Public Hearing for the purpose of considering approval of an extension to the Town of Fallsburg Consolidated Water District to serve Sapphire Development, LLC, SBL 44.-1-15.1

Motion by Councilman Steingart, Seconded by Councilman Levner to open.

** Supervisor Vegliante asked the Town Clerk Donna Akerley to read aloud the Legal notice relating to this public hearing. ** Supervisor Vegliante then asked Jay Zeiger to explain the project.

Jay Zeiger: Displayed a map of the project and explained "This is a map of the parcel. It was approved by the Planning Board. The houses are all going on this area. This area that is shaded in is going to be dedicated to the Town, as an addition to the town's park. Another area is the original project approval where there will be a private sewer plant. If we get the water and sewer extension then this will be part of what is dedicated to the town. Part of the project is already in the water and sewer district I think 600 feet from the road. With or without the sewer extension the project is fine as is. The water and sewer extension would be what we ultimately prefer. We could put the sewer plant in. The area is part of an agreement with the Town that this area would not ever be developed in the future. That is why they talk about conservation that would be in favor of the town. There are 70 units and 77-78 acres. There are 4 bedrooms per unit, 280 in total. They are mostly singles. "

Brian Manown stated: "I do have some concerns about the larger picture not just this development but the development that is being considered around the entire town. I don't know if this is the time to speak on that. These comments are not specific to this development."

Steven Vegliante stated: "I would ask you to talk about this development now. We will have a public comment period in the regular meeting that would be more appropriate. I will call you again in the public comment."

Euadne Giannini stated: "I just have a couple of issues with this it is going to speak directly to the property itself and where it is positioned in Mountaindale. I believe it is coming up on the hill and just before the town park. That is the field on the right hand side. At this point isn't there water and sewer up to that area? With the extension the town water and sewer into that area will that be serviced by the existing water and sewer system? I would like to address that. My property sits on the bottom of the sewer system. I am a year round resident in Mountaindale. During the summer even though we are only in Mountaindale the downtown area which has had extensive economic development to it and private money coming into there the town itself is only about 25% capacity. In the summer they have to draw water from other neighboring aquafers to accommodate the existing number of people in the town. The quality of the water goes down substantially. The sewer is almost at substantial compact capacity. I am questioning whether we have readily looked at our capacity of the Mountaindale sewer. Have we looked at the capacity of our water? Given the fact that this development once water and sewer is brought up to that hill, other developments can easily happen. At what point do we address the existing water and sewer, if we are going to spend money to put a line which automatically opens development to that area the property in the other side? There is still is a capacity issue existing. As a resident of the town I can assure you we don't. Don't draw down my aquafer and see if you have capacity."

Steven Vegliante stated: "It will only affect their property there is no extension above that. We have capacity. Our outside engineers reassured us. This doesn't have any bearing as to what we end up doing. Are you having water issue? Please let Will Illing know. Our water system is town line. If you are having an issue please let Will Illing know."

Brian Manown asked: "There was a question asked, how many bedrooms are involved in the 70 units.

Steven Vegliante stated: "On the report it is 4 bedrooms per unit. It is 280.

Euadne Giannini stated: "We want to know if it is water and sewer all year round or just seasonal.

Jacob Billing stated: "Just so the public is clear when you say primarily seasonal, but it is built as an all year round residence."

Jay Zeiger stated: "Under US Housing code partly needs to be capable for year round occupancy."

Euadne Giannini asked: "So can this housing be used for Casino employees?"

Jay Zeiger stated: "It's not the marketing plan but if the marketing plan changes then yes."

Erna Hutchinson asked: "Is this building development approved already? What is the story about the cost in exchange?"

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Steven Vegliante stated: "Or designing a sewer plant, if we say no on our end they still have the option to go and design their own sewer plant and design a water plant.

Brian Manown asked: "What will happen to the rest of the land there is a lot more property?"

Steven Vegliante stated: "They will certainly have the ability to develop we would maintain our easement for our driveway and not receive that land. Right now we get a forever wild on a portion of the land and clustering of the property which may or may not occur. I am speaking from my own mind not speaking from the point of view of the applicant. They will have the ability to put their own plant in and draw their own wells and service their needs. If they do that we don't get the property that we negotiated for and it is up to the applicant whether they choose to keep it forever wild or not. My guess clustering works for the both sides. That may still happen."

Erna Hutchinson asked: "Is there some exchange of services for right of way? Who pays to put the sewer in?"

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Erna Hutchinson asked: "So no matter what we decide we still have the right of way into Mountaindale Park?"

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Erna Hutchinson stated: "We have had water problems in Mountaindale. They put all the wells together."

Steven Vegliante stated: "I am happy to coordinate a meeting. This is the first time hearing about it. All I have is my town engineer and CDM as well as Barton and Loguidice they have done town and water service. They are telling us we have capacity. If there is an issue in Mountaindale we can lower our take in Mountaindale and fill in from other parts of the town where we have plenty. We should be dealing with this issue."

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Brian Manown asked: "How long ago was this SEQR done?"

Jay Zeiger stated: "The project was actually approved twice by the Planning Board. The first time was four or five years ago. That approval was approved with the private sewer plant. On the property was brought back to the Planning Board I want to say six months ago or could have been nine months ago. That is when it was re-approved with the sewer extension rather than a private sewer one."

Brian Manown asked: "Does that SEQR process, well you can feasibly put three times many homes on that property does the SEQR count for that; or will that have to be done in the future?"

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Paul Hueff stated: "Two very brief questions not clear to me on how this works. The plan to have a private sewer plan was drawn up because why?

Steven Vegliante stated: "This is not really a question but an answer, it really isn't, it is a public hearing if you are concerned about private sewer plants that are a concern. In fact for the most part we try to encourage people to go into our consolidated sewer district rather add package plants to different places because if and when they fail It is a town wide problem that we wind up having to deal with. Every project of course is different. We would in general rather have people in our system where we maintain them instead of package plants popping up all over town."

Euadne Giannini stated: "In regards to the issue of capacity, Steve for the entire of Fallsburg if your concern is to make sure that you put it all on that route. Capacity becomes a really major issue."

Steven Vegliante stated: "It certainly does, you have a project that could be bigger I don't know if it could be dramatically bigger but it certainly could have been bigger. They told us we had capacity in our plant. It was something that we thought overall was a good deal for the town. We are very happy to get public comment. We will take everyone's comments into consideration. Even if this project stands on its own, I imagine a lot of you are going to stay and speak in public comment in the general session. I think the frustration is not just this project but projects in general. We want to hear your concerns. It is something that all five of us are concerned about too. We want to hear from you. Whether or not this project goes forward or with an extension we probably share a lot of your concerns and want to look at this more globally than specifically."

Euadne Giannini stated: "That is something I would want to make an appointment with you at some point to go over concerns."

Paul Hueff stated: "On the right of way, the way it has been stated so far is that the deal is the Town will extend sewer and water to you in exchange for the right of way?" This is like Quid Pro Quo."

Steven Vegliante stated: "We are not under any obligation to grant extensions. Every time there is a rate structure, that rate structure gets paid either way. There is a rate structure coming into the sewer and water district, whether they offer to donate this land or not it will pay for the extension if we approve it. In order to get us to consider it they offered this land around the driveway leading into the park which would improve our park."

Paul Hueff stated: "The town really didn't need that."

Steven Vegliante stated: "We don't really need it to get into the park it makes our park more valuable. It's a big chunk of land that from the road to the base to the actual park we don't own the land we just have a right of way to it. It was something that will sweeten the offer. We thought it was in the best interest of the town. We haven't made a decision yet. We will make a decision coming up at a later time. I am trying to be open to the negotiations that happened in the work session. You guys weren't there for the prior meetings and that is kind of how it was laid out. One of the things we wanted to see is if we could improve the town park."

Paul Hueff stated: "The town would have to pay the 2 million dollars for the extension."

Steven Vegliante stated: "No, only the applicant pays and we are only getting a piece of property and the applicant will pay for the extension, not the town or other taxpayers. Whoever threw out that number was incorrect."

Paul Hueff stated: "It has no influence on the rate structure?"

Steven Vegliante stated: "No the idea is when you buy through the district, there is a report that is done by our engineers you are like a shareholder in a company. You are paying like an equity share into the district."

Jacob Billing stated: "To answer your question theoretically the rates are not going up the minute this development comes on line. They are paying all of the capital costs to extend the district for their property. Their use is the same as everyone else. Those rates are adjusted the board adjusts those rates from time to time based on the towns engineer reports."

Steven Vegliante stated: "So whatever it costs to operate becomes the extension agreement."

Jay Zeiger stated: "Theoretically the rates should go down because from this because there are more users."

Euadne Giannini stated: "This infrastructure needs a break."

Steven Vegliante stated: "As far as the operational rates; 60 units coming into the district town wide is a noticeable difference."

Euadne Giannini stated: "It is a significant difference."

Steven Vegliante stated: "It is significant in certain aspects when it comes to the rates.

Regina Mone asked: "What is your marketing plan?"

Steven Vegliante stated: "This is a public hearing and for the integrity of the public hearing it is not about the project as much as it is about the extension of the water and sewer."

Paul Hueff asked: "Are we able to get more information about the subject?"

Steven Vegliante stated: "There is a whole Planning Board file, you can contact the building department and review it. There were meetings about it.

Regina Mone asked: "Do you mean 5 years ago or more recent?"

Jay Zeiger stated: "I would not know, I am going to say about 3 or 4 years ago. When the project was changed the only material change was to change from private sewer plant to a sewer district extension. The Planning Board did not consider that material change to the project. The number of houses was still the same and the design of the project was the same, they required another Hearing."

Erna Hutchinson asked: "In both cases did we attain 2/3 of conservation land?"

Karen Luse stated: "I am struggling to keep up here. Might have been clarified before, you have the lines going out is one possibility and the plan is another possibility comparing those two possibilities how would they impact the possible development of surrounding areas?."

Steven Vegliante stated: "This line is only getting drawn around their property. So the extension is only within these 70 homes."

Karen Luse asked: "You have gotten it extended out to current. So the lines are already there?"

Steven Vegliante stated: "It is already there, part of the property is in the district."

Jacob Billing stated: "That's where there is confusion. Part of their property has water and sewer within that district and they can build. They are seeking to extend that line. The actual pipe touches their property."

Karen Luse asked: "What kind of an extension are you talking about a mile, a half a mile, 300 feet?"

Jay Zeiger stated: "We are talking about the water and sewer is only at the property. Roughly half of the houses that you see are only in the water and sewer district. The extension is to move the line to extend to add the 32-34 houses that are not already on that line. The actual infrastructure the pipes and stuff are already at the property. Any additional infrastructure being added because of the extension is all internal and privately owned."

Karen Luse asked: "So it doesn't extend out across the bridge?"

Jay Zeiger stated: "We are not running a pipe from here to there that can't be run that doesn't already exist."

Euadne Giannini stated: "Quick clarification; we are not killing the development by not taking the sewer plant extension. You got a development that's good."

Jay Zeiger stated: "Without this extension the existing development is still 70 houses and without this extension going back to the Planning Board they still have the right to go up to 150-155. That is their right to do under the current Zoning Law. They are just not exercising as part of this Quid Pro Quo."

Jacob Billing stated: "You are assuming a package plant will be designed and approved for that project."

Steven Vegliante asked: "Have they gone through the DEC process?

Jacob Billing stated: "DC approved it. Your engineer approved it.

Jay Zeiger stated: "Yes"

Rebecca Pratt stated: "Just to be crystal clear here, I feel there is some confusion. With the town, water and sewage, there is a deal that we are conserving a certain amount of property from being built upon. If they had their own plant we would not have that deal, they could potentially build on that property."

Jay Zeiger stated: "The intention to build this project is to build 70 units and not more than that. I haven't spoken to my client, but my client wants to build a project of 70 units and if the Town Board says no to the extension; they will go back to the Planning Board and see about putting in the private sewer plant and still build the 70 houses and still make the extension and still make the donation to the town. If my client gets totally upset about what is going on, I don't see that happening."

Karen Luse stated: "So this extension will not in any way open up or make easily available other surrounding lands for development. So it is contained in this development let's say there is an extension it kind of curls up inside the development and will have no impact on possible surrounding developers, so they can say oh there is a pipe right there let's just plug in."

Steven Vegliante stated: "They have to come in and have to go through the same process of asking us for an extension. We know they don't own the property in front of our park."

Joe Levner stated: "The major difference, I know what you are saying. The neighbor next door could say I want to hook into this pipe. The difference here though is that right now their property encompasses it in the district partly half of it let's say. So that's a major difference between the neighbors that has nothing available."

Arnold Seletsky stated: "Actually the major difference is that we are the next neighbor the park has hundreds of acres."

Steven Vegliante stated: "Anyone that is not in the district now that would want to be in the district would have to go through the same process and come to the board and ask."

Karen Luse asked: "Now with these extensions, will it make it easier and cheaper for them?"

Steven Vegliante stated: "No the pipes are there, their property is served already. We are not adding any sewer maintenance the main actually goes to their property. We are not extending it down the street farther."

Karen Luse stated: "Unless somebody asks and says they will pay for it and give a chunk of land in exchange."

Steven Vegliante stated: "We would look at it the same way we looked at this. We would ask for your input."

Nathan Steingart stated: "This isn't a decision that we were able to say we don't give them this extension there will be a project. The project is going to happen one way or another. So in my mind I could only speak for myself, what is the best deal you can make for the town. They are going to build whether you like it or not. They are going to have their own plant and the potential for more homes or they are going to gift a large portion to the town. It will give us a buffer for our park and agree to make 2/3 of the property forever green. To me that was the best."

Karen Luse stated: "I think that sounds great, I have to say I am not stupid and it sounds great. I understand all that you may build on the conservancy area we lose that, but do you gain a safety element for our potential developers down the road. You understand what I am thinking."

Steven Vegliante stated: "In general I can tell you that this Board myself included think everyone has become far more critical. We recognize that water and sewer is an asset that this we own. Just giving it away for development may have been what needed to be done to keep the tax rate where it needed to be years ago. It is not that way now. It is a more valuable asset to us as it has ever been in the past. We will be way more critical now than boards in the past

have been in doling it out. That is something we recognize. There are dramatic things happening in this County. If we want to capitalize on it environmentally and economically we need to have a very, very diligent approach to it. In this case we felt t it was a good deal for the town."

Karen Luse asked: "You haven't answered my question, will it make it easier for developers down the road to cap a line?"

Nathan Steingart stated: "In the past we have said yes and in the past we said no. Depending on the project; typically we don't extend water and sewer just haphazardly if a piece of property has a 1/3 of it in the district already we might go a little further and include more if it gets the project built."

Steven Vegliante stated: "One of the things our town engineer has brought to our attention and it is something that I feel and the Board that we don't want a lot of the private sewer plants out there. If or when they fail and there is not an owner to back it up, it falls on the town. If you are all familiar, in Monticello, Melody Lake Water Dept. failed and the Town went deep into debt in the last 2 years to go and take on the water district there. They created a district the average I want to say around in the $10,000 to $12,000 the first bill that every homeowner got to fix something that was a private water company. So we want to try to avoid those issues going forward whenever we can. If there is a decent deal that makes sense we rather have them in our plant, I know in my six years and for a long- time past that we have never had a consent order and never had gone over our capacity. We have a Town Engineer that most Towns don't have. We have top notch facilities. When you tell me you have water issues I am more concerned about everything that came up tonight I am more concerned with that. In all honesty if we can turn off every well in Mountaindale you still get water. If we are having capacity issues then we definitely want to deal with that."

Euadne Giannini stated: "There is water quality issues, storm water run-off issues in Mountaindale that need to be seriously addressed. Neither one of those have been addressed.

Steven Vegliante stated: "After this meeting I will be happily to meet with you."

Euadne Giannini stated: "Storm water management and water quality and sewage issues have to be addressed in terms of a capacity issue for Mountaindale."

Steven Vegliante stated: "I am not arguing the point with you at all."

Paul Hueff stated: "I have this question on further developments. I know that right across the street from Post Hill Road there is a large parcel that went to auction couple of years ago. So I imagine there will be more developments coming along."

Steven Vegliante stated: "If it is on the other side of the street the issue will be very different. They probably don't have running water. If they don't have running water they don't have the ability to build their own plant. It is a very different situation. On this parcel, if you don't have a running stream there is nowhere to put the out vault of the plant. That would probably be a very different scenario. I can't look. I don't know if there is a stream there."

Paul Hueff stated: "The DEC had stopped the development there many years ago and put up two model homes on Hillside."

Steven Vegliante stated: "I know where you are talking about. One of my partners bought a piece of property there and was supposed to be one of the houses."

Paul Hueff stated: "I think the DEC said there wasn't enough perk."

Steven Vegliante stated: "They are fully in the district that wouldn't be an expansion that is a district property. That was done I am going to say the early 80's or mid 80's that they were included in the district. There was actually a right of way coming down into town from that property to catch a sewer line."

Paul Hueff stated: "That is a possibility."

Steven Vegliante stated: "I know that is a possibility along the years and no one has built on it. It is a beautiful piece of property if you walk it."

Paul Hueff asked: "The question I have, some of us were taken by surprise by this, it is our fault for not paying attention, are there any other developments that you are aware of in Mountaindale?"

Steven Vegliante stated: "In Mountaindale, certainly I am not aware of any extension in Mountaindale. There is one potential project but not aware of any other petition to extend right now before us. If no one has anything else to discuss on the water district extension, I am going to ask the Clerk to put the comments from both the sewer and water meetings together and I will ask to open the water hearing at this time."

Motion by Councilman Seletsky, Seconded by Councilman Levner to close Public Hearing.

5:55 p.m. - Public Hearing for the purpose of considering approval of an extension to the Town of Fallsburg Consolidated Sewer District to serve Sapphire Development, LLC, SBL 44.-1.15.1

** Supervisor Vegliante asked the Town Clerk Donna Akerley to read aloud the Legal notice relating to this public hearing. **

Motion by Councilman Steingart, Seconded by Councilman Levner to open.

Supervisor Vegliante stated: "The comments from the first hearing will be included with this hearing and asked if anyone else had any questions regarding the sewer."

(SEE REPEATING COMMENTS AS FOLLOWS):

Brian Manown asked: "I thought the package plants were not allowed in the Town of Fallsburg so I don't know why we are talking about them.

Supervisor Vegliante stated: "I am not sure we can even legally prohibit them. Package Plants are allowed. It is something that the board really wants to look at because we don't want multiple package plants popping up."
Euadne Giannini asked: "Whatever happens with this if there are changes or we decline the offer at this particular point, they will have to go back through the entire process again?"

Supervisor Vegliante stated: "Yes, they would it will then be up to the Planning Board.

Attorney Jacob Billig stated: "The accurate thing is the Planning Board still has jurisdiction on the project.

Supervisor Vegliante stated: "All we are going to consider is the extension."

Councilman Steingart stated: "We do not have the ability to influence them in any way."

Euadne Giannini stated: "I just urge you to really give some consideration going forward."

Supervisor Vegliante stated: "I would ask you to make those comments in the Citizen's Comments portion of our legislative meeting because I feel they are Important."

Brian Manown stated: "I do have some concerns about the larger picture not just this development but the development that is being considered around the entire town. I don't know if this is the time to speak on that. These comments are not specific to this development."

Steven Vegliante stated: "I would ask you to talk about this development now. We will have a public comment period in the regular meeting that would be more appropriate. I will call you again in the public comment."

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Jay Zeiger stated: "The condition of approval and part of the negotiation was the conservation easement in addition to the dedication of department to the town. The conservation was part of the approval process so when SEQR was determined it was determined based on the conservation being in place."

Paul Hueff stated: "Two very brief questions not clear to me on how this works. The plan to have a private sewer plan was drawn up because why?

Steven Vegliante stated: "This is not really a question but an answer, it really isn't, it is a public hearing if you are concerned about private sewer plants that are a concern. In fact for the most part we try to encourage people to go into our consolidated sewer district rather add package plants to different places because if and when they fail It is a town wide problem that we wind up having to deal with. Every project of course is different. We would in general rather have people in our system where we maintain them instead of package plants popping up all over town."

Euadne Giannini stated: "In regards to the issue of capacity, Steve for the entire of Fallsburg if your concern is to make sure that you put it all on that route. Capacity becomes a really major issue."

Steven Vegliante stated: "It certainly does, you have a project that could be bigger I don't know if it could be dramatically bigger but it certainly could have been bigger. They told us we had capacity in our plant. It was something that we thought overall was a good deal for the town. We are very happy to get public comment. We will take everyone's comments into consideration. Even if this project stands on its own, I imagine a lot of you are going to stay and speak in public comment in the general session. I think the frustration is not just this project but projects in general. We want to hear your concerns. It is something that all five of us are concerned about too. We want to hear from you. Whether or not this project goes forward or with an extension we probably share a lot of your concerns and want to look at this more globally than specifically."

Euadne Giannini stated: "That is something I would want to make an appointment with you at some point to go over concerns."

Paul Hueff stated: "On the right of way, the way it has been stated so far is that the deal is the Town will extend sewer and water to you in exchange for the right of way?" This is like Quid Pro Quo."

Steven Vegliante stated: "We are not under any obligation to grant extensions. Every time there is a rate structure, that rate structure gets paid either way. There is a rate structure coming into the sewer and water district, whether they offer to donate this land or not it will pay for the extension if we approve it. In order to get us to consider it they offered this land around the driveway leading into the park which would improve our park."

Paul Hueff stated: "The town really didn't need that."

Steven Vegliante stated: "We don't really need it to get into the park it makes our park more valuable. It's a big chunk of land that from the road to the base to the actual park we don't own the land we just have a right of way to it. It was something that will sweeten the offer. We thought it was in the best interest of the town. We haven't made a decision yet. We will make a decision coming up at a later time. I am trying to be open to the negotiations that happened in the work session. You guys weren't there for the prior meetings and that is kind of how it was laid out. One of the things we wanted to see is if we could improve the town park."

Paul Hueff stated: "The town would have to pay the 2 million dollars for the extension."

Steven Vegliante stated: "No, only the applicant pays and we are only getting a piece of property and the applicant will pay for the extension, not the town or other taxpayers. Whoever threw out that number was incorrect."

Paul Hueff stated: "It has no influence on the rate structure?"

Steven Vegliante stated: "No the idea is when you buy through the district, there is a report that is done by our engineers you are like a shareholder in a company. You are paying like an equity share into the district."

Jacob Billing stated: "To answer your question theoretically the rates are not going up the minute this development comes on line. They are paying all of the capital costs to extend the district for their property. Their use is the same as everyone else. Those rates are adjusted the board adjusts those rates from time to time based on the towns engineer reports."

Steven Vegliante stated: "So whatever it costs to operate becomes the extension agreement."

Jay Zeiger stated: "Theoretically the rates should go down because from this because there are more users."

Euadne Giannini stated: "This infrastructure needs a break."

Steven Vegliante stated: "As far as the operational rates; 60 units coming into the district town wide is a noticeable difference."

Euadne Giannini stated: "It is a significant difference."

Steven Vegliante stated: "It is significant in certain aspects when it comes to the rates.

Regina Mone asked: "What is your marketing plan?"

Steven Vegliante stated: "This is a public hearing and for the integrity of the public hearing it is not about the project as much as it is about the extension of the water and sewer."

Paul Hueff asked: "Are we able to get more information about the subject?"

Steven Vegliante stated: "There is a whole Planning Board file, you can contact the building department and review it. There were meetings about it.

Regina Mone asked: "Do you mean 5 years ago or more recent?"

Jay Zeiger stated: "I would not know, I am going to say about 3 or 4 years ago. When the project was changed the only material change was to change from private sewer plant to a sewer district extension. The Planning Board did not consider that material change to the project. The number of houses was still the same and the design of the project was the same, they required another Hearing."

Erna Hutchinson asked: "In both cases did we attain 2/3 of conservation land?"

Karen Luse stated: "I am struggling to keep up here. Might have been clarified before, you have the lines going out is one possibility and the plan is another possibility comparing those two possibilities how would they impact the possible development of surrounding areas?."

Steven Vegliante stated: "This line is only getting drawn around their property. So the extension is only within these 70 homes."

Karen Luse asked: "You have gotten it extended out to current. So the lines are already there?"

Steven Vegliante stated: "It is already there, part of the property is in the district."

Jacob Billing stated: "That's where there is confusion. Part of their property has water and sewer within that district and they can build. They are seeking to extend that line. The actual pipe touches their property."

Karen Luse asked: "What kind of an extension are you talking about a mile, a half a mile, 300 feet?"

Jay Zeiger stated: "We are talking about the water and sewer is only at the property. Roughly half of the houses that you see are only in the water and sewer district. The extension is to move the line to extend to add the 32-34 houses that are not already on that line. The actual

infrastructure the pipes and stuff are already at the property. Any additional infrastructure being added because of the extension is all internal and privately owned."

Karen Luse asked: "So it doesn't extend out across the bridge?"

Jay Zeiger stated: "We are not running a pipe from here to there that can't be run that doesn't already exist."

Euadne Giannini stated: "Quick clarification; we are not killing the development by not taking the sewer plant extension. You got a development that's good."

Jay Zeiger stated: "Without this extension the existing development is still 70 houses and without this extension going back to the Planning Board they still have the right to go up to 150-155. That is their right to do under the current Zoning Law. They are just not exercising as part of this Quid Pro Quo."

Jacob Billing stated: "You are assuming a package plant will be designed and approved for that project."

Steven Vegliante asked: "Have they gone through the DEC process?

Jacob Billing stated: "DC approved it. Your engineer approved it.

Jay Zeiger stated: "Yes"

Rebecca Pratt stated: "Just to be crystal clear here, I feel there is some confusion. With the town, water and sewage, there is a deal that we are conserving a certain amount of property from being built upon. If they had their own plant we would not have that deal, they could potentially build on that property."

Jay Zeiger stated: "The intention to build this project is to build 70 units and not more than that. I haven't spoken to my client, but my client wants to build a project of 70 units and if the Town Board says no to the extension; they will go back to the Planning Board and see about putting in the private sewer plant and still build the 70 houses and still make the extension and still make the donation to the town. If my client gets totally upset about what is going on, I don't see that happening."

Karen Luse stated: "So this extension will not in any way open up or make easily available other surrounding lands for development. So it is contained in this development let's say there is an extension it kind of curls up inside the development and will have no impact on possible surrounding developers, so they can say oh there is a pipe right there let's just plug in."

Steven Vegliante stated: "They have to come in and have to go through the same process of asking us for an extension. We know they don't own the property in front of our park."

Joe Levner stated: "The major difference, I know what you are saying. The neighbor next door could say I want to hook into this pipe. The difference here though is that right now their property encompasses it in the district partly half of it let's say. So that's a major difference between the neighbors that has nothing available."

Arnold Seletsky stated: "Actually the major difference is that we are the next neighbor the park has hundreds of acres."

Steven Vegliante stated: "Anyone that is not in the district now that would want to be in the district would have to go through the same process and come to the board and ask."

Karen Luse asked: "Now with these extensions, will it make it easier and cheaper for them?"

Steven Vegliante stated: "No the pipes are there, their property is served already. We are not adding any sewer maintenance the main actually goes to their property. We are not extending it down the street farther."

Karen Luse stated: "Unless somebody asks and says they will pay for it and give a chunk of land in exchange."

Steven Vegliante stated: "We would look at it the same way we looked at this. We would ask for your input."

Nathan Steingart stated: "This isn't a decision that we were able to say we don't give them this extension there will be a project. The project is going to happen one way or another. So in my mind I could only speak for myself, what is the best deal you can make for the town. They are going to build whether you like it or not. They are going to have their own plant and the potential for more homes or they are going to gift a large portion to the town. It will give us a buffer for our park and agree to make 2/3 of the property forever green. To me that was the best."

Karen Luse stated: "I think that sounds great, I have to say I am not stupid and it sounds great. I understand all that you may build on the conservancy area we lose that, but do you gain a safety element for our potential developers down the road. You understand what I am thinking."

Steven Vegliante stated: "In general I can tell you that this Board myself included think everyone has become far more critical. We recognize that water and sewer is an asset that this we own. Just giving it away for development may have been what needed to be done to keep the tax rate where it needed to be years ago. It is not that way now. It is a more valuable asset to us as it has ever been in the past. We will be way more critical now than boards in the past have been in doling it out. That is something we recognize. There are dramatic things happening in this County. If we want to capitalize on it environmentally and economically we need to have a very, very diligent approach to it. In this case we felt t it was a good deal for the town."

Karen Luse asked: "You haven't answered my question, will it make it easier for developers down the road to cap a line?"

Nathan Steingart stated: "In the past we have said yes and in the past we said no. Depending on the project; typically we don't extend water and sewer just haphazardly if a piece of property has a 1/3 of it in the district already we might go a little further and include more if it gets the project built."

Steven Vegliante stated: "One of the things our town engineer has brought to our attention and it is something that I feel and the Board that we don't want a lot of the private sewer plants out there. If or when they fail and there is not an owner to back it up, it falls on the town. If you are all familiar, in Monticello, Melody Lake Water Dept. failed and the Town went deep into debt in the last 2 years to go and take on the water district there. They created a district the average I want to say around in the $10,000 to $12,000 the first bill that every homeowner got to fix something that was a private water company. So we want to try to avoid those issues going forward whenever we can. If there is a decent deal that makes sense we rather have them in our plant, I know in my six years and for a long- time past that we have never had a consent order and never had gone over our capacity. We have a Town Engineer that most Towns don't have. We have top notch facilities. When you tell me you have water issues I am more concerned about everything that came up tonight I am more concerned with that. In all honesty if we can turn off every well in Mountaindale you still get water. If we are having capacity issues then we definitely want to deal with that."

Euadne Giannini stated: "There is water quality issues, storm water run-off issues in Mountaindale that need to be seriously addressed. Neither one of those have been addressed.

Steven Vegliante stated: "After this meeting I will be happily to meet with you."

Euadne Giannini stated: "Storm water management and water quality and sewage issues have to be addressed in terms of a capacity issue for Mountaindale."

Steven Vegliante stated: "I am not arguing the point with you at all."

Paul Hueff stated: "I have this question on further developments. I know that right across the street from Post Hill Road there is a large parcel that went to auction couple of years ago. So I imagine there will be more developments coming along."

Steven Vegliante stated: "If it is on the other side of the street the issue will be very different. They probably don't have running water. If they don't have running water they don't have the ability to build their own plant. It is a very different situation. On this parcel, if you don't have a running stream there is nowhere to put the out vault of the plant. That would probably be a very different scenario. I can't look. I don't know if there is a stream there."

Paul Hueff stated: "The DEC had stopped the development there many years ago and put up two model homes on Hillside."

Steven Vegliante stated: "I know where you are talking about. One of my partners bought a piece of property there and was supposed to be one of the houses."

Paul Hueff stated: "I think the DEC said there wasn't enough perk."

Steven Vegliante stated: "They are fully in the district that wouldn't be an expansion that is a district property. That was done I am going to say the early 80's or mid 80's that they were included in the district. There was actually a right of way coming down into town from that property to catch a sewer line."

Paul Hueff stated: "That is a possibility."

Steven Vegliante stated: "I know that is a possibility along the years and no one has built on it. It is a beautiful piece of property if you walk it."

Paul Hueff asked: "The question I have, some of us were taken by surprise by this, it is our fault for not paying attention, are there any other developments that you are aware of in Mountaindale?"

Steven Vegliante stated: "In Mountaindale, certainly I am not aware of any extension in Mountaindale. There is one potential project but not aware of any other petition to extend right now before us. If no one has anything else to discuss on the water district extension, I am going to ask the Clerk to put the comments from both the sewer and water meetings together."

Motion by Councilman Seletsky, Seconded by Councilman Levner to close Public Hearing.

Legislative Meeting as follows:

Sullivan County Democrat
5 Lower Main St., PO Box 308
Callicoon, NY 12723-0308
845-887-5200 Fax: 845-887-5386

Affidavit of Publication

State of New York
SS:
County of Sullivan

Legal Notice Ad

I, Fred W. Stabbert, III, being duly sworn, Depose and say: That I am the Publisher of Sullivan County Democrat, a twice weekly newspaper of general circulation published in Callicoon, County of Sullivan, State of New York; and that a notice, of which the annexed is a printed copy, was duly published in Sullivan County Democrat 2/12/16

Fred W. Stabbert, III

Sworn to before me this 12th day of February, 2016

Susan M. Owens
Notary Public, State of New York
No. #010W8025547
Qualified in Sullivan County
My commission expires on June 1, 2019

LEGAL NOTICE
Town of Fallsburg
Notice is hereby given: The Town of Fallsburg Town Board will conduct a Public Hearing on Monday, February 22, 2016 @ 5:50 p.m., relative to proposed extension of the Town of Fallsburg Consolidated Sewer District for Sapphire Development, LLC, SBL #: 44.-1-15.1. Such public hearing will take place at the Town of Fallsburg Town Hall, 19 Railroad Plaza, South Fallsburg, New York 12779.
BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD
Dated: Friday, February 12, 2016
Donna Akerley
Town of Fallsburg Town Clerk, Tax Collector, Registrar, Marriage Officer, RMO, FOIL Officer & Notary Public
PO Box 2019
19 Railroad Plaza
South Fallsburg, N.Y. 12779
(845) 434-8810 Ext. 1p
(845) 434-8809 f
www.townoffallsburg.com
donna@fallsburgny.com 37359

DONNA AKERLEY
Town Clerk, Registrar
Tax Collector
and Marriage Officer
www.townoffallsburg.com

TOWN CLERK'S OFFICE
TOWN OF FALLSBURG
P.O. Box 2019
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No. #010W8025547
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Town of Fallsburg
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6:00 p.m. Legislative Meeting called to order by Supervisor Steven Vegliante.

Salute to the Flag: By Comptroller Scott DuBois

Supervisor's Report: By Supervisor Steven Vegliante: "Many times in my reports I mention how I wish there were more public comments, so I am really glad to see people taking an interest in being here. Please don't think your presence here is taken for granted or not appreciated because it truly is. I view my job here as a trustee of the Town of Fallsburg. You are electing me and everyone else on this board because you believe we have the intelligence and the desire to see the Town of Fallsburg do better things and become a better place. Development in fallsburg is at an all-time high and when we get into public comment; this project may be specific to a certain group of you who live in Mountaindale and some of you do not. I think you may be here on the subject of where the town is going as far as development and it is something that the Town Board is going to take a closer look at over the next few months. We share a lot of your concerns as well and we want to make sure when developments happen that they are sustainable and the way of life in Fallsburg continues. We don't want it to be degraded any further; we only want it to improve. Just this week I met with Keystone Engineers and their traffic consultant to go out and see what we can do to improve traffic. We are engaging in a traffic engineer to give us a plan. We have had conversations with the NYSDOT in the past and they will continue. They will do anything reasonable to help but from their perspective we actually have a very few number of days where traffic is a problem situation. I made sure to bring them back on a Friday during the summer, however they are not willing to invest but are willing to take a look at anything we propose. As far as water and sewer, we are constantly monitoring our capacity. Our WHO Plant is probably the one we have that is closest to capacity and our Mountaindlae and Loch Sheldrake Plants are in the process of improvements. Even with no growth, you have to stay on top of your plants. They require maintenance. They are coming up on almost 35 years old. They are nearing their useful life so we are putting in improvements. In addition to the DEC, we are in an area called the Delaware River Basin. Not only keeping with them but being in the Delaware River Basin, it actually gets much higher. That goes for both public plants and private package plants. We want the town to be able to grow safely, fairly and we don't want our quality of life to degrade."

Legislator's Report: None

Liaison's Reports: None

Correspondence: By Town Clerk Donna Akerley (See attached)

Citizens' Comment: Euadne Giannini: Voiced her appreciation for the Board truly trying to evaluate developments throughout the region. I do bring up issues in Mountaindale. I am a resident in Mountaindale; there are capacity issues, water issues, storm water issues and enforcement issues that aren't being addressed. If we aren't going to address those, I feel great hesitation to allow further development in the Town of Fallsburg and in Mountaindlae until they are truly evaluated.

Supervisor Vegliante stated: "It isn't a secret; I work with a group that has a significant amount of investment in Mountaindale. They own probably 28 buildings and I am in Mountaindlae a lot. If there are specific issues, I want to meet with you and go over it.

Phil Spechler: "I heard this is going to affect our tax revenue and we will have to pay additional $ 2 million dollars more with this development in taxes.

Supervisor Vegliante: Stated: "No, any cost involved with an extension not only theoretically will be a slight decrease because the district gets bigger and there will be more people within it, but any cost for that will be paid solely by the applicant not by anyone else."

Rebecca _____ : "I am pleased to hear you all will be thinking about plans going forward. We will make an appointment with you so we can discuss our concerns.

Regina Mone: Thanked the board because she feels there is a dialogue they can have in the future. When I was at the Planning Board meeting and we raised many issues; Irving Newmark said that the Planning Board only executes what you tell them to do.

Supervisor Vegliante: "What he probably said was that they are only interpreting the Code we passed. What he means by that is we have a Zoning Code that allows density and setbacks. That is a Local Law that is passed by the town and we made some revisions to that back in 2008. We have already started the process of the code being updates and have asked our Code Company to go through our code and find discrepancies or inconsistencies. The first stage of this is happening as we speak. They are going to give us a report and we will then decide if we are going to amend the entire code we have, do we leave the code as it is or do we make small amendments or do we throw it out and make a new one. Until there is a new code, people will have to operate under the current code.

Phil Spechler: Asked if these are year round developments?

Supervisor Vegliante stated: that all developments that are built today are held to year round standards, but this development is primarily going to be a seasonal development.

Phil Spechler: Sated unless demographics change dramatically he's sure it is going to be a Hassidic Development. Let's get real about it. It is what it is.

Supervisor Vegliante Stated: "I will leave you with this note; one of the things that this Board will always be and no matter what is we don't discriminate, we never will discriminate.

Phil Spechler: Commented that with this type of demographic and cultural change the people that are here all the time, their priorities and concerns now become secondary. The whole thing about everything being discrimination when you bring up another culture is ridiculous. Then what about the fire department? If there are going to be thousands more people we are going to need a bigger fire department and more engines. All these things need to be looked at.

Operations:

Motion # 69

Motion to approve Legislative Meeting Minutes of February 8, 2016.

Motion by Councilman Steingart, seconded by Councilman Levner

Motion Carried 4 Ayes

Motion # 70

Motion to approve 2015 Year End Budget Amendments and Transfers.

Motion by Councilman Levner, seconded by Councilman Steingart

Motion Carried 4 Ayes

Motion # 71

Motion to approve Resolution naming private road within the Town of Fallsburg "Point O Woods Road, Berry Hill Way, Olive Grove Lane, and Granny Smith Loop, at Point O Woods Condominiums.

Motion by Councilman Steingart, seconded by Councilman Levner

Motion Carried 4 Ayes

Motion # 72 – 79 has been TABLED – (Sapphire Development, LLC)

Motioned by Councilman Steingart, seconded by Councilman Seletsky

Motion Carried 4 Ayes

Motion to declare the Town of Fallsburg as Lead Agency relative to the extension of the Town of Fallsburg Consolidated Water District to serve the land of "Sapphire Development, LLC, SBL #44.-1.15.1. **TABLED**

Motion # 73

Motion to declare the Negative Declaration relative to the extension of the Town of Fallsburg Consolidated Water District to serve the land of "Sapphire Development, LLC" SBL #44.-1.15.1. **TABLED**

Motion # 74

Motion to approve SEQR relative to the extension of the Town of Fallsburg Consolidated Water District to service the land of "Sapphire Development, LLC" SBL # 44.-1-15.1. **TABLED**

Motion # 75

Motion to approve Resolution relative to the extension to the Town of Fallsburg Consolidated Water District to serve the land of "Sapphire Development, LLC" SBL #44.-1-15.1.**TABLED**

Motion # 76

Motion to declare the Town of Fallsburg as Lead Agency relative to the extension to the Town of Fallsburg Consolidated Sewer District to serve the land of "Sapphire Development, LLC" SBL #44.-1-15.1. **TABLED**

Motion # 77

Motion to declare the Negative Declaration relative to the Town of Fallsburg Consolidated Sewer District to serve the land of "Sapphire Development, LLC" SBL #44.-1-15.1. **TABLED**

Motion # 78

Motion to approve SEQR relative to the Town of Fallsburg Consolidated Sewer District to serve the land of "Sapphire Development, LLC" SBL #44.-1-15.1. **TABLED**

Motion # 79

Motion to approve Resolution relative to the Town of Fallsburg Consolidated Sewer District to serve the land of "Sapphire Development, LLC" SBL #44.-1-15.1. **TABLED**

Motion # 80

Motion to set time and date for Public Hearing relative to Local Law # ___ of 2016 entitled "Revision and Increase of Town Development Fees, Section 135-10 of the Town of Fallsburg Municipal Code." Said Public Hearing will be held on Monday, March 14, 2016 @ 5:55pm at the Town Hall, 19 Railroad Plaza, South Fallsburg, and NY.

Motion by Councilman Levner, seconded by Councilman Steingart

Motion Carried 4 Ayes

Finance:

Motion # 81

Motion to review and approve Warrant #02B16 dated 2/17/16 in the amount of $624,294.20.

Motion by Councilman Levner, seconded by Councilman Steingart

Motion Carried 4 Ayes

Motion # 82

Motion to review and approve Warrant #02C16 dated 2/17/16 in the amount of $1,316,524.47.

Motion by Councilman Levner, seconded by Councilman Steingart

Motion Carried 4 Ayes

Motion # 83

Motion to award bid to Deckelman Trucking for 1-A Low Abrasion Non-Wappinger Crushed Limestone.

Motion by Councilman Steingart, seconded by Councilman Levner

Motion Carried 4 Ayes

6:59 p.m. Motion to adjourn Legislative Session

Motioned by: Councilman Steingart, seconded by Councilman Seletsky

Motion Carried 4 Ayes

Donna Akerley, Town of Fallsburg Town Clerk

RESOLUTION NAMING A PRIVATE ROAD WITHIN THE TOWN OF FALLSBURG

WHEREAS, Point O Woods Condominiums is a residential development which is located off of Route 42, Town of Fallsburg, County of Sullivan; and

WHEREAS, County Brook, LLC, the project developer, desires to name the interior roadways of the property, Point O Woods Road, Berry Hill Way, Olive Grove Lane, and Granny Smith Loop, as shown on the site plan annexed hereto;

WHEREAS, The Town of Fallsburg and the local fire department want to positively promote and support the development and provide emergency services to all interior roadways within the Point O Woods development;

NOW, THEREFORE, BE IT RESOLVED that the Town of Fallsburg names the private roads to be constructed within Point O Woods Condominiums, Point O Woods Road, Berry Hill Way, Olive Grove Lane, and Granny Smith Loop, all as referenced on the site plan map attached hereto.

Moved by: Councilman Steingart

Seconded by: Councilman Lerner

VOTE: 4 Ayes
0 Nays

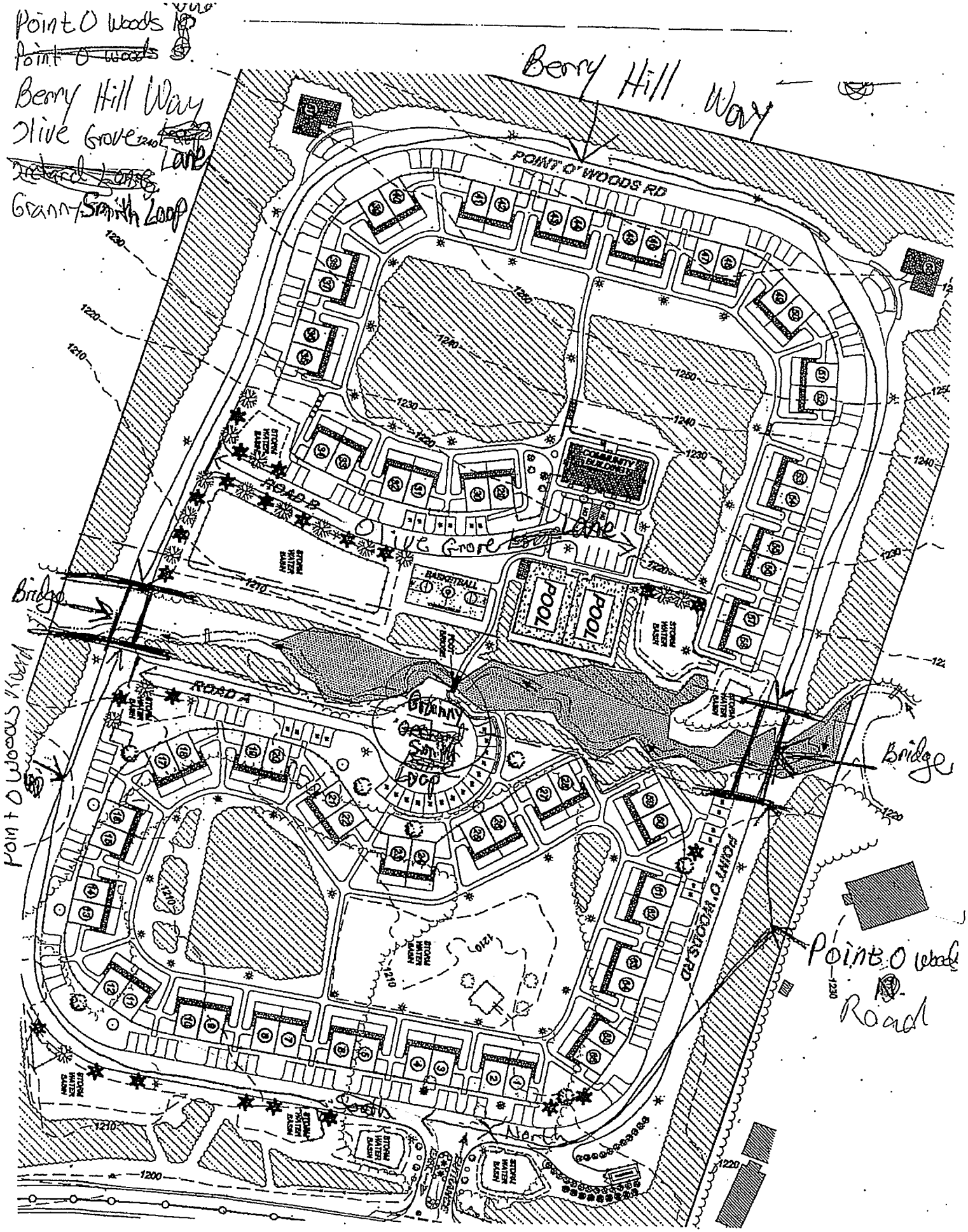
Adopted on Motion this 22 **day of** February, **2016**

I, **DONNA AKERLEY**, Town Clerk of the Town of Fallsburg, do hereby certify that I have compared the foregoing copy of a Resolution with the original thereof now on file in my office, and that the same is correct therefore and the whole of said original.

WITNESS, my hand and seal of said Board the 23 day of February, 2016.

Donna Akerley

Donna Akerley, Town of Fallsburg Town Clerk
Dated: 2-23-16


Point O Woods Rd
~~Point O Woods~~
Berry Hill Way
Olive Grove Lane
~~Orchard Lane~~
Granny Smith Loop
Berry Hill Way
POINT O' WOODS RD
COMMUNITY BUILDING
ROAD B
Olive Grove Lane
BASKETBALL
POOL
POOL
Bridge
ROAD A
Granny Smith Loop
Bridge
Point O Woods Road
South
North
Point O Woods Road

Jeffrey Mulinelli
Director of Probation II

Sullivan
COUNTY CATSKILLS
Mountains of Opportunities

Tel.: (845) 807-0351
Fax.: (845) 807-0384

Sullivan County Probation Department
Sullivan County Government Center
100 North Street - PO Box 5012
Monticello, NY 12701-5012

February 4, 2016

Simmie Williams
Town of Fallsburg Police Chief
P.O. Box 568
19 Railroad Plaza South Fallsburg, NY 12779

Re: Criminal Complaint

Dear Chief Williams:

On Monday February 1, 2016 Tonya Martin(Currently employed as a Senior Probation Officer with our department) notified your agency that her private residence had been broken into and along with personal items her duty weapon had been stolen. Within approximately three hours of obtaining the initial call, officers from your department had apprehended the suspects and recovered the duty weapon as well as some of Officer Martin's personal items.

On behalf on Ms. Martin, myself, and my entire staff we would like to extend to you and your staff (Especially the superior efforts put forth by Detectives Hartman and Pavese)our sincerest gratitude for a job well done.

Respectfully,

Jeffrey Mulinelli
Director of Probation II