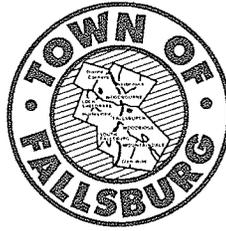


**DONNA AKERLEY**

*Town Clerk, Registrar  
Tax Collector  
and Marriage Officer*

www.townoffallsburg.com



**TOWN CLERK'S OFFICE  
TOWN OF FALLSBURG**

P.O. Box 2019  
19 Railroad Plaza  
South Fallsburg, New York 12779  
Phone: (845) 434-8810 Ext. 1  
Fax: (845) 434-8809

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**Monday, September 12, 2016  
The Town of Fallsburg Town Board  
Conducted their Public Hearings & Legislative Meeting at the  
South Fallsburg Community Center  
12 Laurel Avenue, South Fallsburg, New York 12779**

**PRESENT:**

**Supervisor Steven Vegliante  
Councilman Mike Weiner  
Councilman Nathan Steingart  
Councilman Joe Levner**

**Town Clerk Donna Akerley  
Supervisor's Secretary Linda Ingber  
Comptroller Scott DuBois  
Attorney for the Town Paula E. Kay  
Code Enf. Officer Mollie Messenger**

**ABSENT:**

**Councilman Arnold Seletsky**

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

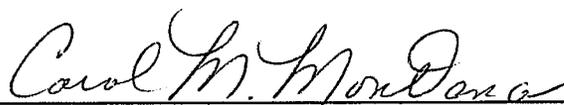
Legal Notice Ad

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 8/26/16



Fred W. Stabbert, III

Sworn to before me this 26<sup>th</sup> day of August, 2016



Carol M. Montana

Notary Public, State of New York  
Sullivan County Clerk's #2041  
Commission Expires Dec. 12, 2018

**LEGAL NOTICE**  
TOWN OF FALLS-  
BURG

Notice of location  
change for Fallsburg  
Town Board Meet-  
ings

PLEASE TAKE  
NOTICE: The Town of  
Fallsburg Town Board  
meetings for the fol-  
lowing dates have  
been changed to the  
locations as noted:

Monday, Septem-  
ber 12, 2016 Public  
Hearings & Legislative  
Meeting will be con-  
ducted at the Commu-  
nity Center located at  
6 Laurel Avenue,  
South Fallsburg, New  
York 12779

Monday, Septem-  
ber 26, 2016 Public  
Hearings & Legislative  
Meetings will be con-  
ducted at the Commu-  
nity Center located at  
6 Laurel Avenue,  
South Fallsburg, New  
York 12779

BY ORDER OF  
THE TOWN OF  
FALLSBURG TOWN  
BOARD

Dated: Friday,  
August 26, 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, NY 12779  
(845) 434-8810  
Ext. 1 p

(845) 434-8809 f -  
www.townoffalls-  
burg.com  
donna@falls-  
burgny.com 43310

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

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is a printed copy, was duly published in  
Sullivan County Democrat 8/30/16



Fred W. Stabbert, III

Sworn to before me this 30<sup>th</sup> day of August, 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,  
September 12, 2016  
@ 5:45 p.m. relative to  
a "Application of UTA  
of KJ for a hardship  
variance from the  
Town of Fallsburg's  
Residential Moratori-  
um Local Law." Such  
public hearing will  
take place at the Town  
of Fallsburg Town  
Hall, 19 Railroad  
Plaza, South Falls-  
burg, NY 12779.

BY ORDER OF  
THE TOWN OF  
FALLSBURG TOWN  
BOARD

Dated: Friday,  
August 19, 2016

Donna Akerley  
Town of Fallsburg  
Town Clerk, Tax Col-  
lector, Registrar, Mar-  
riage Officer, RMO,  
FOIL Officer & Notary  
Public

PO Box 2019, 19  
Railroad Plaza

South Fallsburg,  
NY 12779

(845) 434-8810  
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burg.com  
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burgny.com 43357

**5:45 p.m. - Public Hearing relative to the matter of the Application of UTA of KJ for a Hardship Variance from the Town's Residential Moratorium Local Law.**

**Motion to open up Public Hearing motion by Councilman Weiner, seconded by Councilman Levner**

**Jay Zeiger:** "This is an existing summer camp UTA. There has been an application pending in front of the planning board for approximately 2 years now, in order to build an addition to an existing dormitory building, they want to build an addition to that building. The application also had other features to it, building an additional swimming pool an extension to the kitchen. The applicant is a large piece of property 128 acre parcel; they operate the camp all the operations centered on this property; the proper assembly that has the lot coverage and the density of this property. Basically the building is at capacity or beyond capacity. The project is to reduce overcrowding that exists. At the June Planning Board meeting, the only open issue was the design of the septic. The septic include that building. The irreparable harm is here is this existing property has been operating here in town for an excess of 15 years. They have spent an excess of \$60,000 already for approval of this project. They don't have a place for their students or staff. The students have moved out and the staff has moved in. We have showed why we are irreparable and I think we did by inability to service our population. The other is to grant a variance we are so close with the approval process. We are passed the 11<sup>th</sup> hour. "

**Councilman Joe Levner:** "So if that error wasn't made in the number of students, you wouldn't be here?"

**Jay Zeiger:** "Actually it was picked up after the initial approval. There are 1300 to 1400 students."

**Rebecca Pratt:** "The noise that weekend actually was a large event at the camp. I did contact Jay spoke to Jacob via email. There has not been any noise this summer season. I appreciate that."

**Diane Ebeling:** "I am a South Fallsburg resident. I noticed that the building is going to hold up to 200 more people. Earlier meeting we had a gentleman who works for the town said that our sewer system was already overloaded as of 1985. I want to know if this going to be another tax for our sewer system?"

**Supervisor Steven Vegliante:** "In general this will not be a give and take. I will note that was a public speaker. For your record we have never exceeded our capacity of our plan."

**Diane Ebeling:** "He said it was built in 1984 and in 1985 was obsolete."

**Supervisor Steven Vegliante:** "Well technology changes. I will let you know our plans are all licensed. They will never exceed it. Part of our overall capital plan will be to increase capacity in places. That's not necessarily what we are here for today as far as the Moratorium waiver. That is something that has to be in a course of approval by the Planning Board. That is something of the staff will let the applicant know at the Planning Board level what the available capacity is."

**Diane Ebeling:** "Will this be pulling water from the wells?"

**Supervisor Steven Vegliante:** "Our water system is all wells. Capacity as far as water is a Planning Board issue."

**Poonam Suzanna:** "I am interested in knowing, you said 250 more students, how many more staff to take care of those students and the building that you said that is not so up to standard, that is going to house the staff can it at any time you change your mind and put more students in that building."

**Jay Zeiger:** "We didn't say that there were going to be 250 more students. What we said that this building has a capacity of 250 students."

**Supervisor Steven Vegliante:** "The net increase based on this application and staff and or students should not exceed the building." In students and or staff this application the limit would be too thin. That is the full number."

**Brett Buddy:** "This gentleman here said that the plan would have passed if it wasn't for the error. The plan hasn't even been looked over by the board. I am in support of the Moratorium."

**Supervisor Steven Vegliante:** "It was not us, whatever time he gets in front of the Planning Board they will then have to review his new plan."

**Erna Hutchinson:** "I don't think this is a hardship. I think it is an inconvenience that 250 people have to stay where they are or they have fewer campers in the camp. I think the Moratorium is to help not overload the whole system. I think they can wait until after the Moratorium. Then if it works out they can move their people into the water sewer district or fill up with 250 more people."

**Carol Bell:** "I am just curious how it is documented that there are 1500 persons in the other building to begin with. I also wanted to say that I am in support of the Moratorium."

**Supervisor Steven Vegliante:** "For the purpose of the Moratorium I don't know how that is irrelevant to our Board."

**Ken Walter:** "There are two things that come to mind. Originally it was a septic field and now you want to go into the town system. The septic field to me is not an issue because it is less demand on the septic system by switching it now it is putting in a demand that wasn't there before. The stress is if they are overcrowded now, my question is in the future, is what will stop them from coming back and having overcrowded conditions and what will stop them from doing that all over again."

**Karen Luse:** "Can you define overcrowding? How many kids to a room? How big is the room?"

**Jay Zeiger:** "The best way I can answer that is we are govern by the health department of how many people we can have. The property owners have their own guidelines they want each of their students to have reasonable space for their clothing, books for their supplies to live in just as we all want to live. Because the building is not there based on the number of people that are there, there are more people in rooms that they prefer."

**Supervisor Steven Vegliante:** "So that everyone is clear the only thing this Board has power to do tonight is to allow the project to be heard at the Planning Board or not during the course of the Moratorium. So if we do not grant them a waiver then the project is just on hold until the Moratorium expires. If we grant the waiver they can go back to the Planning Board during the Moratorium and have their project reviewed. Anything you say here is important to us."

**Maryann Halchak:** "I am in agreement I don't believe this an extreme hardship. It sounds like more of a convenience. That certainly doesn't mean it is a hardship. I support maintaining the Moratorium."

**Jay Zeiger:** "I don't want to say I am offended by the comments about the hardship, first of all the legislation talks about irreparable injury. In this instance you are talking about students that are part of their program that they will have to tell them you can't come to our religious programs next summer because we do not have the housing for you. In my eyes that is irreparable injury."

**Lois Maliga:** "Talking about irreparable damage the entire purpose of a Moratorium is to assess what our environment can bear. If we allow hardship cases such as this come in and take over before we assess what we can absorb, how we plan for our future utilization of our resources that is severely irreparable damage to our environment."

**Rabbi Cohen:** "I am the principal of the UTA School in Monroe. I am the camp director of this camp. I have 43 years education. All my life I have been part of the kids. I can tell you one thing we are trying to place these kids. Town of Fallsburg should be proud of yourself and neighbors, that you have a facility here that takes over a thousand kids, kids that come from broken homes, where father and mother are broken. I work with them all year. These kids get so much happiness. Each student has 30 square feet of space and there is 1 teacher for every 10 students."

**Donna Harness:** "My understanding there is a Moratorium here. So maybe one of the options is to either go somewhere else or wait for the Moratorium to be lifted."

**Karen Luse:** "I hope the Board will consider how long that the camp had 13 to 1400 students which is their current number and run effectively."

**Poonam Suzanna:** "I know from what I have seen the some of the staff actually stay outside of the property maybe that can be a solution."

**Motion by Councilman Steingart, seconded by Councilman Weiner to hold open Public Hearing for written comments until Friday, September 16, 2016 @ 5:00 pm**

**Motion Carried 4 Ayes**

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

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Sullivan County Democrat 8/30/16



Fred W. Stabbert, III

Sworn to before me this 30<sup>th</sup> day of August, 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,  
September 12, 2016  
@ 5:50 p.m. relative to  
a "Application of  
Prime Vista, LLC for a  
hardship variance  
from the Town of  
Fallsburg's Residen-  
tial Moratorium Local  
Law." Such public  
hearing will take place  
at the Town of Falls-  
burg Town Hall, 19  
Railroad Plaza, South  
Fallsburg, NY 12779.  
BY ORDER OF  
THE TOWN OF  
FALLSBURG TOWN  
BOARD  
Dated: Friday,  
August 5, 2016  
Donna Akerley  
Town of Fallsburg  
Town Clerk, Tax Col-  
lector, Registrar, Mar-  
riage Officer, RMO,  
FOIL Officer & Notary  
Public  
PO Box 2019, 19  
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NY 12779  
(845) 434-8810  
Ext. 1p  
(845) 434-8809 f  
www.townoffalls-  
burg.com  
donna@falls-  
burgny.com 43356

**5:50 p.m. – Public Hearing relative to the matter of the Application of Prime Vista, LLC for a Hardship Variance from the Town’s Residential Moratorium Local Law.**

**Motion to open up Public Hearing motion by Councilman Weiner, seconded by Councilman Levner**

**Jay Zeiger:** “The project that we are proposing consists of 46 houses, each has an individual lot. This has an application submitted to the Planning Board would have been on the July 2016 meeting but because of the Moratorium it was not on the meeting. If the Board would recall the design of the property we had 2 different options, option one had 26 duplex houses with 52 dwellings. Under the town duplex law this project could have been done without going to the Town Board for water and sewer.”

**Supervisor Steven Vegliante:** “I remember the project in my head the number is 26 and 52 for the record.”

**Jay Zeiger:** “We then came to the Town Board this is not the project my client wanted to do. Instead this is the project they wanted to do. That parcel would be owned by the Homeowner’s Association fee simple lots and lower density. Property owner closed on property in good faith of the Town Board, supports project.”

**Carol Bell:** “It sounds to me that the sewer district has to be extended.”

**Supervisor Steven Vegliante:** “When they came to the Board they had a plan to show 52 units within the sewer district and a condominium form of ownership. They considered extending it so they can have single family homes and not condos and be less density. On those bases the Town did extend the water sewer district.”

**Councilman Nate Steingart:** “Some of the property was already in the works.”

**Supervisor Steven Vegliante:** “The project could have been 52 units within the district. We extended the district to include their property with the understanding that they will lower the density to 46 units.”

**Carol Bell:** “My last question is 46 homes are that one story or two stories. How much occupancy does that actually encompass 46 homes?”

**Supervisor Steven Vegliante:** “Under the code that is all done by the Planning Board as well. But the occupancy they can build the same amount with any district either way.”

**Carol Bell:** “What is a regular single family house, I am just curious?”

**Jay Zeiger:** “It is usually 4 bedrooms.”

**Steve Gordon:** “By extending did you actually purchase it on June 9<sup>th</sup>? The Moratorium was already being talked about and was being voted on. You made a financial decision knowing that a Moratorium was in the works.”

**Jay Zeiger:** “We made a financial decision of the expiration of the due diligence period by that point the significant money that once they elected not to cancel for the diligence period they had a few hundred thousand dollars at risk.”

**Supervisor Steven Vegliante:** “You have until Friday to produce anything you want us to review on that.”

**Poonam Suzanna:** "To clarify we are still picking up the hardship of the sewer and water, the Town, our community is still picking that up whether it was before or after the Moratorium, it is still coming into that system."

**Supervisor Steven Vegliante:** "Just so everyone is aware at some point in regardless of the Moratorium the Town Board will need to look at alternatives to expand our sewer and water. At some point if there is no capacity regardless of the Moratorium projects will not get building permits. Nothing will get built if there is no capacity in the plans."

**Karen Luse:** "The question that was asked last time when we did this, what is the hardship of waiting 10 to 16 months?"

**Supervisor Steven Vegliante:** "That is something that the Board has to review and when the record is closed on each project that is what we have to work on and make a determination."

**Motion by Councilman Levner, seconded by Councilman Weiner to hold open Public Hearing for written comments until Friday, September 16, 2016 @ 5:00 pm**

**Motion Carried 4 Ayes**

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

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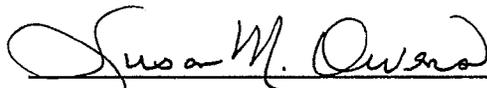
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Fred W. Stabbert, III

Sworn to before me this 5<sup>th</sup> day of August, 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 FALLS-  
BURG

Notice is hereby given: The Town of Fallsburg Town Board will conduct a Public Hearing on Monday, September 12, 2016 @ 5:55 pm relative to a "Application of Rachves Estates, LLC for a hardship variance from the Town of Fallsburg's Residential Moratorium Local Law."

Such public hearing will take place at the Town of Fallsburg Town Hall, 19 Railroad Plaza, South Fallsburg, NY 12779.

BY ORDER OF  
THE TOWN OF  
FALLSBURG TOWN  
BOARD

Dated: Friday,  
August 5, 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,  
NY 12779

(845) 434-8810  
Ext. 1 p  
(845) 434-8809 f

www.townoffalls-  
burg.com  
donna@falls-  
burgny.com 42765

**5:55 p.m. – Public Hearing relative to the matter of the Application of Rachves Estates, LLC for a Hardship Variance from the Town’s Residential Moratorium Local Law.**

**Motion to open up Public Hearing motion by Councilman Weiner, seconded by Councilman Levner**

**Jay Zeiger:** “This is what the project that is proposed that is front of the Planning Board it consists of 99 houses with 49 duplexes and one single. It is on Route 42.”

**Kirk Rother:** “This is a 50 acre parcel that was known as the Harden parcel, on the west side of Rt. 42. ”

**Jay Zeiger:** “This project has been pending in front of the Planning Board since December 2014. The property had some challenges because a good portion of it is in a flood area. So we needed a bunch of staff meetings with the Planning Board, engineers, and Planning Board consultants to determine exactly the lot count where the houses could be located inside and outside the flood zone. We eventually reached an accommodation that satisfied the engineers concerns, the projects concerns. We are at the final stages of completion.”

**Kirk Rother:** “We removed units out of the flood plans. This started back in 2014 we had staff meetings in March and attending a Planning Board meeting on April 15. With this plan we then began dealing with agencies in connection to the project because we are on State Route 42, DOT, NYSEG powerline, we are on the river so we had some flood issues to deal with. We had DEC involved. We had to redesign the plan to accommodate NYDEG powerline. We submitted plans to DOT. We finalized things with NYSEG. We are at the point to have a public hearing.”

**Jay Zeiger:** “Again going through your Moratorium legislation the first thing it talks about the purpose of the Moratorium is to prevent applicants from running to the Planning Board asking for approval knowing or perhaps there is a change to the zoning law. This has been pending since 2014. This was a project at its final approval. Expenses exceeded over \$120,000.”

**Poonam Suzanna:** “I appreciate all the efforts you put into this. You can’t drive through the Town of Woodbourne it is really hazardous. Maybe off the main road you can also build a town to support these people.”

**Jay Zeiger:** “I grew up in Brooklyn so driving from one end to Woodbourne to another on a summer evening or day takes me 3minutes or 30 seconds. But to go from my home in Brooklyn to the same 5 blocks it took me 3 times longer. Yes there are parking and traffic issues.”

**Carol Bell:** “At the same time of being sympathetic, it just sounds like continuation of business as usual, as supposed to the purpose of the Moratorium to wait for any new guidelines that benefit the entire community, to protect the whole community resources.”

**Erna Hutchinson:** “I still don’t agree this is a hardship. I think that they been through a long process. Each process has improved the situation.”

**Mary Halchak:** “I feel that the Board has to consider the irreparable harm to the entire town, if all these projects get approval to ignore the Moratorium and go ahead in front of the Planning Board. We have to consider the traffic the effect on the environment. Earlier in the year it was reported that 1200 units were going to be built it will increase the population by 57% that is extreme. We really need to observe the Moratorium and find out how we are going to proceed.”

**Yits Brazel:** “While I respect the opinions of everybody of the Moratorium, we all respect the Moratorium, because of the longevity of this town we have to do something. The same law that passes the Moratorium there is a provision that anybody has a hardship and they can prove they have a hardship then the law doesn’t exist for them.”

**Rivki Pinkasovitz:** “The Moratorium is to consider the projects beforehand. These are projects that were done beforehand.”

**Jim Sullivan:** “The Moratorium didn’t just happen. It didn’t just turn on. It took a while for it to occur. It is to protect the whole community. There variances should not be given away based upon reasons like this.”

**Karen Luse:** “I struggle with this because I really didn’t understand a lot of what was said, which was limiting in terms of responding to it. So the 2 hardships are the money spent and lost and because it is at its 11<sup>th</sup> hour. I hope the Board will take a look at these that it is at its 11<sup>th</sup> hour. What are the ramifications mean to the developer and the town. Somewhere there had to be a line drawn. So somebody was going to be caught at the 11<sup>th</sup> hour. I think the Board should look at it carefully. If it is in their favor then fair is fair.”

**Yits Brazel:** “The Zoning in Fallsburg was changed a year and half ago. No business person that buys property has to think that with a year and half that the Zoning will change again. The people that are here that are business people money cost money, to tell a person who spent a half million dollars to wait another 18 months. It is a lot of money. Money is expensive.”

**Sima Bernat:** “50 acres became available right near our location. We met with staff meetings again and again, prior to purchasing it, to make sure that the property could be developed, only then we purchased the property in mind. We did not expect Moratorium to come our way. We went through all nine yards whatever was expected of us. We did the research no one in Woodbourne did the research. We put a lot of money into the project. All these homes are taxable.”

**Jay Zeiger:** “I just want to respond to 2 issues that were on the public hearing. First of all the money that was made from the purchase price and the development fees, purchase price was done before there was talk of Moratorium. The development fees were paid way before the Moratorium. I feel it is critical that you make a distinction between future projects and existing projects. At the time that the Moratorium was adopted there were about a half a dozen projects that were coming to the Planning Board on a regular basis. The unfairness and injustice here and irreparable harm here are the hardship here are to the projects that without knowledge of Moratorium based on the current zoning and projects that existed in the town, they came here on good faith. They worked on the project and spent a good amount of money.”

**Donna Harness:** I wanted to say is if we allow these projects to go through there is no point on having the Moratorium.”

**Mary Lederman:** “I think that the consequence of a Moratorium is its own purpose to help the quality of life in this town. I hope the Board continues its course.”

**Motion by Councilman Steingart, seconded by Councilman Weiner to hold open Public Hearing for written comments until Friday, September 16, 2016 @ 5:00 pm**

**Motion Carried 4 Ayes**

6:00 p.m. Legislative Meeting called to order by Supervisor Steven Vegliante.

Salute to the Flag:

**BY: Supervisor Steven Vegliante**

Supervisor's Report:

**BY: Supervisor Steven Vegliante:** "Thank you everyone for being here, it is great aspect of running an effective government. The projects you heard today and the 3 public hearings are all part of an ongoing process by this Board that will take us to next week. There are a lot of hearings. The Board will then compile the entire record and review the entire record get info from our staff and make decisions. It is not lost on this Board that the process of Moratorium is a solemn one. There are standards that have to be met. We will review and the comments of the public are not lost. To be effective there must be a condition for a waiver. We have to look at undue hardships and that we as a Board will look at. I do want to thank our staff for a lot of work that will come from this, our town Engineer, Lawyer and Attorney. They keep records for us so we can help make a decision. Who would like to touch on being 15 years as of Sunday as of 911, I think that it is a moment of where we were. I try not to miss the names that go by. I know on this board and everyone here knew someone. In regards to patriotism and standing for the pledge, I know we are a small town in Upstate New York, I proudly stand for the flag and proud to be an American."

Legislator's Report:

**NONE**

Liaison's Reports:

**BY: Councilman Joe Levner:** "On Sunday I attended the opening of the Art Building at the Center. It is very impressive and beautiful there. The week before there was dedication of the Hurleyville basketball courts another facility by the Center that the public will get a lot of use by."

**BY: Supervisor Steven Vegliante:**"I unfortunately I was out of town wasn't able to attend the opening at the Art Center this weekend. But last weekend I was a no show at the courts. I just want to thank the Center for bringing one of my favorite players and alumni from St. John's University to meet the kids. I think it was a great experience for the kids of Fallsburg. Looking forward to pickle ball, there are a lot positive being done here in the Town of Fallsburg."

Correspondence:

**NONE**

Citizens' Comments:

**David Fanslau:** "The Center is very excited about the basketball courts and art center and thank you for your comments. As we are bringing the realization of the rest of the improvements to the Hamlet of Hurleyville that has been planned here for a couple of years, there are a couple of items in your agenda that will set the formal process in motion the contracts for the sidewalk program and parking lot to get done. Glenn Smith will be overseeing these projects and report to the Town Board. One issue I text it to the supervisor and lawyer to request is an area right in front our Hurleyville market at 238 Main

street become a no parking zone. A couple of weeks ago a child were hit by a car. I would appreciate it if you can add it to your agenda.”

**Operations:**

**Motion # 221**

Motion to set a time and date for a Special Meeting for the purpose of holding Public Hearings relative to Hardship Variances from the Town’s Residential Moratorium Local Law for September 27, 2016 at 5:00 p.m.

**Motion by Councilman Steingart, seconded by Councilman Weiner**

**Motion Carried 4 Ayes**

**Motion # 222**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Sulco Development Corp, a/k/a Royal Estates for a Hardship Variance from the Town’s Residential Moratorium Local Law for September 26, 2016 @ 5:30 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Steingart**

**Motion Carried 4 Ayes**

**Motion # 223**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Yeshiva Zichron Mayir for a Hardship Variance from the Town’s Residential Moratorium Local Law for September 26, 2016 @ 5:35 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes**

**Motion # 224**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Mountain Crest Mobile Home Park for a Hardship Variance from the Town’s Residential Moratorium Local Law for September 26, 2016 @ 5:40 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes**

**Motion # 225**

Motion to set time and date for a Public Hearing relative to the matter of the Application of 1613 East 29 LLC a/k/a/ Willow Woods for a Hardship Variance from the Town’s Residential Moratorium Local Law for September 27, 2016 @ 5:00 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Steingart**

**Motion Carried 4 Ayes****Motion # 226**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Congregation Mazah for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:05 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Steingart**

**Motion Carried 4 Ayes****Motion # 227**

Motion to set time and date for a Public Hearing relative to the matter of the Application of YLPF Hasbrouck Property, LLC for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:10 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Steingart**

**Motion Carried 4 Ayes****Motion # 228**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Congregation AHVH (Camp Summerville) for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:15 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes****Motion # 229**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Vodas, LLC for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:20 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes****Motion # 230**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Mountindale Estates for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:45 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 3 Ayes - 1 - Abstain (Supervisor Vegliante) 1 - Absent (Councilman Seletsky)**

**Motion # 231**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Sunny Day, LLC for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:30 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 ayes**

**Motion # 232**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Whittaker Road Association for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:35 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 ayes**

**Motion # 233**

Motion to set time and date for a Public Hearing relative to the matter of the Application of Sullivan County Venture Capital Corp for a Hardship Variance from the Town's Residential Moratorium Local Law for September 27, 2016 @ 5:40 p.m. at Community Center, 12 Laurel Avenue, South Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 ayes**

**Motion # 234**

Motion to reject the Hurleyville Parking Lot West of Main Street Project Bid.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 ayes**

**Motion # 235**

Motion to authorize Town Clerk to rebid Hurleyville Parking Lot West of Main Street Project. Bid Date to be announced.

**Motion by Councilman Levner, seconded by Councilman Weiner**

**Motion Carried 4 Ayes**

**Motion #236**

Motion to authorize the creation of an Escrow Account for the Center for Discovery, Inc. for professional engineering work for the Fallsburg Town Board as assigned to Glenn L. Smith, P.E. for projects in Hurleyville.

**Motion by Councilman Levner, seconded by Weiner**

**Motion Carried 4 Ayes**

**Motion # 237**

Motion to approve Public Hearing Meeting Minutes of August 22, 2016.

**Motion by Councilman Weiner, seconded by Steingart**

**Motion Carried 4 Ayes**

**Motion # 238**

Motion to approve Resolution to Authorizing Supervisor to sign transfer documents for Walter's Way, Kile Farm Road and Butler Lodge Road from Center for Discovery to the Town of Fallsburg.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes**

**Motion # 239**

Motion to accept resignation of Ron Singer from the Planning Board effective immediately.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes**

**Motion # 240**

Motion to appoint Michael Kirtack to the Planning Board effective immediately through December 31, 2019.

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes**

**Motion # 241**

Motion to adopt grievance procedures for Section 504 (ADA Compliance) related complaints.

**Motion by Councilman Weiner, seconded by Councilman Steingart**

**Motion Carried 4 Ayes**

**Motion # 242**

Motion to pass a resolution to request a "NO PARKING" zone on the east side on Main Street (CR 104) at 238 Main Street in the Hamlet of Hurleyville, NY

**Motion by Councilman Weiner, seconded by Councilman Levner**

**Motion Carried 4 Ayes**

**Finance:**

**Motion # 243**

Motion to review and approve Warrant #0916 dated 9/7/16 in the amount of \$422,580.67.

**Motion carried by Councilman Levner, seconded by Councilman Steingart**

**Motion Carried 4 Ayes**

**Motion # 244**

Motion to review and approve Warrant #09A16 dated 9/7/16 in the amount of \$167,493.10.

**Motion by Councilman Weiner, seconded by Steingart**

**Motion Carried 4 Ayes**

**Executive Session:**

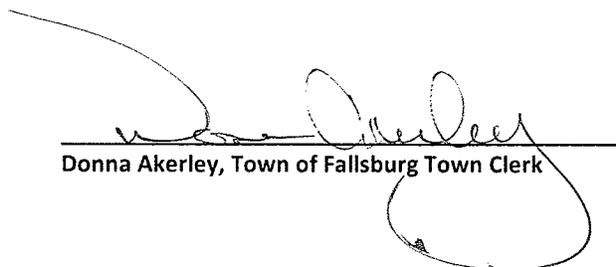
**7:30 p.m.** Motion to enter into Executive Session as set forth in Public Officers Law Sec. 105 (1)

Regarding: **Personnel Matters**

Motioned by Councilman Levner Seconded by: Councilman Steingart

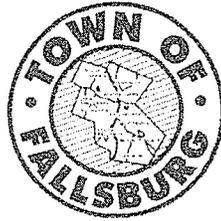
**7:40 p.m.** Motion to adjourn Executive Session & Legislative Meeting

Motioned by Councilman Weiner Seconded by: Councilman Steingart



Donna Akerley, Town of Fallsburg Town Clerk

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



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**RESOLUTION NO 236 TO AUTHORIZE THE CREATION OF AN ESCROW ACCOUNT FOR THE CENTER FOR DISCOVERY, INC, FOR PROFESSIONAL ENGINEERING WORK FOR THE FALLSBURG TOWN BOARD AS ASSIGNED TO GLENN L. SMITH, P.E. FOR PROJECTS IN THE HAMLET OF HURLEYVILLE**

**WHEREAS**, The Center For Discovery, Inc. has proposed a number of projects in the Hamlet of Hurleyville, which will require Professional Engineering work for the Town Board, to be assigned to Glenn L. Smith, P.E., as determined by the Town Board; and

**WHEREAS**, Since Glenn L. Smith, P.E. is also the engineer on record for the Center for Discovery, and has appeared before the Town on many instances and projects as the Center for Discovery's engineer, the Town will require that the Town's Consulting Engineer, Keystone Associates Architects Engineers and Surveyors, LLC conduct independent inspections of the Professional Engineering work that Glenn L. Smith is overseeing, and all such bills for Keystone's work shall be paid by the Center For Discovery, Inc.; and

**WHEREAS**, The Center For Discovery, Inc. has agreed to establish a Professional Engineering escrow account with the Town Clerk, for work that the Town Board assigns to Glenn L. Smith, P.E., for its projects in the Hamlet of Hurleyville, including the realignment of Greber Road; Sidewalk and curb construction project on Main Street CR 104; Municipal Parking Lot west of Main Street; coordination for traffic signal at Main Street and Railroad Avenue; coordination with the NYSDOT funded Hurleyville Rail Trail project with the Town Engineer; and other matters mutually agreed upon between The Center For Discovery, Inc. and the Town Board; and

**WHEREAS**, The Center For Discovery, Inc. will establish an escrow account for Professional Engineering work performed for the Town Board by Glenn L. Smith, P.E. in the amount of \$7,000, with the Town Clerk; and

**WHEREAS**, A second escrow account shall be established by The Center for Discovery, Inc. for Professional Engineering work performed for the Town of Fallsburg by Keystone Associates in the amount of \$4,000.00; and

**WHEREAS**, At such time that either escrow account has a balance of less than \$1,000.00, The Center for Discovery shall be notified by the Town, and shall replenish the account within ten (10) business days; and

**WHEREAS**, The Center For Discovery, Inc., shall be provided with a statement by the Town Clerk, with an itemization of the charges for the work assigned by the Town Board to Glenn L. Smith, P.E., and Keystone Engineering for the matters delineated above.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Fallsburg hereby authorizes the Clerk to establish Professional Engineering escrow accounts with the Town Clerk, for work that the Town Board assigns to Glenn L. Smith, P.E., as well as for review of said work by Keystone Associates for its projects in the Hamlet of Hurleyville, including the realignment of Greber Road; Sidewalk and curb construction project on Main Street CR 104; Municipal Parking Lot west of Main Street; coordination for traffic signal at Main Street and Railroad Avenue; coordination with the NYSDOT funded Hurleyville Rail Trail project with the Town Engineer; and other matters mutually agreed upon between The Center For Discovery, Inc. and the Town Board; and

**BE IT FURTHER RESOLVED** that, The Center For Discovery, Inc. will establish an escrow account for Professional Engineering work performed for the Town Board by Glenn L. Smith, P.E., in the amount of \$7,000, with the Town Clerk and \$4,000.00 for Keystone Associates; and

**BE IT FURTHER RESOLVED** that, The Center For Discovery, Inc., shall be provided with a statement by the Town Clerk, with an itemization of the charges for the work assigned by the Town Board to Glenn L. Smith, P.E and Keystone Associates for the matters delineated above; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to The Center For Discovery, Inc.

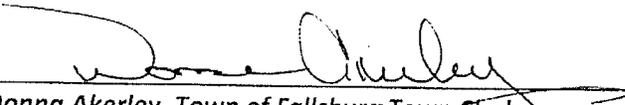
**BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD**

**MOVED** by Council Person Steingart, **SECONDED** by Council Person Weiner

**VOTE:** 4 Ayes  
0 Nays  
1 Absent (Councilman Seletsky)

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 12 day of September \_\_\_\_\_ 2016.

  
*Donna Akerley, Town of Fallsburg Town Clerk*

(Town Seal)

DONNA AKERLEY  
*Town Clerk, Registrar  
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RESOLUTION NO 242

**TO REQUEST A "NO PARKING" ZONE ON THE EAST SIDE ON MAIN STREET (CR 104) AT 238 MAIN STREET IN THE HAMLET OF HURLEYVILLE**

**WHEREAS**, The Center For Discovery, Inc. which owns and operates the Hurleyville Market at 238 Main Street in the Hamlet of Hurleyville has requested that the Town of Fallsburg Town Board formally request that the County of Sullivan establish a "No Parking" zone on the East side of Main Street (CR 104) at 238 Main Street in Hurleyville; and

**WHEREAS**, a young child was struck by an automobile traveling on the traveled way of CR 104 in August 2016; and

**WHEREAS**, The establishment of a "No Parking" zone on the east side of CR 104 at 238 Main Street in the Hamlet of Hurleyville will improve site distance toward the south for pedestrians, as well as vehicles stopped at Cole Street; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Fallsburg hereby requests the Sullivan County Superintendent of Highways (Commissioner of the Division of Public Works) to establish a "No Parking" zone on the east side of CR 104 at 238 Main Street in the Hamlet of Hurleyville, Town of Fallsburg, County of Sullivan; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Sullivan County Manager, Sullivan County Superintendent of Highways (Commissioner of the Division of Public Works, the Sullivan County Attorney, the Clerk of the Sullivan County Legislature, the Chief of the Fallsburg Police Department, the Sullivan County Sheriff, and The Center for Discovery, Inc.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to The Center for Discovery, Inc.

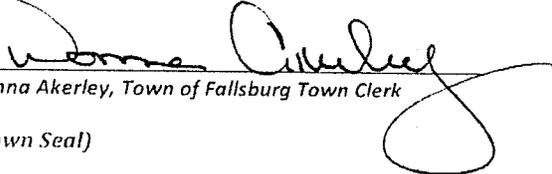
**BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD**

**MOVED** by Council Person Weiner, **SECONDED** by Council Person Steingart

**VOTE:** 4 Ayes  
0 Nays  
1 Absent (Councilman Seletsky)

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 12 day of September 2016.

  
Donna Akerley, Town of Fallsburg Town Clerk

(Town Seal)