

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

## TOWN OF FALLSBURG ZONING BOARD MEETING

January 21st, 2016

Steve Burke, Chairman, Jason Pantel, Paul Lucyk, Joe Puccio, Richard Levine, Board Members, George Sarvis, Code Enforcement, Paula E. Kay, Deputy Town Attorney.

- Steve Burke called the meeting to order.
- December minutes approved.

### OLD BUSINESS:

1. SUN RAY COTTAGES, INC. – SBL# 60-1-4.2 – Requests an area variance to increase the height of a replacement bungalow unit #'s 25/26 to 1 ½ stories within a bungalow colony. Zone: REC-1. Acres: 6.66. Location: 57 LaVista Dr., So. Fallsburg

- Jay Zeiger and Larry Hartman represented.
- Jay Zeiger: This is a bungalow colony. We were here 2 months ago on this project and it was modified and we are back for the variance. We're seeking 2 variances tonight, this is what exists currently. This is what we're proposing. The 2 variances we need are on the height on the replacement building with the flat roof it is 12 feet 10 inches. With the change it is 26 feet. The second thing is on the bungalow colony rules, there can't be a second floor. They're proposing to create a loft on the second floor about a third or quarter of the size of the entire second floor. A quarter of the second floor will be living quarters. We also want you to know that we have pending in front of the town Planning Board, based upon a variance given to allow a duplex development to convert this to a duplex, we have that site plan under review.
- Paula E Kay: What's the name of that application?
- Jay Zeiger: Same name as this. That application involves renovating some of the existing bungalows and constructing additional bungalows. The whole colony is being upgraded and improved. In terms of the area that's being converted into a loft, this is the area of the second floor that will be a living area. There was a proposal for a bathroom on the second floor, that has been eliminated. The first floor is 900 square feet, the second floor would be 276 square feet. This is kind of upstairs view. This is the building we're

talking about now, this is the next building over. We're kind of tracking what's already there. If you look at both this building...

- Steven Burke: That second story on the next building, is it just storage?
- Larry Hartman: Yes. It is a bungalow.
- George Sarvis: I believe there are 2 or 3 dwellings in that.
- Jay Zeiger: If you look at what this one looks like, and if you look at what we're proposing here, it may not fit into the classic definition of a bungalow, but it fits with what a normal house would like throughout the town. It's not out of character. The idea is to keep it consistent. The only other thing I want to do is go over the reasons why we meet all the definitions or conditions for a variance. The criteria for a variance, the first is if there would be an undesirable change in the character of the neighborhood or a detriment to nearby properties. I think the opposite is true here, it is making the colony nicer. It is consistent with the house in the colony now. It is consistent with residential use. I don't think this has any impact outside of the bungalow colony itself, and the other owners are in favor.
- Paul Luck: How many of those units are in the colony now?
- Larry Hartman: Existing 3 units, and we want 2 more.
- Paul Lucyk: Is that the only one that looks like that now?
- Larry Hartman: The flat roof? 28 have a flat roof. There are 2 buildings exactly like that. There is one before the Planning Board with an angle. I brought a better picture so you can see. The next building has a full second floor that we're not going to do. We're just trying to occupy the attic that is 8 feet high. They have huge dormers. Again, we are just trying to have some loft space.
- Paul Lucyk: It's a 2 family. The upstairs would be an extra room for the 1 family.
- Jay Zeiger: This is a 3 being converted to a loft area.
- George Sarvis: We had previously approved (inaudible).
- Jay Zeiger: The second requirement is whether the benefit can be achieved by a method feasible other than a variance. I would submit that the only way it can be achieved is by not building a sloped roof, but because it is a nonconforming bungalow colony, virtually anything we want to do is going to require a variance.
- Jason Pantel: If the board approves this to become a duplex complex, this wouldn't be an issue, yes?
- Paula E Kay: Correct.
- Jason Pantel: You're in front of the Planning Board now?
- Jay Zeiger: Yes.
- Jason Pantel: What's the sense of this?
- Larry Hartman: The Planning Board is for additional units in the back and this is...
- Jason Pantel: If it's going to be changed into a duplex...
- Larry Hartman: No not the whole complex.

- Jason Pantel: That's how they do it.
- Larry Hartman: There's still existing 3 bungalows....
- Jay Zeiger: Paula I don't want to give the interpretation, we get a variance from here to develop the rest of the property as a duplex development, and that is pending if you'd like to see. This is what is pending in front of the Planning Board now, the proposal is to build these new duplexes over here and the other units are going to be converted.
- Jason Pantel: You can't leave it a bungalow colony because you can't expand a bungalow colony. You're going to change into a duplex, you're going to change the bungalows to duplexes. Once you change into a duplex, you can put a second story on a duplex.
- Paula E Kay: Jay, you understand that?
- Jay Zeiger: I understand what he's saying, and if what he is saying is the interpretation then I feel that is a satisfactory result. Then he can build what's proposed without the variance.
- Steven Burke: And go forward with the project.
- Paula E Kay: I would very much prefer that rather than set a precedence that this board is approving a bungalow that is more than 1 story.
- Jay Zeiger: Can we complete the public hearing?
- Paula E Kay: I think the board would not act on the application.
- Jay Zeiger: Let's assume we go to the Planning Board next month, they say they don't like the project and we are denied. I don't think that can happen because we have the variance now.
- Paula E Kay: They would change it up, they can't deny it. I think it will go much better for you, I think it will be more favorable to add this into your site plan before the Planning Board rather than have this board set a precedence.
- Jay Zeiger: The building is already in the site plan. The proposal before the Planning Board is to convert it from 3 to 2. We didn't discuss with the Planning Board the height.
- Paula E Kay: You will put that in and show it and let it be part of your site plan.
- Larry Hartman: Everything is separately owned. I own that parcel. As of now, maybe we shouldn't vote. Maybe for now, I can only build a flat roof. Maybe no vote on the second floor, but just to increase the height. The owner doesn't want to build more units, he is reducing the amount of units. Just so I can go forward with the Building Department, not build a second floor but at least to get going. A flat roof wouldn't make sense to build.
- Steven Burke: You want the second story.
- Paula E Kay: You need to be clear with the Planning Board that you're not going to make changes to a building before their board.
- Jay Zeiger: Can we hear from the public and then adjourn this? Then we'll come back and speak to you again.

- Steven Burke: I don't think this board is going to act until they hear about your change over to the duplex complex. Anyone here from the public?
- Gary Kalcher: I was just wondering if we allow this to be a 2 story building, then maybe all bungalows should be allowed to be 2 story. I don't think this is a precedence, I think this is about if this is what the town wants.
- Steven Burke: The town wants to take not so nice looking buildings lived in all summer long and replace them with nice looking buildings. This board will take that trade. The minute you showed me the picture of the property next door with the second floor, I originally had a problem but the photography helped. It belongs there, and I am pretty sure the Planning Board will feel that way too. You need to go through with that anyway. Postpone for 30 days?
- Jay Zeiger: I don't think we'll be done with the Planning Board in 30 days.
- Steven Burke: You could always just not come.
- Jay Zeiger: Okay. Thank you.

2. SUSHI BOATS – SBL# 18-2-2 – Requests an area variance to reduce the required front yard setback on an existing single story structure to allow for the addition of a second story and requests a variance to allow two signs on the property. Zone: MX. Acres: Location: Rt. 52, Loch Sheldrake

- Kirk Rother represented.
- Kirk Rother: We were here last month for an area variance asking for the second story for the Beach Comber. We have fit 31 car spaces on the site and 4 bus spaces. Last month the board had us do the 239 review, which I saw come into my inbox today. While we were at it, we also took the opportunity to add the sign variance. The project architect presented this to the ARB. The proposal has 2 building mounted signs on the side.
- Steven Burke: I have no issues with the signs. Anybody have any questions? Mailings.
- George Sarvis: Doing them right now.
- Jason Pantel: You did what you said you were going to, it's a pleasure.
- Paula E Kay: We went through this application pretty extensively last month. We needed to renote because there was a slight timing issue with the notices. Essentially we have to open the public hearing again.
- George Sarvis: Mailings are good.
- Steven Burke: Any questions? No. Anyone hear from the public?
- Gary Kalcher: My only concern is that the noise. They are building a large deck there. I know the other business had loud parties at night. Is this open after 10? Is this open during the week? What is the plan?
- Kirk Rother: I haven't spoken to the owner about hours. I don't think it will be open past

10.

- Steven Burke: On Shabbas on Saturday, that's when they will make all their business.
- Paula E Kay: This is also going before the Planning Board, if it makes it past this board. Those kinds of things, hours and lighting, definitely will be something to raise there as well.
- Gary Kalcher: When will it be there?
- Paula E Kay: Most likely in February.
- Steven Burke: There will definitely be action there at night on the weekends for 2 and a half months.
- Gary Kalcher: There are noise laws, but I notice there are people that do not adhere.
- Kirk Rother: I will bring that up to the applicant.
- Discussion.
- Steven Burke: Anyone else from the public? So public closed. Any violations?
- George Sarvis: Nope.
- Steven Burke: We'll do the questions. Whether the benefits can be achieved by other means to the applicant?
- All board members say yes.
- Steven Burke: Undesirable change in the neighborhood character or nearby properties?
- All board members say no.
- Steven Burke: Whether request is substantial.
- 1 board member says yes, all others say no.
- Steven Burke: Whether request will have adverse physical or environmental effects?
- 1 board member says yes, all others say no.
- Steven Burke: Did you cover that rain drainage going into the lake? Any DEC issues?
- Kirk Rother: No we're under an acre of disturbance. We're hoping to keep a portion of the parking lot gravel which would help.
- Steven Burke: Whether the alleged difficulty is self created?
- All board members say yes.
- Steven Burke: Lead agency?
- Paula E Kay: You're doing the sign and everything together?
- Steven Burke: The sign, the second story, the parking, and the deck. Everything. I have no issues with the sign.
  - MOTION:
  - Richard Levine makes a motion for negative dec. Jason Pantel seconds. All in favor.
  - MOTION:
  - Jason Pantel motions to approve as presented. Richard Levine seconds. All in favor.

NEW BUSINESS:

1. GOLDBERG /DORFMAN PROJECT – SBL# 39A-1-45/39A-1-47 – Requests an area variance to increase the fence height from the allowable 6 feet to 8 feet. Zone: R-1. Acres: .01. Location: Laurel Ave., So. Fallsburg.

- Mr. Dorfman and Mrs. Dorman represented.
- Mrs. Dorfman: I would mention that the mailing was done for 2 months ago. I called up that morning and Denise apologized and said she would take care of getting the mailing in for this one. This is what I sent out.
- Paula E Kay: We're unaware of that unfortunately.
- Mrs. Dorfman: It was sent. It was scheduled for today.
- Paula E Kay: This was sent for the December meeting, and this is January.
- Mrs. Dorfman: She said she would take care of this.
- Steven Burke: We can't by this.
- Mrs. Dorfman: She said she would take care of this.
- Paula E Kay: What I would suggest is move forward with your application. We're going to make a determination if the mailings went out.
- Steven Burke: It's not legally okay.
- Paula E Kay: We're going to need some proof that mailings went out in January at 7 nights before tonight. If not, we're going to have to put this off until next month. Do your presentation.
- Steven Burke: Well step forward and let us know what you're going to do.
- Mr. Dorfman: The back of the house faces Laurel Ave, it is open. I am looking to make an 8 foot fence for some privacy.
- Steven Burke: You have a picture for what kind of fence you want to put up.
- Paul Lucyk: That's the back of the house? Can I see that?
- Mr. Dorfman: Yes. That's the road.
- Paul Lucyk: Where is the fence going?
- Mr. Dorfman: 15 feet away from the road.
- Steven Burke: The only problem anyone on this board would have, if we do it for you, it's hard for us to not do it....in a community like this everyone will want it. I understand you want your privacy, but that's the problem we run into here.
- Joe Puccio: Instead of a stockade fence, a chain link fence with the slots. You're looking for 8 feet.
- Mrs. Dorfman: Part of the reason for 8 feet instead of 6, there is a hill in back of the

house, the road comes down the hill, anyone driving down can see straight into the porch and back yard. That's why we wanted a little higher.

- Steven Burke: You want to go from 6 to 8. 6 would be adequate?
- Mrs. Dorfman: If it were flat.
- Steven Burke: You can see that the 2 feet would do it for you?
- Mrs. Dorfman: Yes.
- Steven Burke: Just in the back?
- Jason Pantel: And the sides.
- Mr. Dorfman: The sides, yes.
- Steven Burke: The whole side, the whole back. Okay.
- George Sarvis: Is any of it close to the road?
- Mrs. Dorfman: 15 feet in.
- George Sarvis: We should have a number coming off the road where it will be setback, line of sight will be an issue for sure even with a 6 foot fence. 4 foot here, bring it back 40 feet, that would be 4 feet then the rest of it would be 6 foot. If we're looking for an 8 foot fence and it's right off of Laurel, coming down here people will not be able to see.
- Jason Pantel: This is the front of the house and this is Laurel Park Road is the back of the house?
- George Sarvis: You're looking for an 8 foot fence back here? No driveways over there?
- Mr. Dorfman: No.
- Jason Pantel: What is the setback for a fence?
- George Sarvis: There is none. If you have a 4 foot fence right on the property line, you're subject to plow damage. Then you have maintenance issues.
- Paul Lucyk: He wants to go 15 feet back.
- George Sarvis: Line of sight is a big issue when you're dealing with roads.
- Paul Lucyk: Do we have that issue?
- George Sarvis: There's no setback number unless you put one here on this particular application.
- Steven Burke: We can add that condition.
- Paul Lucyk: If there's a line of sight issue with the fence then it will be brought back down to 6 feet.
- George Sarvis: Line of sight usually comes to be when you are pulling out of your driveway and you can't see.
- Discussion.
- George Sarvis: Line of sight won't be an issue here unless a child comes working out. That's why I would suggest a number from off the road.
- Paula E Kay: Instead of coming up with an arbitrary number, why don't we say a number to be determined by the Building Department?
- Steven Burke: Is that okay?

- Mr. Dorfman: Yes.
- George Sarvis: Laurel Park is a heavily traveled road.
- Steven Burke: To be determined by Code Enforcement. I will leave it up to you if he gets it.
- George Sarvis: As far as where it is going to be placed, the height is still in your hands.
- Paula E Kay: I spoke with Mollie, we have no proof that mailings were sent out this month. We would like to get a sense of the board, open it up to the public, then leave it open until next month. Then depending on what Mollie determines in the office tomorrow, she will call you.
- Steven Burke: According to how we just determined what we have to do, do you have a problem?
- Paul Lucyk: I have that sense that I see what they're trying to do, but we're opening up the door that everyone will come in and want to put in an 8 foot fence. If we had a situation where we had an intersection with traffic and headlights, I could see it, but I leery of going with an 8 foot fence.
- Jason Pantel: I don't have a problem when you look at the fact that the house dips off at the edge of the road. My only concern is with Paul, what if someone is lower and wants a 10 foot fence. I don't have an issue with this.
- Richard Levine: I don't have a problem with the extra.
- Joseph Puccio: I'm okay with it.
- Steven Burke: And I am okay with it. We'll open up to the public and then we'll just give you 30 days to come back to make sure the mailings are done properly.
- Mr. Dorfman: It wasn't done?
- Paula E Kay: We have no proof.
- Mr. Dorfman: You spoke to her?
- Paula E Kay: I spoke to her boss.
- Steven Burke: So we will open up to the public.
- Piper Resnick: I am the next door neighbor and I just wanted to say I have no problems with it.
- Steven Burke: So we're going to postpone this until next month and we won't close the public portion. We will see at next month's meeting.

2. CONGREGATION AHVH – SBL# 17-1-24 – Requests an area variance to replace old buildings with new buildings not in the same footprint. Zone: Acres: Location: 612 Loch Sheldrake Rd., Loch Sheldrake.

- Jay Zeiger and Ari Grunhut represented.

- Jay Zeiger: Just to give you the history, this property had been a summer camp in Fallsburg for many years until about 5 or 6 years ago and it closed. It was closed as a camp for more than 2 years and therefore it lost its right to continue as a camp without going back to the Planning Board. When Mr. Grunhut's congregation purchased the camp about 3 years ago, they had to go to the Planning Board for approval to start as a camp. Everything you're seeing here now existed under the old camp and existed when they bought it. Nothing new has been constructed. There was one building that the prior owner had a building permit for and the prior owner had started.
- Steven Burke: It stayed that way for about 7 years.
- Jay Zeiger: Correct. His organization finished it and got a Certificate of Occupancy. They renovated, of the buildings there, 2 of them.
- Steven Burke: The building you renovated, what is that used for?
- Ari Grunhut: A shul. It is a staff house. It was so ruled.
- Jay Zeiger: What was the building you finished?
- Ari Grunhut: Number 3. The staff house is number 3, the shul existing is number 2, and the building we finished is number 1.
- Jay Zeiger: These buildings all exist as they are now, the original plan was to renovate these buildings, bring them up to code and they would be occupied. We already have Planning Board approval to do that, we can get a building permit and start. We don't need a variance to do this. The proposal is to do what exists, but make it much nicer. Over here is the metvah, that exists and was used last year. We want to keep that. Because of that, we're already too close to the property line. The proposal is to tear down what you see over here and build this. Doing something nicer than what is already there, generates the requirement for a variance. The variances are outlined in this legend over here, I don't know if you want me to go through each one.
- Steven Burke: Sure, why not. This board will trade something not nice looking for something nice looking any day of the week. But, roughly the square footage you have up in usage or could be in usage, and you're replacing it with how much more? It's not in the same footprint.
- Ari Grunhut: Not much more.
- Steven Burke: I need to know exactly.
- Ari Grunhut: I can't tell you exactly, the lot coverage is a maximum of 10% in a camp zone. We have 9.4 and we are going up to 9.7
- Jason Pantel: What is this big building for?
- Ari Grunhut: It's going to be a lunch room, kitchen, more dorms, staffing.
- Steven Burke: It's 3 buildings connected?
- Ari Grunhut: It's going to be 1 building.
- Jason Pantel: How many stories?
- Ari Grunhut: 2 stories.

- Steven Burke: Do you have the height of the building? Do you have pictures of what you plan to put in there?
- Ari Grunhut: I have something.
- Steven Burke: You see what Kutschers did over there? It looks terrible.
- Ari Grunhut: I can show you how my idea works. You know the building on Budd Road?
- Paul Lucyk: Nitra?
- Ari Grunhut: Yeah.
- Jay Zeiger: Can you describe it?
- Steven Burke: Does anybody want to see what this building looks like before we go forward with it?
- Ari Grunhut: It will be mostly cultured stones.
- Jay Zeiger: This is not the final shot at this. Maybe to give some comfort, if you are inclined to grant the variance, you can make one of the conditions that the Planning Board should see a proposed building to satisfy them.
- Steven Burke: Or at least be into conformity to what you put in the front, the front building looks beautiful. If you're going to go to build it and it will look similar to the front.
- Jay Zeiger: We're okay with both giving the similarity and making it a condition that the Planning Board approve the design of the building.
- Ari Grunhut: It will go to the ARB.
- Jay Zeiger: I don't know that it will go to the ARB.
- Jason Pantel: Isn't this well screened?
- Ari Grunhut: It's not hard to see when you come from the back road.
- Jason Pantel: When you're driving by you can't see it.
- Ari Grunhut: Depends on which way you are coming, if you are coming from the golf course you can see it.
- Jason Pantel: All the foliage will stay?
- Ari Grunhut: Yes.
- Jay Zeiger: The Planning Board may even require more than what is there.
- Steven Burke: How big is that fence you have in the front? Is that an 8 foot fence? That's the only thing I don't like is that stockade fence. I don't like those fences in the front. I understand your issues with the kids. I would want a fence too if I had children. You have like an 8 foot fence out there, right George?
- George Sarvis: It's 6.
- Steven Burke: Okay. That satisfies me, how about you guys? I can see what the applicant did in the past, I have no problem. I wrote to conform to the front building in use. The Planning Board will see that, they'll know what you did before. That alright?
- Board members agree.
- Jay Zeiger: I want to run through the criteria. Whether an undesirable will be produced

in the character of the neighborhood or a detriment to nearby properties will be created. We submit that the opposite is true here. We're taking old buildings and building new, nicer. We're going to have them screened. It will be clean and up to code. And by a lower height building, it will be less visible. I just want to point out that we were in front of the Planning Board, the golf course is over here. The prior owners of the camp had their garbage and dumpsters up here.

- Richard Levine: There used to be access from the golf course side.
- Jay Zeiger: We agreed to give that up as part of the Planning Board process.
- Steven Burke: Where are you going to put your compactor?
- Jay Zeiger: Here. That was here this summer. Whether the benefit sought can be achieved by another method. Because the mikvah is an existing building and we want to attach to that and we're replacing building to building, I don't think we can do anything but renovate the old without meeting the variance. I don't think it's substantial, we are not increasing the nonconformity and we are making it less and everything built is being pulled from the property line. Whether it will have an adverse impact on physical or environmental, I think we already addressed that it will be a positive impact. Whether the difficulty is self-created, again I don't think it is because we are talking about existing buildings and replacing them. What's there is already in violation of the setback.
- Steven Burke: And no higher than 35 feet because that is the town. If you want to go higher, you have to come back.
- Jay Zeiger: The plan is no higher than 35. That's all.
- Steven Burke: That's the only 2 conditions I have, anybody else?
- Paul Lucyk: Make sure you have good access to the back for the fire trucks.
- Ari Grunhut: That would be the road going all the way here?
- Jay Zeiger: The Planning Board is going to request that.
- Paul Lucyk: I think down the road you have hydrants, plenty of water on that road. I think you'd be in good shape.
- Steven Burke: You have Morningside Lake.
- Ari Grunhut: It will be sprinkled as well.
- George Sarvis: What is the use of the building?
- Ari Grunhut: Mixed.
- George Sarvis: There's going to be an end assembly, they will fall under sprinklers. I know for a fact that area has good fire flow.
- Steven Burke: We will open it to the public.
- Michael Lucyk: How far is the mikvah off the property line right now?
- Steven Burke: The mikvah isn't part of the variance, is it? No it is preexisting.
- Gary Kalcher: Where did you say the compactor going to be?
- Jay Zeiger: It is already in.
- Ari Grunhut: It is not a compactor right now, it is here. We are not sure if we are going

to keep it there. We will see what B&G says. For road access we don't know what we will need. We didn't fence it in yet because we weren't sure if we needed to move.

- Steven Burke: I've never seen it while driving by. It's obviously not visible from the road.
- George Sarvis: The fence isn't done yet. Ari has been having a hard time with the fence guys as far as scheduling.
- Jay Zeiger: What was the location that was approved?
- Ari Grunhut: This is where the pad is.
- Jay Zeiger: This is the location the Planning Board approved last time. Currently, there's no request to move it. Currently this is the location. If the Planning Board gives him permission, they're going to require screening and not being visible to the public.
- Steven Burke: Anyone else from the public? Okay we will close the public portion. Any violations?
- George Sarvis: No they have a clean bill of health. There's a couple of site plan elements that have to be cleaned up from the last Planning Board, they're working with Mollie. They'll address that at the next meeting.
- Steven Burke: You're going to need a lot of dumpsters to get rid of those buildings. Mailings, yes?
- Paula E Kay: Are they in the file?
- Steven Burke: No mailings?
- Jay Zeiger: He has them on his phone.
- Paula E Kay: We need them. We need to go through them and make sure it matches the list.
- George Sarvis: I don't have anything that would have fallen out of the folder.
- Paula E Kay: We need to see the date they were sent out and the list.
- Ari Grunhut: I have the list also here.
- Paula E Kay: George has said it is on a County Road, so we need a 239.
- George Sarvis: County Route 104.
- Ari Grunhut: Special use permit.
- Steven Burke: You probably didn't need a 239 on the building you renovated because it was already in process and then they left it.
- Paula E Kay: You do need it for this. Work out the mailings with Mollie for the next meeting, we'll get the 239. It looks like the board is in favor.
- Steven Burke: I will leave the public open. Let's just a quick....any issues?
- Board members all in favor in currently.
- Jay Zeiger: Paula we may be back to the Planning Board at the next meeting. If anyone asks, they will want input. George you will take care of the 239?
- George Sarvis: Yes.
- Steven Burke: Okay, good? Take care.

3. SCHREIBER – KARPEN PROJECT – SBL# 39-1-84 – Requests several area variances for front yard, building separation and floor area dimensions as provided in the application. Zone: R-1. Acres: 6.8. Location: Gamble Rd., Fallsburg.

- Glenn Smith and Jay Zeiger represented.
- Glenn Smith: What is on the board here, the existing bungalow colony on the corner of Route 42 and Gamble, that's the red shaded bungalows, that is roughly surrounded by the yellow. That's the Schreiber bungalow colony. The Tribeca Estate project which the Brezel have construction on, situated at the end of Gamble, which is 74 units under construction, that property comes up to the yellow. The intent is to subdivide 6.8 acres off the Tribeca property, consolidate with the Schreiber bungalow colony to get a roughly 13.6 acre parcel. In this zone, which allows duplex development, you need a 10 acre minimum. Then the intent is to build, with the 13.5 acres at 3 units per acre, we are allowed a maximum of 40 units on that parcel. The intent to build 10 new duplexes, renovate the existing bungalows, 12 buildings. Some are doubles, duplexes, some triplexes. Renovate them into duplex units. There will be 10 duplexes in the old bungalow colony and 10 duplexes in the new section. A total of 40 units.
- Paula E Kay: We have a work session with Planning Board consultants and discussed how they should move ahead with this, the consensus was it had to move forward as a duplex development. In order to do that, they had to review the existing structures under the duplex law and figure out what variances were needed under the duplex law and then come here.
- Jay Zeiger: Although Glenn started talking about bungalow colonies, that's the last we speak about it. We are eliminating a bungalow and making it a duplex. Under the duplex law, they have to be year round and they have to meet the requirements of a duplex colony.
- Glenn Smith: The 10 new duplexes will meet all zoning for a duplex development, the issue was with the existing bungalow, you will see on your map the areas circled in green, those are the current nonconforming dimensions of setbacks.
- Paula E Kay: So the variances they are applying for are for the existing buildings under the duplex law, if they kept it as a bungalow colony, they wouldn't need this.
- Glenn Smith: The Planning Board was in favor of this because one thing we are doing is taking a lot of illegal parking off of Gamble Road. There is also an existing drive out onto Route 42, the Planning Board wants that shut and gated for emergency vehicles only.
- Jay Zeiger: The letter from the Planning Board is in your packet, we met with the Planning Board twice now. The first in staff meeting to discuss the concept and to discuss the procedure to go forward. We were at the Planning Board meeting in December and the Planning Board liked it enough to make a recommendation to this

board that they are in favor of the variances. It will eliminate the primary access on Route 42 and a parking problem on Gamble.

- Eli Brezel: Let me add, if you are to do this combination, Tribeca has the right to do this on standalone, we have a lot more density on our property.
- Jay Zeiger: What he is saying, the Tribeca development that was approved by the Planning Board was approved for 74.
- Eli Brezel: We had an allowance for over 100 units. There was a NYSEG right of way going down over here that was abandoned, it still came up on the maps. We went to NYSEG and they gave it back to us. I gave it to Mollie. That's why this piece can be developed.
- Jay Zeiger: When we discussed what to do with this piece, we could have brought it back into Tribeca, same number of houses, same everything. Instead, we decided to...
- Eli Brezel: To make this more attractive.
- Ytzi Brezel: I want to add one more thing. We saw pictures of different bungalow colonies. The Schreiber bungalow colony is the nicest in existence in Sullivan County.
- Jason Pantel: What are you going to do with the existing bungalows?
- Eli Brezel: They are all staying. We are not extending any of them. The only work that will be done will be internal. There are some units that are triplexes, we're going to take that center unit and split it to the left and right sides.
- Steven Burke: All those buildings in pink? Is that the idea?
- Glenn Smith: Those are the existing.
- Jason Pantel: So you won't be back next to double the size?
- Eli Brezel: No. Those are not our intentions. We plan to add another pool into it. Everything is conforming.
- Ytzi Brezel: Technically, according to today's zoning, if you're not making the problem worse, it's not a sin.
- Jay Zeiger: There's no proposal on the plans to increase.
- Eli Brezel: There is a building here that we recently acquired a variance to replace, we are taking that building down. We believe in the open space for the children.
- Steven Burke: Basically you're here because you're incorporating this property with Tribeca.
- Jay Zeiger: Under the duplex law, a bunch of variances are necessary.
- Steven Burke: Because of the existing bungalows.
- Jason Pantel: What's this one here? Sunny Day.
- Jay Zeiger: They pulled the application.
- Jason Pantel: Weren't you selling this land to Sunny Day?
- Eli Brezel: We're not doing that now.
- Paul Lucyk: They said that was already a part of that. 4 acres on top
- Eli Brezel: It was a quarter of an acre they needed. Even if we have to give the guy some usable land, we have plenty.

- Discussion.
- Glenn Smith: The biggest problem with duplex development is you need 175 foot setback, that's the main thing we're not meeting with these bungalows. We need 175 from both Gamble and Route 42, this bungalow is 35.
- Steven Burke: They're pretty drastic, what you're asking for. They are there already, but then if someone else has the same issue, we're setting a precedence.
- Jay Zeiger: The only increase in the nonconformity as it now exists is the parking lot.
- Glenn Smith: Parking lots are supposed to meet the 175 setback as well. Because we are taking parking off of Gamble Road, we're showing a proposed lot here which is 50 feet from....
- Steven Burke: I assure you if these buildings weren't there and you were asking to put them there.
- Eli Brezel: We are not.
- Paul Lucyk: If somebody has parking lots in the back, the person wants to bring their groceries...
- Eli Brezel: They are doing the same thing they are doing now. They are walking. There is no car access to these units. We're not making that better, but not making it worse. However they are now parking onto the property.
- Paula E Kay: From our engineer's perspective, the parking was a huge issue.
- Paul Lucyk: Is there enough parking in there now?
- Eli Brezel: Now we have more than enough. We are conforming with duplex laws at 2 and a half per. Part of our approval process for Tribeca was to widen and redoing Gamble Road. That will benefit the town. There will be new swells along the road so there won't be any parking.
- Glenn Smith: Based on the 40 units, it requires 100 parking spaces and that is what we are proposing.
- Jay Zeiger: One of the variance requirements is if the variance is substantial. Substantial is not a mathematical number, it is how it hits you. What's the observation. You can have 10 feet being substantial, and then have 200 feet not being substantial. There is a height restriction of 35 feet, but then you have a pole that is 200 feet but because it is thin. These are already existing buildings so we're not increasing the nonconformity.
- Jason Pantel: This 6.8 acres was originally part of that?
- Eli Brezel: This over here, over 41 acres. Also, why this lends itself to become part of this is because this existing NYSEG right of way is remaining over here. It separates the 2 pieces. We're adding a new pool which we don't need a variance for. The only thing we're doing here is this existing garage, we want to incorporate that into the shul. There won't be a garage, it will be part of the shul.
- Steven Burke: They're there already, if you were looking to build I would say no. I have no problems with it myself. Anything else?
- Jay Zeiger: I want to go through the criteria. Whether an undesirable change in the

character of the neighborhood or a detriment to nearby properties. In this case, the Planning Board has agreed with my opinion, writing the letter to the Zoning Board specifying why we meet this criteria. Whether it can be achieved by another method. With the buildings already being there, we can't do anything other than move the buildings, so we can't do this by any other method. Whether it is substantial. We just talked about that. Whether the variance will have an adverse impact on the physical or environmental conditions. Because we are eliminating the ingress and egress from Route 42 and eliminating the parking on Gamble, we think it will have a positive impact. Whether it is self-created. Again, they are existing buildings.

- Steven Burke: When we vote, I am going to include them all, because if one goes down they all go down.
- Eli Brezel: Glenn has a sheet where he marks exactly.
- Paula E Kay: We have to hear from the public.
- Steven Burke: Anyone from the public? No. Closed. Are we looking for mailings?
- Paula E Kay: We are looking for the list. We have a list for Tribeca Estates.
- George Sarvis: Tribeca Estates and adjacent properties of 300 feet. These are adjacent properties.
- Glenn Smith: We took the original Tribeca list and modified for this property.
- Steven Burke: There are properties closer to the bungalow colonies.
- George Sarvis: On the opposite side of Gamble Road.
- Eli Brezel: I think there is only the cemetery.
- Paula E Kay: The other problem is if that is the list, there may be 2 that are missing.
- George Sarvis: Elm Shade and High Ridge Land Development.
- Paula E Kay: Our code requires substantial completion, based on the size of this list I would say it is substantially complete. I want to make sure we have the right list before I rule that opinion.
- Glenn Smith: We prepared the list from the application, we included a list of adjacent properties.
- George Sarvis: We are 2 short but we have 6 that weren't even on the list.
- Jason Pantel: I appreciate that you make a sizable investment to make both properties work together, rather than what we normally get. It makes everyone's decision so much easier. It does you credit because it is easier.
- Eli Brezel: Had we not been open and honest, we could have gone to the Planning Board and add existing units over here and not even look at this. We could have incorporated by default.
- Jason Pantel: It shows there are other alternatives.
- Paula E Kay: It's 2 within this list that we don't have. I would say they substantially complied. I am going to guess that somewhere in the files...
- Glenn Smith: We have sent out so many certified mailings for public hearings, those may be in another file.

- Joseph Puccio: You have a compactor on the property?
- Eli Brezel: We are going to put a compactor in the parking lot, way out of site. We are going to do that with the Planning Board. It is a requirement anyway.
- Steven Burke: Public closed. Board comments?
- Richard Levine: What does the South Fallsburg fire district think about joining the 2 projects?
- Eli Brezel: We did not hear any concerns.
- Richard Levine: You sent them a notice?
- Eli Brezel: AJ Pantel was here and at one point we did not have a loop, we had a turn around, we incorporated a loop to satisfy.
- Richard Levine: I am an assistant chief in town, I want to make sure they have no problems.
- Eli Brezel: It was a concern by staff and he brought up, we moved the units up a bit further to create the loop to come around.
- Steven Burke: Any other board comments? No. Any violations?
- George Sarvis: No.
- Steven Burke: Lead agency?
  - MOTION:
  - Richard Levine motions for lead agency. Jason Pantel seconds. All in favor.
  - Richard Levine motions for negative dec. Jason Pantel seconds. All in favor.
- Steven Burke: Whether the benefit can be achieved by other means feasible to the applicant.
- All board members say yes.
- Steven Burke: Undesirable change in the neighborhood character or to nearby properties?
- All board members say no.
- Steven Burke: Whether request is substantial.
- All board members say no.
- Steven Burke: Whether request will have adverse physical or environmental effects?
- All board members say no.
- Steven Burke: Whether alleged difficulty is self-created?
- 3 board members say yes, 2 say no.
  - MOTION:
  - Richard Levine motions for lead agency. Jason Pantel seconds. All in favor.
  - Richard Levine motions for negative dec. Jason Pantel seconds. All in favor.
  - Richard Levine motions to approve. Paul Lucyk seconds. All in favor.
- Steven Burke: Granted all the setbacks, we incorporated everything. The only thing we put in is the compactor, but you will have to do that anyway.

Richard Levine motions to adjourn. Paul Lucyk seconds. All in favor.