

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

TOWN OF FALLSBURG ZONING BOARD MEETING

August 18th, 2016

Steve Burke, Chairman, Jason Pantel, Peter Frunzi, Paul Lucyk, Neil Sapolsky, Board Members, George Sarvis, Code Enforcement, Paula E. Kay, Deputy Town Attorney.

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

OLD BUSINESS:

1 RALEIGH-HEIDEN PROJECT – SBL# 60-1-56 – Requests a 6 month extension for previously approved variances for set backs. Zone: PRD. Location: Heiden Rd., So. Fallsburg.

- Glenn Smith represented.
- Steven Burke: When did this project first come before us?
- Glenn Smith: For you guys, August 2012. For the Planning Board, around 2005. We received some variances in February. I thought we would be done, we have all of our approvals since the last time we were here. We have our DEC approval, Health Department on the water, DEC on the sewer, DEC on the SPEDES permit. The special approval site plan approval resolution the Planning Board did in 2014 was about 35 special conditions, we addressed all special conditions. I think we were waiting for Keystone to submit plans in February or March, we finally got comments back in July. We responded to all of them. We met with Ken and Keystone at the staff meeting. All they needed was a computation on the storm water plan for the Sheldrake stream. His storm water guy should be in within the next couple days. Once Keystone signs off, the Chariman of the Planning Board can sign the plans. Then the lawyer has the check for the Town fees, we resolved the bond today at the staff meeting, so we are good to go. The only final thing is getting Keystone to sign off on. It should be next week.
- Steven Burke: This should be the final extension?
- Glenn Smith: That will be the last, 6 month expired today or yesterday. We came tonight just to get your blessing so no one can say we missed it. We should have

it done well before 6 months.

- Steven Burke: In my opinion this would be the last. If you do come back...
- Glenn Smith: We won't be back.
- Jason Pantel: On lot 2 there, what's the setback?
- Glenn Smith: This is cluster 1, 2, 3, and 4. The setbacks in the front are 80 or 90. We got the variance from this board a few years ago. The side yard variance here, the side yard variance on cluster 2 and 4.
- Steven Burke: Any other questions? Okay. Do I have a motion to grant?
- Jason Pantel: I don't like the 80 foot setbacks on Heiden Road.
- Glenn Smith: They're probably closer to 100 feet on Heiden Road. They're all down the hill from Heiden Road.
- Peter Frunzi: Jay with all due respect, we already approved this. This is just regulatory.
- Jason Pantel: I wouldn't have voted yes on this if I was a part of this board.
- Steven Burke: But it was voted on. It was approved. I am going to say with the stipulation that if doesn't get started, it will have to be reapplied.
 - MOTION:
 - Peter Frunzi motions for 6 month extension. Paul Lucyk seconds. All in favor.

2. RACHEL STERN (WOODBOURNE PARK GARDENS) – SBL# 9-1-53 – Requests a 6 month extension for a previously approved variance. Zone: REC-1. Acres: 8.53. Location: Hasbrouck Rd., Woodbourne.

- Greg Leszcynski represented.
- Steven Burke: You are also looking for 6 months. When was this first before us?
- Greg Leszcynski: I believe it was last October, then we had to wait for the fire department to come out and see if they could get fire trucks out there if you did give the variance. You did grant the variance. Then, whether they were waiting for floor plans, they didn't know what contractor they were going to use, before they realized it their time ran out.
- Steven Burke: So you are representing them?
- Greg Leszcynski: Yes
- Steven Burke: Did they get the fire department to sign off?
- Greg Leszcynski: Yes.
- Steven Burke: Woodbourne right?
- Greg Leszcynski: Yes.
- Steven Burke: This was approved already by this board, most people were on it. Does anybody have any questions? They had a problem with the contractor the

first time around, right?

- Greg Leszcynski: I was originally supposed to do the work, they were going to go with someone else, then they came back to me.
- Steven Burke: I don't have a problem with this project, anyone have any problems? No? Do I have a motion?
 - MOTION:
 - Peter Frunzi motions to approve. Jason Pantel seconds. All in favor.

3. THE NEW PALMS CONDOMINIUMS – SBL# 28-1-41.2 – Requests an area variance from the town's Duplex Law to install a fence around the swimming pool within the required 175 foot front yard set back to 67 feet. Zone: R-1. Acres: 31.80. Location: Riverside Dr., Fallsburg

- New Palms has withdrawn their application.

NEW BUSINESS:

1. PETER & AMY CAREY – SBL# 8-1-3.8/8-1-3.14 – Requests an area variance to allow stables and a riding academy. Zone: AG. Acres: 8 acres. Location: 81 Cole Rd., Hurleyville.

- Peter and Amy Carey represented.
- Amy Carey: We live on Cole Road in Loch Sheldrake. I currently manage and operate Maplewoods Farms on Divine Corners Road. We own 8 acres and are looking for a variance to bring our horses up and built a stable on Cole Road to bring the horses up. The rule says 10 acres, we have 8.
- Steven Burke: But there was a stipulation about a riding academy?
- Peter Carey: In the code it says if you do rodeos and riding events, you can have 8. It was contradicting. It was a double standard. To have a riding facility you need 10, but to have rodeo and riding events and competitions, you only need 8.
- Steven Burke: Mollie knows about this. Is there a possibility that you would have some sort of events there?
- Amy Carey: Clinics, no cows. Rodeos no. Clinics, smaller shows with those ride with me. Major events, no.

- Steven Burke: Anyone have any questions?
- Peter Carey: Here is the original 5 acres that we own and the 3 we just bought. We combined them. Here is where the barn and riding arena will be, the parking area and the start of the driveway. We are at least 110 feet from where we will put the building, it is still all woods that we're clearing. We're iffy on where but if it will move it will move further into the setback, closer to property lines. We put up public notices to the surrounding neighbors, for the most part we are very far away from everything. Here is the (inaudible) for our house, it's 195 feet from the corner of the building, our house is 197. We're 224 on this side of the property, on the survey it says we are 290 feet from the proposed septic leech field from this house down. We should be plenty far enough away as a flat piece of property. That part of the property goes up a little hill, but this part is table flat.
- George Sarvis: The setback for the district is 100 feet.
- Jason Pantel: You would have lessons indoors?
- Amy Carey: Yes it's a covered arena, it will look like a pavilion. Picture the Morningside Pavilion, open air pavilion and then where the kitchen area is, that's where the stalls attach.
- Jason Pantel: Will you give lessons in the winter?
- Amy Carey: Yes. It's very private, there's 100s of trees. You can't even see the stonewalls from all the trees. The neighbors shouldn't even see us. The colors we have picked for the building are dark brown and hunter green, it should blend with the natural environment. You cannot see it from the road.
- Steven Burke: I live across the street from this property, I have no problem sitting in and voting on this. I know the applicants and the property, you'll never hear or see this place.
- Jason Pantel: Where is that lot with the trailers?
- Steven Burke: Over here.
- Amy Carey: We are planning on building this to national standards. I'm a certified horsemanship clinician. I'd like this to be an accredited facility.
- Steven Burke: I think it's great.
- Paul Lucyk: (Inaudible)
- Amy Carey: Yes I do. I own them.
- Steven Burke: I love seeing the horses walk across the property, I have no problem with this. Anybody have any questions? Let's run down some of the criteria. Whether the benefits can be achieved by some other means feasible to the applicant?
- All board members say no.
- Steven Burke: Undesirable change in the neighborhood character or nearby properties?
- All board members say no.
- Steven Burke: Whether the request is substantial?
- All board members say no.

- Steven Burke: Whether request will have adverse physical or environmental affects?
- All board members say no.
- Steven Burke: Whether alleged difficulty is self-created?
- 4 members say yes, 1 says no.
- Steven Burke: Lead agency?
 - MOTION:
 - Jason Pantel motions for lead agency. Peter Frunzi seconds. All in favor.
 - MOTION:
 - Jason Pantel motions for negative dec. Peter Frunzi seconds. All in favor.
- Steven Burke: Do I have a motion to grant or deny?
 - MOTION:
 - Paul Lucyk motions to approve. Jason Pantel seconds. All in favor.
- George Sarvis: For the record, the mailings were good.

Paul Lucyk motions to adjourn. Jason Pantel seconds. All in favor.