

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

TOWN OF FALLSBURG ZONING BOARD MEETING

February 1st, 2018

Steve Burke, Chairman, Paul Lucyk, Jonathan Schlosser, Mike Bensimone, Morgan Vegliante, 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. THOMAS SUMMA – SBL# 20-1-15.6 – Requests two area variances to reduce the side yard setbacks from 150’ to 125’ and 150’ to 60’ for a chicken coop. Zone: REC-1. Acres: 3.76. Location: 36 Houghtaling Rd., Hurleyville.
 - Maria Zeno represented.
 - Maria Zeno: I was here at the last meeting. You were kind enough to adjourn to get a survey. We obtained the survey. The survey shows where the proposed cope will be from each side. We’re looking at 66 feet from this side and 51 feet from the other site property line. I am sorry I didn’t get it to you sorry, there was an error in the first one. Just reiterating, we’ve had the coop since 2014 and the chickens ever since. We’d like to move the coop further back so it is less visible to everyone which causes us to come to the Board for a variance. Where the coop was before, it was there before the code required 150 feet from the sideline. Now it requires 150 feet. It’s a small chicken coop, it fits on the back of a trailer. Mr. Summa was trying to get a trailer to bring the coop here to show you. The map does indicate the size of the coop we will be putting on there. 3 feet high, 4 by 4 coop.
 - Paula E Kay: Is the current coop the same 3 feet high, 4 by 4?
 - Maria Zeno: It is the current coop.
 - Paula E Kay: So the same as what is there.
 - Steve Burke: And the 150 to 60 is from the back correct?
 - Maria Zeno: One side is 66 feet, one side is 51 feet. We’re looking for side variances.

- Steve Burke: And you're looking for here.
- Maria Zeno: Right here. That little thing. That little square.
- Steve Burke: Okay.
- Maria Zeno: The coop is located around here, back in 2014 where it was originally put.
- Steve Burke: Is there a coop there now?
- Maria Zeno: Yes.
- Paula E Kay: You can see it on the map.
- Steve Burke: So there is a coop there now.
- Paula E Kay: They're just saying this is the proposed location.
- Maria Zeno: In 2014 it was in this location here.
- Steve Burke: Why was it moved back?
- Maria Zeno: Because it was in the visible area. Mr. Summa? Why did you move it back further?
- Thomas Summa: Mrs. Messenger said that would be the best spot for it and to put it back there. After we came the first meeting, we wanted it on the side. Our neighbor said she couldn't possibly sell her property, so I went to Mollie and she suggested way back, almost in the woods.
- Paul Lucyk: As this lot goes back, this is all woods?
- Maria Zeno: Yes it is all woods.
- Paul Lucyk: The woods are back here?
- Thomas Summa: This is all woods back here. You can't see the coop.
- Paul Lucyk: From this point here, this is just...?
- Thomas Summa: Empty lot on both sides.
- Maria Zeno: I just have some pictures of the coops.
- Jonathan Schlosser: The woods are really far back and it's overgrown back there.
- Thomas Summa: But the coop is half the size of your table and the same width.
- Steve Burke: How many chickens?
- Thomas Summa: 25. Any of you are welcome at any time to come check. You are always welcome to my house. This is showing the tree in the backyard, and this is showing how far away it is from Mrs. Dove's property. She said she couldn't sell her property.
- Maria Zeno: This is showing that the proposed area can't be seen from either side.
- Thomas Summa: That's the one in question.
- Paul Lucyk: The new one?
- Thomas Summa: Right, since 2014.
- Steve Burke: Okay. I don't think I closed the public on this.
- Maria Zeno: It was closed, yes.
- Steve Burke: Anybody have any questions?
- Maria Zeno: I am pretty sure we closed at the last meeting.
- Steve Burke: Everybody will have their chance if it is coming to you. If we closed the public portion, then there is no public portion. This has been going on for some time. There has to be some sort of order. From everybody: I have no problem if I can reopen this. The reason I have no problem is there may be someone who

hasn't seen this, and this is what we've been looking for. So that might add to it. I have no problem opening it.

- Paula E Kay: Public hearing was closed.
- Steve Burke: If it is closed, it's closed.
- Paula E Kay: It was closed.
- Steve Burke: So the public portion on this was closed when?
- Paula E Kay: December.
- Steve Burke: So the only person who can speak on this matter is the applicant and the attorney. We closed the public portion. This is why we have an attorney here.
- Maria Zeno: The property is allowed to have chickens. What we're talking about is setbacks from the property lines. How far back are we allowed to put the coop? What we are here is a variance from the code to allow us to put the coop closer than what the code allows for.
- Steve Burke: So the public portion is closed.
- Maria Zeno: We have a certified map from a surveyor.
- Steve Burke: We all had a chance to discuss about 3 or 4 times.
- Audience: It's not our fault that the meetings were dragged on and on.
- Steve Burke: You have never spoken on this matter?
- Audience: No. I was here the first time.
- Steve Burke: You chose not to speak when given an offer?
- Audience: No.
- Steve Burke: I am just asking you a question, I want you to feel that you did have an option to speak. You were asked if there was anybody here from the public. If you sat and didn't speak, that is on you.
- Audience: These 2 other people did speak.
- Steve Burke: I believe at a couple of meetings, we had public open. Now, I was just informed that the public portion was closed.
- Paula E Kay: I am reading the minutes. Steve you said "Does anybody else want to speak? Okay we will close the public portion."
- Steve Burke: Okay.
- Audience: I wasn't here at the last meeting.
- Steve Burke: You said you were here at the first meeting. Did you speak at the first meeting?
- Audience: I didn't say anything relevant.
- Steve Burke: But you had the chance to.
- Paula E Kay: The Board needs to deliberate.
- Audience: She is the one with the map and dimensions that are accurate.
- Steve Burke: Okay.
- Paula E Kay: No more.
- Steve Burke: Violations George?
- George Sarvis: The chicken coop is nonconforming.
- Maria Zeno: Where the chicken coop was prior, it was prior to the code changing. It was prior to 2014 when the code allowed only 50 feet from the property line. Where we have moved it to is where we're required to come before the Board

which is why we are here.

- Steve Burke: What's the limit on the chickens they are allowed to have?
- Jonathan Schlosser: 50.
- Paula E Kay: The code is 150 feet from a property line.
- Jonathan Schlosser: All property lines.
- Paula E Kay: Yes.
- Jonathan Schlosser: In my opinion, it is a big variance because they are going from 300 feet to 117.
- Steve Burke: On one side. It would be 150 on each side.
- Jonathan Schlosser: That's a big variance in my opinion.
- Mike Bensimone: Just a question, the previous chicken coop. Did something happen to it?
- Maria Zeno: The same chicken coop.
- Mike Bensimone: So the applicant is looking to just move it back 25 feet?
- Maria Zeno: That's it.
- Jonathan Schlosser: Also, we have complaints from both neighbors on either side. Direct written letters on record, read into the record. It's an ongoing problem.
- Maria Zeno: If we don't have the coop, we can still have the chickens. That's where the catch 22 is. Where the coop was previously was conforming when it was there.
- Paula E Kay: There was a discussion during the work session about moving the chicken coop further back where the property is wider.
- Steve Burke: It's 250 but it is a lot less of a variance.
- Jonathan Schlosser: It's a lot less of a variance. This is all overgrown. If it was right here, it's 150 feet from that property line.
- Maria Zeno: Where the chicken coop was previously, it was much closer to the neighbor's property than what it is now. It is improvement. If we need to go further back, you tell me how far back you want. What we're moving it to now is an improvement. It's further away from the neighbor's house where it was initially. If you need us to move it further back, then we're okay with that as well.
- Steve Burke: What we try to do here is to make it the least infringing as possible. Here is 250 right? Closer to here is maybe 100. Instead of going from 150 to 60, that might be going from 150 to 100.
- Jonathan Schlosser: And to add to it, that property is not being used.
- Maria Zeno: The question is how far back do you want it?
- Thomas Summa: There is a tree line here, if you want to go back. They have to be fed, the daughters are not happy with going back.
- Steve Burke: The daughters wouldn't be happy if there are no chickens.
- Thomas Summa: My son would be very upset.
- Jonathan Schlosser: There is the opportunity for a really beautiful project, create a walkway and a garden. Make use of the whole of that property.
- Thomas Summa: We said before, when we were going to put it on the side, we were going to build a garden around it. The neighbors would never see it.
- Maria Zeno: We are amenable.
- Steve Burke: Okay thank you. Any other questions?

- Jonathan Schlosser: If my understanding is correct, these properties are also overgrown back here?
- Thomas Summa: Yes, they are.
- Jonathan Schlosser: This is the house. This is where we're suggesting placing it, this overgrown field. Is there field on this property and this property as well?
- Thomas Summa: Yes.
- Jonathan Schlosser: So it's not being used. It's out of the way, causes minimal impact on your properties. You will get to keep the chickens, it meets closer to our variance. I think that would be the best solution for everybody.
- Steve Burke: If you decide you want to vote yes, you can make that a stipulation.
- Paul Lucyk: I think what everybody is discussing about moving it back, number 1 if you are going all the way to the back of the property line, you have to say at least 100 feet off that property line.
- Jonathan Schlosser: 150 from that back property, yeah.
- Steve Burke: If that is what you're agreeing with, come up with a number.
- Paul Lucyk: I would say a minimum of 25 to 50 feet off of the wooded line.
- Steve Burke: Okay. You make that part of your stipulation if you vote on that.
- Jonathan Schlosser: I am thinking, what George was just saying was we could set a certain amount of setbacks they have to meet. So 150 from the property in the back, 75 or 100 from each side. That way it gives us some room to play with the position and it is a fair compromise, in my view.
- Steve Burke: Okay. Let's run down the criteria. Whether the benefit can be achieved by other means feasible to the applicant?
- All board members say it can be achieved by other means.
- Steve Burke: Undesirable change in the neighborhood character or nearby properties?
- Paul Lucyk: If we move it back farther, I think it will have less noise and more setback off the property line. That's mine.
- Jonathan Schlosser: I also don't think it will cause an undesirable change even though people claim so, because I think this can be viewed as an opportunity to create something cool back there.
- Morgan Vegliante: No.
- All board members vote it will not create an undesirable change.
- Steve Burke: Whether request is substantial?
- Mike Bensimone: I think it is a pretty big request.
- Morgan Vegliante: I think yes, I think the original request was substantial.
- Jonathan Schlosser: I am going to say the original was not. But because of the situation that compromises them. I am going to say no.
- 2 Board members say no, 3 Board members say yes.
- Steve Burke: Whether the request will have adverse physical or environmental affects?
- All Board members vote no.
- Steve Burke: Whether the alleged difficulty is self-created?
- All Board members vote yes.

- Steve Burke: Lead agency?
 - MOTION:
 - Paul Lucyk motions for lead agency. Jonathan Schlosser seconds. All in favor.
 - MOTION:
 - Paul Lucyk motions for negative dec. Jonathan Schlosser seconds. All in favor.
- Steve Burke: Do I have a motion with conditions?
- Paul Lucyk: I would make a motion to approve with setback conditions that have to be determined toward the back of the property.
- Steve Burke: Do you want to give a limit? Measurements? You have a property line in the back.
- Jonathan Schlosser: I would put in a stipulation that we need a surveyor to assist in that locating of it. That way it is done properly.
- Steve Burke: You have the map.
- Paul Lucyk: I don't think you need a surveyor to come out to do that. I would stipulate something that if it is wooded in the back, and say we're from the back property line 150 feet off the property line, if it is cleared and center it, to make the most space from each side of the 2 property lines. A minimum of 150 feet off the back, and somewhere.
- Steve Burke: In the middle of that.
- Paula E Kay: We need to give Mr. Summa some certainty too. As well as Code Enforcement.
- Steve Burke: If you are going to come 150 feet and you are putting it in the middle of that property, that's going to give you an even amount on each side, it won't be lopsided.
- George Sarvis: 150 feet from the rear property line and center it.
- Paul Lucyk: If there is a tree line there, say 25 feet off the tree line going back toward the house. I don't know because I can't see.
- Steve Burke: If you're going to do it, give a definite number.
- Jonathan Schlosser: Minimum of 150 feet off the rear, then no less than 75 feet on either side of the coop. We could do that no less phrase that way it does still give possibilities.
- Maria Zeno: So we need to meet the setback from the back property line and we have to come up with a number that will be okay for the Board on the sidelines.
- Steve Burke: We are saying the middle. It has to give the most property on each side. You have those meets.
- Maria Zeno: Yes. I get it.
- Paul Lucyk: If you go off of here, this is the wood line. We're saying 150 feet to the wood line and the coop has to be centered between the property lines.
- Maria Zeno: So we are looking at our meets and bounds.
- Jonathan Schlosser: If it is 300 and it lands there, it is 60 from both sides, then we just approved it. There is a line there, and a line there, that gives that range. If we just say a minimum of 100 feet, their original proposals fits our requirement.
- Paula E Kay: So no less than 75 feet on each side.

- Jonathan Schlosser: 75 feet I feel is fair. That's half of. If that is 60 feet, I think you could probably do 100.
- Steve Burke: So that's what we did. So no less than.
- Jonathan Schlosser: No less than 75.
- Steve Burke: No less than 75.
- Discussion.
- Maria Zeno: I don't we'll get 100.
- Steve Burke: I have a motion to go forward with some stipulations.
 - MOTION:
 - Paul Lucyk motions for conditional approval. Jonathan Schlosser seconds. All in favor.

2. MESIVTA RABBI CHAIM BERLIN (CAMP MORRIS) – SBL# 39-1-59.1 – Requests a use variance to allow a single family home as the main office for Camp Morris. Zone: REC-1. Acres: 14.26. Location: East Pond Rd., Woodridge.

- Yisroel Gewirtzman represented.
- Yisroel Gewirtzman: I know this came up back in December. I was sitting shiva at that time for my mother. I might not be 100% with the application you have.
- Steve Burke: We're going with the conversation we're having with you tonight.
- Yisroel Gewirtzman: Basically we came in here, we have a building we want to switch on the record as a residence to an office. Basically, we bought this building next to our parking lot a couple years back. It was very close to the camp and individuals. At first we thought it would be good for some boys to sleep here. We saw it was impractical for 2 reasons. 1 it was right next to a parking lot, and 2 at night they were crossing the street and it is a very dark area. We could've install lighting but we were still uncomfortable. At the same time, we were having security issues in camp. We were finding people walking around the camp looking for the office. They couldn't find the office. I want to point out that this is our business office coming off the street. We have an office in camp for the campers. We don't want them walking across the other side of the street on rare occasions. We switched it to an office and it worked out very well for us. We sent out notices and no one responded. We were told that if we want to put a small addition on it for a conference room, we were advised by the Building Department that it is not what it is meant to be used for, let's get it switched over to an office. There's nothing else we can do with it. We can't put someone to live, can't have the kids sleep there, can't have a classroom that close to the road.
- Steve Burke: So you want to take this single family home and make an office out of it. You do want an extension put on it eventually?
- Yisroel Gewirtzman: I'll be honest. The last 4 years we had an office. We bought it 6 or 7 years ago. We tried using it for the boys, it didn't work. At the same time we had the security issue. We can't build in the middle of the road. Now, that we have it as an office, we want to put a small conference room on the side. When we came down to ask for that, they said let's make the whole thing kosher.

- Steve Burke: So you are only here to make this single family home into an office. If you got that variance, would you be happy with it just like? If the agreement tonight was we are going to give you the variance because we understand the issues, as long as you show us the financials, would you be happy without the extension?
- Yisroel Gewirtzman: I'd like to have the extension.
- Steve Burke: If this was granted to you just the way it is, would you be willing to accept that? We're giving you this particular building just the way it is?
- Yisroel Gewirtzman: I would accept it, in my opinion there is no reason to put a small conference room on it. We have plans to do it. We didn't do it obviously.
- Steve Burke: I understand what you're saying. The way I look at it, it wasn't good for you the way you used it originally in the size it is now. Originally you wanted to put boys into it. If you put the extension on there, maybe you can say it is an office and then put boys in there. I'm not saying you are going to do that.
- Yisroel Gewirtzman: I would stipulate that it can't be used for that.
- Steve Burke: That may be a stipulation. My opinion is I don't have any problem with what you want to do with it. I might have a problem with it becoming more than what it is. That's just me.
- Yisroel Gewirtzman: I understand. You don't want to find boys sleeping there.
- Steve Burke: We've had plenty of people sleeping areas that aren't residential.
- Yisroel Gewirtzman: When you look at it, you can see that isn't practical.
- Jonathan Schlosser: How does an office building have no electric? The proposed building says no electric.
- Yisroel Gewirtzman: That was just his price, he personally doesn't do electric.
- Steve Burke: Anything else? Anybody have any questions? I already asked mine.
- Paul Lucyk: Nope.
- Mike Bensimone: You said the property wasn't good for campers because it was right across the street, it wouldn't be safe. Have you thought about using it for staff quarters for teachers?
- Yisroel Gewirtzman: We actually have older boys. Boys are boys, teenagers are teenagers. That's our staff as well. They run across the street at night. If you go there, you would see the light we put in. We cut down trees. It's just not safe. We have places where they could sleep, where they belong. Cars in pulling in all night long in the parking lot.
- Steve Burke: I understand. Any other questions? Any violations?
- George Sarvis: No.
- Steve Burke: Okay.
- Paula E Kay: Also, we don't have jurisdiction over most of the camp.
- Steve Burke: Because it is Woodridge. Okay.
- Morgan Vegliante: Are they going to lose money if we don't grant the variance?
- Jonathan Schlosser: They're using it as an office. They have been using it for 4 years.
- Steve Burke: We will open it to the public. Anybody here from the public that would like to speak? Nobody, okay. We will close the public portion. Board comments?

- Paul Lucyk: I think with the safety issue it is probably a good idea to keep the kids from coming across the street.
- Mike Bensimone: Is there any access control? You're planning to use this as an office and to get deliveries for the campers.
- Discussion.
- Yisroel Gewirtzman: We get deliveries, we take the five sacs and one of our staff brings them across the street. This is more seasonal, contractors. They come in.
- Mike Bensimone: You're trying to minimize the amount of non campers that don't have business there to get on grounds with the children.
- Yisroel Gewirtzman: Yes.
- Jonathan Schlosser: I get your reasoning, I think it is smarter to keep an entry point between the property and between the public transportation. It is smarter for protecting the kids. You shouldn't have strangers walking around the children. The delivery aspect is smart, that was brought up the last time we heard this. On top of that, you've already been using it for 4 years. In terms of the financials, what I would have liked to have seen is how using that office is directly affecting your bottom line. Is it affecting revenues, business operations?
- Yisroel Gewirtzman: If we do it someplace else it won't be practical.
- Jonathan Schlosser: That's understandable. Those are just my comments on things going on in my head.
- Morgan Vegliante: I definitely wouldn't want you to use it for something that wasn't safe for the campers. So I support this but not for it be used for residential.
- Yisroel Gewirtzman: It can't be used for residential.
- Jonathan Schlosser: I think there should be a stipulation stating it can only be used for an office.
- Steve Burke: They can't use it as a residence because it doesn't meet the requirements.
- Paula E Kay: But it was residential. We will put a note on the map that it is to be used as an office.
- Steve Burke: When you bought the building, was there someone living in their directly?
- Yisroel Gewirtzman: It was 2 older ladies that would come up.
- Steve Burke: So it was occupied. If it wasn't for 2 years it loses its occupancy. We'll go down the criteria. Cannot realize a reasonable return substantial as shown by competent financial evidence?
- Paul Lucyk: They showed us, so yes.
- 4 Board members say yes, 1 Board members says no.
- Jonathan Schlosser: They did not show bottom line.
- Steve Burke: Alleged hardship is unique and does not apply to substantial portion of the district or neighborhood?
- Paul Lucyk: It's not unique, it goes with the area. You're not really changing the neighborhood or anything.
- 1 Board member votes it is not unique, all others vote it is unique.
- Steve Burke: Requested variance will not alter essential character of the

- neighborhood?
- All Board members vote it will alter the character.
 - Steve Burke: Alleged hardship has not been self-created?
 - All Board members vote it has been self-created.
 - Steve Burke: Lead agency?
 - MOTION:
 - Paul Lucyk motions for lead agency. Jonathan Schlosser seconds. All in favor.
 - MOTION:
 - Paul Lucyk motions for negative dec. Jonathan Schlosser seconds. All in favor.
 - Jonathan Schlosser: I make the motion to approve the request for the use variance with the stipulation that the use of the building does not change from an office in the future.
 - Paula E Kay: With a note on the map.
 - Jonathan Schlosser: Only to be used as an office.
 - Paul Lucyk: No staff no sleeping.
 - Steve Burke: Is that okay with you? We don't have a second yet. We may have more stipulations. Do I have a second?
 - Mike Bensimone: I second.
 - Steve Burke: My stipulation is no more building on that property. Everyone said yes already, so my stipulation doesn't matter.
 - MOTION:
 - Jonathan Schlosser motions for conditional approval. Mike Bensimone seconds. All in favor.
 - Jonathan Schlosser: If you do come back for a variance to build, we are expecting you to improve other parts of the building as well. To better the character of the neighborhood.
 - Yisroel Gewirtzman: The use has been granted with the stipulation that it will not be used for residential?
 - Jonathan Schlosser: Nothing but an office. It is now an office building.
 - Steve Burke: Just strike my stipulation from the record.
3. EDWARD FORKOSH – SBL# 61-1-13 – Requests an area variance for more than a 25% increase in size for an addition to unit # 10. Zone: R-1. Acres: 9.48. Location: 499 River Rd., Woodridge.
- Scott Forbes represented.
 - Scott Forbes: I work down there at 499 River Road. I have worked there for 10 or 15 years. I have submitted pictures of all the buildings I have worked on. I have worked with the Building Department for years and years. I am here for a variance because I am going over the 25%. I guess there is a new law now. I haven't had

to worry about it for years. Since that new building was built down there. That's why I am here. A variance to fix up the bungalow. I've done all of em already.

- Steve Burke: You're not Edward right?
- Scott Forbes: I signed the proxy.
- Steve Burke: That's all I need. Okay.
- Scott Forbes: A couple of them as a matter of fact. That's all I am asking for is a variance so I can fix the bungalow before the summer. This is the one they had built when I had all the problems during the winter time. All the other ones in there.
- Mike Bensimone: This is the unit?
- Scott Forbes: Yes.
- Paul Lucyk: Unit 10?
- Scott Forbes: Yes. This deck is coming off. All this deck. He wants to build out. Then on the side here, and a new deck of course. Side it, roof. Windows.
- Steve Burke: The only thing you are here for is the 25% increase in size.
- Scott Forbes: Exactly correct. I went through the building, everything else is kosher except the 25%. This is the first time I've had to go through. I never had to do it years back. I always get the permits.
- Steve Burke: Anybody have any questions?
- George Sarvis: Just so everybody knows, there's a new sheriff in Town at Code Enforcement. We go by the codes now.
- Scott Forbes: Who is the sheriff?
- George Sarvis: Mollie.
- Scott Forbes: So that is why I am here.
- Jonathan Schlosser: This is a bungalow community?
- Scott Forbes: Yes.
- Jonathan Schlosser: Are there any ideas for future building in that colony?
- Scott Forbes: Not that I know of, I don't think they would be allowed. They would have to come here. I know that Steinberg was trying to get a variance for another addition. That's another.
- Jonathan Schlosser: All of this is planned to be addressed?
- Scott Forbes: Yes.
- Jonathan Schlosser: I assume you are going to along the lines of this unit?
- Scott Forbes: I didn't do that unit. That's the one that...
- Jonathan Schlosser: That's a monstrosity. It is huge. It has been updated, modernized, cleaned up.
- Scott Forbes: I did all the other ones in there. I have more pictures of the whole colony if you need it.
- Jonathan Schlosser: Thank you.
- Steve Burke: Any questions?
- Mike Bensimone: Is this the owner's family? Does he rent them out?
- Scott Forbes: He bought it. It's gotta be all fixed up.
- Steve Burke: It's an old bungalow.
- Scott Forbes: It's an original from when the Avon was down there. There's one more after that.

- Morgan Vegliante: He rents them out?
- Scott Forbes: It's individual owners.
- Paul Lucyk: It sounds like a coop.
- Scott Forbes: Yes they are all individual owners.
- Paul Lucyk: So it's not a coop, it's all individual owners?
- Scott Forbes: I don't know if that means a coop, but they each own their own bungalow.
- Mike Bensimone: So Mr. Forkosh just owns bungalow number 10?
- Scott Forbes: Right.
- Steve Burke: Any other questions?
- Paul Lucyk: I would like to recommend for this, I think it is a good idea to upgrade this building. I think it is a positive thing. The only recommendation I do have is there have been a lot of newer buildings put together on this property. I would like to see a licensed engineer come in and make sure that there is adequate sewer for all the new additions.
- Scott Forbes: Like a stipulation?
- Discussion.
- Paul Lucyk: That's fine. You have all the plans, as long as there is a licensed engineer that says there is adequate sewer to take care of all the newer units that have been put on the property.
- Scott Forbes: They have all been there. There are 3 separate sewer systems. One for one row, one for the other row. Then a new one in the back.
- Paul Lucyk: All I would recommend is to have a licensed engineer to state there is adequate sewer to handle the property.
- Paula E Kay: The only one they have control over is this unit. For the addition to this unit is what you are looking for?
- Scott Forbes: They all have their own septic.
- Paul Lucyk: I don't know how it is broken up. I just want to know there is adequate sewer to handle the units.
- Paula E Kay: We can't overreach on this because this is an addition to this specific unit. Since they are asking for an addition for this unit, we could have an engineer give some sort of...
- Paul Lucyk: Letter stating there is adequate sewer to handle the newer renovation.
- Paula E Kay: Yep.
- Steve Burke: You could make that a stipulation if you choose to go forward and grant the variance.
- Paul Lucyk: Does that make sense?
- Scott Forbes: I would say yeah I guess. It's really there already. It's been used for years and years. If I bring in an engineer now, god forbid they would have to shut down the whole colony.
- Paul Lucyk: Everything has to be designed to accommodate what you have. What I am trying to say is I want to make sure there is adequate septic for the season.
- Paula E Kay: In order for you to put on the addition onto this house, the Board is going to ask for an engineer to certify that with the addition that there is adequate

sewer or septic service. With the building plus the new addition. Not any of the other buildings.

- Steve Burke: Certification on sewage.
- Jonathan Schlosser: We want an engineer to greenlight your proposed ideas to make sure it isn't going to cause a significant burden on what is there.
- George Sarvis: I would ask the Board, if you are going to make this stipulation, are we talking before permit, before CO? Clarify for my office.
- Paula E Kay: Before permit.
- Paul Lucyk: Before permit.
- Jonathan Schlosser: Before permit. We just want someone to look at the project and make sure everything is feasible.
- Scott Forbes: I gotta come back again?
- Steve Burke: No that will be a stipulation.
- Paul Lucyk: A licensed engineer has to write up a letter.
- Steve Burke: If he gets the variance, bring that to the Town and they will give you the permit.
- Paula E Kay: Once he has the building plans in accordance.
- Mike Bensimone: How many bedrooms are there now?
- Scott Forbes: I think there is 1.
- Mike Bensimone: So they are looking to create another room? Another bathroom?
- Scott Forbes: 2 rooms. It's a small little bungalow.
- Steve Burke: Questions?
- Morgan Vegliante: New plumbing or just new rooms?
- Scott Forbes: All new plumbing, all new electric, all new sheet rock.
- Morgan Vegliante: Will there be an additional bathroom?
- Scott Forbes: One more bathroom.
- Jonathan Schlosser: They are adding a bathroom.
- Scott Forbes: The whole building is changing, from the foundation up.
- George Sarvis: What is the current separation?
- Scott Forbes: I believe it has to be 15 or 20 feet. We're not going that way though. We're going out toward the middle.
- George Sarvis: What I am getting you are taking that and put up a whole new one?
- Scott Forbes: No we can't, we're adding out toward the front and toward the other side where there are no buildings.
- Steve Burke: That's where the addition is going to be, on the other side. There's not even a fire department issue.
- Paul Lucyk: It shows right on the picture where he plans on adding it.
- Discussion.
- Steve Burke: Okay. Any other questions. Let's open it to the public. Anybody from the public? No, we will close the public. Violations George?
- George Sarvis: No violations.
- Steve Burke: Board comments?
- Jonathan Schlosser: Can you just state the stipulations?
- Steve Burke: Before the permit, an engineer certification on sewage disposal.

- Paula E Kay: That there is adequate capacity to handle the building addition.
- Paul Lucyk: The engineer has to sign off that it is acceptable to New York State standards.
- Steve Burke: He won't sign off if it isn't. Let's read off the requirements. Whether the benefit can be achieved by other means feasible to applicant?
- 4 Board members vote no, 1 Board member votes yes.
- Steve Burke: Undesirable change in the neighborhood character or nearby properties?
- All Board members vote no.
- Steve Burke: Whether the request is substantial?
- All Board members vote yes.
- Steve Burke: Whether the request will have adverse physical or environmental affects?
- All Board members vote no.
- Steve Burke: Whether the alleged difficulty is self-created?
- All Board members vote yes.
- Steve Burke: Lead agency?
 - MOTION:
 - Paul Lucyk motions for lead agency. Jonathan Schlosser seconds. All in favor.
 - MOTION:
 - Paul Lucyk motions for negative dec. Jonathan Schlosser seconds. All in favor.
 - MOTION:
 - Paul Lucyk motions for conditional approval with stipulations. Jonathan Schlosser seconds. All in favor.
- Steve Burke: Your variance was approved with the stipulations we have for you.
- George Sarvis: Hire the engineer first.

4. NAHARIA – SBL# 47-1-44 – Requests a 6 month extension of a previously approved area variance for unit# 1 (old unit #7). Zone: HR-1. Acres: 5.48. Location: LaVista Dr., So. Fallsburg.

- Applicant not present.
- Paula E Kay: Do you want to open the public hearing and leave it for next month? Or do you want to open and close the public hearing? Do we have the notices on file? The first one there would be noticed because it is an extension. The second one there shouldn't be noticed. They mailed out the notices but nobody is here.
- Steve Burke: Without them coming can we grant the variances?
- Paula E Kay: We can't grant anything.
- Steve Burke: Okay because I have a problem giving them a 6 month extension.
- Paula E Kay: Right but they are not here, so no.
- Paul Lucyk: Can we float it to next month?

- Paula E Kay: We can't really float it. They may expire. That's on them, they're not here.
- Jonathan Schlosser: Let's open it and leave it open.
- Paula E Kay: That's on the second one. The first one there is no public hearing on. That one is their slot, so if their 6 month is up.
- Steve Burke: I'm going to go right to their second one.

NEW BUSINESS:

1. GRANT & LYONS – SBL# - 65-1-11.59 – Requests to appeal the Code Enforcement offices decision to grant a foundation permit for a single family dwelling for Thompson Education Center. Set time and date for a public hearing only. Zone: REC-1. Acres: 5. Location: Renner Rd., So. Fallsburg.
 - Applicant not present,
 - Paula E Kay: The applicant just asked that you set the date for the public hearing.
 - Steve Burke: The date is set for the 3rd Thursday in February.
 - Paula E Kay: February 15th at 7PM. Notices have to go out.

2. NAHARIA – SBL# 47-1-44 – Requests an area variance for s 10 x 10 addition to unit #4 (old unit #9) for a reduction in the separation between units from the required 25 feet. Zone: HR-1. Acres: 5.48. Location: LaVista Dr., So. Fallsburg.
 - Applicant not present.
 - Paula E Kay: This one if you want to open and leave the public open.
 - Steve Burke: Okay so we will leave the public open.

Jonathan Schlosser motions to adjourn. Paul Lucyk seconds. All in favor.