

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

January 9th, 2020

In attendance: Arthur Rosenshein, Chairman, Balsey Luckes Michael Kirtack, Gary Tavormina, Planning Board Members, Mollie Messenger, Code Enforcement, Ken Elsworth, Town Engineer, Marybeth Bianconi, Helen Budrock, Town Planners

- Arthur Rosenshein called the meeting to order at 7PM.

PUBLIC HEARING:

1. ELLIOT GIBBER – SBL# 17a-1-119/120
 - Elliot Gibber represented.
 - Arthur Rosenshein: This application did not get published. It will be next month.

NEW BUSINESS:

1. WOODBOURNE SUPERMARKET – SBL# 24-3-7 – Requests a 6 month extension of a previously approved site plan.
 - Application was off the agenda.
2. CONGREGATION KAHAL MINCHAS CHINUCH (PARK HOUSE ESTATES) – SBL# 60-1-51/52/53/54 – Requests a 6 month extension for a previously approved site plan.
 - Application not heard.
3. CAMP OHR SHALOM – SBL# 10-1-15.1 – Requests a 6 month extension for a previously approved site plan.
 - Application was off the agenda.
 - Arthur Rosenshein: They found out they probably weren't going to get their

extension for various reasons. Mostly because it had already been extended twice. We can't waive it if it has been extended twice. For the Board members the law is under review for how long a site plan is good for. There may be changes coming.

4. CONGREGATION ORAYSA – SBL# 10-1-15.4/3 - Requests conceptual review for a proposed shul addition and a recreation field. Zone: REC. Acres: 138.22. Location: 228 Todd Rd., Woodbourne.
 - Application off the agenda.

5. GOLDEN GATE 4 LOT SUB-DIVISION – SBL# 60-1-85 – Requests a 4 lot sub-division. Zone: REC. Acres: 12.3. Location: Rt. 42, South Fallsburg.
 - Glenn Smith represented.
 - Glenn Smith: The first page handed out is a location map. It is on Route 42. This is a 12 acre parcel. The proposal is to subdivide it into 4 lots of 3 acres each. The REC zoning requires 3 acre lot size. There is a cul-de-sac on the property. The perks are good on 3 lots. They range from 5 minutes to 40 minutes. The fourth lot was quite wet so we have to do tests. Septic won't be a problem. There might be a partial fill system but I don't see a problem with septic.
 - Arthur Rosenshein: Water?
 - Glenn Smith: Build wells on each lot.
 - Arthur Rosenshein: Any wells in the vicinity?
 - Glenn Smith: I haven't gotten any information on wells in the vicinity but the colony across has wells. We will get information on them. It will be a private road built to town specs with a cul-de-sac on the end. I would like to do a public hearing next meeting if possible to get neighbor's comments.
 - Arthur Rosenshein: I do have a location from the contours. Is it buildable in all these places? Especially at the end?
 - Glenn Smith: It is buildable for houses and also septic. You can't exceed a 15% slope for septic. The left side of the map is the 100 foot NYSEG right of way so nothing can be built in that. The one house is up tight to that right of way line. In the back lot in the left that is probably a 15 or 20% slope there.
 - Arthur Rosenshein: Board members? Any questions at this point?
 - Ken Elsworth: Just the things that Glenn hasn't finished engineering wise.
 - Glenn Smith: Can we ask for a public hearing next meeting? I'll also present a more detailed plan?
 - Arthur Rosenshein: Yes. Public hearing is fine.
 - Paula E Kay: Do we want to send it out for 239?
 - Mollie Messenger: We can
 - Glenn Smith: Can the Board do lead agency tonight?
 - Arthur Rosenshein: Do we need it on this one?
 - Paula E Kay: I don't think so.
 - Paul Lucyk: Is this going to be a town road?
 - Glenn Smith: No it is a private road. There will be a Home Owner's Association formed to maintain the road.

- Paula E Kay: Will it be a HOA or just a private road maintenance agreement?
 - Glenn Smith: I don't know the answer off the top of my head but I will get the answer.
 - Arthur Rosenshein: Be aware of the DOT.
 - Irv Newmark: That's going to be your big thing.
 - Arthur Rosenshein: You will find out when you get the 239 back.
 - Irv Newmark: They changed their tune quite a bit now.
 - Glenn Smith: A new access off of a city road. There is good sight distance there. The road is shown at the most opportune place for the best sight distance in both directions.
 - Arthur Rosenshein: We have had another one that had 239. The 239 kicked off the DOT. The DOT came back and said they want sidewalks.
 - Irv Newmark: They didn't want sidewalks for a long time.
 - Arthur Rosenshein: They came back with a 2 page report as to why.
 - Helen Budrock: For the past couple years the DOT has really embraced the concept of complete streets which is designing communities for not just cars but people. They have a policy that has come down from the regional level to the people on the ground.
 - Glenn Smith: Their ADA enforcement is really tough.
 - Paul Lucyk: Are there fire hydrants on 42?
 - Glenn Smith: I don't think town water goes that far.
 - Paul Lucyk: Do you get ahold of the local fire department to see they can get in and out?
 - Glenn Smith: That is always the Board requirements.
 - Helen Budrock: In the subdivision regs it says the access drive needs to be 50 foot with a 28 foot pavement width. Your plans show 24?
 - Glenn Smith: 24 was shown. Is that 28 pavement? Shoulders?
 - Helen Budrock: In the law it says 28 foot pavement width.
 - Glenn Smith: That's no problem we have the 50 foot right of way.
 - Helen Budrock: It also says the cul-de-sac will cover 500 feet. Just verify that please. And an outside diameter of 300 feet.
 - Glenn Smith: There is still a lot of tweaking need to do on this yet.
 - Arthur Rosenshein: Anybody else on this? Mollie?
 - Mollie Messenger: Nope.
6. ELLIOT GIBBER – SBL# 17a-1-119/120 – Requests a lot consolidation of two lots. Zone: PUD #7. Location: 44 & 50 Zahava Circle, Loch Sheldrake.
- Application will be heard next month
7. ELLIOT GIBBER – SBL# 17A-1-119/120 – Requests site plan approval for a 2,780 SF addition, 2,940 SF pool house and alterations to the driveway, parking and grading. Zone: PUD #7. Location: 44 & 50 Zahava Circle.
- Application will be heard next month

OLD BUSINESS:

1. 4 HASBROUCK DRIVE (ELI LEDERMAN)– SBL# 22-2-14 – Requests site plan approval to convert a rooming house to commercial space with the first floor having a nail salon, spa and juice bar and the second floor having a fitness center. Zone: MX. Acres: 1.17. Location: 4 Hasbrouck Dr., Woodbourne
 - Application was off the agenda.

2. CHESTNUT COURT TOWNHOUSES – SBL# 39-1-94 - Requests site plan amendment for a caretaker's house. Zone: R. Acres: 7.49. Location: Laurel Ave., South Fallsburg.
 - Jay Zeiger represented.
 - Arthur Rosenshein: There are comments on this one.
 - Jay Zeiger: This project is pending. This is basically what you have seen a bunch of time. We are now going through the detailed engineering with it. There are 7 buildings up along here. What we want to do is retain one of the buildings for a caretaker. We are thinking about taking one of these and moving it back to this area over here.
 - Arthur Rosenshein: Moving an existing house?
 - Eli Brezel: Basically we have 7 buildings that are condemned. They are being taken down as we speak. The asbestos was removed. I am hoping by Monday or Tuesday it will be done. We are asking in place of one of those 7 buildings we put up a caretaker house. The reason we have to come to you is because that would be within the setback requirement.
 - Jay Zeiger: It is the logical place to put it because it is near the parking area. It is where people are entering the property. It is logical to have the caretaker there before you hit the houses particularly during the off seasons.
 - Arthur Rosenshein: This is an existing building that will be rehabilitated?
 - Eli Brezel: No they are beyond rehabilitation.
 - Irv Newmark: They are moving it.
 - Helen Budrock: They're not removing it.
 - Eli Brezel: As of now they are being knocked down.
 - Helen Budrock: You're not moving anything. Is the new building going to be the same square footage?
 - Jay Zeiger: The existing buildings that are here we are moving back.
 - Mollie Messenger: There were multiple bungalows.
 - Helen Budrock: The existing caretaker are you going to replace it in the same square footage?
 - Eli Brezel: There wasn't an existing caretaker. We just want to retain some of the right of saying there is an existing buildings. We would like to be able to make another building in that area.

- Arthur Rosenshein: The same square footage?
- Eli Brezel: We could do that yes.
- Helen Budrock: I guess that is my question. You are saying you have several buildings you are taking down.
- Eli Brezel: If you want to say how big we can build it that is fine.
- Helen Budrock: The building 37 on these plans how big is that? Is that basically what you are talking about?
- Eli Brezel: I don't know honestly.
- Ken Elsworth: Does it matter? Are we restricting size?
- Helen Budrock: It is a question.
- Eli Brezel: If you want to say we are looking for a 1,200 square foot that's fine.
- Ken Elsworth: We're not suggesting a size. It is what you want to put your building at.
- Eli Brezel: Around 1,200 square feet.
- Arthur Rosenshein: What about auxiliary buildings? A garage and whatever? Caretakers usually have equipment.
- Eli Brezel: Most times I try to do it on one side that is more exposed to make a garage to park the lawnmowers and stuff like that. I think when we come back to the Planning Board I don't see a place for a compactor. I would propose we put that in so it is taken care of.
- Ken Elsworth: I feel the confusion is on the plan it says you are going to use the building that is there for the caretaker. You're not. Is the new building going back in the same spot?
- Jay Zeiger: I think I have it on this.
- Mollie Messenger: Do you remember why the Zoning Board wanted the recommendation?
- Eli Brezel: Because it is within the setback.
- Mollie Messenger: Why did they want the Planning Board's recommendation?
- Eli Brezel: Because we didn't come here first they said we should come here first.
- Mollie Messenger: Weren't you here?
- Eli Brezel: We should come here first to get rejected. We should not be applying to them until we come here first.
- Mollie Messenger: I thought you were here for that already?
- Eli Brezel: No.
- Arthur Rosenshein: We'd kind of like to know what it will look like and where it will be.
- Eli Brezel: The plan shows where it will be.
- Arthur Rosenshein: Jay is talking about moving it back and you are talking about staying in the same place
- Eli Brezel: This is where it is proposed to be.
- Helen Budrock: Where it says existing building to remain are you saying you want to replace that building with a similar building?
- Eli Brezel: Yes. A new building similar size and look to the other buildings that will be put in.

- Arthur Rosenshein: That makes it easy.
- Gary Tavormina: Stipulate the size of the building.
- Eli Brezel: Do you want to say not more than 1,200 square feet?
- Gary Tavormina: No you stipulate the size of the building.
- Eli Brezel: So 1,200 square feet.
- Arthur Rosenshein: So it is a 1 for 1 replacement which you have the right to do if you weren't doing anything else.
- Eli Brezel: It is beyond repair. It's not something we can repair.
- Jay Zeiger: In this context if we weren't doing this we would do that.
- Paul Lucyk: You mentioned a compactor.
- Eli Brezel: We don't show it on this plan but before we get site plan approval we will find a location. My idea would be to do it in close proximity to this.
- Paul Lucyk: You have the above that has 37. There is a driveway going in. Is that for the 37?
- Jay Zeiger: That is an existing driveway.
- Eli Brezel: That is existing. And for a truck to come pick up the garbage.
- Paul Lucyk: So you will have to have some kind of turnaround for the compactor.
- Eli Brezel: Correct. There will be like a T.
- Arthur Rosenshein: Anybody else? In the form a formal recommendation for the minutes. First of all you are rejected because of the placement.
 - MOTION:
 - Gary Tavormina motions to deny. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: Secondly does everybody agree for a 1¹ to 1 replacement? I'd like to have some description of what it will look like
- Eli Brezel: It will be built on site. It is going to be the same. This has its approval for the Architectural Review. It is going to be similar in color scheme. It is going to look like part of the same development.
- Arthur Rosenshein: You will have no outside buildings? Just the building? If you are going to store stuff it will be inside?
- Eli Brezel: We may ask for a shed one day but not a building.
- Arthur Rosenshein: Does everybody agree that the letter will say basically we approve because of the reasons given? That is to say location is the same, size is the same, etc.?
- Balsey Louckes: Why don't get you approval for a shed now? You don't have to put it up now.
- Eli Brezel: When it will come to the Planning Board if we are successful with the ZBA we will put up the proposed shed. We are not really at that point because this is step A. We still have to go back to the ZBA.
- Jay Zeiger: What he is suggesting is while we are at the ZBA we ask for the compactor and the shed.
- Balsey Louckes: So you don't have to come back again.
- Paula E Kay: You don't want to have to do that.
- Helen Budrock: Can I request when you come back to address Art's question about the design of the building? So we can refresh our memory?

- Eli Brezel: That will be fine.
3. CARDINAL GROVE ESTATES – SBL# 39-1-88.6 - Requests site plan modification regarding the interior road loop from a previously approved site plan. Zone: R. Acres: 39.99. Location: Laurel Avenue, South Fallsburg.
- Jay Zeiger, Glenn Smith, and Eli Brezel represented.
 - Jay Zeiger: We were here in November for a rejection.
 - Glenn Smith: The original plan as approved by the Board had a dead end road with a cul-de-sac with 5 plus homes on each side. We asked to change that to the loop roadway which the Board was okay with but we asked for the variance for the side yard setback from 75 feet down to 40 feet which is provided on the road here. I went to the ZBA in December and got that variance. Now we are back before the Board tonight.
 - Jay Zeiger: It is an amendment to the site plan to replace that T cul-de-sac with a continuous roadway.
 - Glenn Smith: The second part of the application in my cover after we laid this out there were 37 duplex homes for 74 units shown on the whole project. We fit in 3 more duplex homes for another 6 units which are the little purple ones. The density allows for 107 units on this project. With those 3 additional duplexes we will be at 80 and still well under what the density allows.
 - Arthur Rosenshein: Is that a 2 way road?
 - Eli Brezel: Yes.
 - Balsey Louckes: How wide is the road?
 - Eli Brezel: 24.
 - Arthur Rosenshein: Ken any infrastructure issues with adding 3 units?
 - Ken Elsworth: No. Nothing substantial
 - Glenn Smith: I have comments for Ken too.
 - Helen Budrock: We just have to make sure that in addition to the density that it conforms to the other requirements of the zone. I know you said you were under in terms of the density but can you do the math and verify that the lot coverage is under the 25%?
 - Glenn Smith: Yes.
 - Helen Budrock: Last time you were at 18% so that shouldn't be an issue. I think the recreational requirement is well within. You should be good but do the math.
 - Glenn Smith: We'll update the whole thing.
 - Jay Zeiger: We will add in the additional.
 - Arthur Rosenshein: Do you need more time to look it over? Can we go ahead with it tonight?
 - Helen Budrock: I would feel more comfortable if they resubmitted the plans. I think Ken had requested that as well, right?
 - Ken Elsworth: They are in the process of finishing the plans from before. They started construction on this project.
 - Paula E Kay: This was kind of a late change.

- Eli Brezel: Most of it was consumer driven.
- Arthur Rosenshein: That conveniently allowed you 6 more units.
- Eli Brezel: You have to make money somewhere.
- Helen Budrock: Last time it was simple because it was just changing to the loop road.
- Eli Brezel: We can do a quick calculation. We're not even going to be 19%. Adding 3 buildings will definitely be under 20%. That's the only potential concern that could come up. If we were at 24 and this was taking it to the end.
- Helen Budrock: I understand. I would just feel more comfortable if all the I's were dotted and the T's were crossed. If it is just one more month it shouldn't be.
- Glenn Smith: We will get all of that.
- Balsey Louckes: Could we let them get the stuff so they don't have to come back?
- Mollie Messenger: I'd rather they did come back. We are waiting for a couple things because of all of the changes and there was kind of a timeline on getting everything completed. They are under construction and we want to make sure we have everything together.
- Arthur Rosenshein: In that case one more month. Did you show the fire department the new layout?
- Glenn Smith: The fire department got this and I also sent them all the updated Ralhal plans.
- Eli Brezel: Thank you.

4. RAL- HAL – SBL# 60-1-56 – Site plan review for cluster #1 for an amendment to include 27 single family homes and 14 duplex homes and road location change was approved on 11/8/18. Applicant is looking for an ARB approval or referral Zone: PRD. Location: Heiden Rd., So. Fallsburg.

- Glenn Smith and Jay Zeiger represented.
- Jay Zeiger: This change is not the section that is under construction. Construction clusters 2 and 3. This is cluster 1.
- Glenn Smith: We were before the Board for cluster 1 a year ago. We got our 15 foot setbacks from the foundations for parking. Now the owner would like to get started this year on it. The question came up and nobody ever really reviewed the house renderings. The bottom of the first sheet is overall colored aerial view. This is right on Heiden Road right where the old Heiden Hotel was before it burnt down.
- Arthur Rosenshein: So basically this isn't visible from the road?
- Glenn Smith: Of all the Raleigh projects this is the one the most visible from the road.
- Arthur Rosenshein: The pretty picture we have. The architectural elements is that what we're going to see from the road or from inside?
- Irv Newmark: We want to see this just the way this is with all the trees. The pictures are beautiful.
- Glenn Smith: The third sheet of the handout that is 2 cross sections of the property. The top one is Heiden Road. The hotel sits here. This line goes across our proposed road. You can see Heiden Road there. It is about 15 or 20 feet higher

looking down.

- Arthur Rosenshein: You're definitely going to really see it.
- Glenn Smith: You're going to see it but there is landscaping there.
- Mollie Messenger: They have those old buildings in the back.
- Glenn Smith: The road side of the buildings is considered the back side of the buildings.
- Arthur Rosenshein: That's quite a pet peeve as you know.
- Glenn Smith: On top of the first sheet is what you will see from Heiden Road for all the buildings close to Heiden Road.
- Arthur Rosenshein: That is the view you will see from Heiden Road?
- Glenn Smith: Yes. If you go to the second colored sheet which is the interior of the development you won't see that from Heiden Road because that is on the opposite side of Heiden Road.
- Balsey Louckes: The other side you will see?
- Glenn Smith: Yes.
- Helen Budrock: The side with the deck is all facing interior to this side?
- Jay Zeiger: This will probably be blocked.
- Irv Newmark: What about all these nice trees over here along Heiden? Put those trees there then we can't see anything.
- Glenn Smith: We are going to put the landscaping but I am not sure it is quite that dense.
- Mollie Messenger: Just so it is clear the problem we have always had is the applicant comes in with all these nice pictures but it doesn't correlate with the elevations that are actually on the site. I asked Glenn to do a cross section through the site so you'd have a better understanding of what the buildings are going to look like. There are going to be walkouts but there are not elevations for walkouts here. That is one of the things we've had. The ARB will not approve walkouts or not see them and then there are walkouts. That's why we are trying to clear all of that up.
- Glenn Smith: On the site plan I show a table of building elevation. We list what can have walkouts and what can't. The only walkouts would be pretty much the units along Heiden. The walkouts on the opposite side you won't see from Heiden Road. The same at the lower end of the property. The walkouts of these units along here will be on the opposite side and you won't see it.
- Mollie Messenger: Not just seeing. An exercise in what is actually going to be out there is not shown in these pictures.
- Glenn Smith: It is kind of the bottom of the second sheet.
- Mollie Messenger: That is showing more of a split level.
- Glenn Smith: It is showing a level above. For the walkout they will come out under the deck there. We will have to do a better job showing the rendering.
- Mollie Messenger: Some of the questions they have had in the past. Are you siding all the way to the ground? The ones at Raleigh all you see is foundation. They're not buried in. They are raised level. The pictures we are getting aren't depicting what will be on the site even close.
- Glenn Smith: That's the intent is to depict what will be on the site.

- Helen Budrock: So you are going to have granite curbs?
- Glenn Smith: No.
- Irv Newmark: If you plant these trees over here then nobody cares what is going on.
- Arthur Rosenshein: Could you bring us a picture of what we will see?
- Glenn Smith: The buildings?
- Arthur Rosenshein: And maybe the twigs you are going to put in.
- Glenn Smith: More landscaping?
- Arthur Rosenshein: Yeah.
- Glenn Smith: When this was approved in 2016 there wasn't any landscaping plan because I looked for them.
- Arthur Rosenshein: Luckily you are coming back. Mollie you have a concern about the grade?
- Mollie Messenger: Right. If you look on these you are going to look down. The whole first row of houses are all walk out basements in the back. Those basements are going to be exposed as you coming up along Heiden Road. You're going to see all that. It's just not depicted here.
- Glenn Smith: You prefer this siding on the main street?
- Mollie Messenger: I don't have a preference. I'm just saying what's depicted and what's in the elevation is different.
- Paula E Kay: I think what Mollie is saying is she doesn't have a preference to show what the view is going to be.
- Jay Zeiger: What is it that you prefer?
- Arthur Rosenshein: I don't have any tastes.
- Irv Newmark: If you put enough vegetation up by Heiden Road then you have the inner road before you come to the houses. People can drive by on Heiden and they can see trees.
- Arthur Rosenshein: They're going to be 20 years before the twigs grow.
- Balsey Louckes: The foundations are 8 feet out of the ground and the houses are up 10 feet.
- Arthur Rosenshein: The part that is 8 feet out of the ground is on the far side.
- Helen Budrock: It is still visible.
- Jay Zeiger: This project shows this side
- Balsey Louckes: The elevation is off on it. That's what she is telling you.
- Jay Zeiger: My question is do you prefer the siding go?
- Arthur Rosenshein: Yes.
- Mollie Messenger: One of their concessions with the ARB on the Raleigh project was they got that new foundation stamped. The foundations at the other project are a stamped concrete which is like a brick pattern. They were trying to do that instead of siding. It doesn't matter to me. Just so you know what is out there.
- Balsey Louckes: You still have to have a color to it. If not it is grey. The only way you're bringing that out is if you put color into the concrete. If not it is just grey.
- Arthur Rosenshein: It looked kind of fake to me.
- Balsey Louckes: It doesn't stick out like it should.

- Mollie Messenger: The Raleigh loop they put in they did a nice job. They tried to put in more vegetation than we have seen which is nice.
 - Arthur Rosenshein: Did they move the gate?
 - Mollie Messenger: I don't think so and I think it was on the plan when we went back and looked at it.
 - Arthur Rosenshein: It was kind of odd because if you drove around one side you had to stop.
 - Glenn Smith: You can't do that anymore. Basically update the renderings?
 - Arthur Rosenshein: So what we see on here is what we see when we drive by. The landscaping plan we put in afterwards so we can see what is there.
 - Glenn Smith: Do you want to see anything in landscaping?
 - Mollie Messenger: You do like a proposal. A sketch plan and then after the foundations go in you'll do a final.
 - Irv Newmark: No Colorado blue spruce. They will die. Other spruce.
 - Arthur Rosenshein: White pine? You have them at the front on the roadside that will do for the next 10 years then the stuff behind it will grow.
 - Helen Budrock: Glenn if you are interested I am working on a draft landscaping guide for the town of Thompson which includes a list of plants that are good for screening from the road. It is just a draft.
 - Arthur Rosenshein: Didn't the county come out with a list recently?
 - Jay Zeiger: It wasn't recent. I think it was Cornell Cooperative.
 - Gary Tavormina: They have a book on that.
 - Paula E Kay: That's not a landscaping guideline. That's just what the deer won't eat.
 - Helen Budrock: The plant list itself came from Sullivan Renaissance so they are plants that do well in this climate and grow fast. It is just a draft.
 - Arthur Rosenshein: You will help us when the time comes to survey their landscaping plan?
 - Helen Budrock: I will do my best. I kill plants at home but I can certainly give you my opinion.
5. UTA – SBL# 36-1-52.1 – Discussion regarding site plan for a walking path for campers.
- Application was off the agenda
6. DECAPRIO SUB_DIVISION – SBL# 61-1-1 - Requests a two lot sub-division. Zone: REC. Location: 28 Avery Road., South Fallsburg.
- Tony Siciliano and Mr. Decaprio represented.
 - Arthur Rosenshein: There is a request for a copy of the deed specifically stating the easement of Avery Road. What do we know about that?
 - Tony Siciliano: I added a note on the map. I believe it is number 4. I researched through every owner that has owned that property since 1890. There was never any deed given to the town of Fallsburg for Avery Road. It is basically a road by use. It is listed as a .31 mile long road which corresponds to 1,637 feet. The road

to the end of pavement is 1,726 feet. The last 89 feet of road the town paved is partially not a town road. The other issue that came up is the electric line easement. There is an existing easement which I was able to find. It was given by Sarah Berman who owned the property in 1946 which covers the line that goes through lot 2 and ends up at the house on lot 1. Therefore there is an existing easement so I don't believe we need to differentiate a new easement. Here is a copy.

- Irv Newmark: On this map where is the end of the town road?
- Tony Siciliano: Right there.
- Arthur Rosenshein: The official town road does pass by this property?
- Tony Siciliano: Yes it goes all the way to here. It starts out here on Grey Road and goes all the way here just before the house.
- Arthur Rosenshein: Where is the gate we were talking about?
- Tony Siciliano: Way back here.
- Arthur Rosenshein: How do they plow it?
- Mr. Decaprio: It has been removed. That's what you requested last time.
- Tony Siciliano: In the past the town had a key but it has been removed.
- Arthur Rosenshein: How do the town trucks turn around?
- Michael Kirtack: They went all the way up to the end and looped around.
- Irv Newmark: At the house?
- Tony Siciliano: The pavement ends and it is just kind of an open field or grass there. There's nothing to stop you from driving there.
- Irv Newmark: The town may have a problem with that.
- Tony Siciliano: They can turn around it is just grass.
- Irv Newmark: But they have to go onto private property.
- Paula E Kay: They can't do that.
- Irv Newmark: As long as the owner doesn't mind.
- Tony Siciliano: I'm sure the owner wouldn't mind in an emergency
- Arthur Rosenshein: The question with the road have we gotten what we need on the road?
- Ken Elsworth: We're still a little confused as to how the county has it mapped. This is a picture of how they have it mapped. They have it mapped like any other road that goes up through there. How does the county look at that like a separate road parcel? This is what is in there system?
- Tony Siciliano: You're talking about in the tax map?
- Ken Elsworth: Yes. It's not a separate SBL but it is separated out.
- Paula E Kay: What we were thinking before you go to file with it who is assigned to Fallsburg?
- Tony Siciliano: I spoke to the county DPW. I spoke to the tax map office. Here is an old map.
- Paula E Kay: You showed them your current map?
- Tony Siciliano: While I was discussing the status of Avery Road. We were adding one lot onto the road obviously but the road is there.
- Paula E Kay: My suggestion would be before you file it you should go meet with Real Property. Show them your map. The tax map. Make sure there are no issues.

- Mollie Messenger: The tax map on the website at the county has the road mapped.
- Tony Siciliano: Yes it shows the road coming in like that.
- Mollie Messenger: It's weird that it is mapped.
- Tony Siciliano: All the roads are.
- Mollie Messenger: But they are real roads. You're saying there's no deed for that one.
- Tony Siciliano: There isn't a deed to a majority to the roads in Fallsburg.
- Irv Newmark: Most of the roads don't have deeds. I know a lot about that.
- Mollie Messenger: How does the county let you map it then?
- Irv Newmark: They make it up.
- Tony Siciliano: They get it from an aerial.
- Irv Newmark: Any map they get that is truer than what they have they use. It will help them. Any time a surveyor do a map it makes what they have better.
- Mollie Messenger: What are we going to do about this whole plowing situation and turning around on private roads? Is there a letter we need? Just to clarify?
- Irv Newmark: They're doing it all over where they have a dead end road. If the owner says they don't mind. They can't back out of most places.
- Arthur Rosenshein: There is nobody living there it is an empty lot.
- Mollie Messenger: The problem is it is part of the Planning Board. You have to try to straighten these things out. If you're going to write a letter and say you don't mind then you don't mind if they turn around.
- Paula E Kay: They can't do that because the ownership changes.
- Tony Siciliano: We can put like a 50 foot radius cul-de-sac easement at the end of the road.
- Irv Newmark: You want to make it so just the town can turn around. You don't want everybody turning around.
- Balsey Louckes: If there is a road somebody drives up there.
- Irv Newmark: It is a private driveway.
- Balsey Louckes: I hear you but.
- Arthur Rosenshein: Will a simple letter to the town work?
- Paula E Kay: No because it has to run with the land.
- Mollie Messenger: A little turn around easement makes sense.
- Paula E Kay: That would be fine.
- Tony Siciliano: A 50 foot radius turn around area starting where the town road actually ends.
- Mr. Decaprio: For clarity there was a huge boulder they would just go right around the boulder and go right back out. That's how the town would come in.
- Paula E Kay: Right but we have to access to it.
- Mr. Decaprio: I am saying if you want us to stipulate going around the boulder.
- Paula E Kay: I think Dillon needs to look at it and see if it works for him.
- Mollie Messenger: Depending on where this boulder is if it works with the easement then just put it on as what they do.
- Tony Siciliano: So we show an easement for emergency and town vehicles only.
- Ken Elsworth: What did you call this?

- Tony Siciliano: A prescript road. A road by use. A vast majority of town roads in Sullivan County are.
- Irv Newmark: It is common throughout the state.
- Tony Siciliano: Ulster County. Unless it is a newer development where it is deeded. They were just there during the horse and buggy days. This map was done in 1935. It shows Avery Roads the only problem is it has multiple revisions up until 1963. They don't want say what the revisions were. This map is originally dated.
- Irv Newmark: That's an original town map.
- Tony Siciliano: Yes. I think it was 1935. The first revision was 35. Avery Road is right here. That's now what is Clarion Road across the way. Evidently there was an old trail that connected to another road way back then. The town road only went so far. I have a 1963 thing that it was .23 miles. It changed to .31 since then.
- Arthur Rosenshein: The only issue right now is the use of the road for the town to plow. It is a big property we don't have to worry about sewer and water. It is 5 acres. The only thing between us and final approval is the road situation. We don't subdivisions much anymore. There is a preliminary and a final. I believe it is still in there. We can give preliminary approval with final pending the submission of the map with the right of way on it and a sign off from the town commissioner. I think that is acceptable.
- Tony Siciliano: Can we get a conditional?
- Arthur Rosenshein: That's what this is
- Tony Siciliano: Okay so once we submit the map and everyone is okay with it we don't have to come back?
- Arthur Rosenshein: No. We are doing it in 2 stages. If we do a motion the motion is for preliminary subdivision approval with final pending the plowing.
- Tony Siciliano: Do you prefer 50 foot radius?
- Arthur Rosenshein: Whatever the highway people say.
- Tony Siciliano: You will communicate directly to them or should I get a letter to submit?
- Mollie Messenger: We will coordinate it once you get the maps to us.
- Gary Tavormina: Is that road paved all the way through?
- Tony Siciliano: Yes. It is 80 feet beyond from where it supposedly ends.
- Arthur Rosenshein: Motion for preliminary approval?
- Balsey Louckes: I have one question. Prior to that we had problems with town garbage and the town coming to clean that up.
- Mollie Messenger: The town doesn't clean that up.
- Balsey Louckes: They've been doing it.
- Arthur Rosenshein: That's between them and the town.
- Balsey Louckes: Well that's because they say it is town property so that's why they have them cleaning it up. We should make sure that is in there somehow.
- Mollie Messenger: It isn't town property. If somebody dumps back there it is the property owner's responsibility to take care of. Hopefully it doesn't happen.
- Balsey Louckes: If it does just so you understand it is on you guys. Put a couple trail cameras up and see who it is.

- Paula E Kay: Just procedurally if this is considered the preliminary and we already had the public hearing, procedurally within 62 days following the public hearing on the final plat the Planning Board has to act which is what you are doing tonight and make sure everything conforms to our regulations. Then the applicant has 62 days after approval to get everything into the county. So if you think are ready they can act. If you need more time.
 - DRep: Just to make that minor revision will be done next week. As long as the town gets back to us in a timely manner which shouldn't be an issue.
 - Arthur Rosenshein: Motion?
 - MOTION:
 - Irv Newmark motions for conditional approval. Balsey Louckes seconds. All in favor.
7. BNOIS SPINKA (CAMP KRULA) – SBL# 39-1-86.1 – Requests site plan approval to replace 6 buildings (12 units) that were destroyed by fire. Zone: R. Acres: 16.02. Location: 5405 Rt. 42, South Fallsburg.
- Joel Kohn represented.
 - Joel Kohn: This was project was here in November. We were denied and went to the ZBA. There has been a change resulting in a change of variance application.
 - Arthur Rosenshein: What was your original denial for?
 - Joel Kohn: This is a bungalow colony now. Some buildings were destroyed by fire. They are doing a master plan. From a bungalow colony it is becoming a duplex colony.
 - Arthur Rosenshein: This is the one that had 6 or 8 different things in front of the ZBA? You needed more than variance?
 - Joel Kohn: Yes we need 8 or 9 variances. We are not sure if we are getting variances or not because of existing features.
 - Arthur Rosenshein: That was easy enough. Questions?
 - Gary Tavormina: We are rejecting?
 - Arthur Rosenshein: We're rejecting. We're not making any recommendations to the ZBA. Motion?
 - MOTION:
 - Gary Tavormina motions to deny. Irv Newmark seconds. All in favor.
8. JOEL EIDLISZ – SBL# 42-1-19.2 – Requests a 9 lot sub-division. Zone: R. Acres: 7.25. Location: Mountaindale Rd., Mountaindale.
- Applicant was off the agenda
9. JOSEPH & GITTY EINHORN – SBL# 60-1-10.2 – Requests a 2 lot sub-division. Zone: R. Location: Lovers Lane and Rt. 42, South Fallsburg.
- Jay Zeiger represented.
 - Arthur Rosenshein: The county rejected this one in every way they could think of.
 - Paula E Kay: Just to give the Board a little background the applicant came in and the Zoning Board was not so thrilled with the size of the lots and number of lots.

The applicant on his own asked to reduce the number of lots in the subdivision. It has been reduced down to 2 lots which are about 1 acre.

- Jay Zeiger: Yes.
- Arthur Rosenshein: The area is zoned for?
- Jay Zeiger: The first permutation of this was 4 lots. I think we were here once for the 4 lots. You wanted to see where the driveways would be. When Mike Reilly drew it with the driveways he reduced it to 3 lots. We went to the Zoning Board and they said they weren't comfortable with 3 and would be comfortable with 2. We went back to the Zoning Board with 2 and they granted the variance. Just to give you a little more background if there was water there they would have been allowed the 4 lots. They are in an area where there is no water. Ken can answer better as to why. The water is available but they can't deliver it.
- Ken Elsworth: There isn't enough pressure.
- Jay Zeiger: There are a bunch of developers doing an analysis with Ken to get the pressure there. This guy wants to build his house and that is going to be years before that happens.
- Balsey Louckes: Town sewer there?
- Jay Zeiger: There is sewer at the Alpine which is across the road. For the 2 lots it is very expensive.
- Balsey Louckes: What is the town code for when you are putting a sewer and well on top?
- Jay Zeiger: With the variance we are within.
- Arthur Rosenshein: Was the perk done?
- Jay Zeiger: We will have to do that.
- Arthur Rosenshein: Looking at the map it seems the first driveway is on a curve. Or close to the curve. I am just wondering who would look at that.
- Irv Newmark: 239?
- Ken Elsworth: I would.
- Arthur Rosenshein: The 239 has already been rejected
- Jay Zeiger: The interesting thing is they rejected the 4 lots then when we submitted the 2 lots they sent back the same letter but they didn't change the date. I don't think they bothered to look at it. They just photocopied and send it back.
- Arthur Rosenshein: The original one was a rejection.
- Jay Zeiger: They didn't look at it and say we reject it for 4 and we reject 2. They took the 4 lot rejection letter and resent it.
- Arthur Rosenshein: Does that mean we are overriding them?
- Paula E Kay: The 239 was for the zoning. The 239 the Zoning Board relied on was something the county prepared for the ZBA. There is no 239 for the Planning Board application. I don't know if we need to go back to the county now.
- Helen Budrock: If they haven't reviewed the 2 lot.
- Paula E Kay: They have not.

- Jay Zeiger: They did. They sent it.
- Paula E Kay: They reviewed the 2 or the 3?
- Jay Zeiger: The 2.
- Paula E Kay: For zoning purposes?
- Mollie Messenger: Wouldn't it be cleaner to do a new application for a 2 lot subdivision?
- Jay Zeiger: That's what we did here.
- Mollie Messenger: So aren't you starting over?
- Paula E Kay: I would send it out again.
- Helen Budrock: I would agree.
- Mollie Messenger: Does there need to be another public hearing?
- Paula E Kay: It is a new application but it is a 2 lot subdivision. It is a minor subdivision I don't know if we need a public hearing.
- Discussion.
- Paul Lucyk: I am concerned about sewer.
- Arthur Rosenshein: They have to do a perk test.
- Paul Lucyk: I don't know if they can have a conventional system
- Arthur Rosenshein: If they can't they will have to bring in an engineer's design.
- Jay Zeiger: We'll get our engineer to do the analysis.
- Discussion.
- Jay Zeiger: We get it. This is not our subdivision. This is our sketch. We just wanted you to look at it to get at least the design of the lots done. Then we will do the septic.
- Balsey Louckes: So this is starting all over? New application new everything? Public hearing?
- Paula E Kay: Correct.
- Arthur Rosenshein: Did we determine that we need a public hearing?
- Paula E Kay: We do. We don't differentiate in our code minor and major subdivisions. All subdivisions right now require.
- Jay Zeiger: I guess this is the proposal.
- Arthur Rosenshein: It is all technical. It is a 2 lot subdivision. Small size. If it can pass the technical review I don't know that anyone has objection. The technical review is going to be big on this. The small lot size, septic, road cut.
- Jay Zeiger: Where the well will be
- Gary Tavormina: The lot size is going to be an issue.
- Arthur Rosenshein: The ZBA approved it.
- Paul Lucyk: To come back to the Planning Board.
- Arthur Rosenshein: But the ZBA okayed the size.
- Jay Zeiger: Subject to the Planning Board approval.
- Arthur Rosenshein: But the size is allowable because of that.
- Helen Budrock: But you can approve or disapprove based on the perk tests.

- Paul Lucyk: If you have less than an acre and if you have a problem they usually bill for 100% capacity over what it is.
- Arthur Rosenshein: They are going to have to design a well with 300 feet?
- Ken Elsworth: 100 foot if septic is down gradient and 200 foot if it is up gradient.
- Arthur Rosenshein: So there is some engineering issues there.
- Ken Elsworth: There is a grading issue. There is perk tests. Deep test cuts. There are some things to be worked out.
- Helen Budrock: So this is at the sketch plan stage and the next step is the formal application.
- Jay Zeiger: I didn't want to have the septic designed and walk in here and have you say you didn't like where the houses are.
- Paul Lucyk: If I remember right we wanted to know the amount of entrances for these homes.
- Jay Zeiger: We will provide that.
- Arthur Rosenshein: My feeling is it is okay pending technical.