

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

**TOWN OF FALLSBURG PLANNING BOARD MEETING**

**June 11, 2020**

**In Attendance: Arthur Rosenshein, Chairman, Balsey Luckes, Gary Tavormina, Irv Newmark, Cody Vegliante, Planning Board Members, Mollie Messenger, Code Enforcement, Ken Ellsworth, Town Engineer, Helen Budrock, Town Planner**

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

**Public Hearing 1. CONGREGATION ORYASA – SBL# 10-1-15.4/3**

Randy Wasson represented.

Randy Wasson: Okay, this is Camp Oraysa. Its on Todd Road across the street from the project, the Ora Shalom project and it's a preexisting camp. Through the years they've had approvals to construct up to fourteen dormitories. They've constructed now six of those and I'll zoom in you can see 1,2,3,4,5,6 they have 7 and 8 and the n they had on a previous plan up in this area we had 9-14 with a parking lot. That was what you saw last time. I took those off just for clarity because the approvals had expired and the board was quite clear about that and they could not be constructed in any event until the new sewage treatment plant, which is right here, was constructed. That plant construction is dependent on the housing project, Ohr Shalom, across the street going forward. So right now the camp is using this side of the camp is using this existing sand filter plant right here which is now going to be maxed out with these three new dormitories all previously approved years ago. So the proposal now is to put an addition on the Shul and here's an enlargement of the shul, the existing shul attached. The addition the numbers are a little thick but I believe it sticks out 30 feet and it's about 110 feet long and it just wraps around the corner of the shul. And again you can see where it is right here. This is their kitchen, dining room building. There's a gated entrance right here with parking. This parking exists, this is all asphalt by the way. This is the compactor. Down here is the very large tank, I think it's 25 thousand gallons for the sprinklers for the dining room. And were proposing just thirteen nose-in parking spaces right here, just gravel. They really don't need them but we need the to meet the parking requirements for the camp and parking requirements are detailed on page one, or sheet one. 50 spaces are required and we do have 50 spaces. There's thirty right here, we have six here, 2 here and 12 more over here and I believe that adds up to 50. And I'm afraid to try and go back to the other page because I might lose it but I can if you want me to just to show you the parking calculation. The other part of, so this proposal now is the addition of the shul and the clearing of approximately five acres on this, it was an adjoining parcel. I'm not sure if it's been combined. The application to be combined was put in on December 26, it was received by the town assessor. It was confirmed that yes, they have it and they gave us a copy back in February so my client has done everything he was supposed to do but he's not sure, hasn't received any notice that they've been combined as of yet, so at this point in time were showing them as still two separate parcels. But on this parcel it's just going to be cleared, it's just going to be a rec field. Grass one area, right now it's all woods and it will serve if they have a visitors day or something like that. It will also

serve for overflow parking for visitors. We obviously have a tremendous amount of space there. So that is the proposal, put an addition on the shul and clear approximately five acres of woods and put at this time jst an open field, lawn. They could put a ball field, soccer field, whatever. But that is the proposal at this time, that's what were requesting the board to approve.

Arthur Rosenshein: Thank you, does anybody here have any comments.

Arthur Rosenshein: Okay, if there's nobody who wished to speak the public hearing is closed. Just for information's sake, if there is anybody whos just coming to see that, it's not over for that item but that item will appear on our agenda under old business later in the evening.

### **New Business 1. DISCUSSION OF PROPOSED NEW LAWS**

Mollie Messenger: The laws were sent out to the board members. I'm not sure I only got written comments back from Arthur and Arthur you can explain your stuff. We were asking for comments from the planning board on the changes to the seasonal occupancy law which is more or less Air B&Bs and rentals. Substantial construction, expiration of approvals, and fences and hedges. Did anybody review those laws and/or have any comments that they wanted to change?

Irv Newmark: I never saw the laws, I never got them.

Mollie Messenger: They were all sent by email probably in like March.

Irv Newmark: They probably went right in my trash which I notice a lot of my stuff is going now. I never got them I never saw them.

Mollie Messenger: Ah, okay. Arthur, do you want to go over, I know you had written a memo on it.

Arthur Rosenshein: Yeah I had a few items. 1: I thought that perhaps instead of 12 months initially two years would be better.

Mollie Messenger: Were talking about expiration of approval just to –

Arthur Rosenshein: Ah, I'm sorry. I'm speaking of that which I am interested in which is the expiration of approval basically. And I thought perhaps we should have it longer, it just seems 12 months isn't very long. Especially when you need to get various permits. So that was that one.

Paula E Kay: You mean from outside agencies, right? Like state agencies? When you say you need to get various permits you mean from state agencies which are notoriously slow?

Arthur Rosenshein: Yes. They can use up their year very quickly and then we come back with it. There are other things that I had put down on how to handle renewals but that had to do with sort or internal planning board. I thought we would need a written record. If somebody wants an extension because of a regulatory approval not showing up id like to have the paperwork shown to us to do it. And I see that we can extend for a year and then two six month ones. I have no problem with that it's just that I thought one twelve months was a little too short. There was something else I wanted to add to it.

## Planning Board Meeting Minutes 6/11/2020

Mollie Messenger: Arthur so you were thinking about you wanted to have a two year instead of a one year with six months?

Arthur Rosenshein: Yes.

Mollie Messenger: Does a planning board member have a comment on that?

Helen Budrock: Does that mean two years and then no extensions or? Sorry.

Arthur Rosenshein: Go ahead, Irv.

Irv Newmark: Yeah I think it will work so long as the delay is caused by the DEC or the health department or something beyond their control.

Arthur Rosenshein: So, anyone else? Sort of neutral on that. I just thought it would be more efficient. We get virtually everyone coming back so I thought two years would be a better one. There was another item that I thought should be put in here and I don't know if it would fit under this or not but I sort of have a problem. We get projects from two or three zonings ago that is somehow grandfathered by different rules and then we try to figure out what they fit under and I was wondering if while we were doing this we could put something in that terminates grandfathering after some period of time. I haven't worked out language but I was wondering what people thought about that and whether it's possible.

Paula E Kay: Its certainly possible, we would just maybe, maybe you and I should try to craft what it should look like. I would do that as a separate local law.

Arthur Rosenshein: Right.

Paula E Kay: But it would make things a lot less confusing, and the applican't, if everyone knew with certainty what laws they were supposed to be following.

Arthur Rosenshein: Because sometimes they try to take advantage of what's good for them in the old law and also what's changed in the new one. And it does get confusing. So if we could look into that that might be reasonable.

Paula E Kay: We could do that.

Arthur Rosenshein: There was another section, it said something about if a project shows substantial progress that then gives it a sight plan extension. And I have no problem with that, and there's a whole definition of substantial but I do have an issue that came up, and I don't know if it fits under that. Suppose a project goes as far as putting in enough to be substantial and therefore grandfather, whatever you want to call it, and then goes into hiatus for a few years? What then happens? They've already gotten enough in the ground to have their project continue but then it stops and were left with foundations or something. Perhaps we can think of a few examples. I was wondering if we could do something with that.

Paula E Kay: Bonding.

Gary Tavormina: What do you consider substantial?

Arthur Rosenshein: I don't have a printout on that.

Gary Tavormina: Cause we had a problem, they did the driveway and they said that was the start of the project.

Arthur Rosenshein: Yeah, let me read the section on substantial if I may. Following the issuance of a site plan approval and all necessary building permits Substantial construction means the first placement of permanent construction of a building. Including a manufactured home on a site such as the pouring of a slab or footings, instillation of pilings or construction of columns. Substantial construction does not include land preparation including clearing, excavation, grading or filling, installation of streets or walkways, excavations for a basement footings, piers or foundation to the erection of temporary forms or the installation of accessory buildings such as garages or sheds. That's what it reads.

Helen Budrock: And that's part of the proposed change? That's not currently in the code, that's the proposed text amendment?

Arthur Rosenshein: Right, that's proposed.

Helen Budrock: Right, just wanted to clarify.

Arthur Rosenshein: I Thought we might add to that or somehow deal with what happens if the project gets substantial, gets a site plan, and then nothing for a while.

Paula E Kay: And that's why we need bonds. Like a removal bond would address that.

Arthur Rosenshein: Well we would have to have some terminal date on it, have to have some legislation. It says removal after certain conditions. So we could exercise the bonds.

Paula E Kay: Right, exactly. Yep.

Paul Lucyk: Can I ask the question if a property went bankrupt or changed ownership on a project?

Mollie Messenger: I think that's the same thing with the bonding that another step of the law would be.

Arthur Rosenshein: So anyway I thought we need to incorporate something like that in the language.

Paula E Kay: I think that would be a great step. I think it would do a lot to ensure that we don't end up with partially constructed projects throughout the town.

Arthur Rosenshein: Okay and I think that pretty well covers my comments on the laws. Anyone else?

Mollie Messenger: I can send the laws out again tomorrow to the board just so you guys all can have a second look at them. Irv, make sure they don't go in your trash.

Irv Newmark: Okay.

Paula E Kay: But we are going to need a recommendation to the town board from the planning board. In general, with the comments, does the board recommend etting the draft to the town board for the town board to start to act on them? With the amendments that Arthur has made.

Arthur Rosenshein: Somebody say yes, no, or indifferent.

Irv Newmark: Yes.

Arthur Rosenshein: Paul, you had some comment?

Paul Lucyk: I think she took care of it with the bonding. Especially if we get a project that either changes ownership or goes bankrupt, if there's money to can prepare for the project to be adjusted, either buildings that foundations that need to be demolished or, whatever, it might be a good idea through bonding. I think that would help out.

Arthur Rosenshein: Okay, anyone else. I guess that's it. Paula, you'll get that off the transcription?

Arthur Rosenshein: Okay, then that's that item. Skopps Cottages? Whose here to represent?

**New Business 2. SKOPPS COTTAGES – SBL# 27-1-17.2 – Requests site plan review to demolish and replace unit 21E. Zone: R. Acres: 16.99. Location: 305 Murphy Rd., Fallsburg.**

Joel Kohn represented.

Joel Kohn: She is doing it now. Okay. Okay, everybody can see it? So this is Skopps Colony. This proposal here right now for this project is just to demolish one bungalow which is about 750 square feet, it's 21E, and they've proposed to replace it with a larger unit. This will require variance for the zoning board of appeals. So essentially what were here tonight for is just to get a denial from planning board to be able to go to the zoning board.

Arthur Rosenshein: And the purpose of the proposed building?

Joel Kohn: It's a single family unit. They had 750 square feet now, it's going to be about 3,000 square feet now.

Arthur Rosenshein: So what you need from us is a rejection?

Joel Kohn: Correct.

Arthur Rosenshein: Does anybody have a problem with my rejecting it, variances? Okay, you're rejected, officially.

Joel Kohn: Or do you want to vote on that?

Arthur Rosenshein: Motion to reject.

Paula E Kay: Thanks.

Irv Newmark: Motion.

Paul Lucyk: Second.

Arthur Rosenshein: All in favor. Raise your hand.

Joel Kohn: Thank you.

Arthur Rosenshein: Okay. That was easy. 613 Realty Group, Citrus Café. Site plan approved for an outdoor seating area. We've had this on before.

**New Business 3. 613 REALTY GROUP - CITRUS CAFÉ SBL# 22-2-21 – Requests site plan approval for an outdoor seating area. Zone: MX. Location: 436 SR 52, Woodbourne.**

Allen Frishman represented.

Allen Frishman: Oh, okay Jay I wasn't sure. So we got approvals for this project last march and had a stamp map for that. It was decided by the town that our closest point on route 52 had to be pushed back which means on the most current site plan I have submitted that and along with that we would need actual seats around the tables. What we did have in the conditions of last year was that if we wanted to serve alcohol outside because it was too much involved last year, that we would come back in front of the Planning board and that's kind of why were here. The restrictions with the alcohol and beverage was the gate necessary and on the new site plan I don't have the technology to show everybody so I don't know how you were doing it before but you all have a copy of the site plan, you should. Basically there's a spring loaded gate that pushes, it works its way into the site, so somebody with alcohol technically can't just walk out. There's going to be, just like last year, the concrete filled steel bollards. They're 3'6 inches in height. They're going to be painted the same color as the exterior wall of the building and there will be a chain connected to each one and that will prohibit people from walking in and walking out and there's that one gate to allow people to walk in but not allow people drinking to walk out. we still have the existing planter that's in the very front that acts as a barrier and really everything else is the same, it's really just a modification. Any questions, I'm ready.

Arthur Rosenshein: So it's just, the gate is the only change.

Allen Frishman: well, it's the gate and also we had to push everything back and on the site plan were only using ten feet from the double doors on the side of the building. I think the reservation was about to push it back 12 feet which we did so and it's interesting now with COVID that everything's going to be outdoor seating anyway so it kind of falls into place kind of strangely so.

Ken Ellsworth: Well I, yeah I think it's just opposite of what you've said Allen. If you go to restaurants, they don't want you to walk into that outside dining area because of the alcohol. You can get to that area through the inside, you can always walk out. so it has nothing to do with taking the alcohol out, so it has nothing to do with taking the alcohol out. it has to do with keeping the public from going directly into that area. So it's just opposite of what you said.

Allen Frishman: Okay the information I got was from my client because he did all the research but if you're saying that it's got to be opposite swing, no problem.

Ken Ellsworth: Its just my involvement with the City of Binghamton and their café dine line rules and also if you go to an Applebees or a Fridays, you'll notice you cannot walk into the outside area. You can walk out, but you can't walk in. so I would think Applebees and Fridays have it correct.

Ken Ellsworth: And then the whole things got to be enclosed with a chain or something, even the ends.

Allen Frishman: Yeah, were going to put the white fencing in the back so you don't see the dumpster and all that and from that point were going to have the bollards in the ground, that's also a preventative

for traffic and were just going to run that chain from bollard to bollard and right up to the gate and I only left six inches of clearance from the planter and the wall so it's going to be pretty tight. Its going to be a continuous gate and then the fence and as you said I'll switch the direction, I can make the change in the site plan and I can submit that to the building department, no problem.

Helen Budrock: So Allen the planter is what's going to prevent people from going from the sidewalk into the outdoor seating from outside rather than going in and coming out that door, is that correct?

Allen Frishman: Well you have the planter and there's going to be the bollards. Those are the black dots and they're placed about five feet apart. And there's a chain –

Helen Budrock: And there's a chain between the bollards so it creates a barrier, got it.

Allen Frishman: You have to have a metal chain that's welded or really clamped, you know.

Ken Ellsworth: Mr. Chairman. At some point in time and this is a decision for the board to think about, we don't have to talk about it now but at some point in time if this happens a lot you may want to get some uniformity with chains, with tables, with umbrellas, with chairs. City of Binghamton and Saratoga Springs, is what we modeled it after. You're only allowed certain items, we've had problems with chairs blowing over, plastic chairs, advertisements on umbrellas, so there's some other uniformities that you may want to consider for the future if this starts popping up in other places.

Arthur Rosenshein: Well with the laws the way they are people will want to be outside so that's a good suggestion.

Paula E Kay: Yeah.

Helen Budrock: The town does have a section on outdoor seating and cafes right now but it doesn't include any of those design considerations, it's really about process and permits and that kind of thing so it will be fairly easy to add some of those suggestions to the existing law.

Allen Frishman: Might I say that anything that he's done he's done top notch so the table and chairs on the inside are metal and I don't know exactly what he's going to use but they will be metal tables, small tables and chairs. Again, he doesn't want to deal with plastic because yeah they can blow away. Those plastic chairs after a while I've seen people bend the leg and they fall so he doesn't want to have a problem. I'm sure it wouldn't be painted florescent orange because I wouldn't let him do that. It would be keyed down, probably black, you know typical rod iron color. But I agree that after a while if there's a lot of outdoor seating there should be some standards said but like I said everything he's done on that building has been really classy, right from the front and everything he's done on the inside.

Arthur Rosenshein: Okay do any of the board members have any comments, Paul?

Paul Lucyk: Does allan have a plan or something that I can look at, because I'm kind of lost.

Paul Lucyk: The problem is I don't have any paperwork on this. I never received an email with everything from planning board.

Mollie Messenger: Its all from the March agenda, Paul, so your march packet would've had everything in it.

Gary Tavormina: What is the amount of cars in that parking lot?

Allen Frishman: I didn't hear you about the cars.

Gary Tavormina: Right now they park on both sides of the building. How are you going to control the amount of cars in that parking lot?

Allen Frishman: Well it's now lined. So people have to park between the line spaces. There have been plenty of times that I have entered that parking lot and I noticed that once there's a line on the ground people observe that. I haven't had a problem –

Gary Tavormina: You didn't answer my question. How many cars will be allowed to park in the parking lot?

Allen Frishman: I'm not sure the number but that has no bearing on the seating on the side of the building. I don't know the limitation of the number of spaces right now.

Gary Tavormina: We ought to know that.

Allen Frishman: What does that have to do with the seating?

Helen Budrock: There's not going to be a change in the parking lot.

Allen Frishman: None.

Arthur Rosenshein: Okay further comments on this, basically it's an approved site plan and the only change is putting a gate in and a ten foot extension so there's no real change on what we've got Gary, we've approved it before.

Jay Zeiger: And also when it was approved there was a lot of discussion on parking and making modification to the parking so that was already addressed.

Gary Tavormina: We saw the parking the way it is with the open parking lot as is right now. They park on both sides, alright. Now you're going to put outside tables. You're going to eliminate by the café parking areas –

Paula E Kay: No, the parking stays the same.

Helen Budrock: Okay let me know if you can see. So this is the Citrus café right here, this is the parking area that Gary was referring to.

Gary Tavormina: Yes, that's what I'm talking about that right here.

Allen Frishman: so if you move the cursor over, close to the building, there's already a ten foot strip. And that's the planter right there. Were going to be turning the planter and that's almost going to fill in the whole bottom. Its not that were taking any parking spaces away, that was a question way back and that is part of Eli Brezel's deed specifically says he can use that right of way.

Helen Budrock: So this edge will be blocked off with the planter, this edge will be blocked off with the bollard and the chain, the door will be one way, right, and then the tables and chairs will be in that ten foot strip between the existing parking and the building, correct?

Allen Frishman: Correct.

Arthur Rosenshein: Where does that gate go?

Allen Frishman: Well that planters going to be turned 90 degrees and from the corner of the planter to the first bollard, that's where the little gate, the three foot gate, and I'm sorry you don't have the site plan and I don't know how to do the technology.

Jay Zeiger: I think this was good, Allen, what were looking at.

Arthur Rosenshein: Its fine, especially because it's been approved already.

Allen Frishman: Were not taking away any parking spaces, were just adding the gate to swing out for the purpose of the serving of the alcohol and that's why were coming back to the Planning Board.

Arthur Rosenshein: Okay, does anybody else have further discussion? Gary?

Gary Tavormina: The distance from here to here is less that 20 feet, okay? Now how are you going to get card out of that parking lot? Go in here, the distance from here to here is less that 20 feet.

Allen Frishman: That's why we were asked to move back the seating and the planters started about 20 feet back.

Gary Tavormina: Without anything they're having trouble getting in and out in the summertime. That's my point. How are we going to correct it before somebody gets hurt?

Allen Frishman: I think if the parking issue if somebody has to wait when somebody pulls out, somebodys pulling in. we can't correct the parking lot and that 10 foot area is still reserved for him, so it has nothing to do with the parking lot.

Arthur Rosenshein: Allen how substantial is that planter? Stop a car?

Allen Frishman: actually, if you want I'll put two bollards behind it. Plant them in the grounds, that would be really substantial to push that. I mean if somebodys going 20 MPH yeah they're going to blow into it just like any seating area in a town along a sidewalk.

Arthur Rosenshein: Well that should take care of Garys concern. If it's substantial enough that a car can't get through it then that should solve that problem.

Allen Frishman: That van is right in front of the planter. And it's pretty heavy when you fill it up with earth.

Eli Brezel: Its probably 1,000 lbs.

Helen Budrock: I'm wondering, the neighboring property owner actually did a nice job with the stacked stone encased stone bollards with the chains in between. I'm wondering if that couldn't have a similar look, it would actually look quite nice. Just a suggestion.

Eli Brezel: What were trying to do here is, I mean, I'm sure allen has mentioned that we had approval previously we just want to add the alcohol part. We just want to modify to the exterior, the outside.

Allen Frishman: I'm going to inject that maybe he had to do that because I heard he rubbed the planning board the wrong way by putting in a building that wasn't supposed to be there so maybe he was trying

to make nice-nice. But the other point is this was previously approved, were going to paint the bollards the same color as the building, it's not going to be some hideous yellow or orange or something.

Mollie Messenger: It would be nice if they did match though. They both have stone buildings.

Arthur Rosenshein: Well we've already approved them the way they are.

Mollie Messenger: Well they're back again, so it's open.

Arthur Rosenshein: Well if somebody wants to add that when I make the motion, if somebody wants to add that as a condition, that's up to them. They can see if they have the votes to carry it.

Allen Frishman: I'd like to know how far apart his bollards – I didn't even know what he put in the middle of it.

Arthur Rosenshein: Plastic chains.

Allen Frishman: Yeah, but I'm just wondering are they as close as we are putting ours? Is there a way to turn the camera to look into the bollards? I don't know. Was he asked to do that or he did it on his own?

Mollie Messenger: Did it on his own.

Eli Brezel: Listen Allen, when you're doing two or three the cost is not that great. When you're doing it for 80 feet along the building you got to hire a mason because the cost is crazy.

Allen Frishman: It would be about 11 on our part.

Eli Brezel: so the cost of the place going around and around would be cost prohibitive.

Allen Frishman: I would like to say beside the cost we have a very limited ten foot strip. Those look like about over a foot wide and the bollards are only six inches in diameter so I would suggest maybe instead of painting the bollards the same color as the building, maybe we can match the beige.

Eli Brezel: Listen, we can paint the bollards any color, that's not really the issue.

Helen Budrock: Actually, I just want to suggest just research. There's actually decorative bollard covers, so you have the concrete bollards, you can paint them. But they actually have vinyl sleeves that you can put over them that make them look decorative, like New England posts and they look very nice. That may be a more cost effective solution.

Eli Brezel: I have no problem getting covers but they all come in like neon colors, that's something that the town didn't want. They're all like yellow, green, red, like neon.

Arthur Rosenshein: Oh, we don't want that. I'd rather paint them similar to the stonework.

Helen Budrock: I can send you a link if that would be helpful.

Arthur Rosenshein: But summer is looming and we need to decide at this point yes or no. I would entertain at this point, if there's no further comment, entertain a motion to approve the revision of a site plan because that's what it is. The additional ten foot plus the gate opening out and with a suggestion that the bollards be either painted to match the existed building or working with Helen on the covering. One or the other. Anybody have ore on that? Anybody want to make a motion? Bucky?

Balsey Louckes: Yeah, lets give, I make a motion to give them a one year approval let them come back next yar to see what it looks like.

Cody Vegliante: I was pointing out that I was going to second.

Arthur Rosenshein: Okay so we have a second.

Allen Frishman: Can I just get, what was the motion exactly?

Arthur Rosenshein: The motion was to approve it with the gate, the ten foot extension and the one year – the only thing that remains open is a look at what the bollards are.

Allen Frishman: So I just want to make sure that were not forced just to -

Jay Zeiger: No, no, you don't have to come back.

Balsey Louckes: Why not? I'm making a motion for them to come back in one year.

Arthur Rosenshein: You're alright for one year. Next year come in early, well know what it looks like and well decide on whether to change the coloring on it or something then but that's the only thing that will be open. The approval stands with the exception that we want to review the look. Is that understood?

Allen Frishman: Eli Brezel, you got that?

Eli Brezel: Yeah, sure, it's only the thing we come back is if we paint the bollards.

Jay Zeiger: No, No, Eli Brezel, you can paint it. You can paint it to either match the building or work with Helen for a covering or something, but either way you're okay for this season. They want you to come back for next season before next season and they're going to reevaluate either the coloring or the covering or that issue but your approval is in place and you're good to finish it for this season.

Eli Brezel: Sounds good.

Arthur Rosenshein: Okay, we have the motion, we have the second. 1,2,3,4, Cody, your hand is up? 5. Any against? You guys have it. 5 nothing.

**Old Business 1. CONGREGATION ORAYSA – SBL# 10-1-15.4/3 - Requests conceptual review for a proposed 42 x 90 shul addition and a recreation field on an adjoining parcel. Zone: REC. Acres: 138.22. Location: 228 Todd Rd., Woodbourne. Cross roads: Budd Rd**

Randy Wasson represented.

Arthur Rosenshein: Camp Oraysa. So what we have is a shul addition. A recreation field. And that's all that's on the list. Okay Mollie, any thoughts on this?

Mollie Messenger: We were working through the draft resolution earlier today that I sent to Randy earlier today that Helen had put together. The whole board didn't get to see it, Arthur I know you did, I'm not sure if we want to go over that. There were some conditions that we put on way back in February that we had all discussed. That they can't go past building #6, they need a SPEEDIES permit,

they had to upgrade their sewer, they had to combine the lots. There were a lot of stuff we had to work through February so I think they're at the point that if Helen you want to go through some of the stuff that you wrote up if the board doesn't have any questions.

Helen Budrock: I'm happy to read, in addition to the standard conditions, I'll read off some of the site specific conditions and from there we can figure out where the board wants to go. So the first site specific condition that I have is that tax parcels 10-13 and 10-1-15.4 are going to be combined into a single parcel. I think Randy had addressed that earlier but that will be a condition. Any questions on that?

Helen Budrock: I had 2A. let me go off of the paper copy. The next condition is on a previous site plan it showed parking, proposed parking all along the recreation field. I noticed in the presentation that it is gone, but we did put in there a condition which is actually in the code that no more than 12 parking spaces shall be constructed in a continuous row uninterrupted by landscaping and that's in accordance with 310-8.5. and Mollie also indicated that handicapped parking would also be provided by the shul as determined by the town engineer.

Mollie Messenger: Helen, I'm not sure if Ken wants to speak on that. The one thing that we really didn't go through with Randy in February was any of the parking or handicapped parking or utility connection. So Ken I don't know that was fully developed or what your thought process is.

Ken Ellsworth: No, I asked, I reviewed that and sent a note to Randy and everybody that we have to show where the accessible spaces are. Randy's got a note on the drawings indicating that there'd be one percent but there's no contouring or grading. At least on the set, the two pages that I have, I'm sure Randy has a more complete set that he'll send out to get some of these things cleaned up. So parking, handicap, show some grades. I had access to the ballfield area. Looks like the only point is down to the bottom of the page, there's a dumpster in the way at the top. It that was the only case I was going to say show where the access is to park cars in there.

Randy Wasson: Yeah, Ken, if I could pull up the drawing and run through your comments very quickly and also address Helen's resolution comments as well.

Randy Wasson: Okay, I'll just run through Ken's comments very quickly. He says 'note #6 references accessible spaces, please indicate the spaces on the plan with the appropriate signage.' he's also recommending a change in the paving. What we've done, as I said earlier, if you can see my plan, we've removed some parking that was in this area that serve some future dormitories that are also off the map. And what we're going to do is in this area, here, near the shul, is create a handicap or two parking space. It's already paved and it's also very very flat. If you're familiar with the site, I don't know what the slope is but I bet it's well under 2%, right in that area. So that's how we were going to address #1, Ken.

Mollie Messenger: You're trying to go from that parking space all the way over to the other building? How are you getting there?

Randy Wasson: One parking space to the shul basically.

Mollie Messenger: No, the new building is what I'm talking about. Because that's spaces for the new building in the field.

Randy Wasson: I'm not putting a building in the field.

Helen Budrock: No building in the field, that's just a zoom in.

mistake Mollie.

Randy Wasson: Sorry about that. So that's what were going to do there and I don't think we need to shoot grades or worry about that, Ken, to be honest, it's really flat.

Ken Ellsworth: And then you have the roof from those accessible changes to the shul and it's already kind of there just disconnected I guess, right?

Randy Wasson: Yes, right. Alright your comment was to connect the parcels. That may or may not have been done but we applied months ago so. Okay, lets see, comment 3: indicate the access point through the field for the overflow parking.

Ken Ellsworth: When you go to your bigger map it looks like there's two openings and one may be blocked by the dumpster, or the compacter, whatever that is.

Randy Wasson: I'm close to the, I'm really not, I have a 35 foot opening there. 35 feet from the end parking space to the gate for the dumpster.

Ken Ellsworth: So I was going to add, just have you show an access point at that point. It makes sense to just use that field for overflow.

Randy Wasson: Yep, that's what we've got labeled right there: Parking access location. I didn't want to come down in here because it's a little tight and trying to swing out with the building here and I don't know if there's foot traffic on this side or not so id rather just keep it up by the parking.

Mollie Messenger: So, Randy, you took out all the parking that was along the parking line, do you now meet the parking table because you took all the parking away?

Randy Wasson: Yes, Mollie, we need 50 and we do have 50 exactly.

Mollie Messenger: And the 50 are just in that front parking and then off to the side?

Randy Wasson: Yeah we've got 13 and 17 and 6 and 6 and 12.

Mollie Messenger: So isn't the dumpster in the way of the emergency road going around the building? Like why is the dumpster in that location? Doesn't seem like that's conducive to -

Randy Wasson: Well, there is adequate space there, why is it there and not against the building? Alli can say is that's where they wanted to put it. You do have clearance in this area. You do have adequate space to come through. But it's not the best but that's where it is.

Mollie Messenger: Well it seems like maybe it needs to be turned. The property line wont be there anymore so if you just turn it to go the other way it would open up that whole area up quite a bit.

Randy Wasson: Right, just turn it 90 degrees and just back it into this area right in here somewhere. I think we can do that.

Paul Lucyk: Can I ask a question? There's two entrances or there's only one?

Randy Wasson: There are two. The other entrance is right here.

Paul Lucyk: What I'm knocking at trying to say is, is there access for a fire truck? I don't have a scale, I can't see if a fire truck can get around to loop if it came in the entrance.

Randy Wasson: There is, the road loops all around, Paul. This hatched area is an easement that this unit #3 which is on a separate parcel but it's part of the camp and the parking for it is factored into the parking calculations for the camp. That is the camp directors unit and the former camp director, I'm not sure. So were widening his driveway and he's granting an easement to the camp, that's the hatch area, to use that as an entrance. And then the roadway comes all the way around, this is a gymnasium #18, goes past the gym, comes back up around the dorms, and then back up alongside the kitchen and then the other entrance is right here.

Paul Lucyk: What I'm trying to say is, where the parking area is, is there an entrance out of that parking lot.

Randy Wasson: Yes there is, right immediately above it onto Todd Road.

Paul Lucyk: Since, how would I say it, since you just purchased more land for the recreation field, if there's more, if you need more access for a firetruck or anything in that parking lot can it be extended wider so there's more room if it's needed? The picture I'm looking at, I don't have a scale, I don't have an idea of how much room from your edge of your parking –

Randy Wasson: There we go. Heres the entrance to the main parking. These spaces are 20 feet deep, Paul, so you've got a wide area coming through here to get it.

Paul Lucyk: Okay, now onto the property line, is that a parking? What is that, those boxes?

Randy Wasson: Here? That's just additional parking spaces.

Paul Lucyk: Okay, thank you.

Arthur Rosenshein: So, question, did we do the environmental on this?

Helen Budrock: Well, one thing at a time. We were going through the conditions and once were satisfied with the conditions then we'll do SEQR before we do a final motion.

Arthur Rosenshein: Just a question on whether it's still open.

Paula E Kay: Yes, it's definitely still open.

Mollie Messenger: Can I make a suggestion because we've had some issues in the past with other developments in the past with other developments. One of the conditions should be that the loop road gets completed first before any other construction because we've had issue with the loop road not being completed or something going on in the back and the fire department can't have access. So we want to make that a condition that they do the loop road and put that completely in, which I believe e a lot of it is in but they need to finish.

Helen Budrock: That was my question, if there was not 100% connection right now, Randy?

Randy Wasson: Not 100% but a lot of it is in. okay, I'll add that as a condition. Were you through with kens comments?

Randy Wasson: No, there were a few more. Ken points out that the field is a 5% slope in the back, where we were proposing the rec area. He says indicate grading for use as a ball field. I can do that Ken, but the contours we have there are interpolated ten footers, I think, based off the USG. We didn't shoot double because it was such a gentle slope and it felt consistent across the whole area.

Ken Ellsworth: Okay, alright. I just thought if you were making a softball field or something like that 5% was a little steep, but we can't judge that right now. Okay.

Randy Wasson: Yeah, we really can't do that. And then you ask will there be more than one acre of disturbance? Well, yes, the field is approximately 5 acres. I sent this over to Berger Engineering to look at doing a swift. I received a letter back, they did not think it met the criteria for a swift or it might be borderline but it certainly requires the erosion and sediment controls. They are not showing on the plan at this point in time, we can add those, and I can forward that letter to you for review. If you think something more is necessary I would think it would be possibly quality control or REV or at the most, and that's something we can add to this plan if need be as well. Pretty minor, though.

Ken Ellsworth: Lets do that for the record, send Berges comment and we've been right on the same page with him right along. And then put erosion control on your full set of drawings.

Randy Wasson: Yep, yep, we can do that on these. And we did have five drawings that made up a set when we had all the other parking and the other dormitories and things like that on there so, the set now is just these two sheets. We only had a few details, well add the accessible parking, some signage, hatching and that sort of thing to one of these. We can fit it on this sheet, there's lots –

Ken Ellsworth: Some of the notes referenced page five and stuff. You'll have to take a look at those.

Randy Wasson: We've changed the notes. We've reduced the notes and deleted a lot of those things right there.

Ken Ellsworth: Okay, Great.

Helen Budrock: And Randy, I did have one of the conditions for site plan approval is you will require a SPDES permit, right, for construction activities?

Randy Wasson: Yes, we will.

Helen Budrock: Okay, so that will be in the site plan resolution as well as a condition.

Randy Wasson: Okay. I should qualify that Helen, I think we will. I've never disturbed five acres before and not gotten one but if we don't have to do a swift – maybe ken can answer that, if we don't have to do a SWIFT do we still have to do an NOI? I'm not sure.

Ken Ellsworth: I don't think so, no SWIFT no NOI.

Randy Wasson: I don't have the numbers to fill in the NOI, all the numbers they ask.

Jay Zeiger: Just add the condition that they have it if they need it.

Randy Wasson: Okay. That was, Ken. You made one comment about an aerial photo not correlating with our plan. I didn't have time to look at that closely. I'm not sure what you're referring to on that one.

Ken Ellsworth: Well, that's a note that Kyle lumped on their photo and maybe there's a building or two that are not on the plan, I don't know. I guess take a look and see. I don't know specifically now that I look at that note. Was anything recently build – I thought you had everything on there.

Randy Wasson: on the areal, I took a quick look at it, and what's not on it are the three new dormitories down on the very bottom, these three right here. That's not on the areal photo but those buildings I think are all up. I'm assuming are all up by now so it wouldn't be on the areal.

Helen Budrock: That might be it.

Ken Ellsworth: Just give it a Persian review and we'll be fine with that.

Helen Budrock: And, Randy, the last condition that I had on my list, just for discussion before we move on to SEQR is that prior approval for the construction of the eight new dormitory buildings, which is #7-14, has expired and is not included as part of this project so at such time as the applicant can demonstrate that adequate waste water treatment can be provided to those new buildings a site plan approval would be considered by the Planning Board. Does that makes sense?

Randy Wasson: That makes sense to me.

Helen Budrock: Okay, I just wanted it for the record.

Helen Budrock: Ready to do that, and then Paula, can you just take the lead, I guess we'll do SEQR first and then I'll just recap the conditions and somebody can make a motion.

Paula E Kay: Right, so looking back over the files for this project it appears that the Board never declared itself as lead agency. So that's the very first thing, Mr. Chairman, that has to happen tonight.

Arthur Rosenshein: Okay, and you take this as an unlisted action?

Paula E Kay: Yes.

Helen Budrock: Yes.

Arthur Rosenshein: Okay, so motion for the planning board to accept as lead agency unlisted action? Do I have a motion?

Irv Newmark: I'll make the motion.

Paul Lucyk: Second.

Arthur Rosenshein: Any against, okay one against.

Gary Tavormina: No, not against.

Arthur Rosenshein: Oh, okay. You were late on that one. Okay, all in favor then. Is there anything between us and a vote of negative tech?

Helen Budrock: I did do a draft of the part 2 and 3 of the EAF indicating no significant impact. And on part 3 I just want to read the narrative that I put is that the proposed action is small in scope and will not result in a change of the use or intensity of the land as to create any significant environmental impacts. While the proposed action may result in the potential for some erosion and sedimentation, as a result of

clearing 5 areas of land for recreational fields, any potential impacts will be small and mitigated by measures required by the DEC. Does that make sense?

Paul Lucyk: Yes.

Arthur Rosenshein: Okay, it says for me to check this box if we've determined based on the information and analysis above and any supporting documentation the proposed action will not result in a significant adverse environmental impact, in other words a negative deck. Does anybody care to make the motion for a negative deck?

Gary Tavormina: Motion.

Arthur Rosenshein: Gary. Do I have a second? Paul?

Paul Lucyk: Second.

Arthur Rosenshein: Does anybody have any comments first? Without any comments would anybody in favor please raise your hand.

Helen Budrock: Art, would you please do a roll call just for the record. Right, everybody.

Arthur Rosenshein: Paul, Gary, Irv, Cody, Bucky, Myself.

Arthur Rosenshein: So the eyes have it.

Helen Budrock: So before a motion is made for conditional site plan approval I just want to recap the conditions that we discussed: that the tax parcels will be combined, that the handicapped parking will be provided by the shul, and to follow up that ken has to do with the applicant on the parking, no site disturbance or construction shall take place until a SPEDIES storm water permit is issued by the DEC if required and that the prior approvals are not part of this project, and once the water and sewer is provided then the applicant would have to come back for a site plan amendment.

Mollie Messenger: And loop road needs to go in.

Helen Budrock: Oh, yes, thank you, Mollie, I wrote it in pencil and I forgot to add it but yes, that the loop road needs to be completed first before the other improvements.

Arthur Rosenshein: Okay. Then were ready for the motion based on the conditions as read. Does somebody care to make a motion for approval.

Balsey Louckes: Motion.

Arthur Rosenshein: Gary. Do I have a second?

Cody Vegliante: Second.

Arthur Rosenshein: It was a tie, Cody you get this one. All in favor raise your hands please. Irv, Paul, Gary, Bucky, Cody. Okay, got them all. Its unanimous. Motion is passed.

**Old Business 2. BROOKSIDE ESTATES – SBL# 49-2-16 – Requests site plan approval for 8 finished basements in existing homes. Zone: R. Acres: 8.40. Location: 61,69,75 Laurel Ave., So. Fallsburg. Cross roads: Pleasant Valley Rd. & Roosevelt Ave.**

Randy Wasson represented.

Arthur Rosenshein: Alright Brookside Estates, requests site plan approval for 8 finished basements in existing homes. And I believe we have the plans. Who's representing?

Randy Wasson: Okay, well basically these houses have unfinished basements and they want to finish them off. The basements will not have any kitchens, they will be part of the upstairs space, they will not be second units. They will have an interior stairwell that connects the upstairs to the downstairs. Downstairs is primarily bedrooms and rec space. That's really it. We've gone around a little bit with the plans. I think they're okay at this point in time although they're not – I'm not the architect so I can't say much about them other than they are what they are.

Arthur Rosenshein: So there's a total of how many bedrooms in this unit now with this addition?

Randy Wasson: They're showing four in the basement. I'm not sure if they all have the same number upstairs as in the basement but I can say there are 4.

Mollie Messenger: Randy did you get my email from Tuesday or Wednesday? All of the first floors in those houses have three bedrooms already so they would be limited to three bedrooms in the basement because they are duplexes.

Randy Wasson: Okay, I did not get that Mollie, Sorry. I did get one from you that I responded back and read my responses but –

Mollie Messenger: That's okay, so the duplexes can only have 6 bedrooms in total so the floor plan will still have to be changed. But then I also messaged you, Arthur was wanting to know about adding the amount of bedrooms and if the sewer and water and capacity and where we were at with that and I know you and Ken were going back and forth a little bit. I thought we had discussed it many moons ago, but I'm not sure where we ended with that.

Randy Wasson: Well we did discuss it many moons ago. You may recall, I'm sure you know that we put in a lot of new sewer main in there and connected the houses to the main. Added a couple of man holes, sealed up a couple of man holes. And we also did some extensive smoke testing. This goes back like two years ago I think underneath the bungalows. Disconnected some things that should've been connected and then we called for we repaired the pumps in the pump station and I think, I can't give you exact numbers, but I think we substantially, especially based on the result of the smoke test in the new sewer, I think we substantially reduced the amount of infiltration and inflow that was getting into the town system. And so while these (cutout) are increasing the flow from what it is now, I guess if they are limited to six they ought to be allowed to do that and I would think that they would probably, especially since they're seasonal, the use would only be for basically a couple months out of the year while we reduce the INI for 12 months out of the year so I would think that we have more than met the, more than offset I should say what the increased sewer flow is going to be from these bedrooms.

## Planning Board Meeting Minutes 6/11/2020

Meir Horowitz: Hi everybody it's Meir Horowitz, I'm the applicant. I listened to everything. Mollie, first of all I think the center of our plan last week was those three bedrooms downstairs and an office space like for office space and like a playroom. And pump for you Randy, the pump station was completely repaired by Perry Sangers two years ago.

Randy Wasson: Right, right.

Paula E Kay: I actually had a question. Mollie had pointed out, again, it was a while ago but the hallway seems to be more of a living room than a hallway –

Meir Horowitz: We fixed that.

Paula E Kay: That's been corrected?

Randy Wasson: We removed the door.

Meir Horowitz: Yes.

Paula E Kay: Okay.

Helen Budrock: I would just add that because you're limited to 6 bedrooms you do have the study and the playroom as separate rooms. That it should just be under stowed or part of any sort of resolution that those are not to be used as bedrooms.

Meir Horowitz: I Can open it up for you if you want but the office will be closed off so that the kids don't bother when we work. That is no problem at all.

Ken Ellsworth: Yeah, Randy when you did that stuff you jogged a little bit of my memory. I remember you doing that extensive work. Was there ever any kind of, not so much engineering report, but just a list of the things you did at that time? I looked though my file and I didn't have anything but I do remember talking to you about it a couple years ago. Is there anything that you have that listed those things? Those repairs and the new sewer, or?

Randy Wasson: I have a plan that I can provide for you for you file that shows the new sewer mains. If I had to guess it's probably, I don't know if it's a thousand feet of main but it's probably 800 feet anyway and a couple of doghouse man holes, new man holes on the towns main. And all the sewers I put in were all with manholes not with cleanouts.

Ken Ellsworth: And it was an 8 inch main?

Randy Wasson: 8 inch, yes.

Paul Lucyk: Has this been televised and inspected and approved by the town before?

Randy Wasson: We inspected the construction the whole time they were working we were there. We pressure tested the mains, we vacuumed the man holes and we certified through the town.

Paul Lucyk: So you got a signoff from the town, correct?

Randy Wasson: Well, they signed off to the town.

Mollie Messenger: The town was involved quite a bit, Paul, with the smoke test and what not. Randys right, they did do quite a bit of work over there to fix the infiltration that we've had.

Arthur Rosenshein: So Ken are you satisfied.

Ken Ellsworth: Yeah, I think that, and I'm not sure why I don't have a copy of that. If it's not a lot Randy, just for the record send me that plan of the new sewer and anything that you may have sent to the town regarding the smoke test. Maybe will was involved and it went directly to him.

Randy Wasson: yeah it could be, I don't recall for sure but I can certainly get you the plans and whatever correspondence and testing we did.

Ken Ellsworth: Alright thank you. Mollie do you think that's okay because I do remember it now.

Mollie Messenger: Yeah they've done a lot with the sewer to try and fix a lot of the issues because in the very beginning there were several issues with the buildings.

Ken Ellsworth: Right. Okay. Thank you.

Arthur Rosenshein: So basically the motion will be to approve the finished basements limited to three bedrooms per, for a total of six under any condition. Gary, you have a comment to add.

Gary Tavormina: Before we make any approvals I want to see the plans that they're going to live by, not the plans I have in front of me. The plans and exactly what they're going to be.

Balsey Louckes: Yeah did clean up the problem that we had there to begin with, I see that they put the parking lot in but the gate is still not taken away like it was supposed to be.

Mollie Messenger: They are still working on the parking lot. They did put the parking lot in incorrectly. I have been talking to Meir about that, I guess Meir you're working with randy on Monday?

Meir Horowitz: We're working with Randy and Gregg and were going to get everything fixed in the next couple of days.

Balsey Louckes: The parking looks like it's really close to the houses there.

Meir Horowitz: Yeah were going to fix it up were going to make it right.

Balsey Louckes: Okay and what happened with the gate up the street there.

Mollie Messenger: The gates installed the way that is was supposed to be approved. The gate is actually correct.

Balsey Louckes: No, we didn't approve the gate, they put that gate in they were supposed to take it out.

Mollie Messenger: No we approved the gate because they still have that circular parking. It was a secondary approval. You approved that upper parking lot the way that it is.

Balsey Louckes: Yeah but not to use the gate. They were going to park up on the side there, they were going to make parking next to the house.

Mollie Messenger: We'll have to go back to that Bucky, well double check to make sure we have the right plan.

Balsey Louckes: Okay and the parking and the light there for the neighbor, did they ever take that out?

Meir Horowitz: That was fixed. Yes.

Mollie Messenger: One condition if the planning board wants to consider, they shouldn't be allowed to move forward with any other construction or approvals until, like Bucky is saying, the parking lot is fixed and we have gotten all of the stuff taken care of.

Balsey Louckes: Yes.

Arthur Rosenshein: Given Gary's squams about not having the plans, and I don't disagree with that, perhaps at the next meeting we'll approve it with everything else already done. The parking lot will be finished, gate will be proper, we'll have the good plans, Ken will have a chance to look things over in depth, and then we can approve it at the next meeting. There seems to be enough hanging here that maybe we should put that vote off.

Randy Wasson: The only thing I can say to that, Art is that the parking lot was approved. The parking was a separate application from this application. I mean they were tracking together for a while but I mean if there's an issue with the parking I don't know that it applies to this application. I understand what Gary's saying about the plans for the building, that's one thing –

Arthur Rosenshein: Well I thought in the mean time it was going to be done anyway so that should be an issue.

Randy Wasson: Well I just don't know, I'm not comfortable with the parking which is, like I said, a separate application all together holding this one up. I don't have an issue with Gary's comment.

Arthur Rosenshein: Well that would be what was holding it up but I was saying it would be very convenient in the mean time to have that finished as an issue anyway. Holding it up is the plan at the moment.

Mollie Messenger: Arthur, on the plans thought, the planning board won't have too much jurisdiction on the plans other than limiting them to three bedrooms. So whether you see the plans, or don't see the plans, or how it's actually laid out in the basement the planning board doesn't really have jurisdiction on that, they have to follow the code. So the same plan that was circulated in February and March is still the same plan except I think they changed the hallway and now they'll have to take out a bedroom. So the planning board can do what they want to do but I just want to be clear that you don't really have jurisdiction over the actual layout of the basement.

Gary Tavormina: I have no problem with the layout of the basement, okay, I just want to make sure that the building department has the plans that they have to live by.

Arthur Rosenshein: Gary, would you be satisfied if we voted on it with my signature 'pending the plan being submitted'.

Gary Tavormina: No, I say we don't do nothing until everything's squared away.

Arthur Rosenshein: I mean instead of making them come back I won't sign it until I see the plan with the three bedrooms on it.

Paula E Kay: That makes sense, you have very busy agendas and that way the board doesn't have to take it's time but the applicant wont be able to move forward until they have corrected all the conditions.

Helen Budrock: I agree.

Gary Tavormina: As long as there's a guarantee, Paula, that the building department has something to work with.

Arthur Rosenshein: Well I'll be seeing that Gary, because I wont be signing without it.

Paula E Kay: Right.

Arthur Rosenshein: And Ken when you get a chance when you have any other comments.

Ken Ellsworth: Yes. Yep.

Balsey Louckes: And you'll look at the gate that was supposed to be taken off.

Mollie Messenger: Yes I will pull those plans back out, Bucky.

Meir Horowitz: Bucky, which gate are you referring to?

Balsey Louckes: The electric gate that you put in illegally where you put the blacktop –

Meir Horowitz: Right, so I pulled that one and I put on top of it topsoil and seeds and to not make the parking lot it's staying the way it is. And if we decide on the parking lot were going to make it according to the approved plans.

Balsey Louckes: Alright.

Arthur Rosenshein: Okay. So a motion for approval of the site of the basements with the condition of signature awaits the complete plan.

Balsey Louckes: I Make a motion.

Paul Lucyk: Second.

Arthur Rosenshein: A second Paul. Okay everybody in favor raise a hand please. Any against? Gary is waving. In that case the motion carries, it's done.

**Old Business: 3. CABANA SANDS – SBL# 20-1-4.1 – Continued review of site plan for a duplex development consisting of 76 units and recreational facilities. Discussion of traffic study and SWPPP. Zone: R. Acres: 50. Location: SR 52, Woodbourne. Cross roads: Midwood Rd.**

Randy Wasson and Jay Zeiger represented.

Arthur Rosenshein: Okay Cabana Sands. Review of site plan for duplex development. 76 units, recreational facilities, discussion of traffic study and SQIP. That's what's on the agenda.

Jay Zeiger: Were just really looking for, you know, review of where were at and hopefully were ready to come back next month for approval. We have been to the 239 review, there was some discussion about

the sidewalks and the DOT has now confirmed that they want to show the sidewalks on the plan but they don't have to be built at this point. Randy I don't know what else is open, do you have all your comments from Ken?

Helen Budrock: And I did start drafting a conditional resolution .we wont be able to take action on it tonight as you said because we need to initiate SEQR and at least do lead agency and circulate that. Is that correct Paula? And then we can do the approval resolution at the next meeting so Randy you can do your presentation and then ill go through some of the conditions that I've already started to draft for everybody's comment.

Randy Wasson: Bear with me. Not this one.

Mollie Messenger: Randy if you want to leave that one up right now to talk about this section because that was actually a pretty big conversation that we wanted to talk to the board about.

Arthur Rosenshein: Randy what's the date on your map?

Randy Wasson: The date is February 27.

Randy Wasson: When I move the map you see it okay? So one thing that did not come through on the PDF version of this is that we did two sections and this is just a very small 200- scale version of the site plan right here. Now look right here it's section A, you don't see the section line because it didn't come through but anyway, A runs like an upside down 'U'. it comes down through these units, this building, comes down through here, crosses the road and goes through the retention pod. I can't tell you from this plan which buildings those are but I can tell you that's section A. and these sections basically are 1:1 scales so they represent the true slope of the land and the true elevations of everything. So starting at the top of the site we have the top road and we have units 65,66 and it goes down through the common area on the next side of the units, Units 69-60. Crosses the lower road, goes through 55,56 and then it just runs down, crosses the road down here and hits the storm water pond. Ill go back and just show you again where that was. That profile starts here and runs down through three of the buildings through here, crosses this lower road and goes into the pond right ththere. Okay then we have section B, which basically does the same thing, comes down. There's the community building right there, so these section lines, section B comes up and I believe it goes through these two, the community building, and let me let me see if there's another building or it just goes to the bottom. It goes through, heres the upper road this area being New Hope by reference. So it goes through 71,72, down through the common area behind the houses, there's a very steep drop off here. Doesn't look that steep, this represents the real slope but it is quite a drop. Drops about 30 feet I think over 50 feet. We've got a retaining wall right there. The parking lot. And this is the center, the road that goes through the parking lot, gores from end to end, goes right through it. The community building, ground level on the upper side, I'm not sure if Jacks going to add a door to the back but he could. He could have a walk-out on the lower side. And then units 19,20, then the lower road and there's no pond right there I think just ends just beyond the road there. So I think that's what you're looking for, I hope it was. We just did those two sections so you can kind of see how these houses could be walk outs. There's quite a few of them on the side hill. This one not so much. You can make it but it's a much flatter area as you can see.

Now we did, you do have, there's a rendering. This is the rendering you saw earlier, I think we had in our submittal package copies of this building but it was more on a flat area and this was a sloping site. This

could be if Jack was inclined to put a door under the deck he could have a walkout with the units. Or not. But you know this represents a sloping site, which represents a lot of our sites, some areas are a little steeper than this, some a little flatter.

Helen Budrock: My recollection was that the concern was just having a tremendous amount of exposed basement wall and the suggestion was to stop the foundation and have the siding go all the way down which it looks like the rendering shows.

Jack Schwartz: Zoom in under the deck please. We are about 12-18 inches of the foundation being exposed.

Balsey Louckes: What part is going to be facing 52?

Jack Schwartz: The rear, not the deck side.

Balsey Louckes: I would like to see what the rear looks like because that's what we were going to be looking at all the time. I don't care what the front of that building looks like because you're going to be looking at it yourself inside. What we were going to be looking at every day we drive by is the back of that building so that's why I'm interested.

Jack Schwartz: Right, Randy you should have that as well, we submitted that last time. We went through the ARB and we got approvals for that. I have photos here.

Randy Wasson: You see this photo now? So I'm standing pretty much in the middle of the site. I'm looking at the existing entrance, this is the building that still has to be taken down. I'm looking at 52. These are some piles of some buildings that were taken down and ground up and have to be exposed of. I'll show you the landscaping plan but the first thing is we have our buildings, Bucky, are 150 feet from the DOT right-of-way and this area is the most open area of the Pines. If you look to the right I run out of space but the vegetation gets much thicker from the road back into the site and other than our main access road, which would be down there and one strip we have to get through to run a sewer main out. That would be the only disturbance to that vegetation down there. Let me go to the overall site plan first so you can see what I'm talking about.

Balsey Louckes: I'll explain a little bit what I'm talking about, the last development with two in the woods when you ride down the road all you see is nothing. If you go to the other side of the building everything inside looks beautiful. I think the public should be looking at a bit nicer stuff than what we were giving them.

Gary Tavormina: Right. Are there windows in the back buildings that's going to be facing the road? What is the backside?

Jay Zeiger: That was a big subject.

Balsey Louckes: I know it is.

Arthur Rosenshein: Maybe by the next meeting we'll get a look at it. We want to see what it will look like, we don't have that picture ourselves.

Jay Zeiger: That was also a big subject by the Architectural Review Board, always is.

Randy Wasson: Where I was parking is right here.

Arthur Rosenshein: We know what you're saying Randy. You're saying it's mostly protected by the road by vegetation, but that picture was taken in the summer.

Randy Wasson: Well yeah but what I'm saying too Art is, I'll know landscape plan for you too, but this is where vegetation starts to get thick and this is going towards Loch Sheldrake, in this direction.

Paula E Kay: I still think the board needs to see a rendering of the other side of the building.

Jack Schwartz: I think Garys holding one up there if people can see it, that's what we presented. Actually very pretty.

Arthur Rosenshein: I can see it but it's not enough detail. The point is time is going by, we can solve this very quickly by having it by next meeting. Were not getting finished tonight anyway and id like to get through more of my agenda. You know it's important to us, well look over your submission by then, and we can decide what we like.

Randy Wasson: Okay. I've got the landscape plan up just so you can see were filling in that area where those big trees are but it's going to open under the canopy. There's a lot of stuff there and we've got some around the houses, the roadways and so forth. And then here again this is where it gets very thick and you're not going to see the houses even in the wintertime because the houses are 150 feet back but anyway. I guess that –

Jay Zeiger: We've got kens comments.

Randy Wasson: Oh, I did want to address one of Kens comments which had to do, and we spoke about this in a work session, with going for a variance because we could not get the driveway separation, but we did not have the driveway separation that we need to meet the code. We spoke to the traffic consultant and we said ' can we move this main entrance driveway down towards the Loch Sheldrake 100 feet, that would get us the separation that we need to meet the code'. He checked it out and said 'yes we can'. Its going to reduce our site distances slightly but it does not take them below the required minimums, were not close to the minimum, but were closer. So one of the reasons this didn't get back to Ken earlier this week was because we moved this driveway from up here, down to here, and then everything that goes with that move has to be changed. Ken that's going to be on it's way to you, probably the beginning of the week, the full set of plans.

Ken Ellsworth: Thank you.

Arthur Rosenshein: Okay then I want to get lead agency status. Do I have a motion?

Gary Tavormina: I'll make a motion.

Balsey Louckes: I second.

Arthur Rosenshein: All in favor. Unanimous.

Helen Budrock: And Art, I just want to add for the next meeting the applicants going to provide more detail on the design of the sidewalk, correct?

Arthur Rosenshein: That was already mentioned.

Jay Zeiger: Helen, let me throw this out, I know we talked about you want to see the design of the side walk but you're designing it in kind of a vacuum and unless you're sure where it's going to connect it seems to me that if you're designing it narrow you're going to have major modifications when you're connecting anyway.

Arthur Rosenshein: Isn't that a condition of the state? That lets you not build it if you have the plans?

Jay Zeiger: I don't think that was in the email, was it?

Randy Wasson: I don't think they said that we had to design it, I think they deferred to the town on that.

Jay Zeiger: Yeah they wanted to show the area and show the easement.

Mollie Messenger: That was one of my conditions that I had requested. It was for the design and I think it's pertinent for us to get that.

Helen Budrock: So right now as I have it worded is that 'the applicant shall provide a dedicated easement along NYS 52 as necessary to accommodate the construction of future side walks if and when they are determined by the town and/or the DOT to be necessary for the protection of public safety'. So added to that would be that the town requests that they actually be designed, right Mollie.

Gary Tavormina: Mr. Chairman we do nothing until all the waste that's been piled up there is removed.

Arthur Rosenshein: That will be a final condition.

Jack Schwartz: Yeah we undertook that as a conditional approval.

Jay Zeiger: Gary, all of that was from the prior owner. Jack has already done a whole lot of clean up and he's demonstrated that.

Arthur Rosenshein: Okay, anything left to do?

Helen Budrock: Nope just really quickly one of the other conditions that I think that's going to be part of the resolution for next month is condition upon removal of that building.

Jack Schwartz: Right.

Jay Zeiger: Yes.

Balsey Louckes: That motion was made a long time ago, to clean up the site before they even get a permit. Once they get the approvals – they don't want to do the work now because if they don't get the approvals they don't want to spend the money. So once they get their approvals before they get their permits they'll have to get that all cleaned up.

Jack Schwartz: Its happening, Bucky. Don't worry about it. We got it under control. As matter of fact we can't build unless it gets removed so well do it.

Paula E Kay: It'll be a condition of approval.

Jack Schwartz: Right, right. I'm aware of that.

Helen Budrock: Were going to circulate and then well have the EAF and the neg deck for the next meeting.

Jay Zeiger: Yep, thank you.

**Old Business: 4. LUXOR ESTATES – SBL# 12-1-41.4 – Requests site plan amendment to relocate 6 units in the “F” section. Zone: PUD. Acres: 39.02. Location: Karmel Jacobs Rd., Loch Sheldrake.**

Randy Wasson represented.

Arthur Rosenshein: Luxor Estate request site plan amendment to relocate six units in the F section.

Randy Wasson: I have the Luxor plan up. We started construction originally 9,10 and 11 were outside the road and the loop road came up through round 26. During the construction we found varied stumps where 9,10,11 were supposed to go so we moved 9,10,11 into the center of the circle and we moved the road to the outside. That was approved last year, September I think. So, what some of the owners wanted to do was were under construction. Right now the only foundation that's in is 8. The proposal is basically to allow the enlargement for several of the units. Specifically 22 is going to get a 10 by 30 foot bump out, which you see. 23 and 24 both want to go from 26 feet wide to 30 feet wide. Then length stays the same. They're adding a little bit to the lengths of their deck but that doesn't matter that's going out the back side. 25 and 26 no change although they had to move slightly, like 3 or 4 feet to allow these few to get wider. 9,10 and 11 they wanted to go to 30 feet wide, they're showing 30 feet wide. They have no impact on anything they're just making their units wider. And then unit 8 was growing to 34 feet wide by 62 feet long, it's quite a large house but again because of it's location it doesn't affect anything. It doesn't affect setbacks, conjoining houses, nothing. So the houses are a little bigger.

Helen Budrock: I did have a chance to look at it, I didn't have any comments or questions, it seems pretty straight forward.

Balsey Louckes: I have some questions. Randy where Evergreen Estates located right here? Right next door, right?

Randy Wasson: Right here where the cursor is.

Balsey Louckes: For some reason, what happened to the buffer, there was no in between them? Someone took all the buffer away?

Randy Wasson: Well, in this area here where the stumps are buried, those are evergreen stumps. Its cleared because of that.

Balsey Louckes: If they're stumps then what are you guys doing building on them?

Randy Wasson: Well we removed them, but by moving the road over there we didn't have to remove as big an area.

Balsey Louckes: And you took a lot of trees down as you were doing that so you took the buffer right away.

Randy Wasson: Bucky that's not true. I'm telling you and I can provide for you copies of google maps dating back to the 80's, ever since Evergreen was built that's been clear.

Balsey Louckes: Okay I guess if there was ever no buffer in there then we have to get a buffer in there now.

Randy Wasson: We were approved without requiring a buffer in there.

Balsey Louckes: Okay no buffer, what about all the water? Wheres that all going? Anybody looked into that?

Randy Wasson: Yes.

Balsey Louckes: And there's a lot of problems down at Evergreen with water going down to the other.

Randy Wasson: Have you been speaking with the people from Evergreen?

Balsey Louckes: No I was down by the lake there where the water was running out the other day.

Randy Wasson: Kens rainwater inspector, Tim OConnor was out there, and I was out there, and my inspector was out there. All on that day, on May 1, when we got that super rain, ¾ of an inch in a very short time. And I reported to Mollie and Ken that there was almost nothing coming out of our stormwater pond, our discharge point is over in this area. That's the discharge point, it goes into the stream here. There was almost no flow, I shouldn't say that, there was very slow flow coming out of our site and going into the stream but there was tremendous flow coming from under Karmel Jacob Road and coming down the stream. And then they did have flooding down in this area where their tennis courts are which is about the last time of their property before you get to Maplewood Avenue. Things were backing up at Maplewood. They didn't get flooding but it was a result of heavy flow coming from above, coming from across Karmel Jacob and from some blockage and backup at Maplewood. It is not coming from Luxor site.

Balsey Louckes: I mean it didn't seem to have this much water going down there before.

Randy Wasson: Oh yes they did, Bucky believe me they did.

Balsey Louckes: I go down there fishing quite a bit and I never seen that kind of water coming out.

Randy Wasson: I can tell you it was not coming from Luxor, this road is pitched, not crowned, it is sloped downward towards 9,10 and 11 from the top of the hill down so that anything that falls from the roadway is collected in a ditch or swain on this side on the side of the road, goes down this point, goes under the road, and then it runs through a swale down to the forebay, and then into the big pond. So this road catches everything. The only thing that goes to Evergreen is what physically falls on the lawn area when it's all growing. Its already growing in some but it's mulched and everything. But this area will all be seeded and that's the only water that will be going down directly into Evergreen from this area of Luxor. And by the way this all sloped down there now naturally so whatever fell up here before would flow, if it was heavy enough, would flow and reach Evergreen before. I mean it all goes down there but our road is catching all that. Plus whatever were increasing with the impervious area that were constructing but everything from section F goes into this pond with the exception of the grass that's outside of here and the grass and that's wooded and that's going to stay wooded right in here, so.

Arthur Rosenshein: Randy who did you say was inspecting when that heavy rain came?

Randy Wasson: In addition to my office and me, Tim OConnor from Kens office.

Ken Ellsworth: We are working closely on this. Tim actually reviewed some additional stuff today and we are in agreement with Randy so far regarding the swip and the runoff coming out of Luxor site. There is a problem with Maplewood Road and it's been a problem for a long time and it backs up and causes flooding in between Luxor and Evergreen. But were still working on it, not done yet and all three engineering companies are working hand in hand to make sure we have the best solutions for both parties.

Arthur Rosenshein:L Question. Is anything in the revisions going to affect the facts of the runoff?

Ken Ellsworth: No.

Arthur Rosenshein: In that case id go to the motion to approve the changes as presented.

Balsey Louckes: Ill make a motion.

Irv Newmark: Second.

Arthur Rosenshein: We have a second, all in favor. Any against, I need to hear you. Everybody voted yes. And that's done.

Mollie Messenger: I'm sorry, Randy so you'll make an amended map that will go to ken with the amendments on it to get a signature to go back around just to do that.

**Old Business: 5. 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 represented.

Arthur Rosenshein: Rahal. Review for cluster 1 for an amendment to include 27 single family homes and 14 duplex homes and road location change with was approved on 11/1/18. The applicant is looking for an ARB approval or referral.

Glenn Smith: Alright there's one. Those are renderings of the buildings that we submitted back in February showing slopes from, two options: slopes from the front of this building on this Rahal cluster and also a version with slopes down direction. Let me flip up to the landscape plan.

Yep, by the old Heiden hotel, yeah. Anyway lets stick with the rendering. Its not pulling up the landscaping plan. If I can explain it, actually I submitted the landscaping plan back in February, so the board should've seen it. Now back up I went to the January meeting for this cluster. This is 55 homes which is the old Heiden Hotel property on Heiden Road. And at the January meeting we were there for basically architectural review of the buildings, the renderings, and the site plan. The board asked for a more extensive landscaping plan so I submitted that on the February meeting, February 13, and one request was that for example along Heiden Road I had a single line of trees and shrubs for plantings and the board requested a double line of plantings along the whole Heiden road, probably 1,000 feet or

more so I basically tripled the amount of plantings on the plan. That's what I submitted at the end of February for the march meeting which we never made so I guess at this point were looking to get the boards okay to go with the landscaping plan that we had submitted showing almost total screening along Heiden Road frontage where the homes could be visible from Heiden Road. The renderings that they're looking at here have been prepared at the request of the board basically showing that the homes are not on a flat property, it does slope from Heiden Road down toward the back so these examples show how that would be handled. All the siding would be extended down to finished grade as shown here.

Paula E Kay: Glen just like on the other project, is there rendering that is facing Heiden Road.

Glenn Smith: Yes, where you see the two lower drawings, where you see the parking area, face Heiden Road. One says a grade slipping up the from the road the other one says slipping down the road but that's what you'll see from Heiden Road, where the windows are.

Helen Budrock: Glen one of the questions that I had is if you look at those two elevations at the bottom that you were referring to and then you look at your typical homes plantings plan, they don't really match up. Like the renderings that you show obviously one has no landscaping and the other has a couple of bushes but your landscaping plan is pretty extensive so I just wanted to clarify that.

Glenn Smith: No you're absolutely right. The landscaping plan is extensive showing a lot more shrubs and plantings around the units even more than that lower left one shows here and of course the landscaping plan is what would rule if the board is okay with that.

Irv Newmark: Glen, it's Irv. What id like to see is the top windows facing the road if they had shutters.

Balsey Louckes: I was going to say the same thing Irv.

Irv Newmark: I think that would help at least until the landscaping gets full and I think it would make it look better as somebody goes by on the road.

Glenn Smith: Not a problem.

Helen Budrock: I think Glen, also, we talked about, I know you added the landscaping along the road but we suggested that if you burned it that that would also help with some of the visual until the plats get larger.

Glenn Smith: It definitely would with the beaming and if we went with a double row of plantings and I keep them at least 15 feet apart, maybe a little more, so that berm would be 20-25 feet wide, it would only be a couple feet high, you're not talking about a very high, berm probably. If you want that berm to be like 15,20 feet wide that can be done.

Helen Budrock: And it helps the plants too because if you're bringing in soil and you're berming it up it gives the plants a better chance to get established and be healthy down the road.

Glenn Smith: Alright, we can do that just beyond the county right of way along that road there there's room to do that.

Arthur Rosenshein: The rest of the changes are not a problem. He can make whatever changes he wants, Helen.

Helen Budrock: Yeah I didn't see anything else. Again I think Mollie's concern with the renderings was that the renderings actually matched reality and I think that's the main concern.

Glenn Smith: The first renderings we had that Mollie reviewed was all granite curbing so notice I took the granite curbing off.

Mollie Messenger: Glen said this is a different type of developer so that's why these houses look a little different so we'll see if they come out this way. I'm sure they will.

Glenn Smith: You're exactly right. Cluster 2 is essentially complete, cluster 3 is under construction and cluster 4 is in the future is basically the same developer. Cluster 1 is somebody totally different, different contractor and everything.

Arthur Rosenshein: Okay so the motion would read for an amendment to include 27 single family homes, 14 duplex units, a road location change and of course the shutters and the landscaping plan is resubmitted. Anything else need to be added? I would entertain a motion for approval.

Balsey Louckes: I make a motion.

Paul Lucyk: Second.

Arthur Rosenshein: Paul second it. All in favor raise your hands please. Any against? All hands were raised, there were no against. The motion was passed.

**6. GOLDEN GATE 4 LOT SUB-DIVISION – SBL# 60-1-85 – SEQRA determination. Zone: REC. Acres: 12.3. Location: Rt. 42, South Fallsburg.**

Glenn Smith represented.

Glenn Smith: Golden Gate is a 4 lot subdivision on Route 42 coming from Kiamesha down the hill just before Golden Rados bungalows and the board approved the 4 lot subdivision, conditional approval, back at the February meeting for the 4 lots. Subject to one conditions were to get a DOT permit because it's on Route 42 and get KENS final comments but the first meeting I attended in January for the Golden Gate. We asked about SEQR and the board thought that was a type 2 action at that time so the board didn't take any action on SEQR but while I was preparing my permit application for the DOT for the road the SEQR question came up and I looked into it a little more and I think that the project should be an unlisted action, not a type 2 action so I would like to ask that the board can do that tonight and issue a neg deck since we got conditional final approval already so I can clear that up and can report it on my DOT permit application.

Arthur Rosenshein: Okay, since you insist. Any board members have any comments on that? Well have to do it a little more formally than we were before. What you're looking for is SEQR determination, we would change the determination to an unlisted action from type 2. Type 2 we would have had nothing to do, here we have to do an actual vote negative deck. Helen are you comfortable with this?

Helen Budrock: I'll defer to Paula but it should be fine.

Paula E Kay: I don't have an issue.

Glenn Smith: I would need you to declare lead agency first, Mr. Chairman.

Arthur Rosenshein: I understand that I wanted to make sure I don't need to do more. So the boards first motion to the lead agency status unlisted action.

Gary Tavormina: Motion.

Irv Newmark: I'll second it.

Arthur Rosenshein: All in favor. Hands up please. All hands are up, none against, motions passed. Second motion would be for a negative deck based on our previous review. Somebody care to make a motion.

Paul Lucyk: Motion.

Gary: Second.

Arthur Rosenshein: Gary seconds it. All in favor. Any against? Negative deck is granted. That has to be a record.

**Old Business 7. CHESTNUT COURT – SBL# 39-1-94/95 – Requests site plan amendment for a caretaker's house. Zone: R. Acres: 7.49. Location: Laurel Ave., South Fallsburg.**

Application not heard.

**Old Business: 8. 4 HASBROUCK DRIVE – 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 and outdoor seating. Zone: MX. Acres: 1.17. Location: 4 Hasbrouck Dr., Woodbourne. Cross roads: SR 52.**

Tim Gott represented.

Tim Gott: I'm going to share a screen for you. We were here back in February and you asked for a couple things: Relocate the dumpster from Hasbrouck Drive side of the property to the opposite side of the property and provide a landscaping plan which is t4. Down here you wanted some removable bollards in case of emergency access to the front of the building which we've shown in detail on sheet 2 I believe and then we added the seating in front of the building and on the porch. Dumpster location. Seating on the porch and pavement in front of the building. Bollards here and two of the bollards in the middle of the row which are removable which will allow for access.

Helen Budrock: If I recall one of the major issues was the design of the parking lot. That's all been resolved with ken.

## Planning Board Meeting Minutes 6/11/2020

Tim Gott: I'm not sure.

Ken Ellsworth: we were waiting for Tim to finish his plans up before we got into a more technical review so that's pending. In an initial look I'm not seeing anything of major concern.

Arthur Rosenshein: So if we were to pass it it could be done pending your review.

Ken Ellsworth: Yes I think so, yep.

Arthur Rosenshein: Okay lets see were going to have commercial space, a nail salon, spa, juice bar. Second floor fitness center and outdoor seating.

Tim Gott: You broke up a little bit Art. Nothing changed there. The third floor will have a single occupancy rooming, a room. No kitchen, just a room and living room I guess.

Paula E Kay: I have a question. A room for what purpose, is somebody renting that room or what are we doing?

Tim Gott: I believe it's possibly for a worker in the building, I'm not 100% sure.

Paula E Kay: will that person be living there?

Tim Gott: Um, yeah.

Mollie Messenger: The third floor is going to have a resident. There's sprinklers in this building. Can we talk a little bit about the outdoor seating that's proposed in the front. So the driveway comes around and has a loading area over to the building but the tables and chairs and the outdoor space isn't really defined. Should it be defined so nobody drives through there and takes all those tables out or should there be something.

Tim Gott: We can if we need to.

Mollie Messenger: Yeah it seems like it needs to be more defined there.

Tim Gott: Yeah we showed tables and chairs but if you want something that nobody can drive in there. You wont be able to come in from 52 or Hasbrouck.

Mollie Messenger: No but somebody can come from the parking lot and loop around there. And right now that's where all the people in the building park, all in front there and they park in the two spaces.

Tim Gott: Yeah they'll be parking in the back.

Mollie Messenger: Yeah which is great but I'm just concerned about the loading area or somebody mistakenly thinking they can come out to 52 or something of that nature.

Tim Gott: Right, you want some sort of barrier. You want more bollards?

Jay Zeiger: Why don't you talk to Eli Brezel as to what he wants to propose.

Balsey Louckes: Excuse me, I don't see it on here, where's the dumpster going?

Tim Gott: Dumpster is back here.

Balsey Louckes: Okay I see it. You've got a mix of the fence here, you have wood fencing. What kind of wood fencing do you plan on using?

Tim Gott: Chain link at the rear and chain link along part of the parcel and then wood fencing.

Balsey Louckes: You're going to keep one chain link to keep the neighbor there from getting light shined in all night? Because they cut all the trees down there.

Tim Gott: I know we said they cut the trees. Not the cart before the horse. I guess we could put the screen sliding in the chain link fence.

Balsey Louckes: What's the town rule for fence, Mollie, how high are they allowed to go with?

Mollie Messenger: 6 feet.

Balsey Louckes: 6 feet. I think that one spot over there is going to be, somehow, I don't know if they'll have to go for a variance for a higher fence there or if were just going to let them do it. How is that going to work because I don't think it's going to work right now.

Mollie Messenger: If they want a higher fence they'll have to get a variance.

Balsey Louckes: Because somehow we need to block the lights that all the cars are going to be coming in and out of there from the people that own the house there.

Paula E Kay: If it's from cars why isn't 6 feet enough?

Balsey Louckes: Because if you look at the property when people are pulling in the lights are going to be higher than 6 feet.

Tim Gott: Not in the parking lot.

Balsey Louckes: The trees you took down by the fence there. All the big trees that they took down would've blocked most of the light out of it. Now the guy has no protection all night long, at 12 o'clock at night lights shining in his bedrooms and all that good stuff. Its not his fault you guys took the trees down.

Paul Lucyk: How about if your 6 foot fence isn't adequate they get a 10 foot or 12 foot. Put row in and then another row to offset it. So a double row.

Arthur Rosenshein: I stand down to the landscaping plan and there are trees to be planted along the rear fence and the side fence and in the parking lot.

Arthur Rosenshein: They're already on the plan.

Ken Ellsworth: You can screen along the driveway if you have to, that way the screening is close to the lights of the cars. It will go down as the lights go down the driveway. You understand Bucky?

Balsey Louckes: I understand but I don't see why they're doing that though.

Ken Ellsworth: It was just a suggestion, if it ends up being a problem that the lights go down to the other property you have to make the screening closer to where the cars are traveling.

Balsey Louckes: Right, so when you're coming off Hasbrouck Road coming down somehow they have to block all the lights from going into that guys house.

Arthur Rosenshein: Well they'll need a variance to do that, correct?

Balsey Louckes: Well I mean they caused that problem, we didn't cause it, they did.

Arthur Rosenshein: Right but I'm trying to think of a solution here. What I'm thinking is were ready for approval other than that, is that correct? We need a barrier and we need some way of blocking the light from the parking lot. Is that correct, the two items? So we can do is make it through the one year business, the barrier before they open up, in one year come back. Because it will take them time to get a variance. They probably want to hit the summer. We want to get them going. We can make them come back for review in one year. That will give them time for a variance and to improve that condition.

Balsey Louckes: Well let them put up a chain link fence up now and see how it works for them and if it doesn't work they'll have to put trees there.

Tim Gott: There is a chain link fence.

Balsey Louckes: With the slats into it though.

Tim Gott: Right, well put the slats in the chain link fence.

Arthur Rosenshein: That's fine, you'll put the slats in and next year you'll come in and well see if it works or not. But other than that you'll have the approval. Is that okay with everyone?

Balsey Louckes: Ill give the approval but I'm looking for him to come back next year for another to make sure everything is going –

Arthur Rosenshein: That's what I'm saying. It would be part of our approval tonight, in one year they come back for that one issue and if it's going okay then we don't do anything more.

Balsey Louckes: Art, I'd let them come back for it all so that way we can see how it operates this summer. Not just for the fence the whole thing.

Arthur Rosenshein: Oh for the blocking of the light, how it's done.

Balsey Louckes: Everything.

Arthur Rosenshein: Basically they're going to come back and If they haven't solved it they will come up with a creative solution at that time. Lets see if the problem exists, alright?

Ken Ellsworth: I was wondering if for the outside porch are they serving alcohol or it's just a restaurant or what is it?

Tim Gott: I don't believe there's any alcohol from my understanding. It's a juice bar from my understanding.

Ken Ellsworth: That's what I remembered. Okay, thank you.

Mollie Messenger: Lets just make it condition that there is no alcohol, they'll need to come back because obviously they need a lot more stuff.

Arthur Rosenshein: So now we have three conditions: No alcohol, barrier from the parking lot to the front and come back in one year to make sure there's no issue with the lighting extending into the adjacent homes.

Mollie Messenger: And it's pending Kens review.

Balsey Louckes: What's the hours of operation?

Paula E Kay: Probably all different for the different uses.

Balsey Louckes: We should know what they are.

Arthur Rosenshein: I don't think they can predict that right now.

Paula E Kay: And some of these uses they can't do for a big chunk of the summer anyway. Still currently prohibited by the state.

Arthur Rosenshein: Does anybody have anything more or can we go to a motion? Motion for site plan approval with the conditions previously stated. Somebody care to make the motion?

Balsey Louckes: Motion.

Cody Vegliante: Second.

Arthur Rosenshein: If you're in favor raise your hand. Gary did you abstain?

Gary Tavormina: What are the hours of operation.

Paula E Kay: We can't know that.

Gary Tavormina: We should know that before we make a decision.

Paula E Kay: One thing I'll say, it's not a bar. So it's unlikely that a nail salon and a juice bar – well the fitness center may run late.

Jay Zeiger: Maybe 10, 11 at night.

Arthur Rosenshein: it's outside, who cares.

Paula E Kay: I Agree.

Arthur Rosenshein: So the favor in motion please once more.

Balsey Louckes: Motion.

Cody Vegliante: Second.

Arthur Rosenshein: All in favor. None against. The motion passes.

Ken Ellsworth: Send me your latest plans when you get a chance please.

Tim Gott: I will, well revise them and get them up to you.

**Old Business: 9. HYCHEL HATORAH – SBL# 12-1-69 – Requests site plan approval for a sleep away camp for a staff building, renovation and expansion of two existing bunk houses, replace dining hall and a proposed dormitory. Zone: REC. Acres: 50.98. Location: Divine Corners Rd., Loch Sheldrake. Cross roads: Crabby Rd.**

Zach Peters and Jay Zeiger represented.

Zack Peters: After the last one the board had asked us to add a site plan so we have, what were calling the (cutout) improvements which is on page 3 and that included building 45 which is a new staff house and there's additions, unit 35 and 36 are bunk houses.

Jay Zeiger: Wait a minute. What were asking for tonight is the two existing bunkhouses, 35 and 36, to be expanded. The staff housing #45. 25 and 28 and 8 and 9 have some minor additions. Zach can you put a map on screenshare.

Jay Zeiger: Lets start with 45.

Moses Friedman: Okay.

Jay Zeiger: That's the new one you want to build, right?

Moses Friedman: Correct.

Jay Zeiger: Anybody have any questions? Do you want to see the next one? Moses why don't you go to #35 and 36. Everybody got that. Moses, 25, 28. And 8 and 9. Gentlemen, ladies, that's the proposal for tonight.

Paula E Kay: And what are you asking the board to do? What are you looking for Jay?

Jay Zeiger: Well were looking to build #45, staff housing and the expansions of those buildings that he showed you.

Helen Budrock: I started drafting a conditional site plan resolution but my understanding is that we need to do SEQR first. Correct me if I'm wrong but the new staff building and the extension, both are still pending approval by Department of Health and DEC for the increased flow to the outfalls, is that correct?

Zack Peters: Yeah so were working with the department of health on that. There's not any improvement outfalls but they do have to approve the increased flows.

Helen Budrock: Right, so you need a modification of permit, correct.

Zack Peters: Yes and were working with DEC on that as well.

Moses Friedman: But we got to clear it up, we don't ask for nothing to our system. Everything is already in the system. We just got to get the approvals –

Jay Zeiger: The parking lots of the camp is not changing.

Helen Budrock: Well I think there's an increase in occupancy. There's an addition of something like 14 staff if I'm not mistaken.

Jay Zeiger: But I think they're being moved from existing buildings, Moses, correct me on that.

Moses Friedman: Yep, correct.

Helen Budrock: The last set of site plans that I saw, again no modification to your septic systems, but that you would have increased flow that would exceed what your current SPEDIES permit allows, am I correct or am I thinking of someone else?

Zack Peters: The existing SPEDIES permit now was previously issued based on what the proposed time that they applied for it. We are before DEC now and we worked through this with the Department of Health on their review is to get the SPEDIES permit updated to the actual design capacity of the outfalls, so in other words they designed it at, I'll just throw out a number, 495 gallons per unit but it will handle 600 so that's what were updating it for. So when we get the updated SPEDIES permit were not going to need to do any physical modifications. Does that make any sense?

Helen Budrock: SO just a clarification or I guess a question for Paula. Is that this will require coordinated review if we haven't done lead agency we should do that tonight, send it out to the other involved agencies and we should be ready for a conditional site plan approval at the next meeting.

Paula E Kay: Right, assuming that there's 30 days in between, yeah.

Moses Friedman: I Just want to put in one comment. The previous DEC approval was done in error. They put in the actual use not the actual capacity. So the capacity is in there already and it's now we have Zack on board and they bought it up from me a while ago that everything is in capacity. We were at the last meeting in February and that was already the second time we came up. Can we get now a conditional approval based on the review whatever, I don't know which review were waiting for.

Arthur Rosenshein: Not until the SEQR is done. That has to be done first.

Helen Budrock: The problem is because the town is not the only agency that is required to approve the project, you still have those outstanding approvals from DOH and DEC. we have to do what's called a coordinated review. So we can do lead agency status tonight but we wouldn't be able to act on the project until the next meeting legally. But I don't see any reason why not, like I said I already started drafting a resolution with some conditions so we should be ready for the next meeting, unless there's other issues that the board has.

Paula E Kay: And as long as the notices are sent out.

Jay Zeiger: Zach are you going to send out the notices?

Paula E Kay: we review what you're going to send out before you send it, but you send it out.

Zack Peters: Okay because were working with both agencies already so I don't think that's an issue, we can draft a new –

Helen Budrock: Its just a lead agency notification that needs to be sent out to both of those agencies and then it needs to be posted in the environmental notice bulletin.

Zack Peters: Okay I'll try to draft something up and send it over.

Arthur Rosenshein: So we need a motion to accept lead agency status, unlisted action. Do I have a motion?

Irv Newmark: Ill make a motion.

Cody Vegliante: Second.

Arthur Rosenshein: Thank you Cody. All in favor, raise your hands please. Any against? We have lead agency status, unlisted action. You can go on and make modifications.

Jay Zeiger: And Helen you put on the resolution to add 25,28,8 and 9?

Helen Budrock: I'll have to double check. Right now I have #45 for the staff housing, 35 and 36.

Jay Zeiger: Yes, and were also looking for the additions 25,28,8 and 9. They're small additions as you saw.

Helen Budrock: Yep, ill add that but right now I have, and just to clarify that, future site improvements including the demolition of the existing houses and the dining hall and replacing them with new structures are not part of this phase and that would be subject to future amendment.

Zack Peters: There's also a proposed dormitory plan, I don't know if you had that in there.

Ken Ellsworth: Zach, We wrote a letter on February 11, with some technical issues. Have you been able to advance those at all?

Zack Peters: Yes, February 11, we responded to that in our last submittal back at the end of February I believe.

Ken Ellsworth: Okay because on the plan, the addition to 8 and 9, it's still showing the addition being built over the utility line.

Moses Friedman: Let me enlarge it a bit.

Zack Peters: I showed the existing utility lines there but it's behind there.

Ken Ellsworth: That's fine I don't want to slow up the meeting, Zack as long as you've sent everything I'll find it and review it.

Mollie Messenger: Zack what date plans are you looking at.

Zack Peters: Our most current plans are 2/24.

Arthur Rosenshein: There's nothing more we can do on it, correct. Then lets get to the last item.

**Old Business: 10. WOODBOURNE SUPERMARKET – SBL# 24-3-7 – Requests site plan approval for a previously approved site plan that has expired for a new grocery store. Zone: MX. Acres: 0.449. Location: SR 52, Woodbourne. Cross Roads: Robbie Ln.**

## Planning Board Meeting Minutes 6/11/2020

Joel Kohn represented.

Joel Kohn: Good evening, I always like to watch planning board meetings. So, Woodbourne Supermarkets, this project originally got approval in January of 2018 then got two extensions so the building plans were submitted to the building department in January. We got plenty of your comments back and were addressing them now. But I guess we had to come back for a new sight plan application which we did in February. We had a public hearing and the board couldn't vote that night because we needed 239 review done so we were on the march agenda but that got canceled so we were back here to hopefully get approval tonight for this project.

Arthur Rosenshein: Alright, 239 came back and any changes in it?

Joel Kohn: No.

Arthur Rosenshein: Same as before they approved it and that was it. How are we doing with the DOT on that?

Joel Kohn: We got a permit for that too.

Mollie Messenger: Did you ever get the final plans, Ken?

Ken Ellsworth: Yes I have final plans and I will be bringing those to town on Tuesday.

Paula E Kay: Just for the record, the county did have although it's local determination as Joel knows, there were comments on the driveway openings and completing the drainage report and they need a highway work permit. Nothing unusual or different.

Joel Kohn: So those comments that you see attached from the 239 review is basically the same from 2017 which were all for the DOT. We got a permit from the DOT already actually.

Helen Budrock: And Joel I just want to make sure whatever architectural approvals you received before will, nothing has changed right, it will be the same in terms of whatever was approved as far as the appearance of the building.

Joel Kohn: Correct, nothing has been changed, we had ARB approval back in 2018, it's still all the same.

Arthur Rosenshein: Presumably the previous negative deck is still in force if there's no change.

Joel Kohn: You might want to do another neg deck since it's a new application.

Paula E Kay: It's a new application Joel?

Helen Budrock: I Guess technically it is, yeah.

Paula E Kay: Then yes we do. But we can incorporate by reference the old document.

Arthur Rosenshein: Okay so first of all, motion for lead agency status, unlisted action.

Irv Newmark: I'll move it .

Paul Lucyk: Ill second.

Planning Board Meeting Minutes 6/11/2020

Arthur Rosenshein: Second is Paul. All in favor raise your hand. All hands are up. No against. Okay we have lead agency status. The next thing is based on the data collected on the previous approval negative deck using the same information we can make a motion for a negative deck on this case. Does anybody have any comments on that. No? motion for a negative deck.

Gary Tavormina: Move it.

Paul Lucyk: Second.

Arthur Rosenshein: Paul second. All in favor raise your hand. Any against? You guys have it, unanimous.

Joel Kohn: Motion for approval.

Arthur Rosenshein: Does anybody have any comments before we go to a motion? It's the same thing as before. Motion for site plan approval for the Woodbourne Supermarket. Do I have a motion?

Gary Tavormina: Motion.

Paul Lucyk: Second.

Arthur Rosenshein: A second and a third. All in favor raise your hand. Any agent? You guys have it, no objection.

Arthur Rosenshein: Goodnight. The meeting is adjourned.