

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

TOWN OF FALLSBURG PLANNING BOARD MEETING August 13, 2020

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

Not In Attendance: Arthur Rosenshein

Irv Newmark called the meeting to order at 7PM.

IRV NEWMARK: Okay lets bring this meeting to order. First order of business will be to approve the minutes of the July meeting. We need a motion.

PAUL LUCYK: I'll give you a motion.

IRV NEWMARK: Okay anybody second it?

GARY TAVORMINA: I would but I wasn't at the meeting.

IRV NEWMARK: Oh you didn't read – they didn't send you the minutes to read?

PAULA KAY: You don't have to be at the meeting.

IRV NEWMARK: As long as you read the minutes. All in favor? Okay. Okay we have three public hearings, the first public hearing: Congregation Anshei Fallsview Inc. Anybody here representing them?

PAULA KAY: Melissa can you unmute Joel. And Cody also. Thanks.

PUBLIC HEARING: 1. CONGREGATION ANSHEI FALLSVIEW INC. – SBL# 28-1-26.2

Joel Kohn represented.

Joel Kohn: Good evening my name is Joel Kohn representing Fallsview. This property were talking about is a 4.02 acre parcel which has a single family residence located at Old Falls Road adjacent to the Falls View Estate Condominium development. The owner of the property is proising to construct two adjoining tennis court on a 108 x 120 asphalt court surface surrounded by ten foot high chain link fence. That is what the proposal is for. If you want me to provide a map I can share the screen and share the map.

PAULA KAY: Yes Please.

JOEL KOHN: Okay. So this is the property that you see here. This is the single family in the front and then this is the proposed court area where they have already cleared the trees for that.

IRV NEWMARK: Okay, anybody from the public want to speak on this matter?

PAULA KAY: So to remind the public, in order to alert us that you want to speak and so Melissa can unmute you. There's two things that you can do, you can click on participants on the bottom. If you click on participants a screen comes up that has a raise hand function. If you raise hand Melissa will see that on the side. The other thing you can do is click on the reactions button at the bottom of your screen and you get a thumbs up in your box and Melissa can call on you.

IRV NEWMARK: Okay anybody interested in speaking on this matter?

PAULA KAY: Also, for the public if you don't have your camera on we don't know to call on you so please turn your camera on.

IRV NEWMARK: Okay I guess the public hearing on this matter is closed. Okay, Joel we'll see you later. Public Hearing number two. Anybody here for that?

PUBLIC HEARING: 2. DYY DSM ASSOCIATES, LLC. – SBL# 39-1-55.1/58

IRV NEWMARK: Anybody here for that? Anybody here for this public hearing?

PAULA KAY: Mollie do you know who that should be?

MOLLIE MESSENGER: I don't know these folks. However everybody here is for a different project. I don't know who the caller is at the bottom, the 594 number.

PAULA KAY: Well, I guess we have to move on.

IRV NEWMARK: Okay, in the absence from anybody commenting from the public this public hearing is closed. Sun Way Cottages. Anybody here presenting Sun Way Cottages?

PUBLIC HEARING: 3. SUN RAY COTTAGES – SBL# 60-1-4.2

Joel Kohn represented.

JOEL KOHN: Good evening, Joel Kohn presenting tonight Sun Ray Cottages. Sun Ray Cottages is an existing bungalow at the intersection of Lovers Lane and LaVista Drive. Property is 6.56 acre property with 28 bungalows, a pool, and a community building. The proposal to the board tonight is to demolish two duplexes, unit 4/5 and 6/7 and replace them with two new duplex buildings with about 11-1200 square feet per unit. The proposed duplexes will have now more separation than what they have now. The proposed duplex will be similar to other newly built units in this project. The project required to get some variances by ZBA, these variances have been obtained as of the July 16 ZBA meeting and again if anyone from the public wants to see the map I can bring that up.

PAULA KAY: Always helpful, just as if we were in a board room together lets everybody get a look at the map.

Melissa Melko: Go ahead, Joel.

JOEL KOHN: This is the site map for Sun Ray. This is unit 4/5, 6/7. This will be demolished and replaced. The lighter shaded area is the existing units and the unshaded buildings.

IRV NEWMARK: Okay, lets see if anybody from the public wants to speak on Sun Ray Cottages. In the absence of any comments the public hearing is closed.

MOLLIE MESSENGER: Mr. Chairman, Jacob Billing is running to his office because he lost internet. I'm not sure if he is representing DYY DSM – oh it is him. Jacob Billig is running to his office to try to get it, maybe we can recall it later I'm not sure Paula what you want to do.

IRV NEWMARK: Is he representing them? So far there was no public but we'll hear from him when he gets to his office.

MOLLIE MESSENGER: He's also for Mr. Rosenfield so I'm not sure if Mr. Rosenfield wants to wait until later in the agenda when Jacob gets there or not.

PAULA KAY: I think we have to do that. If we can get the board to make a motion to take the agenda out of order please and then we can start with congregation Anshei.

IRV NEWMARK: Okay, we need a motion from somebody to take the meeting out of order. Anybody care to make that motion?

GARY TAVORMINA: Motion.

PAUL LUCYK: Second.

IRV NEWMARK: All in favor? Okay, the motions passed, well take them out of order. Next up, Congregation ANSHEI FALLSVIEW INC.

NEW BUSINESS: 2. CONGREGATION ANSHEI FALLSVIEW INC. – SBL# 28-1-26.2 – Requests site plan approval to construct a tennis court. Zone: REC. Acres; 4.02. Location: 28 Old Silver Pond Rd., Fallsburg. Cross roads: Riverside Dr. & Old Falls Rd.

Joel John represented.

IRV NEWMARK: Joel, explain that to us.

JOEL KOHN: So again, Contregation Anshei Fallsview. This is a proposed tennis court on a 4.02 acre parcel adjacent to the Fallsview Estate Development. It is a single family parcel with the proposed courts which will be allowed to be used by the folks of Fallsview Estates as well.

IRV NEWMARK: Now, Mollie, there was some issue with a pathway and a single family home?

MOLLIE MESSENGER: Yeah this particular project was they started to clear and start the tennis courts without a building permit and the building department went over there and they built a pathway between the Fallsview and the tennis courts so we asked who was actually going to be using the tennis

courts. If that single family home was the caretaker and the pathway was going to be for Fallsview to use the courts I don't know why they wouldn't just combine the lots and make it a recreation area for the community. We just need to know as a matter of premise, in case there's issues over there, is it actually the single family home that's going to take responsibility for the courts or is it Fallsview? I think there's confusion in who's responsible, who's going to use it and why the distancing between the single family home and the residence.

IRV NEWMARK: Joel, can you give us the answers to that?

JOEL KOHN: I have Mr. Pinter here if you can unmute him. I believe he can better answer these questions than I can.

Samson Pinter: Hi everyone, yes I am on the board of the congregation on Anshei Fallsview. The congregation owns the Rabbi's home that is on 4 + acres. When we were looking into this we inquired about if its necessary to get a disturbance permit. we discussed it with Mr. Zeiger. He sent me a copy of the code which was less than one acre is not necessary to get a disturbance permit. And we as of right he told me we were able to build as long as we stayed under 1 acre and we build 1 acre. The congregation Rabbi allows some of his people to use the back yard that's there now and everything else that's on the property and we thought it wouldn't be a problem to let residents of Fallsview development as well as any of the other surrounding people that want to use it. Theres a path from the Rabbi's house to this and we also opened up a path for the residents of Fallsview to use it just like anything else that our neighbors from Kushnei and Visnits use our grounds and we use their grounds we didn't think it would be an issue to allow them to use our grounds as well.

IRV NEWMARK: Okay, Mollie, does that satisfy your concerns?

MOLLIE MESSENGER: Well not really. Its still an issue with who's using the court, that there's a walkway between the two areas. Its not for a single family home, its for the community that's next door and whether the board wants to condition it on whos going to be responsible if theres an issue over there with garbage, property maintenance. I just don't want to get into an issue where theres garbage, theres an issue, theres lights, theres noise and everybody tells me its somebody different.

PAULA KAY: And what about, is there a possibility of people driving there?

Samson Pinter: No, theres no driving allowed. Everyone's walking there. It's the responsibility of the Congregation. The Congregation owns the land, the congregation's paying for it, the congregation is maintaining it, just like they maintain the one family residence, they'll be maintaining this. And that can be put on the record.

PAULA KAY: Well, it will have to be on the site plan that, absolutely.

HELEN BUDROCK: Is there a reason why the lots cannot be combined or their desire to not combine them? Because theyre both under single ownership with the congregation, correct?

Samson Pinter: Well again, Fallsview Estates is a condominium and the congregation is a congregation that has various, they own other property that has nothing to do with Fallsview. Theres a Rabbi there, theres someone who's a teacher there, there was a head counselor on one of the lots further down and at this point we were advised not to combine the lots and keep them separate. Its separate entities, its separate funds, its separate financials, everything is separate so. We didn't think there was a problem

from having a path from one to the other. Jay Zieger didn't inform me that there would be a problem. Like I said I'm going on record, its owned by the congregation, the congregation is responsible. We cleared it with your neighbors before we did it, made sure all of them were on the same page and understood the project, had no issues with the project and then we proceeded forward. And like I said less than an acre wasn't necessary to file a disturbance permit so we didn't think it was necessary to get the appropriate permits that code enforcement suggested that we needed.

JOEL KOHN: I guess we can add a note on the side that congregation Anshei Fallsview will be responsible for any maintenance if that satisfied to the board.

PAULA KAY: Maybe it needs to be on the deed also.

Samson Pinter: It actually sits on congregation Anshei Fallsviews property. It's a clear subject of the property. Its owned by the congregation just like the house is owned by the congregation, just like some of the picnic area is owned by the congregation. I don't think its any different, its not a subject of who owns the land. Its owned by this congregation which has –

PAULA KAY: I just think we want it clear for the potential users, the congregation in the future, so everybody is aware who's responsible.

PAUL LUCYK: Two things with that. Do we have a letter from the Rabbi that owns the house, more or less that its okay to do that? And what happens if he sells the house separate from the land? And Paula, more or less, with the legality.

PAULA KAY: They cant to do that, they'd have to sell them together. So that aspect I'm not concerned. Im just concerned that we end up with issues on the property and we need to enforce against the proper party.

HELEN BUDROCK: So should there be a letter agreement, something simple between the congregation and the governing body of the condominium association that allows them to use the tennis courts but the understanding is that the congregation is responsible for any repairs; something very simple.

PAULA KAY: Yeah I think that would be helpful, then Mollie can have something in her files and then everybody is aware.

GARY TAVORMINA: Paula, shouldn't we have a certified letter stating that the use of the property is permitted?

PAULA KAY: That's what Helen was saying, exactly. Just a simple agreement between the two parties, even one paragraph just saying how its being used, who's using it and who's maintaining it.

JOEL KOHN: Okay.

IRV NEWMARK: Okay so can we do anything on this tonight?

JOEL KOHN: We get a conditional approval on that by review by Mollie and then Paula I guess.

MOLLIE MESSENGER: Can we do the agreement and a MAC note?

GARY TAVORMINA: Mollie if I may, my recommendation is that we don't do anything until we have a certified letter.

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MOLLIE MESSENGER: Gary we can do that also. I don't know that we want to just do it conditioned upon and then if they don't provide they'll have to come back next month.

GARY TAVORMINA: No lets not let the horse out of the barn. Upfront and then we can approve it next month.

MOLLIE MESSENGER: Up to the board, whatever you want to do.

JOEL KOHN: I just want to mention one other thing, we are still going to get a permit from the Building Department for that so if we don't meet any conditions we obviously wont get a permit.

CODY VEGLIANTE: Wouldn't a conditional approval be the same thing as a vote on it in a month?

IRV NEWMARK: Right, conditional, they wouldn't be able to do it if they don't provide what the conditions are. Well, lets put it through a vote through the planning board. Do we want to do a resolution to allow them to do it subject to the conditions or make them come back at the next meeting? Hows the rest of the board feel?

GARY TAVORMINA: We need a formal motion? I'll put in a motion that they have the letter first and then we can decide next month.

IRV NEWMARK: Okay board members how do you vote on Garys motion? We need a second on it first. Do we have a second?

PAUL LUCYK: I give a second.

IRV NEWMARK: We got a vote on Garys motion to make them come back to the next meeting. Do what they have to do then come back to the next meeting.

BUCKY LOUCKS:I don't know I kind of think I agree with Mollie that I think if they have a letter when they go into the building department. I think its good enough. If they don't have it they cant go further and then they should have to come back. I don't know why we would want to waste someones time coming back for.

HELEN BUDROCK: I think we have a motion and a second on the floor.

BUCKY LOUCKS:I have no motion on that.

IRV NEWMARK: Okay we need a vote on that motion, to make them come back. Yes or no.

BUCKY LOUCKS:No.

IRV NEWMARK: Anybody else?

CODY VEGLIANTE:I sort of agree with Bucky in the fact that I don't see the point of making them come back if they get the conditions approved in the mean time.

IRV NEWMARK: Okay. Paul?

MOLLIE MESSENGER: Up to you, Irv.

IRV NEWMARK: I say that we give them the conditions and they don't have to come back to the next meeting provided they did what they're supposed to do. So I vote against Gary's motion. Now we have to try to do another motion.

PAULA KAY: That motion failed. Now you need somebody to make a different motion.

IRV NEWMARK: Okay. Somebody make a motion to allow them to do the tennis courts subject to the conditions that we –

BUCKY LOUCKS: I make the motion.

CODY VEGLIANTE: Second. Cody, second.

IRV NEWMARK: Okay, all in favor.

GARY TAVORMINA: No.

PAULA KAY: So Cody, Irv are Yes's. Gary is no. Paul?

PAUL LUCYK: Ill stick with a no.

IRV NEWMARK: So I say yes so it passes, motion passes.

PAULA KAY: So I see Jacob Billig made it here. Do we want to go back and do the public hearing now and reopen that public hearing?

IRV NEWMARK: That was DYYDSM Associates? Okay, were going to open the public hearing for that. Does anybody from the public want to speak, does Jacob Billig want to speak?

PUBLIC HEARING: 2. DYY DSM ASSOCIATES, LLC. – SBL# 39-1-55.1/58

Jacob Billig represented.

Jacob Billig: Thank you for taking the agenda out of order. For some reason I lost internet at the house. This is a lot line change. We submitted to the board the slips for the public hearing. We've submitted the proxy from the neighbor to who my client is buying the property from. Hes buying a three acre parcel which has been submitted to the board on the map and we just need the boards approval on the lot line change. That's all hes doing, they're selling three acres. I represent the buyer.

IRV NEWMARK: Okay.

HELEN BUDROCK: Paula if theres no public to speak do we want to continue to take the agenda out of order do we want to continue to take the agenda out of order to discuss this project?

PAULA KAY: Were already out of order.

IRV NEWMARK: So were going to close the public hearing.

PAULA KAY: Hold on, Jay Zieger, does he want to speak on this.

Melissa Melko: His hand's been up for a little bit. I'll unmute.

JAY ZEIGER: My hand was up on the prior matter. I was actually going to suggest preparing a license agreement but somebody beat me to the punch.

PAULA KAY: Okay.

IRV NEWMARK: Okay so the public hearing on the DYYDSM Associates is closed. Now since were going out of order lets take that one up. Lot line adjustment, add three acres, county road 53 Old Falls Road. Anybody from the board have anything on this?

NEW BUSINESS: 3. DYY DSM ASSOCIATES, LLC – SBL# 39-1-55.1/58 – Requests a lot line adjustment to add 3 acres to SBL# 39-1-58. Zone: REC. Acres: 19.42. Location: County Road 53. Cross roads: Old Falls Rd.

Jacob Billig represented.

BUCKY LOUCKS: Looks pretty cut and dry to me.

HELEN BUDROCK: I had a question there. The portion of the property that's being added has an existing path goes to a parking lot that looks like its not on the property. I wasn't sure since I'm not familiar – the general area I'm familiar with but I was curious, what is that parking lot for?

Jacob Billig: The parking lot is off, not located on the lot that were proposing to buy. Its owned by a neighbor, Yeshiva Rabi Chiam and that's all we know about it. Theres no relationship between where the parking lot is on and the parcel that my client is wanting to buy.

HELEN BUDROCK: Okay, its just a pedestrian pathway, its not a driveway or wide enough for a car or anything like that?

Jacob Billig: Yeah, it's a walkway and I think that's the major motivation why my client wants to buy it because he hikes it, the neighbors let him use it and now he wants to own it.

IRV NEWMARK: Okay we need a motion to allow this lot line adjustment to add three acres.

PAUL LUCYK: I motion.

BUCKY LOUCKS:I second.

IRV NEWMARK: All in favor?

PAULA KAY: Irv, I think we need to do roll call votes on zoom.

IRV NEWMARK: Cody.

CODY VEGLIANTE: Yes.

IRV NEWMARK: Paul?

PAUL LUCYK: Yes.

IRV NEWMARK: Bucky?

BUCKY LOUCKS: Yes.

IRV NEWMARK: Gary?

GARY TAVORMINA: Yes.

IRV NEWMARK: Okay, so the motion passes. We may as well take Mr. Rosenfeld before we move on.

NEW BUSINESS: 1. DAVID ROSENFELD – SBL# 49-2-5/6.1 – Requests a renewal of a previously approved home based business. Project was approved for 1 year and needed to be placed on the agenda for renewal after 1 year.

Jacob Billig Represented.

David Rosenfeld: Can everybody hear me?

Jacob Billig: We can proceed without David, if the board has questions he can answer. This was a project that you approved over a year ago. You gave us a special permit to come back in a year. This is a home office. Hes running a medical facility on part of the house. We met all criteria for a home office under the code. The board approved use of the home office and asked us to come back in one year to check in. were not aware of any violations or any problems and we ask that the board reauthorize the approval for us and we also respectfully ask that we not have to come back because we think we established enough of a track record to move forward as a home occupation.

BUCKY LOUCKS: Did they do all the work they were supposed to do? The basement was supposed to be converted over.

IRV NEWMARK: A shed removed from the sewer easement.

Jacob Billig: To my understanding it was done.

MOLLIE MESSENGER: Yes, everything was completed. Jacob or Mr. Rosenfeld if you wouldn't mind, what was your client load? How busy were you? Were you successful? Can you just tell the board how you interacted last year?

David Rosenfeld: I believe – (cut out)

PAULA KAY: Cant hear you.

MOLLIE MESSENGER: And just so the board knows we didn't have any violations, its been very quiet for Mr. Rosenfeld over there. I just want to know how many people he saw, what was going on, if he had any issues.

Jacob Billig: I can represent to the board. I know that one of the boards concerns last year was to keep the house, he did keep the hours. I don't know specifically how many patients hes seen which is not regulated by home office but I know he kept the hours. I don't know the specific number, I'm glad mollie is reporting theres been no violations and no other complaints.

BUCKY LOUCKS: Mollie did they finish the downstairs like they were supposed to?

MOLLIE MESSENGER: Yes they got a building permit and moved forward on all of that. I have not seen it myself but yes.

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BUCKY LOUCKS: And its all done?

MOLLIE MESSENGER: I Believe so, I did not check for a C.O but I believe everything was taken care of. You can condition their approval on that, they are for final approval not to come back, if you want us to look into anything we can.

BUCKY LOUCKS:I will make the motion, if they don't have a C.O. I would like not to move any further, I would make them come back in 6 months of a year but if they have it I see no problem giving them a permit.

Jacob Billig: That's fair.

PAUL LUCYK: I'll second it.

IRV NEWMARK: Cody.

CODY VEGLIANTE: Yes. Cody.

IRV NEWMARK: Paul?

PAUL LUCYK: Yes.

IRV NEWMARK: Bucky?

BUCKY LOUCKS: Yes.

IRV NEWMARK: Gary? Gary?

PAULA KAY: Gary is frozen.

GARY TAVORMINA: My question is this. Why couldn't it be done in the year that we gave them permission?

MOLLIE MESSENGER: No, Gary we believe it is complete. This is just belt and suspender approach to the conditional approval.

IRV NEWMARK: We had a vote Gary, how are you going to vote, yes or no?

GARY TAVORMINA: No because they had a year to complete the project.

IRV NEWMARK: Okay to the motion has passed with one no.

Jacob Billig: We appreciate the boards help. We will follow up with Mollies office and if everything is done, were finished and well finish whatever needs to be done. And thanks for the courtesy of accounting for my delay and we appreciate that. And sorry for the close up, goodnight.

IRV NEWMARK: Goodnight. Okay. Hychel Hatorah.

NEW BUSINESS: 4. 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

Jay Zeiger and Zach Peters represented.

IRV NEWMARK: They want to build a staff building, renovate two existing bunk houses and replace the dining hall and a proposed dormitory.

MOLLIE MESSENGER: Zach Peters needs to be unmuted.

Zach Peters: Good evening, I think Jay and Moses are also on for this, I believe.

Jay Zieger: This project was in front of the board multiple times. Not the last time but the time before that the board asked that we present two maps. One is what our current ask is and the other is what our long term plans are. Both of those maps are there. We were back here I think In June and we had a proposed resolution at that time we got steamy because we had to file the lead agency declaration with the involved agencies. That was done. Helen had circulated, Mollie had sent to us a proposed resolution reflecting the comments that we had on the resolution that was in front of you in June. And Zach I didn't get a chance to talk to you or Moses but I think the proposed august 13 resolution adequately reflects the comments that I had and I think that's okay. Zach, Moses?

Zach Peters: I believe that's correct too. I did have a chance to look it over and I think it covered everything as far as I was concerned.

HELEN BUDROCK: Does the board need Zach to share the plans at all before you discuss the resolution or do you want to jump right in?

BUCKY LOUCKS: There are no new changes, right?

Jay Zeiger: There are no changes.

HELEN BUDROCK: Mollie I can bring the resolution up or do you want me to just review it verbally before the board makes the motion?

MOLLIE MESSENGER: Irv that's up to you.

IRV NEWMARK: I think if everybody is familiar with this then we can just read the special conditions. If people want more information then maybe she should read the whole thing. How does the board feel about it?

GARY TAVORMINA: Is Mollie satisfied?

MOLLIE MESSENGER: This resolution is fine, yeah.

BUCKY LOUCKS: Read the special conditions.

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HELEN BUDROCK: Alright. So in addition to the standard conditions we have: no building permit shall be issued until the proposed improvements are reviewed and improved by the NYS department of health. Does the applicant have an update on that or is it still pending?

Zach Peters: were still working with them on that but were working though it, yes.

HELEN BUDROCK: Okay, the second specific condition is that: No building permit shall be issued until the applicant provides the town with a modified SPEDIES permit from the DEC increasing the permitted sewage flow to accommodate the increase capacity from buildings 45,35,36. Is that also pending?

Zach Peters: Ill check my records but I think we actually just received that back relatively recently so I can forward that on to the board.

HELEN BUDROCK: Okay. The next one is: During the operation the project must conform to all the special use conditions for sleepaway camps as required in the Town of Fallsburg zoning law. And the last site specific is that: Future site improvements including, but not limited to demolition of the two existing houses and the dining hall and replacing them with three new buildings for staff housing and a dining hall are not part of this approval. That was part of a previous site plan that is going to be put off in a future phase at such time that the applicant can demonstrate that adequate waste water treatment can provided to those buildings. A site plan amendment may be considered by the Planning Board. So those are the main site specific conditions, the rest of them are fairly standard. Does anybody have any questions? And Paula, youre satisfied with those conditions as well? So if the board is inclined I think the first thing that we would need is a motion for a negative declaration.

Jay Zieger: And that proposed resolution is included with the packet?

HELEN BUDROCK: Yes.

IRV NEWMARK: Okay lets go to the board, we need a resolution for a neg deck. Who makes the motion?

BUCKY LOUCKS:I'll make the motion.

PAUL LUCYK: Second.

IRV NEWMARK: I think everybody should state their name.

PAUL LUCYK: Paul.

GARY TAVORMINA:Gary.

BUCKY LOUCKS:Bucky.

CODY VEGLIANTE:Cody.

IRV NEWMARK: Good, motion passes. Next, we need a motion to approve the conditional site plan with the conditions that were read – subject to all the conditions. Anybody make the motion? This is the motion to make the approval to approve the site plan with all the conditions that Helen read.

PAUL LUCYK: Motion.

GARY TAVORMINA:Gary seconds it.

IRV NEWMARK: All in favor?

BUCKY LOUCKS: Bucky.

CODY VEGLIANTE: Cody, I.

Irv Newmark: Okay, the motion is passed.

Jay Zeiger: Thank you everyone.

IRV NEWMARK: Okay, Sun Way Cottages.

NEW BUSINESS: 5. SUN RAY COTTAGES – SBL# 60-1-4.2 – Requests site plan review to replace two existing duplexes (4 units) with two larger duplexes (4 units). Zone: R. Acres: 6.66. Location: 57 LaVista Dr., South Fallsburg. Cross roads: Lovers Lane.

Joel Kohn represented.

JOEL KOHN: Good evening Joel Kohn here again on Sun Way Cottages. As I said at the public hearing portion of this project, its an existing bungalow colony and theyre looking to replace unit 4,5 and 6,7 with two new duplex buildings with 11-1200 square feet per unit. We need a variance that we got from the zoning board that we got on the July 16th meeting. If the board wants me to share my screen I can do that.

BUCKY LOUCKS: Sure, why not.

JOEL KOHN: This is Sun Way Cottages. This is unit 4,5 and 6,7 . The lighter shaded is the existing units and the outside without shading is the proposed units.

IRV NEWMARK: According to Mollies notes there was supposed to be some parking spaces added and theyre not shown on the plan. It says parking was a problem there, we need to see some additional parking spaces.

MOLLIE MESSENGER: Irv if I could interject for just one second. The original approved plan that you guys saw a while ago when they built those 30-35, the units in the back, we had planned for much more parking and then they ended up not putting that parking in and there was a whole bunch or nonsense that went in with putting the compactor in. theres definitely not enough parking here so they really need to figure out the parking situation.

HELEN BUDROCK: Is there the only four spaces shown for the entire?

MOLLIE MESSENGER: They park along the road, Helen, and that's why theres such a big issue there.

IRV NEWMARK: I Believe there is parking in the rear but nobody wanted to park in the rear.

JOEL KOHN: There's parking in the back. If the board wants us to have the parking delineated then we can do something like that.

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IRV NEWMARK: It also would be nice to know the future of this project so we can approve how its going to be and not keep coming back for another unit at a time, wed like to know the total idea and where the compactors going to go and how they're going to get there safely.

GARY TAVORMINA: I got one other question. If they want to put a cover on the deck the answer is no. because if they put a cover on the deck its another room. We've had that experience before and we have to stop it.

IRV NEWMARK: I agree with that a deck is a deck, its open.

PAUL LUCYK: Can I say something. Is it adequate for the fire department to get in and out?

IRV NEWMARK: Well, that's another thing that Mollie had in her notes, is that the fire department has to look at the plans.

PAUL LUCYK: Well lets put it off until they look at it. See if they can resolve all these issues because if theres a problem with the parking on the road then this has to be taken care of. And they might have to make instead of a turn around, they make a loop on to the parking lot on both sides.

IRV NEWMARK: Well they still have some issues. Joel, you're going to have to come back with the resolved these issues. Best to talk directly to Mollie and get these issues resolved, then you can come back to the next meeting.

MOLLIE MESSENGER: Joel, can you speak to all of the other units, numbers 9-24. I mean its only a matter of time probably that they want to rebuild also. Have you discussed that with the development?

JOEL KOHN: So, I did discuss, no one else seems to be interested in replacing their unit now, other than the two buildings that we have. And 9-24. 9,10 is already replaced. 16 is new. 18 is new. And the others are in okay-shape so none of them are looking to replace right now.

MOLLIE MESSENGER: A lot of times what we want to do these past couple years Joel as you know, is try to get the full build out plan so the zoning board and the planning board understand what the full build out is going to be.

JOEL KOHN: Right, I get it. And again I did ask if any other unit owners want to demolish and replace their units and no one else was interested. Most of the units already are replaced, most of the units are new. I don't think theres going to be any big changes in the future. There may be a 1 or 2 people that may propose to replace their units, I don't know in a year or two, or five or ten.

PAUL LUCYK: Is there city sewer on this property?

JOEL KOHN: Theres town sewer and town water.

PAUL LUCYK: Thank you.

IRV NEWMARK: So were not going to take any action on this tonight, it needs further work.

JOEL KOHN: Okay, I'll see you guys next month on this.

BUCKY LOUCKS: Have a good night, Joel.

IRV NEWMARK: Okay, Cabana Sands, Route 52 Loch Sheldrake.

NEW BUSINESS: 6. CABANA SANDS – SBL# 20-1-4.1/4.2 – Requests conditional site plan approval for a duplex development consisting of 76 units and recreation facilities. Zone: R. Acres: 50. Location: SR 52, Loch Sheldrake. Cross roads: Midwood Rd.

Randy Wasson and Jay Zieger represented.

RANDY WASSON: Okay, well Cabana Sands has been in front of the board a number of times. It consists of 38 duplex structures, 76 total residential structures plus community buildings and swimming pools, sports and recreational facilities as well as individual play grounds for smaller kids and various loop areas. We have responded to the most recent comments received, that includes comments from the DOT as well as the board's engineer and at this time were seeking an approval of project with the conditions and I don't have any issues – I don't know about Jay – but I don't have any issues with the resolution as drafted by Helen as stands.

HELEN BUDROCK: There was some additional language that Mollie had asked to be added that I missed with regard to the sidewalks so when you're ready I can go through and I think that's the first condition anyway so we can discuss it if necessary.

JAY ZEIGER: No one sent me the resolution so.

IRV NEWMARK: Okay, lets talk about the issue with the sidewalk and the walk out basements. Those were the two issues.

RANDY WASSON: We graded around the houses to minimize cutting and fitting so because the site is – when you're looking at it from the highway, the slant is sloping down from right to the left fairly continuously. So in some areas in, the steeper areas the site blends itself to walkout basement. Our client had said he didn't intend to have the doors on the end of the house whether it be under the deck or on the street side, but I would just say they could be there, theres no reason not to put them there if somebody wanted one. At this point in time he is not proposing to put any in. I don't know why that would really matter, I mean we discussed I think previously about not just leaving a lot of exposed concrete on the side towards the road, or the low side, but actually covering that with siding. And typically he does, he steps his concrete foundation down and then he frames on top of the foundation and then the siding goes on top of the framing. I don't know if that is an issue why it would be, the site blends itself to it. He can choose whether to put them in or not, I don't know if that's an issue for the board.

MOLLIE MESSENGER: Randy, if I can interject what my concern is, just so you know. Are they one or two story buildings theyre proposing?

RANDY WASSON:It's a one-story plus a full basement.

MOLLIE MESSENGER: Okay, the only thing I'm concerned of is we've gotten in issues before when we did know about walk out basements and then they ended being walk out basements and a lot of times they'll put a two story units on top of a walk out basement and it becomes three story and then they get into a sprinkler issue. So what we just want to be clear of with the board is ifs going to be a one story

unit on a basement then that's what's going to happen and we don't end up with much larger homes and three story issues and all of that. If they want to put doors on basements I'm not opposed to that but we need to know what they're doing.

RANDY WASSON: We had provided renderings earlier and all the renderings just show the one story plus the basement level.

MOLLIE MESSENGER: Okay. So no two story, no three story issues, none of that.

RANDY WASSON: No.

IRV NEWMARK: Okay, the other issue is the sidewalk. We would need a design for the sidewalk and an easement for the sidewalk.

RANDY WASSON: We have a preliminary design that we can send to Ken for review. It has to work into, and we show it working into, our entrances, both our emergency entrance as well as our main entrances. And crossings. We are providing an easement that starts at the DOT right-of-way line. The minimum width to the easement is 15 feet, in some areas the easement is as wide as 25 feet. The reason for that is we've got utility poles, hydrants and drainage ditch and they're all very serious coming down along side the road. So it will be outside the DOT right-of-way except for the last 200 feet near the bottom of the hill. That's where the embankment from the highway drops off fairly steeply. There's a culvert down at the bottom, that's where the wetlands are. So in speaking to the DOT they prefer that we keep it out of their easement but they understood that in that location, approximately the last 200 feet we would have to be in their right-of-way or we would have to start filling wet lands and extending culvert pipes further into the culvert and it's quite a drop off there, a good 10 or 15 feet probably where the drop is. So they were in agreement with moving the sidewalk closer in just that location. And the rest of it, like I said would be within an easement, minimum width 15 feet, maximum 25.

GARY TAVORMINA: Randy, has the in tax us new buildings been a new (broke up).

RANDY WASSON: No, not to my knowledge. But the builder intends to do that, when he moves onto the site that is the first order of business.

GARY TAVORMINA: I'd like to see that removed before you start anything.

MOLLIE MESSENGER: It's one of the special conditions that Helen will read.

GARY TAVORMINA: Because I don't want to see that, I don't want to see ground up buildings spread across the property. I want it removed from the property because I don't know if there's asbestos in there, what's in it.

Jay Zeiger: They're going to have to do a testing on that.

RANDY WASSON: In either case it's going to be removed.

IRV NEWMARK: Helen why don't you read the conditions.

HELEN BUDROCK: The special conditions. In addition to the standard conditions that we have in all our site plan resolutions, the site-specific conditions are as follows. 'The first one has to do with the easement in the sidewalk. It reads: the applicant shall provide a dedicated easement along NYS Rt 52 as necessary to accommodate the construction of future sidewalks if and when they are determined by the

Town of Fallsburg and the NYS Department of Transportation to be necessary for the protection of public safety'. And the additional language that Mollie had suggested was: 'the dedicated easement for the sidewalk and the engineered design of the sidewalk shall be included in the approved drawing set'. Any issues with that?

Jay Zeiger: Just a second. Randy did you do a meets and bounds description of the easement, or can you do it?

RANDY WASSON: We can do it. I haven't done it yet.

Jay Zeiger: Alright when its done send it over to me and I'll prepare the easement.

RANDY WASSON: Yeah. Helen would you mind just reading that last part again that Mollie suggested?

HELEN BUDROCK: Sure. 'The dedicated easement for the sidewalk and the engineered design of the sidewalk shall be included in the approved drawing set'.

Jay Zeiger: Can I clarify that? When you say the dedicated easement does that mean you want a note on the map that the sidewalk shown on this site plan is irrevocably dedicated to the Town of Fallsburg? Is that what satisfies that condition or do you want the easement agreement prepared? Usually when you use a dedicated language it's a note on a map of an irrevocable dedication.

PAULA KAY: It depends which way we want to go. Do we want to dedicate it or do we-

RANDY WASSON: In this case the dedication I think would be to the state, right?

Jay Zeiger: I would rather not –

PAULA KAY: Right, we don't have the authority to do that.

Jay Zeiger: But we can put on an irrevocable offer of dedication on the map and then when, Randy make it to the state or any other person/entity that the town designates and then its on the map and were obligated for it.

PAULA KAY:As long as the county doesn't do something crazy like make it a separate tax parcel –

Jay Zeiger: Well an easement they probably wont, they would do it with a road or something.

PAULA KAY: Right, when you go to record it just show this to them and make sure that they understand exactly what the intent is.

HELEN BUDROCK: I Can change the language if it would be helpful, I don't know if this gets to the intent. Instead of the 'dedicated easement for the sidewalk and the engineered design of the sidewalk shall be included in the approved drawing set' I can say 'boundaries of the dedicated easement and the design for the sidewalk and the engineered design of the sidewalk shall be included in the approved drawing set'.

Jay Zeiger: I think Helen you really want to do both. You want to put the irrevocable offer of dedication language on the map and say 'these are the boundaries of it'.

HELEN BUDROCK: Okay.

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GARY TAVORMINA: Paula, who becomes responsible for maintaining that sidewalk if its dedicated?

MOLLIE MESSENGER: If it ever actually gets build all property owners are responsible for the sidewalk in front of their property.

GARY TAVORMINA:As long as the town is not responsible for the sidewalk.

RANDY WASSON: It wouldn't be.

BUCKY LOUCKS: Paula, the town, were not putting these sidewalks in now but say ten years down the road they're going to start putting the sidewalk in. Is there any way that we can start taking money somehow for the town to set it up where they start getting money from this stuff so the taxpayers –

Jay Zeiger: Bucky what happens is the would create a district. They would then borrow the funds and property would be updated. The property owners in that district would be obligated to pay it. So its going to come to the property owners and not the town.

HELEN BUDROCK: And that's something that I know has been discussed off and on and just not been acted upon but the idea of setting up those sidewalk districts and having developments basically contribute to a fund to build them down the road.

BUCKY LOUCKS: So how do we set something like that up so they are putting in to it?

Jay Zeiger: Well the Town Board would have to set that up but they're not ready to do it but when they do it then the property owners need to contribute the funds. It'll never come out of the town board money unless the town decides, or got a grant or something.

BUCKY LOUCKS:If I have a house across the street from them then I'm going to have to help pay for the sidewalk, right?

IRV NEWMARK: If you're in the district you will, yeah.

BUCKY LOUCKS:So what I'm saying is we should be getting money from the developers now and putting it in a savings so down the road we have it. The town can do work with it. The town board should really start looking into it.

HELEN BUDROCK: We don't have the legal mechanism right now in place to do that.

BUCKY LOUCKS: No I'm aware we don't have it but what I'm saying is the town board should be aware that were pushing sidewalks and all these developments and they should start collecting money for it.

PAUL LUCYK: Would that be like a bond they would put out?

PAULA KAY: It could be a form of a bond.

BUCKY LOUCKS: Like they put in for the park and they put in for the sewer and stuff like that it would be the same thing as putting a sidewalk. Every development that's coming in now were starting to make sidewalks, I could see the town spending a lot of money on sidewalks.

MOLLIE MESSENGER: I can revisit that with the town board again, Bucky. I'll bring it up again.

BUCKY LOUCKS: Thank you.

HELEN BUDROCK: Are we ready for condition number 2? 'No site disturbance or construction within the NYS right-of-way shall take place until a highway work permit is issued by the DOT and all driveways and entrances shall be constructed in accordance with the DOT policy and standards for the design of entrances for state highways'. #3: 'no site disturbance or construction shall take place until a SPEDIES general permit for storm water discharge from construction activity is issued by the DEC. Due to the proximity of wetlands and water courses the temporary sediment traps shall be sized at 3600 cubic feet per acre of disturbance area. Implementation of trap construction shall be determined based on field conditions at the discretion of the town engineer'. and then finally we mentioned this before 'the existing fence located within the 150 front yard setback shall be removed at the owners expense'. And I think we've done this before for others, we can put it as condition that it gets removed first, before the other construction takes place.

BUCKY LOUCKS: That should be the first thing that happens, all the debris be removed. Were actually not even in favor of this thing not being poured in front of us since everything was moved but the owner didn't want to do it and the buyer didn't want to do it until he knew he had an approval here so he said he would take care of that. Said that would be the first thing he did.

Jay Zeiger: that's agreeable, Bucky. He's in agreement with that.

MOLLIE MESSENGER: I believe we have a letter in the file too, that once this all went through at once he has conditional approval he would be taking all the buildings away.

BUCKY LOUCKS: Yes.

HELEN BUDROCK: So ill add 'shall be removed at the owners expense before any new structures are constructed'?

Jay Zeiger: Probably : 'Or any other permits are issued'.

PAULA KAY: 'and/or'.

HELEN BUDROCK: Okay, I think I got it.

IRV NEWMARK: Okay, is that it?

MOLLIE MESSENGER: Ken do you want to chime in on the drawings and where you're at with them?

KENNETH ELLSWORTH: Yeah, Randy submitted drawings a couple weeks ago. Hes finished his comments, answered the questions that we had. So were waiting for the sidewalk part of it to be combined with a full set of drawings and then were set. So hes completed his part of it.

IRV NEWMARK: Okay. Well entertain a motion for a Negative Declaration.

Jay Zeiger: And Irv the proposed resolution is in the form of the proposed resolutions because there was some conditions in there.

IRV NEWMARK: Okay, we need an approval of a negative deck with the conditions that are in the resolution. Somebody want to make a motion?

PAULA KAY: Roll call please.

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BUCKY LOUCKS: Bucky. I.

CODY VEGLIANTE: Cody. I.

GARY TAVORMINA: Gary. I.

IRV NEWMARK: Okay. Motion is passed then, for the negative deck. We have to do another motion for site plan approvals subject to conditions?

PAULA KAY: Right. Subject to the conditions in the resolution as prepared by Helen and reviewed by the board.

GARY TAVORMINA: What are the conditions Irv?

IRV NEWMARK: The conditions that Helen just read, the sidewalk and the stuff being removed before they can get any building permits. What she just read that's in the resolution.

HELEN BUDROCK: And its site plan and special permit.

IRV NEWMARK: Okay, site plan and special permit resolution. Anybody make a motion?

GARY TAVORMINA: I'll make a motion.

BUCKY LOUCKS: Second.

PAULA KAY: Roll call.

CODY VEGLIANTE: Cody. I.

GARY TAVORMINA: Gary. I.

BUCKY LOUCKS: Bucky. I.

IRV NEWMARK: Okay. Motion passed.

Jay Zeiger: Thank you very much.

GARY TAVORMINA: Okay, we have Elliot Gibber.

PAULA KAY: Who's representing, is Dave Higgins representing Mr. Gibber?

David Higgins: Good evening, should I share my screen to open the map?

NEW BUSINESS: 8. ELLIOT GIBBER – SBL# 17A-1-119/120 – Requests a lot combination. Zone; PUD. Location: 44 & 50 Zahava Circle., Loch Sheldrake. Cross roads: Loch Sheldrake/Hurleyville Rd.

David Higgins represented.

David Higgins: Okay. This is an application for, it was for 2 lots located in the PUD District #7 Vacation Village property was owned by Elliot Gibber. Its actually, technically I think is one property. When this was submitted to the planning board in December we showed two lots, the lot line essentially runs right

down this area, my hand that's moving on screen. So there was two lots shown and an existing house here, and an existing house here that he is in the process of renovating. And then hes looking to construct a pool house. After we submitted in December I had a work session with ken and we went through some technical items and one of the things that as noted was that we had to consolidate the two lots into a single lot and the buildings had to be connected all the way through so that the two houses would connect to the proposed pool house and it would be one continuous structure. There was some other technical review items that Ken had during that work session. We made the plan revisions and resubmitted a few months ago and we also I believe, Mr. Gibber had successfully I think turned two lots into one. The tax records now show tax lot 119 as being the full acreage of the property and the old tax lot, I believe with 120 is no longer in place. So it is now, as I understand it, one lot with one house proposed and that's what we had.

IRV NEWMARK: Can we hear from Ken on this.

KENNETH ELLSWORTH: Thank you. Dave is correct, we had a work session and we had another set of plans submitted and technical questions have been answered, just a few lawyer comments here and there but nothing that would stop your approval tonight. The only question I had Dave is on the sewer line that's going out off the property, is there an easement or permission to run that on the other property? Its up on the top of the page. That leaves this property and ties into the towns man hole, is there permission to do that, easement or anything?

David Higgins: I don't think that they technically have an easement over that property. I do believe the home owners association, that's the property behind us is the property of the home owners association. They did provide a letter in support of the application which I think the town has on file. There are a number of utilities that run along here. There is an easement, 20 foot sewer wide easement, the town has a pump station here and we were just I guess looking to connect to the sewer line here it makes sense to do that to the manhole.

KENNETH ELLSWORTH: Yeah and I agree with that but if the town has something on the record that that's allowed to happen I'm all for the technical aspect of tying in there. I just want to have a record that that's going to be allowed by the home owners association. And I do appreciate the owner replacing all that bad storm sewer, almost on two sides of the property. Definitely a bonus.

David Higgins: Yeah some of this has already been done. I think I had noted this to you in the letter. So the sections along the side had already been replaced. And some of these he has a section from – hes got a catch basin now here and here because that crosses the driveway. Not sure if hes going to replace these because there are a lot of nice trees screening, right along the side of the road here, that he'd like to keep. So we may have been premature here in showing the sections here to be replaced. But I think hes probably inclined at this point, he wants to keep all the trees that are in here. And I think he already put the flare in section at this end here if I remember.

KENNETH ELLSWORTH: I think the main problem was the structures right, they were just deteriorated beyond useful life.

David Higgins: Yeah the worst ones were in the back corner here, this structure here was almost completely buried, probably from just years of pine cones and leaves and what not. And then there as

another structure here on the side that was in pretty bad shape, so those have been replaced and I think the pipe along the front was not as nearly bad of shape as things were on the side there.

KENNETH ELLSWORTH: Alright. Thank you chairman.

IRV NEWMARK: Okay, Palula, can we approve this as subject to him getting a letter from the home owners association allowing the sewer connection?

PAULA KAY: If you're comfortable with that.

IRV NEWMARK: Lets see what the board has to say. Do we have a resolution to approve the addition and the pool room on this property?

GARY TAVORMINA: What's the recommendation of the attorney?

PAULA KAY:I don't have a problem as long as we have a paper trail. You can approve it, if they don't get you what you need then its subject to that. So if you don't get it then there's no approval.

MOLLIE MESSENGER: Those two lots did have homes on them and they were connected to the sewer lines and the main that runs through there is owned by the town so it was two connections that was reduced to one so I would assume that it wont be an issue but the paperwork makes sense.

IRV NEWMARK: Okay, so I will entertain a motion to approve this subject to the letter from the home owners association that they can run the sewer there.

GARY TAVORMINA:I'll make the recommendation from the attorney.

IRV NEWMARK: Okay, second.

PAUL LUCYK: Paul.

IRV NEWMARK: Okay all in favor – lets do a roll call.

GARY TAVORMINA:Gary Tavormina,I.

BUCKY LOUCKS:Bucky.

PAUL LUCYK: Paul.

CODY VEGLIANTE:Cody. I.

IRV NEWMARK: Okay ,the motion passes.

David Higgins: Thank you very much, have a good night everybody.

NEW BUSINESS: 9. ELLIOT GIBBER – SBL# 17A-1-119/120 – Requests site plan approval for an addition and pool room. Zone: PUD. Location: 44 & 50 Zahava Circle. Cross roads: Loch Sheldrake/Hurleyville Rd.

Application not heard.

OLD BUSINESS: 1. MOUNTAINDALE HEIGHTS – SBL# 42-1-19.2 – Requests a 9 lot sub-division. Zone: R. Acres: 6.7. Location: CR 56, Mountaindale. Cross roads: Old Turnpike Rd.

Application not heard.

IRV NEWMARK: Chesnut Court Townhouses, continued review of the siteplan.

MOLLIE MESSENGER: That's Mike Rielly, and Jay and Ellie.

OLD BUSINESS: 2. CHESNUT COURT TOWNHOUSES – SBL# 39-1-94/95 – Continued review of site plan. Zone: Acres: 9. Location: 176 Laurel Ave., South Fallsburg. Cross roads: Derech Hatov Ln.

Jay Zeiger, Michael Reilly, Ellie represented.

Jay Zeiger: We've been to the board a bunch of times on this. It's a town house community of 36 townhouses. Its being developed as a rental property and that kind of has some quirk that we worked our way through and I think we've resolved those quirks. We've had several variances that we had from the Zoning Board which we have and should be referenced on Mikes map. We were here a couple months ago and if Mike I'm recalling correctly we sent lead agency intent to the, it was distributed -

MICHAEL REILLY: Correct.

Jay Zeiger: and Mike do you have a map you can show?

MICHAEL REILLY: Yeah I'll go ahead and share my screen.

Jay Zeiger: And Mike has submitted the long form EAF with parts 2 and 3 completed and were looking to answer whatever questions you have now and hoping to come back next month for approval.

MICHAEL REILLY: Yeah so I have the plans up. One of the main changes was that we had to add lot lines to all of the units, which is what this map here represents and shows. As a result of that we actually lost a unit so now were down to 36 total units. We have 8 quad plexes and we have a triple along with the single out front.

IRV NEWMARK: I got a question for Helen.

HELEN BUDROCK: Yes.

IRV NEWMARK: Did you look at the landscaping plan for this?

HELEN BUDROCK: I did. I actually had given them some preliminary comments during work session and the comments that I made are incorporated into the plan that Mike submitted to you so I have no issue with the landscaping plan. I think its good.

IRV NEWMARK: So what do you need from us tonight? Where are we as far as this project?

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Jay Zeiger: Well I think where we are is we need you to- if there's any questions were happy to deal with it, if not we're asking that you ask Helen to prepare the proposed approval resolutions and negative deck.

IRV NEWMARK: Okay so Mollie, Ken, have anything further to say?

KENNETH ELLSWORTH: No we've had the plans for just about two weeks so were in the middle of our technical review so by next month well be ready for your review of that.

HELEN BUDROCK: And is there a preliminary sense of some of the conditions? Paula I'm assuming that the Home owners association formation would be one of the conditions, is that correct?

PAULA KAY: I always like to look at them, I don't always get them from applicants, but it would be helpful to get it sooner rather than later.

Jay Zeiger: You want, what, the proposed home owners association declaration?

PAULA KAY: Yep.

Jay Zeiger: You want it before approval or just when we –

PAULA KAY: Before because, I'm sure it wont be this project but we've had projects where submitted to the state isn't always what is on the ground so its always good to have an additional set of eyes looking at that.

IRV NEWMARK: Jay, also the fire department has to be contacted.

Jay Zeiger: I think that happened, Mike.

MICHAEL REILLY: Yeah I sent that back to the Fire Department almost a year ago, back in August of 2019 and I never got anything in writing so I sent it to them again last week.

BUCKY LOUCKS: Mike, when you send this to the fire company you send this to the fire district or the fire company?

MICHAEL REILLY: I think it's the district. Al Braun that actually works in the same building as me is actually the one that takes care of it.

HELEN BUDROCK: So ill make that a condition, that we receive that the fire department has reviewed.

IRV NEWMARK: Yes.

HELEN BUDROCK: And Mollie did we ever get a copy of the minutes from the ZBA when they waived the affordability clause?

MOLLIE MESSENGER: I sent them with my notes –

Jay Zeiger: I actually flagged the page in, page 19, this is Paula speaking: 'We can remove that as one of the variances, it is only for sales, not rentals. It doesn't apply.' Its on page 19 towards the bottom.

HELEN BUDROCK: So other than any sort of technical review comments that ken has, does that fact that the roads will remain private, does that need to be in the site plan resolution or is that just –

MOLLIE MESSENGER: There's no offer of dedication so it's fine, it doesn't need to be in the conditions.

HELEN BUDROCK: Okay, just looking through my list.

MOLLIE MESSENGER: Mike sent over today, not sure if anybody saw, he sent a subdivision application. So he sent the application to Denise and I asked her to put that on the September agenda. I know Ken, you need to see the survey, the preliminary plat and all of that so we need to put that all together for the September meeting.

IRV NEWMARK: Okay, so we'll see you back in September. Next is Fallsburg Holdings.

OLD BUSINESS: 3. FALLSBURG HOLDINGS – SBL# 39-1-65/76/77 – Continued review of site plan. Zone: R. Acres: 33. Location: 5499 SR 42, Fallsburg. Cross roads: Gamble Rd.

Jay Zeiger, Uri Kanahow, Michael Reilly represented.

JAY ZEIGER: So this project, it's been a while since we've been back to you. Mike why don't you show them the map, show them where it is. Some of you might remember the parcel, it's on Route 42 in between Woodbourne and Old Falls. And when you're going from old Falls to Woodburn it's on the left side. There were a bunch of –

BUCKY LOUCKS: It used to be Sun Ray Cottages?

JAY ZEIGER: There used to be a bunch of buildings on it that were all deteriorated, they've all been removed.

BUCKY LOUCKS: Yeah, that was the old Sun Ray Cottages, coming from Woodbourne it's on the right, coming from Fallsburg it's on your left.

MICHAEL REILLY: Okay I'll run through where we're up to. It's just under 23 acres. It's a duplex development. One of the major changes since we were last here is at one time it was a mix of singles and doubles. The developer decided to go with all doubles except with two singles still, one of which will be for the caretaker. We've had a couple of workshops since we were before the board last. Submitted a traffic memo that I believe the town's consultant is taking a look at now. Wetland report. And I'm working with the DOT now, some of you may recall this was a project where we needed a variance for the entrance separations because the entrances are too close according to the Department of State. We were able to get that variance for the close proximity, they were okay, but now the DOT is against having two entrances so I'm waiting to hear back from them on that. I'm trying to get them to allow the second entrance but have it gated for emergency access only. So that's something that's developing and I'm working on. Other than that there's a complete plan set that we've been looking on in the workshops. And we're finishing the SWIP now, working on that as well as the stream related stuff. So it's kind of where I'm up to. I did send this to the fire department as well last week.

IRV NEWMARK: Okay, it looks like you got to move a stream –

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MICHAEL REILLY: Yeah, a small stream that bisects the property. It's the same stream that was up in the other projects to the West of us so yeah we were looking at piping that stream through the projects, something I'm working on right now.

IRV NEWMARK: It looks like the DOT wants sidewalks on Route 42.

MICHAEL REILLY: Yeah, that's another thing I tried to refute with them. Im trying to get them to allow us to show it on the design and not have to actually do it because there are no sidewalks on either side of this project.

BUCKY LOUCKS: Okay so why not do it and add more to it later.

JAY ZEIGER: I think, Bucky, the thought is you don't kind of want a sidewalk leading to nowhere.

BUCKY LOUCKS: We have plenty of stuff that goes nowhere so we may as well start adding them now. And they'll start connecting together. We got to start somewhere so you may as well start now.

IRV NEWMARK: Look, hes got to design the sidewalk and figure out the easement and all of that stuff so they got a lot of stuff to do.

BUCKY LOUCKS: Yeah they got a lot of stuff to do but I think we need to make them put the sidewalk in. and eventually they connect. If we would've done this 5,6 years ago on Laurel Avenue we would have a sidewalk all the way from town to the Pines hotel already.

GARY TAVORMINA: Irv, is Helen involved in this project?

HELEN BUDROCK: I am. and I agree. Its very similar to Cabana Sands. The state is requiring that as well so I think it's a good idea.

BUCKY LOUCKS: Start putting them in.

IRV NEWMARK: Okay so there's really not much we can do tonight.

JAY ZEIGER: Irv, if I may. I don't know if the town declared lead agency on this and if not, maybe we should do that so we can circulate.

IRV NEWMARK: Okay, ill entertain a motion intent to become lead agency for environmental. Anybody make the motion?

BUCKY LOUCKS: Bucky makes a motion.

CODY VEGLIANTE: Cody seconds.

IRV NEWMARK: All in favor.

BUCKY LOUCKS: Bucky. I.

CODY VEGLIANTE: Cody. I.

GARY TAVORMINA: Yes.

PAUL LUCYK: Paul.

IRV NEWMARK: Okay, Motion passed.

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JAY ZEIGER: Who sends the notice out, does Mike do it or does Mollie's office do it?

MOLLIE MESSENGER: Mike does it. We don't send out the lead agency notice. You should send it to Paula and I just in case there's revisions on the notice but then you guys send it out.

PAULA KAY: Yeah send it to Helen too, Please.

MOLLIE MESSENGER: Jay you haven't been to the town board to talk about the sewer and water extensions since 2017, I think you need to revisit that with the board please.

JAY ZEIGER: Okay.

BUCKY LOUCKS: I have a question for Ken on this. All the developments behind this development, how's the runoff and all that going to make it out?

KENNETH ELLSWORTH: Mike's in the process of looking in the SWIPs. We're working on getting him the rest of the SWIPs so he can review how it's coming down. The last rain fall that you guys had was pretty significant –

BUCKY LOUCKS: And it didn't hold it back too good. It looked like it was quite coming over.

KENNETH ELLSWORTH: Yeah there were some problems up on the hill with the projects that were behind with Cardinal Grove. So Glenn Smith's involved with that. He's looking to get those things rectified. Our guys have been out there looking at that, George has been on it. So couple things there and then Mike is reviewing the cumulative reports of those projects as they come into his project. And then you'll note DOT even wants him to do a drainage study out front, which he's going to do anyway, to find out if the culvert going across 42 is sized correctly.

MICHAEL REILLY: Yeah I spoke with Tim O'Connor again today about this and he provided me some information so I think we're on the same page.

GARY TAVORMINA: Ken can you answer a question for me please. I know we're working on the sewer plant, it's being upgraded. With all these projects that were putting online, do we have enough water?

KENNETH ELLSWORTH: It's a very good question that has a very long answer to it. So it's something that I can go into more detail with you at a different venue. We know we have projects that have been approved that have the potential to overload the WHOO treatment plant. And it all depends on weather; rainy, not rainy, which causes infiltration. And it all depends on when they all come online. The biggest concern that we have is when Westbourne comes online and those homes are all sold and built and we need to be ready with some solution prior to those bigger projects coming online. So right now we're fine but we are concerned with projects that are now pending review and approval.

GARY TAVORMINA: That's my point. If we approve it – tell me if I'm wrong – if we approved the project we got to supply the facilities.

KENNETH ELLSWORTH: Yeah. There's going to be a point where the board will be advised that we are out of room. And we hope that our plans to resolve that problem, get resolved prior to us having to say that to the board and having a problem approving these projects. But we're on a 5 year plan right now and we're concerned about all of that exactly and how it's happening.

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PAUL LUCYK: Is there a way of implementing, that we know, we have a 4 year window before were going to have to expand the sewer or the water. Is there a way of implementing monies for these projects so that the tax payer is not going to have to –

GARY TAVORMINA: Have to foot the bill.

JAY ZEIGER: Every single one of these projects, theres a connection fee that they pay per unit which is quite substantial. Mollie may be able to tell you the exact amount, its somewhere in the neighborhood of \$5,000 for sewer and water.

PAUL LUCYK: Now is that for expansion?

MOLLIE MESSENGER: Paul what the town board is looking at is, these properties are outside of the district. So theyre asking for a district extension. Those properties that are inside of the district that we have to supply water and sewer for, they pay in-district fees and development fees. The outer-district users that are trying to get into the town now, when the town board is saying that they can come in, theres been talk of having them help us with infiltration issues and provide monies in exchange for the outer-district use. So I think the town boards looking at a couple different things. We've been talking to a lot of different developments about this which is one of the reasons that ive asked Jay to come back to the town board because theyre an out-of-district user, they're asking to come back. And the town boards saying if you want to come into the district you might have to help us fix part of the system. Now I don't know what they'll ask for or how that's going to work or whatever but the town boards been trying to get something in to improve the system. Also the town board does not want, nor do any of us want to have package plants and all these other plants pop up outside and around our district so its kind of a win-win if they can help us fix some of our issues that makes it so it reduces our capacity and then we can allow them into the plant.

IRV NEWMARK: Okay, anybody else have anything to say?

HELEN BUDROCK: I just want to say I did provide some comments via email about the landscaping plan to Michael earlier today. So hell take a look at those and make changes that are warranted.

BUCKY LOUCKS: Before we go I have a couple questions for Paula. Not about these, about future stuff. Paula, somebody's getting ready to put a development in – can we put like 15 feet of blacktop (breakup) in so they're not coming out on the road with these trucks and concrete trucks. At least it gives it time to get the mud all off before it comes out on the road.

PAULA KAY:15 what? What are you looking for?

BUCKY LOUCKS: Blacktop their road 15 feet into the development this way people coming in and out, all the mud is off before it hits the road.

KENNETH ELLSWORTH: So what's required by the SWIP is actually a 50 foot stone construction entrance, is what they're supposed to have. And what were watching all the time is the stone gets clogged up and then it doesn't knock the stone off the tires. That's what DEC has requested that we do with a SWIP as opposed to paving it. And if they get it on the road they have a responsibility to clean it so if you see that you can call code.

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BUCKY LOUCKS: I know they do but until it gets cleaned up on the road though, somebody should think about the future –

MOLLIE MESSENGER: You want a different construction entrance detail?

BUCKY LOUCKS: Yeah I would like that.

PAULA KAY: As long as we don't have any detail with DEC.

MOLLIE MESSENGER: Ken and I can look at that and discuss it. We can maybe look at a proposal that may come into a detail for our regular construction plans.

BUCKY LOUCKS: Right, if you go down to Orange County, first thing they make them do is make them blacktop the first 20 feet of the road and this way the roads are clean and the mud is coming off of their property, not all over the road. And if it rains up here and people are working so it's something we should think about.

PAUL LUCYK: A lot of it is with the slope. A lot of times the county makes it so that it pitched away from the edge of the road back towards the property and a lot of times today it's not being done properly.

MOLLIE MESSENGER: Just to make a note Bucky, Ken's hired a new inspector that's going to help us do those inspections weekly also so that's something we can add to his inspection list per week.

BUCKY LOUCKS: Just something I wanted to bring up.

OLD BUSINESS: 3. FALLSBURG HOLDINGS – SBL# 39-1-65/76/77 – Continued review of site plan. Zone: R. Acres: 33. Location: 5499 SR 42, Fallsburg. Cross roads: Gamble Rd.

Application not heard.

IRV NEWMARK: Okay are we done folks? Goodnight, meeting adjourned.