

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

September 10, 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

Arthur Rosenshein called the meeting to order at 7PM.

Arthur Rosenshein: Acceptance or changes to the August minutes as received.

Gary Tavormina: Motion

Paul Lucyk: Second.

Arthur Rosenshein: Okay, I was not here so I will not vote on it. All in favor? That’s taken care of.

Public Hearing 1. BNOIS SKINKA – SBL 39-1-86.1

Joel Kohn represented.

Joel Kohn: Good evening everyone. Camp Krula, Bnois Spinka, they got a variance last month for relocating the swimming pool from the front of the property to the back of the property. They got a variance for a setback and for .03 increase in lot coverage. That’s basically what were here for, to get planning board approval for that. I can pull up the screen and show the site plan.

Arthur Rosenshein: Show the old pool and where the new one will go.

Joel Kohn: This is the location of the old pool to be removed, this is Route 42. So this is kind of more in front of the property. Sheet two shows the relocation of the pool in the rear of the property.

Arthur Rosenshein: No questions from the public?

Arthur Rosenshein: In that case the first public hearing is closed.

Public Hearing 2. Chestnut Court Townhouses – SBL#39-1-94/95

Michael Reilly represented.

Michael Reilly: Chestnut Court is a Townhouse project on Laurel Avenue. We had a public hearing on it a while back. Since then we’ve hashed out the project with staff and determined that we need subdivisions. So now the plan is configured so each unit is on its own lot, that’s the reason for this public hearing. 36 total units, 8 quad flexes, 1 two flex and one single. Some rec.; common area, pool, extra parking. That’s about it. Laurel Avenue is here. Its just a big loop road with all these units on the interior

except for the single out front. We did a subdivision flat for this is now, it's a lot busier to read but we have meets and bounds on all the lots. If anyone has questions I'd be happy to answer.

Paula Kay: For those who are not familiar, you can click on the bottom of your screen. There is a button called reactions on the bottom right and that will put a little smiley face on your box and Melissa will see you and will call on you, you have to have your camera on.

Paul Lucyk: The separation between the parking area and the front of the buildings, how far apart is that? And are there windows?

Michael Reilly: I believe it is ten feet from the sidewalk to the home. And I don't know if there are windows, I don't know if Elli Brazel or any of those guys are on.

Arthur Rosenshein: Paul, well bring this up as an item on the agenda under Old Business in a few minutes. Anybody else? Then the public hearing is closed. Third public hearing, Catskill Arms.

Public Hearing 3. ISSAM EDWAN (CATSKILLS ARMS) – SBL#17-1-12.9

Issam Edwan represented

Issam Edwan: Yes sir, my name is Issam Edwan.

Arthur Rosenshein: What you do at this point is just give a brief overview then you will come back at the New Business. So basically the planning board will question you under New Business, right now its for the public. Please give a brief description on what you want to do.

Issam Edwan: Yes, the idea came up to establish a business with firearm distribution and being licensed as an FFL, which I am now. Ive been approached by the ATF. The idea came over because of the limited places in Loch Sheldrake and I don't want to take the business out of Loch Sheldrake as I am a resident of Loch Sheldrake. So I am using my property as a business which is a property of 2.6 acres and 52 and I've had a separate storage area of garage which is about 14 x 10 which I'm going to operate out. it's a web based distribution and by appointment only for the locals, and before I meet you again in 6-8 months until I find a good location but I would love to start the business right now because I was approached by the board and here we stand.

Arthur Rosenshein: Thank you very much. Does anybody have any questions at this point?

Gary Koutcher: Just for gun sales in this area, are there any restrictions legally in this area? Like near a bar, the yeshiva, other orthodox schools in the summer. I'm wondering whether there are any legal restrictions to having that sort of store?

Issam Edwan: The property is far away from any school. The Loch Sheldrake bar is almost 1250 feet away, maybe more. The ATF already as a federal government approved the business and issued the licence when it comes to the legality of it. Locally, there's no school zoning – I think the closest one is Fallsburg School, maybe 8,9 miles from.

Arthur Rosenshein: Thank you. Any further questions. If theres no further questions from the public I will close the public hearing. Public hearing is closed.

New Business: 1. ALEXANDER COUNTRY VILLAS – SBL#28-1-57.5 Requests an 8 lot sub-divison. Zone: R. Acres: 5.58. Location: Co. highway 52, Fallsburg.

Michael Reilly and Nachman Kanovsky represented.

Michael Reilly: Mike Reilly again, I also have Nachman as well, he's on here also. This project is on the north side of Brickman road, right in between Twin Oaks and Lake Forrest. Its 5.6 acres. It is encumbered by some wetlands, some army core wetlands in front and then a larger DEC wetland in the back. What were proposing to do is a cul de sac with 8 building lots raging in size from half an acre up to 1.12 acres. We would like to dedicate the road over to the town at the end of the project so were looking to build this per town standards. And there's going to be regular old building lots and if anybody's got questions id be happy to address them. This is our initial sketch plan, our first time in front of you guys so just looking for some initial feedback and then hoping to maybe come back next month for a public hearing.

Nachman Kanovsky: Just to give it a little flavor, what this project will be is a non-development development. People who don't want to be in a development in a development and prefer a more secluded lot, more upscale house, no common elements, everybody's on his own, no specific restrictions, but it should be a very nice, upscale block.

Arthur Rosenshein: Will you be building the homes or selling the lot?

Nachman Kanovsky: We're not selling lots, were selling homes with the lots.

Paula Kay: Single family homes?

Nachman Kanovsky: Single family homes.

Paula Kay: Eight homes.

Nachman Kanovsky: Yes.

Arthur Rosenshein: Has sewer and water.

Nachman Kanovsky: Yes.

Gary Tavormina: Any elevations?

Michael Reilly: Yes I do, I just got the topography for the project about 6,7 days ago. So the next map I submit will have that all on it.

Gary Tavormina: I don't plan on voting on anything I don't see.

Arthur Rosenshein: No votes tonight, its an introduction to get us familiar with it. Helen, I'm going to make the motion to bring you on board.

Gary Tavormina: Motion.

Paul Lucyk: Second.

Arthur Rosenshein: All in favor – any against? You have it. Helen is there anything you want to say?

Helen Budrock: A couple quick questions right off the bat. I see you have the 100 foot buffer from the state regulated wet land but it shows army corp of engineer wetlands and the three lots are fairly close to those wetlands. I did a quick search and couldn't find them initially on the national wetlands inventory so I was just curious, have those been flagged recently to show the exact boundaries of where those are?

Michael Reilly: Yeah the project didn't get on its feet but its been around for quite a few years. Back in 2006 the wetlands were delineated.

Helen Budrock: So that's 14 years ago. So that's one of the things, once I have a chance to look at it I may suggest you get that re-flagged because a lot can change in terms of boundaries.

Michael Reilly: I anticipated that and we actually already have that in motion.

Helen Budrock: Great, and the entrance to Lake Forrest Estates is fairly close to the end of that cul de sac, has there been discussions about connecting that road to that entrance? I now you said you want it to be separate from the development but just for access and public safety it might be best to connect those two?

Nachman Kanovsky: At best we may consider putting in a walkway, not for cars. They want to walk to shul on Saturday they can go up that road or next door to Twin Oaks, whichever way they want to do it. But not for cars, cars will be a separate project structurally, connected in other ways I suppose.

Helen Budrock: How far from the end of that cul de sac is the driveway to the neighboring development, roughly, because its not shown on the map.

Michael Reilly: I would say its 150 feet, my first guess, without measuring it.

Arthur Rosenshein: Paula, they want to make this a town road, do we have to take it?

Paula Kay: No.

Nachman Kanovsky: I'm going to plead very hardly. The only reason I guess is for snow removal. There's really no other reason. We're going to be building to town specs and hopefully for the next twenty-something odd years it should be in good shape. It should be a very lightly traveled road.

Paula Kay: So we need to talk to the Highway Superintendent and the Town Board and look at the specs but it is a little premature to make any determinations.

Nachman Kanovsky: If it can't be it isn't going to kill the project well approach it either way. The idea is that there's not going to be any common ownership and as such that's the way it may be.

Helen Budrock: The entrance to Lake Forrest Estates also a town road or is that a private road?

Nachman Kanovsky: Most of my developments chose to remain private for their own purposes, including my first one where I'm at in Vacation Village, but this is going to be more like a small street somewhere where people have nice houses along the street, not much more than that.

Helen Budrock: So the entrance to Lake Forrest Estates is a private entrance.

Nachman Kanovsky: I believe it is private, yes.

Arthur Rosenshein: Ken, is there anything you'd like to add?

Kenneth Ellsworth: I'm not sure that I am engaged on this yet, Arthur, but I can add some stuff.

Arthur Rosenshein: Do we need to formally vote Ken in? Paula is nodding, okay, so motion to add Ken in on this project.

Irv Newmark: I'll make it.

Paul Lucyk: Second.

Arthur Rosenshein: All in favor. Any against? You are in Ken. Now Ken.

Kenneth Ellsworth: Okay, site distance and just across Brickman Road, is there any other driveways that line up with this driveway? When we come out of the driveway where are the lights shining for the cars coming out? and then the State came out with a new requirement for the hammer head. Its close to what you have but not quite the same and ill send you that detail. Its going to affect the layout at the end a little bit but not significant. But you might as well put the correct hammer head on there. The rest is technical stuff that Mike is going to be familiar with. I also agree that the survey and the wetlands are old and they should be looked at which they're doing.

Arthur Rosenshein: Mollie, anything you want to add?

Mollie Messenger: About the road, the town does not really like cul de sac, or want them, and depending on what truck would have to go through that road or that area causes an issue with the highway department if we'd have to use a smaller vehicle in order to hit that hammer head and/or turn around and plow the other way. So it would be nice if they do talk to Forrest Pond or Lake, whichever it is, and make that connection so that the highway department could just swing through there. It would make sense for the highway department to plow the end of Forrest Pond and then just plow that road, it would be much easier for the highway department to get through there.

Nachman Kanovsky: Mollie if it makes a real problem we can leave it not as a town road.

Mollie Messenger: If youre going to represent it to the Town you should make those considerations, that's all.

Nachman Kanovsky: We'll do that. At worst if the town does not take it over we'll have a private snow removal company do whenever it snows, that's about it.

Arthur Rosenshein: Nachman, what size are you looking for these units?

Nachman Kanovsky: The units are going to be upscale, should all be two story units, maybe country type of look, not really a development-type of house. Im looking for more of a country kind of a look, two story, probably in the neighborhood of 2-4,000 square feet. Nothing less than two, nothing more than four, somewhere in that range.

Arthur Rosenshein: Stick built?

Nachman Kanovsky: Stick build, of course. I don't do modular. I like local people working. Another advantage.

Paul Lucyk: With the road can we get a loop system so that 40 foot fire truck can come in and go out without backing up? Is that a possibility?

Helen Budrock: I think that's the same issue with the snow removal. Sounds like the town would prefer a through-road and not a cul de sac so think about it.

Paul Lucyk: Can that be put in the design?

Nachman Kanovsky: To be put through Lake Forrest? That would probably be an issue. I don't think they want a direct connection through it, nor will a person be in the place want traffic, they would want quieter. Again, if it becomes an issue it wont be a town road, we'll do our own private snow removal.

Arthur Rosenshein: Further questions? In this case then Helen you take the lead on this. That's the end of that for this evening.

Nachman Kanovsky: Thank you.

Arthur Rosenshein: Catskills Arms, you're on again.

New Business: 2. ISSAM EDWAN (CATSKILLS ARMS) -SBL#17-1-12.9- Requests approval for a homebased business for fire arm sales. Zone: HR. Acres 2.6. Location: 1082 SR52, Loch Sheldrake.

Issam Edwan represented.

Issam Edwan: Thank you Sir.

Arthur Rosenshein: This is the Planning Boards chance to ask some questions. I understand, theres no retail but you'll have people coming by appointment?

Issam Edwan: Correct, sir.

Arthur Rosenshein: And most of your business will be on the internet, you think?

Issam Edwan: 70% would say over internet.

Arthur Rosenshein: Youre going to have firearms, are you going to have ammunition?

Issam Edwan: Limited quantity of ammunition, yes.

Paul Lucyk: Just to clarity, what kind of FFL License do you have?

Issam Edwan: 01-FFL License.

Paula Kay: So it is FFL License, type 1?

Issam Edwan: Yes, ma'am.

Paula Kay: Thank you.

Arthur Rosenshein: What are your plans for storage of ammunition and fire arms?

Issam Edwan: As I mentioned it would be in separate area of the house. If I am approved I want to upgrade that storage area where it can store firearms.

Arthur Rosenshein: Will you be putting safes in for them?

Issam Edwan: Definitely. Im going to have a safe and a process as well, a cage, where it goes over the safe as well. And a monitoring camera and an alarm.

Arthur Rosenshein: Any questions from the board? Now we don't have to do SEQR on this because it's a type 2 action. Does anybody have anything negative to say about this? Ive read the regulations, it comes under home occupation. Seems to fit in every criteria, would you say that Paula?

Paula Kay: It does. I was just wondering, are you also going to be, under the FFL License it also allows you to do repairs, are you going to do sales and repairs?

Issam Edwan: I applied, I can do gunsmithing but that's in the future when I learn a very good location in Loch Sheldrake area but based on the house now, no, but I want to have the option because when I move to the second phase I would like to have it too.

Mollie Messenger: Arthur, do you want to talk about the delivery schedule, you talked about the hours, the sales.

Arthur Rosenshein: Okay, how any deliveries would you anticipate?

Issam Edwan: Based on the website for the orders, I am gathering for the future, to have three times delivery a month. That covers three weeks and the other week would be a holiday, of course no delivery. So it would be evert ten days, so it is three deliveries a month.

Mollie Messenger: Is there any signage you were going to put up? A shingle on the road, anything on the shed?

Issam Edwan: Yes, I would like ot have a small sign that indicates the location right on the street if that's possible.

Mollie Messenger: You can do a small street shingle without going to the architectural review board, so we just have to review the sign laws. When you're ready to send over what your business name is and what the sign will look like, send it to the building department and we can tell you if you need to do additional boards or if you can just put the sign up.

Arthur Rosenshein: Other than that it is supposed to look exactly like a home, there should be nothing on the exterior other than a small sign that would indicate what's in there. Again, anybody on the board have a question? I would entertain a motion for approval, site plan.

Irv Newmark: I'll make the motion.

Paul Lucyk: I'll second it.

Arthur Rosenshein: Any discussion? All in favor? The motion is passed unanimously. That takes care of that, we'll see you when you get a store.

Gary Tavormina: Is this in a residential area?

Arthur Rosenshein: Yes. It fits into the zoning law.

Gary Tavormina: Okay, just curious.

Arthur Rosenshein: There is a provision for this type of use, as long as its subtle.

Gary Tavormina: Is he under any federal restrictions?

Arthur Rosenshein: It's a regular firearms license –

Gary Tavormina: I don't know what the federal standards are for that type of business.

Paula Kay: He has the FFL license. I think it would be helpful to submit a copy of your license to Mollies office so we have it on file.

Mollie Messenger: We have it on file, we can circulate it if we need to.

Arthur Rosenshein: Okay, we done with that? We've already voted so you got your approval.

Issam Edwan: I thank you and I thank the board for this opportunity. Hopefully you'll hear from me for approval again when I find the front store that I am looking for. Thank you so much.

Arthur Rosenshein: Thank you. Okay, Chestnut Court Townhouses, represented by?

Michael Reilly: Mike Reilly and Jay Zeiger.

Old Business: 1. CHESTNUT COURT TOWNHOUSES – SBL# 39-1-94/95 – Requests conditional review of site plan and Subdivision approval. Zone: Acres: 9. Location: 176 Laurel Ave., South Fallsburg. Cross roads: Derech Hatov Ln.

Michael Reilly and Jay Zeiger represented.

Arthur Rosenshein: What are you after tonight?

Michael Reilly: Well, we had the public hearing for the subdivision part of this and we want to do what we need to do to progress towards a conditional approval.

Arthur Rosenshein: The preliminary subdivision. Helen, I think you're on board with this?

Helen Budrock: Yeah, it's a site plan, special permit and subdivision so the subdivision would require a separate resolution and the site plan and the special permit could come together. Did you submit an updated preliminary plat? The one that I saw wasn't quite complete.

Mike Reilly: Yeah I actually submitted that a little after the deadline. I dropped copies off to Mollie yesterday, I can get you a copy.

Helen Budrock: Yeah, even an email would be fine. I'm going to defer to Paula, I think we need to start the lead agency process and whether were ready for that. I know Mike prepared an updated environmental assessment form, I think that was dated August 20th.

Jay Zeiger: I thought we did lead agency last month or two months ago?

Paula Kay: For the subdivision?

Jay Zeiger: Subdivision we didn't do two months ago but doesn't that fall under the umbrella?

Paula Kay: It should fall under the site plan.

Helen Budrock: That's what I wanted to check and make sure we didn't have to do that separately. So I'll add in those dates and do we recall if we got responses back to lead agency? Want to make sure that's all covered.

Mollie Messenger: Don't think we got any responses on that at all. Does the 239 have to go back through again for the subdivision while were talking about that/ or is that covered under the original?

Paula Kay: That's a different action.

Helen Budrock: Yeah. I would say since the project has changed a little bit, its been a while since the 239 was done, it might be a good idea to resend it out. but if lead agency was done fairly recently then I think it should be fine. I am just going down to some site-specific conditions. So I started drafting some of the conditions that would be part of the conditional site plan approval resolution and the first is that the common open space and recreational amenities shall be owned and maintained by a home owners association. And the applicant would need to submit a copy of the offering plan to the town attorney. Do you know if that's been done yet?

Paula Kay: I haven't received it yet.

Jay Zeiger: I thought I sent you the declaration but not the offering plan. Didn't I send you the HOA declaration?

Paula Kay: If you sent it – I take it back. I have the declaration of covenants but not the offering plan.

Jay Zeiger: The offering plan is not even – well send it when its ready. Its not close to being ready.

Paula Kay: That can be a condition, Helen.

Helen Budrock: I was going to say basically the first condition is 'no building permit shall be issued until the applicant provides the town attorney with the copy of the offering plan.'

Jay Zeiger: No, if you remember we had all discussions that the units are going to be rented and therefore an offering plan is not currently contemplated. We sent the declarations which we'll file but theres no reason to do an offering plan when the plan is for rentals, because were not offering anything for sale.

Helen Budrock: Paula, is the declaration sufficient then from your perspective, cause I can –

Paula Kay: Yeah, I want to review it a little bit more so it can be condition on my review so that's okay.

Helen Budrock: So I'll change that to declaration and you'll review it and let me know if theres anything else to add. The second draft potential condition would be 'no building permit shall be issued until the plans are approved by a representative of the fire district'. I believe you guys recently got an email or am I mistaken?

Michael Reilly: I have sent the plans to the fire department on two different occasions and I haven't received anything.

Mollie Messenger: AJ Pantel sent everything yesterday which I thought I forwarded.

Helen Budrock: I think it was basically positive, right?

Michael Reilly: If you can forward that to me that would be great.

Helen Budrock: So that's one that I'll highlight that can probably come out. 'No site disturbance or construction can take place until a SPEDS general permit for –

Jay Zeiger: Helen, can I interrupt you for one second. Mollie sent over a resolution at 6:45, I'm just opening it now. Mollie is this the same that Helen is reading off of?

Mollie Messenger: Yeah, like I said in the email it is just a draft so were just talking through them.

Jay Zeiger: Yeah but what shes reading is not what's in here.

Helen Budrock: I skipped the standard and I went right to the site-specific ones that should be on the second page if we are looking at the same document.

Jay Zeiger: Okay. I'm there.

Helen Budrock: So, the SPEDES permit for stormwater discharge from construction activity. Ken, was there anything specific on that other than just the standard?

Kenneth Ellsworth: Nope standard stuff. A couple corrections, yep.

Helen Budrock: The next condition is the parking. I put in there that 'a minimum of 101 parking spaces shall be provided in accordance with a waiver granted by the planning board during the site plan review process'. My understanding is that was done early on, I'm trying to figure out what the required parking spaces were but 101 was what was agreed upon and showed on the plans if I am not mistaken.

Michael Reilly: You are correct on that, it was 115 down to 101.

Helen Budrock: Okay, Mollie are you okay with that? Do we have to reaffirm that or that old waiver just carries forward and is included in the resolution as a condition?

Mollie Messenger: I believe the waiver should just carry, unless somebody knows something else.

Helen Budrock: I'll leave it in there that its in writing, that 101 was the minimum that was approved. The next one is that, similar to some of the projects that we've seen, 'the applicant shall provide a dedicated easement along Laurel Avenue to accommodate the construction of future sidewalks and when they are determined to be necessary'. And in the past, in other projects, we required the boundary of the easement and the design of the sidewalk would be included in the approved drawing set. Does that apply to this project?

Mollie Messenger: It does.

Helen Budrock: Any Objections to including that as a condition? We've been trying to include that in all projects. And the last one that I put in was that 'all existing units located on this site shall be removed at the owners expense before any building permits are issued'. I wasn't sure, my memory is failing me, and I thought that there were existing buildings and I couldn't remember if they had already been removed or if there were some left to be removed.

Jay Zieger: They've already, I think all been removed with the possible exception with the one unit that was going to stay as the caretaker, and Mike if I recall that was coming down and only keeping the foundation.

Michael Reilly: They've all been removed.

Helen Budrock: Do you have an objection to leaving that in there 'that all existing units located on this site shall be removed at the owners expense before any building permits are issued'.

Jay Zieger: I would just carve out the exception that the foundation for the caretaker unit can remain.

Helen Budrock: Okay. So that is what I had on the draft site plan resolution. Were there any other issues that would make sense to include on a conditional site plan approval resolution?

Mollie Messenger: I Just want to interject for a second. Ken hasn't had a chance to talk about the plans and utilities yet but we've had a couple issues on Laurel Avenue with water and sewer and I think we just need to double check that all the pump stations and everything's going to be able to take on – that we don't need any upgrades. Ken can speak more to it but we had a couple things happen this week that made us think.

Arthur Rosenshein: Okay so procedurally we need to get a negative deck first. Is there anything on the environmental that we don't have yet?

Helen Budrock: No I think it was complete, it was recently updated.

Jay Zieger: So Helen are you going to do a draft negative deck?

Helen Budrock: I could. I don't think we were prepared to take action tonight. But I started with the approval resolutions but I could do a draft neg deck as well for next month. For both, the subdivision and the site plan / special permit. They'll be separate resolutions, separate actions.

Jay Zieger: I think they negative deck will maybe cover both.

Helen Budrock: I'll confirm with Paula and see how she wants to handle it.

Arthur Rosenshein: Anyway, we need the negative deck then we do preliminary subdivision. If there are no great conditions we can do final at the same time, then depending on what condition site plan is in we could potentially get through. Is there any big item left on site plan?

Jay Zieger: I hope not.

Arthur Rosenshein: So we theoretically can do the whole thing at the next meeting as long as we get them in that order. But we need to have Ken's okay.

Helen Budrock: Are there any outstanding plans or specifications that you're looking for Ken, or do you have everything that you need?

Kenneth Ellsworth: We're probably three quarters way through review. We've found nothing that would change the layout or affect things. I think Mollie brings up a good point in light of a couple other things that happened this week. We will take a look a little harder at downstream sewer facilities to see how

they're being affected by the project, mainly pump stations. Mike will have our comments and hell be ready for final within the next month as well.

Helen Budrock: so one of the standard conditions is that he has to have all of the town engineer comments so that would be covered under that. I'll coordinate with Paula with the resolutions.

Michael Reilly: I did have one question, we were talking about 239 review. I was wondering, what triggers it on this project, its not on a county road.

Helen Budrock: You're right, I thought it was on a county road but, good point.

Kenneth Ellsworth: Mr. Chairman, I do have a question for Mike. At the entrance there's the driveway that's adjacent to that crosses the property line. Do we have to get that straightened around, did we talk about that before?

Michael Reilly: I'm not sure that we talked about that before. Ellie Braesel, the developer is on. User 1.

Ellie Braesel: Well the answer is I tried to reach out to that landowner but theres no communication. I will try to get to the bottom of it in the next few weeks if we need some resolution. I do recall it being part of his driveway is on our property but honestly I forgot about it since then and I really didn't actively pursue it. I was more trying to see if I could buy that little piece to clean it up because it's a mess over there. So I thought that I could get it and have a straight drive up but I sent someone to speak to him and he was basically price gouging me because he thinks I'm desperate for it but that's the only communication I've had with him.

Kenneth Ellsworth: Okay, were just trying to get these things cleaned up on the way in opposed to having problems later.

Ellie Braesel: You're one hundred percent, I'll work on it and be back to everybody with it.

Kenneth Ellsworth: Thank you.

Arthur Rosenshein: Thank you Ken. If theres nothing further lets move on. Sunray, Joel.

Old Business: 2. SUN RAY COTTAGES – SBL# 60-1-4.2 – Requests site plan review to replace two existing 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 for Sun Ray units 4,5,6,7. We are proposing to demolish and replace units 4,5,6,7. We got a variance from the zoning board two months ago. We were here last month, the board has some questions about some parking spots that haven't been completed. As far as the last site plan approval the board wanted to see all the parking spaces on the site plan. So we did submit a revised site plan showing the parking spaces, if you want I can bring it up on the screen.

This is a driveway, this is the parking spots shown on the last approved site plan. It was shown a little different in configuration. The light shaded area is the existing gravel drives, then there's additional gravel needed to fill in and make those spaces. And this is unit 4,5,6,7 which will be replaced.

Arthur Rosenshein: We have no problem with distances in between buildings, etc.?

Joel Kohn: Correct.

Arthur Rosenshein: The parking. I understand parking is an issue and people park along the right of way next to it. How are we going to entice them to use their own parking?

Joel Kohn: We'll put up no parking signs, we can, I talked to them. But its essentially up to the people that they should listen and park in the back. There will be plenty of room to park in the back.

Arthur Rosenshein: Is there going to be a way to delineating the parking?

Joel Kohn: Yes.

Arthur Rosenshein: And how are you going to do that?

Joel Kohn: With wheel stops.

Arthur Rosenshein: So there will be one at each space?

Joel Kohn: Correct.

Mollie Messenger: I thought Paul asked last time for the fire department to look into this.

Joel Kohn: Right. We did send it to the fire department but it was too late I guess to get comments back from them. We did get comments back from them a few years ago and everything complied with the project that applied back then. Its an existing site, the only thing that they are doing right now is replacing two of the buildings with newer construction and improving separation distance between buildings so there isn't anything that they're adding to the project, just going to make it better.

Mollie Messenger: Joel, the A and B dimensions aren't going to meet the fire separation needed so they're going to have to use to our rated construction there unless you're going to move it two feet or so. Then I'm not sure if that comes into your 15 feet of parking or how you're moving that.

Joel Kohn: If its not going to meet 25 feet then they will have to use two our rated construction, that is correct.

Helen Budrock: And Joel, that was based on the parking plan that was approved last time where the parking was never put in. was there a variance that was obtained at that point for the parking? Because it still doesn't meet the code in terms of required parking.

Joel Kohn: I guess it was existing so, it actually had less parking then what its going to be now. It was all preexisting.

Kenneth Ellsworth: So Joel theres a few new contours over by parking lot 11, but other than that the grades not changing at all for the rest of the parking areas?

Joel Kohn: Correct.

Kenneth Ellsworth: It looks like maybe the one parking spot by 5 is hanging over the bank a little bit, there may need to be something there.

Joel Kohn: Here? Yeah I'll have Randy check that and maybe do a line here.

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Kenneth Ellsworth: Yeah, when you go to put it in you'll see it obviously. I don't want to grind it out on you I just want to make sure you're aware.

Joel Kohn: It shouldn't be an issue, even if it's not on the plan the person who puts down the gravel I'm sure is going to do it.

Kenneth Ellsworth: And we don't have any drainage problems at all?

Joel Kohn: Not that I am aware of.

Arthur Rosenshein: Can you explain the covered porch? What's that going to be like?

Joel Kohn: Sure.

Mollie Messenger: Was the porch included in the lot coverage calculation?

Joel Kohn: I'll have to double check that, I'm not sure on that.

Paula Kay: Are we close on that, could that be an issue?

Mollie Messenger: Didn't you go to get a variance for lot coverage?

Joel Kohn: Correct. If the deck is going to be a covered porch and it wasn't included in the lot coverage calculation then we will need a separate variance for that. I got the board tonight, I will ask for an approval tonight and you can add a condition that the deck should not be covered unless we go back for a variance from zoning board of appeals. That would be fine.

Arthur Rosenshein: Okay, that's very cooperative. Anything else between us and approvals other than that condition? We haven't formally said, it is a type-2 SEQR and therefore we don't need –

Mollie Messenger: I had a lot of issues with this development so I would ask the board to make the parking all installed prior to any building permits.

Helen Budrock: I was going to suggest that as well.

Arthur Rosenshein: Then the motion would be for site plan approval with building permits pending finishing the parking with the ZBA being involved if the porches are covered.

Paula Kay: What I was going to say is with the porches being removed from the site plan – the covered. The porches have to be open as opposed to the way the site plan notes reads now.

Mollie Messenger: It should just say deck, not covered deck.

Arthur Rosenshein: So we're approving an open deck, if we don't hear back from the ZBA, and the parking is a condition. Anybody want to make a motion?

Paul Lucyk: The way the plan is set up with the way you have parking and the compactor in the back, I don't know how you're going to get a truck turned around. And also I'd really like to hear from the fire department about how they can gain access and where the hydrants go and how much water is back there.

Arthur Rosenshein: Well the problem with making it pending fire department is the fire department doesn't answer, they've been informed and what do we do –

Mollie Messenger: Did the fire department certify the plans, do we know what day that was?

Joel Kohn: They did not certify. This is an existing site, there's not much that can be done in terms of roads and loops. The last time we went in front on the planning boards the fire department didn't ask to do anything with the roads other than the proper clear width which has been done.

Paul Lucyk: I'd like to say, the way it's set up with the compactor if a big truck has to go in to gain access to the compactor, is there a place where he can pull in and safely turn around with kids and everything? It's a safety location.

Helen Budrock: Is the compactor in the same location where it is now Joel, or existing location?

Joel Kohn: Existing location.

Helen Budrock: Any issues with garbage trucks or trucks going in and being able to turn around?

Arthur Rosenshein: How long has the compactor been where it is?

Joel Kohn: Not too long, maybe a year or two.

Arthur Rosenshein: But it's been working. I guess that's the best we can do.

Joel Kohn: Right.

Mollie Messenger: You can put a condition that they can still contact the fire department and get a response.

Joel Kohn: It's fine, I have no issue with that.

Helen Budrock: Did you want to make the condition of the applicant providing signage 'no parking' along the road.

Arthur Rosenshein: Right. No parking signage. ZBA. Parking done before we get building permits.

Mollie Messenger: Is there a development sign at the beginning of this one Joel, that says where the units are?

Joel Kohn: Yeah, this was actually one of the comments from the fire department last time around and they put that in. They also numbered all the units properly and a couple recommendations that were done.

Mollie Messenger: Only the old ZBA approvals were on the map. I think the new ZBA approvals should be on the map.

Joel Kohn: I can have Randy add the note on the map.

Arthur Rosenshein: Okay get that in before I sign it.

Gary Tavormina: The deck is uncovered, correct?

Arthur Rosenshein: The deck is uncovered unless they get ZBA approval.

Gary Tavormina: And that should be on the plans stating such?

Paula Kay: Yes. They have to change the plans.

Arthur Rosenshein: Anything else? So with the conditions listed and motion for site plan approval.

Irv Newmark: I'll make the motion.

Cody Vegliante: Second.

Arthur Rosenshein: Anybody vote against? Raise your hand if in favor of the motion.

Gary Tavormina: Abstained.

Paul Lucyk: Abstained for now.

Arthur Rosenshein: three positives. That is sufficient. The motion is carried. Finally the relocation of the pool, camp Kruela.

Old Business: 3. BNOIS SKINKA – SBL# 39-1-86.1 – Requests conceptual review for the relocation of the pool. Zone: R. Acres: 16.02. Location: 5405 SR 42, South Fallsburg.

Joel Kohn: Joel Kohn again with Kruela. This is relocating the pool from the front of the property to the back of the property. We got ZBA variance last month and were here for site plan approval for this.

Arthur Rosenshein: I understand you would be doing a town a favor because you had some leaks from your old pool.

Joel Kohn: I'm not sure how many leaks there are but I'm sure its not in the best condition.

Mollie Messenger: Well it emptied, then they had to refill it.

Joel Kohn: We actually have already DOH approval for the new pool so once we have site plan approval they are ready to move forward and put in the new pools.

Arthur Rosenshein: Well it's a type 2 action so we don't have to do anything with that. Mollie, do you have any concern?

Mollie Messenger: No, they had the ZBA approval to put it where its supposed to be. My one concern is the note about the existing buildings. Joel are we ever going to move forward with the existing buildings that burned down, what are we doing with those?

Joel Kohn: Right now the plan is to rebuild the same way it was before the fire.

Arthur Rosenshein: Is the dining facility still in use?

Joel Kohn: It stays what it is. Everything stays what it is. The building that has been burned out will be replaced on the spot where it was before. The only thing that's changing is the pool relocation.

Mollie Messenger: The note on the map just bothers me because it is not part of the application. I'm not trying to be critical about it but were not approving anything about those buildings. I know that you're trying to secure the fact that you can build them again but I don't know about the note.

Paula Kay: I agree, I think we should remove it because its not applicable to this application.

Joel Kohn: So if they want to replace it its got to be a separate application?

Mollie Messenger: They can replace in-kind with a building permit –

Paula Kay: Right. They don't need this.

Arthur Rosenshein: So the plan will reflect that the only thing being approved is the pool. Do I have a motion for site plan of the location of the pool?

Helen Budrock: Joel, the existing pool is located and it is visible from the road.

Joel Kohn: Correct, it is not as visible, you have trees in between, but yes you can see through the road.

Helen Budrock: I mean once the pool is demolished and relocated will that be restored and be visible from the road? Grass, or?

Joel Kohn: Restored with the grass.

Paula Kay: Lets add that to the plan. Since were taking one off we can add one to note the old location of the pool and say, as helen did, that the property will be restored to a more natural condition; no debris. Thank you.

Arthur Rosenshein: Someone want to make a motion for site plan approval?

Cody Vegliante: Motion.

Irv Newmark: Second.

Arthur Rosenshein: All in favor, raise your hand please. Gary? We have four in favor, one vague. Sorry Gary. Motion is carried, 4 with 1 abstention. That's it folks.