

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

**TOWN OF FALLSBURG PLANNING BOARD MEETING**

**March 11, 2021**

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

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

Arthur Rosenshein: Lets call the meeting to order. Do I have a motion to accept the minutes from the prior meeting of February?

Paul Lucyk: Motion.

Irv Newmark: Second.

Arthur Rosenshein: All in favor raise your hand.

**PUBLIC HEARING: 1 Jacob Van Ginkel – SBL: 16-1-32.5**

Application not heard.

**NEW BUSINESS: 1 Jacob Van Ginkel – SBL: 16-1-32.5 Requests Conceptual Review for a proposed 40’x 60’ pole barn. Zone: REC, Acres 4.71. Location: 145 Leins road, Woodbourne.**

Application not heard.

**NEW BUSINESS: 2 Camp Bnos Yehuda/ Chalet Hotel – SBL: 20-1-20.1 Requests Conceptual review for proposed expansion of existing hotel/resort hotel facility for 50, 4-unit hotel buildings. Zone: REC, Acres 93.93. Location: Chesters Rd, TR 120.**

Zack Peters and Jay Zeiger represented.

Zack Peters: Zach Peters from MNTM, were the engineers and surveyors for the applicant. What this project is, its an existing hotel facility at the end of Chesters Road. What they would like to do is an expansion of the facility that would add 50 hotel buildings to site. The site is approximately 94 acres in size with the existing development clustered in one area by the road. They would like to do an expansion with some new buildings, new access drives. The project has been in the works for a little bit. We were before the Town Board I think about a year ago trying to incorporate this parcel fully in the water and sewer districts. Right now only the very front portion of the parcel with the existing buildings are in the water and sewer districts and the boundary is not the same. Some of the buildings are in the water district but not the sewer district and vice versa. We went to the town board to try the whole site

served by water and sewer and they were not really in favor or that it seemed so we regrouped with the applicant trying to proceed with the project with an on-site waste water treatment facility, a package plant system, and an on-site well.

Arthur Rosenshein: Would you explain what this facility is?

Zack Peters: Right now it's a hotel facility, seasonal.

Jay Zeiger: It is an extended stay hotel. We expect them to stay one week, two weeks.

Arthur Rosenshein: Does the hotel provide meals?

Jay Zeiger: I don't think its like the old Catskill hotels, where its three meals a day. That's my understanding.

Arthur Rosenshein: Does each unit have cooking gear or kitchen?

Zack Peters: No I don't think that's the intention. I believe what Jay said is accurate, theres a restaurant in the main building that would provide meals if they wish, or they could go elsewhere. That's my understanding.

Helen Budrock: If it is intended to be an extended stay hotel, as defined in the zoning code, the definition specifically says that they have refrigerators, cook tops, microwave ovens, dishes, utensils, washers dryers, on premises to accommodate transient staying five or more days but not exceeding 15 days.

Jay Zeiger: I would believe they meet that definition.

Arthur Rosenshein: What is the current occupancy on site without these buildings?

Zack Peters: Right now I think theres about 95 units. What the owner is looking to do is add these buildings. Each building is going to have four bedrooms. Its going to be a mix of either four two bedroom units or two four bedrooms, so the existing is 100 units. What were proposing additionally would be maximum 200 assuming every one of these buildings was four units, which will not be the case but he doesn't have a breakdown of what building will be which.

Arthur Rosenshein: I don't notice a lot of recreation on site. Is this a religious retreat?

Zack Peters: I don't believe so. Theres a large field now to the north west of the main facility. Theres some tennis courts that they are proposing to remove as part of this. Theres a pond. Theres some facilities that are there, I'm assuming from when the original hotel was there. They have a large recreation field and the way the development is set up we have some space to expand that.

Arthur Rosenshein: This will be families?

Zack Peters: Yes.

Arthur Rosenshein: I think we need to bring Helen and Ken on.

Helen Budrock: We were already engaged, do you have a copy of the memo I did about a year ago?

Zack Peters: Yeah we have preliminary correspondence. Coming on tonight was to get everybody up to speed and try to proceed with the project. That's what we expected and we can work with consultants, there is a great deal of detail.

Jay Zeiger: I have the memo, from January 13.

Zack Peters: And I have Kens memos.

Arthur Rosenshein: What would be the SEQR type? Unlisted action?

Helen Budrock: Probably.

Jay Zeiger: That's what I was thinking also.

Helen Budrock: Art should we schedule a work session?

Arthur Rosenshein: Yeah.

Zack Peters: That would be our preference.

Jay Zeiger: Zach do you need time for the work session?

Zack Peters: Ath this point I wouldn't mind going in and having a meeting. If we can have a preliminary work session meeting and get on the same page that would be beneficial.

Mollie Messenger: Zack I don't think when I reviewed the site plan you had filled out the bulk tables to put what you were asking for. Are the proposed values on there?

Zack Peters: I don't think on the current plan. I don't think it would be a problem with the size of the site.

Mollie Messenger: Yeah if you could pull that together. And I think you are scheduled to meet with the water and sewer department so you might want to have that meeting first before we get together.

Zack Peters: Ryan from my office was out there today and met with them. That's one of the issues. What is going on with the existing facilities is unknown at this point.

Arthur Rosenshein: You looked over the existing buildings? What kind of shape are they in?

Zack Peters: I think there was review at some point because we had notes about updating some buildings for code but I don't know if that was from you directly or something we noted when we got on board.

Mollie Messenger: Theres a lot of older buildings there that will need to have an engineer and be fixed up with this plan also.

Helen Budrock: Zack, what is the square footage of each of the units?

Jay Zeiger: I saw you had set forth that the minimum floor area was 250 square feet per guest.

Helen Budrock: I think that's if you went with hotel/resort definition.

Jay Zeiger: Extended stay is 425 per guest room, times 8 guest rooms per building would be minimum of 3,400.

Helen Budrock: We can cover that in the work session.

Zack Peters: I will confirm.

Ken Ellsworth: I'll be interested in what happened at the meeting today with utilities because that was kind of confusing. They are serviced by water and sewer on some of the buildings but not all, and there was question on how that is being accomplished so that's a good start.

Zack Peters: The PDF that was mailed out, I think was mistakenly attached. The hard copies are up to date but the PDF is older. Sorry about that.

Helen Budrock: If you could send me the updated PDF.

Arthur Rosenshein: On your next plan could you label what each building is?

Zack Peters: Absolutely. I did add a table of the existing facilities on one of the later sheets.

**NEW BUSINESS: 3 Empire Holdings Of LLC – SBL: 18-3-8.1 Requests site plan review for continued use. Zone: B. Acres: 1.35. Location: 21 Old Factory Rd.**

**Jay Zeiger represented.**

Jay Zeiger: This is an existing property that was a multi family parcel going back many years. The property was foreclosed on by the county. My client bought it from the county at the tax sale and has continued use. There had been occupants in the building all along. Apparently there was an electrical issue a few months ago and the building is now vacant and they are working on getting that fixed. The zoning, if this was a new project, it would not be zoned for what is there. Our position was that this is a preexisting non-conforming use which was never abandoned and the town building department took the position that it was abandoned that even though there was somebody there they weren't supposed to be there and there were issues. We went to the ZBA and the ZBA agreed that the non-conforming use had never been abandoned. Part of that, even if it is vacant, if the intention is to continue the use and efforts are being made towards that then it would continue as non-conforming even if no one was living there.

Its preexisting non-conforming use and the zoning board, as part of their determination, indicated they want the property cleaned up. We've agreed to work with the town to get there. Whether we're obligated to come back to the planning board for site plan review is an issue I don't want to debate at this point. This is what we are proposing, all of the buildings you see are preexisting. The proposal is to put parking where you are seeing it. We need to find a place for a dumpster and that's a starting point.

Arthur Rosenshein: You promised the Zoning Board it would be cleaned up. What is the progress?

Jay Zeiger: It had been cleaned up to a large extent but not cleaned to where the long term intention is. The ZBA even commented from the earlier to later hearings that substantial progress on cleaning has been made. Everything's been set back somewhat because of the electrical fire which they're working on getting resolved, but apparently they're having trouble getting contractors and electricians and inspectors to get done what they want to do but it is in progress.

Mollie Messenger: This property has had trouble for quite some time. Jays client had promised to put quarter million dollars to the ZBA. They had tenants living there with space heaters, they overloaded the space heaters, they had a fire in there with occupants, now they have condemned buildings. It's a real mess. It would be nice if the applicant would put the money into the property and turn it into something. Its in a great location in the middle of Loch Sheldrake but I don't believe the applicant has that intent from what we've seen. The site is still a disaster, parking and dumpster needs to go in; that was a condition of the decision letter. Where they have the parking located is going to cut all the trees down so you can see the property from the road which is not a good idea if they're not going to put any money into it. Theres a couple issues here, the site plan needs more work because it doesn't show us that much, it doesn't have much detail. This is a good first meeting to air things out but they need to put some work into the property.

Arthur Rosenshein: What exactly is the site plan asking for?

Helen Budrock: Parking and dumpster.

Arthur Rosenshein: And that will be necessary before they open, correct?

Mollie Messenger: Right. I don't believe anybody is living there now, I believe we had to condemn the last building.

Arthur Rosenshein: We cant take action if there are violations on the building. We can barely pass site plan knowing that the buildings are non-habitable.

Jay Zeiger: Arthur we need to find a mutually acceptable compromise on that. Were going to need the site plan to do the work and the work to do the site plan. There was a construction loan that was approved and I think it actually closed but no money was advance. Then we got tied up on ZBA and that process, when that got resolved the lender put a halt on the funding which we're trying to work through those issues as well. Right now I am not asking to do work so we don't have to talk about a compromise now. The proposed location of the parking, does that location work? How many parking spaces; we're showing 11 or 12.

Helen Budrock: It might be helpful to have a site plan with topo contours. Is the land flat enough that you couldn't put a parking lot in the back?

Jay Zeiger: Theres also an are where they have an easement but I'm not seeing it on this map.

Helen Budrock: If there could be parking in between its very hard to see. Where it says one-story frame dwelling and theres another building to the left. If parking could be nestled in there it seems like a better spot.

Ken Ellsworth: I think as Mollie has indicated theres a lot of questions that we cant see with a site plan. I listed a number of things, maybe another situation if this was a larger scale. I need something more detailed to comment on.

Paul Lucyk: What are the conditions of these buildings? Have inspectors been inside? Do you have pictures? Is there city water and sewer on the lots? I'd like a better plan because I can barely make out. I'd like to see pictures of the buildings and what would need to be done to make them properly inhabitable.

Jay Zeiger: I don't have any pictures. I think more importantly is to get you the projections of what the buildings will look like. I'm not asking to do anything I just wanted to get the process going.

Mollie Messenger: It took a year for me to get the applicant on the agenda. Im hoping youre going to be diligent with the engineer and be back next month with a plan.

Jay Zeiger: I know he started working on it after the sketch, we had some email exchange. But I'm not optimistic for next month but I'm hoping soon there after. I'll send you when we think we'll be back.

**NEW BUSINESS: 4 Murray Bresky "Murray's Chicken" SBL: 52-7-8/21 - Requests Conceptual Review of site plan of covering the parking area. Zone:B Acres:1.85 Location: 4 Trolley Rd.**

**Wes Illing represented.**

Wes Illing: I submitted a letter with some initial guidance or my interpretation of the town code, limited. I also attached a site plan with two pages illustrating what we are attempting to do. With this project the DEC has come down on Murray's Chicken and they want them to cover the area where the trucks are parked in the parking lot, so when it rains feces cannot go on the ground. They want it captured so it can go to the municipal sewer plant. I created a site plan and did a diagram and basically drove the 18-wheelers in and out and properly and stay in our lane when we come out without coming into the opposite lane. Everything was working in terms of being able to drive in and out without interfering with oncoming traffic. Theres a lot of violations on the existing site so it is a non-conforming site according to town code. I propose we get rid of the East side property storage building and when we create the steel building the set backs will be significantly reduced because we're going to get rid of the storage building in the back. The same is true on Lake Street where there's a storage building to be removed. Again going to improve the front and side yard setbacks. Over all were going to improve setbacks, more tightly define the parking area used for the 18-wheelers because they'll be parking inside of the structure. If you want an idea of what the structure looks like go to sheet 2.

Helen Budrock: Art would it be helpful to share screen?

Wes Illing: The upper left hand corner of sheet two. Side elevation view of the building. That's what the building will roughly look like from Lake Street, kind of looks like a covered bridge. Looking at front elevation view, which is where the trucks back into the building. You can see all 6 trucks parked inside of the building. The building has a sloped floor and theres a trench drain in the center of the buildings. The floors slope in both directions to the center of the building so when they sweep they will sweep to the center drain and it can be hosed if they want. I'm hoping we can gravity flow to the pump station to the East that the municipality has.

Arthur Rosenshein: Is the turn around area also going to drain to the sewer plant?

Wes Illing: No, just the parking structure. It is covered. We didn't want to put storm water into the sewer plant. The key issue that DEC had was feces because when it rains it can get washed down and go into the lake. By parking the vehicles under the covered area that wont happen anymore.

Arthur Rosenshein: Will the turn around area be paved now?

Wes Illing: We were planning on leaving it, there's no reason to pave it. We can leave it as is as item 4 and it's a serviceable driving surface. It is low in cost and maintenance and somewhat permeable to rain water. There's plenty of room in the back yard behind the office for 18-wheelers to pull and back in without issue.

Arthur Rosenshein: And up on a platform so drainage off of the turn around area won't get in there?

Wes Illing: There will be drainage off of the turn around area that we will not capture, but we are not required. Let that go to the street and go to the storm drains.

Arthur Rosenshein: You'll be showing topo?

Wes Illing: The topo is flat on this property but there's a slight slope. The water flows downward from Railroad Pl to Lake Street. Only a slight gradient.

Arthur Rosenshein: So the floor of the new building will be raised?

Wes Illing: No, we're going to drop it down. Back on sheet 2 there's a cross section view 8A, there's a 1% slope on the floor. You can see the concrete wall that wraps around three sides of the concrete floor, it is two feet tall. In the middle because the floor ramps down, it is 4.5 inches lower in the center. The lowest part of the floor is 4.5 inches below finished grade.

Ken Ellsworth: I understand what he's doing. It will clean up the site. I haven't look at it in detail but it has merit.

Wes Illing: We talked a long time ago about feathers; how to separate chicken feathers so they don't become a problem for the sewer department. What I am proposing is to put a screen underneath the steel grates and if there are feathers that get washed the stainless steel screen can capture those. Then they can vacuum them out with a shop vac. That eliminates the complication with feathers that might get into the sewer system. It's a simple solution and simple approach.

Helen Budrock: Have you dealt with chicken feathers before? This is a first for me.

Wes Illing: A first for me too. One of the reasons we have the two foot wall is as a wind block and to keep the feathers contained. We also talked, in addition, if you look at the front elevation view, we talked about taking plastic netting and attaching it to the side walls and running it down to the top of the concrete for plastic netting to act as a screen. It would allow air to come in but keep the feathers contained on three sides. It should be easy to do because we'll have nailers in the steel building and all we'll do is nail down a pressure treated 2x4 on top of the concrete wall and we can nail in the plastic mesh.

Paul Lucyk: Will there be fans in the buildings?

Wes Illing: Murray has talked about keeping chickens cool and to provide ventilation. I think we will have good ventilation because the design of the building. Allowing air to come in at the bottom and the ridge vent along the top of the building where warm air can exit at top. I think the warm air is going to circulate out. Insulation has proposed insulation on the roof so it should be a nice shaded, cool area, and we have passive ventilation by natural convection through the ridge vent. If Murray feels the chickens are too hot he will want to add additional cooling and misters. That seems to be more cost effective than fans and we won't have to worry about feathers.

Helen Budrock: Wes you referred to the structure as a building, its basically a giant car port?

Wes Illing: Exactly. it's a steel structure. To make it a low profile building we went with steel because we could get limited overall height which was reasonable and aesthetics were reasonable and structurally it gave us what we need. It will be hot dip galvanized steel; it'll last for 100 years. Wood would rot. It is the same we used to build Stage Door Manor.

Helen Budrock: Its my opinion that you'll need a variance from the ZBA? Was that contemplated?

Wes Illing: I don't know if we need planning board review on this. This letter that I put together, this is a non conforming lot of record and it was non conforming when the zoning law was passed, so it is kind of exempt from all this new code. In accordance with your town code it sounds like as long as we don't make set backs worse than they are the building department is allowed and empowered to issue permits. I think that myself and Mollie thought this would be important to give to the planning board and the board can make a determination on whether to review this or hand it back to the building department to oversee. In the letter I put together off of various applicable paragraphs that unless the planning board objects the building department gets to run the show, but that's not my place.

Mollie Messenger: Wes this is definitely a planning department issue, its an amendment to a site plan and they have to review it.

Helen Budrock: Right and technically it's an accessory structure.

Wes Illing: But accessory structures are exempt in the code. Paragraph 310-8.3 Exemptions and Waivers: existing buildings and uses are exempt from the provisions of this article and it shall not apply to any building or structure or lot land use at the effective date of this chapter whether continued as a permit or legal or non conforming use or there after converted or changed without enlargement to a different lawful use having the same parking and truck loading requirements.

Helen Budrock: Its not a preexisting non conforming use because it's a new structure.

Wes Illing: What were doing is the use right now is parking use and we have to cover that parking area. What were doing is basically enhancing that parking area in accordance with what the DEC requires. The fact that we had to do that with a building is incidental. It also says any building or structure.

Helen Budrock: The key word there is "existing".

Wes Illing: You could look at that as two buildings; taking them down and enlarging them, it's a matter of interpretation.

Mollie Messenger: We're not here to interpret code. At this point the Planning board is going to review it and we need to move on.

Wes Illing: I am fine with the planning board doing review if that's what they want.

Arthur Rosenshein: I noted on the west side of the building there is parking along Trolley Road.

Wes Illing: Yes because that's existing parking.

Arthur Rosenshein: And across the road theres parking.



Wes Illing: That's existing parking that's been there for along time. Its part of their property.

Arthur Rosenshein: THERes no plan to make that parking a regular parking lot?

Wes Illing: No.

Paul Lucyk: Wes did you allow for exhaust of the trucks with the chickens in there? Whenever I see trucks they are running.

Wes Illing: That's a good question because I assumed the trucks would back in and be shut off. I will talk to Murray about it.

Paul Lucyk: You might have to consider something that draws exhaust up.

Wes Illing: Thank you for asking that. We'll have to address that in the design of the building.

Arthur Rosenshein: Has the DEC given you a time constraint?

Wes Illing: We'll have to tell them we have to follow the law and do this right. They wanted us to start construction while there was frost on the ground. I got annoyed but the attorney said we will do it as fast as we can. Plus we need planning board approval for the design of the building. The building has about an 8 week lead time.

Arthur Rosenshein: Theres nothing we can do at this moment.

Wes Illing: Unless youre willing to give us partial approvals.

Arthur Rosenshein: We cant do that now. Not until you complete your review. We cannot give premature before we have all of the information.

Wes Illing: Was there other questions that the board has?

Arthur Rosenshein: Youll have to meet with Helen and Ken.

Ken Ellsworth: We usually do a work session or we will prepare comments for you to address, both Helen and I on the site plan presented. Either way schedule through Mollie.

Wes Illing: Whatever's simplest. My biggest concern is I don't have elevation data on that pump chamber that you have just beyond our property line. I don't know where it is or the elevation. I was planning on going out and getting measurements with the laser but Mitch said he was trying to get drawings from you guys for documentation on some of that data. How do we stand on that?

Ken Ellsworth: I would think Randy is able to help.

Mollie Messenger: Randy looked for stuff for that pump station but couldn't find it. Youll have to do manual readings and elevations, they can meet you out there.

Wes Illing: That's okay, we'll go out and I will get a location on it. I'm hoping we can flow by gravity.

Mollie Messenger: Ken do we need more information on the content that they are sending to the sewer or do we have that?

Wes Illing: Its going to be chicken feces watered down. Some times they will sweep it and some times hose it down. With the screen I don't think you will get feathers.

Ken Ellsworth: We will have to estimate flow to the pump station to make sure floats are set correctly or whether they have to be adjusted.

Wes Illing: It wont be much with the garden hose.

Ken Ellsworth: I didn't know how often they would be hosing it down; daily or weekly.

Wes Illing: We told DEC we would either sweep or hose on a daily basis depending on what is appropriate. In winter we cant sweep, in summer they may do a combination of both. As far as DEC is concerned the 18-wheelers wont track stuff off of the slab onto the road. They don't want a build up.

Helen Budrock: Mollie what are the next steps? Do we need Paula on whether or not they should be referred to ZBA for a variance or whether storage buildings removed would be considered pre existing non conforming use that is being replaced.

Mollie Messenger: I think it would make sense if we mark off the plan right now. Ken and I have comments we can mark out and talk to us about questions we have.

Helen Budrock: Is it premature to schedule a public hearing?

Mollie Messenger: We may be able to have a public hearing in the April meeting. I know Ken probably has some questions. I have some questions on setbacks, as far as which is which, there are two lots there that need to be combined and all kinds of stuff. If we make notes on a plan we can come together on a work session.

Wes Illing: Town code states that when you have two lots that are used as one use they are considered by town code to be one lot.

Mollie Messenger: They just have to be combined that's all.

Arthur Rosenshein: It's a matter of going to the assessors office and doing some paperwork. If you have enough to put together in the public hearing and youre in a hurry then we will have the public hearing but that depends on everything being ready for it.

Wes Illing: The client wants to take care of it to get DEC off their back.

Arthur Rosenshein: We will bring you the public hearing if you can get everything together in time.

Wes Illing: I think I can get elevation data within the next week or two. The snow is melting off. If all we need to do is add elevation points to the plan, what I recommend is some key elevation points instead of topo because its so flat. Lets get elevation data for pump station and invert of slab. Then ken will have a comfort level. Then the location of those things. We can get the assessor to combine the two lots. Maybe that's all we need. When I went through the check list one of the requirement was topo, do I just request a waiver for the topo requirement?

Ken Ellsworth: If its relatively flat the contours wont tell us much, even if you do one footers. I think establish control out there and get some spot shots on key points. We can work through that. You might have one or two contours. I would use the towns top of the structure so we can get on the towns data so were not making assumed data but if you take the shot. Randy might have a man hole close by to be used as a bench.

Wes Illing: That would be awesome. We can do that. There should be a manhole on Lake Street.

Ken Ellsworth: I would think so, there must be reasonable top.

Wes Illing: I am conservative when I do hydraulics. I will do rim elevation of the closest manhole to the pump station as data. That's what you're looking for?

Ken Ellsworth: Use that to get your key spots on site so you can control. you'll have to control construction anyway.

Wes Illing: I want the four corners of the building and the invert elevation.

Ken Ellsworth: We will work with you.

Wes Illing: When I go through the list of requirements that are defined, if those requirements are not part of the site plan do I need to submit a formal request for waiver?

Mollie Messenger: No.

Ken Ellsworth: Usually judgment with Mollie and myself.

Wes Illing: Mitch and I will go out when the snow melts.

Helen Budrock: Are you retaining both Ken and I?

Arthur Rosenshein: Both would be better. If the two of you are satisfied that you have enough information then we can go with the public hearing. It's depending on your findings.

Wes Illing: Can I give you a decision on that next week after our findings? My fear is I will go out there and take measurements and I'll realize I have to make a pump station. That'll take me more time. If it stays simple I will need to confirm that.

Arthur Rosenshein: We are trying to move it along for you.

Wes Illing: I appreciate that. I would like to be on the planning board next month for a public hearing if possible.

Mollie Messenger: We just tell Denise two weeks prior and provide information and you'll be put on the agenda.

**OLD BUSINESS: 1. NEW PINES – SBL# 39-1-88.1 – Requests site plan amendment to relocate units ½ and the caretaker's unit. Amendment to include the increase in units from 75 units to 79 units. Zone: R. Acres: 45.01. Location: Laurel Ave., South Fallsburg. Cross Roads: Laurel Park Rd.**

**Glenn Smith and Jay Zeiger represented.**

Glenn Smith: I believe you have our most recent site plan. 78 homes in there, the swimming pool is at the top. The loop roadway goes around the entire community. A community center in the building and children's playgrounds are scattered around the property, there are four.

Arthur Rosenshein: What differences are there from the last site plan?

Jay Zeiger: The plan is the same. Glenn had responded to the questions.

Glenn Smith: We responded about utilities, four units added and two duplex. I provided revised computations on density, lot coverage, parking, and they all showed the four additional units did not have impact. If anything they increase the development fees paid to the town on an annual basis because additional units. The original plans that were approved had a basketball and handball court at the upper side of the property by the pools. The group that will be living in the development are ultra orthodox and did not want that so we removed it. We made the pools larger and added another waiting pool on the pools. The original plan had three large playgrounds, currently there are four shown. We added a volleyball court by the pool and added a double shuffle board court next to the community building. One thing mollie asked was whether the duplex development law required certain area of common area and recreational amenities. It calls for 750 square feet per unit, based on the 78 units that's about 58,000 square feet of common area and recreational amenities. The last plan I submitted summarizes the recreational amenities, it shows interior wooded areas that remain undisturbed, the pool area which is about 25,000 square feet fenced in, the children's play gourds, volleyball and shuffle board court and also the basement of the community building is about 4,000 square feet for the children's day camp. The bottom line was the current common area and recreational amenities adds up to about 143,000 square feet versus the 50,000 square feet required by zoning. Its basically a modification being requested for the site plan for the two additional duplexes, Mr. Chairman. Four more living units.

Irv Newmark: I am glad to see what was taken away, some was put back. As long as its more than what zoning calls for I'm okay with it.

Arthur Rosenshein: Do we need a public hearing on this?

Helen Budrock: It might be a good idea. Glenn I don't think we've seen the revised plan.

Glenn Smith: The revised plan with the additional courts went out a few days ago. The board probably didn't see it yet.

Helen Budrock: I was looking and I couldn't find it. That's why I am thinking since its changed since what was originally submitted to us it couldn't hurt to schedule a public hearing and have the updated plan.

Jay Zeiger: I don't see a need for another public hearing. We've added two duplex houses, 74 to 78. I don't see it as material.

Arthur Rosenshein: Perhaps we do see it as material.

Gary Tavormina: Is the caretakers house going to be a house or travel trailer?

Glenn Smith: Stick built house on a concrete slab.

Arthur Rosenshein: What is consensus or board members? Public hearing or not?

Gary Tavormina: No.

Irv Newmark: I don't think so.

Paul Lucyk: No.

Cody Vegliante: No.

Arthur Rosenshein: Okay, consensus of the board is no public hearing on it. But we cant move until we see the plan. We'll see you at the next meeting.

Helen Budrock: Is the boards intention to entertain an approval resolution for the modification at the next meeting?

Arthur Rosenshein: I think that would be a good idea.

Helen Budrock: We'll que it up for the next meeting with approval resolution. If you would submit the revised plans. Everyone seems to be okay with swapping out of the recreational areas originally eliminated for the new ones. Good job.

**OLD BUSINESS: 2. HARMONY HILLS – SBL# 36-1-28.17 – Requests site plan approval for a 1200 square foot single family house to be used for the caretaker. Zone: R & PRD. Acres: 8.36. Location: 404 Laurel Ave., South Fallsburg. Cross Roads: Brickman Rd.**

**Joel Kohn and Glenn Smith represented.**

Joel Kohn: We were here last month to get a denial from the Planning board and go to the zoning board, apparently we needed another denial. Mollie found a note after the last meeting from the originally approved site plan that said no future development on the other side of the road. Mollie wanted us to come back to the planning board before we go to the zoning board to get that note removed. Again this is just a single family home on the other side of the home that would be used for the care taker which would be no different from any other single family home on the road.

Arthur Rosenshein: Lets discuss not #10. Apparently there was a lot of discussion before this was put in there: there should be no future development to the portion of the lot that has been devoted to storm water management. The caretakers house is completely out of the drainage area?

Glenn Smith: Yes, the drainage area and the retention base is clear. It discharges out the rear left side of the lot, the outlet pipe. The caretakers house is proposed is tucked into the front corner with the parking in front of it. That parcel is roughly an acre and a half and it is about seven acres where all of the homes are.

Arthur Rosenshein: If I remember correctly all of the property could not be sold or detached from the larger property. Do we have any documentation on that? Deed restriction?

Glenn Smith: Its all the same parcel now, land hooked across the road.

Arthur Rosenshein: Right but in the future, could it be subdivided and separated?

Glenn Smith: Wouldn't it need your boards approval on that?

Arthur Rosenshein: Right but if we revise #10 shouldn't it have something about that on there?

Glenn Smith: I don't think it would be a problem having a note saying that it couldn't be subdivided. It has to be maintained as a continuous property. Joel?

Joel Kohn: I don't see an issue with that note.

Arthur Rosenshein: There is some public controversy on this one. Substantial objections and I think given the input that we've had from outside that we may want to have a public hearing on it.

Joel Kohn: We would have a public hearing for the zoning board regardless. Glenn sent out the notices for next weeks public hearing. If necessary we will have another one at the planning board.

Arthur Rosenshein: you'll need public on this one.

Joel Kohn: Okay.

Mollie Messenger: I think part of the problem is that Jay said in the public hearing when this was approved originally that there would be no buildings of any kind on this property. I don't know that we can change note 10 without a public hearing. The intent was to never have buildings over there according to the public hearing.

Joel Kohn: Understood.

Arthur Rosenshein: If you would please call and get it on the schedule.

Glenn Smith: I was going to point out, the zoning along that side of the road for single family homes with town water and sewer does require a minimum half acre lot size and we are providing an acre and a half lot size, even though it does have a storm water basin.

Arthur Rosenshein: Can you, without our voting on #10, can you go to the ZBA?

Joel Kohn: I believe we can. Why not. Its subject to planning board approval.

Mollie Messenger: I don't think the ZBA will be able to make a ruling on it. I don't think they can make determination without the planning board making a determination. You can go and get their comments but I don't think make a decision. Unfortunately Paula cant make it to the meeting, but I spoke with her earlier and that was the thought process on that.

Glenn Smith: Could they keep the hearing open at ZBA?

Mollie Messenger: You sent out the notices, you can have the public hearing. You should listen to what they have to say and maybe they don't make a decision. Come back in April and maybe it will work out with both boards.

Arthur Rosenshein: We will see you next month.

**OLD BUSINESS: 3. RIVERSIDE DRIVE SUB-DIVISION (ESTHER ENGELSOHN) – SBL# 28-1-32.3/33 – Requests a 7 lot sub-division. Zone: R. Acres: 3.6. Location: Riverside Dr., Fallsburg. Cross Roads: Old Falls Rd.**

**Joel Kohn and Mike Rielly represented.**

Joel Kohn: Riverside Subdivision is a seven lot subdivision consisting of a total of 3.6 acres. The property is in the R zoning which allows for half acre lots. Proposed lots are roughly half acres. At last months

meeting we had a subdivision plan. As of now we have a full set of plans being completed and submitted for the boards review. The plan includes the proposed location of the homes, driveways, utility and grading. Each home will have a separate driveway. They would be 30 feet long, 15 inch culverts under all the driveways. Site distance was also measured and put on the site plan. They all meet required standards. In order to minimize the number of road cuts for the sewer lines every two homes would have their sewer lines in a single trench. Water will have separate lines for each of the lots which will connect to the water main that connects to this side of the road. The plan right now is that the owner will develop all the lots and then sell them individually but that might change.

Arthur Rosenshein: What point will the old houses come down?

Joel Kohn: I think Mollie made a good point, all the houses should come down before the subdivision is being filed because if not you'll have a lot line in the middle of a house so were okay with such condition.

Arthur Rosenshein: Before signature. The site distance for driveways 5-7.

Joel Kohn: Right, lot 5,6,7, these are the site distance and they all meet the requirements.

Arthur Rosenshein: The speed limit is 30 miles per hour?

Mike Rielly: Yes.

Mollie Messenger: Dylan was concerned with the curve in the road. Is it that bad?

Mike Rielly: Its not that bad. A couple of them were close, lot 7 was within 100 feet. I went and measured them myself and they're fine.

Arthur Rosenshein: The only note would be homes taken down before signature on subdivision. Is there anything else?

Ken Ellsworth: Engineering final review.

Mollie Messenger: Mike did you change the cluverts to all 30 feet wide?

Mike Rielly: The apron? Yeah I can do that.

Mollie Messenger: We will need a subdivision resolution so we will need to do a subdivision resolution on this one but I think that we hashed out all the comments as long as the board's okay.

Arthur Rosenshein: You want to have a resolution, or can we vote on it pending the resolution showing what were asking for?

Mollie Messenger: I think that's okay.

Helen Budrock: Yeah. I can draft something up basically in principle based on whats decided.

Arthur Rosenshein: So we'll have a vote on the subdivision which will include the notes of taking the houses down before signature, the engineering being approved before signature and the 30 foot wide culvert being added to the map. Voting subdivision approval, Helen will do the documentation for us and chairman can sign at such time those items are complete. Motion?

Irv Newmark: Motion.

Cody Vegliante: Second.

Helen Budrock: And do SERQ first to be on the safe side.

Arthur Rosenshein: Type 2?

Helen Budrock: I cant remember.

Arthur Rosenshein: I don't think it has to be unlisted. Consider it as a type 2 action. All in favor raise your hand. Unanimous.

**OLD BUSINESS: 4. FORMAGGIO CHEESE – SBL# 11-1-22 - Requests site plan review for a 50' x 124' addition to the existing building. Zone: I. Acres: 5.8. Location: 250 Hilldale Rd., Loch Sheldrake. Cross Roads: SR 52.**

**Mike Rielly represented.**

Mike Rielly: I was going to pull this off the agenda. There is a conflict with the county right-of-way holdings in the area of Formaggio cheese. The county has conflicting opinions on where that right-of-way line should be. Out surveyor of record, Mr. Lounsbury, is in the middle of cleaning that up with them, I was hoping it would be cleared up by today but it is not. Mr. Lounsbury had a difficult time getting a hold of the county. They are still looking to put in the same addition, we just need to hash out the location of that county taking so the mapping and everything is accurate.

Arthur Rosenshein: Get a third surveyor and play two out of three.

Mike Rielly: It may come to that. I'm hoping they can come up with a decision to put this to bed.

Mollie Messenger: Mike I was wondering about the circulation of the bigger trucks around the new addition and the parking. Does it work?

Mike Rielly: It still works. We had to bump the entry out to go around the addition but we ran truck turning simulation and we can still get the trucks right around there as they go now.

Mollie Messenger: That takes away some of the parking but the town was going to give you some parking area but that's not on the map. Did you hash out with Chris where that's supposed to be?

Mike Rielly: I spoke with Chris about that and he said its on their main parking lot up on top. He didn't know whether the town would give them that property or if it would be an easement. He was supposed to talk to Anthony to get an answer. Do you know?

Mollie Messenger: They wanted a little bit of property, I will have to go back to the agreement. It can be a quick subdivision to square that off but we need to have it on one site plan. I will look at the contract and move that ahead for next meeting.

Arthur Rosenshein: It was basically the two items; parking and location of the building. I presume theres nothing we can do right now.



Mike Rielly: Until I have a surveyor that agrees with the county, the map isn't complete.

**OLD BUSINESS: 5. 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.**

**Mike Rielly and Jay Zeiger represented.**

Mike Rielly: This project has been away mainly because of the sewer and water extension process with the town board. The town board did finally agree to extend the district. This is one of those cases where the district line is 600 feet off the road and the rear of the property, there's a few units and shuttles and pools that fell outside. I am in the midst of preparing the map plan and reports right now for that so it's been squared away finally. I don't know if everyone remembers where this is but it's opposite the cemetery between the sewer plant and Stewarts. It's on the north side. 58 units. 6 are duplex and two singles. One of the singles is the one to remain by the one entrance, it's an existing house and we got a variance from the zoning board to allow us to keep that. I got guidance from DOT on the entrances. At the beginning of the project we got a variance from the state for the separation of the two entrances and then DOT came back and said they don't want two entrances. We have two entrances. What I explained to Kathy was that one would be gated off, lock box, emergency access and she thinks that will be okay. Basically the entrance next to the existing home because it has poorer site distance would be gated off. That's hopefully going to be put to bed.

Mollie Messenger: If that is approved the gate needs to be closer to the home. We have one of the camps close to there that they put the gate further back and then people park there.

Mike Rielly: I got it, no problem. I do have this in front of NYSEG, I have to follow up with them. Joe Berger is doing the SWIP on this one. The main point tonight is to get it back in front of you. We're going to be completing and trying to finish everything up.

Arthur Rosenshein: Did we have a public hearing on this?

Mike Rielly: March 14, 2019.

Arthur Rosenshein: We can review what was said, I don't remember particularly.

Jay Zeiger: I don't remember anyone at the public hearing, but two years ago is not crystal clear. We also had a public hearing at the ZBA and that one I have a more clear recollection that no one was there.

Helen Budrock: The plan hasn't changed substantially since the original submission, has it? Terms of density, layout?

Mike Rielly: No. I would ask, Ken, if you put a comment letter on that?

Ken Ellsworth: I think we're waiting on that all to shake out.

Helen Budrock: Arthur did you want me to take a better look at landscaping plans?

Arthur Rosenshein: That's a good idea, it's very near the road.

Mollie Messenger: Mike are there additional decks on the side or front?

Mike Rielly: I didn't get a definitive answer on that. I'll know by next time and if so I'll have them added.

Mollie Messenger: Are you ready to show elevations of the buildings yet?

Mike Rielly: We've showed elevations a while back and I know that because I have the renderings in my conference room at the office. I know they were approved, we brought in renderings of the project and elevations of the buildings.

Jay Zeiger: I thought it was done also.

Mollie Messenger: If you could get those to the board.

Mike Rielly: I'll get them in digital form and circulate.

Mollie Messenger: Did it go to the fire department or is it ready to?

Mike Rielly: It went a while ago, I dug out Mr. Pantel's response. Nothing of note really.

Paul Lucyk: Do you have good fire flow?

Ken Ellsworth: They do.

Mollie Messenger: Did you see my other comment about old lines in there from the old bungalow colony?

Mike Rielly: Yeah how would you like to approach that? I would assume everything came to one trunk line then entered the manhole in front of the project. Could that be something we do once we start construction and investigate where that is? Go to the manhole and backtrack from there and take care of it?

Mollie Messenger: I think I'll have our utility guy get in touch, or we will have a meeting, and he can tell us exactly what he is looking for.

Mike Rielly: I understand, if there's a network of lines in there that were left possibly collecting water. His name?

Mollie Messenger: Randy Jones.

Helen Budrock: Would you send me a drop box link to the plans or a PDF of the landscaping plans?

Mike Rielly: Yeah.

Paul Lucyk: Is there enough parking by the community building? Oh, plenty of parking.

Mike Rielly: Yep. You see what I mean about the water sewer district line, you can see here, 600 feet off but now were good. "Sports Court" I will ask him and nail it down.

Arthur Rosenshein: We will call it a night. Let me ask if the public hearing applicant is here. Nope. Goodnight.