

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

**TOWN OF FALLSBURG PLANNING BOARD MEETING**

**May 13, 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**

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

**Arthur Rosenshein: For people who came in to hear Mountain Acres, they are not on tonight, they have been withdrawn from the agenda. I assume they come back next month but there were materials that were not ready. They will not be heard.**

**Somebody make a motion or comment to last months meeting.**

**Irv Newmark: Motion.**

**ARTHUR ROSENSHEIN: All in favor. Its going to be a long night, we have 8 public Hearings scheduled. We have 11 items of new business and three of old business. What ever we’re dealing with at 10 o’clock at night will be the last item we will hear.**

**Public Hearing, the purpose is to find out from the neighbors and people closest to the project, or anybody who is interested, their comments. Its for us to hear what the public thinks, but if somebody comes up and says something and goes on at length, which you have the right to do, if youre going to speak please agree.**

**PUBLIC HEARING: 1 CITRUS CAFÉ (613 Realty Group)– SBL# 22-2-21**

**Eli Letterman represented.**

**ARTHUR ROSENSHEIN: As I understand you hadF applied last year and you are looking for permanent permission rather than one year.**

**Eli Letterman: Correct. We met all the conditions and Mollie verified yesterday in the field and we would like a permit. We have a restaurant in Woodbourne, Main Street, and we build outdoor seating and there are conditions we met and we did it, especially during COVID people don’t want to stay in.**

**Chanie Semunha: I’m from Koshier Inn, Main Street in Woodbourne. I was wondering if he is allowed to have outdoor seating would we be able to as well?**

**ARTHUR ROSENSHEIN: Depending on your situation, they had the parking lot and a space that was available to them. By all means if you wish apply to Code Enforcement.**

**Paula Kay: You’ll have to contact the Building Department for the next steps.**

**Chanie Semunha: Do you know if they will have indoor seating this year?**

Paula Kay: Sorry, ma'am. This board can only address the application in front of it, you'll have to contact the Building Department.

**Arthur Rosenshein: Are there any other comments? I call the public hearing closed.**

**PUBLIC HEARING: 2 SAINT MICHAELS REALTY – SBL# 65-1-21.4/21.5/21.6**

**Application was not heard.**

**Paula Kay: There's two owners involved here. We do not have the proxy of one of the owners and in fact we have a letter that was submitted this afternoon by one of the property owners objecting to this application. There can't be a Public Hearing and the board cannot hear it under New Business.**

**Jay Ziegers hand is waving but there's no Public Hearing, we can't have any discussion on this.**

**PUBLIC HEARING: 3 ARTHUR & DEANNA ROSENSHEIN – SBL# 14-1-22/25.1**

**Arthur Rosenshein recused himself.**

**Jim DeWinter Represented.**

Irv Newmark: This is a lot line adjustment. They are adjusting the property so they are taking some of the property from their neighbor next door and adding it to their property.

Jim DeWinter: Mr. Rosenshein wishes to subdivide 0.9988 acres off of the property owned by Alan and Gale Rosenshein and consolidate it with his wife, Lina Rosenshein and consolidate both properties.

Helen Budrock: So it's a lot line adjustment.

Irv Newmark: Anybody from the public have comments on this? Public Hearing is closed.

**PUBLIC HEARING: 4 HIGH VOLTAGE CATSKILLS – SBL# 46-4-23**

Sonia Joz represented.

Sonia Joz: We are applying for outdoor seating. We have a backyard and were trying to have tables and chairs and seating in the back behind our restaurant.

ARTHUR ROSENSHEIN: I have a letter here from Erna Hutchinson that was submitted to the planning board that should be put into the record.

Paula Kay: She is here, do you want to say anything or submit the letter?

Erna Hutchinson: I don't know if you want to read my letter but my letter makes it clear I am not against the restaurant but there are safety and health issues I'm concerned about and should be addressed before the approval is given. You can read the items for me.

ARTHUR ROSENSHEIN:

Please direct this to the Fallsburg Planning Board, and who it may concern.

The High Voltage outdoor area is both Beautiful and Welcoming, I would like to see it continue.....

BUT, I have a few concerns that the Board must address before approval.

I AM REQUESTING A POSTPONEMENT ON APPROVAL DECISION until these issues and concerns are addressed.

- The seating plan High voltage submitted has several required details omitted including measurements to scale, and indications of other structures, including the stage.
- The smoke created by the 3 fire pits make it impossible to open the windows in my home.  
-I have asked them about using smokeless fire pits ( No response as yet.)
- There are dangerous rotten trees that need to be removed. ( It's over a year ago, and not completed)
- Plan Approval application #8 and impact # 2 says no increase in traffic. There is an increase in traffic because the outdoor area vastly increases the capacity of people that can fit inside the cafe. A
- Safety and security concerns, as people are back there even when the cafe is not open.

My Property boarders approx. 150 ft of the High Voltage outdoor Cafe and Bar. I have, at my expense put up a privacy fence, to stop wandering on my property.

Thank you  
Erna Hutchinson

Erna Hutchinson: I need to say one thing, you missed my first line which is the High Voltage is both beautiful and welcoming, but I would like to see these things addressed.

Sonia Joz: We definitely are going to remove the tree which is dangerous to ourselves and our neighboring property. We have addressed that with our landlord and if he does not take care of it we will. With people wandering while we are closed or not open, we have no issue building a gate so people cannot go there when we are not open. With the fire pits, we did the research and the smokeless fire pits are smaller, its basically a ring you insert and they are way smaller, about the size of a can. The fire pits are basically an experience to enjoy the Catskills experience to attract people. after a year of being enclosed inside we decided to create something. I know Erna isn't against our restaurant and we have been working side by side for almost three years and we want to keep our relationship good, but with smokeless fire pits theres not a solution. The smoke, like Erna said, we are 150 feet away from the building, back in the woods which gives a barrier to us. We can commit to not using fire starters or wet wood. We have wood storage for the wood under our table and indoors which we bring outside whenever we need more. Without using wet wood there shouldn't be much smoke.

Erna Hutchinson: The smoke is unbearable. I have a husband with asthma. I literally cant open my windows. Youre saying theres no solution, I don't know what to say or do and I cant accept that. Its problematic. These are houses that don't have air conditioning so youre taking air in and pulling it out at

night and literally if I need to open my windows I have to do it in the wee hours of the morning because I am pulling in smoke.

ARTHUR ROSENSHEIN: Is it every time they have fires or under certain conditions?

Erna Hutchinson: I don't know. Most of the time, most of the summer. I don't think its certain conditions, just in general. The wind blows, the smoke comes over.

ARTHUR ROSENSHEIN: When the wind is in your direction –

Bucky Loukes: Art. Everybody is allowed to have a bon fire in the lawn, but the moment that the smoke bothers your neighbor the DEC says that becomes a health issue. If youre really concerned, call the DEC and they can take care of the problem because youre not allowed to interfere with someone's health. They're allowed to have a little bon fire as long as its not disturbing someones health.

Erna Hutchinson: You have extra fires now? Used to be one and now it is three?

Sonia Joz: We build the two additional smaller ones for the fall season when we were not able to be open inside, because we were not open inside and we needed a business. That was the reason we put it in. we have no problem to take those out, that was more for keeping people warm when COVID hit and we didn't have indoor seating.

Erna Hutchinson: My problem was in the summer.

Sonia Joz: In the summer we only had the one.

Erna Hutchinson: One? Okay, then it was a problem.

Helen Budrock: Mr. Chairman please don't forget the intent of the Public Hearing.

ARTHUR ROSENSHEIN: Is there anyone else who has a comment? With that I will close the public hearing.

**PUBLIC HEARING: 5 LA SALUMINA – SBL# 35-5-19**

**Eleanor Friedman represented.**

Eleanor Friedman: We were interested in putting a couple very small tables, sidewalk style, café style. Were not elaborating upon our service. We have an Italian deli where we make Sulumi and we make sandwiches on Fridays and Saturdays and we wanted to offer folks a place to sit and eat those on the sidewalk in front of our store instead of having to wander to find somewhere to sit. And there is still room beyond the three feet required.

Paula Kay: Youre located on Main Street, Hurleyville?

Eleanor Friedman: Yes, right across the street from Frankie and Johnies.

ARTHUR ROSENSHEIN: Anybody have comments? Then the public hearing is closed.

**PUBLIC HEARING: 6 SOO SEON JAE INC- SBL# 7-1-35.13**

**Charlie Cough represented.**

Charlie Cough: I have been farming for more than 28 years and I want to build a green house on my property. The reason is because growing season is only 3.5 months usually. It goes from June to mid-September. Once we have a greenhouse we can extend the growing season to 8 to 9 months so you can produce more. That is why I want to build a green house to grow vegetables. I have been growing organic vegetables for a long time.

Paula Kay: Will you be selling the vegetables at that location?

Charlie Cough: Not at that location. We deliver to the city mostly in New Jersey. Sometimes we go to New York but we deliver twice a week.

Paula Kay: No sales at this location.

Charlie Cough: No.

Curtis Brock: I am Mr. Curtis Brock, I have my son Dante Brock and Mrs. Felicia Brock. Were at 216 Reynolds Road, Loch Sheldrake. Were on approximately 5 acres of property. Mr. Charlie has the 36 acres behind us. when he said build a greenhouse, he didn't mention he wants to build ten. The green houses are approximately 50x100. It was circumvented, last year in February Joshua Cohn who previously had the property; its stated in the minutes on page 8 that he wanted to start with one green house because of the traffic pattern and run-off. He couldn't get the ten so he said hed settle for one. To circumvent that he sold it to Mr. Charlie so he could do the bidding for Joshua. Mr. Cohn wants ten greenhouses. Heres a picture, theres three green houses on the road that you can see, theres two more in the back that are 50x100. It hasn't stopped. These green houses are illegal and should not have gone up until it was approved. This is a massive project with a negative impact on the neighborhood and infrastructure that we have to deal with. This right-of-way that comes through my property gives him access to come to his home. My leach field is underneath this right-of-way. Back in 1936 when this home was built, that leach field was only 12 inches, 15 inches into the ground. This picture is from this winter, these ruts are approximately 6-8 inches deep in the right-of-way. The trucks couldn't make it up here, so when it dried out the trucks would come onto the road and when it got wet the trucks were delivering from the street. Anderman Oil truck could not make it up the right of way either. They had to fill drums, then take the skid steer and deliver. Then the skid steer got stuck by my basketball court. This area does not have the infrastructure for these commercial vehicles. Right in front of this right-of-way theres an apartment with a 40 car parking lot. A massive accident there two years ago, a car got blind sided and both cars were totaled. That's without trucks coming out. he never mentioned the operation times, the employees, the pesticides, our ponds; three ponds. Chris Debata pond, Hans Debata pond, Curtis Brock family pond is there. The 36 acres is on a plateau elevated above our ponds. We don't know what run off goes into our ponds. None of this is being addressed. This is amicablely against these green houses as we spoke about it last year, February 13 of 2020 when it couldn't get approved so Joshua sold it to this man here who he calls his uncle. Hes trying to circumvent it. This area is agricultural but on the secondary road it is not commercial agriculture. These concerns have to be addressed and the Town said they would look into this situation and nothing has been done with the traffic, this right of way, the ponds, buildings. This is a massive project. We could understand a personal farm. That's what Joshua

came into contention with last year with one building. We know people want these certain things but a commercial entity on an infrastructure that cannot handle it with apartments across from this right of way. 40 car parking lots, 12 apartments, traffic coming from east and west. You cant see over the mode on one side. On the opposite side you cannot see, that's where the truck will be coming out of. We don't know the times, the traffic, who's responsible of the leach field being damaged, pesticides. None of this is being address. I understand what he wants. He said "please" and I said no; if you want to go on 52 on a primary road where you have site lines and can sustain the weight of these vehicles. That's different. We are amicably, my family and I and my neighbors Shirly and Jim, The Heulic Family, Clif and Eileen, the Bata family. Theres people around the corner, Bucky and Betty curry from Wade Road, we're against it. Were all against it. We've been against it. When we came in last year at least 30 residents came in. these elderly people cannot show up so I am doing the voice for them also. If you recall you know how many people were there last year against this.

ARTHUR ROSENSHEIN: As far as the planning board is concerned we didn't address it because it was withdrawn. Now it is back on the agenda. Christina Please.

Christina Kollet: I live down the road from Curtis. This is a very narrow road. We have children and people who walk the road. We don't have sidewalks or speed limit signs. I am extremely concerned about commercial vehicles coming down Reynolds Road on a regular basis especially during the Summer months because this road is not safe as it is and the addition of commercial vehicles on a farm will probably make it more unsafe.

Margaret Jackson: I just recently bought the house on 100 Reynolds Road and this would be in the back of my yard. I received the letter from the post office because it was addressed to my old address. I would like to see the plans first before this goes ahead. I would like to see where its getting built. I agree with everybody else about the traffic on the road, people drive 50,60 MPH on the road.

ARTHUR ROSENSHEIN: Anybody else? Public Hearing is closed.

**PUBLIC HEARING: 7 BRR BROTHERS III – SBL# 62-1-20.1/20.3**

**Jacob Billig represented.**

Jacob Billig: BRR Brothers is the company that owns the old egg farm on Glen Wild Road. There was a transaction done a couple years ago and during the title and survey work a boundary dispute came up with a neighboring lot owner. If you look in your package you will see a map that we created and it shows Hunters Haven who owns two lots. The lot, they own a lot outlined in yellow and in blue, but not the portion that has the blue lines through it, just the portion of the blue lot that is white in center. So we had discussions and covid slowed things down and they agreed to resolve this, to do a lot line change to their property outlined in blue to extend it by that portion of the land that has the blue lines through it, which is an equal amount of acreage that they own in the yellow lot. They will be in consideration for that, they will be buying from them the lot in yellow that will eliminate the boundary dispute and resolves. It's a lot line change for this board to approve.

ARTHUR ROSENSHEIN: You'll be coming back later for the greater details. Any comments?

John Kelly: John and Frank Labudda. I have a small copy of this map that is not color coated. I would like further discussion of the use of the Winter Haven Club with the new acreage. I understand the extension of the property but I think we need further discussion. The public hearing should be adjourned so people can look at this map. There's a lot of buildings and residents in the area and I think it would be a concern for them.

Jacob Billig: John are you representing the neighboring land owners? One neighbor had no opposition. In terms of what will the property be used for, they are not getting additional acreage. The acreage that Hunters Haven has after this lot line change is the exact same amount, all we're doing is taking two lots that they own and combining it by making a lot line adjustment. Whatever the zoning is the zoning is, whatever they want to do on their property they can do now. They have two lots so to resolve the boundary dispute they are in essence giving the property that there is question on and in turn giving an equal amount of acreage to the lot they have now so they don't have a land locked lot. The lot in question is land locked and not really accessible. There's a benefit on Hunters there also. I don't understand your point about adjourning things, the zoning is what it is, this is not an application to do development. This is a lot line adjustment, not development.

John Kelly: I understand that but the point I'm making is it's at a different location. You're talking about changing acreage and I understand that but there's quite a bit of acreage in between the two lots and the use matters so that's my comment.

Jacob Billig: I don't want to do back and forth either but my point is if my client wants to do anything BRR needs to make a separate application to the board after this lot line change is done if they are doing anything. They have no plans to do anything, I can make that representation on the record. I don't know what Hunters Haven is doing, they're a hunting club. They'll probably do what they're doing which is using the land during hunting season –

ARTHUR ROSENSHEIN: Okay Jacob, we get it. The only thing in front of us is lot line change.

Bret Budde: According to open meeting laws if there's no documentation available to the public this should not be passed.

ARTHUR ROSENSHEIN: Thank you. Vince.

Vince Pietrzak: Is the 20 acres being combined with the other 17 acres, tax lot 3.1.

Jacob Billig: Yes.

ARTHUR ROSENSHEIN: We may not be able to finish this tonight. We may have to leave the public hearing open rather than close it for further input. Hopefully we'll have something so you can see it.

Jacob Billig: What additional documentation?

ARTHUR ROSENSHEIN: The public can't see the map.

Paula Kay: If we were in a meeting room we would be able to show the map. We have public asking to see the map. It was available at the building department for people who wanted to see it, I want to be clear the application was available. But for the meeting there is no way to show the public a copy of the map.

Jacob Billig: Whatever the boards pleasure is.

ARTHUR ROSENSHEIN: We'll go though our part tonight because the board has the map, then leave it open and it may be the only item at the next meeting.

Paula Kay: I want to say it is not open meetings law violation because the map was available ahead of time, but I think best practice and this board likes to be transparent, I think it would be helpful to leave it open.

Jacob Billig: Thanks okay. If I email you the map, I have a PDF, can we do that? Its one of the last pages. I understand the transparency issue. I hope it clarifies the points.

ARTHUR ROSENSHEIN: We remain open on the public hearing.

**PUBLIC HEARING: 8 SULMEDTRAN AND CHRISTINA BRUNO – SBL# 17-1-21.2**

**Christina Bruno represented.**

Christina Bruno: I am the owner of Sulmedtran Inc. I am a non emergency medical transportation company located in Liberty and I am in contract to by the J Mears Electrical building in Loch Sheldrake. I will transfer my business to that location.

ARTHUR ROSENSHEIN: Any changes to the building on the exterior?

Christina Bruno: No, I have submitted to the board my plan for vehicles because I have a 12 vehicle taxi fleet. There is plenty of parking in the back, a fenced in area to accommodate.

ARTHUR ROSENSHEIN: Is there anybody who wants to comment. This public hearing is closed.

**NEW BUSINESS:**

**NEW BUSINESS: 1 CITRUS CAFÉ (613 REALTY GROUP) – SBL# 22-2-21 – Requests permanent approval for outdoor seating at an existing restaurant. A one year approval was given last year. Zone: B. Location: 436 SR 52, Woodbourne. Cross Roads: Hasbrouck Dr.**

**Eli** Letterman Represented.

ARTHUR ROSENSHEIN: My question is for Mollie. Im not aware of issues over the past year, I drive by it seems to be working well. Do you have other knowledge?

Mollie Messenger: I Met Eli and the neighbor last week. The property behind the Citrus Café asked they be more attentive to the dumpster and Eli said he will be cleaning it all the time and it should be empty. They have an issue in the off season with passer-byers filling the dumpster, which we do have that

problem in Woodbourne. I asked him to make sure there was a chain going across the bollards, not just the trees, and he said the chain and trees that secure the area.

ARTHUR ROSENSHEIN: Can I have a motion to make the approval permanent.

Bucky Loukes: Motion.

Paul Lucyk: Second.

**NEW BUSINESS: 2 ARTHUR & DEANNA ROSENSHEIN – SBL# 14-1-22/25.1 – Requests a lot line adjustment and lot consolidation. Zone: AG. Acres: 72.23. Location: 6438 SR 42, Woodbourne. Cross Roads: Hasbrouck Rd.**

**DeWinter Represented. Arthur Rosenshein recused himself.**

Irv Newmark: There were no comments. Its going to improve Mr. Rosensheins property. His cousin is giving some of the property before he sells the rest of what he owns. Somebody want to make a motion?

Bucky Loukes: Motion.

Paul Lucyk: Second.

**NEW BUSINESS: 3 SAINT MICHAELS REALTY – SBL# 65-1-21.4/21.5/21.6 – Requests a lot line improvement and lot line adjustment. Zone: REC. Acres:**

**39.93. Location: Renner Rd., Fallsburg. Cross Roads: Pine Lake Rd.**

Application not heard.

**NEW BUSINESS: 4 MAKOVIC TOWNHOUSE – SBL# 35-6-1.5 – Conceptual site plan review for a 6 unit townhouse building. Zone: MX. Acres: 0.527.**

**Location: Waldorf Ave., Hurleyville. Cross Roads: Main Street.**

**Glenn Smith and John Makovic represented.**

ARTHUR ROSENSHEIN: This is the first time the planning board has heard this.

Glenn Smith: This is a vacant parcel on Main Street Hurleyville that John owns on the corner of Woldorf. It is in the MX zoning district which permits town houses. The lot is approximately 200 feet long by 100

feet deep. The proposal is six 2-story two bedroom town houses end to end. Each one is roughly 24x24 feet. There is town water and sewer that will be connected to. Its showing a driveway in front of each unit. They would be rentals initially. If they were subdivided the townhouse regs require a parting wall between the units, but right now it would be owned by John for rentals. It meets setbacks. It meets the area, they are required 2500 square feet per unit, this is probably closer to 3500 square feet per unit. This is preliminary review before finalizing landscaping, utilities whatever else.

Irv Newmark: For parking how many spaces per unit and is there visitor parking?

Glenn Smith: The parking on the bottom requires two spaces per unit, 12 spaces. Plus half a space per unit so that's another three. 15 total which includes visitors.

ARTHUR ROSENSHEIN: Ken and Helen, want to come on board?

Helen Budrock: Sure, I would like to take a closer look because we've had an issue before. If my memory is correct town code says that town houses need to be fee simple. You cant have a rental. It needs to be addressed in the code so I need to take a closer look.

Glenn Smith: Would it be considered a development as opposed to town house structure?

Helen Budrock: Again, I would have to look into the code. We had a similar issue with a similar development where they wayted to build town houses and rent them, but the code states that if it is a townhouse it needs to be fee simple on individual lots. If it is rental then it would be considered multifamily housing and I need to look at code and see what is allowed and the bulk standards.

Glenn Smith: I was also trying to avoid common areas and stay away from HOA's.

Paula Kay: I agree. I remember that other issue.

Paul Lucyk: Fire flow and access for fire trucks. Maybe we should get a hold of Hurleyville for input? What would happen if in ten years from now they want to split these units up and everybody has their own unit?

Glenn Smith: I think that's what Helens comments referred to, about the fee simple issue.

Helen Budrock: Yeah, town houses have to be on individual lots and have to be sold. If it is a townhouse development that is the configuration that is defined. If it is going to be a rental then we need ot see how it fits in zoning wise.

Glenn Smith: Yeah, I will deal with Helen and Mollie and have a work session if needed.

**NEW BUSINESS: 5 HIGH VOLTAGE CATSKILLS – SBL# 46-4-23 - Requests site plan approval for outdoor seating at an existing restaurant. Zone: MX.**

**Location: 47 Main St., Mountaindale. Cross Roads: Post Hill Rd.**

**Sonya Joz Represented.**

ARTHUR ROSENSHEIN: The neighbor showed real concern on fire pits and smoke. There was a mention of DEC but we don't want to go that route if we can avoid it. Is there any way to douse the fire pit if we find the smoke is staying slow instead of rising?

Sonia Joz: I did the research. In order to get the fire pit it is \$800 for an insert. For \$300 is a small can type of thing. Is there a possibility that we offer Erna AC Units and pay a portion for the electric bill for the summer so we can still use the fire pit? Now were open three days a week, Friday 5PM-11PM, Saturday 11AM-11PM and Sunday 11AM-3PM. Its three days a week. Were never open during the day during the week. Is the AC an option to not lose the fire pits?

Irv Newmark: I spoke to someone that was there that said there was an awful lot of smoke, maybe the wood wasn't dry. I believe theres a propane fire pit you can get but theres no smell. I'm wondering why theres three instead of one.

Sonia Joz: We don't need three in the summer, we need one. The fire pits were there in the winter and fall when we were trying to keep open during COVID with no indoor seating. For propane, how do you get gas?

Irv Newmark: You get a propane tank and run a hose to it, its like a gas grill.

Gary Tavormina: This is an established business. The proprietor is here for outside seating. The issue is the seating.

Bucky Loukes: The issue is the smoke is going to the neighbor.

Helen Budrock: Arent the fire pits associated with the outdoor seating?

Paula Kay: Yes.

Helen Budrock: There are restaurants that in the age of COVID that have outdoor seating and as Irv said, there are tables that have gas fire pits so you get the heat and effect without burning wood. I understand the ambiance factor.

Sonia Joz: The price for everything is going up. That's burning for a lot of hours so I don't know that we can afford that, plus the units. Were a struggling business after COVID.

ARTHUR ROSENSHEIN: We're sympathetic of that but it is a health issue. As long as it is a health issue we cant permit it. I don think so, but what does the rest of the board think?

Sonia Joz: Its 300 feet from the fire pit. If the wind blows towards Ernas can we discuss getting an AC unit for the neighbor?

ARTHUR ROSENSHEIN: That would be something you have to work out with her.

Mollie Messenger: I don't think the seating, like Gary was saying, is an issue. The outstanding thing is the fire pits. If the board doesn't have issues then the fire pits can be agreeable with Erna or they cant have them.

Paula Kay: Right, if the board could vote on a conditional approval for the outdoor seating subject to an agreement between the two parties and the fire pits.

ARTHUR ROSENSHEIN: It would not be subject to; the outdoor seating is allowed by itself and the fire pit is a second issue and we wouldn't allow that unless an agreement is made. Or you can get equipment to do the gas one.

Paula Kay: Perhaps we could leave it to open item subject to the building departments determination that either an agreement between the applicant and neighbor, or the applicant provides something acceptable to code enforcement.

Paul Lucyk: In reference to let them open, that's fine. Is there a way of doing trial basis with the fires and if there is a problem then going to a different option?

Paula Kay: I think the understanding is there already is a problem. But I agree with Gary, they are here for outdoor seating.

Sonia Joz: Is there code in the town?

Paula Kay: The state preamps us on this. As stated during the public hearing we don't want to get to the point where DEC comes out, we want to address this before.

Helen Budrock: Perhaps we make the outdoor seating a one year to see if it is resolved.

ARTHUR ROSENSHEIN: The outdoor seating is not a problem, nobody has a problem with that. The business about the fire pit is separate, I agree with the motion but the second issue would be having code enforcement look into it. If they can come up with an agreement that also would be allowed for one year. Outdoor seating will be one year to see if it works and come back. Erna I hope you can work it out. I would entertain a motion for allowing outdoor seating with the provision that in one year they check in again to see that it has been successful. The motion would also include that if an agreement could be made on the fire pit or an alternative to it. That will also come back in a year, but the fire pit is a separate issue from outdoor seating.

Gary Tavormina: Why are you penalizing the owner with outdoor seating for one year? Give her permission for outside seating.

Bucky Loukes: We did, for a year, just like the other ones.

Gary Tavormina: And if theres a problem with the fire places they can take care of it within a year, instead of penalizing the owner.

ARTHUR ROSENSHEIN: We cant subject someone to this condition for a year to come back. we have to make some progress to make it not an issue. I agree with Bucky on the year, it was a successful thing and took the owner no time to get a permanent one so it is not asking a lot to review it. There was talk about people wandering so my motion will still stand. Approval for one year with a review for the end of the year with outdoor seating with the separate issue of the fire pit to be settled, before they can use the fire pit an agreement has to be made between parties.

Irv Newmark: Motion.

Bucky Loukes: Second.

ARTHUR ROSENSHEIN: You have one year approval for the outdoor café then further on you'll have to have discussions about the fire pit.

**NEW BUSINESS: 6 LA SALUMINA – SBL# 35-5-19 – Requests site plan approval for outdoor seating at an existing deli. Zone: MX. Location: 210 Main St.,**

**Hurleyville. Cross Roads: Mongaup Rd.**

**Eleanor Friedman Represented.**

Bucky Loukes: Chairs are going on the sidewalk? How big is the walkway?

Eleanor Friedman: I had an architectural drawing that was submitted, you have a minimum five feet for walking if someone pulled the chair back in the most extreme way. We did it in every possible configuration but you have ample, twice as much, as what is legally required.

Mollie Messenger: They don't impede the sidewalk. They have concrete in front of the building so it is not an issue at all.

ARTHUR ROSENSHEIN: Motion to permit a one year permit with review at the end of the year.

Eleanor Friedman: Do you send a memo to remind us or do I put it in my calendar? And is it in effect immediately or do we wait for documentation?

Paula Kay: Record it in a calendar. You will have planning board approval and then you'll need to go to the building department for whatever permits you might need.

Bucky Loukes: Motion.

Cody Vegliante: Second.

ARTHUR ROSENSHEIN: All in favor.

**NEW BUSINESS: 7 SOO SEON JAE INC – SBL# 7-1-35.13 – Requests site plan approval for ten 96 x 26 greenhouses to grow vegetables for sale. Zone: REC/AG overlay. Acres: 36.6. Location: 224 Reynolds Rd., Loch Sheldrake. Cross Roads: Divine Corners Rd.**

**Charlie Cough represented.**

ARTHUR ROSENSHEIN: Helen you are now retained. We need to explore the issue of that road if it is not passable.

Charlie Cough: My neighbor showed a picture of a truck. That truck was used when we moved in, we had to use a truck. The road, they put red shay rock about 12 feet wide. I moved in last November, before I was familiar with my driveway we had heavy snow and I couldn't figure out where the driveway was. On both sides of the driveway is mud. When the snow melted we fixed the road. Now it is a brand new road with no problem. The snow was so heavy the field truck couldn't find out the driveway. That's

what happened. We don't need a truck to deliver our product. I wish we grew that much. We grew fruits and vegetables mostly. I have a van. That van is more than enough to harvest our vegetables. Every Tuesday and Friday we deliver to the city to our customers. No truck will be on property. About three or four times we get supplies from the whole sale and that time I had a truck. Even the fuel truck can come no problem. I don't need a truck to deliver my property I only have a van.

ARTHUR ROSENSHEIN: I think we need someone from the town to examine that road to see if it is useable or see what has to be done. Mollie who do we have do that?

Mollie Messenger: If youre engaging Ken, then Ken.

Helen Budrock: Especially if the septic field is under the road.

Paula Kay: This is a right of way apparently, I'd like to look at title documents and the deed and a survey to make sure the right of way is where they are actually driving and make sure the applicant does have the right to go from point A to B.

Bucky Loukes: Paula, we gave permission for one green house and I see a bunch of them there, five or six.

Paula Kay: They withdrew their application actually.

Helen Budrock: And that was a different owner, am I correct.

Paula Kay: Yes.

Mollie Messenger: In the agricultural district a lot of the applicants work with Cornell Cooperative and the Cornell Cooperative tells them they are allowed to put up and do stuff in the district that is not neccessarily correct and they need to follow zoning laws. The last time they were here we talked about the applicant to put up one green house at a certain size. Then the gentleman talked to Cornell and they said he could put up what ever he wants to and he put up the other three and that's where we are today and hy he is back to the planning board if he wanted to put up 10 greenhouses and not sell them and have them for personal use by right he could. But since he is selling them and making a business he has to come trough the planning board. Nobody would put ten greenhouses, that's not for personal gain.

Helen Budrock: A greenhouse for personal use is permitted as an accessory use as long as it is not for sale. If it is for sale and it is agricultural production its considered class 1 agricultural operation which is a permitted use. What makes it complicated is that it is a landlocked parcel with the only access being the easement and inconveniencing the neighboring property owners. I agree with Paula, I think that is the main issue. You can put conditions on but I think you should look at that road condition and capacity, and certainly the leech field being under the road. Ideally if the applicant could acquire another parcel across the road to have dedicated access that would be ideal.

ARTHUR ROSENSHEIN: When Paula examines the right of way he might have the right to do it. The one thing is, I would like if youre going to have ten greenhouses a better site plan.

Irv Newmark: What was there and where it was.

ARTHUR ROSENSHEIN: What exactly and what other structures are going in. the board needs to know where everything will be. the problem that was explained earlier with traffic and access, if he is only

running a van twice a week it doesn't sound like a major issue. When we make out permit we would constrain it to be a certain van size etc. so that heavy trucks won't be a problem. The applicant stated he has a van. I'm going to make an exception at the moment because Mr. Brock had spoken before and I would like to get more information.

Curtis Brock: Thank you for your time. Mr. Charlie is not speaking the true facts. This is not a new road, this is a dirt easement, right of way, through my property. When it rains heavy it gets saturated with mud as I showed you in the pictures.

ARTHUR ROSENSHEIN: We are sending an engineer in to examine it. If it is necessary that the road be fortified, gravel or whatever improvement it will be on the applicant to do it. We are not ignoring what you're saying, we are taking it seriously. He will look at it to see what can make it usable.

Curtis Brock: That being said there are 5 greenhouses up here. That is illegal. Its 30x100, 5 of them. He wants ten. What happens now? Those should greenhouses shouldn't have been – we need them taken down.

ARTHUR ROSENSHEIN: That's a code issue. We the planning board have not voted approval of that. We may in the end, when he submits a site plan, he may get permission but he does not have permission at the moment for the greenhouses.

Mollie Messenger: That's why they're at the planning board. That's what you're reviewing and why they're there.

Paula Kay: The other thing, on the right of way. Why I'm asking the applicant for copy of his deed and title policy, there will usually be language in there to determine who should maintain it. That will be helpful for the board, the applicant and the Brocks.

ARTHUR ROSENSHEIN: WE'll get that clarified.

Curtis Brock: Mr. Charlie never came to me and said 'I know from Joshua who sold me the property that the community was against it, there were about 25-30 people there last time against it, how can I work with the community to make something work'.

Paul Lucyk: Can we get an actual survey of the property to make sure when Helen looks that if there's another option putting a driveway on another piece that wouldn't get involved in the right of way. Apparently the right of way is on the Brock family?

Mollie Messenger: The site plan you have in your packet is the survey. I don't think there's another way to get a driveway up there.

Helen Budrock: Unless the applicant acquires another parcel of property because his property is landlocked.

ARTHUR ROSENSHEIN: We've got Ken and Helen involved.

Charlie Cough: The van I use to deliver my product. I drive the van. If the van is accessible to the driveway in the future then nothing will change. I'll use the same van to deliver my product. If anyone looks at my driveway, if the fuel truck can come in and move around the bend I don't think a van is a problem. I don't have trouble with the van.

ARTHUR ROSENSHEIN: We'll get an independent view of it. And you'll get back on our agenda next month so we have more detail on it.

Paula Kay: If you could get a copy of your deed and title policy to Mollie's office. It looks like there was an existing survey done from George Fultons office from 2019. It shows the right of way with no information.

ARTHUR ROSENSHEIN: We've gotten as far as we can with this. Thank you.

**NEW BUSINESS: 8 CHAI CARE – SBL# 52-7-16.1 – Requests an amendment from the originally approved site plan from a 325 SF addition to a 401 SF addition.**

**Zone: MX. Location: 5208 Main St., So. Fallsburg.**

**Joel Kohn represented.**

JK: Chai Care is an existing medical facility on 5208 Main Street. we got site plan approval in December 2020 to add an application that said 325 square foot addition, on the site plan it said 372 square feet addition. In fact there was modification and it is a total of 401 square feet. This is an application to a previously approved site plan.

Mollie Messenger: This was more of a clerical issue.

ARTHUR ROSENSHEIN: Comments? I'll accept a motion to change it to a 401 square foot addition from the prior approval.

Bucky Loukes: Motion.

Paul Lucyk: Second.

ARTHUR ROSENSHEIN: Ayes have it.

**NEW BUSINESS: 9 CAMP ORAYSA – SBL# 10-1-3/15.4 – Requests site plan review to construct a new infirmary/office building, replace an existing trailer and relocate some parking. Zone: REC. Acres: 138.22. Location: 228 Todd Rd., Woodbourne. Cross Roads:**

**Michael Rielly represented.**

Michael Rielly: Camp Oraysa is a sleep away camp on Todd Road outside of Woodbourne. Proposal is for a new infirmary building. It's the dark hatched blackish building below the kitchen and dining hall. The second item, theres a trailer up front that were looking to replace. The parking area was proposed to be reduced in size. We recently moved a trailer back. grey location is the location of the fire road, I know the fire department has some concern. For now the proposal is the infirmary building, trailer and move the parking.

ARTHUR ROSENSHEIN: What is the purpose of the trailer?

Jeffrey Pearl: It is a classroom. Its going to be updated to a newer trailer and larger.

Mollie Messenger: They've been working through a few things. George met the fire department and the department made some requests about the road and width so I believe they know what to do so it can be complete. I spoke with Mike about the items that weren't approved last time because the septic was not done. Theyre reducing the parking for now which is fine but its not the parking lot that was approved prior. It makes it confusing. They cant build some of the buildings because they didn't get DEC approval. I'm not sure if itll be easier if everything is on the plan then you grey out the things you don't have approval for. I don't want it to be confusing and I want to know the different things we worked out over the past ten years is on the site plan.

Jeffrey Pearl: Additional bunks were asked to take off the site plan.

Mollie Messenger: No you always had them on with a note that you need DEC approval.

Michael Rielly: I could do that in a different color.

Helen Budrock: Yeah call it future build out.

KE: Is the infirmary hook to water and sewer?

Michael Rielly: There's water and sewer near by. I have a guy going out to locate exactly where it is but when I walked it I noticed we could connect both.

KE: Were not adding any more people. I know when Randy was working on it there was an extensive list of sewer flows meeting capacity of sewer systems.

Michael Rielly: No additional people. Just an office infirmary building.

Mollie Messenger: Where are we at with the sewer plant?

Michael Rielly: I haven't worked on it at all.

Jeffrey Pearl: They say the DEC is stuck there.

Michael Rielly: Joe Bergers working on it.

Mollie Messenger: Is it being worked on?

Michael Rielly: Jeff you should look into that.

Jeffrey Pearl: Of course.

Mollie Messenger: I think the initial ask is a replacement and correcting the fire access. Is that parking lot getting build also with the two additions?

Michael Rielly: Yes.

ARTHUR ROSENSHEIN: The trailer being moved, proposed infirmary and the parking lot approved.

Michael Rielly: Correct.

KE: For record purposes we should know these are tied in. is the trailer tied in as well? We need a good set of record documents.

Michael Rielly: Yeah, I'll put it on here then add what was previously approved in a lighter color.

KE: Any grading concerns for the parking lot?

Michael Rielly: No it is pretty flat there.

Mollie Messenger: Is the storm water and all of that up to par?

Michael Rielly: The one pond is in. because of the work ongoing with the road Jim Bates is still doing scope inspections.

ARTHUR ROSENSHEIN: Can we make the motion or do we need detail?

ARTHUR ROSENSHEIN: You can reference the changes on the map.

ARTHUR ROSENSHEIN: Referring to the map dated April 28, 2021 the planning board is making the motion to approve the movement of the trailer, the building of the infirmary and the finishing of the parking lot as per the map.

Helen Budrock: Do we need to do SWQR?

Paula Kay: Yes if you haven't already done so.

ARTHUR ROSENSHEIN: Motion to accept SEQR on an unlisted action. Motion to accept lead agency status unlisted action.

Cody Vegliante: Motion.

Irv Newmark: Second.

ARTHUR ROSENSHEIN: Negative deck. Motion?

Bucky Loukes: Motion.

Irv Newmark: Second.

ARTHUR ROSENSHEIN: The next per the map dated April 28, 2021 the planning board is making the motion to approve the movement of the trailer, the building of the infirmary and the finishing of the parking lot as per the map.

Irv Newmark: Motion.

Bucky Loukes: Second.

**NEW BUSINESS: 10 BRR BROTHERS III – SBL# 62-1-20.1/20.3 – Requests a lot line change. Zone: AG overlay. Acres: 20. Location: 715 & 717 Glen Wild Rd. Cross Roads:**

**Jacob Billig represented.**

Jacob Billig: The yellow is what they own now. There was contrivency on what they own compared to our boundary. The blue box with the white center is also what they own. We thought a good solution for this would be for them to sell us the yellow in turn we sell them the blue stripe which connects to their

existing lot. It would be a lot line change, were just expanding their lot to their property and it also eliminated a locd lock plot. They yellow is land locked. They walk across BRR property with a right of way to do that but don't extinguish it, but we thought this was a simple solution. They have the same amount of acreage and same zoning, nothing else is changing.

ARTHUR ROSENSHEIN: What do we call it.

Paula Kay: Lot line change.

ARTHUR ROSENSHEIN: I will accept it.

Paula Kay: It is a swap but a lot line change.

Jacob Billig: Theyre selling us the yellow and extinguishing the lines is done all the time. It's the blue part that we need the boards approval to extend their lot to the striped area.

ARTHUR ROSENSHEIN: How do I word it in the resolution? Lot line change between lots 62-1-20.1/20.3?

Paula Kay: Yes.

Gary Tavormina: This is an IDA property, do we need anything from them?

Paula Kay: We have a proxy from the IDA.

ARTHUR ROSENSHEIN: A motion for the two lots previously mentioned for a lot line change.

Irv Newmark: Motion.

Cody Vegliante: Second.

ARTHUR ROSENSHEIN: Ayes have it unanimously.

**NEW BUSINESS: 11 SULMEDTRAN AND CHRISTINA BRUNO – SBL# 17-1-21.2 – Requests site plan approval to use the existing building for a commercial taxi business, office and to rent one bay for auto repairs. Zone: B. Acres: 1.00. Location: 1097 SR 52, Loch Sheldrake. Cross Roads: Zimmerman Rd.**

**Christina Bruno and Jeff Altback represented.**

ARTHUR ROSENSHEIN: When we do something like this it is hard to enforce the parking neatness. What we need is, I know an imposition, is a map where everything goes so we can keep the order. Around town is a mess in many places. We need a way to make that not happen. One of the things would be helpful would be striped lines designating parking so we can tell what is going on and help you. I would request a site plan map with parking outline and part of the agreement the striping of the lines.

Paul Lucyk: I think its good.

Christina Bruno: That's fair. I didn't purchase the building yet, I think the back lot might not be paved its just gravel and grass. I didn't anticipate the cost of that when purchasing the building but I don't foresee it having junk cars. I'm not looking to open auto repair. I have a mechanic that works on my fleet of cars and I don't keep junk cars.

Mollie Messenger: Parking can be delineated if its not paved by parking bumpers and other things, it doesn't necessarily have to be lined. We need to know from an enforcement standpoint that you can have 12 cars in a location, not 15 erratically. Not saying youre going to do that but we need to know where things can get parked.

Christina Bruno: With the nature of my business we like to appear professional so we keep out cars neat and organized so I agree.

ARTHUR ROSENSHEIN: We would vote for site plan approval with signature pending the site plan having delineations on it and the C.O. waiting for the actual delineation on the ground.

Paula Kay: Also, we don't have a site plan we have a survey. Mr. Chairman I agree with what you are asking but we need a siteplan so we need an actual site plan so I would do it conditioned upon the issuance of site plan that code enforcement can review.

Jeff Altback: We're told that because theres ingress and egress to Route 52 that the county has to do this. I saw communication that they were contacted.

Paula Kay: We have the 239 from the county already. It is the determination that it is up to the determination, it does not have county wide impact; local determination.

Jeff Altback: I noticed somebody else instead of site plan submitted a survey. I assume because this is the prior Loch Sheldrake Fire Department that everyone is familiar with the building. My client did indicate looking on the right hand side there would be three cars for the three tenants that live upstairs. She proposed having three vehicles up front for herself, a manager and a dispatch. All other vehicles would be parked in the rear of the building where there is substantial parking and the land is flat. Because she is looking to move forward with the purchase of the building I think the conditional approval would be satisfactory pursuant to her submitting a site plan showing where parking would be. we'd hope to have that concluded within the next month or sooner.

Paula Kay: I think that is what the chairman has suggested. They grant approval subject to site plan and code enforcement review of the site plan which includes parking. Your client can work with mollies office to make sure its completed promptly. The chairman has suggested it gets approved tonight subject to code enforcement reviewing a site plan showing parking.

ARTHUR ROSENSHEIN: The timing will be up to the applicant. The approvals will be in place when we get what is requested done.

Jeff Altback: Mrs. Kay mentioned going to the building department.

Paula Kay: A site plan. You have a survey. A site plan showing parking delineated as the chairman has suggested and the building will make final determination.

Helen Budrock: You wont have to come back to the planning board as long as the building department gets the site plan and reviews it.

ARTHUR ROSENSHEIN: Motion for the above.

Bucky Loukes: Motion.

Irv Newmark: Second.

ARTHUR ROSENSHEIN: All in favor.

## **OLD BUSINESS**

**OLD BUSINESS: 1. 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 Hildale Rd., Loch Sheldrake. Cross Roads: SR 52.**

**Michael Rielly represented.**

Michael Rielly: You may recall this was for a proposed extension of the south side of the building. We went to the zoning board for a variance because of the proximity of the property line. This was held up for a month or so because there was a discrepancy between the surveyor and the county of where the county right-of-way lies. They worked it out, it seems they went with what the county had. That's what the plan currently shows. The proposed extension is 35.6 feet from the county taking line. The other way I believe was 6 or 7 feet so its better than we thought. That's all we changed on the map.

ARTHUR ROSENSHEIN: We did not do SEQR on this correct?

Helen Budrock: It is an unlisted action but not a coordinated review so you can go ahead and do lead agency and the rest of it tonight.

ARTHUR ROSENSHEIN: Motion for lead agency statue.

Irv Newmark: Motion.

Cody Vegliante: Second.

Mollie Messenger: Mike did you respond to Glens comments?

Michael Rielly: Yeah I marked up the plans, I'll have that done. I have to go out and meet with Chris on a few. I did show on the map the easement for the parking.

Mollie Messenger: Is that what they wanted?

Michael Rielly: Talking to Chris he thought it was fine.

Mollie Messenger: I thought they were trying to get more parking, that seems to extend the parking lot out further. I don't know it gave more parking.

Michael Rielly: It encompasses what is there now.

Mollie Messenger: I don't think the town ever went all out. If Chris is satisfied that's fine.

KE: It appears the easement that we are giving is over another easement. Is that the county draining easement?

Michael Rielly: Yeah.

KE: Is there any legal part? Are we allowed to give easement over the drainage easement.

Michael Rielly: The county hasn't reviewed it with the easement on it.

Paula Kay: We need to be sure the county reviews it. It can be a condition.

KE: Usually its not a big deal.

Paula Kay: We just have to make sure everything works.

ARTHUR ROSENSHEIN: Motion for a negative deck?

Paul Lucyk: Motion.

Irv Newmark: Second.

ARTHUR ROSENSHEIN: Helen has made a draft resolution. We can add county review on that.

Helen Budrock: Sure. I have the draft. Its standard conditions and I added review a proposal over the proposed easement over the existing Sullivan County drainage easement. Who would review that, DPW?

Paula Kay: Yeah or the County Attorney. Why don't you do DPW/County Attorney.

Helen Budrock: That's the only condition other than the standard conditions; payment of fees, etc.

ARTHUR ROSENSHEIN: We will vote site plan approval pending county review based on the draft.

Bucky Loukes: Motion.

Paul Lucyk: Second.

**OLD BUSINESS: 2. MOUNTAIN ACRES – SBL# 42-1-11.1 – Discussion regarding discrepancies in building elevations. Zone: Acres: 73.35 acres. Location: 1523**

**CR 56, Mountindale. Cross Roads: Old Turnpike Rd.**

**OLD BUSINESS: 3. REFUAH HEALTH CENTER – SBL# 50-5-15.2 – Requests special permit to operate a hospital/medical diagnostic center. Zone: B. Acres: 2.33.**

**Location: 36 Laurel Avenue, So. Fallsburg. Cross Roads: SR 42/Pleasant Valley Rd.**

**Michael Rielly and Jay Zeiger represented.**

Michael Rielly: We were in front of the Zoning Board and got approval for relief from the max lot coverage requirement and the type of building there. The last changes I made were to fully engineer them so everything is fully graded, landscaping, utilities, drainage shown. There was concern about bus parking. Now the plan requires 28 parking spaces, we have 36 proposed. My plan for bus parking is the

north end of the parking lot by the turnaround stub since we don't need all the parking. You could probably fit four busses there parked.

ARTHUR ROSENSHEIN: Anything new on the school building? I know they were putting in a grant.

Jay Zieger: I know they put in the grant, I'm not sure where it is.

Mollie Messenger: What happened to getting numbers for asbestos? Ken has looked at the site plan. He doesn't have comments. I didn't see the fence that secured the old building, its not getting removed. Did I miss it?

Michael Rielly: Its not on there, I'm sure we located it.

Mollie Messenger: I thought I saw it.

Helen Budrock: Is the building secure? Are the windows broken?

Mollie Messenger: Its fenced off. The windows are not boarded.

Irv Newmark: I like what theyre doing, theyre a good organization but I am not in favor of any other expansion until the school is taken down. Every year they come back for something and we give to them.

ARTHUR ROSENSHEIN: I disagree, we didn't give anything they just build.

Irv Newmark: They can board the windows in the mean time and leave holes for spirits to go in and out. cant we get a letter from them stating what they've done like removing the school and what they're waiting for and the cost of asbestos removal and stuff like that.

Gary Tavormina: The original building we allowed was temporary. They put a second along side it and never came to the board for permission, now they want to do this. We need a guarantee.

Jay Zieger: Theyre here now asking for permission. What they did in the past I cant speak to but they recognize theres a process to get approval. Its not the ideal situation for them, they would love to have the funds to knock the building and build a new one and that's the long term objective.

Gary Tavormina: The first building was temporary. The second one was put without permission from anybody.

ARTHUR ROSENSHEIN: They are asking for not site plan approval, special permit approval to operate the medical facility. Correct?

Gary Tavormina: Right, a temporary basis.

ARTHUR ROSENSHEIN: Were not saying the buildings are okay or not okay. All were talking about is operating for a year. Were not talking about buildings.

Mollie Messenger: It comes down to the fact they need to put the parking lot in now. It is dangerous, its dangerous how people park. What you decide on when they come back and if they're going to go anywhere with this building is another situation. You can give them special permit for a year or two. Theyre working with the Brownfield stuff we've been doing. Hasn't really moved so I don't know, I don't

know of any grants to take the building down and I don't know if there's been asbestos cost like we asked. There should be a timeline.

ARTHUR ROSENSHEIN: We want to see if they do what they say with the parking lot. I say give them a one-year approval and let them come back. We can review, were not okaying the buildings that were there, that's something that has to be done. Maybe in a year they will have money. Were not approving buildings that were put in without permission. I agree, I don't want to approve the past especially in the way it was done.

Paul Lucyk: What about a letter of intent?

ARTHUR ROSENSHEIN: Which would do what good?

Paul Lucyk: Or a time frame? I think the biggest thing is in reference to the building and can they afford to do it. What is their plan to take care of it?

Jay Zieger: Paul they caught the site with intention of converting that building to a medical facility. When it came apparent that the costs exceeded the ability the determination was to tear it down and start a new building. It would be \$7 million plus, and they have to first get the asbestos study which I thought was done.

Michael Rielly: I couldn't find that but I did find an estimate for demolition of \$660,000 to demolish the building without asbestos. I don't think it's removing, just demolishing.

Jay Zieger: The plan would be to remove the building and replace it and the trailers with a nice professional building. They are stuck with cost and hopefully the grants and other things work. How quickly they get there is a question of funding.

ARTHUR ROSENSHEIN: Giving them an operating permit that goes for one period of time means we can continue to monitor it. Is one year okay with everyone?

Irv Newmark: Can we get a letter or where they're at and their priority. I'd like to know asbestos removal costs. I think we should see an update.

Mollie Messenger: We can ask for the asbestos numbers, an update of their status; that can be conditioned on it with a one-year approval. Mike they always have those busses there so they're going to park those at the end of the parking lot?

Michael Rielly: Yeah there's room for two more too if they need. They'll still have plenty of room and meet the parking requirements.

ARTHUR ROSENSHEIN: The conditions are the figures on asbestos removal, some kind of long-term plan of what they intend to do and one year. With that we would grant special use permit.

Bucky Loukes: How soon do you want to see the asbestos report?

Michael Rielly: I have an old report from 2000 and the only other thing is that quote.

Jay Zieger: Was the 2000 report done before they bought it?

Michael Rielly: Yes, previous owner.

Jay Zieger: That turned out to be inaccurate. We will, if we have a current report get it to you. If we don't have it we will give you a time table and plan as to when we can get it.

Mollie Messenger: I think you should submit the paperwork within a month or two. I'd say at most we should have everything by July. The status update and asbestos report.

Gary Tavormina: Mollies request, I want that added to the resolution.

Mollie Messenger: Two months to get the status update and reports.

ARTHUR ROSENSHEIN: That's part of the resolution for the special use permit.

Irv Newmark: Motion.

Cody Vegliante: Second.

ARTHUR ROSENSHEIN: Any against?

**OLD BUSINESS: 4. FALLSBURG HOLDINGS – SBL# 39-1-65/76/77 – Continued review of site plan for 56 duplex units, two single family units. Zone: R. Acres: 33.**

**Location: 5499 SR 42, Fallsburg. Cross roads: Gamble Rd.  
Jay Zieger and Michael Rielly represented.**

Michael Rielly: This is across the road from the cemetery on Route 42. It's a total of 58 dwell units, majority duplex. There's one single unit to remain out front that is an existing house for the care taker, we got a variance for that from the zoning board. This project had to get a water and sewer district extension because the lines run 600 feet from the center line of route 42. We've obtained that from the town board. We've got DOT okay to have the western entrance to remain as an emergency access only. Originally they wanted one entrance but we needed two according to department of state. We convinced DOT it is needed, as long as there's an emergency gate they are okay with it. The plan are pretty far along, I got a comment letter from Ken Ellsworth. I addressed that and sent back everything. We did pump station calculations. The SWIP is being finished up by Joe Berger.

Mollie Messenger: Do you have elevations that you can put up?

Bucky Loukes: No basements?

Michael Rielly: No, single story sitting on a basement.

Bucky Loukes: Not much sticking out of the ground.

ARTHUR ROSENSHEIN: What will we see from the road?

ARTHUR ROSENSHEIN: Paula, we have these renderings. Suppose the buildings don't look like the renderings, what recourse do we have?

Paula Kay: It could be a violation of approved site plan, so code could go out and issue a violation, that they didn't build in accordance to the approved site plan.

ARTHUR ROSENSHEIN: Is it shutters or without?

Michael Rielly: I'm not sure if they will offer two different.

Irv Newmark: That would be nice. What is the distance between the buildings?

Michael Rielly: 25 feet. I think they are offering both buildings.

Bucky Loukes: The option should be up to us, not the customer. We want it to look nice from the road. Shutters make it nicer and maybe a design on the top.

ARTHUR ROSENSHEIN: We have a resolution. Lets have a definitive one with shutters and architectural elements.

Michael Rielly: I'll tell them that.

Bucky Loukes: The ones you don't see from the road I guess doesn't matter. The ones from the road should be nicer.

Michael Rielly: Shutters and additional character.

Mollie Messenger: Are there walk out basements in this grouping?

Michael Rielly: No.

ARTHUR ROSENSHEIN: Helen, perhaps you can work on a resolution?

Helen Budrock: Sure. Mike, remind me the SEQR package that I have on the drive is dated August last year. Did we do lead agency?

Michael Rielly: Yeah, I remember sending the notice.

Helen Budrock: I'll get those dates and draft a resolution. Other than the architectural stuff were there other conditions that the board would like to see?

Mollie Messenger: This one has a water and sewer extension. Is the map plan and report done?

Michael Rielly: Yeah done and sent to Ken a few weeks ago.

Jay Zieger: As soon as Ken approves that we need to schedule a public hearing with the town board and finalize that. Were just waiting on Ken to give Mike the green light.

Mollie Messenger: I'll talk him about that. He said he was reviewing your plans and waiting on the SWIP.

Michael Rielly: Theres some other map plans and reports, it would benefit us to sit and talk for an hour if we could set that up.

Helen Budrock: Does that need to be in the resolution as a separate condition?

Mollie Messenger: Finishing should be a condition of the resolution.

Jay Zieger: No I think finishing the water and sewer extension and filing with the county should be the resolution and the map plan and report should be part of that.

Helen Budrock: Got it.

