

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

June 10, 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: We have a long agenda – the last thing we will hear is at 10PM. Motion for the acceptance of the minutes as received. I would recommend that a person does not repeat what another person has already said.

Irv Newmark: Motion.

Cody Vegliante:Second.

Arthur Rosenshein: All in favor.

PUBLIC HEARING: 1 JOHN MAKOVIC/MAKOVIC TOWNHOUSE – SBL# 35-6-1.5

Glenn Smith and John Macovik represented.

Glenn Smith:John owns this vacant parcel on the corner of Main Street Hurleyville and Waldorf Avenue. It is in the MX zoning district of the town which permits town houses. Whats proposed is six attached town house units roughly 24x24 feet in size. Two story, two bedroom. They meet all setbacks and size requirements in zoning. There is town sewer and water. It is in the town sewer and water districts. We do need two parking spaces per unit which is shown with driveways at the front of each unit and theres three visitors spaces on the property also. This would be a subdivision, each Town House is on its own lot. Separate tax map and could be separate ownership, no HOA required and no common areas.

Paula Kay: Kathleen Sullivan.

Kathleen Sullivan: I have a PowerPoint to share. Its to give an idea as to what Waldorf Avenue looks like. The road is barely wider than a driveway. theres a mail truck, no car can get by. When there are two cars one car has to pull over. If a town truck is here plowing, a sanitation truck, fuel delivery truck, school bus is on the road you cannot drive on the road. This is going to be so detrimental to the quality of life here, its not in harmony at all. I don't know if youre familiar with Waldorf Avenue.

Arthur Rosenshein: I'm not. Could you email this to the Code Enforcement office.

Kathleen Sullivan: Sure, can I have an email.

Mollie Messenger: MMessenger@fallsburgny.com

Arthur Rosenshein: Thank you. Anyone else?

David Moody: I live on Baker Hill next to the church, I own the second house on the right. I understand the logistics and I deal with the center traffic so I understand where shes coming from. I want to publicly state I am all for more tax-paying nice properties in Hurleyville, tax paying properties.

Arthur Rosenshein: Denise Sullivan.

Denise Sullivan: I also live on Waldorf Avenue. I wanted to point out in addition to what Kathleen said. This is a dead end street with six single family homes on it. It is not much bigger than a driveway, its practically a one-way street. snow removal on this project, especially the middle two units, would be impossible there's nowhere to put it. Mr. Mackovic has another project for a garage that my husband and I were in favor of, the building permit is now expired, the garage was never finished, theres no doors. Its just used for storage, theres no doors, cars are without license plates, theres construction supplies all over; it's a big building that cant be occupied now its an expired building project. I don't understand why the town would approve a new project when he didn't complete his last one several years ago.

Glenn Smith:On the garage issue, I don't have a comment.

John Makovic: The garage is being used for the exact reason it was approved which is storage only. There are two garage doors that were not installed because they are inside. It is completed and used as it was approved.

Denise Sullivan: I think the board members should take a look at that and the road. The other piece of property have a lot of storage, junk vehicles, it's a mess and I am concerned with him having another project. That being said, with that being cleaned up a single family home on that lot or perhaps a duplex might fit our street. There's 13 people that live on our street and theres no room for two cars to pass. No room to put snow or parking for guests. It's a mis-matched property for the size of the property and the street, you have to come look at the street, its not a match at all.

Glenn Smith:It is on the intersection of Main Street and Waldorf, its not at the end of Waldorf, so its only taking up the first couple hundred feet where traffic will be impacted. They wont go down the street they will turn out of their house and go down Main Street, either left or right.

Kathleen Sullivan: If someone comes out of that development to turn onto Main Street and someone from Waldorf is turning onto Main Street what happens then? We have to stop to lelt another come by, we have to go off the road to let somebody come by so coming to the end of Waldorf doesn't make a difference, it's the traffic of the road itself.

Arthur Rosenshein: Anyone else? I am going to close the public hearing. Its closed.

PUBLIC HEARING: 2 TYLER HUTCHENS (DANIEL GILBERT) – SBL# 65-1-11.1

Tyler Hutchens represented.

Tyler Hutchens: I would like to be approved to set up a FFL dealership out of my home, out of my garage. A simple sale/storage and delivery of firearms and parts. Nothing crazy, no storefront, no change of structure, it would be more online and pickup.

Arthur Rosenshein: Any comments on this?

Kathy Malkine Morgan: I do. I feel really strongly, this should not happen in this area .it negatively affects the social fabric of our communities. In a society where mental health issues are sorely neglected and gun control is so lax. Theres no way you can soft pedal 'I'm doing it in my garage'. You don't want gun sales in a family friendly area.

Yehuda Mavrik: I don't think he's responsible for that. A lot of people do add-on FFL's and it doesn't contribute to any crime rate. I know Schinhafles does it and its fine and nobody complains about him.

Arthur Rosenshein: Please do not discuss personalities.

Yehuda Mavrik: I don't see a problem with an add on FFL, its common and safe. It contributes, a lot of people prefer garage FFLs and I believe the previous person who spoke, her accusations are ridiculous and un-founded.

Dominick Fontana: I own property on Main Street Fallsburg. I have been a gun dealer out of my home in the Village of Liberty for the last 20 years. There are so many regulations under the FFL, the ATF, Dealers license, sheriff's department, and theres never been an incident here in Sullivan County where a gun dealer had sold a gun that was used in a crime so I am in favor of it.

Mary Adams: I don't want to repeat but it's a small town and its great youre doing it from your garages and its working out, but I doo not approve. I know there are quite a few of us who object to this. If theres already distributors of guns in the area, fabulous, but we do not need more. The mental health in the area is so much worse than it was even before COVID, and it was bad then, and we don't need more guns in the area.

Arthur Rosenshein: Thank you.

Chelsea Maxwell: I am a new mom and business owner in the area and I do have concerns. I think there are places to buy guns in the area, we have places available. Especially at this time with the mental health crisis with the divisiveness that's occurring we don't need to have more places in a small town to buy firearms.

Tyler Hutchens: I am the applicant.. I would like to say that being in this meeting I am meeting all federal, state, local guidelines, I am doing everything by the book. I am in constant contact with the ATF and sheriffs department, doing everything exactly as it should be. as everyone else said, at-home firearm sales are extremely common thing, I think over 50% of firearm sales are done from at-home. A lot of people say 'garage' but there are very strict guidelines as to how the guns have to be stored. Its not a bunch of guns sitting in a garage, there are safes, certain restrictions and guidelines followed when you sell and store any firearms. Its all being done by the books, its not guns being stored in the garage. As for the mental health aspect, that's another conversation, I don't think that has anything to do with storefront or sales. Everything is background checked by the federal government; if the background check is not good enough for the people who think that mental health is a problem I think theres another meeting that can be attended to address that but as for this, this is someone who wants to open a business, nothing with mental health or the distribution of guns for crimes.

Paula Kay: The zoning component is technically a home occupation under our code which allows a profession or vocation full or part time conducted entirely within a dwelling by the inhabitants which uses accessory to the use of the dwelling and does not change the character.

Tyler Hutchens: Right, theres no structural changes, no driveway or parking lot being put in, no sign being put out “come here for guns”, nothing like that. Its more online sales but when you sell anything online that has to do with firearms it must be delivered and go through the hands of a federal firearms dealer. So it kind of legally has to go through my hands legally and a person would have to pick it up.

Jo Feldman: I am going to echo the voices of the people who are not in favor of this. I feel like in this country, I am from a country where firearms are illegal, and there are as many firearms on the streets as there are and the shootings that we hear about on a regular basis, I cant believe that were even considering having more guns n the streets and I don't think that the regulations are strict enough as is, that people who are clearly not of sound mind, not saying that they live in our community, can be accessible and children and community members are threatened. I feel strongly this is not a good idea and we have more guns and why we want more.

Stacy Griffman: I don't know all the regulations about guns but I have to say I have the same concern. I do want to express that I think there are too many guns right now, there are a lot of shootings. I just moved into this town and I don't want more guns. I know that's not for you to say but I think the amount of guns owned by people is frightening. Ive lived abroad in other countries and we don't have the kind of violence and shootings that we have. I don't know the laws about it but I echo and prefer fewer guns and gun shops.

Tyler Hutchens: Like arthur said, it sounds like its becoming less about federal regulation than mental health than –

Arthur Rosenshein: Were not gaining anything.

Tyler Hutchens: I want to start a business that's it.

Arthur Rosenshein: Then the public hearing is closed. Next public hearing.

PUBLIC HEARING: 3 YEHUDA AVERICK (ZAKARIN'S) – SBL# 50-4-10

Yehuda Averick: We plan to open a gun shop upstairs in unused space. We plan to be retail and online sales for higher quality firearms. We do plan to have a comprehensive safety at our store like an armory safe, pretty much a locked door with reinforced walls along that line. We also plan to do other sporting goods like kayaking, basketball, fishing. We have done – theres no structural changes, its just building another room to sell guns.

Jenn Lishansky: I am a resident of South Fallsburg. For all of the reasons mentioned this far regarding guns in the community I feel it is even more challenging for this proposal to advance because were looking at a storefront where people will be walking in and out of our town with guns. There is resistance about talking about mental health on this call and yet the headline of the Sullivan Democrat yesterday was regarding the mental health crisis in this community. For those reasons I cant imagine how it would be appropriate to setup shop in the middle of our town. I plan on raising my family here

and I really am frightened by the prospect of guns being proliferated and this being a place where people know they can get guns comes to engage in sales. I am deeply concerned by this proposal and I know I am not alone. The folks who have spoken previously and there's more on this call have come together because this is a challenge for the future well being of our Town.

Alice Camara: We're using the word guns very loosely. I am wondering if the guys can explain what type of guns they are selling. I would be deeply concerned if they were selling AR15's because I think that's a ridiculous gun to have on the street. Are they talking blocks or handguns? I think we're dismissing the thing of mental illness. I've worked in mental health for a couple decades and I have seen how people have deteriorated with the pandemic.

Yehuda Averick: I will not be selling any guns that are illegal federally or to the general public. I will not be selling any assault rifles to any NYS resident. Of course I can't legally sell a fully AR15 to a NYS resident unless it's featureless. I do not plan to get in trouble, Alice, I plan to be high end firearms, my inspiration is Uroptic. I'm talking like Tika Knights, Daniels, but I do plan to sell hand guns. If you didn't know the process of getting hand guns in New York is extremely difficult to most. Even if I wanted to sell an AR15 I could only sell to law enforcement or out of state residents. They'd have to file the necessary laws of passing the instant FBI backup check, the 4473. I hope that answers your question.

Dominc Fontana: I am 5280, two blocks down from Zakarins. I think they are doing a good job improvising through the pandemic and recreating themselves so they could survive. I am in favor of them being able to pay their bills in any way, including selling guns.

Arthur Rosenshein: I would note we have three letters that I would like to enter into the record. One is from Chris Blass and he is showing opposition. I'll read parts of it :

There is no substantial benefit to the town and approving this proposal. The town of Fallsburg does not need a local gun shop. Denying this proposal is not denying anyone of their second amendment rights. If anyone wants or needs a gun can easily travel a short distance to get one. Then it talks about the problems you have from owning guns. Death, injury, suicide, etc.

The next letter is from Senci Gillette. It says:

Me and my husband, Dr. Richards, live in Woodbourne. We'd like to register our concern about Zakarins requesting a permit to sell firearms out of their gun shop. There's a gun shop in Woodbourne on the same road in two miles. We don't believe we need another one. I'm paraphrasing in part.

Bob Belcher from South Fallsburg: received a registered letter meaning he lives close by. It's a special neighborhood, we have two churches. First Baptist and Saint Andrews Episcopalians. Baptist church has a large attendance every Sunday and Saint Andrews has served free groceries to grateful residents every Friday for many years. There's many residential homes close to Zakarin and a large low income housing development, Main Street Houses. For many families with children here and school busses pick up and drop off students of all ages every day and often tie up traffic on Main Street. Fallsburg has a history of drug enforcement near the theatre as reported in our local papers. How would a firearms facility help our community or neighborhood improve? Has the police force been notified or expressed concern? Has the planning board considered the possible repercussions of welcoming firearm sales in our community. As gun related news in America I am giving concern regarding easy access. Firearms, he notes Walmart

stopped selling firearms (which is only partially true). I respect the second amendment however I do not support the request. Would any of you on the planning board open such facility in your neighborhood?

Tyler Hutchens: I fully support the gentlemen idea to open a gun shop. If anybody wants to open a business to feed their family I feel they should be able to. With everybody's concern about people obtaining firearms with mental health, if anybody wants to do it legitimately and through the way you are supposed to sell guns I feel that is one way to curve that worry. That me and the other gentleman are doing it a legitimate way, Federally regulated and do it all through the proper channels so we can avoid all of the problems mentioned.

Yehuda Averick: I do plan on working with the Fallsburg Police Department if there is concerns, in terms of persons of interest or what they would like. I take firearm safety very seriously. I take any crime very seriously. I believe a lot of people here have concerns and are uninformed concerns about gun shops. I don't plan to open a gun shop that – I plan to open I high end gun shop, not what the average consumer would go to.

Jenn Lishansky: I do want to thank the gentlemen for persuing this in responsible ways, I think that's the bare minimum we would request. When you say it is misguided, there are still laws on the books that allows people with domestic violence records to obtain firearms. Ive been following domestic violence issues in Sullivan County for sometime now. This is endemic within our town. The idea that when someone has a gun the likelihood that a female in a domestic violence case dies raises 500% so as a woman in this community, it is not misguided, it is simply looking out for other women and children in the community. When we use the word misguided or speak of guns in casual ways or say that they will only be for upscale clientele. Most times they are the people committing domestic violence. I do want to take a look at the correlations and I think its something I plan to ask the board to as well.

Gary Couchter: I went to another one of these board meetings of someone who wanted to open a gun shop in Loch Sheldrake. It was a place on the outskirts of Loch Sheldrake on Route 52 – it's amazing that in a short amount of time theres so many people interested in people opening gun related shops. It would be great if somebody should open an ice cream store, movie theater, anything. I cant see a gun show upscaling this town. I understand people need to work and make a living and the other things of the Federal Government, its just shocking to know three people are planning in the county to open gun shops.

Arthur Rosenshein: Anyone else? Public hearing is closed.

PUBLIC HEARING: 4 ALAN & ALICIA SCHWARTZ – SBL# 1-1-13.4

Alan Schwartz: I currently have a horse farm, approximately 28 acres. 17 acres on one side Lincom Road, approximately 11 acres on the other side of the road. The house we live in is two stories. I am turning 76 in the next month and my wife is right behind me. Its getting harder to walk up stairs. What I would like to do is subdivide, sell off the 17 acres, keep the 11 acres with my barn, and build a one level residence on the other side of the road.

Paula Kay: Do we have a map we can share with the public?

Mollie Messenger: Yes.

Paula Kay: If you could again describe the project with the map.

Alan Schwartz: that's my home. I would like to sell that piece. Keep the other side, which is 11 acres and build a single level home. I don't want to move away, we love the area. This is something I think will be a necessity for us.

Arthur Rosenshein: What you have is a 27 acre lot which is split by a public highway. You're dividing the property along the road.

Alan Schwartz: By the road, yes.

Arthur Rosenshein: Comments? Public hearing is closed.

PUBLIC HEARING: 5 CAMP SKWERE – SBL# 58-1-24

Abraham Mizrah: Last month we came to take four dorm buildings and replace it with a bigger size building by not adding bedrooms, but taking off four and replacing with new buildings. Last month the board asked me to review with the fire company. They came back with making a wider entrance, which came from the meeting. Make a sign by the entrance for the firefighters so they can see the place and where the bungalows are located. A horn opener for the main entrance if anything happens so the gate automatically opens. They asked us to make it wider and we came back with the letter with the requirements.

Arthur Rosenshein: Basically you're consolidating separate buildings to one building in the red rectangle?

Abraham Mizrah: Correct.

Arthur Rosenshein: Public hearing closed.

PUBLIC HEARING: 6 CENTER FOR DISCOVERY – SBL# 35-5-14.1 & 19

Glenn Smith: we can share screen. On Main Street Hurleyville, its two parcels owned by the Center for Discovery. One parcel is where the makers lab is, that's about 1.2 acres, the second parcel is a small building which has Il Salmuna. The property line runs inches by the building, there's no room to expand the building and that is the intent. We'd like to move this lot line 40 feet down so we're adding a tenth of an acre to this tiny parcel and taking a tenth of an acre away from the larger Center for Discovery parcel to give them the capability of adding to the building. It is in the MX zone so it doesn't require zoning variances.

Arthur Rosenshein: Thank you. Comments? Public hearing is closed.

PUBLIC HEARING: 7 AKERA – SBL# 6-1-4

Jacob Billig and Michael Rielly represented.

Jacob Billig: We have Mike Reilly as the engineer. This was a property that was approved by this planning board back in 2007, Hearts of Home USA had a site plan and was approved for a retreat in 2007. My client is seeking to do the same exact use. He is proposing to use all the buildings basically for that retreat purpose and add some agricultural to it so theres nothing new other than a building.

Arthur Meyerovich: Its been a dream of our family to have this in our family for generations. Weve also had a parallel dream to have a smaller retreat for wellness. This property fits perfectly because of its existing use. Our plan is to continue using this property as a retreat and our theme and focus will be nature and wellness. We want to establish a wellness retreat with a small agricultural operate, wellness activities. Guests will be able to participate in farming operations, feeding goats, taking care of vegetables and harvesting. Yoga classes, visiting lectures, farm to table and farming lessons which will be proposed in our small geodesic dome which is approximately 2800 square feet and people can pick their own lunch and dinner and have it farm to table. I appreciate the opportunity to meet and contribute to the community.

Michael Rielly: The property is at 2299 Ulster Heights Road on the edge of the town and county. It is one of the prettiest spots ive been on, 124 acres, its been used as a retreat. Most part wooded, but theres a significant amount of hayfield and pasture. Theres a main house and accessory buildings that are more central to the site, its very private. Septic for sewer, theres two wells.

Jacob Billig: When this board approved the religious retreat, it was for 35-40 people, that's the amount were looking to have. No more people than back when it was approved in 2007. The owners have used it as Air BNB, we would like to continue that use and for purposes getting the guests up. As arthur said, a small agricultural vegetable garden, some livestock, noting too large for the property. Based on the 40 occupants in 2007 the board made a finding there wouldn't be a negative traffic impact because of the size and that the buildings were well screened from the neighbors. The only new structure that the client is proposing is the 2800 square foot geodesic dome. There is a library that doesn't have a co – they will fix it up. Basically its using whats there and not expanding. Lastly in preparation Mollie had pointed out because of the use we should be referred to ZBA.

Paula Kay: Right, a retreat is not allowed in the HA zone.

Jacob Billig: Right. I'm not sure the board knows the basis in 2007 when they approved the retreat. Were happy to go to the zba. Were hopeful they will give us use variance.

Paula Kay: That's the only use youre applying for?

Jacob Billig: That's correct.

Arthur Rosenshein: Comments?

Monica Kaminski: I was curious as to who the target is? Local residents or people out of the area?

Jacob Billig: Its really both. Again, a small operation, 30-40 guests most. They could be locals or from a metropolitan area. Its individuals that are interested in wellness and what is being offered at the retreat and conference center.

Monica Kaminski: It sounds lovely and I think its something we can use in the area. I tried to raise my hand before, I had no intentions of commenting but when the young man made the comment that I

truly take offence to, people that would most likely be harmed by having the guns are people that look like me –

Arthur Rosenshein: Lets not – can we stay on topic.

Yehuda Averick: I fully support everyones rights, you especially.

Monica Kaminski: I felt the comment was totally unnecessary. The other gentleman, I feel that's fine because he wants to do it online.

Arthur Rosenshein: Thank you for your comments. Anyone else, on this application only?

Tyler Hutchens: Is this retreat going to be different than the YO1 in Kiamesha? Is it a similar type?

Jacob Billig: I don't know what that retreat is about.

Arthur Rosenshein: Anyone else? Public hearing is closed.

NEW BUSINESS: 1 TYLER HUTCHENS (DANIEL GILBERT) – SBL# 65-1-11.1 – Requests site plan approval for firearm sales, storage and delivery. Zone: REC. Acres; 4.4. Location: 55 Renner Rd., Rock Hill. Cross Roads: Taylor Rd.

Tyler Hutchins represented.

Paula Kay: What you are looking at is whether or not what Mr. Hutchins fits into the home occupation definition within the zoning code. It has to be secondary to the use which is that of a single family home. He is limited in that he cant have employees, no signage, and this board has approved one other home occupation for a firearms dealer earlier this year or last year under the same home occupation section of the code.

Arthur Rosenshein: Its your interpretation it fits within zoning?

Paula Kay: That's correct. The other things we have to look at is the minimum lot area, frontage, setbacks, etc. which I don't think are an issue. The home occupation does not specify the type of business that is to be conducted. Its something the public is concerned about but in the code its not something that you as a board can regulate what type of business it is.

Arthur Rosenshein: We have no discretion, we have to go by the law.

Mollie Messenger: I can show the arial. This is Renner Road, it is in a rural area.

Gary Tavormina: We have three gun shops that I know of. I thiats sufficient for anyone who wants to purchase firearms. I believe in the second amendment. I am against.

Paula Kay: One other section of the code, there is an adverse impact section: Home occupation shall not be permitted to produce any offensive noise, lighting, vibration, smoke, electrical interference, dust, odors, heat. Home occupations which will constitute a fire hazard or will adversely affect neighboring property values or constitute a nuisance.

Arthur Rosenshein: A motion to pass?

Bucky Loucks: Motion. Lets do it for a year if we could.

Arthur Rosenshein: If theres no issues, we make it permanent.

Irv Newmark: Second.

Arthur Rosenshein: all in favor raise your hand. 5 – Gary you don't have a vote. Motion is passed. Youll come back in a year to see how things are going.

Tyler Hutchens: Thank you, enjoy the rest of your night.

NEW BUSINESS: 2 YEHUDA AVERICK (ZAKARIN'S) - SBL# 50-4-10 – Requests site plan approval to open a gunshop in an existing warehouse. Zone: B. Location: 5296 SR 42, South Fallsburg. Cross Roads: Highland Dr

Yehuda Averick represented.

Arthur Rosenshein: This is a long time business. Theres no issues with parking or entrance?

Mollie Messenger: No, theres a big parking lot there. This is a store so they have the right to use it as a mercantile business so its different than the last one. This one more so they need it for the FFL license so they can get the approval that the town is allowing it.

Gary Tavormina: I have the same comment. We have three gun stores, we don't need anymore.

Arthur Rosenshein: Its an established retail business in the B zone. We don't have discretion as far as use is concerned. Wed have to see if it gave any problem in the neighborhood.

Irv Newmark: Motion.

Arthur Rosenshein: Motion is to permit this use.

Paul Lucyk: Second.

Arthur Rosenshein: All in favor. Unanimous decision. It fits the law and we don't have discretion.

Yehuda Averick: Thank you.

NEW BUSINESS: 3 ALAN & ALICIA SCHWARTZ – SBL# 1-1-13.4 – Requests a two lot sub-division. Zone: AG. Acres: 27.86. Location: 354 Lindholm Rd., Hurleyville. Cross Roads: Muthig Rd.

Alan Schwartz represented.

Arthur Rosenshein: This is the simplest subdivision you could have. The land is divided by the road. Is there an issue from the board? Motion to accept sub division.

Bucky Loucks: Motion.

Cody Vegliante: Second.

Arthur Rosenshein: That's it.

Mollie Messenger: You'll have Bob Lounsbury prepare five copies of a paper and a mylar now that its approved.

Alan Schwartz: would you email that? Were breaking up on the sound.

NEW BUSINESS: 4 SUNNY ICEBERG LLC – SBL# 17-1-39.1/39.3/51.3 – Requests a lot line adjustment to create one lot for a townhouse development and one lot for a commercial office space. Zone: R & B. Acres: 17.80. Location: SR 52, Loch Sheldrake. Cross Roads; Karmel Jacobs Rd.

Marty Miller and Ralph Peragine represented.

Marty Miller: we have a number of tax map parcels and it was originally an assemblage of parcels. Since last at the board weve done substantial work on the the project, Ralph and Company did the omens job. We have the topographical and we laid out the housing and the office area. In order to accommodate the design were requesting a lot line change as shown on the schematic plan that was submitted.

Mollie Messenger: Arthur, can we talk about all three of the projects at the same time and not bring them back? its going to be three different applications so I would rather hear it at the same time.

Arthur Rosenshein: Yes.

Ralph Peragine: That was a question. We have to file three different applications. We have three tax parcels. This one, 39.3, the main 51.3 and 39.1, on the corner within the B zone. Cross hatch is in the R zone. We need to create a subdivision line that will separate the two zones and create two separate parcels and eliminate the third tax parcel so it becomes one. We would subdivide it along the line which is coincident with the tax line.

Arthur Rosenshein: What is the white lot?

Ralph Peragine: This parcel is not within our clients control. I don't know what business is there.

Marty Miller: I don't know what is in the structure. Its not really relevant to our project.

Ralph Peragine: the back end of the property is AG zone. The second part is to take the subdivided parcel and as mentioned in the prior presentation the topo was taken from a lydor in the states GIS. We found it was significantly different once we got the field topo and we had to re-layout the entire parcel to better fit the topography and the small area, 35% which we wanted to avoid. There would be a recreational area, indoor and outdoor pool. Parking. Then we would have the townhouse development. We didn't anticipate putting in service drives but we are trying to as best we can now. The concept will be further refined but we wanted to let you know about the topography because it is so different from the original. The number of units is 48 and I believe the calculation allows 47 point something. Based on the buildable lot area, which total lot area reduced by 20%, we made that reduction and applied the number of one-dwelling units and we wound up with 47.5 units and were proposing 48.

The third part of this, it would be one subdivision for the master parcel and second for this. Should be subdivision/site plan. This is the business parcel. We originally, the grade was much higher. We mentioned parking under the building but we no longer need to do that. The grade is now, based on the final topo survey, is more conducive to a standard office building. From Route 52 you will see 2.5 or

three stories. Bottom will be office/storage. Upper two floors, you would enter on the first floor and there would be a floor above. There's a higher elevation in back so the driveway would be at 8-10% and the parking lot in here would be fitted to landscape that's existing back there. The plan shows just under maximum for development. Number of parking spaces is 55, which is the minimum for the 16,500 square feet of building. We have landscape in the parking. What we mentioned previously was providing a bike or walking path. It encroaches on buffer area for residential. We have a waiver or is that a variance?

Mollie Messenger: Variance.

Ralph Peragine: The only place we're encroaching on the buffer is in the storm water management in the front lawn which I believe is permitted under the code. No other buffer. We have retained a new surveyor, provided topo. When comfortable with the layout they will stake the center line of road so you can go out and walk it. We've retained a geotechnical engineer. We wanted to get information about depth of bedrock and soil profile in stormwater ponds. When comfortable we can release. Mollie, do they need a permit?

Mollie Messenger: When we get there we will figure out the permitting. Where is the water/sewer expansion? Do you know where the line is?

Ralph Peragine: Yes. The entire parcel is within. I believe we had a note with the number of units. 15.

Mollie Messenger: Now that you have the layout you can talk to the town board.

Ralph Peragine: Exactly but we wanted to speak with you first. Part of that is a recreation area which is a camp building, small usage but still within the water district in addition to the 15 units.

Arthur Rosenshein: Concept is some of the people using the units will use office space?

Marty Miller: It's an attraction of the development that there's immediately available office space within walking and biking distance so there's no traffic.

Ralph Peragine: The only way to make that work is the inter connection that goes through the buffer. It would not be dangerous by traffic, if we need to add a sidewalk or path along frontage it makes it more challenging, and longer distance.

Paula Kay: The camp building. What is the proposed use?

Ralph Peragine: Open field next to the stormwater pond, we were having some recreational area, it will be an activities building for children. Maybe a daycare, we haven't figured it out. It's a camp building so an open area and bathrooms.

Paula Kay: As you flesh it out let us know.

Ralph Peragine: Right, we have an architect on board now. As shown, the buildings are the engineers' interpretation of the buildings but the architect is going to put their perspective to it and let us know if the buildings need to be different. Maybe rotated, maybe stepped. Same architect is on for the office building. Hopefully we can come back with approval for that. They will have elevation and floor plans to look at. Same with residential units. We'll have several variations of the elevations and 3 or 4 floor plans.

Mollie Messenger: Is the townhouse a building or is a porch on it?

Ralph Peragine: Mentioned previously was we should lay out the parcel lines. The regular line is building line, the rectangle is the simple lot with frontage and rear yard required. Typical on all of them but when you see the line in the back they may have a patio or deck. We had a few locations like this for trash collection. The roads have sidewalks on one side, not necessarily both but not on the interior loop. The private road width will be 26 foot paved surface with a 50 foot access and utility/right of way easement. I don't believe the code stops a two way on a service drive.

Helen Budrock: As you flush out the use for the camp building you might want to think of a different descriptor like recreation building or community center because it creates confusion. Arthur, it looks like college hill apartments is inbetween so it's a multifamily apartment building that is not under applicant control.

Ralph Peragine: Its agricultural with nothing on it.

Helen Budrock: Conceptually its heading in the right direction. Maybe schedule a work session but if you feel youre ready to go to the town board to discuss extensions that's a good next step.

Bucky Loucks: We should make sure were getting sidewalks on the road.

Ralph Peragine: We don't have control of the intermediate parcel. Putting sidewalk may be possible but connecting them wont be.

Mollie Messenger: That might come out in the 239 because DOT has been making people get sidewalks.

Ralph Peragine: When we do the formal application we'll have to file a perm 33 with the state part 1 which puts them in the loop.

Paul Lucyk: Is this more or less open so anyone can go in and buy a townhouse? Or a closed community?

Marty Miller: No focused sale. Not a targeted market. The only target is the advertising that would like to make this year round housing and if they want an office. Its attractive for metro people.

Arthur Rosenshein: I bid you good evening.

NEW BUSINESS: 5 CENTER FOR DISCOVERY – SBL# 35-5-14.1/ & 19 – Requests a lot line change. Zone: MX. Location: CR 104, Hurleyville.

Glenn Smith represented.

Mollie Messenger: The one thing I noticed in the lot is theres a curb box right in the middle of that but not a water line. I;m not sure why its coming up on my mapping but I didn't talk to bobby and the mapping might be wrong. We'll have to look at it when you figure out the building.

Glenn Smith:Is it adjacent to the existing building, La Salumina?

Mollie Messenger: Its in the middle of the new piece they are trying to add to that one. It might be wrong on the mapping. Theres no specific dimensions in the MX for what glen would need to meet the subdivision. Lot density we will have to go over when he proposes the building.

Arthur Rosenshein: Wont it interfere with the lots themselves?

Paula Kay: No.

Arthur Rosenshein: Does it need a 239 review?

Glenn Smith:I submitted it earlier this week.

Arthur Rosenshein: So we wait for it, which is probably a better procedure.

Paula Kay: Yes if possible.

Glenn Smith:I requested it back before the next meeting.

Arthur Rosenshein: Questions? Glenn youre done.

NEW BUSINESS: 6 AKERA – SBL# 6-1-4 – Requests site plan approval for a change of use from religious to AirBNB with agricultural components such as chickens, goats, alpacas, fruit orchards, flower and vegetable gardens. Zone: AG. Acres: 123.5. Location: 2299 Ulster Heights Rd., Woodbourne. Cross Roads: SR 42.

Jacob Billig and Michael Rielly represented.

Helen Budrock: Paula, during the public hearing you talked about the next step being ZBA for a use variance. I'm not sure that this would fit the legal definition of a hardship. I am wondering if interpreting this as an agro-business might be something to look into because it is permitted use in the ag zone. The definition is somewhat general and I wanted to get Paula's opinion.

Mollie Messenger: They cant do the agro-business because they are trying to do rentals and AIR BNB use, so they had to do the retreat. Would've been nice.

Jacob Billig: We thought that too, the air BNB was the stumbling component. We could ask for an interpretation but I think Mollie pointed out and the approved use was a retreat of the same size. They don't want to add anything but the dome for yoga or lectures.

Helen Budrock: Was the zoning different then?

Mollie Messenger: Yes, we cant find why it was approved in 2007. At this point were trying to kosher the use.

Arthur Rosenshein: Was there another permitted use at that point?

Paula Kay: We think so. Up to the zoning board but the fact that it was approved for a retreat will help Jacob and the client.

Arthur Rosenshein: and it has been continuous use since that time?

Mollie Messenger: They didn't do last year but they did the year before. You should make sure it is the owner that applying for the use variance.

Jacob Billig: We did fill that out. we have the proxy. I said the applicant because were paying for it, but I did say the current owner. As a contract that's how normally I phrase it. we have the proxy because were the the contract ven d.

Mollie Messenger: If youre applying for that it has to be in the current owners name.

Jacob Billig: I'll look and to whatever extent, we'll make a clear record because we have their proxy. I will clarify.

Jacob Billig: I appreciate that. Thank you.

Helen Budrock: We have to reject Jacob?

Arthur Rosenshein: Jacob, you are rejected. You need to go to the ZBA.

Jacob Billig: All the infrastructure is there and were not changing anything. Are there other comments we should be aware of? Hopefully we get the variance then get site plan approval.

Helen Budrock: Its pretty straight forward in terms of the scope.

Paula Kay: Timing wise, are you on ZBA for next week?

Jacob Billig: Yes, mollie, thank you for putting us on. Denise submitted the 239 so hoping to have that back.

NEW BUSINESS: 7 371 Inc. – SBL# 14-1-33.5 – Requests an amendment from the previously approved site plan to slightly move the two duplexes that were approved. Zone: AG overlay. Acres: 36.21. Location: Hasbrouck Dr., Woodbourne. Cross Roads: SR 42.

Application removed from agenda.

NEW BUSINESS:8 EVERGREEN INNER CIRCLE – SBL# 11-1-11.2 – Requests site plan review to construct a caretaker unit and mikvah. Zone: R. Acres: 37. Location: Olympic Trail, Loch Sheldrake. Cross Roads: SR 52.

Jay Zieger represented.

Jay Zieger: This project was approved by your board between 5 and 10 years ago for 114 houses and from what I understand they have all been built and sold and occupied and all of the site plan requirements that the developer needed to do are done or almost done or in progress and hopefully its considered an successful project. The developer is currently out of the picrue other than finishing the obligations to the town for his site plan. The homeowners are now looking for two things and we've been talking to them for a while, a caretaker unit and Mikva. We thought the best approach was to do it in one building. That's the proposal, to construct one new building to be used on one side for a caretaker and another side for a mens and womens mikva. It's the overview. If you look at the map, in the circle 19 and 20, those are the buildings that are closer to this but on the other side of the road all

houses are on one side of the road so we want to put the building on the other side. Were probably going to need a couple variances but I am not clear whether we do or don't, if we do what we would need. Tonight is to introduce the project and see what we need to do in terms of ZBA.

Arthur Rosenshein: Are you in the buffer?

Jay Zieger: We would be.

Arthur Rosenshein: THts one strike for ZBA. How about density lot coverage?

Jay Zieger: I think we would be okay on that.

Mollie Messenger: you'll want to engage Ken. There will be utilities so youll need to engage Ken or Helen or both of them.

Arthur Rosenshein: Ken I'm not sure, its straight forward so it fits or it doesn't. I don't think Helen needs more projects.

Mollie Messenger: Wheres the maintenance shed, where are tools going to be supplied? How will the building work?

Jay Zieger: The first floor is the mikva. The second floor is the care taker residence.

Mollie Messenger: Where are his tools and lawn mowers and all of that?

Jay Zieger: I will get you an answer.

Mollie Messenger: Usually they store in the basement but you have a mikfa there.

Paul Lucyk: Do you have a rendering?

Jay Zieger: Not currently but we understand we need to do that.

Mollie Messenger: There is a water pressure issue, or the group has complained, so I'm not sure how that relates to the mikva with the water issue.

Kenneth Ellsworth: I'm not sure how it was installed, I think it was a construction issue that the contractor had to work out. the upper pressure system was okay for domestic but not fire smoke. It was down at the bottom of the hill. We haven't heard anything.

Jay Zieger: I'll see if I can get something from the management company.

Arthur Rosenshein: Is parking necessary for this?

Jay Zieger: We don't think so. Its not serving the public, only the community.

Arthur Rosenshein: What about for the caretaker?

Jay Zieger: That's a good question.

Gary Tavormina: because of the Mountain Dale deboggle we should see renderings before we make any decisions.

Arthur Rosenshein: We would want to see it anyway because of the nature of the building.

Gary Tavormina: We went from a one story to a three story in Muntain Dale because there was no renderings.

Arthur Rosenshein: The renderings have been requested.

Jay Zieger: Do we need to discuss variances? The only one I'm hearing is in the buffer.

Mollie Messenger: I prefer to call it a setback. I don't know. I wanted Ken to check the density because the numbers were really close. I felt that project was expanded more than it should be.

Jay Zieger: I'll have Tom do the calculation and send it to you.

Helen Budrock: So next is ZBA?

Arthur Rosenshein: We don't know what the violations are yet until he calculates the density. Unless you want to make that automatic, if density is over ZBA before it goes.

Jay Zieger: I would think that.

Arthur Rosenshein: Then theres no reason to come back to be rejected again.

Jay Zieger: Thank you.

OLD BUSINESS: 1. 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: The big question I recall was the right of way. What was the outcome?

Paula Kay: I have copies of the deeds. The applicants deed and the deeds for the neighboring parcels. We cant make this easy. Theres no language in the deed about maintenance of the right of way. The right of way does go across 4 owners. Usually theres specific language that says the right of way is being maintained by which specific property but it is not listed here. The person using the right of way is the applicant, it seems to me the burden would be on the applicant. Hes going to have to clean it up with the neighbors and enter into some agreement to maintain it. Otherwise there will be continuing problems.

Arthur Rosenshein: So make it a condition of approval. What if a neighbor refuses?

Paula Kay: Yes. The issue is they all have the right over to cross it. theres no right for anybody to maintain it. theres no right to keep it in any sort of repair and the person using it is the applicant and the burden is on especially Mr. Brocks property. I would think the best way to handle it is directly or with somebody engaged to clean up the language so it is clear. We know theres problems crossing the property. We know the burden is on the Brock property. Mr. Brock doesn't have to maintain it and right now neither does the applicant. Right now the applicant is asking the board for approval on a plan

where we don't have good access. We cant guarantee that in two years there will be any way to cross over to obtain access because nobody has to do anything.

Arthur Rosenshein: Lets assume we require the applicant to maintain the access because he uses it. suppose the owner of the property rejects to his repairing of the right of way.

Paula Kay: We cant force that to happen, it has to be something the applicant works on. We can ask that the applicant go back and change the deed and adjoining deeds to allow for one or more of the property owners to have the right to maintain. What often happens is a road maintenance agreement where they all share the cost of maintaining. When theres a right of way situation its hard to get financing without a filed road maintenance document. Banks are loath to see the access to the property they are financing may not be possible.

Mollie Messenger: I asked the applicant to talk to his lawyer about the right of way. When they abandoned the lots they made it one lot but never adjusted the right of way, so technically these people have a right of way up and through the property. Did you get in touch with your attorney sir?

LAWYER: I was the attorney that did the closing for the transfer of the property. I discussed with my client to amend the deed would be the easiest way but the actual use. I have been to the property. I cant say for a fact but when I was there it looked like not much traffic. The maintenance, I believe my client was handling that. He was building greenhouses there and nobody was using that part of the land and nobody was using it. I'm not sure which is most efficient and if theres a way my client can make changes to the deed I will discuss that. I will talk to whoever is incharge. I don't have much information. I learned a lot now. If theres something we should consider we can work on it now.

Paula Kay: I think what you need to do is have a look at the deeds. Your client, who is using the right of way, will need to talk to all of the ad joiners who have the language in the deed and maybe your client is the one that will be responsible for maintaining the right of way. Everybodys deed would need to be updated to show who is in charge of maintenance, otherwise theres a problem down the line.

Charlie Cough: I am the one that uses the driveway because I live there I have to maintain it. last winter there was damaged and I fixed it. it would be the same situation if the driveway is not passable, I will get in trouble.

Paula Kay: Theres a difference between practically or legally. Practically you maintain it but legally theres nothing that requires you to or gives you the right to do so. It has to be changed.

Hector: I have farmed for a long time and I rely on the income. If I don't build a greenhouse soon I will miss the season. Without the greenhouse the driveway is a separate issue.

Mollie Messenger: We can talk about the site plan and that can be a condition of the approval. I spoke with Cornell Coop and I know the board asked for a better map, according to Cornell we cant ask them for a better map because we cant incur cost to a farming property, which is fine. He has to put up the greenhouses and follow zoning that ensures they are 75 feet from the property line. He can put up the ten greenhouses. We know last time its only his van bringing everything from the city, he doesn't have many employees. its minimal use at this point.

Arthur Rosenshein: The only thing in the way is the right of way. Can we do conditional on this?

Paula Kay: Yes.

Paul Lucyk: The gentleman from last month said his septic system goes on the right of way.

Mollie Messenger: I don't see how that could be possible. I couldn't find anything on that, I looked.

Paul Lucyk: Is it that the septic is failing and running on the right of way?

Mollie Messenger: Not sure that should also be on the deeds and in the right of way issue. It should be between their attorneys.

Arthur Rosenshein: We can vote a motion on conditional site plan approval, condition being a legal solution to the right of way issue to all satisfaction. Paula would you be the judge.

Paula Kay: Sure and if the applicants lawyer wants to call me I have the deeds if she doesn't have them. Then she can start there. Theyre going to need to contact the neighbors and have a discussion.

Arthur Rosenshein: We will leave it that way. Site plan approval conditioned on a legal remedy to the right of way issue.

Irv Newmark: Motion.

Paul Lucyk: Second.

Mollie Messenger: There is a time constraint. I would advise they put the greenhouses up and in the event they cant get the right of way solved we can make a second condition that hed have to take them down. I think its unfair to make him wait again and not put the greenhouses up. The deeds may take a long time.

Arthur Rosenshein: In addition to it being conditional were giving the right at his own risk to put up the greenhouses. All in favor of the conditional site plan approval. Raise your hand. Ayes have it unanimous.

OLD BUSINESS: 2. JOHN MAKOVIC/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 represented.

Paula Kay: During the break I believe Helen received a notice from the attendees for the Makovik public hearing that the legal notice sent to the neighbors had an incorrect zoom information. We double checked it against what was on the agenda and it was completely different. It is possible that there were people who got the notice and tried to call in if they didn't look at the agenda.

Mollie Messenger: Not the paper?

Helen Budrock: The paper was correct. The mailing that went out had the wrong number.

Paula Kay: If they were using only that there may be people that were not heard tonight. I would ask that we have the applicant send mailings again.

Arthur Rosenshein: Its conceptual review, can we still hear from the applicant if we make no decisions tonight?

Paula Kay: Yes.

Helen Budrock: I have some comments that might be helpful for making changes between now and the next meeting.

Arthur Rosenshein: Lets do that and re-hear the public hearing because it didn't meet legal requirements.

Helen Budrock: I was going to put together a memo. The zoning code when it comes to town houses is somewhat vague and contradictory. That's something the town board is going to have to address. What makes it more complicated is that the particular town house is in the MX zone. In the zoning code, the zoning law talks about developments in PRD, R and another zone. The title doesn't mention MX but the section that mentions the setback requirement is 25 feet. Can you see on the screen? This is amended to the schedule of uses, its supplemental standards for the placement of town houses and row houses in the MX district. Mollie might have more history but I know there was a push long ago to make changes to downtown hamlet zoning so it was more friendly to new urbanism concepts. In this (shared screen) it says the front setback should be minimum of 0 feet to 5 feet maximum and all cases within the MX district the off street parking shall only be permitted in the rear yard. My suggestion, because its downtown setting, traditional development, Main Street pattern, not to build a suburban style section of row houses that doesn't fit. That's what the code was trying to do. If we look at the site, which might address concern along access at Woldorf Avenue's narrowness, if theres a way to site them pushed up to the lot line on Waldorf, that would be the front lot line. Then parking would be in the back via access drive. It would be more of a traditional development. I think that was the intent of the zoning code, in the downtown district which the MX district is used to emulate. You would have more of a row-house development where the houses would be up to the street with a sidewalk and front porch and Main Street downtown feel, and parking in the back. I know you have slope issues and contours that you might have to work around. My suggestion between now and the next meeting, see if this would work with the zoning code.

Glenn Smith: What section of the code is that from?

Helen Budrock: I don't know. I don't know where its referenced in the zoning code, its on Ecode as an attachment to the schedule of district regulations. You could go to the ZBA for interpretation, but the fact that it exists might give an opportunity to alleviate access to Waldorf and the traffic.

Glenn Smith: Okay.

Arthur Rosenshein: What is the status of the road? One car or two car wide?

Glenn Smith:It's a town road. Probably 16-18 feet. Its tight towards the back.

Arthur Rosenshein: Can we make it a little wider?

Irv Newmark: I was going to mention snow, but if parking is in the back that's fine. Snow doesn't disappear.

Glenn Smith:This will require 239, I haven't submitted, I'm not sure if the town has.

Helen Budrock: It will need 239 review. If the driveway is off the Main Street it is a county road. They'll have to make sure there's adequate site distance.

Glenn Smith: Helen, you're leaning towards a single access off of Main Street, as opposed to off Waldorf all together? It's tough with the site distance issues, we'll look at it.

Helen Budrock: Yes. I know it's not a flat piece of land so it is something you'll have to look at, but the zoning code is contradictory but it is clear about parking in the MX zone being rear.

John Makovic: You can also access from Waldorf and go right to the back from the edge of the road closer to main street behind the buildings.

Arthur Rosenshein: Please work on a rendering for the next meeting. I liked the one Helen pulled.

Helen Budrock: Yep. I did a google image search of something modern.

John Makovic: There was something similar to what you showed, we had proposed and went to the zoning board and were opposed on it and didn't get the zoning change to have a four unit building.

Helen Budrock: Because it was a multifamily, not allowed in that zone.

John Makovic: Right, we couldn't make the numbers work so we were forced to go this route on it.

Helen Budrock: That's what I think the applicant should do on this point, then we'll make sure you notice with the correct zoom link.

Glenn Smith: Would a work session be something to consider?

Mollie Messenger: I think you should look at it after this meeting and see what makes sense with John and whatever you're thinking we can start that conversation. We need to get it in 239.

Glenn Smith: We'll work it out.

Mollie Messenger: Let me know.

OLD BUSINESS: 3. 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.

Arthur Rosenshein: We're at the resolution stage here.

Helen Budrock: Yes, I drafted parts 2 and 3 of the EAF, the neg deck resolution and a conditional site plan approval resolution.

Arthur Rosenshein: Site plan review and special permit?

Helen Budrock: Correct.

Arthur Rosenshein: Let's see if we can look at SEQR.

Helen Budrock: I'll read it. the neg deck resolution is straight forward, whereas the project is located on State Route 42 in the Hamlet of South Fallsburg. Entails construction of the 58 unit duplex development on 22.46 acres with associated amenities. Review began with site plan application submission in February 2019 followed by submission of a final updated site plan updated May 12 incorporating changes requested by the planning board. The board declared its intent to serve lead agency for coordinated review back in October 2020. The Planning Board reviewed part 1 of the EAF and determined the in an unlisted action. The planning board has prepared parts 2 and 3 of EAF and the planning board finds that the project will not have a significant impact on the environment and a negative declaration is hereby adopted.

Arthur Rosenshein: Motion?

Bucky Loucks: Motion.

Cody Vegliante:Second.

Arthur Rosenshein: All in favor. Motion passed unanimously.

Helen Budrock: The draft resolution on your screen. Standard conditions are what we put in there. Site specific we can do one at a time.

Jay Zieger: The first whereas clause; the reference as to whose site plan application it is, it should be Fallsburg Holding LLC.

Helen Budrock: I took that off the site plan application. I apologize. Site specific conditions: No site disturbance or construction within the state right-of-way will take place until the highway work permit is issued by the DOT. All driveways and entrances shall be constructed in accordance with DOT standards and policy for the design of entrances to state highways. You may recall a variance has been acquired for relief from the entrance separation requirement. If an access gate is going to be installed at any entry/exit point a lock box must be provided. The applicant shall construct pedestrian connections between the site and shoulder between state Route 42 as required by DOT. I checked the 239 review and the DOTs comments and I didn't see a requirement for a sidewalk, just a pedestrian connection between site and shoulder. No site disturbance or construction shall take place within the 100 foot utility easement until written permission from NYSEG is given. Mike is there an update?

Michael Rielly: They have verbally given permission, I need to get it in writing.

Helen Budrock: Okay. No site disturbance or construction will take place until the SWIP has been provided to the town engineer and SPEDES permit has been issued by DEC. No disturbance or rerouting of the existing stream until the stream disturbance permit issued by DEC. Still pending Mike?

Michael Rielly: Yes.

Helen Budrock: The exposed foundations shall be 4 feet or less and covered by siding or stone. That is a comment that Ken had made on a recent technical memo. Is that the case?

Bucky Loucks: What we don't see from the road, we don't need to make them do that. Making them do that in the back it doesn't really make sense.

Helen Budrock: Do you want me to adjust it?

Bucky Loucks: Adjusted.

Arthur Rosenshein: Exposed foundations from the highway.

Helen Budrock: We want foundations to be four feet or less?

Irv Newmark: Yes.

Helen Budrock: Final design will be consistent with the final architectural renderings, shown at the last meeting. The board asked for additions of shutters. All trees and landscaping should be installed with accordance of approved landscaping plan no later than November 1.

Jay Zieger: If I'm understanding, were supposed to be installing by November 1, 2021 landscaping and I suspect that by November 2021, which is only a few months, were either just starting this construction or at the very infant stages. I think the date is not correct. My preference is that we not tie it into a date because the date when landscaping needs to be done should be coordinated with the construction time frame. There was delays in materials. We may be in November 2022 still not finished with the first group of houses. The concept is fine just-

Arthur Rosenshein: We want to make sure the period is not August.

Helen Budrock: Arthur had wanted a plan and ideally it makes sense to plant trees in the fall or spring. We want to make sure trees aren't planted in the middle of the summer and no chance of survival. Is that okay with you?

Jay Zieger: Yes. I didn't know if Jay and I should be reversed, if what I recall we didn't finalize the landscape plan, we should get a better look at what the development looks like then get a plan. So we do landscape plan after the foundations are installed then I have to install soon after the houses are in.

Helen Budrock: We did have an approved landscape plan?

Michael Rielly: Yes.

Helen Budrock: That in place then it will be reviewed with the planning board after the foundations are installed to see if there's any modifications. There is an approved landscaping plan as part of the plan set.

Irv Newmark: What happens is plants are planted, then the developer leaves, they become owned by the homeowner. But if that isn't given to the HOA then trees are dead. How can we assure that they are replaced if they die?

Jay Zieger: This doesn't come to replacement but off of the condo offering plan regulations there's an obligation of the developer to turn over all warranties to the homeowner.

Irv Newmark: That's good.

Helen Budrock: A year is pretty standard.

Gary Tavormina: When are we going to learn that if we don't put a date then it goes back to the homeowner. Give them a date, they have to do it by that date.

Helen Budrock: The homeowner won't install the landscaping, it's the developer.

Jay Zieger: It's the developer. Mollie won't give permanent CO's until the developer puts landscaping. We need to finalize the water and sewer extensions. I don't know if you want to put it in this.

Mollie Messenger: We normally do something in there about water and sewer extensions, that they need to finish that with the town board. I can't think of exact language.

Helen Budrock: I'll make a note. We have staff review and inspections which are standard conditions. Mollie, not sure if you want to discuss B specifically but this is something we've been trying to include in approval resolutions with regard to the foundation so we don't run into the situation of stories. The foundations will be field checked during construction, if there's variation construction needs to stop until changes approved and corrected to original approval.

Mollie Messenger: Correct, wording is fine. We're almost at the end of drawings. We've been having some issues with connections and different lines that I didn't know about that are popping up on these developments all of a sudden for some reason. It's causing an issue. I'm going to have Ken discuss the utility connection with Randy, that way Bobby and Randy are seeing what is going on there and I don't have a hydrant issue or some of the others that I don't know a lot.

Gary Tavormina: Can we force a bond to cover the landscaping?

Mollie Messenger: We do that already. We don't do a bond to cover it living, we do an escrow agreement until it is put in. I don't know if we can do it to make them live or if we hold it for a year, if we can hold it maybe?

Paula Kay: You absolutely could.

Gary Tavormina: It's worth doing.

Arthur Rosenshein: There's language about permanent CO after the landscaping is put in. Can we put that language in writing also?

Helen Budrock: Okay. No final certificate of occupancy can be issued until landscaping is installed as per the site plan.

Arthur Rosenshein: Would we want to make site plan approval conditional on sewer water district extension?

Helen Budrock: I have added that while we were talking.

Paul Lucyk: If you don't have the water and sewer district, has all the work been done knowing what they need for gallon per minutes and adequate water sewer for the complete development?

Jay Zieger: That study has been done by Mike Rielly who submitted to Ken a preliminary document called Map Plan and Report, where Mike does the analysis. Ken I think it is under review?

Mollie Messenger: Ken stepped away but we had a meeting and Mike knows what he has to do.

Jay Zieger: The calculation has to be done before we get to where we are.

Arthur Rosenshein: Comments? Motion for approval for resolution for site plan for Fallsburg Holdings.

Helen Budrock: Conditional site plan and special permit approval.

Arthur Rosenshein: Your language.

Cody Vegliante: Motion.

Bucky Loucks: Second.

Arthur Rosenshein: All in favor raise hands. Unanimous.

OLD BUSINESS: 5. CAMP SKWERE – SBL# 58-1-24 - Requests site plan approval to demolish 4 buildings and replace them with one dorm building with the same square footage. Zone: REC. Acres: 78.26. Location: 1123 Glen Wild Rd., Woodridge. Cross Roads: Davos Rd.

Abraham Mizrahi represented.

Bucky Loucks: I want to make sure, usually when Camp Skwere comes in theres a lot of complaints, did they have the right zoom number this evening? Usually people from there are.

Mollie Messenger: Yeah, they did.

Arthur Rosenshein: Any discussion? It seems to be a 1 on 1 replacement.

Mollie Messenger: The drawings aren't close yet. Theres no utilities. I would do a work session. They are asking for double amount of beds. I don't know how it works because sewer is going to Woodridge not Fallsburg. It needs to be worked through, the drawings aren't there yet.

Paula Kay: We need a 239 on this too I believe.

Arthur Rosenshein: Recommending a work session?

Mollie Messenger: Yeah, I can schedule and put it together. The applicant worked with the fire department and were happy about that. They cleaned up the entrance, they need to put up another sign. The technical part of the plans and double occupancy should be discussed and where utilities are.

Arthur Rosenshein: I was under the impression that occupancy would be the same. That makes it more complicated. Then come to a work session and see if you can work out the details.

Mollie Messenger: They want to go from 56 beds to 80.

Arthur Rosenshein: What is enrollment in the camp?

AM: I'm not sure.

Paula Kay: Can you find out?

Arthur Rosenshein: That will point out the significance of the increase.

AM: Those four buildings I think we had 105 kids, but I'm not sure if theres more sleep overs. The rest are bungalows.

Arthur Rosenshein: Lets get numbers.

AM: Coming for work session, will I still need to come to a planning board meeting?

Helen Budrock: After the Work session yes.

AM: I'll be in contact with Mollie.

OLD BUSINESS 6. MOUNTAIN STREAM VILLAS – SBL# 29-1-4.1 – Requests review of site plan for 93 single family homes. Zone: REC. Acres: 83.79. Location: 114 Lake House Rd., Woodridge. Cross Roads: Dairyland Rd.

Jay Zieger and Michael Rielly represented.

Jay Zieger: To refresh, its been around and around. It was close to being approved then litigation derailed it. there was zoning issues and changes and we ended with use variance from ZBA. The project is now being developed consistent with use variance. Its not in water or sewer district and the project, and the project when it had been preliminary, or close to being approved on the first duration, it was a temporary occupancy community and the quantity of water required was X and under the new health department regulation everything has to be viewed as year round, so X+Y. the developer sent a better part of the year or two years trying to find water and that's why things were on hold.

Michael Rielly: Ten to 15 years ago the health department looked at developments as transient water supplies, meaning if something were to go wrong with the water supply, the owner could go to his primary home. I think rightfully they changed regulation because a lot of units are being used more than just the summer. Now you need to meet same standards as you would any public water supply. Initially when this was done years ago it was to meet lesser standard and now we need to drill additional wells to meet the more rigorous standard of regular water supply. We have five wells that have been drilled on site scattered throughout, mostly in the middle of the development. Hydrogeologist was done and everything was coordinated with the health department and Kens office. Basically we have 64 gallons per minute available. if you look at the map I have calculation here at the top. I calculated the number of bedrooms that allows us, 307 bedrooms to meet the health department rules. We broke it down, darker gray solid hatch units are phase 1, four bedroom units. Then the remainder units, single hatching, proposed as three bedroom units.

Arthur Rosenshein: Are the buildings going to have basements?

Michael Rielly: Yes I believe so.

Arthur Rosenshein: That tends to be a problem. Normally when people finish the basements, quietly, its not a real issue because they are on town sewer/water. Now theres a water constraint and we have no way of knowing when they build the basements up. I don't know how to prevent that except physically not having basements.

Michael Rielly: I anticipated you'd bring that up. I made the client aware and he wanted to see what you had to say.

Jay Zieger: I'm not challenging your point but its not permitted to finish basement without permit. we had a similar issue on another development and the planning board insisted we put into our condo declaration and put on map and different disclosure places a provision that site plan approval requires no additional bedrooms and the basements cant be finished in any manner. That's enforcement of town

building level and condominium level. You have the disclosure because its in the declaration which is part of the deed.

Mollie Messenger: Its an issue, should the houses be on crawl spaces? Do people have rights to finish the basements? They can finish and not have bedrooms and I don't know what the right answer is. Its concerning because its not on town water.

Irv Newmark: Mike, the sewer plant design, is that based on bedrooms or units.

Michael Rielly: Bedrooms as well. There was a design years ago and well need to design a new one.

Irv Newmark: How tight is that design if they decide to put a few rooms down the line in the basement? Will the sewer plant be automatically overloaded?

Michael Rielly: Normally, Roger Hage who has designed a few others in town, designs 20-30 % contingency in anticipation. I'll make sure he does that.

Mollie Messenger: You can only build to 80% capacity so its what they should be doing.

Arthur Rosenshein: We're not doing final approval tonight.

Helen Budrock: Mollie in your notes you had referenced the agreement attached. I didn't get the settlement.

Mollie Messenger: Sure.

Arthur Rosenshein: We agree to continue the discussion. It might be a while to figure it out.

Michael Rielly: What is the next step?

Mollie Messenger: I'm not sure about work session but you do need to do your ARB review if it hasn't been done yet. Have you done landscaping plan and elevations and what they'll look like?

Michael Rielly: Not that I can recall but if so it would've been a long time ago.

Helen Budrock: At the work session you should look to see where we are with the SEQR process. If there was lead agency we might update the EAF and see where we stand with that so were not duplicating effort.

Mollie Messenger: And change the parking because we cant have parallel parking.

Michael Rielly: I know.

Mollie Messenger: Whats the parking lot up front?

Michael Rielly: I want to say there was a parking problem with Lake House Hotel at that intersection?

Irv Newmark: There was.

Michael Rielly: It might have been blockades.

Mollie Messenger: Are they putting in the parking lot for the neighbor?

Irv Newmark: Leave it itn.

Planning Board Minutes 6/10/2021

Michael Rielly: They are associated.

Mollie Messenger: Isn't that parking for someone else?

Michael Rielly: No, it's the same property. The whole corner there. That's why there's pedestrian access.

Mollie Messenger: Isn't that parking serving a different property?

Michael Rielly: Yeah but I think that's why it was put there at request of the board at the Lake House Hotel.

Mollie Messenger: Your developer is fine?

Michael Rielly: Yeah, I think he owns the Lake House Hotel. I don't remember the specifics.

Mollie Messenger: I am not opposed to the idea but I think it needs to be more thought out because they are crossing the street.

Jay Zieger: Maybe run the pedestrian walk from the parking lot to connect to the pedestrian walk that is there now.

Michael Rielly: Maybe I can look it over towards the hotel.

Mollie Messenger: I'd say work on elevations. SEQR we need to know. We'll get you that agreement Helen.