

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

TOWN OF FALLSBURG ZONING BOARD MEETING

November 15th, 2021

Steve Burke, Chairman, Ellyane Hutchinson, Mike Bensimone, Neil Sapolsky, Steve Altman, Board Members, Larry Zierler, Alternate Board Member, George Sarvis, Marisol Torrens, Code Enforcement, Paula E. Kay, Deputy Town Attorney, George Sarvis.

- Steve Burke called the meeting to order.
- October minutes approved

NEW BUSINESS:

1 KAHAL BNEI EMUNIM & TORAH BNEI SIMON ISRAEL – SBL# 39-1-74 – Requests area variances for more than 25% increase and a height increase to construct basement additions under the existing kitchen/dining room building and under the shul building and also raise the bunkhouse by 2'. Zone: R & B. Acres: 18.91. Location: 5555 RT. 42, Fallsburg. Cross Roads: Brickman Rd.

- Joel Kohn represented.
- Joel Kohn: This is an existing camp. They are proposing to add a basement to dining room, the children's synagogue, They want to raise an existing basement in that bunkhouse. The dining room and synagogue the zoning has been changed from 2018 with existing sleep away camps which are in a zone with a nonconforming use. This is in the B zone where the sleep away camp may be there. They may expand up to 25% within the footprint but not more than that. We are not adding anything to the footprint of the building but we are adding a basement so essentially it is 100% expansion of that building for the dining room and the synagogue. The second variance we will need is we are going to need to raise the building by a couple feet. For the bunkhouse there is an existing basement which has a ceiling height of about 6 or 7 feet. They are going to raise that building by another 2 feet or so to have a ceiling height of 9 feet.
- Paula E Kay: The 239 is not back yet from the county.
- Steven Burke: It is a sleep away camp?
- Joel Kohn: Yes.

- Steven Burke: So you are not open all year round?
- Joel Kohn: No but they probably will now that they are changing to a retreat.
- Steven Burke: So what is it now?
- Joel Kohn: A camp.
- Steven Burke: So you can go over for the summer time. 4 or 5 months? May through (inaudible)
- Ellyane Hutchinson: Are there deeper plans? 1 or 2 feet doesn't seem like it would make a big difference.
- Joel Kohn: There isn't any plans yet. They didn't want to invest 30 or 40 thousand dollars on plans without getting a sense. I do have pictures of the buildings.
- Steven Burke: I know at least 2 of the members of this Board are going to want to see some kind of plans.
- Joel Kohn: It is still going to well below what is typically allowed in zoning.
- Steve Altman: What is going down below?
- Joel Kohn: Kitchen and storage.
- Mike Bensimon: There is currently a kitchen on the first floor and they are moving it down?
- Joel Kohn: They are moving down the kitchen so they have more storage and dining.
- Steven Burke: Can a kitchen be down below?
- Joel Kohn: Yes.
- George Sarvis: I don't know where in the code it says you can't but you have to have fire separations. I believe this is already sprinklered?
- Joel Kohn: I believe it is. We didn't make 100 % plans of what will be done.
- Discussion.
- Steven Burke: I'd like to see what kind of fire protection you are going to have.
- Joel Kohn: We can go into greater details but I don't think this is something that the Zoning Board needs to worry about is fire protection. If the Board is willing to grant variances based on that.
- Steven Burke: I'll speak for myself that I will want to see that.
- Paula E Kay: And the 239.
- Mike Bensimon: It would be nice. At least something rudimentary. The bunkhouse currently is at 6 or 7 feet. You are looking to raise it 2 feet more cinderblocks. Anything done has to be a plus because that basement is terrible. Anything has to be a step up. I personally think that we should make it into something 7 or 8 feet. The dining room and kitchen you want to create a basement that is not there. That is specifically for extra storage. The bunkhouse is also a laundry room and sermons?
- Joel Kohn: Yes.

- Mike Bensimon: You have gazebos?
- Joel Kohn: We have some in back
- Mike Bensimon: But you are not creating some in back. You really can't. You don't have the room. With regard to the children's synagogue you are looking to raise that up as well. Also 2 feet?
- Joel Kohn: Yes. If you look at the picture here this is the synagogue. It goes down hill here. Right here it is about 6 feet out of the ground.
- Mike Bensimon: It is worthwhile to raise it instead of just digging it out? It looks like you have it one side and not on the other. I mean it is the applicant's money.
- Joel Kohn: We have to jack it up. We have to support. We might as well just bring it up.
- Discussion.
- Steven Burke: Proof of mailings?
- George Sarvis: They are good.
- Ellyane Hutchinson: What is the height of the dining room building?
- Joel Kohn: No I do not know that but I can get those measurements.
- Mike Bensimon: 2 feet will put you near the 35 feet?
- Joel Kohn: There is no zoning bulk table for that. What is permitted where you have camps is 35 and it will not be anywhere near 35. Even at the peak it will not be near 35.
- Steven Burke: Anybody else? Okay we will open it to the floor. Anybody from the public? Okay, we will close the public portion. We are not voting on this. If anybody has any comments.
- Mike Bensimon: I'd like to see some rough diagram of what you are trying to do. Preliminarily I am not against this. You are not looking to increase the number of campers. It is not easily seen from the street. You are not adding buildings to the property. You are basically looking to go underneath which aesthetically does not impact. There are a lot of mitigating circumstances here but it would be nice to see what you are looking to do with it. Nothing 30 or 40 thousand worth.
- Joel Kohn: I will get you some preliminary plans.
- Steven Burke: Anybody else?
- Larry Zierler: It is an improvement.
- Steven Burke: 30 days?
- Joel Kohn: Yes thank you.

2 IRVINGTON ESTATES (ELLIOT SALAMON) – SBL# 50-3-2.2 - Requests area variances for expansion of more than 25% and exceeding maximum lot coverage to allow a 600 square foot addition to an existing bungalow (26 Chuck Drive). Zone: B. Acres:

12.79. Location: 5350 SR 42, South Fallsburg.

- Joel Kohn represented.
- Joel Kohn: It is a proposed expansion. It is an existing bungalow. It about 1,000 square feet right now but we are proposing another 600 square feet. This is the owner's father in law. He has been in the colony for 20 years now and he wants his kids to stay as well. They wanted more room in the bungalow so they are proposing 600 square feet. We need a variance for that. The maximum lot coverage is 15%. Right now it is 32.7% lot coverage already. With this it will be another .1% so it will be 32.8%. It is a very minimal increase. As far as expansion of the unit you are allowed 25% with 600 square feet it will be 58.9% expansion. It may look like a big expansion but in reality it will be a total of a 1,600 square feet home.
- Steven Burke: How big is it now?
- Joel Kohn: 1,000 square feet.
- Steven Burke: That's more than half. I think that is big. The size of the building may not be big but what you are looking to expand is big.
- Joel Kohn: The size of the building is not that big.
- Mike Bensimon: I understand your argument that a lot of these other homes are much bigger but I think one thing that is against the applicant's favor is that the road is right up on the road. Not right near the road but it is very visible when the leaves come down. We can discuss the sizing and use that is going to require additional. Right off the bat I stopped by this property even though there is a lot going on behind this house including the pool and everything, just looking at this house alone there is considerable property around it. It is going to eat up a good chunk of that yard and I think the biggest thing for me is that it is so visible from the street. If you mitigate that, maybe put up some evergreens, that might help. It doesn't address the usage or what it ends up looking like but that's the one thing that stands out to me. I think that could be mitigated with landscaping. There is something there that in the summertime that it looks completely covered but as it is it is completely visible. I am open to the possibility but there are some other variables. That is one thing that stands out. The proximity to the road.
- Joel Kohn: Right now it is 89 feet from the property line. It will be 80 feet with the addition. It is going to be a nice looking house so it won't be an eyesore. I am sure we can add some landscaping to spruce it up.
- Mike Bensimon: Considering the density of that area it is not out of the norm to drive by and see a house but...
- Joel Kohn: We are moving closer you'd like to see something.
- Mike Bensimon: That is the one piece right now that if you are okay with that then

I am okay with moving forward with whatever everyone else has to discuss.

- Larry Zierler: There is always the concern of other people wanting to do some of the work. I am looking at these houses and this seems anomalous. When was this one built? Is it older or original?
- Shlomo Gertsumen: The entire colony was built at the same time in the very early 90s. We have been there since the beginning.
- Larry Zierler: Why was it built on such a small footprint when there was such a nice piece of land?
- Shlomo Gertsumen: That is really what is leading the application. There were different families that bought it at that time and the original owners of that unit were just a couple at the time. I guess when they built it there was different pricing and different sized units. They felt they only needed that size unit. They didn't need more space. I think they only had one child.
- Larry Zierler: How many bedrooms are in it now?
- Shlomo Gertsumen: There are 3 bedrooms but they are small as you can imagine from the size of the unit. My kids have 5 children
- Steven Burke: So the original owners chose that unit and only had one child.
- Mike Bensimon: When you look at 22 it is like half the size.
- Steven Burke: There are a lot of small ones.
- Shlomo Gertsumen: There are some small ones. I don't think of the units are more than 1,300 square feet. There may be a handful of larger ones. The standard units there are between 1,200 and 1,300 square feet.
- Steven Burke: Any questions?
- Mike Bensimon: Why this specific shape? It is a rectangle shape. It seems kind of odd. It is out of norm in comparison to the other ones but this one does take a good chunk of that yard space.
- Shlomo Gertsumen: I think what they are trying to do is be good neighbors. They don't want to go toward Willow Heights Road. They don't want to go too much toward 42 which I agree can be mitigated with nice evergreen trees. They wanted to leave as much of the open space as possible. Depending on how you are looking at it moving to left was the most natural way to go.
- Larry Zierler: There are other misshapen units there.
- Discussion
- Steven Burke: Anybody else have any questions? Violations? Mailings?
- George Sarvis: No violations and mailings are good.
- Steven Burke: Anybody here from the public?
- Shlomo Gertsumen: I wanted to talk about my kids. They are both doctors. It was very exciting for them to buy into the place where we are. They both go to the city during the week. They have 5 children. It enables my wife to babysit close by. I

think they just wanted to have a little bit more breathing space for 5 children. We are not talking about adding anymore cars or traffic. I know we are not going up in height. I think they tried to do it in a way where it will not impact anybody's quality of life. I am aware of this letter you mentioned. I wish these people would withdraw their objection. I just drove it. It is like 4/10 of a mile. My kid's unit is the last unit in the development. It is the furthest point from them. There is a pond separating. Some businesses. I don't see why they would have any objection to the small little addition. We are not bringing new people or traffic. Everybody has a right to raise an objection. I just feel it would make life a lot easier for my kids and us. We have been here for years and have great relationships with our neighbors. We love having our kids here. We are asking the Board to issue the variance so they can have more space. Nothing exotic nothing that will stand out if they put the evergreens there. Hopefully we can enjoy many healthy years here together.

- Elliott Salamon: I am the one requesting the variance. I just wanted to thank this body and Mr. Chairman for allowing us to present our case. I also want to thank my father in law for making the trip up there. This is really something that we are doing for our family. I heard someone mention that 600 square feet sounds like a lot. Certainly in some respects it is. Looking in totality it is a minimalist expansion for the most part. We certainly would appreciate your assistance in allowing this to pass. I apologize for not being there myself but I got held up here.
- Steven Burke: We do know we have 5 people who wrote letters
- Paula E Kay: Do we want to close the public portion?
- Steven Burke: Okay we will close the public portion.
- Mike Bensimon: In the last 10 or 15 years have you seen a lot of other additions? How many can you estimate?
- Shlomo Gertsumen: Actual additions?
- Mike Bensimon: Like yours?
- Shlomo Gertsumen: I know people renovated their insides but actual additions I am only aware of 1.
- Mike Bensimon: Since you have been there in 90s how many have there been?
- Shlomo Gertsumen: I can't say more than a handful of actual space additions. I don't go behind every unit to see. We happen to be in the front. There is a front area where the shul area and then there is the hill area. We are down below and spend most of our time there.
- Mike Bensimon: The reason I bring it up is because the neighbors that are affected that are kind of on the other side of the property mentioned setting a precedent. They don't want to see all these units start getting additions. As a Board setting a precedent isn't as big a deal legally because we take every case individually and look at everything separately. I do want to address that. I would

say risk wise in the last 20 or 30 years if there has been only a handful additions those have already occurred so the precedent has been set. Since a lot of these units are already sizable compared to yours as well to mention there are only a handful that can build. Most of them don't have room to build. You are one of the few that has land to build. There are some mitigating circumstances to mention. I want to take the neighbor's concerns to heart because they do have legitimate concerns. However I do think there are mitigating circumstances to those concerns. I am open to allow this again with the evergreens. Me, personally, to be able to keep it rural and not have to see any buildings is a huge thing. You can understand coming up here.

- Paula E Kay: Public portion is closed.
- Steven Burke: Anybody else? Questions?
- Larry Zierler: Most of the other properties look a lot clearer in terms of expansions. Chuck and Myer Drive. That would be a real problem for expansion over there. It looks like big open areas over there.
- Steven Burke: Okay. We will run through some of the questions.
- Larry Zierler: I can imagine that it is self-created but I don't want to punish a family for wanting to have a nice experience and have their family in a healthy expansive environment. With the right kind of screening I would agree.
- Steven Burke: Whether the benefit can be achieved by other means feasible to the applicant?
- All Board members vote no.
- Steven Burke: Undesirable change in neighborhood character or nearby properties?
- All Board members vote no.
- Steven Burke: Whether request is substantial?
- All Board members vote yes.
- Steven Burke: Whether the request will have adverse physical or environmental affects?
- All Board members vote no.
- Steven Burke: Whether the alleged difficulty is self-created?
- All Board members vote yes.
- Steven Burke: Lead agency?
 - MOTION:
 - Mike Bensimon motions for lead agency. Ellyane Hutchinson seconds. All in favor.
 - MOTION:
 - Mike Bensimon motions for negative dec. Ellyane Hutchinson seconds. All in favor.

- Steven Burke: This would be with a buffer that lasts all year around.
- Paula E Kay: Let's be specific about the size and number.
- Steven Burke: Of the trees?
- Paula E Kay: Yes.
- Steven Burke: I have it on there as to cover the entire addition.
- Mike Bensimon: It is a piece of property that is not theirs.
- Paula E Kay: We don't want anything tiny.
- Steven Burke: Complete obstruction? Do you want to add to that? 6 feet or more?
- Joel Kohn: 6 feet will grow in.
- Steven Burke: So a 6 foot tree minimum. Each tree. Okay. With those stipulations?
 - MOTION:
 - Mike Bensimon motions for conditional approval. Ellyane Hutchinson seconds. All in favor.