

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

**TOWN OF
FALLSBURG PLANNING BOARD MEETING
November 18, 2021**

**In Attendance: Chairman Arthur Rosenshein, Gary Tavormina, Paul Luyck, Irv Newmark,
Bucky Louckes, Cody Vegliante, Michael Kirtack
Planning Board Members, Mollie Messenger Code Enforcement, Helen Budrock Town
Planner, Hayden Carnell**

Arthur Rosenshein called the meeting to order at 7PM.

PUBLIC HEARING

PETER BACHAS – SBL# 9-1-24.9

Arthur Rosenshein: Explain to people there what your basic idea is there. If you can explain briefly.

Peter Bachas: Today makes it exactly 4 years that we bought the property at 303 Cypress Road. November 18th was the signing date. Me and my wife originally worked in Long Island. I am here today to ask permission from the Board and the community. I have a bunch of pictures. The last two years we planted 40 fruit trees or apple trees. We have beautiful pictures. Anybody can come take a look. I will call it again a coincidence. Our property is on the AG or farming zoning. My neighbors came to ask what do I plan to do. I would like to have an apple tree farm. They said it is very different even though there are a few farms on Cypress Road none of them have those kinds of trees. I am not planning to be a full time farmer. I am calling it a hobby farmer but I need the rights from the community and the zoning to do what I have to do. My biggest problem was last year the trees were getting a little bit and the deer jumped in.

Arthur Rosenshein: Are you doing any retail? Are people going to be picking apples?

Peter Bachas: No retail, no parking. No traffic. That I can put in writing. I can be punished. I hear the traffic problems and this is our fourth year and I see the community getting bigger. I am not planning to do an organic fruit stands. With how technology is you don't need to have people come to you. It is so simple. Someone pays on the internet and the next day the fruits are going to them.

Arthur Rosenshein: So you're going to have a retail online business?

Peter Bachas: I can have an internet business and it is going to take 5 to 7 years to start selling the first apples.

Arthur Rosenshein: Anybody have any questions?

Bucky Louckes: Did we get the mailings?

Mollie Messenger: Yes.

Arthur Rosenshein: Anybody from the public? No? Public closed.

NBY HURLEYVILLE LLC – SBL# 26-1-36

Joel Kohn: My name is Joel Kohn and I am presenting this subdivision. This is our property on 450 Main Street. It is in the R zoning district. It is an existing parcel of 11.9 acres with two houses in the front. The owners are proposing to make it a 5 lot subdivision with 4 additional lots and 4 additional homes. 2 of the homes will be within the town water and sewer district. The sewer district line runs approximately 600 feet over the line in Main Street in Hurleyville. The 2 back lots will be bigger lots with their own septic.

Arthur Rosenshein: Anybody have any questions?

Denise Sullivan: What is proposed to be built on those lots?

Joel Kohn: There will be single family homes on each of their lots.

Janice Halpret: My question is how are they going to maintain the wetlands that are currently there?

Joel Kohn: The wetlands are shown on the site plan and the subdivision submitted to the town and will be maintained. The project will not encroach.

Arthur Rosenshein: Any further questions? Anybody else? Public hearing is closed.

HASBROUCK ESTATES – SBL# 12-1-30.1

Jay Zeiger: Jay Zeiger and Kirk Rother on behalf of the applicant who also here.

Kirk Rother: The application before the Board is for a duplex development approximately 60 acres of land on the east side of Hasbrouck Road just north of Zimmerman Road. This is the application. There is acreage not used by this development. The Planning Board has asked us to show what conceptually could be done here in the future. This conceptually shows 50 additional 1 and 2 family dwelling units on the acreage. This has not been engineered at the time.

Jay Zeiger: It is part of the SEQR application and part of the documents but we are not asking for approval tonight.

Kirk Rother: For the purpose of the environmental review we are looking at the project as a whole. We were in front of this Board from 2017. We had public hearings in 2018. Given COVID and some zoning change issues we have been idle for a little while. Given the passing of time the Planning Board thought it would be appropriate for another public hearing.

Jay Zeiger: At the last public hearing one of the concerns was a drainage area or wet area that the home owner's that were here were experiencing drainage issues. As a result of that the Planning Board asked Kirk to do an analysis as to what possible impact with what we were doing would have on that circumstance. Kirk I will let you fill in the scientific version if you will. The unscientific version is that the runoff from this property doesn't go in that direction.

Kirk Rother: Do you want me to add more to that?

Arthur Rosenshein: You can in response to questions.

Kirk Rother: A portion of this entrance was built years back, maybe 2005ish. Some of the residents on Hazelnut indicated that when it was done it adversely affected drainage on the west side of Hasbrouck Road. The current plan of development places everything on the backside of the ridge. There is a little bit of parking that is right on the crest where we are taking the drainage from that parking area and sending it back this way to the stream and goes south to 52. We did follow up on those drainage concerns. We went out to the site. We couldn't identify any obvious reason they were getting a drainage impact from this pavement other than it became apparent there was a culvert under Hasbrouck Road. We met with the town engineer, Mollie, and DPW and it turns out that the DPW because of concerns of this resident blocked this culvert and installed a new culvert down in this area and installed a ditch on this property. I don't know if that work was done after we had our public hearing in 2018 or before but when we all met out there we couldn't identify what current impact was present.

Dan Burkowitz: My concern is what we talked about in the first meeting and the second hearing. I am assuming most of you have read the traffic study. It indicates some serious concerns not by the public or neighbors but by the engineering. They did the study in August of 2020 and indicated that the intersection of Hasbrouck and Route 52 would create serious hazards including County Route 42 and 52 as the traffic flows into it. It indicated it would additional concern to traffic.

Discussion.

Dan Burkowitz: The second one is County Route (inaudible) and state route 52. Why am I talking about something that is documented?

Arthur Rosenshein: You are making a comment so we need to know what you are talking about.

Dan Burkowitz: Okay so it is in your file. My only concern is that I expressed it a second time since we anticipated 300 cars coming on a road that has no shoulder with your own study indicating there would be a serious concern for traffic. Second point the last time we were here together we have 50 yards to the crest of the road. You were very surprised when I said there is a hill that goes up Hasbrouck A Road and the fact that we have traffic that includes tractor trailers. My vision always is my neighbor drives three a times and some elderly person from this development will come up and get confused for 2 seconds while he is doing 40 miles per hour. Your own traffic study indicated the concern about traffic from Zimmerman to the top of the crest. All of that is documented in your files. My question is how do we handle that? The recommendation of the traffic study is to ask the state to put a turn lane on 52 so this traffic can move. The likelihood of the state doing that is very low. We have a problem with traffic and accidents. This is just accidents waiting. I think the developer needs to find ways to address it. I think the Planning Board needs to address that issue urgently and aggressively.

Arthur Rosenshein: Do you have any observations you have made on those intersections?

Dan Burkowitz: Before Shabbas you can see if I can coming home from Liberty and trying to make a left on my road there are certain Fridays where it is 10 or 15 minutes from the traffic light where the theater to Bum and Kels to make a left onto my road.

Arthur Rosenshein: Thank you.

Mary Adams: I agree I have read the report. It is a huge concern. I just wanted to add to that. If you were to go for a walk along that road especially in the summer after the Zimmerman Development was put in a couple years ago, I've been there 6 years, now they are way more people walking on that road. They walk up Zimmerman and take a left along Hasbrouck and go to Loch Sheldrake. There is no sidewalk. There is no where to go. I wear boots so I can jump into the weeds. He said 40 miles an hour? I have clocked it. 60 miles an hour.

Arthur Rosenshein: Zimmerman Road?

Mary Adams: You know if you were coming from Grahamsville, instead of going to Woodbourne and taking a right, you would take a right on Hasbrouck and take Hasbrouck A. They must cut across. They avoid Woodbourne. They fly over that hill. I don't think they could see anyone before they come to that entrance. The hill is here, there is a bit of a corner, then they are on it. That wasn't the point I was going to bring up. One I was wondering how far along is the environmental EAF they were supposed to refile. I didn't see it in the file. How is the SEQR going? Did it get approved?

Mollie Messenger: No.

Kirk Rother: It is ongoing.

Mary Adams: Okay. The other one is about water. When I look at the different projects I noticed Luxor is on it. We're not talking about it but they have asked for 90,000 gallons of water a day. This project has asked for 90,000 gallons a day. The Whitaker has asked for 110,000 gallons a day. I don't know about the development on 52 but it is a huge development.

Arthur Rosenshein: Westbourne.

Mary Adams: It is big enough to be asking for 90,000 gallons of water a day. I have a big concern and this was part of what the comprehensive plan was talking about. How and when will we do an in depth plan of our water usage? Is it viable? Can we possibly supply that kind of water? When already now we have water pressure issues, leakage issues, and last summer I had several warnings of extra dumpage into Lake Evans pond because it is off the water treatment plan. They have to release water because of the intense storms and drainage.

Mollie Messenger: It is like Vacation Village.

Irv Newmark: The sewage treatment plant? In times of heavy rains it may be too much for the plant that they get overflow. That is a different issue than the drinking water issue.

Mary Adams: Drinking and sewage. What it does say on the report that they are going to require an extension of their water usage from the Town Board or from you.

Mollie Messenger: They said from the district.

Arthur Rosenshein: They are asking for an extension so they are in the town water.

Mary Adams: I just really want to question our overview plan for usage of water. Do we really want to extend them into our district? There was a plan to have water come down through Zimmerman and that mobile home park and there were questions of how that was going to work. It just feels to me that there is a lot of unsolved issues. I would like to say from all of us that live in that area that we would like this project not to go forward until these solutions are clear. Particularly about the traffic.

Barbara Urie: I agree with everything said particularly about the traffic. Another thing just because of the heavy rain we've had lately there has been drainage problems everywhere. I live on 145 Hasbrouck A and I can't walk across the lawn without my shoes squishing. My crawl space is inundated with water. As weather changes I don't know how that will affect drainage. Also what Mary mentioned about the trailer park. I am in agreement with what the two of them have presented.

William Mench: I live on Hasbrouck Road. My house is right here in the picture. I wanted to mention or add to Dan's statements. There is a ridge right up here. The cars come over that ridge on Hasbrouck A Road coming down the hill toward Zimmerman. Every year I have at least one if not 2 deer hit and killed and they land in my driveway. This particular year it landed in my

next door neighbor's driveway. As far as the traffic the danger to pedestrians is severe. They can't see coming over that ridge. I had another question because the duplex part was throwing me off. There is 40 structures. There will be 80 families.

Jay Zeiger: Right.

William Mench: The other thing with the traffic is this the only entrance?

Kirk Rother: At this point yes.

William Mench: So people will be making a left out of here leaving. Again people coming over that ridge are not going to see them. Potentially a lot of automobile accidents could happen. Maybe if you added an additional entrance to Zimmerman or Route 52 because why put them on a tiny road like Hasbrouck A rather than a highway? The other concern I have was about the parking for people who do not make it on Friday night before sundown. They will have a space here on your picture to park? Are you going to gate them off like vacation village or no? Just let them in?

Jay Zeiger: On Sabbath they can't drive at night.

William Mench: If they don't make it are you going to gate them out?

Arthur Rosenshein: What happens to them?

Bucky Louckes: What happens at Vacation Village is the gate is locked. If they don't make it are they going to park and walk?

William Mench: Right and there is no availability to park on Hasbrouck A Road.

Kirk Rother: I don't anticipate that to be the case.

William Mench: So there won't be a gate.

Applicant: Nobody is going to be on Hasbrouck A. Worst scenario they will park right on here. In an development you have plenty of room to park over here.

William Mench: That was my main concern that people would be trying to park on Hasbrouck A Road.

Jay Zeiger: The gate would be after the community center.

William Mench: That was my concern.

Arthur Rosenshein: Anybody online?

Mollie Messenger: 2.

Gary Koutcher: My concern is going to be the security lighting for all of these units. I am requesting that the lighting plan should be dark skies compliant which means the whole environment won't be lit up. It helps people sleep better. I noticed that sometimes when you drive in the summer it looks like there is a spaceship landing in the hills. It is all lit up and bright. We don't want to have another lighting fiasco for this case. This amount of lighting affects all of the residents along the different neighborhoods. This is a massive development that will get larger with time. The second time I would like Kirk and Jay to commit is that the lighting is (inaudible). I would like the lighting to be full cut off lightbulbs. The light goes down and doesn't go into the air or straight out. It is super easy to do. I look at Sushi Boats and they have light bulbs just sitting and lighting up the whole area. Even though they are closed all night it is bright. The lake is already lit up by them. Thank you.

Arthur Rosenshein: Thank you. Who is next?

Tiray Stryker: I do live at Sheldrake Shores. I know a lot of you have spoken about the traffics. I do agree with a lot of the issues. I have read the studies and have concern about the traffic. I am also very aware of the Luxor Jr future development. It is my understanding that they are looking to have 1,000 new residents and 1,000 residents for Hasbrouck Estates. If you put those two developments together we have talked about traffic we have now this will be further compounded. I would like to ask the Board to take a very comprehensive plan looking at all of these developments together. Also to include the construction phase in there when there will be a lot of big trucks coming through. From what I understand it can take up to 2 years for the construction so that will have a lot of impact on the roads. I walk a lot. I walk on Hasbrouck A and Route 104 to go Suny Sullivan and I will just add that Route 52 is a busy commercial highway with semi trailers driving through on a regular basis. It is already bumper to bumper during peak times. With potentially 2,000 people coming to this area with 1 lane roads and no sidewalks I am very concerned. I love our peaceful and beautiful community and hope we can keep that intact as we look at future developments. That is the end of my comments.

Arthur Rosenshein: Anybody else want to comment?

Mary Adams: I just wanted to mention that I think most of us that own houses up here have noticed our values have gone up tremendously. The value of my house has gone up \$50,000 because people have left New York because it is so beautiful. I have also heard people say don't ever go to Fallsburg because the traffic is horrendous. That is before these 2,000 people. We are already getting a reputation. You have my point. I don't want to be the town that nobody comes to.

Arthur Rosenshein: When you say 1,000 it is a family. The actual number is not 1,000.

Mary Adams: It is 400 for Luxor Jr.

Arthur Rosenhsein: I am just saying the number mentioned of 1,000. How many units?

Jay Zeiger: 80.

Mary Adams: There is approximately 8 people per house.

Arthur Rosenshein: I just wanted to mention that the number might be a little larger sounding than it really is.

Mary Adams: Okay let's just say 800 each that's 1,600 total. That's 400 cars perhaps and that is still coming to this from both directions and that is coming to this teeny Loch Sheldrake town one lane highway.

David Katz: I just wanted to synthesize some of the last few comments. By making that these proposed projects, we need to look at them all together, are of the magnitude that will fundamentally impact the character of this area. I think it is a mistake to look at them as so many units here and there. At aggregate they will have a fundamental impact not only on traffic, water usage, sewer usage, lighting, and everything mentioned but also on the fundamental impact on the very nature of this area. I think these decisions are quite serious. I would argue strongly for a comprehensive plan that carefully balances development with preservation of what makes this area so special. Thank you.

Arthur Rosenshein: Anybody else? In that case public hearing is closed.

NEW BUSINESS

Gary Tavormina: I think before make decisions of approval or disapproval we should have letters from the town that there is availability of water and sewer so we don't run into low pressure like we did last summer.

Arthur Rosenshein: People are now asking what is the status. What we do at the Planning Board is we get the okay from the town engineer that there is enough water and sewer. On the other hand we talk to people who work in the water and sewer departments and they tell us a different story. Maybe if we had reports it would possible to know what is going on.

Mollie Messenger: You get a report for each development and know how much water usage they are. If you are asking for a cumulative report we have a water model that runs the numbers.

Michael Kirtack: I think what we are asking is there enough water in the future not right now.

Mollie Messenger: That is why we continue to build wells and water towers.

Arthur Rosenshein: Is there some kind of print out or something which would give us some idea of future plans? We are getting a lot of questions.

Mollie Messenger: We have the numbers of developments which is why we are planning for a water and sewer upgrade. Is it something that we can get a report on? I can ask the Town Board to put together a report together.

Gary Tavormina: If we approve these all of these developments the Town has to supply water and sewer. This Board should not put the town in that position.

Mollie Messenger: That's why you rely on consultants.

Arthur Rosenshein: Just so we can get something for our purposes. If you can put in that request it would be appreciated.

Mollie Messenger: It is a loaded request. For some reason Dorothy has her hand. I am not sure if you missed the public hearing.

Arthur Rosenshein: We officially closed the public hearing so I don't think I can open it again.

PETER BACHAS – SBL# 9-1-24.9 – Requests site plan approval for an apple farm. Zone: AG. Acres: 28. Location: 303 Cypert Rd., Woodbourne. Cross Roads: SR 42.

Arthur Rosenshein: Mollie do we have a site plan of some kind?

Mollie Messenger: He submitted it. Did you bring the email?

Arthur Rosenshein: I have an aerial photo which may be all we need. Home based business maybe?

Mollie Messenger: He is looking for a site plan approval for an orchard to allow commercial sales in the next 5 years for a farm stand. You are not having people come in there to pick their own. You are trying to sell on the internet and a farm stand.

Peter Bachas: No farm stand ever. I am saying farm stand as a community event. We will go to the farm stand.

Irv Newmark: Farmer's market.

Peter Bachas: Right. No retail on the property. No parking.

Arthur Rosenshein: Let's see if we can voice this. Site plan approval for an orchard with online sales permitted.

MOTION:

Bucky Louckes motions for approval. Michael Kirtack seconds. All in favor.

CAMP MASMIDIM – SBL# 41-1-18.1 – Requests site plan review to add two 100’ x 34’ dormitories, five 84’ x 25’ staff housing buildings and approvals to keep five temporary classroom trailers permanently. Zone: REC. Acres: 92.14. Location: 69 Silver Lake Rd., Woodridge. Cross Roads: Rosemond Rd.

Arthur Rosenshein: Requests site plan review. 2 100 by 34 dormitories and 5 84 by 25 staff buildings. Approval is to keep 5 temporary there permanently. I don't think we want to do that.

Joel Kohn: This is an existing summer camp. It is 22 acres. This group bought it in 2018. It has been dormant for the last year or so. He is trying to improve the camp. He is working with the town to close out all open permits. He is trying to be inside the place. This is in a zoning where camp is not an allowed use. There are currently about 533 occupants on the camp. They are supposed to demolish an existing old swimming pool and old basketball court on the property and put up 5 84 by 25 staff housing units. Each of the buildings will have 3 units for a total of 15 additional staff housing units. We are proposing to add 2 100 by 34 dorms with approximately 60 campers in each.

Arthur Rosenshein: What would be the new total of students?

Joel Kohn: 743.

Irv Newmark: Is this where the vegetarian hotel was?

Joel Kohn: Yes. We are talking about the temporary classrooms. We call them temporary because they received temporary approval a couple years. They had to remove it. They did not remove. They are now asking the Planning Board to leave them permanently with proper building permits, plans, and approvals from the Planning Board and Building Department.

Arthur Rosenshein: What is the status Mollie? Is it a permitted use?

Mollie Messenger: It is not permitted. You just stated you are asking for permission to keep them permanently?

Arthur Rosenshein: So it is not permitted. Minus the ZBA they cannot do it.

Mollie Messenger: Right. He is coming on to introduce the project to everybody. The Building Department has been at this property several times. They are working with their engineers. They have buildings that need a lot of work. They are looking to add buildings and looking to

right a wrong as far as having permanent trailers stay there instead of putting up regular buildings. What I would suggest for this meeting is they need to have Ken and Helen brought on board. We are going to need Helen to review the site just to make sure they install the other recreational zoning codes we have. I would suggest a work session also and from that work session we'll be able to give the Board more direction on where they are heading. They have been working hard to clean up old permits and clean up old buildings and move this property in the right direction.

Arthur Rosenshein: With that we will ask for our planner to come on board to facilitate matters and our engineer to look at it.

Bucky Louckes: Also take into consideration your help quarter. It is on a separate property. Is that his property? That is the one closest to the road and there is one more. Right? The one that is dilapidated. While you are here you might as well take care of that.

Joel Kohn: Any other questions from the Planning Board?

Arthur Rosenshein: We have to know if that is part of the camp.

Bucky Louckes: It sits off the road.

Michae Kirtack: It might not be.

Paul Lucyk: On the corner on that sharp turn there was one lot that when I was on the Zoning Board they had a trailer they started cleaning up. I don't know if they cleaned it up. I'd like to know if that is part of the camp.

Irv Newmark: Around the corner up the hill on Rosemont.

Bucky Louckes: The way you go to the basketball court.

Irv Newmark: There was a really old trailer that I believe is gone.

Joel Kohn: So we will set up a work session. Thank you.

5833 REALTY LLC (SHLOME LOWY) – SBL# 28-1-8

Joel Kohn: This is a 1.8 acre property with a single family home right now. The proposal is to subdivide it into separate parcels. The one with the existing house is 1.16 acres and lot 2 is .63 acres and is in the zoning district that allows for adjacent properties. The properties are town water and sewer. We are not going to create another driveway off of 42 we are utilizing the existing driveway and extend it to go back to the new created lot. It has enough lot area to meet all the setbacks.

Arthur Rosenshein: Was there a different site plan?

Joel Kohn: It was a subdivision map.

Arthur Rosenshein: Right. Where on the map is the property line?

Joel Kohn: I think the property line is here.

Mollie Messenger: The lot on the left is that where both driveways are?

Joel Kohn: There is one driveway here. They are utilizing the existing driveway for the new property.

Mollie Messenger: So there will be an easement over the property for this driveway. This is a weird configuration but this one falls under that category because you are creating an interior lot that has a right of way also to access it. This one has frontage on the other side but you can't use because you can't have a driveway on that side.

Joel Kohn: We can with the right tools.

Mollie Messenger: Having a shared driveway is always an issue. Why are you having a shared?

Joel Kohn: Just to avoid the hassle of the state and the DOT. It is a relationship between the owners.

Mollie Messenger: There may not always be a relationship between the owners.

Joel Kohn: It will be a shared maintenance agreement that is what is going over.

Paula E Kay: If it is recorded and it is in the deed. I would want to see it on the map too.

Mollie Messenger: I don't know if that is something we should approve. Also with the utilities going back to that building.

Paula E Kay: It would be preferable to see if we could get every lot with its own driveway.

Irv Newmark: And their own water and sewer.

Paula E Kay: Maybe there are 1 or 2 lots that it is impossible. Maybe there is a way you can reconfigure it a bit?

Arthur Rosenshein: Perhaps you can simplify that plan so we have just what we need?

Discussion.

Paul Lucyk: You have the driveway half on one and half on there but it is there. What I see is 10 years from now somebody sells one lot and then there is a big problem.

Arthur Rosenshein: When we do this it is forever.

Joel Kohn: We will look into and we will see if we can have a separate driveway over there and separate utilities. If we are going to be forced to do that I guess we will go with the shared maintenance agreement but we will look into that. We will schedule the public meeting for next month. I don't think it needs 239.

Mollie Messenger: I don't think so.

Arthur Rosenshein: And if possible some simplified maps.

CHESTNUT COURT TOWNHOUSES – SBL# 39-1-93/94/95 – Requests site plan amendment to change the road layout and add 3 units as the developer has acquired an additional piece of property, SBL# 39-1-93 which is 0.6 acres. Zone: R. Acres: +/- 8 acres. Location: Laurel Avenue. Cross Roads: Laurel Park Road.

Arthur Rosenshein: This one hasn't been before us in quite a while. Is this the one where you added some land?

MIKE REILLY: We added some land. It is attached to the lower left corner. It brings the total up to 10 acres. This is the old build here. We came in past that lot and went around it. Now we went straight in. It allowed us to shuffle the circle and get more use of those units in the circle. We also relocated the shul slightly.

ELI BREZEL: If you remember the property we just acquired was encroaching on our property line and we couldn't get a resolution with the neighbor. We offered to buy them and it took a while but we were able to get it done.

MIKE REILLY: We did a workshop earlier with Mollie and Ken Elsworth.

Mollie Messenger: Ken and I discussed with Eli and Mike with the addition of the property and the change improves the circulation. Mike was going to get new site distance numbers where the entrance is. We wanted to discuss that later on after they start to develop that they have a landscaping plan so the front of Laurel Avenue was protected. It will probably be a compactor not a dumpster.

Arthur Rosenshein: Do we have a resolution from our last meeting?

Mollie Messenger: You are welcome to do that. Sometimes on these you do subject to Keystone Engineering if you want a new resolution you can do that too.

Eli Brezel: This project has been approved and we are working on it.

Arthur Rosenshein: I just want to put in a formal document.

Eli Brezel: I understand I am just saying I don't want to stop working.

Paula E Kay: Nobody is asking that.

Mollie Messenger: You will have a decision letter from the Planning Board for this change. If you have conditions that you want to set and that might require an amendment to the resolution but if you don't have conditions I suggest just a decision letter to add these changes would make sense.

Arthur Rosenshein: So it would be an amendment to the site plan pending review. We can do it that way. Board members?

Bucky Louckes: I think it is a done deal.

Paul Lucyk: You're not changing any of the radiuses so they won't be able to get through.

MIKE REILLY: If anything we improved it. We took the one kink out.

Arthur Rosenshein: Motion for site plan amendment reflecting changes with the signature pending technical review?

MOTION:

Paul Lucyk motions for conditional approval. Bucky Louckes seconds. All in favor.

ITEM 4 NOT HEARD

OLD BUSINESS

BACKSTREET AUTOS – SBL # 11-1-24 – Requests site plan approval for an auto sales dealer. Zone: B. Acres: .38. Location: 1501 SR 52, Loch Sheldrake.

Arthur Rosenshein: Site plan approval for a dealer and a restaurant. The plan in front of me reflects 6 spaces for the restaurant and 9 spaces for the dealer.

MARC CARPINONE: I did send pictures.

Paula E Kay: What about a maximum number of vehicles on the lot?

Arthur Rosenshein: Maximum should be number of parking spaces.

Bucky Louckes: How many cars at a time?

MARC CARPINONE: 9.

Paula E Kay: There are 9 spots what about for patrons and employees? You?

Arthur Rosenshein: Is there capability for more spaces?

MARC CARPINONE: Yes. I'd say 5 more.

Arthur Rosenshein: How many spaces would be needed? 3? 2?

Mollie Messenger: He is only having one employee.

Irv Newmark: They could park in the back. You know where the second driveway came through and it is closed off.

Mollie Messenger: You just can't park in the right of way to 52.

Irv Newmark: There is room in the back.

Arthur Rosenshein: The same question pertains to the restaurant. How many people work there?

MARC CARPINONE: 2 or 3.

Arthur Rosenshein: You have land. You need to designate the employee parking. We can do it tonight with a signature pending those spaces instead of having you come back.

Paula E Kay: A total of 9 spaces for sales plus employees.

Arthur Rosenshein: Employees plus customers. That would be another 5 spaces maybe. We are thinking 5 more the auto and 3 more the restaurant. Designate them on the map. With that motion to approve the site plan with the parking as changed.

MOTION:

Bucky Louckes motions for conditional approval. Irv Newmark seconds. All in favor.

NBY HURLEYVILLE LLC – SBL# 26-1-36 – Requests a 6 lot sub-division. Zone: R. Acres: 11.95. Location: 412 & 414 Main St., Hurleyville. Cross Roads: Halprin Dr.

Joel Kohn: This is a 5 lot subdivision on Main Street. Any questions?

Paula E Kay: 5 lots or 6 lots?

Joel Kohn: 5 lots.

Arthur Rosenshein: It was advertised as 6. Each lot meets zoning requirements. The question would be road access to it. You have a driveway or road coming and off of that are the driveway to the houses. Mollie you had questioned.

Mollie Messenger: I talked to Mike earlier. The map is drawn so they would present like they would be flag lots so each lot would have a driveway off that road there which they can't have and it doesn't meet any of the requirements for a flag lot. They need to redraw the subdivision to make the road outside of the lots. It wouldn't be a right of way it would be a shared drive. The drawing you see now is just incorrect. The lot line is on the other side of the road. Then they are going to have a share agreement or Home Owner's Association or something.

Discussion.

Paula E Kay: When it is redone will you have the required frontage?

Joel Kohn: Yes.

Paula E Kay: We will wait until that.

Joel Kohn: We need 100 feet of frontage when it is in the water and sewer district.

Mollie Messenger: The Planning Board needs to say the revised map with that information on it I believe. I think that is where everything went astray. It is just on the wrong side.

Joel Kohn: The map will look the same as it is. There will be some changes in configuration. It will be a 5 lot subdivision with shared access drives and meet all the minimums.

Mollie Messenger: Unlike you, you had the application with a different unit count, the agenda with a different unit count, and the SEQR with a different unit count.

Joel Kohn: It was originally a 6 lot subdivision but then we reduced it.

Irv Newmark: Good because you have big problems.

Arthur Rosenshein: What is the final project?

Joel Kohn: This is the final. It is a 5 lot subdivision.

Mollie Messenger: Unfortunately you are going to have to revise and bring it back.

Paula E Kay: Is it public water and sewer?

Joel Kohn: First we had public water and sewer but then we found the minimums. Water and septic you need 3 acre lots and 200 feet frontage. The ones in the front have 100 frontage.

Paula E Kay: Are there going to be other common elements?

Joel Kohn: Utilities because they will probably run underneath the road or on the side of the ride through the first two rooms.

Paula E Kay: Most likely not an HOA but an agreement.

Irv Newmark: There will be a road maintenance agreement?

Paula E Kay: They have to. This is simply a subdivision.

Paul Lucyk: If one lot gets sold to somebody else then it is setup that each has its own identity and its own lot.

Joel Kohn: Yes.

Paul Lucyk: The right of way would be shared between the agreement.

Joel Kohn: Which will state who is responsible for what.

Arthur Rosenshein: Which goes with the lot.

Paula E Kay: It will be in the deed and it will reference the lot. The future homeowners would be protected.

Joel Kohn: Thank you.

HASBROUCK ESTATES – SBL# 12-1-30.1- Requests site plan approval for 40 duplex buildings (80 units), community building, pools and recreation areas. Zone: R. Acres: 30. Location: Hasbrouck A Rd., Loch Sheldrake. Cross Roads: Zimmerman Rd.

Bucky Louckes: Let me start off. What were the reasons we have one on Zimmerman, one on Weber. What was going on there?

Kirk Rother: There was a drainage report done that was submitted to the town.

Bucky Louckes: Did you see any of that?

Irv Newmark: We never saw it.

Bucky Louckes: I'd like to see what is going on there. It goes through this whole area.

Irv Newmark: Then the traffic study for all of those developments.

Discussion.

Kirk Rother: We've done three traffic studies for this project so far. One was a while back. Maybe before that. The project was idle for a while. We came back in 2017 and reviewed it with their consultants. Did a new traffic study. Then the Board questioned phase 2. We did another traffic study to include phase 2. When we do those traffic studies we asked the town to give us any known projects in the pipeline within the area of impact of the surrounding road network. That is included in the analysis of the traffic study.

Jay Zeiger: I don't know if it was the Keystone engineer or somebody before him that looked at the traffic study and gave us comments. Addressed those comments.

Kirk Rother: Keystone hired somebody from the outside.

Irv Newmark: They made recommendations as to what could be done? How does that work?

Kirk Rother: When we are looking at the intersections the Board asks us to look at and it is done on level of service which has to look at how long you sit and wait to go. 52 is an issue now before our project. Then we start to look at what is the effect of all the projects and what is the effect of our project. That intersection needs work but you can't put it on the this project.

Irv Newmark: So if you get the estate to agree it will be in 10 years. That's just the reality of it.

Arthur Rosenshein: We've never had, in all these years, a traffic report come back and say you can't build it because the intersection is impossible. We never get a report from the traffic engineer that says no you can't build it because.

Jay Zeiger: From Kirk's recollection and mine whatever the rating was of this intersection was not changed by the project. That traffic study was approved by the town's traffic technician.

Arthur Rosenshein: In all these years we keep getting more and more complaints about traffic. I am not saying on this particular project. The intersection gets a little slower but you live with it. It is very frustrating but we can't..

Jay Zeiger: I grew up in Brooklyn and I drive through Woodbourne everyday in the summer. A bad day in Woodbourne is an average day where I grew up.

Arthur Rosenshein: We're not in Brooklyn. We can't put it on any one project. The town has done traffic studies. There is nothing that I know we can do it.

Kirk Rother: I think we have talked at workshops where the town starts an improvement.

Arthur Rosenshein: Then the state says it is 2 months it is not worth it. That is literally what they say.

Kirk Rother: The other component of this is pedestrian traffic. We mitigate that as much as we can in that we are proposing a sidewalk along all of our property. Here is Zimmerman, here is Eden Woods. Here is Garden Wood. To try to help with pedestrian interconnection with those three this road and or the future is composed as an emergency access. We are going to have it as pedestrian access also. We feel we mitigated pedestrian circulation in this community pretty well. We are proposing a sidewalk along all our frontage on Hasbrouck which well end at Zimmerman. We don't own anything past that so we can't do much with it. Then we are also proposing another pedestrian and emergency vehicle access out to Zimmerman through the area of the park.

Arthur Rosenshein: So where do we stand? We have Helen and Ken working on it.

Mollie Messenger: Ken was suggesting that perhaps at the December or January meeting they can present to the Board the drainage study that was done.

Discussion.

Kirk Rother: We have to do the SWEPP plan for our project and that analyzes the impact where runoff leaves our property over here. It sounds like Keystone has a larger plan.

Bucky Louckes: My concern is the driveway going up. When it rains the water runs across it. It runs across the road. There is nothing at the bottom. The main entrance. Go there during a rainstorm as it is today. It will run straight across. Something has to be addressed.

Kirk Rother: We are aware of it. There are existing structures there that are totally blocked.

Arthur Rosenshein: Could you change the road so it goes to the side instead of running down it?

Kirk Rother: The existing entrance?

Arthur Rosenshein: What he is saying when it rains hard it goes right down the road.

Kirk Rother: This is the top of the hill. This is blacktop. You're saying it runs right down the road.

Bucky Louckes: You are right.

Kirk Rother: There are catch basins here existing, there is a culvert under that and all of that is still solid at this point.

Mollie Messenger: Kirk is it possible since you are in front of the Planning Board and this is an issue now is this something that you are proposing you can do the work prior to approval to clear up that situation?

Jay Zeiger: I will propose not prior to approval. Post approval but prior to...

Mollie Messenger: I'd get on everybody's good side and fix the problem.

Michael Kirtack: I agree.

Paul Lucyk: Where you have parking calculations, that lot. You do not own that correct?

Kirk Rother: Correct.

Paul Lucyk: Everything on top, where do the drains run? Is it higher up there and run toward you?

Kirk Rother: The ridgeline off of Hasbrouck is right here. This is the stream that goes that way. Everything kind of goes that way.

Paul Lucyk: Is that vacant land or a development on top?

Kirk Rother: It is vacant land.

Paul Lucyk: I am trying to see how they can get it to run into the stream before you have more water coming down.

Arthur Rosenshein: If somebody wanted to develop the next property (inaudible)

Paul Lucyk: What I am trying to say is as much as water as possible to get that toward not your property.

Kirk Rother: We are putting all of the runoff from our site is going that way.

Arthur Rosenshein: Plus the existing run off from the upward site.

Kirk Rother: There is a little part of this proposed parking lot that is right on the very top. We have our catch basins graded so we are not compounding an issue on Hasbrouck Road.

Paul Lucyk: Everything will run to 52?

Kirk Rother: The two culverts here go to the stream then to 52.

Bucky Louckes: I still like Mollie's idea of getting that taken care of first while we are working on it.

Mollie Messenger: It is similar when we ask you to demo structures on a property.

Kirk Rother: I am sure. It is a half a days work.

Bucky Louckes: I want to make sure when I look at it again it is not going across the road.

Arthur Rosenshein: Okay.

Kirk Rother: Thank you!

JOHN MAKOVIC/MAKOVIC TOWNHOUSE – SBL# 35-6-1.5 – Conceptual site plan review for a 4 unit multi-family building. Zone: MX. Acres: 0.527. Location: Waldorf Ave., Hurleyville. Cross Roads: Main Street.

Glenn Smith: We were here back in July for a public hearing on this property. It is a little parcel on the corner of Main Street and Waldorf Avenue on Hurleyville. We showed 6 townhouses with parking and driveways which were conforming in the MX zone. The Board didn't do any approvals or denials. One of the issues was Waldorf Avenue is relatively narrow. It is about maybe 14 feet near the Main Street in Hurleyville. Some of the residents expressed concerns.

-Slamming-

Glenn Smith: Since that meeting I did some estimates on widening the entire section of Waldorf and about 225 feet past the property. It was roughly \$50,000. John then decided to downsize the project and go from 6 townhouses to 4 apartments. He has a 2 story building with 4 1,000 foot 2 bedroom apartments in it. In the MX zone multifamily is not a permitted use. We went to the town Zoning Board and received a use variance. With that variance we are back to this Board. With this layout we have a much smaller building with 2,000 square feet compared to 3,500 square feet. There is parking here. It is in the town water and sewer district. The entrance to the parking is about 60 feet off of Main Street. There was concern from the neighbors about

additional traffic on the road in combination with the traffic already there. We are trying to keep the access to the parcel closer to Main Street using as little of Main Street to exit and enter the site. I have colored version of the proposed apartments. I look to the Board for your comments. There was a public hearing on the original application. I am hoping we don't have to do a second all over again.

Arthur Rosenshein: My feeling looking at another public hearing. You had to do one on the Zoning Board. Also as far as I can tell this is an answer to that original public hearing. Everything they requested you pretty much gave an answer. I think this is the answer to the public hearing.

Bucky Louckes: I don't think we need this public hearing.

Glenn Smith: We have to do detailed sheets.

Arthur Rosenshein: Anybody want to chime in?

Michael Kirtack: They did everything the people wanted.

Arthur Rosenshein: I agree. You solved a lot of problems. The parking is better. There is less density. You are closer to the entrance. It is the best you can do and still do a project. This is a sketch plan. We are going to have the architect look at it and come up with a plan. We are just setting up what comes next. Not making a decision. We are saying we think it is an improvement over what it was.

Mollie Messenger: The Architectural Review Board is changing. We are trying to send the elevations much sooner. We are having an architectural consultant review them instead of a Board. They will have a back and forth with the Board.

Glenn Smith: So we're not going to the ARB?

Arthur Rosenshein: No.

Mollie Messenger: If you could send me colored pictures of the elevations with the site plan I can get that out to him. Then we can go over it with the Board. He has a bit more of an in depth view and can give a bit more insight to the Board.

Arthur Rosenshein: I think the Board has expressed that this is a large improvement over what you had. We will see what the consultants say. To me it is a vast improvement. We can't make the project go away. It is your right to build. This is an improvement. Thank you.

MOUNTAIN ACRES – SBL# 42-1-11.1 –Requests site plan amendment for revised location for units with parking. Zone: REC. Acres: 73.35. Location: 1523 CR 56., Mountindale. Cross Roads: Main Street.

MIKE REILLY: I gave you three handouts. We are calling this one the building status plan. Most of them are in the as built location for all the units that are under construction in some kind of phase. Foundation, finished, built and needs interior. There is a key on the left. The ones that are white that aren't hashed at all are open lots with nothing at all. We prepared that at the request of Mollie. Behind that I included a copy of the overall sheet. You can flip back and forth and compare the 2. The second one is what is called the proposed versus as built parking plan. I spent a lot of time out there surveying. We located the vast majority of the parking that has been built as well as sidewalks and the units. The sidewalks and parking give you an idea of how it was finished versus what the original design plan shows. If you look at the floor plans it is going to break into different section based on what is done. It is labeled pretty well so you can see what was built, what was proposed, and what has changed. The third is what we are calling the plot plans. It is six sheets. If you look at sheets 1,3, and 5 those are units are to be built. I prepared these plot plans for Ken Elsworth to review so he can look at them to see there are no concerns with drainage, no concerns with sewer, all that type of stuff. If you look at page 2 you will see I did some cross sections for Mollie. The original plans for this were graded as though was a slab on grade. Everything was shown with a finished floor a foot above the surrounding area except for the E section which was proposed on slope. Those were proposed as walkouts. I believe there is 10 different unit types at least out here being offered. The way this developed works is he get the buy a choice of lot and unit and there are also 3 different types of foundations. Some on slab, some on crawl space, some on a full foundation. Because the original plans didn't take into account any of that we kind of developed this plot land process we are hoping you guys accept that is a way for Ken to check technically what is being proposed before it happens. Before we have buildings that are too tall and that kind of thing.

Bucky Louckes: You are here for the parking tonight right?

Mollie Messenger: You are here for a bunch of things.

Bucky Louckes: The parking is one of them. How many violations are we looking at for everything?

MIKE REILLY: There aren't violations. You have to look at to see.
Discussion.

Jay Zeiger: The Planning Board back then wasn't as skilled as you are today. The plans as Mike said were all shown on grade. The developer did say there is going to be all these different permutations it just wasn't in the engineering at that time.

Paula E Kay: He said that and this Board told him to comply with the approved plans. Let's move on.

MIKE REILLY: If you look at the parking plan there are 10 spaces over here next to the A section. 10 in the B section where all of these units are. There is a parking lot by the pools. There is one proposed on the back of the E section here. Then a larger parking lot by the secondary shul and the indoor facility. The developer does not wish to construct this one here in the B section, this one in the A section, or this one. In the meantime what he has constructed is this 19 spot one east of the pool and basically mirrored that on the other side of the pool then extended the proposed parking for the secondary shul. All the other parking requirements for all the units each single unit has 3 proposed parking spaces and each double has 2.

Arthur Rosenshein: Can you repeat that?

MIKE REILLY: For each single we provided 3 spaces.

Arthur Rosenshein: The rule is 2 and a half and you did the exception.

MIKE REILLY: I guess I wasn't involved in the beginning of it.

Bucky Louckes: Why did they want to take the parking off those sections?

MIKE REILLY: The developer felt that it didn't fit in. If you go out and look I agree with him. This circle turned out nice in particular.

Bucky Louckes: It does but the person coming to visit B section is not walking from the shul over there. They are going to park on the road and block up the road.

MIKE REILLY: That's why we have 3 spaces for each unit.

Bucky Louckes: You get 2 people visiting what do you do? That's why we have extra parking. It is not the space in your house. The space for your house is your son comes over he has a place to park. But what about a guest coming over? I think the parking you put on the planning should stay just because of that reason. I do not see anybody parking over by the shul and walk over to B section or parking all the way down there to walk to that section. The only thing that is going to happen is they are going to park on the road and if there is a call for the fire company and it will be all blocked up. That is my opinion take it from there.

LOUIS HANDLER: Each house has 3 parking spots and that is more than enough. Each house usually has 1 car. If one house has a guest visit but every house has 3 spaces. Between every house having 3 spaces you should have sufficient parking.

Bucky Louckes: You should but it's not.

Arthur Rosenshein: Each one has 3 spaces but if my neighbor has some guest you can't use the space in front of my house.

LOUIS HANDLER: It is not part of the very close. It is part of the condominium association. It is not like they have a deed on the house. Each house is designed for 3 spaces. It is not private property.

Jay Zeiger: All public parking even though it is adjacent.

Bucky Louckes: Once people park there and put their numbers there it is theirs.

LOUIS HANDLER: You have to figure that the average parking for a house is 1.

Bucky Louckes: Figure 2. Figure 3 because when you are up and your grandkids and then your kid comes up.

Arthur Rosenshein: What he is trying to say is the reason to have extra parking is because when people who are arriving who are not home owners have a place to go. I would not feel pulling into somebody's house. People look for a parking area. How do I know I can park in front of the house next door? If I came home I would be offended seeing someone park in front of my home.

LOUIS HANDLER: This is the way it is. You leave one space for that house and if the other two are available it is available.

Arthur Rosenshein: The reason we group them is so they are accessible. Somebody comes up and they see a parking lot they park there.

Michael Kirtack: We have seen with all of these projects they end up on the streets all over the place when there is not enough. When you take a fire truck you can't get in.

Irv Newmark: What is the problem with overflow parking? It doesn't even need to be paved.

Bucky Louckes: What do you get from taking it out?

MIKE REILLY: The developers wish to take it out. We added it back in there other locations.

Irv Newmark: Not near the others.

Arthur Rosenshein: It is our feeling that the 3 in front of the house doesn't work out. It is nice to have and we're not against having them but it does not work out to the purpose that Bucky is talking about.

Michael Kirtack: They're not going to walk from down here to up here.

MIKE REILLY: Is it okay if I distribute them differently? Some of these areas don't make sense.

Bucky Louckes: Yeah put them where you can.

Arthur Rosenshein: Now how about the height? There is a lot of deviation from the original plan. How much can we allow? How much is acceptable? What is the standard height?

Bucky Louckes: How many stories are there?

LOUIS HANDLER: The zoning has a max of 35. We are not talking about more than 35 feet max. That is zoning. None of the houses have that issue. We have 3 stories.

Bucky Louckes: Are they all sprinkler systemed?

Mollie Messenger: I don't want to get off basis. The problem is that there is a site plan and it has a specific site plan it has a specific elevation. In general there is an allowable acceptance for how high you can go above that. Generally it is 2 feet. They are asking for a different allowance than normal. I unmuted Ken to talk more about it. That could be 5 feet that could be 4 feet. Some of their houses are 11 feet higher than they should be. We just have to nail that down. They don't want to come back here every time they want to move a house. What we talked about, with the Board's approval, is trying to decide what allowance may be acceptable.

Arthur Rosenshein: What is Ken's suggestion?

Ken Elsworth: Just to back up a minute this is the first project where there is 3 different foundation types we are working with. Generally you are building a slab, or a full basement, or a crawl. Here they have all 3 at play and are offering that to the customers. Traditionally the plans were done where the first floor was approximately a couple feet above existing grade and the grading was done accordingly. It all fit. That is how the original plans were laid out. When somebody comes along to buy a house these are the options. All of the options reside in the Earth's floor as we look at it. The first inhabitable space being above what the original plans were. That is a positive thing for me from a technical side because I don't have a problem with a sewer. Making that gravity connection. The water is not a problem. Mike has gone through and regraded all of the differences in the elevations. If these elevations were lower I think that presents a little more of a problem. None of them have been lower than what was indicated on the original plans. Generally in the past we have been holding people to a couple foot tolerance in where these elevations were going to be because they would sometimes be below. Below is a problem. Above not so much. But in this case here they are all above. We tried to come to some kind of realization. What can we agree to? What would the Planning Board agree to that they could have an option to raise them above the original elevation? We were hovering around the 5 foot mark. As Mollie said some are higher than that and they have made accommodations because of it. They don't want to retrofit after the fact. They would like to get this all settled and

approved tonight so they would know where their tolerance or range would be. We thought about 5 feet and are looking for the Board's feelings on that.

MIKE REILLY: What we would do each time is Mr. Helmen wants to build a house is he would give us a unit type. The foundation and I would prepare a special grading, utility, and drainage plan for that particular. Each time it would go to Ken before we would build it.

Arthur Rosenshein: Is the 5 foot acceptable?

LOUIS HANDLER: I would like a possible 6 because I sell a lot of 6 foot crawl spaces.

Michael Kirtack: Are we allowed to do that Mollie? Make it higher than the zoning?

Discussion:

Mollie Messenger: They never exceed the height. One of the other things so we don't run into it again is when they raise them so high it ends up being three story then it becomes sprinklers. With Ken looking over all of them that Mike has prepared we won't have that issue again.

Michael Kirtack: So they stay within 35 feet?

LOUIS HANDLER: Correct.

Gary Tavormina: If I may right now we have several buildings that are above 6, 8, 10 feet high. This is another case where you built then ask for forgiveness. We is about time we stop the bullshit. Somehow there needs to be a penalty so people don't do what they're not supposed to do and then we look like fools

Mollie Messenger: I don't think anybody is trying to make anyone look like fools but I think they came into some site constraints on this one they didn't know they were going to run into. At this point we need to figure out how to move forward.

Gary Tavormina: So several buildings are 11 feet higher than they are supposed to be. How do you correct that? We are just going to say that it happens and give forgiveness?

Mollie Messenger: Remember they are spending an inordinate amount of money paying their engineer for every site to try to re-engineer this. Normally people don't have to spend this money to correct their site.

Gary Tavormina: It is the developer's problem not mine.

Mollie Messenger: It is not as simple as raising the house.

Gary Tavormina: That is the developer's problem not mine.

Arthur Rosenshein: They have to put in sprinklers?

Mollie Messenger: They put sprinklers in 3 story houses.

Arthur Rosenshein: What about the water pressure here?

Mollie Messenger: I think they just got done doing a hydraulic study which I believe was in your packet. If it wasn't I can send it around again. There was one point that needed or may have needed to have booster pumps because the elevation raised too high and they didn't have enough water pressure. I believe they had it looked at okay and I believe you are okay?

MIKE REILLY: Yes.

Mollie Messenger: Ken do you want to add?

Ken Elsworth: Generally without getting into the weeds they verified the original water study. They verified the testing results from the hydrants and then they took it one step further and took pressure readings on the shower head at the highest elevations at the development. They meet the minimum code requirements for pressure at the shower head. They meet code and some people as the owner will tell you may complain the water pressure is low but it meets building code.

Arthur Rosenshein: What is your thought on 6 feet instead of 5?

Ken Elsworth: We can probably work with 6 feet as well. As Mollie has said Mike is taking a great deal of time redesigning the sites as they are being developed. We are getting a good grading plan for each site now. A little more attention to detail on each site. I can live with 6 if the Board is comfortable.

Arthur Rosenshein: I am personally comfortable with what you are comfortable with.

Bucky Louckes: When this site plan was approved I don't believe there were any 3 story buildings in this development. Did the fire company get this?

Mollie Messenger: They added 3 story models at the beginning.

Bucky Louckes: After that it was all 2 stories right?

Mollie Messenger: They have a 3 story model they sell. Not just a single one. How many sprinklers?

LOUIS HANDLER: We have 7 or 8 sprinklers.

Mollie Messenger: They do sell that model.

Jay Zeiger: It wasn't on the site plan which house was which. They had a choice of models.

Michael Kirtack: I do agree with Gary we do get a lot of okay I will build it. Then come in and ask after. I am getting tired of that too. A lot of it goes on. I don't know what the solution is. Either the Town Board or Code Enforcement has to come up with a solution. If they go against the site plan there has to be some kind of action.

Mollie Messenger: There has been this delay and argument for 6 or 8 months.

Jay Zeiger: It was the summer it started I believe.

LOUIS HANDLER: In this particular area in Mountaindale we spent about a million dollars blasting and every foundation we put in we have stone and rock and rock and rock.

Bucky Louckes: Welcome to the mountains.

Michael Kirtack: That is something that when you do studies to see what the land is like you consider it.

LOUIS HANDLER: Those studies were not so extensive at that range.

MIKE REILLY: There is a pretty big disconnect between what the developer wanted to do and what the plan showed.

Michael Kirtack: That is basically what we're saying.

Jay Zeiger: We accept that in his text. We don't have to debat who is right and wrong. His text stated that it was generally what he wanted to do.

LOUIS HANDLER: To make it short we came in as partners and he did what he did. In the meantime we started figuring out what was going on. When we took it over it has been a totally different ballgame.

Michael Kirtack: That's like saying my 10 year old went out and did something and you aren't responsible.

Arthur Rosenshein: How much is it costing you for all these changes that are taking place?

LOUIS HANDLER: Which changes?

Arthur Rosenshein: From the original plan you expected to use to all the changes in engineering? Is there a cost penalty?

LOUIS HANDLER: Yes there is.

Arthur Rosenshein: What is that cost? Generally?

LOUIS HANDLER: There is a lot of costs. It is hard to say.

Arthur Rosenshein: I am looking at as a penalty in itself.

Bucky Louckes: Let me tell you one thing. Plenty of billionaires came to Sullivan County and left millionaires. You won't be alone.

LOUIS HANDLER: The point is if we were building higher than zoning allow we would have to take it down. The change we did we can amend. We are here to amend it.

Bucky Louckes: Unfortunately the guy who started it for you has been like that.

Michael Klrtack: The other thing is we understand you're trying to amend something. We're trying eliminate the amendment and get it so they don't just do something.

Arthur Rosenshein: The answer going forward is to have more engineering done.

Discussion.

Arthur Rosenshein: I asked Mollie to put together a list of what we need to do to achieve a resolution. Thank you Mollie I appreciate this. I will read it. Keystone Associates will review all foundation locations for height increases as they relate to the approved plan. Next the allowable deviation from the approved plan will be 6 feet. The elevation change of a building may affect the water pressure of the stop floor and the highest fixture must be at least 15 pounds per square inch. I think that was tested. Next the parking changes as of this date have been reviewed and approved. Engineering approved. Any further parking changes will be reviewed by Keystone. If the changes are excessive they may need to request amendment from the Planning Board but I add we put in ones.

LOUIS HANDLER: We will see where we can add some public parking.

Arthur Rosenshein: Next the changes to the elevations cause changes to the approved SWEPP. An updated SWEPP needs to be submitted and approved. Next the approved landscape plan will have to be amended due to the SWEPP changes. The landscaping plan will be reviewed by the landscape consultant and Town Board for this project. Finally Keystone Engineering and the Building Department will review each housing unit to see if the site is substantially complete to issue permanent C of Os. You fill that will put everything together?

Mollie Messenger: I believe as long as nobody objects that is everything we have been working on the past six months that hopefully have some sort of resolution.

MIKE REILLY: How do you want to handle this additional parking?

Bucky Louckes: Private.

MIKE REILLY: Do we need to come back?

Mollie Messenger: I would say the parking on the original plan needs to be shown in various locations.

Irv Newmark: As long as it is spread out in other areas.

Paula E Kay: I would say it can be approved by Ken and Mollie. I don't think they need to come back.

Arthur Rosenshein: So the parking changes will be reviewed by Keystone. With keeping that resolution do you want to go home tonight or do it ourselves? Somebody want to talk about this resolution? Alright we will take what we got. It is resolved. Do we have a motion?

MOTION:

Bucky Louckes motions for conditional approval. Irv Newmark seconds. Michael Kirtack votes against. All others in favor.

WESTBOURNE – SBL# 21-1-42.1- Requests site plan amendment for the relocation of the pools, shul and some of the units. Zone: R. Acres: 88. Location: SR 52, Woodbourne. Cross Rods: SR 42.

MIKE RIELLY: The project was approved a while ago. Done by Wasson Engineering. I have taken over. I have proposed some changes that the developer would like to do. I have attempted to color code it. The red buildings are in foundation. Mostly foundation. The green are approved locations that aren't changing. The kind of turquoise is what we are looking to change. If you look on the second page you can see the original approved layout. You can compare. The third page is kind of a blow up so you can see the changes. Essentially the area with the pool and shul of the original proposed we are looking to move right here. You will see those 5 turquoise duplex units are being moved to put the shul and pool down there. Some of the units are becoming singles on road A there. That is what we are looking to change. There is no increase in density. In addition we have added another pool area which is up by the water tower. These are in now. And at the second smaller shul. The roads didn't change. I did make some changes to some of the utilities. The rock over here (inaudible). I tried to change the sewer somewhat to alleviate that. The single units that are proposed to be changed, the ones

labeled 6,7,8, and 9 we are going to have the sewer behind them. Some are 17 feet deep. We don't want to do that because it is all rock. It is more cost effective to just add another line.

Arthur Rosenshein: I would suspect we are going to toss this up to consultants to review. You are not increasing density or the number of people. It should be based on what Helen and Ken come back with. I don't see a problem coming back next meeting with a report. Come back with any changes Ken wants.

MIKE RIELLY: Conditional upon Ken's review?

Arthur Rosenshein: I'd rather see it.

Discussion.

Jay Zeiger: That detail hasn't been finalized but I would think it would be fine.

Arthur Rosenshein: Gary I missed that.

Gary Tavormina: They bought Logan's house.

TIMBER RIDGE – SBL# 28-1-1 – Continued discussion and review of the site plan as well as discussion of SEQRA. Zone: REC. Acres: 309. Location: SR 42, Woodbourne. Cross Roads: Riverside Dr.

Arthur Rosenshein: They don't need a PUD because it is commercial. The first step in PUD is getting an approved site plan from the Planning Board to recommend to the Town Board. Right now they are looking for basic site plan and whether we would approve it. It is preliminary but they are asking as final.

MIKE RIELLY: The next step would be for us to go to the Town Board and then the town will decide. I imagine we'll be going through the whole DEIS process and then the Town Board would take action on the PUD. Usually it is done after the DEIS is completed because that brings up any changes requested by the Planning Board and all the other public hearings. The question is what we do we need to approve the preliminary site plan. I'll tell you one thing and that is the traffic study.

MIKE RIELLY: That will be in the DEIS.

Arthur Rosenshein: I understand that. What I am saying is the layout depends on where the entrance and exit are going to be. We are going to need that before we can move forward. Your entrance is on Route 42. Route 42 is going to be a problem. You laid it out. I assume that it works. Is there a way we can have the DOT look at it early?

Mollie Messenger: We can send out for 239 at any time we want. They ship it over to the DOT.

Arthur Rosenshein: I would like the DOT comments because of the sensitivity of that area. Before we can decide on the layout we need their input. The second thing you show an entrance or exit through Westbourne.

MIKE RIELLY: Right this one that goes through and out.

Jay Zeiger: It is a common easement.

Arthur Rosenshein: What kind of traffic are you expecting there?

MIKE RIELLY: We have done the traffic counts. The full study isn't completed yet.

Arthur Rosenshein: In my mind there is a question about Westbourne. You're coming with us to change Westbourne. Will there be changes necessary for Westbourne to reflect the traffic coming off of this one?

MIKE RIELLY: The way the Westbourne site was developed this through road has always been planned as a potential. When we were here to do Westbourne 12 years ago it was actually you that said this property sites here and the access is horrible. We want to make sure this easement is always here. That was in the DEIS I prepared a dozen years ago.

Arthur Rosenshein: I didn't only say that. I said the road would be suitable for that kind of traffic.

MIKE RIELLY: And that we would have to upgrade that road at some time.

Arthur Rosenshein: That has to be part of it. Right now just looking at Westbourne you have driveways that back out into what will be a busy access.

MIKE RIELLY: Going through here there are no driveways that back out onto this.

Arthur Rosenshein: As you go through the site to get to Timber Ridge there are houses that back out.

MIKE RIELLY: That was a change I was not aware of.

Bucky Louckes: How did you come up with Riverside Drive? Across from Riverside Drive?

Irv Newmark: The description of the project.

Bucky Louckes: Riverside Drive is across town.

Michael Kirtack: It is on the agenda sheet.

Arthur Rosenshein: I think before we can go much further we need to get those things straightened out. That is going to be very much what the plan is dependent on.

MIKE RIELLY: There will have to be an access on 42 whether I build 1 house or 100 houses.

Irv Newmark: We know that but we want to know what the state thinks about where it is coming out.

MIKE RIELLY: We have gone through and come up with the best access point. If it changes the traffic engineer will change it. If we have to reroute this road we will do that. There has to be an access point from here to here on Route 42. There is no other choice for this project for this to be developed.

Marybeth: We are creating a PUD for this correct?

Arthur Rosenshein: It will be necessary.

Marybeth: We have a process laid out in our zoning for how the PUD is done. Obviously there are a bunch of elements here. There is the PUD itself by the Town Board to create custom zoning for this site. We will have the review and approval of the site plan by the Planning Board. The Planning Board can't approve the site plan until the zoning is created. The zoning can't be created until SEQR is done because no action can happen. I think Jim was starting down this path of carts and horses and when do we do a traffic study and those kinds of things. The way the process is laid out in your law is an applicant comes with a preliminary sketch. It is sufficient detail for the Planning Board to determine if the project should proceed further. I think we have done that a couple times. What you are looking at currently is if the plan meets the purposes and objectives of a PUD. Not the specific details about how many trucks, if they turn left or right, water or sewer. None of those things. Does it meet the objectives of a PUD? Level of detail in the buildings and structures, open spaces, landscaping, parking, physical features that are relevant. It is a pretty general process. Once the Planning Board receives that plan it is to be forwarding to the Town Board for review and this review is supposed to happen at the same time. There is a public hearing that is required. The Town Board acts to approve or disapprove the zoning. SEQR has to be done in the middle of that. Then the Planning Board acts. What is before the Planning Board is to evaluate the plan in front of you which appears to include the details required at this time and does it meet the purposes and objectives of your PUD. Really quickly those are the creation of a more desirable community environment than would be possible if you followed the strict application of zoning, innovation and variety in the type of residential development, providing a type of living environment, occupancy, tenure, housing and cost, open space allocation and maintenance by private initiative as an integral part of the residential development, efficient use of the site, facilitate adequate and economical construction including maintenance of streets, drainage, water, and sewer, finally preservation and enhancement of community's natural resources such as water bodies, wells, and a variety of other things. Really at this point it is getting into the detail to say that we want to do a traffic

study at this point. Procedurally at this point as a Planning Board we need to say does this sketch meet those objectives and purposes? If it does a copy should go to the Town Board and then because there are multiple agencies involved in this project in terms of approving things, we know the Town Board is approving, the Planning Board, there will be Department of Health, DEC, there may be DOT, we need to a body at the Town needs to declare intent to act as lead agency. We need to circulate that intent preliminarily to classify the action and get consensus on who lead agency is. I am assuming that the Town Board will want the Planning Board to be lead agency for the SEQR review and that is how we will progress. Once we have done that we will get involved in what I am assuming is a positive declaration meaning we are preparing an environmental impact statement. Then we are going to outline in great detail all of these things we are talking about in terms of traffic, what intersections will be studied, water and sewer, drainage, and impact on the other developments. That is kind of the next step.

Arthur Rosenshein: What I am trying to say is we are looking at a preliminary sketch plan. I am saying Westbourne is creating facts on the ground that will be permanent. I am trying to find out now what has to change. If they make it so we can't permit that road we are screwed. I know later on it will be more detail but I don't think we can even do preliminary until we know a couple of things. That has to do with the road. If it jumps ahead of where we normally put it maybe it jumps ahead. Without knowing I don't know how we can approve a preliminary plan.

Marybeth: The good news is you're not approving a preliminary plan. All you are saying is you received something that meets the criteria here for purpose and objective of a PUD. Does it meet the criteria or not? I just read what the criteria are. That is all that is being done. You are not approving. You are not endorsing this plan. You are not saying it will work or won't work.

Arthur Rosenshein: We saying we endorse that it meets that criteria.

Marybeth: The criteria is this an appropriate application of a PUD. If it is not appropriate for a PUD then we stop and do nothing. That is the only question being asked. We all have to remember there is a legal stipulation behind all these things. The question we are answering is this an appropriate application for a Planned Unit Development in the town? We are not saying there is traffic impact. No water or sewer. The only question we are trying to answer is whether this is an appropriate application for a PUD?

Paul Lucyk: What happens if they don't get the PUD approval? Can this be put under something different? What is the legality of that?

Paula E Kay: They are essentially creating their own zoning for their development?

Paul Lucyk: Why do they need their own zoning?

Arthur Rosenshein: There was an agreement made between the applicant and the town. The town wanted commercial included to get sewer and water. The town was requesting from the

applicant that the applicant can't put it in until they get PUD. The town basically initiated the need for the PUD. Does that make sense?

Paul Lucyk: The town is telling them what they can do?

Arthur Rosenshein: In order to get water and sewer they wanted commercial put into the property. They can't put it in by right because the zoning doesn't allow it. They need a PUD at that point.

Paul Lucyk: So what is commercial on this property?

MIKE RIELLY: This is a commercial lot.

Paul Lucyk: That is a large corporate building?

MIKE RIELLY: There is a whole list of what it could be. It could be stores, officers, groceries, bake shop, a whole lot of things it could be. We have been going at this 10 plus years? One of the things was trying to alleviate traffic down on 42 on Friday night. One of the things was to have a commercial area so instead of clogging up the village people could put into this unit to pick up their stuff.

Paul Lucyk: So this will be like a smaller IGA or something?

MIKE RIELLY: It could be anything. It could be similar to Skopps.

Paul Lucyk: You could be bringing in people from another town to come to this.

Arthur Rosenshein: Primarily in the PUD the commercial is for the people living there. It is secondary that it may bring in outside people. The main purpose is to the people living on the site.

Marybeth: Right. In the PUD and legislative processes going forward there will have to be an evaluation of the potential allowable uses in that space. It can't just be anything. As part of the legislative process and the environmental review process we will have line out a variety of different uses that may fit in those spaces so we can do the environmental impact analysis for those uses. If you think about it if we have a grocery store, a coffee shop, and a dry cleaner and those types of uses they all drive a different amount of traffic. Use different resources in terms of water and sewer. As part of this process we come up with a range of potential commercial uses so we can evaluate them. The PUD process will either specifically list a group of uses or will include language that will provide performance standards for those uses so we have a reasonably good idea what will go into those buildings.

Paul Lucyk: They are coming in and want to put in a project. Can they list all the commercial buildings now? So they don't have it where all of a sudden there is too much commercial and not enough residential? Do they list everything at the current time?

Paula E Kay: This is sketch. It will get developed more in depth. The actual PUD language that will be written will specify how many units of housing, what type of housing, what the setbacks are, what kind of commercial uses, and most likely the sizes and setbacks of those too.

Arthur Rosenshein: If you look at the current gold standard as they allow what is allowed and what it not.

Paul Lucyk: Is Vacation Village a PUD?

Mollie Messenger: I believe so.

Jay Zeiger: Davos is a PUD.

MIKE RIELLY: We have come back and gotten into this and then COVID and we kind of spun out. Now we are back and we met with everybody. First I was requested to draft a PUD. Then it was decided it was better to work with the Planning Board and the Town Board to come up with a development that was acceptable then to write the PUD from the plan then you wouldn't have issues with a couple of the other PUDs sitting out there. If that is the correct way to analogize it.

Mollie Messenger: I think the Board is having a hard time stomaching anything because they've talked so much that the through word is not desired through Westbourne. You have developed a project and have been working on a project called Westbourne that is going to have a through road in it and folks that are there will be there may not know there will be a through road.

MIKE RIELLY: It is in the offering.

Mollie Messenger: It is not built that way. It is not how a site plan is supposed to work. There is not supposed to be a highway through it.

Marybeth: Somebody asked the question what happens with this PUD? There are two things. One thing is what is the larger legal underpinning of a PUD and the second is that we do have a court settlement for this project. In the bigger picture PUDs because it is a land owner coming to the town stating they know we have an established zoning that protects the health, safety, and welfare of your community but I want to do something different and innovative that I think is great. Evaluate my proposal and approve or don't. PUDs in general can be denied because the applicant is asking to change the zoning. However in this case there is a court stipulation that allows this developer to do certain things. To conform with the court stipulation when I read what is in the stipulation I don't think there is any option but to have this be a PUD.

Paula E Kay: Correct.

Bucky Louckes: I would like to see no commercial property there.

Arthur Rosenshein: The Town Board has approved it.

MIKE RIELLY: It was more their request.

Arthur Rosenshein: They have done it and they are above us.

Bucky Louckes: I hear they are above us but I don't think the community should have to suffer through a commercial property pulling out on 42. You see what Woodridge looked like right?

Paula E Kay: I think the idea is to reduce that.

Bucky Louckes: It doesn't reduce it because more people go in there.

Marybeth: We are talking about a lot of these things anecdotally and we have raised a lot of concerns that are very legitimate but for this project to move from where it sits right to where the applicant is doing the work to evaluate these things to provide both the Town Board and the Planning Board with that kind of information. So we can understand what are the implications of the through road? What are the implications of the through road? What are the implications of having commercial on this site? Will it based on the type of uses attract people from outside the development?

Arthur Rosenshein: I think what we need to do is find out if it meets the purposes of a PUD and pass the resolution so they move on.

Paula E Kay: Correct.

Marybeth: Exactly. Then from there the law says it goes to the Town Board as well because the review is simultaneous and then we need to start working on SEQR.

Arthur Rosenshein: We will get to those stages when we get to them. Without any other considerations does this meet the purposes of a PUD to create a community of mixed uses that they could not ordinarily do on this zone?

Irv Newmark: Yes.

Arthur Rosenshein: The commercial we have to have. I would ask for an agreement that it meets the purposes.

Paul Lucyk: If you have commercial and residential it needs the PUD.

Arthur Rosenshein: It is also a unique situation we would not ordinarily pass. That is also a PUD.

Paul Lucyk: Is that the best for the area?

Paula E Kay: That is not a question before you right now.

Arthur Rosenshein: Be it resolved that we agree that it meets the purposes of a PUD?

All Board members agree it meets the purposes of a PUD.

Arthur Rosenshein: Does that take care of that Marybeth?

Marybeth: Yes I believe for tonight this is where we should leave this to rest.

MIKE RIELLY: Mollie are you submitting it to the Town Board or are we?

Paula E Kay: You are.

MIKE RIELLY: Then we would come back for lead agency?

Marybeth: Correct.

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: I have been working on this project for about a year. We have come extremely far in the recent months. I am quickly showing you the layout. I substantially like the layout I displayed earlier on but we have this one now. As you know this is a unique project. This is what we consider to be 2 parcels. One is the commercial site and the other is a residential site that is separately zoned and separately delineated on the tax map. That is the general layout. Our main road and internal road I have shown. This is the elevation. This is the proposed office building on the commercial site. This is a depiction of the homes I contemplated on the site plan. Having said that I am going to turn it over to the people who know what they are talking about.

Bucky Louckes: I like your houses but I don't like your office building.

Arthur Rosenshein: I like it.

Ralph Peragine : This whole parcel is 17.8 acres of which approximately 16.2 acres is within the residential zone and approximately 1.6 is in the business zone. The first piece of this is

subdivided the residential and business zones by creating a property line across the boundary. By that we now with 16.1 and change acres and based on that the environmental the unit count works out to 47 units throughout the project. I think we came to this board about a year ago and presented a couple different concepts. Through our workshop meetings we have refined it and this is the concept we are now submitting. Of the 47 units it is a mix of 3,4, and 5 bedroom units. 15 of which are outside the consolidated water district. This boundary here is the water boundary. There are a total of 15 units here. I don't know if you want the breakdown. 9 4 bedrooms, 3 bedrooms, and 3 5 bedrooms. The total water requirement is a little less than 5 gallons per minute. We had gone to the Town Board a couple months ago back in August. They felt that wasn't a major concern.

Marty Miller: The property has been paying taxes to the water district for some time. The lines just kind of get moved. This is not like the entire property is out of the district. It is really just moving the line within the district.

Arthur Rosenshein: How many square feet are the units?

Jerry Roller: We have been working with the owner and the rest of the team for about 4 months now trying to work out a plan and work out some aesthetics to make this project succeed. The houses as Marty said are 3, 4, and 5 bedroom houses. They are 2,400 and 2,800 square feet give or take. It varies depending on the house goes downhill or uphill. There is a lot of slope on this site so we are trying to use that either with walkout basements or the garage below. It varies depending on where the units sit in relationship to the ring road.

Arthur Rosenshein: Thank you.

Ralph Peragine: Generally speaking the higher point in the site is right here and the drainage pours across this. As Jerry mentioned each of the back of the units are going to be higher than the road. That's why the garage or the walkouts. It varies amongst the site. 2 car garages and driveways. In addition we have provided on street visitor parking. There are 24 spaces. We have some parallel parking here and some perpendicular here and then some more parallel here. We used parallel in areas where you didn't want them encroaching the buffer zones.

Marty Miller: In addition to the 2 car garage part of the unit how many parking spaces for the driveway?

Ralph Peragine: The driveways are 18 feet wide so you could park 2 cars side by side.

Mollie Messenger: Will other cars be parking in other people's driveways?

Ralph Peragine: No.

Mollie Messenger: I need to interject for a second. You guys were the first project where instead of going to the Architectural Review Board we had you go to the architectural consultant. I have

a couple of different comments. I haven't had a chance to put them in paper form but to touch on a few of them the renderings look really nice. Just a couple of questions on the residential ones. Some of the problems we have in any development in town is there is always room for additional bedrooms and additional square footage. What you are proposing a storage and that storage area is allowing for maybe more bedrooms in the attic. Then there is a dormer coming off. So potentially upstairs would also be living space. The concern is you are going to turn 3, 4, and 5 bedroom houses into 6, 8, and 10 bedroom houses. One of the things we need to consider when looking at elevations and how big these houses are is you could potentially have more bedrooms there. The floor plan you gave didn't have finished basement and attic but it could how you drew it in your elevation. It really needs to be thought about how many people will be in these houses or potentially could be in them. Also you're talking about families obviously there will be children you could have potentially have 400 children on site and there are no recreation for them. Just a couple things to think about is the size of the homes is a concern and should be a concern for the Board because we have to look at what will happen after the developer leaves. You can also finish the basement.

Marty Miller: On the estimate of the population I understand that the population goes up as the bedrooms go up. Based on the current zoning the estimated population is 379 occupants.

Mollie Messenger: Did you look at the Fallsburg University study because that is not how it goes.

Discussion.

Irv Newmark: 2 parents and 8 kids.

Mollie Messenger: Do you really need the storage truss? What is the elevation look like? All those types of things. Also because you have so much patio space where does that water go? There is much concern about flat space.

Discussion.

Marty Miller: The intent is to try to incorporate permeable feet as possible with the patio areas. We would incorporate that.

Mollie Messenger: I will send you guys a sheet of what they said so the Planning Board can understand I just did not have time. Our concern is always the population. Once you build something that large or with that potential for being you have to look at that.

Arthur Rosenshein: Are you familiar with this area at all?

Marty Miller: I am. I am deferring to the architect.

Jarry Roller: I will be happy to talk to that. The roof trusses are trusses that are essentially 2 feet on center. While you can use that space for storage it is really not habitable space.

Bucky Louckes: You're putting windows up there.

Jarry Roller: We are putting windows that we think will let light into the second floor. We also think that because these are fairly deep buildings the expansive the expansive roof without the relief of the dorm is probably bigger than we'd like to see. We think the dormer adds scale. There is not an opportunity to build bedrooms up there because you have a truss every two feet.

Bucky Louckes: That won't stop them down the road trust me.

Jarry Roller: It is hard to because you can't just move them. It is not like a regular rafter frame.

Bucky Louckes: I understand trusses and how it works.

JACOB BILLIG: The issue I am very experienced in is it becomes a blending of Enforcement versus what is allowed. Everybody can add to their house an x number of bedrooms if they are allowed. Whether the space exists in the building as it is built or somebody implies to build it thereafter it is the same issue. That is a Code Enforcement issue versus a Planning Board review.

Mollie Messenger: It is an architectural issue because we have to think about whether or not we are going to allow that type of truss in there.

JACOB BILLIG: Does the code say you can't have that?

Mollie Messenger: You're missing the point here. You have the townhouses here. You're explaining to the board that you are going to have 3, 4, and 5 bedrooms. They are going to leave and then they will have 8 bedrooms. The Planning Board has to look at in full as to what is the possibility for total outcome.

JACOB BILLIG: That question could be asked of any developer.

Mollie Messenger: It is.

JACOB BILLIG: Then it relates what does the code require and allow. We are happy to engage in this but I am also going to want is to understand where does the code thou shalt consider?

Mollie Messenger: It is not in the code.

JACOB BILLIG: That is exactly right.

Mollie Messenger: It is the Planning Board saying.

Discussion

JACOB BILLIG: The code doesn't say the board shall consider buildable space in the house for how many bedrooms can be put in.

Mollie Messenger: You are missing the point. This has nothing to do with code. This has to do with what your representation is to the Planning Board. You are representing that you only have 3, 4, and 5 bedroom houses.

JACOB BILLIG: In this county if somebody wants to add bedrooms and it is allowed by code they can do that.

Mollie Messenger: No that is not true. You are going to the Planning Board and you're showing the Planning Board for a specific number of homes. You're building 2 and trying to engineer 4.

JACOB BILLIG: If the developer's plans is for 3, 4, or 5 bedrooms that is their plan.

Discussion.

Bucky Louckes: What we do in the Planning Board I can put in that approval will allow you 5 bedrooms.

JACOB BILLIG: The code doesn't allow you to do that. The code doesn't allow you to cap it that way.

Discussion.

Paula E Kay: The board is looking at the impact created by your proposed housing. Those potential impacts will vary on the number of bedrooms.

JACOB BILLIG: Agreed. The recreation is a good point. I think you'll determine there is sufficient recreation space in the middle of the property. Is that sufficient?

Michael Kirtack: You give them the opportunity to put something in without anybody knowing.

JACOB BILLIG: Anybody in this country can expand their house.

Michael Kirtack: What we are saying is you do it legally.

JACOB BILLIG: That is exactly my point. If this developer says I am doing 3, 4, or 5 bedrooms and somebody buys the unit and 2 years later they don't cooperate you can't say to the developer that you are limiting it due to the sins of someone will do in the future that we don't even know will happen.

Irv Newmark: 2 AM going into one of these units and finding 2 extra bedrooms and they never did it and there are people in there. I don't want that on my heart.

Arthur Rosenshein: The point is to make it structurally not possible to do.

Bucky Louckes: Jerry why are we adding angled trusses instead of regular?

Jerry Roller: They are regular trusses. Regular wooded trusses. Prefabricated. You get the slope of the roof and the width of the house. That determines the truss with a decent roof slop. You don't want a shallow slope. What you have is a truss every 2 feet and because they are trusses they are not like rafters where you can just cut and change them.

Bucky Louckes: My thing is you have added trusses. There is a different between trusses and added trusses. Added trusses are made for a load. Regular trusses have no weight.

Jerry Roller: What we want to do is because they are good sized houses and there is really no storage space within the house we want people to be able to put skis, summer chairs, whatever stuff is out of season in an attic. We are going to put a nominal 10 lb. load on the bottom of the truss and put a piece of plywood there so people store their leftover stuff. It is not intended for occupancy. They still have to crawl over the trusses.

JACOB BILLIG: What the Planning Board and Mollie is concerned with is there is a history in the town where a unit is approved, a year or two down the road the owner adds X amount of bedrooms. Their concern is the impacts because it is not a 3 bedroom anymore it is a 6 unit. The debate is that we are having is that a Planning Board function or if the developer makes a representation and the owner subsequently makes changes that shouldn't be the sins of the developer.

Amos Cohen: We are not talking about the small sized units. Those units are 3,000 square feet on average. It is very odd for someone to do such a nice unit to add bedrooms in the attic. I don't see anybody with 3,000 square feet to add more bedrooms.

JACOB BILLIG: Not to argue for the town but the history has been there are numerous code violations who own the units do what they want and add bedrooms. That is the concern.

Amos Cohen: So let's do as they suggested we will build it in a way where there is no way to add bedrooms on top.

Bucky Louckes: Get rid of the added trusses.

Arthur Rosenshein: Let the architect come up with a plan.

Jerry Roller: There is no stair access to that attic mind you. This is a pulldown stairs.

Mollie Messenger: I will send around the architectural review comments.

Amos Cohen: There is a way to add the living room to the second floor to make the living room higher to insure they can't add anything into there.

Irv Newmark: That is a good idea.

Mollie Messenger: You are over your lot coverage on the commercial aspect of what you're trying to design. You're only allowed 50 you're at 54.

Paula E Kay: Can we configure the residential to give your commercial a little bit more?

Marty Miller: The problem is the zone boundary. It is where the zone line is. The zone line is basically the existing (inaudible)

Discussion.

JACOB BILLIG: There are 3 variances we need. We are a little over on the commercial. The percentage we are over the ZBA has read that the area variance was on other projects. There is a walking path between the two. We need a variance to go through the walking path.

Discussion.

JACOB BILLIG: The third variance there is a patio on the commercial that slightly goes into the setbacks. That would need a small area variance. There is precedence for that. There are 3 things we want from you guys tonight. One to accept our application. Declare yourself lead agency and refer us to the ZBA so we can get on the December agenda to get those small variances.

Arthur Rosenshein: You want us to accept it and reject it?

JACOB BILLIG: Accept it and refer it.

Arthur Rosenshein: Essentially we have to reject it for that. We accept the application as a formal process that is done. Secondly we can't progress any further because we have to go to the ZBA. So consider yourself rejected.

JACOB BILLIG: Will you declare yourself lead agency?

Arthur Rosenshein: Not yet. I'd rather do lead agency after.

JACOB BILLIG: We will come back to you in January. At that point you declare yourselves lead agency. What I was hoping if you could declare yourself lead agency and then also schedule the public hearing for January it saves us a month.

Paula E Kay: We don't know until the Zoning Board acts what the project is going to look like. We are assuming that the Zoning Board will grant the variances but we don't know.

Arthur Rosenshein: You will present that at the public hearing. There is no reason not to have that.

JACOB BILLIG: I am only requesting the public hearing for January.

Arthur Rosenshein: If you don't get the ZBA approval the public hearing is moot.

JACOB BILLIG: We won't be back in front of you we would ask for February.

Arthur Rosenshein: The public hearing is okay for January hearing. We can't do much more than that.

JACOB BILLIG: You can't do lead agency?

Arthur Rosenshein: I don't want to.