

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

## **TOWN OF FALLSBURG PLANNING BOARD MEETING**

**January 13th, 2022**

In attendance: Irv Newmark, Chairman, Bucky Louckes, Michael Kirtack, Gary Tavormina, Paul Lucyk, Planning Board Members, Mollie Messenger, Code Enforcement, Helen Budrock, Town Planners

- Irv Newmark called the meeting to order at 7PM.
- December minutes approved

### PUBLIC HEARING:

#### 1. RICHARD STIEGLITZ – SBL# 61-1-9.1/9.2

- Michael Altman represented
- Michael Altman: We are proposing to cut off 3 acres to sell to a neighbor. The Sloan family. That is all we need to do. We just plan to cut 3 acres off of the property.
- Irv Newmark: Anyone here that wants so say anything about this? No? Okay. Public hearing is closed

#### 2. SUNNY ICEBERG – SBL# 17-1-39.1/39.3/51.3

- Ralph Parin represented.
- Ralph Parin: Right now we have approximately a 59 acre parcel that will be subdivided into a residential and business parcel on the zone boundary line at this location. That will leave with a 1.6 acre parcel for the office building and approximately a 60 acre parcel for the residential subdivision. There are 47 units on the residential with a mix of 3, 4, and 5 bedroom units. On the office parcel we have approximately a 15,000 square foot building. This particular area doesn't

show the modifications but we have increased this pavement to make it zoning compliant.

- Irv Newmark: Anybody want to speak on this? We will be hearing this on the agenda later.
- Ralph Parin: Here is the rendering of the office. This is the rendering of what the units will look like.
- Irv Newmark: Okay nobody else? We will close the public hearing

### 3. NOE VARGAS – SBL# 58-1-38/39

- Lawrence Johnson represented.
- Lawrence Johnson: They have 6 acres on the right side of the lot. On the left side of the lot they have a small house. They want to expand that to 30 by 30. The construction will be for a barn that is 40 by 70 and an addition to the 30 by 30.
- Mollie Messenger: Is that a garage?
- Lawrence Johnson: This is all Newton's stuff right here.
- Mollie Messenger: Okay. You have the construction all started there but you did it in the opposite way right?
- Lawrence Johnson: Yes.
- Mollie Messenger: The barn is parallel to the road not perpendicular.
- Irv Newmark: Anybody want to speak about this? Any comments? No? Okay public hearing is closed.

### NEW BUSINESS:

1 RICHARD STIEGLITZ – SBL# 61-1-9.1/9.2 – Requests a lot line improvement. Zone: AG. Acres: 40.50. Location: Grey Rd., South Fallsburg. Cross Roads: Wildwood Dr.

- Michael Altman represented.
- Michael Altman: I am here on behalf of Michael Altman. I represent the purchase. They purchased from Mr. Stieglitz a property adjacent to this piece and want to add on an additional 3 acres. We are proposing to subdivide this current property to give my clients 3 acres and then they maintain the rest.
- Irv Newmark: Anybody on the Board have any questions?
- Bucky Louckes: What side of the road is this on? The Riverside side?
- Irv Newmark: Yes.
- Bucky Louckes: No that's a condo or some kind of association.

- Irv Newmark: Beyond that is a private house that is Richard Steven's house.
- Michael Kirtack: It is after the bungalow colony.
- Bucky Louckes: He has a garage there right?
- Irv Newmark: Past the garage.
- Michael Altman: This is the house. These are the 3 acres proposed.
- Bucky Louckes: I just wanted to make sure.
- Irv Newmark: I just want to make a statement. I represent Mr. Stieglitz in the sale of the other property. I have no interest in this. This is a private deal that began way before I had anything to do with the property. Whatever property that is remaining and the garage next door and his house in the coop I have them for sale. I have nothing whatsoever to do with this. Anybody else?
- Gary Tavormina: How do we handle the 10 acre minimum?
- Mollie Messenger: They are improving the lot to make it more. It is only an acre now. They are improving it by 2 acres and making it 3. They are not making it less conforming.
- Gary Tavormina: So this is not a legal problem?
- Mollie Messenger: No they are improving it. It is getting closer to the zoning compliance. The other property is 38 acres or something like that.
- Irv Newmark: So what do we need to do?
- Mollie Messenger: There are no comments? Okay. It doesn't need any kind of SEQR. You just make a motion.
  - MOTION:
  - Michael Kirtack motions for approval. Bucky Louckes seconds. All in favor.

2 FOUR CORNERS NY LLC – SBL# 39-1-34.6 – Requests site plan review for the use of the warehouse and existing two family home. Zone: B/REC. Acres: 6.98. Location: 5629 SR 42, Fallsburg. Cross Roads: Brickman Rd.

- Abraham Fry represented.
- Abraham Fry: I am coming before the Board for this property. It is about a 6.8 acre lot on the D zoning. I was approved before the zoning was changed. It was approved for 26 units by the Planning Board. I would like to get approvals for the same plans.
- Bucky Louckes: Are there violations?
- Mollie Messenger: Your application to the Planning Board was to just add the warehouse so I'm not sure what that was about. You're not on the agenda to discuss the 26 units that may or may not been previously approved I am not sure. The Planning Board would like to hear what the plan is because it is confusing.
- Abraham Fry: I would like to read the exact old approvals which was done without

the warehouse.

- Mollie Messenger: So you don't want the warehouse?
- Abraham Fry: We had some back and forth and we actually got an attorney we are working with. They told me that they would not be able to come to the meetings. We gave him 196 pages of the previous approvals. He will be in front of the Board next meeting. Now that I am in front of the Board I wanted to check in to see what the Board has to say about the property.
- Michael Kirtack: Do they have to start all over again?
- Mollie Messenger: I don't know anything about the 26 unit property. That was like 2004 or 2005.
- Irv Newmark: What is the plan with the warehouse?
- Abraham Fry: Basically my cousin called me up about a month ago and hired me to do whatever construction was left on the project. We went back and forth over what the best deal is for him. Denise told me to try to go for commercial building in the same zone because it is where I can get approved. The customer insisted on the 26 units because we had it modularly built. Even though the zoning was changed we are allowed to resume a previous zoning if something was done while I was going for approvals. Since we began without approvals and began construction as of now we have a modular unit.
- Mollie Messenger: You are not connected to the sewer and water.
- Irv Newmark: Where do they stand with that?
- Mollie Messenger: I don't know where they stand at all. There is a builder's risk agreement that I believe they put in the model on their own because we weren't sure where anything was at. They weren't allowed to hook up to water and sewer because it was just a model. Now we have to do all of that research. I would suggest that you send whatever paperwork to the attorney to me.
- Abraham Fry: That is it.
- Mollie Messenger: Okay so all the stuff Denise sent you is the stuff you are talking about?
- Abraham Fry: Yes. Beside we had to mark some stuff.
- Discussion.
- Irv Newmark: You need an engineer then you need to submit stuff.
- Mollie Messenger: You are going to need an engineer because things may have changed as far as water and sewer connections and different SWPP requirements and all kinds of things. We probably need to schedule a work session with the Planning Board staff to go over all these details to see where this project is at and see how to move forward.
- Abraham Fry: So the best thing is to set up a work session or come to the Planning Board? I'd rather hire my attorney than my engineer.
- Irv Newmark: You're going to need an engineer because there are probably going to be questions that you won't be able to answer but an engineer will.

- Abraham Fry: Denise told me that I won't clearly get approved.
- Irv Newmark: You may very well get approval but you have to start all over.
- Helen Budrock: The first question is really a legal interpretation which is what the work session will hopefully clear up. Your attorney can kind of make his case is whether or not you have vested rights. If you have vested rights because you already constructed that model unit then we can proceed with the process from there. If it is determined that you do not have vested rights because there was a prior agreement or whatever the case may be then you have to start from square with the current zoning. That really is the first question that needs to be answered and as Mollie said that would be easiest if we had a work session. Looked at the old plans and figured things out. We had a similar situation with the project in South Fallsburg where it was 15 years old. They were coming back and wanted to make some changes but it was still a valid site plan because they had invested money and they had vested rights.
- Abraham Fry: I will send over the documents from the town.
- Mollie Messenger: I have what Denise sent. If you have new stuff.
- Abraham Fry: No. We will hire Steve Marshall and set up the work session.
- Mollie Messenger: Just tell Denise you want a work session and I will put you into the schedule.
- Abraham Fry: We will work with them. I really appreciate the town for everything.
- Helen Budrock: The Planning Board is interviewing attorneys right now I think it is critical to have whoever the new attorney will be since it is a legal interpretation. From a timing perspective because we are kind of in between.
- Paul Lucyk: When I was on the Zoning Board there was people that came in and they were talking about putting a motel there. Taking the modular that is close to the road and moving it out and changing it. It never came to happening.
- Abraham Fry: That was the previous owners. I can just say from my side that the new owner is ready to go through this project and finish it out.
- Discussion.
- Bucky Louckes: What's the story with the building (inaudible) up there?
- Abraham Fry: This is the phone call I got for it. The owner bought it and wants to rebuild it. The reason he stopped down was to get the code. Before I even gave him the code we started going back and forth about what he wants to do. He came across his best option.
- Bucky Louckes: Getting rid of it?
- Abraham Fry: Get rid of the old building.
- Bucky Louckes: Your best bet is before you even think about coming back you get that cleaned up. This will be the second time it is here already. The third will come and the building will be still up.
- Abraham Fry: I feel confident in the owner.
- Bucky Louckes: So we will see it cleaned up then.

- Helen Budrock: What the Planning Board is saying is it would be a gesture of good faith.
- Irv Newmark: Sign up for the work session. She will tell you what the new rules are. Helen you are on board with this?
- Helen Budrock: If that is your desire.
- Irv Newmark: It is 26 units you are on.

3 CAMP KRULA – SBL# 39-1-86.1 – Requests site plan review to replace 6 buildings (12 units) destroyed by fire, replace the pool and a master plan for the entire site to convert it into a duplex development. Zone: R. Acres: 16.12. Location: 5405 SR 42, South Fallsburg. Cross Roads: Gamble Road.

- Joel Kohn represented.
- Joel Kohn: In 2019 we submitted an application to replace the unit that was destroyed by fire. During the Planning Board meetings (inaudible) so if and when they are prepared we should have a master plan. We had to redo the whole plan and make it into like a tube like development and get some variances from the Zoning Board of Appeals. We went to the ZBA to get the variances we needed to get. The Zoning Board does not feel comfortable at the time they thought it was too substantial. We did not get them from the Zoning Board but we have to move forward with that application. One thing that did move forward was relocating the pool. The pool is in front of the property and we want to relocate that to the back of the property. We got the variance in 2020 and haven't built it yet. Now we are back to the Planning Board for this application. A lot of effort has been put into redesigning the master plan and eliminate some of the variances. We had a total of 9 variances now we have 4 variances which 3 of them will be there regardless of if it stays a bungalow or becomes a duplex. The only variance that will be there ultimately is the lot coverage. The lot coverage is going from 31% to 42.8%. Other than that we are not increasing any of the natural borders. We are making them better for setbacks. We are making the separation between the buildings better. Most of the buildings do not meet separation but with the new plan all of them will. Tonight we are hoping for the Board to deny the project.
- Bucky Louckes: I have a couple questions. You have Gamble Road in the back there. You have homes on the other side of that? Is there any way we can put a buffer in between there? Plant some trees maybe? There are some people that live there.
- Joel Kohn: There is an existing parking area.
- Bucky Louckes: So when they park there is light shining on them. Can we do something about that? That would be good.

- Joel Kohn: We will take a look.
- Bucky Louckes: The next thing you have a main gate that comes out by the sewer plant. You said that was going to be for emergency purposes only. This summer there was at least 4 trucks that got stuck in the middle of the road there, shut it down for a couple hours. Can you figure out how you are going to get an emergency vehicle from the other way?
- Joel Kohn: You can see on this plan the road will be realigned which will make it better for site distance and with grading as well. Hopefully this will be much better than it was before. Separate the application we submitted to clean up the property line between this property and the property to south. This is the property line. We are proposing to make it a straight line which will benefit this property and as well the next property. That will be an improvement but that will be a separate application.
- Irv Newmark: So these are bigger units so there will be more people on site?
- Joel Kohn: There may be some amount more of people on site but it is the same amount of units.
- Irv Newmark: But bigger units.
- Joel Kohn: Some of them will be bigger.
- Bucky Louckes: You meet separation on everything?
- Joel Kohn: Yes.
- Mollie Messenger: Have you done a bed count?
- Joel Kohn: No.
- Mollie Messenger: They will want to know what your bed count is now and what your anticipated bed count with this rework.
- Irv Newmark: Is this built in phases or all at one time?
- Joel Kohn: They are in phases. This was not planned at all. They only planned 12 units.
- Mollie Messenger: Can you point to the 12 units that you are trying to rebuild?
- Joel Kohn: Yes. The 12 units were in this corner.
- Mollie Messenger: They are moving in location. Just so the Planning Board understands you're not trying to build in the same location. This is spreading them out. So it is 12 units.
- Paul Lucy: Did you check with the fire department?
- Joel Kohn: This can be sent to the fire department.
- Mollie Messenger: The rear setback you were always right to the property line?
- Joel Kohn: Yes.
- Mollie Messenger: It didn't look like that on that on the existing plan.
- Joel Kohn: No they didn't have a road all the way to the back.
- Mollie Messenger: So you're asking for a variance for those setbacks as well?
- Joel Kohn: Yes.
- Paul Lucy: Is there any barrier?

- Joel Kohn: If you look at Alan's side they have their paved road right along the property line.
- Paul Lucyk: The main entrance is going to be a lower road.
- Joel Kohn: This is just for this building. It is an existing entrance which will be redone as well. This is an entrance to the site and this is another entrance.
- Paul Lucyk: Is that the main road where it comes in?
- Joel Kohn: Yes once you come to the synagogue and you come here from Gamble Road.
- Paul Lucyk: Is it a shared road on the property?
- Joel Kohn: No. There is an existing road at the property line on their property. Ken has an existing road on their side of the property that will be extended all the way down. There is some kind of road that comes in from this side but all the traffic will be directed to go this way.
- Mollie Messenger: I think this when this goes to 239 I think they are going to ask you to remove that entrance.
- Discussion.
- Irv Newmark: That's what they have as the main entrance.
- Bucky Louckes: That's not the main entrance. It is in the back.
- Irv Newmark: By Gamble Road?
- Bucky Louckes: Yes.
- Mollie Messenger: Where on the map is that over?
- Joel Kohn: This is the old road right now. This is where it is proposed to be.
- Mollie Messenger: Are you still trying to have it gated?
- Joel Kohn: We want to leave it open so people don't park. We want it open to they drive through it.
- Irv Newmark: Better have the engineer look at that site distance.
- Helen Budrock: One step at a time. ZBA first.
- Mollie Messenger: Are you confident you have all of the ZBA variances that you need.
- Joel Kohn: I prepared it if you want to review it or submit it.
- Mollie Messenger: If you can send it to Helen so she can review it.
- Paul Lucyk: How high are these buildings? The duplexes you are looking to build? Do they go right up to 30 feet?
- Joel Kohn: One story.
- Paul Lucyk: With the radius if you come off of Gamble Road and there is a big building will there be the radius for a fire truck to make a turn?
- Joel Kohn: This is the radius for fire trucks.
- Paul Lucyk: Okay.
- Irv Newmark: Okay we have to send you to the Zoning Board.
- Helen Budrock: Are you already on the agenda?
- Joel Kohn: No. He asked me why I said we wanted to review the variances.

- Irv Newmark: Motion?
  - MOTION:
  - Bucky Louckes motions to deny. Michael Kirtack seconds. All in favor.

4 NOE VARGAS – SBL# 58-1-38/39 – Requests site plan approval for the construction of a 40 x 70 barn. A request has been made to combine the parcels. Zone: REC. Acres: 5.70. Location: 92 Cauthers Rd., Glen Wild. Cross Roads: Glen Wild Rd.

- Lawrence Johnson represented.
- Irv Newmark: I have a question. Is this going to be used for storage? It is not an animal barn.
- Lawrence Johnson: What they have is a business. They have been going for 15 years. They buy it and repack. They need space to repack into smaller packages and then they bring it to the city.
- Irv Newmark: Does it meet the zoning to have a business there?
- Lawrence Johnson: We made it one lot.
- Irv Newmark: Does the zoning allow that type of business?
- Mollie Messenger: Do you do all of your shipping on your own? Is it a commercial business? Are you trying to do a home based business?
- Lawrence Johnson: It is a family business they are not hiring outside.
- Mollie Messenger: It is more or less a commercial barn.
- Lawrence Johnson: They are renting storage now at \$5,000 a month. They bought this land over 6 months ago. They want to put a building up so they can bring their business to their lot and continue.
- Mollie Messenger: That is also a different application that is not on our agenda tonight. That is if they were going to do a business you'd have to put in another application for a special permit. Right now you are only on the site plan for constructing the barn. You started constructing the barn without a permit and you moved the location of the barn. You are going to need to modify your plan to show the right orientation of where it is.
- Lawrence Johnson: I was just made aware of that. While I was gone I guess the septic failed. The contractor just decided to do what he was not supposed to do.
- Mollie Messenger: Does the Board have any questions about the actual construction or concerns with the barn or traffic? Really they need a whole new application.
- Irv Newmark: They need a whole new application because we want to know how many trucks are going in and out of the thing. The barn looks stock. I wouldn't call it a barn I'd call it a pole barn. Or a warehouse or something.
- Paul Lucyk: Do you have an engineer's plan of the foundation?

- Lawrence Johnson: To me it was better to have a barn than a warehouse because that puts us in a different category. They're not really storing the things. The trucks come in, they repack it, they take it to the city.
- Mollie Messenger: Yes but a barn is for the purposes of food or animals. That's not what this is.
- Lawrence Jackson: So basically we call it a warehouse.
- Irv Newmark: So call it what it is. You will have to make a new application and say how many trucks a day. How big of a truck. Whether it is going to be allowed.
- Bucky Louckes: Do they have to go to the ZBA?
- Helen Budrock: There needs to be determination of whether it is a home occupation or a commercial use. Commercial uses are not permitted in that zone.
- Mollie Messenger: It is too big for a home occupation.
- Helen Budrock: So then you would have to go to the ZBA for a use variance because commercial operations are not allowed in the REC zone unless they are agricultural. That kind of thing. Campgrounds.
- Lawrence Jackson: Under the zoning it says you can have a home business.
- Irv Newmark: Home business is something in your house. Not that you have a big warehouse. At this point we don't know if you're allowed to do it without going to the Zoning Board. Make another application what you want to do. They will figure it out.
- Helen Budrock: The code says a home occupation should be conducted only within the dwelling unit or an accessory building but it should not occupy more than 25% of floor area of 500 square feet of floor space. How big is the barn?
- Michael Kirtack: 40 by 70.
- Helen Budrock: So quite a bit larger than what is permitted. You said the barn has already started to be constructed.
- Mollie Messenger: You are going to have to go to the Zoning Board to get a warehouse use for commercial use in a residential area.
- Lawrence Jackson: Then they are doing an addition on the house because the house is very small.
- Irv Newmark: Wouldn't that be a separate thing?
- Helen Budrock: That doesn't require Planning Board approval.
- Mollie Messenger: You are going to have to come back to the Planning Board go get denied.
- Irv Newmark: Come back with a new plan and we will tell you we can't do it and we will send you to the Zoning Board.

## OLD BUSINESS:

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

- Abraham Fry represented.
- Abraham Fry: This is the site plan showing the different locations. Connection to Woodridge town water and sewer. The site distance for the entrance will be shown on the site plan. The plan with the new entrance and a sign showing the location of all the buildings and classifying at the front gate because it is a large colony. At the last meeting George did a walkthrough to see if we have any violations. I guess I gave it to the park commissioner. Did you get it?
- Irv Newmark: We don't know if Mollie has it.
- Abraham Fry: They gave us a letter. First an automatic opener for the front gate. If something happens it will automatically open. Number 2. Make the road wider. One at the main entrance basically. At the back of the building should be wider than 4 feet. Also to make sure any power lines on the way to the building should not be low. Number 1 is where the waterline and sewer lines are right now. The waterline we have running from this building all the way through the property. This is the sewer line. An existing sewer line is running to this part of the building.
- Irv Newmark: The sewer goes to the village of Woodridge?
- Abraham Fry: Yes.
- Irv Newmark: The water is wells right?
- Abraham Fry: Yes.
- Irv Newmark: The amount of people will be the same or more?
- Abraham Fry: They have kids in those four buildings. Last meeting we spoke about 120 or 140. Of course I am willing to listen.
- Bucky Louckes: You are going to have to start with your bed count right and then what you want to end up with. I mean a total bed count? Right Mollie?
- Mollie Messenger: We need it for the building. Did you get my email?
- Abraham Fry: Yes. It is 92 right now but they want to go to 130. At the end of the day he is ready to work with the bed count right now. The reason they want to increase the beds is because this building was built 3 years ago. Basically they had 4 buildings and 4 bathrooms for 92 kids. They want it to be more comfortable. Everything was maxed out.
- Mollie Messenger: You're either designing for 92 or for 130. We need to know what it is.
- Abraham Fry: Single regular beds will be 92. They won't increase anything.
- Mollie Messenger: What happens is it can go from a single bed to a bunk bed very quickly. If you want 130 students then you have to ask the Board for that. I think I have asked a couple of times in the last couple of meetings. It might not even be a lot. Has Mike done a water and sewer study to say what the demand is?
- Abraham Fry: They have not.

- Mollie Messenger: That is really what you have to decide. The Board wants to review it for you and they are happy you are replacing the building. They need to know if it is 92 or 130.
- Abraham Fry: We were approved for 130.
- Irv Newmark: You should ask for the maximum of whatever you can put in. You have to check with the village of Woodridge if that additional is acceptable.
- Mollie Messenger: That is what you guys are hung up on is if you are asking for 130 kids that is fine but then you need to have your engineer say this is what the new flow will be. Do they accept it? This Board needs to know from Woodridge that it is okay. It may be minimal and it may not be a big deal.
- Audience: The truth is 130 kids is not a problem. We all know everybody has a different take. We may have 102 kids.
- Irv Newmark: You have to show what the maximum is. You are not asking for a lot but you have to do it the way they are asking.
- Abraham Fry: This is basically subject to a letter from the village of Woodridge sewer department. Or do we have to come back? It is basically the same size and layout. They want to leave the building.
- Irv Newmark: I think you need to tell the village board and they will give you a letter. Once you have that letter.
- Abraham Fry: That we can just come to Mollie with the answer and if that it is approved.
- Irv Newmark: We have to see that before we can approve the project. We have to see all these things. We're not saying no at this point.
- Bucky Louckes: Is this the camp on the right or the left?
- Abraham Fry: The right. The first one. They said we should change the front.
- Irv Newmark: So it looks nice.
- Bucky Louckes: Good, make them a little nicer.
- Paul Lucyk: A lot of those buildings are very close. They are the original. Is there anything besides these big dormitories that is going to be replaced?
- Irv Newmark: Not at the present time.
- Abraham Fry: I think they were checking on the elevations?
- Mollie Messenger: The elevations you sent are just line drawings.
- Abraham Fry: Okay that is the design part. That is good enough to show something. Every single one is a little different but the same concept. One side is lower because it is on a slope.
- Bucky Louckes: Can you see this from the road?
- Abraham Fry: No.
- Discussion.
- Paul Lucyk: One floor or two floor?
- Abraham Fry: One floor. It is on a slope. Half of the buildings will have a basement. The lower side will have a basement.

- Paul Lucyk: The purpose of the basement is storage?
- Abraham Fry: Storage. They had designed windows but there was no place for it.
- Bucky Louckes: Why don't you figure this out? The basement that you have there which you know are going to do. Figure out classrooms and put it on the plan.
- Irv Newmark: If you're going to do it, do it.
- Bucky Louckes: I guarantee that if I pull up there in the summer time the kids will be in there. I am just saying. That way you only have to come back once.
- Irv Newmark: They have a few things they have to do and they have to get into the actual details of the building.
- Mollie Messenger: They brought nicer renderings today which is good. I don't think this needs to go to the consultant. It is off the road and it is an improvement so I am fine with that. They need to continue with the work with the engineer because their engineer still needs to give the capacities.
- Audience: Would it be ideal to come back another month? Give it more time? I guess we have to work with the buildings to get permits.
- Mollie Messenger: You have to come back either way because this Board can't do anything without that engineering stuff. You can certainly submit your building plans. You can demo those units. You can get the demo permit.
- Audience: I can get a demo permit from the Building Department. I cannot demo the building before I have proof of this building.
- Mollie Messenger: You can still demo. The worst case is Woodridge will say you can only have 92.
- Bucky Louckes: You are going to get a new building either way. You're either going to have 92 or 136.
- Helen Budrock: Do they have to go to the village board or just having their engineer submitting a letter to the village engineer stating the intent?
- Discussion.
- Helen Budrock: Okay the faster you can get your engineer to do those calculations you could be back here on the next agenda.
- Discussion.
- Bucky Louckes: Just figure out what you're going to do downstairs while you are at it.
- Mollie Messenger: There is a lot. Put the sign up. Put those road where it belongs. Demo those buildings. Put the application in. All of those things can be done.
- Audience: So I can demo those buildings?
- Bucky Louckes: You have to get a demo permit. That is going to take you time. You have plenty to do beforehand.
- Abraham Fry: We know we can get approved the only difference is the bed count.
- Helen Budrock: Exactly. The worst case scenario is it is the same bed count.
- Discussion.
- Mollie Messenger: The same way you need to talk to Woodridge about the sewer

you need to talk to the Department of Health for the water.

- Bucky Louckes: For your wells.
- Discussion.
- Gary Tavormina: We can't do anything tonight.
- Irv Newmark; No get these things done and come back next month.
- Abraham Fry: We will be back next month hopefully with an answer about the sewer from Woodridge. Go back to the DOH on the additional kids for the water. Something on the plans is missing?
- Mollie Messenger: I want the population density on the plans.
- Abraham Fry: We can count the rough number per bungalow.
- Mollie Messenger: Normally what people do is show there are this many students and these homes are the teachers and all that. Just a little more detail on the plans as to what buildings are what.
- Audience: How many percent of kids is a problem? Somebody last meeting said 30 or 40 kids more.
- Abraham Fry: We just have to make sure the sewer can handle it.
- Audience: I am talking about the 130.
- Gary Tavormina: Your engineer has to find out how many. You have to tell us we don't tell you.
- Bucky Louckes: What are the intentions for the building near the road?
- Audience: We are going to put bushes.
- Bucky Louckes: 20 foot trees would be very nice.
- Audience: I am going to paint the bungalows. We will make it nice.
- Gary Tavormina: When the state changed the rules on buildings and sent it down to the town. We made a suggestion that no foundation would be exposed more than 8 feet out of the ground. All of a sudden we don't have any holes in the ground. Foundations are 8 feet above the ground.
- Mollie Messenger: They are allowed to use whatever materials somebody to put in a basement.
- Gary Tavormina: I understand it is cheaper to build on top of the ground without digging. We made the recommendation that no foundation would be exposed above the ground between 18 and 24 inches. I would like to bring to light Woodbourne. Everything is above the ground 8 feet. That is why you have 2 story buildings.
- Mollie Messenger: You have seen all of them. All of them had foundations above the ground. You have reviewed them. You have asked them to look like there is siding on them. You have asked for brick. You have seen the elevations.
- Gary Tavormina: That's not my concern. My concern is we made the recommendation that they would not be above 18 inches above the ground. All of the foundations are 8 feet above the ground. Why?
- Mollie Messenger: You can represent that but it isn't what is happening.

- Gary Tavormina: They are not basements. They are adding additional rooms to the house.
- Bucky Louckes: That's everybody's house though. Do you have a basement on our house?
- Gary Tavormina: Mine is in the ground.
- Bucky Louckes: Do you stand in the basement?
- Gary Tavormina: That's not my point.
- Bucky Louckes: It is the same thing.
- Gary Tavormina: My point is we made a suggestion that the foundation would be in the ground and only exposed between 8 and 2 feet. Now all of the foundations are 8 feet above the ground. That's why you have 2 story buildings instead of 1 story buildings.
- Mollie Messenger: The review board have looked at all of these plans and all of the plans have been 4 feet in and 4 feet out. The Architectural Review Board reviewed and that is what they presented. That's what they presented to you guys and that is what they are building.
- Gary Tavormina: I would like a review as to why we never stuck with 2 feet above the ground.
- Mollie Messenger: I don't have the answer for that Gary.
- Gary Tavormina: You don't have an answer because all of the developments are above the ground.
- Helen Budrock: I think what Mollie is saying is that this Board has reviewed those plans on a case by case basis and issued approvals. If you have an issue with that then you have to state that when these plans come.
- Gary Tavormina: The approval is for 1 story buildings. When you have a 8 foot foundation above the ground it becomes a 2 story building.

2. 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.

- Joel Kohn and John Fuller represented.
- Joel Kohn: We were here in November. It was a proposal to increase occupancy. Going up from 535 to 743 in total. It will include 5 additional staff housing buildings. Two dormitory buildings which will hold 60 campers. We are also asking the Board to approve the trailers. They are meant to be used permanently and conform with all the building codes for that. We had a work session in December with the town consultants and Code Enforcement. It was a whole list of things they wanted added

to the plan. Most of them were substantial work put into the site plan. We would like to ask the Board to schedule a public hearing next month for the project and send it out to the county for 239 review.

- Michael Kirtack: I thought those temporary trailers were not allowed to stay?
- Mollie Messenger: That is on this Board's agenda. They want to keep them.
- Michael Kirtack: I thought they were not allowed to stay?
- Mollie Messenger: The Board has to review that. They may have to go to the Zoning Board because it is not a part of the zoning for them to be there. I guess the Board wants to know why you don't want put permanent buildings in. Are you looking to have them removed?
- John Fuller: The main reason is expense. To build 5 buildings with classrooms is a very large expense. We invested a lot into the trailers and build building will be an enormous expense.
- Mollie Messenger: You're looking to do all of this work now?
- John Fuller: The new buildings? The new buildings we would like to do in 2 phases. Do 3 or 4 of the units before the summer and the 2 dormitories.
- Mollie Messenger: I think one thing you need to think about is phasing. It is going to be important to know and for the Board to understand.
- John Fuller: We would like to do most of it when we get approvals. Our time frame is before the summer. I don't want to start something and have it open when the kids are around. If we can open next month for a public hearing and get approvals then it gives me much more leeway to get the buildings up for the summer. We have the camp itself is growing. We need some more dormitories for the kids. When the camp grows automatically the staff grows.
- Mollie Messenger: Are you planning on these 200 kids for this summer or is that a final projection?
- John Fuller: We are planning about 100 more kids.
- Mollie Messenger: Are you working on the water and sewer? Where it is going? We don't have a problem with the sewer with this one as it is.
- John Fuller: Yes.
- Joel Kohn: There is an existing gravel drive from Rosemond Road to where the classes are. That is supposed to be widened. There is nothing that prohibits the use of the classroom trailers. They asked the Planning Board a couple years ago to use them temporarily. There is nothing that prohibits them from keeping that but they still Planning Board approval because the Board only approved them temporarily.
- Helen Budrock: I have been trying to find it in the code that prohibits the use of trailers for classrooms. I think my opinion which I put in my letter and the Board is expressing the same is that we'd rather not see those temporary trailers become permanent. Maybe a compromise is a phased time frame. If you are trying to phase this improvement, maybe it is keep the temporary classrooms for another 2 years

and then commit to replacing those within a certain time period.

- Michael Kirtack: That's how it started to begin with. They were put in temporarily so they could move along. Now they want to extend it.
- Bucky Louckes: If it is legal to be there I still see a problem. They are there. You knew when you were doing it. You said you would remove them later. You said this year we are going to spend \$40,000 because we need those classrooms. It is your hardship you decided to do it that way. Unfortunately there is no law on the books that says they can't do it.
- Michael Kirtack: It isn't a law so much as it was a stipulation for what they got before.
- John Fuller: This type of camp and this type of camp is separate. This is our day camp and this is our sleep away camp. This phase we are building is not impacting this phase. If I would have to rebuild these it would be from scratch. If it is legally not a problem I want to understand. We came at the time and we needed it. We wanted to go through a quick thing and put it in temporarily. The day camp wants to stay. It is successful. We want to keep it there. If the law is not holding us back from that why would the Board not hold us back from it?
- Irv Newmark: Has anybody from the Building Department looked at those?
- Michael Kirtack: It doesn't meet code.
- Mollie Messenger: The Building Department has been here. They have a lot of issues which is what this new team is trying to clean up. That is what we want them to do. That is why it is important you do a phasing plan so everybody understands what you're trying to clean up. They are looking to really improve this camp to make it better. If the trailers are allowed to be there per code maybe there is a compromise in there somewhere. The Building Department can go back up and look to see if they think they may only last two years. I don't know.
- John Fuller: We did meet with Gregg and John we all went together to look.
- Mollie Messenger: I think you're moving in the right direction. I think what you need to do now is a phasing plan so everybody understands what you're doing now and later. How you are improving with the fire department as far as access everywhere. We talked about buses. You are also going to have to talk about those 200 students and how you're getting water and sewer to them. There is more to do. I appreciate that you're doing this because this camp has had kids there and it is not up to code.
- John Fuller: We are definitely working on a lot of thing. John Fuller went to all the buildings.
- Mollie Messenger: I don't want to concentrate on the trailers because there are much larger things.
- Michael Kirtack: I just want to make sure they have the trailers that were temporary. Maybe they aren't mean to be their permanently.
- Mollie Messenger: We will look at that. Maybe they need to be on real foundations.

- Michael Kirtack: I don't want to approve something that is not right.
- Joel Kohn: When the Planning Board approves a building it is saying you can have a classic trailer on this location. The Building Department would still have to go out and they would need to permit and issue a certification of occupancy.
- Paul Lucyk: I think the Building Department should go out and assess those trailers. If they can last a year or so there might be an option. If they are in dire need of a lot of work then you have to have your engineer decide what the best scenario is. The thing with older trailers, with classrooms they run in it and it is so hot, I am so worried about fire from electric. There are still options.
- John Fuller: We did go out with Gregg and we brought the engineer. We did this process. The building inspector came out and the engineer came out, we went through this whole area.
- Michael Kirtack: We need to see that.
- Paul Lucyk: A picture is worth 1,000 words.
- Discussion.
- Paul Lucyk: So this can be brought up on the next meeting.
- Joel Kohn: It's not like a mobile home.
- Paul Lucyk: It is like classroom trailers.
- Michael Kirtack: They are meant to be temporary.
- Helen Budrock: Again this is a special permit.
- Joel Kohn: If you go to many school districts all over the state you can see them.
- Michael Kirtack: Right they bring them in temporarily and the same thing happens.
- Paul Lucyk: I am thinking in my head a 14 by 70 trailer with a flat roof.
- Irv Newmark: No these are better but they may need to be on foundations.
- Mollie Messenger: I will have Gregg send a report.
- Irv Newmark: So where are we at?
- Joel Kohn: Sending out 239. Scheduling public hearing for next month. We will work on the phasing plans and the water and sewer.
- Bucky Louckes: What about that one building we talked about?
- Discussion.
- John Fuller: You're talking about something over here?
- Michael Kirtack: It is on a different property.
- Discussion.
- Bucky Louckes: Go back to Silver Lake. You have a building that sits up there on the left.
- Irv Newmark: It doesn't look too good.
- Bucky Louckes: Did you have your engineer look at that? Is it safe for them to be in.
- John Fuller: If that needs to be part of it I will have them look at it.
- Irv Newmark: It never looked too good.
- Bucky Louckes: You know what building we are talking about?

- John Fuller: Yes. 100%
- Irv Newmark: There is a building behind there too.
- Michael Kirtack: I think that is part of a different piece.
- Irv Newmark: This is close to the road.
- Bucky Louckes: Let's see what we can do.
- Paul Lucyk: Have the engineer look at it.

3. HASBROUCK ESTATES – SBL# 12-1-30.1- Requests site plan review 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.

- Jay Zeiger and Kirk Rother represented
- Kirk Rother: We've been here since 2018. I understand Keystone gave the Board some presentation about overall drainage patterns. We are looking for a resolution and approval. It really hasn't changed in quite a while. I know a potential issue is we submitted these to the fire department and we submitted the cover sheet and the site plan drawings. We also submitted the plan that shows phase 2 and the interconnection. Unfortunately the sheets they received didn't show the location of the fire hydrants. We received a response from them that it is a concern.
- Jay Zeiger: We were here last month and we had a third or fourth public hearing. The one item raised last month was they wanted us to submit a response in writing to the comments of the public hearing. We did that. There were a couple questions about traffic brought up. Kirk mentioned the night of the public hearing and in his response that we did multiple traffic studies on this project. We were asked to send the plans to the fire department which we did. Other than the lack of fire hydrants they didn't raise any questions about access. We have been to the Town Board multiple times. We resolved the issues with the Town Board about the extension of the district where subject to Keystone approval we can finalize that. I think we have really addressed all of the issues the Board asked us to address including Kirk's current submission. There was a question whether we were at the Architectural Review Board and Kirk submitted those plans again tonight.
- Bucky Louckes: What was the last year you did a traffic study?
- Kirk Rother: Last revised was 2018. It was done in 2013.
- Bucky Louckes: There is another development already built there. Englewoods. Then down by White House Estates you have another one built.
- Mollie Messenger: Orchards.
- Bucky Louckes: I think maybe they need another traffic study.
- Kirk Rother: Our traffic study included 5 pending projects that the Planning Board had identified at that time.

- Bucky Louckes: Do you know what those projects were?
- Helen Budrock: I believe at the work session that it was addressed that the 2018 study was sufficient.
- Irv Newmark: Here is an issue for some of us. The drainage on the front piece of the driveway. They dug out the ditches but the slope of the driveway we want to be sure the water does not go across the road where the people have come to public hearings about it. How can we sure that is going to happen?
- Kirk Rother: There was a concern I brought up. When I was there a couple months the drainage that was built as part of this entrance was all clogged. Jim Warden went out and cleaned all that out. In my responses to the public hearing comments I also indicated if cleaning that out wasn't enough either put a trench drain or regrade the entrance.
- Irv Newmark: That is an important thing that should be in the conditions.
- Kirk Rother: I did put that in our response to the public hearing comments and certainly if the Board wants to make that part of the conditions that is fine. I put a note on the map.
- Jay Zeiger: When we were here last month the SWPP guy from Keystone was also here. We had told him what the proposal was that Kirk mentioned. He felt that would be helpful in resolving the problem.
- Irv Newmark: There is no question that will solve the problem we just want to make sure that is in the conditions.
- Jay Zeiger: We agree. We have not objections.
- Paul Lucyk: I like the negative profile better than the trench.
- Kirk Rother: I agree. The trench will get clogged. There is a negative slope there now but not enough.
- Bucky Louckes: It has a nice run from the top to the bottom so it kind of hard to slope anything.
- Irv Newmark: Everything else goes the other way. We are waiting for the fire department?
- Mollie Messenger: I think it would be unfair to do any kind of conditional without the fire department which is unfortunate but that would be unfair to act without them seeing the utility plan. I think you should go over the conditions and Helen should read them. I am not in favor of doing anything until the fire department can review it. But you are the Board.
- Jay Zeiger: I am sitting here in my study and I didn't make the trip. Kirk is an hour away. Our client is a couple hours away. In Helen's resolution she makes clear that the conditional of approval is that all of the third party issues are addressed which would include the fire department. If they have any issues we are obligated to come back anyway. It is not like we didn't send it to them. We did. We are still ironing the issues with them as we are with Keystone. All of the resolutions are made subject to resolving these issues. I have no issue with the condition that the

fire department signs off on the plans and if they don't we will come back.

- Mollie Messenger: We also have any chance to review the landscaping or the elevation. Those were only handed in this month. I don't have my meeting with Gordon until next week because of the holidays. I don't know if there will be anymore changes. Nobody has to drive up for 2 hours if it is just going to be simple. You can send all kinds of local representatives. I don't know that is an excuse. I think acting outside of the fire department after they sent a disapproval would be a mistake. That is up to the Board and not me.
- Helen Budrock: Do you want me to read the conditions and you can decide if they are sufficiently or if you want them to come back?
- Irv Newmark: Okay.
- Helen Budrock: The standard conditions include adherence to any and all changes required by the Planning Board, Architectural Review Board, Town of Fallsburg staff, Planning Board attorney, town engineer, any other technical consultants. The conditions in the EAF payment of all fees and offers of any dedications or easements of all roads. It is the first standard condition. If Mollie needs a pardon the Architectural Review Board making changes will be a conditional of approval. The site specific condition conditions would be approval by the Town Board for the water district extension. I added adherence to any and all changes requested by the Woodbourne fire district.
- Bucky Louckes: Loch Sheldrake.
- Helen Budrock: Loch Sheldrake. Thank you. Installation of a trench drain or regrading the driveway to prevent runoff from entering Hasbrouck A Road. Reviewing and approving by Planning Board attorney of the easements to the mobile home for the sewer line and secondary access. Submission of a shared line agreement easement or a transportation corporation for any shared water and sewer lines. Provision of dedicated easement along Hasbrouck A Road as necessary to accommodate the construction of future sidewalks. No site disturbance or construction until a SPEDES permit is issued. Those are the detailed conditions so it is a matter of whether you think they should come back for approval or they are sufficient for your level of comfort.
- Paul Lucyk: I think there is a lot of conditions.
- Michael Kirtack: I think they should come back next month.
- Jay Zeiger: Those conditions will be the same even if we had the sign off from the fire department.
- Bucky Louckes: The condition are staying the conditions.
- Kirk Rother: In regards to the fire department they sent them this plan. We just got their letter back two days ago. If they don't like these fire hydrants we can add one or two more.
- Bucky Louckes: How far apart are they?
- Kirk Rother: They are by state standards. It varies between 4 and 650 feet. They

didn't see any fire hydrants because they didn't see the site plan sheet.

- Discussion.
- Kirk Rother: That has to be 1,000 gallons per minute.
- Helen Budrock: You guys have to do SEQR first before you can do the resolution.
- Irv Newmark: Let's do that.
  - MOTION:
  - Bucky Louckes motions for negative dec. Paul Lucyk seconds. All in favor.
- Irv Newmark: So we did the neg dec. Do we want to do a motion to do this? Everything they do is subject to these conditions? We can make them wait or they can do it but not if the fire department says no. They had the public hearing.
- Kirk Rother: The plan will look the same next month save for one or two more hydrants.
- Irv Newmark: We need the landscaping and the architect.
- Kirk Rother: They have been submitted. The renderings of the building I've had for a long time. The Board has seen them already.
- Irv Newmark: We now have a consulting architect.
- Mollie Messenger: They never went to the ARB.
- Irv Newmark: Right. Now we have an architect to review. I am calling for a motion to approve it subject to these conditions.
- Gary Tavormina: Do we have statements from the Town Board that there is enough water?
- Mollie Messenger: Yes. They have done the report for the water and sewer extension.
- Gary Tavormina: All of a sudden they had low water pressure now they want to put all these units and where is the additional water?
- Irv Newmark: They keep telling us it is okay.
- Gary Tavormina: As long as it is in writing that the Board is protected. They have low pressure with the houses you have now. Now you want to add additional plus others with no additional water supply.
- Mollie Messenger: We are fully aware of the water system and the Town Board is and Keystone is.
- Gary Tavormina: But we keep approving these projects knowing we don't have the water and we don't have the sewer. Then all of a sudden we build them and we have to supply them.
- Mollie Messenger: We have to supply water to houses in the district regardless. Some of these developments are in the district and we don't have a choice.
- Gary Tavormina: You are going to extend the district for the water supply
- Mollie Messenger: We don't know the water supply. You keep saying that but we don't know that. Keystone has looked at it. We have water models. We have added towers and wells.
- Gary Tavormina: I would like a written statement that this Board is covered.

- Irv Newmark: We would like somebody to tell us where the water is coming from.
- Paul Lucyk: Have them write a letter to us.
- Mollie Messenger: Guys, you can go through the map plan report. That is all the Town Board action. That is part of this and they have gone through that.
- Gary Tavormina: We are making the approval of the project with the assumption that there is water and sewer. We have nothing in black and white that says the Town Board has this.
- Jay Zeiger: These is a map plan and report which is subject to approval by Keystone that will demonstrate that there is sufficient water.
- Gary Tavormina: I am interested in what I ask for. I am interested in a document from the Town Board stating there is enough water and enough sewer.
- Mollie Messenger: That is done through the resolution. The resolution of the Town Board to allow the water and sewer.
- Irv Newmark: Do we want to do this or wait until next month?
- Bucky Louckes: I say we give it to them. It is going to be the same.
- Paul Lucyk: As long as all the conditions are met and there is adequate water during the summer when we are at high usage. As long as we get a letter from Keystone.
- Helen Budrock: I will add under the condition approval by Town Board for water district extension and town engineer's review. Approval of the map plan and report
  - MOTION:
  - Bucky Louckes motions for conditional approval. Paul Lucyk seconds. Michael Kirtack votes again. All others vote in favor.

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

- Gary Tavormina recuses
- John Makovic and Glenn Smith represented.
- Glenn Smith: This is the 4 unit apartment house on the corner of Main Street and Waldorf. I think the Board was generally okay with the plans. Nothing has changed. Just a couple conditions you had. One was add a dumpster on the site plan which is added on the current plan at the back of the parking lot. We submitted the colored rendering of the proposed building to the town's architectural consultant and got comments back. Things like taking out the grids from the windows and adding a canopy over the front door. They suggested like a greenish grayish color scheme. John has put everything together. We submitted the revised rendering. They also asked for a rendering of the inwall building that is the front wall on

Waldorf. It is the same color scheme.

- Irv Newmark: It is not right on the road. It is behind the parking lot. I worry about the ones that are right there.
- Bucky Louckes: You did widen the road?
- Glenn Smith: Yes.
- John Makovic: We had a meeting about it today.
- Glenn Smith: According to Mollie and Ken we looked at the site today. In summary the paved road is about 13 or 14 feet wide. Going in from Main Street on the right side if 4 or 5 feet or so. They will box that out eventually.
- Irv Newmark: So is there anything else or is it resolved about the road?
- Mollie Messenger: That was the biggest part. We had the consultant look over everything. He told them to widen it and that is what John has agreed to in order to it to the 20 feet.
- Irv Newmark: So what do we have to do next?
- Mollie Messenger: You have a draft resolution.
- Helen Budrock: So it is the standard conditions again. The site specific conditions I have were the approval of the dumpster location. The construction details. Another approval of the town architectural consultant. Updated response to comments from last month. I just added this under new conversation there is excavation to widen the road approximately 4 feet along the frontage of the property in coordination with the town fire department. That sound like it captures it?
- Irv Newmark: Yes.
- Helen Budrock: You have to do SEQR first.
  - MOTION:
  - Bucky Louckes motions for negative dec. Michael Kirtack seconds. All in favor.
- Irv Newmark: We have that. Now we need a motion for site plan approval.
  - MOTION:
  - Bucky Louckes motions for conditional approval. Paul Lucyk seconds. All in favor.

5. 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 Reilly represented.
- Mike Reilly: It was my understanding was that Arthur had 3 issues with it. One being the road connection to Timber Ridge. I have done the best I could there.

There are some limitations because there are power poles and there is a real steep bank that goes up to Westbourne park. I think I achieved what he wants. It is not as clean as I want but it is not doable because of the power lines. The other thing he wanted was that this entrance be a bit wider. We have made it 28 feet wide. He also wanted to see a side lot connection. I have showed that with the gray hatch alongside the road that comes by the proposed sidewalks.

- Bucky Louckes: These little black dots are telephone poles?
- Discussion.
- Mollie Messenger: I unmuted Arthur because he is on
- Mike Reilly: This used to be a Y. There is power lines that run right through here and right where my clip board is there are 2 poles we aren't going to be able to move. Right here is a pretty steep bank. I've come in at T and I have this little S in it. We ran a truck turning simulation we can get the fire trucks up through it. It is kind of the best I can do with the limitations of the power line and the grade. In a perfect world I'd love to run this straight and have this just be a T. We can't do it at this point. If we thought about it at the beginning of the project maybe. It is 28 feet all the way through to Timber Ridge.
- Arthur Rosenshein: How wide is that road?
- Mike Reilly: 28 feet plus the sidewalk.
- Arthur Rosenshein: That will be subject to the traffic engineer's report. No sense in holding it up more.
- Mollie Messenger: Thanks Arthur.
- Irv Newmark: We need a motion for a site plan amendment for the relocation of the pools and the shul and some of the unit.
- Mollie Messenger: Is there a note on the plan about the sidewalks being something for later or did we decide?
- Mike Reilly: We just have this proposed 5 foot sidewalk. I don't have any notes specifically addressing it will come later.
- Mollie Messenger: Tell me how it says if Timber Ridge it will go through.
- Bucky Louckes: Let them put them in now. They're pouring plenty of concrete. Later you don't have to worry about it.
- Mike Reilly: It is an additional expense.
- Irv Newmark: This is to get this site plan amendment for relocation of the pools, shuls, and some of the units. That is why we are here.
- Bucky Louckes: Just let them put the sidewalks in. It is a community they should have them anyway.
- Mike Reilly: This is a connection to this property. We have sidewalks all over the place on the inside. Arthur wanted a connection to this.
- Bucky Louckes: The sidewalk is going up to the top there right?
- Mike Reilly: Yes.
- Bucky Louckes: So if we put that one in we know it is done.

- Irv Newmark: What do we do?
- Mollie Messenger: That is a Board decision on what that note will say. Our suggestion at the last meeting it would be something we could put in if Timber Ridge was to move forward then Timber Ridge would be responsible. Westbourne just had to show it on the map.
- Mike Reilly: Room was allocated for it but it would be built if Timber Ridge happened.
- Bucky Louckes: Timber Ridge has agreed to take this sidewalk on?
- Mollie Messenger: That is a condition if they do that project.
- Mike Reilly: It is all the same people.
- Paul Lucyk: So you'd go as far as property line with the 5 foot sidewalk, correct?
- Mike Reilly: What we're saying is if Timber Ridge is built then we will put a sidewalk from the edge of Westbourne all the way down here and tie in here.
- Arthur Rosenshein: As long as it is in provision it should be alright.
- Mike Reilly: Yeah we're not looking to put it in right now if possible.
- Irv Newmark: Let's entertain a motion to give them the okay for the relocation of the pool, shul, and some of the units. That's what the motion is for.
  - MOTION:
  - Paul Lucyk motions for site plan amendment approval subject to engineering. Michael Kirtack seconds. All in favor.

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

- Jay Zeiger and Tom Olli represented.
- Jay Zeiger: We were here on this a couple of months ago. The project is fully built. It is a duplex development. 112 houses. All of the houses have been built and sold. The request for the mikvah is coming from the condominium board on behalf of the unit owners. We are asking to install a mikvah at the location shown on the map that Tom Olli our engineer has with him. We needed a variance from the ZBA which we went and received.
- Tom Olli: We have located the mikvah exactly where it was presented to this Board even though the agenda refers to a caretaker unit that has been removed. We are only proposing a 1 story mikvah that is located in this notch on the southern part of the property line as you come up the road from Inner Circle. We have provided the Board with grading and landscaping plans showing the enhancement of the buffer and the setbacks and the proposed parking that would be just for the mikvah. Not the caretaker apartment.

- Jay Zeiger: The mikvah is for the development it is not a public mikvah. We expect most if not all of the users will be walking there.
- Tom Olli: Correct. We do have parking for anybody that would come for any maintenance or repair of the building. We are only showing 3 spaces and a handicap accessible space. There are entrances from the front and there are entrances and access to maintenance on the rear. We do have to relocate a short length of the storm water swale that currently runs along the road. We will replace that with an enlarged bioretention area just down stream. We have shown the details for that. I also brought with me the layout of the proposed mikvah as well as some architectural elevations of the mikvah. Jay can provide from the applicants point of view if these need to go to architectural consultant.
- Irv Newmark: (inaudible)
- Mollie Messenger: The Planning Board has the discretion to send anything to the architectural consultant. If this Board doesn't feel as though that this building doesn't need to be seen by the consultant you don't have to send them.
- Irv Newmark: Below that buffer zone what is that property?
- Tom Olli: Grandview.
- Mollie Messenger: Which is really pretty.
- Tom Olli: 52 is way down here. This is probably 150 feet elevation.
- Helen Budrock: It is not publicly visible.
- Mollie Messenger: There are just some technical things. There will be a review. The drainage to the bioretention needs to be moved a certain way. You and Ken will discuss that.
- Tom Olli: Absolutely:
- Paul Lucyk: How deep is the mikvah off the original grade of the ground?
- Tom Olli: The first floor is right above grade. There is very little fill. At this corner there is about a 1 foot fill from the existing grade. That grade will be carried all the way around.
- Paul Lucyk: The mikvah itself, is there a way of draining that? They are usually 8 foot down.
- Tom Olli: The mikvah is sitting right around 5 feet of water level. We have a drain that has been designed. We have adequate depth to be able to drain.
- Paul Lucyk: A footing drain?
- Tom Olli: Footing drains have to go to (inaudible).
- Paul Lucyk: Is there a place to put that?
- Tom Olli: Absolutely. This is a fairly steep hill going down this direction.
- Mollie Messenger: In your original application there was a mikvah and a caretakers unit. Do you still have a need for a caretakers unit or is that just not happening?
- Jay Zeiger: They would love to have a caretaker but right now they don't have one on site. It is not part of this application. The Zoning Board was not in favor of it.
- Mollie Messenger: I just didn't know if there were alternate plans.

- Jay Zeiger: I haven't had any discussions on the plans since we withdrew that.
- Arthur Rosenshein: I just want to make sure this doesn't set a precedent. This is a specialized condition. There is nowhere else on the property to put it. There is nobody adjacent to it. There is no alternative here. If somebody else wants to come in and wants to waive that 50 foot buffer this is not a precedent for doing it. It is a condition that occurred very rarely because there is nobody next door and there can't be.
- Jay Zeiger: That was a big part of the discussion at the Zoning Board. It was a big part of why the original proposal was tampered down to just the mikvah.
- Arthur Rosenshein: With that condition it is okay.
- Irv Newmark: We are just voting on the mikvah. We need a motion.
- Jay Zeiger: Negative dec?
- Helen Budrock: Is the building above 1,000 square feet?
- Tom Olli: No.
- Helen Budrock: Then it is a type 2 action.
- Jay Zeiger: I think the motion should be to amend the site plan to allow for the mikvah at the location on the map.
- Helen Budrock: That will be fine. We just don't need SEQR.
  - MOTION:
  - Bucky Louckes motions for approval. Paul Lucyk seconds. All in favor.

7. SUNNY ICEBERG - 17-1-39.1/39.3/51.3 - Conceptual review for a proposed townhouse development on the two residential properties and an office building on the commercial lot. Discussion and comments on Keystone review. Zone: R & B. Acres: 17.80. Location: SR 52, Loch Sheldrake. Cross Roads: Karmel Jacobs Rd.

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