

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

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

**February 9th, 2023**

In attendance: Arthur Rosenshein, Chairman, Bucky Louckes, Gary Tavormina, Michael Kirtack, Irv Newmark Planning Board Members, Mollie Messenger, Code Enforcement, Helen Budrock, Town Planners, Dylan Harris, Town Attorney

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

### PUBLIC HEARING:

#### 1. AKERA – SBL:6-1-14

- Jacob Billig and Mike Reilly represented.
- Jacob Billig: This is a project we are coming back to expand on the site plan. This is a retreat. It is Board approved back in 2021. Prior to that to give you a little history. You referred us to the ZBA to get a use variance as a retreat. It originally had been given site plan approval in 07 but it was a nonconforming use. We were asked by the town to get a use variance for the retreat status then site plan approval. We followed that procedure. You referred us to the ZBA. The ZBA gave us the use variance for the retreat. We came back here for site plan approval. It is a relatively small expansion. I will have Mike explain.
- Mike Reilly: These small circles here are 20 new campsites. They will probably be 4 foot diameter domes and one central bath house here that will have bathroom facilities in it. At the top is the 60 foot dome that is under construction. This is just for the 20 sites and the bath house.
- Audience: This is a dream come true project for my best friend, my wife, and I. It is focused on wellness, nature, and art. Centered around families and children.

We poured our hearts into it. This is the final look. We aren't doing anything else with it.

- Arthur Rosenshein: Anyone want to speak? We have this email. This sent to you Mollie and you sent it out?
- Mollie Messenger: Correct.
- Arthur Rosenshein: This is from Mary Lu Bernoi. Thanks for taking the time to talk today. The following items are of concern for the neighbor of Akera of retreat. Seeing the dome from our background will invade our privacy a great deal. Do you know the nearest one?
- Mike Reilly: I think with vegetation you won't see anything. 200 or 300 feet at least.
- Bucky Louckes: From the property line?
- Mike Reilly: From where the building will be.
- Arthur Rosenshein: Number 2 well water will be engineered with run off down the hill and through SEQR.
- Mollie Messenger: I spoke with Mr. Bernoi and the well is just outside the camp area and that is why he was concerned with it.
- Arthur Rosenshein: Number 3 traffic issues without business being here. Trucks going in and out especially during planned events. 4 is noise level during events. 5 is property values dropping because of a retreat with no privacy. 6 unclear of how much other expanding they will do in the future. And finally 7 the recommendation is for a farm exemption area without animals. Is that still happening?
- Jacob Billig: We didn't apply for a farm exemption. We mentioned to have some accessory farm uses for the retreat so to speak. A vegetable garden or some minor farm animals. That isn't how we presented it. There is no anticipated truck traffic. There might be some during the business hours if something needs to be setup. I don't think it is that many cars. It is 20 meditation areas where people will stay.
- Arthur Rosenshein: When we have you on our agenda we will discuss that. Anyone else want to speak? No? Public hearing is closed.

## 2. ZIMMERMAN ESTATES – SBL: 17-1-14.1/14.2/14.3

- Glenn Smith and Eli Brezel represented.
- Glenn Smith: This is about 16 acres on the corner of Route 52 and Zimmerman Road here. This is the property here. It was the Savinski property. We had a public hearing last May. At that time it was about 13 and a half acres and 44 units. Townhouses. Since that time the Brezels have acquired the contract to buy the property next door which is a 2.6 acre piece here that goes down 52. I came to the Board last month and they suggested that because it is a significant change we will increase the density from 44 to 53. We are back for that public

hearing to brief everybody on the expansion of the project. It is in the town water and sewer district. This part is being extended into the water district. There is now a large courtyard in the middle of the property. By expanding 150 feet that way opens up that courtyard. 2 entrances on Zimmerman Road. There is an existing driveway off of 52 which will be an existing emergency drive only.

- Arthur Rosenshein: Anybody that wants to speak?
- Glenn Smith: These are the singulars that will be built.
- Eli Brezel: Basically these 4 buildings are here. We put in stone to make them interesting. These would be the interior. Obviously it is not done yet. This is facing the inside of the circle.
- Helen Budrock: This is in South Fallsburg?
- Eli Brezel: Yes. This one is the interior. This will be the other side of the other one.
- Mollie Messenger: Just a side note on the Zoom. The Owl is broken. There is no video that can get everything and everyone.
- Arthur Rosenshein: Anybody else have something to say?
- Gary Kalcher: What is the situation with the water? Do we have the water for this property? It is not a problem?
- Glenn Smith: It was asked at the last meeting. The original project was around 28 or 29,000 gallons per day. The additional units bring it to 34 or 35,000 gallons a day.
- Ken Elsworth: At the intersection of 52 and Zimmerman we have 95 PSI and 18,000 gallons per minute for fire flow but we have not applied that to the development yet.
- Gary Kalcher: The other question is tree screen. For those of us that drive on 52 at this point it is more and more looking at houses and homes. What are you going to do with the trees to make this more natural and more like Fallsburg?
- Glenn Smith: There will be a landscaping plan will be submitted. There are trees along the road but they are kind of sparse. The last plan with the original layout had a whole row of spruce trees along that for screening. That will be on here.
- Gary Kalcher: How deep will that be?
- Glenn Smith: Typically we do like 2 rows of staggered trees 15 feet apart. It is a pretty dense screen once we get it growing.
- Gary Kalcher: 2 is not a lot in case a tree dies then you've lost it. There is no question you need a minimum of 3. That gives you a reasonable screen. Can you consider having 3 tree deep screen? So many trees have died.
- Arthur Rosenshein: Anything else?
- Gary Kalcher: I didn't hear his last comment.
- Arthur Rosenshein: We will add it to what is required.
- Gary Kalcher: Thank you.

- Felicia Katz: I agree with the 2 points. Of course there is increase traffic that is an issue too.
- Arthur Rosenshein: Thank you. I think there is plenty of (inaudible) on that property.
- Eli Brezel: It is not really a budding property. The houses are probably (inaudible)
- Arthur Rosenshein: Alright with that we will move on.

### 3. JASMINE LYNN – SBL:17-1-21.2

- Applicant did not appear.

### NEW BUSINESS:

#### 1. AVON LODGE CAMPGROUND (FORMERLY AZIA) – SBL: 61-1-14.2/15 –

Conceptual review consisting of site plan to develop a vacation campground including RV sites and tent sites. Zone: REC. Acres:144.2. Location: East and West side of Avon Lodge Rd.

- Ivan Kalter represented.
- Ivan Kalter: This is on Avon Lodge Road. It consists of 15 RV units which are shown here and 15 tents that are shown here. The project was certified before. These 15 units will have sewer and water. The 15 tents will not have sewer but will have a water line right under here. The sewer will go into an existing sewer plant on the opposite side of River Road. Access is on the highlighted line shown here. This is a 18 foot gravel road which will come down to this area for the RVs. 18 feet over here for the tents. From the gravel road there is a walkway. That is 8 feet wide to the tents. The distance between the gravel road and the farthest tent is about 900 feet. The 8 foot walking path is wide enough for emergency vehicles. There is a playground for each portion of the project. There are provisions for bathrooms on the bulk portions of the project. There is an area over here for those who do not have a river site. They can access the Neversink River. These units are along the Neversink. Some may be in the 100 year flood plain. In that event manholes and water lines will all be worked with. I think that is basically the main elements of this project. These units are fixed units and these are tents. You have places for playgrounds and parking. I think this is consistent with the requirements. These units are more than 80 feet apart. Keep in mind that this is 144 acres. This might look closer than it is. Any questions?
- Paul Lucyk: This is not by the old hotel is it?
- Ivan Kalter: I drove by there trying to figure that out myself. I think it is past the old hotel. The Avon Lodge.
- Paul Lucyk: Is it past the owner's house?

- Ivan Kalter: I think so. If it was near the Avon Lodge there isn't enough frontage along the Neversink River. I think it is closer to the old steel bridge. There is one area where you go further down the road and that is where these units are located.
- Michael Kirtack: I can tell you where it is. The homes that are up there are the Kosofski's old homes. The other thing where is where the old Renfield was.
- Ivan Kalter: Yeah somewhere in this location.
- Discussion.
- Michael Kirtack: It is past the old hotel and the old bungalow colony. This is the river right here.
- Ivan Kalter: If you follow the river this is the only area for RVs.
- Michael Kirtack: The river has come up high enough to floor Larry Kosofski's house before.
- Ivan Kalter: Any other questions?
- Arthur Rosenshein: Helen are you on board?
- Helen Budrock: I don't believe so. We were on Azia which same applicant but entirely different property. It would make sense.
- Arthur Rosenshein: Motion to bring Helen and Ken on board?
  - MOTION:
  - Bucky Louckes motions to engage Helen and Ken. Irv Newmark seconds. All in favor.
- Helen Budrock: Do you want a memo for the next meeting? I'll look at the plans.
- Arthur Rosenshein: Yes and compare it to the list of requirements.
- Bucky Louckes: You're not coming in and out with rentals all weekend? Will it be the same campers up there?
- Ivan Kalter: I don't know. The plan right now as far as the RVs is an interesting concept. This is something that we are thinking of putting up is bringing your own RV.
- Irv Newmark: It looks like it is a resort compound where there are not going to be units.
- Ivan Kalter: The second page has a photograph of the interior. I believe the RV units are upscale. They look like little boats.
- Gary Tavormina: How big is the access road?
- Discussion.
- Ivan Kalter: This is 18 feet wide to 8 feet wide.
- Gary Tavormina: The access road to any area has to be 20 feet wide.
- Ivan Kalter: I read 18 feet.
- Gary Tavormina: 20 feet.
- Arthur Rosenshein: Will the tents be there or will people bring them?
- Ivan Kalter: I believe they will bring them.
- Arthur Rosenshein: They have to bring them how many feet?

- Ivan Kalter: The most extreme is 900 feet. I would imagine but I can't say for sure but a vehicle may be able to make it because it is 8 feet. I assume from what I believe it is accessible by vehicle or atv.
- Arthur Rosenshein: Are people able to bring atvs?
- Ivan Kalter: As of right now there is no prohibition against atvs. That is a business decision my client will have to make. If people will have atvs and other campers complain about it that is a decision he will have to make. There is no plan to prohibit atvs. It is outdoors with 144 acres. I am sure some people might want a complete outdoor experience. Once again kayaks and canoes. I am not sure where there is an exit for those. There is no prohibition against atvs.
- Gary Tavormina: Does the DEC have anything to do with this?
- Ivan Kalter: Not that I am aware.
- Gary Tavormina: For access to the river?
- Ivan Kalter: No I don't think so. There are points along the river where you have access for fishing. I know my wife has kayaked on the Neversink.
- Gary Tavormina: The access road to the tents should be 20 feet.
- Ivan Kalter: According to the regulations I am looking at each campground shall provide a minimum width of 18 feet. If the Board wants 20 feet I will discuss that with the client but under the regulations it is 18 feet. I think that would be wide enough for a fire truck.
- Mollie Messenger: In general you will have an 18 foot road with 1 foot shoulder on each side at the minimum which would be 20 feet wide cleared space.
- Ivan Kalter: I'll mention that to Joe and see what he can to keep it a little wider.
- Mollie Messenger: You have 10 sites then you are also having RV sites and then you are trying to put these structures down there too?
- Ivan Kalter: I think he would like to sell these structures for the RV sites but not the tent sites. These are meant to be permanent for the RV sites.
- Mollie Messenger: You're not going to be able to do that for the overlay for the Neversink. You're going to have to adhere to the subplan requirements. You will have to research the floodplain requirements and the overlay.
- Ivan Kalter: Normally there is a restricted area where you can't build without getting approval. I am going to leave that to engineering. I will mention to Joe about the width of the road. The floodplain and how much jeopardy these units are.
- Helen Budrock: Can you get the engineer plans in digital?
- Ivan Kalter: I can do that.
- Helen Budrock: The EAF and site plan aren't dated. Do you know when they were submitted?
- Ivan Kalter: Joe was supposed to cover and couldn't. I am here as a lawyer and engineer.

- Michael Kirtack: The lower part where the RVs are going to be. It is quite a bit lower. For a long time you had bungalows on that side but they were closer to the road.
- Ivan Kalter: You are absolutely right.
- Discussion.
- Ivan Kalter: I will send the plans to you in the format you want. Check on the road and area with the DEC. Joe is a pretty good engineer. I would imagine he took that into consideration.
- Arthur Rosenshein: I think we should discuss the use of vehicles and summer vehicles. There has to be a set of rules. We don't want to turn this thing into a race course. We don't want it wide open. I would like to know what they are going to do. This takes a special use permit so the rules are written as we go along. We need more information about their intentions. We need to know what is going on.
- Ivan Kalter: I would like to think these ones are the units they are selling to upscale individuals. I believe it is upscale a clientele. I can't imagine they are using atvs and snowmobiles recklessly. This is the country. They use them for entertainment. I think there is a location on River Road. That is another issue Mollie and I have to work out. There are residents using atvs. People use atvs all the time. I know people in Davos are using atvs and snowmobiles all the time.
- Arthur Rosenshein: We will have more questions.
- Ivan Kalter: I spoke to Bob about it and he said as long as none of the clientele complain about the noise he plans to allow atvs and snowmobiles. He is not renting or selling. It is up to each individual client whether they use atvs or snowmobiles.
- Bucky Louckes: This is all year round?
- Ivan Kalter: Yes.
- Helen Budrock: I would like to hold off on a public hearing or any action on SEQR until I can do a zoning evaluation. The layout or the unit count may change on comments. You just never know. One more month
- Arthur Rosenshein: That's fine by me.
- Ivan Kalter: I can do a work session. I am not familiar with your process. If you want to do that with Joe and go through whatever concerns you may have.
- Helen Budrock: I was just engaged tonight so it is the first I am looking at it. Let me look at it a little bit more. Maybe a workshop won't be necessary maybe I'll just send my comments.
- Ivan Kalter: Copy Joe he is engineer.
- Bucky Louckes: While you are working on that make sure you are looking at guest parking.
- Ivan Kalter: You have the playground area with parking over here.
- Bucky Louckes: That can be the people with the tents. The people with the permanent places where are they parking?



- Ivan Kalter: I think this is the only parking area right now.
- Bucky Louckes: Have him show some parking on there.
- Ivan Kalter: It does show some parking. I know you have the small map. There are new parking areas on both sides.
- Bucky Louckes: Where is the parking for the RVs?
- Ivan Kalter: I don't see any parking for the RVs.
- Bucky Louckes: That's what I am saying it doesn't show it on there.
- Ivan Kalter: I don't know how they intend to park the RVs.
- Bucky Louckes: That's what I am saying. That way you are ahead of the game when you come back.
- Ivan Kalter: Okay so you want to know if there is parking here.
- Arthur Rosenshein: And maybe a prototype of the tent site. Is it a blank site or a platform? You don't have to answer it now. Just when you come back.
- Bucky Louckes: Just trying to give you as much heads up for when you come back.

2. AERO-STAR PETROLEUM, Inc – SBL:21-1-22.2 - Conceptual review consisting of site plan and special permit for purposed new building and fuel pump island to replace old building and fuel pump island with additional parking. Zone: B, Acres: .39. Location: 6093 ST RT 42.

- Glenn Smith represented.
- Glenn Smith: Basically this is a property on a corner in Woodbourne between 52 and 42. 0.9 acres in the B zone. Essentially the owner would like to take down the building that is there now and the gas canopy and tanks and put up a new 60 foot by 80 foot building farther back on the lot. A new gas canopy in front of the building closer to the intersection. The first thing I did was send the plan to Goldstein so he knows what is going on. We are showing a one lane drive around the building. We would like to do a service building on the side of the building. They are going to sell coffee and donuts through the service window. The existing building and canopy do not meet the setback. They are mostly out of the setback. The proposed building is within the setback. That is the orange triangle. I am assuming we are talking about an area variance from the Zoning Board. That may be the next step we have to go before anything else. That is pretty much it. There is water on the site. I did show a new asphalt sidewalk that comes down 52 and kind of ends in front of the building.
- Arthur Rosenshein: The property line in front to the right. Is that surveyed?
- Glenn Smith: The lines are all surveyed. This is the survey map.
- Arthur Rosenshein: So anything beyond that is state right of way.
- Glenn Smith: Yes state right of way comes into the property a little ways.
- Arthur Rosenshein: So at some time you will have to talk to the DOT.



- Glenn Smith: Absolutely.
- Helen Budrock: Is the applicant amenable to extending that sidewalk across the entrance and combining?
- Glenn Smith: The other crosswalk comes across there and then down and across this curb here. It is a possibility. I was thinking the same thing.
- Helen Budrock: We have a lot of discussions with Westbourne and making sure once people get to that intersection that they have some place to safely cross. Even though there is a crosswalk there is no button or anything like that.
- Bucky Louckes: There is.
- Helen Budrock: Are you sure?
- Bucky Louckes: Yes.
- Discussion.
- Glenn Smith: All this route to Monticello and 42. All down by Monticello High School.
- Bucky Louckes: The Dunkin Donuts.
- Discussion.
- Glenn Smith: I was here last year for the poll station in South Fallsburg.
- Helen Budrock: It is not school bus yellow. It is like a beige. I am seeing a bunch of these. This is the first one I've seen that has a drive thru component. It is a tough site for wanting to try to do a drive thru. Just something to think about.
- Arthur Rosenshein: Does the Board have any other questions?
- Mollie Messenger: Did you engage Helen and Ken?
- Arthur Rosenshein: Motion for Helen and Ken?
  - MOTION:
  - Irv Newmark motions to engage Helen and Ken. Paul Lucyk seconds. All in favor.
- Helen Budrock: Are you going to the Zoning Board?
- Glenn Smith: That is the step before a public hearing?
- Helen Budrock: Right.
- Mollie Messenger: You want to do a formal denial?
- Arthur Rosenshein: Motion?
  - MOTION:
  - Irv Newmark motions to deny. Michael Kirtack seconds. All in favor.
- Helen Budrock: You want me to hold off on doing formal comments until you get back?
- Glenn Smith: Yes.

**3. JASMINE LYNN -SBL: 17-1-21.2 – Requests review of plan to open a thrift store.**  
 Zone:B, Acres: .92. Location: 1097 St Rt 52.

- Applicant did not appear.

4. BAIS YAACKOV HIGH SCHOOL – SBL:39-1-66.2 - Conceptual review consisting of site plan to add a hotel building to the project. Zone: B, Acres: 24.47. Location: 5478 SR 42, Fallsburg.

- Mike Reilly and Eli Tress represented.
- Mike Reilly: This is right next to the cemetery on 42. Traffic loops around here with some parking in the back. Parking in front as well. It is landscaped. It came out pretty well. What Mr. Truss would like to add a hotel type building to the back of the site. Right now I have it on there as a 7,080 square foot building. He wants to put 16 units in it. It is going to be associated with the school.
- Eli Tress: It is my understanding that it will be a year round hotel open to the public. Most of the occupancy will be parents, relatives, and friends of the school in front of it. 16 units year round use. The hotel will not have any major food facilities. Anybody associated with the school will be able to have food with them from the school. It is intended as a hotel. It is not a student dormitory.
- Bucky Louckes: It isn't going to be a bunch of beds downstairs?
- Eli Tress: That was a mistake and it is over with. There are some restrictions we would like lifted for the girl's school. I don't understand why those were in place.
- Arthur Rosenshein: They asked for them.
- Eli Tress: Now they are not in. We are asking that they can change. We are going to take the school year round and have a greater occupancy based on whatever the occupancy rules are. This beautiful building is in a nice location. There is no reason why this building should be utilized year round. Once again we are students. We are asking that the building restrictions be removed. I don't know why they did that. I wasn't here. I don't know if anybody knows any good reasons those restrictions should remain.
- Paul Lucyk: Do you have a rendering of the building for the heights and the elevation of the building compared to what is there?
- Discussion.
- Gary Tavormina: It is a 2 story structure?
- Eli Tress: It is a 2 story structure. It is not obtrusive. It is behind the school. It is lower than the other building.
- Mike Reilly: We can prepare a rendering.
- Gary Tavormina: Wood or concrete?
- Eli Tress: A wood structure.
- Arthur Rosenshein: The question becomes is the hotel an accessory use to the school? Which is the dog and which is the tail?
- Helen Budrock: Dylan? Can you refresh my memory? I am trying to find it in the code about allowing 2 uses on one parcel?
- Arthur Rosenshein: We will have to get that clarified.

- Eli Tress: Since most of those will be open to the public I would argue that most of the occupants will be related to the students which may make it an accessory use.
- Arthur Rosenshein: We can't get that answered tonight. I suspect we would like to see a (inaudible) on it so we have some idea. There are a set of rules for a hotel.
- Helen Budrock: I'll take a look at that.
- Mike Reilly: I couldn't find anything on double uses in the code. Other towns allow it.
- Helen Budrock: With permission from the Planning Board?
- Mike Reilly: Yes. Thompson allows it.
- Mollie Messenger: It goes the other way. Dorm is an accessory to the school. You are looking at what uses are accessory to that use. Hotels aren't an accessory they are a primary use.
- Helen Budrock: Right that is why I have to look into a little bit more. Two separate uses on the same site.
- Paul Lucyk: The original school building had how many students and teachers did they have? 100? 200?
- Mollie Messenger: There is a maximum.
- Eli Tress: Right now we are limited to 80 students and 45 teachers now.
- Discussion.
- Helen Budrock: You are looking to raise or eliminate that limit?
- Eli Tress: We would like to raise the occupancy rate to whatever is allowed by statute for the square footage of this facility. I am not sure what that is. We would have to determine the square footage.
- Mollie Messenger: That would be just for the school you wouldn't be including the hotel use in that occupancy rating.
- Eli Tress: No it is separate. We are talking about 16 units for the hotel. We would have 8 units on each floor. We're not talking about a really big structure to begin with. I think I saw 7,000 square feet or something along those lines. We're not talking about a massive building that would create all kinds of issues.
- Mollie Messenger: There was a lot of work done on the school. I would urge you go back to some of the minutes and some of the things said. It was your client that asked for the reduction. It would only be 80 students. Only used during the school year. It wouldn't be occupied during the summer. There was a lot of conversation about recreation, a conversation about no other improvements. We went through all of that process and now to come back to ask for a hotel which is another primary use on that property.
- Eli Tress: I think it is a fairly large property.
- Discussion.
- Arthur Rosenshein: Any other questions?

- Paul Lucyk: Is that school building the same parameters as a regular school? By the Board of Education?
- Arthur Rosenshein: There are state rules.
- Dylan Harris: I looked in the definitions for accessory use and there is also a definition for customary accessory uses. Just looking in those I don't think a hotel and school fit in at all. We'd have to go in pretty deep to the special use permit section. We'll have to get back to you on that. I know it is open to the public for the hotel. As far as safety for the school that seems like it could be a potential risk having a hotel open to the public 25 or 30 feet from a school.
- Eli Tress: The realistic expectation is that it will be people from the same community 90% of the time.
- Gary Tavormina: Let's be real about it. It is going to be 100% a time.
- Michael Kirtack: If it is listed as public they can't stop them from coming in.
- Gary Tavormina: The public is not going to come in.
- Arthur Rosenshein: The public will be allowed to come in but they probably won't come in.
- Eli Tress: That is probably an accurate statement.
- Arthur Rosenshein: It will be interesting to see the legal outcome to whether it is an accessory use and an allowed one. I look forward to the lawyers working it out.
- Dylan Harris: There is section 310-5.3 that covers dormitories, fraternities, and sorority houses but doesn't cover hotels that I can see.
- Helen Budrock: If you could look again to see anything about 2 principal uses on a single site.
- Eli Tress: If you do anything in writing can you copy me?
- Dylan Harris: Yes.
- Arthur Rosenshein: Is that it for tonight?
- Discussion.

## OLD BUSINESS:

### 1. CHESED SHEL EMES CEMETERY – SBL: 42-1-22.2 – Requests a 6 month extension for a previously approved site plan.

- Mike Reilly represented.
- Mike Reilly: We are just looking for a 6 month extension. It sat on the shelf for a little while. It is taking a little more time for SWPP. Mollie found a subcontractor to give that to. Once we have that to Keystone it should go quick.

- Arthur Rosenshein: You couldn't get people to work? That seems reasonable.
- Dylan Harris: Does everything as far as the zoning code still conform? That's still part of 310-711. As far as the extension just to make sure everything originally applied still fits. There hasn't been changing in the zoning code so I imagine yes.
- Mike Reilly: Yeah nothing has really changed so I believe yes.
  - MOTION:
  - Bucky Louckes motions for a 6 month extension. Irv Newmark seconds. All in favor

2. AKERA – SBL# 6-1-14 - Requests site plan review to expand the project to allow further camping structures and amenities. Zone: MX. Acres: 2.9 acres. Location: Rt 42 and Railroad Plaza, South Fallsburg.

- Jacob Billig and Mike Reilly represented.
- Mike Reilly: Just to address some comments. This is the well right here. It is just under 200 feet from our property line. I think it is going to be 350 to 400 feet to the nearest camping structure to the well. The slope comes up substantially from their property to use. There is no way we can see it. This is all woods now. There isn't any septic over here. The septic over here for the larger dome goes that way. The new septic for the bathhouses is down in this field.
- Arthur Rosenshein: What about the visuals?
- Jacob Billig: These structures are going to be 12 feet or less. They won't be that tall. This Board previously approved the main dome on the property which is around 33 feet. You already approved a 33 feet structure and we didn't hear anything from the neighbor. It is also at a higher point. These are smaller structures at a lower point. We think the visual impact is nonexistent. The other property is a commercial business with trucks coming in and out. I am not going to say never that we won't have trucks. These are 20 accessory structures for people enjoying the retreat. It is not really a big traffic concern.
- Mike Reilly: All of the plans were sent in. The 239 review.
- Jacob Billig: The goal is to get it to the fire before and get comments before next meeting. They can have access at any time.
- Bucky Louckes: Yeah let them get in there.
- Arthur Rosenshein: For the next meeting can you have written responses to these questions?
- Mike Reilly: Yes.
- Bucky Louckes: You are only making them 12 feet high?
- Jacob Billig: Yes it is like a tent.
- Bucky Louckes: Can you put that in there?
- Jacob Billig: We will put that in there. The code doesn't restrict us but we will make that record. I think that addresses most of the comments. We will make a

written submission relative to that email. We have to get the fire department access and the plan. And the 239.

- Bucky Louckes: There are no events or concerts?
- Jacob Billig: We will have small gatherings.
- Bucky Louckes: When you say small what do mean? 100? 200?
- Jacob Billig: Not that big. Less than that. The existing units and the 20 units is still less than 100.
- Ken Elsworth: We'll need perk tests.
- Arthur Rosenshein: Anything else?
- Jacob Billig: Hopefully we will see you next month

3. ZIMMERMAN ESTATES – SBL# 17-1-14.1/14.2/14.3 – Continued review conceptual review consisting of site plan and special permit to develop the property with a 44 unit townhouse project. Zone: HR/R. Acres: 13.64. Location: Zimmerman Rd. & SR 52, Loch Sheldrake. Cross Roads: SR 52.

- Glenn Smith and Eli Brezel represented.
- Glenn Smith: Probably not a lot more we can do tonight. The Board took lead agency a year ago on this. We got local determination.
- Helen Budrock: Not the 239 but now that it is the additional unit we talked about an updated EAF.
- Glenn Smith: I did revise the EAF and put the change here.
- Helen Budrock: Could you email that to me?
- Glenn Smith: Yes.
- Helen Budrock: So we have that for SEQR purposes.
- Arthur Rosenshein: There is only 1 house affected right?
- Glenn Smith: The house on the west side over here. The lot that is being purchased has a house on it. We envisioned on keeping that. Knocking down these 2. Up in this area there is nothing.
- Helen Budrock: Based on the DOT comments you were going to look at the possibility of the sidewalk.
- Glenn Smith: There is right of way along Zimmerman Road for sidewalk. We are going to try to squeeze on in here. That is on our list.
- Irv Newmark: I think the sidewalk is going to more important going down Zimmerman Road for the next place down. I think that is more along the main highway. That one is connected up somehow to the other place in case they want to go back and forth.
- Eli Brezel: I believe that is an interior connection.
- Irv Newmark: As long as they can get back and forth. Mollie do they have to put a concrete sidewalk or can they do a asphalt sidewalk along the side of the road?
- Mollie Messenger: You can request materials if you're requesting a sidewalk.

- Irv Newmark: I know it is a lot less money if you request blacktop. If that is possible.
- Bucky Louckes: They did it on 52.
- Mollie Messenger: Why would you have an interior connection between the two?
- Eli Brezel: They approached me that they have so many units over there. They want to figure out how to do something jointly.
- Mollie Messenger: You will have to sign off on some paperwork.
- Discussion.
- Eli Brezel: They are missing some stuff.

**4. TIMBER RIDGE – SBL: 28-1-1 – Continued review of PUD development Project consisting of 325 single-family units plus community buildings and 80,000 SF of commercial space, review of draft scoping document for DEIS. Acres: 306. Location: NYS 42 & NYS 52.**

- Jim Bates and Steve represented.
- Jim Bates: We had a staff meeting. After the staff meeting it was accepted we would submit an updated EAF. A part 2 and a scoping document. All that was packaged and submitted so we can start going through that so we can hopefully schedule a public hearing for the next meeting.
- Helen Budrock: The workshop we had we talked about reaffirming. Were we able to find out if we actually circulated last time?
- Jim Bates: Yes. All that information Steve sent around.
- Helen Budrock: The memo I received from Marybeth indicated the EAF was incomplete and some information was missing and that needed to be added before it could be circulated.
- Jim Bates: I sent everything to Steve.
- Steve Barshov: There may have been some confusion on my office's end. I was out ill for a while. I thought these materials had gone out. I am hearing tonight that they did not. I am assuming we still have some work to do in that regard. I want to be clear that we get you the right stuff for whatever has not been provided to you for this meeting. I think all of the material you wanted updated is in here. I think the only thing that may be missing is what was done previously in terms of circulating intent to be lead agency among the other various other governmental entities back when this was previously proposed. Is that everybody's understanding?
- Helen Budrock: Yes. Before we can move toward scoping we have to do a pos dec. We can't do a pos dec until we know for sure that the Board is lead agency. We need some form of proof that stuff was circulated. I'd say it isn't a big deal except what I found in the file indicated the EAF may be incomplete and it should be revised before it is circulated. I don't see anything after that. I took a look at



the EAF that was submitted. Even though it is a new date it is the same information. There is information missing on water and sewer. Estimated flows. Some other things Marybeth noted should have been included. If you it was already circulated that is fine we don't have to go back but I would be reluctant to do a pos dec without knowing if it has been circulated to the other agencies.

- Jim Bates: I believe the pos dec was done.
- Helen Budrock: Unless you have proof of it I don't have anything in my file.
- Paul Lucyk: Where is the minutes from the Planning Board and their sit down?
- Helen Budrock: Meaning the work session?
- Mollie Messenger: The lead agency circulation wouldn't be in the minutes.
- Discussion.
- Jim Bates: Steve Barshov has copies of it. We recirculated. I am sure Arthur remembers.
- Steve Barshov: What I see now and I believe this is what you're referring to is certified mail receipts. A notice of intent and some other documents you had sent to me regarding legal notices. These go back to 2016. Dylan what is your email? I see what happened. This was supposed to be forwarded and it was not so at least you can take a quick look at it. We can see if this is the stuff or if more will be required. In the meanwhile for tonights purposes Jim you could update the Board on what you had included in the materials submitted for tonight.
- Jim Bates: We submitted the updated 2023 part 1. We did a new part 2 because that was requested during the staff meeting. Then an open document to start the review on this. I know there are minutes somewhere. The town minutes from the past everything had glitches in it. I can't find everything in it. Arthur has been here.
- Helen Budrock: Just a suggestion so there is no mistaking. If everything was circulated in 2016. We are talking about 6 or 7 years. Is there any harm for record keeping purposes to just redeclare your intent as lead agency? Circulate the EAF? Not going to make you do the changes.
- Jim Bates: We have lost going back and forth for 2 plus years. I am not placing the blame on anybody. I don't one more month, one more month, one more month. We know where it is going. We agreed to yes this was lead agency status. We are re notifying everybody that Fallsburg is the lead agency. If they have their complaints they can do those then. There is another public scoping meeting 30 days from now which is one more shot for anybody to complain.
- Arthur Rosenshein: Let me ask this question. Is the scoping going to be joint with the Town Board?
- Helen Budrock: I believe it would be a public scoping session and anybody could attend. You would be the host because you are technically lead agency.
- Arthur Rosenshein: Can we do in the context of a regular meeting and have them receive the meeting?

- Helen Budrock: No it can be part of the regular meeting just like a regular public hearing. My only concern because I recently went through an article 78 I want to make sure everything is done right. Dylan if you are comfortable and you want to take it on faith that lead agency has been done. Do we need to pos dec? I see a part 1 and a part 2. We can't go to scoping until we pos dec.
- Dylan Harris: I would agree with you on this. Just to be safe. I know it has been a while and that it has been a couple years that it has gone back and forth. Everyone is on the same page of going forward. If someone does challenge the SEQR process you are looking at 6 months or a year of litigation. It saves time making sure we do it right the first time. That would be my advice on this situation just to play it safe.
- Steve Barshov: I think maybe finding harmony between Jim, Dylan, and you are saying. We all know this is going to be pos dec. I would have those concerns if this was going to be neg dec. If we are pos dec on this nobody can turn around and squawk too much. We do have legal notices that are in the email that were notices issued by the Planning Board back in 2016. It is clear they were taking control of this project back then. I think what we talked about and I don't think it is a bad idea is to have an informal circulation where we say it was done before. We are just letting everyone know the project is back to life again. Circulate that informally but move the process along so we can get to have a public scoping meeting set. Just to begin the process.
- Dylan Harris: I think that makes sense. You sent the documentation and I am obviously trying to review it quickly. If we sent that kind of informal letter with the proof of mailing to say we did it right. I think that is a happy meeting where we can move forward.
- Steve Barshov: I don't want to tell you how to do business but could the Board move to authorize us? Or you guys mail this informal notice? Then we can take the next steps about scheduling this to move forward.
- Jim Bates: That works fine for me.
- Helen Budrock: If you want to do a informal recirculation that is fine if Dylan is comfortable with the information sent back in 2016. There is no way we can have a public scoping session at the next meeting. My suggestion is that we pos dec it at the next meeting. Review the scoping document as a Board. That will give me a chance to look at it and send some comments. Then if everybody is satisfied at the next meeting then the public scoping session can be scheduled for April.
- Arthur Rosenshein: So the next meeting we have will be about the scoping document.
- Jim Bates: Why can't we pos dec it tonight?
- Helen Budrock: Again I will leave it up to Dylan. We have a completed part 1 and part 2. I don't have a completed part 3.

- Jim Bates: We never do a part 3 when you are pos dec. Part 3 is when you neg dec.
- Helen Budrock: Part 3 is a determination of significance. Either an EIS is required or not required. Regardless it needs to be. Dylan it is up to you. I know Jim wants to move toward scoping as soon as possible but I want to make sure we are following process.
- Dylan Harris: I like the idea more of doing the informal notice. We pos dec it at the next one and the following meeting we do the public scoping. We have something concrete here. I think we are all on the same page. We know it is moving forward. It is 30 extra days but again I think it is the safer bet. I think it is the happy medium Steve was mentioning. I think that makes sense.
- Steve Barshov: I think we are continuing to do business at each meeting. It is not like we are just kicking the can down the road.
- Dylan Harris: Yeah something is being done at each meeting.
- Steve Barshov: So you want a completed part 3 from us?
- Helen Budrock: Usually I fill out 2 and 3. I'll look at the part 2 Jim put together. I'll prepare part 3 and get it queued up for a pos dec for the next meeting. In the meantime I'll send the scoping document to Marybeth because she was more intimately involved with this before I took over. Then we will have some markups and comments for the next meeting.
- Arthur Rosenshein: We have the draft in this document. This is a complex big project. Hopefully you will look it over. This is our opportunity to add our questions. Take your time to do that. I have a few things to add and you should too.
- Helen Budrock: We'll try to get that in two weeks. That way there is some time for the applicant to look at that. Can we get those in advance of the next meeting?
- Arthur Rosenshein: I think not. I think we should bring it to the next meeting.
- Steve Barshov: What process do you want to follow for this informal notice? Do you guys want to prepare that? Shall we? You prepare and we send it?
- Dylan Harris: It probably makes sense for you guys to prepare because you have all the documents ready.
- Steve Barshov: Do you want us to run it by us for form?
- Dylan Harris: Yeah you can shoot it to Helen and I to skim over. I am sure we won't have issues with but just so we have a set eyes on it.
- Steve Barshov: Jim this should be as close to a standard notice as possible but we just tweak the language to state we are reinforming you of the project.
- Jim Bates: Do you want to prepare it out of your office?
- Steve Barshov: That is not a problem.
- Mollie Messenger: Can you send a copy to the town so we can add it to the file. Thank you.

- Helen Budrock: The next meeting is on the 9th. We'll do the pos dec. We will review the scoping document to see if there are any changes. Tentatively the public scoping session would be the April 13th date.
- Arthur Rosenshein: We will have a whole series of questions when we do the scoping document. Did everybody get it?
- Irv Newmark: I didn't get it.
- Helen Budrock: What I can do that will be helpful there is a document called an overview of the proposed development which is like a 2 page summary a little bit more detailed than the scoping document. I do have a copy of the settlement agreement. This was a long drawn out legal process and there is an agreement in place that the town is obligated to do this review and allow a certain number of units.
- Arthur Rosenshein: There are obligations on both sides.
- Discussion.
- Paul Lucyk: I wasn't here in 2016 I was on the Zoning Board. What is this? Is it private?
- Jim Bates: It is 325 units with a very large commercial component.
- Gary Tavormina: Is it open to the public?
- Jim Bates: All the houses are open to the public.
- Irv Newmark: What about the stores?
- Jim Bates: Yes. The stores are open to the public.
- Discussion.
- Paul Lucyk: Is it a big supermarket in there where you have (inaudible)?
- Jim Bates: That's what all of this is right here. This is the commercial setup. It can stand alone and or serve the community. That was the reason for us getting it. That was many discussions with this Board over years. This will be in front of you for years.
- Discussion.
- Helen Budrock: Very similar to Westbourne when you went through that.

5. KJ ESTATES DUPLEX DEVELOPMENT – SBL# 12-1-64/17-1-2 – Continued review for a duplex development consisting of 52 units. Zone: REC. Acres: 22.8. Location: Karmel Jacobs Road, Loch Sheldrake. Cross Road: SR 52.

- Glenn Smith represented.
- Glenn Smith: This is on 52 and Jacobs Road near the Loch Sheldrake fire department. A duplex development being proposed. We were here a couple months ago. The front part of the property is in the HR zone. The rear  $\frac{2}{3}$  is in REC zone. The REC doesn't permit duplex homes. We have been going to the Town Board quite a bit over the last 6 months to change the zoning to all HR for duplex homes. From what I understand the Town Board is amenable to doing

that. Also the front portion of the property is in the sewer district. The entire property is in the water district. We would like to change the zoning to be all HR zoning from REC and to get extensions on the site plan. The Town Board has basically said go to the Planning Board process before the Town makes any decisions on the zoning change and the sewer extension to get to SEQR. Then the Town can make some decisions based on that review. If it is all changed to HR it then it is 72 homes on the property. There are 26 duplexes with 52 units shown now. Everything is coming out on Route 52 here. There is a water main on Jacobs Road for water. A couple swimming pools. A community building. I think we'd like to ask for a public hearing.

- Eli Brezel: There is a house over here.
- Glenn Smith: We kept them away from that. It is all wooded here. We will screen that. We want it to make it all HR.
- Eli Brezel: It used to be all HR.
- Glenn Smith: We are trying to figure out why it was changed to REC because it has sewer and water.
- Mollie Messenger: 52 units and a caretaker?
- Glenn Smith: Yes there is a small caretaker back here.
- Helen Budrock: I don't have a digital copy of the EAF. If you would email that to me. Do you want the Board to do intent of lead agency?
- Glenn Smith: That works.
- Arthur Rosenshein: Motion for lead agency status?
  - MOTION:
  - Bucky Louckes motions for lead agency. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: Alright to do unlisted action at this point?
- Helen Budrock: I think that is fine. You'll send us copies of the notice so we have it for the file?
- Glenn Smith: You do want to circulate?
- Helen Budrock: Yes thank you.
  - MOTION:
  - Irv Newmark motions for unlisted action. Bucky Louckes seconds. All in favor.
- Glenn Smith: We will have to do 239 too.
- Helen Budrock: Probably after the public hearing just in case there are some comments that change.
- Arthur Rosenshein: That will be for the last meeting.

6. POMANSKY'S DISTILLERY – SBL# 46-4-23 – Continued review of site plan approval for a distillery in an existing commercial building. Zone: MX. Location: 112 Main St., Mountaindale.

- Mr. Pomansky represented.
- Arthur Rosenshein: So you have ZBA approval?
- Mr. Pomansky: Yes.
- Paula Kay: I am here on Zoom. I believe that is my client Mr. Pomansky. You are correct. You sent the project to the ZBA. Last month the ZBA determined that the uses of a tasting room and distillery fit in the MX district and in fact your attorney prepared an official Zoning Board of Appeals interpretation which I believe was distributed to the Board. I will read the last provision of that resolution. Whereas at the ZBA meeting on January 19th 2023 the uses of the MX district were read into the record and discussed by the ZBA and Code Enforcement staff. After hearing the applicant's presentation and ZBA comments, the ZBA by unanimous agreement based on the application, presentation, and reading of town code provisions agreed that the project falls into the uses of the MX district for the tasting room and as such falls within restaurants and drinking establishments.
- Arthur Rosenshein: I would like to add something. They go into the system now and they will see the resolution of what they decide. Unfortunately I didn't get a copy but if you go into the system you know what is going on. Anything else to be said about this? Code Enforcement will of course inspect the building when the site plan is submitted. Do I have motion?
  - MOTION:
  - Irv Newmark motions to approve. Paul Lucyk seconds. All in favor.