

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

TOWN OF FALLSBURG ZONING BOARD MEETING

March 16th, 2023

Larry Zierler, Chairman, Neil Sapolsky, Mike Bensimon, Ellyane Hutchinson, Jennifer Lishansky, Board Members, Gregg Pitula, Code Enforcement, Dylan Harris, Town Attorney

- **Larry Zierler** called the meeting to order at 7:00PM
- **Larry Zierler:** Please be aware that while the town of Fallsburg Planning Board will continue to review all applications based on merits and zoning code and other stipulations, Planning Board approval does not guarantee the issuance of water or sewer permit by the Department of Public Works due to the current and expect future constraints on the water and sewer system. This was discussed at an open public discussion during a joint Town Board, Planning Board, and Zoning Board of Appeals meeting on May 9th 2022. All water and sewer applications will be accepted or denied based on the existing facts and circumstances. Each application connection or extension to the water or sewer district will include a review by the town engineer and will be guided by the town engineer's expertise and knowledge about the town's water and sewer system. The public health, safety, and welfare for publicly available water and sewer systems information will be posted on the Department of Public Works. The Town Board is taking reasonable measures to address the water and sewer.
- **Ellyane Hutchinson:** I actually did not get a chance to review this all the way.
- **Mike Bensimon:** So, I had two issues with the minutes. First was that the reference to the people are off the inmate reference to an Ivan Gunther when it was Ivan Kalter. And then two, all the dialogue attributed to Ivan Kalter seems like it should have been flipped with Abe Grunhut.
- **Larry Zierler:** We will say in connection with the minutes we've had discussion and we want to be able to see whether or not we can ensure better transcription and the steps are being taken to ameliorate that problem. In the meantime, what we will endeavor to do for the benefit of the record, is identify ourselves when we're speaking until such time as we have a full group system. It might be good if we could try to make a mental note, each member of the committee to identify yourself when you're speaking. So this way we will have a record of who said what. Okay. So because we have a certain notion of the difficulty and an awareness of the difficulty of the minutes says, which as they were just

transcribed. And because we wanna act in earnest. The question is how do we, how can we, we could maybe say, and counsel will advise us on this, that we will accept the record of the meeting as it exists in its various forms. Would that suffice? So that way we're not actually approving something that we know in the conscience we are not comfortable with.

- **Dylan Harris:** Yeah, I mean, you're approving the minutes. So here it's both the electronic recording and then the paper minutes that get created. And you just, what Mike said, amends those issues as far as who is speaking. So the minutes now reflect that fix in the minutes. For the prior meeting. So I'm fine with that. You know, cause it's kind of two pieces in this modern world with, you know, zoom meetings and, and all of that. So I think that's fine.
- **Larry Zierler:** I would say for the purpose of the committee and also for the, the public that we are actually discussing this mundane issue because we want you're aware of what we've discussed, that we aren't just going to look at in a knee jerk way except it is something that we've already pointed out some. Now this is just, we wanna do things as well as we can and be able to leave a record of it so that everyone has recourse to, you know, to reflect on it. Should they need to.
- **Jennifer Lishansky:** Is it an option to not approve the meeting notes and request them to be re transcribed?
- **Larry Zierler:** Questions. That's a very good question, but do, we want to have to make someone go through this again, given the fact that we actually do have a backup record of it. I think that I'm comfortable if someone wants to make a motion to accept the record of the the minutes of the meeting as they exist in two forms
- **Jennifer Lishansky:** Is it possible to add some sort of note at the top of the meeting saying these, these minutes should be cross referenced with the recording?
- **Larry Zierler:** I mean, I think that's the spirit of discussion. I don't want to make this take too much time given the fact we have a heavy, heavy agenda. But let's say that we accepted minutes with all of the comments that were made about them.
- **Dylan Harris:** That's fine because you know, if you were to have a, a lawsuit or something of that nature, the recording's gonna be part of the certified record. Also we have the recording of the minutes, so I assume there's a receptacle somewhere where that exists. So if someone, you know, from the ZBA or someone from the public wanted to actually watch the video, they could technically go back or put in a foil request even and get a copy of each and watch them at some point.
- **Larry Zierler:** Alright, so someone make a motion.
- **Mike Bensimon:** Motion to accept. Okay.
- **Larry Zierler:** Motion to the second

- **Mike Bensimon:** Motion to accept the current the minutes with the amendments we've discussed. So second.
- Meeting minutes from previous meeting accepted with amendments

OLD BUSINESS:

1. AERO STAR PETROLEUM INC. – SBL# 53-4-1.1 – Requests A 6 month extension on previously approved area variances of: two area variances to increase the lot coverage from the existing 55% to 59% and for a reduction of the rear yard set back from the existing 17' to 8" for an addition to the existing commercial building. The maximum lot coverage allowed is 40%. Zone: B. Acres: less than ½ acre. Location: 5104 SR 42, South Fallsburg. Cross Road: Decker St.

- **Glenn Smith** represented.

- **Glenn Smith:** This is just a partial copy. Basically we got two variances in September of last year for building a walk in cooler addition on the back of that, the South Fallsburg mobile station for the rear yard setback. And the other were a lot coverage. That was in September where we went back to the Planning Board. Last October we had public hearing of the Planning Board got it approved and we got our decision letter. I think it was October 31st the site plan approved by the Planning Board. They had several conditions as your board did. One of the neighbors behind the mobile station had some concerns that maybe we were on his property. They asked us to have that line on the side and the rear kind of surveyed out, getting the surveyor was impossible until January. I went out with my guys and did it ourselves and just put some marks in where the lines are. We're not gonna be on the neighbor's property, we are well away from it. So once we had that done, I sent that back to the Planning Board, to Molly at the time. And Arthur, chairman of Planning Board, stamped the plans dated March 2nd, so like two weeks ago. But after the Planning Board gave their approval at the end of October, we tried to reach the owner, we ordered their walk in cooler equipment and they were installed and that was a three to four month delivery, which is like in February. The equipment came in. It's now stored. He's ready to do it, waiting for the weather break. So if we get a six month extension, he's fine with that.
- **Larry Zierler:** So we're not, we're talking for real. It's getting ready to happen
- **Glenn Smith:** He's confident in the six months he can get things done because now he is just waiting for the weather to get better and warmer, but equipment for the cooler is there.
- **Larry Zierler** Why is it impossible to get a survey?
- **Glenn Smith:** There's only a few around and they are very busy. Need myself.
- **Glenn Smith:** That's why we are requesting a six month extension on that variance.
 - MOTION:
 - **Ellyane Hutchinson** motions for approval. Jennifer Lishansky seconds. All in favor.
- **Ellyane Hutchinson:** So I motion. I'd like to yeah. propose that we accept the request

- **Jennifer Lishansky:** Seconded.
- **Larry Zierler:** I approve as well.
- **Gregg Pitula:** Hey. Hey, Jen. I think you're an alternate tonight. I'm not sure Dylan. Can Jen vote on stuff tonight or she, we have enough members where she is?
- **Mike Bensimon:** She has to vote.
- **Gregg Pitula:** Okay. I just wanna make sure I just cover my bases.
- **Gregg Pitula:** Did you hear me, Dylan, or no? No.
- **Dylan Harris:** I had a couple voices. What'd you say?
- **Gregg Pitula:** All members tonight are voting, right?
- **Dylan Harris:** Yes. On the board? Yes. There's 1, 2, 3, 4, 5. Yeah.
- **Dylan Harris:** Five. So all five will vote.
- **Gregg Pitula:** Okay. Alright. I made a mistake. We weren't counting Jen's vote because she was an alternate that night, correct?
- **Dylan Harris:** Yeah.
- **Gregg Pitula:** There was a time lapse there. So, alright, I just wanna make sure for the record that everything's good. That's fine. Ellyane Made the motion and Jen second.
- **Gregg Pitula:** Right.
- **Larry Zierler:** And everyone voted in approval.

NEW BUSINESS:

1. AERO STAR PETROLEUM – SBL: 21-1-22.2 – Requests an area variance for reduction in front yard setbacks from 35' to 24' and 27' and lot coverage exceedance from 40% to 54%, also new fuel islands setback from 20' to 36' from street line, and rear yard plantings buffer width from 20' to varying 5'to 30'. Zone: B, Acres: .39 Location: NYS Rt 42 & NYS RT 52.

- **Glenn Smith** represented.

- **Glen Smith:** As you know, it's the corner property on Route 52 coming from Loch Sheldrake and Route 42 coming from Fallsburg. And the intent is to knock down what's there now, the building and gas canopy and the tanks for that matter to, and put up a new building back on the lot going towards the agency and a large canopy in front. On that, the first page just handed out a reduced version. The second page is existing conditions and that's what's there, the obvious difference. The third page that's a large version of the building and what that is try to highlight better than what we're dealing with as far as right of ways because it's the property is trying to shaden it gotta state highway on both sides by the time we to the state right of way line, you have to measure 35 feet from the center of each of those roads. That's the right of way. And then the front yards another 35 feet. So on that, I just passed out the red dash line that's the big right of way bounds that parallel both Route 52 and Route 42? The green dash line, that's pretty much the buildable area. That's if you take a 30, 35 feet off the state right away line for the front yard setback. Most of the buildable area is in that triangle. You can see most of the proposed building is in the triangle, a little corner sticking out, which encroaches in the front yard setback. And you can also see that the proposed gas canopy is mostly outside the buildable area, but yet is little farther back from those roads. And the current gas canopy and the current gas pumps are. I'll just briefly explain what the variances are we're looking for. So the first one the building itself instead of the front yard being 35 feet from both route 52, Route 42 side on from the route 52 side is 24 feet. And I kind of highlighted the number up by the corner of the building. So it's 24 feet in the state right away on the route 52 side as opposed to 35 required. On the Route 42 side, the building is 27 feet from the state right of way as opposed to 35 feet required. So that was one variance we're requesting there. The gas canopy kind of tucked into the point of the property up against the state right away, we're not going state right away with anything proposed here. We're staying definitely on the property, but the corner closest to Route 52 is about two feet off the state right of way, line, and the corner closest to Route 42 is about one foot off the state right of way line, which still puts about 20 feet or more back from the road's farther back than the current canopy is. And on the the town zoning for gas certifications has a requirement that pumps the 50 feet from the property line also. So on the Route 52 side the closest pump is about 35 feet from the

street line versus 50 feet required. And on the route 42 side, the closest pump is about 30 feet from the street line versus 50 feet required also. So you can see they're pretty significant variances, but I think, we tuck things back into the property more than what's there now and, and kind of taking advantage of all the space behind the existing building that's just been underutilized for all these years. And of course, the lot coverage. So the rear property line we're good for us behind the building. On the agency side, we're meeting the 25 foot setback there. What we're a little bit short on there is the requirement for a 20 foot vegetated buffer where that varies from about five feet to 20 feet of buffer. The dealer wants to put a drive around the back of the building. Talking about trying to get Dunkin Donuts on the side of the building

- **Larry Zierler:** Where in the one lane drive is there going to be an order station?
- **Glenn Smith:** I showed at the bottom of the building I show the window.
- **Larry Zierler:** That's a surface window, but the order station
- **Glenn Smith:** We haven't shown that but it will be on the other side of the building.
- **Larry Zierler:** Probably the Route 52 side.
- **Glenn Smith:** I'm sure Dunkin, whoever gets it, probably have that require putting around the back of the building. Eight cars at least lined up around the slide back. That's a good point.
-
- **Jennifer Lishansky:** The lot coverage, there is a variance request from 40% to 54%.
- **Glenn Smith:** The lot coverage increase the zoning sets a maximum 40% for lot coverage, which is all impervious areas. And we're at 54%, which is yes. So that's one of the variants. And that's something I should point out. Subject to getting this to your board. We have to go through the DOT for a permit. Cause we got highway on both sides right now, as you know, you can kinda get into the parking lot there from all directions. We're cutting down to an in out from 52 and in and out lane from 42. So are bringing down the access, which makes it a lot safer into that, into that property.
- **Larry Zierler:** And you will have no more parking other than the eight spots.

- **Glenn Smith:** We got the I think we have eight. The town zoning required 18 or something spaces, but we're allowed to use town spaces on each side. A lot of people pull up to the pumps and get their gas, their partner stays and then they go to the store. And in the past, I know we've been able to count that as parking and it's actually 4, 6, 8, 10, 12 spaces at the six pumps.
- **Larry Zierler:** So, there's no way that any parking would ever or any pavement would take place. Around the driver through
- **Gregg Pitula:** Oh no, no, I haven't shown that
-
- **Larry Zierler:** That will all be ground cover ground cover.
- **Glenn Smith:** Yeah. Yeah. Everything is not, that's not, the driveway is ground cover.
- **Larry Zierler:** The way a lot of these situations exist right now, the drive through actually has the parking on the right between the people actually walking through the drive. I like the cars and walk across in the way of the drive-through.
- **Glenn Smith:** I've done that a few in Monticello, but there, the drive through has only two lanes. One lane, the benefit, the people ordering from the service and basically a bypass lane.
- **Larry Zierler:** It's dangerous. It's still very sensitive though, because of family tragedy from such a situation. So I'm glad to see this and you know, I'm just stumbling.
- **Neil Sapolsky:** So cars would be funneled out towards 42
- **Glenn Smith:** Actually 42 where they could go left through the parking lot, exit the 52.
- **Gregg Pitula:** That entrance, it's gonna be on 42 is gonna be considerably farther back further down towards the back
- **Glenn Smith:** Toward the existing building is.
- **Glenn Smith:** Really there is nothing to stop 'em if they wanted, wanna get a coffee and then go fill up a gas. They could exit on route 52 at that point. There's really no one way traffic, gas, probably people coming in from all directions. Yes.
- **Neil Sapolsky:** How many pumps they looking for?
- **Glenn Smith:** Six.
- **ASPrep:** I'm up the road next to the insurance company in Woodbourne, I walk to the gas station.

- **Larry Zierler:** We only probably want you to share that comment.
- **Glenn Smith:** One other thing I wanted to mention too. I guess some board or state required paved along from the Westbourne development that was done last winter, I guess, Greg.
- **Gregg Pitula:** Yeah.
- **Glenn Smith:** That kind of goes nowhere and it ends on 52. On the hill side of where we're showing this walk here. If you look at the lower right corner where that island is where 52 and 42 coming together by the traffic lights there, there's a crosswalk that comes from the opposite side of 42 onto that island. There's a walkway along that island, asphalt walk there. So I tried to copy this to Molly a while ago. I mean, the possibility, maybe I'll figure out some way to basically extend that walk from where dead ends now coming down the hill on 1 52 to take it to a walk by the island there. So basically a continuous pedestrian walk all the way from up the hill into town.
- **Gregg Pitula:** Halfway point between there and the other side of the street.
- **Larry Zierler:** It's not a place where want to cross the street
- **Ellyane Hutchinson:** Can you just point out more where the current canopy. Is it this outlined area? There's only two pumps there?
- **Jennifer Lishansky:** Can you, so the existing canopy The existing canopy is just a square, right?
- **Glenn Smith:** Yes.
- **Glenn Smith:** Page two shows the canopy, page two shows.
- **Jennifer Lishansky:** And is there, is it an increase in the number of pumps due to
- **Glenn Smith:** The market, I mean when we started doing these, you may seen in almost all the counties Thompson and Liberty and Fallsburg doing several, they're all similar colors, but he knows how many pumps he needs in the size of the canopy. That's why he is kind of promoting or requesting a little bit larger building and canopy what he has there now, just cause that's what people are gonna do.
- **Larry Zierler:** There's gonna be peak drew with, cause we didn't see a frontal view or rendition.
- **Discussion**
- **Neil Sapolsky:** How much of a difference is compared to your future?
- **Glenn Smith:** Current canopies are here. Like the fact that what we're doing is in closing, cutting down the access

- **Discussion**
- **Larry Zierler:** 239?
- **Glenn Smith:** We have the Planning Board.
- **Gregg Pitula:** You can. You can do it. We can do it for you too. But generally you've been submitting your 239 on both projects.
- **Larry Zierler:** So alright, so what, what are we basically doing then? If we can't, we really can't vote without the 239
- **Gregg Pitula:** You can't vote without 239. So we're just gathering all the information. Public comment
- **Dylan Harris:** Yeah. So we need to wait 30 days to give the county from when the 239 goes out to make a decision. Once we receive that, then the board can vote. So tonight's really just figuring out the information. We can open the public hearing. We've got one submission to read in. I think we've got some people in the audience. And then we'll keep the public hearing open for next month as well. That way if anyone else shows up, we've got it open. We can get more public comments once we have the 239. And then we can either vote then or if more information is needed. You know, we can, we can push it back. But, you know, ideally we have everything we need for the next meeting. So yeah, right now it's about board comment, board questions, and then opening it up to the public and just building a record.
- **Larry Zierler:** So since we received the mailing should I will read the letter, Molly's letter so we have that for the record.
- **Gregg Pitula:** Wasn't Molly's letter, the letter to Molly
- **Dylan Harris:** Yeah, if you wanna open the public hearing first, and then we can read that as the first item and then open it up to the public from there.
- **Neil Sapolsky:** Open up the public portion, read the email, and then go to the audience. Okay.

- **Larry Zierler:** All right. That's good. Okay, so we're opening it up for public comment, but I'm gonna read the letter. Great. Molly, good morning. Hope all is well with you. This is the chairman, Larry Zierler speaking. Good morning. Hope all is well with you. I would like to comment on the above proposal. As I am the closest neighbor, I would be very much in favor of this project. I understand the applicant has proposed a fence along the rear and would include yard plantings. The replacement of the current structure will be a plus for our town as long as this continues to be the proposal, I strongly am in favor. Thank you, Greg. And this is Greg Goldstein, who I understand is the principal at Admiring Church.
- **Larry Zierler:** Okay, now we'll open that up to the public comments.
- **Gregg Pitula:** Say your name
- **Gregg Pitula:** is not really like perfect, but don't worry about that
- **Larry Zierler:** Your name is?
- **Hibana Martina:** So I live in Woodburne for 14 years. I just live half in New York City and half here
- **Larry Zierler:** You spend more time here now, right?
- **Hibana Martina:** Yeah. Good, good. I mean, I wanna introduce a little bit. My brother owns a pizza place in the village over here in South Fallsburg, the only pizza place. So I move first and I bring him again a little while.
- **Larry Zierler:** So good to have you there.
- **Hibana Martina:** And the last four years there was a lot of issues in Woodbourne, like, you know, traffic lights and everything like that. So at least they, my father passed away like last year, but I put some comments like 10 years ago and so forth where if they can do some sidewalks around there, the gas station in, because some guys get hit over there like 10 years ago.
- **Larry Zierler:** You are already in Woodburne?

- **Hibana Martina:** In Woodburn 42 and 52 at the gas station. So for any reason last September, I never get any letter or information and when I came from the city I saw people digging next to my house, next to the insurance company. So building the sidewalk for the new development is up the road. So I spoke with some of them and they called the engineering. And they say it is a private company who's paying for that? The sidewalk. So I said I cannot apply it against, with, I mean with the town or supervisors. I don't wanna go back again trying to redo it. That one because they start right in the front of my house. The sidewalk is a old road. There's a little loop up in the corner. So, and they brea everything up to next to the corner of my house. So it still is not finished yet. So that's another issue. I think that I spoke with the architect or the construction guy, they have six months to finish the sidewalk, but they still is half done. And I was trying to come to the town one of these days and say, when is going to be finished or something like that? Cause I have to do some planting also. 10 years ago I built the barn with tons of dirt because used to be all leak like that. So now they cut it and they was trying to build like, I think like two feet of stone wall. And I spoke with them. Now, it's going be very small, but still, they need like this much. So just to be flat now, it's going to be a little loop.
- **Gregg Pitula:** If you leave me your phone number when you leave here tonight, I deal with the developers at Westbourne. They're the ones who are doing that sidewalk. It was part of them getting their approvals to build the houses. They had to funnel the people down into the village. So, or the town, it's not really a village, but there was
- **Hibana Martina:** I never get any email.
- **Gregg Pitula:** Yeah. So the walkway is solely in, I believe the DOT right of way. If something is in the highways right of way, you may pay taxes on it, but they have the right to go in there and do whatever they want to it because it's within their legal right of way to maintain it, change the landscaping whatever. So all that sidewalk, whatever's getting done there, there's also a DOT person overseeing it. He will see it. But leave me your phone number.
- **Hibana Martina:** I spoke with someone. They said yeah
- **Larry Zierler:** You have someone else is willing to help.I
- **Gregg Pitula:** I will. I will be the middle man for you. The in between.
- **Discussion**
- **Gregg Pitula:** Make sure Yeah, the weather

- **Glenn Smith:** It is supposed to be finishing in the spring, it got little cold.
- **Hibana Martina:** And that's it. I mean this project, I think that it is good. Cause there's a lot of issues. Cars coming like hundred different ways. I get breaking lights.
- **Discussion**
- **Hibana Martina:** I mean, there is two towers, but you get cars all the time. So now it's going be three, three towers and one be six cars.
- **Gregg Pitula:** Getting it'll be safer. I mean,
- **Hibana Martina:** But I think talking about 42. Loch Sheldrake. Mm-hmm. I think the
- **Gregg Pitula:** 52 goes to Sheldrake
- **Hibana Martina:** Coming this way. Going up to Loch Sheldrake. So I think that little entrance is going, is up the hill, the light. I mean, people fly over there, so there has to be doing something like a hundred feet up the hill because so many trucks. They almost going into the gas stations and then there has to be something there, over there to stop the traffic. Maybe to like a mile up the hill, 35 because that 30 is right in my house and people coming in straight, like one mile all the way down, 55 miles hour.
- **Larry Zierler:** So the 239 will address that.
-
- **Gregg Pitula:** 239 will address the issue. They'll look for the line of site issues and stuff like that.
-
- **Larry Zierler:** It's important that we're making for the records chairman speaking, that we're making note of the fact that a 239 is outstanding and it is our hope and our understanding that the 239 will address those issues that in following what's usual and customary and due diligence. 239 from the state should address what will be the best way to ensure that the traffic flow is safe and responsible. There's no guarantee that people are still not gonna abuse it, but I imagine that every consideration will be given to how cars enter into the the building and will also consider the tracking flow.
- **Hibana Martina:** Environmental, I think would be good because
- **Larry Zierler:** That's why there is such a provision. That's why there's such a study done by the state.
- **ASPRep:** Big trucks smell like a rubber from the breaks, like every day.

- **Larry Zierler:** When the 239 comes back, we will be mindful of whether or not that has been addressed. If not, you know, I guess we can comment on, on
- **Glenn Smith:** Also the Planning Board requires their own review
- **Larry Zierler:** You should know that not all research has been done yet. So therefore we don't know what the best recommendations will be, but they're outstanding.
- **Hibana Martina:** All right, so the whole building is gonna be nice. If there is only one way to get in. Everyone that's not going to go that way make one entrance only coming up. You can go inside, but if you cross the light, you are coming from 42. There is a line over there. But people don't respect if there isn't black. Not only coming down, now coming up. Go straight up.
- **Larry Zierler:** This committee unfortunately does not have any oversight and power over human nature. But what we can try to do is envision as best as possible with the various involved parties, what could transpire in hope, tradition. Anything that can be done will be done
- **ASPREP:** There's no way to eliminate that.
- **Dylan Harris:** That's a Planning Board issue. This again, is gonna go back up to the Planning Board and they're gonna deal with the design issues. We're, we're just looking at the variances.
-
- **Larry Zierler:** Thank you. Thanks a lot. Thank you so much. Any other comments from our public?
- **Gregg Pitula:** Any comments from anybody on Zoom? Anybody from Zoom? Raise your hand if you'd like to comment. We have one person besides Dylan listening out there if you'd like to comment. Joseph, now's your chance. Is that a yes? You would like to speak Joseph?
- **Gregg Pitula:** Yes.
- **Glenn Smith:** I would. I just have a question about the
- **Gregg Pitula:** Yes. Please give us your full name for the record. Oh, sure's.
- **Joseph Buga:** Joseph Buga. It wasn't clear to me from the discussion and I couldn't see the map where the setback is gonna be. I think they're asking for a variance on the correct?
- **Gregg Pitula:** Yes. Several variances. Yes.
- **Joseph Bugah:** There's one on the front, I think, one on the side and there's one in the back. Is that correct?

- **Gregg Pitula:** Correct. Now back, they're not asking for both sides.
- **Glenn Smith:** Both sides. 42, 52
- **Gregg Pitula:** Both sides. So how will that,
- **Joseph Buga:** I guess, what is the next step for that variance? Is that the 239 that you're speaking about? How is that gonna be resolved as far as making variances on the setbacks? I'm just not clear about the process.
- **Glenn Smith:** Well, I think the board gets the 239 comments and which will include DOT comments at a subsequent meeting. Then you'll have to make a decision on on the variances.
- **Larry Zierler:** I guess the information from the 239 is going to be useful and it's very helpful in our ability to envision whether or not the variance is justified.
- **Jennifer Lishansky:** I wonder if the folks on Zoom can see the map or if it's too far away or if there's a way to do a screen share or something.
- **Joseph Buga:** Yeah, map was too far away to see it on Zoom
- **Gregg Pitula:** You know, I could probably see if I can turn. Yeah, see if you can.
- **Joseph Buga:** I can sort of see that. So is the green, the green line at the bottom, is that where the intersection of 42 and 55 come together? Is that the right orientation that I have?
- **Glenn Smith:** No, the, the green is trees on the backside of the property. He's looking at Dylan's, he's looking at Dylan's hold.
- **Joseph Buga:** I'm trying. Where is the intersection of 45? The map?
- **Glenn Smith:** It's where the orange lines kind of come together to a point.
- **Joseph Buga:** So it's on the right side exactly of what I'm looking at, yes. And where will the variance be for the back of the property?
- **Glenn Smith:** Well, there's no variance in the back. The back of the property is here on the backside, which is close to the library. The variances we're asking for are on the route 42 side.
-
- **Larry Zierler:** Both of the sides is only 35 feet. 35 feet where it needs to be 50. So that's the need for a variance of both sides.
- **Joseph Buga:** Right. It's So it's a 15 foot variance. Well, thank you. Thank you for your patience and thank you for answering my questions.
- **Larry Zierler:** Thank you for your interest. Alright. With that are there any more comments, questions from the board.

- **Mike Bensimon:** I just have a quick question with regard to the building itself. 60 by 80. Can shave off a piece of it, can you still achieve what you're looking to achieve with a little bit less room?
- **Glenn Smith:** I asked the owner that when he first presented this to me. Actually. He got out with a lot bigger canopy than I'm showing here now, reduced down quite a bit cause of the right of way. He indicated that's similar to his other buildings he had, you know, building around the county and that's kind of what you need for his store a little office in there and walking coolers and that. Everything I can ask him again for sure. But
- **Mike Bensimon:** Cause it'll definitely go a long way to mitigate some of the lock coverage issues. The setback issues. And
- **Glenn Smith:** He's out of the country. That's why he not here tonight. But I'll,
- **Larry Zierler:** He's gonna be increasing his offerings. Cause in each of the buildings that I've observed, they have built so far, they go up, you know, they really added a lot more in terms of inventory.
- **Neil Sapolsky:** 52 feet from the canopy to the sidewalk?
- **Glenn Smith:** No, he, he needs 52 feet minimum from the pump to the sidewalk for cars to
- **Neil Sapolsky:** What's the average parking space? 10 feet.
- **Glenn Smith:** 10 foot wide 20 foot deep. So you're gonna have 20 foot parking, so that's gonna leave 32 feet to the pump.
- **Neil Sapolsky:** What do you want more space between the pumps and the parcel park?
- **Mike Bensimon:** Well, if the building was a little bit smaller, you can now open up that space either to bring the pumps a little further back, or can you even have more. Because once the car is parked sideways here in front of these pumps, you're not gonna have that 30 feet anymore. It's gonna definitely come down. It's gonna be tight trying to get around it. People are trying to come in from 42 to get to the drive through. They have to drive right through the middle of it, you know, so you definitely wanna have a little bit of room's
- **Jennifer Lishansky:** Also gonna be tight for those exiting the drive-throughs and them coming in. That seems, I can't figure out the, the distance. I also have a question, about the concrete curve. How high is that gonna be? What is that going to look like?

- **Glenn Smith:** The concrete curve we're showing around in front of the part like curved around the inside. that that's just a, a six inch curved island basically. So you can't drive over it but it's landscaping or something like that.
- **Gregg Pitula:** Yeah there'll be a tow truck there weekly. Don't worry.
- **Jennifer Lishansky:** Yeah, that's what I'm wondering. I'm wondering if there's anything anyway that could be adjusted to be a higher barrier.
- **Glenn Smith:** I mean it's not gonna be traversable. It is a regular vertical space, but that doesn't stop some people. Maybe, we will have landscaping or something inside that that that island is creating. That could be a barrier. The county 239 always address this landscaping. So they're gonna definitely
-
- **Larry Zierler:** We will revisit that when we continue the deliberations of something that we should actually be looking for to see what the 239 is said about it. And if there isn't for some reason, they gloss over it. I hope they'll pick up on
- **Jennifer Lishansky:** I wonder about drainage. I don't know how the canopies are built and how, for example, like the snow melt is gonna fall and currently I'm assuming that it goes into the gutters along the road. But if there is a curve there, does that change the drain?
- **Glenn Smith:** Well, we gotta do more detailed range. That's a good point. But the water, this is all gonna be impervious. So this is room for the pavement. It's gonna shed water, loose water. Now it shed it down for route 42 and there are catch basins 42 and water south. But you're right. We'll have curb cut so the water doesn't get dammed up by
- **Larry Zierler:** Chairman speaking are there not drainage provisions around the pumps
- **Glenn Smith:** Usually there's roof cranes on top of the canopy with pipe to come down with the column. Some places that don't be drive over
- **Larry Zierler:** There's nothing that's placed in the higher up?
- **Gregg Pitula:** Where's the where are you guys gonna have the dumpster and how are you gonna get to it? I mean, I'm sure that's gonna be a Planning Board question for you. So
- **Glenn Smith:** It's not on here. I'm getting the Planning Board brought up

- **Gregg Pitula:** Because all these variances and setbacks you do need room for a garbage truck to get in there and get the garbage outta there. So and maybe recommendations just from experience the entrance out onto 52 when you're going back towards Loch Sheldrake. If you make a left out of there, it's really hard. It's probably gonna end up being a no left turn outta that entrance because when the cars are parked at the stop light, at the stop sign, they leave a little gap for you to get out right now. And as you try to get out, the cars are flying up through town and up the hill and you're like nosing out, trying to see if you can get the nose of your car clipped off and get to make a left. So as the cars are stopped coming at the traffic light on 52. The cars are still making a right, coming from town, going up the hill. They're not stopping at the stop sign. So what happens is while you're trying to get out, a car will leave you a gap to get out. And as you're turning to go up 52 backwards, Loch Sheldrake, you're trying to, you're trying to ease out, you're trying to nose out into the, into that traffic. And it's a pretty sketchy setup trying to get outta there. So if there was a no, if there was a no left turn outta that entrance, it would be okay because that would force the traffic around out to 42 to go up and around and up the hill. In other words, especially if it becomes a dunker donuts or something where there's a lot more traffic in there. People trying to make a left out of there is gonna be an accident problem.
- **Neil Sapolsky:** So even if you said everybody goes left on 42 that's gonna cause a rule issue too. Not as bad as I hear. I hear you with that hill. That's just tough
- **Gregg Pitula:** Making a left out of there is tough
- **Larry Zierler:** I don't think we should allow for that or, you know, any possibility.
- **Gregg Pitula:** Listen, the DOTs gonna do their research on that. I just know from experience.
- **Larry Zierler:** Do they catch those things at the DOT?
- **Gregg Pitula:** Yeah, they do. They, they, they're very aware of it. Yeah.
- **Larry Zierler:** I mean, they will set off bells. .
- **Gregg Pitula:** I'll stop at this gas station and get a cup of coffee and then head up to Westborn to go. And as I'm going out, I'm kind of like, Nosing out to make sure I'm not gonna lose the front end of the Jeep coming up.
- **Larry Zierler:** Unfortunately, whenever anyone speaks from the public

- **Gregg Pitula:** Gotta walk back up sir. Gotta walk
- **Hibana Martina:** Now I'm full-time in Woodburn and I spend 90% outside in my yard looking at those cars. Greg is exactly the right when cars coming down. There is five cars right there. They don't give a space to either turn 42 coming this way. Right. So either going up, if someone's wants to make a left to clear there's gonna be another big deal in there. Either in the summer, in the 45 days with the people from the city working that way. Either me for my house, I cannot get out of my house. The insurance company or that one. Probably not. I mean, you came over nowhere.
- **Larry Zierler:** It is important that it's been emphasized.
- **Gregg Pitula:** That's why I was saying made a right turn only out of there.
- **Larry Zierler:** That's why we're we're saying that there should be some kind of restriction around the turn and the
- **Hibana Martina:** The issue for the garbage stuff. Containers also, even now it is there because three cars are parked behind the building now. So those trucks are waiting an hour. So people shop and they take the garbage out from there because they take my garbage too.
- **Neil Sapolsky:** Is there room behind the door for a truck to come through for garage and deliveries?
- **Glenn Smith:** Yeah, there's a lot of room behind here. We have a two lane drive through just to get access there then keep one lane around the back.
- **Neil Sapolsky:** Ok. The truck back.
- **Dylan Harris:** I think we just need to quickly note too that the public hearing portion of this is still open. We're gonna hold it open for the next meeting so it's not yet closed.
- **Larry Zierler:** Any other issues come up they will be duly noted and considered.
- **Jennifer Lishansky:** Similar to the dumpster question. There's also currently a propane tank that's fenced in and I see that's gonna be
- **Glenn Smith:** That's getting taken out
- **Gregg Pitula:** I know these are like Planning Board stuff, but I mean, yeah.
- **Larry Zierler:** Anything else?
- **Neil Sapolsky:** You know, I'm thinking about the Citgo in Rock Hill, which is a busy gas station and you never see that. Both pumping and they are running all they're pumping. Because the persons like there's no parking there.

- **Discussion**
- **Neil Sapolsky:** So you never see eight cars in front of that huge Citgo. That's a big gas station
- **Hibana Martina:** I mean for 45 days in the summer there is like eight cars pumping gas. I mean, they don't make sense all the winter. And they close like at 10 at night. So it doesn't make sense to make those pumps bigger homes or either the building, because I'm in the construction business on Long Island, so I know it space wise and everything like that. And landscaping areas again like that. I think, what is the name? Mike. So the building, I think they exaggerate. It's too big if there is maybe 60 by 60 because they are trying to make business anyhow, selling any little time full of people. I think if they reduce the building also you have more space for it. And the pumps, I think those four is fine. The only issue was because people, they go in shop, I mean go inside and leave the cars running at the pumps. So you have to wait 20 minutes to the people maybe shopping inside and move the car from the pumps. If they shop, put in the gas and park it in the side. So you have access.
- **Neil Sapolsky:** Nobody does that. They just leave it and run in
- **ASPREP:** And another thing I saw, like this is like 1, 2, 3, 4, 5, 6 towers. So six pumps car on your side. It could be 12 cars.
- **Glenn Smith:** Yeah, you're right.
- **Hibana Martina:** That's too much. Now it's two towers because you put both cars one on each side. So there are four cars. But now looks like there is like, you know, six towers gas. But
- **Larry Zierler:** When you're the 12th car, you want that 12th place to be there. I mean a lot of people want the economies in the efficiency. So I don't know if there is a metric, if there's some kind of formula that has been a financial formula in terms of how much money for the gas. You make the gas and it's the loss liter, the gas. Whereas the convenience store is where a lot of, you know, beer, cigarettes and all the other sundry items that are sold there. That's the bread and butter of of these kind of businesses.
- **Neil Sapolsky:** And the good thing about having 12 pumps, that they won't be backing up on the 42 50 to wait until a pump. And that's what happens now.
- **Hibana Martina:** The population is not that big. It's not like exit 104, that's
- **Neil Sapolsky:** That's not us.

- **Hibana Martina:** But you have to stop a little bit, those construction
- **Larry Zierler:** I don't know whether or not we have determined if it's excessive. I think what the essence of what we are trying to say is that this might be excessive in terms of what he wants to be able to achieve from the footprint, from the space that's available. However I think that we still need more information. And the concern about moo traffic flow will also be allayed by other contingencies placed into it, which we don't have that information right now. So I think the point should be noted that there is some concern or lack of clarity in terms of why the building is what it is. Perhaps the next meeting, if the owner is here, he'll be able to also explain why this design seems to be, you know, the magical method
- **Hibana Martina:** 11, 12 years ago, the one in exit 104. I have my coworker. So finish the building, the gas station over. I think they own every one they own. I helped to design with architect and everything like that 12 years ago, and I helped them in the construction of, I think it's a big building, but that population with this one is not the same.
- **Neil Sapolsky:** That's bigger than 60 by 80. That one I would think that's a big building that has two.
- **Discussion**
- **Larry Zierler:** I'm gonna look at it. I'm gonna go look, I'm curious. The middle.
- **Glenn Smith:** And also that's cars coming in from 42. The gas pump are closer into the building than here because tight if you're parked a parking space on that one in front of the building and by the pump's feet here for minimum.
- **Dylan Harris:** Okay. I've kind of got an overarching question. Just looking at the map, it looks like in, if you can just explain what you're looking to put in is gonna be more conforming than what's actually there. Is that correct?
- **Glenn Smith:** Well, it's more conforming than the same the policy entire building that's in the buildable area. The gas canopy, although larger than the prior one, is set back on the property. So it's not as close to the property as it's still encroaching in the 35 foot front yard, but not as much as the existing building or the existing canopy.
- **Dylan Harris:** Okay. Thank you.

- **Gregg Pitula:** None of the existing building is even in the setback, I don't believe. No, I think the whole gas station now is built out of the setback. It's in the, it's in front of
- **Discussions**
- **Larry Zierler:** Had any history on that before?
- **Glenn Smith:** Before my time.
- **Larry Zierler:** No. I know I'm not blaming anyone here. The chairman is not blaming anyone. Everyone is good.
- **Neil Sapolsky:** So how long does 239 take?
- **Glenn Smith:** 30 days
- **Larry Zierler:** Any other comments from the board? Well, with that do we have a motion to adjourn. We're gonna leave the poll portion open for comments.
- **Larry Zierler:** But this has actually been very helpful. Thank you.
- **Dylan Harris:** I do have one, one question for Greg. Have you spoken to Molly? Because I know the planning board got pushed back to the 20th.
- **Gregg Pitula:** We're gonna push into the next week where, well, we haven't asked everybody yet, but we're gonna push whatever the Planning Board, if we're gonna be the last. Instead of the third Thursday, we're gonna be the last Thursday. So what is that?
- **Dylan Harris:** It'll be the 27th.
- **Gregg Pitula:** The Planning Board is gonna be on the 20th next month, and the Zoning Board's gonna be 27th. We haven't put it out yet to notice yet
- **Dylan Harris:** We're gonna have a meeting next month with public hearing.
- **Habina Martina:** Okay. It's gonna be drive through just to cars go around the building. It's gonna be like a window. People they can buy in the window.
- **Larry Zierler:** They will make an order at an order. There's an order station,
- **Glenn Smith:** Something right here. Little point around the back.
- **Larry Zierler:** They'll pick up the order from the window. Most likely there will be an island or one of these towers placed at some point in the back of the building. The way they have it in Thompson, you speak your order. And then you pick it up. You don't want the orders to be made and served out of the window because that will actually give

- **Habina Martina:** What is this? Parking? You can, I mean, there's no room over.
- **Larry Zierler:** Yeah. But the gentleman doesn't wanna get outta the car. You know? That's the way people think and purchase today in those kind of settings. I don't know that
- **Gregg Pitula:** We have a certain amount of requirements for certain, for certain uses.
- **Habina Martina:** You have to be waiting in the line, like two hours coming this way, waiting. Cause the people, the same people pump the gas. They make the sandwich over there.
- **Gregg Pitula:** So thank you sir. Okay.

Mike Bensimon motions to adjourn.