

## TOWN OF FALLSBURG PLANNING BOARD MEETING

August 12, 2021

In Attendance: Chairman Arthur Rosenshein, Gary Tavormina, Paul Luyck, Irv Newmark, Cody Vegliante, Planning Board Members, Mollie Messenger Code Enforcement, Helen Budrock Town Planner, Kenneth Ellsworth Engineer

Arthur Rosenshein calls the meeting to order, Planning Board meeting for August 12, 2021. We have a busy night in front of us, I'll get to a little bit of that in a moment. I want to get to the minutes of our July meeting. Anybody want to add any changes?

Gary Tavormina: Mr. Chairman, I would like to submit one of the dates on the minutes and there are some admissions.

Arthur Rosenshein: Ok, could you annotate a copy for us, in the next meeting.

Gary Tavormina: I will do that.

Old Business:

Arthur Rosenshein: When I see a crowd like this, I prepare myself for a long evening. Before we start, I would like to try and help you understand what's going on here. For us it's common, for you it's something new, so let's kinda explain. First the Planning Board is responsible for a lot of (inaudible) we don't plan, we are really a board of technical review. What we do is take various town laws (inaudible) building codes, state codes. We have a developer come in if a proposed project, review that project in light of the laws. We are reviewing it, we are not a legislative body. We can't say no if we don't like it. We need rational, we need detail, and if you want to hear, you have an objection, and I assume some people do, is to get that detail (inaudible) So just because we don't like something, doesn't mean that the planning board has to really do it. We follow code which are known as Zoning Laws, many of you know what is in, if you don't know what Zoning is, the town is separated in two different areas, the areas are called Zones, there may be a Zone called recreation, residential, business, industrial, and more then that. Each one of those has their own Zoning code rules on how much space you need per unit, how close you can put them together, the way the roads can be, all that detail is in there, and that is what we are working on. In addition there is something called a PUD, Planned Unit Development, which by the way, Luxor is a Planned Unit Development. What happens with that, is sometimes someone has a project, Davos was a good example of that, which doesn't set anywhere in the code, there's too many different uses to have a code item for it, and so it has its own Zoning, and it turns out Luxor was the first one, they are different names, but number one. So the rules are separate for it, then for other Zones in the Town of Fallsburg. We have the staff introduce themselves, we have the members of the Planning Board, we have staff here, we have a planner, a code enforcement engineer, Town engineer and the Town

Attorney. So we have a lot of people here, because of the details. Public Hearing, we have a very long list, and I would like to say, please don't repeat what you might have already heard. If someone talks about the traffic, please don't get up and talk about the traffic. Many people want to speak, and you're not really telling us anything new. So I ask that if you get up to speak, please state your name, as we have recorded minutes, and they will be transcribed later. Please speak loudly and clearly as you are being recorded. This meeting will end at 10 o'clock, whatever we have that we are talking about, will be the last item covered. Unfortunately or fortunately, I'm not sure which Luxor Jr. is the last item on the agenda. Each item appears twice, first we have it on the Public hearing, we want to hear you on that, we won't speak, but very little, we're interested in what you have to say. But once we close the Public hearing, your opportunity is over, we bring it up, we don't get into a cross discussion with the audience, we're now questioning the developers for our purpose. You are perfectly entitled to everything, you can hear it, you can't interrupt or be part of it at that point, the Public Hearing phase is up.

In addition we have received a number of letters which I have read. I'm going to ask the secretary of the Planning Board who has these all on file, will enter them into the minutes, so they will become part of our record. So if I'm not reading it, it's not because I haven't done it, it's because I don't want to take a lot of time up here. First item on the agenda.

Public Hearing:

#### **1. HAMLET OF LOCH SHELDRAKE – SBL# 18-2-12.1**

Larry Marshall: We are the project engineer and land surveyor. This project is for 6 Residential dwelling units located on NYS Route 52 right on the intersection of Loch Sheldrake Rd. This parcel was formerly occupied by (inaudible), which has been long since removed. Parcel is located in a mixed zoning unit. Access to the property will be basically where the existing entrance is or was, on the Southern side of the property. This project did have a previous Public Hearing back in 2019, not much has changed since that time, other than working through some of the details with DOT regarding the entrance, and then some of the final aspects in terms of lighting, landscaping, drainage and stuff like that. But it will basically be a two story building, as you look at it from Route 52, with a third story exposed if you look at the back of the property, and that third story, that basement, would only be occupied as garages would add additional parking, for each dwelling. The Dwelling units would be accessed from Route 52, there are sidewalks being proposed for the southerly side of the proposed building and then we are extending the existing sidewalk up to the north property line, basically a continuation of what is already there.

Arthur Rosenshein: Ok let's see what comes up tonight, for those of you who are not familiar with it, in Loch Sheldrake we now have a beautiful view of the lake, that's where this is going. Is there anybody who came to the Public hearing that has questions or comments, you don't have to be a neighbor.

Larry Shafman: I came for another project as well, so I wasn't aware of this project, my concern would be the traffic coming in and out, the light right there, the people exiting the development, and I'm also concerned about the view, that's going to be removed, and the height of the development, I heard that it's going to be 3 stories, and you said the back of the development, so I'd be interested in what that profile is, and how it impacts the traffic.

Arthur Rosenshein: You wanna answer those questions?

Larry Marshall: Sure, regarding the traffic, any traffic entering out of that site will be doing so on a State highway, the entrance to the site has been approved by the state, the entrance will be on the Southern side of the property, directly leads to the (inaudible) that's where the existing treatment and concrete currently existed.

(Inaudible)

Larry Shaffman: That's really a sight distance problem, there's a lot of traffic there, (something crashes Inaudible) and it's challenging without traffic coming from there, very concerned about the safety.

Larry Marshall: Right now the building is two stories on the Route 52 side, the third story is only exposed on the back side of the property, which joins Loch Sheldrake. The height of the building is compliant to the Zoning, at a maximum height of 37 (Inaudible)

Larry Shaffman: And the third story is to, down in the front, so it goes pretty deep. So it goes from the sidewalk

Larry Marshall: If you look at it, the site actually slopes down towards the lake, so we are utilizing that in the property to add the garages.

Larry Shaffman: I'd be concerned with that, the lakefront also, because of the pollution, and the materials and the waste, in the lake to pollute the lake.

Arthur Rosenshein: Thank you, is there anybody else, the young lady that raised her hand first.

Wanda Vasquez: Other than the situation with the traffic coming out of the development, building by the light would present a risk of accidents, since some people forget how to make a stop properly, and yield to the traffic that has the right of way. I would also be concerned with the situation for the parking, we already have issues with people parking on the left and the right, and stopping, and dropping off or picking up passengers on places where it's not even safe, or really already that busy, we have this issue, but please, more people driving around, sometimes recklessly, stopping without signals, and just doing what they please, just disregarding upcoming traffic.

Gavel pounds

Wanda: You said you were not going to interrupt.

Arthur Rosenshein: We like to answer the question before we go onto the next

Female Voice: And mame, you should be directing your comments to the board and not to the applicant.

Arthur Rosenshein: Please answer questions about the parking.

Larry Marshall: So on this 4 to 6 lawn units that are being proposed, the Town code requires 15 parking spaces being provided for this, that would be the minimum required for this facility. We are providing 18 parking spaces. That's 3 for every lawn unit

(Inaudible)

Larry Marshall: So there are 3 proposed parking spaces on the Southerly side of the building, one of them being an accessible parking space, where access will have to one of the units, there's an additional 12 parking spaces located on the Easterly side of the parcel, there would be an additional 6 underneath as garages inside of the building.

Denise Thomas Prath: I have a question and a comment. My question to the developer to the architect is what is the occupancy of each unit, and are they rentals or condos?

Larry Marshall: In terms of occupancy, hold on let me find the number of bedrooms, I think they are two bedrooms each, they are three bedrooms each, and there are three bedrooms in each dwelling and there are six units, and in regards to if they are rental units or for sale, I believe they are rental units.

Denise Thomas Prath: Can you confirm how much rent will be?

Larry Marshall: They will be at market rate.

Denise Thomas Prath: So you will get back to us, on if they are rentals or condos? My comment is, if you look at that parking area, that's right on the lake, and as most of you know, Loch Sheldrake is a fish stocked lake, by NY State, designated by NY fisheries, this year they put in over 800 brown trout in it, people eat the food the fish they get out both in the summer and the winter. What we are concerned with over that parking lot, is cars have runoff of oil, and they have all kinds of runoffs of other things that we would not expect, so to have a parking garage, anywhere near a lake, parking lot seems dangerous to the lake.

Arthur Rosenshein: Thank you, state your name please.

Alan Shebell: I have a question for you, just clarification, if you introduce the firm of Marshall representing the Hamlet of Loch Sheldrake, are they the developer or is there a private one?

Arthur Rosenshein: He's speaking for the developer, the project name is (inaudible)

Alan Shebell: So it's a private developer.

Arthur Rosenshein: Yes

Alan Shebell: And the intended audience for this progress is who?

Larry Marshall: Whoever would like to rent it.

Alan Shebell: Opened to anybody?

Larry Marshall: Yes

Alan Shebell: Thought so

Arthur Rosenshein: Thank you Sir, anybody else have any comments or questions?

Female Voice: We have one person on Zoom that has raised their hand.

Gerardo Martinez: I realized that I am not speaking on this topic, so go ahead.

Karen VanWolde: I actually live on Gail Drive, which is one block up from the lake, I have quite a few children and having that much of a building property added to the area, not just the run off from cars going to the lake, garbage accumulation, especially if this is something that's going to be a prominent summer residents, we see enough of garbage build up here and there's been enough wildlife incidents over the years, up here, so garbage is another big thing I have a concern with something being built so close to an already smallish quietish community, in Sheldrake Shores. Not even just that, the varmints or any type of bugs has anything been put into the Planning Board of this being built over here. To account for the amount of garbage with three bedrooms, and a place. I have a family of seven, so I know how much garbage I accumulate, so I can only imagine having that small of an area apartment and having however many people are in each one. So if there's something for garbage maintenance, as well as pest control, anything that might run off into the lake that my kids use every single year.

Female Voice: She asked about garbage maintenance

Larry Marshall: So we think at this time, there is a dedicated dumpster area, it will be on the northern side of the building. So it's not going to be individual garbage cans, it will be a

dumpster. (inaudible) Regular garbage pickup will be the best way to clear up any pests on the property. In terms of varmints, (Inaudible)

Arthur Rosenshein: Another hand in the audience, please come up and state your name.

Debra Flora: 24 Morris Drive, as far as this goes, the garbage container, will it be totally enclosed, on the top also? Will garbage fly out of the top because of the wind?

Larry Marshall: Because of the way dumpsters are handled, and picked up, you can't close the top. You can close the top of the dumpster with a standard lid, but the enclosure itself will not be closed. But the dumpster will have a lid.

Debra Flora: So if the dumpster gets overfilled, there's nothing to stop it from blowing all over the area, and it being on the back of the property, right onto the lake, you know someone else mentioned the garbage in the lake. One other question, there's 18 parking spots. Is that safe, if 18 vehicle's are all coming out within a very short time, with no light on that side?

Larry Marshall: This acclimation was fully designed, for the primary concern of this board, that would make it necessary to (inaudible) build entries at this point from Route 52, approved by the DOT, before we proceed any further with the application. Which is what we've been doing for (inaudible) as it turns up, the number of dwelling units, the number of parking spaces, plus whatever (inaudible)

Debra Flora: So my main concern then would be to go back to the garbage, having some cover on it, so that it's not overflowing before pickup.

Arthur Rosenshein: Thank you, remember what you are trying to build up, you're trying to get information and you are generating information. Anybody else, in the back I see a hand

Gabriella Nolan: Just a quick question for you guys, is there any knowledge of the environmental impact assessment for this site? I know this is a very very sensitive area, as most of our water drains towards NYC, and is their main water source. So my main concern is Loch Sheldrake is a very clean lake. I've grown up on this lake my whole life, I just want to make sure that water quality is going to be maintained, and that auto waste is not being drained into the river and harming our lake.

Arthur Rosenshein: The answer is yes. You sir have been very patient.

Male voice (Inaudible name): I'm not familiar with the project, but could you again tell me where the entrance to this will be.

Larry Marshall: Right here on the Southerly part.

Male Voice: So we're expecting 18 vehicles at least passing through this narrow area, as we know, this area is so congested, during the summer time, that the traffic goes almost to Woodbourne and back to Liberty, and you know Divine Corners, people start honking, yelling and screaming and with this, it's gonna be even worse, my prediction. The other thing, all those parking spots, are right next to the lake, I'm not really clear on how they are going to deal with this, is there going to be some type of redemption wall there? Because this is a very sloppy area, it's almost like 30 or 40 degrees here, so to position all of the cars over there, to make sure they can U turn or exit, it seems very narrow, and it's very compromising.

Meryll Neldic: I know people have already talk about the traffic issue on 52 which is very heavy in the summer, but what concerns me also, and there are a lot of kids that walk around there, and if they are coming from one project, pulling out, it's just not the traffic increase, it's pulling out from their homes is a danger, because they only have one place to pull out, they can only pull out on 52.

Larry Shaffman: The danger for kids is people exiting the parking lot, Bum & Kel's building, that whole building is kind of a blind spot there. If there's a stop sign or whatever, again that person said it is on a grade, it's a hazard for pedestrians. I don't know what the answer is, but that's the concern. Related to that, there is a lot of parking by the Gulf station illegal I think, and I think Code enforcement or the Police Department should look into that, because it prevents difficult sight, it's a distance thing when you are coming down the road and making a right turn on red, so I like to add that, if it could be monitored at by the town, I'd be thankful.

Arthur Rosenshein: Anybody else, this part of the hearing is closed. Second item on the list is Murray's Chicken.

## **2. MURRAY'S CHICKEN – SBL# 52-7-8/21**

Arthur Rosenshein: A brief overview of what you are planning to do.

(inaudible)

Male Voice: Essential Murray's Chicken is going to be demolishing two existing storage buildings outside of their property lines, and replacing them with the new storage building which is going to house the large trucks that deliver the chicken parts processing. And the purpose of this building is to cover the truck spacing area, trucks are going to park in storm proof slots, that captures any feces or whatever drips from off the trucks. If it rains the roof will protect the area from the rainfall, so there will no longer be any feces whatsoever (inaudible) that will be avoided.

Arthur Rosenshein: Are there any questions

Jake Stratton: I'm from the Fallsburg's Fishing and Builders Club. It's good to see you all live again. Thank you. We stand here and are unequivocally positive and supportive of the project.

Once seeing it there, I don't see a lot of detail about the storm water prevention pollution plan and obviously we have been working very cooperatively with the Town and I think with the developer, someone that we have a lot of respect for. We just want the lake to remain clean, and right now the DEC requires that the water that is not fowl, water is something you should not be concerned about, is 100 fewer units of bacteria, per 100 millimeters. The water that comes from that site the culvert, and dumps right into our lake is over 24,000 units of bacteria directly into our lake, and for as angry as our members were about it, we spent years saying I think you're pouring this, trying to get this to be work on cooperatively with the Town with the entity, we have great respect for it. But it's got to be fixed, it ultimately, the hands thrown up into the air, and said the DEC had to handle this because this is a sewage pollution problem that is being dumped directly into a lake. So we are so happy seeing a solution being proposed, covering the area, doesn't get it done. The feces that falls off from the chickens, needs to be directed into the sewage systems.

Arthur Rosenshein: What happens to the stuff

Murray's Chicken Rep: Underneath, the culverts is a concrete slab in the whole parking area when it drains, front and center that trench drains directly into the sewage department, so everything will go into the sewer, the culvert, we did not want to fill the sewage department with the drain water, so the biggest purpose of the coverage unit, was to protect the sewage department from having all unnecessary water from the drain pipes.

Jake Stratton: Fabulous, I know the officer from the DEC, details have escaped him from about this, so I trust that you have sent these over to the DEC, so they are comfortable with them. If water that flows through the drainage ditch on the road, now longer carries bacteria or now longer carries bacteria from this site, we are going to be 100% behind you guys and very happy, but obviously, if it doesn't we'll be back asking for help, obviously you know that the DEC has all kinds of fines that per day that have been held in abeyance while you guys have this project. So we hope that everything has been embedded as far as it needs to, sounds like your solution is one that would work, and hopefully the DEC has had a good set of eyes on it, and they feel comfortable too. We thank you very much, and again we ask the Planning Board when preparing your resolution, that you have conditions that ensure that the testing at that site will continue to test and I assume the Town will continue to test. But if those numbers are high, we do need to make sure that there is some mechanism to bring it back to make ensure we resolve the problem, as that is what it is really all about. So Thank you very much, we appreciate it.

Arthur Rosenshein: Thank you, is there anyone else who wishes to speak? Closed

### **3. CONGREGATION KOLLEL OF SOUTH FALLSBURG – SBL# 56-1-64.5**

Arthur Rosenshein: Identity yourself please sir.



Rabbi: I'm a newcomer to South Fallsburg, I've been here for 16 ½ years, I was hired by a very gracious congregation South Fallsburg ? Association for about 15 ½ years. During COVID they let me go because of financial problems that they had. I had a following there at the Synagogue, students, Bar Mitzvahs, Baz Mitzvahs, instructions, Religious instructions. I moved into 187 Lake Street with my family, there my neighborhood, most of the people around my block are Religious people who need Religious instructions and working with the town, we took a garage, and turned it into a Religious instruction room, and that's where we find ourselves right now, we have complied to all the rules that we were asked to do, in terms of Exit signs, safety, and so on and so forth, it's all documented, with the Town.

Arthur Rosenshein: Does anyone have a question on this? Raise their hand please. Remember you are going to be up here later.

Rabbi: Got it. Thank you

#### **4. ROCKWELL REALTY GROUP LLC – SBL# 24-1-7**

Arthur Rosenshein: Identity yourself sir

Jay Zieger: Corporate from Zieger informant

Arthur Rosenshein: What is it that they want to do

Jay Zieger: The parcels has two buildings on it, one is residential, one is commercial office, and it's at the corner of 42 just as you're leaving Woodbourne.

Arthur Rosenshein: Across from the Citgo

Jay Zieger: Yes, the gas station. The tenant runs an online automobile sales business, and he has a license to automobiles from that location, and it's strictly an office location. There's no cars that are going to be stored on site, there's no pedestrian traffic, sales will be online, and if buyers are interested, the arrangements will be made outside of certain locations for the automobile. So the only parking that is going to be required is for the tenant that is there, right now it's two people that will be working out of the office, and almost always one at any given Time. Mollie had also asked, that the house is also on the parcel, if you see the survey map and see where the house is, and what are her plans for the house. Currently the house is being renovated the plan would be, the current thinking is here's the commercial building and here's the parking that services the building, is to put a parking garage, somewhere in the front and that would be for the parking for the residents. But that's not written in stone, that's not final, and we're here for right now. That building is vacant, if you want to make it a condition that

before that residence gets occupied, that the applicants have to come back, and for more details, that would be agreeable. So right now,

Arthur Rosenshein: They don't need (inaudible)

Jay Zeiger: Correct

Arthur Rosenshein: Does anybody have any questions? No, then it's closed.

## **5. LUXOR JUNIOR – SBL# 12-1-41.5**

Arthur Rosenshein: Who's here to represent.

Jay Zeiger: I'm here, as is Randy Jay Zeiger, corporate Kaplan Zeiger informant on behalf of the applicant and Randy Larson of Larson Engineering is the Engineer on the project and ----- one of the Principals of Luxor Junior is here as well

Arthur Rosenshein: Randy will make the presentation

Jay Zeiger: Ok I was going to give an introduction, but Randy, I will turn the floor over to you

Randy Wasson: Ok, Luxor Junior has been in front of the board a number of times over the years.

Arthur Rosenshein: Yes since 2007

Randy: Before my time, we've responded recently to the engineer's comments. Last round, we just received some last week, and in the work session we have some other issues that we are going to talking about or addressing as well. But basically the project is on 42 acres, it's 100 homes, plus amenities, a Shoal, swimming pools, playgrounds, on 100 acres, it's boarded on the West primarily by Luxor Estates

Male Voice: 100 homes on 42 acres

Randy: Boarded on the West by Luxor Estates, access would be through Maplewood Avenue.

Male Voice: The existing Luxor is over here

Randy: On that drawing more of it's to the right, and it borders Sheldrake homes on the Southerly side. So primary access through Maplewood Avenue and then emergency access would be through Luxor Estates towards the other end of the project site. That's basically, we'll

be hooking up to Town water and sewer systems, the storm water, swift has been prepared. Again we have just received another round of comments from the project's engineers, and are looking into addressing those as well.

Male Voice: And Randy I just want to add, that the property is the part zone that the Chairman has spoken about at the introduction of the meeting, so that's the zones that the project needs to comply.

Randy: Yes, it's part number one, and it does meet all of the requirements of (inaudible) as the further review here of the Town Planner.

Arthur Rosenshein: Alright Ladies and Gentlemen, first hand went up over here, your name sir

Dr. Nelson Melvinick: Lakeside Drive, we wrote down some of the concerns that we have, and these concerns involve the following, the number of units on the proposed acreage it seems like an excessive number, the stress on the 40 somewhat acres, it's considering that each unit is probably going to have several bedrooms, and we are talking about a total number of people 700, if you consider the average family that would be renting these units. So the number one concern is the ecology effect of so many people. We were talking before about the other project that is right on 52, the first order of business of the night. This one stresses the area of the lake from the other side, enormous, all of the problems that were mentioned in the first development on 52, now applies multiply times more, regarding 100 units on 40 somewhat acres, so there should be some concern and we're emphasising there should be for the concern for the reduction of the number of units over these acres. And the other thing is there should be preservation of the forest areas, so there should be some blockage of the lake, because part of the beauty of the homes, that we purchased on the lake, relates to a fact that it's in a rustic area, and this is going to make it like a Brooklyn neighborhood. So the fact is it's going to convert a Catskill rustic appearance into something that is essentially going to be an appendage of a City neighborhood. The other thing that we are concerned with is the storm water management that touches the lake, because if it does, then it becomes a place for infestation of mosquitoes and everything, and there have been storm water problems in the past from what I understand, even prior to when we moved in here. The other thing is the guidelines for originally allowing the number of units to be placed on the property were done when it was an older Zoning law. That got in prior to the new Zoning laws intridict the placement of so many Units, the current Zoning laws, rather than having it Grandfathered in an earlier time. The other thing we're really concerned with, that's a really tight area, for traffic like this, for LakeSide Drive, there are small areas of access you go to 52. The immense number of vehicles that are now going to be brought into the area, to think, there's going to be 100 units and there's going to be family units. So the vehicle traffic already is problematic and the roads I can tell you during the winter time, could be problematic, an all year round establishment and stressing the roads the way they are, is going to have an enormous environmental impact on the area, it's going to have an enormous impact on the quality of life in the area, it's going to affect property development, property values, because of the loss of the views that we have. And all of the problems that were discussed earlier with regards to the environmental waste disposal and so

forth, are magnified by, what we were talking about 15 units before and how it's waste disposal, think what's it's going to be when you have essentially, it's like have an Urban community built into the Suburban area, it's going to tax the resources to such an extent that it really will devalue the property values and it also will be an impact on the individual houses that we have on the lake and the quality of life we have on the lake.

Female Audience (Inaudible name): I understand that people want to have their nice vacation homes on the lake, but that is something that needs to be addressed in the market situation, that's what we are doing. The gentlemen before already specified about the storm waters, when was the last study made on the environmental impact that that storm water is going to have.

Arthur Rosenshein: When was the last time a study was done?

Male voice: Actually the Town is working on a study right now, which is more regional, not just what's coming off from the water site, but what's draining into the lake and other areas in the neighborhood. So the Town is actually doing that.

Randy Wasson: The applicant is also required to do something that is called SLIP Stormwater Pollution Prevention Plan, and that is one of the requirements this board has imposed on the applicant, and that will study the drainage of this site, and ensure that there isn't runoff off from this site, to anywhere other than this site. That's the obligation of us, the Applicants, to prepare and then be reviewed by the Town Engineer so you are going to have two sets of eyes reviewing it before that, runoff is a big concern for this project.

Female Voice: So he answered my question, so I will ask my next question towards him. They are concerned that as to where that water goes that doesn't go into the lake, I assume, and it will be logical to assume that it's going to go through our drainage system in Loch Sheldrake Shores. Our drainage system, I don't even know if you know, it's collapsing. I have a drainage part in front of my driveway that we requested to have it checked, and we were told there wasn't a possibility for it in the next two years or so. Our system is in a very deplorable condition, your system draining into our systems is going to make it in worse condition.

Male Voice: She might be talking about the project, that the Engineers (Inaudible) drainage project.

Randy Wasson: The Town is undertaking that project, and this developer is actually contributing towards that work as well, so a lot of those concerns are really not concerns.

Randy Wasson: I just want to expand on that a little bit and address your question a little bit more directly. With respect to the additional water that we are creating, what impact that will have on the neighbors property, driveway culverts or whatever. We are required to study what is coming off from our site. And the requirement is the maximum rate of runoff after development, not be greater than it is before development. Because of the houses and roads we will be increasing the amount of water in total that comes off from the site, but the

requirements in the Swift is to make sure that what we are doing, storing that water for a matter of time and releasing it more slowly doesn't exceed what presently exists. With respect to individual properties or offsite or down the road, that's a Town issue and I think it's something they are looking at from their study, and they are also factoring into their study the work we did on the site, numbers that flow (inaudible)

Female Audience voice: Thank you Sir, Now I want to address my question to the board. He claims that you are supposed to be doing a study to control the volumes of the water and to be assured that our houses are not going to end up being drowned. We already have problems with water. Last year I had to be under the rain, digging with a shovel trying to control the water from getting in my house, why because of the rain, the road got flooded, there is not proper drainage on the whole road, it's already covered by dirt.

Mollie Messenger: Excuse me, Mame what is your address

Female Audience: 3 Sara Drive, I worked for more than 4 hours under the rain trying to dig a trench in my yard to channel that water to go down the road to the corner, because there was no other way, and there was a lot of rain. With more water coming and proper drainage, I don't see, I hope I don't have to be out, day in and day out when it rains. Out in the rain digging, because that would not be fair. My next point in regards to the traffic, they want to be going through our streets, for whatever reason, our streets are small, there is not that wide the streets are crumbling which is ridiculous.

Arthur Rosenshein: The Town roads

Female Audience: The Town roads, streets they are crumbling. I don't see anybody going there to fix those roads, I see communities where they remove the pavement and fix their roads properly. Our roads are horrible, potholes, the side

Arthur Rosenshein: Mame, have you been to the Town Board on this?

Female Audience: No

Arthur Rosenshein: Because they are the ones that have to do it.

Female Audience: With more people driving though our roads, that's going to cause more damage. Where is the traffic for the construction going to be going through? Destroying more of our roads, is that fair?

Gary Tavormina: Ma'am we at the Planning Board cannot resolve your problem, Town Board resolves your problem. We are here for the planning, we understand the problems with the water and so on, but the road conditions, sewer systems, all of that, you must go to the Town Board and tell your story.

Female Audience: And I will, but at this point my concern is with this large project that is going to continue destroying our roads, even worse than they already are.

Paula E Kay: Can I ask the applicant to address the traffic circulation, traffic is not going through Sheldrake Shores, it's coming from the other direction. I just want to clarify.

Female Audience: Can you tell me 100%

Paula E Kay: This is not to be confrontational I was just trying to inform

Female Audience: I'm not trying to be confrontational, I'm trying to be realistic.

Arthur Rosenshein: Part of our process is we hire an Engineer to study their plans, we bring in an expert to give us their opinion. So it is going to be looked at, and it's going to be looked at by other eyes besides ours.

Female Audience: I understand but can you guarantee me that it's not going to happen? That's why I am opposing it.

Male Voice: Nobody can tell somebody where to drive. When people build places they drive where they want.

Female Audience: My last point is, is the noise that is going to happen during the construction, I will not address the trees, because other people are going to do that. My husband works at night, and so do a lot of people that live over there. Construction is really noisy, especially a large construction like this. This is going to affect my husband and myself, because I wait for my husband every night so he can eat a meal before he goes to bed, that means no sleep, during the day, because the noise is going to be outrageous. Because we are not talking about a small 12 unit project. Something has to be done, and other people addressing this are for a way to keep some kind of privacy and besides that to make sure that hours are set, so that the construction cannot start at 6 in the morning and through who knows what time. I know in the city that they have regulations for how long a construction can be done for. Thank you.

Meryl Melvinick: I have some questions about this, you said there were going to be some amenities, there's a pool and what else is going to be constructed?

Randy Wasson: There's going to be a community building, two pools and a couple of playgrounds.

Meryl Melvinick: So we're really talking about a really large project, it's not just that they are constructing the housing, they are constructing a lot of common facilities as well, I don't understand, or this I would like to request that this should be reconsider, it is such a large project, with the number of houses and the communal features, and with the previous Zoning

laws it was passed, but it wouldn't be today, can it be reconsider, the project is too large for the area. The other question I have, since you are cutting down so much, and with that area changing completely, is there going to be some kind of buffer for the areas nearby like a tree zone or something like that. That buffers us, so we're not so exposed to this project?

Randy Wasson: Yes along the Sheldrake Shores side the Southerly side, we are putting in for the full length of the boundary we're putting in water pines and duck furs 8 to 10 feet high. To start.

Meryl Melvnick: So how many tree lines?

Randy Wasson: It'll be one line and they will be staggered, I think they are 15 feet apart all the way up the whole line, and in addition to that there will be a 6 foot high line stockade fence, so it's a fence you can't see through, you'll be looking at trees and a fence.

Meryl Melvnick: Can you make a second tree line as well?

Randy Wasson: I don't know without looking at it, because we have drainage up there as well, so (inaudible) let the drainage go down the hill as well.

Female Board: Randy I would suggest based on what I'm assuming that you are going to be hearing now and later on, that it is something that you look at seriously.

Meryl Melvnick: So I just want to re-emphasize this, this is a really large project and it makes it a large project in comparison to some of the others done in the area recently. It would not be approved today, by today's Zoning laws. I'm really hoping that it will be reconsidered. A project, but not such a large project.

Inaudible

Female Board: almost 5 per acre is what the Zoning of this particular property is zoned and has been zoned since 1995. So Zoning hasn't changed.

Arthur Rosenshein: The lady in the back

Joyce Wells: I live in Sheldrake Shores, I've been there for about 17 years now, Homeowner for 13 years and the main reason I was attracted to the area is because of the beauty and the peacefulness of the area. My biggest concern, like many have already said, is maintaining both of those things. No reason why everybody can't have both, but that is what I'd like to make sure is there. Talking about the tree zone is mostly what I want to talk about, and I'd like to request that the tree zone should be expanded. There's several places around where there's one line of trees, much as this Gentleman just described it, and it's really not much of a buffer. What I'd like to propose is two of the lines of the houses be taken out of the project and put trees there instead. For the privacy and to protect the property values as this woman said, and also to

prevent against erosion and self going into the lake, which a true tree barrier does and also because in the report, under number 11 in that report, the Planning Board acknowledges that there's a sharp contrast to what Luxor Jr. will be with what Sheldrake Shores is, so this would be a bigger buffer for separating the three stories much larger. To me those things always looked like a Monopoly game hotel. But those three story high density environments would be separated from the predominantly one story single dwellings that are there in Sheldrake Shores. I'd also like to request that if in this buffer tree zone, the tree zone would extend all the way around the Stormwater management area that reflects Sheldrake Shores and the boundary of the lake, and there will be new tree plantings wherever there are gaps in the existing tree barrier and a written assurance to the town that these new plantings will be maintained by the developer. For at least two years, to make sure the trees make it. And a written agreement is made with the town saying that if any existing trees in the requested buffer zone are destroyed by construction, if it takes place, that there will be money available to replace those trees. So there will be money in escrow by the developer to replace those trees if any are damaged, that would be about \$800 to \$1,000 a tree and ongoing maintenance with those new trees for about 2 years to make sure they would survive. Finally an agreement be made with the Town, that this buffer tree zone, once it's made, could not ever be changed, so it can't be turned into something else. I think that would alleviate my concerns a lot, and help to preserve what is going on in Sheldrake Shores and also allow for the people in Luxor Jr. to have what they need.

Name (Inaudible): When I first heard of this project, I could not believe that this thing could actually happen. So I got myself up and went to see people around this community, to understand their views and to see what they think about the project. Out of 40 house's that I visited, 39 said no the other said I'm not sure. Which basically makes 99% of the people disagree with this. (inaudible) but look in on the project the way it is designed, first of all it's nothing scaled, whatever has been allocated for the stormwater, for the lines, for the houses there, it just doesn't make sense, because this area here, just cannot exist, because this thing is very sloppy and there is no wall even if it is constructed here, because there would be some sort of 10 foot high wall, so some sort of redemption in order to hold this in place. So is it going to be dried all the time, how is it going to be drained? (inaudible) needless to say you need some sort of drainage.

Arthur Rosenshein: Excuse me sir, I would like to hear his answer at this point.\

Male Audience: So let's start with this one, how will this line be made

Randy Wasson: There will be an embankment

Male Audience: Do you know how high that will be?

Randy Wasson: I would have to look at one of the other drawings. It looks pretty high. Something like that.



Male Audience: This is something that is going to be constructed into the area? (inaudible) Is there experience?

Randy Wasson: There is lots of experience.

Male Audience: (inaudible)

Arthur Rosenshein: Let him answer, let's see what he says, his answer is his answer, it's not an argument. What will happen is we have engineers to check his work. It's not the developer alone, but the town engineers look it over. It's just not one person doing it, we look it over also. But there's no point arguing with him, if he gives you an answer, that's his answer.

Male Audience: I just want to make sure that proper studies are conducted, in terms of water management, destiny and as a community we want to see a real document, not just words that say, that's gonna look like this. I want to see something that is done by professionals.

Arthur Rosenshein: Under the State Environment Quality Review Act you can (inaudible) we have the ability for that.

Male Audience: So their engineers are gonna say ok so what we just presented is fine, we're just going to accept their

Arthur Rosenshein: I just said to you that we will do our own research, and back up their figures or not. It's not just the engineer for the project, it is our side to look at it to represent you. So it's just not one person, we have engineers, we have lawyers, we have everything, we are to review this project, that is what our purpose is. So we are in the midst of the project

Male Audience: But how far are you in the process

Arthur Rosenshein: This is part of it. We're not done, we are at the point of gathering information from you, which will add to our consideration. They are not getting an approval tonight, we're not at that stage, and so to answer your question we are in the midst of the project, saying exactly where we are, I don't know. But it is being considered.

Male Audience: Will you be able to share it with us?

Female Board: Not tonight

Male Audience: No no tonight, maybe next night?

Arthur Rosenshein: It's all public, nothing is done is secret by the Planning Board all of our records are public records.

Female Board: Right and after tonight, there looks there is going to be a lot of information gathering we are going to have the discussion, the board will discuss the matter, and you'll be here to listen later tonight after the Public hearing is closed, there won't be any action taken tonight, we will probably ask the board consultants to do further work and research. At some point and I don't know when, this application will be back on a future Planning Board meeting, all agendas are online at the Town of Fallsburg website, in fact the agenda for the Planning Board meeting will state it is for Luxor Jr. and you can come to any meeting, or as people are doing, you can attend by Zoom and follow along as we go.

Male Audience: So all of the meetings are where we can see what is going on with the project

Female Board: He can FOIL any information that he wants from the building department that he wants at any time, that goes with the entire file.

Arthur Rosenshein: That's the formal process. It is just the way of doing it. The formal way of asking.

Male Audience: I can request to know what's done

Female Board: You can review any document and where the process is, check the agenda and come to the meeting.

Male Audience: The Agenda is simple, like a review, there's nothing else

Arthur Rosenshein: Everything we do is in public we do not have private meetings, we are here tonight to hear your concerns.

Male Audience: Our community is against this, that should be your concern. You see any project where 100% of the community is against it, I think it should raise a major concern. You just have to stop, step back, and review the whole thing from the beginning. This is not something that the community wants. I understand that you can develop and raid 42 acres of land, right here, in front of us, right here you have houses here, people are crying. This guy just had cancer surgery right here, and he doesn't know what to do. What are you going to do there, because if you build a wall it's right in his backyard. Then what, he's going to stare at this wall that's going to break. I just don't understand that in the 21 century we can just take 42 acres and remove all the trees

Male Voice: Your house is not there in the first place.

Male Audience: No, not really, my house is right here.

Arthur Rosenshein: We've heard your concern, we are not going to go back and forth. If you follow the process, everything is done in public, nothing is private. We have other people here that would like to speak, thank you sir.

Female Board: If I might just say, if you are on the meeting and it's the boards turn, I have some information to share that will shed some light on where we are in the review process, please remember that this is a process, no decision is going to be made tonight and no decision is probably going to be made for months, there is a lot of review that takes place, I understand that people are passionate or upset, but this is the beginning of a very long process and you need to let that process take its course, and like the Chairman said all of that review is done in the public eyes, there are no secrets, you can request any information that you want, from the town, so.

Arthur Rosenshein: Thank you, this young lady right here.

Mary Adams: I live in Sheldrake Shores and I've been there for 5 years, and I'm considering buying the house. However, with this project, I'm definitely reconsidering. Because if it is not managed correctly, I'm not sure I want to live there. So that was very insightful to find out about that huge wall. I was just there today looking at the stormwater storage would be, which is right in our community, I had no idea, because I'm not an engineer Gavin is an engineer so that is probably why he could imagine such a, I would like to hear more about that. I appreciate the information you gave, and I do go to the meetings and read reports, but this is the only public hearing, so this is when I can only speak up and tell you Yikes! Whereas in those meetings I can't speak up, so what do I do, write a letter to you telling you I don't agree with that point you were talking about?

Female Board: This is the only official, unless the board chooses to do something that they never do and haven't done in all the time that I have been with this board, this is your time to speak, this is your time for the board to hear you. The board will take all of your concerns and go through them, they will probably ask the applicant to address your concerns more formally then tonight and then there is a lot of review that happens, while you can write a letter, and there's no one to say that the board won't read it, it's not part of the official record. But if you write a letter after the official Public Hearing is closed, a copy will be sent to all of the board members, and won't be part of the official record. Everything from tonight goes written and anything you say tonight is typed into an official record for the Public hearing.

Mary Adams: Ok, Thank you

Arthur Rosenshein: I think this is the third public hearing over this, over the years we've had others.

Female Board: Number Four

Mary Adams: I know that you have in 2018, most of the people here didn't care about it, I don't know why, I don't know, we went here, that's all I can tell you. But I did go see the various reports that you have in the building department, spent most of the day going through it, it is very detailed. So the concern I have, is that there are quite a few things in those reports, where it says, there's a potentially large impact for instance of an item, so in the State Environment

Quality Review Act, that's called secret if you didn't know, they might not know, there's a list that I actually pulled for the Planning Board that says whether something be low impact high impact, and if it's high impact what the corrections might be.

Arthur Rosenshein: Remember the word (Inaudible) it's not predicting the impact, you say it's not controlled

Mary Adams: Right, one thing that it says in the secret, is that if something does have a mark that does say potentially high impact, there needs to be a part three report, I didn't see a part three report, is there one?

Helen Burdock: I'm going to address her a little bit later, in the meeting.

Female Board: I don't think you'll get to later in the meeting, Arthur I don't know if it would be beneficial if Helen actually went through her stuff now that might answer a lot of questions.

Helen Burdock: I think that's a great idea.

Arthur Rosenshein: When you are done speaking, we don't want to cut you off. We have asked for reports to bring us up to date. This is a very long running project, so perhaps when you finish speaking, I think that is an excellent idea.

Mary Adams: I would really like to hear what she has to say, and I might have more questions, so I'll be back.

Helen Burdock: Thank you, so I'm the Towns Planner, I was in charge of basically issuing a comment memo to respond to some concerns and basically give an update of the project, this project is new to me, the first time I saw it was last month or so, when it came back in front of the Planning Board, you all should know this project has been kicking around since 2007 I've spent some time at the building department like some of you did going through the file and trying to build a terminology. This is actually the fourth public hearing that's been held, the Planning Board was under no obligation to hold a public hearing. But since the last public hearing on this project was in 2018, they felt that and I think wisely that there should be an opportunity for the public to comment again on the project, because as the lady mentioned, a lot of you weren't around in 2018 or didn't hear about the projects back then. So now that it's back before the Planning Board, again the Planning Board is trying to solace input from the public, and from my perspective, we are at the very beginning of the process. Even though the project has been around since 2007, it has stopped and started with gaps of between two and three years, in between appearances. So what I was able to determine from looking at the Building Department records is that in regards to SEQRL which is the State Environmental Quality Review Law, which requires any board before they take action, they fully look at all of the potential Environmental impacts that could result from a project. So what I was able to determine and I had sent an email to the project's engineer, the last Environmental assessment form, which is the form that kicks off that Environmental review process which was last

submitted to the town in 2013 by a prior engineer. So one of the things that I am requesting and recommending to the Board, is that we start that SEQRL process from scratch, meaning the board needs an updated long form Environmental assessment form, called an EAF so that they can start that process from scratch. That is a long lengthy process, it involves the board declaring their attempt to serve as quote unquote Lead Agency for the Environmental review, that notice then gets circulated to all of the involved and interested agencies, including the DEC and other regulatory agencies that would have permitting authority over the project, and then it goes through a process that mandated on them all. So number one with SEQRL, from my perspective we are starting and I think the Planning Board attorney would agree with me, from a SEQRL perspective, we are basically starting from square one, because so much time has elapsed, since the last review, and some of the elements of the project has changed since that form was last submitted, so that's.

Female Board: And the surrounding area, there has been significant change,

Helen Burdock: Right and there has been significant change in the surrounding area. So that's SEQRL just to give some clarification. So we're at the very, very beginning process of the Environmental review, and that will take its course and once we get that updated form to you, then react to. And then I'll take question's when I'm though I wanted to address the Zoning, in this PUD, a planned unit development, which is typically something that is a collaborative arrangement between the developer and the Town board. Zoning is a local law, the Planning Board does not have any control over any acting local laws, that's the Town Board's responsibility. So the Planning Board's rule is to review proposals for development in accordance with the laws that the Town Board has adopted. In this particular case, the planned unit development that controls what gets built on this particular property, which was enacted on the Town Board in 1991. A lot has happened since then the town has gone through two comprehensive planned updates at least, a couple of Zoning revisions, but for whatever reason the planned unit development zoning designation for this particular property had never been reevaluated, it had just sort of been left as in. Unfortunately that's what we have to go against. So the project as proposed and it's the developers right to propose the development which is in those parameters, that project that is being proposed meets all of the Zoning requirements of that particular zone, there are no variances requested, they are not requesting any changes in Zoning or anything else. However it is important to note, that those requirements are minimum requirements, so a minimum setback. There's a maximum (inaudible) that's allowed here, there's parameters so there is some give and take. So that's part of the Planning Board's role is to react to what a developer presents in terms of this is what I would like to build. And then there is a give and take and a compromise, and a discussion about things that have to do with public safety and the quality of life, and the environmental impact, all of the traffic, all of the things that you are mentioning here today, so, I did prepare a memo with a little bit of history from what I was able to find from the file and some recommendations, not going to go through it all tonight, if anyone would like a copy, you can get it from the Building Department, but in addition to requesting a new EAF, there's a wetland study that was last done in 2006 and there is a traffic study that was done in 2008 that my recommendation to the Planning Board is that those studies be updated as part of the Environmental Review process, that's where it stands

on the project as a whole, even though this project has been around for a while, it is now back in before the board in its present form, and we need to start that review process basically from the beginning. And that's why you are here for the Public Hearing because we are at the beginning of the process not the end. So that in short, hopefully clarifies some issues. Art, was there anything else that you wanted me to address?

Arthur Rosenshein: No, I think you did a nice job.

Helen Budrock: I believe that lady had the floor.

Arthur Rosenshein: The lady that was speaking gets to continue. Thank you for being gracious and allowing us to.

Mary Adams: Frankly that's very good news, very exciting to find out there will be an updated report that's really fabulous, because I think it will look over the traffic, because a lot of things have happened in Loch Sheldrake. So there's a few facts that I did find out and I'm still not there. I went and spent the entire day reading all of those reports, there's a lot of information and there's some discrepancies so when we find discrepancies, for instance 42 acres, 100 Units, now Luxor Sr. which is Sister project Brother project, down the road is 57 acres and they have 90.

Helen Budrock: Different planned unit development districts.

Mary Adams: Maybe but destiny is way higher on this one, Luxor Jr.

Helen Budrock: Again to clarify Luxor is Planned Unit Development 10, so it is separate, and has its own Zoning regulations, then this one. Just to clarify

Mary Adams: And is there any change of Zoning regulations, they are not going to change, they're just gonna stay, is there a law?

Helen Budrock: That is not the purview of the Planning Board, that is the Town Board that needs to

Mary Adams: Ok, so that's the Town Board, I just want to put it out there, that there is a discrepancy there in terms of density, and that's part of our concern, that not only do we already think this is very dense, but it's way denser than Luxor Sr. and I don't know if any of you have ever been to Luxor Sr. it's a lovely place, they maintain it beautifully, we really appreciate that, but it is packed, and this is going to be even more packed.

Jay Zieger: Luxor Sr. by the way is 145 houses, (inaudible) that either have been or are being constructed, so it is larger than the original that were built many years ago (inaudible)

Mary Adams: Right I drove around that today and noticed that.

Jay Zieger: The other thing is we keep using the term, The Developer, what hasn't been said, is that the Developer here is really not an outside developer coming in and building, it's actually really the people from the structures themselves that are behind this and the objective to this is to have Luxor Jr. (inaudible) and bringing in family, friends, Luxor Sr. has been around for 30 years, many of their children are now adults and have families. And they have been coming up and staying at Luxor Sr. and now they want their own homes. So that's the driving force, so saying it's not an outside developer coming in, it's your neighbor that's building. And I think that you will see what they have done in Luxor Sr. has been a responsible development, nice houses, I think that's the objective here, they're looking for here. They are living right next door to what is now the Sheldrake Shore people, so it's not, I would say we don't care, it's their neighbors and such.

Female Voice: So in case you all don't know, the Lake is here, it's a little hard for you to understand that, I just want to get some orientation, if you go into Sheldrake Shores you will see roads like this going up. These are all of the houses along the edge. So what your concerns are and I think Joyce brought this up, we want a substantial tree barrier, and not some (inaudible) and I know that's been the communication, and I just want to say, but since the density is higher, then what we think it should be, we would like to at least propose, this

Arthur Rosenshein: Now you're pointing to the South side of the sight.

Mary Adams: If we could at least take that out to 213 if we could at least take that out to the road, you would have a density. Because I went to this man's property, and we can already see right through to that property. There is a substantial old forest, 42 acres of forest here, that is a beautiful forest, that's why we live in the area. They are going to clear cut out of 42 acres they are going to clear cut out 38 acres of forest, so we just have to get that, so you plant some trees, that's not a forest. Ok, and it's not old growth. So I'm just saying, that's the plan right now, and I don't know how, we know, once we set this, how do we know it's not going to be, we want this, how do we know this is gonna happen, that's not going to happen. And we hope that you come to additional meetings while the board is doing this project, and we put in a letter, I guess, because we can't speak.

Arthur Rosenshein: But you have spoken, part of the record will be considered. It's very important what you are doing, because we take that into consideration, we are aware of that. And when we go (inaudible), we heard it.

Mary Adams: So we want to make sure the tree barrier also goes all the way around the lakeside, because it is very thin here, but it's got to be a very high tree, because it's a 10 foot wall, we just learned that. Ok, there's a few other points, a friend of mine is on Zoom, and she's been on Zoom since the very beginning and we haven't done Zoom yet, is it possible to hear her on Zoom?

Arthur Rosenshein: Well, we will get to that in a second.

Mary Adams: So my other points are (inaudible) so there's a road here, road B we want trees so we just want trees all the way through here, property line is here.

(Inaudible)

Mary Adams: Good point there, the Storm water, is actually on the back of their whole development which I can understand because you don't want to look at it, but it's actually

Arthur Rosenshein: It's got to be where the water runs.

Mary Adams: Well, I'm just telling you, if you go into Sheldrake Shores, and you go along Lakeside Avenue, there's a beautiful house down there, it's a teachers house, right here, it's a beautiful area, and this is going to be such an eyesore, for those of us in Sheldrake Shores, because it's on our front end, it's on their back end, it's on our front end, so one of our requests could you move it back, so they get to look at it, rather than we have to look at it?

Arthur Rosenshein: Water runs down hill and the placement of (inaudible)

Mary Adams: Well I think you have answered quite a few of my questions. So when I looked at the short Environmental Access Form, which again is not that current, so you are going to be doing that again. Because I did notice it was interesting, there was a list and it says you know there are (inaudible) to be done and they were all minimal impact, minimal impact even to the effect of the environment. Oh no big deal 42 acres of the forest being taken down. So it looks like you are going to address that.

Helen Budrock: That original form was a short form, and the planning consultant before me, as far back as that original development, requested a long EAF which is a much more expanded environmental review, and again, this project has been changed even since that (inaudible)

Mary Adams: And the fence, the fence you are talked about is a six foot fence, the buildings are actually three stories, we would actually like to request a much higher fence than six feet. Because that's just (inaudible)

Mollie Messenger: Can you clarify the three story

Jay Zieger: I don't know really, there's a 35 foot height limit in the town so the zoning laws I would assume Mollie that would apply in that district. So nothing is going to be higher than 35 feet.

Mary Adams: But isn't that 3 stories

Jay Zieger: That's the maximum they can go, new houses in Loch Sheldrake are 2 story

Randy Wasson: They are 3 stories



Mary Adams: They are like the ones in Luxor Sr.

Jay Zieger: Yes

Female Voice: Aren't they going to have a basement?

Jay Zieger: The basement I will turn over (Inaudible) the basement is a certain amount above ground. More than that, it becomes a floor and less than that, so the plan is it will be less than, so there will be two floors at maximum. But again, less than 35

Mary Adams: Ok so it's almost 9 o'clock, are we going to continue, because I know that I have a number of friends waiting in line.

Helen Budrock: What we are trying to do here is hear everybody tonight. I think what Mollie was going to do was take somebody on Zoom and then somebody here and go back and forth.

Mary Adams: And if we don't hear everyone here tonight, can we extend the hearing?

Arthur Rosenshein: The longer you go, the less people have to speak.

Mollie Messenger: Yes we are going to go back to Mrs. Martinez

Teras Straker: I am a full time resident of Sheldrake Shores, I live on Lakeside drive across from Loch Sheldrake Lake, or what I'll call the lake going forward. One of my main concerns that I have with a housing development next to Sheldrake Shores, is the impact it will have on the environment and the lake, which other people have said. The lake is a spring filled lake, stocked for fishing by NYS it's a very popular lake which I'm sure everyone knows, and it feeds eventually into the Neversink River and spans over 50 miles. On the EPA website the lake and stream are being monitored, 2016 it was rated as having Mercury levels, which gave the water quality rating as impaired. We are waiting for results from the lab on a baselined water test done this week. Our lakes are our main local resource for recreation and it brings many people and much income to our area. It's also the primary reason that members of Sheldrake Shore have chosen to live here. If we do not protect the lake sufficiently we will lose business and enjoyment. In the 2018 DEC report that we received regarding this project it said that the project sponsor, the developer, is responsible for ensuring that the work shall not pollute any stream or water body. The project sponsor is responsible to stabilize any disturbed areas and all necessary precautions must be taken to prevent contamination of the water body, spilt fuels, solvents, lubricants or any other pollutant associated with the project. The proposed construction of 100 new units in Loch Sheldrake seriously threatens the quality of our lake waters, which have already been compromised, and local residents and business are extremely concerned. To this point six or seven years ago, there was another housing construction project on Loch Sheldrake that caused mud and (inaudible) to flow into the lake for which the developers were fined. We need to ensure that this kind of erosion does not happen with the Luxor Jr project. I know we already talked about the ICQR Report, it's going to be redone,

however I do think that there are some points in the prior report that are very important for the audience to hear, number 3 impact on the water section the Planning Board marks Yes for the impact on a water body designated as protected. In section six it also states that there is potential for substantial erosion from this project. Under section nine the Planning Board says that the development will substantially interfere with aquatic and wildlife species. Under number twenty it is acknowledged that there will be public controversy over the environmental impacts of the development.

In the Reto Engineering Report it says under number eighteen that herbicides and pesticides will be used in the development, and that would be good to confirm in the studies going forward, our concerns are these toxins and other pollutants will find their way into the Lake.

As part of my closing comments, I pose a question to the Planning Board, in considering the Luxor Jr. project, what specific ongoing oversight is the Town planning to put in place to protect the Lake from these environmental risks. And I'll end with a request to the Planning Board, Please protect our natural resources. Which are important and priceless, to the welfare of this great Community.

Bob Krebs: I live in Sheldrake Shores and I just wanted to throw out to you if you are investigating things. 100 Units with roughly seven people per unit, that's 700 people, and I'm just wondering if we have done an assessment of the water in the Town. I know we are on well water, and 700 additional people will put more of a tax on our well water system, and I have the same question about the sewer system. 700 additional people going into the sewer system is something I would ask you to evaluate in your process. That's all

Jen Lashinsky: I'm a resident of South Fallsburg. I'm interested in this project, because I think that it is part of a series. In a timeline of projects that keep coming up in our community and in our town. Where we see massive scale developments that no longer fit with our current comprehensive plan. So to share what I have heard from other people, the density of this project is concerning to me, and I would request that the Planning Board would consider greatly reducing the number of houses on this property, for at least the maximum of 60 which would be more appropriate for the acre density. And I do just want to ensure as we look at the precedence of projects like this, that we are also considering the many points that were established in the comprehensive plan for the Town. For example, things like requiring that any new developments, integrating undisturbed open space into any development to limit the scale and visibility of large developments, and to limit expansive views of development. As a direct quote from the comprehensive plan on page 26. Also in the comprehensive plan is that development in a PUD should not exceed the density that would otherwise be allowed in the base zoning districts which are included in the PUD district. To me, I hear these things and wonder if what we have agreed to as a town, and our Town Board has set forward for the vision are being upheld here. And finally I do want to echo what other folks say as far as how this will contribute to our overall community, one thing that comprehensive plan laid out was to promote Eco tourism. I don't see how removing 38 acres of natural forest is helping in that endeavor, I also don't see how it is supporting the town's initiative for the town's affordable housing and other important works. So I do just want to communicate my concerns here, and thank you the Planning Board for bringing this topic up, and I believe it was Mollie for sharing the work that

you've done in order to keep bringing this topic fresh eyes and fresh take in the actual Fallsburg that we are all living in today. I just want to say Thank you.

Micheal S: I reside at 22 Lower Morris Drive, actually I'm adjacent to those Units 8 and 9. I notice you have proposed compactor, can you just give me some kind of basic idea of what exactly that is

Jay Zieger: What a compactor is?

Micheal S: I know what it is, the purpose of it is going to be and how much noise there is going to be with

Randy Wasson: Basically the purpose of the compactor is to keep garbage from blowing around the site, loose garbage trying to put in dumpsters

Michael S: Instead of a dumpster, this is a replacement.

Randy Wasson: Instead of a dumpster, so periodically when the compactor is full, the company comes and takes it away and replaces it with an empty unit. There will be some noise, it's inside the enclosure, it's a solid fence, and it's 8 feet high by the fence, they don't see, not that you would anyway, where it is located. But that would also dampen the noise.

Michael S: It's short term

Randy Wasson: No it's permanent.

(Inaudible)

Randy Wasson: So it's minimal noise, it will be regular,

Michael S: Ok, so just one more quick question, again I'm obviously concerned about the water issues, that's mostly what my issues are. For stormwater management.

Male Voice: The EPA (inaudible)

Randy Wasson: First of all the stormwater facilities are all designed in accordance with design standards that are provided by the DEC, we have to comply with the requirements.

Jay Zieger: Again two engineers are looking at that. Randy is preparing the plan, and the Town, they are reviewing each system and complying with it. Before construction can start we need a permit from the DEC.

Michael S: My concern would be nothing is guaranteed, in the design up to our expectations, as it fails, the agency (Inaudible)

Jay Zieger: They don't have to prove there was any kind of design flaw, if water is seeping out of their site, they are responsible.

Arthur Rosenshein: Thank you, we have been at this for several hours, we are going to take a 10 minute break.

Debbie F: 24 Morris Drive, my question will be on the Environmental impact when they do that review, do they come onto my property to check the water issues?

Arthur Rosenshein: They cannot come onto your property, unless you let them

Debbie F: Ok I give them permission to come on my property. I wrote a letter to address it to the Town Supervisor, I know there basically is a hole that goes down, probably about this big around, I found it on the day of my closing, this hole goes down deep.

Arthur Rosenshein: Is it a drainage pipe?

Debbie F: No it's a hole in the ground.

Male Voice: A sinkhole?

Debbie F: I have no idea, but when it rains, I get puddles in my lawn, and that's where it drains out. How am I to be guaranteed that the ground being disturbed on the other side of that line, is not going to block that drainage up and now it's going to flood back into mine. I have problems with water under my crawl space, when my deck was being replaced one of the post holes was filled with water when they came to inspect it. I am very concerned with the water problems this is going to give me on top of what I already have. (inaudible) I am right here, 24 Morris and I have one, two, three houses that are going to be on my lot. Another thing I wanted to ask, is the board, when you consider the environmental factors, do you consider the effect that it will have on our home prices, values, or do we just put the elephant though? We know being on Emerald Property lines, it's not going to make anyone happy. We've all been there for a very long time, we have gotten used to this tree line which everyone has described, that's the only thing we have been asking for is to be given some kind of buffer, to keep our peace of mind. To keep our property values from plummeting, because if I was looking at my house, and there was this development on the other side, I would not be interested. So you guys are putting everybody on this line, you're going to put us in a hardship if you keep saying the number of buyers that would be interested in our property. Thank you

Stacey Grifman: Thank you for calling on me and thank you for this evening, Mollie, I want to thank you for saying this is an early stage project. I just want to make three quick points. I think there should be another Public Hearing, because I think it is terribly important clearly, so, I hope this is not the only Public Hearing, and I will attend the other meetings, but I would like a chance to speak again. I am a renter in this area, and considering Loch Sheldrake as people have said it is going to influence my decision whether or not to buy in Loch Sheldrake so I think property

value is a fair question, and one of the reason's I am up here is because of the beauty and one of the things I love to do, is to look at the sky. So in this light, if this does get built and hopefully on a much smaller scale, we do request that the lighting plan should be dark skies compliant. Promoting no light pollution, so it doesn't impact the esthetics of our environment. The lighting needs to be full cutoff light bulbs inside a fixture, and no bear bulbs. This will throw the light downwards instead of upwards and full cutoff bulbs work very well for security, and do not adversely impact the surrounding neighborhood's. Thank you, and I do request that more public hearings happen, before any decision is made.

Mark S: My concern here is, that on the original plan for the subdivision approval, Buttercup Road, was supposed to be dedicated as a Public road, to the Town. I presently own 7 lots on Buttercup Road, and the subdivision is basically land locking me and not giving me access to ever be able to utilize the 7 lots that I pay taxes on. So my question to the Board is, has the issue of Buttercup Road been addressed, as far as it being dedicated over to the Town, or, is there some type of access going to be given to me, as an owner, to access the lots that I have been paying taxes on over the years.

Mollie Messenger: We don't have that portion of the map up, we're going to have to look at it.

Mark S: That is my only concern on this, I am for the building of any subdivision, I think it will improve the cost and the values to all the homeowners around there. So I have no question about the subdivision, my concern is strictly to Buttercup being dedicated as a Public road so there is access for everyone, and I thank the board for their time, and for listening to me.

Michael: I am an attorney in South Fallsburg, I was retained by a homeowner in LakeSide Drive. He has many of the same concerns that were already raised, but one in particular hasn't been really addressed. I visited his property today, and he showed me the drainage. The ground does not absorb water well at all. We've had hot weather the past couple of days, and yet half of his yard you can't even walk on because it is so wet. I just wondered whether or not, Randy, this is addressed to you, you can take it. Whether there has been any study to the runoff from this new development, on the properties along the right.

Randy Wasson: You have on the right, in addition (Inaudible) you have a swell and a french drain, running the wall, that Southerly property line, will catch whatever surface water, and top surface water

(inaudible)

Michael: Has there been a soil study, has there been some study or is there a study underway to see how the runoff from the project is gonna affect the ground, because I assume his land which is basically (inaudible) because it is going to be affected. He can't be the only one. I too went to the Town and FOILed a lot of the minutes, 10 years ago Arthur Rosenshein said, behind every project there is on major focus and this is relative to this project, major focus will be on the

drainage side, will we need a hydrogeologists on this, and the town engineer said possible. What could a Hydrogeologist do? If you know.

Randy Wasson: I don't know, but in this case let me say, when we do the SWIFT stormwater plan, that plan takes into consideration the soil. One of the exhibits within the document itself, it's in there, (inaudible) review it. It's a soil (inaudible) along with a description (inaudible) and those soils have various ratings given by the State (inaudible)

Michael: And this plan hasn't been developed or has it?

Randy Wasson: Yes, the SWIFT has been done, it is in review, it has not been approved.

Michael: So there is going to be a public hearing on that?

Mollie Messenger: Not typically.

Michael: Well, would it come up in another public hearing here?

Arthur Rosenshein: Not in a public hearing, it will come up in arbitration

Michael: Was it going to come up tonight? Had you planned on it?

Arthur Rosenshein: No we had not.

Mollie Messenger: Randy when was the SWIFT submitted?

Randy Wasson: I'll just say this Spring. So we do have (inaudible) they came last week, we haven't had time to

Michael: My other question is for Jay, it has been talked that this is starting all over, and I haven't had time to study this, and I don't know that I will, but maybe you will know the answer, between the new zoning and the old zoning, what is the difference the allowance of the density in this project?

Mollie Messenger: Just to clarify and Jake (inaudible)

Jake: This project's first project was not impacted by the new zoning law.

Michael: So the 100 homes on the 40 some acres, would be allowable under the new zoning

Jake: On your old zoning, more than that Michael, (Inaudible) Under the general r zoning, which is the residential zoning for a duplex development it's density discrete per acre so even under the general zoning 100 would be well.

Michael: I find that really ironic, and Herb Newmount would agree with me, I think, he and I both share a mutual client who has 39 acres along the Neversink and he can only sell that acreage for 1 house 10 acre minimum under the Town Zoning law. So here we have the Lake, within a stone's throw from this development

Randy Wasson: It's the zoning district, 1 house per 10 acres the Rapka district is 1 house per 3 acres, R is just for duplex developments 3 per acre,

Helen Budrock: Just to clarify, you know part of the comprehensive plan was saying that new developments should be focused on areas where there is water and sewage infrastructure to support it. This particular case, this particular property, is located where there is available sewer at least partially and water as well, it is consistent with that, in terms with that, again if you have a property that's out in the middle of Hasbrouck where there is no water and sewer, you wouldn't be able to build at this density that's just some of the way the zoning is. Just for clarification.

Michael: And let me ask you this, what about the water in that area? When they built that cheese factory, it screwed up the water, as I understand it.

Arthur Rosenshein: What factory would that be?

(inaudible)

Michael: In any event I was under the impression that there was a problem with the water in the Loch Sheldrake area, the Hurleyville area, is there?

Arthur Rosenshein: We are studying that. Michael, if I might point something out, periodically we did it two years ago, we held public hearings, and who showed up, the developer and who didn't show up, the public that was going to be affected by it. We're sorry about this, but if you don't come out when we give you the opportunity and when we redo the zoning, when it's your turn to make changes, we get nobody. We get the developer's crying because we are making a bigger acreage, so although we sit here and feel bad and we are stuck with these laws. So what are we supposed to do?

Michael: But with all respect, the Town Board approves the zoning laws, they are supposed to look out for the public.

Arthur Rosenshein: The public needs to speak up, they can't do everything in every situation, when you have a situation and when we have these periodic (inaudible) business zoning, so we hear about it, we can't know everything. It's we the Planning Board don't do it, it's the Town Board that does it. But it's very difficult for us when we don't know about the problem until it arises because somebody is building something and nobody has come out. Take the opportunity to do public work.

Michael: Well, even with the present zoning, I'm not saying they are inadequate, I don't really know. It's just ironic that there's such a difference between the agriculture and the put districts, but the people along LakeSide Drive should be protected, you have the ability to do that and I trust you will.

Lyn Koutcher: Hello, Thank you so much. I'm very happy today to speak up at the Planning Board meeting, thank you for listening. I just really want to echo my concerns that everyone has brought up, just to be on the record. I live at 51 LakeSide Drive, I've lived there 15 years. I live there all year round, so I walk the streets of Sheldrake Shores everyday and I will see a large fence. I would much rather see trees, and many of us in our neighborhood use our streets for exercise and enjoyment, so my quality of life will definitely be impacted by this project. Also, I know that we have talked a lot about the stormwater management area. There were a lot of concerns and I won't go over them. We've talked about the runoff, but I would like to request that stormwater management be moved or changed, further away from the lake, so it's in a different place. So it won't impact the lake as much. Thank you

Lilian Avell: Thank you, I live at Edward drive, and my property butts the tree line, and I do want to say that I would much rather look at trees than a fence. And I don't need water studies to see how it impacts our ground, because I live behind Ms F, who talked about that hole on her property, I almost have the what's equivalent to a stream that goes behind my property and into the street, so much so, I live here all year round, I actually have to drive my trash to the end of my driveway because there actually is a sea of ice. The one point I did want to bring up, in the original plan, there was proposed an access road into Sheldrake Shores from the new development, and after some concern was voiced by Sheldrake Shore residents, that the access road was taken out of the original plans. I just want to confirm that it's true, that there will be no access from that development to here and that their only access to Loch Sheldrake would be through the Maple woods road. So Thank you

Randy Wasson: There is no access through LakeSide road, second emergency access road is through Luxor Sr.

Female Audience: And after the fence there is no gate? Because the fence that you said there is no gate, right?

Randy Wasson: There is no gate.

Female Audience: From Sheldrake Shores, Morris Drive. First I would like to thank you for the information that you have, and would like to ask the board, the recommendations that she is making about these new studies, will you follow her recommendation?

Arthur Rosenshein: We usually do.

Female Audience: Thank you very much and the second question is, I don't know if this is for Randy or Jay, but I understand there are some principals here from the group as well. I believe



that the studies will take care of the placement of (inaudible) find another place for it, somewhere else, but what you can do immediately is eliminate those 11 houses that directly line the water between us and the forest, and that would be a very helpful statement as a friendly neighborhood gesture from you guys you have the ability to do that, and you would still end up with 87 homes instead of 100 (inaudible) and I understand that (inaudible)

Joan Feldman: I am a resident of the Town of Fallsburg, I have many friends, I do not live in Loch Sheldrake, but I have many friends who do, and I visit them often, and I have to deal with the traffic through Loch Sheldrake as it is, and I would say that with this increase in population density, and two years of construction traffic, the traffic situation would become unattainable, Loch Sheldrake has 52 running through it, it's already very busy from a commercial point of view, bumper to bumper traffic during peak time, there's only one lane running in each direction, and currently customers park their cars all along 52, and sometimes on both sides which makes it especially narrow and dangerous. Trying to turn off 52 at the traffic light on to route 104 is becoming more and more difficult, with the current long lines of traffic, you can sit there for minutes waiting to make that turn. As it is, there are not sufficient sidewalks running through the town for pedestrians, so pedestrians are forced to walk on the road in some places which is terribly dangerous. To add construction traffic in the short term and say add another 100 cars and tentatively 800 new pedestrians, once Luxor Jr opens, would make this already dangerous congested situation unmanageable. In the Environmental Assessment Form completed in 2008, and I know that you are going to be redoing this, it was estimated that there were going to be 104 vehicle trips in and out of Luxor Jr per hour. That's not per day, that's per hour, that was written into the Environmental Assessment Form in 2008 by Retrue Engineering and Surveying. So my question is, how is this going to be dealt with, who is going to be responsible for repairing the roads after two years of construction traffic, who's going to be responsible for putting in sidewalks for safety of the 800 new people who are being proposed to be introduced into the town, as well as the existing population. Who's overseeing these access roads that are already inadequate onto that main 52?

Ms. Nolan: I own 65 and 69 LakeSide Drive, that property right here, it's the planned property that is right near the stormwater management area. That's my property, and already we have water draining through the woods. When we get a huge rain storm, I have a raging rapids through my woods. I do not have good drainage, some days my property is sopping wet then there's other days when it is super dry. There was a survey done in the spring. I came out to find surveyors on my property. Now you folks tell me that people come to your property and notify you, and tell you what they are doing. Those gentlemen did not notify me nor did they tell me why they were there.

Arthur Rosenshein: (Inaudible)

Ms. Nolan: I have no idea I called the building department and they

Arthur Rosenshein: Let me find out, Randy

Randy Wasson: I'll have to find out, I don't know why

Arthur Rosenshein: Wasn't anything to do with you?

Randy Wasson: No

Arthur Rosenshein: You would have known if some of your

Randy Wasson: If I had asked someone to go on it

Arthur Rosenshein: Thank you

Ms Nolan: Again, I called the Building Department, I was told there was no building going on, possibly the drainage, and again, LakeSide Drive has terrible drainage, it has been reported to the town several times, by complaints, and nothing has been done. There is an easement to my property that I have been informed is not going to be for years, but presently with this backing up, we have an incredible amount of trespassing. With the increase in population, I can only imagine the number of people walking through my woods, to get to LakeSide Drive to get to Temple. I pay insurance on that. I've had to call police about my trespassers, and have informed people who are trespassing, that as they walk through the stream that they are a liability to my insurance, they don't seem to care. What is going to be done about the trespassers going through my property? I just have questions

Randy Wasson: I don't know who these trespassers are, Luxor is there, but they have their own Shaul, they wouldn't walk, I don't think down through your property. They have no need.

Arthur Rosenshein: But you don't know where they are coming from.

Karen Collura: Thank you, I am actually going to defer my turn to Michael Hazelnis because he has not had the ability to raise his Zoom hand.

Michael Hazelnis: Thank you Karen and Thank you to the board for hearing. I was at the meeting back in 2013, when one of the times that this project was proposed. I live to the East of where this project is. I used to live in Sheldrake Shores, I now live behind Sheldrake Shores off Hazelnis Drive. My big concern is the stormwater runoff in both directions, particularly to the East. Luxor Jr. sits on a ridge, and again, about  $\frac{2}{3}$  of it drains into Sheldrake, or Sheldrake pond as it is known, but the other  $\frac{1}{3}$  flows to the East. Several years back in 2017, there was a development that was started that was called The Orchids, which was to the NorthEast of where Luxor is now, it pretty much will border that development. Their stormwater has been flowing down the creek, and mudding our lakes that are behind my house and behind Ms. Collura's house. We've contacted the Town numerous times, they did make stormwater retention ponds. One blew out and washed out our road, we have yet to get satisfaction to get that road fixed, and obviously it has been several years. Mr. Rosenshein, when I spoke in 2013 I asked an important question, I still don't have the answer and I'm sure all of the residents of Sheldrake

Shores have the same question. Is it when the developer does not hold up their side of the bargain, and protects the neighbors with the stormwater runoff, and so forth, who is to blame? The developer steps away, they leave their homeowners by themselves, and the town is sitting there, and the poor homeowners here are stuck footing the bill for any damage that happens. Again, we have here on Hazelnis Drive \$20,000 of damage that has not been repaired, the town doesn't take responsibility, the developer filed bankruptcy and a new developer took over, that's a problem. As you know and as Mr. Aldman mentioned, and I believe that quote was actually in response to my question back in 2013. As you know Mr. Rosenshein, the ground is all glacial till, it's all clay, the ground does not take in water, and therefore there is a tremendous amount of runoff, if it does take in water it goes into the sand (inaudible) hits the clay and runs underground. Which is what some of the homeowners are complaining about, which is the water percolating up underground. Getting a HydroGeologist in is critical to test all areas of the soil on the property of Luxor Jr. and how the sub surface water flows in both directions on that Ridge. This is a very important problem, it was brought up last time. The retention ponds on the 2013 survey which I'm holding from Luxor, look exactly like the retention ponds on the drawings for the new Luxor Estates. We were assured at that time they would be reevaluated, that they would be redesigned to ensure that they would be able to hold the water, and distribute it properly. It doesn't look like any changes have been made, I understand that it is a new firm that is running the project, but they are using a nearly identical plan, so that needs to be addressed as well. I also have one other concern which was brought up, which is traffic coming off from Carmel Jacobs onto 52, that intersection is terrible as is, during a traffic survey they do need to look into the possibility of a light at that intersection, it is becoming a bigger and bigger problem, again with the Orchids getting ready to have homes occupied, and then Luxor Jr getting another 100 homes, which will basically come out on the same roads, that is a huge increase in the traffic into the area. And I'm not counting any other smaller projects that are going on as well, so I do request, I know that there has to be an updated traffic study and certainly the water study needs to be done, in depth, and again, I'm still having problems with the runoff from the Orchids, I hope not to get more runoff from Luxor Jr which will drain on the East side, down to my property, unfortunately I am the lowest point on this side and therefore very concerned with the runoff there. That's all I have to say today, unless there is a question.

Larry Shaffman: There's two things, anybody from the Woodland houses get involved in this project?

Randy Wasson: Haven't heard anything

Larry Shaffman: Ok, I know it's a housing authority thing, I'd be very concerned about specific traffic on that street, because there are a lot of children, small children, there could be speed in the area, and to take that into consideration. The last thing I want to say, is I've been in a lot of meetings, contentions ranker everything else, and I think this meeting was very well handled the peoples comments were right on point, I think a lot of good things came out of this, and I'm fairly happy with those here tonight Thank you

Sarah Seigel: Sheldrake Shores, on Morris drive I'm going to speak for residents that have no voice, and they are the wildlife that live in the forest. They walk around the community, they have no fear, they stop by, they watch what we do and then they retreat back into the forest. If there is no forest, I don't know what will happen to this wildlife. You may think it is amusing, you might think it's a line of point, with bigger problems, but it is a pity, to know that these animals who have lived here before us, will have nowhere to go. And that's all I have to say, Thank you

Female Audience: Somebody said that the compactor is not that noisy, that's not true, that's completely off. The compactor is very noisy, a small compactor is noisy, the large size of the compactor that they are going to have, and the frequency that is going to have to be used, it's not going to be something that is easy to ignore. It will be something like having a freight train continuously passing by your property. Another thing, is the traffic we keep talking about a study, and this and that, finally a study has to be done, especially in the summertime when the amount of people here is enormous and see this, we're adding more houses as they are going to be added, we have a project going here, a project going there, in the same area, all coming in at the same time, this is going to be outrageous and 52 and 104 is dangerous as is it. People double parking, triple parking, people stopping to pick up passengers to drop off passengers, I never saw that intersection is dangerous as it is. I'm a very careful driver, I have been (inaudible) truck to go hop into someone else's car out of the blue. That is completely insane, this traffic coming from this, is not being regulated by a traffic light, what do you all think is going to happen eventually somebody is going to get killed. If we don't care for something else, be a little bit more mindful of human life. Because we talk about property values we talk about this, we talk about that but it's not only my own life, but their own lives, nobody thinks about that come on guys. Let's be realistic some people don't even think, they are on that phone, and all of the sudden jumping back, somebody is eventually going to get killed and what are we going to do then, just cry blame the driver, because someone jumped in front of you without even minding what's going, you guys precious your life, (inaudible) should be more concerned of what is going on and think about it, you guys what to get killed because crossing the intersection mindlessly or because parking somewhere trying to catch someone else because someone is walking. I understand that you want to be considerate, but you have to be mindful too. Our intersections and roads are (inaudible) when the traffic was not so bad, I had risked anybody's life, not only mine. I drive a big truck very difficult, I'm going to be the one getting killed, so think about it, don't be so close.

Female Audience: I'm here, 21 years, here. The reason I moved here from the City, when I had a great career, was because of my health, so I was looking for a healthy place, so I could feel much better. So Loch Sheldrake Shore is a place for people coming to rest, relax, meet other people, young people, middle class people, anyone, rich people, anyone here. And the reason we (inaudible) the physical life and the mental life, and also this (inaudible) very unique in the United States, because this Lake is one of the most clean lakes in the United States, there are a lot of different kind of fish, and the pipes and stuff are going to building all of these houses are going to do damage. So I am worried about the beautiful lake I have always admired and I worry about that 42 acres of trees and I treat my trees like my friends, ok. They give me my life, they give me oxygen, and I'm surrounded (inaudible) when they do the developing. They don't

even chop the trees, they burn them, I saw going towards the water and this was in February. My car, I have a closed window and I smelled kinda smoke, and I thought my house was on fire, and the smoke was coming from the development, this is the way you treat trees, because they can't talk? (inaudible) electric cars, we are talking about some experiments and what they people are doing (inaudible) this is too close to the lake, and like Alex said, the 12 houses doesn't make any difference you can move them away, you can reschedule them, because it's too close to the lake, and after I know the plan is done, half of this is going to be used and after take the consequence. This is what I wanted to say, I say for the animals I speak for the nice and that's why I came here and many people many of my neighbors have been here for the same reason, and we pay the high taxes, so we don't like the noise, and another thing the building are going to be next to the lake, people are going hear everything, because it's going to come across the water, that's what I don't like, I want to live the quiet life that's why I compromised for many things, and pay high taxes, because this is the place (Inaudible) traffic is going to be ruining our neighborhood, 100 houses, at least each house is going to have two cars, it's going to be so many people here, so this is my concern, and I Thank you.

Gary: Yes, I want to Thank you Arthur, because I was told he was the one that suggested that we have a public hearing, on this project, and so I Thank you, because I know that we've had a lot of public hearings on this over the years, but many people haven't been here. So you know Jay Zieger said that family children and relatives of those in Luxor Sr want to be next to their relatives and so therefore they want to buy and build here in Luxor Jr. and move here, and I remember when that was said at one of the public hearings, and that is very reasonable, and Jay said to everybody it's your neighbor that's building here, remember it's your neighbor that's building here. So you know, when you work with your neighbors and your family, you try to make sure that everybody comes out happy, and as you can see from the maps of Luxor Jr, if you look at the map can see, all of the buildings that have been pushed up right against the edge of Sheldrake Shores, ok, right up next to the development, and they have moved away from Luxor Sr. and so that is where a lot of the problem is, there is no buffer zone between the two. Also, you just spoke about putting in a single line of trees, that's pretty much nothing, I mean a single line of trees won't provide really any sort of buffer between the two. And if you walk along those houses in Sheldrake Shores, that are right against Luxor Jr. you will see that half of them have For Sale signs, they want to sell now, because nobody is going to buy their house, once they see this development right next door. So if you think of us as your neighbors, let's work together so that both sides are happy, it's obvious that a redesign is necessary, this design doesn't work, we need less houses against our development, leave up much more trees then you would like to, and maybe less we would like to, and of course the drainage obviously needs to be dealt with as well, so many people have been complaining of that. Ok, so let's work together. Thank you

Arthur Rosenshein: The meeting is done, it's 10:00 people.

**Please see attached additional documents with further public comments:**

## Opposition to the proposed construction

1. Housing is to be built too close to our homes. The proposed construction does not have restrictions for the removal of trees. I request that tree conservation should be a provision to protect our environment first and to provide privacy to our community.
2. The size of this construction will increase the noise and dust pollution for our community. I as well as other residents work night shift and this noise will negatively affect our quality of life.
3. The vehicular and pedestrian traffic will lose a threat to our safety, comfort, and quality of life. Besides I do not see any provision in this proposed construction for enough parking spaces for their own residents causing me to question if our already limited space will be taken over by them to park on our streets which are not that wide as it is.
4. The current condition of our streets is deplorable with crumbling shoulders and not been paved or repaired in years. Increased vehicular traffic and most likely heavy construction vehicles is going to cause further damage.
5. Our sewer system is outdated as well as our electricity and water supply systems. Unless updated prior to this construction the increase on the demand poses a risk for our community.
6. The proposed building of a garbage storage facility basically in our backyard is a health risk. Stored trash will present the risk of rats and others which can potentially transmit sickness to humans plus the stink of accumulated trash will negatively affect the quality of life.
7. The proposed storm water facility. This is not properly described as of what it is exactly and what the consequences of this can be to our lake and the surrounding properties.
8. Most if not all of this construction do not have a current environmental impact study in accordance with current environmental laws and I don't see a current Army Corps of Engineers analysis and recommendations.

It is my firm opinion and believe that this construction be stopped until it proves to us that it complies with current laws and regulations and that it will not be a hazard and a nuisance to us the residents of Sheldrake Shores.

Thank you,

Michael A. Raymo

3 Sara Dr  
Loch Sheldrake NY 12759

August 12, 2021

Town of Fallsburg  
Planning Board  
5250 Main Street  
South Fallsburg, NY 12779

Dear Planning Board,

My name is Larry Schafman, and my wife Judy and I live at 16 Walnut Street, Loch Sheldrake, NY 12759. We came to South Fallsburg to spend the summer of 1988. That summer has now lasted for 34 years. We love the area and the people that we have met. We enjoy the beauty of the mountains, the change of seasons, and the breathable air. We have several concerns about Luxor Junior Project SBL #12-1-41.5.

First, I want to say that we appreciate the Town Supervisor alerting the town residents whenever stormy weather is coming. A few weeks ago, he sent out a warning about heavy traffic on the weekend in Woodbourne because of celebration of the local Shul anniversary. I thought that this alert could be made every weekend. Traffic this summer has seemed worse than any summer that we have been here. Anecdotal evidence tells of many near head-on collisions, double parking and inexperienced drivers on the roads. This is one of my main concerns with Luxor Junior. What will be the impact of traffic on the roads? Will there be an effort to build roads through our neighborhood on the east side of the Lake?

The location of the development adjacent to Lake Sheldrake and Loch Sheldrake Shores is a big issue as well. A stormwater management area very close to the body of water is alarming. What are the assurances that there will not be runoff or pollution of the Lake? Next to this facility is a proposed compactor enclosure. How will this be monitored and protected against malfunction and pollution of the water? Who will monitor the garbage placed near the compactor or at hours when it is not observed? All it takes for algae to start growing and destroying the Lake is minor leakage of polluted water.

Next to the compactor is an area of wetlands. How will they be protected from the development impacting them? I notice the intention of placing a thick tree barrier between Luxor and the single-family houses between the two developments. What does "thick" mean? Will the existing trees on the site be used? How much clear-cutting is planned on the site? Is there a concern to keep trees and prevent erosion and water runoff?

Is the Town in favor of the developer building more units than are allowed under current acreage and Zoning laws? Why is the new Zoning Law not used to re-evaluate the higher density? This issue brings to mind what has happened with the Comprehensive



Plan and the Committee organized two or three years ago to address the very issue confronting the Town today.

Five years ago, it was apparent that the twelve-year old (not sure of the dates) Comprehensive Plan was not working. Water usage was out of control, traffic congestion was dangerous, stormwater was an issue, and two sides of residents were opposed to what they perceived as harmful to the community or beneficial. I remember the years when the focus of the Planning Board was trying to listen to all sides of the issue of what is "smart growth" and what is not. The new term is "sustainable development." Town meetings at the Senior Center were overflowing so meetings were held at the Woodbourne Fire House. Heated debates led to the formation of a new diverse group to come up with a workable Comprehensive Plan that would harmonize the disparate needs of all parties.

Why have we reached the situation we face now? Did the new Comprehensive Plan ever get placed into law? Did any new ordinances come out of their deliberations? What efforts have been made to reach an understanding of what is sustainable growth for the Town of Fallsburg?

Can Luxor Junior gain the approval of all the stakeholders involved? How can all the participants come to a meeting of the minds? These questions need answers before we can realize sustainable growth in our town.

Thank you for your attention and consideration of this letter.

A handwritten signature in black ink, appearing to read "Amy Arlison". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

## Mollie Messenger (Town of Fallsburg Code Enforcement)

**From:** Denise (Town of Fallsburg Code Enforcement) <[denise.ceoclerk@fallsburgny.com](mailto:denise.ceoclerk@fallsburgny.com)>  
**Sent:** Thursday, August 12, 2021 2:46 PM  
**To:** 'ARTHUR ROSENSHEIN'; Brian Manown; Cody Vegliante; 'DAN PHILLIPS'; [donna@fallsburgny.com](mailto:donna@fallsburgny.com); 'Gary Tavormina'; [george.sarvis@fallsburgny.com](mailto:george.sarvis@fallsburgny.com); helen budrock; 'Try Newmark'; ken ellsworth ; 'lee ann simonis'; 'liz'; Mary Beth Bianconi; Melissa Melko; 'Mollie Messenger'; 'PAIGE BAKKEN'; PAUL LUCYK; PAULA KAY; [siburke@hvc.rr.com](mailto:siburke@hvc.rr.com); 'Steve Vegliante'; 'Steve Vegliante'; will illing  
**Cc:** RANDY WASSON; JAY ZEIGER  
**Subject:** FW: Email from Resident in Sheldrake Shores Expressing Concern About Luxor Jr Housing Development

Please see the below email regarding Luxor Junior.

*Thankyou & have a \*-)*

*\* Wonderful Day*

Denise Corbett  
Code Enforcement Office  
5250 Main Street  
South Fallsburg, NY 12779  
845-434-8811 ext. 300

**From:** Sum Mar <[teresestryker@gmail.com](mailto:teresestryker@gmail.com)>  
**Sent:** Thursday, August 12, 2021 2:39 PM  
**To:** [denise.ceoclerk@fallsburgny.com](mailto:denise.ceoclerk@fallsburgny.com)  
**Subject:** Email from Resident in Sheldrake Shores Expressing Concern About Luxor Jr Housing Development

August 12, 2021

Dear Fallsburg Planning Board,

This letter speaks to the proposed Luxor Jr. Housing Development. I recently learned that there are proposed plans to build it immediately next to Sheldrake Shores. I am a year-round resident of Sheldrake Shores and live on Lakeside Drive near the proposed stormwater management area.

I'm extremely concerned about this proposal. I intentionally came to live in Sheldrake Shores after living in big cities for most of my adult life to get away from the noise, pollution, traffic congestion, high-density population and the stress of city life.

Here in Loch Sheldrake I have found a very peaceful life where I enjoy Nature in all her beauty. I love the quiet days and nights. I love seeing all the flora and fauna year long, especially in the summer.

However, with this proposed development Sheldrake Shores will lose its charm and become an extension of NYC. I can't find an answer as to why it would be worthy to bring a development in this part of town. I can only think about the liabilities that will come with this project.

My main concern is the environment. The environment will be devastated by this housing development. A precious forest will be destroyed which helps to prevent against flooding. I already deal with flooding in my back yard. By clearing out the forest and putting in a stormwater management system all the houses on the Lakeside Drive near this system could be very vulnerable to flooding at best, at worst be destroyed.

I also understand that the all the garbage from the development would be located near the stormwater management system, which will bring pests and insects most of which carry germs, and disease. From my experience I can say that this is a fact not an opinion as for the last 7 years I've driven and walked by many of these type of communities and I see trash everywhere. This shows a complete lack of sanitation awareness. This is not what we want in our community.

Animals will be displaced with the removal of the forest. With so much new development in Loch Sheldrake what consideration has been given to the wildlife?

There will be more pollution from 100 new cars driving in the area. Also there could be 500 to 700 more people who would be walking through my neighborhood as a shortcut to the town for their religious services. Once again this is not an opinion, it is a fact as we currently have people doing so.

When you add up all these factors up, I see the worst of city life taking over all the benefits of country living.

Here are some of my questions for the Fallsburg Planning Board:

- What benefits will this development bring to our community?
- How will it add to our lifestyle?
- What are your plans for protecting our community including Nature?

- Can the town septic, water and utility system properly handle this type of development?
- If the septic system fails, who pays the repair bill and to clean up the environment?

In closing, I ask the Fallsburg Planning Board to decline this proposed new housing development to keep Sheldrake Shores and the nearby Lake protected from devastating damage brought on by building the Luxor Jr housing development.

Regards,

Terese Stryker

Resident of Sheldrake Shores

## Mollie Messenger (Town of Fallsburg Code Enforcement)

**From:** Denise (Town of Fallsburg Code Enforcement) <[denise.ceoclerk@fallsburgny.com](mailto:denise.ceoclerk@fallsburgny.com)>  
**Sent:** Friday, August 13, 2021 9:23 AM  
**To:** RANDY WASSON; JAY ZEIGER; 'ARTHUR ROSENSHEIN'; Brian Manown; Cody Vegliante; 'DAN PHILLIPS'; [donna@fallsburgny.com](mailto:donna@fallsburgny.com); 'Gary Tavormina'; [george.sarvis@fallsburgny.com](mailto:george.sarvis@fallsburgny.com); helen budrock; 'Iry Newmark'; ken ellsworth ; 'lee ann simonis'; 'liz'; Mary Beth Bianconi; Melissa Melko; 'Mollie Messenger'; 'PAIGE BAKKEN'; PAUL LUCYK; PAULA KAY; [sjburke@hvc.rr.com](mailto:sjburke@hvc.rr.com); 'Steve Vegliante'; 'Steve Vegliante'; will illing  
**Subject:** FW: Thursday August 12 hearing

Good morning,

Please see additional comments regarding Luxor Junior that were received after I left the office yesterday afternoon.

*Thank you & have a \*-)*



*\* Wonderful  
Day*

Denise Corbett  
Code Enforcement Office  
5250 Main Street  
South Fallsburg, NY 12779  
845-434-8811 ext. 300

**From:** michael raymo <[nnikeraymo54@gmail.com](mailto:nnikeraymo54@gmail.com)>  
**Sent:** Thursday, August 12, 2021 4:32 PM  
**To:** [denise.ceoclerk@fallsburgny.com](mailto:denise.ceoclerk@fallsburgny.com)  
**Subject:** Thursday August 12 hearing

Opposition to the proposed construction

1. Housing is to be built too close to our homes. The proposed construction does not have restrictions for the removal of trees. I request that tree conservation should be a provision to protect our environment first and to provide privacy to our community.
2. The size of this construction will increase the noise and dust pollution for our community. I as well as other residents work night shift and this noise will negatively affect our quality of life.
3. The vehicular and pedestrian traffic will lose a threat to our safety, comfort, and quality of life. Besides I do not see any provision in this proposed construction for enough parking spaces for their own residents causing me to question if our already limited space will be taken over by them to park on our streets which are not that wide as it is.
4. The current condition of our streets is deplorable with crumbling shoulders and not been paved or repaired in years. Increased vehicular traffic and most likely heavy construction vehicles is going to cause further damage.

5. Our sewer system is outdated as well as our electricity and water supply systems. Unless updated prior to this construction the increase on the demand poses a risk for our community.

1. The proposed building of a garbage storage facility basically in our backyard is a health risk. Stored trash will present the risk of rats and others which can potentially transmit sickness to humans plus the stink of accumulated trash will negatively affect the quality of life.

2. The proposed storm water facility. This is not properly described as of what it is exactly and what the consequences of this can be to our lake and the surrounding properties.

3. Most if not all of this construction do not have a current environmental impact study in accordance with current environmental laws and I don't see a current Army Corps of Engineers analysis and recommendations.

It is my firm opinion and believe that this construction be stopped until it proves to us that it complies with current laws and regulations and that it will not be a hazard and a nuisance to us the residents of Sheldrake Shores.

Thank you,

Michael A. Raymo

3 Sara Dr  
Loch Sheldrake NY 12759



## Mollie Messenger (Town of Fallsburg Code Enforcement)

**From:** Denise (Town of Fallsburg Code Enforcement) <[denise.ceoclerk@fallsburgny.com](mailto:denise.ceoclerk@fallsburgny.com)>  
**Sent:** Thursday, August 12, 2021 1:35 PM  
**To:** 'ARTHUR ROSENSHEIN'; Brian Manown; Cody Vegliante; 'DAN PHILLIPS'; [donna@fallsburgny.com](mailto:donna@fallsburgny.com); 'Gary Tavormina'; [george.sarvis@fallsburgny.com](mailto:george.sarvis@fallsburgny.com); helen budrock; 'Try Newmark'; ken ellsworth ; 'lee ann simonis'; 'liz'; Mary Beth Bianconi; Melissa Melko; 'Mollie Messenger'; 'PAIGE BAKKEN'; PAUL LUCYK; PAULA KAY; [sjburke@hvc.rr.com](mailto:sjburke@hvc.rr.com); 'Steve Vegliante'; 'Steve Vegliante'; will illing  
**Cc:** RANDY WASSON; JAY ZEIGER  
**Subject:** FW: Luxor Jr. development

Please see the below email regarding Luxor Junior.

*Thank you & have a )*

• )  
*\* Wonderful Day*

Denise Corbett  
Code Enforcement Office  
5250 Main Street  
South Fallsburg, NY 12779  
845-434-8811 ext. 300

**From:** \*\*\* <[gli7676@gmail.com](mailto:gli7676@gmail.com)>  
**Sent:** Thursday, August 12, 2021 1:31 PM  
**To:** [denise.ceoclerk@fallsburgny.gov](mailto:denise.ceoclerk@fallsburgny.gov); [denise.ceoclerk@fallsburgny.com](mailto:denise.ceoclerk@fallsburgny.com)  
**Subject:** Luxor Jr. development

Hello

My name is Kevin Irelan. I am writing regarding the proposed Luxor Jr. housing development planned for Loch Sheldrake. I have lived in the S. Fallsburg area since 1979. I own a house in the Sheldrake Shores neighborhood. I love this region, its natural beauty and quiet. In recent years, those qualities have been severely impacted by developments like the one being proposed. In the summer the roads are congested to a greater degree than I can ever remember. Some roads are at times impassable. The developments are noisy when occupied and empty cheaply built eyesores when they are not. My question is, what purpose will one more like that be? Who will it really benefit? Is this about enriching a few at the expense of those of us who will be most negatively impacted by the development? Or, is the town so desperate that it is willing to destroy the very qualities that make people want to come here in order to gain some small amount of tax revenue? How many thousands of trees within a stone's throw of my house will be cut down for this development? How much will it threaten the lake? The roads around my home will become a nightmare to navigate. To me, no amount of tax revenue is worth doing that much harm to my community. Please do not approve the Luxor Jr. development.

Thank you  
Kevin Irelan