

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

February 11, 2021

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

Arthur Rosenshein called the meeting to order at 7PM.

ARTHUR ROSENSHEIN: We have a busy agenda – 3 public hearings, 5 items new business and 4 items old business. First item, anybody have comments on the prior minutes? Motion to accept the minutes as sent and received?

CODY VEGLIANTE: Motion.

PAUL LUYCK: Second.

ARTHUR ROSENSHEIN: All in favor. Ayes have it unanimously. Public hearing time, we want the information anybody has on it. Gives us insight into the property and anything involved. Please identify yourself out loud.

PAULA KAY: There is a reaction button or a raise your hand button on your screen and Melissa will call on you.

PUBLIC HEARING: 1 RIVERSIDE DRIVE SUB-DIVISION (ESTHER ENGELSOHN) – SBL# 28-1-32.3/33

Joel Kohn represented.

JOEL KOHN: This project is located on Riverside Drive. Its 3.6 acres, its two parcels. This is the property line between them. They do have two have two houses that are proposed to be demolished and create a seven lot subdivision that you see here. This property was always in the R zoning, the smaller property was in the REC zoning. The Town Board approved the zone change from REC to R, the property is in the sewer district and the Town Board approved the water district extension as well in January or December and now this is all the same zoning in the water and sewer district and we propose to do a 7 lot subdivision. Each of the lots would be approximately half an acre.

ARTHUR ROSENSHEIN: I would point out the public gets to speak at the public hearing. Questions or comments on the proposed sub division? Public hearing is closed. Second on, Skopps Cottages.

PUBLIC HEARING: 2 SKOPPS COTTAGES – SBL# 27-1-17.2

Joel Kohn represented.

JOEL KOHN: Representing Skopps Cottages unit 33. Skopps is a bungalow colony at the corner of Brickman Road and Murphy Road. Existing unit 33, 750 square feet went to the zoning board to get a

variance to replace it with a 3,000 square feet footprint, they only got a variance for 1,800 square feet foot print. Here we are at the planning board to try to get approval for this unit. Its on Murphy Road, it's the same location generally where the bungalow was but improving some separation distance, relocating utilities that are necessary that's allotted.

ARTHUR ROSENSHEIN: Someone who want to speak on this one?

James Legari: I want to be clear on the square footage. I heard the meeting back in August with the Zoning Board and there was discussion about the original proposal of I think 3,000 square feet. Then it was approved by the zoning board for a 1,800 square foot building. Is that correct?

JOEL KOHN: Yes.

James Legari: This is going to be a single story 1,800 square foot unit.

JOEL KOHN: That is correct.

James Legari: Thank you.

Gary Koutcher: This building, is it going to be 1,800 square feet or is the lot size 1,800 square feet.

PAULA KAY: The unit is 1,800.

HELEN BUDROCK: It's a single lot.

MOLLIE MESSENGER: Its not a lot at all, it's a development.

PAULA KAY: The unit at issue is 1,800 square feet as determined by the zoning board.

Gary Koutcher: I wanted to make sure it wasn't two levels of 1,800 square feet. Thank you so much.

Steven Avery: My question is similar to Garys. My understanding was 1,800 square foot was what the zoning board approved. I sent an email to denise, and then what I was hearing is the planning board would be looking at a two story house and the total quare footage would be 1,800 square feet with two floors, so 3,600 – is that not the case?

ARTHUR ROSENSHEIN: No, we will approve one story 1,800 square feet.

JOEL KOHN: It will be a crawl space, not a basement.

PAULA KAY: We went back and tracked this carefully from the initial application to the 239 with the county and the issue is the size of the unit. That's what the zoning board made the determination on. It is a 1,800 square foot unit, that's it.

Steven Avery: Thank you, I think when footprint is used it's a little confusing.

ARTHUR ROSENSHEIN: Anybody else? Public hearing is closed, we go to out third.

PUBLIC HEARING: 3 CONGREGATION CHESSED SHEL EMES – SBL# 42-1-22.2

Joel Kohn represented.

JOEL KOHN: Chesed Shel Emes is the cemetery that had been approved about ten years ago, maybe more, by the Planning Board for a cemetery on Old Turnpike Road. What you see on the site plan is a

master plan for the full build out as far as the cemetery. There's nothing but graves, walkways and vehicular ways. What you see in lower right is already existing grave stones and the rest is master plan of what they're going to do the next ten, 20 or 30 years. We are looking for the board to approve the master plan. They do want to clear some of the property right now and go into phases as needed.

ARTHUR ROSENSHEIN: Questions? Public Hearing is closed.

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

Marty Miller and Ralph Peragine represented.

PAULA KAY: We had a technical issue that hopefully you can solve. We do not have an owners proxy.

Marty Miller: There is one and I thought it was delivered to you because we delivered it to the design engineer in Provident. I can email it to you tonight after were done.

Sunny Iceberg owns the property on Route 52 in Loch Sheldrake. Its an interesting property, its located in two zones, a business zone and a R residential zone. The proposal, in respect to this property, is theres a recognition that people are moving up to the Catskills in purposes of all around living and work and they are finding that they need not to commute to their offices in metropolitan areas, although there may be a desire to not necessarily work at home. The base concept of the project is to have an office area which is shown on the map. Were proposing an office building and parking area in the commercial zone, and the intention is the people who live in residential portion will be making use of that office space to come extent. Were not planning on an office that is intended to be necessarily open to the public although there may be some people who have clients who come over. Its not intended to be a public facility. We are providing parking for that but we do have an expectation that people might walk across the property.

If you look at the map provided you see we are talking about 49 residential structures. There are 15 sets of threes and one set of fours. These are intended to be two story structures without basements, at best they'll be on crawl spaces, so were talking about two floors of habitable space. There may be some units that because of topography can have some excavation greater than a crawl space and with respect to those units theres an intention to construct parking. But not a room that's habital for any purpose.

The reason were here is we'd like you to review the concept with us and 2, this property is principally in the water district and wholly in sewer district. We look at the map and there are some units not located in the water district and we need a recommendation from this board to the town board to move the water district line. Specifically we have nine residential units that are not in the water district and we have the recreational area that's not in the water district. In our opinion, and you'll hear from the experts, that there's adequate capacity, and certainly the recreational area would not be using much water but we'd bring that into the district as well. Its an internal private road.

MOLLIE MESSENGER: Who is the engineer?

Ralph Peragine: Hi, Provident Design Engineering. I'd like to comment about the owners proxy, it was emailed to Denise, Mollie I did not have your email. You had left me a message.

ARTHUR ROSENSHEIN: How deep is your front?

RALPH PERAGINE: It varies in slope. We have done preliminary calculations, approximately 25% and greater but its based on the NYS GIS Light R file and its not always 100% accurate so when we move forward we're in the process of getting a graphic survey of the property that would be better and more accurate. Based on the Light R 25% of the site is in excess of the 25% slope. We have done a math calculation and if you need that number I can get it.

ARTHUR ROSENSHEIN: We will need it at some point.

RALPH PERAGINE: We will provide those numbers as we move forward. We're coming off of Route 52 and making a turn to get up the grade by using a steeper slope in this area to get up the hill. We have 9 units in sets of three. A small playground area. Back down the hill to the lower end multiple sets of three units where we've established a recreational area, including tennis courts, poolhouse and a pool. A proposed storm water management area in the other corner of the property which is the low area. Weve included some parking off of the road way for visitors. This parcel here is the parcel designated as zone B and what we've done here, pending design, is off of 52, put a parking area beneath a building. There would be about 9,000 square feet per floor, so two floors for parking is what the plan is right now. The entire property is in the Fallsburg consolidated sewer district, however, a portion of the property is not in the water district. Theres several units here, 7, and the recreational area that are out of the water district so it would have to be extended to accommodate those units. Those units would only generate average daily flow of about 5 gallons per minute per the estimate. The property again is in the sewer district. The entire project would generate somewhere around 25,000 gallons per day of water and water supply and sanitary sewage.

As of right now we are planning on private roadways but if you are talking about a subdivision we would consider but I would defer to the owner in that respect.

HELEN BUDROCK: We had that issue with another Townhouse development that by the time I came on board it was too far along to go backwards. Since were looking at this for the first time, technically according to zoning law, townhouse developments do have to be a subdivision, with individual lots under individual ownership with a townhouse homeowners association. Also updating the chart that shows your proposed development conforming with the zoning code. It would be helpful to have that preliminary subdivision plat to see how the lots would layout and be sure that they conform to the regulation to the R district.

RALPH PERAGINE: We'll investigate that and the subdivision regulations.

ARTHUR ROSENSHEIN: While I'm thinking of it lets bring you formally on board, Ken also.

HELEN BUDROCK: it might be helpful to have a work session on this. Up to you if you want them to have their homework and come back.

ARTHUR ROSENSHEIN: I think a work session is a good idea whenever we can get together on it. This is going to be proposed as year round housing, and we have to look at the situation for school busses.

RALPH PERAGINE: We have provided a circular loop so emergency service vehicles, delivery trucks and school busses could get in and out relatively easy.

BUCKY LOUCKS: How wide do you have the roads at?

RALPH PERAGINE: At the moment I believe they are 26 feet, preliminarily and conceptually.

ARTHUR ROSENSHEIN: Does the need for a second entrance kick in by the state?

MOLLIE MESSENGER: It has to be over 100 units and I don't think that qualifies with townhouses. We'll look more into zoning as we go.

ARTHUR ROSENSHEIN: If not I was thinking make that road before the first turn as it comes in wider, maybe a Boulevard type of situation.

MOLLIE MESSENGER: The roadways and retention ponds, some of the items are in the setbacks so theres definitely some movement that has to be done.

ARTHUR ROSENSHEIN: A work session I think would be the most valuable way to do it.

HELEN BUDROCK: Does it make sense to have that at this conceptual stage and then send the to the town board for consideration of the extension of the water district, or do that simultaneously?

PAULA KAY: I think before they send too much money it would be wise to get them to the town board.

ARTHUR ROSENSHEIN: I think before we send a recommendation we need to know a little more.

PAULA KAY: No, not a recommendation yet. Just town board for the extension, you don't need to do a recommendation for that. Arthur you can set up your work session and they can get on a town work session meeting.

RALPH PERAGINE: Well work on the water district extension with you, we have no problem with that.

PAULA KAY: That's a town board action. They meet on Monday nights. The next meeting would be March 1st.

PAUL LUYCK: The office building that's 9,000 square feet. Where is that? I see a parking lot.

RALPH PERAGINE: As I said it is an elevated structure above the parking. Parking beneath. Because of the grade situation we tucked the parking into the hillside and put the offices above.

PAUL LUYCK: What kind of offices?

Marty Miller: its an expectation that there will be professional type offices. People who have a need for a quiet space away from their home, not a physicians office or building that has high public traffic.

HELEN BUDROCK: And is it linked to the housing development or would you be renting offices to anyone? Are they two separate offices or are they intrinsically linked together?

Marty Miller: The expectation is that theres a linkage. It may turn out from the marketing of the offices that they are peaceful from the outside. One of the attractions is that people can live there and quickly commute to work, not a bedroom or dining room. That's the concept behind the design of the structure.

There isn't an expectation to put up a sign on Route 52 "office space for rent". There may be empties and that might come from time to time but the people living in this community have a perk.

HELEN BUDROCK: But it is on a separate tax lot? With separate zoning. So even though they are linked it has to stand by itself in terms of zoning and utilities.

RALPH PERAGINE: Separate SBL. It would have to, yes. We haven't found an interconnect yet between the development and the office building because we didn't want to have that kind of detail yet.

Marty Miller: Right now were designing concept. Could it change and develop, sure.

BUCKY LOUCKS: When you're saying you can rent out office space, if I'm a doctor can I rent an office from you? It becomes more of a public building then. We will have to look at that as we go through this because you'll have several different types offices going on. So the parking you have down below might not be enough parking.

RALPH PERAGINE: The parking is based on one per for general office space. The parking is based on multiplier based on square foot of building.

BUCKY LOUCKS: Right, how many offices do you plan on putting in there?

RALPH PERAGINE: Theres no architectural drawings yet.

ARTHUR ROSENSHEIN: But you are planning on making it an attraction.

Marty Miller: Correct. That's the concept of the development.

ARTHUR ROSENSHEIN: So separate but parallel. Ken do you have questions?

KEN ELLSWORTH: No, some technical questions but I'll reserve them for the work sessions. I concur with the comments that the Light R is probably not correct and we don't want to get too excited until they can do topography on site. Its in Loch Sheldrake sewer district so that's not a problem. Water is always an issue so were thinking of that.

ARTHUR ROSENSHEIN: Set up through Mollies office a work session.

Marty Miller: Do you think its premature to go to the town board work session at this point?

PAULA KAY: Theyre going to look at your concept plan. Its really up to you because its completely their decision on whether or not to extend the district. If you want a workshop with the town staff on the planning end first and change your plans then turn it, youre spending money while you're doing that. Either way works, and if you need to do them concurrently that's fine too. The next work shop meeting with the town board is March 1st, if you want to set up a work session with the planning folks before that and you think youd be able to get a new iteration of the plans before that that's fine.

KEN ELLSWORTH: And to be clear Paula, the board will take a look at the district to get a feel for it and as they have been doing they wont make a decision on the technical information. They'll get a feel for it if its an absolute no or leading to it.

ARTHUR ROSENSHEIN: The town board would be more interested if tied together? It might be more intriguing if the offices partly connect.

RALPH PERAGINE: As we said the priority for the offices will go towards the townhouse tenants and if theres overflow and vacant office space after that to the general public.

Marty Miller: Yes priority and preference would be to the residents. Certainly in sales and marketing of the project – as much as a swimming pool is a perk an office space is a perk.

HELEN BUDROCK: You might want to think about co-working space. That’s popular right now and flexible.

Marty Miller: That’s an architectural issue to an extent.

BUCKY LOUCKS: Id like to know how many offices will be in the building.

Marty Miller: That’s an architectural thing. You know how many square feet you have and how it gets broken up will develop. You might have flexible walls or small dedicated offices with a common area.

RALPH PERAGINE: Or like some of these companies who run office facilities and rent a particular office but manage the whole floor.

Marty Miller: Internals are flexible.

ARTHUR ROSENSHEIN: General concept that I thought was interesting as a way to pitch it.

PAUL LUYCK: Are you planning for soil testing with elevation to see what you’re getting involved in with rock and underground?

RALPH PERAGINE: Geotechnical engineering study, not at this time but moving forward we’ll probably need in the future but not for the conceptual.

ARTHUR ROSENSHEIN: Thank you gentlemen.

NEW BUSINESS: 2 HARMONY HILLS – SBL# 36-1-28.17 – Requests site plan approval for a 1200 square foot single family house to be used for the caretaker. Zone: R & PRD. Acres: 8.36. Location: 404 Laurel Ave., South Fallsburg. Cross Roads: Brickman Rd.

Joel Kohn represented.

JOEL KOHN: Harmony Hills is an existing development on Laurel Avenue. It is 15 duplexes and recreational facilities. Its on a 8.36 acre property with 6.86 acres on the east side of the road and on the west side of the road another acre and a half where the storm water management is. They are in need of a caretakers home so they are proposing to add a caretakers home on the other side, which is right across, which would be like a single family along Laurel. We applied the same setbacks that we have for single family homes although this is part of a duplex development, which requires more setback but obviously we are not able to meet the setback for the caretaker unit, but it will look like any other single family home. We will need a variances for density and a variance for lot coverage for the front yard setback and the *breakup* setback.

ARTHUR ROSENSHEIN: The lot was purchased in order to make up the lot coverage percentage. That is why you have to go the the ZBA I presume, it was not supposed to be built on originally.

JOEL KOHN: Originally there was not a plan to build on it. They do want a care taker which is why this is proposed on the other side of the road. It would look like a typical single family home.

ARTHUR ROSENSHEIN: Would you have a storage unit of some type to hold small equipment, which is typical.

JOEL KOHN: Yeah the basement or garage to that caretakers house.

PAULA KAY: What kind of density variance are you going to need?

JOEL KOHN: The existing development has thirty units, 8.36 acre, the allowable units for the R zoning would be 25 units, so they do have 30 units right now, they will have 31.

ARTHUR ROSENSHEIN: Are you going from exactly 25% lot coverage to higher.

JOEL KOHN: I'm not sure how but Glenn Smith has calculated the lot coverage to be at 27% I believe.

ARTHUR ROSENSHEIN: Already? I thought they had it at 25%. How did that happen?

JOEL KOHN: Maybe the added additional pavement – I am not sure how that happened. So we need a variance for the lot coverage which will be a total of 27.6 acre after this caretaker and driveway gets put in.

ARTHUR ROSENSHEIN: So we want a motion to turn it down because we have a lot coverage issue.

JOEL KOHN: Lot coverage, Density and setbacks, yes.

MOLLIE MESSENGER: If theres going to be another shed or garage on the property you have to be careful with that because if you ask for a variance youre going to need a bigger variance.

JOEL KOHN: I will double check that and if needed will modify the application.

MOLLIE MESSENGER: Are you going to maintain the grounds there better than now? They are just an overgrown lot.

JOEL KOHN: I can suggest that to the owners and management. I will mention it to them.

MOLLIE MESSENGER: Also, the retention pond is not fenced, I don't know if it has to be protected from the house.

JOEL KOHN: Glenn is proposing a site plan with a minimum of 5 foot high fence.

ARTHUR ROSENSHEIN: How deep is that pond basin?

JOEL KOHN: Looks like 6 feet, 8 feet.

ARTHUR ROSENSHEIN: It is pretty deep. I see it says fence on it.

JOEL KOHN: Its not as deep, its like a berm. It goes up then goes down into the pond so its not deep at all.

PAUL LUYCK: This is taking the water across the street.

JOEL KOHN: Correct. Theres a 24 inch pipe as you can see that takes the water across the street.

PAUL LUYCK: On either side of this property are there any homes?

JOEL KOHN: No houses, no. One property after that there's one. So were here for a motion to turn us down so we can go to the zoning board of appeals.

ARTHUR ROSENSHEIN: Looking for a motion to turn it down and send it to ZBA.

IRV NEWMARK: Motion.

BUCKY LOUCKS: Second.

ARTHUR ROSENSHEIN: Any against? You are officially turned down.

NEW BUSINESS: 3 RIVERSIDE DRIVE SUB-DIVISION (ESTHER ENGELSOHN) – SBL# 28-1-32.3/33 – Requests a 7 lot sub-division. Zone: R. Acres: 3.6. Location: Riverside Dr., Fallsburg. Cross Roads: Old Falls Rd.

Joel Kohn represented.

JOEL KOHN: This is a simple 7-lot subdivision. Half acre lots which is the minimum size lots for the zoning in the R zoning district. It will have town water and sewer.

ARTHUR ROSENSHEIN: Is that agreed to or originally?

JOEL KOHN: Originally this property was only in the sewer district and we got a water district extension from the town board.

IRV NEWMARK: I'm concerned with what the front of the buildings are going to look like because they're going to be fairly close to the road. I'd like them not to look like large barns, I'd like them to have character so when you drive by they look good.

ARTHUR ROSENSHEIN: Are they selling lots or lots with houses?

JOEL KOHN: We don't know yet how they will be selling it. The due plan is to build by themselves and not by town roads, a little recessed.

HELEN BUDROCK: What you have now is strictly a subdivision. What you have is a lot configuration and the abilities of what gets built on the lots is another step.

BUCKY LOUCKS: If the lots are subdivided they don't need to come back.

HELEN BUDROCK: No but that's the process.

BUCKY LOUCKS: This is the only time we got input on this because if they don't have to come back they have one single home.

ARTHUR ROSENSHEIN: That's why I asked about whether they were going to build it or not. If they do we have our fingers in it, if not we don't have anything really to do.

JOEL KOHN: Technically they can decide to sell it or build it.

KEN ELLSWORTH: We reviewed this when it first came through and as Mollie pointed out is on their side of the road. It's a new ten-inch water line and there's plenty of flow and pressure.

ARTHUR ROSENSHEIN: Lets have you and Helen in on this one. What were doing is putting 7 driveways close together coming out of these lots, shouldn't we get the town highway involved to get their idea on this one?

MOLLIE MESSENGER: I can send it to the highway superintendent to see if theres any culverts or anything else needed.

HELEN BUDROCK: And for clarification, it seems like its less than a planning issue and more like an engineering/utility issue. Is there something specific that you or Mollie want me to look at from a planning perspective, do all the lots conform to the zoning regulations? Is there a specific issue you have in mind from a planning perspective?

ARTHUR ROSENSHEIN: Not really. It's a simple sub division. Assuming Ken comes through on it you're probably right.

HELEN BUDROCK: I'll be on standby.

KEN ELLSWORTH: I'd like a little input from the board. When this first came up I think it was looked at as a subdivision where the services would be individual, not like any other homeowner situation. It wasn't looked at as a development. I see where Mollie has some question as to whether we put in one line across and then come off that but if theyre all individual homes they tend to want to be individual services.

PAUL LUYCK: Individual services would probably be the best due to the fact that five years down the line somebody sells their lot and somebody wants to do changes it would make most sense to do separate water and sewer for each lot.

KEN ELLSWORTH: You may want to think about, theres seven crossings that will cut the road for the sewer. You may want to have a discussion on what you want to see that repair look like.

MOLLIE MESSENGER: I don't think that seven road crossings is a good idea. That was part of my comments. The utilities need to be worked out because we don't want seven road crossings.

KEN ELLSWORTH: If you don't want seven road crossings the town will have an additional sewer line. Were going to take a manhole across the road and then expand out in both directions probably, or one way. So were going to be adding municipal utilities for the sewer. The water you probably don't need to do that because its on the edge on the shoulder so theres probably no need to not do just seven utiiliites but that's a good point.

ARTHUR ROSENSHEIN: The developer will have to work that out with the town before we give permission.

PAUL LUYCK: Would that be the town? Who will pay for the infrastructure?

KEN ELLSWORTH: I wouldn't think the town would pay for it, I think it's the developers responsibility to do that so typically I would look for Mollie's input, Randy's input, DPW's input and put together a final decision on what they want to see. Those are your two options; individual services with seven cuts or new municipal sewer line which will require DEC approval because youre extending the sewer line.

ARTHUR ROSENSHEIN: Theres no issue with them being buildable lots, right?

KEN ELLSWORTH: Not that I've seen, no.

ARTHUR ROSENSHEIN: So once you have technical details in hand it would be easy to give our approval.

KEN ELLSWORTH: Right and I don't think we can say much about multiple driveways. If it was a development I'd say they'd have one driveway but as Paul indicated they're going to be individual lots so they have their own driveways so you're going to have multiple driveways on Riverside Drive but I'm not sure how you avoid that.

MIKE REILLY : In regards to the sewer connection we might be able to kind of minimize them by bringing two side-by-side lots together maybe to minimize the cuts so we only have 3 or 4 cuts along the road instead of seven.

KEN ELLSWORTH: What has been said about that before is who plugged the lateral? Which homeowner? And whose responsibility to unplug?

KEN ELLSWORTH: I see what you're saying. Either way we will probably be asking Randy and DPW's opinion on that and come to a conclusion.

ARTHUR ROSENSHEIN: Then it should be simple.

GARY TAVORMINA: Shouldn't each individual lot have its own water/sewer connection?

HELEN BUDROCK: Each lot would have its own separate, Ken needs those details.

ARTHUR ROSENSHEIN: Perhaps we'll see it next month if all the technical are done. Next item, Joel.

NEW BUSINESS: 4 CONGREGATION CHESED SHEL EMES – SBL# 42-1-22.2 – Requests site plan approval to create a master plan for a cul-de-sac access drive into the central portion of the cemetery along with access walkways and paths throughout the existing cemetery. Zone: REC. Acres: 19.19. Location: 113 Old Turnpike Rd., Woodridge. Cross Roads: Bernsley Rd.

Joel Kohn represented.

JOEL KOHN: This is an existing cemetery. They want to do a masterplan for the next couple decades for the entire property as for how the grade will be laid out and walkways and vehicular ways. They want to clear out another acre or two and have an open area and then follow the master plan that you received.

ARTHUR ROSENSHEIN: There's a lot of graves, 5,700. How big, what is the burial society? An organization?

JOEL KOHN: Yes, this organization is a Jewish cemetery and whoever doesn't have any affiliation with any congregational cemetery and whoever wants to be buried with accordance to Jewish law can come here and be buried in this place. I believe they have another one or two cemeteries. One in Town of Liberty I believe.

ARTHUR ROSENSHEIN: How do you anticipate usage? Month, year?

JOEL KOHN: There's no anticipation, sometimes more some seasons less. Of course with COVID-19 there was more unfortunately but there's no anticipation on how soon it will be filled up.

IRV NEWMARK: I see there was an issue. They put up a light so they can go there in the dark but the light was bothering the neighbors. I'm in favor of putting the road in and cult de sac. They cant even get the truck with back ho off the road, it would be better if they could drive it and take the machinery off inside. Theres two small buildings, one is a well pump house and one looks like a storage shed, they need to be painted. There should also be lighting in there because occasionally they are there after dark, but it should be down shining lights and the kind where they leave they shut it off.

JOEL KOHN: We got that and will make sure they do the paint job. We have discussed the lighting issue and it shouldn't be an issue with the neighbors lights shining at night.

ARTHUR ROSENSHEIN: I have a question and I tried to look up and find rules on cemeteries and there isn't a lot; the only thing I kept running into is water contamination. If you have significant amount of burials and you have a house nearby that has a drinking water well, is that an issue?

IRV NEWMARK: I don't think in that location. Theres one house below it but the nature of the property slopes down towards the back and I don't think that's much of an issue in that particular location.

PAUL LUYCK: If you look at the topography from the front to the back theres only 50-60 feet of difference in elevation. After the cult de sac on the plan the ground in the back is wet. Are they planning on elevating or what are the plans? It goes up against the wetlands.

JOEL KOHN: Theres no plans to elevate the lands. Wetlands are marked out and delineated so we know where we can go and there will be storm water management between the graves and wetlands.

KEN ELLSWORTH: Is there an order to the progression to each section? Are we assuming front to back?

JOEL KOHN: It is basically front to back.

ARTHUR ROSENSHEIN: We wouldn't mandate the roads to be fully built out but could we put down some rules for widths of roads, parking area, and surfacing.

HELEN BUDROCK: I was looking to see if theres guidance on graveyards and not much.

MOLLIE MESSENGER: Joel can you talk about circulation. When there is a burial everybody will be coming in and out the same road, should it be circular travel?

JOEL KOHN: It will not be a busy situation even when the site will be full. There will not be a lot of visiting, a lot of these people don't have family which is why people get buried on this site. We don't anticipate a lot of traffic at all on this site. There will be a cult de sac in the center. No real traffic anticipated.

ARTHUR ROSENSHEIN: That sounds reasonable, I understand the purpose here. Theres no standards that I know of.

KEN ELLSWORTH: Mike, when you lay it out it is a Jewish cemetery, anything in those regulations that affect layout or requirements?

MIKE REILLY : As far as Jewish law?

KEN ELLSWORTH: Yeah.

MIKE REILLY : That was all dictated to us by the owners of the cemetery. Right Joel.

KEN ELLSWORTH: I don't know what size its supposed to be so I assume you got into it enough to know what they are.

JOEL KOHN: Yeah this was all laid out exactly and the sizes of the graves and walkway. We all sat down and worked it out.

IRV NEWMARK: There should be a small sign in Jewish or Hebrew but also in English, a small sign that says cemetery. There's no vandalism, no traffic, when there is a funeral there's a small gathering but there should be identification of what's there.

JOEL KOHN: That could be added to the site plan.

MOLLIE MESSENGER: Joel you talked about not clearing all the same time and only clearing when needed, but your SWIP will be open so will you be clearing the whole site at once?

JOEL KOHN: It will be phased. I guess Mike and Ken will have to work out how the SWIP will go.

MIKE REILLY : Yeah we're going to have to figure that out because it's going to take years ultimately.

HELEN BUDROCK: It would be helpful if you had an average volume or range on an annual basis, how many burials they do.

IRV NEWMARK: How could you do that?

MIKE REILLY : Based on historical data.

PAULA KAY: Maybe look at what they're doing in Liberty.

HELEN BUDROCK: Just ballpark would be helpful, because I think you'll need that for your phasing plan right? In which areas you want to do first –

JOEL KOHN: They won't clear one grave at a time, probably an acre or two at a time.

HELEN BUDROCK: Can that be added to the plans in terms of phasing and what you're anticipating?

JOEL KOHN: Yes.

JOEL KOHN: I just got a text. Over the last 13 years they had 740 burials, they have two burial sites. That's 56.9 a year. 5700 graves there is good for 100 years.

ARTHUR ROSENSHEIN: Are we good on details? Helen are you on board on this one?

HELEN BUDROCK: I will be if you'd like me to be sure.

ARTHUR ROSENSHEIN: I would because I don't know if we know what we're doing.

GARY TAVORMINA: Does it require so much land to be cleared before they start so it looks presentable?

ARTHUR ROSENSHEIN: We'll pay attention to the front. There's no sense in making them clear anything more than they're going to use at the rate they'll go.

GARY TAVORMINA: The point is a part of land should be cleared.

PAUL LUYCK: Are you going to have a construction entrance site? You're going to need roads to get in and out for clearing equipment. If you're using the existing road you might need a construction entrance for equipment. You'll need a plan to get all the way to the back for the future.

MIKE REILLY : There's a stone parking lot in the front so I would envision that whoever is going to dig the graves would pull there, unload the machine and then use the access drive to get to wherever needed.

PAUL LUYCK: But to get in and out for sitework.

MIKE REILLY : We'll develop an ENS plan and there will be a construction entrance for that.

KEN ELLSWORTH: If I'm looking at it correctly everything is cleared all the way to the third way into the cult de sac. There's many years of gravesites already cleared ready to go.

JOEL KOHN: Right, they want to clear a little bit more.

KEN ELLSWORTH: That seems like it may be all that you want to clear to get your cult de sac constructed.

HELEN BUDROCK: Exactly.

ARTHUR ROSENSHEIN: It's a charitable organization, we don't want to put in too much money in the beginning, there's no purpose in that. Just give us a plan of what you want to do.

JOEL KOHN: We'll give a phasing plan.

ARTHUR ROSENSHEIN: And some idea with the lighting that was mentioned earlier.

JOEL KOHN: And what we said there will be a detail on the site plan showing the type of lights to be installed on this property. Regarding clearings they do need a year or two to let the ground settle before they can start to bury after trees and stumps.

ARTHUR ROSENSHEIN: What kind of maintenance do they have? Hire a company to mow it?

JOEL KOHN: I'm not sure if they hire or own their own but it is being taken care of.

ARTHUR ROSENSHEIN: It is maintained.

JOEL KOHN: Yep.

MOLLIE MESSENGER: I don't know if you did or not, but you'll need Ken engaged to review the SWIP and everything.

PAUL LUYCK: With the cemeteries around the areas for years they started out with similar scenarios, then what happens after 40-50 years the town is maintaining the property. I have a cemetery by me and nobody's taken ownership and the town has to come in and mow it. Is there a way of preventing that from happening in the future?

JOEL KOHN: All I can say is it will be maintained. I don't know what will happen in 50 years.

ARTHUR ROSENSHEIN: I'm on the cemetery committee in Woodbourne and that is a problem for everybody.

PAUL LUYCK: That's another expense the town has.

ARTHUR ROSENSHEIN: I don't think there's anything we can do. We can't ask for money for perpetual care. You're right but unless there's a good idea I don't know what we can do about it.

PAUL LUYCK: Can somebody do homework to see what other cemeteries so? I know in Ellenville went by the wayside and the perpetual care has fallen.

PAULA KAY: I can talk to the association of towns and see if there's something other towns have dealt with.

ARTHUR ROSENSHEIN: I think that's it for the night on that one.

NEW BUSINESS: 5 HEIDEN ROAD LLC – SBL# 60-1-25/26/60.3 – Requests conceptual review for a proposed manufactured home park consisting of 60 doublewide manufactured homes. Zone: REC. Acres: 37.28. Location: Heiden Rd., South Fallsburg. Cross Roads: SR 42.

Jay Zieger Michael Reilly and Joel Kohn represented.

JAY ZIEGER: The project is located off of Heiden Road, not far from Miron Hills. The proposal is a manufactured home park, 60 double wide homes and recreational and other facilities. The site is 37+ acres. Currently the concept is private water and sewer plant.

JOEL KOHN: The front half of the property is on the town's water district so we intend to add that to the town's water system. The back half is not within the town water district.

ARTHUR ROSENSHEIN: No test wells yet I presume.

JOEL KOHN: We'll do test wells.

ARTHUR ROSENSHEIN: Back up on Alpine I get more than anybody.

MOLLIE MESSENGER: Jay you had big issues with a different development and a manufactured home park. I don't want to go back to what we had to do with that project. We understand this is going to be an actual mobile home park and not individual lots?

JAY ZIEGER: It will not be individual lots. At the end of the day we may convert it to a co-op or a condo.

MOLLIE MESSENGER: It can't be a condo, Jay, it cannot be a condo. It's either a manufactured home park or a development of some kind.

JAY ZIEGER: I'm not sure that's correct but we can look into that. The last one we had an issue with is we wanted and did subdivide it into individual lots. If you're doing it as a co-op for example there's no subdivision, no anything, it's on one parcel of land.

MOLLIE MESSENGER: Right, I need you to understand that it's one parcel of land and you cannot do a subdivision like you did on the other project.

JAY ZIEGER: Totally understood.

ARTHUR ROSENSHEIN: What's the concept? Somebody rents a space?

HELEN BUDROCK: Like a traditional manufactured home community, you own the home but you don't own the land underneath.

ARTHUR ROSENSHEIN: How portable are these?

JAY ZIEGER: They're not terribly portable and that's why NYS Law has a Mobile Home Bill of Rights law. The thought is you're renting and the next day the landlord decides to triple rent and these things are hard to move. The homeowner would own the house rent the site, 'pad' we call it.

MOLLIE MESSENGER: I have to disagree, they are very easy to move.

PAULA KAY: A lot of time the people who own them don't have the means to go anywhere else.

JAY ZIEGER: The plan is that they won't be moved, they're in it for the long term, as is most parks.

ARTHUR ROSENSHEIN: Unfortunately we have the example of Fox Croft in long term issue.

JAY ZIEGER: I'm not sure what the issue is with Fox Croft other than they had a maintenance issue.

ARTHUR ROSENSHEIN: The owners got old, the people who moved in were of less economic standing.

JAY ZIEGER: I don't think that's the target buyers or owners here. The mobile park that Mollie had mentioned, the houses are in \$250-300,000 range.

PAULA KAY: The intention Jay, will your client be holding mortgages for the purchasers or are the purchasers going to secure their own mortgages?

JAY ZIEGER: The developer will not be holding mortgages. We expect that most instances the buyers will be cash buyers.

MOLLIE MESSENGER: That's the issue we had last time Paula, you can't have a mortgage on a house that doesn't have land.

PAULA KAY: The attorney general frowns quite a lot on those financial situations these days.

JAY ZIEGER: A lot of those are lease to own and none of that is planned here.

PAULA KAY: You said recreational building and other. What's other?

JOEL KOHN: Sport courts, a community building and two pools.

ARTHUR ROSENSHEIN: Owned by the owner of the same property?

JAY ZIEGER: Yeah there will be a home owners association or something along those lines.

PAULA KAY: Can there be a HOA if the land is one lot owned by one entity?

JAY ZIEGER: There may be a technical answer but for example if this was a co-op it would all be one parcel, one owner, and the co-op corporation would own the land and whatever's on it. We did it as a condo it would be owned by the condominium association. HOA I didn't look whether we can do it in that way, probably can't. But without taking away HOA it will be owned by the association.

HELEN BUDROCK: You can call it a 'park association' or something like that but in theory the rent that people pay for their slab, would be of a sufficient amount to cover things that would normally be incorporated into the common fees like maintenance.

JAY ZIEGER: Snow removal, lawn mowing, yeah.

ARTHUR ROSENSHEIN: Because fo the nature of this would we want to bond the amenities? Make sure they get built. Then turn it over to the association.

JAY ZIEGER: I don't know that theres an objection but why is this different from the other developments we do?

ARTHUR ROSENSHEIN: The building owner cant put it on wheels and make it go away.

JAY ZIEGER: IF it were a housing development they couldn't do that either.

ARTHUR ROSENSHEIN: I Think its something we need to consider. This is something we need to put thought to because we don't have experience with it.

PAUL LUYCK: I saw on the plan it said the trailers are 8X65.

JAY ZIEGER: They're doublewides.

JOEL KOHN: 26x65.

PAUL LUYCK: This is like a doublewide community.

JOEL KOHN: 1,700 square feet.

PAULA KAY: What about for, I know these are a good size, what about sheds or other structures that are associated with each unit? Are they allowed? If people are mowing their lawns or children's toys? Will structures be allowed and how will they be located?

JOEL KOHN: I don't think there will be other sheds besides the maintenance shed.

JAY ZIEGER: Paula the lawn mowing and those things will be done on a community wide basis. storage per unit, that's not contemplated and maybe there will be spots under the deck or they will have to bring stuff indoors.

PAULA KAY: I think the board should keep in mind that there might be an issue if theres not a dedicated location.

ARTHUR ROSENSHEIN: I assume this has to do with the town having water district or drilling test wells. Correct?

JAY ZIEGER: We're going to have to drill test wells. And provide adequate water and redundancy in that Mike can probably answer.

KEN ELLSWORTH: You'll probably have one building to house the treatment facility.

JAY ZIEGER: And on site we show where the proposed sewer plant will be.

IRV NEWMARK: There may be an issue with where the sewer affluent is going to go. Fallsburg Lake, I foresee big problems with the neighbors.

BUCKY LOUCKS: They have to go through DEC to do it.

JOEL KOHN: They would need a SPEDES permit for where it will be discharged and the sewer plant itself will be approved by DEC.

ARTHUR ROSENSHEIN: What's the next step? This is conceptual. Do we want a workshop?

JOEL KOHN: We will need a workshop.

MOLLIE MESSENGER: Have you got to environmental constraints, removing those? I know this is really conceptual.

MIKE REILLY : This is just a sketch plan. Still have to drill test wells, Jim Bates flagged wetlands, Galligan did topo, survey and boundary.

MOLLIE MESSENGER: There is a code section in the manufactured home park where you cant have any structure 25 feet next to another structure so if you are having side decks or anything else.

HELEN BUDROCK: Right now the units are spaced exactly 25 feet apart. I think it would be helpful if you have an idea of what the units might look like, even if its sample. I assume the idea is to develop and build them all at once and sell them so people don't do individual design.

JAY ZIEGER: Probably do it in phases. Maybe not do 60 at a time, 25 at a time then the rest.

HELEN BUDROCK: Being its manufactured there should be models out there that you can show us.

JAY ZIEGER: I'm doing a similar type development in Thompson that if you want to drive by and see what it might look at. Windsor Estates on Peter Luger road. The same developer that is doing the one in Thompson did one in Liberty on Kelly Bridge Road. That one is fully built out. They seem to be similar. The Orchards in Fallsburg may have some similarities as well.

MIKE REILLY : The stream discharge, it would go into Pleasure Lake, it will go into Sheldrake Stream.

IRV NEWMARK: That's a plus.

ARTHUR ROSENSHEIN: You can set up a workshop with Mollie. Lets move on.

OLD BUSINESS: 1. SKOPPS COTTAGES – SBL# 27-1-17.2 – Requests site plan review to demolish and replace unit 21E. Variance was granted for an 1800 SF replacement unit on 10/15/20. Zone: R. Acres: 16.99. Location: 305 Murphy Rd., Fallsburg. Cross Roads: Brickman Rd.

Joel Kohn represented.

JOEL KOHN: This is a replacement unit, 800 square feet, it was approved by the ZBA. It was discussed with code enforcement about having a basement or not. This will be a single-story square foot unit on a crawl space.

ARTHUR ROSENSHEIN: This is type two so no environmental to do.

MOLLIE MESSENGER: We got the 239 response which was local determination. Joel sent the elevation which was changed, we'll get a new one. The board had asked about elevation.

ARTHUR ROSENSHEIN: Just cut the basement out and put it on a slab.

JOEL KOHN: Irv suggested last time window shutters and they've been added.

IRV NEWMARK: It could be helpful to put a roof over the doorway so when you unlock your door in the rain you're not getting rained on, and it would make the building look better.

JOEL KOHN: Okay thank you.

MOLLIE MESSENGER: Ken did you see the utilities?

KEN ELLSWORTH: I'm not sure how it's being serviced. I'm assuming there's utilities to the one that's being torn down. I'm not sure if they're going to use those or replace the ones they have.

JOEL KOHN: The waterline is not exactly known, we will disconnect the existing unit and then reconnect. They propose to move the manhole.

ARTHUR ROSENSHEIN: Is there anything that stands between this and approval tonight, pending review?

KEN ELLSWORTH: Give me that chance to review the details of the sewer and water connection.

ARTHUR ROSENSHEIN: It would be motion to approve an 1,800 square foot replacement building for a 750 square foot, on a crawl space single story to appear as per very close to the picture that we've seen and my signature pending technical review of the utilities.

GARY TAVORMINA: One or two stories?

ARTHUR ROSENSHEIN: One story.

BUCKY LOUCKS: Is there any outstanding violations on this property?

MOLLIE MESSENGER: They've had quite a few building permits and I'm not aware of any violations currently. The only other thing that I wanted to add was I've been discussing a lot with the Fire Department as far as access and entry. We haven't submitted this plan but so the board knows it's something we should think about in the old developments and if we need to widen entry or get a gate code or those types of things.

ARTHUR ROSENSHEIN: Do we want to write that in technical review?

MOLLIE MESSENGER: We can. I know we haven't talked about it with Joel, if there is an issue we should try to clear that up also.

ARTHUR ROSENSHEIN: Let's include that under technical in case anything comes up. In that case we'll make a motion with condition we get technical review first.

BUCKY LOUCKS: Motion.

CODY VEGLIANTE: Second.

ARTHUR ROSENSHEIN: All in favor. The ayes have it.

OLD BUSINESS: 2. UTA – SBL# 36-1-52.1– Requests site plan approval for a new 30 x 65 swimming pool. Zone: R. Acres: 112.52. Location: 224 Pleasant Valley Rd., South Fallsburg. Cross Roads: Brickman Rd.

Joel Kohn and Jay Zieger represented.

JOEL KOHN: Helen put together a memo with what happened in the past ten years.

HELEN BUDROCK: There was a lot of detail. Everybody got a copy of the chronology and it appears the only outstanding item is the walking path and it seems nobody wanted to take responsibility for it. I looked at the original pedestrian traffic study that was done and the work-around on the neighboring property, Camp Viznes, was not originally contemplated as that, it was contemplated to be on the road. I think because the applicant has exhausted the possibilities for diverting pedestrian traffic to that neighboring camp I think it is a short enough distance from looking at google maps and my knowledge of the area. It probably could be widened to make it safe. Its only a quarter mile until you get to the cross walk to rail trail. That was my conclusion and in the memo I recommended approving the swimming pool and having some conditions associated with the walking path and making sure it is complete this season.

ARTHUR ROSENSHEIN: How about not a sidewalk along the road. Would we ask for a sidewalk now or say give the Town the right to build it and put the plans in.

HELEN BUDROCK: That's the boards decision. The best solution would be a sidewalk, and the safest. But in absence of that the easement and dedication and design so the town can build it when and if it becomes an issue.

JOEL KOHN: The camp does not own the property where theyre going to walk in front of so I'm not sure what they can dedicate to the town as far as sidewalks go.

ARTHUR ROSENSHEIN: Not asking for it to be build but asking for the design and right of the town if we eventually add in sidewalks.

JAY ZIEGER: The sidewalk to get to the cross walk, a lot of that land is not this camp.

HELEN BUDROCK: Just what you own along the road. UTA's property frontage.

JOEL KOHN: Its only a small area.

ARTHUR ROSENSHEIN: Whatever it is. Just the right to build it if we need to. The design and right to build and whatever frontage there is.

JAY ZIEGER: We can show the area and I don't think you want the easement now but we can put it in language that dedication at request of the town.

ARTHUR ROSENSHEIN: Is that legally binding?

PAULA KAY: We cant bind them over property they don't own. The town has tried to intervene but we have not been able to. If we bind them over the property that UTA owns but that's a piece of the problem.

ARTHUR ROSENSHEIN: It doesn't solve the issue but allow us to build if we need to.

PAULA KAY: I don't think we can legally bind them in this manner. I would suggest if there's something the town has to do we require them to put up a bond for the future.

BUCKY LOUCKS: If something comes next to them in the future we can get a sidewalk, then we get the sidewalk put together and a problem solved.

HELEN BUDROCK: A starting point.

JAY ZIEGER: Would it work for you if we put on the map, show the area, and language irrevocable offer of dedication to the town upon request of the town.

PAULA KAY: Yes. We have to be careful of language so the county doesn't take it and divide off as a separate parcel. Let's work together on language. We also want to make sure if the board is contemplating approval that reiterates the board's stance that it's dangerous for groups to walk on the road into town and that's the purpose of this. For the sidewalk and offer of dedication.

ARTHUR ROSENSHEIN: That language sounds good and it's been recorded.

HELEN BUDROCK: I think an important issue in the short term that the applicant is still willing to work with the town highway department to see what can be done within the bounds of the right-of-way if there are obstacles like bushes, landscaping, rocks, that would force people into the roadway. There are a couple of spots that there is vegetation or something else in their way.

PAULA KAY: And the number of children that are walking, our Police Chief needs to be notified. All of the protections need to remain.

JOEL KOHN: It's all been spelled out in the pedestrian study.

PAULA KAY: I know but you're approving what is a potentially dangerous situation so we need to reiterate it in whatever approval you're going to do tonight.

ARTHUR ROSENSHEIN: We are asking for the language on the side walk, the applicant is reaffirming the commitment to the plan that we have already for the pedestrian way, and an approval for the building of the pool as presented.

MOLLIE MESSENGER: The design of the sidewalk and working of the highway to clear areas along the side of the road.

HELEN BUDROCK: In my memo I recommended a performance bond to cover the cost of improvements but that can be determined if necessary after the snow melts.

ARTHUR ROSENSHEIN: The language that has been developed is being reaffirmed from the previous agreement.

PAULA KAY: And maybe put that in a note on the map too. Everyone will see it.

ARTHUR ROSENSHEIN: Note on map to reaffirm sidewalk and language to be developed. With that we can make an approval of the pool.

BUCKY LOUCKS: Motion.

IRV NEWMARK: Second.

ARTHUR ROSENSHEIN: All in favor. Unanimous.

OLD BUSINESS: 3. REFUAH HEALTH CENTER – SBL# 50-5-15.2 – Requests special permit to operate a hospital/medical diagnostic center. Zone: B. Acres: 2.33. Location: 36 Laurel Avenue, So. Fallsburg. Cross Roads: SR 42/Pleasant Valley Rd.

JAY ZIEGER and MIKE REILLY represented.

MIKE REILLY : Since the workshop meeting we had a structural engineer look at the building. The building is in no danger of collapse. I am still waiting for a letter report from the structural engineer, John Fuller out of Port Jervis. He took a look at the site with one of Refuahs reps. We were given an estimate on cost to knock down the building, \$660,000 to knock it down, not abate it. There's a bunch of things that aren't included so the overall price is going to be more.

As far as the site plan goes I think I developed a decent plan that will alleviate some of the problems that are out there now. Quite a bit of parking, two entrances now, the proposed entrance meets site distance, I know that was a concern. We need help with the Zoning Board because we're over the lot coverage, the max lot coverage is 25% and I'm at 46.61. a lot of that is result of the building still being there.

ARTHUR ROSENSHEIN: If you discount the building what is the coverage?

MIKE REILLY : Right around 30%.

MOLLIE MESSENGER: Now that you know the building is not in structural disrepair did they consider renovating it?

MIKE REILLY : I don't know the answer. I don't think they're interested. It's in poor shape even though it's structurally okay.

MOLLIE MESSENGER: Like the roof being open.

MIKE REILLY : Exactly.

HELEN BUDROCK: That was the original intention and that's why the town allowed them to build the other buildings that were supposed to be temporary.

JAY ZIEGER: The problem is this estimate was better than expected. The last estimates were in the million dollar range.

ARTHUR ROSENSHEIN: So you want us to turn you down because of lot coverage?

MIKE REILLY : Yeah.

MOLLIE MESSENGER: If you're going to the Zoning Board you should kosher the entire site. It has never gotten a variance in order to operate the way it does with the offices, the use of it, all of that. We all know it's a great service but if you're going to go, let's make this correct.

PAULA KAY: It needs a use variance?

MOLLIE MESSENGER: It always have.

PAULA KAY: Lets get this cleaned up completely.

ARTHUR ROSENSHEIN: They will be applying for a special use permit in the end right? Can we issue special use if it isn't all koshered? Are there underlying violations?

MOLLIE MESSENGER: eventually they'll get that cleaned up, they have to get area and use variances, limits and structures.

ARTHUR ROSENSHEIN: We cant do anything until that is taken care of.

PAULA KAY: Correct.

GARY TAVORMINA: If they do a new building are they going to remove the buildings that are there now, the temporary structures?

JAY ZIEGER: We are not planning on removing the building in the immediate future.

ARTHUR ROSENSHEIN: Not the old school, talking about the-

GARY TAVORMINA: Talking about temporary building, will they be removed if you take down the other building and building a new one.

MIKE REILLY : I would imagine but we'll have to confirm with the owner. If they put the money into a brand new building I would imagine they would get rid of the modular units.

PAUL LUYCK: Is there a timeline on removing the school?

MIKE REILLY : Not yet.

JAY ZIEGER: Its really a function of money.

MOLLIE MESSENGER: I appreciate the large parking lot and two entrances. Where are the busses going to be housed?

MIKE REILLY : Theres busses that are kept there?

MOLLIE MESSENGER: Yeah they have mobile offices that are kept there, there's at least 3 or 4 busses there at all times. They need to be parked, I don't know where, I don't know how often they use them.

MIKE REILLY : I'll look into that, theres no apparent spot for them to be stored now.

MOLLIE MESSENGER: Is there emergency vehicle room in the front, a fire land and drop off area?

MIKE REILLY : Yeah, its not called out like that but there should be plenty of room on the bottom of the site, on the south side by one of the modular. I can call that out better and hash it.

MOLLIE MESSENGER: Okay.

ARTHUR ROSENSHEIN: The motion is to deny the special permit until the lot coverage issue and any others are cleared. Can I have a motion for denial?

GARY TAVORMINA: Motion.

PAUL LUYCK: Second.

ARTHUR ROSENSHEIN: All in favor. You are denied.

MIKE REILLY : Mollie I'll give you a call to discuss these variances.

OLD BUSINESS: 4. NEW PINES – SBL# 39-1-88.1 – Requests site plan amendment to relocate units ½ and the caretaker's unit. Amendment to include the increase in units from 75 units to 79 units. Zone: R. Acres: 45.01. Location: Laurel Ave., South Fallsburg. Cross Roads: Laurel Park Rd.

JAY ZIEGER represented.

JAY ZIEGER: what were looking for is an amendment to the site plan based on the field that was there, units 1 and 2 had to be moved slightly, and starting out the site now has 74 units it was approved for 37 duplex homes. The allowable density on this site is 121 units. We're looking for an amendment to the site plan. Duplex homes 1 and 2 would shift slightly. There was some buried electric lines and a water main that they needed to avoid for that unit and units 3 and 4. They want to move the care taker house a little closer to the entrance where the road splits and add units 75,76,77,78.

ARTHUR ROSENSHEIN: How much is built?

JAY ZIEGER: Don't know exactly but its very much into construction. Many of the buildings are already up. All the infrastructure are in. I think theyre looking for occupancy.

ARTHUR ROSENSHEIN: I would assume the buildings that are up have already been sold?

JAY ZIEGER: May be under contract, I don't think anything's been sold yet because its still one parcel.

ARTHUR ROSENSHEIN: What are you going to do about the amenities that youre removing? Handball, Basketball, etc.

JAY ZIEGER: In terms of the homeowners?

ARTHUR ROSENSHEIN: Yeah you have sold these homes with amenities to the other people. now youre taking away the amenities.

JAY ZIEGER: We'll have to file an amendment or what were including in the amenities wilt the attorney general and everybody will be buying subject to the offering plan.

ARTHUR ROSENSHEIN: Are you planning to replace them on-site?

JAY ZIEGER: No. the buyers that we have spoken to actually prefer not to have them.

HELEN BUDROCK: What does it do to your lot coverage? I know you said you were within the density calculations but that's a raw gross density calculation.

JAY ZIEGER: I believe they're under lot calculation. They were way under and were only talking about the footprint of two additional buildings. But I can have Glenn indicate that on his map.

HELEN BUDROCK: An exact number would be helpful.

BUCKY LOUCKS: I guess without exact numbers we cant go further tonight.

ARTHUR ROSENSHEIN: No we cant go further. We need reports. I want Helen to review this and tell us what the implications are of this. It's a rather major change.

HELEN BUDROCK: Any implications from a utilities standpoint, water, sewer?

JAY ZIEGER: We didn't see any, Glenn didn't indicate concern.

KEN ELLSWORTH: The utilities are shown as being revised. The only thing I saw missing was a waste water line that comes from the pool but I'm sure Glen has a place to put that. Utilities are set aside from grades and looking at that but I'm sure they work. I looked, Helen can double check, common area, recreation, lot coverage, all those things fall within the guidelines of what they should be doing.

JAY ZIEGER: Again this is a site that can theoretically have 121 units. With this we're at 78.

ARTHUR ROSENSHEIN: How did you determine the buyers weren't interested in the amenities?

JAY ZIEGER: Speaking to them.

ARTHUR ROSENSHEIN: Okay then. Just a little surprised.

JAY ZIEGER: Some of the amenities are important., like the community center and pools.

ARTHUR ROSENSHEIN: I'm speaking from ignorance, I have no idea to know what these groups like or don't like. I'm taking your word.

BUCKY LOUCKS: If you ask me handball is pretty big by them. I could see you coming down the road and wanting a court put in.

JAY ZIEGER: Right now we don't. if eventually they do we'll have to come back and ask for an amendment.

PAULA KAY: Are you going to have to change filings with the state?

JAY ZIEGER: In terms of an offering plan? The plan includes whats in there. I don't know if the offering plan has been filed with the AG or not but it'll have to be filed before they can sell. And in the plan it will disclose whats being offered on the site and right now it doesn't include that basketball or handball court.

MOLLIE MESSENGER: Is there a middle ground? Youre taking away a lot of recreation and there's still room to put recreation in. do they need another community center?

PAULA KAY: Its an extra burden on the towns recreational facilities.

GARY TAVORMINA: What happened to the original 74 homes on each lot?

ARTHUR ROSENSHEIN: They're asking to amend it.

JAY ZIEGER: It wasn't an agreement, Gary, that's what they applied for. They are within zoning to allow what theyre asking for now.

ARTHUR ROSENSHEIN: It was not a bargain, they are not tied to it.

MOLLIE MESSENGER: Does it change anything on the town board aspect? We'll have to pull those papers.

ARTHUR ROSENSHEIN: We need to know the implications which is why we have Helens reports.

JAY ZIEGER: In terms of recreation what would you like to see not removed?

MOLLIE MESSENGER: I think the board is saying to talk to them or submit some sort of letter.

JAY ZIEGER: We don't have buyers committed. They developers want to sell the home and they think removing these would be, for the groups they're talking to, a better marketing than having it in there.

MOLLIE MESSENGER: Is it the developers that want to remove this or the people that want to buy the houses?

JAY ZIEGER: I believe the request is from the home owners.

PAULA KAY: What home owners?

JAY ZIEGER: Not homeowners, potential buyers. The audience they've been talking to.

PAULA KAY: I think you should work with our planner and figure out what is needed. It makes me nervous to see recreation from a development of this nature.

JAY ZIEGER: Again we haven't removed everything, the pools are still there. But I'll speak with them.

ARTHUR ROSENSHEIN: Tell them the board is leery of removing that much from the recreation and see what they want to offer as change.

HELEN BUDROCK: And Jay, correct me if I am wrong, but the removal of the recreational areas is due to the relocation of the caretaker unit. Correct?

JAY ZIEGER: No, I think the caretaker, we think it's a better location.

HELEN BUDROCK: So the other units you said were shifted, it was because of utilities and other things.

JAY ZIEGER: Buried electrical lines and a section of the water main.

ARTHUR ROSENSHEIN: The next meeting will have kens report and maybe Helens and maybe we can clear it all up by then.

HELEN BUDROCK: You'd like me to do a comment memo?

ARTHUR ROSENSHEIN: Yeah.

JAY ZIEGER: In the interim I'll speak with the developer and get you a better response on the recreation issue.

ARTHUR ROSENSHEIN: If you would Jay. Anything else? Meeting is over.