

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

May 12th, 2022

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

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

PUBLIC HEARING:

1. ZIMMERMAN ESTATES – 17-1-14.1/14.2/14.3

- Glenn Smith, Eli Brezel, and Jay Zeiger represented.
- Glenn Smith: This is the newest version of the site plan. This is at the corner of 52 and Zimmerman in Loch Sheldrake. This is a 13 and a half acre parcel. The bottom $\frac{2}{3}$ of the property is in the HR zone. The top third is in the R zone. The proposal is for townhouse development. Both of those zones permit townhouses. The property can support 44 units. What is shown on the plan is 43 townhouse units. There is also a house on the property on the northern part. We left that for the caretaker. The entire property is in the town's sewer district. Over $\frac{2}{3}$ is in the water district. The top $\frac{1}{3}$ is not in the water district. It is my understanding that it would be extended into the district. We have to go to the Town Board. On the front edge of the property is a stream that runs under 52 and goes to this lake. Our proposed roadway will cross that stream. We need a DEC permit. There are 2 entrances on Zimmerman Road. One is on the side of the property. There is an existing driveway for the caretaker home. The zoning requires 100 foot setback from that stream from any building. The proposed roadway to the property is 24 wide and a 35 foot right of way. Parking was shown at 125 spaces. By zoning about 106 spaces are required but that includes of spaces for a small shul building. We will ask for a waiver to reduce the parking down to a more reasonable number. We are showing

2 spaces per unit plus a half space for guests per unit. There is parking around the swimming pools, basketball court, and handball court shown. The second two sheets are reviews of the front of the building that will be facing the road side.

- Arthur Rosenshein: At this point does anyone have questions or comments?
- Mary Adams: I know that Hasbrouck Estates has been almost approved on Hasbrouck A. I have lived there 7 years and it used to be this amazing forest but now there is already a settlement on Zimmerman. You come in there is a house there. You come by and now there is half of that forest gone. It is a perfectly nice development. Neat and tidy. Then there is a house. Then there is this big open space.
- Eli Brezel: This is at the intersection of 52.
- Glenn Smith: Above this is the Eden Woods development.
- Mary Adams: So it is basically going to take up that whole road. It is the same on that side. It is probably the same buildings.
- Jay Zeiger: They are townhouses. Eden Woods are duplexes.
- Mary Adams: What does that look like? Nicer looking?
- Discussion.
- Mary Adams: I just want to say I don't have a problem with the estates. They are quiet, neat, and good neighbors. There is already a whole complex across the street. Then there is the mobile home part. They are going to put a road from Zimmerman to Hasbrouck Estates. The traffic going from that development on 52 is going to be an amusement park. I don't know what it will look like. People are going to come onto that highway and go really fast. I am just amazed we are going to put more density on that road. I really question if this is safe.
- Arthur Rosenshein: This is in Loch Sheldrake.
- Mary Adams: This is. You have Luxor Jr. You have Hasbrouck Estates. And Zimmerman Eden Estates. And you're going to do another one. I just really question the capacity.
- Irv Newmark: At that meeting we asked the engineers about the capacity.
- Mary Adams: They may have capacity for water and sewer but what about traffic?
- Irv Newmark: Traffic is another thing.
- Arthur Rosenshein: They will have a traffic study done. I can tell you what it will say
- Mary Adams: I can too. Then we just wait for an accident.
- Arthur Rosenshein: Unless you can get a professional to say we can't do it we need somebody who can say that.
- Helen Budrock: Did you see the elevations?
- Discussion.
- Arthur Rosenshein: Anybody else?
- Frank Marris: This is a piggyback. Can you please share with us in terms of water use and sewer capacity? It will really be short sighted to only look at the capacity

today. We have to look at the cumulative impact of all the projects. Can you share with us the projection what this will yield?

- Glenn Smith: The sewer pull is based on 110,000 gallons per day per bedroom. There is 35 bedrooms per unit and 43 new units. That projection doesn't change. It may not reach that point but that is the number we have to get approved by this Board.
- Frank Marris: Do you have the total projection?
- Glenn Smith: Off the top of the head no.
- Frank Marris: So there will be an engineer first. Will that be addressed in a Town meeting? Will we have an opportunity to hear that report and comment on it?
- Arthur Rosenshein: Not to comment on but hear it.
- Eli Brezel: Quick math is like 23,000 gallons a day for water and sewer based on the bedrooms.
- Frank Marris: Thank you.
- Arthur Rosenshein: It goes through SEQR. Anybody else? Public hearing is closed.

2. ALADDIN (KIRYAS BIRECH MOSHE) – SBL# 14-1-33.4

- Joel Kohn represented.
- Joel Kohn: This is an existing bungalow colony on Hasbrouck Road. It has about 80 units. It occupies about 36 acres. They are proposing to demolish 2 older bungalows on each side of Hasbrouck Road. They are proposing to replace them on the other side of the road with 2 slightly larger duplex bungalows. It is going to be 60 feet from the road. The proposed duplexes exceed the maximum of 25% that is allowed under zoning for expansion. As far as lot coverage maximum lot coverage for a bungalow colony is 15% and we have 11.81% with the proposed buildings.
- Arthur Rosenshein: Questions?
- Audience: I believe I recall hearing this before. It is in an agricultural zone. There was a decision made here to allow only that much increase in size so that these newer sized bungalow do not become the model for expansion in the future. People will look at these and say they want one like that.
- Arthur Rosenshein: They got ahead of you on that. They went to the Zoning Board of Appeals which they agreed to allow it. That part has taken place. We don't make that decision. The ZBA does. On the other hand they are taking down some old shacks and putting up new buildings. There is an upside.
- Joel Kohn: Right now it is a couple feet apart from the next units. The proposed buildings will meet the required separation.
- Arthur Rosenshein: Anybody else? Public hearing closed.

NEW BUSINESS:

1. HIGH VOLTAGE CAFÉ – SBL# 46-4-23 – Requests final approval for outdoor seating. Zone: MX. Acres: 8.20. Location: 47 Main St., Mountaindale. Cross Roads: Post Hill Rd.

- Sonja represented.
- Mollie Messenger: Sonja is here. You only gave her a 1 year approval. On that decision letter it was a couple of different things. The biggest issue was the fire pits. I sent Sonja an email to see if she had talked to her neighbors and if there was an agreement.
- Sonja: We installed a small fire pit. I spoke with my neighbor today. We spoke when we installed the fire pit last year. My business partner spoke to her personally. She said she does not smell the smoke and is not affected by the smoke. We reopened this year and there was no issues at all. My business Jason had another conversation with Erna. She didn't mention anything about smoke or anything. I would say the agreement was fulfilled last year. I would have to say we have been good neighbors. We fulfilled everything that was asked of us. We spent a lot money on trees and smokeless fire pits. You can come by and see. There is definitely not something that wasn't there last year. We also buy seasoned wood. We don't burn light wood. We store the wood under the tables so it doesn't get wet.
- Mollie Messenger: That is what Sonja has done. Mrs. Hutchinson is on Zoom.
- Bucky Louckes: In the future we should send out a public notice to people that live around there.
- Mollie Messenger: We did a public hearing.
- Erna Hutchinson: We have a few issues. If we hadn't read the paper I wouldn't know they were going for final approval. I think that is an issue that needs to be corrected. The fire has been an issue. This season we have had a big issue with the smell of the smoke. I think the whole process has a problem that in the final approval for this outdoor seating what is this 8.2 thing next to her notification?
- Mollie Messenger: That is just a typo.
- Erna Hutchinson: So you have these typos. What size is their dining area? What is the occupancy? Yes they took down the tree which was dangerous. I know it was an expense. Maybe the smokeless pit they got was inexpensive and not so good because of the money spent but it is not working. I am still having a problem. I think your whole process of giving approval, even the plan from last year there isn't a measurement on there to indicate the size. How many people. Can you get in and out if there is a problem? Sonja did mention gas today. That would be a big expense for them. I do not need anymore gas tanks in that area. I have lost items

in the Livingston Manor gas explosion. We have many gas tanks back there because they heat their buildings with gas. I don't want another gas for their fire because it takes quite a bit of gas to make a decent fire. I am requesting they investigate a better smokeless pit. They have 3 places to make fires. I don't know which one is causing the smoke. They claim they are only using the one that is smokeless but I am getting smoke. Is there any checks and balances? I don't want to put anybody out of business but I want to live and I want it to be safe. The fact that you the Board never got back to me. I called this morning because I was shocked because I was never notified. You notified Sonja to talk to me on the day of the event. There is something with that process.

- Mollie Messenger: We can look into the process but this is not a public hearing. We are letting you speak as a courtesy. We want to hear your opinion. This is not an aggressive meeting.
- Erna Hutchinson: I am not saying it is aggressive. You're saying it is a courtesy. I had a problem last year. You should have the courtesy to speak to me to see if the problem is solved.
- Mollie Messenger: That is why you are here. As far as the actual restaurant and the seating outside that is not the issue. The only issue we are dealing with tonight is the fire pit. That is something Erna brought up last year which is why I thought important to talk about it today. There are a couple of fire pits out there.
- Sonja: I want to clarify. There is only 1 leftover fire pit from last year. We only use the smokeless one. We did not invest into additional ones because we didn't want to run into the issue like we are right now. It was a big expense for us getting that one.
- Mollie Messenger: You did have a couple of fire pits last year. Moving forward you are only going to have one fire pit?
- Sonja: We don't need additional issues with our neighbors.
- Arthur Rosenshein: Can you show us the smokeless fire pit?
- Sonja: I can send you video. It is a metal ring which has a hole as a vent which prevents from the smoke from going up. I am not 100% sure how it works. There are holes on the bottom and it pulls it out. It is called a Solo stove. You can put it on a wooden floor and it doesn't heat up the floor.
- Arthur Rosenshein: We are between 2 people at this point.
- Mollie Messenger: The Solo stoves you can look up online. I own a small Solo stove. They do make larger ones. They do emit a little bit of smoke but it is much different.
- Sonja: We are 500 feet from Erna's building.
- Mollie Messenger: It is much different than a campfire is what I am trying to say.
- Discussion.
- Arthur Rosenshein: Have you had complaints?
- Mollie Messenger: We haven't had any complaints other than Erna Hutchinson.

She is the direct neighbor. She is in the middle of Main Street.

- Sonja: (inaudible)
- Arthur Rosenshein: What is the prevailing wind?
- Sonja: Last year when we didn't have the smokeless fire pit you couldn't sit around without getting blasted in your face with smoke. Now you can sit right by it and you don't smell or feel it. It only produces heat.
- Mollie Messenger: The only other thing we do is opacity tests through DEC. They have a smoke meter for permissible amounts of smoke and the density of it. If you really want to get crazy.
- Sonja: We would totally do it. I am there 3 to 4 times a week. We have the fire from Thursday to Sunday and it is not what it was last year at all. We also have a neighbor who will have fires in the backyard. There is a neighbor 3 houses away from us who has a wood burning stove in his house. He burns anything in it.
- Paul Lucyk: When this originally came up were there other neighbors?
- Mollie Messenger: I don't believe so. Dylan is also on.
- Dylan Harris: I think it could potentially be a good idea about what Mollie mentioned about the smoke. It does sound like a nominal issue and it does beg the question where the smoke is coming from if there are other active fires. It seems like there are more questions than answers. It sounds like the design isn't pouring out smoke that would be filling the neighborhood.
- Arthur Rosenshein: Wood stoves are smoky and burn continuously. It is probable that the wood stove that is doing it.
- Gary Tavormina: You know and I know that a wood stove in the neighborhood can do it. It goes with what way the wind blows. Randomly in the winter time I have smoke in my house. Am I supposed to tell my neighbor you can't heat your house?
- Bucky Louckes: There is a law out there. The DEC says you are allowed to burn certain things. You are allowed to burn as long as it doesn't interfere with someone's health. If that smoke goes into someone's house and she calls the DEC they can shut you down and give you a fine. That is what she has to do.
- Gary Tavormina: The question is it that stove or the neighbors?
- Bucky Louckes: That's what I am saying. She has to go to the DEC. You're not allowed to burn if you're going to affect someone's health. If it is a problem call the DEC.
- Irv Newmark: Is there any way someone from the Town can go there and stand there and see?
- Mollie Messenger: We are not an authority on it.
- Irv Newmark: If you don't smell it.
- Mollie Messenger: We're not an authority on it.
- Irv Newmark: Have them come out there.
- Mollie Messenger: They do and what they do when we have complaints they come out and make a fire. They check the opacity. If it clears the opacity then it isn't an

issue. We can't go out and say it smells or doesn't smell.

- Gary Tavormina: Why don't we do this? Why don't we give her permission to burn in the back and if the neighbor has an issue call the DEC?
- Mollie Messenger: I don't mind making a meeting with the DEC. It doesn't have to be a complaint.
- Gary Tavormina: I am saying if the neighbor is complaining let the neighbor call the DEC.
- Mollie Messenger: I'm not trying to put that on Erna. I don't mind having the meeting.
- Arthur Rosenshein: If we gave an extension can you get that arranged?
- Mollie Messenger: 1 or 2 months depending on their schedule.
- Arthur Rosenshein: With no change to what you are building if we give you another year of extension? Exactly what you are doing will be okay for another year.
- Mollie Messenger: Can I suggest 2 months? Then we are in the summer, we make the decision and we are done. Can I suggest on the July on the meeting?
- Helen Budrock: Do you think you will be able to get them out there before July?
- Mollie Messenger: Why don't we say for the July meeting hopefully we can come back? We will have had the meeting by then. Is that okay?
- Gary Tavormina: No. Why are we pressing the woman who has a business? We don't know if it is her causing the problem.
- Mollie Messenger: We are trying to resolve the issue. If you ask Erna to call the DEC she is just going to call the DEC.
- Arthur Rosenshein: We are setting up a test.
- Gary Tavormina: I gave you the idea. Give the woman the permission to have the stove. Let the neighbor call the DEC and make a complaint and they will resolve it.
- Arthur Rosenshein: I like the idea better that we do a short period of time and get the outside agency and get their opinion.
- Mollie Messenger: I would like to help the neighbor and help Sonja and resolve it.
- Dylan Harris: I think keeping the status quo is the path of least resistance. Bringing the DEC and planning it is the logical way to move forward.
- Sonja: What if we don't get them in by July? Will there be an extension?
- Mollie Messenger: Yes.
- Arthur Rosenshein: We will try to set it up. Let's give an extension until July. No changes in your operation. We will try to get the DEC in.
- Sonja: If there is an issue and they come in and say that it is we will go to propane fire.
- Irv Newmark: You may have to do that because there is no smell at all.
- Arthur Rosenshein: Let's get the outside authority in and see what they say.
- Bucky Louckes: Can you take some videos so we can see the smoke?
- Sonja: I have videos. I have photos.

- Arthur Rosenshein: The problem is we have 2 people with rights. I would make the motion to extend the permit until the end of July.
- Gary Tavormina: And if the DEC can't come in July? Then we extend it and extend it into business season. When do you close down?
- Sonja: November.
- Arthur Rosenshein: I want to get it done. We have a set date that we will push it to get it done.
- Gary Tavormina: You're dealing with the DEC.
 - MOTION:
 - Bucky Louckes motions to approve the extension. Irv Newmark seconds. 1 Board member abstains. All others in favor.

2. CHESTNUT COURT TOWNHOUSES – SBL# 39-1-94/95 – Requests site plan amendment to put small additions on units 16 and 24, keep building near road for use as a caretaker house, revise interior road. Zone: HR. Acres: 8.9. Location: Laurel Ave., South Fallsburg. Cross Road: Laurel Park Rd.

- CCRRep represented.
- Arthur Rosenshein: Helen you are on this one?
- Helen Budrock: I am.
- Arthur Rosenshein: You are adding onto the house?
- CCRRep: As you recall it was a small piece of property between our property and the property next door. We ended up buying the house this way we resolved that problem. There is an existing house that someone was living in. It needs to be fixed up. We would like to salvage that and make it the caretaker house. We would recycle something that is there and make something out of it instead of ripping it down. That is the biggest thing on this thing. We also would like to add a small extension on these 2 buildings. We have a need for a little bit of bigger units. I believe the only thing about moving the road is it is not really moving but because we want to propose saving this house we just have to adjust it.
- Helen Budrock: What was supposed to be the caretaker unit?
- CCRRep: We are not going to build it. We don't plan on building it.
- Helen Budrock: It is still on the site plan. Potential storage?
- CCRRep: It is still on the site plan. I don't plan on doing anything.
- Bucky Louckes: Would you be willing to take off the caretakers house and improving that one there?
- CCRRep: We are not going to have 2 caretakers houses.
- Bucky Louckes: I know but it will become a regular house.
- CCRRep: I'd like to keep the option in case we need some kind of auxiliary building. Right now it will not be a living space.

- Arthur Rosenshein: This building?
- CCRRep: No. This building went to the ZBA for a variance because there was a whole bunch of old buildings in the front. We got a variance to keep the same footprint of an existing building even though it was close to the road.
- Helen Budrock: You got the variance for the caretaker house right?
- CCRRep: We got it.
- Helen Budrock: It is within the setback which is what you got the variance for. Gotya.
- CCRRep: Yes.
- Arthur Rosenshein: The existing house?
- CCRRep: The existing house is here.
- Discussion.
- Mollie Messenger: With this new building it doesn't seem at the corner there is any parking or storage for the caretaker to care of anything.
- CCRRep: We are going to have parking for the caretaker.
- Mollie Messenger: I don't see it shown on the map.
- CCRRep: We will have parking right at his house. I didn't discuss with Mike Reilly but we will put the compactor right behind his house.
- Mollie Messenger: I don't think there is enough room.
- CCRRep: If there isn't I will propose something else.
- Mollie Messenger: That is the beginning of your entrance there. You are going to have your caretaker with the parking. The lawnmowers. The junk. The compactors. It is a lot there.
- Helen Budrock: Are you advocating that the accessory building to be some kind of storage and compactor area there where there is more room?
- Mollie Messenger: The corner is too tight and is not workable right now.
- Arthur Rosenshein: If the accessory building is not using it for the caretaker then the (inaudible) exists?
- CCRRep: When we are at the ZBA it was proposed as the caretaker.
- Arthur Rosenshein: I am just getting the facts.
- Jay Zeiger: When we had this discussion they want to keep it.
- Bucky Louckes: We should ask the lawyer what we should do there.
- Arthur Rosenshein: I think they have to go back to the ZBA to get that change.
- CCRRep: We have no problems. If we want to do something about that area we will go back to the ZBA. If we want to use the building that is there right now and use it as the caretaker and if that means we are absolving that this is no longer as is and if we want to do something we have to go back to the ZBA.
- Arthur Rosenshein: I believe that is the way.
- Dylan Harris: I believe that sounds like a good plan as far as going back to the ZBA and then getting the approvals and you have them depending on what you can fit into the actual site plan. I think that makes sense.

- Arthur Rosenshein: Can we say that when the ZBA approves a use it is that specific use? The ZBA approves a particular item and if you change what that item does it negates the approval correct?
- Dylan Harris: That is how I would view it. If you are getting a variance it is going to be for that specific use. I would agree with that statement.
- Arthur Rosenshein: The additions don't seem to be an issue.
- Helen Budrock: Nope.
- Mollie Messenger: How does that affect the subdivision part? Did you do any of that?
- Helen Budrock: Nope.
- CCRRep: It is all common area. It is all lot.
- Helen Budrock: So the additions are still wholly within the lot and owned by those units?
- CCRRep: Yes.
- Arthur Rosenshein: So we need some details on the lot. There is no real issue using the house that is fine. Get it fixed up that is fine.
- CCRRep: I will ask Mike Reilly to show this detail and how we plan to put the parking spots and the compactor.
- Ken Elsworth: We would like the set to match this revision with the water and sewer.
- Arthur Rosenshein: Anybody on the Board have any issue? No? Okay. Go ahead.
- Jay Zeiger: The project was approved and one of the variances when we went to the ZBA the townhouse law has a provision that there has to be a certain number of affordable housing homes. When we went to the ZBA they concluded that would not apply to this development. There was no provision for affordable housing here. We are kicking around how this is going to be developed. If we go to the Attorney General Ben Gailey on anything we are going to want to show we are in compliance with affordable housing. We went to the Town Board on this issue not at the past meeting but the meeting before that. My partner Ivan raised questions regarding constitutionality of the affordable housing law in general. At the time the Town Attorney was there as well as Mollie. I believe they were of the opinion that this Board rather than deal with that issue they were of the opinion this Board can grant a waiver. Ben had said he discussed that with Dylan and Dylan was in agreement. We are asking this Board for that waiver.
- Helen Budrock: If I am not mistaken you went to the Town Board in regard to Zimmerman not this project. The reason you are asking for a waiver when you received approval there was a determination at the staff level when Paula was the attorney that the affordable housing clause didn't apply because it would be configured as a rental.
- CCRRep: We still don't know. Right now this place is far from being occupied. We are talking to people and trying to find out. Another thing is the cost of building

went up tremendously. The rental income versus the cost of building is very off from two years ago.

- Helen Budrock: You want to give yourself some flexibility that if you decide you would sell the individual lots and units that it doesn't violate anything in the zoning. Does everyone understand the issue? I would also add to it that Mollie asked me to put together a proposal to take a look at the townhouse section of the zoning code. Rework it. Eliminate the affordable housing requirement for townhouses because it is kind of silly to have it attached to a specific type of house and not something that is for the town and to propose an alternate way to incentivize affordable housing that's not tied to a specific type. There is no reason you shouldn't have affordable rental housing and single family detached housing. That is something the Town Board is interested in looking into but for the time being the Town Attorney made the decision that the Planning Board has the discretion to grant that waiver.
- Arthur Rosenshein: I've been discussing this with Dylan. Can you give me your opinion on whether the Planning Board has to the authority to waive this provision?
- Dylan Harris: I think that based on what is actually in the zoning code that it would be something that the ZBA would make the decision and determination on. Or you could go to the Town Board to amend the zoning itself. If we go to 310-61 where the waiver provision is it is for the individual standards for special permitting. That is if you go down to 310-63 that has the individual standards that you can waive. That wouldn't apply to the townhouse law which is a wholly separate section. Furthermore if we were to ignore that and we were to apply it to the townhouse law I think the issue here is that the Town Board has the ability to waive individual standards under special permitting but it has to be in interest of the public health, safety, or general welfare. I don't see how you can get around affordable housing being that something that is good for the public health and welfare of people living in the town.
- Arthur Rosenshein: So translation it belongs to the ZBA not us. If we did have it we probably shouldn't do it because it doesn't meet the criteria for the waiver anyway. It is the opinion of our attorney that it is a ZBA issue and not in the authority of the Planning Board. Anybody have any issue with that? No? Okay. That is what our attorney advised.
- CCRRep: Okay thank you.

3 CAMP ADAS YEREIM – SBL# 12-1-13/21.13 – Requests site plan review to construct an 8,400 SF dormitory building in an existing camp and combine both parcels. Zone: AG. Acres: 46.45. Location: 138 Labaugh Rd. Cross Road: Levine Rd.

- Joel Kohn and Jay Zeiger represented.

- Joel Kohn: This is a summer camp which has been around for over 50 years. They are proposing to add another dormitory building to the site. The lot line behind the camp is part of a camp. Until 2008 this camp was in a zoning that allows summer camps. The zoning has changed since 2008. Now the camp is a nonconforming use therefore we need a variance from ZBA.
- Arthur Rosenshein: Motion to bring Helen and Ken on board.
 - MOTION:
 - Gary Tavormina motions to include Helen Budrock and Ken Elsworth. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: Helen you are in.
- Mollie Messenger: This has been before the Board several times. The last time was 2018 or 2019. They are doing a couple different projects. They had some older manufactured homes that they were trying to keep. They were over 12 years old. They were back to build a couple of buildings. They had to demo a bunch of things. We haven't heard much from them since then. With this new proposal you are buying a piece of land?
- Joel Kohn: This is the site plan from 2018 when we proposed the mikvah. You can see the old buildings. They are gone. That is the property line you see that ran right through the buildings. We are proposing to subdivide that lot line.
- Arthur Rosenshein: How many students?
- Joel Kohn: 75.
- Jay Zeiger: They are adding 35 students. 40 of the 75 are from existing buildings. The population is increasing by 35.
- Joel Kohn: The whole population for the site is 448 occupants on a 45 acre property.
- Helen Budrock: Do you want a comment memo for the next meeting?
- Arthur Rosenshein: I think so. Mollie you looked at this several years ago. Is there anything else we need done?
- Mollie Messenger: We need to check when the last camp inspection was. We need to check the last resolution to make sure everything was completed. It may have been I don't remember off the top of my head. All those approvals we need to make sure they are all set. In the past they had garbage issues but I think we resolved most of that stuff. I don't know with the addition of 35 people if you need to go back to the Department of Health and the DEC to upgrade your water and sewer. If you already have room for them we need all the information that we normally get. All your legends need to say what you are proposing. What you have on there now is just what is there you don't have the additional proposed or the future.
- Joel Kohn: It is existing.
- Mollie Messenger: It is not legible the way it is on your graph.
- Helen Budrock: You want it side by side basically?
- Mollie Messenger: Yeah. You want to take a look at all of that. You are trying to go

as a camp still?

- Joel Kohn: Yes.
- Mollie Messenger: Not as a retreat but as a camp.
- Gary Tavormina: Can I ask a question about the road and accessibility for fire?
- Mollie Messenger: You can ask them. There was supposed to be access at the back of the dining room building because there was a fire there. It was a while ago. I think it was part of that road. I would like to look at the old approvals to see that we are caught up on everything.
- Arthur Rosenshein: Unlisted action?
- Helen Budrock: Yes.
- Arthur Rosenshein: Motion for lead agency?
 - MOTION:
 - Gary Tavormina motions for lead agency. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: That's about it.
- Jay Zeiger: Do you send us to the ZBA?
- Arthur Rosenshein: Motion to deny?
 - MOTION:
 - Gary Tavormina motions to deny. Irv Newmark seconds. ALI in favor.

OLD BUSINESS:

1. SUNNY ICEBERG (METRO ESTATES) - 17-1-39.1/39.3/51.3 – Site plan 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.

- Jacob Billig represented.
- Mollie Messenger: I don't know why it says townhouse they've been doing duplex for the last two times. The agenda is incorrect.

- Arthur Rosenshein: Duplexes it is.
- Jacob Billig: I think we are done. Helen drafted up a neg dec. Dylan drafted up the subdivision and site plan approval. We answered all the Board's questions. The project went through this Board for many months as a townhouse project. When the affordable housing issue came up we converted to duplexes. It was essentially the same project. I think we have answered all of the questions. The Town Board has indicated extending the water district to the back portion of the project. Ben has signed off on the legal cost of the fee. Ralph is working with Ken. We are back in front of the Town Board to finalize the water extension. I would submit we are ready for approval.
- Arthur Rosenshein: Helen do you have the negative dec ready?
- Helen Budrock: Yes I completed the part 2 and part 3 of the EAF for your signature and I have the neg dec resolution. I don't think we need to read it because it is pretty standard.
- Arthur Rosenshein: Just if there are any differences.
- Helen Budrock: Nope. It just states that the application was submitted on such and such a date and that you declared negative dec under SEQR and it is an unlisted action.
- Arthur Rosenshein: Motion?
- Bucky Louckes: What did we do about the school bus stop?
- Arthur Rosenshein: We will talk about that. One thing on my mind at a time. Motion for negative dec?
 - MOTION:
 - Bucky Louckes motions for negative dec. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: You have the negative dec. The next thing is the subdivision. Helen?
- Helen Budrock: Dylan drafted the subdivision and site plan resolutions this time because there were a lot of moving parts. I defer to him about special conditions with those 2 approvals.
- Dylan Harris: The subdivision resolution has the standard conditions that I know Helen has been using and has signed off on before. If we look at the site plan resolution that is where we do have site specific conditions. The first is the as approved for the entire project needs a bedroom count. As approved is 184 which is on the site plan. Under we put in the code section we put 310-5.30A5. The bedroom count in any single duplex unit cannot exceed 6 bedrooms nor may the entire bedroom count exceed 276 which is the amount of units times 6. Then we do have a second site specific condition which is that the actual constructed duplex units and also the commercial building must look and be designed substantially the same as provided in the renderings from JKRP Architects. The date I had in the map coming up was October 27th 2021 so I think we need to update that if there is a newer date on the site plan. Other than that we have the standard

conditions.

- Helen Budrock: I'll need that for the neg dec resolution as well. We just like to make sure it is consistent. The date on the latest set of plans so we know it is referenced in both resolutions. I just want to make sure it is accurate.
- Arthur Rosenshein: We will do the subdivision first.
- Helen Budrock: They are two separate resolutions correct?
- Dylan Harris: Correct.
- Arthur Rosenshein: Do I have a motion for subdivision approval?
- Arthur Rosenshein: Any comments?
- Helen Budrock: That includes the lot line adjustment. That is all done as one action.
- Gary Tavormina: There is low water pressure in Loch Sheldrake.
- Jacob Billig: We have had conversations with Ken Elsworth about a pump station at the entrance.
- Gary Tavormina: I want to know that development will have water.
- Jacob Billig: We have raised that issue.
 - MOTION:
 - Bucky Louckes motions for subdivision approval. Irv Newmark seconds. All in favor.
- Arthur Rosenshein: So you have the subdivision. Now as far as the bus is concerned.
- Jacob Billig: We did move. It is C101. We did have some conversations with the fire department. The survey going out will be changed slightly.
- Arthur Rosenshein: Have you had the bedroom count on the map?
- Jacob Billig: Yes. We did have a chart. C101 is the map.
- Arthur Rosenshein: You have the number 184 on there?
- Jacob Billig: The max bedroom per unit is not on here. As Dylan said we can't go over 6 per unit.
- Mollie Messenger: You'll want to put all of that on the site plan. If you put 184 and they stamp it then you only get 184. You need to add those notes to the site plan.
- Jacob Billig: We can have as designed or allowed by code.
- Mollie Messenger: Or per resolution.
- Arthur Rosenshein: The map will need a new date right Helen?
- Helen Budrock: Yes whatever the date is of the final resolution. Let us know and we will make sure the dates are consistent.
- Arthur Rosenshein: With that motion for site plan approval?
 - MOTION:
 - Bucky Louckes motions for approval. Irv Newmark seconds. All in favor.
- Jacob Billig: The resolution was proposed.
- Arthur Rosenshein: I thought we separated that.
- Helen Budrock: No for SEQR it needs to be all one project to avoid segmentation.
- Arthur Rosenshein: I am not against it but I want to make sure it is in the record.

- Mollie Messenger: There probably shouldn't have been two different resolutions because there are 2 different actions going on there. I think you filed 3 applications.
- Jacob Billig: They asked us to file 3 but in order to segment the review it should be 1 SEQR resolution. With respect to the site plan resolution we referenced the entire project in the resolution. The residential and the commercial. The neg dec there are no impacts. Traffic is no impact. No additional water impacts. That is why everything was done as one package.
- Mollie Messenger: How are they linked together? As far as site plan they are going to be subdivided. The commercial never gets built. In theory. Somebody else comes in is that site plan vested under one common plan and one resolution?
- Jacob Billig: As long as it meets criteria in the code. Vested rights are you have to have substantial construction. There has to be a plan and some level of construction.
- Mollie Messenger: Once you separate the parcels does that carry through?
- Jacob Billig: Assuming the zoning changes. If the zoning never changes the answer is you are vested. If somehow the zoning changes that owner of the property would have to come back and deal with those changes. This particular owner moves enough dirt to meet the standard of substantial construction then their rights are vested.
- Mollie Messenger: But they are separate parcels now.
- Jacob Billig: Yes but it would still apply even though it is one resolution. If all of the townhouses are built, the office is never built, the zoning changes then that approval doesn't vest. If the zoning is the same it is the same approval.
- Arthur Rosenshein: You are saying we are tying them together will vest.
- Jacob Billig: It will not vest the office. That can be on the record. They are different parcels.
- Arthur Rosenshein: I understand that. We tied them together and I wasn't sure what that meant.
- Jacob Billig: They are separate parcels. Even though we are doing it as one resolution. If the zoning changes and he doesn't build anything he doesn't meet substantial construction.
- Arthur Rosenshein: Also there is a determination date on the site plan of 2 years. If in 2 years he hasn't built it?
- Jacob Billig: He has to come back here. If the zoning hasn't changed we believe it would be a relatively easy process to reapprove. If the zoning changes and he hasn't done anything in those 2 years the developer takes a chance.
- Mollie Messenger: Dylan if you are in agreement I am going to need all of that in the resolution.
- Dylan Harris: I do agree with that. My thought process was we want to see everything built at once so keeping it in the same resolution we are moving toward that goal.

- Jacob Billig: I don't have a problem. If there is any dispute as we are working we can go back in front of you to resolve it. We are all on the same page.
- Mollie Messenger: We would love it to be but that never happens. We need to make sure we have all the language.
- Jacob Billig: Yes we agree. These will also be differently financed. They are 2 different projects.
- Arthur Rosenshein: It seems they are going to hold both on the site plan. I think we are entitled to see that. I want to hold off the vote on the site plan.
- Jacob Billig: What is your main reason?
- Arthur Rosenshein: I want to see it in writing that everything is there. We have no problem we just went through this. We want the two year limit, all of that we need to have it made clear.
- Bucky Louckes: Originally you guys came here for I believe it was these houses here. Now we are in 2 years and we're not getting that now.
- Jacob Billig: If the project is financed he is breaking ground. In order to get financing we need municipal approval. That is the first step. With respect to holding off I would submit that as long as those few items are added to the resolution that Dylan can draft, we agree with it, it is not inconsistent with what you voted on and we are trying to avoid coming back.
- Arthur Rosenshein: What I am saying at this point the resolution is not a standard resolution. I would personally like to read it before voting on it.
- Jacob Billig: The only thing I would submit to you is that the 2 year issue is in the code. Whether it is in the resolution or not we are bound.
- Arthur Rosenshein: We are voting them together I want to be clear on what we have. That's the only thing.
- Jacob Billig: All I can say is that if both lots were built, the residential and the commercial, it is a nonissue. If the commercial is not built and they don't do anything for 2 years they have to come back. It is the jurisdiction by code.
- Arthur Rosenshein: What would happen if we simply voted on the residential tonight and held off the other one for next meeting?
- Jacob Billig: The honest answer is I will take what I can get.
- Arthur Rosenshein: We have dealt with that. The next part is complicated.
- Jacob Billig: If the Board is comfortable approving the residential we can follow the Board's wishes. I am sure over the next week or two Dylan and I will agree on the language and run it by you and any other Board members. That will make it complete for next month.
- Arthur Rosenshein: Anybody else have any comments? We will vote on the bedroom plan.
- Helen Budrock: Dylan is there any downside to having them vote on 2 separate resolutions? Just for site plan?
- Dylan Harris: I think logistically it is not even anymore difficult. Splitting them up

shouldn't cause any issues.

- Arthur Rosenshein: Motion to approve the site plan for the residential section for Metro Estates.
 - MOTION:
 - Bucky Louckes motions to approve the residential section. Irv Newmark seconds. All in favor.

2. ALADDIN (KIRYAS BIRECH MOSHE) – SBL# 14-1-33.4 – Requests conceptual review to demolish and relocate two existing duplexes. Zone: R/AG. Acres: 36.08. Location: 223 Hasbrouck Dr., Woodbourne. Cross Roads: Chalet Vim Rd.

- Joel Kohn represented.
- Arthur Rosenshein: This is a type 2 action I believe. Basically does anybody sees a problem with the ZBA approval? Mollie?
- Mollie Messenger: Keystone has a bunch of technical comments. Aladdin unfortunately is a very aging community. I was requesting that we do another review of all of the buildings. The M section and some of the other sections need some attention and or need to be condemned or a renovation plan needs to be done. They have done a good job. They redid the shul. They finally redid the Alibaba. We still have a boatload of parking issues on Hasbrouck Road. We had put the signs out but when we put the signs out all the kids swing around on them.
- Arthur Rosenshein: They don't use the parking?
- Mollie Messenger: Probably both. They don't use the parking they have. We have been trying to work with highway. We need a more secure method. Bucky you travel through there all the time. Am I mistaken?
- Bucky Louckes: You're not mistaken. Ripping those 2 buildings down eliminated about 5 cars off the road because that was the 5 laziest people there.
- Mollie Messenger: We suggest that the demo permits and the buildings get demolished prior to the permits for the new building obviously. I would like them to hire someone to go through and notify us of substantial issues. Things that need to be corrected. And maybe the next buildings you are taking down.
- Arthur Rosenshein: So somewhere in the motion they pay somebody to do that.
- Mollie Messenger: Correct. It is extensive. I need 2 more code enforcement officers if anybody is looking for a job.
- Arthur Rosenshein: We will include in the motion that there will be no building permits until the 2 buildings are removed. They can't start building until they get rid of the others. Also the safety review.

- Joel Kohn: Which section?
- Mollie Messenger: The whole place.
- Bucky Louckes: Besides the new buildings.
- Arthur Rosenshein: As far as the parking they went differently than we wanted. They don't pay attention to it.
- Mollie Messenger: We would like them to be put back up and secured.
- Bucky Louckes: They could drill a hole into it and put a Phillips head so they don't swing. That was the original design. The parking signs so they don't swing.
- Arthur Rosenshein: With those provisions motion for site plan approval?
 - MOTION:
 - Bucky Louckes motions for conditional approval. Gary Tavormina seconds. All in favor.

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

- Glenn Smith, Eli Brezel, and Jay Zeiger represented.
- Glenn Smith: We plan to finish up the SWPP. I think we need lead agency. That wasn't done at the prior meeting. It was a conceptual meeting at the time.
- Arthur Rosenshein: Motion for lead agency unlisted action?
 - MOTION:
 - Irv Newmark motions for lead agency. Bucky Louckes seconds. All in favor.
- Arthur Rosenshein: The question of the 10%.
- Jay Zeiger: The affordable housing law.
- Arthur Rosenshein: Hopefully the Town Board will (inaudible)
- Eli Brezel: Most of this happens with government funding. That is the only way it can really work. There are grants. That is the only way it can really work. The whole complex is affordable housing and that's the way they can afford to do it. A lot of government assistance.
- Helen Budrock: What a lot of communities do to incentivize it is if you have other certain percentages or all is affordable you get a density bonus. It is a very simple way to do it that way it doesn't matter what type of housing it is.
- Discussion
- Bucky Louckes: It happens all the time. What happens is 2 years from now when they can't rent it out to seniors and stuff like that it goes to regular. It has been a nightmare. Go to Ellenville and ask them.
- Helen Budrock: I have a proposal for the Town Board. Hopefully it will be addressed.

- Jay Zeiger: They need to address it quickly because there is a bunch of townhouse projects. Simple resolution of the Town Board for an amendment to the townhouse law. Just eliminate the affordable housing component.
- Helen Budrock: I agree with you. It sounds like the Town Board doesn't want to eliminate that until they have something else in place to take its place. They feel affordable housing is important.
- Mollie Messenger: It will take longer to revamp the law. You should just go to the Zoning Board.
- Helen Budrock: We will try to make it fast.
- Mollie Messenger: It will not be fast. Nothing in government is fast.
- Arthur Rosenshein: There is one home next to it. Is that inhabited.
- Glenn Smith: It is owned by Penny Burger from Hurleyville.
- Eli Brezel: I never see anybody there.
- Helen Budrock: They were noticed.
- Gary Tavormina: Let me ask the same question. Are you going to need a pressure tank for the water?
- Glenn Smith: We will study that as part of the water review.
- Gary Tavormina: Okay. All last summer it was very low pressure there. It is just something to consider.
- Glenn Smith: The zoning for townhouses requires a 20 foot vegetative buffer along the side and rear property line which isn't very much. It is wooded now.
- Arthur Rosenshein: Anything you can do would be great.
- Glenn Smith: There are trees all along there.
- Arthur Rosenshein: Anybody else have anything to add?
- Bucky Louckes: Did you send this to the fire company?
- Glenn Smith: To Loch Sheldrake of course.

4. UTA OF KIRYAS JOEL – SBL# 36-1-52.1 - Requests site plan review to construct an 80 x100 recreation building. Zone: R. Acres: 112.52. Location: 224 Pleasant Valley Rd., So. Fallsburg. Cross Roads: Brickman Rd.

- Joel Kohn and Jay Zeiger represented.
- Joel Kohn: We met with the chairman of the Planning Board, Mollie, Helen, the superintendent, Mike Reilly. We walked down from UTA to almost the intersection where the next camp is. Do you want to speak on it? You give a different version of it.
- Helen Budrock: I hope not. That was the purpose of meeting in the field.
- Joel Kohn: The consensus was that the Town would like to see a four foot shoulder extended toward the property line toward the houses on Pleasant Valley Road so

the kids can walk on that shoulder. They want UTA to provide for the cost of the material and the Town will provide the labor. The town Highway Department will not do the labor so we have to figure out who will do what.

- Mollie Messenger: Joel made a fatal error and told me how much they were willing to give then sent me a proposal today. We are working on a couple things. We have to figure out logistics with timing and doing that. Haiden looked at different things. We have to take some trees down. There is a little bit of drainage. It is a little bit more work. It is something that the Town can work out with Joel and move forward. I think we are in agreement it makes the most sense for UTA to do all of it and figure out the finances after.
- Arthur Rosenshein: How about the building? Any issues with it?
- Mollie Messenger: I don't think so. You moved everything into the water district right?
- Joel Kohn: That one is outside.
- Arthur Rosenshein: How about we go to approval of the site plan for the 80 by 100 recreation building signature pending resolution of the walking path?
- Jay Zeiger: Approval conditioned on the zoning.
- Helen Budrock: Once you guys come to a resolution it should be in writing.
- Mollie Messenger: Mr. Chairman I am meeting with Joel Monday afternoon because we want to get this resolved as fast as we can. If you want to be part of that meeting. Really it is just logistics at this point.
- Arthur Rosenshein: I just want to make sure it is nailed down prior to it disappearing. Alright site plan approval with the condition that the pathway is nailed down and unchangeable, we get what we want.
- Helen Budrock: In writing.
- Arthur Rosenshein: Motion?
 - MOTION:
 - Bucky Louckes motions for conditional approval. Irv Newmark seconds. All in favor.

5. 1302/1308 ROUTE 52 REALTY – SBL# 17-1-51.2 – Requests site plan review to convert the existing carwash to an urgent care, convert the existing restaurant to a roller rink and add 10,000 square foot addition to roller rink. Zone: B. Acres: 8.97. Location: 1302 & 1308 SR 52, Loch Sheldrake. Cross Roads: Divine Corners Rd.

- 1308Rep and David Rose represented.
- 1308Rep: We have S9. We have the (inaudible) of our plans.

- Helen Budrock: I guess 2 things on landscaping. I made a comment about the Japanese barberry is invasive and should be removed.
- 1308Rep: We put in alternatives for that.
- Helen Budrock: I can't pull up but can you look at the landscaping plan that was submitted and make sure of that?
- Arthur Rosenshein: I can't make heads or tails of it. This is a nice general drawing. We don't know where anything is
- Helen Budrock: It is on the plan as far as where it is on the site. The problem is the plans are very hard to interpret. Looking at the landscaping plan you still have barberry. You have pygmy and golden barberry.
- Arthur Rosenshein: I don't understand what you mean.
- Helen Budrock: Let me see if I can bring it up. Look at the screen.
- 1308Rep: These are the two beds that are on the details. This is part of the site plan.
- Arthur Rosenshein: Your diagram refers to?
- 1308Rep: The two beds that will be there.
- Helen Budrock: Is there a reason you didn't follow up with Sullivan Renaissance? That was one of the recommendations. They will do a free consultation and basically provide you with a plant list and suggestions. Is that something that you are open to?
- 1308Rep: I called them and asked them to get back to me.
- Helen Budrock: I checked with them today and nobody called.
- 1308Rep: Okay. Then we have the rendering of what is going on with the site plan.
- Mollie Messenger: Just to back up with the landscaping plan. These planters you have on the building I don't think are on the site plan either. Each one of those planters need to be on there and you need a planting diagram. They are not your site plan either. They don't jive together.
- 1308Rep: Those are supposed to be potted plants so they can be removed. They will be seasonal.
- Mollie Messenger: You're going to put that many planters in and out every year?
- Helen Budrock: You're talking about in front of the building?
- Mollie Messenger: Also not a good idea.
- Bucky Louckes: You're right you don't have to do it so the next person doesn't have to either.
- 1308Rep: The sidewalk is a 12 foot sidewalk. It goes to the parking lot and it is preexisting.
- Helen Budrock: Why would you have to remove the planters in the winter for snow if you have a 12 foot wide sidewalk?
- Irv Newmark: Especially if it is evergreen and stuff like that.
- Mollie Messenger: That is all part of the landscaping plan. We have to go back and enforce that. This Board says this is the pretty picture we have. Then the Building

Department says you didn't plan it correctly. That is why everything has to be cohesive. All those details have to be added.

- 1308Rep: Okay.
- Irv Newmark: Try to get with the other people. Try to get something that the deer don't like to eat as much.
- Helen Budrock: That was one of the comments. The arborvitae is deer food and will not last.
- 1308Rep: Do you have anything specific?
- Helen Budrock: That's why I referred you to Sullivan Renaissance.
- 1308Rep: Just them?
- Helen Budrock: I don't understand what you're requesting.
- 1308Rep: Dylan are we specifically requested a consultant by the Town Board?
- Dylan Harris: They're not a consultant. They are nonprofit.
- Helen Budrock: They will do a free site visit and consultant. All you have to do is call them. I explained at the last meeting they may give you money if you call them.
- Dylan Harris: It is a not for profit. They are not connected to the Board. This is a recommendation to make your life easier because this person has plenty of experience in the area and knows what you will need here.
- 1308Rep: Okay we understand completely. That was one question our applicant had was why. You wanted to know specifically what (inaudible). We don't have those. Those are 10 spaces. They have to get Board signed approval.
- Helen Budrock: Is there any reason why you're married to the internally lined channel signage? Would you be open to alternatives?
- 1308Rep: Absolutely. Whatever the Board would like to recommend.
- Helen Budrock: Help me out here Arthur. Are you guys happy with the rendering? Are you willing to accept it as it is? Do you want them to go back to the drawing board? What is it that you like or don't like?
- Arthur Rosenshein: I am going to read a section of the site plan law. It talks about floor plans and building elevations with exterior finish materials specifications. Colored samples. Description of all roof, floor, and exterior details to be reviewed by the Planning Board architect. We are looking for detail. What is it made of. What are the colors going to be. We need something enforceable.
- 1308Rep: We currently have concrete blocks.
- Bucky Louckes: What color?
- 1308Rep: Gray.
- Arthur Rosenshein: We need a description so we know what have. I am not sure how we will about cement blocks with paint. Here is my issue. There wasn't a single thing done to it. Now when we get it we want to make sure we get something decent we can enforce it. I am not sure it is acceptable to put cement block with paint. That is not going to weather well.
- Irv Newmark: The paint will peel off.

- David Rose: I believe that we have it addressed on a sheet which calls for stucco in the siding making the color gray. It is on one of the detail sheets.
- Arthur Rosenshein: To put up a building with the visuals of a cement bottom.
- Irv Newmark: Stucco on the whole front.
- Discussion.
- 1308Rep: That was a discussion at one of the meetings. The owner has instructed us to have the infill done.
- Discussion.
- 1308Rep: We had changed the colors from white to gray.
- Bucky Louckes: You have this anywhere on your file?
- Helen Budrock: I don't have the entire plan set on here. Let's see. SP9. We have the landscaping. I have detail 6 on mine.
- 1308Rep: It is on one of the sheets that we did. We had stucco originally with the infill.
- Mollie Messenger: What are they trying to find?
- Helen Budrock: There was some note that it was going to be stucco.
- Bucky Louckes: That they changed it from white to gray.
- Mollie Messenger: Arthur. I think what it comes down to is like we talked about before. The landscaping plan needs some work. The elevations need some work. The overall site plan, what the buildings will be, the extra addition, the circulation. I really need to move these guys out of the Planning Board and either deal with independent consultants on some of these things because having them come back over and over doesn't seem to be helping. Maybe on the staff level I need to directly put them with people who may be able to put them in the right direction. I don't know if you want to handle it at this Board or if you want to handle it at the architectural or what you are looking to do.
- Arthur Rosenshein: Do it on the staff level assuming the Board agrees. Bring it to the architectural consultant. Bring it back to us for a vote so we have everything laid out. The fact that we're having trouble finding it is an indicator.
- Mollie Messenger: One of my questions would be I know they are trying to get some renovations done here. The last time I talked to Tom he said he had not started the drawings yet.
- Arthur Rosenshein: I think you need an interior inspection.
- Mollie Messenger: I think you gave them approval to start the roof but I don't think that started yet either.
- Bucky Louckes: There's nothing there yet. The windows are still broken out.
- Mollie Messenger: You guys were pushing to have the roof fixed.
- David Rose: Again it goes back to the owner.
- Bucky Louckes: You don't need a permit for that.
- David Rose: On the car wash building that is all interior work. The only additional change on the car wash is five parking spaces that were added for the handicap.

The existing building has 2 phases. Kirk wanted work on the other building.

- Mollie Messenger: They've wanted to work on whatever you're using as the roller skating rink for months now. They begged and begged and I told them to come to the Planning Board. If they wanted to put the roof on then the Planning Board may allow them to work on this project before the new roof which was agreed on last month. We still don't have a building permit for that and I don't have any drawings or any interior feature. I don't know how that roof has to be constructed.
- 1308Rep: They had 2 rolls of material to do the repairs. It is in short supply. They are trying to obtain that material.
- Bucky Louckes: What kind of material?
- 1308Rep: EDPM.
- Bucky Louckes: There is a shortage?
- 1308Rep: They are trying to get ahold of that. That's the last conversation I had about that.
- Mollie Messenger: To back all of that up you don't have a permit to do any of that work anyway because nobody applied for that anyway.
- 1308Rep: Right. The owner wants to do it all at once with the interior work.
- Mollie Messenger: Just to be clear you've done no drawings for the interior.
- 1308Rep: You do have the interior. It is on your architectural sub plans.
- Mollie Messenger: No it is not.
- 1308Rep: Inside the packet there is the interior layout.
- Mollie Messenger: There is a layout but no real drawings.
- 1308Rep: We can submit that to you. We can't work on it until we get site plan approval.
- Mollie Messenger: For the third time everybody said please go fix the roof. I said come to the Planning Board to see if they will let you work on the building while you are in site plan review because it was in dire need. I called Tom. I talked to him about it. He said he has not done the interior work to know what needs to be done on the building. I asked how you are reframing and closing the roof if you don't know how the interior will be done. That's where we left it off. Now you have a layout plan in here which is no good for a building permit.
- 1308Rep: We have a separate package for that.
- Mollie Messenger: Which is finally started?
- 1308Rep: Yes.
- Mollie Messenger: All I am saying is what you guys are saying here, and the conversations with the owner, and the different conversations and people that are calling the Board is getting frustrated. We are trying desperately to move you guys along. We would love nothing more to have this building revitalized and used and to look nice. For whatever reason we keep tripping. We need to get you guys to a point where it is a building that will look nice from the road, it is going to have the landscaping plan, something enforceable and then we can move forward. If you

have a building permit package I'd love to see what it looks like. I want the roof closed. We need to get some of this stuff taken care. There is not a prayer you are opening for the summer. You can't be. You have some time to work on this. I would love to see it not at this Board anymore.

- Helen Budrock: I was asked to draft up a site plan approval with conditions. If you get conditional site plan approval now does that mean you that as far as you are concerned you can move ahead with all the interior stuff without roadblocks?
- 1308Rep: Absolutely. That is one of the things they are adamant about. He doesn't want to spend a dime more without approval.
- Helen Budrock: So in addition to standard conditions the site specific conditions we have are Chairman signature pending receipt of an acceptable landscaping plan in accordance with a 310-7.4G of the zoning law with final approval by the Town Planner. The applicant is strongly encouraged to contact Sullivan Renaissance for a complimentary consultation and site visit before submitting updated landscaping plans. Two, Chairman signature pending the receipt of updated facade and signage designs in accordance with 310-7.4D3 of the zoning law with final approval by the Town staff and architectural consultants. That means you can start interior work but we want you to work with the Town's architectural consultant to refine the facade renderings.
- 1308Rep: And the elevations.
- Helen Budrock: Right. The signage could be improved. A lot of things could be improved. It is a good start but I think the Board is in consensus that there are improvements that could be made.
- Mollie Messenger: Chairman signature is fine as far as the site plan but it probably should reference something as in certificate of occupancy.
- Helen Budrock: That is number 3. Certificate of occupancy pending completion of the facade, signage, and landscaping and verification by Town staff that the work is consistent with the approved designs.
- 1308Rep: So he can't occupy it before. Got it.
- Helen Budrock: So you can get started on the interior. Work with Town staff on the landscaping and outside stuff to make sure it won't look like crap.
- Arthur Rosenshein: We are trying to give him something.
- Helen Budrock: Is there a way we can be in contact with your client?
- 1308Rep: I can get ahold of Mollie to set up a Thursday planning.
- Helen Budrock: We can do a Zoom work session with him. That is all I have.
- Bucky Louckes: Have the windows fixed. It is an unsafe building.
- Gary Tavormina: Sweeping up the glass is not securing the building.
- Mollie Messenger: You and your client have been disagreeing for some time. I get a story from him and then a story from you. I don't know what the issues are but yes you need to go back and tell your client he needs to take care of these.
- Arthur Rosenshein: So we are approving what you want to do but unless you give

us the right paperwork you can't have it.

- 1308Rep: If we are doing additional and doing work on the interior then the exterior is included in that. Those windows and glass have to come out anyway.
- Arthur Rosenshein: You can't just board them up.
- Discussion.
- Bucky Louckes: So this is all under control?
- Helen Budrock: Does anyone want to make a motion with the conditional site plan approval with the 3 conditions I mentioned?
- Bucky Louckes: They are going to come back here for the final?
- Helen Budrock: The landscaping and the rendering but then they will be back here.
- Bucky Louckes: We will get to see the last look through this?
- Helen Budrock: Yes.
 - MOTION:
 - Bucky Louckes motions for conditional site plan approval. Irv Newmark seconds. All in favor.