

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

July 14th, 2022

In attendance: Arthur Rosenshein, Chairman, Irv Newmark, Bucky Louckes, Gary Tavormina, Cody Vegliante, Paul Lucyk, Planning Board Members, Mollie Messenger, Code Enforcement, Helen Budrock, Town Planners, Phil Giamportone, Town Attorney

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

PUBLIC HEARING:

Arthur Rosenshein: To the developing community please be aware that the Town of Fallsburg Planning Board will continue to review all applications on the merits based on the Town of Fallsburg zoning code. The Planning Board approval does not guarantee the issuance of a water and sewer permit from the Department of Public Works. The current and future constraints on both the water and sewer system which were discussed during public comments at a joint Town, Zoning, and Planning Board meeting on May 9th 2022 about water and sewer connections applications will be accepted or denied based on the then existing facts and circumstances. Each application may make a connection or extension to the Town of Fallsburg water or sewer system to be reviewed by the Town engineer and will be guided by the Town engineer for the town safety and welfare. Publicly available information has been posted at the Department of Public Works for public viewing. The Town Board is taking measures to address the water and

sewer capacity issues. In other words just because you have approval does not mean they can go or should go ahead. It is at their own risk.

1. IRVINGTON ESTATES JUNIOR SITE PLAN– SBL# 56-1-8.1/9/13.1

- Joel Kohn and Mike Reilly represented.
- Mollie Messenger: Irvington and Elm Shade are here. The 300 foot notice might not spread to the other condos in that development because it is a long development. We have to check it but I think we will be okay.
- Joel Kohn: This is a 5.6 acre parcel. It is on Route 42. The proposed project was a four lot subdivision. It was originally a 5 lot subdivision. We removed that because of the wetlands. The other lots will be single family homes. The fourth lot will be a separate 40 acre parcel which will be a development. We will appoint this road with an entrance across from Willow Height Road. There is an existing driveway which will be operating. The project is within the town water and sewer. Hopefully it will be served by the town water and sewer. Lead agencies were separated a month ago.
- Arthur Rosenshein: Does anybody have a question or comment?
- Gary Resnick: How is the project going to be accessible? My family and I own the house nearby. Across the street is wetland. Behind the house is wetland. How are you going to rectify that?
- Joel Kohn: There is a total of 2.47 acre of wetlands. The lots are designed that you can have the house and it will be outside. The town always has site plan approval.
- John Resnick: You are going to go straight up the hill to that development? During severe weather I have runoff from that hill.
- Joel Kohn: The road will not go into that development at all.
- Mollie Messenger: What's the address?
- John Resnick: 2. I called last year when we had run off. Water was gushing straight down from that development. I am trying to be cool and polite.
- Arthur Rosenshein: Have you notified the town about the runoff?
- John Resnick: Yes. Last year they sent somebody out.
- Mollie Messenger: There was a bunch of work done on Gamble Road. The next road over when they did a bunch of things. We will look back into that.
- Gary Resnick: That is going to increase the traffic.
- Arthur Rosenshein: There will be 3 lots?
- Joel Kohn: Yes 3 lots. No access to this project.
- Helen Budrock: Can you clarify the subdivision with those 3 lots? You're not building houses on those three lots. You are subdividing and then you will sell it

for somebody else?

- Joel Kohn: Someone will (inaudible)
- Helen Budrock: The proposal to build is the duplex the other 3 lots were put on the market to whoever wants to buy them.
- Arthur Rosenshein: Anybody else?
- Mary Adams: I am trying to understand a little bit more. You said three houses but then down here on old business it is saying 10 units duplex project. Which will mean how many people? It is usually 8 people per unit. What is 160 people coming onto that road?
- Joel Kohn: Right now it is just being subdivided into 4 lots. It is currently three lots. Those three lots could potentially have one single family home. They will have access from one road. They are in the zoning district of half an acre. We just looking for 4 subdivisions on this road. The fourth lot will not have access from this road. The fourth lot is a separate component with a site plan with proposed 20 developments. They will have access to the driveway. That will go through that development of 20 units.
- Mary Adams: I guess my question is giving consideration to water right now. It is a proposal for 20 more units. They are on the agenda for up to 94 units. When do we start to make decision of limiting the use or bringing in more water? More sewage? I heard 4 sirens over the weekend from the fire department. With such limited amounts of water are they having problems with fire and water usage? This doesn't look like a very big project and yet it is one more demand on the water from Fallsburg which is already stretched. I am just wondering about that.
- Gary Resnick: It is not only a demand on the sewers. Infrastructurally. Narrow roads are crumbling in addition to the potential for accidents. My wife and I almost experienced a life threatening experience coming down (inaudible) which is a dead end street. These developments are starting to really strain on all of the residents that live here year round including myself, and my wife, and neighbors. It is getting to the point where I have no water because of what is going on. Don't try to play the racist card or the bigot card. I am Jewish. Enough is enough. It is to the point now where most residents are selling houses and getting out of here. You don't know what will happen down the road. It is already over developed. Enough is enough.
- Arthur Rosenshein: The Planning Board doesn't make that decision. The Town Board does. We are interpreting the rules the Town Board sets. If the Town Board sets a rule we will enforce it. We don't have the authority to say we don't like the project. It is not how we do it. What we do is ask the applicants to report. We don't have anything to overturn this.
- Mollie Messenger: I just want to reiterate the reason that the chairman the at risk statement at the beginning is because the Town Board put the at risk statement into the agenda on the Town Board agenda. We have put it out there. Everyone

who is coming to the Planning Board is spending money at their own risk. They have more than a right to come here. They have the right to have their projects reviewed. They have the right to get a conditional approval. However what that statement says is when they get ready to do construction if there is not capacity and we aren't able to connect them then they will not be able to build. Please understand we are well aware of what is happening with the capacity. The developers have a right to come and at their own risk spend their money to do their project. At the point of construction they may not be able to build.

- Gary Resnick: I am all about transparency. We also have the right to defend our town. There are some residents that are ready to fight.
- Mollie Messenger: Everyone is able to speak their peace and concerns.
- Helen Budrock: That is the point of the hearings.
- Allan Hurtz: I have a couple questions. My question is how secure are we that there is adequate (inaudible)? There is a lot of forestation there right now. That is one of the things we like about this place.
- Joel Kohn: Elm Shades has 0 buffer. All of the forest there is from this property.
- Helen Budrock: The zoning code specifically says that the existing vegetation shall remain undisturbed within that buffer.
- Allan Hurtz: I remember that there was deforestation.
- Helen Budrock: It becomes an enforcement thing.
- Allan Hurtz: If I am not mistaken there is an adjacent project. My question is this one in the same? Thank you for your time.
- Arthur Rosenshein: Can you give us the before and after on the buffer?
- Allan Hurtz: You can see trees from our road. We took a drone above it.
- Discussion.
- Allan Hurtz: They stated it exists here.
- Arthur Rosenshein: Thank you.
- David Cass: I just want to follow up. There is deforestation occurring. My question is it this Board's job to monitor preconstruction?
- Helen Budrock: That's the role of the building department.
- David Cass: I am asking from a regulatory standpoint. How do we make sure what is being said is what is being done?
- Helen Budrock: The code says it needs to be maintained. That is what the Code Enforcement is there to do. Make sure they adhere to the codes on the books.
- Arthur Rosenshein: Anyone else?
- Discussion.
- Allan Hurtz: The reason I ask that question is to make sure the Board and the Building Department that there is no engineering done with the lots. Whatever the individual regulations are versus working with some massive plan. I am asking the appropriate authorities to look at these plans. Look to see if there is anything else that might be happening here.

- Arthur Rosenshein: Because there are so many wetlands they can't touch them.
- Allan Hurtz: I hear what you are saying and that is excellent. I am saying let's take the 3 proposed individual lots, the 20 duplexes, and the swath of the (inaudible) area. Imagine it. If that was presented in aggregate instead of piecemeal would there be a different result? That is what I am saying.
- Arthur Rosenshein: Okay. Public hearing is closed.
- Mollie Messenger: Is that for the site plan and the subdivision?
- Arthur Rosenshein:

2. IRVINGTON ESTATES JUNIOR SUB-DIVISION – SBL# 56-1-8.1/9-13.1

- Application heard as part of item 1

3. FORMAGGIO – SBL# 11-1-22

- Mike Reilly represented.
- Mike Reilly: We were here before you about a year ago with what is in yellow. This is a proposed 55 (inaudible) story building. That is it.
- Arthur Rosenshein: Okay. Anybody? Public hearing is closed.

NEW BUSINESS:

1 PLANNING BOARD DISCUSSION REGARDING PUBLIC HEARINGS FOR SPECIAL PERMIT APPLICATIONS

- Mollie Messenger: It has been brought to my attention that when we the Planning Board approve a special permit or a site plan for 1 year and then ask them to come back in another year the adjacent neighbors aren't notified a second time. If there is an issue with the neighbor and they want it rectified we give it a year and they come back there is no notification process to notify the adjacent applicants to see if everything was taken care of. The only thing I wanted to poll the Board is whether or not the Board had a feeling on that or not. If they wanted us to look into the law to revise it slightly. Also Mr. Chairman we have Phil Giamportone is his associate if you have any questions. I just wanted to poll the Board to see if you had any thoughts.
- Arthur Rosenshein: We had a restaurant. There was no notification given. We did rehear it and the neighbors were not notified. Do we want to set up a second public

hearing for that reason? It is expensive for an applicant to run a second one. Do we want to deem it necessary?

- Paul Lucyk: I think it would be a good idea if they follow the plans it would be in the best interest to address this. I think it would be in our best interest.
- Michael Kirtack: I think there can be so many changes in a year and they can't get it done.
- Gary Tavormina: We have a simple vote. Give them a year extension.
- Irv Newmark: There isn't too many times where we ask the people. We ask the people if it is wrong. I think we should do it. Make it mandatory.
- Balsey Louckes: I totally agree. We should know what is going on. I agree that the public should be as informed as possible. The fact that we do give out extensions.
- Arthur Rosenshein: One other option would be mandatory with the option of the Planning Board waving it. What do we think about that?
- Paul Lucyk: What happens if they don't follow the exact plans and there is so much change?
- Arthur Rosenshein: So we make it mandatory? Let's make it happen.
- Mollie Messenger: We will start to work on the law. It will come back on the agenda as a draft. I just wanted to know what the direction was. Thank you.

2 GLENN OSTERHOUT – SBL# 8-1-5.1 – Requests a two lot sub-division. Zone: AG. Acres: 19.3. Location: 154 Cole Rd., Hurleyville. Cross Road: Divine Corners Rd.

- GORep represented.
- GORep: I don't have a map with me.
- Mollie Messenger: All of us have the map. One of the issues we have is it is in the agricultural district and they have don't have enough acreage to split into two lots because of the 10 acre minimum. They do want to do 5 and 14. In 2013 the same subdivision happened with a neighboring parcel. If you look on the map that was the original map done in 2013 or 2011. The zoning change happened and that was different.
- Arthur Rosenshein: We could claim hardship. We are not turning it down.
- Mollie Messenger: I talked to Bruce about coming in August.
- GORep: Okay thank you.

3 CARDINAL GROVE ESTATES – SBL# 39-1-88.6 – Requests site plan amendment for two 16 x 18 sheds to be used as study rooms. Zone: R. Location: Grove Circle, South Fallsburg.

- Glenn Smith represented.
- Glenn Smith: There are 2 sheds. 3 by 6 and on the lawn in front of the community

building by the pools. They started developing this summer.

- Arthur Rosenshein: (inaudible)
- Mollie Messenger: I had talked to Glenn earlier in the week about the impervious surface calculations. We do have a lot of people that add classrooms after the fact. One of the things we look at is that it meets the setbacks and doesn't go over the impervious surface. I asked Glenn to provide the as built calculation and what this does to it. They are just shy of 21% and they are allowed 25%. It is small but we have to go through all the motions.
- Arthur Rosenshein: Anybody have a motion?
 - MOTION:
 - Balsey Louckes motions to approve. Irv Newmark seconds. All in favor.

4 GOLDEN GATE SUB-DIVISION – SBL# 60-1-85 – Requests re-approval of a previously approved 4 lot sub-division. Maps were never filed. Zone: REC. Acres: 12.3. Location: SR 42, South Fallsburg.

- Joel Kohn represented.
- Joel Kohn: This received approval.
- Arthur Rosenshein: Let us see the map. Any questions?
- Mollie Messenger: Are you running this all the way back to public hearing? Just reapproval?
- Arthur Rosenshein: It lapsed. We have to technically start over.
- Joel Kohn: It lapsed.
- Mollie Messenger: It didn't lapse for the town it lapsed for the county.
- Arthur Rosenshein: So if we do it tonight we don't need a public hearing.
- Paul Lucyk: Can I just say something? Why don't we ask our lawyer what we are allowed to do?
- Mollie Messenger: We have a different lawyer today. His name is Phil.
- Phil Giamportone: This is a matter of first impression for me. I would say I need time to review it. I wasn't prepped on this particular issue for tonight. I don't render opinions off the cuff.
- Mollie Messenger: It doesn't violate the town law so I think you can approve it. If it was over the town law you'd have to approve it.
- Arthur Rosenshein: It is within our legal authority. What do you think? Someone make the motion to reapprove it?
 - MOTION:
 - Irv Newmark motions to reapprove. Bucky Louckes seconds. All approve.

5 CABANA SANDS – SBL# 20-1-4.1/4.2 – Requests re-approval of a previously approved site plan and special use permit that has expired for 38 duplex units. Zone: R. Acres: 50.24. Location: SR 52, Loch Sheldrake. Cross Road: Zimmerman Rd.

- Randy Wasson and Jay Zeiger represented.
- Randy Wasson: We had one more extension.
- Helen Budrock: Start from the beginning. Refresh our memory.
- Randy Wasson: This is in Loch Sheldrake. There was a 6 month extension which would have expired in August. We are here for a resolution.
- Arthur Rosenshein: It should go quickly. We will need a public hearing.
 - MOTION:
 - Balsey Louckes motions for reapproval. Paul Lucyk seconds. All in favor.
- Arthur Rosenshein: It is an unlisted action. Helen are you on this?
- Helen Budrock: I was last time but if you want to make it official go ahead.
- Arthur Rosenshein: Motion to include Helen?
 - MOTION:
 - Irv Newmark motions to include Helen Budrock on the project. Bucky Louckes seconds. All in favor.
- Mollie Messenger: Do you have the renderings? I'd like to get them to the architectural consultant?
- Randy Wasson: Yes.
- Mollie Messenger: Can you send them to me again so I have them digitally?
- Cody Vegliante: We never received SWPP revisions from the last comments.
- Randy Wasson: There were some revisions.
- Jay Zeiger: With all the other issues we have had any chance we can get to get through this process. It is exactly the same.
- Arthur Rosenshein: Does anybody know of any other way?
- Jay Zeiger: We tried to get extension but it expired.
- Arthur Rosenshein: I don't think there is a way out. If you come up with something in the law let us know.
- Paul Lucyk: What was the main reason that it wasn't started?
- Jay Zeiger: There were lots. The (inaudible) was one. Covid. There were other projects delayed in September. Lots of reasons.
- Gary Tavormina: You also didn't remove the excess from the old buildings. That's 3 years ago.
- Jay Zeiger: This is the new developer and first application.
- Gary Tavormina: Last year it was the new developer. That was a year ago.
- Jay Zeiger: It is the first thing that will happen.
- Mollie Messenger: Randy can you submit everything to me digitally so I can have it up on the screen?
- Randy Wasson: Yes.
- Helen Budrock: Jay you'll circulate the lead agency notices?

- Randy Wasson: I will
- Helen Budrock: Thank you Randy.

6 LAKESHORE DUPLEX DEVELOPMENT – SBL# 17-1-3/12-1-41.1 – Requests conceptual review for a 56 unit duplex development with a community building and pools. Zone: HR. Acres: 23.1. Location: SR 52, Loch Sheldrake. Cross Road: Karmel Jacobs Rd.

- Mike Reilly represented.
- Mike Reilly: This is the first time. This is on Loch Sheldrake lake. There is a townhouse right here. There are two tax lots. The topography for it is (inaudible). It is in the HR zone. The zoning line is here. It is business. We are proposing a duplex development. 56 total units. We have 5 duplex buildings over here by themselves. I am not sure about the emergency access standpoint. They have a pathway I am not sure how it will work out. We will work it out. The lot coverage I find governs the maximum density on a lot of these developments not the actual density. I think once we have the finished boundary survey and I know the exact total acreage some of these units will be (inaudible).
- Arthur Rosenshein: How steep are the slopes?
- Mike Reilly: Overall it is not that steep. There are some close to that business lot is a lot steeper. It is steep down the lake. The rest of the lot is fairly decent. There is a sewer line that runs through here.
- Arthur Rosenshein: You drafted the lot coverage?
- Mike Reilly: Yes. I am going to take all of our impervious surfaces. That is usually what governs the maximum number. It is not the actual density. I am just here to introduce the project. Once we have all the information and nailed down some of the dimensions I will be back before you and a workshop.
- Helen Budrock: I think a workshop will be helpful. Once you kind of tweak it a bit then we take a deeper dive.
- Gary Tavormina: How are you going to handle the water?
- Mike Reilly: We haven't looked into that at all. We're not sure we are connecting to water and sewer.
- Gary Tavormina: The water pressure over at that development is to be considered.
- Mike Reilly: This is just a preliminary introduction.
- Mollie Messenger: I am a little nervous about units 47 through 56 backing out onto the road if that is going to be any kind of thoroughfare there.
- Mike Reilly: That is why I have them off the road and where I will put the driveway. Also going to get town input.
- Mollie Messenger: Did Robert make contact with Baker?
- Mike Reilly: No. Do you still need that to happen?

- Mollie Messenger: They were all in the chain. Mr. Chairman can you engage Helen and Ken?
- Arthur Rosenshein: At this stage?
- Mollie Messenger: If they are going to have a workshop I need them in each.
- Arthur Rosenshein: Motion to bring Helen and Ken on board?
 - MOTION:
 - Irv Newmark motions to bring Helen and Ken on board. Paul Lucyk seconds. All in favor.
- Paul Lucyk: About the workshop?
- Helen Budrock: Mollie always types up a sheet with the date and notes about what was discussed.
- Paul Lucyk: Where do we see that?
- Mollie Messenger: You are welcome to have a copy of the notes. If you notice down on Irvington I copy what the work session notes are.
- Arthur Rosenshein: Mailing list?
- Helen Budrock: Maybe Denise can attach the work session neat while pulling the packet together.

7 BRICKMAN ROAD PROJECT – SBL# 39-1-29 – Requests conceptual review for a seven lot sub-division, six lots will be single family homes and the larger lot consists of a proposed 26 unit duplex development. Zone: R/B. Acres: 15. Location: Brickman Rd., Fallsburg. Cross Road: Countryside Way.

- Mike Reilly represented.
- Mike Reilly: This again is very conceptual. We haven't done any survey work on this. It is based on the tax maps. The four yellow are potential building lots. You have a road that leads up to the cell tower at the top. We have to figure out if that can be paved.
- Arthur Rosenshein: Is that a right of way?
- Mike Reilly: I don't know yet. When we do the survey we will figure that out. I know there is definitely rock. We may have some entrance issues with sight distance. We are working on that now. It is a very steep sight.
- Arthur Rosenshein: Very steep. There is a paved driveway?
- Mike Reilly: It is actually just this now.
- Helen Budrock: Is there a reason you need to do those 3 lots on the road? Why not incorporate it into the development?
- Mike Reilly: That may happen. I don't know yet.
- Helen Budrock: So it is a possible option.
- Mike Reilly: We are just scoping the property right now.
- Helen Budrock: So similar to Irvington Junior the intent with those subdivided lots

is to subdivide them then sell them and not develop them yourself. I am not engaged yet but you are going to have to think about recreational amenities. A workshop would be an excellent idea.

- Mike Reilly: Once we get the survey.
- Arthur Rosenshein: Let's engage Helen.
 - MOTION:
 - Irv Newmark motions to engage Helen. Bucky Louckes seconds. All in favor.

OLD BUSINESS:

1. IRVINGTON ESTATES JUNIOR – SBL# 56-1-8.1/9/13.1 – Requests continued site plan review for a proposed 20 unit duplex project. Zone: Acres: Location: SR 42, South Fallsburg. Cross Road: Willow Heights Rd.

- Joel Kohn and Mike Reilly represented.
- Joel Kohn: This is a 4 lot subdivision and the first development.
- Arthur Rosenshein: There is a workshop Mollie?
- Mollie Messenger: If you want me to.
- Arthur Rosenshein: I think so.
- Mollie Messenger: From the work session can you update the Board about where you are at on DOT and if you talked to them about the entrance again or if that is approved?
- Helen Budrock: On a related question the 239 review. Has that been sent out?
- Joel Kohn: I don't think we sent that.
- Mollie Messenger: Did you send to the fire department yet? No. Okay I was just wondering if you talked to any of the agencies about those things. On this new drawing just the pool is out of the district?
- Joel Kohn: Yes.
- Arthur Rosenshein: Did we take lead agency?
- Mollie Messenger: I don't believe so.
- Helen Budrock: You did your intent to do lead agency and notices were sent but you haven't officially declared. You could do that tonight.
- Arthur Rosenshein: Lead agency status unlisted action?
 - MOTION:
 - Bucky Louckes motions for lead agency. Irv Newmark seconds. All in favor.
- Helen Budrock: At the workshop we talked about shifting the units down to keep them out of the district. You ended up putting the pool there instead and you got

the one single unit kind of shifted 90 degrees. From a layout perspective how does that work? Where would they face that?

- Joel Kohn: They would face from the hammerhead side. That was discussed at the work session.
- Helen Budrock: Right originally there were 3 lots on that side and the suggestion was to combine it.
- Arthur Rosenshein: What about the wetlands?
- Joel Kohn: There are some water hazards.
- Paul Lucyk: Is there any well on that property.
- Joel Kohn: Not that I am aware of.
- Gary Tavormina: What's the distance between the driveway and the top of that hill? From the main road? That is almost like a blind.
- Mollie Messenger: He is talking about sight distance.
- Mike Reilly: That should be cut back here. I think we have plenty of room to cut one of these driveways. You can see it here it is real steep. That also obscures. On the plans it shows it as flat. It has to be worked out. Our intention is to correct it.
- Helen Budrock: DOT will look at that as part of their review.
- Arthur Rosenshein: What is the condition with (inaudible)?
- Mike Reilly: It is only good to this point.
- Paul Lucyk: Any fire hydrant or anything for fire protection?
- Mike Reilly: No.
- Helen Budrock: Another question from before. Perhaps go back to your client and see if given the extent of the wetlands and the questionable buildability of those lots is it necessary to subdivide those 3 lots out or can it just be incorporated into the project as a whole?
- Joel Kohn: You mean less houses?
- Helen Budrock: As in don't subdivide them just leave them.
- Joel Kohn: He is just trying to get the most out of it.
- Helen Budrock: Understood.
- Joel Kohn: None of these wetlands show up anywhere. We are trying to get the most out of it.
- Helen Budrock: Understood. It is just a suggestion based on the feedback for drainage and other things that might be.
- Arthur Rosenshein: When development takes place the drainage has to improve. You will have an expense there. I don't know the road. The point is it is a town road. You may be called upon.
- Joel Kohn: We will discuss it with the owner.
- Arthur Rosenshein: Just letting you know. Anything else?
- Helen Budrock: I think we will do the referral for the 239 and you'll get together with DOT. That will be the next stage of review to see what they come back with.

If there are any changes based on those comments then you will come back.

- Arthur Rosenshein: So go ahead with the 239.
- Helen Budrock: Just so the public understands if something is located on a county or town road it has to go to the county and New York State DOT and they make comments. That is the stage where we are now and the plans will go to the county and state. They will provide comments. Just so that is part of the public record.

2. IRVINGTON ESTATES JUNIOR SUB-DIVISION – SBL# 56-1/9/13.1 – Requests subdivision approval. Zone: Acres: Location: SR 42, South Fallsburg. Cross Road: Willow Heights Rd.

- Item heard as one with item 1

3. ZIMMERMAN ESTATES – 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 and Jay Zeiger represented.
- Glenn Smith: We were back in March on this project. It is at the corner of Route 52 and Zimmerman Road in Loch Sheldrake. We had a public hearing in May. It is basically a townhouse development. 43 new units proposed. The original house on the property is the 44th which will be the caretaker house. At the public hearing in May it was proposed for lead agency status. Basically just want to show where we are. These are the sewer lines to a pump station at the corner of Zimmerman Road. There is a water main that runs along the front of the property which is this line here. The majority of the property is in the town water district. It cuts across here at the top of the property. Prior to the property being sold there was a verbal deal with the Town Board to extend the water district.
- Arthur Rosenshein: Do I understand that your sewer plant had (inaudible)?
- Glenn Smith: Yes.
- Arthur Rosenshein: How is the water status?
- Glenn Smith: I haven't heard any negative comments.
- Mollie Messenger: That question is kind of mute until they ask for land disturbance permits to actually build. You've already seen 4 developments in Loch Sheldrake tonight.
- Gary Tavormina: I am going to ask you the same question. How with low water in Loch Sheldrake is that development going to affect all the other developments?
- Glenn Smith: We will do a water study on that. There is no water line that runs along 52. Zimmerman runs from the top. Basically we are not taking water. It is

part of the engineering report. There is a stream that runs through the property. We still need to test storm water. The SWPP will address that. I'd like to get some contents from Mollie at some point in time. We've been here twice. There are 2 stream crossings. There is an existing culvert near the stream now.

- Helen Budrock: Just so I make sure my notes are accurate at the May meeting the Board expressed their intent to serve as lead agency. Were the notices circulated? It is coordinated review because of the other agencies? Can I get Phil just to make sure that procedurally we are moving ahead correctly? Do lead agencies need to be circulated?
- Phil Giamportone: We will confirm that.
- Helen Budrock: 239 has not been done yet?
- Glenn Smith: Correct.
- Helen Budrock: Does the Board feel it is far enough long to refer to that?
- Arthur Rosenshein: I believe so.
- Helen Budrock: I feel like that is a good next step.
- Arthur Rosenshein: On the question of sidewalks will there be a right of way?
- Glenn Smith: On the public road?
- Arthur Rosenshein: Yes. It used to not matter.
- Jay Zeiger: It is just a dedication.
- Gary Tavormina: You will have to get a letter from the Town Board.
- Helen Budrock: Should we be waiting until the Town Board makes a formal decision on the extension before you come back for additional review? Where are you with that?
- Glenn Smith: We are unsure.
- Helen Budrock: I know the Town Board made a commitment but given everything that is happening with the infrastructure we want to make sure it is signed and sealed on paper to make sure it is going to extent.
- Paul Lucyk: The town owns that part of the property? There is no way of getting a walkway?
- Glenn Smith: This is the property and town right of way for the sidewalk.
- Paul Lucyk: You have somebody walking on the side of the road and the car stops.
- Jay Zeiger: The question is not can it be built. The question is if we dedicate the plant to the town so when they are ready to build then (inaudible) it is no necessary for the town. On Zimmerman Road where we own and the town doesn't. If the Town Board wants to build a sidewalk then they have our request. We don't have to ask permission.
- Michael Kirtack: Somewhere along the line we should start making the projects put sidewalks in. There should be something in the code or whatever. Not turn everything over to the town.
- Jay Zeiger: If the town wants a sidewalk typically the expense of the property owner they create a sidewalk. They assess all the properties. It depends on when during

the process they do it. The developer will assess. That process is already there.

- Helen Budrock: It has been discussed. It is something that is a process. The Town Board needs to establish the district. There is a public hearing.
- Michael Kirtack: Eventually they all will connect. People walk the streets everyday.
- Jay Zeiger: I think it was part of the approval already for a sidewalk.
- Helen Budrock: I think DOT in that case required or it was part of their comments. But that was a different project. Not to sound like a record where are we with the affordability waiver?
- Jay Zeiger: You were asked to prepare a comprehensive plan if you will. In the interim the Town Board has suggested we go to the ZBA. We were in front of the ZBA last month and in front of them again this month. Hopefully we will get that resolved.
- Helen Budrock: So you went to the ZBA and that decision is pending. That's all I wanted to know. Yes I am working on amendments to the zoning code that will amend the townhouse law and deal with the affordability clause. In the meantime the laws on the bark are the ones that apply so you have to go to the ZBA and get a waiver from that.
- Jay Zeiger: That's where we are.
- Paul Lucyk: Is it state or federal?
- Helen Budrock: It isn't state or federal it is a local. The way Fallsburg wrote their townhouse section of the code was that a certain percentage of the project would have to be affordable. It was written with the intention that townhouses would be an affordable form of workforce for year round residents. What is happening is more and more seasonal developments are choosing to go the townhouse route. They are condominiums and it doesn't make sense to have that affordability requirement. The Town Board has asked me to tweak the townhouse law and then in the meantime the county is working on a housing study. They have asked if Fallsburg would be a case study to see how the zoning code could be amended in the future to encourage affordable housing but not to limit it to just townhouses. There is a need for affordable housing of all types not just townhouses.
- Paul Lucyk: Is this year round?
- Jay Zeiger: On the affordable townhouse law it is a requirement. That's part of the reason why we don't think this makes sense. That's what the Town Board has asked to tweak.
- Paul Lucyk: Are you looking to do a seasonal or year round development?
- Audience: Most likely seasonal. They are year round homes.
- Paul Lucyk: Is this open to anyone that lives in Sullivan County?
- Audience: Of course it is open. The question is who wants to buy.
- Gary Tavormina: We also know as the developments open people come up on the weekends all year long. It is almost like a year round home.
- Jay Zeiger: It is build year round.

- Gary Tavormina: You tell me it is seasonal when we go to look and they are in homes. They are coming up on the weekends and rightfully so. It is their privilege. It is a year round home.
- Helen Budrock: I think we are getting off track. The reason the question about seasonal was based on the affordability requirement and that was what we said. If you buy a vacation home in Lake George it is the same kind of thing. It doesn't make sense to require part of that development to be affordable because you are not living and working there full time. We are going to tweak that part of the code and hopefully the county will have some advice and suggestions for additional changes that will encourage affordable housing in other ways.

4. FORMAGGIO – SBL# 11-1-22 – Requests site plan approval to construct a 50' x 100' dry storage building and to relocate the dumpster enclosure. Zone: I. Acres: 5.8. Location: 250 Hilldale Rd., Hurleyville. Cross Road: SR 52.

- Mike Reilly represented.
- Mollie Messenger: We are trying to update the site plan. I know you're back trying to get this storage building. They do have the foundation for the addition on the lower half of the building. They are also building the new entranceway. Does that match this plan?
- Mike Reilly: The yellow is the proposed.
- Mollie Messenger: No in the front they are building right now.
- Mike Reilly: I don't have that.
- Mollie Messenger: So what is there is not what they are building?
- Mike Reilly: No I can do that.
- Mollie Messenger: It all needs to be on the plans together. Whatever they are doing in the front there.
- Mike Reilly: Alright I can do that.
- Mollie Messenger: Okay so the plan needs to be updated with that.
- Arthur Rosenshein: For this particular building what should they do with the side yard?
- Mollie Messenger: Zoning was correct. I don't believe they have any lot coverage issues. The setbacks were fine.
- Arthur Rosenshein: We can approve it pending.
- Paul Lucyk: How about getting a firetruck in there?
- Mike Reilly: We can bump this out as part of the street.
- Paul Lucyk: Can they get one in there?
- Mollie Messenger: I don't believe there are hydrants because there isn't a water line in front of there.
- Paul Lucyk: If there is a fire is there any place they can get close to the lake? I

don't know the site.

- Discussion.
- Mollie Messenger: Mike I sent you a long email about an industrial SWPP you said you were going to look into because you are not familiar. We have industrial SWPPs. It is an extra measure and protocol because they do have waste. Firmaggio has curd that sometimes comes into the pump station. We need protocol and action and all that in case that does happen.
- Arthur Rosenshein: It seems like a simple thing.
- Mollie Messenger: I am saying it could be a condition if the Board does approve.
- Arthur Rosenshein: The point being is there anything to object to currently.
- Mollie Messenger: We need the updated map.
- Helen Budrock: This is a type 2 action.
- Arthur Rosenshein: Motion for this particular item. 50 by 100 doors pending technical review.
 - MOTION:
 - Paul Lucyk motions for conditional approval. Bucky Louckes seconds. All in favor.

5. CAMP KRULA – SBL# 39-1-86.1 –Discussion regarding the progress made on this project. Zone: AG. Acres: 16.08. Location: 5405 SR 42, South Fallsburg.

- Joel Kohn represented.
- Joel Kohn: This is an existing bungalow colony. It has been progressing for a few years. We are trying to rebuild some units. The Planning Board and the Zoning Board asked us to come back as a duplex development. They are working hard on the site. We have come up with some variances over time. The master plan will need some variances. We revisited the whole site and the whole plan and reduced the number of variances. The amount of variances are there because it is an existing place like the number of units. Now when we came back a few months ago to the ZBA and only had 4 variances that were required. The site we are showing you persists of the same number of units slightly larger than what is existing right now. They all meet the minimum fire separation. They are all far enough from the property line. All emergency access is shown throughout the site. If there is an emergency the vehicles can access the site and buildings. The entrance from Route 42 will be moved slightly to make better sight distance. That is basically what this project is. We know there was a concern from the neighbor about the buffer and a safety issue with fencing. The fence is proposed to be put up between the two properties. It was the intent of the Board to establish lead agency. We will have to go to DOT and get 239 as well.
- Arthur Rosenshein: Just to make the Board aware we have the letter from the

neighbors. The Board from Elm Shade is addressing the Fallsburg Planning Board with deliberation of the proposed plan. We wish our neighbors well and we think they acquired their property specifically relating to the lot line. There was major deforestation for public space directly adjacent to our property line. The gravel was put down in preparation of the construction of the road. There is no existing fence. We request the Planning Board to share the cost of construction to bring the fence along our property line up to Gamble Road. In addition the project was sent in for 239 review with area variances. The 239 returned the following. The planning is unfit to secure an area variance. The applicant reduced the number of variances from the previous variances. The applicant has increased impact of the variances requested. Granting these variances would be in deviation of the current comprehensive plan. Because of this we recommend disapproval. We recommend the applicant go for smaller and few units. This site cannot support that many units of that size. We recommend that applicant building within the limit of town zoning. Formally we are attaching New York State DOT comments for Board review. This is dated March 3rd 2022 from the county.

- Helen Budrock: Was there a super majority when the ZBA voted?
- Joel Kohn: The 239 review which was done for the ZBA was submitted.
- Arthur Rosenshein: I have the area variance specific item. It says in handwriting request several area variances for buildings destroyed by fire and a master of the entire site. We don't have a list of the variances. We didn't get it. We have a list from the developer. We only have what we approved. I don't know how the Planning Board is expected to take variances consideration when this is all we get. They are in far too poor of a condition. Evergreen trees planted on the site. Gravel parking lots only. No operations for the master plan presented. No cover porches allowed. I don't know what to do. This is all we get. I would request that we send it back to them and for them to list what they want variances for. We are taking into account we have a list on the application but I don't think this is acceptable. Please come up with something in writing. This isn't on you guys. This is just an extreme case.
- Steve Barshovl: I think it is important that the Planning Board has the requisite detail about the variances if there is confusion and it is not clear what the ZBA approved. My understanding is that the variances sought were the variances approved. If there is some difference with that I am sure Joel will communicate it to you. If you want it papered over more explicitly in writing from the ZBA we will go and get that for you.
- Arthur Rosenshein: I realize you guys are caught in the middle of this but this is not acceptable to us. We don't know what we are working with.
- Steve Barshov: I think the one thing you could do this evening is you could begin the SEQR process. Also since the project is well known you could schedule a public hearing because we could move forward with getting all the public

comments. We could also make sure we address with the ZBA the details of their approval.

- Arthur Rosenshein: I will entertain a motion for lead agency status. There is something else involved here. The 0 lot line they have at 1 foot. They put a road in.
- Mollie Messenger: If you look at the picture on the screen. The Elm Shade driveway is the paved driveway and where the stumps are is the new road put in over the winter.
- Arthur Rosenshein: Under our duplex law it says any developer creating a duplex structure regardless shall be dealt with by this chapter. One of the things the duplex law says is 0 lot line of 1 foot. You have to have 75 foot separation between the road and neighboring property. I would like to see if we can reconcile.
- Helen Budrock: I can do a comment memo and make sure everything complies.
- Arthur Rosenshein: Motion for lead agency?
 - MOTION:
 - Irv Newmark motions for lead agency. Bucky Louckes seconds. All in favor.
- Michael Kirtack: I am wondering about the DOT letter.
- Arthur Rosenshein: All they do is get the SEQR that is all they do.
- Irv Newmark: We still have to have a public hearing.
- Helen Budrock: Does it make sense to do the 239 at the same time. I know they just made the recommendations on the variances so the comments will probably be very similar or do we wait for public comments?
- Arthur Rosenshein: Let's wait for public comments and do a review. There might be some changes there.
- Helen Budrock: Do you want a motion for a date for public hearing?
 - MOTION:
 - Paul Lucyk motions for a public hearing. Irv Newmark seconds. All in favor.
- Helen Budrock: Joel what would be helpful for me and what I am struggling with is initially the project you want to do immediately is replace the units that were destroyed by fire with six new duplex units.
- Joel Kohn: That was the initial.
- Helen Budrock: So the master plan that you are coming up with now is that still for long term in the future sort of a little bit at a time? I am wondering if Mike or someone could superimpose the duplex master plan on top of the existing conditions in a way I can get my hands around which units would be replaced with what units at what time. That would be helpful.
- Arthur Rosenshein: There is a priority in the master plan.
- Helen Budrock: Unless there is a deviation but ideally you would work out these details now. That way each time they do a phase they don't have to come back.
- Arthur Rosenshein: We aren't arguing with the variances at all. We are arguing is that the way it was sent to us. We have seen this before.

- Michael Kirtack: It wasn't explained correctly.
- Joel Kohn: It references the master plan for the variances. All of the variances were listed on the application.
- Discussion.
- Steve Barshovl: Our understanding is that the variances were granted as applied. I think we are still early enough along in the Planning Board process that we can go back to the ZBA and just simply have them confirm for you in writing in a very simple statement that they granted the variances as applied for. Since there hasn't been a public hearing yet before this Board, this should not delay the process. If this is what gives the Planning Board more comfort we will get it. If the ZBA refuses we will come back and tell you.
- Helen Budrock: My comment is now that you've gotten the variances you've requested now I can take a deeper dive into the layout and make comments on the things I normally do.
- Discussion.
- Paul Lucyk: Is that part of the master plan?
- Joel Kohn: The units?
- Paul Lucyk: Yes. You are stripping all of that land. What was the original when this project was built?
- Joel Kohn: Elm Shades is right next to it. I think they subdivided it all.
- Paul Lucyk: Was this all originally Elm Shades?
- Joel Kohn: I believe so. Elm Shades doesn't have a buffer wall. There is an easement for Elm Shade only for the first 100 feet or so. They opened the other entrance so they are not using the Elm Shade road.
- Mollie Messenger: Can I ask for 2 more updates? Can you update the Board on the Department of Labor with the house up front? Do you have your permit to have that removed? Where are you at in that process?
- Audience: There was going to be time before summer.
- Mollie Messenger: It is asbestos ridden. You need to get an inspector of that. Secondly I have been asking for both Elm and Krula to resolve the meter pit in the front. Joel had told me that Mr. Barshov was going to call the president.
- Steve Barshov: It has not happened yet. It is on my agenda. I have had some emergencies that diverted me this week. That is top on my list for the first part of next week. By the time we are back together again and you will have a report.
- Mollie Messenger: Just so the Board knows Krula and Elm Shade share a meter pit and the pit is too small and continues to fill with water. I have asked them to put in a bigger pit so it can be maintained. Krula may put in their own meter pit. I am not sure how they will figure it out. We need that addressed before next summer.
- Gary Tavormina: Why don't we request that they have individual pits.
- Mollie Messenger: That is up to them. They can have separate or share them.
- Gary Tavormina: Wouldn't it be easier for us to have 2 separate pits?

- Mollie Messenger: Krula said they wanted their own to begin with so I don't know. So wherever they land is where they land.
- Arthur Rosenshein: Thank you.