

TOWN OF FALLSBURG PLANNING BOARD MEETING

February 11, 2010

Arthur Rosenshein, Chairman, Ira Steingart, Co-Chairman, Kalman Freidus, Richard Penchansky, Irv Newmark and John Makovic, Planning Board Members, Gary Tavormina, Planning Board Member Alternate, Tod Burns, Code Enforcement Officer, Robert Geneslaw, Town Planner, Will Illing, Town Engineer and Ron Hiatt, Planning Board Attorney.

- Arthur Rosenshein called the meeting to order at 7:07 pm.
- Arthur Rosenshein called for motion to accept the minutes from the meeting held 1/14/10.
- Gary Tavormina made the motion and Ira Steingart seconded it. All in favor.
- Arthur Rosenshein introduced the meeting and explained the order and procedure of the planning board meeting: old business, new business and public hearings.

PUBLIC HEARING:

1. ECO COMMUNITY HOUSING AT SCCC - SBL# 17-1-26

- Peter Berman presented: What we are doing is adding community based housing to the campus of Sullivan County Community College. It is behind the existing dorm. (He pointed out the layout of the campus grounds pointing out the architectural.) The building is going to have approximately 45 students. They have separate but shared kitchens. There are 3 kitchens. There are separate laundry facilities in each of the 3 units within the building. There will be a supervisory student, the equivalent of an RA that lives in each unit to help administer. We are going to be working with the college's current property manager to manage the facility.
- We tried to get an elevation on the back that is interesting because you do see the back. That was one of the comments some of the board members had. So we decorated the back similar to the front but tried to keep it a little more toned down so it doesn't confuse anyone looking for the front door on the back of the building.
- Mr. Rosenshein opened the hearing to the public.
- Jack Halchek, commissioner for Hurleyville Fire district. We met with the interested parties in the dorms. The board went on record to say it is a great idea and hope it succeeds. The caveat we have is we need to gain access to the dorms. This road is a walkway; it is not wide enough for today's apparatus. There are 2 turns that are in question that were approved for the original dorms that do cause us a problem getting into the front of the dorms and around back. Apparently that is water over the dam. What we want to make sure is that we can get in to provide fire protection to the new dorms. That is our main concern. We have talked with John and Pete and Steve. They

have come up with a pretty good resolution to our problem.

- Here are the potential new dorms and apparently they come in from this direction (pointing to the rendering) they have to make this turn to get down here. Or if we are going to the existing dorms we must go up this road and this is a, excuse my expression, “a kiss my ass turn”. There is a hydrant here that is critical for protection of the dorms. There are 2 hydrants down here that will be critical for the protection of the existing dorm and the potentially new dorm. We need to get to the hydrants so we can offer our protection. We are amenable to what they have proposed making the existing road wider. Through our conversations that’s how they are getting the heavy equipment in, that road is not going to hold up to heavy equipment. So it’s going to be a win-win situation for everybody. They are going to kind of crush the road and when they fix it; hopefully, when we give our approval it will allow us access. On a further note, I’ve been here a number of times and I was told by this board that whenever there is a building project of this magnitude in the Hurleyville fire district that the board of fire commissioners would be notified. We were not notified of this project when it was first proposed. That’s right in the minutes in either February or March of 2009.
- Discussion.
- Jack Halchek: I understand you saw it for the first time last month but somebody put it on the agenda. We should have been notified. That’s the only thing I’m saying.
- Discussion.
- Kenneth Walter next commenter. He presented an aerial view of the college. This is the dormitory, the housing is going to go here (*referring to the rendering*). This is the proposed wind turbine that has been in question for many issues. One, two, three, four. One, two, three, four. Twelve hundred feet from the wind turbine. In March of this year in Oneonta, New York, outside Plattsburgh, one blew apart and carried a quarter a mile.
- Discussion of which turbine. Not the vertical slow moving one. The new proposal.
- Kenneth Walter: I call this the zone of opportunity, the zone of uncertainty because anything within a quarter mile of that turbine if it should blow will be affected depending on which way it’s rotating. What we’re going to do now is put additional housing within that zone of uncertainty. I think this is a good idea. I have another one which used to be all student housing but because of college policy a lot of locals got out of student housing because they were not getting paid. This has not been beneficial for the hamlet of Loch Sheldrake or the community of Fallsburg or for any of this because of the overlapping of seasons. College starts in the middle, towards the end of August, so people couldn’t rent out for the summer and then switch over to the students. That’s a whole another issue.
- So here is where the proposed is (referred to another rendering), here is the dorm and that’s where the proposed site is. So your choice is do they want to continue with this and have this zone of uncertainty? Or do you want to put the students in the zone of uncertainty?
- Arthur Rosenshein: Which line represents a quarter of a mile?

- Kenneth Walter: That's twelve hundred feet right there.
 - Arthur Rosenshein: No, you said the one that self-destructed went a quarter of a mile.
 - Kenneth Walter: Yes it did.
 - Arthur Rosenshein: Where would that be?
 - Mr. Walter then indicated on the rendering what would be 1200 feet out, then 1500 then 1800.
 - Ron Hiatt: Are you going to leave that (the renderings) with the board as an exhibit?
 - Kenneth Walter: I will email you a copy of it if you want it for discussion later you can have access to it.
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- Mr. Rosenshein called for the next commenter.
 - Josh Sommers: I'm CEO of Focus Media and I'm also chairman for the Sullivan County Partnership for Economic Development. I don't come today representing the partnership board. We haven't evaluated this, we're very careful before we put a stamp on a project to say that this is something that we definitely want. But I came here personally to speak on behalf of the Ruby Group and Peter Berman. Peter is a business associate of mine, we do business, and we're friends. I can tell you that from Orange County to Sullivan County and areas that I've crossed paths with Peter and Howie and the Ruby Group, they're good developers. When they work on something they do it in an honorable way. They do their due diligence. I think the way the Ruby Group has approached this project, they have done it with a great degree of sensitivity. If there is feedback, they're quick to respond. I think that that shows he wants to do business here and bring a positive project to the college and the Town of Fallsburg. I also will say that from an economic perspective it all makes sense. I don't think I need to educate everyone of the economics of it but if the college is able to do a project like this and attract college students from outside the area, there is an opportunity for economic benefit. Of course, we'd love to see several hundred units like this for a big spin-off but I think this is a step in the right direction. I come here personally to speak highly of the Ruby Group from an economic perspective. And once again, personally, I think this is an opportunity that should be welcomed. Thank you for listening.
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- Tim McCausland: I'm the President of the Sullivan County Partnership and I do come on behalf of the organization. I would like to support the project from the perspective that this is another public/private partnership that the college is undertaking. It is one of several over the last couple years they have embarked on and I think it's a beacon for other community colleges around the state. But it also shows the Town of Fallsburg has for the most part has taken a look at this type of model as something that can benefit the community. The vertical and the proposed G-tech park will all contemplate taxes being paid at some point in the cycle of the project that will benefit both the town and the school district. I support it based on the economic development aspect of the project. Thank you.
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- Dory Alport commenter: Good evening, I'm a local business owner in South Fallsburg,

A. Alport & Son Plumbing and Heating Supplies. I'm here tonight because I support Pete and the Ruby Group in their project. I think the project is worthwhile for a few different reasons. I think the college needs some new dormitory options for the students. I think they have done a great job. I have firsthand experience knowing that Pete and the Ruby Group build quality homes, quality construction. Pete's staff is capable and knowledgeable of getting this job done. I think it's a benefit for the town to have this kind of project and income as previous people said for the town. And Pete and the Ruby Group support local businesses and work with local sub-contractors. I think this project should be approved. I know it's going to be a great one. Thanks.

- Mr. Rosenshein closed the public after the last commenter.

2. DIMIFINI GROUP/MAJESTIC DRUG – SBL#60-1-28.1

- Larry Fishman and Larry Olstredge, land surveyor presented.
- Larry Fishman: This is Route 42 here; this is my building (*referring to the rendering*). My property line is 10 feet from the building.
- Arthur Rosenshein: Route 42 and where, please.
- Larry Fishman: Route 171 across from Fallsburg Ave, next door to the Rolling V. Basically, Rolling V is here, he owns all the property surrounding my building and he is selling me a 25 foot strip that he is taking from his property and adding to mine.
- Mr. Rosenshein called for commenter's.
- Tim McCausland: I just want to relay that the IDA has already passed a resolution supporting this project and that the Rolling V property is part of an IDA project. They have approved a resolution agreeing to do the paperwork to do the lot line improvement. It's made its way through the channels that way as well.
- Mr. Rosenshein closed the public hearing.

3. SKOPPS COTTAGES NORTH – SBL# 27-1-16.2

- Kirk Rother, civil engineer for the project presented: The application before the board is for a proposed site plan approval that would allow for the construction of 8 dwelling units to be built as 4 separate structures. The parcel is located on the north side of Brickman Road and the east side of Murphy Road within the HR-1 zoning district. There are currently 23 existing dwelling units on the property and the mix of 1 to 4 family units with swimming pool, playground areas and a synagogue. The four proposed units are situated in a semi-circle. These 4 here in the central eastern portions of the property (*referring to the rendering*). WE did look at the site in its entirety with regard to existing and proposed units and their relation to the zoning ordinance with lot coverage and the lot size and densities. This does conform to the current HR-1 zoning. Also included in the proposal is parking for all of the units for existing and proposed at a rate of 2 spaces per dwelling. It's in accordance with the current zoning ordinance. The parcel does lie within the town's water and sewer district, so water and sewer will be provided by the Town of Fallsburg.

- Mr. Rosenshein opened the floor to commenters.
- Chris Williams, SYDA Foundation: The SYDA Foundation is adjoining the Skopps property on the west boundary. That is not shown on this site plan. We have a few concerns, two of them, I believe, are being addressed by the board already. That is extra lighting at night and parking, which looks like it's coming off the road that will help greatly with the congestion on Murphy Road. The other concern has to do with noise. Noise has been ongoing issue with Skopps. SYDA has made many attempts to work with Skopps to try to reduce the amplified noise. Natural noise is fine that's not a problem. But the...
- Arthur Rosenshein: Could you tell me what you mean by amplified noise.
- Chris Williams: Use of loud speakers, megaphones by the pool. This culminated last summer in two calls to the police to come in the middle of the night to stop loud parties. As a result of this noise and activity, the concern led me to go look at the site plan at the building department to see where the buildings were situated to see if they would have a direct impact on SYDA. What I discovered is that this is only half of the property. The whole site plan is not included; the whole tax parcel is not included in the site plan. When I looked at this I saw that it referred to 27-1-16.2 which doesn't exist anymore. That was combined with 17.2 in 2006, which Tod showed me on the assessor's map the combined parcel. This paper indicates they were combined. I also came across this when the project first came to the planning board in 2006, they had the whole parcel and they indicated they were going to build on both sides of Murphy Road. Six bungalows here and 4 here (*referring to the rendering*). That's what led me to wonder is this part of their plan to build over here? Because this would have a direct impact on the SYDA property here because there are houses right along there. The bottom line is it doesn't seem like it is a complete site plan. It only indicates half of the property on the west side of Murphy Road and it indicates it incorrectly. I would like to suggest...
- Richard Penschansky: Are you saying it is one tax lot?
- Chris Williams: Yes.
- Kirk Rother: You are saying that the other half that is over here (*referring to the rendering*) is part of this tax lot?
- Chris Williams: This is part of that tax lot (*referring to the rendering*). It is all 17.2 and the density and the bulk requirements, I imagine, were figured just on this parcel and not on the whole parcel. And also the concern for us because of the noise issue is what the future plan is. Because I believe this indicates what I believe you call segmentation of a project because it only shows this part of it (*referring to the rendering*). If there aren't any plans for the other half then I would think that should be clearly indicated.
- Richard Penschansky: Is over here presently vacant land?
- Chris Williams: No, no, it's quite built. It's similar. It shows here these are all the buildings, existing buildings. That's what I would request that the site plan be redrawn to indicate the whole parcel.
- Arthur Rosenshein: Now the fact that it is the same tax lot number, does that indicate to you that it is the same ownership?

- Chris Williams: Yes.
 - Discussion.
 - Chris Williams: My understanding is that it is a co-op. But I don't really know.
 - Discussion. Mr. Williams submitted his documentation into the record.
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- Mr. Rosenshein called for the next commenter.
 - Bucke Loucks, fire commissioner of Woodbourne: As Jack (Halchek) said earlier, we did not receive any paperwork on this either. So somewhere along the line the paperwork is not coming to the districts.
 - We have hydrants on this road, on the other side of the road, there's one on the corner of Murphy Road and there's one down here (*referring to the rendering*). At this point they're willing to put town water and sewer in here, right? I need to see a hydrant back here and a hydrant back here for some protection, enough to make me happy.
 - Discussion.
 - Kalman Freidus: Explain why two, in the back, one isn't sufficient?
 - Bucky Loucks: If you are going to put the pipe in you might as well put two. One for this side and one for the back side. You're not looking at money at this point.
 - Arthur Rosenshein: What is the distance from the 1st to the 2nd hydrant, the ones you are proposing?
 - Bucky Loucks: 500 feet.
 - Kirk Rother: This line is 600 feet from Brickman Road.
 - Arthur Rosenshein: That gives me the scale.
 - Bucky Loucks: The hydrant here on the other side of the road you do not have to cross. There are no hydrants on this whole road here. So if this hydrant was here it would actually protect the other side of the colony, too.
 - Discussion about the placement of the hydrants.
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- Mr. Rosenshein called for the next commenter.
 - Anna Starwitz from the SYDA Foundation: Good evening. I have a request that the public hearing be kept open until a proper site plan is presented and we have the opportunity.
 - Arthur Rosenshein: If the board decides the site plan is inadequate, then there will have to be a public hearing anyway. So either way if that is in fact what comes out of it then they'll automatically have to have another one.
 - Anna Starwitz: Thank you.
 - Mr. Rosenshein closed the public hearing.

4. CAMP NITRA

Mr. Rosenshein explained there was a miscommunication. Notification was sent out on this one but it was not published. So as not inconvenience people who may have come for this, we're going to let them present. And we're going to hold it open until the next meeting. It will be on our agenda again.

- Randy Wasson, engineer and Jay Zeiger, attorney with Kalter, Kaplan, Zeiger and

Foreman, presented for the applicant.

- Randy Wasson: Camp Nitra is the former Southwind Hotel located on Budd Road about three quarters of a mile up from Woodbourne fire house. It's on the west side. It's part of a property that used to contain Southwind pond in the back. The site is 15 acres, it's outlined here in red (*referring to the rendering*), it contains 12 buildings. Last occupied I think in 2005. This is just a larger scale version of the site plan. It is currently served by town water although it is just a summer line that is turned after the summer is over. It is about 2000 feet down the road back down towards Woodbourne. We propose to supplement that. The well that has been drilled is currently being tested. We would use the town supply as a back-up. That's the goal. The septic systems are all existing. They're on the project site now. We've met with the Health Dept. to review both water and sewer. We think we can go forward with that without too much difficulty. There will be a sleep-over camp for approximately 171 boys; it will be a boys camp.
- Mr. Rosenshein invited any commenters who came due to notification to take the floor.
- William O'Neill from Budd Road, Woodbourne: I have a couple of questions. Looking at the site plan, I think it's building 4 at the bottom by the tennis courts, supposedly you are putting 60 kids/students in that unit as a summer camp. The board of health okayed 60 going in a building of that size?
- Randy Wasson: They haven't disapproved it. It is under their jurisdiction.
- William O'Neill: If that's 60 and you said the total is looking at 171, where are the rest of these children going to be housed? In which units?
- Randy Wasson: Throughout the rest of the buildings. There is a table here that indicates the use of each building and the occupancy.
- William O'Neill: I understand the main the building you are only going to use the first floor. Is that true?
- Randy Wasson: That's correct. And there is nobody sleeping in there.
- William O'Neill: Who does it benefit more changing this from a hotel to a summer camp site? You or the town?
- Jay Zeiger: It's the choice of the property owner as to who he uses his property.
- William O'Neill: My reason for asking that question is that if it is a hotel, it's already restricted on the amount of people that can stay there. Once you go to a summer camp, who is going to put the restrictions on the numbers that can go in these units?
- Randy Wasson: The health department. Between the building code and the health department camp code. They're the ones that regulate that.
- William O'Neill: Well, we've gone through this at the bottom of Budd Road they put a camp in. They took a private home, made it into a dormitory and they put who knows how many children stay in there. And down below in the rest of the bungalows, the same thing has happened. You can never get a head count because they're constantly in and out. I need some kind of verification of how many people are actually going to be staying here. Is there going to be a firm number and who verifies that number?
- Jay Zeiger: The health department and the town building inspector.
- William O'Neill: And you are saying the board of health is saying the sewer is adequate

to handle those children?

- Randy Wasson: No, they're reviewing the sewer now.
- William O'Neill: They're still reviewing. You are aware the water line coming up the road is a 1 inch plastic line that runs up the road.
- Randy Wasson: Yes.
- William O'Neill: That you claim they're going to have the town water back-up.
- Randy Wasson: It has always served us in the past. It has been the sole source of water.
- William O'Neill: I know it's old. They've had numerous problems with it. You're above the existing tank in Woodbourne to begin with and there's no pressure going up there at all. That's my biggest concern. Plus you put a fence around the place already, where is fire access and ambulance access to get into the property?
- Randy Wasson: There are 2 gates, one right here and one, there's 3 entrances exactly, and there's one down here. This is the new house. Then there's a gate here and a gate here and the road goes all the way behind the units.
- William O'Neill: Because if I read it right, there's only like 37 parking spaces on the property.
- Randy Wasson: That's what we're proposing. There's actually less than that. I think they used to park in the grass...
- Richard Penchansky: They used to park in the middle of the road.
- Randy Wasson: That's per town zoning code.
- William O'Neill: the rest is in your hand, that's all I can say for now.

- Mr. Rosenshein called for the next commenter.
- Bucky Loucks, commissioner of the Woodbourne fire company: You have this road right here; you are going to have to do something with the ditches on both sides. There is not enough room to swing a truck up in there. So you are going to have to widen, the furthest gate up.
- Mr. Zeiger addressed Mr. Wasson: Randy, you said you are aware of that?
- Randy Wasson: Yes, we are.
- Discussion.
- Bucky Loucks: Also you said you have the road that is going to go all away around the back. There used to be another road that went through the facility. Now you are going to fence this new house over here?
- The applicant's representatives said there will be no fence.
- Randy Wasson: We're not proposing any fence around it.
- Bucky Loucks: Down the road if you put a fence are you going to put a gate to go to this house? There is no access. So we are going to get a fence later on where they decide to fence it in, right? And a gate?
- Randy Wasson: You'll get a gate.
- Bucky Loucks: Now you said you were not going to use the 2nd story building.
- Jay Zeiger: We're using the building but there's nobody living there and it's only going to be on the first floor. No 2nd or 3rd floor.

- Bucky Loucks: The only way to make sure that building doesn't get used is to take all the plumbing out upstairs on the 2nd and 3rd floors, everything comes out. The fire company comes in once a year to inspect to make sure it's still out.
- Jay Zeiger: Okay. We're not planning to use it.
- Randy Wasson: I don't know if I'd agree to that.
- Discussion of occupancy. Mr. Wasson state that occupancy rules would have to be followed and therefore shouldn't have to take out the plumbing.
- Bucky Loucks: Well, if you're not planning on using it then it should not be a big deal to take it out.
- Randy Wasson: What they're going to do is close off the stairwell and put a lock on the door.
- Bucky Loucks: Okay, that sounds good. Now you have 37 parking spots. And you have how many kids?
- Randy Wasson: Sixty.
- Bucky Loucks: Sixty kids.
- Correction made: 171 kids.
- Bucky Loucks: So you have 171 kids, there will have to be 171 cars that will have to be parked at this place. Where will they be parking?
- Someone mentioned and the Shortline bus.
- Bucky Loucks: There isn't enough parking with 137 spots. If it rains where will they park? So I would like to see a parking lot put in for them. If you want to run it as a camp, then I think they should put in parking for the camp.
- Jay Zeiger: We're putting in parking as required by the code.
- Bucky Loucks: You have 170 kids. Everyone of those kids has parents coming to see them.
- Jay Zeiger: What we may have to do is work something out; find a different place for the parents to park and bus them in. I'm not sure how.
- Discussion about the amount of kids. It was stated they are only going to have 60 kids there for the summer.
- Bucke Loucks: If you travel to Woodbourne on camp day, you can't pass, the road is shut down because they're all parked all along the road.
- Discussion.
- Mr. Rosenshein invited the next commenter to speak.
- Herschel Grunhut: I am the son of the owner. I want to talk about 2 things you mentioned. About the plumbing, we're re doing the plumbing in all the buildings because we do not know the condition of it. If we want to move into the 2nd floor we have to bring up to new plumbing. So we're willing to take out all the plumbing. About the parking, we're adding a lot of parking. Those 60 kids, for the last 6 years I have been taking care of the kids, not all the fathers come at once. During 12 hours they come. I don't think it will be a problem. But I'm going to be there during the summer. I will make sure that everything will be in the best condition possible. Everything should be fine and satisfy all the neighbors.

- Discussion.
- Mr. Rosenshein adjourned the public hearing until the next meeting.

OLD BUSINESS:

Mr. Rosenshein: We have a situation under old business, what we're doing is site plan extensions. It has become a real problem now as to termination dates that are at various times depending on the application. In case you're wondering what is going on, it should be simple, but we'll see.

1. OLD FALLS – SBL# 28-1-34 – Site plan amendment
 - Glenn Smith, engineer, represented the applicant: I'm representing the Joe Perrello family on this Old Falls townhouse project. Actually there are two things we are looking for tonight. One is an extension and one is a slight modification to the plan. This is a 16 triplex unit townhouse development in Old Falls, 48 units total that the board issued final conditional site plan approval last August, 6 months ago. The conditions were we needed to provide the outside elevations of the building, what it would look like and there were some notes that he put together on it, and pay any outstanding fees, whatever they may be. Those were the only conditions of the final site plan approval. One thing we're asking for tonight on behalf of Joe Perrello is the 6 month extension on the site plan approval because the market conditions being the way they are nothing is happening real fast with the project.
 - The other item was, I circled note number 8, on the original plan that was approved, we had indicated they would be 3 bedroom units. That is a total of 144 bedrooms all together. Joey had some second thoughts after approval and like he said a lot of units these days are 4 bedrooms, so he asked if we could change it to 4 bedrooms. I redid the environmental assessment form; in there I did a report on the water supply and also on the sewage disposal system. I evaluated the town's pump station that will be handling this flow. I sent that all to Keystone last September and finally in January got an approval letter from Keystone approving the concept of going from 3 bedrooms to 4 bedroom units.
 - Discussion.
 - Mr. Rosenshein asked for the square footage of each unit.
 - Glenn Smith: They are in the range of 1250 or something like that.
 - Arthur Rosenshein: Is the square footage increasing?
 - Glenn Smith: No.
 - Arthur Rosenshein: You are going to make smaller bedrooms. So there are 4 bedrooms in 1200 feet.
 - Glenn Smith: We had shown a 31 almost 32 foot by 52 foot unit. The footprint is not changing of what the board approved. The board had requested floor plans that were part of final condition and the elevations are on the floor plan submitted. No the buildings are not changing in size.
 - Mr. Rosenshein directed to Mr. Geneslaw to speak on the project.
 - Robert Geneslaw: I've only seen the plan tonight. As far as 8 goes, I believe that is for

Will and Keystone because the number of bedrooms is typically related to the amount of water and sewer capacity.

- Arthur Rosenshein: We've increased the density by the number of people. We've increased the bedrooms, which is a minimum of 48 people we could assume and possibly much more than that.
- Someone mentioned even 96 people if you consider 2 per bedroom.
- Arthur Rosenshein: What about concurrently increasing recreation to go with the increased number of people? Not mention parking possibly.
- Glenn Smith: Parking is based on the number of units. We show overflow parking in the upper part of the site.
- Arthur Rosenshein: That may have to change.
- Irv Newmark: If you are going to do all with 4 bedrooms, you may have to redo all the parking.
- Arthur Rosenshein: There is some concern. Bob, this is under your review?
- Robert Geneslaw: Yes, I'm working on it.
- Arthur Rosenshein: We're not going to go too far tonight because this is the first it's submitted. We can vote on an extension but we won't do anything on the site plan. I think there is some concern now because the density has gotten much greater. And everything now has to be looked at again. It's not a large site and whether the site in fact can contain this many people. We'll wait for your review to come back on that.
- Robert Geneslaw: I'll have it ready for next month.
- Glenn Smith: Bob, do you need anything more from me on that?
- Kalman Freidus: There also was a question; the reason this is a triplex, 3 units attached, is the way the code reads now? Do you know about this?
- Glenn Smith: Anything less would be duplexes.
- Kalman Freidus: The way the code reads now is: duplexes are excluded from this zone and townhouses are included. As far as I know, Joey Perrello really doesn't want these. Allen isn't here but he would explain this. This is in the process of being changed in the code as far as I know. As far as I know, everyone would like to have duplexes in this zone because you're forced to put 3 together, which we don't really want. And there have been a few projects like that. It seems to be an oversight.
- Glenn Smith: We're not proposing to go back to duplexes.
- Kalman Freidus: I know that the zoning doesn't allow them. My understanding is they wanted to go back to duplexes. The town is right now talking to Alan Sorensen about revising that because it seems to be an oversight.
- Ira Steingart: To make a suggestion, why we just give an extension on the old plan. We need more information.
- Arthur Rosenshein: That's what we're doing. We're establishing what information we will want more of. I think this subjects this to review and if he wants to change this then the whole thing is wide open, as far as I'm concerned.
- Robert Geneslaw: It looks to be about a one third increase.
- Arthur Rosenshein: Oh yes. It opens it up and it also opens it up to what the end use may be. If you start putting in 4 bedrooms, possibly 8 people in a unit, whatever it is,

the purpose of the project comes under review. Because your average family is 3 people and if we're now going to have 4 per unit, we better look at it very closely.

- Ron Hiatt: What about republishing and re-filing.
- Arthur Rosenshein: We may have to open the whole thing.
- Glenn Smith: So if it gets too complex, we may just go back to the 3 bedrooms.
- Discussion.
- Arthur Rosenshein: That's a choice you can make.
- Discussion that they can mix the number of bedrooms with some 3 and some 4.
- Arthur Rosenshein: Changing to 4 bedrooms really raises a red flag. That really changes use.
- Robert Geneslaw: Arthur, with the 6 month extension on the site plan, he may just decide to leave it the way it is, go the 6 months and see what the market is.
- Arthur Rosenshein: That's his privilege. I believe this is the first extension.
- Glenn Smith: It's not an emergency. We have 6 months to play with.
- Discussion.
- Arthur Rosenshein: You can notify client of our thoughts. The motion to extend the site plan approval for 6 months as it is.
- Ira Steingart made the motion. Richard Panchansky seconded the motion. All in favor.

2. SAPPHIRE DEVELOPMENT – SBL# 44-1-15.1 – Site plan extension

- Jay Zeiger, attorney represented the applicant: Sapphire is an 84 unit development that was approved by this board. We had gotten a 6 month extension back in August.
- Arthur Rosenshein: Was that your first extension?
- Jay Zeiger: Yes.
- Will Illing: Art, was that approved with conditions or was that approved.
- Jay Zeiger: There were conditions. Remember this project is adjacent to the Mountindale park and there was going to be a land donation and extension of the sewer district in that area. We had gotten the approval of the town board for the extension of the sewer district. We haven't filed any map. We had talked about maybe doing a transportation company. Then we had meetings with you and another project that perhaps instead...
- Will Illing: The point I'm making is there hasn't been much progress made on that whole issue. It has been left in limbo. I think it probably needs to be addressed so the town can move forward.
- Arthur Rosenshein: What I was thinking is we'd do that at the one year mark. We have agreement from counsel here.
- Ron Hiatt: Yes.
- Arthur Rosenshein: And at that point, we're going to have to decide how many of these things to say, "that's it". But I think one year is not an unreasonable period in this economic environment.
- Richard Panchansky: So this is the 2nd one so that would make it a year?
- Jay Zeiger: I would hope, Arthur, that if we got to the point where we'd say, "that's it", that you'll say in one year, this is your last one. As opposed to coming back in 6 months.

- Arthur Rosenshein: What's going to happen in 6 months is I suspect that we're going to look that something has been done. To show some faith on the other side. We've reserved sewer and water here. As soon as a project comes in, it's reserved.
- Jay Zeiger: In this project what actually was proposed is there are houses that are in the district that we're going to build a packaged plant and they're going to come out of the district and be serviced by our plant.
- Will Illing: That was one of the options. We're still not clear on what you're doing.
- Arthur Rosenshein: So it won't be quite as simple next time. Motion to extend the site plan for 6 months. When was the last one?
- Jay Zeiger: The last was in August.
- Arthur Rosenshein: So you're right on time.
- Jay Zeiger: It will be a full cycle.
- Discussion.
- Irv Newmark made the motion. Ira Steingart seconded. All in favor except Gary Tavormina.
- Robert Geneslaw: Arthur, the board might want to consider asking for a tracking document when they come in for the extension. Because everyone is at a slightly different place and we're all looking at it as a whole. It would be helpful if the history, the outstanding conditions were explained so the board can see them in some kind of rational way.
- Kalman Freidus: We're supposed to have that anyway.

3. YESHIVA ZICHRON MAYIR – SBL# 42-1-115.1 - Site plan extension

- Jay Zeiger, attorney represented the applicant: What was approved was a kind of lot line change and then a subdivision. The condominium units were going to be coming out of the main parcel.
- Richard Penchansky: It was down toward the high school, I think?
- Discussion. It's in Mountindale.
- Kalman Freidus: What's the status? They were approved but have not filed?
- Jay Zeiger: Yes, they've done some work, they've taken down some buildings.
- Will Illing: Yes, they have and they created some violations on the property, but they'll take care of them, I guess.
- Jay Zeiger: So we've done some work. Allen was of the thought that because some of the work was done that we may have vested our approval anyway, especially on the condominium side.
- Mr. Rosenshein asked for clarification.
- Jay Zeiger: Allen said you may not need an extension because you've already started the work.
- Arthur Rosenshein: I understand what you mean. Was it filed or not?
- Jay Zeiger: No.
- Arthur Rosenshein: So what's this concept of vesting.
- Jay Zeiger: That's what Allen said, you may not need an extension because you've done some of the work.

- Arthur Rosenshein: How can you start the work if you haven't filed the site plan?
- Jay Zeiger: The site plan is not filed with anyone other than the Town. I don't know if you've actually signed the map or not.
- Arthur Rosenshein: Not that my memory is great, but if I haven't then you haven't got anything yet. In which case vesting is a concept to which I have not been introduced.
- Jay Zeiger: I am repeating what Allen had said that we may not need an extension because we've started doing the work. We're here asking for an extension anyway because we certainly have not started building the new buildings.
- Arthur Rosenshein: I have no problem with a 6 month extension. When was the site plan approval granted.
- Jay Zeiger: The last 6 month extension was also granted the same time (*referring to the previous project?*).
- Arthur Rosenshein: Same situation, a motion for a 6 month extension. Irv Newmark made the motion. Kalman Freidus seconded it. All in favor except Gary Tavormina abstained.
- Jay Zeiger: I'll submit a tracking document as for the other project.

4. ROYAL ESTATES – SBL# 17-1-46.21/46.3 – Site plan extension

- Jay Zeiger, attorney represented the applicant: This is the first request for an extension on this project.
- Richard Penschansky: Location please.
- Someone stated the location but was not distinguishable. Discussion.
- Gary Tavormina: I believe there is a payment due.
- Jay Zeiger: Check was delivered.
- Tod Burns: On the 9th, yes.
- Arthur Rosenshein: So the escrow fees have been paid in full. Good. How many extensions?
- Jay Zeiger: This is our first. If you remember it was 140 some odd.... We had to get some sewer extension work that we got approved from the town board, which was one of the conditions. We had some work at the emergency exit that we had approved from the town board since then. We came here about a year ago to start development on the other side that is dissected by a road. That project is still in the works as well. This project that was approved and we're asking for the first extension.
- Arthur Rosenshein requested motion for the 6 month site plan extension.
- Irv Newmark made the motion. Kalman Freidus seconded the motion. All in favor except Gary Tavormina abstained.

5. PLEASANT ESTATES – SBL# 36-1-45.3/48.52 - Site plan extension

- Jay Zeiger, attorney represented the applicant.
- Arthur Rosenshein: Same thing, have the fees been paid?
- Jay Zeiger: Yes.
- (*Today!*)
- Discussion – location of project is next to the Windsor, Pleasant Valley Road.

- Jay Zeiger: This is the first extension we are seeking on this project.
 - Ira Steingart made the motion to grant the 6 month extension. Irv Newmark seconded it. All in favor except Gary Tavormina abstained.
6. MIRON HILLS – SBL# 60-1-70.1 – Site plan extension
- Jay Zeiger, attorney represented the applicant: On Heiden Road. It was approved for 50 units. It started in September 2006. But it was approved after all the hurdles. This is the 4th extension request.
 - Will Illing: Do they have the permit from the DEC for the waste water treatment plant?
 - Jay Zeiger: They received comments from the DEC. They're still working on the permits.
 - Arthur Rosenshein: When did they receive the comments?
 - Jay Zeiger: They received comments in December 2009. We submitted our response January. This one we're actually doing some work on it. We had it published in the Democrat. This one we've been back and forth with the DEC.
 - Discussion.
 - Ira Steingart made the motion to grant the 6 month extension for the site plan. Irv Newmark seconded it. All favor except Gary Tavormina against. He is against it for several reasons. One, they've done nothing. Two, they owe county back taxes. And this thing has gone on for how many years? Enough is enough already.
 - Jay Zeiger: We already got through that we have done something. We've been in communication with the DEC.
 - Gary Tavormina: Back taxes are owed to the county. How many years? So as far as I'm concerned it is a null and void situation.
 - Jay Zeiger: And the courts have ruled. I've already got my extension. Taxes are not a ground to deny an application. Violations would be.
 - Arthur Rosenshein: It's already been voted on.
 - Discussion. Item closed.

NEW BUSINESS:

1. ECO COMMUNITY HOUSING AT SCCC - SBL# 17-1-26.2– Requests special permit/site plan approval for the construction of a 3 unit community housing building containing 24 bedrooms. Zone: REC-1. Acreage: 19.7. Location: CR 104, Loch Sheldrake
 - Peter Berman representative for the applicant.
 - Robert Geneslaw: I will summarize some of the items. We were not at the last planning board meeting. So we relied on the minutes and the plans that were received. (Mr. Geneslaw proceeded to summarize the memo he submitted.) He stated that approval target date of May 13th appears achievable. They recommend the planning board declare itself lead agency withstanding any other agency objections and that the applicant will handle all project mailings.
 - Allen and I had several conversations about the zoning and I'm not sure if they have all been resolved. So I decided to include this in the memo.

- Item D-1: A 239 review has already been received.
- Item D-3: The roof has already been addressed.
- Item D-4: Comments now received from the Hurleyville fire district at tonight's meeting.
- Discussion between Jack Halchek and board members Kalman Freidus and Irv Newmark about the process of notifying the fire districts. The applicant is responsible for informing the fire district. A notification should be included in the packet received from the building department that the applicant must notify the fire district of the project about the imminent project. Mr. Tavormina addressed Mr. Halchek that his complaint is not with the board but with the building department. Mr. Rosenshein explained that he needs to take his complaint to the town board. Mr. Tavormina conferred and added that he can also speak to Allen Frishman or Tod Burns and let them know what he wants.
- Mr. Halchek stated they have a genuine interest in their districts and that they are in favor of this project. In fact, the fire district can help them.
- Ron Hiatt: Do you really want the fire departments to come here when it's just conceptual review?
- Arthur Rosenshein: No, I'm trying to point out that we haven't even seen this yet.
- John Halchek explained he'd like to be there so he can bring it back to his people.
- Mr. Rosenshein closed the argument.
- Peter Berman reviewed the updates with the board. He thanked Mr. Geneslaw for his timely response with his comments. We improved on the building elevations. There have been a couple of other changes made because we are moving at a pretty fast pace. I'll tell you about them and then you'll see them later. We addressed the water flow coming off the roofs as we gotten into more of the architectural. The roofs drain a little better. As far as he lease line goes, that's actually something we're working on right now is the language of the lease. We've held off on that until we figure out exactly where are all the improvements we are making are going to be so that any improvements can be included but they'll definitely be noted on the file map. And we probably do like Mr. Geneslaw suggested some sort of circle or bubble that encapsulates the things we are responsible for maintaining and a little space beyond it so there is no issue to put a ladder at the access of the building.
- We felt pretty strongly at the first meeting that we as the developer that we didn't need to put parking close to the building. But listening to the board members and the consultants' comments it became apparent that it was important to everyone else. So what we've done, like Mr. Geneslaw said, is we fit the space for 2 handicap spots in the front of the building. But we are opening to designating those spots however the board wants them designated. If you want one as a loading spot, one as handicap, if we want both handicap, both some sort of other use, we're able to fit that spots. And then we have enough spots on the campus. And as we discussed, keep in mind these students are already here during the busiest time of the day, which is the school, this is just extra cars at night.
- Arthur Rosenshein: What is the potential for handicap students to be using the

facility?

- Peter Berman: The building is under the building code has to be what is called handicap adaptable, which is slightly different from handicap accessible. So there are different requirements on door spaces and the rounds of the plans we're getting to right now are dealing with those smaller issues. It's accessible.
- Arthur Rosenshein: So my question is what if you have more than one handicapped student. So one or two spaces may not be adequate. I don't know what would be...
- Robert Geneslaw stated based on the fire code for dormitories there may be specific requirements to be met. They should research this.
- Discussion.
- Peter Berman: We have enough to meet the ADA(?) rules. The two is more than sufficient to meet the ADA rules.
- Mr. Rosenshein asked that this be researched. He felt that more than one or two should be included.
- Peter Berman: When John came back, he came back with one spot was required. We put in two for now.
- Arthur Rosenshein: Is that based on visitors rather than residents? Because that would be 2 different things. It may say for visitors you have to have so many. But is there a code for residents?
- Peter Berman: That's based on the capacity of the building. It doesn't specify visitors versus residents.
- Arthur Rosenshein: That's two different questions.
- Peter Berman: Yes, it is.
- Arthur Rosenshein: Bob, that's another thing.
- Peter Berman: The zoning regulation doesn't address visitors versus residents.
- Arthur Rosenshein: That's what we want. Through my observation, the day the dorm starts to fill, opening day, students will want to drive down there to unload. Is a provision made for a turn-around....
- Peter Berman: We're going to be widening the access road. It is currently used exactly like that on move-in day. He addressed Steve Mickles(?) from the management company: They currently use the access road on move-in day, correct?
- Mr. Mickles concurred.
- Peter Berman: And we're going to be widening that access road.
- Kalman Freidus: Where do they park?
- Elizabeth Kubenik, VP of Administrative Services of SCCC responded: We have traffic control.
- Discussion.
- Peter Berman: This is why we are improving access to the dorm. We're a separate entity but we're working very closely. We're going to work with the same property management the dormitory corporation does. So we'll count on that. Our move-in day could conceivably be the next day if they decide that's what it should be. Frankly, they know how to run student housing. We know how to get the project approved with your cooperation and built.

- Ira Steingart: How about the fire department's comment on the road?
- Peter Berman: That's what we said, we're going to be widening it. We had a discussion with Jack and a couple of other of the fire commissioners. We came up with a proposed width to the road and some improvements on the turn-around where you first come in.
- Kalman Freidus: Have you figured out both turn-arounds?
- Jack Halchek: We're going to take the truck up there and look to see that the turn radius to ensure we get the access that we need that we don't have right now.
- Peter Berman: Mr. Geneslaw's comment about the ramp. He is absolutely correct, this rendering still does show 2 steps. We're envisioning, we're still working on the details, having a ramp that accesses the porch, which will get you all the front doors. And we'll make sure all the front doors that we use have a sill that is less than $\frac{3}{4}$ of an inch. This is considered access for this type of use under the code. The basement, the lower level I guess we should call it, does meet the egress requirements and the ventilation. We have full doors. We are adding the roofs.
- Kalman Freidus: So that basement is only underground on the other side?
- Peter Berman: Exactly, it's a walk-out. And then the code requires these entrances to be covered. So a similar porch roof will be added here in the right scale.
- Robert Geneslaw: That doesn't reflect the grading that will actually be around the building, does it?
- Peter Berman: The grading plan does to get you the walk-out. Laundry facilities will be in the building with accessible.
- Robert Geneslaw: I know that I saw them in the plan. My question really was are the students responsible for their own or...
- Peter Berman: Coin or card operated. They'll do their own.
- Discussion – there will be no service for bed linens, etc. They're on their own.
- Peter Berman: We got the 239 review back (it was a favorable review – he was drowned out by others talking). The fire department we spoke with them. Are there any others you want me to address specifically?
- Arthur Rosenshein: Yes, that 1200 foot thing. The comment about the wind turbine.
- Peter Berman: I'm a big fan of wind turbines; I think they're a great idea. You also have to think of the topography out there. I'm pretty safe in my building because the dorm is much bigger. And between me and the wind turbine, I'm pretty sure the projectory would hit the existing dorm. (He spoke of the wind turbine in Atlantic City, NJ. Discussion.)
- Robert Geneslaw addressed Mr. Rosenshein: You might want to have them look into the report of the one that exploded near Buffalo and find out the height and any other characteristics that might affect its operation and compare it to the one proposed for the campus.
- Peter Berman: That would be on the turbine people.
- Arthur Rosenshein: No.
- Peter Berman: You want us to do this?
- Arthur Rosenshein: Thank you.

- Discussion.
- Peter Berman: Were there any other questions?
- Kalman Freidus: Yes. If this is successful, hopefully it will be, is the college planning to build more of these?
- Peter Berman: We have an agreement with the college to build this building; to lease this piece of property and build this building.
- Arthur Rosenshein: Right but have you thought about that?
- Peter Berman: We certainly careful with the design from a couple of perspectives. We wanted to stay compact to the site for a lot of reasons. One it's really the way the development is trending, the more compact sites. Then work off the existing infrastructure: water, sewer, roadway or access way and that site obviously allows for other things that are going on at the college, whether it's the wind turbines and G-tech park or other housing needs they may develop later on. There is no plan or layout to facilitate those right now.
- Kalman Freidus: I would feel better because the design is so different from the college, and I understand that the scale is different. I don't mean that the building should look like the big dorm, but in some superficial ways it should relate to something at the college. Maybe the color of the roof, I don't know, something that it's not just plopped down there from some little town in the United States. If there were more of those, I'd feel better.
- Peter Berman: I talked about it with Allen after the meeting and they're working on an architectural review board. So we kind of went through if this had to go through that process. What we came up with based on what the board had said, we were thinking about more in a white so the colors blend better. And on the accent roofs, the shed roofs over the porches, doing those potentially in a green metal as used in the other building. Probably a dark colored roof because they're more energy efficient in our climate zone whether it's a dark gray or black. A white siding and then some green metal roofs to pick up some of the flavor that are around us.
- Discussion that dark roofs reflect the heat versus the white so preferred because in the northeast you want more heat. The color looked better on the monitors than on the prints where it appeared as a sort of funky green algae per Peter Berman. He showed a better depiction of the color. Also, metal roofing very expensive why only used as accent and not throughout the project. It's about 4 times the cost of traditional roofing.
- Mr. Berman pointed out that when you compare pricing you have to compare the cost with labor and materials in response to a comment by board member Freidus.
- Discussion of aesthetics of green asphalt shingles not very pleasant. John Makovic stated that a note should be made not to go with white siding. This will be discussed in more detail.
- Peter Berman: What we are asking for, believe it or not, is conditional final approval.
- Arthur Rosenshein: You've got to be kidding.
- Peter Berman: We absolutely are not kidding. The May 13 timeline... Yes, we have plans sufficient for site plan approval (in response to a board members comment).

- Arthur Rosenshein: I can't see it. You have a laundry list. It won't improve your speed at all.
 - Peter Berman: Let me correct one thing on Mr. Geneslaw's comment letter that may have been interpreted from the minutes, a May 13th approval means this project does not get built. It gets withdrawn; it doesn't get done. This project needs 90 days for construction.
 - Arthur Rosenshein: The point is you go through the list. At the next meeting if you've done all that, you get your final approval, final final is over. So in any case the conditions are you come back with the whole thing done. So it doesn't get you anywhere. Let's just leave it this way. We certainly are not trying to slow you up, but it's not going to speed up anything either and it's just too long a list. We'd like to do things this way; it keeps things in an even perspective.
 - I just want to read into the minutes that we received the 239 review from the county and the bottom line is, "Based on our review of the material provided, the DPEM feels the proposed action will have positive inter-community impact by creating needed housing for SCCC students and demonstrating the possibility for LEED construction, therefore, we recommend approval."
 - Robert Geneslaw addressed Mr. Rosenshein: To me the most outstanding issue is the fire access and it will probably require some changes to the grading plan along the road. The pathway is going to have to be wider than it is now. I think they can get that done if they review it with the fire department for the next meeting.
 - Arthur Rosenshein: All of the items are relatively simple, so it should be doable. We don't like to hang projects up if we can avoid it.
 - Peter Berman: Okay, that's good, thank you.
 - Mr. Rosenshein made the motion to declare lead agency status unlisted action. Ira Steingart made the motion. Gary Tavormina seconded it. All in favor.
2. DIMIFINI GROUP/MAJESTIC DRUG – SBL#60-1-28.1 Requests a lot improvement of a 25 foot strip to be added to SBL #60-1-.22. Zone: I-1. Acreage: 4.69. Location: Route 42, South Fallsburg.
- The motion for lead agency status unlisted action was made by Ira Steingart and seconded by Richard Penchansky. All in favor.
 - Arthur Rosenshein: All we're looking at is a 6 foot strip.
 - Larry Fishman: A 25 foot strip.
 - Arthur Rosenshein: There is absolutely no implication for anything on this one. So it's what we call a minor site plan and what we do is preliminary and final at the same time. Motion for preliminary and final site plan approval for the Dimifini Group/Majestic Drug project. Irv Newmark made the motion. Kalman Freidus seconded it. All in favor.
 - Larry Fishman: You don't need anything at this point.
 - Arthur Rosenshein: The map will have to be stamped.
 - Larry Fishman: We're going to have new maps drawn.
 - Arthur Rosenshein: And then it will have to be filed. It has to have my signature.

3. SKOPPS COTTAGES NORTH - SBL# 27-1-16.2– Requests site plan approval for four (4) new duplex structures. Zone: HR-1. Acreage: 8.39. Location: Brickman Rd./Murphy Rd., Fallsburg

- Arthur Rosenshein: Let's start with the tax map situation.
- Kirk Rother: This is the first I heard of it tonight. What you had asked me was this other site related and I told you it wasn't. I don't know the answer to that and I'll have to look into it.
- Arthur Rosenshein: I specifically asked does that imply it is all one project and the answer is yes.
- Will Illing: Art, I verified that myself also, it is all one parcel. I verified it with the assessor's office. And we also found out there is a sewage pump station on the other parcel that pumps across the street and across this parcel. If it's all under one ownership that's fine. But you may need to address the pump station.
- Discussion.
- Arthur Rosenshein: You may have to start over. It may all fit together but it's not actually considered together. We're not going to get much further tonight. However, that having been said, if they're all one project then the hydrant situation works for both them. Therefore, we would look for the hydrant to be closer to Murphy Road. Think about that for a moment. So it would get the other side also.
- Kirk Rother: Exactly.
- Arthur Rosenshein: You are going to have to give your client the bad news until that gets straighten. And if it turns out it's one project, you are really going back to the beginning just the way it is. The other thing, noise issue. That's an issue. That's a very sensitive issue for people who live around here. When we hear on a project that there have been police calls and it's an ongoing issue, we're going to have to think about it. Now there is an ordinance that you cannot have wired loud speakers. Some people have cured that by having portable loud speakers. I don't know how we can approach this. It's not under special use permit, I don't believe.
- Robert Geneslaw: I don't think so.
- Arthur Rosenshein: Because if it were we could make it conditional and then yank the approval. I'm not sure what we can do on this.
- Robert Geneslaw: You mean with respect to the noise and the site plan. I think you can do it as approval of the site plan, if you want to.
- Arthur Rosenshein: How are you going to enforce it?
- Robert Geneslaw: If there is amplified noise, it's a violation of the site plan, the code enforcement officer can issue a ticket or violation, or whatever is appropriate.
- Arthur Rosenshein: But how does that affect the site plan once it's signed?
- Robert Geneslaw: You mean if it happens after? It's a violation of the site plan and whoever is doing the prosecution for the town would or the code enforcement office would issue a ticket or a violation whatever the appropriate measure is and they would go to court.
- Arthur Rosenshein: And it's above the noise ordinance? This would be beyond it?

- Robert Geneslaw: Separate.
 - Discussion.
 - Arthur Rosenshein: I like special use because it's easier. You just yank it. Okay. Do mention to your client that it's going to be an issue.
 - Ira Steingart: I think there's also from what I understand not the new construction but the old construction as water above ground. It used to be a bungalow colony. Now they are going to have to put in to meet code in the new building underground. I think we should look at taking care of the whole project.
 - Arthur Rosenshein: This opens up the whole project.
 - Ira Steingart: I'm concerned about the bungalow colonies in the future starting to be year round residences. In the last 6 months, we had a couple of them do that. I'm concerned about that happening. I'd like to see them try to say it's seasonal use.
 - Robert Geneslaw: The new construction will be year round construction. It has to be under New York State code. What may happen is that when the owners/tenants of the new units come in, people who have been renting the older the units might say if they can do it I can do it too. I don't those are winterized units. Either way what you are talking about is more likely to happen here than in a place with the old units because they'll see the new units being occupied.
 - Ron Hiatt: The site plan elements are supposed to include all the buildings within 100 feet of the parcel. And you are supposed to include all the utilities on adjoining lots.
 - Ira Steingart: I'm upset to be quite frank that they didn't tell us they separated the lot. The owner of the property had to know he owned both lots. They were deceiving us. We didn't evaluate the property, the density based on that. To be quite frank it is very upsetting.
 - Kirk Rother: I agree. A lot of effort went into this.
 - Bucky Loucks: This colony divided into three. This belongs to them, this belongs to them and this belongs to them (*referring to the rendering*). And because I know about them, this side of the road does not correspond with this side of the road. They have their own pool, they have their own pool. They probably don't know it was that way.
 - Discussion.
 - Kirk Rother: I have a filed map that it is a 3 lot subdivision that subdivides off this Skopps. But from what I hear tonight in 2006 they went and remerged these two lots.
 - Ira Steingart: When they did that they changed the rules.
 - Kirk Rother: Right.
 - Discussion – someone should have known something just from when they received and paid the tax bill. However, assuming the taxes were paid.
 - Kirk Rother: We'll investigate this and come back.
-
- Mr. Rosenshein after the Sheldrake Hills item that Skopps received a 239 review. Based on the material presented, the DPEM finds that there will be no inter-community impacts; therefore, we find this will be a local determination. Their recommendation to review the location of the dumpster.

4. SHELDRAKE HILLS – SBL# 17-1-22.3- Requests site plan approval for 20 duplex units. Zone: R-1. Acres:.20 Location: Co. Rte. 104 and Leroy Rd., Loch Sheldrake.
- Jay Zeiger and Kirk Rother represented the applicant.
 - Arthur Rosenshein asked for explanation for all the comments.
 - Will Illing: First of all, Kirk, you were working on that pump station deal. You are going to have your own system to take the sewage away from the site. You can't share the pump station on the other parcel. So you are designing to separate that.
 - Kirk Rother: Right.
 - Jay Zeiger: That one gets crossed off?
 - Will Illing: Yes, the same with the water supply. You'll have your own main coming off the main road.
 - Jay Zeiger: Do you want us to tell you what we're here for before we get to the comments?
 - Mr. Rosenshein concurred.
 - Jay Zeiger: This is the existing Sheldrake Hills bungalow colony now (*referring to the rendering*). The proposal is up here. What we're asking for is a subdivision, it will be a 2 lot subdivision, lot #1, which is now vacant land, is where the new building will go, and lot #2 is where the existing buildings are. The last time we were here we had an issue because part of the property, 20% is outside the sewer district.
 - Kirk Rother: More or less. As the board recalls, this entire site was approved, the map was actually signed and it allowed for these 6 units, 5 of which have been built, as well as 4 quadplex buildings or 10 quadplex buildings in the top portion of the property. So this application was made to the board as a site plan modification in which those units got split into duplexes. We spent quite a bit of time with the board with that prior plan, very similar to this. We had to go to the town board to allow extension of the water and sewer district line. We were able to come up with an alternative plan that was quite unattractive and really, really tight as far as the density that did fit into the existing water district boundary. But I guess, Jay handled that presentation to the town board, and my understanding from Jay was that was in fact granted. However, on the original plan we showed access onto Leroy Road at this location here as well as this location here (*referring to the rendering*). I believe that in Jay presenting this to the town board one of the things they asked for was no access onto Leroy Road.
 - Jay Zeiger: The town board was okay with the extension because it's a very minor extension but they didn't want Leroy Road. There actually was some discussion is it public or is it private, to whom does it belong.
 - Kirk Rother: Is it county owned or is it town owned. I believe it's town owned. So anyhow, we were pretty far along on the original design. We had already gone one round with Keystone. We just kind of sat tight for the past several months and we're here tonight really to reintroduce ourselves. Let the board know this is the proposed access to these units. Now so that we do not have access onto Leroy Road, we have an emergency access here (*referring to the rendering*) for emergency vehicles if need be. With the exception of that change, this plan is basically identical to what was presented to the board many months ago.

- Kalman Freidus: Where is the pump station?
- Kirk Rother: There's an existing sewer manhole on County Route 104. This all slopes downhill. I just have the one sheet set here. So we would have our own pump station. Pump it back up. And then go gravity down to Route 104. There's an existing pump station somewhere in the midst of this colony. And that is what Will said we absolutely do not want any sharing of the facilities amongst the two. The water main is right on Leroy Road. The water tower, actually this is the water tower access.
- Ken Walter: That used to be Leroy Hotel. The fire company of Loch Sheldrake bought that to be a park. And when they clipped the deal, is my understanding, and you'll see down here there's a rock in the middle, they wanted to cross over here. This was the original Leroy Road (*referring to the rendering*) that the town owns. This is the side the county built. When they did all that, I think there's a deal cut that that space right across was to go right across. You may want to look at that. They changed that from being an emergency use to one way...
- Jay Zeiger: We're not going to do that. The original proposal was that these were the entrances. The town board had asked that it be done this way. That was their preference.
- Arthur Rosenshein: So they did that as a condition of approval. My question is this, it shows what one could consider a secondary entrance and it ends on an existing dirt road, internal with the other, what kind of condition is that existing dirt road?
- Kirk Rother: It's a mix. Some of it is dirt; some of it is broken pavement. It's pretty narrow in this area, fairly wide over (*referring to the rendering*). But I wouldn't say it's in the greatest condition.
- Arthur Rosenshein: Because what happens is we'd like to see the two ways in and out in an emergency. And if the 2nd way is not passable, then we're going to have to talk about that.
- Ira Steingart: How long is the road, too? It may go against zoning if it goes more than 100 feet.
- Kirk Rother: From this point here to this point here is 1200 feet (*referring to the rendering*).
- Ira Steingart: Then it doesn't meet zoning.
- Discussion.
- Kirk Rother: As long as the emergency gives two ways in, we would have...
- Richard Penschansky: That's one.
- Discussion about the viability of the road.
- Mr. Rosenshein said if they make the road emergency vehicle accessible then that suits the purpose.
- Mr. Rother said it does and it doesn't.
- The discussion continued. Mr. Rosenshein then said which brings us to the question of County Road 104 and another entrance on there. The discussion continued about the entrances. Mr. Rother is to come up with a solution.
- Robert Geneslaw: I was on the property twice in the summer of 2008 when it was very active. There were a lot of cars that blocked the driveway that is shown in gray.

Particularly the entrance to County Route 104 there were many vans literally stopping in the driveway there were many mini-vans with children parked at least 5 minutes, I couldn't get out, I had to wait. There wasn't a lot of room for maneuvering. So I think something needs to be done with the overall parking in the existing part of the development so that the roads are kept clear particularly at the entrance.

- They're showing this will be 2 separate tax lots. The new one to the planning board's approval would have to access frontage on a public road. I don't know if the county road counts for that. I want to look into it a little bit but it may be necessary to get approval.
- Discussion each lot will need to have its own access road.
- Jay Zeiger: The subdivision is pending.
- Arthur Rosenshein: Right but we're looking at this as one property at the moment.
- Robert Geneslaw: If it is going to be 2 lots, at some point in the future there will be separate owners, so there ought to be an easement for the entrance road at minimum as part of planning board approval.
- Jay Zeiger: Yes, that will be.
- Robert Geneslaw: I think there may be a different problem, I think the best thing for me to do is get a copy of the town law, send it to Jay and let him take a look at it.
- Kirk Rother: The code requires that the actual physical access....
- Robert Geneslaw: My recollection is that each lot that the planning board approves has to have access and frontage to public road.
- Kirk Rother: Are you talking about the town law.
- Robert Geneslaw: The town law of the state.
- Discussion.
- Kirk Rother: Okay, we'll look into that. If you have no access to a public road, you need a variance, which they call a 280A.
- Discussion.
- Kirk Rother: We will meet the town's zoning ordinance with regard to lot width on the public road.
- Ira Steingart: How is that a public road?
- Kirk Rother: Leroy Road?
- Ira Steingart: That's Leroy but you're not going out to Leroy.
- Kirk Rother: That doesn't matter.
- Discussion.
- Arthur Rosenshein: If that's the case, you are most definitely going to have to have that entrance onto Leroy.
- Kirk Rother: This is in what fire district?
- Response: Loch Sheldrake.
- Discussion.
- Arthur Rosenshein: The issues: usage of the road, maintenance of the road, the entrance to 104 and the emergency.
- Discussion if the town board would reconsider the use of Leroy Road. Mr. Rosenshein stated that's not a good idea plus it's the college entrance road.

Meeting adjourned at 9:13 pm.