

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

TOWN OF FALLSBURG ZONING BOARD MEETING

June 15th, 2023

Larry Zierler, Chairman, Neil Sapolsky, Mike Bensimon, Jennifer Lishansky, Steve Altman, Ellyane Hutchinson, Board Members, Mollie Messenger, Code Enforcement, Dylan Harris, Town Attorney

- **Larry Zierler** called the meeting to order at 7:00PM
- Minutes were not present from previous and could not be voted on
- Larry Zierler: The Town of Fallsburg Planning Board will review all applications on the merits and based on the Town of Fallsburg zoning code. The Planning Board approval does not guarantee issuance of a water sewer permit by the Department of Works. Due to the current and expected future constraints on the water and sewer systems that were discussed and open to public comments during the joint meeting on May 9th 2022, all water and sewer connections and applications will be accepted based on the then existing facts and circumstances. Each application connection or extension will include a review by the town engineer. It will be guided by the town engineer's expertise and knowledge of the town's systems. This information is posted at the Department of Public Works for public viewing. The Town Board is taking every reasonable measure to address the capacity issues.

OLD BUSINESS:

1. CONGREGATION ADAS YEREIM – SBL# 12-1-13/12-1-21.13 – Requests a 6 month extension on a previously approved area variance to allow more than a 25% expansion in a preexisting camp to construct a new 70 x 120 dormitory building. Zone: AG. Acres: 46 acres. Location: 138 Labaugh Rd., Loch Sheldrake. Cross Roads: Divine Corners Rd.

- Joel Kohn represented.

- Joel Kohn: We're still in the Planning Board process to get the site plan. We have to investigate more about the sewer on the site and there will be additional sewer that will need to be added. Everything that goes on at the camp. So we'll need to modify the SPDES permit, need some perk testing and soil testing so that is in the works.
- Steve Altman: When did it end?
- Joel Kohn: This month.
- Steve Altman: Did you send it in?
- Joel Kohn: Yes.
- Discussion.
- Joel Kohn: We'll probably come back for another extension because it takes time until we get DOH approval and site plan approval. So it will take more than six months. You'll probably see me in six months again for another extension. For this project I will probably be back for another extension.
- Larry Zierler: This is not indicative of any inability to move forward. This is the log hand based on the caseload, right.
- Joel Kohn: Right.
- Larry Zierler: But you are actively pursuing
- Joel Kohn: Correct.
 - MOTION:
 - Ellyane Hutchinson motions for approval. Mike Bensimon seconds. All in favor.
- Larry Zierler: Any questions? We've asked our questions. It seems straight forward. All in favor.

2. SUNRAY COTTAGES – SBL# 60-1-4.2 – Requests 6 month extension for a previously approved area variance to demolish unit #14 and replace it - exceeds lot coverage and height. Zone: R. Acres: 6.66. Location: 57 LaVista Dr. unit 14, South Fallsburg. Cross Roads: Lovers Lane.

- Joel Kohn represented.
- Joel Kohn: The owner was not able to start the construction. They got the building plans completed. It has not been sent to the Building Department. The plan right now is to start construction September, October. It's all the same. No changes. They're just replacing one house.
- Larry Zierler: With the same type of unit.
- Joel Kohn: Whatever the variances were.
- Steve Altman: You are asking for an extension but the plans haven't been submitted. Have you seen the plans?
- Joel Kohn: Yes.
- Steve Altman: Do you have an issue with the plans?

- Joel Kohn: No they are in accordance with the ZBA approval. This was less than 25% expansion, which is allowed by zoning, but because of the coverage
- Steve Altman: That you were granted.
- Joel Kohn: Yep we just need to submit it to the Building Department.
 - MOTION:
 - Steve Altman motions to approve. Ellyane Hutchinson seconds. All in favor.

NEW BUSINESS:

1. SKOPPS – SBL: 27.-1-17.2 (Unit 17B) – Requests area variance to allow a second story addition with an increase of 3 ft in height. Zone: R, Acres: 16.99. Location: 305 Murphy Rd.

- Luis Hernandez represented.
- Larry Zierler: This is a second story addition that will increase the height of the roof by 3 feet for unit 17B.
- Luis Hernandez: The idea is to raise the roof slightly to fit what they put in there.
- Steve Altman: Did you do the work?
- Luis Hernandez : Yes.
- Steve Altman: And you're an architect?
- Luis Hernandez: Yeah.
- Steve Altman: Are you familiar that no matter what municipality and the whole United States of America, you need permits for these things?
- Luis Hernandez: Yes. I came after it was built.
- Steve Altman: Oh, I asked you if you built it.
- Luis Hernandez: No, no, no. I misunderstood. I drew the plan after the fact. That's exactly what they said.
- Larry Zierler: Can you explain what you mean by that? In other words, something had been built without a permit and without pictures.
- Luis Hernandez: It was been without a permit or anything else.

- Mollie Messenger: But what happened was they built with everything, then they got in trouble. They hired this gentleman to draw the drawings and that's what you have.
- Mike Bensimon: So did they eyeball it when they built it? Like did they have any plans?
- Luis Hernandez: It's a very straightforward project. It's not a big deal to tell you the truth.
- Steve Altman: You mentioned it's only three feet.
- Luis Hernandez: Yeah, that's right
- Steve Altman: What would you think about if it was only four feet or only eight feet or only 12 feet? Where would we draw the line?
- Luis Hernandez: I would look at it in a different light. So the thing was done with our permit. In principle, you cannot build a second story, but if you look at the neighborhood, all the houses around, every other is two story. So the request will be a little bit to approve having a second story like everybody else in the neighborhood. That would be the request properly fit. But I didn't prepare the paperwork to come over here. I just prepared the drawing
- Larry Zierler: which is a loaded question.
- Luis Hernandez: Yes. So is it gonna be denied in this particular case when everybody has it?
- Dylan Harris: I mean, do the drawings line up with what's actually there? I'm a little concerned if it was just put up without plans that then they were drawn after. I mean, as far as measurements and things, it'd be nice if we had more pictures just to demonstrate that what we're seeing on papers, what's actually there.
- Luis Hernandez: I mean, actually I measure it myself. So what is on paper is what is there including location of outlets, light switches, and so forth. And then I talked to the contractor and explained how the things were done so I can certify that the construction is proper.
- Mike Bensimon: So you wouldn't know whether or not a licensed contractor and a licensed electrician actually did the work and certified the work, right? You just came after the fact?
- Luis Hernandez: Yeah, I came after the fact.
- Steve Altman: So we don't know about code. We don't know whether or not

- Luis Hernandez: No, no. I certified that the construction itself, the part that pertains to me is correct. The code is certified for permit, for the C of O. He has to provide a letter stating that the electricity was correctly stored. They say that framing and so forth. I put forth what is correct and I recommend a couple of changes because you need (inaudible) for windows on the second floor plan because there are bedrooms, but the windows were too small that they placed. But if you look at the drawings, you can see that I'm asking them to replace the windows that are incorrect for no windows. The rest is correctly code wise. By the latest code by the way.
- Ellyane Hutchinson: So, which face of the drawing is this picture? Because it looks like this was the original roof line, but then I'm unclear what the angle of this photo. So the extended section, this section is here? No. Or it's here?
- Luis Hernandez: This is the floor.
- Discussion.
- Ellyane Hutchinson: And do you know it was three feet above the top part
- Luis Hernandez: Yes. Approximately. The pitch itself went up a little bit in the center of the
- Jennifer Lishansky: And I just wanna confirm that's for a second floor. There is new additional habitable space because of this increase?
- Luis Hernandez: Yes. Actually, probably two of the bedrooms will be within the attic itself, original. And the third one and the bathroom are the ones that will take more space because of the roof. And I mean no space under the roof to install those.
- Larry Zierler: So the entire second floor is new.
- Luis Hernandez: Yeah.
- Larry Zierler: Except that you're facilitating even more expansion on the second floor by raising part of the roof.
- Luis Hernandez: Yeah. Otherwise it will have room for one of the bedrooms and the bathroom. But the bathroom sticks in one side. That bedroom sticks on the. I know that's the situation
- Mike Bensimon: You know, the square footage of livable space before and after not, should be here somewhere, right? I don't see it.
- Luis Hernandez: I don't recall if I put it in, I don't think I did.
- Mike Bensimon: It's like 1800 square feet or 2,500 square feet.

- Luis Hernandez: Increase is not that big, it is very small. Maybe probably 20 or 30 square. So probably 500 or 600.
- Larry Zierler: 500 square feet from that floor for that floor
- Luis Hernandez: But there's no changes on the first floor.
- Dylan Harris: Do you know how many square feet the first floor was?
- Mike Bensimon: Oh no. Like, I'm like totally in the dark.
- Larry Zierler: We don't have facts. We have pictures that really don't give us enough of the picture to be able to appreciate what the actual visual is.
- Dylan Harris: And the other piece is if, let's say the first floor is 500 square feet and you build 500 square feet on it, you're gonna need an area of variance because now you've doubled the size of it. So you can't, for a bungalow build over 25% outside the footprint.
- Luis Hernandez: We only did the second floor and the square footage is obviously like three times or four times the space within the attic.
- Steve Altman: You mentioned the The others in that community that have done that? And it is a handful of those. More than a handful also did it without permit. Don't people talk to each other then?
- Luis Hernandez: No group.
- Larry Zierler: Well, we happen to know, we happen to know that this, not pandemic, but creating a pandemic. It's like a band of outlaws.
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- Luis Hernandez: I mean, I understand your point don't get me wrong, but I never talked to any other neighbors person.
- Steve Altman: They know what's going on. You know, these are things that people love to talk about to neighbors. Oh, did you see Sam? He got in trouble there. What's going on?
- Luis Hernandez: I know, I understand. Now this is the zoning board. How many of the other people that came to additions were in front of you?
- Larry Zierler: We're seeing them on a regular basis now.
- Luis Hernandez: So you know that you are approving that they're gonna
- Larry Zierler: No. We're not necessarily, we're not necessarily, we right now have something which is outta control. We've seen a pattern over here and that's the problem. You are a person who stepped into it, but you've stepped into a pattern.
- Steve Altman: You know, if you're in a high rise building and you have an apartment, you can't build onto it, can you?

- Luis Hernandez: Well, it depends.
- Steve Altman: You have a high rise building like this. 40 floors of apartments you can't build out, can you?
- Luis Hernandez: In Russia, I close up and do.
- Discussion.
- Larry Zierler: Okay. This is the presentation. We will close our board questions.
- Dylan Harris: I think Jen had something.
- Jennifer Lishansky: No, I was just trying to indicate that it's very difficult to hear the further people get from the microphone and also the more people who are speaking at the same time. Larry Zierler: So in essence, what the ask is that after the fact once since it's done already then we should rubber stamp something that was actually done without not only permission, but without papers. So we've had to go back and sort of punch through and now we're doing sleuth work to try to understand exactly what this means and how it will impact on the other properties in that development. Context is, I think, important for us to understand where we're at with this right now.
- Mike Bensimon: It's a very small addition, 500, 600 square feet, but you get three bedrooms and a bathroom out of it.
- Ellyane Hutchinson: And it's definitely a little more than 1300. So 1,365 square feet. A little more. Cause it's gonna be more, cause I didn't do the inches.
- Larry Zierler: This is a very significant addition
- Mollie Messenger: The first floor hasn't changed so the first floor is the same as it was. What he's trying to say. The upstairs had a renovation, but the square footage of the floor of the upstairs has not changed dramatically. It's the roof line that's changed dramatically to make habitable space
- Luis Hernandez: Yeah. We did no increase in this space.
- Larry Zierler: We have to be mindful because the plans also have an aesthetic. They also have to clear a certain amount, there's a reason why we have roof lines because of trees and things that, so it's not insignificant. There's a reason why we keep it at that height.

- Mike Bensimon: Now, technically speaking, had this, let's say we're, this is a clean slate and they're proposal to do this, is it possible to get a living space up there needing only two feet, you know, slightly lower ceiling, but.
- Luis Hernandez: You know, maybe a little bedroom.
- Mike Bensimon: So had they come to us for, you know, for a proposal, you know, we would've given them one foot or two foot and they could squeeze in one little attic bedroom or something in there. But this is now done after the fact. It's either three feet or nothing, you know, I'm, you know, we'll, we'll cross that bridge
- Luis Hernandez: This is something that I found afterwards, I dunno, the needs, the flat roof, you might not need those three feet up. You don't have to have 12 pitch perfect. So you could have one foot on a flat roof.
- Mike Bensimon: And had they come to us as a proposal, we possibly could have had an opinion to say
- Luis Hernandez: No. I understand
- Discussion
- Larry Zierler: Well you've been asked to sort of do the cleanup work.
- Luis Hernandez: Yes, exactly. That's what I've tried to do for them.
- Mike Bensimon: And the way I approach this is that, you know, I try to give people the benefit of doubt. You know, sometimes you comment, you know, with a bias that someone already did something, hold it against them, and you don't look at the merit of the case in front of you. So I'm trying to pretend that this didn't happen, you know, and this is a fresh new plan and I'm trying to determine whether or not we could have probably gotten somewhere with one foot or two foot, but now we're stuck in a place where we have to take all three feet of nothing. So that's kind of our
- Luis Hernandez: That's exactly the position.
- Mike Bensimon: So thank you for being honest and you know, trying to help visualize what could
- Discussion
- Larry Zierler: Okay. I'm just gonna make one more comment. It's so difficult. A picture is worth, you know, a million words. And in this case, had they done a surround around, around a surround or whatever you want to call it, some kind of panorama, it would've given us an idea.
- You could see whether or not it's onerous
- Discussion

- Mollie Messenger: I think the problem is you're not gonna get it before picture. So the only before picture they could find is that one
- Luis Hernandez: Because the position on the street doesn't allow for a picture. Cause the bungalows are attached to each other in a line like that. So it's either that or between the way. Larry Zierler: Meanwhile, I think we'll close the board comments and open up the public discussion
- David Katz: I think we need to step back for a moment here. There's very good reasons why we have a Zoning Board and the Planning Board, alright? And one of those reasons is to see to it that the rules and regulations governing development in our town are followed. Right? Would everyone agree with that? That's one of the reasons why we have a Zoning Board. Why we have a Planning Board. Now, yet again, we have a Skopps project before us that was done almost to completion without a permit. And we're sitting here talking about whether it's one foot or two, or three feet. Come on. Are we really as a town, you as a Zoning board?
- Steve Altman: We understand our jobs, sir
- David Katz: I'm not saying
- Steve Altman: We give everybody an opportunity to show us what
- David Katz: But I'm backing up, right? I'm not. So one of the reasons we have these codes so that everyone is treated equally, right? It's a question of fairness. Now I can see justification for variance if there's a hardship or a mistake was made, right? Or because someone wants another floor, we would consider a variance. I mean, it's fundamentally changing that house, right? Putting on another floor, increasing the number of people who can live there. Isn't this why we have regulation? So I would just encourage the Zoning Board, you know, to look at that issue. That this was done without permitting, number one. Number two, is this the kind of situation we want to grant a variance just because someone wants more space. I mean, that's the definition of a slippery slope, right? If you set that kind of precedent, then the next person, next person, next person. Not because of hardship, not because any wrong is done to them, but just because they want some people done. We'll point to precedent and say, well, we deserve it also. So I would encourage the Zoning Board very strongly to not approve this request for a variance. And I don't know if it's within your powers or not, but go back and look at the initiating event, which was

building without permit. If people aren't held accountable, then why have regulations at all? So I didn't mean to say that to the Board

- Steve Altman: I didn't mean to interrupt you, but we all understand exactly what you're talking about. But there are other issues that we shouldn't be discussing in this format that prohibits us from doing exactly what you want every time.
- David Katz: What are you talking about? What am I asking?
- Luis Hernandez: I get a comment so you understand.
- David Katz: Well, I just responded to Mr. Altman. What am I asking for?
- Steve Altman: You're asking us to disapprove of what this gentleman is asking. We're here to hear him out and ask questions. And understand exactly what he is doing, and then we'll determine what we think is right to do.
- David Katz: Right. And isn't not my right.
- Steve Altman: So you're saying we shouldn't listen to him?
- David Katz: I didn't say that. When did I say that?
- Steve Altman: So why are you lecturing us?
- David Katz: Okay. Do I not have the right As a citizen of Fallsburg?
- Steve Altman: Yes, you are.
- David Katz: Right. To express my concerns about something coming. Isn't that why we have a public hearing?
- Steve Altman: Yes.
- David Katz: So why am I not allowed to?
- Steve Altman: You are allowed. I'm asking you why you're lecturing us. Why are you telling us that we're not doing our jobs?
- David Katz: I never said
- Steve Altman: That we should pay attention to the rules.
- Larry Zierler: Could I exercise the benefit of the chair, please? Reasons of peace and tranquility and fellowship. I don't think I can understand the sensitivities on all sides, but certainly I wouldn't want anyone from the public to feel that they don't have a right to stand up and ask the question of clarity when it comes to a proper admission or administration of the rules, yes, you've made a very important point that we have to hold in front of ourselves constantly. That's our obligation you know, to try to provide equity and clarity for the people who wanna live here. Recognizing when we need to act on an exception. What we seem to have here and what

you're alluding to, and I think it's an important thing, it's a generative problem that's not coming from the floor, and I'm just saying to make it clear, is that there seems to be the beginning of lawlessness. And that, that people are just deciding that and we've had the evidence is there for the public record. You can do your own research. People have decided that I need it, I want it, I'm gonna get it. And needs versus wants have always been very interesting in society. And so what we have now is people who are deciding to, as they say in French, make Shivas for themselves. They made it into their own hands. And that's in front of us right now. That I think is the big question. How do we live with what has happened and how do we maintain what we think are laws, rules. All right. If Dr. Katz is finished, then we'll entertain other comments. Please come forward, and give us your name, ma'am.

- Alice Mayor: I'm a homeowner in Fallsburg. I'm not an architect. I'm not a developer. I'm not a builder, but I know that if I wanna add anything to my house, whether it's a shed or a second story, which I would never do, I have to go to the town and ask for a permit. Why don't these developers who are professionals, why don't they know that? They're not acting like they know. Larry Zierler: Please come forward.
- Yaki Honig: I'm builder and renovator over here, past two, three years. They were recommended to me and then I found him. So the homeowner was telling me that, first of all, in regard to the monstrosity at Skopps, they did their project before him. When that, when that happened, when they got busted or whatever they told me, they were actually very concerned that now it's a much bigger deal than a photo would be. All that kind of stuff that's just said of chatter. And that nothing to do with like, you know, legal.
- Larry Zierler: It does actually
- Yaki Honig: I'm saying based on what you were saying before, but now everything in Skopps has to be put into perspective, that people are just doing whatever they want. They did also tell me that they had pictures of the process in case they were to get caught in the middle or something. In other words, like just in case, like in case this what actually
- Discussion
- Yaki Honig: It's not like, you know, for somebody it might not be a need or just like, but to them it be like, their kid gets married and they need

another bedroom, another bathroom upstairs. They have children. And they have their whole life and, and they're not about to move

- Larry Zierler: People move when their family's outgrow their abode. They move.
- Yaki Honig: Yeah. I guess their primary home, I don't know. I'm not
- Larry Zierler: You did the work?
- Yaki Honig: No.
- Larry Zierler: You guys, you're of my (inaudible) boys.
- Yaki Honig: Yes.
- Larry Zierler: That means after the fact
- Yaki Honig: Retroactive. So I found I was looking for somebody and then I found Hernandez who was going to take the case.
- Larry Zierler: And when you gave him the case, he was aware of what he was doing?
- Yaki Honig: No, it was after it was done completely. It was completely built.
- Luis Hernandez: It is the issue that you're looking at, right? We are talking about three feet going after the roof. The half door is a holy story. So you discuss.
- Discussion.
- Luis Hernandez: I don't know the building with permit or not
- Larry Zierler: Okay, let's move. But this has been helpful. We're trying. What you're doing is giving us context. I thank everyone for the indulgence. I think what we need over here is to listen to people. We're not gonna make quick decisions. We have to move because I think the severity of the issue, this is a generative issue. It's not about one place anymore. Okay. Please ma'am. Stacy Griffin: I live in new Fallsburg and so I have two questions. So one question is or one comment is we're not just adding three feet. You're actually changing the function of the top story. So it's not just about adding a few feet, it's really changing the function of the building, adding more people to it. But my question, I'm new and I haven't usually come to these meetings, but I'm very interested. What is the penalty for building without a permit and is it sufficient and like what happens?
- Larry Zierler: Does it detract people or deter?

- Stacy Griffin: That has to be. The only way to stop people is to have deterrence.
- Larry Zierler: They sell the ice cream in the general bars. What do you charge for a violation?
- Mollie Messenger: So something that's allowed to be built in the zone, but without a permit. It's up to a \$1,500 fine. And then if they continue to build, it's a daily fine. You can make those exponents and do all of that. These ones are different because you're building without a permit, but it's not allowed in the zone. So they have to come in front of the Zoning Board, and the Zoning Board has to decide whether or not it can be there. If the Board decides it can be there and it gets proof, it'll get a fine on top of the building permit, on top of having to go through this process. If the Zoning Board decides it can't be there, that's a whole other issue in process.
Stacy Griffin: Thank you. But it seems like the deterrent maybe isn't, if it keeps happening, maybe it's not strong enough is a possibility.
- Mary Adams: So I agree with what everyone said, but I thought that was such a good point because I believe this is the third situation. Although I believe in the last 20 years there've been over five variances requested. It's an old building settlement. And I just feel that it's really so essential that we don't say yes, because if we say yes, then it'll just keep happening. And also other groups and developments like this, which there are many, will also look and say, well, they got it and they started without a permit, blah, blah, blah. You already said it. But I really, it just seems to me we just have to say, no. Even though they've already built it, and I'm sure that's a big deal. But yeah, that would be my opinion. Thank you so much for your help
- Larry Zierler: Thank you for sharing. And again, I always commend the public for coming. We are only as good as the information that we get.
- Felicity Katz: I have a curiosity and it's the fact that it's not the person responsible for the development or for this particular building that comes in front of you. And I'm wondering so it's really difficult to talk to the person who came, you know, after the fact to give you a little bit of information and a limited amount of information. So I'm wondering if there's a role pertaining to, are you the proper representative? For this particular action, are we actually addressing the right person?

- Larry Zierler: So we do have proxy arrangements and a proxy form that is signed by the person that can designate someone that acts on their behalf. Oftentimes, this is done because that person is more knowledgeable and we know we have someone to be rank and we have Joel Kohn who, you know, represents a lot of people. I use that as an example, not as an endorsement, but as an example. Expeditors are important because they are able to speak chapter verse. You raise a very interesting thing, which is the person has actually committed or done something that is unseemly or something to the common wheel by breaking with what are expected to be hard and fast rules. Then should that person have an obligation to personally appear before? Now that is we could take some kind of amendment. I don't believe that it is in the comprehensive plan. I think we've always been comfortable with expeditors, but it is now an interesting thing. I don't know how that changes the problem, other than it allows us to maybe see the worry and the compunction on the face of the individual. It seems to me that people have actually, by design, sent their surrogates because they're hiding behind them. So there are a lot of things over here. I think right now. I want everyone, even if you don't get answers tonight, to know that you've been asking very important questions. And this is a part of our process. Even for those of you who've done work, we'd like to be able to get paid for it and, you know, and move onto your next job. Nonetheless, we have obligations to look at the fact that our landscape is somewhat screwed now, because of these projects right?
- Felicity Katz: And I would like to join my fellow citizens in, you know, speaking about the pattern. And it seems that there's a disregard from this particular settlement for the rules of the town, and it's noted.
- Dylan Harris: And this brings up a very valid point cause we are looking at the owner's proxy and it's not signed or filled out. So what we're gonna have to do here is leave the public hearing open, leave the record open for next month, and we're gonna need an owner's proxy. Molly went through the file that the originals, there's nothing in there. Sometimes you'll have the original and sometimes the packets don't have anything filled out. But so we'll leave the record, leave everything open for next month. And then we're gonna need an owner's proxy that signs, but I think to make sure next month is more productive does the board have anything that you

wanna see? Any more information that you'd like to request? Cause I personally would like to see the square footage. Square footage before and after, so we can compare that. Cause I'm not completely sold that this is within the 25% that you can grow. If it's over that, then you need to ask for an extra area of variance. So I just want to make sure we're not wasting our time and, you know, there's a denial or an approval, whichever it is. And then you have to come back the next month and get something else.

- Larry Zierler: Advise your clients that the more information, the better we can consider. Diagrams, I mean even there might have been some conceptals of how you wanted to do how they wanted to do the roof.
- Mike Bensimon: I was gonna say you can't take pictures of the process, cuz you mentioned something very important. You said a local unlicensed builder. That set of a lot of red flags. Mollie Messenger: Builders aren't licensed. Contractors don't get licensed.
- Yaki Honig: I just need electrical. So if the was the electrical done? Like that would be a new thing
- Mike Bensimon: Give us information.
- Luis Hernandez: Just a comment or two. The first is, I mean you can deny this obviously, but how it compares with the buildings that are up already
- Mike Bensimon: There's a lot to this.
- Luis Hernandez: Of course the zoning says several things for certain areas of the town, but the zoning is not really. The people's change and the families change altogether. So the zoning has to adapt to the new people coming, not frozen.
- Discussion
- Larry Zierler: We have a conference. We have a conference, and you can say that because someone has family, they've lived in a certain place, they want, you know, to move, to fly over their building. It's not gonna necessarily happen. It's not planned for that. There's certain places that grow their utility or they can no longer be useful for the kind of habitation, the degree, the density of population or the degree of activity. If anyone thinks that there are opportunities for other places to live, you just have to drive around. There's plenty of development, more development than people are comfortable with, but there are bigger facilities. Now, this idea of legacy. The legacy communities, which is, I think what we're getting to

over here is, it then crosses over in different fields. It's no longer just about building, it's about emotions, about stakes in the community, how long I've been here. I don't know if we can talk about that. I think that's something we have to think about. I think that's a larger discussion, not just for this committee, but for the town. Because I think what we're having over here is a recurrence of this kind of claim. We like what we have. We don't wanna go anywhere else. Riverside that they built for 19 when they replaced, we're only gonna replace what we have. I don't know what to do with that. Anyways. That's the tone, the spirit of the moment. So I think that we have to leave this open

- Jennifer Lishansky: Just a few things. One, at some point I believe that someone mentioned that there were photos taken during the process of the build. I think that those would be helpful for the Zoning Board to see, in order to be able to understand some of the photos that we have that aren't pretty nonsensical. So I'd like to request that in for the next meeting. I'd also just like to say something here because I've heard that there's, there's a lot of passion from people who are in attendance, and that's partially, I feel that as well. Having been a part of meetings for, or attending meetings for the last three years and having heard many, many requests for the Skopps community to come forward with some sort of plan to come forward with some sort of, not one by one variance request, but a more comprehensive discussion about how the excess in lock coverage is going to continue to change to grow. How all of these variance requests are going to continue to change. I'd just like to say that one, I appreciate the passion of each person who spoke. Two, that you're right, that there is an issue of recurrence. And three, something that I'd like to just address here in this meeting and that I know can also be a topic in next, is this idea that people are building without an idea of the zoning code. And I just wanted to say that I did a very, very quick Google search for Fallsburg building code bungalow, community height, something like that. I don't even remember if that was the keywords. And very easily there is an easy Google search to the town of Fallsburg entire zoning code. And if you search for bungalow, the code is incredibly clear and accessible to anybody who would spend the two minutes that it takes to search. So I just also wanna say that this idea that people are unaware of our code is perhaps out of touch with the accessibility that our code and that our town

and our amazing Building Department provide in sharing information. And the code, just to be clear, when we talk about one foot, two foot, or three foot says there shall be no increase in height of a unit except to install a pitched roof provided no additional habitable space is created. So I just wanna say this is a violation of that code and that very searchable code.

- Dylan Harris: So, yeah, we're gonna leave the public hearing open for next month. If you can get an owner's proxy for you or whoever's gonna come for the owner next month. We've got a couple requests for documents, just more pictures before or after, during and then square footage before and after. And then obviously if you do the square footage and it's over 25% for a bungalow colony, you know, I would suggest, you know, putting in a separate request for that variance. Any, anything else?
- Larry Zierler: All right. So we can adjourn meeting
- Dylan Harris: We've gotta leave it open. We're gonna enter executive session. So we'll leave it open. We're gonna just ask everybody to leave the room for executive session and then we'll kick it back on and close out the meeting formally then
- Luis Hernandez: do we prepare a new application or we amend the application if it requires the new variance?
- Dylan Harris: I would do a new application at that point. If there's another variance that pops up
- Luis Hernandez: Put altogether an application and the square footage you want me to amend the drawings or just give it to you in the paperwork?
- Dylan Harris: I'm open to either option. I mean, it'd be nice in the drawings, but I mean, if that's not doable then, you know, whatever you can get
- Luis Hernandez: it's up to you. Whatever you want us to do
- Dylan Harris: I think drawings would be preferable.
- Luis Hernandez: Yeah. Alright. No problem. Okay, thank you.

- Ellyane Hutchinson motions adjourn. Mike Bensimon seconds. All in favor

