

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

## **TOWN OF FALLSBURG PLANNING BOARD MEETING**

**June 8th, 2023**

In attendance: Arthur Rosenshein, Chairman, Michael Kirtack, Paul Lucyk, Gary Tavormina, Cody Vegliante Planning Board Members, Gregg Pitula, Code Enforcement, Helen Budrock, Town Planners, Dylan Harris, Town Attorney, Hayden Carnell, Keystone

- Arthur Rosenshein called the meeting to order at 7PM.
- Arthur Rosenshein: First thing I have to do is remind people please be aware that while the town of Fallsburg Planning Board will continue to review all applications on the merits based on the town of Fallsburg, zoning code, and other applicable laws and regulations. Planning Board approval does not guarantee issuance of a water or sewer permit by the Department of Public Works. Just because we passed it doesn't mean they can build.

### PUBLIC HEARING:

#### 1. 5201 Main St. - SBL 52.-5-13

- Joel Kohn represented.
- Joel Kohn: 5201 Main Street is a property that extends from main Street across Lake Street all the way to the back. What the applicant is looking to do is to subdivide the property. So the back warehouse building is to be on a standalone property. Right now the property is half an acre. It's proposed to be subdivided and lot one would be 0.165 acres, which is the warehouse and then lot 3 would be 3.5 acres. The project needed a variance, which they got last month from the ZBA. I guess we're now back in front for approval for this. Nothing physically will change on this. It's just a lot line.
- Arthur Rosenshein: Any questions?

- Helen Budrock: What is the variance for?
- Joel Kohn: The variance was for 2 feet rear and side yard. Nothing is changing there. Just the lot line.
- AJ Pantel: I just wanted to encourage the Board to let this project proceed as presented. I was the original electric and water for this house. It has been a warehouse since its initial inception and has been that all the way through. There isn't any change. It is another warehouse in a different part. I can tell you that myself and David Spitzer the proposed owner of the new building is a gentleman. You can rely on anything he said. Thank you.
- Arthur Rosenshein: Anyone else? In that case public hearing closed.

## 2. 15 Maplewood Ave – SBL 12.-1-55

- Tony Siciliano represented.
- Tony Siciliano: We're proposing a three lot subdivision of tax lot 12-1-55 which is located on Maplewood Avenue just off of Carmel and Jacobs Road. They are, each lot will be 75 by 125. We'll meet the code. There's an existing house on the property which will be removed. It is new construction.
- Arthur Rosenshein: Questions, comments, thoughts?
- Mary Adams: They are such small lots. What's happening?
- Tony Siciliano: It is 75 by 125. It is acceptable by zoning.
- Mary Adams: So that is so you can build on each one?
- Tony Siciliano: Correct.
- Mary Adams: It does increase the density in the area. I wonder what it will do to the density in that area. It is already pretty dense.
- Discussion.
- Mary Adams: What's happening with the trees? All clear cut?
- Tony Siciliano: I am not aware of the construction plan. There aren't many trees there to begin with.
- Mary Adams: Do we know what the houses that will be put there are going to be yet?
- Tony Siciliano: I do not know.
- Mary Adams: I just worry about the density.
- Arthur Rosenshein: Anybody else?
- Gary Kalcher: So basically I was just looking at the map and there's a lot of, lots on the street. I think probably all of them have houses on them. So therefore, once we, you do this one 15 Maplewood Avenue and then you'll do 35 Maplewood Avenue, putting multiple houses on that lot, basically what that does is it makes the area denser and denser since I live in Loch Sheldrake, this is just very close to me. The question is, do we want that whole street to now get triple density? I don't

think that we do. It's such a dense area already. It really doesn't serve us. And plus that means there's more cars on the road going down, you know going down on Route 52. It's for the people who live in the community, it's really not a gain, it's more of a loss. This also applies to 35 Maplewood Avenue as well. Thank you.

- AJ Pantel: From what I have been told that the property is zoned appropriately for whatever development is anticipated or proposed that the Board has no choice other than to grant the approval or enforce any stipulations they might choose to have.
- Arthur Rosenshein: That is correct
- AJ Pantel: I don't mention that to be adversarial but just to let the public know that this is what you get when you are in an area zoned for whatever use it is. The way to handle this is for the public to wake up, look at the zoning, and go to the Town Board and have it changed if you can. If not, sell out if you care to. I just have to say that because there is a lot of stuff that goes on that seems untenable but you have to live with it because it is the law.
- Arthur Rosenshein: Just to answer quickly, it is the elected board.
- AJ Pantel: I am glad you clarified that.

### 3. 35 Maplewood Ave – SBL 12.-1-50

- Tony Siciliano represented.
- Arthur Rosenshein: I imagine it is the same speech.
- Tony Siciliano: Yes. This time it is a 150 foot lot with a 75 foot lot area. It is 3 lots down Maplewood Avenue.
- Arthur Rosenshein: Anyone that wants to speak? Anyone online? Public hearing is closed.

### 4. 5629 State Route 42 LLC – SBL 39.-1-34.6

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## OLD BUSINESS:

1. ORCHARDS – SBL: 12-1-11.1/11.6 – Continued review of site plan amendment to add 21 additional units to phase 2 and to delete the four proposed recreation courts and a lot consolidation. Zone: AG. Acres: 65.04. Location: 189 Labaugh Rd., Loch Sheldrake. Cross road: White House Road.

- Mike Reilly represented.
- Arthur Rosenshein: How long has this been in front of us?
- Dylan Harris: 3 years.
- Helen Budrock: The original approval was in 2015 and they came to us in October of last fall for a site plan modification to add some additional units.
- Arthur Rosenshein: It has been a while. We have had it before us numerous times.
- Mike Reilly: Most of the new units are out front here. There is an existing house and something in its place. There are some units over here. A couple community buildings. One in front and one in the back.
- Arthur Rosenshein: Recreation to replace?
- Mike Reilly: Yes. It has its own sewer system. Nothing too much has changed since last time.
- Arthur Rosenshein: Negative dec?
- Helen Budrock: Yes. I don't think I need to read the neg dec.
- Arthur Rosenshein: Just the highlights.
- Helen Budrock: So the project review began in October of 2022. You declared yourself lead agency back in June. So the Planning Board is reviewed. This was a short environmental assessment form. It's an unlisted action under SEQR. So the resolution just basically says the Planning Board finds that the project will not have a significant impact on the environment and a negative declaration is it.
- Arthur Rosenshein: Motion?
  - MOTION:
  - Paul Lucy motions for negative dec. Gary Tavormina seconds. All in favor.
- Helen Budrock: So there are some standard conditions, things like adherence to technical comments by the town's consultants, engineers, et cetera. Implementation of any mitigation measures identified through the environmental review process. Payment of all fees and offer dedication of any easements for utilities, et cetera that may be shown on the plans. And then each project has site specific conditions. This particular project when it was approved back in 2015. It's a manufactured home park that was a permitted use in that zoning district with the rezoning in 2018 it went from REC to AG. So manufactured home parks are no longer a permitted use. But since it's preexisting, they had to get a variance from

the ZBA, which they did get a variance. And there were a number of conditions that were associated with that variance. So the first site specific condition is adherence to any and all conditions imposed by the Zoning Board of Appeals in the approved use variance annex to the approval resolution. The second is adherence to any and all changes requested by the Loch Sheldrake Fire District. Number three is review and approval by the town planner or other consultant of the landscaping plans. Once the project is substantially complete and the units are located on site, we've done this with other similar projects. It's hard to come up with a landscaping scheme until you know exactly where all the units are gonna be located. Modification of the entry gates so that both gates can be open without blocking one of the boulevard lanes. The next one is review and approval of the subdivision plaid manufactured home. Parks need to actually be a subdivision, with each lot each unit on its own separate lot. So we would then review and approve the subdivision after the units are placed. And we have as-built drawings showing the exact location of each unit. And then last but not least no site disturbance or construction until the SPDES permit for general construction from the DEC is issued. I think that about covers it.

- Arthur Rosenshein: And rapidly I might add. I am sorry I missed this earlier. Cody and Gary who are alternates are voting tonight to make up our five. Any board comments? We have dealt with this one many times.
- Gary Tavormina: Some decisions are going to be made after the project has started. Why isn't it done before?
- Hayden Carnell: The lots are the exact foundation location. It is not put in until they shoot the foundation once they are covered. They are not right until they can survey them
- Gary Tavormina: Until they put the foundation in we shouldn't do anything.
- Hayden Carnell: They can't put them in until they get the approval.
- Gary Tavormina: So a catch 22.
- Hayden Carnell: They have proposed locations where they have to be. They should be within a few inches but to get the boundary to close they have to survey.
- Helen Budrock: It is a little different from a subdivision where you have a 1 acre lot and the footprint of the building. In this case the lot is the building footprint so you need to know where it is precisely.
- Arthur Rosenshein: I need a motion for approval of the site plan modifications.
  - MOTION:
  - Paul Lucyk motions to approval. Gary Tavormina seconds. All in favor.

## 2. CAMP KRULA – SBL: 39-1-86.1 – Requesting site plan approval. Proposed duplex

development plan to replace units that were burned in fire as well as additional replacement of other units, addition to dining hall, addition to classroom building, and proposed pools. Zone: AG. Acres: 16.08. Location: 5405 SR 42, South Fallsburg.

- Mike Reilly represented.
- Mike Reilly: The town asked that we do a master plan. We have a master plan but for right now it's mainly phase one, which is these units here. We've got some screening between us and Elm Shade along the drive. I think we discussed that at past meetings. There is screening along the front. We sent this to the fire department. Got some feedback from them. We've addressed that with some crimes and some notes on the plan. Since a lot here, the engineering, the water through all that stuff and work out to work on the flip right now. So I think we're at a point to request this approval for it.
- Arthur Rosenshein: Helen?
- Helen Budrock: You want the background or just wanna do the neck deck and then we'll move to the conditions?
- Arthur Rosenshein: Let's do neg dec first.
- Helen Budrock: Nothing fancy it is the same thing.
- Arthur Rosenshein: Motion?
  - MOTION:
  - Gary Tavormina motions for negative dec. Gary Tavormina seconds. All in favor.
- Arthur Rosenshein: We've been over and over this one.
- Helen Budrock: So just just for context, cuz this has been going on for a while. This is an existing bungalow colony 90 unit bungalow colony that 12 of the units were destroyed by fire back in 2018, so almost five years ago. They came to the Planning Board the year after the fire in 2019 to replace those units. But because it's a non-conforming use, meaning it's an existing bungalow colony and it's no longer permitted in that zone, the applicant wanted to essentially replace the bungalow units with duplex units, duplexes are an allowable use in that zoning district. The town asked the applicant to do sort of a master plan of what it would involve if they were placed like all 90 units with like 47 like duplexes. And that dragged on and on and on and finally after a site visit and some variances from the ZBA. we realized that it just made more sense to just take it one at a time rather than trying to anticipate what may or may not happen at some point in the future with the other existing units that weren't destroyed by fire. So what you have before you is basically just a site plan to replace those 12 units that were destroyed by fire with duplexes. And then there is also, correct me if I'm wrong Mike, there was relocating the pool and some minor additions on some of the other facilities, right.
- Mike Reilly: Replacing some multi-unit building out front and relocations.
- Helen Budrock: So in addition to the standard conditions that I said before, this particular project is in the South Fallsburg sewer district. So even though it's

replacing units that were there before we have another specific condition to this is that prior to commencing construction, the applicant needs to make an application to the DPW to request reconnection to the public water and sewer. And we all know that there's some capacity issues in South Fallsburg, so that'll be evaluated basically on a case by case basis at the time that that application is made. The other site specific conditions are any future conversions of any of the other existing bungalows to duplexes would require separate approval by the Planning Board. And under no circumstances would the overall unit account be more than the 90 units that existed at the time that the fire took place. Number two is primary access shall be via Gamble Road, which is the road that kind of goes around the back of the bungalow colony and the existing entrances with access onto New York State Route 42 shall be used for emergency access only. That was the condition of the DOT review. Number three evergreen trees shall be placed along the New York 42 frontage as requested by the Zoning Court of Appeals when they granted their variances. Number four, similarly, a row of evergreen plantings, specifically sky pencil of holly's shall be placed along the northern property line as requested by the Planning Board to act as a natural fence between the two access drives in accordance with the landscaping and lighting plan. That was to provide a buffer between this bungalow colony and the neighboring bungalow colony, Elm shade. Remember, that was the one where you had the two access roads that were like right next to one another, so that would create a natural buffer. Next is prior to issuance of the building permit, the meter pit, this is something that Mike is aware of, shall be either moved or upgraded you know to facilitate routine maintenance of the meter by the town. I guess there's a shared meter with Elm Shade, is that correct?

- Mike Reilly: Yeah.
- Helen Budrock: And then last, same as the other one, no site disturbance until the DEC issues construction SPDES permit.
- Arthur Rosenshein: There is mention of the 239 review.
- Helen Budrock: Yes. So again, this project has been back and forth. It was back and forth to the ZBA a couple of times. When we referred it to the county planning department for its review, that was last year. That was when the idea was to do the entire master plan and basically replace all of the existing units with duplexes, which wasn't something that the applicant was really thinking about doing at that point in time, it was just kind of looking forward. So at the time, the planning department recommended to the 239 disapproval because they were looking at the whole kit and caboodle. Since then, the applicant has basically said, okay, we're just gonna do, you know, replace the 12 that were destroyed by fire and then we'll come back if we wanna do any further work. So because it wasn't referred back to the county for an update for the 239 you would need a supermajority to override their disapproval recommendations. So at least four of you would have to



vote in the affirmative in order for the approval resolution to stick. So, does that make sense?

- Paul Lucyk: Yes. I have a couple questions. Number one, how wide is that road that's in the back since they're, they're closing and off? Is it not for two lanes for people to come in?
- Mike Reilly: Our proposal is 24 feet wide in and out of here.
- Paul Lucyk: That's Gamble Road?
- Mike Reilly: Yes.
- Paul Lucyk: Does that just go into the parking lot or all the way in?
- Mike Reilly: It goes all the way back to this parking lot right here. This is the shul right here.
- Paul Lucyk: That is a large building. Is it adequate for larger fire trucks?
- Mike Reilly: Yeah this road and this road we ran the fire trucks with no problem.
- Paul Lucyk: What size buildings are they? Are they 2 stories? Do they have to get into the wellness center?
- Mike Reilly: They are 2 story. I don't know anything about it but we had no problem getting in here. There is only one main turn here.
- Helen Budrock: Your emergency access would be from 42. It will be easier to access.
- Mike Reilly: This is emergency access here. The DOT doesn't want us to use it except for emergencies. There will be a gate here and a gate here. This will be your main entrance. People will park in this existing parking lot here. If there is an emergency they can come here and here.
- AJ Pantel: I would like to speak on behalf of the fire department. We reviewed this years ago. There is a couple of specific issues I'd like to discuss. We specifically requested on this emergency entrance that this gate be made into a deep throat to accommodate our trucks. That could be as long as 75 feet because to have any kind of fire apparatus try to open this gate would be a hazard with the rear end sticking out onto 42.
- Mike Reilly: We can move that so you can pull in. The other thing I might remind the developer is that we require hydrants. Can we propose some hydrants?
- Mike Reilly: Yes.
- Helen Budrock: Just to be safe Mr. Pantel I am adding under the site specific conditions similar to the other one adherence to any and all changes made by the South Fallsburg Fire Department.
- AJ Pantel: I appreciate that. Too many times it gets lost.
- Arthur Rosenshein: This will be pending several items. One is (inaudible) is put in. The meter pit issue that has been going around. These are before signature.
- Paul Lucyk: Since there is existing lines with the development behind that has that all been set up?
- Arthur Rosenshein: With Elm Shade?



- Mike Reilly: I am relocating the line back to there. We are showing a new dedicated line all the way back to Elm Shade where the pit will be. We will update to follow that new route. Elm Shade is radio silent.
- Arthur Rosenshein: Anything else?
- Gary Tavormina: When is stuff starting and when will it be done?
- Arthur Rosenshein: They have to do the meter pit and the trees. And the water and sewer. Because it has been enlarged it has to be reapproved.
- Mike Reilly: And Keystone has to review all the technical stuff. It will be a bit before that is all done. At least a few months.
- Gary Tavormina: If the pit can't handle both meters.
- Arthur Rosenshein: They are separate pits.
- Gary Tavormina: When is that going to be done?
- Arthur Rosenshein: Before signature.
- Gary Tavormina: Before or after summer starts?
- Discussion.
- Hayden Carnell: It takes some months to get them.
- Mike Reilly: We will get them ordered so that is in motion.
- Gary Tavormina: You didn't answer my question.
- Hayden Carnell: The town orders the meter and provides them. It takes some months to get them.
- Gary Tavormina: There is a meter there now.
- Hayden Carnell: We're not using that. They can't read it and get into the pit and there are issues with it.
- Gary Tavormina: So they could use it all summer and it doesn't read it.
- Hayden Carnell: They just don't want to continue using that meter. There is a standard meter they use now. It is going to remain until they replace it. We're not pulling it down and have no meter.
- Arthur Rosenshein: Motion for conditional approval?
  - MOTION:
  - Cody Vegliante motions for conditional approval. Paul Lucyk seconds. All in favor.
- Gary Tavormina: When are they putting the buffer in?
- Helen Budrock: They can't do anything else.
- Gary Tavormina: When are they starting to put the trees in? Tomorrow? A month from tomorrow.
- Audience: I will make the calls tomorrow.

## NEW BUSINESS:

1. 290 Dairyland Road – SBL 29.-1-22.1 – Requesting conceptual site plan review for a Yeshiva/College Development (dormitory, synagogue, and gym). Zone: REC. Acres: 10.5. Location: 290 Dairyland Road, Woodridge.

- David Meisels represented.
- David Meisels: You should be able to see how the property looks now. I think we complied with everything.
- Discussion.
- David Meisels: I didn't put the road over here going back. You will see it on the map. There is a gravel road.
- Arthur Rosenshein: Can you tell me offhand how many units?
- David Meisels: I would guess 62. It used to be 52. There was a factory that had over 100 employees. It closed down. My vision is to bring the property into shape and make sure it looks like 15 years. One of the nicer properties. A nice open plant. I tried to keep it up.
- Paul Lucy: Are you taking down the building?
- David Meisels: I will take it down and replace it with everything the same. I am going according to how it used to be. We still have all the foundations. Basically it will be cheaper to rebuild versus fixing up.
- Arthur Rosenshein: We want to bring Ken and Helen on board for technical review
  - MOTION:
  - Gary Tavormina motions to include Helen and Ken. Cody Vegliante seconds. All in favor.
- Arthur Rosenshein: You will be working with them and Mollie on details.
- Helen Budrock: Do you have an engineer you are currently working with?
- David Meisels: I wanted to get the project going but I am going to come along and comply with everything. We will take the right guidance from your team and make sure to comply.
- Helen Budrock: Conceptually it makes sense. It is permitted by the zoning. There is a lot of details to work out. This is private water and sewer?
- David Meisels: It is private. We have a very good well. It used to cover the neighborhood. It was owned by this property. When this closed down those camps found themselves without water. It is still a good well. I had it checked. They told me it is super and it is a very good well. We have to have everything inspected according to code. Whatever is needed we are here to make sure we do the proper

work.

- Helen Budrock: We can work with you to make sure it is sized appropriately because it is a change of use. It is a lot different from a single house.
- David Meisels: Thank you for your time.
- Gregg Pitula: Are there any other buildings you are proposing for this property?
- David Meisels: I put it on the site plan. We have this property for structures. It is a house and we had a very large warehouse that collapsed. I would like to make it for a gym and a synagogue. I would like to make an additional dorm for some teachers to stay over.
- Michael Kirtack: Originally that side was a chicken farm. The coop that is still standing there was another coop when you faced it to the left and farther back.
- Discussion.
- David Meisels: Thank you so much.

2. 15 Maplewood Ave – SBL 12.-1-55 – Requesting conceptual review for a 3 lot subdivision. Zone: PUD. Acres: 0.645. Location: 15 Maplewood Ave., Loch Sheldrake.

- Tony Siciliano represented.
- Arthur Rosenshein: So we're taking one lot and making it into three. For the purpose of the board members' information, the subdivision often takes preliminary and final subdivision to be quite extensive, but we've always had a rule here, what we call minor subdivisions. That is a very simple one, it has no detail. What we do is consolidate the preliminary in the final. We can get through it without needing much detail. That's what we're doing tonight. Now basically what is needed for us to approve the subdivision, we need to do a public hearing which we've done. We need to determine that it meets zoning requirements. Correct? Your office has examined this?
- Gregg Pitula: Yes. Mollie did. She said it met minimum requirements.
- Arthur Rosenshein: Okay. Next thing is, is the site plan map we have in front of us adequate? Does it have the meets and bounds for the purposes?
- Hayden Carnell: I think the site plan, cuz they're so small lots, there's no zoning table to put on there. Right. And in large subdivisions, you would ask for lot layouts. I think it'd be hard to look at the lot without a layout because you could have side yard setbacks that make the house smaller than the minimum house size. I don't know, you know, that kind of detail. So I think you should have that stuff spelled out on the plan or somehow. If it is a minimum of 1,200 square feet you might not be able to put it with the setbacks even though the setbacks allow that size lot.
- Paul Lucyk: What about parking in the front?
- Hayden Carnell: What he said there is minor and major subdivisions. Usually minor you don't need that stuff since you're talking small lots. I think it would be

appropriate to ask for it. Abandonment of the existing utility lines would have to be done because it is town water and sewer. You'd have to abandon and propose new lines.

- Arthur Rosenshein: What we can do is make it a condition of signature. It is a technical thing they can take care of.
- Michael Kirtack: That is a lot of technically stuff you don't know.
- Arthur Rosenshein: Not really not on this small of a lot.
- Michael Kirtack: The house size?
- Helen Budrock: 25 feet is the front and rear yard. We have to take a look at whether or not those setbacks will be able to.
- Paul Lucyk: You putting in a travel trailer?
- Tony Siciliano: It is a 75 foot long building. You can have 45 by 75 foot building.
- Paul Lucyk: What about parking?
- Tony Siciliano: I would think lot size would have to conform to your building size.
- Paul Lucyk: What about parking for vehicles?
- Helen Budrock: That is allowed in the setbacks.
- Hayden Carnell: I think you should have the zoning table and utilities.
- Arthur Rosenshein: That can be added.
- Hayden Carnell: That shouldn't change anything and if it does it doesn't get approved.
- Discussion.
- Paul Lucyk: 2 story?
- Hayden Carnell: 1 story.
- Gregg Pitula: Our minimum 1,200 square footprint will fit in there.
- Gary Tavormina: We don't know what they are building.
- Gregg Pitula: We never do. We know at the time they submit the plan for the building on that lot. It will have to conform to the setbacks.
- Helen Budrock: Whenever you have a subdivision you are approving the lot. Then when the person goes to build that goes to the Building Department.
- Paul Lucyk: Then it has to be the same character of the houses.
- Hayden Carnell: They have to go to the Planning Board for each house?
- Helen Budrock: I don't think so no. This is that kind of weird carry over from that weird PUD1 from like 1970. On paper the minimum square foot lot size is 9,000 square feet. That road is primarily developed. It isn't changing the nature of the neighborhood.
- Gregg Pitula: I don't think there is any restrictions on the appearance of the house.
- Gary Tavormina: That road isn't that wide.
- Arthur Rosenshein: They still have to go to the town with the plan.
- Discussion.
- Gary Tavormina: And cars park on the street.
- Tony Siciliano: It is not a through street. There is no way to get out unless you go

into that apartment complex. It is a one way street.

- Discussion.
- Paul Lucyk: As long as the town engineer and the lawyer are happy with it.
- Helen Budrock: Dylan you are more familiar with the PUD saga. Do you see any reason they'd have to come back for Planning Board approval for the houses?
- Dylan Harris: No I think once they are subdivided as long as they fall within the setbacks and there are no issues as far as zoning goes they would be able to get a building permit and go through the Building Department.
- Gregg Pitula: The houses that are on these lots would have to be demolished to signature on the map.
- Dylan Harris: That will definitely have to be a condition.
- Helen Budrock: So you have the demolition of the building. The zoning tables and the utilities. Should that be a condition as well?
- Hayden Carnell: There should be details for them.
- Arthur Rosenshein: Typical subdivision we have to show that the lots are accessible. In this case they have the frontage on the road. Sometimes we have a lot that has frontage on the road and we can't create landlocked lots. It is on sewer and water. If these lots were not on sewer and water lines we would be looking at perk tests. Septic systems and wells.
- Discussion.
- Arthur Rosenshein: Since this is a type 2 we don't have to do anything on it. Condition besides zoning tables will be removal of houses before signature. I think I hit all the highlights. It is a simple one. Zoning tables. Utilities.
- Tony Siciliano: The zoning table is proposed and required. We don't have to show an actual building on each lot.
- Arthur Rosenshein: No because you're not building. The person buying needs to know.
- Hayden Carnell: The utilities can be shown with those then. We just want to be sure they aren't taking multiple lines at the same location.
- Tony Siciliano: So we are just showing building locations.
- Helen Budrock: You can show the setbacks on the actual subdivision.
- Tony Siciliano: Okay so setback lines. Zoning tables. And of course we knew we had to remove the buildings before you would approve. I think he is planning on keeping them for the summer and then demolish at the end of the summer.
- Arthur Rosenshein: How long before before approval?
- Hayden Carnell: 1 year.
- Tony Siciliano: So if we don't have it done in a year we have to come back here.
- Arthur Rosenshein: Anything else from the board? Motion?
  - Paul Lucyk motions for conditional approval. Gary Tavormina seconds. All in favor.

3. 35 Maplewood Ave – SBL 12.-1-50 – Requesting conceptual review for a 2 lot subdivision. Zone: PUD. Acres: 0.430. Location: 35 Maplewood Ave., Loch Sheldrake.

- Tony Siciliano represented.
- Arthur Rosenshein: Same conditions?
- Hayden Carnell: Yes.
- Arthur Rosenshein: Also a house down on the line.
- Tony Siciliano: Yes. We are aware of it. The town has an easement there we know we will have to fill out for.
- Paul Lucyk: What is picking up on the pump?
- Tony Siciliano: It just kind of spreads out there at the end. There is a ditch on the other side of the road. The water is flowing this way.
- Discussion.
- Tony Siciliano: We will move the culvert.
- Paul Lucyk: What are you doing with the water?
- Tony Siciliano: We will have to channel it somehow.
- Paul Lucyk: You are 75 feet from the house and the parking area.
- Tony Siciliano: It would be within the setback line.
- Paul Lucyk: I don't see anything showing this as black or white.
- Tony Siciliano: It flows this way.
- Paul Lucyk: If it is black how is the culvert?
- Tony Siciliano: It has enough pitch because the water flows through it.
- Michael Kirtack: It just ends right there?
- Tony Siciliano: IT just kind of spreads out there. There's no real channel leading away from it. It's not a lot of water.
- Michael Kirtack: Are they going to be allowed to do that with the culvert? It goes to nothing. If they move it what do they have to do?
- Hayden Carnell: We have to make sure it isn't crossing over onto the other property line.
- Tony Siciliano: Nope. They can keep the entire culvert within the property line.
- Discussion.
- Tony Siciliano: It is an old culvert. It is half crushed.
- Paul Lucyk: When you already have water going from across the street onto that and you want to build a house in there I think you have to do a little work before you do that.
- Discussion.
- Tony Siciliano: It took us forever to find the other end. It is half crushed.
- Arthur Rosenshein: Let me direct the question to Code Enforcement. Someone comes in for a building. You look at the map and what happens then with the culvert issue?

- Gregg Pitula: It would have to be relocated or it would be part of the conditions for the building permit. The culvert is moved first so it is not interfering with the foundation. They are not adding anymore water flow. They are changing the existing flow of what is there.
- Arthur Rosenshein: What I am getting it is this is something Code Enforcement will take care of.
- Paul Lucyk: Say I own the lot over here on the opposite side of Maplewood Avenue. You're going to move that line over and you don't have a house here. What happens if you bleed the flow of that pipe to a lot across the street. I think this needs to be looked into before you approve it.
- Gary Tavormina: I don't think we should do anything until all questions are answered.
- Gregg Pitula: Right now they are just setting up the lots. They are not moving the culvert.
- Paul Lucyk: What's the purpose for splitting the lots? They want to put up a home.
- Gregg Pitula: So prior to issuing a building permit for a house we could do that research or they aren't able to build on it.
- Discussion.
- Gregg Pitula: It shouldn't affect the approval of the splitting of the lots. They're not changing anything but potentially there may be a house.
- Dylan Harris: I am with Gregg. At this point you are just saying the property line is going to be here. We have 2 parcels here so it is technically vacant. When going through the building process is when any changes or anything that needs to be done with the culvert would happen. I look at it like a bifurcated thing. The first step is the subdivision and then down line, if and when they build, is when the culvert would be looked at.
- Paul Lucyk: If that is crossing the road that has to be a right of way with the town, correct?
- Gregg Pitula: If there is a right of way and we find there is, the owner won't be able to build on the lot. He will have the lots divided but he won't be able to build in the right of way.
- Paul Lucyk: You're coming across the road.
- Tony Siciliano: I don't believe there is a drainage easement.
- Paul Lucyk: Maybe I am overreacting but I don't know
- Arthur Rosenshein: The point is if they were coming at us saying they were making 2 houses on these lots we would act differently. This will be vacant land once they remove the houses. They're not asking to build at this point.
- Michael Kirtack: If we know that's what they're doing it for. They aren't just making vacant lots.
- Arthur Rosenshein: When they go and do that Code Enforcement will look at it.
- Gregg Pitula: There will be a tag on this parcel that once it is separated that the



- culvert will have to be reviewed prior to any building permit issue.
- Paul Lucyk: I am just trying to prevent a problem before it happens.
  - Dylan Harris: Maybe as a condition a deed search should be done at a deeper level just to see what kind of easements or anything like that might be out there. That might a way to dot the I's and cross the T's.
  - Tony Siciliano: It is a trickle. It comes in along the road. We were there. It wasn't dry. It was a very small amount of water.
  - Gary Tavormina: Paul I agree with you.
  - Arthur Rosenshein: With the same conditions of the previous one with the table and so on on the map, we have the condition of a title search be done to see where there is an easement. We don't need SEQR because it is type 2. Any motion?
    - MOTION:
    - Cody Vegliante motions for conditional approval. Gary Tavorina seconds. All in favor.
  - Gregg Pitula: We will make sure the culvert is adequate before it is done.
  - Tony Siciliano: We meet all these conditions and submit the Board we don't have to come back?
  - Arthur Rosenshein: You don't have to come back it goes through the Building Department.

4. 5629 State Route 42 LLC – SBL 39.-1-34.6 – Requesting conceptual site plan review to convert existing 2 story house into an office building. Zone: B. Acres: 6.98. Location: 39 Ambassador Circle, Fallsburg.

- Application was not heard.

5. Landau's Supermarket - SBL 52.-5-2.1 & 4.1 – Requesting site plan amendment for creation of outdoor seating for temporary use by Boosur Meat & Deli. Zone: B. Acres: 0.95. Location: 3 Railroad Plaza Extension, South Fallsburg.

- Abe Berkovic represented.
- Abe Berkovic: It is run down. We want to do a temporary structure that will be rebuilt. We also want a temporary structure for seating. We had an initial idea. We came up with an alternate plan that is less cumbersome. This is next to the

building. This is a temporary structure that is permitted in this zone.

- Arthur Rosenshein: That is one ugly looking (inaudible). How does that become outdoor seating?
- Discussion.
- Abe Berkovic: They will be seated inside of the trailer. It will be removed during the summer.
- Michael Kirtack: So it is not outdoor seating.
- Abe Berkovic: It is a structure for seating.
- Helen Budrock: There has to be some specifics in regard for cafe and seating.
- Abe Berkovic: I am not doing it now. I am doing it in a temporary structure. This is because of the fire. If we want to continue we will have to come back to the Planning Board. This is just a bandaid.
- Arthur Rosenshein: Code Enforcement is going to have to look this over.
- Helen Budrock: This is kind of a last minute change. I can ask Dylan his opinion but I don't think an outside trailer fits the definition of outdoor cafe and seating. I am not sure how it fits in.
- Gregg Pitula: As Code Enforcement we were under the understanding you were going to have tables outside.
- Abe Berkovic: If the Planning Board prefers that we can go that route.
- Gregg Pitula: That's not what you're proposing.
- Abe Berkovic: I can go either way. If we do it and then get rid of this after two months that is it. If you want us to move the compactor and do outdoor seating I just think this is an easier solution.
- Helen Budrock: I think the issue is we've had these temporary situations that become permanent structures.
- Arthur Rosenshein: Let me put it to you this way. If you want to do it this way you're not getting it this summer.
- Abe Berkovic: In zoning code 8 10 5.27 allows for temporary use structures with permit from Code Enforcement not exceeding up to 1 year. Nonconforming uses during construction processes. That is without going to the Planning Board
- Helen Budrock: That is a determination from the Zoning Board.
- Abe Berkovic: That is why I am coming to the Planning Board to see if we can get that as a temporary. During Covid they allowed these for restaurants.
- Helen Budrock: I think there is a big different between outdoor seating.
- Abe Berkovic: If you want us to do it that way we will do it.
- Arthur Rosenshein: Let's see how that flies.
- Abe Berkovic: It is doable.
- Discussion.
- Gregg Pitula: I was told by someone when going over this the outdoor seating you have proposed is only accessible from inside the store. It is fenced in a way that no one can wander out into the parking lot.

- Abe Berkovic: Correct.
- Gregg Pitula: And where you are proposing this area is where your dumpsters are right?
- Abe Berkovic: We show on the plan we are going to move the dumpsters over.
- Gregg Pitula: I just don't want children wandering out into the parking lot.
- Abe Berkovic: The trailer had the same option because it would be right from the building to the trailer.
- Helen Budrock: Proposed location of the compactors is on your property?
- Abe Berkovic: Yes.
- Helen Budrock: So that is common ownership.
- Arthur Rosenshein: Is there an issue when trucks come in for loading?
- Abe Berkovic: Mollie mentioned it. There is no restriction on truck delivery.
- Paul Lucyk: How does the public get to the bin?
- Abe Berkovic: Here is the bin. Here is the entrance.
- Discussion.
- Arthur Rosenshein: Okay I asked a question.
- Abe Berkovic: Your question is what was proposed. There is an existing grass area. A privacy fence.
- Gregg Pitula: The fence with the green slats
- Abe Berkovic: When you pass by you don't see people in that area.
- Arthur Rosenshein: You'd think with people separated. You think a little (inaudible)?
- Abe Berkovic: The trucks go this way around.
- Arthur Rosenshein: I was thinking something more substantial.
- Abe Berkovic: It is on an elevated concrete platform. I would say 8 to 10 inches. Basically the trucks go here for delivery. They make that turn slowly. The people will not be able to walk around here.
- Arthur Rosenshein: I am just thinking of something more substantial to protect people.
- Abe Berkovic: The main time people are dining is in the evening. Trucks are during the day.
- Gregg Pitula: If there is a concern it is some truck running into it. Maybe propose some temporary concrete barriers. I really didn't look at this in person.
- Arthur Rosenshein: It is a 1 year permit.
- Abe Berkovic: I am not even looking for a 1 year permit. I just need a couple months.
- Arthur Rosenshein: Right. Temporary cement curb?
- Gregg Pitula: I would like to physically see it.
- Arthur Rosenshein: I would like to approve it conditionally.
- Gregg Pitula: You can put it conditional that I approve if necessary a safety barricade. Curbing.

- Arthur Rosenshein: It is only for a few months. As long as it safe for people.
- Gregg Pitula: It looks good on paper but I really need to go see what the width is for the trucks to get through. If necessary we could drop some concrete dividers there. We just don't want anyone to get hurt.
- Arthur Rosenshein: Board members?
- Gary Tavormina: I am not in favor it.
- Michael Kirtack: I am fine with it.
- Cody Vegliante: (inaudible)
- Paul Lucyk: All I would say is I don't know about the trailer but if they want outside dining and they have enough room and there is a concrete barricade I am fine with it. As long as someone doesn't get hurt and also it doesn't impede the flow if there is a fire in the building that people can get out.
- Gregg Pitula: We need to put in an emergency way out of that seating area.
- Arthur Rosenshein: The motion is 1 year site plan for approval. If you want something else you have to come back. It will be pending review from Code Enforcement.
  - MOTION:
  - Cody Vegliante motions for conditional approval. Paul Lucyk seconds. Gary Tavormina opposes. All others in favor.

## OLD BUSINESS:

1. ZIMMERMAN ESTATES – SBL: 17-1-14.1/14.2/14.3 – Requesting conditional approval for special permit to develop the property with a 53 unit townhouse project. Zone:

HR/R. Acres: 13.64. Location: Zimmerman Rd. & SR 52, Loch Sheldrake. Cross Roads: SR 52.

- Glenn Smith represented.
- Glenn Smith: There are currently 52 duplexes with 53 for a caretaker. Sewer and water gave conditional neg dec and the condition being the final approval from the town for water. We are still in that 30 day period. We are waiting on a permit. We are working DEC on the permit and SEQR.
- Helen Budrock: The Board can't pass the resolution tonight. Since this has been a while before us I just wanted to review the site specific conditions to make sure the Board is okay with them and then it should be fairly quick at the next meeting. So the standard conditions also include the one, like the other ones, because there's an issue with water capacity in the Loch Sheldrake area. So prior to commencing construction, the applicant needs to make an application to the DPW to request connection to the public water sewer system to ensure that sufficient capacity is available at that point. Site specific conditions, Glen mentioned the Town Board approval of the water district extension and abandonment of any existing on the property in accordance with DOH regulations. Next one is the existing driveway with access to New York State Route 52 shall be maintained as a gated emergency access and no site disturbance or construction would take place within that right of way, you know, without DOT's permission. Glenn, that was a requirement that DOT had, right?
- Glenn Smith: Yes.
- Helen Budrock: Number three is the applicant shall provide dedicated easements along New York State Route 52 and Zimmerman Road as shown on the plans. And to accommodate the construction of future sidewalks if and when they're determined by the town or the DOT to be necessary for the production of public safety. There was some discussion as to whether or not the Planning Board wanted the applicant to actually construct the sidewalks on the Zimmerman Road portion. It's a little bit difficult on the 52 portion because the applicant doesn't own all the way up to the roadway. It's just kind of that portion. So the way it's written is that the applicant just is providing those easements and the town at some point in the future may or may not construct the sidewalks. It's up to the Planning Board to decide whether or not you actually want the sidewalks as a condition of the board. Does anybody feel one way or the other about that?
- Michael Kirtack: I've been saying for years that we should be putting them because everything should connect.
- Helen Budrock: Anybody else? That is a good point. Okay with just the easement or do you want the sidewalks constructed?
- Paul Lucyk: If you have the sidewalks so far then where are you going to go?
- Arthur Rosenshein: There is no connection on either side.
- Paul Lucyk: You have the sidewalk with no place to go.

- Michael Kirtack: I started saying that on Laurel Avenue. Now look, it is all connected. You gotta put the sidewalks in. People are buying all these projects.
- Eli Brezel: I don't see that really accomplishing anything.
- Discussion.
- Michael Kirtack: Eventually you have to do it.
- Paul Lucyk: I am concerned with safety concerns. You have somebody with a bicycle and a push cart and they are on the road. Somebody gets hurt, well we should have done that. It really needs to be looked into.
- Michael Kirtack: That's just me.
- Helen Budrock: There's valid points on both sides.
- Arthur Rosenshein: We get easements we didn't have before.
- Helen Budrock: Very true.
- Arthur Rosenshein: The town could eventually put a sidewalk district in.
- Helen Budrock: That has been discussed in various shapes and forms but it is going to be put to the back burner because of some of the other issues. That is something that has been discussed.
- Arthur Rosenshein: Especially because we have the right of way.
- Michael Kirtack: That's what Hayden mentioned.
- Helen Budrock: Just like a lighting district. It is basically an assessment on the properties.
- Arthur Rosenshein: That's how we are eventually going to go.
- Dylan Harris: I think the easement is the key. And then as far as actually building sidewalks or starting a fund, that would be more of a Town Board policy decision. So as long as you've got that protection, it's in there and available. I think you're making the right move there.
- Helen Budrock: I'll leave it as is. We can't act on it tonight officially. If you change your mind let me know. So the fourth condition I have is that no less than 143 parking spaces shall be provided in accordance with a parking waiver issued by the Planning Board, which hasn't been, been issued yet, but it would be part of this approval then. Glenn, do you wanna explain the parking waiver, why it's necessary?
- Glenn Smith: All our parking space upon the two units, two parking spaces per unit plus have we space for visitors and parking on the pool and everything else. And as the Board knows, even the building has its own separate computations, but concluding parking ended up like 30 or 40 more spaces based upon the community center parking requirements. And our point as other developments people use the community center are people that live in the development. They're not driving there. So the boards have usually been okay with waivers on that reduction. I forgot what we were asking to be specifically reduced to, like 160 something.
- Helen Budrock: 140 is what you are requesting to be reduced. I don't have it in front of me what the requirement is. Is it on your zoning table somewhere?

- Glenn Smith: It is on my title sheet somewhere.
- Arthur Rosenshein: At least it will be all be cement or pavement.
- Glenn Smith: It is all impervious pavement.
- Helen Budrock: And then the rest of them are again, no site disturbance Right until your SPDES permit and DPC is issued. No stream disturbance or stream crossing until the applicable permits have been issued by the DEC. That's a separate permit specific to this project. And then last but not least the exterior design and appearance of the buildings shall be consistent with the photographs provided of the Chestnut Court townhouse development, which is another development that's currently under construction, turning out very nicely. And those elevations were prepared by Hartman Design, and approved by the town's architectural consultant. So as long as it is consistent with what was provided, any variations they would have to come back. But I don't know. Eli, did you have photos? I think you showed them to the board the last time. Did everybody get a chance to look?
- Eli Brezel: I brought them here a while ago. They were in emails.
- Helen Budrock: That is basically it. Does anybody have any other issues?
- Hayden Carnell: I believe the SWPPP review is complete. That will get to you shortly.
- Arthur Rosenshein: This should be ready to go.
- Discussion.
- Eli Brezel: We made it nicer.
- Arthur Rosenshein: Board members anything to add?
- Helen Budrock: Maybe you can get first on the agenda next time.
- Eli Brezel: Thank you.

2. NORMAN SCOTT (C.A.M.P. Inspiration G NYC)– SBL# 58-1-50.1 – Continued review requesting special permit/site plan review for a charter school/camp. Zone: REC. Acres: 34.96. Location: 178 Old Turnpike Rd., Woodridge. Cross Roads: Forest Rd.

- Application was not heard.

3. AVON LODGE CAMPGROUND (FORMERLY AZIA) – SBL: 61-1-10.1/10.2/10.3/11.1/11.2/14.2 – Requesting conditional approval to develop a vacation



campground including 35 camp sites and commercial recreation for hiking, biking and ATV's. Zone: REC. Acres:125.6. Location: East and West side of Avon Lodge Rd and 417 & 419 River Road.

- Ivan Kalter represented.
- Ivan Kalter: At the public hearing there were comments about the snowmobiles that were loud and wandering around. There was loud noise and music. Art Rosenshein and I decided to go to the campgrounds and inspect ourselves. We took a ride in a 4 person ATV along trails. These trails are passable but they are not acceptable because of how they are to high speed ATV racing. The existing trails are in the deep woods. The foliage and stones that nobody can go off the trail. They can't do it on an ATV. The ATVs are all muffled and are standard. We also took a tour, although it wasn't necessary, of the riverfront property. It was really nice. We drove along the road. You don't realize how deep some of it is. It is unfortunate we can't have structures there because of the 100 year flood zone. 2 of the neighbors had ATVs as well Two of the neighbors had ATVs as well. And when you drive along Avon Lodge Road, if you look to the deep woods where the ATV trails are, it's quite a distance. So there's some doubt in our minds of the loud noise from ATVs that people are complaining about. Cause this once again, goes from the road. It's flat, goes uphill on top of the hill, and we're in the deep woods surrounded by heavy woods. There is a gun range there. The gun range was in a deep depression, and it was a safe backstop. And so I'm a little skeptical that the noise carried from a depression surrounded by heavy wood across the river, across fields, but be that as it may. One of the conditions that we agreed upon in this application is granted that there will be no firearms, no disjointed firearms at all. We had a number of work sessions and we agreed to a number of conditions and limitations. And I have signage. Helen asked me to do some rough idea about signage. And I'm gonna give you, we don't have the actual sign made yet, but this is basically what the signage is gonna be. And then the signage also has some of the restrictions that we've agreed to at a work session and significant discussions afterwards. And these signs are consistent with what we agreed on. At the riverfront, we're gonna have signs at either end indicating the use of the camp for swimming and boating are at your own risk. The ATV rules are conditions that we've agreed to. And this is gonna be at the entrance of every one of the ATV trails. And that is owned and operated by Avon Lodge. Use and the general sketch only use on designated trails between the hours of 8:00 AM and sundown, no trespassing on neighborhood lands or on public roads. All ATVs to be registered. All operators on the 16th to be supervised by an adult. All ATVs have a stock muffler. Only one rider per ATV, unless the ATV is designed for one on one person. And operating in a careless, reckless, negligent manner or well impaired with alcohol will not be tolerated. We've also agreed that there will be no amplified music. That noise will be consistent with code. And I think one of the other

conditions that we agreed upon is that there's gonna be no weddings or music events. So it's not gonna be a music venue, it's not gonna be a wedding venue. And just to be clear, if guests at campgrounds wanna have a wedding, many people have outdoor weddings, and guests of the camp, that's fine, but we're not gonna be like a wedding meal. It's not gonna be a music melt or a feed. So that's basically it. And I wanna remind everybody, this is 35 campsites on 125 acres and it's on the Avon Lodge Road. And once again they have a pretty nice setup up there. Couple of nice houses and the trails work again. Anybody have any questions?

- Michael Kirtack: I just wanna say, say one thing when you were talking about the shooting that you don't think they could hear cause they're low where you're saying they hear it. I can tell you cause we talked about it at the last meeting. The place where you shoot is much lower than where I live. And when you shoot, I can hear it. And it's like the same distance. I can hear it by my house. I know it is safe and the noise doesn't bother me.
- Ivan Kalter: We aren't going to do that.
- Michael Kirtack: I know you said you weren't. I just wanted to say that you don't think they can hear it. Where you shoot is much lower than my house. Where the rock cut is. I am high up there. I have height then I drop down and I can still hear it.
- Ivan Kalter: We aren't shooting for 2 reasons. Number 1 to satisfy the Board. Number 2 to satisfy the neighbors. Number 3 is safety reasons. There will be people hiking. You never know when someone wanders.
- Michael Kirtack: Someone on the ATVs could ride right through it. I just wanted you to know they could hear it.
- Paul Lucyk: How far is the campsite off the main road?
- Ivan Kalter: I don't have a map with me. My engineer is not here. I think it is a significant distance off the road. I think it is fairly distant from the road.
- Michael Kirtack: I think it is quite a way off the road.
- Gregg Pitula: 4 or 5 hundred feet I believe.
- Ivan Kalter: The ATVs we saw are all muffled. It would be stupid for them to be racing during the appointment with the chairman. They are standard ATVs you'd see plowing snow.
- Gary Tavormina: It is a beautiful area. I always wondered why it wasn't developed for homes.
- Discussion.
- Arthur Rosenshein: Helen will you take us through the proposed site plan review?
- Helen Budrock: I don't think that I have it as a condition, but just to confirm you are still planning to combine, I think it's six lots right into one. All the lots will be combined into one?
- Ivan Kalter: Yes, absolutely. Okay. And, and I want to add to that. The sewer is

gonna go into (inaudible) sewer system, so it's not gonna impact other sew systems. We have wells, which will be, and this will be subject to DOH approval. I know our engineer has been speaking with DOH engineers and there's gonna be some compliance that we have. The request for approval at this time is subject once again to DOH approval for the water system. So it will not impact municipal water.

- Helen Budrock: So just for the record, there were quite a few people who came out to the public hearing at the last meeting and spoke out. I think the concerns were addressed that we did ask the applicant to address the questions and concerns that were raised in writing. So if anybody wants a copy of that, they can request it from the town to show kind of the detailed written response to the different comments. So the site specific conditions that came out of the discussion with the public hearing are number one, ATVs can only operate in the designated area on the site plan, and said area must be clearly delineated with signs and or trail marked. Number two, the applicant shall ensure that ATV operators stay on the designated trails at all times and ATV use shall be prohibited before 8:00 AM and after sundown. So again, the hours of operation are between eight and sundown, right?
- Ivan Kalter: Yes.
- Helen Budrock: Number three, all ATVs shall be registered and insured in accordance with all applicable state laws equipped with stock mufflers as we talked before and helmets shall be worn at all times. Number four, no discharge and firearms shall be permitted on the premises. Number five, the premises shall not be used as a venue for concerts or special events of any kind involving amplified music. And the occupants shall comply with all the requirements of chapter 197 under the Town code, which is the noise breaks. Next review and approval by the Planning Board or the town planner of a signage plan, showing the location and exact wording of all proposed signage to ensure compliance with conditions set forth above. So Ivan, I would like to see your engineer actually, you know, put on the site plan like sign, type A, you know, is going here and this is what it's gonna look like. Cause then that way we'll have a way to, to actually enforce it.
- Ivan Kalter: We are going to have it done professionally.
- Helen Budrock: Let's make sure the exact wording, look, and locations But let's make sure that the exact wording, what the signs are gonna look like and the exact locations are, are part of the site plan set. And Arthur, that would be pending your signature, right? That change to the site plan set? You're not gonna sign it unless there's an actual signage plan?
- Arthur Rosenshein: Correct.
- Helen Budrock: And then last but not least, special permit is valid for one year and renewals shall be subject to a public hearing and approval by the Planning Board based on the applicant's compliance with the conditions set forth above. So we

discussed this at the public hearing you know, to make sure that the neighbor's concerns are being addressed. It's a one year permit. If everything goes smoothly, great. If there's parties and concerts and all kinds of crazy shooting going on, then you'll have to deal with it next year.

- Ivan Kalter: I do have one letter from one neighbor that agreed to the to the campgrounds. You know Let me file it with you. This is from Albert Wais. And, and once again, he consented as long as the conditions which are in this letter are met in the same conditions that I discussed. I'm told by Bob Z, who's in China now, that all those his partners are here and that there were two or three others who were gonna provide letters indicating their consent. And these were the people who were objecting, but they were not up last weekend. And they told us as well, as long as the conditions that I've discussed today are met, so I'm gonna give this to.
- Helen Budrock: So that is basically it for the resolution. So unless anybody has anything else they want to add or modify the first thing would be a negative declaration for SEQR. And then somebody would have to make a motion for conditional site plan and special permit approval.
- Arthur Rosenshein: SEQR first. Motion for negative dec?
  - MOTION: Paul Lucyk motions for negative dec. Gary Tavormina seconds. All in favor.
- Arthur Rosenshein: Going on site plan, special permit and combination all on one. Nothing like being efficient. Does somebody care to make a motion?
  - MOTION:
  - Paul Lucyk motions for conditional approval. Gary Tavormina seconds. All in favor.

4. 5201 Main St. - SBL 52.-5-13 – Requesting subdivision approval for 2 lot subdivision.  
Zone: MX. Acres: .5. Location: 5201 Main Street, South Fallsburg.

- Joel Kohn represented.
- Joel Kohn: So this is the two lot subdivision, which has been discussed at the last meeting and we got a variance for the 2 feet stand back and we got a public hearing today, which we only got one person basically talking in favor of the project.
- Arthur Rosenshein:
- Joel Kohn: So there is there's about 10 to 12 feet on the right side of the building that will be designated for the loading area. There'll be a driveway and loading. It's actually shown on the most recent subdivision plan, which was not submitted because we haven't discussed it with Mollie. And it was done after the submission

date. If you want, I can pull it up, I can email that and that is gonna be the map. I guess that's gonna be signed. So this is the one state water building. So this one house building, and this is where they have a 10 foot mile access and this loading area. Post 10 feet gravel drive and, and proposed loading zone. It's this side. Now zoom out. You can see where we are. You file my map or it moves slowly.

- Gregg Pitula: You're moving slowly. Your map didn't move. That's better now they own the property on this side of the building, so they're gonna make a loading dock on the left side of the building.
- Arthur Rosenshein: Will this be on the property that is being subdivided?
- Joel Kohn: Yes.
- Helen Budrock: The purpose of this is just for the sale of the back warehouse? That is it?
- Joel Kohn: That is correct.
- Michael Kirtack: This conforms to the town's code for the area.
- Gregg Pitula: We had to go to the Zoning Board. In order for them to split it into two lots. It was all one lot previously. In order to separate it and give the original owner his access and everything, they had to divide this way so that Mr. Spitzer could own that separately from the owner in the front.
- Michael Kirtack: They got the 2 foot variance?
- Gregg Pitula: Yes. Business zones have small setbacks.
- Paul Lucyk: Where your pavement ends you are only 10 feet 8 inches. What is going back in there? Are there trucks?
- Discussion.
- David: Regular trucks.
- Gregg Pitula: This is a parking lot in the back.
- David: It is a municipal parking lot.
- Gregg Pitula: There are doors on the municipal parking end. We didn't want him accidentally blocking the municipal parking lot. That's why they proposed a loading dock on the side.
- Discussion.
- Paul Lucyk: No problem.
- Gregg Pitula: I don't see a problem with it. He works in and out of Pleasant Valley Road and it is tight quarters. He keeps everything off the road.
- Arthur Rosenshein: There is no objection to it.
- Gary Tavormina: I have notes from Mollie. There should be an easement, access, or new driveway on the new side of the warehouse for the applicant's use.. Other than that this application seems ready for approval.
- Joel Kohn: That is what we have discussed now and that is what it shown on the map.
- Arthur Rosenshein: So that problem is solved. What stands between us and approval? Motion for subdivision approval?

- MOTION:
- Paul Lucyk motions for approval. Gary Tavormina seconds. All in favor.

5. AKERA – SBL# 6-1-14 - Continued site plan review. Zone: MX. Acres: 2.9 acres.  
Location: 2299 Ulster Heights Rd, South Fallsburg.

- Jacob Billig, Mike Reilly, and Arthur Meyerovich represented.
- Mike Reilly: We were before the board in February. This is with the retreat project right on the edge of the county off of Ulster Heights Road. Beautiful piece of property. Used to be a Christian retreat. Now Arthur has it. He's also operating it as a retreat. We were back for you about a year ago for a dome on the upper field, which is being worked on right now. This current application is for 20 camping structures, basically platforms that we plan on putting small domes on for camping and a bath house. It'll be a bathhouse with showers, bathrooms there. And then these platforms will be for the domes. Very low impact. Arthur's group is very, very eco friendly, into low impact. So essentially most of them are in fields, very low impact to the land. We can build pressure created platform and put it on top of that. I've designed the septic system. I've worked out what we have existing well we're gonna tap into the bath house. And that's about it. Got questions? I did address the public hearing comments. Mr. Vernilli had some comments about the proximity to the development. She was concerned about her well. Any development we're doing is over 400 feet away from her residence. And our septic is over 800 feet on the other side of the hill from her. We also mention truck traffic. We don't anticipate any truck traffic except, you know, minor truck traffic, bringing in equipment when we're constructing things. And our drive at that point is six 50 feet from her. I don't think she's gonna hear anything. There's a significant elevation difference.
- Arthur Rosenshein: So all we need to do, we need to have your engineering department look it over. Anything else that is between us? Code portion?
- Helen Budrock: No, I mean, I didn't prepare a formal resolution. Cause I think it's pretty straightforward.
- Arthur Rosenshein: Anybody on the board have any comments? Nope. So this would be site plan approval conditioned on engineer review, correct?
- Helen Budrock: Yep. I think correct me if I'm wrong, but this is an unlisted action, correct?
- Jacob Billig: Yes. It is unlisted and the county determined 239 local determination.



- Helen Budrock: Just make sure you do a neg dec before you approve the resolution.
- Arthur Rosenshein: Having reviewed the environmental aspects do we have a motion for a negative dec?
  - MOTION:
  - Cody Vegliante motions for negative dec. Paul Lucyk seconds. All in favor.
- Arthur Rosenshein: Site plan approval with condition that our engineers review it before signature.
  - MOTION:
  - Michael Kirtack motions for conditional approval. Paul Lucyk seconds. All in favor.

6. AERO-STAR PETROLEUM, Inc – SBL:21-1-22.2 - Continued site plan review consisting of site plan and special permit for purposed new building and fuel pump island to replace old building and fuel pump island with additional parking. Zone: B. Acres: .39. Location: 6093 ST RT 42, Woodbourne.

- Glenn Smith and Tariq Gujar represented.
- Glenn Smith: The mobile station and convenience store is about 0.9 less than an acre. And what the intent is is to basically demolish what's on site now, the building and the gas pumps and the canopy. Build a new building farther back on the property towards the rear property line more and build a new gas canopy and gas pumps on the property. Because it's in between the two state highways and the state right of way bounds are about 35 feet in from the edge of the roadway, there's only like a small pine section of center that's actually considered buildable. In prior building and most the prior gas canopy were all outside basically in the state right away. But, so we were here in February. The board sent us the Zoning Board. Went to the Zoning Board for the March meeting and the May meetings. The five variances on basically encroaching in the set setbacks a little bit. The gas dispensary had certain distance from the side of the roads. They were a little less than that. They got the five variances approved at the May meeting and they are all on the site here now. So basically the area variances were approved and we are back here before the board. We did a kind of 239 review done for the Zoning Board variances and the county recommended local determination. What we're looking to do is get some DOT comments because we're between two DOT highways. The DOT wouldn't comment on the variance application, it said that's a Planning Board matter. So one thing we would like to get the Board to do tonight is get an okay to submit for 239 so we can get the DOT involved on whatever comment they may have for the next meeting. And we would like to request a board schedule, a public hearing also on this. One thing we definitely did since we were



here the first time since the Zoning Board meeting, there's a town sewer manhole in the driveway through the Miser agency and the town sewer manhole down here on 42. Well, that sewer line we found out goes to the building. So I'm just showing basically a set of manholes, just run a line on the back of the building and bypass the building with that sewer line in town.

- Arthur Rosenshein: Have you had any contact with the DOT on this?
- Glenn Smith: I contacted him initially to get maps at the right of way. They're the ones that gave me maps.
- Arthur Rosenshein: Even a general discussion?
- Glenn Smith: Yes.
- Arthur Rosenshein: We'll find out formally the crosswalks, the lights would be changed in some way.
- Glenn Smith: Right now, this little triangular island that's in the middle of the road here has a crosswalk across 42 with a pedestrian button and a light and everything else. All that does is kind get you to that island and then you're stuck again. There is a new asphalt sidewalk that was just built from Western Estate that comes down 42 and ends at a sidewalk to nowhere. That ends right here. I'm just showing that the sidewalk could fairly easily be extended around here to a new crosswalk to connect the Island and then really have a continuous walk. And both Molly mentioned that to the DOT and the people originally mentioned that also. Something like that. They may need to put another switch button on this little connected roadway here. It's not as heavily travel, obviously 52 or 42 but they show a walk there, and that's a possibility.
- Michael Kirtack: Are they putting in new tanks?
- Tariq Gujar: Yes. New tanks.
- Michael Kirtack: I was just wondering.
- Glenn Smith: We show one of those zoning board comments where I show like a service window or here. The. order board. The order board over here and the Zoning Board pointed out that people stop and do it for, they queue up into the parking lot. So I moved it around to the back of the building here. So a little long distance around the building.
- Michael Kirtack: If there is a Dunkin Donuts you would be surprised. They are out there. The one in Rock Hill the same thing.
- Discussion.
- Arthur Rosenshein: There's so much traffic in there I don't know how people get in and out.
- Helen Budrock: There was some concern about people getting in and out.
- Glenn Smith: Right now it's all wide open it's a free for all getting in and out. The concern Gregg mentioned that people exiting to 52 that want to turn left and go back towards Loch Sheldrake, if cars are coming out and stopping at the light, you really can't see cars that are heading towards Loch Sheldrake speeding up the hill

there. So we thought let's get some DOT comments on that. I mean, at worst they say, no left turn out here but we don't know. We wanna find out.

- Helen Budrock: The curbing you are proposing is all within the DOT right of way.
- Glenn Smith: Yeah that's why we want DOT comments. I think we are improving things. One thing that the county plan mentioned is some bioretention along here. Drains coming across the property for 42. There is a state drain in the road. There's a little bioretention basin for stormwater. It's less than an acre.
- Gregg Pitula: Mollie had a comment she asked you were moving that propane tank. Are you relocating that on the property somewhere or is that getting removed all together?
- Glenn Smith: Right now it is in the middle of the drive.
- Tariq Gujar: We are not going to have that anymore.
- Glenn Smith: There is a letter from Greg Goldstein in which he said he had no issues. He is a close neighbor he owns all the properties across 52.
- Gregg Pitula: If you do need propane for services and heating just find a location the map. Have somebody size the tank to that building and show a location where the tank would be.
- Glenn Smith: Bury it?
- Gregg Pitula: They could bury them.
- Arthur Rosenshein: What is your timeline?
- Tariq Gujar: Right away.
- Glenn Smith: We wanted to show the Board what the renderings are. Basically it is like the building in Monticello by Schmitz.
- Helen Budrock: It is probably good to take pictures of your existing buildings.
- Discussion.
- Arthur Rosenshein: Anymore on this?
- Paul Lucyk: On your road for a 12,000 gallon trailer to load and unload.
- Tariq Gujar: Yes.
- Glenn Smith: They have 2 highways here.
- Paul Lucyk: I am trying to figure out how a trailer would come in and get out.
- Discussion.
- Tariq Gujar: The trucks are not high they are like this.
- Gregg Pitula: Where the entrance is won't be steep will it? Once the building is pulled back.
- Helen Budrock: You are just looking for public hearing and 239 recommendations correct?
- Glenn Smith: Yep.
- Helen Budrock: I don't think we've done SEQR on this.
- Arthur Rosenshein: We are ready for public hearing as far as everyone is concerned?
- Helen Budrock: Want to declare yourself lead agency? Unlisted action?

- MOTION:
- Gary Tavormina motions for lead agency. Michael Kirtack seconds. All in favor.

7. MEP WHOLESALERS – SBL# 60-1-21.1 – Continued review requesting site plan review to build a 15,000 square foot building for wholesale retail and storage of mechanical, electrical and plumbing supply. Zone: I. Acres: 7.03. Location: 30 LaVista Dr., South Fallsburg.

- Joel Kohn represented.
- Joel Kohn: We were here a couple months ago with a 15,000 square feet building. We then reduced it to a 10,000 square feet building. We are now back with a total of 15,000 square feet building, but on a 10,000 square feet footprint. So it's a 10,000 square feet footprint building. And there will be a second story of 5,000 square feet office space. We had a public meeting. We had 239 review. I believe we are ready for approval subject to any town engineer comments. A SWPPP is currently being prepared for the project as well, which will be reviewed and approved by the plan by the town engineer.
- Arthur Rosenshein: What did you do about the proposed power storage area?
- Joel Kohn: As we discussed last time when we were in front of the Planning Board, they're not planning to have any outdoor storage, but they have the pallet storage outside that is shown on the site plan. And if they will have any outdoor storage and in the future they can come back and ask for outdoor storage.
- Arthur Rosenshein: How is the pallet storage gonna be screened?
- Joel Kohn: We can have it screened if necessary.
- Arthur Rosenshein: Yes it is necessary.
- Joel Kohn: Okay. So since it's screened then I guess if they want to use that area for outdoor storage, I guess they can use it as long as it's screened.
- Gregg Pitula: Yeah that's what Arthur was getting at. He was kind of hoping that you would add a little outdoor storage. By screening it, you can put outdoor storage out in behind in that location if you need
- Arthur Rosenshein: Prior to signature we'll see a rendering what this will look like
- Joel Kohn: We provided a rendering last time. I can bring it up if you want me to.
- Arthur Rosenshein: For the outdoor storage.
- Joel Kohn: Sure.
- Helen Budrock: It is in the plans in the fenced in area?
- Joel Kohn: Yes. We will show the details for the fencing.
- Arthur Rosenshein: We ready to go?
- Helen Budrock: Yeah it is pretty straight forward.
- Arthur Rosenshein: We haven't done the interior yet.

- Hayden Carnell: Mollie says the 239 should be resent.
- Joel Kohn: The 239 originally came back as incomplete. Then we got another 239 which deemed it complete and then determined it local determination.
- Gregg Pitula: Can you send us a copy of that documentation?
- Joel Kohn: Sure. I will send it to you.
- Arthur Rosenshein: So signature will be pending a rendering and details on the screening. Engineering review.
- Helen Budrock: Mollie also says adherence to any comment the fire department may have.
- Arthur Rosenshein: We put that in the language.
- Helen Budrock: I want to just make sure for the record.
- Arthur Rosenshein: Anything else? Motion for site plan approval pending the items mentioned?
  - MOTION:
  - Gary Tavormina motions for conditional approval. Paul Lucyk seconds. All in favor.
- Joel Kohn: Thank you.