

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

TOWN OF FALLSBURG ZONING BOARD MEETING

July 20th, 2023

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

- Larry Zierler called the meeting to order at 7:00PM
- Minutes from previous meeting approved
- 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.CAMP BNOIS SPINKA – SBL:39-1-86.1 – Requests a 6 month extension on several previously approved variances.

- Joel Kohn represented.
- Joel Kohn: We are up for a 6 month extension. Since the last time I was here we were in front of the Planning Board in March and May and we got final conditional approval in June subject to third party approvals which was DEC, DOT, and

SWPP. We are working toward all these approvals. We might be here for another 6 month but hopefully not.

- Gregg Pitula: There was some question about whether this was the second or third.
- Joel Kohn: This is the second.
- Steve Altman: What is the reason?
- Joel Kohn: Whenever you go for a project from variance to approval it takes time. We were in front of the Planning Board in March and May. We got final approval in June. It just takes time. We still need DEC. The SWPP. It is all in the works but it just takes time. I wish it would be much quicker.
- Larry Zierler: Everything is frozen. Nothing has happened.
- Joel Kohn: Nothing has happened on site. In the background a lot has happened.
- Larry Zierler: In terms of physical nothing has happened. We are not looking at a change in landscape.
- Joel Kohn: No the plan has not changed. Nothing has really changed.
- Larry Zierler: Well now that you have everything.
- Joel Kohn: We don't have everything. We have final conditional approval from the Planning Board meaning we don't have to go the Planning Board. Other than that we are working on agency approvals. Finalizing SWPP. That will take some time as well. That will have to be submitted to the DEC. That will take some time. It all takes time. It is much better than the state side.
- Larry Zierler: Any other questions from the Board? It is the decision of the Board whether we want to give this extension given extraneous circumstances.
 - MOTION:
 - Ellyane Hutchinson motions for approval. Neil Sapolsky seconds. All in favor.

NEW BUSINESS:

1.MOTHER EARTH FARMSTAND LLC – SBL: 59-1-32.11 – Requests an area variance to allow a working farm with small camp structures. Zone: AG, Acres: 14.52. Location: 201 Church St., Mountaindale.

- John Rose and Brandon Monroe represented.
- John Rose: We have a working farm and he wishes to share his experience with the outside community that has no idea about how a chicken lays an egg. They

could collect garden vegetables. He wants to add camping to that as a convenience. If somebody comes up with their family and children instead of having them go to a hotel which is not part of the farm experience they can stay there. That is not really part of the farm experience. We want to offer specialized kind of farmer themes. Farm kind of theme. They are pretty much off the grid as far as electric and other commodities. This is not about camping. This is about providing an option instead of going home or a hotel or motel and coming back. In the AG district if you don't allow camping where would you allow it? We went to the Planning Board and here we are.

- Larry Zierler: The Planning Board sent you here for a definition?
- John Rose: It is vaguely written. We could argue it but I guess when it is all said and done your zoning code doesn't talk about camping in AG. They would like to offer that. They are not selling but they want to offer the option. Instead of going back home. If you are going back to NYC you are leaving at 6 o'clock at night. Instead they can stay in a camper. They can cook on the outdoor barbecue grill then wake up the next day and continue the experience.
- Larry Zierler: Can you describe what the (inaudible)?
- Brandon Monroe: One of the most important things about this property is it is my home. It is operating but we live there and play with our animals. We do have a working farm. We think it is really important to let people understand what we are doing. We have the privilege to let people do that. The accommodations would be offered utility. No tie in septic, tie in to electric or water. We have procured the option for combustible toiletries. Potable rainwater. We think it is beneficial to offer things like a wagon.
- Steve Altman: How many themes?
- Brandon Monroe: I am talking about 1. One would be concept wagon. It looks like a covered wagon. It looks like this.
- Steve Altman: You provide the tent?
- Brandon Monroe: Yes. We are not looking at platform camping. We are looking at almost like a teepee. On the site plan we planned for up to 4. As we were talked to the Planning Board they said go for more than less. Again we are home. We don't want a dozen camp sites. The layout would something similar to this. This is up to pending to the Board's approval. That is on a platform.
- Steve Altman: How do these people eat, shower?
- Brandon Monroe: We are pro in the application of natural elements. There will be rain water implementation. Different details would be worked out with the Planning Board for approval. Like a rainwater outside shower.
- Steve Altman: They can bring their own food?
- Brandon Monroe: Correct.
- Steve Altman: There are barbecue but they bring their own food?
- Brandon Monroe: Correct.
- Steve Altman: You are giving them the heads up that they bring their own food?

- Brandon Monroe: We are going to drive down to Mountindale to some of the restaurants. We have neighbors that have a lot of produce. We will not be providing any kind of on premise consumption.
- Steve Altman: How long have you owned the property?
- Brandon Monroe: About a year. My background is in the wine business. I found the community in Sullivan to be appropriate for us. We have been working on this for the year.
- Jennifer Lishansky: Do you guys have a plan of the average (inaudible)?
- Brandon Monroe: We kind of talked about as things progressed as what we would do for on site consumption. The answer was no. The Planning Board said in the future if we want something like that to put it on the plans.
- John Rose: Camping is just not allowed use. It doesn't say it isn't.
- Brandon Monroe: We are zoned for an AG business. The Planning Board said we should come and want to be in full compliance.
- Steve Altman: Originally the town of Fallsburg were farmers. Your concept is simple in that. Did the Planning Board limit you to how many A frames?
- Brandon Monroe: No just that 4 is what we put
- John Rose: If there is more that we come for that can be amended.
- Larry Zierler: The business would be defined as?
- Brandon Monroe: Giving people the ability to understanding farming. What happens in a garden. Our business model is to offer that experience. It is watch our friends and families to come up and grab an egg from the coop. They picked a zucchini from the garden. It is special to watch them.
- Larry Zierler: Revenue stream?
- Brandon Monroe: There will be a on premise farm stand that will be retail option. We will be offering workshops at various price points and experiences. It is going to be determined based off of the approval of Zoning and Planning. We feel that where people are moving more toward.
- John Rose: We are promoting the accommodations we are promoting farmers.
- Steve Altman: You will have daytrippers? Or that is what you don't want?
- Brandon Monroe: That's our goal. We provided enough as far as parking goes. It was the Planning Board's suggestion. I want to stress again that this is our primary residence. We can provide that opportunity.
- John Rose: We live up here. We understand cows and chickens and vegetables.
- Steve Altman: The concept is wonderful.
- Neil Sapolsky: Can we start with interpretation first and then if it doesn't meet the criteria move into a variance?
- Dylan Harris: I think you can have that discussion and if somebody wants to make a motion and it gets approved then you don't have to go through the steps for the use variance. The Zoning Board does have that authority if the Board is comfortable with it

- Gregg Pitula: The use of the rest of the place is a permitted use per site plan approval right? His day business.
- Dylan Harris: Correct.
- Gregg Pitula: The only part we are looking at is the overnight.
- Dylan Harris: Yes. I think the conversation has to circle around the accessory uses. At the bottom of the bulk table we have other accessory uses customarily incidental to the principle use. Could that be one it fits into? Perhaps. Farm worker housing is also used but it is only 2 units per farm. We are looking at 3 or 4 units that won't fit. The AG business again is probably a spot. I know we went through the definition through the work session and the question is by staying overnight are these people staying over are these people contributing to a point where it is AG business? It is helping us do the planning and harvesting? I think those are the three areas where they could be a discussion.
- Discussion.
- John Rose: You have to sign up to work a day at the farm.
- Jennifer Lishansky: What is the primary day on the farm?
- Brandon Monroe: We would still have our day jobs. If we can provide the experience and privilege. If there is that element of overlap to our property that is great. As you can see on our site plan there are potential options in the future for other ventures. We have to look at the site before going down that road. We would love to have people leave with a couple dozen eggs and some herbs. That's the business model. We feel pretty confident that people will want to pay for these workshops and experiences. Especially people who are outside of these communities and have children that need a little more grit in their life.
- John Rose: If they want some hamburgers they can buy some. If they want to eat at the farm they are welcome. They are supposed to bring their own food. To get use of a campsite they have to sign up to work there.
- Brandon Monroe: We have could have worded it as to something like a bed and breakfast. We don't want to sell it that way. We are running an AG business and we want to offer accommodations.
- Ellyane Hutchinson: So there is no price net?
- Brandon Monroe: The element of each workshop will be different.
- John Rose: There will be a checkbox. There will be a price. They total up at the end and that is what it is.
- Ellyane Hutchinson: (inaudible)
- Brandon Monroe: Everything will be at least 400 square feet. These are also mobile structures.
- Steve Altman: So a family of 10 would be some in the wagon and some on the ground?
- Discussion.
- John Rose: Some campers fit 10 people in each one.

- Brandon Monroe: We are looking at 12 at the most. That is a lot for us. If somebody approaches with that first of all we have to have availability. They can't bring their tent and pitch it outside the wagon.
- Steve Altman: I am wondering about the condition of food and water for those people.
- John Rose: There is indoor water and shower for those people who determine it is a little bit too much for them.
- Gregg Pitula: Like a bath house
- Brandon Monroe: There is something already existing. It is handicap accessible. It is something we have there. We don't encourage it.
- Larry Zierler: What is the difference between this lodging and a hunting or fishing cabin as an accommodation to these outside activities??
- Dylan Harris: I haven't looked but I believe that was in an AG district.
- Gregg Pitula: It is.
- Larry Zierler: I think fishing cabins are.
- Gregg Pitula: I think it is 1 on the property. Hunting or fishing is allowed 1.
- Brandon Monroe: What I was told by the Board was that it cannot have utilities. It can have solar power. Water that is offgrid. No utilities. We are not trying to splice rules or regulations. We want to come at you full force. Even though we don't want to label this a camp site if you can't camp in the country I am not sure where you can.
- Discussion.
- Brandon Monroe: A lot of the thing is to figure out the farms though. Could we have greenhouse picking in the winter? Sure. It is nice to have a break for a few months. If somebody said they want a winter experience I would probably say it is okay.
- Steve Altman: Most resorts have a start and end of the season. You are indicating you don't have a season. You are accommodating people who want to come.
- Brandon Monroe: It is a Mother Earth facility.
- Steve Altman: You are accommodating anybody that comes any time of the year.
- Brandon Monroe: Is that an issue?
- Gregg Pitula: No.
- Brandon Monroe: We did not want to start this business when we were here in February. We wanted to come to both boards and say this is what we're looking to do. That would be great for business. I don't know if that will happen. If our business allows that we will see how it goes.
- Steve Altman: February or early spring.
- Brandon Monroe: It is 18 feet deep so let's see how cold it gets. We didn't this past year.
- Jennifer Lishansky: You plan to post about these lodgings?

- Brandon Monroe: we will be doing a website that is focused on the farmstand retail. I think with any business you are looking at the telling of your experience. It is going to be hard to say why we have the wagon and are selling tomatoes. We will let people know but it is not an AirBNB model.
- Steve Altman: Is there an issue?
- John Rose: If you're not coming during the day you are not invited to camp.
- Larry Zierler: So you are not taking a room alone. As an accommodation to the farm students.
- Brandon Monroe: Yes.
- Mike Bensimon: I think the town and bed tax covers any campsite where you don't bring your own tent. You build your own tent then you don't pay it. If there is tents there then there is a tax.
- Brandon Monroe: That is why we are in front of you. Once we get approvals and permits if that is what the town and county is asking we are not shying away.
- Discussion.
- Steve Altman: The Planning Board didn't limit how many sites.
- Brandon Monroe: They encouraged us to do more than we wanted. We didn't want to present it that way because that's not what we want. They said to put it on there. They encouraged us. That's why you will see a few additional.
- Larry Zierler: There is the element of how comfortable do you want them to be. Is it a place to sleep or at the end of your day of farming you have a place provided to you?
- John Rose: It is what they are paying for.
- Audience: Quick note since comfort came up. I am a bonafide city girl. I have been doing this. This is hard work. We are sweating at 10PM. We can barely make it to the house 20 feet away. People should not walk a block away. The accommodations would be the necessities. It is not luxurious. When you're that tired you would sleep on the floor and it would be godly.
- Steve Altman: I think it is genius that you need labor and you'll get people to pay for it.
- Brandon Monroe: We see it in other cultures and I think we need it in the US.
- Audience: It opens up your eyes.
- Larry Zierler: People want to do this.
- John Rose: Once upon a time we were great hunters. Now we are great shoppers.
- Brandon Monroe: We want to make sure this very simple thing doesn't get lose in future generations.
- Larry Zierler: How would we feel if an agricultural model to do something rustic during the day and city life at night? The other question I'd like us to consider is to what degree is anything else possible here given the absence of reliable lodging nearby? It just doesn't exist. We lost the Ramada. Liberty to the Knights Inn?

- Ellyane Hutchinson: I can see limiting it aesthetically.
- Audience: We want to encourage that farm experience. If we throw these things in AirBNB any person is just going to book the stay and show up at 9PM. We don't want that. This is our home.
- Brandon Monroe: We feel like this is something that is our work and it is needed in the community. It will be ours to fail at.
- Steve Altman: You're talking about 4. There is room for another 20. What about here? What is this? It is a field right?
- Brandon Monroe: It is property between us and the next property line. We had to send out certified letters to the adjoining property. He can attest to the topography of the property.
- Larry Zierler: You have given us a lot of information. It would be good to hear from the public. We will not open it to the public.
- Stanley Sharp: I was just listening to this. I work with special ed and we try to have places for the kids to work. Is it open to adults or kids with disabilities? I am wondering if that is a possibility.
- Brandon Monroe: I think as we move forward and the town understands what we are I would love that. We want to make sure we have things to accommodate that. If we were going to have someone that has limitations we do an electric golf cart that doesn't make noise. It isn't an ATV. I think that would be an awesome thing to do. If we were able to accommodate that in the future absolutely.
- Larry Zierler: Anyone else?
- Ethan: I am just here in support. I just want to make sure things stay looking like they are.
- Gregg Pitula: Anyone on Zoom?
- Alice Camara: I have never heard of this. You have said you've seen this in your travels.
- Brandon Monroe: The first time I have experienced it was in Sardinia which is an Italian island. It was kind of fascinating. When I saw it I said it made sense. This was 14 or 15 years ago. I usually travel around for harvests. We purchased a hobby farm. Some things clicked and I said we should do something where we can provide this to somebody else. We want to make sure we do this right so we are accepted.
- Alice Camara: People go to an apple orchard and pick apples.
- Steve Altman: They pay.
- Larry Zierler: Can I give you an observation?
- Dylan Harris: I can barely hear you.
- Larry Zierler: I went today as someone who is a possible candidate for this experience. I went with my grandson. It was a beautiful experience. I don't want a biased conversation.
- Dylan Harris: I think we always like when the board members go and see the site. I don't see any issue.

- Larry Zierler: It is an amazing thing to see. These are people with amazing personalities to work with and nurture them. Mentor them. What I saw a lot of farm. A lot of foliage. A lot of leaves growing. Water. Very little cut. It is just really an accommodation. You're not going there because you want to be in a wagon. You are going because you want to know farming.
- Gregg Pitula: This was brought in front of me at Code Enforcement. I thought personally from a Code Enforcement view that this would fit under agribusiness with the accessory uses as a camp. I didn't think it would have to come this far asking for a use variance. If he was here tonight to use the whole land as a camp ground then we would be doing our duty to ask for a use variance. This gentleman is leaving the property as an existing farm. To me it is an accessory use to the agribusiness these extra little things. I discussed this with our attorney. I feel it is just interpretation that we should determine to the Planning Board whether or not we feel it needs to go for a use variance. For a use variance there are a lot of factors that need to be voted on. This is such a small impact that will be governed by a special use permit which means it will be governed by our office anyway. If it was more than 4 units and it got out of hand we would have them back to the Planning Board and then figure it out.
- Steve Altman: (inaudible)
- Gregg Pitula: I am just saying with all the things I am dealing with this is...I don't know. This is my opinion. Coming from the Building Department I think it should be an interpretation that it fits into the zoning and not ask for a use variance. I don't believe this property is getting turned into a campground. It is an experience go farming. We have similar places. Over in Hurleyville they have a farm just to teach disabled people how to garden. They have the facilities. I feel this is going to the least impact of anything I deal with in this town.
- Dylan Harris: I think it was skirted around and maybe asked. If somebody came they would have to work on the farm. They can't just stay in the farm because they feel like it correct?
- Brandon Monroe: Correct. It is an experience. It is a workshop.
- Ellyane Hutchinson: I resolve to make a motion that it is a use as a farm. There is a lot of it in Sullivan County. I don't know specifically in Fallsburg. We can limit it to the 4. All the other buildings are agricultural buildings.
- Gregg Pitula: The Planning Board would be the ones that would limit the number of buildings. We are saying that the sleeping or staying on the premises is part of the use of the business. They will present to the Planning Board they are doing 4. If they grow they will have to come back for amendment. We can ask if there are any problems. Then the Planning Board may say they can have 10. Once you are over 6 you start involving the Department of Health. They couldn't go back to the Planning Board that we are interpreting that it fits in the zoning or they have a use variance. To me it is an accessory use to the primary use of this place.
- Steve Altman: So we have to create a motion.

- Jennifer Lishansky: I think it makes sense to do an interpretation. My only request is the food and beverage. That is where it starts to change. It starts being other elements other than agribusiness. I want motion to allow the campgrounds and just say if you do pursue food and beverage you come back to us.
- Gregg Pitula: Don't word it as a campground. Say quarters for the farm experience. Dylan?
- Dylan Harris: I would say overnight accommodations for the food to table farm experience. Accommodations accessory to the experience of farming. That keeps it within the special use permit of the agribusiness which gives Code Enforcement great latitude to make sure things are done right. Jen is on point as far as the food and beverage because with the special permit if things are happening when they shouldn't be Code Enforcement can pick up quickly and rectify it. I think the language would be an overnight accommodations for a farm business.
- Larry Zierler: Overnight accommodations would be present for the farm experience for the primary function.
- John Rose: One family goes there on a Saturday and one wants to stay overnight. Or kids need a nap. Whatever the needs are. They should have something instead of leaving.
- Larry Zierler: We are with you.
- Ellyane Hutchinson: There is a farmstay. It is an accessory. That is my motion.
- Larry Zierler: Restate the motion.
- Ellyane Hutchinson: I motion to see this an accessory use to an agribusiness.
- Mike Bensimon: Are we considering this an agribusiness or an accessory use to allow it?
- Gregg Pitula: They are falling under an agribusiness because they're not just farming. They are running a business with farming. This would be an accessory use to their agribusiness.
- Dylan Harris: I jotted it down. I think it would be acceptable to do overnight accommodations for the farm experience.
- Gregg Pitula: After we give our determination tonight whether it is variance or interpretation, they are going back to the Planning Board for a special use permit. They are going to limit the occupants. Make sure they have proper parking. Hours of operation are set. So my department has guidelines in case they are setting off fireworks at 2 o'clock in the morning. You agree it needs to be quiet at 10 o'clock.
- Dylan Harris: The Planning Board has great latitude as far as the conditions they can put on a site. The amount of people. Hours of operations. All of that will be in the special permit. It will be thought about at great length by the Planning Board.
- Mike Bensimon: I just want to make the distinction that it is an agribusiness.
- Gregg Pitula: This use is falling completely under the agribusiness with the farmstay part as an accessory.

- Dylan Harris: I think the simplest way to say it is the overnight accommodations for the farm experience in this application are an accessory use for the agribusiness under the agricultural district. I think that covers each piece of it succinctly.
 - MOTION:
 - Ellyane Hutchinson motions to approve the use as accessory. Larry Zierler seconds. All in favor.
- Gregg Pitula: We are second recommendation to the Planning Board that it is a permitted use. They are just going to give you your criteria of the operation.
- Dylan Harris: I will draft a interpretation resolution. We will have the chair person sign it. We will get it to the Planning Board.
- Brandon Monroe: Do I need a public hearing with the Planning Board on the 10th?
- Dylan Harris: You were before them once correct? I would reach out to Code Enforcement tomorrow or next week.
- Gregg Pitula: Jen is taking care of it.
- Dylan Harris: It might be a little early.

Mike Bensimon motions to adjourn. Steve Altman seconds. All in favor.