

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

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

**August 10th, 2023**

In attendance: Arthur Rosenshein, Chairman, Michael Kirtack, Paul Lucyk, Gary Tavormina, Cody Vegliante, Irv Newmark, Bucky Loucks Planning Board Members, Jennifer Edwards, Helen Budrock, Town Planners, Hayden Carnell, Keystone

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

### PUBLIC HEARING:

#### 1. MOTHER EARTH FARMSTAND LLC – SBL: 59.-1-32.11

- John Rose and Brandon Monroe represented.
- John Rose: We are applying for an ag business. We are inviting the public to farm so they understand how farming works. We propose the original application in May. We have different themes. We went to the Zoning Board. They thought it was an awesome idea. We are not necessarily promoting people to stay but when people are there until 10 or 11 at night we want to have a place for them instead of having them drive back. That’s about it. We are not changing the landscape of the area. There are plants and animals. It is accessing the existing scope of the area.
- Brandon Monroe: Predominantly to teach outsiders an education in farming.
- Mary Adams: I just want to know where.
- John Rose: We are in Mountaindale right on Church.
- Jim Negan: I live at 235. I am direct neighbors. I am all in favor of this project. It is helping the agricultural nature of the neighborhood.
- AJ Pantel: How many acres of the farm?
- John Rose: On the farm or the property?
- AJ Pantel: The property.
- John Rose: 14.52.
- AJ Pantel: You have animals?

- John Rose: We had existing animals when we purchased the farm.
- AJ Pantel: Can you describe what kind?
- John Rose: Horse, donkeys, alpacas, ducks, honey bees, couple dogs.
- AJ Pantel: So this is primarily so people can get used to those animals?
- John Rose: Yes. We might do some husbandry but primarily we are doing dairy and eggs. It is more about the experience. Pick tomatoes. It is amazing to watch someone pick up eggs from the coup. They feel like they raised chickens. Right now we are about 100 plus varieties of different vegetables, fruits, legumes, and herbs. It is mostly common stuff.
- AJ Pantel: How big is that?
- John Rose: Right now we are on 1.2 acres of the actual garden. The vineyard is 2.6 hectar. We have a bunch of different flower gardens.
- AJ Pantel: The vineyards will eventually be a winery too?
- John Rose: I am in the wine business. I have been a wine sommelier since I was 21 years old. I have always had grapes around me. That is my day job. We have been making homemade wine and beer.
- Scott Lederman: This is the private citizens coming in to experience. Would you consider schools?
- John Rose: That was brought up at the Zoning Board meeting as far as special needs students. We want to get the infrastructure started right. We want to make sure we have started right. If that is something we can accommodate absolutely. We want to start out small so not like 100 people there. The 4 little small units are 2 to 4 people. We don't want a lot of people right now. We have some aspirations in the future. We are all about that. We love the community here so far.
- Arthur Rosenshein: We have a new procedure now. The written part of the public hearing is kept open so if you have anything to say you can send it in and you will be heard.
- AJ Pantel: Will these written comments be exposed at the next meeting?
- Arthur Rosenshein: They will be if appropriate.
- Gery Skoda: It sounds like a great project.
- Arthur Rosenshein: Anybody else? In that case the oral part of the public hearing is closed.

## 2. NY FALLSBURG II, LLC – CYPERT ROAD SOLAR PROJECT – SBL: 9-1-36.5

- Mr Gargiliano represented.
- Mr Gargiliano: This is a large solar project proposed for a property that was assigned 2 weeks ago.
- Sound cuts from meeting.
- Mr Garigliano: The hydraulic calculations have been done for that. We are ready to go. Before we do the storm water prevention plan we wanted to make sure the general outline of the array was acceptable to the Planning Board. There are a couple houses on the other side of Cypert. There is a Cypert property here. Justin Degraw and Scott's property is here. There is a landscaping plan we will submit once we know the array location is okay along this border which will protect these houses from any view. We don't believe any houses on the other side of Cypert will have a view because once the grading occurs the project site will drop below Cypert Road and we think the distance setback from Cypert Road at the top of the panel will be about 9 feet six inches above grade. If there is we will propose landscaping there. We will have to take some trees out to do that. The project site was purchased today so we didn't want to cut someone else's trees. Do you have any questions?
- Vanessa VanValkenburg: I am on the 42 side. That property borders mine. It is over on the Cypert side?
- Mr Garigliano: Let me show you this. You are here. This property is only to your side. This is another property behind you. This is a fairly large wetland that you know a fair amount about because it is on the corner of your property. This feeds down behind the Claires. Because it is connected to this all of this is regulated wetland. There is a 100 foot wetland buffer shown here. The project is completely inside that buffer.
- Vanessa VanValkenburg: So you are closer to Mrs. Claire than me. You said it is facing south. The southside of my property is always sun. Any heat reflection off of these?
- Mr Garigliano: There is no such thing. Solar panels are designed to absorb the sun's rays to generate electricity. We studied a lot. There is a lot of information available for solar panels. There was a time when solar panels didn't have the same technology they have today. They absorb the rays today. When I started they were 425 watts per square meter. Now they are 585. What that means is that the technology has improved. It is now a silicon based panel and they have an anti reflective coating so you should be a lot more worried about your pilot getting blinded pulling into Newark airport over those parked cars. Those do reflect light. Or a building with a glass exterior. These are the opposite of that. These are designed there is no glare and absorbs as much of the sun rays.
- Vanessa VanValkenburg: Another question. We often lose our electric.
- Mr Garigliano: I wish I had a better answer for you but I can give you NYSEG's phone number. The project will feed the electricity generated into the NYSEG grid

so this will be putting electricity into the grid like a coal plant would. Once the electrons are in the wire they all mix together.

- Scott Lederman: That's my house right here. First is how high are these solar panels?
- Mr Garigliano: That depends on the manufacturer of the panels and of the racking. These will be tracker panels. The older technology of the panels would have been a panel fixed on a post at a fairly steep angle for the sun to hit the panel. Now the panels are much lower with tracking mechanisms. When the sun comes up in the morning the panels are facing east. Noon facing up. When you get to the end of the day the panels are facing west. Certainly under 10 feet but we won't know until we place the order for the panels.
- Scott Lederman: Sound?
- Mr Garigliano: There is no sound from the panels. There will be sound from the inverter. I can you send you the information about the amount of sound from the inverter. It is not a loud sound and of course the panels don't do anything after dark. At night there is no sound. Every 100 or so feet the sound levels goes down by so much so I don't think there will be anything audible at any residence.
- Scott Lederman: In terms of the buffer you have a 25 foot setback.
- Mr Garigliano: The required setback line is the dotted line on the map. This setback line is the town required setback line. We have gone about 4 times that because it makes more sense.
- Scott Lederman: Is that 100 feet?
- Mr Garigliano: This is about 125 to me. We did that because in order to have enough room to effectively capture the storm water on each side of the sight and route it around to the storm water pond there would have been no way to do that without creating issues.
- Scott Lederman: Are you fencing?
- Mr Garigliano: There will be deer fencing which is better known as animal exclusion fencing. You can see the fence here. That is required by the Public Service Commission.
- Scott Lederman: What does that look like?
- Mr Garigliano: Wooden posts. The way an animal exclusion fence works is they have vertical wires and wires that loop around them so if a wire goes to climb them the wires just pull down.
- Hayden Carnell: I have photos from another site if you want to look at them.
- Mr Garigliano: Our expectation is that between the fence line and your house and Duncan's house once the sight is graded it will probably be visible and if it is we will plant an ever green buffer.
- Scott Lederman: My question also is there is some buffer between my house with some trees I planted 30 years ago.
- Discussion.

- Scott Lederman: Are you taking out all of that?
- Mr Garigliano: We are not taking down any trees on your property.
- Scott Lederman: I am talking about on your property. When you're doing this project you are flattening it out.
- Mr Garigliano: We are not taking out anything outside of the area that needs to be. This shows the extent of the drainage improvements. I don't think we'll be taking anything outside of those drainage improvements. I have not focused on this area. I have been on the sight quite a few times but haven't focused on that.
- Scott Lederman: You understand that is my main focus?
- Mr Garigliano: I would understand of course. Our main focus is to make sure you are not negatively impacted. We want to make sure we put an adequate buffer. If in order to do that we have to take out a bunch of wood trees with no low branches so we can plant evergreens then that's what will happen.
- Scott Lederman: Okay.
- Jeff Knapp: You are clearing both sides of vegetation right?
- Mr Garigliano: We are clearing part of the site where the panels are and some area outside of the fence to create shading of the panels. They don't make electricity in the shade.
- Jeff Knapp: Any idea on the acreage of that clearing.
- Mr Garigliano: There is an estimated acreage. 21 if I remember right. A little more than 20 acres. We gave the Board a pretty extensive memorandum.
- Helen Budrock: We are looking at the EAF. 22. 57.75 is the total site and 22 is total disturbance.
- Mr Garigliano: That is very close to what it would be for this project.
- Jeff Knapp. Have you looked at the vegetation that's there?
- Mr Garigliano: I have walked it many times. Whoever owned it has removed anything of any value. There is a lot of wholewood timber. I don't even know if what's left would make firewood.
- Scott Lederman: What kind of barriers are you putting up so when you are clearing that we aren't inundated with dust?
- Mr Garigliano: There will be a stormwater and pollution prevention plan and an erosion and sedimentation control plan that will be reviewed by Keystone. We hoping to get that to them if the layout is okay in the next couple of weeks. Those plans will be our effort to not create a condition that would be objectionable to a neighbor.
- Scott Lederman: Is this open to the public to purchase electricity?
- Mr Garigliano: When you get your electric bill you are getting a bill with two component parts. The top of the bill is the delivery portion which is NYSEG's charge for putting the electrons in the line to your meter to power the house. The other part is where you are buying electricity. 85% of customers don't buy their electricity so NYSEG buys it for them. You will have an opportunity and everyone

in Fallsburg will have the opportunity to buy power to the extent this farm can produce it at a 5% discount to the NYSEG rate. That is part of the rules from the New York State Energy Research and Development Authority. The imbursements to the project developer are only available if you allow this. There will be a direct mail program with a NYSEG meter saying you can sign up for this. Unfortunately this is a fairly small project compared to the town of Fallsburg where just the water and sewer plants in Fallsburg use more electricity than this is going to produce.

- Vanessa VanValkenburg: Once you clear it off what are you planting underneath to prevent erosion?
- Mr Garigliano: There will be a perennial meadow grass planted there. We did update our maintenance and operation plans for this project. Normally our plan calls for periodic mowing of the grass to keep it down. For this project because of some discussions with Mr. Skoda and because of some local allowances we know there is potential we might be able to use flocks of sheep to keep the grass down. The fencing will be a built in a little of a different way with the bottom of the fencing being smaller panels than otherwise. There will be a meadow grass for erosion control and so that doesn't grow wildly it will be mowed or maintained by a flock of sheep.
- Vanessa VanValkenburg: Would lawn grass get so high?
- Mr Garigliano: I am not a landscape architect I don't know. This is a meadow grass and it is specifically designed to have a large root system. You plant it when you are trying to prevent erosion.
- Vanessa VanValkenburg: When do you plan to start?
- Mr Garigliano: It is tough to answer accurately. Recent Federal legislation allows an incremental 10% investment tax credit if you build a project with US content but there is no US content yet. They are going to have to decide if they want to bring in panels from South Korea, or China, or Vietnam or if they want to delay and wait for the 5 factories in the US to get up and make panels. That is a call the developer has to make. It may in 2024 it may not be.
- AJ Pantel: Just to pursue this line of questioning. It is possible that through economic considerations that the project may be accepted but not started for a while. Will that stall the land clearing?
- Mr Gargiliano: We are in a town in the northern long eared bat exclusion zone. We can only clear large parcels between November 1st and April 1st.
- AJ Pantel: That applies to trees it doesn't apply to (inaudible)
- Mr Garigliano: It applies to the trees being cut down.
- AJ Pantel: They can be cut down and left there.
- Mr Garigliano: I can't speak for the project owner. That's not an economically smart way to do it. They did that on the old 17 solar project. They knocked 20 acres of trees down and it cost them 2 and a half times what it should have.
- Discussion.

- Mr Garigliano: It has been completed hydrated.
- AJ Pantel: I would like to tell the Board that I consider this awful short notice for this application considering the implications it poses on the neighbors. The notices went out on the 31st. We only got our notice on Saturday. I only got to go to the Building Department yesterday. Jen was nice enough to let me look at it. I am not nearly as prepared as much as I'd like to be.
- Arthur Rosenshein: We are not closing the public hearing tonight. You will still be able to ask questions.
- AJ Pantel: And as you said if the comments are legitimate they will be read at the next meeting?
- Arthur Rosenshein: Yes.
- AJ Pantel: Where is the sub station it is going to tie into?
- Mr Garigliano: This is a split circuit that comes out of the Fallsburg station.
- AJ Pantel: Are there going to be upgrades to the lines?
- Mr Garigliano: The distribution line is active on Hasbrouck Road. There will have to be a rephasing and a upgrade of the line from the point of common coupling to the pole on Hasbrouck. From Hasbrouck to the substation according to NYSEG's records everything would have to be upgraded. Everything to the Fallsburg sub should be in good shape.
- AJ Pantel: Fallsburg is mostly Woodborne.
- Mr Garigliano: The circuit comes out of the Fallsburg substation. There is no way to get to Woodborne.
- AJ Pantel: So the Fallsburg comes right past Woodborne on 42.
- Mr Garigliano: It comes out across and over top.
- AJ Pantel: That's the subtransmission line.
- Mr Garigliano: No there is also a distribution line in the same right of way. It goes over where the town had a gravel bank and drops down. That's the sub this goes to. I can send you the information.
- AJ Pantel: Is it the same distribution or sent it to Fallsburg as a subtransmission?
- Mr Garigliano: The inverter will convert the direct current energy produced and it will be fed into the circuit at the same voltage at that's in the circuit.
- AJ Pantel: That will improve the voltage.
- Mr Garigliano: The idea of community solar is that it will decentralize the electric grid so there won't be some 17 year old in Russia that can shut off New York City.
- AJ Pantel: Okay. This is a big trust and liability for local distribution.
- Mr Garigliano: Incrementally everyone of these projects improves it but it is small improvements because Fallsburg is a huge consumer of electricity.
- AJ Pantel: It is 5.4 megawatts?
- Mr Garigliano: AC or DC?
- Discussion.
- Mr Garigliano: There is a paper from NYSEG called the CESIR. I'll send you that.

I can't understand that. You will.

- AJ Pantel: Is this a IDA project at all?
- Mr Garigliano: They have not applied for the IDA and with the new provisions of the property tax law I don't know if they will or won't. What has happened is the IDA pilot that was required for solar was \$10,000 per year per megawatt. Under the new state law the taxes if they are not part of IDA are around \$6,000 so they are fleeing from IDA because it is cheaper to pay taxes under the new tax provision.
- AJ Pantel: If anything it will be an improvement to Fallsburg.
- Mr Garigliano: It will be fully taxable.
- AJ Pantel: During construction how much material might be bought locally and contribute to that tax?
- Mr Garigliano: There may not be sales tax because there is an exemption provision in the regs. Anything that can be purchased will be purchased locally which on a percentage basis is not a lot.
- AJ Pantel: Where is the gradient?
- Mr Garigliano: This is 180 degrees with the panel directed south.
- Gary Tavormina: Mr Garigliano can you send him the information and stop annoying these people? I don't understand it.
- Arthur Rosenshein: He has the right to ask questions.
- Discussion.
- Mr Garigliano: I am happy to stop but I am told I have to answer questions.
- AJ Pantel: I am getting off the electrical part of it. I'll talk to Walter privately and if there are any questions that need to be brought to the consideration of the Board and I'm not happy to the Board I'll get back to you.
- Arthur Rosenshein: Thank you for that.
- Scott Lederman: Is this the owner's first solar project?
- Mr Garigliano: It is not presently known who will be the owner. The largest owner in Sullivan County is Generate Capital. Generate Capital is Howard Schultz the owner of Starbucks. They own about 22 projects in Sullivan County. The project has not been sold to any permanent owner.
- Scott Lederman: But there is an owner?
- Mr Garigliano: The owner will build the project then sell it. Think of them like Ford or GM. They will build the project and then sell it to someone who will own it for the next 30 or 40 years.
- Gery Skoda: I would like to make more comments than questions. I think this is a great project for the location. It is about 20 yards from my property line. It is in the AG zone. This was pasture 50 years ago. When you ask about the timber there is no timber there. The other thing that is very important this is not class 1 or class 2 agricultural land. I think we want to keep that kind of land for growing agricultural products and put these kinds of projects on this kind of soil. It preserves open



space and when Fallsburg did their update of the zoning that was one of their concerns was to enhance the agricultural areas and preserve open space. It also addresses the energy goals of our country. I have solar panels on my barn and run my whole farm. Within a quarter of a mile of this project is another family that put solar panels up. There is already solar in the area. These things can be attractive if maintained properly. I spoke to Walter to make sure he landscapes in from of the Lederman's house because that is their front porch. It is a great farm location tool and possibly a retirement program for some farmers. I am 100% in favor of this project.

- Arthur Rosenshein: Anybody else? Oral portion is closed.

## OLD BUSINESS:

1. MOTHER EARTH FARMSTAND LLC – SBL: 59.-1-32.11 – Continued review of the site plan for a special use permit for Agri-business for a working farm experience to the public. Zone: AG. Acres: 14.52. Location: 201 Church Road.

- John Rose and Brandon Monroe represented.
- Arthur Rosenhsein: Helen are you engaged with this one?
- Helen Budrock: You did engage me at the last meeting or whenever it was. It seems pretty simple to me too. I don't know if the town engineer has any comments. The only comment I was going to suggest is just for clarification. My understanding is that the Zoning Board of Appeals determined you are an agribusiness not a campground because they are two different requirements. An agribusiness is a special permit use in that zoning district so the only recommendation I would make is to do it for a 1 year period and then come back and report how things have gone. That way if there are any issues with the neighbors it can be vetted. Then it can renewed permanently if there is no problems
- Arthur Rosenshein: I think that is reasonable. You have 4 units. Anything else?
- Hayden Carnell: We just wanted to see some water and sewer lines.
- Arthur Rosenshein: That will be in review.
- John Rose: I went through a work session with the engineer and Mollie. We discovered there are 2 different well and septics that are on our property. They were also pleased that we are doing compostable and combustible toiletry so there won't be a need for septic at the site. As well as water from a well. We have an intense ultraviolet filtration system for rainwater. There won't be a need for any big engineering.
- Brandon Monroe: They are not promoting camping but promoting day vegetation

for farm education.

- Hayden Carnell: If you have 4 units then your house that is 5 connections which would put it in a public
- John Rose: We have a system in the barn and a system in the house already. Those are there already. These are combustible.
- Hayden Carnell: I went through the notes and didn't see that in there.
- John Rose: That is part of the experience. There is other ways of energy and waste removal.
- Hayden Carnell: The other thing brought to our attention was the parcel behind you sold that has an easement that goes along your property. That easement was removed in the sale. You have access to the road. Off of Church Road on the back of your property. The county hasn't filed and released that map so you won't be able to remove this until that is done.
- John Rose: Originally the property before we purchased it was this property and a 6 acre property. We could have bought it but our neighbor bought it. There's no structures.
- Hayden Carnell: I know you're not going to use it but the easement will be removed. When that gets released from the county update this map and remove the easement. If you were to sell someone might think they could use that road.
- Arthur Rosenshein: Questions or comments from the Board? We are looking for a motion to approve site plan with special use permit for 1 year. It will pending technical review.
  - MOTION:
  - Michael Kirtack motioned for approval. Irv Newmark seconds. All in favor.

2. NY FALLSBURG II, LLC – CYPERT ROAD SOLAR PROJECT – SBL: 9-1-36.5 –  
Continued review of the site plan for installation of large-scale solar energy system and a lot line improvement. Zone: AG. Acres 22. Location: Cypert Rd, Woodbourne.

- Mr Garigliano represented.
- Arthur Rosenshein: Helen, where do you stand on this?
- Helen Budrock: Well, after the notes that Jen put together, the 239 did come back from the county as a local determination. The only comments that they had had to do with stormwater management. There's been some issues with some other solar farms with some of the storm events that we've had, but I think Walter's got that under control and you guys will review the SWPPP and make sure that doesn't become an issue.
- Hayden Carnell: That's the same site that you were talking about.

- Mr Garigliano: The other problem is an EPC who completely ignored and did what the hell he wanted. Yeah, the SWPPP had a 5 acre limitation. He cleared 22 acres.
- Helen Budrock: Well, just like anything it needs to be followed right
- Mr Garigliano: I think the SWPPP is getting a bad rap at the county. I think they're going to hang the contractor.
- Helen Budrock: So we're fine with that. I did not have a chance to meet with our in-house expert Adam. So I'm going to do that next week. I'll get you any comments that we have on the submission, but it's pretty straightforward. So I don't have any detailed comments from a planning perspective. Hayden, did you have anything that you wanted to review?
- Hayden Carnell: No, we didn't really have any comments other than I don't think was that stormwater plan in the initial?
- Mr Garigliano: We haven't finalized this because once we know that the general layout is okay. And once the property changed hands, there was no way to get to this area without running over 200 of those invaluable trees. But we need to get to this area and do a couple soil boardings to see if it can be an infiltration basin. I think it's a waste of time. The engineers are from Long Island. They play with sand all the time. My guess is that it's going to be a detention basin with attenuated outflow, it's not going to absorb water, but if we're lucky and it does, so be it.
- Hayden Carnell: And you're settled on the racking system. I know at first you said you didn't know which way you're going to go with them.
- Mr Garigliano: We don't know what racking system will be employed. We showed one on here. And it's typical that when we get approvals that the comments require us to give a cut sheet to the Building Department with a building permit application. It'll depend on whether or not there's U.S. content available. If there is, certainly when you're building something for 12 or 13 million and you can get another million in investment back credit if they can buy it from Georgia in the U. S. instead of Georgia, they will.
- Paul Lucyk: With the scenario about the other project where the contractors took over and didn't really get all the completion, was there any claims from the directors? We can show that so we're not having a problem.
- Hayden Carnell: I go out weekly to sites, if not bi weekly.
- Paul Lucyk: You're the town engineer, you're going to be able to determine and make the
- inspections.
- Hayden Carnell: I went to 12 sites today alone. I called the Building Department seven times to go out to see them.

- Mr Garigliano: If you have a, if you have a contractor that follows the rules, the stormwater pollution prevention
- Paul Lucyk: How can we make sure that
- Mr Gariglian: We don't object to you looking over our shoulder at all.
- Paul Lucyk: No, I don't need to look over your shoulder. The town engineer needs to be on top of things to make sure that things are being followed. I mean, I'm not waiting until a month and a half after everything is done. And then we have a problem.
- Mr Gariglian: The primary area of responsibility for small water pollution prevention is the New York State Department of Environmental Conservation. Every project is required during the construction period, unless they shut down for winter, they have a weekly inspection. Every project has a mailbox on the project. Every time there's an inspection, the inspection report is supposed to go in that mailbox. I went to the site in Harris because I represent the owner who owns the land under that site, who's the one who got the nasty phone calls from Sullivan County. The last inspection report in that mailbox was in April, that storm happened in July. It was just the contractor that ignored everything he was supposed to do.
- Paul Lucyk: Well, I'm just trying to, like we had three or four projects in my area and they do whatever the hell they want to do. And you don't have, there's no enforcement.
- Mr Garigliano: This is fallsburg, I would expect no less.
- Paul Lucyk: Okay. So that's more or less the thing. Elevation change from one point to the other. You have almost a hundred feet of drop and there's gonna be a lot of, you know, like you were saying about the rounding and the design, there's a lot of water that's gonna be coming down on a hundred foot drop
- Mr. Gariglian: There's gonna be a lot of water. The reason that the site is being graded to 9%, which is the average rate of the site, is because the panels that we expect the owner will be purchasing to install here, make the most electricity at a 9 percent rate. This project has incredible generation potential because of its 180 degree orientation and because it's a 9 percent grade.
- Paul Lucyk: One other thing I'd like to say is, around the fencing on the outside, is there going to be a maintenance road so they can get in and trees that go down or If in five years from now you need to change
- Mr Garigliano: Yeah, the answer is no, it'll be around the inside.
- Paul Lucyk: But how do you get to that around
- Mr Garigliano: You work on the fence from the inside not from the outside so you unhook the fence and push it to the ground because remember it's horizontal. Only the vertical posts. The fence gets maintained from the inside. There's a 20

foot area around the outside of the project site. So you work on the fence. And the way you build the fence is the posts are on the inside of the fence. The wire is on the outside, so you do all your work from the inside.

- Paul Lucyk: So can machinery get on the inside?
- Mr Garigliano: Yeah, of course, because you have to mow it if you can't find sheep.
- Paul Lucyk: No, what I'm talking about. Say your ponding, or your, your swift on the bottom. You need to get in there and change
- Mr Garigliano: There's a road that goes right to it. Right here.
- Paul Lucyk: Oh, so you more or less got your access road.
- Mr Garigliano: Yeah, the access road comes off of, well, up the side of the road until some deeds are exchanged on Jack's property. But that access road, we're hoping to swap some property.
- Paul Lucyk: I just want to make sure that you don't want to disturb on the outside as much as you can, you know, where your homes are on the left side, but if you have access to get around to the bottom
- Mr Garigliano: I'm trying to carefully answer your question. All of the access is designed to be on the inside of the fence. And the reason for that is because you have to have room when you're maintaining the site. If you can't find animals to graze off the grass, you have to be able to go between the rows for the zero turn longbow or make the turn and go back. So there's a 16 foot minimum area on this side. It's 20 feet on the inside of the fence. And if there's some problem with the fence, it's fixed from the inside, not from the outside.
- Paul Lucyk: No, I was just making sure that 16 feet is adequate to get around inside.
- Mr Garigliano: This is 20 feet. The usual minimum is 16. We had the luxury of this being a little bit more open site. Things are opened up more.
- Arthur Rosenshein: Helen, are you formally engaged in this?
- Helen Budrock: Yes, and like I said, I'm going to consult with Adam from the Albany office. He's kind of an in-house expert and if he has any comments, we'll put it in a written memo and get it to Walter before the next meeting.
- Arthur Rosenshein: Okay, have we started SEQR on this one yet?
- Helen Budrock: I believe we did, Walter, right? We did lead agency, we circulated the notices. Mr Garigliano: We circulated the notices. The Planning Board declared their intent to be lead agency and you have our long form EAF outcome.
- Arthur Rosenshein: That seems to be all we can do tonight.

- Mr Garigliano: We were hoping that you could instruct Helen to maybe bring a resolution to the next meeting in case we're ready. I'm not saying we will be. These things don't always get better with time.
- Helen Budrock: Yeah, by the time the next meeting comes around, the 30 days will be expired for leading to sea status.
- Mr Garigliano: The 30 days will be expired. Keystone will have our stormwater pollution prevention plan. You'll be able to deal with making your comments on the long form EAF.
- Maybe it's a dream, but it just seemed to me that we're there.
- Arthur Rosenshein: It's nice to have a dream. We have something about a decommissioning bond?
- Hayden Carnell: They sent a packet right with the
- Mr Garigliano: We submitted a decommissioning agreement. And there's already a solar project in the town of Goldberg on Rosemond Road. So the town has already commented on and made changes to the decommissioning agreement. We use the same form for this decommissioning agreement. And we will have a discussion with the town about the amount of the decommissioned security before the next meeting.
- Arthur Rosenshein: All right, the Board members, you can work on the document.
- Helen Budrock: Yeah, I'll just start getting all the, you know, parts and pieces together. I'll run it by Dylan and then I'll let you know if we have any questions or issues once we kind of dive into the packet.
- Bucky Louckes: Question for you. These panels turn, the panels will rotate.
- Mr Garigliano: Rotate, yeah.
- Bucky Louckes: What kind of noise motors make?
- Mr Garigliano: They don't make any noise. It rotates from approximately 30 degrees facing east to approximately 30 degrees facing west over a period of about nine hours in the winter and 15 hours in the summer. You won't even really won't be hearing. There's no noise in the panel. There is a possibility, depending on the manufacturer of the racking, and it costs more. But we have this pesky problem here in Sullivan County called winter. Some of the racking actually is able to bring the panel to straight up and down so that the snow slides off. And then bring it back down. I don't know what racking they're using. That's kind of rare, that racking.

3. NY FALLSBURG II, LLC – CYPERT ROAD SOLAR PROJECT – SBL: 9-1-36.5 –  
Requests site plan for a lot line improvement. Zone: AG. Acres 22. Location: Cypert Rd, Woodbourne.

- Mr Garigliano represented.
- Arthur Rosenshein: We have an issue with land plots. You asked for a lot improvement, but we don't have a change. You basically wanted less than an acre of land. And if you don't have the map, what we're doing is we're going to do two lines of subdivision. We'll do one at a time. You get a subdivision of basically looking at the property and you've got 0.34 acre to be conveyed by your organization to the DeGraw family. And that way they'll own their tractor shed and their lawn. We can't do a subdivision basis, it's a minor subdivision. But I can't do a subdivision by itself because that would create a lot that is illegal in the town. So we're going to do a dual motion. We're going to have a motion to subdivide this property out of the 0.34 acres as described on the site plan. You can do the meets and bounds back later. And the same motion will be to join that to the property, so no time will exist by itself. Is that understandable? Okay. So we do first, do the motion on the 0.34 acre coming from (inaudible)
  - MOTION:
  - Bucky Louckes motions to subdivision. Paul Lucyk seconds. All in favor.
- Second part is the 0.08 acre piece being conveyed by the DeGraw family to the applicant. The applicant as described on the map when you do the meets and bounds.
  - MOTION:
  - Bucky Louckes motions for subdivision and joining. Paul Lucyk seconds. All in favor.

4. 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 represented.
- Glenn Smith: So we've been here on this project at the Woodburn Mobil station and several meetings. At a public hearing at the last meeting there's some comments on concern with traffic and things like that. We were waiting on the 239 review. We thought we had at the last meeting didn't and the DOT comments. So they did, I got the DOT comments on 239 review at five o'clock last night, and I sent copies.
- Arthur Rosenshein: They're quite extensive.
- Glenn Smith: Well, they're extensive, but they're not normally concerning. You've got to get a permit for where we're going to do the right away, and we'll try to be

able to do something constructive for the DOT policy standards on how it works. They want a drainage study by an engineer, no problem. They want a traffic study for the proposal to be now, because they can't they couldn't pay the impact of the traffic on the road, so they're going to drive the land out of the back of the building for the company to own, so they just want traffic engineers to be able to address that to get you on the property. And they like the idea of the sidewalk. I was telling them 52, but they also suggested they want a sidewalk along the Route 42 frontage, which I don't know why. Because there's nowhere for people to be stopped.

- Audience: There's a bus stop there.
- Glenn Smith: I've never heard of a bus stop. There's a sign that's been on this property for like 30 years and a small concrete block containing wall. They are in a state right away. So they're saying they would like to be moved, but if we don't want to remove them because they've been there because they didn't apply for an encroachment easement. Nothing new to the state right away. That's pretty to address all these comments and get back to the DOT.
- Arthur Rosenshein: They recommended approval of modification. District 5 modification.
- Helen Budrock: Glenn, do you think it would be Beneficial to try to set up a work session with Ed Mall or someone from DOT because I was a little bit disappointed because they're, you know, they're requiring you to put, you know, a sidewalk on both sides. But the problem is once people get to that intersection, which is their responsibility, there's no safe way, you know, to cross. So I was hoping that DOT would have some better feedback about what they could do to improve, you know, pedestrian circulation and safety at their intersection.
- Glenn Smith: There is a way down the street. I mean, I'm fine. Set up a meeting. I thought they might have more extensive comments. I mean, I think you mentioned the last meeting at the Zoning Board and actually the public hearing here those concerns about people exiting the property from 52 and waiting for traffic to clear in this direction or cars queuing up at the red light and this and that. So that may just be a matter of putting some proper signs and just left turn. I don't know, but we probably should get that resolved with it.
- Helen Budrock: Yeah. It would be nice to also know if that intersection or that interchange is on their, you know, transportation improvement list for any kind of upgrades, you know, at any time in the near future, because we're building sidewalks and sending people to an intersection that is is dangerous but you know there's nothing that the applicant can do to, you know, to solve their problems
- Discussion



- Glenn Smith: Saying don't block the village cars coming down. You have to stop at a sign, red light and then leave. They're 20, 30 feet open for cars.
- Michael Kirtack: Nobody ever does that, you know
- Bucky Luckes: They don't pull right up line.
- Arthur Rosenshein: Could you possibly tell me what a traffic study will accomplish in this?
- Glenn Smith: Well, that was my first question also, but since DOT asked for it, it must be. But, I guess, I think it was interior movement of vehicles. Maybe they suggest, for example, one way out of 42. I don't know. I'm not a traffic engineer. At the Zoning Board we did move the order board to the back of the building. There was concerns of cars queuing up in the driveway here and back in the parking lot. Now there's room for 10 to 12 cars.
- Michael Kirtack: Rock Hill takes up the whole parking lot at times. All the way around at times. They get busy. Nobody wants to walk inside.
- Gary Tavormina: All I can tell you, when my father built that garage, wait, he didn't have that problem before
- Hayden Carnell: We did have a meeting with Ed Mall about six months ago for that intersection because they're going to start the replacement of the bridge in Woodburne. And they at that time had no way to address that intersection and no plans, but with the project happening, maybe they'll want to try to slide something in.
- Helen Budrock: Yeah, well, that's I think another reason for the sidewalk there is maybe eventually will, you know, connect down to Timber Ridge and some of the other projects.
- Hayden Carnell: We asked for a Woodburn bypass road through the field. They said 20, 40 maybe.
- Arthur Rosenshein: Alright, sowe're gonna have to do is wait to see these comments addressed and we're pretty close, aren't we on this one?
- Helen Budrock: Yeah, I mean, same thing. I can start, you know, sort of queuing up some of the, you know, possible conditions,
- Glenn Smith: Summary resolution for next meeting to discuss
- Arthur Rosenshein: Yeah,
- Hayden Carnell: I notified Randy about the sewer main, but I haven't seen any correspondence about needing to address the sewer line.
- Glenn Smith: That was the sewer line now goes to the back.
- Arthur Rosenshein: Okay. Anything else on this one?
- Helen Budrock: So is Hurleyville yours too? Is the Mobile Mart in Hurleyville yours too?
- Audience: Yes.

- Helen Budrock: It looks awesome. The renovations came out really nice.

5. KJ ESTATES DUPLEX DEVELOPMENT – SBL# 12-1-64/17-1-2 – Continued review for a duplex development consisting of 52 units. Zone: REC. Acres: 22.8. Location: Karmel Jacobs Road, Loch Sheldrake. Cross Road: SR 52.

- Glenn Smith represented.
- Glenn Smith: This is property on the corner of 52 in Loch Sheldrake. Loch Sheldrake Firehouse over here. We had a public hearing on that and I think Helen did work up a part two EAF with comments, checked either no or small impact, or moderate to large impact. I believe once the Board's okay with that, the applicant does part 3 to address any
- Helen Budrock: You got my email this afternoon. If you wouldn't mind distributing them to the board, if that's okay. Thank you. I appreciate that. So what you guys have in front of you is you'll remember that the applicant had to go to the Town Board for some zoning changes and some other stuff. So now it's back before the Planning Board. So we have to determine through SEQR, what the impact areas are and what additional studies will be needed in order for you guys to move through that environmental review process. It's a relatively small project in relation to some of the other ones that we've seen. So it's a short form EAF. It's an unlisted action. So the areas that I am proposing that the applicant address with their studies are traffic, obviously. I was going to say, do you want to give a quick update on that
- Glenn Smith: I think some counts started for that whole area, right? The week after the last meeting when he was doing all the council. You had suggested several additional intersections to me, so it's underway.
- Helen Budrock: Yeah. So just so everyone is aware, there are a number of projects in Lockshell Drake. There's one traffic engineer that's been kind of coordinating doing those traffic counts. They were done, you said it was 4th of July weekend or no?
- Glenn Smith: Oh, no, last meeting here was
- Discussion
- Helen Budrock: The comment is usually, you know, make sure you do traffic counts in the summer during the busiest time so new traffic counts were just done. There's 8 or 9 proposed developments all in the Loch Sheldrake area that have either been recently approved or before the Planning Board. So all of those projects and any potential project cumulative impacts will be studied in the traffic study. Storm water you'll have to do
- Glenn Smith: SWPPP is underway.

- Helen Budrock: You'll have that reviewed. There were no wetlands right on this particular site. Nothing came up with any sort of habitat, you know, sort of issues or, or anything else like that. I think those are probably the main issues. Obviously I put on that the project may impact water and sewer. We know that water supply is an issue in Loch Sheldrake. I don't know that there's anything necessarily that you as an applicant, you sort of need to do in terms of studies. That's something that, you know, is the challenge.
- Audience: We know that a substantial amount has come back available, one of the projects expiring their approval.
- Helen Budrock: Okay. So maybe if you can just, yeah. Do you know which one was that? Was on the, on the list?
- Audience: That I'm not sure. Okay. The cheese company. The cheese factory.
- Helen Budrock: Okay, well, Glenn, if you could just put a memo together in concert with Keystone sort of explaining what the status is of the water and sewer capacity in this area.
- Hayden Carnell: Do you have the fire flow for the testing by 52 in page Carmel Jacobs road? So it's 1150 gallons per minute of fire flow and at the intersection and 54 P. S. I. static.
- 
- Glenn Smith: Residual pressure? Now, the hydrant here?
- Hayden Carnell: Yes. And K. J. and Maplewood is 1030 gallons per minute and 60 P. S. I. static.
- Paul Lucyk: That's all it's done.
- Hayden Carnell: That's current.
- Paul Lucyk: Right now.
- Hayden Carnell: It's in the water monitoring system, and the flow test was done this year during the season. It'd have to be from June 15th or 20th through August. I don't have the date of it.
- Paul Lucyk: That was when there was a lot of usage and the pressure and the fire flow is not the issue. It's just the usage in the area, pumping enough water for the usage. So it's peak flow that Friday night it's the demand that the wells can produce. We're short in the well field. Pumping the water all the way to Loch Sheldrake
- Gary Tavormina: Because you're pumping from Woodborne.
- Hayden Carnell: Yes, the Loch Sheldrake. There's no wells operating in Loch Sheldrake.
- Gary Tavormina: Loch Sheldrake never had any water.
- Hayden Carnell: Well, we have a well there.
- Gary Tavormina: there was a problem before.

- Hayden Carnell: Yeah. Right. So, but that's the issue. Not the PSI. It would be if all these projects started
- Arthur Rosenshein: Replace those pipes?
- Hayden Carnell: The pipes? No. The plan is to get water and Loch Sheldrake.
- Helen Budrock: Do you mind Arthur, if I take a minute? Is there an alternate plan for the Formaggio well, or is that the one that you're still looking at that?
- Hayden Carnell: The alternate plan is a different location
- Helen Budrock: A different location, a different well in a different location. So the town's working on it. So Glenn, what I would love to have is, if you could package all that stuff into, you know, sort of an expanded part three.
- Hayden Carnell: So then that's the water report.
- Helen Budrock: Yeah. So that we've got everything kind of all in 1 document that the board can kind of see all the information in 1 place rather than in dribs and drabs. That would be great. So, I think we just need to have consensus on what additional studies you're doing, which I think you've got it covered.
- Discussion.
- Hayden Carnell: On the full set. There's no first floor elevations or hydrants in the development shown yet. I know you're not there yet, but.
- Helen Budrock: And along the same lines, I know we're, we're early in the process, but the Board is going to want to see some sort of elevation or rendering or something of what the units will look like. And that'll have to go to the architectural consultant. So whenever you think you're ready for that.

6. LUXOR JUNIOR – SBL: 12-1-41.5 - Requests continued review. Zone: PUD. Acres: 41.62. Location: Maplewood Ave, Loch Sheldrake.

- Randy Wasson represented.
- Randy Wasson: Well, for the second we noticed on intent of lead agency and. We received some comments back.
- Paul Lucyk: With all the projects going on, do you, I mean, like a year or two ago we had a list.
- Helen Budrock: I can bring an updated list of projects where I'm engaged and it has the status before the Planning Board. Approved under construction completed that kind of thing. And then Hayden's got a map that actually shows the location of all the different projects and where they are. So I don't know, is

that something you could print out and maybe bring to the next meeting? Hayden Carnell: Or I can provide, I can just send it to everyone and leave copies.

- Paul Lucyk: There's so many projects. I think we need to see what the map has
- Hayden Carnell: I believe the map only has projects that are Planning Board approved. If they haven't started, there's Planning Board approval for the map.
- Gary Tavormina: The question I have with that is that we said, okay, you're approved, but you can't build. Because we don't have water. We don't have sewer. We are making the Building Department policemen of the town and putting a burden on them to make sure that these projects are not being started. How do we stop it?
- Hayden Carnell: It's just like somebody coming or building a house without even going to it.
- Gary Tavormina: What I'm getting at basically is not to approve. You don't have to have the town employees have to be cops to stop it. If we don't approve it, then they can't do nothing.
- Helen Budrock: I'll check with I'll, I'll check with Dylan. That's the SEQR process. That's basically, you know, what it's intended to do is to make sure that the town has all the information before you make a decision. And if there's an adverse impact, then that is grounds to deny an application until infrastructure comes available wherever
- Gary Tavormina: What I'm getting at Helen. If you were dealing with people that were honest and above board, we wouldn't have to worry about it.
- Helen Budrock: I disagree with that. Go there. Let's not go there. Everybody follows the rules. Hayden Carnell: There's projects that haven't even come to Planning Board.
- Gary Tavormina: My prime example is Rose Road. Okay, put up two houses. With no plans, no nothing.
- Helen Budrock: Arthur. Can we get back to work?
- Arthur Rosenshein: Yes
- Helen Budrock: Okay. So Randy, I think we had a busy meeting last time. It was the first time you had been back in like two years and I'm not sure. Does the Board need to get reacquainted with Luxor Jr. Do you guys pretty much know the project? What we're talking about.
- Arthur Rosenshein: I think we need to be reacquainted.
- Randy Wasson: So this is Luxor Jr. This is the existing estate's right here that grew back in the early 90s, I think. This is Sheldrake Shore, and this is Maplewood Avenue coming straight in from Carmen Jacobs up here, all the way straight into the site, and this is how it all lays out. There were originally 100 units proposed for the site. After the public hearing that was in August, well, exactly

two years ago. There's a lot of concern from Sheldrake Shores due to the proximity to homes, to some of their homes. And as you can see, these homes right here are close. Some of them are only 25 feet. Some of their decks are maybe 20 or 25 feet off the property line. So, what we did after the public hearing. We addressed all their comments in writing almost two years ago, and we rotated the houses that were here. There have been 13 houses there. There's now 10. So by rotating them, we provided an additional 30 foot buffer that will be undisturbed there. I mean, we just moved everything up the hill basically 30 feet. And what was previously proposed is still proposed, which is a six foot high, it's not gated, white vinyl, plus continuous row. I think it's 30 some odd. On the outside of the fence, on the side of the fence, towards the Sheldrake Shores. That's fine on the interior, but that way they've got a little bit more greenery there. But we're going to be able to leave some now as a result of saving the 30 feet by rotating the houses. Pretty much everything else is the same as it had been. There had been one question about when Keystone reviewed the SWPPP, they approved the SWPPP, but they noticed that the discharge from our site, by the time of concentration, by the time it got from our site down to a certain point down below, it came at the same time as the people from the other from other portions of the area. So we were looking into some solutions for that, and we can't make them on our site because it requires so much more storage. I think we've got 3, 000 feet of work with Diana to store enough water to actually change that by 4 or 5 minutes. I was talking with Dan, I said, what's the real issue down there? And he said, well, there's a, there's a pipe down there that I don't know if it's crushed or blocked or a combination of the 2, but that is part of the problem. And, one of the principals who attended that meeting indicated, you know, we can take, we can take a look at that. Maybe during the course of all of this, we can fix that pipe, put a larger pipe in, clean it out, whatever it takes, something like that, so that there's no backup at that point. So there's that. But other than that, everything is, you know, unchanged. I knew last year, last month you indicated your intent to become lead agency and start SEQR. We did a mailing to Interested and involved agencies and the only one that got back to us.... now 30 days hasn't run. There's three more days to go. But what we'd like to do tonight is review the part two, because if nobody responds in three days, then you will be the agency and part two will be done rather than putting it off another month just to review it. There's no reason not to review it right now. It's PUD number one.

- Helen Budrock: Well, there are specific requirements associated with this planned unit development. It is an old planned unit development that kind of never materialized. The Town Board that was part of the delays. It's been two years since last public hearing, primarily because the applicant and the Town

Board were trying to kind of work out and reaffirm that the zoning was actually valid since it was an old planned unit development that wasn't created specifically for this development. So that's now been addressed. The Town Board kind of reaffirmed the zoning. Just in terms of background. This project has been around since about 2007. There has actually been 4 different public hearings because there's been long gaps of time in between the appearances. So the last public hearing was 2 years ago. Most of the comments came from the folks at Sheldrake Shores where Randy talked about objecting to having the development sort of so close to their backyards. I mean, I appreciate the fact that the developer, kind of eliminated three units and turned them sideways. But before the applicant, you know, starts pulling together all their studies. I don't know how the Planning Board feels about recommending or requesting that the applicant maybe eliminate that row of units altogether to provide an even larger buffer. It's just a suggestion.

- Randy Wasson: Well, I would disagree with that.
- Helen Budrock: Of course, that's fine. You're entitled to disagree.
- Randy Wasson: I mean, our side requires 15 feet. We've got seven on that side as a minimum. So I would say that, you know
- Helen Budrock: Your thoughts, Arthur, before we go through the part two, do you wanna just go through the checklist and
- Arthur Rosenshein: Your suggestion? It wouldn't be economic of the project
- Michael Kirtack: But it meets the setback, right?
- Arthur Rosenshein: Exceeded the setback
- Michael Kirtack: That's kind of hard for us to do something like that, isn't it, if it meets everything
- Helen Budrock: The issue is the planned unit development it's very rare that you have that small of a setback in most of the zoning districts. It's a little bit more, right? So again, just a suggestion.
- Michael Kirtack: It's something they created.
- Arthur Rosenshein: Yeah, it's been around a long time. As has this project.
- Helen Budrock: So what's your pleasure, Arthur?
- Arthur Rosenshein: Well, I'm hearing from the board members that they've heard your suggestion and I don't think they've been in favor of it.
- Helen Budrock: Okay, that's fine. So with that we can go through the part two checklist, which you guys have in front of you. Is that all right?
- Arthur Rosenshein: I want more detail about what you're going to put between those houses in the name of six foot plastic stockade fence.
- Helen Budrock: Yeah, you slipped that through there, Randy, with the plastic.

- Randy Wasson: Oh, well, it's the fence plus the trees. Is it? I have a tree, I think there's a ton of them.
- Arthur Rosenshein: I stopped on the plastic.
- Helen Budrock: Yeah, we haven't gotten to the details yet, but those plastic fences are a blast.
- Discussion:
- Helen Budrock: No, the requirements are very, very, very general. We haven't gotten into the, you know, details like that.
- Paul Lucyk: How about putting a roll in between?
- Arthur Rosenshein: We'll work on the details.
- Paul Lucyk: Fast growing tall trees.
- Irv Newmark: You can use you can use spruce. You can use long leaved spruce. You can use balsam for a tree. They live in New York State. They won't die. They're pretty dense.
- Paul Lucyk: There's no salt spray in between.
- Randy Wasson: I didn't follow what you said at that point.
- Paul Lucyk: Before, what I was saying, if you had your what trees were you going to plant? Put something in between. I mean like a staggered row on the inside or whatever.
- Arthur Rosenshein: We'll propose a final detail.
- Helen Budrock: So even though this project has been around for a while, we're essentially at the very beginning of the SEQR process. And we have time to work out some of the details on fencing and landscaping and all those, you know, sort of fine details. So what I did was I prepared part two of the EAF and identified the areas just like the previous projects that the applicant will do additional studies and then compile that into a document that the board can review. So similar to the other projects traffic study is pretty much a given, right, and that's already underway.
- Randy Wasson: We expect to have that If not tomorrow, Monday. And we can look at that. It's a very comprehensive study. They're not, they're studying this project in conjunction with the other two on Carmel Jacobs Road. And then they're also factoring in all this stuff that they did on the previous kind of a regional study that was in the middle of the (inaudible) and Zimmerman Road and Hasbrouck Estates and all the other projects. It's got 10 or 11 different projects.
- Arthur Rosensheiiin: Which I think is a good idea. As I've stated before, I've never seen anything come out of one of these studies. So it should be interesting to see.
- Randy Wasson: Yeah.



- Arthur Rosenshein: Well I think, traffic studies, they never get anywhere.
- Randy Wasson: Well, I mean, the critical intersection here is Carmel, Jacobs, and Route 42. And I don't want to say what the study says 'cause I haven't read it. I only had a conversation with the engineer. But, you know, that's kind of the critical point. And at some point as these projects develop, there will come a time where the level of service goes down and you're gonna have to put something, if not there somewhere else, but to manage traffic at that intersection. It's not there yet. It may not be this development that puts it over the hill. It may be three or something and it depends a little bit on where they are because they're talking like 10 or 11 developments through this whole corridor.
- Arthur Rosenshein: I think that's a great idea.
- Randy Wasson: But what you're indicating is that at what point, how many trips, I guess will take the level of service at that intersection, down to a point where you're gonna need some kind of traffic lights.
- Gary Tavormina: What's the improvement on Maple Avenue? They gonna do anything with it?
- Randy Wasson: I don't know. I haven't seen the report
- Gary Tavormina: Because that's, you know, that's basically a one lane road.
- Randy Wasson: Yeah. Okay. That's a fair point. I'll see what the report says. I mean, if it's not a draft, we can do that.
- Helen Budrock: Maybe the developer can work with the town to widen the road.
- Gary Tavormina: If you don't, and if they park on the side of the road, you're not getting through. Helen Budrock: So the first impact area is actually impact on lands. You said the proposed action may result in a moderate to large impact because of increased erosion. So you said the SWPPP is already prepared, did Keystone sign off on it? Does it need to be updated at all or?
- Hayden Carnell: It'll change dates and we'll have to go over it. It was after the units were rotated
- There'll be a new set of plans with a new date, possibly.
- Randy Wasson: We didn't receive any comments on the SWPP.
- Helen Budrock: So we'll update the SWPPP, whatever needs to be updated other than dates. No impact on geological features impact on surface water. Yes, there are some wetlands on this site, right? But you're proposing to do some filling. Is that correct?
- Randy Wasson: There are three very small wetlands. All three of them are in (inaudible). We're looking through the bill about less than one quarter of an acre. That would qualify for a what they call a nationwide funding 90 permit. Unless they have an issue with it. Usually what they do is they've got their time expired.

- Helen Budrock: And you have a more recent wetlands delineation report, right? That was updated from what we had originally had.
- Randy Wasson: Yes, it was March of 2022.
- Helen Budrock: Okay, so in the package, in the expanded EAF, if you could include a copy of that updated wetlands report and then whatever, you know, summary of the wetlands impacts and what permits are required. Impact on groundwater. Again, we know that water supply is, you know, sort of an issue. So that's something that just as we discussed with Glenn, maybe it's a comment memo or something in concert with Keystone that talks about the demand for water in the area and what's being done to address that. Impact on flooding again
- Randy Wasson: I didn't realize you moved on to. I was looking at some of your other highlighted ones here on page two. Under the impacts on surface. I mean, I don't really have an issue with them, but I mean, they are essentially SWPPP issues. So the answer, I mean, the response to the answer is follow the SWPPP and the erosion center control plans.
- Helen Burdock: Yeah, under three of the impacts of surface water would be addressed by the SWPPP. So there wouldn't be any separate studies that would be required there. As far as impact on groundwater, the first item, the proposed action may require new water supply wells or create additional demand on supplies from the existing water supply wells. So we know that water supply is an issue in the Loch Sheldrake area. So again, as part of the submission, maybe we can just have, you know, some sort of a technical memo that kind of explains what the water demand is from this project, what the town's current capacity is, and what the town's doing to address that increased capacity, Impact on flooding. The proposed action may result in or require modification of existing drainage patterns. Again, that'll be addressed by the SWPPP. No impact on air. Impact on plants and animals. Yes, the proposed action will result in a conversion of more than 10 acres of forest grassland or local habitat. Did you guys do a habitat assessment?
- Randy Wasson: Yes.
- Helen Budrock: So if you can include that as well along with any results or conclusions that that had. No impact on agricultural resources. It's not in an AG district. I put no under impact on aesthetic resources. But like we talked with Glenn, at some point the board is gonna wanna have some sort of renderings or elevations of what the units will look like. So if that's something that you can, I guess, start working on, if the applicant has a good idea of what the design will be. And then do you want to explain the impact on historic and archaeological

resources? Because I checked it off as yes, but that it would be a small or no impact. Do you want to review what you found out from the DEC?

- Randy Wasson: Okay, one of the items on the DEC's checklist that they sent me in response to the notice of lead agency was that there's an area adjacent to this site that is archaeologically sensitive and to contact SHPO, the State Historic Preservation Office, and get a confirmation from them where it is and what it is. So we did that, and the maps are attached to what I handed out tonight. There's two maps, they're the same except one's a 2, 000 scale and one's a 1, 000 scale. And if you look at the maps you will see like a (inaudible) that was just the target, hit the map location. That's Buttercup Road. And then I think it's a pink, pink or a red circle to the left of the Luxor Junior site here, right there. That is the area that is potentially archaeologically sensitive according to SHPO. And as it turned out, it was an old bungalow colony. What it is today is Luxor Estates. Well, there's nothing there. But they flagged it because it's adjacent. On an adjacent property, it didn't extend into the project site. And there's nothing else within a half mile or mile or whatever it is. There are some stone walls that run through and down the project site. Looking in with the habitat report, nothing in there. Invasive repair is important. He noted that going back to the U. S. D. S. Massive 40 years ago, the area were shown as clear most of the type of showing this clear and they have some walls around him. So we probably aren't having some sort of now overgrown, but it's not like a big mature forest, you know, but it's not ancient trees. So that's the extent of the archaeological.
- Helen Budrock: We acknowledged it, but it's not something that needs any kind of, you know, phase one archaeological assessment or anything because it's not on the subject property and where it is has already been substantially disturbed and developed. So there's really nothing to kind of look at there.
- Jen Edwards: Do you have another copy of that for the file, or can you email it to me?
- Helen Budrock: Here I can give you. I think you emailed this to me didn't you Randy so I can give her my card card copy. So the next category is on page 7. Thank you for your patience. It's impact on open space and recreation. Yes, the project may result in an impairment of natural functions or ecosystem services, including stormwater storage, nutrients, cycling and wildlife habitat. So, the habitat assessment and the SWPPP, I think we'll cover both of those issues in more detail. 12 no, it's not going to impact a critical environmental area. That's a specific designation that we don't have any CEAs in the town of Fallsburg. Impact on transportation. Yes. We already kind of covered that, right? The traffic will be a detailed traffic study that takes into account, not just this, but the surrounding developments from a cumulative perspective. 14 impact on energy. No. 15

impact on noise, odor and light. No. In terms of large impact. I believe there were some adjustments that were made based on some comments of the public hearing about lighting right from Sheldrake Shores. I think you eliminated some light fixtures and also moved the buildings back

- Randy Wasson: And by moving that everything okay from the property line, we help with that. Plus lights only fall on the sidewalk, the old ones. They're dark shy.
- Helen Budrock: So almost done. 16 Impact on human health? No. 17 consistency with community plans. Yes. And then consistency with community character. Yes But again, small impact. It's obviously consistent with zoning. It's consistent with the density of the surrounding developments. So, I don't think there's any detailed analysis that needs to be done on that respect. Just to sort of acknowledge it. So that's it for part two. Are there any other areas that we didn't identify that the Board wants the applicant to include in this packet of information that he's going to put together? Or does that cover it? Sounds like it covers it.
- Gary Tavormina: I'd like to know what you're going to do with the road.
- Randy Wasson: We'll include that in there.
- Helen Budrock: So the idea is to take all of those studies and information and put it into one document with kind of an overview of the project. And then that way the Board will have everything in one place the public will have an opportunity to review that. And then we can continue along with the SEQR review process. That would be an expanded part 3. I guess we don't really have to officially designate lead agency. It just happens automatically when the 3 days expire. So I guess the ball is in your court now to kind of pull all this. Stuff together and then do an updated submission when everything is ready
- Randy Wasson: I will have it ready for the next meeting. And is there any reason to put into a neg deck if it's satisfactory?
- Helen Budrock: I think we might need some time to absorb the information if you're going to put it together and have it for the next meeting. I can start preparing, but I want to make sure the Board and everybody has an opportunity to kind of digest all the information before they make a final decision.
- Bucky Louckes: What was the last public hearing?
- Helen Budrock: The last public hearing was August of 21. Again, that's a suggestion that, you know, the Board if you want, it doesn't make sense to have a public hearing now until all this information is compiled. But I know one of the comments at the last public hearing was that the EAF that was on file with the town was several years old, it hadn't been updated. So now this will give an opportunity for the applicant to put all of that current information together, and it's up to the Board if you wanna have another public hearing.

- Bucky Louckes: We gotta wait the next month on that
- Hayden Carnell: Unless they think they can have everything together.
- Helen Budrock: All right, so let's get the information. You guys can look it over and then you can decide if you wanna have a public hearing.
- Hayden Carnell: Was the easement for the waterline ever resolved with the town board?
- Randy Wasson: I heard that the owner had granted the easement.
- Hayden Carnell: I just wasn't up to date with the easement. I wasn't part of the process. Because they needed that easement before any approval could be granted. We can check.
- Helen Budrock: And the district extension is that, or, I'm trying to remember all the moving parts, is that still
- Randy Wasson: Reports are done.
- Helen Budrock: Sounds good.

7. LAKELAND ESTATES – SBL:53-4-7.1 – Requests continued review of a 21-lot subdivision. Zone: HR. Acres: 7.69. Location: Lakeland Drive and Morris Drive, South Fallsburg.

- Mike Reilly represented.
- Mike Reilly: I'll just explain to you roughly where this is. That's why I put together this highlighted map. This is New York State Route 42 here. This is the Pandela building. This is the fish shop, that's the old DEO. There are two different pieces that are part of this project. One is the green.
- And then one is the yellow. This is Lakeland Drive right here. There are a few houses interspersed amongst. I'm basically in the south subdivision section. Closest to town. I've got 18 proposed lots. Just to back up a little, this is all in the HR zone and it has sewer and water for the most part. This whole portion has sewer. In the north section. 18 lots in the south. We're primarily leaving this stuff alone and we are subdividing this in through here.
- There's an interesting wrinkle in this property. The Sewer and Water District line runs right through here. And this property here is the EHR District. So the bulk tables don't have any uses for HR without sewer. So that's something that will have to be cleaned up at some point. That was a mistake made somewhere along the lines, I guess. Right now, we're leaving that alone. That will do. This is going to be different from the normal stuff that you see all the time. There are going to be a few simple lots. This guy's a custom homebuilder from the city. He had these prepared. He's thinking there'd be custom homes, he's a custom guy, he does maybe three homes a year, really high end stock and that's what he

wants to bring to here. So I was before the Board, I think it was back in December when one of the lots in the northern section got kicked at the Zoning Board, there's actually a lot, piece of property right over here off Laurel Drive that is already physically separated from the rest. And this lot right here is subside.

- There's gotta be 12, 500 square feet, but it's only 11, 136. We didn't get that variance for whatever reason. There was no real good reason in my opinion. A lot of other towns actually, if a lot is bounded by roads, it's already naturally subdivided. So I showed this additional acreage on the other side to make that acreage. I don't know if this is going to be the final layout, we still have engineering and stuff to do, but we did do a full survey of it. Full topography and wetland.
- Helen Budrock: Just highlight where you had it shaded in green, that one parcel. It's all one parcel, but it's... It's incredibly broken up
- Mike Reilly: It's got the, what I call the Z books to show that we can use all these properties around it. That's exactly one FPL. All that green. So nobody ever told me what the history of it is or anything, but my surveyor spent a lot of time on this survey and all this. It was actually a colossal pain in the neck and it looks like it was just chopped out over time, lots were created over time, and then what was done in the past is, you know, say they pull out this piece or this piece or whatever, they would just survey that piece, and the rest was just whatever. We had to survey and figure out the whatever. Which is a pain, but it doesn't look like it was part of, like, any big settlement plan that we could see.
- Helen Budrock: You said this is because it's been under the same ownership.
- Mike Reilly: It's been in the Inger family for a long time.
- Michael Kirtack: Yeah, and they did build a couple houses.
- Helen Budrock: And on the property tax cards, it said something about like a settlement.
- Mike Reilly: I don't know what I'm thinking about a settlement.
- Discussion
- Mike Reilly: Yeah, we'll definitely get.
- Helen Budrock: So Mike, what's the relationship between your client and the owner? Are they under contract to buy the parcel and contract?
- Mike Reilly: Contract
- Helen Budrock: Okay. Gotcha. So, Arthur, I was going to suggest a workshop. I don't know if you think that would be helpful. The only thing that I saw is that the lots on the northernmost portion that are printing on the lake are actually within the flood zone, so I'm a little bit concerned, you know, about those lots being viable

- Mike Reilly: I don't believe those are in the floodplain myself, but I haven't put a floodplain line on here yet. Now that we have the survey, I can determine where that line would be. So the next map I would submit
- Helen Budrock: think that would be helpful, because I think some of those middle lots on the northern... Yeah, almost entirely in a flood zone.
- Mike Reilly: Yeah. It is. It's not the greatest.
- Paul Lucyk: Who determines the floodplain?
- Mike Reilly: FEMA. A lot of this is determined by the contour.
- Helen Budrock: Mike, are you okay with a quick workshop before we do a public hearing so that way we can iron out any of the wrinkles?
- Mike Reilly: Yeah. Sounds good.

### NEW BUSINESS:

1. GREENWOOD PARK RESORT– SBL: 60-1-79.1 – Requests site plan review to construct a 30'x35' Mikva building in an existing bungalow colony. Zone: REC. Acres: 60.38. Location: 4830 State Rt 42.

- Abe Grossman represented.
- Abe Grossman: I see all these new little fabric coming up over there and the road banking on the water and sew capacity for what we paid for fees. Thousand dollars. We have vested in that project over a million dollars between modifying, fixing up that Edgewood road. Also we put up my units over there which we plan to come in and shake them up. So, we're back in the picture. We had Corona, the owner, the main project owner passed away. So, he was dragged along. So we did have that variable between Maddie Watson and Ken, and then the government finally did have a meeting to get things rolling at the moment, but in the meantime, that (inaudible) passed away. So I just want to let people know here that we're back into this picture here. We have a huge amount of money and years vested into this project. I mean, I'm going to speak to Ken's office. They're telling me that our, our sewer and water capacity has been protected and it's already counted into that water and sewer system. That's the words I got from them.
- Paul Lucyk: Who are you?
- Abe Grossman: I'm Abe Grossman, the owner of Royal States.
- Paul Lucyk: Where's Royal Estates?
- Abe Grossman: Royal Estates is the project that's on Edgewood Road, which is approximately 130 acres, that goes from 52 all the way to Hilldale Pond Road,

which we've, years and years, been going through. That's a project we paid the fees for water and sewerage, and it's all paid for.

- Paul Lucyk: What year was this started?
- Abe Grossman: 2000. And then we a few times we we modify the project and we went back and forth and then
- Paul Lucyk: They're going to start over, or what's the deal.
- Helen Budrock: This is the first time that I'm hearing, I think I was on the Planning Board with Arthur back when this was first proposed so I need to get reacquainted I think the best thing is probably
- Abe Grossman: I did have a workshop with Ken, Mollie, and
- Paul Lucyk: Is it in the minutes or anything about this workshop that you heard?
- Abe Grossman: No, no we came in front of the Board. I think they asked us to make a workshop first. I think that's what happened. So we made a workshop. However, this project and the models often that work in that project, there's already three works standing over there, which we put in there, there's models.
- Arthur Rosenshein: When did you put them in?
- Abe Grossman: About 15 years ago.
- Michael Kirtack: You gotta start again. We have a million dollars already, just enough to pay for water and sewer fees.
- Arthur Rosenshein: Let's put it this way. Yes. I believe this is going to be above our pay grade. Abe Grossman: No, I just wanted to make everybody aware
- Bucky Louckes: That I think you're behind the eight ball, but you've got to start again.
- Abe Grossman: Okay, so that's something that we'll have to see if you know, we're going to take an attorney, and we're going to, you know, it's a project that's started, there's money invested in that project. I'm not convinced it's the way you would like to see it.
- Paul Lucyk: How many projects were started and they have to come back and start again.
- Abe Grossman: We paid all the fees and everything.
- Helen Budrock: I don't think this is an appropriate subject matter for this Board at this time because the Board only reacts to applications that it has in front of them. So if you need to work through whatever with the Building Department and the Town Board to get it back on the agenda, that's one thing.