

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

TOWN OF FALLSBURG PLANNING BOARD MEETING

September 14th, 2023

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

- Arthur Rosenshein called the meeting to order at 7PM.
- August meeting minutes accepted with corrections.
- July meeting minutes accepted

OLD BUSINESS:

1. SOLAR POWER NETWORK LLC, SBL: 26-1-5.1 – Continued review of site plan for Solar farm and Subdivision. Zone: REC. Acres: 80. Location: Cross Farm rd. and Meyerhoff Rd.

- Aaron Ovios represented.
- Sound dropped from meeting for several minutes
- Arthur Rosenshein: We have public participation at certain points. We have to and want to have it. We're not quite there yet. Nothing will be passed without public input. The purpose of the subdivision is to?
- Aaron Ovios: NYSEG limits the amount of power that comes from a single packed parcel. It can be 5 megawatts. If you are proposing more than that you need multiple fields. We have 3 projects totaling 10.5 megawatts. Because we exceed the 5 megawatt limit we need separate parcels for each array.
- Arthur Rosenshein: So it is a way to get around regulation?
- Aaron Ovios: It is not around regulation. We have done this often where farmers own a large piece of land and there is enough capacity in the grid to support the project. The farmer has one big land holding and subdivides it. If it is larger than that it is a public utility and then you are an industrial grid.

- Paul Lucyk: Then you are controlled by the state.
- Aaron Ovios: It is a different review. Instead of a permit at the local level it is done at the state level for more than 5 megawatts.
- Paul Lucyk: A lot of these other projects going on throughout the state are controlled by the state and not by the municipality, correct?
- Aaron Ovios: There are some that the state is doing. I am involved in 30 solar projects throughout the state.
- Paul Lucyk: I understand your benefit from breaking up the parcels. It is the same thing if they come in and want to build 100 homes and build them 30 here and there. It is the same land and connection.
- Aaron Ovios: That's why the application before you is not segmenting them. We are looking at them from an environmental and SEQR process. We are looking at it as a whole. We are not looking to segment it.
- Paul Lucyk: So you're going to have 3 different feed lines with transformers or whatever. You are doing that in 3 successive things but it still goes to the main line.
- Aaron Ovios: Correct.
- Adam B1: What Aaron said is right in terms of the review. It is one action under SEQR. The subdivision, site plan, special use permit, and any relief from the ZBA. You guys would have to close SEQR before the ZBA can act. That is all part of one action. This is a commercial subdivision. It is not residential. I just saw the sketch plan over the last couple of weeks. It looks like there will need to be some waivers or variances from the requirements in the code for things like access and improvements too. That's going to be one of the things I'll go back and forth with Aaron and the applicant on.
- Arthur Rosenshein: Is there any downside to the town doing this?
- Adam B1: The downside would be addressed as part of the waiver process. One of the biggest downsides is it not keeping with your code. That would be things like required improvements, setbacks. The code doesn't have limits on the size or generation capacity that I could tell. It is more about the length of the panels and buffering and controlling the project's size. From that standpoint there isn't really a downside as long as the buffering is worked out properly. If you guys were to grant variances from the dimensions and other things from the code, these things have a finite lifespan of 25 years, one thing is to attach a deed restriction to each of the 3 lots. Once the things are done as a solar farm and we can work through that language, it all reverts back to 1 parcel because the intent never was to develop these as residential parcels. If these were to be developed as residential parcels or a development it wouldn't look like this. That would help address that downside as an example.
- Arthur Rosenshein: I've never heard of that.
- Adam B1: We have to work through the details but it is an interesting concept. It

would help address the details with this unique lot configuration.

- Arthur Rosenshein: The downside is the complex procedure.
- Adam B1: If the applicant weren't trying to get funded by NYSERDA this wouldn't be in front of us.
- Arthur Rosenshein: Why don't we get SEQR underway? We are going to entertain a motion for lead agency. This is type 1.
- Paul Lucyk: I'd like to see the options of putting everything together or putting it as 3. What is the best option for Fallsburg? Should we let the state come in and control? What is the best option that way versus us doing that?
- Arthur Rosenshein: We will get that. It is important.
 - MOTION:
 - Bucky Louckes motions for lead agency. Michael Kirtack seconds. All in favor.
- Arthur Rosenshein: Let's talk about the subdivision a little bit.
- Dylan Harris: Adam, correct me if I am wrong, shouldn't we be doing intent to do lead agency with coordinated review on the solar field?
- Adam B1: Yes that's what Art mentioned. The three parts would be classified as type 1, declare intent for lead agency with coordinated review, and then start the coordinated review.
- Dylan Harris: Just wanted to check and clarify.
- Arthur Rosenshein: Okay so back to the actual subdivision for a moment. The flag on the flagpole. Is that passable? They seemed close together.
- Aaron Ovios: The flagpole gives the lawn the needed frontage so it complies with the minimum road frontage requirement and access to a public street. That's why we talked about having what we identified here coming down that side and inward to provide access to all three lots.
- Arthur Rosenshein: So the purpose of the flag is to give access to the back property. Is it possible?
- Aaron Ovios: There is a steep incline as you get about a couple hundred feet into the lawn. The intent of the project was not to build.
- Arthur Rosenshein: If we revert back it doesn't matter as much.
- Aaron Ovios: We have a machine plan. There is a decommissioning agreement between the applicant and the Town Board. In that agreement the applicant agrees to remove everything and clean everything up. Put it back to the original status. We then agree to what the cost of that clean up is and then post a security bond for that amount so those funds are always available. The revert cost can be part of the conditions.
- Arthur Rosenshein: The fact that it is going to revert back makes a difference.
- Aaron Ovios: You'd still have that legal access easement.
- Bucky Louckes: How do we go about waiting?
- Aaron Ovios: It would be a condition of the decommissioning that upon

abandonment of the commercial use of the property they are merged back together.

- Bucky Louckes: We need that on the deed somehow.
- Aaron Ovios: That decommissioning requirement runs with the land and the project.
- Bucky Louckes: Dylan you'll have to give us some information on that.
- Dylan Harris: I'd have to look into that. I get that it runs with the land and that the bond is there and the town can get money if it has to go in and remove things. That's not going to have an impact on change of title or deeds, or easements. I think you'd have to have something written into the deed. If solar panels are removed at a later date within 25 to 30 years, the subdivision is null and void. I don't think the decommissioning plan would be the appropriate plan.
- Bucky Louckes: That would have to be filed with the county so they know the property can't be sold one at a time.
- Paul Lucyk: I think this really needs to be looked into. The splitting of everything. Why are they doing it? What's their reason? What happens if everything is broken up then 2 or 3 years from now this whole thing flips to another corporation? I see a lot of these projects changing ownership. These are the things I would like to say let's look into it as the town. Let's make sure we are making the proper decisions so 3 or 4 years from now it isn't haunting us.
- Michael Kirtack: We also have to ask if the town wants to be in charge of it.
- Arthur Rosenshein: There is no doubt that one of the questions is whether there are downsides for the town of Fallsburg. Anything else we can cover tonight?
- Adam BM1: In front of you guys is a suite of 3 motions. The second page has a motion to refer the subdivision to Sullivan County. Ordinarily you wouldn't have to refer a subdivision to anybody except for a public hearing if it is under 239NN which is 500 feet of a municipality. In your code it says once you have a sketch plan and a preliminary plat, if it is within 500 feet it has to go to the County Planning Board. It means effectively this project will go to the County Planning Board twice. Once under your local law and then a second time for site plan under 239N. And then probably at the ZBA. So the county may see this 3 times.
- Arthur Rosenshein: The Planning Board was dissolved about 10 years ago.
- Adam BM1: Is there a planning office that does the 239 review?
- Arthur Rosenshein: We don't send subdivisions that way. Helen?
- Helen Budrock: Not for the subdivision but for the solar farm.
- Arthur Rosenshein: The wording was to the County Planning Board which doesn't exist.
- Helen Budrock: Just to the county itself.
- Adam BM1: That second motion we can dispense with that. The third motion is to the zoning. This is related to an interpretation in regards to do buffering requirements for greater than 285 linear feet of panels apply to this project. There

is a bunch of ambiguity to that. Is it the entire cumulative footage of the project? Is it each parcel? If there are gaps is it 6 inches, 10 feet?

- Arthur Rosenshein: What is the distance that is kosher?
- Adam BM1: How is that defined and applied to this project? That's how I wrote the resolution. It basically is a motion that says requests that the ZBA determine whether the project involves installation of greater than 285 linear feet of panels and therefore is subject to additional setback requirements set forth in that part of the zoning law. I did give that some thought. That seemed to capture it. The ZBA is going to need something.
- Arthur Rosenshein: Does anybody have any idea what we're talking about?
- Adam BM1: That is a concern because then they'll just kick it back. One of the other things is what we don't have from the applicant is a typical row of 300 panels detailed showing that 10 foot gap. The application has fixed panels not the tilt panels I believe. If you look on the site plan it is at 200 scale so you can't tell where those 10 foot gaps are. We are going to need some information from the applicant. That second part of the motion where it says condition of the Planning Board hereby conditions this referral on the applicant providing a plan showing the panel row spacing and or a particular detail of the panel rows subject to my approval. If you want to go that route.
- Arthur Rosenshein: I think we need a meeting to get more information. If we send it to the ZBA now they won't have a clue. I don't think we have a clue.
- Adam BM1: The reason I put this one forward is because it is kind of a threshold. The decision and interpretation is going to impact the configuration.
- Dylan Harris: I think we need a little more information before we get there. I don't know if I have a copy of this resolution to look it over. It does sound like there will be issues potentially with setbacks. Whether it is area variances or interpretation it is likely going to the ZBA but the more information we have before that the better. I represent the ZBA as well so I can keep them on track as much as possible but I am certainly not an engineer or anything of that nature.
- Arthur Rosenshein: Before now and the next we get together you three will have to get together.
- Adam BM1: I will touch base with Dylan as we write the next iteration of that motion so it is something the ZBA has.
- Sound drops from the meeting.

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

- Randy Wasson represented.
- Arthur Rosenshein: So what are you looking for tonight?

- Randy Wasson: We are looking for SEQR, neg dec, and a site plan approval. I think those are the things we need. Not a special use. We have been back and forth a number of times. We did prepare a full environmental assessment form part 1. Part 2 is reviewed with the Board. Helen went over some things. We prepared a response to all of the things in part 2 in regard to large impacts. Also part 3 is basically attachments. We did a wetlands study and an update of the wetlands on the site. Wildlife study as well. Most recently a traffic study. With the traffic study it looked at not just this project but 10 more that are local to Loch Sheldrake. Some are east of Loch Sheldrake. It includes established projects as well as some completed projects. Generally the conclusion of the report was that Luxor Jr will not have substantial impact or require traffic lights by itself. When you factor in all the other projects they do anticipate the need for a light at the intersection of Jacob Road and 52. There is no way to know when that is going to happen. The idea is to let the DOT make the call at some point in time depending on which project comes first, how much is built.
- Arthur Rosenshein: (inaudible). They don't blame your project alone.
- Randy Wasson: The level of service would go down to the point where you would need the light in that location. That would be a DOT call.
- Discussion.
- Helen Budrock: Randy I missed the work session.
- Sound drops from the meeting.
- Helen Budrock: I don't think anybody has seen his comments.
- Hayden Carnell: I asked Art if we wanted him at the next meeting.
- Helen Budrock: Is it possible to arrange a workshop on the traffic?
- Arthur Rosenshein: If we think it will be possible.
- Helen Budrock: It is your call. I think the traffic is a big question mark. We talked about doing a conditional neg dec based on the water issue. In order to do that we need to know what the appropriate mitigation measures would be to include that in the conditional negative declaration. I just feel like we don't have a lot of details right now. Again I wasn't privy to the traffic.
- Bucky Louckes: (inaudible)
- Randy Wasson: Can we do both? I think it might be more productive than a workshop.
- Helen Budrock: It is totally up to you. I just feel like that is a huge issue out there with a lot of question marks.
- Arthur Rosenshein: I don't know if you are aware that we have on the town website the prior public hearing that went for almost 2 days. The questions asked and the answers given from 2021. If you want to review them. Many of the questions were asked and answered at that time. The document of answers went to about 17 pages. In the meantime what has happened is that what has been distributed to the Planning Board was a number of letters. Many of the letters are well written

and get into detail. I'd like to incorporate them and have them answered. What I propose doing is not to have another marathon public hearing and pieces we don't remember. What I am proposing to the Board is we have a public hearing with written questions that lasts about 3 weeks taking place between now and the next meeting. Give Randy the time to answer the questions. We will want these letters received to be part of that public hearing. Notification will have to go out to make it legal. That way we will incorporate public opinion and a lot of town research into it. At our next meeting we will work on what we want to do. Classify this as negative dec, conditional. We will arrange the next meeting. Get some public input. Traffic. Also water. In a conditional negative declaration of environmental significance based on the water being available sometime in the future we need more details on that. We need something definitive. Let's aim for the next meeting. Hopefully we will get everything put together.

- Helen Budrock: I just want to make a suggestion that a lot of the letters you have received so far are based on what was put on the website which was the updated EAF that the applicant provided a couple of months ago but they don't have the benefits of the traffic study, wetland reports, and the habitat assessment. A lot of the questions were about the wetlands and the birds and the bunnies. I think it will be helpful to upload those studies to the site. Stormwater was another big comment and the SWPP. The stormwater management plan has been reviewed by Keystone. It is very technical but it could be put up there.
- Arthur Rosenshein: Give them every piece we have. Jen is that a reasonable thing to do?
- Jen Edwards: Sure.
- Arthur Rosenshein: Plus we will add the letters we have received.
- Randy Wasson: The responses to the new letter you are looking to have those back to the town a week before the meeting?
- Arthur Rosenshein: Or if you can't do it within that next meeting we will put the next appearance off to November.
- Helen Budrock: Let's be specific. Today is the 14th. You are saying you want to keep the written period open until the 28th or the 5th? You want to accept written comments until 1 week before the meeting then have Randy prepare a response for the meeting one week later?
- Arthur Rosenshein: We do it in October then if it is not reasonable we do it in November.
- Paul Lucyk: Is a week going to be enough? He may need more.
- Randy Wasson: I can do it in a week but you wouldn't see it until the night of the meeting.
- Arthur Rosenshein: Let's aim for November if that is okay by the applicant.
- Randy Wasson: I can do October if I can make it. It's just a matter of when you get a response.

- Discussion.
- Helen Budrock: It will be October 5th. A week before the next meeting will be the cut off.
- Gary Tavormina: However different the comments will be from back then. It is up to Randy to figure out what they can give as a response.
- Arthur Rosenshein: If it is too crowded we can put it off until November. Give us a chance to look at it. I am trying to be reasonable for the developer. Helen will collate the questions. We want to get a good chance to look at it. November may be the answer.
- Randy Wasson: I can start now. I would like to shoot for October.
- Hayden Carnell: It could still be October and have the traffic consultant discuss.
- Arthur Rosenshein: We will see. We have to know 10 days before the meeting. Is there anything else we can do tonight?
- Gary Tavormina: Motion for the public comments
 - MOTION:
 - Bucky Louckes motions for public comments. Michael Kirtack seconds. All in favor.
- Randy Wasson: Our responses to the public comments. Did you have a chance to review those? Any issues?
- Helen Budrock: I don't know if the Board had a chance to review them. These are the applicant's responses to the issues that were brought up. I have an issue with 2 of the statements which I want to get clarification on hopefully from Keystone. On the ground water it says the proposed action will use approximately 75,000 gallons a day of water to be supplied by the town of Fallsburg's water district. The town presently has adequate water from the existing wells however there is a distribution problem. The South Fallsburg sub district has required additional water during the summer months. The town has supplied
- Sound drops from the meeting.

3. PERENNIAL PARK – SBL- 11-1-29.1 – Continued review site plan review to develop a 66 unit Duplex development. Zone: R, Acres: 30.56A Location: Edgewood and Whipple rd.

- Joel Kohn and Mike Reilly represented.
- Mike Reilly: We had a public hearing on April 20th. I did some responses to the public comments. Since then I've been busy. We engineered the plans. We did the whole SWPP. We drilled wells. We have 2 good wells that are 68 gallons a minute and 75 gallons a minute. I designed the water system plans. Developed the water system report and submitted that to DOH. The wildlife habitat assessment. The

traffic study is the only report that hasn't been finished but we expect that any day. Also prepared a long form environmental form and supplied that to Helen. We also supplied the map plan to Keystone for their review. One of the main things we'd like to go through tonight is just to go through lead agency. We haven't done that yet. Then whatever else we need to do to start working toward a conditional approval. Keystone has everything to review the plans and the SWPP.

- Hayden Carnell: Ken has reviewed and said he had minimal technical comments on the plans and the SWPP. That should be an amendment too.
- Helen Budrock: The EAF references the wetland report. I have a copy of the habitat assessment. I know there were some comments at the public hearing about the wetlands. I think that was mostly a neighbor who was confused.
- Mike Reilly: Yeah there is just one little small wetlands.
- Helen Budrock: The other question I had is I was looking at 239 referral. It doesn't have frontage on 52 but it is pretty close. If you draw the property line to 52 it is almost just at 500. Is that something you contemplated? To go for 239 review? It is up to the Board. It is a gray area. It is very, very close. It is not fronting on a county highway but it is close.
- Arthur Rosenshein: What do you guys think?
- Bucky Louckes: Why not?
- Gary Tavormina: Go for it.
- Helen Budrock: We can do lead agency and we can do 239 referral.
- Joel Kohn: Are we doing it?
- Discussion.
- Mike Reilly: We are upgrading it to our entrance. It is pretty standard.
- Arthur Rosenshein: When I looked at it I didn't know it was a road. Motion for lead agency status? Unlisted action?
- Helen Budrock: Intent to serve.
 - MOTION:
 - Bucky Louckes motions for lead agency status. Paul Lucyk seconds. All in favor.
- Helen Budrock: Joel you will prepare the notices and just send me a copy so I have the date?
- Joel Kohn: It was sent out.
- Mike Reilly: We sent them last week.
- Bucky Louckes: You do anything with the (inaudible)
- Joel Kohn: There is no wetland on the property. There are no flood plains.
- Bucky Louckes: You got that all straightened out?
- Joel Kohn: Yes.
- Bucky Louckes: Wasn't there a bridge there?
- Mike Reilly: Yeah we are doing a box over there where the bridge got washed out.
- Bucky Louckes: Make sure the fire trucks can go over.

- Arthur Rosenshein: Are these gated at all?
- Joel Kohn: No.
- Arthur Rosenshein: Have to get a gate in there somewhere.
- Discussion.
- Arthur Rosenshein: Shall we authorize the 239 review?
 - MOTION:
 - Bucky Louckes motions for 239 review. Paul Lucyk seconds. All in favor.
- Helen Budrock: Mike in your cover sheet to the EAF it says the Town Board has agreed to extend the property into the sewer district in exchange for some funds to repair and upgrade certain sewer improvements. Is that something where you have a developer's agreement?
- Mike Reilly: There is already one prepared.
- Discussion.
- Helen Budrock: Just add that to your list because we will have to reference that.
- Gary Tavormina: Are these 2 and 3 story buildings?
- Joel Kohn: One story and a basement.
- Gary Tavormina: I hate to do it to you Joel. I am looking at a picture here.
- Discussion.
- Arthur Rosenshein: Alright? Anything else?
- Joel Kohn: I just want to know if there is anything else outstanding?
- Bucky Louckes: How big are the roads?
- Mike Reilly: 20 foot with 2 foot shoulders.
- Bucky Louckes: You send it to the fire company?
- Joel Kohn: No.
- Bucky Louckes: Send it to them please.
- Mike Reilly: I can check with Burger who designed the stormwater to see if they are going have permanent water
- Hayden Carnell: Most of the new practices are supposed to perk into the soil so they end up dry a few days after rain.
- Mike Reilly: If there is, we can show that no problem. I'll check.

4. THE EMPRESS – SBL# 17-1-30.1/31/32/34.1/18-1-10.1 - Continued review of site plan review to construct 71 units and a 70' x 200' commercial building. Requests lot line change. Zone: HR. Acres: 30.90. Location: CR 104 & Leroy Rd., Loch Sheldrake.

- Joel Kohn and Mike Reilly represented.
- Arthur Rosenshein: You are still waiting for approval?
- Mike Reilly: Yeah this has been around for quite awhile. Just to refresh everybody's memory this is up behind the Loch Sheldrake post office on the way to the college.

It is 77 total units. 76 plus a caretaker. Along with a 14,000 square foot commercial building. It has been hung up in the town process for a while. We are working out the commercial portion of the project as well as the water district extension. That stuff has been taken care of. Now we are back to shepherd the project to completion. Quite a bit of the engineering has been done. The SWPP is being done by a different engineer. As soon as that is done we will send it in. The traffic study was done back in February which I can circulate to everybody. We would like to do lead agency on this one too if possible as well as get any comments anybody might have on it.

- Michael Kirtack: Is this the one that looks like a little shopping mall?
- Mike Reilly: Yeah. The post office is right here. The 70 by 200 commercial building has been going back and forth with the Town Board. There had to be a boundary line adjustment to make that lot big enough. Balance the land between the two projects to make it so we didn't need any variances. That's been worked out. Now we are in a position where we want to start.
- Helen Budrock: The traffic study has been updated?
- Mike Reilly: Steven did the original one and he updated it.
- Helen Budrock: Did he take into account any of the other surrounding developments?
- Mike Reilly: He did the other ones too
- Helen Budrock: I guess we will say.
- Arthur Rosenshein: What does it mean that the 239 was incomplete?
- Helen Budrock: It has been about 3 years since we saw this project back. The 239 was sent to the county and they basically said we need more information so they didn't render a final decision. I think we are kind of starting from scratch. We have a new long form EAF with more detail now. We will do lead agency. Circulate that. When you think it is ready it can go back to the county for 239.
- Arthur Rosenshein: Your public hearing is 4 years old.
- Helen Budrock: Yes and your public hearing. It depends on how you want to do these things.
- Arthur Rosenshein: Is there a push to get this done now?
- Joel Kohn: Sure. We can come back next month for a public hearing.
- Paul Lucyk: There was another project near the road going out of the college. This is nowhere near?
- Joel Kohn: That is Leroy Road.
- Paul Lucyk: That had the 50,000 square foot office building.
- Helen Budrock: Metro Estates is on the other side. On 52.
- Paul Lucyk: This is on this side.
- Michael Kirtack: Yes.
- Helen Budrock: Right across from Russell's Garage and goes over here. So it is up to you guys. We can do lead agency. Get the things circulated and then wait

until the next meeting to schedule a public hearing? So we can get more information. Then do it in December?

- Hayden Carnell: We should have the SWPP before the public hearing.
- Arthur Rosenshein: I need a motion for lead agency unlisted action?
 - MOTION:
 - Gary Tavormina motions for lead agency. Bucky Louckes seconds. All in favor.
- Helen Budrock: Joel you will prepare the notices? We should do coordinated review just in case we need to do conditional neg dec at some point.
- Joel Kohn: Okay.
- Discussion.
- Helen Budrock: Hayden is saying it would be helpful to have SWPP before the public hearing.
- Arthur Rosenshein: You have that ready?
- Mike Reilly: I don't know. We will see. It is another engineer.
- Helen Budrock: I don't mean to upset your applegart because I know we talked about it but given the way that road looks there if there is any way to put the building closer to the road with the parking in the back I think that would be preferable. That's just me. It is good planning practice to have parking in the back. Like Landau's.
- Mike Reilly: Sure. I don't know what difference it will make. I have circulation around the building
- Helen Budrock: Think about it. I think you are over on lot coverage. Am I thinking of something else? 56% or something on commercial?
- Discussion.
- Mike Reilly: We modified that so we don't need any variances.
- Gary Tavormina: If you reverse what she said and leave the stone wall that was originally there. It has been there for 100 years. That was the entrance to the hotel that used to be there.
- Mike Reilly: Okay.
- Discussion.
- Helen Budrock: If you are able to do that. Maybe incorporate the landscaping in that.
- Gary Tavormina: There is a sidewalk that goes through there. You are doing two purposes. You're saving the wall and the sidewalk.
- Helen Budrock: Just something to think about. I don't know if you've thought about where that is in the middle of the site. Maybe it makes sense to have 2 separate buildings with kind of a walkway to the parking in the back as opposed to one long building.
- Joel Kohn: That will probably take up more lot coverage.
- Mike Reilly: We will look at it.

- Helen Budrock: I am thinking of the Mountain Mall in Monticello how they added that outdoor seating. If you could do that and incorporate some outdoor seating that might be a selling point for the developer. Throw it out there.
- Mike Reilly: Thank you

NEW BUSINESS:

1. WILSON, SBL: 61-1-19.5/19.6 – Requests Lot line adjustment to add .655 acres to neighboring lot. Zone: AG, Acres: 3.17, Location: 102 & 114 Ranch Hill Rd.

- Anthony Siciliano represented.
- Anthony Siciliano: I spoke to the Building Department. What we have here is 2 neighbors. They are neighbors on Ranch Hill. As long as this is approved they are giving .655 acres to the Wilsons. They are not making a separate building lot. This lot will be combined through the existing. There is a note on the map.
- Arthur Rosenshein: Do you have the 2 lots?
- Anthony Siciliano: You didn't get a copy of the map?
- Arthur Rosenshein: I do but it is buried.
- Anthony Siciliano: You want the second lot number?
- Arthur Rosenshein: Yes.
- Anthony Siciliano: The Wilsons are on 61-1-19.6. It currently contains 1.7 acres existing. 61-1-19.5 which currently is roughly 11 acres. 11.8 acres.
- Arthur Rosenshein: What is the acreage you want to move?
- Anthony Siciliano: .655. It will be well over the 10 acre minimum. We are in the AG district which requires 10.
- Arthur Rosenshein: So you want to move .65 acres from 61-1-19.5 to 61-1-19.6?
- Anthony Siciliano: Correct. When it is all said and done 19.6 will now contain 3.83 acres. It will jump up from 3.17
- Arthur Rosenshein: Okay, motion?
 - MOTION:
 - Bucky Louckes motions for approval. Michael Kirtack seconds. All in favor.

2. ALADDIN, SBL: 14-1-33.4 – Requests site plan review to demolish and replace existing pool, demolish (2) 1-family units and replace with a larger 2-family unit, and construct a 45'x55' addition to the shul basement. Zone: R-AG, Acres: 36, Location: 203 Hasbrouck Rd, Woodbourne.

- Joel Kohn and Mike Reilly represented.
- Arthur Rosenshein: There are some issues with this one.

- Joel Kohn: Should I present before the issues?
- Arthur Rosenshein: Something about diesel tanks and code violations. Shut down the tanks.
- Joel Kohn: That is correct.
- Arthur Rosenshein: It is an old building. It has only gotten older with no repair work in its recorded time. This is the new building. This is what they built in place of what they took down. What you are looking at is the area behind the shul where they want to put in an extension.
- Joel Kohn: It is only the lower level.
- Arthur Rosenshein: If we look at the map they are near that bungalow in the back. They are shifting over. So the Board gets an idea.
- Bucky Louckes: You are going down the right side?
- Mike Reilly: Yes.
- Discussion.
- Joel Kohn: Yes the right side.
- Mike Reilly: The image you are looking at in the picture right there.
- Arthur Rosenshein: That's a picture of it. This is number 3 I think. This is not one you guys have made. However the porch is falling down. Notice the electrical work is right up to standard with the washing machine. That's the other entrance. Notice the well developed steps and porch. We are not showing you the roof where every shingle is curled. And this is the good one of the two.
- Mike Reilly: Is that right next to Hasbrouck?
- Arthur Rosenshein: It is the last one built. Near 1 and 2 and 3. There is a picture of it again looking at the two porches. Now I am looking at building number 1 and 2. Again we have the porch. Great shape. At the other end of the building notice the blue tarp. There is a hole in the side of the building. These are not the ones you are going to replace. What are you going to do with them?
- Joel Kohn: I'd appreciate it if you'd send me those pictures so I can forward them to the manager. They keep on updating their buildings. It takes some time. There used to be buildings along the road that were dilapidated. They are gone by now. Most of them. More buildings by the road. These two buildings were torn down and replaced. This big hotel building was torn down and replaced. These 2 buildings that were there were removed last year. Now they are removing the pool and replacing it. This building. This building. This building was an eyesore for years until it was replaced. Slowly but surely they have done a lot. They are investing money into the property. They built 2 new duplexes last year. They replaced this building 3 years ago. They are demolishing buildings right now.
- Discussion
- Jen Edwards: There are some open violations on the property. The pool had a violation this summer and it was still being used. There was an open violation with the DPW since 2020 for the backload preventer that they never responded to. And

the camp report. We send out the letters in April for camp inspection. They never complied. They did tell them they needed the inspection before they could appear tonight. We did the inspection on the 12th and it failed. The only thing that passed in the whole place was the shul. So we have 3 pages. The Building Department would request that the violations be cleared up and all the issues from the inspection.

- Joel Kohn: It was sent out to everyone. Only 70% have not responded. The Building Department was short staffed. They didn't get to where they were supposed to get to. We will take care of that. Not tomorrow but we will.
- Arthur Rosenshein: Before you come back to us.
- Joel Kohn: I will try. It is not going to be everything.
- Gary Tavormina: As a newcomer to the community those buildings have been there for 20 years or so. If I was an inspector I wouldn't let you use them.
- Arthur Rosenshein: Especially 1, 2, and 3.
- Gary Tavormina: All of them. It's not something that was there yesterday, it has been years.
- Bucky Louckes: When all of it took place with the building, Mollie made them get the engineer.
- Joel Kohn: That is right.
- Bucky Louckes: They have an engineer. Mollie made them do that. 5 or 6 years ago. We can't say that they're not paying. We don't have control of that.
- Gary Tavormina: I am just saying if the Building Department went in and said you can't use them, then what?
- Arthur Rosenshein: I can't imagine using a tarp for a roof would pass building code.
- Paul Lucyk: How is the electric? There is an air conditioner in the window.
- Arthur Rosenshein: They are looking to improve it
- Joel Kohn: We get it. We know the Planning Board and the Building Department are looking for improvements to the place. Improvements are being done and will continue to be done. We will have them focus on the inspection that was sent today. I got it this afternoon.
- Bucky Louckes: Fix it up a little.
- Arthur Rosenshein: Make it so the porches aren't falling off. Make it respectable.
- Paul Lucyk: Can we get a game plan now for the next 2 or 3 years?
- Arthur Rosenshein: I don't want 2 or 3 years. I want it before we approve anything.
- Paul Lucyk: Okay make that a stipulation.
- Joel Kohn: Across the street from that 2 buildings were removed last year.
- Arthur Rosenshein: You might convey to the owners that our patience has run out with these shacks.
- Joel Kohn: We will focus on the buildings on the roads so that when someone drives by.
- Arthur Rosenshein: They are the first ones you see.

- Joel Kohn: I am asking for denial for tonight.
- Arthur Rosenshein: You're not getting a denial. You're not getting anything right now. We are waiting to hear back.
- Joel Kohn: We are applying for the Zoning Board of Appeals because we are applying for a variance. The Zoning Board is scheduled for next week. We sent out the notices already. We would appreciate it if the Board can do that so we can move forward with the ZBA.
- Arthur Rosenshein: What is the violation you are going to the ZBA for?
- Joel Kohn: The extension is more than 25%.
- Arthur Rosenshein: What is the lot coverage?
- Joel Kohn: A bungalow colony can only expand more than 25% and we are asking for more than that.
- Arthur Rosenshein: He is asking for us to reject the project outright because of the lot coverage and expansion. That we can do. Motion to reject.
 - MOTION:
 - Michael Kirtack motions to deny. Bucky Louckes seconds. All in favor.

3. MITTEER ROAD, SBL: 26-1-64.2 – Requests conceptual review of cluster subdivision.
 Zone: AG, Acres:157.8, Location: Mitteer Rd, Hurleyville.

- Andrew Menderson represented.
- Andrew Menderson: The applicant came before us with a property on Mitteer Road which is 157.8 acres. It is tax lot 26-1-64.2. The lot is completely undeveloped at this time. It is in the AG district which permits single family dwellings on a minimum lot size of 10 acres. The applicant is proposing to develop the parcel with a cluster subdivision and a minimum lot size of 2 acres. Each lot will have an individual water well and disposal system. My office did perform some preliminary soil tests out on the site for (inaudible) and percolation. We got positive results. The numbers were between 10 and 20 per perc. The septic systems look like they will have to be shallow systems or fill systems from what we did so far.
- Arthur Rosenshein: Typical of the area.
- Andrew Menderson: We did the conventional subdivision. We came up with a conventional subdivision. We came up with 6 lots. Some of the lot has steeper slopes. All of the information we used just for this preliminary meeting with your board has been from available mapping. We didn't want to spend the money on the wetland consultant and doing the boundary from a topographic survey yet. We wanted to run it by the Board first. We got 6 lots on the conventional subdivision which the applicant does not propose to build. The second sheet we gave you was the cluster subdivision number 1. That shows 7 lots. The 6 we had on the conventional and then 1 lot for the bonus lot for doing the clustering. The lots are

between 2 and 3 acres in size and the conservation lot is 141.3 acres on the northern end of the property.

- Arthur Rosenshein: That would be owned?
- Andrew Menderson: Some entity would take ownership of that.
- Arthur Rosenshein: (inaudible)
- Andrew Menderson: Unless the conservation district wanted to take it. We could work that out but we are so early in the process right now. We just wanted to show what we are working with 7 lots on 157 acres. We did one more plan at the request of the client to show. If we just count the buildable area and deducted the steep slopes, deducted the wetland areas, we came up with 115 acres buildable. Just buildable because it wasn't on steep slopes and it wasn't on wetland areas. We got 12 buildable lots. 11 lots for the acres buildable and 1 buffer lot. That doesn't comply with your code. That's what we would have to do to see what we could get with buildable area.
- Arthur Rosenshein: In order to calculate the yield, you have to take the wetlands and over 20% I believe.
- Andrew Menderson: Correct.
- Arthur Rosenshein: When we deducted the wetlands did we deduct for the buffer?
- Andrew Menderson: It didn't take the buffer, it just took the wetland area.
- Helen Budrock: I am pretty sure the environmental constraints include just the wetland not the buffer itself.
- Andrew Menderson: I just want to point out that Mr. Zacks will be taking one of the units for himself.
- Arthur Rosenshein: Let me talk to the Board. This is part of the green area. Our policy is not to have little boxes all over the place but to leave a large part of the property untouched. It is designed so that the conservation area can never be built on. That usually leaves the hillside green.
- Gary Tavormina: The state law is 10 acres in an AG district to put a house on, correct?
- Helen Budrock: Correct.
- Gary Tavormina: Why are we not living by that?
- Arthur Rosenshein: It is buildable acres.
- Helen Budrock: Let me explain it. You'll have to engage me formally. This is a little bit of an innovative land use tool that is not used commonly. The zoning regulations require in this district that the minimum size is 10 acres. There is a provision in the zoning code that allows for cluster development. It is an innovative land use tool that is designed to preserve open space and protect natural resources that says if you would normally be allowed to stick to 10 acres they would only be allowed to have 6 acres. What the law allows you to do is in order to protect environmentally sensitive land you can construct lots that are smaller and cluster them closer together.

- Gary Tavormina: I understand that. My concern is we have seen it before. We have allowed little stuff then all of a sudden the land gets developed beyond that.
- Helen Budrock: They can't. There has to be some sort of deed restriction, conservation easement. Some sort of legal mechanism that if it is clustered that 100 plus acres would be preserved permanently as open space.
- Paul Lucyk: What is your plan for the rest of that land? Hunting, fishing? Or is it just that section of land is unbuildable?
- Andrew Menderson: Normally the conservation easement would be for passive recreation which is what you're suggesting.
- Paul Lucyk: Do we know what they are using it for?
- Audience: We are still early in the process. They are asking for the clusters because it leads to fewer roads. It will be land that will be forever unbuilt.
- Arthur Rosenshein: There is no way around there.
- Audience: Because this is individual sewer water it doesn't impact the sewer and water which is a major bonus.
- Paul Lucyk: Since you have everything clustered together what happens if there is a failure with the septic?
- Andrew Menderson: That's the engineer's job to make sure that the septic is fine. You can always do it by adding soil. The percolation rates were between 10 and 20.
- Hayden Carnell: The 10 acre lots of the 2 and a half?
- Andrew Menderson: They were just in the front. We just did the work in the front. We knew we were going to stick in the front. Minimize the amount of roads. Cut the costs. If we were to build out the conventional subdivision we would still need this road just to get access and to meet your zoning code for frontage. Then you'd have driveways and homes all through the development. That's not what we're proposing. We are proposing to cluster homes on 2 to 3 acre lots close to the road. The back remains native.
- Paul Lucyk: How was the deep hole testing?
- Andrew Menderson: The restriction was shallow depth to bedrock.
- Arthur Rosenshein: There weren't any deep holes were they?
- Andrew Menderson: There certainly were. We went out with a machine and did deep holes. I think that can be verified by the secretary. We were doing our due diligence.
- Hayden Carnell: Usually you would have the engineer review the well locations, the septic perc rates, and the designs for the setbacks and all that.
- Paul Lucyk: Everything slopes toward these lots correct?
- Andrew Menderson: There is a knob here that slopes this way. A knob here. I think everything in general is going toward the wetland.
- Arthur Rosenshein: Board members, I am looking for something you'd find agreeable.

- Discussion.
- Arthur Rosenshein: In general keeping the buildings to one area and the rest green, is that something we agree on?
- Michael Kirtack: I like a lot of land.
- Gary Tavormina: Nothing is done until we have a public hearing.
- Helen Budrock: Then there are storm water plans.
- Andrew Menderson: There is no engineering done. We just did some testing of the soil.
- Paul Lucyk: I am not against cluster homes. I would like to see within the neighborhood and how that affects homes in the neighborhood. If you are leaving that open for the land and not just because these are the only buildable areas. That's good for other options but in the future.
- Bucky Louckes: How many homes do you have there?
- Andrew Menderson: On this one we have 12.
- Bucky Louckes: Take that 125 acres and divide that up you get 10 homes. Now you're cutting those trees away. Just like any other development. If you cluster it down by the road the rest is green.
- Paul Lucyk: I agree with you as long as everything is documented properly and doesn't affect the neighbors.
- Arthur Rosenshein: We will make sure of that
- Paul Lucyk: If you are going to affect the neighbors maybe you need to (inaudible) up on the road.
- Helen Budrock: I think one of the primary concerns is the location of the driveway to make sure lights aren't shining into the neighbor's windows. Maybe that is something you can look into.
- Andrew Menderson: We don't have any driveways shown or homes shown. The way that the roads have been laid out all of these homes could access the interior roads with driveways as opposed to coming out. The code is very strict on the maximum length of a road. A dead end road. There are a lot of conditions. That led us to this orientation.
- Helen Budrock: I think you are limited by the 6 lots because of the maximum 1,200 foot length of the road.
- Andrew Menderson: 6 lots because of the conventional subdivision.
- Helen Budrock: Was it limited by the length of the frontage in a way?
- Andrew Menderson: Yeah I think it was because of the minimum length of the frontage. That was a consideration.
- Helen Budrock: If that is the maximum yield you can get with a conventional subdivision then you would be limited to the 7. You wouldn't be able to do the 11. Unless you go back to the drawing board and say change the configuration and you can get the 11 in there under conventional.
- Andrew Menderson: We are quite convinced that 6 is conventional. 7 is cluster. Is

there a mechanism to go to the 12.

- Helen Budrock: I don't know. Dylan would that be a variance at the ZBA?
- Dylan Harris: I think you have to get a variance. Helen and I were talking about this a month ago for something wholly unrelated. The purpose of the cluster is to insure you're saving the additional land that's not being used for easement. It's not to be used as a tool to put 20 homes where you would put 5. I think that would take it out. Typically it is going to be the same amount to a typical subdivision. If you wanted to do the 11 or 12 number you'd have to get approval from the ZBA on that
- Helen Budrock: Certainly 7 based on what you've done as a right.
- Arthur Rosenshein: The concept is looked on favorably. Details to come.
- Andrew Menderson: Yessir.
- Paul Lucyk: Private or public roads? Who will maintain them? Can you get the fire trucks in and out?
- Andrew Menderson: Absolutely
- Paul Lucyk: Not a circle where we have to turn around. Also the size of the homes. Are these going to be 2 story homes or are they going to be larger? These are all the things that have to be taken care of. It's like what they have upstate with clusters. It looks presentable. It doesn't look like stacking blocks.
- Audience: I think the bulk regulations will probably tell the maximum you can construct. I'd have a look at that.
- Paul Lucyk: Number 1 are there hydrants around here. You're limited from your protection of fire.
- Helen Budrock: Just to remind the Board this is a subdivision. Usually the Planning Board doesn't get into what the houses will look like and how big they will be because it is just subdividing the land. Individual houses and how they are supposed to be built would go to the Building Department for a building permit.
- Paul Lucyk: You are out of the water and sewer district and you don't have water for firefighter protection. Is it possible with the amount of wetlands to put a 2 acre pond?
- Arthur Rosenshein: The whole point of this is not to be touched.
- Paul Lucyk: I think it increases the value of the homes and then you have fire protection.
- Arthur Rosenshein: I don't know if that is allowed.
- Paul Lucyk: I am thinking out of the box.
- Audience: With the cluster developments, the homes are all close to the road and more accessible to the fire trucks.
- Paul Lucyk: The problem is with the volunteerism throughout the area, I am looking for more and more water. How you will get the water there.
- Andrew Menderson: There are no ponds. There are wetlands. Would there be a way to engineer a road to get to this area? Where it is very flat. Could that be excavated out?

- Paul Lucyk: I don't know. I am trying to give you food for thought.
- Andrew Menderson: You are. If the bedrock is shallow here as it is there it could be.
- Arthur Rosenshein: The problem is the wetlands here are often fresh water tables. They're not based on springs. They are based on the winter snows not being able to make their way down. They are not pondable.
- Paul Lucyk: They're not fresh water.
- Helen Budrock: Food for thought.
- Arthur Rosenshein: Thank you very much. Motion to engage Helen?
 - MOTION:
 - Bucky Louckes motions to engage Helen. Michael Kirtack seconds. All in favor.