

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

TOWN OF FALLSBURG ZONING BOARD MEETING

September 21, 2023

Mike Bensimon, Steve Altman, Scott Lederman, Ellyane Hutchinson, Board Members, Gregg Pitula, Code Enforcement, Dylan Harris, Town Attorney

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

OLD BUSINESS:

1. YESHIVA GEDOLAH ZICHRON MOSHE- SBL: 39B-1-15, 39-1-6.1/6.2 – Continued review of use variance for construction of a synagogue and elementary school for K-8 boys, as well as an aria variance to increase lot coverage. Zone: R, Acres: 7.46. Location: Yeshiva Lane, South Fallsburg.

- Mike Bensimon: It is my understanding that the representation is not here tonight. We are waiting on documentation. We will move onto new business.

NEW BUSINESS:

1. HYCHEL HATORAH OF WILLIAMSBURG – SBL: 12-1-69 - Requests area variance to permit the installation of a 16’x60’ (960sf) manufactured home for use as a caretaker dwelling. The manufactured home was originally constructed in 2004, zoning law requires 12 years or newer. Zone: REC, Acres: 50. Location: 160 Divine Corners Rd.

- Moses represented
- Mike Bensimon: The issue being that the manufactured home has to be 12 years or newer and has to be a minimum of 1,200 square feet. They are asking for a manufactured home that is more than 12 years old and it is 960 square feet.
- Moses: We have the caretaker’s house. We had an emergency situation. Jim Ward offered to build the unit. It is there. There is no reason to throw it away. It is in perfect condition. We can still use it.
- Mike Bensimon: Okay. Any questions?
- Ellyane Hutchinson: Caretaker is in the original building? You now have to install?
- Moses: Yes. They have too much room. They are trying to separate him from the camp and have better control. As I mentioned before the setup on this place will be much better for everybody. They will be right in the back not close to the road.
- Steve Altman: You are aware that (inaudible)?
- Moses: Yes. That’s why we came. We didn’t have a lot of experience in construction.
- Gregg Pitula: I’ve seen the unit. You wouldn’t know it was that old. It is a vinyl sided and shingled roof. It is in good shape for an older unit. It needs variances for where he is proposing it to go.
- Moses: It is stable.
- Neil Sapolsky: Why weren’t these things looked into before it was purchase?
- Moses: We had to locate the property. It was tough to get everything a couple months out. We got a good deal and it was perfect. If somebody is buying something to rent it is different when you need something for shelter.
- Steve Altman: Camp operations?
- Moses: Summer.
- Steve Altman: Caretaker is 12 months?
- Scott Lederman: You’re saying the caretaker is there?
- Moses: Throughout the year. I allow him to be there.
- Scott Lederman: Then in the summer what happens?
- Moses: Then I keep my workers. My cleaning personnel.
- Scott Lederman: How many bedrooms?
- Moses: 3
- Gregg Pitula: That is fine residency for that.

- Mike Bensimon: Based on the zoning we are treating it like a house was built there. We need the minimum square footage. I think originally they had that in mind with contingency for insulation. Any more Board questions?
- Dylan Harris: What are you doing for sewer and water across the street?
- Moses: We have a plan. We did perc tests.
- Mike Bensimon: This whole area is all trees. Some beets and stuff over there. How much are you looking to clear?
- Moses: Basically we need the driveway that is it.
- Mike Bensimon: Septic fields? A driveway.
- Moses: Minimum driveway.
- Steve Altman: You have the footprint for a building mapped out that has all the infrastructure for utilities. You were granted a couple months to get an emergency thing. Instead of putting something on the original footprint with all the utilities you want to keep this thing that is out of code then spend all this money to bring utilities.
- Moses: This is not within my control. They wanted to relocate the caretaker. The trailer is already on the property. If you want to build over there with 1,200 square feet you can do it. If we have to change that building we will have the 1,200 square foot building.
- Steve Altman: You needed a temporary 3 months to get that down.
- Audience: In the current location it was really close to the camp. They wanted to put them on the other side of the road away from the camp.
- Mike Bensimon: I will ask the Board questions then we will open it to the public. There were animals?
- Gregg Pitula: This is a huge property. He has 50 acres. His piece is the same piece that crosses the road. It is all on the same parcel.
- Mike Bensimon: Any other questions? No? At this point we will open it to the public comments.
- Thomas: They are a larger parcel. It is completely cut off. I would like to know since I own the wetlands all around it. It looks like it might be on the wetlands buffer. I want to know if things have been done to make sure nothing is impacting that. The application in front of you is for the trailer. There is a trailer there now. Why are we doing an application for a trailer when they have one there that you can see from the road? They are putting a new trailer in on the far end of the property.
- Steve Altman: What they are saying is the footprint the trailer was on
- Thomas: There is a building there.
- Gregg Pitula: They had bought the trailer to replace it with. He asked me if he could put it over here and I told him of the issues. We gave them a temporary permit to install it just so the caretaker had a place to live. It is under our jurisdiction to allow that temporary use so we did. It was a hardship. There was a

fire for the caretaker. We allowed it for the summer with the intention that they would relocate it if they got approval.

- Thomas: The aesthetics of the area is a section of woods. This section of woods is woods. I was the fire chief at the fire that happened. I can draw you the pictures of what it looked like around here. It was a pig sty. Now we are moving it across to where everyone comes down that road and they will be looking right at that. You will look straight into that. I ask the Zoning Board if that is what we want that to look like.
- Mike Bensimon: Anybody else?
- Steven Burke: First of all this is self-created because the gentleman admitted he purchased it not knowing what it is before he purchased it. Second I have to think of the safety of the public because the gentleman just admitted that the guy drinks a lot. It is much better to have him fenced in where he is now. That turn in the summertime is horrendous with cars all over. Besides the garbage, in the front on the road the parking fence where it says do not block is never not blocked. That is also dangerous. If you gave him a minimum of 90 days to put this illegal trailer where it is now?
- Gregg Pitula: I gave him 6 months.
- Steven Burke: So what happens if he doesn't get the variance? Does he have to move it?
- Gregg Pitula: If you don't grant him the variance for the trailer where it is now you could always grant him the variance for where it was. It is undersized and over the years for the permit. If he was to move it across the street or if he puts it where the old caretaker was he still needs the same 2 variances.
- Steven Burke: This is the trouble with a 19 year old mobile home. It is still a mobile home.
- George Spear: I just want it stated as it was earlier. Manufacturer homes have an expiration date. This might be in good shape now. I can see an argument case on getting a variance to leave the structure on the site where the old one burned down where the septic and everything is. You're talking about moving this across to a forested parcel that I believe the acreage is around 2.4 acres of available land. Encroaching on wetlands. You're going to end up deforesting that by a minimum of 80% for driveway and leech field. It is an awful lot of money to go through all this trouble when it is sitting on a pad and usable right now. The mass deforestation we have going on in this town to build high capacity residences all over the place. Do you want to cut more down? Encroach on more wetlands? I don't think it is a good idea.
- Mike Bensimon: Anyone else? Anyone online? No?
- Audience: Is this a precedent or a one time deal? Are we going to abide by this?
- Mike Bensimon: Okay anyone else? We will close the public portion
- Steve Altman: The structure burnt down. You collected insurance.
- Moses: Yes technically we have insurance.

- Steve Altman: So you collected this money. I don't know if I am allowed to ask.
- Gregg Pitula: The lawyer is saying no.
- Mike Bensimon: Any additional comments?
- Scott Lederman: I don't see the merit for what you are asking. I would like more information about this issue.
- Gregg Pitula: I can help. When he applied for the permit I did go on the wetland mapper which the DEC has a wetland mapper accessible to us. Of course what is online is not always what's in the field. Whenever anybody is doing a project like this if it is adjacent to wetlands the DEC has to come out and physically GPS the boundaries of where they can build. If at that time the guy came and put flags at the 100 foot buffer so you know where they can't go past. If the engineer has to move something he has to do after it is staked out. The maps online are just a close reference. Any property that is a wetlands and has a building permit application I have to request the DEC to go out there.
- Steve Altman: They came out there?
- Gregg Pitula: They did not. I denied the permit. It is my job to review size, zoning. Make sure it fits in the zoning. Complies with setbacks. That side of the street is separated by the street. It is undersized. It is all one parcel. When we determine the lot size for a house we have to consider the whole lot. The road just happens to cross through the parcel. The acreage on the other side of the road is still part of the parent parcel. There are very few occasions where it happens but it does exist. It just fits in the side yard setback in a triangle. When he first came to me I thought he didn't have room. I gave him all the requirements of the setbacks. He went to the engineer and he gave me this map. It shows it fits. I don't know if it really fits. The wetland guy has to come out and put the maps in.
- Scott Lederman: What is the acreage for residential?
- Gregg Pitula: It is a REC zone it is 3 acre zoning.
- Scott Lederman: Per house. This is less than 3 acres.
- Discussion.
- Scott Lederman: In terms of aesthetics it doesn't go with the community. You have frontage on your property. I am not real happy with the (inaudible). The reason is the house is big enough is because (inaudible). I understand what you're saying legally.
- Gregg Pitula: Yes it fits into the setbacks but barely. You have to look at the whole parcel as a whole. I can't single out that corner.
- Scott Lederman: I am just stating the aesthetic issues. I understand that right now it is good and it could go for 5 or 6 years but then it falls apart. I have questions about the size of the piece. That's really it.
- Neil Sapolsky: If they split this property up and want to sell the other side do they come to us?

- Gregg Pitula: I don't think they can subdivide it off because it doesn't conform to the 3 acres. You can't create a nonconforming parcel. You would need a variance to subdivide it.
- Dylan Harris: You go to the Planning Board then this Board will decide whether it can be a subdivision or not.
- Neil Sapolsky: This doesn't make sense when they have it on a pad. Spending all this money.
- Mike Bensimon: A couple of things come to mind. I just want to preface the general sense the Town Board creates our zoning laws. The reason why we are here is when you are applying the zoning laws to everyone there are situations where it is the parcel or something about it doesn't conform and it creates a hardship. We deal with that on a case by case basis. When I look at this there was a fire here. You can rebuild that same house that was there before. That is your right. However you are looking to do something else. You want the manufactured home. I look at this as kind of a personnel issue and not a hardship. I remember what was there before and it was terrible. Points were brought up. The person drinks. For whatever reason if it is a personal reason as to why it is not the best fit for that person to be there. You could build a property a mile or two away. I can't really see any real hardship, financial or otherwise, that would justify going above and beyond to allow this structure. It would be a little bit more mitigated had you left it in the exact same spot. Some people may have been open to that. Even in that case we have to look at the hardship. That means the hardship is financial. We can't help that by moving it across the street and putting in all that infrastructure.
- Moses: I appreciate everybody coming out tonight. I thank the neighbors for the comments. We have been here for many years. We help each other. I never have any neighbor drive by to tell me anything that I didn't take care of. You are talking about the dumpster. We will take care of it. People pull into our property to do a U-turn. The problem with the camps is the speed. I tell them not to do it because we have neighbors. They drive above 30. That is what my point of view is as being part of the community. I'll try to address. I thought the issue was my caretaker was there during the year. There are no animals allowed there at all. I came to the town during this summer. I examined a second problem. They have too much room. I see over there on LaBaugh Road. There is a lot of trash on those few properties. They don't have the 100 feet setback. That property is always trashed. I don't think my property looks like that. My number is always available. We examined what the problem is. I need to combine them. They are on top of the hill. We want to enclose them. They don't need to live on 5 acres. That way I could monitor and take care of it. I hear a lot of comments. We don't have to be over there and we don't need any public hearing. If I want to build over there. We can go to the Building Department and apply for the permit. The DEC has to come out. We have no intention of doing anything with DEC

approval. We are trying to do the best for the interest of everybody. Take away all the unnecessary items. We have an issue. We don't have enough room. We don't want to be close to the road. I can assure you. You have my number. We can exchange numbers. I want peace around me. I will do anything. You can ask the Magie family. You ask, I will comply. My board made a decision. If there is anymore input.

- Jim: If we don't get approval for this then we are putting in a full size building. either way it is getting built.
- Moses: We don't want to fight. We can put in more cameras. We want to do the right thing. We can put up a building of 1,200 square feet over there. I think we will have more problems with that.
- Mike Bensimon: There are 2 variances here. Should I go through the criteria for both?
- Dylan Harris: Yes.
- Mike Bensimon: Whether an undesirable change will be produced in the character of the neighborhood detriment to nearby properties? Before we answer we are covering the 960 square foot side yard.
- Dylan Harris: Lead agency.
- Mike Bensimon: Whether an undesirable change will be produced in the character of the neighborhood detriment to nearby properties?
- All Board members vote yes.
- Mike Bensimon: Can the benefit sought be achieved by other means?
- All Board members vote yes.
- Mike Bensimon: Whether the requested area variance is substantial?
- 1 Board members votes yes, all others vote no.
- Mike Bensimon: Whether the proposed variance will have an adverse impact on the physical or environmental conditions of the neighborhood?
- All Board members vote yes.
- Mike Bensimon: Whether the alleged difficulty is self-created?
- All Board members vote yes.
- Mike Bensimon: Lead agency?
 - MOTION:
 - Ellyane Hutchinson motions for lead agency. Scott Lederman seconds. All in favor.
 - MOTION:
 - Ellyane Hutchinson motions for negative dec. Steve Altman seconds. All in favor.
- Mike Bensimon: Do I have a motion to approve or deny?
 - MOTION:
 - Ellyane Hutchinson motions to deny. Scott Lederman seconds. All in favor.

- Mike Bensimon: Now we move onto the 12 year requirement to allow a 19 year old trailer.
- Neil Sapolsky: Do we have to move on? If the first one is denied they can't build it anyway.
- Gregg Pitula: It is two separate variances.
- Mike Bensimon: Technically they could bring in another trailer that is 1,200 square feet. Whether an undesirable change will be produced in the character of the neighborhood detriment to nearby properties?
- All Board members vote yes.
- Mike Bensimon: Can the benefit sought be achieved by other means available?
- All Board members vote yes.
- Mike Bensimon: Whether the requested variance is substantial?
- All Board members vote yes.
- Mike Bensimon: Whether the proposed variance will have an adverse impact on the physical or environmental conditions of the neighborhood?
- All Board members vote yes.
- Mike Bensimon: Was the alleged difficulty self-created?
- All Board members vote yes.
- Mike Bensimon: Lead agency?
 - MOTION:
 - Ellyane Hutchinson motions for lead agency. Scott Lederman seconds all in favor.
 - MOTION:
 - Scott Lederman motions for negative dec. Ellyane Hutchinson seconds. All in favor.
 - MOTION:
 - Ellyane Hutchinson motions to deny. Steve Altman seconds. All in favor.
- Mike Bensimon: You plan on still building it.
- Moses: We tried to make it neat.
- Mike Bensimon: The happy neighbor is the best neighbor.

2. MONGIELLO SULL CO REAL EST LLC (FORMAGGIO) – SBL: 11-1-22 – Requests area variance for front setback reduction from 75' to 51' to add electrical room. Zone: I, Acres: 5.80. Location: 250 Hildale Rd.

- Gerry represented
- Gerry: We are looking to a 10 by 20 addition onto a building. It will look the same. It will stick out. The reason for the variance is because of the distance from the road is supposed to be 75 feet. This has been going on. It is not the original variance. I think it was 52 feet to the building.
- Gregg Pitula: To the building yes.

- Scott Lederman: I see 51.
- Gregg Pitula: 51.
- Gerry: This is a picture. This is where the opening is where I want to attach it. That's where the back starts. You can see the road.
- Steve Altman: If we grant this would you be willing to put some foliage to block everything?
- Gerry: Yes.
- Steve Altman: I see that grass along the road. Something to block the view.
- Gerry: It is big.
- Gregg Pitula: Gerry did you take the measurements from the street? You did? Okay?
- Gerry: From the existing building we have now.
- Discussion.
- Gerry: Oh I am sorry this is the original.
- Scott Lederman: This is the road.
- Gerry: This is the addition.
- Discussion.
- Gerry: This would be 52.
- Scott Lederman: You're putting it here.
- Mike Bensimon: Board questions?
- Steve Altman: I think the reason for the setbacks is for aesthetics. That's why I asked if you could do some bushes or palm trees or something.
- Gerry: There is a lot of foliage right past where the road is.
- Scott Lederman: When did you realize this was going to be an issue? You knew where it is off the road.
- Gerry: It has to go into the building where it is.
- Scott Lederman: You spoke to NYSEG right? They told you that it would be better to have in the front?
- Discussion.
- Gerry: The electrical? I asked the engineer to put in the ceiling and he said absolutely not.
- Gregg Pitula: Gerry only got involved recently.
- Gerry: Covid hit and prices went up. Everybody got crazy because of Covid and we couldn't get the seal they wanted. It drove the price way up. There was a big fight. They finally came to a resolution. Then Covid came to a close and all the engineers left the project. Because of the shortage of steel and everything it was a nightmare. Nobody told me that I needed a variance. I didn't realize you got a variance to begin with. I had no idea. When I said I was going to build a building here they said well. Then I called Gregg.
- Mike Bensimon: A few years ago when we approved the addition why didn't anyone think of it then?

- Gerry: I've been a senior project manager in the city for 20 years. They pulled me back in for this project. They hired me. I would never have a project where I didn't go through the plans. I get it done. Under budget and ahead of schedule. That's my goal. That's what I did at all my jobs. There are no plans. I asked for plans of the actual building. I have no mechanicals. I have nothing. I have to get everyone to agree to come back on board. I'm getting bits and pieces because they are all busy. Basically I am kind of designing it and they are doing whatever they can. I am going through the Building Department. It is all being done the right way. When I do something I do it completely the right way.
- Gregg Pitula: We kind of phased the permit. It was done because they wanted to start on the foundation. They weren't done with the steel with everything going on. We knew the footprint of the building but the walls were going to stay the same whether they went with 1 steel building or another. We couldn't get plans for the steel building. They wanted to start the foundation. We gave them the foundation permit. Then the structure permit. The mechanicals were going to be pieced in later because they were designing it as they went because of shortages and stuff. We were working with them to keep them moving through Covid. There is a reason the electric has to be on the front of the building. That is where the supply comes from or that is the spot that is ground level. I don't remember.
- Gerry: NYSEG told me I needed that because there is an 8 foot space between the old foundation and the new basement. We didn't want to damage anything on the new building. We came up 10 feet and made a shelf. It is 8 feet from the building because there is a shelf in there and I am building a wall in front of it. The electric has to punch through that wall.
- Dylan Harris: As far as safety goes, would having a separate room in front be better? It sounds like this is the only option. Is that safer if it were somewhere else?
- Gerry: That would be the best option for everything. I offered to put it some other place and they said no. They said it gives full accessibility so everybody has access to that.
- Steve Altman: So the issue here is the setback correct? They are showing other measures that are also close.
- Gregg Pitula: Somewhere along the line the building was built. I am following the zoning off the industrial zoning. We changed the zoning to push the setbacks back for brand new construction. I am obligated to follow those setbacks today because that is what is put in front of me. There are other portions of this building that are closer to this portion and it would be nice for me to have the jurisdiction once in a while to vary that but I don't. I personally don't have an issue for it. It is going to look like the rest of the building. I am just here because of procedure. This is a situation where it needs to be and there really isn't any other option of where it can go. It doesn't fall to our 75 foot but it isn't going to be any closer to the street than the rest of the building.

- Gerry: That's why I left the sign on that part of the building so you can find it.
- Steve Altman: Can we vote? We have to start somewhere.
- Mike Bensimon: We are done with questions. Time for public comment.
- Gregg Pitula: Anybody on Zoom? There is one person out there.
- Mike Bensimon: Alright at this point I would like to over the public.
- Gregg Pitula: Mailings are good. There's only a few neighbors around the property. They are almost all the property around it. The other property owners adjacent are the town of Fallsburg and we don't have a problem. There were 2 residences near there but down the street.
- Mike Bensimon: This is to go from 75 feet to 51. The first question is whether an undesirable change would be produced in the character of the neighborhood?
- All Board members vote no.
- Mike Bensimon: Can the benefit sought be achieved through other means?
- All Board members vote no.
- Mike Bensimon: Whether the requested area variance is substantial?
- All Board members vote yes.
- Mike Bensimon: Whether the proposed variance will have an adverse effect on the physical or environmental conditions of the neighborhood?
- All Board members vote no.
- Mike Bensimon: Whether the alleged difficulty is self-created?
- All Board members vote yes.
- Mike Bensimon: Lead agency?
 - MOTION:
 - Neil Sapolsky motions for lead agency. Steve Altman seconds. All in favor.
 - MOTION:
 - Steve Altman motions for negative dec. Neil Sapolsky seconds. All in favor.
- Mike Bensimon: Motion to approve or deny?
 - MOTION:
 - Steve Altman motions to approve. Scott Lederman seconds. All in favor.

3. KIRYAS BIRECH MOSHE INC – SBL: 14-1-33.4 - Requests area variance to allow 103% expansion of the existing footprint and construct a 45'x55' (2,493sf) basement addition to the shul. Demolish (2) 1- family units and replace with (1) 2-family unit. Zone: R-AG, Acres: 36.08, Location: 203 Hasbrouck Dr. Woodbourne.

- Joel Kohn represented
- Joel Kohn: This is an existing bungalow colony on both sides of the road.
- Scott Lederman: Where is this?
- Gregg Pitula: This is on Hasbrouck Drive.

- Joel Kohn: They are proposing to demolish 2 units on the east side of the road.
- Steve Altman: Are these the dated ones?
- Joel Kohn: This one on this side of the road. This one also. These 2 buildings have been approved.
- Discussion.
- Joel Kohn: The bungalow colony is in the town of Fallsburg under a nonconforming use. It tells you what you can do with a bungalow colony. You can only expand it up to 25% of the footprint for the bungalow as long as your lot coverage is below 50%. We are a bungalow colony and lot coverage is under 50%. It will remain below 50%. The only thing we need from the ZBA is the size of the building.
- Steve Altman: Were these two built before the code changed?
- Joel Kohn: This code didn't exist.
- Steve Altman: You're building the same thing.
- Joel Kohn: Yes and I have pictures. They are exactly the same as the other 2. It is much nicer. They have put in a couple million dollars. They purchased it in 2008 or 2009.
- Steve Altman: The Alibaba?
- Joel Kohn: Yes. That building has been a mess. It was replaced a couple years ago.
- Steve Altman: What was the original name?
- Joel Kohn: Aladdin Resorts. There is a lot that happened there and it continues on this property. We can't do too much. They also propose to replace the pool.
- Discussion.
- Scott Lederman: What's your issue Gregg?
- Gregg Pitula: Honestly my issue is this nonconforming code for bungalows the town has. Places like this who have been improving over the years should have a master plan to redo the whole place to bring it back to a more modern place instead of piecing these variances together. It is frustrating to me this whole nonconforming bungalow colony thing because it started from scratch you would be able to put all the units in. It is in the water and sewer district. They have done a lot of work here. There are a lot units that need help. There are a lot of property maintenance issues with the older units. They are slowly replacing them one at a time. I believe they got a part of planning and zoning before the variances to put the other buildings in. They are improving. We have a current updated list of buildings that need to be worked on and repaired. Updated.
- Steve Altman: (inaudible)
- Gregg Pitula: They do when they want stuff. We were asked to go back out. We had not done a camp inspection.
- Steve Altman: You were asked by who?

- Gregg Pitula: The Planning Board I believe. We were told by someone. I was told we should inspect the camp. When a project goes before the Planning or Zoning Board we like to address the issues or concerns we have with the place.
- Steve Altman: Can we put the caveat in there that the punch list gets done?
- Gregg Pitula: They keep improving or the next ones to be replaced. I've been here 12 or 13 years. We always told them to concentrate on the ones near the road. What people see when driving by is the impression of the whole place. This place is growing and needs to be updated. I think the old caretaker took better care than the new one. We have a list. Did you ask for the list?
- Joel Kohn: Yes.
- Gregg Pitula: Joel is good about the list. Whenever there are issues out there he always hold up to his end of the deal. I hold him to everything that is on our list.
- Joel Kohn: Thank you.
- Scott Lederman: So you have a list?
- Gregg Pitula: Yes. Some units need to be reshingled. Some need to be repainted. A lot of maintenance stuff. Some porches need to be built. We just want them to keep up with the maintenance repairs.
- Joel Kohn: We had a conversation with the manager. They are focusing on repainting the ones near the road. The older buildings.
- Neil Sapolsky: Are these (inaudible) or do they own it?
- Joel Kohn: I don't think it is individual.
- Gregg Pitula: I think it is a co-op. We inspect every unit. It is like a resort. You rent a cottage for a length of time. This is all rentals. Maybe they had some agreements with the new units.
- Scott Lederman: That's being removed. Something along those lines.
- Gregg Pitula: No because they are asking to use that square footage on the new ones.
- Joel Kohn: The last time we were here it was all dilapidated buildings.
- Mike Bensimon: Right, that was a condition we had. You wanted to rebuild the grocery store.
- Joel Kohn: There were two buildings here. They were like that.
- Mike Bensimon: Thank you for reminding me. That was a concern. We are doing it piecemeal. We have approved 32 through 35. Now we are back at the situation where the next one is here. The next one and the next one. I don't want to create a Skopps. It is different from Skopps. We are creating a habit of doing it piecemeal. The idea of the master plan really appeals to me. I know it is a lot of work. However, as an aside, the mitigating piece here is that you gave up a structure on the road for new structures inside. That was mitigating. Now there are some eyesores near the road. Can we get rid of them off the road?
- Joel Kohn: Maybe someday. The reason these 2 are is because we are looking for approval. We got approval from the DOH last summer.
- Mike Bensimon: They are looking to invest in the upgrade.

- Joel Kohn: This is a wealthy guy donating to make this better for the community.
- Discussion.
- Neil Sapolsky: In 7 to 10 years when we are all gone and they want a building where 42 is now who is going to know?
- Gregg Pitula: We have it all computerized. Everything is now digitally scanned. We scan all the documents and letters. It is backed up in the cloud and the mainframe in our office.
- Joel Kohn: Let's say we come back for another 2. You won't see these buildings.
- Scott Lederman: If you can take these buildings away it would constitute this.
- Discussion.
- Mike Bensimon: Tell me more about the synagogue in the basement
- Joel Kohn: If you look at this picture this is that. They have a basement and a first floor. They are only looking to add an addition to the basement. They have classrooms there.
- Mike Bensimon: They are trying to do a roof?
- Steve Altman: They're not going to build on top of it?
- Joel Kohn: There is no plan.
- Gregg Pitula: What condition is that unit at the end? I thought it was closer. On the map it looks pretty far away.
- Joel Kohn: It is probably in the range of 40 feet.
- Gregg Pitula: Unit 1 is one of the ones I remember not being the prettier. Unit 1 is one that should be soon to be redone.
- Joel Kohn: At some point that is what happened.
- Ellyane Hutchinson: My concern is that 25% if you are looking at it globally that's what I would want to see. I feel like the whole point of the summer camps is to be out in nature. If you are building everything more than 25% it is a challenge. I understand that some of these are really small units and you have to do one thing.
- Joel Kohn: No more than 25%. From one end it looks substantial. The other end it could be a 1,200 square foot building.
- Steve Altman: 25% is for the bungalow colony.
- Discussion.
- Joel Kohn: If they want over 25% you have to give incentive for a bungalow to demolish and replace the unit. We have to build it to standards. It is going to be nicer. Closer to fire standards.
- Ellyane Hutchinson: They are built to be small but they are thin. They were never intended to be a large house.
- Joel Kohn: This would have been a duplex development in the zoning district. Some of it is that. You could build about 90 units. This is a 36 acre parcel. You could build more than 100 units on this.
- Mike Bensimon: The addition to the shul. How are going to use it? As a classroom?

- Joel Kohn: Yes.
- Dylan Harris: As far as the basement goes you're not looking for the variance today are you?
- Joel Kohn: Yes it is not clear in the code.
- Dylan Harris: It does say the floor area of the existing bungalow units may be allowed to increase more than the 25%. You are still good on the lot coverage.
- Joel Kohn: The code does not talk about something like a community building and whether you are allowed to extend that. You can make the determination if it needs a variance or not. The code says you can increase a bungalow by up to 25%
- Gregg Pitula: I've only been enforcing the rule on the bungalow units. The buildings have to go to the Planning Board over 1,000 square feet for expansions. Most cases the bungalow colony were over the lot coverage so they were going for variances. In this case I think we are only looking at the variance for the unit not for the expansion of the community building. That should be a planning determination. They are not exceeding lot coverage. I don't feel the way the code is written does not apply to the community buildings.
- Mike Bensimon: Yeah it says bungalow units not bungalow developments.
- Gregg Pitula: The community buildings we're always allowed them to expand under Planning Board approval.
- Scott Lederman: So it needs to go to the Planning Board
- Gregg Pitula: Which it will
- Mike Bensimon: They don't need a variance for that.
- Gregg Pitula: No.
- Mike Bensimon: So we're just talking about these bungalows. We will parse this out as two separate.
- Gregg Pitula: Yeah I don't think we need to discuss it. It is up to the Planning Board to approve that. I just realized that now.
- Mike Bensimon: So back to the units. 42 and 48 are being demolished.
- Joel Kohn: And another small building. Small structure.
- Mike Bensimon: It doesn't even have a number. 3 separate standing structures will be demolished. One structures that will have 2 (inaudible) in it correct?
- Joel Kohn: Correct.
- Mike Bensimon: Board questions?
- Scott Lederman: I am curious about the basement of this structure. How far you going?
- Gregg Pitula: Half in and half out
- Steve Altman: It is the same as the plan?
- Joel Kohn: Yes we are going to match it.
- Neil Saposlky: That is accessible from the outside?
- Joel Kohn: Yes.

- Mike Bensimon: Okay we will open it to the public comments. Anybody from the public? Okay we will close public comments. Board comments?
- Scott Lederman: It does make sense. The idea of trading expansion for land. It is great you are getting rid of those buildings. I don't know if we need the master plan and we need to go back and look at these zoning ordinances that are ridiculous at this point.
- Mike Bensimon: It does make sense to make a condition that future requests come from a master plan.
- Joel Kohn: Generally colonies and camps try to stay away from a master plan. It costs tens of thousands of dollars to create them. Boards try to push for that. I had one recently done. You all know what it is. It took 3 years to get it to you and at the end of the day the Planning Board only approved phase 1. Right?
- Dylan Harris: That is accurate.
- Joel Kohn: You asked. The Planning Board asked. We did it. We spent a year to a year and a half and spent tens of thousands. We had a whole site meeting. In my opinion it is just a waste. It is wasting time and money. Guess what the guy had an opportunity and it is still not built. They lost funding which they could have had when they had the master plan.
- Gregg Pitula: I have some ideas on how to maybe fix this. I don't want to get into it all tonight. Not fix it but maybe improve the 25% stuff. It needs to be brought to the Town Board. Maybe after the new election is over. To address moving forward. Case by case these places. If they are in water and sewer. What they have for water and sewer capacity. Separations. Maybe give them a little more lot coverage. There are different channels.
- Discussion.
- Joel Kohn: If you want people to incentivize people that have bungalows to replace them don't tell them they can only build to 15%. They can go up to 30%.
- Gregg Pitula: This is probably a conversation for another time but maybe to alleviate this piecemeal variance thing. Variance here. Variance there. It is something to be looked at.
- Joel Kohn: When you have these Zoning Board trainings or the Town Board trainings, maybe you say when you see these variances again and again and again it needs to be changed. Something is wrong with the code. Something needs to be addressed.
- Dylan Harris: It is definitely a policy decision that needs to be addressed.
- Mike Bensimon: At the very least we suggest that you speak to the owners that if they do come to us again for a variance of this type that they consider replacing the structures along the road. They are eyesores. I think that is going to have the greatest impact on the aesthetics of the community. When you're discussing the next one to be done. Okay. Board comments over? Okay. We are only considering the two 1 family units going to 2 family units and not the basement.

That's out. First question. Whether an undesirable change will be produced in the character of the neighborhood detriment to the nearby properties?

- All Board members vote no.
- Mike Bensimon: Whether the benefits can be achieved by other means possible?
- All Board members vote no.
- Mike Bensimon: Whether the requested area variance is substantial?
- All Board members vote yes.
- Mike Bensimon: Whether the proposed variance will have an adverse physical or environmental impact on the neighborhood?
- All Board members vote no.
- Mike Bensimon: Whether the alleged difficulty is self-created?
- 2 members vote yes, all others no.
- Mike Bensimon: Lead agency?
 - MOTION:
 - Scott Lederman motions for lead agency. Ellyane Hutchinson seconds. All in favor.
 - MOTION:
 - Scott Lederman motions for negative dec. Ellyane Hutchinson seconds. All in favor
- Gregg Pitula: If you do vote yes tonight I would like them to help with getting the camp inspection up. We have a list of units that need freshening up.
- Steve Altman: You want the punch list added.
- Gregg Pitula: Not that it has to be done before they start work but in coordination.
- Steve Altman: As they clean up the remnants they can clean up the other stuff.
- Dylan Harris: I am sure the Planning Board will have the same condition.
- Mike Bensimon: Motion to approve or deny?
- Scott Lederman: I will make the motion that the punch list be completed by the time the buildings are erected.
- Steve Altman: Occupied.
- Gregg Pitula: By the time of C of O.
 - MOTION:
 - Scott Lederman motions for conditional approval. Steve Altman seconds. All in favor.
- Gregg Pitula: I like you getting stuff taken care of for me.
- Mike Bensimon: You have your variance. The variance is to demolish 1 family unit and replace it with a 2 family unit.
- Joel Kohn: 103%.
- Mike Bensimon: Is it 103% expansion? It is on the first sentence when it talks about the shul.

Neil Sapolsky motions to adjourn. Scott Lederman seconds. All in favor.

